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Cynthia A. Giordano
Phone (202) 295-6612
Fax (202) 295-6712
CGiordano@saul.com
www.saul.com
Our File 360292 00001

May 21, 2012

Via Hand Delivery

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re *Request for Extension of Order No 18064, 1820-1822 Jefferson Place, N W
(Square 139, Lot 75)*

Dear Members of the Board

This is a request for a two-year extension of the Board Order in BZA Application No 18064 ("Order"). A copy of the Order, which would otherwise expire on May 21, 2012, is Attachment A to this letter.

This extension is requested pursuant to Board of Zoning Adjustment Rules §3130.1, *et seq.*, which allow the Board to grant an extension of the time periods set forth in §3130.1

Compliance with Section 3130.6

Pursuant to §3130.6, the Board may grant an extension of the time periods in §3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval, provided, that the Board 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 30 days to respond;"

On today's date, May 21, 2012, a copy of the extension request has been served on the Office of Planning and Advisory Neighborhood Commission 2B, the only party to the application. We request that BZA action on the request be deferred for at least 30 days to allow the parties 30 days to respond.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18064

EXHIBIT NO. 31

1919 Pennsylvania Avenue, N.W. ♦ Suite 550 ♦ Washington, D.C. 20006-3434
Phone (202) 333-8800 ♦ Fax (202) 337-6065

DELAWARE MARYLAND MASSACHUSETTS NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON

A DELAWARE LIMITED LIABILITY PARTNERSHIP

Board of Zoning Adjustment
District of Columbia
CASE NO. 18064
EXHIBIT NO. 31

(b) "There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application "

The applicant's plans for development of the site are unchanged from those approved by the Board in its Order dated May 21, 2010. Further, there have been no changes to the zone district classification applicable to this property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order

(c) "The applicant demonstrates that there is good cause for such extension with 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 "

John R Houston III, who is the principal of the Applicant, HAI Real Estate Holdings, LLC, has endured a number of personal hardships since the Board's approval which have exacerbated his ability to move the project forward. These include two very extensive back surgeries followed by the sudden passing of his wife, Barbara Houston on July 16, 2011, and then his step sister, Whitney Houston on February 11, 2012

HAI and Mr Houston initially sought to prelease the project for development by HAI but adverse office market and financing conditions have made that effort extremely difficult. As a result, the strategy was revised to bring in an equity partner to help develop the property or to sell it to a more established developer who can have more success in obtaining financing. A letter from Fraser Forbes, who has been retained to market the property for this purpose, outlining their efforts, is attached hereto as Attachment B

Waiver Request

The applicant is seeking a waiver of the provision in §3130.9 that the extension request must be filed 30 days prior to the expiration of the order to toll the expiration of the order. As indicated previously, the managing principal of HAI has endured a number of difficulties which have impeded his ability to focus on this matter. Further, the regulations are somewhat contradictory as to the deadline for filing an extension. §3130.6 merely requires that it be filed

before the expiration of the approval. It is not until §3130.9 that one gleans that it should be filed at least 30 days prior to the expiration. In any event, we request that the requirement of 3130.9 can be waived without prejudice to any party if the Board will delay its consideration of this extension request for at least 30 days and allow the expiration of the Order to toll during that time.

Based on all of the foregoing facts, we assert that there is sufficient basis under §§3100.5 and 3130.6, et seq., for the Board to grant the requested extension.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Giordano", with a large, stylized initial "C" that loops around the first part of the name.

Cynthia A. Giordano

cc Advisory Neighborhood Commission 2B
 D.C. Office of Planning

***Request for Extension of Order No. 18064, 1820-1822 Jefferson Place, N.W.
(Square 139, Lot 75)***

Attachment A

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER.

MAIN OPERATING ACCOUNT

SAUL EWING LLP

1919 PENNSYLVANIA AVE, NW, STE 550
WASHINGTON, DC 20006
A DELAWARE LLP

PNC Bank, NA 040
Washington, DC
15-3/540
516

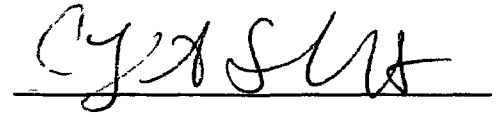
3770

DATE
05-21-12

AMOUNT
\$480 00

FOUR HUNDRED EIGHTY AND 00/100 DOLLARS

PAY TO THE ORDER OF D C Treasurer





SECURITY FEATURES INCLUDED. DETAILS ON BACK.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18064 of HAI Real Estate Holdings, LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the rear yard requirements under subsection 774.5, and a special exception from the parking requirement under subsection 2120.6, to allow an addition to an existing office building in the DC/C-3-C District at premises 1820-1822 Jefferson Place, N.W. (Square 139, Lot 75).

HEARING DATE: May 18, 2010
DECISION DATE: May 18, 2010 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5)

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) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. At its duly-noticed, May 12, 2010 meeting, with a quorum present, ANC 2B heard from the Applicant and voted unanimously to support the application, as revised. The ANC submitted a report for the record dated May 17, 2010. (Exhibit 26). OP submitted a timely report recommending approval of the application. (Exhibit 23). Two letters of opposition from neighboring property owners were received (Exhibits 20 and 22).

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 exceptions from the rear yard requirements under § 774.5 and from

441 4th Street, N W , Suite 200/210-S, Washington, D C 20001

Telephone (202) 727-6311

Facsimile (202) 727-6072

E-Mail dcoz@dc.gov

Web Site www.dcoz.dc.gov

the parking requirement under § 2120.6. 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 ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 774.5, and 2120.6, 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 affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, 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 25 – Revised Plans) be **GRANTED**.

VOTE: **4-0-1** (Meridith H. Moldenhauer, Konrad W. Schlater, Nicole C. Sorg, Shane L. Dettman, to APPROVE; one other Board member (vacant) not participating or voting.)

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

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

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

FINAL DATE OF ORDER: MAY 21 2010

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 § 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

BZA APPLICATION NO. 18064
PAGE NO. 2

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
1180 4th Street, S.W., 5th Floor
Washington, D.C. 20024

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

***Request for Extension of Order No. 18064, 1820-1822 Jefferson Place, N.W.
(Square 139, Lot 75)***

Attachment B



All Your Land and
Investment Needs

LAND AND
INVESTMENT SALES

FINANCING

MANAGEMENT

ADVISORY

May 18, 2012

Government of the District of Columbia
Board of Zoning Adjustment
441 4th Street, NW
Suite 200/210-S
Washington, DC 20001

Re 1820-1822 Jefferson Place, NW, Washington, DC 20036

To Whom It May Concern

Due to the difficult market conditions and strict lender requirements, HAI Real Estate Holdings, LLC ("Owner") has determined that they would have an improved probability of success if they were to either partner with or sell to a more established developer. As a result, they have retained Fraser Forbes Real Estate Services to list and market the property accordingly.

The property has been listed on the market for approximately twelve months. To date, the Owner has received 3 offers from developers, 2 of which are currently being negotiated. However, in both cases, the variances are key to the transaction and to the subsequent re-development projects contemplated by the prospective purchasers. If the variances expire, the property value will be negatively impacted and will be detrimental to the salability and re-development potential.

We, on behalf of HAI Real Estate Holdings, LLC would appreciate your consideration for a two-year extension with respect to Application No. 18064 Final Order Dated May 21, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard O. Samit".

Richard O. Samit
Chief Executive Officer and Co-Founder

cc Cynthia Giordana, Esq., Saul Ewing, LLP
John Houston, Principal, HAI Real Estate Holdings, LLC
Randall J. Creaser, AIA, President, Creaser/O'Brien Architects