

COMMUNITY UPDATE

A Neighborhood Newsletter Published By The
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And Neighbors for a Livable Community
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A Tribute To A Community Leader, Colleague, and Friend ...

Former Spring Valley ANC Commissioner Nan Shelby Wells Passes Away

*A Kind-Hearted Spirit, Her Commitment To Sustaining
Neighbor-Friendly-Feel Of Community Will Be Missed*
By Tom Smith

In recent years, unfortunately, the Spring Valley neighborhood has lost several long-time community leaders: **Charles Hamilton** in July 2012; **Robert Herzstein** in January 2015; and **Ford Barrett** in February 2017. We lost another leader recently when former Spring Valley ANC Commissioner **Nan Shelby Wells** died on March 23 after a short illness.

Many residents, especially those who are new to the neighborhood, may never have heard of any of these people, including Nan Wells. Yet, they helped to preserve a quality of life in the community that continues to attract many new residents, including younger families, who choose to make Spring Valley-Wesley Heights their home. Without their efforts over the years to maintain the character of Spring Valley-Wesley Heights, this is not the type of neighborhood that would be so attractive now to so many.

Chuck Hamilton and Bob Herzstein helped to found **Neighbors for a Livable Community** – initially intended to protect the neighborhood from the uncontrolled growth of American University (AU), so that a large institution would not overwhelm the residential neighborhood. Ford Barrett was long active in the **Spring Valley-Wesley Heights Citizens Association** and even served as its President. He also was a strong advocate for preservation. Individually and collectively, they – along with other community leaders over the years – worked together to preserve and sustain a low density residential neighborhood – where neighbors looked after their neighbors – and made their neighbors’ problems their problems.
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REMEMBERING NAN SHELBY WELLS

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Nan Wells shared the same values and leadership style as these other pillars of our community. Nan served on the ANC for slightly more than ten years beginning in fall 2005 until January 2017 representing the western part of Spring Valley as well as a small portion of the Kent neighborhood. She also served as a Board member of the Spring Valley-Wesley Heights Citizens Association. She worked hard to represent the interests – not just of her immediate constituents – but the community at large. Her tenure on the ANC offered a master class in how to engage with colleagues, city agencies, and the public at large on sometimes-difficult issues.

I had the good fortune to serve with Nan for ten years on the ANC as the representative of the eastern part of Spring Valley along with a small portion of Wesley Heights, Kent, and the American University Campus.

Nan had two passions on the ANC: (1) ensuring that the U.S. Army Corps of Engineers (USACE) fully cleaned up chemical munitions in Spring Valley stemming from the use of the AU Campus as a chemical weapons experimental station during World War I; and (2) protecting the neighborhood from excess development – whether from an ever-expanding AU or the commercially-zoned corridor along Massachusetts Avenue.

Nan did not live in the neighborhood when buried munitions were first unearthed in Spring Valley in 1993, but she worked hard to learn the history of the contamination and she relied on her science background to fully grasp and explain to others the technical and practical issues associated with the clean-up. She was not hesitant to question or challenge USACE officials and contractors about specific studies and conclusions. She was deeply concerned that the USACE would repeat history and – for budgetary or other reasons – shut down the clean up before finishing the job. She was aggressive in her advocacy reaching out to city agencies and even to individual members of the U.S. Congress.

Nan also was deeply committed to preventing excess development in the neighborhood. She often referenced the preservation work of Cleveland Park community leaders to warn against the impacts of uncontrolled growth at the Spring Valley Shopping Center and by AU.

Like so many others in our neighborhood, Nan wanted to ensure the shopping center offered diverse and lively retail options for neighbors. But, she also wanted to ensure that growth at the Center was planned and that any impacts on neighborhood residents – even if these residents were not her constituents – were addressed and mitigated by the developer or the new businesses. She also was strongly committed to limiting the number of liquor licenses in the area often saying that Spring Valley should not become Wisconsin Avenue or a mini-Bethesda.

Nan was not hesitant about reminding her colleagues and other residents that she lived on Overlook Road – far removed from the Shopping Center – and would not experience any of the parking or traffic impacts associated with expansion of the Shopping Center. Nevertheless, she emphasized that she – and they – had a responsibility to protect and advocate for those who lived nearest the Shopping Center and who would be impacted. Residents, especially those who lived on the frontlines of changes in the community, always had a reliable ally and advocate in Nan Wells.

Nan's views about the Shopping Center prompted one of the few sharp disagreements we had over the ten years that we worked together. When new ANC districts were being carved out during the last redistricting process in 2012, I advocated for combining the shopping center census blocks with the adjacent residential blocks within the same ANC Single Member District (SMD). But, Nan believed that maintaining the Center in one Spring Valley district and the surrounding homes in another would ensure that the interests of the residents adjacent to the Center would be represented by two Commissioners, not just one. She won that debate – and, in retrospect, she was correct.

In the two years prior to both of us leaving the Commission, we worked closely together as partners – to the frustration of some residents – to ensure that the interests of the immediate surrounding neighbors were represented and advanced after ownership of the Center changed from the neighborhood-friendly Miller Companies to Washington REIT and WREIT's plans to expand the Center took shape.

Nan believed that neighborhood was more than a word – but it was about making your neighbors' concerns and worries your own, especially if you were elected to a community leadership position, such as the ANC. She believed that debates about community issues should be respectful and “neighborly” with nobody feeling threatened, bullied, or discouraged from stating their views. She spoke about this from experience.

Nan prided herself on doing her homework and was humble enough to want to hear others' advice or learn from others' knowledge or experiences. She never thought she had the answers to everything and was never reluctant to utter those famous words: “I just don't know.” She said, however, that this led some people to perceive her as a lightweight, especially in meetings about the Shopping Center during her last two years on the ANC, and then try to bully or intimidate her to stand down on an issue that aroused her passion. As a woman accustomed to dealing with strong personalities over the years, Nan was not shy about speaking up for what she thought was right – no matter the pressure exerted on her. Anybody who thought to try to bully Nan once seldom made that mistake again.

I always knew Nan as somebody who was exceedingly kind and generous – a woman with a big heart and a keen mind – and fiercely committed to collegiality. When some on the ANC did not get along with each other, Nan would take it upon herself to invite everybody to her home, open a bottle of wine, and encourage people to get to know one another in another setting.

But, for Nan, like most of us, family came first. She was so devoted to her husband; and her love and commitment to her daughter was unlimited. Anybody who connected with Nan on any level knew that.

Anybody who knows Nan has their own story to explain the type of person she was. For me, it was a day that she and I testified on the munitions clean up before the U.S. House Oversight Committee. When we walked into the House office building that morning, Nan knew the guards, the restaurant workers, and the maintenance people by their first names – and they knew hers. She would ask them about their families and they, in turn, would ask about her family. This was more than a courteous or nominal give-and-take – her interaction made it clear that she cared about these people's welfare. I had worked as a Hill lobbyist at that point for more than 20 years, and I was struck by the connections she had made with these people. I was always too busy talking with clients or thinking about where I had to go and when I had to get there to spend any energy to reach out to these workers. But, it was indicative of the type of person she was: Nan had an

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interest in people – not because they would be key to her success – but because they, too, were part of the human family – and she was not going to miss an opportunity to touch and be touched by that family.

Nan offered a big tent – a generous spirit – and a commitment to the values that she grew up with in her own neighborhood in Kentucky – that being a good neighbor was more than saying hello – but it was about having your neighbors’ backs.

Farewell, Nan. Rest in peace. Job well done. You are missed.

**ZONING COMMISSION REVIEW OF SUPERFRESH SITE
DEVELOPMENT PLAN DELAYED BY DEVELOPER
*Developer To Seek New Grocer To Replace Balducci’s; Plan To Be
Revised To Replace One Of Two High-Rises With Townhomes***

Plans by Valor Development for a new mixed use project at the former SuperFresh site have hit a serious snag and are expected to undergo a major revision. The action comes after effective testimony by residents of American University Park and Spring Valley in opposition to the proposed development at a January 25, 2018 hearing before the Zoning Commission.

At that hearing, Citizens for Responsible Development (CRD), a grassroots group of volunteers that includes residents primarily from the American University Park neighborhood, but also numerous residents of Spring Valley; the Spring Valley-Wesley Heights Citizens Association; Neighbors for a Livable Community; and Spring Valley West Homes Corporation testified in opposition to the development plan as proposed by Valor. Moreover, about 30 residents of American University Park and Spring Valley also testified as individuals in opposition to the proposed development. Bill Fuchs, the owner of Wagshal’s, also testified in opposition to the project.

(As reported in the last issue of this newsletter, Valor presented its case to the Zoning Commission at a hearing on January 11, 2018 along with the supporters of the Valor proposal.)

As proposed, the development will include two new buildings – with 220 apartments. It will result in the loss of nearly 28,000 square feet of retail space. It would displace DeCarlo’s Restaurant, Jean Paul Hair Salon, the Wagshal’s Barbecue Pit, and Spring Valley Catering, which also is owned and operated by Wagshal’s.

The project's scale has raised serious concerns among many residents of AU Park and Spring Valley. Opponents argue that the 5-7 story project, which faces two residential streets (48th St. and Yuma St.), is not compatible with the adjoining residential neighborhoods. Opponents also have argued that the proposed development is inconsistent with the city’s Comprehensive Plan and does not conform with other existing zoning regulations. They also argue that Valor has misrepresented the scale of the new development in its application materials submitted to the Zoning Commission.

Spring Valley residents and groups representing many Spring Valley neighbors have raised concerns about traffic impacts, especially given existing traffic and safety issues at the intersection of Fordham, 48th

Street, and Massachusetts Avenue and adjacent to the Spring Valley Village Shopping Center. Objections have also been raised about the small size of the individual apartment units, especially given that Valor has promoted the new housing as a way for neighboring residents to downsize but stay in the neighborhood.

Valor Development acknowledges that the project's density exceeds what can be built on the site as a matter-of-right. However, Valor argues that its project is “superior” to what would be built as matter-of-right, primarily on the basis that the plans include a grocery store. However, the grocery store, which originally was conceived to be 56,000 square feet – approximately the size of the Giant stores at Cathedral Commons and the Westbard Shopping Center – has been scaled back to approximately 13,000 square feet.

Valor reported at the January 11 Zoning Commission hearing that Balducci's would lease the reduced-size grocer space; however, latest information offered by the developer indicates that Balducci's now will not lease the space. Balducci's and Valor had signed a non-binding letter of intent prior to the beginning of zoning hearings in January. Valor will be trying to find another grocer now to replace Balducci's. Valor had indicated in various meetings dating back to Spring 2016 that it expected to lease the space to a major grocery chain, such as a Harris Teeter, but that it was not in a position at that time to confirm with any specificity who would lease the space. Subsequently, Valor decreased the size of the space for the grocer as new agreements were reached with major grocery chains, like Trader Joe's and Wegmans, to open stores in more heavily trafficked areas nearby along the Wisconsin Avenue corridor.

For some residents, their primary interest in the project is whether it will include a new grocery. Valor has sought to use this interest as a way to promote a project that many residents in the surrounding neighborhood say is too dense. Although they, too, want access to a grocery store and support mixed use development of the site, they argue the project is out-of-scale and that the negative impacts are an excessive price to pay – even to have access to a new grocer.

But, the uncertainty over the tenant for the small grocery appears to be only one snag that has sent the developer back to the design table.

Project Opponents Testify At January 25 Zoning Commission Hearing

In a nearly 5-hour hearing on January 25, the Zoning Commission heard from opponents of the project. The hearing was so long because of the number of individual residents from American University Park and Spring Valley who wanted to testify in opposition to Valor's plans. Testimony by these individuals followed testimony by the formal parties in opposition, which included CRD, the Spring Valley-Wesley Heights Citizens Association, Neighbors for a Livable Community, and the Spring Valley West Homes Corporation.

In its comprehensive testimony, CRD focused on the height and scale of the project. Four AU Park residents testified on behalf of CRD in opposition to the project. Leading the effort was Mr. Shelly Repp.

Mr. Repp gave extensive testimony on the results of a Visual Impact Study that CRD commissioned to highlight how the new project would be inconsistent with the neighboring single family low density residential neighborhood adjacent to the site. The study, however, also demonstrated the visual impact along Massachusetts Avenue of the 90-foot tall building proposed by Valor. CRD argued that Valor's

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architectural drawings for the site are inaccurate renderings intended to misrepresent and mask the visual impacts of the building to the general public and the Zoning Commission.

Mr. Repp also stressed that the project was inconsistent with the Comprehensive Plan precisely because it is out of scale with the surrounding residential neighborhood. Mr. Repp labeled the project “an example of uncontrolled growth.”

CRD also said that the project, which is being proposed as part of new Design Review Standards incorporated in the latest rewrite of the city’s zoning regulations, would result in a significant increase in overall density. CRD noted that the zoning standards for Design Review do not allow for an increase in density. The group also questioned the legality of a density transfer agreement negotiated by Valor with Regency Centers, the owner of the Spring Valley Parking Shops where CVS and Wagshal’s are located. Valor entered into a second agreement with American University (AU), which owns 4801 Massachusetts Avenue, that allows the developer to use additional density to develop the site. Mr. Repp also complained that the agreements had not been made a part of the public record in the case.

Ms. Laura Ivers, an AU Park resident, testified on behalf of CRD about traffic impacts and warned that the project would result in a significant increase in automobile and truck traffic based on data provided by a Valor-commissioned traffic study. Ms. Ivers also noted that the project would jeopardize pedestrian safety and noted that so-called improvements of the alleys that Valor branded as a new “Windom Walk” would force pedestrians to cross truck loading zones and entrances to the garage.

“The claims of pedestrian friendly alleyways made by Valor are simply false,” Ms. Ivers said. “Pedestrian walkways in front of truck loading docks and a parking garage entrance are not a viable pedestrian solution.”

Mr. Michael Stover, another AU Park resident testifying for CRD, raised questions about the project’s compliance with the DC Height Act.

Ms. Sondra Mills, an AU Park resident, addressed issues related to historic designation. Because Valor is purchasing density from the Spring Valley Parking Shops, which was designated an historic site in 1989, Ms. Mills, on behalf of CRD, argued that the density transfer agreement must be reviewed by the DC Historic Preservation Review Board (HPRB). Ms. Mills also stressed that the project would have an adverse effect on the landmarked shopping center.

“Valor’s project does not respect the scale or architecture of the landmark,” she said. “It will loom over the landmarks and the surrounding neighborhood they were designed to serve. It will cast broad shadows over the community – both literally and figuratively – and detract from the historic character of the shopping centers that was recognized by the HPRB when it granted landmark status to both shopping centers along Massachusetts Avenue.”

Any changes or alterations to a historic structure in DC must be reviewed by the HPRB. The zoning standards that are being used to evaluate the project also require that the project be compatible with any historic structures in the area.

On behalf of the Spring Valley-Wesley Heights Citizens Association, Mr. William Krebs, the First Vice President, stressed that many details of the project were still unknown and that action by the Zoning Commission may be premature. He also indicated the Citizens Association supports mixed use development at the SuperFresh site, but that the Valor project was out of scale and would have a long term negative impact on the neighborhood.

“Although Valor originally sought to sell neighbors on this project by promising a full-service grocery store,” Mr. Krebs said, “under the most recent submission, Valor’s proposal will result in a net loss of nearly 27,000 square feet of retail space. We are not getting a full service supermarket or even a grocery store. Rather, we are now being promised a market comparable to that which Washall’s already provides.

“We should not have to accept the loss of existing retail space and the imposition of a massive project, sucking up the entire block’s remaining density, in return for another gourmet market.”

He also warned that the project would “exacerbate traffic conditions and result in increasingly unsafe traffic conditions for pedestrians.” Saying it “simply defies logic,” he was critical of Valor for suggesting that “a project of this size will have no traffic impact on the neighborhood.”

“From Valor’s perspective, the cost-benefit analysis is all that matters,” Mr. Krebs said. “It does not live in the neighborhood. Its principals will not have to deal with the traffic, the congestion, or the lack of amenities. They do not even ask the question at whose cost and whose benefit?”

Mr. Krebs also noted that Spring Valley residents were divided on the project and acknowledged that there are residents in Spring Valley who view the project as a “measure of progress.”

“However, some of those individuals,” he added, “only see the value added by a project – without regard to the cost in quality of life paid by other members of the community. To some of those individuals, compliance with existing zoning regulations, proffers, or other legal restraints, are merely obstacles to be sidestepped or ignored. They enjoy the benefits of the project and leave it to their neighbors to pay the cost by dealing on a daily basis with traffic, parking, and congestion.

“We believe we have a responsibility to represent all of our neighborhoods’ interests and that all should be heard. However, we also believe those who live closest to the commercial corridor and are likely to be impacted the greatest by this proposal are entitled to great consideration and that their voices should be given the greatest weight.”

Testifying on behalf of Neighbors for a Livable Community (NLC), former Spring Valley ANC 3D Commissioner Thomas Smith, noted the complexity of the proposal submitted by Valor and referenced the secret agreements negotiated by Valor with AU and Regency Centers.

“Valor has played two years of shell games with the neighborhood,” Mr. Smith said, “offering empty promises to earn support as it worked behind the scenes with AU and the owners of the Spring Valley Parking Shops to secure these still-secret agreements that are intended to circumvent the zoning regulations, which under the Design Review standards, is not permissible.”

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Mr. Smith noted the project was inconsistent with several elements of the Comprehensive Plan as well as six separate major zoning regulations. He also stressed that Valor had spent little time working with neighbors to address their specific concerns. Mr. Smith also emphasized that changes in the project could be made to reduce the overall scale and density, ensure its compliance with the city's zoning regulations, and address objections raised by affected residents.

Speaking on behalf of the Spring Valley West Homes Corporation, Mr. Scott Parker, the organization's Treasurer, stressed that the increased traffic density would have a significant impact on residents of Spring Valley West. He noted that Valor misled the community about providing a full service grocery store. He also was critical of Valor for misleading the community about the sizes of the new proposed apartment units as well as the mix of condos vs. rentals.

Although Valor promoted the development as a way for residents to downsize by purchasing a condo unit and stay in the neighborhood, Mr. Parker noted, Valor revealed at the January 11 Zoning Commission hearing that all the units in the development would now be rentals and that it would determine the sizes of the units at a later date based on "market realities."

"Despite many meetings," Mr. Parker said, "there is little to support Valor's contention that they listened to the community and acted in response. The buildings are still huge vs. the surrounding community. It has no full service grocery store, and it will certainly add substantially to traffic congestion."

He was critical of Valor for "the not-so-veiled threat" made at ANC meetings that the developer could alternatively build a new development as a matter of right that would be as large in scale as their current proposal, but without a grocery. He added that Balducci's, which had failed previously when it was located in Wesley Heights, was not a full service grocery store.

"The not-so-veiled threat was that they would raise the ceiling heights of the then-smaller building so the resulting structures would be nearly as tall as the ones proposed," Mr. Parker said.

Mr. Parker said such threats made it difficult to trust Valor.

He also criticized ANC 3D for testimony suggesting that the majority of the community supports the proposed development. "That assertion is unsupported," Mr. Parker said. "You can judge the views of the individual community members who felt strongly enough to show up."

Mr. Parker stressed that neighbors want the site to be developed, "but preferably with three floors above ground, with a smaller number of total units, and with at least 50 percent of the units available to purchase under reasonable circumstances – desires that have been repeatedly made clear to Valor."

Valor Delays Zoning Commission Review Twice

After hearing testimony at the January 25 hearing, the Zoning Commission scheduled deliberations on the Valor proposal for February 26. But, on February 22, Valor submitted a request to the Zoning Commission to defer deliberation "to allow additional time for further discussion on the project with the DC Office of Planning." The request stemmed from information presented by Ms. Marilyn Simon, a long-time community activist, who testified as an individual witness at the January 25 hearing. Ms. Simon testified in

opposition to the Valor development on the basis that the project did not conform with the city's inclusionary zoning rules.

Inclusionary zoning is a standard tool used in cities across the country to require that new residential developments, like the Valor project, include a specific amount of affordable housing units. The number of affordable housing units required is based on a formula in the zoning regulations and driven by the overall density of the proposed project.

In a filing to the Zoning Commission, Valor initially took issue with Ms. Simon's testimony. However, CRD also submitted information to the Zoning Commission as part of a post-hearing filing on the affordable housing zoning requirements outlining in great detail why Ms. Simon's calculations were correct.

As the debate over inclusionary zoning requirements raged behind the scenes, the Zoning Commission granted Valor's first request to delay deliberations and set April 16 as the date for the developer to provide any additional information. At that time, the Commission also delayed deliberations until later in May.

However, the schedule changed again when Valor sought a second deferral on April 16. In that request, the developer acknowledged that the city's Office of Planning agreed that the project's set aside for affordable housing was not in compliance with the city's inclusionary zoning regulations. Valor also indicated that it had met with other city agencies to try to identify additional city programs Valor could access that "could support greater affordable housing within the project." Valor noted that the finances of the project dictated that the required amount of affordable housing could not be provided.

The failure to meet the city's affordable housing requirements can be traced to a decision by Valor to enter into the density transfer agreement with Regency Centers, the owner of the Spring Valley Parking Shops (where Wagshal's and CVS are located) to transfer density from their existing lot to the new Valor project and a separate agreement with AU to tap unused density on the lot which now includes AU's 4801 Massachusetts Avenue (the former law school) building and the former SuperFresh. Without this added density, Valor would not be able to build a project to the scale it has proposed under city regulations. However, the additional density resulting from those agreements also imposed added requirements for affordable housing that Valor has not proposed to offer. Valor apparently neglected to consider the effect of the transfer on meeting the city's minimum affordable housing requirements.

(In addition to giving Valor access to more density from its property at 4801 Massachusetts Avenue, AU also has a parking agreement for an easement that allows AU to use parking spaces at the SuperFresh site. This was a condition of the sale of the 4801 Massachusetts Avenue property to AU in 1996. AU has indicated it has no plans to give up the easement rights to the SuperFresh property. AU and Valor have been negotiating for AU to have access to parking spaces in the garage for the new apartment building, but so far have been unable to conclude an agreement.)

Valor was not alone in neglecting to assess the affordable housing requirements for the proposed project. ANCs 3D and 3E also failed to examine the issue as part of their review of the applications before recommending support for the project. The ANCs already had been criticized for a lack of due diligence in their review of the application, particularly for testimony at the Zoning Commission hearings stating that they did not assess the project's compliance with the Comprehensive Plan. In that testimony, both ANCs

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said they “were not qualified to make that assessment.” Assessing compliance with city zoning rules and the Comprehensive Plan are fundamental to ANC review of proposed development proposals or other zoning-related applications. The Zoning Commission often relies on the ANCs’ assessments when considering cases, like Valor.

Opponents have suggested that the ANCs seemed determined to support the project without regard to specific zoning impacts or the negative impacts on surrounding neighbors. Moreover, the ANCs seemed also to focus unduly on criticizing opponents of the application, including their own ANC colleagues who dissented from the recommendation.

In a written report recently to her constituents, ANC 3D Commissioner Alma Gates, who represents the Palisades community and opposed the Valor project, reported that “there has been a healthy dose of retaliation by members of ANC 3D for my attempts to protect the interests of the residents living adjacent to the proposed development.” Ms. Gates had filed a Minority Report from ANC 3D challenging the recommendation made by the ANC.

“I delivered a minority report to the Zoning Commission where I was personally attacked by a fellow Commissioner,” Ms. Gates reported in her Spring 2018 constituent newsletter.

Zoning Commission Chairman Anthony Hood pointed out at a hearing where Ms. Gates was criticized for submitting the minority report that it is common procedure for ANCs to submit minority reports to the Zoning Commission, especially in controversial zoning cases.

Valor Justifies Second Delay By Indicating Plans To Revise Project

In an April 16 filing to the Zoning Commission, Valor noted that its inability to meet the affordable housing requirements would require it to spend “considerable time reevaluating the overall height and mass of the project” and, consequently, had made several “substantial changes.” Valor asked that it be given until June 18 to submit new plans. Meanwhile, CRD, the SVWHCA, NLC, and Spring Valley West Homes Corporation requested that parties be given until July 18 to review the new plans and submit comments for consideration by the Zoning Commission.

On April 30, the Zoning Commission agreed unanimously to the requests for delay and set July 30 as the new date for consideration of the revised application. The Commission could begin deliberations on this date as well.

In agreeing to the delay, Zoning Commission Chairman Anthony Hood said he was inclined “to give everybody what they ask for in this case.” Although no new plans have been submitted yet, Commissioner Robert Miller, the Vice Chair, said at the April 30 Zoning Commission meeting that Valor’s redesign was a “positive movement that will address some of the concerns raised by residents.”

Valor has not presented any new drawings or plans to neighborhood groups opposing the project, but information provided by Valor to the Zoning Commission offers some insight into what is likely to be proposed. In its filing to the Zoning Commission seeking the delay, Valor said it would eliminate a floor from the larger of the two proposed buildings. This is the 7-story building closest to Massachusetts Avenue overlooking the Spring Valley Parking Shops where CVS and Wagshal’s are located.

A 5-story smaller building planned for the site that was originally planned to house 20 condo units – which Valor has since indicated would be rental units instead – would be turned into town homes.

Reportedly, the sizes of the apartment units will be reduced and a number of additional housing units will be added in the basement of the redesigned apartment building, where they would not count in the city's zoning calculations for affordable housing. As a result, the total number of units would be reduced only slightly from the 220 originally proposed.

The development would still include a small space for an unidentified grocer.

NEW FOOD ESTABLISHMENTS SLATED TO OPEN AT SPRING VALLEY VILLAGE SHOPPING CENTER

Neighbors Express Concerns About Parking And Traffic Safety

Two new businesses are slated to open at the Spring Valley Village Shopping Center in Fall 2018 when construction is expected to be completed on a new infill building. The infill building was approved by the DC Historic Preservation Review Board (HPRB) in 2016. HPRB approval was required because the Shopping Center was designated an historic landmark in 1989.

Washington Real Estate Investment Trust (REIT) proposed the new infill building shortly after buying the property in 2015 from the Miller Companies, which began developing the site in the 1930s.

When the new building was first proposed, Washington REIT informed neighbors, ANC 3D, and the HPRB that it planned to lease the space to three or four small “mom-and-pop” shops. This fueled an extended debate at the HPRB about the number of doors on Massachusetts Avenue. Some members of the HPRB had expressed their preference for fewer than four doors or entrances so as to avoid a strip-mall look at the Center. The final exterior design maintained the four potential retail entrances on the first floor.

Instead of configuring the space to house four retailers, however, Washington REIT split the space in two and maintained the four entrance doors. Pizzeria Paradiso, a local chain of pizza restaurants, will lease about 5,000 square feet of space and Compass Coffee, a local chain of coffee shops, will lease about 2,500 square feet of space. Meanwhile, when construction is completed, the parking lot will be configured for 65 compact car-sized spaces – a reduction from what was available at the site prior to construction.

Pizzeria Paradiso has locations in Georgetown, Dupont Circle, Old Town, and Hyattsville. The Spring Valley location will have seating for 185 people, including outdoor seating, making it the largest of the local chain's locations in the area. The pizza restaurant has applied for a full service liquor license and entered into a Settlement Agreement with ANC 3D as part of the liquor license that is intended to protect the surrounding neighborhood from excessive noise.

ANC 3D revised terms of its initially proposed Settlement Agreement at its April 2018 meeting after residents complained the draft Agreement proposed by the ANC offered inadequate protections for the surrounding neighborhood. The Agreement was revised to more closely reflect the ANC's existing Settlement Agreement for Millie's liquor license. However, residents expressed concern that the ANC did not require the pizza restaurant to offer validated discount parking at the Shopping Center and also expressed

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concern about the overall size of the restaurant given the minimal parking at the site. Residents pointed to a Settlement Agreement with Millie's that required the restaurant to provide validated parking in the Center's parking lot. The ANC noted that Millie's is required under the terms of its lease with Washington REIT to offer validated parking, but no such requirement is included in the lease for Pizzeria Paradiso. However, residents wanted the parking requirement to be made a condition of the liquor license and said the terms of the lease should not be a determining factor in the ANC's review of a liquor license for the site or limit the scope and terms of a Settlement Agreement.

Compass Coffee has locations in Shaw, Chinatown, 18th and Eye, the Convention Center, 14th and Eye, and 17th street. Zoning applying to the Spring Valley location limits seating for prepared food and drinking establishments to 18 persons. The zoning designation is intended to discourage fast food chains from locating in small commercial strips that are adjacent to predominantly low-density residential neighborhoods. Consequently, Compass Coffee is applying for a zoning "special exception" that will enable it to increase seating to 75 people.

The ANC voted to support the Compass Coffee request with a condition that the coffee shop offer validated discounted parking and take steps to ensure employees do not park in the nearby residential neighborhood.

Since Washington REIT purchased the Shopping Center, traffic and parking issues have become a source of growing controversy and problems in the neighborhood. A group of residents raised these issues at the April ANC meeting when the ANC approved the liquor license application for the pizza restaurant that includes language allowing for 185 seats. An even larger group attended the May ANC 3D meeting when the ANC voted to support increasing seating for the coffee shop to 75 seats.

Residents Call On ANC To Address Traffic Safety Issues At Shopping Center

Residents described the traffic conditions in the neighborhood, especially along Fordham Road as "treacherous." Residents indicated they are supportive of the new businesses that are coming to the Shopping Center, but that Washington REIT must address the parking shortage which is creating serious traffic and safety issues for neighbors. They appealed to ANC 3D for help.

"What you are doing," one resident told the ANC, "is allowing all of this parking to invade the neighborhood. Things need to be done to make it safer. I respect the ANC and what they do. So, please respect us and help us fix this."

Another resident, who said he generally supports growth and development, said the ANC needed to take steps to address the safety issues resulting from new proposed development in the area. He said this was creating a problem on Massachusetts Avenue and creating "such a huge amount of congestion in that little area." He reported an accident near his home in which a street sign was severed and flew into his yard. He said it could have killed his child if he had been playing in the yard at the time.

"You're not addressing the safety issues," he told the ANC.

Other residents reported that their parked vehicles had been hit in front of their home and other residents pointed to near accidents on Fordham Road. Several suggestions were made by residents to address the issues.

Residents advised the ANC that Washington REIT said previously in various meetings with neighbors, including ANC meetings, that the new space would house four new “mom and pop” shops, such as a clothing store, yoga studio, card/gift shop, and possibly a coffee shop – none of which, according to Washington REIT at the time, would create undue parking burdens. They added that the combination of the coffee shop, Millie’s, and Pizzeria Paradiso will exceed 500 seated patrons, as approved by ANC 3D – and that this did not take into consideration parking needs for patrons of LePain Quotidien, Crate and Barrel, or the two banks.

Patrons of these businesses will have to compete for 65 compact-sized parking spaces, the said. Residents noted that the configuration of the spaces, alone, would encourage patrons to park in the neighborhood instead of the parking lot. Even if all the establishments validated parking, the residents noted, the 65 compact car-sized spaces were simply inadequate to meet the needs given the large size of the new businesses at the Center.

The parking pressures come as no surprise and were raised with Washington REIT when it proposed the infill building. Several residents recommended at the time that Washington REIT consider underground parking if it was intending to expand the Center. Washington REIT said underground parking was not financially feasible. Instead, Washington REIT representatives offered site plans showing maximum building potential that would include no parking at all for the site.

If the shopping center was not designated an historic landmark, Washington REIT would have been required to provide an additional 41 parking spaces approximately at the Center on top of the 72 that existed prior to current construction. Because the property is an historic landmark, however, Washington REIT is required under city regulations to provide only the amount of parking that was available at the site when it was designated historic in 1989.

Site plans show that the parking lot had 90 spaces in 1987, but had been operating with 72 full-sized spaces when the Miller Companies sold the site to Washington REIT in 2015.

Washington REIT’s plan for building an infill building meant that it would be unable to meet even the historic preservation parking requirements, so Washington REIT had advised the ANC and residents in 2015 that it would seek a parking variance from the Board of Zoning Adjustment (BZA) and committed to engage with neighbors and the ANC on parking issues as part of that process. Unknown to neighbors or the ANC at the time, Washington REIT sought a letter simultaneously from the Zoning Administrator (ZA) to reduce parking at the site without seeking zoning relief. The ZA provided this Letter at Washington REIT’s request. The ANC challenged the Letter in an April 2016 filing to the BZA.

In a divided (and legally flawed) decision, the BZA said the ANC’s challenge of the ZA letter was premature because no construction at the site had yet begun and that the number of parking spaces had not yet been reduced. The BZA concurred with the ZA dismissing the appeal of the ZA’s determination. The formal Order, however, was recently issued in January 2018 – just three months ago – and offered a different rationale for approving the ZA’s determination. The ANC had an opportunity to appeal this ruling to the

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BZA in January 2018, but took no action to contest the unusual BZA ruling. Consequently, Washington REIT has been able to avoid a hearing at the BZA assessing whether the reduced parking at the site is allowable under the zoning standards for a variance. To obtain such a variance, Washington REIT would be required to show the parking reduction does not have a negative impact on the surrounding neighborhood.

This may help explain why Washington REIT appealed to the Zoning Administrator instead of seeking the parking variance from the BZA. Nevertheless, the BZA's initial reasoning for upholding the Zoning Administrator's determination – that the challenge by the ANC was premature because it preceded construction – may open the door to a zoning challenge when the parking lot is reconfigured.

Meanwhile, the ANC has now raised the prospect of trying to secure approval from the Miller Companies to give shopping center patrons access to their parking facilities near the Center. Yet, this was an issue raised three years ago when the infill building was first proposed by Washington REIT. In meetings with residents in 2015 about the then-proposed infill building, Washington REIT representatives advised neighbors and the ANC that patrons could park in the Miller-owned parking lots across from the Shopping Center. This triggered a formal response from the Miller Company.

In a letter sent to the Spring Valley-Wesley Heights Citizens Association and ANC 3D in April 2015, lawyers for the Miller Company advised that Washington REIT had bought the Shopping Center property “with no representation or warranty with respect to any potential future development of the WREIT site or ability of WREIT to utilize any of the parking facilities on the Miller site.”

“Despite the clear agreement and understanding of the parties,” the Miller Company said at the time, “WREIT is now seeking to see how it can pressure Miller into permanently foregoing property rights to the benefit of the WREIT property by denying existing parking which is available for Miller's tenants and instead using it permanently for WREIT's tenants, for its own development and purposes.

“We strongly object to this manner of proceeding with the community and wanted to clarify the matter for the record so that the community knows that there is no right or any obligation or any representation that Miller ever made to WREIT that additional parking would be available to WREIT or that it would have additional development rights on their property that they could build on and then try to have those parking needs be met by another property owner.”

AU GETS OK FOR NEW SCIENCE BUILDING

After a four month review, the Zoning Commission agreed to approve a request by American University (AU) to amend its 2011 ten-year Campus Plan to build a new science building. AU had not proposed a new science building as part of its Campus Plan, so it was required under city rules to seek approval to revise the plan.

Review of the application was delayed because of issues raised by neighbors living immediately adjacent to the AU Campus, the Spring Valley-Wesley Heights Citizens Association (SVWHCA), and Neighbors for a Livable Community (NLC). Although all the parties agreed that they did not object to the construction of a new Science Building, neighbors expressed concern about the need for AU to enhance its planting along the border of University Avenue to better shield neighbors' home from adverse lighting

impacts from the new Science Building and other AU buildings bordering University Avenue and address compliance issues, particularly related to the use of Jacobs Field.

Concerns also had been raised about other compliance issues, including insufficient planting along the University's border with the Westover Place townhomes and insufficient on-campus parking. Although the Zoning Commission acknowledged that AU needed to improve its overall record of compliance, it determined that the non-compliance should not be a reason to reject the University's proposal for the new Science Building.

ANC 3D testified in support of AU's application and strongly opposed the conditions for enhanced planting along University Avenue sought by neighbors.

In its decision allowing AU to move forward with the new Science Building, the Zoning Commission approved some additional planting along University Avenue. As a result of the objections raised by neighbors, AU submitted an enhanced planting plan for the project. However, neighbors still considered the plan inadequate and offered an alternative for AU to improve landscaping along University Avenue over the next five years. AU representatives subsequently agreed to work with neighbors on the elements of the 5-year plan recommended by neighbors, SVWHCA, and NLC in this case.

The Zoning Commission took no formal action on issues related to use of Jacobs Field but expressed a hope that AU would work with neighbors to resolve the issue.

Construction is expected to begin on the new building in June.

AU has indicated that construction workers will be required to park on the Campus, and specifically not on neighborhood streets, and that there would be minimum construction impacts on the neighborhood. Trucks using the site will be required to access the Campus either from Rockwood Parkway or the Massachusetts Avenue entrance. Trucks would not be allowed to turn right into the Spring Valley neighborhood upon leaving the campus at the AU entrance on Rockwood Parkway. Trucks also will not be permitted to access Foxhall Road. It is expected that construction truck traffic would be routed through Nebraska Avenue/Loughboro Road, Dalecarlia, and Massachusetts Avenues. The DC Department of Transportation is required to approve all truck routes for construction.

During the Zoning Commission's hearings and meetings in this case, Zoning Commission Chairman Anthony Hood made it clear that he was very frustrated and dissatisfied with AU for not being more proactive in addressing issues related to AU's compliance with the terms of its Campus Plan. He noted that the Zoning Commission had raised issues about compliance in several zoning proceedings brought by AU since 2011.

CAR BREAK-INS DISRUPT NEIGHBORHOOD; MPD OFFERS REMINDER ON CRIME PREVENTION

Amid new reports of crime in the area, the Metropolitan Police Department (MPD) is reminding Spring Valley and Wesley Heights residents to take sensible steps to guard against crime. Most importantly, MPD encourages residents to be aware of their surroundings in the neighborhood. Nevertheless, that does not mean that every unfamiliar person or car (Ubers, food delivery, etc.) is a threat to your property. But, if

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you see anything or anybody suspicious, call 911. The officers of the MPD are best qualified to assess whether suspicious activity is a prelude to criminal behavior.

Keep your doors locked even when you are home, MPD advises. If you are doing home repairs, keep ladders out of sight of those who might use them to break into a second floor window. If strangers come to your door to sell magazines or other products, ask if they have a license or better yet, call 911 and let the police determine if they have the appropriate license. Few legitimate vendors go door-to-door anymore, especially at night.

Most crime in our neighborhood occurs as a result of residents and visitors, including repairmen, not locking their car doors, leaving garage door openers in their unlocked cars, valet keys in an unlocked glove compartment, or leaving valuables – even pocket change – in your car visible to anybody walking by. Lock your car doors when you park your car outside your homes or in your driveways – even if you are leaving your car for only a few minutes between errands. Do not leave anything of value in your car that would tempt somebody to break in – not even a gym bag or spare change. And if you have a security alarm, put it on when you leave the house.

Neighborhood listservs offer many examples of residents' frustration with cars being broken into – sometimes on multiple occasions – and at all hours of the day. It is important to remember that criminals do not work only at night. **If you notice your car has been rifled through, be sure to check if your valet key has been stolen.** Many residents report that somebody has “rifled through” the car or the glove compartment and then at a later date the car is stolen even though the car door was locked at that time. MPD reports that thieves are stealing valet keys and using them to open locked cars.

MPD monitors the community regularly – all hours of the day. But, the MPD can't be everywhere all the time. On the other hand, the criminals are very successful in taking advantage of residents, repairmen, or other visitors to our neighborhood. As MPD notes, the criminals “do business” in our neighborhood because it is a good “market” for them.

In short, whatever you do, don't make yourself or your neighbors a target for vandals or thieves.

MILLIE'S CITED BY DC AGENCIES FOR CONSTRUCTION, LIQUOR LICENSE VIOLATIONS

Millie's was recently cited by the city's Office of Planning (OP) for construction violations and separately by the Alcoholic Beverage Control Board for liquor license violations. Millie's was cited for failing to obtain the appropriate permits to add several structures to the front of the building last December. Any permanent or temporary change to a building in the Center requires review by the DC Historic Preservation Office (which is part of OP) and – depending on the proposed change – possibly also by the Historic Preservation Review Board (HPRB). Millie's and Washington REIT were informed by city agencies of the violations, but failed to remove the structures.

The DC Department of Consumer and Regulatory Affairs (DCRA) issued Millie's a formal Correction Order requiring the restaurant to remove the illegal structures by April 13. The structures were removed in compliance with the Order. Had the structures not been removed by Millie's, the city could have removed the illegal structures with the cost assessed to the property owner. The DC Office of Planning also

issued an infraction that carried a fine of \$4,000, according to the DC Historic Preservation Office. Washington WRIT challenged the fine before the Office of Administrative Hearings (OAH). The fine was reduced by OAH to \$1,000 after Washington WRIT acknowledged at a late April hearing that the enclosures violated city regulations.

However, the illegal structures also were in violation of the terms of Millie's liquor license. Upon inspection of the site, investigators identified several other violations of the city's liquor license regulations that resulted in a written warning to Millie's. Also, the Alcohol Beverage Control Board recently issued a public notice that it had taken action in an executive session in which the Board determined that Millie's had violated its Settlement Agreement with the ANC and community and had proposed a Staff Settlement. Staff Settlements usually result in a fine, according to agency staff; but the terms of the Staff Settlement are not public until the establishment agrees to the terms of the Staff Settlement. As of the date of this newsletter, ABRA had not yet received confirmation that Millie's had accepted the terms of the Staff Settlement. If Millie's does not accept the Staff Settlement, it would lead to a referral by the agency to the DC Office of the Attorney General.

SPRING VALLEY TARA THAI SET TO CLOSE; RUMORS OF STARBUCKS TAKING THE SPACE; POP-UP OPENS AT FORMER SKI SHOP SITE

Tara Thai is expected to close its Spring Valley/American University Park location on Massachusetts Avenue in the Spring Valley Parking Shops later this month. It has been rumored for several months that a new Starbucks will open in the space – although nothing has been confirmed.

Meanwhile, 116 The Collection, a new pop-up retail store, is taking up residence at the site of the former Ski Shop until late June. The store sells clothes and gifts.

