

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director
DATE: January 2, 2018
SUBJECT: **OP Report for ZC #16-23, Voluntary Design Review for Valor Development, LLC (Square 1499, Lots 802, 803, 806, and 807)**

I. RECOMMENDATION

The Office of Planning (OP) recommends approval of the Voluntary Design Review, requested pursuant to 11 DCMR Subtitle X § 601.2, for Lots 802, 803, 806, and 807 in Square 1499 subject to the Applicant providing the following:

- Information regarding the nature of the grocery tenant based on the proposed square footage;
- Street level rendered perspective of the retail at the southwest corner of Building 1;
- Elevation of green wall on the south façade of Building 1;
- Additional details on how/whether building amenities would be shared between Building 1 and Building 2;
- Revise garage and loading façade to ensure pedestrian comfort and safety;
- Breakdown of unit mix;
- Complete Inclusionary Zoning (IZ) summary table; and
- Full analysis of requested rear yard relief against the criteria in G § 1201.1.

II. SITE AND AREA DESCRIPTION

The subject property (Property) is located in the American University (AU) Park/Spring Valley neighborhood and consists of A&T Lots 802, 803, 806, and 807 in Square 1499. Record Lot 9 is comprised of A&T Lots 806 and 807. The property is bounded by Massachusetts Avenue, the former American University (AU) Law School Building, and a PNC Bank to the south; 48th Street NW to the east; Yuma Street to the north; and an Exxon gas station to the west. (See Attachment 1: Vicinity Map.) The Spring Valley Shopping Center (SVSC) on Lots 802 and 803, while included in the subject design review, would not be altered. The AU Law Building on Lot 806 also is included in the design review application, but would remain unchanged.

The surrounding neighborhood to the north across Yuma Street NW and to the east across 48th Street NW features detached single-family homes in the R-1-B zone. Additional commercial development in the MU-4 zone is located to the south across Massachusetts Avenue, NW.



Figure 1: Lot Diagram

Lot #	Development	Land Area (sq. ft.)	Total Land Area (sq. ft.)	FAR
A & T Lot 802	SVSC	39,516 sq. ft.	160,788 sq. ft.	Res. 1.6
A & T Lot 803				Non Res. 1.34
Record Lot 9	A & T Lot 806	41,650 sq. ft.		Total 2.94
	A & T Lot 807	79,622 sq. ft.		

The focus of the subject Design Review application is Lot 807 (Valor lot), which is improved with a vacant grocery store and other existing retail uses, including a restaurant and salon. The existing improvements on Lot 807 consist of approximately 53,632 square feet of Gross Floor Area (GFA). Lot 807 also features surface and below-grade parking.

The Property features a change in grade and slopes down approximately 26 feet from the high point near the intersection of 48th Street and Windom Place (elevation 264 feet) to the low point at the southern end of the public alley (elevation 238 feet). Two curb cuts provide access to the Valor lot from Yuma and 48ths Streets. The Applicant proposed to remove the curb cuts, which would result in the restoration of approximately 80 linear feet of curb.

III. PROJECT DESCRIPTION

The Applicant is proposing to construct a mixed-use development on the Valor lot, which would include two new buildings consisting of a mixed-use residential building on the northern portion of the lot (Building 1) and a residential building on the southern portion of the lot (Building 2). The two buildings would be constructed over a common lower level and below-grade garage that would contain a grocery store, additional retail and amenity space, and parking and loading for the residential and retail uses.

IV. ZONING ANALYSIS

The subject application is being reviewed under the 2016 Zoning Regulations. The Property is zoned MU-4, the purpose of which is to permit mixed-use development; provide facilities for shopping and business needs, and housing outside the District’s central core; and be located in low- to moderate-density residential areas with access to main roadways or transit stops. The project, which is located on Massachusetts Avenue NW, would provide a mixed-use development with neighborhood-serving retail, including a food market and residential.

Table 1: Zoning Tabulation

Item	MU-4	Proposed	Relief
Lot Area	N/A	160,788 sq. ft.	None required
Res. Units		219	None required
FAR	2.5/3.0 (IZ)	2.94	None required
G § 402.1	1.5 max. non-res	1.34 non-res	
Height	50 ft. max.	50 ft. Bldg. 1	None required
G § 403.1		49 ft. Bldg. 2	
Penthouse Height	12 ft. max./1 story	12 ft. habitable	None required
G § 403.3	15 ft. max for mech./2 nd story	15 ft. mechanical	
Lot Occ.	60% max.	67%	None required
G § 404.1	75% max. (IZ)		
Side Yard	None req.; 2 in./ft. of height or 5 ft. min., if provided (8 ft. 4 in.)	10 ft.	None required
Rear Yard	15 ft.	10 ft. Bldg. 1	Requested
G § 405.1		22 ft. 7 in. Bldg. 2	
Courts	Open 4 in./ft. of height of court (10 ft. min.)	Provided as required	None required
G § 202.1	Closed 4 in./ft. of height of court (15 ft. min.)		
Parking	Residential – 1/3 du in excess of 4 units (72 spaces)	Residential 85 spaces	None required
C § 701	Retail - 1.33/1,000 sq. ft. in excess of 3,000 sq. ft. (17 spaces)	Retail 49 spaces	
	(89 spaces total)	134 spaces	
		+ 236 shared with Lot 806	
		370 spaces	
Loading	Residential – 1 loading berth 1 service/delivery space	Building 1	None required
C § 901	Retail – 1 berth 0 service/delivery space	Residential	
		1 30 ft. berth	
		1 20 ft. service/delivery space	
		Retail	
		2 (1 30 ft. and 1 55 ft.) berths	
		1 20 ft. service/delivery space	
		Building 2	
		N/A less than 50 units	

Item	MU-4	Proposed	Relief
Bicycle Parking C § 801	Residential 1/3 du long term (73 spaces) 1/20 du short term (11 spaces) Retail 1/10,000 sq. ft. long term (2 spaces) 1/3,500 sq. ft. short term (5 spaces)	Residential long term 77 spaces short term 12 spaces Retail long term 6 spaces short term 15 spaces	None required
Green Area Ratio G § 407.1	0.3 min.	0.3	None required

The Applicant is requesting Special Exception relief from the rear yard requirements of G § 405.2 pursuant to G § 409.1. While OP is not opposed to the requested relief, the Applicant should provide a full analysis of the relief request against the special exception criteria in G § 1201.1. (Attachment 2: Special Exception Criteria Rear Yard Relief)

The Applicant has requested the flexibility listed in items 1 through 11 below:

1. To vary the location and design of interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration or appearance of the building;
2. To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, venting, window mullions and spacing, and any other changes that otherwise do not substantially alter the exterior design to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit. Such refinements shall not substantially change the exterior configurations, appearance, proportions, or general design intent of the building;
3. To vary the final selection of exterior buildings materials within the color ranges of the material types shown in the [approved plans] based on availability at the time of construction. Any such variations shall not reduce the overall quality of materials. Nor substantially change the exterior appearance, proportions, or general design intent of the buildings;
4. To vary the final selection of landscaping materials utilized based on availability at the time of construction;
5. To vary the number, size, extent, and type of sustainable design elements within the project provided all applicable Green Area Ratio (“GAR”) requirements under Subtitle C of ZR16 and District storm water requirements are met, and the project achieves a minimum LEED Silver (v4) certification;
6. To increase the final number of residential units by no more than 10% above the total number shown on the [approved plans] to respond to program demand, or to decrease the final number of residential units within the approved residential gross floor area of the project to accommodate demand for larger units;
7. To vary the number and location of affordable dwelling units provided the amount of affordable gross floor area contained within the project is, at minimum, equal to the amount shown on the [approved plans];

8. To vary the amount of floor area devoted to retail uses within the project provided the amount of floor area devoted to a full-service grocery store is, at minimum, equal to 13,600 square feet;
9. To vary the types of uses designated as “retail” use on the [approved plans] to include the following use categories, provided the amount of floor area devoted to a full-service grocery store is, at minimum, equal to 13,600 square feet: (i) Retail; (ii) Services, General; (iii) Services, Financial; and (iv) Eating and Drinking Establishments;
10. To vary the garage layout and the number, location, and arrangement of vehicle and bicycle parking spaces provided the number of spaces, for both vehicles and bicycles, is not increased or reduced by more than ten percent of the number shown on the [approved plans]; and
11. To vary the final design of retail frontages, including the design of entrances, show windows, and signage, in accordance with the needs of retail tenants. Notwithstanding any design flexibility granted, all signage shall meet the following conditions:
 - a. Signage shall be located in a manner that is consistent with that shown in the [approved plans], and not extend or be located in any manner above the ground floor;
 - b. Signage shall be compatible with and complement the building architecture and site, and be coordinated with the building façade system;
 - c. Signage shall consist of high-quality materials and detailing;
 - d. Signage shall not be digital or kinetic. Box signs and signs employing flickering, rotating, flashing or moving lights are also not permitted; and
 - e. Signage lighting shall be self-illuminated or back-lit provided it does not negatively impact nearby residential uses. If external illumination is used, light fixtures must be complementary and integrated into the character and design of the building.

To ensure certainty with respect to the final project design the flexibility should be refined. In particular:

- Item 5: OP recommends additional detail be provided regarding the flexibility for sustainable features.
- Items 6 & 10: OP is concerned that the flexibility in item 6, combined with the flexibility in item 10, could result in a project that requires mitigation for excess parking or that does not meet minimum parking requirements.
- Item 7: Additional information is required with respect to how the project is meeting the Inclusionary Zoning (IZ) requirements before flexibility could be granted to item 7.
- Item 11: Finally, as a design review project, OP supports the sign design standards included in item 11, but does not believe that the requested flexibility with respect to retail frontages, entrances, show windows, and signage is appropriate.

V. DESIGN REVIEW STANDARDS

Subtitle X § 604 outlines the standards by which the Zoning Commission should evaluate a Design Review application.

604.1 The Zoning Commission will evaluate and approve or disapprove a design review application according to the standards of this section and, if applicable to the zone, standards set forth in Subtitle K.

An analysis of the subject project against the standards of this section follows. The Property is zoned MU-4; therefore, standards set forth in Subtitle K are not applicable.

604.2 For non-voluntary design review, the application must also meet the requirements of the provisions that mandated Zoning Commission approval.

The subject application is for Voluntary Design Review.

604.3 The applicant shall have the burden of proof to justify the granting of the application according to these standards.

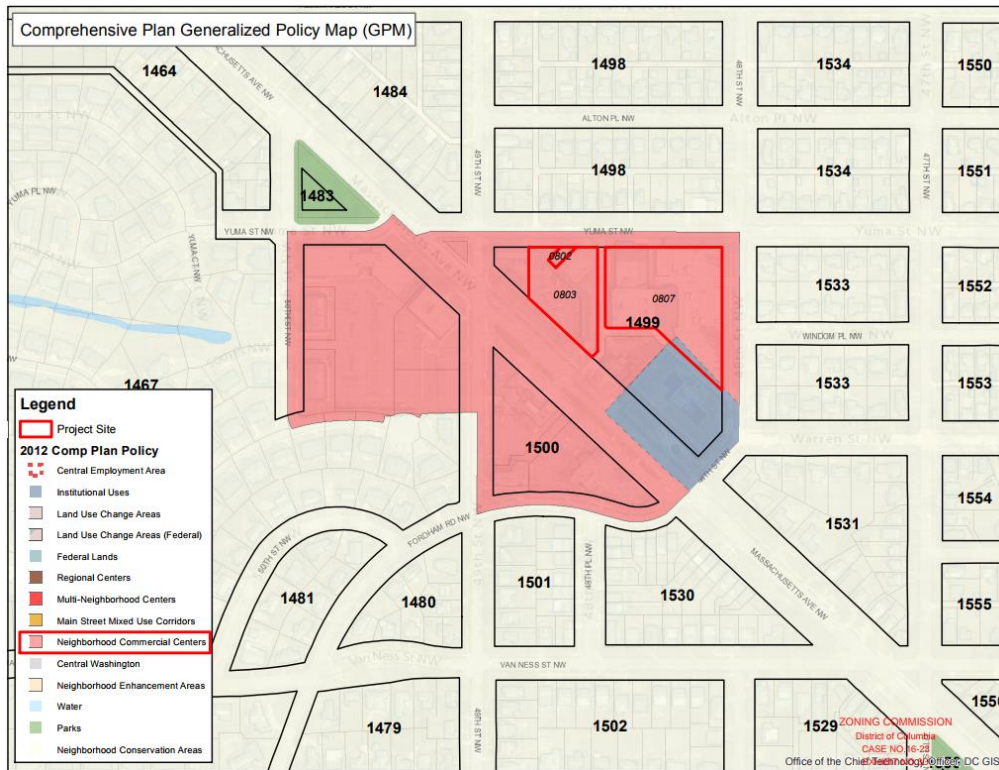
Through the provision of the additional information requested, as well as a refinement of the design flexibility, the burden of proof to justify granting the application may be met.

604.4 The applicant shall not be relieved of the responsibility of proving the case by a preponderance of the evidence, even if no evidence or arguments are presented in opposition to the case.

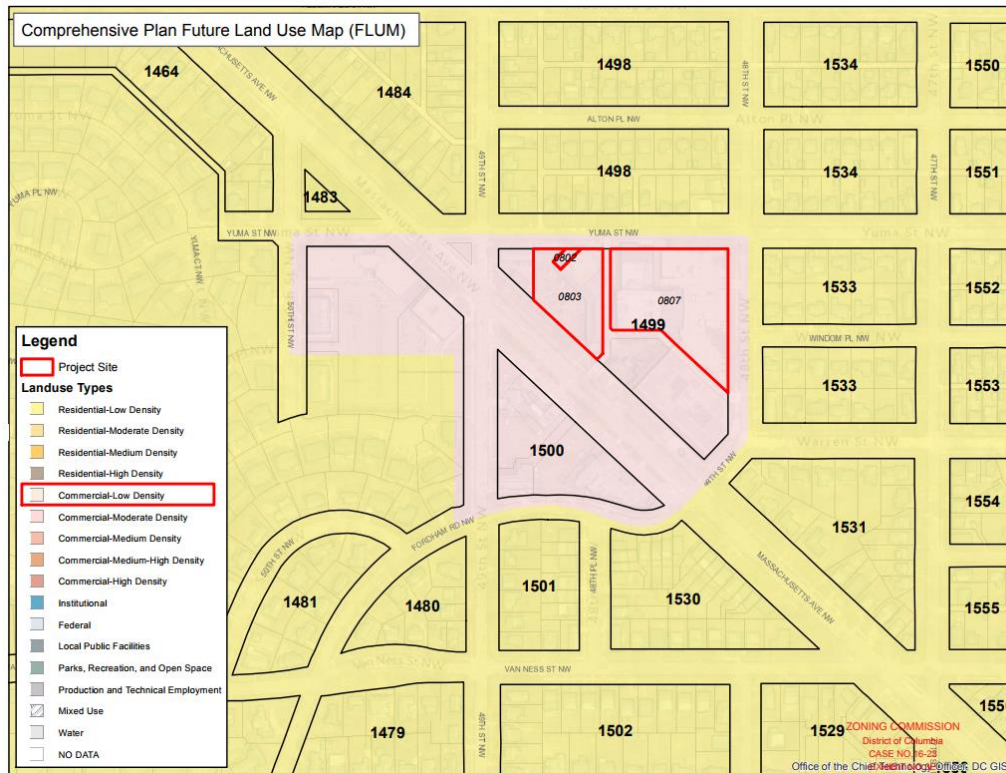
The Applicant, through its original and amended submittals, has presented its case. (See Exhibits 1, 2, and 3, dated October 26, 2016; Exhibit 67, dated September 8, 2017; Exhibit 107, dated December 11, 2017; and Exhibit 114, dated December 21, 2017.)

604.5 The Zoning Commission shall find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

The property is designated as a Neighborhood Commercial Center on the General Policy Map.



The property is designated for Low Density Commercial land use on the Future Land Use Map (FLUM).



The proposed project is not inconsistent with the General Policy Map and FLUM contained in the Comprehensive Plan. The Low Density Commercial land use designation is used to define shopping and service areas that are generally low in scale and character, with retail, office, and service business uses. Furthermore, the Project is not inconsistent with the portion of the Low Density Commercial definition that states a common feature of these areas “is that they are comprised primarily of one- to three-story commercial buildings. The Project would include a mixed-use building with commercial on the ground floor (Building 1) and a residential building (Building 2), which are both appropriate for a Low Density Commercial area.

The densities within a given area on the FLUM reflect contiguous properties on a block – individual buildings may be higher or lower than the ranges within each area. The residential mixed-use and residential buildings proposed for the Valor lot are not inconsistent with the FLUM as they are part of the larger block (Square 1499) that is comprised of commercial buildings that range in height and density from one- to two-stories (SVSC, PNC Bank, Spring Valley Exxon) to six-stories (AU Building).

Additional Comprehensive Plan analysis related to the Citywide and Area Elements can be found in Attachment 3.

604.6 The Zoning Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9.

The proposed development consists of two buildings located over a parking structure that are separated at grade by a pedestrian connection. The Property slopes downward from Massachusetts Avenue to Yuma Street NW and from 48th Street to the alley separating the project from the SVSC and the proposed design acknowledges the topography of the site. The proposed height and massing of the building are not out of character with the neighboring properties. Therefore, the proposed project should not adversely affect the use of neighboring residential properties for residential purposes.

The proposed project would be setback from the property line at Yuma and 48th Streets. The upper levels of Buildings 1 and 2 also step back with the greatest height adjacent to the SVSC and six-story AU Law Building. Proposed penthouses would meet or exceed the one-to-one setback requirement and the penthouse on Building 1 has been shifted to the west – away from the residential neighbors across 48th Street.

The general special exception criteria of Subtitle X, Chapter 9 state that the Project:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

The proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The Applicant is proposing a mixed-use building with neighborhood serving retail and residential units. The proposed mixed-use development is consistent with the purposes of the MU-4 zone and is not inconsistent with the Comprehensive Plan. The proposed project should not adversely affect the use of neighboring properties. The scale of the proposed development would relate to the surrounding neighborhood context. An analysis of the project’s conformance to the additional Voluntary Design Review criteria is below.

604.7 *The Zoning Commission shall review the urban design of the site and the building for the following criteria:*

- (a) *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:*
 - (1) *Multiple pedestrian entrances for large developments;*
 - (2) *Direct driveway or garage access to the street is discouraged;*
 - (3) *Commercial ground floors contain active uses with clear, inviting windows;*
 - (4) *Blank facades are prevented or minimized; and*
 - (5) *Wide sidewalks are provided;*

Key Pedestrian Entrances

As shown on the Applicant's circulation diagram (Sheet CL01), the key pedestrian entrances would include the grocery and residential (Building 1) entries from Yuma Street; the residential entry (Building 2) from 48th Street and the pedestrian connection, Windom Walk, providing access from 48th Street to the alley to the south of the project; and a pedestrian entrance from the alley that would provide access to parking for bicycles, the grocery, residential, and American University. As Windom Walk serves as a publicly accessible east-west connection from the residential neighborhood to the east and the SVSC, and would terminate at the loading dock and garage entry, the Applicant should ensure that the alley elevations provide a safe and inviting pedestrian environment.

Garage Access

Vehicular garage access would be provided from the 20-foot alley that runs to the south of the project. This alley connects to 48th Street to the east and the north-south alley to the west that runs from Yuma Street to Massachusetts Avenue. The project would not have direct driveway or garage access from the street. In fact, the Applicant is proposing to close two existing curb cuts that currently provide access from Yuma and 48th Streets.

Ground Floor Windows and Facades

The ground floor grocery would front on Yuma Street. Although the grocery entry is set back from the street, the ground floor features large window openings and outdoor café seating in the setback area. The Applicant should confirm that no street-facing windows would be covered to accommodate back-of-house or storage functions for the grocery use.

The proposed design minimizes blank facades, particularly on Yuma and 48th Streets. The Applicant is showing false windows at the ground floor retail level along the alley that runs between the project and the SVSC. The alley elevation at the garage entry and loading bays features four metal roll-up doors. The Applicant should explore modifications at the ground level that would result in an improved pedestrian experience and ensure a safe and inviting environment along the alley.

Sidewalks and Walkways

The Applicant is providing wide sidewalks around the perimeter of the project, but should specify the exact sidewalk widths on the plan sheets. The Applicant is proposing to provide a three-foot sidewalk at the western edge of the project adjacent to the alley. As part of the proposed alley

improvements, the Applicant plans to consolidate and enclose the trash dumpsters that serve the SVSC (Sheet CL04). These improvements have not yet been approved by Public Space. To ensure a continuous 20-foot width along the length of the alley, the Applicant is proposing to set back the building from the property line. While this is not a wide sidewalk, it provides a north-south connection through the site without unduly narrowing or negatively impacting the alley and the attendant trash storage and collection functions.

- (b) *Public gathering spaces and open spaces are encouraged, especially in the following situations:*
- (1) *Where neighborhood open space is lacking;*
 - (2) *Near transit stations or hubs; and*
 - (3) *When they can enhance existing parks and the waterfront;*

The Applicant is providing a variety of public and private gathering spaces in the project. Building 1 would include an interior courtyard with a swimming pool and seating area that would serve building residents (L9). A roof terrace with seating and landscaping also would be available for building residents (L12). Private landscaped terraces are proposed at Building 1, along Yuma and 48th Streets. Building 2 also would feature a roof terrace with seating area. The Applicant should clarify whether residents of Building 2 would have access to the pool and rooftop amenity in Building 1.

Public space would include Windom Walk, which would connect 48th Street, the subject project, and the SVSC (L5-L8). The Yuma Street frontage also would feature a public outdoor seating area adjacent to the grocery entrance (L3).

- (c) *New development respects the historic character of Washington's neighborhoods, including:*
- (1) *Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*
 - (2) *Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
 - (3) *Development should respect and protect key landscape vistas and axial views of landmarks and important places;*

The subject property sits between a residential neighborhood characterized by detached single-family homes and the mixed-use commercial corridor on Massachusetts Avenue. Windom Walk would provide a physical and visual connection between the neighborhood to the east and SVSC.

The proposed project respects the existing adjoining development and provides an appropriate transition with a mixed-use building that includes neighborhood-serving retail and residential units. The project, as designed, steps down to the houses on Yuma and 48th Streets and provides a landscaped setback area along 48th Street that mimics the residential yards of the adjacent single-family homes.

- (d) *Buildings strive for attractive and inspired façade design, including:*
- (1) *Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and*
 - (2) *Incorporate contextual and quality building materials and fenestration;*

The Applicant is proposing to clad the exterior of the project in brick with a stone base. The brick cladding echoes the brick construction that is found in the surrounding neighborhood. The stone base is penetrated by one door opening at Building 2 and two entrances to Building 1 on 48th Street. Large window openings activate the street at Building 2 and bay and balcony projections articulate the Building 1 façade along 48th Street.

The Yuma Street frontage would include both a residential entrance and the entrance to the grocery store in a stone base. Residential windows openings for units in Building 1 would punctuate the base of the façade. Full height arched window openings would frame the grocery store entrance from Yuma Street.

The west building façade would feature high quality building materials including brick and stone; however, the Applicant should strive to address the blank façade that is created by the false window openings at the ground floor. As previously stated, the Applicant should explore a more active and inviting treatment for the south façade of the building, at the loading dock and garage entry.

- (e) *Sites are designed with sustainable landscaping; and*

The project Green Area Ratio (GAR) score of 0.313 meets the minimum requirement of 0.3 and is achieved through landscaped areas, plantings, and vegetated or green roof (Sheet L15). The Applicant is proposing green roof terraces on the fourth and fifth floors of Building 1 and should consider whether it would be feasible to include solar panels in addition to the green roof.

The Applicant is proposing to design the project to meet LEED v4 Silver (52 points); however, the Applicant is not proposing to certify the project at this time (Sheet G10). The LEED scorecard shows that the Applicant has an additional 9.5 points that could be obtained and would bring the project to the LEED Gold level. The applicant should strive to achieve LEED Gold and should commit to certifying the project.

- (f) *Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:*
- (1) *Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*
 - (2) *The development incorporates transit and bicycle facilities and amenities;*
 - (3) *Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
 - (4) *Large sites are integrated into the surrounding community through street and pedestrian connections; and*
 - (5) *Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

The project provides internal and external connections, including the construction of a new east-west path, Windom Walk, from 48th Street to the SVSC and improvements to the north-south alley

that runs between the project and SVSC, including a 3-foot sidewalk.

The Applicant proposed the following Transportation Demand Management (TDM) measures.

- The Applicant will fund a new HAWK (High-Intensity Activated crosswalk) signal on Massachusetts Avenue between 48th Street and 49th Street. This is designed to help pedestrians safely cross Massachusetts Avenue.
- The Applicant will exceed Zoning requirements to provide bicycle parking/storage facilities at the proposed development. This includes secure parking located on-site and short-term bicycle parking around the perimeter of the site.
- The Applicant will unbundle the cost of residential parking from the cost of lease or purchase of each unit.
- The Applicant will identify TDM Leaders (for planning, construction, and operations). The TDM Leaders will work with residents and employees in the development to distribute and market various transportation alternatives and options.
- The Applicant will provide TDM materials to new residents in the Residential Welcome Package materials.
- The Applicant will provide residents and grocery/retail employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG).
- The Applicant will install a Transportation Information Center Display (electronic screen) within the residential lobbies containing information related to local transportation alternatives.
- The Applicant will offer either a one-year membership to Capital Bikeshare or a one-year membership to a car-sharing service to each residential unit for the initial lease up of each unit.
- The Applicant will provide a bicycle repair station within the residential long-term bicycle storage room.
- The Applicant will dedicate four (4) parking spaces in the below-grade parking garage for car-sharing services to use with right of first refusal.
- The Applicant will restrict residents of the building from obtaining a Residential Parking Permit (“RPP”), with penalty of lease termination.

604.8 The Zoning Commission shall find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site.

The proposed project would result in a development that would be superior to any matter-of-right development on the site. A matter-of-right residential building could be built to the property line along both Yuma and 48th Streets and could measure 50 feet in height. The proposed project would feature a more sensitive design that is setback from the property line and steps down in height adjacent to the surrounding residential neighborhood. The Project would provide 14,560 square feet of open space and plaza area that would be publicly accessible, as well improvements to the north-south alley.

The Voluntary Design Review results in a project that strives to provide greater affordable housing (4,584 square feet of affordable housing in excess) and environmental benefits (LEED v4 Silver) than a matter-of-right development. Finally, the Design Review allows for a reallocation of density across the Property, which shifts unused density from lots 802 and 803 to Lot 807, thereby preserving the historic SVSC.

VI. COMMUNITY COMMENTS

The property is located adjacent to an ANC boundary and is located in ANC 3E, while ANC 3D is to the south and west across Massachusetts Avenue. ANC 3D has provided conditional support (Exhibit 109). ANC 3E is scheduled to vote January 3, 2018. The following ANC reports had been filed at the time this report was written.

- Exhibit 9, December 12, 2016, ANC 3D Report
- Exhibit 108, December 12, 2017, ANC 3D's Resolution to Rescind Valor letter from December 2016
- Exhibit 109, December 12, 2017, ANC 3D's Valor Resolution of Conditional Support (December 12, 2017)

Numerous letters, both in support and opposition, have been received in the record. In addition to individual letters, the following Resolutions or Petitions have been filed.

- Exhibit 20, January 30, 2017, Resolution from Spring Valley Homeowners Association
- Exhibit 27, April 6, 2017, Petition in Opposition from Citizens for Responsible Development
- Exhibit 110, December 15, 2017, Spring Valley-Wesley Heights Citizens Assoc. (SVWHCA) Valor Resolution
- Exhibit 111, December 16, 2017, Neighbors for a Livable Community (NLC) Valor Resolution

At the time this report was written, the following requests for party status were in the record.

- Exhibit 8, December 5, 2016, Party Status Request in Support – Benjamin Nussdorf
- Exhibit 66, September 7, 2017, Advance Party Status Request – Citizens for Responsible Development in Opposition
- Exhibit 66A, September 11, 2017, Revised Advance Party Status Request – Citizens for Responsible Development in Opposition
- Exhibit 79, October 27, 2017, Request for Advance Party Status in Opposition – Citizens for Responsible Development
- Exhibit 79A, November 7, 2017, Supplement to Party Status Application – Authorization and Certificate of Service
- Exhibit 115, December 22, 2017, Party Status Application (in opposition) from SVWHCA, NLC, and Spring Valley West Homes Corp.
- Exhibit 118, December 24, 2017, Party Status Request (in support) from Ward 3 Vision
- Exhibit 119, December 26, 2017, Party Status Application (in opposition) from Milton Buchler II

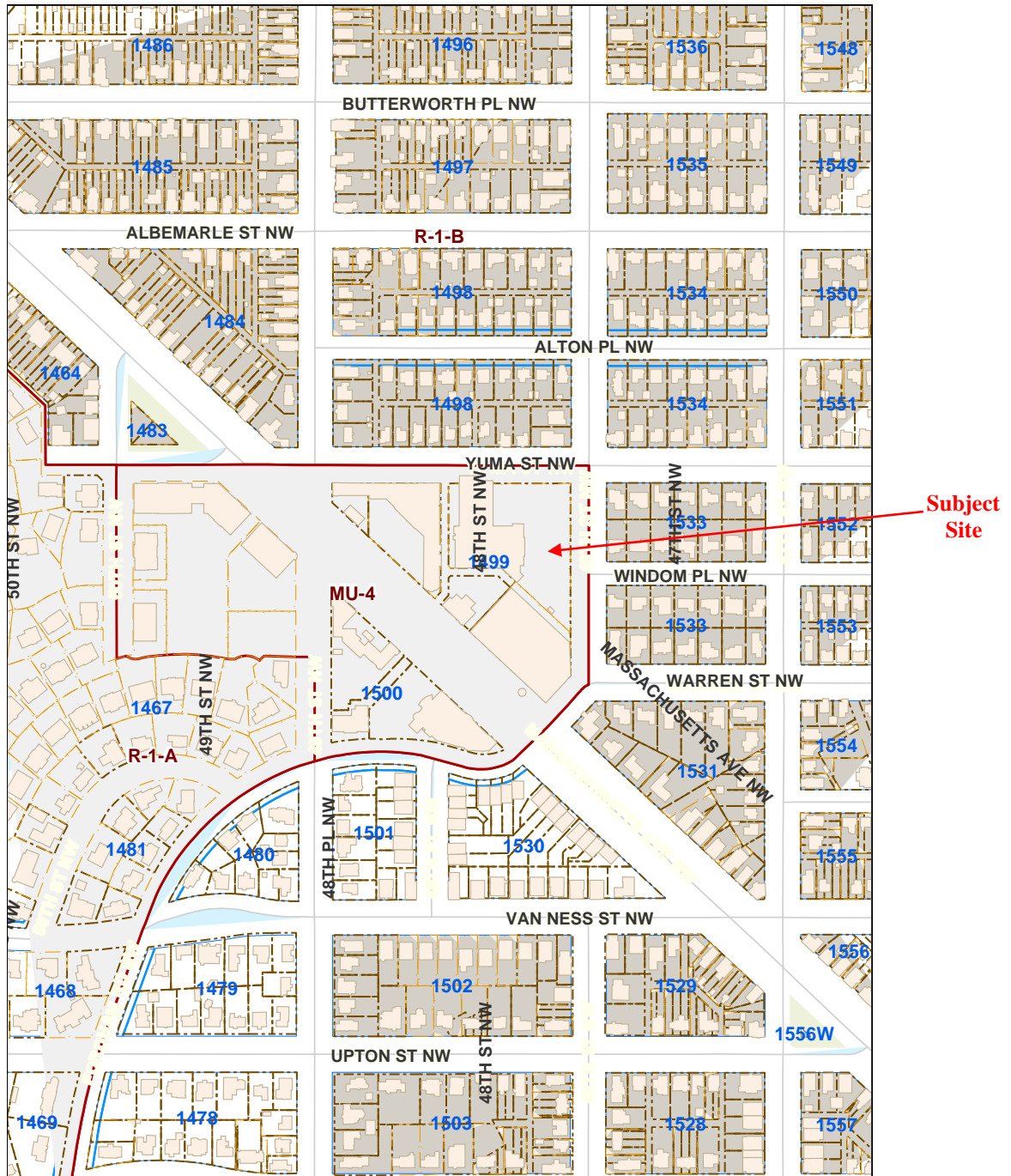
VII. DISTRICT AGENCY COMMENTS

As of this writing, OP had received no comments on the application from other District agencies.

VIII. ATTACHMENTS

1. Vicinity Map
2. Special Exception Criteria Rear Yard Relief
3. Comprehensive Plan Analysis

ATTACHMENT 1 VICINITY MAP



ATTACHMENT 2
SPECIAL EXCEPTION CRITERIA REAR YARD RELIEF

1201 SPECIAL EXCEPTION CRITERIA 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;
- (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;
- (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;
- (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and
- (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.

ATTACHMENT 3
COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
Citywide Elements		
<i>Land Use Element</i>		
<p>LU-1.4.1: Infill Development - Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. 307.5</p>	<p>The Project will encourage infill development, and will be carried out in a manner that complements the established character of the surroundings and provides an appropriate transition between the lower-scale residential neighborhood to the north and east and the larger-scale AU Building. The lower initial heights, deep upper level setbacks, façade articulation, and high-quality design proposed for Building 1 will result in a design that successfully responds to the immediate surroundings, especially along 48th and Yuma Streets, and will provide an appropriate backdrop to the historic SVSC. The smaller scale and compatible architectural design of Building 2, and the proposal for Windom Walk, will break down the scale and massing of the Project along 48th Street, and add variety along the streetscape.</p>	<p>The proposed project would redevelop a site that is currently underutilized and would provide residential units along with neighborhood serving retail.</p>
<p>LU-1.4.2: Long-Term Vacant Sites - Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures which would address these constraints. 307.6</p>	<p>This policy promotes facilitating “the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints.” (emphasis added). Further, the policy specifically encourages use of “lot consolidation, acquisition, and other measures which would address these constraints. The Project will redevelop the long vacant and underutilized Valor Lot with a new mixed-used development that contains a new full-service grocery store that is highly desired by the community, but cannot be provided under a matter-of-right development due to constraints on the amount of nonresidential density that can be constructed on Record Lot 9 resulting from a recorded allocation of development rights agreement that remains in effect. However, this constraint can be overcome through the flexibility in building bulk control provided through the [voluntary] design review process, which will allow the Applicant to utilize unused gross floor area from the SVSC to provide the highly-desired grocery store, as well as much needed additional housing.</p>	<p>The Voluntary Design Review allows for a creative approach to redevelopment that Square 1499 that accommodates housing and neighborhood serving retail; provide parking for the project and for the AU Law Building; and results in the preservation of the SVSC through the transfer of non-residential density on the Property.</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p>LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods - Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others. 309.8</p>	<p>This policy promotes increasing housing supply and expanding neighborhood commerce in all parts of the city while at the same time protecting neighborhood character, preserving historic resources, and restoring the environment. The Project will redevelop the underutilized Valor Lot with a new full-service grocery store, additional retail, and expanded housing opportunities, including substantially more affordable housing than would be required under any matter-of-right development. In addition, the Project will help protect the historic SVSC from future additional development, and help restore the environment by replacing the substantially impervious condition that exists on the Valor Lot with a sustainably designed project that will meet all GAR and District storm water requirements, and be constructed to the LEED v4 Silver certification level.</p>	<p>The proposed project would provide 219 units of housing with 58% of the units being 2-3 bedrooms. The proposed project also would restore a grocery use to the site.</p>
<p>LU-2.1.5: Conservation of Single Family Neighborhoods - Protect and conserve the District’s stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. 309.10</p>	<p>This policy promotes the protection and conservation of the District’s low density neighborhoods through ensuring that zoning reflects their low density character, and managing the development of structures in and adjacent to single-family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. The Project is not inconsistent with this policy as it has been carefully designed, and extensively refined in response to community input, such that the proposed buildings on the Valor Lot successfully relate to the scale of the single-family neighborhood to the north and east through the use of lower initial building heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style. The proposed design of the buildings, together with the substantial separation provided by Yuma and 48th Streets (both 90-foot-wide rights-of-way), successfully integrate the Project into the surrounding context in a manner that protects the low-density character of the neighborhood to the north and east while also establishing an appropriate transition to the larger-scale AU Building and commercial center to the south</p>	<p>The proposed project respects adjacent single-family neighborhoods through generous setbacks and building stepbacks at the upper levels, sensitive building design, high quality building materials, and extensive landscaping.</p>
<p>LU-2.2.4: Neighborhood Beautification - Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns,</p>	<p>This policy encourages projects that improve the visual quality of the District’s neighborhoods including, among other things, landscaping, improvement or removal of abandoned buildings, and street and sidewalk repair. The Project will significantly improve the visual quality of the Valor Lot, and thus the neighborhood, by replacing an</p>	<p>The proposed project would include public and private gathering spaces such as terraces, plazas, seating areas, and walkways that would be set</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements. 310.5	unsightly and underutilized vacant grocery store and expansive surface parking lot with a new mixed-use development that has been designed to relate to the surrounding context, include several landscape improvements, and construct substantial improvements to surrounding public space.	off by landscaping. The Applicant is also proposing improvements to the public space that would include wide sidewalks and street trees in a landscape strip located at the curb edge.
LU-2.3.3: Buffering Requirements - Ensure that new commercial development adjacent to lower density residential areas provides effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaping, fencing, screening, height step downs, and other architectural and site planning measures that avoid potential conflicts. 311.5	This policy strives to ensure that new commercial development adjacent to lower-density residential areas provides effective physical buffers such as, among others, larger setbacks, landscaping, height step downs, and other architectural and site planning measures in order to be compatible with the surrounding context. While the Project is primarily a residential development, the Applicant has successfully incorporated each of the buffering measures stated above into the design of Buildings 1 and 2.	The grocery and retail entries are located at the western edge of the Valor Lot, which concentrates the commercial uses adjacent to the existing commercial at the SVSC. The residential units provide a buffer from the single-family residential neighborhoods.
LU-2.4.1: Promotion of Commercial Centers - Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents. 312.5	This policy promotes the vitality of the District’s commercial centers in order to meet the needs of District residents, and expand employment opportunities for District residents. The Project is not inconsistent with this policy as it will reestablish a full-service grocery store use in this location of the city, a use that has a long history on the Valor Lot and is highly desired by the community, especially considering the closure of the Tenleytown Safeway. The open spaces and plazas that have been integrated into the Project design will provide inviting and attractive places for residents and neighbors to enjoy. In addition, the Project has been designed to provide easy vehicular access from Massachusetts Avenue and existing alleys which will minimize impacts to neighborhood streets and the amount of retail shopper activity along Yuma Street.	The Property is designated as a Low Density Commercial Center on the FLUM. The proposed project would provide neighborhood serving retail at a location where a grocery store had previously existed.
LU-2.4.2: Hierarchy of Commercial Centers - Maintain and reinforce a hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers in the District. Activities in each type of center should reflect its intended role and market	This policy promotes maintaining and reinforcement of the District’s hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers. The Project reinforces the GPM “Neighborhood Commercial Center” designation of the Project Site by providing the types of uses that are typically found in a Neighborhood Commercial Area, including a new full-service grocery store, which	The General Policy Maps designates the Property as a Neighborhood Commercial Center and the proposed project would provide residential units with ground floor grocery and

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p>area, as defined in the Framework Element. Established centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs. 312.6</p>	<p>will complement and expand upon nearby neighborhood-serving commercial offerings. The Project will also complement existing uses and contribute to the economic viability of nearby commercial uses on both sides of Massachusetts Avenue by adding additional residential within close proximity, thus increasing potential customer base.</p>	<p>retail space. The proposed mixed-use project would serve as a transition from the residential neighborhood to the SVSC and the greater commercial node that is centered on Massachusetts Avenue NW.</p>
<p>LU-2.4.5: Encouraging Nodal Development - Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them. 312.9</p>	<p>– This policy is focused on promoting pedestrian-oriented “nodes” of development at key locations along major corridors, and ensuring that such development is consistent with applicable zoning and design standards, and respects the integrity and character of surrounding residential areas. The Project Site is identified as part of a Neighborhood Commercial Center on the GPM, and the Project will complement and expand upon the range of neighborhood-serving retail and service that exist within the commercial node on both sides of the Massachusetts Avenue corridor (Spring Valley Shopping Center). The Project will also improve pedestrian circulation through and around the Project Site. Furthermore, the Project complies with the matter-of-right height, density, and lot occupancy under existing zoning, as measured in accordance with the flexibility in building bulk control afford under the [voluntary] design review process. Finally, the height, mass, and scale of the Project, especially along 48th and Yuma Streets, have been carefully designed to relate to the residential neighborhood to the north and east through lower initial building heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style.</p>	<p>The proposed project would augment the SVSC by restoring a grocery use to the neighborhood. The project would provide wide sidewalks and pedestrian connections to the neighborhood. The inclusion of residential units would provide additional residents to support existing and proposed neighborhood commercial development.</p>
<p>LU-2.4.6: Scale and Design of New Commercial Uses - Ensure that new uses within commercial districts are developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas. 312.10</p>	<p>This policy is focused on ensuring that new used within commercial districts are developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas. The proposed Project design is not inconsistent with this policy. The lower initial heights, deep upper-level setbacks, and façade articulation for Building 1 successfully responds to the immediate surroundings, especially along 48th and Yuma Streets, and will provide an appropriate backdrop to the historic SVSC. In addition, the smaller scale and compatible architectural design of Building 2, and the</p>	<p>The proposed project is within the height permitted for the MU-4 zone. The Applicant has requested rear yard relief, which OP supports. The Applicant is proposing to reallocate density across the site – taking unused commercial density from the SVSC site and applying it to the</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
	<p>proposal for Windom Walk, will break down the scale and massing of the Project along 48th Street, and add variety along the streetscape. Thus, not only will the Project’s scale and massing be compatible with the surrounding area, it will also establish an appropriate transition between the lower-scale residential area to the north and east, and the commercial center and larger-scale AU Building to the south and west.</p>	<p>Valor Lot to allow for a mixed-use redevelopment.</p>
<i>Transportation Element</i>		<p><i>The Applicant has not addressed the Transportation Element, but is providing a TDM plan (T-3.1.1) for the project that would result in a transit-oriented development (T-1.1.4) with an improved pedestrian network (T-2.4.1).</i></p>
<i>Housing Element</i>		
<p>H-1.1.1: Private Sector Support - Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2</p>	<p>This policy encourages the private sector to provide new housing to meet the needs of present and future District residents at locations that are consistent with District land use policies and objectives. As discussed above, the Project Site is exactly the type of area where new residential and neighborhood-serving retail and service uses are encouraged. Consistent with the Project Site’s GPM designation as a Neighborhood Commercial Center, the approximately 219 new dwelling units included in the Project will complement existing uses and contribute to the economic viability of nearby commercial uses on both sides of Massachusetts Avenue. Not only will the Project provide additional housing opportunities, it will do so by providing more affordable housing than would otherwise be required under any matter-of-right development, and by providing many larger-sized dwelling units that will provide housing opportunities to younger families striving to establish themselves in Upper and to longtime residents looking to downsize while remaining in their neighborhood and close to amenities. As discussed above, the new housing that will be provided by the Project is also not inconsistent with the Low-Density Commercial FLUM designation assigned to the Project Site, and the Land Use Element policy encouraging to nodal development.</p>	<p>The project would include 219 residential units with 28,320 square feet of Gross Floor Area (GFA) dedicated to affordable housing.</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p>H-1.1.3: Balanced Growth - Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. 503.4</p>	<p>This policy encourages development of new housing on surplus, vacant, and underutilized land in all parts of the city. As discussed above, the Project will provide approximately 219 new residential dwelling units, including more affordable housing that would be required under any matter of right development and many larger-size units, on a site that is significantly underutilized given its existing zoning, Neighborhood Commercial Center GPM designation, size, walkability, and proximity to several neighborhood-serving retail and service uses.</p>	<p>The Applicant is proposing 219 new residential units, where none exist today.</p>
<p>H-1.1.4: Mixed Use Development - Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. 503.5</p>	<p>This policy promotes mixed-use development, including housing, on commercially zoned land, and particularly in neighborhood commercial centers and other areas. As discussed above, the Project Site is within an area identified on the GPM as a “Neighborhood Commercial Center,” and the Project includes mixed-use development consisting of a new grocery store, additional retail space, and residential uses.</p>	<p>The Property is zoned MU-4 and designated as a Neighborhood Commercial Center. The proposed residential units would be part of a mixed-use project.</p>
<p>H-1.2.3: Mixed Income Housing - Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing. 504.8</p>	<p>The focus of this policy is to facilitate the distribution of mixed income housing more equitably across the entire city. Opportunities to provide affordable housing in the Upper Northwest quadrant of the District are few, and the inventory of affordable dwellings units is severely lacking. The Project presents an ideal opportunity to increase the inventory of affordable housing in a highly-desired neighborhood that is safe; walkable; and close to neighborhood-serving amenities, parks, medical facilities, and high-quality public and private schools.</p>	<p>The Applicant is proposing 28, 320 square feet of GFA dedicated to affordable housing, which is a 4.584 square foot increase over the matter-of-right requirements. The Applicant should provide additional details regarding how the IZ requirements would be met.</p>
<p>H-1.3.1: Housing for Families - Provide a larger number of housing units for families with children by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom apartments. 505.6</p>	<p>This policy encourages production of a greater number of larger-sized dwelling units that can accommodate families. As currently designed the Project will contain approximately 86 two-bedroom units (approximately 39% of total units), approximately 9 two-bedroom plus den units (approximately 4% of total units), and approximately 28 three bedroom units (approximately 13% of total units). This amounts to approximately 56% of all proposed dwelling units being devoted to larger sized units that could accommodate families wanting to get established in the highly sought after Upper Northwest quadrant of Washington, DC.</p>	<p>The Applicant indicates that 56% of the units are 2-3 bedrooms and would serve families. The Applicant should provide a unit breakdown.</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p>H-4.2.2: Housing Choice for Seniors - Provide a wide variety of affordable housing choices for the District’s seniors, taking into account the income range and health-care needs of this population. Recognize the coming growth in the senior population so that the production and rehabilitation of publicly-assisted senior housing that meets universal design standards becomes a major governmental priority. Acknowledge and support the establishment of Senior Villages throughout the city that allow seniors to remain in their homes and age in-place. 516.8</p>	<p>The Housing Element of the Comprehensive Plan recognizes the need for providing a wide variety of housing choices for seniors, including in those neighborhoods characterized by large numbers of seniors living alone in single-family homes. The Project supports a neighborhood-based approach to senior housing by providing new housing opportunities to seniors, and even non-senior empty-nesters, that will reduce home maintenance costs and obligations for populations that may either be burdened by the continued escalation of property values, and/or wish to downsize while remaining close to amenities in the neighborhood they have lived in for many years</p>	<p>The Applicant has not demonstrated how the project would provide affordable housing choices for seniors nor would the project result in the establishment of a Senior Village.</p>
<p><i>Environmental Protection Element</i></p>		
<p>E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 613.3</p>	<p>This policy promotes increases in tree planting and landscaping to reduce storm water runoff, including the expanded use of green roofs in new construction. As stated above, the Valor Lot is currently improved with a vacant grocery store building and vast surface parking lot, both of which are completely impervious and lack any form of sustainable storm water management. The Project will replace this environmentally insensitive condition with a number of new landscaped areas, shade trees, and green roof areas that will provide numerous environmental benefits, including reductions in storm water runoff. Further, as part of the Project the adjacent public space along Yuma and 48th Streets will be reconstructed, including the permanent closure of approximately 80 linear feet of existing curb cuts, thereby providing space for additional street trees.</p>	<p>The Applicant is proposing to remove existing surface parking spaces. The project would include extensive and intensive green roofs and would meet the criteria for certification at the LEED v4 Silver level.</p>
<p>E-3.2.1: Support for Green Building - Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities. 614.2</p>	<p>This policy encourages the use of green building methods in new construction and rehabilitation projects. As shown in the preliminary LEED scorecard included in Exhibit A, Sheet G10, while under District regulations the Applicant is only required to design the project to be LEED Certified, the Applicant will exceed this sustainability requirement by constructing Buildings 1 and 2 to the LEED v4 Silver certification level.</p>	<p>OP encourages the applicant to strive to achieve LEED Gold and commit to certify the project.</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<i>Economic Development Element</i>		
<p>ED-2.2.3: Neighborhood Shopping - Create additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences. 708.7</p>	<p>This policy promotes the creation of additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. The Project will advance this policy through the construction of a new full-service grocery store that has been very effectively integrated into the proposed development. A grocery store use has long existed on the Valor Lot until the most recent operation closed in late-2013, and continues to be a highly desired use by the community, especially since the recent closure of the nearby Tenleytown Safeway grocery store.</p>	<p>The project would include neighborhood serving retail and a grocery use that would complement the SVSC.</p>
<p>ED-2.2.6: Grocery Stores and Supermarkets - Promote the development of new grocery stores and supermarkets, particularly in neighborhoods where residents currently travel long distances for food and other shopping services. Because such uses inherently require greater depth and lot area than is present in many commercial districts, adjustments to current zoning standards to accommodate these uses should be considered. 708.10</p>	<p>This policy promotes the development of new grocery stores and supermarkets, particularly in neighborhoods where residents currently travel long distances for food and other shopping services. As part of the Project, the Applicant will construct a new full-service grocery store, a use that existed on the Valor Lot for many years and continues to be highly desired by the community.</p>	<p>The Applicant should provide additional information regarding the nature of the proposed grocery tenant, particularly given the proposed grocery square footage, which is a decrease from the original proposal.</p>
<p>ED-3.1.1: Neighborhood Commercial Vitality - Promote the vitality and diversity of Washington’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. 713.5</p>	<p>This policy promotes the vitality and diversity of neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. The Project will advance this policy by providing a new grocery store that will increase the mix of goods and services available to residents, and complement and expand upon nearby neighborhood-serving commercial offerings.</p>	<p>The project would restore a grocery use to the site.</p>
<i>Urban Design Element</i>		
<p>UD-2.2.1: Neighborhood Character and Identity - Strengthen the defining visual qualities of Washington’s neighborhoods.</p>	<p>This policy promotes strengthening the defining visual qualities of Washington’s neighborhoods “in part by relating the scale of infill development...to existing neighborhood context.” The Project</p>	<p>The Applicant is proposing an appropriately scaled, mixed-use infill development.</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p>This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 910.6</p>	<p>successfully advances this policy by replacing an unsightly and underutilized vacant grocery store and expansive surface parking lot with a new mixed-use development that has been designed to relate to the surrounding context through the use of lower initial building heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style.</p>	
<p>UD-2.2.4: Transitions in Building Intensity - Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. 910.11</p>	<p>In designing Buildings 1 and 2, the Applicant gave substantial consideration to this particular policy given the context surrounding the Project Site to the north and east. As a result, the Project design establishes an appropriate transition between the existing residences to the north and east and the proposed buildings. The massing and scale of the proposed buildings have been markedly reduced through the use of lower-level pavilions separated by generous landscaped courtyards, and considerable upper-level setbacks. Along Yuma Street, further reductions in mass and scale have been achieved through building setbacks, variations in architectural style and materials, and removal of a substantial portion of the penthouse.</p>	<p>The proposed project would be setback from the property lines at Yuma and 48th Streets. The upper levels of the project would step back from the property lines. The building design results in a development that is compatible with the surrounding residential neighborhood.</p>
<p>UD-2.2.5: Creating Attractive Facades - Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. (see Figure 9.12) 910.12</p>	<p>This policy promotes visual interest through well-designed building facades that do not contain monolithic building forms and long blank walls that detract from the streetscape. As shown in the Revised Plans, the architectural design of the proposed buildings is anything but monolithic and blank. Rather, the careful sculpting of the building massing, and the detailed façade design that takes cues from the surrounding context, will add a great degree of visual interest to the neighborhood and to the quality of the streetscape.</p>	<p>The Yuma and 48th Street facades feature high quality design and materials, with extensive landscaping. The Applicant should work to ensure that a high level of design is achieved on the alley facing facades as the project contemplates pedestrian activity in these areas.</p>
<p>UD-2.2.7: Infill Development - Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.15</p>	<p>This policy seeks to avoid overpowering contrasts in scale, height, and density as infill development occurs. Through substantial reductions in height and penthouse footprint, upper-level setbacks, construction of multiple buildings, and provision of open courtyards and substantial landscaping, the Project will not result in overpowering contrasts in scale in relation to the surrounding context. Rather, the Project will</p>	<p>The project would respect the surrounding neighborhood and would serve as a transition from the commercial development on Massachusetts Avenue to the adjacent single-family homes on</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
	<p>establish an appropriate transition between the lower-scale residential development to the north and east, and the commercial center and larger-scale AU Building to the south and west.</p>	<p>Yuma and 48th Streets.</p>
<p>UD-2.2.8: Large Site Development - Ensure that new developments on parcels that are larger than the prevailing neighborhood lot size are carefully integrated with adjacent sites. Structures on such parcels should be broken into smaller, more varied forms, particularly where the prevailing street frontage is characterized by small, older buildings with varying facades. (see Figure 9.13). 910.16</p>	<p>This policy promotes the integration of larger development sites with adjacent sites by breaking development into multiple buildings and more varied forms. The Project is effective at integrating the redevelopment of the Valor Lot into the surrounding context by proposing multiple buildings that are designed in a context-sensitive manner using separate but complementary architectural styles, and by improving circulation through the Project Site by proposing Windom Walk and pedestrian improvements along the north-south alley.</p>	<p>The project includes the redevelopment of an outdated grocery building with surface parking that is accessed via curb cuts from the surrounding streets. The Applicant is proposing a mixed-use development that is accessed via existing improved alleys and that features pedestrian amenities and additional connections.</p>
<p><i>Historic Preservation Element</i></p>		
<p>HP-2.4.3: Compatible Development - Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail. 1011.8</p>	<p>The focus of this policy is on preserve the important historic features of the District while permitting compatible new infill development that is in scale with and respects historic context through sensitive siting and design, and appropriate use of materials and architectural detail. The Project Site, located in the MU-4 zone, is a transitional site, in that to the north and east this mixed-use zone site is located across the street from single-family dwellings, while to the west and south it contains or is adjacent to commercial properties ranging in scale from the 1-5 stories in height, including the AU Building and historic SVSC (Exhibit A, Sheets G02 & G03). The proposed Project successfully responds to both of these contexts, and is compatible with the historic context of the SVSC. As discussed above, the Project successfully relates to the scale of the single-family neighborhood to the north and east, which is not historic, through the use of lower initial building heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style. At the same time, the Project also respects and complements the scale and historic context of the SVSC through façade articulation and compatibility in architectural style and materials.</p>	<p>The proposed transfer of non-residential density from the SVSC to the Valor Lot would serve to preserve the historic SVSC from future development efforts. The project on the Valor Lot respects the scale and context of the SVSC and employs appropriate materials.</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p>HP-3.1.2: Incentives for Special Property Types - Develop specialized incentives to support preservation of historic properties like schools, places of worship, theaters, and other prominent historic structures of exceptional communal value. Use a variety of tools to reduce development pressure on these resources and to help with unusually high costs of maintenance. 1016.3</p>	<p>This policy promotes the development of specialized incentives to support preservation of historic properties that have exceptional communal value through a variety of tools that can reduce development pressure on these resources and/or help with unusually high cost of maintenance. To advance this policy, the Comprehensive Plan includes an action strategy that promotes revisions to transfer of development rights (“TDR”) programs to enhance their utility for preservation (Action HP-3.1.B: TDR Benefits for Preservation). The ZR16 voluntary design review process is an example of a specialized incentive that can be used by property owners to help protect historic resources through the flexibility afforded in building bulk control, and by allowing the area included in a design review application to include properties that are separated by a public street, alley, or right-of-way. The Project is not inconsistent with this policy as it will allow the Applicant to shift the unused density from the SVSC (Lots 802 and 803) to the Valor Lot (Lot 807) which will protect the historic SVSC from future additional development pressure.</p>	<p>The Applicant’s ability to aggregate density across the Property and the subject Voluntary Design Review would reduce future development pressure on the historic SVSC.</p>
<p>Area Elements</p>		
<p><i>Rock Creek West Area Element</i></p>		
<p>RCW-1.1.1: Neighborhood Conservation - Protect the low density, stable residential neighborhoods west of Rock Creek Park and recognize the contribution they make to the character, economy, and fiscal stability of the District of Columbia. Future development in both residential and commercial areas must be carefully managed to address infrastructure constraints and protect and enhance the existing scale, function, and character of these neighborhoods. 2308.2</p>	<p>This policy is focused on the protection of the low density residential neighborhoods located west of Rock Creek Park. As discussed above, the Project has been carefully designed, and extensively refined in response to community input, such that the proposed buildings on the Valor Lot successfully relate in scale to the nearby single-family neighborhood to the north and east. The proposed design of the buildings, together with the substantial separation provided by Yuma and 48th Streets (both 90 foot wide rights-of-way), successfully integrate the Project into the surrounding context in a manner that protects the character of the neighborhood while also establishing an appropriate transition to the larger scale AU Building and commercial center to the south.</p>	<p>The proposed project would preserve the existing residential neighborhood. The Applicant is proposing a mixed-use building on a lot zoned MU-4 that is within the permitted height and which conforms to the permitted density for the Property.</p>
<p>RCW-1.1.3, Conserving Neighborhood Commercial Centers - Support and sustain local retail uses and small businesses in the area’s neighborhood commercial centers.</p>	<p>Supports local-serving retail uses and protection of neighborhood commercial centers from large office buildings and other non-neighborhood serving uses. The policy also promotes compatible new uses such as multi-family housing “to meet affordable housing needs,</p>	<p>The project would preserve the SVSC and would provide a mixed-use building within the designated Neighborhood</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p>These centers should be protected from encroachment by large office buildings and other non-neighborhood serving uses. Compatible new uses such as multi-family housing or limited low-cost neighborhood-serving office space (above local-serving ground-floor retail uses) should be considered within the area’s commercial centers to meet affordable housing needs, sustain new neighborhood-serving retail and small businesses, and bring families back to the District. 2308.4</p>	<p>sustain neighborhood-serving retail and small businesses, and bring families back to the District.” The Project will advance this policy by providing a new mixed-use development consisting of a new full-service grocery store that will address the community’s desire to have this type of use in close proximity, and will complement the existing retail and service uses in the neighborhood. In addition, the Project will provide approximately 219 new residential dwelling units, including numerous larger sized units, that will help families move into the neighborhood, allow long- term residents to remain in the neighborhood, and help address the growing demand for affordable housing in an area of the city that has very few affordable dwelling units.</p>	<p>Commercial Center.</p>
<p>RCW-1.1.4, Infill Development - Recognize the opportunity for infill development within the areas designated for commercial land use on the Future Land Use Map. When such development is proposed, work with ANCs, residents, and community organizations to encourage projects that combine housing and commercial uses rather than projects that contain single uses. Heights and densities for such development should be appropriate to the scale and character of adjoining communities. Buffers should be adequate to protect existing residential areas from noise, odors, shadows, and other impacts. 2308.5</p>	<p>This policy recognizes the opportunity for infill development within the areas designated for commercial land use on the FLUM. For these types of sites, the policy encourages coordination with the ANCs, residents, and community organizations to develop projects that combine housing and commercial uses rather than only containing a single use. In addition, the policy promotes heights and densities that are informed by, and relate to, the scale and character of the surroundings. The Project is exactly the type of mixed-use development that is promoted by this policy as it involves mixed-use, infill development on an underutilized site that is designated for low-density commercial uses on the FLUM and a designated Neighborhood Commercial Center on the GPM. Further, as is clearly demonstrated in the updated list of agency/community discussions and presentations attached as Exhibit C, the Applicant has undertaken extensive consultation with the affected ANC, residents, community organizations, and the Office of Planning and District Department of Transportation before and after submitting the subject application. As a result of the Applicant’s efforts, the scale and character of the Project successfully relates to, and is compatible with, the surrounding context.</p>	<p>The Applicant is proposing infill development where the Superfresh Grocery was located. The Applicant is providing a new grocery tenant along with neighborhood serving retail. The project would include 219 residential units with an affordable housing component. The massing of the buildings has been sculpted to respect the surrounding residential developments. The Applicant has worked extensively with both ANC 3D and 3E.</p>
<p>RCW-1.1.5: Preference for Local-Serving Retail - Support new commercial development in the Planning Area that provides the range of goods and services</p>	<p>This policy supports new commercial development within the Rock Creek West Planning area that provides the range of goods and services necessary to meet the needs of local residents. The policy specifically states that local-serving retail uses are preferable to larger-</p>	<p>The proposed grocery would provide neighborhood serving retail. The Applicant should provide additional information</p>

Comprehensive Plan Policy	Applicant’s Analysis	OP Comment
<p>necessary to meet the needs of local residents. Such uses are preferable to the development of new larger-scale or “big-box” retail uses that serve a regional market. “Destination” retail uses are not appropriate in smaller-scale commercial areas, especially those without Metrorail access. Regardless of scale, retail development must be planned and designed to mitigate traffic, parking, and other impacts on adjacent residential areas. 2308.6</p>	<p>scale retail uses that serve a regional market, and that “destination” retail uses are not appropriate in smaller-scale commercial areas, especially those without Metrorail access. The policy further states that regardless of scale, retail development must be planned and designed to mitigate traffic, parking, and other impacts on adjacent residential area. The Project will provide a new full-service grocery store that has been sized in direct response to community input regarding the need to balance the type of grocery store with potential impacts on traffic and parking. As initially proposed the grocery store was substantially larger (approximately 55,000 square feet), which led to community concerns over traffic and parking, especially if the Applicant was to establish a destination grocer. In response, the Applicant reduced the size of the grocery to that which is shown in the Revised Plans, while maintaining its full-service function. As currently proposed, the size of the new grocery store, and the overall amount of retail and service use in the Project, is consistent with the site’s Neighborhood Commercial Center GPM designation and appropriate given its location. Notwithstanding the above, as is thoroughly discussed in the Comprehensive Transportation Review (“CTR”) submitted to the record, the Applicant has committed to implementing several Transportation Demand Management (“TDM”) strategies and a robust Loading Management Plan which will successfully mitigate any potential impacts on traffic and parking. Finally, as thoroughly discussed above, the Project has been designed to mitigate any other potential impacts on the residential areas to the north and east.</p>	<p>regarding the grocery tenant, as it is available.</p>