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## **VIA IZIS**

Board of Zoning Adjustment  
441 4<sup>th</sup> Street, N.W., Suite 200-S  
Washington, D.C. 20001

Re: **BZA Order No. 20863 (“Order”) by BUAP 1735 K, LLC (“Applicant”) for  
1735 K Street, NW (Square 163, Lot 849) (“Property”) – Request for Two-  
Year Time Extension**

Dear Chair Hill and Members of the Board:

On behalf of the Applicant, we hereby submit this request for a two-year extension of BZA Order No. 20863. The Order granted special exception relief from the penthouse setback requirements of Subtitle C § 1504.1 of the District of Columbia Zoning Regulations to facilitate the Applicant’s redevelopment of the existing building into a mixed-use building with hybrid lodging and residential use and ground-floor retail (“**Project**”). The Applicant requests the extension pursuant to Subtitle Y § 705.1 for the good cause shown herein.

### **I. BACKGROUND**

The Property is located mid-block of the 1700 block of K Street, NW, west of Connecticut Avenue, NW. The Property has a lot area of approximately 8,814 square feet and is currently improved with a 12-story office building (“**Building**”). The Property is located in the D-6 Zone District.

Pursuant to the Order, the Board approved special exception relief pursuant to Subtitle C § 1506.1 and Subtitle X § 901.2 from the penthouse setback requirements of Subtitle C § 1504.1 to allow penthouse mechanical equipment to be located within the minimum setback from the Building’s rear and eastern walls. The relief would facilitate renovation of the Building into a hybrid lodging and residential program. The Order was issued and became final on April 11, 2023.

## **II. THE APPLICANT MEETS THE REQUIREMENTS FOR APPROVAL OF AN EXTENSION REQUEST UNDER SUBTITLE Y § 705.1**

The Board's approval will expire on April 11, 2025. With this letter, we request, pursuant to Subtitle Y § 705.1, that the Board extend the approval by a period of two years until April 11, 2027. Since the approval of the Order, the Applicant has diligently pursued development of the Project, as described in more detail below.

The Zoning Regulations set forth clear standards against which the Board must evaluate extension requests. Upon receipt of this written request, the Board may extend the time period of the Order for "for good cause shown." The Board must determine that:

- (a) The extension request is served on all parties to the application;
- (b) There is no substantial change of any of the material facts upon which the Board based its original approval that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates good cause for the requested extension, with substantial evidence for any 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.

For the reasons set forth below, the Applicant meets all of the requirements for the granting of an extension under Subtitle Y § 705.1. Specifically, the Board should find that good cause exists to grant this extension request because of market conditions beyond Applicant's reasonable control.

### *A. The Extension Request is Served on All Parties to the Application.*

This extension request is being served simultaneously on Advisory Neighborhood Commission ("ANC") 2C. The ANC will be allowed thirty (30) days to respond to this request.

### *B. There is No Substantial Change to any of the Material Facts Underlying the Board's Approval of the Requested Relief.*

There has been no substantial change in any material facts that would undermine the bases for the Board's original approval of the special exception. The factors necessitating relief are still present: the Property has a narrow width and the size of the mechanical equipment necessary to facilitate conversion of the Property from office to residential use will exceed the

required setback lines at the northern and eastern sides of the building. The larger mechanical penthouse will still be adequately setback from K Street, thus minimizing its visibility.

The relief continues to satisfy the specific standards for special exception approval set forth in Subtitle C § 1506.1 and it remains in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and does not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

*C. There is Good Cause for the Extension.*

The Applicant has good cause to request the time extension due market conditions beyond its reasonable control. The Applicant has diligently pursued construction of the Project with permit drawings already complete. The Applicant plans to file for a building permit imminently. Since BZA approval of the Order, the Applicant has expended substantial redevelopment funds in pursuing the Project.

Given the current volatility of capital markets, financing negotiations have been prolonged and led to delays. In addition, the unique positioning of the hybrid residential and lodging model of the Project is forward thinking and, as a result, takes longer to work through financing than other more traditional projects. High construction and labor costs have added yet another layer of complication.

Due to market conditions and high development costs both specific to the District and more globally, the Project has experienced obstacles that necessitate the additional time. The Project will help revitalize the K Street corridor with a flexible residential and lodging program, infusing new life into an older office building. Accordingly, the Applicant requests two years to continue its efforts and commence construction of the Project.

**III. EXHIBITS**

Attached are the following exhibits:

Exhibit A – Extension Application Form (completed online);  
Exhibit B – Agent Authorization Letter from Applicant; and  
Exhibit C – BZA Order No. 20863.

Submitted concurrently with this letter is a check for the applicable filing fee of \$405.60, which represents 26% of the original filing fee.

**IV. CONCLUSION**

For all of the reasons stated above, the Applicant respectfully requests a two-year time extension of BZA Order No. 20863 and requests that consideration of the requested extension be scheduled for the Board's public meeting calendar and reviewed pursuant to Subtitle Y § 705.1.

As the Applicant anticipates filing for the building permit in short order, the Applicant respectfully requests that this application be scheduled for consideration as soon as possible after the 30-day period allowing for the ANC to review.

Please do not hesitate to contact the undersigned with any questions. We greatly appreciate your consideration of this matter.

Respectfully Submitted,

/s/ David M. Avitabile  
David M. Avitabile

/s/ Lee S. Templin  
Lee S. Templin

### **Certificate of Service**

The undersigned hereby certifies that copies of the foregoing documents were delivered by electronic mail to the following addresses on March 7, 2025.

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/s/ Lee S. Templin  
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