

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 639-B

Case No. 88-29C

(PUD & Map Amendment @ 5th St. and Mass. Ave., N.W.)

October 18, 1993

By Z.C. Order No. 639 dated January 8 and February 12, 1990, the Zoning Commission for the District of Columbia approved the application of the Massachusetts Crescent Limited Partnership for review and approval of a planned unit development (PUD) and a related change of zoning from HP/SP-2 to HR/C-3-C for Lots 875 and 876 in Square 517, pursuant to the provisions of Section 2400 of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

Z.C. Order No. 639, as amended, granted PUD approval for a 130-foot, mixed-use residential, office and retail project at the southeast corner of the intersection of 5th Street and Massachusetts Avenue N.W. The order became final and effective upon publication in the District of Columbia Register on February 23, 1990.

By Z.C. Order No. 639-A, the Commission extended the validity of the PUD for two years; that is until January 23, 1994. Prior to the expiration of that time, the applicant shall file an application for a building permit in accordance with 11 DCMR 2406.8.

Z.C. Order 639-A became final and effective upon publication in the District of Columbia Register; that is on November 15, 1991.

On June 18, 1993, Crescent Construction Company filed a motion to extend the validity of Z.C. Order Nos. 639 and 639-A for two years, pursuant to 11 DCMR 2406.12. In that motion, the applicant stressed continued unfavorable economic conditions.

The motion summarized the basis for the extension request as follows:

"At this time, we hereby request a two-year extension of the Order to February 23, 1996 before plans must be filed for a building permit and February 23, 1997 before construction must commence. This request is necessary so that we are not required to finalize permit drawings before we obtain a lead tenant.

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Since Order No. 639 was approved, the financial markets and the economic situation concerning real estate financing have not strengthened and have in fact weakened. The lending institutions with which we have held discussions have stressed their stringent pre-leasing requirements and their limited capacity for financing new real estate projects.

We have diligently sought a strong lead tenant and sources of financing both nationally and internationally, and we continue to do so. Currently, rental rates in the office market are severely depressed and we believe it is not prudent to begin construction until such time as substantial pre-leasing and appropriate financing have been arranged. Therefore, additional time is needed for us to complete our pre-leasing and financing arrangements".

The applicant, by an attachment to its letter, certified that Advisory Neighborhood Commission (ANC) 2C was served a copy of the extension request on June 18, 1993.

Advisory Neighborhood Commission - 2C, by letter dated September 10, 1993, supported applicant's request for the two-year extension.

The District of Columbia Office of Planning (OP), by memorandum dated August 27, 1993, indicated that the zoning of the site has changed from HR/C-3-C to DD/C-2-C since the Zoning Commission approved this application on February 12, 1990. The Comprehensive Plan, however, has not changed. Because this application was approved by the Zoning Commission prior to the enactment of the DD District Regulations and the change of underlying zoning from C-3-C to DD/C-2-C the Office of Planning notes that the proposal can proceed as originally approved and would not be directly affected by the changes in the zoning. The OP recommended that the Commission grant the extension request.

Pursuant to Section 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request being made before the expiration of the PUD approval.

On September 13, 1993, at its regular monthly meeting, the Zoning Commission concurred with the recommendation and position of OP and ANC-2C, and determined that an extension of time, as requested by the applicant, is reasonable and would not adversely affect any party or person.

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The Commission believes that its proposed action to grant the request 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, as amended.

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. 639 and 639-A be **EXTENDED** for a period of **TWO YEARS**; that is, until **February 23, 1996**. 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 not later than February 23, 1997.

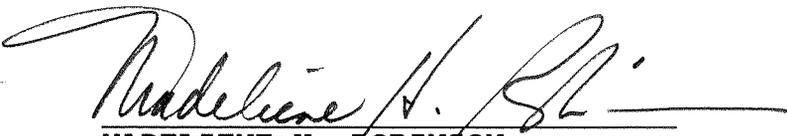
Vote of the Commission taken at the monthly meeting on September 13, 1993 3-0: (John G. Parsons, William L. Ensign and Maybelle Taylor Bennett, to extend for **TWO YEARS** - Jerrily R. Kress and William B. Johnson not voting, having not participated).

This order was adopted by the Zoning Commission at the public meeting on October 18, 1993 by a vote of 3-0: (John G. Parsons and Maybelle Taylor Bennett to adopt, and William L. Ensign to adopt by absentee vote - William B. Johnson and Jerrily R. Kress not voting not having participated).

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

NOV 05 1993


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Director
Office of Zoning

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