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January 2, 2008

VIA HAND DELIVERY

Board of Zoning Adjustment
441 4th Street, N W , Suite 210S
Washington, DC 20001


Re: Application No. 17679 –Applicant's Proposed Order

Honorable Members of the Board

On behalf of Jemal's TP Land LLC, attached please find one original and twenty copies of the Applicant's proposed order. At the close of the public hearing on November 13, 2007, the Board left the record open until January 2, 2008 for each party to submit a proposed order

We look forward to the Board's consideration of this application. Thank you for your attention to this matter

Sincerely,


Norman M. Glasgow, Jr.
Kyrus L. Freeman

Enclosure

cc: Maxine Brown-Roberts, Office of Planning (Via Hand, with enclosure)
ANC 4B (Via U S. Mail, with enclosure)
Jack Warner (Via U.S. Mail, with enclosure)

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17679

EXHIBIT NO. 43

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Board of Zoning Adjustment
District of Columbia
CASE NO. 17679
EXHIBIT NO. 43

Application No. 17679 of Application of Jemal's TP Land LLC, pursuant to 11 DCMR § 3104.1, for special exceptions under sections 353 and 2516, and under section 411 regarding roof structures, to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District at premises 6923-6953 Maple Street, N.W and 6916-6926 Willow Street, N W (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843)

HEARING DATE: November 13, 2007
DECISION DATES: January 8, 2008

DECISION AND ORDER

On June 11, 2007, Jemal's TP Land LLC (the "Applicant"), the owner of the property that is the subject of this application (the "subject property"), filed an application with the Board of Zoning Adjustment (the "Board") pursuant to 11 DCMR § 3104.1 for special exception relief pursuant to Sections 353, 411 and 2516 of the Zoning Regulations to allow the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District on the subject property. The Board held a public hearing on the application on November 13, 2007. At the public meeting on January 8, 2008, the Board voted to approve the application

PRELIMINARY MATTERS

Self-Certification The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3114 2.

Notice of Public Hearing Pursuant to 11 DCMR § 3113.1, notice of the hearing was sent to the Applicant, all individuals and entities owning property within 200 feet of the subject property, Advisory Neighborhood Commission ("ANC") 4B, and the Office of Planning ("OP") The Applicant posted placards at the subject property regarding the application and public hearing and submitted an affidavit to the Board to this effect (Exhibit 40)

ANC 4B The subject property is located within the area served by ANC 4B, which is automatically a party to this application The ANC filed a letter and resolution, dated November 5, 2007 and marked as Exhibit 31 of the record, indicating that ANC 4B, at its regularly scheduled meeting on October 25, 2007, which was property advertised and where a quorum was present, voted 6-2 in support of the application and the requested special exceptions.

Request for Party Status The Board received a Party Status Application in opposition to the application from Mr. Jack Warner, an individual residing at 6908 Willow Street, N W. (Exhibit 26) Mr. Warner indicated that he and a number of other neighbors would be affected by the application for the following reasons: a) flooding, b) traffic and street parking, c) an absentee landlord, d) crowding of existing homes and noise; and e) the loss of green space. The Board found that Mr Warner would be uniquely affected by the proposed development and therefore granted his request for party status However, during the course of his testimony, Mr Warner

agreed that the Applicant met all of the legal requirements for the requested zoning relief, and that most of his concerns would be dealt with during the permitted process (T p 194, 196).

Other Persons in Opposition/Support The Board heard testimony in support of and in opposition to the application. Two individuals (Alice Giancola and Loretta Neumann) testified in support of the application, and two individuals (Faith Wheeler and Ann Beman) testified in their individual capacities in opposition to the application

The Applicant's Case The Applicant was represented by the Norman M. Glasgow, Jr., Esq. and Kyrus L. Freeman, Esq. of Holland & Knight LLP. The Applicant presented testimony from Paul Millstein of Douglas Development Corporation, an expert in urban development and historic renovation, George Myers of GTM Architects, an expert in urban residential architecture, Steven E. Sher of Holland & Knight LLP, an expert in zoning and land use planning; and Huy Tran of Kimley-Horn and Associates, Inc., an expert in civil engineering and stormwater management design. Mr. Sher testified that the proposed project satisfied all of the applicable requirements for special exception relief. Mr. Tran testified that the drainage and stormwater design of the project conforms to D.C. regulations regarding stormwater quality and attenuation. The Applicant also submitted a memorandum prepared by O.R. George & Associates, Inc., experts in traffic engineering and transportation planning, indicating that the project would not have an adverse impact on the surrounding area, based on traffic generation, site access considerations and parking usage (Exhibit 39)

Office of Planning (OP) Report OP submitted a report on November 5, 2007, marked as Exhibit 29 of the record, indicating that OP supported the proposed redevelopment of the subject property since the project met the special exception requirements of Sections 353, 411 and 2516, and would not negatively impact the surrounding community. OP therefore recommended that the Board approve the requested special exceptions. Pursuant to the requirements of Section 353, OP found that the site plan, arrangement of buildings and structures, and the provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood would have a positive impact on the immediate neighborhood. OP also thoroughly analyzed the requirements of Section 2516 and found that the Applicant met its burden of proof with respect to each required element for approval of special exception relief to permit the construction of two or more principal buildings or structures on a single subdivided lot. OP did not recommend any additional conditions pursuant to Section 2516.10. With respect to the requested roof structure relief, OP found that the requested relief relating to setbacks (§ 411.2), more than one enclosure (§ 411.3), and enclosures of unequal heights (§ 441.5) should be granted since the proposed roof structures comply with the intent of the Zoning Regulations, would not hinder the light and air of adjacent property owners, and the location and design of the structures help to minimize the massing and the visibility of the enclosures on the roof.

District Department of Housing and Community Development ("DHCD") Report DHCD submitted a report, dated November 5, 2007 and marked as Exhibit 30 of the record of this case, indicating that DHCD reviewed the application and supported the requested special exceptions

District Department of Transportation ("DDOT") Report DDOT submitted a report, dated November 7, 2007 and marked as Exhibit 41 of the record in this case. DDOT indicated that it reviewed the application and accompanying materials and concluded that the development will not have an adverse traffic impact on the neighborhood and thus, from a transportation standpoint, DDOT supported the application.

Closing of the Record The record was closed after the public hearing in accordance with 11 DCMR §3121.5 of the Zoning Regulations, except to allow submission of a revised landscape plan from the Applicant, and a proposed order from the Applicant and the Party in Opposition.

FINDINGS OF FACT

Background

1. The subject property consists of Lots 26-29, 40, 808, 811, 814, 815, 818-820, 824, 825, 840 and 843 in Square 3357
2. The subject property is located in the center of the block bounded by Maple, Willow and Carroll Streets and Sandy Spring Road, N.W. The subject property has approximately 420 feet of frontage on Maple Street and approximately 407 feet of frontage on Willow Street.
3. The subject property has a land area of approximately 101,879 square feet
4. The property is currently improved with 3 one and two story single family dwellings, a parking lot which serves the building across Willow Street to the east, and the remainder is vacant.
5. The subject property is zoned R-5-A and is also located within the Takoma Park Historic District
6. On September 28, 2006, the Historic Preservation Review Board ("HPRB") granted conceptual approval for the relocation and rehabilitation of the of the 3 single family units. On November 16, 2006, HPRB granted conceptual approval for a revised proposal to relocate the 3 single family units, and on February 22, 2007, HPRB approved the conceptual site plan, height, massing and general architectural treatment of the two apartment buildings as consistent with the purposes of the preservation act

The Applicant's Proposed Project.

7. The Applicant seeks to develop the subject property with two new multiple dwelling buildings, each containing 38 dwelling units. Each building will be three stories with a maximum height of 40'-0" as measured from the finished grade level at the middle of the front of each building to the ceiling of the top story. Each building contains approximately 41,631 square feet of gross floor area.

8. The three existing single family dwelling units currently on the property will be renovated and relocated to new lots at the south end of the site. Each of these residences will be provided with off-street parking. Physically, the new locations will reinforce the transition between the existing community and the proposed development.
9. Seventy-six surface parking spaces will be provided within the development. Vehicular service access is provided at the northern end of the site, adjacent to the commercial parking lot. In addition, the project includes a bicycle storage area with 20 stalls.
10. Each proposed multi-family building includes a loading dock and zone, as well as a trash room.
11. The northern portion of the lot is shielded from view from the neighbors by screening and closely planted evergreens.
12. The project includes a combined total of approximately 25,611 square feet of green space on the multi-family building lots.
13. The design of the new residential buildings incorporates details from traditional Washington, D.C. apartment buildings from the early part of the 20th century. A belt course and decorated cornice line visually reduce the mass of the building while adding architectural interest to the building facade.
14. Both buildings are parallel to the street and set back about 20 feet from the curb. This setback is consistent with the established building line of the adjacent houses on Maple and Willow streets.

Special Exception Under Section 353 for New Residential Development in R-5-A District

15. Pursuant to §353.1 of the Zoning Regulations, in R-5-A Districts, all new residential developments, except those compromising all one-family detached and semi-detached dwellings, must be reviewed by the Board as special exceptions under §3104 in accordance with the standards and requirements in §353. The Board finds that the Applicant meets the requirements of Section 353 as follows.
16. Section 353.2 - The application was referred to the D.C. Board of Education for comment and recommendation. The D.C. Board of Education did not provide any comments. However, the Board takes notice that there are a number of existing D.C. public schools in the area, including Takoma Educational Center and Coolidge Senior High School, which are adequate to accommodate the number of students that can be expected to reside in the project. The Board further notes that school capacity has not been an issue in the District since this subsection of the Zoning Regulations was adopted.
17. Section 353.3 - The application was referred to DDOT and DHCD for comment and recommendation. As indicated above, DDOT submitted a report indicating that it reviewed the application and accompanying materials and concluded that the development will not

have an adverse traffic impact on the neighborhood and thus, from a transportation standpoint, DDOT supports the application. DHCD also submitted a report indicating that DHCD reviewed the application and supports the requested special exceptions. Thus, the Board finds that the Applicant has met its burden of proof under this section.

18. Section 353.4 - The application was referred to the D.C. Office of Planning for comment and recommendation. As discussed above in the section regarding the OP report, OP submitted a thorough report indicating that OP supports the proposed redevelopment of the subject property since the project meets the special exception requirements of Sections 353, 411 and 2516, and would not negatively impact the surrounding community. The Board therefore finds that the Applicant has met its burden of proof under this section.

19. Section 353.5 - This section requires the applicant to submit to the Board four site plans and two sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements. The Board finds that the required plans have all been submitted.

Special Exception From Roof Structure Requirements of Section 411

20. Under Section 411.11, the Board may grant special exception relief from the strict requirements for a roof structure where full 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." 11 DCMR §411.11. The Board may approve deviations from the roof structure requirements provided the intent and purpose of Chapter 400 and the Zoning Regulations are not "materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely." *Id.*

21. The Applicant is seeking roof structure relief since the project incorporates multiple roof structures (§411.3), the roof structures will not be setback from all exterior walls a distance equal to their height above the roof (§411.2), and one of the roof structures will have walls of varying height (§411.5).

22. Relief From Set Back Requirement - The Applicant requests relief from Section 411.2 of the Zoning Regulations, which requires roof structures to be setback in accordance with the provisions of the zone district in which the Project is located. 11 DCMR §411.2. The R-5-A District requires a roof structure to be set back from the building's walls a distance at least equal to the roof structure's height above the roof on which it is located.

23. The Applicant proposes to provide a stair tower enclosure near the front façade of each building with a height of 9 feet and a larger stair/vestibule/storage/elevator override enclosure in the center of the roof that measures 9 feet, but steps up to 15 feet, 6 inches at the portion enclosing the elevator override. The larger enclosure meets the setback requirements on all sides, except the interior parking lot side. Likewise, the stair tower enclosure near the front façade of each building meets the setback requirements on the street side, but not on the loading dock side since it is located at the roof edge. This stair tower enclosure is provided

because the Building Code mandates that when residential recreation space is located on the roof of a building, a separate stairwell that leads to the bottom of the building must also be located on the roof. The building code also recommends that stair towers be located at the extreme end of a corridor. Thus, the placement of this tower is based on the building code and the internal configuration of the building

- 24 The Board finds that relief is appropriate from Section 411.2 since the proposed roof structure complies with the spirit and intent of the roof structure provisions and the Zoning Regulations. The purpose of the setback requirement is to ensure adequate light and air to adjacent property and abutting streets. This purpose is achieved despite the requested special exception since relief from the setback requirement will not hinder the light and air of adjacent property owners since the roof structure meets the permitted height requirement.
25. Relief from Roof Structure Enclosure Requirement Section 411.3 requires that all penthouses and mechanical equipment be placed in one enclosure. However, the Applicant proposes to provide two enclosures on each proposed building: a stair tower enclosure and a larger stair/vestibule/storage/elevator override enclosure near the center of the roof. Each of these structures are necessary features.
26. The Applicant's proposal calls for the provision of residential recreational space on the roof, which triggers the building code requirement that a separate stairwell leading to the bottom floor of the building be located on the roof and recommends that the stairs be located near the end of a corridor. The other penthouse is necessary for the additional stair tower and elevator override as well as for providing access to the roof.
27. The Board finds that the Applicant's proposal to provide two separate roof structures to comply with the building code, to keep distinct mechanical operations separate, and to break up massing on the roof is consistent with intent of the roof structure requirements and will not have any adverse impact. The Applicant would not need this relief if the separate enclosures were connected and combined into one large enclosure spanning nearly the entire roof, but this would be contrary to sound design principles and increase the mass on the roof. In addition, the multiple roof structures will not adversely impact the light and air of adjacent buildings. The placement of the roof enclosures helps to minimize the visibility of the structures to the greatest extent possible, and the overall mass of the roof structures has been reduced. Therefore, the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.
- 28 Relief from Walls of Equal Height Requirement The Applicant requests relief from Section 411.5 of the Zoning Regulation which requires the enclosing walls of a penthouse to be of equal height, whereas the project incorporates two sets of enclosing wall heights on the stair/vestibule/storage/elevator override roof structure.
29. The walls of the stair tower, vestibule and storage portion of the enclosure has a height of 9 feet. The portion of the enclosure over the elevator override steps up to 15 feet, 6 inches in order to fully enclose the override. Approximately 88% of the roof structure has a height of 9 feet, and the remaining 12% has a height of 15 feet, 6 inches. Since the project includes a

roof deck as an amenity to the building tenants, the building code requires that all accessible levels be served by an elevator, which therefore results in an elevator override.

- 30 The Board finds that the requested relief is appropriate and that the proposed roof structure complies with the spirit and intent of the roof structure provisions and the Zoning Regulations by helping to ensure adequate light and air to adjacent property and abutting streets. The step down in height helps to reduce the visibility of the roof structure from the surrounding areas. Furthermore, this special exception is requested in order to further minimize the bulk of the roof structure. If necessary, the entire roof structure could measure 15 feet, 6 inches, however, the penthouse would have unnecessary mass and height which would not further the intent of the Zoning Regulations. Accordingly, the proposed penthouses are in harmony with the purpose and intent of the Zoning Regulations and meet the test for special exception relief under Section 411.

Special Exception for Theoretical Building Sites (§2516.1)

31. Pursuant to §2516.1 of the Zoning Regulations, the Board has the authority to grant, as a special exception under §3104, the construction of two or more principal buildings or structures on a single subdivided lot, subject to the provisions of §2516. The Board finds that the Applicant meets the requirements of §2516 as follows
32. Section 2516.2 - The Subject Property is located in the R-5-A District, and thus complies with this provision.
33. Section 2516.3 – The Board finds that all required plans have been submitted and are included in the record of this case
34. Section 2516.4 – The Board finds that, other than the relief approved herein, the proposed development meets all applicable zoning requirements
35. Section 2516.5 – The Board finds that all theoretical building sites have street frontage, and thus this section is not applicable.
36. Section 2516.6 – The Board finds that the applicable requirements with respect to ingress and egress have been complied with, and thus the Applicant meets the requirements of this section.
37. Section 2516.7 – The Board finds that the building heights have been measured from the finished grade at the middle of the front of the building, and thus complies with this provision
38. Section 2516.8 – The Board finds that this section was repealed pursuant to Zoning Commission Order No. 06-05
39. Section 2516.9 – The Board finds that the proposed development complies with the substantive provisions of the Zoning Regulations and will not likely have an adverse effect

on the present character and future development of the neighborhood. The Board finds that the proposal is consistent with the a number of the District's planning objectives. The Comprehensive Plan Future Land Use Map includes the subject property in the moderate density residential land use category, and the proposed project meets all of the applicable R-5-A zoning requirements, which is one of the zones listed as generally consistent with this category. In addition, the project is consistent with the Comprehensive Plan's Policy Map designation of the subject property in a Neighborhood Conservation Area since the development is a residential, infill housing project that is in harmony with the existing diversity of land uses and building types in the area. Moreover, the project also helps to implement a number of the polices of the Rock Creek East Area element of the Comprehensive Plan and the Takoma Central District Plan, including infill development near the Takoma Metro Station, accommodating housing demand, and retaining the existing R-5-A zoning for this site

40. Section 2516.10 - The application was referred to OP for comment and recommendation, and OP recommended that the Board approve the requested special exceptions since the project meets the special exception requirements and would not negatively impact the surrounding community. The Board finds that the Applicant has met its burden of proof under this section.
41. Section 2516.11 - The Board finds that the Applicant has met its burden of proof, and that the project has been reviewed and approved by numerous District boards and agencies. The Board further finds that project is consistent with the overall purpose and intent of the Zoning Regulations. Therefore, the Board finds that there is no basis for the imposition of any conditions with respect to the project.

Issues Raised By Party and Persons in Opposition

42. The primary concerns raised by the party and persons in opposition to the application were (a) increased density and loss of open space, (b) the project's massing, (c) stormwater management and drainage, (d) traffic and parking; (e) having an absentee landlord and a transient population, (f) the project's landscaping; and (g) inadequate community input.
43. The Board makes the following findings:
 - (a) *Increased Density and Loss of Open Space* The Board is not persuaded that the density of the proposed project will conflict with the character of the neighborhood. The project's overall FAR and lot occupancy are within the R-5-A District requirements. In addition, the project includes a combined total of approximately 25,611 square feet of green space on the multi-family building lots. The Board thus finds that the project's proposed density and amount of open space are within the permissible density, are consistent with the type of development permitted in R-5-A Districts, and therefore will not have an adverse impact on the surrounding community.

