

MEMORANDUM

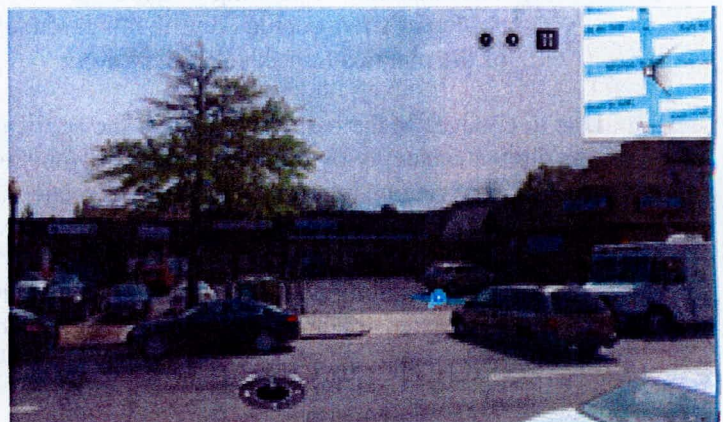
TO: District of Columbia Zoning Commission
FROM: *JJS* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: July 12, 2013
SUBJECT: Extension Request – PUD Case 10-26, 3333 Georgia Avenue, N.W.

Applicant	3321 Georgia LLC
Address	3333 Georgia Avenue, N.W.
Ward / ANC	Ward 1, ANC 1A
Project Summary	Eight-story residential building with ground floor retail and below-grade parking.
Order Effective Date	September 2, 2011
Previous Extension	None
Order Expiration Date	September 2, 2013

PHOTOS OF SITE



2011 Google



2012 Bing

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 June 12, 2013, indicating that the request was served on all parties to the original application.

- (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: No substantial changes to the Zoning Regulations have occurred since the approval of the original application. The subject application proposes a continuation of the PUD-related map amendment of the site to the GA/C-2-B district.

Comprehensive Plan: No new plans have been adopted affecting the subject property since the original approval of the PUD in April 2011, including the 2010 Comprehensive Plan update.

Surrounding Development: No new significant development projects have been proposed.

- (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.

Due to changes in the real estate market the applicant has been unable to obtain financing. The applicant was denied financing by the Department of Housing and Community Development in 2012. Since then the applicant retained the services of a real estate investment firm that determined that the applicant should be able to obtain financing within the next two years as the market continues to improve.

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.

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin, AICP