



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to Subtitle Z § 406.2 and Subtitle Y § 406.2 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	16-23	Case Name:	Valor Development, LLC
Address or Square/Lot(s) of Property:	Sq 1499 Lots 802, 803, + 807		
Relief Requested:	Design Review		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	01/10/18	Was proper notice given?:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Description of how notice was given:	Next Door List Serve to all ANC3D neighborhoods; Applicant informed. Short notice given because Exhibits 150 + 151 submitted only on 1/9/18 + 1/10/18.			
Number of members that constitutes a quorum:	5	Number of members present at the meeting:	8	

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

See letter of January 10, 2018 responding to Exhibits 150 and 151

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

See letter of January 10, 2018 responding to Exhibits 150 and 151

AUTHORIZATION

ANC	3D	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	5 5-3-0
Name of the person authorized by the ANC to present the report:	Troy Kravitz		
Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Charles Elkins		
Signature of Chairperson/ Vice-Chairperson:	Charles Elkins	Date:	1/10/18

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR SUBTITLE Z § 406 AND SUBTITLE Y § 406.

ZONING COMMISSION

District of Columbia
CASE NO. 16-23
EXHIBIT NO. 153



GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3D
PO Box 40846, Palisades Station
Washington, DC 20016

*PALISADES – KENT - SPRING VALLEY - WESLEY HEIGHTS - NEW MEXICO/CATHEDRAL –
THE AMERICAN UNIVERSITY - FOXHALL VILLAGE - BERKELEY*

January 10, 2018

Mr. Anthony Hood
Chairman
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

RE: Case No. 16-23, Exhibits 150 and 151

Dear Chairman Hood,

At its regularly scheduled meeting on January 10, 2018 with a quorum (5) at all times present, and after having reviewed Exhibits 150 and 151 submitted to the docket in Case No. 16-23, a majority of ANC3D voted to convey the following information to the Zoning Commission.

At its December 6, 2017 regularly-scheduled meeting, ANC3D voted 8-1-0 to support the Valor Ladybird project, but with explicit acknowledgement that additional documents were still forthcoming with regard to this application. In recognition of this fact, ANC3D's approved resolution specifically stated in footnote #25 that Zoning Case 16-23 would be placed on the January 10, 2018 regular meeting agenda provided two conditions were met: (1) that these new documents collectively or individually identify a material and significant change in the impact to the community as measured against the presentation made to the Commission by Valor at the December 6th meeting; and (2) that three ANC 3D Commissioners communicate to the Chair of ANC3D on or before December 28, 2017 the desire to address these material and significant changes at the January 10th meeting.

Neither condition for consideration was satisfied. Instead, two Commissioners asked the Chair to call a "Special Meeting" of ANC3D, but their original request gave no stated reason and their subsequent request failed to state any material or significant change in the impact to the community in the new materials. The Chair denied the request for a Special Meeting citing the December 6th resolution as reflecting the wishes of the Commissioners for this matter to be

placed on the January 10th agenda if the specified conditions were met, the fact that any Commissioner could still request that the Valor matter be placed on the January 10, 2018 agenda, and the fact that the ANC3D bylaws provide the Chair the discretion to deny a request for special meeting¹. In rejecting the special meeting request, the Chairperson reminded the commissioners that satisfaction of the two conditions in the approved December 6, 2017 resolution would establish grounds for reconsidering the Commission's decision in ZC 16-23. In addition, several requests were made for the petitioning commissioners to state the changes they believed to be material and significant. Further, these two Commissioners were informed by the Office of Advisory Neighborhood Commissions that they could call such a special meeting themselves under one possibly plausible interpretation of the ANC3D bylaws, but they chose not to do so.

In Exhibits 150 and 151, these two Commissioners now argue that the ANC3D resolution of December 6th should not be given great weight essentially for two reasons: (1) there are material or significant changes in the Valor proposal that warrant its rejection by the Zoning Commission, and (2) a Special Meeting of ANC3D was not called to address the changes in the Valor proposal.

Having reviewed Exhibits 150 and 151 and the arguments therein, ANC3D has not identified any material or significant changes to the impact on the community in the Valor proposal as measured against what ANC3D knew at the time of its December 6, 2017 vote.

Therefore, ANC3D reaffirms its request to the Zoning Commission to afford statutory great weight to the recommendations of ANC3D supporting the Valor Ladybird project, as reflected in its December 6, 2017 resolution.

Respectfully submitted,



Stephen Gardner
Chair

¹ On January 10, 2018, in response to an expedited request from ANC3D Chair Gardner, the Office of the Attorney General has ruled in this case that the Chairperson had the discretion to deny the request for a Special Meeting.