

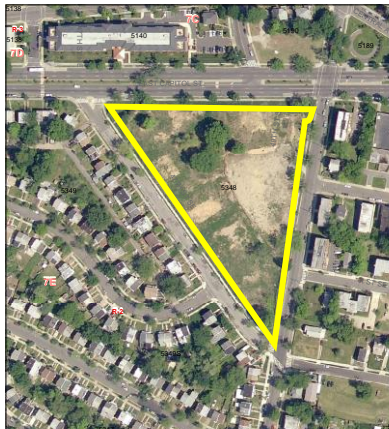
MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 25, 2019
SUBJECT: Extension Request – BZA Case 18916C, Carver Terrace, SE

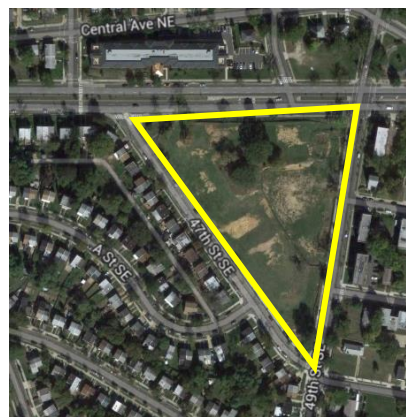
Address:	Between East Capitol, 49th and 47th Streets, SE
Applicant:	49th Street Developer LLC
Legal Description:	Square 5348, Lots 1-8
Ward / ANC	Ward 7, ANC-7E
Zone	RA-1
Project Summary:	The proposal is for a three-story, 178-unit rental apartment building for seniors and 21 for sale, row houses. The apartment building would have 171 one-bedroom units and seven 2-bedroom units. All the development would be affordable to families with incomes at or below 80% of the Area Median Income (AMI).
Date of Order Issuance:	February 12, 2015
Previous Extension:	February 1, 2017
Date of Order Expiration:	February 12, 2019

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

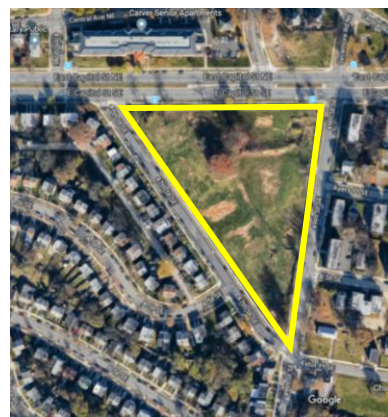
PHOTO(S) OF SITE:



Photograph of Site 2015



Photograph of Site in 2016



Current Photograph n 2019

EVALUATION OF THE EXTENSION REQUEST

Subtitle Y § 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 December 19, 2018 and has been in the public record since filing. As shown on the Certificate of Service provided by the Applicant (Exhibit 2, page 5) ANC 7E has been served. § 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 changes to the Zoning Regulations that would impact the material facts upon which the Zoning Commission based its original approval.

Surrounding Development:

There have been no other recorded changes or significant development project in the square or its immediate surroundings that would impact the Commission’s decision.

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 states that the extension request is necessary because they have not been able to obtain the anticipated project funding. The townhome portion of the project has been selected for funding by the Department of Housing and Community Development (DHCD) and has advanced to the next phase of underwriting. The apartment building has yet to be approved and the funding application was re-submitted to DHCD in 2018 for consideration in 2019. The applicant has provided supporting documentations regarding their efforts to secure funding at Exhibits 5 and 6.

In consideration of the evidence presented, OP recommends approval of the requested time extension for BZA Order 18916B from February 12, 2019 to February 12, 2021.