Condition	Compliance
1. The preliminary approval of the PUD shall apply to the following properties: Square 737, those portions of Lot 814 and Reservation 17A that lie south of the southern right-of-way line of I Street extended; Square 799, Lots 20, 27, 28, 29, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 803, 805, 807, 808, 809, 816, 818, 819, 825, 826, and 827; Square 800, Lots 25, 26, 27, and 28; Square 824, Lots 37, 38, and 39; Square N853, Lot 809; Square 880, Lot 24; Square W881, that part of Lot 800 within 132 feet of 5th Street; Square 882, Lot 76; and all of Squares 739, 767, 768, 769, 797, 798, 825, and S825.	This condition does not require any action by the Applicant.
2. The consolidated approval of the PUD shall apply to the following properties: Square 824, Lots 37, 38, and 39; Square S825, Lots 31, 32, and 33; Square 880, Lot 24; and all of Squares 797, 798 and 825.	This condition does not require any action by the Applicant.
3. A PUD-related map amendment shall rezone the following properties from R-5-B to CR upon completion of the second-stage approval of the PUD: Square 769, that portion lying more than 145 feet from the northern right-of-way line of M Street (including a portion of Reservation 17D); Square 882, that portion lying south of the midpoint of the Square; and all of Squares 767 and 768 (including Reservations 17B and C).	This condition does not require any action by the Applicant.
4. The second-stage applications for approval of the PUD shall be based on the plans prepared by Torti Gallas and Partners, dated May 27, 2003, marked as Exhibit No. 19 in the record of Case No. 03-12, including the revisions from the Supplemental Post-Hearing Submission dated November 12, 2003 to include the property of the Van Ness Elementary School (the "Preliminary Plans"), as modified by the guidelines, conditions and standards herein.	The plans submitted herewith are based upon the Preliminary Plans. However, the Applicant has refined the Preliminary Plans over the past 2 years to reflect input received from the community and further development of the project.

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5. The project in its entirety shall include a maximum of 1,645 residential units, a maximum of 702,000 square feet of gross floor area of office space, a maximum of 51,000 square feet of gross floor area of retail space, and a community center including approximately 18,000 square feet of gross floor area. The distribution of uses and densities shall be as shown on the Site Plan Development Data, Sheet S-3.1 of the Preliminary Plans.	The overall project will include a maximum of 1,645 residential units, a maximum of 702,000 square feet of office space, a maximum of 51,000 square feet of gross floor area of retail space, and a community center of approximately 28,500 square feet. Some of these numbers have been refined since the March 27, 2003 Preliminary Plans were submitted due to further development of the project, as indicated on the Site Plan Development data chart included with the Architectural Plans and Drawings attached as Exhibit A.
6. A minimum of 695 of the residential units shall be devoted to public housing, including 300 units in the two senior buildings. A minimum of 50 units shall be home-ownership Section 8 units under the HUD program.	The project complies with this condition.
7. The overall maximum permitted residential density shall be 2.21 FAR across the project as a whole, for a maximum permitted gross floor area of 2,092,081 square feet, including the community center. The overall maximum permitted office and retail density shall be 0.80 FAR across the project as a whole (1.87 FAR based on the land area to be zoned C-3-C and CR), for a maximum permitted commercial gross floor area of 753,000 square feet. The project shall also include the density currently contained on the Van Ness Elementary School site in Square 853N.	The overall maximum permitted residential density has increased to 2.34 FAR, resulting in a residential gross floor area of 2,138,431 square feet. The residential FAR has increased because of the enlargement of the community center and the Applicant's compliance with DDOT's request to make 2nd Street and 3rd Place public streets, hence the size of size of the site has decreased slightly to 913,458.5 square feet. The overall maximum permitted office and retail gross floor area has remained the same at 753,000 square feet, but the FAR has slightly increased to 0.82 FAR across the project as a whole (based on a land area of 913,458.5 square feet), because the overall site area has increased slightly.

8. Except for roof structures, the maximum permitted heights shall be as follows: a. For the office buildings in Square 769: 110 feet; b. For the office buildings in Square 882: 90 feet; c. For the apartment buildings in Squares 768 and 769: 110 feet; d. For the apartment building in Square 739: 130 feet; e. For the apartment building in Square 767 and the existing senior apartment building in Square 825: 65 feet; f. For the senior apartment building in Square 880: 50 feet; g. For the remaining residential buildings: 45 feet; h. For the community center building: 25 feet; provided that: i. Roof structures may exceed the maximum permitted building height up to a maximum of 18 feet, 6 inches above the roof on which they are located, in accordance with the provisions of the Zoning Regulations.	This application only includes the residential units identified in subpart (g) and the community center identified in subpart (h). The residential units will be constructed to a maximum height of 45 feet. However, as discussed in the Applicant's Statement, the Applicant is seeking approval to construct the community center to a maximum height of 35 feet.
9. The overall lot occupancy for the residential buildings in the project shall not exceed 54 percent.	The overall lot occupancy for the residential buildings in the project has slightly increased to 57 percent because of adjustments to unit designs and provisions for decks.
10. The design of buildings in the project shall comply with the Urban Design Guidelines set forth in the Preliminary Plans.	The design of the buildings included in this application comply with the Design Guidelines.
11. The project shall include a minimum of 1,980 off-street parking spaces. The distribution of the spaces shall be as shown on the Parking Plan, Sheet T-3.0 of the Preliminary Plans.	The Applicant is seeking approval to reduce the number of off-street parking spaces as discussed in the Applicant's Statement.
12. Landscaping treatment shall be as shown on Sheet L-1.0 of the Preliminary Plans.	As shown on Sheets L-1.0, L-1.1, L-2.0 and L-2.1 of the Architectural Plans and Drawings attached as Exhibit A, the Applicant complies with this provision.

13. Outdoor decks having a minimum width of 6 feet shall be provided for all public housing units in Squares 797, 798, 799, 800, 824, 825, 825S, and 882 that have decks, as shown on Exhibit 9 of the Applicants' Post-Hearing Submission, marked as Exhibit 61 of the Record in Case No. 03-12 (the "Post-Hearing Submission").	The public housing units included in this application comply with this condition.
14. At least 20 percent of the market rate townhomes shall be provided with low wrought iron fences in public space to define a front yard for children or personal recreation space.	As noted on Sheet L-2.1 of the Architectural Plans and Drawings attached as Exhibit A, the Applicant complies with this provision.
15. The Applicants shall provide a minimum floor height of 14 feet in those areas designated for first-floor retail use.	This condition is not applicable to this application.
16. The Applicants shall use their best efforts to reach agreement with the U.S. Marine Corps on the operational details for community use of the playing fields on Reservation 19. The Applicants shall submit a copy of the agreement with the filing of the first second-stage application.	The Applicant has complied with this condition, and a copy of the Memorandum of Understanding between Marine Barracks and the District of Columbia Department of Parks and Recreation is attached as Exhibit K.
17. Prior to the issuance of the building permit for the office building at 250 M Street, S.E. (in Square 769), Square 769, LLC shall contribute $46,000 to the Canal Park Development Association for use in making improvements to the Canal Blocks Park.	This condition is not applicable to this application.
18. Prior to the issuance of the building permit for the 600 M Street, S.E. office buildings, the Capper/Carrollsburg Venture, LLC shall contribute $137,000 to the Canal Park Development Association for use in making improvements to the Canal Blocks Park.	This condition is not applicable to this application.

19. Prior to the issuance of the first certificate of occupancy for any of the residential buildings facing the Canal Blocks Park, the Applicants shall clear the portions of Squares 767, 768, and 769 (Reservations 17B, C, and D) to be used for the Canal Blocks Park of all other uses, shall bring the site to rough level finished grade, and shall plant the site with grass.	This condition is not applicable to this application.
20. The Applicants shall file an application for a building permit for the community center building in Square W881 (also known as Reservation 19) by July 1, 2005, subject to review by the National Park Service of the proposed uses. Plans shall be submitted to the Zoning Commission as part of a second-stage application with sufficient lead time to allow this deadline to be met. Construction shall start on the community center no later than 180 days after the issuance of the building permit.	The Applicant seeks flexibility with respect to the timing for filing an application for a building permit, as outlined in the Applicant's Statement. The National Park Service has reviewed and approved the community center's concept plans as well as the proposed building and outdoor programs, as indicated in the letter from the National Park Service, dated March 24, 2005, attached to the Applicant's Statement as Exhibit D.
21. The Applicants shall carry out the Community and Supportive Services Program, a summary of which is included as Exhibit 5 in the Applicants' Post-Hearing Submission.	The Applicant is in compliance with this condition.
22. The Applicants shall abide by the terms of the executed Memorandum of Understanding with the D.C. Local Business Opportunity Commission in order to achieve, at a minimum, the goal of thirty-five percent (35%) participation by local, small, and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance, and security for the project to be created as a result of the PUD project. The Applicants shall provide information regarding available jobs created by the project to the Capper/Carrollsburg on the Hill Community Development Corporation and to ANCs 6B and 6D for dissemination to the surrounding communities.	The Applicant is in compliance with this condition.

23. The Applicants shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services in order to achieve the goal of utilizing District of Columbia residents for at least percent fifty-one (51%) of the jobs created by the PUD project. The Applicants will give special consideration for hiring of residents from the Near Southeast community. The Applicants shall provide information regarding available jobs created by the project to the Capper/Carrollsburg on the Hill Community Development Corporation and to ANCs 6B and 6D for dissemination to the surrounding communities.	The Applicant is in compliance with this condition.

24. The properties in the consolidated PUD shall be subject to the following additional guidelines, conditions, and standards: a. The consolidated PUD shall be developed in accordance with the plans prepared by Torti Gallas and Partners and the Lessard Architectural Group, dated May 27, 2003, marked as Exhibit No. 17 in the record of Case No. 03-12 (the "Consolidated Plans"), as modified by the guidelines, conditions, and standards herein. b. Landscaping, streetscape, and exterior lighting shall be as shown on the Consolidated Plans. Landscaping, streetscape, and lighting improvements to public space shall be in accordance with the Consolidated Plans and as approved by the Public Space Division of DDOT. The Applicants, their successors, or a community association shall maintain all landscaping, streetscape, and lighting improvements in good condition. c. The Applicants shall have flexibility with the design of the consolidated PUD in the following areas: (i) To increase or decrease the overall number of units by no more than five percent (5%); (ii) To rearrange the unit types and mix within each square and to reallocate unit types from one square to another, provided that the design for each square and the overall consolidated PUD is consistent with the Urban Design Guidelines in the Preliminary Plans; (iii) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the buildings; (iv) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction; and (v) To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings, and trim, or any other changes to comply with the building code or that are otherwise necessary to obtain a final building permit.	The Applicant is seeking approval to modify the parking requirement for the low-rise residential buildings included in the Zoning Commission's consolidated approval. Otherwise, this application does not include any of the properties approved in the consolidated PUD approval, and this condition is not applicable to this application.

d. No building permit shall be issued for the consolidated PUD until the Applicants have individually recorded covenants in the land records of the District of Columbia, between the owners and the District of Columbia, satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenants shall bind the Applicants and all successors in title to construct on and use the property in accordance with this order or amendment thereof by the Zoning Commission. e. Notwithstanding Condition 24d, above, Senior Building No. 1 (in Square 880) may proceed as a matter of right if it meets all the requirements of the R-5-B district applicable to the lot existing at the time the building permit is issued. Upon recordation of the covenant required by Condition 24d, above, for Square 880, the lot may be subdivided as set forth in the Consolidated Plans. f. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicants have filed copies of the covenants with the records of the Zoning Commission. g. The consolidated PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, the first application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction on the first building shall begin within three years of the effective date of this Order.	
25. An individual Applicant shall be responsible for carrying out those conditions of this Order that are applicable to each specific property and shall not be responsible for the obligations or requirements of the other Applicants.	The Applicant is in compliance with this condition.

26. Any application for second-stage approval of the PUD shall include the signature of all owners of the property involved.	The property that is the subject of this application consists of Lots 44, 45, 46, 47, 48, 49, 50 in Square 799, Lots 20, 25, 26, 27, 28, 816, 818, 819, 820 in Square 800, and Square 881W. Other than lots 20, 818, 819, and 820 in Square 800, DCHA is the owner of the property included in Squares 799 and 800. On February 23, 2005, DCHA submitted to the Office of the Attorney General of the District of Columbia information for the filing of a "Declaration of Taking" and a "Complaint for Condemnation" to take by eminent domain Lots 818, 819 and 820 in Square 800. Based upon information provided by the Office of the Attorney General, DCHA expects the Declaration to be filed during the month of April or May. The filing of the Declaration terminates all outstanding interests in the property. Therefore, DCHA is proceeding with this application as the owner of Lots 818, 819 and 820 in Square 800, and will submit a copy of the Declaration prior to the hearing on this application. Further, DCHA and the owner of Lot 20 in Square 800 have entered into a purchase agreement pursuant to which DCHA will acquire Lot 20. Moreover, the District of Columbia is authorized to proceed with the development of Square 881W pursuant to a transfer of jurisdiction recorded on Book 158, Page 11.
27. The second-stage approval may be requested in one or more applications. If there is to be only one second-stage application, that application shall be filed within 18 months of the effective date of this Order. If there is to be more than one second stage application, the first second-stage application shall be filed within 18 months of the effective date of this order and that application shall include a phasing plan for the remaining applications. Approval of the first-stage application shall be for a period of four years from the effective date of this Order.	This application, which is being filed within 18 months of the effective date of the order, is the first of a series of second-stage applications to be filed. A phasing plan for the remaining applications is set-forth in the Applicant's Statement.
28. No application for second-stage approval shall be filed until the Applicants have recorded the covenants required by the Regulations and Condition 24d of this Order for the consolidated PUD.	The Applicant has executed a PUD Covenant required by Condition 24d. The Zoning Division of the Department of Consumer and Regulatory Affairs has approved the PUD Covenant and the Office of the Attorney General has approved the covenant for legal sufficiency. The PUD Covenant has been submitted to the Secretary of the District of Columbia for signature. Once the covenant is signed by the Secretary, it will then be recorded. The Applicant anticipates this to occur by mid-May, and will submit a copy of covenant to the Zoning Commission prior to the hearing on this application.

29. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.	The Applicant is in compliance with this condition.

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