District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Zoning Commission

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

DATE: September 28, 2026

SUBJECT: ZC #23-19A – Extension Request for a Planned Unit Development

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I. OP RECOMMENDATION

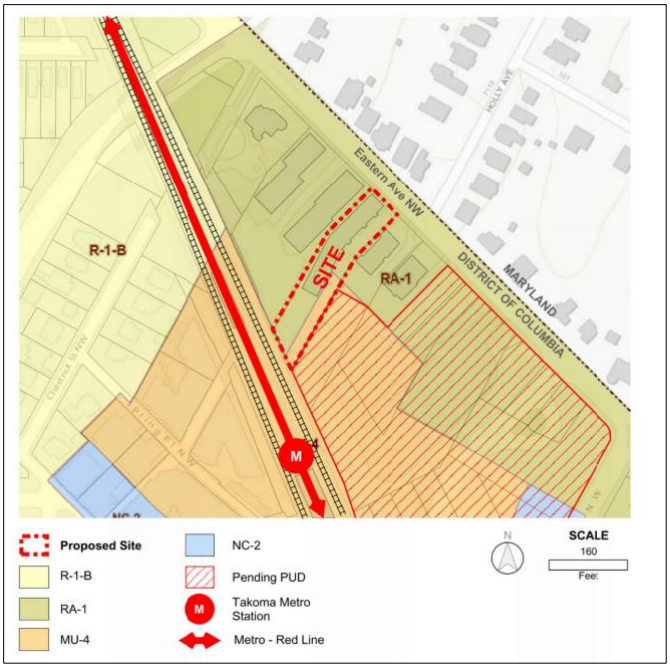
The Office of Planning (OP) recommends **approval** of the requested two year time extension.

II. APPLICATION

Applicant	The NHP Foundation and Elm Gardens Owner LLC
Ward / ANC	Ward 4/ ANC 4B
Legal Description	Square 3351, Lot 813
Zones	MU-4, RA-1
Project Summary	The Commission approved a PUD and related map amendment for a 4-story, 80-unit all-affordable apartment building. The building will include 36 replacement units and 44 new units. The new units would be restricted to households at 50% and 60% MFI and the replacement units will be offered to existing residents at 30% to 80% MFI, except in cases where a returning household has an income that exceeds the 80% max.
Original Order Effective Date	November 29, 2024
Original Order Expiration Date	November 29, 2026
Previous Extensions	None
Extension Request	Two-year extension to November 29, 2028

ZONING COMMISSION
District of Columbia
CASE NO. 23-19A
EXHIBIT NO. 4

III. SITE LOCATION



IV. 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 August 27, 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;

The Applicant states that they have been unable to secure sufficient financing for the approved PUD. Rising interest rates, increased construction costs, limited financing sources, and labor shortages have significantly affected the multifamily development market, particularly for all-affordable housing projects. Despite these challenges, the Applicant has made a good-faith effort to obtain financing. They applied for financing in 2023 but were unable to secure the PUD approval order before the DHCD deadline or commit to closing within 12 months of an award, rendering them ineligible for that funding cycle.

In 2026, the project received a preliminary reservation of 4% and 9% federal Low Income Housing Tax Credits, as well as a letter of interest from the Housing Production Trust Fund. The Applicant is requesting a two-year time extension to allow additional time to secure financing and begin construction.

(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

Not Applicable

(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

Not Applicable

V. ANC COMMENTS

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