

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 649-D
Case No. 88-30C
(PUD @ 4th & K Streets, N.W.)
October 21, 1996

By Z.C. Order No. 649 dated February 12, 1990, the Zoning Commission for the District of Columbia approved the application of the Massachusetts Crescent Limited Partnership for consolidated review and approval of a planned unit development (PUD) for Lots 29 and 30 in Square 516, pursuant to the provisions of Chapter 24 of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

Z.C. Order No. 649 granted PUD approval for a 130-foot, mixed-use residential, office and retail project at the southwest corner of the intersection of 4th and K Streets N.W. The order became final and effective upon publication in the District of Columbia Register on April 13, 1990 (37 DCR 2461).

By Z.C. Order No. 649-A, the Zoning Commission corrected an administrative error that led to the omissions of Lot 58 from Z.C. Order No. 649 and included the lot in the description of the PUD site.

By Z.C. Order No. 649-B, the Commission extended the validity of the PUD until April 13, 1994, and Z.C. Order No. 649-C further extended the validity until April 13, 1996. The extensions were in accordance with 11 DCMR 2408.8.

On February 22, 1996, the Federal Deposit Insurance Corporation (FDIC) a Receiver of the National Bank of Washington in liquidation, filed a motion to extend the validity of Z.C. Order Nos. 649, 649-A, 649-B and 649-C pursuant to Subsection 2408.10 of the Zoning Regulations.

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

"The FDIC intends to liquidate and dispose of the property and use the proceeds to off-set the cost incurred by it, and ultimately the American taxpayer, in closing the National Bank of Washington. Market conditions in the Washington, D.C. area

have been unfavorable for this type of property, despite extensive liquidation efforts by the FDIC. An extension of the PUD will facilitate the liquidation of the asset by preserving the development potential of the property."

The applicant certified that Advisory Neighborhood Commission (ANC) 2C and other parties in the case were served copies of the extension request on February 22, 1996.

Advisory Neighborhood Commission (ANC) 2C, which submitted written comments supporting previous extension requests, did not comment on the instant request for an extension.

By memorandum dated July 10, 1996, the Office of Zoning (OZ) referred the motion for extension to the District of Columbia Office of Planning (OP) for an analysis of whether any amendments to the Zoning Regulations or Map or to the Comprehensive Plan since the Commission initially approved the PUD will affect this request.

The District of Columbia Office of Planning (OP), by memorandum dated August 28, 1996, indicated that the zoning of the site has changed from HR/C-2-C to DD/C-2-C since the Zoning Commission approved this application on February 12, 1990. However, the Comprehensive Plan designation for the site has not changed. Because this application was approved by the Zoning Commission prior to the enactment of the DD District Regulations, 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 Regulations. The OP recommended that the Commission grant the extension request.

Pursuant to Section 2408.10 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 approval.

On September 9, 1996, at its regular monthly meeting, the Zoning Commission concurred with the recommendation and position of OP and determined that an extension of time, as requested by the applicant, is reasonable and would not adversely affect any party or person.

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 in the Order, the Zoning Commission for the District of Columbia hereby **ORDERS** that the validity of Z.C. Order No. 649, 649-A, 649-B and 649-C be **EXTENDED**

for a period of TWO YEARS; that is, until April 13, 1998. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2408.8. Construction shall start not later than April 13, 1999.

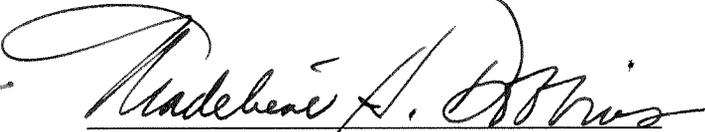
Vote of the Commission taken at the monthly meeting on September 9, 1996 5-0: (Maybelle Taylor Bennett, Howard R. Croft, John G. Parsons, Herbert M. Franklin and Jerrily R. Kress, to extend for TWO YEARS).

This order was adopted by the Zoning Commission at the public meeting on October 21, 1996 by a vote of 4-0: (Maybelle Taylor Bennett, Herbert M. Franklin, and Jerrily R. Kress, to adopt, John G. Parsons to adopt by absentee vote - Howard R. Croft not present, not voting).

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

NOV 1 1996


JERRILY R. KRESS
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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