

April 8, 2019

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VIA IZIS

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW, Suite 200S
Washington, DC 20001

**RE: ZC Case No. 19-01
Applicant's Prehearing Statement**

Chairperson Hood and Honorable Members of the Commission:

The following constitutes the prehearing statement of Applicant Wesley Hawaii LLC (the "Applicant") regarding the subject application. On March 25, 2019, the Zoning Commission (the "Commission") voted to set down the application for a public hearing. In accordance with Subtitle Z § 401 of Zoning Regulations, this submission provides additional information and responds to issues raised by the Commission during the set down meeting. The Applicant respectfully requests that the Commission schedule a public hearing on this application.

I. Additional Information Requested by Commission

During the set down meeting, the Commission requested limited additional information in connection with the application. Below is a chart indicating the Applicant's response to the Zoning Commission's comments on the application.

Comments from the Zoning Commission	Applicant's Response
Explain the location and "clustering" of the designated IZ units near the proposed building's loading area and elevator bay. (Z.C. Ex. 2D4, Sheet A6.02).	The Applicant is reviewing the location of the IZ units and will provide the Commission with an updated IZ unit plan relocating some of the IZ units prior to a public hearing.
Regarding Applicant's requested flexibility for vertical clearance of the loading area, explain how loading access could be provided with a 6-foot clearance.	The Applicant proposes a loading clearance of 10.5 feet, not 6 feet. (Z.C. Ex. 2, pgs. 12-13; Ex. 2D3, Sheet A3.01). The Applicant requested flexibility of 3.5 feet

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Comments from the Zoning Commission	Applicant's Response
	<p>from the required 14-foot loading clearance under Subtitle C § 905.2. Even with the lower vertical clearance, the Applicant has confirmed, through its traffic expert, that a standard, 26-foot Uhaul truck could still access the proposed loading area. (Z.C. Ex. 2, pg. 13). Given that the proposed building is all-residential, the building will not need to accommodate larger trucks.</p>

Additionally, the Applicant will continue to work with OP in regard to any requests for follow-up information in OP's set down report. As required, the Applicant will supplement the case record by the 20-day filing deadline set forth under Subtitle Z § 401.5. Below is a chart indicating the Applicant's response to the comments raised in the OP setdown report.

Comments from the Office of Planning	Applicant's Response
<p>The applicant should work closely with OP to further discuss the parameters of the affordable housing component, such as (but not limited to):</p> <ul style="list-style-type: none"> a) Units anticipated to be set aside for returning tenants. b) The anticipated MFI level for apartment type (i.e. 5 one bedrooms at 60% MFI) c) The bedroom count of apartments in the existing building compared to the proposed building. 	<p>The Applicant will provide all existing 24 tenants with units.</p> <p>Under DHCD guidelines, the Applicant will offer rental units at varying levels of affordability as low as 30% Median Family Income ("MFI"), but not to exceed 80% MFI. Given current levels of rent, many, if not all, of the existing tenants will enjoy affordability levels akin to less than 50% MFI. Pursuant to the Affordability Covenant, at least 34 units at the Property will be maintained at affordability levels no greater than 60% MFI. Thus, for new units created through the Project, and any units leased to new tenants, the Applicant will lease units between 30% MFI and 80% MFI, while maintaining a building-wide average affordability at 60% MFI.</p> <p>The Project proposes to double the existing 34 units at the Property. Further, the Project will have 18 units with three bedrooms and two baths. This is a significant increase over the existing building, which has no three-bedroom units. The Applicant is working with OP and will supplement the record with information detailing the unit count of apartments in the existing building compared to the proposed building.</p>

Comments from the Office of Planning	Applicant's Response
<p>Provide additional information for the comments provided in the benefits and amenities section for:</p> <ul style="list-style-type: none"> a) Environmental and sustainable benefits b) Social services and facilities; and c) Superior landscaping, or creation or preservation of open spaces. 	<p>The Applicant is in the process of finalizing the project's public benefits and amenities, and will continue to work with OP, other District agencies, the ANC, and other community stakeholders throughout the process. The Applicant will submit a full benefits and amenities list that is commensurate with the flexibility requested prior to the public hearing.</p>
<p>Provide additional information about why the bioretention area would need to be located along the driveway instead of the opposite side of the building, south of the amenity terrace.</p>	<p>The Applicant's stormwater and bioretention plans are shown on in the architectural plans at Z.C. Exhibit 2D4. The Property is restricted on all sides by building restriction lines ("BRL"). Specifically, the BRL on Rock Creek Church Rd is set back 20 ft. and the BRLs on Allison Street and Hawaii Avenue are set back 15 ft., resulting in the locations available for bioretention being constrained. Accordingly, the Applicant is working with DOEE to determine whether areas located outside the BRL may be used for bioretention. However, the current plans provide for all stormwater and bioretention on the Property and not within the BRL area.</p>
<p>The following should be provided on the architectural plans:</p> <ul style="list-style-type: none"> a) Clarify how many bicycle spaces will be provided. b) Additional information about the type of plantings and pavement materials that would be used in the proposed outdoor spaces and areas. Key proposed materials to a site plan. c) Additional information about the type of building materials that would be used, including proposed metal trim for windows and doors. 	<p>As shown in the architectural plans at Z.C. Exhibit 2D1 on Sheet A0.03, the Project will also have 48 long-term bicycle spaces and 8 short-term bicycle spaces.</p> <p>Information regarding the types of plantings and pavement materials to be used in the proposed outdoor spaces is shown on Sheets L1.01-L108 at Z.C. Exhibit 2D6.</p> <p>Information regarding the building materials to be used is shown on Sheet A4.01 in the architectural plans at Z.C. Exhibit 2D3. The Applicant will provide samples of all proposed building materials at the public hearing.</p>

Comments from the Office of Planning	Applicant's Response
Information on any participation in a First Source Employment Agreement with the Department of Employment Services or Certified Business Agreement with the Department of Small and Local Business Development or other employment related proposal to provide job opportunity for DC residents.	The project will be financed by the District Department of Housing and Community Development ("DHCD"). The Applicant is working with OP and will provide additional information regarding compliance with First Source Employment Agreements with the Department of Employment Services.

II. Pre-hearing Filing Requirements

The Applicant hereby certifies that this statement complies with the requirements of Subtitle Z § 401, as follows:

Z-401.1(a)	Information Requested by the Commission; Updated Materials Reflecting Changes by Commission	Prehearing Statement
Z-401.1(b)	Applicant's Witnesses	To be submitted no later than 20 days prior to the hearing
Z-401.1(c)	Summary of Witness Testimony with Expert Witness Resumes	To be submitted no later than 20 days prior to the hearing
Z-401.1(d)	Additional Information, Reports or Other Materials from the Applicant	Prehearing Statement
Z-401.1(e)	Reduced plans no larger than 11x17	Application (Z.C. Ex. 2D1-D6)
Z-401.1(f)	List of maps, plans or other documents that will be offered into evidence	Application (Z.C. Ex. 2F, 2G, 2I)
Z-401.1(g)	Estimate of time for Applicant's presentation	45 Minutes
Z-401.3(a)	Names and addresses of owners of property within 200 feet	Application (Z.C. Ex. 2C)
Z-401.3(b)	Names and addresses of each person having a lease with the owner	Enclosed, <u>Exhibit A</u>

Z-401.7 Comprehensive Transportation Review

To be submitted no
later than 30 days
prior to the hearing

Z-1601.1 Hearing Fee

Enclosed (Z.C.
Exhibit 13)

III. Conclusion

Based on the information herein and in the case record, the Applicant respectfully requests that the Commission schedule a public hearing on this application.

Sincerely,
COZEN O'CONNOR



Meridith Moldenhauer



Eric J. DeBear

Certificate of Service

I HEREBY CERTIFY that on this 8th day of April, 2019, a copy of this Prehearing Statement was served, via email, on the following:

District of Columbia Office of Planning
c/o Jonathan Kirschenbaum
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Advisory Neighborhood Commission 5A
c/o Commissioner Ronnie Edwards and
Commissioner Sandra Washington
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