

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 689-F *
Case No. 00-13TE/90-3C
(PUD & Map Amendment—Conference Center)
May 8, 2000

By Zoning Commission 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 site consists of approximately 5.48 acres of land and is improved with a parking lot.

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

Zoning Commission Order 689 became final and effective on March 29, 1991, requiring the applicant, pursuant to 11 DCMR Subsections 2408.8 and 2408.9, to file an application for a building permit by March 29, 1993, and to begin construction by March 29, 1994.

By Zoning Commission Order Nos. 689-A, 689-B and 689-C, dated July 12, 1993, October 23, 1995 and December 8, 1997 respectively, the validity of the PUD was extended each time for two years. Order No. 689-A extended the validity of the PUD, requiring the applicant to file for a building permit by March 29, 1995, and requiring construction to begin by March 29, 1996. Zoning Commission Order No. 689-B extended the validity of the PUD, requiring the applicant to file for a building permit by March 29, 1997, and requiring construction to begin by March 29, 1998. Zoning Commission Order 689-C extended the validity of the PUD, requiring the applicant to file a building permit by March 29, 1999 and requiring construction to begin by March 29, 2000. Zoning Commission Order No. 689-D extended the validity of the PUD, requiring the applicant to file for a building permit by December 31, 1999, and requiring construction to begin by December 31, 2000. Zoning Commission Order No. 689-E extended the validity of the PUD, requiring the applicant to file for a building permit by April 30, 2000,

*** Revised (date on page 3 bolded)**

and requiring construction to begin by April 30, 2001. Pursuant to 11 DCMR Subsections 2408.10 and 2408.11, 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 April 28, 2000, counsel for the applicant requested a 90-day extension of Zoning Commission Order Nos. 689, 689-A, 689-B, 689-C, 689-D and 689-E. The letter indicated that the applicant had completed the working drawings for the project and was prepared to file a building permit application and plans by April 30, 2000, the deadline for such filing under Zoning Commission Order No. 689-E. The applicant did not file, however, because the property owner, the Department of Housing and Community Development (DHCD), requested that the applicant postpone the filing for 180 days to provide sufficient time for DHCD to prepare and execute an Exclusive Rights Agreement and Ground Lease.

DHCD, by letter dated April 27, 2000, also filed a request with the Zoning Commission for an extension of the above-referenced Orders from April 30, 2000 to July 29, 2000. DHCD indicated that the request for the extension is based on the following reasons:

1. DHCD is currently reviewing the updated proposal submitted by the Developer, Conference Center Associates, I, LLC (CCA). CCA is composed of new partners that are reputable in their own fields.
2. DHCD needs approximately 30 calendar days to prepare and execute a new Exclusive Right Agreement (ERA) if the updated proposal is approved. It is DHCD's intention to specify a time frame for CCA to perform or their failure to comply will automatically revoke the ERA.
3. DHCD anticipates that the preparation of the Ground Lease Agreement and approvals of the Mayor, City Council and the Control Board will be completed soon after the execution of the ERA, which will take approximately 60 days.

DHCD further stated that it intends to have a development on the Fringe Parking Lot site that is beneficial to the District of Columbia and considers CCA's PUD design for the site acceptable. However, DHCD wants to ensure that the developer is capable of such a development task and has requested an extension of 90 calendar days on the PUD.

The applicant certified that copies of the extension request were served on the Office of Planning (OP) and Advisory Neighborhood Commissions (ANC) 4D and 5C.

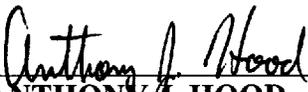
Neither OP, ANC-4D nor 5C commented on the request to extend the validity of the PUD.

On May 8, 2000, at its regular monthly meeting, the Commission considered all of the submissions related to this case. The Commission concurs with the applicant and DHCD and believes that an extension of the PUD for 180 days is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Map, and is not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of a 180-day extension of the validity of Zoning Commission Order Nos. 689, 689-A, 689-B, 689-C, 689-D and 689-E, that is until **October 27, 2000**, within which time the applicant must file for a building permit. Pursuant to 11 DCMR 2408.8 and 2408.9, construction must begin on or before **October 27, 2001**.

The Commission approved a 180-day extension of this application and adopted this order at its monthly meeting on May 8, 2000, by a vote of 5-0 (Carol J. Mitten, Herbert M. Franklin, Anthony J. Hood, Kwasi Holman and John G. Parsons, by proxy to adopt and **APPROVE**).

In accordance with 11 DCMR Section 3028, this Order is final and effective upon publication in the D.C. Register; that is, on August 11, 2000.



ANTHONY J. HOOD
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning