

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Maxine Brown-Roberts, Development Review Specialist  
*JLS*  
 Jennifer Steingasser, Deputy Director, Development, Design and Preservation

**DATE:** September 29, 2025

**SUBJECT:** ZC 14-18D– Time Extension for ZC Order 14-18 and 14-18A, First Stage PUD, Brookland Manor (RIA).

**I. RECOMMENDATION**

Mid-City Financial Corporation (Applicant) requests, and the Office of Planning (“OP”) recommends **approval** of the requested:

1. A second, two-year extension of time in which to file a Stage II PUD (ZC 14-18 and 14-18B) pursuant to Subtitle Z § 705; and
2. Waiver from the requirements of Subtitle Z § 705.5, to allow a second extension for more than one year.

Applicant:	Mid-City Financial Corporation, represented by Goulston & Storrs
Address:	The existing development Brookland Manor Apartments and Brentwood Village Shopping Center when redeveloped would be renamed “RIA.” The subject of the First Stage review is generally bounded by Rhode Island Avenue to the north; Montana Avenue to the east; Downing Street, 14 <sup>th</sup> Street, and Saratoga Avenue to the south; and Brentwood Road to the west (Square 3954, Lots 3, 4, and 800-804; Square 4024, Lots 1, 800-804; and Square 4025, Lots 1-3, 5, 800- 803).
Ward/ANC	Ward 5/ANC-5C
Project Summary	<p>The approved Stage I PUD would facilitate demolition of the existing apartments and shopping center. The property would then be subdivided into eight residential blocks (Blocks 1-8) and a parcel for a community green/open space. The development would be a mixed-income, mixed-use community with 2,235 units of which 20% or 424 units would be affordable housing. In addition, approximately 198,047 square feet of retail space would be provided. The Brentwood Village Shopping Center has been demolished.</p> <p>Modifications to the Stage I PUD and Stage II PUD, (ZC 14-18 and ZC 14-18A) were approved for Block 7 (Square 3953 Lots 1, 2 and 3) which is the area bounded by Saratoga Avenue, NE to the north, 14th Street, NE to the east, Brentwood Road, NE to the west and an eastwest alley to the south. Those approvals were for two apartment buildings (331 units) one of which would house seniors only. To date, the development of Block 7 has not taken place.</p>

1 <sup>st</sup> Stage Order Effective Date	April 13, 2018. Per Subtitle Z §§ 702.2 and 702.3, due to an appeal, the effective date was paused until the end of the litigation on March 4, 2021.
1 <sup>st</sup> Stage PUD Order Expiration Date	March 4, 2024
1 <sup>st</sup> Time Extension ZC 14-18B	Expiration - August 1, 2025
Proposed Extension	Two years from the effective date of the Order – August 1, 2027

Photograph of property in 2014



Photograph of property in 2025



## II. EVALUATION OF THE EXTENSION REQUEST

### 1. History of Approvals

**ZC Order 14-18**, effective November 6, 2015, approved Map Amendment and accompanying First Stage PUD for the area covered by the Brookland Manor Apartments and Brentwood Village Shopping Center (renamed RIA).

**ZC Order 14-18A**, effective April 13, 2018, approved Modification of the Stage I PUD and Second-Stage PUD for Block 7 (Square 3953, Lots 1-3). The modification of the Stage I PUD addressed the Applicant providing more details of the affordable housing obligations; tenant relocation and phasing. The Stage II PUD was approved for two apartment buildings (331 units), one of which would have 200 units and would be for independent seniors only. The second building would have 131 mixed-income units.

**ZC Order 14-18B**, effective December 22, 2023, approved a two-year time extension for the Stage 1 PUD in which to file for a Stage II PUD, prior to August 1, 2025.

**ZC Order 14-18C**, effective June 28, 2024, approved a two-year time extension of the 2<sup>nd</sup> Stage PUD and in which to start construction of the buildings on Block 7 until March 4, 2026.

### 2. Time Extension Review

Subtitle Z § 705 addresses the requirements for a time extension. The application meets the following relevant sections.

#### **Subtitle Z § 705.2**

Subtitle Z § 705.2 allows an extension of a PUD for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval and documenting how the following 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 application submitted to the Zoning Commission is dated July 22, 2025 and has been in the public record since filing. As shown on the Applicant’s Certificate of Service at [Exhibit 3](#), all relevant parties have been served.

- (b) *There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the application that would undermine the Commission’s justification for approving the original application; and*

#### **Zoning Regulations:**

ZC Order 14-18 approved a map amendment under ZR-58 for the C-2-A and R-5-B zones on the property. These zones were renamed MU-4 and RA-2 respectively under ZR 16.

***Comprehensive Plan:***

The approved PUD and map amendment were found on balance to be not inconsistent with the Comprehensive Plan which designated the site for Mixed-Use, Moderate-Density Commercial/Moderate-Density Residential for the area of the shopping center and Moderate-Density Residential for the remainder of the site. That designation was amended in the 2021 Comprehensive Plan to Moderate-Density Commercial/Moderate-Density Residential and Medium density residential with which the approved PUD is not inconsistent.

The proposed development remains consistent with the Policy Map and FLUM, and with the overall priorities of the Comp Plan, particularly the provision of new housing and affordable housing, and the accommodation of existing residents as part of any redevelopment.

***Surrounding Development:***

No major new projects have been developed in the vicinity of the site. Smaller redevelopments have taken place or are underway along Rhode Island Avenue, NW. However, it is not anticipated that those developments would significantly impact the proposed development plans for RIA or the Commission's approval of the PUD.

***Approved PUD:***

There have been no substantial changes in the material facts upon which the Commission based its approvals for the original PUD for RIA.

(c) *The applicant demonstrates with substantial evidence one (1) or more of the following criteria:*

- (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 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.*

The First Stage PUD was the subject of a class action suit and the Second Stage PUD for Block 7 was appealed to the DC Court of Appeals. Together, both actions lasted for over 4 years and both litigations were resolved in favor of the Applicant. The litigation impacted the Applicant's ability to move forward with the planning and execution of the Second Stage PUD as it was highly risky to move forward while under litigation. Following the resolution of the litigation, proceeding with the development was further hampered by the Covid 19 pandemic, the subsequent increases in construction cost, and the higher interest rates for financing. These incidents hampered the Applicant's ability to move forward with the Stage II plans on schedule and the Zoning Commission granted a two-year time extension, ZC 14-18B, in which to submit the Stage II PUD.

The Applicant states that since the Zoning Commission granted the two year time extension to file the Stage II PUD, they have pursued various financing opportunities and development partners to move forward with the Stage II PUD application consistent with the Order. However, they continue to be hampered from moving forward by new and more stringent DC and federal policies, adverse market conditions and the inability to procure sufficient project financing. The new policies and adverse market conditions include:

- A new requirement established by the DC Council that all DC subsidized buildings must comply with net-zero energy standards has resulted in a substantial and costly redesign effort, and substantial additional construction and operations costs;
- The Federal Low-Income Housing Tax Credit (LIHTC) program has enacted more stringent requirements that have added costs to the development of affordable housing;
- DDOT and the DC Power Line Undergrounding (PLUG) initiative installed additional utilities along Saratoga Avenue, NE that require the Applicant to redesign the public areas adjacent to Saratoga Avenue, NE; and
- A significant search effort to find an equity partner or potential purchaser of the approved First-Stage PUD has been undertaken and as recently as June of 2025, discussions with a potential development partner for the First-Stage PUD was undertaken. However, the continued elevated construction costs and higher interest rate environment noted in the previous time extension continues to be an impediments to development and the potential development partner decided not to proceed.

The Applicant notes that these factors are outside of their control and have prevented them from proceeding with the site planning and architectural plans necessary for the Stage II PUD. The Applicant states that the additional time would allow for their building plans to be revised to meet net zero standards along with the prospects for lower interest rates which should allow them to file the Second Stage PUD prior to August 1, 2027.

3. Waiver from the requirements of Subtitle Z § 705.5, to allow a second extension for more than one year.

Subtitle Z § 705.2 states that:

*An applicant with an approved PUD may request no more than two (2) extensions, not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9. The second extension for an extension may be approved for no more than one (1) year.*

A waiver from this requirement is allowed by 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.*

As discussed above, the schedule for processing of the Stage II PUD has been affected by several factors, including new and more stringent DC and federal policies, adverse market conditions and the ability to procure sufficient project financing. The Applicant anticipates that the requested two-year extension will allow them time to overcome these impediments and move forward in a timely manner. OP therefore recommends approval of the waiver for a second extension of time and an extension for two years in which to file for a Stage II PUD.