

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: January 4, 2013
SUBJECT: Extension Request – PUD Case 10-03A

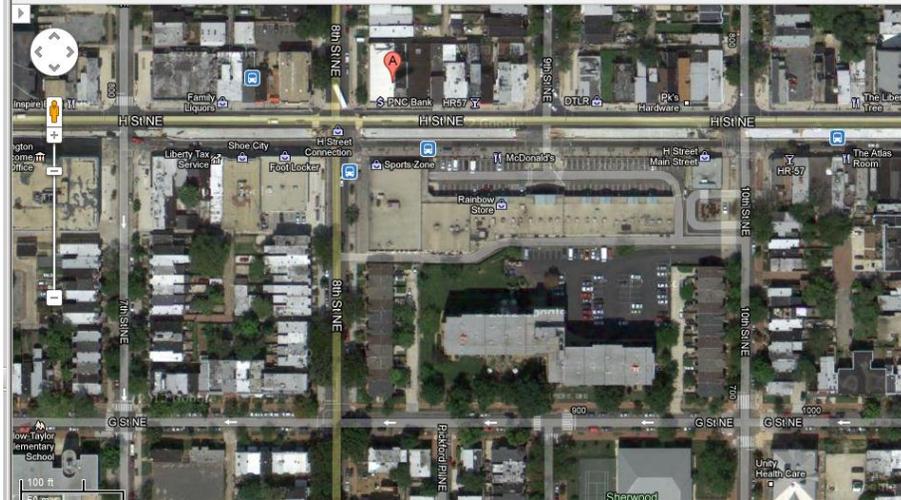
Applicant	Parcel Seven Associates, LLC
Address	South side of H Street NE between 8 th and 10 th Street NE
Ward / ANC	Ward 6, ANC 6A
Project Summary	<i>The proposal includes a mixed-use development of ground floor retail uses with approximately 284 residential units in 8 stories (90 feet maximum). The density would be at 5.0 FAR. Four hundred and five off street space would be located below grade which would be shared between residential and commercial uses.</i>
Order Effective Date	January 14, 2011
Previous Extension	None
Order Expiration Date	January 14, 2013

PHOTOS OF SITE



Zoning Map

Aerial Photo 2009



Aerial Photo 2012

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 application submitted to the Zoning Commission is dated December 4, 2012 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

No changes to the Zoning Regulations have taken place that would impact the PUD’s original approval.

Comprehensive Plan

There are no any significant changes in the current Comp Plan that would impact the material facts upon which the Zoning Commission based its original approval of the planned unit development.

Surrounding Development

*The H Street corridor has continued to change since the PUD was approved. However, recent development of vacant parcels and redevelopment of some sites have not substantially changed the nature of surrounding development and only enhances the corridor’s character, as similarly proposed by this PUD. Therefore there has been no **substantial** change to the nature of surrounding development that would impact the material facts upon which the Zoning Commission based its original approval.*

- (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 provided a notarized document citing an inability to secure the required financing for the approved PUD development, even after significant investment in the amount of \$890,000 to secure PUD approval. The cost of borrowing has increased while the sources of loan funding for major land development in emerging neighborhoods have declined. A number of lenders have been unwilling to form joint venture partnerships with the developer at this time. Therefore, in light of this financial hurdle, the applicant has shown good cause for the requested two-year extension.

OP supports the request to the Commission for a two- year extension, to expire on January 14, 2015.

JS/KT
Karen Thomas: Case Manager: