

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-28AJ

Z.C. Case No. 05-28AJ

Parkside Residential, LLC

(One-Year Time Extension for the Second-Stage PUD @ Square 5056, Lots 868 and 869)

April 30, 2026

Pursuant to notice, at its public meeting on April 30, 2026, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of Parkside Residential, LLC (“Applicant”) concerning Lots 868 and 869 in Square 5056 (“Parcel 9B”) for (i) a waiver pursuant to Subtitle Z § 101.9 from the Commission’s rules set forth in Subtitle Z § 705.5 limiting PUDs to no more than two time extensions to permit an additional time extension; and (ii) a one-year time extension of the deadline to commence construction of the approved second-stage planned unit development (“Second-Stage PUD”) approved by Z.C. Order No. 05-28Q (“Second-Stage Order”), pursuant to the first-stage PUD (“First-Stage PUD”) approved by Z.C. Order No. 05-28 (“First-Stage Order”). The Second-Stage PUD was previously extended by Z.C. Order No. 05-28W, Z.C. Order No. 05-28W(1), Z.C. Order No. 05-28AG, and Z.C. Order No. 05-28AI; and modified by Z.C. Order No. 05-28Z and Z.C. Order No. 05-28AC. The Commission considered the Application pursuant to the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations”, to which all subsequent section references herein refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

PRIOR APPROVALS

1. Pursuant to the First-Stage Order, effective April 13, 2007, the Commission approved a first-stage PUD and related Zoning Map amendment to permit approximately 3.1 million square feet of mixed-use development on approximately 15 vacant acres in Ward 7.
2. Pursuant to the Second-Stage Order, effective March 23, 2018, the Commission approved the Second-Stage PUD for Parcel 9 authorizing Parcel 9 to be constructed with a multi-family residential building on Parcel 9B of a maximum height of 80 feet, and an office building on Parcel 9A of a maximum height of 85 feet, both with ground floor retail and approximately 151 below-grade parking spaces (Z.C. Order No. 05-28AI).
3. Pursuant to Z.C. Order No. 05-28W, the Commission approved a two-year extension of the Second-Stage PUD requiring a building permit application to be filed by March 23,

2022. Pursuant to Z.C. Order No. 05-28W(1)¹, effective April 1, 2022, the time to file a building permit application was administratively extended to March 23, 2023, and the time to start construction was extended to March 23, 2024, due to the COVID-19 pandemic.

4. Pursuant to Z.C. Order No. 05-28AG², effective June 28, 2024, the Commission approved a one-year time extension of the deadline to start construction for Parcel 9B to March 23, 2025.
5. Pursuant to Z.C. Order No. 05-28AI, effective September 19, 2025, the Commission approved a one-year time extension of the deadline to start construction for Parcel 9B to March 23, 2026.

PARTIES AND NOTICE

6. In addition to the Applicant, the parties to the First-Stage PUD were ANC 7D and Parkside Townhomes Condo Association, Inc. ANC 7F is now an affected ANC with respect to the First-Stage PUD (Ex. 2; Z.C. Order No. 05-28AI).
7. On March 24, 2026, the Applicant served the Application on the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), ANC 7D, ANC 7F, and Parkside Townhomes Condo Association, Inc., as attested by the certificate of service submitted with the Application (Ex. 2).

II. THE APPLICATION

8. On March 23, 2026, the Applicant filed the Application requesting a one-year extension of the deadline to begin construction on Parcel 9B from March 23, 2026 to March 23, 2027, and a waiver from the limit of two time extensions for a PUD under Subtitle Z § 705.5, pursuant to Subtitle Z § 101.9, to allow a fifth³ time extension of the Second-Stage PUD (Ex. 2).
9. Pursuant to Subtitle Z § 705.2 and Subtitle Z § 101.9, the Applicant asserted that it met the standards of review for the time extension and waiver request, including that:
 - a. The Applicant served the Application on all parties, and all parties were allowed at least 30 days to respond (Ex. 2);
 - b. There has been no substantial change in any material fact upon which the Commission based its original approval that would undermine the Commission’s justification for approving the original application (Ex. 2);

¹ This administrative extension was granted by the Office of Zoning Director, under Subtitle Z § 705.9, due to complications from the COVID-19 pandemic. Therefore, it does not count toward the maximum two extension requests an applicant with an approved PUD is allowed under Subtitle Z § 705.5;

² Pursuant to Z.C. Order No. 05-28Z, effective May 6, 2022, the Commission approved a modification of consequence to the Second-Stage PUD for Parcel 9. Pursuant to Z.C. Order No. 05-28AC, effective October 6, 2023, the Commission approved a modification of significance to the Second-Stage PUD for Parcel 9, primarily relating to Parcel 9A to change the use for Parcel 9A from office to residential use. Pursuant to Z.C. Order No. 05-28AD, effective October 6, 2023, the Commission approved a one-year time extension for Parcel 9A; and

³ This is the fifth time extension for the Second-Stage PUD for Parcel 9, including Parcel 9A; and the fourth for Parcel 9B, specifically.

- c. Good cause exists for the one-year time extension and waiver because circumstances beyond the Applicant's reasonable control have prevented the Applicant from commencing construction by the current deadline, specifically:
 - i. The Applicant filed a building permit application for Parcel 9B prior to the applicable deadline and is ready to obtain the applicable permits and approvals necessary to begin construction, so the requested extension is needed to provide additional time to commence construction (Ex. 2);
 - ii. The Applicant's affiliates have completed construction on adjacent Parkside Parcels 8 and 10, allowing the removal of materials that previously occupied Parcel 9B, and the Applicant has continued to actively pursue and negotiate construction financing (Ex. 2, 2A); and
 - iii. Adverse economic and market conditions have made financing difficult notwithstanding the Applicant's diligent efforts, but the Applicant remains confident that demand exists for residential units at Parkside, as evidenced by the approximately 446 residential units, including market-rate and workforce housing, added at Parkside since 2020 (Ex. 2, 2A).
- 10. The Applicant declared that allowing the Second-Stage PUD approval to lapse could negatively affect the cohesive First-Stage PUD plan and the future of the remaining prominent blocks fronting on Kenilworth Avenue, N.E., while granting the extension would allow the Applicant to move forward with construction when financing and market conditions permit (Ex. 2).

III. RESPONSES TO THE APPLICATION

- 14. OP submitted a report dated April 20, 2026 (the "OP Report") recommending approval of the requested one-year time extension and waiver (Ex. 5).
- 15. The OP Report concluded that (a) the Application was properly served; (b) there have been no substantial changes in any material facts upon which the Commission based its original approval that would undermine its justification; (c) the Applicant demonstrated an inability to obtain financing due to adverse economic and market conditions beyond the Applicant's reasonable control; and (d) the Applicant demonstrated good cause to waive Subtitle Z § 705.5 because construction of the larger Parkside development has begun, the Applicant is in active negotiation with financing sources, and the Applicant has already filed for the requisite permits necessary to begin construction (Ex. 5).
- 16. ANCs 7D and 7F and Parkside Townhomes Condo Association, Inc. did not file a response or report regarding the Application.

CONCLUSIONS OF LAW

- 1. Subtitle Z § 705.2 authorizes the Commission to approve a request to extend the time period of an order approving a PUD upon determining that such request satisfies the requirements of Subtitle Z § 705.2 and complies with Subtitle Z § 705.3, 705.5, and 705.6.

2. 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.
3. The Commission concludes that the Applicant satisfied Subtitle Z § 705.2(a) by demonstrating that it served the time extension request on the parties – ANCs 7D and 7F and Parkside Townhomes Condo Association, Inc. – and that the parties were given at least 30 days to respond from the March 24, 2026, date of service.
4. 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 PUD that would undermine the Commission’s justification for approving the PUD.
5. The Commission concludes that the Applicant satisfied Subtitle Z § 705.2(b) based on the Application and OP Report and that no substantial change has occurred in any of the material facts upon which the Commission based its original approval that would undermine the Commission’s justification for approving the original application. The Comprehensive Plan, Zoning Regulations, surrounding development context, and proposed development remain materially the same for purposes of the requested extension.
6. 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.*
7. The Commission concludes that the Applicant demonstrated with substantial evidence that the Applicant meets the standard of Subtitle Z § 705.2(c)(1). The Applicant has been unable to obtain sufficient project financing to commence construction of the project, following diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the Applicant’s reasonable control. The Applicant has continued to advance the project by filing building permit applications, completing construction on adjacent Parcels 8 and 10 to allow Parcel 9B to proceed, and actively pursuing financing.
8. Subtitle Z § 705.5 limits an applicant with an approved PUD to no more than two extensions. Subtitle Z § 101.9 authorizes the Commission to waive any provision of Subtitle Z if, in the judgment of the Commission, the applicant demonstrates good cause for the waiver and the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. The Commission concludes that good cause exists to waive Subtitle Z

§ 705.5 to permit the requested additional extension for the reasons stated above. The Commission finds that no party, including ANC 7D and 7F and Parkside Townhomes Condo Association, Inc., will be prejudiced by granting the waiver as they were all served with the Application and given an opportunity to respond. Further, the waiver is not otherwise prohibited by law.

9. For the foregoing reasons, the Commission concludes that the Applicant meets the standards of review for a time extension request and waiver and finds that good cause exists to grant the Application.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

10. The Commission must give “great weight” to the recommendations of OP pursuant to § 5(d) 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 (2001)) and Subtitle Z § 405.9 (*Metropole Condo. Ass’n. v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
11. The Commission finds OP’s analysis and recommendation to approve the Application persuasive and therefore 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 the affected ANC 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 (*Metropole Condo. Ass’n. v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
13. Neither ANC 7D nor ANC 7F filed a response or report regarding the Application; therefore, there is nothing to which the Commission can give great weight.

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has met the standard of review for a time extension request and demonstrated that good cause exists under Subtitle Z § 705.2 and Subtitle Z § 101.9 to grant the Application. Accordingly, the Commission **APPROVES** the Application for a waiver of Subtitle Z § 705.5 and a one-year time extension of Z.C. Order No. 05-28Q, as extended by Z.C. Order Nos. 05-28W, 05-28W(1), 05-28AG, and 05-28AI, and as modified by Z.C. Order Nos. 05-28Z and 05-28AC, to extend the deadline to commence construction on Parcel 9B until March 23, 2027.

All other conditions of Z.C. Order No. 05-28, as modified by Z.C. Order No. 05-28Q, Z.C. Order No. 05-28Z, Z.C. Order No. 05-28AC, and any other applicable orders, remain unchanged and in full force and effect.

FINAL ACTION

VOTE (April 30, 2026): 4-0-1

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

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 05-28AJ shall become final and effective upon publication in the *District of Columbia Register*; that is, on July 17, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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



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.