

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

TIME AND PLACE: **Monday, January 7, 2019, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 16-23 (Valor Development, LLC – Voluntary Design Review @ Square 1499, Lots 802, 803, 806 and 807)

THIS CASE IS OF INTEREST TO ANCs 3E and 3D

On October 27, 2016, the Office of Zoning received an application from Valor Development, LLC (the "Applicant"), on behalf of FW DC-Spring Valley Shopping Center LLC and Apex Real Estate Company.¹ The Applicant is requesting review and approval of a new mixed-use (residential and retail) development project for Lots 802, 803, 806 and 807 in Square 1499 (the "Project Site"), pursuant to the design review provisions of Subtitle X, Chapter 6 of the 2016 Zoning Regulations of the District of Columbia ("ZR16") (11 DCMR Subtitle X, Chapter 6), and specifically pursuant to 11-X DCMR § 601.2, which permits property owners to voluntarily apply for design review of a proposed development. As part of this design review, the Applicant seeks flexibility from the rear yard requirements of the MU-4 zone. The Commission can grant such flexibility as part of the design review process pursuant to 11-X DCMR § 603.1, which permits it to grant flexibility from certain development standards including the standards for "setbacks."² The Applicant is also requesting special exception relief to allow a ten-foot penthouse on top of a row dwelling for purposes of providing access to a roof deck. The Commission can grant such relief as part of the design review process pursuant to 11-X DCMR § 603.3

The Project Site consists of approximately 160,788 square feet of land area and is generally bounded by Yuma Street on the north; Massachusetts Avenue on the south; 48th Street on the east; and the Spring Valley Exxon station on the west. The Project Site is currently improved with the Spring Valley Shopping Center ("SVSC") (Lots 802 and 803), the former American University Law School building ("AU Building") (Lot 806), and a vacant grocery store building, retail uses (restaurant and salon), and surface and below-grade parking (Lot 807). Collectively, Lots 806 and 807 make up Record Lot 9. The Project Site is zoned MU-4, a district in which residential and retail uses are permitted as a matter of right.

¹ The Applicant's original application included Lot 807, which is currently owned by Apex Real Estate Company, and Lots 802 and 803, which are owned by FW DC-Spring Valley Shopping Center LLC. On September 8, 2017, the Applicant amended its application to also include Lot 806, which is owned by American University. The Applicant has submitted letter of authorization from each of the aforementioned property owners within the design review project area.

² When the current versions of Subtitle G and X were first proposed, the applicable minimum rear yard requirement was referred to as a "rear setback." This terminology was later replaced with the traditional reference to a "minimum rear yard" in current Subtitle G, but the reference to "setbacks" in 11-X DCMR § 603.1 was not similarly revised.

The proposed mixed-use development retains the existing SVSC and AU Building as currently developed, and consists of a new apartment building and five attached row dwellings on Lot 807. The SVSC has a height of approximately 25-30 feet and contains approximately 16,922 square feet of gross floor area (“GFA”) of retail, service, and eating and drinking establishment use. The AU Building has a height of approximately 60 feet, not including the mechanical penthouse, and contains approximately 179,302 square feet of GFA of office use.

As for the buildings proposed on Lot 807, the apartment building (Building 1) will have a maximum height of approximately 43’-6”, plus a penthouse that will have a maximum height of 12 feet (15 feet for mechanical) above the roof level. The lower-level of Building 1 will contain a residential lobby and dwelling units, a grocery store and potential additional retail/amenity space, and access to loading and below-grade parking. The remainder of Building 1, including the penthouse, will contain residential dwelling units and amenity space. The five attached row dwellings (Townhouses 1-5) will be located to the south of Building 1. The row dwellings will have a maximum height ranging between approximately 36’-8” and 37’-0”, plus a ten foot penthouse that provides access to a roof deck.³

Collectively, the proposed mixed-use development, including the SVSC and AU Building, will contain approximately 430,853 square feet of GFA (2.68 FAR), of which approximately 214,094 square feet of GFA (1.33 FAR) will be devoted to new residential use, and approximately 216,759 square feet of GFA (1.35 FAR) will be devoted to new and existing nonresidential use. Combined, the project will contain approximately 219 dwelling units. Other significant aspects of the proposed mixed-use development include substantial streetscape improvements; paving, landscape, and other improvements to surrounding alleys; a new public plaza and pocket park (Windom Park); substantial affordable housing; below-grade parking; and LEED-Gold certified buildings.

On January 11, 2018, the Commission held a public hearing on this case, which was continued to January 25, 2018. As a preliminary matter at the January 11, 2018 public hearing, the Commission granted party status to the Citizens for Responsible Development, the Spring Valley Opponents, the Spring Valley Neighborhood Association, and Ward 3 Vision. The public hearing to be held on January 7, 2019 will be a continuation of the previous hearings held on this case; and therefore, no other applications for party status will be accepted.

This public hearing on January 7, 2019, will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11-Z DCMR Chapter 4.

How to participate as a witness.

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

³ Townhouse 5 does not include a penthouse.

statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

ANC Participation.

11-Z DCMR § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

Testimony.

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

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

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

Pursuant to 11-Z DCMR § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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

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

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

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

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

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

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

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

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

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