

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION ORDER NO. 22-21B**  
**Z.C. Case No. 22-21B**  
**2229 M Street, N.E. Owner, LLC**  
**(Two-Year Time Extension of the Approved Consolidated Planned Unit Development and**  
**Related Zoning Map Amendment @ Square 4465, Lot 40)**  
**December 18, 2025**

Pursuant to notice, at its public meeting on December 18, 2025, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 2229 M Street, N.E. Owner, LLC (the “Applicant”)<sup>1</sup> for a two-year time extension of Z.C. Order No. 22-21 (the “Original Order”), which approved a consolidated planned unit development (“PUD”) and related zoning map amendment for Lot 40<sup>2</sup> in Square 4465 (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**

1. The Property consists of approximately 15,068 square feet of land area and is improved with a three-and-a-half-story building formerly used as a child development center and a two-story building formerly used as residential housing. The Property is bound by the Arboretum Condominium complex to the west, M Street, N.E. to the north, a federally owned triangular lot to the east, and a public alley to the south (Exhibit (“Ex.”) 2).
2. The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 5D<sup>3</sup> (Ex. 2).

**Prior Approvals and the Project**

3. The Original Order became effective on November 10, 2023, and was set to expire on November 10, 2025. The Original Order approved construction of a seven-story building

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<sup>1</sup> The Applicant recently acquired the subject property from the Original Applicant, 2229 M Street, N.E., LLC, and is therefore acting as applicant for Z.C. Case No. 22-21B.

<sup>2</sup> The Property previously comprised two record lots—Lots 36 and 39—that were subsequently combined to form Lot 40.

<sup>3</sup> The Property is adjacent to ANC 5C and so is an “affected ANC” per Subtitle Z 101.8. ANC 5C did not participate in this case although it was provided all application documentation.

with approximately 92 dwelling units (the “Building”) and a PUD-related map amendment from RA-2 to RA-4 (Ex. 2B1).

4. The Building will be entirely dedicated as affordable senior housing (the “Project” or “Approved PUD”) for seniors aged 55 and older earning between 30-80% of Median Family Income (“MFI”). For the first 40 years of operation, 80% of the units will be affordable for households at or below 60% MFI, and 20% of the units will be affordable for households at or below 80% MFI (Ex. 2).
5. On June 6, 2025, the Applicant’s predecessor, 2229 M Street, N.E., LLC (the “Original Applicant”)<sup>4</sup> applied for a Modification without Hearing to the Approved PUD to make changes to exterior materials, balconies, entryway landscaping, internal window arrangements, and miscellaneous design refinements of the Project (the “Modification Application”). The Commission approved the Modification Application (the “Approved Modification”) as Z.C. Order No. 22-21A, which became final and effective on October 17, 2025 (“Order 22-21A”) (Ex. 2).
6. Although the Original Applicant timely filed a building permit application on May 6, 2025 (Permit No. B2505855), within the two-year period provided under the Original Order, that building permit application reflected the design originally approved in the Original Order. The Applicant now intends to re-submit a building permit application based on the Approved Modification. To that end, the Applicant has engaged architectural and consulting services to prepare a set of construction drawings for the permit re-submission (Ex. 2).
7. Despite the best efforts of the Original Applicant and the Applicant, financing was simply not available due to wider market conditions. However, the Applicant is planning to close on Low-Income Housing Tax Credits (“LIHTC”) financing in the first quarter of 2026. In addition, the Property was transferred from the Original Applicant to the Applicant during the Original Order’s validity term (Ex. 2).

### **Parties**

8. Other than the Original Applicant, the only parties to the Original Order and Order 22-21A were ANC 5D and ANC 5C and, as parties in support, Kara and Justin Rollins and Ryun Lee (“Lee-Rollins”)<sup>5</sup> (Ex. 2).

### **Notice**

9. The Applicant served the Application on the Office of Planning (“OP”), the District Department of Transportation, ANC 5D, ANC 5C, and Lee-Rollins on November 10, 2025, as indicated by the Certificate of Service submitted with the Application (Ex. 2, 3).

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<sup>4</sup> The Original Applicant sought partners or purchasers for the Project, ultimately finding the Applicant. The Applicant closed on the ownership of the Property on September 22, 2025.

<sup>5</sup> Lee-Rollins requested and were granted party status in opposition in the original application to the Approved PUD. Lee-Rollins changed their party status from opposition to support based on modifications that the Applicant made to the proposed project in response to concerns raised by Lee-Rollins.

## **II. The Application**

10. On November 10, 2025, the Applicant filed this Application with the Commission requesting a two-year time extension to file a building permit application until November 10, 2027 (Ex. 1, 2).
11. Pursuant to Subtitle Z § 705.2, the Applicant asserted that it met the standards of review for the time extension, including:
  - a. The Applicant served the Application on all parties to the Application, and all parties were allowed 30 days to respond;
  - b. There was no substantial change in any of the material facts upon which the Commission based its original approval of the Application that would undermine the Commission's justification for approving the original Application; and
  - c. There was good cause under Subtitle Z § 705.2(c)(1) due to economic and market conditions beyond the Applicant's reasonable control, specifically:
    - i. High interest rates, suppressed financing market environment, and significant construction costs, which continue to chill the ability to attract and deploy capital into commercial real estate investment; and
    - ii. Recent Federal government actions focused on downsizing the Federal footprint in the Washington, DC area, further straining investment in the local real estate economy.(Ex. 2).
12. For the foregoing reasons, the Applicant has been unable to secure financing for the Project and complete drawings to incorporate more stringent sustainability design principles related to Passive House certification (as detailed in Order 22-21A) and file for a building permit that incorporates the Approved Modification by November 10, 2025 (Ex. 2).
13. Despite these significant and fundamental challenges in market conditions that have impeded the Applicant's ability to finalize financing for the Project, the Applicant has continued to devote substantial resources towards moving development of the Property forward, including preparation for building permit application re-submission and plans to close on financing in first quarter 2026, as discussed in paragraphs 6 and 7 above (Ex. 2).

## **III. Responses to the Application**

14. In its report dated December 5, 2025 ("OP Report"), OP recommended approval of the requested two-year time extension concluding that the Application met the requirements of Subtitle Z § 705.2 because: (1) the Application included a Certificate of Service attesting that it was served to parties; (2) there have been no substantial changes in the material facts upon which the Commission based its original approval that would undermine its justification; and (3) the Applicant demonstrated substantial evidence that the tight equity and lending environment, high interest rates, and elevated construction costs have made it difficult for it to secure the necessary financing (Ex. 5).

15. ANC 5D, ANC 5C, and Lee-Rollins did not submit a response or report for this Application despite being given at least 30 days to respond.

### CONCLUSIONS OF LAW

1. Pursuant to Subtitle Z § 705.2, the Commission may extend the time period of an order upon determining that such request demonstrates satisfaction of the requirements of Subtitle Z § 705.2 and compliance with 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 had served all parties on November 10, 2025, and that the parties were given at least 30 days to respond.
4. 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 that approval.
5. The Commission concludes that the Applicant satisfied Subtitle Z § 705.2(b) based on the Application and OP Report, and that there is no substantial change in any of the material facts upon which the Commission based its original approval of the Application that would undermine the Commission's justification for approving the original Application.
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. The Commission concludes that the Applicant demonstrated with substantial evidence that it meets the standards of Subtitle Z § 705.2(c)(1). The Project has been negatively impacted by high interest rates, suppressed financing market environment, significant construction costs, and a recent downsizing of the Federal footprint in the Washington, DC area, which all combine to chill and strain the ability to attract and deploy capital into commercial real estate investment, despite the Applicant's diligent efforts.

8. For the foregoing reasons, the Commission concludes that the Applicant meets the standards of review for a time extension request and finds that good cause exists to grant the Application.

**“Great Weight” to the Recommendations of OP**

9. 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)).
10. The Commission finds OP’s recommendation to approve the Application persuasive and concurs in that judgment.

**“Great Weight” to the Recommendations of the ANC**

11. 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 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)).
12. As noted above, ANC 5D and ANC 5C did not file a response or report for this Application.

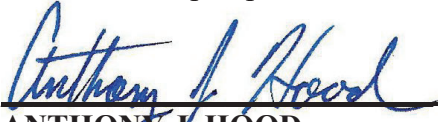
**DECISION**

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 Applicant’s request for a two-year time extension of the Original Order, as modified by Order 22-21A to extend the deadline to file a building permit application until November 10, 2027, and the deadline to commence construction until November 10, 2028.

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

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

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 22-21B shall become final and effective upon publication in the *District of Columbia Register*; that is, on February 20, 2026.

  
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**ANTHONY J. HOOD**  
CHAIRMAN  
ZONING COMMISSION

  
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**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.