



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA**



FORM 150 – MOTION FORM

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: Z.C. 16-23

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Request the Commission to allow additional time to submit revised plans, and to schedule a public hearing on the revised plans.

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

- Yes, consent was obtained by all parties Consent was obtained by some, but not all parties
 No attempt was made Despite diligent efforts consent could not be obtained

Further Explanation: _____

CERTIFICATE OF SERVICE

I hereby certify that on this day of ,

I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via: Mailed letter Hand delivery E-Mail Other _____

Signature:

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June 15, 2018

VIA IZIS

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

Re: Z.C. Case No. 16-23
Valor Development, LLC – Voluntary Design Review
Request for Third Deferral of Commission’s Deliberation

Dear Members of the Zoning Commission:

On behalf of Valor Development, LLC (the “Applicant”), we respectfully request the Commission to defer its deliberation on the above-referenced project, which is currently scheduled for July 30, 2018, to allow the Applicant time to resolve outstanding questions raised by the current owner of Lot 807, Apex Real Estate Company (the “Owner”), the property within the overall project boundary upon which the proposed buildings would be constructed. As discussed below, the Applicant is requesting until October 16, 2018, to submit a revised set of proposed plans to the Commission. This amount of time has been coordinated with the Owner, and takes into consideration the time necessary for the Applicant and Owner to resolve outstanding questions, and the time needed to review the revised plans with the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 3E and 3D, and parties in support and opposition prior to submission to the Commission. In addition, should the Commission approve this request for deferral, the Applicant further requests the Commission to consider scheduling another public hearing rather than simply scheduling a deliberation on the revised plans. Given the extent of the changes made to the proposed plans, the Applicant believes another public hearing would be beneficial for the process and the community.

In its April 16, 2018, request for deferral, the Applicant stated that several substantial changes were made to the proposed plans in response to discussions with OP and the Department of Housing and Community Development (“DHCD”) regarding Inclusionary Zoning (“IZ”), and concerns expressed by the community regarding the mass and scale of the project which collectively impacted the underwriting of the project. These changes include the elimination of approximately 36,000 square feet of market-rate residential gross floor area from Building 1, the replacement of Building 2 with smaller-scale townhomes, and changes to the retail component of

the project that directly respond to the community's desire for a true full-service grocery store. These changes necessitated the Applicant to hold several meetings with the Owner and the other property owners within the project boundary, American University ("AU") and FW DC-Spring Valley Shopping Center LLC ("Regency"), to discuss aspects of the development agreements that make the project possible.

Since the Commission granted the last deferral on April 30, 2018, the Applicant has resolved the question raised regarding the project's IZ set aside requirement through the changes made to the proposed plans. In addition, the Applicant has completed its discussions with AU and Regency regarding adjustments to their respective development agreements. However, the Applicant is still discussing adjustments to the development agreement it has with the Owner, which is critical for the project to proceed. The Applicant anticipates that it could take approximately three months to resolve the outstanding questions regarding the development agreement with the Owner. To ensure there is adequate time to work with the Owner, and review the revised plans with OP, DDOT, the ANCs, and the parties, the Applicant is requesting to defer submission of the revised plans until October 16, 2018, which is three weeks beyond the aforementioned three month period.


In its prior request for deferral, the Applicant acknowledged the uncharacteristic way in which this project has progressed. This is undoubtedly due in part to the newness of the voluntary design review process (the Applicant being the first to utilize this process), the complicated cost structure associated with development of the project site, and the extensive coordination that has occurred between the Applicant and the community. Despite the process thus far, the Applicant reiterates its commitment to its original goal of developing a project that reestablishes a highly-desired grocery store use on the site and substantially increases the amount of market-rate and affordable housing located within Ward 3. The Applicant continues to believe that voluntary design review is the right process to achieve this goal. Through this process, the project program, design, and relationship with the surrounding context has improved significantly.

The Applicant looks forward to sharing the revised plans with the Commission, OP, DDOT, the ANCs, and the parties as it believes the revised plans fully address issues raised at the public hearing, and further improves upon a project that is already superior to any matter of right project.

Thank you for your consideration of this request, and continued attention to this exciting project.

Respectfully Submitted,

HOLLAND & KNIGHT LLP


Norman M. Glasgow, Jr.

Zoning Commission of the District of Columbia
June 15, 2018

cc: Advisory Neighborhood Commission 3E (via email)
Advisory Neighborhood Commission 3D (via email)
Edward L. Donohue, Donohue & Stearns, PLC, representing Citizens for
Responsible Development (via email)
Barbara & Sheldon Repp, Citizens for Responsible Development (via email)
Jeff Kraskin, Spring Valley Opponents (via email)
William Clarkson, Spring Valley Neighborhood Association (via email)
John H. Wheeler, Ward 3 Vision (via email)