

Government of the District of Columbia

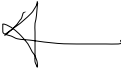
Department of Transportation



d. Planning and Sustainability Division

MEMORANDUM

TO: Sara Bardin
Director, Office of Zoning

FROM: Anna Chamberlin, AICP 
Associate Director

DATE: October 19, 2021

SUBJECT: ZC Case No. 21-13 – 632 Howard Road SE (Bridge District Parcels 3 & 4)

PROJECT SUMMARY

The Douglass, LLC (the “Applicant”) has requested approval of a Design Review application to redevelop a property at 632 Howard Road SE (Square 5860, Lot 97), bounded by Howard Road SE to the south, Suitland Parkway/S Capitol Street SE to the west, and National Park Service property (Anacostia Park) to the north and east. The site currently contains a concrete pad but is otherwise unimproved. The Applicant proposes to construct a 739,261 square-foot mixed-use development, including the following development program:

- Up to 760 residential units;
- Up to 51,000 SF retail, grocery, and restaurant space;
- 359 on-site vehicle parking spaces (109 retail, 250 residential);
- 201 long-term and 99 short-term bicycle parking spaces; and
- One (1) 75-foot loading berth, one (1) 55-foot loading berth, three (3) 30-foot berths, and two (2) 20-foot delivery spaces.

SUMMARY OF DDOT REVIEW

The District Department of Transportation (DDOT) is committed to achieving an exceptional quality of life in the nation’s capital by encouraging sustainable travel practices, constructing safer streets, and providing outstanding access to goods and services. As one means to achieve this vision, DDOT works through the zoning process to ensure that impacts from new developments are manageable within, and take advantage of, the District’s multimodal transportation network.

The purpose of DDOT’s review is to assess the potential safety and capacity impacts of the proposed action on the District’s transportation network and, as necessary, propose mitigations that are

commensurate with the action. After an extensive review of the case materials submitted by the Applicant, DDOT finds:

Site Design

- Vehicular access to the site is proposed via a two-way private roadway within a public access easement that connects to Howard Road and no other curb cuts are proposed to the site consistent with DDOT standards;
- The 45-foot public access easement is the result of the alley closure process for the former L-shaped alley on the site. The easement has already been recorded with the Recorder of Deeds and is included as Attachment 1;
- Clauses 3a and 3b of the public access easement for the driveway state that the design of the private road will be included in the Design Review application to the Zoning Commission for DDOT review and that standard DDOT materials will be used. Based on the submitted planset, the driveway does not appear to be using DDOT standards materials and should be revised;
- The Applicant is proposing a total of 359 on-site parking spaces in an underground garage, which is more than the 152 minimum spaces required by ZR16 and 279 maximum preferred by DDOT for a project of this mix of uses, density, and proximity to transit;
- The presence of extra parking has the potential to induce more demand for driving and additional TDM strategies are needed;
- Between 78 and 85 electric vehicle charging stations are proposed;
- All loading activities are proposed to occur on private property via the proposed private roadway with head-in/head-out movements through public space on Howard Road consistent with DDOT standards; and
- The Applicant proposes to exceed the minimum requirement of 157 long-term and 53 short-term bicycle parking spaces with 201 long- and 99 short-term spaces. There is a discrepancy in the amounts that will be provided between the planset and CTR. The TDM Plan should be updated to reflect the right amount.

Travel Assumptions

- The Applicant utilized sound methodology and assumptions to perform the analysis in the CTR;
- The CTR assumed approximately 40-55% of trips would travel by vehicle and the remainder by walking, biking, or transit;
- The availability of excess parking has the potential to induce additional demand for driving, which has been accounted for in the mode splits and trip generation; and
- The development is projected to generate a significant amount of vehicle trips and transit trips with an increase in vehicle trips during the weekday AM and PM peak hours.

Multi-Modal Evaluation

- The site is located approximately ¼ mile from the Anacostia Metrorail Station and near other bus routes and DC Circulator service;
- The site is surrounded by a mostly incomplete pedestrian network. Pedestrian facilities will largely be provided as part of DDOT's South Capitol Street Corridor Project, but the Applicant will be responsible for bringing public space up to DDOT standards adjacent to the site;

- The Applicant is proposing a promenade at the rear of the property, along the edge of the NPS site, that would connect to other bike trails east and west. Bicycle lanes that were previously planned on Howard Road are now proposed to use the promenade, which DDOT supports; and
- The traffic analysis identified impacts to East Oval & Frederick Douglass Bridge and Howard Road & Suitland Parkway.

Mitigation

- The CTR demonstrated the signalized intersection (East Oval & Frederick Douglass Bridge) can be mitigated with a signal timing adjustment. For the future unsignalized intersection (Howard Road & Suitland Parkway) no direct mitigation was proposed;
- Since DDOT does not retime signals in conjunction with a development and there are no geometric improvements for the unsignalized intersection, the Applicant should strengthen the TDM to encourage walking and discourage driving; and
- The TDM plan, as proposed in the September 17, 2021 CTR, is not sufficiently robust to offset the impacts of the high parking supply and impacted intersections. The TDM plan will be sufficiently robust with DDOT's proposed additions and revisions.

RECOMMENDATION

DDOT has no objection to approval of this Design Review application with the following conditions:

- Implement the Transportation Demand Management (TDM) Plan as proposed in the Applicant's September 17, 2021 CTR (Exhibit 9A), for the life of the project, with the additional strategies and revisions discussed in greater detail later in this report; and
- Prior to Zoning Commission approval, DDOT requests the Applicant revise the design of the private driveway to use standard DDOT materials in accordance with the easement agreement (Attachment 1). Since this driveway is envisioned to be extended through the NPS land to the north as a street, it should be designed to look and feel like a street on the Bridge District property with a "street cut" design at the connection to Howard Road SE.

CONTINUED COORDINATION

Given the complexity and size of the action, the Applicant is expected to continue to work with DDOT on the following matters outside of the zoning process:

- Public space, including curb and gutter, street trees and landscaping, street lights, sidewalks, curb ramps, and other features within the public rights of way, are expected to be designed and built to DDOT standards;
- The Applicant will be required to obtain public space permits for all elements of the project proposed in public space. DDOT has several comments on the Applicant's initial public space design which are noted later in the Streetscape and Public Realm section and can be resolved during the public space permitting process;
- The Applicant should participate in a follow-up Preliminary Design Review Meeting (PDRM) to discuss the public space design with DDOT and OP;
- Submit a detailed curbside management and signage plan to DDOT, consistent with current DDOT policies. If meter installation is required they will be at the Applicant's expense;

- Coordinate with DDOT’s Urban Forestry Division (UFD) and the Ward 8 arborist regarding the preservation and protection of existing small street trees, as well as the planting of new street trees, in bioretention facilities or a typical expanded tree planting space.

TRANSPORTATION ANALYSIS

DDOT requires applicants requesting an action from the Zoning Commission complete a Comprehensive Transportation Review (CTR) in order to determine the action’s impact on the overall transportation network. Accordingly, an Applicant is expected to show the existing conditions for each transportation mode affected, the proposed impact on the respective network, and any proposed mitigations, along with the effects of the mitigations on other travel modes. A CTR should be performed according to DDOT direction. The Applicant and DDOT coordinated on an agreed-upon scope for the CTR that is consistent with the scale of the action.

The review of the analysis is divided into five categories: site design, travel assumptions, multi-modal evaluation, traffic impact analysis, and mitigations. The following review provided by DDOT evaluates the Applicant’s CTR to determine its accuracy and assess the action’s consistency with the District’s vision for a cohesive, sustainable transportation system that delivers safe and convenient ways to move people and goods, while protecting and enhancing the natural, environmental, and cultural resources of the District.

Site Design

Site design, which includes site access, loading, vehicle parking, and public realm design, plays a critical role in determining a proposed action’s impact on the District’s infrastructure. While transportation impacts can change over time, the site design will remain constant throughout the lifespan of the proposed development, making site design a critical aspect of DDOT’s development review process. Accordingly, new developments must provide a safe and welcoming pedestrian experience, enhance the public realm, and serve as positive additions to the community.

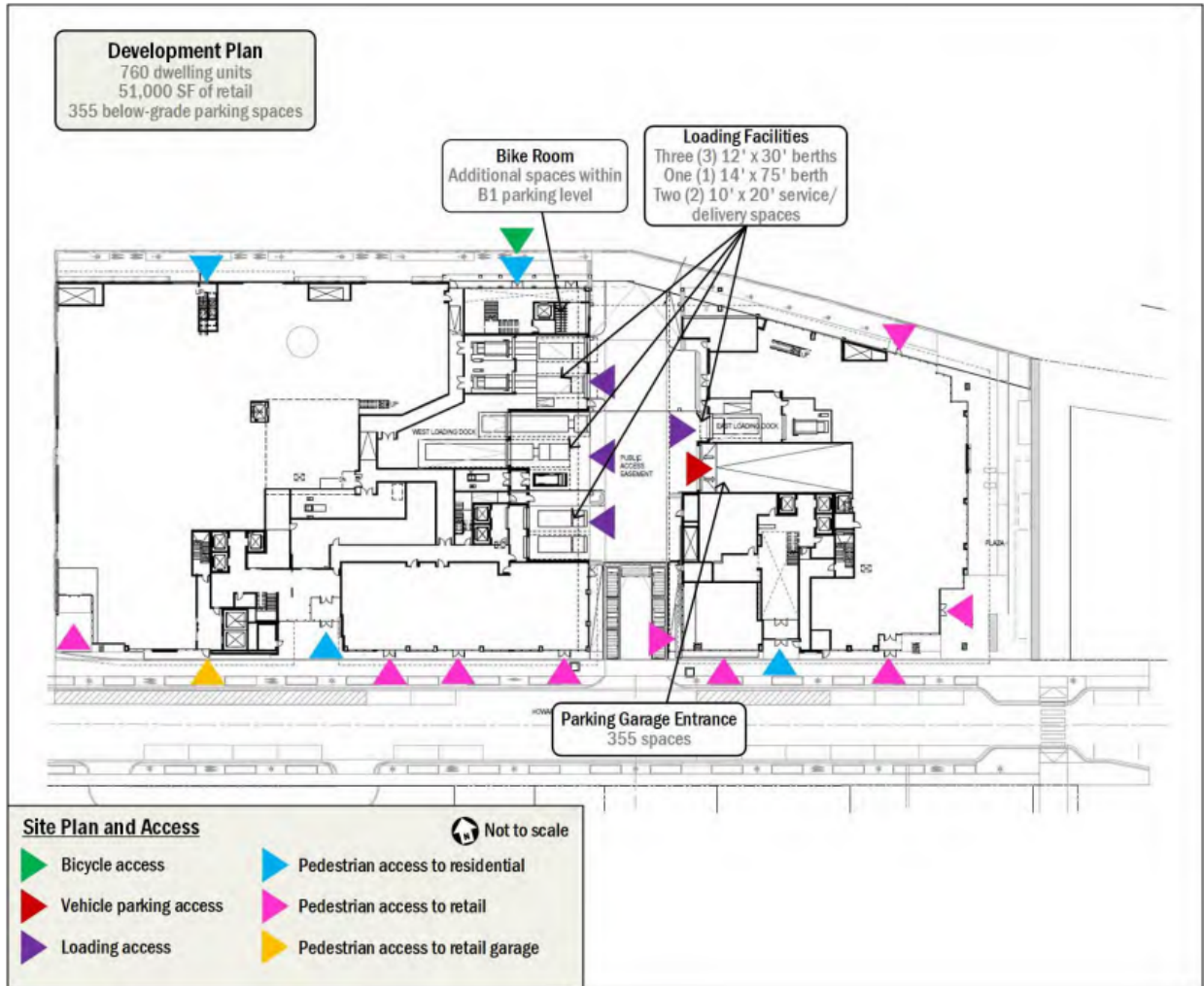
Site Access

Pedestrian access to the residential and retail elements of the site is provided on Howard Road SE and the proposed bike/pedestrian promenade to the north of the site for a total of 14 pedestrian entrances.

Vehicular access to the below-grade parking garage is proposed via a new two-way private road within a 45-foot public access easement area from Howard Road SE. The easement agreement between the Applicant and DDOT has been recorded with the Recorder of Deeds and is the result of the alley closing process for the former L-shaped alley that no longer exists on the property (S.O. 16-27269) and is included as Attachment 1. The proposed private roadway bifurcates the site running north/south and connects the bike/pedestrian promenade to Howard Road SE. The easement was drafted in such a way that the driveway can be extended northward as a more traditional street to provide connectivity to any development that occurs on the NPS land in the future. A master plan process for the NPS land is currently underway and includes participation by OP, DOEE, DDOT, and the Applicant. The current submitted plans do not show the use of DDOT standard materials as required by clauses 3a and 3b of the easement agreement.

Loading facilities are also accessed via the private roadway. The proposed access to both parking and loading meets DDOT’s standard that all vehicular access be provided via an alley network when available or on private property. Outside of the easement area, the project proposes no new curb cuts to the public street network. Figure 1 below shows the site layout of the proposed project.

Figure 1 | Site Plan



Source: *Gorove Slade 9/17/21 CTR, Figure 7*

Loading

DDOT’s practice is to accommodate vehicle loading in a safe and efficient manner, while at the same time preserving safety across non-vehicle modes and limiting any hindrance to traffic operations. For new developments, DDOT requires that loading take place in private space and that no back-up maneuvers occur in the public realm.

Per Subtitle K §1007.4 and Subtitle C §901.1 of the 2016 Zoning Regulations (ZR16), residential properties with more than 50 units in NHR zones are required to provide one (1) loading berth, one (1) loading platform, and one (1) 20-foot delivery space. For the retail component of this project, zoning requires two (2) loading berths, two (2) loading platforms, and one (1) delivery space. The Applicant is

proposing to exceed the ZR16 requirements and practical needs for loading by providing a total of one (1) 75-foot berth, one (1) 55-foot berth, three (3) 30-foot berths, two (2) 20-foot delivery spaces, and loading platforms.

The building is designed so that all loading activities take place in the proposed private roadway. The truck turning diagrams included in the September 17, 2021 CTR demonstrate that 55-foot and 35-foot trucks can enter and exit the private roadway with head-in and head-out movements through public space on Howard Road, consistent with DDOT standards. Trucks are able to maneuver and turn around while using the private roadway and loading dock area, so that they can exit head-out to Howard Road SE. The Applicant anticipates approximately 14 trucks per day will utilize the building's loading dock area, including trash pick-up, mail drop-off, produce and retail deliveries, and move-ins/outs by residents.

Vehicle Parking

The overall parking demand created by the development is primarily a function of land use, development square footage, price, and supply of parking spaces. However in urban areas, other factors contribute to the demand for parking, such as the availability of high quality transit, frequency of transit service, proximity to transit, connectivity of bicycle and pedestrian facilities within the vicinity of the development, and the demographic composition and other characteristics of the potential residents.

The Applicant is proposing a total of 359 on-site parking spaces in an underground garage, 201 more spaces than the 158 required spaces per Subtitle K §1007.2 and Subtitle C §701.5 and §702.1(a) of ZR16. This includes eligible 50% parking reduction because the site is within a ½-mile of the Anacostia Metrorail Station and a ¼-mile of a Priority Corridor Network Metrobus Route.

DDOT finds the amount of vehicle parking proposed on-site to be higher than expected given the project's size, mix of uses, and access to transit. Based on DDOT's preferred maximum parking rates published in the June 2019 *Guidance for Comprehensive Transportation Review*, the Applicant should provide a parking supply closer to 279 off-street vehicle spaces, 80 spaces less than the proposed number. Providing extra parking has the potential to induce additional demand for driving. The Applicant has submitted a TDM program to encourage use of multi-modal transportation options when accessing the site (see the Mitigations sections later in this report). The Applicant should further strengthen the TDM Plan to offset the potential for induced demand for driving.

Bicycle Parking

Per ZR16 Subtitle K §1007.3 and C §802.1, the Applicant is required to provide 157 long-term and 53 short-term bicycle parking spaces. The Applicant is proposing on the Zoning Analysis Summary page of the planset (Exhibit 10A2) to exceed these requirements by installing 201-215 long-term spaces in the parking garage and 53-99 short-term spaces around the perimeter of the site in public space. The locations of short-term spaces are not currently shown on the submitted drawings, but should be accommodated by installing inverted U-racks in public space or on private property. The final locations of short-term bicycle parking will be determined during public space permitting. The proposed development will also include three (3) lockers and two (2) showers which meets the requirements established by ZR16 Subtitle C §806.

There are discrepancies in the amount of bicycle parking proposed in the planset and the CTR. The Applicant should provide clarity on the amount of both proposed and state these in the revised TDM Plan.

Streetscape and Public Realm

In line with District policy and practice, any substantial new building development or renovation is expected to rehabilitate streetscape infrastructure between the curb and the property lines. This includes curb and gutters, street trees and landscaping, street lights, sidewalks, and other appropriate features within the public rights of way bordering the site.

The Applicant must work closely with DDOT and the Office of Planning (OP) to ensure that the design of the public realm meets current standards and will substantially upgrade the appearance and functionality of the streetscape for public users needing to access the property or circulate around it. In conjunction with Titles 11, 12A, and 24 of the DCMR, DDOT's most recent version of the *Design and Engineering Manual (DEM)* and the *Public Realm Design Manual* will serve as the main public realm references for the Applicant. Public space designs will be reviewed in further detail during the public space permitting process. DDOT staff will be available to provide additional guidance during these processes. DDOT and OP have met with the Applicant multiple times to participate in a Preliminary Design Review Meeting (PDRM) and provide design related comments (most recent meeting was held on September 14, 2021).

While the preliminary public space plans are generally consistent with DDOT standards, there are several considerations that need to be reviewed in greater detail during the public space permitting process:

- The pedestrian clear pathway on both the northern and southern sides of Howard Road SE should be a minimum of 8 feet;
- The roadway from curb-to-curb on Howard Road SE should not exceed 34 feet in width in order to ensure full streetscapes on both sides will be located entirely within the DDOT ROW;
- An occupancy permit will be required for any portion of the outdoor café in public space along Howard Road SE or on the DDOT land west of the site and will need approval by the Public Space Committee;
- Building projections on Howard Road SE should not project more than 4-feet into public space;
- Per the easement agreement with DDOT, no more than a total of two (2) curb cuts will be allowed on the north side of Howard Road;
- Since the driveway within the easement area is envisioned to be extended through the NPS land to the north, it should be designed as a street with a "street cut" connection at Howard Road;
- Reduce the curb radii for the driveway on the north side of Howard Road;
- Plans for this application show a 36 foot Howard Road, rather than 34 feet, so the parking lane and curb cut may need to be further refined to accommodate trucks;
- Any proposed mid-block crossings will require approval by the DDOT Road Safety Branch (RSB);
- Any future access points to the redevelopment along the south side of Howard Road should align with the driveways on the north side;
- Identify a location on public or private property for a Capital Bikeshare concrete pad. A typical 19-dock station with kiosk is 53 feet wide by 6 feet deep;
- Identify final locations in public space for the short-term bicycle racks;

- The Applicant should submit a Curbside Management Plan as part of the public space permitting process to refine curbside uses along Howard Road SE; and
- Any circular driveway on the south side of Howard Road should be temporary and not permanently designed into the future redevelopment.

Sustainable Transportation Elements

Sustainable transportation measures promote environmentally responsible types of transportation in addition to the transportation mode shift efforts of TDM programs. These measures can range anywhere from practical implementations that would promote use of vehicles powered by alternative fuels to more comprehensive concepts such as improving pedestrian access to transit in order to increase potential use of alternative modes of transportation. Within the context of DDOT's development review process, the objective to encourage incorporation of sustainable transportation elements into the development proposals is to introduce opportunities for improved environmental quality (air, noise, health, etc.) by targeting emission-based impacts.

The Applicant is proposing to provide between 78 and 85 spaces for electric vehicles which far exceeds DDOT's recommendation to install at least one (1) EV station for every 50 vehicle parking spaces. There is a discrepancy in the amount of EV stations proposed in the planset versus the CTR. The Applicant should clarify the amount to be provided and document this in the TDM plan. Additionally, four (4) garage spaces are proposed to be reserved for carsharing services.

It is noted that a new District law, the Electric Vehicle Readiness Amendment Act of 2020, calls for 20% of all new off-street parking spaces to be EV-ready starting January 1, 2022. At this time, the law has not gone into effect because it has not been funded. The Applicant should be aware that this requirement may go into effect prior to pulling their building permit.

Heritage Trees

Heritage Trees are defined as a tree with a circumference of 100 inches or more and are protected by the Tree Canopy Protection Amendment Act of 2016. With approval by the Mayor and DDOT's Urban Forestry Division (UFD), Heritage Trees might be permitted to be relocated. As such, the Applicant may be required to redesign the site plan in order to preserve the Non-Hazardous Heritage Trees. Special Trees are defined as being between 44 inches and 99.99 inches in circumference. Special trees may be removed with a permit. However, if a Special Tree is designated to remain by UFD, protection is necessary. It is recommended that the Applicant coordinate with the Ward 8 arborist regarding the preservation and protection of existing small street trees, as well as the planting of new street trees, in bioretention facilities or a typical expanded tree planting space.

Travel Assumptions

The purpose of the CTR is to inform DDOT's review of a proposed action's impacts on the District's transportation network. To that end, selecting reasonable and defensible travel assumptions is critical to understanding who is traveling to the site, from where, and by which modes.

Mode Split and Trip Generation

Each trip a person makes is made by a certain means of travel, such as vehicle, bicycle, walking, and transit. The means of travel is referred to as a ‘mode’ of transportation. A variety of elements impact the mode of travel, including density of development, diversity of land use, design of the public realm, proximity to transit options, availability and cost of vehicle parking, among many others.

The Applicant provided trip generation estimates which utilized the rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition* (Land Use Code 222 High-rise Multifamily Housing, Code 820 Shopping Center, and Code 850 Supermarket) and the assumed mode-split to convert base vehicular trips to base person trips using average auto occupancy data and then back to vehicular, transit, bicycle, and pedestrian trips. DDOT finds these methods appropriate.

Mode split assumptions used in the subject analysis were informed by the Census, WMATA’s 2005 Development-Related Readership Survey, and mode splits used for nearby developments. Figure 2 below shows the mode splits assumed for the traffic impact analysis within the CTR.

Figure 2 | Summary of Mode Split Assumptions

Land Use	Mode			
	Drive	Transit	Bike	Walk
Residential	40%	50%	10%	0%
Retail	55%	25%	10%	10%
Grocer	55%	20%	10%	15%

Source: *Gorove Slade 9/17/21 CTR, Table 3*

Based on the ITE trip generation rates and mode split assumptions, Figure 3 shows the predicted number of weekday and Saturday peak hour trips generated by each mode.

Figure 3 | Multi-Modal Trip Generation Summary

Mode	Land Use	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Auto (veh/hr)	Retail	7	3	10	20	22	42
	Residential	22	69	91	65	42	107
	Grocer	39	26	65	80	78	158
	Total	68	98	166	165	142	307
Transit (ppl/hr)	Retail	6	3	9	17	18	35
	Residential	32	102	134	96	61	157
	Grocer	26	17	43	53	51	104
	Total	64	122	186	166	130	296
Bike (ppl/hr)	Retail	3	2	5	10	11	21
	Residential	6	20	26	19	13	32
	Grocer	13	9	22	27	25	52
	Total	22	31	53	56	49	105
Walk (ppl/hr)	Retail	1	1	2	3	3	6
	Residential	0	0	0	0	0	0
	Grocer	19	14	33	40	39	79
	Total	20	15	35	43	42	85

Source: *Gorove Slade 9/17/21 CTR, Table 2*

The proposed project is expected to generate a significant number of vehicle and transit trips, and a moderate amount of bicycle and walking trips during the peak hours. Since the net increase in vehicle trips is greater than 25 both the inbound and outbound direction at least one of the peak periods, DDOT

required the Applicant to complete a Comprehensive Transportation Review (CTR) study with a traffic impact analysis (TIA).

Multi-Modal Network Evaluation

Pedestrian Network

The District is committed to enhancing pedestrian accessibility by ensuring consistent investment in pedestrian infrastructure on the part of both the public and private sectors. DDOT expects new developments to serve the needs of all trips they generate, including pedestrian trips. Walking is expected to be an important mode of transportation for this development.

The Applicant’s inventory of existing pedestrian infrastructure, as shown in Figure 4 below, demonstrates that most sidewalks in the immediate vicinity of the site do not currently meet DDOT standards. Further, due to the site’s proximity to the Anacostia River and the I-295/Suitland Parkway interchange, there are few destinations within walking distance.

Figure 4 | Existing Pedestrian Network



Source: Gorove Slade 9/17/21 CTR, Figure 30

Much of the needed pedestrian improvements are being implemented as part of the South Capitol Street Corridor Project, which includes a new traffic oval with sidewalk connections to all adjacent

streets. DDOT expects that the Applicant, however, will construct the public space along the frontage on Howard Street SE and upgrade any pedestrian facilities to current DDOT standards.

Bicycle Network

The District is committed to enhancing bicycle accessibility by ensuring consistent investment in bicycle infrastructure on the part of both the public and private sectors. DDOT expects new developments to serve the needs of all trips they generate, including bicycling trips. Bicycling is expected to be an important mode of transportation for this development.

As shown below in Figure 5, there are several planned and existing bicycle lanes in the vicinity of the site, as well as Capital Bikeshare stations. The Applicant is coordinating with DDOT to provide a shared pedestrian/bicycle promenade along the northern edge of the site that connects the Couth Capitol Street East Oval to the Anacostia Metrorail Station. DDOT supports the Applicants proposed promenade and removal of planned bicycle lanes from Howard Road SE.

Figure 5 | Existing and Planned Bicycle Facilities



Source: Gorove Slade 9/17/21 CTR, Figure 32

Transit Service

The District and Washington Metropolitan Area Transit Authority (WMATA) have partnered to provide extensive public transit service in the District of Columbia. DDOT's vision is to leverage this investment to increase the share of non-automotive travel modes so that economic development opportunities increase with minimal infrastructure investment.

The site is located approximately 0.25 miles from the Anacostia Metrorail station which is served by the Green Line. Trains serve the Metrorail station every 12 to 20 minutes during weekday peak hours and 15 to 20 minutes on weekends. There site is also serviced by 14 Metrobus routes and one (1) DC Circulator bus.

Traffic Impact Analysis (TIA)

To determine the proposed development's impacts on the transportation network, the Applicant completed a Traffic Impact Analysis (TIA) as a component of the larger CTR which includes an extensive analysis of existing conditions (2021), future with no development (2025 Background) and future conditions with development (2025 Future) scenarios.

Background Developments and Regional Growth

As part of the analysis of future conditions, DDOT requires applicants to account for future growth in traffic on the network or what is referred to as background growth. The Applicant coordinated with DDOT on the appropriate background developments to include in the analysis. Traffic from four (4) specific future projects (MLK Gateways Phases I and II, The Clara, and Reunion Square) was considered as background development anticipated to be constructed and open by 2025.

DDOT requires Applicants account for regional growth through the build-out year of 2025. This can be done by assuming a general growth rate or by evaluating growth patterns forecast in MWCOG's regional travel demand model. The Applicant coordinated with DDOT on an appropriate measure to account for regional growth that accurately accounted for background growth on the network. Annually compounding background regional growth rates of between 0.10% and 1.5% were assumed in the study area, differing based on roadway and peak hour.

DDOT also requires applicants to consider future changes to the roadway network. It was determined in coordination with DDOT staff that three (3) major changes to the local transportation network are anticipated before 2025:

- The South Capitol Street Corridor project, which includes the construction of a traffic oval connecting South Capitol Street, Suitland Parkway, and Anacostia Drive;
- The removal of the I-295 southbound off-ramp and northbound on-ramp that intersect Howard Road; and
- The reconstruction of the Howard Road & Fifth Sterling Avenue SE and Suitland Parkland & Fifth Sterling Avenue SE intersections.

Study Area and Data Collection

The Applicant in conjunction with DDOT identified 13 existing intersections where detailed vehicle counts would be collected and a level of service analysis would be performed. These intersections are immediately adjacent to the site and include intersections radially outward from the site with the greatest potential to see impacts in vehicle delay. DDOT acknowledges that not all affected intersections are included in the study area and there will be intersections outside of the study area which would realize new trips. However, DDOT expects minimal to no increase in delay outside the study area as a result of the proposed action.

Data collection was not possible during Summer 2021 when the CTR was conducting as traffic volumes were not representative of typical traffic conditions due to District-wide restrictions in response to the COVID-19 public health crisis. To establish baseline conditions, the study analyzed traffic volumes comprised of 2016 turning movement count data with the addition of the regional background growth on the roadway to represent 2021 existing conditions.

Roadway Capacity and Operations

DDOT aims to provide a safe and efficient roadway network that provides for the timely movement of people, goods and services. As part of the evaluation of travel demand generated by the site, DDOT requests analysis of traffic conditions for the agreed upon study intersections for the current year and after the development opens both with and without the site development or any transportation changes.

The roadway capacity analysis provided in the CTR demonstrated that two (2) of the 13 study intersections would have an approach that degrades from Level of Service (LOS) D or better to LOS F or worse due to the addition of site generated traffic. These intersections include Howard Road SE & Suitland Parkway (westbound AM) and East Oval & Frederick Douglass Bridge SB (overall PM and southbound PM).

To improve LOS at East Oval & Frederick Douglass Bridge SB, the CTR proposed signal timing adjustment and other changes to the signal control. DDOT does not adjust signal timings, cycle lengths, or phasing in conjunction with a land development project since these actions would impact other signals in synchronized networks. At the intersection of Howard Road and Suitland Parkway, the CTR notes the intersection will become unsignalized and there are no geometric improvements proposed. DDOT recommends the Applicant increase the strength of the TDM plan to offset the impacts at these two (2) intersections to encourage walking, biking, and transit ridership while discouraging driving.

Mitigations

DDOT requires the Applicant to mitigate the impacts of the development in order to positively contribute to the District's transportation network. The mitigations must sufficiently diminish the action's vehicle impact and promote non-auto travel modes. This can be done through Transportation Demand Management (TDM), physical improvements, operations, and performance monitoring.

DDOT preference is to mitigate vehicle traffic impacts first through establishing an optimal site design and operations to support efficient site circulation. When these efforts alone cannot properly mitigate

an action's impact, a reduction in parking and implementation of TDM measures may be necessary to manage travel behavior to minimize impact. Only when these other options are exhausted will DDOT consider capacity-increasing changes to the transportation network because such changes often have detrimental impacts on non-auto travel and are often contrary to the District's multi-modal transportation goals.

The following analysis is a review of the Applicant's proposed mitigations and a description of DDOT's suggested conditions for inclusion in the Zoning Order:

Transportation Demand Management (TDM)

As part of all land development cases, DDOT requires the Applicant to produce a comprehensive TDM plan to help mitigate an action's transportation impacts. TDM is a set of strategies, programs, services, and physical elements that influence travel behavior by mode, frequency, time, route, or trip length in order to help achieve highly efficient and sustainable use of transportation facilities. In the District, this typically means implementing infrastructure or programs to maximize the use of mass transit, bicycle and pedestrian facilities, and reduce single occupancy vehicle trips during peak periods. The Applicant's proposed TDM measures play a role in achieving the desired and expected mode split.

The specific elements within the TDM plan vary depending on the land uses, site context, proximity to transit, scale of the development, and other factors. The TDM plan must help achieve the assumed trip generation rates to ensure that an action's impacts will be properly mitigated. Failure to provide a robust TDM plan could lead to unanticipated additional vehicle trips that could negatively impact the District's transportation network.

The Applicant proposes a TDM Plan in the September 17, 2021 CTR which includes the following elements:

- Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit, and charge a minimum rate based on the average market rate within a quarter mile.
- Identify Transportation Coordinators for the planning, construction, and operations phases of development. There will be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
- Will provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year.
- Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the residents and customers, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
- Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
- Will post "getting here" information in a visible and prominent location on the website with a focus on nonautomotive travel modes. Also, links will be provided to goDCgo.com,

CommuterConnections.com, transit agencies around the metropolitan area, and instructions for customers discouraging parking on-street in Residential Permit Parking (RPP) zones.

- Provide employees and residents who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.
- Transportation Coordinator will subscribe to goDCgo's residential newsletter.
- Post all TDM commitments on website, publicize availability, and allow the public to see what commitments have been promised.
- Provide a free SmarTrip card to every new employee and resident and a complimentary Capital Bikeshare coupon good for one ride.
- Will exceed ZR16 short- and long-term bicycle parking requirements by providing 201 long-term spaces and 99 short-term spaces.
- Long-term bicycle storage rooms will accommodate nontraditional sized bikes including cargo, tandem, and kids bikes.
- Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DCRA summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS case record of the case.
- Install a Transportation Information Center Display (electronic screen) within the lobby containing information related to local transportation alternatives. At a minimum the display should include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations (as allowed by private companies), and nearby Capital Bikeshare locations indicating the availability of bicycles.
- Additional short- and long-term bicycle parking spaces above ZR16 requirements, including 44 additional long-term spaces and 46 additional short-term spaces.
- Provide a bicycle repair station in an easily accessible location.
- Provide welcome packets to all new residents that at a minimum, will include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map.
- Designate two (2) parking spaces for vans to be used by District residents who vanpool to work.
- Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future.
- Will meet ZR16 requirements for showers and lockers for use by employees by providing at least two (2) showers and three (3) lockers.

- Coordinate a way finding plan along walking routes to the property from the Anacostia Metrorail station.

DDOT does not find the proposed TDM plan to be sufficiently robust to mitigate the identified intersection impact and offset the potential for induced demand from the high parking ratio, and recommends the following additional TDM strategies and revisions to strengthen the plan:

- Remove the duplicitous condition “Additional short- and long-term bicycle parking spaces above ZR16 requirements, including 44 additional long-term spaces and 46 additional short-term spaces;”
- Confirm the exact amount of long and short-term bicycle parking spaces to be provided and update them in the TDM Plan, as necessary. The Zoning Analysis Summary of the planset states that 215 long-term spaces will be provided and the CTR states 201.
- Add bullet: Confirm and document the minimum number of EV charging stations to be provided. The planset currently states 78 and the CTR states 85;
- Revise “Provide a bicycle repair station in an easily accessible location” to “Provide a bicycle repair station in each long-term bicycle parking storage room.”
- Add bullet: Will not lease unused residential parking spaces to anyone aside from tenants of the building (e.g., will not lease to other nearby office employees, single-family home residents, or sporting events).
- Add bullet: Provide 10 collapsible shopping carts (utility carts) to encourage residents to walk to the grocery store and run errands.
- Add bullet: Provide an annual CaBi membership to each resident for the first year after the building opens.
- Add bullet: Designate 10 parking spaces in the vehicle parking garage for car-sharing and micromobility services to use with right of first refusal. If an agreement has not been reached with one or more of these services to occupy all of the dedicated spaces, the Applicant will provide one (1) additional year of membership to Capital Bikeshare for each resident after the building has opened.
- Add bullet: Will identify a location in public space or on private property for a Capital Bikeshare station, subject to DDOT approval, and will fund and construct a concrete pad for DDOT to install a station at a later date.
- Add bullet: Following the issuance of a certificate of occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five (5) years (as measured from the final certificate of occupancy for the Project) summarizing continued substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT.

ATTACHMENTS

- 1) Executed Public Access Easement for Site Driveway

AC:kv

ATTACHMENT 1

EASEMENT AGREEMENT

FOR PUBLIC ACCESS

THIS EASEMENT AGREEMENT (this “**Easement Agreement**”) is made as of this 25 day of June 25, 2021, by **9 HOWARD ROAD LLC**, a District of Columbia limited liability company, **632 HOWARD ROAD LLC**, a District of Columbia limited liability company, **700 HOWARD ROAD LLC**, a District of Columbia limited liability company, **730 HOWARD ROAD LLC**, a District of Columbia limited liability company (collectively, the “**Lot 97 Owner**”), **752 HOWARD ROAD LLC**, a District of Columbia limited liability company (the “**Lot 1031 Owner**”), and **822 HOWARD ROAD LLC**, a District of Columbia limited liability company (the “**Lot 1037 Owner**” and together with Lot 97 Owner and Lot 1031 Owner, the “**Grantor**”) for the benefit of the **DISTRICT OF COLUMBIA**, a municipal corporation (the “**District**”).

WITNESSETH:

WHEREAS, Lot 97 Owner is the owner in fee simple of certain real property located in the District of Columbia known as Lot 97 in Square 5860, Lot 1031 Owner is the owner in fee simple of certain real property located in the District of Columbia known as Lot 1031 in Square 5860, Lot 1037 Owner is the owner in fee simple of certain real property located in the District of Columbia known as Lot 1037 in Square 5860, as said property is more particularly described and shown on Exhibit A (the “**Property**”).

WHEREAS, in connection with its development of a mixed-use development on the Property, Grantor applied for and the Council of the District of Columbia (“**Council**”) approved the closure of the entire unimproved 15-foot-wide public alley in Square 5860 abutting Lots 1025 through 1031, 1037, Parcel 231/8 and Lot 800 in Square 5600 (the “**Alley Closure**”). Based on feedback from the District Department of Transportation (“**DDOT**”) and Grantor, the Council conditioned the Alley Closure upon the recordation of a public access easement agreement for the 45-foot easement area (“**Public Access Easement A**”) and 20-foot easement area (“**Public Access Easement B**,” and together with Public Access Easement A, the “**Public Access Easements**”) depicted on Exhibit B attached hereto and made a part hereof (the “**Public Access Easement Areas**”) prior to the recordation of that alley closure plat, and each of which Public Access Easement Areas are described on Exhibit C attached hereto and made a part hereof.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00), the mutual agreements contained herein and other good and valuable consideration, the mutual receipt and legal sufficiency of which are hereby acknowledged, the Grantor, intending to be legally bound, hereby agrees and declares as follows:

1. Recitals. The recitals set forth above are hereby incorporated in this Easement Agreement as substantive provisions hereof.
2. Easements Granted. Grantor, as owner of the Property, and, upon the Alley Closure, owner of all of the Public Access Easement Areas, does hereby establish, grant and convey a non-exclusive, perpetual easement across and through the Public Access Easement Areas

solely for the purposes of providing, for the benefit of the general public, ingress, egress, and access for vehicular and pedestrian use.

3. Design, Construction, and Operation Conditions. Grantor agrees to design, construct, and operate improvements in the Public Access Easement Areas as follows:

- a. The Grantor hereby agrees to include design of the improvements in the Public Access Easement Areas in the Design Review application(s) to the Zoning Commission that affect the relevant areas for DDOT review;
- b. The Grantor agrees to improve the Public Access Easement Areas with DDOT standard paving and materials unless otherwise agreed to by the Grantor and approved by DDOT;
- c. The Public Access Easement Areas will include a minimum sixteen (16) foot vertical clearance from the finished grade of the Public Access Easement Areas;
- d. The Grantor agrees to work with any utility company in good faith to provide facilities in the Public Access Easement Areas, including below grade in the Public Access Easement Areas, in order for such utilities to provide service to the Property or other properties in the future;
- e. The Grantor agrees to allow the District, DDOT, the National Park Service, or any party that obtains ownership interest in the property to the north of the Public Access Easement Areas to utilize the Public Access Easements for multimodal access (to include, but not limited to, vehicular, pedestrian, and bicycle access);
- f. The Grantor agrees the public access rights over the Public Access Easement Areas will not be closed for private events unless such closure is approved by the DDOT Director, or designee. The Grantor shall not restrict access to the parcels to the north of the Public Access Easement Areas except as expressly permitted herein. For purposes of this Easement Agreement, "private events" shall mean events where attendance is restricted to a limited group of people, such as private parties, company events, and other similarly restricted events. For purposes of this Easement Agreement, "public events" shall mean events where attendance is open to the general public; provided however, that nothing herein shall restrict Grantor's ability to restrict access to public events for security, safety, and general public welfare;
- g. No additional curb cuts are allowed on the northern side of Howard Road along the Property's frontage, other than the two curb cuts that provide access to the Public Access Easement Areas;
- h. Both Public Access Easement Areas must allow for future connection to the adjacent NPS land;

- i. Grantor will construct the improvements to each Public Access Easement when construction commences for the permanent use(s) on one or both of the immediately adjacent parcels; and
- j. Grantor shall at all times post signage at all entrances from Howard Road stating that the Public Access Easement Areas are privately owned and maintained.

4. Reservation of Rights. Notwithstanding anything to the contrary in this Agreement, Grantor hereby reserves the right to use, and to permit others to use, any portion of the Public Access Easement Areas to the extent that any such use or occupancy is not inconsistent with the exercise of the general public's rights granted in this Easement Agreement. Without limiting the generality of the foregoing, the Grantor hereby further reserves the specific rights to:

- a. Periodically use the Public Access Easement Areas for public events, including but not limited to retail pop-ups, farmer's markets, training and community events, to allow the Grantor to fulfill the terms of the Community Benefits Agreement negotiated with Advisory Neighborhood Commissions 8A and 8C, subject to the limitations below:
 1. Prior to any connection to the adjacent NPS land discussed in Section 3(h) above over either Public Access Easement Area, Grantor may use the Public Access Easement Areas for these events in its sole discretion; provided, however, the Grantor agrees to limit such events to no more than twelve (12) times per year for no more than twelve (12) hours at a time. Any approved closure must allow access for emergency vehicles. Outside of the maximum twelve (12) event closures, the easement areas will not be gated and will be open to the public 24 hours per day, 365 days per year; and
 2. If a connection is made over either of the Public Access Easement Areas to the NPS land to the north, Grantor agrees that either Public Access Easement Area with a connection established will not be closed off for any reason after the connection is created without the consent of the owner of the property immediately to the north. Further, Grantor agrees to limit such events to no more than twelve (12) times per year for no more than twelve (12) hours at a time. Any approved closure must allow access for emergency vehicles. Outside of the maximum twelve (12) event closures, the easement areas will not be gated and will be open to the public 24 hours per day, 365 days per year.
- b. Construct improvements below grade under the Public Access Easement Area for uses such as parking, utility vaults and/or connections, vaults, and storage, provided such use and improvements do not impede the ability of the public to utilize the Public Access Easement Areas;

- c. Construct building connections over the Public Access Easement Areas, provided such connections are at least sixteen (16) feet above the finished grade of the Public Access Easement Areas;
- d. Prior to completion of the first permanent building at the Property, use the Public Access Easement Areas on an interim basis for either public access or for construction staging once construction for the adjacent permanent building(s) has commenced; and
- e. Relocate the Public Access Easement Areas, provided that any relocated easement area provides the same total area as the Public Access Easement Areas, and any relocation shall be subject to the DDOT Director's approval.

5. Restrictions on Use. The Grantor, or any successor or assigns thereto, shall have the right from time to time to post and enforce rules of use for the Public Access Easement Areas as may be reasonably necessary to ensure the continued safety, cleanliness and availability of use of the Public Access Easement Areas for ingress, egress and access as contemplated by this Easement Agreement.

6. Maintenance of Public Access Easement Areas; Signage and Notice Regarding Same. Grantor hereby covenants and agrees, for itself and its successors and assigns, that it (or its successors and assigns) will maintain the Public Access Easement Areas (including all paving, plantings, trees, sidewalks, benches, and lighting installed by Grantor within the Public Access Easement Areas), including the removal of snow therefrom, so as to allow for the continued use of the Public Access Easement Areas for ingress, egress and access as contemplated by this Easement Agreement.

7. Construction and Maintenance on Site. Notwithstanding anything in this Agreement, during such periods when construction, repair, or maintenance is being performed with respect to or in the Public Access Easement Areas, or on portions of the Property adjacent to the Public Access Easement Areas, including but not limited to potential work relating to the installation, replacement, removal, or maintenance of utilities, access to and use of the Public Access Easement Areas or portions thereof may be temporarily restricted by Grantor.

8. Duration of Easement. The easement, rights, privileges and agreements shall run in perpetuity. To the extent that the Property subject to this Easement Agreement is subject to redevelopment, a request may be submitted to the District Department of Transportation to amend and/or release the Easement Agreement consistent with Paragraph 8.

9. Release/Amendment. Any modification or amendment to this Easement Agreement must be in writing and requires the written consent of the District Department of Transportation, or designee.

10. Binding Effect. The terms and conditions of this Easement Agreement constitute real covenants, running with the land, and binding upon and inuring to the benefit of the respective parties, and their successors, assigns with respect to the Property. The Property will be leased, mortgaged, encumbered, rendered, used, held, sold, occupied, imposed and conveyed subject to the provisions of this Easement Agreement.

11. Recordation. This Easement Agreement shall be recorded in the Land Records of the District of Columbia.

12. No Merger. The rights and obligations hereby established in this Easement Agreement will not be subject to principles of merger.

13. Governing Law; Severability. This Easement Agreement shall be governed by and construed in accordance with the laws of the District of Columbia. If any provisions or portions hereof or the application thereof to any persons or circumstances shall to any extent be invalid or unenforceable, the remainder or the applications of such provisions or portions thereof to any other person or circumstances shall not be affected thereby, and each remaining provision of this Easement Agreement shall be valid and enforceable to the fullest extent permitted by law.

[Signature pages following]

IN WITNESS WHEREOF, 9 Howard Road LLC, a District of Columbia limited liability company, on the day and year first hereinabove written, has caused these presents to be signed and the same acknowledged and delivered according to law.

9 HOWARD ROAD LLC, a District of Columbia limited liability company

By: [Signature]
Name: Louis Dubin
Title: Authorized Signatory

A.B. DISTRICT OF COLUMBIA Maryland

) ss:
A.B. CITY OF WASHINGTON County Montgomery

I HEREBY CERTIFY that on this 25 day of June 2021, before me, the subscriber, a Notary Public in and for the jurisdiction aforesaid, personally appeared in said jurisdiction Louis Dubin, personally well known to me (or satisfactorily proven) to be the driver license of 9 Howard Road LLC, and personally well known to me (or satisfactorily proven) to be the person who executed the foregoing instrument on behalf of 9 Howard Road LLC; and acknowledge that, having authority so to do, he executed the foregoing instrument, on behalf of and as the act and deed of said limited liability company for the purposes therein contained, and delivered the same as such.

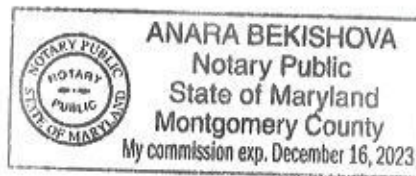
WITNESS my hand and Notarial Seal the year and day first above written.

Anara Bekishova

Notary Public

[Notarial Seal]

My Commission Expires: 01/01/2026 A.B. December 16, 2023



IN WITNESS WHEREOF, 632 Howard Road LLC, a District of Columbia limited liability company, on the day and year first hereinabove written, has caused these presents to be signed and the same acknowledged and delivered according to law.

632 HOWARD ROAD LLC, a District of Columbia limited liability company

By: [Signature]
Name: Louis Dubin
Title: Authorized Signatory

A.B. ~~DISTRICT OF COLUMBIA~~ Maryland
A.B. ~~CITY OF WASHINGTON~~ Montgomery County
) ss:

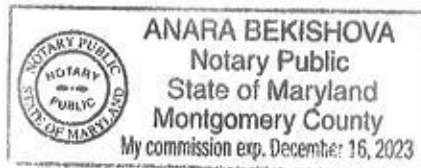
I HEREBY CERTIFY that on this 25 day of June 2021, before me, the subscriber, a Notary Public in and for the jurisdiction aforesaid, personally appeared in said jurisdiction Louis Dubin, personally well known to me (or satisfactorily proven) to be the driver license of 632 Howard Road LLC, and personally well known to me (or satisfactorily proven) to be the person who executed the foregoing instrument on behalf of 632 Howard Road LLC; and acknowledge that, having authority so to do, he executed the foregoing instrument, on behalf of and as the act and deed of said limited liability company for the purposes therein contained, and delivered the same as such.

WITNESS my hand and Notarial Seal the year and day first above written.

Anara Bekishova
Notary Public

[Notarial Seal]

My Commission Expires: December 16, 2023



IN WITNESS WHEREOF, 730 Howard Road LLC, a District of Columbia limited liability company, on the day and year first hereinabove written, has caused these presents to be signed and the same acknowledged and delivered according to law.

730 HOWARD ROAD LLC, a District of Columbia limited liability company

By: [Signature]
Name: Louis Dubin
Title: Authorized Signatory

~~A.P. DISTRICT OF COLUMBIA~~ Maryland
) ss:
~~A.P. CITY OF WASHINGTON~~ Montgomery County

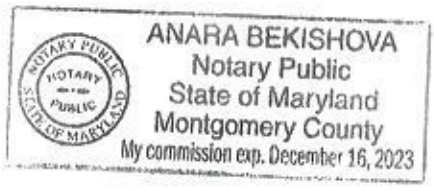
I HEREBY CERTIFY that on this 25 day of June 2021, before me, the subscriber, a Notary Public in and for the jurisdiction aforesaid, personally appeared in said jurisdiction Louis Dubin, personally well known to me (or satisfactorily proven) to be the driver license of 730 Howard Road LLC, and personally well known to me (or satisfactorily proven) to be the person who executed the foregoing instrument on behalf of 730 Howard Road LLC; and acknowledge that, having authority so to do, he executed the foregoing instrument, on behalf of and as the act and deed of said limited liability company for the purposes therein contained, and delivered the same as such.

WITNESS my hand and Notarial Seal the year and day first above written.

Anara Bekishova
Notary Public

[Notarial Seal]

My Commission Expires: December 16, 2023



IN WITNESS WHEREOF, 822 Howard Road LLC, a District of Columbia limited liability company, on the day and year first hereinabove written, has caused these presents to be signed and the same acknowledged and delivered according to law.

822 HOWARD ROAD LLC, a District of Columbia limited liability company

By: [Signature]
Name: Louis Dubin
Title: Authorized Signatory

A.B. ~~DISTRICT OF COLUMBIA~~ Maryland
A.B. ~~CITY OF WASHINGTON~~ Montgomery County ss:

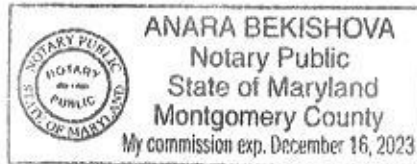
I HEREBY CERTIFY that on this 25 day of June 2021, before me, the subscriber, a Notary Public in and for the jurisdiction aforesaid, personally appeared in said jurisdiction Louis Dubin, personally well known to me (or satisfactorily proven) to be the driver license of 822 Howard Road LLC, and personally well known to me (or satisfactorily proven) to be the person who executed the foregoing instrument on behalf of 822 Howard Road LLC; and acknowledge that, having authority so to do, he executed the foregoing instrument, on behalf of and as the act and deed of said limited liability company for the purposes therein contained, and delivered the same as such.

WITNESS my hand and Notarial Seal the year and day first above written.

Anara Bekishova
Notary Public

[Notarial Seal]

My Commission Expires: December 16, 2023



The District Department of Transportation joins in this Easement Agreement for the sole purpose of consenting to the form of this easement agreement.

DISTRICT DEPARTMENT
OF TRANSPORTATION

Name: _____
Title: _____

Date: _____

List of Exhibits

- Exhibit A Legal Description of Property
- Exhibit B Plan Showing Location of the Public Access Easement Areas
- Exhibit C Legal Description of the Public Access Easement Areas

EXHIBIT A
PROPERTY DESCRIPTION

Lot numbered 97 in Square numbered 5860 as per plat recorded in the Office of the Surveyor for the District of Columbia in Book 210 at Page 52.

AND

Lots numbered 94 and 95 in Square numbered 5860 in the subdivision made by Merchants Investment and Loan Corp., as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber 104 at folio 165. SAVING AND EXCEPTING therefrom those parts of said lots condemned and taken in District Court Cause No. 3-65 and as shown on plat entitled "Land Set Aside for Public Highway. Square 5860." Recorded in the Office of the Surveyor for the District of Columbia in Liber 133 at folio 28.

NOTE: At the date hereof the above described land is designated on the Records of the Assessor for the District of Columbia for assessment and taxation purposes as Lot numbered 1031 in Square numbered 5860.

AND

Part of Lot numbered 20 in Square numbered 5860, District Columbia, in the subdivision made by Emily C. E. Brown in Section 9, "Barry Farm;" being part of a tract called "Saint Elizabeth," dated 1867 and recorded in the records of the Office of the Surveyor of the District of Columbia in Subdivision Book Levy Court No. 2 at Page 1; saving and excepting therefrom the part of said lot condemned for Public Highway as shown in Subdivision Book 67 at Page 40 and additional condemnation for Public Highway as on Subdivision Book 133 at Page 28; said part of Lot 20 being known for the purposes of assessment and taxation, as of the date hereof, as Lot 1037 in Square 5860 pursuant to Assessment and Taxation Plat 3719-H filed February 12, 1986 among the above said Records; being more particularly described as follows:

Beginning for the same at the intersection point of the northerly line of condemnation for Public Highway (Howard Road, S.E.) as shown on Subdivision Book 133 at Page 28 and the division line of aforesaid Lot 20 and Lot 41, as shown in a subdivision made by Emily C.E. Brown in Section 9, "Barry Farm" per plat recorded in April 29, 1892 in the aforesaid records in Subdivision Book County 8 at Page 94; thence binding on said northerly line of condemnation

1. North 71° 58' West, 198.00 feet (per record), North 71° 59' 55" West, 197.90 feet (per survey) to the easterly line of a 15' wide public alley; thence binding on said alley
2. North 18° 02' East, 111.00 feet (per record), North 18° 00' 05" East, 111.02 feet (per survey) to a "High Water Line located June 1910" as shown on a plat of survey entitled "Plat of Survey of Part Lot 20 to mark corners..." dated May 15, 1946 and having been recorded in the aforesaid records in Survey

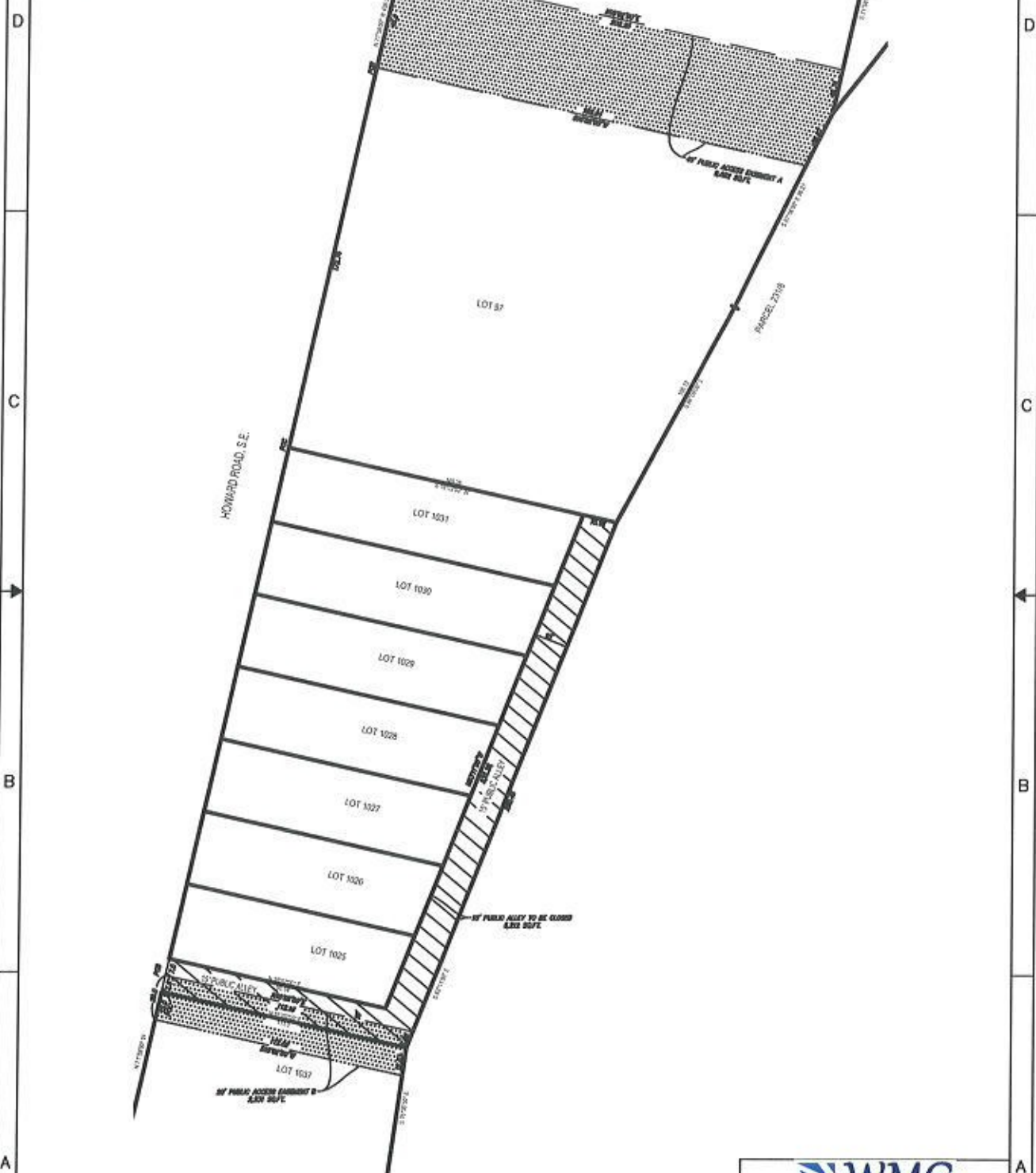
Book 148 at Page 418; thence binding on said "High water Line located June 1910"

3. South $76^{\circ} 36' 50''$ East, 198.665 feet (per record), South $76^{\circ} 38' 38''$ East, 198.55 feet (per survey) to a point on the easterly line of said Lot 20; thence from said point and binding on the easterly, outline of said Lot 20
4. South $18^{\circ} 02'$ West, 127.10 feet (per record) South $18^{\circ} 00' 05''$ West, 127.10 feet (per survey) to the point of beginning.

Containing an official area (per D.C. Tax Assessor) of 23, 571 square feet or 0.54112 acres of land, and computed area (per field boundary survey) of 23, 561 square feet or 0.54089 acres of land.

NOTE: At the date hereof the above- described land is designated on the Records of the Assessor for the District of Columbia for assessment and taxation purposes as Lot numbered 1037 in Square numbered 5860

EXHIBIT B
PUBLIC ALLEY CLOSED AND
PUBLIC ACCESS EASEMENTS
SQUARE 5860



 Planning, Engineering, Surveying & Landscape Architecture 870 16th Street, SE, Washington, DC 20003 (202) 418-4848 / (202) 244-8000 www.wmcd.com		
Drawing Title: PUBLIC ALLEY CLOSED AND PUBLIC ACCESS EASEMENTS SQUARE 5860 Washington, DC		
Date: 11-27-07	Job No: 2007-09-37	Job No: 21-021
Scale: 1" = 20'	Date: 2007-09-37	Sheet: 1 OF 1



Exhibit C

45' Public Access Easement A Part of Lot 97 Square 5860

All that certain lot or parcel of land situated, lying and being in the District of Columbia, and being described as follows:

Commencing at a point, said point being the southeast corner of Lot 97 Square 5860, as shown in Subdivision Book 210 at Page 52 among the Records of the Office of the Surveyor for the District of Columbia, and being on the northerly line of Howard Road, S.E.; thence N 71°58'00" W 172.74 feet to the Point of Beginning; thence the following courses and distances:

N 71°58'00" W 45.0 feet with said northerly line of Howard Road, S.E. to a point; thence

Departing said northerly line of Howard Road, S.E. N 18°02'00" E 202.25 feet to a point; thence

S 71°58'00" E 19.74 feet to a point; thence

S 57°56'00" E 26.87 feet to a point; thence

S 18°02'00" W 195.94 feet to the Point of Beginning and containing 9,022 square feet by record.

20' Public Access Easement B Part of Lot 1037 Square 5860

All that certain lot or parcel of land situated, lying and being in the District of Columbia, and being described as follows:

Commencing at a point, said point being the southwest corner of Lot 1037 Square 5860 and being on the northerly line of Howard Road, S.E.; thence N 71°58'00" W 7.5 feet to the Point of Beginning; thence the following courses and distances:

Departing said northerly line of Howard Road, S.E. N 18°02'00" E 112.16 feet to a point; thence

S 63°11'00" E 7.60 feet to a point; thence

S 76°36'40" E 12.53 feet to a point; thence

S 18°02'00" W 112.02 feet to a point, said point being on said northerly line of Howard Road, S.E.; thence

N 71°58'00" W 20.0 feet with said northerly line of Howard Road, S.E. to the Point of Beginning and containing 2,231 square feet by record.