

NAYLOR DUPONT

Advisory Neighborhood Commission 7B



District of Columbia Government
3200 S Street, S.E.,
Washington, DC. 20020
email: anc7b@pressroom.com
web: www.anc7b.net
phone: (202) 584-3400 fax: (202) 584-3420



March 29, 2010

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

RECEIVED
U.C. OFFICE OF ZONING
2010 MAR 29 PM 2:13

Re: Consolidated PUD and Zoning Map Amendment Application
Case No. 09-03 - Information Requested at Zoning Commission
Public Hearing on February 17, 2010

Dear Chairperson Hood and Members of the Zoning Commission:

ANC 7B hereby responds to the requests for information made by the Zoning Commission during the February 17, 2010 public hearing in case 09-03.

ANC 7B was instructed to reduce the number of community benefits and to have discussions with the applicant and the Hillcrest Community Civic Association. We have had these discussions and the results are reflected in the attached ANC Community Benefits listing.

We note that the applicant re-named his listing from Community Benefits to "Community Amenities Package" and reduced the total by approximately \$2,800,000. However detailed technical and financial rationale for the change was not provided and thus we cannot evaluate his "required vs offered benefits". We believe that the Applicants \$4,258,601.00 line item may provide an opportunity to combine and further reduce some of the ANC community benefits,

ZONING COMMISSION
District of Columbia
CASE NO. 09-03
EXHIBIT NO. 100

once the detailed verifiable justifications are available and mutually discussed.

The applicant used the phrase " This request is not financially feasible" to describe many of the 7B requests and associated rationale. It is difficult to negotiate issues when one side has made a unilateral determination about his position, with no mention of verifiable rationales. We look forward to a factual discussion about the issues.

Sincerely,

A handwritten signature in cursive script that reads "L. Yvonne Moore". The signature is written in black ink and is positioned above the printed name and title.

L. Yvonne Moore
Chair, ANC 7B

CERTIFICATE OF SERVICE

On March 29, 2010, a copy of the foregoing document and enclosures were hand-delivered, or mailed to the addressees listed below.

Karina Ricks
District Department of Transportation
2000 14th Street, NW- 7th Floor
Washington, DC 20009

Paul Tummonds
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037

Maxine Brown-Roberts
DC Office of Planning
2000 14th Street, NW
Suite 4000
Washington, DC 20009

Ft. Baker Drive Residents
c/o Martin Sullivan, Esq.
25830 Collins Avenue
Chestertown, MD 21620



L. Yvonne Moore
Chair, ANC 7B

7B Community Benefits 29 Mar10

1. Provide capital improvement funding for the Senior Wellness Center located at 30th Street and Alabama Avenue SE. The Center is a few hundred feet from Skyland. This center's target demographics are senior citizens, the largest and fastest growing segment of the Ward 7 population. The center will be negatively impacted by the Skyland project in areas that include programs, space, and parking. Senior housing was a frequent topic at community meetings, but we note that the senior population is not discussed in this PUD. The Applicant shall provide a financial contribution for capital improvements for the Senior Wellness Center of not less than \$250,000.
2. The Applicant shall provide 3750 sq. ft. (50x75) sq ft for ANC 7B and ANC 7B Civic Associations to use the space for their scheduled monthly meetings without charge. Other community groups that have a duly elected board, hold tax-exempt status, and have a membership, the majority of which live within one mile of the Subject Property, can use the space for a nominal fee, in order to cover maintenance and staffing costs. ANC 7B shall be a partner in the community space management process for this facility.
3. The Applicant shall construct, outfit, and furnish approximately 1200 square feet of space to be identified in the current building Plan, to be utilized by ANC 7B for its office rent-free for the life of the Building. The office shall have access to adjacent kitchen and bathroom facilities.
4. Developer to contribute to a fund focused on job training, retention and recruitment for the permanent positions for Ward 7 employees created by the project.*
5. "Create and Fund a Ward 7 Cooperative" to clean major boundary streets of the Town Center for the life of the project using an East of the River workforce*
6. The Applicant shall provide a financial contribution of \$50,000 to fund programs for youth development, and nonprofits engaged in providing community educational and social development. *
7. Provide a Skyland Shuttle Bus (hourly) from Skyland Town Center to Naylor Road Subway.
8. Provide space for the Ward 7 Arts Collaborative at a reduced lease rate for 5 years.

9. Provide 15% of the retail space for East of the River LSDBE's at a rent 33% less than the market rent for each qualified leasee for five years for the life of the LSDBE program.
10. The Applicant shall provide a financial contribution of \$100,000 each to the Friends of the Anacostia and Friends of the Francis Gregory Libraries for Special Programs.
11. The Applicant shall provide a financial contribution of not less than \$5,000 annually to support community events and programs. (Including but not limited to the Hillcrest Garden Tour, Blessing of the Trees, Anacostia Garden Club and Fort Davis Garden Club).
12. The Applicant shall provide a financial contribution of \$25,000, annually directly to the Schools, for 5 years to support neighborhood schools (Winston, Stanton, Ann Beers, Orr, Kramer, Randle Highlands and Anacostia High School). The contribution shall be made directly to the school or their PTSA for the life of Skyland PUDs, per school, per year.
13. Provide free wireless high speed capacity for Skyland housing tenants for the life of the development.
14. Deleted (from the ANC7B's 10Dec09 hearing submittal)
15. The Applicant shall construct and install, at its own expense, on the Applicant's property and in adjacent public space, substantial landscaping and tree planting to enhance and beautify the public treespace areas bordering the project, the parking lot area and the buffer zone. *
16. Coordinate and promote transportation enhancements to mitigate and reduce traffic flow on streets in the general area of Skyland.
17. Deleted (from the ANC7B's 10Dec09 hearing submittal)
18. Deleted (from the ANC7B's 10Dec09 hearing submittal)
19. Developer's retail Leases/contracts for service providers and tenants shall provide an incentive for the recruitment and hiring of East of the River residents as participants in DC's Summer Youth Program at all skill levels including management trainees.
20. Applicant will make a one time contribution totaling \$250,000 to one or more east of the river nonprofit organizations, who are engaged in supporting east of the river starting businesses. This contribution shall be made before the first certificate of occupancy is issued. The developer shall use its best efforts to provide lease space for businesses, which have been assisted by the receiving organizations.
21. Deleted (from the ANC7B 10Dec09 submittal)

