ZONING COMMISSION COMMENTS

The Applicant should further evaluate and provide additional information on the proposed upper level	Regarding approvals that have been granted thus far for the Wharf
building signage, and information on how the Commission has addressed similar signage for other Wharf Phase 1 projects.	project, generally building and retail level signage is addressed in the First-Stage PUD, but upper level building signage is not specifically addressed. Similarly, subsequent Second-Stage PUD approvals for Parcels 2 – 5, Parcel 11, and Pier 4 also do not specifically address upper level building signage.
	During its review of the Second-Stage PUD for the office building located on Parcel 1, the Commission approved a set of requirements for upper level signage given the prominent location of the Parcel 1 Building relative to the Banneker Overlook and the Case Bridge. Specifically, at the close of the public hearing for the Parcel 1 Building, the Commission requested information regarding the general limits of where potential building signage could be located, while still affording the Applicant a reasonable degree of flexibility to develop building signage once building tenants are identified. In response, the Applicant submitted drawings showing potential upper level building signage zones for each building façade. The signage zones ultimately approved by the Commission identified the location and general dimensions for potential upper level signage within which the Applicant, in consultation with future building tenants, would consider the placement of signage.
	The signage drawings approved by the Commission for the Parcel 1 Building were used as the basis for the signage zone drawings submitted with the subject application, and the proposed extent of upper level signage was informed by the Commission's discussion during its review of the Parcel 1 Building. The Applicant will conduct further evaluation of the upper level signage plans submitted for each building within the subject application and look for ways to
	Wharf Phase 1 projects.

		signage. The Applicant will submit any revisions made to the proposed upper level signage plans part of its 20-day supplemental prehearing statement(s).
2.	The Applicant should provide additional information on the interior space of the Parcel 6/7 Building and WB1 penthouses.	The Applicant will provide additional narrative and graphic information as part of the its 20-day supplemental prehearing statement(s).
3.	Additional information should be provided to clarify the locations of the winter gardens within the Parcel 6/7 Building	The Applicant will provide additional narrative and graphic information, as necessary, as part of the its 20-day supplemental prehearing statement(s).
4.	The Applicant should evaluate whether the portions of the Parcel 8 Building penthouse that have a maximum height of 20 feet and contain one story of penthouse mechanical space above one story of habitable space are in compliance with the 1910 Height of Buildings Act	The Applicant will evaluate the portions of the Parcel 8 Building penthouse that contain penthouse mechanical space above penthouse habitable space relative to their compliance with the 1910 Height of Buildings Act ("Height Act"), as amended. If necessary, the Applicant will review the proposed penthouse plan with the Zoning Administrator ("ZA"), and seek a formal determination in advance of the public hearing on the Parcel 8 Building. If determined to be not in compliance with the Height Act, the Applicant will revise the proposed penthouse plan accordingly. Any determination obtained from the ZA, and/or revisions made to the proposed Parcel 8 Building penthouse plan will be included in the Applicant's 20-day supplemental prehearing statement(s).
5.	Additional ground level renderings looking from Maine Avenue toward the water should be provided	The Applicant will provide additional renderings as part of its 20-day supplemental prehearing statement(s).
6.	Additional information is necessary regarding whether the Applicant is proposing renewable energy strategies, specifically solar panels, on the roofs of the proposed buildings.	As one of the project benefits of the approved First-Stage PUD, the Wharf project is being designed to a certification level of LEED-ND (Neighborhood Development) Gold, a project benefit that is rarely seen in other large-scale development projects in the District. See Z.C. Order No 11-03, Condition B.1 (Exhibit No. 60). 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 being designed to a certification level of LEED-NC (New Construction) or LEED-CS (Core and Shell) Silver or higher, and is required to meet LEED storm water requirements for both quality and quantity. In addition, the Land Disposition Agreement ("LDA") between the Applicant and the District requires the Wharf project to be designed and constructed to the same LEED certification levels. To achieve the required LEED certification levels for the overall Wharf project, and for each individual building that is eligible to obtain a LEED rating, the Applicant is employing a wide range of low impact development ("LID") and other environmentally sustainable strategies, including the use of renewable energy strategies such as solar panels. As part of the ongoing design process, the Applicant is considering opportunities place solar panels on the roofs of certain buildings while balancing the use of this technology with the need to achieve other sustainability requirements related to storm water and green roof coverage. The Applicant will provide additional information as part of its 20-day supplemental prehearing statement(s)
7.	The Applicant should include a modification to the First-Stage PUD to address changes made to the size and location of the water buildings and to the dock and pier configuration.	To the extent the current proposed configuration of piers, docks, and water buildings requires a First-Stage PUD modification, the Applicant respectfully requests to include this in the scope of its First-Stage PUD modification request.

