



Resolution
In Support Of the McMillan Sand Filtration Site
Project

WHEREAS, the McMillan Sand Filtration Site (“the McMillan Site”) is a twenty-five acre green space and decommissioned water treatment plant in the 5E area in northwest Washington, D.C, within the square bounded by 1st Street NW, Michigan Avenue NW, North Capitol Street NW, and Channing Street NW.

WHEREAS, VMP is committed to keeping the community informed of its actions and continue to involve the community in the decision making of programming the playground, the park, and the recreation/community center;

WHEREAS, VMP is committed to providing the additional benefits described within the attached document and totaling \$5,000,000 plus an additional four townhome units converted from market rate to affordable at 80% of AMI pursuant to the following conditions:

- The ANC5E will continue to support the McMillan Sand Filtration Site Project.
- This resolution ratifies the attached document (revised Public and Community Benefits Agreement), the Applicant’s commitments to ANC5E on the public benefits and amenities for Z.C. CASE ORDER NO 13-14, McMillan Sand Filtration Site, dated June 16, 2014 and no other agreement or document.

WHEREAS, ANC5E is composed of nine voting commissioners such that five constitute a quorum, we hereby certify that this resolution to be true.

NOW THEREFORE, be it RESOLVED, on this 17th day of June 2014 that ANC5E, at a duly noticed public monthly meeting, voted in support of the McMillan Sand Filtration Site Project by a vote of 4 in favor, 0 opposed, 1 recused, and 2 abstained; with 7 members present, voted to adopt this resolution and to forward it to the Zoning Commission; the Mayor's Agent Hearing, and the Land Disposition before the Council of the District of Columbia.

Sylvia M. Pinkney, Chair, ANC5E

Celia Dianne Barnes, ANC5E09

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NEXT MEETINGS:
COW – June 7TH
Harry Thomas RC
PUBLIC - June 17TH
Trinity College

Benefit	Description	Value
Educational, Workforce and Economic	Scholarships for community residents to pursue higher education, training or job-related certification, encouraging “legacy” careers paths such as civil engineering, landscape architecture, or on-site jobs in the medical field, with a preference for Ward 1 and 5 residents, to the extent permitted by law. To be directed to organizations whose core mission is workforce development, to create true "career paths" for District residents through readiness, training and placement in on-site or other employment opportunities, and which have a demonstrated track record for successful job placement and retention of District residents. The funds shall be coordinated by the Community Foundation of National Capital Region ("CFNCR").	\$1,000,000
	Facilitate business start-ups in the project.	\$225,000
D.C. Public Schools Within ANC 5E Boundary	D.C. Public Schools for Science, Technology, Engineering and Math (“STEM”) programs at Dunbar High School (\$50,000), McKinley Technical High School (\$50,000) and Langley Educational Campus (\$25,000)	\$125,000
Business Improvement District	Over a 10-year period in the project association operating budget to hire high-school age residents and senior residents to provide guided tours of the McMillan site highlighting the preserved historic resources.	\$500,000
	Over a 10-year period in the project association 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.	\$750,000
Neighborhood Beautification Projects	Neighborhood beautification projects in Bates (\$50,000), Bloomingdale (\$150,000), Eckington (\$100,000), Edgewood (\$100,000), Hanover (\$50,000) and Stronghold (\$50,000).	\$500,000
	North Capitol Main Street, Inc., for the storefront improvement program to revitalize grants for major corridors in ANC 5E boundaries affected by the PUD to be awarded through the Great Streets program. The funds shall only be used for storefronts located on North Capitol Street, N.E., and N.W., between Channing Street and New York Avenue.	\$150,000
Transportation	Interim Public Metro Shuttle	\$1,250,000
	Ward 5 Community Shuttle along First Street	\$500,000
TOTAL		\$5,000,000

ADVISORY NEIGHBORHOOD COMMISSION (ANC) 5E
ANC5E PUBLIC AND COMMUNITY BENEFITS AGREEMENT

ZONING COMMISSION CASE ORDER # 13-14
THE MCMILLAN SAND FILTRATION SITE

JUNE 23, 2014

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 to move forward with its drafted Community Benefits Agreement (CBA) requesting the Applicant to commit to the following public benefits and amenities as a condition of approval of Z.C. Order No. 13-14.

