

DISTRICT OF COLUMBIA ZONING COMMISSION

APPLICATION OF VALOR DEVELOPMENT, LLC)
FOR VOLUNTARY DESIGN REVIEW) No. 16-23
)

AFFIDAVIT

I, Will Lansing, being duly sworn, make oath and state as follows:

1. I am a Principal with Valor Development, LLC, the contract purchaser of the property identified as Square 1499, Lot 807 (a portion of Record Lot 9), and known as the “Superfresh” site, which is included within the boundary of this Voluntary Design Review application. The Voluntary Design Review application boundary also encompasses Lots 806, 802 and 803 in Square 1499.

2. Record Lot 9 is divided into Tax Lots 806 and 807. According to a recorded Declaration of Easement and Agreement dated December 20, 1978, the prior owner of Record Lot 9 allocated 179,302 sq. ft. of gross floor area of development rights to Lot 806, and 63,242 sq. ft. of gross floor area of development rights to Lot 807. This allocation occurred at a time when the C-2-A zone allowed a maximum density of 2.0 FAR, of which up to 1.8 could be devoted to commercial use. The MU-4 zone (former C-2-A) now allows a maximum of 2.5 FAR, of which no more than 1.5 FAR may be devoted to commercial use. Additionally, for projects that are subject to Inclusionary Zoning (“IZ”) the maximum permitted density is 3.0 FAR. The total gross floor area presently on Lot 806 is approximately 179,302 sq. ft., all of which is commercial, and the current total gross floor area on Lot 807 is approximately 53,632 sq. ft., all of which is commercial.

3. Valor has been working with The American University (“AU”), current owners of Lot 806, and with FW DC-Spring Valley Shopping Center LLC (“FW DC”), current owners of

Lots 802 and 803, on agreements regarding flexibility in building bulk control, design and site placement, for Valor's proposed mixed-use development on Lot 807. Our agreement with FW DC includes the purchase and allocation of unused development density from Lots 802 and 803 to Lot 807, pursuant to the Voluntary Design Review process in the 2016 Zoning Regulations. Our agreement with AU includes a recognition that the existing AU building cannot be physically expanded on Lot 806, and thus the unused development density available on Record Lot 9 may be used in our proposed mixed-use development on Lot 807.

4. The aforementioned agreements with AU and FWDC are both private two-party agreements. Thus, submission of these agreements into the public record for the Voluntary Design Review proceeding would require the consent of both parties to those agreements. The principals of AU and FW DC are not willing to consent to having their two-party business agreements with Valor introduced into the public record. However, they have authorized me, on behalf of Valor, to stipulate to the relevant terms of those agreements regarding density as follows:

Agreement with FW DC

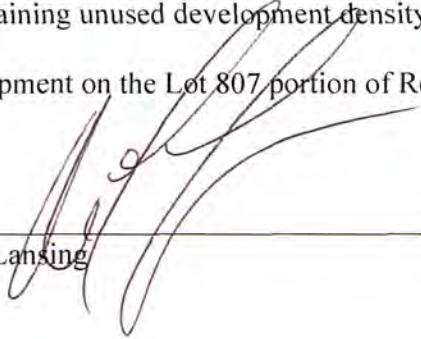
a. The FW DC property (Lots 802 and 803) includes 39,516 sq. ft. of land area. The existing buildings on Lots 802 and 803 contain approximately 16,922 sq. ft. of gross floor area (0.43 FAR). The amount of unused development density remaining on Lots 802 and 803 is approximately 101,626 sq. ft. of gross floor area (2.57 FAR)

b. The agreement between Valor and FW DC allows for the allocation of 92,764 sq. ft. of gross floor area of unused development density from Lots 802 and 803 to our

proposed development on Lot 807, pursuant to the Voluntary Design Review process in the 2016 Zoning Regulations.

Agreement with AU

- a. Record Lot 9 includes a total land area of 121,272 sq. ft. Of that amount, the AU property (Lot 806) includes 41,650 sq. ft. of land area, and approximately 179,302 sq. ft. of gross floor area.
- b. The agreement between AU and Valor includes a recognition by AU that there are no plans to seek approval to expand their building.
- c. There is presently a total of 184,514 sq. ft. of unused development density on Record Lot 9.
- d. AU has agreed that this remaining unused development density on Record Lot 9 can be used by Valor in our proposed development on the Lot 807 portion of Record Lot 9.

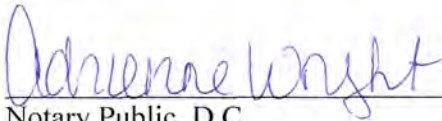


Will Lansing

DISTRICT OF COLUMBIA, ss:

Subscribed and sworn to before me this 7th day of February, 2018.





Notary Public, D.C.
1-1-19

My commission expires: