

CITIZENS FOR RESPONSIBLE DEVELOPMENT

RESPONSE TO VALOR DEVELOPMENT'S DESIGN REVIEW APPLICATION ZC CASE 16-23

January 7, 2019

Proposal

The Applicant, Valor Development, LLC, through the Design Review Process, is proposing to construct a multi-use project in AU Park consisting principally of a 4 to 6 story, 214 unit apartment building. Five townhomes are also included.

Overview

- Valor has revised its previous plans by now proposing to sink the main building 6 to 8 feet into the ground.
- In this way, Valor is attempting to circumvent affordable housing requirements.
- Density is unchanged.
- Traffic volume is increased.
- The basic flaw remains: the project is just too big for the neighborhood.

What will the project look like in the neighborhood?

Yuma Street View



----- OUTLINE OF BUILDING HEIGHT FROM DEC 14, 2017 DESIGN REVIEW SUBMISSION

———— HEIGHT OF THE MASSACHUSETTS AVENUE PARKING SHOPS COMMONLY MISLABELED AS THE SPRING VALLEY SHOPPING CENTER



10-16-2018 "New" design as seen from Camera Loc: 01. The 3D model-massing accurately represents the height and width of the proposed development from this Windom Pl perspective .

Overview Continued

There is considerable opposition to a project of this size.

- Westmoreland Citizens Association representing 990 households has submitted a letter in opposition.
- The 157-home Spring Valley West Homes Corp. as well as SVWHCA and NLC are parties in opposition.
- 32 residents of Spring Valley Court, just across Massachusetts Ave., have signed a petition opposing the project.
- Over 50 individual letters in opposition, including letters from “200 footers,” have been submitted.
- Almost 600 Ward 3 residents have said they would support a 2-3 story building, but not a building as large as Valor proposes.

Proposal Fails to Meet Design Review Requirements

Project is inconsistent with the Comprehensive Plan.

- Basic flaw: the project is just too big for the neighborhood.
- It creates an “overpowering contrast in scale, height, and density” with the surrounding residential and commercial neighborhood.
- The site is designated as low density.

Proposal Fails to Meet Design Review Requirements

1. Impermissible increase in density - contrary to multiple Design Review regulations.
 - Matter-of-right density is **184,514** square feet of GFA
 - Valor is proposing **234,629** square feet of GFA
2. Project also includes 26,050 sq. ft. of below grade residential space.
3. Project “bulks up” a low density neighborhood.

No Other Authority to Transfer/Aggregate Density Exists

- Under the 2016 Zoning Regulation rewrite, TDR's were replaced by CLD's and were limited to downtown ("D") zones.
- The Heurich Mansion case (ZC Order 101), decided more than 40 years ago, does not give Valor the right to transfer density. That case is factually different from this one and was decided in an entirely different regulatory environment.

No Other Authority to Transfer/Aggregate Density Exists

- Unlike the Heurich Mansion, the Spring Valley Shopping Center (SVSC) is not threatened with demolition– it is already protected under existing historic preservation laws.
- As noted, the Zoning Regulations were rewritten in 2016 to limit credit transfers to downtown (“D”) zones. The project is nowhere near a “D” Zone.
- Design Review, established in 2016, simply does not allow increases in density.
- The Zoning Commission must base its decision on existing regulations.

No Other Authority to Transfer/Aggregate Density Exists

- Valor's attempt to claim that there is no "transfer" here by including the SVSC lots and the AU building in the so-called "Project Lot" fails.
- There is no basis for including the SVSC in a Project Lot and approving a density transfer in order to protect the SVSC (even assuming there is any density to transfer and that it could be received by the SuperFresh lot).

No Other Authority to Transfer/Aggregate Density Exists

- The SVSC will neither be restored nor its uses adapted, and it is not threatened, as was the case in Heurich.
- If a density transfer were to occur outside a D zone, HPRB and ZC would need to determine the calculation and allotment of any density that might be transferred.

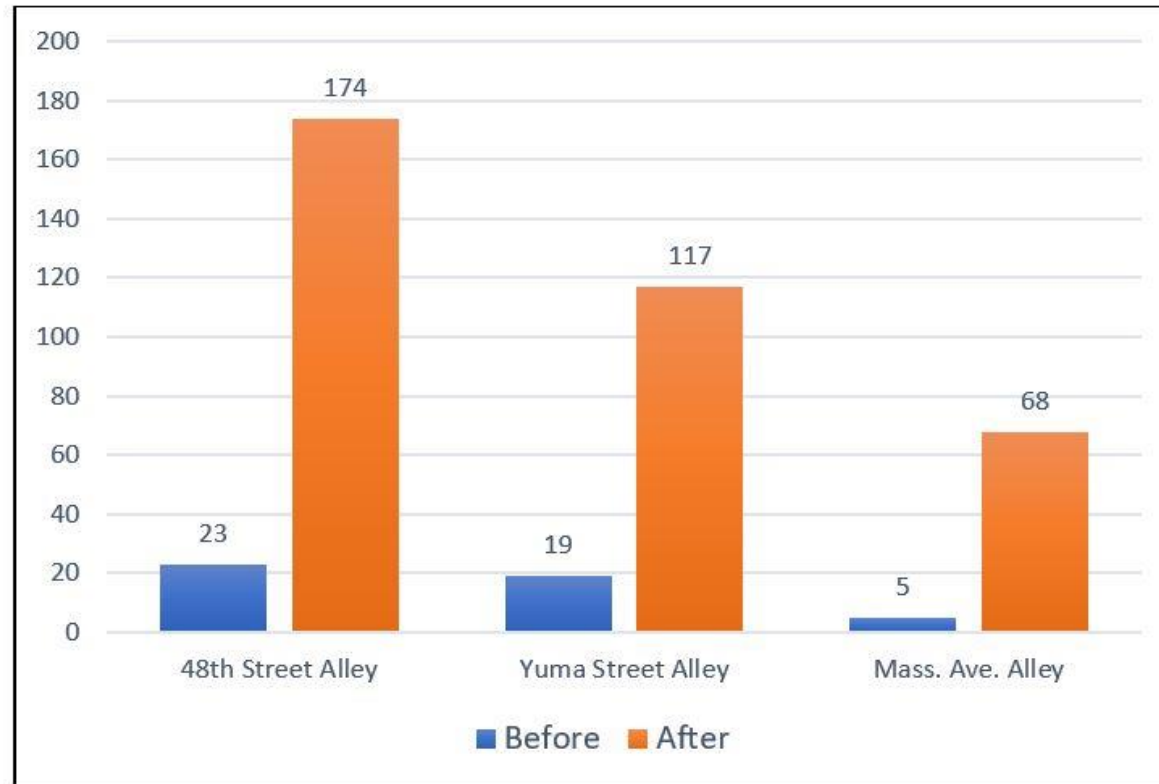
Proposal Fails to Meet Design Review Requirements

There will be an adverse impact caused by the added traffic.

- Valor's estimate of base traffic is based on traffic counts that are over two years old (AU and new restaurant traffic not counted).
- Valor estimates that the Project will generate **322 additional vehicle trips per hour** during afternoon peak hours.
- Valor traffic study does not adequately address impact on nearby intersections and in the 20-ft wide alley network within the site.

Traffic through 48th St Alley will increase 600%

Vehicles Entering and Exiting Alleyways per Peak PM Hour Before & After Project



Source: Data from Gorove/Slade 2017

Proposal Fails to Meet Design Review Requirements

There will be an adverse impact caused by the added traffic.

- The volume of traffic in the alleys will reach levels of the nearby city streets.
- Most cars and trucks will use E/W alley; volume will be 342 vehicles from 4 to 6 pm weekdays.
- One-third of the sidewalk along this alley is interrupted by garage and loading dock entrances.
- AU buses load near the entrance to this alley.



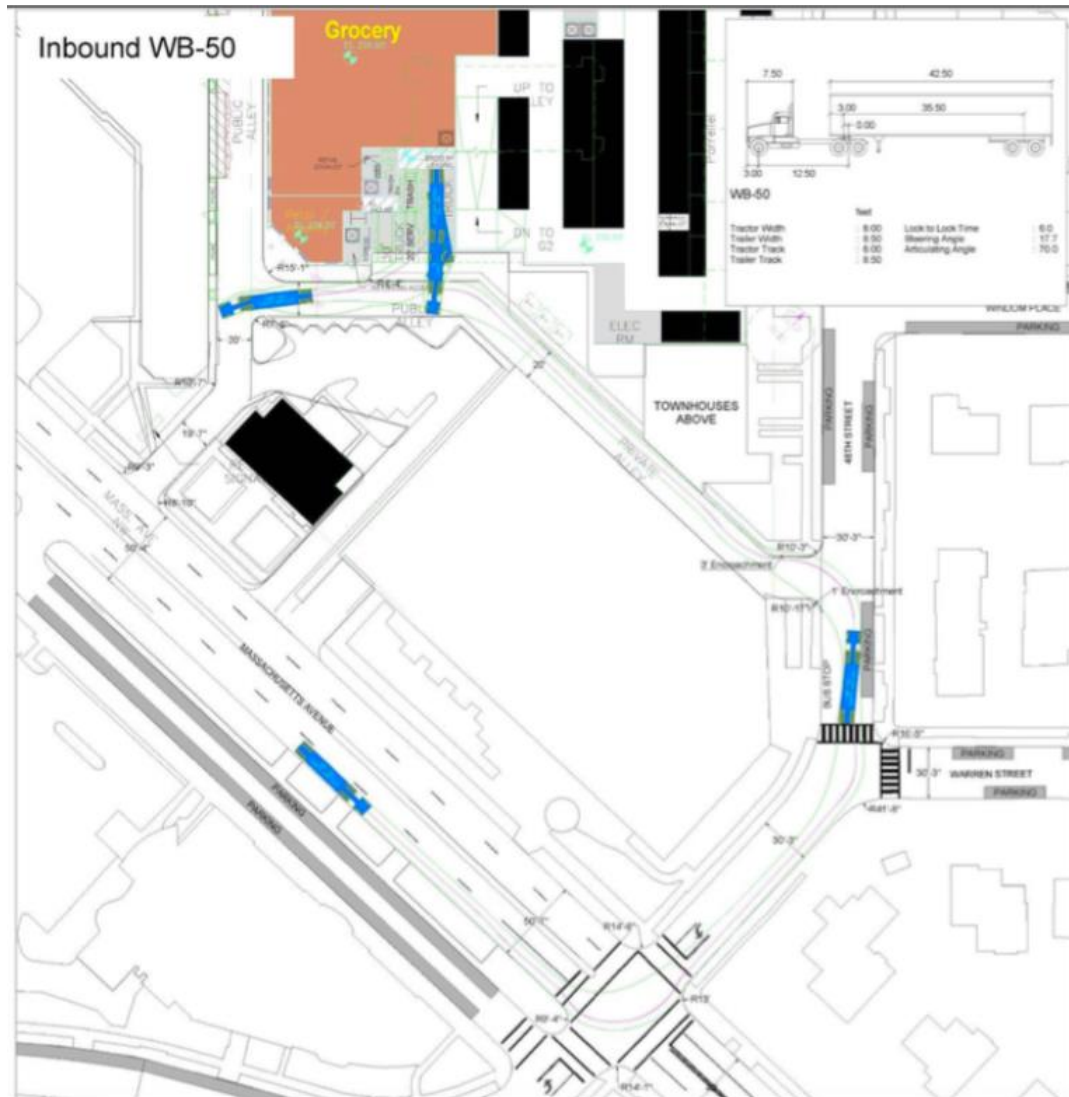
AU buses idling on 48th Street and blocking entrance to alley 16

Proposal Fails to Meet Design Review Requirements

There will be an adverse impact caused by the added traffic.

- From a mobility point of view, the increased traffic will be dangerous for pedestrians.
- There is no safe pedestrian connectivity through the Project.
- Pedestrians will use the N/S alley to get to shops on both sides of Mass Ave (taking advantage of the HAWK).
- The 3-foot sidewalk along this alley bumps up against a vertical wall and is inadequate for protecting pedestrians.

Proposal Fails to Meet Design Review Requirements



- Large trucks will not be able to navigate the N/S alley and will have difficulty in the E/W alley.



Trucks servicing Spring Valley Shopping Center in alley off Yuma Street ¹⁹

Additional Problems

- Parking is not adequately addressed.
- Project has few or no benefits to the community.
- Project violates the terms of the 1979 Declaration of Easement and Agreement.
- Project continues to fall short on Inclusionary Zoning.
- Project will result in pollution, noise, and deprivation of sunlight.

Height of Building

The Zoning Regulations at 11-B § 307.7 do not allow the Applicant to use 48th Street (the highest point) as its measuring point given a lot that slopes down 23 feet with an embankment along 48th Street.



48th Street Embankment

Finally, contrary to § 604.8 of the Design Review regulations:

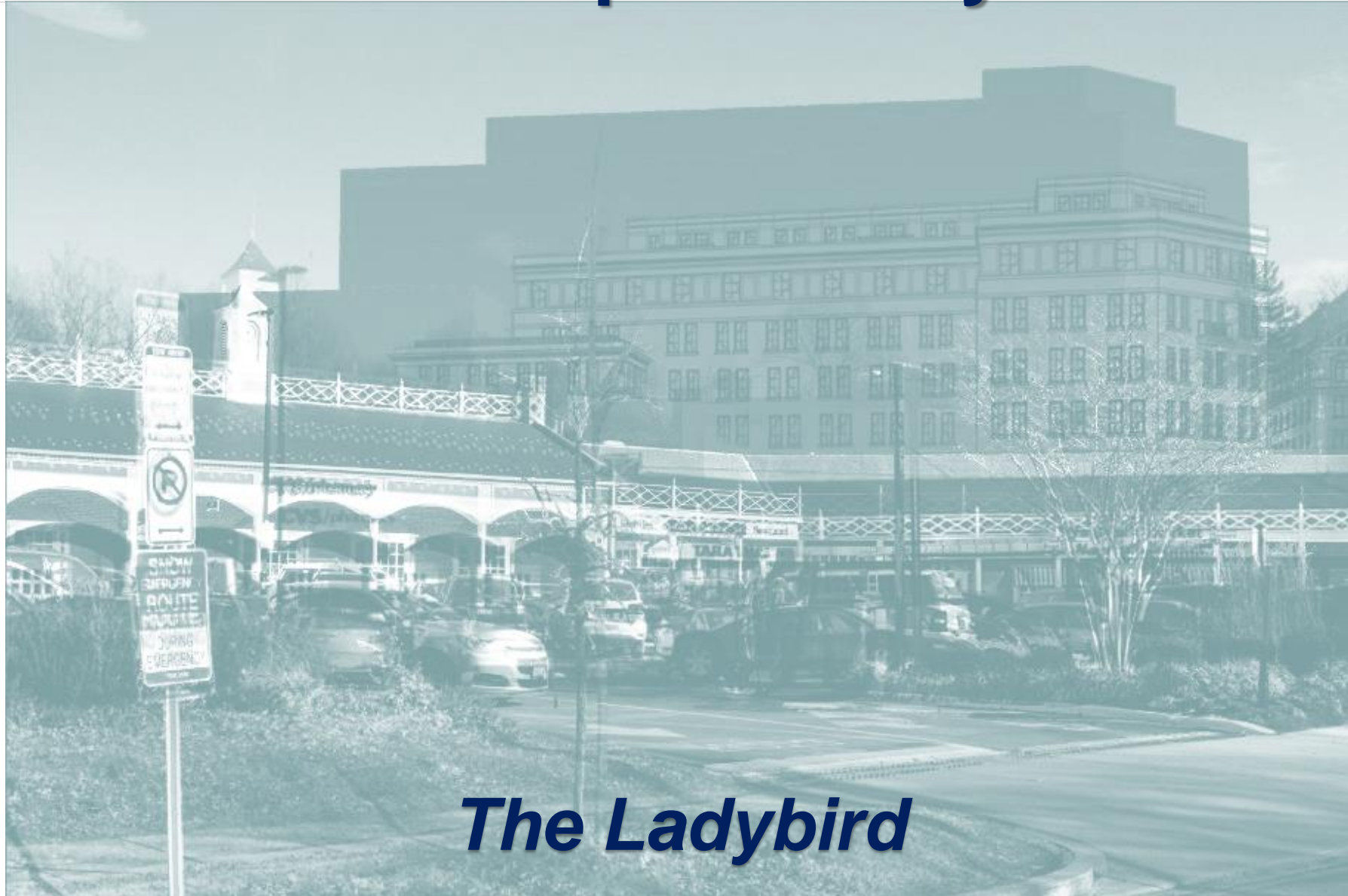
Applicant has not shown that the Project is “superior to any matter-of-right development possible on the site.”

Conclusion

- The oversized project is just too big for the neighborhood.
- The Zoning Commission should deny the Application and direct Valor to work with the neighbors on a right-sized proposal.

Appendix I

Visual Impact Study



The Ladybird

Goals:

- Evaluate the accuracy of the Valor 10/06/2018 visualizations.
- Evaluate the visual impacts of the 10/06/2018 Ladybird Design on the nearest neighbors.
- Specify the type of realistic visualizations needed to allow all parties the ability to make fair and logical comparisons between existing conditions and the newest proposed design.


View from South end of Alley



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Alley View

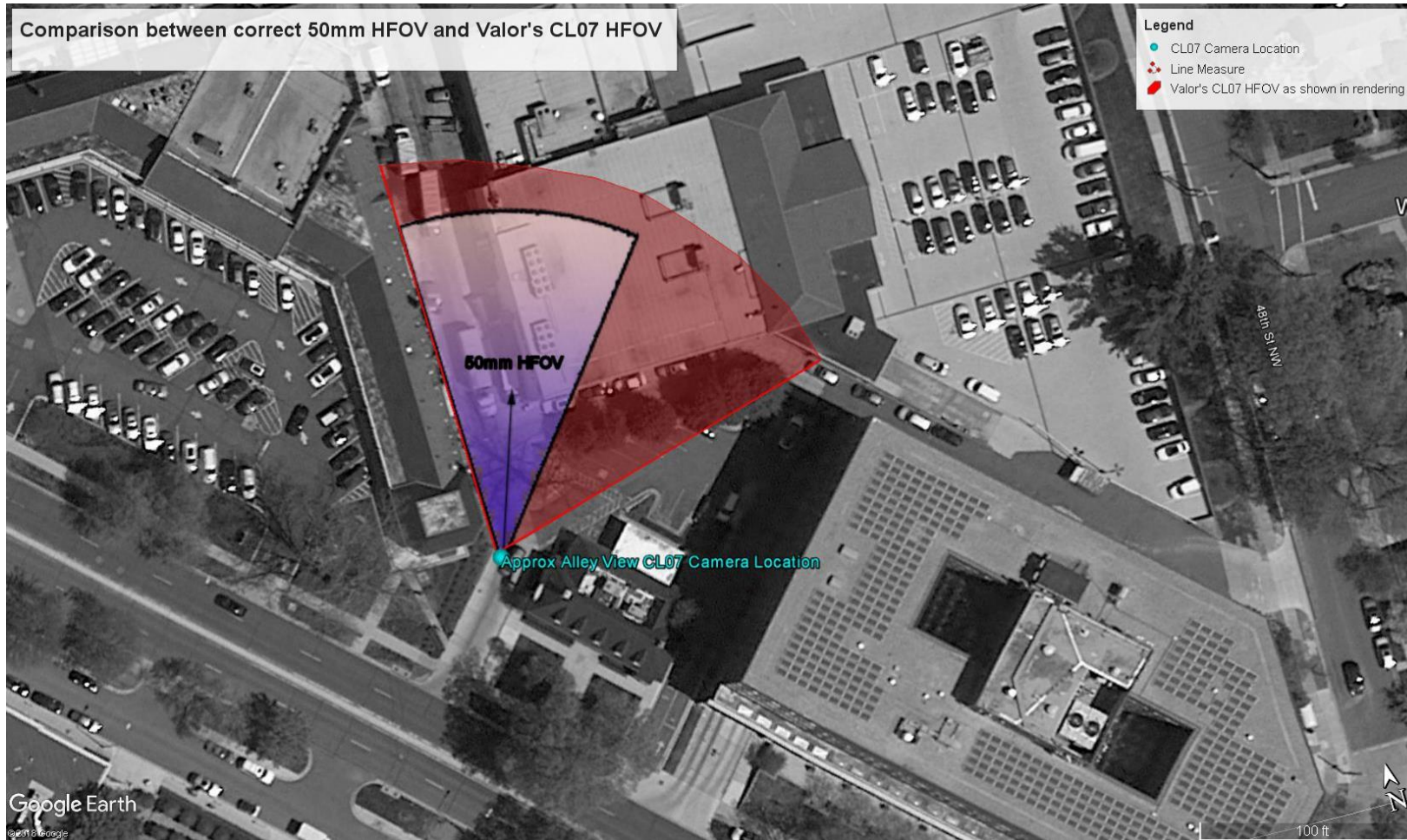
10/16/2018
50 MM Lens (Produced in Lumion) CL07

 VALOR DEVELOPMENT
TORTI GALLAS URBAN

THE LADY BIRD

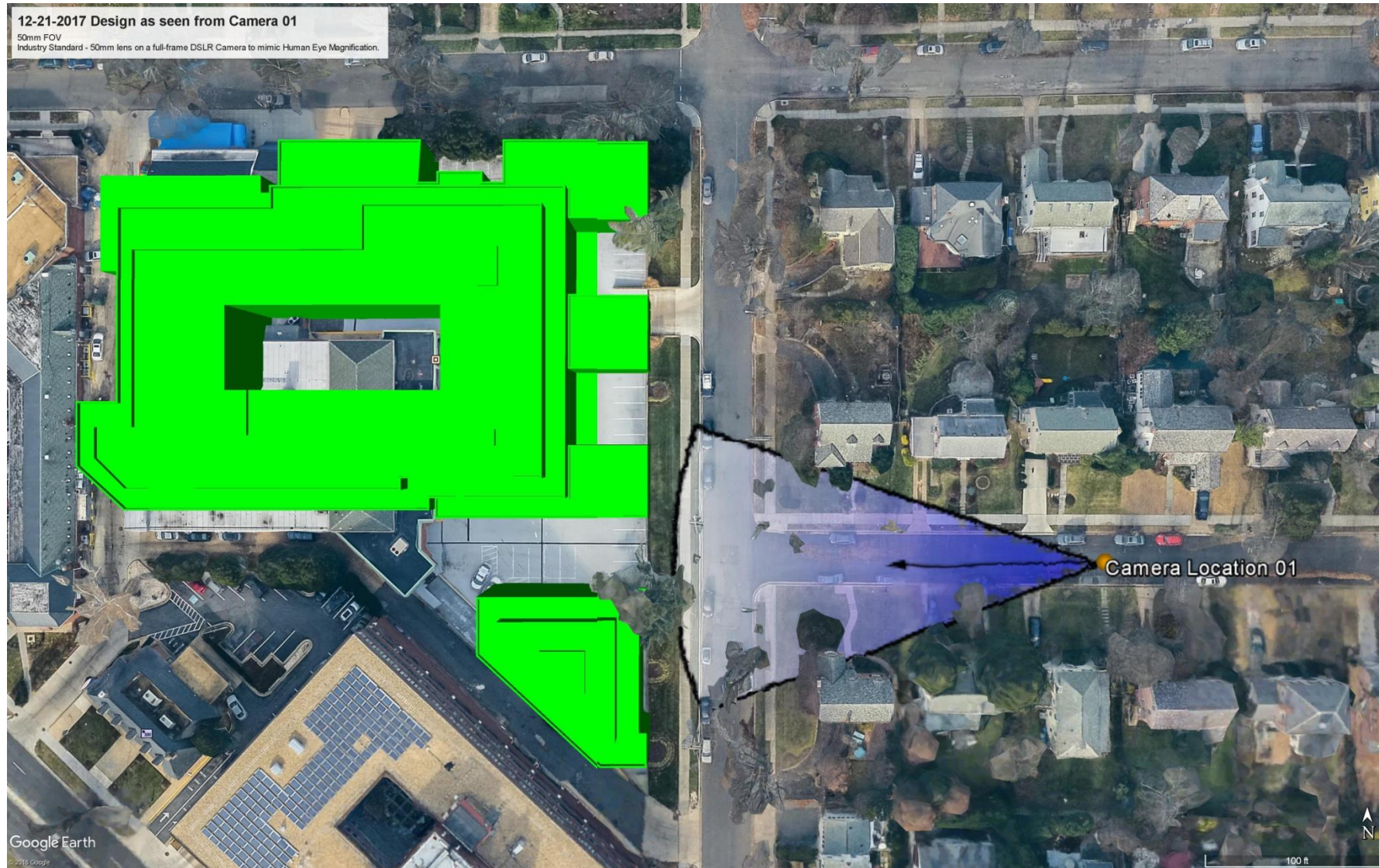
Valor's Rendering CL07

Viewshed diagram - "CL07 Alley View"



This graphic compares a true 50mm's horizontal field-of-view (Blue HFOV)(39.6°) with the actual Red HFOV portrayed in Valor's CL07 rendering. Note the dramatic difference between the two. While the rendering is labeled as a 50mm, it is clearly much wider. It is likely a 24mm lens. Using a wide-angle lens inherently reduces the visual impact of the proposed development by shrinking the building.

View from Windom Pl. - Original Design



Windom Place Camera Location: Camera Loc. 01 shown in Orange. 50mm FOV shown in Blue. Green Model Massing shows the 12-21-2017 Ladybird Design.

View from Windom Pl. - Existing Conditions



Camera Loc. 01. Existing Conditions. A 25ft tall survey rod is held by surveyor.



12-21-2017 Design as seen from Camera Loc. 01. The 3D model-massing accurately represents the height and width of the proposed development from this Windom Pl perspective. A 25ft tall survey rod is held by surveyor.

View from Windom Pl. – Revised Design



Windom Place Camera Location: Camera Loc. 01 shown in Orange . 50mm FOV shown in Blue.
Model Massing shows 10-16-2018 Design.

View from Windom Pl. – DDIS Model of Revised Design



10-16-2018 “New” design as seen from Camera Loc. 01. The 3D model-massing accurately represents the height and width of the proposed development from this Windom Pl perspective .

Greater Visual Impacts:

2017 Design vs. 2018 Design: Visual Impacts on Windom Place.

While the 2018 Ladybird design has a lower height profile of 8ft, overall, the new 2018 design has an even greater visual impact on the neighbors to the west, especially those on Windom Place. Here is why:

Factors:

- The biggest impact stems from the loss of “Windom Walk,” which would have created a visual extension of Windom Place, and maintained some of the light, sky, and visual openness, which currently exists. This current design change effectively creates a wall along 48th St into which Windom Place dead ends. Summer sunsets against the treed horizon would be blocked.
- The nearest sections of the building have increased in height by 4ft, and portions of the penthouse now protrude 16’10.5” further west (and North along Yuma), which makes them closer and taller. This increase in height along the perimeter of the building negates the proposed decrease in height at the building’s center with regards to the nearby neighbors.

Side-by-Side Comparison Views of Windom Pl.

Understanding Renderings (Apples to Apples): The importance of visual consistency regarding real and virtual camera locations.

When comparing and contrasting the visual impact of competing designs, it is imperative to maintain a constant camera location and field of view. By maintaining the same perspective, there are fewer changing variables. This provides the viewer with a better understanding of the difference between existing and proposed viewsheds.



DDIS Cam 01 Existing Conditions.
Camera is approximately 254 ft from property line.

DDIS Cam 01 Proposed Conditions. **2017** Design.
Viewshed is identical to existing condition.

DDIS Cam 01 Proposed Conditions. **2018** Design.
Viewshed is identical to existing condition.

Misleading Comparisons

Evolution of the Lady Bird Development design, as portrayed by Valor over time. Notice the disorienting effect of changing camera locations and perspectives. With each generation, the camera location moves further away from the proposed development. Additionally, the camera lens and, therefore, the perspective changes with each version.

- The first shot (top left) is captured with a wide angle lens close to the intersection of 48th St and Windom.
- The second shot (top center) is captured from farther back with a wide angle lens. As with the first image, this artificially pushes everything further away and effectively shrinks things at a distance.
- The third version (top right) is the farthest away, but with a mid-range lens
- While each camera location is noticeably different, the camera location maps are virtually identical, and usually inaccurate.



View from East - Existing (Window Place NW)
VALOR DEVELOPMENT
TORREY GALLAS URBAN
A14
THE LADY BIRD

Cam 01 Dec. 2017.
Camera is approximately 125ft from property line.



View from East - Existing (Window Place NW)
VALOR DEVELOPMENT
TORREY GALLAS URBAN
A17
THE LADY BIRD

Cam 01 Feb. 2018.
Camera is approximately 240ft from property line.



View from East - Existing (Window Place NW)
VALOR DEVELOPMENT
TORREY GALLAS URBAN
A14
THE LADY BIRD

Cam 01 Oct. 2018.
Camera is approximately 300ft from property line.



View from East - Proposed (Window Place NW)
VALOR DEVELOPMENT
TORREY GALLAS URBAN
A16
THE LADY BIRD

Cam 01 Dec. 2017. "Proposed Conditions"
Rendering associated with above shot.
Entirely virtual. No real references.



View from East - Proposed (Window Place NW)
VALOR DEVELOPMENT
TORREY GALLAS URBAN
A18
THE LADY BIRD

Cam 01 Feb. 2018. "Proposed Conditions"
Rendering associated with above shot.
Building overlay on real image, but wide angle.



View from East - Proposed (Window Place NW)
VALOR DEVELOPMENT
TORREY GALLAS URBAN
A15
THE LADY BIRD

Cam 01 Oct. 2018. "Proposed Conditions"
Rendering associated with above shot.
Entirely virtual. No real references.

Misleading Comparisons:

The Negative Impact of Camera Location/Perspective Shifts
Between Existing and Proposed Conditions: View from 48th St and Yuma St.



100% Northside Urban - 100% Northside Urban - 100% Northside Urban
View from Northeast - Existing (48th and Yuma Street)
VALOR DEVELOPMENT
TORTI GALLAS URBAN

10/16/2018
50 MM Lens A16
THE LADY BIRD

“Existing” Shot from the intersection of 48th St & Yuma St.



100% Northside Urban - 100% Northside Urban - 100% Northside Urban
View from Northeast - Proposed (48th and Yuma Street)
VALOR DEVELOPMENT
TORTI GALLAS URBAN

10/16/2018
50 MM Lens (Produced in Lumion) A17
THE LADY BIRD

This “Proposed” view is from approximately 100ft further away and has nearly double the horizontal FOV as the above “Existing” shot. Additionally, as this are entirely virtual, there are no real references. The tall, foreground tree on the right does not exist.

The impact of the shift in camera location, coupled with the virtual environment, misleads the viewer, presenting it as smaller and further away.

Misleading Comparisons:

The Negative Impact of Camera Location/Perspective Shifts
Between Existing and Proposed Conditions: View from Yuma St, West of North/South Alley.



10/04 Site/Model/View - 10/17/2018 10/17/2018
View from Northwest - Existing (North Side of Yuma Street)

50 MM Lens A18

VALOR DEVELOPMENT
TORTI GALLAS URBAN

THE LADY BIRD

“Existing” Shot from Yuma St, West of the North/ South Alley.



10/04 Site/Model/View - 10/17/2018 10/17/2018
View from Northwest - Proposed (North Side of Yuma Street)

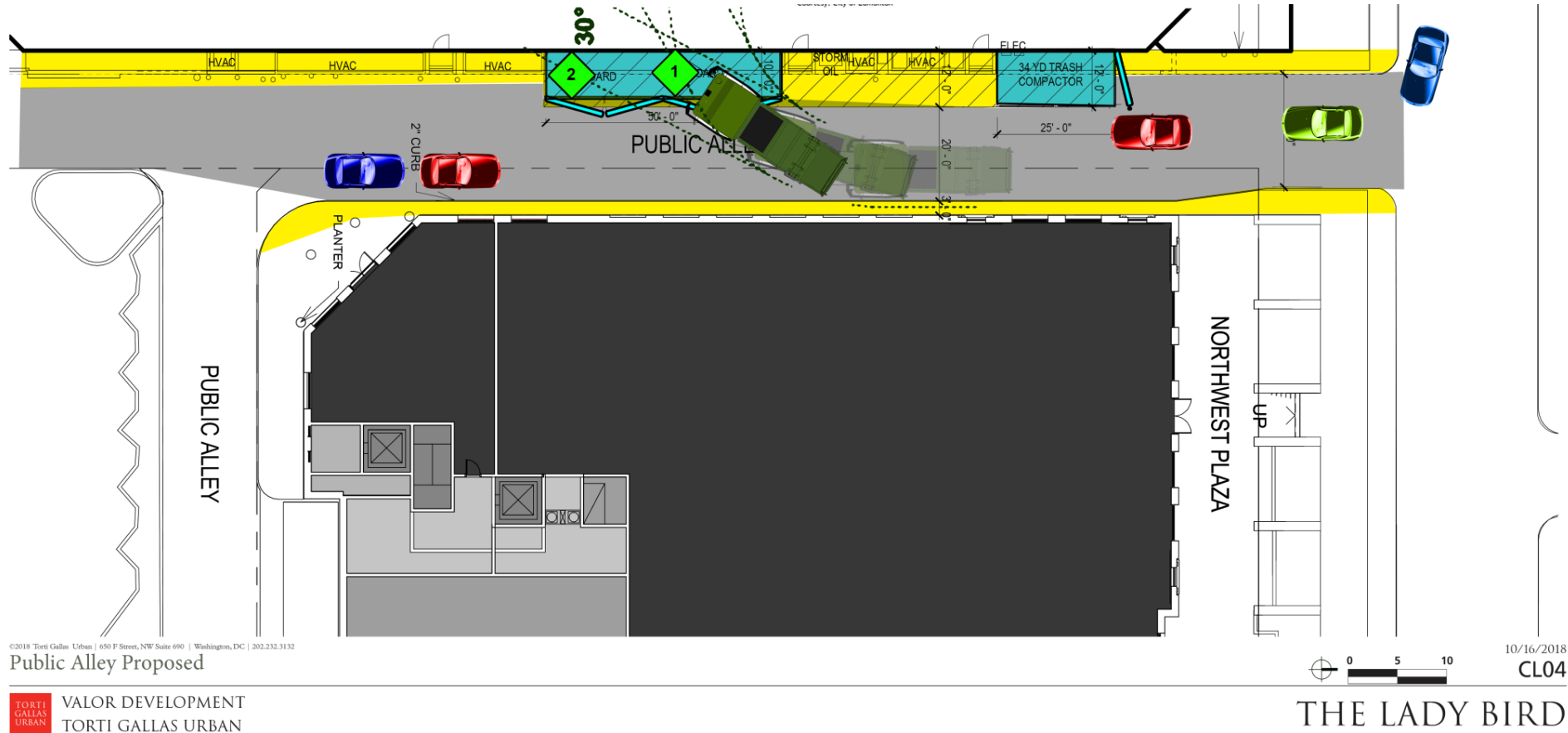
50 MM Lens (Produced in Lumion) A19

VALOR DEVELOPMENT
TORTI GALLAS URBAN

THE LADY BIRD

This “Proposed” view is from an entirely different perspective. It appears to be from deep within the yard of one of the neighboring houses, as opposed to the street view presented above.

Truck Blocks Alley



The wide turning radius of a 33' (40') ft front-loading trash truck suggests the proposed sidewalk and both vehicle travel lanes would be blocked while positioning the garbage truck, picking up the dumpsters and closing each of the fenced corral doors.

Conclusions:

While the 2018 Ladybird design has a lower height profile of 8ft, overall, the new 2018 design has an even greater visual impact on the neighbors to the west, especially those on Windom Place. Here is why:

Factors:

- The biggest impact stems from the loss of “Windom Walk,” which would have created a visual extension of Windom Place, and maintained some of the light, sky, and visual openness, which currently exists. This current design change effectively creates a wall along 48th St into which Windom Place dead ends. Summer sunsets against the treed horizon would be blocked.
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