

DC. C. 03-30-07-13
177-30-10-3-47

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *HLS/for* Harriet Tregoning, Director
DATE: March 30, 2007

ZONING COMMISSION
District of Columbia

CASE NO. *03-30A*
EXHIBIT NO. *5*

APPLICATION SUMMARY.

The applicant, Square 643 Associates LLC, has filed for a three year extension of Zoning Commission Order No. 03-30 to allow the continued validity of the Planned Unit Development (PUD) on Square 643, Lot 830. The extension would be valid until November 18, 2010.

SUMMARY RECOMMENDATION

The Office of Planning (OP) has reviewed the applicant's request pursuant to 11 DCMR § 2408 and recommends **approval** of the requested three-year extension.

BRIEF PROJECT DESCRIPTION AND HISTORY

By Order Number 03-30, pursuant to the provisions of Chapter 24, 11 DCMR, the Zoning Commission approved the application for a consolidated review of a PUD for the lot at 734 1st Street SW in the Southwest neighborhood and a PUD related map amendment from R-4 to R-5-C.

To the south of the site is the former Randall Junior High School. To the east are play fields associated with the recreation center. The Capital Park apartments and townhouses complex is to the north and west. The general area has a diverse housing stock, mainly constructed as part of the Southwest Urban Renewal Plan of the 1950's – 1970's. The site is 16,643 square feet in area, and currently developed with a historic landmarked church structure.

That approved application includes the construction of a 21 unit condominium building with a height of 50 feet / 5



stories on the north side of the church and 70 feet / 7 stories on the east side; and 25 underground parking stalls accessed from H Street. A paved and landscaped courtyard would be created in front of the structure along the former Delaware Avenue right-of-way. One affordable housing unit would be provided. The main portion of the existing church structure is to be used as office space by a non-profit organization. Total square footage would be 45,322 sq.ft. (2.72 FAR).

Order 03-30 includes conditions related to:

- preservation and reuse for non-profit office use of the historic landmark Old Friendship Baptist Church with public access, with restrictions of the hours of business, number of employees;
- new construction of an L-shaped apartment house addition with 18-27 units, in accordance with the site plan, architectural plans, materials, and landscape plan prepared by Shalom Baranes and Associates. The building is to incorporate specified LEED features.
- provision of one affordable rental dwelling unit of no less than 700 square feet of gross floor area, to be a unit maintained as affordable for twenty (20) years from the date of this Order of occupancy by a household having 70% or less of Area Median Income ("AMI").
- flexibility related to the location and design of interior components of the building, the exterior design, materials and landscaping in accordance with final plans reviewed by the D.C. Historic Preservation Review Board.
- amenity items, including completion of an oral history project regarding the Friendship Baptist Church with a budget of at least five thousand dollars (\$5,000); a First-Source Employment Agreement with the Department of Employment Services and a Memorandum of Understanding with the District of Columbia Office of Local Business Development ("LSDBE") to ensure minority vendor participation.

The Office of Planning supported this application, with the conditions noted. The Department of Housing and Community Development (DHCD) and the District Department of Transportation (DDOT) noted support. The Metropolitan Police Department (MPD) noted concerns related to the potential impact that the proposed nonprofit space would have on parking in the general area.

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 letter submitted to the Zoning Commission is dated February 15, 2007 and has been in the public 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:

The Zoning regulations for this site have not significantly changed in ways that would materially affect this proposal since the original Zoning Commission approval.

The development would include the designation of one affordable unit of about 700 square feet. OP notes that the Inclusionary Zoning (IZ) regulations are not yet in effect, but if they were, this application would not conform to the current requirements. OP notes that, as approved, should the IZ requirements come into effect before the issuance of a building permit for this site, full compliance with IZ requirements will be required. OP will be proposing general amendments to the relevant sections of the Zoning regulations to clarify this issue, such that conditions attached to a PUD Order will supersede any changes to the regulations adopted subsequent to issuance of the Order in question. Otherwise, in this case, the applicant would be required to provide 8% of the density as affordable units (2,826 square feet of affordable unit space, or over 4 times the amount accepted for this PUD), or the applicant would require relief from the IZ regulations from the Board of Zoning Adjustment, or a modification to the PUD prior to approval of a building permit.

Comprehensive Plan:

The Comprehensive Plan Generalized Land Use Map designates the site for “*medium density residential – multiple-unit housing and mid-rise apartment buildings are the predominant uses; may also include low and moderate density housing*”; the proposed development is not inconsistent with this designation.

The pending 2006 Comprehensive Plan Future Land Use map maintains this designation of Medium Density Residential, “*where mid-rise (4-7 stories) apartment buildings are the predominant use*”. The 2006 Comprehensive Plan provides further specific guidance:

Chapter 4, Land Use Element

Policy LU-1.4.1: Infill Development - Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. ^{307.4}

Chapter 5, Housing Element

Policy H-1.1.3: Balanced Growth - Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. ^{503.4}

Chapter 8, Historic Preservation Element

Policy HP-2.4.1: Rehabilitation of Historic Structures - Promote appropriate preservation of historic buildings through an effective design review process. Apply design guidelines without stifling creativity, and strive for an appropriate balance between restoration and adaptation as suitable for the particular historic environment. ^{1011.4}

Policy HP-2.4.2: Adaptation of Historic Properties for Current Use - Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property. 1011.5

Policy HP-2.4.3: Compatible Development - Preserve the important historic features of the District while permitting compatible new infill development. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail. 1011.6

Surrounding Development:

While there are no significant developments completed in the immediate vicinity since approval of the original PUD, the proposal to redevelop the Randall Schools site directly to the south has advanced – the application is currently before the Historic Preservation Review Board, and includes the partial preservation of the school structure; and the construction of an addition to the rear of the school to a height of 90 feet, for 400 – 500 residential units and approximately 100,000 square feet of art school space for the Corcoran. To achieve this program, the applicant will need a PUD-related map amendment from R-4 to C-3A.

An application for a modification to first stage approval, partial second stage approval, and a PUD-related map amendment for the Waterside Mall site, located a few blocks to the south-west of the subject site, has also been received and has been set down for a public hearing (Zoning Commission Case 02-38). That application would result in the redevelopment of the site with up to 1.2 million square feet of residential, an equivalent amount of office space, and ground floor retail space.

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

Section 2401.11 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's "good cause" appears to be primarily based on §2401.11 (c), in that the application states that uncertainty in market conditions in the neighborhood have made it impossible to attract a nonprofit office tenant, and that both the residential and non-profit components are required to move forward in tandem for the project to be economically viable. The major uncertainty in the area is the

development of the much larger Randall School site directly to the south, and OP anticipates that a PUD and PUD-related map amendment will be submitted shortly.

RECOMMENDATION

The applicant is not proposing any changes to the approved project or to the conditions imposed by the Zoning Commission. OP does not believe that any changes to the zoning, the new 2006 Comprehensive Plan, or surrounding development would warrant a re-examination of the Zoning Commission's original approval. As such, the Office of Planning recommends **approval** of the 3 year extension request.

HT/jl