

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202 955 3000 | F 202 955 5564
Holland & Knight LLP | www.hkdlaw.com

RECEIVED
D.C. OFFICE OF ZONING
2014 MAR -4 PM 1:37

March 4, 2014

Via Electronic Filing
bzasubmissions@dc.gov

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, DC 20001

Re **View 14 Investments LLC -- 2303 14th Street, N.W.**
BZA Application No. 18702 | Proposed Findings of Facts and Conclusions of
Law

Dear Board Members:

The attached proposed findings of facts and conclusions of law are submitted on behalf of View 14 Investments, LLC, in support of the above -referenced application. We remain hopeful of the Board's favorable consideration of the application.

Very truly yours,

HOLLAND & KNIGHT LLP

By: *Leila M. Jackson Batties*
Leila M. Jackson Batties

cc Mr. Richard Nero, Office of Zoning (via email)
Advisory Neighborhood Commission 1B c/o Chair James Turner
(via electronic email 1b09@anc.dc.gov)
Commissioner Deborah Thomas (via email 1b04@anc.dc.gov)
Stephen Gyor, Office of Planning (via email)
Martin Sullivan, Esq. (via email)

#28266389_v1

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18702
EXHIBIT NO. 47

Board of Zoning Adjustment
District of Columbia
CASE NO. 18702
EXHIBIT NO. 47

Application No. 18702 of View 14 Investments LLC, pursuant to 11 DCMR § 3104.1, for special exception approval under §735 in order to permit animal boarding which, by definition, includes pet grooming,¹ in the C-2-B District at the premises located at 2303 14th Street, NW (Square 2868, Lot 155)

HEARING DATE: February 4, 2014

DECISION DATE: March 11, 2014

DECISION AND ORDER

On November 15, 2014, View 14 Investments, LLC (the "Applicant")², the owner of the subject property (the "Property"), filed an application with the Board of Zoning Adjustment (the "Board"), pursuant to 11 DCMR § 3104.1, for special exception approval under §§ 735, 736 and 739 to permit animal boarding, pet grooming and animal shelter uses on the Property and variances from §§736.4 and 739.5 to permit pet grooming and animal shelter uses in a location that abuts a residential use. (Exhibit 1.) Via letter dated January 30, 2014 (Exhibit 33), the Applicant withdrew its requests under §§ 736 and 739 related to the animal shelter and pet grooming uses leaving the only request before the Board the special exception approval for animal boarding. The Board held a public hearing on the application on February 4, 2014. At the public meeting on March 11, 2014, the Board voted to approve the application subject to certain conditions.

PRELIMINARY MATTERS

Notice of Public Hearing Pursuant to 11 DCMR § 3113.1, notice of the hearing was sent to the Applicant, all individuals and entities owning property within 200 feet of the Property, Advisory Neighborhood Commission ("ANC") 1B, and the Office of Planning ("OP"). The Applicant posted placards at the subject property regarding the application and public hearing and submitted an affidavit to the Board to this effect. (Exhibits 26, 35)

The Applicant's Case The Applicant was represented by Leila Batties, Esq., of Holland & Knight LLP. The following persons testified on behalf of the Applicant: William Licko, Senior Director of Transactions for UDR / View 14 Investments LLC; Phillip Kasdorf, one of the principals for the proposed dog day care center; and Darshit Joshi, Senior Consultant with Polysonics, who was accepted by the Board as an acoustics expert.

ANC 1B. The Property is located within the area served by ANC 1B, which is automatically a party to this application. ANC 1B did not file any documentation on this case. According to the Applicant's prehearing statement (Exhibit 28), on December 16, 2013, the application was presented to the Design Review Committee for ANC 1B, which voted unanimously to recommend support of the application to the full ANC. The full ANC considered the application

¹ § 199.1 defines a pet grooming establishment as follows: "An establishment that, for a fee, trims or cleans domestic pets, such as dogs and cats. A pet grooming establishment is considered an animal boarding use if more than ten animals are on the premises at a time or the overnight stay of animals is permitted."

² Originally, View 14 Investments LLC and Citydog! Club were named as co-applicants. However, a letter submitted to the Board dated January 17, 2014, stated that Citydog! Club would no longer be named as an applicant to the case (Exhibit 27).

at its regularly scheduled meeting on January 2, 2014, but, effectively, took no action on the matter³

Office of Planning (OP) Report. OP submitted a report on January 28, 2014, recommending approval of the special exception under § 735 for the animal boarding use on the Property, subject to the following conditions

- 1 Animals shall only enter and exit the business through the front door facing 14th Street NW.
2. There shall be staff on site at all times that animals are on site, including overnight.

(Exhibit 30)

In its report, OP did not recommend approval of the special exception and variances under §§ 736 and 739 to permit pet grooming and animal shelter uses on the Property; however, the Applicant withdrew these requests from the application

Department of Transportation (DDOT) Report. DDOT submitted a report on January 3, 2014, concluding that the proposed dog day care center will have no adverse impacts on the travel conditions of the District's transportation network; and therefore DDOT had no objection to the approval of the application. (Exhibit 25.)

Party in Opposition Concerned Residents and Neighbors of View 14 requested status as a party to the application (Exhibit 29.) The names and addresses of the group members are: Jessica Larkin, 2303 14th Street, NW, Unit #225, Austin Hill, 2303 14th Street, NW, Unit #225; Joseph Lagomarcino, 2303 14th Street, NW, Unit #219, Brian Romanowski, 1451 W Street, NW, Apt. A, Josh Cohen and Eric Katz, 1451 W Street, NW, Apt. A; Nicholas Dryfuse, 1208 V Street, NW #A, Denny Horner, 1208 V Street, NW, #A, Daren Phillips, 2000 16th Street, NW, #402; Randy LiVorsi, 2000 16th Street, NW #402

The Applicant submitted a letter on January 30, 2014 (Exhibit 32), requesting that the request for party status be denied on three grounds First, the request was not timely filed The request for party status was due to the Board on January 22, 2014, but filed on January 23, 2014 Second, the statement submitted with the request for party status does not explain how the impacts from the use proposed under the Application will likely affect the group's interests. Third, with the exception of Jessica Larkin, Austin Hill and Joseph Lagomarcino, who live in the View 14 building, the persons listed as Concerned Residents and Neighbors of View 14 do not reside within immediate proximity to the Property Brian Romanowski, Josh Cohen and Eric Katz live more than 670 feet from the Property; Nicolas Dryfuse and Denny Horner live more than 1,160 feet from the Property, and Daren Phillips and Randy LiVorsi live more than 1,760 feet from the Property.

³ The ANC vote was tied on the motion to recommend approval of the Application. There was no subsequent motion made on the Application

Notwithstanding the Applicant's request, the Board granted party status to Concerned Residents and Neighbors of View 14.

Party in Opposition's Case. The Party in Opposition was represented by Attorney Martin Sullivan of Sullivan & Barros, LLP, who submitted a letter on behalf of the group on January 29, 2014. (Exhibit 31) None of the persons listed on the request for party status were present at the hearing. None of the persons listed on the request for party status individually submitted letters expressing their opposition to the Application, with the exception of Joseph Lagomaracino. Mr. Lagomaracino lives in View 14, Unit 219. Based on the floor plan in Exhibit 44 of the record, this unit is not located above the space for the proposed dog day care center.

Persons in Opposition. At the hearing, Mr. Sullivan submitted a letter from Paul and Ariel Sanett, who reside in Unit 215 of the View 14 building (Exhibit 39) and from Lavinder Liddar, who resides in Unit 217 of the building (Exhibit 40). Based on the floor plan in Exhibit 44 of the record, these units are not located above the space for the proposed dog day care center.

Meridian Hill Neighborhood Association Chris Young submitted a letter on behalf of the Meridian Hill Neighborhood Association ("MHNA") dated February 1, 2014 (Exhibit 34). The letter states that MHNA neither supports nor opposes the zoning relief for the proposed dog day care businesses. It also states that MHNA is convinced that the interests of the View 14 residents have been satisfied and that community members sought a better understanding of (1) how the business owners will manage daytime dog walking and mitigate any potential impacts of that activity in the surrounding residential neighborhood where dog walking presumably would occur, such as from animal waste and urine; and (2) how the Applicant will address any parking and traffic impacts during drop off and pick up hours. Ms. Christina Parascandola, immediate past president of MHNA, testified at the hearing, reiterating the concerns about dogs going into the front yards and gardens on the neighboring residential streets and potential double parking and traffic.

FINDINGS OF FACT

Background on Applicant, Property and Proposed Use

1. The Applicant, View 14 Investments, LLC / UDR, Inc., is the owner of the View 14, the mixed-use building that is the subject of the application. The Applicant's portfolio includes 1500 apartment units within the boundaries of the District, including Capitol View, which is located across the street from the Property on the west side of 14th Street. The operator of the proposed dog day care center owns facilities in Southern California and Seattle, Washington.
2. The Property is located on the east side of 14th Street, NW, between Florida Avenue and Belmont Street, on Lot 155 in Square 2868, in the C-2-A District. View 14 consists of approximately 32,000 square feet of commercial and service uses at or below grade and 185 apartment units on the upper nine floors. The project was approved as a PUD by the Zoning Commission pursuant to ZC Order No. 05-22, dated January 9, 2006.

- 3 View 14 is the only building on the east side of 14th Street between Florida Avenue and Belmont Street. A Comcast equipment building abuts the property to the east on Florida Avenue (Lot 156). Like the Property, all of the immediately surrounding parcels on these streets are in the C-2-B or ARTS/C-3-A District. To the east of the Property are residences in the R-5-B District; however, they are separated from the Property by a public alley
- 4 There are four retail units in View 14, two of which are occupied. The unit with the address of 1353 Florida Avenue is occupied by the Beta Martial Arts Academy and the unit with the address of 2303 14th Street, Suite 100, is occupied by the YWCA National Capital Area. The unit with the address of 2301 14th Street is the space for the proposed dog day care center, and the unit with the address of 2301 1/2 14th Street is vacant
- 5 The proposed dog day care center will consists of approximately 4,300 square feet and will offer cage-free dog daycare in five "play parks," pet grooming, and overnight boarding. The facility will include an on-site retail store, lounge with free WiFi, music, and entertainment for dog owners who choose to wait at the facility while their dog is being groomed. The facility will be regularly cleaned with safe, organic materials, and will be furnished with state-of-the-art flooring, drains, wall-to-wall coverings, and high frequency air ventilation systems that protect against bacteria and odor. The entrance to the facility will be at the corner of Florida Avenue and 14th Street, and the frontage will be along 14th Street, providing an opportunity to activate this section of the street.
6. According to the floor plan attached as Exhibit 44 of the record, there are five apartment units located above the space for the proposed dog day care center -- Units 221, 223, 224, 225 and 226
7. A petition in support of the proposed dog day center was signed by 105 persons, 100 of whom live in the View 14 building. Among the persons who signed the petition were the tenants in Units 223, 225 and 226, which are located above the space for the dog day care center⁴. The petition is attached as Exhibit E of the Applicant's prehearing statement. (Exhibit 28)

Zoning Relief Requested

- 8 The Applicant seeks special exception approval under § 735 of the Zoning Regulations to allow an animal boarding use on the Property. Under § 735, animal boarding may be permitted as a special exception if approved by the Board under § 3104.1, subject to the provisions in §§ 735.2, 735.3, 735.4 and 735.6
9. The Applicant asserts that the application meets the criteria for special exception approval as follows

⁴ Of the two remaining units above the dog day care center space, one is vacant and the Applicant was unable to reach the tenant in the other

§ 735.2. The animal boarding use shall not abut⁵ a Residence Zone.

The animal boarding use does not abut a Residence Zone. The proposed dog day care center will be located on the front side of the View 14 building, along 14th Street. It only abuts retail spaces within the building on 14th Street and Florida Avenue and the service corridor toward the rear of the building, and it is situated below five apartment units. The abutting sections of 14th Street and Florida Avenue are all in the C-2-B District; there are no abutting Residence Zones along these blocks.

The dog day care center use does not extend to the rear of the View 14 building or the rear property line. Therefore, the use does not abut the R-5-B District east of the Property under any interpretation of § 107 of the Zoning Regulations.

§ 735.3. The animal boarding use shall take place entirely within an enclosed and soundproof building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed and no animals shall be permitted in an external yard on the premises.

View 14 is the only building on the east side 14th Street between Florida Avenue and Belmont Streets. The only parcel that abuts the Property is Lot 156 where the Comcast equipment building is located. The windows and doors of the dog day care center will be kept closed and there is no external yard on the Property. As such, the animal boarding use will not produce noise or odor objectionable to nearby properties.

Further, as recommended by the acoustics expert, in order to fully mitigate any noise impact on the residential units above the dog day care center, the Applicant agrees to install the following sound proofing materials in the build out of the dog day care center space:

- a. The space will have an acoustical gypsum board ceiling isolated from the building structure on spring hangers with fiberglass insulation in the ceiling space.
- b. The space will have a finished ceiling with acoustical ceiling panels suspended below the gypsum board ceiling.
- c. The space will have 2" wall panels covering at least 50% of the available wall surface in each room for additional sound absorption.

Also, according to Mr. Kasdorf's testimony, noise will be controlled through the following operational measures:

⁵ The term "abut" is not defined in § 199.1 of the Zoning Regulations. § 199.2 states that words not defined shall have the meaning given in Webster's Unabridged Dictionary. In Webster's Unabridged Dictionary "abut" means "to border on, reach or touch with an end, (2) to cause to abut, support by abutment."

- a. Every dog is evaluated to make sure the dog is the perfect fit for the club and for the pack. Any chronic barkers are dejoined from the club.
- b. Access to the play parks is restricted to employees, and communication is done through walkie-talkies, which limits disruption and keeps the dogs calm. Communication about the dogs is done through walkie-talkies. There is also one-way glass so that staff members and dog owners can observe dogs without disrupting the pack.
- c. The facility will play "Chill Music" around the clock, which the dogs enjoy.
- d. All of the handlers are trained on several methods to minimize barking. They engage the dogs, play games, etc.

§ 735.4. The animal boarding use shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.

Mr. Kasdorf testified that odor at the dog day care center will be controlled through the following measures:

- a. Design. The facility will be designed with epoxy floors, impermeable surfaces and stainless steel equipment throughout. All the seams are sealed. There are service stations in every play park stocked with everything that is needed to keep the play park sparkling clean.
- b. Equipment Investment. The dog day care operator will invest over \$25,000 in commercial cleaning equipment from commercial scrubbers, commercial window cleaning equipment, sanitizers, central vac systems and a commercial washer and dryer.
- c. Cleaning Solutions. The cleaning solutions will be from WAXIE's green product line.
- d. Accountability. The dog day care center staff cleans the entire facility, they do not use an outside service. The staff will have daily check lists to accomplish this task. The checklist is broken down per position and a new check list is started every day, which the general manager inspects throughout the day. A sample of the daily task check list is attached as Exhibit 38 of the record. Additionally, mystery shoppers will come to the facility on a monthly basis to inspect whether the staff is meeting the cleaning goals and service standards.

The facility will have nine waste receptacles throughout. Each play park will have a "poopee" patch which is a designated spot for the dogs to do their business, which will go through the grass, down the drain, out of the building. This helps keep the facility smelling fresh and clean. When urine is deposited on the floor, it is extracted with a commercial scrubber. The floors are cleaned with a mini-scrubber that scrubs, disinfects and extracts any moisture off the floor. Also, the facility will use HEPA filters that are serviced on a quarterly basis.

In support of his testimony, Mr. Kasdorf submitted into the record 13 pages of Yelp review from customers of their Southern California dog day care center. (Exhibit 37)

§ 735.6. External yards or other exterior facilities for the keeping of animals shall not be permitted.

The Property does not have an external yard. The Applicant will not use any exterior facilities on the Property for animal boarding.

Noise Study

- 10 Mr. Joshi prepared a sound analysis to determine the sound impact of the proposed dog day care on the five units directly above the space, which are Units 221, 223, 224, 225 and 226. The analysis was attached as Exhibit F of the Applicant's prehearing statement. (Exhibit 28) The basis of design for the sound analysis was the standard established by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), which recommends that background interior sound levels for the apartment units should not exceed the overall sound pressure level of 35-40 decibels (dBA), which is equivalent to a quiet bedroom at night.
- 11 Existing sound measurements were taken from Units 221 and 226 on January 17, 2014, from approximately 10:30 a.m. to 11:00 a.m. Unit 221 had an existing noise level of 35 dBA in the bedroom and 37 dBA in the living room. Unit 226 had an existing noise level of 45 dBA in the bedroom and 41 dBA in the living room. Unit 226 measured louder relative to Unit 221 as a result of the unit's larger window line and location within the building, which is closer to the corner of 14th and Florida Avenue, which at the time of measurement had noises associated with traffic and construction. The measurement for both units were within the range recommended by ASHRAE.
- 12 In order to determine the projected noise impacts on the units directly above the dog day care center, Mr. Joshi's study assumed 50 dogs (of mixed breed and sizes) barking simultaneously, 100 percent of the time. The noise generated by this situation is approximately 95 dBA. Although a highly unlikely scenario, this assumption was used to present a conservative analysis of a "worst case" noise level generated from the dog day care center. Transmitting through the existing construction elements of the building, namely the 7-inch thick post-tensioned concrete slab at the ceiling of the retail space, the

assumed worst case scenario would generate a noise level of 50 to 55 dBA in Units 221 and 226

13. Based on those findings, in order to fully mitigate the noise impact such that, even under the worst case scenario, the background noise in the apartment units remains at current levels, Mr Joshi recommended, and the Applicant agrees to, the following sound proofing materials for the build out of the dog day care center space.
 - a. The space should include an acoustical gypsum board ceiling isolated from the building structure on spring hangers with fiberglass insulation in the ceiling space
 - b. The space should have a finished ceiling with acoustical ceiling panels suspended below the gypsum board ceiling.
 - c. The space should have 2" wall panels covering at least 50% of the available wall surface in each room for additional sound absorption

Issues Raised By Party and Persons In Opposition

14. On January 29, 2014, Mr. Sullivan submitted a letter on behalf of the Concerned Residents and Neighbors of View 14, which argues that the application does not meet the standard for special exception approval because the Applicant has not proven that noise and odor emanating from the premises will not substantially negatively impact the View 14 tenants (Exhibi 31)⁶
15. At the hearing, Mr Sullivan submitted a letter to the Board on behalf of Joseph R Lagomarcino. (Exhibit 41.) According to the letter, Mr. Lagomarcino believes that noise and odor from the dog day care center will negatively impact him and the other tenants in the View 14 building. He does not believe that the space can be constructed to guarantee that barking will not be heard outside of the interior box of the facility. His letter also states that resident dogs in the apartment will be able to hear the barking from the animals in the facility which will cause them to bark. The dozens of dogs coming and going daily will cause barking on the street which will make the use of his outdoor terrace unpleasant Mr. Lagomarcino contends that the plans for odor abatement are not specific and there is no way to prevent dogs from defecating in the plant beds in front of the building which will create an odor that is unpleasant on his terrace
16. Similar comments were raised in the letters dated February 3, 2014, from Paul and Ariel Sanett and Lavinder Liddar. (Exhibits 39, 40)
17. Neither the party nor persons in opposition presented any evidence to substantiate their beliefs relating to noise and odor from the dog day care center.

⁶ The letter also contends that the application does not meet the standard for variance relief but, as noted earlier, the variance requests were withdrawn from the application

Applicant's Response to Concerns Raised by MHNA

- 18 In response to the concerns raised by MHNA, the Applicant proffered the following conditions: (1) the dog day care center operator shall advise clients to refrain from double-parking on streets adjacent to the Property when dropping off and picking up dogs; and (2) in order to keep dogs from the front yards on the surrounding residential street, employees of the dog day care center shall only walk dogs along the 14th Street corridor.

CONCLUSIONS OF LAW AND OPINION

The Applicant requests special exception relief for use of the Property for animal boarding pursuant to § 735 in the C-2-B District at 2303 14th Street, NW (Square 2868, Lot 155). The Board is authorized under §8 of the Zoning Act, D.C. Official Code § 6-641 07(g)(2) (2008) to grant special exceptions, 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 § 735, an animal boarding use may be permitted as a special exception if approved by the Board subject to certain requirements, including that the animal boarding use must not abut a Residence Zone (§ 735.2). The use must take place entirely within an enclosed and soundproof building in such a way so as to produce no noise or odor objectionable to nearby properties, with windows and doors kept closed and no animals permitted in an external yard on the premises (§ 735.3). The operator of the animal boarding use must place all waste in closed waste disposal containers and utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly, and must control odors by means of an effective air filtration system, such as high efficiency particulate air ("HEPA") filtration or the equivalent (§ 735.4). External yards and other exterior facilities for the keeping of animals are not permitted (§ 735.6).

Based on the findings of fact, the Board concludes that the requested special exception for animal boarding, subject to the conditions of approval adopted in this order to mitigate any potential adverse impacts, satisfies the requirements of §§ 735 and 3104.1. The animal boarding use will be situated on the front side of the building along 14th Street. It will only abut spaces internal to the View 14 building and will not abut Residence Zone. View 14 is the only building on the east side 14th Street between Florida Avenue and Belmont Streets, and the only parcel that abuts the Property is Lot 156 where the Comcast equipment building is located. The windows and doors of the dog day care center will be kept closed and there is no external yard on the Property. As such, the animal boarding use will not produce noise or odor objectionable to nearby properties. Further, the Applicant agrees to use sound proofing materials in the build out of the dog day care center space that will fully mitigate noise impacts to the apartment units above, and the Applicant will also employ measures for odor control and appropriate disposal of animal waste consistent with the Zoning Regulations.

The Board is required to give "great weight" to the recommendation of the Office of Planning, D C Official Code § 6-623 04 (2001) In this case, as discussed above, the Board concurs with OP's recommendation that the special exception for the animal boarding use should be approved, subject to conditions

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 recommendations of the affected ANC. However, in this case, while ANC 1B reviewed the application, it did not take any action on the case.

Accordingly, it is therefore **ORDERED that the Special Exception approval is hereby GRANTED, with the following conditions:**

- 1 The Applicant shall permit animals to enter and exit the building only through the front door facing 14th Street, NW
2. There shall be staff on site at all times that animals are on site, including overnight
3. The build out of the dog day care center space shall include the following sound proofing materials in order to mitigate noise impacts to the residential units above.
 - a The Applicant shall install an acoustical gypsum board ceiling isolated from the building structure on spring hangers with fiberglass insulation in the ceiling space
 - b The Applicant shall install a finished ceiling with acoustical ceiling panels suspended below the gypsum board ceiling
 - c. The Applicant shall install 2-inch wall panels covering at least 50 percent of the available wall surface in each room for additional sound absorption.
4. The dog day care operator shall advise clients to refrain from double-parking on streets adjacent to the subject property when dropping off and picking up dogs.
5. In order to keep dogs from the front yards on the surrounding residential streets, employees of the dog day care center shall only walk dogs along the 14th Street corridor.

VOTE:

(Lloyd J Jordan, S Kathryn Allen, Jeffrey L. Hinkle,
Anthony J Hood)

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

Each concurring Board member has approved the issuance of this order.

ATTESTED BY:

SARA BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: _____

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.

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

BZA APPLICATION NO. 18702

As Director of the Office of Zoning, I hereby certify and attest that on _____, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, or delivered by electronic mail in the case of those ANC's and SMD's that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below

Leila Batties, Esq.
Holland & Knight
800 17th Street, N.W., Suite 1100
Washington, DC 20006

Commissioner James Turner, Chair
Advisory Neighborhood Commission 1B
2000 14th Street, NW
Washington, DC 20009

Commissioner Deborah Thomas
Single Member District Commissioner
Advisory Neighborhood Commission 1B04
2000 14th Street, NW
Washington, DC 20009

Jim Graham, Councilmember
Ward One
1350 Pennsylvania Avenue, N.W., Suite 106
Washington, DC 20004

Melinda Bolling, Esq.
General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W., 5th Floor
Washington, DC 20024

ATTESTED BY:

SARA BARDIN
DIRECTOR, OFFICE OF ZONING