



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 5E
 Washington DC 20001 - www.anc5e.com - [twitter@anc5e](https://twitter.com/anc5e)

May 27, 2014

Anthony Hood, Chairperson
 District of Columbia Office of Zoning
 441 4th Street NW; Suite 220 South
 Washington, DC 20001

Re Z C Case No 13-14 Vision McMillan Partners, LLC and the District of Columbia –
 First Stage and Consolidated PUD and Related Map Amendments at 2501 First Street, NW

Dear Chairman Hood,

Advisory Neighborhood Commission (ANC) 5E has worked together toward reaching an equitable and appropriate Community Benefit Agreement (CBA) with Vision McMillan Partners (VMP), the developers of the McMillan Sand Filtration Site

ANC 5E has also sought input from the McMillan Advisory Group (MAG) in the form of a draft CBA that reflects a compilation of input from the ANC 5E civic associations

On Thursday, May 15, 2014, ANC 5E, VMP and members of the MAG met to review the ANC 5E drafted CBA

On Thursday, May 22, 2014, during ANC5E and VMP negotiations, it was determined that the two parties were not in agreement on the community benefits in the Community Benefits Agreement

Therefore, attached is the ANC 5E drafted Community Benefits Agreement approved unanimously by ANC 5E at a duly notice special public meeting on Saturday, May 24, 2014

The Single Member District 5E09 Commissioner Dianne Barnes is authorized to present this letter

Respectfully,

Sylvia M Pinkney, Chair ANC 5E

Attachment. Drafted ANC 5E CBA

Commissioners

5E01 Debbie Smith-Steiner
dsmith112@msn.com
 202 681-0095

5E02 Christy Love Davis
5E02@anc.dc.gov
 202-738-3683

5E03 Alex Underwood
 Treasurer
alexunderwood@comcast.net
 202-498-4128

5E04- Sylvia Pinkney
 Chair
5E04@anc.dc.gov
 202-269-4180

5E05 Joyce Robinson-Paul
jarpaul2@verizon.net
 202-330-7955

5E06 Teri Janine Quinn
 Vice Chair
5E06@anc.dc.gov
[@TJQANC5E06](https://twitter.com/TJQANC5E06)
 202-495-1177

5E07 Wanda Foster
5E07@anc.dc.gov
 202-455-0519

5E08 Vacancy

5E09-Dianne Barnes
5E09@anc.dc.gov
 202-387-2497

5E10 Angela Blanks
blanksangela@hotmail.com
 202-904-3502

NEXT MEETINGS
 COW – June 7th
 The Summit
 PUBLIC – June 17th
 Trinity College

ADVISORY NEIGHBORHOOD COMMISSION (ANC) 5E
ANC5E PUBLIC AND COMMUNITY BENEFITS AGREEMENT
ZONING COMMISSION CASE ORDER # 13-14

THE MCMILLAN SAND FILTRATION SITE

On November 19, 2013, at a properly noticed public meeting, ANC5E by a vote of 6-2-2 in support of Vision McMillan Partners (VMP) LLC and the District of Columbia – First Stage and Consolidated PUD and Related Map Amendment Application of the Historic Preservation Review Board (HPRB) Submission to Certain Specific Conditions and Modifications for the McMillan Sand Filtration Site This Site is located at 2501 First Street, NW, (Square 3128, Lot # 800) as presented to the HPRB on October 31, 2013

On May 24, 2014, ANC5E voted unanimously on the to move forward with its draft Community Benefits Agreement requesting the Applicant to commit to the following public benefits and amenities as a condition of approval of Z C Order No 13-14

PUBLIC AND COMMUNITY BENEFITS

Except as noted below, prior to the issuance of the first building permit, the Applicant was asked to provide the following community benefits within a 1 mile radius of the McMillan Site

THE PARK, PLAYGROUND AND COMMUNITY CENTER

1. The Park

- Public Amenities inclusive within the Master Plan and LDDA, there are commitments within the Park to include areas for “active” and “passive uses,” including accessible Olmsted Walk that is safe and comfortable for walkers and wheelchairs, benches along the walk, public art throughout the park
- Public Amenities inclusive within the Master Plan and LDDA, the Park includes shaded seating areas, amphitheater just south of the Community Center, a water feature such as the pond,
- The Applicant has committed to contributions of \$1,500,000 over a 10-year period in the “Business Improvement District” operating budget to create a community market, outdoor cafe, and space for art installations between the South Service Court and South Park, and to activate the South Service Court and existing elements, such as regulator houses for small business incubators, silos as hanging gardens, water features and observation points
- The Applicant is asked to support the following activities on the park tennis, basketball, and volleyball courts

- The Applicant is asked to commit to installing **two wrought picnic tables** in the picnic area of the park.
- The Applicant is asked to commit to installing **two wrought iron posted shelter covers to cover two to three picnic tables** in the picnic area of the park.
- The Applicant has committed to coordinate to an agreement with the Army Corps of Engineers to gain the *McMillan Fountain, restore it, and install it within the park space on the McMillan Development Site*
- The Applicant has committed to contributions of **\$500,000** to facilitate business start-ups within the project

2. The Playground:

- The Applicant has committed to children's playground with a spray-ground,
- The Applicant is asked to commit to **\$1,000,000** to enhance the children play ground to include an outdoor fitness area,
- The Applicant has committed to an adult's outdoor adult fitness area, along with an open lawns for casual sports,
- The Applicant is asked to commit to such casual sports as tennis, basketball, and volleyball courts on the park.

3. Community Center

- Public Amenities inclusive within the Master Plan and LDDA, the Community Center will include a 25 meter swimming pool and necessary support space, multipurpose indoor recreational space, equipped indoor fitness area and exhibit space that tells the story of the McMillan Site and launches visitors on walking tours of preserved buildings and views
- **Multi-purpose Room**
 - The Applicant is asked to commit to installing moveable partitions at front of Community Recreation Center to allow for air circulation and greater indoor/outdoor continuity. An adequate ventilation and dehumidification system should be carefully designed and incorporated in the pool area to avoid condensation on the partitions and exterior glass panels
 - The Applicant is asked to commit to providing activities such as martial arts classes, climbing wall, exercise classes to included cycling, aerobics, dance classes, as well as other activities and the necessary equipment for all of these activities
- **Technology Support** The Applicant is asked to commit to contributions for free WIFI within the Community Center and the South Park

HISTORIC STRUCTURES

- Public Amenities inclusive within the Master Plan and LDDA, there are commitment for the historic and commemorative signage throughout the Site to create a walking museum of preserved building and views
- The Applicant has committed to create a community market, outdoor café, and space for art installations between the South Service Court and the Park, activate the South Service Court and existing elements, such as regulator houses for small business incubators, silos as and hanging gardens, water features and observation points

NEIGHBORHOOD BEAUTIFICATION PROJECTS:

- The Applicant was asked to commit contributions of **\$1,200,000** for six ANC5E Single Member District Area Civic Associations' Neighborhood Beautification Projects. The funds shall be coordinated by the Community Foundation of National Capital Region for planting of trees and plants, and for tree box fencings. Bates (\$100,000), Bloomingdale (\$400,000), Eckington (\$200,000), Edgewood (\$300,000), Hanover (\$100,000), and Stronghold (\$100,000)
- The Applicant has committed to contributions of **\$250,000** for this request.
- The Applicant was asked to commit contributions of **\$10,000** to the Crispus Attucks Park located between U and V Streets NW
- The Applicant was asked to commit contributions to assist in the development of an overpass between Rhode Island Avenue and Seaton Place to connect the Eckington and Bloomingdale neighborhoods to help mitigate noise of the traffic traveling on North Capitol Street

