

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 20-12B**

Z.C. Case No. 20-12B

**Westminster Presbyterian Church and Westminster Community Partners, LLC
(Two-Year Time Extension for Consolidated PUD and Zoning Map Amendment
@ Square 499, Lot 52 [400 I Street, S.W.]**

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 Westminster Presbyterian Church and Westminster Community Partners, LLC (together, “Applicant”) for a two-year extension of the time period to file a building permit application for the approved mixed-use development project (“Project”) to be located at 400 I Street, S.W. (Square 499, Lot 52) (the “Property”). The Project was approved as part of a consolidated Planned Unit Development (“PUD”) and Zoning Map amendment pursuant to Z.C. Order No. 20-12, effective as of June 10, 2022 (the “Original Order”). The Commission approved a two-year time extension of the Original Order pursuant to Z.C. Order No. 20-12A, effective as of January 31, 2025 (the “Order”).

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. PRIOR APPROVAL AND EXISTING PUD DEADLINES

1. Pursuant to the Original Order, the Commission approved a consolidated PUD with a related Zoning Map amendment from the R-3 zone to the MU-2 zone. The Original Order approved development of the Project, which includes new facilities for the Westminster Presbyterian Church (the “Church”) and approximately 222 new residential units.
2. The Project consists of two separate towers that would be provided as follows:
 - a. The “West Tower” includes approximately 99 residential units. If the West Tower is developed with rental units, then it is required to dedicate 8% of the residential gross floor area (“GFA”) as affordable housing for households earning up to 60% of the median family income (“MFI”). If the West Tower is developed with for-sale units, then it is not required to provide any affordable housing; and

- b. The “East Tower” includes approximately 123 residential units entirely devoted to senior affordable housing reserved for households earning up to 60% of the MFI for the first 40 years of the Project. After the first 40 years, and if the West Tower is devoted to rental units, then the East Tower is required to dedicate 8% of the residential GFA as affordable housing for households earning up to 60% of the MFI. After the first 40 years, and if the West Tower is devoted to for-sale units, then the East Tower is required to dedicate 15% of the residential GFA as affordable housing for households earning up to 60% of the MFI.
3. The Project also includes new facilities for the Church, which would be located on the ground floor of the East Tower, and would include a large assembly/congregation space, kitchen and dining areas, conference rooms, offices, and a community gallery and art space. The Original Order required that if all three components of the Project cannot be constructed concurrently, that the East Tower, which includes the senior affordable housing and the new Church facilities, must be completed first (*See* Original Order, Decision No. A.4).
4. Pursuant to Decision No. D(2) of the Original Order, the approval is valid for a period of two years from the effective date of the Original Order, within which time an application must be filed for a building permit, with construction required to commence within three years of the effective date of the Original Order. Accordingly, the Applicant was required to file a building permit application for the Project no later than June 10, 2024, and to commence construction of the Project no later than June 10, 2025.
5. Pursuant to the Order, effective as of January 31, 2025, the Commission approved a two-year time extension of the Original Order requiring the Applicant to file a building permit application to construct the Project no later than June 10, 2026, and to commence construction no later than June 10, 2027.

PARTIES AND NOTICE

6. The parties to the Original Order were the Applicant and Advisory Neighborhood Commission (“ANC”) 6D.
7. On February 27, 2026, the Applicant served the Application on ANC 6D, as well on the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application (Exhibit [“Ex.”] 2).

II. THE APPLICATION

8. On February 27, 2026, the Applicant timely filed the Application requesting a two-year time extension of the validity of the Order, such that if approved the Applicant would be required to file a building permit application for the Project no later than June 10, 2028, and begin construction no later than June 10, 2029. The Application also requested a waiver from the requirement of Subtitle Z § 705.5, that a second time extension may be approved

for no more than one year, to allow a second time extension for a period of two years (Ex. 2).

9. The Application asserted that it met the requirements under Subtitle Z § 705.2 for the proposed two-year time extension because:
 - a. The Applicant served the extension request on all parties to the application and all parties were allowed 30 days to respond;
 - b. There has been no substantial change in any of the material facts upon which the Commission based its approval of the Original Order; and
 - c. Good cause justifies the Commission's granting the time extension because the Applicant has been unable to obtain sufficient project financing following its diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the Applicant's reasonable control, including:
 - Uncertainty of the economy over the next 12-18 months;
 - Lingering effects of the Covid-19 pandemic that continues to adversely impact vacancy rates, rent collections, concessions, and absorption;
 - Uncertainty about interest rates and economic trends driven by inflation;
 - Significant increases in construction costs, insufficient labor, and supply chain issues; and
 - Federal policy shifts under the administration have directly impacted many construction industry sectors and planned capital project spending.
10. The Application stated that despite the weak lending market, the Applicant has remained committed to making all commercially reasonable efforts to meet the Applicant's obligations under the PUD, within the prevailing financing constraints, including investments in the Project totaling approximately \$1M (Ex. 2). The Application included an affidavit of Buwa Binitie, the Manager of Westminster Community Partners, LLC, attesting to the challenges that justify the time extension (Ex. 2D).

WAIVER REQUEST

11. In regard to the request for a waiver from Subtitle Z § 705.5, the Applicant stated that it will take more than one year to solicit and engage a general contractor and prepare the required application materials needed for the building permit (Ex. 2). Pursuant to Subtitle Z § 101.9, the Commission may, for good cause shown, waive any of the provisions of Subtitle Z of the Zoning Regulations if, in the judgment of the Zoning Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.
12. The Application asserted that it met the requirements under Subtitle Z § 101.9 for the waiver because the rights of the only party to the original PUD, ANC 6D, will not be prejudiced by granting the waiver as ANC 6D has been served with the application and had an opportunity to respond; and granting the waiver is not otherwise prohibited by law (Ex. 2).

III. RESPONSES TO THE APPLICATION

13. OP submitted a report dated March 30, 2026 (“OP Report”), recommending approval of the requested two-year time extension and the related waiver, and concluding that: (i) the Application was served on all parties, which were given more than 30 days to respond; (ii) there have been no substantial changes in any material facts upon which the Commission based its original approval that would undermine its justification; and (iii) the Applicant demonstrated with substantial evidence its inability to obtain sufficient project financing following its diligent good faith efforts because of changes in economic and market conditions beyond the Applicant’s reasonable control (Ex. 5).
14. ANC 6D submitted a report dated April 1, 2026, stating that at its regularly scheduled and properly noticed public meeting on March 16, 2026, with a quorum of Commissioners present, ANC 6D voted unanimously in support of the Application (Ex. 6).

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD 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 satisfied Subtitle Z § 705.2(a) by demonstrating that it served all parties on February 27, 2026, and that the parties were given 30 days to respond from February 27, 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, based on the Application and the OP Report, that the Application satisfied Subtitle Z § 705.2(b) because there has been no substantial change to the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for that approval.
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 government 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.*
7. The Commission concludes that the Application meets the standards of Subtitle Z § 705.2(c)(1) because the Applicant has been unable to obtain sufficient project financing, despite good faith efforts, due to changes in economic and market conditions beyond the Applicant's reasonable control. The combination of various factors, including increases in construction costs, insufficient labor, supply chain issues, and federal policy shifts, have resulted in the Applicant being unable to move forward with development of the Project within the Order's time limits.
8. The Commission concludes that the Application demonstrated good cause to waive Subtitle Z § 705.5's requirement to allow a second time extension to be approved for more than one year. The Commission determined that, pursuant to Subtitle Z § 101.9, granting the waiver will not prejudice the rights of any party nor is it otherwise prohibited by law. As noted above, ANC 6D supports the Application.

“GREAT WEIGHT” TO THE RECOMMENDATION OF OP

9. 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)).
10. 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

11. 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 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)). 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)).

12. The Commission finds ANC 6D's recommendation in support persuasive and concurs in that judgment.

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 two-year extension of Z.C. Order No. 20-12, as extended by Z.C. Order No. 20-12A, with the requirement that the Applicant:

- File a building permit application to construct the Project no later than June 10, 2028; and
- Start construction of the Project no later than June 10, 2029.

FINAL ACTION

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

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

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 20-12B 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 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.