

**D.C. Zoning Commission Case Number 16-23, Voluntary Design Review For Valor Development, LLC, Square 1499, Lots 802, 803, 807**  
Testimony of Milton Buchler II

I am Milton Buchler, the owner of 4713 Windom Place, N.W. My house is directly across 48<sup>th</sup> Street from, and well within 200 feet of, the larger of the two buildings proposed by Valor Development L.L.C. for their development on the site of the former Super Fresh supermarket at 4820 Yuma Street, N.W.

I strongly oppose the proposal by Valor Development to construct two huge buildings, topping 65 feet in height above Valor's chosen 48<sup>th</sup> Street building height measuring points, the high points of their property. Due to the lay of the land, the buildings will be considerably taller when referenced to any point on Yuma Street.

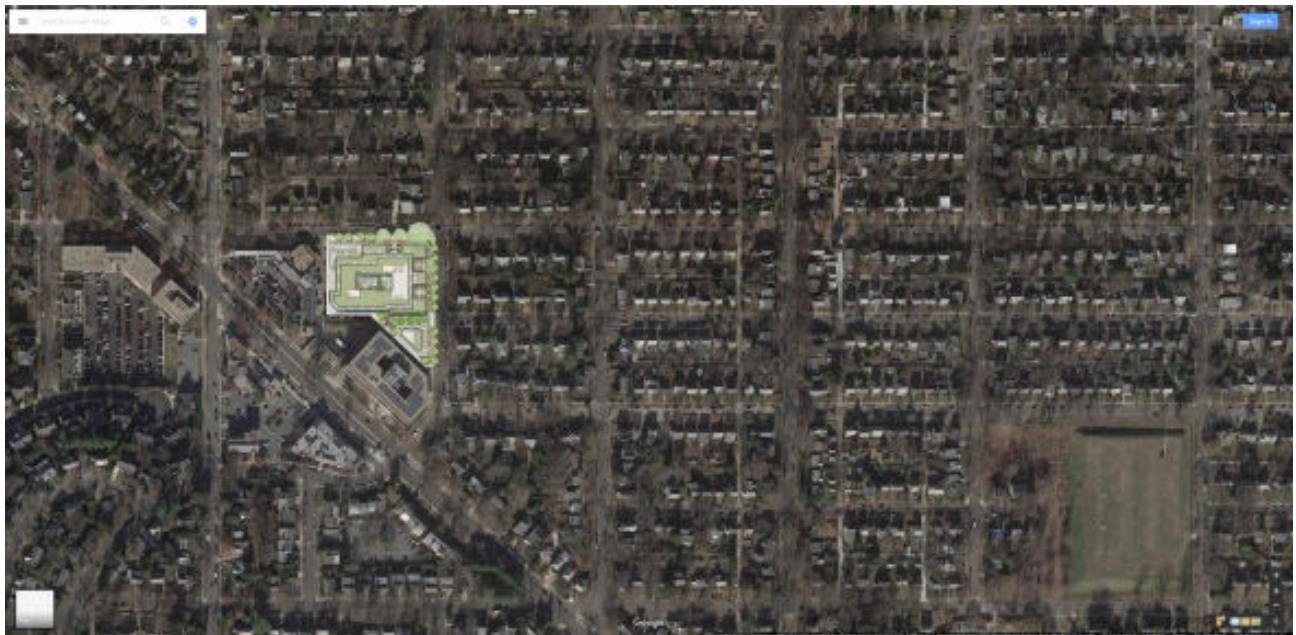
If this project was a football player, it would be Ed "Too Tall" Jones.

However, before I get to the matter at hand, I would like to publicly thank Donna Hanousek of the Office of Zoning for assisting me in getting this far. She is a welcoming, conscientious and encouraging presence for public participation, definitely going far above the mere necessities. I'd also like to thank Mr. Hood and the other commissioners for granting me party status so that I may examine others.

Of course, I can not.

My house is a cape cod (as indeed are the other homes directly across 48<sup>th</sup> Street), which my parents bought new before I was born. I spent the first years of my life in this house. It has always been a part of my life. I would like to see it and its setting to be consistent with my fond memories of life there. And indeed, although many changes have occurred over the intervening decades, the neighborhood still remains largely recognizable to me.

That this project is grossly oversized for this setting is readily apparent from the aerial image below:



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

Of the approximately 550 buildings shown, only the American University building which fronts Massachusetts Avenue currently approaches the height of the proposed buildings. Not even a striking 0.2%. And neither of these proposed structures has even the fig leaf of being on Massachusetts Avenue.

The proposed buildings will tower over, and dwarf, their surroundings. Despite Valor's clever visual manipulations, the image below shows the Yuma Street elevation of the larger of their proposed buildings in the same scale as the blueprint of the north elevation of my house matching their respective ground contours. I have flipped my blueprint to enable this matching of contours. Since six houses on Yuma Street directly face the proposed building, I have repeated my blueprint six times.

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Valor Development, L.L.C. rendering A36: North Elevation -Yuma Street with blueprints of 4713 Windom Place, N.W. to same scale, ground levels matched

Below, I repeat another of Valor’s renderings showing the Yuma Street elevation compared to the scaled west elevation of my house, with the first floors aligned. I have done so since this rendering includes the Massachusetts Avenue Parking Shops building (labeled “Spring Valley Shopping Center”).



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.

This proposal is incompatible with the amended Comprehensive Plan as well as its proposed surroundings. The Comprehensive Plan, and its proper interpretation, would restrain overwhelming this neighborhood of older homes and low-lying buildings. Valor’s proposal brushes all into the dustbin. If so cavalierly ignored, what is the point of having such a plan?

At some basic level, zoning is about an attempt at a harmonious transition from one well defined area to the next. The A.U. Park residential neighborhood is clearly well defined. The historic, low-lying shopping areas are well defined. This proposal fits in with neither.

Houston, Texas has chosen to have no zoning laws. The District of Columbia, since its inception, decided otherwise. It is meant to be a planned city. As property owners in Houston, we would have little recourse. In the District however, we rely on enforcement of these Plans to create and keep stable neighborhoods— sort of a WYSIWYG (what-you-see-is-what-you-get) approach. Erecting a project of this vast size would destroy any basis for such reliance.

A development as grossly oversized as this proposal, adjacent to these houses, would significantly and adversely change the almost suburban character of this neighborhood. As one neighbor put it: I don’t want to live in Bethesda.

Visually, looking towards the west, these buildings will become the dead end of the view. The western sky forever blocked and blotted, the view of the horizon gone.

This dead end is not a benign, blank one, however. It has many eyes. The looming windows gaze

down on my property and the surrounding area, removing any sense of privacy both outside and in. Think Hitchcock's "Rear Window"-- without the wife killing.

Along with the removal of the western sky-- and, of course, all sunsets-- sundown will come early, caused by the long, dark shadows cast by the proposed towering structures. No mitigation has ever been offered by Valor on this point. The Citizens for Responsible Development response (Exhibit 137) contains an extended shadow study which helps to illuminate the shortcomings and omissions of the one submitted by Valor. Since it is available for all to see, I will not discuss it in detail. I will note however, that should these proposed structures be built, sundown will come approximately three hours early every single day to my property. In December, this "new sunset" is about at the same hour as in Anchorage, Alaska approximately 1540 miles to the north. I pity those suffering from Seasonal Affective Disorder attempting to live in Valor's shadow.

This drastic curtailment of sunlight will limit or eliminate any attempted application of solar energy, either for electricity or heat. Even gardening will be altered as existing sun-loving plantings will suffer or die; new ones impossible. Likewise, the vast bulk of the proposed buildings, combined with their close proximity, will block desirable breezes in the warmer months.

The extraordinarily huge scale of the proposed buildings, along with their stated usage, will obviously have other environmental impacts due to the numerous, though never quantified, new occupants and the very nature of both residential and commercial spaces (also ever-changing). 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, all the more so for those in the immediate vicinity, of course.

The constant parade of delivery trucks for both residential and commercial occupants will create a cacophony of engine noise and brakes along 48<sup>th</sup> Street. They will disrupt the flow of traffic as they jockey for position both with other trucks, American University buses, the building residents as well as with the current traffic as they attempt to navigate the entrance to the alley. The trucks will be of all sizes, ranging from smaller delivery vans to tractor trailers. The rise of internet commerce only insures this flow will increase.

This environmental degradation will not merely be the result of the numerous trucks, but also due to the residents' automobiles which can be expected to leave and return within small, predictable time spans, thereby concentrating their effects. Again, those closest will endure the greatest harm.

Despite D.C.'s rosier view, 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. Valor is to be commended for stating that they will enforce their proclaimed parking policy. The downside of this policy is that it is a punitive, after-the-fact effort, rather like A.U.'s parking enforcement.

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

I also note that the number of charging stations for electric vehicles recommended by the D.C. Department of Transportation is seven, or fewer than one for every thirty units. None were originally included in Valor's plans. Apparently, neither Valor nor D.C. is predicting that electric will succeed.

This plan also 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 48<sup>th</sup> and Yuma Streets has now been proposed. The strangling effect on the smooth flow of traffic should be readily apparent to all. For years now, I have observed many of the cars parked on Yuma Street have been folding in their side-view mirrors to avoid damage. Currently, parking is permitted on one side of Yuma Street only. And I do not look forward to even more

vehicles parked on another side of my property. Presently, parking is not permitted on the east side of 48<sup>th</sup> Street.

While improved public transportation might ameliorate some of these concerns, the subway will not move any closer— being a mile removed. While the walk to the station can be a very pleasant one (and I have made this stroll many times), in falling, frigid or Dog Day weather, it is less so. I'm not certain how many would have used Shank's Mare to hike the mile in last week's cold. Keep in mind that for many employees, the return walk would be after dark.

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 overstated. Unfortunately, shorter trips do not necessarily produce less pollution/mile. Modern engines produce their highest rates of emissions when cold. Short trips do not permit the engines and exhaust systems to get to their designed operating temperature, so the result is a greater production of pollutants per unit distance for both legs of the trip (the engine cools again while sitting parked). This will be concentrated in the vicinity of the larger of the proposed buildings, obviously, that being their destination.

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.

Vehicles pollute in more ways than through the air, there are also liquid and solid components which are often overlooked. Again concentrated at a destination such as these buildings across the street from my property.

Add to this, the increased traffic will also exacerbate the wear and tear of the local roads. Yuma Street, near 48<sup>th</sup> Street, is already a "poster child" for reoccurring potholes.

Despite the prominent declarations concerning the advantages of a "neighborhood supermarket", over the many years of operation of the various named supermarkets on the site, I observed very few shoppers who did not arrive in cars or trucks. I would be interested to know how many A.N.C. commissioners did their weekly grocery shopping at the Super Fresh without using a vehicle. An obvious question which was never asked.

All this increased to-ing and fro-ing not only harms the environment, but also endangers the residents. and their children, current and future. who are out-and-about as pedestrians or playing in the neighborhood. There are many such now, and Valor's renderings plainly indicate they expect many more. While extra striping might alert drivers to be more aware, it does nothing to prevent moving vehicles from driving through those areas.

One more point concerning the supermarket which was touted throughout this entire process. The maybe-Balduci's at 15000 square feet (more or less) is but a shadow of the originally advertised 55000 square foot supermarket. Valor has repeatedly stated of late that the market (as it were) has changed and large, what might be described as "full service", supermarkets are out, and smaller "specialty" markets are in. Out near where I live, this does not appear to be the case. In Ellicott City, Wal-Mart expanded their store to 150000 square feet to accommodate a full-size supermarket. In Eldersburg, Wal-Mart razed a shopping center to open a new store of 187000 square feet two years ago, abandoning their previous smaller building. Again the increase in size of their building appears to be to create an even more spacious supermarket within. Clearly, Wal-Mart does not view a large supermarket as poor investment.

Since there are to be between 219 to 241 units (at last estimate) all with an indeterminate, or at least, non-public, number of occupants, the effects of this influx should not be ignored.

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

Additionally, local schools will need to cope with the unknown number of students in various, as yet unknown, grades. Nevertheless, plans must be enacted to prevent even more overcrowding. I would hope the last thing any government official— or resident-- would desire is to further degrade the D.C.



Public School System, particularly well-performing schools. Given that, the local schools will need to be enlarged along with extra qualified staff hired. Are the necessary plans for these future requirements ready to be implemented, completed, and properly staffed before the Valor's buildings open for occupancy? Will they?

While this does not affect me directly, since I have no children in the school system, a quality school district is a desirable characteristic for any prospective tenant or home buyer. Not to mention the tremendous importance of a literate and informed public in a governmental system such as ours.

It is not only the roads and schools which will be subjected to the large scale and concentrated nature of the proposal. Water, sewer and the other utilities will face significant extra demands. Some of this aging infrastructure may not withstand the added strain.

In viewing Valor's renderings, I notice that all overhead utilities have disappeared from the area around their site. Does this mean that Valor is placing these below grade, and reconnecting all those near them at their sole expense? If so, how far away does this largess extend? Yet another point unconsidered.

This is not the single fault to be found with the renderings of Valor's proposal. The most striking and consistent distortion is the use of a perspective which is known to me as the "wide-angle effect". Although it is well-known that a wide-angle lens allows for a greater field of view, it also changes the apparent spacial relationships and relative sizes of objects. By constant use of this technique (excepting in the elevation and plan drawings), the renderings show all in the foreground as large, while objects in the distance recede dramatically in size. Hence, using A19 as an example, the intersection is large and wide, the foreground people prominent. But notice how quickly the height of the people shrink as they get nearer to the building in the background (and strangely so, since I would have thought it to be the main focus of the rendering). The neighborhood streets are now boulevards, but the building itself, now in the distance, is diminished—greatly.

This is not how the eye perceives the world. As portrait photographers have long realized, and studies have shown, a mild telephoto lens (say 1.8 to 2 times the "normal" lens focal length) yields a more realistic perspective<sup>1</sup>. Why this more "accurate" projection was not used in the renderings now can only be guessed.



Valor Development, L.L.C. rendering A19: View from Northeast - Proposed (48<sup>th</sup> and Yuma Street)



Along with this distorted perspective, the renderings attempt to place the proposed buildings themselves in the background at a remove. If A19 is cropped to show the proposed buildings, instead of the crosswalk and beautiful blue sky, a better sense of their massive size is apparent.



Valor Development, L.L.C. rendering A19 cropped to focus on proposed buildings

This resultant image is 49.7% of the original A19 in height and still includes part of the sky. Less than half of the original image is focused on the buildings under consideration while approximately 37.8% is devoted solely to the beautiful blue sky interrupted by some foliage.

Despite the sharper focus on the prospective buildings, the smaller of the two is still conveniently shielded by the presently non-existent curbside tree in leaf at the corner. Additionally, the foliage of the similarly non-existent curbside tree on the other side of the street obscures the top floors of the larger building. Looking at 48<sup>th</sup> Street, the folly of throttling traffic by allowing parking on both sides is readily apparent. Keep in mind, the grey car appears to be a subcompact model, like its parked twin. I wonder why the A.U. buses were omitted.

If the image is further cropped, a truer sense of the human scale is observed:

The loitering pedestrians are dwarfed by the building, as will be all the surroundings. I should add that the tree shown appears to have approximately a two-foot caliper. That's a big tree. Such a tree is not at this location currently. Is a tree of this caliper to be part of Valor's landscaping?

Based on Valor's own renderings, they obviously appreciate the beauty, wonder and value of viewing the sky and the sunlight it affords. Just what their outsized proposal will rob my property of.

Below, I have used Valor's perspective to show how the view from Windom Walk, between



the two proposed buildings, looking across 48<sup>th</sup> Street and up Windom Place would appear. In order that more of the houses on either side of the street may be seen, I have made Valor's walls partially transparent. You'll immediately notice how large the proposed building facades are and how small the houses up Windom Place appear. Just the opposite of Valor's submitted renderings.



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

In brief, I find Valor's renderings to be little short of deceptive, and not a reliable visual guide to the nature of their proposal. By distorting, obscuring, and removing a true sense of scale, these renderings seek to minimize the overpowering impact of these proposed structures. By so concealing their bulk, this immense impact on the surrounding neighborhood is also shielded from your purview.

In comparing the proposed buildings to the claimed "matter of right" building, I am immediately struck by the fact that there is apparently very little difference in height and bulk. And although the "matter of right" building as shown has a blank grayish exterior, I strongly suspect any actual structure will have at least one door, windows and possibly even decorations and embellishments. After all, Valor's goal in developing the former Super Fresh site is profit, so the resulting structure will surely strive for some visual appeal, within and without. I will admit, though, that a solid marble or limestone exterior would mimic many of the governmental structures in the city and the complete lack of windows ameliorate the lack of privacy due to such a looming structure.

Further, I am unsure as to what regulations would preclude a "matter of right" building from having many of the "amenities" touted in this proposal, such as:

- spacious sidewalks
- environmentally friendly landscaping
- green spaces
- multiple entrances/exits (doors)
- the above mentioned windows
- multi-dimensional facades
- thoughtful transit planning, including bicycles, ride sharing and electric vehicles
- even the improved alley and corralled dumpsters.

Many of the above seem to me to actually be the result of thoughtful design which any good architect or reputable developer would incorporate in any building with which they were associated. I should point out that the height and bulk of the "matter of right" building is still an open question.

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 48<sup>th</sup> Street. This thirty feet applies to the whole structure and all its parts, however classified, including, but not limited to, storeys, "penthouses", equipment sheds, elevator housings and other solid objects. In short, a building or buildings of a scale commensurate with those of the surrounding long-established and thriving community.

Notes:

1. If you fail to understand my concerns of Valor's chosen perspective, I suggest you find a camera with both a wide-angle lens of between 40% and 50% of the "normal" lens focal length and a mild telephoto lens of between 180% and 200% of the "normal" lens focal length. For a 35 mm camera, this would equate to 20 mm to 25 mm for the wide-angle lens, and 90 mm to 100 mm for the telephoto. Take a photograph of someone's face straight on with each of the two focal lengths. Be sure to fill the image with just the face. Now compare. Which looks more representative to you?