

MEMORANDUM, Corrected

TO: District of Columbia Zoning Commission
FROM: Joel Lawson, Associate Director Development Review
DATE: April 10, 2025
SUBJECT: One Year Time Extension Request: Case 05-28AI, Parkside Parcel 9B, time extension to begin construction of this portion of PUD Order 05-28Q

I. RECOMMENDATION

- The Office of Planning (OP) recommends **approval** of the request for a one-year extension to begin construction of Parcel 9B by March 23, 2026, as well as the requested waiver from Z § 705.5 which limits extensions to two (the first for two years and the second for one year).

II. APPLICATION SUMMARY

Address	The Property is bounded by Kenilworth Terrace, N.E. to the southeast, Grant Place, N.E. to the southwest, Parkside Place, N.E. to the northwest, and Burnham Place, N.E. to the northeast.
Applicant	Parkside Residential LLC
Legal Description	Square 5056, Lots 868 and 869
Ward, ANC	Ward 7, ANC 7D
Project Summary (Parcel 9)	05-28 (2007) – PUD for a Multi-phase development of the large Parkside development. (2007) 05-28Q - Construction of a mid-rise mixed-use residential and retail building on the subject property together with a similar structure proposed for Parcel 9A. (2018) ZC 05-28AC - Modification of Significance application for Parcel 9A in, to revert previously approved office space back to residential. (2023)
Previous Extension (Parcel 9)	05-28W: First, two-year time extension of ZC 05-28Q, extending the filing of a building permit from March 23, 2018, to March 23, 2022. 05-28W(1): Administrative one-year time extension to March 23, 2023, with the deadline for construction to start by March 23, 2024. 05-28AG – Second, one year extension to March 23, 2025
Request	The applicant requests a third, one-year time extension of the approved second-stage PUD to start construction by March 23, 2026.

III. EVALUATION OF THE EXTENSION REQUEST

Subtitle Z, § 705.1

The extension of a PUD is allowed for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Zoning Commission determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The filing notes that ANCs 7D and 7F would be served on the day the application was filed, which was March 21, 2025 which is more than 30 days before the date of the ZC public meeting.

- (b) There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the Commission's justification for approving the original PUD.**

Zoning Regulations

The first-stage PUD was approved under the 1958 Zoning Regulations but the previous extensions and most recent modification were granted under the 2016 Zoning Regulations.

Under Subtitle Z, § 705.5, no more than two extensions may be requested for a PUD and the second extension may be approved for no more than one year. Not including the administrative extension in 2022, the subject application is the third extension request, for a period of one year, so the applicant has requested a waiver from this provision.

Comprehensive Plan

The PUD and the Stage 2 approval for this site were both approved under a previous version of the Comprehensive Plan, although the recent extension was approved under the 2021 Comprehensive Plan, as was ZC Case 05-28AC, a Modification of Significance for the stage 2 approval for this site, approved in 2023 and for which a Comprehensive Plan review, including through a racial equity lens, was provided. There have been no additional changes to the Comp Plan since that approval.

Surrounding Development

OP is not aware of any substantial new development that has occurred near the site that was not anticipated at the time of the previous approval.

- (c) The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in Subtitle Y, § 705.2 (c)**

One or more of the following criteria must be met:

- (1) An inability to obtain sufficient project financing for the planned unit 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 planned unit development by the expiration date of the planned unit development order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control;*
- (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order.*

The applicant indicates confidence that the construction will be able to commence prior to the requested date. Building permits were filed in 2022, and the Applicant has completed construction on adjacent parcels which has allowed the removal of materials previously stored on the subject site. The application notes that there are active negotiations with multiple funding sources, is in discussions with HUD, and that the demand in the area remains strong.

IV. OTHER DISTRICT AGENCY COMMENTS

There were no comments from other District agencies in the record at the time of the filing of this report.

V. ANC COMMENTS

There are no comments from the ANC filed to the record as of the date of this report.

VI. COMMUNITY COMMENTS

No community comments were submitted to the record as of the date of the filing of this report.

