



### **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 the Zoning Commission determines 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 states that the request was served on ANC 7D and the Parkside Townhomes, the only parties to the first-stage approval, on October 2, 2024, more than thirty days prior to the scheduled public meeting of November 14, 2024.

- (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.**

The first-stage PUD was approved pursuant to the 1958 Zoning Regulations and this extension request is being reviewed under the 2016 Zoning Regulations. The criteria under which an extension request is reviewed are the same under both sets of regulations. However, the permitted number of time extensions requests has changed. Subtitle Z § 705.5 permits that no more than two extensions may be requested for a PUD and a second extension may be approved for no more than one year. The subject application is the seventh extension request for the First Stage PUD, and is requested for a period of two years. Therefore, the applicant requests a waiver from this provision.

No changes to the Zoning Regulations of substance to this case have been adopted since the last extension was approved in 2022. Likewise, the current Comprehensive Plan took effect in 2021, before the most recent extension of this PUD.

Development within this PUD has proceeded, and new development in the general vicinity of the PUD is planned or underway, but this should not affect the material facts upon which it was approved.

**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 continued to pursue the development of Parkside, with new residential development completed or under construction on the site and has engaged with potential users of the undeveloped portions of the PUD. The application also notes that they continue to actively engage the community, and that they have committed to making some temporary Block H green space permanent, to foster pedestrian circulation and use of the new pedestrian bridge to the Minnesota Metrorail Station.

However, the applicant notes that they continue to be impacted by residential, retail and office markets east of the Anacostia River, challenges in obtaining financing, and the COVID-19 pandemic, all of which have slowed the development timetable, and they have not been able to find users for the remaining parcels on Block H. Extending the first-stage approval would help to ensure that the entire PUD community would be constructed, including potentially larger buildings located closest to the Minnesota Avenue Metrorail station, consistent with Comprehensive Plan direction.