

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 656-B

CASE NO. 89-15C

(PUD @ 5333 Connecticut Avenue, N.W. - Cafritz)

January 13, 1992

By Z.C. Order Nos. 656 and 656-A dated March 12 and July 9, 1990, respectively, the Zoning Commission for the District of Columbia approved an application of Calvin Cafritz for consolidated review of a Planned Unit Development (PUD). The PUD site consists of lots 20-25, 37, 44, 826, 827 and 829, and a portion of a public alley to be closed in Square 1873, and is located at 5333 Connecticut Avenue, N.W.

The PUD approval was for the construction of a multi-story apartment building with approximately 204 dwelling units, and including a medical clinic and some commercial adjunct uses.

Z.C. Order Nos. 656 and 656-A approved the PUD project, subject to certain guidelines, conditions, and standards. One of the conditions of approval states that:

"The Planned Unit Development approved by the Zoning Commission shall be valid for a period of 2 years from the effective date of this order. Within that time, application must be filed for the building permit, as specified in 11 DCMR 2407. Construction shall start within 3 years of the effective date of this order."

Z.C. Order Nos. 656 and 656-A became final and effective on March 23, 1990. The validity of those orders is for two years; that is, until March 23, 1992.

11 DCMR 2406.10 allows the Zoning Commission to extend the validity of a PUD "for good cause shown," upon the request of the applicant being made prior to the expiration of the PUD.

By letter dated October 3, 1991, from counsel for the applicant, the applicant requested a two-year extension of the validity of Z.C. Order Nos. 656 and 656-A, that is, until March 23, 1994. In requesting this extension, the applicant set forth the following reasons:

- a. The Order became final on March 23, 1990 and since that time, the applicant has vigorously sought potential construction and permanent financing as noted below. A two year extension for filing the building permit until

March 23, 1994, and construction start until March 23, 1995, is now critical;

- b. Since the time of the hearing, there has been no improvement in the financial market relative to real estate financing, and in particular, for market rate apartment buildings. In fact, the situation is now substantially worse. Flexibility in the life of the approval is therefore essential to obtain the financing necessary for construction of the project;
- c. In light of the current market conditions, the applicant requires additional time to continue its efforts to obtain financing for the project. As the affidavit from Calvin Cafritz states, the applicant has been continuously marketing the project since 1990. As the Commission is aware, presently there is a severe softening of the residential market with lower rental rates. The applicant believes that (i) it is not prudent to commence construction, and (ii) construction financing is not presently available;
- d. The residential market has suffered even tougher times than the commercial market. As a result, residential projects are even harder to finance than an office building in today's economic environment; and
- e. The applicant believes that the proposed project will make a worthwhile contribution to the city, ANC 3G and the immediate neighborhood, and that every effort should be made to ensure that the project remains viable.

The applicant has continuously marketed this project to financing sources since the approval of the PUD. Given the applicant's serious commitment to making this project work in the current leasing market and financing environment, the applicant respectfully request that the PUD approval be extended for two additional years until March 23, 1994 before a building permit must be filed, and that construction must commence by March 23, 1995.

The District of Columbia Office of Planning (OP), by memorandum dated November 15, 1991, recommended that the validity of the PUD be extended for two years.

Advisory Neighborhood Commission (ANC) 3G, by letter dated September 11, 1991, supported the applicant's request subject to the applicant agreeing to cut the grass at the PUD site at least once a month from April - October, or until construction begins.

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In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is, JAN 31 1992.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Acting Director
Office of Zoning

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