

[DRAFT]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19862 of Heights Holdings, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 for relief from the minimum parking requirements of Subtitle C § 701.5, and a special exception pursuant to Subtitle G §§ 409 and 1201 from the rear yard requirements of Subtitle G § 405.2, to construct a new 26-unit apartment house in the MU-4 Zone at premises 3331 and 3333 11th Street N.W. and 1032 and 1034 Park Road N.W. (Square 2841, Lots 95,96,98 and 99).

HEARING DATES: November 14, 2018, December 5, 2018, and December 19, 2018¹
DECISION DATE: December 19, 2018

DECISION AND ORDER

Heights Holdings, LLC (the “Applicant”) filed an application with the Board of Zoning Adjustment (the “Board” or “BZA”) on August 20, 2018, for a special exception under Subtitle C § 703.2 for relief from the minimum parking requirements of Subtitle C § 701.5, and a special exception pursuant to Subtitle G §§ 409 and 1201 from the rear yard requirements of Subtitle G § 405.2, to construct a new 26-unit apartment house in the MU-4 Zone at premises 3331 and 3333 11th Street N.W. and 1032 and 1034 Park Road N.W. (Square 2841, Lots 95, 96, 98 and 99) (the “Subject Property”). For the reasons explained below, the Board voted to approve the application.

PRELIMINARY MATTERS

Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Exhibit 5.) In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

¹ The Hearing was originally scheduled for November 14, 2018, but the Applicant requested a postponement to December 5, 2018 (Exhibit 26), which was granted by the Board on October 18, 2018. (Exhibit 28).

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Board of Zoning Adjustment
District of Columbia
CASE NO.19862
EXHIBIT NO.60

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Notice of Application and Notice of Hearing. By memoranda dated September 20, 2018, the Office of Zoning (“OZ”) sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 1A, the ANC within which the Property is located, the Single Member District 1A07 representative, the Councilmember for Ward One, and the At-Large Councilmembers and the Council Chair. A public hearing was scheduled for November 14, 2018. Pursuant to 11-Y DCMR § 402.1(a), the Office of Zoning published notice of the hearing on the application in the *D.C. Register*. (64 DCR 12437.) On September 20, 2018, OZ sent notice of the public hearing to the Applicant, ANC 1A, and all owners of property within 200 feet of the Subject Property.

Request for Party Status. The parties to this case were the Applicant and ANC 1A. There were no requests for party status.

OP Report. OP submitted a report dated November 26, 2018, recommending approval of the amended request for special exception relief, subject to specific Transportation Demand Management (“TDM”) related conditions (Exhibit 47.) The Applicant had further amended the application to include the conditions referenced in OP’s report. (Exhibit 46A.)

DDOT Report. DDOT submitted a timely report indicating that it had no objection to the approval of the application, subject to the implementation of the Applicant’s proposed TDM Plan at Exhibit 46A. (Exhibit 48.)

ANC Report. ANC 1A submitted a written report, dated November 27, 2018, indicating that at a duly noticed and scheduled public meeting on November 14, 2018, at which a quorum was present, it voted 6-1-0 to oppose the application. (Exhibit 49.) The ANC expressed its belief that the parking relief requested was not adequately addressed. Specifically, the ANC raised concerns about TDM plan proposed by the Applicant because of it being insufficient to “significantly discourage new residents from owning cars” resulting in an increased demand for on-street parking. In addition, the ANC expressed its feeling that “in expanding four row dwellings into a 26-unit apartment, the ANC feels that more could be done to increase the number of affordable units and deepen the affordability of the units (which could also decrease the demand for parking.” The ANC did commend the Applicant for responding to community concerns regarding the aesthetics of the development by changing from a contemporary façade to a more traditional façade design. However, the ANC felt the impact on parking would be too great without additional mitigation measures such as increasing the length of alternative transportation incentives and exploring a curb cut. (Exhibit 49.)

After the December 5, 2018 hearing, the Applicant met with four members of the ANC on December 12, 2019. As a result of that meeting, the Applicant filed an updated TDM Plan at Exhibit 57. Subsequently, the ANC filed a letter signed by ANC Chairperson Boese, and the Single Member District Commissioners for 1A06, 1A03, and 1A02, indicating their support for the Applicant’s updated TDM Plan. (Exhibit 58.)

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Persons in Support. Fourteen neighbors, including the owner of RedRocks, signed letters stating their support for the proposed project. (Exhibits 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 53, and 54.)

Persons in Opposition. The Board received no letters nor testimony from persons in opposition to the application.

FINDINGS OF FACT

The Property and the Surrounding Neighborhood

1. The property is located at premises 3331 and 3333 11th Street N.W. and 1032 and 1034 Park Road N.W. (Square 2841, Lots 95, 96, 98 and 99) (the “Subject Property”).
2. The Subject Property is currently improved with four two-story rowhouses. (Exhibits 4 and 9.)
3. The Subject Property is in the MU-4 Zone. The surrounding neighborhood is developed with a cluster of half-dozen retail, service, and restaurant uses at the intersection of 11th Street and Park Rd NW as well as both apartment houses of varying sizes and rowhouses. (Exhibits 6, 7 and 9.)
4. The Subject Property is irregularly-shaped and contains 5,574 sq. ft. of land area. (Exhibit 7.)
5. The Subject Property is generally bounded by Park Road NW to the north, a residential building on Lot 872 to the east, a residential building on Lot 94 to the south, and 11th Street NW to the west as well as a restaurant on Lot 97. The portion of the Property comprising Lot 95 features a 3.75 foot-wide pipestem leading to an approximately 15 foot-wide alley to the south. (Exhibits 6 and 7.)
6. None of the four lots which comprise the Property currently provide off-street parking. and the Applicant does not own property that could provide off-site parking within 600 ft. of the Subject Property. (Exhibit 7.)
7. The Property is located 0.1 miles from the nearest bicycle station, 0.1 miles from two Metrobus routes (63 and H8), and it is less than 0.5 miles from the Georgia Avenue-Petworth Metrorail station and 0.6 miles from the Columbia Heights Metrorail station. (Exhibits 7, 47.)

Project Description

8. The Project fronts on 11th Street NW. Applicant proposes to raze the existing building, combine the four lots into a single record lot, and construct a 26-unit apartment building on the Subject Property. (Exhibit 7.)
9. The architectural plans show a residential entry at the front of the building on 11th Street NW, and another residential entry accessible from the alley via the pipestem portion of the Subject Property (Exhibits 6, 37A, and 46.)
10. The Project complies with the zoning development standards for use, bulk, density, height and GAR. (Exhibits 6, 37A, 46, and 47.)
11. Pursuant to Subtitle C § 901.1, no loading is required because the Project will have less than 50 units. (Exhibit 7, 47, 48.)
12. The proposed rear yard of 10 ft. will be provided along approximately 50 ft. of the rear lot line, but the Project will have no rear yard where it abuts the adjacent building to the east at 1030 Park Rd. NW for a 40.5 ft. segment of the rear lot line. (Exhibits 6, 7, 37A, and 46.)
13. Pursuant to Subtitle C § 701.5, seven parking spaces would be required for 26 units. However, pursuant to Subtitle C § 702.1(a), the Project is entitled to a 50% reduction in the minimum parking spaces required because the Subject Property is less than 0.5 miles from a Metro Station. (Exhibit 7, 47.)

Zoning Relief

14. Pursuant to Subtitle G § 405.2, a rear yard of 15 ft. is required in the MU-4 zone. Therefore relief from this provision is required.
15. Rear yard relief is permitted as a special exception under Subtitle G § 1201.1 in the MU-4 Zone if the Project meets the conditions set forth in Subtitle G § 1201.1.
16. Pursuant to Subtitle C § 701.5, the Project is required to provide four parking spaces, after the 50% reduction permitted under Subtitle C § 702.1. As the Project proposes no parking, relief from this provision is required.
17. Relief from the minimum parking requirements of Subtitle C § 701.5 is available as a special exception under Subtitle C § 703.2 subject to the conditions set forth therein.

Impact of the Proposed Project

18. The Project fronts on 11th Street NW, and has a side yard fronting on Park Rd NW, and the Project is attached to the buildings to the immediate west, east, and south. (Exhibit 7.) Rear windows located parallel to the rear lot line are not located directly in front of another building. Windows closest to those of an adjoin building will be set back at least 43 ft. (Exhibit 7.)
19. As designed, the Project will be generally parallel to the adjacent row houses to the east and south. The windows facing south into the rear yard will not be parallel to the adjacent property to the south, but will have no angle of sight into the neighboring adjacent buildings. (Ex. 7, 47.)
20. The Applicant has requested parking relief and no loading is required by the Zoning Regulations because the Project will have less than 50 dwelling units. (Exhibits 7, 47, and 48.)
21. Pursuant to Subtitle G §§ 400.3(1)-(c), the purpose and intent of the MU-4 Zone is to permit moderate-density mixed-use development, including housing, with access to main roadways or rapid transit stops.
22. The Subject Property has no curb cuts and the 3.75 foot-wide pipestem connecting Lot 95 to the alley is too narrow for vehicle access. (Exhibit 48.)
23. A curb cut off 11th Street NW or Park Rd NW for vehicle access to the Subject Property would not meet the DDOT Design and Engineering Manual (“DEM”) requirements. (Exhibit 48.)
24. The Applicant will implement Transportation Demand Management (“TDM”) measures pursuant to Applicant’s Updated TDM Plan, as detailed below, as a condition to the requested relief. (Exhibit 57.)

Community Outreach

25. The Applicant presented the Project to the surrounding neighborhood at a community meeting on October 2, 2018. (Exhibit 37.)
26. In response to comments from the community at the October 2nd community meeting, the Applicant revised the design of the Project’s façade from a modern metal and glass façade to a more traditional brick façade and to include a mural on the Project’s north and west facades. (Exhibits 37 and 37 A.)

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27. The Applicant presented the Project to the ANC at the ANC's October and November 14, 2018 ANC meetings.
28. After the November 14, 2018 ANC meeting, in response to community concerns about parking and the need for additional incentives for new residents of the Project to not own cars, the Applicant submitted a revised TDM Plan to the record at Exhibit 46A.
29. On December 12, 2018, after the December 5, 2018 public hearing, the Applicant met with members of the ANC to negotiate a strengthened TDM Plan. As a result of this meeting, the Applicant strengthened its TDM Plan and submitted an updated TDM Plan, as detailed below, at Exhibit 57.
30. ANC Chairperson Boese along with Single Member District Commissioners for 1A06, 1A03, and 1A02 signed a letter in support of the Applicant's Updated TDM Plan. (Exhibit 58.)

CONCLUSIONS OF LAW

The Applicant requests special exception relief under Subtitle C § 703.2 for relief from the minimum parking requirements of Subtitle C § 701.5, and a special exception pursuant to Subtitle G §§ 409 and 1201 from the rear yard requirements of Subtitle G § 405.2, to construct a new 26-unit apartment house in the MU-4 Zone at premises 3331 and 3333 11th Street N.W. and 1032 and 1034 Park Road N.W. (Square 2841, Lots 95, 96, 98 and 99) The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (11-X DCMR § 901.2.)

Parking Relief

In addition to meeting the general special exception standard, the Applicant must demonstrate that the Project satisfies at least one of the "specific conditions" of Subtitle C § 703.2 to be granted special exception relief. Specifically, an applicant must show that one of the following² applies:

- (a) due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600ft.) of the lot in accordance with Subtitle C § 701.8;*
- (b) the use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities; or*

² Only the applicable conditions of Subtitle C § 703.2 are listed.
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(h) the property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lots is from an improved public street and either

- 1) A curb cut permit for the property has been denied by the District Department of Transportation; or*
- 2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations or of Chapters 6 or 11 of Title 24 DCMR.*

Based on the Findings of Fact, the Board concludes that the request for special exception relief satisfies the requirements of Subtitle C § 703.2. The Applicant has demonstrated that it meets not only one, but three of the specific conditions under Subtitle C § 703.2. As such, the Board will address the criteria of Subtitle C § 703.2 (a), (b), and (h) in turn.

First, in satisfaction of Subtitle C § 703.2 (a), the Board finds that the Applicant is unable to either provide parking on-site or within 600 feet of the site and that the alley access is only 3.75 feet in width, which is insufficient for vehicle use.

Second, the Board finds that the site is well served by other means of transportation. It is located 0.1 miles from the nearest bicycle station, 0.1 miles from two Metrobus routes (63 and H8), and it is less than 0.5 miles from the Georgia Avenue-Petworth Metrorail station and 0.6 miles from the Columbia Heights Metrorail station. Therefore, the Applicant meets the requirements of Subtitle C § 703.2(b).

Additionally, the Applicant satisfies Subtitle C § 703.2(h) as the Board finds that the alley has an insufficient width to provide vehicular access to the Project and that the Subject Property does not meet the DDDOT DEM requirements for a curb cut on either 11th Street NW or Park Rd. NW.

Pursuant to Subtitle 703.3, *“any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.”*

As stated above, the Board finds that the Applicant is unable to provide the required four off-street parking spaces. As the alley access from the Property is only 3.75-feet in width, and, as confirmed by DDOT (Exhibit 48), the Property does not meet the requirements of DDOT DEM for curb cuts on either 11th Street NW or Park Rd NW, the Board finds that the Applicant’s request for zero parking spaces is the amount that the Applicant is physically able to provide and is proportionate to the parking demand demonstrated by the Applicant, given the Property’s proximity to alternative means of transportation.

Under Subtitle C § 703.4, *“any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of*

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Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval."

The Board finds that the Updated TDM Plan, detailed below, which was submitted at Exhibit 57 incorporates and exceeds the TDM plan approved by DDOT. Further, as detailed below, the approved TDM Plan is included in the Board's conditions of approval.

Therefore, based on the foregoing, the Board finds that the Applicant has demonstrated that it meets the conditions for special exception relief under Subtitle C § 703.2.

Rear Yard Relief

In addition to meeting the general special exception standard, as described below, to be granted special exception relief under Subtitle G §§ 409 and 1201 from the rear yard requirements of Subtitle G § 405.2, the Applicant must demonstrate that the Project satisfies the "specific conditions" of Subtitle G § 1201.1 to be granted special exception relief.

Pursuant to Subtitle G § 1201.1, to grant relief from the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, the Board of Zoning Adjustment must find that the Applicant satisfies the following conditions:

- a) *No apartment window shall be located within forty feet (40 ft.) directly in front of another building.*
- b) *No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;*
- c) *In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;*
- d) *Provision shall be included for service functions, including parking and loading access and adequate loading areas; and*
- e) *Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if historic district or historic landmark is involved, the Historic Preservation Office.*

Based on the Findings of Fact, the Board finds that the Applicant has met the conditions for special exception relief under Subtitle G §§ 409 and 1201.1, as outlined below.

The Board finds that in satisfaction of Subtitle G §§ 1202.1(a) and (c), none of the Project's windows will be located within 40 feet directly in front of another building or within the angle of

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sight of any habitable rooms in neighboring buildings. As stated in the Findings of Fact, the Project fronts on 11th Street NW, has a side yard fronting on Park Rd NW, and the Project is attached to the buildings to the immediate west, east, and south. Rear windows located parallel to the rear lot line are not located directly in front of another building. (Exhibit 7.) Windows closest to those of an adjoining building will be set back at least 43 ft. Further, although the Project will be generally parallel to the adjacent row houses to the east and south, the windows facing south into the rear yard will not be parallel to the adjacent property to the south, but will have no angle of sight into the neighboring adjacent buildings. (Exhibits 7, 47.)

The specific condition under Subtitle G § 1201.1(b) does not apply because the Project will not include any office uses.

The Board finds that the Project satisfies the specific condition of Subtitle G § 1201.1(d) to provide for applicable service functions. The Project is not required to provide loading by the Zoning Regulations and has requested parking relief as outlined above. The Board also finds that pursuant to Subtitle G § 1201.1(3), the Board submitted the application for the Project to the Office of Planning (Exhibit 15) and the District Department of Transportation (Exhibit 16), and therefore the this condition is satisfied.

For these the reasons outlined above, the Board concludes that both the requests for special exception relief meet the general special exception standards in Subtitle X § 901.2. The Board finds that granting both special exceptions in this case would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps as required by Subtitle X § 901.2(a). The Board finds that as a four-story apartment building that meets the development standards of the MU-4 zone, the Project is in line with the MU-4 zone's intent to permit moderate density mixed-use development. Further, based on its Findings of Fact and with the conditions set forth in the Project's Updated TDM Plan, the Board concludes that the proposed Project will not adversely affect the use of neighboring properties, as required by Subtitle X § 901.2(b). As the Project will comply with the development standards for height, bulk and mass in the MU-4 zone, the Project would not have an adverse impact on light and air available to adjacent properties, privacy of use and enjoyment of adjacent properties, or the visual character of the street frontage or public alley.

The Board concludes that the Applicant has met its burden of proof for the special exceptions requested.

Great Weight to ANC and OP

Section 13 of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(A)) (2014 ed.) requires that the Board's written orders give "great weight" to the issues and concerns raised in the written recommendations of 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

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under the circumstances and make specific findings and conclusions with respect to each of the ANC's issues and concerns.

