

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 637-E*

Case No. 96-6M/93-1M/88-33C

(PUD Modification @ 1301 L Street, N.W.)

February 10, 1997

By Order No. 637, the Zoning Commission for the District of Columbia approved a planned unit development and related map amendment for a portion of the PUD site from HR/SP-2 to C-4. The approved development for the site included two new buildings, which for zoning purposes would constitute a single mixed-use project.

A new, ten-story, residential structure was approved for a portion of the site known as 1312 Massachusetts Avenue, N.W. The building was approved with a maximum floor area ratio (FAR) of 6.42 and was to have 134 apartment units and a minimum of 89 off-street parking spaces. The portion of the site known as 1301 L Street, N.W. was approved for construction of a 12-story office building with ground floor retail or community service uses, a maximum FAR of 9.74 and a minimum of 189 off-street parking spaces.

By Order Nos. 637-A and 637-B the Zoning Commission approved the extension of the validity of Z.C. Order No. 637 for two years and one year, respectively. At the time the Commission granted the one-year extension, a modification request regarding the case was pending.

By Order No. 637-C, the Zoning Commission approved a modification to the residential component of the PUD. Instead of demolishing the eight-story building on the site and constructing a new building, the modification allowed for the retention, renovation and conversion of the existing building to apartment use. The approval allowed for an FAR not to exceed 4.75, height not to exceed 90 feet, the number of dwellings units to be not less than 75 and no fewer than 33 off-street parking spaces. The approval allowed for a shorter period of time than usual for the applicant to apply for a building permit for the residential building and a longer period of time than usual to begin the office component of the project.

The applicant applied for approval of a modification to the approved PUD on the 1301 L Street, N.W. site by letter dated July 9, 1996. The modification requested an unlimited time period for the applicant to begin construction of the office building now that the residential building is closed-in, completed and units are being offered for sale. The

**Administratively corrected –Order No. 637-D was effective April 29, 1994.*

modification would amend Condition No. 9 of Order No. 637-C by allowing the applicant to proceed with the construction of the office building when market conditions permit development. The applicant requested that the Commission consider the modification as a consent calendar item.

As justification for the requested modification the applicant stated the following:

- The major public benefit of the project was the construction of new housing units and the solidification of the 1300 block of Massachusetts Avenue as a residential street. The construction of the apartment house is essentially completed and will be fully completed prior to any construction activity on the office building. While there are benefits to the city and the neighborhood which will result from the office building site, the District will have achieved the most desired outcome of the project (residential units) ahead of any financial benefit accruing to the applicant.
- Due to market conditions, the applicant sought an extended period of time within which to begin construction on the office building as part of the original modification request. The Commission approved that request. The applicant is prepared to build the office building as soon as it is financially prudent to do so. However, the applicant cannot begin construction without lease commitments from enough tenants to convince a lender to back the project. The production of working drawings must begin nine to 12 months prior to filing for the building permit and entails a substantial expenditure of funds (Approximately \$500,000). The drawings must take into account the needs of the lead tenant. The applicant is unable to determine at this time when the circumstances will allow the construction process to proceed.

ANC 2F submitted correspondence dated April 13, 1996 in support of the modification request noting that it should be considered by the Commission as a Consent Calendar item. ANC 2F noted that the quality of the residential building is good and it has made a positive impact on the community.

The Commission received correspondence from the Logan Circle Community Association (LCCA) in support of the applicant's requested modification. LCCA stated that the housing amenity consisting of the conversion of a vacant office building on an otherwise residential block of Massachusetts Avenue to market rate residential condominiums has already been built and is partly occupied. LCCA indicated that the new housing was tastefully constructed and an asset to the neighborhood. The Association welcomed the applicant's providing the amenity before the commercial component, and stated that the applicant should not be penalized because of the lack of tenants for the new office space and should be granted additional time to produce the office component of the PUD.

On August 19, 1996, the applicant amended the request to allow for a period of ten years within which to apply for the building permit instead of the indefinite period initially

requested. The applicant noted that after meeting with and discussing the modification request with the Office of Planning (OP), the consensus was that ten years would be a reasonable period of time.

By report dated October 11, 1996, the Office of Planning recommended that the Commission grant the applicant's modification request to allow for a period of ten years after the close-in of the residential building for the applicant to file for a building permit for the office building. The OP also noted that the request was a minor item which would not require a public hearing and was suitable for the Commission's consent calendar. OP noted that approval of the instant modification may well encourage other applicants to proceed with up-front amenities and benefits.

At its public meeting on October 21, 1996, the Commission considered the applicant's amended request as a consent calendar item and took proposed action to approve the request.

The Commission noted that the Zoning Regulations specifically allow for approval of phased construction of a PUD and for appropriate timing for the phases. The Commission believes that the additional time for construction of the office component of the PUD is reasonable given the present and foreseeable circumstances affecting the property.

Approval of the modification for the timing/phasing of the PUD is not inconsistent with the Comprehensive Plan.

The approval of the modification will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.

The approval only concerns the timing of the PUD, and does not change any other guidelines and standards. The information relied on by the Commission to approve the initial PUD has not changed. The modification is so minor that consideration as a consent calendar item without public hearing is appropriate.

DECISION

In consideration of the findings of fact and conclusions of law set forth in this order, the Zoning Commission hereby **ORDERS APPROVAL** of the modification to Condition No. 9 in Z.C. Order No. 637-C. Condition No. 9 is amended to read as follows:

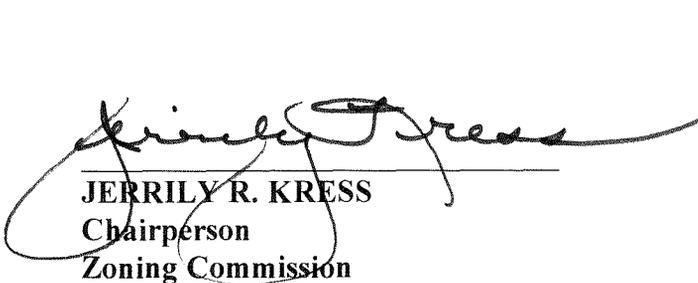
“The applicant may file an application for a building permit to construct the office building within ten years after the supervising construction architect has certified to the Zoning Administrator that the apartment building has been ‘closed-in,’ as specified in Condition No. 8 of this order.”

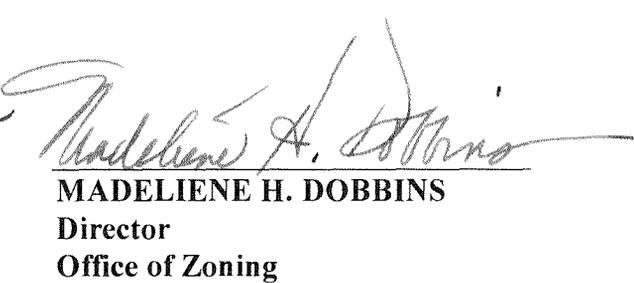
All other guidelines, conditions and standards set forth in Z.C. Order Nos. 637 through 637-C for the previously approved PUD shall apply except those specifically modified by this order.

Vote of the Commission taken at the public meeting on October 21, 1996 : 4-0 (Maybelle T. Bennett, John G. Parsons, Herbert M. Franklin and Jerrily R. Kress to approve; Howard R. Croft not present not voting.)

This order was adopted by the Zoning Commission at its meeting held on February 10, 1997, by a vote of 4-0 (John G. Parsons, Herbert M. Franklin, Maybelle T. Bennett and Jerrily R. Kress to adopt).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is on MAR 14 1997.


JERRILY R. KRESS
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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