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October 26, 2016

VIA IZIS AND HAND DELIVERY

Zoning Commission of the District of Columbia
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: **Application for Zoning Commission Voluntary Design Review
Square 1499 Lots 802, 803, 807**

Dear Members of the Zoning Commission:

On behalf of Valor Development, LLC (the “Applicant”), the authorized agent of FW DC-Spring Valley Shopping Center LLC and Apex Real Estate Company, the present owners of Square 1399 Lots 802, 803, and 807 (the “Project Site”), we hereby submit an application for voluntary design review by the Zoning Commission (the “Commission”). This application is being submitted pursuant to the provisions of the design review process contained in Subtitle X, Chapter 6 of the 2016 Zoning Regulations of the District of Columbia which permit property owners to apply voluntarily for design review by the Commission in return for greater flexibility in the planning and design of a proposed development, including flexibility in building bulk control, design, and site placement without an increase in density or a map amendment.

As required under 11-Z DCMR § 301, please find the following enclosed herein:

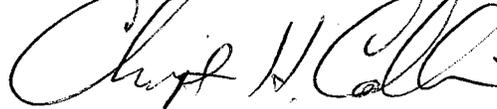
- Letters of authorization from the Applicant and property owners;
- Completed application form (Form 107);
- Surveyor’s Plat;
- Map of the Project Site and existing zoning;

- Applicant's preliminary statement, including a detailed statement describing how the application meets the design review evaluation standards in 11-X DCMR § 604;
- Detailed architectural, landscape, and civil plans and drawings;
- List issued by the Office of Tax and Revenue of property owners within 200 feet of the perimeter of the Property, and labels, and;
- Filing fee payable to the DC Treasurer in the amount of \$2,000;

We believe the application is complete and respectfully request the Zoning Commission to schedule a public hearing on the application at its earliest available date.

Sincerely,

HOLLAND & KNIGHT LLP



Christopher H. Collins

Enclosures

cc: Jennifer Steingasser, Office of Planning (w/encl., via hand delivery and email)
Joel Lawson, Office of Planning (w/encl., via hand delivery and email)
Anna Chamberlin, District Department of Transportation
(w/encl., via hand delivery and email)
Ryan Westrom, District Department of Transportation
(w/encl., via hand delivery and email)
Advisory Neighborhood Commission 3E (w/encl., via hand delivery and email)
Advisory Neighborhood Commission 3D (w/encl., via hand delivery and email)



**BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**



FORM 107 - APPLICATION FOR DESIGN REVIEW

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

New Application : Required Voluntary Modification to a Previously Approved Design Review

Pursuant to:

- | | |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Subtitle K, Chapter 5 - Capitol Gateway (CG) Overlay District | <input type="checkbox"/> Subtitle K, Chapter 4 - Southeast Federal Center (SEFC) Overlay |
| <input type="checkbox"/> Subtitle K, Chapter 2 - Hill East (HE) District | <input type="checkbox"/> Subtitle K, Chapter 3 - Union Station North (USN) District |

an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Additional Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
	1499	802, 803, 807	MU-4	Special Exception	Sub G, Sec. 405.2

Present use(s) of Property:	Retail and service, restaurant, surface parking		
Proposed use(s) of Property:	Retail and service, grocery store, residential		
Owner of Property:	See attached		
Address of Owner:	See attached		
Phone No.(s):	See attached	E-Mail:	See attached
Advisory Neighborhood(s):	3E and 3D	Date Presented at ANC(s):	See attached
Date NOI Sent:	7/11/2016	<input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Other	

Brief description of proposal: Mixed use development consisting of residential uses and a new full service grocery store within two new buildings.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date:	10/19/2016	Signature*:	
To be notified of hearing and decision (Owner or Authorized Agent*):			
Name:	Christopher H. Collins, Holland & Knight LLP		
Address:	800 17th Street, NW, Suite 1100, Washington, DC, 20006		
Phone No.(s):	(202) 457-7841	E-mail:	chris.collins@hkclaw.com

* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

**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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DEVELOPMENT TEAM

Applicant & Developer

Valor Development, LLC
4619 41st Street, NW
Washington, DC 20016

Property Owners

Apex Real Estate Company
9227 Orchard Brook Drive
Potomac, MD 20854-2407
Owner, A&T Lot 807

** Valor Development, LLC is currently the contract purchaser for A&T Lot 807*

FW DC-Spring Valley Shopping Center LLC
PO Box 790830
San Antonio, TX 78279-0830
Owner, A&T Lots 802 and 803

Architect

Torti Gallas Urban
1326 H Street, NE, 2nd Floor
Washington, DC 20002

Landscape Architect

Parker Rodriguez, Inc.
101 North Union Street, Suite 320
Alexandria, VA 22314

Traffic and Transportation

Gorove/Slade Associates, Inc.
1140 Connecticut Avenue, NW, Suite 700
Washington, DC 20036

Civil Engineer

AMT, LLC
10 G Street, NE, Suite 430
Washington, DC 20002

Land Use Counsel

Holland & Knight LLP
800 17th Street, NW, Suite 1100
Washington, DC 20006

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
Surveyor's Plat	A
Architectural, landscape, and civil plans and drawings	B
Excerpt from the 2016 Zoning Map	C
Excerpt from the Comprehensive Plan Generalized Policy Map	D
Excerpt from the Comprehensive Plan Future Land Use Map	E
Analysis of consistency with the Comprehensive Plan	F
Agency/Community Coordination Discussions and Presentations	G
200-foot property owners list and mailing labels	H
Certificate of Notice and Notice of Intent	I
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Letter of authorization from the Applicant	K
Certificate of Service to Office of Planning and Affected ANC	L

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

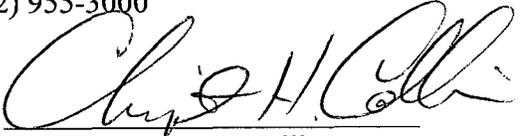
The Applicant and its traffic consultant, Gorove/Slade Associates, in consultation with DDOT, are currently in the process of developing the scope of the comprehensive transportation impact analysis that will be prepared for the Project. Upon finalizing the scope of the analysis with DDOT, the Applicant 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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By: 

Christopher H. Collins

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., June 17, 2016

Plat for Building Permit of: SQUARE 1499 LOTS 802 -803 & 807

Scale: 1 inch = 40 feet Recorded in Book A & T Page 3449 - C (Lots 802 -803)
Book A & T Page 3667 - Q(Lot 807)

Receipt No. 16-06112

Furnished to: HOLLAND & KNIGHT / F. HOBAR

Surveyor, D.C.

By: A.S.

I hereby certify that all existing improvements shown thereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining Lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified that all Lot divisions or combinations pending at the Office of Tax & Revenue are correctly depicted, and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and private restricted property.) Owner/Agent shall indemnify, defend, and hold the District, its officers, employees and agents harmless from and against any and all losses, costs, claims, damages, liabilities, and causes of action (including reasonable attorneys' fees and court costs) arising out of death of or injury to any person or damage to any property occurring on or adjacent to the Property and directly or indirectly caused by any acts done thereon or any acts or omissions of Owner/Agent; provided however, that the foregoing indemnity shall not apply to any losses, costs, claims, damages, liabilities, and causes of action due solely to the gross negligence or willful misconduct of District or its officers, employees or agents. It is the policy of the Zoning Office that a Building Plat is valid for six (6) months from the date of issuance.

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

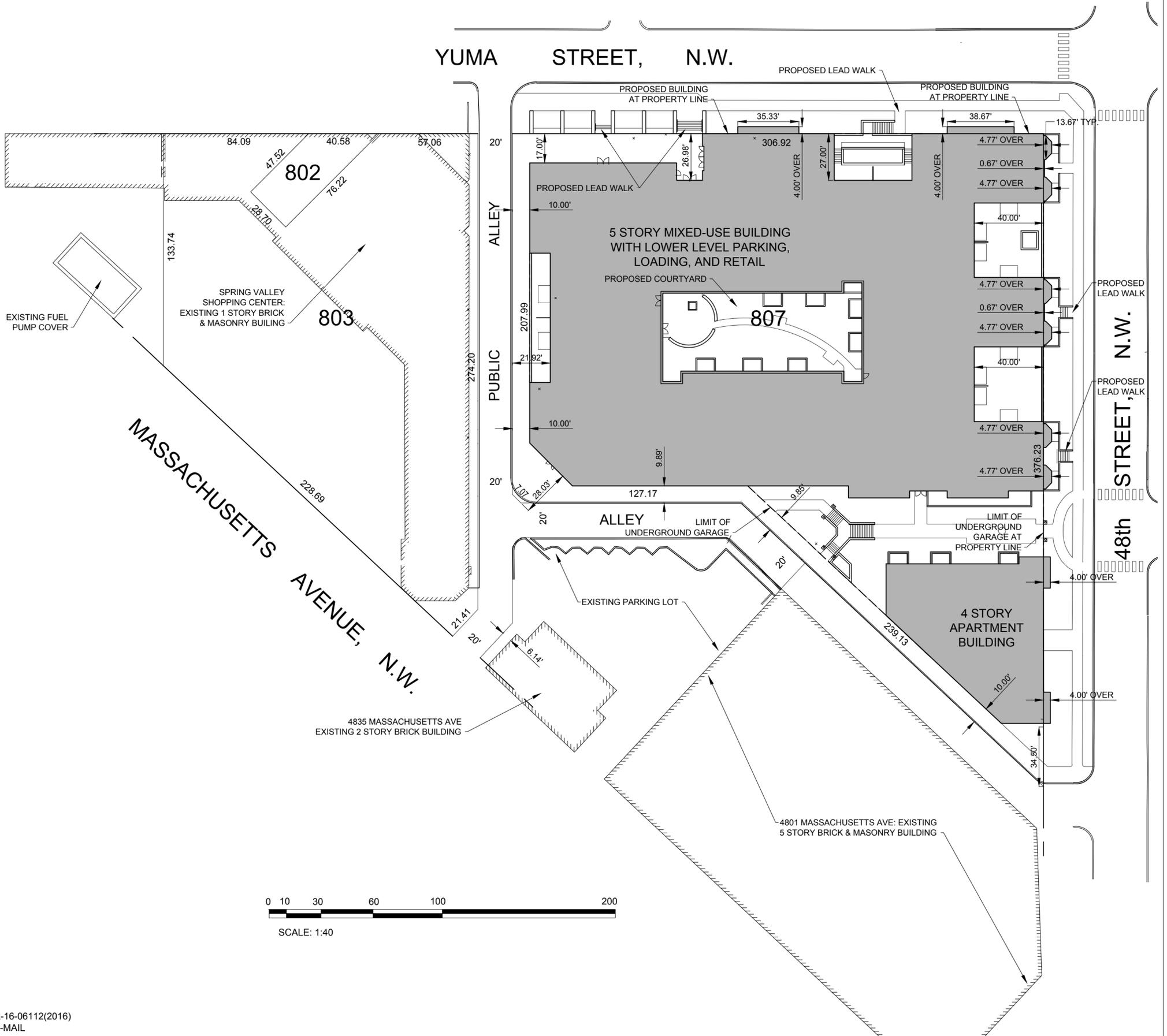
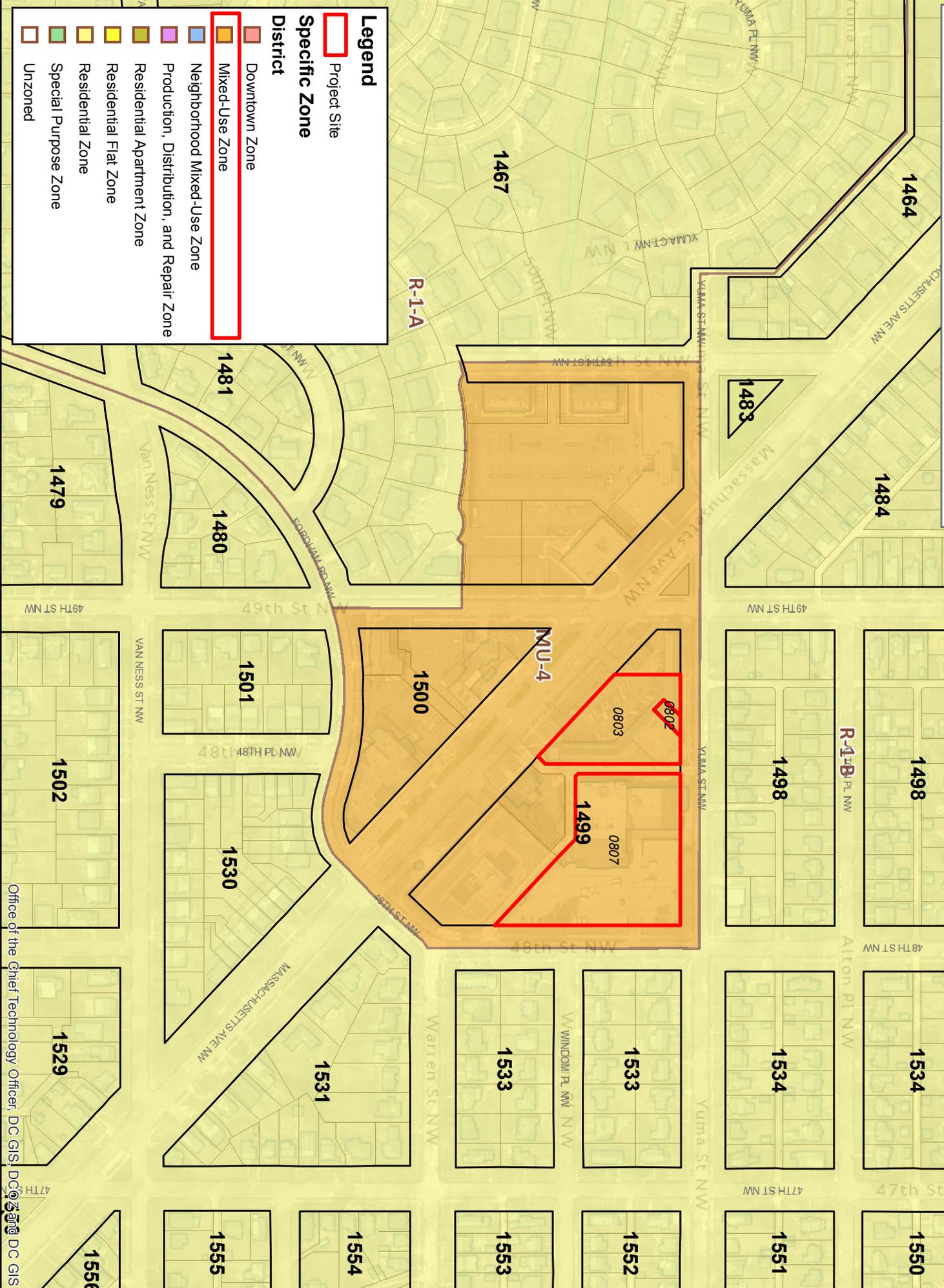


Exhibit B

Architectural, Landscape, and Civil Plans and Drawings

Submitted Separately

2016 Zoning Map



Legend

- Project Site

Specific Zone

- Downtown Zone
- Mixed-Use Zone
- Neighborhood Mixed-Use Zone
- Production, Distribution, and Repair Zone
- Residential Apartment Zone
- Residential Flat Zone
- Residential Purpose Zone
- Unzoned

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

According to the GPM, the Project Site is identified within the “Neighborhood Commercial Centers” category, a type of commercial / mixed use area that is generally 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. 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.

The Project is consistent with the GPM in that 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 to meet their day-to-day needs within an environment that is pedestrian-oriented, as well as designed to effectively manage and mitigate vehicle trips to the Project Site. In addition, the Project will redevelop the underutilized Valor Lot in a context-sensitive way that complements the existing service and retail uses along Massachusetts Avenue, included those at the SVSC, and provides new, larger-sized residential dwelling units, including more affordable housing than is currently required under the Zoning Regulations. These new 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”)

Generally, according to the Framework Element the FLUM is not a zoning map, and the densities within any given area on the FLUM are intended to reflect all contiguous properties on a block. Thus, the FLUM is intended to be interpreted broadly. 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.

The FLUM designates the Project Site as Low Density Commercial. According to 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.

According to the current 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. Under ZR58, the Project Site was zoned

C-2-A, and became zoned MU-4 under ZR16. Despite the change in zone classification name, no changes were made to the primary development standards that control matter-of-right density on the Project Site, 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 B, Sheet G05, the subject application complies with each of these development standards, and thus is consistent with the Low Density Commercial land use designation assigned to the Project Site, and the development density considered appropriate within the Low Density Commercial land use category.

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 two- 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, the Applicant will far exceed the amount of affordable housing that would be required for any matter-of-right project, and the amount that it is required under the subject application.

As shown on Exhibit B, Sheets G05 & G06, under the current IZ regulations the Applicant would be required to provide approximately 18,989 GFA of affordable housing for a matter-of-right project, and approximately 21,694 GFA of affordable housing for the subject application. 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.

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 the neighborhood 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 development pressure 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 both market-rate and substantially more affordable housing than is required under the existing IZ regulations.

c. Connecting the City

The Project is consistent with the guiding principles that pertain 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 linear park between 48th Street and the SVSC and Massachusetts Avenue.

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 substantial number of new landscaped areas, shade trees, and green roof areas that will provide numerous environmental benefits. In addition, the two buildings proposed for the Valor Lot will be designed to a minimum LEED Gold 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** – As promoted by this policy, 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, large 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 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-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 advance this policy by redeveloping the underutilized Valor Lot with a new full-service grocery store, additional retail, and expanded housing opportunities, including substantially more affordable housing than any matter-of-right project, and more than the Applicant would be required to provide based on the residential area proposed. In addition, the Project will help protect the historic SVSC from future development pressure, 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 GAR requirements and be designed to the LEED Gold level.

- LU-2.3.3: Buffering Requirements – This particular 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 will reestablish a full-service grocery store use in this location of the city, a use that has a long history on the Project Site and is highly desired by the community, especially considering the recent 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 reestablishing a grocery store use in this area of the neighborhood, a use that has a long history at the Project Site and is highly desired by the community especially since the recent closure of the nearby Tenleytown Safeway grocery store.

- 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 is identified as a Neighborhood Commercial Center on the GPM, will expand the range of neighborhood-serving retail and service uses at the Spring Valley commercial node located along the Massachusetts Avenue corridor, and will improve pedestrian circulation through and around the Project Site. Furthermore, 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, and reductions in mass using courtyards and terraces.

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.

- 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. The majority of the dwelling units within the Project will consist of two-, two-bedroom plus den, and three-bedroom dwelling units, many of which will be affordable, that can accommodate families wanting to get established in the highly sought after Upper Northwest quadrant of Washington, DC.

- H-4.2.3: Neighborhood-Based Senior Housing – 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 along in single family homes. The Project supports this 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 stormwater management, with a sustainably designed mixed-use development. In particular, the Project advances the following policy of the Environmental Elements:

- E-3.2.1: Support for Green Building – As shown on the preliminary LEED scorecard included in Exhibit B, Sheet G10, Buildings 1 and 2 have been

designed to achieve a minimum LEED BD+C Multifamily Midrise Gold 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 in this location 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 particular 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 the existing businesses in operation at the SVSC and across Massachusetts Avenue.

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, and architectural design 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 commercial uses to the south and west. In addition, the Project will contribute positively to the established architectural character of the surrounding neighborhood. The specific Urban Design Element policies that informed development of the Project design 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 variations in building height, massing, setbacks, and architectural design.

- 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 smaller-scale residences 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 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 removal of a 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 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 reductions in height and penthouse footprint, providing substantial upper-level setbacks, proposing multiple buildings, and providing 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 on such sites 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 consistent with these policies, and specifically the following:

- 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. The ZR16 voluntary design review process is another 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 consistent 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 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

consistent with, and will help implement, 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.

Policy 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 230 new residential dwelling units, a majority of which will include 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.

In addition, the Project is not inconsistent with Policy RCW-1.1.4, Infill Development, which 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 proposed development

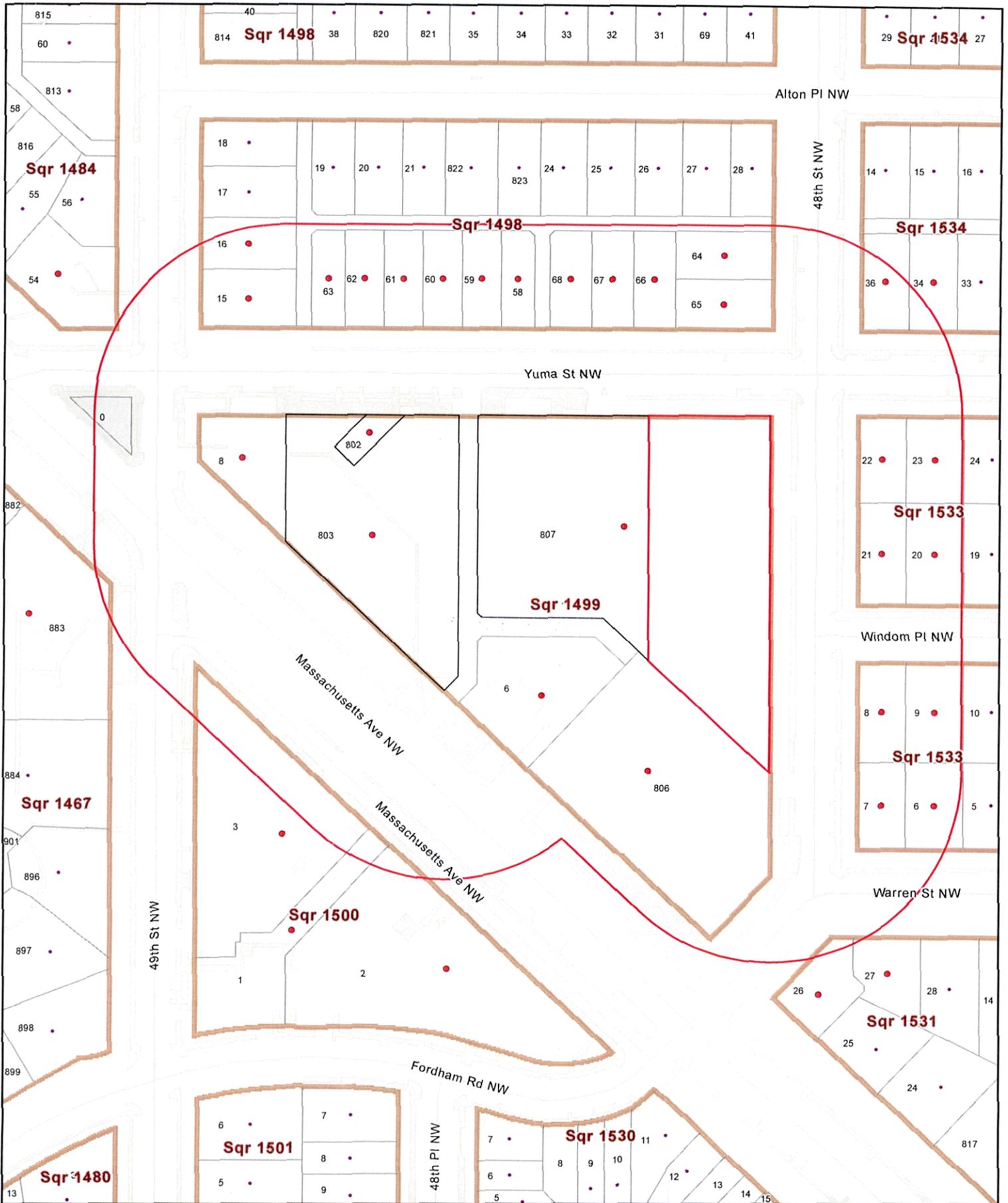
program is exactly the type of mixed-use development that is promoted by this particular policy. In addition, as clearly demonstrated in Exhibit G, the Applicant has undertaken extensive consultation with the affected ANC, residents, community organizations, and the Office of Planning and District Department of Transportation while developing the proposed Project. As a result of the Applicant's efforts, the scale and character of the Project relates to, and is compatible with, the surrounding context.

Valor Development
Voluntary Design Review Application
Square 1499 Lots 8702, 803, and 807

Agency/Community Coordination Discussions and Presentations

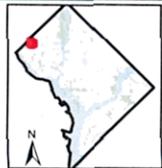
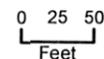
Date	Agency/Organization/Stakeholder Group	Notes
2015		
September 2	ANC 3E, Single Member District 02 (Amy Hall)	
September 9	ANC 3E Meeting	
September 30	Community meeting at Valor offices	
October 28	Community meeting at Valor offices	
November 3	ANC 3E Commissioner meeting	
November 9	Meeting with Ward3Vision	
November 12	ANC 3E Meeting	
December 1	ANC 3E Commissioner meeting	
December 2	ANC 3D Meeting	
December 8	Community meeting at Valor offices	
December 9	Meeting with Ward3Vision	
December 10	ANC 3E Meeting	
December 18	ANC 3E Commissioner meeting	
2016		
Torti Gallas Urban brought onto project and proposed buildings were completely redesigned in response to community input on previous design.		
February 5	ANC 3E Commissioner meeting	

March 7	ANC 3E Commissioner meeting	
May 6	ANC 3E Commissioner meeting	
April 7	Meeting with Office of Planning (OP) and District Department of Transportation (DDOT)	Increased setbacks along Yuma Street, eliminated internal retail arcade, removed penthouse from northwest corner of Building 1
April 29	Meeting with OP	
May 11	ANC 3E Commissioner meeting	
May 12	ANC 3E Meeting	Modifications to proposed public spaces.
May 13	Meeting with Ward3Vision	
June 13	Meeting with OP	
June 23	ANC 3E Commissioner conference call	
June 24	Meeting with community members in opposition	
July 14	ANC 3E Meeting	
August 15	ANC 3D Meeting	
September 9	ANC 3E Commissioner meeting	
September 9	Meeting with DDOT	Entrance to grocery store added along the public alley on the south side of Building 1, refinements to alley treatment.



Property ID: 1499 0802, 0803, 0807

-  Radius
-  Ownership Polygons
-  DC Squares



 DC Office of Tax and Revenue
 Real Property Assessment Division
 Geographic Information Systems

Date: 6/17/2016
For general planning purposes

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ALFONSO A LOUREIRO CAAMANO
4415 49TH ST NW
WASHINGTON, DC 20016-4302

PHYLLIS KLINE
4815 YUMA ST NW
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CAROLINE N DECKER
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WASHINGTON, DC 20016-2406

WILLIAM M O'SHEA JR
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WASHINGTON, DC 20016-2061

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WASHINGTON, DC 20016-2061

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303 E WACKER DR STE 1040
CHICAGO, IL 60601-5216

JOHN L VERNA TRUSTEE
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WASHINGTON, DC 20016-2405

GLADYS AGUIRRE TRUSTEE
4831 YUMA ST NW
WASHINGTON, DC 20016-2061

ANACOSTIA REALTY LLC
6820B COMMERCIAL DR
SPRINGFIELD, VA 22151-4201

FW DC-SPRING VALLEY SHOPPING CENTER LLC
PO BOX 790830
SAN ANTONIO, TX 78279-0830

FW DC-SPRING VALLEY SHOPPING CENTER LLC
PO BOX 790830
SAN ANTONIO, TX 78279-0830

AMERICAN UNIVERSITY
4400 MASSACHUSETTS AVE NW # LL
WASHINGTON, DC 20016-8002

PAUL S BURKA
9227 ORCHARD BROOK DR
POTOMAC, MD 20854-2407

WC AND AN MILLER DEVELOPMENT COMPANY
100 LAKEFOREST BLVD STE 500
GAITHERSBURG, MD 20877-6204

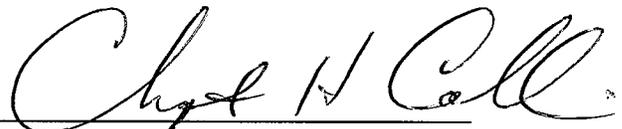
JOHN R PEASLEE
4901 MASSACHUSETTS AVE NW
WASHINGTON, DC 20016-4310

Certificate of Notice

I HEREBY CERTIFY that on July 11, 2016, a copy of the Notice of Intent (the "Notice") to file an application with the Zoning Commission of the District of Columbia (the "Commission") pursuant to Subtitle X Section 601.2 of the 2016 District of Columbia Zoning Regulations ("ZR16") (11 DCMR Subtitle X § 600), for voluntary design review of a new mixed-use development project located on property consisting of Lots 802, 803, and 807 in Square 1499 (the "Subject Property"), was mailed to the owners of all property within 200 feet of the perimeter of the Subject Property. In addition, a copy of the Notice was sent to both Advisory Neighborhood Commission 3E and 3D. The application will be filed with the Commission no earlier than forty-five (45) days following July 11, 2016, as required by Subtitle Z Section 301.6 of ZR16 (11 DCMR Subtitle Z § 301.6),

A copy of the Notice of Intent is attached hereto as Exhibit A.

A copy of the addresses to which the Notice was sent is attached hereto as Exhibit B.



Christopher H. Collins

7/12/16

Date

EXHIBIT A

July 11, 2016

NOTICE OF INTENT TO FILE A ZONING APPLICATION

**Application to the
Zoning Commission of the District of Columbia for
Voluntary Design Review**

(Square 1499, Lots 802, 803, and 807)

Valor Development, LLC (the "Applicant"), on behalf of FW DC-Spring Valley Shopping Center LLC and Apex Real Estate Company, hereby gives notice of its intent to file an application with the Zoning Commission of the District of Columbia pursuant to Subtitle X Section 601.2 of the 2016 District of Columbia Zoning Regulations ("ZR16") (11 DCMR Subtitle X § 600) for voluntary design review of a new mixed-use development project located on the property consisting of Lots 802, 803, and 807 in Square 1499 (the "Subject Property"). The lots comprising the Subject Property are existing assessment and taxation ("A&T") lots, with A&T Lots 802 and 803 currently owned by FW DC-Spring Valley Shopping Center LLC, and A&T Lot 807 currently owned by Apex Real Estate Company. The Applicant is currently the contract holder of A&T Lot 807.

The Subject Property is located in Northwest Washington and contains an overall land area of approximately 119,138 square feet bounded by Yuma Street on the north; Massachusetts Avenue, the former American University Law School building, and a PNC Bank on the south; 48th Street on the east; and the Spring Valley Exxon station on the west. An existing 20-foot north-south public alley separates A&T Lot 807 from A&T Lots 802 and 803. The portion of the Subject Property comprising Lots 802 and 803 is improved with the historic Spring Valley Shopping Center (the "SVSC") which contains retail uses encompassing approximately 16,922 square feet of gross floor area ("GFA"). The portion of the Subject Property comprising Lot 807 is currently improved with a vacant grocery store building and other retail uses that encompass approximately 53,632 GFA, as well as a large surface parking lot. The Subject Property is located within the boundaries of Advisory Neighborhood Commission 3E, and is also located on a street that serves as a boundary line with Advisory Neighborhood Commission 3D (collectively the "affected ANC").

The subject application for voluntary design review is being submitted pursuant to ZR16 since the public hearing on the application will occur after ZR16 goes into effect on September 6, 2016. Under ZR16, the Subject Property will become zoned MU-4. The purpose of the MU (Mixed Use) Zones is, among other things, to provide for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential uses at varying densities. Specifically, the MU-4 Zone is intended to permit mixed-use development in low- and moderate-density residential areas with access to main roadways or transit stops, and include uses that provide facilities for shopping and business needs, housing, and mixed-uses for large areas outside of the District's central core. As a matter-of-right, the MU-4 Zone permits a maximum height of 50 feet, and a maximum floor area ratio (FAR) of 3.0, of which no more than 1.5 FAR can be devoted to non-residential uses.

The proposed development retains the existing SVSC and consists of two new buildings on Lot 807. The existing SVSC contains approximately 16,922 square feet of gross floor area (GFA), and has a height of approximately 25 feet. The main building proposed on Lot 807 will have a maximum height of approximately 50 feet, plus a penthouse that will have a maximum height of 15 feet above the roof level and be setback as required. The lower-level of the main building will contain a residential lobby, a new full-service grocery store and potential additional retail/amenity space, and access to loading and below-grade parking from the existing public alley. The remainder of the building, including the penthouse, will contain residential dwelling units and amenity space. The second building proposed on Lot 807 will have a maximum height of approximately 46 feet, and will also contain a penthouse with a maximum height of 15 feet above the roof level that is setback as required. The second building will contain residential dwelling units and amenity space.

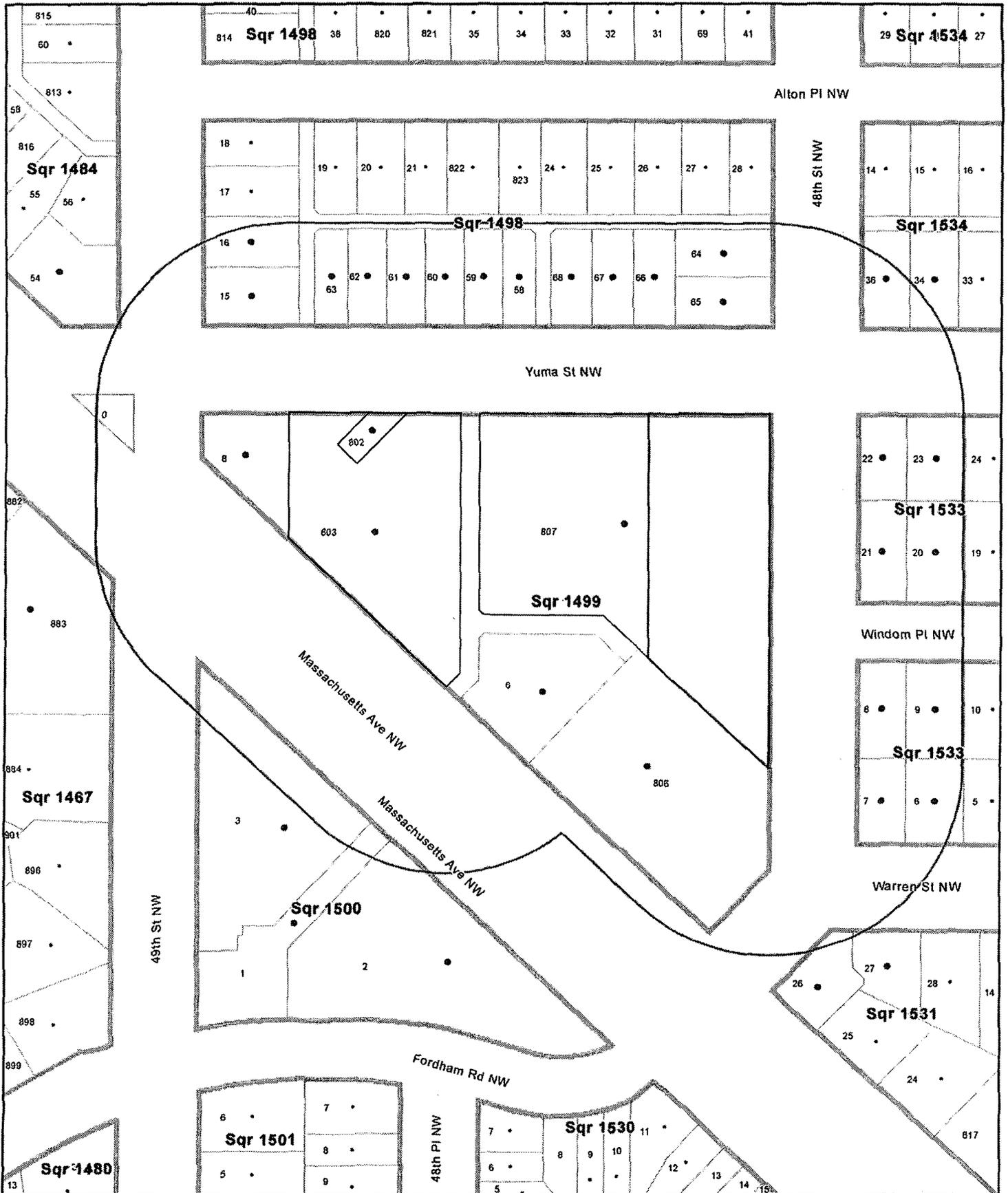
Collectively, the two buildings proposed on Lot 807 will contain approximately 282,000 GFA, consisting of approximately 255,000 GFA of residential use, and approximately 27,000 GFA of grocery store and other potential retail/amenity uses. Including penthouse habitable space, below-grade/cellar areas, and permitted projections into public space, the two proposed buildings will result in approximately 230 dwelling units and approximately 60,000 total square feet of grocery store and other potential retail/amenity uses.

