GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17232 of RLA Revitalization Corporation, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure requirements under section 411, and pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, to permit a multi-use commercial establishment in the C-3-A District at premises 1400-1420 Park Road, N.W., 3100-3220 14th Street, N.W., and 1417-1437 Irving Street, N.W. (Square 2674, Lots 719, 720, 812, 832, 863, 866, 869, 870, 871, and 872).

HEARING DATES: November 16, 2004; December 21, 2004; January 25, 2005; February 1, 2005; February 8, 2005

DECISION DATE: March 1, 2005

DECISION AND ORDER

The owner of the subject property, RLA Revitalization Corporation (RLA or the applicant), filed an application with the Board of Zoning Adjustment (the Board) on August 13, 2004 for special exception relief and variance relief. It seeks to reduce the required number of on-site parking spaces under § 2101.1 from 1,592 to 1,000, stipulating that an additional 244 attendant assisted spaces will be provided as needed. It also seeks relief from § 411.3 of the Zoning Regulations, which requires that all rooftop mechanical equipment be placed in one enclosure. For the reasons stated below, the application is granted, subject to certain conditions.

Preliminary Matters

Self-Certification The zoning relief requested in this case was self-certified pursuant to §3113.2
(Exhibit 2).

Notice of Public Hearing The Board scheduled a public hearing for November 16, 2004. Pursuant to 11 DCMR 3113.3, notice of the hearing was sent to the applicant, owners of all property within 200 feet of the subject premises, Advisory Neighborhood Commission (ANC) 1A , and the District of Columbia Office of Planning (OP).

Government Reports

D.C.R.
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OP Report The Office of Planning (OP) filed an initial report recommending approval of the special exception relief and requesting additional information regarding the parking variance (Exhibit 27). OP specifically requested information regarding the uniqueness of the site, and also asked the applicant to submit revised plans that were consistent with the District Department of Transportation's (DDOT) comments regarding sidewalk widths. OP filed a supplemental report indicating that it was satisfied with the additional information submitted by the applicant and recommended approval of the parking variance (Exhibit 29).

Department of Transportation DDOT reviewed the variance application and recommended approval provided the applicant addressed certain sidewalk width and other public space concerns (Exhibit 31). DDOT also filed a supplemental report supporting proposed design changes that address these concerns (Exhibit (40).

ANC 1A The subject site is located within the area served by Advisory Neighborhood Commission 1A, which is automatically a party to this application. In its report dated November 10, 2004, ANC 1A indicated that at a meeting with a quorum present, it voted to support the parking reduction (Exhibit 33). In a subsequent report, the ANC indicated that additional attendant-assisted spaces was a "reasonable and satisfactory way to ensure that sufficient parking spaces are available in the garage to serve peak demand from the businesses located on the site while still being able to accommodate parking demand from outside person[s]" (Exhibit 60).

Requests for Party Status The Board received untimely requests for party status from a nearby church, the Kelsey Temple Church of God in Christ, and a related entity, the Economic Development Corporation (Exhibit 25). Both requests were filed by Thomas Ruffin, Jr., Esq., in opposition to the application. Noting no objection from the applicant, the Board waived its regulations regarding the time for filing the party status applications and considered the requests. Party status was granted to the Kelsey Church and Corporation as a combined entity (Kelsey or the party in opposition), based upon Kelsey's proximity to the site and the parking impact of the proposed development.

Motion to Dismiss or Reschedule Kelsey moved to dismiss or reschedule the public hearing on the ground that it had not received proper notice. Although the property had not been posted for 15 days as required under section 3113.5 of the Regulations, the Board found that the notice requirements had otherwise been complied with and Kelsey had received actual notice of the proceedings. The Board did continue the public hearing to allow for proper posting of the property and to allow Kelsey additional time to prepare its case.

The Applicant's Case The applicant offered testimony from several witnesses during the five days of public hearing: Drew Greenwald, Project Developer; Michael Prifti, Project

Architect; Lou Slade, Traffic Consultant, Steven Sher, Land Use Planner; and Jennifer Budoff, Development Manager for the National Capital Revitalization Corporation (RLA's parent corporation). The Board qualified Mr. Slade and Mr. Sher as experts in their respective fields.

Disposition of Motions by Party in Opposition

Kelsey filed various motions following the public hearing on December 21, 2004: a motion to strike certain testimony and a letter pertaining to settlement discussions, a motion to "challenge or deny" the application based upon alleged false calculation of the parking space requirements, and a motion to dismiss based upon alleged *ex parte* communications.

