

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19034 of Industrial Bank, as amended,¹ pursuant to 11 DCMR § 3104.1, for a special exception under § 213 of the Zoning Regulations for a parking lot with 15 parking spaces, and pursuant to 11 DCMR § 3103.2, a variance from the landscaping requirements under § 2303.1(f), and pursuant to § 2303.3 of the Zoning Regulations, a modification of the screening requirements contained in § 2303.2(a), to continue operations at the existing parking lot at premises 1931 11th Street, N.W. (Square 333, Lot 36) a split-zoned property in the R-4 and Arts/C-2-A zones.

HEARING DATES: June 30, 2015 and September 15, 2015

DECISION DATE: September 15, 2015

DECISION AND ORDER

On April 27, 2015, the Industrial Bank (the “Bank” or the “Applicant”) filed an application with the Board of Zoning Adjustment (“Board”) seeking zoning relief to allow the continuation of a parking lot at 1931 11th St., N.W. Following a public hearing on June 30, 2015 and September 15, 2015, the Board voted to approve the application subject to various conditions.

PRELIMINARY MATTERS

The Application. The original application sought a variance to allow a parking lot use in a residential (R-4) zone. (Application, Exhibit 1.) The application was based upon a memorandum from the Zoning Administrator (“ZA”) dated March 26, 2014, stating that a use variance under § 330.5 was required for a parking lot with nine spaces. (Exhibit 16.) However, the application was ultimately amended to seek special exception relief under § 213 for a parking lot with 15 spaces, a variance from the landscaping requirements under § 2303.1(f), and a “waiver” of the screening requirements contained in § 2303.2(a).

Self-Certification. The amended zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3113.2. (Exhibit 49.)

Notice of Application and Notice of Hearing. The application was filed on April 27, 2015. By memoranda dated April 30, 2015, the Office of Zoning notified the following agencies that the

¹ As will be explained more fully, the original application sought a use variance, but was amended to seek a special exception allowing the continued operation of the parking lot, and other relief. The caption reflects the relief sought under the revised application and Pre-Hearing Statement.

application had been filed: the D.C. Office of Planning (“OP”), Advisory Neighborhood Commission (“ANC”) 1B, the ANC for the area within which the subject property is located, and the D.C. Department of Transportation (“DDOT”). Pursuant to 11 DCMR § 3113.3, notice of the hearing was sent to the Applicant, all entities owning property within 200 feet of the Applicant’s site, the ANC, OP, and DDOT. The Applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect. (Exhibit 38.)

ANC 1B. The subject site is located within the area served by the Advisory Neighborhood Commission 1B, which is automatically a party to this application. The ANC filed a report indicating that at a public meeting on June 19, 2015, with a quorum present, the ANC voted to oppose the variance application.² (Exhibit 33.) The ANC cited several reasons for its opposition, among them: (1) The lot is zoned for residential use and that is the correct use; (2) A parking lot at that location is not in the best interest of the District or the neighborhood where there are two metro stops nearby; (3) The parking lot is the site of illegal activity such as public drinking, public harassment, and parking in public space, i.e., the sidewalk; and (4) Based upon the Applicant’s “illegal” operation of the lot, the ANC does not have confidence in the Applicant becoming good stewards of the property.

ANC Commissioner Ellen Sullivan testified in opposition at the June 30, 2015 hearing, but the ANC did not send a representative to the continued hearing on September 15, 2015. However, Elduise Johnson, a representative of Industrial Bank, testified that she had communicated with the ANC by email, and the ANC was “pleased with the progress” that had been made at the site since the time of the first public hearing. (Hearing Transcript of September 15, 2015, (“Tr.”), p. 105.)

Requests for Party Status. There were no requests for party status.

Other Persons/Entities in Opposition. The Board received nine letters from neighboring residents in opposition to the application. (Exhibits 29 and 31.) Two of those residents, Neil Boertlein and William Riggins, testified in opposition during the first and second hearings, respectively. Both raised concerns about traffic and the operations of the parking lot.

Other Persons/Entities in Support. The Board received three letters in support from neighboring businesses. (Exhibits 3, 8, and 9.) Mr. Rick Lee, representing Lee’s Flower and Card Shop, testified in support of the application. Mr. Lee stated that his business had rented parking spaces from the Bank for 30 years or more, and that the Bank had been “bringing the parking lot into compliance.” (Tr., p. 106.) Mr. Lee also urged the Board to reject the suggestion of a one-year term of approval. (Tr., p. 106-107.)

Government Reports

² The ANC 1B did not file a report addressing any of the amended relief, such as the special exception relief pursuant to § 213 for a parking lot.

Office of Planning. OP filed two reports in this matter, one before the initial hearing on June 30, 2015 (Exhibit 35), and a Supplemental Report before the continued hearing date on September 15, 2015. (Exhibit 41.) In both reports, OP recommended approval of the special exception, subject to various conditions.

In between the two hearing dates, the Applicant revised its site plan in consultation with OP (and DDOT). The Applicant and OP also agreed to additional conditions relating to the amended relief requested under Chapter 23. For instance, with respect to the variance requested from the landscaping requirements under § 2303.1(f), OP noted an agreement to landscape portions of the public space outside the lot, in lieu of landscaping five percent of the parking lot, as required. (Exhibit 41.) With respect to the modification from the screening requirements under § 2303.2(a) that was also requested, OP noted an agreement to provide slats within the chain link fence along the property's 11th Street frontage, in order to screen the lot from the residentially zoned properties across 11th Street. (Exhibit 41.)

OP also recommended that the Board impose a term of one year from the effective date of an order granting approval. (Exhibit 41.) OP's representative, Karen Thomas, testified during the public hearing on September 15, 2015. When questioned by Commissioner Hood, Ms. Thomas stated that, if the Board so desired, she would be "amenable" to a two-year term instead of a one-year term. (Tr., p. 104.)

DDOT Report. DDOT filed a report recommending approval of the application, stating it had no objection to it provided the Applicant agreed to: (1) submit a site plan of the parking layout, including striping, directional arrows, signage, landscaping, and lighting, as well as provide these improvements onsite; (2) replace the existing fence along the public alley with an operable gate to allow circulation; and (3) repair the broken and damaged paving. (Exhibit 34.)

The Public Hearing.

The Board began the public hearing on June 30, 2015 and continued it to September 15, 2015, so that the Applicant could revise the application, repost notice on the property and submit an affidavit of posting. Prior to the continued hearing, the Applicant filed a Pre-Hearing Statement explaining the basis of its revised application, and also detailing steps it had taken to strengthen its application, bring the property into compliance with the zoning regulations, and adhere to suggestions from OP and DDOT, and from the Board. (Exhibit 43.)

FINDINGS OF FACT

The Site and Surrounding Area

1. This application concerns property located at Lots 36 and 807, two contiguous lots within Square 333.
2. Lot 36, to the south, is located within the R-4 zone. However, Lot 807 is zoned Arts/C-2-A.

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3. The property is also located within the Greater U Street Historic District.
4. The property, spanning the two contiguous lots, currently operates as a parking lot without a certificate of occupancy.
5. The parking lot has been used by the local business community for several decades.

The Proposal

6. The Applicant proposes to continue the operation of the parking lot and has filed this application to bring the property into zoning compliance.
7. During these proceedings, the Applicant redesigned the configuration of the parking lot to include 15 parking spaces.
8. At the Board's direction, the Applicant filed a site plan showing the revised parking lot layout. The revisions were made in consultation with OP and DDOT.

Zoning Relief

9. A parking lot is permitted as a matter-of-right in the ARTS/C-2-A zone.
10. Special exception relief pursuant to § 213 is required to operate a parking lot within the R-4 zone. (See, § 213.1 applicable to the R-1 zone, carrying through to the R-4 zone pursuant to §§ 302.1, 322.1, and 332.1(a).)
11. Special exception relief pursuant to § 213 requires adherence to parking lot requirements under § 2303 of the Zoning Regulations.
12. The Applicant seeks variance relief from the landscaping requirements within § 2303.1(f).
13. Pursuant to § 2303.4, the Applicant is requesting the Board to modify the screening requirements contained within § 2303.2(a) with respect to its parking lot.

Prior Request for Zoning Relief

14. The Applicant submitted a previous application for special exception relief under § 213 in 2014. (BZA Application No. 18809.)
15. On October 28, 2014, the Board voted to dismiss the application because the Applicant failed to appear at three hearing dates.
16. Before the dismissal was made final by the issuance of a written order, the Applicant withdrew the application on December 23, 2015. (See, BZA Case No. 18809, Exhibit 40.)

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17. Subsection 3113.10 requires an applicant to wait 90 days before re-filing an application that has been withdrawn. This requirement was met, as the instant application was filed on April 27, 2015.

Design and Operation of the Parking Lot

18. The residentially zoned portion of the parking lot is contiguous to the commercial zone district (ARTS/C-2-A).
19. The parking lot is adjacent to the U Street commercial district and is conveniently located to serve those commercial uses.
20. The parking lot has served and will continue to serve local businesses.
21. The redesigned parking lot also will continue to serve the off-street parking needs of the community. (OP Report, Exhibit 35, p. 5.)
22. There is no indication that the current operation of the parking lot has created objectionable traffic conditions. (DDOT Report, Exhibit 34.)
23. The parking lot will be operated by valet only. Either an attendant will be operating the parking lot during the day, or a parking service will be operating the lot during the evening. (Tr., p. 119.) Therefore, patrons will not be parking their own vehicles or driving within the parking lot.

Compliance with Chapter 23 Requirements

24. The parking area is asphalt paved. (§ 2303.1.) Broken pavement that existed was repaired or replaced during the course of the proceedings. (Tr., p. 102 and 118.)
25. The parking lot is improved with chain link fences along the eastern and western lot lines, and buildings to the north and south, preventing vehicles from projecting over any lot line. (§ 2303.1(b).)
26. The property is, and is proposed to continue as a parking lot only, with no structures. (§ 2303.1(c).)
27. The vehicular entrance onto 11th Street from the parking lot is more than 40 feet from a street intersection. (§ 2303.1(d).)
28. Lighting for the parking lot is located on the party walls of the adjacent structures, and directed to the surface of the lot (§ 2303.1(e).)
29. As conditioned, the parking lot will be free of trash and debris.

Variance relief from the landscaping requirements under § 2303.1(f)

30. The subject property is unusual in that: (1) it is a split-zoned property that has been operating as one parking lot, but requiring zoning relief only because of the residentially zoned portion; (2) the parking lot has been serving the customers of many historic businesses for several decades; (3) the parking lot has always been paved in its entirety; and (4) the Applicant recently invested in landscaping at the front entrance to the parking lot, in the public space.
31. Because the parking lot is already paved in its entirety, any landscaping within the lot would require breaking up and removing the pavement and asphalt in order to add permanent landscaping to the site.
32. During the course of these proceedings, the Applicant installed shrubs on both sides of the 11th Street entrance of the parking lot, on public space. This represents 277.5 square feet of landscaping area, or approximately 7.5% of the parking lot area.
33. The Applicant has represented that it will continue to maintain the Landscaping that it installed in the public space. (Exhibit 43, p. 2.)

Modification of screening requirements under § 2303.2

34. Subsection 2303.2 requires that a parking lot in the R-4 zone be screened from all contiguous residential property by a solid brick or stone wall of specified minimum dimensions or by evergreen hedges or trees. Further, § 2302.2 (a) requires that such parking lots be screened from all contiguous residential property located in an R-1, R-2, or R-3 District by a solid masonry wall at least 12 inches thick and 42 inches high.
35. There are no contiguous properties in the R-1, R-2, or R-3 Districts.
36. The parking lot would be screened from the R-4 District to the south by the party wall shared with the row house on the property to the south. (OP Report, Exhibit 35, p.4.)

CONCLUSIONS OF LAW

The Board is authorized under the Zoning Act of June 20, 1938 (52 Stat. 797 D.C. Official Code § 6-641.07(g)(2) (2001)), to grant special exceptions as provided in the Zoning Regulations. The Applicant applied under 11 DCMR § 3104.1 for a special exception pursuant to 11 DCMR § 213 to continue the parking lot spanning Lots 36 and 807, in the R-4 and ARTS/C-2-A zones, respectively.

The Board may grant a special exception where, in its judgment, two general tests are met, and the special conditions for the particular exception are met. First, the requested special exception must “be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” (11 DCMR § 3104.1.) Second, it must “not tend to affect adversely the use of

neighboring property in accordance with the Zoning Regulations and Zoning Map.” (11 DCMR § 3104.1.)

Section 213 of the Zoning Regulations permits a parking lot in an R-4 “District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of [that] section”. (11 DCMR § 213.1.)

The Board concludes that the parking lot – which has existed at the site for several years -- is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Further, the Board finds that the parking lot, as conditioned, will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps.

As to the specific requirements of § 213, those have been satisfied. The parking lot must be within 200 feet of an existing commercial district. (§ 213.2.) Here, the parking lot is contiguous to the commercial district. (Finding of Fact 18.) The parking lot must either be contiguous to or separated by an alley from the commercial district. (§ 213.3.) As stated, the parking lot is contiguous to the commercial district. (Finding of Fact 18.) No dangerous or otherwise objectionable traffic conditions will result from the parking lot use, and the present character and future development of the neighborhood will not be affected adversely by the parking lot use. (§ 213.5.) As DDOT found, the parking lot has not created any objectionable traffic conditions. Furthermore, the design and operational features of the parking lot militate against any adverse effects on the neighborhood. As conditioned, the parking lot will be operated by valet only, with specified hours of operations. No loitering will be permitted and no trash or debris will be allowed to accumulate at the property. (Finding of Fact 29.) The parking lot must be reasonably necessary and convenient to other uses, so that the likely result will be less overspill parking on neighborhood streets. (§ 213.6.) And, the majority of the parking spaces shall serve short term parking needs of retail, service and other uses. (§ 313.7) Here, the parking lot is located adjacent to the U Street commercial district and will serve local commercial uses and businesses, as well as off-street parking for the community. (Findings of Fact 19-21.)

Section 213 also requires adherence to the provisions of § 2303. The parking lot will comply with most of these provisions within § 2303. For instance, the parking lot areas must be surfaced and maintained with an all-weather service. Here, the parking lot is asphalt paved and has been repaired where necessary. (§ 2303.1(a), Finding of Fact 24.) The parking lot must be designed so that no vehicle or part thereof projects over any lot line or building line. Here, the chain link fences around the lot prevent vehicles from projecting over any lot lines. (§ 2303.1(b), Finding of Fact 25.) No other structure or use is allowed on the property. The property is vacant and is proposed to continue as a parking lot only, with no structures. (§ 2303.1(c), Finding of Fact 26.) No vehicular entrance to or exit from the parking lot may be within 40 feet of a street intersection. Here, the vehicular entrance onto 11th Street from the parking lot is more than 40 feet from an intersection. (§ 2303.1(d), Finding of Fact 27.) Lighting for the parking lot must be confined to the surface of the parking lot. Here, the lighting is on the party walls of the adjacent structures and directed to the surface of the lot only. (§ 2303.1(f), Finding of Fact 28.) The parking lot must be kept free of refuse and debris and five percent of its area must be landscaped. As conditioned, the parking lot will be free of trash and debris. (§ 230.1(f), Finding of Fact 29.)

The Applicant seeks an area variance from the landscaping requirement of § 2303.2(f). The Board is authorized under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(3) (2012 Repl.)) to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (See 11 DCMR § 3103.2.)

Subsection 2303.1(f) provides for landscaping covering a minimum of five percent of the area of the parking lot “or an area as determined by the [Board] for a parking lot otherwise requiring Board approval”. Since this is not a matter of right parking lot, the five percent minimum does not apply. As explained in the Findings of Fact, the entire parking lot is already paved in asphalt. In addition, the Applicant has installed plantings at the parking lot entrance in the public space.

First, the Board finds that the subject property is subject to an exceptional condition. As explained above, the parking lot has been operating for several decades despite the fact that a portion of it is zoned residentially and a portion of it is zoned commercially. It is only now being brought into zoning compliance. Throughout its history, the parking lot was comprised of an asphalt pavement and was not landscaped. However, in an attempt to beautify the site, the Applicant recently invested in landscaping the front entrance to the lot, which is located in the public space. The Board further concludes that this exceptional condition results in a practical difficulty in providing any landscaping within the property because it would be difficult and costly to break up the existing surface and install landscaping within the lot.