- (b) *Massing*. As indicated in Finding of Fact No 6, on February 22, 2007, HPRB approved the conceptual site plan, height, massing and general architectural treatment of the two apartment buildings as consistent with the purposes of the preservation act OP also found that the architecture and the massing of the buildings are appropriate for the area. Based upon HPRB's and OP's determinations, as well as upon the Board's review of the plans, the Board also finds that the project's massing is appropriate
- (c) *Stormwater Management and Drainage* The Zoning Regulations do not include any provisions regarding stormwater management and drainage. However, the Applicant's expert in civil engineering and stormwater management design testified that the drainage and stormwater design of the project confirms to D C regulations regarding stormwater quality and attenuation Neither the party and persons in opposition presented any evidence to rebut this expert testimony Moreover, the Board finds that any stormwater management and drainage will be addressed by the appropriate District department during the permitting process
- (d) *Traffic and Parking* DDOT submitted a report, dated November 7, 2007 and marked as Exhibit 41 of the record in this case. DDOT indicated that it reviewed the application and accompanying materials and concluded that the development will not have an adverse traffic impact on the neighborhood and thus, from a transportation standpoint, DDOT supported the application The Applicant's traffic expert also submit a memorandum indicating that the project would not have an adverse impact on the surrounding area, based on traffic generation, site access considerations and parking usage (Exhibit 39). Neither the party and persons in opposition presented any evidence to rebut this expert testimony Thus, the Board finds that the proposed development will not have an adverse impact on traffic or parking
- (e) *Having An Absentee Landlord And A Transient Population* The Board finds that these concerns are not within the Board's jurisdiction
- (f) *Landscaping* Based upon the testimony presented, the Board asked the Applicant to review the landscape plan and try to incorporate comments from the community. On December 12, 2007, the Applicant filed a revised landscape plan, which the Board finds provides adequate buffering between the project and the existing adjacent residential uses
- (g) *Community Input*. The Applicant testified that it participated in a number of community meetings regarding the project. The ANC4B resolution also indicated that the Applicant participated in community outreach regarding the project The party in opposition also testified that he was able to participate in ANC 4B's meeting during which the ANC voted to support the application (T. p. 209). Ms Wheeler, a person who testified in opposition to the application, also stated that the project has been revised multiple times as a result of community input, and that the Applicant's representative has been accessible to community members (T

p. 224) The Applicant also testified that it would continue to work with the community regarding issues that might arise during and after construction of the project, such as the location of HVAC units on the multi-family buildings. The Board therefore finds that the Applicant engaged in efforts to solicit community input regarding the proposed project

CONCLUSIONS OF LAW

- 1 Pursuant to Section 3104 of the Zoning Regulations, the Board is authorized to grant special exception where, in the judgment of the Board, the relief 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 Maps. Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met In reviewing an application for special exception relief, "[t]he Board's discretion is limited to a determination of whether the exception sought meets the requirements of the regulations " *First Baptist Church of Washington v District of Columbia Board of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (*quoting Stewart v District of Columbia Board of Zoning Adjustment*, 305 A 2d 516, 518 (D C 1973)) If the applicant meets its burden, the Board must ordinarily grant the application. *Id*
2. Based upon the evidence and testimony submitted for the record in this case, the Board concludes that the Applicant has met its burden of proof in this case and is entitled to special exception relief under sections 353, 411 and 2516 of the Zoning Regulations.
3. The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning D C. Official Code §§ 1-309 10(d) and 6-623.04 (2001) Great weight means acknowledgment of the issues and concerns of those two entities and an explanation of why the Board did or did not find their views persuasive The Office of Planning and ANC 4B both recommended approval of the application. The Board agrees that the Applicant has carried its burden of proof in meeting the requirements for special exception relief and therefore accords the recommendations of OP and ANC 4B the deference to which they are entitled

For the reasons stated above, the Board concludes that the Applicant has satisfied the burden of proof with respect to an application pursuant to 11 DCMR § 3104 1, for special exceptions under sections 353 and 2516, and under section 411 regarding roof structures, to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District at premises 6923-6953 Maple Street, N.W. and 6916-6926 Willow Street, N W. (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843). Accordingly, it is therefore **ORDERED** that the application be **GRANTED** subject to the following **CONDITION**:

1. The proposed project shall be developed substantially in accordance with the architectural plans and elevations prepared by GTM Architects included with Exhibit 27 of the record in

this case, as modified by the landscape plan submitted on _____ and marked as Exhibit _____ of the record in this case

VOTE: - - - (_____)

BY ORDER OF THE D.C. 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: _____

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 BECOME 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 § 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 SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE SEE D.C. CODE § 1-2531 (1999) THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.