

4707 Windom Place NW  
Washington, DC 20016  
December 20, 2017

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

RE: Case Number 16-23, Proposal for Design Review and Development by Valor Development, LLC, Square 1499, Lots 802, 803, 806, 807. Letter in Opposition.

Dear Chairman Hood and Members of the Commission:

I am a homeowner on Windom Place, NW, 270 feet east of the proposed development site (Refer to Exhibit 1 at the end of this letter.). I am opposed to Valor Development's ("Valor's") plan for developing this site. My opposition is based on the negative impacts to the neighborhood, such as:

- Incompatibility with the DC Comprehensive Plan<sup>1</sup>;
- Massive scale;
- Increased traffic, parking, and congestion;
- Closure of established businesses and the resulting elimination of jobs; and,
- Failure to provide the long-promised "full service grocery,"

I will explain these and other deficiencies in this paragraphs following.

Please understand that I am not opposed to development at this site, only the current inferior development plan. Most nearby residents bought homes in this community, because it balanced the slower-paced "far out" suburban life and the amenities of downtown "hustle and bustle." Unfortunately, the density and scale of this project rudely interrupt this life style. This project is more appropriate to the H Street or 14<sup>th</sup> Street corridors than our low density neighborhood of single family homes. We deserve better.

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<sup>1</sup> District of Columbia Comprehensive Plan, District of Columbia Office of Planning, 2006, as amended in 2011.

The neighborhood opposes Valor's development plans.

Most neighbors, especially those nearest and most affected by this project overwhelmingly oppose the current plan. These neighbors include those in both ANC 3E, where the site is located, and nearby ANC 3D. During the past 18 months, almost 600 neighbors in both ANC's have hand-signed a petition opposing this project. These signatures were collected in door-to-door, face-to-face encounters from true residents within a few blocks of the development site. This signed petition will be presented to the Zoning Commission by the Citizens for Responsible Development as evidence of neighborhood's opposition to Valor's plan. A copy of a blank petition is found as Exhibit 2.

Note that Valor collected "digital acknowledgments" and feedback using uncontrolled Internet web sites. They did not collect true signatures and, as a result, the bona fides of the signers cannot be proven. It is very possible that many of the entries are from people outside the neighborhood or even outside the District.

The proposed plan is inappropriate for this neighborhood.

*This project will massively increase the household density of American University Park.* The added 219 residences will increase the overall American University (AU) Park household density by 8%<sup>2</sup> all at once. Today, this kind of density is spread out over many blocks, not concentrated on 1/4 block, as is this project. This neighborhood is far from the traditionally higher density 14th Street, H Street, or even Wisconsin Avenue corridors, where this project would be more appropriate.

*The project will loom over these homes and the historic Spring Valley Shopping Center.* The massive 89 foot height at the western end of the structure is far higher than nearby homes and will forever change the character of the neighborhood. Furthermore, the architects' own shadow study<sup>3</sup> shows that nearby homes will be subjected to mid- to late-afternoon "sunsets" during significant portions of the year. Today, one can see treetops along Massachusetts Avenue from Windom Place and 48th Street, a small, but welcome, respite from the stark masonry structures nearby. However, even this minor benefit will be taken from nearby residents, if this development is constructed.

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<sup>2</sup> The number of residents per household in DC is 2.22 in 2011-2015. (Reference: <https://www.census.gov/quickfacts/fact/table/DC/PST045216>). For 219 residences, the total number of residents will be approximately 486 (2.22 X 219 = 486).

<sup>3</sup> Courbanize web site - no other documentation is available.  
<https://courbanize.com/projects/theladybird/information>

*The courtyards and Windom Walk features will attract unsavory elements.* The courtyards planned along 48th Street and the Windom Walk that will connect Windom Place (street) with Massachusetts Avenue may facilitate criminal activities, especially at night. The landscaping plan, which can only be deciphered from the concept drawings today, will add trees and shrubs. This greenery will attract criminals and provide hiding places for nefarious activities, such as drug dealing, that are not issues today.

Valor's public alley plan is implausible.

Exhibit 3 shows the existing conditions in the public alley at midday on 12/19/2017. Refer to the exhibit for several photos and more details.

These conditions are routinely seen in this alley. Valor claims that they will widen the alley to accommodate the garbage bins, delivery trucks and cars, as well as pedestrians. They have stated they will hide the garbage bins. It unlikely that they can widen and "beautify" the alley and make it functional for both delivery trucks and autos at the same time.

Valor's plans are incompatible with the District of Columbia Comprehensive Plan.

The Future Land Use Map in the Comprehensive Plan shows the Super Fresh Site as "low density commercial," which is defined as "commercial development characterized by one and two story buildings, often with off-street surface parking lots." (*highlight added*).

Valor's proposed development is inconsistent with this plan. The Comprehensive Plan, Chapter 23, calls for protecting the current low-density, stable neighborhoods and ensuring that land use decisions do not exacerbate congestion and parking problems. You should note that the Comprehensive Plan calls for conserving historic resources, including the Spring Valley Shopping Center in this instance. A 6 or 7 story building<sup>4</sup> looming over the Shopping Center would detract from the integrity of this historic landmark. Furthermore, the buffer space between the project and nearby homes is inadequate. These are insurmountable challenges, given Valor's current proposal.

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<sup>4</sup> ...including the penthouse, which counts as a "story."

The following quotes from the District of Columbia Comprehensive Plan<sup>5</sup> further substantiate these ideas:

Policies and Actions --- General Policies:

Policy RCW---1.1.1: Neighborhood Conservation

Protect the low density, stable residential neighborhoods west of Rock Creek Park and recognize the contribution they make to the character, economy, and fiscal stability of the District of Columbia. Future development in both residential and commercial areas must be carefully managed to address infrastructure constraints and protect and enhance the existing scale, function, and character of these neighborhoods. Page 23--13

Policy RCW---1.1.4: Infill Development

Recognize the opportunity for infill development within the areas designated for commercial land use on the Future Land Use Map..... Heights and densities for such development should be appropriate to the scale and character of adjoining communities. Buffers should be adequate to protect existing residential areas from noise, odors, shadows, and other impacts. Pages 23---13, 14

Policy RCW---1.2.8 Schools and Libraries

The fact that a majority of the schools in this Planning Area are operating at or above capacity should be considered in DCPS facility planning, and in the approval of any residential development that could further exacerbate school overcrowding. Page 23--19

On a technical note, the “Design Review” process should not be used to analyze and decide on this massive change to the neighborhood. Borrowing density from the adjacent historic shopping center would appear to require more scrutiny and justification than the Design Review Process.

Traffic increases will make this neighborhood less attractive.

Valor’s traffic report by Gorove/Slade<sup>6</sup> conclusion is not supported by the evidence. The Executive Summary states, “...that the project will not have a detrimental impact on the surrounding transportation network.” Note that no mention is made of the impact on the neighborhood! At the same time, the report states that the project will increase the number of vehicular trips on existing roadways by 3,500 daily. This is significant in a neighborhood that now has relatively benign traffic at all times of the day. Increased traffic and parking issues make AU Park a less desirable place to live. Valor’s traffic report does not reflect the increase in traffic caused by the project nor does it offer effective traffic mitigations.

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<sup>5</sup> District of Columbia Comprehensive Plan, Chapter 23 (Rock Creek West Area Element).

<sup>6</sup> Comprehensive Transportation Review. The Ladybird. Washington, DC. Gorove/Slade Associates, Inc. November 22, 2017.

The traffic report appears to ignore traffic from new and soon-to-open businesses on Massachusetts Avenue:

- Millie's, a restaurant just across Massachusetts Avenue, was opened in late summer 2017
- A yet-to-open office/retail building, also across Massachusetts Avenue from this project.

Furthermore, the report does not seem to include traffic and parking due to classes at the adjacent American University building. This office/classroom building (formerly the American University (AU) Law School) adjacent to the project is home to the Osher Lifelong Learning Institute, which brings hundreds of predominantly retired persons from beyond the neighborhood to classes during weekdays for months during the year. Many of the classes are held after the morning rush hour and before the evening rush hour, when the traffic data was presumably collected.

The report does not offer any important suggestions for improving the already-congested 49th Street and Massachusetts Avenue intersection. A "pork chop" at the Exxon station curb cut on 49th Street will only back traffic up on the streets for those entering the shopping center and the apron between the Exxon gas pumps and their garage.

Auto parking in the building is insufficient, resulting in overflows into the neighborhood.

American University's adjacent office/classroom building (formerly the AU Law School) has a lease arrangement for overflow parking at the parking lot on the existing site. Valor claims that they have an agreement with AU to continue providing parking in the proposed development.

According to the Valor's Traffic Analysis<sup>7</sup>, the planned project parking is as follows:

- 370\* spaces (total), all underneath the building
- 85 dedicated residential spaces (72 required by regulation)
- 49 spaces shared by grocery/retail and AU (AU has priority) (17 required for retail by regulation)
- 227 spaces shared by residents and AU (AU has priority)

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<sup>7</sup> Comprehensive Transportation Review.

*\*NOTE: Valor claims 370 spaces, but the numbers in the referenced report above add up to only 361.*

Valor will offer residents either dedicated residential spaces or spaces shared with AU for purchase.

The parking situation, like most of Valor's plans, continues to change. Valor reported at the ANC 3E meeting on December 14, 2017 that they have leased back 180 of the AU parking spaces. This could change the number of dedicated residential parking spaces from 85 to as many as 265 spaces. At this time, I cannot determine what fraction of these spaces are dedicated.

Regardless, more spaces are required<sup>8</sup>, even though the planned numbers exceed the regulatory requirements. In 2012, the average number of vehicles per household was 1.7 in zip code 20016 and 1.3 city-wide<sup>9</sup>. I expect residents will have between 284 and 372 cars (219 residences x number of vehicles per residence). I expect the actual number to be above the average of these high and low estimates, because it is likely that multiple persons per household will be working and will work in different locations. Transportation for all working and adult non-working household members will be required, requiring significantly more dedicated parking spaces than Valor has proposed due to public transportation issues. Refer to the public transportation paragraph below.

Finally, one must ask what happens if AU needs their shared spaces for overflow? If AU has priority, some resident or AU parkers will need to park in the neighborhood, which will violate the intent of parking agreements discussed with Valor.

Valor has not proven the need for additional street parking to nearby residents.

Valor has marketed this project without mentioning street parking changes for over two years. Only last month (November 2017) did they announce the addition of street parking and claimed that this additional parking was requested by neighbors. Valor's claim is simply not true. An overwhelming number of neighbors who live nearby (e.g., the "200 footers" and beyond, including me) dispute this claim and did not ask for more parking. For the past two years, neighbors have adamantly opposed more street parking at ANC 3E and ANC 3D meetings and other forums with Valor representatives present.

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<sup>8</sup> See footnote 2. The average household size in zip code 20016 is 2.22, which is the same as the overall average for the District. Almost 500 residents will live in the proposed development (219 residences x 2.22 residents per household = 486).

<sup>9</sup> <https://www.clrsearch.com/Washington-Demographics/DC/Number-of-Vehicles-per-Household?compare=20016>

Valor did not study nor justify the need for additional street parking in their traffic report. They claim that additional street parking will serve as a “traffic calming measure.” However, this contradicts their own traffic report. The Comprehensive Transportation Review<sup>10</sup> concludes that this development will have little or no impact on existing streets. However, again it did not consider the impact on the neighborhood.

The neighborhood has adequate parking for current residents, but continues to suffer from years of parking violations by AU students, beginning with those who attended the old AU Law School. Today, the Osher Lifelong Learning Institute (OLLI) hosts large numbers of AU students have parked in the neighborhood, despite AU claims of adequate parking spaces at their nearby building and stronger student parking rules. This remains a contentious issue for nearby residents.

The new development will exacerbate existing parking problems. For over two years, the neighborhood has asked Valor at numerous ANC meetings and other forums to prohibit street parking by Lady Bird residents. If the project residents can obtain inexpensive RPP’s and park on the street, what is the incentive for them to purchase or lease a building parking space at high market rates? Valor claims they will prohibit residents from obtaining Residential Parking Permits (RPP’s) by the terms of their lease. However, this approach will not work. Neither they nor the City have a workable enforcement process which does not involve monitoring by nearby homeowners.

Additional street parking will promote more congestion. One-way traverse on Yuma Street (ostensibly a two-way street) is now the rule, not the exception, due to delivery trucks stopping to service the Spring Valley Shopping Center. See Exhibit 4. Valor has made no attempt to work with the shopping center to reduce or eliminate delivery trucks stopping in the area around the main vehicle and pedestrian entrances to the Project.

How will residents who purchase a shared parking space in the project be assured of the availability of that space when it is needed? It is likely that the number of residents’ cars will exceed the available parking spaces. Numerous cars visiting the adjacent AU building now park at the existing Super Fresh outdoor lot every weekday. If AU requires their shared spaces in the Project (a factor which is out of the developer’s control), residents will be forced to park on the street, which will violate the terms of residents’ leases and incur the objections of the neighborhood.

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<sup>10</sup> Comprehensive Transportation Review.

Public transportation cannot solve the traffic and parking problems.

For the most part, tenants will require cars for their work commutes, shopping, or other daily activities. This site is not near traditional DC, Maryland, or Virginia workplace locations; significant retail areas; nor, the Metro. Not everyone works in DC - I was one of these people. I worked at Tyson's Corner. The nearest Metro station, Tenleytown, is a long, uphill walk, drive, or bike of 0.99 miles by road or sidewalk<sup>11</sup> - a long way on a hot, cold, or rainy day. See Exhibit 5. Valor claims that it is 0.8 miles away, but that is not realistic because their measurement is based on a radial line from the nearest corner of the property to the Metro, an impossible path for people or vehicles.

Nearby bus lines (N4, N6) run only on nearby Massachusetts Avenue provide access to downtown workplaces and Friendship Heights, but they do not connect directly to the Tenleytown Metro station. Access to a broader range of workplaces, grocery, and retail all of which lie outside our neighborhood<sup>12</sup> requires one or more transfers, making these trips unappealing.

The planned grocery store is not what the neighborhood wants and is potentially a detriment.

For two years, a significant part of Valor's marketing effort was a "50,000 square foot" "full service grocery." Now, the store will be much smaller at approximately 16,000 square feet or less. In addition, they have selected Balducci's as the so-called "full service grocery." Although it may meet the regulatory definition of "full service grocery," it does not meet the neighborhood's definition. The promise of a full service grocer with services similar to the former Super Fresh is unfulfilled. Why?

Balducci's features:

- a poor selection of everyday foods and items. (Try buying diapers, a roll of toilet paper, or a can of ordinary green beans at Balducci's.)
- prices well-beyond expectations, which will discourage shopping by local residents and encourage them to drive and shop at nearby "normal" grocers like Giant or Safeway

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<sup>11</sup> ...as measured by Google Maps from the center of the building complex to the western (nearest) entrance to the Tenleytown Metro stop.

<sup>12</sup> Many of the retail stores at Friendship heights are higher-end clothing or accessory stores that do not satisfy residents' daily needs



- direct competition to Wagshal's in terms of inventory and prices. Wagshal's has been a neighborhood institution for over 90 years.

The advent of a Balducci's at this location is not appealing to local residents. It does not complement the existing Wagshal's in terms of inventory or prices, unlike the previous grocery stores on this site.

Balducci's failed previously at the nearby Sutton Place location - why should it succeed here?

In my opinion, the longer-term viability of Balducci's and, possibly Wagshal's, is not encouraging. The end result will be either:

- Balducci's will fail causing economic harm to the owners of this project. (Keep in mind that their store at nearby Sutton Place on New Mexico Avenue failed a few years ago. It was replaced by a branch of Wagshal's.) or
- Wagshal's will fail, ending an almost one-hundred year tradition and creating economic issues for the adjacent Spring Valley Shopping Center.

The failure of Wagshal's would be significantly more detrimental to the neighborhood and people who commute through the area on Massachusetts Avenue than the failure of Balducci's.

Another concerning viability issue is that visibility from the street is limited to homes across Yuma street. It is not visible and will not attract customers from the much more highly-traveled commuter route, Massachusetts Avenue. Valor has made a poor selection without considering the possible results.

Existing businesses will incur a negative impact from this development.

Regardless of the success or failure of the grocer, the proposed development will eliminate successful businesses now hosted on the site employing about 80 workers:

- DeCarlo's Restaurant at 4822 Yuma Street, NW, has been a popular family-owned restaurant for decades. The proposed development will force this institution to close.
- Jean Paul's Hair Salon at 4820 Yuma Street, NW, is a successful hair salon used by the Kennedy's and Hillary Clinton. It has occupied this space for decades, but now it will be forced to close.

- Wagshal's Catering occupies a lower-level space in the current Super Fresh structure. This business also functions as the kitchen for Wagshal's delicatessen, restaurant, and market in the adjacent Spring Valley Shopping Center. Closure will severely impact Wagshal's ability to support these adjacent businesses and could force them to close or move.

These losses cannot be mitigated by the proposed project to the detriment of the neighborhood.

The project may reduce the quality of school and infrastructure services provided by the City.

Valor has not assessed the impact of this project on already overcrowded schools and police, fire, and emergency response services to ensure that the increased service requirements can be handled without affecting others. About 500 new residents in 219 households, plus a grocery store, will be added without consideration for impacts on infrastructure services.

