



**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.: 16-10

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

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

Accept the Applicant's Comprehensive Transportation Report (Ex. 27D) less than 30 days prior to the hearing on this case. See 11 DCMR Sub. Z §§ 401.7 and 401.8.

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

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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: Kyrus L. Freeman

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

Phone No.: 202-862-5978 **E-Mail:** kyrus.freeman@hklaw.com

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KYRUS L. FREEMAN
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October 24, 2016

VIA IZIS

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

Re: Z.C. Case No. 16-10 - Applicant's Motion to Accept Comprehensive Transportation Study

Dear Members of the Commission:

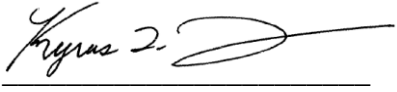
On behalf of EAJ 400 Florida Avenue, LLC (the "Applicant"), we hereby submit Form 150 requesting that the Commission accept the Applicant's Comprehensive Transportation Report ("CTR") less than 30 days prior to the public hearing on this case, as required by Subtitle Z §§ 401.7 and 401.8 of the 2016 Zoning Regulations ("ZR 16"). The CTR was filed with the Zoning Commission on October 7, 2016, which was 20 days prior to the public hearing.

The PUD was setdown on June 27, 2016, and thus vested under the 1958 Zoning Regulations. However, the Applicant understands that the Office of Zoning applies the process requirements of ZR 16 to vested projects, and Subtitle Z §§ 401.7 and 401.8 require the submission of transportation studies to DDOT and the Zoning Commission no less than 30 days prior to the public hearing.

The Applicant filed the CTR with DDOT on September 12, 2016, which was **45** days prior to the public hearing and which gave DDOT sufficient time to thoroughly review the application. *See* DDOT Report p. 1, stating that DDOT had an "extensive, multi-administration review of the case materials submitted by the Applicant." Moreover, the Applicant presented the project to Advisory Neighborhood Commission ("ANC") 5D, the ANC in which the PUD Site is located, and met with the Single Member District representative ANC 5D01 on multiple occasions, such that the Commissioners and the public had ample time to review the transportation features, impacts, and mitigation measures. ANC 5D voted unanimously to support the application, with the stipulation that the Applicant finalize the off-site parking provisions prior to the public hearing, which the Applicant has done. Thus, the Applicant's request for the Commission to waive the requirements of 11 DCMR Subtitle Z §§ 401.7 and 401.8 will result in no adverse impacts.

Thank you for your attention to this matter. We look forward to making a full presentation at the public hearing on October 27, 2016.

Very truly yours,

By: 

Kyrus L. Freeman
Jessica R. Bloomfield
800 17th Street, N.W. #1100
Washington, DC 20006
(202) 955-3000

cc: Advisory Neighborhood Commission 5D (with enclosures, via U.S. Mail)
Peta-Gay Lewis, ANC 5D01 (with enclosures, via U.S. Mail)
Tony Goodman, ANC 6C06 (with enclosures, via U.S. Mail)
Matt Jessick, D.C. Office of Planning (with enclosures, Via Hand)
Evelyn Israel, District Department of Transportation (with enclosures, Via Hand)