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September 9, 2026

VIA IZIS

Zoning Commission for the District of Columbia
441 4th Street, N.W., Suite 210-S
Washington, DC 20001

**Re: Request for Two-Year Extension of an Approved Design Review Application
and Waiver of Subtitle Z § 705.4 to Permit a Second Extension
Z.C. Order Nos. 22-28 and 22-28A
1100 South Capitol Street, SE (Square 698, Lots 814 and 817)**

Dear Members of the Zoning Commission:

On behalf of 1100 SOUTH CAPITOL, LLC (the “Applicant”), the owner of the property located at 1100 South Capitol Street, SE (Square 698, Lots 814 and 817) (the “Property”), we hereby submit this application to further extend the validity of the design review approval for the Property granted pursuant to Z.C. Order No. 22-28 and subsequently extended by Z.C. Order No. 22-28 (collectively, the “Design Review Approval”).

I. Application Overview

As explained herein, the Applicant requests a second two-year extension of the Design Review Approval. **If approved, the deadline to file a building permit application would be extended to February 17, 2029, and the deadline to commence construction would be extended to February 17, 2030.**

Subtitle Z § 705.4 provides that an applicant may seek no more than one extension of a design review approval. Because the Commission previously extended the Design Review Approval through Z.C. Order No. 22-28A, the Applicant also requests a waiver of Subtitle Z § 705.4 pursuant to Subtitle Z § 101.9, which authorizes the Commission to waive a provision of Subtitle Z when doing so would not prejudice the rights of any party and is not otherwise prohibited by law.

Pursuant to Subtitle Z § 705.2(a), the affected Advisory Neighborhood Commission (“ANC”) is entitled to thirty (30) days from the date of service to submit a response. Because service is being made concurrently with this filing, **the Applicant respectfully requests that the Commission consider this application at its October 29, 2026, public meeting.**

II. Filing Requirements and Supporting Documentation

This time extension request is filed pursuant to Subtitle Z § 705 of Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016 (the “Zoning Regulations”). The required Application Form 106 is being submitted concurrently via IZIS. A check in the amount of \$2,093.17 for the filing fee, calculated pursuant to Subtitle Z § 1600.10(c), will be provided to the Office of Zoning under separate cover.¹

The following materials are submitted in support of this time extension request: (i) letter of authorization from the Applicant authorizing Holland & Knight LLP to file and process this request; (ii) a signed Application Form 100; (iii) copies of Z.C. Order No. 22-28 and 22-28A; and (iv) an affidavit from Richard Ruben, a representative of the Applicant, detailing the basis for a finding of “good cause” for the requested extension (the “Ruben Affidavit”) (*see Exhibit A*).

III. Background

A. The Property

The Property is located on the west side of Square 698 and is bounded by L Street, S.E. to the north, a 15-foot-wide public alley to the east, private property to the south, and South Capitol Street to the west. The Property includes approximately 32,443 square feet of land area and is improved with a surface parking lot. The Property is zoned D-5 and is located within the M and South Capitol Streets Sub Area. As of the date of this filing, a subdivision application is pending to convert the Property into a single record lot.

B. Design Review Approval and Current Deadlines

Pursuant to Z.C. Order No. 22-28 (the “Original Order”), effective February 17, 2023, the Zoning Commission approved the Applicant’s design review application to redevelop the Property with a residential building containing approximately 263 dwelling units, ground-floor and rooftop amenity space, and approximately 162 parking spaces (the “Project”).

Pursuant to Z.C. Order No. 22-28A (the “Extension Order”), dated October 10, 2024, and effective as of January 10, 2025, the Zoning Commission approved a two-year extension of the deadline to file a building permit application and begin construction of the Project, with the requirement that the Applicant. **Thus, the current deadlines are as follows:**

- **February 17, 2027:** Deadline to file a building permit application for the Design Review Approval
- **February 17, 2028:** Deadline to commence construction of the Design Review Approval

¹ The filing fee is the greater of \$1,500 or ten percent (10%) of the original hearing fee, capped at \$5,000. Because design review applications do not carry a hearing fee, the filing fee governs. *See* Subtitle Z §§ 1600.6, 1601.1 *et seq.* The original filing fee in Z.C. Case No. 22-28 was \$20,931.68 ([Ex. 2](#)); thus, 10% amounts to \$2,093.17.

C. Progress Since First Time Extension

Since approval of the Extension Order was issued in January 2025, the Applicant has continued to pursue opportunities to finance and advance the Project. Specifically, the Applicant retained Berkadia Real Estate Advisors LLC (“Berkadia”) to market the Project and evaluate potential sale, joint venture, and financing opportunities. Despite extensive outreach, no viable offers were received, reflecting the continued challenges facing multifamily development projects in the current market.

The Applicant has nevertheless continued to move the Project forward as best it can under current market conditions. The Applicant has completed schematic design and partial design development drawings, secured the access rights necessary to facilitate future construction of the Project, and filed a subdivision application with the Office of the Surveyor to establish the single record lot required for development. The Applicant also obtained Sheeting and Shoring Permit No. SH2300013 and submitted an application to extend that permit in March 2026.

The Applicant’s efforts to advance the Project, including its engagement of Berkadia and continued pursuit of development-related approvals, are detailed in the Ruben Affidavit (Ex.A). As further described below, however, prevailing economic and market conditions continue to prevent the Project from meeting its current deadlines.

IV. Request for Second Time Extension and Justification

An applicant may request a time extension of a design review approval upon a showing of good cause. 11-Z DCMR §§ 705.1, 705.2. The Commission may grant an extension of up to two years if the applicant demonstrates compliance with the criteria set forth in Subtitle Z § 705.2(a)-(c). 11-Z DCMR § 705.3. The Zoning Regulations only permit one extension of a design review approval. 11-Z DCMR § 705.4.

For reasons described herein, the Applicant seeks to extend the deadline to file a building permit application to February 17, 2029, and the deadline to commence construction to February 17, 2030. Because the Design Review Approval has already been extended once, the Applicant also requests a waiver of Subtitle Z § 705.4. The Commission has authority to grant such a waiver pursuant to Subtitle Z § 101.9. As discussed below, the application satisfies the applicable criteria.

- **Subtitle Z § 705.2(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 parties to the original application were the Applicant and ANC 6D. *See* Order, Findings of Fact No. 1-2. Following the 2023 ANC redistricting, the Property is now located within ANC 6/8F and across South Capitol Street from ANC 6D. Accordingly, both ANC 6D and ANC 6/8F are affected ANCs. As reflected in the Certificate of Service, the Applicant served this application on both ANCs at the time of filing. The Applicant also acknowledges that both ANCs are allowed thirty (30) days to respond.

- **Subtitle Z § 705.2(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*

There has been no substantial change in any of the material facts upon which the Commission based its original approval. The Property remains subject to the same Comprehensive Plan policies, Future Land Use Map designations, and the Commission specifically found that the Project was not inconsistent with the Comprehensive Plan. *See* Order, Conclusion of Law No. 12. The Property is also subject to the same substantive zoning provisions that existed when the Commission approved the Project. Accordingly, Subtitle Z § 705.2(b) is satisfied.

- **Subtitle Z § 705.2(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 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.*

There is good cause for the Commission to grant the requested extension under Subtitle Z § 705.2(c)(1). As explained in the Ruben Affidavit and corroborated by the Berkadia Letter (Exhibit 1 thereto), current market conditions continue to impede multifamily development both nationally and within the District, thus limiting the potential financing for the Project.

Nationwide, developers continue to face elevated interest rates, persistent inflation, rising construction costs, and limited access to debt and equity capital. Construction input costs increased 6.2% through April 2026, further straining project budgets and development feasibility.² These national trends are also affecting the District. Observers have noted a broader slowdown in housing investment due to higher borrowing costs, rising development expenses, and reduced investor demand for new multifamily projects.³ Development activity has slowed significantly as a result. Only 3.6 million square feet of new construction broke ground in the District during 2025, the lowest level since at least 2010. Residential construction has been especially affected, with only 1,933 housing units breaking ground during the year, less than half the level reached in each year preceding 2024 over the prior decade.⁴

² See [Construction Costs Rise 6.2% Through April](#), *Bisnow* (May 13, 2026).

³ See [The District’s Twin Housing Investment Crises](#), *Greater Greater Washington* (June 4, 2026).

⁴ See [Construction In D.C. Plummets To 15-Year Low Point](#), *Bisnow* (Apr. 7, 2026).

The Project, a new residential building that would deliver approximately 263 dwelling units, is not immune from these challenges. As outlined in the Berkadia Letter, current capital markets conditions continue to constrain new multifamily development in the District. Existing multifamily assets have, in many instances, traded below replacement cost, reducing achievable land values for development sites and limiting access to debt and equity capital. These conditions have made it difficult to capitalize and advance multifamily developments, including the Project.

