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VIA IZIS

Zoning Commission for the
District of Columbia
441 4th Street, NW, Suite 210S
Washington, D.C. 20001

**Re: Request for PUD Extension
Z.C. Order No. 15-21 / 15-21E
Kenilworth Courts; First Stage and Consolidated PUD and Related Map
Amendment @ Sq. 5113, Lots 5-9; Sq. 5114, Lot 10; Sq. 5116, Lots 164, 165,
172-180, & 186)**

Dear Members of the Commission:

On behalf of the District of Columbia Housing Authority (“DCHA” or the “Applicant”), we submit this application to further extend Z.C. Order No. 15-21 and 15-21E which approved a First Stage and Consolidated Planned Unit Development (“PUD”) and related Zoning Map amendment for the Kenilworth Courts redevelopment. As described in more detail below, with this application DCHA is requesting:

1. An extension of the deadline for filing the Second-Stage PUD application for Phase 2 to January 20, 2028; and
2. An extension to extend the validity of the First-Stage PUD to January 20, 2028, and
3. A waiver from Subtitle Z § 705.51 to allow a fifth extension.

This application is filed with the Zoning Commission (the “Commission”) pursuant to Subtitle Z § 705 of Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016 (the “Zoning Regulations”). Attached to this statement is a completed Application Form 106, and a letter from the Applicant authorizing the law firm of Saul Ewing LLP to file and process this application, which is attached as Exhibit A.

A. The PUD Site

The PUD site has a land area of approximately 620,366 square feet (14.24 ± acres) and consists of Lots 5 through 9 in Square 5113; Lot 10 of Square 5114; Lots 164, 165, 172-180, and 186 in Square 5116 (collectively, the "PUD Site"). The PUD Site is located in the northeast quadrant of the District in the Kenilworth-Parkside community of Ward 7. It is generally bounded by Kenilworth Avenue to the east, Douglas Street to the south, Anacostia Avenue to the west, and Quarles Street to the north. The PUD Site was previously improved with the Kenilworth Courts residential community, a DHCD public housing development.

B. Previous Zoning Commission Approvals and PUD Status

1. The PUD Project

Pursuant to Z.C. Order No. 15-21, dated December 12, 2016, and made effective on January 20, 2017 (the "Original Order") (Exhibit B), the Zoning Commission approved a mixed-use, mixed-income development and related-zone map amendment from the R-1-B and R-5-A Zone Districts to the R-5-B and C-2-A Zone Districts for the PUD Site. Overall, the approved project will provide up to 530 residential units, including public housing replacement units, tax credit rental units, and market-rate units for rent and sale (the "Project"). The majority of the approved housing units will be affordable. The development plan involves clearing and redeveloping the PUD Site in three separate phases. The Commission's approval of the staggered phases was intended to minimize displacement to the existing residents of the affordable housing units on the PUD Site during construction. See Z.C. Order No. 15-21, Finding of Fact No. 58 at 17.

(a) Consolidated PUD (Project Phase 1)

Phase 1, the Consolidated PUD, comprises approximately 4.4 acres of the PUD Site and will provide up to 166 new residential units in a senior building, a multi-family building, stacked flats, and townhouse rentals. Of these, 118 will be deeply subsidized replacement units and 48 will be affordable units at 50% of Area Median Income for a family of four. There will be a diverse bedroom mix, ranging from one to five bedroom units. Additionally, Phase 1 involves approximately 2,980 square feet of non-residential uses, which will include a grocer, food co-op, or fresh food use.

Construction of Phase 1 was completed last Fall and delivered all 166 of the approved PUD units. Of those, at least 101 are reserved for returning residents, ensuring that long-standing families can remain rooted in their community. The units range from three- to five-bedroom homes, offering more space for families of different sizes. The redeveloped site also features an array of amenities, including a fitness center, recreation room, fresh foods market, and on-site support services. Financing involved several District sources including \$16.9 million from the

Housing Production Trust Fund; \$4 million from the Office of the Deputy Mayor of Planning and Economic Development; \$41.4 million in tax exempt bonds from the DC Housing Finance Agency; and \$2.8 million in 4% Low Income Housing Tax Credit allocations administered by the DC Department of Housing and Community Development. The financing leveraging \$26.2 million in equity.

(b) First-Stage PUD (Project Phases 2 and 3)

The First Stage PUD includes Phase 2 and Phase 3 of the Project, which together consists of three multi-family buildings, townhouses and stacked flats, ranging from one to five bedroom units. A total of approximately 321 new units will be provided in Phase 2, and approximately 42 new units will be constructed during Phase 3. Both phases are comprised entirely of housing units with income restrictions, including 172 units reserved for households earning no more than 50% Area Median Income ("AMI") for a reserve period of at least 40 years, 84 units reserved for households earning no more than 60% of AMI for a reserve period of at least 40 years, and 65 units reserved for households earning no more than 90% of the AMI for a reserve period of at least 30 years.

2. Status of First- and Second- Stage PUD Approvals

In accordance with § 2407.10 of the Zoning Regulations of 1958, the Commission specified a validity period longer than the standard one-year for the First Stage PUD. The Original Order (Exhibit B) made the First Stage PUD valid for a period of three years, so long as the Applicant filed a second stage application for Phase 2 within two years of the Original Order. Subsequently, in ZC Order 15-21A, the Zoning Commission approved a two-year time extension of the PUD timeframes established in the Original Order. Further extensions were approved in 15-21C, 15-21D and 15-21E.

The most recent extension, 15-21E, provides for: (1) a one-year time extension to file a Second-Stage Application for Phase 2 from January 20, 2024, to January 20, 2026; and (2) a one-year time extension of the validity of the First-Stage PUD from January 20, 2025, to January 20, 2027.

The following is a summary of all of the previous extensions:

- (a) Pursuant to Z.C. Order No. 15-21A, effective January 24, 2020, the Commission approved a two-year extension of the deadlines established by the Original Order, such that: (i) for the Consolidated PUD, a building permit application had to be filed by January 20, 2021, and construction needed to begin by January 20, 2022; and (ii) for the First-Stage PUD, a second-stage PUD application had to be filed by January 20, 2021, which timely filing would extend the validity of the First-Stage PUD to January 20, 2022. (Exhibit C).

(b) Pursuant to Z.C. Order No. 15-21B, effective April 16, 2021, the Commission approved a Modification of Consequence to the plans and conditions for the First Stage PUD approved by the Original Order. (Exhibit D).

(c) Pursuant to Z.C. Order No. 15-21C, effective April 16, 2021, the Commission approved a two-year extension of the deadlines established by the First Extension Order, such that for the First-Stage PUD, a second-stage PUD application had to be filed by January 20, 2023, which timely filing would extend the validity of the First Stage PUD to January 20, 2024. (Exhibit E).

(d) Pursuant to Z.C. Order 15-21D effective April 7, 2023, the Commission approved a two-year extension of the deadlines established by the second extension order, such that for the First-Stage PUD, a second-stage PUD application had to be filed by January 20, 2024, which timely filing would extend the validity of the First Stage PUD to January 20, 2025. (Exhibit F).

(e) Pursuant to Z.C. Order 15-21E effective June 21, 2024, the Commission approved a two-year extension of the deadlines established by the third extension order, such that for the First-Stage PUD, a second-stage PUD application had to be filed by January 20, 2026, which timely filing would extend the validity of the First Stage PUD to January 20, 2027. (Exhibit G).

C. Requested Extension and Waiver

This Application seeks to extend the Original Order and the most recent extension order, ZC 15-21E: (1) establish a new deadline for filing the second-stage PUD application until January 20, 2028; (2) extend the validity of the first-stage PUD approval to January 20, 2029.

The Zoning Commission granted the original timeframes and the previous extensions in recognition of the scale and complexity of the redevelopment of the PUD Site. In the Original Order, the Commission acknowledged the efforts to be undertaken by the Applicant, and "[found] that the additional time is necessary to allow the Applicant to address infrastructure and relocation needs." (See Z.C. Order No. 15-21, Findings of Fact No. 22 at p. 4-5.) Further, the filing of the second-stage PUD applications for Phases 2 and 3 were intended to be contingent upon the construction of Phase 1 so as to provide opportunities for displaced residents to continue to reside on the PUD site without displacement while the remainder of the Project is constructed. Given the difficulties associated with inflation and higher construction costs and interest rates, the Applicant requires additional time to submit a second-stage PUD applications for Phases 2 and 3 of the Project. Further, difficulties among and with the project's development partners has required the Applicant's termination of the team and the solicitation and selection of a new development partner. The Applicant is in the process of preparing a solicitation at this time.

D. Criteria for Granting Time Extension Under Subtitle Z § 705

1. **Under Subtitle Z § 705.2:** “[a]n applicant may request an extension of the time periods of an order for good cause upon the filing of a written request, before the expiration of the approval,” upon documenting certain conditions. The Commission may, at their sole discretion, grant an extension request for no more than two (2) years, subject to their determination that the Applicant “has sufficiently evidenced compliance” with the criteria of Subtitle Z § 705.2(a)-(c). This application satisfies all of the applicable criteria as follows.

2. **Subtitle Z § 705.2(a) Service on Parties:** The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond; Other than the Applicant, the only other party to the original proceeding was Advisory Neighborhood Commission (“ANC”) 7D. As indicated in the Certificate of Service attached hereto, the Applicant served this application on ANC 7D at the time of filing. The Applicant acknowledges that the ANC must be allowed thirty (30) days to respond before the Commission may consider this application.

3. **Subtitle Z § 705.2(b)- No Substantial Change in Material Facts:** 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. The requested extension does not involve a change in use, the Project affordability requirements, approved PUD benefits and amenities, required covenants, or request additional relief or flexibility from the Zoning Regulations that was not previously approved. Therefore, the requested extensions and DCHA remains committed to delivering all phases of the PUD. The Commission’s approval of this request will afford DCHA additional time to complete the construction of Phase 1 and prepare and file the zoning application for Phases 2 and 3 of the PUD, which will produce approximately 321 new units and approximately 42 new units, respectively.

4. **Subtitle Z § 705.2(c) Satisfaction of Criteria for Approval:** The Applicant demonstrates with substantial evidence one (1) 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.

(a) Adverse Financing, Economic and Market Conditions

It is no secret that financing below- market, affordable housing is very difficult. The financing for affordable units must all come together prior to construction, however, the operating subsidy and rents for below-market units are too low to support any debt so substantial subsidies are needed. District subsidy sources like the Housing Trust Fund are in high demand and the competition is fierce. Recently, Housing Trust Funds had to be diverted to subsidize the preservation of affordable housing projects in danger of defaults further limiting available funds. Federal subsidies have also been limited and are inadequate to meet demand as well. Finally, recent high inflation have higher interest rates have also led to increased construction financing costs.

DCHA's need to secure financing for the future phases will be delayed by the need to secure a new development partner.

2. Existence of Other Factors Beyond the Applicant's Reasonable Control

The intricate nature of the PUD Site creates other factors and challenges beyond the Applicant's reasonable control. Indeed, the Commission granted a longer validity period with the original PUD approval because it found that "additional time was necessary to allow the Applicant to address infrastructure and relocation needs." See Z.C. Order No. 15-21, Finding of Fact No. 22 at pp. 4-5. The Commission also cited to the "scale and complexity of the Approved PUD" as grounds for approving the second extension. See Z.C. Order No. 15-21C, Finding of Fact No. 8, p. 3. The challenges in redeveloping the PUD Site have always been understood.

As part of the development program, the Applicant is required to provide assistance to relocate families from the Phase 2 site into the completed Phase 1 portion of the project. To keep the relocation process less stressful and disruptive for the existing residents, the Project contemplates a one-move relocation strategy for Phase 2 – i.e., families will move directly from their units within the Phase 2 boundary into the newly built units provided with Phase 1. This process is ongoing but requires additional attention before the Applicant can focus on the further design of Phase 2. Once the relocation is complete, the Applicant anticipates it will be able to prepare and submit a second stage application for Phase 2 by January 2028. Accordingly, there is good cause for the Commission to grant the requested extension of the deadline associated with the first-stage PUD.

E. Requested Waiver From Subtitle Z § 705.5

Subtitle Z § 705.5 provides:

705.5 An applicant with an approved PUD may request no more than two (2) extensions. The second request for an extension may be approved for no more than one (1) year.

The Applicant respectfully requests a waiver from this provision pursuant to Subtitle Z §101.9 to permit a fourth extension based upon all of the foregoing difficulties with inflation, increased construction costs and high interest rates which have impacted the ability to timely construct and finance the Project.

F. Service on Affected Advisory Neighborhood Commission

Pursuant to Subtitle Z § 703.13, the Applicant is required to formally serve a copy of the subject application on all parties to the original proceeding, including ANC 7D, at the same time that the request is filed with the Office of Zoning. Other than ANC 7D, there were no other parties to the original proceeding. As noted in the Certificate of Service attached hereto, the subject application was served on ANC 7D on January 16, 2026.

G. Conclusion

In light of the foregoing, the Applicant respectfully requests approval of foregoing two-year extension of the filing deadlines for the First and Second Stage PUDs. The Applicant is also requesting a waiver of the two extension limits set forth in Subtitle Z, §705.5. The request is consistent with the intent of the Zoning Commission in approving the Original Order for the Project and meets the requirements and criteria for approval. As such, approval of this Application is appropriate in this case.

We appreciate your consideration of this request.

Respectfully Submitted,



Cynthia Giordano

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on January 16 2026, electronic copies of the foregoing Request for PUD Extension to Z.C. Order No. 15-21/15-21E were served on the following persons:

D.C. Office of Planning
Joel Lawson
joel.lawson@dc.gov

Advisory Neighborhood Commission 7D
7D@anc.dc.gov

Commissioner Brian Alcom
Chairperson, ANC7D
7D08@anc.dc.gov

Commissioner Josh Taborn
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