OFFICE OF PLANNING COMMENTS

	COMMENT	ACTION
1.	The application should be amended to include a request for a First-Stage PUD modification for the layout of the piers and docks.	See response to Zoning Commission comment #7
2.	As part of the requested flexibility for affordable and workforce housing, the application should define if the term "redevelopment project" refers to the entire Wharf, or only to this second stage PUD application.	The term "redevelopment project" is intended to refer to the area included within the subject second-stage PUD application. The specific language of this particular area of flexibility is intended to be consistent with the language included Z.C. Order No. 11-03, Condition B.2 (Affordable Housing) which, in relevant part, states the following
		The project shall provide a minimum 80,000 square feet of gross floor area of housing affordable to households earning up to 60% of AMI and a minimum of 80,000 square feet of gross floor area of housing affordable to households earning up to 30% of AMI ("Affordable Housing Requirement")
		b. Except as may be permitted in any Stage 2 PUD approval, the Affordable Units shall not be over-concentrated within a single building;
		c. The proportion of studio, efficiency, and one-bedroom Affordable Units to all Affordable Units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units within a mixed-income building;
		The requested flexibility is necessary to allow the Applicant to make adjustments to the location and configuration of the affordable dwelling units within the Parcel 8 Building in response to refinements to interior building components to maintain the required amount of affordable gross floor area and the proper proportion of

		affordable dwelling types. These types of adjustments are typical during the course of design development, and are consistent with the flexibility that has been granted to the residential buildings located within Phase 1 of the Wharf project. Further, the impact of these adjustments on the amount of affordable housing provided, the range of affordable dwelling types, and the distribution of affordable units within a particular building are controlled through the conditions established by the LDA and the First-Stage PUD order. Compliance with these conditions is verified and enforced by the ZA during the permit review process and DHCD during the process to amend the Applicant's affordable housing covenant.
3.	Regarding the requested flexibility, the Applicant should provide additional rationale as to why the locations and number of affordable units could change from that shown in the Parcel 8 plans.	There are several factors encountered during the design development process that follows second-stage PUD approval that impact the location and configuration of interior building components, including the location and configuration of affordable units. As such, the Applicant needs a reasonable degree of flexibility to make adjustments to the location and configuration of affordable units located within the Parcel 8 Building and the overall Wharf project provided the Applicant continues to satisfy the requirements established by Z.C. Order No. 11-03 regarding the overall amount of gross floor area devoted to affordable units, the distribution of affordable units in any given building, the proportion of smaller affordable units to smaller market rate units, and the size of affordable units compared to market rate units. This requested flexibility is consistent with the flexibility that has been granted to the residential buildings located within Phase 1 of the Wharf project.
4.	The application should be revised to show a more even distribution of income levels on different floors of Parcel 8, and less of a concentration of the lower MFI levels on lower floors.	Under the LDA between the Applicant and the District, and the Applicant's affordable housing covenant, the top three floors of the residential buildings within the Wharf project are permitted to be devoted entirely to market rate units, and affordable units are not required to have premium features (balconies, etc.). This permitted distribution can be seen in the approved plans for the Parcel 2

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		Building where the top 2 floors are devoted entirely to market rate units. The proposed distribution of units within the Parcel 8 Building is consistent with the LDA and with other residential buildings approved in Phase 1 of the Wharf project, and in fact exceeds what is required in the LDA through the introduction of workforce units on the upper floors of the Parcel 8 Building. Notwithstanding the above, the Applicant will continue to evaluate the distribution of dwelling units within the Parcel 8 Building for both compliance with the LDA and applicable requirements of the First-Stage PUD approval, and will submit any refinements made to the distribution of dwelling units as part of the 20-day supplemental prehearing statement(s).
5.	Provide details of penthouse-generated IZ requirements, and how those requirements would be met.	For the nonresidential buildings located within the redevelopment project that contain penthouse habitable space in an amount that triggers the affordable housing production requirements of § 414 of the 1958 Zoning Regulations ("ZR58"), the Applicant intends to satisfy any such requirements through a contribution to an affordable housing trust fund which will be computed in accordance with the provisions §§ 414.13 through 414.16 of ZR58. As currently proposed, the penthouse habitable space within the Parcel 6/7 Building, the Parcel 10 Building, and the hotel portion of the Parcel 8 Building will be subject to the above described affordable housing production requirements. The actual amount of penthouse habitable space within these three buildings that is used to computing the required affordable housing trust fund contribution will be determined in accordance with DCRA published guidance, and in consultation with the ZA, during the building permit review process. For the residential portion of the Parcel 8 Building, and the residential Parcel 9 Building, it is expected that any non-communal penthouse habitable space that would typically be subject to Inclusionary Zoning ("IZ") requirements will be included in the IZ

exemption that the Applicant is currently working on to obtain for Phase 2 of the Wharf project through the District of Columbia Department of Housing and Community Development ("DHCD"). Pursuant to § 2602.3(f) of ZR58, any development financed, subsidized or funded in whole or in part by the federal government and administered by [DHCD], the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority, and that meets the criteria of § 2602.7 of ZR58, qualifies for exemption from IZ requirements. The Wharf project qualifies for this exemption as a result of the substantial mandatory affordable housing mandate that the Applicant must satisfy under its LDA with the District. Consistent with the exemption previously granted to the residential buildings currently under construction in Phase 1 of the Wharf project (Parcels 2 and 4). as certified by DHCD, the Applicant is in the process of obtaining a similar exemption of the relevant portion of Phase 2 of the Wharf project (Parcels 8 and 9). Upon the Applicant successfully demonstrating compliance with the exemption criteria for § 2602.7 of ZR58, it is expected that DHCD will notify the ZA in writing that the criteria have been met and the exemption will be granted. Should the Applicant be able to obtain the IZ exemption prior to the public hearing, it will submit the certification issued by DHCD to the ZA as part of its 20-day prehearing statement(s). The Applicant should narrow the scope of elements that The areas of the exterior design flexibility requested by the Applicant in the subject application are consistent with the flexibility that has could be varied as part of the requested exterior design flexibility. been provided by the Commission in previous second-stage PUDs for the Wharf project, and is also consistent with the language of the exterior design flexibility that is typically provided by the Commission in second-stage PUDs. This flexibility has proven to be necessary during the design development and permit review stages

for Phase 1 of the Wharf, and has not resulted in any diminution of the design quality of any individual building or of the project overall. As stated in the Applicant's initial statement, additional areas of technical zoning flexibility may be necessary as a result of refinements made to the design of the proposed buildings and open spaces, and that a final list of requested flexibility for each building will be provided in advance of the public hearing. In response to the Office of Planning's request to narrow the range of exterior design flexibility, the Applicant will review and reduce the areas of exterior design flexibility to a level that may be deemed acceptable to the Commission while still affording a degree of design flexibility that does not require the Applicant to overburden the Commission with multiple requests for minor modifications in the future. The Applicant will submit a revised list of exterior design and other minor flexibility along with the final list of technical zoning flexibility as part of its 20-day supplemental prehearing statement(s). The Applicant should ensure that the siting and size of The Applicant will evaluate the water buildings (WB1, WB2, and the water buildings minimizes or augments views WB3) relative to their impacts on views toward the water from Maine through the site to the waterfront, rather than block Avenue and M Street, and will submit additional renderings as part of views. The Applicant should provide renderings its 20-day supplemental prehearing statement(s). The submitted showing the impact of the water buildings on views renderings will reflect changes made, if any, to the water buildings toward the water from Maine Avenue and M Street, and resulting from the Applicant's evaluation. examine ways to minimize those impacts – either through reductions in building size and / or slight adjustments to building location. Specifically, ground level renderings from Maine Avenue should be provided for all openings between buildings, including a rendering of the view down the M Street corridor towards Water Building 2.

8.	The proposed plans for the Parcel 6/7 Building should be supplemented with detail drawings such as a wall section in order to show items such as the depth of any window mullions and the depth of band courses which seem to separate the floors of the building. A wall section would help clarify the differences between renderings, some of which seem to show mullions outboard of the glazing (Sheet 1.6, for example), while others seems to show completely smooth glass.	The Applicant will provide additional detail drawings as part of the its 20-day supplemental prehearing statement(s).
9.	The renderings of the Parcel 8 Building are very dark, and prevent a full understanding of the appearance of the buildingBrighter, more clear renderings should be provided.	The Applicant will provide additional / revised renderings as part of the its 20-day supplemental prehearing statement(s).
10.	The proposed plans for the Parcel 8 Building should be supplemented with detail drawings such as wall sections showing design details such as the depth of the window mullions and the depth of any slab projections, especially at the lower floors facing Maine Avenue, which appear rather monolithic.	The Applicant will provide additional detail drawings as part of the its 20-day supplemental prehearing statement(s).
11.	Parcel 8 should incorporate many more balconies, especially on lower levels.	The Applicant is currently evaluating a range of massing and façade adjustments to provide clarity and simplification to the articulation of the building in response to comments provided by U.S. Commission of Fine Art ("CFA") staff. As part of this process, the Applicant will evaluate the potential for, and feasibility of, additional balconies on the Parcel 8 Building, including balconies on the lower levels. The Applicant anticipates that CFA will formally review the concept design for the Parcel 8 Building at its September meeting, prior to the Zoning Commission's public hearing. Any changes made to the Parcel 8 Building massing and façade as a result of CFA concept review or the Applicant's own internal design process, including

		refinements to proposed balconies, will be reflected in updated plans and renderings submitted as part of the Applicant's 20-day supplemental prehearing statement(s).
12.	Relocate the Parcel 9 parking entrance to the rear of the building.	The Applicant shares the Office of Planning's interest in establishing an active, safe, and successful ground floor level along the east side of Parcel 9 Building, facing M Street Landing, and understands the planning-related concerns that may arise with respect to the proposed location of the vehicular entrance adjacent to the Parcel 9 Building entrance. The Applicant has thoroughly studied the ground floor configuration of the Parcel 9 Building with equal consideration given to the building program and the surrounding context, and, after factoring in the significant below-grade infrastructure constraints that exist, believes the proposed location of the vehicular entrance is the most effective approach to successfully activate the ground floor on all sides of the building, minimize vehicular impacts, achieve the desired amenity level for the building, and enhance the pedestrian experience along Maine Avenue, Wharf Street, Marina Way, and M Street Landing.
		As shown on the Site Survey Plan for the Parcel 9 Building, the northern third of the building site is encumbered by the WMATA green line tunnel, and a very large storm sewer exists below Marina Way, the street running between Parcels 8 and 9. These encumbrances eliminate the Applicant's ability to construct a full second level of parking below the Parcel 9 Building, limit where the proposed parking elevators can be located, and prevent the Applicant from accessing to the Parcel 9 garage from the Parcel 8 garage entrance located along Marina Way. <i>See</i> Exhibits 2C11, Sheet 1.1 and 2C12, Sheet 2.1. Furthermore, as shown in the ground floor plans for the Parcel 8 and 9 Buildings, similar to the other streets throughout the Wharf, Marina Way is envisioned to be an active pedestrian street lined with ground floor uses and sidewalk activity. Due to the clearances required with the aforementioned storm sewer,

Marina Way, at 55 feet wide, is the widest internal street within the Wharf project. This enhanced street width, when paired with the placement of the new signalized intersection along Maine Avenue at this location, creates a rare opportunity within the Wharf project for a traditional double-sided retail street experience. *See* Exhibit 2C2, Sheet 2.8. The unique geometry and siting of the Parcel 9 Building creates optimal conditions for a true "four-sided building" that does not have a traditional "rear" where utilitarian building components such as parking access and loading can be easily consolidated.

In analyzing the location of the proposed parking entrance for the Parcel 9 Building, the Applicant took into consideration the negative impacts of consolidating parking and loading for both Parcels 8 and 9 on the success of Marina Way as an active pedestrian/retail street. Due to the constraints imposed by the WMATA green line tunnel on the north third of the Parcel 9 Building site, the proposed parking entrance cannot be located in that area of the ground floor. Further, locating the parking entrance to the south of the Parcel 9 loading facilities may adversely impact Wharf promenade, pedestrian circulation along Water Street, and the quality of the Parcel 8 Building retail pavilion along Wharf Promenade.

As stated above, the Applicant has thoroughly studied the design and location of the Parcel 9 Building parking entrance, and believes the proposed location along the east side of the building is the most effective solution to achieving the desired building program, retail program along Marina Way, and pedestrian and vehicular circulation patterns in this portion of the Wharf project. Parking for the Parcel 9 Building is planned to be valet only strictly for residents of the building. As such, the number of vehicles expected to utilize the driveway on the eastern side of the building is limited, and will only flow one-way off of Maine Avenue consistent with the use of Wharf Street elsewhere in the project. In addition, given the relationship between the east side of the Parcel 9 Building to M Street Landing,

		and the adjacencies of the vehicular doors to the building's main entrance, the Applicant fully understands the important need to seamlessly integrate the proposed parking entrance into the refined architecture of the building. Since submitting its initial application to the Commission, the Applicant has continued to study the configuration of the Parcel 9 Building ground floor level, including the design and location of the parking entrance, partially in response to comments received from CFA staff. As a result, the Applicant has modified the configuration of the parking entrance such that the two proposed parking elevators are now separated and located on either side of the Parcel 9 Building main entrance. This modification results in improvements to the overall composition of the Parcel 9 Building main entrance. At its July 20, 2017, public meeting, CFA approved the concept design for the Parcel 9 Building, including the modified configuration of the proposed parking entrance described above. Drawings showing the modified configuration of the Parcel 9 Building parking entrance, as well as additional details regarding the façade treatment and composition of the vehicular doors and main entrance to the building, will be included as part of the Applicant's 20-day supplemental prehearing statement(s).
13.	The plans should include more detail about the type of paver proposed for the main ground surface in M Street Landing	The Applicant will include additional detail as part of its 20-day supplemental prehearing statement(s), and will have material samples available at the public hearing that includes M Street Landing.
14.	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.	Given the number of buildings included in the subject application, the Applicant requires this flexibility in order to accommodate changes that may occur in market demand, financing and credit availability, and lender requirements for preleasing of buildings. In addition, the extensive infrastructure work that will be necessary to prepare this portion of the Wharf site for development could impact the Applicant's ability to apply for, and obtain building permits within

		the time period required under the Zoning Regulations and final Zoning Commission orders. This is particularly relevant given the known presence of the WMATA green line tunnel and substantial storm water infrastructure that is located within a portion of the area that comprises the subject application. Additional information regarding interim site conditions during potential phasing will be provided as part of the Applicant's 20-day supplemental prehearing statement(s).
15.	The Applicant should provide a rendering of the Parcel 10 Building looking down Water Street from Main Avenue to understand the relationship and distance between the proposed building on Parcel 10 and the existing condo building on Parcel 11.	The Applicant will provide the requested rendering as part of the its 20-day supplemental prehearing statement(s).
16.	The proposed plans for the Parcel 10 Building should be supplemented to include drawings that clearly show the details of the building's facades.	The Applicant will provide additional detail drawings as part of the its 20-day supplemental prehearing statement(s).
17.	The Applicant should clarify if they are paying for the Capital Bikeshare station at M Street Landing or if DDOT is paying for it.	The Applicant is intending to pay for the placement of the Capital Bikeshare station proposed at M Street Landing. This station would be in addition to the two stations the Applicant is required to place or relocate along Maine Avenue at 7 th Street and 9 th Street, thus providing additional benefit from the Wharf project.
18.	Provide an update on the connection to Banneker Overlook	The Banneker Overlook pedestrian connection received final design approval from the National Capital Planning Commission ("NCPC") and CFA in April 2017, and it is currently under review for permits by the National Park Service and the District Department of Transportation. The Applicant is in the process of negotiating the construction contract for the project and is currently anticipating a 2018 delivery.

19. Commit to a higher LEED level for Parcel 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.

As stated above, as required under the First-Stage PUD, and the LDA, the Wharf project is being designed to a minimum certification level of LEED-ND (Neighborhood Development) Gold, a project benefit that is rarely seen in other large-scale development projects in the District. *See* Z.C. Order No 11-03, Condition B.1 (Exhibit No. 60). 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 being designed to a minimum certification level of LEED-NC (New Construction) or LEED-CS (Core and Shell) Silver. The Applicant is committed to completing the LEED certification process for the entire Wharf project, as well as each individual building.

The Applicant shares the Commission's and the Office of Planning's interest in maximizing the environmental performance of the Wharf project, as demonstrated by its commitment to evaluating the Wharf project holistically through the LEED-ND certification process. The Applicant's commitment to environmental sustainability is further demonstrated by the manner in which it has advanced the design and construction of certain buildings within Phase 1 of the Wharf. Specifically, while the Applicant is only required to achieve LEED-Silver for the individual buildings that are eligible to obtain a LEED rating, the office buildings currently under construction on Parcels 1 and 3A have been designed to achieve a LEED-CS Gold certification.

The Applicant fully intends to continue its commitment to maximizing environmental performance in Phase 2 of the Wharf project, including exceeding the requirements of the First-Stage PUD where possible. As shown in the LEED Scorecards submitted for the office buildings proposed for Parcel 6/7 and Parcel 10, these buildings are being designed to achieve a certification level of LEED-CS Gold. *See* Exhibits 2C6, Sheet 1.42 and 2C22, Sheet 1.23.

Similar to the buildings that contain hotel and residential uses within Phase 1 of the Wharf project (Parcels 2, 3B, 4, and 5), the residential/hotel building proposed for Parcel 8, and the residential building proposed for Parcel 9 have been designed to achieve a certification level of LEED-Silver, as required under the First-Stage PUD and LDA. *See* Exhibits 2C12, Sheet 1.50 and 2C14, Sheet 2.42. The Applicant is unable to commit to a higher LEED level for the Parcel 8 and 9 Buildings above what is required under the First-Stage PUD and LDA. However, as the Applicant continues to advance the design of the Parcel 8 and 9 Buildings, it will continue to take advantage of any additional LEED points that can feasibly be obtained.

With respect to the proposed water buildings (WB1, WB2, and WB3), the Applicant is unable to provide a LEED score since, under U.S. Green Building Council ("USGBC") LEED v4 minimum program requirements, these buildings are not eligible to obtain a LEED rating since they will not be located on existing land, but rather will be located on newly constructed docks, piers, and infill. According to USGBC requirements, all LEED projects must be constructed and operated on a permanent location on existing land to avoid construction of artificial land masses. Buildings are only permitted to be constructed on docks, piers, jetties, infill, and other manufactured structures in or above water if these structures or "artificial land" were previously developed to support another building or hardscape, similar to the office building that has been approved for Pier 4 of the Wharf project. Nevertheless, while the water buildings are not eligible to obtain a LEED rating, they will in fact contain several sustainability measures as they will be designed and constructed in accordance with applicable sustainable code requirements.

20.	The Applicant should provide an update on the	The Applicant will provide additional narrative concerning the
	effectiveness and success of its CBE and First Source	effectiveness and success of its CBE and First Source Employment
	Employment commitments/obligations.	commitments/obligations under the First-Stage PUD approval as part
		of the its 20-day supplemental prehearing statement(s). The
		Applicant will also be prepared to respond to any questions the
		Commission may have at the public hearing.
21.	Provide at the public hearing material samples for all	The Applicant will provide material samples at the respective
	buildings and landscape elements.	hearing(s) for all proposed buildings and landscape elements.