

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5C**

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www.anc5c.org

September 20, 2006

Ms. Carol Mitten, Chairperson
District of Columbia Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, DC 20001

ZONING COMMISSION
District of Columbia

CASE NO. 05-23 FAX
EXHIBIT NO. 43

RE: Zoning Commission Case No. 05-23 - Fairfield PUD and Zoning Map Amendment

Dear Chairperson Mitten:

This letter is written to convey the support of Advisory Neighborhood Commission 5C (ANC 5C) for the above-referenced application and zoning map amendment. As you may know, ANC 5C originally approved the Fairfield PUD application at its regular monthly meeting on Tuesday, May 16, 2006, subject to the Applicant's refinement of the benefits and amenities package.

At its regular monthly meeting on June 20, 2006, ANC 5C considered and approved a revised benefits and amenities package that included a \$30,000.00 donation to ANC 5C that was going to be used to incubate a "Green Team" community improvement initiative designed to hire homeless persons to cleanup the North Capitol Street corridor, in the vicinity of the intersection of North Capitol Street and Florida Avenue (i.e., from R Street to O Street). Indeed, it was ANC 5C's intention all along to identify an appropriate neighborhood organization at which to direct these funds in order to implement the desired program. In addition, the package that we approved on 6/20/2006 included an allocation of \$5,000.00 to be used to support (at the time) unspecified community programs located in Single Member District 5C05. The proposed Fairfield development site is located in Single Member District 5C05, so it was our feeling that the residents of this area should derive direct benefits from the project.

According to the Applicant, the Zoning Commission expressed some concerns about the use of ANC 5C as a conduit for the funds that had been allocated for the incubation of the Green Team initiative when it appeared before the group on the evening of Thursday, July 13, 2006. Notwithstanding the fact that it is legally permissible for ANC 5C to be the recipient of such funds, upon learning about the Zoning Commission's reservations ANC 5C did not want to delay or perhaps jeopardize the implementation of the Green Team initiative by having to gain the approval of the DC City Council in order to make this arrangement viable. Therefore, in subsequent discussions of this issue with Fairfield officials and their legal counsel, we consented to an arrangement whereby North Capitol Main Streets, Inc. (NCMS) would serve as the conduit for the \$30,000 that was allocated for the Green Team initiative and at the time of this writing, it is our understanding that NCMS has already been in contact with a community-based program

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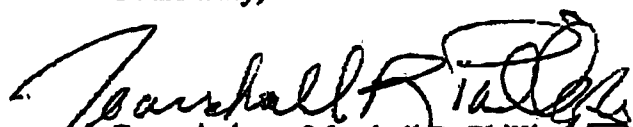
operated by Gospel Rescue Ministries that uses indigent persons to perform this kind of work, known as "Ready, Willing, and Able," and that NCMS intends to establish a contractual arrangement with "Ready, Willing, and Able" to implement the program. Of equal importance, at the time of these negotiations with Fairfield officials the \$5,000.00 that had been allocated for unspecified programmatic efforts in SMD 5C05 was redirected to Regional Addiction Prevention, Inc. (RAP Inc.) – a nationally renowned, community-based substance abuse program located in SMD 5C05 – for the purpose of implementing a substance abuse outreach initiative along the North Capitol Street corridor, in the vicinity of North Capitol Street and Florida Avenue (again, between R and O Streets). This initiative will focus on the treatment and prevention needs of alcoholics, users of illegal substances as well as of persons at-risk these types of behavior who tend to loiter in this vicinity in large numbers.

On Tuesday, September 19, 2006, the Applicant returned to ANC 5C with what it termed to be the "Final Community Amenities Package and Procedure for Monitoring Use of Financial Contributions." (A copy of this proposal is attached hereto and will be transmitted to you along with this letter of support for the Applicant's project.) In this regard, it is important to note that the officers and members of ANC 5C voted to lend its unanimous support to the attached benefits and amenities package, as well as reaffirmed its support for the overall project. For the record, it must be said that timely and appropriate notice was given to residents of the ANC 5C community with respect to the date, time and location of this regular monthly meeting. As was the case at each of the past three meetings in which we worked with this Applicant to fashion and eventually approve an appropriate and an acceptable agreement that we believe accrues to the substantial benefit of our community, please know that a quorum of our membership (i.e., seven of our 11 members) was present and voting when the decision was made to approve the package.

It is our belief that Fairfield's proposed planned unit development is appropriate for our neighborhood, including the design and concept of the project as well as its height and massing. In general, ANC 5C supports the ground floor retail concept that has been advanced and we have no problems with the retailers that have been proposed by the Fairfield development team. Although we had some concerns about parking initially, it seems that the developer has worked out a plan that, to us, appears adequate to meet the needs of residents as well as their anticipated retail customers. Lastly, we attach to this letter of support a copy of the Development and Construction Management Plan that was approved at our June 20, 2006 meeting that we expect to be incorporated into the Zoning Commission's final order in this case.

In summary, ANC 5C supports the PUD application submitted by Fairfield in Case No. 5-23 and it encourages the Zoning Commission to approve the proposed planned unit development at its September 25, 2006 meeting.

Yours truly,


Commissioner Marshall R. Phillips
Vice Chairperson


Commissioner Robert Vinson Brannum
Secretary

JDB

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RESOLUTION

*FF Realty, LLC
Planned Unit Development
(Z.C. Case No. 05-23)*

WHEREAS, FF Realty, LLC has filed a planned unit development application with the Zoning Commission for the District of Columbia; and

WHEREAS, the property that is the subject of the application consists of Lot 815 in Square 3576 and is located within the jurisdiction of ANC 5C;

WHEREAS, the proposed planned unit development is a mixed use development consisting of approximately 740,000 square feet of residential uses (including approximately 59,150 square feet of work force affordable housing), 15,000 square feet of retail uses, and 875 parking spaces;

WHEREAS, FF Realty, LLC has committed to a community amenities package consisting of a total amount of \$160,000 to be apportioned as set forth below upon the issuance of a final building permit:

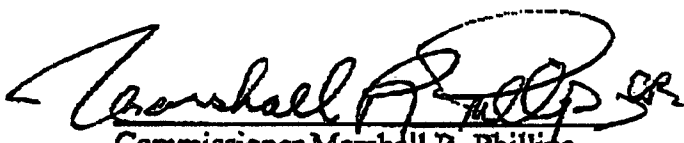
- Pedestrian/Bicycle Connection to the Metropolitan Branch Trail – FF Realty, LLC will connect Harry Thomas Way to the Metropolitan Branch Trail at a proposed cost of \$55,000. If the cost of the pedestrian/bicycle connection is reduced, the savings will be distributed evenly to the groups listed below.
- North Capitol Main Streets Program – FF Realty, LLC 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, in the vicinity of North Capitol Street and Florida Avenue (i.e., between R and O Streets).
- Regional Addiction Prevention (“RAP”), Inc. – FF Realty, LLC 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 – FF Realty, LLC will provide approximately 1,200 square of community meeting/office space with a high visibility location along Harry Thomas Way.

- Proposed Retail Operators - FF Realty, LLC 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 - FF Realty, LLC will make a contribution of \$20,000 to the McKinley Tech Fund, a 501(c)(3) organization.
- Harry Thomas Recreation Center - FF Realty, LLC 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 - FF Realty, LLC 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 - FF Realty, LLC 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 - FF Realty, LLC will provide \$5,000 to the City Year - Young Hero's Program for participation of Emery Elementary School sixth graders in the program.

WHEREAS, FF Realty, LLC has committed to executing the attached development and construction management plan;

NOW, THEREFORE Advisory Neighborhood Commission 5C requests that the Zoning Commission of the District of Columbia approve the planned unit development application at its September 25, 2006, public meeting.

UNANIMOUSLY ADOPTED: September 19, 2006.



Commissioner Marshall R. Phillips
Vice Chairperson



Commissioner Robert Vinson Brannum
Secretary

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, drapcries 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.

DEVELOPMENT AND CONSTRUCTION MANAGEMENT PLAN

FF Realty, LLC (the "Applicant") seeks to mitigate any adverse impact on the surrounding neighborhood resulting from construction activity related to the Applicant's plans to construct a planned unit development consisting of approximately 625-675 residential units and 15,000 square feet of ground floor retail at the corner of Harry Thomas Way and Eckington Place (the "Project").

1. Communication.

a. **Applicant's Representative.** The Applicant shall designate a representative ("Representative") to be the key contact during the period of construction of the Project for interaction with Advisory Neighborhood Commission 5C.

The Representative will have a local office and will be accessible during all business hours. At any time construction activity is occurring on the Applicant's property, the Representative or his/her designee shall be available on-site or by telephone to receive complaints or other communications from the surrounding community. The name and work telephone number of the Representative or his/her appointed designee shall be conspicuously posted on the Applicant's property and shall be readily available to members of the community. In addition, a name and telephone number of a person designated by Applicant to contact in case of emergency during hours in which no construction activity is occurring shall be readily available to members of the community.

b. **Duties of the Applicant's Representative.** The Representative and his/her designee will be able to answer questions and receive comments about the site activities, address any concerns members of the community might have throughout the construction process, and have authority to remedy promptly violations of this Development and Construction Management Plan and enforce its provisions. The Representative, designee and emergency contact shall:

- (i) receive notice of violations of this Development and Construction Management Plan;
- (ii) respond as soon as possible, to the person who has reported the violation, and to the Contact Person (described below);
- (iii) act to remedy the violation as soon as possible; and
- (iv) contact ANC 5C and relate complaint, remedy and time frame for resolution.

c. **Resume Bank.** The Applicant and the Applicant's Representative will maintain a resume bank on-site for members of the community to submit resumes for potential employment on this Project and future projects of the Applicant in the District of Columbia and surrounding jurisdictions. The Applicant encourages the submission of resumes of architects,

project managers, and other real estate professionals, in addition to resumes of tradesmen and construction workers.

d. **Neighborhood Contact Person.** The Applicant will work with representatives of Advisory Neighborhood Commission SC and the ANC SC Single Member District Representative in order to designate a single contact person ("Contact Person"), who may change from time to time, to represent the surrounding community. The initial Contact Person will be determined prior to the start of construction activity on the Applicant's property. The Contact Person will receive and disseminate information from the Applicant to the community. The Applicant shall provide to the Contact Person, and keep updated, the names of and pertinent information about the Representative, the designee and emergency contact, including their home phone numbers and beeper numbers, as appropriate.

