



DONOHUE & STEARNS, PLC

November 4, 2019

VIA IZIS

Chairman Anthony Hood
D.C. Zoning Commission
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: ZC Case 19-10/ Valor Development, LLC/ Square 1499

Chairman Hood:

On behalf of my client, Citizens for Responsible Development (“CRD”), I am submitting the attached Reply to Applicant’s Revised Proffers and Conditions into the record for Zoning Commission Case No. 19-10.

We appreciate the Commission’s consideration of these materials.

Thank you,

Edward L. Donohue
Attorney for CRD

Enclosures

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **November 4, 2019**, a copy of the CRD’s Reply to Applicant’s Revised Proffers and Conditions was served via email, on Advisory Neighborhood Commissions 3E and 3D (3E@anc.dc.gov; 3D@anc.dc.gov), Jeff Kraskin (Jlkraskin@rcn.com) for Spring Valley Opponents, William Clarkson (wclarksonv@gmail.com) for Spring Valley Neighborhood Association, John H. Wheeler (johnwheeler.dc@gmail.com) for Ward 3 Vision and counsel for the Applicant, Norman M. Glasgow, Jr. (norman.glasgowjr@hklaw.com).

By:

Edward L. Donohue

Dated: November 4, 2019

ZONING COMMISSION
District of Columbia
CASE NO.19-10
EXHIBIT NO.248

Re: Z.C. Case No. 19-10; Consolidated PUD @Square 1499
Reply to Applicant's Revised Proffers and Conditions

On behalf of Citizens for Responsible Development (CRD), we submit the following reply to Applicant Valor Development's Revised Proffers and Conditions dated October 31, 2019.

CRD's comments on the Applicant's initial lists of proffered benefits and amenities, TDM Mitigation Measures and Loading Management Plan, and corresponding conditions, are included in our October 24, 2019 filing [Exhibit 239]. Our overall assessment then of the proffers on public benefits and amenities was that they offer minimal benefits and do not justify approval of an Application that requests 50,115 SF of additional density. After reviewing the Revised Proffers and Conditions, our view has not changed. In fact, the offered benefits have been reduced. Our comments are as follows:

- The Applicant has dropped "working" with DDOT and JUMP on installing a Capital Bikeshare station in the vicinity of the PUD and an electric bike and scooter service in close proximity to the PUD site. This was a weak amenity at best, but now it has been eliminated completely. We assume these were dropped because no real commitment was offered.
- The Applicant has dropped a commitment for car share vehicles in the parking garage as well as interior residential bicycle storage and showers. Both were conditions of ANC3E's approval. [Exhibit 49].
- There is no definitive offer concerning providing a means for connecting Project residents to the Tenleytown Metro. It seems increasingly likely that, despite early suggestions that a shuttle would be provided, the offered solution will be to contract with a ride hailing company to allow residents to travel to and from the Metro, until a \$100,000 fund is exhausted. CRD estimates that the fund will be exhausted in about a year (or less), hardly a permanent solution. Further, this solution will contribute to both increased traffic and emissions. Has the Applicant sought the views of those living on Yuma Street (which is the direct route to Metro) about this solution? Is this solution factored into the CTR?
- Several of the proposed amenities are really attempts to mitigate the adverse impacts created by the Project's increased density. The proposed HAWK light will be used by residents and retail customers to cross Massachusetts Avenue, and will encourage the use of the dangerous alleys by pedestrians. The RPP restriction, the establishment of Yuma Street as the preferred pick-up and drop-off location for ride-hailing services, and the possible dedication of an area along the west side of 48th Street as an "alternative transportation block" also fall into this category as mitigations. The latter proposal of "co-locating" different modes of travel in the block of 48th Street between Yuma and Warren Streets was never adequately vetted and is not included in the DDOT report. There are metered parking spaces along this stretch which might be removed for this plan. DDOT needs to review and evaluate this proposal and include community (not just ANC) input

since having a “corral” of bikes, scooters, and mopeds in the street will affect drivers as well as pedestrians in this area.

- The Applicant’s commitment to maintaining the current 20-foot vehicle travel way in the alleys does not count as a benefit. As CRD has explained, the N/S alley is actually not being widened.
- The planting of trees in vacant tree boxes bordering the Project is mitigation for the damage to the trees caused by construction, not a benefit.
- The revised Proffers require the Applicant to demonstrate that it has executed and recorded a covenant in the Land Records of the District of Columbia demonstrating the amount of density that has been permanently transferred from the MAPS site and the amount that remains on the MAPS site. The recorded instrument should also provide notice that any future construction on the entire PUD site, which includes the MAPS and the AU building, is prohibited unless certain conditions are met, as provided in Section 310.2 of the PUD regulations.
- The size of the proffered full-service grocery appears to have shrunk from either 18,000 or 16,000 SF to 13,000 SF. Which is it? To CRD, it seems that the promised commitment from the proposed grocer is shaky. In order to provide a minimum square footage number for the “full-service” grocery store, the 16,000 SF figure has been reduced by roughly 19%. Has Mom’s Organic confirmed that they can meet that number? There is no way of knowing since the record is void of any documentation detailing the agreement/ intent of the store. In any case, as CRD previously explained, it should not be deemed a benefit.
- The Applicant proposes to provide no less than 12% affordable housing, subject to flexibility granted by the Commission. As previously covered, CRD and ANC3D have both opposed the granting of flexibility that would allow the Applicant to increase the number of units by 10%. If this is a condition for providing more than the required minimum amount of affordable housing, the Applicant is not providing anything that qualifies as an amenity.
- With respect to the proffered TDM Mitigation Measures, CRD explained in Exhibit 239 why the Loading Management Plan is inadequate to support safe use of the alleys around the Project site. The Applicant is proposing two-way, simultaneous traffic for cars and trucks, along with the addition of pedestrians, in these same alleys. Since there are three alley entrances and exits, a loading dock manager for the E/W alley cannot be expected to monitor entrances and exits that are out of sight. Trucks will enter and leave these alleys, unknown and unseen by the loading dock manager.

In summary, the proffered public benefits are seemingly close to non-existent, and minimal at best.