

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{TL for} Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: January 9, 2019
SUBJECT: Extension Request: PUD Case 15-21A, Kenilworth Courts

Location	Kenilworth Courts
Applicants	District of Columbia Housing Authority (DCHA) and Kenilworth Revitalization I JV, LLC
Legal Description	Square 5113, Lots 5 through 9; Square 5114, Lot 10; and Square 5116, Lots 164, 165, 172 through 180 and 186
Ward, ANC	Ward 7, ANC 7D
Project Summary	Redevelopment of the property into mixed-use mixed-income development of approximately 530 rowhouse and apartment dwelling units; and office, retail and/or community space.
Order Effective Date	January 20, 2017
Previous Extensions	None
Order Expiration Date	January 20, 2019 ¹
Request	Two-year extension for filing a building permit for consolidated PUD, three-year extension to begin construction of consolidated PUD, and two-year extension to file second-stage PUD application for consolidated PUD.

I. RECOMMENDATION

OP recommends **approval** of the following extension requests:

- a. Two years for the filing of a building permit for the approved consolidated PUD;
- b. Three years to begin construction of the approved consolidated PUD; and
- c. Two years to file a second stage PUD application pursuant to the approved first-stage PUD.

¹ The order approved a consolidated PUD for three years, provided a second-stage application was filed for Phase 2 within two years of the order effective date. To date no second stage application has been filed. Therefore, the order will expire after two years on January 20, 2019.

II. PHOTOS OF THE SITE



Figure 1 – 2015 (Google)



Figure 2 – 2018 (Google)

III. EVALUATION OF THE EXTENSION REQUEST

Subtitle Z, § 705.1

The extension of a PUD is allowed 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 contains a certificate of service dated November 29, 2019, documenting that the extension request was served on all parties to the original application, allowing more than thirty days to respond.

- (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

The PUD was approved under the 1958 Zoning Regulations and this extension request is being reviewed under the 2016 Zoning Regulations. Criteria under which an extension request is reviewed are the same under both sets of regulations.

Comprehensive Plan

There have been no substantial changes to the Comprehensive Plan since the project’s approval that would affect the material facts upon which the project was approved. No new plans have been adopted affecting the subject property since the original approval of the PUD.

Surrounding Development

The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in Subtitle Y, § 705.2 (c)

One or more of the following criteria must be met:

- (1) 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;*
- (2) 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;*
- (3) 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 been unable to obtain financing. Financing was requested from the Housing Production Trust Fund (HPTF) of the Department of Housing and Community Development during the spring of 2017 and in February 2018 the for development of Phase 1 of the PUD. No funding was awarded for either of those applications and no other financing has been obtained. A third financing request was made to HPTF in October 2108, with an anticipated award date in January 2019. Should the applicant receive this award and be granted this extension request, the applicant anticipates moving forward on a second-stage PUD application.

Subtitle Z Section 705.5

A maximum of two extensions are permitted, with a time limit of one year for a second request. The subject application is a first extension request.