

4707 Windom Place NW  
Washington, DC 20016  
December 30, 2018

Mr. Anthony Hood, Chairman  
District of Columbia Zoning Commission  
441 4th Street NW  
Suite 210S  
Washington, DC 20001

RE: Case Number 16-23, Proposal for Design Review and Development by Valor Development, LLC, Square 1499, Lots 802, 803, 806, 807. Letter in Opposition.

Dear Chairman Hood and Members of the Commission:

I am a homeowner on Windom Place, NW, 270 feet east of the proposed development site. I am opposed to Valor Development's ("Valor's") plan for developing this site. My opposition is based on the predominantly negative impacts to my daily life as explained below.

The massive scale is simply out of character with the neighborhood. The project will loom over the nearby neighborhood homes and the historic Spring Valley Shopping Center (SVSC). The massive near-90 foot height at the Massachusetts Avenue end of the structure is far higher than nearby homes. This is shown by Valor's own photos and drawings, for example, Exhibit 240A3 Page 2 and Exhibit 240A4 Pages 4 and 5. Today, one can see treetops along Massachusetts Avenue and sunset views from Windom Place and 48th Street, a small, but welcome, relief from the stark masonry structures nearby. However, this project will take away even this minor benefit from nearby residents.

The porosity of the site for pedestrians is nil. The only way to walk from nearby single-family homes to the SVSC is by walking around the block or through the alley. Alley design mixes pedestrians, cars, and trucks and discourages pedestrian traffic and the narrow sidewalk creates safety concerns. The previous design had "Windom Walk," which provided a shorter path for many.

The alley rejuvenation plan is impractical. The alley is congested with trash containers, parked cars, and delivery vehicles. Valor claims that they will improve the clutter to accommodate the garbage bins, delivery trucks and cars, as well as pedestrians. There is no evidence that their plan is fully baked and has been coordinated fully with the SVSC

businesses and owners of the delivery trucks. Hiding the garbage bins is impractical for garbage trucks, as evidenced by a conversation with a driver by my neighbor. Many of the almost 500 residents will be drawn to the new eateries and the coffee shop across Massachusetts Avenue. The shortest pedestrian route is through the alley. With this increase in alley traffic due to project residents, grocery patrons, and delivery trucks, Valor has not shown improvements that it can make functional or safe for both pedestrians, delivery trucks, and autos at the same time.

Valor's plans are incompatible with the District of Columbia Comprehensive Plan. This plan completely changes the character of this neighborhood of single-family homes. The proposed development will *eliminate* successful businesses now hosted on the site employing dozens of workers:

- *DeCarlo's Restaurant* at 4822 Yuma Street, NW, *will be forced to close.* It has been a popular family-owned restaurant for decades.
- *Jean Paul's Hair Salon* at 4820 Yuma Street, NW, will be forced to close. This is a successful hair salon used by the neighborhood residents, as well as political elites like the Kennedy's and Hillary Clinton and has occupied this space for decades.
- *Wagshal's Catering* now in the current Super Fresh structure *will be forced to close or move.* This business also functions as the kitchen for Wagshal's delicatessen, restaurant, and market in the adjacent Spring Valley Shopping Center. Closure will cause harm to Wagshal's adjacent businesses and could force them to close or move, leaving SVSC without the major tenant and neighborhood benefit.

These losses cannot be mitigated by the proposed project to the detriment of the neighborhood.

The Future Land Use Map in the Comprehensive Plan shows the Super Fresh site as "low density commercial," which is defined as "commercial development characterized by one and two story buildings, often with off-street surface parking lots." (*Highlight added*). The empty structure now on this site is consistent with this plan, but Valor's proposal is not. Chapter 23, calls for protecting the current low-density, stable neighborhoods and ensuring that land use decisions do not exacerbate congestion and parking problems. Please note that the Comprehensive Plan calls for conserving historic resources, including the Spring Valley Shopping Center in this instance. A 6 or 7 story building (including penthouses) looming over the Shopping Center will detract from the integrity of this historic landmark. Furthermore, the buffer space between the project and nearby homes is inadequate. Finally, Valor has made no effort to consider

additional school overcrowding from adding as many as 219 families to the neighborhood, as required by Rock Creek West Policy RCW---1.2.8 Schools and Libraries. These are insurmountable challenges, given Valor's current proposal.

Traffic increases will make this neighborhood less attractive. This project will significantly increase the household density of American University (AU) Park, resulting in more traffic congestion and less parking. Today, the resident (i.e., person) density in AU) Park is spread out over many blocks in single-family homes, not concentrated on 1/4 block, as is this project. This neighborhood is unlike the traditionally higher density 14th Street, H Street, or even Wisconsin Avenue corridors, where this project would be more appropriate.

Valor's traffic report and conclusion by Gorove/Slade (i.e., Comprehensive Transportation Review) is not supported by the evidence. The Executive Summary states, "...that the project will not have a detrimental impact on the surrounding transportation network" ...but it does not mention the impact on the neighborhood! At the same time, the report states that the project will increase the number of vehicular trips on existing roadways by 3,500 daily. This is significant in a neighborhood that now has relatively benign traffic at all times. Increased traffic and parking issues make AU Park a less desirable place to live and, potentially, may lower property values. Valor's traffic report does not reflect the impact to the neighborhood or other drivers of the increase in traffic caused by the project nor does it offer effective traffic mitigations.

The traffic report may not account for additional traffic related to new businesses on Massachusetts Avenue, since the traffic study was undertaken:

- Millie's, a restaurant just across Massachusetts Avenue, opened in late summer 2017;
- Compass Coffee;
- Paradise Pizza, and;
- Other businesses that will operate in the same new retail building as Paradise Pizza and Compass Coffee

Furthermore, the report does not include traffic and parking due to classes at the adjacent American University building, home to the Osher Lifelong Learning Institute (OLLI). This facility brings hundreds of mostly retired persons from our neighborhood and beyond to classes five days a week for several months during the year. Many of the classes are held after the morning rush hour and before the evening rush hour, when the traffic data was presumably collected.

Inadequate auto parking in the building will result in overflows into the neighborhood.

The number of parking spaces for building residents is less than needed, even though the planned numbers exceed the regulatory requirements. In 2012, the average number of vehicles per household was 1.7 in our zip code (20016) and 1.3 city-wide<sup>1</sup>. I estimate residents will have between 284 and 372 cars (219 residences x number of vehicles per residence). Including grocery store patrons and any other retail in the project, I expect the actual number to be toward the higher end of these estimates or even greater. Also, because of local demographics, it is likely that multiple persons per household will be working at different locations, requiring more dedicated parking spaces than Valor has proposed.

Public transportation is insufficient to solve the traffic and parking problems. For the most part, tenants will require cars for their work commutes and other daily activities. This site is not near traditional DC, Maryland, or Virginia workplace locations; significant retail areas; nor, the Metro. Not everyone works in DC - I was one of these people. I worked at Tyson's Corner. The nearest Metro station, Tenleytown, is a long, uphill walk, drive, or bike of 0.99 miles by road or sidewalk<sup>2</sup> - a long way on a hot, cold, or rainy day. Nearby bus lines (N4, N6) run only on nearby Massachusetts Avenue provide access to downtown workplaces and Friendship Heights, but they do not conveniently connect to the nearest (Tenleytown) Metro station. Access to a broader range of workplaces, grocery, and retail, all of which lie outside our neighborhood, requires one or more transfers, making these trips unappealing.

Valor has not proven the need for additional street parking. Valor announced in 2017 the addition of street parking and claimed that this additional parking was requested by neighbors. *Valor's claim is simply not true.* An overwhelming number of neighbors who live nearby (e.g., the "200 footers" and beyond, including me) dispute this claim and did not ask for more parking. For the past two years, neighbors have adamantly opposed more street parking at ANC 3E and ANC 3D meetings and other forums with Valor representatives present. This is a scheme devised by Valor and DDOT that appeared on design drawing changes without discussing the issue first with neighbors. Valor claims that additional street parking will serve as a "traffic calming measure." However, this contradicts their own Comprehensive Transportation Review, which concludes that this development will have little or no impact on existing *streets*. However, again *it did not consider the impact on the neighborhood*. Apparently, DDOT is not entirely on board with the Comprehensive Transportation Review and is hedging their position.

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<sup>1</sup> <https://www.clrsearch.com/Washington-Demographics/DC/Number-of-Vehicles-per-Household?compare=20016>

<sup>2</sup> ...as measured by Google Maps from the center of the building complex to the western (nearest) entrance to the Tenleytown Metro stop.

The neighborhood has adequate parking for current residents, but continues to suffer from years of parking violations by AU students – a fact not mentioned in Valor’s Comprehensive Transportation Review. Today, OLLI at American University (AU) hosts large numbers of students that park in the neighborhood despite AU parking requirements that students must park in their building. Parking is already a contentious issue for nearby residents, because of AU’s lax enforcement and the necessary involvement of residents to report parking infractions.

The neighborhood has asked Valor at numerous ANC meetings and other forums to prohibit street parking by project residents. If the project residents can obtain inexpensive RPP’s and park on the street, what is the incentive for them to purchase or lease a building parking space at high market rates? Valor claims they will prohibit residents from obtaining Residential Parking Permits (RPP’s) by the terms of their lease. However, this approach cannot work. *Neither they nor the City has a workable enforcement process which does not involve monitoring by nearby homeowners.* Where is the enforcement plan? I am not and do not want to be a parking enforcement officer!

Additional street parking will promote more congestion. One-way traverse on Yuma Street (ostensibly a two-way street) up and down the block is now the rule, not the exception, due to delivery trucks stopping to service the SVSC. Valor has made no attempt to work with the shopping center to reduce or eliminate delivery trucks stopping in the area around the main vehicle and pedestrian entrances to the Project. SVSC delivery trucks use of the alley is impractical and will increase alley traffic and congestion.

The newest planned grocery store is still not what the neighborhood wants. For two years, a significant part of Valor’s marketing effort was a “50,000 square foot” “full service grocery.” Now, the store, if it is built, will be much smaller, between 13,600 and 16,584 square feet. In addition, Valor allegedly has *non-binding* letters-of-intent with Balducci’s and MOM’s as the so-called “full service grocer.” These do not meet the neighborhood’s want for a *normal* grocery store. Indeed, they are “higher-end” and more limited in products than the neighborhood desires. Valor’s *alleged, non-binding, secret* agreements with these entities do not instill confidence that any grocer has or will actually commit to a store on this site. Finally, both of these high-end stores will directly compete with Wagshal’s Deli and Market in the SVSC. Wagshal’s has been a neighborhood institution for over 90 years.

This development provides no benefits to the neighborhood. Valor uses the term amenity sparsely in their design document. By my count, they claim only one “amenity”

(the grocery store) that will benefit the neighborhood. But they confuse a “feature” with a “benefit,” so it is not an amenity at all. This area is not a “food desert.” We have all been required to change our grocers since the grocery store closed on this site. I see this as a minor inconvenience, because so many grocery stores are within one or two miles (and more coming, e.g., Wegman’s), the loss is not noticed. Furthermore, what keeps Valor from settling on a 7-11 instead of one of their proposed grocers? There is no binding agreement to settle on any entity. What recourse do the neighbors have if Valor decides not to install a grocer at all and converts the space to residences?

Pedestrians crossing in the middle of the block on Massachusetts Avenue are an old problem. The “HAWK” light proposal for Massachusetts Avenue is rightfully not mentioned as an amenity, because it should have been constructed by DDOT years ago. It should not be thought of as an amenity, because DDOT has always been obligated to address the problem. I cross the street at the light, so I (and most others) gain nothing from this added “feature.” Furthermore early in the rollout of the project (3-1/2 years ago), Valor offered to help clean up the congested 49th Street and Massachusetts Avenue intersection as an “amenity.” This offer seems to have dropped off their radar and is no longer discussed. Also no longer discussed is underground electrical wiring around the development, which was discussed by Valor in years past, as was bus service for project residents to the Metro. Valor has simply ignored the neighbors and changed their story over the years to conveniently “forget” about their promises. So, just what are the benefits of this development to the neighborhood?

Valor should not be trusted to build what the neighborhood wants. They are on their second architect and third design. They have conveniently changed or forgotten promises made in public meetings, including ANC meetings, without consulting anyone who is affected. They are asking for variances, which is a way to sneak in additional residences and more people, invalidating the Comprehensive Transportation Review. Variances would not be unnecessary if they had a robust, thoughtful, *superior* design. They have carefully avoided talking about their plans to the closing and affected businesses and haven’t offered them space in their project. These businesses have been a key benefit to our neighborhood for decades, but they don’t seem to care. They have arranged unwanted and unnecessary additional street parking with DDOT without consulting neighborhood residents. Valor has inappropriately chosen the Design Review Process for zoning approval to avoid the complexities of the PUD Process. They know that the Design Review Process is not well-understood and by using it they have a better chance of getting their improper, possibly illegal density transfer proposals approved. What is Valor actually building?

Valor's secret agreements are no guarantee that the project can be built. Valor's alleged agreements with AU (for parking) and Regency (for density) are critical to the success of this project. Furthermore, their alleged, non-binding agreements with Balducci's and MOM's are critical in obtaining a grocer. Can we be sure that they exist? Where is the evidence that critical, *binding* documents exist or will be obtained authenticated prior to final design and construction? Where is the *binding* agreement that allows Valor to represent AU and Regency at ANC and Zoning Commission meetings? Will they be present at the Zoning Commission meeting on January 7<sup>th</sup> to answer questions? This project cannot be allowed to proceed without these assurances.

The neighborhood has consistently opposed Valor's development plans for 3-1/2 years. Neighbors, especially those nearest and most affected by this project, overwhelmingly oppose the current plan. This evidence is documented in a Citizens for Responsible Development petition, hand-signed by almost 600 nearby residents in both ANC 3E and ANC 3D, which has been submitted to the Zoning Commission (Zoning Commission Case 16-23 Exhibits 27 and 27A).

I reiterate my opposition to the Valor development plan. This project is not suitable for this neighborhood and provides no measurable benefits. The character of our neighborhood will be changed for the worse. Traffic and parking issues will increase and schools, utilities, and emergency services will be burdened to the detriment of current residents. The proposed grocers are a far cry from their original promise and not truly a full service grocer with market prices. Local businesses will be forced to close and those that remain will suffer negative impacts.

Respectfully yours,

A handwritten signature in black ink that reads "Richard D. Tatum". The signature is written in a cursive style with a large, stylized initial "R".

Richard Tatum  
American University Park