

ANC 6D Phase II Items for HMW Comment (rev. 2017.10.31 v2)

1. CONSTRUCTION TIMETABLE: Establishment of a Construction Time Table

HMW Response (2017.10.31): HMW agrees that truck routes during excavation (e.g. dump trucks) and superstructure construction (e.g. cement trucks) will not be permitted on 7th Street. This restriction will be included in the subcontract for the excavation contractor(s). Further, no general idling or staging of other construction vehicles will be permitted on 7th St SW or I St SW. HMW has revised Exhibit A to reflect these additional restrictions.

ANC 6D ACCEPTS

HMW Response (2017.10.23): Based on ANC feedback, HMW has revised Exhibit A to include additional information on truck routes and have provided supplemental graphics.

HMW Response (2017.10.13): We will provide timeline similar to what we did for Ph. 1. Construction will start Q1 2018 and will go through 2021, early 2022. Please see Exhibit A.

2. CONSTRUCTION MANAGEMENT PLAN: Establishment of a Construction Management Plan

HMW Response (2017.10.13): Please see above.

ANC 6D ACCEPTS

3. ELECTRIC CAR CHARGING: Provide no less ten Electric Car Charging Outlets publicly available throughout Wharf garage spaces and in the public realm if agreed to by DDOT

HMW Response (2017.10.31): HMW will provide no less than nineteen (19) Electric Car Charging outlets, publicly available throughout Wharf garage as indicated on Sheet 1.19 of the Overall Common Elements PUD submission.

ANC 6D ACCEPTS

HMW Response (2017.10.13): Confirmed, the Phase 2 will include a minimum of ten Electric Car Charging Stations on the publicly accessible G1 Parking Level. HMW will explore opportunities for placement of additional station(s) along Maine Avenue with DDOT during future permitting and review.

4. RIDESHARE SERVICES: Written Plan for how Uber and Lyft vehicles will be handled during Phase Two construction and after opening – with specificity, the routes that the Wharf / Entertainment Cruises will use to direct them to Pier Four.

HMW Response (2017.10.31): HMW will work with DDOT through the public space committee approval process to establish 3 rideshare/taxi spaces along Maine Avenue between Wharf St SW and Marina Way SW. Further, HMW will identify up to 4 spaces on Marina Way for rideshare/taxi use within the Wharf boundaries. HMW will continue to work with the ANC, DDOT, the ridesharing companies, and other

bodies as appropriate closer to the opening and operations of Phase 2 to ensure that these service providers are being accommodated appropriately.

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HMW Response (2017.10.13): HMW commits to both monitoring how rideshare services impact the community and establishing working relationships with these ridesharing services to better serve Southwest and the Wharf without negatively impacting the community. HMW's focus is on establishing relationships with these services so we can work together. Understanding the community's particular interest in how these services function around the 525 Water St. condos and Waterfront Park, we are currently working with Uber and Lyft to set up geo-fences on their internal system that would limit non-residents from calling rideshare vehicles for pick up on small residential and park streets (Water St, M Place and 6th St. Park) and instead will allow rideshare users to only use Maine Ave. for pickup.

5. **GANGPLANK SLIPHOLDERS:** Resolution of number of outstanding Gangplank Slipholders issues.

HMW Response (2017.10.31): HMW remains committed to working in good faith towards a resolution of an updated letter agreement with GPSA. As of the evening of 10/30, HMW was appraised by GPSA that they did not believe reaching agreement prior to the zoning hearings would be possible despite best efforts and shared goals of achieving that date. Further, on the morning of 10/31, GPSA provided HMW with a significant edit/rewrite of the written portion of the transition plan. HMW is working now to review this new material in a timely manner.

THE ANC ENCOURAGES BOTH PARTIES TO WORK TOWARD RESOLUTION IN A GOOD FAITH AGREEMENT

HMW Response (2017.10.26): HMW and GPSA met on October 16th and again on October 19th to continue to work towards resolution on remaining items. HMW feels that the discussion was very positive and that we are making significant strides towards resolving all items with GPSA leadership so that they can put it to a vote with GPSA membership in advance of the public hearings. GPSA has submitted to HMW for review a draft letter of support for the PUD that will be submitted and presented to the Zoning Commission once HMW and GPSA finalize the updated letter agreement. HMW has provided to GPSA the final draft of the letter agreement and associated exhibits for review and confirmation. HMW understands that GPSA is planning for a membership vote prior to the first public hearing.

HMW Response (2017.10.13): HMW and GPSA have been continuing to work together to reach a mutually acceptable agreement on an updated Letter Agreement. In 2017 alone, HMW and GPSA have had more than 16 discussions or public meetings to work through and resolve issues. HMW believes that we have provided an offer to GPSA that more than adequately addresses the items that GPSA leadership brought to the negotiations with HMW. However, despite these good faith efforts by HMW, we were told on the morning of Friday, October 13th that the GPSA leadership had presented HMW's final offer to membership on October 10th and it was not accepted. The correspondence provided to HMW from GPSA identifies 4 key issues, noted below. HMW believes that these have already been addressed and had previously been negotiated with GPSA leadership.

- "Safe, comprehensive and reasonable transition parking"

- HMW has already committed to maintain the existing parking configuration (free, non-reserved surface parking) up until the point where the lot needs to be removed for construction purposes. Upon closure of the lot which is anticipated in Q1-2019, HMW has committed to facilitating access to parking for current Existing Slipholders actively utilizing parking within a half mile of the project. HMW has already begun to identify the best candidate garages and to work with the operators to confirm availability. Further, HMW has committed to adding a Bikeshare station and carsharing adjacent to the Marina in order to increase transportation options during the construction period. HMW is disappointed to see this as an open item with GPSA because, prior to presenting to the GPSA membership, this was discussed and negotiated thoroughly by HMW and GPSA leadership.
- “adequate unloading/loading area for 89 households”
 - HMW has already committed to providing two loading/delivery and two ADA spaces nearby the entrance to the marina through construction and two loading/delivery spaces after construction (ADA parking moves to the garage). HMW is disappointed to see this as an open item with GPSA because, prior to presenting to the GPSA membership, this was discussed and negotiated thoroughly by HMW and GPSA leadership.
- “the permanent parking amenity that is ensured under the LoA”
 - HMW has already committed to providing an opportunity for monthly parking in Garage 3 (adjacent to the marina entrance) to current Existing Slipholders that currently utilized parking. HMW is disappointed to see this as an open item with GPSA because, prior to presenting to the GPSA membership, this was discussed and negotiated thoroughly by HMW and GPSA leadership.
- “the risk of displacement of residents given the lack of sufficient cost controls.”
 - HMW has already committed to a fixed rate schedule for current Existing Liveaboards through the end of the Phase 2 transition period with GPSA. This schedule is directly based on the requested fee schedule provided by GPSA leadership and it represents a large financial subsidy on the behalf of HMW which is a result of a significant investment in a new world class marina and while providing below-market rate fees. Notwithstanding the fact that the marina has already been under strict cost controls since 2012, this fixed rate schedule is anticipated to extend into the 2021/2022 Slip License Renewal period representing a decade of below-market cost controls by HMW. HMW is disappointed to see this as an open item with GPSA because, prior to presenting to the GPSA membership, this was discussed and negotiated thoroughly by HMW and GPSA leadership.

Further, attached as Exhibit B is a summary list of some of the other key items that HMW has adjusted, accommodated, or modified at GPSA request or to the direct benefit of liveaboard slip license holders. These significant accommodations by HMW were offered in order to resolve the issues raised by GPSA and reach a new letter agreement and are not guaranteed should HMW and GPSA not be able to reach a good faith agreement.

6. **PARCEL 10 BOSQUE:** Clearly articulated plan for Building 10 “Bosque” area and its physical relationship to Waterfront Park.

HMW Response (2017.10.24): Based on ANC feedback, Exhibit C has been updated to provide additional information regarding the design of the Terrace and the Parcel 10 “bosque” component. This revised design presented in Exhibit C has received Concept Approval from the U.S. Commission of Fine Arts.

Regarding the operations of the retail space in Parcel 10 adjacent to the Terrace, HMW commits that the space will not be used for a take-out focused “food hall”. The hardscaped area adjacent to the retail will

include an area for permanent outdoor seating for restaurant table service and clear pedestrian pathways to the stair, elevator, and ADA pathways will be maintained.

The lawn and hardscape area of the Terrace may be used periodically for special events (e.g. wedding, luncheon, etc.). These events will be contained to the Terrace area and not extend into the larger Waterfront Park. Public access to the stair, elevator, and ADA pathway will be maintained during any such events. Music associated with any special event will only be live, unamplified music and music will be concluded by 11pm on weeknights and midnight on weekends.

THE TERRACE PARK IS PART OF WATERFRONT PARK. WATERFRONT PARK IS SPECIFICALLY A COMMUNITY AMENITY AS A CONSEQUENCE OF THE FIRST PHASE PUD AND OUGHT NOT TO BE SUBJECT TO COMMERCIAL USE THAT REMOVES THE USE AND ENJOYMENT OF ANY PORTION OF THE PARK FROM PUBLIC ENJOYMENT

HMW Response (2017.10.13): The Terrace Park, designed by Wolf Josey, includes a variety of shade and understory trees that create a Bosque and are used to frame the lawn and focus views, large bioretention stormwater collection zones, a large curved lawn, ADA accessible pathways and stairs/seat steps, and opportunities for café seating. Please see Exhibit C for the updated plans and renderings of the Terrace Park.

7. **TERRACE DESIGN:** Clearly articulated plan for what is to replace the copper beech amenity.

HMW Response (2017.10.13): Please see above.

ANC 6D AGREES ON THE DESIGN BUT NOT THE COMMERCIAL USE OF THE EXTENDED SPACE

8. **PUBLIC RESTROOM:** Inclusion of a public (hidden) bathroom on the west side of Building 10.

HMW Response (2017.10.31): HMW agrees that the restrooms will be open during “active hours” of the site, subject to security and operational considerations to ensure that the facilities are available when needed for the intended use but not creating potential safety issues or other concerns.

BY AND LARGE, ANC 6D ACCEPTS --- BUT WE NEED TO ESTABLISH WHAT ACTIVE HOURS ARE. ANC IS STILL CONCERNED THAT FOR A PROJECT OF SUCH SIGNIFICANCE THAT THERE ARE LIMITED PUBLIC RESTROOM ACCOMODATIONS.

HMW Response (2017.10.24): As shown on Exhibit D, the public restrooms that were added based on ANC feedback currently include three (3) family-style restrooms.

HMW Response (2017.10.13): Parcel 10 and M Street Landing have been redesigned to be able to accommodate public restroom facilities beneath the amphitheater seat steps in response to ANC suggestions. Please see Exhibit D for the relevant preliminary drawings.

9. **NON-PROFIT BOATING:** How non-profit boating associations are to be incorporated into Phase II – specifically, want an answer of what will happen to DC Sail.

HMW Response (2017.10.24): As shown on Exhibit E, HMW has identified up to 415’ of dockage in the new marina for future community/non-profit boating associations. See chart below. As noted, HMW has worked to facilitate accommodations for DC Sail at the new Yards Marina and HMW commits to offering space to DC Sail upon completion of the new Wharf Marina in order to provide them an opportunity to return to Southwest.

<u>Location</u>	<u>Dockage</u>
P Dock	80’
X-Y Headwalk	100’
Y-WB3 Headwalk	80’
Slip at head end of X Dock (X-68)	35’
Slip at headend of Z Dock (Z-1)	40’
East size of Z Dock near WB3	80’
Total	415’

HMW Response (2017.10.13): HMW has worked with DC Sail to facilitate an interim accommodation for their fleet at the Yards Marina. The new Wharf Marina has been designed with space to accommodate non-profit users, including Dragonboats and DC Sail, as well as Carefree Boat Club and kayak, canoe, and stand-up paddle board rental. HMW welcomes DC Sail back to the Wharf after construction, but cannot guarantee that DC Sail will want to re-locate from their new location in Navy Yard. Please see Exhibit E for the draft marina slip allocation plan.

ANC 6D ACCEPTS

- PEDESTRIAN FRIENDLY PAVERS:** Acknowledgement that more pedestrian friendly pavers are required as part of Phase II.

HMW Response (2017.10.24): As clarified during the ANC meeting, as with Phase 1, ADA accessible pathways will be provided throughout Phase 2 and the materials and design of the Wharf Promenade (the 60’ wide section along the water) will be an extension of what has been built in Phase 1. However, in response to the ANC’s feedback, HMW is evaluating the use of smoother flame-finished for portions of the promenade that use rougher split-faced paving in Phase 1, namely the shared street area in the middle of the promenade that uses the overlapping arc paving pattern.

ANC 6D ACCEPTS, PENDING INSPECTION OF THE ACTUAL MATERIALS TO BE USED

HMW Response (2017.10.13): As with Phase 1 of the Wharf, ADA accessible pathways are provided throughout the site. The language of Wharf Street pavers – using smooth larger format permeable pavers in the pedestrian tree promenade zone, using smaller split face pavers in half arch and running bond pattern for the shared traffic zones, and using smooth larger format stone pavers for the inner café zone and pedestrian path is extended through the project. M Street Landing and the Oculus will use traditional concrete pavers, the Grove will utilize stone pavers and fine stone gravel, and the Terrace will utilize a mix of stone pavers, concrete sidewalk, wood decking, and lawn.

11. **RESIDENTIAL PERMIT PARKING:** HMW will not request of DDOT or any other District Authority to provide RPP for residents in any buildings it constructs in Phase II and will place information about that ineligibility in any rental or sales documents.

HMW Response (2017.10.31): HMW affirmatively states that it will not request of DDOT or any other District Authority to provide RPP for residents in any buildings it constructs in Phase II and will place information about that ineligibility in any rental or sales documents (see below).

ANC 6D ACCEPTS

HMW Response (2017.10.25): Please see text below for the excerpt from our standard apartment rental and condominium purchase agreements related to ineligibility for RPP parking. This language will be included in leases and contracts for Phase 2 residential components:

Apartment Lease:

“You are further advised that the Apartment is near a restricted parking zone that requires visitors to, and residents of, the zone to have an appropriate parking permit for on-street parking. As part of the project approval process, the District of Columbia required that the **building that the Apartment is located be removed from the list of properties eligible to apply for Residential Permit Parking and for that reason the District will not issue parking permits (RPP zone stickers) to you, your occupants and guests.**” (emphasis added)

Condominium Contract:

“Purchaser is further advised that the Condominium is included in a restricted parking zone that requires visitors to, and residents of, the zone to have an appropriate parking permit for on-street parking. As part of the project approval process, the District of Columbia required that the **Condominium be removed from the list of properties eligible to apply for Residential Permit Parking and for that reason the District will not issue parking permits (RPP zone stickers) to the Unit Owners or occupants of Units within the Condominium.** Purchaser further understands and acknowledges that such restriction shall be contained in the Condominium Instruments, including, without limitation, the Rules of the Unit Owners’ Association.

Purchaser has read the foregoing Residential Permit Parking disclosure and hereby acknowledges and agrees to adhere to the terms thereof.” (emphasis added)

HMW Response (2017.10.13): Confirmed.

12. **SPECIAL NEEDS ACCESS:** Explore more fully the tour bus management plan specifically showing where/how special needs individuals will be provided access to the agreed upon non-gasoline powered vehicles will transport such passengers.

HMW Response (2017.10.25): As noted in the 2012 agreement, Cruise boat able-bodied passengers arriving by motorcoach will be picked up and dropped off on Maine Avenue at the defined EC managed loading/unloading zones and will walk through M Street Landing or along surface streets to Pier 4.

Special needs and senior citizens arriving by van or special needs vehicle from senior/special needs centers, senior/special needs living developments, or similar will be driven by van or their special needs vehicle down Water Street to Pier 4.

Customers arriving by normal motorcoach who are unable to walk to Pier 4 for any reason will be transported by the golf-cart type EC Patron Access Vehicle either through M Street Landing or along Water Street. This vehicle is not permissible to be operated on the public streets (i.e. Maine Avenue SW). The EC Patron Access Vehicle is not provided as a substitute to a Special Needs Van/Vehicle which will provide direct access to Pier 4 and is provided as a convenience to EC customers coming from the parking garage or motorcoach and need further assistance.

Exhibit F has been updated to show both the routes to and from routes for the EC Patron Access Vehicle and the Special Needs Van/Vehicle. Additional information has been provided in the tour bus operations document (Exhibit I) to discuss details of how the EC Patron Access Vehicle will function. Overnight storage of this vehicle would occur on Pier 4 or within the Phase 2 garage or loading areas.

ANC 6D ACCEPTS

HMW Response (2017.10.13): Please see Exhibit F for the anticipated route of the small special needs transport vehicle thru M Street Land and/or along Water St.

13. **AFFORDABLE AND WORKFORCE HOUSING:** Explore more fully how we can increase the number of affordable units in Phase II as part of a best practices learned from the affordable and workforce lottery held in Phase I. How can HMW reconfigure IZ requirements to offer affordable units at 30% 60% and 80% of AMI?

HMW Response (2017.10.13): Because HMW's agreement with the District on affordable and workforce units is longstanding, HMW cannot reconfigure requirements at this time. However, HMW commits to continuing to work with the ANC and relevant community organizations to take the lessons learned in Phase I, specifically with regards to how to market workforce housing more effectively, in order to ensure a successful program. HMW is very proud of the work that was completed in the Phase 1 lottery and is very appreciative of the community support and support received from the District to make the housing lottery a success. HMW also feels strongly that the affordable unit composition in Phase II works well when viewed in a neighborhood-wide context where many residential buildings in the area are subject to traditional IZ requirements of 50% and 80% AMI, while the 30%, 60%, 100%, and 120% AMI units provide more opportunities for people at a variety of income levels to enter the community.

ANC 6D IS INCLINED TO SUPPORT OFFICE OF PLANNING REGARDING THEIR IMPRESSIONS ABOUT THE MIX AND PLACEMENT OF AFFORDABLE HOUSING IN BUILDING 8. IN ADDITION, THE ANC HAD NOT

WHEN THIS DOCUMENT WAS CREATED HAD AN OPPORTUNITY TO REVIEW THEIR RECOMMENDATIONS SINCE OP HAD NOT FILED THEIR REPORT UNTIL THE DAY AFTER ANC6D

14. **MOTORCOACH PROHIBITION:** In the property reconveyance documents, HMW will place a covenant that forever runs with the land memorializing the commitment that HMW made to the Southwest Community and ANC-6D in First Phase regarding motor coach buses from accessing, parking, loading or circulating through Waterfront Park or along Sixth Street, M Place and Water Street, so 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.

HMW Response (2017.10.31): HMW has provided the updated versions of the *Southwest Waterfront Park Bus Prohibition Emergency Act of 2017* and the *Southwest Waterfront Park Bus Prohibition Temporary Act of 2017* as Exhibit G.

Additionally, HMW and DMPED have agreed to record a further covenant among the Land Records of the District of Columbia upon reconveyance of the property to the District of Columbia by HMW to ensure that the motorcoach prohibition is further enshrined and will run with the land.

Finally, HMW has committed to include the following language to the Phase 2 PUD Final Order which rides with the land through the PUD Covenant:

“The Applicant will prohibit full-sized motorcoach buses (as defined in 24 DCMR § 3599.1 as a motor vehicle with a seating capacity of more than twenty-five (25) passengers, exclusive of the driver, that is used for the transportation of passengers;) from accessing, parking, loading, or circulating through Waterfront Park, or along the private segments of Water Street, SW and M Place, SW, as shown in the [Insert Diagram Title] included in the case record as [Exhibit No]. The Applicant will install signage (subject to applicable permit requirements), or utilize other methods as reasonably necessary and allowable, to notify the operators/drivers of such motorcoach buses of the traffic restriction. In connection with these efforts, DDOT has added 6th Street, SW to the DDOT Truck and Bus Through Routes and Restrictions Map.”

ANC 6D ACCEPTS

HMW Response (2017.10.24): HMW has continued to work with Councilmember Allen’s office on the *Southwest Waterfront Park Bus Prohibition Emergency Act of 2017* and subsequent temporary and permanent legislation to the same affect that will provide ANC 6D with the prohibition on buses in Waterfront Park, M Place, Water Street, and 6th Street (south of M Street). The current draft of this legislation is included as Exhibit G and it will be presented to the Council of the District of Columbia on November 7th, the first legislative session available to formally move this act forward. HMW will continue to actively support this legislation as it passes through Council and becomes law.

Additionally, HMW is working with the Office of the Deputy Mayor for Planning and Economic Development (DMPED) to record a further covenant among the Land Records of the District of Columbia to ensure that the motorcoach prohibition is further enshrined and will run with the land. HMW is

committed to working with DMPED to ensure that the further covenant is put in place prior to the “reconveyance” of this portion of the property to the District of Columbia.

