

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 22-09A

Z.C. Case No. 22-09A

MCF Heritage 1700, LLC

(Two-Year Time Extension of the Approved Consolidated Planned Unit Development and Zoning Map Amendment @ Square 419, Lot 34)
December 18, 2025

Pursuant to notice, at its December 18, 2025, public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of MCF Heritage 1700, LLC (the “Applicant”) for a two-year time extension of Z.C. Order No. 22-09 (the “Original Order”), which approved a consolidated planned unit development (“PUD”) and zoning map amendment for Lot 34, Square 419 (the “Property”).

The Commission considered the Application pursuant to the Commission’s Rules of Practice and Procedures, 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

I. BACKGROUND INFORMATION

1. Pursuant to the Order, the Commission approved the creation of a new residential community with approximately 317 apartments adjacent to the Shaw-Howard University Metro Station and a block away from the 7th Street, N.W. commercial corridor (the “Approved PUD”). The Approved PUD requires 15% of the residential square footage, including cellar space and penthouse space, will be reserved as IZ units.
2. The Order also approved a Zoning Map Amendment from the RA-4 zone to the MU-8A zone. The Original Order became effective on October 27, 2023.

PARTIES AND NOTICE

3. The parties to the Original Order were ANC 6E, ANC 1B, and ONEDC. The Property is now located within the boundaries of ANC 2G.
4. The Applicant provided evidence that on October 23, 2025, it served the Application on ANC 6E, ANC 1B, ANC 2G, ONEDC, 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.”] 3).

II. THE APPLICATION

5. On October 23, 2025, the Applicant filed the Application requesting a two-year time extension of Z.C. Order No. 22-09, prior to the Original Order’s deadline of October 27, 2025 (Ex. 1-3). The Applicant noted that the extending of the Original Order’s approval, until October 27, 2027, will provide the opportunity to obtain sufficient project financing to file a building permit application for the Approved PUD; and stated that the Application meets the requirements of Subtitle Z § 705.2.
6. The Application stated that there has been no substantial change in any material facts that would undermine the basis for the Commission’s approval of the Consolidated PUD and Zoning Map Amendment in Case No. 22-09. The Applicant noted that it was not aware of any new large-scale development proposed in the general area near the Property, and no changes to the Comprehensive Plan or the relevant Small Area Plans have been proposed or approved since the Commission’s original approval (Ex. 2).
7. The Application asserted that good cause justifies the Commission’s granting the time extension due to the Applicant’s inability to obtain sufficient project financing for the Approved PUD because of changes in economic and market conditions beyond the Applicant’s reasonable control. The Applicant noted that this request for a two-year time extension reflects the continued difficult development climate that currently exists in the District of Columbia and has existed for the past few years. The significant adverse economic and market conditions the Applicant faces include: high interest rates; elevated construction costs; and limited access to capital (which has been exacerbated by the District’s high levels of unpaid rent). The Applicant cited an April 23, 2025, article in the Washington Business Journal which highlighted these difficulties (Ex. 2).

III. RESPONSES TO THE APPLICATION

8. OP submitted a report dated December 8, 2025 (“OP Report”). The OP Report stated that the Application meets the requirements of Subtitle Z § 705.2 and recommended approval of the Application. The OP Report noted that there have been no substantial changes to the Comprehensive Plan since the Approved PUD’s approval and the built environment near the Property is the same as it was at the time of approval (Ex. 5).
9. None of the parties to the Original Order participated in this Application. Likewise, ANC 2G did not participate in this Application. All of these parties were given at least 30 days to respond to the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the 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 §§ 705.3, 705.5, and 705.6.

2. The Commission concludes that the Applicant timely filed the Application prior to the October 27, 2025, deadline for the expiration of the Consolidated PUD and Zoning Map Amendment approval, 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 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 all parties to the Order – Order No. 22-09 (as well as ANC 2G) – and that all were given 30 days to respond from the October 23, 2025, 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 of the PUD that would undermine the Commission’s justification for approving the PUD.
6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and the 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 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.*
8. The Commission concludes that the Applicant demonstrated with substantial evidence that it meets the standards of Subtitle Z § 705.2(c)(1). The Commission agrees that the Applicant has faced significant adverse economic and market conditions, including: high interest rates; elevated construction costs; and limited access to capital (which has been exacerbated by the District’s high levels of unpaid rent) and that those issues are outside the Applicant’s reasonable control.
9. For the foregoing reasons, the Commission concludes that the Applicant meets the standards for review for a time extension request and finds that good cause exists to grant the Application.

“Great Weight” to the Recommendations of OP

- 10. The Commission must give “great weight” to the recommendations of OP 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 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A. 3d 1079, 1087 (D.C. 2016)).
- 11. The Commission notes OP’s recommendation in support of the Application and OP’s conclusion that there have been no substantial changes to the Comprehensive Plan since the Approved PUD’s approval and the built environment near the Property is the same as it was at the time of approval.

“Great Weight” to the Recommendations of the ANC

- 12. The Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC 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 this 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).
- 13. The Commission notes that none of the ANC’s that are relevant to this Application (ANCs 6E, 1B and 2G) participated in this case.

DECISION

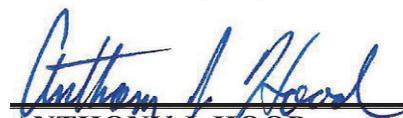
In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia concludes that the Applicant has met the standards of review for a time extension request and demonstrated that good cause exists to grant the Application. Therefore, the Commission **APPROVES** the Application’s request for a two-year time extension of the Order to extend the validity period and deadline to file a building permit application to October 27, 2027, and the deadline to commence construction until October 27, 2028.

Final Action

VOTE (December 18, 2025): 4-0-1

(Anthony J. Hood, Robert E. Miller, Gwen Wright, 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. 22-09A shall become final and effective upon publication in the *District of Columbia Register*; that is on February 20, 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.