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July 18, 2019

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
Applicant’s Request to Withdraw Application**

Dear Members of the Zoning Commission:

Pursuant to Subtitle Z § 600, Valor Development, LLC (the “Applicant”) respectfully requests the Commission’s consent to withdraw the application for voluntary design review (“VDR”) in Z.C. Case No. 16-23.

The subject application was filed on October 26, 2016, in accordance with the design review requirements of Subtitle X, Chapter 6 and Subtitle Z, Chapter 301, and was the first application to utilize the VDR process implemented by the Commission under the 2016 Zoning Regulations (“ZR16”). Following several hearings and meetings held over the course of more than two years the Commission, at a meeting held on March 11, 2019, deferred its decision on the application until it could clarify the Zoning Regulations on the issue of aggregation of density in a design review application. As part of its discussion, the Commission stated the Applicant was free to go forward with a vote on the VDR application, wait until the Commission clarified the aggregation issue through a separate text amendment case, or pursue the project as a Planned Unit Development (“PUD”).

On March 15, 2019, the Office of Planning submitted a proposed text amendment to the Commission which provides the necessary clarification that aggregation of density is permitted in a design review application (Z.C. Case No. 19-06, Text Amendment to Subtitle X to Clarify Voluntary Design Review FAR Aggregation).

On March 28, 2019, the Applicant submitted a request to hold the VDR application in abeyance while it pursued a PUD or awaited the outcome of the aggregation text amendment. Noting the significant amount of time and resources invested into the VDR application, the Applicant understandably wished to reserve its rights under the VDR application while the text amendment worked through the process. Further, noting that the text amendment could take

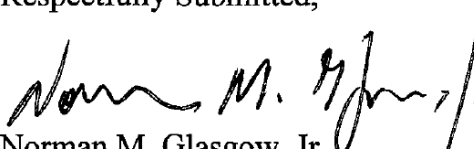
substantial time to be fully processed, the Applicant indicated its intent to file a PUD application in the interim. Upon consideration of the Applicant's request on April 8, 2019, the Commission did not feel the need to deliberately place the VDR application since that is what the Commission had effectively done by deferring its vote on the application.

On May 6, 2019, the Applicant filed a PUD application which was setdown by the Commission on June 10, 2019, and is scheduled for a public hearing on September 19, 2019 (Z.C. Case No. 19-10). At setdown, members of the Commission expressed concern for having both the VDR application and PUD application active at the same time, and indicated a preference for the predictability that would be gained by having only to focus on one application. The Commission held a public hearing on the proposed text amendment on May 30, 2019, and took proposed action to approve the text amendment on June 24, 2019, which clarifies that aggregation of density is permitted in a design review application.

As the Commission has acknowledged in regards to other areas of ZR16, while time consuming, perhaps the VDR process was an area of ZR16 that needed to be tested in real-time to discover where there were procedural gaps and areas where clarification was needed, with the subject application serving as that real-time test. Although the text amendment to clarify aggregation appears to be on a favorable path, several other outweighing factors led to the Applicant's decision that a PUD now presents the best path for the success of the project. These factors include uncertainty as to when the Commission will take final action on the text amendment and when it will take effect, the unforeseeable technical and procedural issues that arose during the VDR process, lingering uncertainty around the intended purpose and standard of review of the VDR process, and the complexity of the issues raised during the VDR process and lack of VDR precedent.

We thank the Commission for the time, effort, and patience it gave to the VDR application, and look forward to our continued work with the Commission and the community on this project as part of the PUD process.

Respectfully Submitted,


Norman M. Glasgow, Jr.


Shane L. Dettman
Director of Planning Services

cc: Jennifer Steingasser, Office of Planning (via email)
Joel Lawson, Office of Planning (via email)
Elisa Vitale, Office of Planning (via hand delivery and email)
Anna Chamberlin, District Department of Transportation (via email)
Aaron Zimmerman, District Department of Transportation (via email)
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)

CERTIFICATE OF SERVICE
Z.C. Case No. 16-23

I HEREBY CERTIFY that on July 18, 2019, a copy of this request to withdraw the application for voluntary design review (“VDR”) in Z.C. Case No. 16-23 was served by email on the following:

Advisory Neighborhood Commission 3E

Advisory Neighborhood Commission 3D

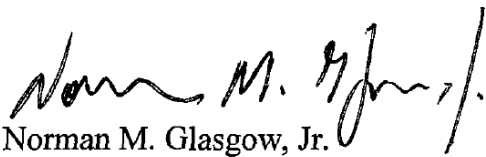
Edward L. Donohue, Donohue & Stearns, PLC,
representative for Citizens for Responsible Development

Barbara & Sheldon Repp, Citizens for Responsible Development

Jeff Kraskin, Spring Valley Opponents

William Clarkson, Spring Valley Neighborhood Association

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