

March 6, 2026

VIA IZIS

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 Fourth Street, N.W., Suite 200-S
Washington, D.C. 20001

**Re: Z.C. Order No. 23-18
1800 Hamlin Street, N.E.
Square 4208, Lot 831 (the “Property”)
Request for Time Extension of Voluntary Design Review Application**

Dear Members of the Zoning Commission:

Cubed Partners, LLC (the “**Applicant**”), the applicant in the above-referenced voluntary design review application, hereby submits the following request for a three (3)-year extension of the validity of Z.C. Order No. 23-18 (the “**Order**”), which governs approval of a new mixed-use project at the Property containing a reconstructed church use for Pleasant Grove Baptist Church (“PGBC”)¹ and approximately 70 new units of senior affordable housing (the “**Project**”). A copy of the Order is attached hereto as **Exhibit A**.

Attached to this time extension request is a check made payable to the D.C. Treasurer in the amount of \$1,500, which is the required filing fee for a time extension request pursuant to 11-Z DCMR § 1600.10(c).

I. BACKGROUND

The Property 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. The Property is comprised of approximately 16,618 square feet of land area 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.

The Zoning Commission (“**Commission**”) approved the Project following its public hearing on November 16, 2023. The Property is currently improved with a one-story structure that is currently devoted to the PGBC sanctuary and accessory meeting space. As approved by the Commission, the

¹ PGBC is the current owner of the Property. As part of the initial voluntary design review application, PGBC formally authorized the Applicant to file the voluntary design review application and appear to all proceedings before the Zoning Commission on its behalf. See authorization letter at Z.C. Case No. 23-18, Exhibit 3H1.

Project entails the redevelopment of the Property with a new mixed-use project containing approximately 4,500 square feet of gross floor area (“GFA”) of institutional (religious) use and approximately 70 senior affordable dwelling units and related amenity space. The senior affordable units are expected to be devoted to households earning up to 50% MFI. Overall, the Project will have a maximum density of approximately 2.99 FAR, of which approximately 0.27 FAR will be devoted to non-residential (church) uses. The Project will have a maximum height of approximately 61 feet (not including penthouse), which steps down to approximately 36 feet on the north in response to the lower-scale residential uses to the north. The Project also has habitable and mechanical penthouses with maximum heights of approximately 12’-0” and 15’-0”, respectively.

As part of its approval of the Project through the VDR process, the Commission granted flexibility to the Project for additional building height and penthouse height. The Commission also granted special exception relief from the minimum parking requirements of Subtitle C § 701.1 and the minimum loading requirements of Subtitle C § 901.1.

The time extension request is submitted pursuant to 11-Z DCMR § 705.2 of the 2016 Zoning Regulations of the District of Columbia (“ZR16”). This application seeks a time extension for a period of three (3) years to allow additional time by which to file a building permit application for the Project due to the Applicant’s inability to obtain sufficient Project financing due to changes in economic and market conditions that were beyond the Applicant’s reasonable control. This three (3)-year time extension is necessary given: (i) significant uncertainty in the availability of public funding and financing, including low-income housing tax credits (“LIHTC”) to attract private capital necessary for a project of this nature, (ii) high demand for limited public funding and financing for ground up affordable housing projects, (iii) macro-uncertainty in the District of Columbia real estate ecosystem, (iv) increased construction costs, and (v) misaligned submission, review, and closing timelines associated with the various sources of public funding and financing being pursued by the Applicant for the Project.

As discussed further below, to approve the three (3)-year time extension request the Commission must grant a waiver from 11-Z DCMR § 705.3(a), which limits an initial time extension to no more than two (2) years. The Applicant respectfully requests said waiver pursuant to 11-Z DCMR § 101.9, which, for good cause shown, allows the Commission to waive any provision of Subtitle Z if, in the judgement of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

II. JURISDICTION OF THE COMMISSION

Pursuant to 11-Z DCMR § 705.2, the Commission is authorized to extend the time periods set forth in 11-Z DCMR § 702, provided the following conditions 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.

- b. 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; and
- c. The applicant demonstrates with substantial evidence that there is good cause for such extension, as provided in 11-Z DCMR § 705.2(c).

The sole substantive criterion for determining whether a design review case should be extended is whether there exists "good cause shown." The Zoning Regulations define "good cause shown" in 11-Z DCMR § 705.2(c) as evidence of one or more of the following:

- 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.

III. THE TIME EXTENSION REQUEST HAS BEEN SERVED ON ALL PARTIES TO THE ORIGINAL VOLUNTARY DESIGN REVIEW APPLICATION

As demonstrated by the Certificate of Service appended hereto, a copy of this extension request is being served simultaneously on Advisory Neighborhood Commission ("ANC") 5B, the only other party to the proceedings.

IV. THERE HAVE BEEN NO SUBSTANTIAL CHANGES IN THE MATERIAL FACTS UPON WHICH THE COMMISSION BASED ITS ORIGINAL APPROVAL THAT WOULD UNDERMINE THE COMMISSION'S JUSTIFICATION FOR APPROVING THE PROJECT

The Applicant has not made any changes to the design of the building or surrounding streetscape since the Commission's approval. As thus, for the following reasons, there have been no substantial changes in any of the material facts upon which the Commission based its approval of the Project that would undermine the Commission's decision set forth in Z.C. Order No. 23-18:

- The Property continues to be zoned MU-4, and the Project continues to satisfy all applicable MU-4 development standards and general requirements under Subtitle C, except for minimum parking and loading requirements which the Commission specifically granted special exception relief and the Project maintains its approved height of approximately 60 feet and density of approximately 2.97 FAR (*see* Order at Finding of Fact [“FoF”] 11, and 18-20);
- The Project continues to satisfy all applicable design review criteria set forth in Subtitle X § 604, including continuing to be not inconsistent with the Comprehensive Plan (“**Comp Plan**”)² (*see* Order at FoF 12-16, 23-24, and 26);
- The Project continues to satisfy both prongs of the general special exception standard; it will not have adverse effects on neighboring properties and will be harmonious with the purpose and intent of the Zoning Regulations and Zoning Map (*see* Order at FoF 25);
- The extent of flexibility granted by the Commission for additional building height and mechanical penthouse height has not changed since approval of the Project (*see* Order at FoF 27); and
- The extent of special exception relief from the minimum parking and loading requirements granted by the Commission has not changed, and there have not been any changes to the surrounding transportation network that would require reconsideration of the Transportation Management Plan (“**TMP**”) measures and Loading Management Plan (“**LMP**”) that are required under the Order (*see* Order at FoF 28-29).

V. THERE IS GOOD CAUSE FOR GRANTING THE REQUESTED THREE-YEAR TIME EXTENSION

Pursuant to 11-Z DCMR § 705.2(c)(1), the Commission is authorized to extend the validity of a design review approval where the applicant demonstrates with substantial evidence:

“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.”

As discussed below, the Applicant has been unable to secure all of the financing that is necessary to construct the Project due to: (i) significant uncertainty in the availability of public funding and financing, including LIHTC to attract private capital for a project of this nature, (ii) high demand for limited public funding and financing for ground up affordable housing projects, (iii) macro-

² There have not been any amendments to the Comp Plan since the Commission’s approval of the Project.

uncertainty in the District of Columbia real estate ecosystem, (iv) increased construction costs, and (v) misaligned submission, review, and closing timelines associated with the various sources of public funding and financing being pursued by the Applicant for the Project.

Since the Commission's approval of the Project, the Applicant has continued its efforts to obtain the financing necessary to construct the Project by monitoring District solicitations and financing programs, and remaining positioned to submit promptly once a compatible funding opportunity is released. At the same time, the Applicant has maintained active coordination with PGBC regarding ground lease terms, development program, and sequencing for delivery of the replacement church facility. Unfortunately, since issuance of the Order, the 4% LIHTC, Housing Production Trust Fund ("**HPTF**"), and tax-exempt bond programs have been severely constrained by market and program factors (including the competitiveness of bond-related resources), which has materially limited the Applicant's ability to secure a feasible, complete financing commitment within the Order's validity period.

The Project's financing plan relies on a 4% LIHTC and tax-exempt bond execution coupled with financing provided through the D.C. Department of Housing and Community Development's ("**DHCD**") HPTF that is needed to close a substantial budget gap created by rising construction costs, increased interest rates, and the need to simultaneously deliver PGBC's new church facility. Unfortunately, since the Commission's approval of the Project, DHCD has directed the majority of funding to stabilization of existing affordable housing developments rather than funding new affordable housing construction, particularly those that require a 4% LIHTC and tax-exempt bond financing structure. This is largely a result of the major economic downturn caused by COVID and resulting loss of rental income needed to maintain these existing developments and other budgetary strain on the District government.

Notably, as shown in the attached excerpt from DCHC's 2023 Consolidated Request for Proposals ("**RFP**") for Affordable Housing Projects (issued on August 1, 2023), DHCD explicitly focused on projects that do not request tax-exempt bonds and 4% LIHTC financing (**Exhibit B**). Additionally, as shown in the attached excerpt from DHCD's Fall 2024 Consolidated RFP (issued August 23, 2024), DHCD continued to focus on existing developments, stating "[c]urrent housing market indicators...dictate that District resources are needed to stabilize properties that have current investments from the government." (**Exhibit C**) The 2024 RFP also included a dedicated "Distressed Properties (Existing, Operating Housing)" funding category for properties that already have a valid certificate-of-occupancy, have existing DHCD investment, and are experiencing financial distress, and also limited "new projects" to 9% LIHTC and DC LIHTC only, which did not align with the Project's required 4% LIHTC execution. Due to the competitive application and selection process for the 2024 RFP carrying over into 2025, DHCD did not issue a 2025 Consolidated RFP. Accordingly, while the Applicant remained prepared to pursue District resources and monitored all DHCD solicitations, the available DHCD competitive rounds did not provide a realistic route to assemble the necessary capital for the Project, as currently structured.

Furthermore, due to the Applicant's inability to pursue and secure the requisite 4% LIHTC commitment and HPTF gap financing from DHCD, it has also unable to pursue the tax-exempt bond component of the Project's capital stack that are administered through the D.C. Housing Finance Agency. ("DCHFA"), which has also been constrained by increased demand. Consistent with DHCD's published statements, the 4% LIHTC process is tied to DCHFA tax-exempt bond issuance, rather than through DHCD's competitive allocation process. However, in order for DCHFA to consider an application for tax-exempt bonds, an affordable housing project must first be scored by DHCD. As explained above, DHCD's most recent RFP processes have focused on stabilization of existing projects and have not aligned with the Project's capital stack and ground-up development approach. As such, the Applicant has been unable to obtain a DHCD project score, and thus has been unable to apply for DC HFA tax exempt bonds.

The Applicant has also sought other forms of financing from both traditional and non-traditional funding sources and investigated options beyond District government financing. Unfortunately, such sources have not been available for the Project and have rarely been available elsewhere in the D.C. market for affordable housing (or many other forms of development).

Further, the macro-uncertainty in the District of Columbia real estate ecosystem has chilled the ability for the Applicant to source alternative financing to the initially planned District funding sources, in the private market. The combination of increased interest rates, and thereby increased expectations for return by investors, have combined with real estate investor concern about the District's to eliminate the ability for private sources to be available. Similarly, the Project is subject to the same increase of construction costs that have plagued development in the City. While District funding sources have not been available for the Project as described above, the increase in construction costs has further diminished the ability for the Applicant to find alternative funding and execution pathways for the Project.

VI. THE APPLICANT SATISFIES THE CRITERIA FOR A WAIVER FROM 11-A DCMR § 705.3(A) TO ALLOW A TIME EXTENSION FOR A DESIGN REVIEW APPROVAL THAT IS GREATER THAN TWO (2) YEARS

The Applicant satisfies the criteria for waiving the two (2)-year limit on an initial time extension for a design review approval as: (i) the waiver does not prejudice any party to the proceedings resulting in the Order and is not prohibited by law; and (ii) there is good cause for the waiver considering the real potential that the Applicant will need more time to file a building permit application and commence construction of the Project due to uncertainties related to whether the Applicant will be awarded the public funding and financing necessary to construct the Project in the first or second round of review by the District.

A. Section 101.9 Waiver of Limit on Extensions

Pursuant to Subtitle Z § 705.4, the Commission may ordinarily only approve one (1) time extension request for an approved design review application, and, pursuant to Subtitle Z § 705.3,

the time extension may not exceed two (2) years. This is in contrast to an approved Planned Unit Development (“PUD”) application, where the Commission may grant two (2) time extension requests, with the first for up to two (2) years and the second for one (1) year, for a total of three (3) years.

The difference between how PUDs and design review applications are treated with respect to the number of time extensions the Commission may grant appears to have originated with the adoption of ZR16. However, a review of the case record for ZR16 (Z.C. Case No. 08-06A) provides no information or discussion as to why this distinction was originally included in the draft text for ZR16, and there does not appear to be any similar distinction under the former 1958 Zoning Regulations.

As the Commission is aware and as discussed above, the District continues to face unprecedented uncertainty and volatility in all facets of the real estate market. Factors such as construction costs, lending rates, availability of capital, household income, and employment growth all continue to inject risk into the real estate sector, thus working against and creating conditions that are unfavorable to the District’s housing market. These factors impact a residential development project in the same ways, and arguably to a greater extent on all-affordable development, regardless of whether it was approved through the PUD process or the design review process. As such, the Applicant is requesting the Commission to waive the two (2)-year time extension limit under Subtitle Z § 705.3(a) and instead grant a three (3)-year time extension to the Project, consistent with the overall amount of time a PUD may be extended.

B. The Commission Should Waive the Time Extension Limit

Pursuant to Subtitle Z § 101.9, the Commission may waive the two (2)-year limit on the time period of an extension for “good cause shown” provided that doing so: (a) does not prejudice the rights of any party, and (b) is not otherwise prohibited by law.

To demonstrate how the single, two (2)-year time extension limit imposed under Subtitle Z § 705.3(a) of the Zoning Regulations would adversely impact the Project, the Applicant has prepared the attached estimated Project financing pathway (**Exhibit D**) (“**Pathway**”). Given significant constraints and uncertainties in real estate markets and with public financing timelines and availability, the Applicant’s financing pathway must assume that it may take two (2) DHCD / DC HFA application rounds to secure all necessary Project financing. On February 20, 2026, DHCD released its 2026 Consolidated RFP for affordable housing financing, with submission due by April 17, 2026. The Applicant is now currently working to determine whether DHCD will be accepting submissions for developments that use a 4% LIHTC and tax-exempt bond financing structure. Assuming it does, the Applicant will move quickly to submit its application. Unfortunately, the RFP states that HPTF funding is not included in this RFP. Instead, DHCD will make HPTF funding available on a rolling basis via an open RFP process, with applications accepted on a quarterly basis. DHCD states that it will be issuing additional information on this process at a later date. Thus, even with issuance of the 2026 Consolidated RFP the Project’s

financing outlook is still very unclear at this point. As shown on Line 5 of the Pathway, if the Project is not awarded the necessary funding in this first attempt, the Applicant will need to wait until DHCD issues its 2027 Consolidated RFP before it can submit a second application. As the Pathway clearly shows, if the Applicant has to wait until 2027 to secure DHCD and DC HFA financing, the Applicant would be unable to submit a building permit application to vest the Project's design review approval prior to the Order expiring if the Commission only grants a two (2)-year time extension. Consequently, the Order would expire and the only way the Applicant would be able to construct the Project would be to repeat the voluntary design review process. Based on the foregoing, there is good cause for the Commission to grant the request waiver from Subtitle Z § 705.3(a).

Granting the waiver and approving the Applicant's three (3)-year time extension request will not prejudice the rights of any party and is not prohibited by law. Other than the Applicant, the only party to the original proceeding that resulted in the Order was ANC 5B, which unanimously supported the Project as shown at Exhibit 17 of the case record. As shown on the Certificate of Service below, ANC 5B has been provided with a copy of this submission.

The Applicant has fully demonstrated that the foregoing waiver request satisfies the requirements of Subtitle Z § 101.9, such that the Commission may waive the requirement under Subtitle Z § 705.3(a) that limits an initial time extension request to two (2) years. Instead, the Commission should grant the Applicant's request for a three (3) year time extension such that the Order would expire on March 8, 2029.

VII. EXHIBITS

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| <u>Exhibit A</u> | Z.C. Order No. 23-18 |
| <u>Exhibit B</u> | Excerpt from DHCD 2023 Consolidated RFP for Affordable Housing Projects |
| <u>Exhibit C</u> | Excerpt from DHCD 2024 Consolidated RFP for Affordable Housing Projects |
| <u>Exhibit D</u> | Applicant's estimated Project financing pathway |
| <u>Exhibit E</u> | Applicant signature page |

VIII. CONCLUSION

In light of the conditions beyond the Applicant's reasonable control as described above, namely: (i) significant uncertainty in the availability of public funding and financing, including LIHTC to attract private capital for a project of this nature, (ii) high demand for limited public funding and financing for ground up affordable housing projects, (iii) macro-uncertainty in the District of Columbia real estate ecosystem, (iv) increased construction costs, and (v) misaligned submission, review, and closing timelines associated with the various sources of public funding and financing being pursued

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by the Applicant for the Project, the Applicant has not, and will not be able to file a building permit application prior to the Order's current expiration date on March 8, 2026. If the approval granted by the Order lapses without extension, the Applicant's investment of time and resources in the Project will be lost entirely and the District will lose approximately 70 units of new senior affordable housing. Additionally, failure to grant the requested three (3)-year time extension would impede PGBC's ability to better utilize its property to serve its congregants and the community. Such an outcome would be contrary to Comprehensive Plan housing policy that encourages coordination with faith-based institutions to meet affordable housing needs, including the construction of new housing.³

The Applicant submits that this extension request fully satisfies Subtitle Z, Sections 101.9 and 705.2(c)(1) for an extension of the Order.

For the foregoing reasons, the Applicant has satisfied the requirements for the Commission to grant the requested three (3) year extension of Z.C. Order No. 23-18.

Thank you for your attention to this matter.

Respectfully submitted,

Cubed Partners, LLC

/s/ Emmanuel Egoegonwa

Title: Managing Partner

³ Housing Element, Policy H-1.2.6: Building Nonprofit Sector Capacity - Actively involve and coordinate with the nonprofit sector, including faith-based institutions, to meet affordable housing needs, including housing construction and housing service delivery. Partner with the nonprofit sector so that public funding can be used to leverage the creation of affordable units and to expand access to housing through counseling, education, tenant rights services, and increased awareness of funding opportunities. Faith-based institutions represent a significant opportunity for the development of affordable housing and community facilities in Washington, DC and the provision of affordable housing and care of those in need is within their charitable missions. Faith-based institutions own nearly 6 million square feet of vacant land in the District and an estimated million square feet of land with improvements. Much of the land owned by these institutions is in residential neighborhoods, adjacent to commercial corridors and have some type of residential zoning that limits them to low density development. These institutions may need technical support but have expressed their interest and commitment and can be willing partners in providing space for affordable housing. 10-A DCMR § 504.14.

Certificate of Service

I certify that on March 6, 2026, a copy of the foregoing application for an extension of the validity of Z.C. Order No. 23-18 was served on the following:

Radhika Mohan
District of Columbia Office of Planning
radhika.mohan@dc.gov

Advisory Neighborhood Commission 5B
5b@anc.dc.gov

Commissioner Edward Borrego, Chair, (SMD 5B01)
5b01@anc.dc.gov

Commissioner Maya Vizvary (SMD 5B06)
5b06@anc.dc.gov

/s/ Emmanuel Egoegonwa