Further, HMW has developed a number of documents that are provided to the ANC to more fully address the concerns and questions that have been raised. The documents include the following:

- **Loading and Curbside Management Plan (Exhibit H):** this document shows the proposed curbside management for Maine Avenue during peak and off-peak times in three timeframes: prior to Phase 2 landside construction, during Phase 2 landside construction, and final condition. It identifies the location and number of Entertainment Cruises staff and Police officers that are proposed during each time period as well as the location for pick-up and drop-off of the Special Needs Vehicle.
- **Motorcoach Operation Flow (Exhibit I):** this document provides the written operational plan that Entertainment Cruises will implement during daily operations to help ensure that the program functions safely and optimally. This document also includes information regarding the on-going monitoring plan and identifies potential additional mitigants or adjustments that can be considered to improve performance.
- **On-Site Motorcoach Test Routes (Exhibit J):** this document tests the physical feasibility of a number of routes that are within the Project Site and do not utilize Maine Avenue. *These routes are not provided as an alternative proposal to the use of Maine Avenue*, as detailed in the Loading and Curbside Management Plan (Exhibit H) and Motorcoach Operation Flow documents (Exhibit I), but were created in response to a request by DDOT to explore physically how motorcoaches would (or would not) work on the internal roads.

As is demonstrated in Exhibit J, none of the test routes shown that utilized 6th Street, Water Street, or M Place in and around the Waterfront Park are feasible due to physical constraints in addition to the aforementioned commitments and legislation that would ban motorcoaches from using this area as well as safety concerns associated with busses on the shared park streets. The other test routes studied show routes that use the Wharf promenade or other public spaces between Parcel 6 and Parcel 10. All of these studies show that the capacity for motorcoach loading and unloading would not be ideal for a number of reasons including causing significant safety concerns, degrading the quality of the public space, limiting the function of the Wharf as a public promenade and its use for public events, and other negative impacts to the public environment. DDOT has acknowledged that HMW has justified the need for Maine Avenue curbside loading and that the importance of continued attention on day-to-day curbside management operations to ensure that congestion and safety concerns are mitigated. See email from Sam Zimbabwe from Sunday October 1st, 2017, excerpted below:

“Further, I appreciate the work that the Wharf team did on the Comprehensive Transportation Review for the Stage 2 PUD in fully exploring and justifying the need for Maine Avenue curbside bus loading space. The data collection and operational analysis helps DDOT work with everyone to balance all of the demands on the curbside here, and I think shows where there will need to be continued attention to the day-to-day curbside management of motor coach pick-up and drop-off along Maine Avenue so that it does not have ripple effects on congestion and safety.”

Finally, HMW has committed to establishing a Cruise Boat Operations Committee comprised of ANC Commissioners or their community assignees, HMW, the Wharf Community Association, Entertainment Cruises, and DDOT. HMW proposes that this group will meet quarterly to review the ongoing operations of the Cruise Boats and associated motorcoach traffic to help determine together what adjustments should be made to the program in order to ensure that congestion and safety concerns are mitigated.

HMW is committed to working with the community, the operator, our Community Association, and the District government (DDOT, MPD, etc.) to ensure that the motorcoach management program along Maine Avenue is a success and that it balances the needs of all users while creating a safe and accessible environment.

HMW Response (2017.10.13): HMW remains committed to banning full size motorcoach busses from the Waterfront Park and the surrounding streets (Water St, M Pl, and 6th Street). Already, HMW has placed clear signage at the Water St/Maine Ave and 6th St/M St intersections that clearly prohibits this. Further, HMW has worked with DDOT to incorporate the portion of this area that is under DDOT control, namely 6th Street, added to the District's published Truck and Bus Restriction Map. Additionally, HMW has committed to include the following language to the Phase 2 PUD Final Order which rides with the land through the PUD Covenant:

“The Applicant will prohibit full-sized motorcoach buses (i.e., longer than 40 feet) from accessing, parking, loading, or circulating through Waterfront Park, or along the private segments of Water Street, SW and M Place, SW, as shown in the [Insert Diagram Title] included in the case record as [Exhibit No]. The Applicant will install signage (subject to applicable permit requirements), or utilize other methods as reasonably necessary and allowable, to notify the operators/drivers of such motorcoach buses of the traffic restriction. In connection with these efforts, DDOT has added 6th Street, SW to the DDOT Truck and Bus Through Routes and Restrictions Map.”

