

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 700-B
Case No. 90-20F/87-4P
(PUD & Map Amendment @ Capitol Point)
May 9, 1994

By Z.C. Order No. 700 dated February 10, 1992, the Zoning Commission for the District of Columbia granted the application of the Riverside Associates Limited Partnership for a second-stage (final) approval to a planned unit development (PUD) and related change of zoning from W-1 and W-3 to CR for Lot 801 in Square 602 located adjacent to the east boundary of Fort McNair at 2nd and R Streets, S.W.

The final PUD approval was for the construction of a mixed-use development, including office and residential uses, to a maximum height of 110 feet, a maximum floor area ratio (FAR) of 5.3, a maximum lot occupancy of seventy-five percent (75%), underground parking to accommodate 2,150 cars, and 500 apartment units.

Z.C. Order No. 700 became final and effective on February 28, 1992. The validity of that order was for two years, that is until February 28, 1994, provided that application for a building permit must have been filed within that period of time. Therefore, construction would have to start by February 28, 1995.

By Z.C. Order No. 700-A dated March 9, 1992, the Zoning Commission granted the Office of Zoning's (OZ) request to waive all applicable rules of practice and procedure to administratively correct Condition No. 13, to establish a time frame of 12 years for the delivery of the residential units. This order became final and effective on March 27, 1992. The Zoning Commission's approval expired on March 27, 1994.

By letter dated February 2, 1994, counsel for the applicant, filed a request to extend the validity of Z.C. Order Nos. 700 and 700-A for a period of two years.

The letter indicated that the basis for an extension of validity of the PUD is as follows:

"Despite ongoing efforts, the partnership has been unable to secure construction financing during this very difficult real estate downturn. At the same time, the Federal government's policy to cease all leases for federal office users makes the

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situation more difficult. Riverside will continue to market the site for the mix of uses approved in Order No. 700."

By memorandum dated February 8, 1994, the District of Columbia Office of Zoning (OZ) referred the matter 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, will affect this request.

By memorandum dated March 29, 1994, OP recommended that the applicant's request be granted and stated that no purpose would be served in this instance by denying the request. OP indicated the following:

"Based on the preceeding analysis, the Office of Planning concludes that neither the Zoning Regulations and Map, nor the Comprehensive Plan, have changed since the Zoning Commission approved the subject PUD. Given the conditions created by the recent downturn in the real estate market and the difficulties encountered by the applicant in financing and marketing the project, the Office of Planning recommends that the Zoning Commission grant this request to extend the deadline for filing for a building permit by two years to March 27, 1996."

By letter dated March 21, 1994, Advisory Neighborhood Commission (ANC-2D) indicated its vote to support Riverside Associate's request for a two-year extension. In addition to supporting the request, ANC-2D questioned how the Zoning Commission evaluates such requests as a general practice and asked the Zoning Commission to respond.

The Zoning Commission received a copy of a letter dated March 16, 1994 from the applicant to ANC-2D. The letter reiterated the applicant's committment to its obligation to the neighborhood as set forth in the Community Participation Plan, dated January 24, 1991 and the Agreement between ANC-2D and Riverside, dated January 24 and January 25, 1991.

On April 11, 1994 at its regular monthly meeting, the Zoning Commission considered the request from counsel for the applicant, the OP report, the ANC-2D letter dated March 21, 1994, and the March 16, 1994 letter from the applicant to ANC-2D. The Commission determined that an extension of time, as requested by the applicant, is reasonable and would not adversely affect any party or person.

The Commission believes that its proposed action to grant the request is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations

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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. 700 and 700-A be extended for a period of two years; that is, until March 27, 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 27, 1997.

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

This order was adopted by the Zoning Commission at the May 9, 1994 public meeting by a vote of 5-0: (Jerrily R. Kress, William B. Johnson, Maybelle Taylor Bennett, and William L. Ensign to adopt, John B. Parsons to adopt by absentee vote).

In accordance with 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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