



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Joshua Mitchum, Development Review Specialist

JL **Joel Lawson, Associate Director, Development Review**

DATE: November 19, 2025

SUBJECT: Time Extension Request – BZA Case 20523C (300 New Jersey Avenue NW & 51 Louisiana Avenue NW)

I. BACKGROUND

On October 13, 2021, through BZA Order No. 20523(1)¹, the Board of Zoning Adjustment (BZA) granted, subject to conditions, special exception relief to construct a penthouse addition to an existing detached, commercial building in the D-3 Zone and within the Capitol Security Sub-Area.

The Applicant is requesting a two-year time extension of the approvals granted through BZA Order No. 20523B.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends that the requested two-year time extension be **approved**.

III. LOCATION AND SUMMARY

| | |
|---|--|
| Applicant: | AMSQ LP c/o Lawrence Ferris |
| Address: | 300 New Jersey Avenue NW & 51 Louisiana Avenue NW |
| Legal Description: | Square 631 ; Lot(s) 808, 809 |
| Ward / ANC: | Ward 6 / ANC 6C, 6E |
| Zone: | D-3, Downtown High-Density Mixed-Use |
| Date of Original Order Issuance: | October 21, 2021 |
| Date of Original Order Expiration: | October 22, 2023 |
| Previous Extensions: | <ul style="list-style-type: none"> BZA Order No. 20523A (<u>Issued</u>: July 11, 2023, <u>Expiration</u>: July 11, 2025) BZA Order No. 20523B (<u>Issued</u>: December 27, 2023, <u>Expiration</u>: December 27, 2025) |
| Extension Request: | October 22, 2027 |

¹ 20523(1) is a corrected order that removed a reference to Subtitle I § 302 in the Relief Requested section. The Applicant's self-certification form listed the relief as pursuant to Subtitle I §§ 605.6 and 605.7 to allow the expansion of the penthouse structure.

IV. EVALUATION OF THE EXTENSION REQUEST

Subtitle Y § 705 of the Zoning Regulations allows for the extension of a BZA approval for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

(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 application is dated October 8, 2025 and has been in the public record since filing. The Applicant attests that a copy of the subject application and all supporting documentation were served to ANCs 6C and 6E².

(b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board’s justification for approving the original application:

Zoning Regulations:

Since the application’s original approval in October of 2021, there have been no substantial changes to the D-3 Zone regulations, or penthouse setback provisions that would affect the material facts upon which the Board based its original approval.

Surrounding Development:

The surrounding area remains mixed-use, with office, lodging, retail, and residential buildings. OP is not aware of other new developments in the immediate area that would substantially impact the material facts upon which the BZA based its original approval.

Proposed Development:

The subject time extension application does not propose any changes to the relief or project as approved in BZA Order No. 20523(1).

(c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.

(1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control;

The Applicant attests that delays in proceeding with the construction of the project are due to economic and market conditions that are beyond the Applicant’s reasonable control. In particular, the Applicant cites high interest rates and significantly elevated construction costs.

(2) An inability to secure all required governmental agency approvals by the expiration date of the Board’s order because of delays that are beyond the applicant’s reasonable control; or

This criterion is not applicable to the subject application.

² Since the approval of the original Order, the District’s ANC boundaries had changed, and the Property is now located within ANC 6E.

(3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

This criterion is not applicable to the subject application.

V. OTHER DISTRICT AGENCIES

As of the date of this report, no other District agency comments have been submitted into the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

A report in support from ANC 6E has been submitted into the record as Exhibit 6.

VII. COMMUNITY COMMENTS TO DATE

As of the date of this report, no community comments have been submitted into the record.