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March 28, 2019

VIA ZC SUBMISSIONS

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 Response to Citizens for Responsible Development
Response to Applicant’s Post-hearing Submission**

Dear Members of the Zoning Commission:

On behalf of Valor Development, LLC (the “Applicant”), we hereby submit the following motion to request the Commission to reopen the record in the above-referenced case and accept the following request to hold the case in abeyance until further notice while the Applicant: (i) pursues the project as a Planned Unit Development (“PUD”), and/or (ii) awaits the outcome of the text amendment to the design review regulations proposed by the Office of Planning in Z.C. Case No. 19-06.

At its March 11, 2019, public meeting, the Commission discussed whether it needed additional time to consider whether flexibility from building bulk control (i.e. aggregation of density) is implicitly permitted under the design review regulations of Subtitle X, Chapter 6, as currently drafted, or whether there is a need to clarify the regulations prior to rendering a decision in this case. The Commission ultimately decided that it would delay consideration of the case while it endeavored to make clarifications to the voluntary design review process as related to aggregation of density. As part of its discussion, the Commission acknowledged how delaying its deliberations on the case impacted the Applicant, and questioned whether pursuit of a PUD would be more time effective for the Applicant rather than waiting for completion of the text amendments to the voluntary design review process.

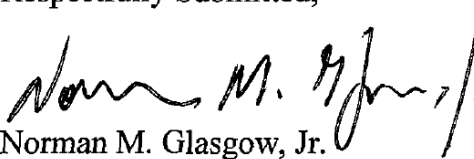
On March 15, 2019, the Office of Planning submitted proposed text amendments to the design review regulations. *See* Z.C. Case No. 19-06. Among other things, the proposed text amendments clarify that aggregation of density is permitted as part of a [voluntary] design review application. The Commission set down the proposed text amendments on March 25, 2019. As of the date of this motion a public hearing has not been scheduled on the proposed text amendments.

Given the extensive time and resources invested into the voluntary design review application, the Applicant wishes to reserve its rights under the application while the text amendment case makes its way through the process. In the event the text amendment progresses swiftly, and favorably, through the review process, the Applicant would like to have the opportunity to avail itself of the amended design review regulations and proceed to a vote on the application. However, the Applicant is aware that given the citywide nature of the proposed text amendments, it is possible that substantial time could pass before the amendments, assuming amendments are made, are finalized and take effect. As such, coincident with the proposed text amendment case the Applicant intends to pursue the project through a PUD application. As required under Subtitle Z § 300.7, the Applicant has mailed its Notice of Intent (“NOI”) to file a PUD application to property owners within 200 feet of the project site and to Advisory Neighborhood Commissions 3E and 3D. The Applicant is preparing to file the PUD application in early-May.

Based on the forgoing, the Applicant submits this motion to reopen the record and, if the motion is granted, to request the Commission to hold Z.C. Case No. 16-23 in abeyance until further notice. Given the extenuating procedural circumstances related to the subject application there is good cause to grant the Applicant’s motion to reopen the record. The Commission holding the subject application in abeyance, rather than dismissing or requiring withdrawal, will provide the Applicant an opportunity to resolve the question related to aggregation of density through the PUD process without causing prejudice to any party. Should the Applicant request to proceed with the subject voluntary design review application at a later date either because of an issue relating to the PUD application, or because the proposed text amendment outpaces the PUD application, all parties would maintain their rights under the existing voluntary design review application.

Thank you for your continued attention and consideration.

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 March 28, 2019, a copy of this motion to reopen the record and request to hold Z.C. Case No. 16-23 in abeyance until further notice was served by email on the following:

Advisory Neighborhood Commission 3E

Advisory Neighborhood Commission 3D

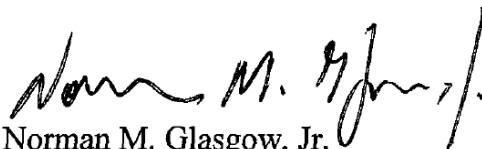
Edward L. Donohue, Donohue & Stearns, PLC,
representative for Citizens for Responsible Development

Barbara & Sheldon Repp, Citizens for Responsible Development

Jeff Kraskin, Spring Valley Opponents

William Clarkson, Spring Valley Neighborhood Association

John H. Wheeler, Ward 3 Vision


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