ARNOLD & PORTER LLP

Nathan W. Gross
Zoning and Land Use Specialist
Nathan_Gross@aporter.com
Not Engaged in the Practice of Law

202.942.5956
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

March 2, 2004

Carol Mitten, Chair
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Zoning Commission Case No. 03-03/02-05
Capital Gateway Estates – Second-Stage PUD

Dear Ms. Mitten and Members of the Commission:

Enclosed herewith are the following materials pertaining to the above-referenced case:

- A memorandum showing compliance with the conditions in the First-Stage PUD order; and
- Additional plans or full-size sets of plans, including landscape plans, architectural plans, grading and site plans.

Respectfully submitted,
ARNOLD & PORTER

Cynthia A. Giordano

Nathan W. Gross, AICP

Enclosures

ZONING COMMISSION
District of Columbia
Case 03-03/02-05
Exhibit 30

ZONING COMMISSION
District of Columbia
CASE NO.03-03
EXHIBIT NO.30

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Washington, DC 20004-1206

March 1, 2004

Carol Mitten, Chair
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Zoning Commission Case No. 03-03/02-05
Capital Gateway Estates – Second-Stage PUD

Dear Ms. Mitten and Members of the Commission:

Regarding the Capital Gateway Estates Second-Stage PUD application, this memorandum serves to indicate compliance with the conditions embodied in the First-Stage order, Order No. 02-05. The conditions are indicated in italics followed by comments in regular type.

1. The final design of the PUD shall be developed in accordance with the site plan and preliminary architectural and landscape plans submitted as Exhibits 1A, 16 and 28 in the record of this case . . .

The second-stage plans as submitted were developed based on the plans in Exhibits 1A, 16 and 28, and represent a refinement of those plans, with the exception of the change noted in No. 3 below.

2. The maximum building height in the project shall be fifty (50) feet and the maximum aggregate gross floor area shall be 1.0.

All buildings in the project are within the 50-foot height limit, and the aggregate FAR is less than 1.0.

3. The project shall be developed with residential buildings and a community center building, generally as depicted in the preliminary plans submitted in the first-stage application.

The second-stage plans include residential buildings and the community center, generally as depicted in the first-stage preliminary plans. Locations of some building types have been modified to a degree, but the pattern is consistent with the preliminary plans. Building types are the same – single-family detached and semi-detached dwellings,

townhouses and four-unit grand homes. One change is that the existing Capital Plaza II building, which was to be demolished to make way for the Multi-Family Apartment building, will be renovated rather than demolished, because of funding constraints of the U.S. Department of Housing and Urban Development. This property, Lot 52 in Square 5279, is not part of the PUD but will proceed as a matter of right under existing R-5-D zoning. Lot 52 was not included in the first-stage PUD order.

4. The Applicants shall submit [detailed plans and zoning data] as required for a second-stage PUD application.

The required plans and data have been submitted.

5. The Applicants shall take steps to design the multi-family building so that it makes an entryway or gateway statement for the District of Columbia from the perspective of travelers along East Capitol Street.

As stated in No. 3 above, the Multi-Family building is no longer part of the project.

6. The Applicants shall submit . . . additional plans . . .: A preliminary subdivision plan . . .; a rough grading plan . . .; a utility plan . . .' and Plans showing dimensions and treatment of open space and other common areas.

The referenced plans have been submitted.

7. The Applicant shall abide by the terms of the executed MOU with the D.C. Office of Local Business Development . . .

The Applicant certifies that it will abide by the terms of the LSDBE agreement and submit a written status report to the Zoning Commission and the Local Business Opportunity Commission after the completion of construction.

8. The Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services (DOES) . .

The Applicant certifies that it will abide by the terms of the First Source Employment Agreement and will submit a written status report to the Zoning Commission and DOES after the completion of construction.

9. [The Applicant shall file for the second-stage PUD within a year of the effective date of the first-stage order.]

Order No. 02-25 appeared in the *D.C. Register* on November 29, 2002 and became legally effective on that date. The Applicant submitted its second-stage application on May 19, 2003, thereby complying with the time limit.

10. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended . . .

The Applicant certifies that it will comply fully with the D.C. Human Rights Act.

Based on the foregoing statements, the Applicant states that it has complied with the conditions of the first-stage order.

Sincerely,
ARNOLD & PORTER

Cynthia A. Giordano

Nathan W. Gross, AICP