

May 4, 2021

VIA IZIS

Anthony Hood, Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200 South
Washington, DC 20001

Re: Request for Administrative Extension of Time of the Approved Consolidated Planned Unit Development (“PUD”) and Zoning Map Amendment Application approved in Zoning Commission Order No. 16-20

Dear Chairperson Hood:

3450 Eads LLC¹ (the “**Applicant**”) hereby requests a one-year administrative extension of the time period for approval of the consolidated PUD for Square 5017, Lots 839-842 and 845 (the “**Property**”). A copy of Form 100 signed by the Applicant is attached hereto as Exhibit A. A copy of Zoning Commission Order No. 16-20 can be found at Exhibit 93 of the record for Case No. 16-20. The filing fee associated with this request will be delivered to your office.

I. Background

The Property was initially approved pursuant to Zoning Commission Order No. 16-20, effective December 22, 2017 (the “**Order**”). The Order approved the construction of a multi-family residential building. The Order provided that an application for a building permit for the Property must be filed within two years from the effective date of the Order and construction must begin within three years of the effective date of the Order. The Order was appealed, and the D.C. Court of Appeals subsequently dismissed the case on November 14, 2018. Under the Zoning Regulations, 11-Z DCMR § 705.8, time limitations run from the decision date of the court’s final determination of the appeal. Thus, the effective date of the Order was tolled, and the two-year period ran from the date of dismissal and was scheduled to expire on November 14, 2020. The Order’s expiration was further extended by 11-Z DCMR § 702.2, which was amended

¹ 3450 Eads LLC is an affiliate of and successor in interest to 3443 Benning, LLC, the applicant for the original PUD.

pursuant to Zoning Commission Order No. 20-07 to automatically extend the validity of orders set to expire between April 27, 2020 and December 31, 2020 by six months. Thus, the two-year period currently expires on May 14, 2021.

II. Request for Administrative Time Extension Approval

The Applicant is requesting administrative approval of a one-year time extension (to May 14, 2022) to apply for a building permit for the Property. The Applicant's basis for requesting this administrative time extension is the direct result of negative impacts that the Covid-19 pandemic has placed on the Property.

The only party in Case No. 16-20 was Advisory Neighborhood Commission 7D.

III. Conclusion

Please feel free to contact the undersigned if you have any questions regarding this application.

Sincerely,

/s/

David Avitabile

/s/

Jennifer Bisgaier