

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 538-B
Case No. 86-32C
26th & L Streets - PUD)
December 11, 1989

By Order No. 538, dated July 23, 1987, the Zoning Commission for the District of Columbia approved the application of the 26th and L Limited Partnership for consolidated review and approval of a Planned Unit Development (PUD), pursuant to the provisions of Section 2400 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. Thereafter, by Order No. 538-A, which became final and effective on August 11, 1989, the Zoning Commission approved: (1) a waiver of the 10-day time limit for the filing of a motion for reconsideration of a final order; and (2) certain modifications to the approved PUD.

This matter is now before the Zoning Commission for consideration of a request by applicant, dated October 26, 1989, for an additional waiver of the 10-day time limit for the filing of a motion for reconsideration, this time to amend Condition No. 15 of Order no. 538-A, which provides that the PUD shall be valid for a period of "two years from the effective date of Z.C. Order No. 538." The October 26, 1989 letter from applicants suggests that the "error therein is the reference to the original Order No. 538, rather than the case at hand which resulted in Order No. 538-A." This suggestion is not correct, as the instant PUD has been before the Zoning Commission in only one case, Case No. 86-32C. But this is not dispositive of the pending request.

Zoning Commission Order No. 538 became final and effective on August 28, 1987. Thus, pursuant to 11 DCMR 2406.10, and 2406.11, the Commission would not have jurisdiction to extend the period for the filing of an application for a building permit unless the applicant had requested an extension by August 28, 1989. Although the pending request was filed after that date, in a letter dated March 24, 1989, (Ex. No. 78-A) counsel for applicant requested that the applicant be allowed to file a building permit application within twelve months of the date of the Commission action on the then pending request for modification, "in order to prepare this project for construction."

This request was timely under 11 DCMR 2406.10, and sets forth good cause for an extension.

In order to allow ample time for orderly management by applicant of the pre-filing process, the Commission hereby waives the 10-day time limit for filing the request for reconsideration and ORDERS that the time periods provided for in 11 DCMR 2406.8 and 2406.9, which apply to the filing of an application for a building permit and to the start of construction, shall run from August 11, 1989.

Vote of the Zoning Commission taken at the public meeting on November 13, 1989: 3-0 (Maybelle Taylor Bennett, John G. Parsons, and Lloyd D. Smith, to approve the waiver and the extension - George M. White, not present, not voting; and Tersh Boasberg, not voting not having heard the case).

This order was adopted by the Zoning Commission at its meeting on December 11, 1989, by a vote of 3-0 (Lloyd D. Smith, John G. Parsons and Maybelle Taylor Bennett, to adopt - William L. Ensign, not voting not having participated in the case and Tersh E. Boasberg, not present not voting).

In accordance with 11 DCMR 3028, this order shall be final and effective upon publication in the D.C. Register, that is, on DEC 22 1989.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat