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District of Columbia
Office of Planning



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director Development Review
DATE: July 1, 2014
SUBJECT: Second Extension Request – BZA Case 18064-B, 1820-1822 Jefferson Place, N.W.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18064-B
EXHIBIT NO. 44

OP RECOMMENDATION: Approve the Extension Request, for a period of one year, rather than the two years requested by the applicant. The applicant has not objected to OP's recommendation for a shorter extension time.

Applicant:	HAI Real Estate Holdings, LLC
Address:	1820 – 1822 Jefferson Place, N.W.
Ward / ANC	Ward 2; ANC 2B
Project Summary:	Construct a 61 foot high rear addition to an existing office building in the DC/C-3-C zone. BZA Order grants special exception relief from all of the rear yard requirement and from 3 of the 9 required parking spaces.
Date of Order Issuance:	May 21, 2010
Previous Extension:	One, issued Oct. 10, 2012
Date of Order Expiration:	May 21, 2014 – request for extension filed April 21, 2014

Figure 1. Site Outlined in Green. Block bounded by Connecticut Ave. and 18th St., NW, M St. NW, 19th St. NW and Jefferson Pl. NW



**EVALUATION OF THE
EXTENSION REQUEST**

Section 3130.6 of the Zoning Regulations allows for the extension of a BZA approval for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (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. §3130.9 further provides that a time extension filed at least 30 days prior to the expiration date shall toll

Board of Zoning Adjustment
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the expiration date to allow the BZA to consider the request.

The application meets the thirty day criterion It was submitted April 21, 2014

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application.**

Zoning Regulations:

There has been no substantial change that would impact the material facts upon which the BZA based its original approval

Surrounding Development:

There has been no substantial change to the nature of surrounding development that would impact the material facts upon which the BZA based its original approval

Proposed Development:

No changes to the approved development are proposed as part of this extension request.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of 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;**

The applicant has provided documentation of the existing lease and pending sale of the property to the lessee by August 31, 2014. The extension is requested to provide the prospective new owner time to complete the work needed to enable the filing for a building permit that would vest the relief granted by the Board.

- (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;**

This criterion is not applicable to this request.

- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.**

The applicant states that it was necessary to pre-lease the project to enable either the applicant or a prospective purchaser to secure financing for the proposed addition to the existing office building. The applicant further states that Small Business Administration has taken longer to process the prospective purchaser's loan, which has delayed closing and the completion of work needed for the filing of a building permit.

ADDITIONAL INFORMATION

ANC 2B voted to support the application on June 11, 2014