

# Holland & Knight

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August 17, 2017

## VIA IZIS

Zoning Commission of the  
District of Columbia  
441 4<sup>th</sup> Street, N.W., Suite 210S  
Washington, D.C. 20001

**Re: Request for Postponement - Z.C. Case No. 16-23**  
**Valor Development, LLC – Voluntary Design Review**

Dear Members of the Zoning Commission:

On behalf of Valor Development, LLC (the “Applicant”), we respectfully request a third postponement of the Zoning Commission’s public hearing to consider the above-referenced application. As discussed below, Advisory Neighborhood Commission (“ANC”) 3E has asked the Applicant to request a postponement of 30 to 60 days in order to provide the community additional time to review recent changes made to the project prior to ANC 3E taking a formal action on this case. The Applicant wishes to accommodate the ANC’s request.

The Applicant has previously asked the Commission to postpone the public hearing for this case on two occasions. On December 14, 2016, at the request of ANC 3E, the Applicant submitted a request to postpone the public hearing to provide ANC 3E additional time to review the comprehensive transportation analysis (“CTA”) for the project. The Commission granted the postponement and rescheduled the public hearing to May 4, 2017.

On February 16, 2017, the Applicant requested a second postponement to respond to several questions raised by ANC 3E and 3D (collectively the “Affected ANC”) and the community regarding the size of the grocery store, the design of the proposed buildings, and general transportation issues (parking, circulation, access). The second postponement was also necessary to allow the Applicant to address questions from the Office of Planning regarding the relationship of the design review application to the former American University Law Building (the “AU Building”), which was not included in the project boundary as initially submitted. At the time, the Applicant informed the Commission that the nature of the questions raised by the Affected ANC and the Office of Planning may require changes to the proposed plans that would also necessitate updates to the CTR, and as a result would require more time to allow the Affected ANC and the community ample opportunity to review the revised plans and CTA prior

to submitting this information to the Commission. The Commission granted this second request for postponement and rescheduled the public hearing for October 23, 2017.

Since the time the Commission granted the second postponement, the Applicant has worked diligently with American University to resolve the questions raised by the Office of Planning regarding the relationship of the design review application to the AU Building. These questions were critically important to the Applicant's ability to proceed with the project, and slowed the Applicant's ability to devote the time needed to fully consider the project program and design issues raised by the Affected ANC and the community. Having recently resolved the questions regarding the AU Building, the Applicant is now focused on reevaluating aspects of the proposed project in hopes of successfully responding to the Affected ANC and community. Unfortunately, the Applicant has only recently been able to present its revised plans and updated CTR to ANC 3E at its meeting on July 20, 2017. Following this meeting, Commissioner Jon Bender, ANC 3E Chairman, requested the Applicant to postpone the Zoning Commission's public hearing on this case for 30 to 60 days, in order to allow the community more time to review the revised plans and updated CTR before ANC 3E takes formal action on the application.

As previously stated, the Applicant is mindful of the Commission's general preference for applicants, ANCs, and interested stakeholders to resolve issues prior to the public hearing for an application. Unfortunately, some of the questions raised by the Affected ANC and the Office of Planning are directly tied to the issue regarding the relationship of the design review application to the AU Building, which has only recently been resolved. Therefore, these questions still require additional time to address. The Applicant is also aware that its request for a third postponement is not common in Commission proceedings. However, the Commission can be assured that the two prior postponements have resulted in progress toward responding and/or resolving the questions raised by the Affected ANC and the community. While the Applicant is eager to present this exciting project to the Commission, it is also understanding of the request from ANC 3E to allow the community more time to review the recent changes made by the Applicant to the project program and design. As such, after considering the request from ANC 3E, as well as scheduling constraints that typically occur at the end of the year, the Applicant respectfully requests the Commission to postpone the public hearing for the subject application to November 20<sup>th</sup>, or in the alternative December 14<sup>th</sup> or 18<sup>th</sup>, 2017.

Respectfully Submitted,

HOLLAND & KNIGHT LLP  
  
Christopher H. Collins

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District of Columbia  
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cc: Jennifer Steingasser, Office of Planning (via email)  
Joel Lawson, Office of Planning (via email)  
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