



DONOHUE & STEARNS, PLC

June 22, 2018

VIA IZIS

Chairman Anthony Hood
D.C. Zoning Commission
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

Re: ZC Case No. 16-23; Valor Development, LLC – Voluntary Design Review
CRD’s Response to Valor’s Request for Third Deferral of Commission’s Deliberation

Chairman Hood:

On behalf of my client, Citizens for Responsible Development (“CRD”), I am responding to Valor Development’s (the “Applicant” or “Valor”) June 15, 2018 third request for a deferral of the Zoning Commission’s (the “Commission”) deliberation. This new request for a delay further demonstrates that Valor’s application is not, and probably never was, ready for “prime time.” The delays and postponements on Valor’s part have cost the opponents of this application, including CRD, as well as District of Columbia agencies and the ANCs, enormous amounts of time, resources, and money. As we have previously informed Mr. Lansing, we cannot support another extension of time. Given the record in this case, we believe the Commission would be justified in deciding against the requested delay or even to call for the application to be withdrawn. As we have previously informed Mr. Lansing, Valor has provided no information to us about its revised plans for the site that enable us to join in support for another extension of time.

Since being served Valor’s closing statement on February 20, 2018, CRD and the Spring Valley Opponents have seen no evidence that Valor will make changes to adequately address CRD’s and the Spring Valley Opponents’ primary concerns, which were detailed before the Commission earlier this year. In its April 16, 2018 second deferral request to defer deliberations, Valor stated that the deferral would allow them time to meet/coordinate with the parties in opposition, among others. That

statement has turned out to be untrue. Representatives of CRD and Spring Valley West Homes Corporation met with Valor's principals once on April 23, 2018, but the session was limited to our attempt to learn more about Valor's plans and in no way can be characterized as a coordination or negotiating session. Valor had no drawings to share and, while some were promised for early May, none have been provided as of the date of this letter.

CRD from the beginning has consistently raised a number of key issues about the Valor Project (see CRD submissions set forth as Exhibits 137, 149, 220 and 221). We appreciate that Valor (and the Office of Planning) apparently now agree that the Valor proposal fails to comply with inclusionary zoning requirements, an issue raised by an individual in opposition at the January 25 public hearing and by CRD in our February 20, 2018 Rebuttal (Exhibit 220). CRD hasn't, however, seen how Valor proposes to resolve this issue.

We note that Valor's latest June 15 deferral request states that Valor has "completed" its discussions with American University and FW DC-Spring Valley Shopping Center, both of which are co-applicants. While the Zoning Commission requested disclosure of those two agreements at the January hearings, Valor has declined to make the full agreements part of the public record. While Valor cites those agreements in its deferral request, it shields them from public scrutiny, including from the Zoning Commission. The agreements must be disclosed because the Commission and the parties in opposition can only understand the full impact that Valor's completed project would have upon the neighborhood when the actual terms and uses that will govern the completed project are fully revealed.

CRD did not object to either the February 22, 2018 or April 16, 2018 requests for deferral, or to any of the Applicant's earlier requests to postpone the original hearing dates. With respect to the current request, CRD suggests that the Commission inquire as to why Valor expects that it will take three months to resolve issues with the current owner of lot 807 (Apex Real Estate Company), a co-applicant. In fact, is Valor currently a contract purchaser of the property, as was stated in the initial application for Design Review? More generally, since it appears that Valor is working on a project plan that varies substantially from the application currently before the Commission, our position is that Valor should be directed to refile and begin the process anew once it has resolved the myriad of issues it seems to have with the owners, DC agencies and neighbors of this project. The record is clear—the application is simply not ready for proper consideration by the Commission.

If, however, the Commission is inclined to grant the deferral, CRD respectfully requests that the Commission afford CRD and the other parties in opposition adequate time to review and respond to the new design and figures Valor apparently plans to submit. Given that it will have taken Valor almost eight months to revise its previous proposal and that the proposed changes are likely to be extensive, we request at least eight (8) weeks to complete our review. If a longer period is needed to review the unseen changes, which presumably could be extensive, we would hope that Valor and the Commission would agree to a request from CRD to extend the reply date. We agree with Valor's request that the Commission schedule another evidentiary hearing and trust that the Commission will not schedule a public hearing during the time that families are celebrating or preparing for the holidays. We also call on the Commission to reopen the record.

CRD has consulted with Spring Valley Opponents (Spring Valley West Homes Corporation, Spring Valley-Wesley Heights Citizens Association and Neighbors for a Livable Community), the other party in opposition, and they concur and support this filing.

We appreciate the Commission's consideration of this response.

Sincerely,



Edward L. Donohue

Cc:

Norman M. Glasgow, Jr. (via email)
Advisory Neighborhood Commission 3E (via email)
Advisory Neighborhood Commission 3D (via email)
Jeff Kraskin, Spring Valley Opponents (via email)
William Clarkson, Spring Valley Neighborhood Association (via email)
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