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**MEMORANDUM**

**TO:** District of Columbia Zoning Commission 2013 NOV 26 PM 3: 39

**FROM:** Maxine Brown-Roberts, Project Manager  
Joel Lawson, Associate Director Development Review

**DATE:** November 26, 2013

**SUBJECT:** Extension Request – BZA 18269-A, 1375 Kenyon Street, NW

**RECOMMENDATION**

The Office of Planning recommends **approval** of the requested two-year extension of BZA Order 18269, 1375 Kenyon Street, NW.

**SUMMARY TABLE**

|                             |                                                                                                                                       |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Applicant:                  | Triangle Development Associates, LLC                                                                                                  |
| Address:                    | 1375 Kenyon Street, NW                                                                                                                |
| Ward/ANC/Historic District: | Ward 1, ANC-1A                                                                                                                        |
| Project Summary:            | Addition to an existing 6-story apartment building with ground floor retail which would increase the number of units from 117 to 141. |
| Order Effective Date:       | November 3, 2011                                                                                                                      |
| Previous Extension:         | None                                                                                                                                  |
| Order Expiration Date:      | November 3, 2013                                                                                                                      |



BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18269-A  
EXHIBIT NO. 39

**EXISTING CONDITIONS**

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 18269  
EXHIBIT NO. 39



## EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 allows for one extension of a Board of Zoning Adjustment (BZA) approval time period (two years in this case). Section 3130.6 further allows that if “good case” is shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Board of Zoning Adjustment 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 October 31, 2013 and has been in the public record since filing.

- (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 commission’s justification for approving the original application; and**

There has been no change to the development or use on the site. The property retains its C-3-A zone designations.

BZA Order 18269 was approved on November 3, 2011 to allow for the reconfiguration of existing units and the addition of units which increases from 117 to 141 units. The Order approved:

1. Variance relief:
  - a. § 772.1, FAR (4.0 allowed, 4.3 proposed); and.
  - b. § 771.1, Lot Occupancy (80% maximum allowed for residential use; 82.2% at the second floor only proposed).
2. Special Exception relief:
  - a. §2108, reduction in the number of nonresidential parking spaces.

In the instant request, the applicant has not proposed any changes to the approved BZA Order 18269.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:**

- (a) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control;**
- (b) 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**
- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant’s reasonable control.**

Exhibit B of the applicant’s submission is a sworn statement which states that the applicant is working with the existing building’s financiers, Federal National Mortgage Association (FNMA) and New Market

Tax Credit (NMTC) to facilitate the construction of the addition. The applicant is working with FNMA to reach financial terms that would allow for borrowing of monies to finance the addition. Regarding the NMTC loan, the additional time would enable the applicant to repay the NMTC allocation which would result in the release of covenants on the site and allow the addition to proceed.

OP therefore believes that the applicant has met the requirements of Section 3103.6 and recommends that the requested two-year extension be granted.