

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 830-A

Case No. 96-16

(PUD & Map Amendment – Prevocational School Site)

November 8, 1999

By Zoning Commission Order No. 830, dated September 15, 1997, the Zoning Commission for the District of Columbia granted approval of an application from the New Jersey and H Limited Partnership for consolidated review of a planned unit development (PUD) for Lots 190-193 in Square 623 located on the northeast corner of New Jersey Avenue and H Street, N.W., pursuant to the provisions of Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

The PUD approval provides for the construction of three office buildings and a daycare center/nursery school/tutoring center containing 221,050, 519,520, 381,320 and 9,800 square feet of gross floor area, respectively. The office buildings will not exceed 87 feet, 108 feet and 121 feet in height, respectively. The approved PUD project will have an FAR of approximately 7.0, a lot occupancy of no more than 88 percent, and will provide 656 parking spaces.

Order No. 830 became final and effective on October 24, 1997. The validity of that order was for two years; that is, until October 27, 1999, provided that an application for a building permit was filed within that period of time, after which construction would have to start by October 24, 2000.

Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Commission may extend the validity of the PUD approval for good cause shown upon a request made before the expiration of the approval.

By letter dated September 2, 1999, the applicant filed a request to extend the validity of the previously approved PUD for an additional period of five years. The applicant indicated that it is requesting a five-year extension as opposed to a two-year extension because the site is in play for the new Department of Transportation (DOT) headquarters building and that initial occupancy is not anticipated to commence for four and one-half years. The applicant also alludes to the strength of the amenity package as another reason for the requested five-year extension of time.

By memorandum dated October 13, 1999, the District of Columbia Office of Planning (OP) analyzed the request to determine whether any amendments to the Zoning Map or

Regulations, or to the Comprehensive Plan, had taken place since the Zoning Commission initially decided the case.

OP determined that the Zoning Regulations and Map that relate to the project site have not changed since the Zoning Commission originally approved the PUD in 1997. Likewise, the Comprehensive Plan Generalized Land Use Map designation for the property remains medium-high density commercial. This extension request does not change any provisions or conditions of the previous order relating to height, FAR, gross floor area, lot occupancy or permitted uses.

Advisory Neighborhood Commission 2C, within which the subject property is located, did not submit a report to the Commission relative to this request.

On October 18, 1999, at its regular monthly meeting, the Zoning Commission considered the request of the applicant and the October 12, 1999 OP report. The Zoning Commission concurs with OP and in part with the applicant. The applicant has demonstrated, by substantial evidence, "good cause" as required by Subsection 2408.11

Although the Commission concurred with the applicant and OP that neither the Zoning Regulations nor the Comprehensive Plan has changed since the Commission approved the PUD, the Commission believes that a two-year extension of the validity of the PUD will be appropriate to allow New Jersey and H Limited Partnership time to finalize its negotiations to obtain sufficient project financing.

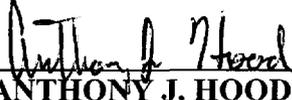
The Commission finds that the applicant has met its burden under the criteria of Subsection 2408.11 as a demonstration of good cause. There is no need for a public hearing since no material factual conflict exists with respect to the criteria of 2408.11. The Commission also finds that an extension of time of the validity of this PUD is in the best interests 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.

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 No. 830 be **EXTENDED** for a period of two years, that is until October 24, 2001. Prior to the expiration of that time, the applicant shall file for a building permit, as specified in 11 DCMR 2406.8, and construction shall start not later than October 24, 2002.

Vote of the Zoning Commission taken at the public meeting on October 18, 1999: 4-0 (Herbert M. Franklin, John G. Parsons, Angel F. Clarens, and Anthony J. Hood, to extend the validity for two years).

This Order was adopted by the Zoning Commission at its public meeting on November 8, 1999 by a vote of 3-0 (John G. Parsons, Herbert M. Franklin and Anthony J. Hood to adopt, Kwasi Holman and Carol Mitten, not voting, not having participated in the case)

In accordance with the provisions of 11 DCMR 3028, this Order is final and effective upon publication in the D.C. Register; that is, on NOV 8 1999.



ANTHONY J. HOOD
Vice Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning