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November 6, 2020

VIA IZIS AND HAND DELIVERY

Anthony J. Hood, Chairman Zoning Commission for the District of Columbia 441 Fourth Street, NW, Suite 200-S Washington, DC 20001

Re: Z.C. Order Nos. 14-12, 14-12A, 14-12C, 14-12C(1), and 14-12D (collectively, the "Order") – Application of EAJ 1309 5th Street LLC ("Applicant") for a Time Extension for the Consolidated Planned Unit Development and Related Zoning Map Amendment (as modified and extended, the "Consolidated PUD") for 1309 5th Street, NE (Square 3591, Lots 801, 802, 7004, 7005, 7011, 7012, 7013, 7034, 7036, 7037, and 7038) (the "Property") – Request for Additional Two (2) Year Time Extension until May 8, 2022

Dear Chairman Hood and Commissioners:

The Applicant, as owner of the Property, hereby requests a two (2) year extension of the Consolidated PUD approved in the Order, pursuant to Title 11, Subtitle Z, Sections 101.9 and 705 of the District of Columbia Zoning Regulations. The Commission has previously extended the term of the Consolidated PUD twice for a total of three (3) years. Earlier this year, the Commission issued a blanket six-month extension, now codified at 11-Z DCMR § 702.2, extending the term of the Consolidated PUD until November 8, 2020. The Applicant now seeks an additional time extension for a period of two (2) years via a waiver of the rules regarding extensions pursuant to Subtitle Z, Section 101.9.

The extraordinary COVID-19 pandemic-caused social and economic disruption plus other complicating factors for the Consolidated PUD, as detailed below, necessitate this third extension request. The real estate markets have significantly slowed during the pandemic and associated public health-related closures. Despite the delay in delivering the new construction approved under the Consolidated PUD, the Applicant has taken steps to deliver and enhance the Order's public benefits, provide a meaningful public-serving interim condition, and advance other aspects of the Order. This letter provides background on the Order and demonstrates how this request satisfies the relevant standards.

In support of this extension request, enclosed please find the following:

- Exhibit A Extension Application Form;
- Exhibit B Authorization Letter from the Applicant;

- Exhibit C Surveyor's Plat of the Property;
- Exhibit D Z.C. Order Nos. 14-12, 14-12A, 14-12C, 14-12C(1), and 14-12D;
- Exhibit E Summary of Status of Public Benefits Conditions of the Order;
- Exhibit F Declaration on behalf of the Applicant (the "**Declaration**"); and
- A check made payable to the "DC Treasurer" in the amount of \$520 for this extension request pursuant to Subtitle Z, Section 1600.10 of the Zoning Regulations.

I. BACKGROUND

The Property is located in the Northeast quadrant of the District on a rectangular lot bounded by 6th Street, NE to the east, 5th Street, NE to the west, a surface parking lot to the south, and a vacant lot to the north. The Property is located in the heart of the Union Market District and contains the two-story market building (known as "Union Market" or the "Existing South Building") that is at the center of retail activity in the Union Market District today. The Property is located in Ward 5 and within the boundaries of Advisory Neighborhood Commission ("ANC") 5D and Single Member District 5D01 and is approximately one third of a mile from the NoMA-Gallaudet University Metrorail station.

A. The Order

The Order contains three separate approvals, the first of which is the subject of this request:

- 1. Consolidated PUD/South Building: For the portion of the Property containing the Existing South Building at 1309 5th Street NE (the "South Parcel"), the Order approved the Consolidated PUD, which allows ground floor retail/restaurant uses, an event space on the second level of the existing Union Market building, and outdoor plazas surrounding the existing building. Above the Existing South Building, the Consolidated PUD approved a vertical expansion (the "Future South Building"), which is designed as five (5) stories for entertainment and either office or residential uses, at the Applicant's election. The Future South Building is approved for a height of 120 feet and a gross floor area of approximately 216,400 square feet. The Existing South Building, and the Union Market operations inside, are to remain intact during construction of the Future South Building. As part of a modification of consequence of the Consolidated PUD that the Commission approved in April 2019 in Z.C. Case No. 14-12C, the Applicant submitted plans to install a park-like interim use on the top story of the Existing South Building. The extension request currently before you relates only to the Consolidated PUD and the Future South Building.
- 2. Second-Stage PUD/North Building: As background, the Order also approved a first-stage and second-stage PUD for lots to the north of the Existing South Building at 1329 5th Street NE (the "North Parcel"). The Order authorized a building (the "Future North Building") with ground floor retail/restaurant uses, an adjacent outside plaza, upper stories containing residential uses, and below-grade parking to serve the entire site. The Future North Building is approved for a total height of 120 feet and a total gross floor area of approximately 325,000 square feet. The Future North Building is the subject of a second-stage PUD approval under Z.C. Order No.

