Goulston & Storrs

David A. Lewis
David.Lewis@GoulstonStorrs.com
(202) 721-1127

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Via IZIS

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

Re: Z.C. Case No. 05-28AL: Application for One-Year Time Extension for the Approved Second-Stage Planned Unit Development for Parkside Parcel 9A (Square 5056, Lots 865-867) Approved in Z.C. Order No. 05-28Q, as Modified by Z.C. Order No. 05-28AC (the "**Parcel 9A PUD**")

Dear Chairman Hood and Commissioners:

Parkside 9A QOZB LLC ("**Applicant**") hereby requests a one-year extension to begin construction on the Parcel 9A PUD. The existing Parcel 9A PUD approval expires on October 6, 2026. The Applicant filed a building permit application but has not yet begun construction and requests an extension through October 6, 2027 to begin construction. This extension request is made pursuant to Subtitle Z, Sections 705.2 and 101.9 of the 2016 Zoning Regulations.

The first-stage PUD for Parkside was initially approved by Z.C. Order No. 05-28 in April 2007 (the "**First-Stage Order**"). The second-stage PUD for Parcel 9, which includes Parcel 9A, was approved by Z.C. Order No. 05-28Q, effective March 23, 2018, initially approving Parcel 9A for an office building. Z.C. Order No. 05-28AC, effective October 6, 2023, approved a Modification of Significance converting Parcel 9A from office to residential use, authorizing construction of approximately 127 residential units. Following that approval, the Applicant was to file an application for a building permit by October 6, 2025 (which it has done) and begin construction of the Parcel 9A PUD by October 6, 2026 (which it has not yet done).

This is the Applicant's first request for a time extension of the Parcel 9A PUD as a multifamily residential project although prior iterations of the office and retail second-stage PUD for Parcel 9 were previously extended. See **Exhibit A**.

Background on the Second-Stage PUD

The First-Stage Order approved a mix of residential, retail, and other non-residential uses over approximately 3 million square feet of mixed-use development on approximately 15 acres of vacant property east of the Anacostia River in Ward 7. Additionally, the First-Stage Order includes a substantial package of public benefits, including reserving 20% of the residential units affordable at 60% AMI, a public park, and a $3 million contribution to the now-complete pedestrian bridge over 295 to the Minnesota Avenue Metrorail station, employment-related commitments, green building obligations, and many other benefits created in close coordination with the residents of nearby neighborhoods and through a strong relationship with ANC 7D.

The Parcel 9A PUD will provide approximately 127 residential units as part of the multi-block, mixed-use, phased development of the First-Stage Order for Parkside.

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.

In addition to the foregoing standard, Subtitle Z, Section 705.5 limits the number of time extensions to no more than two extensions. Pursuant to Section 101.9 of Subtitle Z, 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 for good cause if doing so will not prejudice the rights of any party and is not otherwise prohibited by law.

The Parcel 9A PUD contributes to the ongoing development of Parkside by activating Block F and bringing additional residences to the Parkside neighborhood and Ward 7. By not granting this extension request, the development of the Parcel 9A PUD would likely not occur as planned which would negatively impact the future of the remaining blocks at Parkside. Notably, these remaining blocks are located in the most prominent position in the development, fronting on Kenilworth Avenue, NE.

The First-Stage Order was approved as a cohesive plan, with public benefits that are impressive even by today's standards, and allowing the Parcel 9A PUD to lapse would

significantly impact that plan. Conversely, granting this extension request will enable the Applicant to move forward with the construction of the Parcel 9A PUD and remaining Parkside development when market conditions permit.

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

In this time extension application, the Applicant requests that it be allowed until October 6, 2027, to begin construction of the Parcel 9A PUD.

1. The Applicant Will Serve the Parties to the Parcel 9A PUD

This request is being served on ANC 7D, the only party to the Parcel 9A PUD, 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 date of this filing.

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 Parcel 9A PUD. Since the Applicant has already filed for a building permit (B2307968), this request is only necessary to give the Applicant additional time to begin construction.

Since 2020, the Applicant has added approximately 446 residential units, including both market-rate and workforce housing, highlighting its commitment to growing the Parkside community. The material facts that initially led the Commission to approve the Parcel 9A PUD remain the same: there is a need for new development in Ward 7 to bring retail, job opportunities, and residents to an otherwise underserved area of the District. The Applicant remains committed to continuing to deliver on the original mixed-use, mixed-income vision of Parkside.

3. Good Cause Exists to Grant the Further Time Extension

Since the approval of the Parcel 9A PUD in Z.C. Order No. 05-28AC, the Applicant and its affiliates have taken substantial steps towards commencing construction. Notably, affiliates of the Applicant have completed construction on adjacent Parcels 8 and 10, allowing for the removal of materials that previously occupied Parcel 9A. The Applicant filed a building permit application for both the Parcel 9A PUD and the companion Parcel 9B PUD but has not yet begun construction on either building. The Applicant continues to actively pursue financing to begin construction. In the absence of construction financing the Applicant is pursuing interim financing. Finally, the Applicant has undertaken design exercises to advance the Parcel 9A PUD so that it can proceed when financial conditions improve.

However, the Parcel 9A PUD is confronting the same adverse economic environment that has led so many PUDs in the District to require time extensions. The Applicant is actively

negotiating with several funding sources to finance construction and remains confident that there is demand for residential units at Parkside.

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 prejudice the rights of any party. Moreover, such a waiver is not otherwise prohibited by law. Accordingly, the Commission may grant this extension request, which will enable the Parcel 9A PUD to proceed with construction.

Exhibits

Attached are the following Exhibits:

Exhibit A – Summary of Zoning Commission Actions re. Parkside
Exhibit B – Declaration from Applicant
Exhibit C – Letter of Authorization from the Applicant and Applicant's Signature Page
Exhibit D – Copies of Z.C. Order Nos. 05-28Q and 05-28AC

Under separate cover the Applicant will deliver payment for the application fee for this time extension request.

Conclusion

For the foregoing reasons, the Applicant requests that the Commission grant the requested time extension. Please feel free to contact the undersigned if you have any questions or comments regarding this application.

Respectfully Submitted,

David A. Lewis
Attorney for the Applicant

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 5, 2026 to the following:

Radhika Mohan
Maxine Brown-Roberts
D.C. Office of Planning
Radhika.Mohan@dc.gov
Maxine.BrownRoberts@dc.gov

Erkin Ozberk
District Department of Transportation
Erkin.Ozberk1@dc.gov

ANC 7D
7D@anc.dc.gov

Artilie Wright, SMD 7D03
7D03@anc.dc.gov

ANC 7F
7F@anc.dc.gov

Tyrell M. Holcomb, SMD 7F01
7F01@anc.dc.gov

Parkside Townhomes Condo Association Inc. (1 Copy)
4307 Gallatin Street
Hyattsville, MD 20781-2051

Certified by: David A. Lewis
Attorney for the Applicant