

DC ZONING COMM CASE 19-10: VALOR DEV, LLC: STATEMENT OF AIDAN JONES OCT. 10, 2019

My family has lived for 36 years within walking distance of the Superfresh site, where we used to regularly fulfill our grocery needs.

- I oppose Valor’s application because a limited service grocery store like Mom’s won’t serve any additional need in our neighborhood. Even if Mom’s commits to a lease, it would duplicate the products and services Wagshals has long provided the community. And Valor’s proposed project is so massively out of scale for the neighborhood that it is inconsistent with the Comprehensive Plan.

- Most significant, Valor does not have a legal basis for this project:
 - The Owner of the Lots in question, 806 and 807 (a party Applicant here), transferred 179,302 sq. feet of Gross Floor Area rights from Lot 807 to Lot 806 to enable construction of American University’s contiguous six story building. That relinquishment is reflected in a recorded Deed of Easement and Agreement that runs with the land and is binding on subsequent owners and tenants. Applicant’s statement in its Dec. 18, 2018 submission, p. 8 in Case 16-23, that “Other than the owners listed in the Agreement, to whom the benefits and obligations of the document apply, there are no third party beneficiaries . . .” is flatly incorrect. A bedrock of zoning law is that owners of neighboring property *are* third party beneficiaries of recorded easements.

 - The Spring Valley Shopping Center is not able to recompense the Owner of Lot 807 for those rights because it did not receive them. And certainly the Owner of Lot 806 can’t recompense the Lot 807 Owner because the relinquished development rights were used up to build, and are imbedded in, the six story AU building on Lot 806.

 - Moreover, what height and density rights does a single story historic designation property -- like the Spring Valley Shopping Center-- have to transfer, when, because of its designation, its zoning rights are seriously curtailed?

 - Applicant has repeatedly failed to legally justify its proposed double-dipping for density rights—because there is no such legal justification.

 - And beyond that, in considering the supposed *public benefits* the Applicant proffers, this Zoning Commission needs to weigh the *public detriment* that would result from allowing a developer to get away with regaining rights the Owner of the developer’s Lot already relinquished.