

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



Application No. 21177 of DC Department of General Services, pursuant to 11 DCMR Subtitle X § 901, for a special exception under Subtitle I § 303.1(c) and Subtitle X § 900.3 to allow an extension or enlargement of a large-scale government use that was originally permitted and lawfully established as a matter of right, but for which the Zoning Regulations now require special exception approval, in the D-4-R zone at 501 New York Avenue, N.W. (Square 482-S, Lot 800).

HEARING DATES: October 9 and October 30, 2024
DECISION DATES: July 24 and November 13, 2024

DECISION AND ORDER

This self-certified application was filed June 14, 2024 on behalf of the District of Columbia Department of General Services (the “Applicant” or “DGS”), the agency authorized to act on behalf of the District of Columbia, the owner of the property that is the subject of the application. Following a public hearing, the Board voted to approve the application subject to conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and of the public hearing by letters sent on June 24, 2024 to the Applicant, Advisory Neighborhood Commission (“ANC”) 2G, the ANC in which the subject property is located, Single Member District ANC 2G06, ANC 6E, which was also an affected ANC within the meaning of Subtitle B § 100.2, Single Member District ANC 6E01, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Department of Buildings (“DOB”), the Office of Advisory Neighborhood Commissions, D.C. Department of Parks and Recreation, the Office of the State Superintendent of Education, the Councilmembers for Ward 2 and Ward 6, the Chairman and the four at-large members of the D.C. Council, and the owners of property within 200 feet of the subject property (as shown on a list provided by the Applicant). On July 10, 2024, the Office of Zoning sent notice of the public hearing to the owners of property within 200 feet of the subject property in accordance with an updated list provided by the Applicant (see Exhibit 18). Notice was published in the *District of Columbia Register* on July 5, 2024 (71 DCR 007683) as well as through the calendar on the Office of Zoning website.

Parties. Pursuant to Subtitle Y § 403.5, the Applicant, ANC 2G, and ANC 6E were automatically parties in this proceeding. The Board received no requests for party status.

Applicant's Case. The Applicant presented evidence and testimony in support of the application from Thomas Faust, the director of the Department of Corrections ("DOC"); Allam Al-Alami, DGS Operations Manager for Capital Construction Services; Dana Foerster, as an expert in architecture; and Erwin Andres, as an expert in transportation. The Applicant proposed to expand the large-scale government use at an existing building by increasing the number of holding cells in the facility to serve as the temporary location of the central cell block ("CCB") operated by the Department of Corrections.

OP Report. By memorandum dated September 27, 2024, the Office of Planning recommended approval of the application. (Exhibit 80.)

DDOT Report. By memorandum dated September 27, 2024, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 84.)

ANC Reports. By letter dated October 1, 2024, ANC 2G indicated that at a duly noticed public meeting held on July 11, 2024, where a quorum was present, ANC 2G voted not to support the application. (Exhibit 97.) By letter dated September 23, 2024, ANC 6E indicated that at a duly noticed public meeting held on July 23, 2024, where a quorum was present, ANC 6E approved a motion to oppose the application. (Exhibit 71.)

Deputy Mayor for Public Safety and Justice. The Board received a letter in support of the application from the Deputy Mayor for Public Safety and Justice, dated August 20, 2024. (Exhibit 52A.)

Metropolitan Police Department. By letter dated August 22, 2024, the chief of police of the Metropolitan Police Department ("MPD") expressed support for the application and stated that MPD will coordinate with the Department of Corrections to operate the temporary CCB safely with limited idling of police vehicles. (Exhibit 52B.)

Person in support. The Board received letters in support of the application from a resident near the subject property.

Persons in opposition. The Board received letters and heard testimony in opposition to the application from persons living or operating businesses near the subject property. The persons in opposition generally asserted that approval of the requested special exception would cause adverse impacts relating to traffic, parking, security, privacy, and noise, especially considering the number of detainees, the "24/7 operation" of a "jail," and the potential release of detainees into the community. The persons in opposition also questioned whether the CCB at the subject property would be temporary, as proposed.

FINDINGS OF FACT

1. The property that is the subject of this application is a triangular lot that is bounded by L Street, N.W. to the north, New York Avenue, N.W. to the south, 6th Street, N.W. to the

west, and 5th Street, N.W. to the east, with an address of 501 New York Avenue, N.W. (Square 482-S, Lot 800). (Exhibits 9, 161A; Transcript of October 9, 2024 at 166.)

2. The subject property is the only lot in Square 482-S. Its lot area is approximately 6,448 square feet. (Exhibits 9, 121A.)
3. The subject property has 170.25 feet of frontage along L Street, N.W., 186.33 feet of frontage along New York Avenue, N.W., and 75.75 feet of frontage along 6th Street, N.W. (Exhibit 2.)
4. The subject property is improved with a building constructed in the 1930s. The building is 41.3 feet and two stories in height and has a basement. The building area is approximately 9,780 square feet. (Exhibits 9, 121A; Transcript of October 9, 2024 at 161, 166.)
5. The existing building has a sallyport built in the 1960s as the lower level of a two-story addition to the east side of the building.¹ The sallyport has garage doors accessible from both New York Avenue and L Street and can accommodate one vehicle at a time.² (Exhibit 84; Transcript of October 9, 2024 at 181, 257.)
6. The original portion of the existing building has windows on the north, south, and west façades on the first and second levels. The eastern wing of the building that contains the sallyport has windows on the first floor of the east façade as well as north- and south-facing windows on the second floor.
7. The building has lightwells along its north and south façades. The lightwells are five feet, seven inches deep and are covered by grates at grade. The first floor of the L Street façade has five windows, each at least two feet above grade, that are 11 feet, nine inches in height and five feet, five inches wide. (Exhibits 12, 152, 161A; Transcript of October 9, 2024 at 175-176.)
8. The subject property has a lot occupancy of 53 percent. (Exhibit 121A; Transcript of October 9, 2024 at 166.)
9. The floor area ratio of the subject property is 1.52. (Exhibit 121A; Transcript of October 9, 2024 at 166.)
10. As currently configured, the existing building at the subject property contains office space on the second floor. The first floor provides a front desk, office and storage space, an

¹ The Applicant provided the Merriam-Webster Dictionary definition of a sallyport as “a secure entryway that consists of a series of doors or gates.” (Exhibit 9.) According to the Applicant, the sallyport did not meet zoning requirements for loading because the sallyport was less than 30 feet in depth and lacked an adjacent loading platform. (Exhibit 52.)

² According to the Applicant’s transportation expert, a van with a capacity of 10 to 15 people is typically 18 to 22 feet in length. (Transcript of October 30, 2024 at 151.)

interrogation room, and 19 holding cells³ with a total capacity of approximately 38 detainees, in addition to the sallyport and an inmate processing area. The basement contains locker rooms, an alcohol testing area, and a boiler room. (Exhibits 12, 145; Transcript of October 9, 2024 at 163.)

11. The building at the subject property has been used over the past 50 years for various District-wide functions provided by the Metropolitan Police Department, including the Major Crash Investigations, Motor Carrier Inspections, and Youth Services Division units. Some of these MPD functions utilized the holding cells in the building for temporary detentions. (Exhibits 9, 52D1.)
12. The subject property was used most recently by MPD's Traffic Safety and Specialized Enforcement Branch, which had MPD officers working at offices in the existing building and responding to incidents off-site. The branch was staffed 24 hours per day Monday through Friday, with weekend shifts as needed. Shifts were 5:30 a.m. to 2:00 p.m., 1:30 p.m. to 10 p.m., and 9:30 p.m. to 6:00 a.m. Each shift had a staff of 15 MPD officers, for a total of 45 employees on site each workday. The Traffic Safety and Specialized Enforcement Branch generated approximately 180 vehicle trips to and from the subject property per day. (Exhibits 9, 52, 52D1, 52D2, 84.)
13. The building at the subject property has been used to house detainees as recently as 2017 and was made available as an overflow area for detainees subsequently. (Exhibits 9, 52D1; Transcript of October 9, 2024 at 162.)
14. The Applicant proposed to reconfigure the interior of the existing building for temporary use by the Department of Corrections as a central cell block pending renovation of its current location in the Henry J. Daly Building at 300 Indiana Avenue, N.W. (Exhibit 9.)⁴ The Applicant did not propose any expansion of the existing building.
15. To facilitate the central cell block function, the second floor of the building (approximately 3,340 square feet) will be devoted to administrative and support functions, including

³ The building previously contained 20 holding cells but, at some time during MPD use of the facility, a wall between two cells was removed to create a single larger cell. (Transcript of October 9, 2024 at 163.)

⁴ The current central cell block at the Daly Building has 57 cells with a maximum capacity of 107 detainees. The Applicant indicated that construction of a new permanent central cell block at the Daly Building was expected to begin in 2028 so that the new CCB will be occupied by 2030 and the temporary CCB at the subject property will end by early 2031. (Exhibit 9; Transcript of October 9, 2024 at 164.)

The Applicant stated an intent to apply for a demolition permit for the temporary CCB at the subject property within six months of the expiration of the special exception conditionally approved in this Order. The Applicant did not comment on the potential use of the subject property in the future – a matter that is outside the scope of this application – but stated that the new holding cells authorized by this Order would be removed and the building would be devoted to a large-scale government use with no more than the existing 19 holding cells. (Exhibit 152; Transcript of October 30, 2024 at 177-178.)

offices, storage, workrooms, locker rooms, and break rooms. (Exhibits 9, 12; Transcript of October 9, 2024 at 176.)

16. The first floor (approximately 3,400 square feet) will have stations for various processing needs, such as fingerprinting and medical examination, as well as holding cells. (Exhibit 9; Transcript of October 9, 2024 at 175.) Medical services will be available on-site at all times. (Transcript of October 9, 2024 at 309.)
17. The first floor and basement will be reconfigured to provide a total of 46 holding cells. The basement will contain 21 holding cells, and 25 holding cells will be split between two tiers on the first floor. (Exhibits 9, 12; Transcript of October 30, 2024 at 87-88.)
18. Most of the holding cells were designed for occupancy by two detainees at a time, although some double-occupancy holding cells will be used for individual detainees depending on factors such as the genders of detainees held at a given time. Other holding cells were designed for single occupancy to accommodate detainees with specific needs. (Exhibits 9, 145; Transcript of October 9, 2024 at 265, 267.)
19. The basement has an area of approximately 2,500 square feet. All but two of the 21 new holding cells in the basement will be arranged in three rows accessible via two corridors. One corridor, almost five feet wide, will extend along the exterior wall on the north side of the building, separating the cells from the exterior wall and windows to the lightwell. The other two new cells will be located in the northeast corner of the basement. (Exhibit 12; Transcript of October 9, 2024 at 175.)
20. All of the new cells in the basement that are located along an exterior wall will be separated from the inside face of the exterior wall with a two-inch steel plate sandwich assembly and an air gap 10 to 14 inches wide. (Transcript of October 9, 2024 at 175.)
21. The first floor will contain holding cells arranged in two tiers. The lower tier will have nine existing holding cells and one new holding cell that will be separated from the inside face of the north exterior wall of the building by a corridor approximately five feet, nine inches wide. Five new holding cells, providing a total of six beds, will be created in the southwest corner of the first floor. Four of the new cells will be single-occupant, accessible units with ligature-resistant fixtures. The cells located along the south exterior wall will be separated from the inside face of the exterior walls with a two-inch steel plate sandwich assembly. (Exhibit 12; Transcript of October 9, 2024 at 175-176.)
22. The upper tier level (approximately 500 square feet above the lower tier) will contain 10 existing holding cells, providing a total of 20 beds, and a catwalk with security fencing along its north edge. The holding cells will be separated from the inside face of the north exterior wall by a corridor five feet, nine inches wide. (Transcript of October 9, 2024 at 176.)

23. The central cell block at the subject property will be used as a holding facility where persons who have been arrested by MPD or other law enforcement officers will be taken after their initial processing elsewhere and detained until their arraignment at D.C. Superior Court at 500 Indiana Avenue, N.W.⁵
24. A person placed under arrest is typically taken by MPD officers to one of seven district police stations, where the person is booked and initial processing occurs (e.g., obtaining personal information and performing a background search).⁶ Any personal property will be identified and stored at the district police station. The Department of Corrections will not accept detainees' personal property at the central cell block. (Exhibits 9, 152; Transcript of October 9, 2024 at 170, 304.)
25. Persons who have been arrested and are held on charges requiring presentment for arraignment before a Superior Court judge will be transferred from the individual district MPD stations or other law enforcement facilities to the central cell block at the subject property.⁷ Upon arrival at the central cell block, the arrested persons will go through additional processing, such as fingerprinting, identity verification, and medical evaluation. (Exhibits 52, 152; Transcript of October 9, 2024 at 171-172.)
26. Arrested individuals who are brought to the central cell block will be transported to the subject property in law enforcement vehicles. The vehicles will utilize the sallyport, where only one garage door will be open at a time and both garage doors will be closed when the detainees leave the transport vehicle and enter the central cell block. (Exhibits 52, 161A; Transcript of October 30, 2024 at 90-91.)
27. In accordance with a protocol devised by the Department of Corrections with MPD and other law enforcement agencies, detainees will be transported to the subject property in a coordinated manner that will utilize security measures and limit the queuing or idling of vehicles outside the sallyport. Law enforcement agencies, including MPD, will contact DOC to arrange a transfer of detainees; DOC will schedule a period when the transport should arrive. Transports may be staggered throughout the day and occur in groups when possible to minimize the number of vehicle trips needed. (Exhibits 52, 52B, 145, 152; Transcript of October 9, 2024 at 259.)

⁵ The Applicant estimated the time a detainee would spend at the central cell block as "typically no more than 12 to 24 hours," noting that arraignments are conducted in Superior Court every day except Sunday. (Exhibits 9, 152.)

⁶ The other law enforcement agencies utilizing the CCB could include the Metro Transit Police Department, the U.S. Capitol Police, the U.S. Park Police, the Uniformed Division of the U.S. Secret Service, and the U.S. Marshals Service. (Exhibits 72, 152.) Law enforcement agencies other than MPD might process their detainees independently.

⁷ Under limited circumstances, detainees are not transferred to the central cell block but instead would be completely processed at a district police station. For example, a person arrested for a citation offense may be held briefly in a holding cell in a district station but will be issue a citation and then released, without transfer to the central cell block. Detainees who are not required to attend an arraignment may be released from a district station with a scheduled date to appear in court. (Exhibit 152; Transcript of October 9, 2024 at 171.)

28. The central cell block at the subject property will have a capacity of 88 detainees at any one time. The Applicant indicated that DOC expected the transfer of approximately 40 to 45 detainees to and from the subject property on a typical day. (Exhibits 9, 145; Transcript of October 9, 2024 at 265, 267.)
29. The Department of Corrections estimated that 10 to 15 MPD transport vehicles will travel to the subject property per day to bring arrestees from district stations to the central cell block. Each vehicle is expected to transport two or three detainees per trip. (Exhibit 52D1; Transcript of October 9, 2024 at 257.)
30. Detainees will be held in the central cell block until they are transferred to Superior Court for arraignment. Generally, arrestees will be transported from the central cell block to Superior Court at 9:00 a.m. or 10:30 a.m., although individuals who are held at the central cell block overnight may be transported to Superior Court for arraignment around 7:30 a.m. (Exhibits 9, 52, 152; Transcript of October 9, 2024 at 170.)
31. At the arraignment, a judge will decide whether an arrested individual will be charged with a crime and, if so, whether the individual will be released or detained pending the next court appearance. Individuals who are not detained are released directly from the courtroom. Individuals who are detained are transported directly to the Central Detention Facility at 1901 D Street, S.E. (Exhibits 9, 52, 152.)
32. Alternatively, a prosecutor might determine not to file charges against an arrestee; *i.e.* to “no paper” the case.⁸ Individuals whose cases are no-papered will be released from Superior Court and will not be released directly from the central cell block at the subject property. (Exhibits 52, 52C, 152; Transcript of October 9, 2024 at 172.)
33. The Department of Corrections will generally utilize vans with a capacity of 10 persons to transport detainees to Superior Court, comprising two MPD or DOC staff and eight detainees. Detainees will be transported to Superior Court every day except Sundays. (Exhibits 52D1, 52D2, 152; Transcript of October 9, 2024 at 269-270.)
34. The subject property has curb cuts on both New York Avenue and L Street. DDOT indicated its agreement with the Applicant’s proposal to maintain the existing curb cuts with modifications to improve compliance with DDOT standards. Both curb cuts will be reduced in width: the L Street curb cut will be reduced from 40 feet to 24 feet in width and the New York Avenue curb cut will be 12 feet wide to accommodate one-way egress. (Exhibits 84, 145; Transcript of October 9, 2024 at 180; Transcript of October 30, 2024 at 80.)

⁸ Currently, an individual whose case is “no papered” is released from the central cell block, a protocol that was implemented during the Covid pandemic to facilitate “contactless processing and reduced health impact.” Prosecutors at the U.S. Attorney for the District of Columbia (“USAO”) informed DOC that USAO had no objection to reinstating pre-Covid protocols. (Exhibit 52, 52C, 152; Transcript of October 9, 2024 at 172.)

BZA APPLICATION NO. 21177
PAGE NO. 8

35. The law enforcement vehicles used to transport detainees to and from the subject property will enter the site via the L Street curb cut and enter the sallyport. The vehicles will exit the sallyport via the New York Avenue curb cut. (Exhibit 152; Transcript of October 30, 2024 at 90.)
36. The sallyport doors will be kept closed except when a vehicle is entering or leaving the sallyport, when one door at a time will be open. (Exhibit 152.)
37. The law enforcement vehicles will not constitute emergency transports and will not utilize sirens when transporting detainees to or from the subject property. (Exhibits 52, 145; Transcript of October 9, 2024 at 172, 300.)
38. The use of curbside lanes on the north, south, and west frontages of the subject property (that is, L Street, New York Avenue, and 6th Street) is currently restricted as parking for MPD vehicles. On L Street, vehicles are backed in and parked perpendicular to the sidewalk, while parallel parking is used on New York Avenue and 6th Street. (Exhibits 84; Transcript of October 30, 2024 at 79-80.)
39. The Applicant proposed to maintain the existing parking restrictions on L Street and New York Avenue. Approximately seven spaces will be dedicated to the central cell block use on New York Avenue and 16 on L Street, for a total of 23 vehicle parking spaces. (Exhibit 152A; Transcript of October 30, 2024 at 79-80.)
40. Parking for employees of the central cell block will be available on the segments of New York Avenue and L Street designated for authorized government use only. (Exhibit 152.)
41. The eastern portion of the subject property is used for vehicle parking and will be configured to provide at least four spaces that will be used as staging spaces to facilitate the transport of detainees to and from the site via the sallyport. The Applicant will install signage to designate the spaces as “CCB Staging Area Only.” (Exhibits 152, 152A, 161A.)
42. The central cell block will be operational 24 hours a day, 365 days a year, with DOC staff on site at all times. (Exhibits 9, 52, 145.) The Department of Corrections requires all personnel to complete training on security protocols (see Exhibit 52E).
43. The Applicant anticipated approximately nine DOC employees per shift at the central cell block; with three shifts each day, a total number of 27 employees are expected at the subject property daily for the CCB facility. The shifts will be 5:00 a.m. to 1:30 p.m., 1:00 p.m. to 9:30 p.m., and 9:00 p.m. to 5:30 a.m. (Exhibit 52D1.)
44. New York Avenue, in the vicinity of the subject property, functions as a principal arterial and carries approximately 20,000 vehicles per day. (Transcript of October 9, 2024 at 180.)
45. The principal pedestrian entrance to the building is on its south façade, accessible from New York Avenue. Access to the building will be restricted to DOC and law enforcement

personnel only. (Exhibits 9, 52, 145; Transcript of October 9, 2024 at 173.) No visitors will be permitted to access the building. (Exhibits 80, 145.)

46. Food will be delivered to the central cell block once each day by van. The central cell block will not have a kitchen and will not serve meals except for bagged lunches delivered daily. (Transcript of October 9, 2024 at 301-302.)
47. Vehicles related to maintenance services and waste removal will also travel to the subject property. Trash collection will occur via the L Street entrance once or twice per week. (Exhibit 52D2; Transcript of October 9, 2024 at 302.)
48. No outside vendors will travel to the subject property to deliver supplies for the central cell block. The Department of Corrections maintains a warehouse and will arrange any necessary deliveries by DOC personnel in a vehicle. (Transcript of October 9, 2024 at 302.)
49. The Applicant will install and utilize measures to enhance safety and security at the central cell block, including an integrated electronic security system with detention grade framing and hardware. The secured entrance door accessible from New York Avenue will remain locked and monitored by camera. Cameras will also be installed inside the CCB. (Exhibits 9, 52; Transcript of October 9, 2024 at 175-176, 181; Transcript of October 30, 2024 at 170-172.)
50. The Applicant will install security grilles and mesh where necessary to provide physical security barriers and to protect exterior windows from breakage. The exterior window openings on the basement and first floor of the building, including the windows facing lightwells, will be fitted with steel-frame woven-rod mesh security rail, set inboard from the existing exterior windows. (Transcript of October 9, 2024 at 175-176.)
51. The windows on the north exterior wall, adjacent to the planned second tier of holding cells, are partially obstructed by ducts that run the length of the walkway between the cells and the exterior wall. (Transcript of October 30, 2024 at 83.)
52. The Applicant will install frosted window film, a form of window glazing, as shown in Exhibit 161A, to provide a privacy barrier that will obstruct clear views from the outside while permitting natural light to illuminate the interior. (Exhibit 152.)
53. The front portion of all of the holding cells in the central cell block will consist of detention-grade hollow metal frames with polycarbonate glazed glass windows. (Exhibits 9, 52; Transcript of October 9, 2024 at 275.)
54. The Applicant will install new insulated roll-up doors in the sallyport that are designed to dampen the transmission of sound. (Exhibit 9; Transcript of October 9, 2024 at 276.)
55. The Applicant will install noise mitigation measures inside the building, including the solid metal and glass doors on each holding cell and sound-absorbing materials in the corridors

outside the holding cell areas. The Applicant will install high-performance acoustic panels on the first-floor ceiling and walls designed to absorb at least 85 percent of sound and reduce reverberant noise. (Exhibits 9, 152, 161A; Transcript of October 9, 2024 at 174-175, 275-276.)

56. The subject property currently has a chain link fence located approximately 13 feet, seven inches from the building face. The Applicant will remove the chain link fence and install a brick masonry and metal fence, seven feet in height, along the perimeter of the L Street frontage and surrounding the parking area in the eastern portion of the subject property. Along the L Street frontage, the fence will be set back approximately eight feet, four inches from the curb and more than 13 feet from the building. (Exhibits 152, 161, 161A; Transcript of October 30, 2024 at 84)
57. The fence will have two gates along the L Street curb cut that will open either west to provide access to the sallyport or east to provide access to the staging area. A third gate will be located along the New York Avenue curb cut to provide access for vehicles exiting the subject property. The gates will remain closed at all times other than when vehicles are entering or exiting the subject property.⁹ (Exhibits 152, 161, 161A.)
58. The front façade of the existing building at the subject property is located approximately 35 feet, two inches from the curbline on New York Avenue. (Exhibit 161A; Transcript of October 9, 2024 at 167.)
59. The building is located approximately 22 feet, seven inches from L Street, comprising 14 feet, three inches of lawn and 8 feet, four inches of a concrete or brick sidewalk. (Exhibit 161A; Transcript of October 9, 2024 at 167.)
60. The subject property is located in the Mount Vernon Square historic district. The existing building has not been added to the historic register. (Exhibit 80; Transcript of October 9, 2024 at 161-162.)
61. The subject property and nearby properties to the east and west are located in a Downtown (D) zone, D-4-R. The property across 6th Street N.W. to the west of the subject property is developed with an office building with ground-floor commercial space, where uses currently include a child development center. Properties across 5th Street to the east of the subject property are developed with large apartment houses.
62. Properties to the north of the subject property, across L Street, are primarily zoned Residential Apartment (RA-2) or in a Mixed-Use zone, MU-8A. Other MU zones (MU-6B and MU-7B) are located along 7th Street one block to the west of the subject property. The properties across L Street N.W. immediately to the north of the subject property are developed with row dwellings.

⁹ The Applicant conducted an auto turn analysis to demonstrate how vehicles will be able to maneuver in and out of the subject property based on the layout proposed in Exhibit 161A (Exhibit 161.)

63. The property across New York Avenue to the south of the subject property is located in the D-5-R zone and is currently used as a surface parking lot.¹⁰ (Exhibit 80.)
64. The area surrounding the subject property contains a variety of residential uses ranging from row dwellings to moderate- and high-density apartment houses as well as commercial, service, and institutional uses. The Walter E. Washington Convention Center is located one block to the west of the subject property. (Exhibit 9.)
65. The purposes of the Downtown (D) zones are to provide for the orderly development and use of land and structures in areas the Comprehensive Plan generally characterized as Central Washington or appropriate for a high-density mix of office, retail, service, residential, entertainment, lodging, institutional, and other uses, often grouped into neighborhoods with distinct identities. (Subtitle I § 100.1.)
66. The provisions of the Downtown (D) zones are intended to
 - (a) create a balanced mixture of land uses by providing incentives and requirements for retail, residential, entertainment, arts, and cultural uses the Comprehensive Plan identifies as essential to a successful downtown, and by guiding and regulating office development;
 - (b) protect historic buildings and places while permitting compatible new development, subject to the review process of the Historic Landmark and Historic District Protection Act of 1978;
 - (c) guide the design of buildings into being not inconsistent with the policies of the Central Washington Element and other relevant elements of the Comprehensive Plan;
 - (d) provide for the return of historic L'Enfant streets and rights of way;
 - (e) establish design or use requirements for the ground-level of buildings facing certain streets that are of high priority for furthering retail, pedestrian or historic purposes contained in the Comprehensive Plan;
 - (f) encourage the development of publicly accessible open space;
 - (g) encourage the development of housing, including the development and preservation of affordable housing, in Central Washington consistent with the policies of the Central Washington Element and other relevant elements of the Comprehensive Plan;

¹⁰ The Board heard testimony from a representative of the ownership group for 1001 6th Street, N.W., the property to the south of the subject property across New York Avenue. According to the witness, the ownership group is “currently designing a residential and mixed-use building that would house 540 apartment[s] ... and around 30,000 square feet of ground floor retail.” (Transcript of October 9, 2024 at 225.)

- (h) provide incentives and flexible mechanisms for achieving the retail, residential, historic, and open spaces goals through the generation and use of density credits that can be traded within defined areas;
 - (i) ensure a continued mix of retail and residential development in the Comprehensive Plan's Chinatown policy focus area;
 - (j) promote the growth of a well-design mixed-uses and streetscapes on portions of M Street, S.E., South Capitol Street, and properties now devoted to federal offices in Southwest, including a mechanism for selective design review by the Zoning Commission; and
 - (k) provide for adequate and visually acceptable parking and consolidated loading facilities that do not interfere with active, pedestrian-oriented sidewalks and the flow of vehicular traffic. (Subtitle I § 100.2.)
64. The purposes of the D-4-R zone are to promote the development of high-density residential and mixed-use neighborhoods on Massachusetts Avenue between Thomas Circle and New Jersey Avenue, N.W.; the Mount Vernon Triangle neighborhood located between New York, New Jersey, and Massachusetts Avenues, N.W.; and the blocks between Massachusetts Avenue, N.W. and Judiciary Square. (Subtitle I § 530.1.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks a special exception under Subtitle I § 303.1(c) and Subtitle X § 900.3 to allow an extension or enlargement of a large-scale government use that was originally permitted and lawfully established as a matter of right, but for which the Zoning Regulations now require special exception approval, in the D-4-R zone at 501 New York Avenue, N.W. (Square 482-S, Lot 800). 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, 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 any specific conditions. (*See* 11 DCMR Subtitle X § 901.2.)

