

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER 15-20E
TBSC Master Owner I, LLC
(One-Year Time Extension for Approved Second-Stage Planned Unit Development
@ Square 620, Lot 254 (50 M Street, N.W.))
October 23, 2025

Pursuant to notice, at its October 23, 2025 public meeting, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of TBSC Master Owner I, LLC (“Applicant”) for a one-year time extension of the period to file a building permit application and begin construction of the second-stage Planned Unit Development (“PUD”) approved for the property located at 50 M Street, N.W. (Lot 254 in Square 620) (“Property”) pursuant to Z.C. Order No. 15-20D, dated October 17, 2022, and effective as of November 10, 2023. The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

I. FINDINGS OF FACT

THE PROPERTY

1. The Property is referred to as the “North Parcel” of a larger PUD site approved pursuant to Z.C. Order No. 15-20 and subsequent approvals summarized in Findings of Fact (“FF”) Nos. 3 to 8 below. The PUD site consists of two major tracts: the North Parcel and the “South Parcel,” which are separated by a private street known as Banner Lane, N.W.
2. The overall PUD site is generally bounded by L Street, M Street, First Place, and First Street, N.W. The site was previously occupied by the Sursum Corda Cooperative, a 199-unit townhouse community, together with a 14-unit, four-story apartment building located at 76 M Street, N.W., and two adjoining vacant parcels. All prior improvements have been demolished, and the South Parcel has since been redeveloped with two apartment buildings containing a total of 561 residential units.

PRIOR APPROVALS

3. Pursuant to Z.C. Order No. 15-20, effective June 17, 2016, the Commission approved a first-stage PUD and related map amendment from the R-4 (now RF-1) to the C-3-C (now MU-9) zone districts for Lots 252, 253, 254, 255, 904, and 905 in Square 620. The approval authorized redevelopment of the entire PUD site with approximately 1.3 million square feet of residential use (1,131 units) and approximately 49,420 square feet of non-residential

use, resulting in an overall density of up to 5.24 floor area ratio (“FAR”), building heights ranging from 62.5 to 110 feet, 746 parking spaces, and 199 affordable units partially reserved for former Sursum Corda households.

4. Pursuant to Z.C. Order No. 15-20A, effective June 30, 2017, the Commission approved a two-year time extension of the first-stage PUD approval, which required that a second-stage PUD application for the South Parcel be filed by June 30, 2019, in order for the first-stage approval for the North Parcel to remain valid until June 30, 2023.
5. Pursuant to Z.C. Order No. 15-20B, effective September 14, 2018, the Commission approved modifications to conditions governing certification of the Sursum Corda household list to the Department of Consumer & Regulatory Affairs and notifying households of raze permit applications.
6. Pursuant to Z.C. Order No. 15-20C, effective March 13, 2020, the Commission granted a modification to the North Parcel development program and second-stage PUD approval for the South Parcel, including adoption of an amended benefits package with affordable housing, reserved units for former Sursum Corda households, minimum unit sizes, open space and landscape improvements, employment and environmental benefits, support for neighborhood organizations, and a commemorative historic element.
7. Pursuant to Z.C. Order No. 15-20D, effective November 10, 2023, the Commission approved a Modification of Significance to the first-stage PUD and a second-stage PUD approval for the North Parcel for Lot 254 in Square 620 (“Second-Stage PUD Order”). The Second-Stage PUD Order clarified certain public benefits and amenities, including affordability requirements, commitments to returning Sursum Corda households, sustainability standards (LEED-Silver certification), and the location of the commemorative artwork.

Under the Second-Stage PUD Order, the North Parcel will be redeveloped with two mixed-use residential buildings, identified as the “Northwest Building” and the “Northeast Building” (together, the “Project”), containing approximately 753,497 square feet of gross floor area (“GFA”) and a total of 715 dwelling units. The Project will have building heights ranging from 65.42 feet to 110 feet, a density of 6.05 FAR, approximately 353 parking spaces, 296 bicycle parking spaces (256 long-term and 40 short-term), and approximately 11,050 square feet of non-residential GFA, primarily located within the Northwest Building.

8. Condition E.2 of the Second-Stage PUD Order required the Applicant to file a building permit application for the Project by November 10, 2025, and to commence construction by November 10, 2026.

PARTIES AND NOTICE

9. The only parties to the original case and to the Application were the Applicant and Advisory Neighborhood Commission (“ANC”) 6E, which is the “affected” ANC (*See*

Subtitle Z § 101.8). On January 1, 2023, the boundaries of the District’s ANCs were modified, however the Property remains within the boundaries of ANC 6E.

10. On September 15, 2025, the Applicant served the Application on ANC 6E, as well as the Office of Planning (“OP”) and the District Department of Transportation (“DDOT”), as attested by the Certificate of Service submitted with the Application (Exhibit [“Ex.”] 2).

II. THE APPLICATION

11. On September 15, 2025, the Applicant timely filed the Application requesting a one-year extension of the Second-Stage PUD Order, to be allowed until November 10, 2026, to file a building permit application for the Project and to start construction of the Project no later than November 10, 2027 (Ex. 1-2D).

12. The Application asserted that it met the requirements for a time extension enumerated in Subtitle Z § 705.2 because:

- The Applicant served the extension request on all parties, and all parties were allowed 30 days to respond;
- There has been no substantial change in any material facts upon which the Commission based its original approval in the Second-Stage PUD Order; and
- Good cause justifies the Commission’s granting of the time extension because of the Applicant’s inability to obtain and retain sufficient project financing despite its diligent good faith efforts to obtain such financing, and because of changes in economic and market conditions beyond the Applicant’s reasonable control. Specifically, the Application stated that:
 - Financing conditions for residential development remain unusually difficult, with elevated borrowing costs and high interest rates limiting lender appetite and reducing underwriting flexibility;
 - Locally, new rental housing starts have declined sharply, reflecting broader market challenges and underscoring that developers across the District face similar obstacles;
 - Construction costs, including materials, building systems, and labor, continue to rise at a steady pace, further compounding feasibility concerns;
 - The Applicant has applied for tax exempt bond financing, has made outreach to private lenders, and has advanced construction drawings; and despite good faith efforts, has not been able to secure financing on workable terms;
 - Because the Project relies on a cast-in-place construction method, these elevated costs have rendered the Project infeasible at current achievable rent levels, making it particularly sensitive to prevailing market conditions; and
 - These conditions collectively are outside the Applicant’s reasonable control and have prevented timely commencement of construction of the approved Project.

(Ex. 2).

13. The Applicant's justifications were further detailed in the Affidavit of C. Michael Skena ("Affidavit"), Vice President of Toll Apartments GP, LLC, which through its ownership interests exercises control over the Applicant (Ex. 2B).
14. Despite the foregoing challenges, the Application emphasized the Applicant's commitment to advancing the Project as soon as market conditions improve and indicated that a time extension would provide the additional time needed to secure the requisite financing. The Applicant further acknowledged the importance of completing the Project as approved (*Id.*).

III. RESPONSES TO THE APPLICATION

15. On October 10, 2025, OP submitted a report ("OP Report") recommending approval of the Application and concluding that (i) the extension was timely filed and properly served on all parties, which were given 30 days to respond; (ii) there had been no substantial changes in any material facts relating to the Zoning Regulations, Comprehensive Plan or the surrounding development upon which the Zoning Commission based its approval of the Second-Stage PUD Order that would undermine its justification; and (iii) the Applicant presented substantial evidence that it was unable to obtain sufficient project financing despite diligent, good faith efforts, due to economic and market conditions beyond its control (Ex. 4).
16. ANC 6E did not submit a written report to the case record; however, the ANC received notice of the Application in accordance with Subtitle Z § 705.2(a) (Ex. 2).

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.
2. The Commission concludes that the Applicant timely filed the Application prior to its expiration.
3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that parties are allowed 30 days to respond.
4. The Commission concludes that the Applicant satisfied Subtitle Z § 705.2(a) by demonstrating that it served ANC 6E, the only party, on September 15, 2025, and that ANC 6E was given 30 days to respond from September 15, 2025.
5. Subtitle Z § 705.2(b) requires that the Commission finds that no substantial change has occurred to any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the PUD.

6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b), based upon the Application and the OP Report, which each stated no substantial changes had occurred to the material facts upon which the Commission based its prior approval of the Second-Stage PUD Order that would undermine the Commission’s justification for approving the Second-Stage PUD Order.
7. Subtitle C § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
 - (1) *An inability to obtain sufficient project financing for the development, following an applicant’s diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant’s reasonable control;*
 - (2) *An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant’s reasonable control; or*
 - (3) *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control that renders the applicant unable to comply with the time limits of the order.*
8. The Commission concludes that the Application met the standards of Subtitle Z § 705.2(c)(1) and 705.2(c)(3) due to adverse conditions affecting the financing market which were beyond the Applicant’s reasonable control. For the reasons stated above, the Commission agrees that these conditions constitute good cause for the requested one-year extension of the Second-Stage PUD Order.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

9. The Commission is required to give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
10. The Commission finds OP’s recommendation to approve the Application persuasive and concurs in that judgment.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC(S)

11. The Commission must give “great weight” to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Spring Valley-Wesley Heights Citizens Ass’n v. D.C. Zoning Comm’n*, 856 A.2d 1174, 1180 (D.C. 2004)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass

only legally relevant issues and concerns.” (*Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

12. ANC 6E did not submit a report to the case record to which the Commission can give great weight.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant’s request for a one-year extension of the deadline to file a building permit application and begin construction of the approved second-stage PUD, with the requirement that the Applicant:

- File a building permit application to construct the Second-Stage PUD approved by Z.C. Order No. 15-20D by November 10, 2026; and
- Begin construction of the Second-Stage PUD approved by Z.C. Order No. 15-20D by November 10, 2027.

Final Action

VOTE (October 23, 2025): 3-0-2

(Robert E. Miller, Gwen Marcus Wright, and Anthony J. Hood to approve; Joseph S. Imamura and Tammy Stidham not present, not voting.)

The complete record in the case can be viewed online at the Office of Zoning’s Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 15-20E shall become final and effective upon publication in the *District of Columbia Register*, that is, on January 16, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENT OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.