

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 643-B

Case No. 89-2M/84-18F

(PUD - Brookings Institute)

November 16, 1992

By Z.C. Order No. 457, dated May 13, 1985, the Zoning Commission for the District of Columbia approved the application of the Brookings Institute for consolidated review and approval of a planned unit development (PUD) and map amendment, pursuant to the provisions of Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, respectively.

Z.C. Order No. 457 provided for the construction of a mixed-use development consisting of an eight-story office component, a residential component that included three, three-story townhouses and an eight-story apartment building.

Z.C. Order No. 533, dated July 13, 1987 extended the validity of Z.C. Order No. 457 for two-years; that was to June 7, 1989. Z.C. Order No. 457-A dated June 12, 1989 approved an additional two-year extension of Z.C. Order Nos. 457 and 533; that was to June 7, 1991.

By Z.C. Order No. 643, dated November 13, 1989, the Zoning Commission approved with conditions, a modification to Z.C. Order Nos. 457, 533 and 457-A. The modifications affected the design and height of the project.

One of the conditions of approval in Z.C. Order No. 643 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. Construction shall start within three years of the effective date of this order."

Z.C. Order No. 643 became final and effective on December 15, 1989, requiring the applicant, pursuant to 11 DCMR 2406.8 and 2406.9, to file an application for a building permit by December 15, 1991 and to begin construction by December 15, 1992.

On June 27, 1990, the applicant filed an application for a building permit with the Department of Consumer and Regulatory Affairs (DCRA).

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.

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By letter dated September 9, 1992, counsel for the applicant requested a two-year extension of the validity of Z.C. Order No. 643. The letter indicated that although the project developer, the Quadrangle Development Corporation (Quadrangle), filed and obtained a building permit within the required time frame, quadrangle has been unable to proceed with the construction for the following reasons:

"A major office tenant has not yet been identified to lease space in the project. Without such a tenant, construction of the project cannot be financed. The leasing of the project's office space has been hampered by its SP restrictions, the current glut of office space on the market, and the recession in general. A two-year extension is requested to allow additional time to identify and negotiate a lease with an appropriate office tenant."

The applicant certified that copies of the request were served on all parties in the case including Advisory Neighborhood Commission (ANC) 2B.

The Office of Zoning (OZ) by memorandum dated September 21, 1992, 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.

By a memorandum dated October 9, 1992, the OP stated that neither the Zoning Regulations and Map nor the Comprehensive Plan have changed since the Commission approved the subject PUD and map amendment. The OP also recommended that the Zoning Commission grant the request to extend the deadline for filing of a building permit application to December 15, 1993 and to extend the deadline for commencing construction to December 15, 1994.

Neither ANC-2B, nor any other parties commented on the request to extend the validity of the PUD.

At its monthly public meeting on October 19, 1992, the Commission reviewed and considered the request for extension of time, the OZ memorandum, and the OP recommendation.

The OZ informed the Commission that the applicant had filed an application for a building permit, and that a two-year extension of the PUD would be to December 15, 1994, within which time construction shall commence.

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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, OP and OZ, 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.

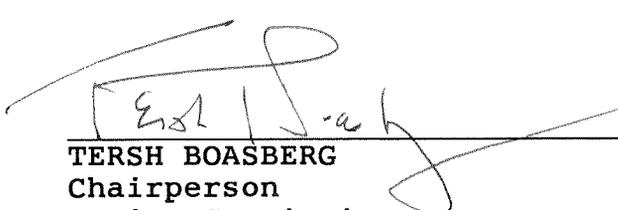
The Commission determined that an extension of time, as requested by the applicant, is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

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. 457, 533, 457-A and 643 in Z.C. Case No. 89-2M/84-18F be **EXTENDED** for a period of two years; that is until December 15, 1993, with construction to begin on or before December 15, 1994, pursuant to 11 DCMR 2406.8 and 2406.9.

Vote of the Commission taken at the monthly meeting on October 19, 1992: 3-2 (Maybelle Taylor Bennett, William L. Ensign, to extend, and Lloyd D. Smith, to extend by proxy - Tersh Boasberg, and John G. Parsons, opposed).

This order was adopted by the Zoning Commission at its public meeting on November 16, 1992 by a vote of 3-2 (Maybelle Taylor Bennett, William L. Ensign, to adopt, Lloyd D. Smith, to adopt by proxy - Tersh Boasberg, and John G. Parsons, opposed).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is on DEC 11 1992.



TERSHER BOASBERG
Chairperson
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

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