

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: April 22, 2017
SUBJECT: Extension Request – BZA Case 18977A, 3220 Prospect Street, N.W.

Address:	3220 Prospect Street, N.W.
Applicant:	Weaver Prospect LLC
Legal Description:	Square 1207, Lots 104, 838, and 839
Ward / ANC	Ward 2; ANC 2E
Zone	MU-4 – Provides for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities.
Project Summary:	The approved development consists of a two-story, 30,000 square feet commercial retail center, including 96 below grade structured parking spaces. The applicant has requested a two-year extension for the project.
Date of Order Issuance:	April 27, 2015
Previous Extension:	Not Applicable
Date of Order Expiration:	April 27, 2017

PHOTO(S) OF SITE:



Image from Google Maps, April 2017

EVALUATION OF THE EXTENSION REQUEST

Subtitle Y Section 705 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 February 11, 2017 and has been in the public record since filing. §705.1 (a) 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 substantive changes to the Zoning Regulations that would undermine the Board’s justification for approving the original application.

Surrounding Development:

There are no new significant development projects within the area that would substantively impact the site or otherwise 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 that there is good cause for the requested extension, providing substantial evidence regarding the inability to obtain sufficient project financing due to economic and market conditions beyond their control. Since the project was approved, the applicant has made efforts to secure tenants, as extensively documented in the application. While significant outreach has been completed and there has been some interest, not enough retailers have been secured to qualify for construction financing. The applicant also notes that competition with other retail centers has elongated the marketing period.

The applicant notes that they intend to move forward with this project, and are certain that securing lead anchor retailers will result in additional tenants, as needed for financing. Therefore, OP recommends approval of the requested two-year extension.