

# COMMUNITY UPDATE

A Neighborhood Newsletter Published By The  
Spring Valley-Wesley Heights Citizens Association  
And Neighbors for a Livable Community  
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## SPRING VALLEY-WESLEY HEIGHTS CITIZENS ASSOCIATION ESTABLISHES NEW NEIGHBORHOOD TRAFFIC CALMING COMMITTEE

Residents of Spring Valley and Wesley Heights continue to express concerns about the volume and speeds of cars driving through the neighborhood. Many of these cars are commuters who are using neighborhood streets to avoid traffic on Massachusetts Avenue, especially at Ward Circle. Many residents in the neighborhood have had their parked cars sideswiped and the unsafe speeds are putting all neighbors at risk, especially young children. The Spring Valley-Wesley Heights Citizens Association has established a new committee that will examine this issue and develop recommendations for action. If you are interested in serving on the Neighborhood Traffic Calming Committee, please contact Wesley Heights resident Wanda Privot, the committee chair, at [wprivot@mac.com](mailto:wprivot@mac.com)

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..... And More ....

## AU GETS ROCKY RECEPTION AT ZONING COMMISSION ON NEW SCIENCE BUILDING

*Spring Valley Neighbors Ask AU To Address Light  
Impacts, Upgrade Landscape Buffer*

After a divided Advisory Neighborhood Commission (ANC) 3D gave a thumbs down last September to residents and voted to support an application by American University (AU) to build a new Science Building on the campus facing University Avenue, the AU application got a rocky reception at a hearing before the Zoning Commission (ZC) just before the Thanksgiving holiday on November 20. Although the ZC heard testimony in the case, it postponed any action for nearly two months. The Zoning Commission is expected to consider making a decision later this month on the project.

Nevertheless, ZC Chairman Anthony Hood made it clear that he was very frustrated and dissatisfied with AU for failing to address issues related to AU's compliance with its Campus Plan that the ZC had raised in previous proceedings.

AU needs ZC approval to build the new Science Hall because the project is not included in the University's 10-year Campus Plan already approved by the ZC in Spring 2012. Since approval of the Plan in 2012, AU has sought zoning approval to modify or amend the Plan five times – primarily because AU failed to comply with the original terms of the Campus Plan approved by the ZC. This was a major factor in the reception that AU got at the November 20 zoning hearing.

"I've been here for a while," Hood said in opening the hearing, "and I'm looking at some of the same issues I saw when we started American University's campus plan."

He cited the University's failure to comply with conditions  
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## **AU GETS ROCKY RECEPTION AT ZONING COMMISSION ON NEW SCIENCE BUILDING**

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for use of Jacobs Field, which immediately abuts residents' homes, as one example of his frustration.

"The problem I'm having is we're still talking about the same things – Jacobs Field – it seems like it's getting worse. That field should have been taken care of and dealt with a long time ago, and here we are still talking about the same warmed over soup, and it's going to get worse. I won't be here in ten years, but I can guarantee you it will come back down here worse than what it is now. I take exception to it.

"And we're still talking about parking. They (AU) plan on presenting something tonight to tell me how we got to (requiring AU to provide) 2,200 spaces, but our conditions say it's 2,500. That's a heavy lift for me. It's just a lot of stuff here that seem to me that's not getting done and to come down here and continue to pull the wool over my eyes, I have a problem with it. I have a serious problem with it."

### **Zoning Commission Chairman Threatens To Postpone Zoning Hearing On AU Science Building**

Hood said he was "prepared to go home and have a good Thanksgiving and come back next year" to take up the case and "let AU finally work on the things that we've asked them to work on for years."

Hood got a sympathetic reaction from his colleagues on the ZC. "I sympathize with your frustration that some of the long-standing issues haven't yet been completely or successfully addressed," Vice Chair Robert Miller added. However, Miller noted that many residents were in attendance at the hearing and that it would inconvenience them to postpone the hearing. He added that the outstanding issues would make it impossible for the Commission to make a decision that night.

Commissioner Peter May, a federal government appointee to the Commission, offered similar thoughts.

Although Hood agreed to go forward with the hearing, he stressed that he has lost patience with AU's failure to address issues raised in the campus planning process.

"I take this seriously," he said. "We come in here and we work hard. Our staffs work hard. The community works hard. It's supposed to be coming together and the same issues keep rising back. If anybody needs to hold up the banner, I need to because I was here. I said the same thing last time I'm saying here tonight. So, ten years from now, whoever's still here is probably going to remember this, because if not, I'm going to come down and testify."

The Spring Valley-Wesley Heights Citizens Association, Neighbors for a Livable Community, and representatives of neighbors along University Avenue immediately impacted by the proposed building testified in opposition to AU's proposal; but, they said they would support the project if AU agreed on a plan to mitigate the light impacts from the building, including enhancing the landscape buffer along University Avenue. They noted that affected residents had made seven requests to meet directly with AU representatives to collaborate on a mitigation plan, but that AU had refused to meet.

A group of Spring Valley residents living closest to the proposed building site had asked the ANC last September to delay voting to support the project until more meetings could be held with AU to collaborate on ways to reduce lighting impacts, including light bleeding into the neighborhood, from the new building. They noted that the ANC had until early November to make a recommendation to the Zoning Commission and, alternatively, could take steps to encourage AU to enter into a dialogue with the affected residents to collaborate on a solution that would address both the University's and the residents' interests.

Instead, as highlighted in a submission by the ANC to the Zoning Commission consisting of 37 pages of ANC Commissioners' e-mail exchanges with residents, neighbors learned that two ANC 3D Commissioners – Chuck Elkins of Wesley Heights and Troy Kravitz of Spring Valley – had asked AU not to meet directly with the residents to discuss the issue. (Earlier this month, in a post-hearing submission to the Zoning Commission in the case, AU also included 23 pages of additional e-mails Kravitz sent to a constituent.)

The new Science Building will prominently feature floor-to-ceiling windows facing neighbors' homes and, according to AU, will be in use 24 hours a day, seven days a week. An outdoor lighted roof terrace and plaza also will face University Avenue.

The building will be sited on the hillside overlooking the AU fields and rise 91 feet tall (with penthouse) where it faces University Avenue. Because of its location, height, and architecture, it will have the highest profile of any building overlooking University Avenue. Neighbors complained that the landscape buffer along University Avenue had deteriorated so badly over the last 15 years that the siting of the building would exacerbate the effects of existing light-bleeds from campus buildings into the neighborhood. They wanted AU to enhance the landscape buffer as a condition for approval of the project by the Zoning Commission and even provided AU with a five-year plan that would achieve this objective.

### **ANC 3D Recommendation To Support AU Project Runs Into Opposition From Within ANC**

ANC 3D testified in support of AU in the case, but its recommendations were overshadowed by the ANC's own remarks at the November 20 hearing focusing on an internal dispute within the ANC over a "minority report" filed with the ZC. It is not uncommon for ANC Commissioners to present a minority report in zoning or other cases before DC government agencies. However, ANC 3D Chairman Steve Gardner began his testimony to the ZC by objecting to the minority report.

Hood informed Gardner that it was standard practice for minority reports to be submitted to the ZC.

The ANC testified that the lighting from the new Science Building would not impose any objectionable conditions on neighbors. However, the ANC asked the ZC to condition its approval of the Science Building with a requirement that AU engage with the ANC to mitigate light impacts if the lighting proved to be objectionable after the building was built and occupied.

The ANC also recommended that AU be required to conduct wind wake modeling to address any potential emissions issues from the building that might affect residents of Wesley Heights.

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(After extensive modeling as part of its effort to address contamination in the neighborhood related to the use of AU’s Campus as a chemical warfare experiment station in the early 20<sup>th</sup> century, the U.S. Army Corps of Engineers determined early in the 25-year investigation and remediation effort that wind currents in the area would not expose Wesley Heights residents to any effects of chemicals travelling through the air from the AU Campus.)

However, ANC 3D Commissioner Alma Gates offered a different perspective on the ANC’s review of AU’s application. Gates has worked extensively on zoning issues and played a critical role in the effort by community groups across the city to shape the new zoning regulations that went into effect in 2016.

She noted that ANC 3D’s report to the ZC did not reflect the strong neighborhood opposition to the project expressed at the ANC’s September 6 meeting. She also noted that AU had not fully addressed the filing requirements in the 2016 regulations and pointed to the absence of a lighting plan and updated enrollment numbers as part of the application. She said the application should be approved only if AU agreed to install a “deep and fast-growing landscape buffer” along University Avenue and that automatic window shades should be installed on all windows facing the neighborhood to prevent light bleeding into the neighborhood, especially given current conditions. She also called on the ZC to take more aggressive steps to ensure AU complied with the terms of the Campus Plan for noise and use of Jacobs Field.

A representative of Westover Place, which is located more than 1,500 feet from the site of the proposed building, testified in support of AU’s application, but commended AU for working to enhance the landscaped buffer between AU’s East Campus and the Westover Place wall bordering the campus. William Clarkson of the Spring Valley Neighborhood Association (SVNA) also supported AU’s application despite concerns from neighbors living closest to AU and commended AU for making a good faith effort to work with the community on the project.

**SVWHCA, NLC, Neighbors Indicate Support For Project  
If AU Agrees To Mitigate Objectionable Light Impacts**

Testifying jointly in opposition to the project were Dr. Jeffrey Kraskin, president of the Spring Valley-Wesley Heights Citizens Association; Dennis Paul, who lives on University Avenue, and spoke on behalf of his neighbors; and Thomas Smith, a Spring Valley resident and former ANC Commissioner, who testified on behalf of Neighbors for a Livable Community, a group founded in 1987 by the late Robert Herzstein, the late Charles Hamilton, and Dennis Paul.

The groups testified that they did not oppose amending the Campus Plan to allow AU to build the new Science Building. They noted that AU had taken some steps to mitigate the light impacts, but that these were not sufficient to address the problems associated with the siting of the building. AU had indicated plans to plant seven additional trees on the campus to screen the building from University Avenue and to install automated shades in the floor-to-ceiling windows along the northwest corner of the building, but not in all the floor-to-ceiling windows facing neighbors’ homes. The groups noted that AU’s proposal did not include a lighting or landscaping plan, as required.

Dr. Kraskin showed a series of slides of the Campus views facing University Avenue during day and night-time hours which showed how the landscape had deteriorated – in part as a result of the lack of

maintenance by AU over many years. Those photographs also highlighted the significant extent of the light bleeds at night affecting residents in the 3700 block of University Avenue NW.

Paul, who also serves as President of NLC, noted that the light-bleeding is worse in late fall and winter months when the trees lose their leaves. He noted that AU's plans to plant seven trees on campus might fill one area of the buffer closer to Quebec Street, but that the siting of the trees and the number of trees to be planted would be insufficient to address the problems encountered by University Avenue residents adjacent to the site. He noted that the new Science Building would be located on a hillside above residential properties, which sit in the valley below. He said neighbors have a direct view of AU's buildings, especially during seasons when the foliage is bare, and that the lights shine down into neighbors' homes at night. He expressed concern that this is affecting property values and pointed to a home on University Avenue that recently sold below the price paid for the property in 2004 and the city's assessed value – and only after sitting on the market for nearly a year.

Smith testified that AU was not in compliance with several conditions of its Campus Plan, including those dealing with Jacobs Field, traffic mitigation reporting requirements, parking, landscaping, and its undergraduate enrollment numbers.

A condition of the Campus Plan approved in 2012 stipulates that AU is required to be in “substantial compliance” with the terms of its Campus Plan to win approval from the Zoning Commission for new building projects, like the Science Building.

In a post-hearing submission, AU acknowledged that its undergraduate enrollment exceeded the numbers provided to the ZC in its Application by 140 – at a time when AU had committed previously to reduce its undergraduate enrollment by 100, based on commitments made by AU at a previous zoning hearing in 2016. AU had told the ZC in 2011 that it would increase its undergraduate enrollment by only 86 students over the 10-year life of its Campus Plan. In reality, AU already has increased its undergraduate enrollment by 656 since Fall 2011 and now has an undergraduate enrollment of 6,772 students.

Ben Tessler, a resident of Westover Place, also testified that AU had not complied with the landscaping requirements for the East Campus buffer that were approved as part of the Campus Plan.

**AU Seeks To Reduce On-Campus Parking Spaces; University's Argument For A “Technical Correction” Debunked By Its Own Filing In Campus Plan Case**

AU also is asking the ZC to make a “technical correction” in the Campus Plan that now requires the University to provide “approximately 2,500” parking spaces on campus. AU claims it should only be required to provide 2,200 parking spaces and that the 2,500 figure is a typographical error. AU testified that there was no mention of the 2,500 figure in the record of the Campus Plan case. ANC 3D supported AU's claim.

However, SVWHCA and NLC pointed out to the Zoning Commission that the “approximately 2,500” parking requirement language was part of the formal record in the case and specifically cited a filing made at the time by AU, itself.

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AU now provides nearly 2,300 parking spaces on campus and would not be in compliance with the Campus Plan requirements unless the “technical correction” is made. AU’s utilization of its parking has jumped significantly since 2011 when it averaged 53 percent utilization. Today, AU reports average utilization is about 72 percent.

Several residents, who attend classes sponsored by Osher Lifelong Learning Institute (OLLI) at AU’s Spring Valley Building at 4801 Massachusetts Avenue, complained to the Zoning Commission that AU tickets their cars parked on nearby neighborhood streets when they attend classes. AU claimed it was required to ticket cars of all students, including OLLI students, parked on neighborhood streets attending any classes at AU buildings. AU said its agreement with OLLI for use of the Spring Valley Building included language restricting OLLI students from parking on neighborhood streets. The OLLI students said that OLLI classes were independent of AU, so that AU’s rules would not apply.

**ZONING COMMISSION BEGINS HEARINGS ON MIXED USE  
PROJECT AT FORMER SUPERFRESH SITE**

Neighborhood development and growth in the Spring Valley and AU Park neighborhoods are taking center stage in a highly contentious proceeding before the DC Zoning Commission (ZC) on a mixed use project proposed by Valor Development for the former SuperFresh site. The development will result in two new buildings – with more than 200 apartments – and the loss of nearly 28,000 square feet of retail space. The project has prompted strong opposition, especially from residents in AU Park, who banded together to establish a new organization called Citizens for Responsible Development (CRD), to fight the project. Yard signs have been posted throughout AU Park and Spring Valley opposing the density of the proposed project.

The CRD is a grassroots group of volunteers – residents primarily from AU Park, but that also includes residents of Spring Valley – who are opposed to the project. The group has outlined its opposition to the project in a series of filings to the Zoning Commission that address density, traffic, and parking issues. The CRD also has argued that the project does not meet the legal requirements for the action requested (Design Review) and is inconsistent with the Comprehensive Plan. No project can be approved for zoning relief if it is inconsistent with the Comprehensive Plan. (Valor maintains the project is consistent with the Comprehensive Plan.) Also, CRD points out that the District's Future Land Use Map calls for the site to be low density, which means that new construction would be limited to three stories. CRD would support a lower density project, including one with a neighborhood serving grocery, according to its filings in the case.

The project's scale has raised serious concerns among many residents of Spring Valley and AU Park. 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. Valor admits that the project's density exceeds what can be built on the site as a matter-of-right. Valor argues that its project is “superior” to what would be built as a matter-of-right, primarily on the basis that its plans include a grocery store.

Valor’s proposal is a complex one. Although it has an agreement to purchase the SuperFresh property, Valor’s proposal references agreements with adjoining property owners. Without those agreements, Valor cannot meet the basic standards for zoning approval because of the density of the proposed project.

So, Valor has entered into agreements with American University, which owns the former law school site at 4801 Massachusetts Avenue, including the private alley behind the building, and the owners of the Spring Valley Shopping Center, which is a national designated historic landmark. AU's agreement with Valor gives the developer access to the private alley behind the former law school site, so that cars can use the public alley behind the PNC Bank off 48<sup>th</sup> Street to access the proposed new parking lot – also behind the PNC Bank – and for trucks to unload to service the two new buildings to be constructed at the site.

The Shopping Center's agreement would transfer unused development rights from the Center to Valor to allow for more density at the SuperFresh site. Valor says the transfer of development rights by the Shopping Center will protect its status as an historic landmark and relieve the site of any "development pressures." However, under questioning at a Zoning Commission hearing last week, Valor acknowledged it was unaware of any specific plans for additional development at the Shopping Center site. Any such development would also have to undergo rigorous review and public hearings by the DC Historic Preservation Review Board (HPRB).

Details of the agreements are not known and have not been provided to any local government agency for review. Valor refused to provide details of the agreements at last week's hearing before the Zoning Commission.

### **Neighborhood Would Lose More Than 28,000 Square Feet Of Retail Space With New SuperFresh Project**

The project has changed significantly since it was first proposed in 2016. The main change of interest to most residents is the substantial downsizing of the grocery from a 55,000 square foot full service grocer (similar in size to the Westbard Giant) to a 13,000 square foot gourmet grocer. Also, originally, Valor proposed to build one rental building and one condominium building. The developer promoted the project as a way for empty nesters or seniors in Spring Valley and AU Park to stay in the neighborhood when they want to downsize and sell their current homes. But, Valor indicated at the hearing before the Zoning Commission on January 11 that both buildings were now likely to be rental given the existing market conditions.

Valor had said the building would be limited to 219 units, but now has asked for flexibility to increase the number of units to slightly more than 240 units. The average size of residential units will be approximately 1,000 square feet. 44 percent of the units would be single bedroom units. Units would range in size from a 598 square foot studio to a 1,504 square foot 3-bedroom unit. A one bedroom unit would have on average 705 square feet; a junior 2-bedroom would be 920 square feet; and a 2-bedroom would be on average 1,024 square feet. Valor is asking for flexibility also on the size for individual units, so that it can reduce the size of the units to increase the number of units.

The new plans would include approximately 13,000 square feet of retail space for a small grocery store. Originally, Valor proposed to offer about 55,000 square feet of space for a full-service grocery store that the developer hinted would be Harris Teeter. However, Valor gradually reduced the size of the retail space in several iterations of its plans until recently downsizing the grocery to the 13,000 square foot mark. Valor indicates the likely occupant of the space will be Balducci's. The announcement that the grocery store is being downsized and that Balducci's, instead of a full-service grocer, will occupy the space prompted ANC 3E Chairman Jonathan Bender recently to vote in opposition to the Valor proposal. Some residents

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also have expressed concern that adding a Balducci's to the neighborhood could drive Wagshal's out of business.

Will Lansing of Valor Development testified at the ZC hearing last week that current retail occupants of the site would not be accommodated in the new building and will have to find other space. This includes Spring Valley Catering, the Wagshal's Barbecue Pit, DeCarlo's Restaurant, and the Jean Paul Hair Salon. Currently, the building at the SuperFresh site offers more than 43,000 square feet of retail space.

Currently, the site also includes a parking lot – accessed off Yuma Street – in which AU has rights to 236 parking spaces. AU would retain these rights in the new building unless a new agreement can be reached between AU and Valor. According to testimony at the January 11 zoning hearing, Valor and AU are still in negotiations on conditions that would enable residents of the new building and grocery store customers to have access to these spaces at times during the day. Valor had stated previously that it had already reached agreement with AU, but offered different information at the January 11 hearing before the ZC. Without changes in the parking space agreement, only 38 percent of the residential units will have assured access to parking in the building.

The new project is expected to increase density to such an extent that Valor has proposed to install a new “Hawk” pedestrian signal on Massachusetts Avenue between 48<sup>th</sup> and 49<sup>th</sup> Streets at the alleyway near the PNC Bank. This has raised concerns about traffic back-ups that could result in more commuters and DC residents cutting through Spring Valley neighborhood streets to avoid the traffic back up. The alleyway between the PNC Bank and the Shopping Center would become a major access point for cars entering and exiting the new building. Vehicles would also access the garage and loading dock from AU's current private alley on 48<sup>th</sup> Street. Valor said it plans to enlarge the alleyway between the bank and the shopping center to add a 3-foot sidewalk. However, the alleyway will still be 20 feet in width for use by vehicles and trucks – the same width it is today.

As an amenity, Valor also is considering arranging for installation of a “pork chop” at the entrance to the Exxon gas station in the Shopping Center off 49<sup>th</sup> Street. This would force cars leaving the Center at that exit to turn right into the AU Park neighborhood. Cars driving on 49<sup>th</sup> Street toward Spring Valley would not be able to access the gas station entrance at 49<sup>th</sup>. They would be forced to turn on Yuma, and then on 48<sup>th</sup>, and then on to Massachusetts Avenue to access the Shopping Center from Massachusetts Avenue. Spring Valley residents would have to take the same path if they exit the gas station onto 49<sup>th</sup> Street. Spring Valley residents would be encouraged to exit the shopping center from one of the exits along Massachusetts Avenue.

Although the ability to move forward with the project hinges on transfer of development rights from other properties, members of the Zoning Commission seemed confused at last week's hearing about whether such agreements were even legal. They asked Valor at the hearing last week to provide an explanation of the transfer. The DC Office of Planning (OP) indicated it had sought an opinion from the DC Office of the Attorney General (OAG).

**Opponents Pack Zoning Commission Hearing Room**

Opponents of the plan packed the Zoning Commission hearing room last week and the strong interest from residents in testifying in opposition to the project prompted the Zoning Commission to continue the



hearing to January 25. At the hearing last week, the ZC heard testimony from Valor, the government agencies, and ANC 3E and ANC 3D. Both ANCs indicated their support for the project. However, ANC 3E's support, which was approved on a 4-1 vote on January 3, was conditioned on approval of a Memorandum of Understanding (MOU) that would require Valor to maintain a grocery store at the site for at least ten years and make pedestrian-friendly enhancements.

ANC 3D's support of the project proved more controversial. ANC 3D voted to support the project in early December before Valor had filed its final plans for review by the Zoning Commission. Valor formally submitted those plans just before Christmas and they were significantly different from the previous plans submitted to the Zoning Commission in 2016. ANC 3D's motion to support the Valor project was conditioned on Commissioners' being able to convene another meeting if the plans were significantly altered before the zoning hearing.

