

October 8, 2025

Via IZIS

Frederick L. Hill, Chair
D.C. Board of Zoning Adjustment
441 4th Street, N.W., Second Floor
Washington, D.C. 20001

Re: BZA Order No. 20523(1) – 300 New Jersey Avenue NW and 51 Louisiana Avenue NW (Square 631, Lots 808 and 809) – Request for Two-Year Time Extension

Dear Chair Hill and Members of the Board:

On behalf of AMSQ LP (the “**Applicant**”), the owner of the Property and the applicant in BZA Case No. 20523, we hereby submit this request for a two (2)-year extension of BZA Order No. 20523(1)¹ (“**Order**”), granting special exception relief for the Property located at 300 New Jersey Avenue NW and 51 Louisiana Avenue NW (Square 631, Lots 808 and 809) (“**Property**”). The Order granted relief to allow construction of a penthouse addition that will serve the building’s existing rooftop deck (the “**Project**”). The Board previously granted an extension for the Order in BZA Order No. 20523B. The Applicant now requests an additional extension pursuant to Subtitle Y § 705.2 for the good cause shown herein.

Attached as Exhibit A is an authorization letter for the application. A copy of the Orders applicable to the Project is attached hereto as Exhibit B. A check for the applicable filing fee of \$405.60, which represents 26% of the original filing fee, is being delivered to the Office of Zoning concurrent with this filing pursuant to Subtitle Y § 1600.1(e). The Applicant requests that this application be placed on the Board’s public meeting calendar and reviewed in accordance with Subtitle Y § 705.2.

I. BACKGROUND

The Property is located in the East End neighborhood in Downtown, and the Property is improved with the America’s Square office complex, which consists of a south wing (51 Louisiana Avenue NW), constructed in 1935 and known as the Acacia Building, and a north wing (300 New Jersey Avenue NW), constructed in 2009. The two buildings constitute a single building for zoning purposes; the Project approved by the Board in Case No. 20523 pertains only to the existing penthouse and roof deck on the north wing. The Property is located in the D-3 zone and within the Capitol Security Sub-Area.

¹ Order No. 20523(1) is a corrected Order for the Board’s approval in Case No. 20523.

Order No. 20523(1) approved special exception relief under Subtitle I §§ 605.6 and 607.7 for substantial renovation within the Capitol Security Sub-Area of the existing mechanical penthouse on the north wing, conversion of approximately 1,000 square feet of mechanical space to habitable space, and construction of a habitable addition, all of which will serve the existing rooftop deck on the building. The habitable penthouse space and roof deck will provide amenity space for the building's office tenants and guests. By Order No. 20523A, dated July 11, 2023, the Board approved a Modification of Consequence for minor revisions to the plans approved in the original Application, including reducing the penthouse addition by approximately 215 square feet and reducing the footprint of the roof deck. By Order No. 20523B, dated December 27, 2023, the Board granted a two-year extension of the Order such that it remains valid until October 22, 2025. No additional extensions or modifications have been requested since the issuance of Order No. 20523B.

II. THE APPLICANT MEETS THE REQUIREMENTS FOR APPROVAL OF AN EXTENSION REQUEST UNDER SUBTITLE Y § 705.

The Board's approval will expire on October 22, 2025 pursuant to Order No. 20523B. With this letter, we request, pursuant to Subtitle Y § 705.2, that the Board extend the approval by an additional two (2) years until October 22, 2027. Since approval of the application, the Applicant has continued to face significant market challenges preventing the approved penthouse renovation and addition from moving forward with construction. Following the initial approval of the Order, the Applicant was met with difficulties in securing a new building tenant to support construction of the Project, which necessitated the initial extension granted in 2023. Following the initial extension, the Applicant was able to secure a new building tenant, but since then the Project has remained significantly hampered by the underlying marking conditions for commercial real estate construction — namely, an exceedingly challenging interest rate environment, combined with elevated construction costs, which together have severely impacted the ability for many development projects, including this one, to move forward for a prolonged period that continues to persist today. The Applicant remains hopeful that market conditions will ultimately improve so as to enable the Project to move forward but requests an extension of the Board's approval while these challenging conditions continue to impede realization of the Project.

Subtitle Y § 705.2 sets forth clear standards against which the Board evaluates extension requests. Upon receipt of this written request, the Board may extend the time period of the Order “for good cause shown.” The Board must determine that:

- (a) The extension request is served on all parties to the application, and all parties are allowed 30 days to respond;
- (b) There is no substantial change of any of the material facts upon which the Board based its original approval that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates good cause for the requested extension, with substantial evidence for any 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; (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 (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

For reasons set forth more fully below, Applicant meets all of the requirements for the granting of an extension under Subtitle Y § 705.2. Specifically, the Board should find that good cause exists to grant this extension request because of market conditions and circumstances beyond the Applicant's reasonable control.

A. The Extension Request Is Served on All Parties to the Application.

This extension request is being served simultaneously on Advisory Neighborhood Commission ("ANC") 6E and ANC 6C. When the original application was approved, the Property was located within ANC 6C. ANC 6C was the only party to the original application for BZA Case No. 20523 and supported the application and Project. Following the initial approval, the ANC boundaries were modified, and the Property is now located within ANC 6E, as was also the case for the prior extension. ANC 6C is located across Louisiana Avenue NW from the Property and thus remains a party to the Application, along with ANC 6E. ANC 6E submitted a letter in support of the initial extension.² Both ANC 6E and 6C will be served with this extension request and will be allowed 30 days to respond to this request.

B. There Is No Substantial Change to Any of the Material Facts Underlying the Board's Approval of the Requested Relief.

The factors satisfying the special exception relief for the Property remain as they were for the Board's approval of the requested relief. There has been no substantial change in any of the material facts relating to the case. The relief is still in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and does not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

C. There Is Good Cause for the Extension.

The Applicant has good cause to request an extension due to economic and market conditions beyond the Applicant's reasonable control. Specifically, the current prolonged period of challenging interest rates, coupled with significantly elevated constructed costs, render it untenable for the Applicant to move forward with the approved penthouse renovation and addition at this time. Based on these well-documented adverse external market conditions for commercial real estate construction, which are beyond the Applicant's control, the Applicant requests an

² ANC 6C was also served with the prior extension but opted not to weigh in on the application and instead deferred to ANC 6E.

additional extension of the Board's approval so that the Project may still ultimately move forward once market conditions improve.

III. CONCLUSION

For all of the above reasons, the Applicant respectfully requests an additional two (2)-year extension of BZA Order No. 20523(1) and requests that consideration of the requested extension be scheduled for the Board's public meeting calendar and reviewed pursuant to Subtitle Y § 705.2.

We would be happy to produce any other information or evidence in support of the above letter and greatly appreciate your consideration of this matter.

Respectfully submitted,

/s/ Lawrence Ferris

Lawrence Ferris

Certificate of Service

I certify that on October 8, 2025, I delivered a copy of the foregoing document and enclosures via email to the addresses listed below.

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 /s/
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