

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-13

Z.C. Case No. 07-13

Consolidated Planned Unit Development and Related Map Amendment
Trustees of the Corcoran Gallery of Art and MR Randall Capital, LLC – 65 I Street, S.W.
(Square 643-S, Lot 801)
January 14, 2008

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held public hearings on September 27, November 8, and December 6, 2007, to consider an application from the Trustees of the Corcoran Gallery of Art and MR Randall Capital LLC (collectively referred to herein as the "Applicant"), for consolidated review and one-step approval of a planned unit development and related zoning map amendment from the R-4 to the C-3-C Zone District. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearings were conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby **APPROVES** the application.

FINDINGS OF FACT

Application, Parties, and Hearings

1. On April 11, 2007, the Applicant filed an application with the Commission for consolidated review and approval of a planned unit development ("PUD") for property consisting of Lot 801 in Square 643-S ("Property"), as well as an amendment of the Zoning Map from the R-4 to the C-3-A District. The Applicant later amended its application, as discussed below, to request rezoning to the C-3-C District. The subject Property consists of approximately 115,724 square feet of land and is bounded by I Street on the south, former 1st Street on the west, partially-closed H Street on the north, and former Half Street on the east, in southwest Washington, D.C. The Property is presently improved with the former Randall Junior High School, an historic landmark listed in the D.C. Inventory of Historic Places. The Applicant intends to redevelop the site to establish a new campus for the Corcoran College of Art and Design ("Corcoran") and construct a new multi-family residential building consisting of approximately 440-490 units. Twenty percent of the residences will be designated affordable units.
2. At its public meeting held on May 24, 2007, the Commission voted to schedule a public hearing on the application. The Commission directed the Applicant to restudy the design

of the building and its compatibility with the historic Randall School prior to any hearing on the application.

3. On June 25, 2007, the Applicant submitted a pre-hearing statement, along with revised architectural drawings. Consistent with the C-3-A Zone District initially proposed, the new residential building would be constructed to a height of 90 feet with a large wing in the former H Street right-of-way at the north. As a result of community concern over the use of the former H Street right-of-way for a portion of the rear wing, and at the recommendation of the Office of Planning ("OP"), the Applicant revised the design to eliminate the rear wing. In order to recapture the lost density, the Applicant added one floor to the building, thereby increasing the height to 100 feet. Because the maximum height permitted in the proposed C-3-A Zone District is limited to 90 feet, the Applicant amended its application on September 7, 2007, to seek rezoning, in the alternative, to the C-3-C Zone District, which permits a maximum height of 130 feet.
4. After proper notice, the Commission convened a hearing on September 27, 2007, to consider the application and the proposed amendment to the C-3-C Zone District in the alternative. The Commission indicated its support for the additional height and rezoning, but continued to express reservations about the overall architectural design. The Commission continued the hearing until November 8, 2007, to allow the Applicant sufficient time to develop the ten-story scheme and restudy the design. The Commission also postponed consideration of party status until that time. The Applicant submitted supplemental plans for the ten-story scheme on October 18, 2007, but with only limited modifications to the overall architectural design. Instead, the Applicant requested the opportunity to engage in a "design dialog" with the Commission so that the architectural issues could be appropriately addressed.
5. On November 8, 2007, the Commission reconvened the hearing. Square 643 Associates, LLC, the property owner to the north across H Street, requested party status in support of the application, with reservations. Because the request was only filed that day, the Commission denied party status as untimely. No other requests for party status were received. Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the Property is located, was an automatic party to the proceeding.
6. The Applicant's architect, Shalom Baranes of Shalom Baranes Associates, presented testimony on the architectural intent and design theory for the proposed PUD. The Commission offered further suggestions on material and color selection, and continued the hearing until December 6, 2007.
7. At the December 6th hearing, the Applicant presented five witnesses in support of its amended plans for the ten-story scheme and rezoning to the C-3-C Zone District: Paul Greenhalgh, Director of the Corcoran; Jocelyn File, Director of Special Projects at the Corcoran; Russell Hines, Vice President of Monument Realty LLC, on behalf of MR

Randall Capital LLC; Chris L. Kabatt, a traffic engineer with M.J. Wells and Associates; and Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP. Based upon their professional experience and previous qualifications before the Commission, Mr. Baranes was recognized as an expert in architecture, Mr. Sher an expert in land use, zoning, and planning, and Mr. Kabatt as an expert in transportation planning.

8. Square 463 Associates LLC ("Square 463 Associates"), through its counsel, Cynthia Giordano of Arnold & Porter, testified in support of the project but with reservations concerning the parking and loading facilities along H Street that will face Square 463 Associates' proposed PUD, which was approved by the Commission in Case No. 03-30. Osborne George, of O.R. George and Associates, testified regarding the Applicant's traffic report and raised questions about some of the data and conclusions reached. These issues, however, were fully addressed by the Applicant and the District Department of Transportation ("DDOT"), as discussed in greater detail below.
9. At its meeting on October 15, 2007, which was duly noticed and at which a quorum was present, ANC 6D voted to support the amended application.
10. The Commission received letters in support of the project from the following: Councilmember Tommy Wells; Neil Albert, Deputy Mayor for Planning and Economic Development; Stephen Richard, Arena Stage; Charlene Drew Jarvis, President of Southeastern University; Dixie Eng, General Manager of Best Western Hotel; John Goudeaux, Principal of Amidon Elementary School; Almeta Hawkins, Principal of Bowen Elementary School; Capitol Park IV Condominium; Pastor Fitzgerald Carter, Bethel Pentecostal Tabernacle Church; George Lentz, President of Capitol Park IV Condominium; and Mark S. Bauernhuber, Southwest resident. There were no parties or persons in opposition to the project.
11. At its public meeting held on December 10, 2007, the Commission took proposed action by a vote of 5-0-0 to approve with conditions the application and plans for the ten-story scheme that were submitted to the record and the PUD-related rezoning to the C-3-C Zone District.
12. The applications were referred to the National Capital Planning Commission ("NCPC") for review of any impacts on the federal interest under the Comprehensive Plan pursuant to § 492 of the District Charter. NCPC, by action dated January 3, 2009, advised "that the project would be adverse to the federal interest because a penthouse element on the top of the roof causes the building to exceed the maximum height allowed under the Height of Buildings Act of 1910, which states that 'Pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof.'" NCPC recommended, "that the Zoning Commission require the applicant to modify the project design to setback a distance from the exterior wall of

the building equal to the penthouse height.” The NCPC action was transmitted to the Commission by letter dated January 8, 2008.

13. At its regularly scheduled January 14, 2008 public meeting, the Commission re-opened the record to receive a supplemental report from DDOT (Exhibit 72), a response to the NCPC report from the Applicant (Exhibit 73), and a submission from Wells and Associates regarding the Transportation Management Plan (Exhibit 75).
14. At its January 14, 2008 meeting, the Commission considered the NCPC report and the Applicant’s written response. The Commission voted to approve the application, but did so without taking a position on NCPC’s interpretation of the An Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 601.01 to 601.09) (“Height Act”). The Commission noted that it was up to the Zoning Administrator, not the Commission, to interpret the Height Act. While the Commission would be reluctant to approve plans that clearly violated the Height Act, no such clear cut infraction was present. Rather, the question of whether the penthouse should be setback its distance from the exterior wall, or whether the Height Act only required a setback equivalent to the distance the penthouse exceeds the height limit, is a question best left to the judgment of the Zoning Administrator. Nevertheless, the Zoning Administrator should not view the Commission’s approval of this modification as obviating the need for a careful review of these plans for compliance with the Height Act and the Zoning Regulations.
15. The Commission took final action to approve the application on January 14, 2008 by a vote of 5-0-0.

The PUD Project

16. The proposed PUD is being developed pursuant to a covenant between the District of Columbia and the Trustees of the Corcoran Gallery of Art. In the Fall of 2006, the District sold the former Randall Junior High School property to the Corcoran in order that it may be redeveloped for use as a museum and school of fine arts, and a new residential development. Under the terms of the agreement, the Corcoran must provide a minimum of 80,000 square feet of space to arts education and arts-related uses, and a minimum of 340,000 square feet of space for residential uses. Twenty percent of the residential units must be set aside for households earning no more than 80% of the AMI. To fulfill its obligations under the covenant, the Corcoran selected MR Randall Capital LLC as its development partner.
17. The proposed project will integrate the historically significant portions of the existing Randall Junior High School complex into a new development consisting of residential, educational, and arts-related uses. Upon completion, the building will contain approximately 499,843 square feet of gross floor area, which equates to an overall

density of approximately 4.32 FAR. Approximately 76,043 square feet of gross floor area will be devoted to exhibition, studio, and classroom space for the Corcoran College of Art and Design.¹ The College will occupy the renovated Randall Junior High School buildings, as well as additional space on the first three floors of the western wing in the proposed new construction. The residential portion of the development, containing approximately 423,800 square feet of gross floor area, will be located in the remaining portions of the new building. The residential space will be divided into approximately 440-490 condominiums. The development will also include a three-level underground parking garage, which will contain spaces for approximately 390 to 470 vehicles. The new construction in the development will rise to a maximum height of 100 feet, which is below the maximum permitted height of 130 feet allowed under the PUD standards for the C-3-C Zone District.

18. The massing of the new construction is E-shaped in configuration, with the two end-legs connecting to the historic wings of Randall School. The shorter, center-leg will project into an interior courtyard that separates the new construction from the existing building. The massing concept places a majority of the project's density away from the historic building toward the rear of the site. Small, two-story additions are located to either side of the 1927 wings. The sensitive massing of the new construction allows the historic Randall School to continue to appear as a separate building along I Street, S.W., and maintain the character of the existing streetscape. The design was approved in concept by the District's Historic Preservation Review Board ("HPRB").
19. Designed in institutional interpretation of the Georgian Revival style, the historic building is faced with red brick and limestone trim. In order to distinguish the historic building from the new construction, the proposed PUD will be clad primarily in metal and a contrasting brick color which complements the former school, as shown in Scheme B at the December 6, 2007, hearing. Different shades of brick will be blended to render the Project's distinctive massing elements. Painted aluminum window systems will be incorporated throughout. Cast stone or concrete copings, window openings, and horizontal trim will articulate certain floor levels, and other architectural elements will add rich detailing to the facades.
20. The PUD will provide a series of landscaped courtyards along former 1st Street and at the interior of the site. A sculpture courtyard and exhibition garden at the western perimeter will enliven the former 1st Street corridor. An interior courtyard for ceramics and other art displays will animate the interior of the site while also offering passive recreation space for residents of the complex.

¹ The Corcoran School of Art and Design will occupy a total of approximately 100,000 square feet of space, a portion of which is below grade and does not count toward FAR.

