

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 700-E

Case No. 00-08TE/90-20F/87-4P

(PUD & Map Amendment @ Capitol Point)

June 12, 2000

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 at least 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.

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

By Z.C. Order No. 700-C dated July 1, 1996, the Zoning Commission extended the validity of Z.C. Order Nos. 700, 700-A and 700-B for two years; that is, until March 27, 1998 for application of a building permit, and construction to start no later than March 27, 1999.

Z.C. Order No. 700-D, dated April 12, 1999 extended the validity of Z.C. Order Nos. 700, 700-A, 700-B, and 700-C, for two years; that is, until March 27, 2000 for application of a building permit, and construction to start no later than March 27, 2001.

By letter dated March 27, 2000, counsel for the applicant, filed a request to extend the validity of Z.C. Order Nos. 700, 700-A, 700-B, 700-C, and 700-D for a period of two years.

The letter indicated that:

- “The 1994 and 1996 extensions were granted in part because the Applicant had been unable to secure construction financing during the real estate downturn. At the same time, the federal government’s policy to cease all leases for federal office users made the situation more difficult. The effects of the real estate downturn endured, resulting in an inability to secure financing and attract major tenants even into 1998. Despite the dramatically improved development climate that now exists, the Applicant remains unable to move forward pending the resolution of some serious environmental issues. Portions of the site are contaminated with, inter alia, lead and PCBs. The District of Columbia is one of the parties responsible for some of this contamination. The Applicant is currently involved in litigation concerning such contamination. This litigation has made it extremely difficult to obtain financing or commence development.”
- “The John Akridge Companies is now a partner with the Applicant in this development. Given Akridge’s extensive experience in real estate marketing and development in the District of Columbia, the company’s involvement enhances the prospects for the project’s successful completion. As shown in the affidavit of Timothy L. Kissler, project manager for the John Akridge Companies (Exhibit C), Akridge has been engaged in active efforts to market the property. In order to secure financing and proceed with the development of a project such as this, a significant amount of pre-leasing is necessary. These efforts at pre-leasing have been and continue to be impeded by the ongoing litigation.”
- “This request for an extension of time within which to complete the PUD project is consistent with the intent and purposes of the Zoning Regulations, the requirements of Chapter 24 of the Zoning Regulations, the PUD process and the District of Columbia Comprehensive Plan for the National Capital. The zoning of the subject property has not changed since the PUD was approved.”

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 have occurred since the Zoning Commission initially decided the case.

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.

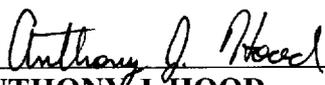
On June 12, 2000 at its regular monthly meeting, the Zoning Commission considered the request from counsel for the applicant, and the OP report. The Commission determined that an extension of time, as requested by the applicant, is reasonable and would not adversely affect any party or person.

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.

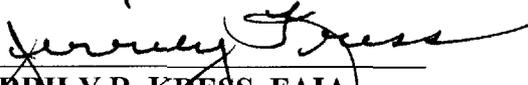
In consideration of the reasons set forth in the order, the Zoning Commission for the District of Columbia hereby ORDERS that the validity of Z.C. Order Nos. 700, 700-A, 700-B, 700-C, and 700-D be extended for a period of one year; that is, until March 27, 2001. Prior to the expiration of that time, 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, 2002.

This order was extended and adopted by the Zoning Commission at the June 12, 2000, public meeting by a vote of 5 - 0 (John G. Parsons, Carol J. Mitten, Herbert M. Franklin, Kwasi Holman, and Anthony J. Hood, to **APPROVE**).

In accordance with 11 DCMR §3028, this order is final and effective upon publication in the D.C. Register; that is on JULY 14, 2000.



ANTHONY J. HOOD
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning