

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joel Lawson, Associate Director Development Review
DATE: July 17, 2024
SUBJECT: First Extension Request – BZA Case 20742A, 1252 H Street NE

Address:	1252 H Street NE
Applicant:	Sullivan & Barros for 1252 H Street NE LLC
Legal Description:	Square 1003 Lot 172
Ward / ANC	Ward 6; ANC 6A
Zone	NMU-4/H-A (formerly NC-14) -
Project Summary:	Two year extension of a BZA case to allow a third floor with penthouse addition to an existing mixed use building
Date of Order Issuance:	July 7, 2022, expiring on
Date of Order Expiration:	July 7, 2024
Previous Extension:	None
Extension Request	Two years, to July 7, 2026.

I. OP Recommendation:

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

II. 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 April 30, 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 original approval in 2022, there have been no substantial change to the ZR16 regulations that would impact the material facts upon which the Board based its original approval.

Surrounding Development:

While there has been some other development in the general area, there has been no new 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**

The applicant cites the inability to obtain required permits prior to the BZA Order expiring, and market conditions making it difficult to obtain sufficient financing for the project.

III. OTHER DISTRICT AGENCIES

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

IV. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 7 is a memo from ANC 6A in support of the requested extension.

V. COMMUNITY COMMENTS TO DATE

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