

As President of the historic Waterfront Tower, a Southwest DC resident of over 12 years and a proud home owner of 8 years, I appreciate the opportunity to present our concerns before the DC Zoning Commission. I want to thank the commission for recognizing the unique impacts to Waterfront Tower as we are less than 30 feet from Forest City's property, we are the only association of condominium owners not separated from this project by a public street and we are the ONLY building completely landlocked with our only vehicular ingress or egress being the private driveway where this project will add significant traffic congestion.

In part, Forest City is here today to modify an over 10-year-old PUD in response to changes in the economy, local market and the SW Community. Today I am asking the Zoning Commission to recognize the formation of the uniquely impacted Waterfront Tower Condominium Association as an Equally important change to consider when modifying the original PUD and approving the stage 2 PUD.

When Forest City started community engagement for 375M Waterfront Tower Condominium Association did not exist. Our building was owned by Bresler & Reiner as an apartment until late in 2008, when it was purchased by The Bernstein Companies for renovation. It was not until after 2010 when Waterfront Tower Condominium Association came to be the owners of this building.

As part of the community engagement process I wish Forest City made a proactive effort to discuss their project with us and learn about our concerns before seeking modifications to their PUD. Instead, they urged you to deny our request for party status.

I am eternally grateful to the ANC for bringing the status of this project to our urgent attention and for their guidance, to Hara Bouganim for her diligence and tireless efforts to pursue party status, and to the Commission for your insight to grant our party status. It was not until then that Forest City made any effort to directly engage with us in a meaningful way.

Since then, I do thank Forest City for meeting with Hara to provide information about their project on 11/8/2018, and then meeting with the Waterfront Tower Board of Directors once in February to share their current plans and learn about our concerns, and then once in March to propose initial solutions to address some of our concerns. These efforts resulted in the reconfiguration of the loading dock, and to limited concessions towards treating the east elevation of 375M as part of a vibrant town center, rather than as a back alleyway.

After Forest City's testimony last month, we documented and sent them a list of concerns about ambiguities and inaccuracies in the PUD. In April, Forest City then met with the Board of Directors for a third time to show us updated PUD drawings. We clarified some of our remaining concerns and they agreed to make additional changes, but we have yet to receive these corrected and updated PUD drawings and I did not see

them in the case record today. I want to ensure that the Commission and Waterfront Tower receive these updated drawings and that the Commission considers these drawings in their final decision.

As well, to solidify existing agreements and ensure progress on additional agreements towards a mutually beneficial treatment of the private drive for all neighbors, we drafted a memorandum of agreement, which I will summarize as a conclusion of my testimony.

Forest City has verbally or in drawings agreed to the first three items. I will only summarize the details we feel need clarification or further documentation. Then I will cover 4 additional items we are asking Forest City to agree to, which have been discussed with no clear agreement to date.

- 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 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.

All four sides of 375M face existing vibrant components of the SW community, and all four sides of 375M should respect their neighbors equally. By agreeing to meet or hopefully exceed the requests I just listed we believe Forest City would be respecting the face of our home and honoring Waterfront Tower as an historic pillar of the vibrant town center, instead backing us into a corner.

We are asking the commission to help us solidify these agreements by not only considering the concerns just presented by Dan Marriot, but by encouraging Forest City to give us the same opportunity as other older communities had by continuing to work with Waterfront Tower on:

- 1) Addressing our remaining concerns,
- 2) formalizing their commitment to our requests and verbal agreements in a binding way, and
- 3) considering their new neighbor, not only economic changes, in the modifications they request to their original PUD.