

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 528-A

Case No. 86-21F/85-9P

June 11, 1990

(Miller Companies - PUD)

On April 13, 1987, by Z.C. Order No. 528, the Zoning Commission for the District of Columbia granted approval to an application from the Miller Companies for a Planned Unit Development (PUD) and related map amendment from R-5-B and C-2-B to R-5-C and C-3-B for lots 1, 14, 15, 26, 800, 804, and 808 in Square 1661. The PUD site is in the square bounded by Wisconsin and Western Avenues, Military Road, and Jenifer and 43rd Streets, N.W.

Z.C. Order No. 528 approved the construction of a mixed-use development including residential, office and retail uses, subject to certain guidelines, conditions and standards.

Condition No. 40 of Z.C. Order No. 528 states the following "

The planned unit development 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 Sub-sections 2407.2 and 2407.3 of Zoning Regulations. Construction shall start within three years of the effective date of this order."

Z.C. Order No. 528 became final and effective on May 8, 1987. The validity of this order was for two years; that is, until May 8, 1989, provided that application for a building permit was filed within that period of time, after which construction would have to start by May 8, 1990. An application for a building permit was made in March 1989.

By letter dated April 6, 1990, counsel for the applicant; that is, the Friendship Heights D.C. Limited Partnership, filed a request to extend the validity of Z.C. Order No. 528, pursuant to 11 DCMR 2406.10. The applicant requested an extension of time of two years to allow time for construction to commence.

The letter indicated that the basis for an extension stems from the following:

"Friendship purchased the subject property from the Miller Companies in July 1988. Since that time, Friendship has caused to be produced the necessary technical data and drawings to apply for and receive a building permit from the District. Friendship is committed to developing the project as previously approved by the Commission and intends to honor all commitments to the Commission, the District and the neighborhood. However, because of the downturn in the real estate market and events beyond Friendship's control, it appears unlikely that it will be able to secure construction financing to begin the project by May 8, 1990. As the Commission is well aware, the real estate market is experiencing a downturn due to nationwide and local economic conditions. Friendship, like all other developers, is experiencing this adverse market. In short, the recessed real estate market is preventing Friendship, despite its extensive background and expertise in the real estate industry, from financing, and thus developing the project at this time."

The Zoning Commission received no comments on this matter from ANC-3E, the Office of Planning, nor any other party or person.

Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request made before the expiration of the approval.

On May 14, 1990, at its regular monthly meeting, the Zoning Commission deferred final action consideration and requested OP to conduct a site visit to determine the status of the through-square connector.

On June 11, 1990, at its regular monthly meeting, OP reported that the through-square connector had yet to be constructed. Counsel for the applicant reported that the applicant has had some difficulty obtaining financing for the project.

The Friendship Neighborhood Coalition (FNC), by letter dated May 2, 1990, expressed concern because the PUD project was not developed, and it contained the critical through-square connector and the residential buffer on 43rd Street, N.W.

The Commission concurs with the applicant and 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 by approving the request.

The Commission concurs with the FNC and believes that the through-square connector is a key component to the successful development of Square 1661.

The Commission further believes that approval of this request is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

This extension of the validity of the approved PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

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 No. 528 be EXTENDED for a period of two years; that is, until May 8, 1991. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2406.8. Construction shall start within three years or not later than May 8, 1992.

Vote of the Zoning Commission was taken at the monthly meeting on April 16, 1990: 5-0 (John G. Parsons, Maybelle Taylor Bennett, William L. Ensign, Lloyd D. Smith, Tersh Boasberg, to extend for two years.)

This order was adopted by the Zoning Commission at the public meeting on June 11, 1990 by a vote of 5-0 (Maybelle Taylor Bennett, William L. Ensign, Tersh Boasberg, Lloyd D. Smith and John G. Parsons, to adopt as amended).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on JUN 29 1990.



TERSHER BOASBERG
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat