

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** *JL fox* Jennifer Steingasser, Deputy Director

**DATE:** October 27, 2017

**SUBJECT:** **Public Hearing Report** for ZC #11-03J, Wharf Parcels 6 through 10  
First Stage PUD Modification and Second Stage PUD Application

**I. BACKGROUND**

The Zoning Commission approved a first stage PUD for the entire Wharf project on October 17, 2011. That approval established the PUD-related zoning for the property, the site plan, the general use mix, the general massing of buildings, the maximum heights for buildings, the maximum FAR for the entire development, and the general benefits and amenities package. Because the first stage PUD was approved prior to the adoption of ZR-16, the 1958 zoning regulations still govern the buildings and uses on the site. A second stage PUD approval is necessary to establish the final design. The Zoning Regulations describe a second stage PUD as a detailed review of a project site plan, transportation management and mitigation, final building and landscape materials, and conformance with the first stage PUD. (Subtitle X § 302.2(b))

For this application, the Commission established the following three hearing dates:

Hearing #	Date	Topics
1	Thursday, November 2, 2017	<b>Overall Plan Elements / Volume C</b> (Master Plan, Parcel 10, Water Building 3, M Street Landing, The Terrace, and Wharf Marina)
2	Monday, November 6, 2017	<b>Volume B</b> (Parcel 8, Parcel 9, Water Building 2, The Grove, and Marina Way)
3	Thursday, November 9, 2017	<b>Volume A</b> (Parcel 6, Parcel 7, Water Building 1, and The Oculus)

**II. SUMMARY RECOMMENDATION**

Hoffman-Struever Waterfront, LLC, has submitted an application for a first stage PUD Modification and a second stage Planned Unit Development (PUD) to construct the remainder of the southwest waterfront PUD development, otherwise known as the Wharf. The current application includes four major mixed use buildings, three smaller buildings, and associated docks and open spaces. The proposed first stage modifications are not inconsistent with the Comprehensive Plan, and with those changes the proposed second stage application is not

inconsistent with the first stage PUD approval, the Comprehensive Plan, or the Zoning Regulations. Furthermore, although aspects of the site plan layout and the individual building forms are in cases a departure from the Stage 1 approval, the Office of Planning (OP) strongly supports the current overall site plan and building design. OP also believes that the modern architectural aesthetic is very appropriate for the site.

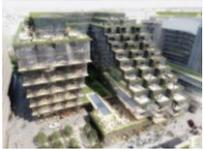
OP, therefore, can recommend approval of the application once the issues noted in this report have been resolved, and subject to the conditions listed below.

1. At buildings 6 and 7, the Oculus soffit shall be constructed as shown in Exhibit 21A, including:
  - 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.
2. At buildings 6 and 7, the “Office Façade” portion of the façade shall be constructed as shown in Exhibit 21A, including:
  - 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 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.

### III. APPLICATION-IN-BRIEF

<b>Location</b>	Maine Avenue, SW, between 7 <sup>th</sup> and 6 <sup>th</sup> Streets Square 473, Lots 89, 878, 881, and 921 (Land) Square 473, Lots 887 and 888 (Water)	Ward 6, ANC 6D
<b>Property Size</b>	Entire Wharf – 991,113 sf land (22.8 ac.) + 1,753,189 sf water (40.2 ac.) Area of this application – 322,738 sf land (7.4 ac.) + 666,683 sf water (15.3 ac.)	
<b>Applicant</b>	Hoffman-Struever Waterfront, LLC, dba Hoffman-Madison Waterfront	
<b>PUD-Related Zoning (for this application site)</b>	W-1 (Parcel 10 and water) C-3-C (remainder)	
<b>Existing Uses</b>	Surface parking, construction offices and staging; No residential uses presently or in the past.	
<b>Comprehensive Plan Generalized Policy Map</b>	Land Use Change Area	
<b>Comprehensive Plan Future Land Use</b>	Parcels 6-9 – Mixed Use High Density Commercial and High Density Residential Parcel 10 – Mixed Use Low Density Commercial and Parks, Rec. and Open Space	

**Proposed Use of Property**

	Parcels 6 and 7	Parcel 8	Parcel 9	Parcel 10
	Office	Res. and Hotel	Residential	Office
				
Height (ft)	130	130	130	60
Stories	10	12	12	4
Office (sf)	471,447	0	0	60,143
Residential (sf)	0	270,613	215,907	0
Retail / Service (sf)	34,069	23,005	14,844	16,695
Hotel (sf)	0	32,516	0	0
<b>Total (sf)</b>	<b>505,516</b>	<b>376,134</b>	<b>230,751</b>	<b>76,838</b>
Residential Units	0	235*	82	0
Hotel Rooms	0	117	0	0
Penthouse Ht. (ft)	20	20	~17	18
PH <b>Private</b> Space (sf)	0	11,769**	7,834**	9,820**
PH <b>Communal</b> Space (sf)	19,443**	5,635**	0	0

\* Unit count from Ex. 21A, Volume B, preliminary sheet. This number differs from the 239 units tallied by OP from Sheets 3.2 and 3.3 of plan Volume A.

\*\* Data provided to OP but not yet in the record.

	Water Bld. 1	Water Bld. 2	Water Bld. 3
	Retail / Service	Retail / Service	Service
			
Height (ft)	34	32	37
Stories	2	2	2
Office (sf)	0	0	0
Residential (sf)	0	0	0
Retail / Service (sf)	11,886	16,585	5,175
<b>Total (sf)</b>	<b>11,886</b>	<b>16,585</b>	<b>5,175</b>
Penthouse Height (ft)	~15'6"	6	0
PH <b>Private</b> Space (sf)	0	0	0
PH <b>Communal</b> Space (sf)	Not Provided	0	0

<b>Proposed Use of Property, Continued</b>	<ul style="list-style-type: none"> <li>- 1,232,116 sf total building area</li> <li>- 99,600 sf open space in the “Grove”, “Terrace” and “M Street Landing”</li> <li>- 843 auto parking spaces in two underground garages</li> <li>- 725 bicycle parking spaces – OP estimates 598 long term and 127 short term</li> </ul>
<b>Requested Flexibility</b>	<ol style="list-style-type: none"> <li>1. § 411.4(c) – Parcel 8 – Penthouse bar, restaurant or lounge use;</li> <li>2. § 411.9 and 411.10 – Parcel 9<sup>1</sup> – Multiple heights of penthouse habitable space, penthouse mechanical space, and screening walls; and to allow penthouse walls with a slope that exceeds 20% from vertical;</li> <li>3. § 2101.1 – Loading – Reduce number of loading berths;</li> <li>4. Non-zoning flexibility to:       <ol style="list-style-type: none"> <li>1. Vary the location and design of interior components;</li> <li>2. Make minor refinements to exterior building details and dimensions;</li> <li>3. Vary the final selection of exterior building materials;</li> <li>4. Vary the final selection of landscaping materials;</li> <li>5. Vary number of residential units plus or minus 10% in Bldgs. 8 and 9;</li> <li>6. Vary the number and location of market-rate and workforce housing units;</li> <li>7. Vary the number and location of affordable units;</li> <li>8. Vary the number of hotel rooms in Bld. 8 by plus or minus 15%;</li> <li>9. Vary the final design of retail frontages;</li> <li>10. Vary the design and location of upper-level building signage located above the first-story;</li> <li>11. Vary the garage layout and the number, location, and arrangement of vehicle and bicycle parking spaces;</li> <li>12. Construct the project in multiple stages, including construction on Parcel 6 relative to Parcel 7;</li> <li>13. Vary the sequencing and timing of construction of Wharf Marina.</li> </ol> </li> </ol>

#### IV. SUMMARY OF OP AND COMMISSION COMMENTS

The following summarizes OP and Zoning Commission comments from the time of setdown and their current status, as well as some additional comments from OP. The comments have been organized by the relevant hearing, and with comments applicable to the entire development listed first. OP has provided this summary to the applicant, and anticipates providing an update of comments and unresolved issues at the hearing.

#### All Hearings

<b>ZC / OP Comment</b>	<b>Applicant Response</b>	<b>Resolved?</b>
ZC: Provide renewable energy generation on site.	The design now incorporates solar panels on the roof of buildings 6 and 7.	Partially – The applicant should describe why solar cannot be provided on the other buildings in the project.
ZC: Provide more focused information about signage,	Plans for each building now include potential signage locations.	Partially – locations of signage are generally shown, but

<sup>1</sup> Requested zoning flexibility is listed on p. 15 of Exhibit 21. The submitted exhibit does not specify to which parcel the penthouse relief applies, but the applicant has informed OP that it only applies to Parcel 9.

<b>ZC / OP Comment</b>	<b>Applicant Response</b>	<b>Resolved?</b>
especially high building signage. Concern about signs facing East Potomac Park.		addition refinement of the type of tenant signage, for example for the parcel 8 hotel, and for the retail space should be provided.
OP and ZC: Provide renderings showing the impact of the water buildings on views toward the water from Maine Avenue and M Street, and examine ways to minimize those impacts – either through reductions in building size and / or slight adjustments to building location.	The applicant has provided various renderings showing views through the site. The location of Water Building 2 has been flipped to the northwest side of the Marina Way alignment in order to reduce impacts to M Street Landing and views from Maine Avenue.	Yes. The site plan should ensure that important viewsheds through the site to and from the water be emphasized. Water Building 2 is proposed to be considerably larger than anticipated in the Stage 1 approval, but it's location has shifted to the west, to be more in line with the landside Parcel 8 building, which would help to minimize potential blockage of views from Arena Stage and Maine Avenue through the M Street landing.
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 Regulations.	No. The applicant should obtain written confirmation from DHCD that the subject residential buildings are exempt, and describe whether the penthouse on Water Building 1 would require a contribution.
OP: The applicant should narrow the scope of elements that could be varied as part of the requested exterior design flexibility.	The application seems to have maintained the same language for the proposed exterior design flexibility.	No. But with the suggested changes in the flexibility language proposed by OP in consultation with OAG, and the proposed conditions of approval, OP would be satisfied with the flexibility language.
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.	Partially. The application should include floorplans for the penthouse bar / restaurant at the Parcel 8 hotel, and include other information about the restaurant's operation.
OP: Provide an update on the connection to Banneker Overlook.	Exhibit 13A states that the connection to Banneker will be complete in 2018.	Yes

<b>ZC / OP Comment</b>	<b>Applicant Response</b>	<b>Resolved?</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/or event space.	Partially. 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’ from the bulkhead line, to match existing and proposed buildings, and to maintain views down the Wharf.
OP: Commit to a higher LEED level for Parcels 8 and 9, commit to LEED certification, and provide the amount of green roof for the project. Provide a LEED score for each of the water buildings.	The application continues to propose LEED Silver for Buildings 8 and 9, but has committed to certification for each parcel. According to the applicant, water buildings are not able to apply for the LEED accreditation system.	No. OP continues to recommend that the applicant strive to make Buildings 8 and 9 achieve LEED Gold.
OP: Provide at the public hearing material samples for all buildings and landscape elements.	The applicant will provide material samples at the public hearings.	Yes.

<b>Additional OP Comment</b>	<b>Planning and/or Zoning Rationale</b>
OP additional comment: Provide data demonstrating that the full affordable housing requirements of the LDA and ZC Order #11-03 have been fulfilled.	This data would establish that an important proffer of the original PUD would be fulfilled, and the summary of information could facilitate permit review at the building permit stage.
OP additional comment: The applicant should provide more detail about how the project might be constructed in stages, and what the proposed timeline would be.	Given the size and complexity of the project, OP would have no objection to extension of the normal building permit timelines. However, in order to provide some level of certainty, the applicant should propose an amount of time in which building permits would be applied for and construction would commence, and continue to provide detail on how the entire site would be utilized in the interim.

**Hearing #1, Thursday, November 2**

**Master Plan, Parcel 10, M Street Landing, The Terrace, Water Building 3 and the Wharf Marina (Exhibit 21, Volume C)**

<b>ZC / OP Comment</b>	<b>Applicant Response</b>	<b>Resolved?</b>
OP and ZC: The application should be amended to include a request for a first stage PUD modification for the layout of the piers and docks.	At Exhibit 13A, #7, the applicant requests a first stage PUD modification for these items.	Yes

<b>ZC / OP Comment</b>	<b>Applicant Response</b>	<b>Resolved?</b>
OP: The applicant should clarify if they are paying for the Capital Bikeshare station at the M Street Landing or if DDOT is paying for it.	Exhibit 13A states that the applicant will pay for the bikeshare station.	Yes

<b>Additional OP Comment</b>	<b>Planning and/or Zoning Rationale</b>
OP additional comment: 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.	The open spaces of the project are a significant proffer, and in order to increase the usability of what would likely be an important public park, seating areas should be protected from summer sun. Wide expanses of hardscape should be minimized to reduce heat of the park, to augment stormwater management, and make the area more useable.

**Hearing #2, Monday, November 6**

**Parcel 8 , Parcel 9, Water Building 2, the Grove and Marina Way (Volume B)**

<b>ZC / OP Comment</b>	<b>Applicant Response</b>	<b>Resolved?</b>
ZC: More information about the building 8 penthouse – does it conform with the Height Act and Zoning Regulations?	After their review of the Height Act and the Congressional record established during the amendment of the Height Act, the applicant’s view is that the design does not violate the Act.	Yes. Neither the Commission nor the Zoning Administrator can approve a design that is not conforming with the Height Act.
OP: 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.	According to Exhibit 13, “redevelopment project” refers to just this second stage PUD.	Yes
OP: 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.	The applicant continues to request significant flexibility in regard to the number and location of units in Building 8.	No. OP has proposed revised flexibility language that should ensure adequate distribution of the affordable units.
OP: 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.	The applicant responded by pushing some 30% and 60% MFI units up into higher floors, and some 100% and 120% units down into lower floors.	No. Although the 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 of MFI levels.

<b>ZC / OP Comment</b>	<b>Applicant Response</b>	<b>Resolved?</b>
<p>OP: Provide renderings and detail drawings as requested in the Project Description section of this report.</p>	<p>The applicant has provided a completely revised set of plans at Exhibit 21A.</p>	<p>Partially. The application should include floorplans for the penthouse bar / restaurant at the Parcel 8 hotel, and include other information about the restaurant's operation.</p>
<p>OP and ZC: Provide renderings showing the impact of the water buildings on views toward the water from Maine Avenue and M Street, and examine ways to minimize those impacts – either through reductions in building size and / or slight adjustments to building location.</p>	<p>The applicant has provided various renderings showing views through the site. The location of Water Building 2 has been flipped to the northwest side of the Marina Way alignment in order to reduce impacts to M Street Landing and views from Maine Avenue.</p>	<p>Yes. The site plan should ensure that important viewsheds through the site to and from the water be emphasized. Water Building 2 is proposed to be considerably larger than anticipated in the Stage 1 approval, but its location has shifted to the west, to be more in line with the landside Parcel 8 building, which would help to minimize potential blockage of views from Arena Stage and Maine Avenue through the M Street landing.</p>
<p>OP and ZC: Parcel 8 should incorporate more balconies, especially on lower levels.</p>	<p>Balconies have been added to the exterior faces of the building.</p>	<p>Partially. The applicant should also include balconies on the interior, courtyard face of the building.</p>
<p>OP: Relocate the Parcel 9 parking entrance to the rear of the building.</p>	<p>At Exhibit 13A, OP Response #12, the applicant states that given the below-grade configuration of the garage and other infrastructure, the proposed location of the car elevators is the most feasible. Also, the applicant desires to make Marina Way as pedestrian-friendly as possible, and therefore has distributed the loading and parking functions on different sides of the building.</p>	<p>Yes. OP is generally satisfied with the applicant's response and rationale. OP does not anticipate high traffic counts in this area, though we defer to DDOT's assessment.</p>
<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.</p>	<p>No. OP continues to recommend that Buildings 8 and 9 achieve LEED Gold.</p>

Additional OP Comment	Planning and/or Zoning Rationale
OP additional comment: Plans for Building 8 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.
OP additional comment: 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.
OP additional comment: 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 about 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 the buildings can have consequential impacts on the use and accessibility of public space, and viewsheds. OP would not support providing flexibility to allow enclosures of open space on this or other buildings; Any extensions of the buildings must be shown on the plans.
The applicant should clarify that the perimeter walkway of Water Building 2 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 Water Building 2 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.
If it is the intent that the upper deck of Water Building 2 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.

**Hearing #3, Thursday, November 9**  
**Parcels 6 and 7, Water Building 1, and the Oculus (Volume A)**

ZC / OP Comment	Applicant Response	Resolved?
ZC: More information about buildings 6 and 7 penthouse and winter gardens. Winter gardens are an interesting concept.	Revised plans for buildings 6 and 7 have been submitted at Exhibit 21A, Volume A. The design no longer proposes winter gardens.	Yes
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/or event space.	Partially. 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’ from the bulkhead line, to match existing and proposed buildings, and to maintain views down the Wharf.

ZC / OP Comment	Applicant Response	Resolved?
<b>Additional OP Comment</b>	<b>Planning and/or Zoning Rationale</b>	
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.	

## V. SITE AND AREA DESCRIPTION

The Wharf project site is generally bounded on the northwest by the Maine Avenue Fish Market, on the northeast east by Maine Avenue, and on the southwest by the extent of the piers of the new development. To the south the Wharf extends approximately to N Street. The northern half of the Wharf site, from Maine Avenue and 7<sup>th</sup> Street north to the Fish Market, is currently under construction and / or complete. The Fish Market is not part of the PUD, although the applicant is currently undertaking improvements to that site. Parcel 11, at M and 6<sup>th</sup> Streets, is complete and includes a 57 foot, five story residential building and a church. South of Parcel 11, the Waterfront Park is complete and open to the public.

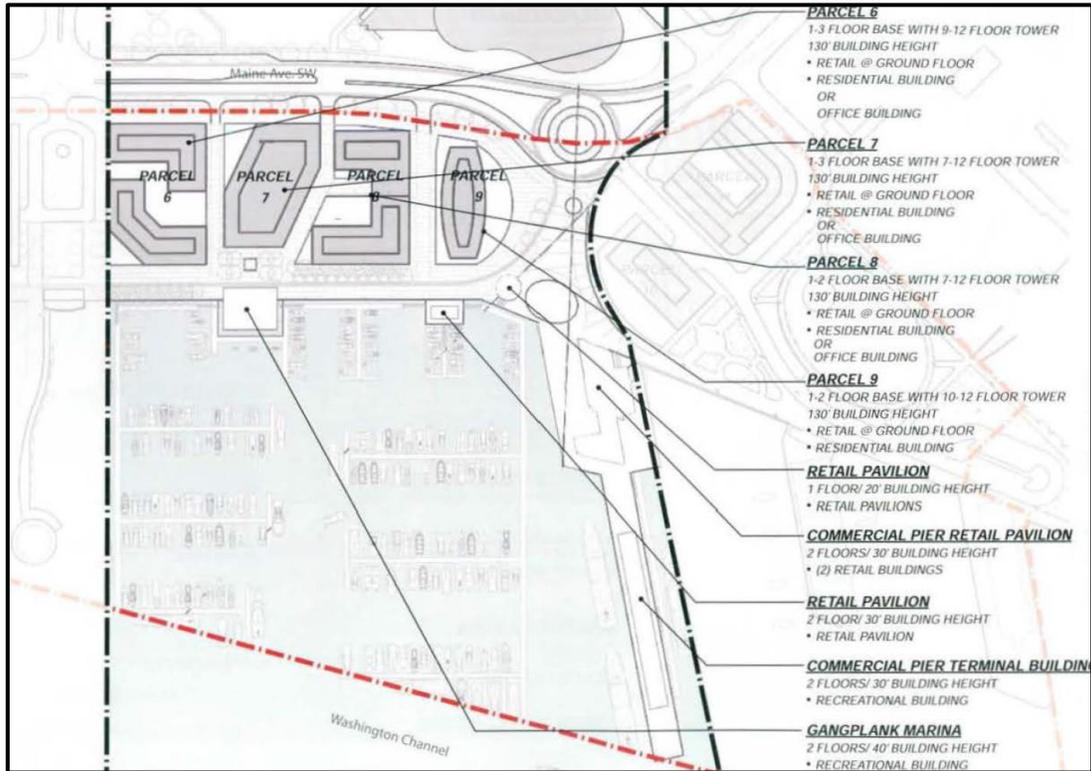
The portion of the Wharf subject to this application is generally south of 7<sup>th</sup> Street and north and west of Parcel 11. The land side currently houses construction offices in the former Channel Inn, and surface parking. The water side is currently home to the Gangplank Marina and the Cantina Marina Pier, which houses commercial uses.

As approved in 11-03A, the wharf itself is a multi-modal transportation spine connecting the entire project and connecting to the fish market. It is open to pedestrians, bicycles and limited auto traffic, although for special events the wharf can be closed to cars completely. The wharf also provides room for formal outdoor seating for restaurants as well as informal outdoor space for visitors. Maine Avenue has improved pedestrian and bicycle amenities and significant landscaping, as well as space for outdoor retail activities.

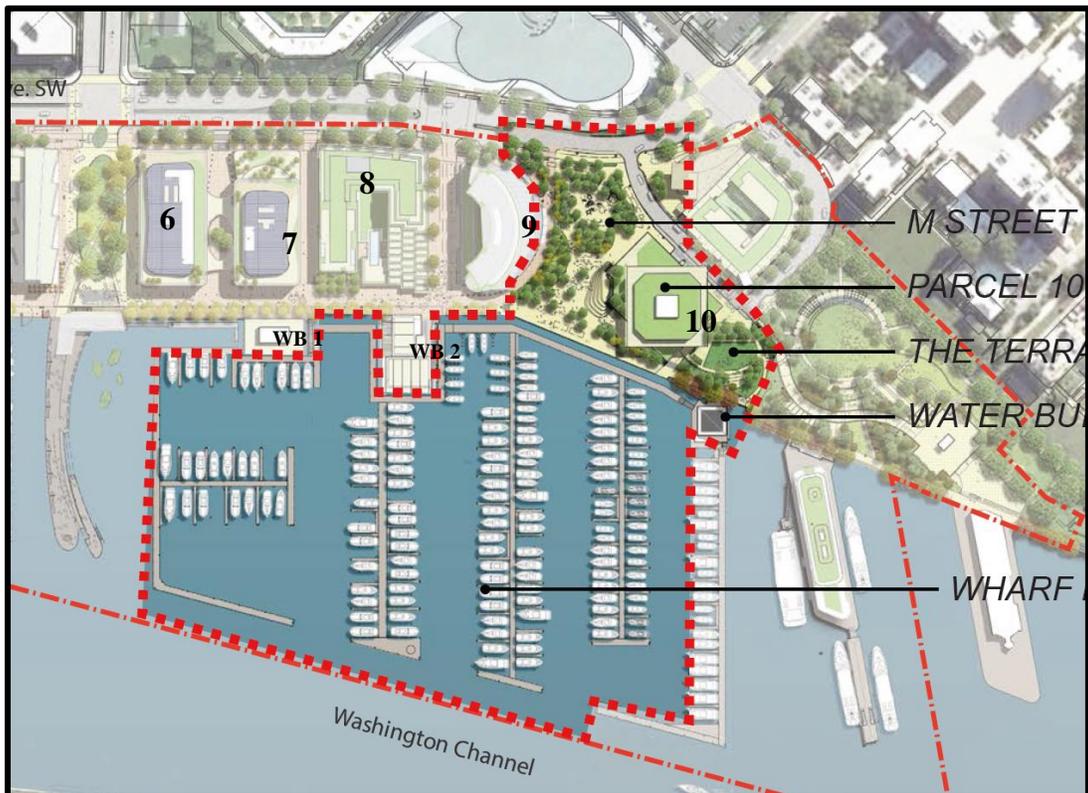
## VI. PROJECT DESCRIPTION

Overall, OP very strongly supports the site plan, use mix, and architectural direction proposed for each of the buildings and feels that the modern aesthetic from a range of design firms is exciting and appropriate, particularly given both for the prominent waterfront location and the modernist precedent of Southwest's 20<sup>th</sup> Century architecture. OP also supports the design direction for the open spaces within the site.

Following is a brief summary of the primary features of the application as described in the pre-hearing submission. Comments are organized to correspond to the order of the public hearings (generally moving from south end towards the middle of the Wharf site), including some requests for additional information to be provided by the applicant at or prior to the hearing.



Approved 1<sup>st</sup> Stage PUD site plan, including pier and dock layout



Proposed site plan, including pier and dock layout

### **Hearing #1, Thursday, November 2**

#### **Master Plan, Parcel 10, M Street Landing, The Terrace, Water Building 3 and the Wharf Marina (Exhibit 21, Volume C<sup>2</sup>)**

**Parcel 10** would be developed with a four story office building with ground floor retail, and it would be the visual terminus at the southern end of the wharf. Portions of the building mass alternate between protruding and retreating through cantilevers, which echoes some other buildings at the Wharf, but at a smaller scale. The third and fourth floors of the building would protrude over the curb of Water Street, which is a private street. Parking and loading access for Parcel 10 would be from Water Street, which is necessary since the building would be otherwise surrounded by parks or promenades on all other sides.

**M Street Landing** would be between Parcels 9 and 10 and would form a view terminus for the M Street corridor. The public park would have informal seating areas surrounding a spray fountain that incorporates large boulder-like forms. A stepped seating area would be incorporated into the Parcel 10 building and overlook a portion of the park, providing seating and observing space. The park would be visually framed by Parcel 9, Parcel 10, the church on Parcel 11 and its reflective glass, as well as Arena Stage across Maine Avenue. Within M Street Landing, there appear to be areas that have extensive hardscape which could benefit from additional shade. The stepped seating area, for example, could be exposed to the sun, which would reduce its usefulness as a seating area in summer. Likewise, the area immediately along the waterfront seems to be a very wide, undifferentiated plaza. While some uses for that space are described at Exhibit 2, page 29, when not programmed its usability could be limited. For renderings of these areas, see, for example, Sheets 1.2 and 1.3 of Volume C. The applicant should examine ways to provide more shade in these areas, and reduce the amount of uninterrupted hardscape adjacent to the water.

**The Terrace** would be a mostly passive park space directly south of Parcel 10. It would be designed to be visually and materially integrated with the very attractive existing park across Water Street.

**Water Building 3 and Wharf Marina** - In response to OP and Commission comments at setdown, the applicant has requested a PUD modification for the layout of the piers, docks and water buildings. The approved first stage PUD showed a large “Commercial Pier” in the location of the current Pier 3 (the Cantina Marina Pier), which would be a rehabilitation of the existing pier or an in-kind replacement, along with an expansion. The Commercial Pier would have had a 2-story retail pavilion. As currently proposed, the water side would have no commercial pier, but would instead have docks comprising the **Wharf Marina**. The cruise boat operations formerly slated for the Commercial Pier have been moved to Pier 4, and many of the retail functions seem to have moved to Water Building 2, which has increased considerably in size.

**Water Building 3** would be located south of The Terrace, and would use “simple forms” and be clad in warm, natural materials – in this respect, it would relate well to the park, and would contrast

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<sup>2</sup> The index at the beginning of each volume provides a very helpful guide to each set of drawings

with the main landside buildings. It would house uses associated with the Marina, so would have limited access to the general public. As the smallest of the three water buildings, it would have relatively limited impact on views to the water from upland sites.

As is the case with all the water buildings, OP is supportive of the design and use of materials, which reflect the function and maritime setting. The materials draw inspiration from the wharf, the bulkhead, docks and piers, and the forms are sometimes reminiscent of other buildings throughout the project.

**Hearing #2, Monday, November 6**  
**Parcel 8 , Parcel 9, Water Building 2, the Grove and Marina Way (Volume B)**

The approved first stage PUD permitted either office or residential uses on **Parcel 8**. The applicant requests a modification to the first stage PUD in order to include hotel uses on that site. Hotel uses should help attract additional daytime and tourist activity from the Mall to this new development, which is an economic development policy objective of the Comprehensive Plan. The additional use would be consistent with the overall objectives of the approved first stage PUD, to create an active waterfront neighborhood, so OP supports this modification.

In addition to a hotel, Parcel 8 would contain an apartment building. The overall building is designed to have a U shape, though the northern and southern wings would step out toward the water and significantly back from the water, respectively, as the floors ascend. The stepped design allows the apartments facing the water to have a series of terraces. The extensive second level recreation space would be for use by residents, not the general public, but would also help to animate the waterfront. In response to OP and Commission feedback, the applicant has added a number of balconies to the exterior façades of the building, which would be a design improvement, and also a livability improvement. However, OP continues to recommend that balconies be added to the interior courtyard units, both to make the units better living spaces, and to take advantage of the water-facing views.

The main portions of the building façade would be sleek, with a butt-glazed window system and no expressed mullions. The principal feature of the Maine Avenue façade is the bifurcated wall, in which the upper stories would project out approximately 10 to 12 feet. The lower floors, however, are set back about 20 feet from Maine Avenue, and therefore the upper stories would not intrude into the public right-of-way. The projection would begin above the 7<sup>th</sup> floor, two stories higher than what was proposed at setdown.

At the roof level, the design proposes penthouse residential units and the applicant has requested flexibility to allow a bar / restaurant at the penthouse level of the hotel. The applicant should submit to the record information such as the floorplan for the bar / restaurant, how the terraces would be used, whether there would be music in the venue or on the terrace, a lighting plan, and hours of operation. These items would be of concern in any setting, but especially when the use shares a building with apartments.

Also, the plans should be corrected to ensure that penthouse sections and the floor plans are in agreement. Currently, in Exhibit 21A, Volume B, section drawing “a-a” on Sheet 1.37 does not match the floorplans on Sheets 1.32 and 1.33.

At the time of setdown, the Commission asked whether the penthouse on Parcel 8 was in conformance with the Height Act, because the design proposes a mechanical story on top of a residential story. The applicant responded, at Exhibit 21, beginning on page 4, that after their review of the Height Act and the Congressional record established during the amendment of the Height Act, their view was that the design does not violate the Act.

The design also would not appear to violate the Zoning Regulations. Section 411.9 of the 1958 Regulations states, in part:

- 411.9 Enclosing walls of the penthouse shall be of equal, uniform height as measured from roof level, except that:
- (a) Enclosing walls of penthouse habitable space may be of a single different height than walls enclosing penthouse mechanical space;

Subsection (a) states that the enclosing walls of habitable space and mechanical space do not need to be the same height. But it does not state that the enclosing walls for the different spaces must be separate or horizontally divided. The walls for mechanical space could be directly on top of the walls for habitable space.

The ground floor of Parcel 8 would have a significant amount of retail that should activate the surrounding mews streets and the wharf. The hotel and residential lobbies would activate Water Street, the mews street parallel to Maine Avenue and the Wharf. Sheets 1.48 and 1.49 provide anticipated retail and tenant signage locations, but the locations shown are broad – additional refinement of the retail signage location and type of tenant signage should be provided.

A carve-out in the footprint of Parcel 8 would frame **The Grove**, a landscaped and terraced area with both café and informal seating. It is unclear from the application materials and discussions with the applicant whether The Grove would be reserved entirely for restaurant use or not. The applicant should commit to reserving at least part of the Grove for informal, public, non-paying use. The most successful public spaces contain a mix of use types, including unrestricted access to the public. 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. For a rendering of The Grove, refer to Sheet 4.13 of Exhibit 21A, Volume B.

**Marina Way** is located between Parcels 8 and 9. It would be a major access point and view shed through the site to the waterfront. It is intended to be both a vehicular access point for cars and trucks as well as a pedestrian and retail street. Its design is reminiscent of the Wharf, as it would be a curbsless street with differentiated pavement for driving, parking and walking zones, with plantings and bollards at various points to separate travel modes.

**Parcel 9**, located directly across Maine Avenue from Arena Stage, would be developed with an 82-unit condo residential building, with a significant amount of retail facing Maine Avenue, M Street Landing, the wharf and the mews street adjacent to Parcel 8, known as Marina Way. This building is designed to have a very striking sloped and rounded glass façade, accentuated by continuous balconies, facing M Street Landing. The residential lobby would also face M Street Landing. Loading functions would be at the rear of the ground floor, with access from the mews.

Unusually, parking access is proposed to be from the front of the building, and at setdown OP had raised objections to this location. The applicant responded in Exhibit 13A that given the below-grade configuration of the garage and other infrastructure, the proposed location of the car elevators is the most feasible. Also, the applicant desires to make Marina Way as pedestrian-friendly as possible, which OP also supports, and therefore has distributed the loading and parking functions on different sides of the building. OP defers to DDOT on transportation matters, but OP does not anticipate a high rate of vehicle trips to and from the vehicle elevators, given the relatively small number of units (82), and given that the vehicle elevators serve only the residential uses in Building 9, and not retail. The traffic study appendix, which is not in the record, states that the residential use on Parcel 9 is anticipated to generate 18 trips in the AM peak hour and 20 trips in the PM peak hour, or roughly one vehicle every three minutes. Any vehicles that do use the elevators would be handled efficiently, since the elevators would be attended. Furthermore, the renderings seem to indicate that a special paving pattern would be used for the area in front of the building, and any drivers should likely be cognizant that they are entering a mixed-mode travel zone. As such, OP now does not object to the proposed location for the car elevators, and if they are to be provided at this location, OP supports them being designed as an interesting feature of this façade.

The signage plans for Building 9, on Sheets 2.26 and 2.27 of Exhibit 21A, Volume B, introduce the term “Potential Tenant Enclosure”, which has not previously been described in the application. OP assumes this would mean extensions of restaurants outside of the building envelope as those envelopes are currently shown on the plans. This practice, completed in at least one location on the currently developed part of the Wharf, without being clearly shown on the plans, can have consequential impacts to the public space and viewsheds. On Parcel 9, OP would not be supportive of any permanent or semi-permanent enclosures on Marina Way or M Street Landing, as these are major view corridors toward the water. Significantly more information about the potential enclosure scale, appearance, impact on the wharf and other public spaces, and impact on viewsheds is required before OP could recommend that the Commission approve the ability to add enclosures. The applicant should also clarify whether enclosures are contemplated on other buildings in this application.

**Water Building 2** – At the time of setdown, OP and the Commission asked the applicant to confirm that the water buildings would not obstruct views, and to provide renderings from M Street and Maine Avenue demonstrating the impact or lack of impact on views. Those renderings have been submitted and can be found throughout Exhibit 21A. In particular, the current site plan has relocated Water Building 2 to the northwest side of the Marina Way alignment, in order to reduce

its impact on M Street Landing and the M Street viewshed to the water. OP is supportive of this change.

Water Building 2 is now the major waterside building, and contains retail / restaurant space on two levels. There is an exterior walkway at the first level, and the applicant should clarify that that space would be open to the general, non-paying public, or provide rationale as to why it would not be open to the public. A large second level terrace would be associated with the adjacent restaurant space, providing room for outdoor dining. It is covered with a loose trellis on the sides and on top; If the intent is for the space to be enclosable in cooler months, this should be made clear in the application as such an enclosure on the sides could impact visual porosity from the wharf to the river. However, OP is supportive of the natural materials, projections, extensive green roof, and uses proposed for this building.

### **Hearing #3, Thursday, November 9** **Parcels 6 and 7, Water Building 1, and the Oculus (Volume A)**

**Buildings 6 and 7** would be office buildings with ground floor retail. The buildings would be clad largely in glass and feature curved corners, and a withdrawn second floor dividing the base of the building from the primary mass above. A key feature of the original design, the winter gardens, have been removed from the current iteration of the buildings.

The buildings would be connected at the second floor by a feature the applicant calls the “**Oculus**”, a publicly accessible, partially covered space between the Parcel 6 and 7 office buildings. Please refer to Volume A, Sheet 1.4 of Exhibit 21A for a rendering of the Oculus, which would be open in the middle, allowing light to reach the landscaped courtyard at grade. A vehicle drop-off area would approach the courtyard from Maine Avenue, but the majority of the ground plane would be dedicated to pedestrians, and office lobbies and retail would surround the courtyard. The rendering at Sheet 3.10 of Volume A, Exhibit 21A, indicates that the space between Parcels 6 and 7, though bridged at the second level, could still provide some views toward the water.

Besides removal of the winter gardens, the key change to the building design since setdown was the addition of a tilt to each individual window pane, so that the glass is nearly flush with the edge of the sill at the top of each story, and recessed about 12 inches at the bottom of each floor from the edge of the sill. Because this is such a key design feature and provides significant texture to the building, OP has proposed a condition of approval that would ensure the angle of the glass is maintained at the time of building permit. Similarly, the design of the Oculus is important to making that low-headed passage more inviting to pedestrians, and OP recommends a condition to ensure that the soffit of that space is constructed as shown in the renderings.

The application indicates that based on a variety of factors described at Exhibit 21, p. 10, it is possible construction of Parcels 6 and 7 may be phased in over time. Sheets 3.15 and 3.16 of Volume A, Exhibit 21A, shows what potential interim parking and marketplace layouts could look like. OP is typically not supportive of the provision of surface parking, even as a temporary use, along the waterfront. If provided, the frequency of special events should be described, and any interim use should be set back a minimum of 60 feet from the bulkhead line, to correspond to the

other buildings' setbacks. This would maintain views and accessibility down the wharf, should Parcels 8, 9 or 10 come online prior to 6 and 7.

**Water Building 1** would be in line with Building 7, and should therefore not block views to or from the waterfront. This relatively small building is designed to house restaurant space. The restaurant would have a roof deck for its use, which would be a highly desirable space, providing views out over the water and along the wharf. The painted steel support members and glass façade would be a counterpoint to the adjacent, larger Water Building 2. It is not clear what the material of the piers will be; Since they will be quite visible from the marina, this information should be provided. It is also not clear if the solid enclosure rooftop is mechanical space, green roof, solar panels, or another use – since the rooftop will be highly visible from upland buildings, this should be described.

## **VII. COMPREHENSIVE PLAN**

The Commission found during its review of the first stage PUD that the Wharf project is not inconsistent with the Comprehensive Plan. OP finds that the proposed first stage PUD modification to allow a hotel use on Parcel 8 is also not inconsistent with the Comprehensive Plan, specifically policies which encourage vibrant waterfront neighborhoods, active uses on streets such as Maine Avenue, and creating destinations for visitors away from the National Mall. The applicant has also applied for a first stage PUD modification for the layout of the piers, docks and water buildings. Those uses would contribute to the overall vitality of the neighborhood, provide space for live-aboard boats, and provide retail spaces that can take advantage of the waterfront setting. The modified layout would achieve Comprehensive Plan objectives of active streets and active waterfront neighborhoods. The modification would also be consistent with the goals of the first stage PUD, which sought to create a vibrant mixed use community along with a very active, functioning waterfront. OP also finds that the current second stage PUD application is generally consistent with the first stage as proposed and does not detract from project's correlation with the tenets of the Plan.

The proposal would further a number of the Plan's Guiding Principles and major policies from the Land Use; Transportation; Economic Development; and Urban Design Citywide Elements; and the Lower Anacostia Waterfront / Near Southwest Area Element. The application is also not inconsistent with the Plan's Generalized Policy Map or the Future Land Use Map.

The proposal is also consistent with the Development Plan & Anacostia Waterfront Initiative Vision for the Southwest Waterfront (the SWW Plan). For a complete listing of relevant policies, and excerpts from the Comprehensive Plan's land use maps, please refer to Attachment 1 of this report.

## **VIII. ZONING AND REQUESTED FLEXIBILITY**

In the first stage PUD, the Commission approved PUD-related zoning of C-3-C for most of the land side of the project, including Parcels 6 through 9. Parcel 10 retained its W-1 zone, and the water side of the project, from the bulkhead line to the pierhead line, was also zoned W-1. The

current proposal is consistent with the height, density and use mix of the approved zoning and, with the proposed modification to allow hotel use on Parcel 8, would be consistent with the uses approved in the first stage PUD.

### **Zoning Flexibility**

The current second stage application requests flexibility from the specific 1958 zoning regulations listed below:

1. § 411.4(c) – Parcel 8 – Penthouse bar, restaurant or lounge use;

OP generally would have no objection to this flexibility in this location. The applicant has shared with OP a layout for the bar / restaurant, but as of this writing, there is nothing in the record regarding the layout, the use of the terraces, the presence or absence of music in the venue and on the terrace, exterior lighting, or hours of operation. These items would be of concern in any setting, but especially when the use shares a building with apartments across a courtyard. Submission of this information to the record is needed prior to OP recommending approval of this area of flexibility.

2. §§ 411.9 and 411.10 – Parcel 9 – Multiple heights of penthouse habitable space, penthouse mechanical space, and screening walls; allow penthouse walls with a slope that exceeds 20% from vertical;

The need for this area of flexibility seems to derive from the design of Building 9, which features a penthouse sloping slightly upwards from Maine Avenue toward the water, as well as sloping walls echoing the main walls of the building. OP supports the overall design for the building and has no objection to the subtle gestures resulting in the need for penthouse flexibility.

3. § 2101.1 – Loading – Reduce number of loading berths on all parcels;

OP typically defers to DDOT's analysis of the amount of loading, but in general does not object to a reduction in the quantity of berths, especially 55' berths.

### **Non-Zoning Flexibility**

Non-zoning flexibility is requested as follows, along with OP comment where necessary. The text of the requested flexibility is quoted from Exhibit 21, pp. 13-15.

1. *To vary the location and design of interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building;*

As noted in the setdown report, OP is very supportive of the exemplary building designs and recommends that the areas of design related flexibility be refined to limit the amount of change that could occur after Zoning Commission approval. In regard to this first item, OP suggests

striking the word “materially”, which doesn’t seem to appear in other past PUD flexibility requests that otherwise use very similar language. OP also recommends adding the words “or appearance” after “configuration” to further strengthen the Zoning Commission’s approval of the design.

2. *To make minor refinements to exterior building details and dimensions, including curtainwall mullions and spandrels, belt courses, sills, bases, cornices, railings, and trim, to comply with the District of Columbia Building Code, or that are necessary to obtain a final building permit or other applicable approvals. Such refinements shall not substantially change the exterior configuration, appearance, proportions, or general design intent of the building;*

For this item of flexibility, OP, in consultation with OAG, recommends that the following language be used:

"To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, venting, window mullions and spacing, or any other changes that otherwise do not significantly alter the exterior design to comply with the District of Columbia Building Code. Such refinements shall not substantially change the exterior configuration, appearance, proportions, or general design intent of the building;"

OP acknowledges the need for some flexibility in building details, but as noted above, proposes additional Order conditions to ensure that certain critical design features are constructed as approved, and not removed or altered at the time of building permit. On buildings 6 and 7 OP recommends conditions to ensure that the glass panels slant inwards as shown on the detail drawings and renderings, and that the Oculus uses the textured pattern, metallic finish and lighting shown on the renderings.

3. *To vary the final selection of exterior building materials within the color ranges and material types shown in the [approved plans] based on availability at the time of construction. Any such variations shall not reduce the overall quality of materials, nor substantially change the exterior appearance, proportions, or general design intent of the building;*

For this item of flexibility, OP, in consultation with OAG and to be consistent with recent Commission direction, recommends the following edit to the above language:

“To vary the final selection of exterior building materials within the color ranges **of the** ~~and~~-material types shown...”

