



August 20, 2018

**Meridith H. Moldenhauer**

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Frederick L. Hill, Chairperson  
Board of Zoning Adjustment  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**RE: BZA Application for Heights Holdings LLC  
Lots 95-96 and 98-99, Square 2841 – Application for Special Exception Relief**

Chairperson Hill and Honorable Members of the Board:

Please accept for filing the enclosed application of Heights Holdings LLC (the “Applicant”). The Applicant requests special exception relief under the rear yard requirements of Subtitle G § 405.2 and under the parking requirements of Subtitle C § 701.5 to convert existing residential buildings into a 26-unit, four-story apartment building with cellar level and conforming penthouse.

The application package includes the following materials:

1. Application Form;
2. Fee Calculator Form;
3. Statement of the Applicant;
4. D.C. Zoning Map;
5. Architectural Plans & Elevations;
6. Authorization Letter(s);
7. Form 135 – Zoning Self-Certification;
8. Statement of Existing and Intended Use;
9. Certification of Proficiency;
10. List of Names and Mailing Addresses of Owners within 200 Feet;
11. Surveyor’s Plat(s);
12. Subdivision Plat;
13. Statement of Community Outreach;
14. Summary of Witness Testimony;
15. Photographs of the Property; and
16. Certificate of Service for the Office of Planning and ANC.

We believe that the application is complete and acceptable for filing, and request that the Board schedule a public hearing for the application as soon as possible. If you have any questions, please do not hesitate to contact me on behalf of the Applicant.

Thank you for your attention to this application.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'MM', with a horizontal line extending to the right.

By: Meredith Moldenhauer

## Certificate of Service

I hereby certify that on this 20th day of August, 2018, a copy of this Application with attachments was served, via email, as follows:

District of Columbia Office of Planning  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[planning@dc.gov](mailto:planning@dc.gov)

District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003  
[Anna.chamberlin@dc.gov](mailto:Anna.chamberlin@dc.gov)

Advisory Neighborhood Commission 1A  
c/o Kent Boese, Chairperson  
[1A08@anc.dc.gov](mailto:1A08@anc.dc.gov)

Advisory Neighborhood Commission 1A07  
c/o Sharon Farmer, SMD Commissioner  
[1A07@anc.dc.gov](mailto:1A07@anc.dc.gov)



Meridith H. Moldenhauer

**BEFORE THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF  
HEIGHTS HOLDINGS LLC**

**ANC 1A**

**STATEMENT OF THE APPLICANT**

**I. NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of the Applicant, Heights Holdings LLC (the “Applicant”), the owner of the property located at 3331 & 3333 11th Street NW and 1032 & 1034 Park Road NW (Square 2841, Lots 95-96, 98-99) (the “Property”) in support of its application for special exception relief pursuant to 11 DCMR Subtitle X § 901.2, for parking relief under Subtitle C § 701.5, and rear yard relief under Subtitle G § 405.2.

**II. JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

**III. BACKGROUND**

**A. The Property and the Surrounding Neighborhood**

The Property is comprised of four contiguous lots (Lots 95-96 and 98-99) on Square 2841 in the MU-4 Zone District. A copy of the zoning map is attached at **Exhibit A** and a copy of a Subdivision plat from 1912 is attached at **Exhibit B**. The Property contains 5,574 square feet of land area and is currently improved with two-story attached residential buildings on each lot.

The Property is located in the Columbia Heights neighborhood. It is irregularly-shaped and is generally bounded by Park Road NW to the north, a residential building on Lot 872 to the east, a residential building on Lot 94 to the south, and 11<sup>th</sup> Street NW to the west as well as a restaurant on Lot 97. The portion of the Property comprising Lot 95 features a 3.75 foot-wide

pipestem leading to an approximately 15 foot-wide alley to the south. All four lots which comprise the Property do not currently provide off-street parking. The Property is not located in a historic district, nor are any of the existing buildings landmarked.

### **B. Traffic Conditions and Mass Transit**

The Property has superb mass transit options. Both the Georgia Avenue/Petworth and Columbia Heights Metro Stations are less than one-half mile from the Property. Metrobus lines 64 and H8 are at the intersection of 11<sup>th</sup> Street NW and Lamont Street NW, one tenth of a mile from the Property, and the 63 line is located at the corner of Park Road NW and Sherman Avenue NW, also 0.1 miles away. There is a Capital Bikeshare station at Kenyon Street NW and 11<sup>th</sup> Street NW, which is only 0.1 miles from the Property. A second bikeshare station is located 0.2 miles away on Park Road NW to the west, and a third is located 0.4 miles away near the Columbia Heights Metro Station. Walkscore.com indicates that the area is a “Walker’s Paradise” with “Excellent Transit” and is “Very Bikeable.”

### **C. The Project**

The Applicant proposes to raze the existing residential buildings, combine the four lots into a single record lot, and construct a four-story, 26-unit apartment building with cellar level and compliant penthouse on the Property (the “Project”). The height of the Project will rise to no greater than 50 feet as permitted in the MU-4 Zone. As shown on the Plans at **Exhibit C** (the “Plans”), the Applicant proposes to create a residential entry at the front of the building along 11<sup>th</sup> Street NW. Two bays will project four feet into public space along 11<sup>th</sup> Street NW on each of the four floors. Five units are proposed to be located in the cellar level, five units on the first floor, six units on the second and third floors, and four units on the fourth floor. The penthouse will

contain the upper levels of the fourth-floor units. In the rear, another residential entry point is proposed which can be accessed via the pipestem portion of the Property leading from the alley.

Due to the odd shape and constrained nature of the Property, no parking is proposed to be provided on-site. Consequently, zoning relief from Subtitle C § 701.5 is requested, which requires that four parking spaces be provided for the 26 units.<sup>1</sup> Note that pursuant to Subtitle C § 702.1(a), the Property is entitled to a 50% reduction in the parking requirement, due to its location less than 0.5 miles from a Metro Station. Therefore, the requirement is decreased from seven to four parking spaces.

Similarly, the odd shape and configuration of the Property also constrains the ability of the Applicant to provide the rear yard setback requirement of 15 feet. Subtitle G § 405.2. Given the front is located along 11<sup>th</sup> Street NW, the required rear yard would create a 15-foot wide gap along Park Road NW. In an effort to preserve the residential streetwall, the Project proposes to abut the adjacent building to the east at 1030 Park Road NW for a segment of the rear lot line measuring 40.5 feet. Additionally, a rear yard measuring 10 feet in width is provided for more than 50 feet along the rear lot line. As a result, rear yard relief is sought. In the MU zones, rear yard relief must be found to meet the conditions contained in Subtitle G § 1201.1. The Applicant meets the standard for special exception relief for parking and rear yard as outlined below.

#### **IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW**

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

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<sup>1</sup> Parking requirement is calculated as follows:  $26 - 4 = 22$ ;  $22/3 = 7.33 \rightarrow 7$  spaces \* 50% reduction for proximity to Metro Station =  $3.5 \rightarrow 4$  spaces

- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

**V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF**

**A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps**

The Project will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The purposes of the MU-4 Zone are, among other things, to permit moderate-density mixed-use development, housing, and have access to main roadways or rapid transit stops. Subtitle G §§ 400.3(a)-(c).

The Project aligns with these intentions, as the relief will allow the Applicant to construct a four-story apartment building in a neighborhood with other moderately-scaled buildings. Further, the Project will advance the important goal of increasing the housing supply in the District by delivering 26 new dwelling units, including Inclusionary Zoning (“IZ”) units, pursuant to the requirements of Subtitle C § 1001.2. Also, as discussed earlier, the Property has nearby access to

several public transportation modes and is located near a prominent intersection in the vibrant Columbia Heights neighborhood.

For these reasons, the relief is harmonious with the general purpose and intent of the Zoning Regulations and maps.

**B. The Proposed Relief will not tend to Adversely Affect the Use of Neighboring Property**

The use of neighboring properties includes a cluster of a half-dozen retail, service, and restaurant uses at the intersection of 11<sup>th</sup> Street NW and Park Road NW, as well as numerous apartment houses of varying sizes in the immediate area. These uses will not tend to be adversely affected by the Project. To the contrary, the Project will complement the surrounding character of the neighborhood by proposing an elegantly-designed, attractive building that provides patrons for its local small businesses. Further, the Project's proposed height and massing are consistent with the zone's protections.

The Project's location near the intersection of two main roadways and easy walking distance to numerous shopping and dining destinations encourages residents to patronize local businesses by foot and not by automobile. Moreover, convenient public transportation options will give residents excellent alternatives to car ownership and usage, thereby reducing parking impacts in the vicinity. Accordingly, the Project satisfies the requirements of the special exception regulation, and the burden has been met.

**C. The Project Satisfies the Special Conditions of Subtitle C § 703.2 in Connection with Parking Relief**

*703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:*



*(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*

The Property qualifies for special exception relief pursuant to Subtitle C § 703.2 in complying with Subsection (a). While other subsections may apply to the Property, only one special exception standard needs to be met. Here, the Property possesses two physical constraints that prevent the Applicant from providing the required number of parking spaces on-site. First, the Property shape and configuration on the Square provides insufficient alley access. According to the subdivision plat provided at **Exhibit B**, Lot 95's pipestem measures only 3.75 feet in width at the point it meets the public alley. This width is inconsistent with the driveway access requirements of Subtitle C § 711.3(b). Furthermore, a vehicle could not access the Property from this limited alley connection.

Second, the Property has no curb cuts. The District Department of Transportation's ("DDOT") best practices restrict the creation of new curb cuts for the provision of private parking<sup>2</sup> and when permitted, severally curtail the location at which curb cuts can be provided.<sup>3</sup> Given the Property's close proximity to the intersection of 11<sup>th</sup> Street NW and Park Road NW, the granting of a curb cut would be highly unlikely. Further, the Applicant does not own any property within 600 feet of the Property that could provide the required parking spaces. Based on the above justification, the Property meets the condition in subsection (a) to qualify for special exception review, and, as articulated above, meets the general special exception standard.

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<sup>2</sup> Curb cut general requirements: DDOT Design and Engineering Manual (2017), pg. 31-7

<sup>3</sup> Residential curb cut requirements: DDOT Design and Engineering Manual (2017), pgs. 31-10 through 31-13

**D. The Project Satisfies the Special Conditions of Subtitle G § 1201.1 in Connection with Rear Yard Relief**

*1201.1 The Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, provided:*

*(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;*

The Project fronts upon 11<sup>th</sup> Street NW, and has a side yard that fronts upon Park Road NW, as shown in the plans at **Exhibit C**. A portion of the Project is attached to the neighboring buildings to the immediate west, east, and south. Consequently, there are no windows in these locations. Rear windows oriented parallel to the rear lot line are not located directly in front of another building. Many of the windows face the blank wall of the adjacent building at 1030 Park Road NW. A few of the eastward-facing windows at the southern end of the Property would be located approximately 43 feet from the building located at 1026 Park Road NW, in conformance with the condition.

*(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;*

The Project is residential in nature and so no office windows are proposed.

*(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;*

The Property, though oddly-shaped, provides for a Project that is generally parallel to adjacent buildings. The front of the Project along 11<sup>th</sup> Street NW is oriented alongside neighboring buildings to the north and south, while the side of the Project along Park Road NW is oriented alongside neighboring buildings to the east and west. Meanwhile, the rear of the Project has been carefully designed so as to limit the angle of sight lines between habitable rooms on the Property and neighboring buildings.

*(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and*

Parking relief amounting to four spaces is requested due to the constraints of the Property, as discussed earlier. The Project contains fewer than 50 dwelling units and so no loading is required.

*(e) Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.*

A copy of the application has been submitted to the Office of Planning and District Department of Transportation for review, and the Housing Authority will be notified of the application pursuant to the public notice requirements of Subtitle Y § 402.1(f). The Property is not located in a historic district, nor is a landmark involved.

## **VI. COMMUNITY OUTREACH**

Pursuant to Advisory Neighborhood Commission (ANC) 1A's procedures and guidelines, the Applicant will contact ANC 1A shortly after the application is filed. The Applicant will present to ANC 1A at the next available public meeting.

## **VI. CONCLUSION**

For the reasons stated above, the Project meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant the application.

Respectfully Submitted,

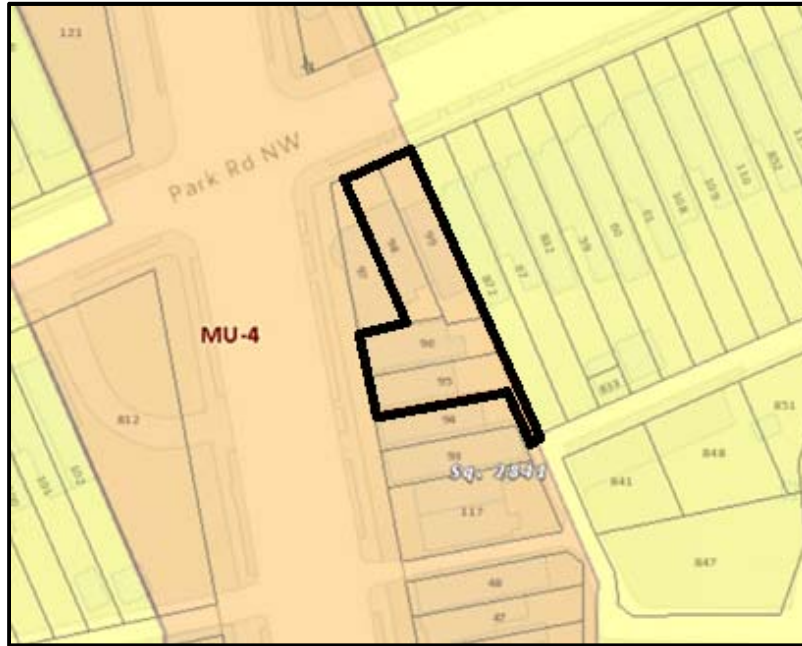
COZEN O'CONNOR



Meridith H. Moldenhauer  
1200 19<sup>th</sup> Street NW  
Washington, DC 20036

# EXHIBIT A

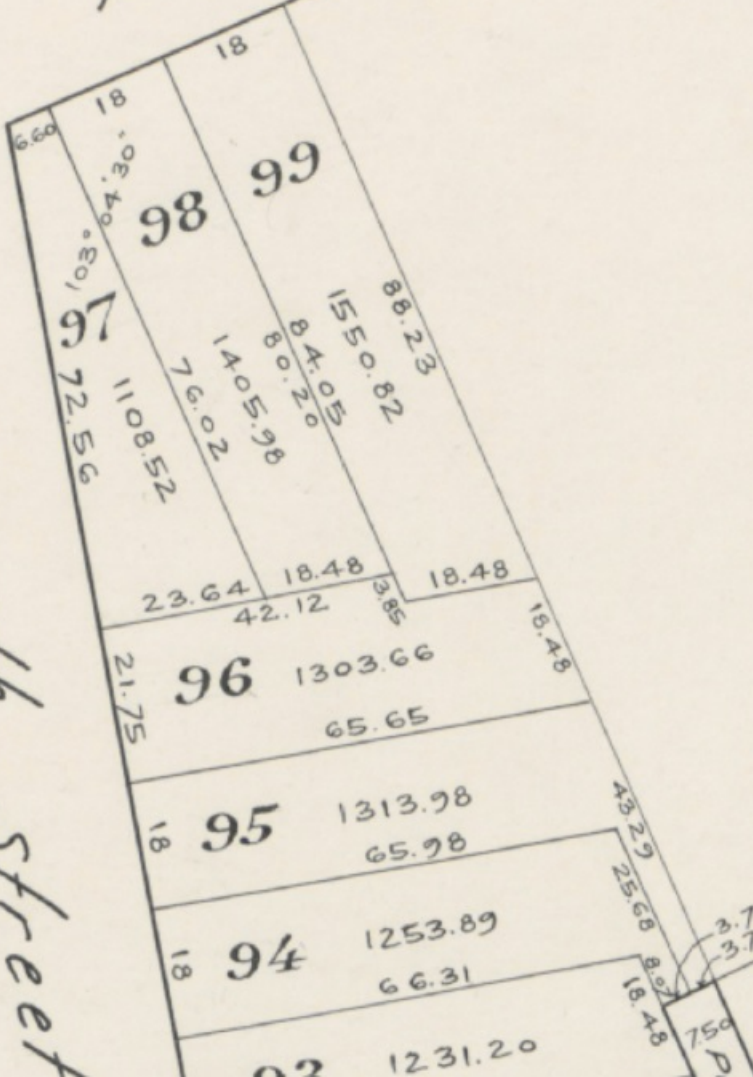
Zoning map



# EXHIBIT B

Park

11th Street





# EXHIBIT C

# 11TH & PARK RD. NW



Sheet No.	Sheet Name
A-00	COVER SHEET
A-01	VICINITY PLAN
A-02	COMPREHENSIVE PLAN
A-03	ZONING BOUNDARY MAP
A-04	VEHICULAR CIRCULATION
A-05	AERIAL VIEW
A-06	PERSPECTIVE AERIAL VIEWS
A-07	PERSPECTIVE AERIAL VIEWS
A-08	CELLAR FLOOR PLAN
A-09	FIRST FLOOR PLAN
A-10	SECOND - THIRD FLOOR PLAN
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A-12	PENTHOUSE FLOOR PLAN
A-13	PERSPECTIVE - AERIAL VIEW
A-14	PERSPECTIVE - STREET VIEW
A-15	NORTH RENDERED ELEVATION
A-16	WEST RENDERED ELEVATION
A-17	NORTH ELEVATION
A-18	WEST ELEVATION
A-19	BUILDING SECTION
A-20	BUILDING SECTION
A-21	UNIT MATRIX

11th STREET & PARK RD.

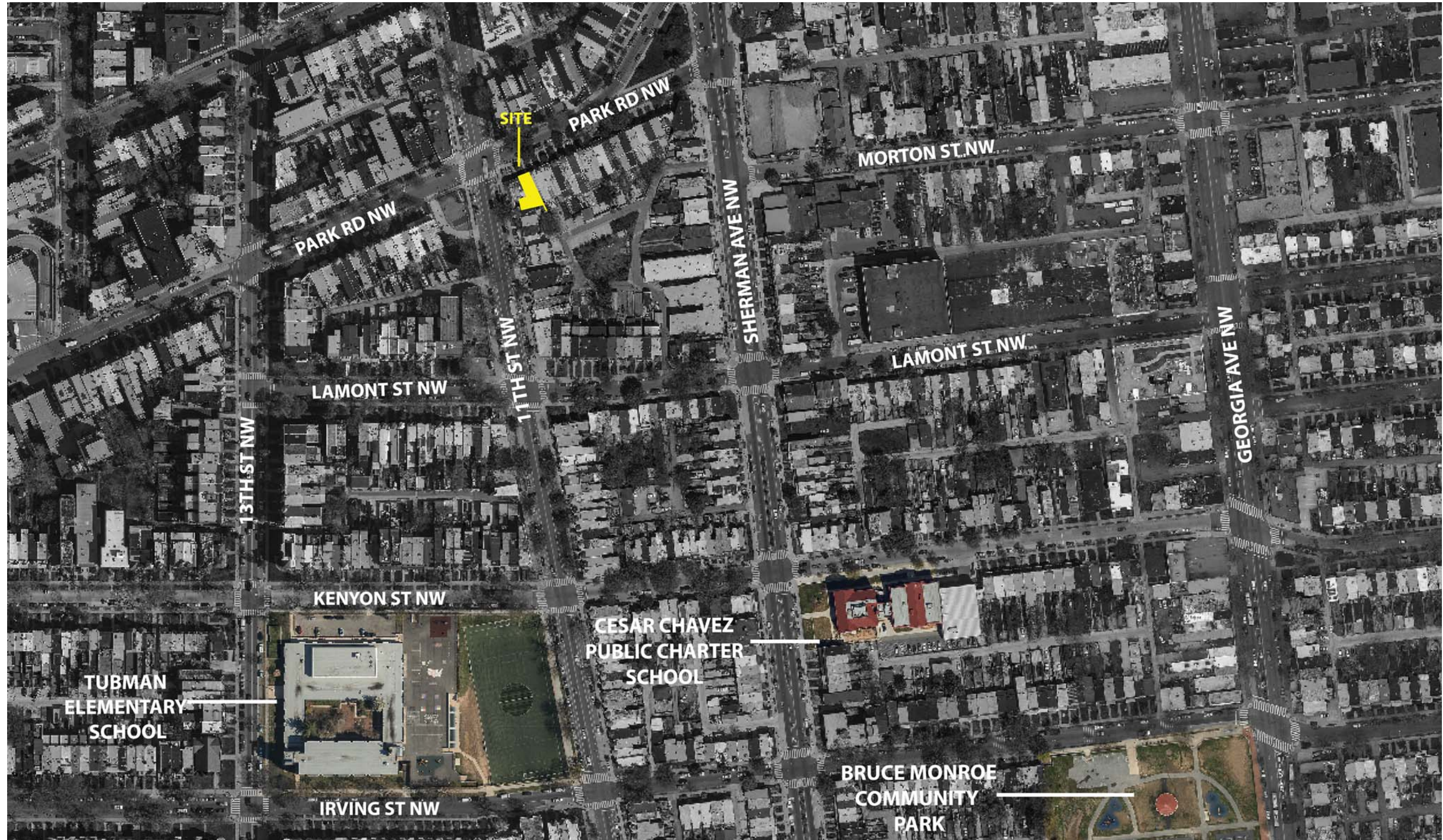
11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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 210 7th Street SE - Suite 201  
 Washington, DC 20003  
 202.822.5995 (P); 202.822.0908 (F)

COVER SHEET | A-00

08/16/18

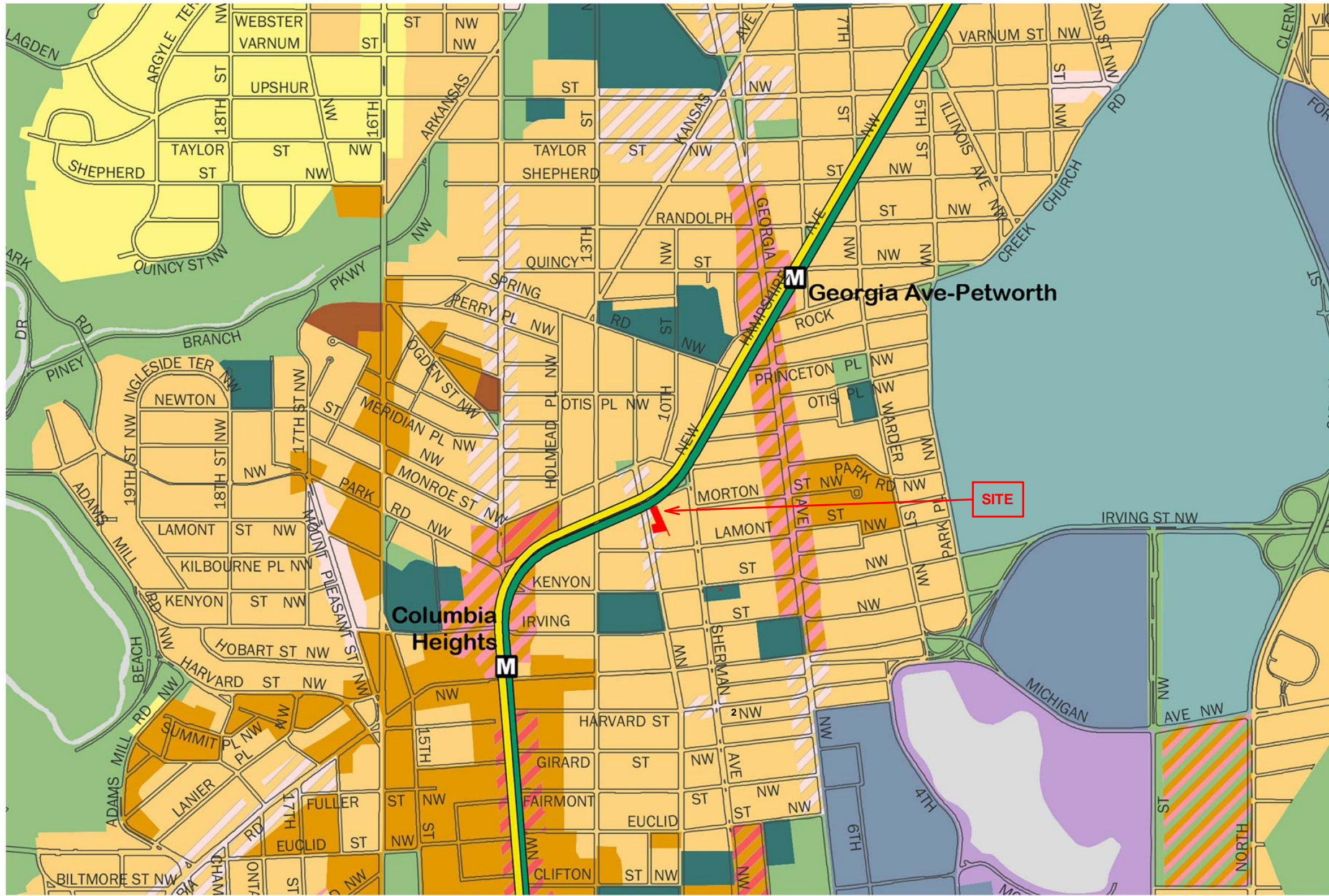


11th STREET & PARK RD.

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4

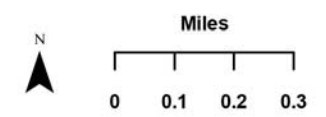
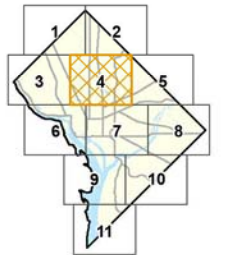


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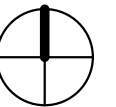
**Comprehensive Plan  
Future Land Use  
Map 4**

- Low Density Residential
- Moderate Density Residential
- Medium Density Residential
- High Density Residential
- Low Density Commercial
- Moderate Density Commercial
- Medium Density Commercial
- High Density Commercial
- Production, Distribution, and Repair
- Federal
- Local Public Facilities
- Institutional
- Parks, Recreation, and Open Space
- Mixed Land Use
- WATER



Government of the District of Columbia  
Office of Planning ~ January 2013

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.



**11th STREET & PARK RD.**

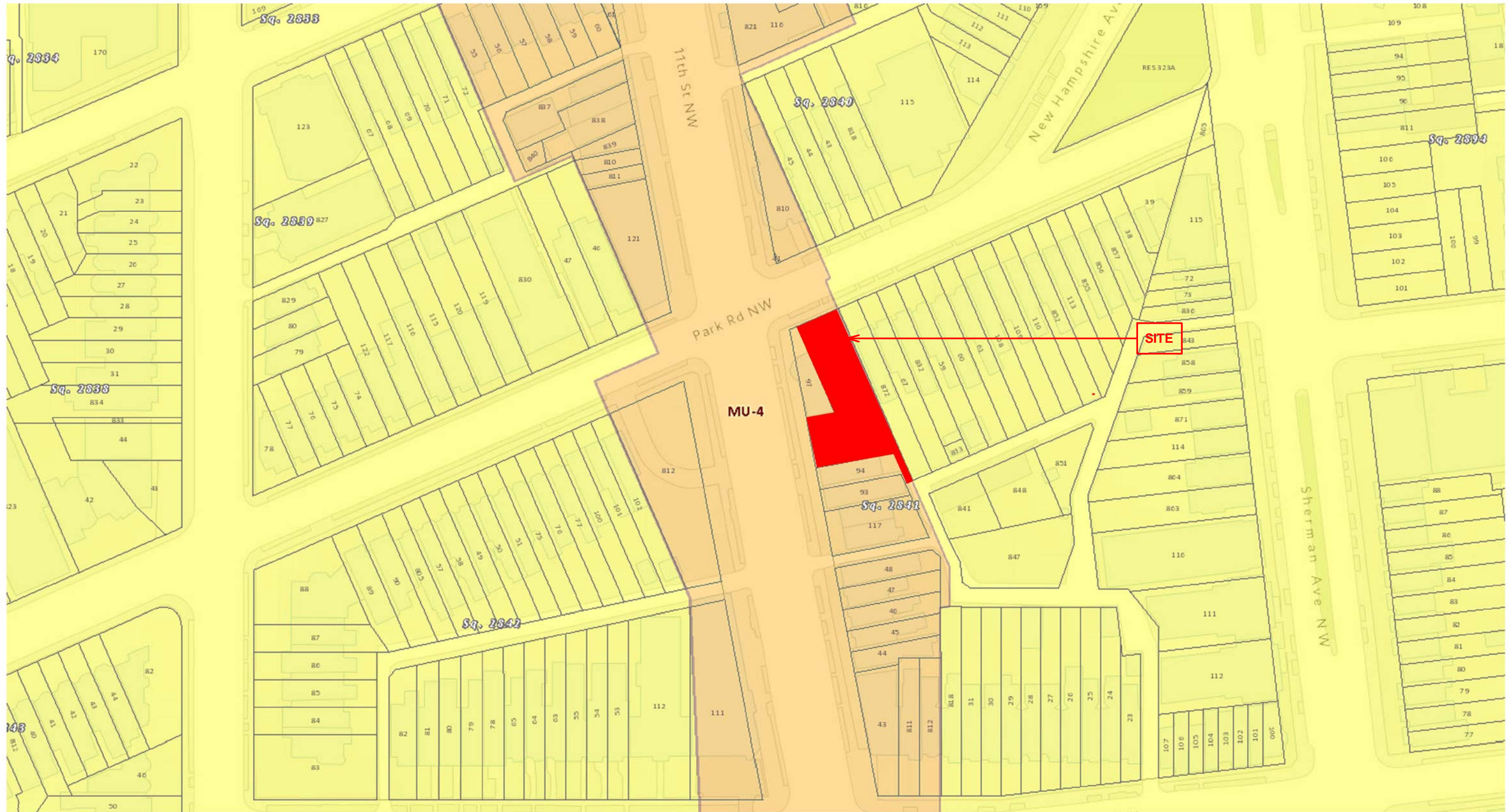
11th and Park Road NW  
Washington DC 20010  
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**COMPREHENSIVE PLAN | A-02**

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11th STREET & PARK RD.

ZONING BOUNDARY MAP | A-03

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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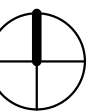
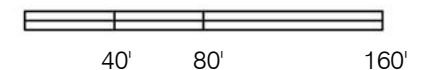
BUS STOP



2 WAY STREET



1 WAY STREET



# 11th STREET & PARK RD.

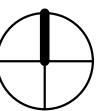
# VEHICULAR CIRCULATION | A-04

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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## 11th STREET & PARK RD.

11th and Park Road NW  
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Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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## AERIAL VIEW | A-05

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## 11th STREET & PARK RD.

11th and Park Road NW  
Washington DC 20010  
Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4

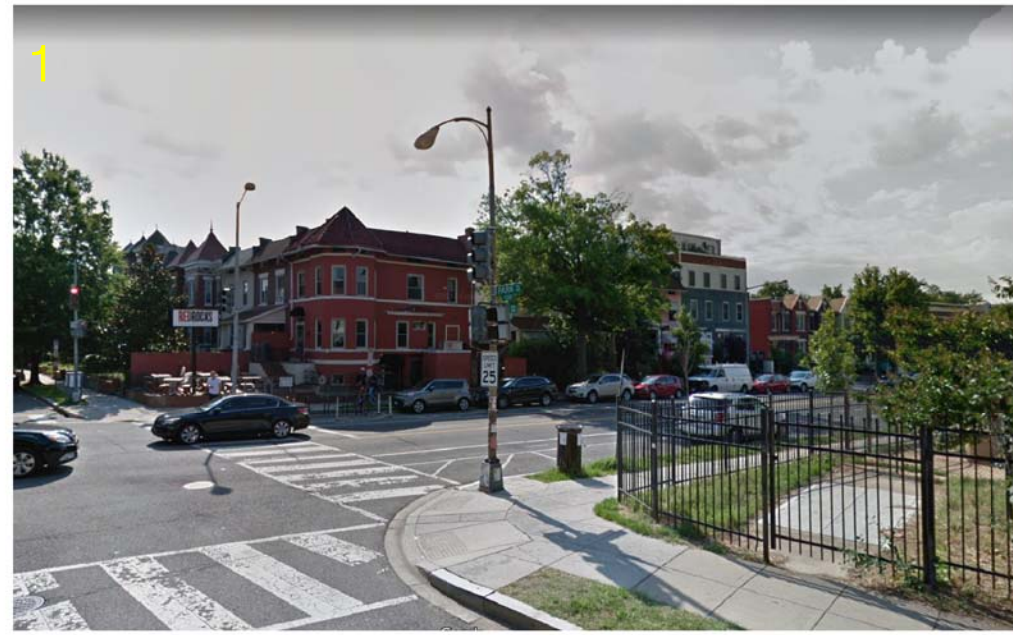


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## PERSPECTIVE AERIAL VIEWS | A-06

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11th and Park Road NW  
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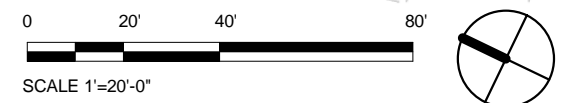
PERSPECTIVE AERIAL VIEWS | A-07

08/16/18



KEYPLAN

- 1BD
- MECH.
- BIKE
- Calculating...



11th STREET & PARK RD.

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



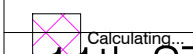
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CELLAR FLOOR PLAN | A-08

08/16/18



KEYPLAN

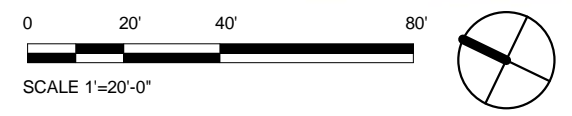


11th STREET & PARK RD.

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FIRST FLOOR PLAN | A-09

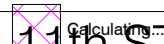
08/16/18



KEYPLAN



1BD



Calculating...

11th STREET & PARK RD.

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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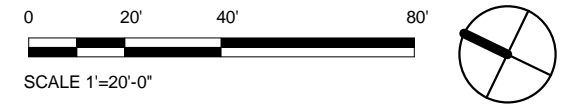
SECOND - THIRD FLOOR PLAN | A-10

08/16/18



KEYPLAN

- 1BD
- 3BD
- 2BD
- Calculating...



11th STREET & PARK RD.

FOURTH FLOOR PLAN | A-11

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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08/16/18



# 11th STREET & PARK RD.

# PENTHOUSE FLOOR PLAN | A-12

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4

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11th STREET & PARK RD.

PERSPECTIVE - AERIAL VIEW | A-13

11th and Park Road NW  
Washington DC 20010  
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11th STREET & PARK RD.

PERSPECTIVE - STREET VIEW | A-14

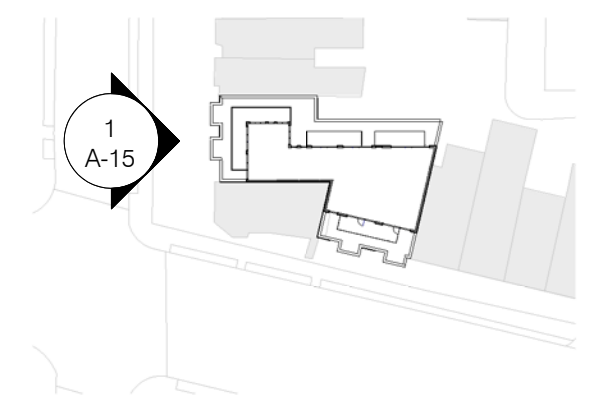
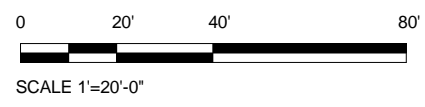
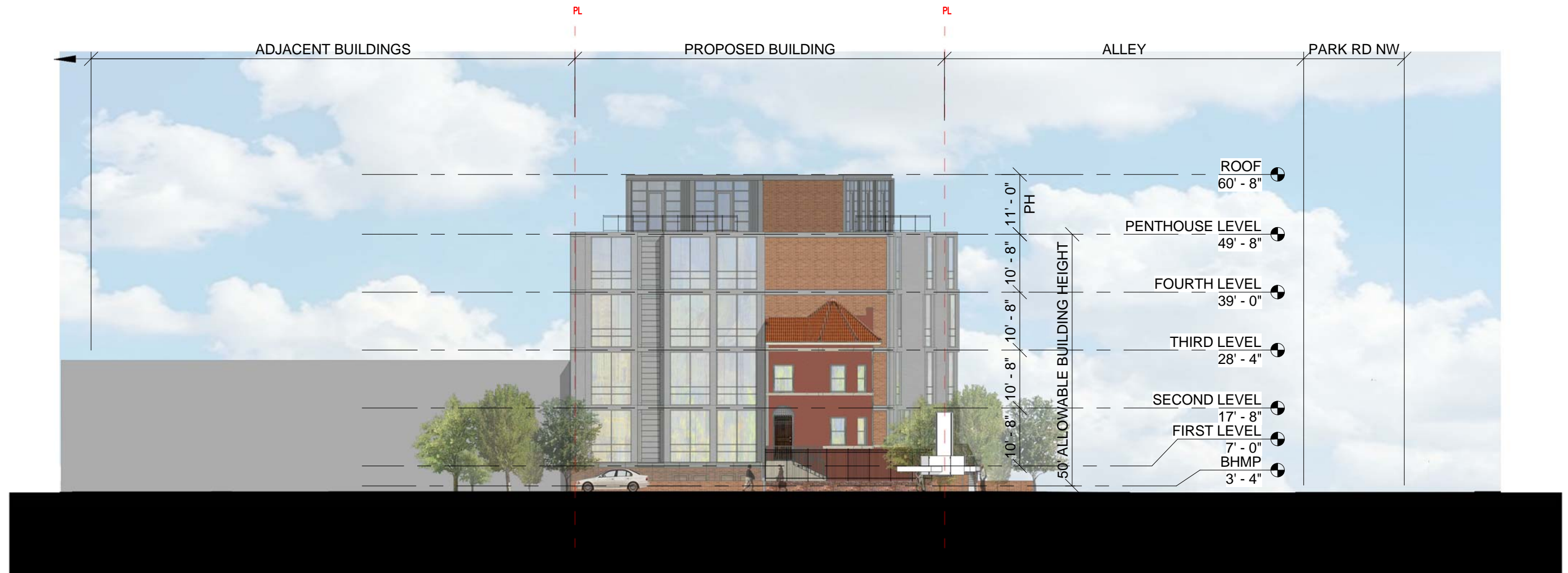
11th and Park Road NW  
Washington DC 20010  
Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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KEYPLAN

11th STREET & PARK RD.

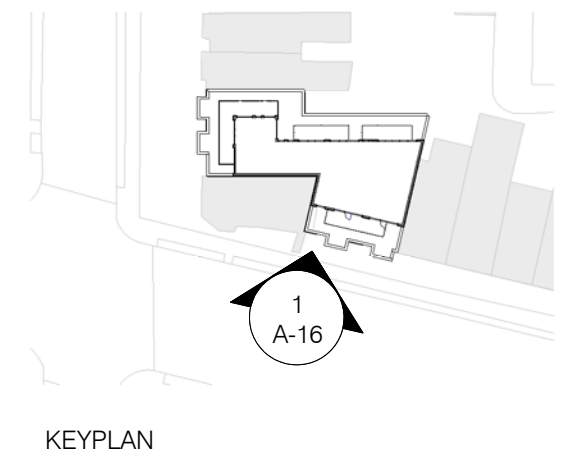
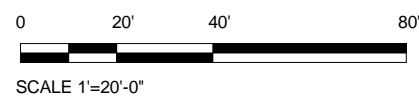
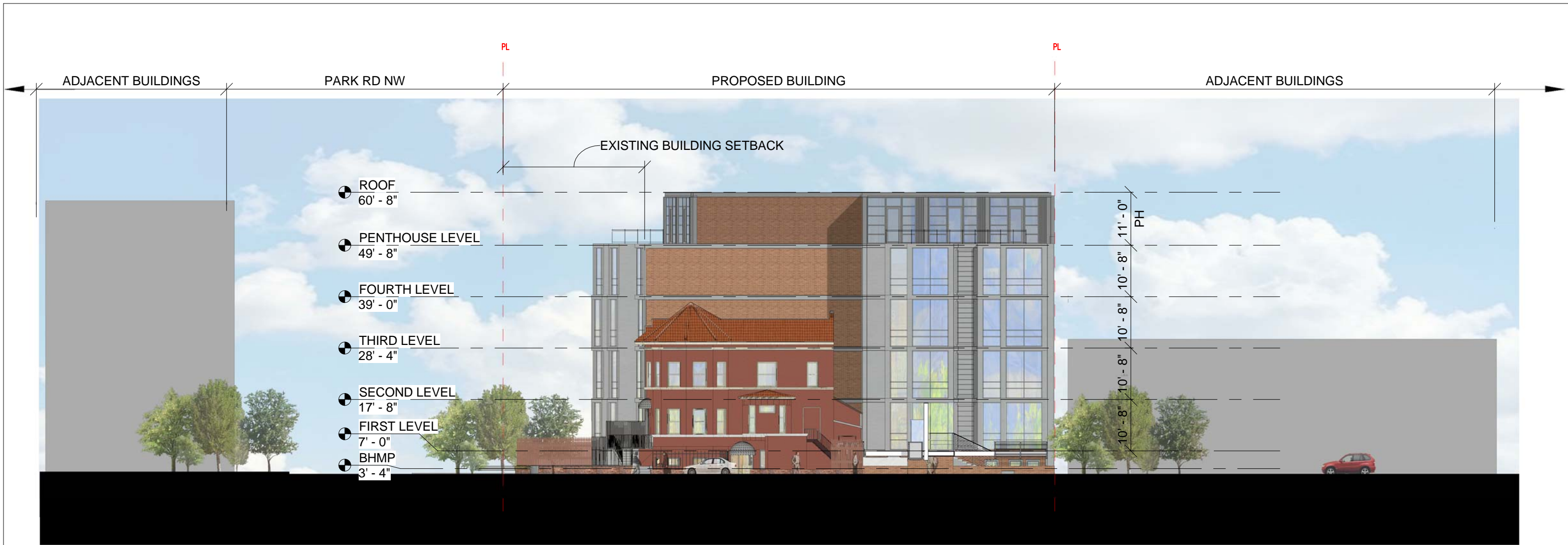
11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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NORTH RENDERED ELEVATION | A-15

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## 11th STREET & PARK RD.

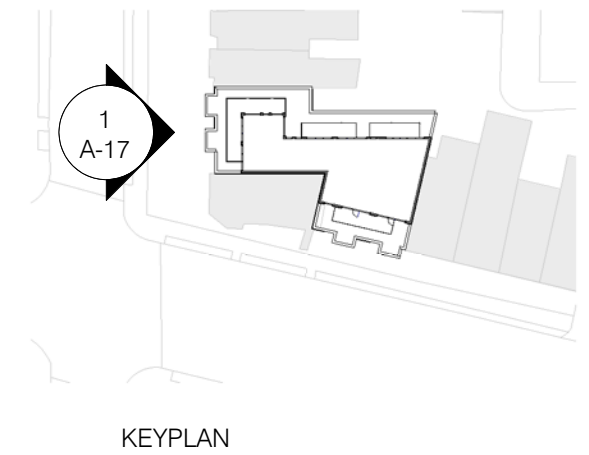
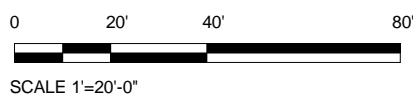
11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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## WEST RENDERED ELEVATION | A-16

08/16/18



11th STREET & PARK RD.

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4

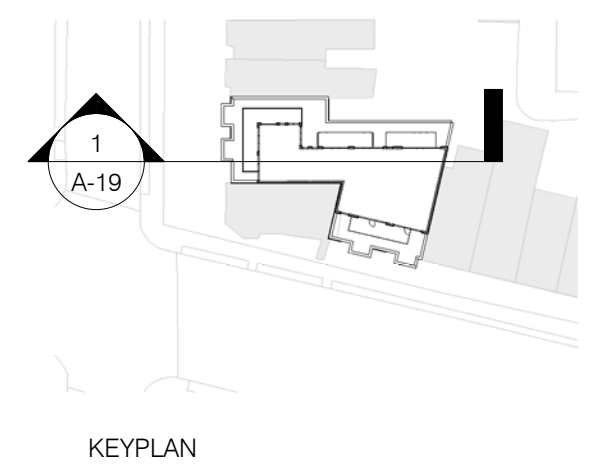
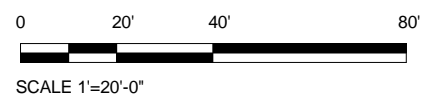
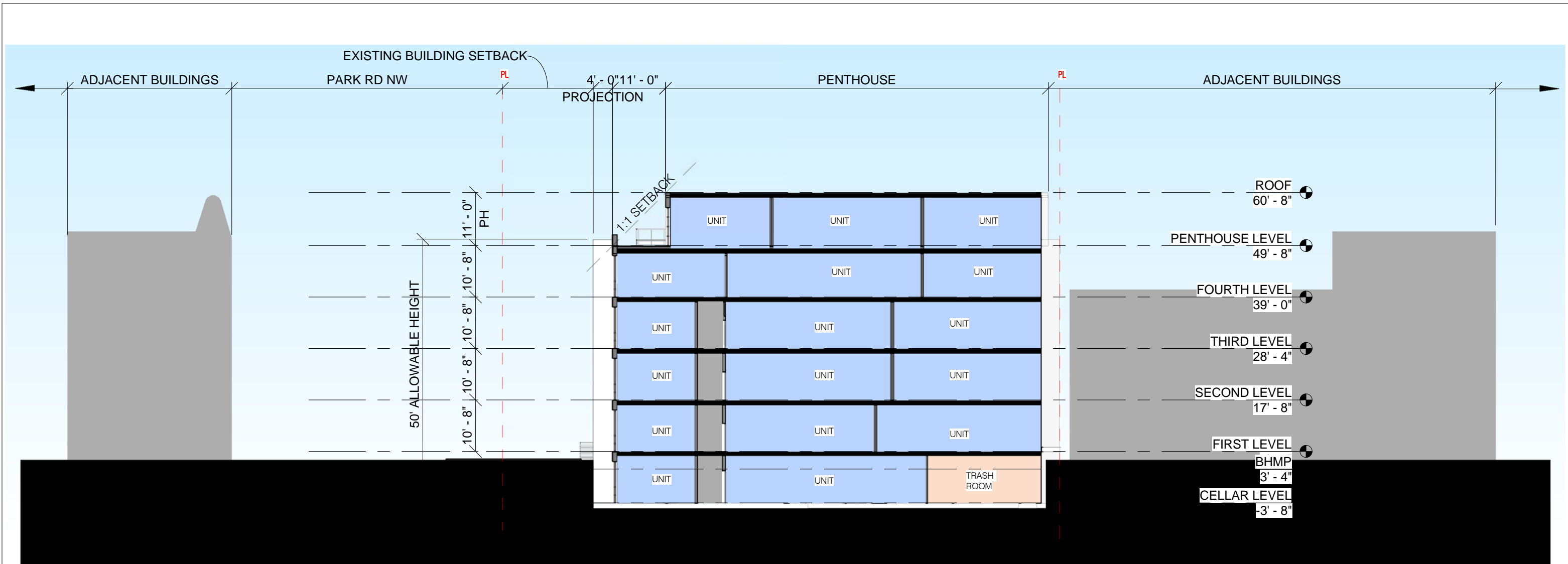