Other significant aspects of the proposed project include substantial building setbacks, landscaped courtyards, and streetscape improvements; paving, landscape, and other improvements to surrounding alleys; a landscaped pedestrian extension of Windom Place through the Subject Property; approximately 18 - 23 affordable dwelling units; and a below-grade garage containing approximately 330 – 500 parking spaces.

Pursuant to Subtitle Z Section 301.6 of ZR16 (11 DCMR Subtitle Z § 301.6), the application will be filed with the Zoning Commission not less than forty-five (45) days from the date of this notice. In accordance with 11 DCMR Subtitle Z § 301.8, the Applicant is required to make all reasonable efforts to attend a duly noticed meeting of the affected ANC during the 45-day notice period to discuss the project. The Applicant will attend the July 14, 2016, meeting of ANC 3E, and will also appear before ANC 3D on August 15, 2016.

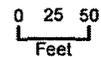
Additionally, should you need information or wish to discuss the proposed project, you may contact Christopher H. Collins of Holland & Knight LLP, land use counsel to the Applicant, at (202) 457-7841 or chris.collins@hklaw.com.

EXHIBIT B



Property ID: 1499 0802, 0803, 0807

-  Radius
-  Ownership Polygons
-  DC Squares



DC Office of Tax and Revenue
 Real Property Assessment Division
 Geographic Information Systems

Date: 6/17/2016
 For general planning purposes

WRIT SPRING VALLEY LLC
6110 EXECUTIVE BOULEVARD
SUITE 100
ROCKVILLE, MD 20852

MILTON BUCHLER
15408 FREDERICK ROAD
WOODBINE, MD 21797-8536

GLADYS AGUIRRE TRUSTEE
4835 YUMA STREET, N.W.
WASHINGTON, D.C. 20016-2061

DANNY EISENBERG
9 HAWK DRIVE
LAS VEGAS, NV 89135-7834

BLAIR A. FELDMAN
4839 YUMA STREET, N.W.
WASHINGTON, D.C. 20016-2061

JANE PETIT-MOORE TRUSTEE
4710 YUMA STREET, N.W.
WASHINGTON, D.C. 20016-2048

MARK R. VON HEERINGEN
20604 HAZELNUT COURT
GERMANTOWN, MD 20874-2813

WYLIE D. CHEN
4745 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20016-2345

EDGARDO M. FAVARO
4729 YUMA STREET, N.W.
WASHINGTON, D.C. 20016-2047

N. IWASE
4406 48TH STREET, N.W.
WASHINGTON, D.C. 20016-2002

DANIEL WALSH
4710 WARREN STREET, N.W.
WASHINGTON, D.C. 20016-2464

DEMETRIS PAPAGEORGIU
4739 YUMA STREET, N.W.
WASHINGTON, D.C. 20016-2047

THE CATHERINE MARY RAFFERTY
REVOCABLE
4801 YUMA STREET, N.W.
WASHINGTON, D.C. 20016-2016

ANOMA KULATHUNGA
4711 WARREN STREET, N.W.
WASHINGTON, D.C. 20016-2463

KHALID M. SYED
4413 49TH STREET, N.W.
WASHINGTON, D.C. 20016-4302

MARILYN RICHERT
4811 YUMA STREET, N.W.
WASHINGTON, D.C. 20016-2061

N.E. THOMAS
4301 48TH STREET, N.W.
WASHINGTON, D.C. 20016-2401

ALFONSO A. LOUREIRO CAAMANO
4415 49TH STREET, N.W.
WASHINGTON, D.C. 20016-4302

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ELEANOR ACKERMAN TRUSTEES
REVOCABLE
303 EAST WACKER DRIVE – SUITE 1040
CHICAGO, IL 60601-5216

JOHN L. VERNA TRUSTEE
4711 WINDOM PLACE, N.W.
WASHINGTON, D.C. 20016-2405

GLADYS AGUIRRE TRUSTEE
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WASHINGTON, D.C. 20016-2061

ANACOSTIA REALTY LLC
68208 COMMERCIAL DRIVE
SPRINGFIELD, VA 22151-4201

FW DC-SPRING VALLEY SHOPPING CENTER
LLC
P. O. BOX 790830
SAN ANTONIO, TX 78279-0830

THE AMERICAN UNIVERSITY
4400 MASSACHUSETTS AVENUE, N.W.
LOWER LEVEL
WASHINGTON, D.C. 20016-8002

**PAUL S. BURKA
9227 ORCHARD BROOK DRIVE
POTOMAC, MD 20854-2407**

**ADVISORY NEIGHBORHOOD COMMISSION
3E
C/O LISNER HOME
5425 WESTERN AVENUE, N.W. – SUITE 219
WASHINGTON, D.C. 20015**

**WC AND AN MILLER DEVELOPMENT
COMPANY
100 LAKEFOREST BOULEVARD
SUITE 500
GAITHERSBURG, MD 20877-6204**

**ADVISORY NEIGHBORHOOD COMMISSION
3D
P.O. BOX 40846 – PALISADES STATION
WASHINGTON, D.C. 20016**

**JOHN R. PEASLEE
4901 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20016-4310**

APEX REAL ESTATE COMPANY

11 North Washington St
Suite 200
Rockville, MD 20850

October 11, 2016

Zoning Commission for the District of Columbia
441 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Re: Voluntary Design Review Application
Square 1499, Lots 802, 803, and 807

Dear Members of the Commission:

I am a co-trustee of an unnamed trust, dated as of January 2, 1976 and doing business as the Apex Real Estate Company ("Apex"). Apex is the owner of the property known as Assessment and Taxation ("A&T") Lot 807 in Square 1499 in the District of Columbia.

Please accept this letter as official authorization to permit Valor Development, LLC, to act on behalf of Apex for all actions necessary with respect to a voluntary design review application encompassing A&T Lot 807, as well as A&T Lots 802 and 803, which are separately owed by FW DC-Spring Valley Shopping Center LLC and not part of this authorization.

This authorization shall also permit Valor Development, LLC to authorize legal counsel to represent it in all matters related to the aforementioned voluntary design review process.

Sincerely,



Robert A. Burka
Co-Trustee
Apex Real Estate Company

Cc: Krista C. Di Iaconi, Senior Vice President, FW DC-Spring Valley Shopping Center LLC
William Lansing, Manager, Valor Development, LLC



1919 Gallows Road
Suite 1000
Vienna, VA 22182

RegencyCenters.com

October 11, 2016

FW DC-Spring Valley Shopping Center LLC
1919 Gallows Road
Suite 1000
Vienna, VA 22182

Zoning Commission for the District of Columbia
441 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Re: Voluntary Design Review Application
Square 1499, Lots 802, 803, and 807

Dear Members of the Commission:

As owner of the properties known as Assessment and Taxation (A&T) Lots 802 and 803 in Square 1499 in the District of Columbia, please accept this letter as official authorization to permit Valor Development, LLC, to act on behalf of FW DC-Spring Valley Shopping Center LLC, for all actions necessary with respect to a voluntary design review application encompassing A&T Lots 802 and 803, as well as A&T Lot 807, which is separately owed by Apex Real Estate Company and not part of this authorization. This authorization shall also permit Valor Development, LLC to authorize legal counsel to represent it in all matters related to the aforementioned voluntary design review process.

[see separate signature block]

Cc: Robert A. Burka, Co-Trustee, Apex Real Estate Company
William Lansing, Manager, Valor Development, LLC



FW DC-SPRING VALLEY SHOPPING CENTER, LLC,
a Delaware limited liability company

By: FW-Reg II Holdings, LLC,
a Delaware limited liability company
Its: Sole Member

By: GRI-Regency, LLC,
a Delaware limited liability company
Its: Sole Member

By: Regency Centers, L.P.,
a Delaware limited partnership
Its: Managing Member

By: Regency Centers Corporation,
a Florida corporation
Its: General Partner

By: 
Name: **Krista C. Di Iaconi**
Title: **Senior Vice President**



October 11, 2016

Valor Development, LLC
4619 41st Street NW
Washington, DC 20016

Zoning Commission for the District of Columbia
441 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Re: Voluntary Design Review Application
Square 1499, Lots 802, 803, and 807

Dear Members of the Commission:

Valor Development, LLC (“Valor”), is the contract purchaser of Assessment and Taxation (A&T) Lot 807 in Square 1499 from Apex Real Estate Company (“Apex”). Valor has been duly authorized in writing by FW DC-Spring Valley Shopping Center LLC, owner of the properties A&T Lots 802 and 803 in Square 1499, and by Apex, to represent their interests before the Zoning Commission with respect to a voluntary design review application located on the above-referenced A&T lots. Valor hereby authorizes the law firm of Holland & Knight LLP to act on its behalf for all actions necessary in the above-referenced matter.

Should you have any questions regarding this matter, you may contact me at 202-570-7060 ext 601 or via email at will@valordev.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Lansing', is written over a faint, larger version of the same signature.

William Lansing
Manager
Valor Development, LLC

Cc: Robert A. Burka, Co-Trustee, Apex Real Estate Company
Krista C. Di Iaconi, Senior Vice President, FW DC-Spring Valley Shopping Center LLC

CERTIFICATE OF SERVICE

Pursuant to 11-Z DCMR § 301.12, I hereby certify that on October 26, 2016, an electronic copy of the foregoing voluntary design review application to the Zoning Commission of the District of Columbia was served on the District of Columbia Office of Planning (“OP”) and Advisory Neighborhood Commissions 3E and 3D (the “affected ANC”) at the email addresses provided below.

In addition, on October 27, 2016, a hardcopy of the aforementioned voluntary design review application was served on OP and the affected ANC at the following mailing addresses.

Jennifer Steingasser
District of Columbia, Office of Planning
Deputy Director, Development Review and Historic Preservation
1100 4th Street, SW
Suite 650 East
Washington, DC 20024

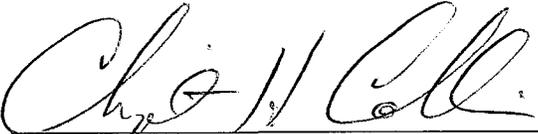
jennifer.steingasser@dc.gov
joel.lawson@dc.gov

Advisory Neighborhood Commission 3E
c/o Lisner Home
5425 Western Avenue NW
Suite 219
Washington, DC 20015

anc3e02@gmail.com
jmchugh40@mac.com
jonbender@gmail.com
annwallaceanc3e.01@gmail.com
tomquinn71@gmail.com
sherryacohen@gmail.com

Advisory Neighborhood Commission 3D
PO Box 40846 Palisades Station
Washington, DC 20016

3d@anc.dc.gov
karen.reinbacher@gmail.com



Christopher H. Collins