

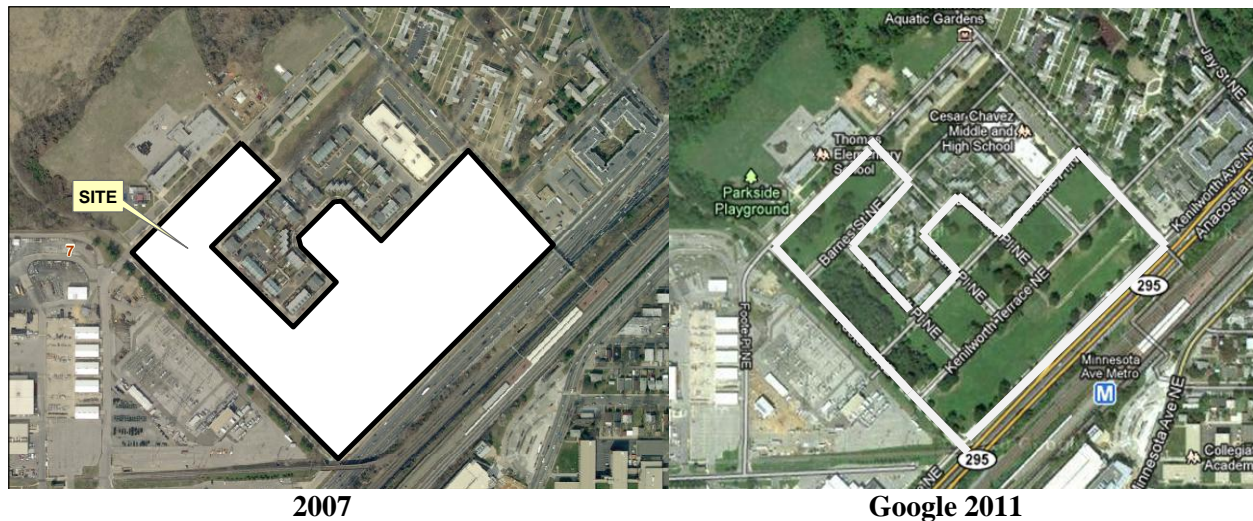


MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: September 16, 2011
SUBJECT: Extension Request – PUD Case 05-28H

Applicant	Lano Parcel 12 LLC, Parkside Residential LLC, Parkside Homes LLC and Parkside Senior Housing LLC
Location	Approximately 15.5 acres of land in North East with frontage on Kenilworth Avenue, Foote Street, Anacostia Avenue, Barnes Street, Grant Place, Parkside Place, Roosevelt Place, Burnham Place, Kenilworth Terrace and Hayes Street.
Ward / ANC	Ward 7, ANC 7D
Project Summary	Mixed-use project that would include a variety of residential types, retail and office space. Case 05-28 provided First Stage approval for the project.
Order Effective Date	April 13, 2007
Previous Extension	None
Order Expiration Date	October 3, 2011

PHOTOS OF SITE



EVALUATION OF THE EXTENSION REQUEST

Section 2408.10 allows for the extension of a PUD for “good case” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Zoning Commission determines that the following requirements are met:

- (a) **The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The application includes a Certificate of Service dated August 10, 2011, indicating that it was served on the ANC and the Parkside Townhomes Condominium.

(b) There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the commission's justification for approving the original PUD.

As Case 05-28 provided first-stage approval only, each phase of development requires separate second-stage approval. To date, three second-stage approval applications (05-28A, dated 10-03-08; 05-28B, dated June 27, 2011; 05-28C, dated July 25, 2011) and two first-stage modifications (05-28A and 05-28E, dated June 27, 2011) have been approved by the Zoning Commission. One additional second-stage application (05-28F) has been set down by the Commission and is scheduled to be heard on September 19, 2011. One additional modification application (05-28G) has been set down and is scheduled to be heard on October 24, 2011. The previous extension request, 05-28D, was considered to be premature and denied by the Commission on July 12, 2010.

(c) The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in § 2408.11.

Section 2408.11 sets out the conditions of good cause as:

- (a) An inability to obtain sufficient project financing for the planned unit development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;
- (b) An inability to secure all required governmental agency approvals for a planned unit development by the expiration date of the planned unit development order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order.

The applicant has secured approval of second-stage applications for blocks A, B, C, I-1 and I-2, and has begun construction on one building, a senior citizen apartment building on Block A. Additionally, the applicant has applied for second stage approval for Block D. However, the application indicates that it has proven difficult to develop the entire 3.3 million square-foot PUD over a four-year period of economic decline and therefore requests a two-year extension. The Office of Planning concludes that the applicant has demonstrated with substantial evidence good cause for the extension and recommends that the Commission grant the request.