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ANC5E PUBLIC AND COMMUNITY BENEFITS AGREEMENT ZONING COMMISSION CASE ORDER # 13-14 MCMILLAN SAND FILTRATION SITE

At a properly noticed public meeting, on November 19, 2013, 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 _____ on this Agreement to asked VMP 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 is asked to provide the following community benefits within a 1 mile radius of the McMillan Site:*

PARK AND COMMUNITY CENTER

The Park:

- *Public Amenities included in the Master Plan and LDDA, there are commitments within the Park to include areas for contemplation 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 included in the Master Plan and LDDA, the Park includes shaded seating areas, amphitheater just south of the Community Center; children’s playground, spray-ground, outdoor adult fitness area; pond and open lawns for casual sports.*
- *The Applicant has committed to make 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 was asked to commit \$500,000 to enhance the children’s playground by adding or replacing proposed playground equipment with equipment more in line with the local playgrounds in the surrounding communities.*
- *The Applicant was asked to commit to add picnic tables to the park;*
- *The Applicant was asked to commit to an agreement to gain the McMillan Fountain from the Army Corps of Engineers, restore it, and install it within the park space on the McMillan Development Site.*
- *The Applicant was asked to commit to contributions of \$500,000 to facilitate business start-ups in the project.*

Community Center:

- *Public Amenities included in 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.*
- *Multi-purpose Room: The Applicant was asked to commit to contributions of \$60,000 to install moveable partitions along the front of the community center to divide the multi-purpose room.*
- *Technology Support: The Applicant was asked to commit to contributions of \$75,000 to provide free WIFI within 1000 feet of the Community Center to the community.*
- *Business Improvement District: The Applicant has committed to contributions of \$1,500,000 over a 15-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.*

Clarification:

- *ANC5E requests clarification of Cell 28*

- *ANC5E requests clarification of Construction Time-Fame*

TRAFFICE AND TRANSPORTATION MANAGEMENT:

- *Public Amenities included in 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.*
- *The Applicant has committed to provide shuttle service to Metro in the interim before the Circulator Bus or Streetcar 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.*

- *The Applicant was asked to commit to funding of a complimentary shuttle service to connect the senior residents to the retail shops and community center at the McMillan Site while minimizing traffic impact to our community. Regular schedule shuttle service from the McMillan retail shops and the community center with the following stops in Truxton Circle:*
 - *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; and*
 - *1st Street and New York Avenue NW*

HISTORIC STRUCTURES

- *Public Amenities included in the Master Plan and LDDA; there is a commitment to install 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 to six ANC5E Single Member District Civic Associations' for Neighborhood Beautification Projects (breakdown below).

- *Bates (\$100,000)*
- *Bloomingtondale (\$400,000)*
- *Eckington (\$200,000)*
- *Edgewood (\$300,000)*
- *Hanover (\$100,000)*
- *Stronghold (\$100,000)*

The funds shall be coordinated by the Community Foundation of National Capital Region for:

- *Trees and Plants Planning*
- *Tree Box Fencing*
- *Contribution of \$20,000 to the Crispus Attucks Park*
- *Contribution to create an overpass between Rhode Island Avenue and Seaton Place to connect the Eckington and Bloomingtondale neighborhoods.*

EDUCATIONAL, WORKFORCE, AND ECONOMIC DEVELOPMENT

The Applicant was asked to commit \$5 M 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 Capitol Region.

Scholarship Fund:

The Applicant has committed to developing a Scholarship Fund to be managed by 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. This will encourage “legacy” career paths such as construction and civil engineering, landscape architecture, and within the medical field, with a preference for Wards 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 1/5 preference.

The Applicant was asked to establish 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 Development:

The Applicant was asked to commit a true “career pathways” for DC residents to work with a trade union (bona fide apprenticeship programs) or nonprofit such as the Youth-Build, Sasha Bruce, and/or LiUNA, for example, whose core mission is to train and employ District residents, and can demonstrate successful job placement and retention of DC residents. Bona fide programs to ensure that the local hiring minimums and apprenticeship goals are being met and maintained:

- *have demonstrated track records of graduating apprentices to journeymen;*
- *include both classroom and field training;*
- *offer industry certifications and skill-building classes;*
- *are provided at no cost to workers; and*
- *provide mentoring and job placement help*

The Applicant was asked to commit to hire 100% DC residents as apprentices, with emphasis on residents living in ANC 5E and Ward 5.

Economic Development: *During construction of the project,*

*The Applicant was asked 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 Applicant was asked to commit to construction and post-construction jobs to be of sufficient value to employees to provide competitive wages and benefits.

The Applicant was asked to commit to employ contractors and firms, preferably from the District of Columbia, that provide high quality goods and services utilizing properly trained and fairly compensated employees.

The Applicant was asked to commit to utilizing the same wage scale and benefits on all phases of construction, thereby creating consistent, equal treatment and parity among all the District residents employed on construction of the project, regardless of phase or timing.

AFFORDABLE HOUSING:

Public Amenities included in the Master Plan and LDDA,; there is a commitment to develop a minimum of 20% of the total units as affordable (80% AMI).

Public Amenities included in the Master Plan and LDDA,; there is a commitment to develop 100% senior rental units 85 of 281 (30%) in Phase 1 multifamily at 50-60% AMI.

Public Amenities included in the Master Plan and LDDA,; there is a commitment to develop at a minimum of 25 of 250 (10%) affordable units (to 80% AMI) in Phase 2 multifamily.

