GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 16836-A of The Washington Home, pursuant to 11 DCMR § 3104.1, for a special exception under § 219 for an addition to an existing health care (hospice) facility, increasing the number of beds from 201 to 205 beds and increasing the number of parking spaces from 75 to 173, in an R-1-B zone district at the premises 3720 Upton Street, N.W. (Square 1825, Lot 818).

HEARING DATES: April 2, June 25, July 9, and October 15, 2002
DECISION DATES: August 6, 2002, December 17, 2002, August 5, 2003, October 7, 2003, and April 13, 2004

CORRECTED ORDER

This Corrected Order corrects the reference made in Line 5, First Paragraph, Preliminary Matters from ANC 3F06 to ANC **3F01**.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 16836-A
EXHIBIT NO. 140

DECISION AND ORDER

This self-certified application was submitted December 31, 2001 by the Washington Home ("Applicant"), the owner of the property that is the subject of the application. The application requested a special exception pursuant to §§ 219 and 3104.1 of the Zoning Regulations to permit the construction of a four-bed addition to an existing health care (hospice) facility with 201 beds, and to increase the size of the existing parking lot by 98 spaces, from 75 to 173 parking spaces, in the R-1-B zone district at 3720 Upton Street, N.W. (Square 1825, Lot 818).

Following a public hearing and public meetings, the Board initially voted on December 17, 2002 to approve the application with a maximum of 130 parking spaces, subject to certain conditions, including the required submission of a revised site plan depicting an expansion of the parking lot from 75 to 130 parking spaces, a revised landscaping plan, and a parking management plan governing use of the parking lot. Because no submission had yet been received from the Applicant, on August 5, 2003 the Board voted in executive session to rescind its vote taken December 17, 2002 and to reopen the record for submission of a revised plan from the Applicant and additional comments from the parties.

The Applicant's submission was received September 23, 2003. A decision meeting scheduled for October 7, 2003 was postponed at the Applicant's request so that all parties to the proceeding could attempt to reach agreement on additional revisions. By letter dated March 8, 2004, the Applicant submitted a "concept site improvements plan" showing further revisions to the proposed expansion of the parking lot to accommodate 130 parking spaces, its proposed

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stormwater management system, and its parking and transportation management plan. At its public meeting on April 13, 2004, the Board voted to approve the expansion of the parking lot at the subject property as shown in the Applicant's final submission (Exhibit No. 135).

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated January 14, 2002, the Office of Zoning provided notice of the application to the Office of Planning, the Department of Public Works, the Department of Human Services, the Department of Health, the Councilmember for Ward 3, Advisory Neighborhood Commission ("ANC") 3F, and Single Member District/ANC **3F01**. Pursuant to 11 DCMR § 3113.13, on February 8, 2002 the Office of Zoning mailed letters or memoranda providing notice of the hearing to the Applicant, ANC 3F, and owners of property within 200 feet of the subject property. Notice was also published in the D.C. Register on February 8, 2002 (49 DCR 1091).[1]

Party Status. In addition to the Applicant, ANC 3F was automatically a party in this proceeding. At the public hearing, the Board granted party status in opposition to the application to a group of residents living near the subject property known as Citizens Concerned about the Home's Expansion "(CCHE"). The Board denied an untimely request for party status submitted by ANC 3C, whose boundaries previously included the subject property.

Applicant's Case. The Applicant presented evidence and testimony from witnesses including Lynn O'Connor, president and chief executive officer of the Washington Home; Erwin Andres, an expert in transportation and parking; Laurie Dickeson, an expert in architecture; James Long, a civil engineer and expert in storm water management; Liling Tien, an expert in landscape architecture; Jeff McGee, the Applicant's director of facilities management; and John Armentrout, a construction manager. The Applicant described plans to construct a small addition that would be used to increase the number of beds at the hospice program by four (to 13), for a total of 205 beds at the health care facility. The Applicant indicated that the proposed increase in the size of the parking lot was necessary to serve the parking demand created by staff and visitors to the facility, stating that the demand for parking had increased in recent years due in part to the addition of health-care services at the facility that generated a need for additional staff.

