

4301 48th Street NW
Washington DC, 20016

January 5, 2018

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

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

Dear Chairman Hood:

We recently moved to the AU Park neighborhood and live at 4301 48th Street NW, across the street from the proposed Ladybird development. We understand we are “200 footers” given our proximity to the proposed development. We oppose the development as proposed and urge you not to approve it. We have given this matter a great deal of thought, as we would be directly and significantly impacted by this decision. We believe that the negative impact of the development, as proposed, will significantly outweigh any perceived benefits to the community.

Negative Impact: Size of the Development and Related Congestion

The visual and congestive impact of the proposed development on the community is incontrovertible. In its current proposal, Valor demands the right to build a massive five-to-seven-story pair of buildings that span nearly the entirety of Lot 807. The development, as you know, would include approximately 15,895 square feet of commercial space and up to 240 residential units — 219 units of them planned, with flexibility to increase this number by another 10 percent. The buildings’ total square footage appears to be approximately 250,000.

Visual Impact. As Citizens for Responsible Development, among others, has explained, a development of this size is inconsistent with the profile of the neighborhood, which is known — and sought after — for its distinctive single-family homes. Indeed, the very first page of Rock Creek West’s Comprehensive Plan notes: “Rock Creek West’s most outstanding characteristic is its stable, attractive neighborhoods. These include predominantly single family neighborhoods like Spring Valley, Forest Hills, American University Park, and Palisades[.]” A massive seven-story development is out of character with our neighborhood of 1930s-1940s era single-family homes.

Congestion. The proposed Ladybird project would also lead to traffic congestion. The rush hour traffic on Massachusetts and Wisconsin Avenues is already significant. Valor's project would compound this problem. *First*, it would put hundreds of additional cars — driven by commuting residents and commercial shoppers — on our already-congested neighborhood streets. Valor's own study — which appears to be based on unsupportable assumptions — estimates that up to 305 cars will travel through every hour during peak weekday hours. *Second* (and just as troubling), because the development includes a 13,629-square foot grocery store, the project will lead to a massive increase in commercial trucking in and around the neighborhood. Once again, Valor's own (deflated) predictions, which are based on data that is over a year old (from October 2016), and that does not account for recent Massachusetts Avenue commercial development right across the street from the proposed Ladybird site (near 4850 Massachusetts Avenue NW), expose the illogic of the proposal. Just to mention one figure, Valor expects the development to result in approximately 21 truck deliveries/pick-ups every 12 hours, between 7 am and 7 pm at the site's loading docks. Since most trucks would apparently be routed through 48th Street NW — a significant change to the development plan that was made public for the first time on December 11, 2017 — a commercial truck could be driving through 48th Street NW (a residential street) and the east-west alley (a narrow passage) as frequently as every 17 minutes. That type of congestion would fundamentally alter our community's life and undermine the safety of the children of the neighborhood.

We also urge the Commission to reject Valor's attempt to assess future congestion in a vacuum, which constitutes another fatal flaw in the developer's analysis. Many local residents rely on Massachusetts and Wisconsin Avenues to commute to work. Wisconsin Avenue, however, has seen much development in the past several years, such as the renovation of the Cathedral Commons property. That trend will continue in coming years, as new projects — for example, the redevelopment of the current Fannie Mae site — become operational. At a minimum, the Commission should require Valor to provide an exhaustive analysis that assesses the *cumulative* impact of Valor's and the area's other impending projects on traffic. That study should also include a careful analysis of the cumulative congestive effects of the development on neighborhood schools, emergency services, and infrastructure.

Valor's False Choice: The "As of Right" Building

Valor has premised its proposal on the implicit threat that it could build, as of a right, a residential-only complex that is just as massive but without the (illusory) benefit to the community of the grocery store it proposes to include. That is a false premise.

Valor asserts that it could build a complex that is 50 feet tall (measured from 48th Street NW) — i.e., just as tall as the current mixed-use proposal — but without any public open spaces. That assertion defies the laws of physics. Even assuming Valor's "as of right" alternative could tower

50 feet above 48th Street NW,¹ that development would still be limited to approximately 185,000 square feet of total gross floor area. The current commercial space occupied by the Superfresh site is approximately 40,000 square feet. At most, a 185,000 square foot building that is five stories tall would have a *smaller* footprint than the current Superfresh building (185,000 divided by 5 is 37,000). And while Valor has threatened to spread that footprint through the entire property by creating an open internal courtyard, that threat, too, is empty: As Valor must know, such a prison-style courtyard design could never compete for potential residents in a crowded rental market. Instead, Valor would necessarily have to devote the remaining area to public spaces and amenities. Otherwise, who would choose this complex over other complexes in the area, such as Vaughan Place at McLean Gardens, let alone the forthcoming Fannie Mae development, especially considering the amenities at those complexes and their proximity to public transportation?

Alternatively, Valor could construct a building that has a bigger footprint. But, in that case, the 185,000 square foot limitation would mean that the building would be a two-to-three story building. That would, of course, be more consistent with the local neighborhood profile. Either option, though imperfect, would be more respectful of the character of the neighborhood, would allow for green space development and pedestrian access, and would address the community's concerns about the overwhelming size of the proposed Ladybird buildings.

In addition, we understand Valor would be limited to 89 parking spaces in its "as of right" option. That, too, confirms that Valor's threat to build a massive "as of right" development is a bluff with no connection to economic reality. The Commission should accordingly reject Valor's deceptive attempt to characterize the relief it requests as minor.

Purported Benefits: A New Grocery Store

In an attempt to justify its request for a massive departure from its limited "as of right" options, Valor attempts to recast as a benefit to the community the addition of a grocery store — specifically, a Balducci's Market outpost. That assertion is, of course, entirely self-serving, as Valor stands to profit handsomely from selling or leasing that retail space, if it is permitted to build it. More importantly, the assertion is baseless: the community will derive no material benefit from the opening of the proposed Balducci store.

There is no need for yet another grocery store in the neighborhood. There are currently at least eight grocery stores within a two-mile radius from the proposed development site, which span a range of products and price points. There are three Whole Foods stores — one in Tenleytown, one in Friendship Heights, and one on River Road. There are three Giant stores — one in Cathedral Commons, one in Friendship Heights, and one on Westbard Avenue. There is

¹ In fact, as the submission of Citizens for Responsible Development explains, the legally relevant height is not measured at 48 Street NW, but rather from Yuma Street NW.

Rodman's, on Wisconsin Avenue. And of course, our community has long benefitted from the intimate service provided by Wagshal's, a local landmark since 1939. And more options are coming: a Wegmans is also slated to open in the new Fannie Mae development, just one mile away. The area is exhaustively served.

The corporate proponents of the development have essentially recognized that a real, full-scale grocery store is not a viable long-term proposition. Valor has been unable, despite presumably extensive efforts, to find a single full-scale large grocery store interested in the space. The grocery store that was previously located in the site went out of business. The industry, moreover, is trending away from traditional brick and mortar grocery stores. Grocery delivery services, including Fresh Direct, Amazon Fresh, Instacart, Peapod, and Google Express, are proliferating and offering a compelling alternative to a varied customer base, especially to the students and young professionals who are presumably targeted for the proposed Ladybird complex. Not surprisingly, only Balducci's has expressed interest in opening a branch — Balducci's being the same ultra-high-end niche grocer that managed to price itself out of the Manhattan market just a few years ago. The prospect of the proposed grocery store is dim from the start.

Process

Finally, we denounce Valor's lack of transparency in presenting its current proposal. As you know, Valor submitted its revised proposal to the Zoning Commission on December 21, 2017. That proposal spans 195 pages. Valor submitted its transportation review just 10 days earlier, on December 11, 2017. Those materials contain 72 pages of analysis and 283 pages of technical attachments. The short time between these submissions and the January 11, 2018 hearing date — much of it during the winter holiday season — has not provided interested parties with an adequate opportunity to digest Valor's latest proposal and weigh in on this important issue. The local community deserves better than this type of regulatory ambush.

These procedural flaws also strip the ANCs' recommendations of any legitimate weight. Indeed, those flaws were in full display at the hurriedly convened January 3, 2018 ANC 3E meeting, where the ANC 3E voted on its recommendation. At that hearing, the ANC 3E commissioners were unable or unwilling to answer a multitude of questions posed by the community. The unanswered questions included issues as basic as the developer's decision to identify 48th Street NW as the project's sole loading route — a decision that was disclosed for the first time in the December 11 transportation study (as Figure 11, Exhibit 107A, p. 21; for comparison, see Figure G08, Exhibit 3B1, p. 14 and Figure A02, Exhibit 3B2, p. 4). Nor were the ANC 3E Commissioners able or willing to provide any substantive defense for the changes in congestion, air pollution, and traffic patterns that can be expected to result from that last-minute change. We urge you to disregard ANC 3E's foreordained recommendation and, instead, give a voice to the city's actual constituents.

Finally, we note that despite living across the street from the proposed development, we have received no notice from the City of the January 11, 2018 hearing. Despite purchasing our home on Oct. 31, 2017, with a deed recordation date of November 2, 2017 (as reflected in the tax record), we understand that the notice of the hearing was sent to the prior owners of the property on November 13, 2017 — at their address in Florida. We found out about the hearing from our neighbors, but too late to request party status.

To be clear, we do not oppose all development at the site. We do oppose, however, a foolish development that will ruin the character of the existing neighborhood, worsen its traffic problems, and shortchange the local community. The City should be deliberate, thoughtful, and responsible about development at the former SuperFresh site. With the benefit of such a process, we are confident that the Commission will reach the same conclusion we have reached. Let's stand for responsible development together. Let's do right by our community together.

Sincerely,

Handwritten signature of Lauren Sun and Francesco Valentini in cursive script.

Lauren Sun & Francesco Valentini

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