

The Applicant commits to only leasing protocols of leases for 12 to 24-month terms in both of the M Street buildings. The Applicant also commits to providing no month-to-month leases except in the limited scenario of on-site employees and tenants at the expiration of a lease. Further, no rentals for under one month shall be provided at either building by the Applicant nor any agent acting on its behalf.

2. SW Community Center

The ANC requested that the Applicant commit to paying 100% of the community center's electricity fee usage, with no maximum contribution limit as previously proposed. The Applicant agrees to this request and proposes inclusion of the following condition in place of the proposed Decision No. B(16) of the draft order in the record at Exhibit 136A ("Draft Order"):

16. For the first 30 years following the issuance of the certificate of occupancy for the community center within the East M Building, the Applicant shall not charge the community center operator for any (i) rental fees; (ii) property taxes; (iii) building maintenance fees; (iv) operating expenses; or (v) utilities. The fees for utilities used by the community center during this time will be billed directly to the Applicant.

References to the Applicant's decision to maintain the contribution limit elsewhere in the Draft Order should also be removed to reflect this updated commitment of the Applicant.

3. Community-Serving Retail

The Applicant and the ANC share the goal of creating a town center environment at Waterfront Station with appropriately-sized retail spaces that provide an array of retail and service options for the surrounding neighborhood. In furtherance of this mutual goal, the Applicant proposes that the following conditions be included within any order approving the PUD:

- a. The Applicant will reserve a minimum of 6,000 square feet of retail space to be devoted to retail spaces having no more than 1,500 square feet, for a minimum commitment of 4 retail spaces each at a maximum of 1,500 square feet, across the two buildings.
- b. In an effort to provide retail spaces targeted to smaller-scale retailers and to avoid "big box" stores, the Applicant will provide no single retail space in the East M Building having more than 7,500 square feet and no single retail space in the West M Building having more than 10,000 square feet.
- c. The Applicant will dedicate a minimum of 1,000 total square feet in the M Street Buildings to small and local businesses as part of its compliance with Condition No. 14 of Z.C. Order No. 02-38A (which sets forth a 12,500 square feet minimum required for small and local retailers).