

WBG WHEELER ROAD, LLC

**APPLICATION TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION FOR
CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT AND
ZONING MAP AMENDMENT**

DECEMBER 30TH, 2013

DEVELOPMENT TEAM

APPLICANT:

WBG Wheeler Road, LLC
2759 Martin Luther King Jr. Ave., SE
Washington, DC 20032

ARCHITECTS:

SGA Companies, Inc.
7508 Wisconsin Avenue, 4th Floor
Bethesda, MD 20814

LAND USE COUNSEL:

Griffin, Murphy,
Moldenhauer and Wiggins, LLP
1912 Sunderland Place, NW
Washington, DC 20036

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PREFACE

This statement and the attached documents support the application of the WBG Wheeler Road, LLC to the Zoning Commission for the consolidated review and approval of the Planned Unit Development and a related amendment to the Zoning Map of the District of Columbia.

This Planned Unit Development and Zoning Map Amendment application is consistent with the District of Columbia Comprehensive Plan, D.C. Law 16-300, 10 DCMR (Planning and Development) §100 et seq. (2006) (the “Comprehensive Plan”), as well as numerous goals and policies of the District of Columbia. Submitted in support of this application are completed application forms, a notice of intent to file a PUD (with property owner list and certification of mailing), architectural drawings, plans, and elevations, and a map depicting the Zoning District for the properties impacted by these applications and the surrounding area. As set forth below, this statement and the attached documents meet the filing requirements for a Planned Unit Development and Zoning Map Amendment application under Chapter 24 of the District of Columbia Zoning Regulations.

I. INTRODUCTION

WBG Wheeler Road, LLC (the “Applicant”) hereby submits applications to the Zoning Commission of the District of Columbia (the “Commission”) for the consolidated review and one-step approval of a Planned Unit Development (“PUD”) and a corresponding amendment to the Zoning Map of the District of Columbia. The project site consists of Lots 0820 and 0821 in Square 5925 (the “Property”). Lot 821 is currently improved with a barber shop, sub shop, convenience store, liquor store, and Cricket cell phone retailer along Wheeler Road, SE. Lot 820 is currently an unimproved vacant lot. The Property includes approximately 32,104 square feet of land area and is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 8E.

The PUD and Zoning Map Amendment application proposes the development of a mixed-use project consisting of a six story residential building with ground floor commercial retail facing Wheeler Road SE. The Subject Property is currently located in the C-1 Zone District. The Applicant requests a Zoning Map amendment to the C-3-A District. Construction will occur in two phases. Phase I will consist of constructing three commercial bays on what is currently the vacant lot.¹ Phase II of development will consist of demolition of the existing commercial structure, once existing tenants are relocated into the newly constructed Phase I portion of the project, and construction of the residential building and first floor retail. The PUD project will include approximately 85 residential units and 14,738 square feet of ground floor retail. The residential portion of the project will be 100 percent affordable housing, exceeding the District’s Inclusionary Zoning requirements. The plans, elevations, and drawings of the proposed PUD project are included in Exhibit A.

The Property is currently located in the C-1 Zone District. The Property is also located in the Low Density Commercial category of the District of Columbia Generalized Land Use Map. The Applicant requests a Zoning Map amendment to the C-3-A Zone District for the Property. As discussed

¹ The Applicant has already applied for a building permit for Phase I of construction to build the one-story commercial portion on the unimproved vacant lot (Lot 820) to prevent disruption to the existing tenants and create new commercial space for these tenants to continue operating during Phase II.

in detail below, the proposed rezoning is not inconsistent with the goals and policies of the Comprehensive Plan.

II. THE PROPOSED PUD PROJECT

A. Description of the Subject Property and Surrounding Area

As noted above, the Property is currently improved with a neglected one-story commercial building. The Property includes approximately 210 feet of linear frontage along Wheeler Road, SE and 139 feet of linear frontage along Barnaby Street, SE. The Property includes some contour changes with the low point of the site located at the northern end of the Property and rises approximately 5 feet as it moves from north to south and also rises approximately 6 feet from east to west.

Immediately to the south of the Property on Wheeler Road is the True Gospel Tabernacle Baptist Church and immediately to the west is the Manor View Condominium. To the immediate north, and east across Wheeler Road, are two-story residential units. In the surrounding area, east of the Property, is the Southern Avenue Metro Station as well as the United Medical Center, Carolyn Boone Lewis Health Care Center, and Oxon Run National Parkway. To the north are the Wheeler Creek Apartments and Southeast Tennis and Learning Center. Also to the north is the Congress Heights Metro Station. To the west are the Achievement Preparatory Academy, Ferebee-Home Community School Complex, and Washington Highland Recreation Center. Further west is the National Harbor. The surrounding neighborhood is primarily low- and mid-rise apartments and condominiums.

