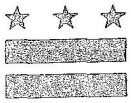
GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



ZONING COMMISSION ORDER NO. 16664
Case No. 16664

Case No. 16664[1] pursuant to 11 DCMR §3104.1 for a special exception under § 802A to convert an existing warehouse into an Electronic Equipment Facility (EEF) in a C-M-2 District and a special exception under §2110.1 to reduce the number of required off-street parking spaces for said use, at premises 175 R Street, N.E. (Square 3576, Lots 49, 53, and 807 and Parcel 117/21).[2]

HEARING DATE: December 18, 2000
DECISION DATE: December 18, 2000 (Bench Decision)

SUMMARY ORDER

The Zoning Commission (Commission) provided proper and timely notice of the public hearing on this Application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5C and to owners of property within 200 feet of the site.

The site of the Application is located within the jurisdiction of ANC 5C. The Commission received a letter from ANC 5C dated December 16, 2000, stating in part that five members of the ANC who were in attendance at a special meeting held December 15, 2000 expressed general support for the Application and requested additional time for the record to be held open, until 9:00 a.m. December 20, 2000, in order to submit additional comments on the Application. As of the date of this Order, no additional comments have been received from the ANC.

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[1] The Application was originally filed with the Board of Zoning Adjustment pursuant to 11 DCMR 745 and processed under the notice of emergency ruling published in 47 DCR 9775-84 (December 8, 2000). After the Application was filed, the Zoning Commission modified § 745 providing that the Zoning Commission review special exception applications for Electronic Equipment Facilities under § 745. Therefore all procedural requirements of a Special Exception review by the Board of Zoning Adjustment will, in this case apply correspondingly to the Zoning Commission.

[2] The parking and loading relief requested were originally advertised as a variance. However, the regulations were revised subsequent to such advertisement to provide the Zoning Commission with special exception authority to reduce the parking requirement under Section 2110.1 and the loading requirement under Section 2202.3.

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Board of Zoning Adjustment
District of Columbia
CASE NO.16664
EXHIBIT NO.29

As directed by 11 DCMR §3119.2, the Commission required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exception pursuant to 11 DCMR § 3104.1. No person or entity appeared at the public hearing in opposition to this Application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Commission to grant this Application would not be adverse to any party.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

It is therefore **ORDERED** that this Application be **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Employment of community residents shall be maximized, as practicable.

2. Antennas shall not be visible beyond the rooftop screen wall.

3. renovation of the building shall be in accordance with the plans submitted with the application at Tab D and dated November 27, 2000 (Sheets A1.0, A1.1, A2.0 through A2.6, A3.0 through A3.4, A4.0 and A4.1).

4. The applicant will seek to establish a mentoring program with the students from McKinley High School.

Pursuant to 11 DCMR §3101.6 the Commission has determined to waive the requirement of 11 DCMR §3125.3 that the Order of the Commission be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0 (Carol J. Mitten, Herbert M. Franklin, Kwasi Holman, Anthony J. Hood, and John G. Parsons and **to GRANT**.)

BY ORDER OF THE DC ZONING COMMISSION

Each concurring member has approved the issuance of this Decision and Order and has authorized the undersigned to execute this Decision and Order on his or her behalf.

ATTESTED BY: Jerrily R. Kress, FAIA

Director
Office of Zoning

FINAL DATE OF ORDER: FEB -6 2001

HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1999), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, NO ORDER OF THE COMMISSION SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130.1, THIS ORDER OF THE COMMISSION IS VALID FOR A PERIOD OF ONE YEAR, AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Office of Zoning

BZA APPLICATION NO. 16664

As Director of the Office of Zoning, I hereby certify that on FEB -6 2001 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed bellow:

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Dpt. of Consumer and Regulatory Affairs
Building and Land Regulation Administration
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Washington, D.C. 20009

ATTESTED BY: Jerrily Kress

Jerrily R. Kress, FAIA
Director