

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 556-D
Case No. 87-19C
(PUD @ 1001 New York Avenue, N.W.)
February 12, 1996

By Z.C. Order No. 556 dated January 11, 1988, the Zoning Commission for the District of Columbia granted approval of an application from the Hadid Development Corporation for a consolidated review of a planned unit development (PUD) for Lots 8, 7, 811, 812, and 826 through 828 in Square 343 located at 1001 New York Avenue, N.W., pursuant to the provisions of Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The PUD approval was for the construction of a 12-story retail/office building on various lots in Square 343, subject to certain guidelines, conditions, and standards. The PUD project would have a total gross floor area of 237,848 square feet, a maximum floor area ratio (FAR) of 9.3, a maximum height of 130 feet and a maximum lot occupancy of 91.7 percent. The project would provide on-site parking to accommodate 163 cars.

Z.C. Order No. 556 became final and effective on February 26, 1988. The validity of that order was for two years; that is, until February 26, 1990, provided that application for a building permit was filed within that period of time, after which construction would have to start by February 26, 1991.

By Z.C. Order No. 556-A dated September 11, 1989, the Zoning Commission granted modification of the PUD to permit design changes to the facade of the building. Z.C. Order No. 556-A became final and effective on October 6, 1989.

The validity of Z.C. Order No. 556-A was for two years; that is, until October 6, 1991, provided that, application for a building permit was filed within that period of time, after which construction would have to start within three years, that is October 6, 1992.

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

Z.C. ORDER NO. 556-D
CASE NO. 87-19C
PAGE NO. 2

By Z.C. Order No. 556-B dated August 5, 1991, the Zoning Commission extended the validity of the PUD and Z.C. Order Nos. 556 and 556-A for two years; that is until October 6, 1993, provided that, application for a building permit was filed within that period of time, after which construction would have to start within three years; that is by October 6, 1994.

By Z.C. Order No. 556-C dated January 10, 1994, the Zoning Commission extended the validity of the PUD and Z.C. Order Nos 556, 556-A and 556-B for two years; that is until October 6, 1995, provided that, application for a building permit was filed within that period of time, after which construction would have to start within one year; that is by October 6, 1996.

By letter dated August 14, 1995, counsel on behalf of the Federal Deposit Insurance Corporation (FDIC), current owner of the PUD site, filed a request to extend the validity of the previously approved PUD for a period of two-years.

This letter indicated that the basis for an extension of the validity of the PUD is as follows:

"The facts and circumstances surrounding the request for extension have not changed since the FDIC's original request for the first extension As more fully set forth therein, the FDIC intends to liquidate and dispose of the property and use the proceeds to offset the costs incurred by ultimately the American taxpayer, in closing the National Bank of Washington, an extension of the PUD will facilitate that liquidation by preserving the development potential of the property."

By memorandum dated August 31, 1995, the District of Columbia Office of Zoning (OZ) referred this matter to the District of Columbia Office of Planning (OP) for an analysis of whether any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan, since the Zoning Commission initially decided the case.

By memorandum dated October 30, 1995, OP recommended that the applicant's request be granted and believes that no purpose would be served in this instance by denying the request. OP indicated the following:

"The Comprehensive Plan has not changed since the Zoning Commission approved this application on January 11, 1988. The proposed PUD continues to be a mix of high density office and retail uses with the provision of nearby off-site residential development. Thus, the project

Z.C. ORDER NO. 556-D
CASE NO. 87-19C
PAGE NO. 3

continues to be not inconsistent with the Comprehensive Plan. Given the time required for the applicant to liquidate and dispose of the property, 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 to October 6, 1997 and to extend the deadline for commencing construction to October 6, 1998."

On October 23, 1995 at its regular monthly meeting, the Zoning Commission considered the request of FDIC and the OP report.

The Zoning Commission concurs with the OP and the applicant. The Commission also determined that an extension of time of the validity of this PUD 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.

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. 556, 556-A and 556-B and 556-C be **EXTENDED** for a period of two years; that is October 6, 1997, prior to the expiration of that time the applicant shall file for a building permit, as specified in 11 DCMR 2406.8. Construction shall start within one year; that is, not later than October 6, 1998.

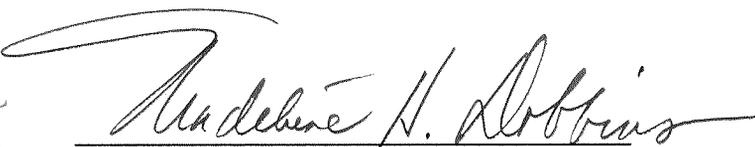
Vote of the Zoning Commission taken at the public meeting on October 23, 1995: 4-0 (Maybelle Taylor Bennett, William L. Ensign, Jerrily R. Kress and John G. Parsons to approve a two-year PUD extension).

This order was adopted by the Zoning Commission at its public meeting on February 12, 1996 by a vote of 4-0: (Maybelle Taylor Bennett, William L. Ensign and Jerrily R. Kress, to adopt, John G. Parsons, to adopt by absentee vote).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on MAR 15 1996.



JERRILY R. KRESS
Chairperson
Zoning Commission



MADELIENE H. DOBBINS
Director
Office of Zoning