


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Philip Bradford, Development Review Specialist
 Joel Lawson, Associate Director Development Review

DATE: May 1, 2024

SUBJECT: BZA 20584A, First extension Request – 2329 Champlain Street NW

Address:	2329 Champlain Street NW
Applicant:	Kings Creek LLC
Legal Description:	Square 2563, Lot 0113
Ward / ANC	Ward 1; ANC 1C
Zone	RA-2/RC zone, moderate density residential.
Project Summary:	The project was approved for a four-story 31-unit apartment building including IZ units.
Date of Order Issuance:	April 9, 2022
Previous Extension:	None
Date of Order Expiration:	April 9, 2024

OP Recommendation: OP Recommends that the requested time extension be **approved**.

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 March 29, 2024 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 Board’s justification for approving the original application.**

Zoning Regulations:

Since the time of the original approval, the Zoning Commission approved two text amendments which reorganized the zoning regulations and established new zone names, becoming effective on August 25, 2023 with the publication of Zoning Commission Orders 18-16 (zone names) and

19-27 (zoning regulation reorganization). Although the name of the zone changed from RC-1 to RA-1/RC, this name change and the reorganization did not include changes of significance to the regulations, although the provision for which relief was granted we reorganized from Subtitle D § 306.3 under the previous regulations to Subtitle D § 207.4 under the current regulations.

Surrounding Development:

There have been no changes surrounding the development that would 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 cites reasons beyond their control, including environmental clean up efforts stemming from the site's previous use as a gas station. The applicant and BP, which is the "responsible party" in the Leaking Underground Storage Tank case, have been conducting extensive clean up efforts after site work stopped at the end of 2021 due to a flash fire igniting fumes in the basement during construction. The applicant has filed updated raze permit plans (Raze Permit Tracking No. R2300116) and anticipates approval in April 2024. Once approved, the applicant indicates they will move forward with the project.

OTHER DISTRICT AGENCIES

As of the date of this report, no other agency comments had been filed to the record.

ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, comments from the ANC had not been filed to the record.

COMMUNITY COMMENTS TO DATE

As of the date of this report, no community comments had been filed to the record.