GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16868 of the Washington Metropolitan Area Transit Authority, pursuant to 11 DCMR §§ 3104.1 and 1906, for a special exception to reduce the parking requirements from 31 to 12 spaces outside the Central Area under section 2107, and a special exception from the pedestrian street frontage design requirement under section 1903, to allow the construction of a new mixed use (office and ground floor retail) building in the ARTS/C-2-A District at premises 1290 U Street, N.W. (Square 274, Lot 133).

NOTE: The Board determined that the number of parking spaces required would be 76. The Applicant requested and the Board approved a reduction in the number of parking spaces from 76 to 12.

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

SUMMARY ORDER

SELF-CERTIFIED APPLICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2, Exhibit No. 5.

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 Advisory Neighborhood Commission (ANC) 1B, the Office of Planning (OP), the DC Department of Transportation (DDOT) and to the owners of property within 200 feet of the site.

The subject property is located within the jurisdiction of ANC 1B. ANC 1B did not participate in the hearing or submitted a written statement. OP submitted a report and testified at the public hearing in support of the application, subject to minor conditions (Exhibit No. 22). Additionally, DDOT filed a written statement in support of the application (Exhibit No. 23).

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 pursuant to 11 DCMR § 3104.1 No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

BZA
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Exhibit No. 31
Board of Zoning Adjustment
District of Columbia
CASE NO.16868
EXHIBIT NO.31

Based upon the record before the Board, and having given great weight to the OP report, the Board concludes that the applicant has met the burden of proof, under 11 DCMR §§ 3104.1, 1906, 1903 and 2107, that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board 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.**

Upon approving the application, the Board instructed the Applicant to file the following items in the record prior to issuance of the Order:

1. A letter of authorization from the Washing Metropolitan Area Transit Authority to be represented by Attorney, Cynthia Giordano.

2. Verification that the supplemental statement filed with the Board was serviced on ANC 1B and that the ANC reviewed the revised project.

3. A copy of the project's Transportation Management Plan.

4. The revised schematic ground floor plan that was presented at the hearing.

All of the requested items were filed.

Pursuant to 11 DCMR § 3101.6, the Board waived 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: 5-0-0 (Geoffrey H. Griffis, Anne Mohnkern Renshaw, David W. Levy, Curtis L. Etherly, Jr. and Carol J. Mitten to approve).

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

Each concurring Board member approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: JUL 2 9 2002

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 14 IN TITLE 2 OF THE D.C. CODE. SEE D.C. CODE SECTION 2-1402.67 (2001). 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. NOTE IN SECTION 2-1401.01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS.

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.

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.

BAB/7.12.02

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16868

As Director of the Office of Zoning, I certify and attest that on JUL 2 9 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:

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

Glenn J. Melcher, Chairperson[1]
Advisory Neighborhood Commission 1B
True Reformer Building
P.O. Box 73710
Washington, DC 20009

Denzil Noble, Acting Zoning Administrator
Building and Land Regulation Administration
Dept. of Consumer and Regulatory Affairs
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20009

Jim Graham, Councilmember
Ward 1
1350 Pennsylvania Avenue, N.W., Suite 406
Washington, DC 20004

Ellen McCarthy, Deputy Director
Development Review
Office of Planning
801 North Capitol Street, NE, Room 400
Washington, DC 20002

[1] **Commissioner Melcher is the Single Member District Commissioner for 1B02 and the ANC's Chairperson.**

Attestation Sheet - No. 16868

Alan Bergstein
Office of the Corporation Counsel
441 4th Street, N.W., 7th Floor
Washington, DC 20001

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR