

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 746-A  
Case No. 93-5F/91-18P  
(PUD and Map @ 1957 E Street, N.W.  
March 11, 1996

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 2.77 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 application for a building permit was filed within that period of time, after which construction would have to start by December 10, 1996.

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 November 13, 1995, counsel on behalf of the AGC, filed a request to extend the validity of the previously approved PUD for a period of two years.

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

"Unfortunately, the real estate recession in the area and the unavailability of financing for the project without a substantial pre-leasing commitment from another office user (in addition to the AGC) makes it impossible for the applicant to proceed at the present time. The applicant

has retained a well regarded local commercial broker to seek such additional tenants for the project. Since the approval of the PUD, the AGC (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 applicant will proceed as expeditiously as possible as soon as tenant commitments and financing can be secured."

By memorandum dated November 29, 1995, 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 December 29, 1995, 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 zoning classification applicable to the site has not changed since the PUD was originally approved in November 1993. The Comprehensive Plan Amendments Act of 1994, effective October 6, 1994, changed the land use classification of the site from high-density commercial to medium-density commercial and high-density residential. The Comprehensive Plan Amendments Act is consistent with the Commission's previously approved mixed-use PUD for the site.

The applicant has stated that it has invested a great deal of time and money through a commercial broker to seek the additional tenant(s) necessary to secure financing. That search has been unsuccessful to date. In short, the present request for a time extension is the result of current adverse market conditions.

The Zoning Commission has the authority to approve PUD time extensions. In the Office of Planning's opinion, no purpose would appear to be served by denying the requested extension. Accordingly, the Office of Planning recommends that the Zoning Commission grant a two-year extension of Order No. 746, pursuant to Subsection 2406.10 of 11 DCMR."

On February 12, 1996, at its regular monthly meeting, the Zoning Commission considered the request of counsel for AGC and the OP report.

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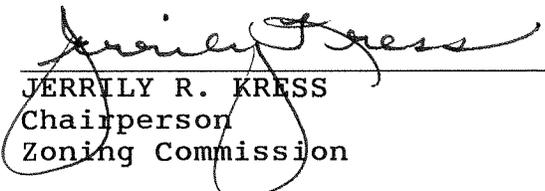
The Zoning Commission concurs with the OP and the applicant. The Commission also determined that an extension of time of the validity of this PUD is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

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 No. 746 be **EXTENDED** for a period of two years; that is until December 10, 1997. 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, 1998.

Vote of the Zoning Commission taken at the public meeting on February 12, 1996: 4-0 (Maybelle Taylor Bennett, John G. Parsons, Jerrily R. Kress and Herbert Franklin, to approve a two-year PUD extension).

This order was adopted by the Zoning Commission at its public meeting on March 11, 1996 by a vote of 4-0: (Jerrily R. Kress, John G. Parsons and Herbert M. Franklin, to adopt; Maybelle Taylor Bennett, to adopt by absentee vote; Howard Croft not present, not voting).

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 MAR 29 1996.

  
JERRILY R. KRESS  
Chairperson  
Zoning Commission

  
MADELIENE H. DOBBINS  
Director  
Office of Zoning

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