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June 24, 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 of conditions.

Pursuant to 11 DCMR 2403.20, the applicant shall file with the Office of Zoning any revisions to the Proffer and conditions no later than twenty-one (21) days after the Commission takes proposed action on any PUD application. The Commission took proposed action on May 29, 2014. Therefore, the applicant respectfully requests that the Board waive this requirement and accept the Final Proffered Conditions to include edits following discussions with OAG and revised conditions related to the Loading Demand Management Plan.

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: Meredith H. Moldenhauer

Enclosures:

cc: D.C. Office of Planning (Via Email)
Jacob Ritting, Office of the Attorney General (Via Email)
Advisory Neighborhood Commission 8E (Via US Mail)

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 in accordance with the plans prepared by SGA Companies, Inc., marked as Exhibits 31A and 31B in the record (the “Plans”) as modified by Exhibit 33 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 shall include a total of 85 residential units, with a maximum residential gross floor area of approximately 93,395 square feet. Eight percent of the residential gross floor area will be set-aside pursuant to 11 DCMR Sec. 2603 for moderate-income households as those households are defined by 11 DCMR Sec. 2601. All of the remaining residential gross floor area will be reserved for households with a total annual income adjusted for household size equal to 60% or less of the Metropolitan Statistical Area median for 40 years. The Applicant shall make best efforts to obtain financing to permit 16 units to be offered to households earning 30% or of the Metropolitan Statistical Area median for 40 years.	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	Condition No. 8

Demand Management measures described in the DDOT Report (Exhibit 25), which includes: a. Identify a TDM Leader; b. Provide 30 long-term bicycle parking spaces on the ground floor of the building and an additional 24 short-term bicycle parking spaces outside the building; c. Provide a transportation information screen in the lobby that would show real time arrival/availability for nearby buses, trains, carshare, and Bikeshare; d. Make information available on transportation alternatives and services; e. Provide an on-site business center; f. Reserve a location outside the building for a future Capital Bikeshare station; and g. Provide an enhanced bus shelter adjacent to the site on Barnaby Street.	
<u>Implementation of a Loading Demand Management Plan:</u> During operation of the building, the Applicant shall implement and maintain the Loading Demand Management measures described in the DDOT Report (Exhibit 25), which includes: a. Designate a loading management coordinator to coordinate all loading and trash activities for the building; b. Require all residential tenants to notify the loading coordinator before moving in or out; c. Limit delivery trucks to no greater than 30 feet in length. In the rare instance when larger truck deliveries are unavoidable, deliveries will be scheduled between the hours of 10am - 3pm and 8pm – 6am; d. Tenants requiring a moving truck must provide the loading coordinator the following information: time and date that the truck is anticipated to arrive, size of truck being used, and name of the moving service, if applicable; and e. In the absence of a curbside loading zone, the loading management coordinator or tenant will apply for DDOT Emergency No Parking signs to establish a temporary loading area, if necessary; f. All tenants and retailers will be provided with	Condition No. 9

information regarding loading restrictions, rules, and suggested truck routes at lease signing.	
<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 such that the building would be able to achieve a minimum of 50 points of the Green Communities Criteria.	Condition No. 10

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 application 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 in accordance with the plans prepared by SGA Companies, Inc., marked as Exhibits 31A and 31B in the record (the "Plans") as modified by Exhibit 33 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 shall include a total of 85 residential units, with a maximum residential gross floor area of approximately 93,395 square feet. Eight percent of the residential gross floor area will be set-aside pursuant to 11 DCMR Sec. 2603 for moderate-income households as those households are defined by 11 DCMR Sec. 2601. All of the remaining residential gross floor area will be reserved for households with a total annual income adjusted for household size equal to 60% or less of the Metropolitan Statistical Area median for 40 years. The Applicant shall make best efforts to obtain financing to permit 16 units to be offered to households earning 30% or of the Metropolitan Statistical Area median for 40 years.
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 (Exhibit 25), which includes:
 - a. Identify a TDM Leader;
 - b. Provide 30 long-term bicycle parking spaces on the ground floor of the building and an additional 24 short-term bicycle parking spaces outside the building;
 - c. Provide a transportation information screen in the lobby that would show real time arrival/availability for nearby buses, trains, carshare, and Bikeshare;

- d. Make information available on transportation alternatives and services;
 - e. Provide an on-site business center;
 - f. Reserve a location outside the building for a future Capital Bikeshare station; and
 - g. Provide an enhanced bus shelter adjacent to the site on Barnaby Street.
9. During operation of the building, the Applicant shall implement and maintain the Loading Demand Management measures described in the DDOT Report (Exhibit 25), which includes:
- a. Designate a loading management coordinator to coordinate all loading and trash activities for the building;
 - b. Require all residential tenants to notify the loading coordinator before moving in or out;
 - c. Limit delivery trucks to no greater than 30 feet in length. In the rare instance when larger truck deliveries are unavoidable, deliveries will be scheduled between the hours of 10am - 3pm and 8pm - 6am;
 - d. Tenants requiring a moving truck must provide the loading coordinator the following information: time and date that the truck is anticipated to arrive, size of truck being used, and name of the moving service, if applicable;
 - e. In the absence of a curbside loading zone, the loading management coordinator or tenant will apply for DDOT Emergency No Parking signs to establish a temporary loading area, if necessary; and
 - f. All tenants and retailers will be provided with information regarding loading restrictions, rules, and suggested truck routes at lease signing.
10. The Applicant shall submit with its building permit application a Green Communities checklist confirming that the project includes sustainable design features such that the building would be able to achieve a minimum of 50 points of the Green Communities Criteria.
11. 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.
12. 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.
13. 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