Government Reports. By memorandum dated March 26, 2002, the Office of Planning ("OP") recommended approval of the application as consistent with the requirements of § 219. According to OP, the proposed one-story addition would "blend in architecturally with the existing two-story portion of the building at the rear of the addition," and would not pose any additional burden to the surrounding neighborhood or to Ward 3 in general. OP also commented favorably on the Applicant's effort to increase the parking availability at the subject property as a

[1] The public hearing originally scheduled for April 2, 2002 was continued to June 25, 2002. Notice of the rescheduled hearing was published in the D.C. Register on May 10, 2002 (49 DCR 4330). After the public hearing was continued from the September 10, 2002 session until October 15, 2002, notice was published in the D.C. Register on August 30, 2002 (49 DCR 8330).

means to minimize non-residential through traffic and encroachment on the supply of street parking in the surrounding neighborhood.

By memorandum dated March 15, 2002, the Department of Public Works, District Division of Transportation ("DDOT") indicated no objection to the application. According to DDOT, an expanded parking facility at the subject property would "improve traffic circulation and safety, and reduce the on-street parking demand in the area."

By supplemental report dated June 25, 2002 and through testimony at the public hearing, DDOT again stated that "an expanded parking facility would improve traffic circulation and safety and reduce the on-street parking demand in the area," but recommended that the Applicant implement a strong transportation demand management program to reduce on-site parking demand by 10 percent, or 17 parking spaces, for a total of 156 parking spaces at the subject property. DDOT reiterated its conclusion that the Applicant's proposed expansion of the parking lot was needed and would serve employees and visitors to the site while minimizing the parking impact on neighboring streets. DDOT concurred with the concern expressed by ANC 3F that the Applicant had "not explored all available options to relieve the current parking situation for the site," such as by promoting carpooling among staff members and establishing a Metro subsidy program for employees. DDOT's recommendations included that the Applicant should (i) implement a transportation demand management plan that would include a rideshare program to attain higher vehicle occupancy, thereby reducing the number of cars going to and from the site; (ii) consider providing a Metrochek program or a shuttle bus service in the morning and evening rush hours linking the site to the nearby Tenleytown-AU and Van Ness-UDC Metrorail stations; (iii) develop a policy allocating 10 to 15 parking spaces for the exclusive use of visitors; and (iv) carefully monitor and strictly enforce parking controls to ensure that only employees and visitors to the health-care facility use the parking lot at the subject property.

ANC Report. By resolution approved by a vote of 7-0-0 at a public meeting on June 17, 2002, with a quorum present, Advisory Neighborhood Commission 3F indicated its opposition to the application. ANC 3F expressed concern about the Applicant's request to build a 173-space parking lot, which "would result in a 130 percent increase in the currently authorized amount of parking and would produce a paved parking lot of about 1.5 acres," representing "a 40 percent increase in the size of the existing parking lot and [adding] nearly half an acre of paved parking to an existing one acres parking lot in a residential zone." According to ANC 3F, the Applicant had not justified "the amount of parking that is proposed to be accommodated on this oversized parking lot," which would likely "act as incentive that would encourage more drivers into an area which already experiences high volumes of commuter cut-thru traffic as well as high levels of local traffic generated by surrounding institutional and commercial uses." ANC 3F also expressed concern about the impact that "a significant increase in the amount of impervious surface on the site" would have on stormwater management, and about the visual impact of the proposed larger parking lot, which "would create a dramatic and unalterable change in the residential character of the neighborhood in part because of the removal of 50 trees and the endangerment of several more mature trees."

By resolution adopted at a public meeting on November 18, 2002, ANC 3F indicated no objection to the Applicant's request for a four-bed addition "so long as the approval of a four bed addition by the Board is not linked to changing the existing parking lot (defined as the existing perimeter, shape, and height of the currently paved parking area including the existing islands as landscaped)." ANC 3F encouraged the Applicant to improve the existing parking situation by, among other things, re-striping the spaces and developing parking lot management procedures that would utilize the parking lot more efficiently. ANC 3F remained opposed to the Applicant's proposed parking lot expansion.

By resolution adopted by a vote of 6-0-0 at a public meeting on September 29, 2003, with a quorum present, ANC 3F recommended rejection of the Applicant's initial revised site plan and landscaping plans submitted to the Board on September 23, 2003. However, by resolution adopted by a vote of 5-0-0 at a public meeting on March 15, 2004, with a quorum present, ANC 3F recommended approval of the application as amended by the Applicant's final concept site improvements plan.

Party in Opposition to the Application. Citizens Concerned about the Home's Expansion, the party in opposition to the application, presented testimony from Barbara Beelar; Christopher Gay, an expert in parking and traffic; James Urban, an expert in urban arboriculture and landscape architecture; Joseph Handwerger; Wayne Curtis; Jane MacLeish; and Richard Danzig. According to CCHE, the Applicant's proposal to provide more free parking at the subject property, which is located in a residential neighborhood close to a commercial district, would create adverse traffic impacts by generating additional vehicle trips to and from the subject property.

By letter dated September 30, 2003, CCHE requested rejection of the Applicant's initial revised plans, principally because the Applicant proposed "the same amount of paved surface for 130 cars as it previously proposed for 173 spaces." According to CCHE, the initial revised plans proposed an inefficient parking configuration that would result in excessive paving of green space without justification and without adequate screening from contiguous residential property.

By letter dated March 19, 2004, CCHE indicated its agreement with the Applicant's final submission as amended by a final landscaping plan, which CCHE stated was developed jointly by the Applicant and CCHE.

Persons in Support of or in Opposition to the Application. The Board heard testimony or received letters from several persons and organizations, including ANC 3C, whose boundaries abut the subject property. Letters in support of the application, written primarily by employees at the health-care facility, cited the need for additional parking at the facility. One person expressed support for the proposed increase in the number of hospice beds but opposed the requested increase in the number of parking spaces at the subject property, citing the proximity of the site to public transportation and environmental concerns related to the need to retain green space and to discourage reliance on single-occupant vehicles. ANC 3C and persons in opposition to the application generally cited adverse traffic and environmental impacts

associated with the proposed increase in the number of parking spaces at the subject property, and alleged that the Applicant had not complied with prior orders that granted zoning approvals.

FINDINGS OF FACT

The Subject Property and Surrounding Area

1. The subject property is located at 3720 Upton Street, N.W., at the southwest corner of the intersection of 37th and Upton Streets, N.W. (Square 2572, Lot 36). The rectangular parcel has an area of 5.73 acres (249,537 square feet).

2. The site is improved with a three-story building used as a health-care facility providing skilled, intermediate, and sub-acute care as well as hospice services. The Washington Home, a nonprofit corporation founded in 1889, has been located at the subject property since 1923. No other property containing a community-based residential facility is located in the same square or within 1,000 feet of from any portion of the subject property.

3. The Applicant's existing building is oriented toward the southwestern corner of the subject property, and is set back for most of its length away from the Upton Street frontage. The building has a floor area ratio of 0.53, and its footprint constitutes 21 percent of the site area. Approximately 3.43 acres, or about 60 percent of the subject property, is devoted to green space or walkways.

4. The existing parking lot, which is irregularly shaped, is set back at least 90 feet from Upton Street and 58 feet from 37th Street. The parking lot is screened from view by berms running along the northeastern portion of the subject property and along Upton Street, where the crest of the berm is as much as 10 feet higher than grade. The berms are landscaped with trees and other plants to create a park-like setting. A pergola is located at the northeast corner of the site, near the intersection of 37th and Upton Streets.

5. The Applicant operates a 201-bed health-care and hospice facility at the subject property pursuant to special exceptions previously granted by the Board. In 1986, the Applicant was granted special exception approval, subject to conditions, to construct and operate a 189-bed health-care facility at the subject property, replacing a 178-bed health-care facility. (*See* BZA Order No. 14283, effective March 12, 1986). In 1997, the Board approved an application to increase the number of beds at the facility from 189 to 201. (*See* BZA Order No. 16263, effective September 15, 1997).

6. The Applicant employs a staff of 298 persons at the subject property, two-thirds of whom (approximately 203 employees) work on the day shift (7:00 a.m. until 3:30 p.m.). The day shift overlaps by 30 minutes with the subsequent shift (3:00 a.m. until 11:30 p.m.).

7. The Applicant's prior zoning approval authorized a parking lot with 75 parking spaces at the subject property. Condition No. 1 adopted in BZA Order No. 14283 states: "The number of on-site parking spaces shall be limited to seventy-five."

8. The parking lot at the subject property has at least 78 marked parking spaces. The lot is sometimes used by as many as 136 vehicles, some of which park illegally in fire lanes or loading areas, blocking access to the health care facility by emergency vehicles.

9. A member of the Applicant's staff occasionally patrols the parking area in an attempt to ensure that only drivers going to the health-care facility parking in the parking lot at the subject property. Employees who drive to the subject property receive a parking pass to display in their vehicle; visitors are expected to sign in, indicating their vehicles' license plate number. The Applicant enforced its parking policy by leaving a notice indicating the requirement to obtain a parking pass on employee vehicles that failed to display the hang tag, and by arranging the towing of vehicles left in fire lanes.

10. The Applicant's traffic expert estimated that 154 parking spaces were needed at the subject property under current conditions: 134 for employees and 17 for visitors, including hospice volunteers, visitors, doctors, and administrative visitors.

11. Two-thirds (66 percent) of the Applicant's employees drive to work, creating a demand for 134 parking spaces. Approximately 20 percent of the employees commute by public transportation. The Applicant does not currently offer employee benefits to encourage the use of public transportation.

12. The subject property is located near two stations served by the Metrorail Red Line, and is also accessible by Metrobus, including routes along Wisconsin Avenue one block from the facility.

13. Some on-street parking in the vicinity of the subject property is subject to residential parking restrictions. The north side of Upton Street and both sides of Tilden Street are subject to a two-hour parking limit except for holders of residential parking permits, while the south side of Upton Street and both sides of 37th Street are unrestricted.

14. The area bordering the subject property to the north, east, and southeast is developed primarily with single-family detached dwellings. A private school, Sidwell Friends, is located to the south, and a post office abuts the subject property to the west.

Applicant's Project

15. The Applicant proposed to construct a one-story addition that would enlarge the existing building by 2,077 square feet to accommodate four additional patient rooms, increasing the capacity of the hospice from nine to 13 beds, and increasing the total capacity of the health-care facility to 205 beds. The new addition will extend 12 feet from the northern side of the existing building, and will be constructed of the same materials – brick and precast concrete – as the existing building.

16. By memorandum to the Applicant dated September 20, 2001, the D.C. State Health Planning and Development Agency indicated its approval of a certificate of need for the Applicant's proposal to increase in-patient hospice beds by four beds.

17. As finally proposed, the Applicant planned to enlarge and reconfigure the parking lot at the subject property so as to provide a total of 130 parking spaces. The general layout of the expanded lot will follow the shape of the existing parking lot, but will extend 20 feet (the length of a parking space) closer toward 37th Street, the existing facility, and Upton Street.

18. The reconfiguration and expansion of the parking lot will not alter the entrance to the subject property from Upton Street or the circular driveway leading to the facility, which is used for patient pick-ups and drop-offs. The expanded lot will maintain a service entrance from 37th Street.

