

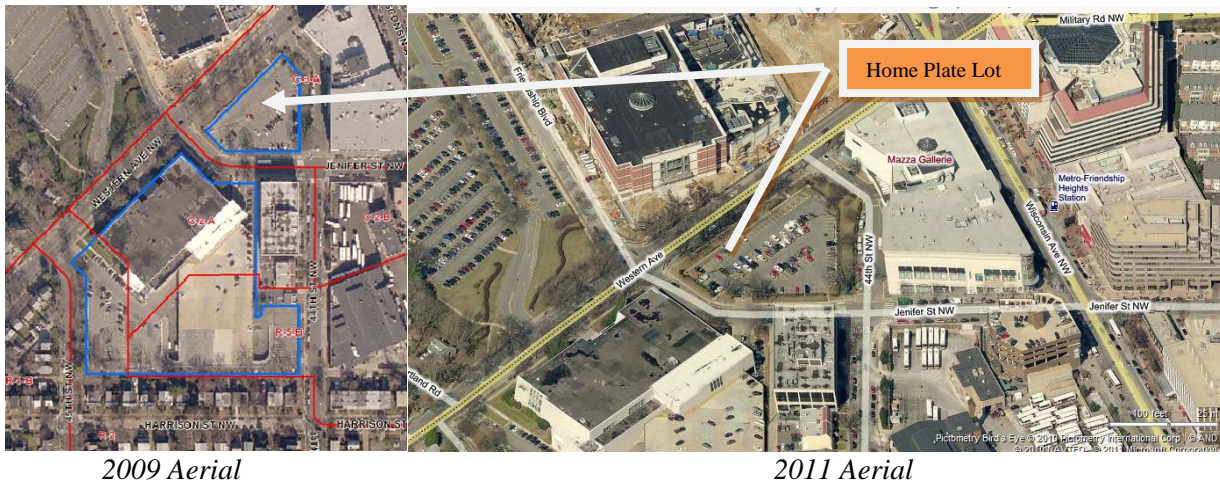


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: July 5, 2011
SUBJECT: Extension Request – BZA Case 17926A, 4423 Harrison Street NW – L&T Home Plate Lot

Applicant:	LT Propco LLC
Address:	4423 Harrison Street NW
Ward / ANC	Ward 3; ANC 3
Project Summary:	Special exception to locate parking spaces on a lot that is separate from the building that they are intended to serve in accordance with subsection 2116.5. The relief is sought to permit the construction of a new one-story retail development on land bounded by Western Avenue, N.W., 44th Street, N.W. and Jenifer Street, N.W., and to use the existing surplus parking located on the existing Lord & Taylor parking lot at 4423 Harrison Street NW.
Date of Order Issuance:	June 30, 2009
Previous Extension:	None
Date of Order Expiration:	June 30, 2011

PHOTO(S) OF SITE:



EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 of the Zoning Regulations allows for the extension of a 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 May 31, 2011 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 Board's justification for approving the original application.*

Zoning Regulations:

To date there has been no substantial change to the Zoning Regulations to affect the facts upon which the Board based its decision. The Home Plate Lot would continue to provide additional parking for Lord and Taylor as determined by past BZA approvals. The current approval would only permit a one-story structure on the subject Lot and parking would be provided on the Lord and Taylor's lot which has excess parking per the requirements of Section 2101.

Surrounding Development:

No development in the immediate area would substantially change the material facts upon which the Board based its decision in 2009.

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 has cited the deterioration of the local and national real estate markets as a condition which continues to obstruct financing efforts for the re-development of the parking lot as a retail center. As such, this also hinders the potential tenants to enable the projects financing. Therefore, in order to continue the effort to secure project financing for the shopping center, the applicant's Board approval for the lot's redevelopment must remain current.

OP has no issue with the extension request but recommends that the applicant provide supplemental information to further support the request, including an affidavit or other documentation to demonstrate the efforts made towards potential tenant searches and financing.