Rec'd. 7.11.02 BAB.

Application No. 16868 of the Washington Area Metropolitan Transit Authority pursuant to 11 DCMR 3104.1 for a special exception to deviate from the ARTS overlay design standards pursuant to Section 1906 and for a special exception under Section 2107 to reduce the amount of required parking from 76 spaces to 12 spaces in an ARTS/C-2-A District at premises 1290 U Street, N.W. (Square 274, Lot 133).

HEARING DATE: May 14, 2002
DECISION DATE: May 14, 2002

SUMMARY ORDER

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) 1B and to owners of property with 200 feet of the site.

As directed by 11 DCMR **3119.2**, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for two special exceptions pursuant to 11 DCMR Sections 1906 and 2107. 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 Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board 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. The Board further concludes that granting the requested relief will not tend

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Board of Zoning Adjustment
District of Columbia
CASE NO.16868
EXHIBIT NO.29
#772968

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** with the following conditions:

(1) The application shall submit a transportation management plan for the project into the record of the BZA case.

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:

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

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

FINAL DATE OF ORDER _____

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE 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 (1987), 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 BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATION OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BZA APPLICATION NO. 16868

As Director of the Office of Zoning, I certify and attest that on _____, a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Cynthia A. Giordano
Arnold & Porter
555 Twelfth Street, NW
Washington, DC 20004

Chairperson
Advisory Neighborhood Commission (ANC) 1B
Reeves Center
P.O. Box 73710
Washington, DC 20056

Attested By: _____
Jerrily R. Kress, FAIA
Director