

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18891 of 14 & H, LLC, pursuant to 11 DCMR § 3103.2, for variance relief from the requirements regarding lot occupancy (§ 772), floor area ratio ("FAR") (§ 771), and parking (§ 2101.1); and pursuant to 11 DCMR § 3104, for special exception relief regarding new construction on a lot greater than 6,000 square feet (§ 1320.4), to allow the Applicant to construct a multifamily residential building with ground floor retail in the C-3-A/HS-A Zone District at premises 1401 Florida Avenue N.E. and 1402, 1404, 1406, and 1410 H Street, N.E. (Square 1049N, Lots 5, 6, 802, 803, and 804).

HEARING DATES: January 6, 2015 and February 3, 2015

DECISION DATE: February 3, 2015

DECISION AND ORDER

On September 29, 2014, 14 & H, LLC (the "Applicant"), the owner of 1401 Florida Avenue N.E. and 1402, 1404, 1406 and 1410 H Street, N.E. (Square 1049N, Lots 5, 6, 802, 803, and 804), filed a self-certified application with the Board of Zoning Adjustment (the "Board") for zoning relief. The Board held public hearings on the application on January 6 and February 3, 2015. Following its February 3rd hearing, the Board voted to approve the application.

PRELIMINARY MATTERS

Self-Certification. The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3114.2.

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") 6A, and the Office of Planning ("OP"). The Applicant posted placards at the subject property regarding the application and public hearing and timely submitted an affidavit to the Board to this effect.

The Applicant's Case. The Applicant was represented by Meridith H. Moldenhauer Esq., of Griffin, Murphy, Moldenhauer & Wiggins, LLP. Mehari Sequar testified on behalf of the Applicant and Jeff Goins testified on behalf of PGN Architects, PLLC.

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ANC 6A. The Property is located within the area served by ANC 6A, which is automatically a party to this application. ANC 6A filed a letter and resolution, dated December 22, 2014, indicating that ANC 6A, at its regularly scheduled meeting on December 11, 2014, which was properly advertised and where a quorum was present, voted unanimously in support of the application. (See ANC 6A Report at Exhibit 37.) The ANC concluded that the lot occupancy relief was appropriate in view of the unusual shape of the lot and the small area of the square that it occupies. As to the parking variance, the ANC made its support conditional upon the Board conditioning its approval on the recordation of a covenant and the adoption of condominium bylaws prohibiting building residents from obtaining residential parking permits. As to the FAR variance, the ANC noted that if the lot occupancy variance was granted, any floor of the structure will be significantly greater than what is permitted by right. Therefore, any incremental increase in FAR over the matter of right 4.8 FAR limit will result in a disproportional increase in the square footage of the building. Nevertheless, the ANC concluded that a limited increase in FAR is justified in view of the limited size of the lot compared to the size of its square and the lot's triangular shape. However, the ANC conditioned its approval of the FAR variance upon the Applicant's promise not to exceed a FAR of 5.2 and advised the Board that an approval of more than 5.2 FAR would be of "grave concern" to the ANC and establish "an unfortunate precedent." Finally, the ANC indicated that it supported the special exception because the application met the regulatory criteria.

Office of Planning ("OP") Report. OP submitted a report dated December 30, 2014 and a Supplemental Report dated February 2, 2015. (See OP Report at Exhibit 38 and OP Supplemental Report at Exhibit 43.) In its December 30th report, OP recommended approval of the special exception and lot occupancy relief, and further indicated that it could support the parking relief if additional information was provided. As to FAR, OP concluded that since the Applicant has shown a layout based upon a double-loaded corridor, the triangular shape of the building posed no practical difficulty. OP further found that granting the requested FAR increase would impair the public good and the intent of the zone plan because the overlay only permits up to a 0.5 FAR increase when there is façade preservation. In its supplemental report, OP stated that the core factor justification relied upon by the Applicant is only justified when there is an existing building where the core could affect the distribution of floor area in a retrofit, but is inapplicable to this project, which involves a new building. At the hearing, OP stated that it recommended approval of the special exception pursuant to § 1320.4(f), approval of the area variance relief from lot occupancy and parking, and denial of the FAR relief.

District Department of Transportation ("DDOT") Report. DDOT filed a memorandum dated December 30, 2014. Following supplemental information from the Applicant, DDOT then filed a supplemental filing dated January 29, 2015, indicating that "adverse impacts on the travel conditions of the District's transportation network are not anticipated" and that "DDOT has no objection to the approval of the requested variance." (See DDOT Report at Exhibit 39 and DDOT Supplemental Report at Exhibit 42.)

Party in Opposition. There were no Parties in opposition.

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Persons in Opposition. There were no Persons in opposition.

The Subject Property and Surrounding Area

1. The Property is located at premises 1401 Florida Avenue N.E. and 1402, 1404, 1406, and 1410 H Street, N.E. (Square 1049N, Lots 5, 6, 802, 803, and 804) in southeast Washington D.C.
2. The property contains approximately 6,648 square feet of lot area.
3. The Property has approximately 156 feet of frontage along H Street, N.E., 177 feet of frontage along Florida Avenue, N.E., and 85 feet of frontage along 14th Street, N.E.
4. Directly east of the Property is the Starburst Intersection, a complicated junction where H Street, Florida Avenue, Bladensburg Road, Benning Road, and Maryland Avenue N.E. intersect. Across Florida Avenue are a gas station and the Delta Towers Apartments.
5. Square 1049N is a small, triangular Square bounded by H Street, N.E. to the south, 14th Street, N.E. to the west, and Florida Avenue, N.E. to the north.
6. Square 1049N is currently made up of three two-story commercial structures, surface level parking, and vacant gated areas.
7. The Property is located within the C-3-A Zone District and the H Street – Arts Overlay.
8. The C-3-A District “shall permit medium density development, with a density incentive for residential development within a general pattern of mixed-use development.” (11 DCMR § 740.4.) C-3-A Districts “shall be compact in area and located on arterial streets, in uptown centers, and at rapid transit stops.” (11 DCMR § 740.5.)
9. The purpose of the H Street – Arts Overlay is, in part, to “encourage residential uses along the H Street N.E. corridor” and “[e]ncourage the clustering of uses into unique destination districts along the corridor, specifically . . . an arts and entertainment district from 12th Street to 15th Street, N.E.” (11 DCMR § 1320.2.)
10. The Property is not located within any historic District, and the existing building on the Property is not listed on the D.C. Inventory of Historic Sites.

The Applicant’s Project

11. The Applicant’s project consists of construction a six-story multiunit dwelling with first floor retail and 28 residential units.
12. The first story will likely contain a restaurant.

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13. The second through fourth stories will contain seven residential units each. The fifth and sixth stories will be made up of seven two-story units.
14. The Property will provide covered, secure bicycle parking for residents and will include a publicly accessible outdoor bicycle rack.
15. The Applicant has provided a Transportation Demand Mitigation (“TDM”) Plan.

Zoning Relief Requested

Variances

Lot Occupancy (§§ 772 and 2604)

16. Under § 772 and § 2604, the maximum permitted commercial lot occupancy is 100% and the maximum permitted residential lot occupancy is 80%.
17. The commercial lot occupancy is 99% and the residential lot occupancy is 99%, though the residential lot occupancy has been reduced on several residential floors.

FAR (§§ 771 and 2604)

18. Under § 771 and § 2604, the maximum permitted FAR at the Property is 4.8 FAR.
19. The total FAR is 5.25 FAR.
20. Thus, the FAR request is 0.45 FAR.

Parking (§ 2101.1)

21. Pursuant to § 2101.1, the parking requirement is 21 parking spaces.
22. The Applicant requested complete relief from the parking requirement.

Exceptional Circumstance

23. The Property has a long, narrow, triangular shape.
24. The Property has street frontage on all sides.
25. The Property has an exceptionally large “public parking” area along Florida Avenue and 14th Street, N.E.
26. The Property has no alley access.
27. The Property is located at the easternmost end of the H Street Corridor, adjacent to a Starburst Intersection.

Practical Difficulty

28. Due to the size, shape, and street frontage of the lot, the options for designing a functional structure are extremely limited.
29. The fire code provides that for habitable space the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served. It is particularly difficult to comply with this requirement on a narrow, triangular lot without sacrificing a considerable amount of the usable space of the structure.
30. The size of the building's core and the limitations on its location, present design challenges such that strict application of the lot occupancy and FAR requirement would result in a practical difficulty to the Applicant.
31. The need for lot occupancy and FAR relief is a direct result of the inefficiency of the structure, particularly toward the corners of the triangular lot, and the resulting challenges to the unit layout and design.
32. The triangular shape produces awkward units, layouts, and dead space on all three units facing Florida Avenue, N.E.
33. Compliance with the lot occupancy requirement, on this triangular lot with street frontage on three sides, requires a substantial setback from H Street, 14th Street, N.E., Florida Avenue N.E., or the east corner of the structure.
34. Providing at-grade parking would reduce the already limited buildable area at the Property and would be in direct conflict with specific H Street Overlay requirements.
35. Underground parking at the facility would be an extremely inefficient use of space at an exorbitant cost-per-space provided.
36. The Applicant's turning radius diagram illustrates the impact of the shallowness and narrowness of the Property on the ability to provide an adequate turning radii and ramping system.

The Intent of the Zone Plan and the Public Good

37. The existing unkempt commercial structures and fenced in concrete will be replaced with a mixed-use structure that is in keeping with the surrounding pattern of development on this stretch of H Street, N.E.
38. The proposed structure suits the prominence of this corner as the gateway onto H Street.

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39. Although the H Street Overlay permits a 0.5 increase in FAR for façade preservation, such preservation is not feasible for this project because it would conflict with other provisions of the H Street Overlay and the floor and window locations would not correlate with the building plan.

Special Exception

Lot Greater than 6,000 square feet ("sq. ft.") (§ 1320.4(f))

40. Under § 1325.1, the buildings, structures, and uses listed in § 1320.4 and exceptions from the requirements of the H Street Overlay District are permitted by special exception if approved by the Board of Zoning Adjustment after public hearing, based on § 3104, provided that several criteria are met.
41. The proposed project, by providing a ground-floor restaurant and residential units above, will effectuate the intentions of both § 1324 and the H Street Development Plan by enhancing the pedestrian experience, providing space for those enjoying the cultural activities, and bringing residents to support the prosperity of the businesses at the eastern end of the corridor.
42. The structure as designed promotes urban design features at the eastern end of the H Street Corridor.
43. The ingress and egress to the Property promotes safe and efficient pedestrian movement.
44. The area is both extremely walkable and transit-rich with the new DC Streetcar stopping at the Property, as well as bikeshare and carshare facilities.
45. The residential and restaurant use will not adversely affect adjacent or nearby residences. Residential and ground-floor residential uses will not generate a substantial amount of noise.
46. The size, type, scale, and location of signs, if any, will be compatible with the surrounding neighborhood and consistent with the H Street N.E. Strategic Development Plan.

CONCLUSIONS OF LAW

Variance Standard of Review

The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07(g)(3), to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial

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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. (See 11 DCMR § 3103.2.)

The District of Columbia Court of Appeals has held that "an exceptional or extraordinary situation or condition" may encompass the buildings on a property, not merely the land itself, and may arise due to a "confluence of factors." See *Clerics of St. Viator v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

The Applicant is seeking a variance from the zoning regulations regarding lot occupancy, FAR, and parking. As discussed below, the Board concludes that the Applicant has met its burden of proof for the requested area variances in this case.

Exceptional Circumstance

The Board concludes that based on a confluence of factors an exceptional circumstance exists at the Property. The Property has a long, narrow, triangular shape and street frontage on all sides. The Property has an exceptionally large "public parking" area along Florida Avenue and 14th Street, N.E. and no alley access. The Property is located at the easternmost end of the H Street Corridor, adjacent to a Starburst Intersection.

Practical Difficulty

The Board concludes that the confluence of these exceptional conditions creates practical difficulties for the Applicant in complying with the requirements regarding lot occupancy, FAR, and parking.

The practical difficulty associated with the lot occupancy relief and FAR relief go hand-in-hand, both relating the extreme inefficiency associated with developing on this narrow, cone-shaped Property. Due to the size, shape, and street frontage of the lot, the options for designing a functional structure are extremely limited. The orientation of the structure is driven primarily by the size and location of the core of the structure. In addition, the fire code requires that for habitable space, the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served, and it is particularly difficult to comply with this requirement on a narrow, triangular lot without sacrificing a considerable amount of the usable space of the structure. The size of the building's core and the limitations on its location, present design challenges such that strict application of the lot occupancy and FAR requirement would result in a practical difficulty to the Applicant. The need for lot occupancy and FAR relief is a direct result of the inefficiency of the structure, particularly toward the corners of the triangular lot, and the resulting challenges to the unit layout and design.

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The triangular shape produces awkward units, layouts, and dead space on all three units facing Florida Avenue, N.E. The challenges associated with unit layout would be magnified by strict compliance with the lot occupancy or FAR requirement. Compliance with the lot occupancy requirement, on this triangular lot with street frontage on three sides, requires a substantial setback from H Street, 14th Street, N.E., Florida Avenue, N.E., or the east corner of the structure. The challenges associated with building on this narrow, triangular lot are particularly evident when compared to building on a rectangular lot of the same size.

The Board, agreeing with the Office of Planning's recommendation, concludes that compliance with the parking requirement would result in a practical difficulty. Providing the required parking underground or at grade is not feasible. Providing at-grade parking would reduce the already limited buildable area at the Property and would be in direct conflict with specific H Street Overlay requirements. Similarly, providing underground parking would be extremely burdensome, if not impossible, for the Applicant. Underground parking at the facility would be an extremely inefficient use of space at an exorbitant cost-per-space provided. The Applicant's turning radius diagram illustrates the impact of the shallowness and narrowness of the Property on the ability to provide an adequate turning radii and ramping system.

No Detriment to the Public Good or Zone Plan

The Board concludes that there will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the zone plan by approving the project as proposed.

The requested variance is in furtherance of the public good and zoning regulations. The existing unkempt commercial structures and fenced in concrete will be replaced with a mixed-use structure that is in keeping with the surrounding pattern of development on this stretch of H Street, N.E. The proposed structure suits the prominence of this corner as the gateway onto H Street.

Based on the location of the Property adjacent to the complicated Starburst Intersection and with street frontage on all three sides, including two wide commercial avenues, the requested flexibility with respect to lot occupancy and FAR will not be a substantial detriment to the Zone Plan or neighboring properties. The Property is uniquely capable of accommodating the structure with the surrounding public space along 14th Street and Florida Avenue N.E. Specifically with respect to lot occupancy, a reduction of the relief requested would create an aesthetically awkward break in street frontage, which the H Street Overlay's design requirements specifically try to prevent. While the Applicant is seeking parking relief at the Property, the exceptional proximity to available transit options, including the new DC Streetcar, and TDM Plan mitigate parking demand generated by the project. For these reasons, approval of the variance relief requested will not cause a detriment to the public good or zone plan.

Special Exception Standard of Review

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Special exception relief is required to allow new construction on a lot greater than 6,000 square feet (“sq. ft.”) (See 11 DCMR § 1320.3.) Under D.C. Code § 6-641.07(g)(2) and 11 DCMR § 3104.1, the Board is authorized to grant a special exception where it finds that the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

The Applicant meets the burden of proof for special exception relief regarding new construction on a lot greater than 6,000 sq. ft. Under § 1325.1, the buildings, structures, and uses listed in § 1320.4 and exceptions from the requirements of the H Street Overlay District are permitted by special exception if approved by the Board of Zoning Adjustment after public hearing, based on § 3104, provided that several criteria are met. The proposed project, by providing a ground-floor restaurant and residential units above, will effectuate the intentions of both § 1324 and the H Street Development Plan by enhancing the pedestrian experience, providing space for those enjoying the cultural activities, and bringing residents to support the prosperity of the businesses at the eastern end of the corridor. The structure as designed promotes urban design features at the eastern end of the H Street Corridor. The ingress and egress to the Property promotes safe and efficient pedestrian movement. The area is both extremely walkable and transit-rich with the new DC Streetcar stopping at the Property, as well as bikeshare and carshare facilities. The residential and restaurant use will not adversely affect adjacent or nearby residences. Residential and ground-floor residential uses will not generate a substantial amount of noise. The size, type, scale, and location of signs, if any, will be compatible with the surrounding neighborhood and consistent with the H Street N.E. Strategic Development Plan.

The Board is required under § 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)) to give “great weight” to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 6A. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The Board is also 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 (2001)) to give great weight to OP recommendations.

The Board agrees with the ANC and OP that the special exception and the lot occupancy variance requests should be granted. As to parking relief, the Board has added conditions of approval that are substantially similar to those that the ANC recommended.

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With respect to the FAR relief, the 5.25 FAR granted is consistent with the limit requested by the ANC. OP and the ANC disagree as to whether the exceptional conditions of the property, in particular its long, narrow, and triangular shape result in a practical difficulty in complying with the FAR limit. For the reasons stated above, the Board finds the ANC's advice that such a practical difficulty exists to be the more persuasive.

Finally, as to the effect on the intent of the zone plan and the public good, OP argues that because the overlay permits a 0.5 increase in FAR as the result of façade preservation, permitting the same result through a variance is inconsistent with the overlay and the public good. The Board must disagree. First, as noted in the findings of fact, façade preservation is not feasible for this project. Second, OP in essence argues that a FAR variance of 0.5 or less must always be denied for overlay properties because the 0.5 bonus is available. Such a ruling would be inconsistent with the principle that a variance may be granted or denied only on a case by case basis. Further, if a property, such as this one, has exceptional conditions that create a practical difficulty in comply with the FAR limit, its owner should not be compelled to undertake costly and complex façade preservation work to obtain what the variance law says it is entitled to receive.

CONCLUSION

Based upon the record before the Board, and having given great weight to the ANC, OP, and DDOT reports filed in this case, the Board concludes that the Applicant has met the burden of proof for variance relief pursuant to 11 DCMR § 3103.2 from the zoning regulations regarding lot occupancy (§ 772), FAR (§ 771), and parking (§ 2101.1) and special exception relief, pursuant to 11 DCMR § 3104, regarding new construction on a lot greater than 6,000 sq. ft. (§ 1320.4), to allow the Applicant to construct a multifamily residential building with ground floor retail in the C-3-A/HS-A Zone District at premises 1401 Florida Avenue, N.E. and 1402, 1404, 1406, and 1410 H Street, N.E. (Square 1049N, Lots 5, 6, 802, 803, and 804). Accordingly, it is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO APPROVED PLANS AT EXHIBITS 41A1 & 41A2 – REVISED ARCHITECTURAL PLANS, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant shall include in its condominium declaration and bylaws a provision that prohibits unit owners or their tenants from obtaining a Residential Parking Permit ("RPP") or Visitor Parking Pass ("VPP") at the building from the D.C Department of Motor Vehicles ("DMV") for the life of the project. The bylaws shall include consent and authorization to the Condominium Board to police and enforce this prohibition;
2. The Applicant shall record a covenant against the Property among the Land Records of the District of Columbia prohibiting any lessee or owner of the Property from obtaining an RPP or VPP at the building approved by this BZA Order for the life of the project;
3. The Applicant shall provide each new occupant of each residential unit a \$100 car sharing membership, or a \$150 Capital Bikeshare membership, or a \$200 Smart Trip card for a period of five years;

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4. The Applicant shall provide at least 21 bicycle parking spaces and a bicycle repair facility in a covered and secure location within the building and 20 short term bicycle parking spaces outside;
5. The Applicant's marketing program shall provide detailed carpooling and transportation information and promote walking, cycling, and transit and shall utilize and provide website links to CommuterConnections.com and goDCgo.com. Printed materials related to local transportation alternatives shall be made available to residents and retail employees twice annually; and
6. The Applicant shall install a TransitScreen in the residential lobby.

VOTE: **5-0-0** (Lloyd J. Jordan, Marcie I. Cohen, Marnique Y. Heath, Jeffrey L. Hinkle, and S. Kathryn Allen to Approve).

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. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: November 13, 2015

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.

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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.