

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**



**Application No. 20983 of the House of Ruth Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 and under Subtitle C § 1506.1 from the penthouse setback requirements of Subtitle C § 1504.1 to allow a 40-unit apartment house in a new four-story detached building, with cellar and penthouse, in the RA-2 Zone at 1815 and 1819 Minnesota Avenue, S.E. (Parcel 281, Lots 138 and 139).

**HEARING DATES:** January 31 and February 28, 2024  
**DECISION DATE:** March 13, 2024

**DECISION AND ORDER**

This self-certified application was filed on June 12, 2023 on behalf of the House of Ruth (the "Applicant"), the owner of the property that is the subject of the application. Following a public hearing, the Board voted to grant the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. Per Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and the public hearing, by letters dated July 10, 2023, to the Applicant, the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), Advisory Neighborhood Commission ("ANC") 8A, Single Member District ANC 8A03, the Department of Buildings, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 8 as well as the Chairman and the four at-large members of the D.C. Council, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on July 21, 2023 (70 DCR 10099) as well as through the calendar on the Office of Zoning website.<sup>1</sup>

Party status. Under Subtitle Y § 403.5, the Applicant and ANC 8A were automatically parties in this proceeding. The Board received no requests for party status.

---

<sup>1</sup> The public hearing was originally scheduled for November 8, 2023 and was rescheduled twice at the ANC's request. (Exhibits 20, 30, 34; Transcript of January 31, 2024 at 110.)

**BZA ORDER NO. 20983**  
**PAGE NO. 2**

Applicant's case. The Applicant provided evidence and testimony in support of the application including from Kami Wilwol, the project architect, and Jami Milanovich, an expert in traffic engineering.

OP Report. By report dated January 19, 2024, the Office of Planning recommended approval of the application. (Exhibit 28.)

DDOT Report. By report dated January 19, 2024, the District Department of Transportation stated no objection to approval of the application with a condition requiring the Applicant to implement a transportation demand management ("TDM") plan. (Exhibit 29.)

ANC 8A. By letter dated March 1, 2024, ANC 8A indicated that, at a public meeting on February 6, 2024, with a quorum present, the ANC voted to oppose the application. (Exhibit 45.)

Persons in support. The Board received a letter and heard testimony in support of the application from the Fairlawn Citizens Association. (Exhibit 41.)

**FINDINGS OF FACT**

1. The property that is the subject of this application is bounded by Minnesota Avenue on the northwest, R Street to the south, and 19th Street to the east, with the addresses of 1815 and 1819 Minnesota Avenue, S.E. (Parcel 218, Lots 138 and 139.)
2. The subject property is triangular, with approximately 275 feet of frontage on Minnesota Avenue, approximately 230 feet of frontage on R Street, and approximately 148 feet of depth on 19th Street. The lot area is 17,181 square feet. (Exhibit 28.)
3. The subject property is improved with two three-story multifamily residential buildings, containing a total of 27 residential units.
4. A building restriction line ("BRL") extends 15 feet into the subject property along both the R Street and 19<sup>th</sup> Street frontages. The area between the property line and the BRL is the building restriction area, which is regulated as public space and should remain "park-like" with landscaping. (Exhibit 29.)
5. The Applicant proposed to redevelop the subject property with a new 40-unit apartment house. (Exhibit 9.) The Applicant, a non-profit organization that provides assistance to survivors of domestic violence, estimated that the new building will house residents whose income will not exceed 30 percent of the Median Family Income (that is, the income for a household in the Washington Metropolitan Statistical Area as set forth in a periodic calculation provided by the Department of Housing and Urban Development, adjusted for family size). *See* Subtitle B § 100.2.

**BZA ORDER NO. 20983**  
**PAGE NO. 3**

6. The new building will be four stories and approximately 49.7 feet tall. Its lot occupancy will be approximately 45.3 percent. (Exhibits 3, 28.)
7. The planned building will be L-shaped, forming a 90-degree angle at the intersection of 19<sup>th</sup> and R Streets. Its principal entrance will be on Minnesota Avenue.
8. The Applicant proposed to provide habitable space in a penthouse on the roof of the new building. The roof will be accessible to residents via two stairways and an elevator.
9. The stairs will be located at the north and west ends of the roof and will not exceed nine feet in height above the roof level. Each stair overrun will be set back at least four feet, six inches from the closest roof edge. (Exhibit 7.)
10. The elevator override will be located at the center of the building and will not exceed 14 feet in height above the roof level. (Exhibit 7.)
11. The subject property does not have access to a public alley. (Exhibit 29.)
12. The subject property currently has two curb cuts, one on R Street and one on 19th Street, each providing access to a concrete pad used for trash collection. The Applicant indicated that the existing curb cuts will be closed and did not propose any new curb cuts. (Exhibit 26A.)
13. The subject property is located within approximately one-quarter of a mile of two Metrobus Priority Corridor Network routes, 32 and 92. Bus stops for several other routes are located on Minnesota Avenue within a half-block of the subject property, providing access to nearby Metrorail stations. The subject property is within one mile of the Anacostia and Potomac Avenue Metrorail stations. (Exhibit 26A.)
14. The subject property is located within a half-mile of neighborhood-serving retail options along Minnesota Avenue, including a market and hair salon as well as churches. The surrounding neighborhood, including nearby commercial areas on Good Hope Road and Pennsylvania Avenue, also contains restaurants, markets, schools, the Anacostia Neighborhood Library, recreational areas, and a post office. (Exhibits 9, 26A, Figure 4B.)
15. The Applicant's project will provide 20 long-term bicycle parking spaces on the lower level of the new building, where at least 50 percent of the spaces will be horizontal on the floor or first level of a two-tier rack. At least five percent of the spaces will accommodate cargo or tandem bicycles, and at least 10 percent of the long-term bicycle spaces will be equipped with electrical outlets for charging electric bicycles or scooters. The project will also provide at least two short-term bicycle parking spaces. (Exhibit 26A.)

16. A Capital Bikeshare station is located adjacent to the subject property at the intersection of Minnesota Avenue and R Street. Five additional Capital Bikeshare stations are located within a half-mile of the subject property. (Exhibit 26A.)
17. The subject property is located within a half-mile of at least five parking spaces reserved for shared vehicles. (Exhibit 26A, Figure 2.)
18. The three streets bounding the subject property (Minnesota Avenue, R Street, and 19<sup>th</sup> Street) currently offer unrestricted vehicle parking on both sides of the street. Approximately 32 curbside parking spaces are available on the street frontage of the subject property, including 12 on R Street between Minnesota Avenue and 19<sup>th</sup> Street, seven on 19<sup>th</sup> Street between R Street and Minnesota Avenue, and 13 on Minnesota Avenue between 19<sup>th</sup> and R Streets. (Exhibits 26A, 29.)
19. The Applicant will implement a transportation demand management (“TDM”) plan as shown in Exhibit 26A to encourage non-auto modes of travel. In accordance with the TDM plan:
  - (a) The Applicant shall identify transportation coordinators for the planning, construction, and operations phase of the development. The transportation coordinators will:
    - (i) act as a point of contact with DDOT, goDCgo, and zoning enforcement officials, and provide contact information to goDCgo;
    - (ii) conduct an annual commuter survey of building employees and residents on-site and report TDM activities and data collection efforts to goDCgo once per year;
    - (iii) develop, distribute, and market various transportation alternatives and options to the building residents, including promoting transportation events (e.g. Bike to Work Day, National Walking Day, and Car Free Day) on the building’s website and in any internal building newsletters and communications;
    - (iv) subscribe to goDCgo’s residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM plan;
    - (v) provide welcome packets to all new residents that should, at a minimum, include brochures available from goDCgo and information such as the Metrorail pocket guide, brochures of local Metrobus lines, carpool and vanpool information, Capital Bikeshare coupon or rack card, Guaranteed Ride Home brochure, and a recent DC bicycle map; and
    - (vi) provide detailed carpooling information to interested residents and refer them to carpool matching services sponsored by the Metropolitan Washington Council of Governments or another comparable service.
  - (b) The Applicant shall post all transportation and TDM commitments on the building’s website, if applicable.
  - (c) The Applicant shall provide a SmarTrip card and one complimentary Capital Bikeshare coupon good for a free ride to every new resident at the time of initial leasing of building.

- (d) The Applicant shall provide at least 20 long-term and two short-term bicycle parking spaces as shown on the plans for the new building, with at least five percent of the long-term spaces sized to accommodate cargo or tandem bicycles and at least 10 percent of the long-term spaces equipped with outlets to charge bicycles and scooters. The Applicant shall provide a bicycle repair station in the bicycle storage room.
  - (e) Following the issuance of a certificate of occupancy for the project, the transportation coordinator shall submit documentation summarizing compliance with the TDM plan to the Office of Zoning.
  - (f) Five years after the issuance of the certificate of occupancy, if the transportation coordinator has not established a relationship with DDOT or goDCgo, the transportation coordinator shall submit a letter to the Zoning Administrator, DDOT, and goDCgo summarizing continued substantial compliance with the TDM plan, unless no longer applicable as confirmed by DDOT.
20. Properties in the vicinity of the subject property, and in the surrounding area, are primarily improved with residential buildings including single- or multiple-household dwellings.
21. The subject property is located in a Residential Apartment (RA) zone, RA-2. The RA zones are residential zones designed to provide residential areas suitable for multiple-dwelling-unit development and supporting uses. (Subtitle F § 101.1.) The RA zones are intended to (a) permit flexibility by allowing all types of residential development, (b) promote stable residential areas while permitting a variety of types of urban residential neighborhoods, (c) promote a walkable living environment, (d) allow limited non-residential uses that are compatible with adjoining residential uses, (e) encourage compatibility between the location of new buildings or construction and the existing neighborhood, and (f) ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. (Subtitle F § 101.2.)
22. The purposes of the RA-2 zone are to (a) permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for the zone and (b) permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones. (Subtitle F § 101.3.) The RA-2 zone provides for areas developed with predominantly moderate-density residential uses. (Subtitle F § 101.5.)

## **CONCLUSIONS OF LAW AND OPINION**

The Applicant seeks special exceptions under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 and under Subtitle C § 1506.1 from the penthouse setback requirements of Subtitle C § 1504.1 to allow a 40-unit apartment house in a new four-story detached building, with cellar and penthouse, in the RA-2 zone at 1815 and 1819 Minnesota Avenue, S.E. (Parcel 281, Lots 138 and 139.) The Board is authorized under § 8 of the Zoning

Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to grant special exceptions, as provided in the Zoning Regulations, when, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. *See* 11 DCMR Subtitle X § 901.2.

Parking. The Applicant calculated the minimum zoning requirement for vehicle parking for the planned development under Subtitle C § 701.5 as a total of 12 parking spaces. The Applicant proposed to redevelop the subject property without providing any vehicle parking.

The Zoning Regulations provide for flexibility from the minimum parking requirement when the provision of the required number of vehicle parking spaces would be contrary to other District of Columbia regulations or impractical or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit. (Subtitle C § 703.1.) The Board is authorized to eliminate the required number of parking spaces, subject to the general special exception requirements of Subtitle X, Chapter 9, when an applicant demonstrates at least one of the ten bases for parking relief listed in Subtitle C § 703.2. Based on the finding of facts, and having given great weight to the recommendation of the Office of Planning and to the issues and concerns stated by ANC 8A, the Board concludes that the application satisfies several of the factors that warrant parking relief under Subtitle C § 703.2.

Subtitle C § 703.2(a). Due to the physical constraints of the property, the Applicant cannot provide the required parking spaces either on the lot or within 600 feet of the lot in accordance with Subtitle C § 701.8. As a result of the triangular shape of the subject property, with frontage on three streets, any surface parking would be located between the Applicant's planned building and a street lot line, which is discouraged by both DDOT policy and by the Zoning Regulations. *See* Subtitle C § 710.2(c). The size and shape of the subject property limit the number of spaces that could be provided below grade and preclude the provision of necessary maneuvering room. The Board credits the Applicant's testimony that the provision of below-grade parking would be prohibitively expensive for the project, and that no vehicle parking is available on any lot within 600 feet of the subject property.

Subtitle C § 703.2(b). The use will be well served by mass transit, shared vehicle, or bicycle facilities. The subject property is within walking distance of several Metrobus routes, including bus lines that provide access to Metrorail stations. The subject property is also located near car- and bicycle-share facilities. As part of its TDM plan, the Applicant will implement measures intended to facilitate the use of public transportation, bikeshare, and carpool options for residents. (Exhibit 26A.)

Subtitle C § 703.2(c). The land use and transportation characteristics of the neighborhood minimize the need for required vehicle parking spaces. The Board credits the Applicant's testimony that the daily needs of the residents of the planned building can largely be served by the resources within a half-mile walking distance of the subject property, such that a vehicle will not be needed to accomplish daily tasks.

Subtitle C § 703.2(d). The Board concludes that the amount of traffic congestion existing and which the Applicant's new building would reasonably be expected to create in the neighborhood support the request for parking relief. The Board credits the testimony of the Applicant's transportation expert showing an adequate supply of unrestricted street parking spaces within two blocks of the subject property, where occupancy counts reflected a peak parking occupancy of approximately 55 percent after 10:00 p.m. and less than 50 percent earlier in the day. (Exhibit 26A.) The Applicant's traffic study projected that the new apartment house will generate relatively few peak-hour vehicle trips, approximately three in the morning peak and six in the evening peak. (Exhibit 26A.) In stating no objection to approval of the application, DDOT noted the "proximity to transit" and the walkability of the neighborhood" attendant to the subject property, and concurred that the supply of street parking is "adequate" during the weekday late evening timeframe within two blocks of the subject property. (Exhibit 29). DDOT collaborated with the Applicant in devising the TDM plan and concluded that, with implementation of the TDM plan, "the impacts [of the planned development] on the transportation network are expected to be minimal." (Exhibit 29.)

In its report (Exhibit 45), ANC 8A contended that the lack of vehicle parking spaces at the subject property would result in "an undue burden and hardship on the longtime residents" of the neighborhood, who relied on cars "to secure the daily necessities of life" and would not utilize bicycles or car-sharing options. The Board did not agree, noting that the ANC did not rebut or dispute the information presented in the report prepared by the Applicant's transportation expert or DDOT's conclusion that approval of the application would not adversely affect the transportation network. In concluding that approval of the requested parking relief is warranted in light of the likely minimal impact of the project on traffic congestion, the Board notes that the Applicant requested relief from a vehicle parking requirement of 12 spaces in an area with abundant street parking and relatively low occupancy rates, for a new building of affordable dwelling units whose residents are less likely to own vehicles, and that the Applicant will implement a TDM plan to help encourage the use of non-auto travel options.

Subtitle C § 703.2(e). The Board concludes that the nature of the planned use and the number of residents, employees, guests, customers, and clients who would reasonably be expected to use the proposed building at one time will generate less of a demand for parking than what is required. As already noted, the new building will be devoted entirely to affordable dwelling units, whose residents are less likely to own vehicles. The study performed by the Applicant's transportation expert indicated that the development will not generate significant vehicle trips to and from the subject property, including during morning and evening peak hours. The Applicant will implement a TDM plan to encourage the use of public transit, bicycles, and other modes of travel, and DDOT concluded that, with the implementation of the TDM plan, the impacts of the Applicant's project on the transportation network are expected to be minimal. (Exhibit 29.)

Subtitle C § 703.2(f). As planned, all 40 of the dwelling units in the new building will be dedicated as affordable housing units, in keeping with the Applicant's non-profit mission.

Subtitle C § 703.2(h). The subject property does not have access to an open public alley. As a result, the only means by which a motor vehicle could access the lot is from an improved public street, and a driveway that could access a public street from the subject property would likely violate DDOT standards and the Parking Facilities and Valet Parking provisions of the Public Space and Safety regulations (24 DCMR Chapter 6). The Board notes that DDOT's support for the requested relief was based in part on the fact that application "would prevent the creation of a curb cut and loss of an on-street parking space." (Exhibit 29.)

Penthouse Setback. The Applicant also requested special exceptions under Subtitle C § 1506.1 to allow three penthouses that will not meet the setback requirements from the exterior walls of the new building. Pursuant to Subtitle C § 1504.1, a penthouse must be set back from the edge of the roof by a distance equal to the penthouse height from the front, rear, and side building walls of the roof on which the penthouse is located. The Board is authorized under Subtitle C § 1506.1 to grant relief from the setback requirements as a special exception, subject to certain requirements. Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the issues and concerns stated in the report submitted by ANC 8A, the Board concludes that the application met the requirements for approval of the requested special exceptions.

As planned, the new building will have three penthouses on the roof, two stairs and one elevator override, intended to provide access to the roof by residents of the building. The three penthouses will not be set back from the exterior walls at a distance equal to their heights in some areas, as shown on the plans submitted with the application (Exhibit 7, Sheet 6.)

In accordance with Subtitle C § 1506.1(b), the Applicant demonstrated that a reasonable effort was made to comply with the required setbacks for the three penthouses. The planned building was designed in a relatively narrow L shape to maximize the number of units and building efficiency on a triangular lot with building restriction lines on two sides. The shape of the lot generated a setback requirement for each of the planned penthouses due to the building's frontage on three streets. The penthouse locations were selected as a necessary means to provide code-compliant access to the roof of the building.

With respect to the requirements of Subtitle C § 1506.1(b), the Applicant demonstrated that the strict application of the setback requirements would result in construction that would be unduly restrictive, prohibitively costly, or unreasonable by precluding appropriate access to the roof of the building. The Office of Planning commented favorably on the planned locations for the penthouses, noting that placement of the stairs at the ends of the building corridors would minimize disruption to the floor plans of the lower floors. (Exhibit 28.)

The Board agrees with the Applicant and OP that approval of the requested relief will result in a better design of the penthouses without appearing to be an extension of the building wall, as well as penthouses that are not visually intrusive. Each of the three penthouse will be set back from the edge of the roof by at least 4.5 feet, creating some separation from the closest building walls. In addition, the stair penthouses were designed with a sloping roof to minimize their visibility.



Subtitle X § 901.2. The Board concludes that approval of the requested zoning relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as is required under Subtitle X § 901.2. Approval of the application is consistent with the intent of the Residential Apartment (RA) zones to permit flexibility by allowing all types of residential development, to promote stable residential areas while permitting a variety of types of urban residential neighborhoods, to promote a walkable living environment, and to encourage compatibility between the location of new buildings and the existing neighborhood. Approval of the application is also consistent with the purposes of the RA-2 zone to permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for the zone. For the reasons discussed above, the Board determined that the Applicant's requests for special exceptions to eliminate the vehicle parking requirement and to allow penthouses not meeting the minimum setback requirements satisfied the specific criteria applicable to those requests. Approval of the requested parking relief is consistent with Subtitle C §§ 703.3 and 703.4 because the reduction in the number of parking spaces would be proportionate to the reduction in parking demand demonstrated by the Applicant and limited to the number of spaces that the Applicant demonstrated cannot reasonably be provided at the subject property, where vehicle parking in compliance with applicable requirements is not feasible.

The Board concludes that approval of the application will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, as is also required under Subtitle X § 901.2. The Applicant proposed a development that is unlikely to generate adverse impacts related to traffic or parking, and any impacts will be mitigated through the Applicant's implementation of a TDM plan to encourage non-auto travel, thereby reducing the demand for parking potentially generated by the new apartment house. The planned penthouses will not be readily visible despite the smaller setback from the edge of the roof of the building, and are needed to provide code-compliant access to the roof of a building that was designed to accommodate constraints created by the shape of the subject property. The Board agrees with the Office of Planning that approval of the requested relief from the penthouse setback requirements will not create significant impacts to light available to nearby properties and that the penthouses likely would not be noticeable from the ground level. (Exhibit 28.)

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed above, the Board agrees with OP's recommendation that, in this case, the application should be approved.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. (D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)) In this case, ANC 8A submitted a report (Exhibit 45) indicating the ANC's opposition to the application on grounds including that the Applicant had not met the burden for either aspect of relief requested. According to ANC 8A, the special exceptions were not necessary but were requested as the result of choices by the Applicant.

The Board credits the unique vantage point of ANC 8A but, for the reasons discussed above, did not find the ANC's lack of support a persuasive basis to deny the application. For the reasons discussed above, the Board did not agree with ANC 8A that the Applicant failed to satisfy the burden of proof needed for approval of the requested zoning relief or that approval of the application would adversely affect the use of neighboring properties. Similarly, the Board disagreed with the assertions by ANC 8A that the application failed to provide sufficient information about the proposed penthouses, including their planned height and setbacks, and that the request for relief from the penthouse setback requirements was the result only of a "choice" by the Applicant to provide a playground on the roof that could have been provided elsewhere. The Applicant's plans reflected a play area at ground level outside the apartment house, and not on the roof. The ANC did not identify any adverse impacts associated with approval of relief from the penthouse setback requirements.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exceptions pursuant to Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 and pursuant to Subtitle C § 1506 for relief from the penthouse requirements of Subtitle C § 1504 to allow a new apartment house in the RA-2 zone at 1815 and 1819 Minnesota Avenue, S.E. (Parcel 218, Lots 138 and 139). Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans submitted as Exhibit 7 in the record.


**VOTE: 4-1-0** (Frederick L. Hill, Lorna L. John, Carl H. Blake, and Chrishaun S. Smith voting to APPROVE a special exception under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5; Anthony J. Hood opposed)

**VOTE: 5-0-0** (Frederick L. Hill, Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood voting to APPROVE a special exception under Subtitle C § 1506.1 from the penthouse setback requirements of Subtitle C § 1504.1)

**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 20, 2025

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 UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF BUILDINGS 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 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.