

1. Consistency with Generalized Policy Map (“GPM”)

According to the GPM, the Project Site is located within an area spanning both sides of Massachusetts Avenue that is designated as a “Neighborhood Commercial Center,” which is one of five commercial/mixed use areas on the GPM that collectively define the physical and economic character of areas along with generalized long-range conservation and development objectives (10-A DCMR § 223.13). The Neighborhood Commercial Center designation is described in the Framework Element as an area that meets the day-to-day needs of residents and workers in adjacent neighborhoods with a service area of approximately one mile. Typical uses within a Neighborhood Commercial Center include, among others, convenience stores, supermarkets, branch banks, restaurants, basic services, and office space for small businesses (10-A DCMR § 223.15). Unlike the “Main Street Retail Corridors” category, a Neighborhood Commercial Center includes both auto-oriented centers and pedestrian-oriented shopping areas. According to the Framework Element, new development and redevelopment within Neighborhood Commercial Areas must be managed to conserve the economic viability of these areas while allowing additional development that complements existing uses (10-A DCMR § 223.16).

The Project is not inconsistent with the GPM as it will provide a new mixed-use development that includes a new full-service grocery store and additional retail that will make it easier for existing and new residents and workers to meet their day-to-day needs within an environment that is both pedestrian-oriented and auto-oriented, and designed in a manner that is context-sensitive and effectively manages and mitigates vehicle trips to the Project Site. The Project will contain the types of uses that are typically found in a

Neighborhood Commercial Area, which will complement and expand upon nearby neighborhood-serving commercial offerings by providing a new full service grocery store. The Project will also complement existing uses and contribute to the economic viability of nearby commercial uses on both sides of Massachusetts Avenue by adding additional residential within close proximity, thus increasing potential customer base. Not only will the Project provide additional housing opportunities, it will do so by providing more affordable housing than would otherwise be required under any matter-of-right development, and by providing many larger-sized dwelling units. Specifically, as currently designed approximately 56% of the proposed dwelling units within the Project will be devoted to larger-sized units (two bedroom, two-bedroom plus den, and three-bedroom). These new larger-sized dwelling units will not only provide housing opportunities to younger families striving to establish themselves in the highly sought after Upper Northwest quadrant of Washington, DC, but will also provide opportunities for longtime residents that wish to downsize while remaining in their neighborhood and close to amenities.

2. Consistency with Future Land Use Map (“FLUM”)

The FLUM depicts future land uses across the District and is intended to represent the land use policies set forth in the Comprehensive Plan Land Use Element. It is well established, and is specifically stated in the Framework Element under the “Guidelines for Using the Generalized Policy Map and the Future Land Use Map” (“Guidelines”), that the FLUM is not a zoning map, and does not specify allowable uses or dimensional standards. By definition, the FLUM is to be interpreted broadly (10-A DCMR 226(a)). Further, the densities within any given area on the FLUM are intended to reflect all

contiguous properties on a block, there may be individual buildings that are higher or lower than these ranges within each area, and the land use category definitions are intended to describe the general character of development in each area (10-A DCMR § 226(c)). In addition, because of the scale of the FLUM, many of the areas shown purely as “Commercial” may also contain other uses, including housing, while other areas shown as purely “Residential” may contain existing incidental commercial uses (10-A DCMR § 225.20).

It has long been recognized in the District of Columbia that, unlike the Zoning Regulations, “...the Comprehensive Plan is not self-executing and does not directly regulate the development of private property in the District of Columbia.” (Tenley and Cleveland Park Emergency Committee, et al v. DC Board of Zoning Adjustment, 331 A.2d 331, 334 (DC 1988)).

The FLUM designates the Project Site as Low Density Commercial. As defined in the Framework Element, the Low Density Commercial land use designation is used to define shopping and service areas that are generally low in scale and character, with retail, office, and service businesses being the predominate uses. Areas that have the low-density commercial designation can range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area, and are commonly comprised primarily of one- to three-story commercial buildings. According to the definition of the Low Density Commercial land use designation, which predates ZR16 and thus includes references to zone district classifications from the 1958 Zoning Regulations (“ZR58”), the zone districts that

typically correspond to the Low Density Commercial land use designation include C-1 and C-2-A, although other districts may apply (10-A DCMR 225.4).

The Project Site is zoned MU-4 (formerly C-2-A), which the Applicant is not proposing to change, and the Project meets the MU-4 and C-2-A zoning regulations in terms of height and density. Thus, the Project complies with 10-A DCMR 225.4 cited above. The Project Site was originally zoned C-2 beginning in 1958, and renamed to C-2-A when the Commission adopted the C-2-B zone in July 1967. In November 1978, after development of the AU Building, the Commission changed the maximum permitted density in the C-2-A zone from 2.0 FAR (1.8 FAR max residential) to 2.5 FAR (1.5 FAR max nonresidential), and the maximum permitted height was reduced from 60 feet to 50 feet. Following the effective date of the Inclusionary Zoning regulations in August 2009 (Z.C. Case No. 04-33), the maximum permitted density in the C-2-A zone was increased to 3.0 FAR (1.5 max nonresidential).

Under ZR16, the C-2-A zone was renamed to MU-4. As described below, despite the change in name, no changes were made to the primary development standards that controlled matter-of-right development on the Project Site under ZR58 just before being repealed and replaced with ZR16. Thus, by definition the Project Site's existing MU-4 zoning is not inconsistent with the Comprehensive Plan. Indeed, the MU-4 zone, which is described under Subtitle G of ZR16 as being appropriate in "low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers," is commonly found throughout the District in areas that are designated as Neighborhood Commercial Centers on the GPM and have similar surrounding contexts as the Project

Site. Further, the Commission has previously found the C-2-A zone to be not inconsistent with the Low Density Commercial land use designation of the Comprehensive Plan FLUM.¹

As noted above, upon repeal of ZR58 and replacement with ZR16 the zone district name for the Project Site changed from C-2-A to MU-4. Despite the change in name, no changes were made to the primary development standards that controlled matter-of-right development on the Project Site under ZR58 just before being repealed and replaced with ZR16, namely building and penthouse height, FAR, and lot occupancy. Specifically, as a matter-of-right under both ZR58 (C-2-A) and ZR16 (MU-4), the maximum permitted building height is 50 feet; the maximum penthouse height is 12 feet (habitable) and 15 feet (mechanical), the maximum FAR (IZ) is 3.0 (1.5 nonresidential max); and the maximum lot occupancy is 75% (IZ). As shown in the tabulation of development data included on Exhibit A, Sheet G05, the subject application complies with each of these matter-of-right development standards, as measured in accordance with the flexibility in building bulk control afford under the ZR16 design review process, and thus is not inconsistent with the FLUM Low Density Commercial land use designation, as defined.

The Project is not inconsistent with the portion of Low Density Commercial areas definition that states a common feature of these areas “is that they are comprised primarily of one- to three-story commercial buildings.” First, the Applicant notes that it is not proposing to construct any buildings that are solely devoted to commercial use on the Project Site, but rather is proposing a mixed-use residential building containing ground

¹ See Z.C. Order No. 08-15 and Z.C. Order No. 12-16

level retail and services uses (Building 1), and a second all residential building (Building 2), both of which are expressly stated as being appropriate within areas designated as commercial on the FLUM (10-A DCMR 225.20). This interpretation is consistent with the plain meaning of the Comprehensive Plan, as drafted, and the legislative history related to the relationship between the Comprehensive Plan and zoning, and in particular the meaning of the “inconsistency” standard. Specifically, the legislative history states that “if the [Comprehensive] Plan is silent on a particular subject, there cannot be an inconsistency” (Committee of the Whole Report to the D.C. Council, dated January 17, 1984, on the Comprehensive Plan Act of 1984, reaffirmed in Committee of the Whole Report to the D.C. Council, dated October 3, 1989, on the District of Columbia Comprehensive Plan Amendments Act of 1989). In this case, the language of the Comprehensive Plan is unambiguous, and expressly qualifies the language regarding the number of stories in Low Density Commercial areas as relating to *commercial* buildings. Secondly, as the Guidelines state the densities within any given area on the FLUM reflect all contiguous properties on a block, and that individual buildings may be higher or lower than the ranges within each area. Thus when viewed within the context of the Guidelines, it is apparent that the mixed-use residential and residential buildings proposed on the Valor Lot are not inconsistent with the FLUM as they will sit within a block (Square 1499) that is currently comprised of commercial buildings that range in height and density from one- to two-stories (SVSC, PNC Bank, Spring Valley Exxon) to six stories (AU Building).

3. Consistency with Comprehensive Plan Guiding Principles

The Project is consistent with many of the guiding principles of the Comprehensive Plan for managing growth and change, creating successful neighborhoods, connecting the city, and building green and healthy communities.

a. Managing Growth

The Project is consistent with several of the principles related to managing growth which focus on overcoming physical, social, and economic obstacles to ensure that the benefits and opportunities available to District residents are equitably distributed. Specifically, the Project will expand the range of housing types within Upper Northwest by providing an array of dwelling units that can accommodate households of different sizes, with the majority consisting of larger-sized (two-bedroom, two-bedroom plus den, and three-bedroom) units that can accommodate a diverse range of residents including, among others, young professionals, new families, and longtime residents that wish to downsize while remaining in the neighborhood and close to amenities.

In addition, the Project will substantially 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. In fact, through the flexibility in building bulk control provided through the voluntary design review process the Applicant will provide more affordable housing than would be required for any matter-of-right development. As shown on Exhibit A, Sheet G06, for a matter-of-right project consisting of non-Type I (stick) construction, including maximizing below-grade space, permitted

projections, and penthouse habitable space for residential use, approximately 23,736 GFA of affordable housing could be required. In contrast, by utilizing unused density from the SVSC the Project, as currently designed, will contain approximately 28,320 GFA of affordable housing, or approximately 4,584 GFA above the matter-of-right requirement.

The Project also exhibits many of the characteristics that are typical of a successful infill project. The Project Site is in a very walkable and bike-friendly neighborhood, is less than one mile from the Tenleytown Metrorail Station, and is in close proximity the N4 and N6 Metrobus routes that operate along Massachusetts Avenue and provide service to nearby Metrorail stations and downtown Washington. The Project Site is also within close proximity to public and private schools, American University, parks, and several neighborhood-serving amenities that will allow residents to fulfill most daily errands on foot. Finally, the Project has been thoughtfully designed in a manner that respects the surrounding context with input provided by OP, DDOT, the affected ANC, and the community.

b. Creating Successful Neighborhoods

The guiding principles for creating successful neighborhoods include protecting, maintaining, and improving the residential character of neighborhoods through zoning, historic preservation, and other means. These principles also recognize the important role that businesses, retail and service uses, parks, schools and other institutional facilities play in the strength, character, and livability of a neighborhood, and the impact that occurs on housing affordability in highly

sought after neighborhoods that possess these amenities, such as those in Upper Northwest and surrounding the Project Site.

The Project advances the principles stated above. First, the Project will improve the character of the neighborhood by replacing the vacant grocery store building and expansive surface parking lot with a new mixed-use development containing residential and retail uses that has been designed in a context-sensitive manner, and is compatible with the height, scale, massing, materials, and architectural styles of the surroundings. The Project will also help protect the historic SVSC from future additional development by allocating unused density from the SVSC to the Valor Lot. Finally, the Project also furthers the guiding principles related to the need for growing an inclusive city and addressing ongoing challenges to housing affordability through the construction of approximately 219 new housing units that will include a substantial number of larger-sized units and, as a result of the flexibility in building bulk control provided through the design review process, substantially more affordable housing than would otherwise be required under any matter of right development.

c. Connecting the City

The Project is consistent with the guiding principles pertaining to connecting the city. As discussed above, the Project is located in a walkable, bike-friendly, and transit accessible location, which residents will be able to take advantage of to get to where they need. In order for residents to take full advantage of this wide range of travel options, the streets, sidewalks, and alleys around the Project Site must be constructed, improved, and maintained to a

satisfactory condition. The Project includes several streetscape improvements that improve mobility and circulation around the Project Site and the overall neighborhood, including the elimination of two very large curb cuts and improvements to circulation along the north-south alley between Building 1 and the SVSC.

In addition, the Applicant will improve pedestrian circulation through the Project Site by constructing Windom Walk, a new publicly accessible open space between 48th Street and the SVSC and Massachusetts Avenue. Finally, the Applicant has committed to construct a new High-Intensity Activated Crosswalk (“HAWK”) midblock along Massachusetts Avenue between 48th and 49th Streets which will provide additional pedestrian connectivity between the Project Site and the other retail and service uses located in the shopping center to the south (also known as the Spring Valley Shopping Center).

d. Building Green and Healthy Communities

The Project is fully consistent with the Comprehensive Plan’s guiding principles pertaining to building green and healthy communities. 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 this environmentally insensitive condition with a number of new landscaped areas, shade trees, and green roof areas that will provide numerous environmental benefits. In addition, 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 A, Sheet G10, the Applicant will exceed this requirement by constructing Buildings 1 and 2 to the LEED v4 Silver certification level.

4. Consistency with Citywide Elements

a. Land Use Element

The Land Use Element of the Comprehensive Plan establishes the basic policies guiding the physical form of the city, and provides direction on a range of development, conservation, and land use compatibility issues. The goal of the Land Use Element is to: “[e]nsure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries.”

The Project is not inconsistent with the those policies of the Land Use Element that are applicable to the proposed development, including:

- **LU-1.4.1: Infill Development** –The Project will encourage infill development, and will be carried out in a manner that complements the established character of the surroundings and provides an appropriate transition between the lower-scale residential neighborhood to the north and east and the larger-scale AU Building. The lower initial heights, deep upper-level setbacks, façade articulation, and high-quality design proposed for

Building 1 will result in a design that successfully responds to the immediate surroundings, especially along 48th and Yuma Streets, and will provide an appropriate backdrop to the historic SVSC. The smaller scale and compatible architectural design of Building 2, and the proposal for Windom Walk, will break down the scale and massing of the Project along 48th Street, and add variety along the streetscape.

· **LU-1.4.2: Long-Term Vacant Sites** – This policy promotes facilitating “the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints.” (emphasis added). Further, the policy specifically encourages use of “lot consolidation, acquisition, and other measures which would address these constraints. The Project will redevelop the long vacant and underutilized Valor Lot with a new mixed-used development that contains a new full-service grocery store that is highly desired by the community, but cannot be provided under a matter-of-right development due to constraints on the amount of nonresidential density that can be constructed on Record Lot 9 resulting from a recorded allocation of development rights agreement that remains in effect. However, this constraint can be overcome through the flexibility in building bulk control provided through the [voluntary] design review process, which will allow the Applicant to utilize unused gross floor area from the SVSC to provide the highly-desired grocery store, as well as much needed additional housing.

LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods – This policy promotes increasing housing supply and expanding neighborhood commerce in all parts of the city while at the same time protecting neighborhood character, preserving historic resources, and restoring the environment. The Project will redevelop the underutilized Valor Lot with a new full-service grocery store, additional retail, and expanded housing opportunities, including substantially more affordable housing than would be required under any matter-of-right development. In addition, the Project will help protect the historic SVSC from future additional development, and help restore the environment by replacing the substantially impervious condition that exists on the Valor Lot with a sustainably designed project that will meet all GAR and District storm water requirements, and be constructed to the LEED v4 Silver certification level.

LU-2.1.5: Conservation of Single Family Neighborhoods – This policy promotes the protection and conservation of the District’s low density neighborhoods through ensuring that zoning reflects their low density character, and managing the development of structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. The Project is not inconsistent with this policy as it has been carefully designed, and extensively refined in response to community input, such that the proposed buildings on the Valor Lot successfully relate to the scale of the single family neighborhood to the north and east through the use of lower initial building

heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style. The proposed design of the buildings, together with the substantial separation provided by Yuma and 48th Streets (both 90 foot wide rights-of-way), successfully integrate the Project into the surrounding context in a manner that protects the low density character of the neighborhood to the north and east while also establishing an appropriate transition to the larger-scale AU Building and commercial center to the south.

· **LU-2.2.4: Neighborhood Beautification** – This policy encourages projects that improve the visual quality of the District’s neighborhoods including, among other things, landscaping, improvement or removal of abandoned buildings, and street and sidewalk repair. The Project will significantly improve the visual quality of the Valor Lot, and thus the neighborhood, by replacing an unsightly and underutilized vacant grocery store and expansive surface parking lot with a new mixed-use development that has been designed to relate to the surrounding context, include several landscape improvements, and construct substantial improvements to surrounding public space.

· **LU-2.3.3: Buffering Requirements** – This policy strives to ensure that new commercial development adjacent to lower-density residential areas provides effective physical buffers such as, among others, larger setbacks, landscaping, height step downs, and other architectural and site planning measures in order to be compatible with the surrounding context. While the Project is primarily

a residential development, the Applicant has successfully incorporated each of the buffering measures stated above into the design of Buildings 1 and 2.

· **LU-2.4.1: Promotion of Commercial Centers** – This policy promotes the vitality of the District’s commercial centers in order to meet the needs of District residents, and expand employment opportunities for District residents. The Project is not inconsistent with this policy as it will reestablish a full-service grocery store use in this location of the city, a use that has a long history on the Valor Lot and is highly desired by the community, especially considering the closure of the Tenleytown Safeway. The open spaces and plazas that have been integrated into the Project design will provide inviting and attractive places for residents and neighbors to enjoy. In addition, the Project has been designed to provide easy vehicular access from Massachusetts Avenue and existing alleys which will minimize impacts to neighborhood streets and the amount of retail shopper activity along Yuma Street.

· **LU-2.4.2: Hierarchy of Commercial Centers** – This policy promotes maintaining and reinforcement of the District’s hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers. The Project reinforces the GPM “Neighborhood Commercial Center” designation of the Project Site by providing the types of uses that are typically found in a Neighborhood Commercial Area, including a new full service grocery store, which will complement and expand upon nearby neighborhood-serving commercial offerings. The Project will also complement existing uses and

contribute to the economic viability of nearby commercial uses on both sides of Massachusetts Avenue by adding additional residential within close proximity, thus increasing potential customer base.

· **LU-2.4.5: Encouraging Nodal Development** – This policy is focused on promoting pedestrian-oriented “nodes” of development at key locations along major corridors, and ensuring that such development is consistent with applicable zoning and design standards, and respects the integrity and character of surrounding residential areas. The Project Site is identified as part of a Neighborhood Commercial Center on the GPM, and the Project will complement and expand upon the range of neighborhood-serving retail and service that exist within the commercial node on both sides of the Massachusetts Avenue corridor (Spring Valley Shopping Center). The Project will also improve pedestrian circulation through and around the Project Site. Furthermore, the Project complies with the matter-of-right height, density, and lot occupancy under existing zoning, as measured in accordance with the flexibility in building bulk control afford under the [voluntary] design review process. Finally, the height, mass, and scale of the Project, especially along 48th and Yuma Streets, have been carefully designed to relate to the residential neighborhood to the north and east through lower initial building heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style.

· **LU-2.4.6: Scale and Design of New Commercial Uses** – This policy is focused on ensuring that new used within commercial districts are developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas. The proposed Project design is not inconsistent with this policy. The lower initial heights, deep upper-level setbacks, and façade articulation for Building 1 successfully responds to the immediate surroundings, especially along 48th and Yuma Streets, and will provide an appropriate backdrop to the historic SVSC. In addition, the smaller scale and compatible architectural design of Building 2, and the proposal for Windom Walk, will break down the scale and massing of the Project along 48th Street, and add variety along the streetscape. Thus, not only will the Project’s scale and massing be compatible with the surrounding area, it will also establish an appropriate transition between the lower-scale residential area to the north and east, and the commercial center and larger-scale AU Building to the south and west.

b. Housing Element

The overarching goal of the Housing Element is to “[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia.” The Project will help achieve this goal by advancing the policies discussed below. Overall, the Project is not inconsistent with the policies of the Housing Element that are applicable to the proposed development, including:

H-1.1.1: Private Sector Support – This policy encourages the private sector to provide new housing to meet the needs of present and future District residents at locations that are consistent with District land use policies and objectives. As discussed above, the Project Site is exactly the type of area where new residential and neighborhood-serving retail and service uses are encouraged. Consistent with the Project Site’s GPM designation as a Neighborhood Commercial Center, the approximately 219 new dwelling units included in the Project will complement existing uses and contribute to the economic viability of nearby commercial uses on both sides of Massachusetts Avenue. Not only will the Project provide additional housing opportunities, it will do so by providing more affordable housing than would otherwise be required under any matter-of-right development, and by providing many larger-sized dwelling units that will provide housing opportunities to younger families striving to establish themselves in Upper and to longtime residents looking to downsize while remaining in their neighborhood and close to amenities. As discussed above, the new housing that will be provided by the Project is also not inconsistent with the Low Density Commercial FLUM designation assigned to the Project Site, and the Land Use Element policy encouraging to nodal development

H-1.1.3: Balanced Growth – This policy encourages development of new housing on surplus, vacant, and underutilized land in all parts of the city. As discussed above, the Project will provide approximately 219 new residential dwelling units, including more affordable housing that would be required

under any matter of right development and many larger-size units, on a site that is significantly underutilized given its existing zoning, Neighborhood Commercial Center GPM designation, size, walkability, and proximity to several neighborhood-serving retail and service uses.

- **H-1.1.4: Mixed Use Development** – This policy promotes mixed-use development, including housing, on commercially zoned land, and particularly in neighborhood commercial centers and other areas. As discussed above, the Project Site is within an area identified on the GPM as a “Neighborhood Commercial Center,” and the Project includes mixed-use development consisting of a new grocery store, additional retail space, and residential uses.
- **H-1.2.3: Mixed Income Housing** – The focus of this policy is to facilitate the distribution of mixed income housing more equitably across the entire city. Opportunities to provide affordable housing in the Upper Northwest quadrant of the District are few, and the inventory of affordable dwellings units is severely lacking. The Project presents an ideal opportunity to increase the inventory of affordable housing in a highly-desired neighborhood that is safe; walkable; and close to neighborhood-serving amenities, parks, medical facilities, and high-quality public and private schools.
- **H-1.3.1: Housing for Families** – This policy encourages production of a greater number of larger-sized dwelling units that can accommodate families. As currently designed the Project will contain approximately 86 two-bedroom

units (approximately 39% of total units), approximately 9 two-bedroom plus den units (approximately 4% of total units), and approximately 28 three-bedroom units (approximately 13% of total units). This amounts to approximately 56% of all proposed dwelling units being devoted to larger-sized units that could accommodate families wanting to get established in the highly sought after Upper Northwest quadrant of Washington, DC.

· **H-4.2.2: Housing Choice for Seniors** – The Housing Element of the Comprehensive Plan recognizes the need for providing a wide variety of housing choices for seniors, including in those neighborhoods characterized by large numbers of seniors living alone in single family homes. The Project supports a neighborhood-based approach to senior housing by providing new housing opportunities to seniors, and even non-senior empty-nesters, that will reduce home maintenance costs and obligations for populations that may either be burdened by the continued escalation of property values, and/or wish to downsize while remaining close to amenities in the neighborhood they have lived in for many years.

c. **Environmental Protection Element**

The Environmental Protection Element addresses the protection, restoration, and management of the District’s land, air, water, energy, and biological resources. The element provides policies and actions on important issues such as restoring the city’s tree canopy, energy conservation, and air quality. As discussed above, the Project will substantially improve the environmental quality of the Project Site by redeveloping the Valor Lot, which is

almost entirely impervious and lacks any kind of sustainable storm water management, with a sustainably designed mixed-use development. Overall, the Project is not inconsistent with the policies of the Environmental Protection Element that are applicable to the proposed development, including::

- **E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff** – This policy promotes increases in tree planting and landscaping to reduce storm water runoff, including the expanded use of green roofs in new construction. As stated above, the Valor Lot is currently 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 this environmentally insensitive condition with a number of new landscaped areas, shade trees, and green roof areas that will provide numerous environmental benefits, including reductions in storm water runoff. Further, as part of the Project the adjacent public space along Yuma and 48th Streets will be reconstructed, including the permanent closure of approximately 80 linear feet of existing curb cuts, thereby providing space for additional street trees.
- **E-3.2.1: Support for Green Building** – This policy encourages the use of green building methods in new construction and rehabilitation projects. As shown in the preliminary LEED scorecard included in Exhibit A, Sheet G10, while under District regulations the Applicant is only required to design the project to be LEED Certified, the Applicant will exceed this sustainability

requirement by constructing Buildings 1 and 2 to the LEED v4 Silver certification level.

d. Economic Development Element

The Economic Development Element addresses the future of the District's economy and the creation of economic opportunity for current and future residents. As it pertains to the subject application, the overarching goal of the element is to strengthen the District's economy through, among other things, revitalizing neighborhood commercial centers. As demonstrated through the discussion below, the Project is not inconsistent with the objectives and policies of the Economic Element.

- **ED-2.2.3: Neighborhood Shopping** – This policy promotes the creation of additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. The Project will advance this policy through the construction of a new full-service grocery store that has been very effectively integrated into the proposed development. A grocery store use has long existed on the Valor Lot until the most recent operation closed in late-2013, and continues to be a highly desired use by the community, especially since the recent closure of the nearby Tenleytown Safeway grocery store.
- **ED-2.2.6: Grocery Stores and Supermarkets** – This policy promotes the development of new grocery stores and supermarkets, particularly in neighborhoods where residents currently travel long distances for food and

other shopping services. As part of the Project, the Applicant will construct a new full-service grocery store, a use that existed on the Valor Lot for many years and continues to be highly desired by the community.

· **ED-3.1.1: Neighborhood Commercial Vitality** – This policy promotes the vitality and diversity of neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. The Project will advance this policy by providing a new grocery store that will increase the mix of goods and services available to residents, and complement and expand upon nearby neighborhood-serving commercial offerings.

e. **Urban Design Element**

The goal of the Comprehensive Plan’s Urban Design Element is to “[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.” The Project will greatly assist in achieving this Comprehensive Plan goal. The Urban Design Element specifically promotes thoughtful infill development that avoids overpowering contrasts in scale, height, and density. In addition, the Element stipulates that commercial and mixed-use development should be harmonious with its surroundings, but not necessarily duplicate adjacent buildings. Rather, it states that new construction should “respect the basic block characteristics like

building alignment, access, proportion of openings, exterior architectural details, and heights.”