14-12E, that the Zoning Commission approved in January 2020 and is <u>not</u> part of this request.

3. <u>Map Amendment</u>: The Order also approved a Zoning Map amendment re-designating the entire PUD site from the then-underlying CM-1 to the C-3-C Zone District.

The Order, as previously extended (including by operation of regulation), provides that the approval of the Consolidated PUD for the Future South Building is valid until November 8, 2020, and that within such time the Applicant must file for a building permit for the Future South Building. If this extension request is approved, the Applicant would have an additional two (2) years to file for a building permit for the Future South Building; that is, it must file by no later than **May 8, 2022**. The following table summarizes the zoning history applicable to the Order:

Order	Date	Summary
14-12	May 8, 2015	Both Buildings : Approved first-stage PUD and Zoning Map
		amendment for North Parcel and consolidated PUD and Zoning Map
		amendment for South Parcel
14-12A	Nov. 9, 2018	South Building Only : Approved two-year time extension of
		Consolidated PUD and Zoning Map amendment until May 9, 2019
14-12B	N/A	Both Buildings : Withdrawn application for second-stage PUD for the
		North Parcel and modification of consolidated PUD for the South
		Parcel
14-12C	Aug. 30, 2019	South Building Only: Approved modification of consequence for
		Existing South Building to allow interim conditions
14-12D	Jan. 24, 2020	South Building Only : Approved one-year time extension of
		Consolidated PUD and Zoning Map amendment until May 9, 2020
20-07	July 27, 2020	South Building Only: Automatic six-month time extension of
		Consolidated PUD and Zoning Map amendment until November 9,
		2020
14-12E	July 31, 2020	North Building Only: Approved second-stage PUD for Future North
		Building and Plaza

B. Extraordinary Circumstances Justify An Additional Time Extension

This additional applicant-initiated extension of the Consolidated PUD is necessary because of a confluence of several factors that have delayed commencing construction of the Future South Building under the Order. As addressed in more detail below, the circumstances necessitating the further extension include:

- 1. <u>COVID-19</u>: The unprecedented social, economic, and public health interruption created by the COVID-19 pandemic;
- 2. Sequencing New Construction in Union Market: The need to sequence construction of the Consolidated PUD in a manner compatible with the planned development on adjacent lots and elsewhere in the Union Market District in order to address the impact to the Market tenants from the surrounding construction, the loss of adjacent surface parking, and maintaining the indoor/outdoor space required in this current

pandemic environment. These considerations necessitate delaying the Future South Building to a timeline when the adjacent properties are complete, the lost surface parking is replaced as part of the Future North Building, and the public space on Neal Place, NE in front of the Market is in place.

3. <u>Construction Challenges</u>: Construction challenges unique to the structural design of the project approved under the Consolidated PUD and those construction cost and material challenges more endemic to the real estate industry; and

C. The Applicant's Actions Further Justify this Time Extension

The Applicant recognizes that only in rare situations does the Commission grant more than two applicant-initiated time extensions to an approved PUD. However, this situation warrants a further time extension. In addition to the unique factors delaying construction under the Consolidated PUD, the Applicant has taken significant steps to deliver and enhance the public benefits of the Consolidated PUD and to advance other components of the Order, specifically:

- 1. Public Benefits: The Order includes 16 sets of public benefits-related conditions. As detailed on Exhibit E, the Applicant has advanced or completed nearly all of the Order's public benefits ahead of commencement of construction on the Future South Building (notwithstanding that the Order generally requires such benefits to be delivered coincident with construction or thereafter), including the creation of the Union Market Streetscape Design Guidelines in partnership with OP, DDOT, Gallaudet University, and other stakeholders, organizing multiple community-based events and programming every year, and delivering some of the public space improvements and affordable housing benefits ahead of schedule as part of the Future North Building PUD;
- 2. <u>Interim Park and Recreation Use</u>: Recognizing that the Future South Building has not moved forward on the originally-anticipated timeline, the Applicant converted the top level of the Existing South Building to provide, on an interim basis, additional publicly-accessible outdoor and recreational space in the Union Market District (as described and approved in Z.C. Order No. 14-12C(1)). The Applicant voluntarily moved forward with this outdoor space in consultation with the ANC and such space is essentially an early alternative deployment of the public benefits of the Order; and
- 3. Second-Stage PUD: The Applicant, in conjunction with a partner, advanced the timeline for construction of the mixed-use Future North Building to be built immediately to the north of the Property. The Zoning Commission approved the Future North Building as a second-stage PUD pursuant to the Z.C. Order No. 14-12E. Significantly, the Future North Building increased the amount, and deepened the affordability, of its affordable housing proffer while committing to a residential use that meaningfully advances the District's housing production goals. In addition, as part of the construction of the Future North Building, the plaza between the Existing South Building and the Future North Building will be built-out as a space for

pedestrians and community programming. As a result, the requested Order extension facilitates swapping the timing of the Future North Building with that of the Future South Building to allow a greater amount of housing, and affordable housing, public space, and street-activating retail be delivered earlier than originally contemplated in the Order.

- 4. <u>Efforts to Develop the Future South Building</u>: The Applicant has taken diligent steps to advance the design and development of the Future South Building, all as set forth in more detail on the Declaration.
- 5. <u>Coordination with JBGS/Gallaudet</u>: The Applicant recently began coordination with JBGSmith, the developer of the adjacent Gallaudet-owned parcel to the south, on the design of the shared public space components of the project including the design of Neal Place, NE.

While this further extension is in effect, the interim conditions approved for the top story of the Existing South Building allow the Applicant to activate and program Union Market and to deliver public benefits required under the Order ahead of construction of the Future South Building. In addition, construction of the Future North Building will commence in the interim for the reasons enumerated above.

II. THE ZONING COMMISSION HAS JURISDICTION TO GRANT THE REQUESTED TIME EXTENSION

The Applicant cannot comply with the timeline provided in the Order as previously extended and requests a further extension of the Order. The Commission has jurisdiction to grant the requested additional time extension pursuant to Subtitle Z, Sections 101.9 and 705.

A. Section 101.9 Waiver of Limit on Extensions

The Commission may ordinarily only approve two (2) time extension requests for an approved PUD, the first for up to two (2) years and the second for one (1) year, pursuant to Section 705.5. However, under Section 101.9, the Commission may waive the limit on the number and length of extensions for "good cause shown" provided that doing so (a) does not prejudice the rights of any party, and (b) is not otherwise prohibited by law.

B. Section 705 Requirements for a Time Extension of an Approved PUD

Under Section 705.2, the Zoning Commission may, upon the filing of a written request by an applicant before the expiration of the approval contained in an approved PUD, extend the validity of such PUD for good cause, provided that the Applicant documents the following:

- (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;
- (b) There is no substantial change in any of the material facts upon . . . that would undermine the Commission's justification for approving the original application; and

(c) The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in Section 705.2(c).

Under Section 705.2(c), an applicant for a PUD extension must demonstrate one or more of the following criteria:

- (1) An inability to obtain sufficient financing for the project approved in the order, following the 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 . . . because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
- (3) 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.

For the following reasons, the Applicant satisfies the requisite standards for the Commission to waive the limit on the number of time extensions and approve this request for an additional two (2) year extension of the Consolidated PUD approval.

III. THE ZONING COMMISSION SHOULD GRANT THIS EXTENSION REQUEST

This application satisfies the four criteria for waiving the limit on time extensions for an approved PUD and extending the Consolidated PUD: (a) the waiver does not prejudice any party to the proceedings resulting in the Order and is not prohibited by law; (b) this request has been served on all parties; (c) no material facts, upon which the Commission based its approval of the Consolidated PUD, have changed; and (d) good cause exists for the waiver of limit on time extensions and for the extension itself.

A. The Commission Should Waive the Time Extension Limit per Section 101.9

This application satisfies the requirements for waiving the rule limiting the number of times an approved PUD may be extended. As noted above, the Commission may "for good cause shown" waive the limit on the number of time extensions for an approved PUD, provided doing so does not prejudice the rights of any party and is not otherwise prohibited by law. As explained more fully below in Section III.D, good cause exists for waiving the limit on the number of times the Order may be extended.

This request for an additional extension does not prejudice the rights of any party and is not prohibited by law. The only parties to the proceedings that resulted in the Order were the Applicant and ANC 5D. The Applicant has a close working relationship with the ANC and has and will continue to take care to ensure that the ANC's concerns are at the forefront of the Applicant's development of the Union Market District. The ANC has been made aware of the need for this extension and will be provided a service copy of this submission. No law prohibits

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this additional extension request. Therefore, this application satisfies the requirements of Section 101.9 for a waiver from the limit on the number of times a PUD may be extended.

B. This Extension Request Is Served on All Parties to the Original Applications

As demonstrated by the Certificate of Service appended hereto and as stated above, a copy of this extension request is being served simultaneously on ANC 5D, the only other party to the proceedings that collectively resulted in the Order. The ANC will have 30 days to respond to this extension request if it wishes. As noted above, the Applicant has also discussed this extension with the ANC prior to this filing. Therefore, this extension request satisfies Section 705.2(a) for an extension of the Order.

C. There Has Been No Substantial Change to Any of the Material Facts Upon Which the Zoning Commission Based Its Original Approval of the Application

There has been no substantial change in the material facts upon which the Zoning Commission relied for its original approval of the Application that would undermine the justification for approval. The Future South Building continues to achieve the goals and policies of the Comprehensive Plan of the District of Columbia and the Florida Avenue Market Small Area Plan and satisfies the PUD evaluation criteria contained in the Zoning Regulations. The rationale for the requested extension results from COVID-related considerations, market conditions, economic factors, coordination with adjacent property construction, and constructability issues. Therefore, this extension request satisfies Section 705.2(b) for an extension of the Order.

D. Good Cause Exists for Granting this Extension Request: the Applicant Has Been Unable to Develop the Future South Building, Despite Its Good Faith Efforts, Because of Economic and Market Conditions Beyond Its Control

Under Sections 101.9 and 705.2(c), the Applicant must provide substantial evidence to demonstrate "good cause" for an extension request. Section 705.2(c) enumerates three criteria, any one or more of which satisfies the good cause requirement. Good cause exists for the Zoning Commission to grant this extension request, and such cause is demonstrated by substantial evidence as detailed herein and by the exhibits attached hereto. The good cause underlying this extension request is a confluence of three primary factors, each consistent with the criteria identified in Section 705.2(c)(1) and (3) ("changes in economic and market conditions beyond the applicant's reasonable control" and "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 order."):

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 $^{^{\}mathrm{1}}$ The Applicant presumes the definition of "good cause" applies to the analogous requirement under Section 101.9.

- 1. COVID-19 and Economic Considerations: The unprecedented social, economic, and public health interruption created by the COVID-19 pandemic have unexpectedly changed conditions affecting the development of the Future South Building to a degree beyond the Applicant's control. The mounting adverse effects of the pandemic have been widely reported. In sum, the Applicant cannot move forward with a speculative project that relies heavily on use types that have come to a near-complete standstill even in existing buildings in light of the social distancing requirements and infection precautions in place as part of the pandemic. Although the Applicant expects those uses will bring vibrancy to the Future South Building in a post-pandemic environment, the timeline for those future vibrant conditions to return and the inherent uncertainty in the meantime require the Applicant to pause development activity with respect to such uses at this site. More specifically, the following economic considerations have weighed against the ability to proceed with construction of the Project:
 - Financial and Development Difficulties and Incurred Costs Even in the period prior to the pandemic, the Applicant had been unable to finance and construct the Future South Building because of adverse market and economic conditions. As evidence of the Applicant's diligent good faith efforts to finance and develop the Future South Building, since the Order issuance, the Applicant has expended significant time and resources to identify development partners and finance and develop the Future South Building. The Applicant has examined programs for the Future South Buildings that are primarily office uses on the upper stories as well as programs that convert the use to multifamily residential on the upper stories. The Applicant has funded a wide variety of expenditures to analyze both programs, prepare a realistic construction plan that would allow for The Market to stay open during construction, find development partners, and facilitate the implementation of the Future South Building. A list of work and costs funded by the Applicant totaling approximately \$2,413,000 as described in the attached Declaration.
 - Office Market Challenges The growing office vacancy rate of approximately 15 percent in the existing DC office market has frustrated the ability to obtain office financing, especially speculative office financing, at the Property. While the Applicant believes that there is a unique, non-traditional office market opportunity in the Union Market District, to date, the Applicant has not found an office developer partner willing to undertake an office program in the Future South Building. The ongoing pandemic and attendant adverse economic conditions have compounded an already-difficult environment for new office product development. Given the existing conditions related to the pandemic and the uncertainty in the period that will follow, for the foreseeable future the Applicant cannot currently proceed with an office development of the Future South Building.

