

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 684-C
Case No. 94-1M/89-34C
(PUD Modification @ 1331 L Street, N.W.)
May 12, 1997

By Z.C. Order No. 684, dated February 11, 1991, the Zoning Commission for the District of Columbia approved the application of Square 247 Associates Limited Partnership for consolidated review and approval of a planned unit development (PUD) and related change of zoning from HR/SP-2 to C-4 for Lot 96 (formerly Lots 71, 72, 86, 88, 89, 864 and 866) in Square 247.

Z.C. Order No. 684 granted approval for a 110-foot office/retail project located at 1331 L Street, N.W. The order became final and effective upon publication in the District of Columbia Register on March 1, 1991.

By Z.C. Order No. 684-A, dated November 14, 1994, the Zoning Commission granted the applicant's request to modify Condition Nos. 6a and 11 of Z.C. Order No. 684, to add a new Condition No. 12 and renumber Condition Nos. 13 through 17.

By Z.C. Order No. 684-B, dated February 12, 1996, the Commission extended the validity of the PUD for two years, that is until December 30, 1999. Prior to the expiration of that time, the applicant shall file an application for a building permit in accordance with 11 DCMR 2408.8.

Z.C. Order No. 684-B became final and effective upon publication in the District of Columbia Register on March 22, 1996.

On January 15, 1997, Square 247 Associates Limited Partnership filed a motion to extend the validity of Z.C. Order Nos. 684, 684-A and 684-B for ten years pursuant to 11 DCMR 2408.10. In that motion, the applicant stressed continued unfavorable economic conditions.

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

"The applicant is prepared to build the office building as soon as it is financially prudent to do so. There is no benefit to the applicant to delay construction. However, the applicant cannot begin the construction

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process without lease commitments from enough tenants to convince a lender to back the project. The production of working drawings must begin approximately nine months to one year prior to filing for the building permit and entails a substantial expenditure of funds. These drawings must also take into account the needs of the lead tenant. Given the continuing state of the real estate and financial markets in the District of Columbia, the applicant is unable to determine at this time when the circumstances will allow the construction process to proceed."

Advisory Neighborhood Commission (ANC) 2F by report dated November 14, 1996, voted to support the applicant's request for the ten year extension.

By memorandum dated January 22, 1997, the District of Columbia Office of Zoning (OZ) referred the extension 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 the case would affect this request.

The OP, in a memorandum dated February 28, 1997 recommended that the applicant's motion for extension be granted for the term allowed under the current Zoning Regulations and stated the added following:

"Relative to this currently requested time extension, the Office of Planning recommends that the Zoning Commission extend the application in accordance with Subsection 2408.8 through 2408.10 of 11 DCMR. Specifically, the Office of Planning believes that the Commission should extend the validity of the approved PUD for the current maximum time allowed under the existing regulations (Subsections 2408.8 and 2408.9). The Commission could amend these regulations with a text amendment, to allow for a longer time extension period. However, in previous requests, the Commission has adhered to the regulations as currently promulgated."

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 March 10, 1997, at its regular monthly meeting, the Zoning Commission concurred with the recommendation and the position of ANC-2F, and in part with the recommendation of OP. The Commission determined that the extension of time, as requested by the applicant, was reasonable and would not adversely affect any party or person.

