PROPOSED CONDITIONS FOR INCLUSION IN

BZA ORDER NO. 16618 OF THE PHILLIPS COLLECTION

1. The project shall be constructed in accordance with the plans submitted with the application, as amended by the revised drawings for the project, dated November 28, 2000. The revised drawings indicate changes from the application drawings for the loading area, surface parking area, sculpture garden courtyard, garage ramp and garage layout. The revised plans also indicate that the south wall of the below-grade parking garage will not extend south of the existing south wall of the existing Goh Annex.

2. No architectural elements, whether for decorative or functional purposes, will be added to the plans for the project which would impede the ability of trucks to fully utilize the three service bays shown on the revised plans when parked in those service bays for loading or unloading purposes.

3. During construction of the addition, Phillips will keep the north-south segment of the public alley easement open while the east-west segment is closed during excavation, and keep the east-west segment of the public alley easement open while the north-south segment is closed during excavation. The public alley easement extends from 21st Street west along the alley to the Cosmos property, then north to the north side of the Carriage House. It is the intent of this provision that excavation by Phillips in the public alley easement will be undertaken in such a way to ensure continued unimpeded access through the alley system in Square 66.

4. Phillips will (and will so order its caterers and other suppliers to) restrict the number and size of vehicles using its loading area so that when parked in the service

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bays for parking, loading or unloading purposes, the vehicles shall be entirely within the boundaries of the service bays and shall not extend into the public alley easement. There shall be no more than three vehicles using the three service bays shown on the revised drawings at any one time. No loading or unloading shall occur in the staff parking, as shown on the revised drawings. The maximum length of any vehicle using the service bays shall be 24 feet. Vehicles shall not park or stand in the public alley easement waiting for other vehicles to complete loading or unloading activities. Loading and unloading activities shall not impede free vehicular circulation in the public alley easement. Phillips will not allow loading or unloading activities to occur in any event after 10:30 p.m. or before 7:30 a.m., seven days a week.

5. Phillips will not allow valet parking, loading, unloading, standing or staging to occur in any part of the alley system in Square 66, including the public alley easement, except with prior approval of the Cosmos General Manager. Phillips will require off-street valet parking for all events for more than 70 persons, and will require off-site valet parking once its parking garage is full.

6. Phillips will identify the location, configuration and dimensions of the existing public alley easement on the site plan drawing that is submitted with the building permit application for the project, with the following notation within the public alley easement: "This area subject to Public Alley Easement recorded in the Land Records of the District of Columbia on December 31, 1987 as Instrument No. 73431, as amended."

7. The parties will meet, through designated representatives, on a regular basis at least quarterly, as well as when the need arises, to discuss issues which may arise

between the parties, with the intention of seeking in good faith a mutually agreeable resolution to those issues.

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