



**MEMORANDUM**

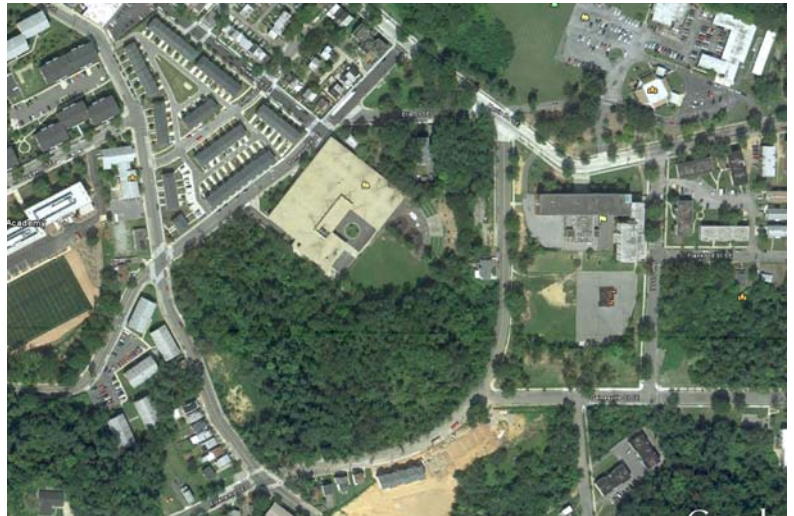
**TO:** District of Columbia Zoning Commission  
**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** December 20, 2010  
**SUBJECT:** Extension Request – PUD Case 05-35A

**RECOMMENDATION:**

The Office of Planning (OP) recommends the Commission approve the requested two year extension.

<b>Applicant:</b>	Stanton Square, LLC
<b>Address:</b>	Square 5877, Lots 60-61, 78, 832, 835, 853-858, 873, 878, 879
<b>Ward / ANC</b>	Ward8, ANC 8A07
<b>Project Summary:</b>	Consolidated PUD and related map amendment from R3- to R-5-A to accommodate development of 187 townhomes, with 63 of the homes reserved for families making up to 60% or 80% of the AMI.
<b>Order Effective Date:</b>	November 23, 2007
<b>Previous Extension:</b>	None
<b>Order Expiration Date:</b>	November 23, 2010

**PHOTOS OF SITE:**



**Existing Condition (2010)**

**Site Condition 2007**



## EVALUATION OF THE EXTENSION REQUEST

Section 2408.10 allows for the extension of a PUD for “good cause” 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 submitted to the Zoning Commission is dated November 19, 2010 and has been in the public record since filing.

- (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.**

### Zoning Regulations:

*There has been no substantial change to the Zoning Regulations that would affect the approved project.*

### Comprehensive Plan:

*There has been no substantial change to the Comprehensive Plan that would affect the approved project.*

### Surrounding Development:

*There has been no substantial change to surrounding development that would undermine the original justification for the approval of the project.*

- (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.

*The applicant has submitted to the record a documented timeline of development and preconstruction activities. Various permitting requirements and related costs are itemized indicating that efforts were made to proceed with the development project as proposed. The applicant has obtained required permits for site grading, building and grading, as well as public space. The project’s financiers subsequently determined that the project is not financially feasible at this time, and the Department of Housing and Community Development’s share of funding for 63 affordable units would also not be forthcoming at this time. Thus, lack of financing, which is beyond the applicant’s reasonable control has hindered efforts to commence construction of the project prior to the PUD’s expiration date of November 23, 2010.*

- (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; **Not applicable.**

- (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. **Not applicable.**

OP is unaware of any opposition to the extension request.

JS/kt Karen Thomas: Case Manager: