

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** May 25, 2017  
**SUBJECT:** OP Report, ZC 14-02A - PUD Extension of Time Request

Address:	Barry Farm and Wade Road Apartments: The area generally between Suitland Parkway and the new Barry Farm Recreational Center to the north; Wade Road, SE to the east; St. Elizabeths East Campus to the south, and the Firth Sterling Avenue, SE to the west.
Applicant:	The District of Columbia Housing Authority (DCHA), A&R Development Corporation, and Preservation of Affordable Housing, Inc. (POAH)
Legal Description:	Square 5862, Lots 137-143; Square 5865, Lots 243, 249, 254, 259, 260-280, 893, 963-978, and 992; Square 5866, Lots 130, 133-136, 141-144, 147-150, 152, 831-835; and Square 5867, Lots 143, 172-174, 890-891, and 898.
Ward/ANC	Ward 8, ANC-8C
Project Summary:	Redevelopment of the 25.4 acres parcel with a mixed income residential development with approximately 1,400 residential units consisting of apartments, rowhouses, rowhouses with accessory units, and flats for families of varying income levels and varying sizes. The development would also include 55,500 square feet of retail and service uses and approximately 188,155 square feet of open space. There would be 344 replacement units for families at up to 30% of AMI. 280 affordable rental and homeownership units would be provided with the rental units been for families at up to 60% of AMI and the homeownership units for families at up to 80% of AMI. The development would retain the existing streets with the introduction of new approximately east-west and north-south streets to create a nearly grid pattern with smaller blocks.
Order Effective Date:	May 29, 2015
Previous Extension:	None
Order Expiration Date:	May 29, 2017 (for Phase I, at least four parcels)

**PHOTOS OF SITE:**



**Photo of Site in 2014**



**Photo of Site in 2017**

**EVALUATION OF THE EXTENSION REQUEST**

ZC Order 14-02, Condition E, **Miscellaneous** states:

1. Pursuant to § 2407.10 of the Zoning Regulations, the Commission is specifying a longer period of approval than the presumptive one-year period. Specifically, this first-stage approval shall be valid for a period of 10 years after the effective date of this Order, subject to the Applicant meeting each of the following milestones:
  - a. A second-stage application shall be filed for at least four parcels (Phase I of development) within two years of the effective date of this Order;

Subtitle Z § 705.2 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 and documenting the following:

- (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 April 24, 2017 and has been in the public record since filing. As shown on the Proof of Service (Exhibit 1) provided by the applicant, ANC 8C and the Barry Farms Tenants and Allies Association (party in opposition) has been served.

- (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 PUD; and**

**Zoning Regulations:**

New Zoning Regulations came into effect on September 6, 2016. However, as the PUD was approved under the former ZR-58 regulation, they would apply to this PUD.

**Comprehensive Plan:**

There has been no change to the Comprehensive Plan since approval of the PUD.

**Surrounding Development:**

There have been no recorded changes on the subject property or its immediate surroundings that would impact the Commission's decision.

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

1. *An inability to obtain sufficient project financing for the 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;*
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; or*
3. *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 order.*

The applicant states that the extension request is necessary as subsequent to the Zoning Commission's approval of Case 14-02, the party in opposition, Barry Farms Tenants and Allies Association, filed an appeal with the D.C. Court of Appeals regarding the proposed development. The applicant provided a copy of a court docket (Exhibit 1C) to demonstrate that the Court has not yet issued a decision. As a result of the appeal, the applicant cannot proceed with the Phase 1 Second Stage PUD. The applicant states that a decision is anticipated prior to May 29, 2019.

In consideration of the evidence presented, OP recommends **approval** of the requested two-year PUD time extension for ZC Order #14-02A for Phase 1 from May 29, 2017 to May 29, 2019.