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June 5, 2014

VIA IZIS AND HAND DELIVERY

Ms. Sharon Schellin
Secretary to the D.C. Zoning Commission
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: Procedural Order Submission for Z.C. Case No. 13-18 - WBG Wheeler Road, LLC
Consolidated PUD & Related Map Amendment
Square 5925, Lots 820 & 821

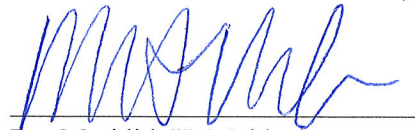
Dear Ms. Schellin:

On behalf of WBG Wheeler Road, LLC, (the "Applicant"), and pursuant to the Procedural Order issued by the Zoning Commission in this case, attached is the Applicant's final list of proffered public benefits and amenities for the consolidated PUD and a draft condition that is both specific and enforceable for each proffered public benefit and amenity. Also attached are the Applicant's draft conditions for the final Order.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Meridith H. Moldenhauer

Enclosures:

cc: Advisory Neighborhood Commission 8E (Via Email)
D.C. Office of Planning (Via Email)

Procedural Order Submission for Z.C. Case No. 13-18 - WBG Wheeler Road, LLC
Consolidated PUD & Related Map Amendment
Square 5925, Lots 820 & 821

Public Benefits and Amenities	Draft Condition Number (See Attached)
<u>Urban Design, Architecture, Landscaping and Open Space:</u> The PUD shall be developed substantially in accordance with the plans prepared by SGA Companies, Inc., marked as Exhibits 31A and 31B in the record (the “Plans”) as modified by Exhibits _____ and as further modified by the guidelines, conditions, and standards in this Order, and subject to any future modifications subsequently approved by the Zoning Commission.	Condition No. 1
<u>Housing and Affordable Housing:</u> The project will include a total of 85 housing units, all of which will be affordable to households earning no more than 60% of the area median income (“AMI”). If financing permits, 16 units will be affordable to households earning no more than 30% AMI.	Condition No. 5
<u>Conference Room Space:</u> For so long as the project is in existence, the project shall offer the conference room and business center, free of charge, at least once a month, for the Opportunities Industrialization Center (OIC) and the United Planning Organization (UPO) to provide services to the residents of the building and the community.	Condition No. 6
<u>Implementation of a Transportation Demand Management Plan:</u> During operation of the building, the Applicant shall implement and maintain the Transportation Demand Management measures described in the DDOT Report at Exhibit 25 of the record.	Condition No. 8
<u>Environmental Benefits:</u> The Applicant shall submit with its building permit application a Green Communities checklist confirming that the project includes sustainable design features consistent with the approved Plans.	Condition No. 9

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the applications for the consolidated review and approval of a planned unit development and a related zoning map amendment to rezone Lots 820 and 821 in Square 5925 from the C-1 District to the C-2-B District subject to the following guidelines, conditions and standards:

1. The PUD shall be developed substantially in accordance with the plans prepared by SGA Companies, Inc., marked as Exhibits 31A and 31B in the record (the "Plans") as modified by Exhibits _____ and as further modified by the guidelines, conditions, and standards in this Order, and subject to any future modifications subsequently approved by the Zoning Commission.
2. The PUD shall have a maximum FAR of 3.56 and a gross floor area of 114,771 square feet.
3. The maximum height of the building shall be 83.5 feet.
4. The project shall include a minimum of 25 striped off-street surface parking spaces.
5. The project will include a total of 85 housing units, all of which will be affordable to households earning no more than 60% of the area median income ("AMI"). If financing permits, 16 units will be affordable to households earning no more than 30% AMI.
6. For so long as the project is in existence, the project shall offer the conference room and business center, free of charge, at least once a month, for the Opportunities Industrialization Center (OIC) and the United Planning Organization (UPO) to provide services to the residents of the building and the community.
7. The Applicant is granted flexibility from the loading requirements (§2201.1) and parking requirements (§2101.1), consistent with the approved Plans and as discussed in the Development Incentives and Flexibility section of this Order.
8. During operation of the building, the Applicant shall implement and maintain the Transportation Demand Management measures described in the DDOT Report at Exhibit 25 of the record.
9. The Applicant shall submit with its building permit application a Green Communities checklist confirming that the project includes sustainable design features consistent with the approved Plans.
10. The Applicant shall also have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building.

- b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.
 - c. To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit.
 - d. To remove the Capital Bikeshare facility if Capital Bikeshare is unwilling to provide a location or is commercially unreasonable in its terms.
 - e. To make a minor change to the location of the covered bus shelter, vaults, and Capital Bikeshare facility along Barnaby; and to change from street loading to loading through the public alley and reduce the number of parking spaces; if required by DDOT or the Public Space Committee.
11. Prior to the issuance of the first building permit for the project the Applicant shall record a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Attorney General and DCRA. Such covenant shall bind the Applicant and all successors in title to the construct on and use the Subject Property in accordance with this Order or any amendment thereof by the Zoning Commission. The Applicant shall file a certified copy of the covenant with the Office of Zoning for the case record.
12. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicants to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On May 29th, 2014, the Zoning Commission approved the application by a vote of 5-0-0 (Anthony J. Hood, Peter G. May, Michael G. Turnbull, Marcie Cohen, and Robert Miller in favor)

The Order was adopted by the Zoning Commission at its public meeting on _____, by

a vote of ____ - ____ - ____ (_____)

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the D.C. Register; that is on _____.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA BENJAMIN BARDIN
DIRECTOR
OFFICE OF ZONING