On June 17, 2014, at a duly noticed public meeting, ANC5E by voted of 4 in support; 0 opposed; 1 recused; 2 abstained with 7 members present to move forward with its final CBA requesting VMP to commit to the following public benefits and amenities as a condition of approval of ZC 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. Appropriate District agencies will have to conduct a design/build competition for the active and passive park spaces.
- 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 is asked to commit to installing four picnic tables, benches attached, and a black wrought iron shelter cover 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 \$225,000 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 has committed to an outdoor adult fitness area; along with an open lawn for casual sports;

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.
- The Applicant shall partner with the community regarding the design process for the community center and the park/playground. The final design plan for the community center and the park/playground 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 applicant is asked to commit to installing acoustical sliding partitions to lessen the noise between two activities scheduled at the same time.
 - The Applicant 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:** The Applicant is asked to commit to provide 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 creating 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 funds \$500,000 for six ANC5E Single Member District Area Civic Associations’ Neighborhood Beautification Projects shall be coordinated by the Community Foundation of National Capital Region for: Bates (\$50,000); Bloomingdale (\$150,000); Eckington (\$100,000); Edgewood (\$100,000); Hanover (\$50,000); and Stronghold (\$50,000).

EDUCATIONAL, WORKFORCE AND ECONOMIC DEVELOPMENT

- The Applicant was asked to commit \$1,000,000 to coordinate “Educational, Workforce and Economic Development such as 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 Capitol Region.

Scholarship Fund:

- The Applicant has committed to utilizing the “Community Foundation of National Capitol 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. This should be monitored by the community to ensure that the funds are budgeted and accessible in out years.
- 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 five years. This should be monitored by the community to ensure that the funds are budgeted and accessible in out years.

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, the Applicant 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. Twelve of the affordable units will be available to purchasers with annual household incomes of at or below 50% of the Washington Metropolitan Area Median Income

and thirteen of the affordable units will be available to purchasers with annual household incomes of at or below 80% of the Washington Metropolitan Area Median Income.

The Applicant has committed to develop at a minimum of 18 of 146 affordable row houses for sale (to 80% AMI). Nine of the affordable units will be available to purchasers with annual household incomes of at or below 50% of the Washington Metropolitan Area Median Income and Nine of the affordable units will be available to purchasers with annual household incomes of at or below 80% of the Washington Metropolitan Area Median Income.

- The Applicant shall set aside 4 additional row homes to be sold as affordable row homes (80% AMI).

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 a Parent or Teachers Association or School Education Fund with current 501c3 status.

STOREFRONT IMPROVEMENT GRANTS:

- The Applicant commits to \$150,000 to the North Capitol Main Street, Inc. for a storefront improvement program to revitalize grants for major corridors in ANC 5E boundaries affected by the PUD to be awarded through the Great Streets program. The funds shall only be used for storefronts located on North Capitol Street, N.E. and N.W. between Channing Street and New York Avenue.

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.

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 Applicant has committed to provide shuttle service to Metro in the interim before the Circulator Bus or Streetcar Implementation; A study was done by the DC Office of Planning and the Metropolitan Council of Governments per the Brookland SAP to determine the feasibility of consolidating the existing shuttles that travel from the Brookland/CUA metro station to the Washington Hospital and Howard University. This study should be reviewed for possible implementation.
- The Applicant 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.
- The Applicant 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).

- The Applicant 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 by funding \$1,250,000 for an “Interim Public Metro Shuttle” to and from the Brookland Metro station.
- The Applicant commits to funding of \$500,000 for a Ward 5 Community Shuttle along First Street 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 retail shops and the community center with the following stops to include Bloomingdale and 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

II. TERMS

A. Community Foundation National Capital Region

(1) Administrative Structures

- Utilization of the *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.

B. Business Improvement District (BID)

- (1) 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.
- (2) 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.
- (3) The Applicant commits to \$500,000 over a 10-year period in the project association operating budget to hire high-school age residents and senior residents to provide guided tours of the McMillan site highlighting the preserved historic resources.
- (4) The Applicant commits to \$750,000 over a 10-year period in the project association 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.

C. This Community Benefits Agreement (CBA) commences on the date hereof and continues until:

- (1) Vision McMillan Partners abandon efforts of the PUD;
- (2) Vision McMillan Partners do not seek Certificates of Occupancy for any part of the Property; or
- (3) 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.

D. 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.