

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

DENNIS R. HUGHES
202-419-2448
dennis.hughes@hklaw.com

September 4, 2015

VIA IZIS AND HAND DELIVERY

District of Columbia Zoning Commission
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Zoning Commission Case No. 15-04
Comstock Sixth Street, LLC – Totten Mews PUD
Applicant's Post-Hearing Materials

Members of the Zoning Commission:

At the conclusion of the public hearing held for the above-referenced matter on July 30, 2015, the Zoning Commission requested the Applicant to provide certain additional materials in advance of the Commission's consideration of the application at its upcoming public meeting on September 21, 2015. In response to the Commission's request for additional information, the Applicant provides as follows:

A. Architectural/Building Design

1. The Commission suggested that the Applicant study the symmetry and design of the side elevations of the front-entry end townhouse units.

The Applicant has undertaken further study of these elevations and enhanced their symmetry by adding a small window at the center of the third story and slightly shifting the windows on the first and second stories. The Applicant has further articulated these elevations with the addition of shutters for all but the largest window. Please see the left elevation on revised Sheet A9 enclosed at Tab A, proposed to replace Sheet A9 at Exhibit 16 of the hearing record. The changes made to the window locations require related revisions to the unit plans, as reflected in the revised Sheet A11 enclosed.

2. The Commission requested the Applicant to restudy the garage doors to enhance authenticity.

The garage doors originally proposed by the Applicant operate as overhead roll-up doors but were designed to appear as “carriage doors” that opened outward. Per the Commission’s direction, the Applicant has revised the doors to reflect their overhead operation. Please see revised Sheets A3, A5, A8, and A17, enclosed at Tab A, reflecting the updated door condition.

B. Site Design

1. The Commission requested additional information regarding the storm water runoff containment for the project, especially regarding down spouts for the townhouse units.

The Applicant has prepared a Downspout Plan for the Commission’s reference. Please see enclosed Sheet C-15 at Tab A. This color-coded plan shows that the runoff from the fronts of the peaked roofs of the townhouses (identified in blue) will drain to the front gutters then to down spouts which drain directly to underground leader pipes which drain to storm water detention and bio-filter areas under the landscaped areas within the site.

Storm water draining from the roofs toward the rear of the townhouses (identified in green) will drain to rear roof gutters and to down spouts that open to gutters that have been added around deck edges above the garages. See enclosed Sheets A3 and A5 at Tab A, which include the new gutters. These gutters in turn drain to down spouts adjacent to outer edge of the garages, then onto grassy areas adjacent to individual driveways. The runoff will then run down the private access road to storm drains, then underground to on-site storm water treatment facilities or to the existing storm drain running north-south along the western edge of the property.

2. The Commission requested the Applicant provide information regarding the playground.

The Applicant encloses new Sheets L-08 and L-09, Tab A, which are a playground landscape plan and colored rendering, respectively. These drawings show the materials, landscaping and furniture proposed for the playground area.

3. The Commission requested additional information as to how trash would be handled for the townhouse units.

The Applicant anticipates that household trash and recycling will be kept by residents within their individual garages and hauled to the ends of unit driveways on established days when trash and recycling is collected. To that end, the Applicant commits to include in the by-laws established for the homeowner’s association language to address household trash, to the effect of “trash must be kept in garbage containers with lids and shall not be permitted to remain in public view except on days of trash collection and the evening prior to such days of trash collection. No incinerator shall be kept or maintained upon any lot.”

C. Proposed Pedestrian/Bicycle Connection

1. The Commission requested additional information regarding the design of the proposed pedestrian/bicycle path connecting the private segments of 6th Street, NE, to the south and north of the site. Specifically, the Commission inquired as to the layout, visibility and safety of the path as proposed.

In response to the Commission's questions regarding visibility and layout of the proposed connection, the Applicant submits new drawing C-14, attached at Tab A. This sheet provides a more detailed plan of the connection, its layout, landscaping and dimensions as well as conceptual images showing views from the perspectives of the north and south entrances. These views are based upon photographs recently taken of the area. The Applicant expects that upon completion of landscaping and pruning, the tree canopy will be even more open than depicted in these images. The Applicant proposes to stripe the hardscape to differentiate between pedestrian and cycle users.

As this sheet demonstrates, the path is comparatively short in distance, and visibility from one end to the other is very clear and open. In efforts to further enhance the safety of residents and public users of the path, the Applicant commits to installing a surveillance camera along the path in coordination with the Metropolitan Police Department's (MPD) Capital Shield program. This program is a public-private partnership between Kastle Co. and MPD, where MPD can connect into the camera if they receive a 911 call in the area. For other needs, the camera can provide MPD recorded video saved for 14 days, whereby MPD is able to go back and review video if an incident is reported within that 14 days, and stop-action still photos are preserved for a longer period. Clear maintenance of the path, including snow removal, lighting and camera operation will be included within the by-laws of the homeowner's association.

2. The Commission raised a question regarding the treatment provided for that private portion of 6th Street, NE, located within the Emerson Park townhouse development to which the pedestrian/cycle path is proposed to connect.

