

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 700-C
Case No. 90-20F/87-4P
(PUD & Map Amendment @ Capitol Point)
July 1, 1996

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.

Z.C. Order No. 700-B, dated May 9, 1994 extended the validity of Z.C. Order Nos. 700 and 700-B for two years; that is, until March 27, 1996 for application for a building permit, and construction to start no later than March 27, 1997.

By letter dated March 26, 1996, counsel for the applicant, filed a request to extend the validity of Z.C. Order Nos. 700, 700-A and 700-B for a period of two years.

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The letter indicated that the continued economic situation that warranted the previous extension is the basis for the instant request and stated 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 situation more difficult. Riverside will continue to market the site for the mix of uses approved in Order No. 700."

By memorandum dated April 12, 1996, 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 June 6, 1996, 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, 1998."

Copies of the motion for extension were served on ANC-2D and other parties to the case. Neither ANC-2D, nor any party submitted any comments into the record for the Commission's consideration.

On June 10, 1996 at its regular monthly meeting, the Zoning Commission considered the request from counsel for the applicant, and the OP report. 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 and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

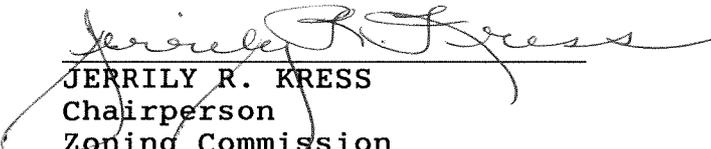
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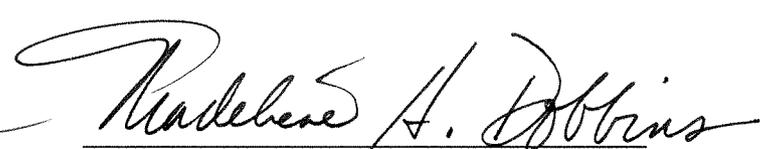
In consideration of the reasons set forth in the order, the Zoning Commission for the District of Columbia hereby ORDERS that the validity of Z.C. Order Nos. 700, 700-A and 700-B be extended for a period of two years; that is, until March 27, 1998. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2408.8. Construction shall start within one year of that date; that is, not later than March 27, 1999.

Vote of the Zoning Commission taken at the monthly meeting on June 10 1996: 5-0 (John G. Parsons, Maybelle Taylor Bennett, Herbert M. Franklin, Howard R. Croft and Jerrily R. Kress, to extend).

This order was adopted by the Zoning Commission at the July 1, 1996 public meeting by a vote of 5-0 (Maybelle Taylor Bennett, Herbert M. Franklin, Howard C. Croft, John G. Parsons, and Jerrily R. Kress, to adopt).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on JUL 26 1996.


JERRILY R. KRESS
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

ZCO700-C/VCE/LJP