



**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 delay deliberations to allow additional time to submit 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 , 2018

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:

Print Name: Norman M. Glasgow, Jr. *for*

Address: 800 17th Street, NW - Suite 1100, Washington, DC 20006

Phone No.: 202-419-2460 **E-Mail:** norman.glasgowjr@hklaw.com

Holland & Knight

800 17th Street, N.W. , Suite 1100 | Washington, D.C. 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

NORMAN M. GLASGOW, JR
202-419-2460
norman.glasgowjr@hklaw.com

April 16, 2018

VIA IZIS AND EMAIL

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 Second 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 May 24, 2018, to allow the Applicant time to submit additional information, including revised project plans. As more thoroughly discussed herein, the Applicant is requesting until June 18, 2018, to submit a revised set of proposed plans to the Commission following further coordination on such plans with the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), and the community.

Since submitting its February 22, 2018, request for deferral, the Applicant has met with OP to discuss various aspects of the project, including the manner in which the Inclusionary Zoning (“IZ”) set aside requirement shall be calculated given the substantial amount of existing commercial density within the project boundary that is not subject to IZ nor owned/controlled by the Applicant. Based on input provided by OP, the IZ set aside calculation for the project must include the existing commercial density of the American University (“AU”) building and the Spring Valley Shopping Center (“SVSC”) when determining the extent of bonus density utilization. The Applicant has also met with the District of Columbia Department of Housing and Community Development (“DHCD”) to discuss whether any programs exist that could support greater affordable housing within the project. Due to specific program requirements and constraints, and the substantial and complicated cost structure associated with development of the project site, there are no viable DHCD programs available to the Applicant at this time.

As a result of the meetings with OP and DHCD, and in an effort to better address concerns expressed by the community, the Applicant has spent considerable time reevaluating the overall height and mass of the project, which was conducted using modeling specifications

that are consistent with the visualization prepared by Citizens for Responsible Development (“CRD”), a party in opposition. Based on this analysis, the Applicant has made several substantial changes to the project, including elimination of an entire floor from proposed Building 1, the larger of the two proposed buildings, and the replacement of Building 2 with smaller-scale townhomes. Overall, these changes result in a reduction of approximately 36,000 square feet of market-rate residential gross floor area which, needless to say, has a considerable impact on the underwriting of the project. As such, the Applicant has had several meetings with Apex Real Estate Company, AU, and FW DC-Spring Valley Shopping Center LLC, the owners of property within the project boundary, to discuss aspects of the development agreements that make the project possible.

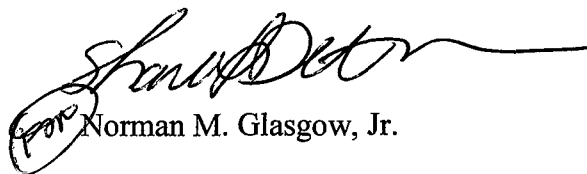
All of the efforts described above have required considerably more analysis and time than the Applicant had expected, and the Applicant has only recently reached a point where it could advance preparation of a revised set of plans and other supporting documents. In preparing this request for deferral, the Applicant took into consideration the degree of changes to the proposed plans, and the Commission’s support for applicants taking a “good-neighbor” approach to projects. The request to defer will allow the Applicant time to meet/coordinate with OP, DDOT, Advisory Neighborhood Commission (“ANC”) 3E and 3D, and parties in support and opposition prior to formally submitting revised plans to the Commission.

Despite the uncharacteristic way in which this project has progressed, the Applicant remains committed 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, and firmly believes that voluntary design review is the ideal process to achieve this goal. Through this process, the project has improved significantly in program, design quality, and in how it relates to the surrounding context. The Applicant looks forward to meeting with OP, DDOT, the ANCs, and the parties to discuss the revised plans, and thanks the Commission for its continued attention to this important voluntary design review project.

Thank you for your consideration of this request.

Respectfully Submitted,

HOLLAND & KNIGHT LLP



Norman M. Glasgow, Jr.

Zoning Commission of the District of Columbia
April 16, 2018
Page 2

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)