

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 559-C  
Case No. 87-28C  
(Peabody Corporation PUD and Map Amendment)  
November 16, 1992

On January 11, 1988, by Z.C. Order No. 559, the Zoning Commission for the District of Columbia granted approval to an application from Malcolm E. Peabody and John C. Theoharis for consolidated review of a Planned Unit Development (PUD) and related map amendment, subject to certain conditions, guidelines and standards.

The PUD approval was for an apartment development with some ground floor retail uses for lots 32, 37, 38, 39, 40, 41, 816, 817, 818, 819, 820, 883 and 884 in Square 516 and related change of zoning for the entire PUD site from HR/SP-2 to HR/C-2-C. The PUD site is located at the northeast corner of the intersection of 5th and I Streets, N.W.

One of the conditions of approval in Z.C. Order No. 559 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 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. 559 became final and effective on February 26, 1988. On February 25, 1988, the applicant filed on application for a building permit with the Department of Consumer and Regulatory Affairs.

Pursuant to 11 DCMR 3029.5 and by letter dated July 7, 1988, counsel for the applicants filed a motion for reconsideration requesting modification to Z.C. Order No. 559 to eliminate the balconies of the project.

Z.C. Order No. 559-A dated September 8, 1988 approved the elimination of the balconies. The validity of that order was for two years; that was until September 8, 1990, with construction starting on or prior to September 8, 1991.

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On March 15, 1991, the applicant filed a request to extend the validity of Z.C. Order Nos. 559 and 559-A for two years, pursuant to 11 DCMR 2406.10.

Z.C. Order No. 559-B dated May 13, 1991 approved a two-year extension; that was, until September 8, 1992, with construction starting on or before September 8, 1993.

By letter dated August 19, 1992 and received on August 21, 1992, the applicant requested a two-year extension of the validity of Z.C. Order Nos. 559, 559-A and 559-B.

The applicant contended that the extension was needed because he was still engaged in completing the financing of the project through the Federal Housing Administration.

The Office of Zoning (OZ), by a memorandum dated August 28, 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 a memorandum dated October 9, 1992, the OP stated that the Comprehensive Plan has not changed since the Commission approved the subject PUD and map amendment. The OP also recommended that the Zoning Commission grant the present owners' request to extend the deadline for filing of a building permit application to September 8, 1994, and to extend the deadline for commencing construction to September 8, 1995.

The OZ received no comments from ANC-2C or any other interested parties regarding this matter.

At its public meeting on October 19, 1992, the Zoning Commission reviewed and considered the applicant's request for time extension and the OP recommendation.

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

The Commission concurs with the applicant and OP and believes that a two-year extension of the validity of the PUD is appropriate.

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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.

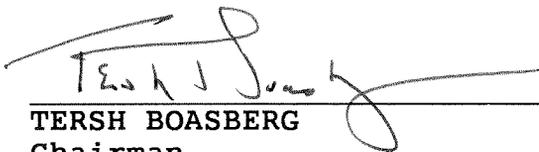
In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order Nos. 559, 559-A, and 559-B is EXTENDED for a period of TWO YEARS; that is, until September 8, 1994, with construction starting on or before September 8, 1995, pursuant to 11 DCMR 2406.8 and 2406.9.

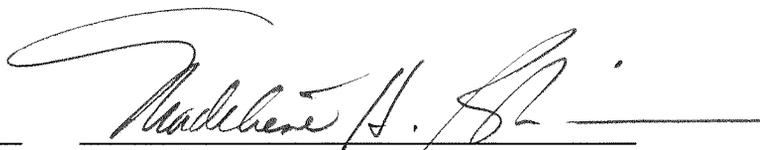
Vote of the Zoning Commission taken at the monthly meeting on October 19, 1992: 5-0 (Maybelle Taylor Bennett, John G. Parsons, William L. Ensign and Tersh Boasberg, to extend for two years, Lloyd D. Smith, to extend by proxy).

This order was adopted by the Zoning Commission at its monthly meeting on November 16, 1992, by a vote of 5-0 (Maybelle Taylor Bennett, William L. Ensign, Tersh Boasberg and John G. Parsons to adopt, Lloyd D. Smith to adopt by proxy).

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

DEC 11 1992

  
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TERSHER BOASBERG  
Chairman  
Zoning Commission

  
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MADELIENE H. ROBINSON  
Acting Director  
Office of Zoning

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