

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

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

DATE: July 12, 2016

SUBJECT: Extension Request – BZA Case 18805-A for 1831 14th Street, NW

APPLICANT'S REQUEST: Extend Order 18805 for a two-year period; i.e., until July 31, 2018.

OP RECOMMENDATION: At this time, OP recommends the Board **deny** an extension of Order 18805, due to the lack of information in the application.



Figures 1 and 2: 1829-31 14th Street, NW Street View and Proposed Addition

Applicant:	1831 14 th Street LLC, owner of record
Property Address:	1829-1831 14 th Street NW -- Square 0238, Lot 0873
Ward / ANC	Ward 1; ANC 1B
Zone:	Arts/C-3-A – allows a variety of medium density commercial and mixed use development including residential development subject to applicable provisions of the Uptown Arts-Mixed Use (Arts) Overlay.
Project Summary:	Construct an approximately 1,000 sf addition to extend the existing second floor, toward the rear building façade and alley. The addition would provide no rear yard where a 12 foot rear yard would have been required with the granted relief from the dimensional requirements of § 774.1 under the special exception criteria in § 3104, and §§ 774.3 through 774.6
Date of Order Issuance:	July 31, 2014 for a special exception from the rear yard requirements under § 774.2.
Previous Extension:	None
Date of Order Expiration:	July 31, 2016



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:

(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 June 9, 2016. It has been in the public record since filing. §3130.9 provides that an 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 addition would continue to require the granted relief.
- **Surrounding Development:** Nearby development is consistent with what was anticipated when Order 18805 was issued and has not directly impacted the proposed development.
- **Proposed Development:** The applicant indicates that, even with the departure of the previous tenant, 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.**

The applicant states that the approved relief was requested to accommodate the expansion needs of a tenant then occupying the first floor, and that the tenant vacated the property after the Order’s issuance, thereby causing a delay in the project. The applicant has not provided:

- Documentation of the previous tenant’s request for the expansion and its relationship to the relief granted in Order 18805;
- Information demonstrating the applicant’s actions to secure a new tenant to occupy the planned expansion;
- Documentation of efforts to finance the construction of the expansion space enabled by the Order, with or without the previous tenant.

As such, the case record does not include information necessary for OP to make an informed recommendation at this time. At the time this OP report was completed, the record contained no other government agency reports, comments from ANC 1B, community groups, or individuals.