

# Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Leila M. Jackson Batties  
202.419.2583  
leila.batties@hklaw.com

Christopher S. Cohen  
202.469.5127  
christopher.cohen@hklaw.com

March 4, 2026

## **VIA IZIS**

Zoning Commission  
for the District of Columbia  
441 4th Street, NW  
Suite 210-S  
Washington, DC 20001

**Re: Z.C. Case Nos. 20-06, *et seq.*  
Approved Consolidated and First-Stage PUD @ 1333 M Street, SE  
Second Time Extension Request (1-Year Extension of Construction Deadline)**

Dear Members of the Commission:

On behalf of Felice Development Group (the “Applicant”), and with authorization from FRF Land Owner LLC, the owner of the property located at 1333 M Street, SE (Lot 2 in Square 1048-S), we submit this application requesting an extension of the deadline to commence construction of the planned unit development (“PUD”) approved in Z.C. Case Nos. 20-06, *et seq.* This filing constitutes the second extension request for the approved PUD. **Accordingly, the Applicant respectfully requests a one-year extension to begin construction, establishing a new deadline of April 23, 2027.**

### **A. Filing Requirements and Supporting Documentation**

This application is filed pursuant to Subtitle Z § 705 of Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016 (the “Zoning Regulations”). The required Application Form 106 is being submitted concurrently via IZIS. A check in the amount of \$5,000.00 made payable to the DC Treasurer for the requisite filing fee will also be provided to the Office of Zoning upon filing.<sup>1</sup>

The following documents are provided in support of this application:

---

<sup>1</sup> See Subtitle Z Section 1600.10(c). At the time of filing a time extension request, an applicant must pay the greater of \$1,500 or ten percent (10%) of the original hearing fee, up to a maximum of \$5,000. The original hearing fee was \$57,680 (*see* Z.C. Case No. 20-06, Ex. [18](#), [19](#)), so 10% is \$5,768. Accordingly, the fee for this request is the \$5,000 maximum.

2nd Request for Time Extension  
Felice Development Group  
Z.C. Order No. 20-06 *et seq.*

- letters of authorization from the Applicant and the owner of the Property authorizing Holland & Knight LLP to file and process this time extension request;
- a signed Application Form 100;
- copies of Z.C. Order Nos. 20-06 through 20-06D; and
- the affidavit of Rick Felice, a representative of the Applicant, detailing the justifications supporting a finding of “good cause” for the Commission’s approval of the requested time extension (Exhibit A).

## **B. The Property and Approved PUD**

The entitled property is a triangular-shaped parcel known as Lot 2 in Square 1048-S, comprising 127,495 square feet of land area (the “Property”). Located in the southeast quadrant of the District, the Property is bounded by M Street to the north, the unimproved Virginia Avenue right-of-way to the southwest, and the Water Street right-of-way to the southeast. Freight rail tracks separate the Property from residential neighborhoods to the north, and nearby uses include the District Yacht Club, part of Historic Boathouse Row, and the Maritime Plaza development, which consists of two five-story office buildings.

The Property consists of two theoretical building lots: Theoretical Lot 1, containing approximately 112,665 square feet of land area, and Theoretical Lot 2, containing approximately 14,830 square feet of land area. Theoretical Lot 1 will be improved with a single building consisting of two towers, pursuant to the consolidated PUD approval summarized below. One of these towers, known as the “East Tower,” will be constructed as the first phase of the overall PUD. The subsequent phase or phases of the PUD, approved as a First-Stage PUD and also summarized below, will involve the construction of the “West Tower” and Building 2. Once completed, the PUD will transform a long-underutilized site near the waterfront into a high-quality, mixed-income community.

The majority of the Property was unimproved, though it previously contained fuel storage facilities as well as paved and gravel parking areas. Today, the Applicant is readying the site in order to begin construction in accordance with the PUD approval.

## **C. Ongoing Validity, Recent Permitting Efforts, and Approval History**

The effective date of the original PUD approval was April 23, 2021. The PUD’s validity period was most recently extended pursuant to Z.C. Order No. 20-06C, which moved the deadline to file a building permit to April 23, 2025, with construction required to commence no later than April 23, 2026.

For purposes of Subtitle Z § 702.2, the approved PUD remains valid through the filing of a foundation-to-grade (FTG) permit application (FD2500001) on or about October 8, 2024.<sup>2</sup> On

---

<sup>2</sup> See Zoning Administrator Interpretation No. 23, dated February 5, 2021 (recognizing a complete foundation-to-grade or new-construction permit application filed by the applicable deadline as sufficient to prevent expiration of a PUD order under Subtitle Z §§ 702.2 and 702.3). Available at: [Zoning Administrator Interpretation 23](#).

or about January 21, 2025, the Applicant submitted a building permit application authorizing construction of the East Tower (B2503238), consistent with the extended deadlines approved through the time extension. A copy of the paid invoice for the FTG permit and a SCOUT snippet reflecting the review status of the building permit application are attached as Exhibit B.

These permitting efforts, among others, show the Applicant's ongoing commitment to advancing the approved PUD. The Applicant anticipates that all necessary permits will be issued in late Q1 or early Q2 of this year, with construction expected to commence in the summer or fall.

The approval history for the PUD is summarized below:

- **Z.C. Order No. 20-06**, effective April 23, 2021, approved (i) a consolidated PUD for the first phase of the project, (ii) a first-stage PUD for the subsequent phase or phases, and (iii) a related map amendment rezoning the Property from PDR-4 to MU-9. The approval authorized a new mixed-use development consisting of approximately 900 residential units, including market-rate and affordable housing, and approximately 44,092 square feet of non-residential GFA. The Commission also approved certain public benefits and amenities to be delivered with the PUD pursuant to Subtitle X § 305.5, including affordable housing, with at least 12% of the residential GFA reserved for households at the 60% and 50% MFI levels, as well as transportation improvements, sustainability measures, and new open space.
- **Z.C. Order No. 20-06A**, effective October 7, 2022, approved a Technical Correction to Finding of Fact No. 31 of the original order, revising the approved GFA, FAR, loading requirements, and residential unit counts for the East and West Towers.
- **Z.C. Order No. 20-06B**, effective April 7, 2023, approved a Modification of Consequence that adjusted the theoretical lot boundaries and updated the approved development program, including increased on-site vehicle parking with enhanced transportation mitigation measures and flexibility to reduce parking without further modification. **This order establishes the current development program for the PUD**, approving up to 516 residential units, 23,378 square feet of non-residential GFA, and 222 parking spaces for the East Tower; 288 residential units, 9,971 square feet of non-residential GFA, and 68 parking spaces for the West Tower; and a mixed-use building on Theoretical Lot 2 (Building 2) with 75 residential units, 1,904 square feet of non-residential GFA, and 14 parking spaces.
- **Z.C. Order No. 20-06C**, effective April 28, 2023, approved a time extension for the approved PUD, extending the deadline to file a building permit to April 23, 2025, and the deadline to commence construction to April 23, 2026. **The subject application seeks to extend the construction deadline established in this approval.**

- **Z.C. Order No. 20-06D**, effective October 17, 2025, approved a Modification Without Hearing to the East Tower/Consolidated PUD for exterior design revisions, including: (i) redesign of the private street between the East and West Towers as a woonerf; (ii) replacement of the M Street, SE walkway with a grand stair; (iii) revisions to the penthouse design; (iv) changes to balcony handrail materials from glass to metal mesh; and (v) revisions to the finish for the site walls enclosing the planters and bioretention planters from a red brick to concrete finish.

#### **D. Criteria Under Subtitle Z § 705**

Under Subtitle Z § 705.2, “[a]n applicant may request an extension of the time periods of an order for good cause upon the filing of a written request, before the expiration of the approval,” upon documenting certain conditions. The Commission may, at their sole discretion, grant an extension request for no more than two (2) years, subject to their determination that the Applicant “has sufficiently evidenced compliance” with the criteria of Subtitle Z § 705.2(a)-(c). As discussed below, this application satisfies all of the applicable criteria.

- **Subtitle Z § 705.2(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;*

Other than the Applicant, the only other party to the original proceeding was ANC 6B. As indicated in the Certificate of Service attached hereto, the Applicant served this application on ANC 6B at the time of filing. The Applicant acknowledges that the ANC must be allowed thirty (30) days to respond before the Commission may consider this application.

- **Subtitle Z § 705.2(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*

There has been no substantial change in any of the material facts underlying the Commission’s original approval. Granting the requested time extension would preserve the Commission’s carefully considered approval framework and enable delivery of the PUD with all associated public benefits and amenities. As discussed below, the policy and regulatory bases supporting the Commission’s original approval remain intact.

Specifically, there has been no substantial change in the approved public benefits, development incentives, or the PUD’s consistency with the Comprehensive Plan (the “Comp Plan”) and other adopted policies. The original PUD was approved prior to the most recent update to the Comp Plan.<sup>3</sup> However, the Comp Plan analysis underlying that approval remains consistent with applicable elements and area policies. *See* Z.C. Order No. 20-06, Conclusions of Law Nos.

---

<sup>3</sup> D.C. Law L23-0217, effective August 27, 2020, and D.C. Law L24-0020, effective August 21, 2021, amended the Comp Plan, including the Framework Element, general, citywide, and area elements, as well as the Generalized Policy Map and Future Land Use Map, which were formally approved on November 16, 2021, pursuant to Resolution No. R24-0292.

12–13 (concluding that the PUD is consistent with the Lower Anacostia Waterfront/Near Southwest Area Element and furthers the Comp Plan’s Land Use, Transportation, Housing, Environmental Protection, Parks and Open Space, and Urban Design elements). The project’s core commitments including mixed-income housing, public open space and waterfront access, transportation improvements, and sustainable design, remain the same and are not inconsistent with the Comp Plan. Moreover, application of the Commission’s Racial Equity Tool,<sup>4</sup> first adopted in April 2022 after the original approval, does not impact Comp Plan consistency. The PUD’s affordable housing component, lack of displacement, and overall site revitalization will expand access and opportunities for District residents.

Likewise, no intervening changes to the Zoning Regulations materially affect the Commission’s approval. Recent amendments, including the reorganization and renaming of certain zoning districts, did not alter the substantive standards applicable to the Property. *See* Z.C. Order No. 22-25.

Finally, consistent with the design flexibility approved by the Commission and subsequent modifications, the Applicant has made limited refinements to the development program to respond to current market conditions and ensure project viability, including the conversion of certain retail space to residential use. *See* Z.C. Order No. 20-06, Decision No. A.3; *see also* Z.C. Order Nos. 20-06B and 20-06D. The Applicant has also implemented targeted exterior design refinements to enhance functionality and aesthetics, such as the introduction of the woonerf between the East Tower and Building 2. These refinements are consistent with the original approval and do not alter the fundamental scope, intent, or public benefits of the PUD.

- **Subtitle Z § 705.2(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.*

---

<sup>4</sup> Available at: [Zoning Commission Racial Equity Tool | dcoz](#).

Ongoing challenges in securing sufficient project financing constitute good cause for the requested one-year extension.

As described above, the Applicant has continued to advance the Project through permitting and is now on the cusp of construction. A modest additional period of one year is requested to secure investor commitments and obtain a construction loan. This request is also the result of broader market headwinds that have affected the District of Columbia in recent years, as elevated borrowing costs and tightened underwriting have delayed groundbreakings and slowed new multifamily starts.<sup>5</sup>

While lenders have remained cautious in the near term, there are concrete indicators of improving momentum. Commercial and multifamily borrowing increased throughout 2025, reflecting a gradual thaw in capital markets, and recent *Washington Business Journal* reporting confirms continued depth among multifamily lenders active in Greater Washington.<sup>6</sup> Industry sources further indicate that new multifamily construction is slowing, which may begin to ease supply pressures as fewer projects break ground.<sup>7</sup> With construction input-cost growth moderating from prior peaks, the Applicant is positioned to move expeditiously once financing closes.

The Applicant has remained fully compliant with the PUD approval, as extended. The requested extension is a limited, one-year safety net, providing the certainty investors require to proceed with a “ready-to-go” project and enabling the Applicant to break ground promptly once permits and financing are in place.

The supporting affidavit of Rick Felice, which details the Applicant’s financing challenges and ongoing efforts to prepare the site for redevelopment, is submitted with this application as Exhibit A.

---

<sup>5</sup> See, e.g., *Housing Starts Plunge in D.C. as Investors Pull Back*, CRE Daily (Apr. 24, 2025), reporting that Washington, D.C. multifamily housing starts declined sharply as developers faced elevated interest rates, higher construction costs, and increasingly constrained financing conditions, resulting in delayed groundbreakings and projects remaining shovel-ready but unfunded. Available at: [Housing Starts Plunge in D.C. as Investors Pull Back - CRE Daily](#).

<sup>6</sup> See Mortgage Bankers Association, *Commercial/Multifamily Borrowing Increased 36 Percent in the Third Quarter of 2025* (Nov. 6, 2025) (available at: [Commercial/Multifamily Borrowing Increased 36 Percent in the Third Quarter of 2025 | MBA](#)) ; see also *Washington Business Journal*, *Here Are the 39 Largest Multifamily Mortgage Lenders in Greater Washington* (June 6, 2025) (available at: [D.C. area's 39 largest multifamily mortgage lenders by volume, 2025 - Washington Business Journal](#)).

<sup>7</sup> See J.P. Morgan (Chase), *Washington, D.C. Multifamily Market Update* (Mar. 10, 2025), noting that a slowdown in multifamily groundbreakings suggests supply pressure could begin to ease. Available at: [Washington DC Multifamily Market Outlook | Chase](#).

2nd Request for Time Extension  
Felice Development Group  
Z.C. Order No. 20-06 *et seq.*

- **Subtitle Z § 705.5:** *An applicant with an approved PUD may request no more than two (2) extensions, not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9. The second extension for an extension may be approved for no more than one (1) year.*

This time extension request complies with the applicable requirements. The Commission approved the first time extension pursuant to Z.C. Order No. 20-06C. The present application constitutes the Applicant's second request, and, consistent with the limitations set forth in Subtitle Z § 705.5, seeks only a one-year extension of the construction commencement deadline.

#### **E. Conclusion**

In light of the foregoing, the Applicant submits that this time extension application satisfies all applicable criteria set forth in Subtitle Z § 705.2. Accordingly, the Applicant respectfully requests a one-year extension of the validity period approved under Z.C. Order No. 20-06, as extended by Z.C. Order No. 20-06C, **such that construction of the approved PUD shall commence no later than April 23, 2027.**

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: *Leila Batties*  
Leila M. Jackson Batties  
Christopher S. Cohen  
*Counsel for the Applicant*

Enclosures

cc: Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2026, a copy of the foregoing Request for a Time Extension was served via electronic mail on all required recipients at the addresses listed below.

D.C. Office of Planning  
Radhika Mohan  
[radhika.mohan@dc.gov](mailto:radhika.mohan@dc.gov)

Advisory Neighborhood Commission 6B  
[6B08@anc.dc.gov](mailto:6B08@anc.dc.gov)

Commissioner Samuel Pastore, ANC 6B Chair  
[6B05@anc.dc.gov](mailto:6B05@anc.dc.gov)

Commissioner Edward Ryder, SMD 6B08  
[6B08@anc.dc.gov](mailto:6B08@anc.dc.gov)



Christopher S. Cohen  
Holland & Knight LLP  
*Counsel for the Applicant*