

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 649-E

Case No. 88-30C

(PUD @ 4th & K Streets, N.W.)

July 13, 1998

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 lead 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, Z.C Order No. 649-C further extended the validity until April 13, 1996, and Z.C. Order No. 649-D further extended the validity until April 13, 1998. The extensions were in accordance with 11 DCMR 2408.8.

On February 6, 1998, the 4th and K Associates filed a request to extend the validity of Z.C. Order No. 649-D pursuant to 2406.10 of the Zoning Regulations.

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

“Previously, the extension (Order 649-D), was granted to the Federal Deposit Insurance Corporation (FDIC) as receiver of National Bank of Washington. We believe an additional two year extension to April 13, 2000 is for good cause and will preserve the development potential of the property.”

“Further, we also believe that the market for such a development has greatly improved during the last three months, and the financial feasibility due to lower interest rates and the potential benefits of Transferable Development Rights make the site an attractive development to contribute to a living downtown.”

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On May 5, 1998, F.L. Greene Associates, representing the 4th and K Associates reiterated its request for a 2 year extension and certified that Advisory Neighborhood Commission and other parties in the case were served copies of the extension request on May 5, 1998.

ANC-2C, which submitted written comments supporting previous extension request, did not comment on the request for an extension.

By memorandum dated March 23, 1998, 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, by memoranda dated May 20, 1998 and June 17, 1998, 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 of the site has not changed. Because this application was approved by the Zoning Commission prior to the enactment of the DD District Regulations, the OP 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 June 8, 1998, 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 indicated that the 4th and K Associates purchased the subject PUD during the early part of 1998 from the Federal Deposit Insurance Corporation (FDIC) and noted that the two-year extension is necessary due to the recent change of ownership.

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.

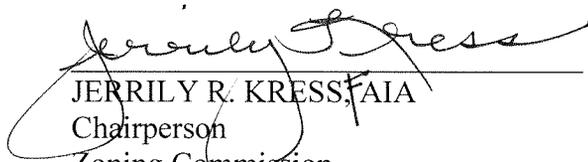
In consideration of the reasons set forth in the Order, the Zoning Commission for the District of Columbia hereby ORDERS that the validity of Z.C. Order No. 649, 649-A, 649-B, 649-C and 649-D be extended for a period of TWO YEARS; that is, until April 13, 2000. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2408.8 Construction shall start not later than April 13, 2001.

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Vote of the Zoning Commission taken at the monthly meeting on June 8, 1998: 4-0 (Herbert M. Franklin, John G. Parsons, Anthony J. Hood and Jerrily R. Kress, to extend for **TWO YEARS**: Angel F. Clarens, not present, not voting).

This order was adopted by the Zoning Commission at the public meeting on July 13, 1998 by a vote of 4-0: (John G. Parsons, Anthony J. Hood and Hebert M. Franklin to adopt, Jerrily R. Kress to adopt by absentee vote, Angel F. Clarens, not voting, not having participated in the case.

In accordance with the 11 DCMR 3028, this order is final and effective upon publication in the District of Columbia Register; that is, on AUG 21 1998.



JERRILY R. KRESS, FAIA
Chairperson
Zoning Commission



SHERI M. PRUITT-WILLIAMS
Interim Director
Office of Zoning

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