

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: District of Columbia Zoning Commission

ZONING COMMISSION
District of Columbia

FROM: *JS*
Harriet Tregoning
Director

CASE NO. 04-19A
EXHIBIT NO. 3

DATE: March 30, 2007

SUBJECT: Request for Extension of Time, Zoning Commission Order #04-19
Egg-Shaped Digester Facility
District of Columbia Water and Sewer Authority
4500 Overlook Drive, S W

APPLICATION

The District of Columbia Water and Sewer Authority (WASA) (Applicant) has petitioned the Zoning Commission for a three year extension of Zoning Commission Order 04-19 which expires on May 27, 2007.

Section 2408 11 of the Zoning Regulations outlines the three criteria for approving the requested extension as follows

2408.11 For purposes of § 2408.10(c), an extension of the validity of a PUD may be granted by the Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria.

- (a) *An inability to obtain sufficient project financing for the PUD, 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,*

The applicant has stated that the request for the extension is based on the fact that there has been a change in regional and national economic and market conditions which have resulted in an enormous increase in the cost of the project substantially beyond the amount budgeted by WASA. The change in the market has resulted in an increase in the cost of materials as well as the unwillingness of contractors to undertake projects of this magnitude. Contractors are unwilling to undertake this project at this time because of concerns relating to bonding and the length of the contract. The applicant has stated that they intend to monitor market and economic conditions and proceed with the project at a later date. At this time, no modifications are proposed to the approved plans.

- (b) *An inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control, or*

N/A

- (c) *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the PUD order.*

N/A

OFFICE OF PLANNING RECOMMENDATION

OP believes that the applicant has provided sufficient justification as required by Section 2408 11 and has demonstrated that they have tried to proceed with the project in good faith but are stymied by external conditions. OP therefore recommends approval of the requested three year extension of Zoning Commission Order 04-19.