

Doug and Mary Ann Barnes  
4820 Brandywine Street, NW  
Washington, DC 20016

September 30, 2019

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

*Subject: Case Number 19-10, Proposal for Design Review and Development by Valor Development, LLC, Square 1499, Lots 802, 803, 806, 807. **Letter in Opposition***

Dear Chairman Hood,

We oppose case Number 19-10 to build a residential apartment building and grocery store in the current SuperFresh location in Northwest, Washington, DC.

Some main issues with the current project that have been generated by the problems with density, height, and traffic are as follows.

- The visual impact is not appropriate for being adjacent to a single-family home neighborhood.
- The building height is 81 feet above the street level at Yuma Street (equivalent to 9 or 10 stories).
- The traffic in the alleys is going to increase to levels that are similar to the traffic on 48<sup>th</sup> Street. The alleys will have between 9 and 20 times the traffic today, depending on location in the alley.
- The alleys will be dangerous for pedestrians due to inadequate proposed pedestrian pathways that run along the alleys and do not meet DC sidewalk regulations (the reason they are called pedestrian pathways)
- Current businesses will be forced to close. Wagshals kitchen will be closed and there is the possibility that it will have to move from the Spring Valley Shopping Center to another location.
- Valor refuses to compromise on the building height and density despite reasonable solutions proposed by CRD.

In addition, the project will not generate enough amenities to satisfy the requirements of a Planned Unit Development (see Attachment).

These are some of the reasons that **we strongly oppose the current design plans by Valor. We favor a scaled-down building and a more pedestrian-friendly design.**

Sincerely,

Doug and Mary Ann Barnes  
4820 Brandywine Street, NW  
Washington, DC 20016

Attachment.

The public benefits of the Valor/Mill Creek proposed building at the SuperFresh site in Northwest Washington DC are spread very thin for local residents. The benefits mainly go to those outside of the nearby community. Just to mention a few, the LEED Gold certification benefits the world. Maintaining the alley at 20 feet provides motorized vehicle access for residents of the new building. The increase in motorized traffic reduces the safety of local pedestrian and business employees that use it. The increase in the number of apartments will create new tax money for the government of Washington, DC. The bus service to the Tenley Metro for building residents is only guaranteed for one year and will not be available for local residents.

The main local amenity cited by the developer is a grocery store to replace the one that is now vacant on the SuperFresh site. It is unlikely that the new grocery store, if actually constructed, will last very long due to changing business conditions and the opening nearby of the new Wegman's.

Neighborhood costs also are associated with the proposed building. To balance the costs and benefits, in the table below, the list of possible public amenities published in DC Zoning regulations are paired with the Valor/Mill Creek text from their application and the "Findings of Facts and Conclusions of Law. (Valor 2019)" The right-hand column my comments and some other neighbors who allegedly benefit from allowing the proposed building to exceed the matter-of-right for building density and commercial space. The neighbors focus not only on negative aspects of the project, but also favor several benefits that could be part of a compromise agreement.

The views expressed in this note are my own, but they also have been informed by all the public testimony against the Valor-Mill Creek project by neighbors.

**DC Zoning Regulations: List of Valor PUD Summarized Amenities and Comments**

Zoning Regulations	Valor PUD/Design Review Application	Comments
5a. Superior urban design and architecture	The architectural design of the proposed buildings is anything but monolithic and blank. Rather, the careful sculpting of the building massing and the detailed façade design that takes cues from the surrounding context will add a substantial degree of visual interest to the neighborhood and to the quality of the streetscape.	<ul style="list-style-type: none"> <li>• The building design is far from superior for the following reasons.</li> <li>• The proposed building goes from the curb to curb, with no parks or social areas for gatherings.</li> <li>• There are no pedestrian pathways through the proposed development.</li> <li>• The building is too large and too dense for the adjacent residential neighborhood with 2 story houses.</li> <li>• The 7-story building towers above the historic Spring Valley Shopping Center.</li> </ul>
5b. Superior landscaping, or creation or preservation of open spaces;	The massing and scale of the proposed buildings have been markedly reduced through the use of lower-level pavilions separated by generous landscaped courtyards, considerable upper-level setbacks, and variations in architectural style and materials.	<ul style="list-style-type: none"> <li>• The mass and scale of this building cannot be hidden by the veneer of small courtyards and landscaping.</li> <li>• The building is a solid mass going around the whole property line with only a few setbacks.</li> <li>• The courtyards have been called inadequate and too small to be classified as public space by the Office of Planning.</li> </ul>
5c. Site planning and efficient and economical land utilization;	Turns vacant building and lot into commercial space (Mom’s Organic Market) and a residential building with 220-240 apartments. The project will provide provision of multi-family and townhomes in close walking distance to numerous amenities.	<ul style="list-style-type: none"> <li>• Some neighbors would like the vacant building to be replaced with Wagshal’s Market (who previously negotiated with landowner).</li> <li>• The nearby neighbors desire a lower rise residential building that is at least 20% to 30% less (just 47 apartments) than the proposed building.</li> </ul>
5d. Commemorative works or public art;	None	None.

Zoning Regulations	Valor PUD/Design Review Application	Comments
<p>5e. Historic preservation of private or public structures, places, or parks;</p>	<p>The Project will assist in protecting the historic MAPS by reducing the amount of density that could potentially be constructed on the historic MAPS site in the future.</p>	<ul style="list-style-type: none"> <li>• The building towers over historic Spring Valley Shopping Center and detracts from its appearance as a historic site.</li> <li>• The building also prohibits the future use of commercial density for improving the shopping center or for rebuilding in case the shopping center is destroyed by fire.</li> </ul>
<p>5f. Housing that: Exceeds the amount that would have been required through matter-of-right development under existing zoning; Includes senior housing; or Provides units with three or more bedrooms;</p>	<p>The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Future Land Use Map. Overall, the Project will replace an underutilized site with approximately 219 new residential units, including approximately 29 affordable units.</p>	<p>The apartments have shrunk in size compared to the original designs of the building. The density allowed as a matter of right would be more appropriate for this neighborhood space. As a matter of right the number of apartments would be reduced by only 40 or 50.</p>
<p>5g. Affordable housing exceeding that affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C, Chapter 22</p>	<p>As shown in the Plans the Project will exceed the amount of affordable housing that would be required through matter-of-right development. As a matter of right, the IZ set aside of the proposed project would be approximately 27,440 square feet (approximately 10% of residential floor area). As proposed, the Applicant will set aside approximately 29,858 square feet to affordable housing (approximately 11% of residential floor area).</p>	<ul style="list-style-type: none"> <li>• Affordable housing was highlighted by neighbors as an issue in the 2018 design review.</li> <li>• Following the 2018 Zoning Commission hearings, because neighbors found the Valor had miscalculated the affordable housing requirements, the building had to be redesigned to meet current DC zoning requirements.</li> <li>• The building as proposed in 2019 only meets the bare minimum standards for affordable housing.</li> </ul>

Zoning Regulations	Valor PUD/Design Review Application	Comments
5h. Employment and training opportunities	The building will feature employment in the grocery store and the residential complex.	<ul style="list-style-type: none"> <li>• Over 40 jobs will be lost due to the closing of Wagshal’s kitchen, Pitmaster’s, DeCarlos and the hair dresser.</li> <li>• Wagshal’s Spring Valley Shopping Center businesses is at risk of moving to another location, which would eliminate a longstanding community treasure.</li> <li>• Wagshal’s has proposed a new market for the location and it most likely would have greater employment benefits than the new grocery store and residential building.</li> </ul>
5i. Social services and facilities for the duration of the PUD,	None	None
5i. Building space for special uses including, but not limited to, community educational or social development, promotion of the arts or similar programs and not otherwise required by the zone district,	None	None
5j. Environmental and sustainable benefits to the extent they exceed the standards required by zoning or other regulations including, but not limited to:	The building will have a green roof and be LEED Gold	The green roof and LEED gold could be achieved with a smaller building.

Zoning Regulations	Valor PUD/Design Review Application	Comments
<p>5k. The plans, subject to approval by the Department of Transportation Public Space Committee including implementation and maintenance of the streetscape for the duration of the project for areas where there is no design standards;</p>	<ul style="list-style-type: none"> <li>• Install a mid-block HAWK signal along Massachusetts Avenue between 48th and 49th Streets;</li> <li>• Consolidate the trash receptacles in the north-south alley and place them within new enclosures;</li> <li>• Widen the north-south public alley to maintain 20-foot vehicle travel and provide a new pedestrian sidewalk;</li> <li>• Install a new sidewalk along east-west alley;</li> <li>• Improve the alley intersections to increase pedestrian safety and visibility;</li> <li>• Contribute \$5,000 toward any recommendations made by DDOT regarding construction of a “pork chop” at the intersection of 49th Street and Massachusetts Avenue; and</li> <li>• Provide four electric vehicle car charging stations, with two docks each, for a total capacity of eight cars charging.</li> </ul>	<ul style="list-style-type: none"> <li>• Neighborhood disagrees with DDOT assessment that alleys on two sides of the proposed building are only for cars and trucks.</li> <li>• Pedestrians, cars and trucks already use the north-south alley extensively (60 pedestrians or more per hour during the afternoon) and this will increase with the new building.</li> <li>• The north-south alley could be a unique opportunity to create vibrant pedestrian public space with or without trucks and cars.</li> <li>• The north-south alley currently is 20 feet, so there is no widening of the alley. In fact, the building to building dimension of the alley will be narrowed to 35 feet.</li> <li>• Adjacent alleys are transformed from pedestrian and commercial use to act as a driveway for building residents providing economic benefit to the building, but not the neighborhood.</li> <li>• The benefit “pork chop” at the intersection of 49<sup>th</sup> and Massachusetts Avenue is not considered an amenity among some neighbors.</li> </ul>
<p>5l. Outdoor children's play area: a public, active, outdoor children's play area that shall be secure, separated from parking and maneuvering areas, and designed to facilitate adult supervision.</p>	<p>None</p>	<p>None</p>

Zoning Regulations	Valor PUD/Design Review Application	Comments
<p>5m. Park maintenance or participation in the Department of Park and Recreation (DPR) "Adopt-a-Park Program" for the life of the development;</p>	<p>None</p>	<ul style="list-style-type: none"> <li>• A safe pedestrian pathway through the project would benefit neighbors walking to Spring Valley Shopping Center and Spring Valley Village.</li> <li>• Some neighbors would like to see a small park added on the project site. This would have the added benefit of taking away from the massive scale of the building.</li> </ul>
<p>5n. Transportation infrastructure beyond that needed to mitigate any potential adverse impacts of the application including, but not limited to, dedication and/or construction of a public street or alley; maintenance of a street median; or provision of a public easement for a pedestrian walkway that would not otherwise be required;</p>	<p>HAWK light will be constructed on Massachusetts Avenue. North-South alley will be widened.</p>	<ul style="list-style-type: none"> <li>• The building will make a dangerous alley even more dangerous.</li> <li>• The north-south alley will have an increased number of pedestrians originating from the new building mixing with 6 times more cars than currently in the alley.</li> <li>• The 3-foot sidewalk bordering a vertical wall does not meet federal standards and is inadequate for pedestrians.</li> <li>• The east-west alley will have large curb openings for cars and trucks along about half the alley taking away from the benefits of the new 6-foot sidewalk.</li> </ul>
<p>5o. Mass transit improvements, including, but not limited to, location and funding of a shared bike station; accommodation, and/or construction of a Metro station entrance; or donation of space for a transit store or other similar space to provide services such as the sale of</p>	<p>The project provides bike parking in the building. The project also provides shuttle bus service to Tenley Metro for only one year.</p>	<p>According to a recent ANC meeting, the developer will not commit to providing permanent shuttle bus service to Tenley Metro.</p>

transit cards, Metro passes, bus and train schedules, and information on bike and car sharing programs, etc.;		
---	--	--

Zoning Regulations	Valor PUD/Design Review Application	Comments
5p. Uses of special value to the neighborhood or the District of Columbia as a whole; and	Increases availability of housing and affordable housing	<ul style="list-style-type: none"> <li>• The project only meets the minimum requirement for affordable housing.</li> <li>• The building should be lower and less dense in accordance with neighbor’s interpretation of the Comprehensive Plan for the site.</li> </ul>
5q. Other public benefits and project amenities and other ways in which the proposed PUD substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.	The Project includes a full-service grocery store that will serve the needs of surrounding community residents.	<ul style="list-style-type: none"> <li>• The grocery store has been whittled down from just less than 50,000 square feet to about 16,000 feet in the current proposal.</li> <li>• Some neighbors question whether the grocery store is necessary or can stay in business given the opening of Wegman’s in the near future and close proximity to Whole Foods and other grocery chains.</li> </ul>

Zoning Regulations	Valor PUD/Design Review Application	Comments
<p>7. Public benefits other than affordable housing, such as public facilities or public open space, may be located off-site; provided that: (a) is a clear public policy relationship between the PUD proposal and the off-site benefit; and (b) the off-site benefit shall be located within one-quarter mile (.25 mi.) of the PUD site or within the boundaries of the ANC for the area that includes the PUD site</p>	<ul style="list-style-type: none"> <li>• Tree Replacement. The Applicant will plant any missing trees within the tree box areas along the east side of 48th Street, between Yuma Street and Massachusetts Avenue, and along the north side of Yuma Street, between 48th and 49th Streets.</li> <li>• Transportation to Metro. For a period of one year following issuance of the first certificate of occupancy for Building 1, the Applicant will offer a shuttle service for each residential unit within the Project between the Project Site and the Tenleytown Metrorail station.</li> </ul>	<ul style="list-style-type: none"> <li>• The north-south alley could be activated into a safe pedestrian walkway with limited traffic and with retail space or a parklike atmosphere.</li> <li>• The proposed Wagshal’s Market could be adopted for commercial space in building rather than Mom’s Organic.</li> <li>• The retail space of a variety of vendors would be a better benefit to neighbors.</li> <li>• A wider and clear pedestrian pathway from the proposed building entrance to the Spring Valley Shopping Center and across Massachusetts Avenue would provide greater pedestrian safety and be a community benefit.</li> <li>• One year transportation to Metro benefits mainly building occupants and not the local community.</li> </ul>

Source: DC Office of Zoning. 2019. “Planned Unit Development Public Benefits.” District of Columbia Zoning Handbook, DC Government, Washington, DC. Valor Development. 2018. Valor Development. 2019. “Findings of Fact and Conclusion of Law.” Written Submission to DC Zoning Commission, Washington, DC.