

Testimony of Sondra L. Mills in Opposition:
ZC Case 16-23/Valor Development LLC/Square 1499

My name is Sondra Mills. I live at 4827 Alton Place, N.W., located about a block and a half from the former “SuperFresh” site. Frankly, like many, I was stunned by the scale, massing, and design of Valor’s proposed project. It is so out of character with the neighborhood. So we decided to consult with Stephen Hansen, a respected architectural historian, who has been accepted as an expert witness before the Mayor’s Agent for Historic Preservation in September of 2017.

Mr. Hansen provided a report on the severe adverse impact of the proposed Lady Bird project on the historic Spring Valley Shopping Center sites along Massachusetts Avenue. Since receiving the Office of Planning Report, we also asked Mr. Hansen to comment in a supplemental report on some of the Planning Office’s incorrect statements and conclusions. Both reports have been filed with the Commission.¹ I would just like to touch on a few highlights in the reports.

Starting with the supplemental report, Mr. Hansen explains that the proposed development cannot go forward without first being reviewed by both the Historic Preservation Office *and* the Historic Preservation Review Board. As acknowledged by Valor, DDOT, and the Office of Planning, historic landmarks are unquestionably involved in the proposed project.

- The Spring Valley Shopping Center was designated a DC historic landmark in 1989 and the put on the national registry as a national historic landmark in 2003.

¹ Mr. Hansen’s supplemental report was filed by counsel for Citizens for Responsible Development on January 9, 2018, together with a corrected version of Mr. Hansen’s original report, which was submitted on behalf of Citizens for Responsible Development as an attachment to its Statement in Opposition filed on January 4, 2018.

- Valor purports to borrow density from the adjacent historically landmarked Spring Valley Shopping Center.

- The owner of that shopping center – Regency – is a named party to this application.

There are supposedly confidential documents between Regency and Valor regarding this purported transfer, which Valor has refused to disclose.

- But regardless of whatever is contained in these secret documents, it is clear that Valor’s proposed project cannot proceed without borrowing density from the shopping center.

No one disputes that.

But no transfer of density can be received by the project. Mr. Repp has already addressed the fact that the design review process does not permit an increase in density. Our submission also explains that any transfer of density is limited to only 5 receiving zones in the downtown areas. The proposed Lady Bird is simply not located within any of these zones.

In fact, Valor goes way beyond borrowing density rights from the Spring Valley Shopping Center. What it apparently proposes to do is treat the shopping center lots 802 and 803 with the Valor lot 807 as though they were *combined* into a single lot. The lots are *separate* lots. They have not been “combined” into a single lot. Valor can’t “reallocate” density from a separate lot. A transfer of density is really what’s going on here – regardless of the labels Valor is trying to hang on this.

Citizens for Responsible Development asked Stephen Hansen about what steps need to be taken to reconfigure lots. Here is what he said in an email dated January 22, 2018:

Subdivisions are processed through DCRA. All lot subdivisions in the city have to be reviewed and signed off on by the Historic Preservation Office, and depending on what it is, other agencies as well. If it is a routine subdivision, and/or not in an historic district,

HPO sign off is all that is needed for historic approval. If the subdivision affects the character of an historic property (generally determined by HPO), then it has to go to the Historic Preservation Review Board (HPRB) for review.

See <https://planning.dc.gov/page/subdivisions-property>. Consequently, combining the Valor lot 807 with the landmarked lots requires Historic Preservation Review Board review to evaluate the effect on the character of the historic landmark. In other words, Valor cannot legally reap the benefits of combining the lots without accepting the historic preservation responsibilities that come with it.

Even if Valor can somehow overcome all of these obstacles, which we believe they cannot, the Commission still must consider the effects of the proposed development on the two landmarks. In fact, the Office of Planning's report states that where – as here - an historic landmark is involved, an application to waive rear yard requirements triggers review by the Historic Preservation Office. Valor has not sought or provided any such review.

Valor's proposed Lady Bird will unquestionably adversely impact the landmarked shopping center. As set forth in Mr. Hansen's original report and in submissions made by Citizens for Responsible Development:

- Valor's proposed project does not respect the scale or architecture of the landmark. It will loom over the landmarks and the surrounding neighborhood they were designed to serve.
- It will cast broad shadows over the community – both literally and figuratively - and detract from the historic character of the shopping centers that was recognized by the Historic Preservation Review Board, when it granted landmark status to both shopping centers.

- Consequently, the project does not satisfy the requirements of Section 604.7(c) of the Design Review regulations because it will adversely affect the landmark.

All of this might sound a little technical. But to the people who live in AU Park, it's anything but. I moved to Alton Place 12 years ago because I was looking for a neighborhood that was less dense than where I had lived before. An important consideration when I chose my home was that it was located near a small, local-serving shopping area that was protected by the historic landmark status granted to both of the two Spring Valley shopping centers along Massachusetts Ave. This is why we live there. Valor's proposed development represents a sea change in AU Park. Three families have already moved away in part due to their concerns about the huge scale of this project. If this project is approved, others, including me, will follow

Thank you for your consideration.