2. **Construction.** The Applicant shall require that all their personnel and vendors, including supply and service vendors, will comply with all applicable District of Columbia Municipal Regulations applicable to hours of work, noise, dirt, trash, and public health and safety. The following is a discussion of construction-related issues and shall be binding on the Applicant, its subcontractors and any successors and/or assigns of the Applicant.

a. **Permits.** The Applicant will secure all permits that are required to complete the Project. All plans and permits will be on-site as required under the DC Construction Code.

b. **Site Management.**

- (i) The Applicant will erect and maintain construction fencing and barricades in order to screen and secure the site during the construction process. The Applicant and its contractors will work with community members and the Department of Consumer and Regulatory Affairs to maintain temporary storm water management systems throughout the Project's construction until such time as the permanent facilities are constructed, approved and functioning such that there shall be no adverse water impacts on the adjacent neighborhood.
- (ii) A minimum amount of lighting, directed away from residential properties, will be provided at the Applicant's property at night. These lights will be sufficient to provide necessary security and to comply with federal and municipal safety standards.
- (iii) Subject to District of Columbia approval, the Applicant will attempt to locate the construction trailer on the Applicant's property so as to minimize impacts on adjacent neighbors. If such approval is not granted, such trailer(s) will be located to minimize neighborhood impacts.

c. **Cleanliness.** The Applicant will remove rubbish and construction debris continuously during the construction period during the normal construction workday and during periods of weekend construction work. In addition, the Applicant will monitor and police the construction site daily or more often as required to ensure cleanliness. The Applicant will also undertake a program of pest control to ensure that no increase in pest activity occurs during the

construction period. All excavation or back fill trucks will be covered before proceeding from the Applicant's property onto city streets. Dust and debris will be removed from the Applicant's property on an as needed basis. Portable latrines will be located on the Applicant's property to minimize impacts upon adjacent properties.

d. Work Hours.

- (i) The normal construction work week will be Monday through Friday from 7:00 a.m. until 7:00 p.m., and Saturday from 8:00 a.m. until 4:00 p.m. All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the Applicant's property only during the foregoing hours. There will be no queuing of construction related vehicles or arrival of workers prior to stated work hours.
- (ii) All trucks for delivery of materials, construction or otherwise, will be instructed to avoid R Street during morning peak hours.
- (iii) The Applicant will make good faith efforts to limit work that is likely to disturb the residents of the adjacent neighborhoods to weekdays, except where limitations on work during the week require work on Saturdays to meet the requirements of construction teams for a 40 hour work week.
- (iv) The Applicant will not permit any activity on the Applicant's property that requires the movement of heavy vehicle traffic or other significant traffic, to or from, the Applicant's property or which generates sound levels in excess of sixty decibels (60 db) or otherwise is likely to significantly disturb the residents of the adjacent neighborhoods prior to 7:00 AM or after 6:30 PM on weekdays and prior to 9:00 AM or after 4:00 PM on weekends.

e. Contractors and Subcontractors. The Applicant will require that all contractors and subcontractors be contractually required to follow the terms of, and comply with, the policies set forth in this Development and Construction Management Plan. The Applicant will also require that all contractors and subcontractors use only licensed vehicles and drivers and that they comply with all DC traffic laws and regulations.

f. Traffic, Loading, and Parking.

- (i) Truck queuing and routing will be worked out with the DC Department of Transportation and adjacent property owners.
- (ii) The Applicant will use its best efforts to ensure that construction related traffic will not impede rush hour traffic on R Street, Eckington Place and Florida Avenues. A flagman will be assigned to expedite movement of construction related traffic, if any consistent traffic backups occur on any of these streets.

- (iii) Parking for all construction workers will be provided for on the Applicant's property. No construction related parking will be permitted on the adjacent neighborhood streets.

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2006 SEP 21 PM 5:07

FACSIMILE

**TO: Sharon Schellin Secretary
Zoning Commission**

DATE: 9/21/2006

**Chairperson Carol Mitten
Zoning Commission**

FAX #: 202-727-6072

**FROM: Marshal R. Phillips
Vice Chairperson**

NO. of PAGES: 11

FAX #: 202-824-2819

**SUBJECT: RE: Zoning Commission Case No. 05-23 - Fairfield PUD and Zoning
Map Amendment**

Please deliver to Secretary Schellin upon receipt. Thanks!

JDB