

NEIGHBORS FOR A LIVABLE COMMUNITY

**3700 University Avenue NW
Washington, DC 20016**

TESTIMONY OF MR. THOMAS M. SMITH EXECUTIVE VICE PRESIDENT

ZONING COMMISSION CASE NO. 16-23

Mr. Chairman and members of the Commission: For the record, my name is Thomas Smith and I am executive vice president of Neighbors for a Livable Community (NLC). We are pleased to stand here tonight with our neighbors and associate ourselves with the comments already made tonight in opposition to Valor's development proposal for the SuperFresh site.

It is no accident that Valor rushed through its testimony before the Zoning Commission on January 11. Had they laid out the plan in detail without presenters having to gasp for air, the problems with it would be clearly visible.

The complexity of the proposal before you is a product of the questionable agreements to transfer development rights. These multiple agreements have not been shared with the Zoning Commission or OP. It is disappointing that OP did not review these agreements and offer a formal legal review as part of their analysis prior to these hearings. Nor is it clear that OP has even seen a legal analysis prior to filing its report in this case. But, the legality of these agreements is a major issue, as this Commission pointed out at its last hearing.

Valor has played two years of shell games with the neighborhood – offering empty promises to earn support as it worked behind the scenes with AU and the owners of the Spring Valley Shopping Center to secure these still-secret agreements that are intended to circumvent the zoning regulations, which under the Design Review standards, is not permissible.

This project is incompatible with the neighborhood; incompatible with the zoning classification for the site, as outlined in Subtitle G, Chapter 4, Section 100.4 of the zoning regulations; incompatible with the Comprehensive Plan; and incompatible with the Design Review Standards outlined in Subtitle X, Chapter 6 of the zoning regulations.

Currently, there are no 5-7 story apartment buildings in the neighborhood. The density of this project, as proposed, is six times greater than what now exists at the site and also exceeds that available on the lot as a matter-of-right by more than 90,000 gsf. This is incompatible with Subtitle X, Chapter 6, Sections 600.4, 600.5, and 604.5 of the zoning regulations. Contrary to Valor's description of the building, this building is 90 feet tall – taller than anything in the area and overshadowing the nationally-designated historic shopping center landmark – fails to respect the historic character of the site as well as the character of the surrounding neighborhoods, and may even put the national landmark designation at future risk of being de-listed, under the U.S. Secretary of Interior guidelines, which dictate historic preservation standards for the District of Columbia, as outlined in Title 10A, Chapter 20 of the DC Municipal Regulations. Consequently, this makes the Valor project incompatible also with Subtitle X, Chapter 6, Section 604.7.

Let me add: we are proud of the two national landmarks in our neighborhood along Massachusetts Avenue and proud of the joint efforts made by residents of Spring Valley and AU Park that secured the historic designation – and we will do everything we can to protect them.

This project will have a negative impact on our neighborhood. For example, the design of the so-called pedestrian-friendly Windom Walk was described two weeks ago by Valor as “improving the pedestrian porosity of the site.” In reality, Windom Walk would actually direct and dump residents into the middle of a narrow alley to be used by cars to access the garage, trucks loading and unloading for both the new building and the next door shopping center, and

the sanitation trucks that will need to access the alleyway for trash pick-up for the shopping center and the new building, including a new grocery store – conservatively estimated to be 305 vehicles per hour, according to Gorove/Slade. Valor tells us this will be pedestrian-safe because the paving at the garage entrance and loading dock will be painted a different color. There is nothing pedestrian-friendly about this so-called pedestrian-friendly Windom Walk.

Valor's acknowledgement that it will offer to install a Hawk signal along a busy, but compact commercial block of Massachusetts Avenue that is signalized at both ends of the block, is an acknowledgement of the projected excess density. Although some people may choose to cross Massachusetts Avenue mid-block now, the volume of jaywalking has not been assessed and is not a chronic problem as may be the case on Connecticut Avenue with long blocks of retail, many high-rise apartment buildings, lots of pedestrian traffic, and a history of life-threatening vehicle-pedestrian conflicts. This project would create new vehicle-pedestrian conflicts and is therefore also incompatible with Section 604.7 of the Design Review Standards.

The project will have traffic impacts, especially for Spring Valley residents, that will put our residents at risk – notwithstanding the standards used by DDOT to review this project. DDOT's review primarily reflects an interest in how one commercial block may be impacted. Its review appears to give scant attention to data collection and analysis. For example, how can this expert agency assess a project without knowing the terms of a parking agreement with AU or fail to assess the safety impacts of traffic directed – as a consequence of this project – to our neighborhood streets – or assess pedestrian impacts without requiring any data to be collected.

On the other hand, Valor's own transportation study – as limited and flawed as it may be – concludes that traffic conditions on streets in Spring Valley will deteriorate as a direct consequence of this project. The Gorove-Slade study points to worsening conditions – as a result

of this project – at the intersection of Massachusetts Avenue and 49th Street; Massachusetts Avenue and 48th Street and Fordham Road; and Massachusetts Avenue and Van Ness Street. The intersection of 49th and Fordham is particularly dangerous – just last week during the day a car hit several parked cars and flipped over. We know the conditions are likely to be worse and can simply point to previous traffic studies conducted by Gorove Slade for American University that limited the scope of the boundaries to be reviewed and dramatically underestimated traffic impacts that we now experience.

We are asking you to protect the future of our neighborhood. Valor may have spent two years on this project – with most of the energy focused primarily on negotiating agreements with the seller, with AU and with the nearby shopping center that even prompted Valor last September to alter the boundaries of its zoning application. But, little time has been spent by Valor to work earnestly with neighbors to address their concerns – let alone their needs – no matter how many neighborhood meetings Valor may have attended.

We are not just saying no to development at the site. We have identified changes to the project in our resolution we have submitted for the record in this case and that would reduce the density and bring this project into compliance with the Design Review standards. We support mixed use development at the site, but not a project with the density proposed by Valor. Thank you for this opportunity.