B. The Applicant

The Washington Business Group (“WBG”) formed WBG Wheeler Road, LLC for the purpose of owning, developing, and operating this proposed mixed use affordable housing project. WBG is committed to making the District, and specifically Ward 8, a better place to live and work one building and community at a time. WBG has been an important presence in Anacostia in recent years and has their headquarters on Martin Luther King Jr. Ave., SE in the heart of Ward 8. Washington Business Group has

proudly played a role in some of the most important construction projects in and around the District of Columbia including the following:

- **2759 Martin Luther King Jr. Ave, SE DC:** WBG optimized the value this commercial office building by adding a top floor, excavating of a full basement underneath the existing structure, and reconstructing the rear of the building. In total, the project increased the net usable square footage by 63 percent. This building serves as the headquarters for WBG.
- **3016 Martin Luther King, Jr. Avenue SE.** WBG owns and leases this building to OIC/DC, a non-profit organization, at a subsidized rental rate. OIC/DC provides literacy, occupational skills, and job readiness training as well as placement and strength based case management services to hundreds of disadvantaged youth and adults in DC.
- **1338 North Capitol, Washington, DC:** Located just blocks from the US Capitol and Historic Union Station, WBG added a top floor, full basement, and rooftop terrace to this approximately 100 year old building resulting in a 37 percent increase in usable square footage. Other features of the project included a secure outdoor sitting area, private parking spaces, installation of energy efficient heating and cooling systems, commercial grade elevator, state-of the-art security system, telephone, data, high-speed communication features etc.
- **1800 F Street NW Washington DC (GSA Headquarters):** WBG converted an old storage room area for GSA's Facilities Management Branch into a fully functioning office with adjacent conference room.

WBG is also a strong and active member of the local community. WBG mentors local minority-owned enterprises, donates to local charities to uplift the community and eliminate homelessness, and participates in community volunteering and sponsorships. Recent activities devoted to improving Ward 8 have include a Spring Cleanup, "Adopting-a-block" through the Mayor's Clean City Initiative, preparing and serving food as part of "Thanksgiving on MLK", and spending a "Day at the Beach" with DC's Children of the Mine Youth Center. WBG has also been an active participant in the Office of Planning's Vibrant Retail Streets Toolkit workshop and technical assistance program, the Community Challenge Planning Grant issued to CHASE (Congress Heights – Anacostia – St. Elizabeths), the CNHED (Coalition for Non-Profit Housing and Economic Development) Economic Development Committee for which WBG has served as a host, Ward 8's Community Business Leaders and Transportation Task Force meetings.

In addition, WBG is a founding member of the EEBC (East End Business Council) of DC, a newly formed organization designed to help serve the needs of Ward 7 and Ward 8 businesses and

provide an organized way to approach political leaders in the District with concerns, suggestions, and requests for help and support. WBG has recently been awarded a DC Great Streets Grant, which supports an initiative to aid businesses in the District make exterior building improvements and beautify city streetscapes. Furthermore, the President of WBG has been appointed to the Board of DC Business Chamber of Commerce.

C. Project Description

The Applicant's vision for the development of the Property was guided by the following goals:

- Provide quality affordable residential housing for individuals and families in Congress Heights, Ward 8, and throughout the District;
- Create a vibrant development with neighborhood serving retail and residential uses;
- Enhance pedestrian safety along Wheeler Road SE and the alleys surrounding the Property;
- Enliven the surrounding area and serve as a catalyst for future development nearby;
- Provide desperately needed retail options for local residents in a location already zoned for commercial use; and
- Construct a project that complies with the Enterprise Green Communities Criteria, a framework for comprehensive green building practices applicable to affordable housing development.

In furtherance of those goals, the Applicant has created a project that helps achieve the District's vision of creating economic development opportunities in the surrounding neighborhood and Ward 8.

The project will create approximately 85 residential units and retail options for existing and new residents, and establish a high level of urban design and architectural quality that will guide future development in the area.

The Applicant has carefully designed the project to provide pedestrian friendly walkways and adequate bicycle and vehicular parking. The east side of the site, encumbered by the building restriction line, will be vastly improved. The project includes replacing the broken concrete pavers and dilapidated wire fencing with landscaped brick pavers, as well as grass and tree boxes, which will create an inviting

new open public space. The currently vacant lot and adjacent public alley, used regularly by pedestrians to access the existing retail, has broken concrete and glass, is garbage-ridden, and lacks adequate lighting. The Applicant will provide new commercial space on that lot, and repave and provide proper lighting in the alley to enhance pedestrian safety. The project will also include approximately 25 vehicular parking spaces along the rear public alley and 30 secure bicycle spaces. The vehicular spaces will be accessed by two 20-foot-wide public alleys off of Wheeler Road and Barnaby Street.

One of the project's significant features is the use of the natural landscaping and environmentally friendly amenities. The second floor garden terrace is located on the rear of the site facing the residential community. The ornamental trees and evergreen planting, in conjunction with the courtyard, will provide an improved streetscape. The proposed structure will offer an array of environmentally friendly amenities, energy efficient windows and elevators, green roofs, landscaped roof gardens and roof top terraces. These green amenities will reduce the urban heat island effect and be used to treat stormwater for both quality and quantity.

i. Residential Component

The residential building, consisting of 85 family-oriented, affordable units, will include a number of resident lounges, a business center, secure bicycle storage, a second floor garden terrace and a green roof as well as a fitness area, pet friendly area, and indoor playground. All of the affordable residential units are fully accessible Type "A" units or accessible Type "B" units to meet the needs of persons with disabilities. All units are capable of accommodating the needs of the elderly, and all of the Type "B" units are capable of quickly and easily being converted to Type "A" units, which allows residents to age in place. In addition, the Applicant is providing the business center at the suggestion of the ANC. The business center on the lobby level will be an amenity to the residents at the project, providing access to computers, office equipment, and the internet for adults, children, and young professionals.

The Department of Housing and Community Development ("DHCD") and District of Columbia Housing Authority ("DCHA") have expressed a particular need for family-sized units as opposed to the

studios and one bedroom units commonly being constructed through the District’s inclusionary zoning program and other affordable housing programs. In working with DHCD and other affordable housing finance and funding providers, the Applicant has modified its design and layout several times to achieve the goal of providing a more family friendly unit mix. The units at this project are substantially larger and contain more bedrooms than much of the existing affordable housing stock, which will help meet a major need in the District’s existing affordable housing supply for larger affordable housing units targeting families whose incomes are below 80% of the area median income.

ii. Commercial Component

The proposed structure will house five retail establishments, with the option of enlarging or dividing any of the spaces to accommodate both existing and future tenants. These retail uses will help animate the neighborhood and pedestrian realm as well as create a lively atmosphere for tenants of the residential building and patrons of the new and existing stores. The Applicant will be maintaining several of the existing tenants and is carefully planning the construction process to prevent any disruption in their service or the need to relocate. By working with several of the existing tenants, the Applicant will maintain the retail currently enjoyed by the surrounding neighborhood while enhancing the variety and quality of the retail spaces and options currently available.

D. Development Data

Requirement	C-3-A Matter of Right	C-3-A PUD Guidelines	PUD Project Provided
FAR	4.0 (2.5 Commercial)	4.5 (3.0 Commercial)	3.79
GFA	32,104 SF of land x 4.0 FAR = 128,416 SF Total (80,260 SF Commercial)	32,104 SF of land x 4.5 FAR = 144,468 SF Total (96,312 SF Commercial)	118,463 SF Total (15,708 SF Commercial)
Building Height	65 feet	90 feet	68 feet
Lot Occupancy	100% (75% Residential)	100% (75% Residential)	67.5% Commercial (Floor 1) 59% Residential (Floors 2-6)

Rear Yard	2½ in/1 ft of height but not less than 12 feet = 14.5 feet (est.)	2½ in/1 ft of height but not less than 12 feet = 14.5 feet (est.)	20 feet
Side Yard	2 in/1 ft of height but not less than 6 feet = 11.5 feet (est.)	2 in/1 ft of height but not less than 6 feet = 11.5 feet (est.)	15 feet
Parking	85 spaces	85 spaces	25 spaces
Loading			
Retail:	Retail:	Retail:	Retail:
Berth:	1 @ 30 feet deep	1 @ 30 feet deep	-
Platform:	1 @ 100 sf	1 @ 100 sf	-
Delivery:	1 @ 20 feet deep	1 @ 20 feet deep	-
Residential:	Residential:	Residential:	Residential:
Berth:	1 @ 55 feet deep	1 @ 55 feet deep	1 @ 55 feet deep
Platform:	1 @ 200 sf	1 @ 200 sf	1 @ 200 sf
Delivery:	1 @ 20 feet deep	1 @ 20 feet deep	1 @ 20 feet deep

E. Development Timetable

Development of the project will be done in two phases. Phase I of development will consist of construction of the commercial space on what is currently a vacant lot. Phase II of development will consist of demolition of the existing commercial space, once existing tenants are relocated into Phase I, and construction of the first floor retail and residential portion above. The Applicant intends to begin Phase I construction in early 2014. The Applicant anticipates finishing Phase I and beginning Phase II construction by the end of 2014, following completion of the commercial tenants' build out and relocation to the new Phase I retail locations. Phase II construction, estimated to take 18 to 24 months, is predicted to be completed by late 2016.

F. Flexibility under the PUD Guidelines

The PUD process was created to allow greater flexibility in planning and design than is possible under conventional zoning procedures. The PUD regulations specifically allow the Zoning commission to approve any zoning relief that would otherwise require the approval of the Board of Zoning Adjustment. Relief is required from the requirements off-street parking (§2101.1) and off-street loading

(§2201.1). The Applicant also requests special exception relief from the roof structure requirements (§411).

i. Off-street parking (§2101.1)

Pursuant to §2101.1, the parking requirement at the Property is 85 spaces.² The Applicant is providing 25 spaces. Thus, the Applicant is requesting relief pursuant to §2405.6. The Applicant analyzed the feasibility of constructing a single below-grade level of parking and unequivocally confirmed that it is not a viable option. Providing underground parking results in a substantial cost of construction per parking space. Due to the desire to provide affordable housing units at the size and cost desired by the District, no underground parking can be provided.

The parking relief requested will serve as a benefit to the public good in the form of additional, and more appropriately sized, affordable residential units. The proposed project replaces an underutilized space with a much needed affordable residential units of ample size and ground floor retail. Providing additional parking would result in substantially higher costs of construction, which would have to be passed on to residents in the form of higher rental rates. The project maximizes the parking at the rear of the site and the pervious pavement will greatly improve stormwater management at the Property relative to the existing impervious concrete. In addition, by providing 30 secure bicycle spaces, the Applicant is exceeding the number of bicycle spaces required by the Bicycle Commuter and Parking Expansion Act of 2007.

ii. Off-street loading (§2201.1)

The Applicant is requesting flexibility from the requirement to provide a second loading berth, platform and delivery space for the retail portion of the project. The Applicant is providing the required loading facilities, including a 55-foot loading berth, 200 square foot loading platform and 200 foot delivery space. Loading will occur off of Barnaby Street SE. Section 2201.1 requires second 30-foot

² (1 space/2 dwelling units) x 85 units = 43 spaces. (1 space/300 sq. ft. > 3000 sq. ft) for 15,708 square feet = 42 spaces. 43 residential spaces + 42 commercial spaces = 85 parking spaces required.

loading berth for the retail portion of the project. The proposed loading facilities will be more than adequate to satisfy the loading needs of the project. The design of the private alley effectively utilizes this grade change to help buffer any visual and noise impacts of personal vehicles and trucks that will access the parking and loading facilities. The Zoning Commission has the authority to grant this flexibility pursuant to §2406.6 of the Zoning Regulations.

iii. Roof structure requirements (§411)

The Applicant is also requesting special exception relief from the roof structure requirements. Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the requested special relief must be granted. *Id.*

Pursuant to §2405.7, the Zoning Commission can approve a roof structure below the limits of the Act of 1910 by exercising the authority otherwise conferred upon the Board of Zoning Adjustment by §411.11. Under §411.11, special exception relief from the strict requirements for a roof structure may be granted where full compliance is "impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" and would be "unduly restrictive, prohibitively costly, or unreasonable." 11 DCMR §411.11. Deviations from the roof structure requirements may be approved if the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.* In this case, special exception approval is required because, as shown on the Roof Plan sheet included in the plans, the roof structure, while meeting the setback requirement on the northern,

southern, and western sides of the building, does not meet the requirement on the eastern side of the building.

The location of the roof structure is driven by the layout and design of the residential units and accessory spaces within the building, as well as the location of necessary building core features, such as stairwells and elevator banks. The portion of the penthouse along the eastern side of the building not in conformity with the setback requirement houses the elevator, which is required to go to the roof of the building to provide handicapped access to the roof deck, recreational area, and children's play area. Providing the desired number of two- and three-bedroom units makes it difficult to relocate the stairwells and elevator banks to comply with the roof structure requirements. Furthermore, relocation of the elevator or stairwell would reduce the commercial space and retail amenities provided to the neighborhood.

The Applicant is providing the greatest setbacks possible, given the size and dimensions of the roof and internal configuration of the proposed building. The requested roof structure location and design will not adversely impact the light and air of adjacent buildings since each element has been located to minimize its visibility. Therefore, the intent and purpose of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

III. PLANNING ANALYSIS

A. Introduction

Through the PUD process, the Applicant will create an attractive, well designed, mixed-use project that provides significant amounts of affordable housing for families and retail uses in furtherance of numerous policies of the Comprehensive Plan. WBG plans to build a new, family-friendly community of affordable, workforce housing in place of the existing distressed and deteriorating commercial strip mall. The Applicant seeks a rezoning from C-1 to C-3-A in order to achieve the appropriate urban density on this challenging infill site.

B. Land Use Impact

The proposed PUD project is consistent with the District's planning goals for the future of this area. The proposed PUD project will dramatically improve the appearance and function of the site as well as provide a number of benefits to the surrounding neighborhoods including the following:

1. Improved safety and reduced crime through additional "eyes on the street";
2. Aesthetic enhancement of existing structure and surrounding public space;
3. Larger more active, stable community through introduction of 85 residential units;
4. More efficient pedestrian circulation;
5. Environmentally sensitive building practices and stormwater management;
6. Maintenance of existing tenants plus additional new retail options;
7. Improved alley lighting;
8. Accessible business center improving productivity of residents.

The PUD will have a substantial positive effect on the new residents and the surrounding neighborhoods.

C. Zoning Impact

The proposed Zoning Map Amendment application can be granted without adversely affecting nearby and adjacent Zone districts. The Zoning Map Amendment that is associated with the PUD project seeks to rezone the Subject Property from the C-1 District to the C-3-A District. The Future Land Use Map designates the Subject Property as Low Density Commercial with Medium Density Commercial one block away on Barnaby and High Density Residential on Wheeler Road and Valley Avenue. This development will bridge the gap between the surrounding neighborhoods while maintaining the much needed neighborhood commercial amenities intended by the commercial zone designation of the site. In addition, the Small Area Plan for the Far Southeast and Far Southwest recognizes the need for infill housing development, additional retail development, new commercial development and adaptive reuse of

existing commercial buildings to provide improved commercial goods, and replacement of deteriorating structures with mixed income housing including new apartments while avoiding displacement. As more fully discussed in detail in Section V of this statement, the proposed C-3-A Zone District is consistent with various elements, policies, and goals of the Comprehensive Plan.

IV. EVALUATION STANDARDS

Section 2403 of the Zoning Regulations provides the standards for evaluating a PUD application. In deciding a PUD application, the Commission is required to “judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11 DCMR §2403.8. In order to approve a PUD application, the Commission must find that the impact of the project on the surrounding area is either favorable, capable of being mitigated, or acceptable given the quality of the public benefits in the project. 11 DCMR §2403.3.

A. Public Benefits and Project Amenities

Section 2403.9 provides categories of public benefits and project amenities for review by the Zoning Commission. The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under matter-of-right zoning.

i. Housing and Affordable Housing

Pursuant to §2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing and affordable housing is public benefit that the PUD process is designed to encourage. This project will create approximately 85 residential units, all of which will be affordable for households earning up to 80% of the Area Median Income (“AMI”). All units will be 3-bedroom, 2-bedroom, or 1-bedroom units. Given the current strong interest in the production of affordable housing in the District of

Columbia, particularly larger units suitable for families, this is a significant amenity and public benefit.

The unit-mix will be as follows:

<u>Number of Units Provided</u>	<u>Description</u>
30	1-bedroom units
35	2-bedroom units
20	3-bedroom units

The affordable housing shortage in the District of Columbia, particularly in the last decade, has been very well documented. The Washington Business Journal recently reported that the District is one of the least affordable housing markets in the country and is the most expensive among 30 major metropolitan areas.³ Furthermore, a recent survey by the local chapter of the Urban Land Institute, an international real estate research group, found that 89 percent of 117 respondents regarded the region's affordable housing problem as "very severe" or "somewhat severe." Primary needs cited for bringing down housing costs included the danger of forcing workers to live further from their jobs, a lack of socio-economic equity, possible negative effects on business attraction, and limited housing choices in safe neighborhoods.⁴ Furthermore, the additional residential units also help address the well-documented shortage of housing generally in the Washington D.C. area.⁵

Moreover, the vast majority of affordable units being created are small and unsuitable for larger families. Advocates for low and moderate income persons seeking to acquire quality housing, build

³ Wei, Wei. *D.C. Named Least Affordable Market in Country*. March 26, 2013. Washington Business Journal.

⁴ O'Connell, Jonathan. *In survey, Washington's real estate industry sees "severe" affordable housing shortage*. October 30, 2013. Washington Post.

⁵ Over the next 20 years the Washington metropolitan area will need 700,000 new housing units by 2030, or roughly 36,500 each year to keep up with predicted population growth. However, if the pace of construction over the last 20 years continues, at roughly 28,000 new housing units per year, the region would only add about ¾ that much. Artemel, Agnes and Sturtevan, Lisa. *Washington's Economic Future Depends on More Housing*. October 17, 2012. Greater Greater Washington. Found at: <http://greatergreaterwashington.org/post/16470/washingtons-economic-future-depends-on-more-housing/>.