Motion to Strike (Exhibit 52) Kelsey moved to strike a letter submitted by the applicant (Exhibit 44) that pertained, in part, to settlement discussions between the applicant and party in opposition. Kelsey also moved to strike the December 21, 2004 testimony of Jennifer Budoff which pertained, in part, to the letter. The Board granted the motion to strike the letter, finding that it was not relevant to the application. However, the Board denied the motion to strike Ms. Budoff's testimony, noting that it would disregard any testimony that was not germane to the application.

Motion to Challenge RLA Misrepresentations (Exhibit 49) Kelsey moved to "challenge" RLA's parking calculations and/or deny the application, based upon the applicant's alleged miscalculations of the parking requirements. Kelsey argues that RLA improperly excluded the garage and closed court area when calculating the base square footage at the project. The Board denied the motion, finding as a matter of law that these areas were properly excluded from the calculations.

Motion to Dismiss due to *Ex Parte* Communications (Exhibit 50) Kelsy moved to dismiss the application based upon alleged *ex parte* communications between DDOT, RLA and Chairman Griffis. The Board denied the motion, finding that the factual basis of the motion was in error and that the Chairman did not participate in any meetings or discussions with DDOT or RLA concerning the application.

FINDINGS OF FACT:

The Property

1. The site is located at 1400-1420 Park Road, NW and 1417-1437 Irving Street, NW in Square 2674 in the Columbia Heights neighborhood in the C-3-A zone. Square 2674 is bounded on the east by 14th Street, NW, on the north by Park Road, on the west by Hiatt Place, and on the south by Irving Street. The Columbia Heights metro station is located across from the Irving Street and 14th Street boundaries of the site.

2. The site is comprised of 4.96 acres (approximately 215,940 square feet), with its principal frontage along 14th Street, NW. It is primarily vacant with the exception of various small retail uses in the northeast corner of the Square fronting on 14th Street and Park Road, and a building façade on Irving Street.

3. A portion of the site contains an existing parking lot that can accommodate approximately 150 parked cars. The lot is used by the Kelsey Church, particularly on Sundays when the lot is used by between forty-five and seventy-five parked automobiles of parishioners and other neighborhood vehicles. During the week days, approximately ten to twelve parking spaces are occupied at a time.

The Proposed Project

4. RLA has executed an exclusive rights agreement with Grid Properties, Inc. to develop a large retail complex at the site. The proposed complex will be approximately 486,789 square feet in size and will include a Target store as the anchor tenant. It will also include two to three medium-sized retailers fronting on an interior atrium and small-scale retail shops on the ground level fronting on 14th and Irving Streets.

5. RLA plans to construct a two level underground parking garage at the site containing 1,000 self-park parking spaces. It also proposes to provide 244 attendant-assisted parking spaces during peak demand periods[1]. Funding for the parking garage will be provided by a tax increment revenue bond authorized by DC Council legislation (See, Exhibits 23 and 59). Although the parking spaces will not be exclusively dedicated to Target or the other retail tenants, the garage owner will establish pricing and validation mechanisms to ensure that the primary users of the garage are customers of the proposed project.

6. The project was originally conceived as a larger project – 539,850 square feet in size – with a mix of retail and entertainment uses and three levels of underground parking. Based upon the original plans, the Board approved a special exception in 2002 for a 25% parking reduction in BZA Case No. 16858 to allow 1,364 parking spaces.[2] However, the 2002 special exception was never implemented and the square footage and number of parking spaces was scaled down in size to what is now before the Board.

The Zoning Relief Requested

7. RLA seeks a variance from the parking requirements contained in section 2101.1 of the Zoning Regulations. The parking schedule contained in that section provides that a retail or service establishment measuring more than 3,000 square feet in the C-3-A zone

[1] At one point during the proceedings the attendant-assisted parking was proposed as a separate form of zoning relief under the Regulations. However, the applicant ultimately proffered it as a proposed condition to the requested parking reduction variance.

[2] Section 2108.2(b) of the Regulations authorizes the Board to grant special exceptions to reduce parking for non-residential uses by not more than twenty-five percent.

must provide one parking space for each additional 300 square feet of gross floor area and cellar floor area. Because the gross floor area and cellar floor area consists of 482,631 square feet, RLA is required to provide 1,599 parking spaces. Since it proposes to provide only 1,000 parking spaces, it requests a variance from the parking schedule requirements.

8. RLA also seeks relief from the roof structure requirements under section 411 of the Zoning Regulations. Since it proposes to construct multiple roof structures, RLA seeks relief from section 411.3 which requires that all mechanical equipment be placed in one roof top enclosure. Section 411.11 permits the Board to grant relief from this provision by special exception provided certain conditions are met.

The Parking Reduction

9. At 215,871 square feet of land area, the site is exceptionally large for an urban area. The average size of privately owned properties within 225 feet of the site is 7,440 square feet and the next largest property is only 53,495 square feet in area.

10. Because it is the only site in the Columbia Heights area and one of the few sites in the entire District of Columbia that is large enough to support a major retail development, the property has been designated for big box retail by District planning officials (See, Exhibit 35). Were the applicant to reduce the square footage of the project in order to comply with the parking requirements, it would not be able to produce the big box retail project.

11. The site also has an unusual shape, with multiple street frontages and angled lot lines. The site has frontage of approximately 510 feet on Irving Street, 510 feet on 14th Street, 225 feet on Park Road and 245 feet on Hiatt Place. The odd shape results in a loss of design efficiency enjoyed by more rectangular shaped sites.

12. The applicant would have to construct a third full sized level of parking and a fourth smaller level of parking in order to comply with the parking requirements.

13. The applicant is constrained from constructing the third and fourth levels of parking due to the groundwater conditions at the property. Investigation by the applicant's geotechnical engineer indicates that groundwater would be approximately six feet eight inches above the finished floor elevation of the third parking level. Measures to mitigate this condition would require an extensive drainage and waterproofing system.

14. The applicant is also constrained from building additional levels of parking due to the metro tunnel that is adjacent to the site. Proximity to the tunnel requires an additional support structure to avoid putting pressure on the tunnel, specifically, the pre-loading of sheeting and shoring during construction.

15. Funding for the parking lot is provided by tax increment revenue bonds approved by the Council of the District of Columbia in a resolution, dated July 13, 2004, approving financing for the project on an emergency basis. The legislation limits the amount of money that may be expended for the development costs of the parking facility to $40 million. The funding for the parking facility is tied to the description of the D.C.–U.S.A. Project as generally described in this Application. (See Exhibit 23, at Exhibit F)

16. Constructing the third and fourth levels of parking would result in additional costs of $23.8 million. These costs would be prohibitive and would result in the abandonment of the project. The cost to build the garage with two levels of parking is approximately $27,600 per space, while the total cost to build an additional third and fourth level would increase to approximately $35,000 per parking space. Factors contributing to the cost increases include the groundwater levels and the WMATA tunnel, discussed above, substantially higher costs for sheeting/shoring /underpinnings for deeper excavation, additional design elements such as elevators, parking ramps, stairs that would not otherwise be required, increased construction schedule costs for the additional six months to construct the additional parking, and increased exposure to risks from unforeseen conditions . (See, Supplemental Statement of Applicant).

17.. The Board credits the testimony and report presented by the applicant's traffic expert, with which OP and DDOT concur, in particular the parking analysis based upon the Urban Land Institute study model, (See, Supplemental Statement of Applicant). The Board finds that 1,000 parking spaces will be sufficient to serve the proposed retail uses. The 1,000 spaces offered –approximately 2.2 spaces per 1,000 square feet – is similar to the amount of spaces provided in comparable retail developments in the area (See, OP report, p. 7). Except for approximately 19 hours out of the year, the 1,000 spaces will be more than adequate to satisfy the parking demand. For approximately 40% of the operational hours of the year, one-half of the spaces will remain empty. During the estimated 19 hours when needed, the attendant-assisted parking will satisfy the increased demand.

18. The Board credits OP's testimony and DDOT's report that the proposed parking reduction will have no detrimental impact on traffic in the area.

19. The project will draw heavily from the surrounding neighborhoods, which are well served by transit. The retail mix is designed to primarily serve Columbia Heights and the surrounding communities defined as the 200,000 people who live within two miles of the site. The site itself is across the street from the Columbia Heights Metro station and within one block of 6 north/south bus lines and 15 east/west bus lines. As a result, many customers of the proposed project will use metro or bus service or will walk to the site. Neither they nor the neighboring residents will be adversely affected by the reduction in parking.

20. The Board credits the testimony of Councilmember Jim Graham, in whose ward the property is located, that the project is vital to the provision of retail services to the residents of Ward One and to the District of Columbia as a whole, and is vital to the economic vitality of the District by retaining tax dollars currently being lost to surrounding jurisdictions.

