

December 2, 2019

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

**RE: Zoning Commission Case No. 19-10 – Response of Spring Valley Opponents
To Valor Comments On CRD Shadow Study**

Dear Chairman Hood and Members of the Commission:

On behalf of the Spring Valley-Wesley Heights Citizens Association (SVWHCA) and Neighbors for a Livable Community (NLC) – recognized in this case as Spring Valley Opponents – we appreciate the opportunity to respond to November 25, 2019 comments by Valor Development LLC on a critique by Digital Design + Imaging Service of Valor’s shadow study. Digital Design + Imaging Service was designated an expert witness by the Zoning Commission in this case. Digital Design + Imaging Service completed the critique of Valor’s shadow study on behalf of Citizens for Responsible Development (CRD).

Valor’s November 25, 2019 filing was in response to CRD’s comments highlighting the results of the Digital Design + Imaging Service’s expert critique of Valor’s shadow study that were, in turn, a response to issues raised by Valor in a related October 24, 2019 post-hearing filing (Exhibit 241).

In its November 25 filing, Valor dismissed the results of the Digital Design + Imaging Service on the basis that the study does not recognize the “affected environment” surrounding the project site and that the study included data from hours less than two hours after sunrise and less than two hours before sunset.

Rather than provide substantive evidence for its claims, Valor instead chooses to mislead the Commission in a way that defies basic logic and reasoning.

SVWHCA and NLC have reviewed the critique of Valor’s shadow studies submitted by CRD (Exhibit 244) and the response to that critique filed by Holland & Knight (Exhibits 256 and 256A). SVWHCA and NLC do not claim to have any expertise in the science of visual impact studies. However, Valor does not challenge the science behind the study conducted by Digital Design + Imaging. It is clear to us from reviewing the record in this case that the shadow images prepared both by Valor and CRD reveal the overall impact on the surrounding community will be far more significant than suggested in Valor’s November 25 filing. However, it seems a stunning reach on Valor’s part to allege that the Digital Design + Imaging study submitted on behalf of CRD does not show the “affected environment.”

As we stated in our November 4 filing (Exhibit 247), we are concerned that the height and shadows of the building will inhibit the ability of some residents near the proposed new building to take advantage of solar to meet their energy needs. Legislation enacted by the D.C.

Council and signed into law by the Mayor encourages the use of solar energy and highlights the transition to solar – where possible – to be in the public interest and a priority of local government.

It is simply not logical to suggest, as Valor does in its November 25 filing, that the construction of its proposed building will not impact the shadow cast on surrounding residences. Valor acknowledges that the new building will cast new shadows on nearby commercial property, including the Spring Valley Village Shopping Center on Massachusetts Avenue NW – opposite to the side of Massachusetts Avenue where the building will rise to 81.5 feet. It is only logical to conclude that the proposed building also will have an impact on nearby residential homes that are significantly closer to the proposed site than the Spring Valley Village Shopping Center.

Consider the facts in the case for which there is consensus:

- 1. The proposed building is significantly higher than the existing structure at the proposed site;**
- 2. The proposed building setback on 48th Street and Yuma Street – directly opposite two-story residential homes – is significantly less than the current supermarket that occupies the site.**

Given these uncontested facts, a new building that is taller and closer to residential homes than the building that currently exists at the site is going to produce more shadows on the surrounding residential homes than current conditions. It does not require much expertise to understand that basic fact.

Valor’s filing seeks to obfuscate this reality that is the product of simple logic and reason. Regrettably, in its filing, Valor does not address **quality of life** issues for nearby residents who will be negatively impacted by the shadows resulting from this new building. This could impact residents’ recreational opportunities, including gardening; existing landscaping; mental health; and overall enjoyment of their property.

We recognize that the guidelines for conducting shadow studies vary from municipality to municipality and that the DC government has no formal guidelines. Valor cites guidelines from New York City to argue that hours for conducting a shadow study should be limited. Whether the study assesses shadows at sunrise, within two hours of sunrise, sunset, or within two hours of sunset, or when some residents may likely be at work should be largely immaterial given that the shadows from Valor’s proposed new building will have the greatest impact on nearby two-story residential homes just across the street from the proposed Valor project – not nearby commercial buildings. Although it may be appropriate for limiting a shadow study to selective hours of the day hours to assess the shadows created by new construction in mid-town Manhattan, that same reasoning should not apply in a situation involving construction of a larger building (than is currently at the site) in the middle of a low-density residential neighborhood, as Valor proposes.

Finally, Valor seems to suggest that the benefits of the project far outweigh the consequences of the shadows that the new construction will force on neighboring residential properties. First, as we have stated in previous filings and in testimony before the Commission, we believe the “benefits package” for this project is lacking – and that many of the benefits that Valor claims will actually have a deleterious impact on the neighborhoods and homes surrounding the site. Second, Valor’s benefits package includes a commitment to making it possible at some time in the future for the building to use solar to meet its energy needs. Valor does not make a commitment to install solar on the building. But, there is good reason to believe that the height of the building and the resulting shadows will make it virtually impossible for residents closest to the project site to ever be able to access solar to meet their energy needs – which is in direct conflict with the policy priorities of the District of Columbia government.

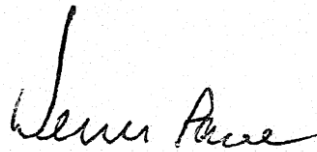
Regrettably, Valor’s November 25 filing is indicative of most of what Valor has offered in its filings and testimony in this case – a lot of spin and a lot of misleading information that seeks to obscure the fact that this building is simply too big for the site, especially given its proximity to the surrounding residential neighborhood that consists solely of two-story single family homes. Opponents of this project have suggested several alternatives for mitigating the impact of the structure, including a reduction in height; but consistently, Valor has turned a blind eye and a deaf ear to any suggestions by opponents in this case that would enable Valor and opponents to reach consensus.

Thank you for your consideration.

Sincerely,



Dr. Jeffrey L. Kraskin
President, SVWHCA



Dennis Paul
President, NLC

CERTIFICATE OF SERVICE

We hereby certify that copies of this filing were sent by e-mail on December 2 to the following:

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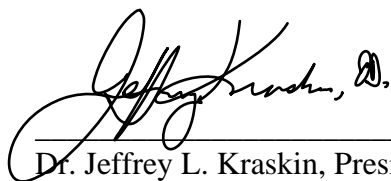
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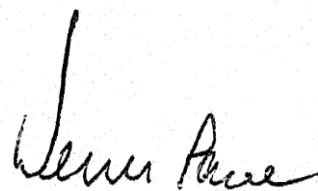
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