



DONOHUE & STEARNS, PLC

January 9, 2018

VIA IZIS

Chairman Anthony Hood
D.C. Zoning Commission
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Cc: Christopher Collins (via email), ANC 3E (via email) and ANC 3D (via email)

Re: ZC Case 16-23/Valor Development, LLC/Square 1499
Hearing Date January 11, 2018

Chairman Hood:

On behalf of our clients, Citizens for Responsible Development (CRD), we are submitting the following documents for the Commission's consideration in the above-referenced matter:

- "Comments on Office of Planning Report for ZC #16-23: Voluntary Design Review for Valor Development - A Supplemental Report Regarding the Impact of the 'Lady Bird' Project on the Historic Spring Valley Shopping Centers and Surrounding Neighborhoods," prepared by Preservation Matters and dated January 9, 2018;
- Revised version of the original report "The Impact of the 'Lady Bird' Project on the Historic Spring Valley Shopping Centers and Surrounding Neighborhood," prepared by Preservation Matters and dated January 8, 2018 (updating the report dated November 22, 2017, which was submitted by Citizens for Responsible Development as an attachment to its January 4, 2018 Statement in Opposition in this matter); and
- The names and addresses of the members of Citizens for Responsible Development – On November 13, 2017 the Zoning Commission granted Citizens for Responsible Development party status. At the work session, the Commission inquired as to the size of the group and membership. In response, we are submitting the attached list. As stated in our Request for Party Status, the group was formed in 2016 and has met numerous times to coordinate its message and prepare for this hearing.

The attached Supplemental Report further addresses the impact of the proposed development on the historic landmarks and responds to certain specific points in the Office of Planning Report dated January 2, 2018. The attached revised version of the original report

submitted on behalf of Citizens for Responsible Development contains a few modifications to the original version and is submitted to replace it.

Thank you for your consideration of these materials.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. L. Donohue". The signature is fluid and cursive, with a large initial "E" and a long horizontal stroke at the end.

Edward L. Donohue

Enclosures

**COMMENTS ON OFFICE OF PLANNING REPORT FOR ZC #16-23:
VOLUNTARY DESIGN REVIEW FOR VALOR DEVELOPMENT**

**A Supplemental Report Regarding the Impact of the “Lady Bird” Project on the
Historic Spring Valley Shopping Centers and Surrounding Neighborhoods**



Prepared for

Citizens for Responsible Development

January 9, 2018



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Introduction:

This supplemental report provides comments on certain specific points contained in the January 2, 2018 Office of Planning Report in the above-referenced matter.

1. Transfer Development Rights

In the January 2, 2018 **Office of Planning Report (OP) for ZC #16-23, Voluntary Design Review for Valor Development, LLC (Square 1499, Lots 802, 803, 806, and 807)** (“OP Report”), Valor Development (“Applicant”), OP indicates that the Applicant is proposing to transfer unused GFA from the historic Spring Valley Shopping Center (SVSC) to its Lady Bird project lot. OP Report at 12, 25-26.

While the OP Report does not use the terms “Transfer Development Rights” (TDR) or “Combined Lot Development” (CLD) in response to the Applicant’s claim, the Report refers to “[t]he Applicant’s ability to aggregate density across the Property and the subject Voluntary Design Review would reduce future development pressure on the historic SVSC.” OP Report at 26.

As stated in the January 4, 2018 *Response of Citizens for Responsible Development to Valor Development’s Voluntary Design Review Application* (“CRD Response”), voluntary design review does not allow the Applicant to utilize unused GFA from SVSC (either via TDRs or CLDs). OP’s report recognizes the need to apply such a program in order to be able to carry out this project as Valor has proposed. We remind OP and the Zoning Commission that TDRs are limited to only five Receiving Zones in the city: South Capitol, Downtown East, North Capitol, Southwest, and New Downtown (Figure 1). This property was never eligible for TDR or CLD credits; consequently, they cannot be utilized here.

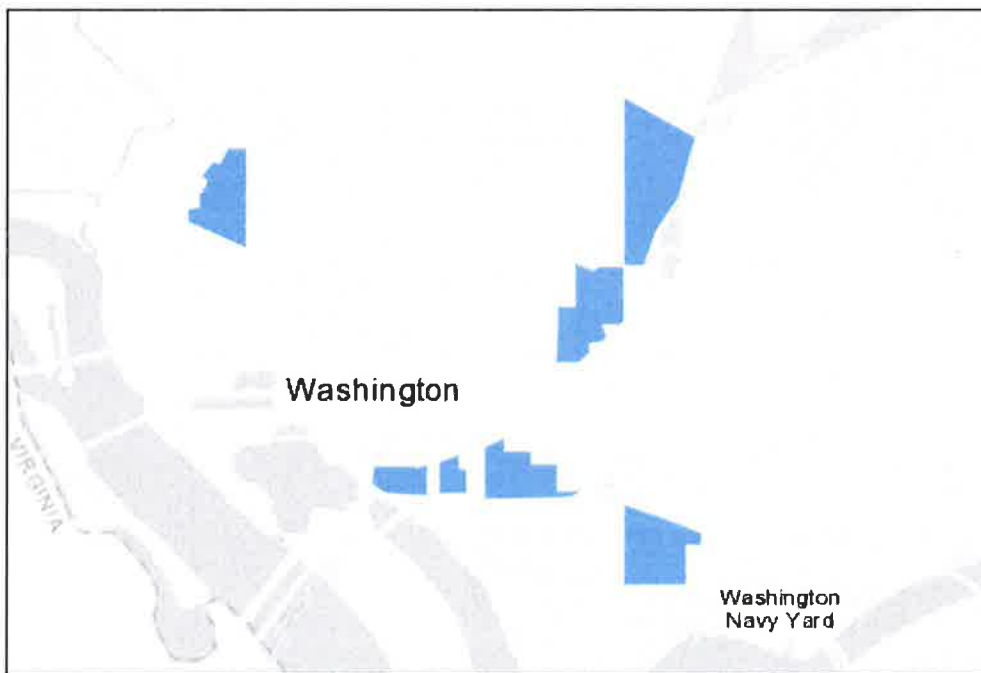


Figure 1. Designated TDR Receiving Zones. Source: DCGIS

2. The Comprehensive Plan

In support of its application of TDRs for this project, the Applicant references a Comprehensive Plan Action item that they incorrectly state “promotes revisions” to TDR programs to enhance their utility for preservation (Action HP-3.1. B).”¹ Action HP-3.1. B calls for the evaluation of the effectiveness of TDRs for preservation purposes. It does *not* “promote revisions” and/or authorize them to be applied, as is being attempted with this project.

The 2006 Comprehensive Plan (the “Plan”) is still in effect (and remains the law). It consists of a series of goals, policies, and action items. The Plan’s “Policies” provide guidance to the District, and specifically to the Zoning Commission. The Plan’s “Actions” identify specific steps to be taken by the District to implement the Plan’s Policies. These are prioritized and assigned to District agencies in the Plan’s Implementation Element.

Actions that require a change to zoning regulations (including the zoning map) were specifically highlighted in the 2006 Plan. Of the Plan’s 600 Action items, only some 50 were identified as “priority” actions, indicating that their completion was essential to carrying out Plan policies. Actions that required a change to zoning regulations (including the zoning map) were specifically highlighted.

Action HP-3.1. B was included as a Zoning Commission Action item, with the Historic Preservation Office (HPO) and the Office of Zoning (OZ) designated as the responsible agencies. However, HP-3.1. B was not highlighted as a priority action and was not followed through on by either agency. As a result, the use of TDRs for preservation purposes was not evaluated. The zoning regulations were never changed either to allow the application of TDRs beyond the designated five downtown Receiving Zones or to allow TDR’s to be used as a tool for preservation purposes outside those Zones or city-wide.

The Applicant also cites Comprehensive Plan Policy LU-2.1.3 (“Conserving, Enhancing, and Revitalizing Neighborhoods”)² in its justification for applying TDRs, claiming that the Project will help meet this policy by helping to protect the historic SVSC from future additional development. The OP Report appears to accept this incorrect justification. OP Report at 12, 26-27. However, SVSC is already protected from future development with its landmark status. Moreover, as discussed in the CRD Response submitted January 4, 2018 at pp. 5-7, this project encroaches on many of those legal protections already in place.

3. Lot Subdivisions and Review by DC Historic Preservation Bodies

The OP Report states that an application to waive rear yard requirements would trigger review by, among other agencies, the Historic Preservation Office (HPO), if an historic district or histor-

¹ Action HP-3.1. B (“TDR Benefits for Preservation”). Evaluate the effectiveness of existing transfer of development rights (TDR) programs, and consider revisions to enhance their utility for preservation. 1016.5

² 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

ic landmark is involved. OP Report at 15. Here, any form of lot subdivision involving the historically landmarked SVSC triggers review by *both* the HPO and the Historic Preservation Review Board (HPRB).

HPO signs off on all applications to subdivide property in the District of Columbia. It generally reviews only routine and minor subdivisions of historic properties. HPRB, on the other hand, must consider those that may affect the character of an historic property under its purview.

In order to aggregate density across lots, the project proposes to combine SVSC (Lots 802 and 803) with the Valor Lot (Lot 807). For the project to be on the same Property as SVSC, as stated in the OP Report would require either a recorded or a theoretical lot subdivision to combine record SVSC Lots 802 and 803 with Valor Lot 807.

Preservation review is required for any subdivision of historic property involving either the division or assembly of land into one or more record lots. It is also required for the division of any lot of record into theoretical building lots under Section 2516 of the DC Zoning Regulations. Preservation review should also be required for the theoretical combination of record lots when an historic landmark is situated on one of them and is affected by that subdivision.

Any combination of lots (either recorded or theoretical) employed to undertake this project would adversely affect the character of a designated historic property. This project should not go forward without HPO and HPRB design review, approval, and oversight to help mitigate any adverse effects on SVSC.

Stephen A. Hansen
Preservation Matters, LLC
January 8, 2018

The Impact of the “Lady Bird” Project on the
Historic Spring Valley Shopping Centers and Surrounding Neighborhood



Prepared for

Citizens for Responsible Development

Revised January 8, 2018



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Introduction

Valor Development, LLC (the "Applicant") has submitted an application to the Zoning Commission of the District of Columbia (the "ZC") for voluntary design review of a new mixed-use development project "Lady Bird" (the "Project") located on Lots 802, 803, 806, and 807 in Square 1499 (the "Project Site") (Figure 1).¹

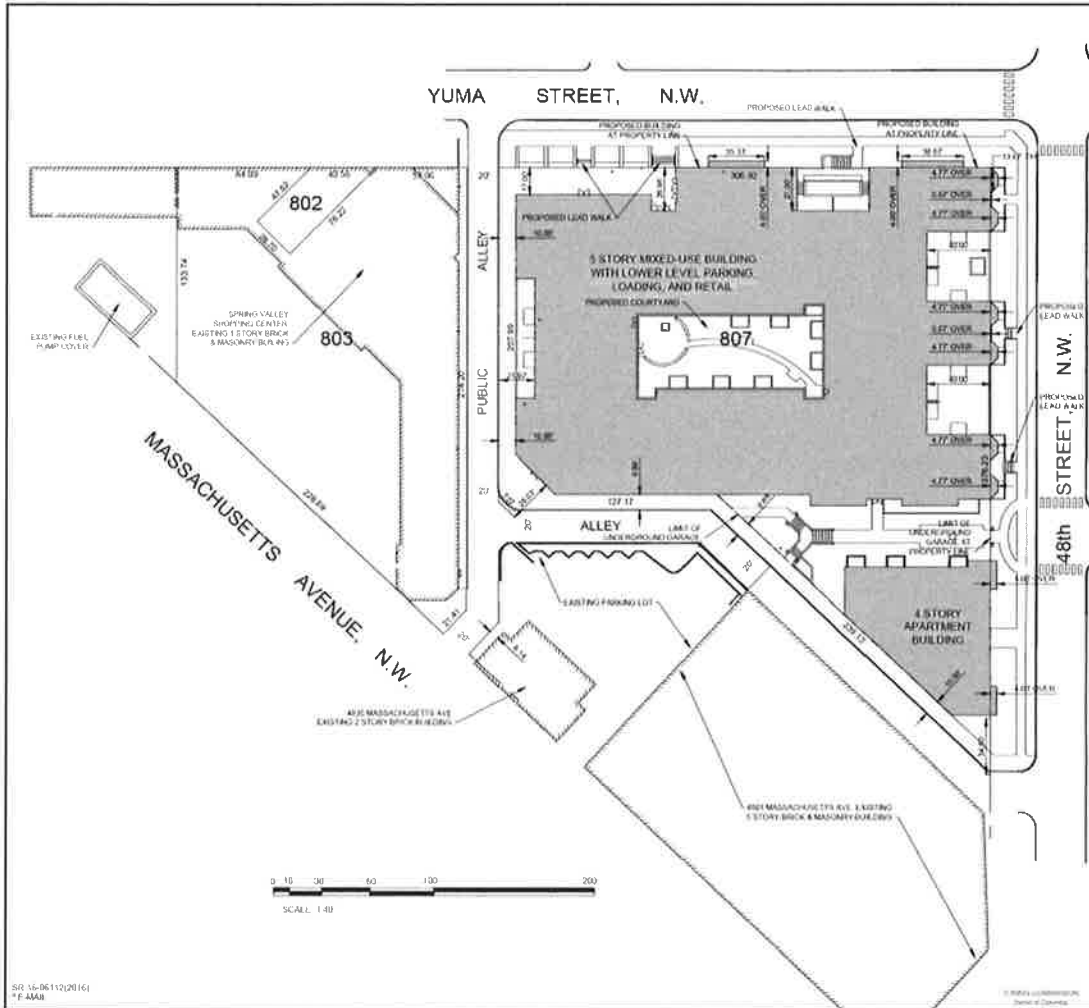


Figure 1. Surveyor's plat showing project site.

The purposes of a ZC design review process include allowing for special projects to be approved by the ZC after a public hearing and a finding that they cause no adverse impact (11-X §600.1(a)), and promote high-quality, contextual design (11-X §600.1(d)). The design review process shall not be used to

¹ Note: All project plats and plans used in this report are taken from the Applicant's August 2016 submissions to DC Zoning Commission for design review. To the best of our knowledge, there have been no updates since the initial 2016 filing for design review. Renderings, except for Figure 7, are taken from the Project's website at <https://courbanize.com/projects/theladybird/information> and were current as of November 19, 2017.

circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan. (§600.4)

Design review also necessitates an evaluation of the impacts a project may have on the historic character of a neighborhood. In compliance with 11-X DCMR §604.7, the Zoning Commission reviews the designs for the following criteria:

§ 604.7 (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 Project is situated in a commercial shopping center and surrounding residential neighborhood along Massachusetts Avenue in Spring Valley. The neighborhood's urban form is that of a planned community of low-density residential housing centered around a low commercial center. The commercial area contains two National Register of Historic Places-listed resources: the Massachusetts Avenue Parking Shops at 4841-59 Massachusetts Avenue, and the Spring Valley Shopping Center at 4820-74 Massachusetts Avenue and 4301 49th Street.

The Project as submitted for ZC design review fails to meet the requirements of 11-X DCMR §600.1(a), as it will have an adverse visual effect on two designated historic landmarks, as well as the surrounding neighborhood. It also fails to meet 11-X DCMR §600.1(d), as it does not provide high-quality, contextual designs for the Project Site.

The project also fails to meet the review criteria of 11-X DCMR §600.4 in consideration of the District of Columbia Comprehensive Plan's policies and directives as stated in its Land Use, Rock Creek West, and Urban Design Elements, all of which directly implement the Plan's Future Land Use and Generalized Policy Maps.

The following is an evaluation of the impact the proposed project would have on Spring Valley's historic character in terms of the design review criteria under §604.7(c) and the District of Columbia's Comprehensive Plan.

1. Developments near the District's major boulevards and public spaces should reinforce the existing urban form (§604.7(c)(1))

Historic Urban Form

The Spring Valley neighborhood is one of the most fully-realized examples of planned residential neighborhoods in the District that were developed to be serviced almost exclusively by the automobile. It was conceived and developed by the W.C. & A. Miller Company, which initially owned the land and built many of the houses in the neighborhood. Spring Valley was the first of three such planned communities in Washington by Miller; the other two were Wesley Heights and Westerleigh (now mostly subsumed into modern-day Spring Valley).

Model neighborhood schemes advanced by such urban planners as Clarence Perry in the 1920s promoted the idea of condensing a commercial zone to a central node.² Perry wrote extensively on the advantages of the "planned neighborhood unit" in which community and retail facilities were located at the core of a neighborhood and formed village-like complexes.

Following Perry's model neighborhood scheme, when Miller planned its extensive development of Spring Valley in the late 1920s, it included a central shopping area and a private bus line, both of which seemed necessary to attract buyers to the then far-out community on the Maryland line. Commercial development in Spring Valley started during the 1920s on a designated parcel of land spanning both sides of Massachusetts Avenue (Squares 1499 and 1500), from Warren to Yuma Streets.

What is now commonly referred to as the Spring Valley Shopping Center is composed of two adjacent but separate landmarks: the Massachusetts Avenue Parking Shops (site of Wagshal's Market) on the east side of the avenue, and the Spring Valley Shopping Center (site of the Crate and Barrel store) on the west. Both collections of buildings were individually determined noteworthy as planned clusters of neighborhood commercial buildings designed to complement the character of the neighborhoods nearby and are included in the DC Inventory of Historic Sites and listed on the National Register of Historic Places.

Completed in 1936, the Massachusetts Avenue Parking Shops was the first of the two Spring Valley shopping centers and is one of the oldest planned neighborhood shopping centers in the metropolitan area. Built as a single structure, it includes an arcade of shops and a gas station organized around a forecourt with off-street parking. The complex was designed by architect E. Burton Corning for developer C.H. Hillegeist. It was cited in national planning publications as a model and appears to have influenced subsequent projects elsewhere in the nation. In addition, the building provides an example of the Colonial Revival style adapted to a small commercial enterprise. By the 1930s, the Williamsburg-inspired Colonial Revival style had been widely embraced as a fashionable image for public buildings, residences, and commercial buildings, particularly those associated with the middle and upper middle classes.

The Spring Valley Shopping Center (Crate and Barrel location) across Massachusetts Avenue at 4820, 4860, 4866, 4872, 4874 Massachusetts Ave. & 4301 49th Street, N.W. was designed in 1939 by an in-house Miller Company architect, also in the Colonial Revival style to complement the company's surrounding residential neighborhoods. Upon its completion, the Garfinkel's building was described in a community paper as "a little bit of old Williamsburg in a garden setting, with a backdrop of dark cool forest."

As a result of the planned commercial node for the surrounding residential communities, the shopping centers on both sides of Massachusetts Avenue were meant to be read as part of the same commercial shopping complex at the core of the neighborhood, visually unified by their low height and massing, and Colonial Revival style architecture employing a limited palate of materials (red brick walls with stone and wood detailing and trim, and slate roofs). Both shopping centers exhibit an attention to the design of their rear elevations particularly where those elevations face residential buildings across the street. The inclusion of dormers along the alley-facing rear of Massachusetts Avenue Parking Shops, mirroring those facing Yuma Street, indicates the rear of the building was also meant to be visible with any subsequent low-height development or parking behind it that would adhere to the low-density model for the shopping center.

² Clarence Arthur Perry, Housing for the Machine Age, New York: Russell Sage Foundation, 1939, p. 72.

Residential development along both sides of Massachusetts Avenue around the shopping centers proceeding at a rapid rate from the 1920s through the 1940s. Following on the design of both shopping centers, the majority of the surrounding homes were all one and two-story variations on the Colonial Revival style. The homes in Spring Valley and Wesley Heights were initially built by W.C.&A. Miller, and later by Arnold Construction Company, and Cooper C. Lightbown, all following the concept of a planned development with a village-like character. With such restrictions as preventing commercial encroachments or expansion of any nature beyond what was planned for the communities, Miller was able to ensure that the purchaser enjoyed the advantage of knowing "exactly what his home will look like, what the completed community will be like, and how the neighboring homes will look."³

A 1939 *Washington Post* article about for a Miller-built model house boasted:

Importance of community planning and careful development is exemplified in Spring Valley's *Washington Post* display home which today enters the first week of a four-week exhibition. W. C. & A. N. Miller, developers of the community, have achieved a national reputation as leaders in the "planned community" idea. (*Washington Post*, October 1, 1939).

This planned and implemented urban form has survived intact from its inception since the 1920s until today. It was not by coincidence that the later mid 1960s addition of a full-service grocery store in the commercial center behind the Massachusetts Avenue Park and Shop was a low-profile A&P "Centennial" Store that matched the general height and Colonial Revival style of the shopping complex and the neighborhood. With its location behind the shopping center, it was not highly visible from Massachusetts Avenue and did not have a negative impact on the visual integrity of the shopping center.

The 1980 Georgian Revival-style PNC bank at 4835 Massachusetts also adheres to the existing urban form of the area with its one and a half-story height and Early American architectural style. While the American University building at 4801 Massachusetts Avenue is an aberration to the planned form of the shopping area, the PNC building provides a buffer in terms of spacing, height, and design between the AU building and the historic shopping center.

2. Infill development should respect the continuity of neighborhood architectural character (§604.7(c)(2))

The Comprehensive Plan's Urban Design Element calls for strengthening the defining visual qualities of Washington's neighborhoods by relating the scale of infill development to the existing neighborhood context (Policy UD-2.2.1). It also states that new development should be complementary in form, height, and bulk (Policy UD-2.2.2).

Recognizing the historic and well-established urban form of the Spring Valley shopping area and surrounding neighborhood, the Plan's Future Land Use Map (FLUM) designates the Project Site as "Low Density Commercial" (Figure 2). According to the Plan's Framework Element, 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 businesses being the predominate uses.

The Comprehensive Plan's Rock Creek West Area Element, while recognizing the opportunity for infill development within the areas designated for commercial land use on the Future Land Use Map, calls for protecting the low density, stable residential neighborhoods west of Rock Creek Park and recognizes the

³ "A Subdivision: But No Lots for Sale," *National Real Estate Journal*, July 9, 1928, p. 52.

existing scale, function, and character of these neighborhoods (Policy RCW-1.1.1). This Element also calls to recognize the contribution they make to the character, economy, and fiscal stability of the District of Columbia. Development in both residential and commercial areas must be carefully managed to ... protect and enhance the existing scale, function, and character of these neighborhoods. It also states that heights and densities for developments should be appropriate to the scale and character of adjoining communities (Policy RCW-1.1.4). Additionally, the Plan's Urban Design Element calls for, regardless of neighborhood identity, avoiding overpowering contrasts of scale, height and density as infill development occurs (Policy UD-2.2.7).

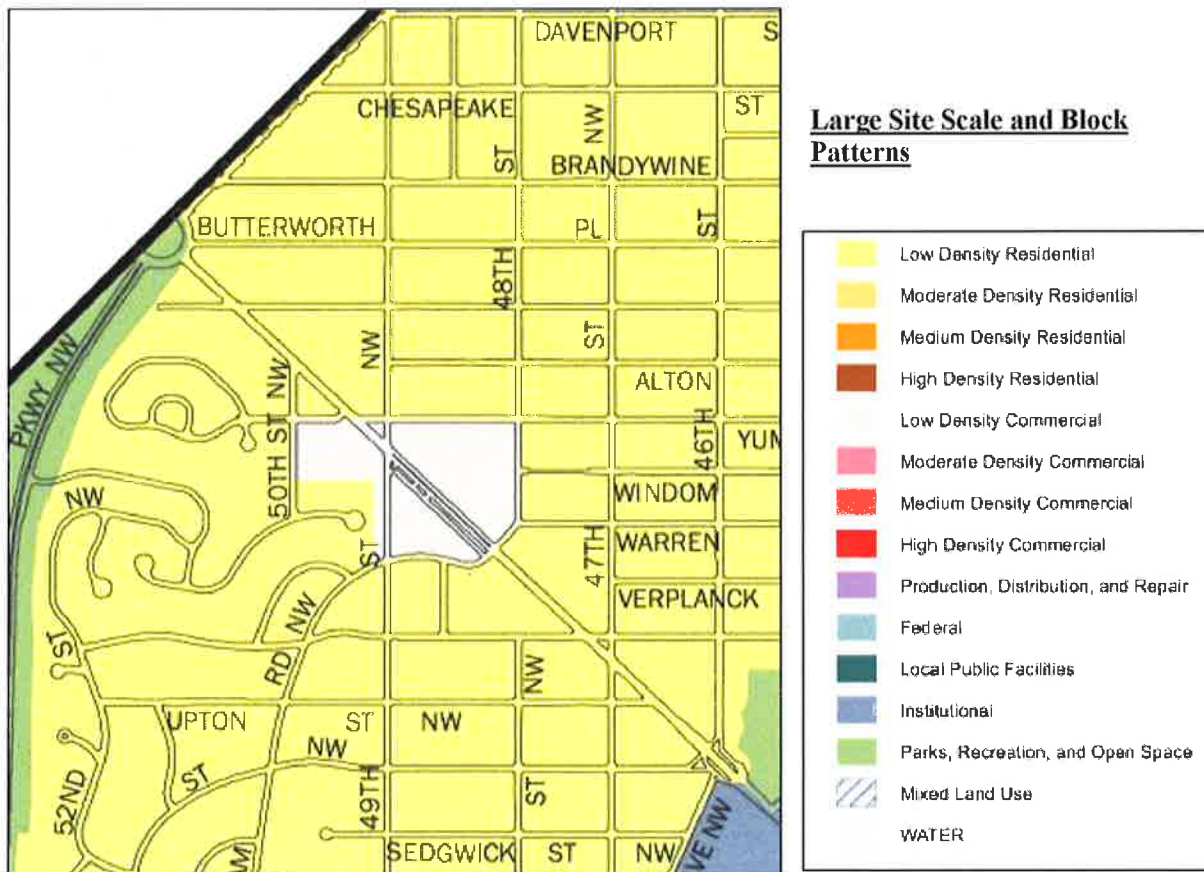


Figure 2. Future Land Use Map (FLUM) designating the Spring Valley commercial area as Low Density Commercial.

The Comprehensive Plan's Urban Design Element calls for establishing a development scale on large sites that is in keeping with surrounding areas. "Superblocks" (e.g., oversized tracts of land with no through-streets) should generally be avoided in favor of a finer-grained street grid that is more compatible with the texture of Washington's neighborhoods. This also allows for more appropriately scaled development and avoids large internalized complexes or oversized structures (Policy UD-2.3.2). The Urban Design element also calls for ensuring that urban design plans for large sites consider not only the site itself, but the broader context presented by surrounding neighborhoods and to recognize that the development of large sites has ripple effects that extend beyond their borders (Policy UD-2.3.3).

In spite of the afore mentioned recommendations of the Comprehensive Plan's Urban Design Element and contrary to the low-scale, scattered-building, village-like character of the neighborhood, the proposed

“Lady Bird” project still proposes a super- block that essentially covers the neighborhood equivalent of approximately 12 house lots, with a single building (Building 1) covering 10 of those lots. Building 1 is so large that it necessitates an internal closed court or atrium area to compensate for its large footprint and the lack of open space available around its perimeter (Figure 3).



Figure 3. Closed court in the center of Building 1.

Transitions in Building Intensity

The Comprehensive Plan’s Land Use Element Policy LU-2.3.3 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. Its Urban Design Element calls for establishing gradual rather than abrupt 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 (Policy UD-2.2.4).

In part, the Applicant purports to address transitions from its large buildings to the lower-scale neighborhood and shopping center by recessing the upper floors of the buildings that will still inadequately relate to the lower scale of the surrounding neighborhood. While the Applicant gives some consideration to the Land Use policy in addressing buffering with some transitions, they neglect perhaps the most significant transition – that between Building 1 and the historic Massachusetts Avenue Parking Shops.

As a matter of right, the maximum building height in a MU-4 zone is 50'. According to the Applicant's October 2016 Voluntary Design Review Statement, Building 1 is "measured from the level of the curb opposite the middle of the front of Building 1 on 48th Street to top of the parapet, plus a penthouse that will contain habitable (residential and communal) and mechanical space. As permitted under ZR16, the portion of the penthouse containing habitable space will have a maximum height of 12-0' and the portion containing mechanical space will have a maximum height of 15-0'."

Building 1 would have a total height of approximately 84' (or 86.5' to the top of mechanical penthouse) when measured from the point where it meets the alley immediately behind the shopping center building. Its minorly-recessed upper two floors will do little to mitigate the impact of its overall height against the shopping center (Figure 4).

A 5' rear yard setback from the alley on the west, with only a shallow recession provided by Open Court 7, and with no setbacks at all on the SW corner, all prove ineffective in allaying the impact of the height behind the shopping center when viewed from points along Massachusetts Avenue. As a result, Building 1 would tower over the rear of the shopping center, showing its full height of 84' to the top of the penthouse from views along Massachusetts Avenue, Yuma Street, and other various axial views. (Figure 5). The 20'-wide alley will do little to mitigate the negative effects of Building 1 on the shopping center. To further give a sense of impact, the Applicant's October 2016 Voluntary Design Review Statement notes that the height of the shopping center will actually be below the first floor of Building 1.⁴

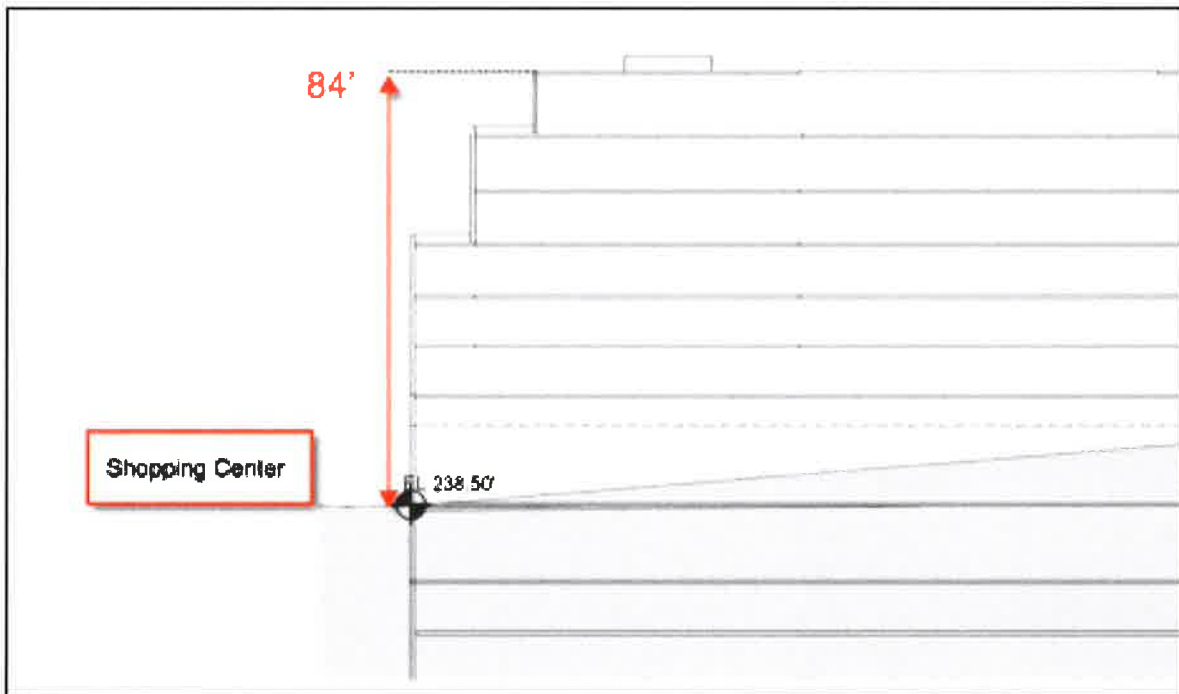


Figure 4. Relative height of the shopping center compared to Building 1.

⁴ The wall height (measured to the roof line) for the shopping center is recorded as only 8' (DC Property Information Verification System, DCPIVS).



Figure 5. View of Building 1 behind the shopping center from Massachusetts Avenue.

The two building's articulated facades and upper-story setbacks may make them appear to be smaller and lower than they actually are in order to relate to the project's surroundings, but only when looking at the buildings out of context. The Applicant has only selectively provided views/renderings looking mostly towards the project site itself that do not include the surrounding setting of smaller-scale residences and the shopping center. (Figure 6).

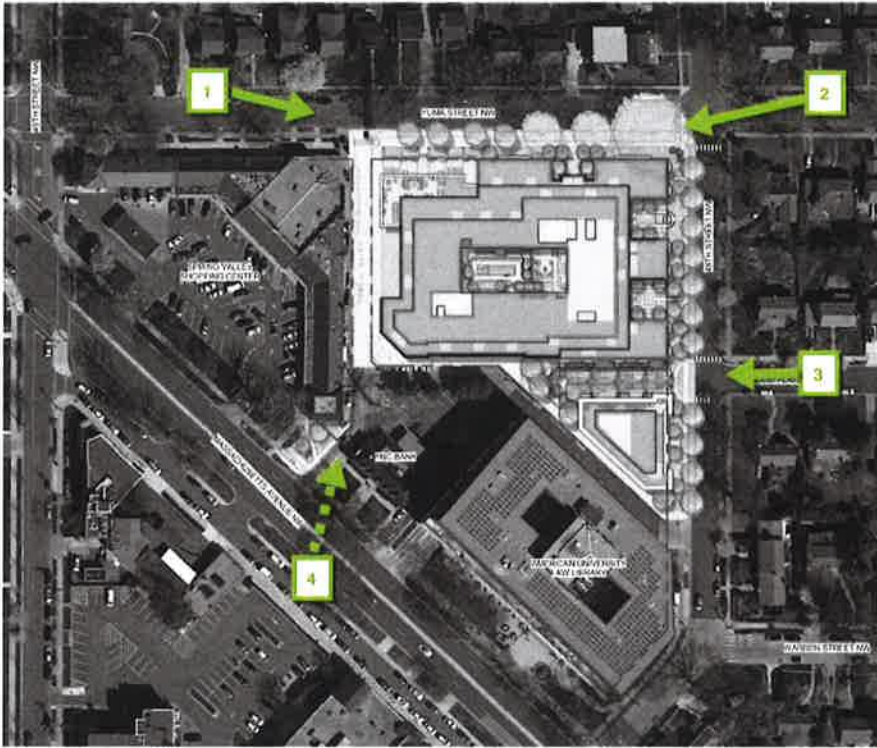


Figure 6. Project renderings provided by the Applicant. See the following three renderings.



Rendering 1.



Rendering 2.



Rendering 3.

Figure 7 shows some suggested additional rendering perspectives that would better demonstrate the project in context and its impact. The one rendering of the project created by the Applicant that includes a portion of the shopping center appears only in its October 2016 submission to the Zoning Commission and has not been included in subsequent public presentations and meetings (see Figure 5).

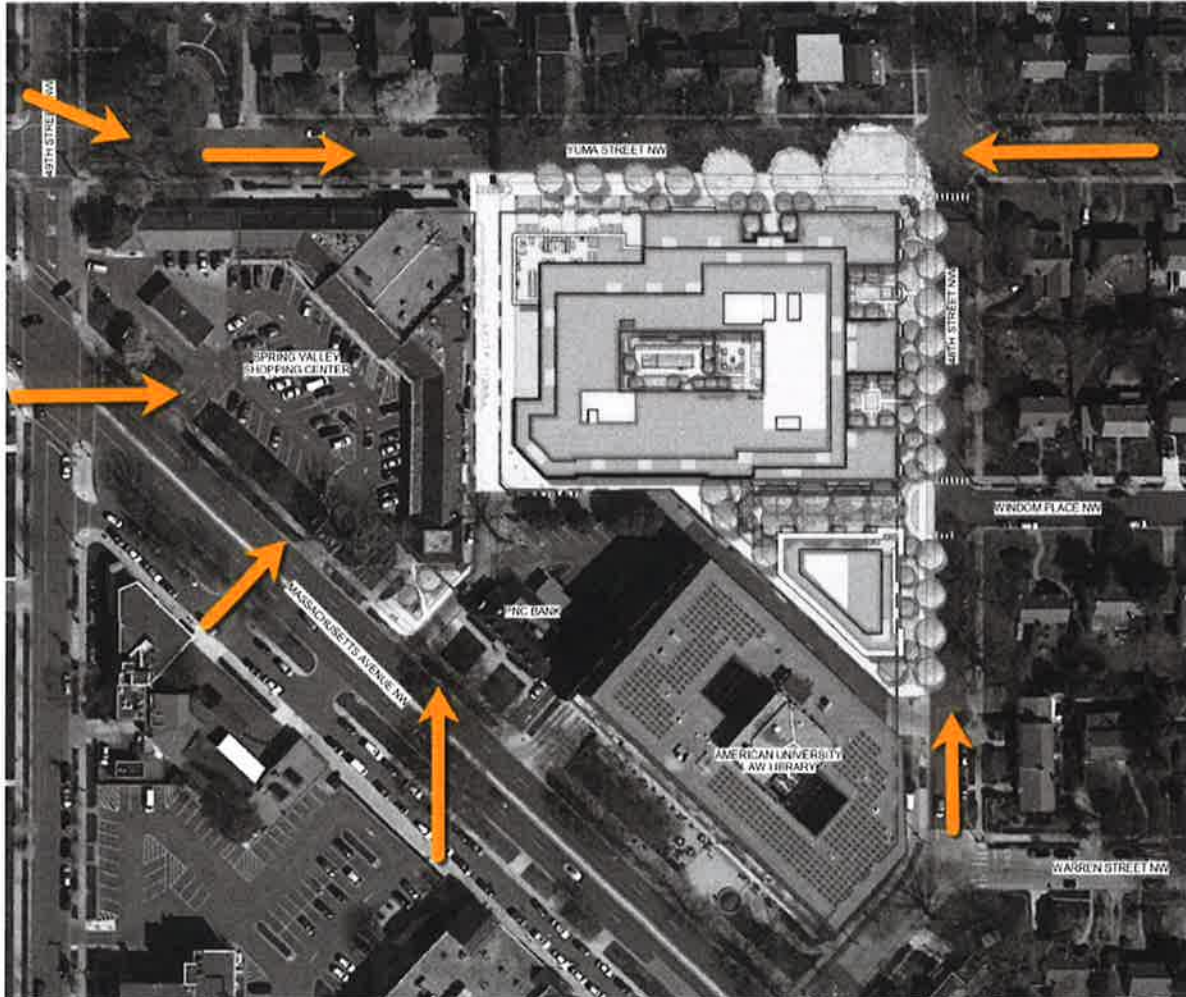


Figure 7. Suggested additional renderings of the Project that would show it within a broader context.

The Applicant has also failed to provide any cone of vision studies in its plans to give a truer sense of the visibility of the upper recessed floors meant to limit their visibility and height impacts. Perspective viewpoints of origin are denoted in plan views with ergonomic illustrations of small triangular cones showing visibility from points along the street (Figure 8). Cone of vision illustrations are commonly used both in architectural sketches and building plans to clarify aspects of visibility, especially when designing new construction that might affect an historic vista.

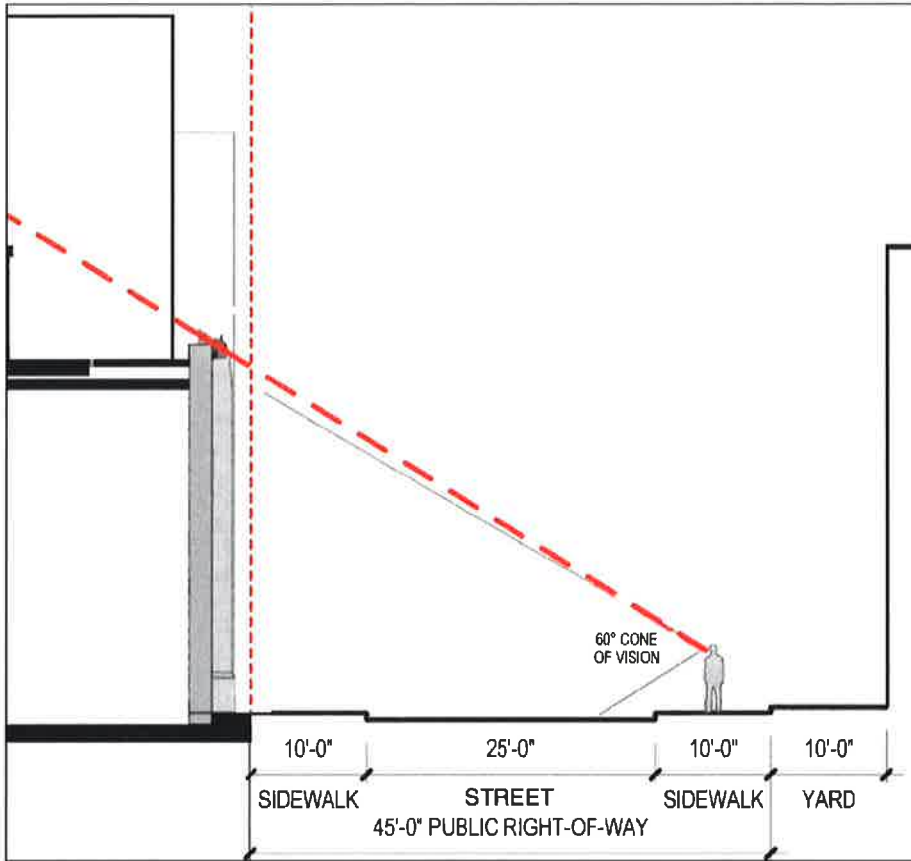


Figure 8. An example of a cone of vision study showing visibility of recessed upper floors from street level.

Inappropriate Architectural Styles

In compliance with 11-X DCMR §600.1, the design review process requires that a project exhibit high-quality, contextual design that does not have an adverse impact. The Applicant has failed to create high-quality and contextual designs for the project and has demonstrated a lack of understanding of architectural styles and thus a sympathy to the prevailing architectural style of the shopping centers and the surrounding neighborhood.

The Applicant claims that the architectural styles of Buildings 1 and 2 respect the character of the surrounding neighborhood and the Massachusetts Avenue Parking Shops, which it acknowledges are both in the Colonial Revival style. The Applicant characterizes this style by such basic architectural characteristics as rectangular massing, symmetrical composition, and the use of brick, multi-paned windows, bays and dormers that it incorporates into Building 1. Yet, the application of these characteristics does not automatically recreate the Colonial Revival style. The design for Building 1 would be characterized better as Beaux-Arts style, popular in the United States from 1880 to 1920, and immediately predating and contrasting the much simpler Colonial Revival style. Characteristics of the Beaux-Arts style that are incorporated into Building 1 include: a flat, not pitched roof, rusticated and raised first stories, arched windows, arched and pedimented doors, and other classical architectural details such as balustrades, and balconettes.

The Applicant also proposes to use a different, but “complementary” architectural style for Building 2. that will be based upon the French Empire style with the incorporation of a Mansard-style roof into its design. A product of the Victorian era, the Second Empire style reached its peak of popularity in the United States roughly between 1855 and 1885. Its popularity led to a widespread remodeling boom during which mansard roofs were incorporated into formerly pitched-roof residences. By the 1880s, the Second Empire style was considered too ornate and unattractive, which led to a reactionary move to the cleaner Beaux-Arts style with its more classical architectural elements.⁵

The introduction of essentially a grand Beaux-Arts architectural style, paired with Second Empire, represent two earlier architectural styles that not only conflict with each other, but with the prevailing Colonial Revival style of the two shopping centers and the surrounding neighborhood.

Review by the Historic Preservation Review Board and Application of Preservation Standards

Combining Massachusetts Avenue Parking Shops’ Lots 802 and 803 with the Valor Project Lots 806 and 807 for the purposes of transferring Gross Floor Area (GFA) rights is a form of lot subdivision and would place the new development on the same site as the shopping center. The Project would therefore be new construction on the same site as an historically-designated property and would trigger lot subdivision approval and design review by the Historic Preservation Review Board (HPRB) (see separate submission *A Supplemental Report Regarding the Impact of the “Lady Bird” Project on the Historic Spring Valley Shopping Centers and Surrounding Neighborhoods*) If the rights of an historic landmark can be so transferred, so must the obligations to ensure its legal protections granted it by HPRB when it designated it a landmark.

Historic preservation design review of the project by HPRB would be guided by the Secretary of Interior’s *Standards for the Treatment of Historic Properties*, and additional project review in light of its *Guidelines for New Construction Within the Boundaries of Historic Properties*.⁶

According to the *Guidelines*, it is possible to add new construction within the boundaries of historic properties if site conditions allow, and if the design, density, and placement of the new construction respect the overall character of the site. Also, according to Standard 9 of the Secretary of the Interior’s *Standards for Rehabilitation and the Guidelines for Rehabilitating Historic Buildings*, new construction needs to be built in a manner that protects the integrity of the historic building(s) and the property’s setting. Standard 5 states that when visible and in close proximity to historic buildings, the new construction must be subordinate to these buildings.

The Guidelines say that for such new construction the following must be considered:

- Protecting the historic setting and context of a property, including the degree of open space and building density, must always be considered when planning new construction on an historic site This entails identifying the formal or informal arrangements of buildings on the site, and whether they have a distinctive urban, suburban, or rural character. For example, a historic building traditionally surrounded by open space must not be crowded with dense development.
- The massing, size, scale, and architectural features of new construction on the site of a historic building must be compatible with those of the historic building.

⁵ There are many examples of Second Empire architecture in Washington such as the Old Executive Office Building, Renwick Museum, and Cooke’s Row on Q Street NW in Georgetown.

⁶ Available at: <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

An Example of a More Compatible Approach

A recent project in the Spring Valley commercial area illustrates a more compatible approach to a new building with the historic shopping centers than does the current project. In 2015, Washington Real Estate Investment Trust was granted approval for construction of a two-story retail and office building on the site of the Spring Valley Shopping Center across the street at 4820-4874 Massachusetts Avenue. While its effects on the historic landmark are debatable, the Historic Preservation Review Board ultimately determined that the final proposed two-story building in this location, closely relating to the detailing and scale of the complex, was compatible with the character of the landmark.

3. Development should respect and protect key landscape vistas and axial views of landmarks and important places (§604.7(c)(3))

The Comprehensive Plan's Land Use Element calls to identify and protect existing assets such as important vistas, and major landscape elements as large sites are redeveloped (Policy LU-1.2.7.) The Plan's Urban Design Element also states large site designs should incorporate existing assets such as historic buildings, significant natural landscapes, and panoramic vistas in the design of redeveloped large sites (Policy UD-2.3.5). Additionally, the Secretary of the Interior's *Guidelines for New Construction Within the Boundaries of Historic Properties* state that historic landscapes and significant viewsheds must be preserved.

In terms of protecting historic vistas and axial views as called for in 11-X §604.7(c)(3), and as discussed in detail in Section II of this report, this project would have an adverse visual effect on the two National Register of Historic Places listed shopping centers. Historic vistas of the neighborhood from along one of the city's major corridors, along with views from each landmark shopping center towards the other, will also be negatively affected by the project.

As two National Register listed resources are affected by the Project, the Project should also be evaluated by creating and addressing an Area of Potential Effect (APE). While used mostly for Section 106 projects under the National Historic Preservation Act for projects affecting Federally-owned historic resources, an APE is the geographic area or areas within which an undertaking may directly or indirectly affect the character, setting, or use of historic properties. An APE usually includes vistas from and towards a designated historic landmark. The APE would include both shopping centers, as each is visible from the other, and areas within the shopping centers that might be affected by subsequent pressure to further redevelop the area around the project site (Figure 9).

A final question comes to mind as to why the Spring Valley commercial center, with its two contiguous locally landmarked and National Register listed shopping centers, is not already an Historic District. This would help protect historic vistas. The suggested APE would be natural boundaries for such a district, encompassing the area historically planned and dedicated for low-density, commercial use. An historic district would also help better control the nature and scope of development within its boundaries. One requirement for being able to establish the area as an historic district would be the location of a master plan or maps created by W.C. & A. Miller for Spring Valley, that clearly shows the area as demarcated for commercial use.

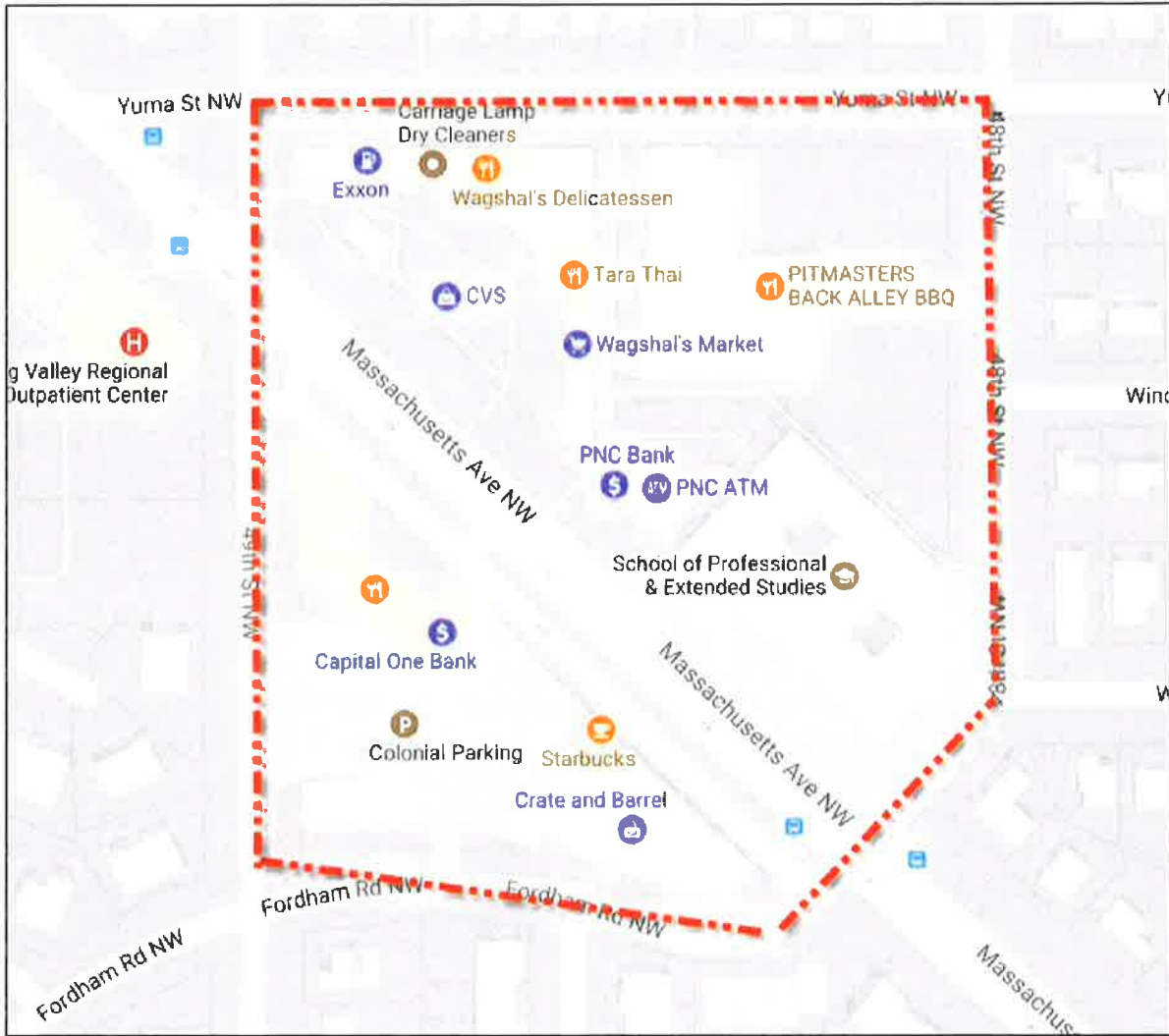


Figure 9. An example Area of Potential Effect (APE) for the project. Note: The boundaries of this APE are confined to the planned commercial area, as other designated historic resources do not fall within a reasonable distance from the project site.

**Citizens for Responsible Development
Names and Addresses of Members**

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4836 Alton Place NW

Deborah Barry

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Robert Bogart

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Walter Boggs

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4601 Rodman Street NW

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Kevin Levey and Christine Levey

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Mary Alice and Richard Levine

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Alain Locussol and Noriko Iwase

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All of the above addresses are within the Washington, DC 20016 zip code.

Total number of members: 169

Barbara Repp, on behalf of Citizens for Responsible Development
January 9, 2018

DISTRICT OF COLUMBIA ZONING COMMISSION

STATEMENT IN OPPOSITION

Z.C. Case 16-23

CERTIFICATE OF SERVICE

I certify that on January 9, 2018, I emailed a true copy of the foregoing Comments on the Office of Planning Report, Revised Impact Report by Preservation Matters and List of CRD Members to Advisory Neighborhood Commissions 3E and 3D (3E@anc.dc.gov; 3D@anc.dc.gov), and counsel for the Applicant, Christopher H. Collins (chris.collins@hkllaw.com).



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Dated: January 9, 2018

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