

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF PLANNING



2010-03-11 14:03

Memorandum

TO: District of Columbia Zoning Commission
FROM:  Jennifer Steingasser, Deputy Director
Development Review and Historic Preservation

ZONING COMMISSION
District of Columbia

CASE NO.

06-34A

EXHIBIT NO.

12

DATE: March 6, 2009

SUBJECT: ZC #06-34A -- Extension of Time and Minor Modification to ZC #06-34
1705-1729 East Capitol Street, SE (Square 1096, Lots 51-55)

LAT PYD I (applicant) has petitioned the Zoning Commission for a one year extension of Zoning Commission Order 06-34 that expires on December 14, 2010 and a minor modification to increase the number of units from 134 to 141.

Time Extension

Section 2408.10 authorizes the Zoning Commission to extend the period of an order based on at least one of the three criteria outlined in Section 2408.11.

2408.11 For purposes of § 2408.10(c), an extension of the validity of a PUD may be granted by the Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria:

(a) An inability to obtain sufficient project financing for the PUD, 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;

The applicant has stated that the request for the extension is based on the fact that there has been a downturn in national economic and residential market conditions. In light of market changes and the scale of the proposed development, an evaluation of the project and plans was undertaken with an eye towards providing a marketable, high quality project at an affordable price to potential homebuyers. The evaluation resulted in an increase in the number of units from 133 to 141. The applicant has requested that this increase in the number of units be approved. If the increase is approved, additional time would be needed to revise the plans for submission to obtain building permits.

(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; or

N/A

(c) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the PUD order.

N/A

Time Extension and Minor Modification to ZC Order #06-34

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Modification

Based on the current market conditions and the desire to provide units that are affordable to the current market, the applicant has reevaluated the project and has redesigned the layout. This has resulted in a change in the size of some units and an increase in the number of units from 134 to 141. The unit types will remain 1-bedroom, 2-bedroom units and studios. The proposed changes in the number of units would not change the exterior design, FAR, height, number of affordable units, number of parking spaces or any other conditions approved under Order 06-34.

The submitted plans show an FAR that is greater than approved in ZC Order 06-34. The applicant has stated that this discrepancy was due to an error in calculation and would be revised on new plans to be submitted.

OFFICE OF PLANNING RECOMMENDATION

OP believes that the applicant has provided sufficient justification as required by Section 2408.11 and has demonstrated that the project is stymied by economical external conditions. In response to the new market conditions, the applicant has reevaluated the project and the minor modification requested would make the project feasible. OP therefore recommends approval of the requested one year extension and the increase in the number of units from 134 to 141 subject to the applicant providing plans that reflect the FAR consistent with ZC Order 06-34.

JLS/mbr