

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 556-F

Case No. 87-19C

(PUD @ 1001 New York Avenue, N.W.)

September 13, 1999

By Zoning Commission 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.

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 Order No. 556-A, dated September 11, 1989, the Zoning Commission granted a modification to the PUD to permit design changes to the facade of the building. Order No. 556-A became final and effective on October 6, 1989. The validity of Order No. 556-A was for two years; that is, until October 6, 1991 for the filing of an application for a building permit, after which construction would have to start within three years, by October 6, 1992.

Pursuant to 11 DCMR 2406.10, the Commission may extend the validity of the PUD approval for good cause shown upon a request made before the expiration of the approval. The Zoning Commission has extended the validity of the PUD approval three times:

- Order No. 556-B, dated August 5, 1991, extended the validity of the PUD for two years, until October 6, 1993, by which time an application for a building permit

was required to be filed, and until October 6, 1994, by which time construction was to begin.

- Order No. 556-C, dated January 10, 1994, extended the validity of the PUD for an additional two years, until October 6, 1995, by which time an application for a building permit was required to be filed, and until October 6, 1996, by which time construction was to begin.
- Order No. 556-D, dated February 12, 1996, extended the validity of the PUD for an additional two years, until October 6, 1997, by which time an application for a building permit was required to be filed, and until October 6, 1998, by which time construction was to begin.
- Order No. 556-E, dated May 11, 1998, extended the validity of the PUD for an additional two years, until October 10, 1999, by which time an application for a building permit was required to be filed and until October 6, 2000, by which time construction was to begin.

By letter dated August 10, 1999, the current owner of the PUD site, UDG New York, LLC., filed a motion to extend the validity of the previously approved PUD for an additional period of one year. The applicant indicated that the motion was filed for good cause shown as required by 11 DCMR 2408.10.

The sale of the property to the applicant became final on March 5, 1999. Based upon significant feasibility studies and careful planning, the applicant concluded that, while an office building on the subject property would be an appropriate use, the subject property could also be used for a hotel. For that reason, even prior to closing on the subject property, on February 19, 1999, the applicant filed for a modification to the existing PUD to allow for the alternative development of a 472-room hotel on the subject site.

On September 13, 1999, at its regular monthly meeting, the Zoning Commission considered the request of UDG New York, L.L.C. The Zoning Commission concurs the applicant. The applicant has demonstrated, by substantial evidence, "good cause" as required by §2408.11.

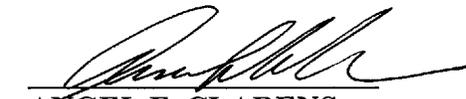
The Commission finds that the applicant has met its burden under the criteria of §2408.11 as a demonstration of good cause. There is no need for a public hearing since no material factual conflict exists with respect to the criteria of §2408.11. The Commission also finds that an extension of time of 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, 556-B, 556-C, 556-D and 556-E be **EXTENDED** for a period of one year, until October 6, 2000 or until Zoning Commission Order No. 905 becomes effective, or whichever occurs first. Prior to the expiration of that time, the applicant shall file for a building permit, as specified in 11 DCMR 2406.8, and construction shall start not later than October 6, 2001.

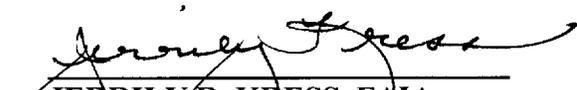
Vote of the Zoning Commission taken at the public meeting on September 13, 1999, by a vote of 4-0 (John G. Parsons, Angel F. Clarens, Herbert M. Franklin and Anthony J. Hood, to approve a one year extension)

This order was adopted by the Zoning Commission at its public meeting on September 13, 1999 by a vote of 4-0 (John G. Parson, Angel F. Clarens, Herbert M. Franklin and Anthony J. Hood to adopt).

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 OCT 8 1999.



ANGEL F. CLARENS
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning