

# ward3vision

smart growth • vibrant neighborhoods

c/o John Wheeler  
4304 Yuma St. NW  
Washington, DC 20016  
October 22, 2019

Zoning Commission for the  
District of Columbia  
441 4<sup>th</sup> St., NW  
Suite 210-S  
Washington, DC 20001

Re: Case No. 19-10 – Valor Development, LLC

Dear Members of the Commission:

Attached is Ward3Vision's Post-hearing Submission for the referenced case.

Thank you for your attention to this matter.

Sincerely yours,



John H. Wheeler  
Member of the Ward3Vision  
Steering Committee

Attachment

**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2019, copies of Ward3Vision's Post-hearing Statement were sent via email to the following:

**Valor Development, LLC**

c/o Mr. Norman M. Glasgow, Holland and Knight  
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**Ms. Jennifer Steingasser**

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**Citizens for Responsible Development**

c/o Mr. Edward Donahue, Donohue and Stearns, PLC  
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**Citizens for Responsible Development**

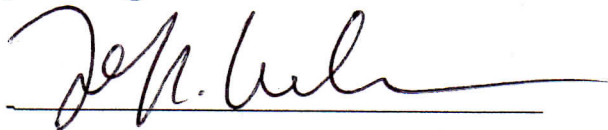
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## Post-hearing Statement of Ward3Vision

RE: Case 19-10, Valor Development, LLC, PUD

This post-hearing statement is submitted by Ward3Vision, a party to this PUD proceeding. It is our position that the proposed Planned Unit Development (PUD) should be approved because it advances smart growth principles to improve the vitality, walkability and availability of amenities in Ward 3 neighborhoods. It promotes the use of public transit. It increases the availability of housing, increases the diversity of housing options beyond single-family housing, and increases the stock of affordable housing in Ward 3. Moreover, the PUD is not inconsistent with the Comprehensive Plan.<sup>1</sup>

### Affordable Housing:

- Increases supply of affordable housing in Ward 3: The proposal offers above-the-minimum amount of below-market-priced housing required by the Inclusion Zoning (IZ) regulations, and during the hearing the applicant agreed to increase the amount originally offered. At least half of the IZ units are expected to be larger apartments. This is an amenity and public benefit that should be given a high value by the Zoning Commission in light of the affordable housing crisis facing the city, as recognized recently by the DC Council in amending the Framework Element of the Comprehensive Plan.<sup>2</sup> The Comprehensive Plan calls for mixed income housing to be more equitably distributed across the entire city. H-1.2.3. See also H-1.2.5: promote workforce housing.
- No displacement of existing residents: This additional affordable and other housing will be provided *without displacing* any current residents of existing affordable or low-rent apartments, because there is none at the site. If the Commission allows existing residents to block infill development like this, it may be pushed into areas where displacement will likely occur. The Comprehensive Plan calls for action to avoid further concentration of affordable housing in areas that already have substantial such housing. H-1.2.3. Ward 3 has much less affordable housing now than other areas of the city.

### Balancing of Public Benefits versus Potential Adverse Effects:

The benefits of this project outweigh any potential adverse effects by a great measure.

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<sup>1</sup> We join in the arguments of ANC 3E and 3D concerning compatibility with the Comprehensive Plan.

<sup>2</sup> It is curious that opponent Citizens for Responsible Development (CRD) in its submission (Record #118) asserts that the project "will provide a jarring departure from the long-established family-oriented character of the neighborhood." (p. 5) One wonders whether CRD believes that families cannot live in apartments, even two- and three-bedroom ones. The new IZ apartments will presumably house some families and individuals who could not otherwise afford to live in American University Park or Spring Valley or, indeed, in Ward 3. And the rest of the additional apartments and townhouses will be available to other families and individuals who do not want to or cannot afford to live in single family houses. Multi-family housing and townhouses do not make a neighborhood less "family-oriented;" quite the contrary.

- Grocery store: Only via a PUD can a grocery store be built at the site. It will make the area more walkable and add vitality. It will be a great benefit for the nearby residents and for the community, which has recently lost two Safeways in Palisades and Tenleytown. The potential adverse effect will be little or none, inasmuch as there has been a grocery store on the site for many decades until the most recent one closed six years ago. This means the store is not much of a change in circumstances. We would be surprised if existing residents in the neighborhood did not take advantage of this store, as numerous comments in the record attest.<sup>3</sup> The Comprehensive Plan calls for promoting the development of new grocery stores. ED-2.2.6.
- Commercial center: The site is in a "neighborhood commercial center" where there are already existing businesses. The grocery store is compatible with that designation and will promote the area's vitality and growth. The increased pool of residents will support the local businesses. Retail needs density of housing nearby to be successful, especially in the current challenging environment. Having retail offerings in the neighborhoods makes them better and more welcoming for residents, who have someplace to walk or bike, rather than being forced to drive even for basics. The Comprehensive Plan calls for improving the mix of goods and services available to residents, ED-3.1.1; calls for mixed-use development particularly in neighborhood commercial centers, H1.1.4; and calls for expanding the retail sector to "fully capitalize on the spending power of residents...and meet the retail needs of underserved areas" ED-2.2.1.

In its submission, opponent CRD repeatedly asserts, without providing a basis, that the project will "detract from" and undermine existing retail, specifically the Spring Valley Shopping Center. (pp. 6, 8, 9, 11, 12).<sup>4</sup> Even if CRD's prediction were true, which is speculative at best, it is not the province of this Commission to advantage one business over another or deprive residents of retail options in order to protect existing businesses. On the contrary, the Comprehensive Plan calls for providing for the "continued growth of commercial land uses to meet the needs of District residents," LU-2.4.1, and "improving the mix of goods and services available to residents," ED-3.1.1. This is exactly what the new grocery store will do. And ED-2.2.6 calls for neighborhood grocery stores and supermarkets to be promoted.

And most striking: the Spring Valley Shopping Center owner itself has submitted a written statement supporting this PUD and the grocery store specifically. (Record #227). Among other things, the owner praises the "additional housing which will help new and existing businesses thrive." "The Valor proposal will greatly assist us in maintaining the historic integrity and long-term viability of the" existing shopping center.

<sup>3</sup> E.g., Record #63, 68, 72, 85, 122, 126, 130.

<sup>4</sup> E.g., CRD p. 11: The project "will take business away from current grocery stores and other stores offering groceries (like Wagshal's Deli and Market)." Wagshal's, a specialty market which offers primarily expensive prepared and packaged food, is not a substitute for a grocery store. The Comprehensive Plan directs that "established commercial centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs." LU-2.4.2.

- Housing: The increased supply of all housing, not just IZ housing, is a significant benefit. There will be over 200 new units, and many will be two- and three-bedroom apartments, which are not common in other new developments in the area. There is a distinct need for more housing overall in the city to meet demand, as the DC Council recently affirmed in amending the Comprehensive Plan Framework Element. See Comprehensive Plan H-1.1.1: encourage the private sector to provide new housing; H-1.1.4: promote mixed-use development, including housing. And this project increases the diversity of housing options by adding multi-family housing and townhouses in an area that now largely offers super-expensive, single-family houses.<sup>5</sup>
- Public transit: The money set aside for transport to the Tenleytown Metro is an amenity that is highly desirable to encourage the use of Metro and supplement the existing American University shuttle (which, we are informed, is available to residents). The project is located close to bus service on Massachusetts Avenue, which service we expect will be increased if there is more usage by residents. This makes the PUD transit-oriented and appropriate for the site. The PUD thus is consistent with the Comprehensive Plan's direction to develop strategies to reduce rush hour traffic and reduce vehicular trips. Action T-3.1.A.
- Other amenities: Alley improvements; traffic signal on Massachusetts Avenue; public outdoor space: These are amenities that will only be provided via a PUD. See Comprehensive Plan T-2.4.2: improve pedestrian safety and security.

Opposition to project size: Opponents assert that they are mainly opposed to the size of the project. Multi-family housing and mixed-use development will necessarily require larger buildings than single-family housing. That does not make it incompatible with the neighborhood or objectionable under the Comprehensive Plan. This project is below the maximum size for a PUD at this location. Indeed, CRD asserts that it would accept a residential-only, smaller project. This is not much of a concession, however, since what they propose could be built as a matter-of-right without any input from the community. Here, design elements have been tailored to address opponents' concerns, such as setbacks near existing residences and lowering of the structure.<sup>6</sup> In short, the size of the project is reasonable for this location close to bus transit and made accessible to a Metro station.

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<sup>5</sup> As CRD acknowledges, "[t]here are no apartment buildings in AU Park." (p. 5)

<sup>6</sup> Originally opponents argued that the larger grocery store in the original design should be made smaller. The developer responded and shrunk the store. The residential component has also been made smaller. Those concessions have not, however, satisfied all opponents. Their aim is clear: no development other than single-family houses. But that is not the best use of the property in the midst of housing and environmental crises.