19. The Applicant will implement a parking management and transportation plan approved by its board of directors. The parking plan will create three zones of use in the expanded parking lot: five uncontrolled spaces in the circle at the main entrance to the facility off Upton Street will be designated only for drop-offs and pick-ups of patients or residents of the facility; 33 spaces just beyond the circle will be controlled by a gate and will be designated for use by resident, professional, and administrative visitors; and 99 gate-controlled spaces will be reserved for employees during the principal work hours from 7:00 a.m. until at least 3:00 p.m. on weekdays.

20. The parking plan also sets forth the Applicant's commitment to encourage alternative means of transportation for employees, including the adoption of the Metrochek program and the promotion of carpools through preferred parking spaces and other non-cash inducements.

21. The Applicant's redesign of the parking lot will include a new landscaping plan that will adequately screen the parking lot. The Applicant will preserve the large berm along Upton Street and the landscaped area around the pergola. The Applicant will also retain the existing mature trees within the island in the middle of the parking lot, enlarge the size of the central island to accommodate the planting of additional significant trees, and upgrade the central island so that a three-foot-high landscape berm will be established. The revisions will provide an interior "scrim" effect that will filter views into the site.

22. The Applicant proposed to provide stormwater quantity and quality management for the entire parking lot, where none is currently provided. The Applicant will employ porous pavement for approximately 45 parking spaces, to which stormwater run-off will be directed so as to permit water to percolate naturally back into the soil. For those portions of the parking lot that cannot be served by porous pavement, the Applicant will install an underground detention chamber of sufficient capacity to retain the run-off from a "50-year storm event" and slow the movement of stormwater into the public sewer system.

23. ANC 3F indicated no objection to the proposed four-bed addition or to the Applicant's final proposal to expand the parking lot. ANC 3F recommended approval of the application, as amended, on the grounds that the Applicant's final site plan, a landscaping plan developed in conjunction with CCHE, and a parking management plan and an employee transit plan under consideration by the Applicant met the specific criteria set forth by the Board on December 17, 2002.

Harmony with Zone Plan

24. The subject property is zoned R-1-B. The R-1 district is "designed to protect quiet residential areas now developed with one-family detached dwellings" and "intended to stabilize the residential areas and to promote a suitable environment for family life." 11 DCMR §§ 200.1, 200.2. Area requirements applicable in the R-1-B zone permit relatively higher density than in R-1-A. 11 DCMR § 200.3.

25. The Generalized Land Use Map designates the subject property as "institutional."

CONCLUSIONS OF LAW

The Applicant seeks a special exception under § 219 of the Zoning Regulations to expand an existing health-care and hospice facility by constructing a four-bed addition that will increase the number of beds from 201 to 205, and to expand and reconfigure its parking lot so as to increase the number of parking spaces from 75 to 130, in an R-1-B zone district at 3720 Upton Street, N.W. (Square 1825, Lot 818).[2] The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001), 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 § 219, use as a health-care facility for up to 300 persons may be permitted as a special exception in an R-1 District, subject to certain provisions. The provisions relevant to this application require that "adequate, appropriately located, and screened off-street parking" must be provided "for the needs of occupants, employees, and visitors to the facility," and that the facility must "not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area." 11 DCMR §§ 219.3, 219.5. The Applicant must also demonstrate that the proposed expansion of the health-care facility use will

[2] In its Proposed Findings of Fact and Conclusions of Law (Exhibit No. 116), the Applicant proposed a revised expansion of the parking lot that would contain 156 spaces, with a landscaped island in the middle. The revised configuration was consistent with the recommendation of DDOT that the parking lot should be enlarged to avoid the negative effects of overflow parking on neighborhood streets but also that "the Applicant could through more aggressive management and monitoring of the parking lot achieve more efficient utilization." The 156-space expansion would have increased paved parking area at the subject property by 18,410 square feet (an increase of 40 percent over existing conditions).

be in harmony with the general purpose and intent of the Zoning Regulations and Map. 11 DCMR § 3104.1.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the issues and concerns of ANC 3F, the Board concludes that the proposed expansion of the existing health-care facility and the proposed expansion of the parking lot to 130 spaces, as shown in the Applicant's concept site improvements plan (Exhibit No. 135), can be located at the subject property so that it is not likely to become objectionable to adjoining and nearby property, and will be in harmony with the general purpose and intent of the Zoning Regulations and Map.

The Applicant proposed to construct a small addition to an existing health-care facility, which has been located at the subject property for more than 80 years. The planned addition – adding 2,077 square feet to the existing building to accommodate four new patient rooms – will not likely result in a large increase in traffic or parking demand at the subject property, affect the operation of the health-care facility, or generate an adverse impact due to noise. The Applicant intends to serve the additional patient rooms without adding additional employees, and the four additional rooms are not expected to cause a significant increase in the number of visitors to the facility. The building, as expanded, will remain well within the area requirements prescribed in the R-1-B zone. The Board concludes that the health-care facility, as expanded, will not have an adverse impact on the surrounding neighborhood because of traffic, noise, or operations.

The Board also concludes that the finally proposed expansion and reconfiguration of the parking lot for 130 spaces will provide adequate, appropriately located, and screened off-street parking that will be sufficient for the needs of occupants, employees, and visitors to the health-care facility. The Applicant's final concept site improvements plan responded to concerns raised by the Board by reducing the size of the proposed expansion from 174 to 130 spaces; by adopting a parking management plan, including means to control access to the lot during weekdays and designating spaces for employees and visitors; by proposing a stormwater management system; and by devising a comprehensive landscaping plan that will screen the parking lot adequately, in part by preserving the existing berm along Upton Street and by creating a landscaped central island.

The Board concurs with the Applicant and with DDOT that additional parking is needed at the subject property for the needs of occupants, employees, and visitors to the health-care facility. However, the Board was not persuaded that the Applicant's original proposal to expand the parking lot so as to provide 173 spaces, or its earlier revisions that would have provided 156 or 130 spaces, would have been appropriately located or screened from nearby residences, or would avoid creating an adverse impact on the neighborhood because of traffic. The Board concurs with DDOT and with ANC 3F that the Applicant could reduce demand for parking at the subject property by implementing a transportation demand management program to encourage employees not to drive to work, and could achieve more efficient use of the expanded parking lot by implementing a parking management plan that would ensure that only employees and visitors to the health-care facility use the parking lot at the subject property.

The Board concludes that the Applicant's final proposal – providing for controlled access to 130 spaces designated for employees or visitors, landscaping sufficient to maintain the site's park-like setting, and a stormwater management system – will satisfy the requirements of §§ 219.3 and 219.5. The smaller expansion will provide adequate parking with appropriate landscaping but will not be so large as to generate adverse traffic impacts created by a large number of vehicles seeking to park at the subject property.

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to the application for a special exception under § 219 of the Zoning Regulations to expand an existing health-care and hospice facility by constructing a four-bed addition that will increase the number of beds from 201 to 205, and to expand and configure its parking lot so as to increase the number of parking spaces from 75 to 130 (as shown in Exhibit No. 135), in an R-1-B zone district at 3720 Upton Street, N.W. (Square 1825, Lot 818). Accordingly, it is therefore **ORDERED** that the application, as finally amended, is **GRANTED.**

VOTE: **3-0-2** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., and David Zaidain voting to approve; Zoning Commission member and one Board member not participating)[3]

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring Board member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: APRIL 24, 2007

UNDER 11 DCMR 3125.9, "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 FOR THE BOARD OF ZONING ADJUSTMENT."

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 PURPOSES OF SECURING A BUILDING PERMIT.

[3] Vote taken at a public meeting on April 13, 2004.

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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.

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