

**APPLICATION TO THE
ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**

VOLUNTARY DESIGN REVIEW

VALOR DEVELOPMENT, LLC

SQUARE 1499, LOTS 802, 803, AND 807

STATEMENT OF THE APPLICANT

October 26, 2016

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I.
INTRODUCTION

Valor Development, LLC (the "Applicant"), on behalf of FW DC-Spring Valley Shopping Center LLC and Apex Real Estate Company, hereby submits an application to the Zoning Commission of the District of Columbia (the "Commission") for voluntary design review of a new mixed-use development project (the "Project") located on the property known as Assessment and Taxation ("A&T") Lots 802, 803, and 807 in Square 1499 (the "Project Site") (Exhibit A). The subject application is being submitted pursuant to the design review provisions of Subtitle X, Chapter 6 of the 2016 Zoning Regulations of the District of Columbia (11-X DCMR Chapter 6) ("ZR16"), and specifically pursuant to 11-X DCMR § 601.2, which permits property owners to voluntarily apply for design review of a proposed development and simultaneously request relief from height, setbacks, lot occupancy, courts, and building transitions; as well as any specific design standards of a specific zone. *See* 11-X DCMR § 603.1.

According to 11-X DCMR § 600.1, the design review process provides, in relevant part, the ability for a property owner to voluntarily submit a proposed development for design review by the Commission in exchange for flexibility in building bulk control, design, and site placement provided there is no increase in density and no map amendment, and the development exhibits high-quality, contextual design that does not have an adverse impact. The design review process is intended to be shorter and less intensive than the Planned Unit Development ("PUD") process, and allows less deviation from matter-of-right zone standards. Pursuant to 11-X DCMR § 603.2, with the exception of height, the amount of relief granted to an applicant is at the discretion of the Commission, but shall only be that which is necessary to allow an applicant to meet the design review standards of 11-X DCMR § 604, and to allow the Commission to find that the design of the proposed development is superior to any matter-of-right development

possible on the site. As discussed in detail herewith, and demonstrated in the plans attached hereto as Exhibit B (the “Plans”), the Applicant’s proposed mixed-use development is only possible through use of the voluntary design review process, and is far superior in design and building program compared to a matter-of-right development. Furthermore, the extent of relief requested by the Applicant is *de minimus*, and far outweighed by the substantial improvements the Project will provide on the Project Site and to quality of the surrounding streetscape; on pedestrian connectivity through and around the Project Site; and to the community through the construction of a new full-service grocery store, which is a highly-desired community amenity, and the protection of the historic Spring Valley Shopping Center (the “SVSC”).

II. PROJECT SITE AND SURROUNDINGS

The Project Site is located in the AU Park/Spring Valley neighborhood of Upper Northwest, Washington, DC, and consists of A&T Lots 802, 803, and 807 in Square 1499. Collectively, the Project Site consists of approximately 119,138 square feet of land area, and is generally bounded by Yuma Street on the north; Massachusetts Avenue, the former American University Law School building (the “AU Building”), and a PNC Bank on the south; 48th Street on the east; and the Spring Valley Exxon station on the west. A&T Lots 802 and 803 are currently improved with the SVSC, a historic neighborhood-serving shopping center consisting of approximately 16,922 square feet of gross floor area (“GFA”) of retail and service uses. A&T Lot 807 is currently improved with a vacant grocery store; other retail uses that include a restaurant and salon, and substantial surface and below-grade parking (the “Valor Lot”). According to District records, the vacant grocery store building and other retail uses on A&T Lot 807 consist of approximately 53,632 GFA. The SVSC portion of the Project Site and the Valor

Lot portion are separated by a 20-foot public alley that runs north-south through Square 1499 connecting Yuma Street to Massachusetts Avenue.

The area surrounding the Project Site is predominately comprised of single-family residential dwellings with the exception of a collection of office and retail uses located south of Massachusetts Avenue which, together with the SVSC, AU Building, and retail on the Valor Lot, form a neighborhood-serving commercial center that is heavily used by the surrounding community.

III. BACKGROUND

The Applicant's proposed mixed-use project is only possible through use of the voluntary design review process as a result of the development history of the Valor Lot (A&T Lot 807) and the AU Building to the south which is located on separate A&T Lot 806. A&T Lots 806 and 807, both of which are located within underlying Record Lot 9, were created in order to generate the amount of nonresidential density needed to construct the AU Building. More specifically, when the AU Building was constructed, the zoning in effect at the time allowed a maximum 2.0 FAR, all of which could be devoted to nonresidential use. Based upon the land area of Record Lot 9, this amounted to 242,544 square feet of permitted GFA that was available to allocate between A&T Lots 806 and 807 in any manner. Ultimately, through a recorded allocation of development rights agreement that remains in effect (the "Allocation Agreement"), 179,302 GFA was allocated to A&T Lot 806 for purposes of constructing the AU Building, and 63,242 GFA was allocated to A&T Lot 807. As it relates to the Applicant's current proposed below-grade parking plan, the Allocation Agreement also grants an easement to the owner of A&T Lot 806 for non-exclusive access to not less than 236 parking spaces located on A&T Lot 807.

Subsequent to the development of A&T Lots 806 and 807, the zoning regulations were amended and the maximum permitted FAR was increased from 2.0 to 2.5. However, notwithstanding the increase in overall permitted FAR, the amount of the overall density that could be devoted to nonresidential uses was decreased from 2.0 to 1.5 FAR. Consequently, as a result of the zoning amendment, while the overall amount of development permitted on Record Lot 9 increased from 242,544 to 303,180 GFA, the permitted amount of nonresidential GFA decreased from 242,544 to 181,908 GFA, or by 60,636 GFA. Thus, as a result of the zoning amendment, and the prior allocation of GFA to A&T Lot 806 for construction of the AU Building, the density available to Lot 807 increased to 123,878 GFA. However, due to the reduction in permitted nonresidential FAR only 2,606 GFA could be devoted to nonresidential uses.

