

## MEMORANDUM

**TO:** The Zoning Commission for the District of Columbia

**FROM:** Philip Isaiah, Development Review Specialist  
Joel Lawson, Associate Director Development Review

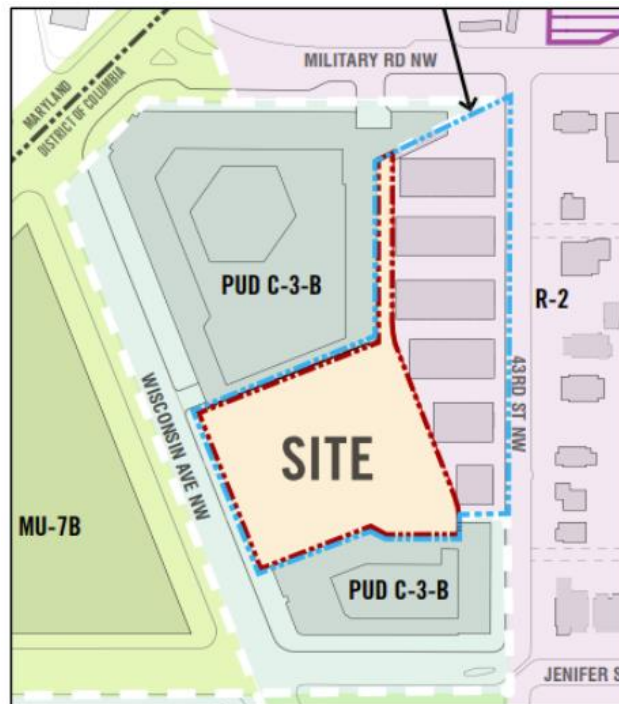
**DATE:** December 24, 2026

**SUBJECT:** ZC #96-13B – First Time Extension Request for PUD Approval 96-13A, 5333 Wisconsin Ave, NW

### **I. BACKGROUND**

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

Address	5333 Wisconsin Avenue, NW
Applicant	Street Retail, LLC
Legal Description	Square 1661, Lot 855
Ward/ANC	Ward 3 / ANC 3E
Zoning	MU-5A Base / MU-9A PUD
Existing ZC Order	96-13, effective July 25, 1997, to permit a retail development with 29 rowhomes. 96-13A, PUD-related Map Amendment and Modification of Significance to permit a 12-story, 130-foot mixed-use building with ground floor retail space and approximately 310 dwelling units under the MU-9A PUD zone in the location of the retail buildings. This order had an original effective date of July 14, 2023, but the time limitation was paused due to an appeal filed with the DC Court of Appeals and resumed with a new effective date of December 14, 2023.
Order Expiration Date	December 14, 2025 for filing of building permit for the mixed-used building. December 14, 2026 to begin construction of the mixed-used building.
Extension Request	December 14, 2027 for filing of building permit for the mixed-used building. December 14, 2028 to begin construction of the mixed-used building.



## II. EVALUATION OF THE EXTENSION REQUEST

### Subtitle Z, § 705.2

The extension of a PUD 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 December 9, 2025, 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.**

### Zoning Regulations

Since the time of the original approval, the zoning for the subject property has not changed. While the Zoning Commission approved several text amendments to the regulations, none of them affected Subtitle G (Mixed Use Zones) outside of clerical modifications.

### Comprehensive Plan

The application subject to this request was approved after the District Council adopted the 2021 Comprehensive Plan, which remains in effect at the time of this request. In this case, neither the Future Land Use Map designation of High Density Commercial/Residential, nor the Generalized Policy Map designation of “Regional Center” changed. The site continues to be located within the Upper Wisconsin Avenue NW Corridor Future Planning Analysis Area, a study completed in 2024.

The property is not in a Resilience Focus Area. As of the PUD approval in 2023 and continuing through today, the site remains subject to the 2021 Comprehensive Plan, and there have been no subsequent changes that would materially affect the PUD approval or its consistency with the Comprehensive Plan.

The [OP report](#) for that case included a full review of the proposal against the Comprehensive Plan, noting that the proposed development would further many Comp Plan policies, including providing new housing opportunities where none currently exist. As part of the PUD, the residential building is required to include 46 units minimum of affordable housing (approximately 15% of the total), for households earning up to 60% MFI.

#### Surrounding Development

OP is not aware of any proximate development which would impact the material facts upon which the Zoning Commission based its original decision.

**(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 application notes that the applicant has continued, to work on obtaining necessary approvals for the subject portion of the site. Despite this, the applicant states that they have not been able to move forward with this development due to financial constraints resulting from changes in economic and market conditions beyond their control, including factors such as costs of construction materials, current financing reluctance for multi-family buildings, and changes in interest rates.

- (2) An inability to secure all required governmental agency approvals for a planned unit development by the expiration date of the planned unit development order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control;

N/A

- (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the planned unit development order.

N/A

### **III. ANC COMMENTS**

As of the date of this report, comments from the ANC had not been filed to the record.