

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



**BZA Application No. 20291-B
2100M STREET NW OWNER, LLC
2100 M Street, NW (Square 72, Lot 75)**

HEARING DATE (20291):	October 7, 2020
DECISION DATE (20291):	October 7, 2020
ORDER ISSUANCE DATE (20291):	October 21, 2020
1ST TIME EXTENSION DECISION DATE (20291-A)	November 30, 2022
2ND TIME EXTENSION DECISION DATE (20291-B):	October 9, 2024

**SUMMARY ORDER ON REQUEST FOR
TWO-YEAR TIME EXTENSION**

ORIGINAL APPLICATION. In Application No. 20291, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) approved the request by 2100 M STREET PROPERTY OWNER, LLC (the “**Applicant**”) for a special exception under Subtitle C § 1504.1, from the penthouse setback requirements of Subtitle C § 1502.1, and pursuant to Subtitle X, Chapter 10, for variances from the setback requirement of Subtitle I § 201.6, from the closed court area requirements of Subtitle I § 207.1, and from the loading berths requirements of Subtitle C § 905.2. The Board issued Order No. 20291 on October 21, 2020 (the “**Order**,” Exhibit 2B). Pursuant to Subtitle Y § 604.11, the Order became effective ten days after issuance. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became final.

FIRST REQUEST FOR TWO-YEAR TIME EXTENSION: In 2022, the Board granted the Applicant’s first request for a two-year time extension in Order No. 20291-A, noting that the Order would be valid until October 21, 2024. (Exhibit 2C.)

SECOND REQUEST FOR TWO-YEAR TIME EXTENSION. On August 30, 2024, the Applicant submitted a request that the Board grant another two-year extension of Order No. 20291. (Exhibits 1-3.)

NOTICE OF THE REQUEST. Pursuant to Subtitle Y § 705.2(a), the Applicant provided proper and timely notice of the request for time extension to the parties to the underlying case. (Exhibit 2.)

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Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO.6

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PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commissions ("ANC") 2A and 2B.

ANC 2A REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 6, 2024, at which a quorum was present, the ANC voted to support the request. (Exhibit 5.)

ANC 2B REPORT. ANC 2B did not submit a written report into the record.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the time extension. (Exhibit 4.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a written report into the record.

CONCLUSIONS

This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Pursuant to Subtitle Y § 705.2(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.2(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.2(c), good cause for the extension must be demonstrated 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.

Based upon the record before the Board and having given great weight to the appropriate recommendations and reports filed in this case, the Board finds that the Applicant has met the criteria of Subtitle Y § 705.2 to extend the validity of the underlying order.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

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It is therefore **ORDERED** that the request for a two-year time extension to the validity of the Board's approval in Order No. 20291 is hereby **GRANTED**, and the Order shall be valid until **October 21, 2026**.

VOTE: 3-0-2 (Frederick L. Hill, Chrishaun S. Smith, and Anthony J. Hood to APPROVE;
Lorna L. John and Carl H. Blake not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: October 16, 2024

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.