

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 513-T

Case No. **85-3C**

(PUD & Map Amendment @ 1215 I Street, N.W. - Akridge)

February 8, 1993

On January 12, 1987, by Z.C. Order No. 513, the Zoning Commission for the District of Columbia granted approval to an application from 1215 I Street, N.W. Associates Limited Partnership for consolidated review and approval of a planned unit development and related map amendment, subject to certain conditions, guidelines and standards.

The PUD approval was for a mixed use office/retail building for Lot 48 in Square 285 and related change of zoning from HR/C-3-C to C-4.

One of the conditions of approval in Z.C. Order No. 513 states that, "The PUD approved by the Zoning Commission shall be valid for a period of two-years from the effective date of this order. Within such time, application must be filed for a building permit as specified in Subsection 11 DCMR 2407.1. Construction shall start within three-years of the effective date of this order".

Z. C. Order No. 513 became final and effective on April 3, 1987. The original approval was modified by Z.C. Order No. 513-A, dated May 14, 1987, which became final and effective on August 28, 1987. Z.C. Order No. 513-A established modified deadlines for filing a building permit application and commencing construction.

The applicant in Z.C. Order No. 513 offered as a major amenity, the creation of a housing linkage program which would produce 150 off-site low income housing units in appropriate locations in the District of Columbia.

On August 20, 1991, the applicant, together with the owners of the PUD at 1200 K Street, N.W., filed a joint application to modify both PUDs and construct a connection in the air space of the public alley between the two PUD sites. By Z.C. Order No. 513-Q/644-A, the Zoning Commission approved the PUD modifications and use of air space.

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On October 27, 1992, the applicant filed a request to extend the validity of Z.C. Order Nos. 513 and 513-A for three years, pursuant to 11 DCMR 2406.10 of the Zoning Regulations.

The applicant contends that the extension is needed for of the following reasons:

1. The applicant, 1215 I Street, N.W. Associated Limited Partnership, originally received approval for the PUD in Order No. 513, effective April 3, 1987. Since that time, the applicant has been diligently pursuing its obligations under the terms of the PUD with respect to delivery of housing linkage units. The 150 housing linkage units are required to be ready for occupancy within 8 years of the date of issuance of a building permit, or in this case by April 15, 2000. The applicant is well ahead of that schedule. As of this date, 138 of the 150 units have been delivered for occupancy, even though construction has not yet commenced on the office building.
2. Z.C. Order No. 513-A requires that the applicant file a building permit application for the project by April 3, 1992, and commence construction by April 3, 1993.
3. In order to comply with the terms of Z. C. Order No. 513-A, and to vest its rights under the PUD, the applicant filed a timely application for a building permit, and obtained a building permit for the project on April 15, 1992. The building permit will expire one year after the date of issuance unless an extension is granted.

The Office of Zoning (OZ), by a memorandum dated November 2, 1992 referred the extension request to the District of Columbia Office of Planning (OP) for an analysis of the effects of the request on **any** amendments to the Zoning Map or Regulations, or to the Comprehensive Plan since the Zoning Commission initially decided the case.

By memorandum dated November 25, 1992, the OP stated:

"Based on the analysis above, the Office of Planning concludes that the Zoning Regulations and Map have not changed since the Zoning Commission approved the subject PUD and map amendment. The Comprehensive Plan has not been amended, but the Generalized Land Use Map has been corrected to show the site in an all-commercial category, with which the approved PUD remains consistent. Given the future uncertainty in the

modified PUD resulting from the litigation mentioned previously, the short-term uncertainty in the market for a building of the approved size, and the substantial reliance already placed upon that approval by the delivery of the housing linkage units, the applicant must preserve its rights under the original PUD. Therefore, the Office of Planning recommends that the Zoning Commission grant the applicant's request to extend the deadline for the filing of a building permit application until April 3, 1995, and to extend the deadline for commencement of construction until April 3, 1996. "

The OZ received no comments from ANC-2C, which is an automatic party in the case, regarding this matter.

Franklin Square Association (Association), by letter dated November 19, 1992, supported the request for an extension of time of the PUD.

The Association indicated that the development will help to further the goals of the city and the Association to promote office space development in an appropriate area of downtown Washington.

The Citizens Planning Coalition (Coalition), by letter dated December 3, 1992, and the Service Employees International Union, (SEIU) Local 82, by letter dated December 4, 1992, opposed the applicant's three-year extension request.

The Coalition stated that the project has already received a substantial period of time for initiation, i.e., five years. This is more than an adequate period of time for determining the viability of this project. Failure to perform for such a length of time clearly indicates that the project is unlikely to move forward.

The SEIU, Local 82 believes that if the Applicant is unable to go forward with the modified PUD, it would be more appropriate to re-evaluate the development of the site in light of the changed conditions and modifications in the Zoning Regulations and Map since 1987 than to return to a development plan which the applicant has conceded to be infeasible.

At its public meeting on December 14, 1992, the Zoning Commission reviewed and considered the applicant's request for an extension of time, the OP recommendation, and correspondence from the Franklin Square Association, the Citizens Planning Coalition, and the Service Employees International Union, Local 82.

Pursuant to Section 2406.10 of the Zoning Regulations, the Commission believes that the applicant has shown good cause for the requested extension of time.

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The Commission concurs with the applicant and OP does not concur with the opponents, and believes that a three-year extension of the validity of the PUD is appropriate.

The Commission further notes that the three-year extension of this PUD is a departure from the customary two-year extension that it grants, because the quality of the amenity package and its up-front delivery of the housing units warrants this exceptional three-year extension.

The Commission further believes that an extension of time, as requested by the applicant, is not unreasonable, that the rationale for granting approval for the PUD has not changed, and that no adverse consequences will result from approving the request.

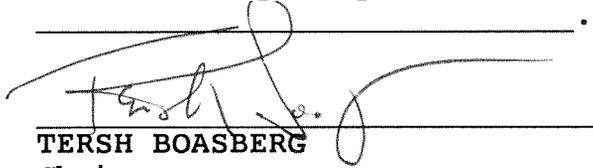
The Commission determined that an extension of time, as requested by the applicant, is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order Nos. 513 and 513-A is EXTENDED for a period of **THREE YEARS**; that is until April 3, 1995, to file for a building permit and until April 3, 1996 to begin construction.

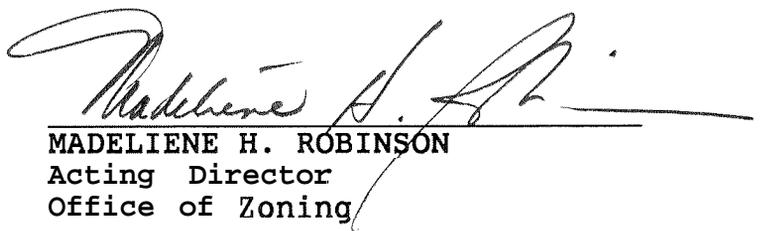
Vote of the Zoning Commission taken at the monthly meeting on December 14, 1992: 3-0 (Maybelle Taylor Bennett, John G. Parsons and Tersh Boasberg to approve a three-year extension, William L. Ensign and Lloyd D. Smith not participating, not voting, not having participate in the case)

This order was adopted by the Zoning Commission at its monthly meeting on February 8, 1993, by a vote of 3-0: (John G. Parsons, Maybelle Taylor Bennett and Tersh Boasberg to adopt - William L. Ensign and Lloyd D. Smith, not voting, not having participate in the case).

In accordance with provisions 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on



TERSHER BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning