

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** December 15, 2015  
**SUBJECT:** Extension Request – PUD Case 10-03B

Applicant	Parcel Seven Associates, LLC
Address	South side of H Street NE between 8 <sup>th</sup> and 10 <sup>th</sup> Street NE
Ward / ANC	Ward 6, ANC 6A
Project Summary	The proposal includes a mixed-use development of ground floor retail uses with approximately 384 residential units (+/-10%) in 8 stories (90 feet maximum). The project’s density would be 5.0 FAR and 405 off-street parking spaces would be provided in a below-grade garage to serve residential and commercial uses.
Order Effective Date	January 14, 2011
Previous Extension	ZC 10-03A, January 14, 2013
Order Expiration Date	January 14, 2016

**PHOTOS OF SITE**



**Aerial 2012**



**Aerial 2015**

**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 7, 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**

There have been subsequent amendments to the Zoning Regulations. However, those amendments would not have an effect on the flexibility granted by the Commission, including the granted relief from the roof structure setback requirements.

**Comprehensive Plan**

There are no changes to the current Comprehensive 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 has requested time to begin construction due to an unsuccessful lease negotiation of an existing tenant. Therefore the required demolition permits could not be obtained prior to the order expiration date of January 14, 2016. The applicant and the lessee have since reached agreement, to allow for relocation of the tenant by December 31, 2015. In light of this circumstance, obtaining the raze permit would be delayed by several months into 2016. The applicant has documented how the project has moved forward since the original approval, including during 2015. The applicant anticipates that after the raze permits are issued construction should begin no later than January 14, 2017.

The applicant has shown good cause for the requested extension and OP supports the request to the Commission for a one -year extension, to expire on January 14, 2017.