

**Applicant’s Response to Outstanding Comments/Questions from the Zoning Commission and Office of Planning**

*The following contains responses to the comments in the Office of Planning’s (“OP”) hearing report, dated October 27, 2017, that are identified as not yet resolved, or only partially resolved, since the time of setdown.*

**COMMENTS RE: ALL HEARING**

1.	ZC / OP Comment (Setdown)	OP Hearing Report
	ZC: Provide renewable energy generation on site	The Applicant should describe why solar cannot be provided on the other buildings in the project.
	<b>Applicant Response</b>	
	<p>As stated in the Applicant’s supplemental prehearing statement, and in response to the Commission’s request at setdown to provide additional information on whether renewable energy strategies, specifically solar panels, are being considered for the roofs of the proposed buildings, upon further evaluation of the proposed buildings the Applicant has added a substantial amount of solar panels to the penthouse roof of the Parcel 6/7 Building. While the exact number and energy capacity of the proposed solar panels has not been determined, the Applicant estimates there to be approximately 21,000 square feet of roof area available for the installation of solar panels on the Parcel 6/7 Building penthouse.</p>	
	<p>As was testified by the Applicant at the November 2017, public hearing, the Parcel 6/7 Building provides the greatest potential to add solar panels within Phase 2 of the Wharf since, being an office building, its massing and floor plate dimensions provide the greatest amount of uninterrupted roof area upon which to locate solar panels. Further, the Applicant also stated that while the Parcel 10 Building will be devoted to office use(s), it was determined that solar panels on the roof of the Parcel 10 Building were not appropriate since, given the building’s relatively low height, there is potential that the solar panels would create unsightly views and unwanted glare impacts on the taller residential buildings nearby. The Applicant employed the same rationale in its decision to not place solar panels on the roof of Water Building 3 (“WB3”), as well as other Water Buildings.</p>	
	<p>With respect to solar panels on the other landside buildings within Phase 2 of the Wharf project, the Applicant is unable to locate solar panels on these buildings due to limitations on roof area caused primarily by the use of the building, as well as height limitations. Specifically, unlike the expansive floor plate of the Parcel 6/7 Building, the residential/hotel buildings on Parcels 8 and 9 have narrower floor plates and are highly articulated to maximize natural light through setbacks, courtyards,</p>	

and terracing. As a result, the amount of building roof area available to place solar panels and other mechanical equipment is substantially reduced. In addition, the limited building roof area also significantly limits the penthouse roof area where solar panels can be located.

With regard to height limitations, during the penthouse regulation case (Z.C. 14-13), the Commission had initially included solar panels as part of its discussions. However, solar panels, and other similar devices, were eventually removed from further consideration as it was decided that these elements would be better considered more comprehensively as part of a separate case at a later date. Notwithstanding, as part of its analysis in the penthouse case, OP met with the Zoning Administrator to get information on what is currently permitted with respect to solar panels, which is included in an OP report submitted to the penthouse case record. According to this information, solar panels, solar thermal, and other similar technologies are considered “mechanical equipment” for purposes of zoning and Height Act review, and mechanical equipment above the maximum permitted penthouse height (whether above or below the Height Act limit) is not permitted. All of the landside buildings contained within the Wharf Phase 2 PUD, with the exception of Parcel 10 Building, are constructed to the maximum height of 130 feet permitted under the Zoning Regulations and the Height Act. With regard to penthouse height, due to its larger floor plate only the Parcel 6/7 Building has a penthouse that is proposed at the maximum permitted height, thus making it possible for the Applicant to add solar panels without violating the Zoning Regulations or Height Act. In contrast, due to their more limited roof area, the buildings proposed on Parcels 8 and 9 have penthouses that are proposed at the maximum permitted height. Therefore, per the information contained in the OP report prepared as part of the penthouse regulations case, solar panels are not permitted on top of the Parcel 8 and Parcel 9 buildings.

2.	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	ZC: Provide more focused information about signage	Locations of signage are generally shown, but additional refinement of the type of tenant signage, for example for the Parcel 8 Building hotel, and the retail space should be provided
<b>Applicant Response</b>		
The retail signage for Phase 2 of the Wharf project will be designed and located in accordance with the signage principles that are included in the Overall Plan Elements volume of the proposed plans, which are the same principles approved by the Commission as part of Phase 1 of the Wharf project. In addition, the Applicant has provided precedent images of potential signage types within the proposed plans. In response to OP’s request for information regarding the type of tenant signage for		

	the Parcel 8 Building hotel, the Applicant will provide photographs of the existing signage provided on the three hotels within Phase 1 of the Wharf: Intercontinental (Parcel 3B), Hyatt House (Parcel 5), and Canopy by Hilton (Parcel 5).	
3.	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	OP: Provide details of penthouse-generated IZ requirements, and how those requirements would be met	The Applicant states that the residential penthouses are not subject to IZ. They state that the non-residential penthouses will contribute to the HPTF per the Zoning Regulations. The Applicant should obtain written confirmation from DHCD that the subject residential buildings are exempt from IZ, and describe whether the penthouse on Water Building 1 (“WB1”) would require a HPTF contributions
	<b>Applicant Response</b>	
<p>Regarding WB1, since this building will be devoted to non-residential uses, any gross floor area that would fall within the definition of penthouse habitable space would be subject to the provisions of 11 DCMR § 414 of the 1958 Zoning Regulations governing affordable housing production generated by construction of penthouse habitable space on a non-residential building, and thus require a contribution to the HPTF.</p> <p>Regarding OP’s request for written confirmation from DHCD that the subject residential buildings are exempt from IZ, the Applicant notes that in its experience with the residential buildings in Phase 2 of the Wharf project (Parcels 2 and 4), written confirmation from DHCD certifying that these two particular buildings were exempt from IZ was not obtained until well after they received second-stage PUD approval. Specifically, while the Commission approved the Parcel 2 and Parcel 4 Buildings in January 2013, DHCD did not issue its confirmation to the Zoning Administrator certifying exemption from IZ until March 2016. As is well known, the Wharf project is subject to a mandatory affordable housing requirement that far exceeds IZ requirements pursuant to a Land Disposition Agreement (“LDA”) between the Applicant and the District that was approved by the D.C. Council in May 2009, as amended</p> <p>Similar to the Parcel 2 and 4 Buildings, the Applicant has submitted the necessary information to DHCD to obtain confirmation that the residential uses proposed on Parcels 8 and 9 are exempt from IZ. DHCD has acknowledged receipt of the information submitted by the Applicant, and has indicated that it will begin processing the IZ exemption request. The final confirmation will be issued during the building permit process.</p>		

<b>4.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	OP: The Applicant should narrow the scope of elements that could be varied as part of the requested exterior design flexibility	The Applicant seems to have maintained the same language for the proposed exterior design flexibility [that was included in its initial application]. With the suggested changes in flexibility language proposed by OP in consultation with the Office of Attorney General (“OAG”), OP would be satisfied with the flexibility language.
	<b>Applicant Response</b>	
	<p>As stated in the Applicant’s supplemental prehearing submission, the requested design flexibility is consistent with the flexibility that has been provided by the Commission in previous second-stage PUDs for the Wharf project. This flexibility has proven to be necessary during the design development and permit review stages for Phase 1 of the Wharf, and, as demonstrated by the recently completed Phase 1 buildings and open spaces, has not resulted in any diminution of the design quality of any individual building or of the project overall.</p> <p>In response to OP’s comment at setdown, the Applicant did refine the language of its initial design flexibility request based upon observed input and comments made by OP and the Commission in several recent PUD and design review cases.</p>	
<b>5.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	OP: Provide renderings and detail drawings as requested in the Project Description section of this report.	The Applicant has provided a completely revised set of plans at Exhibit 21A. The application should include floor plans for the bar / restaurant use proposed within the hotel portion of the Parcel 8 Building penthouse, as well as additional information regarding the restaurant’s operation.
	<b>Applicant Response</b>	
	The interior configuration, design, and operating provisions of the proposed bar / restaurant use within the Parcel 8 Building penthouse cannot yet be known. The Applicant is working with potential hotel flags/operators to establish the type of hotel that will be built on Parcel 8, and the proposed penthouse bar / restaurant will be refined and established after selection of a	

