

November 4, 2019

Mr. Anthony Hood, Chairman  
Zoning Commission for the District of Columbia  
441 4<sup>th</sup> Street NW, Suite 210S  
Washington, D.C. 20001

**RE: Z.C. Case No. 19-10 Consolidated PUD @ Square 1499 – Reply To  
Application’s Post-Hearing Submission**

Dear Chairman Hood and Members of the Commission:

On behalf of the Spring Valley-Wesley Heights Citizens Association (SVWHCA) and Neighbors For A Livable Community (NLC) (“Spring Valley Opponents”), we submit the following reply to the applicant’s post-hearing submission in the above referenced case.

**1. Valor’s IZ Proffer Is Inadequate**

In testimony to the Zoning Commission on October 10, 2019 (*Exhibit 213*), Spring Valley Opponents commented that Valor’s 11 percent inclusionary zoning (IZ) proffer (approximately 29 units, according to Valor) was inadequate and that Valor should be required to increase its proffer given the location of the project in the Rock Creek West planning area in the American University Park and Spring Valley neighborhoods; the need for additional affordable housing in the city, especially in Rock Creek West; and the intensity of the proposed project (e.g. more than 272,000 gsf on a 1.9 acre site on Lot 807.) In its rebuttal on October 10, 2019 Valor offered to increase its inclusionary zoning proffer from 11 percent to 12 percent, an offer we view as token at best, especially given that Valor indicated this may result in an increase of only one additional IZ unit.

Valor was asked by Zoning Commission Chairman Anthony Hood also to provide a 1-page response to the testimony from Spring Valley Opponents.

In replying on October 24 to the Spring Valley Opponents’ October 10 testimony, Valor offers a 4-page response that unfortunately mischaracterizes Spring Valley Opponents’ testimony, but more significantly obfuscates the basic issue in this case related to affordable housing and inclusionary zoning. (*Note: Spring Valley Opponents were not served the Valor filing until October 29 – just two days before this filing was due, so we appreciate the additional time provided by the Commission to file this reply.*)

In its filing, Valor questions the credibility – and sincerity – of opponents’ argument that the Valor proposal does not provide adequate affordable housing. Instead, Valor portrays support for its application as a litmus test for support of the affordable housing goals outlined in Mayor Muriel Bowser’s October 2019 *Housing Equity Report*. Although acknowledging the city is facing a housing crisis, Valor’s application fails to respond to the challenges outlined in the *Housing Equity Report*. The Mayor’s *Housing Equity Report* demonstrates that the city can no longer do business as usual, but must make more demands of developers to balance their

drive for unlimited profits with a healthy dose of social responsibility. Relying on past zoning decisions for other projects as precedent, as Valor suggests, is not a reasonable standard for reviewing Valor's IZ proffer given the scope of the city's affordable housing emergency outlined in the Mayor's Housing Equity Report.

Although Valor enumerates a series of public benefits and amenities in its proffer, these public benefits are – at best – meager and – at worst – not public benefits or project amenities at all. The potential for IZ affordable housing is the most significant and meaningful public benefit associated with this project.

At issue in this case is **not** whether Valor thinks its application achieves an effective balancing of the collective interests of all stakeholders – after all, if that is the standard for assessing this project, the application falls short by a wide margin. **As we indicated in our testimony (Exhibit 213) and in two subsequent filings to the Zoning Commission (Exhibits 236 and 237), at issue in this case is whether Valor's proffer of 12 percent affordable housing – just two percent above what is mandated under the PUD regulations – constitutes an adequate and sufficient public benefit.**

Valor is correct in stating in its October 24 filing that the two separate organizations that now constitute Spring Valley Opponents as a joint party in this case “opposed Valor's proposal in Z.C. Case No. 16-23 and are now opposed to Valor's proposal in this case.” Valor has consistently sought to exclude any references in this case to Z.C. 16-23, but is not reluctant to resurrect the history of Z.C. 16-23 when it suits its purpose. Contrary to Valor's assertion, no significant changes have been made in this project since Valor decided to forego its Design Review application in Z.C. 16-23 for a PUD application in Z.C. 19-10. However, our opposition to this application can be attributed in part (but not solely) to Valor's failure to commit to meet its IZ obligations in Z.C. 16-23 and its failure to provide a more meaningful IZ public benefit in Z.C. 19-10, as the case records demonstrate.

**In its post-hearing submission, Valor acknowledges that only the two percent above the 10 percent required minimum for IZ can constitute the public benefit under the zoning regulations. Valor chooses to characterize this as a “20 percent increase in affordable housing over the baseline requirements,” which may be mathematically accurate, but is misleading and overstates the impact of the increase on the desired outcome.**

Valor fails to acknowledge that the increase in its IZ proffer from 11 percent to 12 percent translates – maybe – to one additional unit (from 29 units to 30 units).

Valor further raises the ante in its October 24 filing by saying that this increase from 29 to “approximately 30” is only possible **if** the Commission also grants the applicant the flexibility Valor has previously requested as to the number of dwelling units and affordable dwelling units. Moreover, Valor threatens that this offer of affordable housing could be lost **unless** the Commission approves this application, as is, because the project is at a “critical juncture;” because of the “uncertainty creeping into the housing market;” and because of “the amount of time and resources the Applicant has invested in the project.”

Valor neglects taking responsibility for the many delays that it has sought in the zoning process for this project over the past three years largely because of shortcomings in the project design and concept, including incorrect interpretations of the city's IZ rules in Z.C. 16-23.

For the record, Spring Valley Opponents are not opposed to the flexibility requested by Valor. But, let's be honest: this flexibility is a recipe for increasing the number of units beyond the 219 requested and decreasing the average size of each of the apartment units to accommodate this increase – including decreasing the square footage of the 2- and 3-bedroom units without necessarily decreasing the number of the 2- and 3-bedroom units.

**However, the Commission should condition approval of this flexibility with an increase in the affordable housing requirements beyond the 12 percent now proposed by Valor and require Valor to seek a modification if the number of affordable housing units falls below a threshold set by the Commission.**

Spring Valley Opponents understand that the IZ requirements are determined as a percentage of proposed residential floor area. However, in its post-hearing submission, Valor regrettably chooses to play with percentages to exaggerate its IZ offer and avoids talking more specifically about the number of affordable units, which is the measure of IZ that truly means something for the city and for the individuals who stand to benefit most from the District's IZ program. Perhaps, this can be attributed to the fact that the increase in IZ proposed by Valor – from 11 percent to 12 percent – may not translate even into one more additional IZ unit, based on Valor's own assessment. Instead, Valor's post-hearing submission suggests that it is **entitled** to Zoning Commission approval of its application simply on the basis that it is providing **any** IZ affordable housing and, therefore, its application should not be subject to a rigorous review and determination of whether its IZ proffer is sufficient or meaningful. We disagree.

## **2. Increasing The Requirement for Inclusionary Zoning**

We agree with Valor's October 24 filing stating that the "housing crisis in the District is real and the time has come for all areas of the city, including areas west of Rock Creek Park, to begin absorbing an equitable share of the District's affordable housing to ensure that residents in need of such housing have access to the same high-quality services, facilities, and amenities enjoyed by existing upper-Northwest residents." We believe that taking steps to ensure affordable housing in our city is not only a social responsibility, it is also necessary to ensure neighborhood diversity and a diverse labor force.

Surely, this critical need for more affordable housing influenced the recommendation by the DC Department of Housing and Community Development (DHCD) to recommend that Valor increase its IZ rate to 15 percent for this project and that it also include one of the 5 townhomes as an IZ unit. Valor has rejected both recommendations.

The total number of affordable housing units proposed by Valor for this project is "approximately 30." Despite the reputation of the American University Park and Spring Valley neighborhoods as lucrative real estate markets, Valor dismissed Spring Valley Opponents testimony that it should provide more than "approximately 30" IZ units citing as its reason that

the area “is one of the most expensive areas to build given land values and other (unspecified) known challenges.”

In effect, Valor suggests that this project is not feasible if it is required to provide affordable housing beyond the amount it has proposed, but offers no supporting documentation for the record. Instead, Valor asks the Commission to simply accept at face value that its 12 percent offer is sufficient. There is nothing in the record of this case to indicate that Valor might be prevented from increasing its affordable housing proffer because of financial reasons, including the cost of acquiring the land.

The Zoning Commission has an important role to play in encouraging developers to meet their responsibilities for providing a meaningful public benefit – in this case – in the form of affordable housing in exchange for zoning flexibility. It is not the role of the Zoning Commission to focus on ways to increase the profits of applicants seeking zoning flexibility that allow for increases in density above matter-of-right.

Valor seeks to muddle this case by suggesting the project does not exceed matter-of-right when in fact the PUD application is necessary precisely because the project exceeds matter-of-right density. The real issue in the case is whether Valor has provided adequate and meaningful public benefits to justify this increased density. In fact, Valor’s application falls short in many areas, but not more glaringly than in its IZ proffer which simply does not measure up.

There is little reason to doubt that any per unit losses resulting from increasing the affordable housing proffer would be offset by the high rents for the other luxury units in the building. Mill Creek, which has been designated by Valor to develop the site, has a history of developing luxury rental apartment buildings across the country, including new luxury rental buildings in Adams Morgan and at the District Wharf. Given the neighborhood location of the proposed building and the likely target audience, these high-end units will almost certainly exceed the average rental unit cost in the city. This is yet another reason why Valor should be expected to increase its affordable housing proffer.

The District’s IZ program is still in its infancy resulting in 190-200 units being made available annually for each of the last three years. Only about 154 IZ rental units became available city-wide last year, according to the DC government. Obviously, the city will not solve its housing crisis by relying solely on IZ units, and it will need to rely on all the affordable housing tools available to city policy makers, including rent control, as recommended by a 2019 report (“*Local Tools to Address Housing Affordability*”) from the **National League of Cities Center for City Solutions** referenced in our October 24 filing (*Exhibits 236 and 237*).

In a recent tweet, DC Councilmember Anita Bonds, the chairperson of the DC Council Committee on Housing and Neighborhood Revitalization, described rent control as the city’s “most important affordable housing program to promote neighborhood stability, and maintain our diverse population and healthy economy.” Ward Three has the second highest number of rent control units (nearly 13,000) in its boundaries, including 28-rent controlled 2- and 3-bedroom units in Spring Valley. **This issue is relevant in this case only because the applicant insists its offer of “approximately 30” IZ affordable housing units should be immune to**

scrutiny because of the absence of any affordable housing within the Rock Creek West area.

Nevertheless, given our city's housing crisis, it is important that the Zoning Commission demand that Valor provide a meaningful affordable housing benefit in exchange for the increased density and flexibility that it seeks to develop this site. Valor laments in its post-hearing submission that the "District simply has not kept pace in Ward 3" for affordable housing. We believe this argues for more IZ units than what is now being offered by Valor. Valor seems more intent on criticizing Ward 3 residents for the lack of IZ units in their neighborhoods when most are probably not even familiar with the program or do not live in neighborhoods where new development is being proposed or where land for new housing is even available.

The Mayor's *Housing Equity Report* frames the city's affordable housing crisis. As of 2018, there were 470 IZ-related affordable housing units in Ward 3. Nearly half of these (222) are located within the boundaries of Advisory Neighborhood Commission (ANC) 3E, where the Valor project will be built. According to the *Housing Equity Report*, another 80 IZ-related affordable housing units are in the pipeline. The Mayor has set a goal of 1,990 affordable housing units for Ward 3 by 2025, an amount that exceeds the number of new housing units (1,260) targeted in the *Report* to be built in Ward 3.

The goals outlined in the *Housing Equity Report* raise the bar for Zoning Commission review of new housing projects proposed for the Rock Creek West area. These new goals establish new expectations for new housing planned for Ward 3, especially for projects that are seeking additional density and flexibility under the zoning regulations. As a city, we cannot even come close to achieving the housing goals in the *Housing Equity Report* without demanding more of projects, like that proposed by Valor.

To accept Valor's proposal for 12 percent affordable housing is to turn our backs on the crisis and challenges outlined in the *Housing Equity Report*. Valor also has an obligation and opportunity to "keep pace" and meet its responsibility to address the growing housing needs of our city through the zoning process.

Valor's proffer of approximately 5,000 gsf for affordable housing over the minimum requirements in the PUD rules does not constitute a meaningful or adequate public benefit, especially given the goals outlined in the October 2019 *Housing Equity Report*. Based on Valor's calculations in their post-hearing submission, increasing the affordable housing requirements to the 15 percent rate recommended by DHCD will provide nearly 41,000 gsf and approximately 37 IZ units. Increasing the IZ requirement to 20 percent, which we think is reasonable given the circumstances of this case, will mean 54,000 gsf or approximately 49 housing units, based on Valor's calculations.

**Although more IZ units in the Rock Creek West area are in the pipeline, the 49 IZ units we recommend as being reasonable, would constitute nearly 20 percent of all new IZ housing units in the city if the annual number of units becoming available continues at current trends in the coming years.**

Moreover, we reiterate our view that one of the five townhomes proposed for this site should be set aside for affordable housing. To ensure that those in greatest need have access to this housing, we also believe that at least half of all IZ units be set aside for 50 percent MFI, as recommended by DHCD, rather than the mix proposed by Valor.

In its filing, Valor also fails to address the need for work-force housing that Spring Valley Opponents highlighted in testimony (*Exhibit 213*) on October 10. Just last week, Mayor Bowser outlined the need for new affordable housing in the city for government workers, including teachers. As the Mayor said,

***“The city has to play a part in keeping people of all incomes in the city. The vibrancy of our city depends on it and the quality of classrooms depends on it.” – Mayor Muriel Bowser***

An unnamed resident of Ward 8, who was quoted in the *Housing Equity Report*, also highlighted what it means for a neighborhood to offer access to housing that promotes diversity.

***“To thrive, neighborhoods need to be mixed income.” – Ward 8 resident***

For these reasons, we believe Valor should be required to provide more affordable housing to secure Zoning Commission approval of this project.

### **3. Valor Can Increase IZ And Decrease Building Height**

Spring Valley Opponents always have supported multi-unit housing at the proposed site contrary to suggestions made by Valor in its post-hearing submission. Although we already have indicated our preference for more retail and/or a better variety of retail uses for the site, we also recognize that the amount of housing at the site cannot be retained if proposed housing space is repurposed for additional retail space. We believe strongly that the elimination of neighborhood retail that has been available at this site – and as proposed by Valor – will be a significant loss to the neighborhood. Unfortunately, Valor has chosen in this proceeding to focus on an empty grocery storefront while ignoring the other retail at the site that will be displaced – and is being displaced – as a consequence of this zoning process.

Nevertheless, Spring Valley Opponents can support the elimination of all retail space at the proposed building site in order for Valor to provide more housing in return for a reduction in the overall height of the building by one floor. This would enable Valor to convert the 2-story height grocery into housing, so as not to compromise the overall number of units. This reduction in height could justify the loss of the proposed retail space in this case, especially given Valor plans to use the retail space to house a grocery. Because of the critical need for housing in the city, especially in the Rock Creek West area, the project space now designated for a grocery store may be better used for housing given the number of grocery stores within less than a ten minute drive of neighborhood residents. Although a grocery store would be a neighborhood convenience, this neighborhood is not a grocery store desert unlike other parts of the District.

To be blunt, the need for additional housing at the site, especially affordable housing, far eclipses the need expressed by some members of the neighborhood for a boutique grocery store. Although the Office of Planning favors first-floor retail in developments, like that proposed by Valor, the project will actually remove a number of established retail services. Eliminating the boutique grocer in favor of more affordable housing units is a community-serving benefit that Spring Valley Opponents can support and encourages the Commission to consider. On balance, there is a greater public benefit associated with using the designated grocery store space for housing instead given it could result in additional units of affordable housing while also addressing neighbors' concerns about height.

#### **4. Clarity On Grocery Store Still Needed**

The Commission requested clarification from the applicant about the minimum square footage that would be devoted to the full service grocery store. In its post-hearing submission, Valor offers no more clarification and in fact seems to confuse the situation even more.

First, Valor states 18,000 square feet of GFA will be dedicated to retail use and that possibly all of this will be used by the grocery store. Then, in its next sentence, Valor states 16,000 square feet of GFA will be leased for a full-service grocery. And then, Valor cited an MOU with ANC 3E that indicates "approximately 13,000 square feet of GFA" will be dedicated to a full-service grocery. Subsequently, Valor altered its proffer citing the 13,000 square feet number.

So, which is it? After all these years, it would be reasonable to expect greater clarity, especially since the aggregation of FAR was necessary for the inclusion of the commercial space.

Moreover, Valor indicated in its post-hearing submission that full service grocery stores range in size from approximately 13,000 – 18,000 square feet. According to a 2018 report from the **Food Marketing Institute**, the median size for a full service grocery store today is approximately 41,000 square feet.

