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MEMORANDUM

DATE: June 15, 2018

TO: Advisory Neighborhood Commission 6D
c/o Commissioner Andy Litsky

FROM: Christine M. Shiker, Holland & Knight LLP
Jessica R. Bloomfield, Holland & Knight LLP

CC: Abe Naparstek, Forest City Realty Trust
David Smith, Forest City Realty Trust

RE: Response to ANC 6D Questions and Issues – Revised
Z.C. Case No. 02-38I
375 and 425 M Street, SW

This memorandum provides the Applicant's response to the conditions listed in ANC 6D's letter to the Zoning Commission dated April 4, 2018, and included as Exhibit 68 in Z.C. Case No. 02-38I.

1. Community Center

A. Community Center

The Applicant proposes to incorporate a 6,000 square foot Community Center in the East M Street building. The Applicant will (i) provide free rent for the Community Center operator for a period of 30 years; (ii) pay all utilities associated with the operation of the Community Center for a period of 30 years, as described below in Section 1(C); (iii) contribute a one-time payment of up to \$500,000 for the Community Center's interior design and fit-out; and (iv) contribute a one-time payment of up to \$50,000 for furniture, fixtures, and equipment.

B. Selection of Community Center Operator

As the property owner and landlord that will eventually enter into a lease agreement with the community center operator (the "Operator"), the Applicant needs to maintain some control to ensure that the community center will be leased, managed, and operated in a professional manner that is appropriate for a Class-A residential building. Thus, the Applicant proposes to give ANC 6D the authority to independently review and select the Operator with the following condition:

Prior to turning over occupancy of the community center to the Operator, the ANC shall provide information about the selected Operator to the Applicant, including but not limited to the Operator's business plan, governance structure, financial statements, board of directors (if any), affiliates (new and established) and scope of services (e.g. programming, hours of operation). The ANC shall permit the Applicant to provide meaningful input and feedback on the information provided, with the Applicant's feedback not to be unreasonably withheld or delayed. Meaningful input includes comments and concerns relating to substantive issues in the aforementioned documents. If the ANC does not agree with the Applicant's feedback, then it shall respond in writing to the Applicant explaining its position. The ANC and the Applicant shall resolve all issues regarding the Operator prior to the Applicant turning over occupancy of the community center to the Operator. Once the Applicant turns over occupancy to the Operator, the Operator shall maintain the community center in good order, repair, and conditions, consistent with the terms of the lease agreement to be executed for the community center.

C. Payment of Electricity Fees

The Applicant will pay 100% of all rent, utility, and building maintenance fees associated with the community center operation for a period of 30 years following issuance of the first certificate of occupancy issued for the East M Street Building. The major systems for the community center (e.g. heating, cooling, kitchen appliances) will be via electric power, and there will be no gas utility charges passed to the Operator.

In an effort to promote energy conservation, the Applicant will limit its electricity contribution to the Operator to \$2.00 per square foot per year (approximately \$12,000 per year) with an annual escalation of 3%. This proposed subsidy is the estimated electricity cost for the community center operation, such that the Applicant anticipates that it will cover 100% of the electric charges, despite the contribution limit. The Applicant will also provide appropriate glass on south face of the community center to minimize heat gain. Based on this revised proposal, the Applicant will replace the previously-proposed \$15,000 commitment for initial community center start-up costs with the longer 30-year commitment.

D. Use of Courtyard

Visitors to and employees of the community center will be permitted to use the shared outdoor courtyard at the second level of the East M Street Building. The courtyard will be operated and maintained by the future office tenant of the East M Street Building. Use of the courtyard by the community center users will be limited to the same hours of operation and types of uses as permitted for the office tenants, unless a special activity or event is specifically reviewed and approved by the office tenant manager.

Community center access to the courtyard will be provided at the second level of the building via the stairs and elevator that provide access to the community center from the ground floor lobby.

2. Public Space Element

The Applicant proposes the following language to be incorporated as a condition to the Zoning Commission Order approving the project:

Following the Zoning Commission’s approval of Z.C. Order No. 02-38I, the Applicant shall engage with and select a local artist to design and install an “element” in the Metro Plaza adjacent to the M Street Sites. The Applicant shall select an artist who is familiar with the history of Waterfront Station, such that the artist will be able to design a unique and meaningful installation that creates a sense of arrival to Waterfront Station and is successful on its own, independent from the success of surrounding retail or changes in the season. The Applicant shall present the proposed artist, general design, and scope of work for the element to the ANC working group up to three times. Prior to the issuance of a building permit for the East M Street Building, the Applicant shall submit an application for a minor modification to Z.C. Order No. 12-38I, pursuant to 11-Z DCMR § 703, for approval of the final element design and location. Prior to the issuance of the first certificate of occupancy for the East M Street Building, the Applicant shall ensure that the public space element has been installed consistent with the design, location, and scope agreed to by the ANC and approved by the Zoning Commission in the minor modification request.

3. Construction Management Plan

Attached hereto as Exhibit A are two Construction Management Plans (one for 375 M Street and one for 425 M Street) that incorporate and provide the additional information requested by the ANC.

4. 4th and M Street Intersection

The proposed project does not propose any modifications to the existing configuration of the 4th and M Street intersection. The Applicant evaluated the project assuming the existing intersection conditions would remain and found that very few site-generated trips would be expected to use a southbound left turn, given the locations of site access points and the one-way traffic flow in the private drives.

Although DDOT agreed with the Applicant’s findings, DDOT requested that the Applicant fund a safety study for the intersection. Accordingly, while not mitigation for the project, the Applicant has agreed to fund the safety study, up to a maximum amount of \$30,000, to evaluate whether any physical or operational improvements should be implemented at the intersection.

DDOT has indicated that it would implement and pay for any improvements that result from the safety study.

“Scenario 1” of the safety study includes a new exclusive southbound left-turn lane on 4th Street. The Applicant has evaluated Scenario 1 and finds the following:

- a. The new southbound left-turn lane can be accommodated entirely within 4th Street’s existing curb-to-curb width of 55.5 feet, with the exception of the existing curb extension on the east side of 4th Street closest to the M Street intersection, which would have to be eliminated;
- b. Along the west side of 4th Street, the pedestrian and landscape areas would not be impacted by the new left-turn lane, with the exception of the curb extension’s landscaped area, which would be reduced from approximately 23 feet (existing) to approximately 15 feet (proposed if the new lane is installed);
- c. The widths of the existing vehicular and bike lanes on 4th Street can be maintained (or decreased very minimally while still meeting DDOT standards) upon incorporating the new left-turn lane, with the exception of the four existing parking spaces on the east side of 4th Street closest to the M Street intersection, which would be eliminated; and
- d. Based on the foregoing, the proposed PUD plans would not need to be modified to accommodate the new southbound left-turn lane, since the new lane would impact public space only.

A more complete analysis of Scenario 1 is attached hereto as Exhibit B, which is a copy of the Technical Memorandum prepared by Gorove/Slade Associates and submitted to the ANC on June 8, 2018.

5. Bus Stop Shelters

The 74 Metrobus stop and the future Circulator bus stop would both be located in public space. The Applicant commits to working with DDOT on the location of both bus stops, and confirms that the public space available based on the PUD plans can accommodate free standing bus shelters for both bus routes.

6. Restriction on Residential Parking Permits (“RPPs”)

The Applicant will include a rider in all residential leases that restricts all residential tenants of the M Street buildings from obtaining RPPs.

7. Loading Operations

The Applicant commits to working with its property manager to instruct all deliveries to the M Street buildings to be made within the associated loading areas and to coordinate with the property managers of the adjacent buildings along the north-south private drives to instruct all deliveries to those buildings to be made within their associated loading areas.

8. Site Management

The Applicant, the ANC, and adjacent property owners initially met on June 12, 2018, to review how the public realm and plazas will be programmed and maintained. The Applicant will continue to work with these groups, including scheduling additional meetings if necessary, to establish an appropriate and mutually-agreeable site management program.

9. Strategy for Initial Lease-up of Retail Space

The Applicant will devise a leasing strategy to attract an ideal variety of neighborhood-serving retail tenants for the M Street buildings. The Applicant will market to local retailers that will serve neighborhood residents. The Applicant will provide retail spaces that can accommodate smaller-scale retailers and avoid marketing towards retail tenants that comprise large spaces (i.e., greater than 20,000 square feet). The Applicant will work with the community throughout the development and construction process to identify the types of retail uses that meet the community's needs and market demand. The Applicant will begin this process early in order to avoid any vacant retail space upon delivery of the buildings.

In addition to providing traditional leasing signage during the initial lease-up of retail space in the M Street buildings, the Applicant will employ a campaign for vacant storefronts. This campaign will include installing artistic treatments in the vacant windows intended to animate sidewalks, engage the pedestrian, and bolster connectedness with the community. Such signage will generate "Instagrammable" moments and bring to the M Street buildings one-of-a-kind engagement opportunities. The Applicant will not include any digital signage in the marketing campaign.

In addition to the vacant storefront activation campaign described above, during initial lease up for retail space that has been vacant for longer than one year, the Applicant will also provide for pop-up tenancies. These pop-up tenancies would be for local businesses that do not require any food preparation (which require costly space buildout designs that are difficult to reuse with subsequent tenancies). Pop-up tenancies in neighborhood-oriented projects such as this are typically local in nature and small in size.

We trust that this memorandum responds to your stated concerns and conditions. If you have any questions, please let us know. Thank you.

375 M STREET, SW CONSTRUCTION MANAGEMENT PLAN

May 29, 2018

Revised June 15, 2018

The Applicant proposes the following elements of a Construction Management Plan to minimize any impacts from construction of the building to be developed at 375 M Street, SW (referred to herein as the “375 M Street Building” and the “375 M Street Site”). The Applicant shall be bound by the terms of the Construction Management Plan, which will be incorporated as a condition to the second-stage PUD approval for the 375 M Street Building.

- **Traffic and Construction Control Plan:** All ingress and egress for construction purposes will be from construction entrances on M Street, SW. During construction of the 375 M Street Building, construction will require the closure of (i) the M Street sidewalk and the parking lane immediately adjacent to the 375 M Street Site at all times; and (ii) the vehicular travel lane closest to the parking lane adjacent to the 375 M Street Site during non-evening rush hour periods. Prior to construction, a traffic control plan will be submitted to the District Department of Transportation (“DDOT”) for review and approval in accordance with its standards and guidelines. The plan will include specific provisions for days that are designated Nationals “enhanced” and “enhanced enhanced” traffic events and for days that coincide with a game at the DC United stadium. A copy of the approved traffic control plan will be provided to Advisory Neighborhood Commission (“ANC”) 6D and the Community Advisory Committee (hereinafter defined) at the same time that it is provided to DDOT. Prior to pulling a building permit, the Applicant will work with the ANC and the owners/operators of other major construction projects in the neighborhood to coordinate construction activity, particularly on days that are designated “enhanced” and “enhanced enhanced” and therefore anticipate significant traffic impacts.
- **Construction Parking:** Any available on-site parking will only be for full-time employees of the general contractor. All other construction workers will be required to park off-site at public parking lots or will utilize mass transit. A list of public parking lots will be provided to the Applicant's general contractor. The

general contractor will coordinate off-site parking with its subcontractors to eliminate parking by construction personnel on adjacent residential streets. The Applicant will include a statement in its contract with the general contractor that parking by construction personnel and subcontractors in at-grade, open spaces in the Waterfront Station development is prohibited and that parking on adjacent residential streets is prohibited.

- **Community Advisory Committee:** The Applicant will establish a Community Advisory Committee (the “Committee”) to oversee and coordinate community concerns and issues during the construction of the 375 M Street Building. The intent of the Committee is to provide a forum for discussion and resolution of issues and concerns relating to the construction of the 375 M Street Building not already addressed in this Construction Management Plan. The Applicant will work with ANC 6D and adjacent property owners to establish membership on the Committee. The Committee shall meet quarterly or on an as-needed basis, as determined by the Committee. Any member of the Committee may address immediate concerns regarding this project with other committee members at any time. Notice for the meetings will be posted as determined by the Committee.
- **Communication:** The general contractor will designate a community liaison prior to commencement of construction. The liaison and the designated Applicant representative will be the key contacts for interaction with members of the community regarding construction. Initial contact information is provided at the end of this document. In addition, the Applicant will provide an emergency contact number that can be accessed 24-hours a day for construction concerns.
- **Site Management:** Prior to the commencement of construction activities, the Applicant shall continue to conduct routine maintenance of the 375 M Street Site. At the time construction commences, the Applicant will require the erection and maintenance of a construction fence and other erosion control measures around the 375 M Street Site pursuant to an erosion and sediment plan as approved by the DC Department and Consumer & Regulatory Affairs. The fence will have a full-height, neutral-colored vision barrier. The 375 M Street Site will be lighted during hours of darkness while under construction. These lights at night will be

kept to a minimum while still being sufficient to provide necessary security and to comply with the federal and local safety standards. It is the intent that the lighting will not adversely impact neighboring properties.

- **Pedestrian Circulation:** The Applicant will maintain a clear pedestrian circulation path that is well-lit around the perimeter of the construction area. The pedestrian circulation area will be as generally shown on the Proposed Construction Management Plan Diagram.
- **Cleanliness:** The Applicant will require the removal of construction rubbish and construction debris during the construction workday. Portable toilets will be placed away from the streets. All construction access and egress streets will be swept and/or watered daily to minimize dust and mud. A tire wash station will be built and maintained at the construction entrance for use by all construction vehicles leaving the 375 M Street Site. The Applicant's environmental consultant will monitor the 375 M Street Site for dust control during excavation activities per the approved erosion and sediment control plan. The Applicant will also undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period.
- **Work Hours:** The normal construction work week will be Monday through Saturday, 7:00 a.m. to 7:00 p.m., in accordance with Section 105.1.2 of the D.C. Construction Code Supplement. No construction will occur on Sundays or on any legal holidays observed in the District of Columbia.
- **Contractors:** The Applicant will enforce contractor compliance with all rules and regulations described herein. Such conditions will be included in any general and sub-contractor contracts.
- **Environmental Monitoring:** In addition to complying with all required environmental rules and regulations, the Applicant's environmental consultant will provide on-site screening of excavated soils during excavation activities. In the event that contaminated soils are discovered during excavation activities and environmental remediation is required, the Applicant will notify ANC 6D within five (5) days of confirmation of such contamination. Furthermore, the Applicant's

environmental consultant will monitor the 375 M Street Site for dust control during excavation activities.

- **Crane Swing:** The Applicant's contractor intends to erect one or two main construction tower cranes on site for the construction of the 375 M Street Building. The tower crane(s) will be located within the project site. The number and location of cranes are planned to minimize the length of the crane extension and over swing on the block. The crane will swing over adjacent properties, but at no time will building materials swing over adjacent properties or the active public space in 4th Street (i.e., the portion of 4th Street for which a permit has not been obtained for temporary closure).
- **Security:** In accordance with Condition No. 21 of Order No. 02-38A, Waterfront Station will maintain security to patrol the development during construction of the 375 M Street Building. The schedule of both private security guards and off-duty D.C. Metropolitan Police Department officers, as applicable, will be available at the Waterfront Station Management Office; however, the Applicant commits that the project will provide security guards throughout the construction of the 375 M Street Building as needed. The Applicant's general contractor will be responsible for providing adequate security for areas within the limits of construction. Upon commencement of construction, the Applicant will require the general contractor to provide sufficient security to patrol the area within its control, as necessary. Any general contractor's security schedule will also be available at the Waterfront Station Management Office. The Applicant's general contractor will notify the D.C. Metropolitan Police Department and the Waterfront Station security officers prior to the start of construction and provide a point of contact to ensure proper communication and security coverage.
- **Pre/Post-Construction Surveys:**
 - *Determination of Impacted Properties:* The Applicant shall have a certified engineer and/or independent testing and inspection firm identify the properties that abut the south side of M Street, SW, between 4th Street and the eastern north-south private drive, and determine which properties

are potentially impacted by construction activities at the 375 M Street Site (the “Impacted Properties”).

- *Pre-Construction survey:* For the Impacted Properties, the Applicant will offer to perform a pre-construction survey. If accepted by the owner of an Impacted Property, the Applicant will select an independent testing and inspection firm to conduct a thorough pre-construction survey of the Impacted Property in order to document the pre-construction condition of the Impacted Property. The Applicant shall pay all fees and costs of the firm.
- *Monitoring:* Prior to commencement of construction, the Applicant will hire a third-party consultant to monitor vibrations and any movements to the Impacted Property resulting from the construction of the 375 M Street Building. The Applicant shall pay all fees and costs of the firm. Monitoring shall terminate upon completion of the structural frame of the 375 M Street Building and its garage. The Applicant will provide monthly monitoring reports to the owner of the Impacted Property until such time as the monitoring obligation terminates. In the event that there is movement detected related to construction activities that may cause damage to the Impacted Property, these movement(s) will be immediately addressed and the owner of the Impacted Property will be notified. The Applicant will be obligated to restore the Impacted Property to the condition that existed prior to commencement of construction as documented in the Pre-Construction Survey.
- *Post-Construction:* No later than three months after achieving substantial completion (as evidenced by the issuance of the first certificate of occupancy for the 375 M Street Building), the owner of the Impacted Property at its election may require the Applicant to pay for a post-construction survey to be completed within four weeks of the request. The Applicant will seek to use the same firm as employed for the Pre-Construction Survey. If that firm is unable to complete the Post-Construction Survey, the Applicant will select a different independent

testing and inspection firm. The Applicant shall pay all fees and costs of the firm.

- *Damage to the Impacted Property.* In the event that it is determined that the Impacted Property sustained damage due to activities attributable to the Applicant's development, excavation or construction of the 375 M Street Building, the Applicant will coordinate repairs with the owner of the Impacted Property and shall pay for all such repairs.

- **Public Transportation Options:** Numerous public transportation options are available to the Southwest community and visitors to aid in circulation to, from, and around the neighborhood. It is not anticipated that any services will be interrupted during the construction of the 375 M Street Building.
- **Initial Contact Information:** The following is the initial contact information for development of the Site:

Waterfront 375 M Street, LLC
Forest City Washington
202-496-6600
David R. Smith, Vice President, Development

JBG Smith
703-476-2192
Frank Zambrano, Property Manager

If any changes occur to the plan outlined above, the Applicant will work with the Committee and/or ANC 6D, as appropriate, to implement such changes.

425 M STREET, SW CONSTRUCTION MANAGEMENT PLAN

May 29, 2018

Revised June 15, 2018

The Applicant proposes the following elements of a Construction Management Plan to minimize any impacts from construction of the buildings to be developed at 425 M Street, SW (referred to herein as the “425 M Street Building” and the “425 M Street Site”). The Applicant shall be bound by the terms of the Construction Management Plan, which will be incorporated as a condition to the second-stage PUD approval for the 425 M Street Building.

- **Traffic and Construction Control Plan:** All ingress and egress for construction purposes will be from construction entrances on M Street, SW. During construction of the 425 M Street Building, construction will require the closure of (i) the M Street sidewalk and the parking lane immediately adjacent to the 425 M Street Site at all times; and (ii) the vehicular travel lane closest to the parking lane adjacent to the 425 M Street Site during non-evening rush hour periods. Prior to construction, a traffic control plan will be submitted to the District Department of Transportation (“DDOT”) for review and approval in accordance with its standards and guidelines. The plan will include specific provisions for days that are designated Nationals “enhanced” and “enhanced enhanced” traffic events and for days that coincide with a game at the DC United stadium. A copy of the approved traffic control plan will be provided to Advisory Neighborhood Commission (“ANC”) 6D and the Community Advisory Committee (hereinafter defined) at the same time that it is provided to DDOT. Prior to pulling a building permit, the Applicant will work with the ANC and the owners/operators of other major construction projects in the neighborhood to coordinate construction activity, particularly on days that are designated “enhanced” and “enhanced enhanced” and therefore anticipate significant traffic impacts.
- **Construction Parking:** Any available on-site parking will only be for full-time employees of the general contractor. All other construction workers will be required to park off-site at public parking lots or will utilize mass transit. A list of public parking lots will be provided to the Applicant's general contractor. The

general contractor will coordinate off-site parking with its subcontractors to eliminate parking by construction personnel on adjacent residential streets. The Applicant will include a statement in its contract with the general contractor that parking by construction personnel and subcontractors in at-grade, open spaces in the Waterfront Station development is prohibited and that parking on adjacent residential streets is prohibited.

- **Community Advisory Committee:** The Applicant will establish a Community Advisory Committee (the “Committee”) to oversee and coordinate community concerns and issues during the construction of the 425 M Street Building. The intent of the Committee is to provide a forum for discussion and resolution of issues and concerns relating to the construction of the 425 M Street Building not already addressed in this Construction Management Plan. The Applicant will work with ANC 6D and adjacent property owners to establish membership on the Committee. The Committee shall meet quarterly or on an as-needed basis, as determined by the Committee. Any member of the Committee may address immediate concerns regarding this project with other committee members at any time. Notice for the meetings will be posted as determined by the Committee.
- **Communication:** The general contractor will designate a community liaison prior to commencement of construction. The liaison and the designated Applicant representative will be the key contacts for interaction with members of the community regarding construction. Initial contact information is provided at the end of this document. In addition, the Applicant will provide an emergency contact number that can be accessed 24-hours a day for construction concerns.
- **Site Management:** Prior to the commencement of construction activities, the Applicant shall continue to conduct routine maintenance of the 425 M Street Site. At the time construction commences, the Applicant will require the erection and maintenance of a construction fence and other erosion control measures around the 425 M Street Site pursuant to an erosion and sediment plan as approved by the DC Department and Consumer & Regulatory Affairs. The fence will have a full-height, neutral-colored vision barrier. The 425 M Street Site will be lighted during hours of darkness while under construction. These lights at night will be

kept to a minimum while still being sufficient to provide necessary security and to comply with the federal and local safety standards. It is the intent that the lighting will not adversely impact neighboring properties.

- **Pedestrian Circulation:** The Applicant will maintain a clear pedestrian circulation path that is well-lit around the perimeter of the construction area. The pedestrian circulation area will be as generally shown on the Proposed Construction Management Plan Diagram.
- **Cleanliness:** The Applicant will require the removal of construction rubbish and construction debris during the construction workday. Portable toilets will be placed away from the streets. All construction access and egress streets will be swept and/or watered daily to minimize dust and mud. A tire wash station will be built and maintained at the construction entrance for use by all construction vehicles leaving the 425 M Street Site. The Applicant's environmental consultant will monitor the 425 M Street Site for dust control during excavation activities per the approved erosion and sediment control plan. The Applicant will also undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period.
- **Work Hours:** The normal construction work week will be Monday through Saturday, 7:00 a.m. to 7:00 p.m., in accordance with Section 105.1.2 of the D.C. Construction Code Supplement. No construction will occur on Sundays or on any legal holidays observed in the District of Columbia.
- **Contractors:** The Applicant will enforce contractor compliance with all rules and regulations described herein. Such conditions will be included in any general and sub-contractor contracts.
- **Environmental Monitoring:** In addition to complying with all required environmental rules and regulations, the Applicant's environmental consultant will provide on-site screening of excavated soils during excavation activities. In the event that contaminated soils are discovered during excavation activities and environmental remediation is required, the Applicant will notify ANC 6D within five (5) days of confirmation of such contamination. Furthermore, the Applicant's

environmental consultant will monitor the 425 M Street Site for dust control during excavation activities.

- **Crane Swing:** The Applicant's contractor intends to erect one or two main construction tower cranes on site for the construction of the 425 M Street Building. The tower crane(s) will be located within the project site. The number and location of cranes are planned to minimize the length of the crane extension and over swing on the block. The crane will swing over adjacent properties, but at no time will building materials swing over adjacent properties or the active public space in 4th Street (i.e., the portion of 4th Street for which a permit has not been obtained for temporary closure).
- **Security:** In accordance with Condition No. 21 of Order No. 02-38A, Waterfront Station will maintain security to patrol the development during construction of the 425 M Street Building. The schedule of both private security guards and off-duty D.C. Metropolitan Police Department officers, as applicable, will be available at the Waterfront Station Management Office; however, the Applicant commits that the project will provide security guards throughout the construction of the 425 M Street Building as needed. The Applicant's general contractor will be responsible for providing adequate security for areas within the limits of construction. Upon commencement of construction, the Applicant will require the general contractor to provide sufficient security to patrol the area within its control, as necessary. Any general contractor's security schedule will also be available at the Waterfront Station Management Office. The Applicant's general contractor will notify the D.C. Metropolitan Police Department and the Waterfront Station security officers prior to the start of construction and provide a point of contact to ensure proper communication and security coverage.
- **Pre/Post-Construction Surveys:**
 - *Determination of Impacted Properties:* The Applicant shall have a certified engineer and/or independent testing and inspection firm identify the properties that abut the south side of M Street, SW, between the western north-south private drive and 4th Street, and determine which

properties are potentially impacted by construction activities at the 425 M Street Site (the “Impacted Properties”).

- *Pre-Construction survey:* For the Impacted Properties, the Applicant will offer to perform a pre-construction survey. If accepted by an owner of an Impacted Property, the Applicant will select an independent testing and inspection firm to conduct a thorough pre-construction survey of the Impacted Property in order to document the pre-construction condition of the Impacted Property. The Applicant shall pay all fees and costs of the firm.
- *Monitoring:* Prior to commencement of construction, the Applicant will hire a third-party consultant to monitor vibrations and any movements to the Impacted Property resulting from the construction of the 425 M Street Building. The Applicant shall pay all fees and costs of the firm. Monitoring shall terminate upon completion of the structural frame of the 425 M Street Building and its garage. The Applicant will provide monthly monitoring reports to the owner of the Impacted Property until such time as the monitoring obligation terminates. In the event that there is movement detected related to construction activities that may cause damage to the Impacted Property, these movement(s) will be immediately addressed and the owner of the Impacted Property will be notified. The Applicant will be obligated to restore the Impacted Property to the condition that existed prior to commencement of construction as documented in the Pre-Construction Survey.
- *Post-Construction:* No later than three months after achieving substantial completion (as evidenced by the issuance of the first certificate of occupancy for the 425 M Street Building), the owner of the Impacted Property at its election may require the Applicant to pay for a post-construction survey to be completed within four weeks of the request. The Applicant will seek to use the same firm as employed for the Pre-Construction Survey. If that firm is unable to complete the Post-Construction Survey, the Applicant will select a different independent

testing and inspection firm. The Applicant shall pay all fees and costs of the firm.

- *Damage to the Impacted Property.* In the event that it is determined that the Impacted Property sustained damage due to activities attributable to the Applicant's development, excavation or construction of the 425 M Street Building, the Applicant will coordinate repairs with the owner of the Impacted Property and shall pay for all such repairs.

- **Public Transportation Options:** Numerous public transportation options are available to the Southwest community and visitors to aid in circulation to, from, and around the neighborhood. It is not anticipated that any services will be interrupted during the construction of the 425 M Street Building.
- **WMATA:** Prior to the start of construction of the 425 M Street Building, the Applicant shall (i) relocate the WMATA vent shaft currently located generally at the terminus of the western north-south private drive; and (ii) work with DDOT and WMATA to relocate the WMATA generator.
- **Initial Contact Information:** The following is the initial contact information for development of the Site:

Waterfront 425 M Street, LLC
Forest City Washington
202-496-6600
David R. Smith, Vice President, Development





JBG Smith
703-476-2192
Frank Zambrano, Property Manager

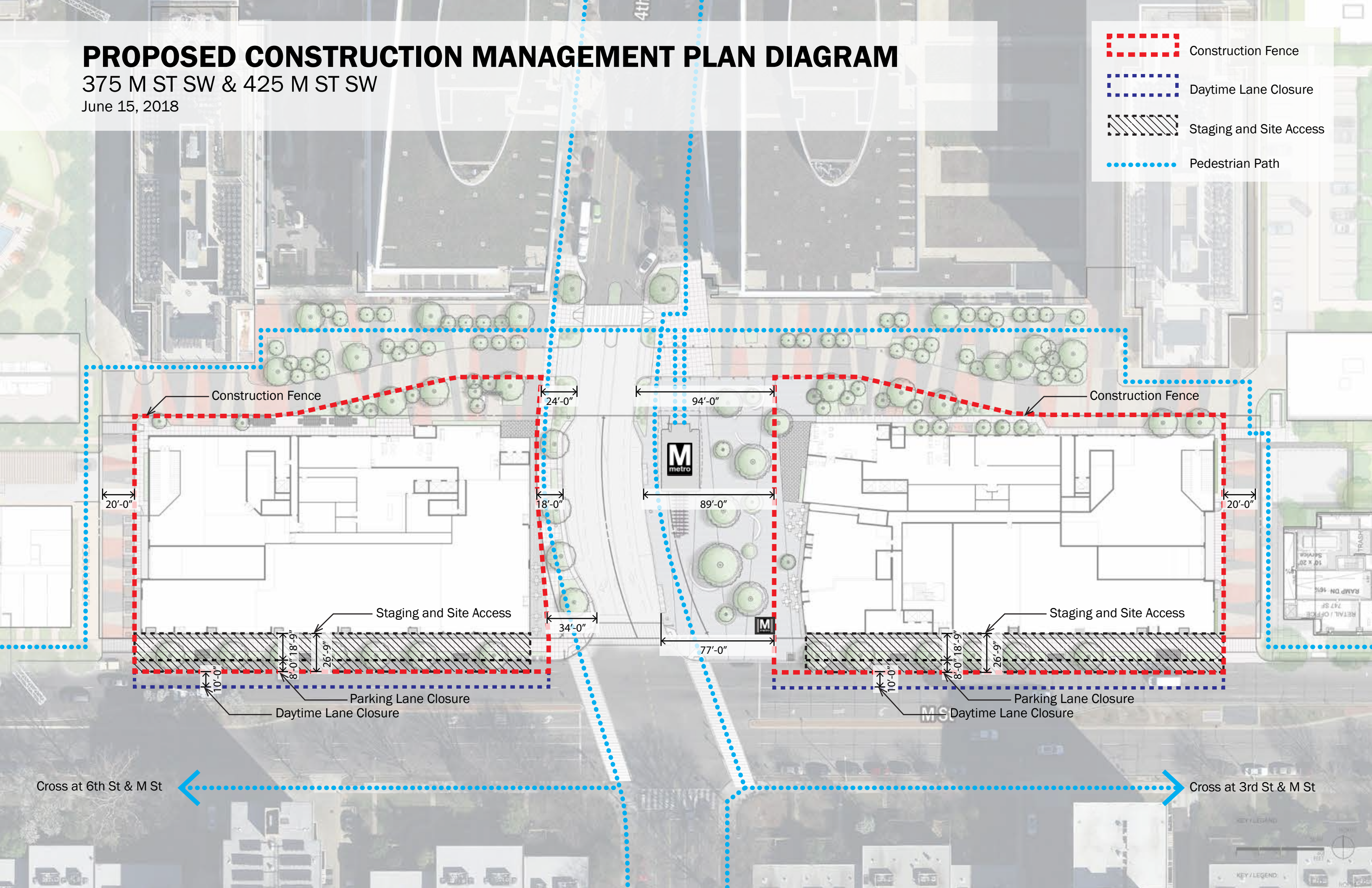
If any changes occur to the plan outlined above, the Applicant will work with the Committee and/or ANC 6D, as appropriate, to implement such changes.

PROPOSED CONSTRUCTION MANAGEMENT PLAN DIAGRAM

375 M ST SW & 425 M ST SW

June 15, 2018

-  Construction Fence
-  Daytime Lane Closure
-  Staging and Site Access
-  Pedestrian Path



Cross at 6th St & M St

Cross at 3rd St & M St

TECHNICAL MEMORANDUM

To: Advisory Neighborhood Commission 6D
c/o Commissioner Andy Litsky

Cc: David Smith
Christy Shiker

Forest City Washington
Holland & Knight

From: Maris Fry, P.E.
Daniel VanPelt, P.E., PTOE

Date: June 8, 2018

Subject: **375 and 425 M Street SW (ZC Case No. 02-38I)
4th & M Street Safety Study**

As part of the Safety Study agreed to by the Applicant for the 4th and M Street intersection, the Applicant will analyze three future scenarios for potential reconfigurations to the intersection. As shown on Figure 1, the existing southbound approach of 4th Street consists of a maximum curb-to-curb width of 55.5 feet with parking lanes and bike lanes on both sides of the street. The vehicular travel lanes include an exclusive southbound right-turn lane, a southbound through lane, and a northbound receiving lane. At the private drives north of the Metrorail plaza, the curb-to-curb width of 4th Street decreases to approximately 40 feet. At the M Street intersection, the curb-to-curb width decreases to approximately 44 feet. As a result of the curb extensions along the southbound approach, the pedestrian crosswalk measures approximately 52 feet at M Street. Along the west side of 4th Street, the pedestrian zone ranges from approximately 14 to 21 feet and the landscaping zone ranges from approximately 8 to 23 feet. As described in the *Safety Study Scope Memorandum* (Exhibit 76A) submitted into the record on April 5th, 2018, two future scenarios for the intersection have already been scoped with DDOT and a third scenario will be determined prior to initiation of the study.

Scenario 1 (depicted in Figure 2) includes a new exclusive southbound left-turn lane, which can be accommodated within the existing curb-to-curb width, as shown, but would require the elimination of the curb extension at the M Street intersection. This would result in an increase in the crosswalk distance from 52 feet to 58 feet. Additionally, the parking along the west side of 4th Street, which accommodates four vehicles, would be eliminated. The vehicular and bike lane widths shown in Figure 2 are conceptual but show that the proposed lane configuration can be accommodated with minimal change to existing lane widths. This concept plan shows a 10-foot northbound receiving lane, 9-foot southbound lanes, and 5-foot bike lanes. The ultimate design would be subject to DDOT review and approval, but the proposed concept generally aligns with existing lane widths along 4th Street. Along the west side of 4th Street, the pedestrian zone is not impacted, and the landscaping zone is only impacted nearest M Street where the curb extension is removed, resulting in a reduction in landscape zone from approximately 23 feet to 15 feet. Based on this design, the proposed PUD plans would not need to be modified to accommodate the configuration proposed in Scenario 1.

Scenario 2 (depicted in Figure 3) incorporates changes to lane striping along the inner-most southbound lane to accommodate a shared through/left-turn lane. This modification does not result in any changes to the curb-to-curb width and does not impact the location or width of the bike lane, the parking lane, the existing landscaping and pedestrian zones, or the existing

curb extension. This modification would be coupled with signal timing adjustments to allow northbound and southbound traffic to run independently of each other. This would eliminate the need for left-turning vehicles to wait for gaps in traffic and thus help minimize potential queuing issues associated with reintroducing the southbound left turn.

Overall, neither proposed scenario for the 4th and M Street intersection would require any modifications to the PUD plans currently proposed for the 375 and 425 M Street sites. This conclusion was confirmed by DDOT at the public hearing when it testified that any potential changes required for the intersection would be within the public right of way and able to be handled by DDOT outside of the zoning review process. See 4/5/2018 Transcript, p. 114.

