

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, AICP, Case Manager
JS Joel Lawson, Associate Director, Development Review

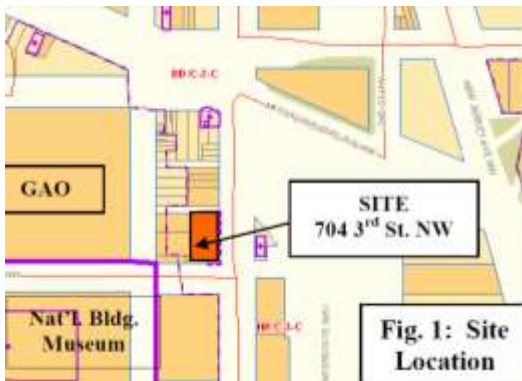
DATE: May 3, 2016

SUBJECT: Extension Request – BZA Case 18325-A for 704 3rd Street, NW

OP RECOMMENDATION: OP recommends the Board **approve a second extension** of Order 18325, **to be valid until the later of September 6, 2016 or the effective date of Zoning Commission Order 08-06A.** The original order of approval was issued with no conditions.

Although the applicant has provided little documentation in the filing, the project plans associated with Order 18325 could be built by-right under the 2016 Zoning Regulations. As such, OP recommends an extension that would be valid until the new regulations become effective. The applicant does not object to this time frame.

Applicant:	Renaissance Centro Third Street, LLC
Property Address:	704 3 rd Street, NW -- Sq. 529, Lots 802, 804, 845, 847
Ward / ANC	Ward 6; ANC 6C
Zone:	DD/ C-2-C – Housing Priority Area B
Project Summary:	Adaptive reuse and expansion of an existing historic structure in the DD/C-2-C zone into a 130-foot high hotel and/or residential building.
Date of Order Issuance:	March 28, 2012, for Area Variances from § 774.1, Minimum Rear Yard, § 772.1, Maximum Lot Occupancy, § 2101.1, Minimum Off-Street Parking and a Special Exception under § 411.5 for uneven roof structure heights.
Previous Extension:	None
Date of Order Expiration:	March 28, 2016



Figures 1 and 2: 703 3rd Street, NW location map and photo (from southeast of site)



EVALUATION OF THE EXTENSION REQUEST

§ 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 the BZA determines that the requirements noted below are met:

This request has been filed out of an abundance of caution to preserve the relief previously granted until the 2016 Zoning Regulations become effective.

(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 March 25, 2016. It has been in the public record since filing. §3130.9 further provides that a time extension request 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:** Between this Order’s previous extension and this request, the 2016 Zoning Regulations were adopted by the Zoning Commission, under which the proposed building massing, siting and use would be permitted by right.
- **Surrounding Development.** Since the previous extension there have been significant impacts on the surroundings from work associated with the Capitol Crossing PUD to the east. There has also been a large-scale apartment building completed immediately north of the applicant’s property. The applicant indicates these do not impact the form of the proposed development directly, but they make obtaining necessary financing more difficult.
- **Proposed Development:** The applicant indicates that no changes to the approved development are currently proposed.

(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.**

For the previous extension request the applicant demonstrated good cause, based on the first and third of the above criteria. For this extension request the applicant has not submitted similar documentation, stating simply that the short and mid-term transportation and quality-of-life impacts of Capitol Crossing’s construction phase has made investors wary of investing in development on the applicant’s site at this time.