The size of the full service grocery store, alone, suggests it does not qualify as a meaningful public benefit given today's consumer expectations and the location of grocery stores that exceed the 41,000 square foot median within less than a 10 minute drive of most residents living in the affected neighborhoods.

#### **5. Solar: Additional Clarification Needed**

In its post-hearing submission, the applicant committed to constructing the roof of the building so that it is "solar ready" in the future. It is questionable whether this is technically feasible and the Commission should ask for additional details to assess the applicant's proffer. Now that the solar issue has been raised in the applicant's post-hearing submission, we are concerned that the height of the building may prevent some homeowners living closest to the site to use solar panels on their roofs.

## **6. Landscaping Plan Provides Inadequate Information**

In its post-hearing submission, Valor has indicated it will provide a corner pocket park on Massachusetts Avenue in front of the Wells Fargo Bank at the Massachusetts Avenue Park and Shops. This information was not made available in previous filings – to our knowledge – and was not discussed in public testimony by Valor.

The site of this proposed pocket park is already a meticulously maintained landscaped area fronting Massachusetts Avenue with multiple benches for sitting. The size of this area is so small that it would be difficult to fit more than a dozen people. In fact, the overall size of this landscaped area will be reduced as a result of Valor’s plan to build a 5-6 foot wide sidewalk on this private property along the western side of the public alley entrance from Massachusetts Avenue. It is disingenuous for Valor to suggest that an already park-like setting on property owned by Regency Shopping Center and landscaped and maintained by Regency will be a public benefit or amenity as a consequence of approval of this application. It is even more disingenuous to offer this pocket park as an amenity when it will be necessary for Valor to reduce the land that now constitutes this park-like setting in order to mitigate the pedestrian safety risks at the site – while denying that such pedestrian risks even exist.

We do not oppose any landscaping enhancements anywhere on the project site. But, we are concerned that Valor is misleading the public and the Commission that the proposed corner pocket park on Massachusetts Avenue is a public benefit or amenity or that it does not already exist. Instead, we would encourage Valor to demonstrate its commitment to the surrounding community by making a long-term commitment to landscape and maintain the two existing Triangle Parks at Massachusetts Avenue, Yuma, and 49<sup>th</sup> Streets and at Massachusetts Avenue, Upton, and 47<sup>th</sup> Streets.

If Valor proposes to alter the use of the space it is designating as a new pocket park, which is unclear in its most recent filing, then it may need at a minimum also to consult with the DC Historic Preservation Office (HPO) as the nature of the landscaping at the site is among the elements that comprise the site’s listing on the National Register of Historic Places.

The landscaping site plans provided by Valor in its post-hearing filing do not offer any additional clarification or specificity about its plans for landscaping the site other than to indicate that trees may be planted at various locations. Although Valor provides information on a broad palette of trees that might be planted at the site, there is no definitive plan that would indicate what type of trees and their caliper are being planted throughout the site and their locations. The Commission should require a more detailed plan.

## **7. Traffic Safety Issues Should Be Addressed**

The transportation infrastructure for this project consists of two existing alleys merging into another existing alley – all of which are now used primarily for truck unloading and trash pick-up. This alley system will serve as the gateway for (a) new building residents to access the parking garage; (b) retail customers to access the parking garage; (c) truck unloading and trash pick-up; (d) pedestrian access to the building site; and (e) building residents to access a Hawk



light intended to facilitate pedestrians' crossing Massachusetts Avenue safely to reach the Spring Valley Village retail shopping center instead of using the existing fully signalized crosswalks at the site.

Moreover, the east-west alley is largely now unused – it is used only for deliveries to the AU Building. But, as AU representatives have said at public meetings of the AU Community Liaison Committee (CLC), the alley width makes use of the AU loading dock very difficult, so many deliveries are made to the building through the front entrance on Massachusetts Avenue.

Even when the now-empty SuperFresh grocery store was operational, this east-west alley was not used for deliveries because the loading dock for the existing grocery store is located in the SuperFresh parking lot to the left of the storefront entrance off 48<sup>th</sup> Street. But, Valor is now proposing that this east-west alley will be used for deliveries to the new grocery store as well as other deliveries to the 214-unit rental apartment building and for access to the five townhomes.

Although Valor argues that it plans to widen the north-south alley, the alley in reality will be no wider than it is today when Valor completes its makeover.

