

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 449 *
Case No. 82-15/81-15M
January 14, 1985

On March 11, 1982, by Z.C. Order No. 369, the District of Columbia Zoning Commission granted consolidated approval of an application from the Kalian N.V. for a Planned Unit Development (PUD) and related map amendment from HR/SP-2 to HR/C-3-C for various lots in Square 517. The PUD site is bounded by Fifth and I Streets, a public alley, and Massachusetts Avenue, N.W., and comprises approximately 44,827 square feet of land area. The applicant proposed to construct a hotel/office building development. Z.C. Order No. 369 approved the PUD subject to certain development conditions, guidelines, and standards.

Condition No. 14 of Z.C. Order No. 369 required that the project be constructed in one phase and that the building permit for the hotel component be issued and construction thereof begun before the issuance of a certificate of occupancy for the office component.

Condition No. 17 of Z.C. Order No. 369 provided that the PUI would be a valid for a period of two years, or until March 26, 1984. It also required that a building permit be applied for no later than that date and that construction begin no later than three years from the effective date, or March 26, 1985.

On May 16, 1983, by Z.C. Order No. 399, the Zoning Commission approved a modification to Conditions No. 14 and 17 of Z.C. Order No. 369 which permitted the applicant an option to construct the project in one or two phases, and added new Conditions No. 18-22.

As set forth in Z.C. Order No. 399, the approved modifications to Conditions No. 14 also included the following:

1. If a one-phase development is undertaken, a building permit for the hotel component must be issued and construction of the hotel begun before the issuance of a certificate of occupancy for the office component. Completion of the hotel is required within six months

of issuance of the certificate of occupancy for the office component.

2. If a two-phase development is undertaken, the building permit for the hotel component may be issued prior to the issuance of a building permit for the office component, and the certificate of occupancy for the hotel component may be issued prior to the issuance of the certificate of occupancy for the office component. The application for the building permit for the office component must be filed no later than March 27, 1987 and construction of the office component begun no later than March 27, 1988.

Also, as set forth in Z.C. Order No. 399, the approved modification to Condition No, 17 provides for the following:

The building permit for the hotel component be filed no later than March 26, 1984 and that construction thereof begin no later than March 26, 1985.

The applicant, by letter from counsel dated December 17, 1984, requested a three-year extension of time, from March 26, 1985 to March 26, 1988, to begin construction on the hotel component of the project. The applicant indicated that the reason for the requested extension was that one of the original joint-venture partners and the proposed hotel operator was no longer affiliated with the project, The applicant also indicated that the project architect, a sole practitioner, died within the previous month and that the succeeding architect needed a postponement of the construction of the hotel.

Advisory Neighborhood Commission - 2C did not file a written report to express its concerns,

The Corinthian Baptist Church, party in the original proceeding, did not file a statement, nor did any other person.

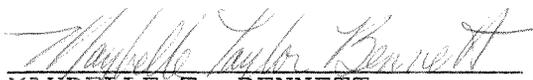
The Commission believes that it is not unreasonable to provide an extension of time to begin construction of the hotel component under the circumstances. However, the Commission is not persuaded that a three-year extension is justified. The Commission believes that eighteen months would be a sufficient and appropriate time to allow the project to go forward.

The Commission further believes that an extension of time to construct the hotel would be in the best interest of the District of Columbia, and consistent with the goals of policies objectives of the city and the purposes of the Zoning Act (Act of June 20, 1938, 52 Stat, 797).

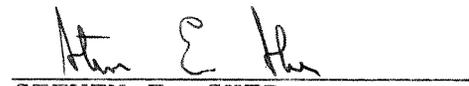
For the foregoing reasons, It is therefore hereby ordered that Condition No, 17 of Zoning Commission Orders No. 369 and 399 be amended to provide that construction shall start on the project within four and one-half years of the effective date of Order No, 369, namely no Later than September 26, 1986.

Vote of the Zoning Commission taken at the public meeting held on January 14, 1985: 4-0 (Patricia N. Mathews, John G. Parsons, George M. White, and Maybelle T. Bennett, to extend - Lindsley Williams, not present not voting) .

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective upon publication in the D.C. Register, specifically on 22 MAR 1985 .



MAYBELLE T. BENNETT
Chairperson
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

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