

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER 20-06E

Z.C. Case No. 20-06E

Felice Development Group

(One-Year Time Extension for Approved Planned Unit Development and Related Map
Amendment @ Square 1048-S, Lot 2 [1333 M Street, S.E.]
April 9, 2026

Pursuant to notice, at its public meeting on April 9, 2026, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (“Application”) of Felice Development Group (the “Applicant”) for a one-year extension of the time period to commence construction of the planned unit development (“PUD”) approved for certain property known as Lot 2 in Square 1048-S (the “PUD Site”)¹ pursuant to Zoning Commission (Z.C.) Order No. 20-06, effective as of April 23, 2021, as modified by Z.C. Order Nos. 20-06A, 20-06B, and 20-06D, and extended by Z.C. Order No. 20-06C (collectively, the “Approved PUD”).

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

The Property

1. The PUD Site is a triangular parcel containing approximately 127,400 square feet of land area, located in the southeast quadrant of the District of Columbia, bounded by M Street, S.E., the Southeast/Southwest Boulevard, and freight rail tracks to the north; Water Street, S.E. to the southeast; and the unimproved right-of-way for Virginia Avenue, S.E. to the southwest.
2. The PUD Site is separated from the Capitol Hill residential neighborhoods to the north by freight rail tracks. Other uses in the surrounding area include the District Yacht Club (part of the Historic Boathouse Row) and the Maritime Plaza Development, which consists of two five-story office buildings.

¹ At the time of the original PUD approval, the Property consisted of Lot 802 in Square 1025-E; Lots 1, 801, and 802 in Square 1048-S; and Reservation 129-299. These lots have since been subdivided into a single record lot, i.e., Lot 2 in Square 1048-S.

3. The PUD Site is located within the boundaries of Ward 6 and Advisory Neighborhood Commission (“ANC”) 6B.

Prior Zoning Commission Approvals

4. Pursuant to Z.C. Order No. 20-06, effective April 23, 2021 (the “Original Order”), the Commission approved a Consolidated PUD, First-Stage PUD, and related Zoning Map amendment from the PDR-4 zone to the MU-9 zone for the PUD Site. The Original Order authorized the construction of a mixed-use project consisting of approximately 786,160 square feet of gross floor area (“GFA”), yielding approximately 900 dwelling units; and approximately 44,092 square feet of GFA for non-residential use; and 174 vehicle parking spaces (the “Project”).
5. Pursuant to the Original Order, the Project is to be constructed in phases. The first phase, which is the Consolidated PUD, involves the construction of the East Tower (also known as Building 1-East Tower). The subsequent phase(s) include the construction of the West Tower (also known as Building 1-West Tower) and Building 2, which are the subjects of the First-Stage PUD approval. The East Tower and West Tower will be connected via an elevated bridge and, together, comprise Building 1.
6. Pursuant to Z.C. Order No. 20-06A, effective October 7, 2022, the Commission approved a technical correction to the Original Order to correct the development table provided in Finding of Fact No. 31.
7. Pursuant to Z.C. Order No. 20-06B, effective April 7, 2023, the Commission approved a Modification of Consequence to the Original Order that permitted various modifications to the PUD including, but not limited to, shifting the eastern boundary of Theoretical Lot 1, adjusting boundaries for the Consolidated PUD and the First-Stage PUD, and increasing the vehicle parking for the Project. The Commission also approved corresponding changes to several conditions in the Original Order, including additional transportation mitigation measures in light of the approved increase in vehicle parking. Z.C. Order No. 20-06B established the current development program for the Consolidated PUD.²
8. Pursuant to Z.C. Order No. 20-06C, effective April 28, 2023, the Commission granted a two-year extension of the Approved PUD. As a result, the deadline to file a building permit application for the Consolidated PUD was April 23, 2025, and construction of the Consolidated PUD must commence by April 23, 2026. The Applicant timely submitted a building permit application authorizing construction of the Consolidated PUD within the April 23, 2025 deadline established in Z.C. Order No. 20-06C.

² Specifically, the East Tower is approved for up to 516 residential units, 23,378 square feet of non-residential uses, and 222 parking spaces. The West Tower, approved under the First-Stage PUD, includes 288 residential units, 9,971 square feet of non-residential uses, and 68 parking spaces. Theoretical Lot 2, also approved under the First-Stage PUD, is planned for a mixed-use building with 75 residential units, 1,904 square feet of non-residential uses, and 14 parking spaces.

9. Pursuant to Z.C. Order No. 20-06D, effective October 17, 2025, the Commission approved a Modification Without Hearing to the Consolidated PUD, authorizing a series of design refinements related to site circulation and pedestrian access, building penthouse design and materials, balcony and railing treatments, and site wall finishes.

Parties and Notice

10. Other than the Applicant, the only party to Z.C. Case No. 20-06 was ANC 6B, the “affected” ANC pursuant to Subtitle Z § 101.8.
11. On March 4, 2026, the Applicant served the Application on ANC 6B, Commissioner Samuel Pastore, the ANC’s chair, Commissioner Edward Ryder, the Single-Member District Representative for ANC 6B-08, and the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application (Exhibit [“Ex.”] 2 at 8).

II. THE APPLICATION

12. On March 4, 2026, the Applicant timely filed the Application requesting a one-year time extension of the validity of the Original Order, specifically to start construction of the Approved PUD not later than April 23, 2027 (Ex. 1-2D).
13. The Application asserted that it met the requirements of Subtitle Z § 705.2 for the proposed one-year time extension because:
 - The Applicant served the extension request on all parties to the to the underlying application, 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, citing to the unchanged public benefits and requested development incentives and the Project’s ongoing consistency with the Comprehensive Plan, including the Lower Anacostia Waterfront/Near Southwest Area Element, or other adopted policies and programs; and
 - Good cause exists under Subtitle Z § 705.2(c)(1) due to unusually difficult financing conditions for multifamily development in the District, including elevated interest rates and higher construction costs. There are signs of improvement, however, and investor and lender confidence is slowly recovering. Despite economic headwinds beyond its control, the Applicant has continued to advance the Project, as evidenced by obtaining approval for various design modifications in Z.C. Order Nos. 20-06B and 20-06D, as well as the timely filing of both foundation-to-grade and building permit applications. The Applicant asserted that it is well-positioned to break ground promptly once permits are issued and financing is in place.
(Ex. 2).
14. For the foregoing reasons, the Application stated that the Applicant has been unable to obtain financing for the Project and to commence construction by the deadline established by Z.C. Order No. 20-06C (*Id.*).

15. The Applicant also submitted the affidavit of Rick Felice, its President, attesting to the challenges that justify the requested time extension, as well as the Applicant's ongoing efforts to initiate construction of the Approved PUD. The affidavit further states that approval of the one-year extension would support investor and lender confidence and place the Applicant in a strong position to mobilize and begin construction promptly upon securing financing (Ex. 2A).

III. RESPONSES TO THE APPLICATION

16. OP submitted a report dated March 30, 2026 (Ex. 4) (the "OP Report"), recommending approval of the Application, and concluding that (i) the extension was properly served on ANC 6B, which was given 30 days to respond; (ii) there had been no substantial changes in any material facts upon which the Zoning Commission based its original approval that would undermine its justification; and (iii) the Applicant presented substantial evidence that it was unable to obtain sufficient project financing despite diligent, good faith efforts, due to dramatic increases in construction costs and hesitancy in lending in the construction arena. OP also further acknowledged the Applicant's progress through the permitting process and ongoing compliance with the prior PUD approvals.
17. ANC 6B did not submit a written report responding to the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of 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 has satisfied Subtitle Z § 705.2(a) by demonstrating that it served all parties, which in this case is only ANC 6B, on March 4, 2026, and that ANC 6B was given 30 days to respond from March 4, 2026.
4. Subtitle § 705.2(b) requires that the Commission find that no substantial change has occurred to 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 Application satisfies Subtitle Z § 705.2(b), and that no substantial change has occurred to 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.

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. Based on the evidence in the record, the Commission concludes that the Application meets the standards of Subtitle Z § 705.2(c)(1). Construction of the Project has stalled due to unusually difficult financing conditions affecting the District of Columbia in recent years. Despite circumstances beyond its control, the Applicant has made diligent, good-faith efforts to advance the Project based on the timely filing of a foundation-to-grade permit and building permit applications. In addition, as attested in the Applicant's supporting affidavit (Ex. 2A), a one-year extension will help secure investor and lender confidence in the Project, allowing the Applicant to mobilize promptly and commence construction. Accordingly, the Commission finds that good cause exists to grant the requested one-year extension so the Applicant may begin construction of the Approved PUD and deliver its approved public benefits.

"Great Weight" to the Recommendation of OP

8. The Commission is required to give "great weight" to the recommendations of OP pursuant to § 5 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 (2018 Repl.)) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).
9. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

"Great Weight to the Written Report of the ANC

10. The Commission must give "great weight" to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commission 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*, 141 A.3d 1087). 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 Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

11. As previously noted, ANC 6B did not file a response to the Application.

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 Applicant’s request for a one-year extension of the deadline to begin construction of the PUD approved in Z.C. Order No. 20-06, as modified by Z.C. Order Nos. 20-06A, 20-06B, and 20-06D, and extended by Z.C. Order No. 20-06C, with the requirement that the Applicant:

- Begin construction of the Approved PUD no later than **April 23, 2027**.

Final Action

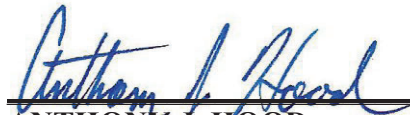
VOTE (April 9, 2026): 4-0-1

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

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 20-06E shall become final and effective upon publication in the District of Columbia Register, that is, on May 15, 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 RESIDENT 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.