

Memorandum

TO: District of Columbia Zoning Commission

FROM: Karen Thomas, Development Review Specialist

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

DATE: April 8, 2025

SUBJECT: ZC 13-05F- Extension Request for ZC 13-05E, (1402 1st St. SE) FC Ballpark

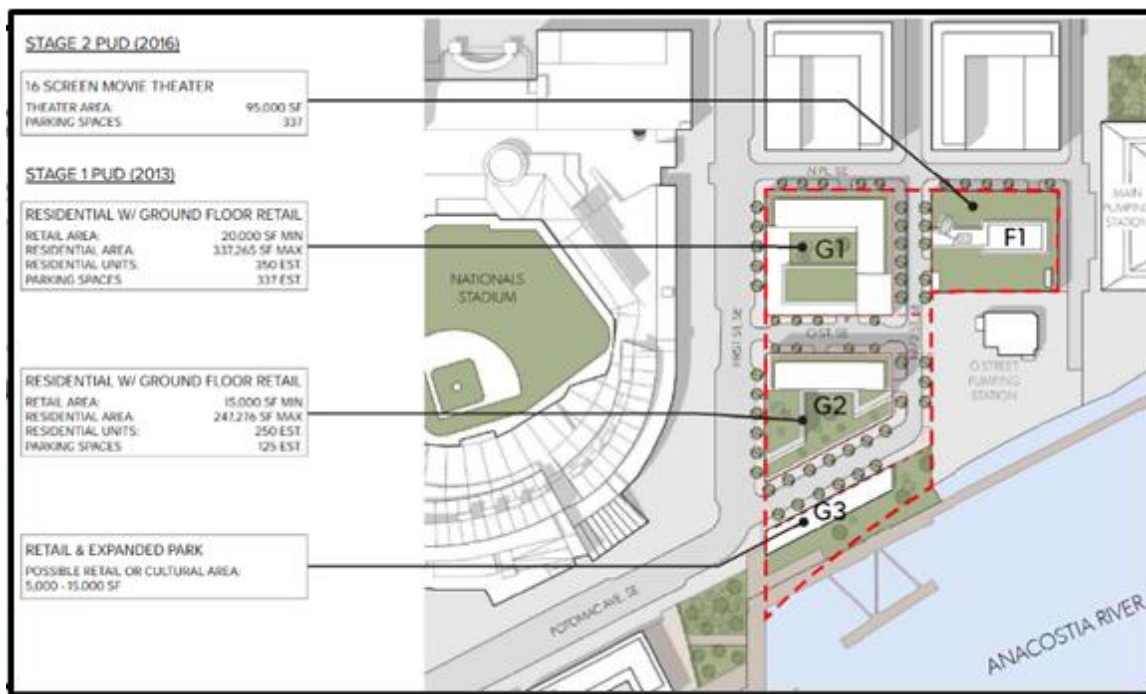
I. RECOMMENDATION

The Office of Planning (“OP”) recommends **approval** of the requested two-year extension to ZC 13-05E. This is the first extension request from the time limit of ZC Case 13-05E.

Address:	1402 1st St. SE
Applicant:	FC Ballpark LLC
Legal Description:	Square 0744S, Lots 807-813; Square 744SS, Lots 805, 808, & 809
Ward/ANC	Ward 8 / ANC 8F
Zoning	PUD Zone – CG-4 and CG-6
Comprehensive Plan Maps	Future Land Use Map –Mixed medium density residential and medium density commercial use, and open space along the riverfront. Policy Map –Neighborhood Enhancement Area (NEA) and Resiliency Focus Area, which consists of areas “with substantial amounts of vacant and underutilized land.
Project Summary:	The Project shall consist of the following: a. The G1 Parcel shall be developed with a mixed-use building with approximately 433 multifamily residential units and approximately 23,200 square feet of ground-floor commercial use and having a height of 130 feet and FAR of 8.1 (“G1 Building”); b. The G2 Parcel shall be developed with a mixed-use building with approximately 248 multifamily residential units and approximately 24,750 square feet of ground-floor commercial use and having a height of 130 feet and FAR of 7.5 (“G2 Building” and, together with the G1 Building, the “Buildings”); c. The G3 Parcel shall be developed with a park consisting of approximately 33,000 square feet of landscaped and hardscaped park space (“Park”); and d. The Street Parcels shall be developed with a privately-owned street network.
Order Date:	ZC Order 13-05, First Stage PUD for Parcels G1, G2 and G3 effective February 7, 2014 and valid until February 7, 2026; and Consolidated PUD for Parcel F1, valid to February 14, 2016.

Previous Extensions:	<p>13-05A (2016) – two year extension of 13-05, to February 7, 2018</p> <p>13-05C (2018) – one year extension of 13-05, to February 7, 2019</p> <p>13-05D (2019) – two year extension of 13-05, to February 7, 2021.</p> <p>Administrative Time Extensions were granted by the ZC due to COVID Pandemic (2020-2022) – extensions valid to February 7, 2023</p> <p>13-05E (2022) – Modification of Significance of the first-stage approval, including rephasing the Parcels. Second-stage approval for the development of the G1, G2, and G3 Parcels, with the G1 Parcel residential/retail building approved as the first phase of the PUD, for which a building permit application must be filed by March 31, 2025.</p>
Request:	Two-year time extension for 13-05E to March 31, 2027 for the G1 Parcel, the first phase of the second-stage PUD

Figure 1. Site Location



II. BACKGROUND

The G1 and G2 Parcels would be developed under the CG-4 zone, and the G3 Parcel developed pursuant to the CG-6 zone. The zoning history of the parcel is documented in OP's report of [ZC 13-05E \(Exhibit 11 pages 2-3\)](#). Although previous extensions have been granted for the PUD, this is the first extension request for the Second Stage approval for Parcel G1.

III. EXTENSION REQUEST EVALUATION

Subtitle Z, § 705.2

The extension of a PUD is allowed for "good cause" 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 was appropriately served to ANC 8F as the only party to the Application.

- (b) There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the application that would undermine the Commission's justification for approving the original application;*

Comprehensive Plan

Although the Comprehensive Plan has been amended since the original approval in 2014, the previous Modification with Hearing (13-05E) was after the adoption of the current Comprehensive Plan. This included the establishment of a Resilience Focus Area over the waterfront area, including this site. This would be an issue that would be fully addressed by DOEE through the permitting process for any waterfront development. As such, there have been no substantial changes to the Comprehensive Plan since the project's approval to affect the material facts upon which the project was approved.

Zoning Regulations

Under Subtitle Z, § 705.5, no more than two extensions may be requested for a PUD. Notwithstanding prior extensions on the original PUD, the PUD was modified in 13-05E, and this application is requesting a two-year extension of the order granting **second-stage consolidated PUD approval for the G1 Parcel** only. Therefore, this is a first extension of that Order, and a waiver was not requested.

Surrounding Development

There have been new developments near the site since the project was approved. This new development was anticipated at the time of the PUD's approval and does not affect the material facts upon which the project was approved.

- (c) The applicant demonstrates with substantial evidence one (1) or more of the following criteria:*

- (1) 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;*

The Applicant's statement details the good faith efforts including:

- On-going pursuit of financing the project, for its infrastructure and affordable housing; and
- On-going design of the G-2 Parcel and exploration of alternatives for the F-1 Parcel.

Further efforts on design stalled to focus on negotiations with the District on financing build-out of the street grid and park extension of Parcel G3. Accordingly, The Applicant, OCFO, and DMPED are currently negotiating the term sheet, which will ultimately require approval by the D.C. Council.

- (2) An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control;*

The Applicant, in collaboration with the District is currently working to obtain D.C. Council approval for a financing mechanism for the private street buildout of the project.

IV. OTHER DISTRICT AGENCY COMMENTS

There were no comments from other District agencies in the record at the time of the filing of this report.

V. ANC COMMENTS

As of the date of this report, comments from ANC 8F had not been filed to the record.

VI. COMMUNITY COMMENTS

No community comments were submitted to the record as of the date of the filing of this report.