

September 18, 2017

Mr. Anthony Hood, Chairman  
District of Columbia Zoning Commission  
441 4<sup>th</sup> 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 - 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 and commercial complex, to be known as the Ladybird. The address of Lot 807, the site of the proposed project, is 4820 Yuma Street NW on the current Official Zoning Map. My residence is located three blocks from the proposed site.

In the currently pending application, which is scheduled for a hearing on January 11, 2018, Valor Development proposes to build two structures, four to seven stories tall and reaching a maximum height of 89 feet, including 220 apartments, a grocery store and other retail. This development would replace a relatively small grocery store, now vacant, a restaurant, and several other small businesses currently on the site. I submit that the size of this development and the attendant issues of parking, traffic congestion, and incompatibility with the surrounding low-scale neighborhood and historically designated commercial area render the project out of compliance with the updated zoning regulations as well as the Comprehensive Plan and the Future Land Use Map.<sup>1</sup> Valor intends to squeeze a medium density building into a space that is zoned only for moderate density development.

In seeking approval through the Design Review Process Valor is asking only for a modest exception to the rear yard requirements. This request belies the scale of the project and the major effects it would have on the surrounding residential community and small businesses. It must be recognized that the size (180,000 square feet) and height (89 feet) of the complex would overshadow the single-family houses located across Yuma street. Parking would be a problem as the plans call for only 73 dedicated parking spaces in the underground garage to accommodate the number of tenants. (Of the 370 spaces planned, 236 are for the use of American University, per an easement.) The building would be located one mile from the nearest metro station, unlike similar projects on Wisconsin and Connecticut Avenues, so it is unrealistic to expect the residents to rely exclusively on public transportation.

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<sup>1</sup> I note that the proposed Ladybird site is now in an MU-4 zone, and that “[t]he MU-4 zone is intended to:

- (a) Permit moderate-density mixed-use development;
  - (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
  - (c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.”
- DCMR 11-400.3. 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.”

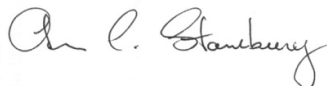
Valor's plans call for entrances to the residences and to the supermarket be located on Yuma Street NW and the maximum height of the Ladybird building facing Yuma Street approaches 89 feet. But Valor chooses to calculate the height of the building from around the corner on 48th Street, where the grade level is considerably above the level of the street, the public alley, and the houses on Yuma Street. In its current iteration, the upper floor and penthouse would be set back, rendering them perhaps less visible from Yuma Street. Yet the overall size and density, as well as the actual height of the development remain the same.<sup>2</sup>

As others have noted, the alleys necessary to serve as entry and exit points for residents and delivery trucks are already heavily used, and there is no extra room to maneuver in those tight spaces between buildings. Moreover, Valor assumes that residents and trucks alike will be able to use freely the privately owned alley between the American University building and the Ladybird development.

I submit that this is not as straightforward a case as Valor might suggest. The proposed Ladybird site, lot 807, is part of Record lot 9, of which the other part, lot 806, is now owned by American University. The construction of the building on lot 806 was only possible because of a transfer of density by the same owner from lot 807 to lot 806, and the two lots are separate "for assessment and taxation purposes, but not for zoning or land use purposes." *Burka v. Aetna Life Insurance Co.*, 945 F.Supp.313 (D.D.C.1996). The currently proposed density transfers among different owners in this section of the city warrant careful examination.

We and other members of the community are not opposed to development in our area and would like to see the former Super Fresh site developed in a manner that is consistent with the height and density provisions of the Zoning Regulations and the Comprehensive Plan. We are not opposed to more residences that would be affordable to families who wish to live in a quiet, walkable area of the city. We are also aware that the plans for this project may change and we hope to have an opportunity to comment if and when a revised plan is submitted for your approval.

Sincerely,



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<sup>2</sup> "Second, the Commission relied primarily on architectural features that would diminish the proposed building's overall visual impact, such as the top floor's setback from the edge of the building and the building's setback from the property line. Although those considerations are potentially relevant to other issues, they do not support a conclusion that the proposed building constitutes a moderate-density use under the FLUM, because the FLUM's definitions of "moderate density" and "medium density" focus on buildings' actual physical characteristics, such as the number of stories or units in a building, rather than on how the building would look to an observer." *Durant v. District of Columbia Zoning Commission*, 139 A.3d 880, 884 (DC, 2016).