

**ZC Case 11-03N - Application of Wharf Phase 3 REIT Leaseholder LLC for a
modification of the 2nd stage Planned Unit Development to permit an enclosed,
permanent late-night bar on the M Street Landing parcel**

Statement of The Amaris Condominium.

My name is Laurie McMahon. I am the president of the Amaris Condominium Board of Directors, located at 601 Wharf Street, SW. The Amaris Condominium is immediately adjacent to M Street Landing.

As this Commission found, the change in the use of the M Street Landing from a passive park to an active commercial enterprise is a modification of consequence to the previously-approved PUD. As the Office of Planning recognized,” the construction of a building for café / bar use would raise the degree of commercialization of the park beyond the level anticipated by the Commission,” which was intended to be “a quieter, community-oriented park.” Because of these impacts, this modification of consequence was determined to require a hearing in order to allow for witness testimony as to the impact of this modification.

The residents of the Amaris will be uniquely impacted by the adverse impacts of a late night bar operating year-round, and we offer this testimony and proffer proposed conditions to mitigate the impacts of the bar/café on residents of the Amaris. While the Applicant notes that it has entered into a Cooperative Agreement with the ANC 6D purporting to address some issues relating to this intrusive new use, the cooperative agreement lacks specificity as to how these commitments will be carried out

Specifically, the Cooperative Agreement requires the Applicant to install “reasonable architectural improvements to the property” and take other “necessary actions” to “ensure that music, noise, and vibration from the Establishment(s) are not audible and/or felt in any residential premises other than within the restaurant Establishment or the outdoor bar café,” and to “take reasonable measures to assure that music, noise (excluding unamplified human voice), and vibration from the Establishment are not audible in a residence with its windows and doors closed.” The Applicant asserts, without any support, that “The proposed Enclosing Elements will do just that.” We believe that the enclosing elements are insufficient to carry out these commitments, as are other measures identified in the Cooperative Agreement.

Among other things, the extremely late operating hours for the bar, without any specific restraints on amplified music or any systematic sound monitoring does not adequately protect Amaris residents from noise. Further, loading and deliveries to the Pavilion will interfere with resident access to their parking spaces and main building entry. The bar will

likely increase traffic congestion on Wharf Street with cab / rideshare drop off and pickup particularly during special events, and increase illegal parking

In its statement, the Applicant committed to have “ongoing communication with . . . neighborhood stakeholders on not only concerns surrounding the operation of the Wharf but also on issues of mutual concern.” ZC Exh. No. 3, at p. 8. To that end, the Amaris has reached out to the Applicant to request that the Applicant consider the following measures to carry out these commitments, all of which are fully consistent with and simply carry out the Applicant’s general commitments in the Cooperative Agreement.

The Amaris has not yet received a response from the Applicant. The Amaris therefore requests that the Commission incorporate the following measures as conditions to any Order approving the application:

1. Noise. Incorporate the following measures to address noise impacts:
 - a. installation of sound-absorbing materials in Pavilion design to mitigate noise.
 - b. Limit Pavilion hours, especially for amplified sound, to avoid late-night disturbances as follows: 9:30 p.m. on weekdays, 10:30 p.m. on weekends.
 - c. Install real-time noise monitoring equipment and require compliance with DC’s noise ordinance. Provide public access to noise data.
 - d. Prohibit or strictly limit outdoor speakers, TVs, and live music.
2. Security. On-site security during all operating hours, especially evenings and weekends, and that such charges not be apportioned to Amaris. Further, a security plan should be developed in coordination with local police, including rapid response protocols for disturbances.
3. Loading. loading /unloading on M Street Landing (in front of Amaris) should be prohibited, and loading/unloading from the building to the Pavillion should be limited to certain hours (e.g., no late-night deliveries / trash removal) to reduce noise and traffic / service carts movement across the plaza during sensitive periods. Deliveries should be scheduled during off-peak hours.
4. Parking. The Applicant must provide clear signage and real-time updates to help direct drivers to available spaces. Cameras should be used to enforce parking rules and prevent illegal parking.

Thank you for considering our views. Please feel free to email us at board@amariscondo.com if you need any additional information.