The Applicant's experience confirms this reality. As described in the Ruben Affidavit and the Berkadia Letter, the Applicant retained Berkadia to market the Property and evaluate potential sale, joint venture, and financing opportunities. Berkadia contacted 144 prospective buyers, developers, and investors regarding the Property. Nineteen parties executed confidentiality agreements and were granted access to diligence materials. Despite this extensive outreach, the Applicant did not receive a single written or binding offer to purchase the Property or enter into a joint venture. Berkadia ultimately concluded that the Project is unlikely to be sold, joint-ventured, or financed on terms that would support responsible development until market conditions improve.

Nonetheless, the Applicant has endeavored to advance the Project, continuing to invest time and resources by advancing drawings, securing access rights to accommodate future construction, and readying the site for development once market conditions improve. These efforts demonstrate the Applicant's continued commitment to the Project and its good-faith efforts to overcome obstacles that are entirely outside of its control.

The Applicant's inability to proceed does not reflect a lack of diligence. Rather, it is the result of market conditions beyond the Applicant's reasonable control. Accordingly, there is "good cause" for the requested extension under Subtitle Z § 705.2(c)(1).

V. Justification for Waiver Request

As part of this application, the Applicant requests a waiver of the limitation set forth in Subtitle Z § 705.4 that only permits one extension of a design review approval. Good cause exists for the Commission to grant the requested waiver pursuant to Subtitle Z § 101.9.

The approved Project will deliver approximately 263 new dwelling units on a prominent site along the South Capitol Street corridor and advance the Commission's objectives for high-density residential development in the M and South Capitol Streets Sub-Area. As the Commission previously found, the Project is consistent with the Design Review standards applicable to the Property and will further the development of South Capitol Street as a vibrant mixed-use corridor. *See Order, Conclusions of Law Nos. 8-10.*

As discussed above, extraordinary market conditions have prevented the Applicant from securing financing and advancing the Project despite diligent efforts to do so. These conditions have persisted longer than anticipated and continue to affect multifamily development projects throughout the District. Under these circumstances, denying a second extension would cause the Design Review Approval to lapse for reasons outside of the Applicant's reasonable control, notwithstanding the Applicant's continued efforts to advance the Project.

Granting the requested waiver would not prejudice any party. The Applicant has served this application on both ANC 6D and ANC 6/8F and provided the required response period. Moreover, there have been no material changes to the facts underlying the Commission's original approval. The Applicant therefore respectfully requests that the Commission grant the requested waiver of Subtitle Z § 705.4 and approve the requested two-year extension.

VI. Community Outreach

The Property is located within the boundaries of ANC 6/8F and Single-Member District ("SMD") 8F04. In addition, ANC 6D, located across South Capitol Street to the west of the Property, is also an "affected ANC" pursuant to Subtitle Z § 101.8. Prior to filing this application, the Applicant apprised Commissioner Edward Daniels, the representative for SMD 8F04, of the requested time extension and general basis for good cause. The Applicant will continue coordinating with ANC 6/8F and ANC 6D, as appropriate.

VII. No Public Hearing Necessary

Pursuant to Subtitle Z § 705.7, the Commission is required to hold a public hearing on a request for an extension only where it determines that a material factual conflict exists regarding one or more of the criteria set forth in Subtitle Z § 705.2. For this application, there is no such conflict.

VIII. Conclusion

In light of the foregoing, the Applicant respectfully requests that the Commission grant a waiver of Subtitle Z § 705.4 and approve the requested two-year extension of the Design Review Approval. As demonstrated herein and in the Ruben Affidavit, there is good cause to extend the deadlines to file a building permit application and commence construction of the Project to February 17, 2029, and February 30, 2030, respectively.

Very truly yours,

HOLLAND & KNIGHT LLP

By: 
Christy M. Shiker

By: 
Christopher S. Cohen

Exhibit & Enclosures

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2026, a copy of the foregoing time extension application was served by electronic mail on the following at the addresses stated below.

D.C. Office of Planning

Radhika Mohan: radhika.mohan@dc.gov
Maxine Brown-Roberts: maxine.brownroberts@dc.gov
Karen Thomas: karen.thomas@dc.gov

District Department of Transportation

Erkin Ozberk: erkin.ozberk1@dc.gov
Noah Hagen: noah.hagen@dc.gov
Kelsey Bridges: kelsey.bridges@dc.gov

Advisory Neighborhood Commission 6/8F

8F@anc.dc.gov

Commissioner Edward Daniels

SMD 8F04
8F04@anc.dc.gov

Advisory Neighborhood Commission 6D

6D@anc.dc.gov

**Affected ANC pursuant to Subtitle Z § 101.8; located across South Capitol Street*

Commissioner Gottlieb Simon

ANC 6D Chair
6D02@anc.dc.gov



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Holland & Knight LLP
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