- <u>Upper-Story Multifamily Residential Program</u> As an alternative to an office program, the Applicant has also explored a multifamily residential upper-story program. The Applicant's analysis of an upper-story residential program led to the conclusion that the underground garage below the North Building needs to be constructed as part of the Order's first phase as is the case with the now-approved second-stage PUD for the North Building. The Applicant is committing to move forward with either residential or office use to the extent one of those two uses increases the likelihood of delivering on this Consolidated PUD.
- Solicitation of Office and/or Residential Development Partners ("Development Partners") Since the issuance of the Order originally approving the Consolidated PUD, the Applicant has engaged in a process to solicit experienced, proven mixed use Development Partners to implement the unique complexities of the Future South Building. The Applicant has interviewed, reviewed, and signed various forms of joint venture agreements non-binding agreements with several different Development Partners for the development of the Future South Building with different combinations of either office, residential or both uses. Each such Development Partner spent a great deal of time and money to review and design their respective elements of the Future South Building. To date, none of the agreements has moved beyond due diligence. The recent economic conditions resulting from the ongoing pandemic have paused discussions regarding development opportunities.
- 2. <u>Construction Challenges</u>: The Applicant requires an extension to the Order in part because the theater and upper floor office/residential components of the Future South Building specifically have made the implementation of the Future South Building challenging due to conditions beyond the Applicant's reasonable control. Additionally, the protracted high cost of construction and steel costs, have made the current economics of this project infeasible. Despite these challenges, the Applicant has taken diligent, good faith efforts to overcome construction cost obstacles:
 - <u>Investigation of Construction Costs</u> The Applicant has worked with several general contractors and construction companies to obtain construction pricing for the construction of the Future South Building. Such exercises have included studying multiple structural and material options that would allow for the construction of the Future South Building above the existing (and continuously operational) Union Market building. Such studies have resulted in the conclusion that construction costs have disallowed construction of the Future South Building due to significant inflation in overall construction pricing (both materials and personnel) and geopolitical factors such as international tariffs affecting the steel and other commodities needed to build over The Market building.
- 3. <u>Sequencing New Construction in Union Market</u>: A third obstacle to construction of the Future South Building is the need to sequence construction of the Consolidated PUD in a manner compatible with the planned development on adjacent lots and elsewhere in the Union Market District. The Applicant and its affiliates and partners

and other developers are pursuing several projects in the Union Market District. For instance, the Future North Building was recently approved for the site immediately to the north of the Property and is expected to begin construction in the near future. Likewise, the Applicant understands that JBGSmith is advancing plans to construct the building approved for the site immediately to the south of the Property. The Applicant strongly suspects that the existing small businesses in the Union Market, already under tremendous strain in light of the protracted adverse conditions resulting from the pandemic and related public health restrictions, would experience additional significant stress if construction of the Future South Building were to commence while the two immediately-adjacent lots are also under construction. One of the Applicant's highest priorities in developing the Future South Building is preserving the successful small business ecosystem that exists within the Union Market District. The Market's vibrant, community-oriented retail and unique event space has raised the profile of and become the centerpiece of the entire Union Market District. This establishment of a diverse, entrepreneurial, and community-oriented retail base has become nearly synonymous with the entire neighborhood and supports future phases of redevelopment. The Market attracts a variety of residents and additional patrons to the Union Market District. As a result, the Applicant believes that it is necessary to carefully sequence the construction of the Future South Building to continue the momentum and catalytic effect of the Union Market during construction of the nearby sites. Doing so will help further grow the Union Market District and extend its positive effect all over ANCD 5D and Ward 5.

