

MEMORANDUM

TO: District of Columbia Zoning Commission

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

DATE: November 9, 2018

SUBJECT: **ZC Case 14-19A** - Office of Planning Report on a Request for a Time Extension for Consolidated Planned Unit Development 14-19 at 300 M Street, NE [Square 772, Lots 803 and 804 (formerly Lots 1,2,6,7,19,801 & 802)]

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission **approve**, pursuant to Subtitle Z, § 705, the request to extend from November 20, 2018 to November 20, 2020 the time by which construction of the approved PUD is required to begin.

II. APPLICATION-IN-BRIEF

| | |
|-----------------------------------|--|
| Location and Legal Address | 300 M Street, NE (Square 772, Lots 803 & 804), in the southern half Square 772, which is bounded by M, N, 3 rd & 4 th Streets, NE. |
| Ward, ANC | Ward 6, ANC 6C |
| Applicant | M Street Development Group, LLC |
| Approved Project | 418,798 SF, 6.21 FAR building with 416 residential units (34 IZ at 80% MFI) and 12,900 SF of retail. Will vary from 50 to 110-foot high. |
| Effective Date | November 20, 2015 |
| Expiration | Valid for two years from effective date, by which time a building permit application must be filed (done); and construction must start by November 20, 2018 (extension requested). |
| Prior Extension | None |
| Request | The applicant has requested a two-year extension of the construction start date. |
| Base Zone | PDR-1, Industrial / Commercial (C-M-1 when PUD approved) |
| PUD Zone | MU-9, High-Density Mixed Use (C-3-C when PUD approved) |


| | |
|---|--|
| <p>Neighborhood Context</p> | <p>The L-shaped 67,446 square foot site is two blocks east of the NoMA/Gallaudet Metro station, south of the Florida Avenue/Union Market and west of the primarily rowhouse neighborhood between Florida Avenue and H Street, NE. The Uline Arena is diagonally across the intersection of 3rd and M Streets, NE.</p> |
| <p>Comprehensive Plan Map Designations</p> | <p><u>Future Land Use Map</u>: Striped for medium density residential and commercial uses, and PDR uses. <u>Generalized Policy Map</u>: Land Use Change Area</p> |
| <p>Existing Conditions</p> | <p>The site was, at the time of PUD approval, and is now used as a parking lot.</p>  |

Figure 1. Existing Conditions

III. SITE LOCATION



Figure 2. Site Location

IV. EVALUATION OF THE EXTENSION REQUEST

Subtitle Z, § 705.1

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 application submitted to the Zoning Commission is dated October 9, 2018 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:

The PUD was approved under the 1958 zoning regulations. The extension request is being reviewed under the 2016 Zoning Regulations. The criteria under which an extension request is reviewed are the same under both sets of regulations.

Comprehensive Plan:

There has been no substantial change to the Comprehensive Plan since the project’s approval that would affect the material facts upon which the project was approved. No new plans have been adopted affecting the subject property since the original approval of the PUD.

Surrounding Development:

While there have been buildings renovated or newly constructed within a block of the PUD site, this was anticipated at the time of the PUDs approval and does not substantially change any of the facts justifying the original PUD approval.

- (c) The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in Subtitle Y, § 705.2 (c)**

One or more of the following criteria must be met:

- (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 has demonstrated that despite the applicant’s best efforts, delays due to environmental remediation negotiations with the former owner of a portion of the site led to significant construction price increases and the need for renegotiation of financing arrangements.

- (2) *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;*

The applicant has demonstrated that the remediation negotiations and subsequent revisions to remediation techniques delayed consideration by District agencies.

- (3) *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 has demonstrated that while plan revisions were made in time to complete construction drawings and file for a building permit within two years of the effective date of the PUD Order, it has not been possible to secure all environmentally-related reviews and sign-offs from District agencies in time to begin construction by the November 20, 2018 date required by the PUD Order.

The applicant has complied with the time extension request requirements of Subtitle Z, §§ 705.6. This is the applicant's first extension request.

Jls/slc
Stephen Cochran, project manager