

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Crystal Myers, Development Review Specialist  
*MBR* Maxine Brown-Roberts, Associate Director Development Review

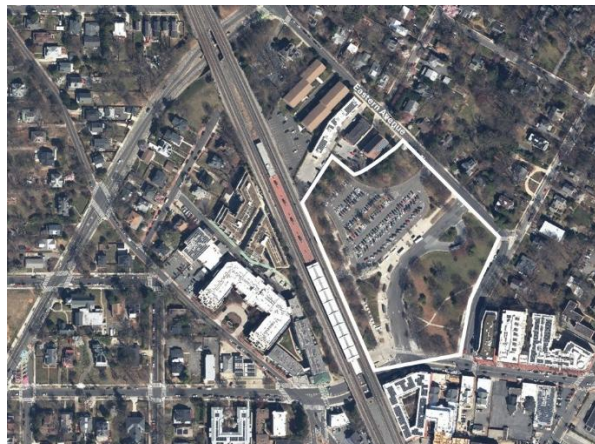
**DATE:** September 11, 2026

**SUBJECT:** ZC #22-36A – Extension Request for a Planned Unit Development

### **I. APPLICATION-IN-BRIEF**

|                                |                                                                                                                                                                                                                                                                                                                     |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant                      | TM Associates, LLC & Washington Metropolitan Area Transit Authority                                                                                                                                                                                                                                                 |
| Ward / ANC                     | Ward 4/ ANC 4B                                                                                                                                                                                                                                                                                                      |
| Legal Description              | Square 3351, Lot 806<br>Square 3352, Lots 820, 822, 823, 829, 831, 839-841, 845-851<br>Square 3353, Lots 811-813                                                                                                                                                                                                    |
| Zones                          | MU-4, RA-1, and NMU-4/TK                                                                                                                                                                                                                                                                                            |
| Project Summary                | The Commission approved a PUD and related map amendment for a 76-ft. high mixed-use building. The building would have 434 units, including 15% IZ units dedicated to households at 30% and 60% AMI and 15,000-18,000 square feet of retail/service space. The project also includes 1.8 acres of public open space. |
| Original Order Effective Date  | July 26, 2024                                                                                                                                                                                                                                                                                                       |
| Original Order Expiration Date | July 26, 2026                                                                                                                                                                                                                                                                                                       |
| Previous Extensions            | None                                                                                                                                                                                                                                                                                                                |
| Extension Request              | Two-year extension to July 26, 2028                                                                                                                                                                                                                                                                                 |
| Recommendation                 | Approve                                                                                                                                                                                                                                                                                                             |

### **II. SITE LOCATION**



### **III. EVALUATION OF THE EXTENSION REQUEST**

#### **Subtitle Z § 705.2**

The extension of a Zoning Commission approval is allowed for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval, provided that the Zoning Commission determines that the following requirements are met:

- (a) *The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.*

The application submitted to the Zoning Commission is dated July 20, 2026, and has been in the public record since filing.

- (b) *There is no substantial change in any of the material facts upon which the Zoning Commission based its original approval of the planned unit development that would undermine the Commission’s justification for approving the original PUD.*

#### **Comprehensive Plan**

The proposed development was reviewed by the Commission after the most recent changes to the Comprehensive Plan in 2021.

#### **Zoning Regulations**

There have been no substantial changes to the Zoning Regulations that would materially impact the Commission’s original approval. Neither the ZR-16 re-organization of the zoning regulations nor the renaming of various zones impact the substance of zoning for this property.

#### **Surrounding Development**

Development in the area has generally remained the same and would not impact the review or approval of this extension request.

- (c) *The applicant demonstrates with substantial evidence one (1) or more of the following criteria:*

- (1) ***An inability to obtain sufficient project financing for the planned unit 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*

The Applicant states that they have been unable to secure sufficient financing for the approved PUD. Rising interest rates, construction costs, insurance premiums, and operating expenses have significantly affected the multifamily development market. In addition, both construction financing and equity capital have become difficult to obtain and has determined that, under current market conditions, the project is not financeable with its existing affordable housing commitment.

The Applicant has provided a list of meetings, [Exhibit 2A](#), to demonstrate that they have been actively working with members of the DC Council, DMPED, and DHCD to identify legislative and financing tools that could make the project feasible enough to move forward as approved. The requested two-year time extension would allow for continued coordination and additional time to secure financing.

#### **IV. ANC COMMENTS**

As of the date of this report, the record does not contain comments from ANC 4B.