

NAYLOR DUPONT

Advisory Neighborhood Commission 7B



District of Columbia Government
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December 3, 2009

Mr. Jamison L. Weinbaum, Director
District of Columbia Office of Zoning
441 4th Street, NW, Suite 210S
Washington, DC 20001

Dear Mr. Weinbaum:

Attached is Advisory Neighborhood Commission 7B's response to
Zoning Case No. 09-03

3012.5 Agency Reports

(a) CASE NO. 09-03 (Skyland Holdings, LLC –Consolidated PUD & Related Map
Amendment @ Squares 5632, 5633, 5641, 5641N & Various Parcels)

(b) The public meeting to consider the application was held November 19, 2009.

(c) Proper notice of the meeting was posted on the ANC 7B web site, in Civic
Association Newsletters located in the ANC 7B boundaries, the East of the River
Newspaper as well as other community mailing lists.

(d) Number of members of Advisory Neighborhood Commission that constitute a
quorum is four (4). All seven commissioners were present at the meeting

(e) See Attachment

(f) See Attachment

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ZONING COMMISSION
DISTRICT of Columbia
CASE NO. 09-03
EXHIBIT NO. 33

(g) The vote was unanimous, with two commissioners not voting due to involvement with other organizations related to the application.

(h) See Attached Letter

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.

L. Yvonne Moore
Chair

3012.4 (f) and (g)

ANC7B unanimously approved a Motion listing conditions to be met by the Skyland applicant, in Zoning Case 09-03, prior to an ANC7B's recommendation of approval.

The conditions are as follows:

1. Provided that the Applicant and the Fort Baker Residents execute a Construction Management Agreement, Bond, or equal instrument to the satisfaction of the Fort Baker Residents, and provided that the Developer otherwise reasonably meets the concerns of the Fort Baker Residents and ANC7B. This agreement shall include mitigation of the issues identified by four owner- residents of single-family homes located on Fort Baker Drive, S.E. directly behind and abutting the Subject Property, that have expressed concerns about the impact on them and their properties as a result of the proposed redevelopment; in particular, these residents have significant concerns relating to the impacts from the rezoning of the adjacent "transitional" R-5-A zone district to a much more dense C-3-A zone district, and development of a 135,000 square foot large format retail store, among other high-density uses and structures, on land that is contiguous with these four properties and just a few feet from the single-family homes on the properties;

2. Provided that the Applicant Execute an Agreement that meets the intent paragraph FnS-2.7.B of the 2006 comprehensive plan concerning Buffering:

FnS.2.7.B: Fort Baker Drive Buffering.

Work with property owners to develop and maintain a suitable visual, sound and security buffer between Skyland Shopping Center and the adjacent residential areas along Fort Baker Drive"

The agreement shall reasonably meet the requirements of the Comprehensive Plan and the concerns of the Fort Baker Residents and ANC7B

3. Provided that the Applicant shall continue to review the proposed design, location, and operation of the planned ramp to the "Block 1" roof top parking area with Fort Baker residents and ANC7B. The goal shall be to determine a location further removed from existing houses and to develop a design and operations plan that:

(1) minimizes the visibility of the ramp from adjacent residential property to the north;

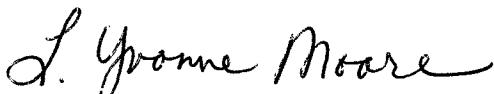
- (2) minimizes the noise impacts generated by cars, trucks and loading activity; and,
- (3) prohibits truck traffic serving the PUD from using 30th Street, between Park Drive and Alabama Avenue.

The Applicant shall take measures to restrict all residents and employees in the PUD from obtaining local neighborhood Residential Parking Permits, or their equivalent, for parking on neighborhood streets

4. Provided that the Applicant Complete a Community Benefits agreement with ANC7B.

The ANC7B feels strongly that the project amenities and public benefits be viewed in terms of section 2403.8. That is to say the Zoning Commission in deciding on the PUD application must balance the offered amenities and benefits against the incentives requested and the adverse effects of the development. Benefits and amenities are those items over and above the normal and legally required development activities. In this case the Applicant should be required to submit to the Zoning Commission a final agreement with ANC 7B as to the specific amenities and benefits. Those benefits and amenities can both detail the manner of legally required items and proposals designed to be an equalizing weight or activity for the PUD benefits granted the Applicant and the negative impact on the community by those concessions and the overall development. ANC7B's proposed Community Benefits are attached and have been recently given to the Applicant; however, we note that the outcome of the Applicants ongoing negotiations with local residents may result in the need for additional Community Benefits.

