

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** *TL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** June 17, 2016

**SUBJECT:** Extension Request – PUD Case No. 13-10A

Address	3210-3216 Georgia Avenue, N.W.
Applicant	ZP Georgia, LLC
Legal Description	Square 2892, Lots 102-105, 879 and 910
Ward, ANC	Ward 1, ANC
Project Summary	Eight-story mixed-use building with 105 apartment units, 3,816 square feet of ground floor retail and 36 off-street parking spaces with a PUD-related map amendment to rezone the site from GA/C-2-A to GA/C-2-B.
Order Effective Date	June 27, 2014
Order Expiration Date	June 27, 2016

**PHOTOS OF SITE**



Google July 2014



Google September 2015

**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 contains a Certificate of Service dated May 25, 2016, indicating that the request was served on all parties.

- (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 approval of the original application. The subject application proposes a continuation of the PUD-related map amendment to the site to the GA/C-2-B.

**Comprehensive Plan:** No new plans have been adopted affecting the subject property since the original approval of the original PUD in 2014.

**Surrounding Development:** A 225-unit apartment development is proposed for the 700 block of Lamont Street to convert an industrial laundry facility to housing. However, the redevelopment of that property would not have a substantial impact on the subject property and would not impact the material facts upon which the Commission based the original approval.

- (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 was unable to apply for building permits as a result of pending litigation by a party in opposition to the application. Although the lawsuit was dismissed by the Court on May 23, 2016, the litigator has thirty days to appeal. As a result the lawsuit applicant has been unable to move forward on the project due to circumstances beyond applicant's control.

The Office of Planning recommends that the Commission approve the extension request.

JS/sjm<sup>AICP</sup>

Case Manager: Stephen J. Mordfin, AICP