

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 656-C

Case No. 89-15C

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

May 9, 1994

By Z.C. Order No. 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, 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 two 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 three years of the effective date of this order."

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 Z.C. Order No. 656-B, the Zoning Commission extended the validity of Z.C. Order Nos. 656 and 656-A, for two years; that is until March 23, 1994 for the applicant to file for a building permit, as specified in 11 DCMR 2406.8. Construction was to start not later than March 23, 1995.

By motion dated February 7, 1994, counsel for the applicant requested a two-year extension of the validity of Z.C. Order Nos. 656, 656-A and 656-B.

The following are the reasons advanced by the applicant for the extension request:

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1. The original order became final on March 23, 1990, and since that time, the applicant has actively sought potential construction and permanent financing;
2. Since the time of the granting of the first extension, there has been little improvement in the financial market relative to real estate financing, and in particular, essential to obtain the financing necessary for construction of the project;
3. 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 softening of the residential market with lower rental rates. The applicant believes that under the current circumstances, it is not prudent to commence construction given that construction financing is not presently available; and
4. The residential market has suffered to an even greater extent than the commercial market. As a result, residential projects are even more difficult to finance than office projects in today's economic environment. In addition, due to substantial soft and hard costs associated with the construction of the project, high rental rates will be required. The current rental market will not support rates above existing market levels.

By memorandum dated February 10, 1994, the District of Columbia Office of Zoning (OZ) referred the applicant's request 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 Zoning Commission initially decided this case will affect this request.

By memorandum dated February 29, 1994, OP recommended that the applicant's motion for extension be granted. The OP indicated that neither the Zoning Regulations and Zoning Map, nor the Comprehensive Plan, have changed since the Commission approved the subject PUD. The site remains in the R-5-D (former known as R-5-C) zone district and in the high density residential land use category.

The OP concluded that the applicant needs additional time to secure financing and complete the development of the project. It added that the Commission should extend the validity of the PUD to March

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23, 1996 by which time plans must be filed for a building permit, and March 23, 1997 by which time construction must commence.

By letter dated March 3, 1994, Advisory Neighborhood Commission (ANC) - 3G supported the applicant's request for extension of the PUD. The ANC support was conditioned on the applicant's agreement to continue to maintain the grass at the PUD site by cutting it at least once a month from April to October, until construction begins.

On April 11, 1994 at its regular monthly meeting, the Commission reviewed and considered the applicant's request, the OP report and the ANC-3G condition of support.

Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Commission concurs with the applicant, OP, and ANC-3G, 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 Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

For the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order Nos. 656, 656-A, and 656-B be extended for a period of two-years; until March 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 within one year of that date, that is not later than March 23, 1997.

Vote of the Commission taken at the monthly meeting on April 11, 1994: 5-0 (Maybelle Taylor Bennett, John G. Parsons, Jerrily R. Kress, and William L. Ensign, to approve, and William B. Johnson, to approve by absentee vote).

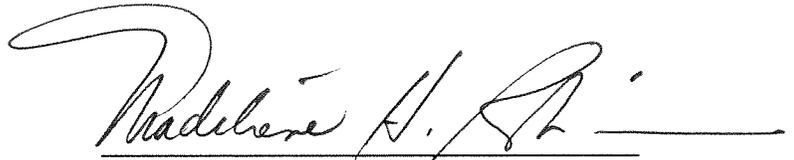
This order was adopted by the Zoning Commission at its regular monthly meeting on May 9, 1994, by a vote of 4-0: (Jerrily R. Kress, William L. Ensign and Maybelle Taylor Bennett to adopt, John G. Parsons, to adopt by absentee vote, William B. Johnson not voting, having temporarily left the meeting).

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

JUN 3 1994


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Director
Office of Zoning

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