



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3D
PO Box 40846, Palisades Station
Washington, DC 20016

PALISADES · KENT · SPRING VALLEY · WESLEY HEIGHTS · NEW MEXICO/CATHEDRAL · THE AMERICAN UNIVERSITY
· FOXHALL VILLAGE · BERKELEY

January 7, 2019

Testimony of Troy Kravitz on behalf of Advisory Neighborhood Commission 3D

Good evening,

I'm Troy Kravitz, officially designated to be here on behalf of ANC3D to deliver our testimony in support of this project. Our ANC, and my SMD in particular, includes the neighborhoods immediately across Massachusetts Avenue from the project site. Thank you for having me again.

Our Resolutions in Support in Exhibits 109 and 245 apply, so I'm going to briefly reiterate the key points from our perspective and then shift into talking more prosaically about the process that brought us to this juncture.

Before you is an application to construct a new mixed-use project on a site that for decades and decades has hosted a grocery store and other retail uses. The grocery store, however, is no longer operational. It died 5 years ago last month. The grocery store that occupied the site before that one also died. By and large, the community mourns this loss. For decades, the exact site being discussed tonight provided amenities to the community. Make no mistake, by and large, and by a large margin, my neighbors want the grocery store back. You don't have to take it from me, however, you can take it from the supporters of this project, and you can take it from the opponents to this project. There is no shortage of quotations available in praise of the return of a grocer (emphases added):

Spring Valley Neighborhood Association (party in support): *"SVNA strongly supports the return of a full service grocery store to the community following the closure of Fresh & Greens in December 2013. Valor's proposed project, which would include a full-service grocery store, is preferable to a by-right development without one."* (Exhibit 125, p. 3, Dec. 28, 2017)

Ward3 Vision (party in support): *"We believe that the Ladybird project further these goals [smart growth and transit-oriented development] and that it increases residential density along a major corridor that is well supported by bus service and provides a small but full-service grocery store."* (Jan. 11, 2018, p. 169)

- Coalition for Smarter Growth (party in support): *“We are pleased to express support for this case for the Ladybird project at the former Super Fresh grocery store site. We support the mixed-use development that will include 219 rental apartments, a small grocery store, and a number of pedestrian improvements at this neighborhood commercial node.”* (Jan. 11, 2018, p. 183)
- Spring Valley-Wesley Heights Citizens Association (“Spring Valley Opponents”): *“The Spring Valley – Wesley Heights Citizens Association supports mixed use development of the former SuperFresh site, including the addition of retail services, such as a neighborhood full-service grocery store.”* (Exhibit 110, p. 3, Dec. 15, 2017)
- Spring Valley-Wesley Heights Citizens Association (“Spring Valley Opponents”): *“In January of last year [2017], at the meeting that was held at AU, which this subject came up, Mr. Sirper (phonetic) was having trouble with the projector, and you projected something on the screen that showed roughly 24,000 square feet [grocery store]. And I thought there was a general positive reaction to that, in the room at that point, from the people who were present.”* (Jan. 25, 2018, p. 188)
- Spring Valley West Homeowners Corporation (“Spring Valley Opponents”): *“The Spring Valley West Homeowners Corporation: [...] supports a smaller-scale development of the former Super Fresh site, including retail services and a neighborhood-sized grocery store.”* (Exhibit 20, p. 1, Jan. 30, 2017)
- Spring Valley West Homeowners Association (“Spring Valley Opponents”): *“There was a community meeting in January of 2017, this was an open meeting. Mr. Lansing presented a slightly altered design, including a rather poorly sketched but clearly shown grocery of approximately 24,000 square feet, which is roughly the size of the old SuperFresh. This was probably the only element of the presentation that received a positive reaction from the 50 or so community members who were present.”* (Jan. 25, 2018, p. 57)
- Citizens for Responsible Development (party in opposition): *“I mean we don’t have a grocery store anymore. But actually the 600 people that signed our petition didn’t object to the fact that there was a grocery store there.”* (Jan. 25, 2018, p. 29)
- Citizens for Responsible Development (party in opposition): Commissioner Shapiro asked, *“So, I just want to make sure I understand your – if this is a collective position or not, which is are you opposing, you don’t want a grocery store?”* Citizens for Responsible Development replied, *“No, that’s not the case. That’s not the case.”* (Jan. 25, 2018, p. 34)

This project promises the return of a grocery store. ANC3D’s support begins there. Importantly, returning a grocery store is the one thing that cannot be accomplished by a matter-of-right building. Given this, to us and many of our constituents, the debate has often been about how much residential we’d support in combination with returning the long-missed grocer to the site. Right now, the applicant proposes about 30,000 square feet of additional residential, for a project that could have 184,000 square feet of residential by-right. So, we’re talking about one-sixth, or 17%, more residential than a by-right proposal in addition to bringing a highly-valued amenity – the grocery store – back. And, given the increased density above the new grocery store, this one would hopefully succeed where the previous two grocery iterations died. When my constituents talk to me about the project, that’s what they see. That’s the transaction at the heart of the matter, and they prefer 17% more residential plus a new grocery store instead of a

by-right building permanently foreclosing the possibility of the grocery store that we already miss sorely.

And while neighbors were satisfied at-best with the previous grocer, Balducci's, they are excited about the current grocer, MOM's Organic Market.

There are other benefits to this project, of course, and I'll mention some of them for completeness. The project brings more housing, and more affordable housing, to an area starved for it. The applicant, Valor Development, has agreed to seek approval for and fund construction of a mid-block HAWK light to better unite the two commercial areas surrounding Massachusetts Avenue and to help protect the many residents who already cross mid-block to go between Millie's, Pizzeria Paradiso and Crate and Barrel on one side of Massachusetts Avenue and CVS on the other. This particular measure has been requested not just by neighbors who frequent retail establishments on both sides of Mass. Ave., but also by some of our community's senior citizens who attend courses at the Osher Lifelong Learning Institute, which holds classes in the AU building that is part of the project site. If you have dinner at Millie's or Pizzeria Paradiso on the Spring Valley side, in the course of your meal you'll see a half-dozen people crossing mid-block where the HAWK signal would go. On the Spring Valley side, the shopping center is no longer the moribund desert it was just five short years ago. It is now, again, a thriving, vibrant community amenity that helps draw people into moving here and becoming neighbors. If this project goes through, a new high-quality grocery store and increased density could help spur a similar rejuvenation at the project site across Massachusetts Avenue. And, then, the HAWK light becomes even more valuable.

The applicants also promise to clean up the unsightly and unfriendly alley separating the Spring Valley Shopping Center from the lot where the new building will go. At present, the alley is a hodge-podge of dumpsters, recycling containers, and mechanical equipment. Making this alley visually tolerable, let alone attractive to pedestrians, will be a significant improvement over what's there now. Increased public space is another benefit, most notably the terrace out front the grocery store wherein neighbors and patrons alike can enjoy the food they just purchased.

Many of the recent submissions in the record make reference to an increase in traffic. From the start, we have found these arguments largely unconvincing. To us, the bottom line is that traffic under the proposal is roughly the same as if the existing buildings were suddenly re-occupied. Letters in opposition have repeatedly described the proposal as an increase in traffic. This implicitly compares the proposal to nothing being at the project site. In fact, the existing site contains 44,000 square feet of leasable retail space. The building is decaying and largely vacant, but if it were simply reoccupied without any new construction, the traffic increase would be about the same as under the proposal before you.

Much like the case record being replete with support for a grocery store, it also contains wistful reflections on the small size of the planned grocery store (emphases added):

Citizens for Responsible Development: *"The Applicant's original proposal promised a 56,000-square foot, full-service grocery store. The most recent iteration of the project has reduced the size of the market space to 13,000 square feet for a specific tenant – Balducci's. This 77% reduction in what Valor offered as its primary "amenity" should not be overlooked or understated. In its analysis of the economic development element of the Comprehensive Plan, the Applicant continues to refer to this market a [sic] "full service grocery store." This is incorrect.*" (Exhibit, 220, p. 6, Feb. 20, 2018)

Spring Valley-Wesley Heights Citizens Association: *"The existing SuperFresh site currently provides 43,460 gsf of retail, but the Valor project will reduce this by nearly 27,000 gsf. [...] 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 resident by Valor."* (Exhibit 110, pp. 4-5, Dec. 15, 2017)

Spring Valley-Wesley Heights Citizens Association: *"Valor originally sought to sell neighbors on this project by promising a full service grocery store. [...] Instead of a full service grocery, we get a market. So what's the benefit to the community if this project is approved? Under the most recent proposal, we don't get a full service super market, or even a grocery store."* (Jan. 25, 2018, p. 46)

Spring Valley West Homeowners Corporation: *"And we were left with the same characterization. Full service, no mention of any diminution of the size from the January presentation ["approximately 24,000 square feet"] that we had seen in graphic form. By December 6th of last year [2017], at the ANC 3D meeting, two new facts were revealed. The floor grid space graphic showed 13.4 [thousand] square feet for the grocery store. It was not easy to see because it was partially hidden behind a caption balloon that said grocery store. It was too small a balloon to fit full service grocery store in there. And that was obviously purposeful."* (Jan. 25, 2018, pp. 57-58)

ANC3E: *"Obviously, we supported this [project] with a resolution. The resolution [vote] was 4:1. The one in opposition really wanted a much larger grocery store and he thought that's what would fit better at the site."* (Jan. 11, 2018, pp. 155-156)

It is amusing that those purportedly wanting a larger grocery store (other than ANC3E) are the same people advancing concern about traffic impacts. (ANC3E indicated they "were not worried about" traffic from the proposed project, noting "vehicular traffic under the Applicant's proposal is estimated to be about the same as it would be if the existing (now vacant) buildings were occupied." (Jan. 11, 2018, p. 160-161, and Exhibit 138, p. 1, Jan. 4, 2018.)) If you take these comments about wanting a larger grocer as genuine manifestations of actual desires, you'll inevitably conclude the concerns about traffic cannot simultaneously be genuine. Take, for example, a modestly larger grocery store, say, at 28,000 square feet and two fewer floors of residential units than what's before you today. Traffic counts in the AM peak hour for such a supposedly Shangri-La project would be the same as under the current proposal while PM traffic would be 22 percent higher. Even a meagerly-larger 22,000 square foot grocer coupled with two fewer floors of residential would have more PM traffic than the current proposal.

During ANC3D's meeting in December, at which we adopted the resolution in Exhibit 245, we encouraged proposed amendments to the resolution from the audience. (As always, we share our draft resolutions with the community a week prior to our meeting so that they can be suitably informed about what is under consideration. At our December 2017 meeting, we provided the opposition group Citizens for Responsible Development the dais to formally respond to Valor's presentation with a counter-presentation of their own.) At our December 2018 meeting, an audience-proffered amendment, from an opposition party in this case, asked the ANC to instruct the Zoning Commission to not approve this project until a new traffic study is completed and reviewed. The ANC voted against this proposed amendment.

The community process that produced ANC3D's resolutions of support was thorough and open. As ANC3D's lead correspondent for this project, I was given the role of learning all about the project and providing factual analysis of the proposal. To do so, I spoke repeatedly with the parties involved: Valor Development and their counsel, community groups in support and opposition, and our constituents. I reported back to the ANC throughout this process and everybody involved knew my role. I want to share my personal perspective on the process that led us here.

As you may know, advisory neighborhood commissioners take an oath to support good policy for the District as a whole: the climax of the oath is *"I will exercise my best judgment and will consider each matter before me from the viewpoint of the best interest of the District of Columbia, as a whole."* Missing entirely is any mention of constituents. That said, I personally would feel derelict in not being a voice for my immediate neighbors. Fortunately, in this project, I haven't had to choose between good policy or community preferences, since they largely point in the same direction here. The District is growing and is now over 700,000 residents. New residents need to live somewhere, and solidly transit-connected sites like this one, where roughly 90,000 people take the N buses each month, – sites that are and have always been zoned mixed-use – are the most appropriate places to foster this growth. That is what good policy for the District looks like. It is also what the community wants, by and large. There are opponents, and their reasons are varied, but the large majority of people with which I correspond support this project. I hear the objectors – don't get me wrong: I hear them loudly and repeatedly – but they don't change the fact that I hear from many more people in support of this project. They are not as loud, or as persistent, but their preferences are established with just the same firmness. So, in this case, I'm relieved that it isn't a choice between good policy for the District, which I swore to advance, and the desires of the community, for which I feel personally obligated to advocate.

Some of the community support you have on-record before you. It comes from Spring Valley residents living several blocks from the project site, and it comes from residents living within 250 feet of the project site. But, more of the community support for the project is not before you. Instead, it was communicated to me – sometimes through email and sometimes through the personal conversations I have with neighbors almost every time I walk my dog or visit the Spring Valley shopping area. These neighbors have attended some of the almost two-dozen community meetings about this project. They understand the project. And they tell me that

they support the project. (Not all, of course, I repeat for necessity.) Sometimes they tell me that they don't want to speak up more loudly for fear of creating a disagreement with their neighbors who more vocally oppose the project. There is nothing wrong with vocally opposing this project, and I intend no such implication by merely relaying that sometimes neighbors don't want to openly support something that they know their neighbor opposes. This doesn't undermine their sentiment of support, though.

The challenge for me is what to do with the supporters' sentiment that is shared personally with me. I tell these neighbors that now that they've expressed their views to me, I will combine them with the others I've received, and nothing more is needed from their end. They don't need to say anything publicly and they don't need to email you, the Zoning Commission, or anyone else. While this is the right guidance – the only guidance, really – I also know that by virtue of being less vocal, others will invariably claim their views don't exist. I believe you know better; I just wish others shared your wisdom.

To give one brief concrete example, the repetitive crucible of democracy provides a nice laboratory. My record of engagement with this project is no secret. You all have listened to me talk about this project for over a year now. It's more like two years for my constituents. Armed with an unassailable knowledge of how I've approached this project, I won reelection unopposed two months ago. The case in ANC3E is more stark. All five commissioners were voted back into office. For the commissioner in whose district this project lies, the race was contested. The incumbent voted to support this project 13 months ago, and again last month. The challenger testified before you in opposition to this project. As I said, all five commissioners were voted back into office. I don't want to draw too many conclusions from the elections that took place two months ago, but, at their heart, elections are expressions of community preferences, and those data points seem valuable to the narrative here.

In my opinion, this project could be better. For the better part of a year, I've performed something most closely resembling a kabuki version of shuttle diplomacy. I spoke with opponents to the project – Citizens for Responsible Development several times – made sure I understood their desires, and then communicated these to the project team. I'd discuss the opponents' objections with Valor Development or their counsel, and relay back to the opponents the content of my discussions with the applicant. This all is no secret: I made sure everyone knew I was doing this while I was doing it.

Our mistake, in my opinion, is that the ANCs sent the applicant to negotiate with the opponents instead of negotiating with the community. The effect was that Valor Development had at least six private meetings with Citizens for Responsible Development, another 6 larger community meetings outside the ANCs and Zoning Commission, and only 4 meetings (all of which were formal and open) with ANC3D.

Despite all of these meetings, the opponents insist the project hasn't come close enough to their wishes. I believe they're sincere on this point. I also believe part of this view stems from mistaken expectations. Consider the opponents' filing in Exhibit 237 from June 22, 2018. The

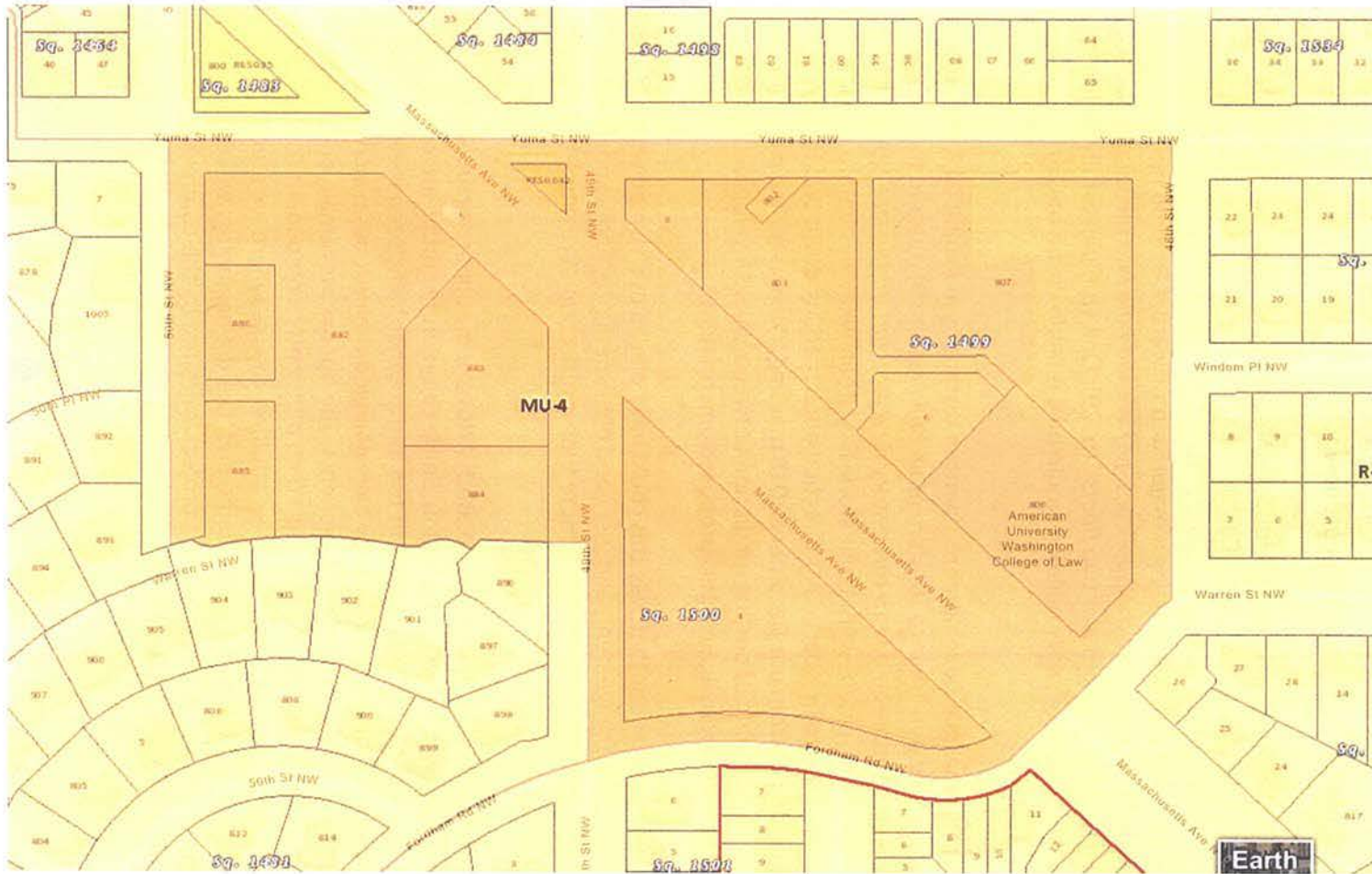
opponents admit that Citizens for Responsible Development met with Valor's principals, but the session *"in no way can be characterized as a coordinating or negotiating session."* So, this private meeting – like at least five others – happened, but because the changes the opponents sought weren't conceded, the meeting gets downplayed practically into non-existence.

I'm not surprised the applicants and the opponents didn't get closer. Consider, again, the public record. At the January 25, 2018 Zoning Commission hearing, Citizens for Responsible Development described the then-proposal as *"two 5-7 story buildings"* (p. 7). When Vice Chair Miller asks about two stories less being a major step forward, Mr. Repp replied *"Yes, as a matter of fact we did suggest to the applicant. [...] We did hold one meeting with them, in which we suggested that they come down two floors"* (p. 29). One would naturally be led to believe that two less floors of a 5-7 story building would be a reliable desire of Citizens for Responsible Development.

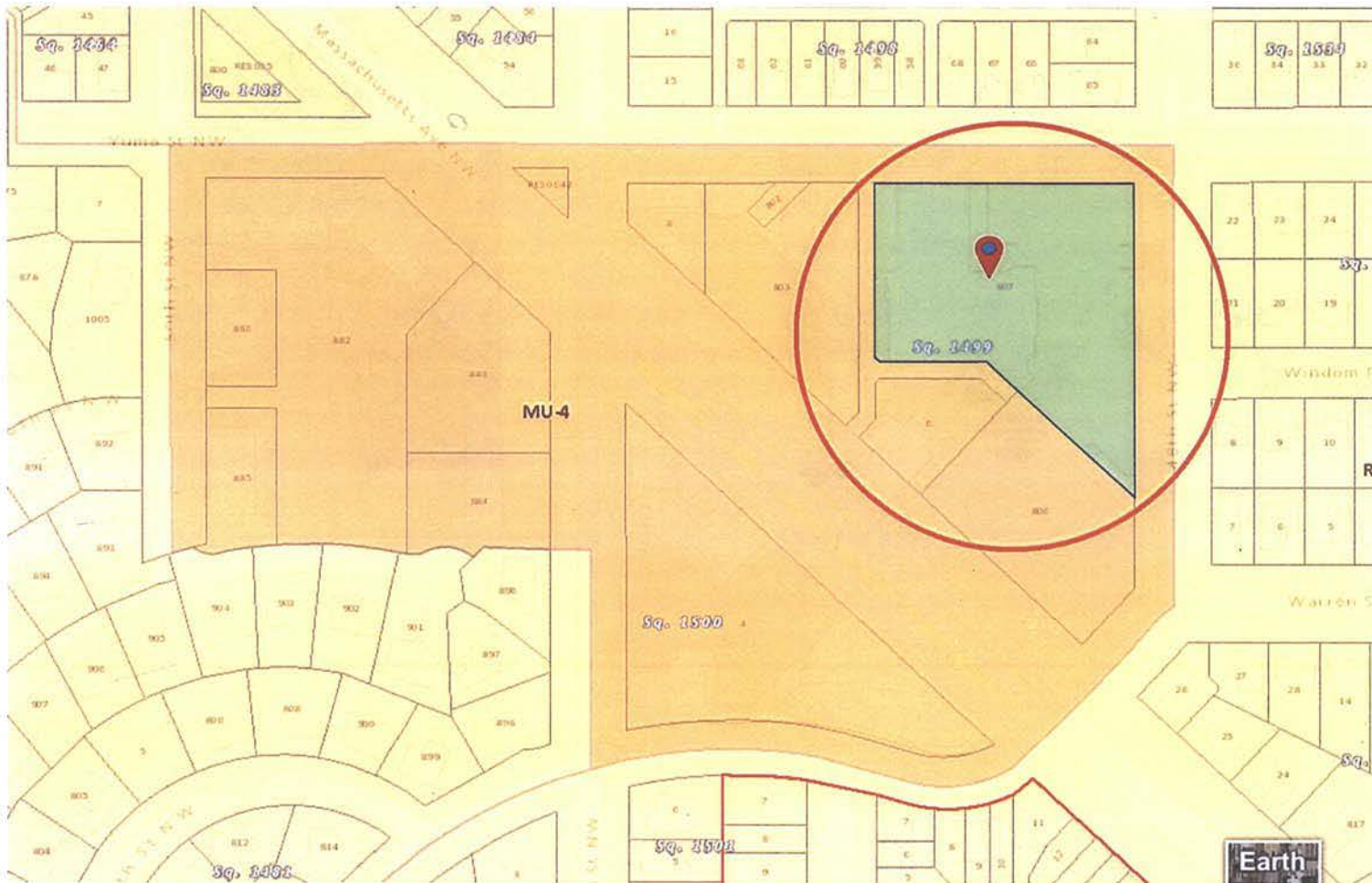
In Citizens for Responsible Development's written testimony in Exhibit 247, the current proposal is described as a *"four to six-story main building"* (p. 9). Later in that same page, it is stated *"CRD would support a one to three story development on the site"* (p. 9). That is, Citizens for Responsible Development wants four stories less than what was before you last year when Vice Chair Miller was led in a particular direction about coming down two floors. In another audience amendment from our December 2018 meeting, Citizens for Responsible Development proposed an amendment supporting mediation between Valor Development and the opponents. The ANC voted against this proposed amendment.

I used to think there was another way this could have played out. Armed with intimate knowledge, personal engagement, and just good old experience, I now know better. This may sound morose – I'd contend it's nothing more than a reflection of reality – but we are where we were always going to end up.

The scene looks a lot like it did a year ago. Both ANCs are in support again. Some neighbors have written in support; some in opposition. Some community groups are here as parties in support; some in opposition. The applicant has had another half-dozen meetings with the community and with the opponents. They have changed their proposal along several dimensions, all in the direction of the opponents. The opponents remain opposed. The inevitability of it all stings. There are things I'd do differently, components of the project that are missing from my point of view. But they wouldn't change where we are: we'd all still be here in these same seats just the same. In the end, like the beginning, we're here – ANC3D and our colleagues from ANC3E – because this project is desired by the community and, I believe, this project is good policy for the District. Thank you.



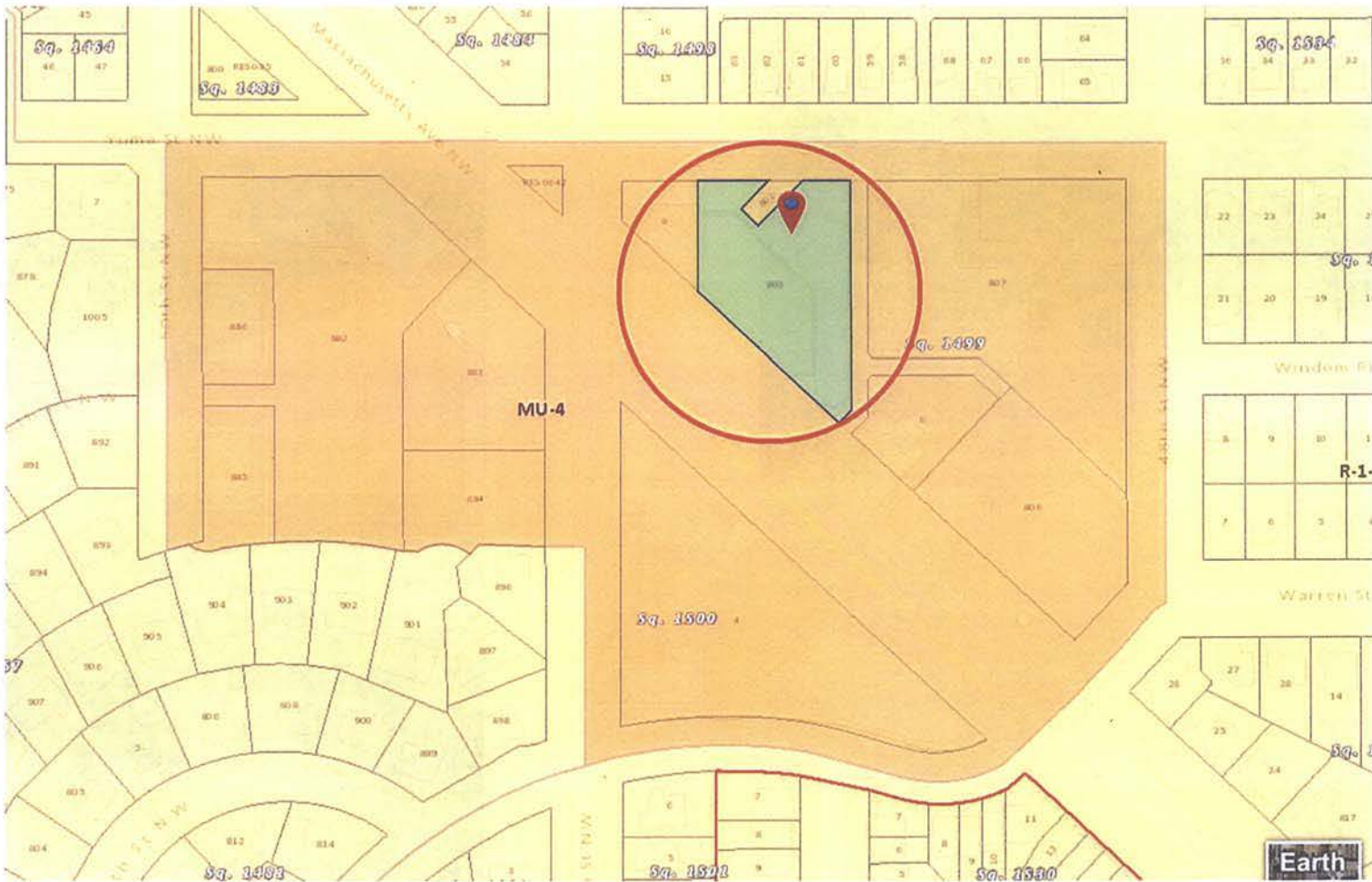
Spring Valley Commercial Area (MU-4)



Valor Site (Lot 807)



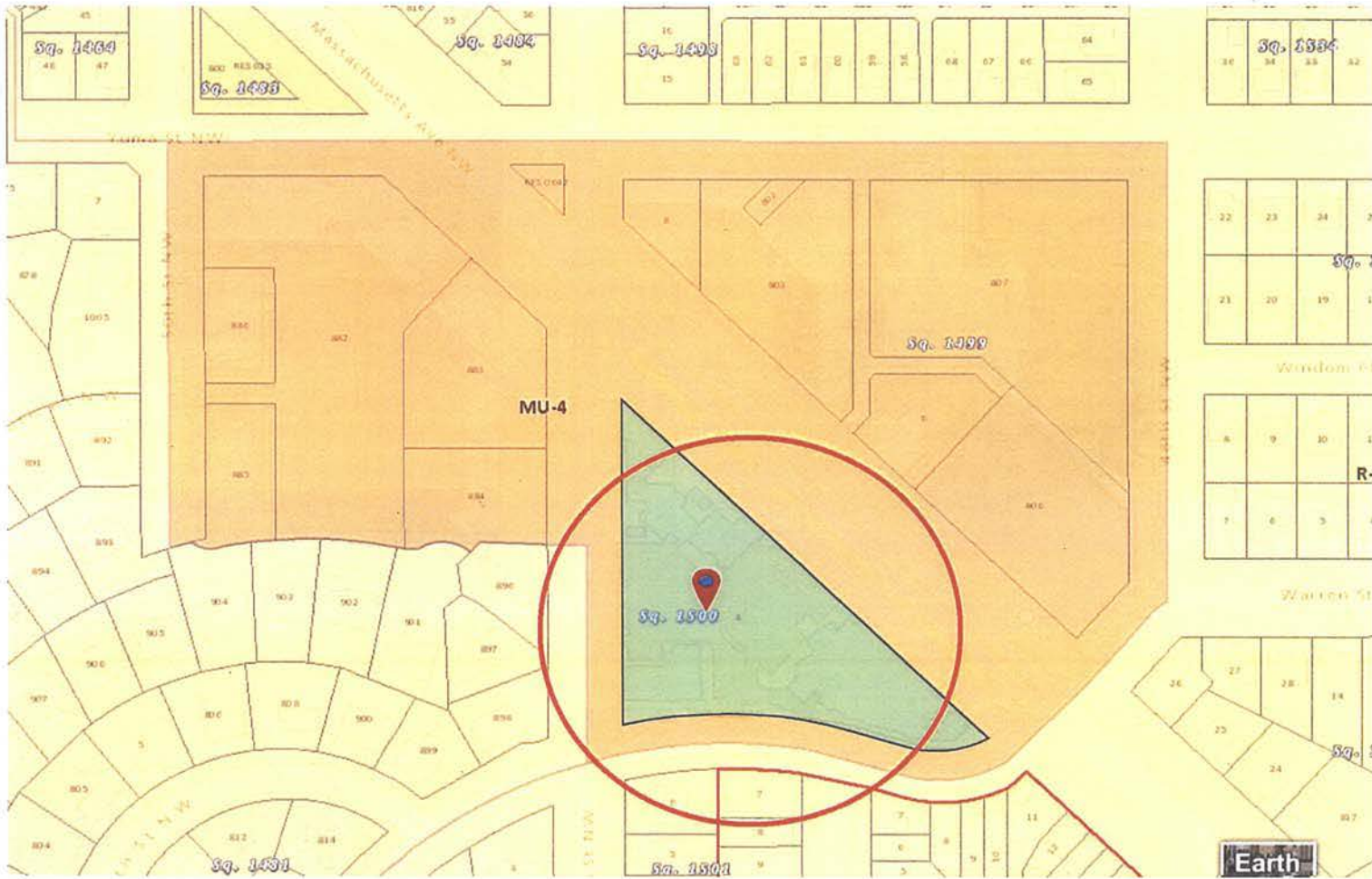




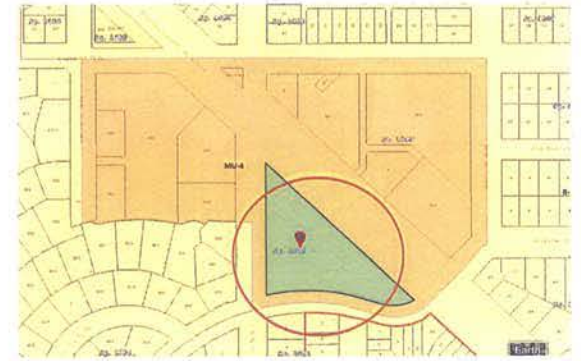
Wagshals Site (Lot 803)







Spring Valley Village



Setbacks and Height

Setback from 49th St: 30 feet

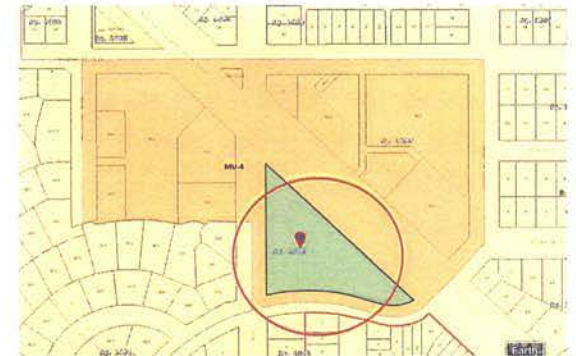
Setback from Fordham Rd: 35 feet

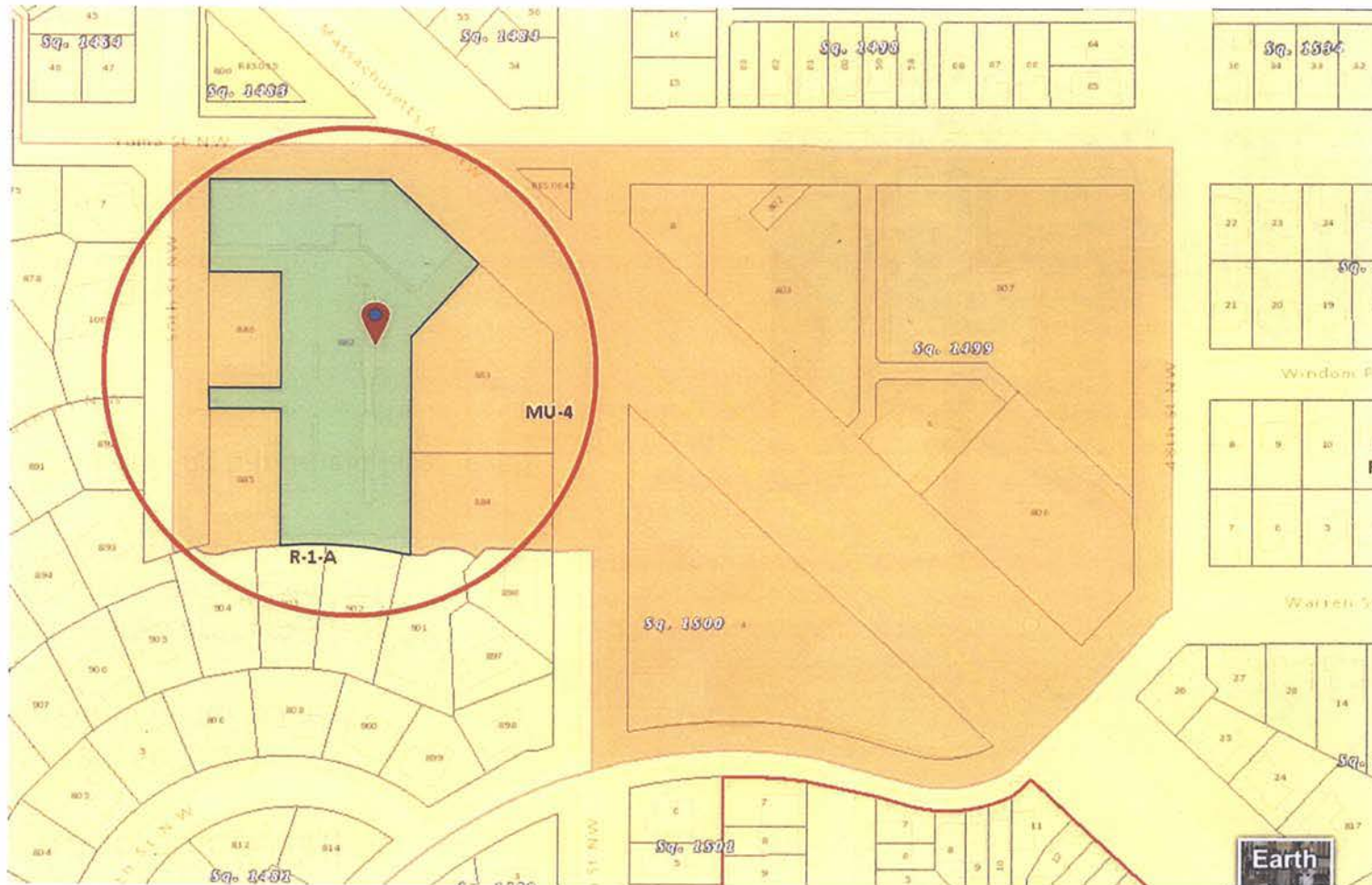
Height of roof facing Fordham Rd: 38 feet

Height of roof facing 49th St: 44 feet

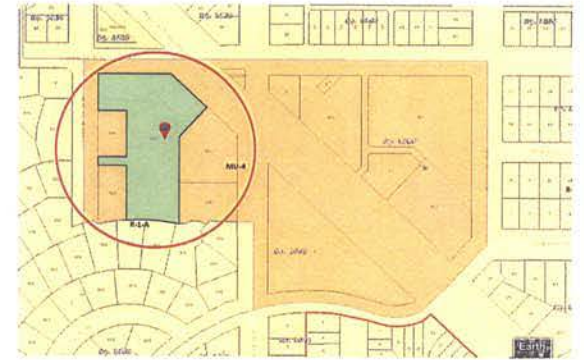
Height of stairwell: 46 feet

(Heights measured using hand-held laser level)





Medical and Office Buildings Site



Setbacks and Height

Setback from Massachusetts Ave: 55 feet
Height of roof facing Mass. Ave: 62 feet

Setback facing Yuma St: 28 feet
Height of roof facing Yuma St: 62 feet

Setback facing homes on 50th St: 27 feet
Height of roof at 50th St: 47 feet
Height of roof from parking lot: 56 feet
Height of penthouse roof from lot: 67 feet

(Heights measured using hand-held laser level)

