

JANUARY 24, 2019

TESTIMONY OF SHELLY AND BARBARA REPP

Good Evening Commissioners.

Thank you for the opportunity to speak on behalf of Citizens for Responsible Development (CRD). My name is Shelly Repp. My wife Barbara and I live on Windom Place. I am one of CRD's officers.

Valor Development is proposing to build a four to six story building on the SuperFresh site. The proposed Project includes 219 residential units plus grocery space (though no firm commitment from a grocer apparently exists).

Just so everyone is oriented to the site, the neighboring residential community, shown in these photos, consists of 2-story detached homes. In contrast to the American University building and the Spring Valley Shopping Center next door, the Project faces two residential streets – 48<sup>th</sup> Street and Yuma Street. The entrances to the presumed grocery and the apartment building will be directly across from the Yuma Street homes. Here is an illustration that shows just how big the project would

be to the Yuma Street neighbors, taking the Applicant's view of the Yuma Street frontage (Valor Architectural Drawings (Exhibit 240A4, slide A33)) and superimposing images of one of the Yuma Street homes from directly across the street. Also, as shown on the slide, there is a 23-foot slope to the site.

There is considerable opposition to this Project. In addition to numerous individual letters (including letters from 200 footers):

- The Westmoreland Citizens Association representing 990 households submitted a letter in opposition (Ex. 267);
- The 157 household Spring Valley West Homes Corporation as well as the SVWHCA and NLC are parties in opposition;
- 32 residents of Spring Valley Court, just across Massachusetts Avenue, recently signed a petition opposing the project (Ex. 278);

In addition, almost 600 Ward 3 residents have said they would support a 2 to 3 story building on the site.

CRD retained Digital Design + Imaging Service to evaluate the visual impacts of the Project. I'll turn this over to Ryan Shuler to summarize their conclusions.

Shelly Repp:

The Revised Application includes a handful of changes from the Applicant's previous plans, the principal one being that the main building has been sunk into the ground while expanding its footprint. The density of the proposed Project remains unchanged, and the Project will generate even more traffic.

The reason behind this change was that opponents uncovered a failure to comply with the District's Inclusionary Zoning ("IZ") requirements. By sinking the building into the ground and including cellar units instead, the Applicant is attempting through sleight of hand to circumvent these requirements.

The Project raises a host of legal issues. Briefly, the Project is being proposed using the new Design Review process. However, the Application fails to meet the criteria for Design Review. First, the Project is inconsistent with the Comprehensive Plan. While the Applicant describes the Project using flowery language, contrary to the Comprehensive Plan, the Project would create an "overpowering contrast in scale, height and density with the surrounding residential and commercial neighborhood."

The Future Land Use Map (“FLUM”), which expresses the public policy on future land uses, designates the SuperFresh site as Low Density Commercial, which is described as a zone “comprised primarily of one to three-story commercial buildings.” CRD submits that the Zoning Commission should look to the Future Land Use Map and the prevailing character of the area and adjacent uses in rendering a decision on the Application.

Second, the Design Review regulations clearly state in multiple sections that Design Review cannot be used to increase density, but that’s exactly what is being proposed. The allowed matter-of-right density for this site is 184,514 sq. ft. in GFA. The Project instead includes 234,629 sq. ft. in GFA, plus 26,050 sq. ft. of below grade residential space. The Applicant is relying on a provision that says that Design Review provides for “flexibility in building bulk control.” However, this very sentence then says, “without an increase in density.” The Project “bulks up” a low-density neighborhood. Design Review cannot and should not be used to justify such growth.

By way of comparison, the Planned Unit Development (PUD) regulations state that: “The purpose of the planned unit development process is to provide for higher quality development through flexibility

in building controls, including height and density.” Not only does an increase in density not appear in the flexibilities permitted under Design Review, but the regulations explicitly forbid such increases. The plain meaning of the Design Review regulations is clear – density increases are prohibited. Design Review is simply the wrong vehicle for this project.

Third, the Design Review regulations clearly state that a Design Review project must be “superior to any matter-of-right development possible on the site.” The Applicant’s straw man of what a matter-of-right project would look like is unrealistic, and in our view is offered as a threat. We are confident that Valor’s architects can come up with a much better design if asked.

Stephen Hansen from Preservation Matters will now address historic preservation and related issues.

Shelly Repp:

The Design Review regulations also require the Commission to make a finding that a proposed project will not have an adverse impact.

Contrary to the regulations, the community will be adversely affected by additional traffic congestion and neighborhood parking overload. The

Gorove/Slade Supplemental Transportation Memorandum is based on estimates, more than 2 years old, that do not take into consideration significant changes in the neighborhood since then.

Gorove/Slade estimates that the Project will generate 322 additional trips per hour during the afternoon peak hours. No estimate of the total amount of weekend traffic is provided (though one can expect higher volumes for the grocery store on weekends). Our critique of the Applicant's original CTR, prepared by MCV Associates using metrics from the Institute of Transportation Engineers, estimates that the Project will generate at a minimum an additional 3400 trips each weekday.

As shown on this table, traffic in each of the 3 entrances leading into the site will increase by more than 600%. The volume of traffic in the alleys will actually reach the levels on the nearby streets. Most cars and trucks will use the alley behind the AU building (the E/W alley); the volume in this alley will be 342 vehicles from 4 to 6 PM on weekdays. Plus, the AU shuttle buses (up to 10 per hour) park and load near the entrance to this alley.

Barbara Repp will now address pedestrian safety issues.

Good evening, Commissioners. My name is Barbara Repp. Thank you for the opportunity to speak this evening. Continuing with the alleys, I'd like to focus on pedestrian safety issues around the site, using Valor's own Circulation and Loading diagram. On this slide, you see handwritten notations that have been added to provide neighborhood context. By way of orientation, Yuma Street is at the top of the diagram and Massachusetts Avenue is at the bottom.

Point 1 in the lower right-hand corner shows the E/W alley entrance off 48th Street that will be used by pedestrians, cars, trucks, and bicyclists to access and exit the underground parking garage, the grocery store loading docks, and the N/S alley. The proposed 6-foot wide sidewalk along the alley is interrupted at several vehicle entrances, namely at Points 3, 4, and 5.

At Point 2, at the rear of the AU building, you see the loading bay area where trucks and vans park on a regular basis to service the AU building and pick up trash. These loading bays are not shown in the Applicant's diagrams. When asked about this omission, the architect replied that these loading bays are underground. They are not underground. The impact of these loading bays, which open directly into the alley, has not been considered in the Applicant's alley system.

Opposite these loading bays, at Point 3, is the entrance to the garages for the 5 new townhouses.

The sidewalk is again interrupted at Point 4, near the entrance to the underground parking garage for residents of the new building, grocery shoppers, and AU staff.

At Point 5, the loading docks will create unsafe pedestrian conditions. If a large truck cannot comply with DC's "front in, front out" regulation, will the truck park and unload in the alley? What recourse will pedestrians, cars, and trucks have while waiting for the truck to unload?

Shown at Point 6 is the exit/stairway that will be used by drivers, including AU staff, who have parked in the underground garage. These pedestrians will be added to the mix, both coming and going, as they cross the E/W alley to enter a rear entrance of the AU building.

At Point 7, where the 2 alleys meet and form a "T," pedestrians, as well as cars, trucks, and bicyclists can turn left to reach Massachusetts Avenue. No continuous sidewalk exists here along the alley near the



PNC Bank. Pedestrians will have no choice but to step into the alley roadway to reach their destination.

Pedestrians who turn right at Point 7 into the N/S alley to reach the grocery store will encounter cars, moving in both directions, as well as many trucks that currently service CVS and Wagshal's stores in the Spring Valley Shopping Center. These trucks unload up and down the length of this alley and also pick up trash around Point 8 on the diagram. DDOT has not been able to show that there is an agreement with the shopping center to coordinate trash pickups and deliveries, especially with the large trucks used by CVS.

The proposed 3-foot-wide sidewalk in the N/S alley directly abuts the new building and meets no standards for pedestrian safety. A mother pushing a stroller or someone who is wheelchair-bound cannot navigate this narrow sidewalk safely.

In summary, there is no safe pedestrian pathway or connectivity through the site due to the limitations of the site and to the density of the Project. The alley infrastructure was not designed to handle the increase in pedestrian and 2-way car and truck traffic resulting from the Project. Contrary to the Comprehensive Plan, the Project increases the number of

pedestrian-vehicle conflict points, and also undermines the goal of Vision Zero. A smaller, less dense project on this site could provide our residential neighborhood with safe pedestrian pathways, attractive public spaces, and usable connections to the commercial area on Massachusetts Avenue.

Michael Stover will address the Project's failure to comply with the Height Act.

Shelly Repp:

There are additional issues with the Project that remain outstanding, demonstrating that the Application is still incomplete.

- Parking is not adequately addressed, as the Applicant, DDOT, the Office of Planning, and American University each say something different about the agreement for sharing parking spaces with AU.
- There are few or no benefits to the community: for example, where is the binding agreement with a grocery store?
- The Project will result in pollution, noise, and deprivation of sunlight.
- We also draw the Commission's attention to the statement of Ms. Marilyn Simon (Exhibit 374), which points out that the Revised Application continues to fail to meet the District's Inclusionary

Housing requirements. And even under Valor's incorrect interpretation of the IZ rules, Valor is only proposing the bare minimum amount of affordable housing space.

In closing, CRD states that, by the express terms of the Design Review Regulations, the Zoning Commission cannot approve the Valor Application. The Commission instead should encourage Valor to work with neighbors on a right-sized design.