The Roof Structure Special Exception

21. Because of the large overall size and footprint of the building and roof areas and the needs of the various tenants, the project requires a significant number of mechanical units on the roof. As a result, RLA proposes to build several roof structures, including a stair tower and elevator enclosure on the northern portion of the roof, a larger penthouse/stair/mechanical enclosure near the center of the roof, and a stair tower and elevator on the lower roof portion of the project. It also proposes to provide a number of eight foot mechanical structures on the roof levels to serve the needs of the proposed tenants at the project.

22. Given the large size of the building, it cannot be served by one mechanical unit that would meet the needs of all of the proposed tenants. Each tenant requires a separate mechanical unit. Furthermore, Target requires separate mechanical units for separate interior zones of its store.

23.. Fresh air supply and exhaust vents from the parking garage must be located on the roof as well. The vents cannot exhaust onto the street without adversely impacting on pedestrians, and the multiple vents are too numerous to project from the building's walls.

24.. Because the building will include a three foot high parapet wall, the roof structures will be screened from the street level. The visual impact of the roof structures will be further minimized because the structures will be set back from the roof lines at a distance at least equal to their height.

25. The impact of three smaller roof enclosures will be less intrusive than one extremely large enclosure spread out over a 200,000 square foot roof.

26. The roof structures will be at least 100 feet from the nearest adjacent building.

CONCLUSIONS OF LAW

The Parking Variance

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799), as amended; D.C. Official Code § 6-641.07(g)(3) (2001), to grant variances from the strict application of the Zoning Regulations. As stated above, the applicant here seeks relief to reduce the number of required parking spaces from 1,599 to 1,000.

Under the three-prong test for area variances set out in 11 DCMR § 3103.2, an applicant must demonstrate that (1) the property is unique because of its size, shape, topography, or other extraordinary or exceptional situation or condition inherent in the property; (2) the applicant will encounter practical difficulty if the Zoning Regulations are strictly applied; and (3) the requested variances will not result in substantial detriment to the public good or the zone plan. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). In order to prove "practical difficulties," an applicant must demonstrate first, that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. *Id.* At 1170.

Applying this test to the requested relief, the Board concludes that a combination of factors necessitates the parking reduction: the size and shape of the property, its planning history and big box retail designation, the water table at the property, the site's proximity to the metro tunnel, and the limitations imposed by the legislation and financing of the project. The Board also finds that the proposed parking reduction will not result in substantial detriment to the zone plan or the public good.

Unique conditions at the property necessitate the variance

As explained above, the property is exceptionally large and has been designated for big box retail by District planning officials because of its large size and location within an area that lacks sufficient retail development. Because this type of big box retail requires a large floor plate and the property has an odd shape, the parking must be located underground. Due to the water table at the property and its proximity to the metro tunnel, it would be difficult and costly to construct more than two levels of parking below ground. In fact, the additional costs would threaten the viability of the project.

Kelsey argues that the property is not unique because its shape and size is similar to that of other properties in the area. It also disputes that the groundwater conditions at the property and its location near the metro are distinguishing characteristics. Kelsey claims that because these conditions are shared with other properties in the District, the property is inherently commonplace, neither unique nor exceptional. While other properties are close to metro and share similar groundwater conditions, the Board does not agree that these facts immediately disqualify the property from meeting the "uniqueness" test. As stated in the *Gilmartin* case, "a confluence of factors can establish uniqueness..." for purposes of approving a variance. As explained above, the uniqueness of this site derives not just from its proximity to metro and groundwater conditions, but from the confluence of other factors, ie., the large size of the property, its planning history, and the financing limitations and legislative constraints imposed on the project The property is the only site in Columbia Heights and one of only a few sites in the District of Columbia capable of supporting the major retail development specifically designated for this site by District

planning officials. These factors converge to create a "unique" set of circumstances arising from both the topography of the land, and the planning and legislative history attendant to the project.

Strict application of the Regulations would create practical difficulty

To comply with the Zoning Regulations, RLA would have to construct a third full size level of parking and a smaller fourth level of parking. As discussed above, the cost to do this would be prohibitive. The number of parking spaces is limited by the financing in place through Council legislation and the feasibility of the entire project is based upon this financing.

