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August 8, 2018

Via Delivery By Email and First-Class Mail

Pete Gutwald, Director, pgutwald@annapolis.gov
City of Annapolis Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, MD 21401

Re: *The Lofts at Eastport Landing*

Dear Mr. Gutwald:

I am in receipt of the August 6, 2018, letter addressed to you, and copied to others, from William Reichhardt, Spokesperson for the Concerned Citizens Group, regarding the above-referenced project. In this letter, the Concerned Citizens Group outlines several demands. The Group asks for more time to comment than is currently afforded under the August 2 - 17 timeframe set by the City pursuant to the City Code's provisions. The Group asks that the City immediately commission an updated and amended traffic impact study to supplement the City-commissioned Traffic Impact Analysis prepared by Lenhart Traffic Consulting, Inc. dated November 9, 2016, in order to assess internal circulation and how the proposed 29-unit reduction will impact traffic. The Group further states that the City must act now to optimize the traffic signal at the Bay Ridge Avenue and Tyler Avenue intersection, and that now is the time for the City to implement bicycle infrastructure improvements, including bike lane extensions, etc., expressed in the 2009 Annapolis Comprehensive Plan, the 2011 City Bike Master Plan, the 2016 Eastport Traffic Study, and the draft Eastport Sector Study. The positions expressed in the letter are characterized as the Group's "formal objection to the validity and sufficiency of the alleged revisions to the Adequate Public Facilities Study (APFS) for the Lofts at Eastport Landing (The Project)."

From reviewing its letter, I would characterize the Group's stated positions as comprehensively expressing their opinions and views on the matters discussed. Should the Group wish to provide additional remarks within the public comment timeframe set by the City, it would seem that the Group is free to do so. There is considerable time remaining before the comment period closes. But, regarding the Group's demand that the public comment period be extended, I do not see why the City should agree to this. The Code sets parameters to promote administrative certainty and procedural efficiency for all involved. If the City begins to adjust timeframes based upon individual preferences, or based upon the perceived inconveniences of the season, procedures will be blurred, provisions will be selectively enforced, and so on. Let the time period stand as-is. It was set in accordance with the Code's provisions

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and it need not be adjusted because of the Group's "demand that the citizens of Eastport be given more time to comment."

Regarding the Group's allegation of insufficiency regarding the Lenhart Traffic Impact Analysis, given that the report is dated approximately two (2) years prior, that is for the City to decide. I believe it is within the discretion of the City to determine whether twenty-one (21) months is simply too old for a traffic study. That said, I disagree with the Group's position. Not only does the City have substantial, current traffic data before it, but, based on my experience, projects are often processed at the City in connection with traffic analyses that are dated at approximately this age. Sometimes the studies are older. This is the nature of the collection of traffic data, particularly combined with the length of administrative processes for development applications at the City. Staff at your department and at others within the City can judge whether the traffic data for this project are adequate to support a decision on the pending applications. It is my opinion that the study – especially under these circumstances, where the scope of the project has been reduced over the course of the last 21 months – is sufficient, that the applicant's remarks on the data in connection with the revised site design are acceptable, and that the resulting traffic scenario upon build-out of the project will be adequate.

As for the Group's demand that the project essentially be halted while the City optimizes the Bay Ridge Avenue / Tyler Avenue traffic signal and also while the City implements bike lane extensions and other infrastructure improvements expressed across various City plans and studies, I see no reason for the City to agree to such a directive by the Group. The applicant has incorporated into the design revisions to bicycle facilities and pedestrian access, as recommended by staff at your department, and understands that changes to traffic signal timing will be implemented, if deemed warranted, by the City. This project is not a vehicle to fix all issues that the Concerned Citizens Group perceives to be wrong with Eastport and, conversely, the project cannot be forever stalled while the City fixes Eastport's alleged problems to the Group's liking. Respectfully, the City is perpetually "studying" or "implementing" some element of land use policy within the City; these ongoing efforts do not correspondingly freeze all City projects until all studies are "complete" and "implemented." Land use regulations and projects move forward in the City together, in tandem — often very slowly, but they do eventually and concurrently move forward.

Thank you for considering my comments. Should you wish to discuss these issues further please contact me at your convenience.

Pete Gutwald, Director

August 8, 2018

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Very truly yours,

HYATT & WEBER, P.A.



Alan J. Hyatt

AJH/kaw

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