

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 668-B
Case No. 89-31C
(PUD & Map @ Judiciary Center)
August 5, 1991

On July 9, 1990, by Z.C. Order No. 668, the Zoning Commission for the District of Columbia approved the application of 488 Associates Limited Partnership, the Salvation Army, the Fraternal Order of Police and John W. and Vinard Parris for a consolidated review and approval of a Planned Unit Development and related amendment to the zoning map from SP-2 to C-3-C for lots 15-19, 24, 25, 821-823, and a closed public alley in Square 488, located at 500 - 5th Street, N.W.

The PUD site will have a maximum height of 120 feet, a maximum FAR of 7.64, a lot occupancy of ninety-nine (99%) percent and a gross floor area of approximately 338,125 square feet for office/retail.

Z.C. Order No. 668 approved the construction of the mixed-use commercial building subject to certain guidelines, conditions and standards. Condition No. 13 of Z.C. Order No. 668 states the following:

"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 such time, application must be filed for a building permit as specified in Section 2407.1 DCMR Title 11. Construction shall start within three (3) years of the effective date of this order."

Z.C. Order No. 668 became final and effective on July 27, 1990. The validity of this order is for two years; that is, until July 27, 1992, provided that application for a building permit is filed within that period of time, after which construction would have to start by July 27, 1993.

By letter dated October 3, 1990, counsel for the applicant requested the Zoning Commission to modify the second sentence in Condition No. 6 of Z.C. Order No. 668, relating to ingress and egress.

At its public meeting on October 15, 1990, the Zoning Commission approved the propose change in Z.C. Order No. 688, and adopted Z.C. Order No. 668-A at its monthly meeting of November 19, 1990.

The letter indicated that the basis for an extension stems from the following:

"In light of the current market conditions, the applicant requires additional time to continue its efforts to secure a lead tenant for the building. As the affidavit from Hines Square 488 Limited Partnership states, the applicant has been continuously marketing the project for a lead tenant since October, 1989. As the Commission is aware, presently there is a severe softening of the office market with lower rental rates. The applicant believes that (i) it is not prudent to commence construction, and (ii) construction financing will not be available, until a lead tenant is secured and the project substantially pre-leased.

The Commission's Order in Paragraph 11 of the decision allows the applicant certain flexibility to be reflected in the working drawings. This flexibility was requested by applicant, and is essential, to permit the building to be designed to address the particular needs and requirements of a lead tenant. Therefore, it is necessary that the applicant be given additional time to defer final design and submission of working drawings since the lead tenant will want and require input on these matters."

ANC-2C, by letter dated August 3, 1990, supported the applicant's request to extend the time frame for PUD approval given current market conditions.

The D.C. Preservation League, by letter dated August 2, 1990 also supported the request.

The Zoning Commission received no comments on this matter from the Office of Planning, nor any other party or person.

Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request made before the expiration of the approval.

On July 8, 1991, at its regular monthly meeting, the Zoning Commission considered the request of the applicant and determined that an extension of time is not unreasonable, that the rationale for granting the approval for the PUD has not changed, and that no adverse consequences will result by approving the request.

The Commission believes that the approval of 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.

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and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

This extension of the validity of the approved PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Orders No. 668 and 668-A be **EXTENDED** for a period of **TWO YEARS**; that is, until July 27, 1994. 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 five years of the effective date of Z.C. Order No. 668; that is, not later than July 27, 1995.

Vote of the Zoning Commission taken at the monthly meeting on June 13, 1991: 5-0 (Lloyd D. Smith, Maybelle Taylor Bennett, John G. Parsons, Tersh Boasberg, and William L. Ensign, to extend for two years).

This order was adopted by the Zoning Commission at the August 5, 1991 public meeting by a vote of 5-0: (William L. Ensign, Lloyd D. Smith, Maybelle Taylor Bennett, Tersh Boasberg, and John G. Parsons to approve).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on AUG 16 1991.



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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