

# NEIGHBORS FOR A LIVABLE COMMUNITY

3700 University Avenue NW  
Washington, DC 20016

January 5, 2018

Mr. Anthony Hood, Chair  
D.C. Zoning Commission  
441 4<sup>th</sup> Street NW, Suite 200S  
Washington, D.C. 20001

**RE: Z.C. Case No. 16-23: Valor Development, LLC – Voluntary Design Review For Square 1499, Lots 802, 803, 806, and 807**

Dear Chairman Hood and Members of the Commission:

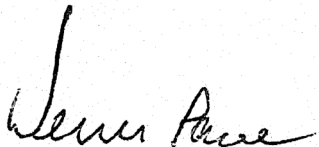
Enclosed is a corrected resolution approved by the Board of Directors of Neighbors For A Livable Community (NLC) in the above referenced case. The previous version submitted to the Zoning Commission on December 16, 2017 included several typos. We regret and apologize for the error and any inconveniences it may have caused.

NLC was established in 1987 by concerned neighbors of American University to protect the quiet, long-established neighborhoods surrounding American University, including Spring Valley and American University Park. NLC has long been active in zoning-related issues in the neighborhood for decades.

The NLC Board approved unanimously the attached resolution supporting mixed use development of the former SuperFresh site, including the addition of retail services, such as a neighborhood full-service grocery store, but opposes the project as currently planned by Valor and its application for Design Review for the reasons outlined in the resolution.

Thank you for your consideration.

Sincerely,



Dennis Paul  
President

# NEIGHBORS FOR A LIVABLE COMMUNITY

3700 University Avenue NW  
Washington, DC 20016

## Zoning Case No. 16-23: Valor Development, LLC – Voluntary Design Review For Square 1499, Lots 802, 803, 806, and 807

### RESOLUTION

Whereas, Valor Development has submitted an application for Zoning Commission Voluntary Design Review (Zoning Case No. 16-23) as provided for in *Subtitle X, Chapter 6 of ZR 16*, for the former SuperFresh site to build two new buildings on the site: one a mixed use residential building and the second an all-residential condo building –consisting of a combined 219 new residential units (200 rental apartments and 19 condos); 16,616 gsf of retail, including a grocery store of at least 13,430 gsf; and three levels of underground parking containing approximately 370 parking spaces – only 85 of which would be reserved exclusively for residential parking and another 43 exclusively for retail parking (the remainder being set-aside on a non-exclusive basis for use by American University consistent with an existing property easement);

Whereas, the Valor Development is located within an MU-4 zone district and MU zones are intended to ensure that new development is compatible with the prevailing development pattern within the zone and surrounding areas (*Subtitle G, Chapter 4, Section 100.4 of ZR 16*) and to preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities;

Whereas, as acknowledged in Valor’s October 2016 application filed with the Zoning Commission, the density of the project, as currently proposed, is six times greater than what now exists at the site and also exceeds that available on the lot as a matter-of-right by more than 100,000 gsf and will require Valor to purchase commercial and residential FAR from the nearby Spring Valley Park and Shops and is, therefore, inconsistent with the design review standards outlined in *Chapter 6, Subtitle X, Section 600 of ZR 16*, which specify that an increase in density shall not be permitted as part of a design review application;

Whereas, *Subtitle X, Chapter 6 of ZR 16* requires the applicant to demonstrate the project will result in a finding of no adverse impact on the neighborhood;

Therefore, be it resolved, Neighbors for a Livable Community supports mixed use development of the former SuperFresh site, including the addition of retail services, such as a neighborhood full-service grocery store, but opposes the project as currently planned by Valor and its application for Design Review on the basis that the development:

- Will exacerbate existing traffic congestion and result in traffic safety issues for motorists, pedestrians, and bicyclists;
- Fails to provide for a mix of residential, shopping, and service opportunities for the neighborhood within an MU-4 zone given that 95 percent of the proposed project is new residential development;
- Is inconsistent with Valor’s claim that the residential development is intended to enable current neighborhood residents who may want to downsize remain in the neighborhood given that the skewed mix toward smaller units lowers their attractiveness to current area residents and the overwhelming number of units proposed are rentals;
- Proposes a massive footprint – the bulk and height of which is excessive, out of character and scale, and incompatible with the surrounding neighboring residential and commercial buildings;
- Shall result in an adverse impact on neighboring property; and
- Is inconsistent with the Future Land Use Map definition of the Low Density Commercial Land Use Category (for which the site is classified) in the Comprehensive Plan and with Land Use, Urban Design, and Rock Creek West Elements of the Comprehensive Plan.

