

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 594-C

Case No. 88-6C

(Vanguard Associates - PUD)

April 11, 1994

By Z.C. Order No. 594, dated November 14, 1988, the Zoning Commission for the District of Columbia approved the application of the Vanguard Associates for a consolidated planned unit development (PUD), on Lot 866, Square 17, located at 1111 20th Street, N.W.

The PUD approval was for the renovation and expansion of an existing office/retail structure known as the Vanguard Building.

Z.C. Order No. 594 approved the PUD project, subject to certain guidelines, conditions, and standards. One of the conditions of approval states that:

"The Planned Unit Development approved by the Zoning Commission shall be valid for a period of 2 years from the effective date of this order. Within that time, application must be filed for the building permit, as specified in 11 DCMR 2407.2 and 2407.3. Construction shall start within 3 years of the effective date of this order."

Z.C. Order No. 594 became final and effective on December 23, 1988. The validity of that order was for two years; that is, until December 23, 1990.

11 DCMR 2406.10 allows for the Zoning Commission to extend the validity of a PUD "for good cause shown," upon the request of the applicant being made prior to the expiration of the PUD.

By Z.C. Order No. 594-A, dated April 16, 1990, the Commission granted a one-year extension of the validity of Z.C. Order No. 594; that is, until December 23, 1991.

By Z.C. Order No. 594-B dated January 13, 1992, the Commission further extended the validity of Z.C. Order Nos. 594 and 594-A for a period of two years; that is, until December 23, 1993.

By letter dated December 22, 1993, counsel for the applicant requested a two-year extension of Z.C. Order Nos. 594, 594-A, and 594-B. The letter stated the following reasons as the basis for the extension request:

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1. The applicant requests an extension of time to file for the required building permit and begin construction of the project because of the poor market conditions and the difficulty in finding financing for the project. From other requests for extension of PUDs, the Commission is well aware of the difficulties facing project developers in meeting deadlines imposed on PUDs originally approved in the mid to late 1980's. As noted in the previous request for extension and in the attached affidavit from Richard Cohen, the applicant has diligently pursued both tenants and financing, and continues to do so;
2. The office space in the building is currently vacant and the applicant has every reason to obtain a tenant and proceed with the project as soon as possible. The applicant hopes that within another two years, market conditions will have improved sufficiently to allow the PUD to go forward; and
3. The public benefits which were part of the original approval remain appropriate and are desirable goals worthy of achievement. The applicant has already made three advances of funds to the Stevens School, totalling \$110,000, even though the project has not proceeded. There is no prejudice to any party by an extension, and denial of the extension will preclude any chance of the full benefits of the project from being achieved.

By memorandum dated January 4, 1994, the District of Columbia Office of Zoning (OZ) referred this matter to the District of Columbia Office of Planning (OP) for an analysis of the effect of the request on any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan for the National Capital, since the Zoning Commission initially decided the case.

By memorandum dated February 28, 1994, OP recommended that the applicant's request be granted and believed that no purpose would be served in this instance by denying the request. OP indicated the following:

" . . . the Office of Planning finds that the Zoning Regulations were changed for this site in 1991. However, the proposed change would not affect this PUD unless the applicant were to abandon it. Accordingly, the zone change does not have an impact on the proposed time extension. The Comprehensive Plan has not changed since the Zoning Commission approved the subject PUD. Given the time necessary for the applicant to find a lead tenant for the PUD, the Office of Planning recommends that the Zoning Commission grant the applicant's request to extend the deadline for the filing of

