

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 21-20C
Z.C. Case No. 21-20C
Steuart Investment Company
(Two-Year Time Extension of an Approved Design Review
@ Square 662, Lot 16)
May 14, 2026

Pursuant to notice, at its public meeting on May 14, 2026, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of Steuart Investment Company (the “Applicant”) for a two-year time extension of the Design Review approved in Z.C. Order No. 21-20, as modified in Z.C. Order No. 21-20A, and extended in Z.C. Order No. 21-20B (collectively, the “Order”) for the development of a mixed-use building with approximately 434 multifamily residential units and ground-floor retail use (the “Project”) located at 1 S Street, S.W. (Square 662, Lot 16) (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.

I. FINDINGS OF FACT

PRIOR APPROVALS

1. The Commission approved the Order, effective April 8, 2022, granting a Design Review approval for the Project, a mixed-use building with approximately 434 multifamily units and ground-floor retail use.
2. The Commission approved a Modification of Consequence for the approval by Order No. 21-20A, effective December 29, 2023.
3. The Commission approved a two-year time extension of the Design Review approval by Order No. 21-20B, such that the Order remained valid until April 8, 2026.

PARTIES AND NOTICE

4. Advisory Neighborhood Commission (“ANC”) 6D is an “affected ANC” and automatically party to the Application. Aside from the affected ANC, there were no other parties to the original proceeding for Z.C. Case No. 21-20.

5. On April 8, 2026, the Applicant served the Application on ANC 6D, as well as the Office of Planning (“OP”) and District Department of Transportation (“DDOT”), as attested by the Certificate of Service submitted with the Application (Exhibit [“Ex.”] 2).

II. THE APPLICATION

6. On April 8, 2026, the Applicant filed the Application requesting a two-year time extension of the period to file a building permit application under the Order, prior to the expiration of the validity period. The Applicant requested that it be allowed until April 8, 2028, to file a building permit application for the Project. The Applicant also requested a waiver pursuant to Subtitle Z § 101.9 from the restriction under Subtitle Z § 705.4 that permits only one time extension for a Design Review approval to allow a second time extension for the Project (Ex. 2).¹
7. The Application stated that it met the standards for a time extension enumerated in Subtitle Z § 705.2 because:
- The Applicant served the request on all parties to the application and all parties were allowed 30 days to respond;
 - There has been no substantial change of material facts since the Commission’s approval of the Order and the Project remains consistent with the design and program approved by the Commission; and
 - There is good cause to grant the requested extension in this case to allow the Applicant additional time to continue pursuing financing to enable the Project’s development while the development team continues to advance the design. While the Applicant has invested significant resources into moving the Project forward, as detailed in the Applicant’s submission, the Applicant has been unable to obtain construction financing due to the ongoing challenging market conditions affecting commercial real estate development in the District, and, specifically, sustained elevated construction costs and an exceedingly challenging financing market (Ex. 2).
8. The Application stated that it met the standards for the requested waiver under Subtitle Z § 101.9. The Applicant also asserted that there is good cause to grant the requested waiver from Subtitle Z § 705.4 to allow a second time extension for a Design Review approval because the Applicant has diligently pursued development of the Project, but the Project continues to be severely impacted by adverse market conditions. In addition, the initial extension granted for the Order was necessitated by the extensive work needed for the Applicant to coordinate with DDOT regarding the review and construction of the significant infrastructure improvements that the Applicant will be implementing for the public street network surrounding the Property in coordination with the Project’s development. The Applicant continues to work with DDOT to finalize and implement these proposed public realm improvements that the Applicant will execute to enable the Property to be redeveloped with the Project, but the continued coordination with DDOT and ongoing market challenges necessitate an additional two-year time extension (Ex. 2).

¹ The Applicant also applied for a Modification Without Hearing (Z.C. Case No. 21-20D) concurrently with this Application, which the Commission also approved.

III. RESPONSES TO THE APPLICATION

9. On May 4, 2026, OP submitted a report stating that OP believed the Application met the standards for the requested two-year extension and waiver to allow a second extension for a Design Review, recommending approval of the Application. OP agreed with the Application that there has been no substantial change in any of the material facts upon which the Commission based its original approval and that the Applicant had demonstrated good cause for the extension and for the waiver (Ex. 4).
10. ANC 6D did not submit a written report commenting on the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the period of an order approving a Design Review 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.
2. The Commission concludes that the Applicant timely filed the Application prior to the expiration of the Order on April 8, 2026, which deadline the Application seeks to extend.
3. 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.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 705.2(a) by demonstrating that it had served ANC 6D, the only other party to the Order, and that the ANC was given 30 days to respond from the April 8, 2026, date of service.
5. 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 application.
6. 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 Order.
7. 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.

8. The Commission concludes that the Application met the standards of Subtitle Z § 705.2(c)(1) due to the significant adverse conditions affecting the financing market for commercial real estate development. The Commission agrees that these matters constitute good cause for the requested two-year extension of the Order.
9. Subtitle Z § 101.9 authorizes the Commission to waive, for good cause shown, any provision of Subtitle Z if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.
10. The Commission concludes that the Application has demonstrated good cause to waive Subtitle Z § 705.4 to allow a second time extension for a Design Review approval due to the market challenges affecting commercial real estate development in the District and based on the Applicant's extensive work with DDOT regarding the significant infrastructure improvements that the Applicant will be implementing for the public street network surrounding the Property. The Commission concludes that the waiver will not prejudice the rights of ANC 6D, the only other party to the case, as the ANC has had the full opportunity to review and comment on the requested waiver and did not submit any comments. The Commission further concludes that the requested waiver is not otherwise prohibited by law.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

11. The Commission is required to give "great weight" to the recommendations of OP stated in the OP Report 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)).
12. The Commission notes OP's conclusion that there has been no substantial change to the material facts upon which the Commission's original approval was based and finds persuasive OP's recommendation to approve the requested two-year extension and the requested waiver to allow a second time extension.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

13. 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 (*Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Comm'n*, 856 A.2d 1174, 1180 (D.C. 2004)). 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)).

14. ANC 6D did not submit a written report 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 Two-Year Time Extension of Z.C. Order No. 21-20, as modified by Z.C. Order No. 21-20A, and as extended by Z.C. Order No. 21-20B, to extend the validity period and deadline to apply for a building permit until April 8, 2028.

VOTE (May 14, 2026): 5-0-0

(Joseph Imamura, Robert Miller, Anthony Hood, Tammy Stidham, and Gwen Wright to approve.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 21-20C shall become final and effective upon publication in the *District of Columbia Register*; that is, on October 9, 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.