In late December, two Commissioners cited ANC bylaws provisions to seek a special meeting to reconsider ANC 3D's support for the project given Valor's significantly revised pre-Christmas filing to the ZC. They were turned down by ANC Chair Steve Gardner, who said he, as chair, had discretion to decide whether to convene a special meeting to reconsider the project. Then, at the ANC's regular meeting on January 10, Commissioner Alma Gates made a formal motion to reconsider ANC's support, but Gardner refused multiple times to acknowledge Gates' motion and asked her to clarify the intent of the motion. After some confusion, the ANC eventually voted 5-3 against Gates' motion – but only after Commissioner Michael Siriquii intervened to persuade Gardner that Gates' motion was appropriate under Robert's Rules of Order. However, subsequent filings by two ANC 3D Commissioners to the Zoning Commission objecting to the way the ANC handled the Valor proposal set off a firestorm that played out at the January 11 Zoning Commission hearing when ANC Commissioner Troy Kravitz, testifying on behalf of ANC 3D, addressed the controversy in his oral testimony.

Both ANC 3D and 3E also seemed to prompt some confusion among the ZC members when the ANCs both testified that they did not feel competent to evaluate whether the project was consistent with the Comprehensive Plan. The Zoning Commission looks to the ANCs for their review of the consistency of projects, like the Valor project, with the Comprehensive Plan since the focus of the Comprehensive Plan is on neighborhood issues.

Organizations testifying in support of the Valor project were Ward 3 Vision, an organization that advocates for "smart growth" and development, and the Spring Valley Neighborhood Association (SVNA). SVNA's Gretchen Randolph testified she was unaware of any opposition to the project from Spring Valley residents. Cheryl Cort, who is the policy director for the Coalition for Smarter Growth, was the only individual who testified in support of the project.

Zoning Commission Chairman Anthony Hood explained the Commission's procedures would not allow any additional testimony in support of the project to be heard and that the next hearing on January 25 will focus on the views of opponents of the Valor proposal.

Stephen Band, a Spring Valley resident, who said he was "undeclared," also testified at the January 11 hearing. He criticized the Valor project as being too dense and said it would be a game-changer for the Spring Valley and AU Park neighborhoods. He stated that the project would have a permanent and negative impact on the overall character of the neighborhoods. He said that the volume of Valor's pre-Christmas

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filing made it nearly impossible for anybody, including the two ANCs, to adequately review the latest plans to prepare for the January 11 Zoning Commission hearing. He noted that the developer had misled the community into thinking the project would include a full-service grocery. He noted that a Balducci's market in the neighborhood had failed previously and that it now could threaten Wagshal's survival. He expressed concern about the mix and size of the residential units and stated the new rental buildings would, in effect, likely become primarily housing for AU students. He said it was too early to approve the project and recommended the developer continue to work on the project's design.

You can view a recording of the hearing by accessing the following link:  
<http://view.earthchannel.com/PlayerController.aspx?PGD=dczoning&iID=5121>

After nearly four hours, the Zoning Commission agreed to continue the hearing until January 25 for opponents of the project to testify. The CRD is expected to lead the testimony in opposition to the project. Also accepted by the ZC as joint parties in Opposition to the project and expected to testify on January 25 are the Spring Valley-Wesley Heights Citizens Association, the Spring Valley West Homes Corporation, and Neighbors for a Livable Community. All of the groups opposing the project have indicated they support mixed use development of the site, but not the density proposed by Valor. Other individual residents, including some ANC 3D Commissioners, are also expected to testify in opposition to the proposal.

Stay tuned!

## **U.S. ARMY CORPS CONTINUES TO INVESTIGATE AU PRESIDENT'S HOUSE ON GLENBROOK ROAD; NO SOURCE FOR WORKERS' ILLNESS DETERMINED**

The U.S. Army Corps of Engineers (USACE) is continuing its expanded investigation for buried munitions along Glenbrook Road and has begun sampling under the current home of the American University (AU) President at 4835 Glenbrook Road. So far, the Corps has identified 20 sampling locations on the property. As part of its broadened investigation, the Corps also plans to conduct additional soil sampling in the front yard of the AU President's house. The Corps said the decision to conduct sampling at 4835 Glenbrook Road was 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.

So far, sampling from the President's house has been clear of any chemical agent although the Corps reports finding some dark soil and some AU Experimental Station-related glassware. However, the Corps plans to expand its sampling across the basement of the house.

In addition to extracting soil samples through the basement into the subgrade below the AU President's house, the Corps also plans to sample the exposed concrete foundation wall along the shared property line.

The USACE demolished the house at 4825 Glenbrook Road in Fall 2012 after determining that the home could be sitting on top of a munitions pit long suspected to hold mustard and other chemicals. The pit

was known as Sergeant Mauer's Pit and often referred to as "Hades" because of the types and amount of chemicals thought to be buried there.