Be it resolved that Advisory Neighborhood Commission 7B hereby recommends approval of the PUD and Related Map Amendments in Zoning Case No. 09-03, provided that the applicant satisfy the above conditions, including executing a construction and management agreement to the satisfaction of the Fort Baker residents and provided that the applicant otherwise reasonably meets the concerns of the Fort Baker residents


L. Yvonne Moore
Chair

Attachment to ANC 7B Testimony in Zoning Case 09-03 Community Benefits Package Regarding the Skyland Town Center Re-Development

Director Weinbaum and fellow zoning commissioners, ANC 7B feels strongly that the project amenities and public benefits be viewed in terms of section 2403.8. That is to say the Zoning Commission in deciding on the PUD application must balance the offered amenities and benefits against the incentives requested and the adverse effects of the development.

Benefits and amenities are those items over and above the normal and legally required development activities. In this case, the applicant should be required to submit to the Zoning Commission a final agreement with ANC 7B as to the specific amenities and benefits. Those benefits and amenities can both detail the manner of legally required items and proposals designed to be an equalizing weight or activity for the PUD benefits granted the Applicant and the negative impact on the community by those concessions and the overall development. ANC 7B's proposed Community Benefits are attached and have been recently given to the Applicant; however, we note that the outcome of the Applicants ongoing negotiations with local residents may result in the need for significant Community Benefits.

Participation of Community Development Corporations

Moreover, ANC 7B is aware, that local CDC's (MHCDC AND WEF) have received ownership positions in this project. We do not view these agreements as a community benefit.

The contracts for their benefits are not open to the public (for the most part) and no accountability and oversight mechanism has been built into these agreements to ensure that "community benefits" truly result from the economic interest awarded to these 'seemingly' local organizations.

ANC 7B List of Community Benefits/Amenities

1. Senior Wellness Center @ 30th and Alabama Avenue – capital improvements
Approx. \$250,000 for Swimming Pool or other program/project
2. 3750 sq. ft. (50x75) for Community meeting space with kitchen facilities and bathrooms.
3. 1250 sq. ft. (25x50) for ANC Office and meeting room w/kitchen and bathroom.
4. Developer to contribute to a fund focused on job training, retention and recruitment for the permanent positions created by the project.
5. Create and fund a Business Improvement District (BID) to clean major boundary streets of the Town Center for 5 years. Approx. \$150,000 (use local workers)
6. Fund a 5 year \$50,000 Endowment for Interstages, Inc. – program for female youth 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 rate for 5 years.
9. Provide 15% of the retail space for LSDBEs at a rent 33% less than the market rent for a period of 5 years.
10. Provide resources to enhance the Anacostia and Francis Gregory Librarys Enhancements to be determined—funding at (\$100,000) for each library.
11. Provide a stipend (\$5,000) for 5 years to support community events and programs. ie. Hillcrest Garden Tour, Blessing of the Trees, Anacostia Garden Club and Fort Davis Garden Club.
12. Provide a stipend (\$2,000) for 5 years to support specific programs with measurable outcomes in nearby schools (Winston, Ann Beers, Randle Highlands and Anacostia High School).
13. Provide free wireless high speed capacity for housing and businesses throughout the life of the development.
14. Provide sufficient litter control measures on streets in the Town Center.
15. Provide substantial landscape and tree planting measures to enhance and beautify streets in the Town Center.
16. Coordinate and promote transportation enhancements to mitigate and reduce traffic flow on streets in the general area of Skyland.
17. The development team is held accountable for plans presented to the ANC and the home owners of Fort Baker Drive and Akron Place over the past year to mitigate adverse impacts.
18. The development team is held accountable for all issues discussed in prior meetings held in the community and their office pertaining to water run off, retaining walls and buffer zone improvements.
19. Developer add a stipulation in the retail contracts for summer youth employees to be hired for job training and social development.
20. The developer should promote job training and job preparedness (increase to \$100,000), and increase the loan fund for contractors.
21. ANC 7B recommends that the developer establish a Volunteer Agreement with ANC 7B to implement the Community Benefits Package for no less than 5 years after the completion of the Skyland Town Center.

Respectfully Submitted:

L. Yvonne Moore 12-3-09
L. Yvonne Moore, Chairperson Date

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3012.5 (h)

We designate Mr. Kenneth Davis to represent ANC 7B in the Skyland Holdings Case 09-03. Mr. Davis is a former Commissioner for ANC Single Member District 7B02 where the Skyland project is located. Mr. Davis is also the ANC 7B Consultant for the Skyland project.

We designate Mr. Robert Richards to do the cross-examination in the Skyland Holdings Case 09-03. He is the Vice-Chair for ANC 7B and ANC Commissioner for Single Member District 7B07. Mr. Richards is also a retired trial lawyer.

Sincerely,

L. Yvonne Moore
Chair