

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 618-B
Case No. 90-8M/88-23C
(PUD - Salvation Army)
June 14, 1993

By Z.C. Order No. 618 dated June 12, 1989, the Zoning Commission for the District of Columbia approved the application of the Salvation Army for consolidated review and approval of a planned unit development (PUD) for lots 14, 19-21, 800-804, 807-810, 824, 825 and 828-830 in Square 484, located at the north side of Massachusetts Avenue, N.W., between 5th and 6th Streets.

Z.C. Order No. 618 provided for the construction of a nine-story mixed-use building to serve as the divisional headquarters for the Salvation Army and to provide transient housing accommodations in a dormitory-like setting for individuals in need of temporary housing.

By Z.C. Order No. 618-A dated March 11, 1991, the Zoning Commission approved, with conditions, a modification to Z.C. Order No. 618. The modification affected the design and the residential component of the project. Z.C. Order No. 618-A provided for an approved mixed-use office/residential project of lesser density than the previously approved PUD. The PUD, as modified, consisted of 36 residential units for transitional housing for homeless women and their children, and an office component to serve as the Salvation Army Headquarters for the District of Columbia, Maryland, and Virginia.

One of the conditions of approval in Z.C. Order No. 618-A 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, and construction to start within three years of the effective date of the Order."

Z.C. Order No. 618-A became final and effective on March 29, 1991, requiring the applicant, pursuant to 11 DCMR 2406.8 and 2406.9, to file an application for a building permit by March 29, 1993 and to begin construction by March 29, 1994.

Pursuant to DCMR 2406.10, the Zoning Commission has the authority to extend the validity of a PUD for good cause shown upon proper request of the applicant before the expiration of the PUD approval.

ZONING COMMISSION ORDER NO. 618-B
CASE NO. 90-8M/88-23C
PAGE NO. 2

By letter dated March 23, 1993, counsel for the applicant requested a two-year extension of Z.C. Order Nos. 618 and 618-A. The letter indicated that the applicant's ability to move forward with the project is contingent on the sale of its existing headquarters building on 5th Street, N.W. The letter added that the applicant has negotiated with a developer and that the contract to sell is in effect but no actual sale has been consummated, hence the application for a building permit has not been filed.

The applicant's reasons for the extension request included, but were not limited to, the following:

"The Army has owned the property for more than five years. It is anxious to move forward with the Project, but because of adverse economic conditions -- primarily its inability to sell its existing Headquarters in the Downtown -- the Army is unable at this time to begin the building permit process. The Army, while not a developer, is bound by the vagaries of the market which will not allow the Judiciary Center PUD to go forward, thus preventing the sale of the Army's existing Headquarters.

The Army is very much committed to developing this Project, especially the residential component to honor its commitment to the Commission, the District and the neighborhood for this much-needed social service. However, because of the downturn in the real estate market and events beyond its control, it will not be able to seek the necessary permits before March 29, 1993. As the Commission is well aware, the real estate market has experienced a significant downturn due to nationwide and local economic conditions. The Army is also experiencing this adverse market with regard to this Project. In short, the recessed real estate market is preventing the Army from moving forward with the Project at this time. Obviously, as soon as the Army is able to receive the sales proceeds from its existing Headquarters, it will move forward with this Project. It believes, however, that a two-year extension of the Order should provide the economy sufficient time to stabilize so that the sale can be finalized and the Project can move forward".

The applicant certified that copies of the extension request were served on Advisory Neighborhood Commissions 2C and 2F.

The Office of Zoning (OZ) by memorandum dated April 2, 1993, 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.

ZONING COMMISSION ORDER NO. 618-B
CASE NO. 90-8M/88-23C
PAGE NO. 3

By a memorandum dated April 27, 1993, OP stated that neither the Zoning Regulations and Map nor the Comprehensive Plan have changed since the Commission approved the subject PUD. The OP also recommended that the Zoning Commission grant the request to extend the deadline for filing of a building permit application to March 29, 1995 and to extend the deadline for commencing construction to March 29, 1996.

Neither ANC-2C nor ANC-2F commented on the request to extend the validity of the PUD.

At its monthly public meeting on May 10, 1993, the Commission reviewed and considered the request for extension of time, and the OP recommendation.

Pursuant to 11 DCMR 2406.1 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 the OP, and believes that a two-year extension of the validity of the PUD is appropriate.

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. 618 and 618-A in Z.C. No. 90-8M/88-23C be **EXTENDED** for a period of two years; that is until March 29, 1995, within which time the applicant must file for a building permit. Pursuant to 11 DCMR 2406.8 and 2406.9, construction must begin on or before March 29, 1996.

Vote of the Commission taken at the monthly meeting on May 10, 1993 5-0: (William L. Ensign, John G. Parsons, Tersh Boasberg, and Maybelle Taylor Bennett, to extend, and Lloyd D. Smith, to extend by proxy).

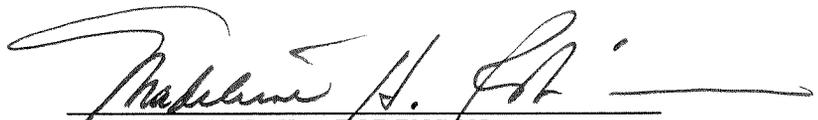
ZONING COMMISSION ORDER NO. 618-B
CASE NO. 90-8M/88-23C
PAGE NO. 4

This order was adopted by the Zoning Commission at its public meeting of June 14, 1993 by a vote of 4-0 (William L. Ensign, John G. Parsons, Tersh Boasberg, and Maybelle Taylor Bennett, to extend; and Lloyd D. Smith, not present, not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is, on JUN 25 1993.



MAYBLLE TAYLOR BENNETT
Chairperson
Zoning Commission



MADELIENE H. ROBINSON
Director
Office of Zoning

618-BZC/ve/bhs