

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17961 of Center for Digital Imaging Arts at Boston University, pursuant to 11 DCMR § 3104.1, for a special exception for a private trade school under section 912 and for a special exception to reduce the minimum off-street parking requirement by less than 25% of parking spaces under 2108, in the W-3 District at premises 1055 Thomas Jefferson Street, N.W. (Square 1191, Lot 71).¹

HEARING DATES: September 15 and 22, 2009
DECISION DATE: September 22, 2009

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6)

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) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. On August 31, 2009, ANC 2E voted to recommend conditional approval of the application.² The ANC submitted a timely report. (Exhibit 33) The Office of Planning (OP) submitted a report in support of the application.³ (Exhibit 31)

¹ The advertised application was amended by removing a request for variance relief from the off-street parking requirements under subsection 2101.1 and adding a request for a special exception relief for a reduction in the minimum number of required off-street parking spaces under section 2108.

² The Applicant indicated that it had no objection to the ANC's conditions and these were adopted by the Board.

³ OP recommended special exception relief from subsection 2108.1 to reduce the number of required parking spaces. The application was advertised for area variance relief under subsection 2101.1, but was amended to ask for special exception relief from section 2108.

BZA APPLICATION NO. 17961

PAGE NO. 2

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under subsections 912 and 2108.1. No parties 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 and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 912, and 2108, that the requested relief 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.

Pursuant to 11 DCMR § 3100.5, 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. It is therefore **ORDERED** that this application be **GRANTED AS CONDITIONED**:

1. The Applicant will advise its students and staff that no more than seven (7) metered street parking spaces on Thomas Jefferson Street, N.W., may be used at any one time while school is in session. The Applicant shall discourage the use of any metered parking on Thomas Jefferson Street, N.W., in its student handbook.
2. The Applicant will allow its employees to establish a Pre-Tax Transportation Accounts to encourage the use of mass / public transit in lieu of driving to work.
3. The Applicant will report its parking status (number of spaces required less 25% per the grant of special exception under section 2108) to ANC 2E at one of the ANC's regularly scheduled meetings in the fall of 2010.

VOTE: 4-0-1 (Shane L. Dettman, Marc D. Loud, Meridith H. Moldenhauer, Konrad Schlater to APPROVE. Third Mayoral appointee (vacant) not participating, not voting.)

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

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


JAMISON L. WEINBAUM

Director, Office of Zoning

FINAL DATE OF ORDER: September 30, 2009

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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BZA APPLICATION NO. 17961

As Director of the Office of Zoning, I hereby certify and attest that on September 30, 2009, 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:

Richard L. Aguglia, Esq.
Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109

Robert Frazier
Center for Digital Imaging at Boston University
1055 Thomas Jefferson Street, N.W.
Washington, D.C. 20007

Chairperson
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, D.C. 20007

Single Member District Commissioner 2E05
Advisory Neighborhood Commission 2E
1045 31st Street, N.W.
Washington, D.C. 20007-4407

Jack Evans, City Councilmember
Ward Two
1350 Pennsylvania Avenue, N.W.
Suite 106
Washington, D.C. 20004

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

BZA APPLICATION NO. 17961

PAGE NO. 2

Bennett Rushkoff, Esq.
General Counsel
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY:



JAMISON L. WEINBAUM

Director, Office of Zoning