

LAW OFFICES
GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

MARK G. GRIFFIN (DC, MD)
BRIAN P. MURPHY (DC, MD)
ASHLEY E. WIGGINS (DC, MD, VA)
MERIDITH H. MOLDENHAUER (DC, MD, VA)
ERIC M. DANIEL (MD, DC)

EMAIL: MMOLDENHAUER@WASHLAW.COM
PHONE: (202) 530-1482

September 15, 2014

VIA IZIS AND HAND DELIVERY

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
One Judiciary Square
441 4th Street, N.W., Suite 210
Washington, DC 20001

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

Dear Chairman Hood and Members of the Commission:

In response to issues raised by members of the Zoning Commission at the June 30, 2014 Public Meeting, WBG Wheeler Road, LLC, (the "Applicant") respectfully submits the attached information and materials. The following describes, in detail, the response of the Applicant to the issues raised at the June 30, 2014 Public Meeting. The Applicant has carefully considered each request from the Zoning Commission, incorporating the requested changes into the project to the best of its ability. The Applicant continues to seek approval of this PUD application for a 100% affordable mixed-use project in the heart of Ward 8 on a preliminary design budget limited by the project's narrow margins. The Applicant presents its best efforts in providing the enclosed package and addressing the ZC comments.

This Posthearing Submission includes the following materials:

Exhibit A	Revised Plans
Exhibit B	Gorove/Slade's Supplemental Analysis of Trash Pickup Alternatives
Exhibit C	Career Fair Flyer
Exhibit D	Community Benefits Agreement

I. RENDERINGS AND WHEELER ROAD ELEVATION

The Zoning Commission requested additional renderings, including a rendering at street level from Wheeler Road, to put the proposed project into context. The Applicant has provided additional 3-D color renderings in the Architectural Plans, which show the various surrounding structures from a street level vantage point along Wheeler Road, to provide additional context with the surrounding community. *See Revised Plans at **Exhibit A, p16B**.*¹ Due to the width of Wheeler Road and surrounding alleys, the project is well situated in the local neighborhood.

II. COLOR SCHEME OF PENTHOUSE AND FAÇADE

At the request of the Zoning Commission, the Applicant has darkened the color of the 7th Story to reduce its visibility. *See Revised Plans at **Exhibit A, p16.1**.* Also at the request of the Zoning Commission, the Applicant has provided an updated color scheme for the project and enhanced the materials of the exterior tile, which will consist of a porcelain tile from a manufacturer's limited color pallet. The Applicant has evaluated the question regarding darkening the entire design. The tile manufacturer is one of the only companies providing tile rain screen systems. The Applicant has emphasized the benefits of the rain screen system to residents including elimination of mold and mildew. The Applicant's preference for a light color palette stems from a desire to promote energy efficiency, compatibility with neighboring structures, and to bring new energy to a previously rundown location. Nevertheless, at the request of the Zoning Commission, the Applicant has provided renderings of darker facades while still achieving the above goals. *See **Exhibit A, p17.1, 18.1, 19.1, 19.1A, and 20.1**.* An accurate sample of the revised color scheme will be available by looking at the revised materials boards, which will be delivered to the Office of Zoning.

¹ The Wheeler Road Elevation, Exhibit A, p16B, illustrates a slightly different color scheme. However, the Board can rely on the materials board as a more accurate representation.

III. ROOF PLAN

The Roof Plan initially showed a distance of 24'' between the railings and the exterior walls of the building. The Zoning Commission, citing safety concerns, requested that railings be set back further. Now, the revised Roof Plan provides and increased setback in the range of 42'' to 48'' and a railing height of 42 inches. *See **Exhibit A, p 14 and 15***. The change ensures safety on the roof, which is designed to promote outdoor activity and healthy lifestyle for residents.

IV. TRASH REMOVAL

The current retail establishments at the Property locate dumpsters at the rear, located in the alley off of Barnaby Street SE. Trash trucks enter the site and empty the dumpsters overhead, which can be noisy and is often left in an unkempt condition. The Applicant, in cooperation with Traffic Consultant Gorove/Slade, has carefully considered trash pickup alternatives to the existing circumstances. *See Gorove/Slade's Supplemental Analysis of Trash Pickup Alternatives at **Exhibit B***.

A. Two Separate Trash Rooms (the Applicant's preferred option):

The first trash removal alternative is to have two separate trash rooms and two separate trash pickup locations. *See **Exhibit B**, Figure 1*. This plan allows for clean, efficient trash removal for both the residential units and the retail tenants. The primary trash room would be located on the eastern end of the building, adjacent to the loading facilities, and would serve the residential units and the easternmost retailers. Given that the residential back-of-house and loading functions are located on the eastern side of the development, the primary trash room was located near these facilities. A secondary trash room would be on the western end of the building to better and more conveniently serve the westernmost retailers. As confirmed by Traffic Consultant Gorove/Slade, such an option presents the fewest concerns with respect to functionality, circulation, and impact on the neighboring community.

B. One Trash Pickup Location Along Barnaby Street

The second trash removal alternative is to have one trash pickup location along Barnaby Street SE. While initially proposed, a single trash room presents some accessibility concerns for retailers on the western side of the Property. While not the Applicant's preferred option, this alternative is still viable.

C. Infeasibility of Rear Corridor

Providing a rear corridor to connect the retail spaces to the loading dock is not a feasible option. The Zoning Commission requested that the Applicant consider providing a service corridor at the rear to prevent the need to move trash through the alley. The long corridor at the rear of the structure necessary for this alternative has been deemed infeasible by the project manager for several reasons. First, section 1024 of the building code prohibits egress through the corridor to the outside. Thus, the rear corridor would not allow for code compliant egress from the retail establishments. Second, providing the fire safety features, including sprinklers and additional fire-rated walls, is unnecessary and costly when several other alternatives can accommodate the needs of the site. Third, a long corridor at the rear wastes a substantial amount space to the detriment of the retail tenants and residents of the project. Finally, transportation of trash indoors through such a long, internal corridor presents maintenance concerns regarding sanitation and odor. Based on the above challenges in connection with affordability goals for this project, a rear corridor is not feasible. The Applicant therefore presents alternatives A and B to the Zoning Commission.

V. TRIM DETAIL

The Zoning Commission requested a detailed rendering of the trim on the second story to ensure conformity with the design of the retail and residential portions of the structure. The Applicant has provided the detailed rendering requested, showing careful attention to compatibility. The trim provides a compatible design that creates a visual separation between the residential floors and the ground floor retail in a manner that meets the budgetary and maintenance requirements of the project. The trim

provides a transition between the modern commercial retail design with glass bay windows and the porcelain tile residential façade above.

VI. ALIGNMENT OF WINDOWS

Despite best efforts, the Applicant cannot realign the windows so that the windows in the residential portion line up with the retail windows and entryway. After consultation with the structural engineer, this suggestion cannot be implemented while staying within the current budget for an affordable project due to the two-phase construction process. The suggested change would require a complete redesign of the podium structure and require an additional sub grid of columns outside the main structural bays. This significant type of redesign would be costly and inefficient for this 100% affordable project. Phase I plans have already been submitted for permit and the requested modification would cause a delay in the construction for the project.

VII. COMMUNITY OUTREACH

Since the June 30, 2014 hearing, the Applicant has continued to meet and discuss the project with ANC 8E. The Applicant presented the project and benefits to the community at the July and August ANC 8E meetings and met with the SMD 8E06 representative throughout the summer and into September. Having worked closely with the ANC, the Applicant has the support of the project's SMD Representative 8E06. The Applicant is now finalizing a Community Benefits Agreement with the ANC, led by the SMD Representative, which includes a variety of commitments by the Applicant to the nearby community in support of educational programs and scholarships, community events and initiatives, and local summer projects in ANC 8E and in Ward 8. See Community Benefits Agreement at **Exhibit D**.

The Applicant will be providing a comprehensive set of Community Benefits. Community Benefits include partnering with several local social service providers to provide business resources and space for workforce development programs to facilitate the upward mobility of the residents of Congress Heights and Ward 8; affordable housing; smart growth mixed-use development; ground floor

neighborhood-serving retail establishments; green building and stormwater management practices; and streetscape improvements including new retail windows, a new bus shelter, bike racks, and enhanced sidewalk. In addition to the benefits articulated in prior submissions, the financial Community Benefits that will be provided over the next three years can be summarized as follows:

COMMUNITY BENEFIT - DIRECT FINANCIAL OBLIGATION TO ANC 8E COMMUNITY	
CATEGORY # 1 – EDUCATION	\$ 2,500.00
CATEGORY # 2 – COMMUNITY EVENTS / INITIATIVE	\$ 1,250.00
CATEGORY # 3 - SUMMER PROJECTS	\$ 11,760.00
TOTAL BENEFIT AMOUNT PER YEAR : <i>CATEGORY BREAKOUT SHOWN BELOW</i>	\$ 15,510.00
TOTAL COMBINED BENEFIT AMOUNT OVER THREE YEARS	\$ 46,530.00

VIII. CAREER FAIR

To further its relationship with the ANC 8E community, Washington Business Group has also organized a career fair to aid the local community in finding quality employment. Washington Business Group has started a boots-on-the-ground campaign for systematically promoting the job skills and abilities of local residents. The career fair not only provides an overview of future job opportunities and assistance to those seeking training or certifications, it creates a database of local job applicants to match job seekers with future job opportunities. *See Career Fair Flyer at **Exhibit C**.* This ambitious and innovative approach in Ward 8 will help Washington Business Group make a difference in Ward with respect to job creation and employment of nearby residents.

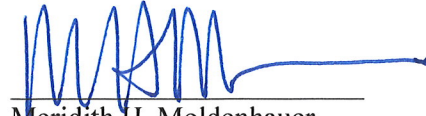
IX. CONCLUSION

We respectfully submit that this project, and the extensive community benefits package provided, satisfies the Zoning Commissions requirements for approval of the PUD and map amendment. 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
Eric M. Daniel
1912 Sunderland Place, N.W.
Washington, D.C. 20036
(202) 429-9000

Enclosures:

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