EDUCATIONAL, WORKFORCE AND ECONOMIC DEVELOPMENT

- The Applicant was asked to commit **\$5,000,000** to coordinate educational/training, job fairs and apprenticeship opportunities with construction trade organizations, with healthcare facility and other organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD. The funds shall be coordinated by the Community Foundation of National Capital Region
- The Applicant has committed to **\$750,000** to the "Educational, Workforce and Economic Development

Scholarship Fund

- The Applicant has committed to developing a "Community Foundation of National Capital Region" for local high school students/ adult to receive the necessary college and /or vocational training to prepare for the employment opportunities at the McMillan Site to encourage "legacy" careers paths such as construction and civil engineering, landscape architecture, and within the medical field, with a preference for Ward 5 and 1 residents, to the extent permitted by law

- The Applicant has committed to hire high-school age residents and seniors to provide guided tours of the Site that would highlight the preserved assets for Ward 1 and 5 residents, preference
- The Applicant was asked to commit to establishing a paid Internship Program for local high school student/college to intern with employers at the McMillan site. Funds will only be disseminated to residents living within one mile of the site who can show proof of residence for at least one year

Workforce and Economic Development

VMP was asked to commit to the following commitments to strengthen workforce development:

- Arrange and offer apprenticeship and job fair opportunities before construction begins and periodically during the active period of ongoing construction VMP shall include mechanisms in these programs that provide preferences, first, for residents living within one mile of the site, and, second, the remainder of Ward 5,
- Promote as a cornerstone of the McMillan project the creation of good-paying jobs for District residents that offer career pathways and upward mobility,
- Require all McMillan project construction and post-construction jobs to be of sufficient value to employees to provide competitive wages and benefits, and be free of fear from capricious or arbitrary threat,
 - Support the training of DC residents for the jobs created by the McMillan project, including working with nonprofit organizations whose core mission is to train District residents
 - The nonprofit organizations (preferably located in Ward 5) must operate bona fide training programs that (a) include classroom training and in the case of construction, field training, (b) offer skills-building classes, and in the case of construction, industry certifications, (c) are offered at no cost to workers, (d) provide mentoring, and (e) have a track record of job placement and retention,
 - Employ contractors and firms that provide high quality goods and services utilizing properly trained and fairly compensated employees,
 - Utilize the same wage scale and same benefits on all phases of construction, thereby creating consistent, equal treatment and parity among all the workers employed on construction of the project, regardless of phase or timing,
 - Retain an outside auditor to ensure all employment goals are being met and maintained.

First Source Employment Agreement

- During construction of the project, VMP has committed to abide by the terms of the executed *First Source Employment Agreement* with the District Department of Employment Services *to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project* To the extent permitted by law, first preference for employment opportunities shall be given to Ward 1 and 5 residents

Fair and Consistent Wages:

The VMP has committed as required by LDDA to pay prevailing wages

AFFORDABLE HOUSING:

- Public Amenities inclusive within the Master Plan and LDDA, there is a commitment to develop at a minimum of 20% of the total units as affordable (80% AMI)
- Public Amenities inclusive within the Master Plan and LDDA, there is a commitment to develop 100% senior rental units 85 of 281 in Phase 1 multifamily at 50-60% AMI
- Public Amenities inclusive within the Master Plan and LDDA, there is a commitment to develop at a minimum of 25 of 250 affordable units (to 80% AMI) in Phase 2 multifamily
- The Applicant has committed to develop at a minimum of 18 of 146 affordable row houses for sale (to 80% AMI)
- The Applicant is asked to commit to setting aside four (4) extra row homes within the housing stock for affordable housing

D.C. PUBLIC SCHOOL PROGRAMS

- The Applicant was asked to commit to **\$125,000** for D C Public Schools within ANC5E boundary for STEM programs for Dunbar Senior High School (\$50,000), McKinley Technical High Schools (\$50,000); and Langley Educational Campus (\$25,000) Funding shall be administrated by the Parents, Teachers, and Students Associations
- The Applicant has committed to contributions of **\$75,000** to D C Public Schools, \$25,000 for each school

STOREFRONT IMPROVEMENT GRANTS

- The Applicant is asked to commit to contributions of **\$500,000** for Storefront Improvement Grants to the Department of Small and Local Businesses Development and into an agreement with the Department of Small and Local Business Development (DSLBD) to use the resources of the DSLBD to utilize local funding for storefront improvement grants for major corridors in ANC5E boundaries impacted by the McMillan developments to be awarded through the Great Streets program (This request is for storefronts on North Capitol Street NE/NW between Channing St thru New York Ave)
- The Applicant has committed to **\$150,000** for the Storefront Improvement Grants

ENVIRONMENTAL BENEFITS

- The Applicant has committed to following D C Laws pertaining to “environmental impact studies and controls

Pollution Effect

- The Applicant is asked to ensure that measures are put into place to minimize dust, exhaust fumes, noise, and other negative impacts of construction of this scale and over this prolonged period of time.
- The Applicant is asked to prepare an environmental impact statement that addresses the effects of the development as it pertains to dust creation, increase in exhaust fumes, noise level commitments and other negative impacts on the neighborhood environment.

Pest Control

- The Applicant has committed to prepare a mitigation plan to address rodent infestation in the surrounding neighborhoods as a result of the construction process
- VMP is asked to commit to providing appropriate and safe rodent mitigation for 1500 yards radius from when construction begins until the project is completed

Home Repair

- VMP has committed to construction efforts that will be fully bonded and issuance to cover such damages.
- **Solar Lighting** VMP has committed to incorporating solar fixture within the Park designs.
- **Water Sense and Energy Star Appliances**
 - The VMP has committed to specific fixtures and appliances are to have earned EPA's Water Sense or Energy Star label
 - The VMP has committed to put forth its best efforts to achieve a LEED-Silver rating or higher for the buildings on Parcels, 1, 4, 5, and 6 The overall site will eventually achieve, at minimum, the applicable provisions of the Green Construction Code of the 2013 Construction Code of the District of Columbia The overall McMillan Site will achieve a LEED ND certification on the Master Plan, and each project will be LEED Silver or Green Communities compliant, depending on its commercial or residential designation

II. TERMS

- A. This Community Benefits Agreement (CBA) commences on the date hereof and continues until (a) Vision McMillan Partners abandon efforts of the PUD, (b) the Vision McMillan Partners do not seek Certificates of Occupancy for any part of the Property, or (c) twenty years (20) after the last Certificate of Occupancy has been granted to Vision McMillan Partners or its Affiliates or subsequent Owner (s) upon sale for the Property
- B Unless otherwise stated, the benefits set forth herein shall extend so long as the development site exists If the developers sell or otherwise transfer their interest in the development site the benefits provided herein shall pass to the new owner of the developers' interest in the site accordingly

C Community Foundation National Capital Region

(1) Administrative Structures

- Establishment of a *Community Foundation National Capital Region* that would be responsible for overseeing the implementation of the Community Benefits Agreement and disbursement of all related funds,
- Establishment of an annual Community Benefits Agreement budget, as necessary, contracting for needed services (e.g , administration of scholarship funds)

(2) Financial Structures and Procedures

- Single point of deposit of all funding in support of the Community Benefits Agreement
- Fund held by the *Community Foundation National Capital Region*
- Ensures sustainability of Community Benefits Agreement amenities
- Administered by *Community Foundation National Capital Region*
- Establishment of specific benchmarks for developer payments and amenities delivery

(3) Accountability Structure and Procedures

- Requires the contracting of a Compliance Monitor who will
 - Monitor all aspects of Community Benefits Agreement compliance and delivery of amenities,
 - Provide an annual plan of proposed monitoring activities and procedures to the community,
 - Report its findings and recommendations at least two times per year

(4) Business Improvement District (BID)

- Prior to the issuance of the first certificate of occupancy for the PUD application The Applicant has committed to establishing a “Business Improvement District” or a similar organization for the PUD that will be responsible for the maintenance and improvements of the private roadways, alleys, bicycle paths, historic walks, sidewalks, parks, and signage within the PUD boundaries.
- The “Business Improvement District will be responsible for programming and staging events within the PUD for the benefit of the public The “Business Improvement District” may fund maintenance and programming elements of the project’s common elements through a Common Area Maintenance (CAM) assessment charge to each development component within the PUD
- The Applicant has committed to contributions of **\$1,500,000** over a 10-year period in the Business Improvement District operating budget to hire high-school age residents and senior residents to provide guided tours of the McMillan site highlighting the preserved historic resources

D.C. PUBLIC SCHOOL PROGRAMS

- The VMP is asked to commit to **\$125,000** for D C. Public Schools within ANC5E boundary for STEM programs for Dunbar Senior High School and McKinley Technical High Schools; Langley Educational Campus. Funding shall be administrated by a Parent or Teachers Association or School Education Fund with current 501c3 status.
 - Dunbar Senior High School (\$50,000)
 - McKinley Technical High Schools (\$50,000)
 - Langley Educational Campus (\$25,000)
- The VMP has committed to contributions of **\$75,000** to D C Public Schools

TRAFFIC AND TRANSPORTATION MANAGEMENT:

Public Amenities inclusive within the Master Plan and LDDA, recommend improvements to nearby bus routes to better serve the development and the neighbors, including instituting rush hour express bus service,

Public Amenities inclusive within the Master Plan and LDDA, recommend accelerated planning and development of the planned Brookland-Columbia Heights Street Car,

The VMP has committed to provide shuttle service to Metro in the interim before the Circulator Bus or Streetcar Implementation,

The VMP has committed to a multi-modal transit hub that will accommodate transit services, such as the Circulator Bus or Streetcar, and provides simple connections to Capital Bikeshare stations, including three new stations on the McMillan Site, bicycle storage and changing facilities, privately run shuttles, and long-term parking facilities

VMP has committed to incentivize on-site residents and tenants to use transit (such as by providing space for a Transit Store, supplementing employee SmartTrip Cards, car-sharing and Capitol Bikeshare memberships)

VMP has committed to implement the transportation infrastructure improvements recommended by Gorove/Slade Associates and the District's Department of Transportation, as well as the transportation demand mitigation measures

Whereas, VMP was asked to commit to funding of a complimentary shuttle service to connect the residents to the retail shops and community center at the McMillan Site while minimizing traffic impact to our community Regular schedule shuttle service for two days a week and two round trips per day from the McMillan retails shops and the community center with the following stops to include Truxton Circle Neighborhood. (The bus should be compliant with the Americans with Disabilities Act)

- House of Lebanon Senior Housing Complex at the unit block of O Street NW
- 3rd Street and Q Street NW at the current metro bus stop
- 1st Street and Florida Avenue Park NW,
- 1st Street and P Street NW,
- 1st Street and Rhode Island Avenue, NW
- 1st Street and New York Avenue NW

3. Community Center

- Public Amenities inclusive within the Master Plan and LDDA, the Community Center will include a 25 meter swimming pool and necessary support space, multipurpose indoor recreational space, equipped indoor fitness area and exhibit space that tells the story of McMillan Site and launches visitors on walking tours of preserved buildings and views.

The developer shall partner with the community regarding the design process for the community center and the park. The final design plan for the community center and the park must be approved by ANC 5E (or its successor), a representative of the residents of the development site, if there are residents of the development at the site at such time.

- Multi-purpose Room.

- The VMP is asked to commit to install moveable partitions at front of Community Recreation Center to allow for air circulation and greater indoor/outdoor continuity. An adequate ventilation and dehumidification system should be carefully designed and incorporated in the pool area to avoid condensation on the partitions and exterior glass panels.
- The VMP is asked to commit to providing activities such as martial arts classes, climbing wall, exercise classes to include cycling, aerobics, dance classes, as well as other activities and the necessary equipment for all of these activities.

Technology Support VMP is asked to commit to contributions for free WIFI within the Community Center and surrounding park