



MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: October 22, 2012
SUBJECT: Extension Request No. 2 – PUD Case 03-12N / 03-13N Capper Carrollsburg
 250 M Street, SE – Office Building in Square 769

RECOMMENDATION

The Office of Planning (OP) recommends the Commission approve the requested two year extension.

Applicant:	Square 769, LLC & District of Columbia Housing Authority
Address:	250 M St., SE (Square 769, Lots 18, 20 and 21)
Ward / ANC	Ward 6, Within ANC 6D
Project Summary:	130' high, 234,182 GSF office building, with first floor retail and 150 garage parking spaces. Part of 33-acre Hope VI project in near-southeast
Order Effective Date:	Original Second Stage Order effective September 26, 2008.
Previous Extension:	One
Order Expiration Date:	September 26, 2012
Requested Extension Period	2 years

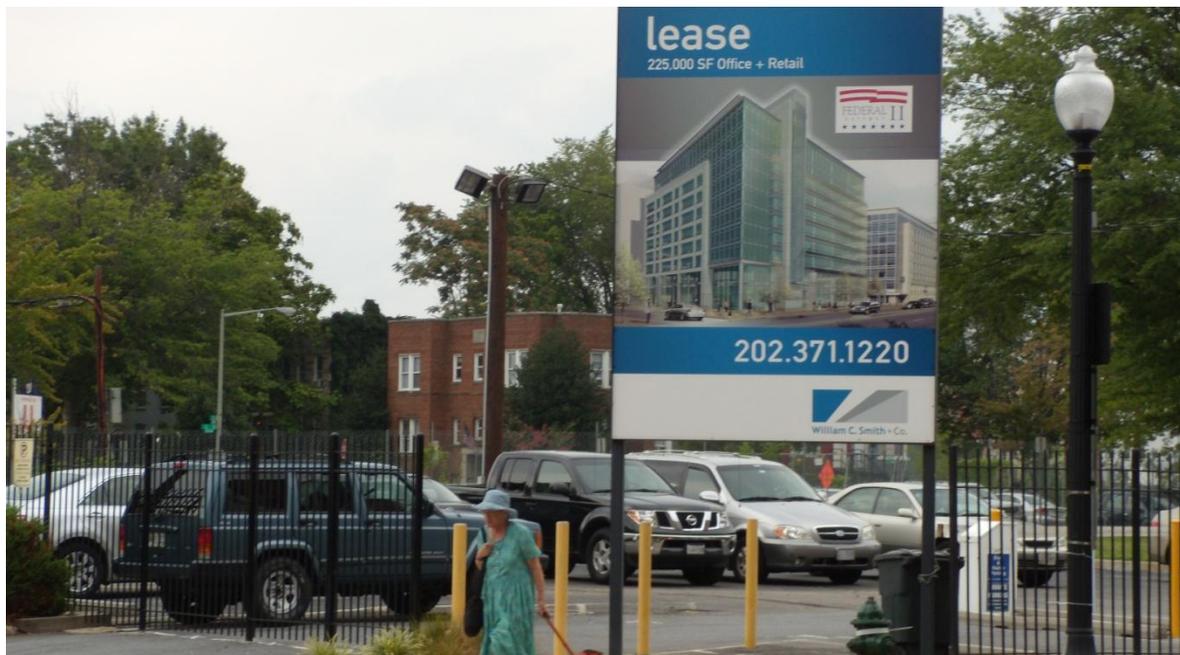


Figure 1. Site of Future 250 M Street, SE office building

EVALUATION OF THE EXTENSION REQUEST

Section 2408.10 allows for the extension of a PUD for “good cause” 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 was submitted to the Zoning Commission on September 24, 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:

There has been no substantial change to the Zoning Regulations that would affect the approved project.

Comprehensive Plan:

There has been no substantial change to the Comprehensive Plan that would affect the approved project.

Surrounding Development:

There has been no substantial change to surrounding development that would undermine the original justification for the approval of the project.

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

The applicant meets the good cause conditions in §§ 2408.11(a) and (b)

§ 2408.11 (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.”

§ 2408.11 (b) “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 application includes a three page summary of the efforts the applicant has undertaken to complete construction drawings, start infrastructure work and market the project. The summary is supported by the property’s marketing materials; a September 13, 2012 letter from Clare J. McCabe, Senior Vice President of William C. Smith + Co.; and a September 17, 2012 letter from Edward Wolynech, Executive Vice President of William C. Smith + Co. that summarizes the pre-leasing efforts and the several promising pre-lease expressions of interest that have not reached conclusion.

Section 2408.11 (b) “ An inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant’s reasonable control;” *is not applicable.*

ANC 6D voted on October 15, 2012 to recommend the approval of the extension request.