4. *To vary the final selection of landscaping materials utilized based on availability at the time of construction;*
5. *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 all market-rate, workforce and affordable housing requirements under the Z.C. Order No. 11-03 are satisfied;*

OP, after consultation with DCRA, recommends the following edit to the final clause of this area of flexibility:

**“...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;”**

6. *To vary the number and location of market-rate and workforce housing units within the redevelopment project provided the minimum amount of gross floor area required for market-rate and workforce housing under the Z.C. Order No. 11-03 is provided;*
7. *To vary the number and location of affordable units, provided that: (i) the minimum amount of gross floor area required under Z.C. Order No. 11-03 is provided; (ii) the affordable units will not be over-concentrated on any given floor of a building; (iii) 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;*

At the time of setdown, OP objected to the concentration of lower-MFI units on lower floors of Building 8. Since that time, the applicant has revised the distribution of 30% MFI and 60% MFI units and more equitably located more of those units on upper floors. In order to ensure that that distribution remains through the building permit process, OP recommends that items 6 and 7 be combined into a single item to read as follows, which was derived from the proposed item 7 and from the income distribution proposed by the applicant in Exhibit 21A, Sheets 3.2 and 3.3 of the Overall Elements:

**“To vary the number and location of 30%, 60%, 100%, 120% and market rate MFI affordable-units, provided that:**

- (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; ~~The affordable units will not be over-concentrated on any given floor of a building;~~**
- (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”
- 8. *To vary the number of hotel guestrooms in the Parcel 8 Building by plus or minus 15%;*
- 9. *To vary the final design of retail frontages, including the location and design of entrances, show windows, signage, and size of retail units, in accordance with the needs of the retail tenants. Retail signage shall be located within the potential retail signage zones shown in the [approved plans];*
- 10. *To vary the design and location of upper-level building signage located above the first-story within the limits of the potential tenant signage zones shown in the [approved plans], and in accordance with the District of Columbia sign regulations in effect at the time of permitting;*

As noted in the report, the retail and building signage locations for some of the building should be further refined.

- 11. *To vary the garage layout and the number, location, and arrangement of vehicle and bicycle parking spaces provided the number of spaces, for both vehicles and bicycles, is not reduced by more than five percent of the number shown on the [approved plans], and the total number of vehicle and bicycle parking spaces provided is consistent with that which is required under Z.C. Order No. 11-03;*
- 12. *To construct the [approved plans] in multiple stages, including construction on Parcel 6 relative to Parcel 7, based upon site constraints, infrastructure needs, market conditions, and other factors that may influence the ability to fund, design, and construct the buildings and structures included in the [approved plans];*

The applicant should provide more detail about what is considered “multiple stages”, and what the timeline proposed would be. This item of flexibility, along with the text of Exhibit 21 at page 10, seem to indicate that the applicant would like extensions to the normal PUD post-approval timelines, but that has not been made explicit. Given the scale and complexity of the project OP has no objection to that in concept, but the applicant should propose an amount of time in which building permits would be applied for and construction would commence.

- 13. *To vary the sequencing and timing of construction of Wharf Marina, as shown in the [approved plans], including associated bulkhead, piers, docks, fueling station(s), and other related buildings and structures.*

## **IX. PURPOSE AND EVALUATION STANDARDS OF A PUD**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Subtitle X,

Chapter 3. The PUD process is intended to:

*“provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD:*

- (a) Results in a project superior to what would result from the matter-of-right standards;*
- (b) Offers a commendable number or quality of meaningful public benefits; and*
- (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan” (§ 300.1).*

The applicant is requesting a first-stage PUD modification and a second stage PUD. In order to approve the project, the Commission must find that the PUD:

- Would not be inconsistent with the Comprehensive Plan;
- Would not result in unacceptable impacts on the area or on city services; and
- Includes public benefits and project amenities that balance the flexibility requested and any potential adverse effects of the development (§§ 304.3 and 304.4).

As noted above, the application is not inconsistent with the Comprehensive Plan. Given the clear language in the Comprehensive Plan and SWW Plan regarding the intended use of this site, and its intended density and use mix, OP does not anticipate that the project would result in unacceptable or unanticipated impacts on the area or city services. OP defers to DDOT on transportation issues, but notes that the Wharf, and especially the southern half of the project, is walkable to the Waterfront metro station. Additionally, bus routes have been revised to better serve the Wharf, and the developer has established a shuttle service to the L’Enfant Plaza metro. Finally, as discussed below, the proposed benefits and amenities are commensurate with the degree of flexibility gained through the PUD

## **X. PUBLIC BENEFITS AND AMENITIES**

Subtitle X Section 305 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. *“Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title”* (§ 305.2). *“A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors”* (§ 305.10). Section 305.5 lists several potential categories of benefit proffers, and *“A project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section, but must be acceptable in all proffered categories and superior in many”* (§ 305.12). The Commission *“shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)”* (§ 305.11).

The first stage PUD included a number of benefits, including urban design, affordable housing, workforce housing, the creation of a project association, First Source Employment and CBE agreements, funding for a workforce intermediary program, coordinating apprenticeships with the

construction contractors, setting aside space for local or unique retailers, and environmental design. As part of the first stage PUD, the Commission required that the applicant prepare a benefits implementation chart with each subsequent second stage PUD. That chart is shown at Exhibit 2E, and benefits are also briefly described beginning on page 38 of Exhibit 2. The benefits proffered with the current application are consistent with the first stage approval, and some are described briefly below. While some of the overall benefits of the Wharf are not specific to Parcels 6 – 10 (the cultural facility, for example), the benefits listed for ZC #11-03 would still apply to this Stage 2 PUD application. The benefits remain commensurate with the amount of flexibility gained through the PUD, including the relatively minor additional flexibility requested through this Stage 2 application.

### **1. Urban Design, Architecture, Site Planning, Landscaping and Open Space**

This second stage PUD would continue to implement this item with high quality, innovative architecture that goes beyond the designs seen on most buildings in the District. The project would also create a number of important public open spaces along the waterfront, most notably the M Street Landing, and help connect the waterfront to the surrounding neighborhood.

### **2. Bicycle Parking and Infrastructure**

The present application would continue to provide a high number of bicycle parking spaces in the parking garages and on the surface. Also, the applicant would pay for a Capital Bikeshare station located at M Street Landing. The cycle track at the northern end of the Wharf would be continued in front of Parcels 6 through 10.

### **3. Public Infrastructure**

This second stage PUD would complete the infrastructure work on the site, including replacing the bulkhead along the water, construction of the new marina, construction of internal streets, improvements to Maine Avenue and completion of the cycle track. The applicant also anticipates completing the connection to Banneker Overlook in 2018.

### **4. Affordable and Workforce Housing**

The Wharf project will provide significant levels of income-restricted housing. Affordable housing is being provided on various parcels within the Wharf, consistent with the first stage PUD approval. The project will provide a total of 160,000 square feet of affordable housing on Parcels 1 through 10, plus IZ housing at Parcel 11. In addition, an estimated 140,000 square feet of workforce housing could be provided throughout the project. Parcel 8 would provide housing at 30%, 60%, 100% and 120% of the MFI. The distribution of units is shown on Sheets 3.2 and 3.3 of the “Overall Plan Elements” volume of the plans. OP had recommended that the applicant provide a more even distribution of income levels throughout the floors of the building. The applicant responded by relocating some 30% and 60% MFI units up into higher floors, and some 100% and 120% units down into lower floors. In addition, the applicant redistributed the number

of units as follows: 1 less at 60% MFI, 1 less at 100% MFI, 1 more at 120% MFI and 1 more at market rate. Please refer to the table below, compiled by OP.

MFI	Initial Submission Exhibit 2C, Overall Elements, Sheets 3.2 and 3.3						Public Hearing Submission Exhibit 21A, Overall Elements, Sheets 3.2 and 3.3					
	30	60	100	120	Market	TOTAL	30	60	100	120	Market	TOTAL
Floor												
2	0	0	3	2	8	13	0	0	3	1	9	13
3	9	4	3	1	10	27	7	4	5	1	10	27
4	7	6	4	1	8	26	6	5	5	2	8	26
5	5	5	4	0	11	25	6	4	5	0	11	26
6	3	4	5	0	12	24	2	2	6	1	13	24
7	3	1	8	1	9	22	3	2	4	3	10	22
8	1	0	5	3	12	21	2	2	4	3	10	21
9	0	3	4	2	12	21	2	3	3	2	11	21
10	0	0	4	5	11	20	0	0	4	4	12	20
11	0	0	2	4	12	18	0	0	2	3	13	18
12	0	0	0	4	13	17	0	0	0	4	13	17
PH	0	0	0	0	5	5	0	0	0	0	4	4
	28	23	42	23	123	239	28	22	41	24	124	239

OP requested that the applicant provide more information about penthouse IZ contributions, including an estimate of the contribution. At Exhibit 21, beginning on page 8, the applicant states that the residential portion of Building 8 and Building 9, are exempt from IZ, including penthouse contributions, pursuant to § 2602.7 [and 2602.3(f)] of the 1958 Regulations. The applicant should obtain written confirmation of this from the Department of Housing and Community Development (DHCD). For Buildings 6, 7, 10 and the hotel portion of Building 8, the applicant states that they intend to provide Housing Production Trust Fund contributions per the Regulations, but cannot provide an estimate of the amount because the individual lots have not been created, and therefore their areas and assessed values do not yet exist. The applicant should also address whether the penthouse space on Water Building 1 triggers an IZ contribution.

Finally, the applicant should provide data demonstrating that the full affordable housing requirements of the LDA and ZC Order #11-03 have been fulfilled. Data should include the total requirement at each income level, as stated in the LDA and the Order, the amount fulfilled to date in Buildings 2 and 4, and the amount to be provided in Building 8. This data would establish that an important proffer of the original PUD would be fulfilled, and the summary of information could facilitate permit review at the building permit stage.

## 5. Environmental Design

The first stage PUD established that the entire Wharf development would achieve LEED Gold Neighborhood Development (ND) standards. According to the applicant, individual buildings on

Parcels 6, 7 and 10 would achieve a LEED Gold level, and the applicant has committed that all buildings at the Wharf would achieve actual LEED certification (Exhibit 13A, #19).

At setdown, OP encouraged the applicant to achieve a higher LEED level than the Silver commitment for Parcels 8 and 9. At Exhibit 13A, the applicant states that the designs of Parcels 8 and 9 would “continue to take advantage of any additional LEED points that can feasibly be obtained” but that they are “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” (ibid.). No actual rationale is provided for why LEED Gold cannot be achieved, and OP, therefore, continues to recommend that Buildings 8 and 9 attain a Gold level of sustainability.

Since the time of setdown the applicant has also committed to provide approximately 21,000 square feet of solar panels on the roofs of Buildings 6 and 7. The applicant is encouraged to explore, and work with DOEE on, identifying additional locations and opportunities for solar panels. Additionally, the cumulative amount of green roof for all buildings in the application would amount to 55,000 square feet, or approximately 30% of the total roof area. This would complement the extensive stormwater reuse system employed throughout the wharf.

## **6. CBE and First Source Employment Agreements and Related Actions**

As noted in the first stage PUD, the applicant has entered into a CBE agreement with the Department of Small and Local Business Development (DSLBD), which requires 35% participation by CBE firms in the project development costs. The applicant already employs CBE firms for project management and construction activities. In addition, apprenticeship openings at firms employed at the project site are required to hire a percentage of employees from Wards 7 and 8. The applicant has provided an update on all of their hiring efforts and goals, beginning on page 10 of Exhibit 21.

## **XI. AGENCY COMMENTS**

As of this writing OP has received no comments from government agencies. A DDOT report has been provided at Exhibit 27. In conversations with OP, DOEE stated that the applicant should continue to find other locations for solar panels on buildings in addition to Buildings 6 and 7, and that Buildings 8 and 9 should achieve LEED Gold Version 4 certification. Throughout the Wharf’s development process to date, the applicant has worked closely with multiple city agencies, and OP anticipates a continued close working relationship on the construction of Parcels 6 through 10.

## **XII. ATTACHMENT**

1. Comprehensive Plan Policies
  - A. Plan Policies
  - B. Land Use Maps
  - C. Development Plan & AWI Vision for the Southwest Waterfront
2. Buildings 6 and 7 Office Façade Vertical Section at Stack Joint

## **Attachment 1 Comprehensive Plan Policies and Maps**

### **A. PLAN POLICIES**

As determined by the Zoning Commission and detailed in the Order for the Stage 1 approval for this site, the current Stage 2 proposal is not inconsistent with the Comprehensive Plan Policy Map and Future Land Use Map, and would further major policies from various elements of the Comprehensive Plan, including the Land Use; Transportation; Economic Development; and Urban Design Citywide Elements, and the Lower Anacostia Waterfront / Near Southwest Area Element.

#### ***Land Use Element***

##### ***Policy LU-1.2.1: Reuse of Large Publicly-Owned Sites***

*Recognize the potential for large, government-owned properties to supply needed community services, create local housing and employment opportunities, remove barriers between neighborhoods, provide large and significant new parks, enhance waterfront access, and improve and stabilize the city's neighborhoods.*

##### ***Policy LU-1.2.2: Mix of Uses on Large Sites***

*Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map and more fully described in the Comprehensive Plan Area Elements. Zoning on such sites should be compatible with adjacent uses.*

##### ***Policy LU-1.2.5: Public Benefit Uses on Large Sites***

*Given the significant leverage the District has in redeveloping properties which it owns, include appropriate public benefit uses on such sites if and when they are reused. Examples of such uses are affordable housing, new parks and open spaces, health care and civic facilities, public educational facilities, and other public facilities.*

##### ***Policy LU-1.2.6: New Neighborhoods and the Urban Fabric***

*On those large sites that are redeveloped as new neighborhoods (such as Reservation 13), integrate new development into the fabric of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings.*

##### ***Policy LU-1.3.1: Station Areas as Neighborhood Centers***

*Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve*

*air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.*

***Policy LU-1.3.2: Development Around Metrorail Stations***

*Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations Eastern Market Metrorail Station emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.*

***Transportation Element***

***Policy T-1.1.4: Transit-Oriented Development***

*Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.*

***Policy T-1.2.1: Boulevard Improvements***

*Continue to work across District agencies to beautify and stabilize selected boulevards by implementing coordinated transportation, economic development, and urban design improvements.*

***Policy T-1.2.3: Discouraging Auto-Oriented Uses***

*Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas.*

***Policy T-2.3.2: Bicycle Network***

*Provide and maintain a safe, direct, and comprehensive bicycle network connecting neighborhoods, employment locations, public facilities, transit stations, parks and other key destinations. Eliminate system gaps to provide continuous bicycle facilities. Increase dedicated bike-use infrastructure, such as bike-sharing programs like Capital Bikeshare, and identify bike boulevards or bike-only rights of way.*

*Policy T-2.4.1: Pedestrian Network*

*Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city.*

***Economic Development Element***

*Policy ED-2.3.2: Visitor Attractions*

*Provide new and enhanced visitor attractions and entertainment venues in the District, particularly attractions that complement the traditional museums and monuments and draw more international visitors and young adults to the city. New attractions should create a clear identity for the District as the region's major entertainment center.*

*Policy ED-2.3.3: Amenities Beyond the Mall*

*Promote the development of cultural amenities beyond the Mall in an effort to more fully capitalize on the economic benefits of tourism.*

*Policy ED-2.3.4: Lodging and Accommodation*

*Support the development of a diverse range of hotel types, serving travelers with varying needs, tastes, and budgets. New hotels should be encouraged both within Central Washington and in outlying commercial areas of the city, particularly in areas which presently lack quality accommodation.*

***Urban Design Element***

*Policy UD-1.1.1: National Image*

*Strengthen and enhance the physical image, character and outstanding physical qualities of the District, its neighborhoods, and its open spaces, in a manner that reflects its role as the national capital.*

*Policy UD-1.3.1: DC as a Waterfront City*

*Strengthen Washington's civic identity as a waterfront city by promoting investment along the Anacostia River, creating new water-related parks, improving public access to and along the shoreline, and improving the physical and visual connections between the waterfront and adjacent neighborhoods.*

*Policy UD-1.3.2: Waterfront Public Space and Access*

*Develop public gathering spaces along the waterfronts, including promenades, viewpoints, boating and swimming facilities, and parks. Such space should be designed to promote continuous public access along the rivers, and to take full advantage of site topography and waterfront views. Design treatments should vary from "hardscape" plazas in urban settings to softer, more passive open spaces that are more natural in character.*

*Policy UD-1.3.5: River Views*

*Protect and enhance river views in the design of buildings, bridges, and pedestrian walkways on or near waterfront sites. The scale, density and building form along the city's*

*waterfronts should define the character of these areas as human-scale, pedestrian-oriented neighborhoods and should protect views from important sites ...*

**Policy UD-1.3.6: “Activating” Waterfront Spaces**

*Encourage design approaches, densities, and mixes of land uses that enliven waterfront sites. Architectural and public space design should be conducive to pedestrian activity, provide a sense of safety, create visual interest, and draw people to the water.*

**Lower Anacostia Waterfront / Near Southwest Area Element**

**Policy AW-1.1.2: New Waterfront Neighborhoods**

*Create new mixed use neighborhoods on vacant or underutilized waterfront lands, particularly on large contiguous publicly-owned waterfront sites. Within the Lower Anacostia Waterfront/Near Southwest Planning Area, new neighborhoods should be developed at the Southwest Waterfront, Buzzard Point, Poplar Point, Southeast Federal Center and Carrollsburg areas. These neighborhoods should be linked to new neighborhoods upriver at Reservation 13, and Kenilworth-Parkside. A substantial amount of new housing and commercial space should be developed in these areas, reaching households of all incomes, types, sizes, and needs.*

**Policy AW-1.1.3: Waterfront Area Commercial Development**

*Encourage commercial development in the Waterfront Area in a manner that is consistent with the Future Land Use Map. Such development should bring more retail services and choices to the Anacostia Waterfront as well as space for government and private sector activities, such as offices and hotels. Commercial development should be focused along key corridors, particularly along Maine Avenue and M Street Southeast, along South Capitol Street; and near the Waterfront/SEU and Navy Yard metrorail stations. Maritime activities such as cruise ship operations should be maintained and supported as the waterfront redevelops.*

**Policy AW-1.1.4: Waterfront Development Amenities**

*Leverage new development in the Waterfront Planning area to create amenities and benefits that serve existing and new residents. These amenities should include parks, job training and educational opportunities, new community services, and transportation and infrastructure improvements.*

**Policy AW-1.1.6: Pedestrian Orientation of Waterfront Uses**

*Provide a high level of pedestrian amenities along the shoreline, including informational and interpretive signs, benches and street furniture, and public art.*

**Policy AW-1.1.7: Multi-modal Waterfront Streets**

*Design streets along the waterfront to be truly multi-modal, meeting the needs of pedestrians, bicyclists, and transit users as well as motor vehicles. Safe pedestrian crossings, including overpasses and underpasses, should be provided to improve waterfront access.*

*Policy AW-1.1.9: Strengthening the M Street and Maine Avenue Corridors*

*Strengthen the connection between Central Washington and the Anacostia Waterfront by rebuilding Maine Avenue and M Street SE as graciously landscaped urban boulevards. These streets should be designed with generous pedestrian amenities, public transit improvements, landscaping, and ground floor uses that create a vibrant street environment.*

*Policy AW-2.1.1: Mixed Use Development*

*Support the redevelopment of the Southwest Waterfront with medium to high-density housing, commercial and cultural uses, and improved open space and parking. The Future Land Use Map shows high density development and it is expected that the project will capitalize on height opportunities to provide public spaces and, where appropriate, a mix of medium development density in order to transition to the surrounding neighborhoods. The development should be designed to make the most of the waterfront location, preserving views and enhancing access to and along the shoreline.*

*Policy AW-2.1.2: New Public Spaces and Open Space*

*Create new public spaces and plazas at the Southwest waterfront, including an expanded public promenade at the water's edge. Public piers should extend from each of the major terminating streets, providing views and public access to the water.*

*Policy AW-2.1.4: Maine Avenue*

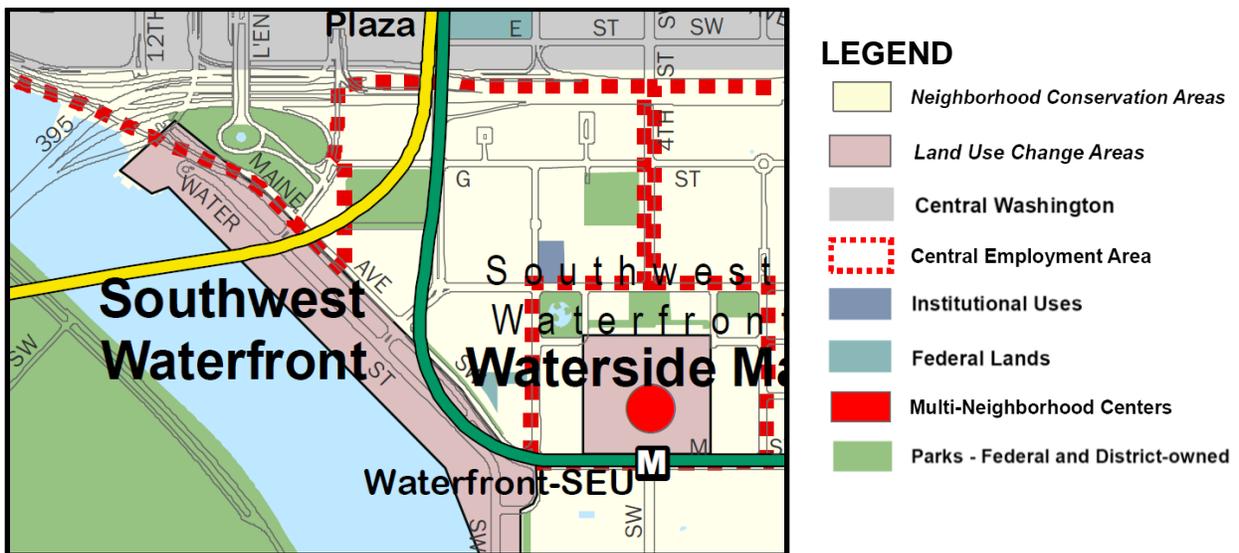
*Transform Maine Avenue into a landscaped urban street that has direct access to waterfront uses, provides a pedestrian-friendly street environment, and accommodates multiple modes of travel (including bicycles).*

*Policy AW-2.1.5: Washington Channel Maritime Activities*

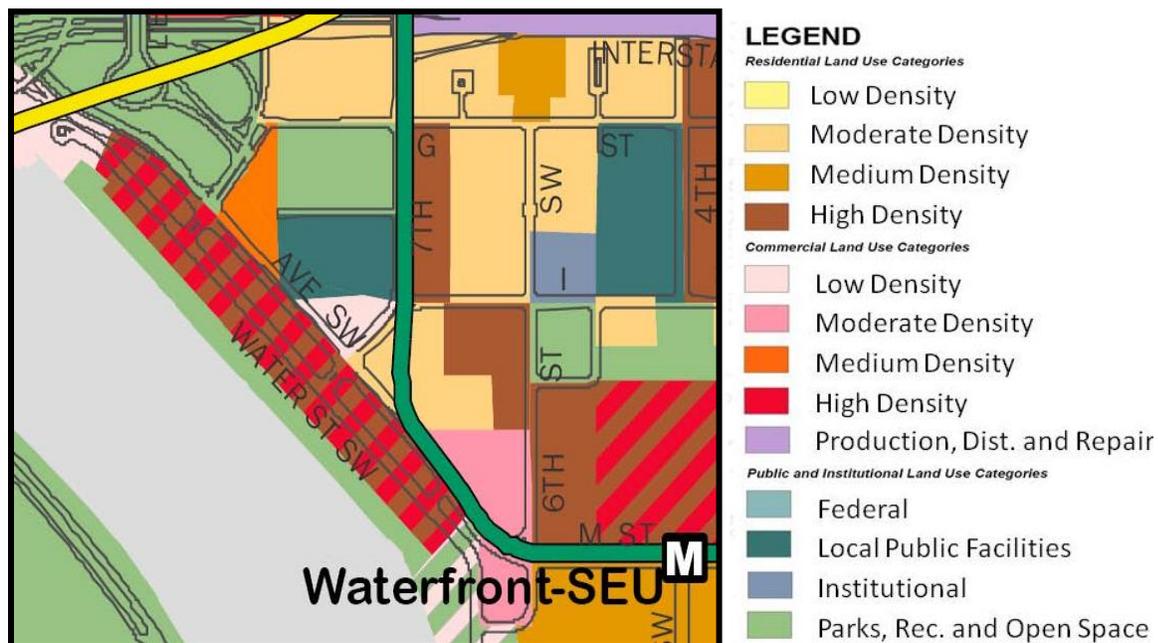
*Reorganize the Washington Channel's maritime activities, including cruise ship berths and marinas, to provide more appropriate relationships to landside uses and provide opportunities for water taxis, ferries, and other forms of water transportation. In implementing this policy, cruise ship operations should be retained and supported, recognizing their economic benefits to the city and their recreational and cultural value for residents and tourists.*

## B. GENERALIZED POLICY AND FUTURE LAND USE MAPS

The Comprehensive Plan's **Generalized Policy Map** describes the subject site as a Land Use Change Area. Land Use Change Areas are anticipated to become "high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods (Comprehensive Plan, § 223.12).



The Future Land Use Map (FLUM) indicates that most of the site is appropriate for high density residential and commercial mixed use. The area of Parcel 10 is planned for Low Density Commercial and Parks, Recreation and Open Space.



### **C. DEVELOPMENT PLAN & AWI VISION FOR THE SOUTHWEST WATERFRONT**

The Development Plan & Anacostia Waterfront Initiative Vision for the Southwest Waterfront (SWW Plan) is a small area plan adopted by the city council in 2003. Like any small area plan, it works together with and supplements the Comprehensive Plan. In most instances the SWW Plan gives more detailed direction and guidance than the Comprehensive Plan.

The SWW Plan has a number of guiding principles that form the basis of the Plan's policies. The guiding principles include improving access to the waterfront – including the provision of a wide promenade, improving access to the water itself, enhancing connections to the existing neighborhood, and creating new public places and a neighborhood setting (SWW Plan, p. 2-1). More detailed recommendations include varied building heights, concentrating commercial uses near the north of the property, and having a strong mix of uses including a significant affordable housing component. The development proposed with this PUD would not be inconsistent with these broad themes.

**Attachment 2**  
**Buildings 6 and 7 Office Façade Vertical Section at Stack Joint**

