

SPRING VALLEY • WESLEY HEIGHTS
Citizens Association
WASHINGTON, D.C.

Statement of Spring Valley-Wesley Heights Citizens Association
Z.C. Case No. 19-10: Valor Development, LLC – Consolidated
Planned Unit Development For Square 1499,
Lots 802, 803, 806, and 807

Monday, October 7, 2019

Thank you for the opportunity to provide these comments in Z.C. Case No. 19-10. As you know, the Spring Valley-Wesley Heights Citizens Association (SVWHCA) was a party in Z.C. Case No. 16-23, the Design Review case that considered an almost identical application by Valor Development. So, we submit this statement for your consideration in the spirit of baseball-great Yogi Berra who said, “It’s like déjà vu all over again.”

The Spring Valley-Wesley Heights Citizens Association (SVWHCA) was incorporated in 1952 and is the longest continuous citizens group representing the interests of the Spring Valley and Wesley Heights sister-neighborhoods. The SVWHCA is not an urban planning policy advocacy group locked into a mission driven by a single ideology. Our focus is on how our neighborhoods are impacted by urban planning and whether such planning promotes neighborhood livability. Participation in the SVWHCA is not contingent on any views a resident may hold on development and growth or any other issue and is open to all residents of the two neighborhoods.

Because Spring Valley homes fall within 200 feet of the project site, Spring Valley homeowners are directly impacted by the actions and activities planned for the multiple lots that comprise the proposed project site. The Association has continued throughout the years to be

involved in a wide range of land use issues as advocates for neighborhood interests, including historic designation, campus planning, and other zoning issues, as well as public space, alcoholic beverage licensing, and public safety issues. In fact, the association took the lead in the proceedings designating the Massachusetts Avenue Park and Shops (Project Lots 802 and 803 in this case) as a historic landmark in 1989 has worked to preserve the historic nature of the property since that time. The effort to designate the shopping center historic was triggered by construction of what is now the AU's Spring Valley Building that is part of the project boundary in this case.

SVWHCA has worked cooperatively with other neighborhood organizations over many years and we are continuing that tradition in this case. We associate ourselves with the comments made by the Citizens for Responsible Development (CRD) and applaud their steadfast vigilance in protecting the integrity of our neighborhoods. We also are pleased to join with Neighbors for a Livable Community (NLC) as a party in this case and value the diligence reflected in NLC's statement in this case.

The SVWHCA Board of Directors has met and discussed this project many times since it was first proposed three years ago and took action this past July consistent with the Association bylaws to approve a resolution opposing the project as now proposed. While we will make all efforts to not repeat what others have already outlined in statements to the Zoning Commission, we will instead highlight the reasons we oppose this project as currently designed.

Given that all of us participated in an extensive hearing process in Z.C. 16-23 – Valor's Design Review case – and that its current PUD proposal is nearly identical – we probably all know where we stand in this case. We still believe that the project is simply out of scale with the surrounding neighborhoods. In fact, we would agree with Commissioner Miller that this project

is best designed and suited to be located on a major avenue. Additionally, we do not oppose development of the site, but we believe such development should respect neighborhood character although not necessarily replicate it. This puts us at odds with the Office of Planning and the Department of Transportation that seem to have become advocates for growth at almost any cost without regard to effective planning, neighborhood safety, or protecting neighborhood integrity.

This application does not meet the requirements of Chapter 3 of the Zoning Code for Planned Unit Developments.

1. The project will generate new unmitigated public safety risks inconsistent with Section 300.1 (c) and 304.4 (b) of the PUD regulations; and
2. The project does not offer the appropriate balance of meaningful public benefits, as required under Section 300.1 (b).

Our primary concern with this project remains public safety. The reliance on existing alleys as the major means for the movement of vehicular and pedestrian traffic through the site will create new public safety problems and demonstrates this site may not be appropriate for the density that is being proposed. Although the Valor application outlines plans to “clean up” the alleys, the capacity of the alleys to handle traffic (both vehicular and pedestrian) will not fundamentally change while the pressures on the alleys in the form of increased vehicular and pedestrian traffic will intensify substantially. Traffic planning at the site does not meet industry practices, including those recommended by the American Association of State Highway and Transportation Officials (AASHTO), the Federal Highway Administration (FHWA), the National Association of City Transportation Officials (NACTO), and the Institute of Transportation Engineers. Unfortunately, these safety concerns are dismissed on the basis that

these are alleys and not streets, but they will function as streets and will carry more traffic – and more multi-modal traffic – than the average residential street in our neighborhoods.

Additionally, Nova Technology, which specializes in the design of loading docks and related traffic flow, recommends for truck safety reasons that two-way access roads used to access a loading dock be a minimum of 26 feet wide, not the 20 feet proposed for this project. Some experts recommend a width of 38 feet if there is an adjacent sidewalk as is proposed by Valor.

The project's design for walkways, sidewalks, and public spaces falls short of recommendations made by the FHWA. In fact, based on FHWA-recommended practices, the 3-foot sidewalk design proposed by Valor for the North-South alley stretching from Yuma Street toward Massachusetts Avenue will invite pedestrian hazards and create dangerous conditions. Locating an entrance to the grocery store at the intersection of the two alleys on the site, as recommended by OP to show the building's orientation toward Massachusetts Avenue behind the existing PNC Bank, as we were advised by Valor in a meeting on September 19, 2019 will create new pedestrian conflicts that were not anticipated in the proposal put forward in the previous Design Review case.

The solution to mitigating the safety problems is to widen the proposed sidewalk in the North/South alley and widening the alley beyond what is proposed in Valor's application. We believe the alleys should be re-envisioned and designed as open streetscapes that can be used and enjoyed by residents as well as accommodate the needs for more retail, truck deliveries, and access to the parking lot for residents and retail customers. But, that would require a more creative utilization of land and space.

Cleaning up the alleys, as Valor suggests, cannot justify the potential safety hazards that will be created. Moreover, the proposed installation of the hawk light, recommended as a public amenity by Valor, will encourage even more pedestrian traffic through the alleyways than would otherwise be generated.

We also question the need for a mid-block Hawk Light on Massachusetts Avenue between the 48th and 49th Street signalized intersections. We have had the opportunity to observe two operational Hawk Lights within the area – one located at Massachusetts Avenue and Macomb Street and the other on Nebraska Avenue between Ward Circle and New Mexico Avenue. The first is separated from other signalized intersections by a significant distance, but the second on Nebraska Avenue is equally distant from two signalized intersections. We have seen the impact on traffic and the back-ups created by the Nebraska Avenue Hawk Light. Our experience leads us to question the value of the proposed Hawk Light for the Valor project which most likely would create traffic back-ups on Massachusetts Avenue and, consequently, encourage more drivers to cut through neighborhood streets in Spring Valley.

DDOT has just published the final recommendations of its Rock Creek Far West Livability Study which included streets adjacent to the project boundary. The purpose of the study was to improve transportation safety in our neighborhood. That study identified pedestrian safety problems at the 48th Street, Massachusetts Avenue, and Fordham Road intersection and at the 49th and Massachusetts Avenue intersection. DDOT has recommended pedestrian safety improvements in the area – mostly striping of the two intersections at a cost of \$150,000 (\$100,000 for the 48th, Massachusetts Avenue, and Fordham Road intersection; \$50,000 for the 49th and Massachusetts Avenue intersection). **(Attachment)**

Despite these safety concerns at these two intersections, it is noteworthy that DDOT's study did not recommend the installation of a mid-block Hawk light between the two intersections.

The \$50,000 cost to stripe the intersection at 49th and Massachusetts demonstrates also that Valor's offer of \$5,000 for safety improvements at the intersection is meager.

In its latest filing, Valor has indicated that it will contribute to the research to install a pork chop at the 49th Street entrance/exit at the Exxon Station adjacent to the Park and Shops Center or to open the median on Massachusetts Avenue in the commercial block. We strongly oppose each and consider neither to be an amenity. Instead, we believe this will create additional safety and traffic issues in the neighborhood.

We are strongly opposed to the so-called public benefit offered by Valor to install a "pork chop" at the 49th Street entrance/exit of the Exxon station. The Exxon station is a separate lot and does not fall within the border of this PUD application. But, more importantly, a "pork chop" will make it more difficult for residents of Spring Valley to access and exit the shopping center. It will force more Spring Valley residents to access the shopping center or return to their homes from the shopping center using Yuma and 48th Street. Otherwise, residents will have to exit the shopping center by crossing two lanes of traffic on Massachusetts creating an additional traffic safety issue. It is an ill-conceived idea, not a public benefit.

We cannot even begin to understand the reasons for considering opening the median strip on Massachusetts Avenue. Presumably, opening the median strip would allow for left turns into the shopping center across two lanes of traffic. Without a fully signalized traffic light, opening the median strip would bring chaos and add significantly to the intensity in this one-block area. This raises issues about the need for a turn lane so that two-way traffic on Massachusetts Avenue

will not be impeded. Opening the median strip would have such a dramatic change on traffic patterns within the one block commercial area that the data outlined in Valor's traffic study would no longer be applicable.

Valor is also recommending that all the trucks that now service the Spring Valley Park and Shops also unload within the alley instead of along Yuma Street. We are unaware of any zoning order from this Commission or any memorandum of understanding from an ANC that can force drivers to unload their trucks in the alley way and then haul their deliveries to the loading door entrances on Yuma Street to service the retail at the Park and Shoppes. We know this from recent experience of many trucks servicing the Spring Valley (Village) Shopping Center across the street where trucks unload in front of residents' homes on Fordham Road instead of designated loading zones. Moreover, AU cannot even force trucks servicing its own building, which is in the applicant's project border, to use its loading dock in the alley off 48th Street. Instead, those trucks load and unload mostly from Massachusetts Avenue blocking one lane of traffic.

At best, all that Valor can do is make this proffer to the Zoning Commission, but it is simply not enforceable. It may be a nice idea on paper but it does not rise to the level of a meaningful public benefit as defined in the zoning regulations.

This project will significantly reduce the retail available at the site by more than half. So, it is hard to get excited about Valor's proposal to reserve 13,000-16,000 square feet for a so-called full service grocery store. That is smaller than the existing grocery store building at the site that once housed an A&P, later rebranded as SuperFresh, and then taken over for a short time by a Fresh & Greens, a chain that also went bankrupt. Although three grocery stores once

were housed within the project border for this application, there has been no grocery store in Spring Valley for about six years.

Everybody wants the convenience of a corner neighborhood grocer down the street. But, the grocery store at this location did not survive because of the competition from larger stores within less than a 15 minute car ride. Even before SuperFresh closed, residents developed new shopping habits. Shoppers now prefer the convenience of more variety – one stop shopping – that can be found at a larger store. Certainly, more people in our neighborhood are talking about the new Wegmans that will be opening near the site than MOM’s Organic Market. But, let’s be clear. Our neighborhood is not a grocery store desert.

MOM’s Organic Market may be a great store with a great philosophy and probably higher prices to go with it. It is branded as a store that appeals to a specialty audience. MOM’s owner refers to his customers as a “cult” or a “tribe.”

We do not oppose a grocery store at the site. But, whether Valor seeks to brand the grocery store as an amenity under Section 305.5 (j) or 305.5 (q) of the PUD regulations, the grocery store may be nice, but it does not qualify as a neighborhood amenity under Section 3 of the Zoning Code.

Should this project be approved, we also would be concerned by any language in the Order that would require this retail space to be restricted to a grocery store. If the MOM’s non-binding agreement falls through, we would prefer the retail space to be occupied than to sit empty waiting for some type of grocer that would be content with 13,000 square feet of space. We may wait a long time for that. After all, if a grocer wants to come to Spring Valley/AU Park, we already have an existing empty larger store than now being proposed that surely could be

updated at less cost and with less negative impact on the neighborhood than the project before us tonight.

As part of re-envisioning the alleys, Valor should offer as part of its public benefits package to meet the square footage of retail now available at the site, if not exceed it. This may mean redesigning the building footprint, but it would help to ensure a lively, neighborhood-friendly site with walkable and diverse retail opportunities.

Private amenities within the building, such as the landscaped courtyards specified in the application -- that are available only to building residents -- also should not be considered public benefits. They do not meet the requirement of Section 305.2 which requires benefits for the “surrounding neighborhood or the public in general.”

As part of its public benefits package, we believe that Valor should be required to provide solar panels on the building, not just that the building be made solar-ready, as recommended by OP, so as to ensure this building is energy efficient.

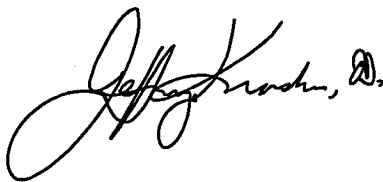
Valor also argues that its purchase of density from the historic shopping center in Lots 802 and 803 will help to preserve the shopping center’s historic designation. This is not an accurate reading or understanding of DC or national historic preservation law. Valor’s claim is a cynical manipulation of the zoning and the historic preservation process to justify a building that is fundamentally incompatible with the surrounding residential neighborhood. Precisely because of its scale, including its height from Massachusetts Avenue, the new building does not respect the historic character and designation of the shopping center that falls within the project border.

Finally, we are disappointed that Valor has not reached out since it withdrew its Design Review case. Valor invited us along with others to a meeting on September 19, 2019 to discuss its PUD proposal. This meeting was held only after it was requested by ANC 3D Chairman

Chuck Elkins. In requesting the meeting, Elkins stressed that “as a matter of principle, any developer who comes into our neighborhood with a PUD proposal should engage with the full community.” He added, “I think you will agree that Valor has not had such a meeting since developing its PUD proposal.”

Unfortunately, ANC 3D recommended approval of the PUD application before this meeting took place. There was little incentive for Valor to consider any suggestions that were made at the meeting, but it had already been stipulated that the meeting would not cover the most critical issues tied to density and the meeting was **NOT** a negotiating session. It is noteworthy that the ANC 3D report also asks the Zoning Commission to consider some of the recommendations we are making in this testimony – wider sidewalks in the alleys and additional retail. But, it seems to us that ANC 3D abrogated its responsibility by voting to support this recommendation knowing the shortcomings in the proposal and without using its leverage to require Valor – at a minimum – to meet with neighborhood representatives within the ANC 3D border to discuss the public benefits package weeks prior to the ANCs decision meeting.

Thank you again for the opportunity to make these comments.

A handwritten signature in black ink, appearing to read "Jeffrey L. Kraskin, D.", with a stylized, cursive script.

Dr. Jeffrey L. Kraskin, President

ROCK CREEK

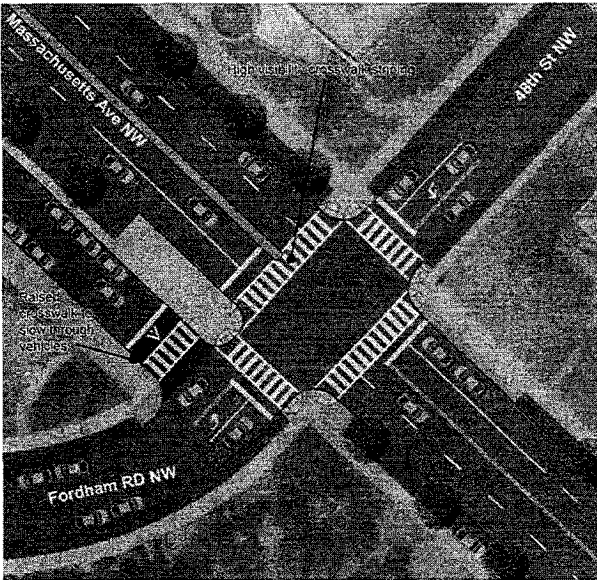
FAR WEST Livability Study

ROCK CREEK FAR WEST LIVABILITY STUDY

Final Study Report and Recommendations



48TH PLACE/FORDHAM ROAD AND 48TH STREET/FORDHAM ROAD/MASSACHUSETTS AVENUE PEDESTRIAN CROSSING IMPROVEMENTS



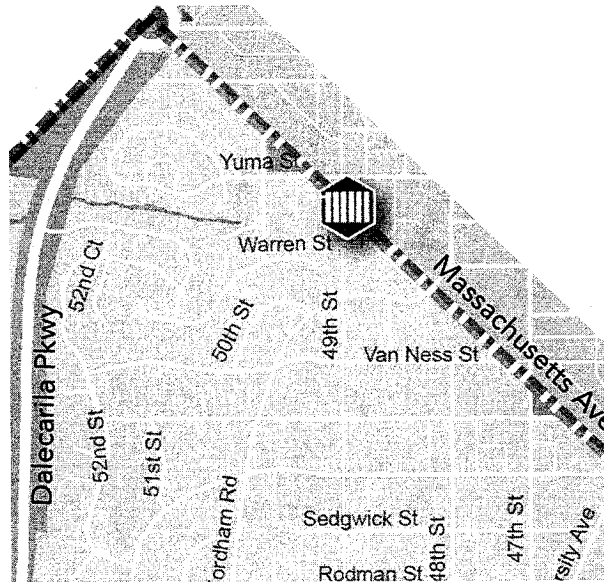
At these intersections, DDOT proposes to restripe existing crosswalks with a high-visibility, ladder-style design, mark crosswalks that are currently unmarked, and add raised crosswalks. Public comments identified safety challenges for pedestrians and the need for traffic calming.

PROJECT DETAILS

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| Implementation Priority | Medium Term (2-4 years) |
| Estimated Project Cost | \$100,000 |
| Right-of-way need? | No |
| Coordination Needs | None outside of DDOT |
| On-Street Parking Reduction | Yes, up to 4 parking spaces on the north side of Fordham Road at the intersection with 48th Place would need to be removed to install ramps and crosswalks. |

MASSACHUSETTS AVENUE/49TH STREET PEDESTRIAN CROSSING IMPROVEMENT

Install high-visibility crosswalks at the intersection to provide enhanced pedestrian crossings to the eastbound bus stop and Spring Valley Shopping Center.



PROJECT DETAILS

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|-----------------------------|------------------------|
| Implementation Priority | Short Term (1-2 years) |
| Estimated Project Cost | \$50,000 |
| Right-of-way need? | No |
| Coordination Needs | None outside of DDOT |
| On-Street Parking Reduction | None |