Pursuant to Subtitle X § 900.3, if a use was originally permitted and lawfully established as a matter of right, but the Zoning Regulations now require special exception approval from the Board for that use, any extension or enlargement of the use requires special exception approval. The subject property is used for a large-scale government use that was lawfully established as a matter of right at least 50 years ago.¹¹ However, pursuant to Subtitle I § 303.1(c) of the 2016 Zoning

¹¹ The Zoning Regulations provide for “large scale government” as a use category meaning “a use involving services owned, managed, or provided by a governmental entity and associated with providing regional or wider services.” Examples of a large-scale government use include “airports, jails, truck dispatch facilities, or police/fire training

Regulations, a large-scale government use is permitted in Downtown zones only if approved by the Board as a special exception subject to the general criteria of Subtitle X, Chapter 9.

The application requested a special exception to allow an extension or enlargement of the existing large-scale government use at the subject property, including an increase in the number of holding cells in the building, so that the facility can be used as the temporary location of the central cell block operated by the Department of Corrections. Subtitle X § 900.3 does not state any specific requirements for approval of a special exception.¹² Subtitle I § 303.1(c) requires the Board to consider the general criteria of Subtitle X, Chapter 9; that is, whether the special exception (a) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and (b) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.¹³ Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the issues and concerns stated by ANC 2G and ANC 6E, the Board concludes that the application satisfies the requirements for approval of the requested special exception.

The Board concludes that approval of the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The application did not propose any enlargement of the existing building, which meets applicable development standards with respect to building height, FAR, and lot occupancy (see Exhibit 121A). The proposed expansion of the existing large-scale government use is consistent with the purposes of the Downtown zones to provide for the orderly development and use of buildings in an area generally characterized as appropriate for a high-density mix of uses, including institutional and other uses as well as office, retail, service, residential, entertainment, and lodging. Approval of the application is also consistent with the purpose of the D-4-R zone to promote the development of a high-density mixed-use neighborhood. The Board credits the testimony of the Office of Planning that approval of the application will be consistent with the purposes of the Zoning Regulations, as stated in Subtitle A § 101.1(c), to promote “the public health, safety, morals, convenience, order, prosperity, and general welfare” to provide “use of land that will ... tend to further economy and efficiency in the supply of public services.” (Exhibit 80.)

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 required for approval of a special exception under Subtitle X § 901.2.

facilities.” The large-scale government use category does not include uses that “more typically would fall within the motor vehicle-related or transportation infrastructure use categories.” (See, Subtitle B § 200.2(r).)

¹² Subtitle X § 900.3 states that: “In the case of a use that was originally permitted and lawfully established as a matter-of-right and for which the Zoning Regulations now require special exception approval from the Board of Zoning Adjustment, any extension or enlargement of that use shall require special exception approval from the Board of Zoning Adjustment.”

¹³ Subtitle I § 303.1 states in relevant part: “The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following applicable provisions: ... (c) Large scale government uses;”

Safety and security. The Board concludes that the planned expansion of the large-scale government use at the subject property, to allow use of the building as a central cell block, will not create adverse impacts on the use of neighboring properties due to matters related to safety or security. The application demonstrated that improvements will be made to the interior of the existing building to enhance security within the cell block, including steel reinforcements near exterior walls and windows, an electronic security system, locked doors, and the use of cameras to monitor both the central cell block and the building entrance. Detainees will be transported to and from the subject property in law enforcement vehicles that will utilize the sallyport, with both doors closed while detainees travel between the building and a vehicle so that detainees will not be outside. The Applicant's planned fence, with gates that will remain closed when not in use, will also enhance the security of the site by creating a physical barrier between the facility and neighboring properties.

The Applicant demonstrated that the planned expansion of the large-scale government use at the subject property will not adversely affect the use of neighboring properties due to the operation of the central cell block. The central cell block will be staffed around the clock by employees who have been trained in DOC security protocols. The Applicant indicated that detainees will not be released from the subject property and, consistent with the request of ANC 2G, the Board imposed that representation as a condition of approval of the application in this Order.

The Board was not persuaded that operation of the central cell block will result in adverse impacts due to loitering or other disturbances. For reasons discussed below, the Board did not agree with testimony in opposition to the application that the expanded large-scale government use of the subject property would encourage persons outside the building to attempt to communicate with detainees inside the central cell block. The detainees will be held at the subject property for a relatively short time, likely less than 24 hours; DOC will restrict entry to the building to law enforcement personnel; and DOC will not accept or retain any personal property on site. These factors are likely to decrease or eliminate the need or incentive of the public to visit the central cell block. Nonetheless, in response to issues and concerns raised by ANCs 2G and 6E, the Applicant agreed to post signs prohibiting loitering or solicitation at the subject property, and the Board adopts that proposal as a condition of approval of the application in this Order.

Traffic. The Board concludes that the planned expansion of the large-scale government use at the subject property will not create adverse impacts on the use of neighboring properties due to traffic. The subject property abuts a principal arterial (New York Avenue) and, as noted by the Applicant's transportation expert, the "vehicular network surrounding the Project Site is well-developed, supporting a high volume of car traffic to and from the site." (Exhibit 52D1.) The configuration of the subject property will accommodate the vehicle traffic generated by the planned use, especially considering the building's sallyport, the means of vehicle access from two streets, and sufficient area for queuing and vehicle maneuvers within the site.

The Applicant's transportation expert estimated the vehicle trips generated by the planned expanded large-scale government use at 96 per day, comprising primarily detainee transports to and from the site and employee commutes. The traffic study considered "employee shift times, the average daily headcount of detainees, and operational patterns concerning the transport of

detainees to and from the facility” in concluding that the central cell block will likely include three to five vehicle trips, both inbound and outbound, during the morning peak hour and none during the evening peak hour. (Exhibit 52D1.) The central cell block will have a staff of fewer than 30 employees, who will work in shifts that will not require travel to and from the subject property during periods of peak traffic. The Applicant anticipated that the central cell block, with a maximum capacity of 88 detainees and a typical population of around 45 detainees, will likely generate 15 or fewer vehicle trips per 24-hour period to transport detainees to the subject property. The Department of Corrections will schedule the transports throughout the day and reduce the number of transports needed by increasing the number of detainees per vehicle. The Applicant anticipated that a maximum of five vans would likely be sufficient to transport detainees from the subject property to Superior Court six mornings per week, utilizing vans capable of transporting eight detainees each. Operation of the expanded large-scale government use will not otherwise generate significant traffic to the subject property, given that relatively few trips will be required in connection with deliveries, maintenance service, or trash collection and in light of DOC’s policy not to allow visitors to the facility.

Based on the information provided in the application, including the Applicant’s traffic study, the Board was not persuaded by the unsubstantiated claims by ANCs 2G and 6E that the planned central cell block operation “will highly likely significantly increase traffic at the already hazardous intersections” of New York Avenue with 5th and 6th Streets, and that the Applicant “grossly underestimate[d] the number of trips to and from the site.”¹⁴ (Exhibits 71, 97, 153.) The Board notes that DDOT credited the Applicant’s trip generation estimate in concluding that the application would not create adverse impacts with respect to traffic (see Exhibit 84). The ANCs’ assertion was based in part on an allegation that the Applicant’s estimate of the number of trips needed to transport detainees to the subject property did “not account for the additional traffic from other law enforcement agencies” The Board does not agree, noting the Applicant’s testimony that the protocol was devised by the Department of Corrections in conjunction with both MPD and other law enforcement agencies that might bring detainees to the central cell block.

Parking. The Board concludes that the planned expansion of the large-scale government use at the subject property will not create adverse impacts on the use of neighboring properties related to parking. The Applicant will maintain the existing parking restrictions on two streets abutting the subject property, which will provide sufficient parking to accommodate the parking demand generated by a relatively small staff working in shifts as well as the limited number of other vehicles potentially visiting the site.

¹⁴ With respect to traffic impacts, the ANCs compared the planned central cell block facility unfavorably to the recent MPD use of the subject property, which according to the ANCs “had a negligible effect on traffic.” (Exhibits 71, 97.) However, the Applicant’s transportation study determined that the prior use had a larger number of employees at the site (three slightly overlapping shifts of 15 officers each, instead of the nine DOC employees expected in each of three shifts at the central cell block) and generated almost twice as many vehicle trips (180) to the site per day compared to the number of trips per day (96) anticipated in connection with the central cell block. See, e.g. *Sheridan Kalorama Hist. Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 229 A.3d 1246, 1261 (D.C. 2020) (in assessing an application for a special exception, Board’s evaluation of whether “...the proposed use ‘would be more adverse than the [previous] use of the property...[is] the fundamental comparison critical to approval of the special exception.’”).

ANC 2G and ANC 6E both expressed concern that approval of the requested zoning relief would result in queues of vehicles waiting to use the sallyport at the subject property. The Board credits the Applicant's testimony concerning the estimated traffic likely to be generated at the planned central cell block and that the protocol implemented by DOC for operation of the facility will avoid the potential for a queue of vehicles in public space outside of the curbside lanes designated for government use only or the staging area designated on-site. Implementation of the protocol will diminish the potential for multiple trips arriving at the same time and reduce the number of trips needed by scheduling transports that will bring more than one detainee at a time when possible. ANC 2G also questioned whether the segments of New York Avenue and L Street abutting the subject property can provide as many vehicle parking spaces as the Applicant claimed. The Board credits the testimony of the Applicant's transportation expert in this regard, noting that DDOT concurred with the Applicant's proposal; DDOT also noted that additional parking spaces will be created in the curbside lanes when the existing curb cuts are narrowed.¹⁵

Light, air, privacy, and noise. The Board concludes that approval of the requested zoning relief will not create adverse impacts on the use of neighboring properties due to matters related to light, air, privacy, or noise. The subject property is located at a significant distance from neighboring buildings due to its frontage on three streets as well as the building's setbacks from each of its street frontages. The planned expansion of the large-scale government use will not entail any enlargement of the existing building, which is relatively small compared to nearby buildings in an area characterized by high-density development, and therefore will not obstruct the light and air presently available to nearby buildings. The central cell block will not create objectionable light impacts on neighboring properties, given that the Applicant did not propose to install any additional exterior lighting. For these reasons, the Board concurs with the Applicant and the Office of Planning that approval of the application will not create any objectionable conditions relating to the light and air available to other properties.

The Board concludes that approval of the requested zoning relief will not create any objectionable conditions related to privacy or noise. The design of the central cell block incorporated measures to mitigate potential privacy and noise impacts, including that the majority of the holding cells in the central cell block will be located at a distance of at least five feet from exterior walls of the building and most of the new holding cells will be located below grade. The Applicant will install measures inside the building to mitigate potential privacy impacts, including that windows that could potentially provide views to and from the central cell block will be covered by security grilles or translucent glazing; views from other windows are obstructed by existing ductwork. The facility will utilize measures to mitigate potential noise impacts, including noise-mitigation measures such as solid doors in each holding cell, sound-absorbing materials inside the central cell block and new doors in the sallyport. Operation of the central cell block will occur inside the

¹⁵ ANC 2G alleged that the area in question could be configured to provide 14 vehicle parking spaces at most, not the 23 proposed by the Applicant, because "40 feet is needed between the parking spaces and the crosswalk at 6th and L and 25 feet is needed at 5th and L Street" in accordance with 18 DCMR § 2405.2(c). (Exhibit 153.) (The provision cited by the ANC is contained in DCMR Title 18, Vehicles and Traffic, Chapter 24, "Stopping, Standing, Parking, and Other Non-Moving Violations.") The Applicant disputed the ANC's characterization of the distance requirement and testified that DDOT supported the Applicant's proposed configuration of the curbside lanes. (Transcript of October 30, 2024 at 80-81.)

building, including the transfers of detainees to and from vehicles, which will travel without utilizing sirens, thereby avoiding potential audible disturbances that could affect nearby properties.

