

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 19038 of Murillo Malnati Group, LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under 11 DCMR § 2101.1, to allow the construction of a new six-story, mixed-use building containing 20 dwelling units and ground floor retail in the GA/C-3-A District at premises 3831 Georgia Avenue, N.W. (Square 3028, Lot 809).

**HEARING DATE:** July 14, 2015  
**DECISION DATE:** July 14, 2015

**DECISION AND ORDER**

**SELF-CERTIFIED**

Murillo Malnati Group, LLC (the “Applicant”) submitted this self-certified application on May 1, 2015, for the property located at 3831 Georgia Avenue, N.W. (Square 3028, Lot 809) (the “Site”). The Applicant requested a variance from the off-street parking requirements of 11 DCMR § 2101.1 to provide two off-street parking spaces where 10 off-street parking spaces are required. Following a public hearing, the Board of Zoning Adjustment (the “Board” or “BZA”) voted to approve the application subject to conditions.

**Preliminary Matters**

*Notice of Application and Notice of Hearing.* By memoranda dated May 7, 2015, the Office of Zoning sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the District Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 4C, the ANC within which the Site is located, Single Member District ANC 4C08, and the Councilmember for Ward 4 (Exhibits [“Ex.”] 16-20.) A public hearing was scheduled for July 14, 2015. Pursuant to 11 DCMR § 3113.13, the Office of Zoning published notice of the hearing on the application in the *D.C. Register*, and on May 13, 2015, sent such notice to the Applicant, ANC 4C, and the owners of property within 200 feet of the Site.

*Applicant’s Case.* Christopher Collins and Jessica Bloomfield of Holland & Knight LLP represented the Applicant. The Applicant presented four witnesses in support of the application

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Board of Zoning Adjustment  
District of Columbia  
CASE NO.19038  
EXHIBIT NO.55

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at the public hearing: Julio Murillo and Don Malnati of Murillo Malnati Group, LLC; Bill Bonstra of Bonstra Haresign Architects; and Osborne R. George of O.R. George Associates, Inc.

Government Reports. OP filed a report with the Board dated July 7, 2015 (Ex. 40), recommending approval of the application subject to the condition that the Applicant secures off-site parking spaces for a specific term from the neighboring buildings identified in the Applicant's Prehearing Submission. The OP report set forth the requirements for an area variance from the parking requirements of 11 DCMR § 2101.1, and opined that each requirement was met. The OP report was presented at the hearing by Stephen Gyor who testified in support of the application.

DDOT also filed a report with the Board dated July 7, 2015 (Ex. 39), stating that it has no objection to the requested variance with the following change to the Applicant's proposed transportation demand management ("TDM") measure: "For condominium units provide complimentary annual bikeshare membership, annual car-sharing subscription and \$50 Metro SmartTrip card at the initial sale of each unit. For rental apartments provide complimentary annual bikeshare, complimentary annual car-share membership subscription or \$50 Metro SmartTrip card for the tenants of each unit for the first ten years." DDOT reported that the 3800 block of Georgia Avenue, N.W., is not currently eligible for Residential Permit Parking (RPP), and DDOT is not likely to grant RPP to the block if requested. The DDOT report was presented at the hearing by Lewis Booker who testified in support of the application.

ANC Report. ANC 4C submitted a report to the record. (Ex. 51.) The report indicated that the ANC voted to oppose the parking variance on the grounds that it would adversely impact existing parking for residents, which includes many seniors, and recommended instead that there be a "Build to Suit development of the site for a Tech startup business leveraging sites Commercial zoning and location in a (HUBZ) historical underutilized Business Zone an SBA program that provides preferential treatment to businesses located in them in Federal Government contracting. Use of DC Tech firm Startup grant money. The BZA rejection of the applicant request for an Area Variance will allow BZA to play a role in the promotion of Business or industry a function of the zoning process. Also an objective of the 2006 Comprehensive Plan". Commissioner Timothy Jones, the Single Member District Commissioner for ANC 4C08, testified at the public hearing in opposition to the application.

Persons and Organizations in Support. The Board received 41 letters in support of the application from residents located in close proximity to the Site. The Board also received a letter from Zach Teutsch, Single Member District Commissioner for ANC 4C05 (Ex. 50), who expressed his support for the project and described the importance of transit-oriented development and the value of creating additional density near the Metrorail station.

Persons and Organizations in Opposition. The Board received letters in opposition to the application from 23 individuals, and two of those individuals testified in opposition at the hearing. The written and oral testimony asserted that the parking variance would strain the availability of on-street parking in the neighborhood, particularly because it is already

difficult to find on-street parking in the area.

## **FINDINGS OF FACT**

### **The Site and the Surrounding Neighborhood**

1. The Site is located in Square 3028 at 3831 Georgia Avenue, N.W. Square 3028 is located in the northwest quadrant of the District and is bounded on the north by Randolph Street, on the east by 8<sup>th</sup> Street and New Hampshire Avenue, on the south by Quincy Street, and on the west by Georgia Avenue. Square 3028 is split-zoned: the properties on the west portion of the square with frontage on Georgia Avenue are zoned GA/C-3-A; the properties on the southeast portion of the square with frontage on Quincy Street and New Hampshire Avenue are zoned C-3-A; and the properties on the east portion of the square with frontage on Randolph Street and 8<sup>th</sup> Street are zoned R-4.
2. The Site has approximately 3,117 square feet of land area, and is presently improved with a two- and three-story building that is occupied as a funeral home. The Site is located on the southeast corner of the intersection of Georgia Avenue and Randolph Street, and abuts a 15-foot wide public alley to the rear (east). The Site is an irregularly shaped trapezoid, with a total of 34.4 linear feet of frontage on Georgia Avenue (divided in two lengths — one at 23.64 feet and one at 10.77 feet — that have different angles along Georgia Avenue); 107.88 linear feet of frontage on Randolph Street to the north; 24.97 linear feet of frontage on the public alley to the east; and 103.52 feet of linear frontage on private property to the south. The Site is located in the C-3-A District and is within the Georgia Avenue (“GA”) Overlay District.
3. The Site is situated in the Petworth/Georgia Avenue neighborhood of Washington, D.C., which is an area that is highly walkable and rich in public and private transportation alternatives. Over the past several years, Petworth has seen significant new residential and retail development, which has resulted in the area's emergence as a vibrant urban neighborhood. The Site has excellent public transportation options, with convenient access to the Georgia Avenue/Petworth Metrorail Station, multiple Metrobus routes, car- and bike-share facilities, on-street bicycle routes, and safe pedestrian infrastructure.

### **The Applicant's Project**

4. The Applicant proposes to demolish the existing building on the Site and construct a new six-story, 70-foot mixed-use retail/residential rental apartment building. The building will include approximately 1,488 square feet of ground floor retail and 20 residential units on floors two through six. The cellar will incorporate retail storage space and a bicycle storage room. The ground floor residential lobby will be accessed from Georgia Avenue, and the retail use will be accessed from Georgia Avenue and Randolph Street. Two at-grade parking spaces will be located at the rear of the Site and accessed from the public alley. The proposed project complies with all of the applicable provisions of the

GA Overlay District, and the proposed uses are consistent with the Site's GA/C-3-A zoning designation. However, due to a number of site and design constraints, the Applicant is compelled to seek an area variance from the off-street parking requirements of 11 DCMR § 2101.1.

**The Variance Relief**

*The Property Is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition*

5. The Site's irregular, long, and narrow shape, small land area, sloping topography, and corner lot location create an exceptional condition that severely limits the ability to provide more than two on-site parking spaces. The Site is small, with only 3,117 square feet of land area, and is exceptionally narrow, with only 24.97 linear feet along the rear alley. The Site is bounded by a major commercial street to the west, a less-trafficked residential street to the north, and a public alley to the east, which together impact access to the Site and the configuration of the proposed development. Given DDOT's policy of requiring parking access to be taken from an abutting public alley rather than from a street, the Applicant is required to provide parking access from the rear alley. However, the Site's rear width of 24.97 feet can only accommodate two surface parking spaces, one of which is required by the Building Code to be a handicap parking space.
6. The Site's small size and narrow dimensions also preclude the Applicant from providing below-grade parking spaces, since a minimum width of 60 feet is required in a parking garage to provide a row of parking spaces and associated drive aisles. The abutting alley is at the high point of the Site, which further impacts the ability to provide access to below-grade parking. As a result, the Site's size, dimensions, topography, and corner location collectively create an exceptional situation or condition that directly impacts the ability to provide zoning-compliant on-site parking.

*Strict Application of the Zoning Regulations Would Result in a Practical Difficulty*

7. Due to the Site's rear width of only 24.97 feet and its long, narrow shape, it is impractical to accommodate 10 surface parking spaces. Lined parallel, 10 standard-sized parking spaces (9 feet x 19 feet) would require a minimum width of 90 feet, which is more than three times the Site's rear width. The Applicant also cannot provide an on-site drive aisle to access a row of surface parking spaces, since the Site is not wide enough to accommodate a 20-foot drive aisle (required by 11 DCMR § 2117.5) and a row of 19-foot long parking spaces.
8. The Applicant cannot provide below-grade parking or a ramp to access below-grade parking. A parking garage would require a minimum lot width of approximately 60 feet, which the Site cannot provide. Due to the Site's narrow width and small land area, it is

also practically difficult to construct a ramp that could meet the minimum ramp width of 14 feet (required by 11 DCMR § 2117.8(c)(2)) and still provide 10 parking spaces. Once a vehicle was to reach the foot of the ramp, there would be insufficient space on the Site for vehicle turning movements, drive aisles, and row(s) of parking spaces.

9. The ability to accommodate only two parking spaces on the Site translates to an ability to provide only four dwelling units at the Site, rather than the 20 that are proposed. This limitation would result in a significant underutilization of the Site and a lost housing opportunity, contrary to the goals of the Georgia Avenue Overlay, and which in turn would result in a practical difficulty.

*No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan*

10. The majority of building residents and retail employees and patrons will not need or want to own a car, given the Site's convenient access to multiple alternative forms of public transportation and its location in a vibrant, mixed-use neighborhood. The Site is well-served by a number of Metrobus routes along Georgia Avenue (Routes 60, 62, 63, 64, 70, 79, and H8 are all located within 0.1 miles of the Site) and is in convenient walking distance to the Georgia Avenue-Petworth Metrorail station, which is located 1.5 blocks south of the Site and services the Green and Yellow Metrorail lines. Three Capital Bikeshare stations are located within 0.5 miles of the Site (two of which are within 0.2 miles of the Site), and eight car-share spaces are located within 0.4 miles of the Site (serviced by Zipcar and Enterprise CarShare). The area is also served by point-to-point mobility options such as Uber, Lyft, and taxicabs. According to Walkscore.com, which measures the walkability and transit access of properties, the Site is rated a "Walker's Paradise" and scores 93 points out of a possible 100, due to its location in a mixed-use, walkable neighborhood with a variety of grocery stores, retail establishments, and restaurants in close proximity. DDOT has stated that it is unlikely to approve Residential Parking Permits ("RPP") for this block of Georgia Avenue, so the residents of the building are unlikely to obtain RPP stickers.
11. The Applicant testified that although not yet effective, the Zoning Commission has voted to adopt the new ZRR zoning regulations on May 29, 2015. Under the new regulations, the parking requirement for this development would be three spaces, instead of the 10 that are required under the current version of the zoning regulations.
12. The following nearby buildings have available parking spaces that can be rented daily and/or monthly by building residents, if necessary:
  - a. The Griffin (3801 Georgie Avenue, N.W. -- 210 feet away)
  - b. 3 Tree Flats Apartments (3910 Georgia Avenue, N.W. – 243 feet away)

- c. Park Place Apartments (850 Quincy Street, N.W. – 420 feet away)

The Applicant received a letter from the owner of 3 Tree Flats Apartments (Ex. 49) indicating that it has available off-street parking spaces that could be leased to future residents of the Site.

13. As indicated in the Parking and Generalized Transportation Assessment Report, prepared by O.R. George & Associates, Inc. (Ex. 36D), the requested parking relief will not have any adverse impacts on the local area given the availability of on-street parking on the surrounding streets. The parking inventory indicates that approximately 83% of the on-street parking within the study area is designated for RPP, with an emphasis on protecting residential uses within the area. During the highest level of on-street parking space occupancy, over 80 of the designated RPP spaces remain available. Notwithstanding that fact, the Applicant has agreed to implement a number of transportation demand management (“TDM”) measures to prevent the use of RPP parking by residents of the building.
14. The Applicant will implement the following TDM measures, which will adequately mitigate any potential impacts caused by the proposed development on the availability of on-street parking in the surrounding area:
  - a. The Applicant will install a TransitScreen in the lobby to keep residents and visitors informed regarding available transportation choices and provide real-time transportation updates.
  - b. The Applicant will provide at least 20 long-term bicycle parking spaces.
  - c. Residential Parking Permits (“RPP”). The Site is located in a commercial district and along a block of Georgia Avenue, N.W. that is not listed as eligible for RPP.
    - i. The Applicant will not seek or support any change to designate the Site as eligible for RPP;
    - ii. The Applicant will include in its residential leases a provision that prohibits tenants from obtaining an RPP for the Site from the D.C. Department of Motor Vehicles (“DMV”), under penalty of lease termination and eviction;
    - iii. The Applicant will obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant every six months any and all records of that tenant requesting or receiving an RPP for the Site;

- iv. Prior to obtaining a Certificate of Occupancy for the building, the Applicant will record a covenant among the Land Records of the District of Columbia prohibiting any tenant of the building from obtaining an RPP for so long as the Site is used as an apartment building;
- d. For the first 10 years that the project is open, the Applicant will offer annual memberships to either Capital Bikeshare, or car-share, or a \$100 SmarTrip card to each new residential tenant of the building;
- e. The Applicant shall work with tenants to schedule no more than two move-ins/move-outs on a single day, and will schedule the major loading and off-loading activities during off-peak parking periods on weekdays and weekends; and
- f. Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant will arrange with a nearby parking garage to make available two parking spaces that can be rented by residents of the Site.

## **CONCLUSIONS OF LAW**

### **Variance Relief**

#### **Standard of Review**

The Applicant seeks a variance from the off-street parking requirements of 11 DCMR § 2101.1 to provide two off-street parking spaces where 10 off-street parking spaces are required. Under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(3) (2012 Repl.), the Board is authorized to grant an area variance where it finds that three conditions exist: “(1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). See, also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). Applicants for an area variance need to demonstrate that they will encounter “practical difficulties” in the development of the property if the variance is not granted. See *Palmer v. D.C. Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972) (noting that “area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden”). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be “unnecessarily burdensome.” See *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

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As discussed below, the Board concludes that the Applicant has met its burden of proof for an area variance from 11 DCMR § 2101.1.

*Exceptional and Extraordinary Conditions*

The Board concludes that the Site is affected by a confluence of several exceptional and extraordinary conditions. The Site has an irregular shape with an exceptionally narrow width and small land area. The Site also has sloping topography and is located on the corner of a major commercial corridor. Together, these exceptional conditions limit the ability to provide more than two on-site parking spaces. The Site's rear width of less than 25 feet can only accommodate one standard 9 x 19 parking space and one handicapped space, which requires an additional eight feet of width pursuant to the Building Code requirements. The Applicant cannot provide a greater number of surface parking spaces if vehicles access the Site from Georgia Avenue or Randolph Street, since DDOT requires new developments to close existing curb cuts and take all parking access from an abutting public alley. Furthermore, the Site's narrow dimensions preclude below-grade parking, since a minimum width of 60 feet is required to provide a row of parking spaces and associated drive aisles, and only 24.97 feet are provided at the Site's rear. Based on the foregoing, the Board concludes that these "confluence of factors" create exceptional and extraordinary conditions affecting the Site.

*Practical Difficulties*

The Board further concludes that the exceptional and extraordinary conditions create practical difficulties for the Applicant in complying with 11 DCMR § 2101.1. It is impractical to accommodate 10 surface parking spaces on the Site accessed directly from the rear alley, since, when lined parallel, 10 standard-sized parking spaces would require a minimum width of 90 feet, which is more than three times the Site's rear width. Providing a drive aisle to access a row of surface parking spaces is also impractical because the Site is not wide enough to accommodate both the drive aisle at 20-feet wide and a row of ten 19-foot long parking spaces. Furthermore, providing below grade parking is practically difficult because there is insufficient space for vehicle turning movements at the bottom of a ramp, drive aisles, and row(s) of parking spaces. Finally, the ability to only accommodate two on-site parking spaces limits development of the Site to four dwelling units under a strict application of the Zoning Regulations, which would be a significant underutilization of the Site and a lost opportunity for housing and affordable housing, contrary to the goals of the Georgia Avenue Overlay. Therefore, the Board concludes that providing 10 on-site parking spaces would result in a practical difficulty for the Applicant.

*No Substantial Detriment to Public Good or Substantial Impairment of the Zone Plan*

The Board finds that as conditioned herein, the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and

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Map. The Site is located in an area of the District that has excellent access to numerous public transportation options including Metrorail, Metrobus, car-share, Capital Bikeshare, and point-to-point mobility options (e.g. Uber, Lyft, and taxicabs). The Site is also located in a mixed-use and walkable neighborhood with convenient access to restaurants, shopping, and entertainment. Moreover, given the proposed unit size of approximately 500 square feet, most residents of the building are not expected to own a car, and therefore will not create any negative impacts on the availability of on-street parking in the neighborhood.

In addition, the Applicant has agreed to implement extensive TDM measures, which will adequately mitigate any potential negative impacts by discouraging residents from owning a car and ensuring that residents who do own a car do not park on the streets surrounding the Site. The TDM measures are listed in Finding of Fact No 14 of this Order. Finally, the Parking and Generalized Transportation Assessment Report (Ex. 36D) indicates that even during the highest level of on-street parking space occupancy, over 80 of the designated RPP parking spaces in the study area are available.

Overall, the Board concludes that the variety of transportation options and the Site's location in a mixed-use neighborhood will attract residents and retail employees/patrons who do not want or need to own a car to access the Site, thus eliminating any detriment to the public good or impairment to the zone plan. If any tenants of the building own vehicles, the Applicant's TDM measures will fully mitigate any potential impacts. Finally, the Board concludes that the construction of a new mixed-use development in the GA/C-3-A District will significantly contribute to the vibrancy of the neighborhood while supporting the city's housing and affordable housing goals for this area.

**Great Weight to ANC**

Section 13(b)(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Code § 1-309.10(d)(A)), requires that the Board's written orders give "great weight" to the issues and concerns raised in the written recommendations of the affected ANC. In this case, ANC 4C voted in opposition to the application, citing adverse parking impacts on its constituents, particularly the elderly, and recommended that the site be used instead for a tech start-up business, utilizing SBA grants, for federal contracting. As to the ANC's concern over adverse impacts, the Board does not find its advice to be persuasive for the reasons stated in Findings of Fact 10-14 and in the portion of the conclusions of law entitled "No Substantial Detriment to Public Good or Substantial Impairment of the Zone Plan." As to the ANC preference for a different use, the issue is not relevant to the variance test. In granting a parking variance, the Board is only obliged to determine the impacts of the relief based upon the use proposed. Having found that the extensive TDM measures will fully mitigate any potential impacts to the availability of street parking, and that the other elements of the variance test have been met, the Board must grant the relief requested.

**Great Weight to OP**

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The Board is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Board concurs with OP's recommendation that the zoning relief should be granted. The Board will impose OP's recommended condition and will require that the Applicant secures two off-site parking spaces in a neighboring building.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for an area variance from 11 DCMR § 2101.1, that there exists an exceptional or extraordinary situation or condition related to the Site that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

It is therefore ORDERED that the application is hereby GRANTED, subject to the Architectural plans at Exhibit 36C, and the following conditions:

1. The Applicant shall install a TransitScreen in the lobby to keep residents and visitors informed regarding available transportation choices and provide real-time transportation updates.
2. The Applicant shall provide at least 20 long-term bicycle parking spaces.
3. Residential Parking Permits ("RPP"):
  - a. The Applicant shall not seek or support any change to designate the Site as eligible for RPP.
  - b. The Applicant shall include in its residential leases a provision that prohibits tenants from obtaining an RPP for the Site from DMV, under penalty of lease termination and eviction.
  - c. The Applicant shall obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant every six months any and all records of that tenant requesting or receiving an RPP for the Site.
  - d. Prior to obtaining a Certificate of Occupancy for the building, the Applicant shall record a covenant among the Land Records of the District of Columbia prohibiting any tenant of the building from obtaining an RPP for so long as the Site is used as an apartment building.

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4. For the first 10 years that the project is open, the Applicant shall offer annual memberships to either Capital Bikeshare, or car-share, or a \$100 SmarTrip card to each new residential tenant of the building.
5. The Applicant shall work with tenants to schedule no more than two move-ins/move-outs on a single day, and shall schedule the major loading and off-loading activities during off-peak parking periods on weekdays and weekends.
6. Prior to the issuance of a Certificate of Occupancy for the building and for the life of the project, the Applicant shall arrange with a nearby parking garage to make available two parking spaces that can be rented by residents of the Site.

**VOTE:**            **3-0-2**            (Lloyd J. Jordan, Peter G. May, and Jeffrey L. Hinkle to Approve;  
Marnique Y. Heath and Frederick L. Hill not present, 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:**

  
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**SARA A. BARDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** September 13, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE

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CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. 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.

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, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.