

November 27, 2013

VIA HAND DELIVERY AND ONLINE SUBMISSION

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, NW, Suite 210S
Washington, DC 20001

Re: Zoning Commission Case Nos. 06-40B and 06-40C – Application of Gateway Market Center, Inc., for 340 Florida Avenue, NE (Lot 8 in Square 3587), Washington, DC (the “Property”) – Review and Approval of a Modification to and Extension of an Approved Consolidated Planned Unit Development and Related Zoning Map Amendment – Motion to Waive Time Deadline for Submission of Additional Documentation

Dear Chairman Hood and Commissioners:

Pursuant to 11 DCMR 3000.1, et. seq., Gateway Market Center, Inc. (the “**Applicant**”), the applicant in Zoning Commission Case Nos. 06-40B and 06-40C and co-developer of the Property, hereby files a Form 150 Motion to waive the time deadline for submission of additional documentation into the record. Specifically, the Applicant requests a waiver from: (i) Section 3015.7 of the Zoning Regulations to submit an affidavit of posting of notice, and (ii) Section 3013.8 of the Zoning Regulations to submit an updated page, Page G-002, of the plan set submitted into the record on November 15, 2013. The Applicant’s Form 150 Motion is attached hereto as Exhibit A.

The Applicant is requesting the modification to, and extension of, the consolidated planned unit development and related map amendment (the “**Project**”) approved in Zoning Commission Order Nos. 06-40 and 06-40A (collectively, the “**Order**”). The hearing is scheduled for December 5, 2013.

I. Submission of Affidavit of Posting of Notice

The Applicant submits its affidavit of posting of notice required under Section 3015.7 of the Zoning Regulations (the “**Affidavit**”). The Affidavit is attached as hereto as Exhibit B.

On October 24, 2013, Applicant attempted to file its affidavit of posting through the IZIS system. However, the affidavit was not posted to the IZIS record of the case, even though the Applicant received an email notice of changed password from the IZIS system on October 24, 2013 during such posting process (attached hereto as Exhibit C).

Despite this, the Applicant has properly posted notice of the Planned Unit Development case and December 5, 2013 hearing on the site, as required under Section 3015 of the Zoning Regulations. The Affidavit was certified on October 24, 2013. Further, the Applicant has been maintaining the postings since such date and will submit an affidavit of maintenance of such postings at the December 5, 2013 public hearing.

No harm has occurred as the result of such occurrence. Neighbors and interested parties have been informed of the PUD proceedings throughout the process by mailed and posted notices and the Applicant has made significant outreach efforts to the surrounding community.

By this Motion, the Applicant requests a waiver from the thirty (30) day deadline that would otherwise apply to the submission of the affidavit of posting of notice under Section 3015.7.

II. Submission of Updated Plan Page G-002

By Z.C. Case No. 06-40B and 06-40C, the Applicant submits Page G-002 of Exhibit D attached hereto in place of Page G-002 of Exhibit A to the Applicant's November 15, 2013 twenty (20) day pre-hearing submission (Exhibit 19 of the record) (the "**Twenty Day Submission**"). The Applicant wishes to clarify that it is maintaining its request for the approval of a range of residential units in order to allow for between 170 and 216 units.

The Applicant inadvertently eliminated its request for flexibility regarding the number of units in the Twenty Day Submission although the request was previously included in its application package submitted on April 18, 2013 (Exhibit 2 of the record) (the "**Application**"). The Applicant just became aware of this omission and desires to provide such information to the Zoning Commission as soon as possible rather than waiting until the hearing.

The omission of the range of residential units on Page G-002 does not adversely affect any party to the proceedings or any neighbors or interested parties.

By this Motion, the Applicant requests a waiver from the twenty (20) day deadline that would otherwise apply to the submission of Page G-002 under Section 3013.8.

III. Conclusion

As set forth above, the Applicant looks forward to presenting this modification application to the Commission on December 5, 2013.

If you have any questions regarding this application, please feel free to contact Maureen at 202-721-1101 or Jeff at 202-721-1132. Thank you for your attention to this application.

Respectfully submitted,



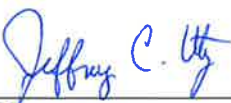
Maureen E. Dwyer



Jeffrey C. Utz

Certificate of Service

I certify that on November 27, 2013, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.



Jeffrey C. Utz

Stephen Gyor (2 copies)
District of Columbia Office of Planning
1100 4th Street, SW, Suite 650E
Washington, DC 20024

Jamie Henson
Policy and Planning
District Department of Transportation
55 M Street SE, 5th Floor
Washington, DC 20009

Advisory Neighborhood Commission 5D (7 copies)
1807 L Street, NE
Washington, DC 20002

ANC Commissioner Peta-Gay Lewis (5D01)
1868 Corcoran Street, NE
Washington, DC 20002

Advisory Neighborhood Commission 6C (Adjacent ANC) (6 copies)
234 E St., NE
Washington, DC 20002

ANC Commissioner Tony Goodman (6C06) (Adjacent ANC SMD)
1152 4th Street, NE
Washington, DC