

December 4, 2025

Via IZIS

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

Re: BZA Order No. 20990 (“Order”) for 650 H Street NE (Square 858, Lots 867, 868, and 871) (“Property”) – Request for Two-Year Time Extension

Dear Chairman Hill and Members of the Board:

On behalf of 650 H LLC (the “**Applicant**”), the owner of the Property that was the subject of BZA Case No. 20990, we hereby submit this request for a two (2)-year extension of BZA Order No. 20990 (the “**Order**”). The Order granted special exception relief to allow a financial services use to occupy more than 20% of the ground floor area in the building on the Property. The Applicant requests the extension pursuant to Subtitle Y § 705.2 for the good case shown herein.

Attached as Exhibit A is an authorization letter for the application. A copy of the Order is attached hereto as Exhibit B. Submitted concurrently with this letter is a check for the applicable filing fee of \$405.60, which represents 26% of the original filing fee. 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 H Street NE commercial corridor at the northwest corner of H and 7th Streets NE. The Property consists of approximately 5,358 square feet of land area. The Property is located in the NMU-5A/H-H Zone District and is improved with a six (6)-story mixed-use building with approximately 14,655 square feet of retail and other commercial space on the ground, second, and lower levels, as well as 23 multifamily residential units occupying the upper stories.

Pursuant to the Order, the Board approved special exception relief pursuant to Subtitle H § 5200.2 of the Zoning Regulations from the restriction under Subtitle H § 6001.3(a) that a financial services use occupy no more than 20% of the ground floor space in the building. As discussed in filings and at the Board’s public hearing on the Application, the Applicant had made significant efforts to secure a non-financial services tenant for the building’s ground-floor space since the building was completed in early 2020, but was unable to lease the space due to ongoing challenges confronting the retail market, in the District more broadly and in particular along the H Street NE commercial corridor.

Due to the building's modest overall footprint, the 20% limit under Subtitle H § 6001.3(a) would permit only approximately 1,139 square feet of the ground floor to be devoted to financial services use, which would be insufficient to accommodate basic space and layout needs for a typical financial services use and thus would, in effect, prohibit such use from occupying the buildings' ground floor at all. Accordingly, the Board granted approval to allow approximately 4,048 square feet, of the total approximately 5,698 square feet constituting the entire ground floor, to be devoted to financial services use. The Order remains valid until December 12, 2025. No prior extensions have been requested for the Order.

Following issuance of the Order, the Applicant continued discussions with a potential financial services tenant for the space, but unfortunately the potential tenant ultimately backed away from the lease deal. As a result, the Applicant was forced to resume marketing the space for lease but has still not been able to secure a tenant. Accordingly, the Applicant requests that the Order be extended so that the space can remain marketable to potential financial services tenants, among other uses.

II. THE APPLICANT MEETS THE REQUIREMENTS FOR APPROVAL OF AN EXTENSION REQUEST UNDER SUBTITLE Y § 705.2.

The Board's approval will expire on December 12, 2025. With this letter, we request, pursuant to Subtitle Y § 705.2, that the Board extend the approval by a period of two (2) years until December 12, 2027.

As discussed above, following approval of the Order, the Applicant has continued to market the building's ground-floor retail space to potential tenants, but the challenges impacting the retail market in the District, and in the H Street NE commercial corridor in particular, have continued to be an obstacle to the Applicant's ability to secure a tenant. Accordingly, additional time is necessary to allow the Applicant to continue its marketing efforts to lease the space.

Subtitle Y § 705.2 sets forth clear standards by which the Board must evaluate extension requests. Upon receipt of this written request, the Board may extend the validity 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;
- (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.

In the instant case, this extension request is being served simultaneously on Advisory Neighborhood Commission ("ANC") 6C, the ANC in which the Property is located, and ANC 6A, which is located across 7th Street NE to the east of the Property. The ANCs were the only parties to the original application for BZA Case No. 20990. The ANCs will be allowed at least 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 to allow a financial services use to occupy more than 20% of the building's ground floor 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. As discussed above, while the Applicant has continued its significant efforts to secure a tenant for the building's ground-floor space, the Applicant has not yet been able to do so due to challenges facing the retail market in the District and in particular in the H Street NE commercial corridor. The Applicant continues to need the ability to market the space to potential financial service tenants — an option effectively eliminated absent extension of the special exception relief granted by the Order — in order to give the ground-floor retail space the best chance to be leased and occupied as soon as possible. Accordingly, there is good cause for extension of the Order.

III. CONCLUSION

For all of the above reasons, the Applicant respectfully requests a two (2) year extension of BZA Order No. 20990 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/ David M. Avitabile

David M. Avitabile

/s/ Lawrence Ferris

Lawrence Ferris

Certificate of Service

I certify that on December 4, 2025, I delivered a copy of the foregoing document and enclosures via email to the addresses listed below.

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