

**BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

**Anthony Lanier, President /CEO
EastBanc**

**Affidavit in Support of Request for Third Year Extension to
Commence Construction of Consolidated PUD**

I, Anthony Lanier, being duly sworn, depose and state as follows:

- (1) I, Anthony Lanier, am the President and CEO of EastBanc, which is the developer for the consolidated planned unit development ("PUD") approved at 2715 Pennsylvania Avenue, NW, which is more particularly known as Square 1194, Lot 811 (the "Property").
- (2) Pursuant to ZC Order No. 15-18 (the "Order"), the Zoning Commission approved the PUD and a related Zoning Map amendment from the C-2-A Zone District/unzoned to the W-2 Zone District to permit the redevelopment of the Property with a mixed-use building having a height of 60 feet and a density 3.5 FAR, containing a restaurant on the ground floor and a four-story apartment house with seven residential units above (the "Project").

The Order was effective on March 10, 2017, and appealed to the D.C. Court of Appeals on April 3, 2017.

- (3) Pursuant to ZC Order No. 15-18A, the Zoning Commission granted a minor modification to the Order related to the minimum land area requirements for the PUD.
- (4) On March 9, 2018, the Court granted a motion to dismiss the case on appeal. Therefore, pursuant to Subtitle Z § 705.8, the Order originally was valid from said date; that is a building permit for construction was to be filed no later than March 9, 2020, and construction was to commence no later than March 9, 2021.
- (5) A building permit was timely filed, and approvals from all agencies were received by summer 2022; but the permit was never formally issued due to the lack of construction financing for the Project.
- (6) On January 26, 2022, EastBanc learned that the original permit documents need to be updated to comply with the 2017 District of Columbia Construction Code (the "Building Code"), which took effect for new projects on May 29, 2020.
- (7) Pursuant to Subtitle Z, § 705.9, two one-year COVID-19 time extensions were granted for the PUD, which extended the validity of the Order until March 9, 2022, and March 9, 2023, respectively.

- (8) Pursuant to ZC Order No. 15-18B, the Zoning Commission approved a Modification of Consequence that adjusted the size of the Property to 7,211 square feet; granted flexibility for lot occupancy requirements; permitted an increased height in the elevator overrun; and modified the brick color for the building.
- (9) Pursuant to ZC Order No. 15-18C, the Zoning Commission extended the deadline to commence construction for the Project to March 9, 2025.
- (10) EastBanc completed the drawings for a Foundation to Grade Permit in enough time to meet the March 9, 2025, deadline. However, EastBanc could not file the plans with the Department of Buildings because EastBanc was unable to secure financing for the Project until September of 2024.
- (11) The two key factors that made financing the Project highly challenging were the large increase in construction costs over the past few years due to inflationary pressure on construction costs (wages and materials) and higher interest rates for higher-risk development projects.
- (12) Projects in the District of Columbia have been particularly susceptible to higher interest rates because of its reliance on the federal government and a large commuter workforce population, sectors that never fully returned to the city after COVID. As a result, projects in the District of Columbia have been viewed as less favorable for investment compared to higher growth markets.
- (13) When EastBanc was prepared to file their building permit plans, EastBanc learned that its acceptance to the Voluntary Remediation Action Program (“VRAP”) (because the site was formerly a gas station) had to be redone in order to comply with the current DOEE requirements.
- (14) The Project originally was accepted in the VRAP program in 2017. At the time, there was no specific expiration date of the acceptance. However, in 2020, DOEE revised the program to state that if an applicant fails to begin or implement corrective action within two years, DOEE may remove the project from the VRAP. EastBanc only became aware of this change in December of 2024, when coordinating with DOEE to commence construction of the Project.
- (15) EastBanc’s revisions to its VRAP submission required the redesign of plans for the Support of Excavation Permit and the Foundation to Grade Permit.
- (16) Washington Gas recently changed its meter location requirements, without notice to industry, which necessitated a redesign of the drawing for the utility connection.

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.

ANTHONY LANIER

President/CEO
EastBanc

Sworn and subscribed to me this 18th day of February, 2025.

Russell
Notary Public



