

COMPLIANCE WITH FIRST-STAGE PUD ORDER

1. "The PUD shall be developed in accordance with the modified plans prepared by the architectural firm of Davis Buckley (Exhibit 78, site Plan Variation 3A), as modified by the guidelines, conditions and standards of this order."

The design for the project, consisting of three buildings – and reading as four independent buildings – is consistent with the guidelines, conditions and standards of Order No. 850 as well as the Design Guidelines made part of Order No. 910-B. The design is responsive regarding height, bulk and mass, use, maintenance of the vistas from Half Street, SE to the Anacostia River and open courtyard and waterfront esplanade areas.

2. "The maximum building height of the portion of the project located 110 feet or less from the seawall along the waterfront of the Anacostia River shall not exceed 109 feet, and the maximum building height of the portion of the project located more than 110 feet from the portion of the seawall along the waterfront of the Anacostia River shall not exceed 130 feet, all in accordance with the schematic site plan studies developed and submitted to the record of the case on August 18, 1997 and identified at the September 23, 1997 hearing as applicant's preferred site and massing of the project."

The Applicant has worked extensively with the D.C. Office of Planning regarding the appropriate design for this project. The result of this extensive work was first the Design Guidelines approved by the Zoning Commission in Order No. 910-B and then the project proposal submitted by the current second-stage application. The Design Guidelines modified the basic parameters for the design of a project approved in the first-stage PUD and were incorporated into the first stage extension action by the Zoning Commission. The present project proposal incorporate in substantial part the parameters of the Design Guidelines, except that to accommodate for market-driven retail space requirements the maximum heights of buildings of the proposed project have been slightly modified. Specifically, the maximum heights set forth in the Design Guidelines are 110 feet, 100 feet, and ninety feet respectively for the West Office and Hotel Building (closest to the Frederick Douglass Bridge abutment and ramp), the Residential Building, and the East Office Building (nearest First Street, SE). In order to attract the most desirable retail tenants for this emerging area, the retail spaces have been given a fourteen foot clear height; thus, increasing the maximum heights of building to 112, 102, and ninety-two feet respectively. It is the Applicant's understanding that the Office of Planning supports this minor modification to the Design Guidelines.

3. "The floor area ratio (FAR) of the project shall not exceed 6.0, all of which may be developed to commercial uses, including ground floor retail uses to enliven the waterfront esplanade area. The applicant shall supply as part of the second-stage application a plan and description to encourage pedestrian activity along both Potomac Avenue and the waterfront esplanade."

The project has a FAR of 4.28, significantly below the 6.0 FAR contemplated in the first-stage approval and below that specified in the Design Guidelines. This application presents a design which maximizes pedestrian access to and activity on both Potomac Avenue, SE and the waterfront esplanade, as described in Section IV of the PUD Statement.

4. "The overall lot occupancy of the project shall not exceed fifty-eight percent (58%)."

The overall lot occupancy of the project does not exceed fifty-eight percent (58%).

5. "The project shall be developed as two (2) separate buildings, sited so as to substantially maintain and preserve the vista along Half Street, S.E., to the waterfront of the Anacostia River, and with the building on the east side of the proposed courtyard pulled back to open the vista to the Anacostia River, all in accordance with the schematic site plan studies developed and submitted to the record of this case on August 18, 1997, and identified at the September 23, 1997 hearing as the applicant's preferred site and massing of the project."

The project now includes three separate buildings, distinguished by multiple view corridors. The principal view corridor, being the visual extension of Half Street, SE, provides an unobstructed vista from the terminus of Half Street, SE through the open courtyard of the Project, down a set of cascading steps to the waterfront of the Anacostia River.

6. "Landscaping of the project site shall be consistent with the site plan submitted by the applicant, with such landscaping to be further refined during second-stage processing of this second-stage application. Such landscaping shall include, at a minimum, the following features:

- a. Open courtyard and cascading steps down the Anacostia River front with appropriate and necessary accommodations in accordance with the Americans With Disabilities Act of 1992; and
- b. Waterfront esplanade along the shore of the Anacostia River with waterfront retail pavilions and a small watercraft marina."

Access to the project and its open space areas have been designed in accordance with – and in many cases exceed – the requirements of the Americans With Disabilities Act of 1992. As set forth in Section IV of the PUD Statement, the project incorporates a waterfront esplanade as well as 36,000 square feet of useable area of ground floor retail. These aspects of the project have been incorporated in accordance with the Design Guidelines, which modified this aspect of the first-stage approval.

7. “The applicant shall supply as part of any second-stage application a property line survey for the PUD Site, recorded with the District of Columbia Office of the Surveyor which reflects the land between the existing private property line and the bulkhead.”

A plat from the Office of the Surveyor of the District of Columbia reflecting the land between the PUD Site and the bulkhead is attached to this Compliance Statement as Schedule 1.

8. “Antennas shall be permitted on the various roofs of the buildings of the project, subject to the applicable Zoning Regulations for review.”

The proposed antenna locations on the roofs of the buildings will be in compliance with the applicable Zoning Regulations.

9. “The applicant shall submit with the second-stage application detailed plans and elevations indicating the design treatment of the proposed PUD project, including, but not limited to, building and landscape materials, color and architectural and landscape details.”

All of the above-referenced plans for the new project design are referred to in this second-stage application and will be further described in the applicant's supplemented submission.

10. “During second-stage processing of the PUD application, the applicant shall develop and submit details concerning implementation and continuation thereafter of the proposed shuttle bus service between the PUD Site and the Navy Yard Metrorail station to ensure that the transportation service becomes a viable component of the project.”

As a result of the Applicant's extensive work with the D.C. Office of Planning, the project presented in the second-stage application is significantly different than that adapted in both the first-stage and the prior second-stage approvals. In the past, the project contained only office uses and placed the very important retail and residential uses on a separate amenity site. In order to encourage the office tenants to

maximize their use of the Metro facilities, the project included a shuttle bus. Since that time, the project has become a mixed-use project, with only approximately 40% of the gross floor area of the Project now being devoted to office use. As a result of the significant decrease in potential commuters, the Applicant and the Office of Planning concluded that a shuttle bus was no longer necessary for the project. Accordingly, this amenity has been deleted from the project.

11. “During the second-stage processing of the PUD application, OP shall submit the PUD application to the District of Columbia Department of Public Works, Metropolitan Police Department, and the Office of Tax and Revenue for review and comment. The applicant shall make a bona fide effort to resolve the concerns, if any, such agencies may have regarding the PUD application.”

If any of the agencies have concerns regarding this second-stage application, the Applicant shall make a bona fide effort to respond to them to the Zoning Commission's satisfaction.

12. “During the second-stage processing of the PUD application, the applicant shall submit to the Zoning Commission the details relating to the development of Square 664E as a maritime education center and residential development, as well as for a waterfront park at the terminus of South Capitol Street as shown in the plans submitted to the Zoning Commission.

As discussed in No. 10 above, the project has been significantly redesigned since the first- and prior second-stage approvals. Originally, the project contained only office uses, with residential uses being placed off-site on Square 664E. During the discussions with the D.C. Office of Planning, the Applicant learned that the planning objectives for the District sought a project on the PUD Site looking eastward – not southward. In response to that comment, the Applicant redesigned the project to include a mix of uses on the PUD Site. Accordingly, development of Square 664E is no longer a necessary component of the PUD Application. However, the Applicant notes that Square 664E, being located within the area subject to and thus any development will be the CG Overlay guided by the Overlay's principals and objectives.

13. “The applicant shall have entered into a First-Source Employment Agreement with the Department of Employment Services to promote and encourage the hiring of District of Columbia residents.”

An executed First-Source Employment Agreement with the Department of Employment Services is attached to the PUD Statement as Exhibit L. The applicant continues to offer its enhanced supplemental employment program as part of its second-stage application.

14. "The applicant shall have entered into a Memorandum of Understanding with the Local Business Opportunity Commission ("LBOC") to use the resources of the LBOC to utilize minority business enterprises in the development of this project."

An executed Memorandum of Understanding with the Business Opportunity Commission is attached to the PUD Statement as Exhibit M.

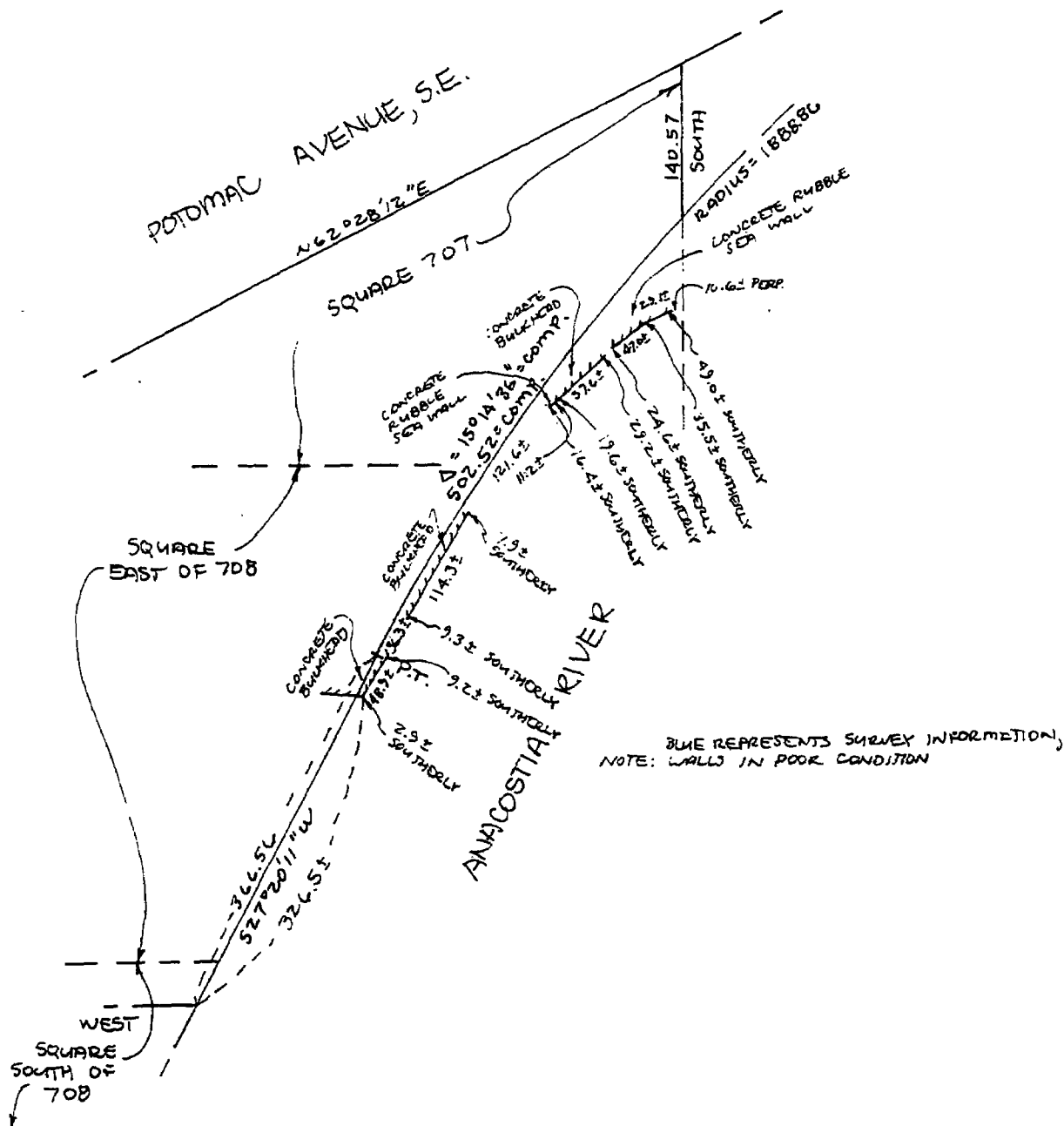
15. "The first-stage PUD approval by the Zoning Commission shall be valid for a period of one year from the effective date of this order. Within such time, the applicant shall file a second-stage PUD application in order for this first-stage approval to remain in effect."

The first-stage PUD approval became effective on June 8, 1998. By Zoning Commission Order 910-B, the Zoning Commission extended the first-stage PUD approval to be effective until May 23, 2004. This second-stage application is submitted within that effective period.

SCHEDULE 1

SQUARES 707 EAST OF 708 & SOUTH OF 708

S.O. Receipt No. S-03315



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