

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 783-B

Case No. 93-3C

(Consolidated PUD & Map Amendment @ 200 K Street, NE)

December 13, 1999

On September 11, 1995, by Zoning Commission Order No. 783, the Zoning Commission approved the application of the 200 K Street Limited Partnership. The planned unit development (PUD) site is located at 200 K Street, NE. The applicant proposed to construct a high-rise, mixed-use office and residential project. Zoning Commission Order No. 783 approved the consolidated PUD and related map amendment with certain, guidelines and standards.

One of the conditions in Z.C. Order No. 783 states, "The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for the building permit, as specified in Subsection 2409.1 of the Zoning Regulations. Construction shall start within 3 years of the effective date of this order."

Z.C. Order No. 783 became final and effective on October 27, 1995. The validity of that order was for two years, that is, until October 27, 1997.

On October 23, 1997, the applicant filed a request to extend the validity of Z.C. Order No. 783, pursuant to 11 DCMR 2406.10. The applicant requested an extension of time of two years, to allow construction to begin not later than October 27, 1999.

Order No. 783-A dated April 13, 1998, extended the validity of the PUD for two years until October 27, 1999, by which time an application for a building permit was required to be filed until October 27, 2000, by which time construction was to begin.

By letter dated October 25, 1999, the applicant filed a request to extend the validity of Z.C. Order Nos. 783-A and 783 pursuant to 11 DCMR 2406.10 . The applicant requested an extension of time of two years or until October 27, 2001.

As the basis for the extension, the applicant cites the following:

...the Applicant has been working diligently with government and private entities to attract a tenant to the project. While strong interest has developed over this period and we feel that we are close to landing a tenant, the fact of the matter is that we have not secured one to date. The lack of a tenant has made it extremely difficult to secure financing.

The District of Columbia Office of Planning (OP), by memorandum dated December 8, 1999, reported that the applicant would likely gain no benefit from delaying immediate construction of the PUD project. The purpose in requesting an extension is clearly to allow sufficient time to secure the financing that is required for the project to proceed.

Pursuant to Section 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request being made before the expiration of the approval.

On December 13, 1999, at its regular monthly meeting, the Commission considered the applicant's request for a two-year extension of the validity of the OP memorandum dated December 8, 1999.

The Zoning Commission received no comments from Advisory Neighborhood Commission 2A regarding this matter.

The Commission determined that an extension of the validity of the PUD is reasonable and would not adversely affect any party. The Commission believes that the applicant has made reasonable efforts to locating a tenant. The Commission also notes that both the Comprehensive Plan designation and the zoning for the site have remained the same since the Commission's initial approval.

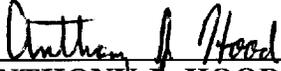
The Commission believes that its proposed action to grant the request is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

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. 783 and 783-A be **EXTENDED** for a period of **TWO YEARS**; that is until October 27, 2001. Prior to the expiration of that time, the applicants shall file an application for a building permit, as specified in 11 DCRM 2406.8 and construction to start on or before October 27, 2002.

Vote of the Commission taken at the monthly meeting on December 13, 1999, by a vote of 4-0-1 (Kwasi Holman, Carol J. Mitten, John G. Parsons and Anthony J. Hood to extend the validity of the PUD and related map amendment for TWO YEARS, Herbert M. Franklin abstained).

This order was adopted by the Zoning Commission at its public meeting on December 13, 1999, by a vote of 4-0-1 (Kwasi Holman, Carol J. Mitten, John G. Parsons and Anthony J. Hood to adopt, Herbert M. Franklin abstained).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the District of Columbia Register; that is, on JAN 21 2000.



ANTHONY J. HOOD
Chairperson
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office Of Zoning