



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015
www.anc3e.org

WHEREAS, the John Akridge Development Company ("Akridge") seeks to extend a PUD it received for a multi-story mixed used project at 5220 Wisconsin Avenue, NW ("Site"), for two years, *see* Zoning Commission Orders No. 06-31 and 06-31A, and

WHEREAS, ANC 3E supports transit-oriented development in principle, and does not believe that a project of the density Akridge plans to build on the Site, which is adjacent to a Metro station, is *per se* inappropriate, and

WHEREAS, the Zoning Commission conditioned its approval of Akridge's PUD on provision of certain financial benefits ("Benefits") to neighborhood-serving institutions -- a public school and senior center -- and to fund a traffic management coordinator through payments to the District of Columbia, via payments together totaling \$170,000, and

WHEREAS, the promised provision of such Benefits and their relevance at the time was a material fact upon which the zoning commission based its original approval of the PUD, and

WHEREAS, some of the Benefits proposed by Akridge in 2006 and approved in 2007 have become out of date -- for example, the current package calls for repairs to a demountable at the Janney School which given the imminent modernization and delay in delivery will not exist at the time the Benefits are delivered -- and others may become out of date before the date for delivery in an extended PUD, and

WHEREAS, Akridge has declined to agree to a mechanism to revisit the Benefits to ensure that upon the date of delivery the Benefits address pertinent needs of the local public schools, seniors and needs in the area, and

WHEREAS, Akridge has also declined to agree to a mechanism to insure that the real value of the Benefits does not erode as a result of the delay either by adjusting the trigger for delivery of the Benefits, for example, from the issuance of a certificate of occupancy to the issuance of the building permit, or through a formula to adjust the nominal value at the time of delivery to equal the real value at the latest date Akridge could have delivered the Benefits under the unextended PUD, and

WHEREAS, without such agreement the extension Akridge seeks would will diminish the Benefits' value substantially and undermine the Zoning Commission's justification for approving the original PUD,

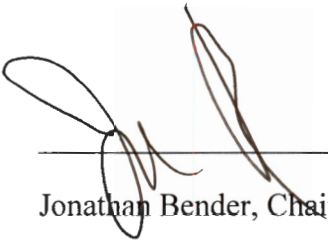
ZONING COMMISSION
District of Columbia

CASE NO. 06-31B
EXHIBIT NO. 5
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District of Columbia
CASE NO. 06-31B
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NOW THEREFORE BE IT RESOLVED, ANC 3E respectfully urges the Zoning Commission to deny extension of the PUD until such time as Akridge works with the ANC to develop a process to insure that the Benefits at the time of delivery are tailored to address the highest priority needs of the public schools in the area, senior services and enhancing the atmosphere in the corridor and to insure that the real value of those Benefits is not eroded by the delay.

ANC 3E approved this resolution at its meeting on July 15, 2009, which was properly noticed and at which a quorum was present. The resolution was approved by a vote of 4-0.

Commissioners Jon Bender, Mathew Frumin, Sam Serebin, and Beverly Sklover were present.



Jonathan Bender, Chair, ANC 3E