GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16668 of the Latin American Youth Center, pursuant to 11 DCMR § 3104.1 for a special exception under section 334 for a community service center and subsection 3103.2 for a variance from section 2101 of the parking requirements and a variance from the side yard setback requirements under subsection 405.9 in an R-5-B District at premises 3035 15th Street, N.W. (Square 2672, Lot 872).

HEARING DATE: April 17, 2001
DECISION DATE: April 17, 2001 (Bench Decision)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The zoning relief requested in this case is by a zoning memorandum from the Zoning Administrator's Office that specifies the zoning relief required by the Applicant.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 1A, and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (OP) for review and report.

The subject property is located within the jurisdiction of ANC 1A. ANC 1A, which is automatically a party to this application, filed a written statement in support of the application.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under 11 DCMR §§ 3104.1 and 334, and for variances under §§ 3103.2, 405.9 and 2101. No person or entity appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report and the ANC's statement filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR § 3104 .1, that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The Board also concludes that the Applicant has met the burden of proof under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the

#39

Board of Zoning Adjustment
District of Columbia
CASE NO.16668
EXHIBIT NO.39

requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED** subject to the following **CONDITIONS.**

1. Approval shall be for **TEN YEARS.**

2. The maximum number of full and part-time staff shall be 10.

3. The number of clients at the premises at any given time shall not exceed 50 persons.

4. The hours of operation shall be from 9:00 a.m. to 10:00 p.m. Monday through Friday and 10:00 a.m. to 10:00 p.m. on Saturdays. All special events shall end by 10:00 p.m.

5. The Applicant shall keep the premises clean and free of debris.

6. Staff shall be directed to use LAYC's already established parking arrangements in connection with the headquarters building at 419 Columbia Road, N.W. (not on-street parking on 15th Street).

7. Advertisements of events at the new facility shall state the proximity to the Columbia Heights Metro and local bus routes.

8. Access to the outdoor theatre shall be secure from after-hours use.

9. All outdoor performances shall end no later than 10:00 p.m.

10. The Applicant shall establish (or maintain) a community liaison program and meet with Advisory Neighborhood Commission 1A (ANC) on a biannual basis. The Applicant shall maintain the minutes of meetings to present to the Board upon renewal of the application

11. The LAYC shall accept a representative of the ANC, or a resident designated by the ANC, on the community Advisory Board, and keep the ANC informed about continuing progress on its 15th Street properties.

12. Motion sensor lighting shall be provided in the backyard.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Board 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: 3 – 0 – 2 (Anthony J. Hood, Sheila Cross Reid, and Susan Morgan Hinton to approve; Anne Mohnkern Renshaw not present, not voting; and the third mayoral appointee not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

Attested by: **Jerrily R. Kress, FAIA**
Director, Office of Zoning

Final Date MAY 15 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

VCE

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16668

As the Director of the Office of Zoning, I hereby certify and attest that on MAY 15 2001, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Karen W. Kramer, Esq.
Covington and Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Alan Bergstein, Esq
Office of Corporation Counsel
441 4th Street, N.W., 6th floor
Washington, D.C. 20001

Elizabeth McIntire, Commissioner
Single Member District 1A03
1502 Park Road, N.W.
Washington, D.C. 20010

Marie Sansone, Esq
Office of Corporation Counsel
441 4th Street, N.W., 6th floor
Washington, D.C. 20001

Elizabeth McIntire, Chairperson
Advisory Neighborhood Commission 1A
3511 14th Streets, N. W. (2nd floor)
Washington, D.C. 20010

Michael D. Johnson, Zoning Administrator
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, D. C. 20002

Jim Graham, Councilmember
Ward One
441 4TH Street, N.W., Room 718
Washington, D.C. 20001

Ellen McCarthy, Deputy Director
Development Review Division
Office of Planning (4TH floor)
801 North Capital Street, N.E.
Washington, D.C. 20002

ATTESTED BY: Jerrily R. Kress

Jerrily R. Kress, FAIA
Director, Office of Zoning

Att/VCE