

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Andy Litsky, Chairman, ANC-6D

DATE: October 26, 2017

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

At a duly noticed meeting held on Monday, October 16, 2017, at which a quorum was present, ANC 6D voted 5-0-0 to oppose the proposal advanced by the Applicant in their First Stage PUD Modification and Second Stage PUD Application in ZC #11-03J, Wharf Phase II. As Office of Planning has found it difficult to adhere to the reporting time table established by this Commission – the timing with which ANC-6D has had to analyze such an abundance of material has similarly proven inadequate within the established constraints to recommend embrace of this project at this time. There is still additional work to do.

As we counseled in First Phase hearings, what is and remains a challenge in a project of this significance is how to address with full assurance that any plan to which we may be referring at any one particular time is accurate at that moment. Such is the case where there have been iterations over time thanks to frequent review of various entities. It behooves us to ensure that we are all on the same page as this process moves ahead. That has been part of our difficulty in preparing this report. Therefore, the ANC asks the indulgence of the Zoning Commission to continue to refine our responses in this Report even as we uphold the schedule in front of us. Some of what would normally be put in our Report from the ANC will, by necessity, be addressed in testimony or need clarification in cross for there are still too many moving pieces on the board.

As dazzling as The Wharf has proven since opening on October 12 – and it is a triumph -- it is incumbent upon all at the table to approach Second Phase with no less a clear-eyed focus than

we had five years ago when we addressed the First. Today's stardust must not cloud our long term vision. ANC-6D feels the need to remind the Commissioners that we also withheld support for First Phase five years ago until major items of concern were addressed. We believe that First Phase is now better for the details we got straight. We'll do that again.

Sometimes the clock must be stopped so we can all take a breath. This is one of those times.

At ANC-6D's October 16 meeting, the Commissioners also entrusted their Negotiation Team, comprised of Commissioners Collins, Fast and Litsky, to continue to meet with the Applicant and other parties to discuss their issues and attempt to work toward effective solutions that may address outstanding concerns. As directed by our Commission, since our vote eight days ago the members of our Negotiation Team have continued to meet with the Applicant multiple times on behalf of the ANC and at the behest of other stakeholders to obtain clarity on answers we feel have thus far been inadequate. This report, due a week out from testimony, is therefore timely until the send button is hit. ANC-6D is always hopeful that continued and constructive engagement will win the day.

ANC-6D believes that it is appropriate to begin with the topic that continues to plague on this project and so many others that have come under our watch over more than a decade: Transportation.

We can no longer continue to kick the can down the road for we have simply run out of road.

In attempt to gain some guidance from DDOT on the transportation issues ANC-6D felt most strongly about, and according to the zoning new protocol, on October 4, 2017 our Commission sent DDOT a memorandum succinctly listing of our top concerns about the Wharf II Transportation Plan. We had hoped that our comments and concerns would be folded into DDOT's response to the Zoning Commission in this case. At a bare minimum we expected that some signal that they understood what we were talking about.

However, in the twenty-eight pages of their Report to the Zoning Commission on 11-03J, DDOT chose not to address any of the issues that ANC-6D raised in this case. Not one.

On the management of scores of tour busses either on site or on either side of Maine Avenue in the public realm. On how The Wharf will manage Uber, Lyft and Taxi pickups either on site or in the public realm. On the plan to put Circulator within Second Phase. Radio silence is simply not an option.

ANC-6D feels compelled, therefore, to incorporate these concerns within our ANC Report on 11-03J to ensure that they are listed on the record and that the Zoning Commissioners fully understand how strongly we urge the Department of Transportation to provide their professional guidance in this matter.

TRANSPORTATION

On bus management drop off and loading for Entertainment Cruises on Maine Avenue.

The primary major on-going concern regards the curbside management plan advanced by the Applicant for motor coach operations along Maine Avenue serving Entertainment Cruises. DDOT stated in their response to the Wharf First Phase Transportation Plan that it is their preference to have the busses dealt **within** their property and not in the public realm as exists in under the current paradigm. The ANC has great concern that once we have First Phase Wharf in operation and Second Phase under construction (let alone in operation) that the proposed Maine Avenue bus plan may prove to be woefully ineffective in very short order. We think that there ought to be additional discussion about how busses may be moved – at least partially internally – especially during March – July height of season. Unless The Wharf has a *reason* to ensure proper management of these buses, Maine Avenue will continue to be a problem.

