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October 2, 2026

Via IZIS

Anthony Hood, Chairman
District of Columbia Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: Z.C. Case No. 05-28AK: Application for the Extension of Time of the Approved First-Stage Planned Unit Development and Zoning Map Amendment ("**Parkside PUD**") for Parkside Parcel 12 (Square 5055, Lot 26) ("**Property**")

Dear Chairman Hood and Commissioners:

Lano Parcel 12, LLC ("**Applicant**") hereby requests a two-year extension of the First-Stage approval of the Parkside PUD. The Parkside PUD was initially approved pursuant to Zoning Commission Order No. 05-28 in April 2007 ("**First-Stage Order**"). The First-Stage Order, as previously extended, expires on October 3, 2026, and the Applicant requests a further extension of the Parkside PUD approval for two years, through October 3, 2028. This extension request is made pursuant to Subtitle Z, Sections 705.2 and 101.9 of the 2016 Zoning Regulations.

The Applicant recognizes that this time extension request exceeds the number of time extensions contemplated under the Zoning Regulations and, as a result, the Applicant respectfully also requests a waiver from that limitation.

The Commission should grant this time extension. Since the Commission approved the First-Stage Order, the Applicant and its affiliates have made significant and steady progress on the goals and vision of the Parkside PUD, having delivered on the promise of housing, healthcare, education, and opportunity at Parkside. Most recently, the Applicant constructed a park and playground on the Property so that it is an active community enhancement while the PUD progresses.

At the same time, a series of headwinds, including the state of the residential, retail, and office markets east of the Anacostia River, challenges in obtaining financing for mixed-income and mixed-use development, and a difficult interest rate climate, have slowed the development timetable, and a one-year extension is likely to leave future investors and development partners concerned about the District's commitment to Parkside.

Despite these challenges, the Applicant believes it will continue to deliver at Parkside if given additional time: 200+ additional units will be constructed on Parcels 9A and 9B, the District is advancing plans to extend Anacostia Avenue, NE into the Parkside neighborhood to provide additional vehicle access, and the District's securing of the return of the Washington Commanders to Ward 7 is expected to increase interest in residential living near Parkside's Metrorail station. For these reasons, the Applicant respectfully requests that the Commission extend the Parkside PUD for two additional years.

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ZONING COMMISSION
District of Columbia
CASE NO. 05-28AK
EXHIBIT NO. 2

Background on the Parkside PUD

A. First-Stage PUD

The Parkside PUD includes approximately 3 million square feet of planned mixed-use development on approximately 15 acres of vacant property east of the Anacostia River in Ward 7. Specifically, the First-Stage Order approved: 1,500-2,000 residential units, 500,000-750,000 square feet of office space (convertible to residential units), and 30,000-50,000 square feet of retail, with a maximum height of 110 feet for two office towers and a maximum height of 90 feet for the residential buildings. The First-Stage Order also approved rezoning the Property from the R-5-A and C-2-B Zone Districts to the C-3-A and CR Zone Districts.

The Parkside PUD includes a package of public benefits and amenities that would be impressive by today's standards. The benefits and amenities include: (i) reserving 20% of the residential units affordable at 60% AMI (all of which have since delivered at 50% AMI or 30% AMI), (ii) a one-acre public park, (iii) a $3 million contribution to the now-complete pedestrian bridge over 295 to the Minnesota Avenue Metrorail station, (iv) employment-related commitments, (v) green building obligations, and (vi) many other benefits created in close coordination with the residents of nearby neighborhoods and through a strong relationship with ANC 7D. **Exhibit A-1** contains a full list of the benefits and amenities and the status of each.

Since the Commission's approval of the First-Stage Order, subsequent second-stage PUDs included modest modifications to the parameters of the First-Stage Order. In addition, the Commission approved an interim playground use on a portion of Parcel 12. See **Exhibit A-2**.

B. Second-Stage Applications Approved

Exhibit A-2 is a summary of all the cases that have followed out of the original First-Stage Order. The Applicant and its affiliates have continuously pursued second-stage PUDs to implement the vision of the First-Stage Order including the following approved Second-Stage applications:

1. Z.C. Case Nos. 05-28A and 05-28G: In 2008, the Zoning Commission approved a second-stage PUD for Blocks A, B, and C. Victory Housing developed an all-affordable senior housing facility consisting of 98 units on Block A. The Applicant's affiliates partnered with a townhouse developer to construct 100 single-family townhomes on Blocks B and C. The affordable senior housing facility has been constructed and has been operating for almost twelve years, and the senior units are affordable at a mix of 60% and 30% AMI. A certificate of occupancy for the senior housing is attached at **Exhibit B-2**. The townhomes have been constructed and all of them have been sold; 42 of the townhomes were sold to qualified workforce income level households.

2. Z.C. Case Nos. 05-28B and 05-28I: In 2011, the Zoning Commission approved a second-stage PUD for the construction of a Unity Health Clinic on a portion of Block I. The approximately 43,000 square foot health center has been constructed and operating for ten years. A copy of the certificate of occupancy for the center is attached at **Exhibit B-2**.

3. Z.C. Case No. 05-28F: In 2011, the Zoning Commission also approved a second-stage PUD for the one-acre park at the center of the PUD. The park was completed in December 2014 and is currently maintained by the Applicant. Photographs of the park are attached at **Exhibit B-2**.

4. Z.C. Case No. 05-28J/K: In 2014, the Zoning Commission approved a second-stage PUD for a multi-family building consisting of 186 affordable units on Block E. The units are rented to households with an annual income no greater than 30% AMI or 60% AMI. The building has been constructed and operating since early 2017. A copy of the certificate of occupancy is attached at **Exhibit B-2**.

5. Z.C. Case No. 05-28P: In 2017, the Zoning Commission approved a second-stage PUD for a multi-family building consisting of 191 market-rate units on Block J. This building has been constructed and is more than 90% occupied as of the date of this filing. A copy of the certificate of occupancy is attached at **Exhibit B-2**.

6. Z.C. Case Nos. 05-28Q, 05-28R/S, and 05-28Z: From 2017 to 2023, the Zoning Commission approved second-stage PUDs for four multifamily residential buildings and 25 townhouses on Block F. The Applicant has made progress on all four multifamily buildings on Block F: two multifamily buildings are constructed and occupied, and two have obtained building permits and are awaiting only construction financing. All of the 25 townhouse units have sold and are occupied, with five sold to households at workforce income levels. Copies of the certificates of occupancy for the two completed buildings are attached at **Exhibit B-2**.

7. Z.C. Case No. 05-28T: In 2017, the Zoning Commission also approved a Second-Stage PUD for a commercial office building consisting of approximately 500,000 square feet of gross floor area, including ground floor retail, on a portion of Block H. After many years of efforts to secure office tenants were unsuccessful, the second-stage PUD lapsed in 2024.

The following chart provides an overview of the number of residential units approved and constructed, as well as the amount of commercial square footage approved and constructed. Of the approved residential units, only those on Parcel 9A and Parcel 9B have not yet been built, and building permits are pending for both parcels.

Residential Uses				
	Market Rate	**Workforce**	**Affordable**	**Total**
Approved in the First-Stage Order	60%	20%	20%	100%
Constructed + Approved to Date	619 (60%)	136 (13%)	284 (27%)	1,039
Non-Residential Uses				
	Health Care	**Retail**	**Office**	**Educational**
Approved in the First-Stage Order	43,000	30,000-50,000 sf	500,000-750,000 sf	260,000 sf
Constructed + Approved to Date	42,644 sf	36,946 sf	0 sf	0 sf

C. Future Second-Stage PUD Applications

The Property includes the three blocks (or partial blocks) of the Parkside PUD that are not currently approved for construction under a second-stage PUD: (i) Block G, (ii) Block H, and (iii) a portion of Block I. Blocks G, H, and I all front on Kenilworth Avenue, NE. The First-Stage Order approved approximately 500,000 square feet of residential development and 206,000 square feet of office or residential development on Block G, 700,400 square feet of office or residential development on Block H, and 260,000 square feet of educational development on the remaining portion of Block I (a portion of Block I includes the existing Unity Health Clinic).

An extension of the First-Stage Order is necessary to allow future second-stage PUD applications for approximately 1.825 million square feet of remaining development on Parcel 12. The Applicant is attracting attention for residential uses because of Parkside's designation within an Opportunity Zone.

To advance future second-stage PUDs, the Applicant has undertaken detailed planning with respect to Blocks G, H, and I. Importantly, these plans reflect input from ANC 7D existing residents in the Parkside community, including allocation of substantial green space at the entrance to Parkside from the new pedestrian bridge at the Minnesota Avenue Metrorail Station.

D. Actions the Applicant Has Taken to Advance the Parkside PUD

Since the last time extension for the First-Stage Order, the Applicant has completed the following with respect to the Parkside PUD (see Applicant Declaration attached as **Exhibit B-1**):

1. The Applicant continues to maintain a community playground and amenity area on Block H for residents to enjoy during the construction of Block F and future second-stage PUDs. This interim use provides for ongoing community benefits during the pendency of a PUD.

2. The multifamily building on Parcel 10 of the Parkside PUD delivered in 2025. (The multifamily building on Parcel 8 delivered in September 2024, shortly before the prior time extension.)

3. The Applicant's affiliates have advanced applications for building permits for the residential buildings and below-grade garage on Parcel 9A and Parcel 9B.

4. The Applicant has explored development partnerships with housing developers for the Property.

5. The Applicant has undertaken detailed site planning and related architectural studies in anticipation of future second-stage PUDs.

6. The Applicant continues to maintain a strong relationship with the nearby Parkside, Mayfair and Eastland Garden neighborhoods. The Applicant provides regular updates on the progress of the Parkside PUD and gathers community feedback. This past summer the Applicant took part in a neighborhood walk with District officials, PEPCO representatives, and residents to identify community priorities. The Applicant plans to continue this clear and frequent communication with the community.

The Commission Should Grant the Requested Time Extension

A. Standards of Review of Time Extension Request

The standards for a time extension are enumerated in Subtitle Z Section 705.2 of the Zoning Regulations. The Commission is authorized to extend a PUD provided that:

(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 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.

Subtitle Z, Section 705.2.

In addition to the foregoing standard, Subtitle Z, Section 705.5 limits the number of time extensions to no more than two extensions and provides that the second extension may be approved for no more than one (1) year. Pursuant to Section 101.9, the Applicant requests that the Zoning Commission waive the requirements of Section 705.5 and approve this further time extension request. Section 101.9 allows the Commission to waive its rules if doing so will not prejudice the rights of any party and is not otherwise prohibited by law.

B. The Application Satisfies the Standards for Granting Time Extension and Waiver

In this time extension application, the Applicant requests that it be allowed until October 3, 2028 to file one or more second-stage PUD applications for the remaining parcels of the Parkside PUD. In Z.C. Order No. 05-28AH, the Commission granted a two-year time extension through October 3, 2026.

1. The Applicant Will Serve the Parties to the First-Stage Order

This request is being served on the ANC and the Parkside Townhomes, the only parties to the First-Stage Order, on the same day as it is filed with the Zoning Commission. The Applicant asks that the Commission not place this request on its meeting agenda until thirty days after the filing of this Application.

2. No Material Facts Have Substantially Changed

There has been no substantial change in any material facts that would undermine the basis for the Commission's original approval of the First-Stage Order.[1] Those changes that have occurred support the basis for the original approval, including additional residential development in the vicinity of the PUD, as well as investment in the educational facilities in the Parkside community.

Additionally, the opening of the pedestrian bridge from the Minnesota Avenue Metrorail Station to the Parkside PUD is consistent with and supports the PUD by facilitating the transit-oriented aspect of the development. The Applicant contributed $3 million to the bridge's construction. The bridge facilitates access to Metro for residents, as well as encourages daytime pedestrian traffic to the retail spaces.

As noted previously, policy changes have been pivotal in increasing interest in development east of the Anacostia River. Notably, because of the PUD site's designation as an "opportunity zone," the financial incentives of this designation have heightened interest in the remaining residential development blocks and helped facilitate the construction of those residential units already approved.

[1] The lapse of the Second-Stage PUD approval for office use on Block H is not a material change relative to the Order because the Order expressly allows either office or residential uses on Block H.

The First-Stage Order remains not inconsistent with the Comprehensive Plan ("**Plan**"), as recently amended. The Plan emphasizes the need to ensure housing affordability for all incomes and household sizes. The plans for the Property support housing affordability by dedicating 20 percent of the overall residential component of the First-Stage Order to households with an annual income equal to or less than 60% of AMI and another 20 percent of the residential component to workforce housing for households with an annual income between 80 to 120 percent AMI. This infill development also provides a transit-oriented design with easy access to the Minnesota Avenue Metrorail Station, linking new housing to transit. These linkages to the Anacostia waterfront allow residents to more easily enjoy the District's resources. The construction of the new pedestrian bridge also improves safety for the Parkside residents and greater community.

The Plan identifies racial equity as a primary lens for the Commission's review and notes that equity considerations include meeting residents where they are with equitable opportunities.[2] The Plan encourages equitable development, which is holistic in that it supports a community with housing, transportation, and access to education, healthcare, and employment opportunities.[3] In particular, the Plan emphasizes that multimodal transportation must be equitable across the District.[4]

The Parkside PUD promotes the racial equity goals of the Plan. The development offers not only affordable housing, but an approximately 43,000 square foot health care center which has been built. The PUD is also built in close proximity to a campus of educational uses, including Educare DC, Neval Thomas Elementary School, and Cesar Chavez Public Charter School, providing residents of the PUD easy access to educational opportunities. These health care and educational uses offer the holistic development the Plan envisions. The health care and retail uses also create employment opportunities for residents. The PUD supports equitable access to transportation through its investment in the construction of a new and safer pedestrian bridge to the Minnesota Avenue Metrorail Station, giving residents access to the greater city. Thus, the PUD has already contributed greatly to improving equitable access to transportation in the District.

Importantly, the Parkside PUD did not displace any existing residences but has converted vacant land to residential housing. The Project provides job opportunities with the clinic, as well as the newly constructed retail spaces, in addition to the construction opportunities that come with each new development. The Project will have an extraordinarily positive net impact on racial equity issues.

3. Good Cause Exists to Grant the Further Time Extension

The Commission has good cause to extend the Parkside PUD: (a) the Applicant and its affiliates have made significant and steady progress in delivering on the goals and vision of the Parkside PUD over the past two decades, (b) a series of headwinds have made construction in

[2] 10-A DCMR § 213.6.
[3] *Id.* § 213.7.
[4] *Id.* § 207.5.

Ward 7 challenging, and (c) despite the challenges, the Applicant believes it will continue to deliver at Parkside if given additional time to do so.

As noted above, the Applicant has delivered on the promise of housing, healthcare, education, and opportunity at Parkside.

Parkside PUD, like other parts of Ward 7, has been affected by several events that have slowed the development timetable, including the state of the residential, retail and office markets east of the Anacostia River, challenges in obtaining financing for mixed-income and mixed-use development, and a very challenging interest rate climate. Future development at Parkside depends heavily on the certainty of the Parkside PUD. A one-year extension is likely to leave future investors and development partners concerned about the District's commitment to Parkside.

Changes in Ward 7 will assist in the future development of the Parkside PUD. For instance, the District is advancing plans to extend Anacostia Avenue, NE from Benning Road into the Parkside neighborhood, providing a much-needed additional vehicle access route. In addition, since the prior time extension request, the District has secured the return of the Washington Commanders to Ward 7. Parkside is one stop away on the Metro's Orange Line and poised to benefit from the additional interest in residential living in Ward 7 that is likely to accompany the redevelopment of the Commanders' new stadium and surrounding parcels in coming years. Overall, the Commission has good cause to extend the Parkside PUD for two additional years.

4. The Time Extension Does Not Prejudice Any Party and Is Not Prohibited

The Commission's waiver on its limit on the number of times it may extend a PUD will not in this instance prejudice the rights of any party. Moreover, such a waiver is not otherwise prohibited by law. Accordingly, the Commission may grant such a waiver in this instance and such waiver will enable the PUD to continue development along with the equitable opportunities it offers.

Exhibits

Attached are the following Exhibits:

Exhibit A-1 – Summary of Public Benefits for the Parkside PUD
Exhibit A-2 – Summary of Zoning Commission Actions re. Parkside
Exhibit B-1 – Declaration from Applicant
Exhibit B-2 – Evidence of Completion of Second-Stage PUDs
Exhibit C – Letter of Authorization from the Applicant
Exhibit D – Copies of Z.C. Order Nos. 05-28, 05-28H, 05-28L, 05-28O, 05-28U, 05-28V, 05-28V(1), 05-28AA, and 05-28AH.

Conclusion

For the foregoing reasons, the Applicant requests that the Commission grant the requested time extension and waiver of its rules with respect to the number of extensions that may be granted. Please feel free to contact the undersigned if you have any questions or comments regarding this application.

Respectfully Submitted,

/s/ David A. Lewis

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing document was sent by first-class mail or email by no later than October 2, 2026 to the following:

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