

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: November 27, 2015

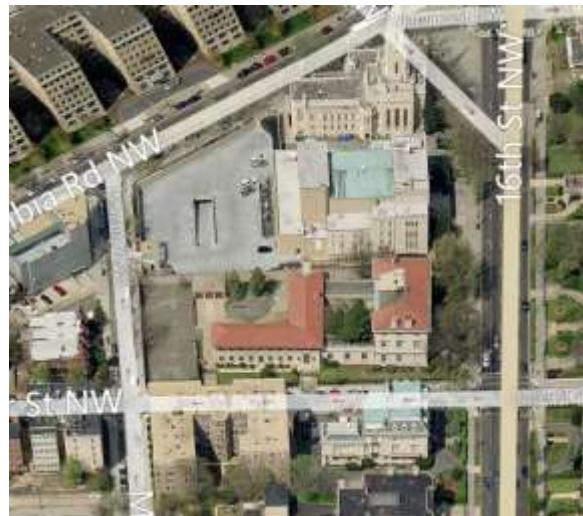
SUBJECT: Extension Request – PUD Case 11-08B 2700 16th Street N.W.

Applicant:	MCREF Embassy, LLC
Address:	2700 16 th Street N.W.
Ward / ANC	Ward1, ANC 1C
Project Summary:	The project includes conversion of the former Italian Embassy to a 110-135 unit residential building. A PUD-related map amendment was approved for the western portion of the site from D/R-5-B to the D/R-5-D District to enable preservation of the historic building. Development would be completed in two phases. Phase I would include 28 units within the historic portion and Phase II would include the addition of 82 or more units to the rear of the property. A 60-90 space below-grade parking area would be below the addition.
Order Effective Date:	March 9, 2012
Previous Extension:	ZC 11-08A, (One-Year extension granted)
Order Expiration Date:	March 9, 2015.

PHOTOS OF SITE:



2011



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 application submitted to the Zoning Commission is dated November 12, 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:

Flexibility granted under the original PUD should not be impacted by the recently approved amendments to the Zoning Regulations under ZC 08-06A.

Comprehensive Plan:

No changes to the Comprehensive Plan have been instituted to date to impact the Zoning Commission’s original decision.

Surrounding Development:

There has been no substantial change to the nature of surrounding development that would impact the material facts upon which the Zoning Commission based its original approval.

- (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 building permit application was timely filed on April 30, 2014, and the property subsequently came under new ownership on June 23, 2015. The new owners are refining the design¹ and construction documents are being coordinated to amend the building permit by early 2016, which would not allow sufficient time for the start of construction within 6 months of the permit issuance. Based on these factors, OP supports the requested time extension for one year, as requested to allow continued processing of the required permits prior to construction.

¹ Should the design refinements being investigated be substantive, the applicant would have to return to the Zoning Commission to modify the approved PUD plans. JS/kt