Valor's current plans will place a strain on local schools. My understanding is that they have not had meaningful conversations with school authorities to account for the influx of new students at Janney, Deal, and Wilson schools. The plans now call for many units large enough for families, so one can expect that a significant fraction of the residences will have children. Additional children will strain the already overcrowded neighborhood public schools, especially Janney Elementary.

Valor has neither investigated nor provided evidence<sup>13</sup> that this infrastructure can service the added burden of this development.

The addition of 219 new residences and almost 500 people will burden utilities.

The developer has not assessed the effect of the increased utility burden (i.e., electrical, gas, water, and sewer utilities) on the neighborhood. For example, we already suffer from occasional power outages, partially because of damage to overhead electrical lines during storms.

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<sup>13</sup> Comprehensive Plan Policy RCW--1.2.8 Schools and Libraries states: (quote) *The fact that a majority of the schools in this Planning Area are operating at or above capacity should be considered in DCPS facility planning, and in the approval of any residential development that could further exacerbate school overcrowding.*

Why does the zoning process require a traffic report, but not a utility report? The increased utilities burden could well impact this neighborhood as much as the increased traffic and parking issues.

Finally, the developer should be required to move ALL utility wiring (including wiring for street lights) around their segment of the block underground. City planners and regulators should insist on 100% underground utilities for all projects going forward.

These alternatives would be better suited to the neighborhood.

Instead of the current, ill-conceived plan, the developer should consider alternatives, which would better fit the neighborhood. Examples include:

- A group of high-end townhouses, which would be less massive, not create parking and traffic issues, and actually improve property values in the neighborhood;
- Leasing the existing space to a nearby business, such as Johnson's Florist and Garden Center or other small retailer.

Several of these ideas have been brought up at various meetings by community residents, but have not been well-received by Valor.

I reiterate my opposition to the Valor development plan.

This project is not suitable for this neighborhood and provides no measurable benefits. It will increase traffic and parking issues and burden schools, utilities, and emergency services to the detriment of current residents. The grocery is a far cry from the original promise and is not truly a full service grocer with market prices. Local businesses will close forever and those that remain will be negatively impacted. The character of our neighborhood will be changed for the worse.

Respectfully yours,



Richard Tatum  
American University Park

Exhibit 1. Distance from My Home to the Project.



Exhibit 2. Petition Authored by the Citizens for Responsible Development.

**Petition to: Mayor Muriel Bowser; Councilmember Mary Cheh;  
ANC 3E Commissioners Anne Wallace, Amy Hall, Jonathan  
Bender, Tom Quinn, Jonathan McHugh; Eric Shaw, Director DC  
Office of Planning; Sara Bardin, Director DC Office of Zoning**

We, the undersigned residents of Ward 3 Washington DC, oppose Valor Development's proposal to construct a 5-7 story building with 200-250 apartment units on the former SuperFresh site at 4330 48th Street NW.

This massive development is inconsistent with DC's Comprehensive Plan, which calls for protecting our current, low-density, stable neighborhood; Valor's proposal would, in fact, create major traffic congestion and parking overload on nearby streets, and place a strain on local schools. A 5-7 story building would detract from the integrity of the historically landmarked Spring Valley Shopping Center adjacent to the site. A lower building of 2-3 stories would reflect the scale and character of the surrounding area.

We respectfully urge you to oppose Valor's proposal and to take measures to allow a development that is appropriate in height and size to the neighborhood.

Printed Name	Signature	Address and Email	Date

**Exhibit 3. Public alley will not work for auto and delivery truck access.**

**Photo A. Alley Looking East.**

This photo shows a truck and a trailer looking east from the rear of the PNC Bank property at the intersection of the alley connected to 48th Street (on the right). The shopping center is on the left. The garbage bin on the right will be removed.



**Photo B. Alley Looking East.**

This photo was taken just to the left of Photo A and shows some of the many garbage bins and an HVAC unit (light green next to the truck) that are associated with the shopping center.



Exhibit 3 (continued).

**Photo C. Alley Looking West.**

This photo shows the alley from the east end, looking west. The trailer shown in photo A is seen in the distance. There are six shopping center garbage bins in the photo, with two more on the right (not visible) for a total of eight. The autos on the left may be owned by someone in one of the adjacent businesses. Auto, truck, and garbage access conflicts will be difficult to prevent.



Exhibit 4. Daily vehicle congestion on Yuma Street behind the Spring Valley Shopping Center. (Photo by Richard Tatum on September 12, 2017)





Exhibit 5. Distance to the nearest Metro station (Tenleytown), as measured by Google Maps (5,242 feet or 0.99 miles).