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NORTH ELEVATION | A-17

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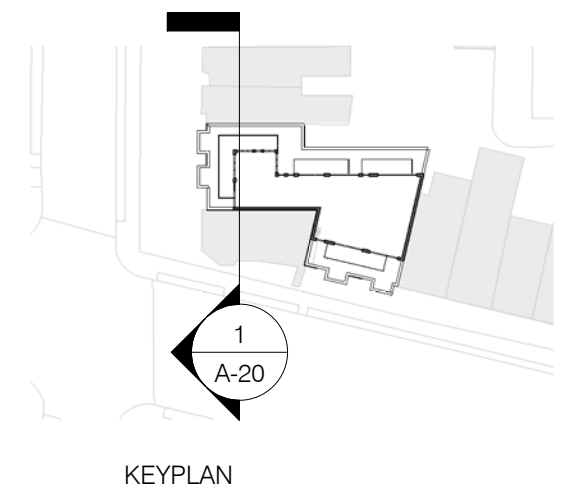
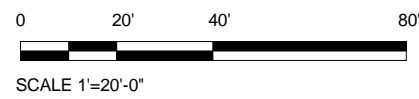
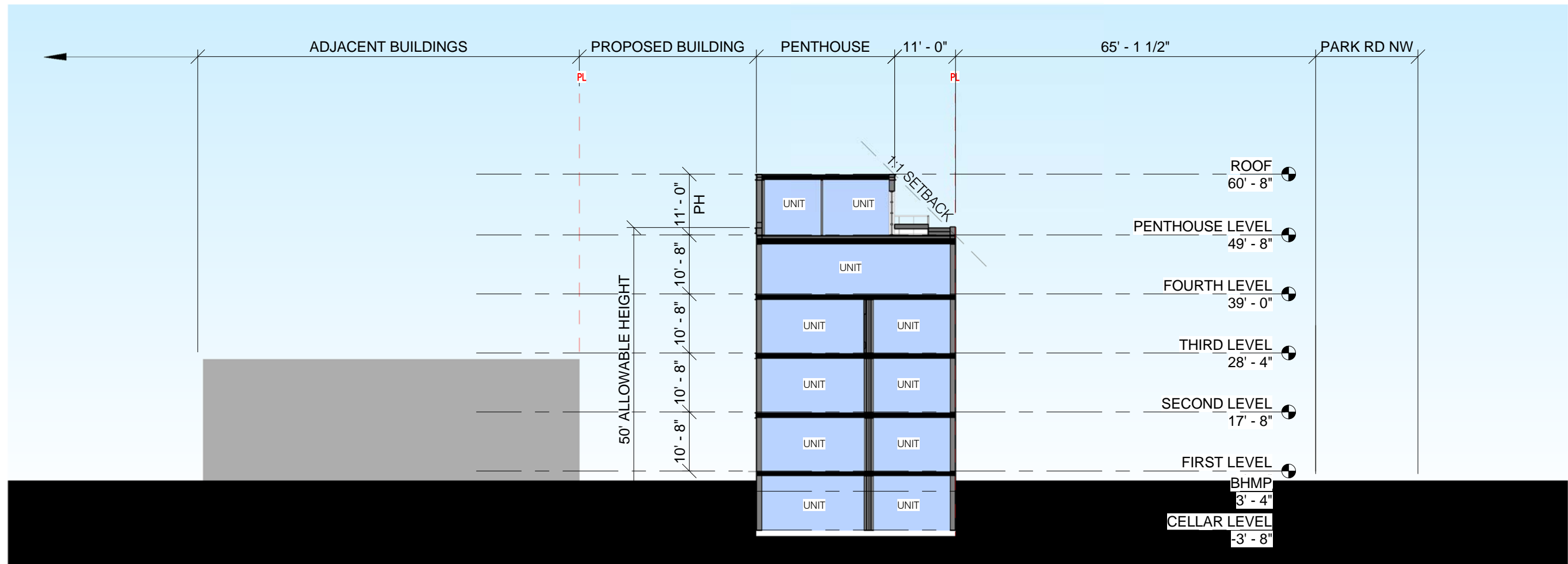
11th STREET & PARK RD.

BUILDING SECTION | A-19

11th and Park Road NW  
 Washington DC 20010  
 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4

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11th STREET & PARK RD.

BUILDING SECTION | A-20

11th and Park Road NW  
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 Square: 2841 Lot No: 95,96,98 & 99 Zone: MU-4



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**Park Road NW**

\*SF measured from outside of exterior wall, center line of demising walls, inside face of corridor walls. Does not include balconies.

Building B	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6	# of Units	Floor Net SF *Amenity and retail sf not
Floor	SF	SF	SF	SF	SF	SF		
Cellar	484	605	446	N/A	542	461	5	2,538
First	497	606	451	528	694	N/A	5	2,776
Second	497	612	475	601	546	456	6	3,187
Third	497	612	475	601	546	456	6	3,187
Fourth	1107	623	515	1014	N/A	N/A	4	3,259
Penthouse	515	458	470	511	N/A	N/A		1,954
Total # Of Units							26	
Total Building Net SF								16,901

\*Amenities and retail square footage not included, GSF calc does NOT include bays

Building SF	Building GSF	Building Net SF	EFF	Unit Mix	1BR	2 BR	3 BR	TOTAL
Cellar	3,935	2,538	64%	Cellar	5	N/A	N/A	5
First	3,935	2,776	71%	First	5	N/A	N/A	5
Second	4,034	3,187	79%	Second	6	N/A	N/A	6
Third	4,034	3,187	79%	Third	6	N/A	N/A	6
Fourth	4,034	3,259	81%	Fourth (Duplex)	1	2	1	4
Penthouse	2,037	1,954	96%	Total	23	2	1	26
Building Total SF (w/ PH)	22,009	16,901		Single Occupancy		88%		23
Efficiency			78%	Double/Triple Occupancy		12%		3
Building Total SF w/o PH	16,037							