

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: May 10, 2016

SUBJECT: Extension Request – BZA Case 18723A, 2105 10th Street N.W.

Address:	2105 10 th Street N.W.
Applicant:	2101 Morning Bright LLC
Legal Description:	Square 358, Lots 5, 6, 802
Ward / ANC	Ward 1; ANC 1B
Zone	ARTS/C-2-B (ARTS-2 –ZR16)
Project Summary:	The applicant proposes construction of a 6-story, mixed-use building with ground floor retail and 43 residential units at the corner of 10th and V Streets, NW.
Date of Order Issuance:	May 23, 2014
Previous Extension:	None
Date of Order Expiration:	May 23, 2016

PHOTO(S) OF SITE:



February 2014



[2015 \(DC GIS\)](#)

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 submitted to the BZA is dated April 29, 2016 and has been in the public record since filing. §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:

The Zoning Regulations Review (ZR16) was approved with an effective date of September 6, 2016. Changes have not been proposed to the approved plan. Therefore, approval of the current plan which were based on the existing Regulations should not be affected by the pending revisions.

Surrounding Development:

There are no substantial changes to the nature of surrounding development that would impact the material facts upon which the BZA based its original approval.

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 demonstrated good cause for this request consistent with criteria (c) (2) above. OP understands that without the DC Council's approval, a lease for the site with the District cannot be executed, which in turn hinders the financing of the project and the construction's start date.

OP is satisfied with the applicant's documented efforts to proceed with the site's approved development, including filing for permits and securing some of the permits and reviews as required by the Department of Consumer and Regulatory Affairs (DCRA). Therefore, OP recommends approval of the requested two-year extension, effective upon the date of approval of this request.