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March 12, 2013

By Hand Delivery

Lloyd Jordan, Chairman
D.C. Board of Zoning Adjustment
441 4th Street, N.W., Second Floor
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2013 MAR 12 PM 4:30

Re: Board of Zoning Adjustment Order No. 17606-C – Request for Extension of Order

Dear Chairman Jordan and Members of the Board:

On behalf of Fort Totten South, LLC (the “**Property Owner**”), the owner of 5543-5575 South Dakota Avenue, N.E. (Lot 22 in Square 3760) (the “**Property**”), we hereby submit this application to request an extension of the expiration date of BZA Order No. 17606-C (“**Extension Request**”). The Board of Zoning Adjustment (“**Board**” or “**BZA**”) extended BZA Order Nos. 17606 and 17606-A on March 24, 2009 such that BZA Order No. 17606-B was scheduled to expire on May 9, 2011. BZA Order No. 17606-C (collectively with BZA Order No. 17606 and BZA Order No. 17606-B, the “**Fort Totten South Orders**”, attached as Exhibit A) extended the previous Order and will expire on May 9, 2013 without action from this Board. We

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17606-C
EXHIBIT NO. 49

request that the Board extend the Fort Totten South Orders¹ by a period of two (2) years from May 9, 2013.

The Fort Totten South Orders will expire before the Property Owner will be able to submit its building permit application for its project at Fort Totten South because of delays resulting from factors outside the Property Owner's reasonable control. As described more fully below, good cause exists for the Board to grant this Extension Request. There is substantial evidence that governmental agency actions, economic conditions, and other factors beyond the Property Owner's reasonable control are the cause for the Extension Request.

The protracted reconstruction of the adjacent intersection by the District Department of Transportation (“DDOT”) and ongoing negative economic circumstances, along with other factors discussed below, have made it infeasible for development on the Property to proceed. In particular, DDOT's delays in completing construction of the adjacent intersection have slowed the Property Owner's ability to move forward with its project. The intersection was initially intended to be finished in the fall of 2009, yet work is just now being completed in 2013. In addition to these external delays, development on the Property has always been contemplated as proceeding in a phased manner, with the development of Fort Totten North – located immediately northwest of the Property – preceding activity at Fort Totten South². However, meetings with DDOT regarding development at Fort Totten North and the District-mandated Large Tract Review (“LTR”) process for Fort Totten North both significantly extended the development timeline for such project. Construction at Fort Totten North is underway, and

¹ Property Owner notes that the Board also extended BZA Order No. 17600, BZA Order No. 17600-A, and BZA Order No. 17600-B (“**Fort Totten North Orders**”) along with the Fort Totten South Orders. No further action is requested of the Board for the Fort Totten North Orders since an affiliate of the Property Owner is currently underway on construction under the Fort Totten North Orders.

² The Property Owner has also had discussions with the District regarding the District property adjacent to this location. Those discussions are currently on hold.

construction at Fort Totten South will follow. The Property Owner is working diligently and in good faith to move forward with the projects at Fort Totten North and the Property.

This Extension Request is significant for the Property Owner, the neighbors, and the District of Columbia generally. Since the project at Fort Totten South has not been able to proceed with its building permit applications, Fort Totten South will lose its entitlements and the project will be subjected to a significant setback if the Fort Totten South Orders are not extended as requested. Further, not extending the Orders would create a negative impact on both the District and the surrounding neighborhood. The District has long had an interest in redeveloping this area and wants to see the Property become fruitful and a model for public-private redevelopment. Similarly, the surrounding neighborhood is anxious for this long-stagnant parcel to be developed in a manner that will complement the Fort Totten North project and the vision for the new Fort Totten area.

Finally, we request that the Board take note that Section 3130.6 of the Zoning Regulations was recently amended such that there is no limit placed upon the number of extensions allowable to be approved by the Board. Therefore, although this is the third extension requested from the Board for the project on the Property, we believe that the Board will find it meets the standards for approval.

I. Property Owner's Request

Property Owner hereby requests that, pursuant to Section 3130.6 of the Zoning Regulations, the BZA extend the time limits relating to BZA Order No. 17606-C for good cause shown and allow the Fort Totten South Orders to remain effective for two (2) years after May 9, 2013.

II. BZA Jurisdiction and Standard for Approving an Extension Request

Section 3130.6 authorizes the Board to grant multiple extensions to BZA Orders. Previously the Zoning Regulations authorized the Board to “grant one extension” to the time periods for its various orders. However, in December 2012, the Zoning Commission unanimously approved an amendment to Section 3130.6 that removes the limitation on extensions. See Transcript of District of Columbia Zoning Commission Regular Meeting 46:15-17 (Dec. 10, 2012). Other than removing this limit, Section 3130.6 remains unchanged.

Section 3130.6 sets forth clear standards against which the Board must evaluate this Extension Request. Upon receipt of this written request, the Board may extend the time period of the Fort Totten South Orders “for good cause shown.” The Board must determine that:

- (a) this Extension Request is served on all parties to the application;
- (b) there is no substantial change of any of the material facts upon which the Board based its original approval that would undermine the Board’s justification for approving the original application; and
- (c) the Property Owners demonstrate good cause for the requested extension, with substantial evidence for any one or more of the following criteria.

The criteria supporting a finding of “good cause” include “(1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control; (2) An inability to secure all required governmental agency approvals by the expiration date of the Board’s order because of delays that are beyond the applicant’s reasonable control; or (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control.”

For reasons set forth more fully below, the Board should find that good cause exists to grant this Extension Request because of “condition[s], circumstance[s], or factor[s] beyond the applicant’s reasonable control” and because the Property Owner was unable “to secure all required governmental agency approvals by the expiration date of the Board’s order because of delays that are beyond the applicant’s reasonable control.”

This Extension Request has been properly served on all parties to the underlying application. There are no substantial changes to any material facts upon which the Board originally approved the application.

III. Satisfaction of “Good Cause” Standard for Evaluation of Extension Request

The Property Owner is seeking an extension from the BZA as the result of a unique confluence of factors that have slowed its project. Together, these factors constitute the “good cause” necessary for the Board to extend the Fort Totten South Orders.

A. DDOT’s Intersection Reconfiguration

Delays in the District’s extensive reconfiguration of the intersection of Riggs Road, South Dakota Avenue, and 3rd Street, NE are foremost among the factors beyond the Property Owner’s reasonable control contributing to the need for this Extension Request. These delays alone constitute the good cause upon which to grant this request. DDOT’s delays led to two problems: the Fort Totten South site was inaccessible during the transportation improvements, and the final boundaries for the Property were indeterminable until DDOT completed its work. Specifically, the DDOT intersection realignment closed the ramp connecting Riggs Road and South Dakota Avenue, NE. Therefore, the closed land area was not finalized until the DDOT work was completed.

In order to develop the larger mixed-use project, the Property Owner, along with its affiliates, undertook an integrated and collaborative effort with DDOT to redesign and reconstruct the roads and intersection of Riggs Road and South Dakota Avenue (including the removal of the ramp surrounding the DDOT Parcel). The design process to reconcile DDOT's interests of vehicular and pedestrian safety and efficient traffic flow with the Property Owner's concerns of creating a pedestrian friendly intersection with "Main Street" appeal and easy access to retail options and the resulting work by DDOT has been underway since 2006. Although DDOT's construction and reconfiguration of such new intersection was intended to commence in Spring 2008 and be completed approximately eighteen months later, such work did not start until March 2010 and is only recently complete. Development at the Property could not have reasonably proceeded until the intersection was finished. The Property Owner could not access the Fort Totten South site from the road network given the construction disruption.

DDOT's delays created a second problem for Fort Totten South and the redevelopment of the Property more generally. The final boundaries of the Fort Totten South property were known only upon the completion of DDOT's work. Therefore, the entire project was stalled until the reconstruction of the intersection and related roads were finalized. DDOT's only recently completed its work.

It would not be reasonable to expect any developer to proceed with the construction of the project on any portion of the Property, or even to expend substantial sums of money to prepare plans to do so, if there is a possibility that the overall development will be further delayed and the boundaries of such property are not known. Further, no lender would commit to funding such project until they also know that the project is proceeding with certainty. Therefore, the Property Owner could not be expected to construct the building approved by the

Fort Totten South Orders until the construction of the intersection and related roads are complete. These transportation improvement factors were entirely outside of the Property Owner's control, and constitute the "good cause" necessary to grant this Extension Request.

B. Economic and Market Conditions

While the road construction posed the main impediment to pursuing the development approved under the Fort Totten South Orders, ongoing unfavorable economic conditions have also contributed to the delay. The difficult economic climate constitutes a second, independent condition beyond the applicant's reasonable control that would support the Board finding that good cause exists to grant the Extension Request.

The economic conditions have made it difficult for the Property Owner to secure financing for the Fort Totten South project. The unfavorable economic conditions generally were exacerbated by the delays and difficulties, described above, resulting from DDOT's efforts to improve the adjacent intersection. Lenders are understandably hesitant to participate in a development when the development is subject to unfavorable transportation or access conditions. The Property Owner has approached numerous lenders for the Property without obtaining a firm commitment as a result of the uncertainty described herein. The extension of the Fort Totten South Orders would alleviate some uncertainty, and allow the project to move forward with efforts to obtain financing.

C. Planned Phasing

The phased nature of the broader overall Fort Totten redevelopment effort and delays in phases that, by design, preceded the Fort Totten South project constitutes an additional good cause for granting this Extension Request. The redevelopment of Fort Totten North was always intended to precede the project at Fort Totten South. As discussed above, plans to redevelop Fort

Totten North were delayed by factors outside of the Property Owner's control. For instance, negotiations with DDOT over Fort Totten North and LTR process proceeded more slowly than anticipated. These delays with Fort Totten North had a domino effect, setting back the plans for Fort Totten South as a consequence. Although the LTR process does not culminate in a formal approval, these delays are in spirit consistent with the criteria listed in Section 3130.6(c)(2) constituting "good cause" for granting an extension. Section 3130.6(c)(2) authorizes the Board to find that good cause for an extension exists when the applicant is unable "to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control." Here the delays in coordinating with DDOT and with completing the LTR process were beyond the Property Owner's, and its affiliates', control. Notwithstanding the above reasons, an affiliate of Property Owner's is proceeding apace on the implementation of the Fort Totten North Orders and has recently broken ground. The Property Owner and its affiliates are proceeding in the implementation of the phased approach as expeditiously as possible and as prudent. It would not be reasonable, nor prudent, for the Fort Totten market to require both phases to proceed to construction and then deliver simultaneously.

D. Good Faith Effort to Move Forward

When evaluating this Extension Request, the Board should also consider the Property Owner's and affiliates' good faith and diligent efforts to move forward with development on the Fort Totten North and the Property. Despite the adverse economic conditions, the Property Owner and its affiliates have made good faith efforts to progress towards building permits to the maximum extent possible. As mentioned above, this good faith is evidenced by construction being underway on the Fort Totten North parcel. Likewise, the Property Owner has continued

with diligent efforts to perform site studies and to prepare the site for construction. In addition, the Property Owners have demolished the old buildings on the Property. This is not a case of a property owner sitting on a BZA approval while still trying to derive revenue from improvements on its property or holding out for a higher sale price. The Property Owner has a great interest in seeing the Fort Totten North and Fort Totten South projects through to completion as planned. The Board granting the Extension Request will ultimately make completing the Fort Totten South project much more feasible.

IV. The Extensions Meet the Requirements of §§ 3130.6(a), (b), and (c)

In addition to the good cause describe above, further factors support the approval of the requested extensions as described below.

A. Extension Request Served on All Parties to the Application

In the instant case, this Extension Request is being served simultaneously on all parties to the original application for BZA Case No. 17606. All parties to the application will be allowed thirty (30) days to respond to this request. Further, just as the initial relief of BZA Order No. 17606 and the Fort Totten South Orders did not prejudice the rights of any party, the Extension Request will not prejudice any party. There are no neighbors or structures that would be adversely affected as the result of the special exception relief for the varying heights of the roof structure under the Fort Totten South Orders. In fact, because the projects proposed are part of an area-wide project benefiting the local community and revitalizing the South Dakota Avenue and Riggs Road intersection, the effects of the Extension Request on the neighbors and community will be overwhelmingly positive. The project planned for Fort Totten South is the result of extensive community planning efforts; the neighbors and the District have an interest in

seeing the Fort Totten South projects go forward as originally planned rather than sending the project back to the beginning of the process. Allowing the Fort Totten South Orders to expire would adversely affect everyone. Further, there are no prohibitions under D.C. laws or reasons otherwise to disallow the Extension Request.

B. No Substantial Change to Any of the Material Facts

The factors satisfying the special exception relief for the Property remain as they were for the Board's approval of the requested relief. There has been no substantial change in any of the material facts relating to the case.

Regarding the special exception relief under the Fort Totten South Orders, the roof structure relief is still in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and does not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

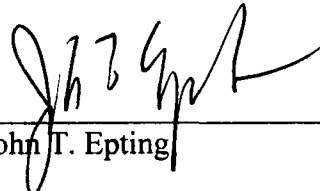
C. Conformance with the Comprehensive Plan and Zoning Regulations

This request for a waiver for good cause shown under Section 3130.6 of the Zoning Regulations for an extension of time within which to complete the projects on the Property is consistent with the intent and purposes of the Zoning Regulations, the requirements of Chapter 31 of the Zoning Regulations, and the District of Columbia Comprehensive Plan (“**Plan**”) for the National Capital. The Land Use Map of the Plan designates the site for Moderate Density Commercial use. The Plan's land use designation of the Property has not changed since the Fort Totten South Orders were originally approved. Further, the Plan's policies and goals, and the Fort Totten Small Area Plan, still support the project on the Property, and would support an extension of time for the Fort Totten South Orders.

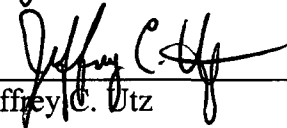
Enclosed please find a check for \$520.00. This amount represents the filing fee for extensions under § 3180.1(f). Such amount is calculated as twenty-six percent of the initial filing for BZA Case No. 17606 (\$2,000).

We would be happy to produce any other information or evidence in support of the above letter and greatly appreciate your consideration of this matter.

Respectfully submitted,



John T. Epting



Jeffrey C. Utz

Certificate of Service

I certify that on March 12, 2013, I delivered a copy of the foregoing document via hand delivery or first class mail to the addresses listed below.

A handwritten signature in black ink, appearing to read "Jeffrey C. Utz", is written over a horizontal line.

Jeffrey C. Utz

Jennifer Steingasser
Stephen Mordfin
Office of Planning
1100 4th Street, S.W., Suite E650
Washington, D.C. 20024

ANC 4B (9 copies)
6856 Eastern Avenue, N.W. #316
Washington, D.C. 20012

Douglass Sloan
313 Nicholson Street, N.E.
Washington, D.C. 20011

Exhibit A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17606 of Dakota Points LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure uniform height provisions under section 411, to construct a four (4) unit residential building in the C-2-A District at premises 5545-5549 South Dakota Avenue, N.E. (Square 3760, Lot 10) and 5553-5575 South Dakota Avenue, N.E. (Parcel 137/86).

HEARING DATE: May 8, 2007
DECISION DATE: May 8, 2007 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. ANC 4B submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 411. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 411, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to

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BZA APPLICATION NO. 17606
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affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 11 – Plans) be **GRANTED**.

VOTE: **3-0-2** (Ruthanne G. Miller, Marc D. Loud and John A. Mann II to Approve, Curtis L. Etherly, Jr. and the Zoning Commission member not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: May 9, 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



BZA APPLICATION NO. 17606

As Director of the Office of Zoning, I hereby certify and attest that on May 9, 2007, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

John T. Epting, Esq.
Jeffrey C. Utz, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037

Chairperson
Advisory Neighborhood Commission 4B
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Washington, D.C. 20011

Single Member District Commissioner 4B09
Advisory Neighborhood Commission 4B
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Muriel Bowser, City Councilmember-Elect
Ward Four
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Washington, D.C. 20004

Bill Crews, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
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BZA APPLICATION NO. 17606
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Harriet Tregoning, Director
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Alan Bergstein, Esq.
Office of the Attorney General
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Washington, D.C. 20001

rsn

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning

✍

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17606-A of Dakota Points LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure uniform height provisions under section 411, to construct a four (4) story residential building in the C-2-A District at premises 5545-5549 South Dakota Avenue, N.E. (Square 3760, Lot 10) and 5553-5575 South Dakota Avenue, N.E. (Parcel 137/86).

HEARING DATE: May 8, 2007
DECISION DATE: May 8, 2007 (Bench Decision)

CORRECTED SUMMARY ORDER

Note: This order corrects BZA Order No. 17606, as indicated by the underlined text in the above paragraph.

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 4B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. ANC 4B submitted a letter in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 411. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 411, that the requested relief can be granted as

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BZA APPLICATION NO. 17606-A
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being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit No. 11 – Plans) be **GRANTED**.

VOTE: **3-0-2** (Ruthanne G. Miller, Marc D. Loud and John A. Mann II to Approve, Curtis L. Etherly, Jr. and the Zoning Commission member not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: _____

JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: May 9, 2007

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR

ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17606-A

As Director of the Office of Zoning, I hereby certify and attest that on May 9, 2007, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

John T. Epting, Esq.
Jeffrey C. Utz, Esq.
Pillsbury Winthrop Shaw Pittman LLP
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Chairperson
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Single Member District Commissioner 4B09
Advisory Neighborhood Commission 4B
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Muriel Bowser, City Councilmember-Elect
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Bill Crews, Zoning Administrator
Building and Land Regulation Administration
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Alan Bergstein, Esq.
Office of the Attorney General
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Washington, D.C. 20001

rsn

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17606-B of Dakota Points LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure uniform height provisions under section 411, to construct a four-story residential building in the C-2-A District at premises 5545-5549 South Dakota Avenue, N.E. (Square 3760, Lot 10) and 5553-5575 South Dakota Avenue, N.E. (Parcel 137/86).

Hearing Date:	May 8, 2007
Decision Date:	May 8, 2007
Final Date of Order:	May 9, 2007
Decision on Motion to Extend Order:	March 24, 2009

ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER 17606-A

The Underlying BZA Order

On May 8, 2007, the Board approved the Applicant's request for a special exception from the roof structure requirements of § 411 of the Zoning Regulations. Given that there were no opposing parties, the Board authorized a bench decision and summary order, which was issued on May 9, 2007 (BZA Order 17606). Because of a minor error in the caption of this Order, the Board issued a Corrected Summary Order (17606-A), to accurately reflect that the proposal was for a 4-story residential building, and not a four unit residential building. The Corrected Summary Order was also dated May 9, 2007.

Under the Corrected Summary Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until May 9, 2009.

Section 3130.1 states:

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit.

(11 DCMR § 3130.1)

Motion to Extend

On March 6, 2009, the Board received a letter from the Applicant indicating that it had not yet applied for a building permit, and that it would not be able to do so prior to May 9, 2009 when the Order was set to expire. According to the Applicant, despite strong efforts, "the Property Owners ha[d] not been able to a[cquire] financing which would allow the preparation of construction plans and the filing of their building permit applications." The Applicant asserted that this was due to the unprecedented negative economic circumstances impacting development in the District of Columbia in general.

Accordingly, the Applicant requested that:

- A. Pursuant to § 3100.5 of the Regulations, the Board waive the provisions of § 3130.1, which limits the validity of the underlying Order to two years from the date of its issuance, thereby allowing the Applicant additional time to apply for a building permit; or,
- B. The Board extend the underlying Order for a period of two years from May 9, 2009.
- C. The Board toll the expiration date for the underlying Order from the date the motion to extend was filed.

Criteria for Evaluating Motion to Extend

Section 3100.5 of the Regulations states in full:

Except for §§ 3100 through 3105, 3121.5 and 3125.4, the Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

(11 DCMR § 3100.5)

The Board finds that the Applicant has met the criteria set forth in this provision. The Applicant's inability to secure financing and the poor economic conditions in the District constitutes the "good cause" required under § 3100.5. The Board also finds that a waiver in this case would not prejudice the rights of any party and is not otherwise prohibited by law. Neither the ANC nor any nearby property owners objected to an extension of the Order; and as noted above, there were no opposing parties at the time the underlying Order was decided. Since granting the initial request for relief did not prejudice the rights of any party, the Board concludes that the extension of that relief, likewise, will not be prejudicial.

Regarding the Applicant's request to toll the expiration of the underlying Order, the Board finds that the expiration was tolled at the time the Applicant's motion was filed.

BZA APPLICATION NO. 17606-B
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Accordingly, the Board hereby waives the limitation in § 3130.1 of the Regulations and extends the validity of the underlying Order for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of May 9, 2011.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this request for extension of time be **GRANTED** until May 9, 2011.

VOTE: **3-0-2** (Ruthanne G. Miller, Marc D. Loud, and Shane L. Dettman to approve; Mary Oates Walker not participating, not voting; and no member of the Zoning Commission participating or voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: _____


RICHARD S. NERO, JR.
Acting Director, Office of Zoning

FINAL DATE OF ORDER: APR 07 2009

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

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AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

SG/TWR

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17606-B

As Director of the Office of Zoning, I hereby certify and attest that on APRIL 7, 2009, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

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BZA APPLICATION NO. 17606-B
PAGE NO. 2

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Washington, D.C. 20002

ATTESTED BY:


RICHARD S. NERO, JR.
Acting Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Order No. 17600-B / 17606-C of:

Application of Dakota Square LLC, Motion of Fort Totten North,¹ pursuant to 11 DCMR § 3130.6, for a Two-Year Extension of BZA Order No. 17600;

and

Application of Dakota Points LLC, Motion of Fort Totten South,² pursuant to 11 DCMR § 3130.6, for a Two-Year Extension of BZA Order No. 17606-A

Original Application No. 17600 was pursuant to 11 DCMR § 3103.2, for a variance from the loading berth requirements under § 2201.1, to allow the construction of a mixed-use (commercial/residential) building in the C-2-A District at premises 300-320 Riggs Road, N.E. (Square 3748, Lot 52).

HEARING DATE (Orig. Application):	March 20, 2007
DECISION DATE (Orig. Application):	March 20, 2007
FINAL DATE OF ORDER (Order No. 17600):	March 21, 2007
DECISION ON 2009 MOTION TO EXTEND ORDER:	March 24, 2009
DATE OF ORDER ON 2009 MOTION (Order No. 17600-A)	April 7, 2009
DECISION ON 2011 MOTION TO EXTEND ORDER:	April 12, 2011

Original Application No. 17606 was pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure uniform height provisions under § 411, to construct a four-story residential building in the C-2-A District at premises 5545-5549 South Dakota Avenue, N.E. (Square 3760, Lot 10) and 5553-5575 South Dakota Avenue, N.E. (Parcel 137/86).

HEARING DATE (Orig. Application):	May 8, 2007
DECISION DATE (Orig. Application):	May 8, 2007
FINAL DATE OF ORIGINAL ORDER (Order No. 17606):	May 9, 2007
FINAL DATE OF CORRECTED ORDER (Order No. 17606-A):	May 9, 2007
DECISION ON 2009 MOTION TO EXTEND ORDER:	March 24, 2009
DATE OF ORDER ON 2009 MOTION (Order No. 17606-B):	April 7, 2009
DECISION ON 2011 MOTION TO EXTEND ORDER:	April 12, 2011

¹ Fort Totten North is the successor in interest to Dakota Square LLC.

² Fort Totten South is the successor in interest to Dakota Points LLC.

ORDER ON MOTIONS TO EXTEND THE VALIDITY
OF
BZA ORDER NOS. 17600 AND 17606-A

This order concerns a motion filed pursuant to 11 DCMR § 3030.6 to extend the validity of BZA Order Nos. 17600 and 17606-A. The joint motion was filed by the successors in interest to the Applicants in the original orders. These successor entities will hereafter be referred to collectively as “the Developers.”

For the reasons stated below, the Board of Zoning Adjustment (“Board” or “BZA”) grants the request. In doing so, the Board is issuing a single order that consolidates the two approvals for the sole purpose of establishing a single expiration date of May 9, 2013; which is two years from the most recent expiration date of Order 17606-A. This is being done because the two orders both concern the same project and the Board wishes to allow the Developers the greatest amount of time to apply for building permits. In all other respects, these remain separate approvals. Among other things, that means that each order retains its own separate requirement that a building permit for the structure approved therein be applied for by the new expiration date. The expiration of one order due to the failure of one of the Developers to file for a building permit by May 9, 2013, will not affect a successful vesting of the other order.

Underlying BZA Orders

On March 21, 2007, the Office of Zoning (“OZ”) filed in the record and served upon the parties an order approving Application No. 17600 for a variance from the loading berth requirements under § 2201.1 of the Zoning Regulations. Pursuant to 11 DCMR §§ 3125.5 and 3125.9, the order became “final” on that date and took effect 10 days later.

On May 9, 2007, OZ filed in the record and served upon the parties an order approving Application No. 17606 for a special exception from the roof structure requirements of § 411 of the Zoning Regulations. However, because of a minor error in the caption of this order, the Board issued a corrected summary order to accurately reflect that the proposal was for a four-story residential building, and not a four-unit residential building. The corrected order was in all other respects identical to BZA Order No. 17606, including its final date of May 9, 2007 (BZA Order No. 17606-A).

First Extensions of the BZA Orders

Subsection 3130.1 of the Board’s Rules of Practice and Procedure provides in part that:

No order of the Board authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years ... unless, within such period, the

BZA ORDER NO. 17600-B / 17606-C
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plans for the erection or alteration are filed for the purposes of securing a building permit.

Although the provision does not specify whether the two-year period begins on the date the order became final or when it took effect, the Board has traditionally used the former as the start date. Therefore, Order No. 17600 would expire on March 21, 2009 and Order No. 17606-A would expire on May 9, 2009 unless building permits were applied for on or before those dates.

On or about March 6, 2009, counsel for the original Applicants in Applications 17600 and 17606 filed two letters with the Board requesting extensions of the validity of Orders Nos. 17600 and 17606-A.

Because the Zoning Regulations did not, at that time, contain a provision expressly authorizing the BZA to extend the validity of an order past the two-year limit set forth in § 3130.1, the Applicants requested that the Board waive that provision. In addition, because Order No. 17600 was likely to expire before the BZA could act on the request, and because Title 11 was silent on the subject, the applicant in that case specifically requested that the "Board toll the expiration date of the underlying Order from the date the motion to extend was filed." *Application No. 17600-A of Dakota Square LLC*, 56 DCR 2995 (2009). In response, the Board found "that the expiration was tolled at the time the Applicant's motion was filed." *Id.*

Concerning the request to extend the orders, the Board granted the waiver requested pursuant to 11 DCMR § 3100.5. That provision authorizes the Board to waive many of its rules, including § 3130.1, upon a showing of good cause shown, if the waiver would not prejudice the rights of any party, and the waiver was not otherwise prohibited by law. In each instance, the Board found that the criteria under § 3100.5 had been satisfied and, through the issuance of Order Nos. 17600-A and 17606-B, the Board extended the validity of each underlying order for a period not to exceed two years. The new expiration date for Order No. 17600 was March 21, 2011 and the new expiration date for Order No. 17606-A was May 9, 2011.

Second Request for Extensions of the BZA Orders

On or about March 8, 2011, OZ received a second request to extend the expiration of each order. (17600, Exhibit 39; 17606, Exhibit 44.)

The motion asserted that the Developers were unable to proceed with their building permit applications due to the "protracted reconstruction of the adjacent intersection by the District Department of Transportation ("DDOT"), coupled with ongoing negative economic circumstances." (17600, Exhibit 39; 17606, Exhibit 44.)

The Office of Planning ("OP") submitted a report supporting the requests and agreeing with the basis asserted. OP specifically stated:

The reconstruction of South Dakota Avenue and Riggs Road was originally proposed to be completed in the fall of 2009, but work did not begin until the spring of 2010. Completion is now anticipated to occur in September 2011, at the earliest. The condition of the roadways, including lane closures, makes it difficult for the applicant to access the site with its construction vehicles. These factors are all beyond the applicant's reasonable control.

(17600, Exhibit 40; 17606, Exhibit 45.)

Procedural Issues

After the issuance of the orders granting the waivers, but prior to the filing of the new requests, the Zoning Commission ("Commission") adopted amendments to § 3130 to specifically authorize the Board to extend the time limits of § 3130.1. *Z.C. Order No. 09-01*, 56 DCR 4388 (June 5, 2009). Among other things, the new provisions allowed for only one extension of an order. (11 DCMR § 3130.6.) The rules also addressed the question of whether an order would remain valid if the Board was unable to decide a request prior to its expiration date. The rules provide that an order's expiration would be tolled if an extension request was filed at least 30 days prior to the expiration date. (11 DCMR § 3130.9.)

As to the criteria for granting a request, new § 3130.6(c) required the demonstration of good cause through substantial evidence of one or more of the following criteria:

- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
- (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control.

1. May the Board grant a second extension of the orders?

The first question for the Board was whether the Developers were barred from making their requests due to the language in § 3130.6 which expressly allows the Board to grant only one extension.³ The Board finds that the prior extension is not counted towards this limit. As explained above, the new regulation was not in effect as of the final date of the orders granting the first requests for an extension. Section 6(A) of the District of Columbia Administrative Procedure Act, D.C. Official Code § 2-502 (6)(A), defines a rule to mean the "whole or any part of any Mayor's or agency's statement of general or particular applicability *and future effect*"

³ This limitation also may be waived pursuant to § 3100.5.

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(emphasis added). Therefore, the limit of one extension stated in the new rule was prospective only, so that the prior extension does not count towards this limit.

2. Should the Board waive the 30-day filing prerequisite to toll Order No. 17600-A's expiration?

Subsection 3130.9 reads as follows:

A request for a time extension filed at least thirty (30) days prior to the date upon which an order is due to expire shall toll the expiration date for the sole purpose of allowing the Board to consider the request.

The flip side of this rule is that if a request to extend an order is filed less than 30 days before the order's expiration date, the order will expire unless the Board grants the request before that date.

In this instance, the request to extend both orders was filed on March 8, 2011. Order No. 17606-B was not due to expire until May 9, 2011, and the Board voted to grant the request on April 12th, well before expiration would have occurred. Therefore, there was no need to toll the expiration date.

However, just as happened in the first extension request to extend Order No. 17600, the second request was not filed in sufficient time to allow the Board to decide the case before expiration. As noted, the Commission adopted § 3130.9 to expressly permit the tolling of an order if a request is filed at least 30 days before expiration. In doing so, the Commission modified the precedent established in Order No. 17600-A that allowed tolling to occur no matter how close to the expiration date the request was filed. Nevertheless, the Developer claims to have not understood the meaning of § 3130.9 and, having not complied with it, seeks a waiver from its time limit. Since the request was filed before the order's expiration, the Board is willing to retain jurisdiction over the order to consider the request. As already noted, the Applicant must demonstrate good cause, the absence of prejudice, and that no law prohibits the waiver.

As to good cause, the Applicant states it found § 3130.9 confusing and did not read it as being at all relevant to the Board's jurisdiction to decide requests to extend facially expired orders. While the Board does not find § 3130.9 to be unclear in any way, it recognizes the relative newness of the provision and that the Board in Order No. 17600-A expressly ruled that the filing of the prior request less than 30 days before order expiration automatically tolled its expiration. Clearly, the Commission's adoption of § 3130.9 modified that precedent by requiring that time extension requests be filed at least 30 days prior to an order's expiration date in order for tolling to occur. The Board will honor this intent going forward and will not consider any future request to waive § 3130.9 based upon its purported ambiguity. With that *caveat* made, the Board finds good cause under these unique circumstances.

As to the remaining elements for a waiver, the Board concludes that merely maintaining the *status quo* to permit the Board to consider the merits of the extension prejudices no one. The

BZA ORDER NO. 17600-B / 17606-C
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Board further concludes that there is no law precluding granting the waiver. The Board therefore waives the 30-day filing prerequisite to the tolling of the expiration date of Order No. 17600-A "for the sole purpose of allowing the Board to consider the request." (11 DCMR § 3130.9.)

The Merits of the Request to Extend

The Board finds that the motion has met the criteria in § 3130.6 to extend the validity of the two orders. The failure to file for the two building permits was due largely to the protracted reconstruction of the adjacent intersection by DDOT. This factor was beyond the Developers' reasonable control within the meaning of § 3130.6(c)(3) and constitutes the "good cause" required under § 3130.6(c)(1). In addition, as required by § 3130.6(b), the Developers have demonstrated that there is no substantial change in any of the material facts upon which the Board based its original approval in Order No. 17600 or Order No. 17606-A.

Pursuant to 11 DCMR § 3130, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case Nos. 17600 and 17606 for a two-year time extension of Order Nos. 17600 and 17606-A, which Orders shall be valid until May 9, 2013, within which time the Applicant must file plans for the proposed structures with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: **4-0-1** (Meridith H. Moldenhauer, Nicole C. Sorg, Jeffrey L. Hinkle, and Michael G. Turnbull to Approve; No other Board member (vacant) participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: JUL 19 2011

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17600-B

As Director of the Office of Zoning, I hereby certify and attest that on JUL 19 2011, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

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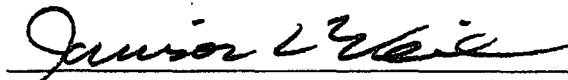
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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17606-C

JUL 19 2011

As Director of the Office of Zoning, I hereby certify and attest that on _____, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

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15-3/540

DATE
 03/11/2013

CHECK NO.
 46300051

AMOUNT
 \$520.00*****

Pay ***** FIVE HUNDRED TWENTY AND 00/100 DOLLARS

PAY
 TO THE
 ORDER OF

DC Treasurer



AUTHORIZED SIGNATURE