BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of:
Millennium Georgetown Partners LLC

BZA Application No.: 16702
Hearing Date: April 17, 2001

AFFIDAVIT OF ANTHONY LANIER

CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

I, Anthony Lanier, being duly sworn on oath, does depose and say:

1. I am President of EastBanc, Inc., and am duly authorized to make this Affidavit on behalf of the Applicant.

2. I am competent to be a witness and have personal knowledge of the facts hereinafter set forth.

3. Attached hereto and incorporated herein is the Applicant's response to the Board of Zoning Adjustment's ("BZA") request for additional information at the conclusion of the BZA's May 1, 2001 meeting.

4. The facts stated in the financial information attached to the statement as Exhibit D, as well as the statements regarding the ability to procure other users without requiring zoning variances, are true and accurate.

5. Other office, retail or residential uses could not be located in the theater space, which is located below the 100-year flood plain, as reflected in Exhibit E to the attached statement.

BZA
Case No. 16702
Exhibit No. 69

Board of Zoning Adjustment
District of Columbia
CASE NO.16702
EXHIBIT NO.69A1

Further your affiant sayeth not.

Anthony Lanier

Subscribed and sworn to before me, a Notary Public, this 4th day of May, 2001.

Notary Public

Darlene D. Dumpit
Notary Public

[NOTARIAL SEAL]

My Commission Expires:

My Commission Expires on April 14, 2005

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
ATTORNEYS AT LAW

ATLANTA
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May 4, 2001

BY HAND

Ms. Sheila Cross-Reid
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: BZA Case No. 16702; Georgetown Incinerator; 3100 South Street, N.W.; Square 1189, Lot 88

Dear Ms. Reid and members of the Board:

At the conclusion of its public meeting of May 1, 2001, in the above referenced matter, the Board asked Millennium to provide

(1) A copy of the Memorandum of Agreement governing development of the site. That is provided as Exhibit A;

(2) Copies of documents generated by the Old Georgetown Board regarding the application. That is provided as Exhibit B.

(3) Renderings of the theater multiplex cinema use and description of multi-theater complex. That is provided as Exhibit C;

(4) Financial information related to the costs of responding to the unique conditions affecting the site and project "Pro-forma." That is provided as Exhibits D1-3; and

(5) A re-statement of the applicant's position as to why its application for area variances to construct six additional residential units and more parking meets the criteria for an area variance. That is provided below.

Millennium seeks two area variances pursuant to Sections 930.1 and 931.1 of the Zoning Regulations from the height and floor area ratio ("FAR") requirements, respectively, so as to permit the construction of an additional six condominium units on the top of a mater-of-right mid-rise, mixed-use development consisting of residential condominium, theater, hotel and retail uses.

With regard to the information provided and the issues raised during the Board's discussions, Millennium submits that it is entitled to the variance, not because it is suffering an economic hardship, as that term is used for use variances, but because its request fits within the well-settled criteria used by the Board in granting area variances. With regard to the area variance criteria, Millennium states as follows:

The Board is empowered to grant an area variance where it finds three conditions:

(1) The property is unique because, *inter alia*, of its size, shape, topography, a condition inherent in the structures built, or some other condition which uniquely affects the site;

(2) The owner would encounter practical difficulties if the zoning regulations were strictly applied;

(3) The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

EXTRAORDINARY OR EXCEPTIONAL CONDITIONS AFFECTING THE SITE

The Georgetown Incinerator site has several extraordinary or exceptional conditions or features that create practical difficulties with regard to the development of the site. Some of these unique features have led to the imposition of additional regulatory restrictions that have created additional limitations on development. Following are the six most critical elements limiting development:

- *Historic Buildings:* Five historic buildings, one of which is an historic landmark, occupy the site and had to be retained. They rendered a significant portion of the site undevelopable. One of these buildings, the Incinerator, has a large interior volume that, relative to the size of its footprint, consumes a significant portion of the available zoning envelope. Its smokestack, one of the most visible landmarks on the Georgetown skyline, also had to be retained with open space around it that enhanced its legibility. The overall solution to the preservation of these structures mandated the creation of a preservation precinct in the northeast quadrant of the site.

- *View Sheds: The* review agencies having jurisdiction over the project noted that having preserved the historic buildings, it was essential to also preserve certain views of these buildings from certain important public vantage points. Thus, the project was developed with full height breaks in the buildings in order to preserve the following views: (a) view of the west façade of the incinerator from Wisconsin Avenue to replicate Copperthwaite Alley; (b) view of the smokestack from K Street; and (c) views of the incinerator and Brickyard Hill houses from the north.

- *Topography:* The site slopes approximately forty feet from north to south, creating a condition where much of the deep space on the downward slope of the site counts against the allowable FAR. This resulted in the FAR area on the lower part of the site not being usable for any uses sensitive to flood waters. Flood control regulations prohibit the placement of habitable rooms within the 100-year flood plane, which in Georgetown is at elevation 17.5'. K Street is at elevation 10.0'. This also restricts the type of retail uses that could be placed below within the flood plane.

- *Geology*: The sub-surface conditions were composed primarily of rock, making the excavation of the parking, theatre and hotel support areas unusually difficult.

- *Whitehurst Freeway:* Located approximately three stories above K Street, the Whitehurst rendered the first three floors of the project along K Street unusable for either residential or hotel uses. This was primarily due to the reduced natural light and the traffic noise emanating from the highway. Additionally, the proximity of the highway to the property line generated the need to set all the residential floors approximately ten feet back from the south property line, in effect creating another zoning setback requirement stretching from Wisconsin Avenue to 31st. Street.

- *Deed restrictions and preservation covenants*: The District of Columbia required Millennium to provide in the Incinerator project at least 100,000 square feet of residential space, 30,000 square feet of retail uses and parking for 250 cars, plus one parking space per additional 500 square feet of additional land area. *See* Exhibit G to the Applicants' Pre-hearing Statement. Office uses may not be substituted for the theater or retail uses. In addition, new construction and the rehabilitation of historic structure were subject to more restrictive standards that would not otherwise apply to private development projects in an historic area even on that portion of the property that was never owned by the District of Columbia. *See* Exhibit A attached hereto & Exhibit I to the Applicant's Pre-hearing Statement.

In its letter of April 20, 2001, Advisory Neighborhood Commission 2E, stated that it "accepts the position of the applicant that 'a confluence of factors unique to the site' had created an impediment to realizing the project" which could not be resolved without "building the additional housing units and parking proposed in the [zoning] application." By statute, that position of ANC 2E is entitled to "great weight."

As indicated on the attached Exhibit D-1, the cost of responding to the foregoing site constraints required an additional expenditure for the project in excess of $23 million. Thus, the unique conditions established practical difficulties of this project meeting the criteria for an area variance.

STRICT APPLICATION OF THE ZONING REGULATIONS RESULTS IN PRACTICAL DIFFICULTIES

Practical difficulties mean, in the context of a request for an area variance, that the site is not feasibly developable within the applicable zoning envelope. Compliance with the height and density area restrictions is unduly burdensome and the practical difficulties are also unique to the property.

At the outset, Millennium would have been entitled to an area variance to respond to the unique condition because, as already indicated, the uses for the portion of the development project below the Whitehurst Freeway precluded office, residential and most retail uses and the preservation zones severely restricted development. Strict application of the zoning regulations would have precluded a feasible development, as demonstrated in Exhibit D-2.

As already indicated, the development constraints on the site are unique. Rather than consider seeking an area variance or a planned unit development at the outset because of the unique constraints, Millennium identified a theater use for the site as a means of developing the site without the need to obtain any zoning relief. This is because intense competition in the industry led theater operators to offer more to Millennium to respond to the site constraints than could have been achieved from other retail uses. Millennium did not need a variance at the time it started construction (although it would have been entitled to one given the conditions affecting the site) because the theater proposal provided for the funds to pay for the site constraints and overcome the practical difficulties that resulted from strict application of the zoning regulations. No other user then or now provided Millennium with the means to respond to the restrictions on both the location of uses below the flood plane and the preservation restrictions and also cover the site development costs attributable to those restrictions.

Other retail uses could not be counted on to remedy the impacts of the site, as evident from the exhibit attached hereto as Exhibit E, and would, instead, exacerbate parking and traffic concerns expressed by the District and the community because, unlike the theaters, other retail uses would require the use of the proposed project parking during the day, when it is most needed in Georgetown. *See* Testimony of Anthony Lanier at Hearing of the Board on April 17, 2001. As the United States Park Service also indicated in its letter to Board in support of the application, the project proposed by Millennium, with the theater uses, would allow the Park Service to close the waterfront parking and develop the park. Accordingly, if the theater use could not mitigate the impacts of the site constraints, Millennium would have been entitled to variances.

As the foregoing demonstrates, the site is unique, or burdened with exceptional or extraordinary conditions. Strict compliance with the zoning regulations creates a practical

difficulty in responding to these conditions because the existing area requirements preclude the development of six additional condominium units or the conversion of the theater to any other viable use consistent with those conditions.

THE THEATER BACKGROUND

Millennium avoided seeking a variance, to which it would have been entitled because the theater component was to contribute $25 million in capital and, in addition, pay the then, and still current market rent on a yearly basis, of $1.75 million. This made the project appear to be feasible. *See* Exhibit D-3. That theater component also did not share the impacts of an intense retail user that would require the parking during the day. No other retail user would contribute the funds necessary to offset the site constraints or risk taking 30,000 square feet of space below the Whitehurst Freeway and below the flood plane.

The bankruptcy of Loews and other members of the theater industry results in the loss of the capital contribution needed to pay for the costs attributable to the site constraints and the security required by Millennium's construction lenders. To compensate for the loss of the capital contribution, Millennium had to find other income producing revenue for the property that could either occupy the theater space or be constructed on the site. Thus, the practical difficulties which resulted from the strict application of the zoning regulations, and which were overcome by the theater use, are now fully evident. In other words, the conditions which existed before Millennium identified the theater use and obtained its contribution toward the site constraints, and which would have entitled Millennium to an area variance before it even began construction, now exist.

In an effort to maintain the theater use, because of the inability to rely on other retail uses to meet the impact of the site constraints, Millennium investigated ways of subsidizing the theater use without the need for any zoning relief, which included removal of the historic structures, closing the Copperthwaite Alley view shed and evaluating alternative uses for the theater space or the viability of obtaining greater income from the sale of the residential units or the operation of the hotel. None of those provided additional income and, thus, the project is infeasible without the relief being sought. The only retail use which could occupy the space below the flood plane, the theater use, could remain on the site if it is subsidized.

Only by increasing additional building area could Millennium respond to the site constraints. Millennium then determined that the construction of an additional residential floor accommodating six condominium units and the reconfiguration of some interior space could provide the economic remedy to the problem. The solution was to insert an additional floor plate into the two (2) residential condominium buildings and utilize existing interior open space in those buildings so as to allow for the provision of additional residential units, as well as additional parking. The additional height and density is a consequence of the fact that the building envelope could not be increased due to the requirement that the Incinerator and the historic buildings be retained.

ECONOMIC CONSIDERATIONS

As already stated, this is not a hardship case. Rather, it also represents an appropriate situation for considering the economic consequences of development of a site with many exceptional constraints and the impact of a use required by the Department of Housing & Community Development (the seller of the Incinerator) on a project that must contend with those constraints. The economic considerations that have forced Millennium to seek relief are therefore also relevant to the practical difficulty aspect of the area variance issue. The Board may rely on economic factors to evaluate this issue, even if it was not relevant to the uniqueness issue. This is because a practical difficulty results from the strict application of the zoning regulations when a matter-of-right project becomes unfeasible due to the economic impacts required to address extraordinary and exceptional conditions. And, in this case, the economic impact, $23 million, is significant.

TRAFFIC ISSUES

Recognizing that even a matter-of-right project with 3,000 theater seats could have an impact on traffic and parking, Millennium sponsored traffic studies for this area and a larger Georgetown area at the time the project was reviewed under Large Tract Review and since that time. *See* Exhibits H & J to the Applicant's Pre-hearing Statement. Those studies confirmed that garages near the site were full during the day but closed, and thus empty, at night for lack of business below K Street at night. Thus, a theater use, which, for the most part requires parking at night, would actually open up parking opportunities during the day within the site, and have the effect of convincing other parking garages on adjacent sites along K Street to open their parking at night. Other retail uses would not have this dual effect. In other words, as found by Millennium's expert and the Department of Public Works, the theater use is the one retail use that has the least impact on traffic and parking.

Since the variance sought by Millennium seeks to construct only 6 additional condominium units and provide more parking spaces within the building, the Department of Public Works stated that the variance relief would have no impact on parking or traffic. The issue is not whether the theater use or hotel use or the other residential components have an adverse impact since that development is permitted as a matter of right and relief is not being sought by Millennium to provide those uses. Furthermore, the impacts of the matter-of-right development were thoroughly reviewed during the Large Tract Review process in 1998 and 1999. The only condition which has changed since that time, and which led to DPW's brief conclusion, has been the request in this case to build six additional residential units.

THE OLD GEORGETOWN BOARD

Under D.C. Code § 5-1007 (the District's historic preservation law) and D.C. Code § 5-1102 (the Old Georgetown Act), the Old Georgetown Board ("OGB") makes recommendations, under § 5-1007, to the Commission on Fine Arts ("CFA") with regard to whether the design of any new construction is compatible with the historic district and comments, under § 5-1102, on "the exterior architectural features, height, appearance, color, and texture of the materials of exterior construction which is subject to public view from a public highway." The recommendations of the OGB and the CFA are then transmitted to the Mayor for final decision. *See Committee for Washington's Riverfront Parks v. Thompson*, 451 A.2d 1177 (D.C. 1982) (upholding the Mayor's rejection of the recommendation of the CFA and the OGB with regard to the development of Washington Harbor in Georgetown).

In this matter, OGB stated, in its recommendation, that it has "[n]o objection to revised concept design for the introduction of an additional floor to the residential component of the development at the Georgetown Incinerator site which had received final approval in June 2000." *See* Exhibit B at p.6 attached hereto. OGB asked Millennium to study "setbacks to the upper level, and reduction of height particularly where the new construction frames the vista of the incinerator and its smokestack from the south. *Id.* Millennium did so and presented those revised setbacks to this Board and the OGB. Finally, OGB stated that "[t]his recommendation is not to be construed as approval of the zoning variance required for this project, which is outside the purview of the Commission." *Id.*

The CFA has made a final decision on their recommendations to the Mayor and have transmitted that recommendation. *See* Exhibit F attached hereto. Thus, OGB and CFA have stated that they approve of the new design of the Incinerator project but object to the addition of another floor because they understand that they do not have any "discretion under the Georgetown Act, * * * about height and density." *See* Exhibit G at p.4. While we do not agree with that conclusion regarding the authority of the CFA, the recommendation will be reviewed by the Mayor, who is the final decision-maker on recommendations of the CFA and the OGB, as provided by the law. *See* Exhibit H attached hereto requesting that the Mayor reject the recommendation of the CFA and Exhibit I, which depicts the status of construction. Millennium cannot return to the OGB and seek its recommendation on the height because the OGB and the CFA have explicitly stated that they cannot approve a project in excess of forty feet. The Mayor is reviewing that determination.

Based on the foregoing, Millennium further requests that, given the overwhelming evidence in support of the application and the support of the ANC to the application, the Board find that Millennium has met its burden of proof with regard to the requested variances. That is, Millennium has met its burden of proof that there exist practical difficulties in developing the property, which arise from the uniqueness of the property. These practical difficulties arise from the uniqueness of the property, including the topography of the property, the historic landmark buildings required to be included in the project, the preservation of the Copperthwaite Alley view shed, the additional parking requirements mandated by the Department of Housing and Community Development and the other deed restrictions on the development of the property,

along with the recent downfall of the theater industry. The applicant has also met its burden that the requested variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Based on the evidence before the Board, Millennium respectfully requests that the Board grants the two (2) area variances requested by the instant application.

Thank you for your consideration.

Very truly yours,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler
Jeannine Rustad Zigner

cc: Mr. Andrew Altman, Office of Planning (By Hand)
Ms. Barbara Downs, Citizens Association of Georgetown (By Hand)
Advisory Neighborhood Commission 2E (By Hand)
Mr. Anthony Lanier (By Hand)

A

MEMORANDUM OF AGREEMENT

AMONG:

THE NATIONAL CAPITAL PLANNING COMMISSION
THE DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,

AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

FOR THE:
DISPOSAL OF THE D.C. INCINERATOR SITE (LOT 824, SQUARE 1189) WASHINGTON, D.C.

OCTOBER 1997

WHEREAS the National Capital Planning Commission ("NCPC") is responsible for approving of the disposition and sale of surplus property owned by the District of Columbia Government pursuant to 40 U.S.C. §72c; and

WHEREAS section 72c provides that the Mayor may, with the approval of the NCPC, convey surplus property of the District of Columbia to the highest bidder in a public sale, provided that both the District of Columbia Government and the NCPC find that it is no longer required for public purposes, which finding has been made; and

WHEREAS the NCPC has determined that the disposal of the D.C. Incinerator Site (Lot 824 in Square 1189) (hereinafter the "Incinerator"), which is a contributing building to the Old Georgetown Historic District, Washington, D.C., will have an effect upon a property listed in the National Register of Historic Places (hereinafter referred to as "historic property"), and has consulted with the District of Columbia State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act of 1996, as amended, 16 U.S.C. Section 470f, Section 110 (f) of the same Act, 16 U.S.C. Section 470h.2(f), and Section 111 of the same Act, 16 U.S.C. Section 470.3; and

WHEREAS the historic property consists of a former incinerator, which is a contributing building to a historic district, formally determined eligible for listing in the National Register of Historic Places (NRHP); and

WHEREAS an appropriate restrictive device has been prepared to protect this property in the event of transfer/sale (Appendix 2); and

WHEREAS the Mayor of the District of Columbia has referred to the NCPC for its approval the sale of the historic property for purposes of furthering an agreement with Millennium Georgetown Development, L.L.C. and the District of Columbia Department of Housing & Community Development ("DCHCD"), and

WHEREAS there is an agreed upon mechanism for the amendment of this document as future circumstances may require (Appendix 3); and

WHEREAS interested members of the public have been provided an opportunity to comment on the effects this disposal may have on the historic property.

NOW, THEREFORE, the NCPC, the SHPO, DCHCD and the Council agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on the historic property.

STIPULATIONS

The NCPC, DCHCD and the SHPO will ensure that the following stipulations are implemented:

I. Architectural Property

A. For the purposes of the Agreement, it is understood that the SHPO and DCHCD will ensure that new property owners(s), in consultation with the SHPO and DCHCD, will develop a plan for the adaptive reutilization of the historic property which is consistent with the protective covenant attached as Appendix 2.

II. Archeological Property

A. For the purposes of this Agreement, it is understood that:

1. A professional archeological survey of the historic property was conducted, and no archeological sites nor deposits were found. The District of Columbia SHPO has concurred in this finding.

III. Interim Protection

A. DCHCD shall ensure that the historic property, which has been vacated pending disposal, will be maintained and preserved pursuant to the Secretary of the Interior's *Standards for Rehabilitation and the Guidelines for Rehabilitating Historic*

Buildings (referred to as "standards") to minimize deterioration.

B. Upon disposal, the SHPO shall be formally notified of the new owner(s) name(s), address(es), and telephone number(s), as well as the official date of disposal.

IV. Exempt Activities

Pending transfer of the historic property, the following activities are specifically exempt from review by the SHPO:

A. Activities which will not alter the characteristics which qualify the property as a contributing building to a historic district listed in the NRHP;

B. Activities involving non-historic properties which will have no impact upon the historic property;

C. Routine maintenance of the historic property which consist of the following:

1. Removal of dead or unsalvageable landscape features.

2. Modifications to interiors of non-contributing portions of the historic property.

3. Minor, in-kind replacement or emergency repair, or routine maintenance not part of a larger project involving the historic property.

4. Those repair and/or maintenance actions involving the historic property which are carried out in conformance with the procedures set forth by the Standards.

5. Exploratory demolition.

D. Installation of heating, ventilation, and air-conditioning (HVAC) equipment, plumbing, and electrical systems, where such activities do not affect the visual character of the historic property.

E. Environmental restoration and remediation of hazards which pose a threat to human health and the environment, but do not have the potential to affect the historic property.

V. Recordation of the Historic Property

The purchaser or transferee will be responsible for the recordation of the historic property as described in the following:

A. Prior to any demolition, alteration or rehabilitation of the exterior of the historic property, the purchaser or transferee shall document the historic property to Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) standards (in consultation with the SHPO) and present the documentation to the SHPO for placement in a public repository.

VI. Transfer of the Historic Property

A. The District of Columbia is authorized to transfer and/or dispose of the historic property. Such transfer and/or disposal action(s) shall include the protective covenants attached as Appendix 2.

B. Except for those activities described elsewhere within this Agreement as "Exempt Activities:, prior to any construction, alteration, rehabilitation, demolition, disturbance of the ground surface, or any other action affecting the historic property, the purchaser or transferee shall submit plans and specifications for the proposed action to the SHPO. The plans and specifications shall first be referred to the Commission of Fine Arts and the Old Georgetown Board for review and recommendations and then to the District of Columbia Historic Preservation Review Board for review and recommendations. All recommendations shall then be reviewed by the Mayor's agent for D.C. Law 2-144 for approval in accordance with §§ 5 through 8 of D.C. Law 2-144.

VII. Public Sale

A. The DHCD will ensure that the instrument transferring the property will incorporate the appropriate covenants attached hereto as Appendices, and that the covenants will be recorded in the Land Records of the Recorder of Deeds for the District of Columbia.

VIII. Amendments

Any party to this Agreement, or its successors and assignees, may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.13 to consider such amendment. Format for recommended amendments is provided as Appendix 3.

EXECUTION of this Agreement and implementation of its terms evidence that the NCPC has afforded the Council an opportunity to comment on the disposal of the historic property, and its effects on the historic property, and that the NCPC has taken into account the effects of the undertaking on the historic property.

FOR THE NATIONAL CAPITAL PLANNING COMMISSION

Reginald W. Griffith — 23 Dec '97

Reginald W. Griffith, Executive Director — **Date**

FOR THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER:

Hampton Cross — Dec 23, 97

Hampton Cross, SHPO — **Date**

FOR THE DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT:

Richard Monteilh — 1-2-98

Richard Monteilh, Director — **Date**

FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION:

(for) John Fowler — 4/2/98

John Fowler, Executiver Director — **Date**

APPENDIX 2

STANDARD ARCHITECTURAL PRESERVATION COVENANT

XXX. Grantee hereby covenants on behalf of itself, its successors and assigns at all times to the District of Columbia State Historic Preservation Officer (SHPO) to preserve and maintain the Georgetown Incinerator Site located in the Old Georgetown Historic District, more particularly described as *(legal description)* in a manner that preserves and maintains the attributes that contribute to the eligibility of the historic property for listing in the National Register of Historic Places. Such attributes include exterior features (including facades and fenestration, scale, color, materials, and mass), interior features determined significant by the District of Columbia SHPO, and views from, to, and across the property.

(1) The Historic Property will be preserved and maintained in accordance with The Secretary of Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (National Park Service). No construction, alteration, rehabilitation, remodeling, demolition, disturbance of the ground surface, or other action shall be undertaken or permitted to be undertaken that would materially affect the integrity of the appearance of the attributes described above without the prior written permission of the District of Columbia State Historic Preservation Officer (SHPO), the District of Columbia Historic Preservation Review Board and the Mayor's agent for D.C. Law 2-144 and signed by a fully authorized representative thereof.

(2) Upon acquisition of the property, the Grantee will take prompt action to secure the property from the elements, vandalism, and arson, and will undertake any stabilization that may be required to prevent deterioration. Grantee will make every effort to retain or reuse, to the extent practicable, the historic structures.

(3) In the event that archeological materials are encountered during construction or ground-disturbance activities, work shall cease in the immediate area until the SHPO is consulted and provides written permission to recommence work. Should the SHPO require, as a condition of the granting of such permission, that the Grantee conduct archeological survey data recovery operations or other activities designed to mitigate the potential adverse effect of the proposed activity on the *archeological resources* the Grantee shall at his/her/its own expense conduct such activities in accordance with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 447344-37) and such standards and guidelines as the SHPO may specify, including, but not limited to, standards and guidelines for research design, field work, analysis, preparation and dissemination of reports, disposition of artifacts and other materials, consultation with Native American or other organizations, and reinterment of human

remains.

(4) The Grantee will allow the District of Columbia SHPO or his/her designee, at all reasonable times and upon reasonable advance notice to Grantee, to inspect the historic property in order to ascertain whether Grantee is complying with the conditions of this preservation covenant.

(5) The Grantee will provide the District of Columbia SHPO with a written summary of actions taken to implement the provisions of the preservations covenant within one (1) year after the effective date of the transfer of the historic property.

(6) Failure of the District of Columbia SHPO to exercise any right or remedy granted under this covenant shall not have the effect of waiving or limiting the exercise by the District of Columbia SHPO or any other right or remedy or the invocation of such right or remedy at any other time.

(7) In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the District of Columbia SHPO may, following reasonable notice to Grantee, institute suit to enjoin said violation or to require the restoration of the historic property. The successful party shall be entitled to recover all costs or expenses incurred in connection with such a suit, including all court costs and attorney's fees.

This covenant is binding on Grantee, its successors and assigns, in perpetuity. The restrictions, stipulations and covenants contained herein shall be inserted by Grantee, its successors and assigns, verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any lesser estate in the historic property, or any part thereof.

APPENDIX 3

AMENDMENT FORM

Amendment #_____

Date:_____

MEMORANDUM OF AGREEMENT

AMONG:
NATIONAL CAPITAL PLANNING COMMISSION
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

FOR THE:
DISPOSAL OF THE D.C. INCINERATOR SITE (LOT 824, SQUARE 1189)
WASHINGTON, D.C.

1. Need for Amendment: (Describe briefly)

2. Proposed Amendment Narrative: (Specify)

NATIONAL CAPITAL PLANNING COMMISSION:

By: _____ Date: _____
(Typed Name, Title)

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER:

By: _____ Date: Dec. 23, 1997
(Typed Name and Title)

DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

By: _____ Date: _____
(Typed Name and Title)

ADVISORY COUNCIL ON HISTORIC PRESERVATION:

By: _____ Date: _____
(Typed Name and Title)

WE HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY
First American Title Insurance Company
By:

9702006CA
2 of 2

DEED

THIS DEED is made this 13th day of MAY, 1999, by the DISTRICT OF COLUMBIA, acting by and through the DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (the "Grantor"), having an address c/o 801 N. CAPITOL ST, NE, Wash DC 20002, to MILLENNIUM GEORGETOWN PARTNERS LLC (the "Grantee"), a Delaware limited liability company, having an address c/o 1995 Broadway, New York, New York 10023.

WITNESSETH, that in consideration of the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant and convey unto Grantee, in fee simple, all of that certain parcel of land, located in the District of Columbia, more particularly described on Exhibit A, attached hereto and made a part hereof (the "Real Estate").

The Real Estate is conveyed subject to all easements, conditions and restrictions of record together with the Standard Architectural Preservation Covenant attached hereto as Exhibit B.

TO HAVE AND TO HOLD the Real Estate unto Grantee, its successors and assigns.

AND Grantor covenants that it will warrant specially the property hereby conveyed and that it will execute such further assurances as may be requisite.

IN WITNESS WHEREOF, Grantor and Grantee have caused this Deed to be executed as of the date first above written.

GRANTOR:

WITNESS/ATTEST:

DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

By:

Name: Richard Monteilh
Title: Director

APPROVED AS TO LEGAL SUFFICIENCY

DONALD A. THIGPEN, Assistant Corporation Counsel

RECORDER OF DEEDS
HENRY M TERRELL

DATE 05/21/1999 FRI
9900047007
1275 Deeds $45.00
1052 Surchg $5.00
1053 Rec Tx $49500.00
TOTAL $49550.00
CHECK $49550.00
CLERK 03 No.36408
TIME 10:34 00

DISTRICT OF COLUMBIA, ss:

I, MAE J. WHITE-JENNINGS, Notary Public in and for the District of Columbia, do hereby certify that Richard Monteith who is named as the Director of the District of Columbia Department of Housing and Community Development, personally appeared before me in said District, the said Richard Monteith being known to me as the person named as Director in the above instrument and acknowledged the same, bearing the date of MAY 13, 1999, to be the act and deed of the District of Columbia acting by and through the Department of Housing and Community Development, and that he/she delivered the same as such.

Given under my hand and seal this 13th day of May, 1999.

Mae J. White-Jennings
Notary Public

My Commission expires: NOV 14 2000

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

GRANTEE:

WITNESS/ATTEST:

Bellanie Rosenblatt

MILLENNIUM GEORGETOWN PARTNERS LLC, a Delaware limited liability company

By: MILLENNIUM PARTNERS LLC, a New York limited liability company, Its Sole Member

By: MILLENNIUM PARTNERS MANAGEMENT LLC, a New York limited liability company, Its Manager

By: MILLENNIUM MANAGER I, INC., a New York corporation, Its Manager

By: _____

Name: Philip H. Lovett

Title: Vice President

[SEAL]

New York, NY
~~District of Columbia~~, ss:

This instrument was acknowledged before me on May 7, 1999, by PHILIP H. LOVETT, as Vice-Pres. of Millennium Manager I, Inc., Manager of Millennium Partners Management LLC, Manager of Millennium Partners LLC, Sole Member of Millennium Georgetown Partners LLC.

Given under my hand and seal this 7 day of May, 1999.

_____
Notary Public

My Commission expires: 4/5/2001

IKIUA HILL
Notary Public, State of New York
No. 01HI6022698
Qualified in Kings County
Commission Expires 4/5/2001

After recordation
Please return to:

Barbara Wachter Needle, Esq.
Robins, Kaplan, Miller & Ciresi L.L.P.
1801 K Street, N.W., Suite 1200
Washington, D.C. 20006

EXHIBIT A

LEGAL DESCRIPTION Commitment No. 9702006/CA

Part of Square 1189 described by metes and bounds agreeably to survey made August 1923, as follows:

Beginning on the North line of "K" Street, at a point 166.33 feet East of the East line of Wisconsin Avenue and running thence Northerly at right angles to said North line of "K" Street 123.0 feet to the South line of an alley designated as 3rd Alley; thence East 50 feet; thence South 123.0 feet to the North line of K Street; thence West along the said North line of "K" Street, 50 feet to the place of beginning; known as Lots 66 and 67 in Peter's Square in Georgetown.

LESS AND EXCEPT that portion dedicated for alley purposes, per plat recorded in Liber 95 at folio 35 among the Records of the Office of the Surveyor for the District of Columbia.

ALSO

Part of Square 1189 described by metes and bounds as follows:

Beginning on the North line of "K" Street, at a point distant 216.33 feet East of the East line of Wisconsin Avenue, and running thence Northerly at right angles to said North line of "K" Street, 123 feet, more or less, to the South line of an alley designated as 3rd Alley; thence East 75 feet; thence South 123 feet, more or less, to the North line of "K" Street; thence West along said North line of "K" Street, 75 feet to the place of beginning; known as Lots 68, 69 and 70 in Peter's Square in Georgetown.

ALSO

Part of Square 19 in Georgetown, now known as Square 1189, described by metes and bounds as follows:

Beginning as the intersection of the North line of K Street and the West line of 31st Street, and running thence Westerly along said Northerly line of K Street, 99.50 feet; thence Northerly and parallel with said Westerly line of 31st Street, 123 feet to the South line of an alley known as "Third Alley"; thence Easterly along said Southerly line of said alley, 99.50 feet to the aforesaid Westerly line of 31st Street; thence Southerly along said Westerly line of 31st Street, 123 feet to the place of beginning; known as Lots 71 and 72 in Peter's Square in Georgetown.

ALSO

Lot 58 in Square 1189, beginning for the same a point 80 feet South from the the Southwest corner of the intersection of South Street and 31st Street; thence along 31st Street South 40 feet; thence West along the North line of an alley designated as 3rd Alley 108.0 feet; thence at right angles to said Alley North 40 feet; thence running East and parallel to the North line of said alley 108 feet to the place of beginning.

ALSO

The South 20 feet front on Thirty-first Street, by the full depth of Lot 57 in Square 1189 in Peter's Square in Georgetown, described as follows:

Beginning 20 feet South of the Northeast corner of said lot; thence South 20 feet; thence West 108 feet; thence North 20 feet; thence East 108 feet to the place of beginning; being formerly known for purposes of assessment and taxation as Lot 809 in Square 1189.

ALSO

The North half of Lot 57 in Square 1189, described as follows:

Beginning for the same at a point in the West line of Thirty-first Street, 40 feet South of the South line of South Street; thence South along the West line of Thirty-first Street, 20 feet; thence West parallel with the said South line of South Street, 108 feet; thence North 20 feet and thence East 108 feet to the point of beginning; being formerly known for purposes of assessment and taxation as Lot 808 in Square 1189.

ALSO

Part of Square 1189 described by metes and bounds, as follows:

Beginning at the intersection of the West line of Thirty-first Street with the South line of South Street, and running thence West along the said South line of South Street, 108 feet; thence South and parallel with the West line of Thirty-first Street, 40 feet; thence East parallel with the South line of South Street, 108 feet; thence North along the West line of Thirty-first Street, 40 feet to the place of beginning; known as Lot 56 in Peter's Square in Georgetown.

ALSO

Part of Square 1189, described as follows:

Beginning at a point in the South line of South Street, 108 feet West from the West line of Thirty-first Street and running thence West along said South line of South Street, 37.69 feet; thence South parallel to Wisconsin Avenue 120 feet to the North line of an alley 12 feet wide; thence East along said line of said alley 37.69 feet; thence North parallel to Wisconsin Avenue 120 feet to the place of beginning; known as Lot 55 in Peter's Square in Georgetown.

ALSO

Part of Square 1189 described by metes and bounds, as follows:

Beginning at a point in the South line of South Street 145.69 feet West from the West line of Thirty-first Street; thence West along said South line of said South Street 37.69 feet; thence South and parallel to Thirty-first Street 120 feet to the North line of an alley 12 feet wide; thence East along said line of said alley 37.69 feet; thence North parallel to said Thirty-first Street 120 feet to the place of beginning; known as Lot 54 in Peter's Square in Georgetown.

continued

ALSO

Part of Square 1189, being described as follows:

Beginning at a point in the South line of South Street 183.38 feet West from the West line of Thirty-first Street; thence West along said South line of South Street 37.69 feet; thence South and parallel with said Thirty-first Street 120 feet to the North line of an alley 12 feet wide; thence East along said line of said alley 37.69 feet; thence North 120 feet to the place of beginning; known as Lot 53 in Peter's Square in Georgetown.

ALSO

Alley closed by virtue of Order of the Commissioners of the District of Columbia, recorded February 26, 1931 as Instrument No. 5368 in Liber 6531 at folio 3 among the Land Records, and as per plat recorded in Liber 95 at folio 35 among the Records of the Office of the Surveyor for the District of Columbia.

NOTE: At the date hereof all of the above described land is designated on the Records of the Assessor of the District of Columbia for taxation and assessment purposes as Lot 824 in Square 1189.

EXHIBIT B

STANDARD ARCHITECTURAL PRESERVATION COVENANT

Grantee hereby covenants on behalf of itself, its successors and assigns at all times to the District of Columbia State Historic Preservation Officer (SHPO) to preserve and maintain the Incinerator Structure (the "Structure") on the Georgetown Incinerator Site located in the Old Georgetown Historic District, more particularly described as the Real Estate in a manner that preserves and maintains the attributes that contribute to the eligibility of the historic Structure for listing in the National Register of Historic Places. Such attributes include exterior features (including facades and fenestration, scale, color, materials, and mass), interior features determined significant by the District of Columbia SHPO, and views from, to, and across the Structure.

(1) The Real Estate will be preserved and maintained in accordance with The Secretary of Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (National Park Service). No construction, alteration, rehabilitation, remodeling, demolition, disturbance of the ground surface, or other action shall be undertaken or permitted to be undertaken that would materially affect the integrity of the appearance of the attributes described above without the prior written permission of the District of Columbia State Historic Preservation Officer (SHPO), the District of Columbia Historic Preservation Review Board and the Mayor's agent for D.C. Law 2-144, if necessary under D.C. Law 2-144, and signed by a fully authorized representative thereof.

(2) Upon acquisition of the Real Estate, the Grantee will take prompt action to secure the Structure from the elements, vandalism, and arson, and will undertake any stabilization that may be required to prevent deterioration. Grantee will make every effort to retain or reuse, to the extent practicable, the Structure.

(3) In the event that archeological materials are encountered during construction or ground-disturbance activities, work shall cease in the immediate area until the SHPO is consulted and provides written permission to recommence work. Should the SHPO require, as a condition of the granting of such permission, that the Grantee conduct archeological survey data recovery operations or other activities designed to mitigate the potential adverse effect of the proposed activity on the *archeological resources* the Grantee shall at his/her/its own expense conduct such activities in accordance with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 FR 447344-37) and such standards and guidelines as the SHPO may specify, including, but not limited to, standards and guidelines for research design, field work, analysis, preparation and dissemination of reports, disposition of artifacts and other materials, consultation with Native American or other organizations, and reinterment of human remains.

(4) The Grantee will allow the District of Columbia SHPO or his/her designee, at all reasonable times and upon reasonable advance notice to Grantee, to inspect the Structure in order to ascertain whether Grantee is complying with the conditions of this preservation covenant.

(5) The Grantee will provide the District of Columbia SHPO with a written summary of actions taken to implement the provisions of the preservations covenant within one (1) year after the effective date of the transfer of the Real Estate.

(6) Failure of the District of Columbia SHPO to exercise any right or remedy granted under this covenant shall not have the effect of waiving or limiting the exercise by the District of Columbia SHPO or any other right or remedy or the invocation of such right or remedy at any other time.

(7) In the event of a violation of this covenant, and in addition to any remedy now or hereafter provided by law, the District of Columbia SHPO may, following reasonable notice to Grantee, institute suit to enjoin said violation or to require the restoration of the Structure. The successful party shall be entitled to recover all costs or expenses incurred in connection with such a suit, including all court costs and attorney's fees.

This covenant is binding on Grantee, its successors and assigns, in perpetuity. The restrictions, stipulations and covenants contained herein shall be inserted by Grantee, its successors and assigns, verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any lesser estate in the Real Estate, or any part thereof.



OLD GEORGETOWN SUBMISSIONS

NO.	ADDRESS AND OWNER	PROJECT
O.G. 00-153 HPA. 00-378	3700 O Street, NW Georgetown University Southwest Quadrangle	Retaining wall and fence - permit

ACTION: Returned without Action. Case has been inactive for a period of time.

O.G. 01-03 HPA. 01-09	3330 N Street, NW Kathy Ryan Residence	Alterations and roof deck - permit

ACTION: Returned without Action. Case was withdrawn at the request of applicant. File new submission of drawings with concept application for review by the Commission when ready.

O.G. 01-38 HPA. 01-75	2620 Dumbarton Street, NW Rebecca Klemm Residence	Fence, pergola and alterations to rear - conceptual

ACTION: Returned without Action. Proposed pergola, deck and alterations have been deleted from submission. File new submission of proposed replacement board fence with permit application for review by the Commission when ready.

O.G. 01-71 HPA. 01-152	3265 S Street, NW Jelleff Boys and Girls Club	Alterations to parking lot - permit

ACTION: No objection to issuance of permit for proposed alterations to parking lot, including new curb cut and exit driveway and reduction in width of existing entry driveway as shown in supplemental drawings received and dated March 2001. Supplemental drawings indicate introduction of additional landscaped beds within parking lot. Note: further alterations to the approved site plan as the result of final review of proposed grading and drainage plan should be sent to the Commission for review.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-72 HPA. 01-153	3040 O Street, NW Jennifer Gardner Residence	Partial porch enclosure and alterations to rear - conceptual

ACTION: No objection to concept design for proposed partial enclosure of rear second story porch PROVIDED that only one of the window openings is modified for a swing door. Alterations to the two existing windows and the removal of historic fabric is NOT approved. Supplemental drawings shown at the Old Georgetown Board meeting indicated the preservation of existing masonry openings for access to new enclosure. File new submission of working drawings, including details, with permit application for review by the Commission when ready.

O.G. 01-75 HPA. 01-157	3208 Volta Place, NW Sharon O'Reilly Residence	Projection of rear second floor balcony and alterations - permit

ACTION: No objection to issuance of permit for proposed alterations to rear including projection of second floor balcony and new sliding doors PROVIDED doors have full glass panels rather than the divisions shown by muntin grids. Working drawings conform to approved concept. See previous Action (O.G. 00-137). File new submission of detail drawings for proposed light fixtures with permit application for review by the Commission when ready.

O.G. 01-76 HPA. 01-159	2914 O Street, NW von Klandy and Whitmore Residence	Rear deck - permit

ACTION: Returned without Action. Submitted materials and a site visit of 22 February 2001 indicate that proposed rear deck is not visible from public space. Refer to the Historic Preservation Review Board.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-77 HPA 01-167	1066 31st Street, NW R B Associates, Inc. Mixed-use	Rear addition and alterations - - conceptual

ACTION: No objection to concept design for rear addition to and preservation work on historic house as shown in supplemental drawings received and dated 5 March 2001 which indicate stepping down of brick party wall as low as possible towards rear of lot, and demarcation of patio wall from actual second floor construction. File new submission of working drawings, including details, with permit application for review by the Commission when ready.

O.G. 01-78 HPA 01-172	3028 Cambridge Place, NW Tom Hill Residence	Wood fence - permit

ACTION: No objection to issuance of permit for proposed board fence which is a replacement of existing wood fence.

O.G. 01-79 HPA 01-177	2821 Q Street, NW Robert & Kathleen Chartener Residence	One-story rear addition - permit

ACTION: No objection to issuance of permit for proposed one-story rear addition. Recommend retention of as much of existing historic fabric on rear wall as possible.

O.G. 01-80 HPA 01-158	1337 27th Street, NW F. Bolton Residence	New window opening on rear - permit

ACTION: No objection to issuance of permit for proposed new window opening on rear wall. New window will be custom made to match existing windows.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-81 HPA. 01-181	1652 Avon Place, NW David Korn Residence	Alterations to front and rear, replacement windows - permit

ACTION: No objection to issuance of permit for proposed replacement windows on rear and for proposed alterations to front as shown in supplemental drawings received and dated 2 March 2001 which indicate retention of second door and existing historic windows, and extension of planter wall. Shutters and new door surround have been deleted from this submission. This house, part of a row of "flat" houses, is the last one that retains its original condition. The historic character of the front facade should be preserved.

O.G. 01-82 HPA. 01-182	3265-3269 M Street, NW East Banc, Inc. Ann Taylor Loft	Sign and roof A/C screen fence - permit

ACTION: No objection to issuance of permit for proposed scheme for signs, including 9-inch high letters on transom over door at 3265 M and 12-inch high letters on sign panel at 3269 M, both reading: Ann Taylor Loft. Sign scheme includes three applied signs on shop windows. No additional signs are to be installed in shop windows.

O.G. 01-83 HPA. 01-183	3273 M Street, NW The Levy Group Retail	Alterations to storefront - permit

ACTION: No objection to issuance of permit for proposed alterations to storefront and for replacement windows on rear. Working drawings conform to approved concept. See previous Action (O.G. 00-190). File new submission for any signs, including details, with permit application for review by the Commission when ready.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-84 HPA. 01-184	3141 P Street, NW Jack and Noel Evans Residence	Rear addition at 2nd floor and roof deck - permit

ACTION: No objection to issuance of permit for proposed rear addition at 2nd floor and roof deck as shown in supplemental drawings received and dated March 2001 which indicate removal of new window openings on historic party wall which were not approved. Historic brick wall is NOT to be painted. Working drawings conform to approved concept. See previous Action (O.G. 00-232).

O.G. 01-85 HPA. 01-185	3100 South Street, NW Millennium Georgetown Partners Georgetown Incinerator Brickyard Hill Houses	Move houses back on Incinerator site - permit

ACTION: No objection to issuance of permit for moving of historic Brickyard Hill Houses and two other structures which were previously removed from the Georgetown Incinerator site and stored across the street. Houses will be repaired and relocated as shown in approved site plan. See previous Action (O.G. 00-49).

O.G. 01-86 HPA. 01-186	3077 M Street, NW East Banc, Inc. Pottery Barn/Smith & Hawken	Gate at walkway - permit

ACTION: No objection to issuance of permit for proposed new gates along rear pedestrian alley providing access to residential units.

O.G. 01-87 HPA. 01-187	1251 Bank Street, NW East Banc, Inc. Apartment building	Gate at entry vestibule - permit

ACTION: No objection to issuance of permit for proposed gate at entry vestibule for apartment building.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-88 HPA 01-188	1304 30th Street, NW Nancy Ely-Raphel Residence	Replacement windows and alterations to rear - permit

ACTION: Returned without Action in relation to proposed alterations to rear. Submitted materials and site visit of 22 February 2001 indicate that proposed alterations are not visible from public space. Refer to the Historic Preservation Review Board. No objection to issuance of permit for repair of historic windows in front facade, including replacement wood sash to match existing ONLY when repair is not feasible.

O.G. 01-89 HPA 01-189	1065 Wisconsin Avenue, NW Ltd. Part. of 1065 Wisconsin Ave. Houston's	Remove paint from brick facade - permit

ACTION: No objection to issuance of permit for proposed removal of paint on brick facade of Houston's. Recommend extreme caution and close following of manufacturer's instructions in the use of the proposed paint removal products. Brick wall will be re-painted if process exposes a less than desirable condition.

O.G. 01-90 HPA 01-190	3100 South Street, NW Millennium Georgetown Partners Georgetown Incinerator The Ritz Carlton	Addition of one residential floor - revised design - conceptual

ACTION: No objection to revised concept design for the introduction of an additional floor to the residential component of the development at the Georgetown Incinerator site which had received final approval in June 2000 (See previous action O.G. 00-49). Recommend further study of setbacks to the upper level, and reduction of height particularly where the new construction frames the vista of the incinerator and its smokestack from the south. This recommendation is not to be construed as approval of the zoning variance required for this project, which is outside the purview of the Commission. File new submission of concept design development for review by the Commission when ready.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-93 HPA. 01-193	2712 Dumbarton Street, NW Archbishop Theodore McCarrick Epiphany Parish	Rear addition and connector - conceptual

ACTION: No objection to concept design for alterations and rear addition to the main sanctuary and adjacent rectory of the Epiphany Parish. File new submission of working drawings, including details, with permit application for review by the Commission when ready.

O.G. 01-95 HPA. 01-195	3331 N Street, NW Alan Pollin Cox's Row residence	Demolish rear addition - permit

ACTION: No objection to issuance of permit for proposed demolition of one-story rear addition which is non-contributing to the historic character of this house, part of Cox's Row. No objection to removal of non-contributing steel exterior fire exit stairs on rear wall of historic house.

O.G. 01-98 HPA. 01-199	1317 35th Street, NW Victoria and Douglas Rixey Residence	New garage off private alley - permit

ACTION: Returned without Action. Submitted materials and site visit of 12 March 2001 indicate that proposed garage off private alley is not visible from public thoroughfare. Refer to the Historic Preservation Review Board.

O.G. 01-100 HPA. 01-202	2814 R Street, NW Marion Goldberg Residence	Replacement roof - permit

ACTION: No objection to issuance of permit for proposed replacement of asbestos roof shingles with CertainTeed fiberglass roof shingles PROVIDED shingle color is two-toned black rather than the proposed monochrome black.

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15 March 2001

OLD GEORGETOWN ACT
AGENDA ITEM EXHIBIT

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-27 HPA. 01-63	3700 O Street, NW Georgetown University Ryan Administration Building	Performing Arts Center addition - conceptual

ACTION: No objection to the general concept design for proposed new Performing Arts Center for the Georgetown University campus. Recommend further study of the use of stone on the terrace and retaining walls for the exterior steps. Recommend further refinement of the brick walls and spandrels on window bays. File new submission of the development of the concept design for review by the Commission when ready.

O.G. 01-90 HPA. 01-190	3100 South Street, NW Millennium Georgetown Partners Georgetown Incinerator The Ritz Carlton	Addition of one residential floor - revised design - conceptual

ACTION: On HOLD until Old Georgetown Board meeting 5 April 2001 and Commission meeting 19 April 2001 for further review with applicant.

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noting that these various functions were expressed in independent volumes, put together in a way that would allow them to respond to the contours of the site, rather than lining them all up. Roofs would have a simple gable form; he said attempts to use the hip roof seen on the Ryan Building were not successful. He talked about materials, saying that at first he had used brick as the main material, responding to the Ryan Building, and adding some stone accents; later, on the advice of the Georgetown Board, he had used more stone than brick, and he thought that had been successful. He said he had not made many direct references to elements seen either in the Ryan Building or others in the area because it was always hard to know where to stop once you started on this path, although he noted that the two-story windows seen in the Ryan building had been used as a theme in the new construction, although not on the same scale.

Turning again to the materials, Mr. Hardy talked in more detail about the stone, which was a limestone from Canada; he showed a sample, noting the rough-hewn texture and the extraordinary patterning. Roofs would be standing-seam metal, painted a grey-green. He said they had not yet made a decision on the brick. There was no further discussion; the Commission was pleased with the concept design, and it was unanimously approved.

b. Appendix I. Mr. Martinez said there had been no changes to what the members had been sent, but he wanted to call their attention to OG 01-90, 3100 South Street, N.W., the Georgetown Incinerator project. He said the main proposal was to add another floor to what was approved at the last review in June 2000, and the Georgetown Board had approved it, noting also that the redesign brought about a change in location of the setbacks would allow a better view of the smokestack itself. He said he had placed letters in the members' folders from the ANC 2E and the

Citizens Association commenting on the project. The Secretary noted that there were people present who would like to speak, and the Acting Chairman called first on Barbara Zartman.

Ms. Zartman said she was representing the Citizens Association of Georgetown, but she recalled that until recently she had chaired the zoning committee for the ANC and had probably seen every presentation of this project since its earliest days; she said she wanted to go on record as saying how much the work of the Georgetown Board and the Commission on this project was appreciated. As for the current proposal, she said the Citizens Association thought it had gone too far; she said the vista down Wisconsin Avenue to the river was a very special one, and was recognized as such on the comprehensive plan by its classification as W1, height limited to no more than 40 feet. She said that as the height of the project was measured from South Street, the highest point on the site, it allowed a height of over 100 feet, including the penthouse, at the corner of Wisconsin Avenue and K Street. The additional level requested would require a height variance, and she asked that the Commission send the design back to the Georgetown Board for further work on setbacks at the corners of the new floor that would minimize the intrusion on the vista. She asked Bill Cochran, former president of CAG, to speak.

Mr. Cochran, an architect, said his office had been in the area of the incinerator project for about twenty years, and he stated that the vista down Wisconsin from the C&O Canal to the river was one of the few important ones in Georgetown. He observed that on the west side, the Dodge Center Building had been set back very dramatically at almost a 45 degree angle to preserve the vista of the Potomac River and Roosevelt Island. If the east side had been developed as an independent site at the corner, it would have been half as high as what was planned with the incinerator project. He said it

was a tragic situation, and the Citizens Association wanted to see it rectified. He commented that the Georgetown Board's primary concern seemed to be whether the incinerator could be seen from the waterfront, although, in reality, the Whitehurst Freeway would always block its view there; the only place it could really be seen from was Roosevelt Island. He said the important views to preserve, from the standpoint of community values and urban design, were those down Wisconsin Avenue and perhaps 31st Street to the river. He thought that if the project was going to be allowed extra height, it should be placed out of the view line.

The Secretary asked to add a historical footnote to the discussion. He said the Commission had played a very important role in establishing the special zoning in this area, zoning that was like no other in the city; he said it was considered one of the most important sites in the entire waterfront plan because of the view Mr. Cochran had mentioned. He thought the request to add another floor was something that should be considered very carefully.

Shalom Baranes, architect for the project, asked to speak. He said he could not agree more that the view down Wisconsin Avenue was critical, and he thought they would just have to be very careful. He said they had developed a whole series of massing studies for this corner, and one thing they did not want to do was to develop a ziggurat up the side of the building; he thought it was very important to maintain the street wall and be very careful about the kind of setbacks introduced. He said there would be a setback at the podium, about two and one-half stories above the street, followed by a primarily glass wall, treated as a bay, and then another setback for the top floor. He said they had tried the other kinds of setbacks suggested, but they upset the massing of the entire K Street facade and took the emphasis away from the smokestack.

The Acting Chairman told Mr. Baranes that the Commission had not been in on this debate about adding an extra floor, and she asked the developer, Anthony Lanier, if he would explain the reasons for his request. Mr. Lanier said the bankruptcy filing of the movie chain intending to run the theatres had stripped a major economic component from the project , and they had the choice of stopping the project because they could not complete their financing without this component, or complete it as originally intended and add another floor of residential space to make up for the lost revenue. Mr. Baranes said the space had really been designed for movie theatres, and it was not the kind of space easily adaptable to other uses. The Acting Chairman asked the Secretary if there was any precedent for changing the 40-foot limit, and he said that there was none that he knew of: in every case he could think of east of this site the Commission had pressed for and gotten heights that were a few feet shorter than the limit. Ms. Malino said she was worried that if the Commission approved the addition of another floor for an economic dilemma that was beyond its purview, it would establish a bad precedent. Mr. Baranes thought the Commission did not operate so much by precedent as it did by reviewing projects on a case-by-case basis.

Richard Nettler, lawyer for the developers, asked to comment. He said this site was different from others in that there were several historic buildings on the site which had to be kept, and this had cut down on the full development of the site to subsidize the theatres. Because of this difference he did not think the allowance of extra height would set a precedent.

Mrs. Brody said she thought Mr. Baranes could handle the extra height well from an architectural viewpoint, but she thought she was in the minority. The important thing to her was that the Commission really had not received enough information or had enough time to think about the

ramifications of this request, and she thought that before they disagreed with the Georgetown Board, they should send the submission back to them and ask them to take another look in light of the controversy and new information. The Secretary agreed, saying that he didn't think the Board members really knew the background of the 40-foot limit, and if they had, they might have come to a different conclusion.

There was further discussion, and a motion was made and seconded that Mr. Baranes and Mr. Lanier return after the Georgetown Board had had a chance to review the project again in light of the testimony given at this meeting and Mr. Atherton's information. Mrs. Brody thought it important that the project be sent back to the Board with a balanced viewpoint and not a negative view, noting that there was no vote taken and that it was being returned more out of respect for the process than for any resolution on the part of the Commission members. The motion was unanimously carried.

The remainder of the Georgetown Appendix was then unanimously approved.

2. Shipstead-Luce Act

a. S.L. 01-024, Massachusetts Avenue and H Street, N.W. (Square 529). Massachusetts Courts. New fourteen story apartment building. Revised concept. Mr. Lindstrom recalled the previous month's submission, when the Commission had several questions regarding zoning and plans for the north of Massachusetts area (NOMA) and had asked the staff to contact the District's Office of Planning. Mr. Lindstrom said he had done that and was told they had no specific proposals, but at this point were encouraging mixed-use with housing of moderate density

OLD GEORGETOWN SUBMISSIONS

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-64 HPA. 01-126	1406 29th Street, NW George Hill Residence	Enclosure of side porch and alterations - permit

ACTION: No objection to issuance of permit for proposed enclosure of side porch and alterations to rear as shown in supplemental drawings received and dated 4 April 2001, which indicate retention of as much of existing exterior wall as possible, and new windows and shutters above railing on porch enclosure.

O.G. 01-90 HPA. 01-190	3100 South Street, NW Millennium Georgetown Partners Georgetown Incinerator The Ritz Carlton	Addition of one residential floor - revised design - conceptual

ACTION: See letter to Ms. Sheila Cross Reid, Chairperson of the Board of Zoning Adjustment for the Government of the District of Columbia, dated 11 April 2001.

O.G. 01-92 HPA. 01-192	3011 P Street, NW Felix Laughlin Residence	New garage off alley - conceptual

ACTION: No objection to concept design for proposed new garage off alley as shown in supplemental drawings received and dated 28 March 2001. File new submission of working drawings, including details, with permit application for review by the Commission when ready.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-94 HPA. 01-194	3314-16 M Street, NW East Banc, Inc Waterworks	Alterations to storefront - conceptual

ACTION: No objection to concept design for alterations to storefronts, part of the Design Center West complex, including glass panels on returns of storefront bay windows as shown in supplemental drawings received and dated April 2001. File new submission, including details and information for signs, with permit application for review by the Commission when ready.

O.G. 01-96 HPA. 01-196	2929 N Street, NW N Street Trust The Edes House Residence	Replacement of stone in front stoop - conceptual

ACTION: Recommend **AGAINST** concept design for complete replacement of existing historic front stoop at The Edes House. Recommend repair of existing steps and replacement-in-kind of only those materials that can not be repaired. File new submission of permit application for repair and maintenance work for review by the Commission when ready.

O.G. 01-97 HPA. 01-198	1039 31st Street, NW Jean-Claude Cauderlier Café LaRuche	Addition in courtyard rear - conceptual

ACTION: No objection to concept design for proposed alterations and addition in rear of existing courtyard between two buildings. File new submission of working drawings, including details, paving materials, gates and planters, with permit application for review by the Commission when ready.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-99 HPA 01-200	1515 Wisconsin Avenue, NW John Rosselli & Associates Retail	Awning and sign - permit

ACTION: No objection to issuance of permit for proposed black canvas awning with sign composed of 9-inch high gold leaf lettering on 12-inch valance reading "John Rosselli & Associates".

O.G. 01-102 HPA 01-216	1524 30th Street, NW George Springsteen Residence	In-ground swimming pool - permit

ACTION: Returned without Action. Submitted materials and site visit of 26 March 2001 indicate that proposed in-ground swimming pool behind fence is not visible from public thoroughfare. Refer to the Historic Preservation Review Board. NOTE: The Commission is on record indicating that existing parking pad crossing over sidewalk is illegal. Recommendations were given during previous reviews that parking pad should be located behind existing fence relocated along front property line.

O.G. 01-103 HPA 01-217	1053 31st Street, NW Phillips Property Robert Silman Associates	New window openings - permit

ACTION: No objection to issuance of permit for proposed new window openings and new windows to match materials and detailing of existing sash elsewhere in the building.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-106 HPA. 01-230	3020 Dumbarton Street, NW Amis and Saunders Residence	Stone retaining wall and flagstone landing - permit

ACTION: No objection to issuance of permit for proposed replacement of existing concrete landing with flagstone. Recommend AGAINST issuance of permit for proposed stone retaining wall which is out-of-character with this historic house. Recommend grading of front yard be returned to original slope at height of concrete curb.

O.G. 01-107 HPA. 01-231	1211 Wisconsin Avenue, NW 1211 Wisconsin Avenue, LLC Bebe	Alterations to storefront, rear addition and awning - permit

ACTION: No objection to issuance of permit for proposed alterations to storefront and alley facade, new awning and for rear addition with trellis as shown in supplemental drawings received and dated 17 April 2001 which indicate additional windows facing alley. Working drawings conform to approved concept design. See previous Action, (O.G. 01-57). File separate submission of detail drawings for signs with permit application for review by the Commission when ready.

O.G. 01-108 HPA. 01-234	3108 P Street, NW Sherbacow and Carr Residence	Alterations to openings on side and rear - permit

ACTION: Returned without Action. Submitted materials and site visit of 26 March 2001 indicate that proposed alterations to existing and new window openings on rear and side walls are not visible from public thoroughfare. Refer to the Historic Preservation Review Board.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-109 HPA. 01-235	3408 N Street, NW Patrick and Stephanie Evans Residence	Alterations to rear and side - conceptual

ACTION: Returned without Action. Submitted materials and site visit of 26 March 2001 indicate that proposed alterations to rear and side are not visible from public thoroughfare. Refer to the Historic Preservation Review Board.

O.G. 01-111 HPA. 01-237	1432 Wisconsin Avenue, NW George Gordon Retail	Rear addition and alterations to storefront - conceptual

ACTION: No objection to concept design for proposed rear addition and alterations to storefront. NOTE: demolition work on exterior of building has occurred without permit or review. File new submission of working drawings, including details and information for any sign, with permit application for review by the Commission when ready.

O.G. 01-113 HPA. 01-239	2619 O Street, NW Hart/Kessner Residence	New bridge over front areaway and rear addition - permit

ACTION: No objection to issuance of permit for proposed new bridge over front areaway and alterations to front window for entry door as shown in supplemental drawings received April 2001 which indicate detailing of proposed railing matching existing railing and fence. No objection to issuance of permit for proposed rear addition of a wood and glass curtain wall between brick party walls and a metal sloping roof without skylights, and a balcony at second floor level. Working drawings conform to approved concept. See previous Action (O.G. 01-36)

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-114 HPA. 01-240	3040 O Street, NW Jennifer Gardner Residence	Partial porch enclosure and alterations to rear - permit

ACTION: No objection to issuance of permit for proposed partial enclosure of rear second story porch and alterations to rear, including modifications to one window opening for a single custom door with muntin detailing to match that of window. Existing masonry openings will be retained and remaining original window will be repaired. Working drawings conform to approved concept. See previous Action (O.G. 01-72).

O.G. 01-115 HPA. 01-??	1406 30th Street, NW John Chadwick Residence	Rear dormer - conceptual

ACTION: No objection to concept design for proposed rear dormer PROVIDED area of windows is reduced and whole dormer is located higher up along slope of rear roof to retain expression of roof as shown in supplemental drawings received and dated 12 April 2001. File new submission of working drawings, including details, with permit application for review by the Commission when ready.

O.G. 01-116 HPA. 01-241	3217 P Street, NW Edmond J. Neam Marvelous Market	Sign - permit

ACTION: No objection to issuance of permit for proposed sign composed of a 6' by 4' cedar board with raised gold leaf 12-inch high letters reading "Marvelous Market & Café" to be installed on second floor level, replacing previous sign, as shown in supplemental drawings received and dated 5 April 2001. Lettering on rear wall facing parking lot will be removed.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-118 HPA. 01-242	3021 Dent Place, NW Mike and Grace Nikkels Residence	Rear addition - conceptual

ACTION: No objection to concept design for proposed rear addition as shown in supplemental drawings received and dated 5 April 2001 which indicate symmetrical facade elevation with three masonry openings on both first and second floor levels. File new submission of working drawings, including details, with permit application for review by the Commission when ready.

O.G. 01-119 HPA. 01-243	3314 Dent Place, NW Richard J. Ward Residence	Replacement windows and front stoop - existing - permit

ACTION: Recommend **AGAINST** issuance of permit for existing replacement windows which are out of character with building, part of an historic row. No objection to issuance of permit for proposed wood, true-divided-light, window replacement sash in existing frames to match windows in adjacent buildings. No objection of issuance of permit for paneled front door and for brick stoop with iron railing as shown in supplemental drawings received and dated April 2001.

O.G. 01-120 HPA. 01-244	1054 31st Street, NW R.B. Associates, Inc. Canal Square	Alterations off alley - permit

ACTION: No objection to issuance of permit for proposed alterations for additional retail space off alley within existing footprint of building, including new storefront glazing over new concrete wall along alley, and removal of existing masonry walls along corridor to be replaced with storefront glazing. File separate submission of sign permit applications for review by the Commission when ready.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-121 HPA 01-245	1524 35th Street, NW Sisters of Georgetown Visitation Monastery	Replacement porches - permit

ACTION: No objection to issuance of permit for the repair and replacement-in-kind of wood rear porches at the Sisters of Georgetown Visitation Monastery as indicated in supplemental documents received and dated 17 April 2001. Existing wood columns will be repaired. Replacement columns, where repair is not feasible, will match materials, configuration and detailing of existing columns; the previously proposed fiberglass columns were NOT approved. The existing second and third floor ceilings will be removed. Erect a mock-up of proposed railing for review by the Commission prior to replacement of railings.

O.G. 01-122 HPA 01-248	1510 26th Street, NW Ozkum and Morrow Residence	Replacement fence on rear - permit

ACTION: No objection to issuance of permit for proposed board fence on rear yard and for replacement-in-kind of a stockade fence previously removed.

O.G. 01-123 HPA 01-249	1801 35th Street, NW The Corcoran College of Art & Design Georgetown campus	Banners and sign program - permit

ACTION: No objection to issuance of permit for proposed sign program composed of two 2' by 10' banners on 35th Street facade (one by existing Fillmore School sign and one at corner of building), plus one 2' by 10' banner on south facade near entrance visible from parking lot on rear as shown in supplemental drawings received and dated April 2001. Banners will have lettering reading "The Corcoran College of Art and Design". Commission notes that proposed sign program exceeds code limits and recommends a waiver in this location.

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-124 HPA 01-258	2611 O Street, NW Constance Zimmer Residence	One-story rear addition - permit

ACTION: Returned without Action. Submitted materials and site visit of 26 March 2001 indicate that proposed one-story rear addition is not visible from public thoroughfare. Refer to the Historic Preservation Review Board.

O.G. 01-125 HPA 01-260	1693 32nd Street, NW James and Barbara Mauro Residence	Replacement wood fence - permit

ACTION: No objection to issuance of permit for proposed wood fence. Proposed work is temporary repair and replacement-in-kind. File new submission for proposed brick garden wall with permit application for review by the Commission when ready.

O.G. 01-126 HPA 01-261	1510 26th Street, NW Ozkum and Morrow Residence	Replacement windows and alterations to front - revised design - permit

ACTION: No objection to issuance of permit for proposed custom made replacement wood windows in front and rear and alterations for new front door surround as shown in supplemental drawings received and dated 28 March 2001. Working drawings conform to approved concept and design revisions to rear and door surround are acceptable. See previous Action (O.G. 00-220).

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19 April 2001

OLD GEORGETOWN ACT
AGENDA ITEM EXHIBIT

NO.	ADDRESS AND OWNER	PROJECT
O.G. 01-90 HPA. 01-190	3100 South Street, NW Millennium Georgetown Partners Georgetown Incinerator The Ritz Carlton	Addition of one residential floor - revised design - conceptual

ACTION: See letter to Ms. Sheila Cross Reid, Chairperson of the Board of Zoning Adjustment for the Government of the District of Columbia, dated 11 April 2001.

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

11 April 2001

Re: BZA case 16702

Dear Ms. Cross Reid:

The Commission of Fine Arts and its Old Georgetown Board have reviewed the proposed increase in height of an additional residential floor at the Georgetown Incinerator project at their respective public meetings 15 March, and 5 April. The Commission is strongly opposed to the project exceeding the zoning height limit at this sensitive location on the Georgetown historic waterfront and the variances sought by the developer to permit this increase.

We would like to point out that Public Law 808, the Old Georgetown Act under which we operate, specifically charges the Commission with the responsibility "to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital". The Commission is aware that the forty foot height limitation for the Incinerator project has been measured from South Street, the highest elevation on the site, which is normal practice in developing a scheme with maximum allowable density. However, there is a major drop in elevation of more than forty feet to the south perimeter of the project site, thereby permitting the developers a greatly increased building mass. Its elevation above the grade of K Street is ninety feet as approved. This condition already limits the vista north of the C & O Canal down Wisconsin Avenue and 31st Street to the Potomac River, an important aspect of the historic district. To add an additional floor to the Incinerator project would further diminish this crucial aspect of this site.

Thirty years ago the Commission spear-headed the drive to down-zone the industrial waterfront area which at that time had a height limit of ninety feet. Two new zones were created with height limits of sixty feet and forty feet. This latter category was applied to sites on the waterfront that were deemed especially critical to preserving the views of the Potomac River and national memorials beyond. The Incinerator project site is on one of the most important of these, thus raising the concern of the Commission and the community.

At each public meeting, this important issue was emphasized in testimony. The Old Georgetown Board stated that, from a design standpoint only, the revised scheme adding an additional floor was acceptable. However, in response to the background information on the special zoning designation, the concerns of the Citizen's Association of Georgetown and various community organizations, as well as the precedent of the Commission's efforts to lower the building heights in the waterfront area, the Board recommended against the added height given its context. The Commission strongly concurs with the Board.

I will be happy to address any question you may have regarding the Incinerator project.

Sincerely,

J. Carter Brown
Chairman

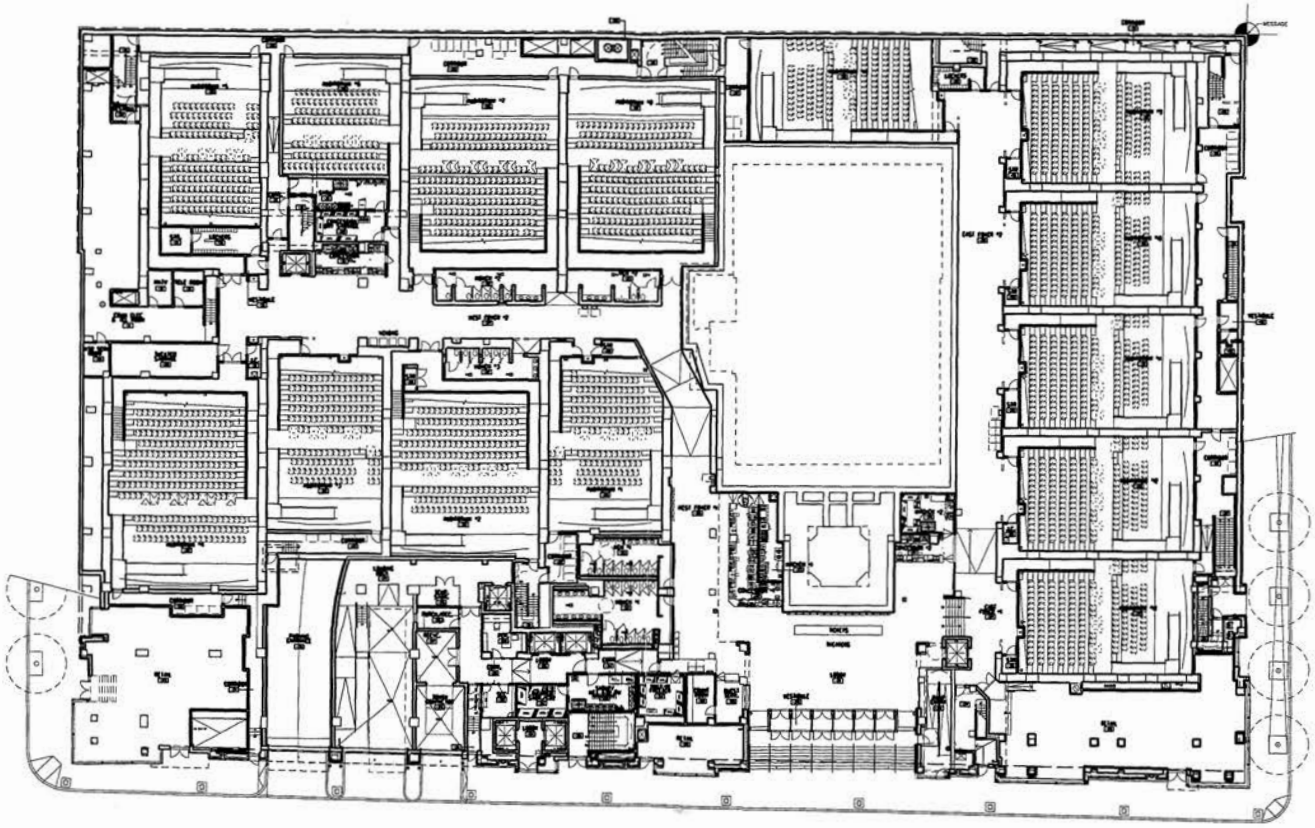
Ms. Sheila Cross Reid, Chairperson
Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW, Suite 210
Washington, DC 20001

VIA FAX: 202-727-6072



THEATER DESCRIPTION

As shown on the attached renderings, the theater operator was proposing a state of the art multi-plex cinema, with (1) stadium seating to allow unobstructed views of the screen from every seat; (2) digital surround sound; and (3) newly enhanced projection capabilities. The fourteen theaters of diverse seating capacity would allow a wide range of motion picture exhibition from independent art films to major Hollywood studio releases. No such facility currently exists in the District of Columbia. The theater operator would also provide for valet parking. The proposal is similar to those recently built in the suburbs, including Potomac Yards.



LEVEL -3: +13'-3"

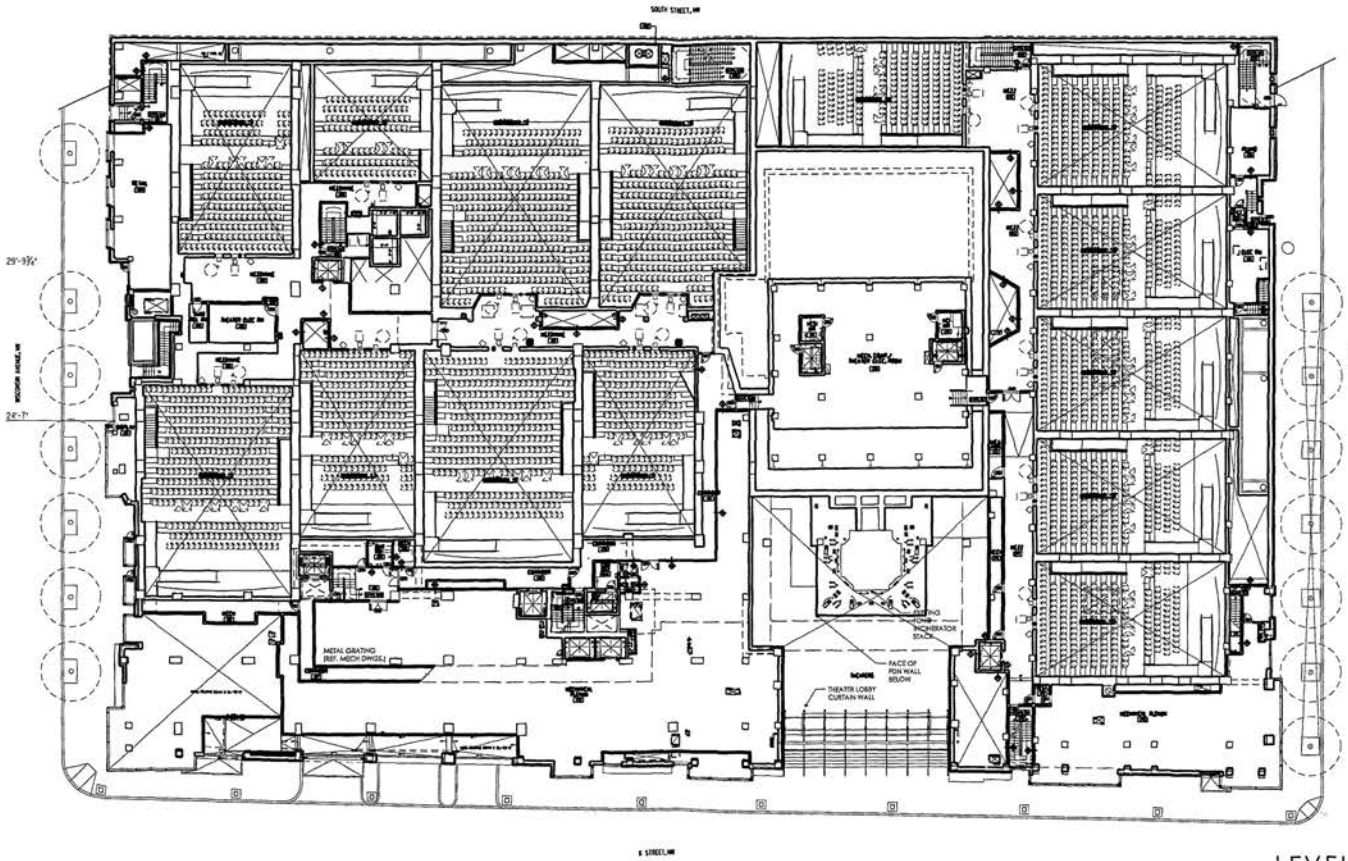
GEORGETOWN INCINERATOR

WASHINGTON, D. C.

MILLENNIUM PARTNERS OF WASHINGTON, D.C. INC.

GARY EDWARD HANDEL & ASSOCIATES
SHALOM BARANES ASSOCIATES

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GEORGETOWN INCINERATOR

WASHINGTON, D. C.

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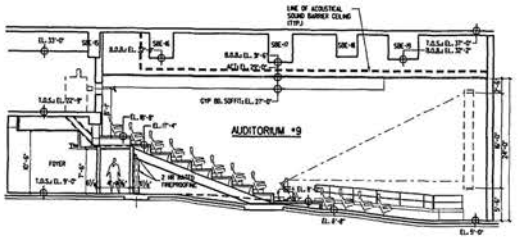
LEVEL -2

GARY EDWARD HANDEL & ASSOCIATES
SHALOM BARANES ASSOCIATES

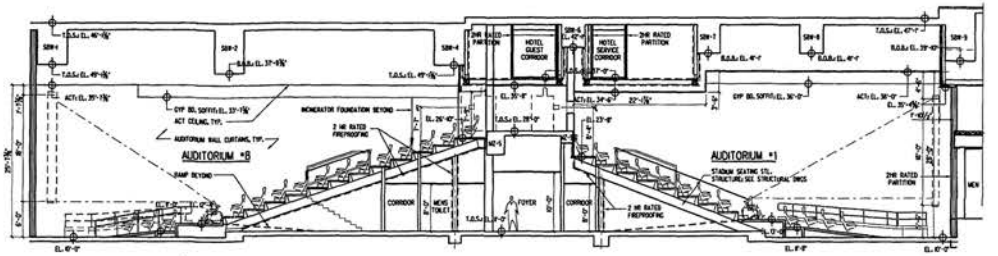
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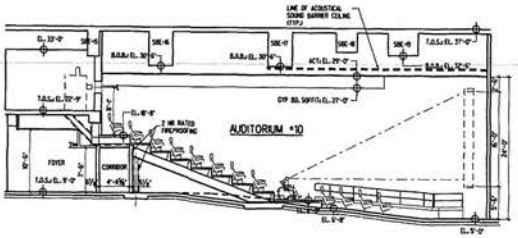
NOTE:
1. ALL EXPOSED STEEL LOCATED BELOW STADIUM SEATING AND ABOVE OCCUPIABLE SPACES SHALL RECEIVE 2 HOUR RATED FIREPROOFING.
2. ALL STEEL POSTS BELOW STADIUM SEATING SHALL RECEIVE 2 HOUR RATED FIREPROOFING.



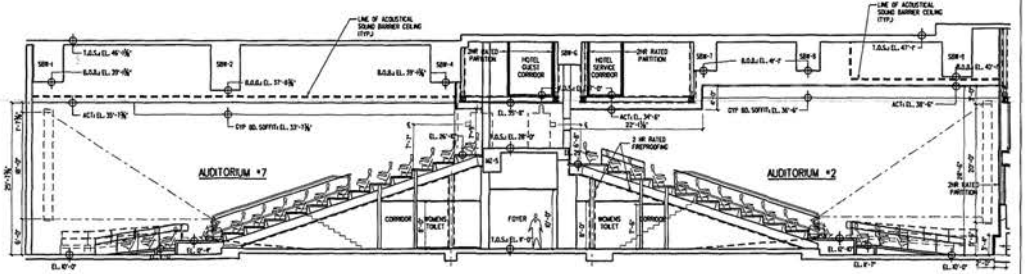
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1 SECTION @ AUDITORIUM #1 AND #8
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4 SECTION @ AUDITORIUM #10
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2 SECTION @ AUDITORIUM #2 AND #7
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THEATER SECTIONS

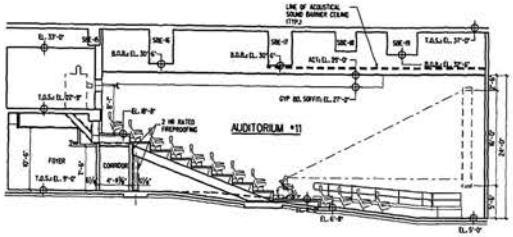
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WASHINGTON, D. C.

MILLENNIUM PARTNERS OF WASHINGTON, D.C. INC.

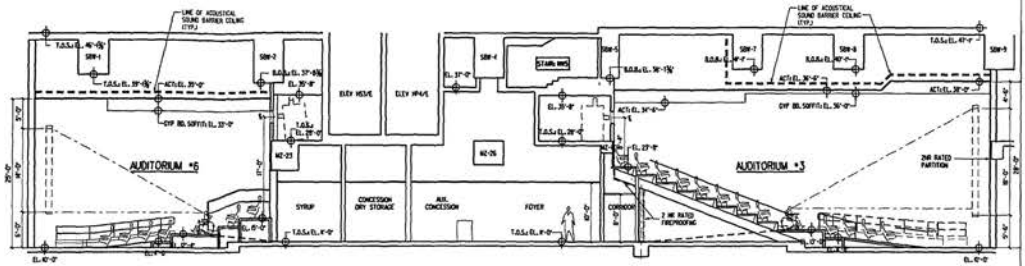
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SHALOM BARANES ASSOCIATES

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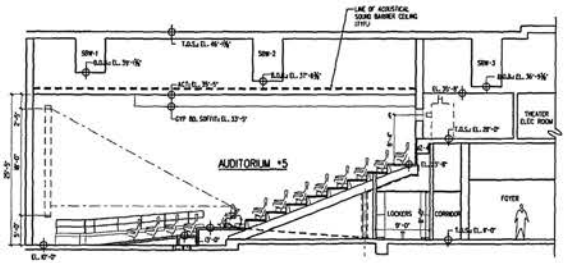
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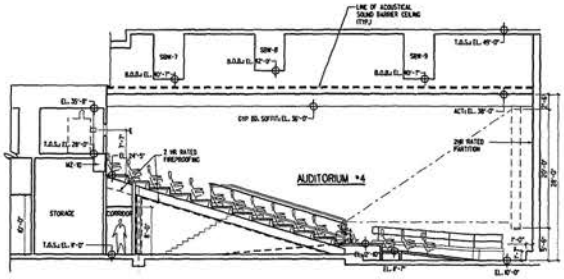


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5 SECTION @ AUDITORIUM *3 AND *6
SCALE: 3/8" = 1'-0"





6 SECTION @ AUDITORIUM *4 AND *5
SCALE: 3/8" = 1'-0"

THEATER SECTIONS

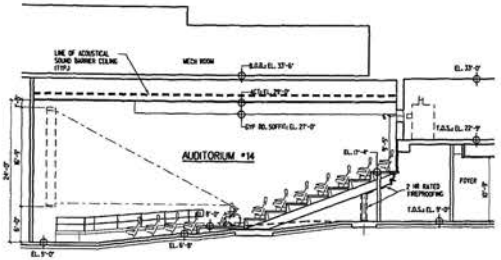
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WASHINGTON, D.C.

MILLENNIUM PARTNERS OF WASHINGTON, D.C. INC.

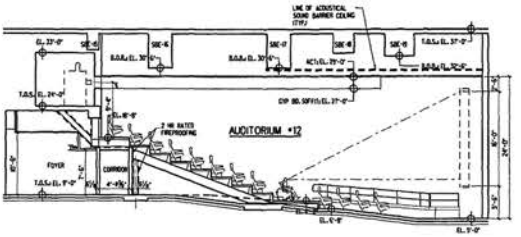
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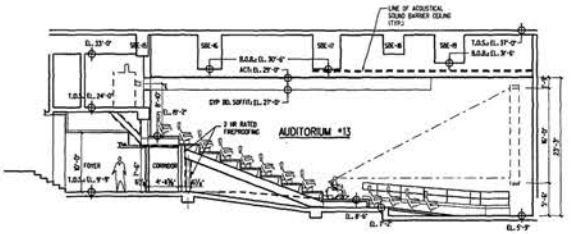
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8 SECTION @ AUDITORIUM #12
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9 SECTION @ AUDITORIUM #13
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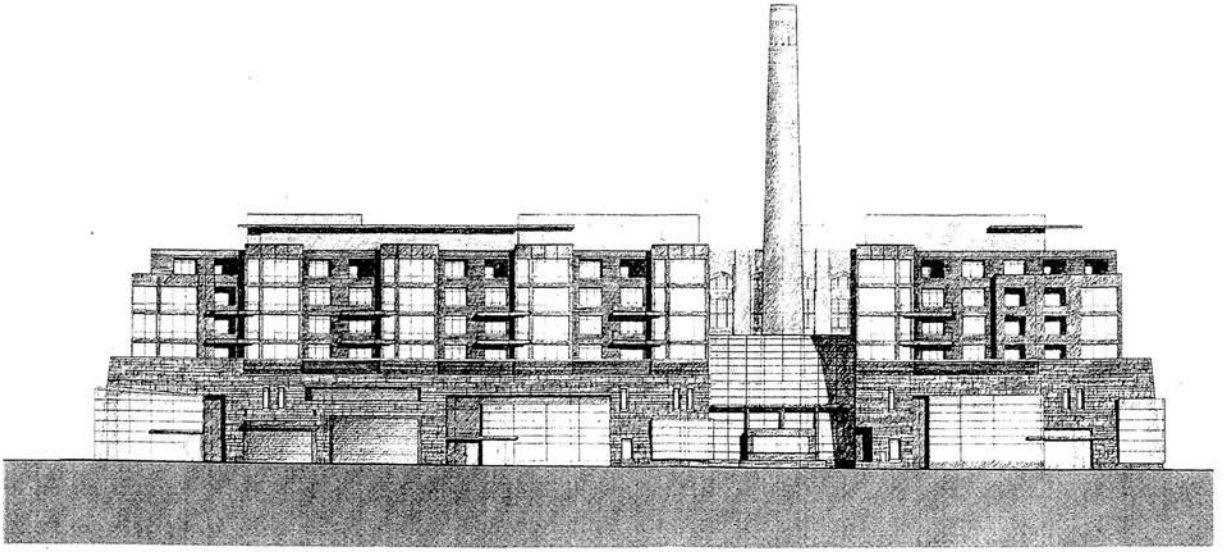
THEATER SECTIONS

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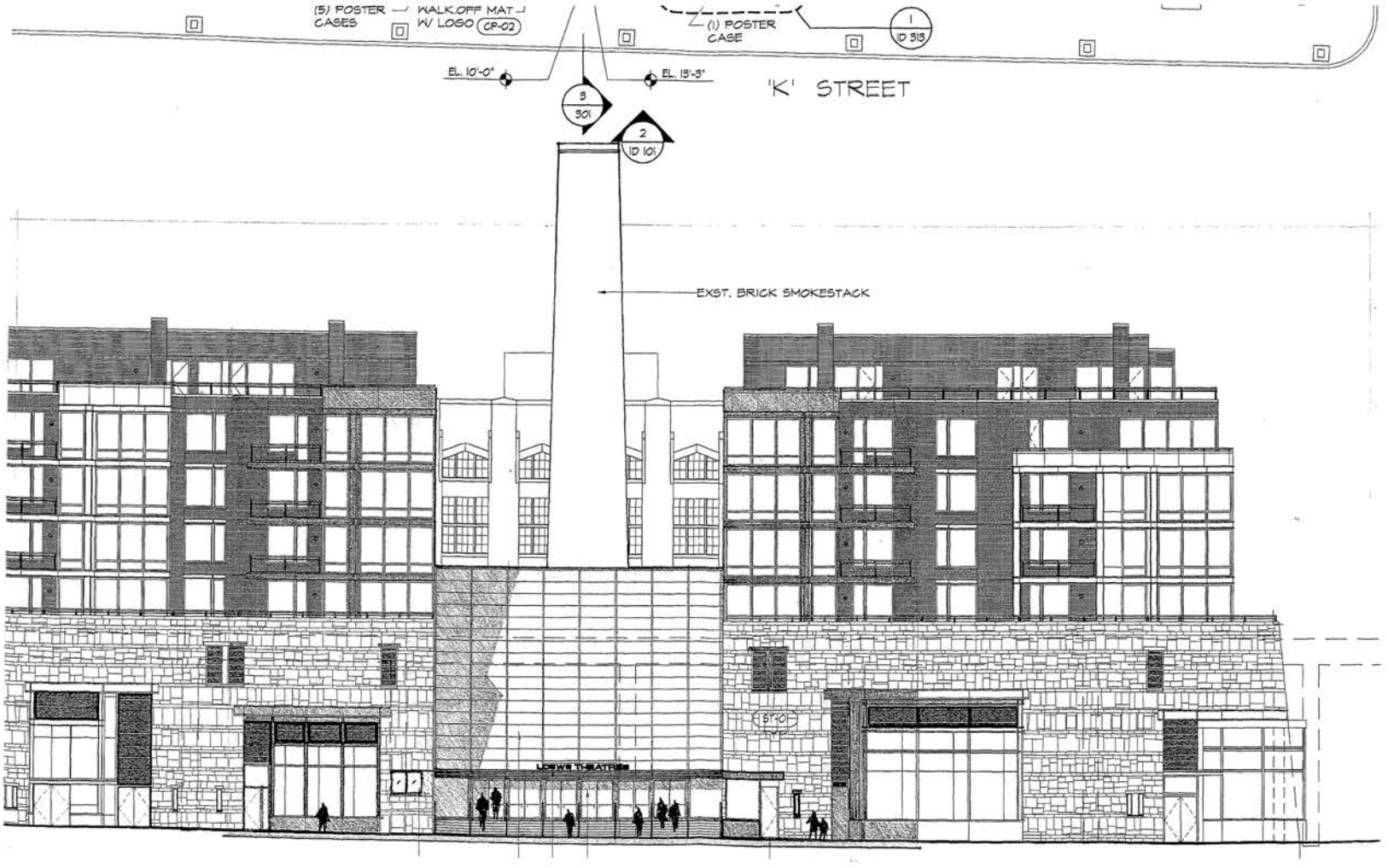
GEORGETOWN INCINERATOR
WASHINGTON, D.C.

MILLENNIUM PARTNERS OF WASHINGTON, D.C. INC.

K STREET ELEVATION

SHALOM BARANES ASSOCIATES
GARY EDWARD HANDEL AND ASSOCIATES ARCHITECTS

A-16


(5) POSTER CASES
WALK-OFF MAT W/ LOGO (CP-02)
(1) POSTER CASE
1
ID 513
EL. 10'-0"
EL. 13'-3"
'K' STREET
3
301
2
ID 101
EXST. BRICK SMOKESTACK
51'-10"

TITLE: EXTERIOR ELEVATIONS

Scale: AS NOTED Drwn. by: FB Checked by: DH

DRAWING ISSUE RECORD									
STATUS	DATE ISSUED	owner rg.	com./struct.	mech.	plumb./elec.	sign.	field	other	
	08/25/00								O.G.B.

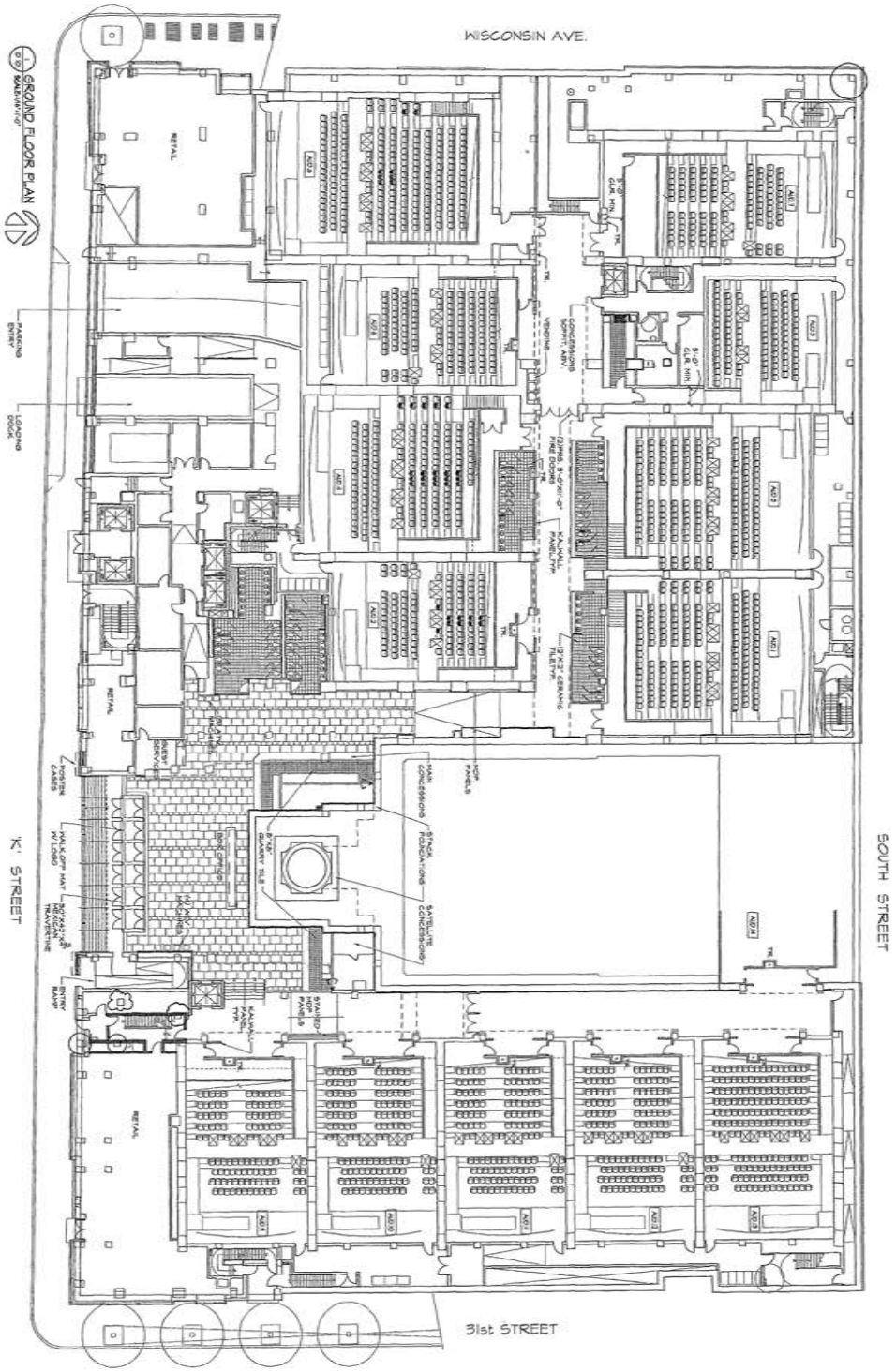
Rockwell Architecture, Planning & Interiors, P.C.
5 Bryant Square Park
New York, New York 10003
Tel 212-463-0100
Fax 212-463-0105

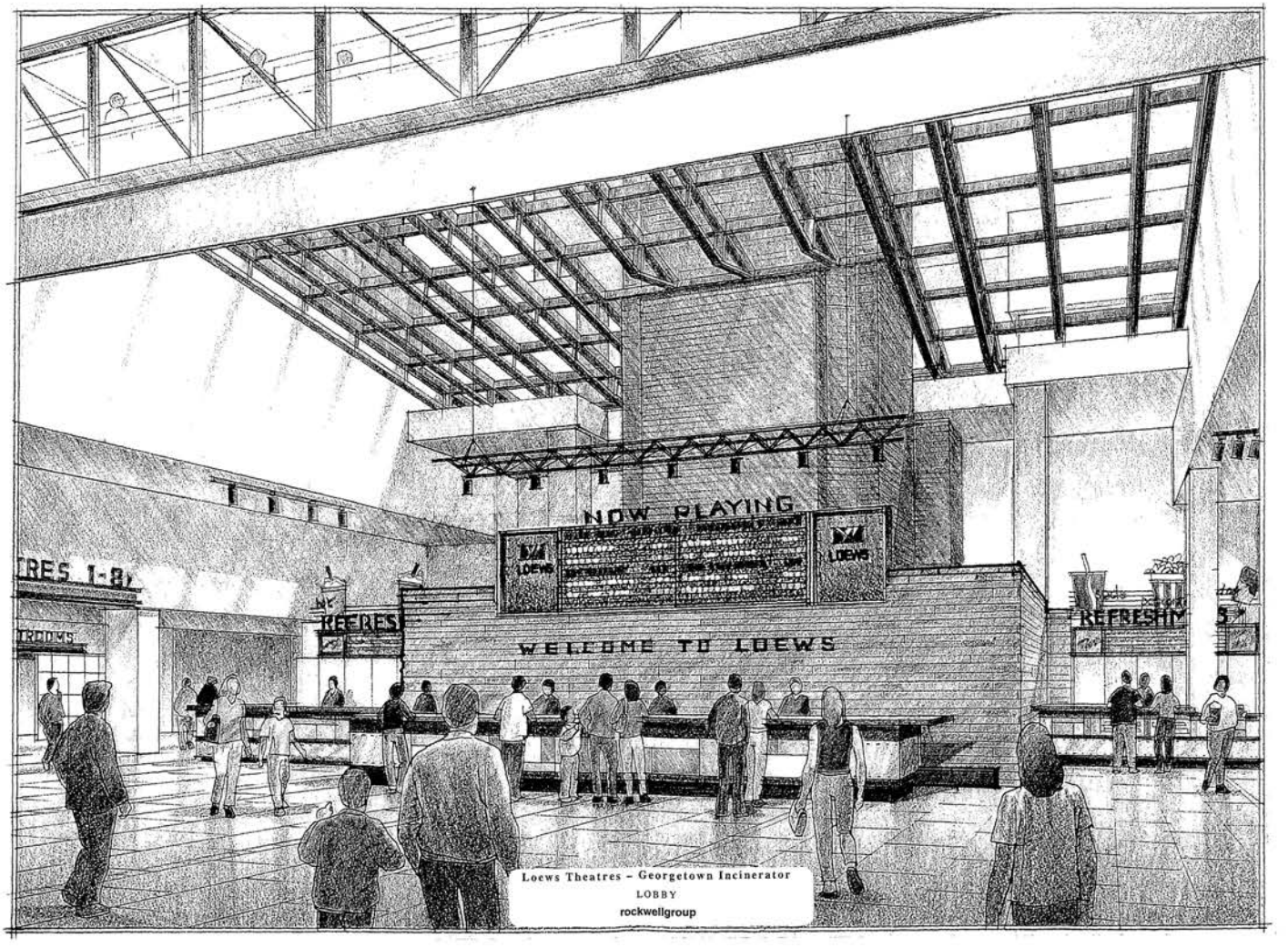
rockwellgroup

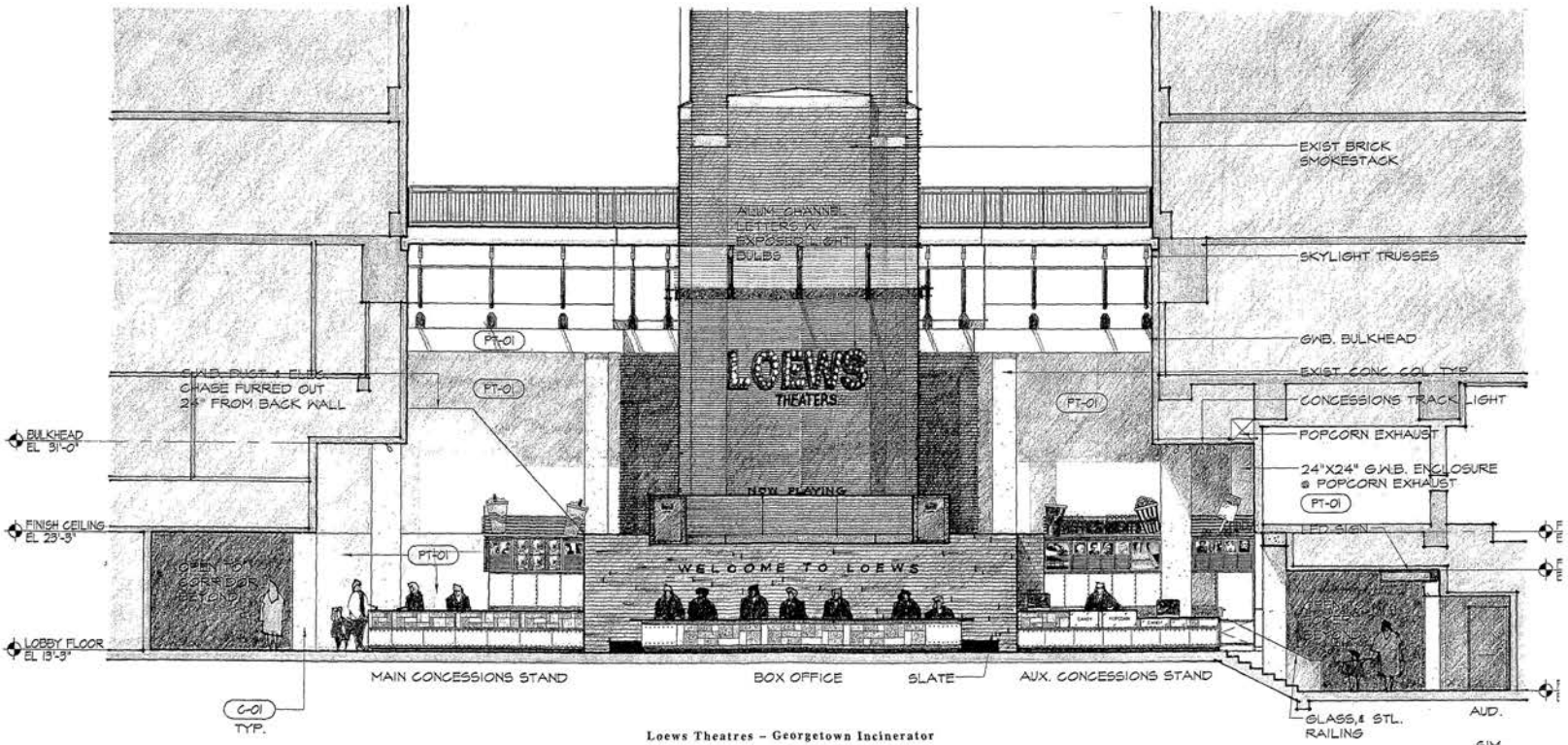
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SKETCH No. SK-26

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NOW PLAYING
LOEWS
LOEWS
WELCOME TO LOEWS
REFRESH
Loews Theatres - Georgetown Incinerator
LOBBY
rockwellgroup



Loews Theatres – Georgetown Incinerator

SECTION THROUGH LOBBY

rockwellgroup