GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16858-A of RLA Revitalization Corporation, pursuant to 11 DCMR § 3104.1, for a special exception to allow a reduction in the number of required parking spaces under section 2108, for the construction of a multiplex movie theater, bowling alley, health club and other retail and service uses in a C-3-A District at premises 1400—1420 Park Road, N.W., 3100 - 3220 14th Street, N.W., and 1417 - 1437 Irving Street, N.W. (Square 2674, Lots 719, 720, 812, 832, 863, 866, 869-872, and the public alleys to be closed).

Hearing Date: April 23, 2002
Decision Date: April 23, 2002 (Bench Decision)

CORRECTED SUMMARY ORDER

Note: The correction appears as the underlined word in Condition 2 below.

SELF-CERTIFIED

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

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to 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) and the District Division of Transportation (DDOT) for review and reports.

The site of the application is located within the jurisdiction of ANC 1A. ANC 1A, which is automatically a party to the application, filed a letter dated April 15, 2002 in support of the application. The Office of Planning submitted a report, dated April 16, 2002, indicating its strong support for the project. The District Division of Transportation submitted a memorandum dated April 18, 2002 in support of the application. ANC 1B, though not the ANC in which the subject property is located, submitted a letter and resolution dated April 12, 2002, in support of the application and ANC 1B Commissioner Lawrence Guyot, upon authorization by said resolution, testified in support at the hearing. The Honorable Jim Graham, the Councilmember for Ward 1, submitted a letter dated April 9, 2002 in support of the application. Deputy Mayor for Economic Development Eric Price also submitted a letter, dated April 19, 2002, in support of the application.

As directed by 11 DCMR Section 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special

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exception pursuant to 11 DCMR 3104.1, and, in proving the necessary elements, to address the considerations the Board is required to make pursuant to Section 2108 of the Regulations. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes, giving consideration to the required factors outlined in Section 2108 of the Regulations, that the Applicant has met its burden of proof, pursuant to 11 DCMR 3104.1, that the requested relief can be granted as 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 Map. It is therefore **ORDERED** that the application be **GRANTED**, subject to the following **CONDITIONS**:

1. The number of spaces provided for the project shall be a minimum of 1,364 spaces; and;

2. The Applicant shall seek further review from the Board if, upon final design and determination of the proposed uses for the subject property, the number of parking spaces required for the project exceeds 1,810 spaces.

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 not prohibited by law.

VOTE: **5 - 0 - 0:** (David W. Levy, Curtis L. Etherly, Jr., Geoffrey H. Griffis, Anne M. Renshaw, and Anthony M. Hood to Approve)

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 of Order: MAY 16 2002

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 § 2-1402.67 (D.C. OFFICIAL CODE (2001 EDITION). 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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16858-A

As Director of the Office of Zoning, I hereby certify and attest that on MAY 16 2002 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 and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning