

## MEMORANDUM

**TO:** District of Columbia Zoning Commission

**FROM:** Elisa Vitale, Project Manager  
*JLS*  
Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

**DATE:** September 27, 2019

**SUBJECT:** Public Hearing 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 **approve** this PUD application subject to the conditions below. The proposal would be not inconsistent with the Comprehensive Plan.

1. Provide a revised sign plan that reduces the number of grocery signs on the north building façade to no more than two signs;
2. Determine whether the 1,109 square-foot space at the southwest corner of Building 1 will be used for retail or amenity;
3. Incorporate solar photovoltaics (PV) and design the remaining roof space to be as solar-ready as possible for potential expansion in the future;
4. Ensure the electric vehicle supply equipment is at least a Level 2 charger and consider the installation of additional make-ready infrastructure to install future charging equipment at significantly lower expense and disruption;
5. Provide playable elements in the common areas and public space, especially geared at younger kids and toddlers; and
6. Address any conditions recommended by the District Department of Transportation.

### **II. BACKGROUND**

The subject site is located at Square 1499, Lots 802, 803, 806, and 807 and is bounded by Yuma Street to the north; Massachusetts Avenue to the south; 48th Street to the east; and property at 4861 Massachusetts Avenue NW to the west. It is approximately 160,788 square feet in area and is currently developed with the historic Massachusetts Avenue Parking Shops (MAPS); the former American University Law School building; and the Valor Lot, where the new development is proposed. The site is in an area characterized by a mix of commercial and residential development. A more complete description of the site is provided in the OP setdown report dated May 31, 2019 (Exhibit 11).

At its June 10, 2019 public meeting, the Zoning Commission set down for a public hearing Zoning Commission case 19-10, a consolidated Planned Unit Development (PUD) request for this site by Valor Development, LLC. The application would allow the construction of a mixed-use development.

The proposal is essentially the same as that which was setdown. The Applicant has revised the bay projections to comply with Department of Consumer and Regulatory Affairs (DCRA) guidance, has modified the townhouse roof access stairs, and revised the building façade that serves as the backdrop to Windom Park.

### III. RESPONSES TO OP AND ZONING COMMISSION COMMENTS FROM SETDOWN

The following summarizes OP and Zoning Commission comments from the time of setdown and their status.

	<b>Comment</b>	<b>Applicant Response</b>	<b>OP Analysis</b>
ZC 1	The Applicant should not proceed down two simultaneous tracks – Design Review (16-23) and Planned Unit Development (19-10).	The Applicant requested, and the Zoning Commission approved, at its July 29, 2019 public meeting, the withdrawal of Zoning Commission Case 16-23, Voluntary Design Review for property bounded by Yuma St., Massachusetts Ave., 48th Street NW (Sq. 1499, Lots 802, 803, 806 & 807).	Withdrawal of Case 16-23 addresses the Zoning Commission concerns about two parallel tracks of review.
OP 1	The Applicant’s Comprehensive Plan analysis states the project would further housing choice for seniors (Policy H-4.2.2).	The application does not describe the proposed project as being devoted to senior affordable or any form of senior assisted living, but describes the project as providing market rate and affordable multi-family apartments that would be available to seniors that want to age in place, unburden themselves from home maintenance, and/or downsize in an area that is walkable and in close proximity to several neighborhood-serving amenities. The Applicant believes this will be of interest to senior residents that have lived in the AU Park and Spring Valley neighborhood and wish to remain near family, friends, and familiar amenities and services.	There is limited multi-family housing in the Upper Northwest Area of the District, particularly in the AU Park and Spring Valley neighborhoods. Given its walkability and access to several neighborhood-serving amenities, the project site is ideally suited for new multi-family development, including IZ units.
OP 2	The Applicant has not determined whether residential parking would be unbundled.	The Applicant has stated that residential parking would be unbundled. <sup>1</sup>	The Applicant has addressed the comment.

<sup>1</sup> Exhibit 25A, page 26, September 17, 2019.

	<b>Comment</b>	<b>Applicant Response</b>	<b>OP Analysis</b>
OP 3	The Applicant should refine the design of the townhouse roof access stairs.	The Applicant revised the roof access stairs for the townhouses to include a sloped roof and darker materials. <sup>2</sup>	The revised design results in a less visually intrusive design and OP supports the relief request from C § 1500.9 for penthouse walls of unequal height.

At or prior to the public hearing, the Applicant should address the following outstanding uses:

- Continue to work with OP and the Office of the Attorney General to refine the requested common flexibility language;
- Provide a detail for the long-term bike parking, including access, racks, and rack spacing;
- Provide a detailed drawing, including a dimensioned section, of the walk-out and patios on the east facade;
- Confirm that the townhouses would be rental and consider locating one Inclusionary Zoning (IZ) unit in a townhouse; and
- Submit a final list of proffered project benefits and amenities.

#### **IV. PROJECT 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

**Applicant** Apex Real Estate Company, American University, and FW DC-Spring Valley Shopping Venter LLC

**Property Size** 160,788 square feet

**Current/Proposed Zoning** MU-4 – moderate-density mixed-use development

**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

<sup>2</sup> Exhibit 28A2-A3, sheets A12-A13, September 17, 2019.

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, contains a vacant grocery store building, retail uses (restaurant and salon), and surface and below-grade parking.

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.			

**Proposed Use of Property** 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.

	Proposal – Valor lot <sup>3</sup>
<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>3</sup> Exhibit 28A1, sheet G05, September 17, 2019.

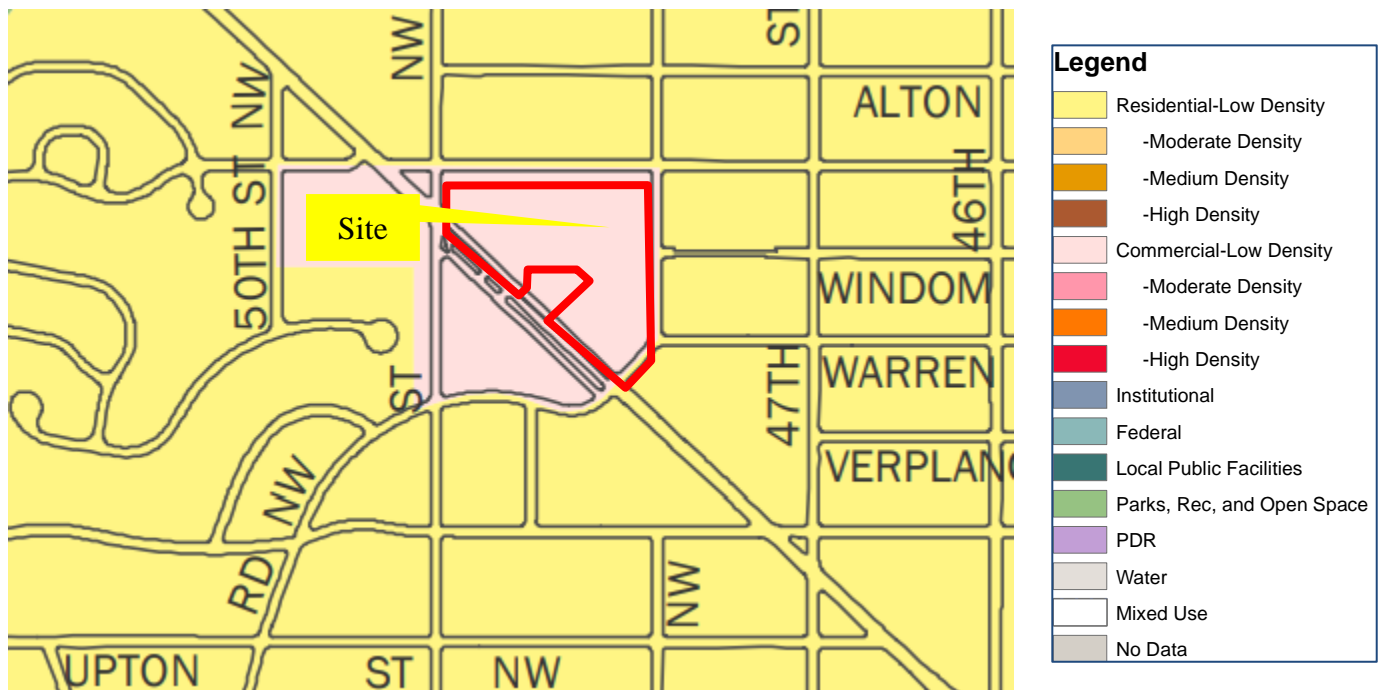
## V. PLANNING CONTEXT

Title 11 Subtitle X § 304.4(a) requires that a PUD, inclusive of a map amendment, be not inconsistent with the Comprehensive Plan. A full description of the Comprehensive Plan, and analysis of the proposal against its maps and policies is provided in the OP setdown report (Exhibit 11).

OP continues to determine that, on balance, the proposal is not inconsistent with the Comprehensive Plan as a whole, including the maps and the policy statements. In particular, the proposal would further policy statements contained in the Land Use, Transportation, Housing, Environmental Protection, Economic Development, Urban Design, and Historic Preservation Citywide Elements, and the Rock Creek West Area Element.

### Generalized 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

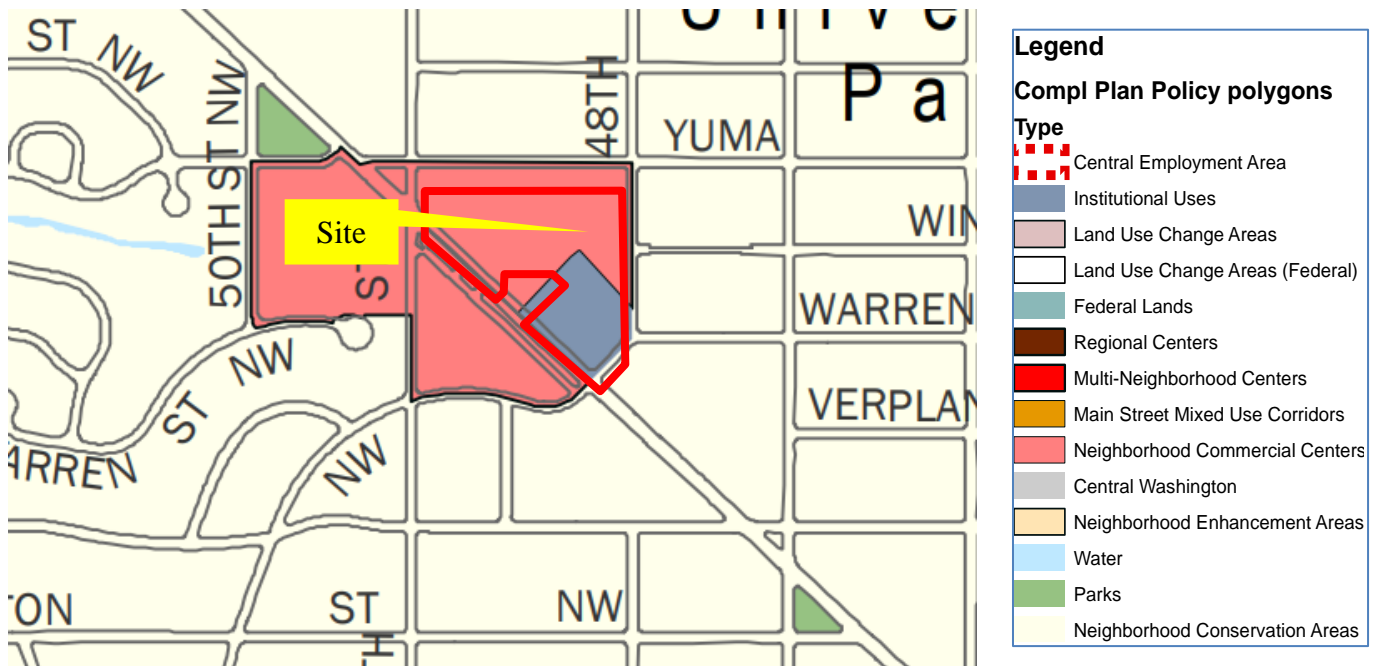
Project would include a mixed-use building with commercial on the ground floor (Building 1) and 5 three-story townhouses, which are both appropriate for a Low Density Commercial area.

*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.*<sup>226.1</sup>

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.* <sup>223.15</sup>

**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.* <sup>225.16</sup>

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.

## **VI. ZONING ANALYSIS**

There are no significant modifications since setdown that would change the table included in OP's preliminary report.<sup>4</sup> The site is currently zoned MU-4 and would remain in the MU-4 zone because the applicant is not requesting a PUD-related zoning map amendment.

### **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 standard design flexibility. OP is recommending minor changes to ensure the proposed language conforms to the commonly approved design flexibility.

1. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, **atria, and** 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 **selection of the** colors of **the** 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. 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;
5. 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~~

---

<sup>4</sup> Exhibit 11, pages 14-15, May 31, 2019.

~~Guidelines contained in~~ **signage on** the plans approved by the order and are compliant with the DC signage regulations; and,

6. 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.

The Applicant is also requesting the following additional design flexibility.

7. Landscaping: To vary the final selection of landscaping materials utilized based on availability at the time of construction;
8. 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;
9. 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 the plans approved by the order, 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.
10. 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)); and
11. 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.

OP is concerned that the additional special flexibility contained in items 7 through 11 may be overly broad. The Applicant should justify the need for the flexibility and continue to work with OP and the Office of Attorney General to refine the additional flexibility that has been requested.



### **Special Exception**

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. Furthermore, Subtitle G § 1200.4 states that relief may be granted as a special exception if it is found that the special exception:

- a. Will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps;
- b. Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and
- c. Is subject in each case to any applicable conditions.

The Applicant is requesting the following Special Exception Relief from the rear yard and penthouse requirements.

#### **Rear Yard G § 405.2**

A minimum rear yard of 15 feet is required in the MU-4 zone. As shown on the Plans, the Applicant proposes to provide a minimum rear yard depth of 10 feet along portions of Floors 1 – 4 of Building 1.

The rear yard relief needed is limited to two portions of the west façade of Building 1. The required 15-foot rear yard would be provided for the first 20 feet of building height, because the rear yard may be measured from the centerline of the alley. Above 20 feet, where the rear yard must be measured from the rear property line, five feet of relief is required at the northwest corner (Floors 1 – 3) and southwest corner (Floors 1 – 4) of Building 1.

The proposed rear yard relief meets the special exception standards of G § 1200.4 because it will be in harmony with the general purpose and intent of the Zoning Regulations, Zoning Map, and specifically the MU-4 zone.

Granting the special exception should not unduly impact the light and air available to units at the rear of Building 1, the MAPS, and the public alley. The requested relief should not adversely affect the use of neighboring properties, as the area of relief requested is interior to the site and the portion of the MAPS that is closest to the area of rear yard relief contains back-of-house functions and does not contain any windows. The relief should not adversely affect circulation since the required rear yard would be provided at the ground level. Furthermore, the rear yard relief allows for greater setbacks and height-step downs along the 48<sup>th</sup> Street frontage. The proposed rear yard relief is in harmony with the purpose and intent of the Zoning Regulations, Zoning Map, and the MU-4 zone specifically.

#### *Rear Yard Special Exception Criteria G § 1201.1*

- a. *No apartment window shall be located within 40 feet directly in front of another building;*

There are no residential dwelling unit windows along the rear of Building 1 that are located within 40 feet directly in front of another building. The only building directly opposite the rear of Building 1 is the MAPS, which does not have any windows along the façade that faces Building 1. Moreover, the

height of the historic shopping center is below the height of the first level of dwelling units in Building 1 that face the alley.

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

Not applicable, no office uses proposed.

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

Building 1 is parallel to the historic shopping center. In addition, there are no windows along the eastern façade of the historic shopping center that face Building 1.

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

The Project will satisfy all minimum parking and loading requirements and the rear yard relief will not impact access to these facilities.

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

All applicable District agencies will have an opportunity to review and comment on the proposed rear yard relief identified in this application.

#### **Penthouse C § 1500.4**

The Applicant is proposing roof access stairs on Townhouses 1-4. The proposed penthouse access stairs would meet the size and setback requirements and would be located to the rear of the townhouses.

The penthouses would not have an undue impact on light and air. The properties and buildings that are immediately adjacent to the proposed penthouses include Building 1 and the AU Building, both of which would not be adversely affected by the roof access stairs. The closest existing residential uses are located over 110 feet away from the proposed penthouses. Given this substantial distance, the proposed penthouses should not adversely affect the use of neighboring properties in accordance with the Zoning Regulations and Zoning Maps.

Therefore, the proposed penthouse stairs would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and should not negatively impact the general welfare of the surrounding community.

#### **Penthouse C § 1500.9**

The Applicant is also requesting relief for penthouse enclosing walls of unequal height.

*1504.1 Relief to the requirements of Subtitle C §§ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:*

- (a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

The strict application of the requirements, which require penthouse enclosing walls of equal height, would result in a stair enclosure that is larger in scale and potentially more visible than necessary.

- (b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;*

The sloped roof for the penthouse stair enclosure would reduce the massing and visibility of the access stairs.

- (c) The relief requested would result in a roof structure that is visually less intrusive;*

The sloped roof would result in a stair enclosure that would be visually less intrusive than the matter-of-right proposal.

- (d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;*

Complying with the requirements would be unreasonable, as a uniform height is not required for the proper functioning of the roof access stair. The proposed sloped penthouse roof will reduce massing and visibility, which is a desirable outcome.

- (e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

The proposed roof access stairs would comply with all required setbacks.

- (f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

The proposed penthouse stairs would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Granting the relief for enclosing walls of unequal height should not adversely affect the use of neighboring property.

## **VII. 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 PUD 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**

Subtitle X Section 305 of the Zoning Regulations discusses the definition and evaluation of public benefits and amenities. “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” (§ 305.2). “A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors” (§ 305.10). Section 305.5 lists several potential categories of benefit proffers, and states that “(a) project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section, but must be acceptable in all proffered categories and superior in many” (§ 305.12). The Commission “shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)” (§ 305.11).

The Applicant’s summary of project benefits and amenities (Exhibit 2) was provided prior to setdown. Additional Entitlements Gained Through the Proposed PUD are summarized below:

	<b>MoR</b>	<b>Stage 1 PUD</b>	<b>DIFFERENCE</b>
Height	50 ft. / 65 ft. (PUD)	36 ft. 8 in. – 43 ft. 6 in.	- 21 ft. 6 in.
Gross Floor Area 2.5 / 3.0 (IZ) / 1.5 (NonRes)	401,970 sq. ft. / 482,364 sq. ft. (IZ) / 578,837 sq. ft. (PUD)	430,853 sq. ft.	- 147,984 sq. ft.
Lot Occupancy	60% / 75% (IZ)	70%	- 5%
Use	Mixed-use	Mixed-use	None

OP analysis of the proffer is summarized in the following table and detailed below. Where noted, additional information about proffers is needed prior to a final decision on the case.

ITEM	MITI-GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER
<b>Urban Design, Architecture</b> <i>X § 305.5(a)</i>					
Height and mass has been carefully designed to relate to the surrounding context through height reductions, large courtyards, façade articulation, upper-level setbacks, and high-quality, context-sensitive materials			✓		✓
<b>Landscaping Open Space, Streetscape</b> <i>X §§ 305.5(b) and (l)</i>					
Windom Park			✓		✓
Grocery Store Plaza		✓			✓
Construct improvements within adjacent public space and within Windom Park and/or Northwest Plaza that will activate these spaces  The Applicant has committed to spending \$15,000 on any such special improvements		✓			✓
<b>Site Planning, Efficient Economical Land Utilization</b> <i>X § 305.5 (c)</i>					
Alley Improvements		✓			✓
<b>Historic Preservation</b> <i>X § 305.5 (e)</i>					
Use of unused density from MAPS		✓			✓
Provision of multiple building types – multifamily and townhouse			✓		✓

ITEM	MITI-GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER
Restore full-service grocery store to neighborhood		✓			✓
<b>Housing and Affordable Housing</b> <i>X §§ 305.5 (f) and (g)</i>					
11% Affordable housing versus 10% required		✓		✓	✓
<b>Environmental and sustainable benefits</b> <i>X § 305.5 (k)</i>					
LEED Gold Certification			✓		✓
Spaces in garage for car sharing			✓		✓
8 EV charging stations in garage			✓		✓
30,000 square feet of green roof			✓		✓
<b>Transportation Infrastructure</b> <i>X § 305.5 (o)</i>					
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		✓			✓

ITEM	MITI-GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER
Restrict residents of the Project from obtaining a Residential Parking Permit (“RPP”) with penalty of least termination		✓			✓
Improve the alley intersections to increase pedestrian safety and visibility		✓			✓
Contribute \$15,000 toward any recommendations made by DDOT regarding construction of a “pork chop” at the intersection of 49th Street and Massachusetts Avenue		✓			✓
Contribute \$100,000 to connect residents to the Tenleytown Metrorail station through shuttle, ride hailing services or other equivalent options			✓		✓
Work with ride hailing services to designate the building entrance on Yuma Street as the preferred pick-up and drop-off location			✓		✓
Provide four electric vehicle car charging stations, with two docks each, for a total capacity of eight cars charging		✓			✓
Work with DDOT on installing a Capital Bikeshare station in the vicinity of the project		✓			✓

ITEM	MITI-GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER
Work with DDOT to designate the section of 48th Street between Yuma Street and Warren Street as an alternative transportation block where transit options such as electric scooters, bikes, and mopeds; bike shares, and car shares can be co-located			✓		✓
Work with JUMP bike share on its efforts to include electric bicycles and scooters in close proximity to the project			✓		✓
<b>Uses of Special Value to the Neighborhood</b> <i>X § 305.5 (q)</i>					
Full-service Grocery Store		✓			✓
<b>Other</b> <i>X § 305.5 (r)</i>					
Tree Replacement		✓		✓	✓
Transportation to the Metro			✓		✓

*(a) Superior urban design and architecture*

The subject property sits between a residential neighborhood characterized by detached single-family homes and the mixed-use commercial corridor on Massachusetts Avenue. The proposed project respects the existing adjoining development and provides an appropriate transition with a mixed-use building that includes neighborhood-serving retail and residential units (sheets A28 – A35). The project, as designed, steps down to the houses on Yuma and 48<sup>th</sup> Streets and provides a landscaped setback area along 48<sup>th</sup> Street that mimics the residential yards of the adjacent single-family homes.

The Applicant is proposing to clad the exterior of the project in brick with a stone base (sheets A41, A43, and A45). The brick cladding echoes the brick construction that is found in the surrounding neighborhood.

The Yuma Street frontage would include both a residential entrance and entrances to the grocery store. Although the grocery entry is set back from the street, full height arched window openings would frame the grocery store entrance. Residential windows openings for units in Building 1 would punctuate the



base of the façade on Yuma and 48<sup>th</sup> Streets. The townhouse units would have direct entries from 48<sup>th</sup> Street.

The Applicant is showing false windows at the ground floor retail level along the alley that runs between the project and the SVSC. The alley elevation at the garage entry and loading bays features three metal roll-up doors. The Applicant should ensure a safe environment and inviting pedestrian experience along the north-south and east-west alley elevations (sheets A38-A39).

The Applicant should provide a detail and dimensioned section for the walk-out and patios on the east elevation.

The Applicant should refine the sign plan to reduce the number of grocery signs on the northwest façade to no more than two signs. Sheet A15 shows four grocery-related signs, including two building-mounted signs, a blade sign, and an awning sign.

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

Windom Park and Northwest Plaza

The Applicant is providing a variety of public and private gathering spaces in the project. Building 1 would include an interior courtyard with a swimming pool and seating area that would serve building residents (sheet L7). A roof terrace with seating and landscaping also would be available for building residents (sheet L8). Private landscaped terraces are proposed at Building 1, along Yuma and 48<sup>th</sup> Streets. The townhouse units would have landscaped front entries and the option for a small deck at the rear of the property, along with a roof access for units one through four.

Public spaces would include Windom Park, which would provide a visual terminus for Windom Place (sheet L5). The Yuma Street frontage also would feature a public outdoor seating area adjacent to the grocery entrance (L3).

The Applicant has committed to constructing improvements in public space and within Windom Park and/or the Northwest Plaza and would spend \$15,000 on improvements to activate these spaces.

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

Alley improvements

To ensure a continuous 20-foot width along the length of the alley, the Applicant is proposing to set back the building from the property line. The Applicant is proposing to provide a three-foot sidewalk at the western edge of the project adjacent to the alley. While this is not a wide sidewalk, it provides a north-south connection through the site without unduly narrowing or negatively impacting the alley and the attendant trash storage and collection functions. As part of the proposed alley improvements, the Applicant plans to consolidate and enclose the trash dumpsters that serve the SVSC (sheet CL04).

The Applicant should continue to work with DDOT through the public space permit process to refine the alley design to ensure a safe and inviting pedestrian environment.

Pedestrian improvements

The project would not have direct driveway or garage access from the street. The Applicant is providing wide sidewalks around the perimeter of the project and proposing the closure of two curb cuts, which improves pedestrian circulation in the area. As shown on the Applicant's circulation diagram (sheet CL01), the key pedestrian entrances would include the grocery and Building 1 entries from Yuma Street;

the townhouse entries from 48<sup>th</sup> Street; a pedestrian entrance from the alley that would provide access to the parking garage; and the entry to the small retail space at the southwest corner of the site. The Applicant should confirm the proposed use for this space as it is shown as either retail or amenity space on the plans (sheet A02).

Efficient Economical Land Utilization

The Applicant is using unused commercial density from MAPS to bring a grocery use back to site.

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

The subject PUD application results in further protection of the historic MAPS Protect historic shopping center (Lots 802 and 803) through the density transfer to the Valor lot (Lot 807). The PUD would not preclude any future development, but it would result in a reduced overall density available for future development of the PUD site.

*(f) Housing*

The PUD would result in the development of 219 residential units, 29 of which affordable, where none exist today. Furthermore, the Applicant is proposing both multi-family and townhouse units, along with several family-sized units. The project would feature 16.8% three-bedroom units.

The following is a summary of the proposed unit size breakdown. The Applicant is proposing to provide 32 market rate family-sized units and four IZ family-sized units.

	Total		Market		IZ		
	#	%	#	%	50%	60%	%
Studio	23	10.5%	22	11.6%	0	1	3.4%
1 BR	64	29.2%	56	29.5%	1	7	27.6%
2 BR	96	43.8%	80	42.1%	2	14	55.2%
3 BR	36	16.4%	32	16.8%	0	4	13.8%
<b>Total</b>	<b>219</b>		<b>190</b>		<b>3</b>	<b>26</b>	

*(g) Affordable housing*

The Applicant has provided the IZ summary table, which is included below. The Applicant is proposing 11% of the residential floor area for IZ, which exceeds the 10% required. The Applicant should confirm that the townhouse units are rental and consider locating one of the IZ units in a townhouse.

Residential Unit Type	GSF* / Percentage of Total	Units	Reserved for household earning equal to or less than	Affordable Control Period	Affordable Unit Type	Notes
Total	272,057	219				
Market Rate	242,131	190	Market Rate			
IZ	26,590	26	60%	Life of the project	Rental	
IZ	3,336	3	50%	Life of the project	Rental	
Affordable/Non IZ	0 / 0%	0	N/A	N/A	N/A	

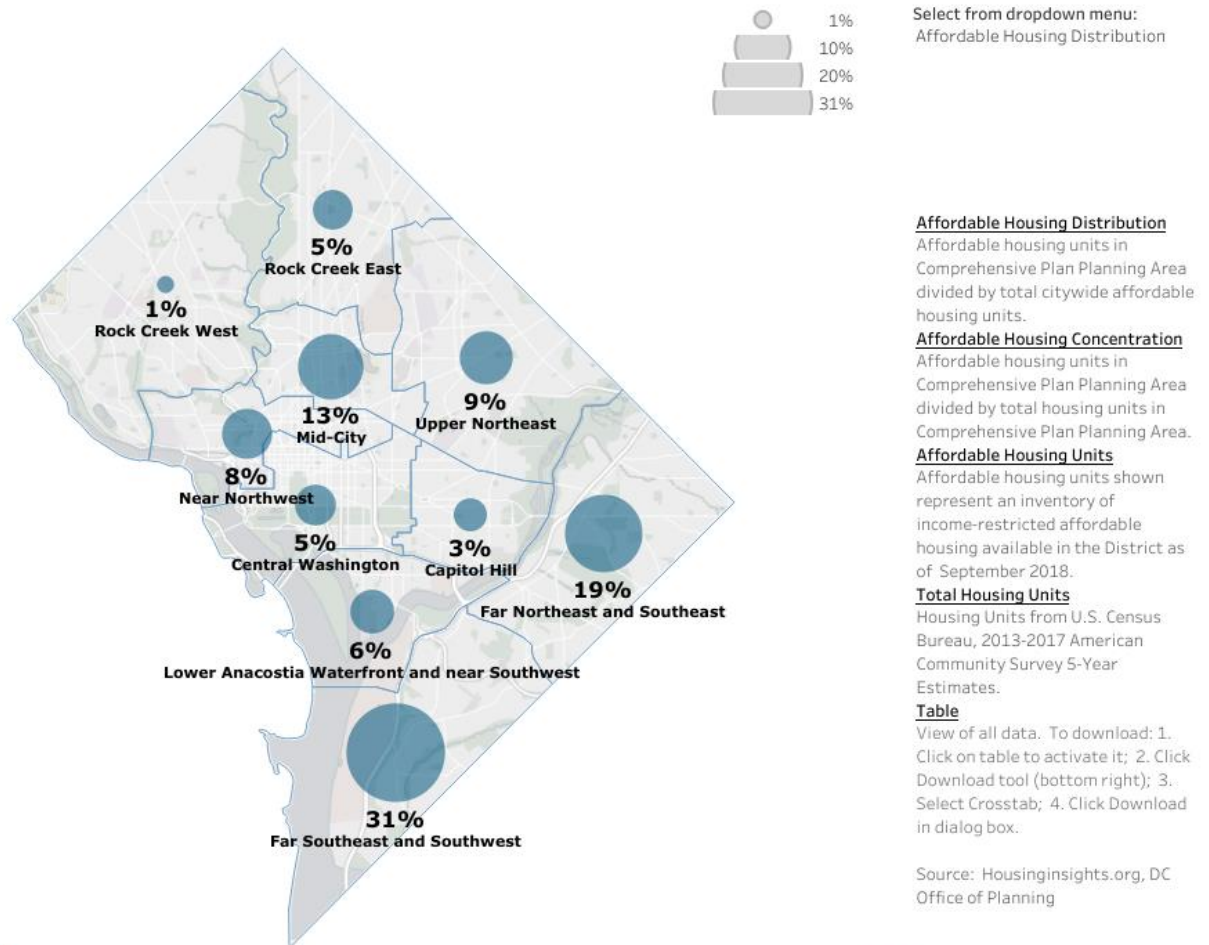
\*Square footages shown represent gross square feet (“GSF”) of residential use within the project. GSF is inclusive of building area devoted to residential use that meets the definition of “gross floor area” under the 2016 Zoning Regulations (“ZR16”), including building area devoted to residential dwelling units within a penthouse, and also includes building area devoted to dwelling units located within a cellar and building area devoted to residential use within building projections.

Rock Creek West is a high priority area for providing new affordable units and the Rock Creek West area element notes the following. *“Although there are limited opportunities for new housing development in the area, there continues to be a substantial unmet need for new affordable units and a need to protect the remaining affordable units in an environment where affordable units are being eliminated.”*<sup>2300.8</sup>

Rock Creek West is predominately residential with commercial land uses occupying a small percentage of the area. *“Residential uses represent the largest single land use in the Planning Area, accounting for about 37 percent of the total. Of the residential acreage, 80 percent is developed with single family detached homes. About 10 percent is developed with semi-detached homes, row houses, and other attached single family housing. The remaining 10 percent is developed with apartments. Higher density housing is concentrated along the Connecticut Avenue corridor, along Massachusetts Avenue between Ward Circle and Idaho Avenue, and along Lower Wisconsin Avenue. Densities in most of the area are well below the citywide average, although individual blocks along the avenues contain some of the densest housing in the city.”*<sup>2302.2</sup>

Given the concentration of land zoned for low-density residential, which is not subject to IZ, the subject MU-4 zoned property provides a unique opportunity to more equitably balance the distribution of affordable housing across the District.

### Income-Restricted Affordable Housing by Comprehensive Plan Planning Area, 2018



The subject PUD application fulfills the policy goals of the Rock Creek West Area element by bringing a compatible multi-family use situated above a neighborhood serving grocery use to a neighborhood commercial center.

***Policy 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.*<sup>2308.4</sup>

*(k) Environmental and sustainable benefits*

LEED Gold certification

The Applicant is proposing to design and certify the project at LEED v4 Gold (63.5 points) (sheet G10).

The project Green Area Ratio (GAR) score of 0.313 exceeds the minimum requirement of 0.3 and is achieved through landscaped areas, plantings, and vegetated or green roof (sheet L11). The Applicant is proposing green roof terraces on the fourth and fifth floors of Building 1 and should consider whether it would be feasible to include solar panels in addition to the green roof.

*(m) Outdoor children's play area*

The Applicant is proposing a 219-unit mixed-use development with family-size units. The Applicant should strive to provide on-site play areas for toddlers and children, possibly through the use of playable landscape elements. The Department of Parks and Recreation notes that the Friendship Recreation Center is a few blocks away from the subject property.

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

The Applicant is proposing a number of improvements, beyond those required for mitigation, that include the following:

- Mid-block HAWK and \$5,000 toward pork chop at 49<sup>th</sup> and Massachusetts Avenue, NW;
- Alley improvements/widening;
- RPP restrictions; and
- Eight electric vehicle (EV) charging stations.

The Applicant should consider additional EV charging stations; or, at a minimum, provide the infrastructure for future expansion.

The District Department of Transportation (DDOT) will provide comments directly to the record.

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

The Applicant is proffering a full-service grocery store and has agreed to devote at minimum 13,000 square feet for a period of ten years for the grocery store use.

OP recommends that this commitment be included as a condition of approval.

*(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. OP notes that Urban Forestry Administration staff have reviewed the project and provided comments directly to the Applicant.

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, amenities and proffers would **appear to be** commensurate with the PUD, particularly because the Applicant is not seeking a map amendment or other project specific flexibility that would result in an increase in height or density beyond that which is contemplated by the MU-4 zone.

OP encourages the Applicant to continue to work with DDOT, DOEE, and DPR to address comments provided and to augment the project benefits and amenities through the provision of a robust TDM program and infrastructure improvements; additional EV charging stations, including the ability for future expansion; and playable features within the public open space that would serve toddlers and children.

### VIII. AGENCY COMMENTS

OP circulated project information to District agencies and held an agency meeting, inviting representatives of all notified agencies to participate. The following is a summary of comments provided at the July 16<sup>th</sup> interagency meeting or submitted directly to OP. Individual agencies may file additional comments directly to the record.

Agency	Comment
DDOT	<ul style="list-style-type: none"> <li>– Submit revised CTR in August</li> <li>– Update TDM Plan</li> <li>– Provide updated garage plans</li> <li>– Designate locations for vehicle charging stations</li> <li>– Designate level/control for AU parking spaces</li> <li>– Improve bicycle access</li> <li>– Consider pedestrian circulation through site</li> </ul>
Urban Forestry Administration	<ul style="list-style-type: none"> <li>– 2 Heritage Trees (37.3” diameter Londonplane Tree and 37” diameter White Pine) that are deemed in good condition. Non-hazardous Heritage Trees cannot be topped, cut down, removed, girdled, broken or destroyed. A tree preservation plan is required for Heritage trees to remain on-site or those to be relocated.</li> <li>– 7 Special Trees on the property that will require a permit for removal. If any Special Trees are to remain, they must also be protected and require a tree preservation plan.</li> <li>– 3 Street Trees (Yuma Street) – Urban Forestry objects to the removal of the existing Elm trees; – proposed projections on Yuma Urban Forestry objects to aggressively pruning the Elms to accommodate</li> <li>– 3 Street Trees (Yuma Street) – additional information is needed about the root zones of these mature street trees. UFD objects to their removal as well as aggressively pruning roots and branches therefore a preservation plan must be developed to ensure their protection.</li> </ul>

Agency	Comment
	<ul style="list-style-type: none"> <li>– 1 Street Tree (48<sup>th</sup> Street) – requires a Public Space Permit for Landscaping: Tree Removal</li> <li>– Proposed Street Trees – planting requires a Public Space Permit for Landscaping: Tree Planting; all street trees shall be planted as per DDOT Green Infrastructure Standards.</li> </ul>
DCPS/DME <sup>5</sup>	<ul style="list-style-type: none"> <li>– DME estimates that the additional impact that the Ladybird would have on the three DCPS by-right schools is low. While there is overutilization now and estimated in the future, this development has been incorporated into the MFP 2018 estimates and DCPS planning efforts. Therefore, the additional small number of students that may live in the Ladybird in the future should not negatively influence decisions about the merit of this PUD case.</li> </ul>
DHCD	<ul style="list-style-type: none"> <li>– We do not object to the PUD;</li> <li>– Currently, the IZ program has no preference for age. As we discussed, the property seems to be emphasizing housing choices, including affordable housing for seniors. Unless this is something the developer is planning to do, DHCD would like to explicitly state that the IZ units will be treated like all other IZ units and the households listed on the IZ registration list will be given opportunities to buy or rent these units, pursuant to IZ rules, regulations and procedures. DHCD will not give any preference or priority to seniors or households living in the vicinity of the property;</li> <li>– According to page G09 of Exhibit 2C1, they are providing 2,418 more IZ square footage than required, which appears to be a small public benefit. DHCD would like to request additional square footage to be set aside as IZ, perhaps 15% of square footage as IZ, with ½ at 50% MFI with the other ½ at 60%.</li> </ul>
DCPL	<ul style="list-style-type: none"> <li>– DCPL has no comments at this time regarding ZC Case 19-10 and we do not anticipate that the proposed project/PUD will produce an undue burden on the library’s operations.</li> </ul>
DPR	<ul style="list-style-type: none"> <li>– Appreciate the plaza space by the grocery entrance and the small publicly accessible courtyard. Given the large number of family size 2 and 3BR units, they may want to consider some more playful elements in the public space, especially geared at younger kids and toddlers. However, Friendship Rec is just a few blocks away.</li> </ul>
DOEE	<ul style="list-style-type: none"> <li>– DOEE commends the project team’s commitment to achieve LEED v4 certification at the Gold level.</li> <li>– DOEE commends the commitment to include 8 electric vehicle charging stations. DOEE encourages the electric vehicle supply equipment to be at least a Level 2 charger, and would encourage the project team to consider the installation of additional make-ready infrastructure to install future charging equipment at significantly lower expense and disruption. The draft 2018 DC Green Construction Code rewards projects for providing infrastructure for the future installation of one charging station per ten parking spaces.</li> <li>– A critical goal of the Sustainable DC Plan is to increase the use of renewable energy to make up 50% of the District’s energy use. This is a major priority of the current District administration, as the Mayor signed legislation in 2019 to increase the</li> </ul>

<sup>5</sup> Comments attached at Exhibit 1.

Agency	Comment
	<p>District’s Renewable Portfolio Standard (RPS) to 100% by 2032 with a minimum of 10% to come from solar PV installed in the District. This legislation has produced significant potential benefits for the business and development community as the District has the best financials for solar energy in the country. Solar photovoltaic panels may be mounted horizontally over mechanical penthouses or integrated into an extensive green roof system. DOEE encourages the project team to incorporate solar PV and to design the remaining roof space to be as solar-ready as possible for the potential expansion in the future.</p> <ul style="list-style-type: none"> <li data-bbox="358 575 1463 772">– A power purchase agreement may be executed for leased solar panels with zero up front cost. Also, for owner financed solar panels, which can be financed by DC PACE, the typical return on investment is between two and five years. Through the District’s community solar program, the energy generated can be “virtually” net-metered and the residents or commercial tenants can “subscribe” into the system providing mutual benefit for both the property owner and residents.</li> <li data-bbox="358 793 1463 1192">– With the passage of the Clean Energy DC Omnibus Amendment Act of 2018, DOEE is working to implement a Building Energy Performance Standard starting in 2021. This regulation will require that existing buildings over 10,000 square feet must perform at, or above, the local median Energy Star score. New construction projects are encouraged to pursue energy efficient design and construction practices to the maximum extent possible so as to avoid future compliance requirements under this new regulation. While some strategies could have minimal construction cost impacts, such as improvements to the building envelope, they will also decrease utility cost and could save valuable rooftop space. Many energy conservation measures including additional insulation, LED lighting and controls, high efficiency mechanical systems, and envelope commissioning and air sealing have a return on investment within five years and can be financed with no up-front cost through the DC PACE program.</li> <li data-bbox="358 1213 1463 1539">– Financial tools like the DC Property Assessed Clean Energy (DC PACE) program and incentives from the DC Sustainable Energy Utility (DC SEU) can pay for increases in construction cost for sustainable design strategies. These could include on-site generation, any strategies that increase efficiency above the baseline code requirements, or stormwater management strategies that garner return on investment through the District’s Stormwater Retention Credit Trading program. This financing does not increase debt on the property and is repaid over time as a special assessment on the property tax. DOEE recommends that the applicant investigate opportunities to take advantage of financial tools that would allow increased commitment to sustainability.</li> <li data-bbox="358 1560 1463 1759">– The District has among the most stringent stormwater management, hazard remediation, air quality, energy conservation, and green building code requirements in the country. A more substantial, full regulatory compliance review by DOEE and other appropriate agencies, including the Environmental Impact Statement Form process, Stormwater Management Permit review, Green Building Act, and DC Green Construction Code compliance, will occur during the permit application process.</li> </ul>
FEMS	<ul style="list-style-type: none"> <li data-bbox="358 1780 1463 1850">– Alarm should ring through store and residential, parking garage clearance for standpipe, stairs to penthouse and ladder to penthouse roof.</li> </ul>



Agency	Comment
DC Water	– Need to be careful if storm sewer is located under sidewalk.

## **IX. COMMUNITY COMMENTS**

At the time this report was drafted, there were 17 letters in opposition in the record at Exhibits 29, 30, 32, 35-47, and 51; two requests for Party Status in Opposition at Exhibits 17 and 33; and two requests for Party Status in Support at Exhibits 31 and 34.

ANC 3D submitted a resolution in support at Exhibit 26. ANC 3E submitted a resolution in support at Exhibit 51.

## **X. ATTACHMENTS**

Exhibit 1: Comments from the Deputy Mayor for Education

JLS/emv

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Executive Office of Mayor Muriel Bowser



**MEMORANDUM**

**TO:** Sara Bardin, Director, Office of Zoning

**FROM:** Paul Kihn, DC Deputy Mayor for Education

**DATE:** September 20, 2019

**SUBJECT:** Z.C. Case 19-10/Valor Development LLC



---

I am providing the following memo to support your review of PUD Case 19-20 “The LadyBird,” a 219-rental unit project located at 4330 48th Street NW off of Massachusetts Avenue. The proposed project includes 29 inclusionary zoning (IZ) units including 16 IZ units with two bedrooms and four IZ units with three bedrooms. The project is located in Ward 3 within the Janney Elementary School, Deal Middle School, and Wilson High School DCPS enrollment boundaries (see Appendix 1 for a map of the proposed project in the context of the school boundaries). Students of compulsory age (kindergarten through grade 12) who live within these school boundaries have a right to attend each of the designated DCPS schools at any point throughout the school year (referred to as in boundary schools).<sup>1</sup>

DME estimates that the additional impact that the Ladybird would have on the three DCPS by-right schools is low (see below for detailed information). While there is overutilization now and estimated in the future, this development has been incorporated into the MFP 2018 estimates and DCPS planning efforts. Therefore, the additional small number of students that may live in the Ladybird in the future should not negatively influence decisions about the merit of this PUD case.

**DCPS ENROLLMENT CONTEXT**

According to the American Community Survey (ACS), between 51% and 59% of students in Ward 3 attended public school between 2013 and 2017,<sup>2</sup> which is lower than the citywide average that ranges between 84% and 86%.

---

<sup>1</sup> Families of early childhood (PK3 and PK4) students living in the boundary must apply for admission to Janney ES through the common lottery enrollment process called My School DC. Enrollment is not guaranteed although these students do receive an “in boundary” preference in the lottery.

<sup>2</sup> Office of the Deputy Mayor for Education EdScape Beta “Private School Enrollment” accessed September 18, 2019: <https://edscape.dc.gov/page/pop-and-students-private-school-enrollment>

Of those Ward 3 students who do enroll in public school, large percentages enroll at their DCPS neighborhood school (often referred to as their in-boundary school) as opposed to attending an out of boundary DCPS school or a public charter school.<sup>3</sup> For instance, in 2018, 87% of Ward 3 public school students in grades PK3 to 5 enrolled in their in-boundary school, 83% of students in grades 6 to 8, and 72% of students in grades 9 to 12. Enrollment across all three schools has increased over the past five years and is at or already over current capacity.<sup>4</sup>

Table 1: Enrollment Trends for The LadyBird’s In-Boundary Schools

	<b>Audited Enrollment</b>		<b>In-Boundary Participation Rate</b>		<b>Facility Utilization (Permanent Capacity)</b>	
	SY13-14	SY18-19	SY13-14	SY18-19	SY13-14	SY18-19
Janney ES	627	739	91%	94%	115%	102%
Deal MS	1,248	1,507	83%	79%	110%	96%
Wilson HS	1,696	1,796	56%	69%	106%	98%

Note: In-boundary participation rate calculates the share of grade-eligible public school students living in the boundary who enroll in the in boundary school (numerator=in boundary enrollment, denominator=total number of grade-eligible public school students). Facility utilization calculates the share of enrollment to facility programmatic capacity (numerator = enrollment, denominator=permanent facility programmatic capacity (does not include portable capacity)).

According to DME’s 2018 Master Facility Plan (MFP 2018), all three facilities are estimated to be over utilized in the future.<sup>5</sup> The enrollment estimates in the MFP 2018 used population projections that incorporated the LadyBird project as well as other projects in the residential development pipeline. The DME and DCPS are working on solutions to alleviate the potential future additional overcrowding, which includes capital funding to increase Deal MS’s facility capacity starting in FY23.

### **PUBLIC STUDENT YIELD IN WARD 3**

The DME conducts analysis to determine how many public school students live in varying types of housing across the city (referred to as “student yield”). Analysis based on the latest data shows that the public school student yield from rental apartments in Ward 3 was seven students per 100 units in SY18-19.<sup>6</sup> This compares to the estimated citywide yield rate of 31 students per 100 apartment units.

Applying this Ward 3 specific yield rate to the number of expected units in the LadyBird translates into an estimated 15 public school students who may live in the development across all grades. Since elementary students consist of 63% of public school students in Ward 3 and the

<sup>3</sup> Office of the Deputy Mayor for Education EdScape Beta “Trends in Enrollment by Sector” accessed September 18, 2019: <https://edscape.dc.gov/page/enrollment-patterns-trends-enrollment-sector>

<sup>4</sup> DCPS Zoning Commission Case #19-10 Fact Sheet

<sup>5</sup> Office of the Deputy Mayor for Education 2018 Master Facilities Plan A.20 Gap Analysis

<sup>6</sup> Office of the Deputy Mayor for Education EdScape Beta “Public School Students by Housing Type” accessed September 18, 2019: <https://edscape.dc.gov/page/neighborhood-factors-public-school-students-housing-type>

Janney ES school boundary has high boundary participation rates<sup>7</sup>, it may result in nine additional students enrolling at Janney ES. The estimated public school student yields for Deal MS and Wilson HS are even lower, at three students each.

DME estimates that the additional impact that the Ladybird would have on the three DCPS by-right schools is low. While there is overutilization now and estimated in the future, this development has been incorporated into the MFP 2018 estimates and DCPS planning efforts, and we do not believe that the additional number of students that may live in the Ladybird should negatively influence decisions about the merit of this PUD case.

---

<sup>7</sup> DCPS Zoning Commission Case #19-10 Fact Sheet

**Appendix: Map of The LadyBird project in relation to DCPS schools and boundaries**



**Data Sources:** District of Columbia Public Schools; DC Public Charter School Board; and the Office of the Chief Technology Officer