U.S. ARMY CORPS PREPARES FOR NEXT PHASE OF MUNITIONS CLEAN-UP

The U.S. Army Corps of Engineers (USACE) is continuing its expanded investigation for buried munitions along Glenbrook Road and has been sampling under the current home of the American University (AU) President at 4835 Glenbrook Road. According to the USACE, the initial results of the recent sampling of the soil beneath the basement area conducted at 4835 Glenbrook Road indicated no chemical agent or chemical agent breakdown products were detected. The Corps also notes that the samples are all still at the commercial lab undergoing additional non-agent testing. The USACE also had reported previously that it had found some dark soil and some AU Experimental Station-related glassware at the site.

The Corps decided to conduct sampling at 4835 Glenbrook Road due to the discovery of lewisite along the property's side yard. The lewisite was discovered as part of an ongoing investigation at the site of 4825 Glenbrook Road. Lewisite is a powerful irritant and blistering agent that can cause immediate damage to the skin, eyes, and respiratory tract when exposed.

The Corps also indicated that soil gas sampling is likely to be conducted at the site.

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The USACE also has reported that it is continuing to excavate and remove arsenic contaminated saprolite near the 4801 Glenbrook Road property line.

Work at the 4825 Glenbrook Road site has been suspended since August 9, 2017 when two separate teams working at the site experienced symptoms that could indicate exposure to a chemical agent along the property line between 4825 and 4835. The USACE convened a formal Board of Investigation to assess the August 2017 incident. The Board reported earlier this year that it cannot determine the source of the workers' symptoms and that plans are underway to perform additional soil borings to inform their plans for retuning to intrusive operations at the site. The investigative report and recommendations have been reviewed and the Corps is developing a new formal work plan for final approval to resume work.

The report's conclusions and recommendations will not be made public, according to the USACE.

The areas around Glenbrook Road, including the home of the South Korean ambassador at the corner of Glenbrook and Rockwood and the adjacent AU campus, including the former location of the AU Public Safety Building, have been the site of extensive excavation since buried chemical munitions were discovered in Spring Valley in 1993.

The Corps is expected to soon begin testing at the site of the Public Safety Building that was recently razed by AU. It is expected that AU will eventually build on the site – possibly a new dormitory. A disposal area – known as Lot 18 – was located immediately adjacent to the Public Safety Building. Although the area was cleaned up in 2006, the Corps always planned to investigate and remove any contamination or debris at the basement slab of the Public Safety Building if the building was ever razed. The investigation of the slab and its removal is expected to begin later this month and will be completed by Fall. As part of the work, the Corps will sample the soil under the slab going deep enough to reach bedrock.

To complete the work, the USACE will open a temporary entrance to the site off Rockwood Parkway for trucks and other equipment to use.

The Corps is also expected to begin assessing more than 90 homes in Spring Valley for possible underground anomalies and determine whether such anomalies warrant removal. The Corps is working directly with the affected homeowners. The Corps is working first with a group of 18 homeowners and expects to begin intrusive operations at some homes in the neighborhood beginning in June. This work is expected to take 2-3 years to complete.

The Corps also is working to complete a Groundwater Feasibility Study to remediate contaminated groundwater in the area.

**INDEPENDENT ANNOUNCES BID TO CHALLENGE CHEH
IN NOVEMBER GENERAL ELECTION**

Petar Dimtchev, who served as the Mayor's Community Liaison for Ward 3 for then-Mayor Adrian Fenty, announced recently that he will challenge incumbent Ward 3 Councilmember Mary Cheh in the November 6 General Election. Dimtchev is a product of DC public schools having attended Key Elementary School, Alice Deal Middle School, and School Without Walls. He is a graduate of Georgetown University and received his law degree at Catholic University.

In addition to working for Mayor Fenty, he worked on Capitol Hill and now reviews administrative law cases involving individuals applying for federal healthcare programs, according to his bio.

Cheh has served on the DC Council since 2007. She is seeking a fourth term on the Council. She is unchallenged in the Democratic primary scheduled for June 19. No other party-affiliated candidate has filed to challenge her in the General Election.

To get on the November general election ballot, Dimtchev will have to collect signatures on petitions from registered voters in Ward 3 beginning June 15 through August 8.

Any voter registered in a political party can participate in the June 19 primary election. Independents cannot vote in the June 19 election. Only the Democratic primary ballot has competitive elections. Although Mayor Muriel Bowser is expected to win the Democratic primary, she has two lesser known challengers in the race. There is speculation, however, that Bowser may face a challenge in November from former Mayor and current Ward 7 Councilmember Vince Gray.

The most competitive election in the Democratic primary is the race for DC Council Chairman where current Chairman Phil Mendelson has drawn a challenge from Ed Lazere.

Some residents of Spring Valley and Wesley Heights will be candidates in the Democratic primary. Spring Valley resident Marie C. Johns is seeking election as the Democratic National Committeewoman. Wesley Heights resident Christine Warnke is seeking election as an at-large member of the DC Democratic State Committee.

The Republican primary ballot includes candidates only for voters in Ward 6. The Statehood and Libertarian Parties have candidates for citywide and party slots on the primary ballots.

Early voting begins on June 4 and will end on June 15.

TRASH AND RECYCLING REMINDERS FROM DC DEPARTMENT OF PUBLIC WORKS

The DC Department of Public Works (DPW) reminds residents that trash and recycling containers should be put out for collection no earlier than 6:30 PM on the day prior to the scheduled pick-up day and no later than 6 AM on the day of pick-up. Trash and recycling containers then must be removed from the curb or any location in public space by 8 PM on the trash and recycling collection day.

DPW reminds residents that all trash must be bagged, but recycling should not be bagged.

If you are uncertain what materials belong in the recycling or trash container, information is available at <http://zerowaste.dc.gov>

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Community Update is a newsletter established by the **Spring Valley-Wesley Heights Citizens Association (SVWHCA)** and **Neighbors for a Livable Community (NLC)** to report news and information on issues of importance to residents of Spring Valley and Wesley Heights. You may send information appropriate for publication to Tom Smith at tmfsmith@rcn.com No portion of this newsletter may be duplicated without written permission from the Spring Valley-Wesley Heights Citizens Association. This newsletter is distributed electronically. If you want to be on the distribution list, send your email to tmfsmith@rcn.com . Please share this with your own personal e-mail networks.

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