Finally, the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. In consultation with OP, the Applicant proposes to maintain the landscaping in the public space for the life of the parking lot, in lieu of landscaping five percent of the lot. (Exhibit 41.) The Board concludes that this is a reasonable solution that will ensure, along with the conditions of approval, that no detriment to the public good will result. The Board further concludes that this minor deviation from the conditions granting the special exception would not impair the zone plan.

Subsection 2303.2(a) also requires screening from all contiguous residential property. However, pursuant to § 2303.4, the Board may authorize a waiver or modification of this requirement considering, among other things, the adequacy of screening walls on adjacent property, and any adverse effect of the requested waiver. As stated previously, the parking lot would be screened adequately from the R-4 District by the party wall shared with the row house on the property to the south. (Finding of Fact 36.)

The ANC Issues and Concerns

The Board is required under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Official Code § 1-309.10(d)(3)(A)), to give “great weight” to the issues and concerns raised by the affected ANC. To give great weight the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances, and make specific findings and conclusions with respect to each of the ANC’s issues and concerns.

As noted, the ANC opposed the application. Its concerns mirror those of the opposition witnesses, i.e., the potential adverse impact on adjacent neighbors, in particular the impacts relating to security, loitering, disorderly conduct, and trash and waste removal. These issues and concerns were addressed during the public hearing. However, the Applicant has taken significant steps to eliminate some of the problems. Nevertheless, the Board has considered the ANC’s issues and concerns, and agrees that many of them are valid. Because of this, the Board is imposing conditions in this Order to mitigate the potential adverse impacts that were discussed and is also setting a term of two years for the approval of this relief.

The OP Recommendations

The Board is also required under D.C. Official Code § 6-623.04 (2001) to give “great weight” to OP recommendations. OP recommends approval of the application; however, OP also advised that approval should be subject to various conditions. OP provided a cogent rationale with respect to several of the proposed conditions, and they are incorporated as part of this Order, in particular, the landscaping of the public space and the installation of slats within the chain link fence for screening from the residential neighbors. While OP originally recommended a one-year term for approval, it indicated at the hearing that it would be amenable to a two-year term. In light of the Applicant’s significant progress with correcting problems at the property, the Board concludes that a two-year term is more appropriate.

The Board concludes that the Applicant has satisfied the burden of proof with respect to the application for a special exception under § 213 to allow the continuation of the parking lot. The Board further concludes that, as hereinafter conditioned, the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the regulations and map. The Board also concludes that the Applicant has satisfied the burden of proof for a variance from the landscaping requirements of § 2303.1(f), and a modification of the screening requirements of § 2303.2 of the Zoning Requirements.

It is therefore **ORDERED** that the Application is **GRANTED**, for a parking lot with 15 spaces, **SUBJECT TO THE APPROVED PLANS AT EXHIBIT 42, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Board’s approval shall be valid for a period of **TWO YEARS** beginning the effective date of this order.

2. Evergreen shrubs at the parking lot entrance shall be at least 42 inches in height, shall be thickly planted, and shall be maintained by the Applicant along the 11th Street frontage.
3. The Applicant shall provide slats within the existing chain link fence across the front of the property to screen it from the residential property located across 11th Street from the site.
4. The parking lot shall be operated as valet only.
5. Gates to the parking lot shall be kept closed and locked at all times when there is no attendant on the property.
6. The parking lot shall stop accepting vehicles at 1:00 AM and shall allow the exit of vehicles until 3:00 AM.
7. No parking shall be permitted within the public space adjacent to the site.
8. No loitering shall be permitted on the property.
9. The property shall be maintained free of trash and debris.
10. The property owner shall post on the property the telephone number of a contact person, and the owner shall name a liaison person to the ANC to allow for direct contact between the owner and the ANC and other community organizations.

VOTE: 4-0-1 (Lloyd J. Jordan, Frederick L. Hill, Jeffrey L. Hinkle, and Anthony J. Hood to Approve; Marnique Y. Heath not present, not voting.)

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

A majority of the Board members approved the issuance of this Order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: February 25, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.