



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.: 18-22

Motion of: ☒ Applicant ☐ Petitioner ☐ Appellant ☐ Party ☐ Intervenor ☐ Other _____

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

File materials after the date that is 20 days prior to the public hearing in the above-referenced case.
The Applicant seeks to file updates to the design of the project that is the subject of this application
on the afternoon of May 16, 2019 (i.e., 7 days prior to the public hearing).

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: See attached

CERTIFICATE OF SERVICE

I hereby certify that on this 1st 6th day of May Month, 2019

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: David A. Lewis

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ZONING COMMISSION
District of Columbia
CASE NO. 18-22
EXHIBIT NO. 21

Z.C. CASE NO. 18-22

THE YARDS PARCEL G DESIGN REVIEW APPLICATION

**MOTION TO MODIFY APPLICATION FEWER THAN 20 DAYS BEFORE THE
PUBLIC HEARING**

Forest City SEFC, LLC (the “**Applicant**”) hereby requests leave from the Zoning Commission to modify the above-referenced application fewer than twenty (20) days before the public hearing to file updated plans and drawings reflecting refinements to the design of the application made in response to comments from GSA and other federal agencies.

Under Subtitle Z, Section 401.5, an application may not be modified fewer than twenty (20) days prior to a public hearing. The Applicant requests the Commission grant this motion to update an application seven (7) days before the public hearing. The Applicant seeks leave to file updates to its design in the afternoon of May 16, 2019. The updated designs will call out those areas of the design that have changed relative to the previous filing.

Granting the motion is in the public interest. The updates to the application reflect design refinements that improve upon the design of the application in response to comments from important federal agency stakeholders. The refinements to the design can be accomplished ahead of the noticed and scheduled public hearing, and it is in the best interests of the District, the federal agencies, and the Applicant to conduct the hearing as currently scheduled. In addition, the Applicant intends to include a list of proposed conditions.

The revisions to the proffer are the result the type of collaborative public process encouraged by the Commission and the Zoning Regulations. No party is prejudiced by this motion, which is not otherwise contrary to any law or regulation. The only party to this proceeding, other than the Applicant, is ANC 6D. The Applicant apprised the ANC of this motion and the proposed additional filing.

For the reasons stated herein, the Applicant requests the Commission grant this motion.

Respectfully submitted,

/s/ David M. Avitabile

/s/ David A. Lewis

On behalf of the Applicant

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