



**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** April 6, 2010

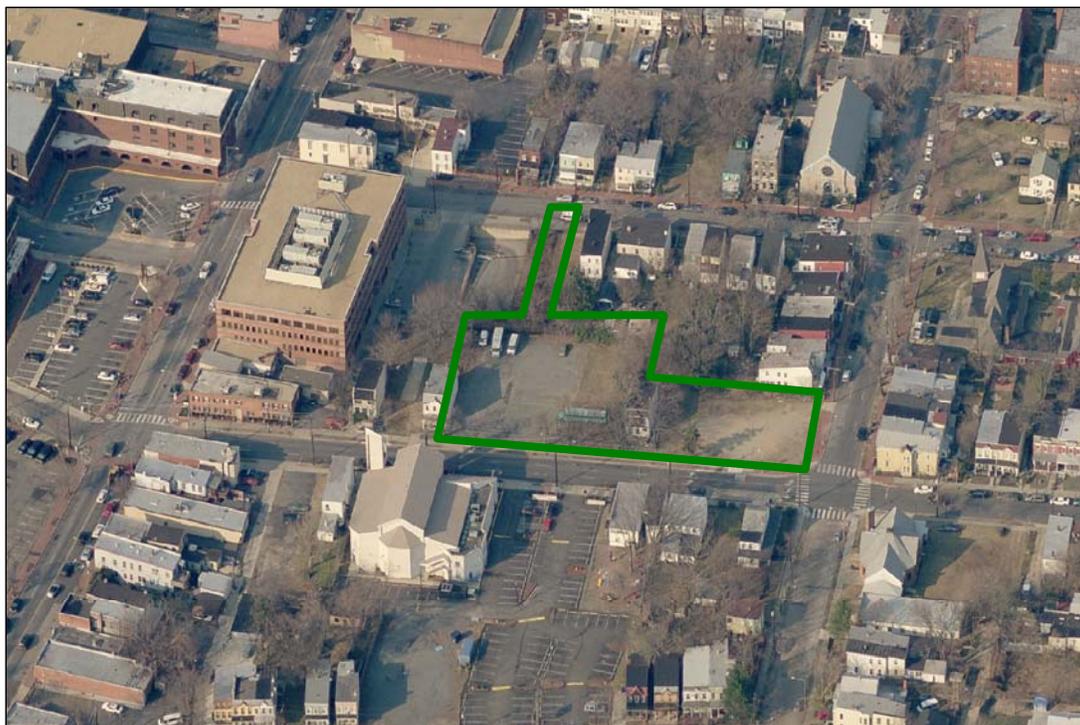
**SUBJECT:** Extension Request – BZA 17753-A

**RECOMMENDATION**

The Office of Planning recommends approval of the requested two-year extension of BZA Order 17753.

**SUMMARY TABLE**

Applicant:	W Street Acquisitions LLC
Address:	1226-1252 W Street, SE, (Square 5782, Lots 98, 99, 694, 810, 811, 812 and 1022)
Ward/ANC/Historic District	Ward 8, ANC 8A, Anacostia Historic District
Project Summary:	23 rowhouses and flats and a single-family detached, historic house for a total of 24 buildings. The overall development will accommodate 40 dwelling units.
Order Effective Date:	February 21, 2008
Previous Extension:	None
Order Expiration Date:	February 21, 2010



**PHOTO OF SITE AT TIME OF BZA APPROVAL**





### Existing Conditions

#### EVALUATION OF THE EXTENSION REQUEST

Section 3130.1 allows for the extension of a Board of Zoning Adjustment (BZA) approval for up to two years pursuant to Section 3103.6 if “good case” is shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the Board of Zoning Adjustment 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 February 17, 2010 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 commission’s justification for approving the original application; and**

The property retains its R-3 and R-4 zone designation and the recommendations of the Comprehensive Plan. The applicant has not proposed any changes to the requested and approved variances and special exception. However, a change has been made regarding the historic house on the property. As part of the approved development plan, the historic house was to be relocated and rehabilitated to accommodate a housing unit. However, the building was so badly damaged that it crumbled and had to be demolished. This demolition was supported by the Historic Preservation Office (HPO). A new building which replicates the original building will be constructed in the same location. The new building will be reviewed by HPO to ensure consistency with the original historic house. The replacement will not lead to an increase or decrease in the number of units proposed.

- (c) **The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:**
  - (a) **An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control;**
  - (b) **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**
  - (c) **The existence of pending litigation or such other condition, circumstance or factor beyond the applicant’s reasonable control.**

The applicant has submitted a sworn statement in which they state that due to the downturn in the residential market they have been unable to secure financing for the project. However, they are currently in negotiations with a lender and have an agreement for a funding schedule. They state that architectural and engineering professionals have

been retained to prepare construction drawings in order to proceed to building permit as soon as the financing is secured. The applicant has demonstrated a commitment to the project in that they have obtained a demolition permit to demolish the dilapidated, historic house in order to prepare the site for construction.

OP therefore believes that the applicant has met the requirements of Section 3103.6 and recommends that the requested two-year extension be granted.

JLS/Case Manager: Maxine Brown-Roberts, AICP