

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: January 15, 2016
SUBJECT: Extension Request – PUD 08-33E: First Stage (MIRV Holdings, LLC)

Applicant	Conference Center Associates I, LLC
Address	Corner of Irving Street and Michigan Avenue, NE
Ward / ANC	Ward 5, ANC 5A
Project Summary	ZC Order 08-33 included a consolidated PUD and related map amendment from an unzoned district to the C-3-A district, as well as a First Stage PUD. The consolidated PUD approval would allow the construction of a 314-room hotel, conference center, restaurant, retail space and a 4-story, 200-space parking structure along the Michigan Avenue street frontage. The First Stage PUD approval in concept includes two, nine-story buildings (94.5ft.) dedicated to either additional hotel and/or residential units and may include space for conference center uses. A below grade parking structure for 295spaces is also proposed.
Order Effective Date	ZC 08-33 - Consolidated PUD, effective December 25, 2009 through 2011. First Stage to December 2014. ZC 08-33A - Consolidated PUD extension effective through December 25, 2013. ZC 08-33B- Consolidated and First Stage PUD effective through December 25, 2015. ZC 08-33C, D – Modification of Consolidated PUD, effective through July 31, 2016 for permit filing and construction to start no later than July 31, 2017
Prior Extension	One. ZC 08-33B (First Stage)
Expiration Date	Expiration December 25, 2015

PHOTOS OF SITE



Original photo ZC 08-33 (2008)

Recent Photo (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 request submitted to the Zoning Commission is dated June 29, 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:

A PUD modification was recently approved by the Commission in November 2015 and became effective on December 4, 2015. Since the PUD application was approved, the Zoning Regulations were amended January 14, 2016, but the new regulations will not be effective until September 6, 2016.

Comprehensive Plan:

No **substantial** changes to the Comprehensive Plan have been made that would impact the material facts upon which the Zoning Commission based its original approval of this PUD.

Surrounding Development:

While not directly adjacent to the PUD site, the Monroe Street development at the Brookland Metro was constructed and the PUD application for the mixed-use development of the McMillan Water Treatment Facility, half mile southwest of the subject site was approved.

- (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 cites that a Statement of Non-Disturbance with GSA and the District of Columbia regarding development of the property did not include residential uses. Subsequently, the National Capital Planning Commission concluded that the First Stage PUD approval would be inconsistent with the acceptable uses stipulated in the Statement. The applicant and GSA are now in negotiations to allow for residential uses on the property, including an amendment to or termination of the Statement of Non-Disturbance. Therefore, the deadline of December 25, 2015 was not met. OP does not oppose the extension request until December 25, 2016.