

**MEMORANDUM**

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director of Development Review & Historic Preservation *JS*
DATE: September 23, 2009
SUBJECT: Extension Request – PUD Case 03-30B, 734 First Street SW

Applicant:	Arnold & Porter, for Square 643 Associates LLC, owner
Address:	734 First Street SW, Square 643, Lot 830
Project Summary:	Consolidated PUD and PUD-related map amendment from R-4 to R-5-C, to allow 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 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. The applicant proffered, as project amenities and benefits, the retention and restoration of the historic structure, with 10,000 sq.ft. reserved for non-profit use; and one affordable unit. Total maximum FAR would be 2.66. The project site is currently on the market.
Date of Order Issuance:	November 18, 2005
Previous Extension:	03-30A, approved April 9, 2007
Date of Order Expiration:	September 15, 2009

2005 Photo of Site:



2009 photo of site:

**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:

ZONING COMMISSION
 District of Columbia



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EXHIBIT NO. 5

- (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 July 1, 2009 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:

The Zoning regulations for this site have not changed in ways that would materially affect this proposal since the previous Zoning Commission approval, with the formal adoption of the Inclusionary (affordable) Housing program. As approved, the development would include the designation of one affordable unit of about 700 square feet, affordable to a level of 70% AMI for a period of 20 years. Although IZ would not apply to this approved PUD application, the applicant would otherwise be required to provide 8% of the density as affordable units (assuming concrete construction), or 2, 826 square feet of affordable unit space to an affordability level of 80% AME, in perpetuity. OP notes that this proposal would provide significant alternative benefit, principally the restoration and reuse of this historic structure.

Comprehensive Plan:

The proposal is not inconsistent with the newly adopted 2006 Comprehensive Plan Generalized Future Land Use Map, which maintained the designation for this site for Medium Density Residential, "where mid-rise (4-7 stories) apartment buildings are the predominant use". The site is within the Lower Anacostia Waterfront / Near Southwest Area, but not within a priority planning area.

Surrounding Development:

The Zoning Commission has approved a Planned Unit Development for the redevelopment of the Randall Schools site directly to the south. That PUD was approved on March 21, 2008 (ZC Case 07-13), with minor modifications related to phasing of construction approved September 26, 2008 (07-13A). That PUD included a PUD-related map amendment from R-4 to C-3-A to facilitate the construction of a mixed use building with a density of 4.32 FAR and a maximum height of 110 feet. Portions of the historic school would be preserved, largely to be utilized by a new Corcoran College of Art and Design facility. OP understands that the Corcoran's original development partner has withdrawn from this project, but the Corcoran has not submitted any proposal at this time to amend the approved PUD to facilitate an alternative development program. OP further notes that the Randall School Corcoran PUD was approved after the original approval for the subject site, and after the first extension was approved for the subject site.

In addition, the Waterside Mall redevelopment is currently under construction (ZC Case 02-38); the Commission recently approved a 2 year extension for the residential component of the consolidated portion of the PUD.

- (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.

As stated in the July 1, 2009 submission, the applicant's good cause appears to be based on §2401.11 (a) and possibly (c), in that the application states that uncertainty in market conditions in the neighborhood have made it not possible to attract a nonprofit office tenant; an issue which they say must be resolved prior to initiating the residential components. The July 1, 2009 submission also states that the uncertainty regarding the adjacent Randall School development, has made marketing the site to non-profit tenant and arranging financing difficult. OP has seen no details about this claim in the applicant's submission.

JS/jl