

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** Elisa Vitale, Project Manager  
*JL for* Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation  
**DATE:** May 31, 2019  
**SUBJECT:** Preliminary Report for Zoning Commission Case No. 19-10, Consolidated Planned Unit Development at Square 1499, Lots 802, 803, 806, and 807.

**I. RECOMMENDATION**

The Office of Planning (OP) recommends the Commission **set down** the application by Valor Development, LLC for a consolidated Planned Unit Development (PUD) to construct a mixed-use development consisting of residential and retail uses at Square 1499, Lots 802, 803, 806, and 807. The proposal would be not inconsistent with the Comprehensive Plan and the filing generally meets the requirements of 11 DCMR Subtitle X, Chapter 3.

**II. BACKGROUND**

The Zoning Commission has reviewed, but not taken final action on, a Voluntary Design Review application (ZC Case No. 16-23), pursuant to Subtitle X, Chapter 6 of the Zoning Regulations, that is substantially the same as the project proposed in the subject PUD application.

**III. SUMMARY OF OP COMMENTS**

The following table summarizes OP comments regarding this proposal, including areas where resolution or additional information is required. OP will continue to work with the applicant to adequately address these issues, and other issues raised by the Commission at setdown, prior to a public hearing.

OP Comment	Planning and / or Zoning Rationale
The Applicant’s Comprehensive Plan analysis states the project would further housing choice for seniors (Policy H-4.2.2).	The Applicant should demonstrate how the project would provide housing choices, including affordable housing, for seniors.
The Applicant has not determined whether residential parking would be unbundled.	The Applicant should work with DDOT to determine whether the cost of residential parking would be unbundled from the cost of leasing or purchasing a residential dwelling unit.

OP Comment	Planning and / or Zoning Rationale
The Applicant should refine the design of the townhouse roof access stairs.	The visibility of the roof access stairs on Townhouses 1-4 could be reduced through a sloped roof. Furthermore, the Applicant should ensure high quality materials are being used for the exterior cladding of the access stairs.

**IV. AREA DESCRIPTION**

**Ward, ANC** Ward 3; ANC 3E  
**Comprehensive Plan Area** Rock Creek West  
**General Context** The site is located in a Neighborhood Commercial center.



**V. SITE DESCRIPTION**

**Address:** 4330 48<sup>th</sup> Street NW and 4801, 4855, and 4841-4859 Massachusetts Avenue NW  
**Legal Description:** Square 1499, Lots 802, 803, 806, and 807  
**Property Size** 160,788 square feet

**Current Zoning** MU-4

**Site Characteristics** The site consists of four lots, including: Lots 802 and 803, the historic Massachusetts Avenue Parking Shops (MAPS); Lot 806, the former American University Law School building; and Lot 807, the Valor Lot, where the new development is proposed.

Lots 806 and 807 comprise Record Lot 9.

Lots 802, 803, 806, and 807 comprise the PUD project site.

The Property slopes down approximately 26 feet east to west - from the high point near the intersection of 48<sup>th</sup> Street and Windom Place at an elevation of 264 feet to the low point at the southern end of the public alley at an elevation of 238 feet. Two curb cuts provide access to the Valor lot from Yuma and 48<sup>th</sup> Streets.

**Existing Use of Property** Lots 802 and 803, the historic Massachusetts Avenue Parking Shops, consists of approximately 16,922 square feet of gross floor area (GFA) of retail and service uses; Lot 806, the former American University Law School building contains approximately 179,302 square feet of GFA of commercial uses; Lot 807, the Valor lot, is a vacant grocery store building, retail uses (restaurant and salon), and surface and below-grade parking.

**VI. PROJECT DESCRIPTION**

**Applicant** Valor Development, LLC

**Proposed Zoning** MU-4 Zone (unchanged)

**Proposed Use of Property** Mixed-use development with residential and retail uses.

The Applicant is proposing to construct a mixed-use development on the Valor lot (Lot 807), which would include a retail and residential building on the northern portion of the lot and five townhouses on the southern portion of the lot. No changes are proposed to the buildings on Lots 802, 803, and 806.

	<b>Proposal – Valor lot<sup>1</sup></b>	
<b>Building Height (ft.)</b>	43 ft. 6 in. (Building 1) 36 ft. 8 in. (Townhouse 1 and 2) 36 ft. 9 in. (Townhouse 3) 36 ft. 10 in. (Townhouse 4) 37 ft. (Townhouse 5)	
<b>GFA (sq. ft.)</b>	Residential	214,094 sq. ft.
	Retail	216,759 sq. ft.
	Total	430,853 sq. ft.
<b>Residential Units</b>	219 units	

<sup>1</sup> Exhibit 2C1, sheet G05, May 6, 2019.

Lot #		Development	Land Area (sq. ft.)	Total Land Area (sq. ft.)	FAR
A & T Lot 802		Massachusetts Avenue Parking Shops	39,516 sq. ft.	160,788 sq. ft.	Res. 1.33
A & T Lot 803					Non Res. 1.35
Record Lot 9	A & T Lot 806	AU Law School Building	41,650 sq. ft.		Total 2.68
	A & T Lot 807	Valor	79,622 sq. ft.		

**VII. PLANNING CONTEXT**

As described in the Introduction (Chapter 1 Introduction, Section 103, Attachment I), the Comprehensive Plan is the centerpiece of a “Family of Plans” that guide public policy in the District. The Introduction goes on to note three “Tiers” of Planning (Chapter 1 Introduction, Section 104, Attachment II), including:

- a. Citywide policies;
- b. Ward-level policies; and
- c. Small area policies.

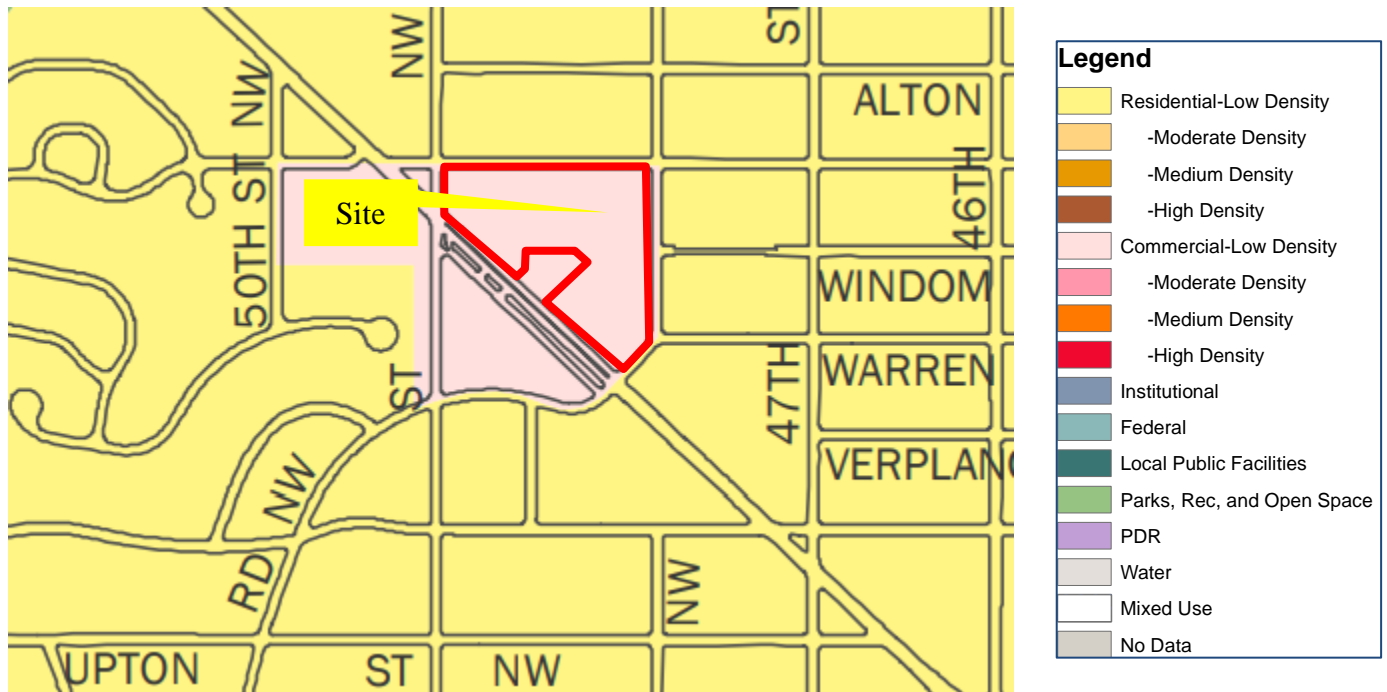
**A. COMPREHENSIVE PLAN MAPS**

As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map (Chapter 2 Framework Element, Section 226, Attachment III), the maps are intended to provide generalized guidelines for development decisions. They are to be interpreted broadly and are not parcel-specific like zoning maps; i.e. the maps, in and of themselves, do not establish detailed requirements or permissions for a development’s physical characteristics including building massing or density; uses; or support systems such as parking and loading. They are to be interpreted in conjunction with relevant written goals, policies and action items in the Comprehensive Plan text, and further balanced against policies or objectives contained in relevant Small Area Plans and other citywide or area plans.

As described below, the proposed PUD and map amendment would be not inconsistent with the map designations.

**Future Land Use Map (FLUM)**

The Future Land Use Map (FLUM) indicates that the site is appropriate for Low Density Commercial.



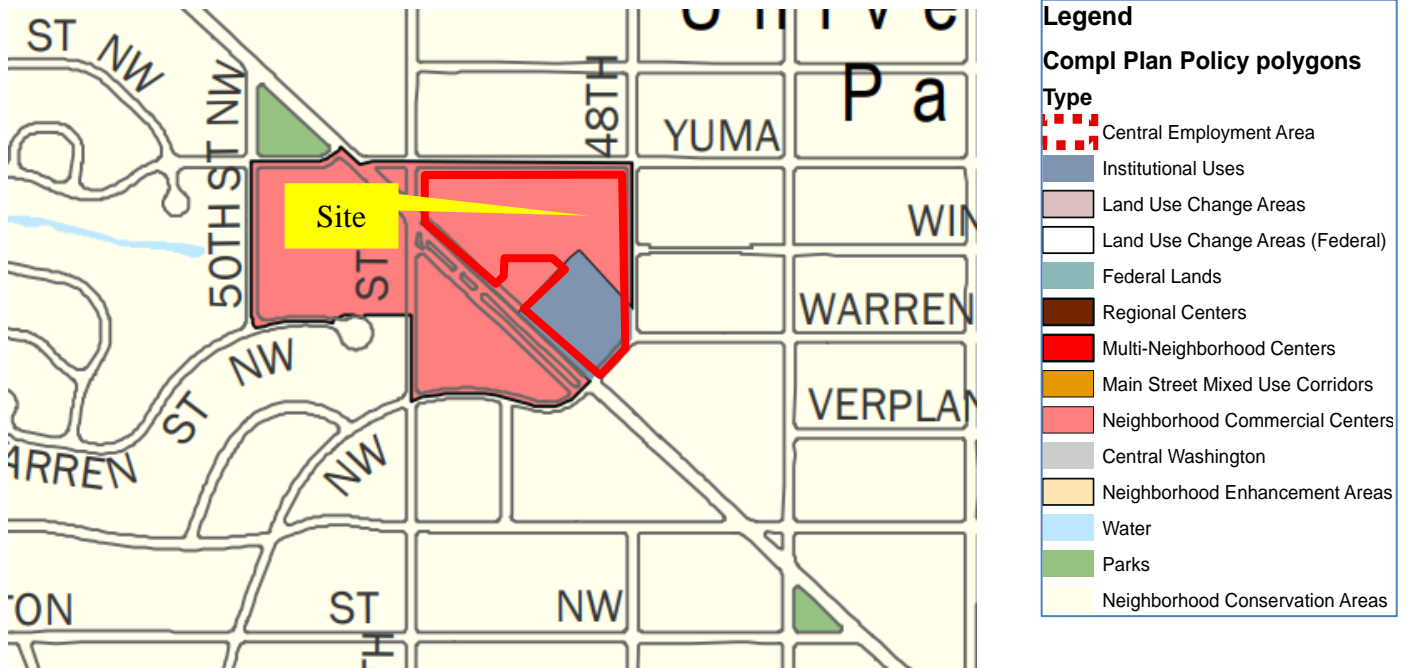
**Low Density Commercial:** This designation is used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 (MU-3) and C-2-A (MU-4), although other districts may apply. 225.8

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. 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 5 three-story townhouses, which are both appropriate for a Low Density Commercial area.

The densities within any given area on the FLUM reflect all contiguous properties on a block – there may be individual buildings that are higher or lower than these ranges within each area.226.1 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 (MAPS, PNC Bank, Spring Valley Exxon) to six-stories (AU Building). The Applicant is not requesting a PUD-related map amendment and the proposed development would conform to the matter-of-right height and density for the MU-4 zone, which is the existing zoning for the PUD project site.

### Generalized Policy Map

The Generalized Policy Map indicates that the site is a Neighborhood Commercial Center with an Institutional designation at the site of the former American University Law School building.



**Neighborhood Commercial Centers:** *Neighborhood Commercial Centers meet the day-to-day needs of residents and workers in the adjacent neighborhoods. Their service area is usually less than one mile. Typical uses include convenience stores, sundries, small food markets, supermarkets, branch banks, restaurants, and basic services such as dry cleaners, hair cutting, and child care. Office space for small businesses, such as local real estate and insurance offices, doctors and dentists, and similar uses, also may be found in such locations. 223.15*

**Institutional:** *This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. Smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. 225.16*

The Project is not inconsistent with the Neighborhood Commercial Center designation because it would provide a new mixed-use development that includes a full-service grocery store and additional retail that would make it easier for existing and new residents and workers to meet their day-to-day needs.

The portion of Lot 806, on which the former American University Law School building is located, is identified as Institutional on the Generalized Policy Map, which includes land and facilities occupied and used by colleges and universities, among other similar institutions. The Applicant does not propose any modifications to the AU Building or Lot 806; therefore, its current university use will remain consistent with the Institutional designation.

## **B. COMPREHENSIVE PLAN WRITTEN ELEMENTS**

### **Citywide Elements of the Comprehensive Plan**

The proposed development is not inconsistent with the following policies of the Citywide Elements of the Comprehensive Plan:

#### **Chapter 3 Land Use**

*The Land Use Chapter provides the general policy guidance on land use issues across the District.*

*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*

*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*

*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*

*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*

*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, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements. 310.5*

*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*

*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*



*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 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*

*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*

*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*

The Property is designated as a Low Density Commercial Center on the FLUM. The proposed project would redevelop a site that is currently underutilized and would provide housing, including affordable housing, and neighborhood serving retail at a location where a grocery store had previously existed.

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. The proposed project would include public and private gathering spaces such as terraces, plazas, seating areas, and walkways that would be set 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. The retail entries are located at the western edge of the Valor Lot, which concentrates the commercial uses adjacent to existing commercial. The residential units provide a buffer from the single-family residential neighborhoods.

## **Chapter 4 Transportation**

*The Transportation Element provides policies and actions to maintain and improve the District’s transportation system and enhance the travel choices of current and future residents, visitors and workers.*

*Policy T-1.1.2: Land Use Impact Assessment Assess the transportation impacts of development projects using multimodal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate development impacts on the transportation network. Environmental and climate change impacts, including that of carbon dioxide, should be included in the assessment to land use impacts. 403.8*

*Action T-1.1.B: Transportation Improvements Require transportation demand management measures and transportation support facilities such as crosswalks, bus shelters, transit resource and information kiosks, and bicycle facilities in large development projects and major trip generators, including projects that go through the Planned Unit Development (PUD) Process. 403.14*

*Policy T-1.2.3: Discouraging Auto-Oriented Uses Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points*



*break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas. 404.8*

*Policy T-2.2.2: Connecting District Neighborhoods Improve connections between District neighborhoods through upgraded transit, auto, pedestrian and bike connections, and by removing or minimizing existing physical barriers such as railroads and highways. However, no freeway or highway removal shall be undertaken prior to the completion of an adequate and feasible alternative traffic plan that has been approved by the District government. 408.6*

*Policy T-2.3.3: Bicycle Safety Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist. 409.10*

*Action T-2.3.A: Bicycle Facilities Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users. 409.11*

*Policy T-2.4.1: Pedestrian Network Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city. 410.5*

*Policy T-2.4.2: Pedestrian Safety Improve safety and security at key pedestrian nodes throughout the city. Use a variety of techniques to improve pedestrian safety, including textured or clearly marked and raised pedestrian crossings, pedestrian-actuated signal push buttons, and pedestrian count-down signals. 410.6*

*Policy T-3.1.1: Transportation Demand Management (TDM) Programs Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system. 414.8*

*Policy T-3.1.3: Car-Sharing Encourage the expansion of car-sharing services as an alternative to private vehicle ownership. 414.10*

*Action T-3.1.A: TDM Strategies Develop strategies and requirements that reduce rush hour traffic by promoting flextime, carpooling, transit use; encouraging the formation of Transportation Management Associations; and undertaking other measures that reduce vehicular trips, particularly during peak travel periods. Identify TDM measures and plans as appropriate conditions for large development approval. Transportation Management Plans should identify quantifiable reductions in vehicle trips and commit to measures to achieve those reductions. Encourage the federal and District governments to explore the creation of a staggered workday for particular departments and agencies in an effort to reduce congestion. Assist employers in the District with implementation of TDM programs at their worksites to reduce drive-alone commute trips 414.11*

The Applicant is proposing improvements to the pedestrian network that would improve pedestrian safety through and around the Project Site, and between nearby neighborhoods. These include the permanent removal of approximately 80 linear feet of curb cut; reconstruction of the streetscape adjacent to Lot 807, including new sidewalks and tree box areas; construction of pedestrian curb extensions at select intersections; and the creation of new pedestrian connections through improvements to the north-south alley between Yuma Street and Massachusetts Avenue. The Applicant has also proposed to construct a new HAWK signal along Massachusetts Avenue, subject to review and approval by DDOT.

The Applicant is proposing a Transportation Demand Management (TDM) Program for the project that is designed to reduce vehicular trips and mitigate potential impacts to the transportation system. The project would provide the required bicycle parking and on-site bicycle facilities and amenities.

## **Chapter 5 Housing**

*The Housing Element describes the importance of housing to neighborhood quality in the District of Columbia and the importance of providing housing opportunities for all segments of our population.*

*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*

*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*

*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*

*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*

*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*

The project would include 219 residential units, where none exist today, with 29,858 square feet of Gross Floor Area (GFA) dedicated to affordable housing. Fifty-three percent of the units would be 2-3 bedrooms.<sup>2</sup> The Applicant states the PUD would further policy *H-4.2.2 Housing Choice for Seniors* and should specify how the PUD would advance this policy.

## **Chapter 6 Environmental Protection**

*The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources.*

*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*

*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*

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<sup>2</sup> Exhibit 2C1, Sheet G09, May 6, 2019.

The project is designed to be certified at the LEED Gold level (63.5 points out of 100 possible points)<sup>3</sup> and would replace an existing vacant building and surface parking lot with a mixed-use development featuring landscaped areas, shade trees, and green roof areas that would provide environmental benefits including reductions in stormwater runoff and the urban heat island effect.

## **Chapter 7 Economic Development**

*The Economic Development Element addresses the future of the District's economy and the creation of economic opportunity for current and future District residents.*

*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

*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

*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

The Applicant is proposing to construct a new full-service grocery store, a use that existed on the Valor Lot for many years. The Applicant has proffered that the amount of floor area devoted to a full-service grocery store would be, at minimum, equal to 13,000 square feet for a period of ten years.<sup>4</sup>

## **Chapter 9 Urban Design**

*The Urban Design Element addresses the District's physical design and visual qualities.*

*UD-2.2.1: Neighborhood Character and Identity - Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.* 910.6

*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

*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.* 910.12

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<sup>3</sup> Exhibit 2C1, Sheet G10, May 6, 2019.

<sup>4</sup> Exhibit 2, Page 16, May 6, 2019.

*UD-2.2.7: Infill Development - Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.15*

*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*

The Applicant is proposing an appropriately scaled, mixed-use infill development that is setback from the property lines at Yuma and 48<sup>th</sup> Streets, including two landscaped courtyards and Windom Park along the 48<sup>th</sup> Street frontage. 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. The Yuma and 48<sup>th</sup> Street facades feature high quality design and materials, with extensive landscaping. 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 Yuma and 48<sup>th</sup> Streets.

## **Chapter 10 Historic Preservation**

*The Historic Preservation Element guides the protection, revitalization and preservation of the city's valuable historic assets.*

*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*

*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*

While the Massachusetts Avenue Parking Shops (MAPS) is a designated historic resource, the designation does not prevent any development or redevelopment, but ensures that any work done would be compatible with the historic character. The project on the Valor Lot respects the scale and context of the Massachusetts Avenue Parking Shops and employs appropriate materials. The proposed transfer of non-residential density from the MAPS to the Valor Lot would limit density available for any future development efforts focused on the historic shopping center.

## **Area Elements of the Comprehensive Plan**

The proposed development is located within the Rock Creek West Area Element of the Comprehensive Plan. The proposal would particularly further the following Area Element statements and policy objectives:

*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*

*RCW-1.1.3, Conserving Neighborhood Commercial Centers - Support and sustain local retail uses and small businesses in the area's neighborhood commercial centers. 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*

*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 ANC's, 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*

*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 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*

The proposed project would preserve the existing residential neighborhood. The Applicant is proposing a mixed-use building on a lot zoned MU-4. The PUD would be within the permitted height for the zone and would conform to the maximum permitted density for the PUD project site.

## **C. SUMMARY OF PLANNING CONTEXT ANALYSIS**

On balance, the proposed PUD would not be inconsistent with the Comprehensive Plan. The proposed project would also help further development priorities in the District. The varying policies cited in this report work together to support the redevelopment of an underutilized site with a mixed-use development that would bring 219 housing units, including 29 Inclusionary Zoning (IZ) units, as well as neighborhood serving retail, to a neighborhood commercial center.

The proposed project would activate a site currently occupied by a vacant building and surface parking. be an improvement over the existing building, including architectural design, sustainability, and open green space. The proposed building would provide housing, including affordable units, while respecting the scale and urban design of the existing neighborhood.

## **VIII. ZONING ANALYSIS**

The site is currently zoned MU-4; the applicant is not requesting a PUD-related zoning map amendment. Below is a table comparing the existing (MoR) zone to the proposal:

Item	MU-4	Proposal	Relief
Lot Area	N/A	160,788 sq. ft.	
Res. Units		219 units	
FAR G § 402.1	2.5/3.0 (IZ) 1.5 max. non-res	2.68 1.35 non-res.	
Height G § 403.1	50 ft. max.	Building 1 43 ft. 6 in. Townhouse 1 36 ft. 8 in. Townhouse 2 36 ft. 8 in. Townhouse 3 36 ft. 9 in. Townhouse 4 36 ft. 10 in. Townhouse 5 37 ft. 0 in.	
Penthouse Height G § 403.3	12 ft. max./1 story 15 ft. max for mech./2 <sup>nd</sup> story	12 ft. habitable 15 ft. mechanical	<b>Requested for Townhouses 1-4</b>
Lot Occ. G § 404.1	60% max. / 100% non-res. 75% max. (IZ) / 100% non-res.	Building 1 72% Townhouse 1 53% Townhouse 2 53% Townhouse 3 53% Townhouse 4 55% Townhouse 5 31%	
Side Yard G § 406.1	None req.; 2 in./ft. of height or 5 ft. min., if provided (8 ft. 4 in.)	Building 1 none Townhouses 1-4 none Townhouse 5 6 ft. 5.75 in.	
Rear Yard G § 405.1	15 ft.	<b>Building 1 10 ft. min.</b> Townhouses 1-5 15 ft.	<b>Requested</b>
Courts G § 202.1	Open 4 in./ft. of height of court (10 ft. min.)  Closed 4 in./ft. of height of court (15 ft. min.)	<u>Open</u> Building 1 Prov. as req. Townhouses 1-4 None Townhouse 5 Prov. as req. <u>Closed</u> Building 1 Prov. as req. Townhouses 1-5 None	
Parking C § 701	Residential – 1/3 du in excess of 4 units (72 spaces) Retail - 1.33/1,000 sq. ft. in excess of 3,000 sq. ft. (20 spaces) (92 spaces total)	Residential 72 spaces <u>Retail 62 spaces</u> 134 spaces <u>+ 236 shared with Lot 806</u> 370 spaces	
Loading C § 901	Residential – 1 loading berth 1 service/delivery space Retail – 1 berth 0 service/delivery space	<b>Building 1</b> 1 55-foot berth 1 30 ft. berth 1 20 ft. service/delivery space <b>Townhouses</b> Not applicable	

Item	MU-4	Proposal	Relief
Bicycle Parking C § 801	<b>Residential</b> 1/3 du long term (73 spaces) 1/20 du short term (11 spaces) <b>Retail</b> 1/10,000 sq. ft. long term (2 spaces) 1/3,500 sq. ft. short term (5 spaces)	<b>Residential</b> long term 77 spaces short term 12 spaces <b>Retail</b> long term 6 spaces short term 15 spaces	
Green Area Ratio G § 407.1	0.3 min.	0.3	

## IX. REQUESTED ZONING FLEXIBILITY

### Zoning Flexibility

The Applicant is not requesting zoning flexibility as part of this PUD application. The Project is within the matter-of-right height and density permitted in the MU-4 zone, and thus does not utilize any PUD-related height or density flexibility.

### Design Flexibility

The Applicant is requesting the following design flexibility.

1. Interior Component: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and elevators, provided that the variations do not change the exterior configuration of the buildings as shown on the plans approved by the order;
2. Exterior Materials – Color: To vary the final color of exterior building materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order. 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;
3. Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
4. Landscaping: To vary the final selection of landscaping materials utilized based on availability at the time of construction;
5. Number of Units: To increase the final number of residential units on Lot 807 by no more than 10% above the total number shown in the plans approved by the order to respond to program demand, or to decrease the final number of residential units within the residential GFA approved by the order to accommodate demand for larger units, provided that the number of parking



spaces that are solely devoted to the residential uses on Lot 807 is equal to the greater of the minimum required under the Zoning Regulations or 75 parking spaces;

6. Affordable Units: To vary the number and location of affordable dwelling units, provided the amount of affordable GFA contained within the Project is, at minimum, equal to the amount shown in approved plans, and further provided that:
  - i. No affordable dwelling unit shall be located within a cellar; and
  - ii. No more than two affordable dwelling units shall be located directly above and below each other on any immediately successive floor.
7. Retail Uses: To vary the types of uses designated as “retail” use in plans approved by the order to include the following use categories, provided the amount of floor area devoted to a full-service grocery store is, at minimum, equal to 13,000 square feet for a period of ten years: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11- B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j));
8. Parking Layout: To vary the garage layout and the number, location, and arrangement of vehicle and bicycle parking spaces provided the numbers of vehicle spaces that are solely devoted to residential and retail uses on Lot 807 are not reduced below 75 and 59 spaces, respectively. Any increase in the number of vehicle spaces solely devoted to residential or retail use on Lot 807 that exceeds two times the minimum required under the Zoning Regulations for that particular use shall require the Applicant to comply with the excess parking requirements of 11-C DCMR § 707. Further, the number of bicycle parking spaces solely devoted to residential and retail uses on Lot 807 shall meet or exceed the minimum bicycle parking requirements of 11-C DCMR § 802 at all times;
9. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
10. Signage: To vary the final design of retail frontages, including the design of entrances, show windows, and the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the Signage Plan and Guidelines contained in the plans approved by the order and are compliant with the DC signage regulations; and,
11. Sustainable Features: To vary the approved sustainable features of the project, provided the total number of LEED points achieved by the project does not decrease below the minimum required for the LEED standard required under the order.

OP will provide detailed analysis of requested flexibility prior to a public hearing.

### **Special Exception**

The Applicant is requesting the following Special Exception Relief:

Pursuant to X § 303.13, an applicant for a PUD may request approval for any relief for which special exception approval is required, and the Zoning Commission shall apply the special exception standards applicable to that relief. Pursuant to G § 409.1, exceptions to the development standards for the MU-4

zone are permitted as a special exception. In this case, the Applicant requests special exception relief from the rear yard and penthouse requirements.

OP will provide detailed analysis of the requested special exception relief prior to a public hearing.

## **X. PUD EVALUATION STANDARDS**

The Zoning Regulations define a Planned Unit Development (PUD) as “A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more zones irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in Subtitle X, Chapter 3.” (Subtitle B-28). The purpose and general standards for a Planned Unit Development are established in Subtitle X 300:

*300.1 The purpose of the planned unit development (PUD) process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that the PUD:*

- (a) Results in a project superior to what would result from the matter-of-right standards;*
- (b) Offers a commendable number or quality of meaningful public benefits; and*
- (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*

*300.2 While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.*

### **Public Benefits and Amenities:**

Chapter X Section 305.2 states that “Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title.”

Subtitle X § 305.5 provides a summary of categories for PUD benefits and amenities. While the final benefits amenities proffer is typically refined and resolved later in the PUD process, at this point, the applicant has proffered the following (refer to Exhibit 2, Pages 24 - 28) for the proposed PUD:

- (a) Superior urban design and architecture*

The proposed height and mass of the Project relates to the surrounding context through height reductions, landscaped courtyards, façade articulation, upper-level setbacks, and high-quality materials.

- (b) Superior landscaping, or creation or preservation of open spaces*

The Project includes Windom Park, a publicly accessible passive open space; Northwest Plaza, a landscaped plaza adjacent to the grocery store entrance; and various landscaped courtyards and terraces for residential use.

*(c) Site planning and efficient and economical land utilization*

The Project exhibits efficient and economical land utilization through (i) the provision of multiple residential building types (multi-family and townhouse) within a designated Neighborhood Commercial Center in close walking distance to numerous amenities (retail, service, parks, schools, and bus service); and (ii) utilization of unused commercial density from the historic Massachusetts Avenue Parking Shops in order to restore a highly-desired full-service grocery store to the neighborhood, and reduce the amount of density that could potentially be constructed on the historic shopping center site in the future.

*(e) Historic preservation of private or public structures, places, or parks*

The Project will assist in protecting the historic Massachusetts Avenue Parking Shops by reducing the amount of density that could potentially be constructed on the historic site in the future.

*(f) Housing*

The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Future Land Use Map. The Project would replace an underutilized site with approximately 219 new residential units, including approximately 29 affordable units. Of the total housing, approximately 16.8% is comprised of three-bedroom units, including approximately 13.8% of the IZ units comprised of three-bedroom units.

*(g) Affordable housing*

As a matter of right, the IZ set aside of the proposed project would be approximately 27,440 square feet (approximately 10% of residential floor area). As proposed, the Applicant would set aside approximately 29,858 square feet to affordable housing (approximately 11% of residential floor area). Of the 29 IZ units proposed, 3 would be at 50% MFI and 26 would be at 60% MFI.

*(k) Environmental and sustainable benefits*

The Project will achieve LEED Gold certification.

*(o) Transportation infrastructure beyond that needed to mitigate any potential adverse impacts*

The Project will provide the following transportation-related benefits that are not needed to mitigate any potential adverse transportation impacts created by the Project:

- Install a mid-block HAWK signal along Massachusetts Avenue between 48th and 49th Streets;
- Consolidate the trash receptacles in the north-south alley and place them within new enclosures;
- Widen the north-south public alley to maintain 20-foot vehicle travel and provide a new pedestrian sidewalk;
- Install a new sidewalk along east-west alley;
- Improve the alley intersections to increase pedestrian safety and visibility;
- Restrict residents of the Project from obtaining a Residential Parking Permit (“RPP”) with penalty of least termination;
- Contribute \$5,000 toward any recommendations made by DDOT regarding construction of a “pork chop” at the intersection of 49th Street and Massachusetts Avenue; and
- Provide four electric vehicle car charging stations, with two docks each, for a total capacity of eight cars charging.

*(q) Uses of special value to the neighborhood or the District of Columbia as a whole; and*

The Project would include a full-service grocery store that would serve the needs of surrounding community residents.

*(r) Other public benefits and project amenities*

Tree Replacement - The Applicant commits to planting any missing trees within the tree box areas along the east side of 48th Street, between Yuma Street and Massachusetts Avenue, and along the north side of Yuma Street, between 48th and 49th Streets.

Transportation to Metro - For a period of one year following issuance of the first certificate of occupancy for Building 1, the Applicant will offer a shuttle service for each residential unit within the Project between the Project Site and the Tenleytown Metrorail station.

In summary, OP finds that the benefits proffered and level of detail provided at this time are sufficient for set down, with the revisions or additional information noted in this report to be provided prior to a public hearing.

## **XI. AGENCY REFERRALS**

If this application is set down for a public hearing, the Office of Planning will refer it to the following District agencies for review and comment:

- Department of Energy and the Environment (DOEE)
- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- DC Public Schools (DCPS)
- Department of Public Works (DPW)
- Department of Aging (DOA)
- Department of Employment Services (DOES);
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water
- WMATA