Currently under ZR16, all of Square 1499 is zoned MU-4, including the Project Site (Valor Lot and SVSC) and the AU Building. The maximum permitted density in the MU-4 zone continues to be 2.5 FAR, with the maximum for nonresidential uses remaining at 1.5 FAR. However, pursuant to the existing Inclusionary Zoning (“IZ”) regulations, the maximum permitted density in the MU-4 zone is increased to 3.0 FAR, a 20% increase over the base MU-4 density, for developments that are subject to IZ. Notwithstanding the 20% increase in overall permitted FAR, the 1.5 FAR limit on nonresidential uses remains. Accordingly, based upon the maximum 3.0 FAR permitted under ZR16, a total of 363,816 GFA can be constructed on Record Lot 9, of which no more than 1.5 FAR, or 181,908 GFA, can be devoted to nonresidential uses. After taking into account the nonresidential GFA of the AU Building, there is currently 184,514 GFA available to the Valor Lot as a matter-of-right, of which still only 2,606 GFA can be devoted to nonresidential uses.

As a matter-of-right the Applicant could construct an all-residential project on the Valor Lot containing up to 184,514 GFA, which, after including non-communal penthouse habitable space, below-grade/cellar areas, and permitted projections into public space, would result in approximately 230 dwelling units. However, the Applicant would be unable to provide a new full-service grocery store within a matter-of-right project due to the lack of available nonresidential GFA on Record Lot 9 resulting from the prior allocation to the AU Building. The only possible way the Applicant is able to provide this highly-desired community amenity is through the design review process.

As stated above, one of the intended purposes of the design review process is to “provide for flexibility in building bulk control, design, and site placement without an increase in density or a map amendment.” *See* 11-X DCMR § 600.1(e). In addition, pursuant to 11-X DCMR § 601.4, property included in a design review application is permitted to be separated by a public street, alley, or right-of-way. Thus, through the voluntary design review process the Applicant is able to transfer unused nonresidential GFA from the historic SVSC site to the Valor Lot, which will allow for the construction of the new grocery store on the Valor Lot, and consequently alleviate the potential for future development on the historic SVSC site. Finally, as discussed below and shown in the tabulation of development data included in Exhibit B, Sheet G05, despite the transfer of nonresidential GFA to the Valor Lot, the overall density within the Project Site (Valor Lot and SVSC), which does not include the area of the public alley, will be within the maximum 3.0 FAR (1.5 FAR nonresidential) permitted in the MU-4 zone.

IV.
PROPOSED DEVELOPMENT

As shown on the Plans, the Applicant proposes to construct a new mixed-use development on the Valor Lot, improvements to the SVSC immediately adjacent to the north-south public alley, and overall aesthetic and circulation improvements along the public alley. On the Valor Lot, the proposed development includes two new buildings consisting of a mixed-use residential building located on the northern portion of the lot (“Building 1”) and a second all-residential building on the southern portion of the lot near the AU Building (“Building 2”)(Exhibit B, Sheets G07 & A01). The overall concept of the proposed buildings is focused on integration with the surrounding context in a sensitive and compatible way. The Project Site is a transitional site in that to the north and east it fronts onto residential streets with single family dwellings, while to the west and south it is adjacent to commercial properties ranging in scale from the 1-5 stories in height (Exhibit B, Sheets G02 & G03). The majority of the context, with the exception of the AU Building, is generally characterized by Colonial Revival style architectural. Therefore, the approach taken by the Applicant in designing the Project was to utilize various revival styles of architecture that are sympathetic to the surrounding context through the use of three-part composition, symmetry, cornices, and individual building details. As described in detail below, in addition to taking better advantage of the development potential of the currently underutilized Project Site, another goal of the Applicant is to increase pedestrian connectivity through and around the site by making significant improvements to surrounding public space, and creating a new linear park, currently referred to as “Windom Walk,” that will extend through the Project Site between the two proposed buildings, and improve connections between the SVSC and the residential neighborhoods to the north and east.

LOWER LEVEL RETAIL PODIUM

As shown on Exhibit B, Sheet A02, the two buildings proposed on the Valor Lot will be constructed on a common lower level retail podium that will contain a new full-service grocery store and additional retail space, the main lobby for Building 1, and access to parking and loading for the grocery store and residential uses. As a result of a substantial change in grade across the Valor Lot, which slopes down approximately 26 feet from the high point near the intersection of 48th Street and Windom Place (elev. 264') to the low point at the southern end of the public alley (elev. 238'), the majority of the eastern portion of the lower level will be fully below grade and thus not visible to neighboring residential uses.

The main pedestrian entrances to the grocery store and the Building 1 lobby will be located along Yuma Street at the northwest corner of Building 1. The entrance to the additional retail space will be located at the southwest corner of the lower level in close proximity to Massachusetts Avenue. Locating the additional retail space in this corner of the lower level will provide visibility from the Massachusetts Avenue corridor and proximity to the SVSC retail and service uses, provide separation from the residential uses to the north and east of the Project Site, and provide ease of access from the below-grade parking and Windom Walk. There will also be a secondary pedestrian entrance to the grocery store located along the south side of Building 1 near Windom Walk.

Parking and loading facilities, which are described further below, will primarily be located adjacent to the north-south public alley along the west side of the Valor Lot. The loading facilities for Building 1 and access to the below-grade parking for both proposed buildings will be consolidated along the middle portion of the lower level façade between the Building 1 residential lobby and the additional retail space, which will minimize views of these facilities

from Yuma Street and Massachusetts Avenue. While Building 2 does not have a minimum loading requirement, it will provide space for service and loading activities adjacent to the 20-foot private alley located along the north side of the AU Building.

BUILDING 1

Above the lower level retail podium, Building 1, the larger of the two proposed buildings, will contain five-stories of residential use with a maximum height of 50 feet, as measured from the level of the curb opposite the middle of the front of Building 1 on 48th Street to top of the parapet, plus a penthouse that will contain habitable (residential and communal) and mechanical space. As permitted under ZR16, the portion of the penthouse containing habitable space will have a maximum height of 12'-0", and the portion containing mechanical space will have a maximum height of 15'-0". As shown in the Plans, Building 1 has been designed in two distinctive traditional architectural styles and responds to the residential context through substantial step downs in height along the neighborhood streets and reductions in massing. While the building and penthouse height proposed for Building 1 are consistent with that permitted as a matter-of-right in the MU-4 zone, in response to the lower-density residential uses to the north and east of the Project Site, the Applicant has greatly reduced the massing of Building 1 through lower initial heights; substantial upper-level setbacks; large courtyards, terraces, and public plazas; and context-sensitive articulation and architectural styles.

