

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



Application No. 21250 of Fikremariam Mengesha, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle U § 203.1(j) to allow a new health care facility use for 14 persons in an existing one-story detached building and under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 in the R-2 Zone at 7410 Eastern Avenue, N.W. (Square 3178E, Lot 115).¹

HEARING DATES: March 26, May 7, and June 11, 2025

DECISION DATE: June 18, 2025

PROPOSED DECISION AND ORDER

This self-certified application was filed on December 2, 2024 on behalf of Fikremariam Mengesha (“the Applicant”), the owner of the property that is the subject of the application. Following a public hearing, the Board voted to deny the application.

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 public hearing, by letters dated December 27, 2024, to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Department of Buildings, Advisory Neighborhood Commission (“ANC”) 4B, the ANC in which the subject property is located, and Single Member District 4B01,

¹ The application originally requested only a special exception under Subtitle U § 203.1(j) to allow a new health care facility use (see Exhibit 4). The Applicant subsequently added a request for a special exception under Subtitle C § 703.2 from the parking location requirements of Subtitle C § 710.1(c) (see Exhibit 16A). The Applicant later withdrew that request and instead added a request for a special exception under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 (see Exhibit 20A.)

the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 4 as well as the Chairman and the 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 January 31, 2025 (72 DCR 0897) as well as through the calendar on the Office of Zoning website.

Parties. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 4B were automatically parties in this proceeding. The Board received no request for party status.

Applicant's Case. The Applicant presented evidence and testimony in support of the request for zoning relief needed to allow a new health care facility for 14 persons in an existing one-story detached building, without vehicle parking.

OP Report. By memorandum dated March 13, 2025, the Office of Planning recommended approval of the application. (Exhibit 18.)

DDOT Report. By memorandum dated February 28, 2025, the District Department of Transportation indicated no objection to approval of the application provided that the Applicant would remove an existing curb cut and driveway at the subject property, which were not consistent with DDOT's public space policies. (Exhibit 19.)

ANC Report. At a public meeting on April 28, 2025, with a quorum present, ANC 4B adopted a resolution asking the Board to deny the application. (Exhibit 33.)

Person in support. The Board heard testimony from a person in support of the application, who testified about the need for health care facilities in neighborhoods.

Persons in opposition. The Board received letters and heard testimony from persons in opposition to the application, including some residents living near the subject property. The persons in opposition generally stated concerns about the operation of the planned health care facility and objected that the Applicant's proposal would cause adverse impacts relating to increased traffic, including in the public alley, and to parking, trash storage and collection, noise, and privacy in addition to introducing a more intensive institutional or commercial use inconsistent with the quiet residential nature of the area.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the west side of Eastern Avenue, N.W., located midblock between Blair Road and Hemlock Street, N.W., with the address 7410 Eastern Avenue, N.W. (Square 3178E, Lot 115).
2. The subject property is an irregularly shaped pentagon, with approximately 67 feet of frontage on Eastern Avenue and side lot lines extending approximately 42.6 feet on the west and 59.5 feet on the east. The lot area is 4,488 square feet.
3. The subject property abuts a public alley, 16 feet wide, along its west side lot line and the western portion of its rear lot line.

4. The subject property was improved with a detached building that was formerly used as a principal dwelling. The building is one story and 25 feet in height, with a basement. The existing lot occupancy is 35 percent.
5. The existing building is set back from the front lot line consistent with a building restriction line that extends 15 feet deep along the Eastern Avenue frontage of the subject property.
6. The subject property has two side yards, each at least eight feet in depth. The irregular rear yard ranges from 3.5 to 33 feet deep.
7. The west side and the portion of the rear yard of the subject property that abut the alley are bounded by a retaining wall because the grade of the subject property is several feet above the grade of the alley.
8. The Applicant proposed to use the existing building at the subject property as “a health care facility treating those who require medical inpatient rehabilitation for various neurological and orthopedic injuries and conditions, as well as long-term issues such as dementia.” (Exhibit 3.)
9. The Applicant did not propose any significant modifications to the exterior of the existing structure or to increase its size.

10. The Applicant planned to configure the interior of the existing building to accommodate the health care facility use on the first floor and in the basement. As proposed, the basement would contain three bedrooms, living rooms, and a bathroom. The first floor would provide a kitchen and living room as well as four bedrooms and two bathrooms. (Exhibit 17B.)
11. The Zoning Regulations define a “health care facility” as “A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.*).” (Subtitle B § 100.2.)
12. The Applicant proposed to operate a health care facility for up to 14 persons, of any age, in the existing building at the subject property. According to the Applicant, the facility was “designed to provide long-term and short-term treatment and care to individuals requiring daily assistance, medical supervision, and rehabilitative or supportive services. The residential component ensures that patients, referred to as ‘guests,’ have access to on-site care, meals, daily activities, and medical oversight tailored to their needs.” The length of stay would not be fixed but could be short- or long-term. (Exhibit 17E.)
13. The health care facility would operate with both on-site and visiting staff. Employees on-site daily would include an administrative supervisor to oversee operations and coordinate staffing, among other duties, as well as two caregivers. A nurse would visit the facility every three weeks, and a medical provider would be on call and available as required. (Exhibit 17E.)

14. The Applicant anticipated that two or three employees would be on site at a given time, 24 hours per day.
15. The health care facility would utilize a meal delivery service, with food deliveries occurring between 6:00 and 9:00 a.m.² (Exhibits 17E, 35C.)
16. The health care facility would utilize daily cleaning services occurring between 6:00 a.m. and 9:00 a.m. (Exhibits 17E, 35C.)
17. The Applicant would permit visitors to the health care facility during mealtimes and activity periods, or between 7:00 a.m. and 9:00 p.m. (Exhibits 17E, 35B.)
18. The Applicant would provide activities for residents of the health care facility, including outdoor activities such as gardening. Outdoor activities in the rear yard would not begin until sunup and would be concluded by sundown. (Exhibits 17E, 35B.)
19. The Applicant would enforce “quiet hours” between 8:00 p.m. and 7:00 a.m. to minimize noise associated with residents, staff, and visitors at the health care facility. The Applicant would post signs restricting “large gatherings or any outdoor events after certain hours.” (Exhibit 17E.)

² The application also indicated that “morning meals [would be] (delivered the night before).” (Exhibit 17E.)

20. The building at the subject property contained a garage in the basement level, which the Applicant testified had been converted to a bedroom by a prior owner. The former garage was accessible via a driveway, approximately 17 feet long, from Eastern Avenue.
21. The Applicant proposed to provide a trash enclosure at the rear of the lot, which would contain four 96-gallon trash containers and two recycling bins. Trash collection would occur via the public alley between 6:00 a.m. and 11:00 a.m. every day, Monday through Saturday. Any hazardous materials would also be stored in a screened enclosure at the rear of the property. The health care facility would follow “OSHA and state guidelines for hazardous waste (e.g. gloves, wound dressings)” and would coordinate “hazardous waste pickup with licensed disposal companies.” The Applicant stated that no medical waste would be generated on site. (Exhibits 17E, 35B, 35C.)
22. The Applicant would install and maintain a solid privacy fence, six feet high, enclosing the rear yard behind the front façade of the building. (Exhibit 35B.)
23. The abutting property to the east of the subject property contains a one-story detached principal dwelling. Other properties in the vicinity are primarily devoted to residential use in one- or two-story detached or semi-detached buildings as well as two-story apartment houses.

24. The subject property is located approximately 0.2 miles from a Metrobus stop on a priority bus route along Georgia Avenue and approximately a half-mile from the Takoma Metrorail station.
25. The subject property is located in a Residential House (R) zone, R-2.
26. The Residential House zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 101.1.) The R zones are intended to (a) provide for the orderly development and use of land and structures in areas predominately characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of records; (e) establish minimum lot area and lot width for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 101.2.)
27. The purpose of the R-2 zone is to provide for areas with semi-detached houses and avoid denser types of residential development. (Subtitle D § 101.6) The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses. (Subtitle D § 101.7.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requested special exceptions under Subtitle U § 203.1(j) to allow a new health care facility use for 14 persons in an existing one-story detached building and under Subtitle C § 703.2 to eliminate the minimum vehicle parking requirement of Subtitle C § 701.5 in the R-2 zone at 7410 Eastern Avenue, NW (Square 3178E, Lot 115). The Board is authorized under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(2)) to grant special exceptions as provided in the Zoning Regulations where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific requirements. (*See also* Subtitle X § 901.2.)

A health care facility use serving as many as eight persons may be permitted as a matter of right in the R-2 zone.³ (Subtitle U § 202.1(k).) The Board is authorized pursuant to Subtitle U § 203.1(j) to approve a health care facility use for nine to 300 persons as a special exception, subject to specific 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 by ANC 4B, the Board determined that the application did not meet the burden of proof required for approval of

³ A health care facility for not more than six persons, not including resident supervisors or staff and their families, is permitted as a matter of right in the R-2 zone. A health care facility for up to eight persons, not including resident supervisors or staff and their families, is permitted as a matter of right in the R-2 zone provided that no property containing an existing health care facility for seven or more persons is located in the same square or within a radius of 1,000 feet. (Subtitle U § 202.1(k).)

the requested special exceptions to allow a health care facility use for up to 14 persons in the existing building at the subject property, without providing any vehicle parking.

The Board credited the testimony of the Applicant and of the Office of Planning that no other property containing a health care facility is located either in the same square or within a radius of 500 feet from any portion of the Applicant's property, consistent with Subtitle U § 203.1(j)(2).⁴

The Board also credited the Applicant's testimony that the planned facility would be capable of meeting all applicable code and licensing requirements, as required under Subtitle U § 203.1(j)(4).

The Office of Planning did not state any reservations about the Applicant's ability to obtain a license for the health care facility planned at the subject property.

Approval of a special exception to allow a health care facility for more than nine persons requires a determination by the Board that "there shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility." (Subtitle U § 203.1(j)(3).) The Applicant proposed not to provide any vehicle parking for the proposed health care facility and instead requested a special exception to eliminate the vehicle parking requirement stated in Subtitle C § 701.5.⁵

⁴ The R-2 zone is included in the R-Use Group B. (Subtitle U § 200.2.)

⁵ The Applicant stated that the parking requirement generated under Subtitle C § 701.5 by the proposed health care facility use was one space, apparently applying the standard for a "medical care" use of one space per 1,000 square feet in excess of 3,000 square feet, with a minimum requirement of one parking space. Approval of a special exception to allow a health care facility use for nine to 300 persons requires the Board to determine that the facility would provide "*adequate*...off-street parking to provide for the needs of occupants, employees, and visitors to the facility." (Subtitle U § 203.1(j)(3); emphasis added.) In this case, the Board did not make a determination that one space would have been adequate to provide for the needs of the occupants, employees, and visitors of the proposed health care facility use – which would have had 14 occupants, two or three employees on-site 24 hours per day as well as other staff who would travel to the site periodically or as needed, and visitors – sufficient to meet the requirement for approval of a special exception under Subtitle U § 203.1(j)(3).

Because the Applicant proposed not to provide any vehicle parking spaces, the Board determined that the planned health care facility would not provide “adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility” and therefore that the application did not satisfy the requirement stated in Subtitle U § 203.1(j)(3). The Board credited the Applicant’s testimony that residents of the health care facility would not likely keep a vehicle at the subject property, given the nature of the intended use. However, the Board was not persuaded by the Applicant’s contention that staff and visitors could rely solely on street parking, which would be directly contrary to the zoning requirement for a health care facility of the size planned by the Applicant.

The Board is authorized to grant a full reduction in the number of required parking spaces as a special exception subject to an applicant’s demonstration of at least one of the elements listed in Subtitle C § 703.2. In this case the Applicant argued that parking relief was warranted on the ground that no parking spaces could be provided at the subject property due to the physical constraints of the site.⁶ (Subtitle C § 703.2(a).) The application asserted, without evidentiary support, that “the Applicant cannot feasibly access parking from the side and rear alleys” because of the topography at the side and rear of the site. (Exhibit 8.) The Office of Planning testified that “[p]utting in the required parking space with access from the alley could be prohibitively expensive

⁶ The Board did not determine that parking relief was warranted on the ground that no parking spaces could be provided within 600 feet of the subject property in accordance with Subtitle C § 701.8. The application stated only that “There do not appear to be parking spaces available for rent within 600 feet of the lot as all existing spaces serve their respective residential uses.” (Exhibit 17C.) The Office of Planning testified without elaboration that “There are no commercial uses within 600 feet of the property where the applicant could potentially rent parking spaces.” (Exhibit 18.)

for the Applicant and would require substantial land disturbance.” (Exhibit 18.) The Applicant initially planned to provide “two legal parking spaces in [the] existing driveway space”⁷ but was informed by DDOT that the curb cut should be removed and the driveway should be removed or reduced to the width of a leadwalk serving the front entrance of the building because the “existing driveway is in front of the Building Restriction Line” so that “the current off-street parking space is in public space and not permitted.” (Exhibits 8, 17C, 19.) The Board recognized the physical constraints of the site that would complicate the provision of any vehicle parking spaces at the subject property. However, the application did not provide adequate information about the alleged cost or difficulty of providing parking spaces at the rear of the lot, accessible from the public alley, sufficient to warrant approval of a special exception that would eliminate the parking requirement for a health care facility use serving 14 people.

The Board did not agree with the Applicant that the planned use would be “particularly well served by mass transit” as a basis for parking relief under Subtitle C § 703.2(b). The application did not demonstrate that the staff of the facility, whether on-site in 24-hour-day shifts or arriving periodically, or any visitors to the facility would be likely to use mass transit to travel to the subject property, considering that the closest public transportation options were a Metrorail station a half-mile away and Metrobus stops almost a quarter-mile away.

⁷ The application did not demonstrate how the existing driveway, which extended approximately 17 feet from the street frontage, could be used to provide parking for two vehicles, especially without blocking the sidewalk along Eastern Avenue. The Zoning Regulations generally require a depth at least 16 feet for a vehicle parking space. (See Subtitle C §§ 712.3, 712.5, 712.6.)

Similarly, the Board did not conclude that the land use or transportation characteristics of the neighborhood would minimize the need for the parking spaces required by the proposed health care facility use. (Subtitle C § 703.2(c).) The Applicant indicated that “the directly adjacent properties have dedicated off-street parking, as do a majority of the homes in this square,” and claimed that closing the curb cut at the subject property would create as many as three new on-street parking spaces, “leading to an overall increase in parking.”⁸ (Exhibit 17C.) The Board was not persuaded that any land use or transportation characteristic of the neighborhood around the Applicant’s lot would minimize the need for the parking spaces required by a 14-bed health care facility use. The application did not identify any characteristic of the neighborhood that would reduce or alter the Applicant’s proposal to have staff on-site 24 hours per day, as well as additional employees traveling to the site periodically, regular deliveries for food and cleaning services, and potential trips by visitors or residents of the facility.

The Board determined that the application did not satisfy the burden of proof for the requested special exception under Subtitle U § 203.1(j)(5) because the proposed health care facility use would not avoid creating adverse impacts on the neighborhood because of traffic and operations. As already noted, the Board credited the testimony of the Applicant and the Office of Planning that no other similar facilities are currently in operation in proximity to the subject property. The Board also agreed with the Applicant and OP that the proposed use would not likely generate adverse impacts related to noise, because the health care facility use would occur primarily inside

⁸ DDOT estimated that closing the existing curb cut for the driveway would “create an additional on-street parking space.” (Exhibit 19.)

the building and the Applicant would implement measures to limit potential noise impacts associated with any outdoor activities.

However, the Board concluded that approval of the requested special exceptions would likely result in adverse impacts related to traffic and parking. The traffic and parking demand generated by the proposed health care facility – created by the expected daily and periodic staffing levels in addition to daily trips for food deliveries and cleaning services as well as visitors to the site and any trips undertaken by residents – would tend to create adverse impacts on neighboring properties because the Applicant did not propose to provide any off-street parking. Approval of a special exception under Subtitle U § 203.1(j) requires the provision of vehicle parking adequate to meet the needs of occupants, staff, and visitors to the facility. The Applicant’s plan to rely solely on street parking was not responsive to that requirement. The expectation that street parking should be available to meet the needs of the planned health care facility use did not adequately account for the parking demand that would likely be generated by the facility’s staff, who would travel to the site daily, at regular intervals, or as needed, the frequency of deliveries to the site, especially the vehicles associated with daily meal deliveries and cleaning services, or with the potential for visitors each day.⁹ The application did not demonstrate that the health care facility’s reliance solely on street parking would avoid adverse impacts on the use of nearby properties by diminishing the supply of street parking available for neighborhood residents and other potential

⁹ In recommending approval of the application, the Office of Planning did not account for visitors to the site or residents’ trips away from the facility in concluding that “[i]t is not anticipated that the use would generate a significant number of vehicle trips and traffic to adversely impact the neighborhood.” OP expected that “[a]ll residents would remain on the site for treatment and services” and “[d]aily traffic would be limited to staff, and to service vehicles which would come to the site for a short period of time in the mornings.” (Exhibit 18.) However, in addition to having visiting hours daily at the planned health care facility, the Applicant indicated that “patients are expected to have doctor’s appointments at their respective doctor’s offices.” (Exhibit 35B.)

users of the public parking. Similarly, the Board was not persuaded that the Applicant's plan to schedule trash collection six days per week would avoid adverse impacts to neighboring properties, given the relatively narrow width of the alley and frequency of its use by residents of nearby dwellings.

Subtitle X § 901.2. The Board concluded that approval of the requested special exceptions would not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, contrary to the requirement of Subtitle X § 901.2. The Zoning Regulations permit a health care facility for up to eight persons, with at least one vehicle parking space, at the subject property as a matter of right. The Board concluded, under the circumstances of this application, that the Applicant's proposed health care facility, for up to 14 persons without any parking, would not be consistent with the purposes of the Residential House zones to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. Approval of the application would not be consistent with the intent of the R zones to provide for the orderly development and use of land and structures in areas predominately characterized by low- to moderate-density residential development and to allow for limited compatible accessory and non-residential uses. The application did not demonstrate that approval of the requested parking relief would be consistent with the intent of the Zoning Regulations to allow flexibility from the minimum required number of parking spaces when providing the required number of spaces would be impractical due to the shape or configuration of the site or that parking would be unnecessary due to a lack of demand for parking or the site's proximity to transit options. (See Subtitle C § 703.1.)

The Board determined that approval of the requested special exceptions would tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. As discussed above, the Board determined that the application did not satisfy the requirements for approval of a special exception to allow a health care facility serving 14 people, especially with respect to the creation of potential adverse impacts related to traffic, parking, and operations, or the requirements for approval of a special exception to eliminate the vehicle parking requirement for the proposed facility.

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.) For the reasons discussed above, the Board did not agree with OP’s recommendation to approve the application.

The Board is also required to give “great weight” to the issues and concerns raised by an 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)). In this case, ANC 4B adopted a resolution asking the Board to deny the application, stating concerns about the Applicant’s previous “mismanagement” of the subject property and lack of experience in the management of a health care facility, concerns about the potential operation of the facility, and concerns stated by “immediate neighbors...about the proliferation of like home health care facilities currently extent in the vicinity of the proposal.” (Exhibit 33.) While the ANC’s concerns were generally outside the scope of the Board’s purview in this proceeding, which required an assessment of whether the application met the requirements stated in the Zoning Regulations for approval of the two special

exceptions requested by the Applicant, the Board agreed with ANC 4B that the application should be denied, for the reasons discussed above.

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this application, a proposed order was provided to the parties to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d).

Based on the findings of fact and conclusions of law, the Board concluded that the Applicant did not satisfy the burden of proof for special exception under Subtitle U § 203.1(j) to allow a new health care facility use for up to 14 persons in an existing one-story detached building or under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5 in the R-2 zone at 7410 Eastern Avenue, NW (Square 3178E, Lot 115). Accordingly, it is **ORDERED** that the application is **DENIED**.

VOTE: 3-0-2 (Frederick L. Hill, Carl H. Blake, and Tammy M. Stidham to DENY; Chrishaun S. Smith not participating; one Board seat vacant)

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

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

ATTESTED BY: _____

SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: _____

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

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.