**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**Board of Zoning Adjustment**

**Appeal No. 19374 of Dupont Circle Citizens' Association**, pursuant to 11 DCMR §§ 3100 and 3101, from a March 21, 2016 determination letter issued by the Zoning Administrator, Department of Consumer and Regulatory Affairs, for the conversion of a one-family dwelling into a four-unit apartment house in the R-5-B District at premises 1514 Q Street, N.W. (Square 194, Lot 27).[1]

**HEARING DATES:** December 14, 2016; January 18, 2017; and February 22, 2017[2]
**DECISION DATE:** March 15 and 29, 2017

## DISMISSAL ORDER

On September 16, 2016, the Dupont Circle Citizens' Association (the "Appellant" or "Association") filed an appeal to a decision by the Department of Consumer and Regulatory Affairs ("DCRA") to issue Building Permit Number B1603105 to 1514 Q LLC (the "Property Owner") for the conversion of a one-family dwelling into a four-unit apartment building in the R-5-B Zone. On January 25, 2017, DCRA filed a motion to dismiss for lack of standing and untimely filing. On February 8, 2017, the Appellant filed a response to DCRA's motion. The Board of Zoning Adjustment (the "Board" or "BZA") rejects DCRA's claim that the Appellant lacked standing, but grants DCRA's motion to dismiss for failure to file a timely appeal.

## PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing. The Office of Zoning provided notice of this appeal to Advisory Neighborhood Commission ("ANC") 2B; ANC 2B05; the Councilmember for Ward Two; the At-Large Councilmembers; the Council Chairman; the Office of Planning; and the ZA. The Office of Zoning scheduled a hearing for December 14, 2016. On October 14, 2016, the Office of Zoning mailed letters providing notice of the hearing to the Appellant, ANC 2B, the Property Owner, the ZA, DCRA, and the Councilmember of Ward Two. Notice was published in the *D.C. Register* on October 21, 2016. (63 DCR 13094.)

[1] The case was filed, and advertised, as an appeal of the July 18, 2016 decision of the Zoning Administrator to issue Building Permit No. B1603105; however, the Board determined that the decision on appeal was first reflected in the March 21, 2016 determination letter. The caption has been revised accordingly.

[2] The appeal was originally scheduled for hearing on December 14, 2016, but was postponed to January 18, 2017 at the Appellant's request. On January 18, 2017, the Board continued the hearing to February 22, 2017 and, at that time, scheduled the case for decision on March 15, 2017. The Board postponed the decision to March 29, 2017.

Parties. The parties to this appeal are the Appellant, Department of Consumer and Regulatory Affairs ("DCRA"), the owner of 1514 Q LLC (the "Property Owner"), and ANC 2B. All four are automatic parties to the appeal pursuant to 11-Y DCMR § 501.1.

ANC Reports. ANC 2B submitted a written report to the record. At a public meeting on November 16, 2016, by a vote of 5-2-2, ANC 2B adopted a resolution requesting "an abundance of clarification regarding the gross floor area measurement issue," but raising no specific issues and concerns with regard to the appeal. (Exhibit 20.) Though it was not a party to the case, ANC 1C also submitted a written report to the record, indicating that at a public meeting on March 2, 2016, with a quorum present, ANC 1C adopted a resolution requesting clarification of the basement/cellar zoning regulations by a vote of 8-0. (Exhibit 22.)

**FINDINGS OF FACT**

1. The Subject Property is located at 1514 Q Street, N.W. (Square 194, Lot 27) and is owned by 1514 Q LLC (the "Property Owner").

2. The Subject Property is located in the R-5-B Zone District.[3]

3. On November 3, 2015, the Property Owner presented proposed renovations to the Subject Property at a public meeting held by the Zoning, Planning and Development Committee of ANC 2B. (Exhibit 27B.)

4. The Property Owner's proposed renovations included one habitable unit on the lowest level of the building, classified as a cellar. (Exhibit 27A.) Under the Zoning Regulations of 1958, a *cellar* is defined as "that portion of a story, the ceiling of which *is less than* four feet (4 ft.) above the adjacent finished grade," whereas a *basement* is defined as "that portion of a story partly below grade, the ceiling of which *is four feet (4 ft.) or more above* the adjacent finished grade." (11 DCMR § 199, definitions of "Cellar" and "Basement") (emphasis added). A building's maximum gross floor area is determined by multiplying its land area by the maximum floor area ratio ("FAR"), which is expressed as a number. (11 DCMR § 199, definition of "Floor area ratio".) The square footage of a cellar is not included in the calculation of a building's gross floor area, but the square footage of a basement is. (11 DCMR § 199, definition of "Gross floor area.")

5. Based on concerns about the incorrect classification of the lowest level as a cellar, ANC 2B requested that measurements of the site be verified in the presence of a representative of ANC 2B, DCRA, the Property Owner, and adjacent property owners. (Exhibit 72B.)

6. On February 12, 2016, a DCRA inspector visited the Subject Property with ANC Commissioner Abigail Nichols to confirm the measurements of the lower level windows and ceiling, as well as the adjacent grade to determine if the proposed lower level would

[3] Under the Zoning Regulations of 2016, the designation for the zone district of this property is RA-8.

qualify as a basement or a cellar. (BZA Hearing Transcript ("Tr.") of March 29, 2017, p. 22.)

7. On February 22, 2016, Brian Gelfand emailed the Zoning Administrator ("ZA") at DCRA, challenging the building permit application filed by the Property Owner and asserting that the application improperly classified the lower level as a cellar rather than a basement for the purpose of excluding the lower level from the zoning FAR calculation. (Exhibit 72A).

8. On March 9, 2016, Brian Gelfand again emailed DCRA to challenge their classification of the lower level as a cellar in this building permit application. (Exhibit 72C.)

9. On March 21, 2016, the ZA issued a determination letter communicating his decision to approve several aspects of the building permit application, including that the lower level is properly classified as a cellar on the basis of plans submitted with the Application and the measurements taken at the February 12, 2016 site visit by DCRA. (Exhibit 27A.) Specifically, in the determination letter the ZA states: "based on the evidence provided to me and attached hereto, the project proposed for the Property satisfies the requirements of Title 11 of the District of Columbia Municipal Regulations in effect as of the date of this letter (the "Zoning Regulations") and can be constructed as a matter of right." (Exhibit 27A, at 3.)

10. The determination letter first provides background on the Subject Property and explains the proposed project, attaching the plans submitted with the building permit application for reference. (Exhibit 27A, at 3 and 9-30.)

11. The determination letter provides a comprehensive zoning analysis of the proposed project and makes specific findings as to the proposed project's compliance with the definition of apartment house in 11 DCMR § 199.1, the R-5-B use regulations of 11 DCMR § 350.4(f), the definition of cellar in 11 DCMR § 199.1, the definition of gross floor area in 11 DCMR § 199.1, the R-5-B FAR requirements in 11 DCMR § 402.4, the R-5-B height requirements of 11 DCMR § 400.1, the R-5-B lot occupancy requirements of 11 DCMR § 403.2, the R-5-B rear yard requirements of 11 DCMR § 404.1, the R-5-B side yard requirements of 11 DCMR § 405.9, and the parking requirements of 11 DCMR § 2120.3. (Exhibit 27A, at 4-7.)

12. In the section of the determination letter analyzing the cellar provisions at issue in this appeal, the ZA applied evidence – such as photos of the Subject Property, an elevation plan, and letters from the project's architect and structural engineer – to make the following finding: "Accordingly, I have determined that the Cellar Area satisfies the Zoning Regulations' definition of 'cellar', because this evidence … as authenticated, demonstrates that the ceiling of the Cellar Area 'is less than four feet (4 ft.) above the adjacent finished grade' in satisfaction of the definition of 'cellar' at 11 DCMR § 199.1 referenced above." (Exhibit 27A, at 5.)

13. In the section of the determination letter analyzing the FAR provisions at issue in this appeal, the ZA made the following finding: "Accordingly, as I have determined that the evidence provided to me demonstrates that the Cellar Area satisfies the definition of 'cellar' in the Zoning Regulations, I hereby confirm that the Cellar Area will not be counted against the FAR permitted in this zone." (Exhibit 27A, at 6.)

14. Also on March 21, 2016, the ZA published the determination letter on DCRA's website and emailed the letter to Brian Gelfand, Don Hawkins, and ANC Commissioner Abigail Nichols. (Exhibit 27A, at 1 and Exhibit 27B, at 1.)

15. On March 22, 2016, in response to Mr. Gelfand's email sent on March 9, 2016, the ZA emailed Mr. Gelfand, Don Hawkins, Abigail Nichols, and Alan Gambrell, rejecting Mr. Gelfand's assertion that the lower level of the building should be classified as a basement. He ended this email by stating, "I hope this information is helpful in the explanation of my office's approval of the project." (Exhibit 27B.)

16. On July 18, 2016, DCRA issued building permit number B1603105 to convert the Subject Property from a one-family dwelling into a four-unit apartment house. (Tr. of February 22, 2017, pp. 114-15.) The approval of the building permit was based on the classification of the lowest level of the project as a cellar and did not alter or reverse the decision communicated by the ZA in the March 21, 2016 determination letter.

17. The Property Owner certified that the project was "under roof" by July 31, 2016. (Exhibit 49C.)

18. During the week of September 5, 2016, Brian Gelfand brought the building permit to the attention of the Dupont Circle Citizens' Association. (Tr. of February 22, 2017, pp. 156-57.) Mr. Gelfand is a member of the Dupont Circle Citizen's Association and indicated that he had been a member for about two years, as of the Board's public hearing on February 22, 2017. (Tr. of February 22, 2017, pp. 165 and 174.)

19. On September 6, 2016, the Zoning Regulations of 2016 ("ZR16") replaced the Zoning Regulations of 1958 ("ZR 58").

20. On September 16, 2016, Dupont Circle Citizens' Association (the "Appellant") filed this appeal. (Exhibit 1.)

21. The appeal was filed within 60 days of the issuance of building permit number B1603105, but 179 days after the ZA's issuance of the determination letter on March 21, 2016.

22. At the Board's public hearing on February 22, 2017, Brian Gelfand and Robin Diener, president of Dupont Circle Citizen's Association, testified on behalf of the Appellant. (Tr.

of February 22, 2017, pp. 113 and 128-130.) Don Hawkins, Alan Gambrell, and Susan Flinn appeared to testify in support of the Appellant. (Tr. of February 22, 2017, p. 113.)

23. The Appellant is an association that represents the "zoning, planning and other interests of the individuals who reside in the area that includes the subject property." (Exhibit 2.)

24. The Appellant's general purposes include to "preserve the historic, architectural, and aesthetic value of property and objects within [the vicinity of Dupont Circle within the boundaries prescribed in the Association's Articles of Incorporation]; to present views of the Association to government, public, private and other organizations; to engage in any lawful activity and to take legal action to protect the interests of the neighborhood as determined by the Association." (Exhibit 57.)

**CONCLUSIONS OF LAW**

The Board is authorized by § 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to hear and decide appeals where it is alleged by the appellant that there is error in any decision made by any administrative officer in the administration of the Zoning Regulations. Appeals to the Board of Zoning Adjustment may be taken by "[a]ny person aggrieved … by an order, requirement, decision, determination, or refusal made by an administrative officer or body … in the administration or enforcement of the Zoning Regulations." (11-Y DCMR § 302.1.)

Under the Zoning Regulations, an appeal must be filed within 60 days after the date the appellant "had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier." (11-Y DCMR § 302.2.) Although this deadline is a "claims processing rule" and therefore not jurisdictional in nature, *see Gatewood v. District of Columbia Water and Sewer Authority*, 82 A.3d 41 (2013) (WASA deadline to file appeal of water bill is non-jurisdictional), the failure to adhere to the rule will result in the dismissal of an appeal unless the 60-day deadline is extended under circumstances stated at 11-Y DCMR § 302.6. This provision allows the Board to extend the 60-day filing deadline for an appeal, only if the appellant demonstrates that:

(a) There are exceptional circumstances that are outside of the appellant's control and that could not have been reasonably anticipated that substantially impaired the appellant's ability to file a zoning appeal to the Board; and

(b) The extension of time will not prejudice the parties to the zoning appeal. (11-Y DCMR § 302.6.)

Pursuant to 11-Y DCMR § 302.5, the "decision complained of" must be the "first writing . . . to which the appellant had notice." Further, "[n]o subsequent document, including a building permit

or certificate of occupancy, may be appealed unless the document modifies or reverses the original decision or reflects a new decision." (11-Y DCMR § 302.5.)[4]

Motion to Dismiss for Lack of Standing

The Board concludes that the Dupont Circle Citizen's Association (the "Appellant" or the "Association") is a "person aggrieved" for purposes of bringing this appeal. Membership in the Association includes Brian Gelfand, adjacent neighbor of the Subject Property, as well as individual members residing within the surrounding area. (Findings of Fact No. 18 and 23.) The filing of this appeal represents an effort to ensure that the use of the Subject Property is consistent with applicable regulations, which furthers the general purpose of the Association. (Finding of Fact No. 24.) Therefore, the Appellant is affected more than the general public by the determination made by the Zoning Administrator. *See Goto v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 917, 922- 923 (D.C. 1980) (The Board's decision to allow appeal by neighborhood association and individual upheld where the individual lived immediately behind the subject site and the association represented residents of both the immediate and general area and had a history of appearing in zoning matters before the Board.) On these grounds, the Board must deny the motion to dismiss the appeal for lack of standing.

Motion to Dismiss for Untimely Filing

The Board finds that the Appellant failed to timely appeal the decision of the Zoning Administrator's March 21, 2016 determination letter, which was later reflected in DCRA's July 18, 2016 issuance of building permit number B1603105. The Board finds that the Zoning Administrator's determination letter was the first writing of the decision complained of and that the Appellant had notice of this first writing. As the ZA's subsequent issuance of the building permit did not modify or reverse the decision reflected in the determination letter, nor did it reflect a new decision, the Board finds that the issuance of the building permit did not restart the 60-day filing deadline for an appeal. Further, the Appellant did not argue that any exceptional circumstances exist to warrant a waiver of this 60-day deadline under Subtitle Y § 302.6. Instead, the Appellant argues that the appeal was timely, as the issuance of building permit number B1603105 was the correct starting point for the purpose of measuring the 60-day deadline for filing an appeal. Absent any justification to grant a waiver of the filing deadline, the Board must dismiss this appeal as untimely filed.

**Application of the Procedural Requirements of the Zoning Regulations of 2016**

The approvals that are at issue in this appeal occurred before the adoption of the Zoning Regulations of 2016 ("ZR 16"); therefore, if the Board had reached the merits of the appeal, it would have evaluated whether the ZA had erred in the interpretation and application of the Zoning

[4] The Appellant claims that the first writing provision of the Zoning Regulations of 2016 is in conflict with D.C. Official Code § 6-641.07(f), arguing that the Board cannot interpret its regulations to conflict with the plain language of its governing statute. The Board has no authority to decide this issue and declines to do so in this Order.

Regulations of 1958 ("ZR 58"), which were in effect at that time. In considering the timeliness of the appeal, however, the Board determined that the procedural provisions of ZR 16, cited above, apply to this case, as the appeal was filed after the effective date of ZR 16. The Appellant argues that the Board is required to apply the procedural regulations of ZR 58 instead, as the decisions on appeal occurred before ZR 16 became effective on September 6, 2016.

If the Board were to apply the procedural regulations of ZR 58 to the appeal at hand, the Board would be required to come to the same result and dismiss this case as untimely. Under ZR 58, the provision regarding the 60-day deadline for appeals is identical to that in effect under ZR 16.[5] The Appellant correctly notes that the procedural regulations of ZR 58 do not specifically include the "first writing" provision, found in Subtitle Y § 302.5 of ZR 16; however, that "first writing" provision merely codified previous Board decisions and case law that established this principle, which also informed the Board's decisions under the ZR 58 regulations. *See Appeal No. 18300 of Lawrence M. and Kathleen B. Ausubel* (2012) (Finding email sent prior to issuance of a permit was the administrative decision complained of because (1) the email was unambiguous (2) it cleared the way for the issuance of the permit and (3) the ZA made this decision after being fully briefed on the issues).

**Merits of the Motion to Dismiss for Untimely Filing**

Considering what decisions may give rise to an appeal to the BZA, the D.C. Court of Appeals has held that the "administrative decision complained of" need not take a specific form. *Basken v. D.C. Bd. of Zoning Adjustment*, 946 A.2d 356, 366 (D.C. 2008) (Finding that "regulations do not tie the time for appealing to the BZA to the issuance of a specified type of notice."). However, in order to serve as the first writing of an administrative decision sufficient to start the clock on the deadline for appeal, the decision must be an unambiguous determination. *Compare Appeal No. 18300 of Ausubel* (2012) (Finding email to be administrative decision complained of because "[t]he wording of the email was crystal clear") with *Basken*, 946 A.2d at 364 (2008) (Finding building permit ambiguous and, therefore, not the administrative decision complained of because it contained language "subject to zoning approval."). In these cases, the Board has considered factors such as whether the decision is specific to the property at issue, whether the writing is unambiguous in communicating the decision, and whether the language of the writing suggests that the decision is subject to change. *See e.g. Appeal No. 18793 of Advisory Neighborhood Commission 2A* (2016) (Holding that the issuance of a sign permit was an appealable decision, rather than the earlier issuance of a prior determination letter and building permit, because neither the letter nor building permit clearly signified a decision with regard to the sign's compliance and approval); *Appeal No 18522 of Washington Harbour Condominium Unit Owners' Association* (2016) (Dismissing an appeal of a determination letter because the ZA was not "fully briefed on the owners' proposal," and the letter did not "clear the way for a permit.") Here, the Board finds the Zoning

[5] The parallel provision to 11-Y DCMR § 302.2 in ZR 58 is 11 DCMR § 3112.2(a), which reads as follows: "An appeal shall be filed within sixty (60) days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier."

Administrator's determination letter to be first writing of the administrative decision complained of because the letter specifically addressed the property and project at issue, was unambiguous in making determinations of the project's compliance with the Zoning Regulations, and did not leave open the possibility that this decision would be overturned or altered at a later stage.

The Appellant argues that a building permit, rather than a zoning determination letter, must be considered the administrative decision complained of and cites prior BZA cases to support its argument that zoning determination letters cannot be the basis for an appeal. (Exhibit 53.) The cases cited do not support the argument that zoning determination letters are categorically ineligible for appeal, but rather, identify cases in which the zoning determination letter at issue was not sufficiently clear or final to constitute an appealable decision.

In *Appeal No. 18793 of ANC 2A*, the Board found that a zoning determination letter was not the administrative decision complained of because it did "not clearly signify a decision to approve the sign permit," and similarly, in *Appeal No. 18522 of Washington Harbour Condominium Unit Owners' Association*, the determination letter did not "clear[] the way for a permit." In contrast, the determination letter in the present case did represent a final decision by the ZA, as evidenced by the unambiguous language of the letter itself. (*See* Findings of Fact No. 12 and 13.) In *Appeal No. 18568 of Shaw Dupont Citizens Alliance*, DCRA emails were found not to be the administrative decision complained of because they "did not mention the subject property at all." In contrast, the determination letter at issue in the present case was specifically directed at the Subject Property and analyzed the project's compliance with the regulations in detail. (*See* Findings of Fact No. 10 and 11.) The Appellant cites several additional cases where a determination letter did not precede the building permits, and therefore the Board did not address whether something other than a building permit could be the first writing.[6] These cases therefore do not support the Appellant's argument that a determination letter cannot reflect an appealable decision.

Though the Board has established that the ZA's determination letter is the first writing of the decision complained of, Subtitle Y § 302.5 provides an opportunity to appeal a subsequently issued document, such a building permit, when it "modifies or reverses the original decision or reflects a new decision." The Board finds the building permit in this case did not modify or reverse the decision reflected in the ZA determination letter, nor did it reflect a new decision. As the determination letter provided a detailed analysis of the zoning compliance of the project, leading to the ZA's determination that the project meets the Zoning Regulations, the issuance of the building permit merely reiterated that same decision. Therefore, the Board declines to find that the Appellant was able to appeal the subsequently issued building permit on this basis.

Having established that the ZA's determination letter represents the first writing of the decision complained of, the Board finds that the Appellant knew or should have known of the issuance of the ZA's determination letter. The Appellant, Dupont Circle Citizens Association, argues that they first became aware of the administrative decision complained of after the issuance of the building

[6] *See* BZA Appeals No. 17513, 17468, 18070, and 17915.

permit on July 18, 2016, and that they did not receive notice of the March 21, 2016 determination letter. (Exhibit 53.) The Appellant cites a prior BZA case, *Appeal No. 18300 of Ausubel*, where the 60-day clock was measured from the issuance of a ZA email rather than a subsequently issued building permit. The Appellant argued that this case is distinct from the present case because the ZA determination letter was sent directly to the appellant in that case, whereas here the Appellant claims they did not receive actual notice of the ZA letter. DCRA points out that the determination letter was sent directly to several individuals who had raised concerns about the project including Brian Gelfand, a member of the Association who served as their representative at the public hearing on this appeal. (Exhibit 27B.)

The Board finds that when Mr. Gelfand, a member of the Dupont Circle Citizens Association, received notice of the zoning determination letter on March 21, 2016, the Appellant "reasonably should have had notice or knowledge of the decision complained of" at that time. Although the issue of whether an organization or group "reasonably should have had notice" of a decision is more ambiguous than determining whether an individual knew or should have known about a decision, the Board's finding is consistent with its treatment of notice to civic groups in prior cases. In *Appeal No. 18890 of Concerned Citizens of Argonne Place*, the Board found that the appellant in that case, a neighborhood civic group, had notice of a permit's issuance because some of its members had met with DCRA to discuss potential zoning violations at the property. Similarly, in this case, the involvement of a Dupont Circle Citizens Association member in raising concerns to DCRA and his receipt of the ZA's determination letter gave the Appellant actual notice of the administrative decision complained of. At that time, the Appellant "reasonably should have had notice or knowledge of the decision complained of."

Although the Board finds this appeal was untimely filed more than 60 days after the first writing was issued, there is an additional basis for dismissal of Appellant's claim. Pursuant to 11-Y DCMR § 302.3, in cases where the decision complained of involves construction of a structure or part thereof, no zoning appeal may be filed later than ten days after the structure or part in question is under roof.[7] The owner of the property at issue in this case certified that the building was under roof by July 31, 2016. (Exhibit 49C.) The Appellant brought this appeal on September 16, 2016, more than ten days after the building was under roof. The Board also finds the Appellant failed to timely file their appeal on this basis.

Great Weight

The Board is also required to give "great weight" to the 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.)).) In this appeal, the affected ANC – ANC 2B – submitted a written report to the record, requesting "an abundance of clarification regarding the gross floor area measurement issue," but raising no specific issues and concerns with regard to the appeal. (Exhibit 20.) Though ANC 1C was not an affected ANC, and therefore not a party to the case, the ANC similarly submitted a written report to the record,

[7] Under the Zoning Regulations of 1958, this same requirement is found under 11 DCMR § 3112.2(b)(1).

requesting clarification of the basement/cellar zoning regulations by a vote of 8-0. (Exhibit 22.) As the Board dismissed the appeal on the ground of timeliness before reaching the merits of the appeal, the issues raised by the ANCs were not legally relevant to the Board's decision in this case. The "great weight" requirement extends only to issues and concerns that are legally relevant. *Bakers Local 118 v. Bd. of Zoning Adjustment*, 437 A.2d 176, 179 (D.C. 1981).

Based on the findings of fact, the Board concludes that the appeal does not satisfy the requirements of timeliness set forth in 11-Y DCMR § 302.2. Accordingly, it is therefore **ORDERED** that this appeal be **DISMISSED**.

**VOTE: 3-0-2** (Frederick L. Hill, Carlton E. Hart, and Michael G. Turnbull to DISMISS; Lesylleé M. White not participating, one Board seat vacant).

**BY ORDER OF THE BOARD OF ZONING ADJUSTMENT**
The majority of the Board members approved the issuance of this order.

**ATTESTED BY:** _____
**SARA A. BARDIN**
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** February 27, 2019

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.