

December 9, 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. 96-13A: Application for the Extension of Time of the Approved Modification of Significance to a Planned Unit Development (“PUD”) and Related Zoning Map Amendment for 5333 Wisconsin Avenue NW (Square 1661, Lot 855) (“Property”)**

Dear Chairperson Hood and Members of the Commission:

Street Retail, LLC (the “**Applicant**”) hereby request a two-year extension of the period to apply for a building permit under Z.C. Order No. 96-13A (the “**Order**”) pursuant to Subtitle Z § 705.2. The Order approved the development of a mixed-use building with approximately 310 multifamily residential units and approximately 10,500-14,000 square feet of ground-floor retail use (the “**Project**”) on the Property.

Since approval of the Order, the Applicant has continued to diligently pursue development of the Project, including working with the development team to prepare permit plans. However, the Applicant requires additional time to continue moving the Project forward and obtain construction financing due to the ongoing economic and market conditions impacting commercial real estate development in the District — specifically, the current interest rate environment and sustained elevated construction costs. The Applicant remains dedicated to delivering the Project and related public benefits, but additional time is necessary to allow market conditions to improve so that the Project can be realized.

An agent authorization letter for this Application is attached as Exhibit A, and a copy of Z.C. Order No. 96-13A is attached as Exhibit B.

I. Project Background

The Property is located in the Friendship Heights neighborhood, near the D.C.-Maryland border, in Northwest DC in Ward 3. The Property consists of approximately 50,946 square feet and is currently improved with a 2-3 story retail development completed in 1998 pursuant to the original PUD approval, as modified. The Project will be a comprehensive renewal of the Property,

redeveloping the site with a mixed-use building with approximately 310 multifamily residential units and approximately 10,500-14,000 square feet of ground-floor commercial use. As part of the PUD approval, the Order approved a PUD-related Zoning Map amendment to the MU-9A Zone District to support the proposed building height of 130 feet and the related sculpting of the building to concentrate density along Wisconsin Avenue NW, which allows the Project to achieve the density encouraged by the Comprehensive Plan and related District planning objectives for the Friendship Heights commercial corridor while also progressively stepping down the mass and scale of the building to provide an appropriate transition as the building approaches the abutting lower-density residential development to the east of the Property. The Project includes significant public benefits, including reserving a minimum of approximately 15.43% of the residential floor area as Inclusionary Zoning units, a commitment to provide a minimum of 10,500 square feet of ground-floor retail space, and other sustainability- and community-related benefits and commitments, among other things.

Order No. 96-13A remains valid until December 14, 2025.¹ No prior extensions have been granted for the Order.

Since issuance of the Order, the development team has continued to move the Project forward including preparing permit plans, and has invested substantial financial resources to that end, as discussed in more detail below. However, ongoing challenges in the market conditions for commercial real estate development in the District have impacted the ability to obtain financing to move forward with construction. The Applicant remains committed to delivering the Project and the significant public benefits approved in the Order but requires additional time to continue progressing the Project and to secure financing.

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 PUD 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;*

¹ The Order became effective July 14, 2023. Following issuance of the Order, a petition for review was filed with the D.C. Court of Appeals (Case No. 23-AA-639). The parties settled the appeal, and the Court of Appeals granted the parties' joint request for dismissal on December 14, 2023. Accordingly, per Subtitle Z § 705.8, the Order remains valid until December 14, 2025.

- (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.*

11-Z DCMR § 705.2.

Here, the requested extension will preserve the future development of the Project's approximately 310 units of new housing and affordable housing, 10,400-14,000 square feet of street-activating ground-floor commercial uses, and the Project's numerous other important public benefits, while allowing the Applicant to continue working to prepare permit plans and secure financing in order to realize the Project.

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 apply for a building permit for the Project such that the Order will remain valid through December 14, 2027. Since issuance of the Order, the Applicant has invested significant resources into moving the Project toward development, as discussed below, including seeking financing despite the significant adverse conditions affecting the market for commercial real estate development in the District. However, the Applicant requires additional time to secure financing to enable the Project's construction.

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

C. Service on Parties

This request is being served on Advisory Neighborhood Commission (“ANC”) 3E, which was the only other party to Case No. 96-13A. The Applicant asks that the Commission not place this request on its meeting agenda until the 30-day 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 original approval of the Order. The Project remains consistent with the design and program approved by the Commission, and the Project will continue to provide the proposed combined 310 housing units, 10,500-14,000 ground-floor commercial uses, and the significant public benefits approved as part of the PUD.

E. Good Cause Shown

Here, there is good cause to grant the requested extension, specifically, to allow the Applicant to continue pursuing financing to enable the Project’s development while the development team continues to advance the design. As discussed above, the Applicant has invested substantial time and resources into moving the Project forward. Specifically, the Applicant has spent over \$5.9 million on design and engineering costs, permit fees, and preconstruction services towards the Project’s development. In addition, the Applicant has already secured necessary approvals from the Washington Metropolitan Area Transit Authority (related to the Property’s adjacency to the Friendship Heights Metro Station) and DC Water, and required reviews by the Department of Energy and Environment and District Department of Transportation are also underway.

Despite the Applicant’s significant investment to move the Project forward, the ongoing challenges impacting commercial real estate development in the District — specifically, an exceedingly challenging financing market and sustained elevated construction costs — have affected the ability to obtain construction financing for the Project and proceed to applying for a building permit.

Accordingly, the Applicant requires additional time to secure such financing and preserve the development of the approved approximately 310 new housing units, street-activating ground-floor retail use, and other significant benefits tied to the Project. Accordingly, there is good cause for extension of the PUD approval.

III. Exhibits

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

Exhibit A – Letter of Authorization and Form 100

Exhibit B – Z.C. Order No. 96-13A

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/
Cary R. Kadlec

/s/
Lawrence Ferris

Certificate of Service

I hereby certify that a copy of the foregoing document and enclosures were sent to the following by first-class mail, email, or by hand delivery by no later than December 9, 2025.

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/s/ Lawrence Ferris