

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-18D
Z.C. Case No. 14-18D
Mid-City Financial Corporation
(Two-Year Time Extension of First-Stage PUD @ Squares 3954, 4024, & 4025)
October 9, 2025

Pursuant to notice, at its October 9, 2025, public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Mid-City Financial Corporation (the “Applicant”) for a two-year time extension of Z.C. Order No. 14-18, located at Square 3954, Lots 3, 4, 800-804; Square 4024, Lots 1, 800-804; and Square 4025, Lots 1-3, 5, 800-803 (the “Property”). The Commission reviewed 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 citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

BACKGROUND

1. Pursuant to Z.C. Order No. 14-18 (the “Original Order” or “First-Stage PUD”), effective November 6, 2015, the Commission approved a First-Stage PUD and related map amendment to newly construct a mixed-use redevelopment of the Brookland Manor residential community totalling approximately 1.9 million square feet on approximately 20 acres in Ward 5, and consisting of 8 development Blocks, with a centrally located community green, a pedestrian walk, a variety of housing types, and a significant retail component. The plans for First-Stage PUD approval reserve approximately 384 residential units, approximately 22% of the overall number of residential units approved under the First-Stage PUD, as affordable units.
2. Decision No. E.3. of Z.C. Order No. 14-18 anticipated that all second-stage PUD applications would be filed prior to August 1, 2023.
3. Pursuant to Z.C. Order No. 14-18B, effective December 22, 2023, the Commission approved a two-year extension of the validity of the First-Stage PUD, requiring the Applicant to file second-stage PUD applications for development of the remaining Blocks of the PUD by August 1, 2025.

PARTIES AND NOTICE

4. In addition to the Applicant, the parties to the First-Stage PUD were Advisory Neighborhood Commissions (“ANC”) 5B and 5C, and the Brookland Manor/Brentwood Village Residents Association (the “Association”).

5. The Applicant provided evidence that on July 22, 2025, it served the Application on ANCs 5B and 5C, the Association, 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.”] 2, 3).

THE APPLICATION

6. On July 22, 2025, prior to the August 1, 2025, deadline, the Applicant filed the Application requesting a two-year time extension of Z.C. Order No. 14-18 to extend the validity of the First-Stage PUD until August 1, 2027; and a waiver from the requirements of Subtitle Z § 705.5 to allow a second time extension for two years. The Application stated that it met the standards for a time extension under Subtitle Z § 705.2, and a waiver under Subtitle Z § 101.9 (Ex. 2).
7. 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 there is good cause to grant the waiver to allow a second time extension for two years because more time is needed to secure financing, identify qualified partners, and advance efforts in alignment with the Original Order goal due to the continued difficult development climate, and granting the waiver will not prejudice the rights of any party nor is it prohibited by law (Ex. 2).
8. 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, 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 original approval that would undermine the Commission’s justification for approval; and
 - There is good cause to grant the requested extension because, since the Commission’s approval of the time extension request in Z.C. Order No. 14-18B the Applicant has diligently pursued financing opportunities and development partners to move forward with preparation of the remaining Second-Stage PUD applications; however, due to more stringent DC and federal policies along with other adverse economic and market factors beyond the Applicant’s reasonable control, the Applicant has been unable to secure sufficient project financing to move forward (Ex. 2).

RESPONSES TO THE APPLICATION

9. OP submitted a report dated September 29, 2025 (“OP Report”), recommending approval of the requested two-year time extension and the waiver from the requirements of Subtitle Z § 705.5 to allow a second time extension for two years. The OP Report stated that the Application met the requirements of Subtitle Z § 705.2, noting that the proposed development remains consistent with the Comprehensive Plan overall, particularly the provision of new housing and affordable housing; and that the Applicant’s ability to move forward with the remaining Second-Stage PUD applications has been hampered by new policies and adverse market conditions beyond its reasonable control (Ex. 6).

10. Neither ANC, 5B or 5C, nor the Association filed a response to the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 101.9 authorizes the Commission, for good cause shown, 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 the requirements of Subtitle Z § 705.5 to allow a second time extension for two years. The Commission finds good cause to grant the waiver because the Applicant needs more time to secure financing to proceed with the remaining Second-Stage PUD applications; and granting the waiver would not prejudice the rights of any party as ANCs 5B, 5C, and the Association were served with the Application and allowed 30 days to respond, and the waiver is not otherwise prohibited by law.
3. Subtitle Z § 705.2 authorizes the Commission to extend the period of an order approving a PUD 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, 705.5, and 705.6.
4. The Commission concludes that the Applicant timely filed the Application prior to the August 1, 2025, deadline for the expiration of the First -Stage PUD approval.
5. 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.
6. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 705.2(a) by demonstrating that it had served all parties to the Original Order – ANCs 5B and 5C, and the Association– and that all were given 30 days to respond from the July 22, 2025, date of service.
7. 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 that would undermine the Commission’s justification for approving the Original Order.
8. The Commission concludes that the Application 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 issuing the Original Order.
9. 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 PUD 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.*

10. The Commission concludes that the Application met the standards of Subtitle Z § 705.2(c)(1) because, despite good faith efforts, the Applicant was unable to obtain sufficient project financing to move forward with the remaining Second-Stage PUD applications due to adverse economic and market conditions beyond the Applicant's reasonable control. The Applicant has diligently pursued financing opportunities and development partners to move forward but still needs additional time given new and more stringent DC and federal policies, the continued difficult development climate, and the challenges associated with identifying uniquely qualified partners for projects that include the substantial affordable housing component of this project. The Commission agrees that these circumstances rendered the Applicant unable to file Second-Stage PUD applications by the August 1, 2025, deadline of Z.C. Order No. 14-18B.

“Great Weight” to the Recommendations of OP

11. 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, the Commission must give “great weight” to the recommendations of OP (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A. 3d 1079, 1087 (D.C. 2016)).
12. The Commission finds persuasive the conclusions in OP's Report and OP's recommendation to approve both the waiver and the Application.

“Great Weight” to the Recommendations of the ANC

13. 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)) and Subtitle Z § 406.2, the Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC. To satisfy this great weight requirement, District agencies 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)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A. 2d 85, 91 n.10 (1978)).
14. As previously noted, neither ANC, 5B or 5C, filed 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 Application’s request for a waiver from the requirements of Subtitle Z § 705.5 to allow a second time extension for two years, and for a two-year time extension of the validity of Z.C. Order No. 14-18, subject to the following conditions and provisions:

The conditions in Z.C. Order No. 14-18, as modified by Z.C. Order Nos. 14-18A, 14-18B, and 14-18C, remain unchanged and in effect, except that Decision No. E.3. is hereby revised to read as follows (deletions shown in ~~**bold and strikethrough**~~ text; additions shown in **bold and underlined** text):

E. MISCELLANEOUS.

3. The first-stage PUD shall remain valid until August 1, ~~2025~~ **2027**, by which time the Applicant will file second-stage PUD applications for the development of the remaining portions of the Property. The filing of each second-stage PUD Application and the Commission’s approval thereof will vest the Commission’s approval of Z.C. Case No. 14-18, with respect to the property that is the subject of the second-stage application, even if other second- stage applications are not filed by the expiration date.

VOTE (October 9, 2025): 3-0-2 (Robert E. Miller, Gwen Marcus Wright and Anthony J. Hood to approve; Tammy Stidham and Joseph S. Imamura, not present, not voting.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 14-18D shall become final and effective upon publication in the *District of Columbia Register*; that is on January 16, 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.