21. Parking and loading access is at the rear of the site along H Street, S.W., with a private driveway located in a portion of the former 1st Street right-of-way. The residential portion of the building will have two points of pedestrian access. The primary entrance will be located at the southeast corner of the building on I Street and connect by corridors to a second set of elevators and the main lobby. A second entrance will be located at the northwest corner of the site, leading to the lobby with front-desk service and the main elevators. Pedestrian access around the site will be accommodated through pathways and public sidewalks. Patrons of the Randall Recreation Center will continue to have vehicular and pedestrian access along H Street. Through an agreement with the city, the Applicant will also grant a perpetual easement over the former H Street right-of-way to continue access across that portion of the property.

Matter-of-Right Development Under Existing Zoning

22. The subject Property is located in the R-4 Zone District, which "is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families." (11 DCMR § 330.1.) Buildings in the R-4 Zone District may be constructed to a maximum height of 40 feet as a matter-of-right and may contain no more than three stories. (11 DCMR § 400.1.) The Zoning Regulations require a minimum lot area of 1,800 square feet for row dwellings and flats, 3,000 square feet for semi-detached one-family dwellings, and 4,000 square feet for all other structures. (11 DCMR § 401.3.) The minimum lot width in the R-4 District for row dwellings, semi-detached dwellings, and detached dwellings are 18, 30, and 40 feet, respectively. (11 DCMR § 401.3.) There is no maximum floor-area ratio ("FAR") prescribed for the R-4 Zone District, 11 DCMR § 402.4, and the maximum lot occupancy is 60%. (11 DCMR § 403.2.) The height, number of stories, and lot occupancy limitations within the R-4 Zone District result in an effective density ceiling of 1.8 FAR.
23. Under the PUD guidelines for the R-4 Zone District, buildings may be constructed to a height of 60 feet and a maximum density of 1.0 FAR. (11 DCMR §§ 2405.1, 2405.2.) The Commission may increase these ceilings by as much as five percent if "the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of ... [Chapter 24 of the Zoning Regulations]." (11 DCMR § 2405.3.)

Matter-of-Right Development Under Proposed C-3-C Zoning

24. The Applicant seeks to have the subject Property rezoned from R-4 to C-3-C. The C-3-C Zone District allows "medium-high density development, including office, retail, housing, and mixed-use development." (11 DCMR § 740.8.) Buildings in the C-3-C Zone District may be constructed to a maximum height of 90 feet as a matter-of-right with no limit on the number of stories. (11 DCMR § 770.1.) Development in the C-3-C

Zone District may have a maximum density of 6.5 FAR. (11 DCMR § 771.2.) The maximum lot occupancy in the C-3-C Zone District is 100%. (11 DCMR § 772.1.)

Proposed Development Under the PUD Guidelines for C-3-C

25. Under the PUD guidelines, the maximum allowable height for a building in the C-3-C Zone District is 130 feet. The Height of Buildings Act of 1910, however, limits the maximum permitted height at the Property to 110 feet. Development within the C-3-C Zone District may have a maximum density of 8.0 FAR. (11 DCMR §§ 2405.1, 2405.2.)
26. The proposed project falls within the PUD guidelines for the C-3-C Zone District. The overall density of the PUD will be 4.32 FAR, with approximately 0.66 FAR devoted to non-residential uses and the remaining 3.66 FAR devoted to residential uses. The building will not exceed 100 feet in height.

Development Incentives and Flexibility

27. The Applicant seeks flexibility from the area requirements for loading facilities, penthouse setback and multiple penthouses of varying height, and several non-compliant courts. As permitted under § 2405.8, the Commission may grant such flexibility without the need for special exception approval from the Board of Zoning Adjustment or compliance with the special exception standards that might otherwise apply.

Public Benefits and Amenities

28. The Commission finds that the following benefits and amenities will be created as a result of the PUD:
 - a. *Culture, Arts, and Education – Corcoran College of Art and Design.* The most significant feature of the proposed PUD is the introduction of the Corcoran College of Art and Design to southwest Washington. Almost 100,000 square feet of space (76,043 square feet of gross floor area) in the proposed development will be occupied by classroom, exhibition, and studio space for the college. This space will allow the school to significantly expand its undergraduate and graduate degree programs, as well as its non-degree art programs for children and adults. The Arts Education Degree Program offers courses and experiential learning opportunities that are explicitly and specifically tailored to the District educational policies. This Master of Arts Teaching program integrates graduate students into the D.C. Public Schools ("DCPS") to expand the arts curriculum of the public school system not otherwise possible while providing valuable teaching experience for Corcoran's M.A. candidates. For example, Corcoran will work with Amidon and Bowen Elementary Schools, and Jefferson Junior High School to integrate art as a teaching tool for math and science. The Master of Arts

Students will have their field rotation at Jefferson Junior High School. Numerous other highly successful art programs initiated by the Corcoran, such as ArtReach will operate from this location.

- b. *Housing.* The PUD will result in a significant addition to the District's housing stock and to Southwest Washington in particular, which has had only one new multi-family project completed in the past three decades. The development will contain approximately 440-490 units.
- c. *Affordable Housing.* The project will set aside 20% of the residential units for households earning no more than 80% of the area median income ("AMI") for Washington, D.C. The affordable housing component is two and a half times that required under the recently adopted Inclusionary Zoning ("IZ") provisions under Chapter 26 of the Zoning Regulations.
- d. *Historic Preservation.* The PUD will also allow the renovation and adaptive reuse of the historic portions of the Randall Junior High School. These structures have fallen into a state of disrepair in recent years and are in danger of losing their historic character. The proposed project contemplates the rehabilitation of these historically significant buildings and their careful integration into the planned development on the site. The renovation of these buildings will significantly improve the appearance of the streetscape and enhance the attractiveness of the surrounding neighborhood. The project also preserves the historic rights-of-way at 1st and H Streets, which are now closed.
- e. *Sustainable Design Features.* The project features significant sustainable design features, including a "green roof." Approximately 6,000 square feet of the lower roof levels will be devoted to green roofs, while portions of the upper roof levels will be treated with reflective materials to reduce heat island effects. The remaining portions of the roofs will be used for mechanical penthouses and residential recreation space, including a rooftop swimming pool and ancillary recreational space. The Applicant has retained a LEED consultant to ensure the sustainability of the project design. Based on the consultant's assessment, the PUD will qualify for a *minimum* of 18 LEED points.
- f. *First Source Employment Opportunities.* The Applicant will work with the Department of Employment Services ("DOES") to execute a First Source Employment Agreement in order to achieve the goal of utilizing District residents for at least 51% of the jobs created by the PUD project. The Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for employees whose jobs are created by the PUD.

- g. *Local Business Opportunities.* The Applicant will enter into a Memorandum of Understanding with the D.C. Department of Small and Local Business Development in order to achieve, at a minimum, the goal of 35% participation by small, local, and disadvantaged businesses in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. This memorandum contributes significantly to the District's goal of ensuring adequate opportunities for small and local businesses to participate in development projects throughout the city.
- h. *Features of Special Value to the Neighborhood.* In addition to the exemplary project amenities and public benefits, the Applicant has entered into an agreement with ANC 6D to ensure that many of the benefits target ANC residents specifically. To that end, the Corcoran will provide scholarships the ANC 6D students; host an annual arts festival and visual arts project for Southwest; initiate an open-house day for the Corcoran; provide complimentary Corcoran Gallery of Art memberships to five public school teachers; provide Corcoran Gallery tours to area residents; install a permanent art gallery at the Randall School for student faculty and local artists; offer free space for 25 community meetings; install a sculpture in Delaware Avenue circle, if approved by the District's Department of Transportation ("DDOT"); and other similar visual improvement efforts.

Compliance with the Comprehensive Plan

- 29. The Future Land Use Map designates the subject Property for medium-density residential uses. The proposed rezoning of the property to C-3-C and residential development is consistent with this designation, with a total residential density of 3.66 FAR and a density of only 0.66 FAR devoted to school uses, which is less than previous school uses on the site.
- 30. The proposed project is also consistent with the site's designation as a "Neighborhood Conservation Area" on the Generalized Policy Map. The Comprehensive Plan provides that development of Neighborhood Conservation Areas, "should be compatible with the existing scale and architectural character of the area." (10 DCMR § 223.5.) Compliance with this provision is ensured through design review of the project by HPRB.
- 31. The proposed development will likewise be compatible with the land use designation of this site and those of the surrounding area. With the exception of the Randall Recreational Center and Playground to the east, the property in the vicinity of the subject site is designated in the Future Land Use Map for moderate-, medium-, and high-density residential uses, as well as medium- and high-density commercial uses. The proposed project—a mixed-use arts and residential development—will be consistent with the character of this transitional neighborhood.

Compliance with the Citywide Elements of the Comprehensive Plan

32. *Land Use Element (Chapter 3)*. The Comprehensive Plan provides that, “[b]ecause the Land Use Element integrates the policies and objectives of all the other District Elements, it should be given greater weight than the other elements as competing policies in different elements are balanced.” (10 DCMR § 300.2.) The underlying goal of the Land Use Element is to ensure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. (10 DCMR § 302.1.) The proposed project will advance this important goal by complying with a number of the policies set forth in the Land Use Element of the Comprehensive Plan.
- a. *Policy LU-1.1.5: Urban Mixed Use Neighborhoods*: The proposed project contemplates the construction of a mixed-use development that will include nearly 100,000 square feet of arts-related space, including cellar areas, and approximately 423,800 square feet of gross floor area devoted to residential use. Twenty percent of the residential units will be set aside for households earning less than 80% of the AMI. The presence of the Corcoran College of Art and Design and the adjacent residential development will significantly enhance the vitality of the South Capitol Street corridor/stadium area.
 - b. *Policy LU-2.1.4: Rehabilitation Before Demolition*: The Applicant intends to retain and rehabilitate the principal building in the Randall Junior High School complex, as well as its east and west wings. The center and west historic buildings will house the Corcoran College of Art and Design and will represent precisely the type of adaptive reuse encouraged by Policy LU-2.1.4.
 - c. *Policy LU-2.1.12: Reuse of Public Buildings*: The District of Columbia sold the Randall Junior High School property to the Corcoran Gallery of Art after determining that the property was no longer needed for any public use. The proposed use of the existing buildings as a center devoted to arts education will be compatible with the property's surroundings and will not adversely affect the Near Southwest community. Similarly, the residential portion of the development will have no adverse effects on the surrounding neighborhood. Indeed, the proposed development will help create the critical mass of residential uses that will be necessary to ensure the economic health of this rapidly changing area.
33. *Housing Element (Chapter 5)*. The proposed project will help achieve the District's housing goal to develop and maintain a safe, decent, and affordable supply of housing for all current and future residents.

- a. *Policy H-1.1.1: Private Sector Support:* The proposed development will include approximately 423,800 square feet of gross floor area devoted to residential uses. As noted above, the Applicant intends to reserve 20% of the residential units in the development for households earning not more than 80% of AMI. The proposed project will further the District's policy of leveraging private development to create affordable housing within the city.
 - b. *Policy H-1.1.4: Mixed Use Development:* The proposed development will contain both residential and arts-related uses. The subject site is located only one block away from South Capitol Street and is within walking distance of four Metrorail stations on three separate lines. The project will represent precisely the type of mixed-use development that Policy H-1.1.4 is designed to encourage.
 - c. *Policy H-1.1.5: Housing Quality:* The Declaration of Covenants executed by the Corcoran Gallery of Art and the District of Columbia specifically requires that the affordable units in any development on the Randall Junior High School property be indistinguishable from the market-rate units in the project. As a result, the project will comply with Policy H-1.1.5 of the Housing Element.
 - d. *Policy H-1.2.5: Workforce Housing:* Twenty percent of the residential units in the proposed development will be reserved for families who earn less than 80% of AMI. These units will be priced at a level that is affordable for nurses, teachers, and members of the other occupational categories listed in Policy H-1.2.5. Thus, this project more than meets the standards set forth in Chapter 26 of the Zoning Regulations.
34. *Economic Development Element (Chapter 7).* The proposed project will strengthen the District's economy by accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy. In addition to creating new jobs and tax revenues for the District, the Randall School redevelopment project will also advance the Comprehensive Plan's specific policy for economic development and institutional growth.
35. *Policy ED-2.4.1: Institutional Growth:* The Corcoran College of Art and Design has a current enrollment of 350 undergraduate and 150 graduate students and intends to double that figure over the next five years. Additionally, the College presently employs approximately 196 faculty and 44 staff and those number would increase to a total of 365 faculty and 80 staff at the Randall School site. The proposed expansion of the College's undergraduate and graduate programs is expected to result in a corresponding increase in employment opportunities for District residents.

36. *Urban Design Element (Chapter 9)*. The presence of the school and design of the project will enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces. The Applicant has gone to great lengths to integrate the new residential portion of the development with the historic fabric of the Randall School complex. Additionally, the project respects the integrity of the L'Enfant street plan and thus complies with the Urban Design Element's policy of reinforcing the L'Enfant and McMillan Plans.
37. *Policy UD-1.1.2: Reinforcing the L'Enfant and McMillan Plans*: The western edge of the subject property includes a portion of 1st Street, S.W. that was closed in connection with the southwest urban renewal plans of the 1950s. Although this area is no longer used as a public street, the Applicant has agreed to forego development on this portion of the site to maintain the integrity of the original L'Enfant street plan. Similarly, the Applicant will forego construction in the former H Street right-of-way and grant an easement to the city to ensure continued access to the Randall Recreation Center to the east.
38. *Historic Preservation Element (Chapter 10)*. The sensitive treatment of the historically significant portions of the Randall School complex, and the integration of the new residential building into the historic fabric of the existing structures, will significantly advance the goal described above. In addition, the proposed project will further a number of the specific policies outlined in the Historic Preservation Element of the Comprehensive Plan.
 - a. *Policy HP-1.3.1: Designation of Historic Properties*: On its own initiative, the Applicant filed a landmark application with HPRB for the Randall Junior High School site to ensure retention and rehabilitation of its most significant original building and its east and west wings. Landmark status was granted on March 22, 2007. Although landmark designation significantly affects the site's development potential, the Applicant believes that these structures are historically significant and should be preserved.
 - b. *Policy HP-2.3.1: The Plan of the City of Washington*: The Plan of the City of Washington will be protected through the Applicant's commitment not to construct any improvements on its property at the closed portion of 1st Street and H Street, S.W. The current design of the project will further the objectives of Policy HP-2.3.1 by preserving the historic pattern of streets established by the L'Enfant Plan.
 - c. *Policy HP-2.4.1: Rehabilitation of Historic Structures*: The proposed development will be subject to review by HPRB, the Mayor's Agent for Historic Preservation and the Commission. These proceedings will involve precisely the

type of extensive design review contemplated by Policy HP-2.4.1. Because the Randall Junior High School building and its wings have been designated as landmarks, moreover, any future attempts to demolish or alter these structures will require further review by HPRB.

- d. *Policy HP-2.4.2: Adaptation of Historic Properties for Current Use:* Although the Randall Junior High School will no longer be used by DCPS, it will still be devoted to an educational use. The Corcoran College of Art and Design has a current enrollment of 500 undergraduate and graduate students and provides non-degree art classes to more than 3,000 children and adults each year. The proposed change in use is fully consistent with the objectives of Policy HP-2.4.2.
 - e. *Policy HP-3.2.1: Preservation and Community Development:* In its current state, the Randall Junior High School actually detracts from the character of the surrounding neighborhood. The rehabilitation and adaptive reuse of these historic structures will provide an attractive physical environment for the students of the Corcoran College of Art and Design. In addition, the renovation of these deteriorating buildings will improve the overall appearance of the streetscape and help stimulate additional private investment in the surrounding area.
39. *Community Services and Facilities Element (Chapter 11).* The Community Services and Facilities Element of the Comprehensive Plan is designed to provide high-quality, accessible, efficiently managed, and properly funded community facilities to support the efficient delivery of municipal services, protect public health and safety, and enhance the well-being of current and future District residents. In support of that objective, the Community Services and Facilities Element includes a policy addressing the disposition of public properties that have become—like the Randall Junior High School—functionally obsolete.
 40. *Policy CSF-1.1.4: Addressing Facilities That Are Functionally Obsolete:* At the time of its sale to the Corcoran Gallery of Art, the Randall Junior High School had become a serious drain on public resources. The District's decision to sell the property was based on its determination that the existing structures could not be rehabilitated in a cost-effective manner for any public use. The redevelopment of the property by a private third party, on the other hand, will benefit the District in two ways. First, the District is entitled to 50% of the proceeds on any subsequent sale of development rights on the property. Second, the transfer of this site to private ownership will result in a significant increase in property tax receipts. In short, the sale of this property will provide a substantial economic benefit for the District.
 41. *Arts and Culture Element (Chapter 14).* The Arts and Culture Element of the Comprehensive Plan reflects the District's longstanding commitment to the development and retention of arts and other cultural uses in the city, particularly in areas where such

uses are underrepresented. The proposed project, which will include approximately 100,000 square feet devoted to arts-related uses, is consistent with this general goal and will further a number of the specific policies enunciated in the Arts and Culture Element.

- a. *Policy AC-1.1.2: Development of New Cultural Facilities:* The proposed project will include almost 100,000 square feet of exhibition, studio, and classroom space for the students of the Corcoran College of Art and Design. Approval of this PUD application will further Policy AC-1.1.2 by allowing the development of an important new cultural facility in the Near Southwest neighborhood.
 - b. *Policy AC-1.1.3: Distribution of Facilities:* There is currently a dearth of arts and cultural facilities along the South Capitol Street corridor. The proposed PUD will help correct this imbalance in the geographic distribution of the District's cultural resources.
 - c. *Policy AC-4.4.1: Arts Education Programs:* In addition to its undergraduate and graduate programs of study, the Corcoran College of Art and Design offers art classes to more than 3,000 children and adults each year. The proposed development will further the objectives of Policy AC-4.4.1 by allowing the school to significantly expand these programs.
42. *Compliance with the Lower Anacostia Waterfront/Near Southeast Area Element.* In addition to the citywide elements, the Comprehensive Plan includes 10 geographically based "area elements." The subject property is located within the Lower Anacostia/Near Southeast area. The proposed project is consistent with the objectives and policies of the Lower Anacostia/Near Southeast Area Element, and in particular Policy AW-2.2.1, the South Capitol Street Urban Boulevard. The project will provide an appropriate mix of residential and arts-related uses in close proximity to South Capitol Street. The introduction of an arts college and new condominiums in this area will help achieve the District's goal of creating a vibrant urban neighborhood along this important corridor.

Office of Planning Report

43. By reports dated September 17, 2007 and October 29, 2007, OP recommended approval of the PUD application subject to (i) redesign of the large mechanical penthouse so that it does not constitute a parapet; (ii) provision of a rooftop mechanical plan; and (iii) a description of the affordable units within the building. In response, the Applicant setback the penthouse from the north wall of the building a distance of four feet. That setback was later increased to six feet, six inches. The Applicant also provided the rooftop mechanical plan and a plan showing the location of the affordable units. OP found, and the Commission concurs, that the proposed PUD is not inconsistent with the Comprehensive Plan. The Plan calls for medium-density residential uses in this area and the proposed 4.32 FAR is consistent with that designation.

DDOT Reports

44. DDOT submitted a memorandum dated November 7, 2007, in support of the PUD. DDOT indicated that the Applicant had worked extensively with the agency to make modifications to the building design and the Traffic Impact Study to address DDOT's concerns. In particular, the Applicant's redesign of the north elevation allowed for better spacing of the school and residential loading docks, and aligned the building's garage access with the garage entrance to the proposed PUD across the street to the north. According to DDOT, these arrangements allow for better sight lines, and alleviate many of the potential vehicle-to-vehicle and vehicle-to-pedestrian conflict points.
45. DDOT also supported the Applicant's commitment to limit the size of trucks accessing the site to 40 feet in length to ensure appropriate turning maneuverability at the Delaware Avenue Circle. As a result of this limitation on truck size, DDOT supported the Applicant's request to reduce the size of the loading berth from the required 55-foot length to 40 feet.
46. In order to ensure pedestrian safety and neighborhood access to the Randall Recreation Center, DDOT recommended that the Applicant convey to the District of Columbia a permanent public easement over the Applicant's private property in the former right-of-way. The easement would protect the city's ability to construct a road, sidewalk, trail, or other necessary transportation facility to the recreation center. The Applicant agreed to provide the recommended easement.
47. DDOT also supported the Applicant's *Randall School Transportation Management Plan* and recommended that the transportation demand management measures included in the plan be incorporated into the Commission's PUD order.
48. Notwithstanding the DDOT report, Square 463 Associates presented testimony questioning the Applicant's Traffic Impact Study and the failure to adequately study relocation of the loading docks and garage entrance to former 1st Street. It indicated that the proposed loading and parking garage access – the "back of house" operations – currently located on the H Street frontage of the PUD have the potential to negatively impact the PUD approved to the north for Square 643 Associates. Square 463 Associates submitted its own traffic analysis, prepared by O.R. George & Associates, to support its views. O.R. George testified that the Applicant's traffic study may not be reliable with respect to trip generations by students because the study assumed a student body of 9,500, while the Corcoran will only enroll up to 1,000 students.
49. In a supplemental report dated January 4, 2007, DDOT acknowledged that the Applicant's initial traffic study had some shortcomings, but also found that the traffic study had been substantially revised after extensive negotiations with DDOT. Among

other things, the Applicant reconfigured the rear of the building and agreed to dedicate a permanent access easement along the former H Street right-of-way. DDOT also indicated its satisfaction with the liberal mode split used given the Transportation Demand Management commitments made by the Applicant.

50. The Commission finds that the Applicant used the most conservative calculation for student trip generations by assuming an enrollment of 9,500 when projected enrollment will be no more than 1,000 students. If three trips are generated per day for 9,500 students, it is only logical that 1,000 students will generate fewer trips. Nevertheless, in order to address any unforeseen potential impacts to the Square 643 Associates property, and because it used a liberal mode split, the Applicant agreed to certain TDM commitments and other parking and loading restrictions along H Street, as outlined in DDOT's supplemental report. DDOT recommended, and the Applicant agreed, that it was appropriate to incorporate these commitments and restrictions as conditions of this order. The Commission concurs in this recommendation.
51. The only remaining issue was whether relocation of the service access points to 1st Street had been explored sufficiently. While Square 463 Associates is concerned about its proposed building facing the service wing of this PUD, the evidence of record, including the record in Z.C. Case No. 03-30, indicates that greatest truck-loading impacts may be generated by Square 463 Associates itself. Square 463 Associates' project was not required to provide loading facilities, so that any moving van for the building residents will load and unload from the street. In order to minimize any adverse impacts on the Square 463 Associates' project, the Applicant has agreed to provide additional landscaping and design treatment to the north elevation to make it more pedestrian friendly.
52. With respect to studying loading from former 1st Street, the Commission notes that the Applicant owns only 45 feet of the 90-foot former right-of-way. The western half is owned by the District of Columbia and used for parking for the adjacent clinic. The clinic has objected to loading facilities at former 1st Street because they would conflict with the existing parking spaces, and both DDOT and the staff of HPRB opposed such a use of 1st Street. The Commission credits the recommendations of DDOT that the loading facilities can be adequately and safely located along H Street. It finds that additional landscaping, agreed to by the Applicant, will further lessen any adverse impacts that the Square 463 Associates' PUD may experience.

Office of the Deputy Mayor

53. Konrad Schlater represented the Deputy Mayor's Office for Planning and Economic Development and spoke in strong support of the project. He described the city's long history with this parcel and its vision to create an artistic and cultural center in the former Randall Junior High School for local artists, residents and children, and a new residential development on the site with both market-rate and affordable units. He testified that the project is fully consistent with the Comprehensive Plan and the Mayor's goals for the city. He noted that the public benefits – the arts and housing, in particular – are exceptional and rarely seen on this scale, and that the project will provide approximately 80-90 affordable units alone.

ANC Report

54. ANC 6D submitted a letter dated October 16, 2007, in support of the application. The ANC noted that the Applicant had substantially improved the massing and design of the project during the numerous public review processes, and that its benefits package would significantly enhance the quality of the S.W. community. They noted that the Applicants had relocated the loading docks along H Street and agreed to limit this size of delivery trucks to no more than 40 feet, thereby improving vehicular and pedestrian safety. The ANC also supported the project's provision of educational scholarships for Southwest residents, classes and gallery tours for the local community, training for local art teachers and art programs for area public schools. The ANC urged the Commission to approve the Applicant's PUD and map amendment application.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project, "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned

developments which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The residential and academic uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility.
8. Approval of this PUD and map amendment is appropriate because the proposed development is consistent with the present character of the area, and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the application with certain conditions persuasive.
10. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC's recommendation for approval and concurs in its recommendation.
11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for consolidated review and approval of a planned unit development ("PUD") and an application to

amend the Zoning Map from the R-4 to the C-3-C Zone District for the Property, subject to the following guidelines, conditions, and standards:

1. The PUD shall be developed substantially in accordance with the plans prepared by Shalom Baranes Architects, dated October 19, 2007, marked as Exhibit 47 in the record (the "Plans"), and supplemented by drawings submitted December 6, 2007 and December 21, 2007 and marked as Exhibits 60 and 71 in the record, respectively; as modified by the guidelines, conditions, and standards herein.
2. The PUD shall be a mixed-use residential and academic development, as shown on the approved Plans. The PUD shall have a maximum density of 4.32 FAR and a combined gross floor area of no more than 499,843 square feet. Approximately 100,000 square feet of space (76,043 square feet of gross floor area) shall be devoted to the Corcoran College of Art and Design. The PUD shall occupy no more than 65% of Lot 831.
3. The PUD shall retain, rehabilitate, and adaptively reuse the original building and two flanking wings of the historic former Randall Junior High School, which front on I Street, consistent with the recommendations of the D.C. Historic Preservation Review Board.
4. The project shall contain approximately 440-490 dwelling units. The Applicant shall be permitted to adjust the layout and configuration of the units.
5. The maximum height of the building shall not exceed 100 feet. Beginning at the 110-foot level, the penthouse shall be setback from the roof edge a distance equal to its height.
6. The color and type of exterior materials shall include brick masonry, aluminum window mullions, and an exterior metal panel system as shown in "Scheme B" presented by the Applicant to the Zoning Commission at its December 6, 2007 hearing.
7. Twenty percent of the residential units shall be devoted for use by individuals earning no more than 80% of the Area Median Income ("AMI") for the Washington, D.C. Metropolitan Area. The remaining units may be offered at prevailing market rates. These affordable units shall not be isolated in one location in the building but shall be interspersed with the market-rate housing.
8. The Applicant shall offer affordable units to eligible households pursuant to the eligibility, selection, and enforcement provisions to be established under the Inclusionary Zoning ("IZ") process. Where there is any conflict between this PUD Order and the IZ provisions, this PUD Order shall govern. In the event the IZ provisions on eligibility, selection, and enforcement for affordable units are not in effect at the time the units in this PUD are offered for purchase or sale, the Applicant shall work with the Office of Planning to develop alternative provisions and shall file a copy of the alternative plan with the Office of Zoning and the Zoning Administrator.

9. The project shall include a minimum of 393 off-street parking spaces, of which 60 shall be set-aside for use by the Corcoran College of Art and Design.
10. The Applicant shall institute a Transportation Management Plan to include the following:
 - a. The Corcoran College of Art and Design ("Corcoran") shall provide 50 bicycle spaces for students and faculty located on the top level of the parking garage near an entrance/exit. A shower for the cyclists will be provided. The residential component will provide approximately one bicycle storage space for every three units. Additional storage facilities will also be available for purchase. Temporary bicycle parking, consisting of three to five "U racks," will be provided on the street near building entrances.
 - b. The Corcoran will provide shuttle service to accommodate the needs of students and faculty, and one or two parking spaces will be reserved for this service. This service will also be offered to the public. The shuttle drop-off/pick-up location shall not be located on H Street.
 - c. The Corcoran and MR Randall Capital LLC shall reserve two parking spaces on the Property for a car-sharing service, to be located in area that has unrestricted access, such as the former 1st Street right-of-way.
 - d. The Corcoran shall provide a computer lab and printing station for students and administration. The residential building will include a business center that will provide residents access to a copier, fax machine, and Internet service.
 - e. The Corcoran shall post on its website information regarding alternative transportation choices and provide "hotlinks" to CommuterConnections.com and goDCgo.com. The Corcoran will incorporate transit information in the new employee and student orientation information. For the residential building, transit information will be provided to new residents upon move-in.
 - f. To encourage use of public transportation, the Applicant shall provide a SmartTrip card with a value of \$20 to the first owner of each condominium unit, or to the first tenant of each residential unit who signs a one-year lease.
 - g. The Applicant shall designate individuals with the Corcoran and MR Randall Capital LLC to coordinate and implement the transportation demand management commitments and provide those names to DDOT.
 - h. The Applicant shall restrict truck deliveries to weekday off-peak hours and Saturdays only; alternatively the Applicant may engage individuals employed

with the school or condominium, or the delivery service, to monitor the loading and unloading of trucks at the site, and ensure that trucks do not idle on adjacent portions of H Street and Delaware Avenue north of I Street, S.W.

11. The Applicant and the District of Columbia shall enter into an easement agreement whereby the Applicant provides access over its private property in the former H Street right-of-way to the city.
12. The PUD shall devote approximately 6,000 square feet of space on the lower roof level to a "Green Roof" and portions of the upper roof levels will be treated with reflective materials to reduced heat island effects, as shown on Drawing L-4 of the approved plans marked as Exhibit 47 in the record. The Applicant shall include landscaping, streetscape, and open-space treatment for the project as shown on the Plans. Landscaping in the public space on the surrounding public streets shall be in accordance with the Plans, as approved by the Public Space Division of DDOT.
13. Prior to issuance of a building permit, the Applicant shall execute a Memorandum of Understanding with the Department of Small and Local Business Development and submit a copy to the Office of Zoning. The Memorandum of Understanding shall commit the Applicant to achieve, at a minimum, the goal of 35% participation by local, small, and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance and security for the property to be created as a result of the PUD.
14. The Applicants and its general contractor shall execute a First Source Employment Agreement with the Department of Employment Services in order to achieve the goal of utilizing D.C. residents for at least 51% of the jobs created by the PUD. The Applicant shall give residents from the Southwest community special consideration for employment.
15. No building permit shall be issued for this PUD until the Applicant has submitted to the Zoning Division of the Department of Consumer and Regulatory Affairs ("DCRA") evidence demonstrating that the Applicant has purchased, or provided the funding to purchase, the items identified in the community amenities package, marked as Exhibits 49 and 63 in the record.
16. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including the distribution of the residential and academic uses, partitions, structural slabs, doors, hallways, columns, stairways, atrium and mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not materially change the exterior configuration of the building;

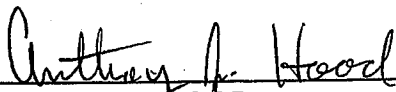
- b. To make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylights, architectural embellishments, and trim, or any other minor changes to comply with the District of Columbia Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals; and
 - c. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, as long as the number of parking spaces does not decrease below the minimum number specified.
17. No building permit shall be issued for this PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Attorney General and DCRA. Such covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Zoning Commission.
18. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three (3) years of the effective date of this Order.
19. The Applicant is required to comply fully with the provisions the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”). This Order is conditioned upon full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On December 10, 2007, the Zoning Commission **APPROVED** the application by a vote of 5-0-0 (Gregory N. Jeffries, Curtis L. Etherly, Jr., Anthony J. Hood, Peter G. May, and Michael G. Turnbull to approve).


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The Order was **ADOPTED** by the Zoning Commission at its public meeting on January 14, 2008, by a vote of 5-0-0 (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Peter May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on MAR 21 2008.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF PLANNING

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., April 12, 2007

Plat for Building Permit of SQUARE S-643 LOT 801

Scale: 1 inch = 50 feet Recorded in Book A&T Page 3419-F

Receipt No. 07033

Furnished to: HOLLAND & KNIGHT


For Surveyor, D.C.

By: L.M.A. 

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

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