

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: ^{JLS}
Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: December 5, 2017

SUBJECT: ZC #11-03J, Wharf Parcels 6 through 10
OP Response to Applicant’s Post-Hearing Submission

The Office of Planning (OP), pursuant to Subtitle X § 308.13, provides the following response to the applicant’s post-hearing submission, Exhibit 82.

Building 9 “Potential Tenant Enclosures”

On pages 34 and 35 of Exhibit 82, the applicant states that “the areas identified as ‘Potential Tenant Enclosure’ are only intended to demarcate the area of ground floor retail frontage for storefront infill and tenant signage...”. OP supports allowing retail tenants to customize their façades.

The statement goes on to say that “The Applicant has revised the labelling on these drawings to be more clear.” On the contrary, however, the elevation drawings at Exhibit 82T continue to use the word “Enclosure” which could cause confusion at the time of permitting and could lead reviewers to believe that extensions to the building footprint have been approved. As stated in the OP public hearing report, we do not support extensions to the building footprint without additional review by the Commission, and therefore recommend that the word “Enclosure” be stricken from Sheets 2.24 and 2.25, as shown in Exhibit 82T, and replaced with a more appropriate descriptor.

Buildings 6 and 7 Design

It is generally anticipated that what is presented to the Commission during a PUD review is what will be built. But flexibility language in an Order can often allow for changes to a building’s appearance at the time of permitting. In the case of Buildings 6 and 7, two detailed elements of the design – the Oculus and the glass façade –are so intrinsic to the appearance of the building, their relationship to public space generally, and in particular to provide visual texture for passing pedestrians, that OP felt it important to memorialize them in the form of Conditions of Approval, so that their appearance would not change at the time of permitting. The conditions sought to ensure that those features were constructed as proposed by the applicant in Exhibit 21A.

In Exhibit 82X, the applicant proposes revised language governing design, here incorporated as a form of flexibility, rather than conditions of approval. OP’s preferred approach, in order to

provide the greatest certainty about the design, would be to adopt the conditions as proposed in Exhibit 33. However, we have also provided for the Commission's consideration a redlined version of the applicant's language, with some edits to give greater direction to DCRA staff when reviewing the building permit drawings. Please see Attachment 1 for a comparison of OP's original proposal, the applicant's proposal from Exhibit 82X, and OP's redlined version. As OP stated at the public hearing, deviations beyond what is permitted by the flexibility language should return to the Commission for evaluation as a modification.

Affordable Housing

At the time of setdown, OP expressed concern about the concentration of lower MFI units on the lower floors of Building 8, and encouraged the applicant to more evenly distribute the 30%, 60%, 100% and 120% MFI units. By the time of the public hearing, the applicant showed in Exhibit 21A a distribution that was acceptable to OP, both in terms of the location of the units, and the proportion of 2BR units. OP reflected the applicant's proposal in suggested flexibility language in the public hearing report, Exhibit 33. At Exhibit 82X, the applicant changed the flexibility language to potentially allow greater concentrations of units, more similar to that shown at setdown, as well as removing the minimum requirement for the number of 2BR units.

OP now recommends largely returning to our original proposal, with edits to clarify the intent that the ratios of 30% and 60% MFI units to total units should be as proposed by the applicant in Exhibit 21A, but also providing some additional flexibility in the number of 2BR units beyond what was stated in the public hearing report. Please refer to Attachment 1.

Attachment 1 – Comparison of Condition / Flexibility Language

Attachment 1 – Comparison of Condition / Flexibility Language

OP Proposal in Public Hearing Report, Exhibit 33	Applicant’s Proposed Flexibility, Exhibit 82X	OP’s Recommended Flexibility, Redlined From the Applicant’s Version
<p>1. At buildings 6 and 7, the Oculus soffit shall be constructed as shown in Exhibit 21A, including:</p> <ul style="list-style-type: none"> a. Faceted surface with three-dimensional relief similar to the precedents indicated in Volume A, Sheet 1.37, Oculus Soffit Cladding; b. Perforated aluminum panels with a color similar to the gold/bronze tone indicated in Volume A, Sheet 1.33, the Material Palette; c. Pinpoint lighting, as shown in Volume A, Sheet 1.33, the Material Palette. 	<p>4. Notwithstanding the flexibility granted in items #2 and #3 above, the Oculus of the Parcel 6/7 Building shall be constructed in a manner that is</p> <ul style="list-style-type: none"> (i) similar in character with the precedents shown in Exhibit X, Sheet X (Oculus Soffit Cladding); (ii) consistent with the aesthetic intent of the ceiling panels shown in Exhibit X, Sheet X (Material Palette); and (iii) consistent with an integrated lighting solution consistent with the intent shown in Exhibit X, Sheet X (Material Palette); and 	<p>4. Notwithstanding the flexibility granted in items #2 and #3 above, the Oculus of the Parcel 6/7 Building shall be constructed in a manner that is</p> <ul style="list-style-type: none"> (i) <u>similar in character with the precedents shown in Exhibit 21A, Volume A, Sheet 1.37 (Oculus Soffit Cladding), including a faceted surface with three-dimensional relief;</u> (ii) <u>consistent with the aesthetic intent of the ceiling panels shown in Exhibit 21A, Volume A, Sheet 1.33 (Material Palette), including the gold-bronze color;</u> and (iii) <u>consistent with an integrated lighting solution consistent with the intent shown in Exhibit 21A, Volume A, Sheet 1.33 (Material Palette); and</u>
<p>2. At buildings 6 and 7, the “Office Façade” portion of the façade shall be constructed as shown in Exhibit 21A, including:</p> <ul style="list-style-type: none"> a. Glass shall tilt in as shown in the section drawing on the right side of Sheet 1.41 in Volume A; b. At the base of each tilted glass pane, the minimum dimension from the face of the glass to the edge of the mullion shall be 12 inches, as shown on the detail drawing supplied to OP and 	<p>5. Notwithstanding the flexibility granted in items #2 and #3 above, the facade of the office portion of the Parcel 6/7 Building shall be constructed in accordance with the plans shown in Exhibit 21A with the following design flexibility:</p> <ul style="list-style-type: none"> (i) glass panels shall tilt outward in a manner that is consistent with that the intent shown in Exhibit X, Sheet X, should the angle of glass panels need to be varied due to design and fabrication issues the exterior 	<p>5. Notwithstanding the flexibility granted in items #2 and #3 above, the facade of the office portion of the Parcel 6/7 Building shall be constructed in accordance with the plans shown in Exhibit 21A with the following design flexibility:</p> <ul style="list-style-type: none"> (i) glass panels shall tilt outward in a manner that is consistent with that the intent shown in Exhibit X, Sheet X; <u>should the angle of glass panels need to be varied due to design and fabrication issues</u>

OP Proposal in Public Hearing Report, Exhibit 33	Applicant’s Proposed Flexibility, Exhibit 82X	OP’s Recommended Flexibility, Redlined From the Applicant’s Version
<p>attached to this report at Exhibit 2; c. At the rounded corners of the buildings the glass shall be curved, as shown in Volume A, Sheet. 1.41, in the rendering.</p>	<p>configuration, appearance, proportions, and general design intent of the building shall be maintained; and (ii) the corners of the building shall be maintained and consist of curved glass expression as shown in Exhibit X, Sheet X. Minor variations to the radius of the corner shall be permitted provided the exterior configuration, appearance, proportions, and general design intent of the building is maintained; and</p>	<p>the exterior configuration, appearance, proportions, and general design intent of the building shall be maintained; and (ii) the corners of the building shall be maintained and consist of curved glass expression as shown in Exhibit X, Sheet X. Minor variations to the radius of the corner shall be permitted provided the exterior configuration, appearance, proportions, and general design intent of the building is maintained; and</p>
<p>To provide a range in the number of residential dwelling units within the Parcel 8 Building and the Parcel 9 Building by plus or minus 10% from the number depicted on the [approved plan], provided that the proportion of 30%, 60%, 100%, 120% and market rate MFI units to total units remains as currently shown on Sheets 3.2 and 3.3 of Exhibit 21A, Overall Plan Elements, and provided that all minimum market-rate, workforce and affordable housing requirements under the Z.C. Order No. 11-03 are satisfied;</p>	<p>7. To provide a range in the number of residential dwelling units within the Parcel 8 Building and the Parcel 9 Building by plus or minus 10% from the number depicted on the [approved plan], provided that the proportion of 30%, 60%, 100%, 120% and market rate MFI units to total units remains consistent with the intent shown on Sheets 3.2 and 3.3 of Exhibit 21A, Overall Plan Elements, and provided that all minimum market-rate, workforce and affordable housing requirements under the Z.C. Order No. 11-03 are satisfied; and</p>	<p>7. To provide a range in the number of residential dwelling units within the Parcel 8 Building and the Parcel 9 Building by plus or minus 10% from the number depicted on the [approved plan], provided that the proportion of 30% <u>MFI units to total units, and the proportion of</u> -60% <u>MFI units to total units, is not reduced below what is</u> 100%, 120% and market rate MFI units to total units remains consistent with the intent shown on Sheets 3.2 and 3.3 of Exhibit 21A, Overall Plan Elements, and provided that all minimum market-rate, workforce and affordable housing requirements under the Z.C. Order No. 11-03 are satisfied; and</p>

OP Proposal in Public Hearing Report, Exhibit 33	Applicant’s Proposed Flexibility, Exhibit 82X	OP’s Recommended Flexibility, Redlined From the Applicant’s Version
<p>To vary the number and location of 30%, 60%, 100%, 120% and market rate MFI units, provided that:</p> <ul style="list-style-type: none"> (i) The minimum amount of gross floor area required under Z.C. Order No. 11-03 for each income range is provided; (ii) All 30% MFI units shall be on floors 3 through 9, with no more than seven (7) units on any of those floors and no fewer than two (2) units on any of those floors; No fewer than 35% of the 30% MFI units shall be 2-bedroom units; (iii) All 60% MFI units shall be on floors 3 through 9, with no more than five (5) units on any of those floors and no fewer than two (2) units on any of those floors; No fewer than 35% of the 60% MFI units shall be 2-bedroom units; (iv) The proportion of affordable studio, efficiency, and one-bedroom units to all affordable units throughout the redevelopment project will not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units throughout the redevelopment project. 	<p>9. To vary the number and location of 30%, 60%, 100%, and 120% MFI units, provided that:</p> <ul style="list-style-type: none"> (i) the minimum amount of gross floor area required under Z.C. Order No. 11-03 for each income range is provided; (ii) all 30% MFI units shall be on floors 3 through 9, with no more than eight (8) units on any of those floors and no fewer than one (1) units on any of those floors; (iii) all 60% MFI units shall be on floors 3 through 9, with no more than six (6) units on any of those floors and no fewer than one (1) units on any of those floors; (iv) the proportion of affordable studio, efficiency, and one-bedroom units to all affordable units throughout the redevelopment project will not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units throughout the redevelopment project; and 	<p>9. To vary the number and location of 30%, 60%, 100%, and 120% MFI units, provided that:</p> <ul style="list-style-type: none"> (i) the minimum amount of gross floor area required under Z.C. Order No. 11-03 for each income range is provided; (ii) all 30% MFI units shall be on floors 3 through 9, with no more than <u>seven (7) eight (8)</u> units on any of those floors and no fewer than <u>two (2) one (1)</u> units on any of those floors; <u>No fewer than eight (8) of the 30% MFI units shall be 2-bedroom units;</u> (iii) all 60% MFI units shall be on floors 3 through 9, with no more than <u>five (5) six (6)</u> units on any of those floors and no fewer than <u>two (2) one (1)</u> units on any of those floors; <u>No fewer than seven (7) of the 60% MFI units shall be 2-bedroom units;</u> (iv) the proportion of affordable studio, efficiency, and one-bedroom units to all affordable units throughout the redevelopment project will not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units throughout the redevelopment project; and