

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Christine Moseley Shiker
202 457 7167
christine.shiker@hklaw.com

July 20, 2009

VIA HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210-S
Washington, DC 20001

**Re: Supplemental Information: Request for Extension of Time, Zoning Commission
Order No. 06-31 and 06-31A (5220 Wisconsin Avenue, N.W.)
ZC Case No. 06-31B**

Dear Members of the Zoning Commission:

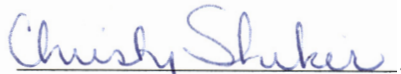
On behalf of the John Akridge Development Company ("Applicant"), the Applicant in the above-referenced case, this letter provides supplemental information to support the Request for Extension pending in Zoning Commission Case No. 06-31B. The Applicant submits attached herewith an affidavit of David Tuchmann, project manager for the proposed project at 5220 Wisconsin Avenue, N.W. This affidavit reiterates, under oath, the information set forth in the letter submitted as part of the extension request on June 19, 2009, and confirms that the Applicant has been unable to obtain sufficient project financing to move this project forward following its diligent, good faith efforts because of changes in the economic and market conditions, which are beyond the Applicant's control.

In light of the demonstration of good cause as shown in the application submitted on June 19, 2009, and the supplemental information submitted herewith, the Applicant respectfully requests that the Commission approve a two-year extension of the approved PUD, such that an application must be filed for a building permit no later than June 2, 2012 and construction must start no later than June 2, 2013. The Applicant looks forward to the Commission's consideration of this request at its July 27, 2009, meeting.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:


Christine Moseley Shiker

Attachment

cc: Matt Jesick, Office of Planning (Via Hand Delivery; w/att)

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ZONING COMMISSION
District of Columbia
CASE NO. 06-31B
EXHIBIT NO. 6

PROOF OF SERVICE

I hereby certify that on July 20, 2009, a copy of the foregoing Applicant's Supplemental Information: Request for Extension of Time, Zoning Commission Order No. 06-31 and 06-31A was served on the following persons or organizations as stated below:

Advisory Neighborhood Commission 3E (Via Hand Delivery)
c/o Lisner Home
5425 Western Avenue NW
Washington, DC 20015
Attention: Polly King Evans, Administrative Assistant

Cornish Hitchcock (Via Hand Delivery)
Counsel for Friendship Neighborhood Association
1200 G Street, N.W., Suite 800
Washington, DC 20005

Friendship Neighborhood Association (Via Hand Delivery)
4422 Garrison Street, N.W.
Washington, D.C. 20016

Ward 3 Vision (Via Hand Delivery)
c/o John Wheeler
4304 Yuma St., NW
Washington, DC 20016


Christine Moseley Shiker, Esq.
Holland & Knight

Zoning Commission Case No. 06-31

Affidavit of Applicant, The John Akridge Development Company
In support of Request for Two-Year Extension of Time

I, David Tuchmann, being duly sworn, depose and state as follows:

1. I am the project manager for the project at 5220 Wisconsin Avenue, N.W., which was approved as a consolidated planned unit development ("PUD") in Zoning Commission Order No. 06-31 and Zoning Commission Order No. 06-31B for the applicant The John Akridge Development Company ("Akridge"). As project manager, I have been responsible for the design, construction and entitlement issues, and residential and financial market analysis regarding this project since 2005, prior to the filing of the original PUD application in June 2006.
2. Akridge was established in 1974 and provides real estate services to the Washington, DC metropolitan area, including development, property management, leasing and consulting services for third party, international and domestic clients. Since its founding, Akridge has operated exclusively in the Washington, DC metropolitan area. Its projects total over 12.5 million square feet of office, industrial/flex, residential, retail and entertainment space. Akridge's experience encompasses developing, repositioning, managing and leasing quality real estate.
3. Since September 2008, Akridge has seen a major change in the real estate market and has determined that the real estate market in the Washington, DC metropolitan area is suffering from severe illiquidity in the financing markets, and decreased residential sales volumes and pricing and other impediments. In our experience, for projects in the District of Columbia and surrounding jurisdictions, including the project for 5220 Wisconsin Avenue, NW, banks have either frozen lending for residential projects or ceased lending operations entirely due to the uncertainty in market conditions and the softening of the housing market.
4. Akridge was unable to move forward with this project initially after approval due to the requirement to resolve appeals of the approvals. The Friendship Neighborhood Association ("FNA") originally filed a Petition for Review of Zoning Commission Order No. 06-31 in the D.C. Court of Appeals in November, 2007. After the issuance of Zoning Commission Order No. 06-31A, which addressed ANC 3E's motion for reconsideration, FNA appealed that order to the D.C. Court of Appeals as well. The D.C. Court of Appeals consolidated these cases into a single proceeding, which was ultimately dismissed on June 2, 2008.
5. Leading up to and after dismissal of FNA's appeals, Akridge held numerous discussions with providers of equity and debt and was unable to find adequate financing in order to proceed in the current economic climate.

6. While Akridge has noted some decreases in construction cost estimates from general contractors in recent months, the rapid drop in expected sales pace and prices brings about unacceptable financial pro formas for this project for both providers of equity and debt.
7. The changes in economic conditions recited above were beyond Akridge's control and, because of those changes, Akridge has been unable to secure financing for the approved PUD.

I solemnly affirm under the penalties of perjury that the contents of this Affidavit are true and correct to the best of my personal knowledge.



David Tuchmann

Sworn to and subscribed before me, this 15th day of July, 2009.



Notary Public

**Kathy E. McDaniel
Notary Public, District of Columbia
My Commission Expires 6/30/2011**