

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 23-18A
Z.C. Case No. 23-18A
Cubed Partners, LLC
(Three-Year Time Extension of an Approved Voluntary Design Review
@ Square 4208, Lot 831)
April 9, 2026

Pursuant to notice, at its public meeting on April 9, 2026, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of Cubed Partners, LLC (the “Applicant”) for a three-year time extension of the Voluntary Design Review approved in Z.C. Order No. 23-18 (the “Order”) for the development of a mixed-use five-story building with approximately 4,500 square feet of gross floor area of institutional use housed by Pleasant Grove Baptist Church and approximately 70 senior affordable dwelling units and associated amenity spaces (the “Project”) located at 1800 Hamlin Street, N.E. (Square 4208, Lot 831) (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.

FINDINGS OF FACT

The Property and Prior Approval

1. The Property consists of approximately 16,618 square feet of land area; is bordered by Irving Street, N.E. to the north, Queens Chapel Road, N.E. to the east, Hamlin Street, N.E. to the south, and 18th Street, N.E. to the west; and is located in the MU-4 zone. Multifamily residential homes in the RA-1 zone are located to the north and east. The Property is bordered on the south by a single commercial building and has additional commercial buildings to the west.
2. The Commission approved the Order, effective March 8, 2024, granting a Voluntary Design Review approval for the Project, a mixed-use five-story building with a maximum density of approximately 2.99 floor area ratio (“FAR”) and a maximum height of approximately 61 feet.

Parties and Notice

3. Advisory Neighborhood Commission (“ANC”) 5B 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. 23-18.

4. On March 6, 2026, the Applicant served the Application on ANC 5B, as well as the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application (Exhibit [“Ex.”] 2).

I. The Application

5. On March 6, 2026, the Applicant filed the Application requesting a three-year time extension of the deadline under the Order to file a building permit application by March 8, 2029, and to commence construction by March 8, 2030, for the Project. The Application also requested a waiver from the requirements of Subtitle Z § 705.3, which allows the Commission to grant time extensions for no more than two years, to allow this time extension for a period of three years (Ex. 2).
6. The Application stated that it met the standards for a time extension enumerated in Subtitle Z § 705.2 because (Ex. 2):
 - 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 in any material facts upon which the Commission based its original approval of the application; and
 - There is good cause to grant the extension because the Applicant has been unable to obtain sufficient Project financing due to changes in economic and market conditions beyond its reasonable control, including significant uncertainty and high demand for limited public financing, including Low Income Housing Tax Credits, Housing Production Trust Fund, and tax-exempt bonds, to attract necessary private capital for an affordable project; misaligned timelines associated with various public funding and financing being pursued by the Applicant for the Project; increased construction costs and interest rates; and macro-uncertainty in the District of Columbia real estate ecosystem (Ex. 2).
7. With regard to the request for a waiver from Subtitle Z § 705.3, the Applicant stated that a three-year time extension is necessary to allow sufficient time for multiple attempts to apply for financing from the District of Columbia Department of Housing and Community Development, and because the Zoning Regulations only allow one time extension for a design review, under Subtitle Z § 705.4 (Ex. 2, 2B, 2C, 2D). 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.
8. 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 application, ANC 5B, will not be prejudiced by granting the waiver as ANC 5B has been served with the application and had an opportunity to respond; and granting the waiver is not otherwise prohibited by law (Ex. 2).

II. Responses to the Application

9. On April 6, 2026, OP submitted a report stating that the Application met the standards for the requested three-year extension and the related waiver and 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 waiver (Ex. 5).
10. ANC 5B 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 Voluntary 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 March 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 5B, the only other party to the Order, and that the ANC was given 30 days to respond from the March 6, 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 changes in economic and market conditions beyond its reasonable control, including significant uncertainty and high demand for limited public financing. The Commission agrees that these matters constitute good cause for the requested three-year extension of the Order.
9. The Commission concludes that the Application demonstrated good cause to waive Subtitle Z § 705.3's requirement, which allows the Commission to grant time extensions for no more than two years, to allow this time extension for a period of three years. 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.

“Great Weight” to the Recommendations of OP

10. 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)).
11. 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 three-year extension and related waiver.

“Great Weight” to the Written Report of the ANCs

12. 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)).
13. ANC 5B 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 Three-Year Time Extension of Z.C. Order No. 23-18, to extend the validity period and deadline to file a building permit application until March 8, 2029 and to commence construction until March 8, 2030.

FINAL ACTION

VOTE (April 9, 2026): 4-0-1

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

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 23-18A 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.