assets for families through homeownership, revitalize distressed neighborhoods, and preserve racial and ethnic diversity have documented the District's affordable housing needs. These include creating larger units for families. The District's Inclusionary Zoning program has been critiqued because unit sizes are determined by the make-up of market-rate units in a given development. Thus, inclusionary zoning units are typically studios and one-bedrooms rather than the larger units needed.⁶ The Applicant, in response to hearing this critique from several sources, has modified the plans over three times prior to submission of this application to address this need. In so doing, this PUD application, by providing affordable units of a larger size with a greater number of two- and three-bedroom units, helps fill the void created by the District's current affordable housing programs.

ii. Urban Design, Architecture, Landscaping or Creation of Open Spaces

Section 2403.9(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD. As shown in the detailed plans, elevations, and sections included in Exhibit A, the proposed project exhibits all of the characteristics of exemplary urban design and architecture. The massing, height, and articulation of the buildings have been carefully studied to create a project that provides new housing and retail opportunities for the District, yet also respects the nearby lower density residential uses. The building will be constructed out of high quality materials with extensive use of brick and stone and accented with ribbed metal, cement board and glass.

The careful use of open bay windows facing Wheeler Road will provide for an engaging and active street level experience. In addition, the dilapidated, fenced-off concrete area on the Property beyond the building restriction line, suffering from years of deferred maintenance, will become a well-maintained amenity available to the public. The green roof on top of the second story, facing residential building to the rear of the site, will provide an aesthetic improvement as well as enhanced stormwater management, moderation of the urban heat island effect, and improved air quality. Residents will also benefit in the form of energy efficiency and noise reduction.

⁶ Scruggs, Sarah. *Inclusionary Zoning Ownership: Lessons for the District from Comparable Cities*. July 2013.

iii. Site Planning and Efficient and Economical Land Uses

Pursuant to §2403.9(b) of the Zoning Regulations, “site planning, and efficient and economical land utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The creation of a mixed-use project on the Property, with housing and retail uses, is an example of appropriate site planning and efficient and economical land use as a project amenity. Given the width of Wheeler Road and the existing commercial zoning, it is appropriate to have this level of density and building height on the site as proposed in this PUD project. Furthermore, the site plan and proposed design was significantly impacted by the financing restrictions articulated by DHCD and DCHA for more family size units requiring modification.

iv. Effective and Safe Vehicular and Pedestrian Access

The Zoning Regulations, pursuant to §2403.9(c), state that “effective and safe vehicular and pedestrian access” can be considered public benefits and project amenities. Vehicular access to the site has been carefully studied and designed to minimize the potential for pedestrian and vehicular conflicts. Parking along the alley will allow for vehicles to safely and efficiently access the parking spaces without impeding pedestrian traffic flow. The pedestrian experience will be enhanced with new improved alley lighting, sidewalks and a well-maintained public space available to local residents.

A total of approximately 30 secure, covered bicycle parking spaces will also be provided. Furthermore, the Applicant is working with Capitol Bikeshare and DDOT to examine the feasibility of a future bikeshare location on the Property along Barnaby Street. While the number of Capitol Bikeshare stations recently expanded to 300 stations in DC and the surrounding area, only 4 stations are located in Ward 8 west of Good Hope Road. Providing a location on Barnaby would be a large benefit to the surrounding community, providing a low cost alternative means of commuting to the Metro and across the city. The Applicant will continue to work with representatives of DDOT and OP, as well as members

of the surrounding community, to address any traffic or parking related impacts associated with this PUD project.

v. *Environmental Benefits*

The Applicant is committed to creating an environmentally sensitive and sustainable development. The PUD project is designed to meet or exceed the Enterprise Green Communities Criteria. A preliminary Enterprise Green Communities Criteria checklist is included in Exhibit A. The Enterprise Green Communities Criteria are a framework for comprehensive green building practices, which are applicable for affordable housing. Guiding principles include cost-effect and proven green development approaches that deliver significant health, economic, and environmental benefits. Benefits include integrative design; location and neighborhood fabric to ensure compliance with smart growth principles, access to open space, and access to fresh, local food; site improvements requiring low-impact design and other stormwater management benefits; water conservation; energy efficiency; environmentally sensitive materials; healthy living environments; and environmentally sensitive operations and maintenance.