As the Commission is aware, the Emerson Park development to the north of the property was approved by the Commission as a PUD pursuant to Order No. 04-11. At the Commission's request, the Applicant has reviewed the extensive hearing record in that case, including the Final Order and approved plans, DDOT report, the public hearing and meeting transcripts, applicant's Traffic Impact Study, and graphics presented at the public hearing, for information provided regarding the network of private access roads and alleys within that development, especially the short spur running through the center of that development now known as the 4900-block of 6th Street, NE.

The Applicant has confirmed from these records that the Emerson Park PUD was approved without any contemplation or requirement that its private system of roads and alleys would be connected to any right-of-way south of that development. As shown in the drawings approved as part of that PUD, particularly the Detailed Circulation and Parking Plan, Sheet 13, and the Landscape Plan, Sheet 17 at Exhibit 5B in the record of that case (copies attached at Tab B), the north-south running roadway now known as 6th Street, NE, ends in a T-shaped intersection with the circulator road for the development. This condition is consistent with the testimony provided by that PUD's applicant

indicating that the secluded nature of that property from the Somerville site to the south was an attractive feature to that applicant for a desirable townhouse community adjacent to industrial-zoned land. The March 2004 Traffic Impact Study indicated that the sole vehicular ingress/egress for the Emerson Park PUD site was from Emerson St, NE (see Figures 2 and 3 at Tab B). All roads are marked private. Interestingly, a pedestrian path connection across that site to 7th Street, NE, was included in the approved drawings.

In terms of the current physical condition of these private roads, particularly 6th Street, NE, the Applicant notes that, consistent with the approved plans for PUD Order No. 04-11, the roadway has designated parallel parking along both sides, protected by significant bulb-outs at the northern and southern ends of the block and is not aligned with any street grid to the north but rather dead-ends mid-block along Emerson Street, NE. This stretch also has sidewalks along both sides, and front entrances to several townhouses are located within a few feet of these sidewalks.

The Applicant notes that the applicant for PUD No. 04-11 had originally contemplated that this road would serve as the main entrance to the Emerson Park development, complete with large entrance signage, but at the Commission's direction, that applicant agreed to omit such signage from its plans in efforts to minimize the effect of a "gated community". The Applicant is not aware of any further discussion in that PUD regarding the roadways but anecdotally notes that the current widths of all the roadways within Emerson Park appear to be roughly equal in dimension. This is understandable given that that PUD was approved with contemplation that the roadways would serve only the needs of that community.

Equally understandable to the Applicant is the concern and opposition of residents of Emerson Park, as well as Emerson Street, NE and 6th Place, NE, heard at the public hearing and numerous community meetings the Applicant attended, to a public vehicular right-of-way being established as a component of a development approval for a neighboring property when it would cause inevitable intrusions into their privacy and impacts on their long-held and significant personal investments and livelihoods.

D. Community Outreach

1. The Commission requested that the Applicant provide a construction management plan.

Included at Tab C, the Applicant has provided a detailed construction management plan including information on construction hours, construction traffic, permitting, cleanliness, community coordination, site management, and especially the Applicant's commitment to provide extensive and thorough vibration monitoring to those neighbors closest to the construction area.

2. The Commission noted the Applicant's commitment to enter into a Memorandum of Understanding (MOU) with the Emerson Park HOA regarding resolution of particular issues.

The Applicant encloses a copy signed by the Applicant of a MOU that the Applicant has negotiated with the Emerson Park HOA addressing such concerns as erosion and dust

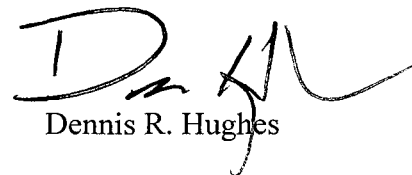
control, rodent abatement, storm water maintenance, additional landscaping, parking by Emerson Park residents on the subject property, and tree removal and maintenance. The Applicant provided a copy of this document to the officers of the HOA on August 24 and is awaiting formal response from the HOA. Should the Commission take proposed action to approve the application, the Application proposes to submit the fully-signed MOU to the record prior to the Commission taking final action.

3. The Commission requested that the Applicant or ANC provide documentation confirming the general terms of the proposed community benefit involving financial contribution to be made by the Applicant to the University of the District of Columbia (UDC) for renovation work at the UDC Backus Campus on South Dakota Avenue and related usage by the ANC of space within the Backus Campus for meetings and gatherings.

Subsequent to the public hearing, the Applicant, ANC 5A Commissioner Alston and representatives of UDC have had discussions regarding formalizing these terms, and the parties appear very close to finalizing these terms, with the Applicant making a contribution to the UDC Foundation with funds to be earmarked for work at the Backus Campus. These materials should be finalized within the next few days.

Thank you for your attention to these materials. We look forward to your favorable consideration on September 21.

Sincerely,
HOLLAND & KNIGHT LLP



Dennis R. Hughes

Enclosures

cc: Ronnie Edwards, Chair Advisory Neighborhood Commission 5A (Electronic and Hand Delivery)
Angel Alston, Advisory Neighborhood Commissioner 5A08 (Via Electronic and Hand Delivery)
Belinda Bell (Via Electronic and Hand Delivery)
Karen Thomas, D.C. Office of Planning (Via Electronic and Hand Delivery)
Anna Chamberlin, D.C. Department of Transportation (Via Electronic and Hand Delivery)

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