

Christine A. Roddy  
croddy@goulstonstorrs.com  
(202) 721-1116 (Tel)

David A. Lewis  
david.lewis@goulstonstorrs.com  
(202) 721-1127 (Tel)

Lee S. Templin  
ltemplin@goulstonstorrs.com  
(202) 721-1153 (Tel)

March 22, 2024

**VIA IZIS**

Anthony J. Hood, Chairperson  
District of Columbia Zoning Commission  
441 4<sup>th</sup> Street, NW, Suite 200-S  
Washington, DC 20001

**Re: Z.C. Case No. 05-28AG – Application for One-Year Time Extension for the Commencement of Construction of the Approved Second-Stage Planned Unit Development for Parkside Parcel 9B (Square 5056, Lots 868-869) approved in Z.C. Order No. 05-28Q**

Dear Chairperson Hood and Members of the Commission:

Parkside Residential LLC (the “**Applicant**”) hereby requests a one-year time extension to begin construction of the mixed-use multifamily residential building approved under Z.C. Order No. 05-28Q, which granted a second-stage PUD approval for Parcel 9B at Parkside. Parcel 9 consists of two buildings: Parcel 9A and Parcel 9B. The building permits have already been filed for both parcels. This extension request concerns only the commencement of construction on Parcel 9B.

The Applicant has commenced site preparation and other pre-construction activities prior to the deadline set forth in the order but has not commenced excavation or vertical construction.

The first-stage PUD for Parkside was initially approved by Z.C. Order No. 05-28 in April 2007, and the second-stage PUD for Parcel 9 was approved by Z.C. Order No. 05-28Q on March 23, 2018. The second-stage PUD approval was previously extended for two years by Z.C. Order No. 05-28W. Subsequently, Z.C. Order No. 05-28W(1) administratively extended the second-stage PUD approval for an additional year such that the deadline to file a building permit application for Parcel 9B was March 23, 2023 and the deadline to begin construction is March 23, 2024. The March 23, 2023 deadline has already satisfied because the Applicant filed an application for a building permit for Parcel 9B in May 2022.

The Applicant submits this request out of an abundance of caution as commencement of construction on the site is imminent. Since filing for a building permit, the Applicant has been diligently preparing the site for construction as described more fully below.

## **I. Background of the Parkside PUD**

The first-stage PUD for Parkside was approved in 2007 in Z.C. Order No. 05-28. Since that time, the PUD has survived the Great Recession of 2008 and, more recently, the COVID-19 pandemic and its economic ramifications that continue to transpire. Despite these challenges, Parkside has delivered 600 new residential units, including 284 affordable units, 45 of which are deeply affordable at 30% AMI. An additional 230 additional units on Parcels 8 and 10 are set to deliver this year with Parcel 8 expected to be ready for occupancy in June and Parcel 10 in December. In addition to housing, Parkside has provided approximately 43,000 square feet of community-serving healthcare uses, as well as a one-acre park, and significant financial contributions to the community, including \$3 million towards construction of a new pedestrian bridge to the Minnesota Avenue Metrorail Station.

The Zoning Commission most recently considered the Parkside PUD in July 2023 when it approved a modification of significance for Parcel 9A in Z.C. Order No. 05-28AC, which reverted office use on Parcel 9A back to the originally approved residential use. Between Parcels 9A and 9B, Parcel 9 will provide an additional 209 residential units, including both market-rate and workforce housing, as well as ground floor commercial uses and a landscaped pedestrian promenade situated between the two parcels, connecting the one-acre park to the north with the pedestrian bridge to the south.

## **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, Section 705.2 of the 2016 Zoning Regulations. The Commission is authorized to extend a PUD provided that:

- “The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
- 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
- The applicant demonstrates with substantial evidence one (1) or more of the following criteria:
  - “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;

- 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
- 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.”

**B. Applicant’s Satisfaction of the Standards for Granting the Time Extension**

The Applicant requests a one-year time extension until March 23, 2025 to commence construction for the Parcel 9B property. The Applicant filed a building permit application for Parcel 9B in 2022 and anticipates commencing construction in the very near future.

*1. Service on Parties*

This request is being served on ANC 7D, the only party to the second-stage PUD, and on ANC 7F, an “Affected ANC” with respect to the first-stage PUD, on the same day it is filed with the Zoning Commission. The Applicant requests that the Commission not place this request on its meeting agenda until the thirty-day period has lapsed.

*2. 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 approval of the second-stage PUD. The time extension is required on a short-term basis as the Applicant prepares Parcel 9B for construction.

Despite the COVID-19 pandemic and its effects on the market, the Parkside PUD has grown resiliently in recent years. Block F, in particular, has undergone a complete transformation. In 2020, 25 for-sale townhomes were completed on Parcels 8 and 10 and the two multi-family buildings on those parcels are nearing completion. A modification to Parcel 9A was recently approved in Z.C. Order No. 05-28AC and the Applicant has already filed for a building permit for that parcel, which should issue shortly. The Applicant sought a building permit for Parcel 9B in 2022 and, as described further below, the Applicant has diligently prepared the site for construction. In addition to the 25 for-sale townhomes, Parcels 8 and 10 will soon deliver 230 residential units, including both market-rate and workforce housing, along with approximately 14,500 square feet of retail. Parcel 9 will provide a combined 209 additional new residential units, including both market-rate and workforce housing. This meaningful housing supply of 464 new residential units since 2020 on a single block demonstrates the value of the Parkside PUD to Ward 7.

*3. Good Cause Shown*

The Applicant has taken substantial steps towards commencing construction, which will be underway shortly. The major obstacle that has prevented construction on Parcel 9B thus far is the site has been and continues to be used as the staging area for construction on adjacent Parcels 8 and 10, as shown in the current photos, attached hereto as Exhibit A. This construction is near completion with those buildings delivering this year, such that the site can soon be cleared of staging materials.

The Applicant anticipates commencing construction on Parcel 9B in the very near future but submits this request for a one-year time extension out of an abundance of caution.

The Applicant now anticipates commencing construction on Parcel 9A and Parcel 9B nearly simultaneously.

**III. Exhibits**

Attached hereto are the following exhibits:

- Exhibit A Current Photos
- Exhibit B Letter of Authorization
- Exhibit C Prior Zoning Orders

**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/ Christine A. Roddy  
Christine A. Roddy

/s/ David A. Lewis  
David A. Lewis

/s/ Lee S. Templin  
Lee S. Templin

Enclosure

**Certificate of Service**

I hereby certify that a copy of the foregoing document was sent to the following by first-class mail or email by no later than March 22, 2024.

Jennifer Steingasser  
Joel Lawson  
Office of Planning  
jennifer.steingasser@dc.gov  
joel.lawson@dc.gov

Anna Chamberlin  
District Department of Transportation  
anna.chamberlin@dc.gov

ANC 7D  
7D@anc.dc.gov

Wendell Felder, Chairperson, SMD 7D03  
7D03@anc.dc.gov

ANC 7F (via email only)  
Tyrell M. Holcomb, Chairperson  
7F@anc.dc.gov

Parkside Townhomes Condo Association Inc.  
4307 Gallatin Street  
Hyattsville, MD 20781-2051

/s/ Lee S. Templin

Lee S. Templin