

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** February 19, 2020  
**SUBJECT:** One Year Extension Request – BZA Case 19695A, 1315 16<sup>th</sup> Street, N.W.

Address:	1315 16 <sup>th</sup> Street, N.W.
Applicant:	Holland and Knight for KWHP DC LLC
Legal Description:	Square 195, Lot 846
Ward / ANC	Ward 2; ANC 2B
Zone	<b>MU-15</b> is a mixed-use zone, providing for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities.
Project Summary:	The BZA granted special exception relief from penthouse requirements that would allow for the construction of a 2,235 square foot penthouse restaurant on the existing hotel at the site.
Date of Order Issuance:	February 21, 2018
Previous Extension:	None
Date of Order Expiration:	February 21, 2020

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

**PHOTO(S) OF SITE:**



Figure 1: Street view of subject property (Google Street View, 2018)

## **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 January 28, 2020 and has been in the public record since filing. The applicant has requested a waiver to this provision, which would allow all parties 29 days to respond (Exhibit 6).

- (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 zone designation for the subject property; it continues to be zoned MU-15.

### **Surrounding Development:**

There have been no significant development projects approved since the previous approval was granted by the BZA.

### **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 application provides that the delay in construction of the penthouse is a result of the applicant purchasing the property on September 12, 2019. Following the BZA approval, the previous owner suspended all development work and placed the hotel on the market. The new owner has been in possession of the property for five months, which is insufficient time to apply for building permits. Interior renovation of the building is currently under way and the applicant intends to file for a building permit in the near future. A one-year time extension will allow the applicant to proceed with the development plans.