



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to www.dcoz.dc.gov > IZIS > Participating in an Existing Case > Party Status Request for instructions.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Milton Buchler II		
Address:	15408 Frederick Road, Woodbine, Maryland 21797 (owner of 4713 Windom Place, N.W.)		
Phone No(s):	4104892606	E-Mail:	4713windomplace@gmail.com
I hereby request to appear and participate as a party in Case No.:	16-23		
Signature:		Date:	DECEMBER 23, 2017
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please enter the name and address of such legal counsel.

Name:			
Address:			
Phone No(s):		E-Mail:	

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for:

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf; Please see attached sheets.
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board? Please see attached sheets.
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

ZONING COMMISSION

District of Columbia
CASE NO. 16-23
EXHIBIT NO. 119

PARTY WITNESS INFORMATION

1. A list of witnesses who will testify on the party's behalf;

Milton Buchler

2. A summary of the testimony of each witness;

If approved:

- incompatibility with the amended Comprehensive Plan
- overcrowding local schools
- increased vehicular traffic
- increased truck traffic due to both residential and commercial deliveries
- decreased pedestrian safety
- increased noise
- increased pollution
- increased strain on aging infrastructure
- increased demand for emergency services
- inadequate on-site off-street parking for proposed retail space
- ridiculously inadequate on-site off-street parking for residential units
- lack of public transportation near the site
- the single-family, small-scale residential character of the neighborhood irrevocably altered by the hulking mass in this proposal
- loss of privacy in one's own property
- inaccurate renderings of the project
- the long shadow cast across neighboring homes and yards
- nevermore a sunset to be seen.

Below I have attached three scale images which attempt to illustrate some of my concerns:

Areal view of American University Park in vicinity of the Super Fresh site with Valor Development L.L.C.'s rendering superimposed.



ZONING COMMISSION FORM 140 - PARTY STATUS REQUEST CASE #16-23 - MILTON BUCHLER II

Blueprint of 4713 Windom Place, N.W. reduced to the scale of Valor Development, L.L.C. site rendering, with first floors at same elevation.



View from between the proposed buildings looking across 48th Street, up Windom Place using perspective of Valor's renderings.



3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and none

4. The total amount of time being requested to present your case.
5 minutes

PARTY STATUS CRITERIA

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?

4713 Windom Place will be forced to confront a towering, looming, windowed mesa overshadowing all and blotting the sky.

2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

Owner and possible overshadowee.

3. What is the distance between the person's property and the property that is the subject of the appeal or application before the Commission/Board? (Preferably no farther than 200 ft.)

Directly across 48th Street, much less than 200 feet (53 feet ±).

4. What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?

If approved:

The extraordinarily huge scale of the proposed buildings, along with their stated usage, will obviously have environmental impacts due to the numerous, though as yet not quantified, new occupants and the very nature of both residential and commercial spaces. Both will generate excessive new traffic. Since it will be directed to and from a single location, the resultant pollution— air, liquid, noise, etc.— will be detrimental to all in the area. Those in the immediate vicinity will bear the brunt, of course. This increased traffic not only harms the environment, but also endangers the residents, and their children, who are about as pedestrians or at play in the neighborhood.

Valor's renderings show groups of people, adults and children, congregating on the street corners and in front of their proposed buildings. While I have rarely seen quite so many groups, it emphasizes the point that with increased local population, more pedestrians than ever will be at risk from the increased traffic.

All who are about will need to exercise extra care when crossing the streets surrounding the site due to the increase in traffic generated by the proposed buildings.

The constant parade of delivery trucks serving both residential and commercial occupants will create a cacophony of engine noise and brakes along 48th Street. This will disrupt the flow of traffic as they jockey for position (both with other trucks and with the building residents) as they attempt to navigate the entrance on 48th Street to the alley.

Since the number of required parking spaces would appear to grossly underestimate the number of vehicles which the numerous new residents will have, parking these on the nearby streets will be a favored alternative to garaging them at a far remove. Of course, if a permanent covenant were recorded which precluded all occupants of units who lacked off-street parking from owning any motorized vehicles, then this issue might be remediated.

Where guests of the various residents are intended to park off-street, particularly during holidays, does not seem to have been considered seriously.

This does not address the patrons of any businesses which operate in the proposed buildings. The number spaces allotted also seems to be apportioned for unsuccessful enterprises, not thriving concerns. Once more, on-street parking would seem to be the reasonable alternative intended by

(lack of) design. Being across the street merely increases the likelihood of seeing an ever-changing variety of vehicles in front of my house.

In an attempt to avoid the necessity of actually providing adequate off-street parking, the idea of allowing (metered) parking on both sides of 48th and Yuma Streets has now been proposed. The strangling effect on the smooth flow of traffic should be readily apparent to all. Both streets are about 16 feet wide. I do not look forward to even more vehicles parked on another side of my property. While improved public transportation might ameliorate some of these concerns, the subway will not move any closer— being a mile removed. Bus service could enable some residents to commute without an automobile, but not all will be so fortunate. As for the retail businesses on site, as was helpfully pointed out by Mr. Quinn: “it is retail and not residential that drives trip generation”. And, he further notes, some shoppers will drive. Assuming he is correct, his observations concerning the shorter trips being “a net positive” are erroneous. Unfortunately, shorter trips do not necessarily produce less pollution. Modern engines produce their highest rates of emissions when cold. Short trips do not permit the engines to get to their designed operating temperature, so the result is a great production of pollutants per unit distance for both legs of the trip (the cools again while sitting). This will be concentrated in the vicinity of the larger of the proposed buildings, obviously, that being their destination. Over the many years of operation of the supermarkets on the site, I observed very few shoppers who did not arrive in cars or trucks.

This same observation applies to the occupants’ vehicles as they leave the buildings. The engines will produce their greatest concentrations of air-bourne pollutants simply because their engines are, once more, not at their designed operating temperature.

As the buildings tower over the surrounding single-family homes, they will cast a long, and early shadow over the houses, such as mine, to their east (i.e. across 48th Street). The day will end early— in my case very early— forevermore.

By Valor’s own study (dated December 12, 2017), the sun will appear to set approximately three hours early every single day of the year. This means that in June, the sun vanishes behind the proposed buildings at about 5:30 P.M. instead of 8:30 P.M. This is the about the same as on November 28. In March and September, slightly after 4 P.M. instead of after 7 P.M., and in December, after 2 P.M. instead of 4:50 P.M. or so. Since in December, there are only 9½ hours of daylight, this represents a 30% reduction in daylight, rather like a Black Friday sale. Alternatively, this is about the same time the sun sets in Anchorage, Alaska approximately 1540 miles to the north. I pity anyone suffering from Seasonal Affective Disorder attempting to live in Valor’s shadow.

The western night sky to the west will now consist of twinkling windows.

Any attempted application of solar energy, either for electricity or heat, would become extraordinarily degraded.

In short, living in the shadow of the proposed structures would seem to have only a deleterious impact on the value of my— or any such— property.

As the projected occupancy of the approximately 220 residential units is publically unknown, it is left to conjecture the number of new students which will attend the local, already overcrowded schools. Since I would think the last thing any government official— or resident-- would desire is to further degrade the D.C. Public School System, particularly the well-performing local schools. Given that, the local schools will need to be enlarged along with extra staff hired. Are the plans for these future requirements ready to be implemented, and completed, before the Valor’s buildings open for occupancy?

Writing of capital improvements, brings to mind the question of the apparent removal of all existing

above ground and overhead utilities, along with their poles. None are shown in any of Valor's renderings. Is Valor to pay for their removal and the reconnection of affected properties? For how many blocks in each direction surrounding the site? If no such change in the utilities is envisioned, why the visual omission?

The proposed buildings stretch skyward 65 feet above 48th Street, dwarfing the surrounding single-family houses and blotting out the westward sky. The looming windows gaze down on, or directly at, my property, and, rather like a stationary drone or tethered barrage balloon equipped with a camera, remove any sense of privacy both outside and within. Or think Alfred Hitchcock's "Rear Window"--without the wife killing.

The prospect of this constant surveillance is not comforting.

In short, these proposed buildings will overwhelm this long established neighborhood and should be replaced by a development much more in keeping with its surroundings.

5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.

If approved:

The large scale and concentrated nature of the proposal will put additional strain on aging infrastructure-- water, sewer and roads. Clearly, Yuma Street, near 48th Street, is a "poster child" for reoccurring potholes as is.

The dramatic increase in occupants will naturally lead to increased demand for emergency services, some of which unfortunately appear to be already overburdened.

This proposal is incompatible with the amended Comprehensive Plan. This plan, and its proper interpretation, would restrain overwhelming the surrounding, older homes and buildings. This proposal brushes all into the dustbin. If so cavalierly ignored, what is the point of such a plan?

Although the above should prove convincing, I reserve the right to bring up additional concerns.

6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Since my property is directly across from the larger of these two proposed massive structures, it should be obvious to even the most casual observer how such inappropriate siting would forever adversely alter not only my property, but the surrounding neighborhood.

Aside from permanently blocking the sunsets, bringing darkness hours sooner and disfiguring almost beyond recognition the neighborhood that I recall as a small boy, these looming structures will depress the value of my property and make renting to those who value a quiet, private residence extremely difficult.

Frankly, I am somewhat indifferent to the number of storeys any building on this site has. But I do not want a building higher than thirty (30) feet above the 48th Street building height measuring point, which would seem to be in concert with the amended Comprehensive Plan. In my mind, this thirty feet applies to the whole structure and all its parts, however classified, including, but not limited to, "penthouses", equipment sheds, elevator housings and other solid objects. In short, a building or buildings of a scale commensurate with the surrounding long-established, thriving and, yes, even vibrant community.

15408 Frederick Road
Woodbine, Md. 21797
December 23, 2017

CERTIFICATE OF SERVICE

Request for Party Status
Zoning Commission Case #16-23

I certify that on this 23rd day of December 2017, I e-mailed a true copy of the foregoing Request For Party Status to:

- Advisory Neighborhood Commission 3D at 3D@anc.dc.gov
- Advisory Neighborhood Commission 3E at 3E@anc.dc.gov
- Council for Applicant, Christopher H. Collins at chris.collins@hklaw.com.



Milton Buchler II
Owner of 4713 Windom Place, N.W.