GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Rehearing in the Application No. 16457 of Kass MA, L.L.C., pursuant to 11 DCMR 3104.1, for special exceptions under Sections 410 and 2516 to allow the construction of 33 new single-family detached dwellings with garages in a theoretical lot subdivision and 176 luxury garden apartments in the R-5-A and R-5-B Districts at premises bounded by Good Hope Road, S.E., between 24th Street, S.E. to the east, and 18th Street, S.E. to the west (Square 5735, Parcels 219/96, 220/31, Square 5763, Lot 804 and Parcel 219/138, Square 5736).[1]

HEARING DATES: January 19, February 16, and February 23, 2000

DECISION DATES: April 5 and 18, 2000

ORDER

PRELIMINARY MATTERS:

1. The application was originally filed on March 2, 1999 and was heard by the Board of Zoning Adjustment ("Board" or "BZA") on May 5, 1999. The Board denied the application by order dated November 5, 1999, but granted rehearing on November 24, 1999.

2. Advisory Neighborhood Commissions ("ANC") 6C and 8B were automatically parties to the application. ANC 6C, with a quorum present, voted its unanimous support for the application at its public meeting of October 4, 1999. ANC 6C submitted a letter to the Board on November 15, 1999 affirming its support of the Applicant's motion for reconsideration and subsequent approval of the requested special exceptions, subject to conditions. ANC 8B, with a quorum present, voted at its public meeting of September 21, 1999 to support the Applicant's motion for reconsideration and subsequent approval of the requested special exceptions, also subject to certain conditions.

3. The Fairlawn Citizens Association, Inc. ("Fairlawn"), a party in opposition to the original application, continued to oppose the project. Fairlawn submitted reports and presented testimony in opposition to the application, arguing that the Homes at Woodmont would have an adverse impact on the community by creating more traffic congestion on Good Hope Road, added parking on residential streets, overcrowding in neighborhood schools and shopping centers, and increased soil erosion from the site. Fairlawn also expressed concerns about the compatibility of the design and appearance of the Homes at Woodmont project with the surrounding community.

4. The Department of Public Works ("DPW") submitted a memorandum dated January 11, 2000 concluding that the application provided for adequate parking on the site, and the Office of Planning ("OP") submitted a report on February 14, 2000 recommending approval of the application.

[1] The application was corrected to reflect the correct square and parcel numbers.

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5. William Lockridge, the Ward 8 representative to the D.C. Board of Education, testified in support of the application. Benjamin Bonham, the Ward 6 representative to the Board of Education, testified that single-family detached houses, rather than apartments, should be constructed on the East Parcel, because Good Hope Road was a traffic hazard for students and because the development of apartments could negatively impact the learning environment at the neighborhood schools located in Ward 6.

6. The National Park Service ("NPS") testified at the public hearing to express its concerns about the proposed development with respect to site and soil preparation, landscaping, and remediation of prior erosion and sedimentation problems during the construction phase. NPS submitted a list of recommendations intended to ensure the long-term success of mitigation measures proposed by the Applicant following discussions with NPS to address its concerns.

7. Numerous witnesses, including several local residents and representatives of local businesses, churches, civic associations, and community organizations, testified or submitted letters in support of the application. The letters and testimony in support generally sought approval of the application on the grounds that the Homes at Woodmont would provide an opportunity for new mixed-income housing in the community, that the Applicant had made commitments that would benefit the community, and that the development would spur economic development in the area.

8. Numerous witnesses, primarily persons residing in the vicinity of the project site, testified in opposition to the application. Generally, testimony opposing development of the Homes at Woodmont cited traffic concerns, especially congestion during rush hours, speeding, and the likelihood of spillover parking in the surrounding neighborhood; the surplus of apartments in the area, including many vacant and derelict buildings; environmental issues, such as soil erosion and drainage; and a preference for the development of single-family detached houses or townhouses on the project site.

FINDINGS OF FACT:

1. The subject property is located on the south side of Good Hope Road, S.E. between 18th and 24th Streets. The property is split into two parcels separated by a 200-foot wide portion of Fort Stanton Park, operated by NPS. The West Parcel is located in Ward 6, while the East Parcel is located in Ward 8. There is a mix of housing types in the immediate vicinity, ranging from single-family detached to garden apartments and a high-rise apartment building on the north side of Good Hope Road across from the subject property.

2. The West Parcel is an irregularly shaped site of approximately 332,265 square feet (7.63 acres) that abuts Fort Stanton Park on its south and east boundaries, and has approximately 760 feet of frontage on Good Hope Road and 360 feet of frontage on U Street, S.E. The West Parcel is currently vacant and is split zoned with approximately two-thirds in an R-5-B district and one-third in an R-5-A district.

3. The East Parcel is a rectangular site of 355,227 square feet (8.15 acres) abutting Fort Stanton Park on its western and southern boundaries, with approximately 535 feet of frontage on Good Hope Road. The East Parcel, which is also currently vacant, is zoned R-5-A.

4. The R-5-A district permits matter-of-right development of single-family detached and semi-detached dwellings and, with Board approval, the development of low-density general residential uses including row dwellings, flats, and apartment buildings with a maximum floor area ratio ("FAR") of 0.9, a maximum lot occupancy of 40 percent, and a maximum height of 3 stories or 40 feet. The R-5-B district permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments with a maximum FAR of 1.8, a maximum lot occupancy of 60 percent, and a maximum height of 50 feet. 11 DCMR §§ 400.1, 402.4, 403.2.

5. On the West Parcel, the Applicant proposed to construct 35 single-family detached houses with combined lot occupancy of 15 percent and an FAR of 0.3. (Two single-family dwellings would be constructed on record lots as a matter-of-right.)

6. On the East Parcel, the Applicant proposed to construct 176 two- or three-bedroom rental apartments in 12 garden apartment buildings, with a combined FAR of 0.64 and combined lot occupancy of 20 percent. The multi-family component would include a swimming pool, clubhouse, and exercise facilities. The Applicant stated that construction of single-family detached dwellings was financially infeasible on the East Parcel because of the need for special site preparation, including dynamic compaction, to render the former landfill suitable for development.

7. The proposed development will include at least 70 off-street parking spaces on the West Parcel and at least 184 off-street spaces on the East Parcel, for a total of at least 254 spaces. The Zoning Regulations require a minimum of 211 off-street parking spaces; that is, one off-street space for each one-family dwelling (or 35 spaces) and one space for every dwelling unit in the apartment buildings (or 176 spaces). 11 DCMR § 2101.1.

8. The principal conclusion of the Applicant's traffic impact analysis was that the proposed development would not create any significant capacity, safety, or operational deficiencies within the study area road network, which was adequate to accommodate the project. The Applicant made specific commitments toward addressing traffic problems in the area, including a community-directed study of the Good Hope Road corridor and implementation of a traffic management plan prepared by the traffic expert.

9. In response to concerns expressed by NPS, the Applicant proposed certain mitigation measures designed to protect Fort Stanton Park both during the construction phase and after the development is completed. These mitigation measures address matters including soil erosion, drainage, landscaping, trail enhancements, and fencing.

10. ANC 6C endorsed the Homes at Woodmont project contingent on the simultaneous development of the single-family and apartment components of the project and on the adoption of a memorandum of agreement between the ANC and the Applicant concerning community

development and hiring preferences benefiting the community. ANC 6C cited the benefits of the development of new, market-rate apartments to replace a desolate landfill, and concluded that the project "represents revitalization not just for our immediate community but for the surrounding neighborhoods as well . . .. [Residents of the Homes at Woodmont] will join us in supporting our existing businesses and those we will be able to attract with the infusion of new tax payers." ANC 6C letter to the Board, November 15, 1999, page 2.

11. ANC 8B concluded that the Homes at Woodmont development would not tend to affect adversely the use of neighboring property but would instead serve to enhance the quality of life in the surrounding area by its presence and continued involvement. The ANC's resolution in support of the application was based in part on findings that (1) the Applicant demonstrated its clear intent to make a long-term commitment to the project and to seek opportunities to renovate or demolish substandard buildings in the area, (2) the project, once developed, would attract a mix of middle- and upper-income residents to an affordable, high-quality living environment, and (3) development of the Homes at Woodmont would help to benefit and revitalize the surrounding area. ANC 8B also found that the project would not tend to affect adversely the use of neighboring property but would instead serve to enhance the quality of life in the surrounding area by its presence and continued involvement. The support of ANC 8B for the application was conditioned on the Applicant's agreement to build the single- and multi-family components of the project simultaneously and to enter into a binding agreement with ANC 8B outlining its long-term commitment to the project and to the community in general.

12. DPW concluded that the provision of 216 parking spaces on the subject site would be adequate to minimize parking spillover into the neighboring residential area. The conclusion was based on parking usage data provided by the Applicant as well as census data regarding automobile ownership in the general area of the project.

13. OP concluded that the project appeared to satisfy the specific criteria set forth in 11 DCMR §§ 410 and 2516 to ensure orderly development of multiple buildings on a single lot without the usual framework provided by lot, yard, and lot occupancy guidelines. OP also concluded that the application was not inconsistent with the Comprehensive Plan, and that the existing R-5-A and R-5-B zoning designations were consistent with the Generalized Land Use Map designation of Moderate Density Residential for the area.

14. The Board of Education representative from Ward 8, which includes the location of the proposed apartment component, testified that the Homes at Woodmont would not impose a burden on area schools, where enrollment was currently less than capacity, and described the Applicant's willingness to provide computer and cultural programs at the neighborhood schools.

CONCLUSIONS OF LAW AND OPINION:

The Applicant is seeking special exceptions under Sections 410 and 2516 of the Zoning Regulations to allow construction of a residential development comprising both single-family and multi-family dwelling units in theoretical lot subdivisions. The Board is authorized to grant a special exception where, in the judgment of the Board based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the

Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps.

On the basis of substantial evidence in the record, the Board concludes that the Applicant has met the tests for approval of the requested special exceptions because the proposed use, subject to the conditions enumerated in this Order, is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. With respect to consistency with the general purpose and intent of the Zoning Regulations, the Board notes that the subject site is located in R-5 districts, where multiple dwellings are permitted as a matter of right. The single- and multi-family components of the Homes at Woodmont will not exceed the limits prescribed in the Zoning Regulations with respect to height, floor area ratio, or lot occupancy.

We concur with OP's conclusion that the application is not inconsistent with the Comprehensive Plan, and is consistent with the R-5-A and R-5-B zoning districts. Section 410 lists conditions for approval of a special exception for development of "a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings" in an R-5 district. 11 DCMR § 410.1. Section 2516 enumerates the conditions under which two or more buildings may be erected on a single subdivided lot. With respect to these two provisions, the Board concurs with OP's finding that [t]he proposed project appears to meet all of the specific criteria contained in Sections 410 and 2516 established to ensure orderly development of multiple buildings on a single lot without the usual framework that lots, yards, and lot occupancy guidelines provide. The plans are conceptual at this stage, so that the real test of compliance with these sections will occur at the permit stage after final engineering and construction drawings are completed. OP Report, February 14, 2000 page 4.

The Board also concludes that the Applicant met its burden of demonstrating that the Homes at Woodmont will not tend to affect adversely the use of neighboring property, subject to the conditions stated hereafter. While many neighborhood residents opposed the construction of any new apartments in an area where many apartment buildings are currently vacant, underutilized, or poorly maintained, the Board notes that the proposed development contains only about one quarter of the approximately 800 dwelling units permissible under existing zoning. Further, the Board finds persuasive OP's assessment that the Homes at Woodmont is intended to be a high-quality development, whose park setting, relatively low density, pool and community house, large units . . ., high end of the market prices . . . and commitment to a minimum 15-year ownership and maintenance of the rental units all suggest that this project will not become distressed as so many other garden apartments in the area have over time, adversely affecting the overall quality of the community. In fact, it will likely have the reverse effect, stimulating renovation and/or new development. OP Report, February 14, 2000, page 6.

The proposed project is likely to have a positive impact on the surrounding community in light of the quality of the new development and the income levels of intended residents relative to the majority of housing options that currently exist in the community. The Homes at Woodmont development will benefit both the community and the District of Columbia in general by providing homeownership opportunities in the single-family component and by attracting new, mixed-income residents to the area. The project can act as a catalyst for further development in

the area, including the rehabilitation or replacement of vacant buildings and renewed upkeep of existing dwelling units.

