GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

ZONING COMMISSION ORDER NO. 16691
(705-07 Edgewood Street, N.E.)
March 1, 2001

Application No 16691 of Jermar LLC[1] pursuant to 11 DCMR § 3104.7 for special exceptions under § 802 to allow an Electronic Equipment Facility (EEF) housing an array of telecommunications equipment and under §§ 2110 and 2201, from the off-street parking and loading requirements in a C-M-2 District at premises 705-07 Edgewood Street, N.E. (Square 3636, Lots 802, 803 and 810).

HEARING DATE: **March 1, 2001**
DECISION DATE: **March 1, 2001 (Bench Decision)**

SELF-CERTIFIED

The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3113.2.

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 the applicant, Advisory Neighborhood Commission (ANC) 5C and to owners of property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 5C. The Commission received a letter from ANC 5C dated March 1, 2001 stating in part that ANC 5C voted to support the Application, subject to certain conditions.

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 §§ 802A, and 2110 and processed under the notice of emergency rulemaking in 48 DCR 1843, February 23, 2001. The Office of Planning by Memorandum of February 12, 2001,

[1] This application was processed under the Notice of Emergency Rulemaking published in 47 DCR 47 9775 (December 8, 2000). The Commission, determined at the time of the public hearing, that relief under § 2201 was not required.

Case 16691
Exhibit 30

Board of Zoning Adjustment
District of Columbia
CASE NO.16691
EXHIBIT NO.30

recommended approval of the application. 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 and having given great weight to the ANC and Office of Planning reports filed in this case, the Commission concludes that the Application has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 2110, and 802A of the Emergency Rulemaking, 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. The applicant shall notify ANC 5C of any job opportunities at the EEF, and shall interview for employment ANC 5C residents who are qualified for such positions.

2. The applicant upon initiation of its operations shall provide a 24-hour security presence on the property, and security officers assigned to the property shall occasionally patrol the perimeter of the buildings.

3. The applicant shall make improvements to the fencing and the landscaping on the property to enhance its attractiveness. The Applicant shall provide the ANC with an opportunity to comment on the fence plans prior to construction.

4. The Applicant shall work with ANC 5C to address the problem of illegal dumping of trash near the subject site.

5. The Applicant shall participate in mentoring activities at one and/or both of the following schools: McKinley Technical High School and Paul Laurence Dunbar Senior High School. The Applicant shall encourage other business tenants in the buildings to provide similar opportunities for local children.

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: 4-0-1 (Commissioners Anthony J. Hood, Kwasi Holman, Carol J. Mitten, and John G. Parsons to **GRANT**; Herbert M. Franklin, not present, not voting.)

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member has approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: APR 4 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.

Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 00-40/16691 (Order No. 16691)

As ~~Secretary~~ Director to the Zoning Commission, I herby certify that on April 4, 2001 copies of this Z.C. Order were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. Applicant
   Allison Prince
   Shaw Pittman
   2300 N Street, N.W.
   Washington, D.C. 20037

2. Affected ANC
   James D. Berry, Jr.
   ANC 5C
   680 Rhode Island Avenue, N.E.
   Suite H-4
   Washington, D.C. 20002

3. Ward Councilmember (Vincent B. Orange, Sr.)

4. Office of Planning (Ellen McCarthy)

5. Michael Johnson
   Zoning Administrator
   941 North Capitol Street, N.E.
   Washington, D.C. 20002

6. All Other Parties (None in this Case)

ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director