Along 48th Street, while Building 1 could be fully constructed to the property line as a matter-of-right to a height of 50 feet, the Applicant has substantially reduced the massing of the building at the property line by breaking the façade down into three, four-story pavilions that have a height of approximately 41'-0", and are separated by 40-foot deep landscaped courtyards that open onto 48th Street. The height of the pavilions is further reduced in scale through the use

of lower three-story bays that are similar in scale to the height of the residential dwellings on the east side of 48th Street, which has a right-of-way width of approximately 90 feet (Exhibit B, Sheet A29). In addition, as a result of the deep courtyards provided between the four-story pavilions, the distance between the lower-height residential dwellings to the east and the 50-foot portion of Building 1 along 48th Street is approximately 130 feet, with the penthouse further separated through adherence to the required 1:1 setback.

Along Yuma Street, where there is a substantial drop in grade from east to west, the Applicant has taken considerable steps to reduce the massing of Building 1 to ensure the building relates to the residential dwellings to the north. Specifically, as Building 1 transitions from 48th Street to Yuma Street, the grade begins to drop, eventually revealing the lower-level base and creating a classical three-part composition of base, middle, and top that breaks down the facade. Due to the change in grade, as a matter of right the height of Building 1 along Yuma Street could range from approximately 55 feet at the intersection of Yuma and 48th Streets to approximately 73 feet near the north-south public alley.

However, in response to the surrounding context, the initial height of Building 1 will step down along Yuma Street and range between 45 feet to 53 feet. In addition, the Yuma Street facade will be further reduced through ground-level terraces and plazas, and large upper-level setbacks. As shown on Exhibit B, Sheet A19, the eastern portion of the Yuma Street facade shares the same architectural style as along 48th Street, and is composed of two, lower-height pavilions separated by an elevated outdoor terrace. Above the pavilions, the fifth-floor is setback approximately 27 feet. The western portion of the facade possesses a similar three-part composition, but has a lower initial height and a distinct architectural style established through the use of a different material palette and window pattern (Exhibit B, Sheet A22 & A36).

The western portion of the façade is also set back from the property line approximately 17'-0" to create an open public plaza that serves as an entry to the grocery store and main residential lobby, and the fourth and fifth floors are further set back approximately another 12 feet. As a result of these large upper-level setbacks, the distance between the residential dwellings along the north side of Yuma Street and the upper portions of Building 1 will range from approximately 117 – 129 feet, with the penthouse further separated through either providing the required 1:1 setback or, as is the case along the western portion of the façade, elimination of the penthouse all together.

The west and south facades of Building 1 are designed in the same architectural style as the street-facing facades described in detail above, and will be treated with the same high-quality materials. Along the west, adjacent to the north-south public alley, Building 1 will be set back from the property line approximately 10 feet at the lower level to ensure adequate and safe vehicular and pedestrian circulation in the alley (Exhibit B, Sheet A34). Additionally, the setback will increase another 12 feet, for a total of 22 feet from the property line, along the majority of the west façade. This additional setback will allow greater light and air into the alley, provide a more pleasant pedestrian experience, and reduce the perceived height of the building above the neighboring SVSC. Finally, a substantial portion of the southern façade will be treated with a large green wall system which will soften the presence of the façade at the pedestrian level and provide additional landscaping. The southern façade will also include a secondary pedestrian entrance to the proposed grocery store and an elevator leading to the below-grade parking.

BUILDING 2

Building 2 will be located to the south of Building 1 and Windom Walk with frontage along 48th Street. Due to the limited size of the Building 2 footprint, and a slightly higher measuring point along 48th Street compared to Building 1, the height of Building 2 has been limited to only four-stories of residential use and a height of approximately 48 feet, as measured from the level of the curb opposite the middle of the front of the building along 48th Street to the top of the parapet. Building 2 will also have a penthouse containing habitable space (communal) and mechanical space. As permitted under ZR16, the portion of the penthouse containing habitable space will have a maximum height of 12'-0", with the portion containing mechanical space having a maximum height of 15'-0".

The proposed height of Building 2 successfully serves as an appropriate transition from the taller AU Building along Massachusetts Avenue, relates to the height of Building 1, and is an appropriate response to the existing residential dwellings along the east side of 48th Street. Additionally, as described below, the architectural design of Building 2 further integrates the building, and the overall Project, into the surrounding context. As shown in the Plans, Building 2 is designed in the French Empire style of architecture, which, while being distinguished from the styles utilized for Building 1, remains compatible with Building 1 and the colonial character of the surroundings. The French Empire style is appropriate for Building 2 given its smaller footprint and massing, and is compatible with the adjacent colonial character through its symmetrical classical composition of bays, balconies, and large windows across the main façade along 48th Street. The integration of a mansard roof further breaks down the scale of the building and allows its cornice to drop to the 3rd floor which gives the perception of an even lower building height. Finally, to further break down the scale of the building the mansard roof is

punctuated by pedimented dormer windows, and the second and third story windows along 48th Street are embellished with balustrades.

PARKING AND LOADING

Proposed loading facilities and access to below-grade parking will be entirely located along the existing alleys adjacent to the Valor Lot. Building 1 will contain separate dedicated residential and retail loading facilities that are located on either side of the garage access ramp. In compliance with the minimum loading requirements of 11-C DCMR § 901.1, the Building 1 residential loading facilities will consist of a 30-foot loading berth and a 20-foot delivery space, and the grocery store / retail loading facilities will consist of two, 55-foot loading berths and a 20-foot delivery space. Building 2 does not have a minimum loading requirement because it will have less than 50 dwelling units. However, to minimize the potential for impacts to the existing alleys, the street network, and the surrounding neighborhood, Building 2 will nonetheless contain space on the first floor for service and loading activities located adjacent to the 20-foot private alley along the north side of the AU Building.

With respect to vehicle parking, the Applicant's current proposal is to construct three levels of below-grade parking containing approximately 460 total parking spaces. As shown on Exhibit B, Sheets A09 – A11, the G-1 level of the garage will contain approximately 147 parking spaces that are intended to be devoted to the grocery store and retail uses. The G-1 level will also contain, at minimum, the required number of bicycle parking spaces for the proposed residential, grocery store, and other retail use. Grocery store and retail patrons arriving by automobile or bicycle are expected to utilize the elevators and escalators proposed at the G-1 level which. As shown on Exhibit B, Sheet A09, primary access to the grocery store for patrons parking in the

below-grade garage will be provided at the north side of the G-1 level. This direct access to the grocery store will minimize the amount of shopper activity along Yuma Street.

The G-2 level will contain approximately 155 spaces, of which approximately 77 spaces will be devoted to the residential uses in Buildings 1 and 2. Finally, as required under the aforementioned Allocation Agreement, which remains in effect, the remaining 78 spaces on the G-2 level, and the approximately 158 spaces proposed on the G-3 level will be shared between the proposed residential uses in Buildings 1 and 2, and the AU Building on A&T Lot 806.

LANDSCAPE PLAN

The proposed landscape plan incorporates substantial public space improvements, publicly accessible plazas and parks, and several courtyards and terraces that collectively improve the aesthetic and environmental quality of the Project Site, reduce the overall mass of the proposed buildings, improve pedestrian circulation, and relate to the surrounding context.

The most notable landscape improvement proposed is Windom Walk, a publicly accessible linear park between Buildings 1 and 2 that will provide a new pedestrian extension of Windom Place through the Project Site between 48th Street and the SVSC. As shown on Exhibit B, Sheets L5 – L8, Windom Walk will be an approximately 40-foot wide pedestrian connection that is lined with substantial plantings, seating, and other decorative site features. In addition to the proposed seating, further animation of the space will be provided by the private outdoor terraces located along the north side of Building 2 that look onto Windom Walk. In order to accommodate the approximately 16-foot elevation difference between the sidewalk along 48th Street and the public alley, a grand staircase is proposed at the western end of Windom Walk. The staircase will lead pedestrians down to a landscaped area and wide sidewalk that can be used to access the retail space in Building 1 and the SVSC. Plantings along Windom Walk will

include shade trees, evergreen shrubs, flowering perennials, and groundcovers. In addition, beginning at the base of the aforementioned staircase, a green wall system is proposed along a substantial portion of the southern façade of Building 1.

At the northwest corner of Building 1, the Applicant is proposing an open public plaza that provides a welcoming entrance to the grocery store and the Building 1 residential lobby, and seating opportunities for residents and shoppers (Exhibit B, Sheets L3 and L4). The plaza will be paved in a pattern that relates to the architectural detail of Building 1, and is designed to provide a variety of social settings for people to interact through the use of both fixed and movable seating. Due to the grade along Yuma Street, the entry plaza is slightly lower than the adjacent sidewalk. To accommodate the change in grade, a series of steps and planted slopes are proposed along the sidewalk which will provide a buffer from the roadway and existing residential use to the north. Accessible access is provided from the sidewalk along the alley to the west of the plaza. Plantings in the plaza will include shade trees, evergreen shrubs, flowering perennials, and groundcovers, in formal patterns to reflect the formal elevation of the architecture.

The Project will also include several private landscaped courtyards and terraces that will provide amenities to future residents and substantial environmental benefits. As shown on Exhibit B, Sheet L9, Building 1 will contain a large, central courtyard with substantial landscaping and a paved plaza located adjacent to interior amenity spaces. The central courtyard will also contain a number of private outdoor terraces belonging to first-floor residential units. Around the exterior, Building 1 will also have several large open courtyards facing 48th and Yuma Streets. As described above, there will be two large courtyards separating the four-story pavilions along 48th Street which will be landscaped and contain residential terrace space. In

addition, an outdoor terrace will be provided between the two pavilions along Yuma Street which, due to the change in grade, will be elevated with a set of stairs leading down to the sidewalk.

Both Buildings 1 and 2 will contain rooftop terraces that contain resident amenities, as well as substantial green roof areas that are essential to meeting Green Area Ratio (GAR) requirements. For Building 1, a large rooftop terrace is proposed at the northwest corner of the roof immediately adjacent to resident amenity spaces (Exhibit B, Sheet L10). The Building 1 rooftop terrace will contain a swimming pool, planters, and several flexible seating areas. The remainder of the Building 1 roof level, including lower roof levels, will contain substantial green roof areas (intensive and extensive) and private outdoor terraces belonging to individual dwelling units. Building 2 will contain a small rooftop terrace that is located adjacent to amenity space within the penthouse, and will be primarily paved and provide flexible seating areas.

Finally, the Applicant is proposing aesthetic and circulation improvements along the existing north-south public alley between the Valor Lot and the SVSC. As shown on Exhibit B, Sheets CL02, CL03, & CL05, the existing condition of the alley is characterized by several scattered trash dumpsters and receptacles, most of which are located within the public alley, unscreened HVAC equipment, and other unsightly utilities/equipment associated with the SVSC. The Applicant proposes to improve the aesthetic character of the alley, which is clearly visible from along Yuma Street, by screening the aforementioned dumpsters and equipment with high-quality enclosures, the specific design of which will be determined in coordination with the owner of the SVSC (Exhibit B, Sheets CL04 & CL06). Notably, the distance between the SVSC east property line and the historic SVSC building is only approximately five feet, which is not enough space for the SVSC's dumpsters and other equipment. Therefore, the proposed enclosure

will extend approximately 10 feet from the rear wall of the SVSC building, or approximately five feet into the north-south public alley, which will require a public space permit. However, as stated above, to accommodate the enclosure and ensure adequate vehicular and pedestrian circulation along the alley, Building 1 will be set back from the property line along alley approximately 10 feet. As part of its ongoing coordination with the District Department of Transportation (“DDOT”), the Applicant has already initiated discussions regarding the proposed improvements to the public alley, and the requirements for obtaining a public space permit to construct the improvements.

