

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:** **Thursday, September 19, 2019, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 19-10 (Valor Development, LLC - Consolidated Planned Unit Development @ Square 1499, Lots 802, 803, 806 and 807 [bounded by Yuma Street, Massachusetts Avenue, 48<sup>th</sup> Street, and the Spring Valley Exxon])**

**THIS CASE IS OF INTEREST TO ANC 3E and ANC 3D**

On May 6, 2019, Valor Development, LLC (the "Applicant"), on behalf of Apex Real Estate Company, American University, and FW DC-Spring Valley Shopping Center LLC, submitted an application to the Office of Zoning for a consolidated planned unit development ("PUD") for a new mixed-use development project (the "Project") located on property consisting of Lots 802, 803, 806, and 807 in Square 1499 (the "Project Site"). The application was submitted in accordance with Subtitle X, Chapter 3 and Subtitle Z of Title 11 DCMR (the "Zoning Regulations" to which all references herein are made unless otherwise specified).

The Office of Planning provided its report in support of setting the application down for a public hearing on May 31, 2019. On June 10, 2019, the Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on June 17, 2019.

The Project Site, comprising approximately 160,788 square feet of land area, is bounded by Yuma Street on the north; Massachusetts Avenue on the south; 48<sup>th</sup> Street on the east; and the Spring Valley Exxon station on the west. The lots comprising the Project Site are existing assessment and taxation ("A&T") lots. A&T Lots 802 and 803, currently owned by FW DC-Spring Valley Shopping Center, LLC, are improved with the historic Massachusetts Avenue Parking Shops (the "MAPS") building. A&T Lot 806, currently owned by American University, is improved with the former American University Law School (the "AU Building"). Finally, A&T Lot 807, currently owned by Apex Real Estate Company, is improved with a vacant grocery store building, other retail and service uses, and above and below-grade parking. The Project Site is zoned MU-4, a zone district in which residential and retail uses are permitted as a matter of right.

The Project proposes to retain the existing MAPS and AU Building on Lots 802, 803, and 806, and to construct a new apartment building ("Building 1") and five attached row dwellings ("Townhomes 1-5") on Lot 807. The Project proposes that Building 1 have a maximum height of approximately 43 feet and 6 inches, plus a penthouse with a maximum height above the roof level of 12 feet above the habitable portion and 15 feet above the mechanical portion. The lower-level of Building 1 would contain a residential lobby and dwelling units, retail, amenity space, and access to loading and below-grade parking. The remainder of Building 1, including the penthouse,

would contain residential dwelling units and amenity space. Townhomes 1-5 would be located to the south of Building 1 and would have a maximum height ranging between approximately 36 feet, 8 inches and 37 feet, plus a 10-foot penthouse providing access to a roof deck. The proposed PUD would total approximately 430,853 square feet of gross floor area (“GFA”) (2.68 floor area ratio (“FAR”)), including the existing MAPS and AU Building, with approximately 214,094 square feet of GFA (1.33 FAR) of new residential use and approximately 216,759 square feet of GFA (1.35 FAR) of new and existing nonresidential use. The total amount of new GFA proposed in the PUD is approximately 234,629 square feet (214,094 square feet of residential GFA, 20,535 square feet of nonresidential GFA).

The public hearing will be conducted in accordance with the contested case provisions of the Commission’s Rules of Practice and Procedure, Chapter 4 of Subtitle Z of the Zoning Regulations.

### **How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearings. The Commission requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

### **How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Commission’s Rules of Practice and Procedure. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at [dcoz@dc.gov](mailto:dcoz@dc.gov) or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <https://app.dcoz.dc.gov/help/forms.html>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file

a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |    |                                  |                         |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition            | 60 minutes collectively |
| 3. | Organizations                    | 5 minutes each          |
| 4. | Individuals                      | 3 minutes each          |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission.

**FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

**¿Necesita ayuda para participar?** Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

**Avez-vous besoin d'assistance pour pouvoir participer?** Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

**참여하시는데 도움이 필요하세요?** 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

**您需要有人帮助参加活动吗？**如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系。电话号码 (202) 727-0312，电子邮件 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 这些是免费提供的服务。

**Quý vị có cần trợ giúp gì để tham gia không?** Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

**ለሙሳተፍ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።