Regarding the “Reconveyance Property” it is the designated portion of the public infrastructure, parks, sidewalks, alleys and streets that will be released from the ground leases with the District (which in this case includes the Waterfront Park, M Place, and Water Street) and, in effect, transferred back to the District. Because the District owns the Reconveyance Property in fee simple, when the Reconveyance Property is released from the ground leases, it becomes property owned by the District, but is not under the control of the District Department of Transportation.

The one key distinction is that the Wharf Community Association will have the exclusive license and obligation to operate, maintain, repair and program the Reconveyance Property and the Reconveyance Property will continue to be subject to the terms of the Wharf Declaration of Covenants and the PUD Covenant, which is recorded in the land records. The Wharf's obligations will include maintenance of the property and utilities in good condition; removal of trash, graffiti, snow and ice; routine maintenance and repair; pest and rodent control; site security and transportation management. In effect, though the property is returned to the District, HMW, through the Wharf Community Association, retains the obligations for it

operations and the requirement to implement the relevant elements of the PUD Final Order and Covenant – such as the prohibition of motorcoaches from this area.

Finally, HMW has already begun to work with Ward 6 Council Member, Charles Allen, to create a resolution for legislation that addresses the motorcoach prohibition that the ANC has requested.

15. **ANTHEM OPERATION COMMITTEE:** Date certain for when the promised Wharf Hall Operations Committee, as committed to by the Applicant in the Phase I agreement, will be established and convened.

HMW Response (2017.10.13): HMW will convene the Anthem (Wharf Hall) Operations Committee before the end of the year and recommends quarterly meetings thereafter. HMW will work with IMV and the ANC to determine the proper composition of this working group.

ANC 6D ACCEPTS

16. **PUBLIC WIFI:** Date certain when free Wi-Fi in selected public parks and open spaces – including Waterfront Park – as committed to by the Applicant in the Phase I agreement, will be operational.

HMW Response (2017.10.13): Public wi-fi for the main Phase 1 area of the site was established on October 12th, 2017. Public wi-fi for Waterfront Park will be completed before the end of the year.

ANC 6D ACCEPTS

17. **INCREASED TICKETING AND TOWING IN RESIDENTIAL COMMUNITY:** As the Wharf has had their interest taken care of by special Council legislation regarding illegal parking on *their* property, ANC 6-D wants Wharf Partners to commit to sponsor and lobby for the passage of legislation that would require the District to provide increased towing and ticketing along adjacent residential streets in Southwest.

HMW Response (2017.10.13): HMW commits to work with ANC 6-D, the DC Council and Deputy Mayor's Office to urge them to enact additional Special Legislations that would require the District to provide increased towing and ticketing along adjacent residential streets in Southwest.

ANC 6D ACCEPTS

18. **CIRCULATOR BUS:** What is the plan for new Southwest Circulator stop in Phase II?

HMW Response (2017.10.24): HMW will encourage DDOT to ensure that future Circulator and other bus stops are placed to serve the existing Southwest Community.

ANC 6D ACCEPTS

HMW Response (2017.10.13): HMW has been working with DDOT and WMATA to increase bus service to Phase 1 of the Wharf. Currently, a Circulator stop has been planned for at 7th and Maine Avenue SW.

HMW commits to working with DDOT and WMATA closer to the opening of Phase 2 to determine if additional Circulator or Metrobus stops can be added to Phase 2 of the Wharf and will make the necessary curb space and accommodations available for such service.

19. **DIGITAL ADVERTISEMENTS:** HMW will not allow the placement of digital advertising signage anywhere on the property that it controls at the Wharf. 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.

HMW Response (2017.10.24): As discussed during the ANC meeting, HMW will ensure that no HMW placed digital advertisements or signs are placed along Maine Avenue SW.

HMW Response (2017.10.13): HMW commits to prohibiting live action, moving digital signage. HMW would like to keep the option open for revenue generation from small, tasteful advertising on site (on trashcans, bus stops, in garages, etc.) including rotating static or low-motion images, that could increase the Wharf Community Association's operating budget, and ultimately allow for better public programming.

ANC 6D ACCEPTS

20. **PHASE 2 TRANSPORTATION PLANS:** When will the traffic plans be put online as promised in the September 18th Arena Stage meeting?

HMW Response (2017.10.13): The Wharf Phase 2 Comprehensive Transportation Report has only recently been published and is being printed for distribution to the Community. The document was placed on-line on Saturday, October 7th, 2017.

ANC 6D ACCEPTS. THANK YOU.