

Jeffrey C. Utz
jutz@goulstonsturrs.com
202-721-1132

Olivia K. Torres
otorres@goulstonsturrs.com
202-721-1107

August 29, 2025

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. 22-39: Application for the Extension of Time of the Approved Design Review in Square 5861, Lot 92¹ (the “**Property**”)

Dear Chairperson Hood and Members of the Commission:

BD Parcel 2, LLC (the “**Applicant**”) hereby requests a two-year extension of the period to apply for a building permit under the Design Review approved for the Property in Z.C. Case No. 22-39 (the “**Order**”) pursuant to Subtitle Z § 705.2 for good cause shown herein. The Order, which became effective on August 25, 2023, approved the development of two mixed-use buildings on the Property with residential and retail uses in one building and residential, lodging, and retail uses in the other building containing a total of approximately 818 residential units, approximately 151 lodging units, and approximately 24,666 square feet of ground-floor commercial uses (collectively, the “**Project**”). The Project is one phase in the build out of several adjacent properties owned by the Applicant and other affiliates of Redbrick LMD into a new multi-building mixed-use neighborhood that will contain residential, lodging, office, neighborhood-serving retail and amenities, and public and publicly-accessible open space (the “**Bridge District**”). The Applicant has invested significant resources and efforts towards moving forward with the Project, including interim site activation described below, and development of the Bridge District as a whole. However, in light of the current economic and market conditions for development, approval of this time extension is necessary to secure the necessary financing to continue its substantial investment in the neighborhood.

With this application, the Applicant requests a two-year extension of the period to file a building permit application under the Order until August 25, 2027. In addition, the Applicant requests that the Commission waive the requirement under Subtitle Z § 705.2 that the request be submitted prior to the expiration of the two-year period, pursuant to the Commission’s authority under Subtitle Z § 101.9. As discussed in more detail below, the Applicant meets all the applicable

¹ Lot 92 is a portion of former Lot 991 in Square 5861.

standards for the extension request and waiver. No prior extensions have been requested for the Project.

Agent authorization letters for this Application are attached as **Exhibit A-1** and **Exhibit A-2**, and a copy of Z.C. Order No. 22-39 is attached as **Exhibit B**. A \$5,000 payment for this extension application is being provided under separate cover.

I. Project Background

The Property consists of approximately 116,998 square feet of land area with a street address of 633 Howard Road, SE. It is located on the south side of Howard Road, SE and west of the Anacostia Metrorail Station. To the north is Anacostia Park; to the east along Howard Road is a charter school and a D.C. Department of Health facility; and to the south and west are South Capitol Street and Suitland Parkway.

The Order granted Design Review approval under the Northern Howard Road (“**NHR**”) Zone, and associated special exception relief, for the development of two mixed-use buildings on the Property: a 13-story building with approximately 356,532 square feet of GFA, of which approximately 333,164 square feet will be devoted to residential use (approximately 337 units) and approximately 15,200 square feet will be devoted to ground floor retail use, and two levels of below-grade parking with approximately 170 vehicle parking spaces (“**Building 1**”) and a 13-story building with approximately 561,214 square feet of GFA, of which approximately 408,365 square feet will be devoted to residential use (approximately 481 units), approximately 99,258 square feet will be devoted to lodging use, approximately 9,466 square feet will be devoted to retail use, and 45,307 square feet will be devoted to structured parking, and two levels of below-grade parking with approximately 359 vehicle parking spaces (“**Building 2**”). The Project will set aside 12% of the residential GFA and 8% of the penthouse habitable space for IZ units, affordable at the 60% and 50% Median Family Income (“**MFI**”) levels. Approximately 50% or more of the IZ square footage will be three-bedroom units.

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 Design Review 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.*

In addition to the foregoing standard, Subtitle Z § 705.2 requires that a request for extension be filed prior to the expiration of the Order validity period. Pursuant to Subtitle Z § 101.9, the Commission may waive, for good cause shown, any of the rules set forth in Subtitle Z if doing so will not prejudice the rights of any party and is not otherwise prohibited by law. Accordingly, the Applicant requests that the Commission waive these two sections.

For the foregoing reasons, the Applicant satisfies the requisite standards for the Commission to approve this request for a two-year extension of the Order and corresponding waiver.

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

The Applicant requests a two-year extension of the period to file for the Project's building permit, such that the Order will remain valid until August 25, 2027. The Applicant also requests a waiver, pursuant to Subtitle Z § 101.9, of the requirement that the extension request be submitted prior to the expiration of the period to file the building permit. Since the approval of the Order, the Applicant and its development team have invested substantial resources and devoted significant efforts to obtain sufficient financing for the development of the Project and to move the development of the Project forward, as discussed in detail below, including engaging consulting services, interviewing operators for the lodging component, and investing in the interim site activation. The Applicant is also exploring how to optimize the building programs to move development of the Project forward as soon as funding is obtained. Despite its diligent efforts, the Applicant has faced the continued challenges predominating the market for new development, including severe difficulties in securing financing for new construction, necessitating this extension request.

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

C. Service on Parties

This request is being served on Advisory Neighborhood Commission (“ANC”) 8A and ANC 8C, both of which were the only parties to the original Design Review application. The Applicant asks that the Commission not place this request on its meeting agenda until after the 30-day notice 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 approval of the Order. The Project remains consistent with the design and program approved by the Commission in the Order. The Applicant continues to explore how to best optimize the building programs to enable development to move forward as soon as funding is obtained, which, if deemed feasible, could be submitted to the Commission for review as a modification of the Design Review approval.

E. Good Cause Shown

Here, the Commission has good cause to waive its rules Subtitle Z §§ 705.2 and 702.6 and grant the requested two-year extension due to economic and market conditions beyond the Applicant’s reasonable control. The larger macro-issues, such as high interest rates, suppressed financing market environment, and significant construction costs, that continue to chill the ability to attract and deploy capital into commercial real estate investment are well known. These issues have combined with recent Federal government actions focused on downsizing the Federal footprint in the Washington, DC area to further strain investment in the local real estate economy. As a result, a very tight equity and lending environment, high interest rates, and elevated construction costs have continued to impact the ability to secure financing for the Project. As a result, the financing required to advance this Project has not yet been possible to complete.

Despite these significant and fundamental challenges in market conditions that have impeded the Applicant’s ability to finalize financing for the Project, the Applicant has continued to devote substantial resources towards moving development of the Property forward. Since issuance of the Order, the Applicant has invested approximately **\$3 Million** in diligently pursuing architectural design, landscape architectural design, legal services, civil engineering, and other consulting services to advance development of the Project. Building 2 has advanced its architectural plans to the 75% construction document level, positioning it for a potential near-term submission for building permits and subsequent groundbreaking for pre-construction site work.

The Applicant has also consistently sought partners and operators for the components of the Project. For example, to support the lodging component of Building 2, the Applicant conducted several operator interviews, executed a term sheet with a hotel operator, and anticipates an

execution of definitive documents by the end of the year. Instead of allowing the Property to lie vacant and unused, the Applicant has invested significant capital to activate it with interim improvements allowing for an outdoor event and community amenity space known as “Sandlot Anacostia” and additional recreational elements for use by the community (the “**Interim Site Activation**”). The Applicant has also invested substantially in fencing, banners, landscaping, streetscape, public art, and security around the Project to support the Interim Site Activation and the overall neighborhood.

The Applicant’s substantial financial investment, significant efforts, and willingness to adjust the development to facilitate a quicker realization all clearly demonstrate its commitment to developing the Property and fulfilling the broader vision of the Bridge District. To that end, an affiliate of the Applicant is also making significant investments – and significant progress – in the significant build out of the Bridge District. The building on Parcels 3 and 4 (Bridge District Phase 1) was recently completed and new residents have already moved in. Similarly, an affiliate of the Applicant has submitted a Design Review application for the new building on Parcel 5 within the Bridge District, which will be heard on September 8, 2025, as Z.C. Case No. 25-07. The Applicant is also working extensively with DDOT to move forward on the design and build out of an extensive public park at the northwest of the Bridge District. As part of these wider Bridge District investments, the Applicant has contributed a significant amount of funds to the build-out of the utility infrastructure in this neighborhood.

In summary, the Applicant remains committed to developing the Project, along with the rest of the Bridge District, to realize the overachieving vision for this part of the Anacostia community, as demonstrated by the substantial financial investment and significant efforts detailed below. Given the severe challenges in the current financing market in the District of Columbia, additional time is needed for the Applicant to continue to seek financing and study adjustments to the proposed development to realize the Project’s completion. Accordingly, there is good cause for extension of the Design Review approval.

The Commission’s waiver of the requirement to file the extension request prior to the expiration of the building permit filing period will not prejudice the rights of any party. Moreover, such waiver is not otherwise prohibited by law or disallowed by the Zoning Regulations. Rather, the waiver would allow for the Applicant to continue towards the implementation of the Project and the vision for the entirety of the Bridge District and the wider Anacostia community. Accordingly, the Commission may grant such waiver in this instance and such waiver will enable the Project to continue towards development.

III. Exhibits

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

Exhibit A-1 – Letter of Authorization from the Property Owner

Exhibit A-2 – Letter of Authorization from the Applicant

Exhibit B – Z.C. Order No. 22-39

IV. Conclusion

For the foregoing reasons, the Applicant requests that the Commission grant the requested time extension and waiver of its rules with respect to timeliness of the request. Please contact the undersigned if you have any questions or comments regarding this application. We greatly appreciate your review of this submission.

Respectfully Submitted,

/s/
Jeffrey C. Utz

/s/
Olivia K. Torres*

**Admitted in N.Y. only. Application submitted for admission to the D.C. Bar. Supervised by members of the D.C. Bar.*

Certificate of Service

I hereby certify that a copy of the foregoing document and enclosures was sent to the following by first-class mail, email, or by hand delivery by no later than August 29, 2025.

Jennifer Steingasser
Office of Planning
jennifer.steingasser@dc.gov

Joel Lawson
Office of Planning
joel.lawson@dc.gov

Matthew Jesick
Office of Planning
matthew.jesick@dc.gov

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

Jamila White, Chairperson
ANC 8A
8A@anc.dc.gov
8A05@anc.dc.gov

Robin McKinney, Vice Chairperson
ANC SMD 8A06
8A06@anc.dc.gov

Salim Adofo, Chairperson
ANC 8C
8C@anc.dc.gov
8C07@anc.dc.gov

Georgette Joy Johnson
ANC SMD 8C01
8C01@anc.dc.gov

/s/
Olivia K. Torres*

**Admitted in N.Y. only. Application submitted for admission to the D.C. Bar. Supervised by members of the D.C. Bar.*