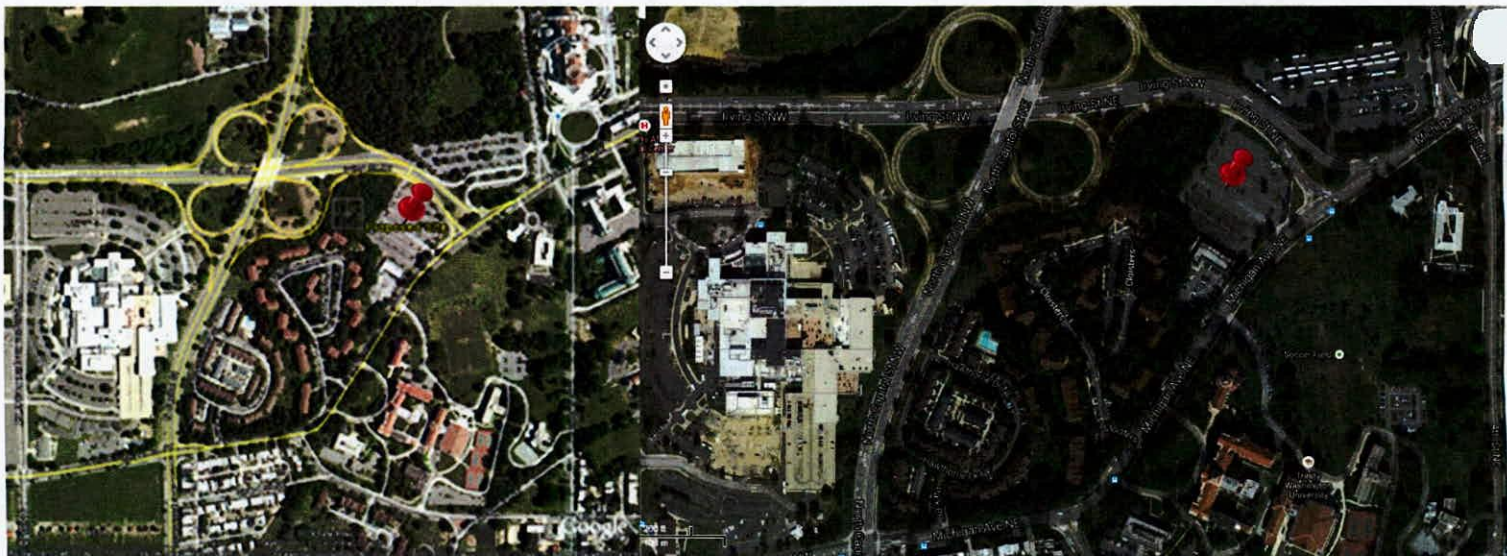


MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JS* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: July 17, 2015
SUBJECT: Extension Request – PUD 08-33D (Conference Center Associates I, LLC)

Applicant	Conference Center Associates I, LLC
Address	Corner of Irving Street and Michigan Avenue, NE
Ward / ANC	Ward 5, ANC 5A
Project Summary	ZC Order 08-33 includes approval of a: <ul style="list-style-type: none"> • Related map amendment from an unzoned district to the C-3-A district to accommodate the construction of a 314-room hotel, conference center, restaurant, retail space and a 4-story, 200-space parking structure along the Michigan Avenue street frontage; and a • First Stage PUD including two, nine-story buildings (94.5ft.) dedicated to either additional hotel and/or residential units and may include more space for conference center uses. A below grade parking structure for 295spaces is also proposed.
Order Effective Date	Consolidated PUD, approved December 25, 2009, effective until December 25, 2013. The First Stage PUD approval was effective until December 24, 2014.
Previous Extension	Two. ZC 08-33A (Consolidated PUD); ZC 08-33B – both Consolidated and First Stage approved for two years until December 25, 2015.
Order Expiration Date	Expiration December 25, 2015

PHOTOS OF SITE



Original photo ZC 08-33 (2008)

Recent Photo

EVALUATION OF THE EXTENSION REQUEST

Section 2408.10 allows for the extension of a PUD for “good case” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Zoning Commission determines that 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 request submitted to the Zoning Commission is dated June 29, 2015 and has been in the public record since filing.

- (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.**

Zoning Regulations:

Since the PUD application was approved, the Green Area Ratio (GAR) requirement became effective on 07/12/2013. The Zoning Regulations have been amended and the Commission took proposed action, with final action anticipated during Fall 2015.

While the approved application predates the GAR requirement, the concurrent filing of a requested modification of the approved PUD (08-33C) should include how the GAR requirement would be satisfied for the PUD site. Notwithstanding, the modification request remains consistent with the approved flexibility, including the roof structure setback (§ 411), side yard (§ 775.5), loading (§ 2201.1), multiple buildings on a record lot (§ 2517) and a height increase of up to 5% over the PUD guidelines for the C-3-A District to allow the approved 94.5 feet in height.

Comprehensive Plan:

No **substantial** changes to the Comprehensive Plan have been made that would impact the material facts upon which the Zoning Commission based its original approval of this PUD.

Surrounding Development:

Since the PUD’s approval, the Monroe Street development at the Brookland Metro was designed and constructed after the subject application’s original approval. In addition, a PUD application for the mixed-use development of the McMillan Water Treatment Facility, half mile southwest of the subject site was also approved.

- (c) The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in § 2408.11.**

Section 2408.11 sets out the conditions of good cause as:

- (a) 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;
- (b) 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; or
- (c) 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 cites other factors beyond the applicant's reasonable control has delayed the submission of building permit plans. Amendments to the approved PUD would require the Zoning Commission's approval which would not allow the applicant sufficient time to submit plans for permit review. The amendments made by the design team are based on changes to the site's hotel brand. The applicant has filed a concurrent modification request with the Zoning Commission, which would be heard during Fall 2015. Therefore, it would be unlikely that the deadline of December 25, 2015 would be met.

OP does not oppose the extension request until July 31, 2016.