

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 689-B
Case No. 90-3C
(PUD & Map - Conference Center)
October 23, 1995

By Z.C. Order No. 689 dated March 11, 1991, the Zoning Commission for the District of Columbia approved the application of the Conference Center Associates Limited partnership and the District of Columbia Office of Business and Economic Development (OBED). The application, as amended, requested consolidated review and approval of a planned unit development (PUD), and a related map amendment from unzoned property to C-2-A for Parcel 121/31 located at the northwest corner of the intersection of Michigan Avenue and Irving Street, N.E.

The PUD site is owned by the Federal government. The Federal government transferred jurisdiction over the site to the District of Columbia in 1959. General Services Administration (GSA) entered into a statement of non-disturbance, dated March 7, 1990, for the development of the site for the uses proposed in the application. The site consists of approximately 5.48 acres of land and is improved with a parking lot.

Z.C. Order No. 689 provided for the construction of a conference/training center with guest rooms to primarily serve the needs of the surrounding institutional community. The facility shall not exceed 65 feet in height, shall have a floor area ratio (FAR) 1.42, a lot occupancy of 45 percent and shall provide a total of 237 parking spaces.

One of the conditions of approval in Z.C. Order No. 689 states that, "The PUD 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 subsection 11 DCMR 2407.1, and construction to start within three years of the effective date of the Order."

Z.C. Order No. 689 became final and effective on March 29, 1991, requiring the applicant, pursuant to 11 DCMR 2406.8 and 2406.9, to file an application for a building permit by March 29, 1993 and to begin construction by March 29, 1994.

Z.C. ORDER 689-B
CASE NO. 90-3C
PAGE NO. 2

Pursuant to DCMR 2406.10, the Zoning Commission has the authority to extend the validity of a PUD for good cause shown upon proper request of the applicant before the expiration of the PUD approval.

By letter dated March 24, 1993, counsel for the applicant requested a two-year extension of Z.C. Order No. 689. The letter indicated that the real estate recession in the area and the unavailability of financing for the project make it impossible for the applicant to proceed at the present time. The letter added that the applicant is actively discussing the financing of the project with potential investors and will proceed as soon as financing can be secured.

By Z.C. Order No. 689-A, dated July 12, 1993, the Zoning Commission extended the validity of Z.C. Order Nos. 689 and 689-A for a period of two years; that is, until March 29, 1995. Prior to the expiration of that time, the applicants shall file an application for a building permit, with construction to begin on or before March 29, 1996.

By letter dated March 28, 1995, counsel for the applicants filed a motion requesting the Commission to further extend the validity of Z.C. Order Nos. 689 and 689-A for two years, pursuant to 11 DCMR 2406.10. The letter indicated that due to the real estate recession in the area and the unavailability of financing for the project make it impossible for the applicant to proceed at the present time. The letter also stated that the applicant is actively continuing discussions with potential investors and additional partners and will proceed expeditiously as soon as financing can be secured.

The applicants, by an attachment to its letter, certified that Advisory Neighborhood Commissions (ANCs) 4D and 5C were served a copy of the extension request on March 28, 1995.

The Office of Zoning (OZ) by memorandum dated May 15, 1995, referred the extension request to the District of Columbia Office of Planning (OP) for an analysis of the effects of the request on any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan since the Zoning Commission initially decided the case.

By memorandum dated June 27, 1995, OP stated that neither the Zoning Regulations and Map nor the Comprehensive Plan had changed since the Commission approved the subject PUD. OP also stated that the applicant requires additional time to solidify financing for the project. OP recommended that the Zoning Commission grant the request to extend the deadline for filing a building permit application to March 29, 1997 and to extend the deadline for commencing construction to March 29, 1998.

Z.C. ORDER 689-B
CASE NO. 90-3C
PAGE NO. 3

Neither ANC-4D or ANC-5C commented on the request to extend the validity of the PUD.

At its monthly public meeting on July 10, 1995, the Commission reviewed and considered the request for extension of time, and the OP recommendation.

Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Commission believes that the applicant has shown good cause for the extension of time. The Commission believes that the current real estate recession in the area and the continuing unavailability of financing for the project warrant the requested extension of time.

The Commission concurs with the applicant and the OP, 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 the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

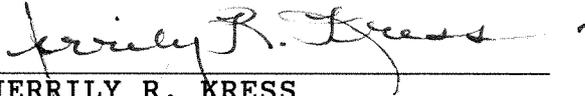
In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order Nos. 689 and 689-A in Z.C. No. 90-3C be **EXTENDED FOR A PERIOD OF TWO YEARS**; that is until March 29, 1997, within which time the applicant must file for a building permit. Pursuant to 11 DCMR 2406.8 and 2406.9, construction must begin on or before March 29, 1998.

Vote of the Commission taken at the monthly meeting on July 10, 1995: 3-0 (William L. Ensign, and Jerrily R. Kress, to extend; John G. Parsons to extend by absentee vote and Maybelle Taylor Bennett, abstained, having recused herself).

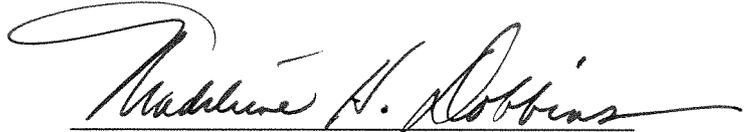
This order was adopted by the Zoning Commission at its public meeting on October 23, 1995 by a vote of 3-0: (John G. Parsons, William L. Ensign and Jerrily R. Kress to adopt - Maybelle Taylor Bennett, not voting, having recused herself).

Z.C. ORDER 689-B
CASE NO. 90-3C
PAGE NO. 4

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is, on DEC 15 1995*



JERRILY R. KRESS
Chairperson
Zoning Commission



MADELIENE H. DOBBINS
Director
Office of Zoning

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*This order appears in the December 8, 1995 edition of the D.C. Register which was published on December 15, 1995.