Great weight. The Board is required to give “great weight” to the recommendation of the Office of Planning. (Section 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)).) For the reasons discussed above, the Board agrees with OP’s recommendation that the application should be approved.

The Board is also required to give “great weight” to the legally relevant issues and concerns raised by the affected ANC. (Section 13(d) 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)(3)(A) (2012 Repl.)); *see also* Subtitle Y § 406.2.) In this case, ANCs 2G and 6E submitted similar letters stating that the ANCs voted to oppose the application because the Applicant’s proposal would tend to adversely affect the use of neighboring property, contrary to the requirements of Subtitle X § 901.2(b). (Exhibits 71, 97.) The Board fully considered the issues and concerns stated by ANC 2G and ANC 6E but, for the reasons discussed above, did not find the ANCs’ arguments persuasive with respect to allegations that the planned central cell block facility will create adverse impacts on the use of nearby properties with respect to light and air, privacy, security, traffic, parking, and noise.¹⁶ Other issues raised by ANC 2G, including objections that aspects of the Applicant’s proposal required other approvals, such as for historic preservation matters, and speculation about the potential use of the subject property in the future, were outside the scope of the Board’s purview in this proceeding.¹⁷ Similarly, the Board declined to adopt most of the conditions of approval proposed by ANC 2G (see Exhibit 162) because the ANC did not demonstrate that the proposed conditions were within the Board’s purview to impose or necessary to mitigate specific adverse impacts related to the Board’s approval of the zoning relief requested in this application.¹⁸ When

¹⁶ The ANCs also alleged other potential adverse impacts, including a decrease in property values, potential detrimental impact on other developments in the area, and noise disturbances associated with protests outside the central cell block. However, none of the claims was substantiated and, for the reasons discussed in this Order, the Board did not find the claims persuasive.

¹⁷ The Board notes the Applicant’s commitment to create and participate in a community advisory committee, whose goal will be to submit recommendations to the Applicant that will be taken into consideration in the evaluation of the future use of the subject property. According to the Applicant, this committee will provide feedback and disseminate information about potential future uses to the committee members’ peers and constituencies. The committee members will be selected by the Applicant and may include representatives of the affected ANCs, business interests, and area residents. The Applicant indicated that the committee will be activated in the fourth year after approval of the application and will complete at least three meetings in order to provide all recommendations to the Applicant by the fifth year of the use term. (Exhibit 152.)

¹⁸ The conditions proposed by ANC 2G would have included an inappropriate personal restriction on the future use of the subject property; addressed matters outside the scope of the Board’s purview, including compliance with other titles of the District of Columbia Municipal Regulations, construction matters, speculation about “traffic accidents and traffic jams” that might occur as a result of the CCB operation; or were based on unsubstantiated allegations about the operation of the central cell block that would allegedly create off-site impacts, such as the use of sirens by emergency vehicles and the conduct of DOC employees. *See National Black Child Development Institute, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687, 691-692 (D.C. 1984) (personal conditions impermissibly regulate

reviewing an application, the Board is required to accord “great weight” only to the issues and concerns of the affected ANC that are legally relevant to the application at issue. *See Concerned Citizens of Brentwood v. District of Columbia Bd. of Zoning Adjustment*, 634 A.2d 1234, 1241 (D.C. 1993), citing *Bakers Local 118 v. District of Columbia Bd. of Zoning Adjustment*, 437 A.2d 176, 180 (D.C. 1981).

Based on the findings of fact and conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under Subtitle I § 303.1(c) and Subtitle X § 900.3 to allow an extension or enlargement of a large-scale government use that was originally permitted and lawfully established as a matter of right, but for which the Zoning Regulations now require special exception approval, in the D-4-R zone at 501 New York Avenue, N.W. (Square 482-S, Lot 800). Accordingly, it is **ORDERED** that the application is **GRANTED** in conformance with the plans in the record, as required under Subtitle Y §§ 604.9 and 604.10; that is, Exhibit 12, incorporating updates made in Exhibit 161A, including the installation of window glazing for all windows on the subject property that act as a barrier to the outside and the installation of noise-dampening measures inside the building, including acoustic ceiling and wall panels, subject to the following **CONDITIONS**:

1. Approval of the special exception shall be for a term of eight years, beginning on the date when this Order becomes final.
2. The Applicant shall ensure that no detainees are released from the subject property.
3. The Applicant shall designate at least four staging spaces at the subject property, as shown in Exhibit 161A, for use as a staging area for the transportation of detainees. The Applicant shall install and maintain signage identifying those spaces as “CCB STAGING AREA ONLY.”
4. The Applicant shall install and maintain “NO LOITERING/NO SOLICITATION” signage on the subject property on the fence along the L Street frontage and at the entrance to the building on New York Avenue.
5. The Applicant shall designate a community liaison for the Department of General Services and the Department of Corrections. The liaison shall provide an email address and telephone number and attend at least one public meeting per quarter of ANC 2G and ANC 6E to provide updates and respond to any questions about operations of the central cell block at the subject property, including with respect to transportation or traffic.

the business conduct of the owner rather than the use of property and are unlawful *per se*; conditions of approval that regulate the use of property must be based on reliable, probative, and substantial evidence in the record); *President and Directors of Georgetown College v. District of Columbia Bd. of Zoning Adjustment*, 837 A.2d 58, 77-78 (D.C. 2003) (conditions of approval should not involve the Board in matters in which a zoning body lacks any specialized competence, such as details and mechanics of applicant’s operations that are removed from the Board’s expertise and area of responsibility).

VOTE: 5-0-0 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, Carl H. Blake, and Robert E. Miller voting to APPROVE)

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: March 18, 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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, 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.