The Board is persuaded that any negative impact caused by the proposed development can be mitigated sufficiently to avoid an adverse effect on the surrounding community. With respect to traffic, the Applicant proposed a traffic management plan that includes several measures designed to encourage the use of public transportation and to avoid exacerbation of existing traffic congestion or creation of unsafe traffic conditions. Given that the proposal includes more off-street parking than is required under the Zoning Regulations, the Board concludes that the proposed development offers adequate parking to ensure that the likelihood of parking spillover on neighboring residential streets is minimal.

With respect to compatibility with the existing community, the Board is satisfied that brick appearance and moderate density of the Homes at Woodmont will complement the surrounding neighborhood of detached houses, garden apartments, and high-rise apartment building. Fairlawn contended that neighborhood schools are overcrowded, but neither school board representative concurred with that assessment. Instead, the Ward 8 representative testified that enrollment is currently less than capacity in the local schools, which are also expected to benefit from educational programs provided by the Applicant. With respect to environmental concerns including site stabilization and pollution, the Board concludes that the Applicant's cooperation with NPS is essential to minimize potential harm to Fort Stanton Park, and will likely ameliorate existing conditions through trail enhancements, extensive landscaping, and remediation of prior soil erosion and drainage problems as well as improvement of a vacant landfill site.

The Board accorded ANCs 6C and 8B the great weight to which they are entitled. In doing so, the Board fully credited the unique vantage point that these ANCs hold with respect to the impact of the proposed development on their constituents. Both ANCs adopted resolutions in support of the Homes at Woodmont project, subject to conditions calling for the simultaneous construction of both the single- and multi-family components of the development and the Applicant's agreements with each ANC reflecting its commitments to the community.

In this case, conditions on Board approval of the requested special exceptions were recommended by the Applicant, NPS, and Fairlawn, and were attached to the ANCs' support for the application, to ensure that development of the Homes at Woodmont would not adversely affect the use of neighboring property but would provide a benefit for the community. (Fairlawn remained in opposition to the application but requested certain conditions if the Board granted the requested special exceptions.) The Applicant has engaged in extensive discussions with residents, businesses, and schools, among others, in the vicinity of the project site to garner community support for the proposed development. As part of its outreach effort, the Applicant has promised continuing involvement in the community on efforts relating to local economic development, education, traffic management, and environmental concerns. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

A. Community Liaison Committee

1. The Applicant shall establish a community liaison committee with membership consisting of, at a minimum, the Applicant's lead community liaison (a senior member of its site management staff), and representatives of Advisory Neighborhood Commissions ("ANCs") 6C and 8B, the Metropolitan Police Department, Stanton and Ketcham Elementary Schools, the National Park Service, the Fairlawn Citizens Association, Inc., the Frederick Douglass Community Improvement Council, the Anacostia Economic Development Corporation, and the Ward 8 Business Council. The community liaison committee shall meet quarterly.

B. Construction

1. The Applicant and the National Park Service NPS shall jointly provide construction monitoring during all phases of construction, especially during the site clearing and rough grading operations. The Applicant shall appoint, subject to the agreement of NPS and ANCs 6C and 8B, a neighborhood liaison to monitor any construction violations, including the routing of trucks through residential streets.

2. The hours of construction shall be negotiated by the community liaison committee.

3. The Applicant shall maintain a record of the driver's licenses of the truckers involved in construction of the Homes at Woodmont.

4. All construction vehicles shall be parked on-site.

5. The Applicant shall develop the single-family and multi-family components of the Homes at Woodmont concurrently. Construction of the multi-family component will not be initiated without bonding of the site work for the single-family homes.

C. Architecture/Site Layout

1. At least 40 percent of the architecturally significant façades of both the single- and multi-family components of the Homes at Woodmont, including those facing Good Hope Road, shall be constructed of brick.

2. The architecture of the Homes at Woodmont shall be compatible with existing structures in the community.

3. The six single-family houses situated along Good Hope Road shall have architecturally significant facades, including brick elements, facing Good Hope Road.

4. The Applicant shall align the entrance road from Good Hope Road to the single-family site with the existing Marbury Plaza intersection.

5. The Applicant shall implement the landscape plan as submitted to the Board, with additional buffering elements along Good Hope Road.

D. Ownership

1. The Applicant shall own and maintain in good condition the multi-family component of the Homes at Woodmont for a minimum of 17 years after the first certificate of occupancy for the property is issued.

E. Community-Based Redevelopment Efforts

1. The Applicant shall provide the following specified funds for community-based redevelopment efforts. The funds shall be administered by an appropriate entity determined by the community liaison committee. The specified amounts shall be paid by the Applicant by the time the multi-family component of the Homes at Woodmont achieves 90 percent occupancy but in no event later than 36 months from the date of this Order.

   a) Seed fund for Blight Removal/De-Densification - $25,000

   b) Seed fund for Redevelopment Ward 6 - $45,000

   c) Seed fund for Redevelopment Ward 8 - $45,000.

2. The Applicant shall assist the community liaison committee to obtain additional funding or other resources (for example, from foundations and local and federal government sources) with which to leverage the seed funds. All such efforts shall be documented by the Applicant.

3. The Applicant shall designate a senior member of its site management staff to serve as lead member of the community liaison committee, who shall ensure the success of the Applicant's community redevelopment efforts.

4. The Applicant shall maximize the hiring and training (if needed) of local residents and the purchase of goods and services from local businesses. The Applicant shall submit monthly reports to ANCs 6C and 8B reflecting the number of jobs available at the project site and the number of those jobs, at all levels, filled by local residents.

F. Traffic Management

1. The Applicant shall implement the following measures to promote the use of public transit by residents of the Homes at Woodmont.

a) The Applicant shall appoint a "community transportation coordinator" from among its senior site management staff, and shall disseminate information to all residents of the Homes at Woodmont to encourage ride-sharing, carpooling, and other modes of travel other than single-occupant vehicle.

b) The community transportation coordinator shall provide and publicize the availability of current information on public transportation routes, schedules, and services on a monthly basis.

c) The Applicant shall subsidize monthly public transit fares for registered heads of households of the Homes at Woodmont apartments for work-related commuting for 10 years.

d) The Applicant shall establish a "Good Hope Road Transit Users Association," encompassing neighboring apartment communities, other area residents, and businesses, for the purpose of encouraging the provision of high-quality transit service (including, e.g., schedules, bus shelters, etc.) within the area. The community transportation coordinator shall convene meetings of the association at least quarterly each year.

e) Subject to necessary approvals, the Applicant shall provide bus shelters at the transit stops along Good Hope Road in the immediate vicinity of the Homes at Woodmont.

1. The Applicant shall implement the following traffic planning and management measures.

a) The Applicant shall pay for a traffic management study that collects and analyzes supplementary traffic data and the community's traffic concerns, and provides mitigation measures, such as improved signage and signalization and pavement markings to facilitate pedestrian movement at strategic locations. The Applicant shall present the traffic management strategies outlined in the study to the Department of Public Works and other appropriate agencies as necessary for implementation.

b) The Applicant shall provide at least $15,000 to implement the recommendations of the traffic management study. (An escrow fund will be put in place at the time of the construction loan closing.)

c) The Applicant shall work with the community and appropriate agencies to stimulate additional traffic planning efforts.

2. The Applicant shall hire engineers to undertake a study of the existing storm water system along Good Hope Road, with an objective of identifying current breaks/breaches in the system. The study shall be submitted to ANCs 6C and 8B, the community liaison committee, and the appropriate government agencies as necessary to remediate the current deficiencies in the system.

G. School Programs

1. The Applicant shall support the enhancement of the school technology program at Ketcham Elementary School and Stanton Elementary School. The Applicant shall provide a minimum of $30,000 for program start-up within 36 months of the date of this Order and a contribution of $5,000 for each of the ensuing 6 years. The Applicant shall design an appropriate technology program in cooperation with the school principals.

2. The Applicant shall designate a senior member of its site management staff to serve as a liaison with Ketcham and Stanton Elementary Schools. The liaison shall employ best efforts to ensure the success of the Applicant's school technology program, and shall report quarterly to the community liaison committee.

3. The Applicant shall assist Ketcham and Stanton Elementary Schools to obtain additional funding or other resources from public or private sources to expand the initial program three-fold over 10 years, with the goal of ensuring the long-term sustainability of the schools' technology programs.

4. The Applicant shall fund and operate an after-school program for youth who live in the apartment component of the Homes at Woodmont, beginning within one year after the certificate of occupancy is issued for the apartment component. The program shall focus on art education and technology, and shall be designed with input from the local school board representatives in Wards 6 and 8. Preference shall be given to local businesses for contracting and services associated with the after-school program.

H. National Park Service Concerns

1. The Applicant shall ensure that large existing trees shall be "directionally cut" away from NPS property to avoid damage on NPS property from tree fall.

2. The Applicant shall utilize "super silt" fences on all NPS property lines adjacent to the proposed development during the construction phase.

3. The Applicant shall present a site-clearing plan to NPS for review prior to site clearing.

4. The Applicant shall construct a drainage swale adjacent to the NPS property line and the 18th Street entrance road to collect excessive drainage runoff from Fort Stanton Park.

5. The Applicant shall control concrete truck wash waste and not allow it to drain onto the NPS property.

6. The Applicant shall ensure that all fencing along all NPS property lines abutting individual single family lots and the apartment parcel shall be made of material to allow for maximum transparency. Selection of fencing material shall be coordinated with NPS; chain link fence shall not be utilized.

7. The Applicant shall utilize a certified arborist to review and provide guidelines for tree preservation of tree save areas adjacent to NPS property.

8. The Applicant shall provide "surgical grading" along the property line between the NPS property and the East Parcel under the supervision of NPS to remove the existing fill currently on NPS property, with review by a certified arborist.

9. The Applicant shall provide limited trail enhancements to the existing Fort Circle Trail pursuant to the direction of NPS. These shall include, but not be limited to, repairing culverts that have been damaged in Fort Stanton Park as a result of erosion from the East Parcel, and minor, low-impact repairs to three eroded sections of trail adjacent to the East Parcel. The end result shall be a stable, contiguous, usable foot trail.

10. The Applicant shall emplace plantings of native plant material in a natural, scalloped edge planting area on the East Parcel's line adjacent to the NPS property, with tree quantity and species types that will ensure acceptable runoff quantity/quality. Plantings shall comply with NPS reforestation standards in terms of density, species selection, soil preparation, and maintenance. Proper soil testing and soil amendments shall be provided to increase plant material survival, and certain planting areas will have larger caliper trees in high impact view sheds from Fort Circle Trail.

11. The Applicant shall place a combination of evergreen and deciduous trees adjacent to the proposed apartment buildings facing the NPS property to help soften the buildings' architectural lines from views from the Fort Circle Trail.

12. The Applicant shall place meadow grass planting in the area between the apartment retaining walls and the scalloped edges planting to help ensure acceptable runoff quality/quantity.

13. The Applicant shall provide permanent protection to all landscape and reforestation plantings by deed of easement or other legal instrument binding on the property in perpetuity.

14. The Applicant shall place a 10-foot restrictive homeowner use easement (tree preservation easement) on the rear yards of the single-family homes abutting the NPS property.

15. The Applicant shall address erosion and sedimentation problems associated with prior use of the property. These problems include an eroding gully along the south border of the East Parcel, which may involve wetlands permits and/or adjoining property.

16. The Applicant shall petition the appropriate local review authorities to provide the highest priority to mitigation of long-range viewshed impacts in the approval of detailed plans for site landscaping and choice of architectural details, colors, and textures.

17. The Applicant shall not advertise the project's "views", inasmuch as the goal is to screen these with vegetation.

18. The Applicant shall cooperate with NPS to provide joint construction monitoring during all phases of construction. A "neighborhood liaison" shall be designated, based upon mutual agreement of the Applicant, NPS, and ANCs 6C and 8B, to monitor any construction violations.

VOTE: 4-0-1 (Carol J. Mitten, Robert N. Sockwell, Rodney L. Moulden, and Sheila Cross Reid to grant; Anne M. Renshaw abstaining.)

VOTE: 4-0 (Robert N. Sockwell, Anne M. Renshaw, Carol J. Mitten, and Sheila Cross Reid to approve conditions; Rodney L. Moulden not present not voting.)

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

Each concurring member has approved the issuance of this Order and authorized the undersigned to execute the Order on his or her behalf.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: JUN 29 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF DC LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3101.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THE ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 16457

As Director of the Office of Zoning, I hereby certify and attest that on JUN 29 2000, a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this case and who is listed below:

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ATTESTED BY: Jerrily Kress
JERRILY R. KRESS, FAIA
Director

DATE: JUN 29 2000