	hotel flag/operator. The Applicant will complete the full ABRA process to operate the penthouse bar / restaurant establishment at which point issues around occupancy and operations will be reviewed and approved by that body having jurisdiction.	
<b>6.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	OP: The Applicant should provide more detail and rationale for any proposed phasing of the project. The plans should also include what the interim condition of the site would be should certain buildings not be constructed immediately.	At page 10 of Exhibit 21, the Applicant has described what factors could lead to phasing in the project. Sheets 3.15 and 3.16 of Volume A in Exhibit 21A show potential layouts for interim uses – specifically for surface parking and event space. The Applicant has provided information for the Parcels 6 & 7 sites, but not for other building sites. The interim uses should be set back a minimum of 60 feet from the bulkhead line, to match existing and proposed buildings, and to maintain views down the Wharf.
<b>Applicant Response</b>		
<p>The information submitted by the Applicant showing interim uses and improvements was specifically included in the open space section of Volume A since it is intended to apply to any building site within the subject application.</p> <p>As stated in the Applicant’s supplemental prehearing statement, “...in the event the Applicant is unable to construct the buildings within Phase 2 of the Wharf project in a single stage, the Applicant would utilize <u>any vacant building parcels</u> for temporary surface parking and/or events space for uses such as periodic farmers’ markets and arts and crafts festivals. This is consistent with the interim condition and temporary uses that the Commission approved for Parcel 1, which ultimately was not needed” (emphasis added). As such, while the information submitted regarding interim conditions uses the Parcel 6/7 Building site to show the types of interim uses and improvements noted above, this information is intended to apply to any building site within the subject application and not just the Parcel 6/7 building site.</p> <p>Regarding OP’s comment that the interim uses should be set back a minimum of 60 feet from the bulkhead line, while the interim condition plans currently in the record do not reflect the 60-foot setback, the Applicant assures the Commission that any interim uses and improvements constructed on any building site within the subject property will respect the 60-foot setback along Wharf promenade.</p>		

7.	ZC / OP Comment (Setdown)	OP Hearing Report
	<p>OP: Commit to higher LEED level for Parcels 8 and 9, commit to certification, and provide the amount of green roof for the project. Provide a LEED score for each of the water buildings.</p>	<p>The application continues to propose LEED Silver for Buildings 8 and 9, but has committed to actual certification for each parcel. According to the applicant, water buildings are not able to apply for the LEED accreditation system. OP continues to recommend that Buildings 8 and 9 achieve LEED Gold.</p>
<b>Applicant Response</b>		
	<p>The Applicant is unable to commit to achieving a LEED Gold rating on Parcels 8 and 9. The proposed LEED Silver rating for the residential buildings proposed on Parcels 8 and 9 is consistent with the terms of the LDA between the Applicant and the District regarding sustainable development, as well as the required benefits and amenities approved by the Commission as part of the first-stage PUD.</p> <p>Section 4.10 (Sustainable Development) of the LDA, requires the Applicant to “design, develop and construct the Project and all portions thereof in a manner that is environmentally sustainable and in compliance with the applicable provisions of D.C. Official Code Title 6, Chapter 14A (the “Green Building Act”).” Further, upon completion of construction of the Wharf project, the Applicant must “apply to the U.S. Green Building Council for, and thereafter endeavor in good faith to achieve, a rating of at least LEED-Gold [ND] for the [p]roject.” Upon completion of construction for the buildings within the Wharf project, the LDA requires the Applicant to “apply to the U.S. Green Building Council for, and thereafter use its best efforts to obtain..., a rating of at least LEED-Silver.” These requirements are contained within the recorded construction covenant for the Wharf project.</p> <p>Under the conditions of the first-stage PUD, the Applicant is required to meet a certification level of LEED-ND (Neighborhood Development) Gold for the overall Wharf project. In addition, with the exception of the church on Parcel 11, each individual building within the Wharf project that is eligible to obtain a LEED rating is required to be designed to a certification level of LEED Silver or higher, and is required to meet LEED storm water requirements for both quality and quantity.</p> <p>While the Applicant has been able to target LEED Gold for the office building on Parcel 1, and is proposing to achieve LEED Gold for the office buildings on Parcel 6/7 and Parcel 10, this should not facilitate a new requirement or condition that exceeds</p>	

the terms of the LDA negotiated with the District or the required benefits and amenities that are conditions to the first-stage PUD.

As is demonstrated by the addition of solar panels to the Parcel 6/7 Building, and the addition of another Capital Bikeshare station beyond what is required under the first-stage PUD, the Applicant shares OP’s interest in maximizing the opportunities to increase the already numerous environmental benefits and improvements that will come from the Wharf project.

**8.**

**ZC / OP Comment (Setdown)**

**OP Hearing Report**

N/A

OP stated that the Applicant should provide data demonstrating that the full affordable housing requirements of the LDA and the first-stage PUD order (Order No. 11-03) have been fulfilled.

**Applicant Response**

Upon completion of construction of Phase 2, the Applicant will have fully satisfied the affordable and workforce housing requirements of the LDA and the approved first-stage PUD.

Pursuant to the LDA, as amended, the Applicant is required to construct a minimum of 160,000 square feet of gross floor area (“GFA”) devoted to affordable housing, divided evenly between units devoted to households earning no more than 30% and 60% Median Family Income (MFI). The LDA requires that not less than 60% of the total amount of required affordable housing, or 96,000 GFA, be provided in Phase 1 of the Wharf project, which includes the residential buildings located on Parcels 2 and 4. Further, the Applicant is required to devote 20% of the GFA of residential units over 500 units as workforce housing units, available to households earning between 100% and 120% MFI, with not less than 80,000 GFA being targeted to households earning up to 100% MFI. Finally, the Applicant is permitted to have two residential buildings that are not required to include any affordable housing at any MFI level.

Consistent with the LDA, as part of the public benefits and project amenities incorporated into the Commission’s approval of the first-stage PUD, the Applicant is required to provide a minimum 160,000 GFA, with a minimum 80,000 GFA devoted to households earning no more than 60% MFI, and a minimum 80,000 GFA devoted to households earning no more than 30% MFI. A minimum of 70,000 GFA of affordable housing must be provided as part of the Phase 1 of the Wharf project (Z.C. Order No. 11-03, Condition B.2). Regarding workforce housing and the number of buildings within the Wharf project that do not need to contain any affordable housing, the first-stage PUD order contains the same requirements as the LDA.

As shown in the “Affordable & Workforce Housing Summary” (the “Housing Summary”) included in Exhibit XX, Sheet 3.1, the Applicant will satisfy all of the above described affordable housing requirements of the LDA and the first-stage PUD. The Housing Summary shows that the Applicant will construct approximately 160,665 GFA of affordable housing, slightly exceeding the minimum required under the LDA and the first-stage PUD. Of this total amount of affordable housing, approximately 80,449 GFA will be devoted to households earning no more than 30% MFI households, and approximately 80,216 GFA will be devoted to households earning no more than 60% MFI. Notably, the Applicant has already constructed approximately 104,223 GFA of affordable housing as part of the recently opened Phase 1 of the Wharf project, exceeding the minimum amount of affordable housing required to be constructed in Phase 1 under the LDA and the first-stage PUD.

Of note, the above described affordable housing requirements do not include the additional affordable housing that was constructed a part of the Parcel 11 Building. The affordable housing within the Parcel 11 Building is not counted toward the Applicant’s affordable housing requirements under the LDA and first-stage PUD since these units were constructed and are administered in accordance with the Inclusionary Zoning regulations. However, Parcel 11 is part of the overall Wharf project. As shown in the Housing Summary, the Parcel 11 Building contains approximately 8,953 GFA of affordable housing, with approximately 4,351 GFA devoted to 50% MFI households, and approximately 4,601 GFA devoted to 80% MFI households.

Regarding workforce housing, as shown in the Housing Summary, the Applicant will construct approximately 80,445 GFA of 100% MFI housing, slightly exceeding the requirement from the LDA. Additionally, as shown in the Housing Summary, the Applicant will construct approximately 46,574 GFA of 120% MFI housing.

In total, the Applicant will construct approximately 296,637 GFA of housing between the 30%, 50%, 60%, 80%, 100%, and 120% MFI levels which equates to approximately 326 housing units.

**COMMENTS RE: HEARING #1 (NOVEMBER 2, 2017)**

9.	ZC / OP Comment (Setdown)	OP Hearing Report
	N/A	Within M Street Landing, the Applicant should examine ways to provide more shade to the stepped seating area and the area next to the water, and should reduce the amount of uninterrupted hardscape next to the water.



<b>Applicant Response</b>	
<p>The Applicant will evaluate the shade at the seat steps at Parcel 10 and try to position the trees in locations that provide the best shade for the gathering space. The Applicant appreciates the comment from OP regarding the open plaza area near the water; however, upon evaluation of this area with the designer the Applicant prefers to leave the area near to the water as proposed in order to provide emergency access along the edge of M Street Landing, to create variety in the waterfront edge condition compared to the heavily treed Wharf promenade, and to allow for flexibility in programming of those space.</p>	
<b>COMMENTS RE: HEARING #2 (NOVEMBER 6, 2017)</b>	
<b>10.</b>	<b>ZC / OP Comment (Setdown)</b>
<b>OP Hearing Report</b>	
<p>OP: Regarding the requested flexibility, the Applicant should provide additional rational as to why the locations and number of affordable units could change from that shown in the Parcel 8 plans.</p>	<p>The Applicant continues to request significant flexibility in regard to the number and location of affordable units within the Parcel 8 Building. OP proposes revised flexibility language that should ensure adequate distribution of the affordable units.</p>
<b>Applicant Response</b>	
<p>The Applicant requires the flexibility being requested in order to allow for building design evolution between PUD approval and building permit approval. This flexibility is the same level of flexibility provided for Phase 1 of the Wharf project. During permit approval, the Applicant works closely with DCRA staff to ensure that all requirements for affordable housing area and distribution are met as a condition of building permit issuance. The LDA already has strict requirements and “tests” regarding the placement, location, and distribution of affordable housing which must be met. The final distribution of affordable housing units is eventually included in the Applicant’s recorded Affordable Housing Covenant.</p>	

<b>11.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	OP: The application should be revised to show a more even distribution of income levels on different floors of the Parcel 8 Building, and less of a concentration of the lower MFI levels on lower floors.	The Applicant pushed some 30% and 60% MFI units up into higher floors, and some 100% and 120% MFI units into lower floors. Although the proposed Parcel 8 Building plans show a distribution of income levels acceptable to OP, the degree of flexibility proposed seems to call into question the certainty of that layout. OP has proposed revised flexibility language to ensure the distribution levels
	<b>Applicant Response</b>	
	See response to comment #10	
<b>12.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	OP: Provide renderings and detail drawings as requested in the project description section of this report.	The Applicant has provided a completely revised set of plans at Exhibit 21A. The application should include floor plans for the bar / restaurant use proposed within the hotel portion of the Parcel 8 Building penthouse, as well as additional information regarding the restaurant's operation.
	<b>Applicant Response</b>	
	See response to comment #5	
<b>13.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	OP and ZC: Parcel 8 should incorporate more balconies, especially on lower levels.	Balconies have been added to the exterior of the building. The Applicant should also include balconies on the interior, courtyard face of the building.
	<b>Applicant Response</b>	
	Following setdown, the Applicant evaluated all facades of the Parcel 8 Building for opportunities to add more balconies, including within the open courtyard facing Wharf promenade. As described in the Applicant's supplemental prehearing	

	<p>statement, in response to OP’s recommendation at setdown to add more balconies to the building, the Applicant added 14 more balconies to the Parcel 8 Building, including several balconies on the lower levels of the building along Maine Avenue and Marina Way, SW. In evaluating the addition of balconies to the open courtyard, the Applicant determined that the addition of exterior recessed balconies would have a detrimental impact on the dwelling units facing the courtyard as these units are somewhat narrower than those along the exterior perimeter of the building. Further, considering the width of the courtyard, its intended program, and the presence of the hotel use on one side, the Applicant determined that the addition of exterior projecting balconies within the courtyard would diminish more than it would improve the proposed building design, and would not be consistent with the design approved by the U.S. Commission of Fine Arts. Finally, because many of the courtyard units have water views, it was the Applicant’s desire to minimize any impediments to these important views from the units.</p>	
<b>14.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	<p>OP: Commit to a higher LEED level for Parcels 8 and 9, commit to actual LEED certification, and provide the amount of green roof for the project. Provide a LEED score for each of the water buildings</p>	<p>The application continues to propose LEED Silver for Buildings 8 and 9, but has committed to actual certification for each parcel. According to the applicant, water buildings are not able to apply for the LEED accreditation system. OP continues to recommend that Buildings 8 and 9 achieve LEED Gold.</p>
	<b>Applicant Response</b>	
	See response to comment #7	
<b>15.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	N/A	<p>Plans for the Parcel 8 Building should be corrected to ensure that penthouse sections and the penthouse floor plans are in agreement. Internally consistent plans are necessary for an accurate review by staff and the Commission</p>
	<b>Applicant Response</b>	
	<p>The Applicant has closely reviewed the Parcel 8 Building floors plans and sections and identified one mislabeling in Section a - a, and one slight inconsistency in section c - c. In Section a - a, the areas labeled “PH MEZ” should each be labeled</p>	

	<p>“MECHANICAL.” For Section c - c, the drawing does not show the corridor and small back of house (BOH) room near penthouse unit #2 (PH2).</p> <p>The Applicant will submit updated sections along with any other updated or revised plans and drawings requested by the Commission as part of its posthearing submission.</p>	
16.	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	N/A	A portion of the Grove should be reserved for public, non-paying use. Open spaces such as The Grove can be valuable gathering places and places for members of the public to experience the water, the Wharf, and contribute to animating the public realm, above paid restaurant seating alone.
	<b>Applicant Response</b>	
	A portion of The Grove will be reserved for public, non-paying use. The at-grade outer edges of The Grove that are located closest to the Parcel 8 Building ground floor will be programmed with café seating that is leasable to a retail tenant. The remaining slightly elevated portion of The Grove will be programmed with fixed and flexible seating for general use.	
17	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	N/A	Volume B Sheets 2.26 and 2.27 indicate “Potential Tenant Enclosures” at the base of Building 9, but provide no description of what these enclosures are intended to indicate. OP would not support additional enclosures of open space on the Marina Way side of Building 9. On other sides of the building, the Applicant should provide significantly more information and the potential scale, appearance, impact on the Wharf and other public spaces, and impact on viewsheds for any enclosures. Finally, the Applicant should clarify whether enclosures are contemplated on other buildings in this application. Complete information about what will actually be built, particularly on the public street level, is necessary for staff and Commission evaluation. Any extensions of buildings can have consequential impacts on the use and accessibility of public space, and viewsheds. OP would not support flexibility to

