

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 591-B
Case No. 88-8C
(PUD & Map @ H Street Overpass)
August 5, 1991

By Z.C. Order No. 591 dated October 17, 1988, the Zoning Commission for the District of Columbia approved an application of the Potomac Development Corporation on behalf of H Street Overpass Associates for consolidated review and approval of a Planned Unit Development (PUD), for lot 45 in Square 752 in the northern third of the square located at 2nd and 3rd and H Streets, N.E., pursuant to the provisions of Section 2400 of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

The PUD approval was for the construction of a mixed use building with office, residential and retail uses, subject to certain guidelines, conditions, and standards. The project would have six floors devoted to office use, two floors devoted to residential use and one floor devoted to retail use.

The project would be developed to a maximum floor area ratio (FAR) of 3.67 of which 2.75 FAR would be devoted to commercial use and 0.92 FAR would be devoted to residential use. The height of the structure would be ranging from 44 feet to 82.5 feet. A total of 158 parking spaces would be provided to serve both residential and office portions of the project.

Pursuant to 11 DCMR 3028, Z.C. Order No. 591 became final and effective upon publication in the D.C. Register on December 2, 1988.

On March 6, 1989 the Zoning Commission received a letter from H Street Overpass Associates requesting that the Zoning Commission waive the requirement of 11 DCMR 3029.5 that a Motion for Reconsideration must be filed within 10 days of the date that an order becomes final, reconsider Zoning Commission Order No. 591 as associated with the approved plans in Zoning Commission Case No. 88-8C, and grant approval to a modification of those plans.

On June 12, 1989, the Zoning Commission approved the request from the applicant, by Z.C. Order No. 591-A, which became effective upon publication in the D.C. Register on July 28, 1989. Within such time, a building permit application with a complete set of plans must be filed within two (2) years; that is, by July 28, 1991, and construction must start within three (3) years; that is, by July 28, 1992.

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By letter dated June 17, 1991, counsel for the applicant requested a two-year extension of the validity of Z.C. Orders No. 591 and 591-A.

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

"Since the time of the hearing, there has been no improvement in the financial market relative to real estate financing. In fact, the situation is now substantially worse. The applicant has been advised by numerous permanent financing sources that substantial pre-leasing will be required in order to obtain financing. In the event that the office portion of the project is converted to a condominium regime, substantial pre-selling will be required...additional time is required by applicant to achieve such pre-leasing or pre-selling requirements. Flexibility in the life of the approval is therefore essential to obtain the financing necessary for construction of the project."

The Advisory Neighborhood Commission 2C, by letter dated July 8, 1991 indicated their support for the applicant's request.

The Zoning Commission received no comments from the Office of Planning (OP), 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.

On July 8, 1991, at its regular monthly meeting, the Zoning Commission considered the request of the applicant and determined that an extension of time 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. Orders No. 591 and 591-A be **EXTENDED** for a period of two years; that is until July 28, 1993 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 five years of the effective date of Z.C. Order No. 591-A; that is, not later than July 28, 1994.

Vote of the Zoning Commission taken at the monthly meeting on July 8, 1991: 5-0 (Maybelle Taylor Bennett, John G. Parsons, Lloyd D. Smith, Tersh Boasberg and William Ensign, to extend for two years).

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This Order was adopted by the Zoning Commission at the public meeting on August 5, 1991 by a vote of 5-0: (Lloyd D. Smith, John G. Parsons, Maybelle Taylor Bennett, Tersh Boasberg, and William L. Ensign to approve).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the District of Columbia Register; that is, on AUG 16 1991.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat

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