

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: February 16, 2016
SUBJECT: Extension Request – BZA Case 18701-B, 1247 E Street, S.E.

Address	1247 E Street, S.E.
Applicant	1247 ESE, LLC
Legal Description	Square 1019, Lot 43
Ward/ANC	Ward 6; ANC 6B
Zone	R-4
Project Summary	Convert first floor space, originally designed for commercial use and last used as office space, into a restaurant. The conversion of the basement to restaurant use, as approved under the original application, is no longer requested. (See BZA No. 19196)
Date of Order Issuance	February 27, 2014
Date of Order Expiration	February 27, 2016

PHOTO(S) OF SITE



Google 2013



Google 2015

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.**

The application, dated December 10, 2015, indicates that the applicant will serve all parties to the original application. Sec. 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

Three new developments are now proposed within the 1300 block of E Street, S.E. that were not anticipated at the time of the original approval. These three new developments, the redevelopment of the Buchanan School, Jerry's Custom Auto and Bowie's Trash, Inc. site, have the potential to add 265 to 275 new dwelling units and seven hundred new residents within a block of the subject property, if constructed. These developments could have a positive impact on the subject property by increasing its marketability.

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 application indicates that the renovation of the space took longer than expected, as has the process of finding an appropriate tenant. The proposal to construct three new nearby residential developments is anticipated to increase foot traffic within the neighborhood, and increase the marketability of the site.

The Office of Planning recommends that the Board approve an extension of the Order for the use of the first floor as a restaurant until February 27, 2018.