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September 20, 2006

BY HAND DELIVERY

Carol Mitten, Chairperson
D.C. Zoning Commission
441 4th Street, NW
Suite 210
Washington, DC 20001

Paul Tummonds
Phone: 202.663.8873
paul.tummonds@pillsburylaw.com

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D.C. OFFICE OF ZONING

RECEIVED

**Re: Zoning Commission Case No. 05-23 – PUD and Zoning Map
Amendment - FF Realty, LLC (the “Applicant”)
Final Community Amenities Package**

Dear Chairman Mitten and Members of the Commission:

On September 15, 2006, representatives of the Applicant, the Office of Planning, North Capitol Main Street, Inc. (“NCMS”) and Advisory Neighborhood Commission (“ANC”) 5C met to review and discuss the Applicant’s proposed community amenities package. Based on this meeting, the Applicant amended its community amenities package for this application. A copy of the final community amenities package, and a proposal for the monitoring of the amenities package is attached to this letter. The Applicant asks that this letter and attached document be admitted into the record of this case.

The revised community amenities package varies very little from the community amenities package that was submitted to the Zoning Commission on August 25, 2006. The only changes are:

- an additional donation of \$5,000 to Regional Addiction Prevention (“RAP”) Inc., an organization located in ANC 5C05, to fund an intervention outreach program to reach anyone who routinely congregates in the vicinity of North Capitol Street and Florida Avenue that may have a substance abuse problem or in the opinion of these professionals, be at high risk for the development of one; and
- the \$25,000 donation to NCMS will be used to establish a Green Team, which will employ local homeless persons to clean and maintain the appearance of the North Capitol Street Corridor.

**ZONING COMMISSION
District of Columbia**

CASE NO. 05-23
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 39
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Chairman Mitten and Members of the Commission
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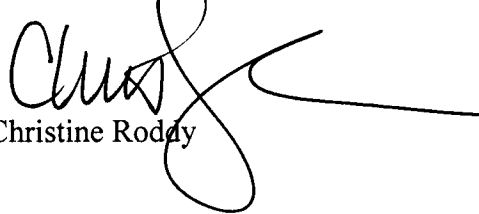
The attached community amenities package was presented to ANC 5C at its regularly scheduled monthly public meeting on September 19, 2006. At that meeting, ANC 5C unanimously adopted a resolution in support of the community amenities package.

The Applicant believes that the record is now complete and that this case is ready to be decided at the September 25, 2006 special public meeting. Thank you for your consideration of this application.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Paul T.", followed by a long horizontal stroke that ends in a small upward hook.

Paul Tummonds

A handwritten signature in black ink, appearing to read "Christine", followed by a long horizontal stroke that ends in a small upward hook.

Christine Roddy

Enclosure

FINAL COMMUNITY AMENITIES PACKAGE AND PROCEDURE FOR MONITORING USE OF FINANCIAL CONTRIBUTIONS

September 19, 2006

- Pedestrian/Bicycle Connection to the Metropolitan Branch Trail – DDOT estimates that the trail will cost approximately \$80/linear foot to construct a 10 foot wide trail and lighting and call boxes will cost an additional \$170/linear foot. Based on the proposed 220 feet needed to connect Harry Thomas Way to the Metropolitan Branch Trail, the proposed cost of this amenity will be **\$55,000**. If the cost of the pedestrian/bicycle connection is reduced, the savings will be distributed evenly to the groups listed below.
- North Capitol Main Streets Program – The Applicant will contribute **\$25,000** to the general account of North Capitol Main Street, Inc. to establish a Green Team, which will employ local homeless persons to clean and maintain the appearance of the North Capitol Street corridor.
- Regional Addiction Prevention (“RAP”), Inc. – The Applicant will contribute **\$5,000** to RAP, Inc. to fund a prevention and intervention outreach program to reach anyone who routinely congregates in the vicinity of North Capitol Street and Florida Avenue that may have a substance abuse problem or in the opinion of these professionals, be high risk for the development of one.
- Community Meeting/Office Space – The Applicant will provide approximately 1,200 square of community meeting/office space with a high visibility location along Harry Thomas Way.
- Proposed Retail Operators - In response to community input, the Applicant will seek a mix of retail uses that may include: a full service restaurant with alcohol service and possibly a sidewalk café, a coffee shop, a drycleaner, and a restaurant/small grocery store that will cater to the surrounding neighborhood residents or office employees (similar to a Marvelous Market/Au Bon Pain/High Noon).
- McKinley Technology High School – Based on a meeting with the Principal of McKinley High School and the Director of Admissions, Alumni and Business Affairs, the Applicant will make a contribution of **\$20,000** to the McKinley Tech Fund, a 501(c)(3) organization.

- Harry Thomas Recreation Center – The Applicant will make a contribution of **\$10,000** to the Harry Thomas Recreation Center. This contribution will be used for the purchase and installation of a new scoreboard.
- Eckington Civic Association - The Applicant will contribute **\$20,000** to the Eckington Civic Association for the following programs: (i) assistance with organizing and conducting community meetings relating to the development of a North Capitol Street Small Area Development Plan; (ii) developing and disseminating updates for distribution within the community regarding business and economic development issues in Eckington, and along the North Capitol Street Corridor; (iii) establishment of a senior safety grants program in Eckington, which is intended to make small grants to help repair railings, steps, dangerous walkways, or other small items that put senior citizens at risk for accidents in their home; and (iv) a historical signage program.
- Emery Elementary School – Based on discussions with the principal of Emery Elementary School regarding the needs of the school, the Applicant will contribute **\$20,000** for new books, audio-visual equipment, draperies for the school's stage, and supplies for the Emery Elementary/Harry Thomas Recreation Center community garden. This contribution will be made to the Emery Elementary School Student Account Fund.
- City Year - Young Hero's Program – The Applicant will provide **\$5,000** to the City Year - Young Hero's Program for participation of Emery Elementary School sixth graders in the program.

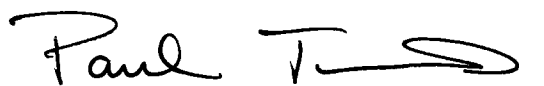
The Applicant will require those organizations receiving a monetary contribution to present evidence to the Office of Zoning's Compliance Review Manager demonstrating that the money has been applied to the designated use within six months of receiving the contribution. If the money has not been applied to the designated use within six months, the recipient must provide a reasonable explanation to the Office of Zoning's Compliance Review Manager as to why not and must present evidence to the Office of Zoning's Compliance Review Manager within one year indicating that the contribution has been properly allocated.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document was hand delivered or mailed first class, postage prepaid to each of the persons at the addresses listed below on September 20, 2006.



Paul Tummonds

Steve Cochran
Office of Planning
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4th Floor
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