

Draft MOA Between Forest City and Waterfront Tower Condominium
DCOZ Case #02-38i

Waterfront Tower (WFT) drafted this Memorandum of Agreement (MOA) to be signed by Forest City as confirmation to the agreements listed below. Forest City has verbally agreed to the first three items. WFT is asking Forest City to agree to the other four items, which have been discussed with no clear agreement to date. WFT asks the Zoning Commission to require this document be signed and appended to the final binding PUD. This is not a complete representation of WFT's concerns or requests related to this project and WFT will add or updated details as agreed upon.

- 1) Forest City agrees to implement the design change illustrated in the PUD dated March 16, 2018 to move all loading and delivery activities, as well as space necessary for vehicle maneuvers to accommodate these activities, indoors and make them not visible from the private drive separating 375M from WFT. The single access point to this indoor area will meet the following conditions:
 - a. Located south of motor court between WFT and 301M to exclude the motor court from delivery vehicle maneuvers and to minimize impact to congestion at the existing chokepoint,
 - b. The door will only open to allow entry and exit of vehicles and will not remain open during deliveries or in between deliveries,
 - c. Deliveries will be conducted during hours selected in consultation with WFT to minimize impact on residents in vehicles or walking along the private drive during peak commuting hours. Hours preferred by WFT are after 9:30 am and before 4:30 pm Monday through Friday.

- 2) Forest City agrees to implement a design that meets or exceeds the following element descriptions along the east elevation of 375 M (these elements will be west of the private drive and separate the east façade of 375M from 301M and WFT):
 - a. ADA compliant sidewalk that is no less than 4' 6" wide.
 - b. Greenspace no less than 2' wide that,
 - i. Separates sidewalk from east facing façade of 375M,
 - ii. Accommodates a continuous line of bushes or trees along the east façade of 375M, except for the parking lot ramp and loading access point.
 - iii. Accommodates plant materials that are selected in consultation with WFT.
 - c. Results in a private street at least 22 feet wide from curb to curb.

- 3) Forest City agrees to resurface the private drive along the east elevation of 375M to match the current treatment on the private drive along the north elevation of 375M.

- 4) Forest City agrees to pursue alternative parking solutions to accommodate WFT moving vans, deliveries, contractors and visitors instead of threatening to tow vehicles that have no other reasonable parking alternative as a direct result of this PUD and the PUD approved for 301M. Options will be chosen in consultation with WFT. Options preferred by WFT include temporary parking permits to accommodate moving vans on the private drive without blocking the motor

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court from pick-up and drop-off activities, and parking spots in 375M's garage allocated to WFT to eliminate deliveries and building contractors from parking along the private drive. These accommodations will minimize the impact of the existing chokepoint on deliveries, emergency access, resident vehicular access, pedestrians, Metro Access pick-ups and drop-offs for 375M, 301M, WFT, The Leo and pedestrians from Waterfront@1001.

- 5) Forest City agrees to apply an artistic treatment, chosen in consultation with WFT, to the proposed 18-foot high brick wall opposite of Waterfront Tower. This is the only façade of 375M that trades the welcoming character of a vibrant town center for a treatment akin to a back alleyway, and it is the surface we will see every day as we enter and exit our home. WFT sees this effort to beautify our new local environment as an opportunity to collaborate with our neighbors and potentially involve our community through the DC Creates! Public Art Program for a mosaic treatment like those in other locations around Southwest and in the WFT lobby.
- 6) Forest City agrees to include WFT representatives in conversations that lead to decisions about the following topics, as they relate to the private drive along the east and north elevation of 375M. These conversations are to take place in regularly planned meetings when WFT concerns and input can be considered during the decision process, not after decisions are already made:
 - a. Lighting,
 - b. Landscaping,
 - c. Signage,
 - d. Security,
 - e. Traffic management plan,
 - f. Construction plans (specifically activities permitted on the private drive that could block vehicular access to WFT from both 4th St SW and M St. SW).
- 7) Forest City agrees to select plant materials in consultation with WFT to preserve the sight line between WFT (IM Pei's original Town Center East building) and The View (original Town Center West), and respect these buildings as the historic pillars of the original Southwest town center.

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Certificate of Service:

I, Leigha Marie Gooding, as President of the Waterfront Tower Condominium Association's Board of Directors (1101 3rd St SW; Washington, DC 20024), on May 10th, 2018 at 2:24 pm sent this document to Forest City (the applicant) and to the Advisory Neighborhood Commission 6D by method of email to the following email addresses:

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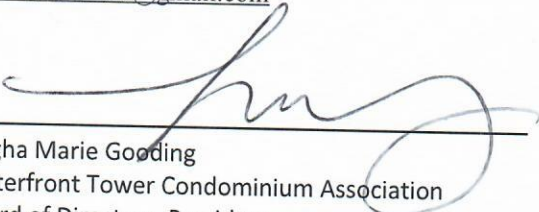
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Leigha Marie Gooding
Waterfront Tower Condominium Association
Board of Directors, President

5/10/2018



Leigha Gooding <lmgooding@gmail.com>

MOA for Forest City and Waterfront Tower

Leigha Gooding <lmgooding@gmail.com>

Thu, May 10, 2018 at 2:24 PM

To: "Smith, David (Wash)" <DavidSmith@forestcity.net>, 6D01@anc.dc.gov, fasthgail@gmail.com, 6D02@anc.dc.gov, CaraLea6DShockley@gmail.com, 6D03@anc.dc.gov, Ronald Collins <rrccollins@aol.com>, 6D04@anc.dc.gov, "Litsky, Andy" <alitsky@aol.com>, 6D05@anc.dc.gov, Roger Moffatt <moffatt@verizon.net>, 6D06@anc.dc.gov, misrhonda@yahoo.com, 6D07@anc.dc.gov, Meredith Fascett <meredith.fascett@gmail.com>
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Hello David and ANC6D,

WFT summarized the agreements discussed to date in the attached MOA. Our goal is to formalize existing verbal agreements in writing and to seek formal written agreement to additional requests we feel are reasonable, but our discussions to date have not resulted in specific agreement details.

As instructed, I will upload this document to IZIS today with a certification of service to all email address included above.

Regards,

Leigha Gooding

WFT Board President/Party in Opposition to Zoning Commission Case Number 02-38i

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