

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

January 1, 2018

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

Dear Chairman Hood and members of the District of Columbia Zoning Commission:

I am writing to express my opposition to the application by Valor Development et al. for approval of its plan to construct a large residential complex with hundreds of apartments, to be known as the "Ladybird." My residence on Butterworth Place NW is located just three blocks from the proposed site.

In the currently pending application, Valor Development proposes to build two structures. The main building would be five to seven stories tall and would reach a maximum height of 89 feet facing two-story houses along Yuma Street. It would loom enormously over these houses as well as the adjacent shopping center. This building would be totally out of proportion with our neighborhood, and our historically designated commercial area.

Valor's project is also not in compliance with the Comprehensive Plan and the Future Land Use Map. Valor intends to squeeze a "medium density" building into a space that is zoned only for "moderate density" development. The Comprehensive Plan defines "moderate density residential" as "...a mix of single family homes, row houses, and small apartments." The Plan defines "medium density residential" as "areas of midrise (typically 4-7 story) apartment development, although may also identify areas with a mix of high rises and row houses, or high rises surrounded by large open spaces." In sum, Valor does not have the right to build the medium density building it proposes. Valor is, in effect, asking the Zoning Commission to ignore the legal limitations that apply to this site, which the Commission has no authority to do.

In addition, Valor's project would have a major negative impact on the surrounding residential community and small businesses. For one thing, the building would not have adequate parking, yet would be located one mile from the nearest metro station, so it is unrealistic to expect the residents to rely exclusively on public transportation. Thus, parking would overflow onto the streets and be the cause of conflict between the 230 or more apartment dwellers and those living in nearby houses. With American University's tacit support for this project, it is also likely that the building will eventually house a large population of student renters.

Finally, Valor's height calculation violates the Height Act and its implementing regulations. Valor has chosen to calculate the height of the building from 48th Street so as to take advantage of the steeply sloping lot. This means that the bulk of its main building will rise from 50 feet on 48th Street to 89 feet at its rear, considerably above the level of the street, the public alley, the shopping center, and the houses on Yuma Street. But the 48th Street side is not the front of the building, which is where a building's height must be measured under the Act. The front of the building is on Yuma Street, which is where the main entrances will be located.

Moreover, Subtitle B §307.7 prohibits Valor from using the 48th Street curb as its measuring point because the elevation at that point is the result of: (1) an artificial embankment (with retaining wall) created by the need to provide a level roadbed for 48th Street across the natural slope of the land; and (2) an artificial depression caused by the excavation of the existing Superfresh underground parking lot. In the case of "artificial embankments" and "artificial depressions" of this kind, §307.7 (c) requires that height be measured from **the street frontage not affected by such alterations to the landscape**. In the case of the Ladybird, that would be along Yuma Street, not 48th Street. Alternatively, §307.7 (d) would require the Zoning Administrator to determine an appropriate base level for this building based on the surrounding street grid.

The applicability of either §307.7 (c) or (d) requires Valor's architects to go back to their drawing boards, and to come up with a proposal for a building reduced in overall height by two floors, *i.e.*, a "moderate density" building in conformity with the Comprehensive Plan, FLUM, and zoning regulations.

In sum, I am not opposed to more residences that would be affordable to people who wish to live in a quiet, walkable area of the city. Nor am I opposed to a proper development of the old Superfresh site. What I do oppose, however, is Valor's plan to erect an enormous, grossly out-of-scale structure that would violate every applicable law and regulation that we depend upon for a reasonable future for our neighborhood.

.Sincerely,



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ZONING COMMISSION
District of Columbia
CASE NO.16-23
EXHIBIT NO.124