



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA**



FORM 150 – MOTION FORM

**THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A
FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.**

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: Z.C. 18-13

Motion of: Applicant Petitioner Appellant Party Intervenor Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

The Applicant requests that the Commission defer deliberations and their decision until January 28, 2019, and to defer the date of a draft Conclusions of Law and Findings of Fact to January 18, 2019 at 3:00 p.m.

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

- Yes, consent was obtained by all parties Consent was obtained by some, but not all parties
 No attempt was made Despite diligent efforts consent could not be obtained

Further Explanation: Applicant has advised the ANC of its intent to request this deferral. The ANC will provide a response separately.

CERTIFICATE OF SERVICE

I hereby certify that on this day of , 20

I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning

in the above-referenced ZC or BZA case via: Mailed letter Hand delivery E-Mail Other _____

Signature:

Print Name: **Samantha L. Mazo**

Address: **1200 19th Street NW, Washington, DC 20036**

Phone No.: **202-747-0768** E-Mail: **smazo@cozen.com**

December 7, 2018



Meridith H. Moldenhauer
Samantha L. Mazo
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smazo@cozen.com

VIA IZIS

Zoning Commission of the District of Columbia
441 4th Street NW Suite 200S
Washington, DC 20001

**Re: Z.C. Case No. 18-13 –
1530 First Street SW- Design Review
Request for Deferral of Commission’s Deliberation to January 28, 2019 and
Deferral of Draft Findings of Fact and Conclusions of Law to January 18,
2019 at 3:00 p.m.**

Dear Chairman Hood and Members of the Zoning Commission:

On behalf of TM Jacob, LLC, (the “Applicant”), we respectfully request the Commission to defer its deliberation to January 28, 2019. The deliberation is currently scheduled for December 17, 2018. The purpose of this deferral is to provide the Applicant additional time to complete its discussions with the adjacent neighbor regarding limited access to secure loading maneuverability. As the outcome of these discussions will need to be reflected in the Applicant’s draft Findings of Fact and Conclusions of Law, the Applicant also asks the Commission to defer that document’s filing date to January 18, 2019 at 3:00 p.m.

By way of background, as noted by the Commission during the November 15, 2018 hearing, the “truck-turn” diagrams shown in Z.C. Exhibit No. 21A2, identified a small area where the 20’-service vehicle crossed over the adjacent property line to access the Project’s loading area.

Accordingly, as summarized in the Applicant’s Post-Hearing submission at Z.C. Exhibit No. 38, the Applicant outreached to the adjacent property owner to see if it would be possible to secure the access needed to retain the loading area as shown in the Final Plans at Z.C. Exhibit No. 38C1-38C2. The discussions remain on-going and, while the Applicant hopes there will be a successful resolution, there is no final agreement yet in place.

Consequently, as discussed in the Post-Hearing Submission, out of an abundance of caution, the Applicant submitted an alternate loading design (“the Adjusted Loading Design”) at Z.C. Exhibit 38A1-38A2. The Adjusted Loading Design retains the loading in the rear of the building and accessed from the alley, but pushes the interior service loading area towards the west. This results in minor, interior changes to the ground floor layout and a reduction in square footage of three, second floor residential units.

The Post-Hearing Submission explains that while feasible, the Adjusted Loading Design is less ideal for the Applicant than the Final Plans, which provide larger second floor units and more space in the residential lobby. Accordingly, the Applicant requested that the Commission consider additional flexibility to allow the Applicant to proceed with the Final Plans if it was possible to obtain the necessary access approvals from the neighboring property owner.

Since filing the Post-Hearing Submission, the Applicant has spoken with both the Office of Planning (“OP”) and the District Department of Transportation (“DDOT”), who have advised that instead of requesting flexibility, the Applicant should request a postponement of the deliberations to provide additional time to either complete the discussions with the neighbor to reach an agreement (which would allow the Applicant to proceed with the Final Plans) or determine that no agreement could be reached (which would require the Applicant to adopt the Adjusted Loading Design).

The Applicant believes it will be able to complete the necessary conversations with the adjacent property owner by mid-January, which would provide sufficient time to update the Commission and submit the draft Findings of Fact/ Conclusions of Law on January 18, 2019 identifying the plans to be approved.

The Applicant had advised DDOT, OP, and the ANC of its intent to request a deferral of deliberations for this purpose. There are no other parties to this case, and the requested deferral will not cause harm. Further, this request is for good cause because it will resolve this issue and provide more clarity to the Commission.

As required, a copy of this filing will be served on the ANC, Office of Planning and DDOT.

Thank you for your consideration of this request.

Sincerely,
COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'M. Moldenhauer', written over a horizontal line.

Meridith H. Moldenhauer
Samantha L. Mazo
1200 19th Street NW
Washington, DC 20036

Certificate of Service

I hereby certify that on this 7th day of December, 2018, copies of this Request for Deferral of Deliberations and Findings of Fact & Conclusions of Law were served via email, as follows:

Elisa Vitale
District of Columbia Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
elisa.vitale@dc.gov

District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
Jonathan.Rogers2@dc.gov

Advisory Neighborhood Commission 6D
c/o Meredith Fascett, Chairperson
6D07@anc.dc.gov

Advisory Neighborhood Commission 6D06
c/o Rhonda N. Hamilton, SMD Commissioner
6D06@anc.dc.gov



Meridith H. Moldenhauer