V.
TABULATION OF DEVELOPMENT DATA

As required under 11-Z DCMR §§ 301.10(k) and (l), a tabulation of development data showing the following information is included on Exhibit B, Sheets G05:

- The area and dimensions of each lot proposed for each building and the exact area of the total site;
- The percentage of lot occupancy of each building on each lot and the total percentage of lot occupancy for all buildings on the entire site;
- The gross floor area and floor area ratio for each building on each lot, including a breakdown for each use, and the total gross floor area and floor area ratio for all buildings on the entire site, including a breakdown for each use; and
- A table listing by-right development standards and identifying all areas of relief requested and the degree of such relief;

VI.
BURDEN OF PROOF

DESIGN REVIEW STANDARDS (11-X DCMR § 604)

§ 604.5 *The proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.*

The Project is not inconsistent with the guiding principles, policies, and goals of the Comprehensive Plan for the National Capital, including the “Neighborhood Commercial Center” general policy designation assigned to the Project Site on the Generalized Policy Map (the “GPM”)(Exhibit D), and the “Low Density Commercial” land use designation assigned to the Project Site on the Future Land Use Map (the “FLUM”)(Exhibit E). A detailed analysis showing the Project’s overwhelming consistency with the GPM; the FLUM; and a number of the guiding principles, Citywide Elements, and the Rock Creek West Area Element of the Comprehensive Plan is attached as Exhibit F.

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

In order for the Project to meet the general special exception criteria of Subtitle X, Chapter 9, the Applicant must demonstrate that the Project: (a) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map; (b) will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and (c) will meet such special conditions as may be specified in this title. The Project satisfies all three of these criteria.

First, the Project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The stated purpose and intent of the MU-4 zone is to permit

mixed-use development; provide facilities for shopping and business needs, and housing outside of the District's central core; and be located in low- to moderate-density residential areas with access to main roadways or transit stops. The Project is consistent with these purposes as it will provide a new full-service grocery store in an area that is in need of such a use, as well as a modest amount of additional neighborhood-serving retail space all within close proximity to the existing retail and service uses along Massachusetts Avenue, including those at the SVSC. It will also provide a wide range of new housing opportunities, including considerably more affordable housing than is required under ZR16. Additionally, the residential dwelling units proposed within Buildings 1 and 2 will consist of a wide range of unit types, including a substantial number of two- and three-bedroom units, that are sized to accommodate a diverse range of residents, including new families and "age in place" populations. Furthermore, as clearly demonstrated in the tabulation of the development data included in Exhibit B, Sheet G05, the project is well within the matter-of-right development standards of the MU-4 zone, including height and density.

Secondly, the Project will not adversely affect the use of neighboring property. As discussed in detail above, the height and massing of the proposed buildings have been substantially reduced in order to relate to the surrounding context. Rather than a single building mass, the Applicant is proposing two separate buildings on the Valor Lot separated by Windom Walk. In addition, the scale of Building 1 has been substantially reduced at the street-level through the use of four-story pavilions, lower projecting bays, large courtyards and upper-level setbacks, and the use of different architectural styles. The design of the proposed buildings also takes into consideration the change in grade occurring along the perimeter of the site in order to relate to the scale of the surrounding residential neighborhood. Access to all parking and loading

facilities has been effectively located entirely along existing alleys, rather than reusing one of many existing curb cuts or proposing new curb cuts. Use of the alley for access to parking and loading will improve the quality and safety of the streetscape for neighboring properties. In addition, the amount of grocery store shopper activity along Yuma Street will be minimized due to the direct connections provided from the below-grade parking garage into the grocery store.

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

(a) Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:

(1) Multiple pedestrian entrances for large developments;

The Project will increase pedestrian circulation and access through the use of multiple pedestrian access points both to the proposed buildings and through the Valor Lot. First, while the main lobby for Building 1 will be located along Yuma Street, the building will also be accessible from Windom Walk, and certain individual units located on the first floor will have direct access to the street. In addition, while the main entrance to the grocery store will also be located on Yuma Street, a second entrance is proposed at the southwest corner of Building 1 adjacent to the additional retail space, and in close proximity to the SVSC and Massachusetts Avenue, Given its smaller footprint, the entrance to Building 2 will be located along 48th Street.

The Project Site will also be made more porous through the integration of Windom Walk into the proposed development which will provide a more direct route to the SVSC and other retail and service uses along Massachusetts Avenue.

The proposed aesthetic and circulation improvements to the north-south public alley will provide similar pedestrian benefits.

(2) Direct driveway or garage access to the street is discouraged;

All access to the parking and loading facilities proposed for Buildings 1 and 2 will be located off of existing alleys, rather than proposing to use existing or new curb cuts along neighborhood streets. In fact, as a result of the project the streetscape along 48th and Yuma Streets will be reconstructed and the two existing curb cuts that provide access to the former grocery store parking lot will be eliminated.

(3) Commercial ground floors contain active uses with clear, inviting windows;

As a result of the substantial grade change across the Valor Lot, the extent of commercial ground floor presence is limited to only the northwest and southwest corners of Building 1, which minimizes the visual impact of the proposed grocery store and additional retail space on the surrounding residential neighborhood. However, as shown on Exhibit B, Sheets A22, A25, & L4, the limited amount of commercial ground floor that is visible is designed to be clear, inviting, and complementary to the neighborhood. The main entrance to the grocery store is limited only to a small portion of the Yuma Street façade of Building 1, and is oriented to reduce its presence along the streetscape. Due to the proximity to the residential dwellings to the north, the design of the grocery store entrance has been kept simple so that it blends in with the residential portion of the building as much as possible. The retail space in the southwest corner of Building 1 has been designed to have a presence along Massachusetts Avenue,

and will complement the existing architecture of the SVSC and neighboring bank building.

(4) *Blank facades are prevented or minimized; and*

As clearly demonstrated in the Plans, the facades of Buildings 1 and 2 have been thoughtfully designed to relate to the surrounding context in massing and articulation, architectural character, and through the use of high-quality materials. In fact, no blank facades are proposed but rather every façade, including those along the alleys, are attractively designed and detailed. In addition, the same high-quality materials that are proposed for the street-facing facades will also be used along the alley-facing facades. Finally, the parking and loading facilities for the proposed buildings have been located in a manner that minimizes views from the surrounding residential neighborhood and public rights-of-way.

(5) *Wide sidewalks are provided;*

The Project will substantially improve pedestrian circulation through and around the Project Site through the reconstruction of the streetscape adjacent to the Valor Lot along 48th and Yuma Streets, the pedestrian extension of Windom Place through the Valor lot in the form of Windom Walk, and the pedestrian improvements along the public alley between Yuma Street and Massachusetts Avenue. The reconstruction of the streetscape adjacent to the Valor Lot will result in the removal of two large curb cuts that currently provide access to the former grocery store surface parking lot and parking garage. The removal of these curb cuts, which have a combined width of approximately 80 feet (26 feet on 48th

Street and 54 feet on Yuma Street), will substantially improve the safety and quality of pedestrian circulation by establishing uninterrupted sidewalks along the Valor Lot street frontages. In addition, Windom Walk will contain a wide sidewalk that will provide a new, safe travel alternative to pedestrians walking between the residential neighborhood to north and east and the SVSC, as well as other points to the west and south. Finally, the Applicant is proposing a new sidewalk along the east side of the existing north-south alley next to Building 1. The new sidewalk will connect Yuma Street to the additional retail space in the southwest corner of Building 1 and to Windom Walk. Pedestrians will also be able to use this proposed sidewalk to easily access the SVSC and other existing retail and service uses along Massachusetts Avenue.

(b) *Public gathering spaces and open spaces are encouraged, especially in the following situations:*

- *Where neighborhood open space is lacking;*
- *Near transit stations or hubs; and*
- *When they can enhance existing parks and the waterfront.*

The Project will provide two new public gathering spaces. First, the Applicant is proposing Windom Walk, a publicly-accessible linear park between Building 1 and Building 2 that will provide a new pedestrian extension of Windom Place through the Valor Lot between 48th Street and the SVSC. In addition, a new plaza will be provided outside the grocery store and the Building 1 lobby that will provide opportunities for seating. The Project also incorporates substantial improvements to the public space surrounding the Project Site through the rebuilding of the streetscape adjacent to the Valor Lot along 48th and Yuma Streets and the pedestrian improvements along the north-south public alley.

(c) *New development respects the historic character of Washington's neighborhoods, including:*

- *Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*
- *Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
- *Development should respect and protect key landscape vistas and axial views of landmarks and important places.*

The Project respects the historic character of the SVSC and the historic shopping across Massachusetts Avenue, as well as the character of the residential neighborhood to the north and east. As described in detail above, the height and massing of Building 1 has been significantly restrained from what is permitted as a matter-of-right under the MU-4 zone. Specifically, while Building 1 can be constructed to the property line to a maximum height of 50 feet, the proposed design breaks down the initial mass of the building through the use of lower-height pavilions, recessed facades that are separated by large open courtyards, and substantial setbacks ranging between approximately 27 – 40 feet at the fifth floor level. In addition, to further reduce the mass of the western portion of Building 1 along Yuma Street, where the grade elevation is lowest, the building has been set back approximately 17 feet from the property line. In addition, the fourth and fifth floors have been further set back approximately an additional 22 feet, and the penthouse footprint has been reduced such that it exceeds the required 1:1 setback.

Along 48th Street, the Applicant is proposing to break up the extent of building façade by proposing Windom Walk, a pedestrian extension of Windom Place through the Valor Lot from 48th Street to the north-south public alley and the SVSC. In addition to reducing the scale of the proposed development, Windom Walk will open up a new axial

view toward the historic SVSC where currently there is only a view of the former grocery store building.

The height and massing of Building 2 has also been restrained compared to what is permitted as a matter-of-right. Due to a rise in elevation along 48th Street, Building 2 is limited to four stories with a maximum height of approximately 46 feet, where a maximum height of 50 feet is permitted by-right. The compatible relationship between the roof elevations of the proposed buildings and the surrounding residential neighborhood is clearly shown in the “Proposed Building and Context Building Height Plan” included as Exhibit B, Sheet A26, and in the cross-section drawings included as Exhibit B, Sheets A27 – A34.

The architectural styles of Buildings 1 and 2 also respect the character of the surrounding neighborhood and the historic SVSC, while establishing its own identity. The surrounding neighborhood predominately reflects colonial and colonial revival styles of architectural, and is characterized by rectangular massing; symmetrical composition; and the use of brick, multi-paned windows, bays and dormers. Each of these elements have successfully been incorporated into the design of the proposed buildings. In addition, to add visual interest along the streetscape the Applicant is proposing to use different, but complementary, architectural styles for Buildings 1 and 3. While Building 1 will be firmly based in the Colonial Revival style, Building 2 will be based upon the French Empire style of architecture. However, the symmetry of the Building 2 elevations, and the use of dormers and lighter colored materials, will not only tie together the two proposed buildings, but will also allow Building 2 to relate to the nearby residential dwellings.

(d) *Buildings strive for attractive and inspired façade design, including:*

- *Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and*
- *Incorporate contextual and quality building materials and fenestration.*

As described above, Buildings 1 and 2 will have a high-quality, attractive design that takes cues from the surrounding context while establishing its own identity. In addition to the substantial improvements that will be made to the pedestrian realm through the elimination of two curb curbs and additional plantings, the pedestrian realm will be further elevated as a result of the Applicant's close attention to the design and detailing of the proposed building's ground level. The fenestration of the proposed buildings incorporates architectural elements that are commonly found throughout the predominately colonial-style surroundings. These elements include, among others, symmetrical façade design, multi-paned windows, and bay projections. In addition, as shown on Exhibit B, Sheets A40 – A45, the Applicant is also proposing to use a range of high-quality materials that are also common in the surrounding context. These materials include cast stone, brick, and metal awnings and decorative railings.

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

Currently, the Valor Lot is improved with a vacant grocery store building and vast surface parking lot, both of which are completely impervious and lack any form of sustainable storm water management. The Project will replace these existing improvements with a highly sustainable development that includes a substantial landscape plan. As described above, the Project includes several landscaped courtyards, Windom Walk, and substantial green roof areas that will provide sustainable storm water management, new habitat, and urban heat island reduction. As shown on the preliminary

GAR calculations included on Exhibit B, Sheet L13, the Project will meet the applicable GAR score required under ZR16, and includes, among other sustainable elements, approximately 1,046 square feet of landscaped areas with a soil depth of 24-inches or more, approximately 30 new shade trees, a new green wall system along a substantial portion of the southern façade of Building 1, and over 20,000 square feet of green roof.

(f) Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:

(1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit:

As a result of the proposed Windom Walk, and the substantial improvements to the streetscape surrounding the Valor Lot, pedestrian circulation through and around the Project Site will be vastly improved. Windom Walk will provide a new safe and aesthetically pleasing pedestrian connection between the residential neighborhood to the north and east and the commercial node along Massachusetts Avenue, including the SVSC. In addition, the elimination of two large curb cuts along 48th and Yuma Streets will improve the safety of pedestrian circulation along these neighborhood streets.

(2) The development incorporates transit and bicycle facilities and amenities:

As shown in the tabulation of development data included in Exhibit B, Sheet G05, the Project will provide, at minimum, the number of short- and long-term bicycle parking spaces, and related bicycle facilities, as required under Subtitle C, Chapter 8. In addition, in coordination with DDOT, the Applicant is in the process of developing a robust transportation impact analysis and Transportation Demand Management (“TDM”) Plan which will incorporate

bicycle, transit, and car sharing incentives that will be made available to future residents. The Applicant's transportation impact analysis and TDM Plan will be submitted to the Commission in advance of the public hearing.

(3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly;

The Project will improve pedestrian circulation through and around the Project Site by improving the quality of adjacent public space, eliminating two existing curb cuts, providing a new pedestrian connection by virtue of Windom Walk, and making pedestrian circulation improvements along the north-south alley. As shown in the Plans, these improvements will be designed to be safe and pedestrian friendly.

(4) Large sites are integrated into the surrounding community through street and pedestrian connections; and

Pedestrian circulation through the Project Site will be improved as a result of Windom Walk and the improvements along the north-south public alley, thereby better integrating the Project Site into the surrounding community. In addition, the elimination of the existing curb cuts along 48th and Yuma Streets will improve pedestrian circulation and safety along the public space adjacent to the Valor Lot.

(5) Waterfront development contains high-quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.

Not Applicable

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

The Project satisfies the criteria of Subtitle X § 604.7 in a way that is superior to any matter-of-right development possible on the Valor Lot alone. As shown on Exhibit B, Sheets A15, A18, A21, and A24, as a matter-of-right the Applicant could construct an all-residential project on the Valor Lot that would be substantially taller at the street wall / property line than the current proposal. However, the Applicant would be unable to provide a new full-service grocery store within a matter-of-right project due to the lack of nonresidential GFA available to Lot 807 resulting from the prior allocation to the AU Building on Lot 806. Through the extensive consultation the Applicant has had with Advisory Neighborhood Commissions (“ANC”) 3E and 3D (collectively the “affected ANC”) and the community, the Applicant understands that there is overwhelming consensus that a full-service grocery store is widely desired by the community.

The design of Buildings 1 and 2 is of superior quality, is complementary to the surrounding context, provides a successful transition between the low-scale residential neighborhood and the larger-scale AU Building, and will provide a more fitting backdrop to the historic SVSC compared to what currently exists. In addition, as clearly demonstrated in the chart shown on Exhibit B, Sheet G06, the Project is also far superior to a matter-of-right project in many other respects, including scale and massing, sustainability, building program and historic preservation, size of dwelling units, and affordable housing.

Under the voluntary design review process, the Applicant is able to “sculpt” the proposed development in a manner that substantially reduces the scale and mass of Buildings 1 and 2 in an effort to relate to the surrounding context, while still making the project viable. Specifically, under a matter-of-right scenario the Applicant could develop Lot 807 to 75% lot occupancy, a maximum height of 50 feet without setbacks at the property line, and up to 0.4 FAR at the

penthouse level. However, as a result of the flexibility in building bulk control afforded through the voluntary design review process, the Applicant can access unused nonresidential gross floor area from the SVSC and in return reduce the massing of the buildings proposed on the Valor Lot by providing lower initial building heights with substantial upper-level setbacks, fewer projections, large building courtyards and terraces, and a lower penthouse FAR.

The Applicant is also able to reduce its proposed lot occupancy and devote approximately 14,560 square feet of land area to publicly accessible parks, plazas, and improvements to the north-south public alley. This additional open space not only helps to integrate the Project into the surrounding context, but also helps the Applicant increase the overall sustainability of the Project. While under District regulations the Applicant is only required to design the project to be LEED Certified, as shown on the preliminary LEED scorecard included in Exhibit B, Sheet G10, the Applicant will far exceed its sustainability requirement by constructing Buildings 1 and 2 to the LEED BD+C Multifamily Midrise Gold level. The ability to utilize the SVSC's unused gross floor area will not only allow the Applicant to provide the community a new full-service grocery store, which the Applicant understands to be highly desired by the community, it will also help protect the historic SVSC by allocating the unused development potential to the Valor Lot and relieving the historic SVSC from future development pressure.

Finally, and most notably, the design review process will make it possible for the Applicant to design Buildings 1 and 2 with larger-sized dwelling units, in both market-rate and affordable categories, and provide substantially more affordable housing than with a matter-of-right project. As shown in the Plans, the majority of the dwelling units proposed in Buildings 1 and 2 are two-bedroom, two-bedroom plus den, and three-bedroom dwelling units which is not common despite the many thousands of new dwelling units being constructed in the District. The

ability to provide these larger-sized units is only possible by being able to utilize unused nonresidential from the SVSC.

Perhaps most importantly, the design review process will allow the Applicant to not only provide more affordable housing than would be required for a matter-of-right project, it will also allow the Applicant to exceed the amount of affordable housing required under the subject application. Under the current IZ regulations, the Applicant is required to set aside 8% of residential building area to affordable dwelling units. As shown on Exhibit B, Sheet G06, for a matter-of-right project approximately 18,989 GFA of affordable housing would be required. Further, as shown in the tabulation included on Exhibit B, Sheet G05, based on the amount of residential building area proposed under the subject application, the Applicant would be required to provide approximately 21,694 GFA of affordable housing. The Applicant will far exceed both of these requirements by devoting approximately 27,116 GFA to affordable housing, which is approximately 8,127 GFA above the matter-of-right project requirement, and approximately 5,422 GFA more than would be required under the subject application. This substantial amount of additional affordable housing will greatly advance the District's affordable housing goals within an area of the city where opportunities to provide affordable housing are few, and the inventory of affordable dwellings units is severely lacking.

REQUESTED RELIEF

Pursuant to 11-X DCMR § 603.1, as part of the design review process the Commission may grant relief from the development standards for height, setbacks, lot occupancy, courts, and building transitions; as well as any specific design standards of a specific zone. Except for height, the amount of relief granted is at the discretion of the Commission, provided the relief is required to enable an applicant to meet all of the design review standards. As shown on the

tabulation of development data included on Exhibit B, Sheet G05, the Project is largely matter-of-right, including as to height and FAR, and the only relief required to meet the design review standards is from the rear yard requirement for Building 1. This very minor amount of zoning relief is far outweighed by the numerous positive improvements, and the superior design and program of the Project.

Pursuant to 11-G DCMR § 409.1, relief from the rear yard requirement in the MU-4 zone can be granted by special exception pursuant to the general special exception standard contained in Subtitle X, Chapter 9, and the provisions and limitations of Subtitle G, Chapter 12, which states that the requested relief may be granted provided the special exception:

- *Will be in harmony with the general purpose and intent of the MU Zone, Zoning Regulations, and Zoning Maps;*
- *Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps; and*
- *Is subject in each case to any conditions at are specific to the areas of relief required.*

The requested special exception from the rear yard requirement for Building 1 will be in harmony with the general purpose and intent of the Zoning Regulations, Zone Map, and specifically the MU-4 zone. The overall general purpose of the Zoning Regulations is to establish minimum standards for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare by: (i) providing adequate light and air, (ii) preventing undue concentration of population and overcrowding of land, and (iii) distributing population, business and industry, and use of land in a manner that creates favorable conditions.

As shown on Exhibit B, Sheet G07, the extent of the request rear yard relief is limited to only small portions of the Building 1 west façade. Specifically, for the first 25-feet of building height the 15-foot required rear yard will be provided since the rear yard can be measured from the centerline of the north-south public alley. Above 25 feet, where the rear yard is required to be

measured from the rear property line, the requested rear yard relief is still only limited to relatively small areas along the rear façade of Building 1, and the extent of the relief in these areas is only approximately five feet since Building 1 will be set back from the rear property line approximately 10 feet.

Given the much lower height of the SVSC, the 20-foot public alley, and the 10-foot rear yard that will be provided, the requested special exception will be in harmony with the purposes of the Zoning Regulations stated above. Notwithstanding the requested relief, adequate light and air will be available to the dwelling units located along the rear of Building 1, the SVSC, and into the public alley. Finally, considering the location of the requested rear yard relief toward the interior of the Project Site, the special exception will not adversely affect the use of neighboring properties, which only includes the SVSC. The portion of the SVSC that is closest to the area where the rear yard relief is required contains “back of house” functions and does not contain any windows. In addition, the special exception will not adversely impact the setting of the historic SVSC when viewed from Massachusetts Avenue, nor will the relief adversely impact circulation in the public alley since the required rear yard will be provided at the lower-level.

In addition to the general special exception standard, requests for special exception rear yard relief in the MU-4 zone must also meet the following criteria contained in

11-G DCMR § 1201:

- *No apartment window shall be located within forty feet (40 ft.) 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 SVSC, which does not have any windows along the

façade that faces Building 1. In addition, the height of the SVSC is below the first floor of residential dwelling units in Building 1.

- No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;

Building 1 does not contain any office uses; therefore, this provision is not applicable to the Applicant's special exception request.

- 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;

There are no buildings immediately adjacent to Building 1. The requested rear yard relief will not result in Building 1 being "not parallel to the adjacent buildings;" and therefore, there is no potential for adverse impacts on sight lines into habitable rooms.

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

Building 1 will contain the parking and loading required under Subtitle C, Chapters 7 and 9, respectively. In addition, adequate access will be provided to the parking and loading facilities from the existing north-south public alley.

- 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.

As part of the design review process, the Office of Planning ("OP") and DDOT will review the subject application, including the Applicant's request for rear yard relief. Since Building 1 is not a historic landmark, and is not located within a historic, referral of the request to the Historic Preservation Office is not required.

VI.
AGENCY / COMMUNITY COORDINATION

Beginning as far back as September 2015, the Applicant has conducted extensive, and transparent, coordination and consultation with OP, DDOT, the affected ANC, stakeholder organizations, and members of the surrounding community. As a result of this extensive consultation, the design of the Project has been substantially modified from earlier iterations. As required under 11-Z DCMR § 301.10(e), attached as Exhibit G is a listing of the meetings and discussions attended or hosted by the Applicant, and a summary of the changes that have been made to the Project as a result of these meetings and discussions.

IX.
TRANSPORTATION STUDY

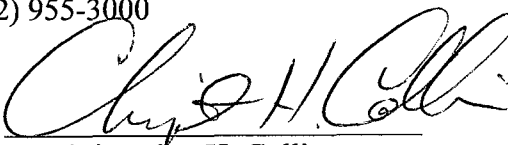
The Applicant and its traffic consultant, Gorove/Slade Associates, in consultation with DDOT, are currently in the process of developing the scope of the comprehensive transportation impact analysis that will be prepared for the Project. Upon finalizing the scope of the analysis with DDOT, the Applicant will proceed with completing a full analysis of the potential impacts of the Project on the surrounding transportation network, and preparing a vigorous Transportation Demand Management (“TDM”) Plan. As required under 11-Z DCMR § 401.8, a copy of the Applicant’s transportation analysis will be submitted to the Commission no later than 30 days prior to the public hearing on the subject application. The transportation analysis will also be submitted to the affected ANC, OP, and DDOT either at the same time, or prior to, submission to the Commission.

X.
CONCLUSION

Based on the foregoing, the Applicant submits that the subject voluntary design review application meets each of the design review standards of 11-X DCMR § 604.7 in a way that is superior to any matter-of-right development possible on the Project Site; is not inconsistent with the Comprehensive Plan; is in harmony with the purpose and intent of the Zoning Regulations and Zone Map; and will not tend to affect adversely the use of neighboring property. Furthermore, the Applicant submits that it successfully satisfies the conditions required for the Commission to grant the requested special exception from the rear yard requirement for Building 1, and that the relief is necessary to enable the Applicant to meet the design review standards applicable to the Project. Therefore, the Applicant respectfully requests that the Zoning Commission approve the requested voluntary design review application.

Respectfully submitted,

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