



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS  
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015  
[www.anc3e.org](http://www.anc3e.org)

### **Resolution Supporting Valor Development's Proposed Development of the Superfresh site at 4330 48th Street NW**

**Whereas**, Valor Development LLC, ("Applicant" or "the Applicant"), has proposed to build the Ladybird, a mixed use development ("Project"), at 4330 48th Street NW, that is underutilized in ANC 3E (Zoning Case 16-23),

**Whereas**, the Applicant is undergoing voluntary Design Review to combine their lot (Record Lot 9, composed of lots 806 and 807) with the Spring Valley Shopping Center (SVSC) lots (one entity composed of lots 802 and 803). (These four lots together comprise Square 1499.) to determine whether Valor can purchase and use unused density from the SVSC lots, and has obtained agreements from Regency Centers (owners of the SVSC lots) and AU (owner of lot 806 in Record Lot 9) for the Design Review process to consider these lots together.

**Whereas**, the Applicant is not asking for additional height or density; the specific relief requested by Valor is for the rear yard setback. Zoning requirements call for a 15-foot rear yard setback<sup>[1]</sup>, the Applicant is requesting flexibility for a rear yard setback of 10-15 feet along part of the building adjacent to an existing 20-foot public alley. (In other words, instead of a mandated 15-foot rear yard setback, the Applicant proposes a 20-foot public alley with an additional 10-foot setback.) There are no other requests for relief from existing zoning regulations.

**Whereas**, District regulations require 72 parking spaces for the residential units,<sup>[2]</sup> the Applicant is proposing 220 dedicated parking spaces for the residential units. District regulations require 17 parking spaces for non-residential use,<sup>[3]</sup> the Applicant is proposing 90 dedicated parking spaces for non-residential use plus an additional 60 non-dedicated spaces.

**Whereas**, the Applicant will be providing 236 parking spaces to satisfy an existing easement held by American University, 180 of which will be leased back as exclusive spaces to be used solely for the residential use of the project. The Applicant thus proposes to dedicate 220 parking spaces for use by residents.

**Whereas**, vehicular traffic under the Applicant's proposal is estimated to be about the same as it would be if the existing (now vacant) buildings were occupied due to the fact that the Applicant's proposal reduces the available commercial square footage at the site from 44,283 SF to 21,201 SF while adding 219 residential units.

**Whereas**, with only 2,606 GFA available for non-residential use, the Applicant cannot include a grocery store by right: they must purchase unused commercial density from the Spring Valley Shopping Center, which the Zoning Commission will consider under the Design Review process,

**Whereas**, the community believes returning a portion of the site to a grocery store use, currently proposed to be Balducci's Market, is a net benefit to the community,

**Whereas**, the proposed package includes significant improvements to the currently unattractive and pedestrian-unfriendly alley, improvements to Massachusetts Avenue in the form of a HAWK signal that will improve pedestrian safety and connectivity in the Spring Valley area, and a public greenspace in the form of Windom Way that will enhance the porosity and attractiveness of the site,

**Whereas**, the Applicant proposes to exceed the Inclusionary Zoning requirements, helping bring badly needed housing for moderate income families to the area,

**Whereas**, the Applicant has agreed to clean up the alley between the proposed new building and the SVSC and the public space on the south side of the 4800 block of Yuma Street by removing and consolidating dumpsters, organizing and defining loading areas, and installing a pedestrian sidewalk,

**Whereas**, the Applicant has committed to building a LEED Silver building,

**Whereas**, ANC 3E acknowledges that several neighbors have raised concerns about the size of the proposed buildings and the transitions to the residential homes on 48th Street and Yuma Street. We base our decision on the fact that as a “matter of right” the Applicant could construct a building with the following measurements using MU-4 zoning with the IZ formula: a maximum height of 50 feet plus a 12 to 15 foot penthouse, a FAR (Floor Area Ratio) of 3.0, a lot occupancy of 75 percent for residential use, rear yard setbacks of 15 feet, Green Area Ratio of 0.30, and side setbacks of 2 in wide for each 1 foot of height or approximately 11 feet. A “matter of right” proposal would also prevent a grocery store from being included in the design. In addition, the “matter of right” allows for only 89 vehicle parking spaces versus the proposed 370 spaces and 91 bicycle parking spaces versus the 110 spaces in the proposed design.

Given these assumptions, the proposed design appears to the ANC to be a better fit for the community in how it integrates with the surrounding neighbors, meets parking demands, and accommodates the desire for a full-service grocery store,

**Whereas**, the Applicant has embodied the foregoing promises and others in a Memorandum of Understanding (MOU) executed contemporaneously with this resolution (attached hereto), and has agreed to ask the ZC to embody the terms of the MOU in any ZC order regarding this matter,

**Now therefore be it resolved,**

1. In reliance on the promises contained in the attached MOU and materials submitted in connection with the above-referenced application, ANC 3E supports the application, and respectfully joins the Applicant in asking the ZC to incorporate each and every provision in the MOU in any order issued in connection with the above-referenced application.
2. ANC 3E authorizes Commissioners Amy Hall and Jonathan McHugh to testify for the ANC at any proceedings connected to the above-referenced application.

The resolution passed by a vote of \_\_\_-\_\_\_-\_\_\_ at a properly noticed meeting held on January 3rd, 2018, at which a quorum was present, with Commissioners Bender, McHugh, Hall, Quinn, and Ehrhardt in attendance.

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ANC 3E

By Jonathan Bender, Chairperson

**REFERENCES**

[1] DCMR Title 11, Subsection G, Section 405.2

[2] DCMR Title 11, Subsection C, Section 701.5: One space per 3 dwelling units in excess of 4 dwelling units

[3] DCMR Title 11, Subsection C, Section 701.5: One and one-third spaces per 1,000 (gross) SF in excess of 3,000 SF

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