Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 746-B
Case No. 93-5F/91-18P
(PUD and Map @ 1957 E Street, N.W.)
February 8,1999

By Z.C. Order No. 746, dated November 15, 1993, the Zoning Commission granted approval of an application from the Associated General Contractors of America (AGC) for a second-stage planned unit development (PUD) and an amendment to the Zoning Map from SP-2 to C-3-C for Lot 835 in Square 122 located at 1957 E Street, N.W. , pursuant to the provisions of Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The PUD approval was for the construction of a mixed-use building, including residential and commercial uses with below grade parking for 200 cars. The PUD will be the site of the new AGC headquarters. The PUD project would have a maximum floor area ratio (FAR) of 7.96 of which not more than 5.79 FAR will be devoted to commercial use and not less than 2.17 FAR will be devoted to residential use.

Z.C. Order No. 746 became final and effective on December 10, 1993. The validity of that order was for two years; that was until December 10, 1995, provided an application for a building permit was filed within that period of time, after which construction would have to start by December 10, 1996.

By Z.C. Order No. 746-A, dated March 29, 1996, the Zoning Commission approved an extension of the validity period of the PUD for two years; that was until December 10, 1997, provided an application for a building permit was filed within that period of time, after which construction would have to start by December 10, 1998.

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 December 9, 1997, counsel on behalf of AGC, filed a request to extend the validity of the previously approved PUD for a period of two years.

This letter indicates that the basis for an extension of the validity of the PUD is as follows:

BZA
Case No. 16701
Exhibit No. 24

127211/025050-020

Board of Zoning Adjustment
District of Columbia
CASE NO.16701
EXHIBIT NO.24

> "The recently concluded real estate recession has made developers and financiers more prudent. Large projects cannot be financed, and thus are not started, without a substantial portion of the project committed to long-term leases. This unavailability of financing for the project, without a substantial preleasing commitment from another office user (in addition to the AGC), makes it impossible for the AGC to proceed at the present time. The AGC is actively continuing discussions with potential tenants. Since the approval of the PUD, the AGC, independently and through its brokers, has actively solicited both private and federal tenants for the portion of the new office building which will not be for the AGC's own use. The AGC will proceed as expeditiously as possible to begin construction of the PUD as soon as tenant commitments and financing can be secured."

The District of Columbia Office of Zoning (OZ) referred this matter to the District of Columbia Office of Planning (OP) for an analysis of whether any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan, since the Zoning Commission initially decided the case will affect the request.

By memorandum dated April 9, 1998, 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:

> "The applicant has stated that the grounds for its previous request for an extension of time have not changed. It has invested a great deal of time and money through a second commercial broker and a construction manager to seek the additional tenant(s) necessary to secure refinancing, spending a total of approximately $45,000 in doing so. That search has been unsuccessful to date. In short, the present request for another time extension is the result of the continuing adverse office market conditions in the District.
>
> The Zoning Commission has the authority to approve PUD time extensions. In the Office of Planning's opinion, no apparent purpose would be served by denying the requested extension. Accordingly, the Office of Planning

recommends that the Zoning Commission grant a second two-year extension of Order No. 746, pursuant to Subsection 2406.10 of 11 DCMR."

On April 13, 1998, at its regular monthly meeting, the Zoning Commission considered the request of counsel for AGC and the OP report. The Zoning Commission concurs with OP and the applicant. The Commission also determined 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 in this order, the Zoning Commission for the District of Columbia hereby ORDERS that the validity of Z.C. Order Nos. 746 and 746-A be EXTENDED for a period of two years; that is until December 10, 1999. Prior to the expiration of that time, the applicant shall file for a building permit, as specified in 11 DCMR 2406.8. Construction shall start within one year; that is not later than December 10, 2000.

Vote of the Zoning Commission taken at the public meeting on April 13, 1998: 3-0 (Maybelle Taylor Bennett, Jerrily R. Kress and John G. Parsons to approve a two-year PUD extension).

This order was adopted by the Zoning Commission at its public meeting on March 8, 1999, by a vote of 4-0: (John G. Parsons, Anthony J. Hood, Angel F. Clarens and Jerrily R. Kress, to adopt –Herbert M. Franklin abstained.)

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 [redacted].

JERRILY R. KRESS, FAIA
Chairperson
Zoning Commission

for SHERI M. PRUITT- WILLIAMS
Interim Director
Office of Zoning