Res. 02- 10

ANC 3F RESOLUTION CONCERNING BZA APPLICATION NO. 16857 FOR 4500 WISCONSIN AVENUE, N.W. (SEARS/HECHINGER'S BUILDING)

Advisory Neighborhood Commission 3F
North Cleveland Park and Forest Hills
P.O. Box 39290
Washington, D.C. 20016-9290

RECEIVED
D.C. OFFICE OF ZONING
2002 MAR 26 PM 3:38

WHEREAS, an application has been filed for 4500 Wisconsin Avenue, N.W., requesting a variance for a five-foot increase in height to 70 feet for the proposed residential addition; a variance in onsite recreation space for residential tenants from 29,400 sq. ft. to 9,300 sq. ft., a two-thirds reduction; a variance for reduction of the width of one-way parking lanes from 17' to 14'6"; and a special exception for a 61-space reduction in required retail parking on site (from 211 to 150 spaces); and

WHEREAS, 4500 Wisconsin Avenue, N.W., is located within ANC 3E, but is less than two blocks outside ANC 3F and will be within 200 feet of ANC 3F once redistricting takes effect in the next few months, when the boundary between the ANCs at this location will become Wisconsin Avenue; and

WHEREAS, residents of ANC 3F will be affected by the variances and special exception requested for this building because the building is visible from ANC 3F; the streets of ANC 3F will be used by traffic to and from the retail and residential uses proposed for the building; and residents of ANC 3F have traditionally shopped at stores at this location; and

WHEREAS, on October 15, 2001, ANC 3F passed Resolution 01-22 not objecting to the concept of adding four floors of housing above the historic store, stating that residents of ANC 3F support this plan as "an appropriate way to add new housing to Tenleytown" and believe it to be consistent with the D.C. Comprehensive Plan; and on February 7, 2002, the Historic Preservation Review Board approved the concept of a four-story residential addition on top of the historic store with significant setbacks from Wisconsin Avenue and Albemarle Street; and

WHEREAS, most residents of ANC 3F have not stated they are opposed to the proposed five-foot increase in height, but some have expressed concern that air rights on the roof may be leased or sold for commercial structures, like antennas, not related to the onsite use of residential and retail tenants, as is becoming a common practice on rented residential and commercial buildings, thereby increasing their appearance of height; and

WHEREAS, residents of ANC 3F have asked that at least one parking space be made available for each residential unit to reduce spill-over parking in the neighborhoods; and the plans show 188 parking spaces in parallel, angled, and tandem configuration on the existing roof for 185 apartments (although the text states that there will be 170 parking spaces), and

WHEREAS, using the entire roof for parking limits the amount of space available for recreation on this level, but some space for recreation might be found on the two ramps to the roof marked "not used", in particular the ramp facing Eldbrooke Church; and

BZA
Case No. 16857
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16857
EXHIBIT NO.27

WHEREAS, the parking configuration shows one-way lanes at a width of 14'6" for both residential and retail levels; and

WHEREAS, the Applicant has not provided to ANC 3F a traffic study to show whether the surrounding area can support the traffic generated by the retail uses and 185 residential units proposed and whether the significantly lower number of parking spaces allocated for retail customers on site than required by zoning will be sufficient to accommodate all the customers and keep them from parking on neighborhood streets, although ANC 3F understands the Applicant controls an easement for 100 parking spaces in a parking garage across Wisconsin Avenue; nor has the Applicant divulged the type of retailers that are expected to occupy the building so that the ANC can determine whether customers are likely to travel on foot, by subway, or by car;

NOW THEREFORE BE IT RESOLVED THAT: ANC 3F does not object to a five-foot variance in height for the residential portion of the building provided that the variance is conditioned on an agreement that the Applicant not lease or sell air rights above the site without first obtaining approval from the residential tenants and the ANC(s); and

BE IT FURTHER RESOLVED THAT: ANC 3F recommends that the Applicant explore using the unused ramps to the roof for recreational purposes, such as for an exercise course or for terraced plantings and walkways (subject to HPRB approval), in order to increase the recreational uses available for residents and to improve air quality; and

BE IT FURTHER RESOLVED THAT: ANC 3F recommends that the variance for the width of the one-way parking lanes, which could be an impediment to access by emergency vehicles, be conditioned on approval from the Fire Marshall; and

BE IT FURTHER RESOLVED THAT: ANC 3F recommends the Applicant prepare a traffic study to determine (1) whether the road system can absorb traffic from 185 residential units and three retailers; (2) whether the parking is adequate for prospective residents and customers, considering the type of stores planned and pedestrian and public transit access; and (3) whether adjustments should be made to traffic signals and patterns surrounding the site to mitigate any adverse impacts from the development, to ensure pedestrian safety, and to improve traffic management; and

BE IT FURTHER RESOLVED THAT: Commissioner Cathy Wiss be appointed to represent ANC 3F at the hearing before the Board of Zoning Adjustment.

Approved by a vote of 5-1-0 at a duly noticed public meeting on March 18, 2002, with a quorum present.

Cathy Wiss

Cathy Wiss, Chair

David J. Bardin, Secretary

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2002 MAR 26 PM 3:59

ANC3E
Resolution

6857

Whereas: **The property located at 4500 Wisconsin Avenue N.W. is within the boundary of ANC3E.**

Whereas: **The property is improved with an approximately 186,000 square foot building built in 1941 by Sears Roebuck and Company. The building is a designated historic landmark in the D.C. Inventory of Historic Sites.**

Whereas: **The building was sold by Sears to Hechinger's which operated the store as a Home Center Department Store which closed in late 1999. Hechinger's made significant changes to the building necessary for the operation of a Home Center. Those changes have detracted from its original appearance. The building now remains in that altered condition and is vacant.**

Whereas: **The current property owner is proposing to convert the property to a mix of multiple retailers and residential housing through the addition of a four story residential structure above the existing building. The project is consistent with the comprehensive plan, which calls for increased residential density at the Tenleytown Metro Station. The owner has involved the community in the process of identifying tenants and planning the future of the property. The current plan has been presented at public meetings of the ANC, reviewed by the commissioners and a committee of interested citizens. The current plan has the benefit of input from both the community and the Historic Preservation Review Board. The plan as approved by the Historic Preservation Review Board has significant setbacks from both Wisconsin Avenue and Albemarle Street and a height of seventy feet.**

Whereas: **The proposed project provides more total parking on site than currently provided on site or that which would be required under zoning. The impact neighborhood street parking will be less than that of a 186,000 square foot department store. The proposed plan provides rooftop parking, accessed from Albemarle Street, a residential street, to be allocated and used only for the residential units. That number of spaces is in excess of the zoning requirement. The parking in the basement, accessed from River Road, a main artery, will be allocated only for the retail portion.**

Whereas: **The project will provide 9,300 square feet of recreational. This reduction from the required 29,400 square feet is supported by market conditions and is consistent with recent District of Columbia BZA precedents.**

Be It Resolved:

1. **The Commissioners of ANC3E support the property owner's request for a variance to allow a building height for the property of seventy feet (an increase of five feet).**

2. **The Commissioners of ANC3E support the Property Owner's request for a variance from the minimum parking isle width.**

3. **The Commissioners of ANC3E support the Property Owner's request for a variance to permit a reduction in recreational space to 9,300 square feet as opposed to the 29,400 square feet required under the current zoning.**

4. **The Commissioners of ANC3E support the Property Owner's request for a special exception to allow the parking to be allocated as proposed.**

APPROVED 5-0 AT PUBLIC MEETING HELD MARCH 14, 2002

Thomas A. DiBiase, Secretary

HQ Acquisition LLC

March 26, 2002

RECEIVED
D.C. OFFICE OF ZONING
2002 MAR 26 PM 4:00

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210 South
Washington, D.C. 20001

Re: BZA Case No. 16857 - 4500 Wisconsin Avenue, N.W., Pending Request for Authorization to Rescind Covenant before the Zoning Commission

To the Board of Zoning Adjustment:

HQ Acquisition, LLC, the owner of 4500 Wisconsin Avenue, N.W. (the "Property"), is enclosing materials to supplement its application in BZA Case Number 16857. The materials are as follows:

1. Revised architects materials, including site plan, zoning tabulations, site survey, floor plans, building elevations and building sections. These have been updated to reflect project development and refinement of the residential program since our application. While the exterior set-backs and exterior profile of the building are unchanged, the interior courtyard has been modified slightly, increasing in length by ten feet, and decreasing in width by five feet. The revised courtyard size is still well above zoning requirements.

Also, the project's proposed residential FAR has increased approximately 4%, with the overall FAR (for both the residential and retail components) reduced slightly. Correspondingly, the residential recreation space that is required has increased 1,160 square feet, and recreational space that is being provided under the proposal has increased 600 square feet. It should be noted that while the proposed landscaped walkway leading up to the rooftop level from Wisconsin Avenue does not meet the technical requirement for recreational space, as it is too narrow, it will provide excellent pedestrian access and public space for the residents.

2. A letter from Louis J. Slade, Vice President of Gorove/Slade Asssociates, Inc., indicating that the traffic impact of the proposed development would actually be less than the previous active use.

In addition to the materials supplementing our application that are enclosed with this letter, we are writing to inform the BZA that on February 28, 2002, we submitted a request to the Zoning Commission to authorize the District of Columbia to rescind a covenant pertaining the Property that was entered into in 1940 with the old Board of Commissioners for the District of Columbia (copy attached). In submitting the request, we have worked with the Zoning Administrator, who has provided a no-objection letter to the rescission request. The Zoning Administrator has requested that the matter be made public at the BZA hearing set for April 9.

Accordingly, we are including a copy of the rescission in the public file for the BZA hearing, but are not requesting that the Board take any action with respect to the covenant.

We look forward to the hearing and answering any questions you might have about our application. Thank you very much for your help on this important project.

Sincerely,

Richard Lake for
HQ Acquisition, LLC

Enclosures

7504-337

No. 24285 Recorded August 2, 1940 at 11:12 A. M.

337

A G R E E M E N T

This agreement made and entered into on the 30th day of July, 1940 between Sears, Roebuck and Company, a corporation, of Chicago, Illinois, (hereinafter referred to as "Company") and M. C. Hazen, John Russell Young and D. McCoach, Jr., and their successors, the Board of Commissioners of the District of Columbia, witnesseth that,

Whereas the Company is the owner in fee simple of Parcels 35/250, 35/282, 35/409 and 35/410 in square 1730 in the District of Columbia; and

Whereas theCompany desires and intends to construct on the land in said Parcels a building to be used in connection with its business; and

Whereas, application has been made to the Zoning Commission of the District of Columbia to change the zoning of Parcel 35/410 from "Residential 'A' Restricted" to "First Commercial"; and

Whereas the Zoning Commission has entered an order to so change the zoning of parcel 35/410 provided certain conditions are complied with, one of which therein is that the owner of said parcel shall enter into this covenant.

Now, Therefore, in consideration of the change of zoning by the Zoning Commission of the District of Columbia of parcel 35/410 from "Residential 'A' Restricted" to "First Commercial" and the zoning to "First Commercial" of the alley immediately east of said Parcel, the Company, for itself, its successors and assigns, covenants and agrees:

1. That said building will be constructed in accordance with architectural plans and elevations approved by the Zoning Commission, and

2. That no change in any entrance or exit and no addition to said building shall be made without the consent of the Zoning Commission thereto.

It is understood and agreed that this covenant runs with the land.

E. Beban
Asst Secy

M. C. Hazen (Seal)
M. C. Hazen

M. Olouser
Asst Secy

John Russell Young (Seal)
John Russell Young

M. Olouser

D. McCoach, Jr. (Seal)
D. McCoach, Jr.

- - - - - - - - -

(Corporate Seal)

Sears, Roebuck and Company

By G. B. Hattersley (Seal)
Vice President

Attest: C. E. Humm
Secy

- - - -

District of Columbia, ss:

I, Adam A. Giebel a Notary Public in and for the District of Columbia, do hereby certify that M. C. Hazen, John Russell Young and D. McCoach, Jr., Commissioners of the District of Columbia, parties to a covenant bearing date of July 30th, 1940 and hereto annexed, personally appeared before me in said District, the said M. C. Hazen, John Russell Young and D. McCoach, Jr., being personally well known to me as the persons who executed said covenant and acknowledged the same to be their act and deed.

Walter P. Raymond Agents Oct. 8, 1940.

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2007 MAR 26 PM 4:00

Given under my hand and seal this 2nd day of August, 1940.

(Notarial Seal)

Adam A.Giebel
Notary Public, D. C.

My commission expires Sept. 15, 1944

- - - -

State of Illinois
County of Cook, ss:

I, Carter D. Peebles a Notary Public in and for the State of Illinois, County of Cook, do hereby certify that G. B. Hattersley of Sears, Roebuck and Company, party to a covenant bearing date of July 30, 1940 and hereto annexed, personally appeared before me in saidState and County, the said G. B. Hattersley being personally well known as the persons who executed said covenant and acknowledged the same to be his act and deed.

Given under my hand and seal this 30th day of July, 1940.

(Notarial Seal)

Carter D. Peebles
Notary Public

My commission expires November 9, 1942.

NMH

GOROVE/SLADE ASSOCIATES, Inc.
Suite 700 / 1140 Connecticut Ave. NW / Washington, DC 20036
Phone: (202) 296-8625
Fax: (202) 785-1276
Toll Free: (888) 212-4242

October 16, 2001

Richard Lake
Madison RETAIL Group
1815 Pennsylvania Ave. NW
Eighth Floor
Washington D.C. 20006

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D.C. OFFICE OF ZONING
2002 MAR 26 PM 4:00

Subject: Comparison of Traffic Generation for 4500 Wisconsin Avenue

Dear Richard:

This letter summarizes a preliminary estimate of the traffic generation characteristics of the Madison RETAIL Group proposal for 4500 Wisconsin Avenue as compared with other possible development scenarios.

Madison is proposing a mixed use development with approximately 88,000 square feet of retail space and 180 apartment units. The retail portion of this program will consist of three or four specialty tenants.

I have compared the hypothetical weekday and Saturday peak hour traffic generation of this development program with the hypothetical traffic that was generated when the property was a Sears store, and when it was a Hechingers store. I have also compared your proposed use of the property with a hypothetical "department store" of 88,000 square feet, and a hypothetical building materials/lumber store of that size (this is very similar to the Hechingers scenario).

First, I will comment on the residential component of your program. Studies have shown that residential located adjacent to Metrorail generates the highest utilization of public transportation compared with other land use categories. Our recent work on apartment residential projects in the city has shown that the profile of the apartment tenants in your project will include relatively low levels of auto ownership. Of those who own automobiles, most store them during the week and commute by public transportation. Thus, the residential component will generate very low levels of traffic during the commuter peak hours. During the remainder of the week, the apartment dwellers' auto traffic will consist of relatively low levels of demand spread out over the non-peak time periods.

GOROVE/SLADE ASSOCIATES, Inc.
Suite 700 / 1140 Connecticut Ave. NW / Washington, DC 20036
Phone: (202) 296-8625
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The traffic generation characteristics of "specialty retail" tenants also has a relatively low impact compared with other retail categories. Specialty tenants are often not open until 10 a.m. so there is no impact on weekday morning commuter traffic. Discretionary trips to these retailers are usually not impulse trips and they are planned to avoid traffic peaks. These retailers usually do not attract large crowds for sales. They do tend to attract their peak traffic during the holiday shopping seasons but these traffic peaks do not coincide with commuter traffic peaks.

By comparison with the old Sears and Hechingers stores (or a new building materials/lumber home improvement store), your proposed mixed use development will generate significantly less traffic. The Sears was a large store with a high number of employees who arrived at work during the commuter peak and the shopper traffic was significantly higher than your specialty category of retailers. The Hechingers store generated heavy contractor traffic during the weekday morning peak, light traffic during the weekday evening peak, and heavy home and apartment owner traffic on weekends.

I used Institute of Transportation Engineers trip generation rates to estimate the baseline traffic that each of the several scenarios I analyzed. This was done to get order-of-magnitude comparisons between the scenarios. Adjustments for mode choice and pass-by trips (impulse stops by commuters passing the site) would reduce the ITE-based estimates. Here are the general conclusions of these preliminary calculations;

- The traffic generated during the weekday morning commuter peak hour by the alternative scenarios (Sears store, building materials/lumber, or other single use "department" store) would be at least two times and as much as five times more than the Madison proposal.

- The traffic generated during the weekday evening commuter peak hour by a single use "department" store would be at least 1.2 times to 2.6 times more than the Madison proposal.

- The traffic generated during the weekday evening commuter peak hour by a building materials/lumber store would be significantly less than the Madison proposal.

- The traffic generated during the Saturday peak hour by the alternative scenarios (Sears store, building materials/lumber, or other single use

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"department" store would be at least 2.5 times and as much as five times more than the Madison proposal.

Thus, the Madison REALTY Group proposal would have significantly less impact than any of the scenarios we examined with the one exception being the building materials/lumber use which generates very low traffic during the weekday evening commuter peak hour.

Best regards,

Louis J. Slade, PE

Vice President



PROJECT : 4500 WISCONSIN AVENUE

DEVELOPER : ROADSIDE DEVELOPMENT, L.L.C.

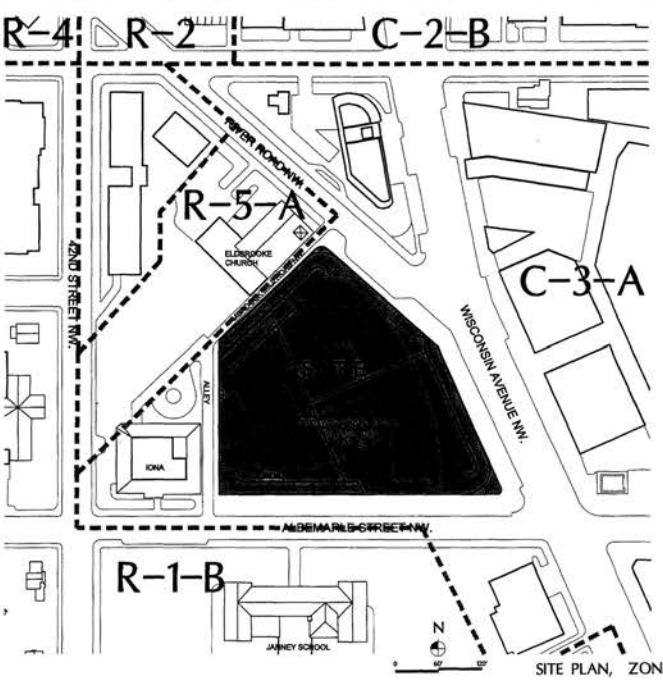
ARCHITECT : SHALOM BARANES ASSOCIATES

BZA SET – MARCH 26, 2002

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DRAWING INDEX

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SITE PLAN, ZONING

ZONING INFORMATION

ZONE: C-3-A
SQUARE: 1730(LOT 15)
TOTAL SITE AREA: 95,131 sf

ZONING REGULATION	ALLOWED / REQUIRED	PROVIDED
HEIGHT (2)	***65'***	***70'***
FAR		
Residential (3)	4.0	2.92
Commercial	2.5	0.89
Total FAR	4.0	3.81
LOT OCCUPANCY %		
Level 1	-	-
Level 2	75 %	68 %
Level 3-6	75 %	54 %
REAR YARD (4)	15'-3"	45' Min.
COURT 1 - closed		
Width	18'-10"	73'
Area (2xsq of width, 350 sf min)	709 sf	7,000 sf
COURT 2 - open (4"/ft - 15' min)		
Width	18'-10"	65'
COURT 3 - open		
Width	18'-10"	58'
COURT 4 - open		
Width	18'-10"	40'
COURT 5 - open		
Width	18'-10"	213'
COURT 6 - open		
Width	18'-10"	203'
RESIDENTIAL RECREATION SPACE(5)		
Total Residential Rec. Space	30,560 sf	***9,900 sf***
Outdoor Residential Rec. Space	15,280 sf	***9,100 sf***
SIDE YARD	-	-
PARKING (6)		
Residential	No Additional Required Per 2100.5	170 spaces
Retail	211 (Existing)	*150 spaces **
Total	211	320 spaces
Parking Aisle(one-way)	***17'-0"***	***14'-6"***
LOADING (7)		
Residential	No Additional Required Per 2200.5	1-30' BERTH
Retail	No Additional Required Per 2200.5	1-30', 4-55' BERTH

NOTES:
* REQUIRES A SPECIAL REDUCTION PER SECTION 2107.1
1 - ITEMS IN "PROVIDED" COLUMN IN ***BOLD, ITALIC*** TEXT REQUIRE A VARIANCE.
2 - THE MEASURING POINT FOR THE BUILDING HEIGHT IS TAKEN ON THE MID-POINT OF ALBEMARLE STREET FRONTAGE.
3- 0.68 FAR OF THE TOTAL RESIDENTIAL FAR CONSISTS OF ABOVE GRADE RESIDENTIAL PARKING ON LEVEL 3.
4 - THE REAR YARD IS MEASURED TO THE CENTERLINE OF THE STREET WHICH THE REAR OF THE BUILDING FRONTS ON. IN THIS CASE, RIVER ROAD.
5- THE RESIDENTIAL REC SPACE NUMBER DOES NOT INCLUDE THE PROPOSED LANDSCAPED RAMP AREA ON WISCONSIN AVE WHICH ADDS AN ADDITIONAL 2,600 SF FOR A TOTAL OF 12,500 SF.
6 - THE EXISTING BUILDING CONTAINS 113 ROOFTOP, 98 B1 FOR A TOTAL OF 211 RETAIL PARKING SPACES.
7 - THE EXISTING BUILDING CONTAINS 2 - 55' BERTHS, 1- 30' BERTH.

4500 WISCONSIN AVENUE

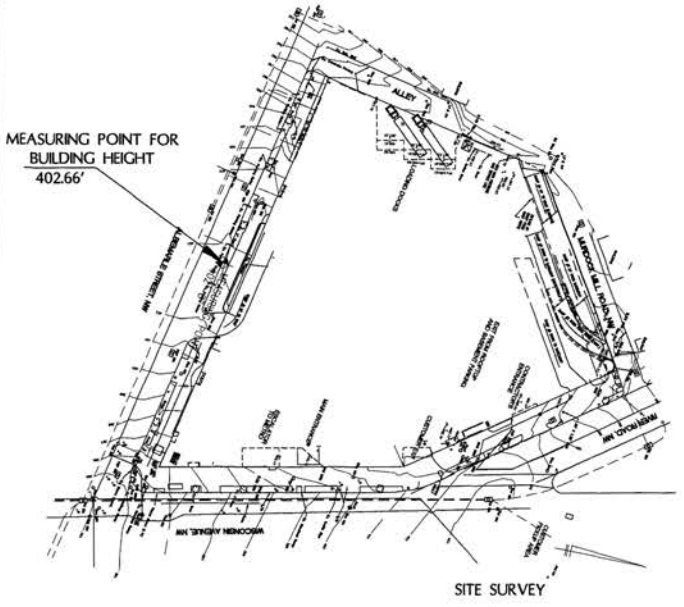
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SITE PLAN, ZONING TABULATING

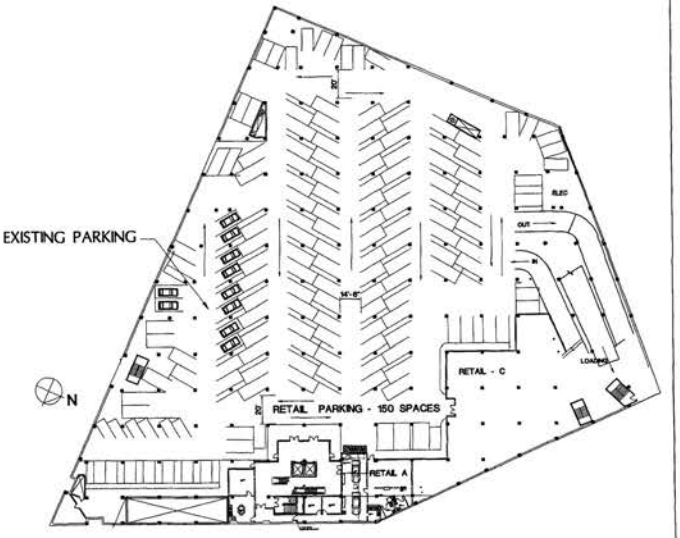
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A-1.0



SITE SURVEY



B1 LEVEL PLAN : EL 387.5'

GENERAL NOTE

THE EXTERIOR ELEVATIONS, INCLUDING DOOR AND WINDOW SIZES AND LOCATIONS, THE INTERIOR PARTITION LOCATIONS, THE NUMBER, SIZE AND LOCATION OF RESIDENTIAL UNITS, STAIRS AND ELEVATORS IS PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. THE TOTAL NUMBER OF PARKING SPACES WILL BE AS SHOWN ON THE PLANS, WHILE THE NUMBER OF COMPACT SPACES WILL BE APPROXIMATELY 40% OF THE TOTAL.

4500 WISCONSIN AVENUE

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SITE SURVEY, B1 LEVEL PLAN

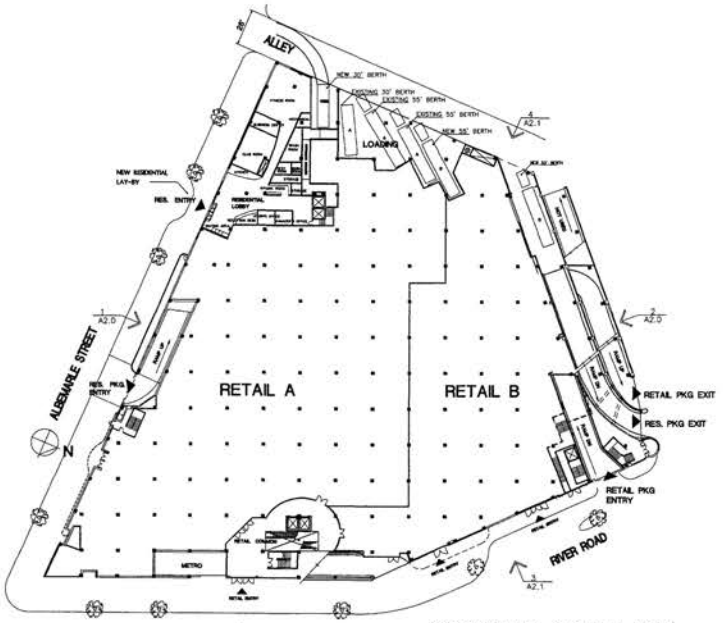
BZA SET – MARCH 26, 2002

SHALOM BARANES ASSOCIATES

N

0 30' 60'

A-1.1



GROUND LEVEL PLAN : EL 400.0'



SECOND LEVEL PLAN : EL 417.0'

GENERAL NOTE

THE EXTERIOR ELEVATIONS, INCLUDING DOOR AND WINDOW SIZES AND LOCATIONS, THE INTERIOR PARTITION LOCATIONS, THE NUMBER, SIZE AND LOCATION OF RESIDENTIAL UNITS, STAIRS AND ELEVATORS IS PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. THE TOTAL NUMBER OF PARKING SPACES WILL BE AS SHOWN ON THE PLANS, WHILE THE TOTAL NUMBER OF COMPACT SPACES WILL BE APPROXIMATELY 40% OF THE TOTAL.

4500 WISCONSIN AVENUE

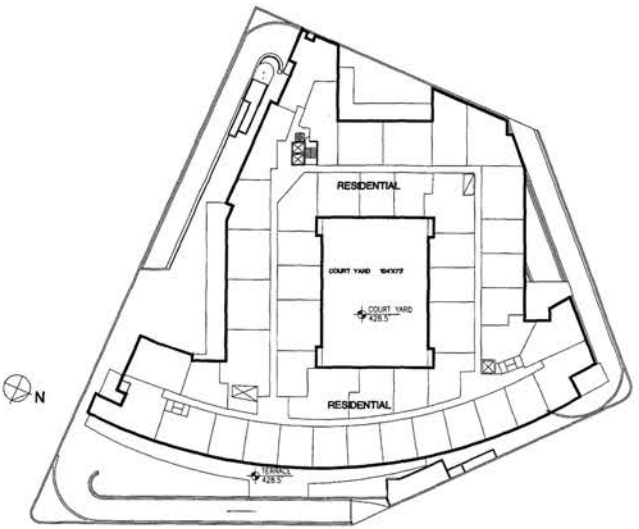
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GROUND LEVEL, SECOND LEVEL PLAN

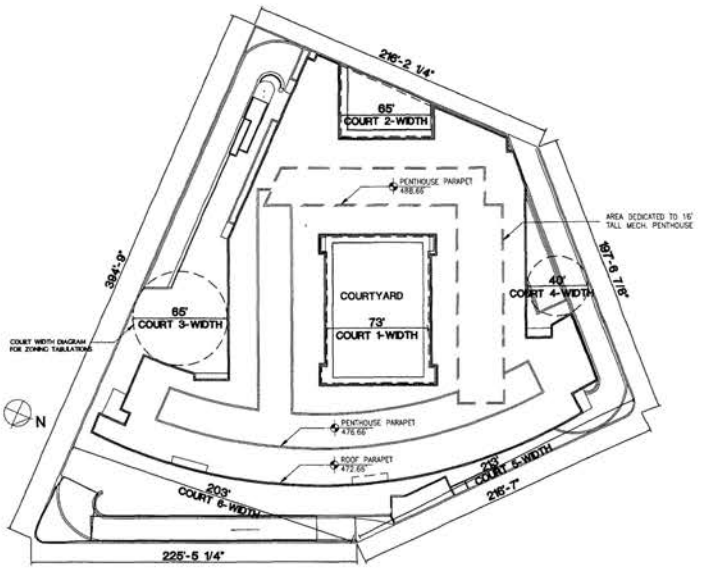
BZA SET - MARCH 26, 2002

SHALOM BARANES ASSOCIATES

A-1.2



TYPICAL FLOOR PLAN : EL 428.5', 438.75', 449.0', 459.25'



ROOF PLAN : EL 472.66'

GENERAL NOTE

THE EXTERIOR ELEVATIONS, INCLUDING DOOR AND WINDOW SIZES AND LOCATIONS, THE INTERIOR PARTITION LOCATIONS, THE NUMBER, SIZE AND LOCATION OF RESIDENTIAL UNITS, STAIRS AND ELEVATORS IS PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. THE TOTAL NUMBER OF PARKING SPACES WILL BE AS SHOWN ON THE PLANS, WHILE THE NUMBER OF COMPACT SPACES WILL BE APPROXIMATELY 40% OF THE TOTAL.

4500 WISCONSIN AVENUE

WASHINGTON, D.C.

TYPICAL LEVEL, ROOF PLAN

BZA SET - MARCH 26, 2002

SHALOM BARANES ASSOCIATES

0 30' 60'

N

A-13



1 ALBERMARLE STREET ELEVATION



2 NORTHWEST ELEVATION

4500 WISCONSIN AVENUE

WASHINGTON, D.C.

ELEVATIONS

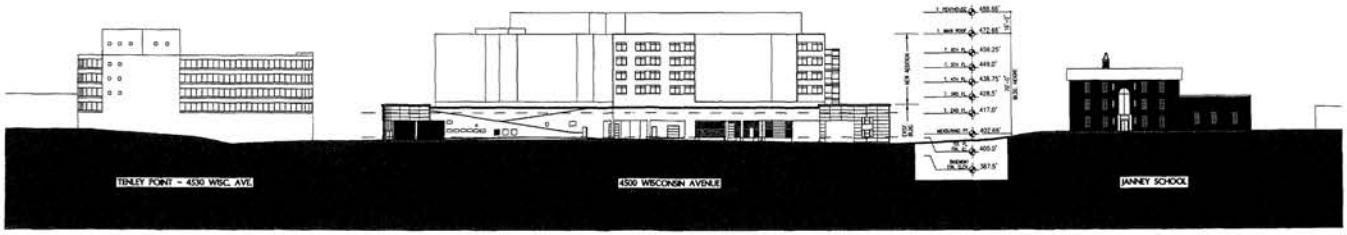
BZA SET - MARCH 26, 2002

SHALOM BARANES ASSOCIATES

A-2.0



3 RIVER ROAD/ WISCONSIN AVENUE ELEVATION



4 WEST ELEVATION

4500 WISCONSIN AVENUE

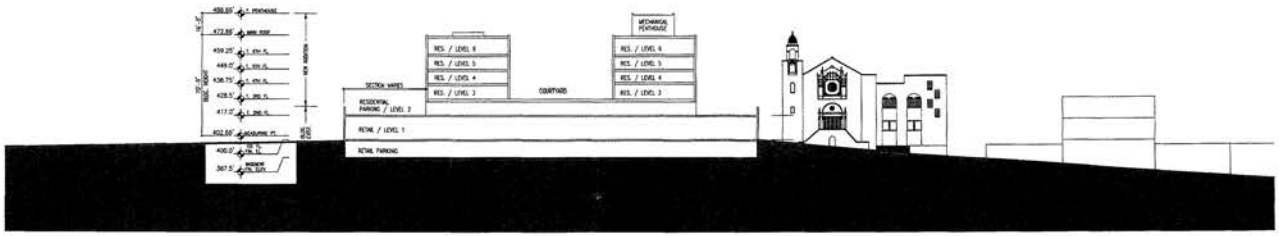
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ELEVATIONS

BZA SET - MARCH 26, 2002

SHALOM BARANES ASSOCIATES

A-2.1



4500 WISCONSIN AVENUE

WASHINGTON, D.C.

NORTH/ SOUTH BUILDING SECTION

BZA SET - MARCH 26, 2002

SHALOM BARANES ASSOCIATES

A-3.0