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2014 JUL -1 PM 2:56

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: July 1, 2014
SUBJECT: Extension Request – BZA Case 18372-B, 2321 4th Street, N.E.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18372-B

EXHIBIT NO. 38

Applicants	2321 4 th Street, LLC and H Street Community Development Corporation
Address	2321 4 th Street, N.E.
Ward / ANC	Ward 5; ANC 5C
Project Summary	Construction of a five-story mixed use building with ground floor retail, 116 to 120 dwelling units and 32 off-street parking spaces.
Date of Order Issuance	July 3, 2012
Date of Order Expiration	July 3, 2014 ¹

PHOTOGRAPHS OF SITE



2012 (Bing)

2014 (Bing)

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.

¹ The application was modified pursuant to BZA 18567/18732-A, reducing the size of the building, as described above, but not affecting the original expiration date.

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The application indicates that the subject application was submitted to the BZA on June 6, 2014 and was served on ANC 5E, the only party to the application, allowing for at least thirty days to respond. Section 3130.9 further provides that a time extension filed at least 30 days prior to the expiration date shall toll the expiration date to allow the BZA to consider the request.

- (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 have been no changes to the zone district classification of the subject property.

Surrounding Development

There have been no significant projects approved since the previous approval was granted by the BZA.

Proposed Development

The application indicates that 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;**
 - (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.**

The applicant has been working with the Department of Housing and Community Development for the past two years to secure financing for the project, which reserved funds for construction of this project December 2013. The District of Columbia Housing Finance Agency passed a resolution on March 13, 2014 to provide financing, and drawings are currently being finalized for submission to DCRA for building permits. The time period required to obtain the necessary financing is beyond the control of the applicant.