Granting the variance would not impair the public good

Based upon the testimony of Applicant's traffic expert, the concurrence of DDOT and OP and the underlying parking analysis provided by Applicant, the Board concludes that the 1,000 proposed spaces will be sufficient to meet the needs of the retail complex. Because of the unusual combination of the project's location within the community that it is designed to serve and an extensive transit network serving the area, the Board has confidence that the reduction in parking spaces correlates with a reduction in need for such spaces and will not create parking problems in the area. (See Findings of Fact 16-18)

Kelsey argues that approval of the parking reduction would impair the public good because it will displace local residential parking and eliminate the parking that it and other nearby property owners currently use at the site. The Board finds that even with the variance for the parking reduction, the new parking facility will add to the parking supply, not take from it. Estimates for use of the surface parking lot that will be displaced show a range from a mere 10-12 cars during the week day to 45-75 on an average Sunday . (Finding of Fact 3) While not concluding that the Applicant is obligated to replace this parking, the Board concludes that any adverse impact that may result from the loss of the parking lot is mitigated specifically by the Applicant's provision of parking spaces to the public. While the parking facility will be primarily available to users of the project, the parking facility will also be available to the public (Finding of Fact 5)

For most of the year, Applicant's parking facility will have a surplus of parking spaces. Applicant's traffic expert testified that 40% of the year as many as one half of the spaces (500) will be available for uses not serving the project. Only 19 hours out of the year is the parking facility projected to exceed demand and then an additional 244 attendant – assisted spaces will be added. (Finding of Fact 16).

Finally, the Board finds that granting the variance for the parking reduction will benefit the public interest. Without the variance not only would the Applicant abandon the parking facility, but the retail project, dependent on the parking facility, would be

abandoned as well. As noted by Councilmember Jim Graham and reflected in the Council of the District of Columbia's emergency legislation providing funding for the parking through tax increment financing, this project will improve the quality of life for residents of Ward One and the District as a whole by bringing retail services where they are greatly needed and will improve the economic vitality of the City by retaining tax dollars currently being lost to other jurisdictions.

The Roof Structure Requirements Special Exception

The Board is authorized under the Zoning Act of June 20, 1938 (52 Stat. 797, as amended, D.C. Code §6-641.07(g)(2))(2001), to grant special exceptions as provided in the Zoning Regulations, in particular the standards contained in § 3104. This applicant seeks a special exception to have multiple roof structures with three enclosures and to be relieved of the requirements of § 411 of the Zoning Regulations. The application meets the standards in § 3104. The Board agrees with OP that the special exception use will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect the use of neighboring properties.

In addition to meeting the general standards for special exception approval under § 3104, the applicant has demonstrated that it meets the criteria under § 411.11 for relief from the roof structure requirements; specifically, [w]*here* [compliance is] *impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area"* [and would be] *unduly restrictive, prohibitively costly or unreasonable*". As stated in the Findings of Fact, this large a building cannot be served by one mechanical unit that would meet the varying needs of the tenants, and the Target, in particular, requires separate mechanical units for separate zones within the store. Numerous mechanical units are required for the other tenants and multiple roof vents for the garage are necessary to keep the exhaust away from the street level and to avoid cluttering the building's façade. Section 411.11 also requires a showing that the granting of the requested relief not *materially impair* the intent and purpose of the Zoning Regulations or *adversely affect* the *light and air of adjacent buildings.* This showing has been made. The roof structures will be set back from the edge of the building at a distance at least equal to their height and will be screened from the ground by the parapet wall. Because the roof structures will be at least 100 feet from the nearest adjacent building, the light and air of these buildings will not be affected.

The Board is required under D.C. Official Code § 1-309(d)(2001) to give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. In reviewing a variance and special exception application, the Board is also required under D.C. Official Code § 6-623.04(2001) to give "great weight" to OP recommendations. For the reasons stated in this Decision and Order, the Board agrees with the advice received from the ANC and the OP.

Therefore, for the reasons stated, the Board hereby **GRANTS** both the variance to reduce the number of required parking spaces and the special exception for relief from the rooftop enclosure requirements subject to the following conditions:

1. The Applicant shall provide up to 244 attendant-assisted parking spaces on those days when the parking garage reaches or is expected to reach its capacity of 1,000 spaces.

2. The applicant shall establish pricing and validation mechanisms to insure that the primary users of the garage are customers of the retail project; and

3. The applicant shall seek further review from the Board if, upon final design and determination of the proposed uses for the subject property, the number of parking spaces required for the project exceeds 1,599.

VOTE: **4-0-1** (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann, II, and Curtis L. Etherly, Jr., in support of the motion, no Zoning Commissioner member present)

BY ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT.

Each concurring Board member has approved the issuance of this Order:

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

Final Date of Order: JUN 10 2005

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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.

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.

PURSUANT TO 11 DCMR § 3205, 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.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. *SEXUAL HARASSMENT IS A FORM OF SEX* DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. SG/RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 17232

As Director of the Office of Zoning, I hereby certify and attest that on JUN 10 2005 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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rsn

ATTESTED BY:

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