Spring Valley Opponents have expressed safety concerns about the reliance on this alley system despite the “improvements” proposed by Valor. We have expressed concern about the conflicts between vehicular traffic and pedestrians, particularly given the lack of adequate sidewalks. Instead, Valor proposes “sidewalks” or “pedestrian paths” that are nothing more than painted areas on the alley pavement.

While denying that pedestrian safety risks need to be mitigated at the site, Valor proposes to construct a 5-6 foot sidewalk on the western side of the public alley entrance from Massachusetts Avenue to address pedestrian safety risks by using private property that is part of an already-landscaped park-like setting. And then, Valor has the audacity to proffer this existing park-like setting as a “pocket park” public benefit and amenity.

In its post-hearing filing, Valor indicates correctly that opponents have warned that the significant increase in cars and trucks using the alley would increase the number of pedestrian-vehicle conflict points and that opponents have indicated the alley design does not meet safety standards. Valor added incorrectly that opponents have not cited any safety standards.

In its formal statement submitted on October 7, 2019 in this case (*Exhibit 185*), the Spring Valley-Wesley Heights Citizens Association (SVWHCA) stated the traffic planning at the site does not meet industry practices 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. (Spring Valley Opponents cited these same standards in Z.C. Case No. 16-23.)

Spring Valley Opponents also cited standards set by Nova Technology, which specializes in the design of loading docks and related traffic flow, indicating that a roadway of less than 26

feet wide (Valor proposes 20-foot alley width) is not safe for trucks to access a loading dock on a two-way access road of any kind. (These standards also were cited in Z.C. Case No. 16-23.)

Additionally, in theoretical lot divisions, and Valor cites theoretical lots on Page G06 of its September 17, 2019 submission, “each means of vehicular ingress and egress to any principal building shall be at least twenty-four feet (24 ft.) in width, exclusive of driveways. (*11 DCMR, Subtitle C, Chapter 3 Subdivision, Section 305.3b*).

Valor’s post-hearing filing is indicative of how traffic concerns raised by residents have been casually dismissed in this proceeding. Rather than acknowledge the project falls short of meeting these standards, Valor stresses that DDOT does not apply any standards to alleys. Nevertheless, these alleys will now function as streets and will carry more traffic – and more multi-modal traffic – than the average residential street in our neighborhoods.

Citizens for Responsible Development (CRD) sought to visually illustrate the potential dangers of the alley infrastructure through a video simulation; but its simulation was dismissed by Valor and the Commission on the basis that it was, in fact, what it purported to be – simulated. Perhaps, the Commission might have been more open to a simulation if it was a computer generated simulation – a tool that is beyond the means of a volunteer neighborhood group – but that has been used and cited by DDOT to assess future traffic conditions.

Moreover, similar simulations have been used throughout this application process as well as the previous application (Z.C. 16-23) by Gorove Slade to demonstrate its assertions regarding alley use and impacts for this project.

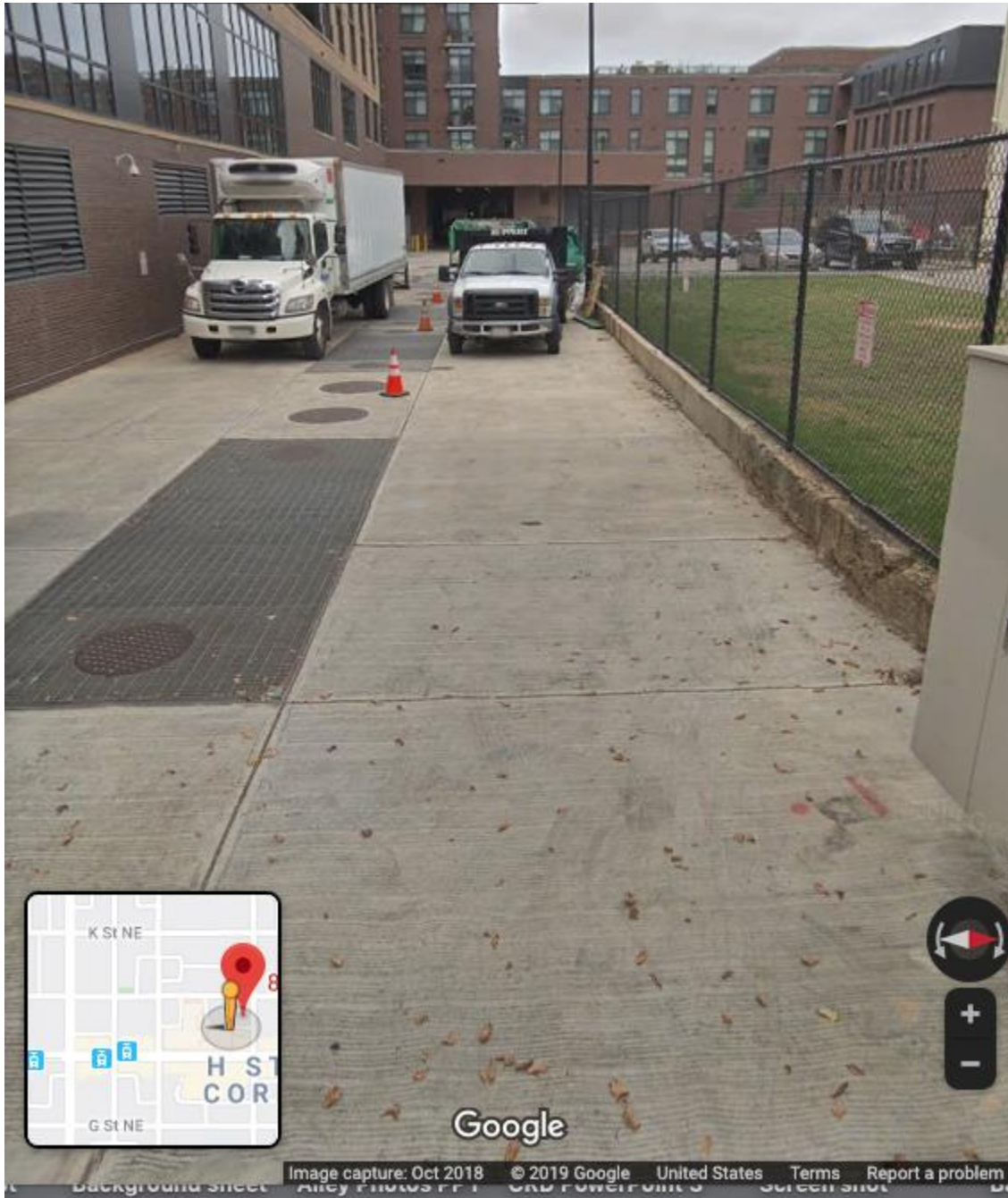
Nevertheless, we want to point out to the Commission that the CRD video showed a 30-foot truck getting stuck in the bend of the east-west alley. That was not a simulation – that was reality and highlights the problems that DDOT and the applicant are choosing to ignore so they can win approval of this project.

Furthermore, the applicant’s conclusion that this project will actually result in fewer trips than when the SuperFresh grocery was operational conveniently ignores that the proposed new grocery is comparable in size to the SuperFresh grocery and that the other existing retail at the site generate far less traffic than would 219 new residential units. It also disregards the changing traffic patterns in which **all** vehicles now will have to access the site **only** through the alley system. Vehicles accessing the former SuperFresh grocery store could only access the site directly from 48<sup>th</sup> Street; the alleys provided no access for grocery store loading or customer access unlike the proposal that is the subject of this case.

**To suggest that the project will not increase traffic, especially within the alley system, defies both reason and logic – and, as CRD has said, is simply unbelievable!**

In its filings in this case, including testimony at the October 7 hearing, the applicant’s traffic consultant cited the Whole Foods on H Street NE as an example of a project where large trucks can operate effectively within an alley system. We do not question that alleys can sustain truck traffic. At issue in this case is the size of the alley width. In the example cited by Valor on

H Street NW, the alley behind that project (the Apollo) is 30 feet wide, not the 20 feet proposed in the Valor project that is the subject of this case. Additionally, unlike the project that is the subject of this case, there is a wide turning area in front of the loading docks for the Whole Foods grocery store on H Street NE. (See the photo below.)



It is worrisome that Valor and the DC Department of Transportation (DDOT) dismiss residents' critical concerns about safety. It is equally worrisome that members of the Commission also seem to dismiss these safety concerns on the basis that (1) these conditions prevail throughout the city; and/or (2) that pedestrians are not likely to use the alleys.

One major difference in the Valor case is that a mixed-use theoretical subdivision is not the norm found in alleys throughout the city as well as the fact that the alleys in the Valor case do not meet the required width for the proposed use of the existing alleys because they will serve, in effect, as the internal streets for the development.

The District – as a whole – is becoming increasingly unsafe for pedestrians. DC’s Vision Zero program should have meaning; it should be more than just a slogan for a campaign. Our city cannot be safer for pedestrians until we work collaboratively to make conditions across the city more pedestrian-friendly. We cannot make progress on that goal when we increase the points of conflict between pedestrians and vehicles without appropriate mitigation, including the installation of adequate sidewalks – not a 3-foot wide painted pedestrian pathway, as proposed in this project.

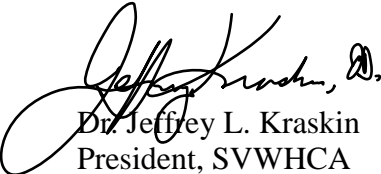
According to Gorove Slade, pedestrian use of the alleys now is minimal. But, locating approximately 500 new residents at the site; a grocery with an outside café-type seating area; and a mid-block Hawk light at the alley entrance to facilitate crossing Massachusetts Avenue is a simple recipe for increased pedestrian usage of the alleys. As we testified on October 10, if Valor or the Commission think there will not be increased pedestrian usage of the alleys, then logic would suggest that Valor’s offer to install a Hawk light for pedestrian access from the alleys should be rejected.

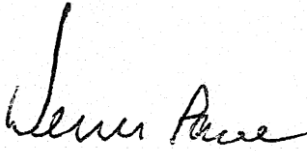
It does not take a traffic engineer to realize the alley infrastructure will present safety challenges. The proposed enhanced uses of the alleys for cars, trucks, and pedestrians need more than a cosmetic make-over; the applicant needs to give consideration to serious mitigation measures that will ensure safety.

## **8. Conclusion**

In our October 24 filing to the Commission, SV Opponents complained that it had not received the applicant’s October 17 filing of its proffer in this case until October 22 – just two days before the deadline for submitting comments. Instead of providing SV Opponents with a copy of the filing in a timely way, Valor sent the filing by regular U.S. mail. This pattern was repeated with Valor’s October 24 post-hearing submission. Prior to these filings, SV Opponents received Valor’s filings by e-mail. We do not understand why Valor has chosen to make it more difficult to review and respond to its filings at this stage in the zoning process. Again, we appreciate the decision by the Commission to provide us with more time. Thank you for your consideration.

Sincerely,

  
Dr. Jeffrey L. Kraskin  
President, SVWHCA

  
Dennis Paul  
President, NLC

**CERTIFICATE OF SERVICE**

We hereby certify that copies of this filing were sent by e-mail on November 4, 2019 to the following:

Ms. Jennifer Steingasser  
DC Office of Planning  
[Jennifer.steingasser@dc.gov](mailto:Jennifer.steingasser@dc.gov)

Norman M. Glasgow, Jr.  
Holland & Knight (on behalf of Valor Development)  
[Norman.glasgow@hklaw.com](mailto:Norman.glasgow@hklaw.com)

Advisory Neighborhood Commission 3E  
[sherryacohen@gmail.com](mailto:sherryacohen@gmail.com)

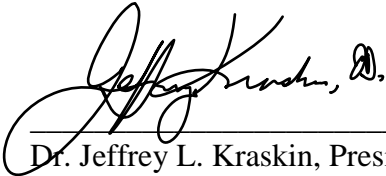
Advisory Neighborhood Commission 3D  
[3D@anc.dc.gov](mailto:3D@anc.dc.gov)

Edward L. Donohue  
Donohue & Stearns, PLC  
[edonohue@donohuestearns.com](mailto:edonohue@donohuestearns.com)

Citizens For Responsible Development  
[Repper3@aol.com](mailto:Repper3@aol.com)

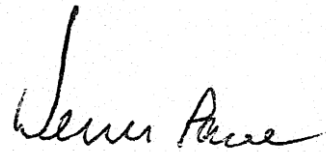
Spring Valley Neighborhood Association  
[wclarkson@kslaw.com](mailto:wclarkson@kslaw.com)

Ward 3 Vision  
[Johnwheeler.dc@gmail.com](mailto:Johnwheeler.dc@gmail.com)



---

Dr. Jeffrey L. Kraskin, President  
Spring Valley-Wesley Heights  
Citizens Association



---

Dennis Paul, President  
Neighbors For A Livable  
Community