Goulston & Storrs

**David M. Avitabile**
davitabile@goulstonstorrs.com
202-721-1137

**Lawrence Ferris**
lferris@goulstonstorrs.com
202-721-1135

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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. 20-27A: Application for the Extension of Time of the Approved Consolidated Planned Unit Development ("PUD") and Zoning Map Amendment for Lot 222 in Square 445 ("Property")**

Dear Chairperson Hood:

High Street District Development, Inc. (the "**Applicant**") hereby requests a one-year extension of the period to commence construction under Z.C. Order No. 20-27, as previously extended in Z.C. Order No. 20-27A, (collectively, the "**Approved PUD**") pursuant to Subtitle Z § 705.2. The Approved PUD approved the development of a mixed-use building with approximately 223 residential units and approximately 7,400 square feet of ground-floor retail space (the "**Project**") located along 7th, P, and Marion Streets NW.

Since approval of the Approved PUD, the Applicant has diligently pursued development of the Project, including working with the development team to prepare permit plans and applying for a building permit for the Project. However, the ongoing market conditions affecting commercial real estate development in the District necessitate a second extension to allow the Applicant additional time to secure financing in order to move forward with construction of the Project.

Agent authorization letters for this Application are attached as Exhibit A, and the prior Orders are attached as Exhibit B.

## I. Project Background

The Property consists of approximately 22,824 square feet of land area located along 7th, P and Marion Streets NW, in the Shaw neighborhood in Northwest D.C. The Property is currently improved with a surface parking lot on the eastern half and a vacant and unimproved lot on the western half, with a one-story building at the northeast corner of the Property that is currently vacant.

The Approved PUD granted a consolidated PUD and related Zoning Map amendment from the MU-4 zone to the MU-6 zone to allow the development of a mixed-use building with

approximately 223 residential units — including Inclusionary Zoning ("**IZ**") units and an additional affordability requirement under affordable housing covenants that apply to prior Lots 191 and Lot 821 — and approximately 7,400 square feet of ground-floor retail space along 7th and P Streets. The Project will have a maximum height of 90 feet, plus a 20-foot penthouse, and total approximate FAR of 7.17. In addition to the Project's affordable housing commitment, the Project entails a substantial public benefits package that includes public art to be installed along P Street NW, among other benefits. The Approved PUD, as previously extended, remains valid until December 17, 2026.

Since approval of the PUD and prior extension, the Applicant has continued to actively work with the development team to move the Project forward, including preparing permit plans, applying for a building permit for the Project (Permit Application No. B2302913), and recording the PUD covenant. However, despite the Applicant's diligent efforts, it has continued to be faced with the ongoing significant adverse conditions currently affecting the market for commercial real estate development within the District. Accordingly, while the Applicant remains committed to delivering the Project that will further support the ongoing revitalization of the Shaw neighborhood, the Applicant requires additional time to continue pursuing financing to move forward with construction.

## II. 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 § 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.*

11-Z DCMR § 705.2.

Here, the requested extension will preserve the future development of the Project's approximately 223 residential units of new and affordable housing and street-activating ground-floor retail to support the continued revitalization of this part of the Shaw neighborhood while the Applicant continues its ongoing efforts to secure financing to allow the Project to be realized.

B. Time Extension Request and Applicant's Satisfaction of the Standards for Granting Time Extension

The Applicant requests a second one-year extension of the period to commence construction such that the Approved PUD will remain valid through December 17, 2027. Since the initial approval of the PUD and approval of the prior extension, the Applicant has expended significant efforts and investment to advance the Project toward development, including preparing permit plans, filing a building permit application, and recording the PUD covenant, as noted above. In addition, the Applicant has at the same time diligently pursued financing despite the significant adverse conditions that continue to affect the market for commercial real estate development in the District. While the Applicant continues to move the Project forward, given the challenges associated with the current financing market, additional time is needed to secure the necessary financing to move forward with construction of the Project.

As discussed in detail below, the Applicant meets all of the standards for the requested time extension.

C. Service on Parties

This request is being served on Advisory Neighborhood Commission ("**ANC**") 2G[1]; the ANC was the only party to the original PUD application. The Applicant asks that the Commission not place this request on its meeting agenda until the 30-day period has lapsed.

D. No Substantial Change of Material Facts

There has been no substantial change in any material facts that would undermine the basis for the Commission's original approval of the Approved PUD. The Project remains consistent with the design and program approved by the Commission, and the Project will continue to

[1] When the original application was approved, the Property was located within ANC 6E. The Property is now located within ANC 2G.

provide the proposed approximately 223 housing units, ground-floor retail, and the significant public benefits approved as part of the PUD.

E. Good Cause Shown

Here, there is good cause to grant the requested extension, specifically, to allow the Applicant to continue pursuing financing to enable the Project's development. As discussed above, the Applicant has made meaningful progress towards construction, including preparing permit plans and filing a building permit application, but continues to face the ongoing adverse market conditions affecting the commercial real estate sector in the District. These challenges have prevented the Applicant from securing financing as of yet, but the Applicant remains committed to delivering the Project and continues to work diligently to secure the necessary financing to do so. (See Exhibit C, affidavit of Rich McPhillips.) Accordingly, there is good cause for extension of the PUD approval and the Applicant requests such an extension to preserve the approved development of approximately 223 new residential units — including a substantial affordable housing commitment — and ground-floor retail and the other public benefits the Project will produce.

## III. Exhibits

In support of the Application, attached are the following Exhibits:

Exhibit A – Letters of Authorization from the Applicant
Exhibit B – Prior Z.C. Orders
Exhibit C – Affidavit of Rich McPhillips

## IV. 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,

/s/
David M. Avitabile

/s/
Lawrence Ferris

**Certificate of Service**

I hereby certify that a copy of the foregoing document and enclosures were sent to the following by first-class mail, email, or by hand delivery by no later than October 8, 2026.

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

Erkin Ozberk
District Department of Transportation
erkin.ozberk1@dc.gov

ANC 2G
2G@anc.dc.gov

Nicole Shea, SMD 2G03
2G03@anc.dc.gov

/s/ Lawrence Ferris