Bus management has been problematic during the past two years after the Colonial Parking lot – now our Waterfront Park – was closed to bus and auto parking for Spirit Ships. Bus traffic is significantly enhanced during peak season. Entertainment Cruises has demonstrated that they are adequate when it comes to handling busses on a usual basis and are simply overwhelmed from March – July. Of course this is a scenario completely at The Wharf's own choosing since initially they were supposed to construct a commercial pier several blocks west of Pier Four which would have significantly mitigated the challenges the existing residential neighborhood continues to have with buses. But Entertainment Cruises is where they are. So the bus problems remain. How do we meet them in interim condition? How do we meet them in final?

Even the Applicant's traffic planner admits that eastbound and westbound designated bus spaces work very differently. While it is estimated that eastbound spaces dropping off passengers require an average of 16 minutes, those parked on the westbound side for loading and unloading require 71 minutes creating, in perpetuity, a virtual bus parking lot in front of Arena Stage all the way to Seventh Street. Using these spaces thusly deprives the greater community, Wharf and Arena patrons from more temporary use of that parking. More importantly, it dramatically impacts the flow of traffic along Maine especially since DDOT's report (p.12) states that they will need to narrow the number of lanes on Maine Avenue in both directions to allow for turn lanes. One thing is for sure, once Second Phase build out traffic won't get any lighter.

Why are we bringing this up now since we all thought for the past five years that Sixth Street south of M, M Place and Water Street, SW were forever more to be bus free?

ANC-6D believes the best intentions of Wharf Partners to support the pledges made to our Community and to the Zoning Commission in their Phase One PUD about keeping busses serving Entertainment Cruises off of Sixth Street, M Place and Water Street. However, these three streets are being re-conveyed to the District of Columbia in relatively short order. What is clear, however, once the streets are re-conveyed they are in the public realm. While The Wharf has a larger leasehold on the landside space that they will control, we have no clear understanding precisely what the parameters of that agreement are that pertain to the space that they claim they will 'manage on behalf of the District' that may be in the public realm. And more importantly, ANC-6D was informed by DDOT this spring that all property in the public realm – regardless of what it may say in any PUD agreement – is under *their* control and management. "Zoning has authority over the land but *we* control the streets," was a message clearly conveyed.

So where does that put the agreement ANC-6D had presumed to be in final? An agreement that we all had been lead to believe was an otherwise *binding* agreement between the existing residential waterfront, Hoffman-Madison and the District of Columbia (as represented by DMPED in negotiations and the Zoning Commission in a decision in a formal zoning case) to prohibit forever any bus transport on Sixth Street (south of M Street, SW), M Place, SW or Water Street, SW. Quite clearly, DDOT does not believe it is worth the paper it's written on.

ANC-6D and the existing residential waterfront neighbors at Tiber Island, Harbour Square and 525 Water Street do not expect to be forced into ‘a solution’ to move busses back to Water Street to serve Entertainment Cruises should the Maine Avenue plan fail. The elimination of busses in front of the existing residential waterfront buildings was part and parcel of the agreement that the SW Community made with the District and the Applicant as a consequence of embracing the overall Wharf build. Further, the Applicant signed an agreement with the ANC memorialized in the Phase One Zoning decision to prohibit busses on those streets. It was also part and parcel of the agreement with the Applicant to provide the major community resource as a consequence of our support of that build – creation of The Eleanor Holmes Norton Waterfront Park. That most major community resource will be virtually unusable should busses be moved back. All the more reason why ANC-6D insists that DDOT put on the record – in Phase Two -- what the fallback plan is going to be if/should the Maine Avenue bus plan fail. Because once Phase Two is built out with no options ... we will *have* no options to fall back on.

DDOT seems to believe that their DC GIS Map that shows which streets have what designation should suffice for a hard and fast and signed agreement. Here is where ANC-6D found out that DDOT has made the streets that we consider ‘at risk’ for re-imposition of bus traffic. Suddenly, there is a little pink line that has been placed over Sixth Street, M Place, Water Street that purportedly shows them bus free zones. That is, until that little pink line disappears.

<https://www.godcgo.com/dc-truck-and-bus-map/>

Is that decision backed up by a Zoning Order? Is that decision backed up by long negotiations held between The Wharf, ANC-6D, and DMPED? No. That little pink line is there because a DDOT says it is – until it isn’t. Zoning order be damned.

So, now what happens when the control of these streets go back to DDOT? Is the existing residential neighborhood protected by our agreement as we had been promised and is clearly stated in the PUD? Or are we – and every other ANC and neighborhood group negotiating PUDs with developers all across the city and incorporating discussions about public realm --- simply being led down the garden path?

Meanwhile, in order to seek a resolution, ANC-6D had several meetings with the Applicant. At first, we told them that we were going to request special council legislation. We were asked not

to do so because they suggested that they themselves could place a covenant on the parcels prior to re-conveyance that would “run with the land” thus making it impossible to change what had been agreed to about a no bus zone adjacent to Waterfront Park.

Then the Applicant told us that they chose to only address not formally within the re-conveyance documents but within the PUD itself. Of course, that doesn’t address the question at all since DDOT claims that they aren’t responsible for abiding by public realm assurances in any PUD. A quandary.

To be fair, here’s what the Wharf finally proposed four months after the ANC met to insist upon a solution: *“As discussed when we last met, we agreed to include a condition in the final order for the second-stage PUD for Phase 2 of the Wharf project that prohibits full-sized motorcoach buses from accessing, parking, loading, or circulating through Waterfront Park, or along the private segments of Water Street, SW and M Place, SW. The final order is included as an exhibit to the PUD Covenant that must be recorded prior to issuance of any building permits for Phase 2 of the Wharf project, which runs with the land and binds all future successors and assigns of the property.”*

However, is this a solution if DDOT can overrule any portion of a Zoning Order it feels impinges upon their authority? So ANC-6D again sought special legislation from Council on this matter and worked with the Applicant to move that request along. We anticipate that legislation will be introduced very shortly. Clearly, this requires three separate bills, mayoral signature and, eventually, Congressional approval. Is there a risk that none of this may happen in final? Sure there is. What we thought was done as a consequence of our embrace of Wharf First Phase PUD is most definitely not done.

The Maine Avenue Entertainment Cruises Tour Bus Loading and Unloading Plan

ANC-6D has continuing concerns about what little is in the record about this intractable challenge. We may have missed in any of the Applicant documents how these spots will be managed in the interim condition. The only diagrams provided are for final build-out both in season and out of season conditions.

We see nothing in DDOT’s Report to Zoning on Wharf II that speaks about buses at all, let alone their analysis of what may be proposed during interim or final Entertainment Cruise bound

tour bus pick up and drop off plans proposed by the Applicant – only portions of which have been put into evidence. And it is a fabrication that they stated in their report that ANC-6D has signed off on what is currently proposed for tour bus drop off locations on both sides of Maine Avenue. We have not. We had one meeting to discuss this with them and no response or follow up for four months.

For context, here is what the Applicant and ANC-6D agreed to previously. The following is a portion of Exhibit 104 in First Phase Hearing entitled, “ANC-6D Resolution of Support of Hoffman Madison-Marquette Southwest Waterfront First Stage PUD ZC 11-03.” Page 2 of this 39 page document clearly states the understanding upon which the ANC provided its support for Wharf I. It has been partially adhered to. It reads:

HMW in concert with DDOT and the ANC will develop guidelines to ensure that busses do not park Within the residential areas. HMW will provide a more precise diagram to demonstrate how tour busses will arrive and depart from on Site to discharge and pick up passengers at the big boats. If additional bus lay bys are required they will not be located east of the existing sites as demonstrated on page 3 8. **[ANC motion 7-1 1- 11]**

HMW response 7-15- 11 HSW agrees with the above commitments and will provide the following assurances to the ANC:

1) Lay-by areas for buses (to the extent more are needed or the location is refined) will be located no closer to the existing residential areas than the Bus Drop Off identifies on page 3.8 of this Updated PUD submission.

2) HMW agrees to remove all bus traffic southeast of the completed M Street Landing by prohibiting via signage along Park Road(the extension of the old Waters Street), 6th Street, SW and M Place SW, or upon commencement of redevelopment of Pier Four, irrespective of its intended use.

3) HMW will create a bus operations plan that details bus lay-by operations, drop-off, pick-up, and bus traffic control as part of the Stage 2 submissions for Parcel 9 or M Street Landing, whichever comes first.

4) HMW will cooperate with ANC-6D and DDOT in mitigating bus impacts in the Southwest Community.

[ANC6D Accepts ~ 8-22-11]

The current paradigm has Entertainment Cruise busses parked along Maine Avenue right up to the corner of residential Sixth Street alongside St. Augustine's Church. There are residences situated directly above where the buses will park. They have balconies. The use of the 525 Water Street balconies and even using opening their windows will be significantly impacted by placement of these buses on that site from March – July. The buses need to be moved away from Sixth Street and the 525 building. The goal of any Entertainment Cruises bus plan was to keep them away from existing residential neighborhood. That promise is why the ANC embraced repurposing Pier Four when the town house plan didn't work and didn't *insist* on moving the cruise line to a new commercial pier in the middle of the project --- which would have solved the bus problems for the existing residential community but cost HMW a significant financial hardship.

It isn't likely to get any less crowded on Maine Avenue. It will only get worse. Where are the diagrams and written understanding about the interim condition? Are we still expecting a street car? What is DDOT's plan if this bus plan does not work? How will the narrowing of Maine Avenue impact the ability to properly negotiate that street once new turn lanes are put in place? Now is the time to address this because once Phase II is in the ground physical amendments cannot be accommodated. By then it will be too late.

We refer the Commissioners to this paragraph from DDOT's Report to the Zoning Commission on 11-03:

In their report to the ZC on 11-03 DDOT wrote, "Further, any transportation improvements deemed necessary to serve specific phases of the development must be executed in advance or at the same time of the relevant phase of construction. All changes to the infrastructure should be constructed to accommodate anticipated build out conditions despite being constructed in relation to a specific phase."

ANC-6D insists that the Applicant spend additional time and attention before this Wharf II PUD is set in stone to ensure that rather than simply attempting to meet the demands on the curbside – that we develop a plan to handle Entertainment Cruises tour bus pickup and drop *within* Phase II especially during March-July conditions so that the larger community is not forced to feel the ripple effects on congestion and safety on Maine Avenue later on. ANC-6D feels most strongly that we all need to "share the pain," Wharf Development included.

Uber & Lyft. The new kids on the block ... any block they choose, apparently

When the Zoning Commission held hearings on Wharf First Phase in 2012, Uber has been in operation in the District for little over six months. Nobody had any inkling that such services would up-end the hired vehicle paradigm in major cities across the country. And, of course, no one figured Metro would stop running at 11:30 each night. Accordingly, we now must adapt to how Uber, Lyft and other services now used quite routinely can be incorporated – after the fact – within Phase One. This is a task in progress --- within that already built environment.

And so it is that ANC-6D is concerned that the Second Phase plan gives little guidance as to how The Wharf proposes to accommodate Uber and taxi pick-up and drop off. “We’re working with Uber & Lyft to work out arrangements” may be an acceptable answer for Phase One, but certainly not for Phase Two. Not all of these services can or should be expected to be accommodated in Phase One. No one is going to walk half a mile to get a cab. The ANC is particularly focused on the lack of a plan for how these commercial services – not just privately owned automobiles -- access the space in front of Waterfront Park to get to Entertainment Cruises and is now impacting the lives of the residents at both Tiber Island and 525 Water Street – a project developed by Wharf Partners themselves in order to accommodate Entertainment Cruises.

Absent strict rules and regulations, which the Administration seems loathe to develop, our Southwest neighborhood residential blocks – as well as other residential blocks adjacent to ‘nightlife districts’ across the city -- will quickly become a ride hailing options for thousands of patrons at major destinations. Drop off is easier, but at The Wharf why would anyone logically expect that their Uber driver will be able to find them standing outside Anthem? “I’ll be wearing a black coat and carrying a cell phone.” Really? But what *has* been happening is that people walk into the existing residential neighborhood blocks to summon Uber because that’s where they can be more easily located.

Uber and Lyft were never envisioned to be what they are today when First Phase planning was developed. Accordingly, ANC-6D believes that DDOT must provide additional review of how

those services now operate at The Wharf and especially provide guidance about how they ought to be included within the built environment during Phase II. We can't simply assume that Maine Avenue will be able to continue to accommodate to every imaginable mode of transport -- - including the wildly improbable streetcar which is either on or off the table depending upon which project is in front of us and who's got the mike. DDOT and Planning need to be fully at the table in this discussion along with the ANC to develop a plan for how this works. That's their job.

DDOT can no longer get away with insisting that real traffic planning will have to wait until a project is built --- especially a massive project like Wharf II. This is nonsense. If they continue to insist that they need to see the built environment in operation before they can develop a plan to manage the traffic and transportation that results from it then we need different sets of eyes to do the seeing.

The 94 Residents of the Gangplank Marina.

The residents at the Gangplank Marina have a special place in the hearts of Southwest and this city. They are the virtual symbol of our neighborhood. They are the largest community of liveboard residents on the East Coast of the United States. And they are in the forefront of in any magazine article or newscast or developer's brochure when it comes to talking about continuity and the redevelopment Southwest. You can't have a waterfront neighborhood without waterfront neighbors.

This intrepid band of liveboards --- 94 strong, thanks to the Zoning Commission decisions on First Phase -- is still endangered. ANC-6D embraced First Phase with the strict assurance that we would be maintaining a sustainable community throughout construction and beyond in a post-construction era. As we proceed with the development of this enormous development project, this ANC insists that we hold fast to the assurances we -- and they -- were given five years ago. In particular, ANC-6D remains concerned that there may be some back tracking on commitments made to that community regarding parking, the continuity of marina-specific needs.

There are only 89 presently with no understanding of when those slots will be filled. ANC-6D embraces GPSA's concerns about how to ensure their survivability as a community going forward. We ask the members of the Commission to require the Applicant to continue to work

with the GPSA leadership and the ANC to ensure that they are not simply priced out of existence.

ANC-6D expects that The Wharf will adhere to the signed agreements that they made with the liveboard residents at Gangplank Marina for the provision of adequate parking as called for in their written agreement with The Wharf as a consequence of GPSA support for First Phase. Not only are the number of spaces put forward inadequate as per that agreement, but the number, placement and access to spaces during Second Phase construction and after completion has GPSA residents jostling for space with office users while the interests of new condo residents and hotel guests are looked after. This proposed shared parking arrangement is in direct conflict with the First Phase PUD agreement.

How the Applicant will meet the day-to-day real transportation needs of Gangplank residents during and after Phase Two construction must be better articulated in this transportation plan. Specifically, ANC-6 need written assurance that GPSA marina residents will have designated local drop off points for groceries, children and handicapped residents pre-and post construction. The ANC acknowledges that these conversations are still on-going and some of the concerns expressed may yet be addressed prior to the November hearings.

Return of the SW Circulator

ANC-6D would like to see the plan for the return of the Circulator which is anticipated in Spring, 2018. It is under DDOT's control now. As such, DDOT should be able to provide this ANC with a clear understanding of where the stops will be on both sides of Maine Avenue. If we must make plans for Entertainment Cruise Ship buses, automobile parking, taxi drop offs, Uber & Lyft, curb cuts for wheel chairs, we also need to know where the stops are going to be located that are anticipated to service The Wharf – particularly as pertains to Phase Two.

Other Transportation Concerns from the DDOT Report

On page 4 of the DDOT Report, "DDOT has no objection to approval of the requested Stage 2 PUD and Stage 1 Modification with the following additional conditions included to adequately mitigate site-generated traffic:"

- Fund and construct the removal of the channelized southbound right-turn lane on 6th Street SW, subject to DDOT approval, to improve pedestrian safety and accessibility along this critical walking path from the Waterfront Metrorail Station to the Wharf.

Nothing more than this was presented. ANC-6D needs greater clarification as well as a diagram clearly stating what DDOT envisions. What does this mean ... precisely.

On page 6 of the DDOT report: “Coordinate with DDOT's Transportation Engineering and Signals Division (TESD) and Traffic Operations and Safety Division (TOSO) regarding the following:”

- Installation of the proposed signal at Maine Avenue and Marina Way SW;
- Appropriate design for removal of the southbound channelized right-turn lane on 5th Street at Maine Avenue SW and the accompanying relocation of any traffic signal hardware; and

Again, the ANC requires greater clarification. If this responds to something in the Applicant's documents it would be helpful to site where it's from. If this is something that DDOT just decided, we need some rationale and a diagram to fully comprehend what's recommended.

On page 3 of DDOT Report “The CTR recommended signal timing adjustments at intersections along both Maine Avenue and 7th Street SW, as well as removal of on-street parking in several locations to increase vehicular capacity through intersections.”

Again, the ANC requests the reference and a diagram to show precisely where parking removal is indicated.

Need for a Community Construction Plan

In every other development, ANC-6D has insisted on a community construction plan as part of our embrace of any PUD. That is something that is always committed to by the developer but rarely provided in any detail. Contracts need to be hired and through them, subs. There are lots of moving pieces. But some written understanding must be in place before shovel hits dirt. But right now we have nothing on paper at all.

The second phase of the largest private development in the District is going to be constructed much closer to residential neighbors than had been First Phase. More thought is going to need to be given and now is the time to set in place certain overriding principles. One critical portion where we need advance understanding is how trucks move into and out of the site as well as how they are directed to avoid certain local streets during that process. The ANC recommends that Maine Avenue, M Street and South Capitol Street need to be the agreed upon access and egress roads for major construction vehicles at the site – as Potomac Avenue has been for much of the construction on Buzzard Point.

In addition, ANC-6D wants to see the initial development of a Traffic Construction and Control Plan that will clearly delineate plans for 1) Vector control, 2) Construction Truck Route, 3) Construction Parking, 4) Work Hours, 5) Pre-construction survey of adjacent structures and 6) Post completion cleaning, 7) Establishment of a Construction Timetable

Additional ANC-6D Issues for HMW on Wharf II

ANC-6D has asked for a more clearly articulated plan for Building 10 “Bosque” area and its physical relationship to Waterfront Park. We want it understood that the Waterfront Park is a Community Amenity and not to be considered additional outside dining space for any restaurant that may be situated in Building Ten. We have been assured that what is envisioned there is not a “grab and go” kind of restaurant, but a sit-down space.

ANC-6D also wanted a more clearly articulated plan for what is to replace the copper beech amenity. It’s a shame that such a magnificent tree failed to take in the new space. The ANC gives great credit to the Applicant for going through the time, expense and planning to move the tree but we want to be included in the discussion about what is to take its place. After all, the community helped design the park ... and this is part of the park. Something oughtn’t to just show up without review.

ANC-6D notes that there is a paucity of public restroom facilities throughout the project. We have specifically requested that family bathrooms be included on the west side of Building Ten.

ANC-6D wanted some assurance that non-profit boating associations will be fully incorporated into Second Phase. We received some figures less than 24 hours ago and have not been able to properly analyze that information.

ANC-6D has noted that there is concern about the pavers in Phase One. They hurt the feet. We have been assured that the Applicant plans to have more flat pavers in Second Phase, but would still like to see a sample.

ANC-6D is pleased that HMW has agreed not to request of DDOT or any other District Authority to provide RPP for residents in any buildings it constructs in Wharf II and will place information about that ineligibility in any rental or sales documents.

ANC-6D has asked the Applicant for a written plan to move special needs passengers from buses on either side of Maine Avenue to the Entertainment Cruises and also show where the non-gasoline powered vehicles will be stored after use.

As helpful as special legislation may be, ANC-6D still requests the Applicant to follow through with their initial suggestion that they would place a covenant in the re-conveyance documents memorializing the commitment that HMW made to the Southwest Community and ANC-6D in First Phase regarding motorcoach buses from accessing, parking, loading or circulating through Waterfront Park or along Sixth Street, M Place and Water Street. That is the only way that we can be certain that after the District again holds title to the land, neither the District nor any of its agencies, commissions or boards will be able to remove or replace said prohibition. ANC-6D will be provided with a copy of those documents prior to signing to be assured that they are in place. ANC-6D will be provided a copy of the documents upon signature.

ANC-6D was promised a Wharf Hall Operations Committee, as committed to by the Applicant in the Phase One agreement. It has yet to be established and convened.

ANC-6D is pleased that the Applicant has fulfilled its commitment to provide Wi-Fi in selected public parks and open spaces – including Waterfront Park.

ANC-6D is still concerned about the placement of illuminated advertising on the property. This prohibition will be memorialized in the Final Order and will supersede any existing law or future legislation that *may* allow the addition of such signage on said property. We've yet reach agreement about precise wording for what construes digital advertising. ANC-6D encourages the Commission to review the signage and lighting discussions from First Phase and to incorporate the contents of those very thorough decisions within Second Phase to ensure consistency throughout the development.