The Applicant has committed to develop at a minimum of 18 of 146 (8%) affordable row houses for sale (to 80% AMI)

The Applicant was asked to commit to setting aside 20% of the multifamily and row houses in housing stock for affordable housing.

D.C. PUBLIC SCHOOL PROGRAMS:

The Applicant was asked to commit to contributions of \$125,000 to D.C. Public Schools within ANC5E boundary for programs at Dunbar and McKinley Technical High Schools; Langley Educational Campus. The funds are to be used for STEM and pre-engineering instruction supplies and materials, lab equipment, special programs, events and supplies, out-of-town travel for conferences or workshops, local travel, and text books.

<i>Paul Lawrence Dunbar Senior High School</i>	<i>\$50,000</i>
<i>McKinley Technology High School</i>	<i>\$50,000</i>
<i>Langley Educational Campus</i>	<i>\$25,000</i>

STOREFRONT IMPROVEMENT GRANTS:

The Applicant was asked to commit 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. (Only on North Capitol Street NE/NW between Channing St thru New York Avenue)

THE MEDICAL FACILITIES:

The Applicant was asked to commit to change the scheduled community event space proposed in one of the Medical Facilities to a substation office for 5D PSA 501 and PSA 502 office space.

BUSINESS IMPROVEMENT DISTRICT (BID):

Prior to the issuance of the first certificate of occupancy for the PUD application, the Applicant was asked to commit to establishing a “Business Improvement District” 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.

Additionally, 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.

ENVIRONMENTAL BENEFITS:

Pollution Effect: *The Applicant was asked to commit 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.*

Water Cleanliness: *The Applicant was asked to release a study before, during and after construction attesting to the drinking quality of the water in the surrounding neighborhoods.*

Pest Control: *The Applicant was asked to commit to prepare a mitigation plan to address rodent infestation in the surrounding neighborhoods as a result of the construction process.*

Home Repair: *The Applicant was asked to commit to set aside funding until two years after the completion of development for the purposes of repairing homes with damage tied to the construction process within 200 feet of the Site.*

Solar Lighting: *The Applicant has committed to Solar Lighting on the McMillan Site.*

Water Sense and Energy Star Appliances: *The Applicant has committed to specific fixtures and appliances are to have earned EPA's Water Sense or Energy Star label.*

The Applicant 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.

CONSTRUCTION MANAGEMENT PLAN: *The Applicant shall comply with the Construction Management Plan attached hereto.*

- *The Applicant will enter into an agreement to provide detailed planning information to include construction vehicle, routing, work hours, parking, deliveries, site management, and cleanliness surrounding the site.*
- *The Applicant will enter into an agreement to work with the general contractor and civic associations to develop a truck route for all construction vehicles to abide by. This plan should make use of major thorough-fares and emulate the traffic pattern already committed to by DC Water (e.g. take North Capitol to New York Avenue).*
- *The Applicant will enter into an agreement to complete construction of the community center and park space before an issuance of permits for construction of vertical development.*
- *The Applicant will enter into an agreement to setup a community outreach liaison and conduct regular scheduled community monthly meeting to discuss impacts, concerns and progress of the ongoing construction work.*

<i>AMENITIES</i>	<i>DESCRIPTION</i>	<i>VALUE</i>
<i>The Park</i>	<i>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.</i>	<i>\$1,500,000</i>
	<i>Children’s playground Enhancement: by adding or replacing proposed playground equipment with equipment more in line with the local playgrounds in the surrounding communities.</i>	<i>\$500,000</i>
	<i>McMillan Fountain (TBD)</i>	
	<i>Facilitate business start-ups in the project.</i>	<i>\$500,000</i>
<i>Community Center</i>	Multi-purpose Room: <i>install moveable partitions along the front of center</i>	<i>\$60,000</i>
	Technology Support: <i>provide free WIFI within 1000 feet of the Center to the community</i>	<i>\$75,000</i>
	Business Improvement District: <i>over a 15-year period to hire high-school age residents and senior residents to provide guided tours of the McMillan site highlighting the preserved historic resources.</i>	<i>\$1,500,000</i>
	<i>Clarification: Cell 28 Uses</i>	
	<i>Clarification: Construction Time Frame</i>	
<i>Affordable Housing</i>	<i>Set aside 20% of each type of housing stock for affordable housing</i>	
<i>Medical Facilities</i>	<i>Change scheduled community event space proposed in one of the Medical Facilities to a substation office space for 5D PSA 501 and PSA 502 officers.</i>	
<i>Neighborhood Beautification Projects</i>	<i>ANC5E Single Member District Area Civic Associations.</i>	<i>\$1,200,000</i>
	<i>The Crispus Attucks Park</i>	<i>\$20,000</i>
<i>Educational, Workforce and Economic</i>	<i>Scholarship Fund; Workforce and Economic Development</i>	<i>\$5,000,000</i>
<i>D.C. Public Schools Within ANC5E boundary</i>	<i>The funds are to be used for STEM and pre-engineering instruction supplies and materials, lab equipment, special programs, events and supplies, out-of-town travel for conferences or workshops, local travel, and text books.</i>	<i>\$125,000</i>
<i>Storefront Improvement Grants</i>	<i>Dept. of Small & Local Businesses Development (Only on North Capitol Street NE/NW between Channing St thru New York Avenue)</i>	<i>\$500,000</i>
		<i>\$10,980,000</i>