In designing the Project, the Applicant has taken great care to ensure compatibility with the surrounding residential neighborhood. The height, mass, architectural design, and access of the proposed buildings have all been informed by the context that exists around the Project Site. As a result, the Project will provide an appropriate transition between the residential area to the north and east, and the AU Building and other commercial uses to the south and west. In addition, the Project will contribute positively to the established architectural character of the surrounding neighborhood. Overall, the Project is not inconsistent with the policies of the Urban Design Element, include the following:

- **UD-2.2.1: Neighborhood Character and Identity** – This policy promotes strengthening the defining visual qualities of Washington’s neighborhoods “in part by relating the scale of infill development...to existing neighborhood context.” The Project successfully advances this policy by replacing an unsightly and underutilized vacant grocery store and expansive surface parking lot with a new mixed-use development that has been designed to relate to the surrounding context through the use of lower initial building heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style.
- **UD-2.2.4: Transitions in Building Intensity** – In designing Buildings 1 and 2, the Applicant gave substantial consideration to this particular policy given the context surrounding the Project Site to the north and east. As a result, the

Project design establishes an appropriate transition between the existing residences to the north and east and the proposed buildings. The massing and scale of the proposed buildings have been markedly reduced through the use of lower-level pavilions separated by generous landscaped courtyards, and considerable upper-level setbacks. Along Yuma Street, further reductions in mass and scale have been achieved through building setbacks, variations in architectural style and materials, and removal of a substantial portion of the penthouse.

· **UD-2.2.5: Creating Attractive Facades** – This policy promotes visual interest through well-designed building facades that do not contain monolithic building forms and long blank walls that detract from the streetscape. As shown in the Revised Plans, the architectural design of the proposed buildings is anything but monolithic and blank. Rather, the careful sculpting of the building massing, and the detailed façade design that takes cues from the surrounding context, will add a great degree of visual interest to the neighborhood and to the quality of the streetscape.

· **UD-2.2.7: Infill Development** – This policy seeks to avoid overpowering contrasts in scale, height, and density as infill development occurs. Through substantial reductions in height and penthouse footprint, upper-level setbacks, construction of multiple buildings, and provision of open courtyards and substantial landscaping, the Project will not result in overpowering contrasts in scale in relation to the surrounding context. Rather, the Project will establish an appropriate transition between the lower-scale residential

development to the north and east, and the commercial center and larger-scale AU Building to the south and west.

· **UD-2.2.8: Large Site Development** – This policy promotes the integration of larger development sites with adjacent sites by breaking development into multiple buildings and more varied forms. The Project is effective at integrating the redevelopment of the Valor Lot into the surrounding context by proposing multiple buildings that are designed in a context-sensitive manner using separate but complementary architectural styles, and by improving circulation through the Project Site by proposing Window Walk and pedestrian improvements along the north-south alley.

f. Historic Preservation Element

The goal of the Comprehensive Plan’s Historic Preservation Element is to “[p]reserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city and the enduring value of its historic structures and places, recognizing their importance to citizens of the District and the nation, and sharing mutual responsibilities for their protection and stewardship.” As one tool to achieve the preservation of historic properties, the Comprehensive Plan contains policies that promote the development and maintenance of “preservation incentives.” The Project is not inconsistent with these policies, and specifically the following:

· **HP-2.4.3: Compatible Development** – The focus of this policy is on preserve the important historic features of the District while permitting compatible new infill development that is in scale with and respects historic context through sensitive siting and design, and appropriate use of materials and architectural detail. The Project Site, located in the MU-4 zone, is a transitional site, in that to the north and east this mixed-use zone site is located across the street from single family dwellings, while to the west and south it contains or is adjacent to commercial properties ranging in scale from the 1-5 stories in height, including the AU Building and historic SVSC (Exhibit A, Sheets G02 & G03). The proposed Project successfully responds to both of these contexts, and is compatible with the historic context of the SVSC. As discussed above, the Project successfully relates to the scale of the single family neighborhood to the north and east, which is not historic, through the use of lower initial building heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style. At the same time, the Project also respects and complements the scale and historic context of the SVSC through façade articulation and compatibility in architectural style and materials.

· **HP-3.1.2: Incentives for Special Property Types** – This policy promotes the development of specialized incentives to support preservation of historic properties that have exceptional communal value through a variety of tools that can reduce development pressure on these resources and/or help with unusually high cost of maintenance. To advance this policy, the

Comprehensive Plan includes an action strategy that promotes revisions to transfer of development rights (“TDR”) programs to enhance their utility for preservation (Action HP-3.1.B: TDR Benefits for Preservation). The ZR16 voluntary design review process is an example of a specialized incentive that can be used by property owners to help protect historic resources through the flexibility afforded in building bulk control, and by allowing the area included in a design review application to include properties that are separated by a public street, alley, or right-of-way. The Project is not inconsistent with this policy as it will allow the Applicant to shift the unused density from the SVSC (Lots 802 and 803) to the Valor Lot (Lot 807) which will protect the historic SVSC from future additional development pressure.

5. Consistency with Rock Creek West Area Element

The Rock Creek West Area Element encompasses 13 square miles in the northwest quadrant of the Washington, DC, and is generally bounded by Rock Creek on the east, Maryland on the north and west, and the Potomac River and Whitehaven Parkway on the south. The Rock Creek West area contains some of the District’s most highly sought after neighborhoods, public schools, and most important natural and cultural resources. It also contains some of the most vibrant retail areas. The Project is not inconsistent with the policies and goals of the Rock Creek West Area Element that pertain to infill development and promotion of neighborhood-serving retail, including those specifically discussed below.

· **RCW-1.1.1: Neighborhood Conservation** – This policy is focused on the protection of the low density residential neighborhoods located west of Rock Creek Park. As discussed above, the Project has been carefully designed, and extensively refined in response to community input, such that the proposed buildings on the Valor Lot successfully relate in scale to the nearby single family neighborhood to the north and east. The proposed design of the buildings, together with the substantial separation provided by Yuma and 48th Streets (both 90 foot wide rights-of-way), successfully integrate the Project into the surrounding context in a manner that protects the character of the neighborhood while also establishing an appropriate transition to the larger-scale AU Building and commercial center to the south.

· **RCW-1.1.3, Conserving Neighborhood Commercial Centers** - supports local-serving retail uses and protection of neighborhood commercial centers from large office buildings and other non-neighborhood serving uses. The policy also promotes compatible new uses such as multi-family housing “to meet affordable housing needs, sustain neighborhood-serving retail and small businesses, and bring families back to the District.” The Project will advance this policy by providing a new mixed-use development consisting of a new full-service grocery store that will address the community’s desire to have this type of use in close proximity, and will complement the existing retail and service uses in the neighborhood. In addition, the Project will provide approximately 219 new residential dwelling units, including numerous larger-sized units, that will help families move into the neighborhood, allow long-

term residents to remain in the neighborhood, and help address the growing demand for affordable housing in an area of the city that has very few affordable dwelling units.

· **RCW-1.1.4, Infill Development** – This policy recognizes the opportunity for infill development within the areas designated for commercial land use on the FLUM. For these types of sites, the policy encourages coordination with the ANCs, residents, and community organizations to develop projects that combine housing and commercial uses rather than only containing a single use. In addition, the policy promotes heights and densities that are informed by, and relate to, the scale and character of the surroundings. The Project is exactly the type of mixed-use development that is promoted by this policy as it involves mixed-use, infill development on an underutilized site that is designated for low-density commercial uses on the FLUM and a designated Neighborhood Commercial Center on the GPM. Further, as is clearly demonstrated in the updated list of agency/community discussions and presentations attached as Exhibit C, the Applicant has undertaken extensive consultation with the affected ANC, residents, community organizations, and the Office of Planning and District Department of Transportation before and after submitting the subject application. As a result of the Applicant's efforts, the scale and character of the Project successfully relates to, and is compatible with, the surrounding context.

RCW-1.1.5: Preference for Local-Serving Retail – This policy supports new commercial development within the Rock Creek West Planning area that provides the range of goods and services necessary to meet the needs of local residents. The policy specifically states that local-serving retail uses are preferable to larger-scale retail uses that serve a regional market, and that “destination” retail uses are not appropriate in smaller-scale commercial areas, especially those without Metrorail access. The policy further states that regardless of scale, retail development must be planned and designed to mitigate traffic, parking, and other impacts on adjacent residential area. The Project will provide a new full-service grocery store that has been sized in direct response to community input regarding the need to balance the type of grocery store with potential impacts on traffic and parking. As initially proposed the grocery store was substantially larger (approximately 55,000 square feet), which led to community concerns over traffic and parking, especially if the Applicant was to establish a destination grocer. In response, the Applicant reduced the size of the grocery to that which is shown in the Revised Plans, while maintaining its full-service function. As currently proposed, the size of the new grocery store, and the overall amount of retail and service use in the Project, is consistent with the site’s Neighborhood Commercial Center GPM designation and appropriate given its location. Notwithstanding the above, as is thoroughly discussed in the Comprehensive Transportation Review (“CTR”) submitted to the record, the Applicant has committed to implementing several Transportation Demand Management (“TDM”) strategies and a robust Loading Management Plan which will successfully mitigate any potential impacts on traffic and parking. Finally, as thoroughly discussed above, the Project has been designed to mitigate any other potential impacts on the residential areas to the north and east.