



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: April 12, 2011
SUBJECT: Extension Request – BZA Case 17907-A, 2801 16th Street NW

Applicant:	The Embassy of Spain
Address:	2801 16 th Street NW
Ward / ANC	Ward 1, ANC 1B
Project Summary:	Expansion of the former Ambassador’s residence from 19,682 square feet to 22,534 square feet for adaptive reuse as a chancery annex that would be occupied by a Spanish Cultural Center.
Final Date of Order:	May 1, 2009
Previous Extension:	None
Date of Order Expiration:	May 1, 2011

PHOTO(S) OF SITE:



Site photograph in the February 2009 Office of Planning report



Site photograph taken April 6, 2011

EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 of the Zoning Regulations allows for the extension of a Board of Zoning Adjustment (BZA) approval for “good case” 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 March 24, 2011 and has been in the public record since filing. According to the document, copies were sent to the Office of Planning (OP), the Department of State and Advisory Neighborhood Commission 1B. Section 3130.9 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. This request was filed more than 30 days before the May 1, 2011, expiration date of the order.

- (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 has been no substantive change in the Zoning Regulations related to this case.

Surrounding Development:

No significant development projects are planned in the vicinity that would impact the approved chancery annex site.

Proposed Development:

The application indicates that there are no changes proposed to the approved plans.

- (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;**

The applicant's statement indicates that due to deterioration of the economic climate in the European Union in general, and Spain in particular, the government has not been able to secure approval of the legislation needed to finance this project. Private sector funding has also been unavailable.

- (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**

This factor was not referenced in the applicant's request.

- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.**

This factor was not referenced in the applicant's request.

The Spanish Government has been unable to obtain public or private funding for this project due to the economic climate in Spain and the European Union. In light of this circumstance, the Embassy of Spain requested a two-year extension of the expiration date of above-referenced approval order, from May 1, 2011 until May 1, 2013.

Based on the above information, this application meets the standards of § 3130.6. OP therefore recommends approval.