

APPLICANT’S PROPOSED ORDER

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 20-28B**

Z.C. Case No. 20-28B

**FC 110 N ST, LLC on behalf of the United States General Services Administration
(Two-Year Time Extension of Southeast Federal Center Zone Design Review for Parcel F
@ Square 743, Lot 856)
May 14, 2026**

Pursuant to notice, at its public meeting on May 14, 2026, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of FC 110 N ST, LLC on behalf of the United States General Services Administration (the “Applicant”) for a two-year time extension of the design review (the “Design Review”) approved in Z.C. Order No. 20-28, as amended pursuant to Z.C. Order No. 20-28A (collectively, the “Orders”). The property that is the subject of the application located at Square 743, Lot 856 (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedure, 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.

FINDINGS OF FACT

PRIOR APPROVALS

1. The Property is located in the western portion of The Yards in southeast Washington, DC, and is bounded by Quander Street, S.E., to the north, Yards Place, S.E., to the east, N Street, S.E., to the south, and First Street, S.E., to the west.
2. Pursuant to Z.C. Order No. 20-28, effective May 21, 2021, the Commission approved the design of a mixed-use office building with a maximum height of 130 feet, approximately 290,261 square feet of gross floor area, a habitable penthouse of approximately 7,210 square feet, and related zoning relief (the “Project”).
3. The Commission’s unanimous approval of the Project anticipated that the Applicant would file a permit for the Project by May 21, 2023, and commence construction of the Project prior to May 21, 2024.
4. Pursuant to Z.C. Order No. 20-28A, effective June 28, 2024, the Commission approved an initial two-year time extension to commence construction on the Project until May 21, 2026.

PARTIES AND NOTICE

5. In addition to the Applicant, the other party to the Order was Advisory Neighborhood Commission (“ANC”) 8F¹, the “affected” ANC pursuant to Subtitle Z §101.8.
6. On April 3, 2026, the Applicant served the Application on ANC 8F, 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.”] 2A.)

THE APPLICATION

7. On April 3, 2026, the Applicant filed the Application requesting a two-year time extension of the Order, to extend the Design Review approval, and a waiver from Subtitle Z § 705.4’s limitation on the number of time extensions that may be requested for an approved Design Review. The Applicant requested that it be allowed until May 21, 2028, to commence construction on the Project. (Ex. 2.)
8. The Application asserted that it met the requirements, under Subtitle Z § 101.9, for a waiver from Subtitle Z § 705.4. Pursuant to Subtitle Z § 101.9, the Commission may, for good cause shown, waive any of the provisions of this subtitle if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. The Applicant stated that although it was granted an initial extension of the time to commence construction of the Project, the Applicant has been unable to obtain financing for the Project, despite diligent good faith efforts, because of changes in economic and market conditions beyond the Applicant’s reasonable control.. Finally, the Applicant stated that the Commission’s granting of the waiver will not prejudice the rights of any party and such waiver is not otherwise prohibited by law. (Ex. 2.)
9. 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 thereto, 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 approval of the Order; and
 - There is good cause to grant the requested extension because, although the Applicant has continued to diligently pursue leasing and financing for the Project and has invested over \$6 million toward development efforts to date, including extensive leasing and marketing efforts, permitting, and project advancement activities, demand for office space has remained depressed and financing conditions remain restrictive due to high office vacancy rates, reduced leasing

¹ ANC 6D was the original “affected ANC,” but, due to a redistricting, the affected ANC is now ANC 8F.

activity, elevated borrowing costs, and recent Federal government actions focused on downsizing the Federal footprint in the Washington, D.C. area. (Ex. 2, 2C.))

RESPONSES TO THE APPLICATION

10. On April 29, 2026, OP submitted a report stating that OP believed the Application met the requirements of Subtitle Z § 705.2 for the requested two-year extension and the requirements of Subtitle Z § 101.9 for waiver from the requirements Subtitle Z § 705.4 to allow for a second extension request. OP recommended approval of the Application. OP agreed with the Applicant that there has been no substantial change in any of the material facts upon which the Commission based its original approval and that the Applicant demonstrated good cause for the extension. (Ex. 4.)
11. ANC 8F did not submit a written report commenting on the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 101.9 authorizes the Commission to grant a waiver of any provision of Subtitle Z so long as the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.
2. The Commission concludes that the Application satisfied Subtitle Z § 101.9 such that the Commission waives limitation on the number of time extensions that may be requested for an approved Design Review set forth in Subtitle Z § 705.4.
3. Subtitle Z § 705.2 authorizes the Commission to extend the period of an order upon determining that the time extension request demonstrates satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.4, and 705.6.
4. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.
5. The Commission concludes that the Applicant has satisfied the requirement of Subtitle Z § 705.2(a) by demonstrating that it served all parties, which in this case is only ANC 8F, on April 3, 2026, and that ANC 8F was given 30 days to respond. The Commission notes that ANC 8F did not file a response to the Application.
6. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the Order that would undermine the Commission's justification for that approval.
7. The Commission concludes that the Application has satisfied Subtitle Z § 705.2(b) based on the Application and OP Report, which stated that no substantial change has occurred to the material facts upon which the Commission had relied in approving the Order.

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8. Subtitle Z § 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.*

9. The Commission concludes that the Application met the standards of Subtitle Z § 705.2(c)(1) due to an inability to secure the necessary financing, despite the Applicant's diligent good faith efforts, in light of the current significant and fundamental challenges in market conditions. The Commission agrees that these matters constitute good cause for the requested two-year extension of the Order and the requested waiver.

“Great Weight” to the Recommendations of OP

10. The Commission is required to give “great weight” to the recommendations of OP stated in the OP Report 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. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
11. 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

12. 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 Commissions 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. District of Columbia 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

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

13. ANC 8F did not file a response to the Application; therefore, there is nothing 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 Two-Year Time Extension of Z.C. Order No. 20-28, to extend the validity period and deadline to commence construction on the Project until May 21, 2028.

VOTE (May 14, 2026): **5-0-0** (Anthony J. Hood, Robert E. Miller, Gwen Wright, Tammy Stidham, and Joseph S. Imamura to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 20-28B shall become final and effective upon publication in the *DC Register*; that is, on [REDACTED], 2026.

ANTHONY J. 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 RESIDENCE 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.

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