In this case, ANC 1A submitted a written report recommending denial of the application. (Exhibit 49.) The ANC expressed its belief that the parking relief requested was not adequately addressed. Specifically, the ANC raised concerns about TDM plan proposed by the Applicant because of it being insufficient to “significantly discourage new residents from owning cars” resulting in an increased demand for on-street parking. In addition, the ANC expressed its feeling that “in expanding four row dwellings into a 26-unit apartment, the ANC feels that more could be done to increase the number of affordable units and deepen the affordability of the units (which could also decrease the demand for parking.” At the time of their vote and subsequent report, the ANC felt the impact on parking would be too great without additional mitigation measures such as increasing the length of alternative transportation incentives and exploring a curb cut. (Exhibit 49.)

In consideration of the ANC’s concerns regarding parking based on the Applicant’s initial and first updated TDM Plan (Exhibits 37, 46A), at the December 5, 2018 hearing, the Board requested that the Applicant meet with the ANC regarding amendments to the Applicant’s TDM Plan. As a result of Applicant’s meeting with members of the ANC on December 12, 2018, the Applicant filed an Updated TDM Plan on December 14, 2018 (Exhibit 57.). On December 18, 2018, Chairperson Boese filed a letter signed by ANC Chairperson Boese, and the Single Member District Commissioners for 1A06, 1A03, and 1A02, indicating their agreement with the Applicant’s updated TDM Plan. (Exhibit 58.)

Based on its Findings of Fact, the Board finds the Applicant engaged in a continued good faith effort to respond to the ANC’s concerns. Further, based on the signatures of the ANC members noted above, indicating their agreement to the Applicant’s updated TDM Plan, the Board finds that the Applicant’s Updated TDM Plan, as detailed below, alleviates the concerns of the ANC regarding parking impacts, and that the Applicant meets the requirements under the Zoning Regulations for special exception relief. Therefore, the Board was not persuaded to deny the application on the grounds set forth in the ANC Report. The Board has given the ANC the great weight due in approving the application.

The Board is also required under D.C. Official Code § 6-623.04 (2001) to give “great weight” to OP’s recommendation. For reasons stated in this Order, the Board concurs with OP’s recommendation to approve the relief requested, subject to the TDM related conditions in OP’s Report. Also, based on the recommendation of OP, the Board includes the conditions proposed by the Applicant in their Updated TDM Plan, detailed below, which satisfy and exceed those included in the OP Report (Exhibit 47) as conditions in the Board’s Order.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and

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Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 46-B AND THE FOLLOWING CONDITIONS:**

TDM Plan:

1. The Applicant will give every new resident a Residential Welcome Package which will include information about the abundance of nearby alternative transportation options available, including, but not limited to, ride-sharing services, car-sharing services, Metro, bike-sharing services such as Capital Bikeshare, and a reusable shopping bag. In addition, shared reusable shopping bags will be available near the long term bicycle storage area.
2. A permanent Transportation Information Center Display will be installed in the lobby so that residents and their guests can see Metro train and bus information as well as current information about the availability and status of local car-sharing and bike-sharing options.
3. For the first four years after opening to residents, the Applicant will provide each residential unit with the option to select one transportation incentive on an annual basis (each option will be equal to a total value of \$340.00 per unit, a breakdown of \$85.00 per unit annually, for a four year period):
 - a. Prepaid Capital Bikeshare membership; or
 - b. Prepaid Zipcar gift card;
 - c. Prepaid Lyft gift card; or
 - d. Prepaid Metrocard.

The value of these incentives is based on the price shown for a Capital Bikeshare annual membership, which was \$85.00 on the Capital Bikeshare website on December 5, 2018. Therefore, as a four year Capital Bikeshare membership would be \$340.00, these incentives would result in the Applicant committing \$340.00 toward alternative transportation methods for each unit, totaling \$8840.00 (four times as much as the \$2,200 required by DDOT).

4. The Project will provide all required short term and long term bicycle parking, plus one additional long term bicycle storage space. Long term bicycle storage will be provided in a room in the cellar level. In addition, following the BZA process, the Applicant will work with DDOT to find a suitable area on the Property to provide more than the minimum short term bicycle parking.

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5. The Applicant shall make a good faith effort to coordinate with the ANC and DDOT regarding adding a pick-up/drop-off space on either Park Road NW or 11th Street NW, provided that such space will not result in the removal of any current legal parking spaces.

VOTE: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Lorna L. John and Anthony Hood (via absentee ballot) to APPROVE; Carlton E. Hart not participating.)

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:

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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

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AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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.