

Valor Development – 4330 48th Street, NW (Ladybird)

Notes for July 14, 2016 ANC 3E Meeting

Durant v. Zoning Commission:

- “Court of Appeals clearly articulated that a Planned Unit Development (“PUD”) application (and related map amendment) must be assessed in accordance with the Comprehensive Plan.”
 - Durant case was a PUD with a map amendment. Site was zoned R-2 and C-1. FLUM designated most of the site for Low-Density Residential and parts of the site for Low- and Moderate-Density Mixed Use. Map amendment requested rezoning to C-2-B which is considered to fall into the Moderate-Density Commercial.
 - Valor project is not a PUD and no map amendment is proposed
 - Current zoning is C-2-A, which is specifically identified as one of the zones falling within the existing Low Density Commercial land use designation of the site.
 - FLUM is not a zoning map and is intended to be interpreted broadly. It does not follow parcel lines and its categories do not specify allowable uses or dimensional standards
 - Densities within any given area on the FLUM reflect all contiguous properties on a block – there may be individual buildings that are higher and lower than these ranges
 - ZR16 design review process allows sites to cross public street and alleys to allow flexibility in design so long as there is no increase in FAR or a map amendment. The moving around of density in the site is appropriate, and is supported by the Comprehensive Plan and by the Zoning Commission.
- “Valor is proposing a five-story building with a penthouse. This is clearly outside the scope of structure anticipated by the Comprehensive Plan and FLUM and therefore is not permitted by Durant”
 - Comprehensive Plan is not self-executing. It is a planning document that provides a broad framework to guide future land use decisions in the District and is used to guide and inform District policies and regulations, including the Zoning Map
 - Comprehensive Plan description of Low Density Commercial states “one- to three-story commercial buildings.” Valor Development is not proposing commercial buildings

- Zoning Commission has approved residential and mixed-use (retail / residential) buildings in C-2-A zones with greater than one- to three-stories that have FLUM designations of Low Density Commercial.
- The proposed design review project is within the height and FAR that is permitted under existing C-2-A zoning
- “Valor does not provide any illustration of the current proposal’s compliance with the Comprehensive Plan and the FLUM pursuant to Durant”
 - Future Land Use Map - The proposed height and FAR are consistent with the site’s existing C-2-A zoning which is one of the zone districts that fall within the Low Density Commercial land use categories in the Comprehensive Plan.
 - Generalized Policy Map – Neighborhood Commercial Center: Typical uses include convenience stores, restaurants, supermarkets, branch banks, dry cleaners, drug stores, specialty shops. New development and redevelopment must be managed to conserve the economic viability of these areas while allowing additional development that complements existing uses.
- “Valor does not explain why the additional FAR should not be prorated as between Lot 807 and 806.”
 - This is not an issue relating to compliance with the Zoning Regulations or consistency with the Comprehensive Plan.
- “Valor is proposing to utilize the Design Review Application in order to secure additional density”
 - No additional density is being obtained
 - The project is consistent with the 3.0 FAR (1.5 nonresidential max) that is permitted in the C-2-A zone
 - The design review process is intended to permit projects to voluntarily submit themselves for design review in exchange for flexibility in building bulk control, design, and site placement without an increase in density or a map amendment
 - Valor Development only seeking voluntary design review only because of the presence of the public alley
 - Design review process allows properties within an application to be separated by a public street or alley
 - No additional density being requested, only looking for flexibility in building bulk control in order to unlock unused density at the historic Spring Valley Shopping Center and transfer it to Lot 807 primarily to construct the grocery store.