		allow enclosures of open space on this or other buildings. Any extensions of the buildings must be shown on the plans.
<b>Applicant Response</b>		
	The labelling of the ground floor on these two sheets is not intended to reflect additional enclosures or expansion of the ground floor of any kind. Rather, the areas identified as “Potential Tenant Enclosure” is only intended to demarcate the area of the proposed ground floor retail frontage. No additional enclosures or expansions of the ground floor are proposed, and no flexibility to construct such enclosures or expansions post-PUD approval, for the Parcel 9 Building or any other building within the subject application.	
<b>18.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	N/A	The Applicant should clarify that the perimeter walkway of Water Building 2 (“WB2”) would be open to the general, non-paying public, or provide rationale as to why it would not be open to the public. The walkway around WB2 could be an interesting connection point between pedestrians and water-side activity. It would be the only such over-water public access point south of the 7 <sup>th</sup> Street Pier.
<b>Applicant Response</b>		
	The perimeter walkway around WB2 will be open to the general, non-paying public, with appropriate security elements put in place to control access to Wharf Marina gangways and vessel slips, and to outer areas of the walkways during off-peak / nighttime hours. First, as shown in <u>Exhibit XX, Sheet 3.15</u> , a gangway is proposed along the east side of the WB2 perimeter walkway that leads down to Wharf Marina. Similar to other gangways and marina access points throughout the Wharf project, access to this particular gangway will be controlled, and accessible only to marina slip lessees / tenants. Regarding access to the WB2 perimeter walkway, as shown on <u>Exhibit XX, Sheet 3.16</u> , the outermost portion of the ground floor of WB2, closest to the marina, will be devoted to maritime services that will likely not be occupied at all hours. Considering this, and the limited visibility of the outer portion of the WB2 perimeter walkway, it is likely that access to this portion of the perimeter walkway will be restricted during certain hours using a system similar to what is used to control access to Wharf Marina.	

<b>19.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	N/A	If it is the intent that the upper deck of WB2 be enclosable in cooler months, this should be made clear in the application. Such an enclosure on the sides could impact visual porosity from the Wharf to the river.
	<b>Applicant Response</b>	
The Applicant does not anticipate fully enclosing the WB2 upper deck in cooler months with any kind of constructed enclosure that would block views from the Wharf. The WB2 upper deck is primarily intended to be an unenclosed, unconditioned outdoor amenity to the WB2 retail space. While full enclosure of this space is not proposed, it is possible that a future tenant may wish to install temporary wind screens along the sides of the space to extend the usability of this space during cooler months, or sun shading in warmer months. If at any time the Applicant finds it necessary, it can control the design and duration of these elements through its lease with the retail tenant.		
<b>COMMENTS RE: HEARING #3 (NOVEMBER 9, 2017)</b>		
<b>20.</b>	<b>ZC / OP Comment (Setdown)</b>	<b>OP Hearing Report</b>
	OP: The Applicant should provide more detail and rationale for any proposed phasing of the project. The plans should also include what the interim condition of the site would be should certain buildings not be constructed immediately.	At page 10 of Exhibit 21, the Applicant has described what factors could lead to phasing in the project. Sheets 3.15 and 3.16 of Volume A in Exhibit 21A show potential layouts for interim uses – specifically for surface parking and event space. The Applicant has provided information for the Parcels 6 & 7 sites, but not for other building sites. The interim uses should be set back a minimum of 60 feet from the bulkhead line, to match existing and proposed buildings, and to maintain views down the Wharf.
	<b>Applicant Response</b>	
See response to comment #6		

21.	ZC / OP Comment (Setdown)	OP Hearing Report
	N/A	Design details of Water Building 1 should be clarified, including the materials for the piers or piles, and the top of the penthouse roof. Those aspects of the building would be highly visible, either from the marina or from landside buildings, and complete application information is necessary for staff and the Commission to evaluate the impacts of those building features on other site users.
<b>Applicant Response</b>		
	<p>The design intent for the base of WB1 is to express the reading of the lower building edge band. As such, the pier edge is recessed from the edge of the building truss, and the piers and pier edge will be treated in a dark paint finish to allow them to further recess visually. The walls and parapet of the penthouse will be finished in bronze colored aluminum panel to match the building glazing mullions. Louvers, where required, will be finished in a bronze colored treatment to match the metal wall panels. The finish for the roof plane is intended to be a stone ballast treatment. In designing WB1, where possible, the Applicant has endeavored to keep the majority of the building services concealed from view. For example, the large air handling unit has been located in a ventilated room on the third floor, and all noise producing equipment has been located in the adjacent garage. This approach has allowed the Applicant to minimize the amount of mechanical equipment on the penthouse roof. Any mechanical equipment on the penthouse roof will be fully concealed from below by the penthouse parapet.'</p>	