The design of the proposed structure carefully considers stormwater management and erosion and offers an array of environmentally friendly amenities. The project's proposed stormwater management and erosion control plans will minimize impact on the adjacent properties and improve existing stormwater systems. The requisite erosion control procedures stipulated by the District will be implemented during construction of the project. The second floor will have access to adjacent green outdoor space located on the roof of the retail portion of the project. Most units will include outdoor balconies. Environmentally friendly amenities include low-emission windows, energy efficient elevators, green roofs, landscaped roof gardens and roof top terraces. Pervious pavements will be provided in the parking areas.

vi. Uses of Special Value

According to §2403.9(i), “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. Even prior to the filing of this PUD and Zoning Map Amendment, representatives of the applicant have met with leaders of the neighboring Congress Heights and Ward 8 residential and business communities. As this case moves toward a public hearing, the Applicant will continue to engage with these stakeholders in creating an appropriate community amenities package. During this early dialogue process, the Applicant has requested input from community residents as to what the community amenities and project benefits package should include for this PUD project and has made modifications in response to the feedback. The Applicant has carefully planned the construction process to maintain several of the existing retail tenants, if possible, without the need for temporary relocation or loss of amenities.

vii. Revenue for the District

Section 2403.9(i) states that “uses of special value to the neighborhood or the District of Columbia as a whole” are deemed to be public benefits and project amenities. The creation of approximately 85 new households and approximately 15,708 square feet of retail space will result in the generation of significant additional tax revenues in the form of real estate, income, sales, use and employment taxes for the District.

viii. Comprehensive Plan

According to §2403.9(j), public benefits and project amenities include “other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.” As described in greater detail in Section V, the PUD is consistent with and furthers many additional elements and goals of the Comprehensive Plan.

ix. Public Benefits of the Project

The annotated table(s) required by § 2403.11 of the Zoning Regulations are found in Exhibit A. Sections 2403.12 and 2403.13 require the Applicant to show how the public benefits offered are superior in quality and quantity to typical development of the type proposed. This PUD project will include many, if not all, of the attributes of PUD projects that have been recently approved by the Zoning Commission, including:

- Exemplary/superior architecture;
- Affordable housing;
- Smart growth development;
- Ground floor retail establishments; and
- Accessibility to office space and equipment for residents.

x. Social Services/Employment and Training Opportunities

The Applicant will be working with a partner to provide social services as well employment and training opportunities to residents.

In sum, the substantial public benefit package offered by the Applicant is far more substantial in both quality and quantity to typical development of the type proposed.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed PUD and Zoning Map Amendment application is consistent with and fosters numerous policies and action items enumerated in the Comprehensive Plan. On April 8, 2011, The Comprehensive Plan Amendment Act of 2010 (DC Law 18-0361) became effective. In this Law, the city Council made specific amendments to policies in the Far Southeast/Southwest Area element that specifically address the Property.

Policy FSS-1.1.4: Infill Housing Development Support infill housing development on vacant sites within the Far Southeast/Southwest, especially in Historic Anacostia, and in the Hillsdale, Fort Stanton, Bellevue, Congress Heights and Washington Highlands neighborhoods. 1808.5

Policy FSS-1.1.7: Retail Development Support additional retail development within the Far Southeast/Southwest, especially in Historic Anacostia, and in the neighborhood centers at Malcolm X/Martin Luther King Jr Avenue and South Capitol/Atlantic. Projects which combine upper story housing or offices and ground floor retail are particularly encouraged in these three locations. 1808.8

Policy FSS-2.6.1: Neighborhood Shopping Improvements Encourage new commercial development and adaptive reuse of existing commercial buildings in the South Capitol/Atlantic Streets commercial district. Development should provide improved commercial goods and services to the surrounding Bellevue and Washington Highlands neighborhoods. 1816.4

Policy FSS-2.6.3: Bellevue-Washington Highlands Infill Encourage refurbishment and/or replacement of deteriorating apartment complexes within Bellevue and Washington Highlands. Where buildings are removed, encourage their replacement with mixed income housing, including owner-occupied single family homes and townhomes as well as new apartments. Every effort shall be made to avoid resident displacement when such actions are taken, and to provide existing residents with opportunities to purchase their units or find suitable housing in the community. 1816.6

Furthermore, the Office of Planning's Washington Highlands Investment Plan, Resolution Number R17-0941, references the intersection of Wheeler Road and Barnaby Street as a commercial node and designates the property as a Retail Improvement Area. With regard to this and other commercial nodes, the Investment Plan states as a development strategy to, "[d]evelop merchants association or clean and safe team in commercial areas to improve safety, cleanliness, and build capacity among area businesses." It also states that these areas "still have major perception issues regarding their overall attractiveness and safety in addition to their ability to provide needed retail services. Local organizations could acquire NIF funds to apply techniques such as façade improvements, building infrastructure improvements, improvements to store interiors and improving merchandise displays, overall store cleanliness, and security in order to create more viable commercial districts."

The proposed PUD project and Zoning Map Amendment application are the embodiment of these policies. The Applicant is proposing mixed use residential above commercial. The massing and height of the buildings is respectful to the nearby lower scale residential uses. The new commercial space, in

conjunction with the residential above, creates an attractive and engaging street level experience along Wheeler Road.

The Comprehensive Plan's Urban Design element includes the following policies which are furthered by the PUD project:

Policy UD-2.2.5: Creating Attractive Facades Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. (see Figure 9.12) 910.12

Policy UD-2.2.13: Urban Design Priorities Focus the District's urban design assistance efforts on neighborhoods where the original design character has been damaged by disinvestment, blight, and poor architecture. 910.24

Policy UD-3.1.7: Improving the Street Environment Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall. 913.14

The high levels of architectural design and quality of materials used in this project will serve as the standard for future development in the area. The creation of ground floor retail uses will encourage and foster pedestrian activity and support local businesses.

The Comprehensive Plan's Housing Element includes the following policies that are supported by this project.

H-1.1 Expanding Housing Supply 503

Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs. 503.1

Policy H-1.1.3: Balanced Growth Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. 503.4

Policy H-1.1.4: Mixed Use Development Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. 503.5

The project's provision of 85 residential units, all of which will be affordable for households earning up to 80% of the Area Median Income ("AMI"), is consistent with this policy of encouraging mixed-use development in close proximity to neighborhood commercial centers.

The Land Use Element of the Comprehensive Plan includes the following policy:

Policy LU-1.4.1: Infill Development Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. 307.5

Policy LU-1.4.2: Long-Term Vacant Sites Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures which would address these constraints. 307.6

Policy LU-1.4.3: Zoning of Infill Sites Ensure that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods. This is particularly important in single family and row house neighborhoods that are currently zoned for multi-family development. 307.7

Policy LU-2.1.14: Planned Unit Developments in Neighborhood Commercial Corridors Consider modifying minimum lot size and other filing and procedural (but not height and density) requirements for Planned Unit Developments (PUDs) for neighborhood commercial areas for the purpose of allowing small property owners to participate in projects that encourage high quality developments and provide public benefits. 309.18a

Policy LU-2.4.1: Promotion of Commercial Centers Promote the vitality of the District's commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city's role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents. 312.5

The proposed PUD project will certainly serve as an anchor for further economic and civic development of the Congress Heights and Washington Highlands neighborhoods. The creation of high quality mixed-use development is an important economic generator that also has the opportunity to minimize adverse impacts on the surrounding community. The creation of 15,708 square feet of new retail uses provides both economic and civic benefits. The creation of 85 new family-oriented residential

units provides the opportunity for new residents to come to the neighborhood or for existing residents to remain in their neighborhood.

For all of these reasons, the creation of this mixed-use project furthers numerous policies and goals of the Comprehensive Plan.

VI. COMMUNITY OUTREACH

The Applicant has done extensive outreach to the community and has several additional opportunities for the public to provide feedback scheduled in the coming months. The Applicant has worked closely with ANC 8E and incorporated several of ANC 8E's suggestions into the project. ANC 8E has already provided a letter of support for the project, citing Washington Business Group's positive impact on Ward 8 and the high quality of their company headquarters in Congress Heights. See ANC 8E Letter of Support at Exhibit I. Ward 8 Councilmember Marion Barry has also provided a letter of support specifically acknowledging the project's encouragement of homeownership and fulfillment of a key need in Ward 8 by providing economic growth in Congress Heights. See Councilmember Marion Barry Letter of Support at Exhibit J. Furthermore, the Applicant has already obtained several additional Letters of Support from nearby residents, business owners, and the Congress Heights Main Streets. See Letters of Support at Exhibit K.

VII. CONCLUSION

For the foregoing reasons, the Applicant submits that the consolidated PUD and Zoning Map Amendment applications meet the standards of Chapter 24 of the Zoning Regulations; are consistent with the purposes and intent of the Zoning Regulations and Map; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfy the requirements for approval of a consolidated PUD and Zoning Map amendment; provide significant public benefits; and advance important goals and policies of the district of Columbia. Therefore, the consolidated PUD and Zoning

Map amendment application should be approved and adopted by the Zoning commission. Accordingly, the Applicant respectfully requests that the Zoning Commission set down this project for a public hearing.

Respectfully submitted,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



Meridith H. Moldenhauer

December 18, 2013

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

Re: Application for a Consolidated Planned Unit Development and Related Zoning Map
Amendment for Lots 820 and 821 in Square 5925; Agent Authorization Letter

Honorable Members of the Commission:

As a duly authorized representative of the Applicant in the above-mentioned PUD and Zoning Map Amendment applications, I hereby authorize the law firm of Griffin, Murphy, Moldenhauer & Wiggins, with Meridith H. Moldenhauer as counsel, to represent the Applicant in all proceedings before the Zoning Commission for the above-reference Planned Unit Development and Zoning Map Amendment application.

Please feel free to contact me if you have any questions or comments.

Respectfully,

WBG WHEELER ROAD, LLC

A handwritten signature in blue ink, appearing to read "Griffin, Murphy, Moldenhauer & Wiggins", written over a horizontal line.