Additionally:

- 1.) According to the data in Valor’s own traffic study, 90 percent of the site traffic will be by automobile and the project will add 3,500 weekday vehicle trips daily to the existing roadway with much of this focused at the 5-way 48<sup>th</sup> Street/Fordham and Massachusetts Avenue intersection – an already congested and dangerous intersection. An additional 147 vehicles are estimated to drive through this intersection in one hour, according to the data in Valor’s traffic study. This conclusion, however, is based on data collected by Valor in Fall 2016 that already is out-of-date given the recent opening of a popular new restaurant on Massachusetts Avenue and the new altered use by American University of its Spring Valley Building (the former AU Law School site) that, according to ANC 3D, brings an estimated 1,000 older residents into the neighborhood to attend classes and lectures held by the Osher Lifelong Learning Institutes on a daily basis. This generates additional traffic and parking demands – neither of which was measured by Valor. In addition, there is a new 2-story commercial building already far along in construction on Massachusetts Avenue that will add further to the traffic congestion in the area well before the proposed completion of the Valor development.
- 2.) Primary vehicular access for the new structure, including the loading docks for the grocery store, will be a 20 ft. wide private alley off 48<sup>th</sup> Street behind AU’s Spring Valley Building and a so-called “enhanced” alleyway off Massachusetts Avenue and Yuma Street that Valor has said would be slightly widened. The only access to the underground parking and loading docks will be off the 20 foot wide private alley that is accessible from 48<sup>th</sup> Street Combined with Valor’s proposal for installation of a Hawk Signal where the public alley exits onto Massachusetts

Avenue and the proximity of the Hawk Signal to the 5-way 48<sup>th</sup>/Fordham Road and Massachusetts Avenue intersection, the traffic circulation patterns will result in additional traffic congestion on Massachusetts Avenue, especially at the 5-way intersection and generate pedestrian-vehicle-bicycle conflicts within the 4800 commercial block of Massachusetts Avenue inconsistent with *Subtitle X, Section 604.7 of Chapter 6 of ZR 16*. Additional traffic congestion that creates a choke point in the 4800 block of Massachusetts Avenue – just four blocks from an already congested Ward Circle – will encourage more cut-through traffic on neighborhood streets in Spring Valley and Wesley Heights, especially along 49<sup>th</sup> Street, Fordham Road, Rockwood Parkway, 45<sup>th</sup> Street, and Newark Streets.

- 3.) Valor’s proposal for installation of a “pork chop” at the 49<sup>th</sup> Street entrance to the Spring Valley Park and Shops (currently occupied by a gas station) will add to the congestion in the area forcing cars exiting the existing Center destined for Spring Valley to exit the parking lot only onto a heavily congested Massachusetts Avenue and then cross two lanes of traffic in order to turn left into Spring Valley – creating potential for more accidents and pedestrian/vehicle conflicts; or alternatively cars would be channeled onto neighborhood streets in American University Park, specifically Yuma and 48<sup>th</sup> Streets and return to Massachusetts Avenue in order to access the Spring Valley neighborhood on the other side of Massachusetts Avenue.
- 4.) The proposal for only 85 dedicated parking spaces for 219 residential units is inadequate. Although DDOT may support the low number because it implies more residents will access public transit options, the proposed development is not proximate to a Metro station (the closest is nearly a mile away) and Metro bus service in the neighborhood is not dependable. Furthermore, the demographics of the current residents surrounding the proposed development equate to at least one vehicle per residential unit – 219 overall, not 85. The highly likely parking shortage also could result in market conditions that inflate the price for parking (even for non-exclusive spaces) making the cost so prohibitive that residents would be encouraged to seek parking on nearby neighborhood streets; and parking for retail uses would be severely limited – a condition that increasingly results in the neighborhood now because of new commercial development that has added to the demand in the immediate area. Valor has proposed to mitigate parking concerns by preventing residents of the new development from obtaining RPP; however, this is a phantom solution in that RPP does not prevent short-term parking in the neighborhood or longer-term parking outside the standard RPP hours (when it is most needed by residents); it simply encourages motorists to park on streets that are not RPP in the area. Valor also has indicated recently that it has entered into an agreement to “lease back” parking spaces from AU that are part of a currently existing easement, but details of the pending agreement have not been made public. Consequently, it is not possible to assess if this “lease back” plan will effectively mitigate the parking problem at the site. In fact, the need for a “lease back” plan with AU – after Valor has already reached agreement with AU that recognizes the existing parking easement at the property – is an acknowledgment and highlights the serious parking shortage that will have an adverse impact on adjacent neighborhoods, including Spring Valley, just across Massachusetts Avenue.
- 5.) The existing SuperFresh site currently provides 43,560 gsf of retail, but the Valor project will reduce this by nearly 27,000 gsf, It will result in the loss to the neighborhood of a popular

longstanding neighborhood restaurant and a well-known hair salon. Although Valor is proposing a new and significantly smaller grocery store in its new building in lieu of finding a tenant to fill the existing vacant grocery store site, the Valor proposal will have the effect of reducing the range of neighborhood retail services and limiting it to a small, grocery market not to exceed 16,000 gsf – hardly the full service grocery store that was promised to the current residents by Valor in a series of community meetings and to the ANC 3D and 3E Commissioners.

- 6.) Valor has indicated that the footprint of the residential development at the site is based on a perceived need and interest by current residents who may seek to downsize from their 3+ BR single family homes, but want to stay in the neighborhood. Valor promotes the new development and its size as a way to meet current neighbors' interests. Nevertheless, this is inconsistent with the mix of residential to be provided at the site. Only 10 percent of the 200 rental units are 2 BR + den or 3 BR. The average unit size in the 200 rentals is 1,000 sq. ft. and the average unit size in the 19 condos is 1,100 sq. ft., according to information provided by Valor. This lowers their attractiveness to the target audience identified by Valor. Moreover, 90 percent of the units proposed would be rentals thereby taking away any interest and property tax reductions for potentially interested buyers and resulting in an after-tax cost effect of \$1,000 or more per month for 2 BR or larger units. There also would be no capital appreciation for residents. Valor has often cited the interest in serving "empty nesters" in the neighborhood to demonstrate its commitment to providing a neighborhood service. However, the overall design of the project, including the mix and size of the proposed units, does not reflect Valor's rhetoric or promises to the community. This is further exacerbated by Valor's reduction of retail at the site, including the reduced footprint for a full-service grocery store.
- 7.) The increased density of the proposed development with its massive footprint is excessive and exacerbated by heights from the ground of approximately 73 feet (88 feet including the penthouse), that border single family residential homes limited to 40 feet in height and the one-story historically landmarked Massachusetts Avenue Park and Shops (often referred to as the Spring Valley Shopping Center); and that such density will create both parking and traffic issues for the surrounding neighborhood inconsistent with ***Subtitle X, Section 604.6 of Chapter 6 of ZR 16***. Moreover, the increased density does not result in additional services or amenities for residents despite Valor's claims.

Be It Further Resolved, Neighbors for a Livable Community appreciates Valor's efforts to design a mixed use development that has the potential to better utilize the Super Fresh lot; however, the Valor proposal fails to address the infrastructure challenges of the site in a way that ensures public safety and does not add to traffic congestion in the area. We also are wary that Valor's agreement for the purchase of FAR from the historic shopping center as well as its parking easement agreement with AU – that is essential to the review and a full understanding of the future implications of the project – are confidential and not available for public review as part of a zoning proceeding.

And Be it Further Resolved, Neighbors for Livable Community would fully support this new development under the following conditions:

- Lowering the height of the new development as part of a reduction in overall density – but with additional retail space – so as to make the total development more consistent with the scale of the existing residential and commercial buildings in the neighborhood, the character of an MU zone, as outlined in ZR 16, and elements of the Comprehensive Plan; and to reduce traffic impacts;
- Elimination of the Hawk Signal and “pork-chop” proposals that – although intended by Valor as neighborhood amenities – would exacerbate traffic conditions and actually result in increasingly unsafe traffic conditions in the area for pedestrians, motorists, and bicyclists;
- The development of a traffic circulation plan at the site that shows how cars will enter and exit the site; consideration of making the alleyway between the new development and the Park and Shops one-way traffic so as to enhance safety for pedestrians and bicyclists who also will need to share the alleyway with vehicles and trucks; and commit to work with DDOT to identify ways to reduce on-street parking demand; manage on-street parking in the vicinity of the new development; and to discourage cut-through traffic on neighborhood streets in Spring Valley and Wesley Heights; and
- Increased retail space at the site that includes more services than a small grocery market consistent with MU-4 zone designations that call for a range of shopping opportunities.

Adopted by the NLC Board of Directors on December 13, 2017.