The Safety Study will include stakeholder outreach to the ANC and community members. The study will be performed with input from the community regarding safety and operational concerns at the intersection.

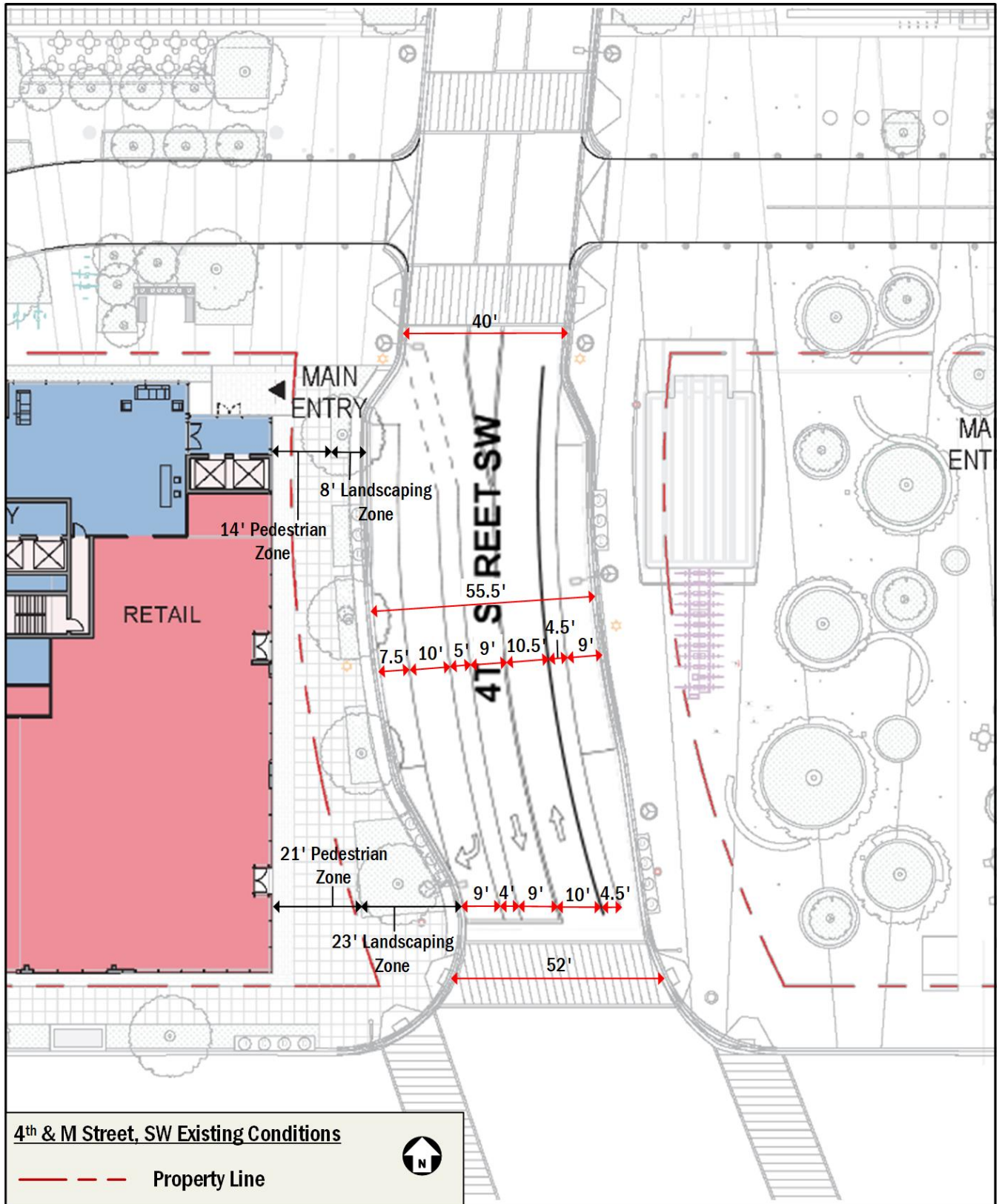


Figure 1: 4th & M Street, SW - Existing Conditions

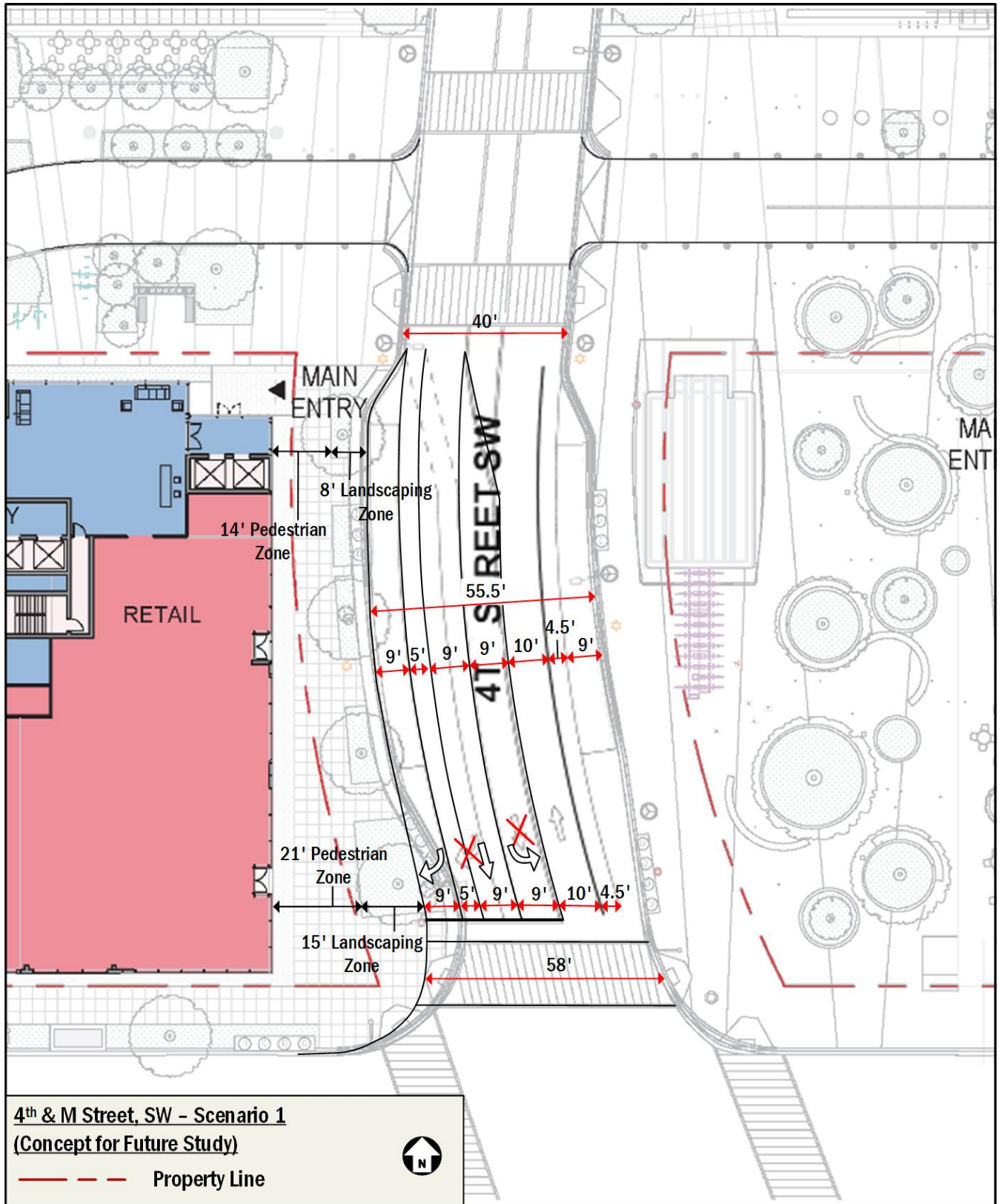


Figure 2: 4th & M Street, SW – Scenario 1 (Concept for Future Study)

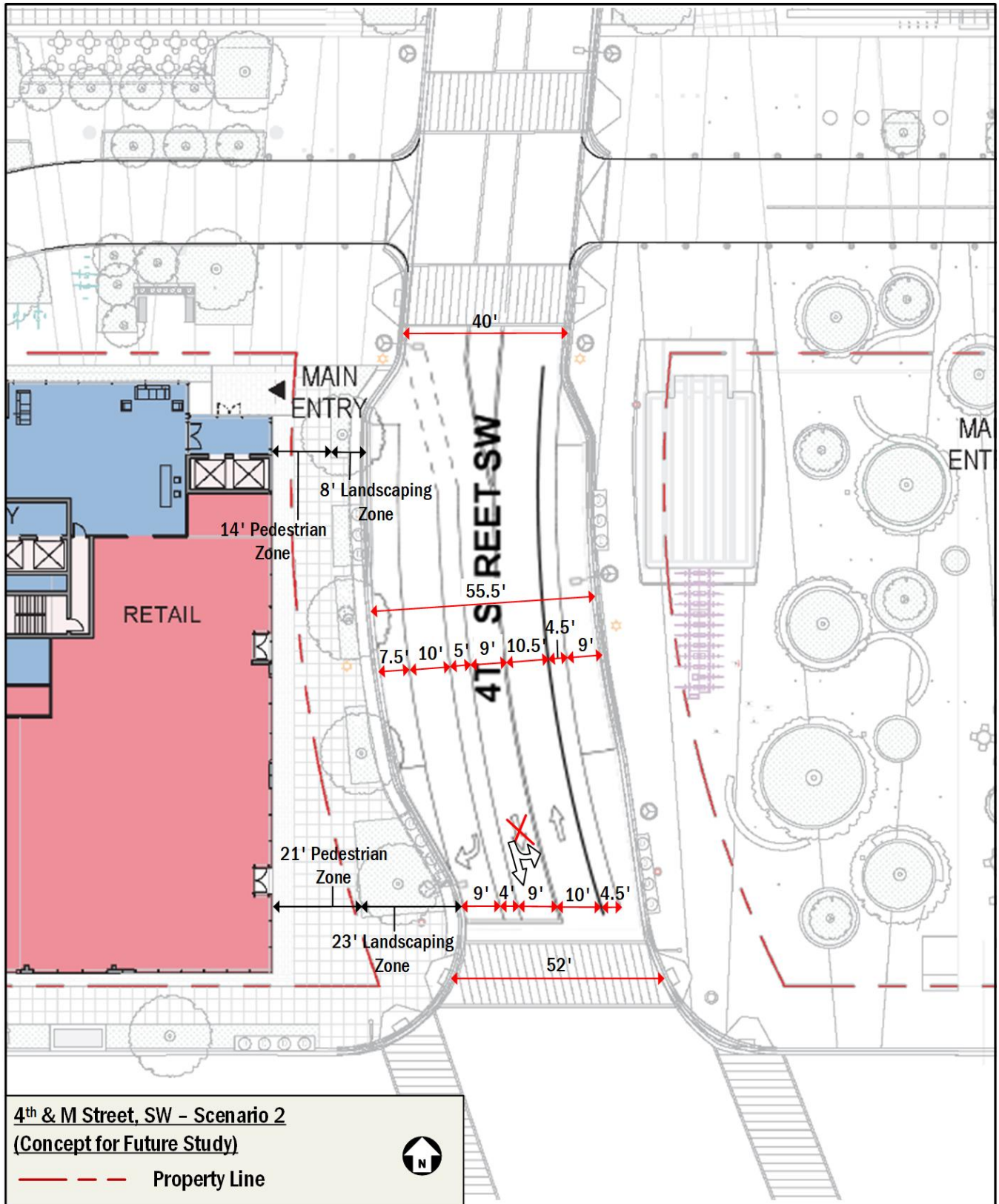


Figure 3: 4th & M Street, SW - Scenario 2 (Concept for Future Study)