

Revised Comprehensive Plan Analysis

* The following Comprehensive Plan analysis is based upon the Applicant's revised project plans submitted to the Zoning Commission on October 16, 2018 (the "Revised Plans").

1. Consistency with Generalized Policy Map ("GPM")

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

The Project is not inconsistent with the GPM as it will provide a new mixed-use development that includes a new full-service grocery store and additional retail that will make it easier for existing and new residents and workers to meet their day-to-day needs within an environment that is both pedestrian-oriented and auto-oriented, and designed in

a manner that is context-sensitive and effectively manages and mitigates vehicle trips to the Project Site. The Project will contain the types of uses that are typically found in a Neighborhood Commercial Area, which will complement and expand upon nearby neighborhood-serving commercial offerings by providing a new full service grocery store. The Project will also complement existing uses and contribute to the economic viability of nearby commercial uses on both sides of Massachusetts Avenue by adding additional residential within close proximity, thus increasing potential customer base. Not only will the Project provide additional housing opportunities, it will do so by providing many larger-sized dwelling units. Specifically, as currently designed approximately 53% of the proposed dwelling units within the Project will be devoted to larger-sized units (two bedroom, two-bedroom plus den, and three-bedroom). Approximately 63% of the affordable dwelling units provided in the Project have two or more bedrooms. These new larger-sized dwelling units will not only increase housing for younger families striving to establish themselves in the highly sought after Upper Northwest quadrant of Washington, DC, but will also provide opportunities for long-time residents that wish to downsize while remaining in their neighborhood and close to amenities.

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

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

Further, the densities within any given area on the FLUM are intended to reflect all contiguous properties on a block, there may be individual buildings that are higher or lower than these ranges within each area, and the land use category definitions are intended to describe the general character of development in each area (10-A DCMR § 226(c)). As expressly stated in the Framework Element, because of the scale of the FLUM many of the areas shown purely as “Commercial” on the FLUM may also contain other uses, including housing. (10-A DCMR § 225.20).

The FLUM designates the Project Site as Low Density Commercial. As defined in the Framework Element, the Low Density Commercial land use designation is used to define shopping and service areas that are generally low in scale and character, with retail, office, and service businesses being the predominate uses. Areas that have the low-density commercial designation can range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area, and are commonly comprised primarily of one- to three-story commercial buildings. According to the description of the Low Density Commercial land use designation, which predates the 2016 Zoning Regulations (“ZR16”) and thus includes references to zone district classifications from the 1958 Zoning Regulations (“ZR58”), the zone districts that typically correspond to the Low Density Commercial land use designation include C-1 and C-2-A, although other districts may apply (10-A DCMR 225.4).

In September 2016, the provisions of ZR58 were repealed and replaced with the provisions of ZR16. As a result, the zone classification of the Project Site was renamed from C-2-A to MU-4. As described below, despite the change in name, no changes were

made to the primary development standards that controlled matter-of-right development on the Project Site. Thus, by definition the Project Site's existing MU-4 zoning is not inconsistent with the Comprehensive Plan. Indeed, the MU-4 zone, which is described under Subtitle G of ZR16 as being appropriate in "low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers," is commonly found throughout the District in areas that are designated as Neighborhood Commercial Centers on the GPM and have similar surrounding contexts as the Project Site. Further, the Commission has previously found the C-2-A zone to be not inconsistent with the Low Density Commercial land use designation of the Comprehensive Plan FLUM.¹

As noted above, upon ZR16 taking effect in September 2016 the zone classification for the Project Site was renamed from C-2-A to MU-4. However, no changes were made to the primary development standards that controlled matter-of-right development, 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 Sheet G05 of the Revised Plans, the Project complies with each of these matter-of-right development standards, as measured in accordance with the flexibility in building bulk control afforded under the ZR16 design review process. As

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

such, the Project is not inconsistent with the FLUM Low Density Commercial land use designation, as defined.

The Project is not inconsistent with the portion of the Low Density Commercial description that states a common feature of these areas “is that they are comprised primarily of one- to three-story commercial buildings.” First, the Applicant notes that it is not proposing to construct any buildings that are solely devoted to commercial use on the Project Site, but rather is proposing a mixed-use project containing residential and retail uses, both of which are expressly stated as being appropriate within areas designated as commercial on the FLUM (10-A DCMR 225.20). This interpretation is consistent with the plain meaning of the Comprehensive Plan, as drafted, and the legislative history related to the relationship between the Comprehensive Plan and zoning, and in particular the meaning of the “inconsistency” standard. Specifically, the legislative history states that “if the [Comprehensive] Plan is silent on a particular subject, there cannot be an inconsistency” (Committee of the Whole Report to the D.C. Council, dated January 17, 1984, on the Comprehensive Plan Act of 1984, reaffirmed in Committee of the Whole Report to the D.C. Council, dated October 3, 1989, on the District of Columbia Comprehensive Plan Amendments Act of 1989).

In this case, the language of the Comprehensive Plan is unambiguous, and expressly qualifies the language regarding the number of stories in Low Density Commercial areas as relating to *commercial* buildings. Secondly, as the Guidelines state the densities within any given area on the FLUM reflect all contiguous properties on a block, and that individual buildings may be higher or lower than the ranges within each area. Thus when viewed within the context of the Guidelines, it is apparent that the

buildings proposed on Lot 807 (“the Valor Lot”) are not inconsistent with the FLUM as they will sit within a block (Square 1499) that is currently comprised of commercial buildings that range in height and density from one- to two-stories (Spring Valley Shopping Center (“SVC”), PNC Bank, Spring Valley Exxon) to six stories (AU Building).

3. Consistency with Comprehensive Plan Guiding Principles

The Project is not inconsistent with many of the guiding principles of the Comprehensive Plan that aim to manage growth and change, create successful neighborhoods, connect the city, and build 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 (53%) consisting of larger-sized (two-bedroom, two-bedroom plus den, and three-bedroom) units that can accommodate a diverse range of residents including, among others, young professionals, new families, and longtime residents that may 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.

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 to 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, and several parks and neighborhood-serving amenities that will allow residents to fulfill most daily errands on foot. Finally, the Project has been thoughtfully designed in a manner that respects the surrounding context with input provided by OP, DDOT, the affected ANC, and the community.

b. Creating Successful Neighborhoods

The guiding principles for creating successful neighborhoods include protecting, maintaining, and improving the residential character of neighborhoods through zoning, historic preservation, and other means. These principles also recognize the important role that businesses, retail and service uses, parks, schools and other institutional facilities play in the strength, character, and livability of a neighborhood, and the impact that occurs on housing affordability in highly sought after neighborhoods that possess these amenities, such as those in Upper Northwest and surrounding the Project Site.

The Project is consistent with the principles stated above. First, the Project will improve the character of the neighborhood by replacing the vacant grocery store building and expansive surface parking lot with a new mixed-use

development containing residential and retail uses that has been designed in a context-sensitive manner, and is compatible with the height, scale, massing, materials, and architectural styles of the surroundings. The Project will also help protect the historic SVSC from future additional development by significantly reducing the amount of unused density on the SVSC site. Finally, the Project also furthers the guiding principles related to the need for growing an inclusive city and addressing ongoing challenges to housing affordability through the construction of approximately 219 new housing units, including approximately 27 new affordable dwelling units, within a high-opportunity neighborhood located west of Rock Creek Park.

c. Connecting the City

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

pedestrian improvements at nearby intersections as part of a set of transportation mitigations agreed upon with the District Department of Transportation.

d. Building Green and Healthy Communities

The Project is fully consistent with the Comprehensive Plan’s guiding principles pertaining to building green and healthy communities. Currently, the Valor Lot is improved with a vacant grocery store building and vast surface parking lot, both of which are completely impervious and lack any form of sustainable storm water management. The Project will replace this environmentally insensitive condition with a number of new landscaped areas, shade trees, and green roof areas that will provide numerous environmental benefits. In addition, while under District regulations the Applicant is only required to design the project to be LEED Certified, as shown on the preliminary LEED scorecard included on Sheet G10 of the Revised Plans, the Applicant will far exceed this requirement by committing to LEED Gold.

4. Consistency with Citywide Elements

a. Land Use Element

The Land Use Element of the Comprehensive Plan establishes the basic policies guiding the physical form of the city, and provides direction on a range of development, conservation, and land use compatibility issues. The goal of the Land Use Element is to: “[e]nsure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore or improve the character and stability of

neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries.”

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

- **LU-1.4.1: Infill Development** –The Project will encourage infill development, and will be carried out in a manner that complements the established character of the surroundings and provides an appropriate transition between the lower-scale residential neighborhood to the north and east and the larger-scale AU Building. Prior to, and since submitting the Project to the Commission, the Applicant has had extensive engagement with the community which has resulted in substantial reductions and refinements to the proposed design. As shown in the Revised Plans, the Applicant has further reduced the height and mass of the Project such that the maximum height of Building 1 is now approximately 43’-6”, which is approximately eight feet below the maximum permitted matter-of-right height of 50 feet. The additional reduction in height and mass, combined with the previously proposed lower initial heights, deep upper-level setbacks, façade articulation, and high-quality design, will further increase the manner in which Building 1 successfully responds to the immediate surroundings, especially along 48th and Yuma Streets, and will provide an appropriate backdrop to the historic SVSC. To further respond to community comments regarding the scale, the Applicant has replaced Building 2, which had a height of 48 feet plus a 15-

foot penthouse, with five low-scale townhomes that are approximately 37 feet in height. Four of the townhomes will also have a 10-foot penthouse that is set back as required and provides access to a modest-sized roof deck that is oriented toward the rear, away from the residences across 48th Street. The smaller scale and compatible architectural design of the proposed townhomes will further break down the scale and massing of the Project along 48th Street, especially in relation to the existing residences to the east, and add variety along the streetscape.

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

to utilize unused gross floor area from the SVSC to provide the highly-desired grocery store, as well as much needed additional housing.

LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods – This policy promotes increasing housing supply and expanding neighborhood commerce in all parts of the city while at the same time protecting neighborhood character, preserving historic resources, and restoring the environment. The Project will redevelop the underutilized Valor Lot with a new full-service grocery store, potential additional retail, and expanded housing opportunities, including providing a substantial amount of affordable housing in an area of the District where the inventory of existing affordable housing is significantly less than the rest of the city and opportunities to construct new affordable housing are few. In addition, the Project will help protect the historic SVSC from future additional development, and help restore the environment by replacing the substantially impervious condition that exists on the Valor Lot with a sustainably designed project that will meet all GAR and District storm water requirements, and be certified at the LEED Gold level.

· **LU-2.1.5: Conservation of Single Family Neighborhoods** – This policy promotes the protection and conservation of the District’s low density neighborhoods through ensuring that zoning reflects their low density character, and managing the development of structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. The Project is not

inconsistent with this policy as it has been carefully designed, and extensively refined in response to community input, most recently through the reduction in height of Building 1 and the replacement of Building 2 with smaller-scale townhomes, such that the proposed buildings on the Valor Lot successfully relate to the scale of the single family neighborhood to the north and east through the use of lower initial building heights, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style. The proposed design of the Project, together with the substantial separation provided by Yuma and 48th Streets (both 90 foot wide rights-of-way), successfully integrate the Project into the surrounding context in a manner that protects the low density character of the neighborhood to the north and east while also establishing an appropriate transition to the larger-scale AU Building and commercial center to the south.

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

LU-2.3.3: Buffering Requirements – This policy strives to ensure that new commercial development adjacent to lower-density residential areas provides effective physical buffers such as, among others, larger setbacks, landscaping, height step downs, and other architectural and site planning measures in order to be compatible with the surrounding context. While the Project is primarily a residential development, the Applicant has successfully incorporated each of the buffering measures stated above into the Project. As shown in the street sections included in Revised Plans, through larger setbacks the distance at ground level between the Project and the residences along 48th and Yuma Streets ranges between 90 – 137 feet, with further buffering provided by large landscaped courtyards and substantial upper-level setbacks.

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

· **LU-2.4.2: Hierarchy of Commercial Centers** – This policy promotes maintaining and reinforcement of the District’s hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers. The Project reinforces the GPM “Neighborhood Commercial Center” designation of the Project Site by providing a new full service grocery store, a common use in a Neighborhood Commercial Area, and which will complement and expand upon nearby neighborhood-serving commercial offerings. The Project will also complement existing uses and contribute to the economic viability of nearby commercial uses on both sides of Massachusetts Avenue by adding additional residential within close proximity, thus increasing potential customer base.

· **LU-2.4.5: Encouraging Nodal Development** – This policy is focused on promoting pedestrian-oriented “nodes” of development at key locations along major corridors, and ensuring that such development is consistent with applicable zoning and design standards, and respects the integrity and character of surrounding residential areas. The Project Site is identified as part of a Neighborhood Commercial Center on the GPM, and the Project will complement and expand upon the range of neighborhood-serving retail and service uses that exist within the commercial node on both sides of the Massachusetts Avenue corridor (Spring Valley Shopping Center). The Project will also improve pedestrian circulation through and around the Project Site. Furthermore, the Project fully complies with matter-of-right height, density, and lot occupancy under the existing MU-4 zoning, as measured in

accordance with the flexibility in building bulk control afforded under the [voluntary] design review process. Finally, the height, mass, and scale of the Project, especially along 48th and Yuma Streets, have been carefully designed and constrained to relate to the residential neighborhood to the north and east through lower initial building heights and overall height, large upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style.

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

b. Housing Element

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

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

above, the new housing that will be provided by the Project is also not inconsistent with the Low Density Commercial FLUM designation assigned to the Project Site, and the Land Use Element policy encouraging nodal development

- **H-1.1.3: Balanced Growth** – This policy encourages development of new housing on surplus, vacant, and underutilized land in all parts of the city. As discussed above, the Project will provide approximately 219 new residential dwelling units, including a substantial number of affordable units, on a site that is significantly underutilized given its existing zoning; Neighborhood Commercial Center GPM designation; size; walkability; and proximity to several neighborhood-serving retail and service uses, parks, community and medical facilities, and high-quality schools.
- **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, potential 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 in Ward 3 is severely lacking. The Project presents an ideal opportunity to increase the inventory of affordable housing in a high-opportunity neighborhood that is safe; walkable; and close to neighborhood-serving amenities, parks, community and medical facilities, and high-quality schools.

· **H-1.3.1: Housing for Families** – This policy encourages production of a greater number of larger-sized dwelling units that can accommodate families. As currently designed the overall Project will contain approximately 61 two-bedroom units (approximately 27.8% of total units), approximately 20 two-bedroom plus den units (approximately 9.1% of total units), and approximately 36 three-bedroom units (approximately 16.4% of total units). This amounts to approximately 53.4% of all proposed dwelling units, and approximately 62.9% of proposed affordable dwelling units, being devoted to larger-sized units that could accommodate families wanting to get established in the highly sought after Upper Northwest quadrant of Washington, DC.

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

to downsize while remaining close to amenities in the neighborhood they have lived in for many years.

c. **Environmental Protection Element**

The Environmental Protection Element addresses the protection, restoration, and management of the District’s land, air, water, energy, and biological resources. The element provides policies and actions on important issues such as restoring the city’s tree canopy, energy conservation, and air quality. As discussed above, the Project will substantially improve the environmental quality of the Project Site by redeveloping the Valor Lot, which is almost entirely impervious and lacks any kind of sustainable storm water management, with a sustainably designed mixed-use development. Overall, the Project is not inconsistent with the policies of the Environmental Protection Element that are applicable to the proposed development, including:

- **E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff** – This policy promotes increases in tree planting and landscaping to reduce storm water runoff, including the expanded use of green roofs in new construction. The Valor Lot is currently improved with a vacant grocery store building and vast surface parking lot, both of which are completely impervious and lack any form of sustainable storm water management. The Project will replace this environmentally insensitive condition with a number of new landscaped areas, shade trees, and green roof areas that will provide numerous environmental benefits, including reductions in storm water runoff and urban heat island effect. Further, as part of the Project the adjacent public space

along Yuma and 48th Streets will be reconstructed, including the permanent closure of approximately 80 linear feet of existing curb cuts, thereby providing space for additional street trees.

- **E-3.2.1: Support for Green Building** – This policy encourages the use of green building methods in new construction and rehabilitation projects. As shown in the preliminary LEED scorecard included on Sheet G10 of the Revised Plans, while under District regulations the Applicant is only required to design the project to be LEED Certified, the Applicant will far exceed this requirement by committing to LEED Gold.

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 effectively integrated into the proposed development. A

grocery store use has long existed on the Valor Lot until the most recent operation closed in late-2013, and continues to be a highly desired use by the community, especially since the 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 surrounding community.

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

e. **Urban Design Element**

The goal of the Comprehensive Plan’s Urban Design Element is to “[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating

new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces.” The Project will greatly assist in achieving this Comprehensive Plan goal. The Urban Design Element specifically promotes thoughtful infill development that avoids overpowering contrasts in scale, height, and density. In addition, the Element stipulates that commercial and mixed-use development should be harmonious with its surroundings, but not necessarily duplicate adjacent buildings. Rather, it states that new construction should “respect the basic block characteristics like building alignment, access, proportion of openings, exterior architectural details, and heights.”

In designing the Project, the Applicant has taken great care to ensure compatibility with the surrounding residential neighborhood. The height, mass, architectural design, and access of the proposed buildings have all been informed by the context that exists around the Project Site and by extensive engagement with the community. As shown in the Revised Plans, the design of the Project respects the basic block characteristics of the surrounding context. For example, the height of the townhomes and initial heights and proportions of Building 1 relate to the heights of the residences along 48th and Yuma Streets. As a result, the Project will provide an appropriate transition between the residential area to the north and east, and the AU Building and other commercial uses to the south and west. In addition, the Project’s exterior details and materials are also informed by the surrounding neighborhood, while also having its own identity, such that the Project will contribute positively to the established architectural character of the

surrounding neighborhood. Overall, the Project is not inconsistent with the policies of the Urban Design Element, include the following:

- **UD-2.2.1: Neighborhood Character and Identity** – This policy promotes strengthening the defining visual qualities of Washington’s neighborhoods “in part by relating the scale of infill development...to existing neighborhood context.” The Project successfully advances this policy by replacing an unsightly and underutilized vacant grocery store and expansive surface parking lot with a new mixed-use development that has been designed to relate to the surrounding context through the use of lower initial and overall building heights, substantial upper-level setbacks, reductions in mass using courtyards and terraces, compatible materials, and architectural style.
- **UD-2.2.4: Transitions in Building Intensity** – In designing the Project, the Applicant has given substantial consideration to this particular policy given the context surrounding the Project Site to the north and east. As a result, the Project design establishes an appropriate transition between the existing residences to the north and east and the proposed buildings. The massing and scale of the proposed buildings have been markedly reduced in response to community comments through the use of lower-level pavilions separated by generous landscaped courtyards, considerable upper-level setbacks, and variations in architectural style and materials. Along Yuma Street, further reductions in mass and scale have been achieved through substantial ground-level building setbacks. Specifically, as shown in the Revised Plans the

distance at ground-level between Building 1 and the existing residences along Yuma Street ranges between 96 – 137 feet.

- **UD-2.2.5: Creating Attractive Facades** – This policy promotes visual interest through well-designed building facades that do not contain monolithic building forms and long blank walls that detract from the streetscape. As shown in the Revised Plans, the architectural design of the proposed buildings is anything but monolithic and blank. Rather, the careful sculpting of the building massing, and the detailed façade design that takes cues from the surrounding context will add a substantial degree of visual interest to the neighborhood and to the quality of the streetscape.
- **UD-2.2.7: Infill Development** – This policy seeks to avoid overpowering contrasts in scale, height, and density as infill development occurs. Through substantial reductions in height and penthouse footprint, ground-level and upper-level setbacks, construction of multiple building types (apartment building and townhomes), and provision of open courtyards and substantial landscaping, the Project will not result in overpowering contrasts in scale in relation to the surrounding context. Rather, the Project will establish an appropriate transition between the lower-scale residential development to the north and east, and the commercial center and larger-scale AU Building to the south and west.
- **UD-2.2.8: Large Site Development** – This policy promotes the integration of larger development sites with adjacent sites by breaking development into

multiple buildings and more varied forms. The Project is effective at integrating the redevelopment of the Valor Lot into the surrounding context by proposing multiple buildings types (apartment building and townhomes) that are designed in a context-sensitive manner using separate but complementary architectural styles, and by improving circulation through the Project Site by providing pedestrian improvements along the north-south alley between Yuma Street and Massachusetts Avenue. In addition, despite the large size of the Project Site, the substantial ground-level setbacks, lower initial building heights, and landscaped courtyards and open spaces proposed along 48th and Yuma Streets establish an appropriate transition between the lower-scale residential area to the north and east, and the commercial center and larger-scale AU Building to the south and west

f. Historic Preservation Element

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

- **HP-2.4.3: Compatible Development** – The focus of this policy is on preserving the important historic features of the District while permitting compatible new infill development that is in scale with and respects historic context through sensitive siting and design, and appropriate use of materials and architectural detail. The Project Site, located in the MU-4 zone, is a transitional site in that to the north and east are primarily two-story single family dwellings while to the west and south are commercial properties ranging in height from 1-5 stories, including the AU Building and historic SVSC. The proposed Project successfully responds to both of these contexts, and is compatible with the historic context of the SVSC. As discussed above, the Project successfully relates to the scale of the single family neighborhood to the north and east, which is not historic, through the use of lower initial and overall building heights, substantial ground-level and upper-level setbacks, reductions in mass using courtyards and open spaces, and context-sensitive materials and architectural style. At the same time, the Project also respects and complements the scale and historic context of the SVSC through façade articulation and compatibility in architectural style and materials.
- **HP-3.1.2: Incentives for Special Property Types** – This policy promotes the development of specialized incentives to support preservation of historic properties that have exceptional communal value through a variety of tools that can reduce development pressure on these resources and/or help with unusually high cost of maintenance. The ZR16 voluntary design review process is an example of a specialized incentive that can be used to help

protect historic resources through the flexibility afforded in building bulk control, and by allowing the area included in a design review application to include properties that are separated by a public street, alley, or right-of-way. The Project is not inconsistent with this policy as it will allow the Applicant to shift unused density from the SVSC (Lots 802 and 803) to the Valor Lot (Lot 807) which will help protect the historic SVSC from future additional development by significantly reducing the amount of unused density on the SVSC site.

g. Transportation Element

The Transportation Element of the Comprehensive Plan provides policies and actions to maintain and improve the District's transportation system and enhance the travel choices of current and future residents. These policies are complemented by policies in the Land Use, Urban Design, and Environmental Protection elements on related topics such as air quality and the management of public space. The goal of the Transportation Element is to: “[c]reate a safe, sustainable, efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents.” The Project is not inconsistent with the those policies of the Transportation Element that are applicable to the proposed development, including:

T-1.1.2: Land Use Impact Assessment – This policy promotes the use of multi-modal standards rather than traditional vehicle standards when assessing the transportation impacts of development projects in order to more accurately measure and more effectively mitigate impacts on the transportation network. The Project is not inconsistent with this policy. As thoroughly documented in the Comprehensive Transportation Review (“CTR”) submitted by the Applicant, a multi-modal standard was utilized for purposes of analyzing the potential transportation-related impacts of the Project. Specifically, Page 24 of the CTR shows the specific mode splits that were used to estimate the potential number of the trips generated by the residential and retail components of the Project. These mode splits were identified in coordination with the District Department of Transportation (“DDOT”) and take into account Census data for the residents that live near the site and the location of the site relative to transit. Tailoring the mode-splits to the Project location not only helped the Applicant to more accurately measure potential impacts, but also to devise a robust set of transportation improvements and Transportation Demand Management (“TDM”) strategies that will effectively mitigate potential impacts on the transportation network.

T-1.1.B: Transportation Improvements – This recommended Comprehensive Plan action promotes requirements for TDM measures and transportation support facilities to be included in large development projects and major trip generators. The Project is not inconsistent with this recommended action. As part of the CTR, the Applicant is committing to a

wide range of TDM strategies that are aimed at reducing the demand for single-occupancy, private vehicles during peak period travel times or shifting single-occupancy vehicular demand to off-peak periods. Subject to certain revisions and clarifications, the Applicant’s list of TDM strategies was found to be sufficient by DDOT if implemented in conjunction with the pedestrian network improvements also being provided as part of the Project. Some of the pedestrian network improvements being provided include the removal of approximately 80 linear feet of curb cuts, the creation of new pedestrian connections through and around the site, construction of pedestrian curb extensions at select intersections, and, subject to evaluation and approval by DDOT, the construction of a High-Intensity Activated Crosswalk (“HAWK”) signal along Massachusetts Avenue,

· **T-1.2.3: Discouraging Auto-Oriented Uses** – This policy discourages certain auto-oriented uses such as “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets. It also promotes the minimization of curb cuts in new developments in order to increase pedestrian safety and maintain active and comfortable streetscapes. The Project is not inconsistent with this policy as it will permanently eliminate approximately 80 linear feet of curb cuts along Yuma and 48th Streets, and move all parking and loading access to Lot 807 to existing public and private alleys. The Project will also replace the large surface parking lot that currently occupies Lot 807 with a new mixed-use development that improves pedestrian connectivity through and around the site, and improves the safety and quality

of the streetscape by activating the site and through several aesthetic improvements to public space.

· **T-2.2.2: Connecting District Neighborhoods** – This policy call for improvements to connections between District neighborhoods through upgraded transit, auto, pedestrian, and bike connections, and by removing or minimizing existing physical barriers. As part of the Project, the Applicant will carry out several upgrades to pedestrian, bike, and auto connections that will improve connections through and around the Project site, and between the commercial centers and neighborhoods located on the east and west sides of Massachusetts Avenue. These improvements include the reconstruction of the streetscape adjacent to Lot 807, including the permanent removal of substantial curb cuts, the construction of pedestrian curb extensions at select intersections and other pedestrian improvements along existing alleys, and the construction of a HAWK signal on Massachusetts Avenue, subject to evaluation and approval by DDOT.

· **T-2.3.3: Bicycle Safety** – This policy promotes increasing bicycle safety through traffic calming measures, and improvements to bicycle access through the provision of public bike parking and elimination of barriers to bicycle travel. The Project is not inconsistent with this policy. Specifically, the Project will contain new short- and long-term bicycle parking, bicycle repair stations, as well as shower and locker facilities for retail employees. In addition, the substantial improvements to the streetscape, including the permanent removal of curb cuts, will result in further improvements to bicycle access and safety.

- **T-2.3.A: Bicycle Facilities** – This policy recommends that bicycle facilities such as secure bicycle parking and lockers, bike racks, and shower facilities be included in new commercial and residential buildings, where feasible. The Project will contain all of these bicycle facilities and amenities, and thus is not inconsistent with this policy.

- **T-2.4.1: Pedestrian Network** – This policy promotes the development, maintenance, and improvement of pedestrian facilities, including improvements to the District’s sidewalks to form a network that links residents across the city. The Project is not inconsistent with this policy. As described above, the Project contains several substantial improvements to the pedestrian network that will improve pedestrian safety through and around the Project site, and between nearby neighborhoods. These include the permanent removal of approximately 80 linear feet of curb cut; reconstruction of the streetscape adjacent to Lot 807, including new sidewalks and tree box areas; construction of pedestrian curb extension at select intersections; and the creation of new pedestrian connections through improvements to the north-south alley between Yuma Street and Massachusetts Avenue. Subject to evaluation and approval by DDOT, the Applicant will also construct a new HAWK signal along Massachusetts Avenue which will improve pedestrian connectivity between the shopping centers and neighborhoods on either side of the Massachusetts Avenue corridor.

- **T-2.4.2: Pedestrian Safety** – This policy promotes improvements to safety and security at key pedestrian nodes. As discussed above, the Project contains

several substantial improvements to the pedestrian network that will improve pedestrian safety through and around the Project site, and between nearby neighborhoods.

- **T-3.1.1: Transportation Demand Management (TDM) Programs** – This policy encourages providing, supporting, and promoting programs and strategies aimed at reducing the number of car trips and miles driven to increase the efficiency of the transportation system. The Project is not inconsistent with this policy as the Applicant will implement a robust set of TDM strategies that will reduce the number of trips generated by the Project and mitigate potential impacts to the surrounding transportation system.
- **T-3.1.3: Car-Sharing** – The Project is not inconsistent with this policy which encourages the expansion of car-sharing services as an alternative to private vehicle ownership. The Project will contain up to four dedicated car sharing parking spaces within the parking garage on Lot 807. In addition, as part of its TDM strategies the Applicant will offer either a one-year membership to Capital Bikeshare or a one-year membership to a car-sharing service to each residential unit for the initial lease of each unit.
- **T-3.1.A: TDM Strategies** – This recommended Comprehensive Plan action encourages the development of strategies and requirements that reduce rush hour traffic by, among other things, promoting carpooling and transit use; encouraging the formation of Transportation Management Associations; and undertaking other measures that reduce vehicular trips, particularly during

peak travel periods. This action also recommends identifying TDM measures and plans as appropriate conditions for large development approval. The Project is not inconsistent with this recommended Comprehensive Plan action. As discussed above, the Project includes a robust set of TDM strategies that will be implemented by the Applicant. These strategies will reduce the number of trips generated by the Project through the provision of adequate bicycle parking, unbundling the cost of residential parking from residential lease or purchase costs, identification of TDM Leaders, provision of TDM materials to new residents, offering memberships to alternative travel modes such as Capital Bikeshare or a car-sharing service, installation of real-time transportation information displays within residential lobbies, and implementing Residential Parking Permit restrictions.

- **T-3.2.D – Unbundle Parking Costs** – This Comprehensive Plan action recommends finding ways to unbundle the cost of parking from residential units, thus allowing those purchasing or renting property to opt out of buying or renting parking spaces. The Project is not inconsistent with this recommended action since, as part of the TDM strategies that will be implemented by the Applicant, the cost of residential parking will be unbundled from the cost of leasing or purchasing a residential dwelling unit.
- **T-3.3.1: Balancing Good Delivery Needs** – The Project is not inconsistent with this policy which promotes balancing the needs for goods delivery with concerns about roadway congestion, hazardous waste exposure, quality of life, and security. Most notably, in response to community concerns regarding the

initial size of the grocery store, specifically regarding truck traffic, the Applicant reduced the size of the grocery store while maintaining the full-service, neighborhood-serving capability desired by the community. The reduction in size alone will substantially reduce the number of truck deliveries to the grocery store. In addition, the balance between delivery of goods and concerns about roadway congestion and quality of life will be further addressed through the significant pedestrian, streetscape, and alley improvements that will be constructed, and the thorough loading management plan that will be implemented by the Applicant. Based on the above, the Project is not inconsistent with this policy.

- **T-3.3.4: Truck Management** – This policy calls for managing truck circulation to avoid negative impacts on residential streets and reduce volume of truck traffic on major commuter routes during peak travel hours. The Project is not inconsistent with this policy. The potential impact of truck traffic on the area surrounding the Project will be reduced through the permanent closure of approximately 80 feet of curb cut along Yuma and 48th Streets, which, consistent with DDOT policy, will result in all truck traffic utilizing the alley system for loading and unloading. Furthermore, truck traffic will be effectively managed through the Applicant’s loading management plan.

- **T-3.4.1: Traveler Information Systems** – This policy promotes the use of user-friendly, accurate, and timely traveler information systems, including real-time transit arrival information, in order to improve traffic flow and

customer satisfaction. The Project is not inconsistent with this policy. Specifically, one of the TDM strategies that will be implemented by the Applicant is the installation of a Transportation Information Center Display (electronic screen) within residential lobbies which will contain information related to local transportation alternatives.

5. Consistency with Rock Creek West Area Element

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

- **RCW-1.1.1: Neighborhood Conservation** – This policy is focused on the protection of the low density residential neighborhoods located west of Rock Creek Park. As discussed above, the Project has been carefully designed, and extensively refined in response to community input, such that the proposed buildings on the Valor Lot successfully relate in scale to the nearby single family neighborhood to the north and east. As demonstrated in the Revised Plans, the proposed design of Building 1 and adjacent townhomes, together with the substantial separation provided by Yuma and 48th Streets (both 90

foot wide rights-of-way), successfully integrate the Project into the surrounding context in a manner that protects the character of the neighborhood while also establishing an appropriate transition to the larger-scale AU Building and commercial center to the south.

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

· **RCW-1.1.4: Infill Development** – This policy recognizes the opportunity for infill development within the areas designated for commercial land use on the FLUM, such as the Project Site. For these types of sites, the policy encourages coordination with the ANCs, residents, and community organizations to

develop projects that combine housing and commercial uses rather than only containing a single use. In addition, the policy promotes heights and densities that are informed by, and relate to, the scale and character of the surroundings. The Project is exactly the type of mixed-use development that is promoted by this policy as it involves mixed-use, infill development on an underutilized site that is designated for low-density commercial uses on the FLUM and a designated Neighborhood Commercial Center on the GPM. Further, the Applicant has, and continues to consult with the affected ANC, residents, community organizations, and OP and DDOT on the Project. As a result of the Applicant's efforts, the scale and character of the Project has substantially evolved, and continues to successfully relate to, and be compatible with the surrounding context.

· **RCW-1.1.5: Preference for Local-Serving Retail** – This policy supports new commercial development within the Rock Creek West Planning area that provides the range of goods and services necessary to meet the needs of local residents. The policy specifically states that local-serving retail uses are preferable to larger-scale retail uses that serve a regional market, and that “destination” retail uses are not appropriate in smaller-scale commercial areas, especially those without Metrorail access. The policy further states that regardless of scale, retail development must be planned and designed to mitigate traffic, parking, and other impacts on adjacent residential area. The Project will provide a new full-service grocery store that has been sized in direct response to community input regarding the need to balance the type of

full-service grocery store desired by the community with potential impacts on traffic and parking. As initially proposed the grocery store was substantially larger (approximately 55,000 square feet), which led to community concerns over traffic and parking, especially if the Applicant was to establish a destination grocer. In response, the Applicant reduced the size of the grocery to that which is shown in the Revised Plans, while maintaining its full-service function. As currently proposed, the size of the new grocery store, and the overall amount of retail and service use in the Project, is consistent with the site's Neighborhood Commercial Center GPM designation, and is appropriate given the Project Site's location. Further, as is thoroughly discussed in the Comprehensive Transportation Review ("CTR") submitted to the record, the Applicant has committed to implementing several Transportation Demand Management ("TDM") strategies and a robust Loading Management Plan which will successfully mitigate any potential impacts on traffic and parking. Finally, as thoroughly discussed above, the Project has been designed to mitigate any other potential impacts on the residential areas to the north and east.