The area around Glenbrook Road was part of the AU Chemical Weapons Experimental Station during World War I. In 1917, AU contracted with the U.S. government to operate a chemical weapons experimental station on the campus. As part of the contract, the Army built several buildings that are still in use on the campus today. The use of the campus as a chemical weapons experimental station was largely unknown in the neighborhood until construction workers unearthed buried munitions on 52<sup>nd</sup> Court during the development of Spring Valley West in January 1993. Twenty-five years later, the neighborhood is still being investigated for chemical munitions.

Spring Valley also housed Camp Leach during World War I, which was built to train troops. The U.S. Navy sponsored a bomb disposal school during World II on the AU Campus for research and education.

At the time the homes were built at 4825 Glenbrook Road and 4835 Glenbrook Road in 1992, construction workers reported symptoms similar to chemical exposure when loading dirt into a dump truck. According to government reports, four loads of dirt from the site were rejected at a Lorton landfill due to odor problems and reportedly was eventually deposited at the Fort Totten Metro site.

A settlement in a lawsuit over the property at 4825 Glenbrook Road unrelated to the workers' complaints was sealed by the courts.

### **August Incident Spurs Investigation**

More recently, investigation at the 4825 Glenbrook Road site was suspended on 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. This is not the first problem encountered at the AU President's house. In 1996, several bottles of unknown materials were encountered in the subsurface while landscape workers prepared to plant a tree. According to a report prepared for the USACE, the contractor removed a plug of soil measuring approximately six feet in diameter and four feet in depth to insert the tree. Once the soil was removed, the workers were overcome by odors and experienced irritation of the eyes and respiratory system.

The USACE convened a formal Board of Investigation to assess the August 2017 incident. The Board reported earlier this month 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 are still being reviewed and the Corps will have to develop a new formal work plan to get final approval to resume work. A timeline is uncertain.

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. In fact, 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

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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 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.

Meanwhile, there is an opening for a community member on the Spring Valley Restoration Advisory Board. Membership is open to anybody who lives or works within the project area. Residents can get an application by calling the Community Outreach Team at 410-962-0157 or contact Malcolm Pritzker, the RAB membership chair, at [malpritz@aol.com](mailto:malpritz@aol.com).

## **SPRING VALLEY PARK RESTORATION PROJECT UNDERWAY**

The initial phase of a project to restore Spring Valley Park is underway. The estimated \$1 million project is funded by the District Department of Energy and Environment (DDOE) and is intended to address soil erosion problems in the park caused by storm water runoff that damaged the trails and the stream channel. The goal of the project is to slow down and redirect the storm water being discharged into the park; to cover and protect the exposed sanitary sewer lines in the park; and to restore the stream to a more natural condition with improved wildlife habitat and stable banks that can safely convey storm water. The project also is intended to rehabilitate the existing walking trail to make for safer access throughout the park.

The Park is bounded by Fordham Road NW, Quebec Street NW, 49<sup>th</sup> Street NW, and Hillbrook Lane NW.

Construction at the park is slated to begin this Fall and it is estimated that it could take at least a year. DDOE has a one year contract – with an additional option year – to complete the project.

Uncontrolled storm water flowing into the park has degraded the stream and its banks over time and in some locations exposed sanitary sewer lines that pose a risk of breaking and discharging untreated sewage. A hiking trail currently exists in the park, but it is degraded and in some locations hazardous due to erosion, exposed roots, and fallen trees.

As part of the initial phase, a report was completed to explore options for redesign of the trails and stream channel. The report outlines the infrastructure repairs that must be made at the site. According to the report, the Park has been impacted by storm water runoff from homes across the neighborhood and even from the American University campus.

When the project is completed, storm water management will continue to be an ongoing challenge in the park. Neighbors can play their part by checking where drains and downspouts release rainwater and consider installing storm water management systems, such as rain gardens, rain barrels, and permeable paving, to direct the water away from the park. DC government's Riversmart Homes project offers low or no cost design and installation services to all DC residents interested in doing their part to control storm water.

Information on the program is available at <https://doee.dc.gov/service/riversmart-homes-overview>.

## NEIGHBORS PUSH AU ON JOHNSON'S FLORIST CLOSING

Johnson's Florist announced earlier this month that American University, its landlord, will not be renewing its lease. In its announcement, Johnson's Florist indicated that the rent increases and other landlord-imposed costs for the space had increased to the point that Johnson's could no longer continue to operate at the site. Johnson's has operated a garden center in the neighborhood for nearly 80 years. It was displaced in the late 1980s from its location in the 4000 block of Wisconsin Avenue to build a then-controversial new building that is now slated to be razed for new mixed use development. At that time, Johnson's relocated to the building at 4200 Wisconsin Avenue, which was purchased in 2000 by American University.

Since the announcement of Johnson's closing, a grassroots group of neighborhood volunteers have sought a meeting with AU President Sylvia Burwell to appeal to AU to make accommodations that will enable Johnson's Florist to continue operating at the site.

MedStar has now become a major tenant at the site. And AU indicated that the space may be needed to address MedStar's needs.

The neighborhood volunteers have organized a meeting with AU representatives for interested members of the community. The meeting is scheduled for Wednesday, January 17 at 7 PM at the Mary Graydon Center on the AU Campus.

Although Johnson's has closed its retail operations, it has until the end of the month to vacate the property.

For more information about efforts to keep Johnson's open, contact Mary Alice Levine at [maryalicelevine@gmail.com](mailto:maryalicelevine@gmail.com).

## ANC 3D RAISES MILLIE'S LIQUOR LICENSE ISSUES

At its January 10 meeting, ANC 3D included on its formal agenda a discussion on liquor license issues related to Millie's located on Massachusetts Avenue NW. The ANC reported that it had received notice that Millie's had built an enclosure for a portion of its "summer garden." Millie's liquor license, which mandates separate liquor service hours for the "summer garden" than the restaurant, specifically prohibits any construction or tenting covering any portion of the "summer garden."

The DC licensing agency has specific definitions of a "summer garden." A "summer garden" is any exterior seating area and is unrelated to the seasons of the year.

The prohibitions on the "summer garden" are outlined in a Settlement Agreement, which also specifies hours, occupancy numbers, trash removal, and parking issues. Settlement Agreements are common practices for the DC liquor licensing agency. Millie's, ANC 3D, and a group of neighbors entered into a Settlement Agreement in January 2016 to avoid an extended debate and formal protest of Millie's license application in January 2016.

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The Agreement also gives Millie’s management a 30-day period to address issues of its compliance with the terms of the Settlement Agreement before a formal complaint can be filed. ANC 3D provided formal notice to Millie’s on December 27 initiating the 30-day period. During the 30 days, parties to the Agreement are to make efforts to address the compliance issues.

The ANC did not indicate if it planned to file a formal complaint if the compliance issue is not resolved by the end of the 30-day period. ANC Chair Steve Gardner pressed representatives of the ad hoc neighborhood group, who helped negotiate the Settlement Agreement with Millie’s management and attorney, on whether they planned to file a complaint. The representatives of the ad hoc group said it was their expectation and hope that Millie’s management would take whatever steps are necessary to come into compliance with its liquor license requirements for the “summer garden.” They added that that they wanted to be careful not to make any remarks at the ANC meeting that might prejudice the ability of parties to use the 30-day period to resolve the problem. The ad hoc neighborhood group representatives also encouraged the ANC to take steps to facilitate a dialogue that might lead to a resolution of the issue. They suggested the ANC’s decision to discuss the issues at its January 10 meeting was premature.

They also noted that the footprint of the new enclosure was incompatible with a decision by the Historic Preservation Review Board (HPRB) limiting the building footprint. Millie’s had to obtain permission from the HPRB for alterations to the exterior of the building. The Shopping Center, where Millie’s is located, was designated a national historic landmark.

A representative of Millie’s management attended and indicated that Millie’s had no plans to remove the cover. When asked by Gardner if the cover was temporary, the Millie’s representative said it was temporary “for now.”

Following up on the suggestion made by representatives of the ad hoc group, the ANC voted unanimously to approve a motion made by Wesley Heights Commissioner Chuck Elkins to establish a small committee of ANC Commissioners to work with the other parties to consider ways to address the issue.

## **REMINDER ON CRIME PREVENTION**

Amid new reports of crime in the area, Spring Valley and Wesley Heights residents are reminded to take sensible steps to guard against crime that is intended to victimize you and your neighbors. Most importantly, be aware of your 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 you see anything or anybody suspicious, call 911. The Metropolitan Police Department are best qualified to assess whether suspicious activity is a prelude to criminal behavior.

Keep your doors locked even when you are home. If you are doing home repairs, keep ladders out of sight of those who might use them to break into an unlocked 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 people not locking their car doors, leaving garage door openers in their unlocked cars, 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. 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.**

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

**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](mailto: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](mailto:tmfsmith@rcn.com) . Please share this with your own personal e-mail networks.  
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