

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18395 of CWC WDC LLC, pursuant to 11 DCMR §§ 3104.1, for a special exception under §§ 706, 726, and 2302 to allow the construction of a new gasoline service station in the C-2-B District on a portion of the premises located at 2431 Market Street, N.E. (Square 4327, Lot 5).¹

HEARING DATE: September 11, 2012
DECISION DATE: November 7, 2012

DECISION AND ORDER

This self-certified application was submitted on April 18, 2012 by CWC WDC LLC (the "Applicant"), the owner of the property that is the subject of the application.² The application requests a special exception under §§ 706, 726, and 2302 of the Zoning Regulations to allow a new gasoline service station in the C-2-B district at 2431 Market Street, N.E. (Square 4327, Lot 5). Following a public hearing, the Board voted to grant the requested special exception.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated April 20, 2012, the Office of Zoning provided notice of the application to the Office of Planning; the District Department of Transportation; the Councilmember for Ward 5; Advisory Neighborhood Commission ("ANC") 5A, the ANC in which the subject property is located; and Single Member District/ANC 5A12.

¹ The public hearing notice gave the address of the property that is the subject of this application as 2441 Market Street, N.E. Subsequently, the site was assigned a new address of 2431 Market Street, N.E. The caption has been modified accordingly.

² The Applicant's "Preliminary Statement of Compliance with Burden of Proof," filed April 18, 2012, states that "This statement is submitted by Costco Wholesale Corporation, as owner of property located at Square 4327, Lot 5, (the 'Site'), in support of its application...to permit the construction of a gasoline service station in the C-2-B District at the Site." (Exhibit 5.) The Applicant's Pre-Hearing Statement, filed August 28, 2012, was "submitted by CWC WDC LLC (the 'Applicant'), the owner of property located at 2441 Market Street, N.E. (Square 4327, Lot 5) (the 'Site'), in support of its application...to allow the construction of a new gasoline station in the C-2-B District on a portion of the Site." (Exhibit 24.) The Board considers CWC WDC LLC the owner of the subject property and therefore the proper applicant for the requested special exception.

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18395

EXHIBIT NO. 52

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Pursuant to 11 DCMR § 3112.14, on June 1, 2012 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 5A, and the owners of all property within 200 feet of the subject property. Notice was also published in the *D.C. Register* on June 1, 2012 (59 DCR 6281).

Party Status. The Applicant and ANC 5A were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application from the Independent Gas Station Operators Alliance (“IGSOA”), a coalition of “29 small and independent gas station operators who operate a total of 34 retail service stations in the District of Columbia.” (Exhibit 26.)

Applicant’s Case. The Applicant provided testimony from Renee Hanson, an employee of the East Coast division of Costco Wholesale; Jami Milanovich, an expert in transportation planning with Wells & Associates; and Steven E. Sher, an expert in zoning and land use with Holland & Knight. The witnesses described plans to construct and operate a new gasoline service station at the subject property, and asserted that the application met all requirements for approval under the Zoning Regulations. The application included a study prepared by the Applicant’s traffic expert in support of its contention that the planned gasoline service station would “generate [a] nominal amount of traffic” so that “traffic associated with the proposed development will have a negligible impact on the surrounding intersections.” (Exhibit 24.)

Party in opposition. The party in opposition, IGSOA, asserted that the interests of its members would be “significantly and negatively impacted” by approval of the Applicant’s proposed gasoline service station. The party in opposition cited “significant economic hardship” for its members because “the presence of a Costco gasoline station will decrease revenue to these independent gasoline service station operators,” and asserted that a “Costco gasoline service station will likely drive some or all of the IGSOA operators out of business – decreasing access to full automotive services for residents in the District, discouraging local, small and disadvantaged businesses, and reducing competition – eventually providing Costco with a near monopoly over gasoline sales in the District.” (Exhibit 26.)

The party in opposition argued that the application should be denied³ because:

1. Costco’s proposed gasoline station directly violates Section 25-313(d) of the District of Columbia (“DC”) Official Code prohibiting establishments from selling both motor vehicle gasoline and alcohol; (footnote omitted)
2. Costco’s application for the special exception, and its accompanying traffic study, is flawed and unreliable;

³ Alternatively, the party in opposition argued that the application should be held in abeyance “until Costco can obtain a valid license from the District of Columbia Alcoholic Beverage Regulation Administration for its current intended use (*i.e.* the sale of alcohol on the premises of a wholesale store with a gasoline service station) rather than the intended use under which Costco made its initial application (*i.e.* for the sale of alcohol on the premises of a wholesale store *with no mention of a mega gas-n-go service station.*” (emphasis in original)

3. Costco's proposed gasoline station is harmful to the community and the environment and inappropriate for The Shops at Dakota Crossing shopping center; and
4. In seeking a special exception to construct a gas station in a C-2-B District, Costco fails to offer any supporting evidence and/or empirical data that there is a need for another gasoline station, particularly a "gas-n-go" station, in this area of the district."

The party in opposition also argued that – even if the Applicant demonstrated compliance with §§ 706, 726, and 2302 of the Zoning Regulations – the application should be denied “in light of § 101.4(d)⁴ of the [Zoning Regulations] since a higher standard for granting the type of exception sought by Costco is set forth under applicable D.C. law.” According to IGSOA, even if § 101.4(d) did not prohibit the Board from granting the requested special exception, “the Board should still deny the request on the basis that it cannot and should not issue a decision that is incompatible with the requirements or policies of another governmental entity in the District (*i.e.* the licensing requirements of the D.C. Alcoholic Beverage Regulation Administration, and the public policies behind the Retail Service Station Amendment Act of 2004).” (Exhibit 31.)

At the public hearing, IGSOA offered testimony from Joe Mehra, an expert in transportation and traffic, as well as from four of its members, Mahboob Ahmed, Mostafa Sadegh, Petros Kiflu, Alexander Anenia, who all asserted that approval of the requested special exception would adversely affect their businesses.

Government Reports. By memorandum dated September 4, 2012, the Office of Planning (“OP”) recommended approval of the application based on OP’s conclusion that the proposed gasoline station would be consistent with zoning requirements.

By memorandum dated August 31, 2012, the District Department of Transportation (“DDOT”) indicated “no objection to the special exception request for a gas station, provided the trips generated by the gas station are mitigated in coordination with the planned mitigations associated with The Shops at Dakota Crossing, currently under construction.” (Exhibit 27.)

ANC Report. By memorandum dated October 5, 2012, ANC 5A described a regularly scheduled public meeting held September 26, 2012, with a quorum present, when the ANC considered the application for special exception approval of a new gasoline service station at the subject property. The ANC indicated that the “main questions raised by the community” with regard to the Applicant’s proposal “concerned the impact of the proposed new gas station on potential traffic impacts, potential environmental and safety concerns on the gas station site, and safety

⁴ The subsection reads:

101.4 The provisions of any statute or other municipal regulations shall govern whenever they:
...
(d) Impose higher standards than are required by this title.

concerns in and around the Fort Lincoln community.” The ANC also “considered the arguments and filings submitted by the Independent Gas Station Operators Alliance (IGSOA).” ANC 5A concluded that “the Applicant meets the special exception standards as set forth in the Zoning Regulations.” (Exhibit 46.) By memorandum dated October 11, 2012, ANC 5A indicated that, at the meeting on September 26, 2012, the ANC voted 6-3-1 in support of the application. In addition, Robert King, the single-member district representative for ANC 5A-12, testified in support of the application at the public hearing.

Persons in support. The Board received a letter in support of the application from Jeff Miller, Director of Real Estate in the Office of the Deputy Mayor for Planning and Economic Development. The letter described the planned gasoline service station as “one component of the overall Dakota Crossings redevelopment” that will “generate new jobs and tax revenue ... for the District.” (Exhibit 35.)

Persons in opposition. The Board heard testimony from several persons in opposition to the application. The witnesses, who included residents of the surrounding community and the owner of two gasoline stations near the subject property, generally cited potential adverse impacts related to traffic, environmental considerations, and the effect on existing businesses.

FINDINGS OF FACT

The Subject Property

1. The subject property is a generally rectangular corner lot of approximately 2.15 acres (93,598 square feet) with an address of 2431 Market Street, N.E. (Square 4327, Lot 5). The site, which is elevated above the adjacent public right of way, is bounded generally by Fort Lincoln Drive, New York Avenue, South Dakota Avenue, and 33rd Place, N.E. The site has street frontage of approximately 20 feet on New York Avenue and 435 feet on Market Street.
2. The subject property, which is currently unimproved, abuts a property to the north and east (Lot 4 in Square 4327) that is the site of a planned Costco Warehouse store. The gasoline service station and Costco Warehouse store are part of a larger commercial development known as The Shops at Dakota Crossing.
3. Properties in the surrounding area include residential developments in the Fort Lincoln community; warehouses and other light industrial uses; a cemetery; and vacant land, some of which is reserved for future commercial development. The subject property is located approximately 700 to 1,000 feet from the closest residential uses.
4. The subject property is zoned C-2-B, as are properties in the immediate vicinity. No properties within 25 feet of the subject property are located within a Residence district.

The Applicant's Project

5. The Applicant proposes to construct and operate a gasoline service station with 16 fuel dispensers, eight drive aisles, a canopy (32 feet by 120 feet), and a controller enclosure (44 square feet) with space for one attendant. No other above-grade structures or uses will be constructed on the site. No grease pits or grease hoists will be constructed at the subject property.
6. The gasoline service station will be constructed and operated with numerous safety and environmental-protection features in place, including that an attendant will be on site at all times when the station is open; various fuel-dispenser safety devices will be installed; alarm systems will be utilized to monitor for leaks and power failures, and to shut down the system if necessary; and a vapor recovery system will be installed to address air pollution control.
7. Vehicles will access the site from Market Street, on the west side of the site, via a private drive network and from the drive aisles on the abutting Costco Warehouse site. The vehicular entrance and exit will be located approximately 325 feet from the nearest intersection.
8. While the gasoline service station use will not generate a minimum parking requirement under the Zoning Regulations,⁵ the Applicant will provide some parking at the site. None of those spaces will be stacked; all will be accessible.
9. The planned gasoline service station will provide queuing on site for 56 vehicles, and will provide drive aisles 22 feet wide and a nine-foot bypass lane that will provide space for vehicles to leave the queue lanes if necessary.
10. The gasoline service station will be available only to members of Costco, and not to the general public.
11. The Applicant's facility will not offer any supplemental services that are often available at gasoline service stations, such as a vehicle service station, convenience market, or car wash.
12. The Applicant will install a landscape buffer on the southern portion of the subject property along South Dakota and New York Avenues.
13. The Applicant will install down lighting at the subject property so that light will not spill over onto other properties.

⁵ Pursuant to § 2101.1, a gasoline service station must provide one parking space for each 300 square feet of gross floor area, excluding any pump island canopy and any kiosk adjacent to the pumps used exclusively as an attendant's shelter. The gasoline service station planned by the Applicant will have less than 300 square feet of gross floor area, as it will provide only a controller enclosure of 44 square feet of gross floor area.

14. DDOT “determined that most of the trips generated by the gas station will not be *new*, but rather will be vehicles that are already on the roadway network for other reasons (e.g. commuting, shopping, etc.).” (emphasis in original). According to DDOT, these “pass-by trips and any new trips generated by the gas station will have a small and manageable impact on the District’s roadway network.” (Exhibit 27.)
15. In response to comments from DDOT, the Applicant committed to working with DDOT during the permitting process for the project to ensure that (a) time adjustments recommended at the intersection of South Dakota Avenue and 33rd Place are incorporated into comprehensive signal timing adjustments made in conjunction with the development of the nearby retail center; (b) the design of a new traffic signal, which will be installed at 33rd Place and Fort Lincoln Drive in conjunction with the retail center, will incorporate recommended timing adjustments to accommodate both retail traffic and traffic associated with the new gasoline service station; and (c) new pavement markings and lane-use control signage will be installed on 33rd Place to accommodate both existing and future queues, including traffic from the proposed gasoline service station.

Harmony with Zoning

16. The C-2-B District is designated to serve commercial and residential functions, with higher density residential and mixed uses than in the C-2-A District. (11 DCMR § 720.6.)
17. A gasoline service station is permitted in a C-2 District if approved by the Board as a special exception under § 3104, subject to the provisions of § 706 and chapter 23 of the Zoning Regulations. (11 DCMR § 726.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requests special exception relief under §§ 706, 726, and 2302 of the Zoning Regulations to allow a new gasoline service station in the C-2-B District at 2431 Market Street, N.E. (Square 4327, Lot 5). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008) to grant a special exception, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (See 11 DCMR § 3104.1.)

Pursuant to § 706, a gasoline service station may be established in the C-2-B Zone District as a special exception under § 3104, subject to certain requirements. These requirements include that the gasoline service station must not be located within 25 feet of a Residence district unless separated from the Residence district by a street or alley (§ 706.3), and that the operation of the use must not create dangerous or other objectionable traffic conditions (§ 706.4). All parking

spaces provided at a gasoline service station must be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicles onto public space. (11 DCMR § 706.6.) The Board may impose requirements pertaining to design, appearance, screening, or lighting, or other requirements found necessary to protect adjacent or nearby property. (11 DCMR § 706.5.)

Additional requirements applicable to the establishment of a gasoline service station are set forth in § 2302 of the Zoning Regulations. These requirements include that no portion of the structure or premises used for a gasoline service station may be located within 25 feet of a Residence district unless separated from that Residence district by a street or alley. (11 DCMR § 2302.2.) The gasoline service station must not have a vehicular entrance or exit connected with a street at a point closer than 25 feet to any existing Residence district, unless separated from that Residence district by a street or alley. (11 DCMR § 2302.3.) The driveway of any entrance or exit to a gasoline service station must not be closer than 40 feet to a street intersection (as measured from the intersection of the curb lines extended). (11 DCMR § 2302.4.) All grease pits or hoists must be within a building. (11 DCMR § 2302.5.)

Based on the findings of fact, the Board finds that the requested special exception satisfies the requirements of §§ 706, 726, 2302, and 3104.1. As shown on the plans submitted by the Applicant, no portion of the structure or premises used for a gasoline service station will be located within 25 feet of a Residence district. No grease pits or hoists will be provided at the Applicant's facility.

Operation of the Applicant's proposed gasoline service station will not create dangerous or other objectionable traffic conditions. The Board credits the testimony of the Applicant's traffic expert, and the conclusion reached by DDOT, that the planned gasoline service station is not likely to generate many new trips, and its impact on traffic in the surrounding roadway network is likely to be small and manageable. The gasoline service station will be located in a largely commercial area and available only to members of Costco, not the general public. The facility will not provide a convenience market, car wash, or other features that might otherwise draw additional traffic to the site.

The means of vehicular access to and from the Applicant's facility will not connect with a street at a point closer to 25 feet from any Residence zone, and will be further than 40 feet from a street intersection. The Applicant designed, and will operate, the parking spaces provided at the gasoline service station to give sufficient access and maneuvering space so that vehicles will not be required to move onto public space while parking. In light of the landscaping and lighting plans submitted by the Applicant, the Board does not find that additional requirements pertaining to design, appearance, screening, or lighting are necessary to protect adjacent or nearby property.

The Board concludes that, in addition to satisfying the specific provisions applicable to a gasoline service station, the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect

adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The planned use will be consistent with the C-2-B Zone, which is designated in part to serve commercial functions, and will complement other commercial development in the immediate vicinity of the site. A number of safety and environmental-protection measures, which the Applicant states will meet or exceed federal requirements, will be installed at the facility to minimize the potential for adverse impacts associated with the operation of the gasoline service station. The facility has been designed to provide safe and adequate vehicular access to and around the site, and the Applicant will continue to work with DDOT to improve traffic conditions at intersections near the subject property.

The Board was not persuaded by the party in opposition that approval of the requested special exception would violate the Zoning Regulations for reasons relating to its alleged economic impacts and because the Applicant could not demonstrate a need for the new gasoline service station. The Board has previously held that “economic competition is not a proper argument for denial of an application.” *Application No. 13384, of Towers Condominium Association (1980)*. Further, an applicant does not need to show there is a need for a special exception use, only that the proposed use meets the special exception standard.

As to the claim that the facility would be “inappropriate for The Shops at Dakota Crossing shopping center,” the Board has found that the proposed use will not tend to adversely impact neighboring properties and will be in harmony with the zone plan. If the opponent’s “appropriateness” argument is intended to relate to these two elements, the Board rejects it for the reasons stated above. If the argument is not related to these tests, then the Board rejects it as irrelevant to its inquiry.

Similarly, the Board was not persuaded by the party in opposition that this application should be denied or held in abeyance for reasons relating to the sale of alcohol. The Board’s discretion in reviewing this application for special exception approval of a new gasoline service station is limited to a determination of whether the Applicant has complied with the requirements of §§ 706, 726, 2302, and 3104.1 of the Zoning Regulations. If an applicant meets its burden, the Board ordinarily must grant the application. *See, e.g., Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973); *Washington Ethical Society v. District of Columbia Bd. of Zoning Adjustment*, 421 A.2d 14, 18-19 (D.C. 1980); *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Gladden v. District of Columbia Bd. of Zoning Adjustment*, 659 A.2d 249, 255 (D.C. 1995). The scope of the Board’s authority is defined by statute. (*See* D.C. Official Code § 6-641.07 (2008).) Where permitted by the Zoning Regulations, the Board may grant a special exception “subject to appropriate principles, standards, rules, conditions, and safeguards *set forth in the regulations*.” (D.C. Official Code § 6-641.07(d) (2008) (emphasis added).) The Board does not have the power to amend any regulation. (D.C. Official Code § 6-641.07(e) (2008).) Accordingly, the Board must deliberate on the merits of the instant application relative to the requirements specified in §§ 706, 726, 2302, and 3104.1. Because those requirements do not address the issues relating to sales of alcohol raised by the party in opposition, the Board lacks the legal

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authority to dismiss or deny the application for a special exception solely on the ground that the Applicant's proposed use allegedly will violate statutes or regulations governing the sales of alcohol.⁶

The party in opposition cites § 101.4 (d)⁷ of the Zoning Regulations in arguing that the application should be denied because the Board cannot "issue a decision that is incompatible with the requirements or policies of another governmental entity in the District (*i.e.* the licensing requirements of the D.C. Alcoholic Beverage Regulation Administration, and the public policies behind the Retail Service Station Amendment Act of 2004)." For the reasons discussed above, the Board does not agree. The Board is required to apply the requirements of the Zoning Regulations – and only the Zoning Regulations – to an application for zoning relief; every applicant is responsible for securing compliance with all other statutes and regulations that might govern the applicant's particular circumstances.

In addition, the regulation is inapplicable. The provision essentially repeats § 12 of the Zoning Act of 1938, codified as D.C. Official Code § 6-641.07.11. Section 12 is addressed to District enforcement officials, not the BZA, and simply indicates that where the Zoning Regulations and a District statute or regulation regulate the same thing, such as height, the most stringent standard applies. Thus, an allegation that a proposed special exception use violates a standard not contained in the Zoning Regulations is of no relevance to the Board.

The Board finds no reason to deny or delay approval of the application based on the party in opposition's assertions pertaining to sales of alcohol, which are not subject to this Board's jurisdiction.⁸

The Board is required to give "great weight" to the recommendation of the Office of Planning. In this case, the Board concurs with the recommendation of OP to grant the requested special exception as consistent with the requirements of the Zoning Regulations. The Board is also

⁶ Similarly, the Board finds no reason to hold this application, which concerns only zoning issues, in abeyance pending the disposition of any proceedings that may occur with respect to sales of alcohol.

⁷ Pursuant to § 101.4, "The provisions of any statute or other municipal regulations shall govern whenever they: (a) require larger yards, courts, or other open spaces; (b) require a lower height or bulk of buildings or a smaller number of stories; (c) require a greater percentage of a lot to be unoccupied; or (d) impose higher standards than are required by this title." Conversely, pursuant to § 101.3, the provisions of the Zoning Regulations "shall govern whenever they: (a) require larger yards, courts, or other open spaces; (b) require a lower height or bulk of buildings or a smaller number of stories; (c) require a greater percentage of lot to be unoccupied; or (d) impose other higher standards than are required in or under any statute or by any other municipal regulations."

⁸ In arguing that the application should be held in abeyance, IGSOA acknowledges that the Board "is not empowered to interpret the laws and regulations administered by a separate agency of the D.C. government – in this case, 25-313(d), which is administered and interpreted by [the Alcoholic Beverage Regulation Administration, or ABRA]." The Board does not agree with IGSOA that § 101.4(d) "clearly provides that the requirements under 25-313(d) take precedence in this matter" and thus finds no reason to await "a determination from ABRA as to Costco's compliance under 25-313(d)...before any determination is made by the Board to grant or deny Costco's request for a special zoning exception." (Exhibit 31.)

required to give "great weight" to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)). In this case, ANC 5A voted to support the application. The Board concurs with the recommendation of ANC 5A, which did not raise any issues or concerns with the Applicant's proposal.

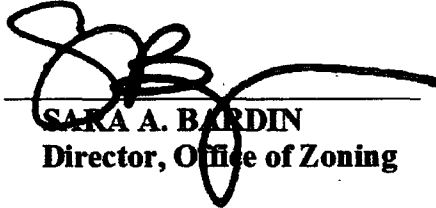
Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under §§ 706, 726, and 2302 of the Zoning Regulations to allow a new gasoline service station in the C-2-B District at 2431 Market Street, N.E. (Square 4327, Lot 5). Accordingly, it is **ORDERED** that the application, subject to Exhibits 10 and 24 - Plans, is hereby **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, Michael G. Turnbull, Nicole C. Sorg, and Jeffrey L. Hinkle voting to APPROVE; one Board seat vacant.)

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

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

ATTESTED BY:


SARA A. BORDIN
Director, Office of Zoning

FINAL DATE OF ORDER: March 19, 2013

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 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL 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 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.

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.