E. The Applicant Has Taken Numerous Steps to Deliver the Public Benefits under the Order and to Create a Vibrant Condition on the Property, and the Commission Should Consider Such Steps as Additional Good Cause for Extending the Conditional PUD

As summarized above, the Applicant has delivered or is in the process of delivering nearly all of the public benefits required under the Order (including the creation of the Union Market Streetscape Design Guidelines in partnership with OP, DDOT, Gallaudet University, and other stakeholders, organizing multiple community-based events and programming every year, and delivering some of the public space improvements and affordable housing benefits ahead with the Future North Building PUD) and has been nearly continuously taking steps to improve the public experience at the Property in furtherance of the planning and public policy goals for the Union Market District. In this instance the Applicant believes that such facts are helpful to demonstrate how deeply invested the Applicant is in the success of the Union Market District and in maintaining a mutually-reinforcing healthy economic catalyst and dynamic public spaces. All of these considerations supplement the consideration of the Applicant's "good cause" criteria to be further in accordance with Section 705.2(c).

1. <u>Public Benefits</u>: As noted above, and detained on <u>Exhibit E</u>, the Applicant has delivered or completed nearly all of the public benefits in the Order with respect to the Future South Building even though most of those benefits were not required to be delivered until construction of the Future South Building commenced or was completed. The Applicant has advanced delivery of the public benefits as a show of

good faith and because it believes that delivering those benefits is in the long-term best interests of the community and the Union Market District as a whole.

- 2. <u>Interim Conditions</u>: The Applicant has created an interim condition on the top story of the Existing South Building that transforms that story from an unused and forgotten area to an outdoor space for recreation and food and beverage uses for residents of the Union Market District, ANC 5D, and beyond. These improvements were before the Commission in 2019 and approved in Z.C. Order No. 14-12C. The Union Market District is lacking in meaningful outdoor gathering spaces, and the Existing South Building's top story is one of the few places within this area to introduce such a use. Outdoor spaces were already at a premium pre-COVID, but the distancing and ventilation protocols necessitated by the pandemic make the outdoor interim conditions even more valuable in the current climate where small groups can gather outside and where food vendors are resorting to serving food primarily outdoors.²
- 3. North Building Second-Stage PUD: In January 2020, the Commission approved plans and an updated public benefits package for the Future North Building. The Applicant's affiliate and partner anticipate moving forward with construction of that building in the near term. As part of this approval, the Applicant's affiliate and partner are constructing the Future North Building and the plaza between the Existing South Building and the Future North Building, which plaza will be built-out as a space for pedestrians and community programming and the LEED-level of the Future North Building was enhanced. The garage approved as part of that PUD to be constructed under the Future North Building will serve the patrons of Union Market vendors and will replace the existing surface parking lot immediately south of the Existing South Building as that surface parking lot itself transitions to a development site as part of the JBGSmith-Gallaudet development effort.

The Applicant's delivery of the approved public benefits, the construction of a public-serving interim condition on the Property, and the advancement of the Future North Building all show that the Applicant is committed to the near term and long term viability and health of the Union Market District and has taken actions to mitigate potential adverse effects of the Property being without the Future South Building for potentially an additional two years.

IV. SUMMARY

In light of the conditions beyond the Applicant's reasonable control as described above, financing, designing, and developing the Future South Building as originally proposed has not been possible, especially in light of the current pandemic and associated social and economic

² In addition to the forthcoming interim improvements, in the summer of 2019 the Applicant installed a temporary grandstand for the Washington Kastles professional tennis team. The two-week summer tournament was a proof of concept for utilizing the top level of the Existing South Building for outdoor recreation and food and beverage uses.

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conditions. If the approval granted by the Order lapses without extension, the Applicant's current efforts to implement the South Building will further hamper the ability to move forward. Therefore, this extension request satisfies Sections 101.9 and 705.2(c)(1) and (3) for an extension of the Order. If desired by the Zoning Commission, the Applicant is willing to provide further information regarding its satisfaction of the relevant standards.

V. CONCLUSION

For the foregoing reasons, the Applicant has satisfied the requirements for the Zoning Commission to grant the requested two (2) year extension of the Consolidated PUD approval contained in the Order.

Thank you for your attention to this application.

Respectfully submitted,	
Jeffrey C. Utz	
/s/ David A. Lewis	

Certificate of Service

I certify that on or before November 9, 2020, I delivered a copy of the foregoing document via e-mail or first-class mail to the addresses listed below.

/s/ David A. Lewis

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