22. New CB item (Applicant agreed to combine this item with his \$715,000 line item)

Upgrade and maintain the small (pocket) park and nearby public space at 25th and Naylor during all phases of construction, including Block 1. Maintain the park with year round colorful plants, which will become a flowering showcase of seasonal plantings in the growing season. This small park is in Ward 8 and is discussed in the applicants exhibit 52, item 8.

***Backup Text**

4. Developer to contribute to a fund focused on job training, retention and recruitment for the permanent positions created by the project. Our residents would benefit from a creative apprenticeship program to stimulate and assist industry in developing and improving apprenticeship and training programs designed to provide the residents the needed skills to be able to compete specifically in the emerging Ward 7 economy and generally in the global economy.

5. The developer shall at its own expense provide for funding to manage daily and have management oversight for the professional implementation of all services required to maintain both the Town Center and the project's impacted *neighborhood bordering streets litter free. This shall include all infrastructure, beautification annually, and prohibition of loitering, illegal postings of signs and vendor selling; and product selling (such as paraphernalia, used cars, newspapers, etc) on the project site.

OR

The developer shall encourage and participate in a BID (Business Improvement District) area.

(a) The BID shall include, but not be limited to: "cleaning of BID areas to make litter free; general daily maintenance of the bordering areas/streets (as defined in the next paragraph), beautification where blight has occurred due to failing plantings and landscape (grass, trees, shrubs); ensure safety of residents and customers at all times with security provisions for 24 hours 7 days a week; and monitoring of the site for loitering, illegal postings of signs and vendor selling; and product selling (such as paraphernalia, used cars, newspapers, etc)."

(b) The bordering and impacted areas of the BID will be—(1) the shopping center grounds, (2) Alabama Avenue to Pa Avenue, SE or at least to Branch Avenue, SE; and (3) Alabama Ave to 25th Street and Good Hope Road SE., to include Park Naylor; and (4) 30th Street to include parts of both Akron Place and Ft. Baker Drive, SE., and Austin Street (5) 28th Street and Ft Baker to the Skyland's 28th Street entrance. The developer shall partner the BID with the existing/neighbor shopping center, Good Hope Market Place directly across the street).

(c) The developer shall ensure the formation of the Board of Directors for the BID and include

at least two (2) community members – but one (1) must be an ANC Commissioner from 7B05, 7B02; and 7B03, but rotating the position on the board.

The developer shall ensure and require that a written contract be created and entered into that requires 100% participation but not less than 80% participation by the retailers.

(d) The contract shall stipulate that monthly Board of Directors meetings shall be held during the 1st year that the development opens its doors to the public. Thereafter, meetings shall be held every other month at a time set/agreed upon by the Board of Directors.

*= The bordering and impacted areas of the BID will be—(1) the shopping center grounds, (2) Alabama Avenue to Pa Avenue, SE or at least to Branch Avenue, SE; and (3) Alabama Ave to 25th Street and Good Hope Road SE., to include Park Naylor; and (4) 30th Street to include parts of both Akron Place and Ft. Baker Drive, SE. (5) 28th Street and Ft Baker to the Skyland's 28th Street entrance

6. The applicant shall provide a financial contribution to fund programs for youth development, and nonprofits engaged in providing community educational and social development. Reports in the literature and media frequently portray the adolescent years as fraught with danger. ANC 7B would like to assure that youth programs should include an inter-generational mentoring program with the senior wellness program (East River Family Strengthening Collaborative, Inc.) family communication training, school based health programs, encompassing social cognitive training programs, behavioral functioning, life skills, career mentoring with local business and tutorial program with the concentration in reading and math. We note that an important agency that provides Ward 7 family services was displaced by Skyland.

15. The Applicant shall construct and install, at its own expense, on the Applicant's property and in adjacent public space, substantial landscaping and tree planting to enhance and beautify the public tree space, the parking lot area, the buffer zone, and the BID areas bordering streets. For example: Alabama Avenue, Good Hope Rd, Naylor Road, 25th Street, 30th Street, that lead to and then into the Town Center. Plantings shall be of a variety and species that will survive the climate and existing soil condition. Plantings and trees should be protected from vandalism and theft by appropriate borders, fencing, and similar structures for containment.

There shall be provisions for watering and upkeep and a replacement funds for the plantings to ensure healthy plantings and trees are occurring on the property and the surrounding areas (the project site and adjacent public streets) at all times. The developer shall afford a Commissioner from ANC 7B and/or a designated community representative from the opportunity of working with the developer's landscape contractor in setting the designing features of the landscape design for the project and allow participation and input in the selections of the plantings and trees chosen for the Town Center.