

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



**Application No. 20290 of Vitis Investments LLC**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2 to convert an existing detached principal dwelling unit to a 7-unit apartment house in the RF-1 Zone at premises 421 T Street, N.W. (Square 3090, Lots 804, 805, and 807).<sup>1</sup>

**HEARING DATES:** October 21 and December 9, 2020<sup>2</sup>

**DECISION DATE:** January 13, 2021

**DECISION AND ORDER**

The application was filed on April 6, 2020 by Vitis Investments LLC, the owner of the property that is the subject of the application (the “Applicant”). Following public hearing, the Board voted to approve the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated July 30, 2020, the Office of Zoning provided notice of the application and of the public hearing to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 1 as well as the Chairman and three at-large members of the D.C. Council, Advisory Neighborhood Commission (“ANC”) 1B, the ANC in which the subject property is located, Single Member District ANC 1B01, and the owners of all property within 200 feet on the subject property. Notice was published in the *District of*

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<sup>1</sup> The original self-certification (Ex. 6), dated April 6, 2020, sought a special exception under Subtitle U § 320.2 to allow a conversion to an 11-unit apartment house as well as variances from the 900 square foot requirement of Subtitle U § 320.2(d) and from the 35-foot height limitation of Subtitle E § 303.1. An updated self-certification (Ex. 16C), dated May 29, 2020, revised the request for variance relief under Subtitle E § 303.1 to a request for special exception relief under that regulation. A second updated self-certification (Ex. 39E), dated October 19, 2020, withdrew the requested zoning relief under Subtitle U § 320.2(d) (the 900-square-foot requirement) and Subtitle E § 303.1 (building height) and revised the special exception request under Subtitle U § 320.2 to allow conversion of the existing building to a seven-unit apartment house.

<sup>2</sup> At the October 21, 2020 virtual public hearing, the Board granted the Applicant’s request for a postponement to December 9. (Hearing Transcript (“Tr.”), p. 60).

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*Columbia Register* on October 2, 2020. (67 DCR 11412.)<sup>3</sup>

Party Status. The Applicant and ANC 1B were automatically parties in this proceeding. The Board granted party status in opposition to the application to Chetan Chandra and Meghann Teague, who reside in an abutting property at 417 T Street, N.W. (“Party Opponents”). (Ex. 34.)

Applicant’s Case. The Applicant was represented by Martin Sullivan of Sullivan & Barros, LLP. At the December 9, 2020 virtual public hearing, the Applicant provided evidence and testimony in support of the application from Christopher Agorsor, the principal with the Applicant; and from Emilie Rottman, an architect.

OP Report. By memorandum dated November 24, 2020, OP recommended approval of the zoning relief finally requested by the Applicant. (Ex. 50.) OP concluded that the amended application met the requirements for the conversion of an existing residential building to an apartment house in an RF zone under Subtitle U § 320.2, as amended by Zoning Commission Order No. 19-21, dated September 14, 2020; as well as the general special exception review standards under Subtitle X § 901.2.

DDOT. By memorandum dated July 14, 2020, DDOT stated that it had no objection to the approval of the zoning relief requested in the original application on the condition that the Applicant provides the required long-term bicycle parking spaces. (Ex. 18.)

ANC. On June 10, 2020, ANC 1B filed an ANC Report on Form 129. (Ex. 17.) In the report, the ANC, which met on April 6, 2020 at a duly noticed public meeting with a quorum present, reported that it supported the Applicant’s request for zoning relief under the original application. The report stated that the Applicant amended its proposal to include a mix of Inclusionary Zoning (“IZ”) units at the request of the ANC and the community. On November 16, 2020, ANC 1B filed an updated report on Form 129. (Ex. 47.) In the report, the ANC, which stated that it met on May 11, 2020, reported that it continued to support the project and the requested special exception relief under Subtitle U § 320.2.

Party in opposition. The Party Opponents opposed the proposed residential conversion. The Party Opponents argued that the proposed conversion would have adverse consequences on adjoining and neighboring properties with respect to the amount, location and removal of trash; window wells that would threaten the structural integrity of neighboring homes; and parking.

Persons in opposition. The Board heard testimony and received letters in opposition to the application from residents living in the vicinity of the subject property, who generally cited concerns with the size of the addition proposed in the original application; the width of the alley and trash collection; a residential conversion in an RF-1 zone generally; the project’s side-yard

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<sup>3</sup> Notice was published in the *D.C. Register* 19 days before the scheduled October 21 hearing. Under Subtitle Y § 402.1(a), notice is required 40 days in advance. At the October 21 hearing, the Board approved a motion under Subtitle Y § 402.11 to waive the forty-day notice requirement. (Tr. at 56.)

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setbacks; the depth of the project; parking; density; the income requirements for the IZ units; and alleged misrepresentations on the part of the Applicant. On May 27, 2021, the LeDroit Park Civic Association (“LCPA”) filed a letter that urged the BZA to deny the relief sought by the Applicant in the original application. (Ex. 15.) On October 30, 2020, LCPA also filed a resolution in opposition to the amended application for zoning relief. (Ex. 46.) The Board received a letter from the Committee of 100 on the Federal City also in opposition to the proposed project. (Ex. 55.)

**FINDINGS OF FACT**

1. The property that is the subject of this application is an interior lot on the north side of T Street N.W. with an address of 421 T Street, N.W. (Square 3090, Lots 804, 805, and 807).
2. The property is presently configured as three tax lots. Lot 804 has 50 feet of frontage on T Street. Lot 805 abuts Lot 804 to the north, and Lot 807 abuts the northeastern portion of Lot 805. The eastern boundaries of the three lots are flush. The western boundaries of Lots 804 and 805 are flush, and the western boundary of Lot 807 is set back 20 feet from the western boundaries of Lots 804 and 805.
3. Lot 804 is a rectangular lot that is 112 feet deep and 50 feet wide, with an area of 5,600 square feet. Lot 805 is a rectangular lot that is 28 feet deep and 50 feet wide, with an area of 1,400 square feet. Lot 807 is roughly a square lot that is 29 feet deep and 30 feet wide, with an area of 870 square feet.
4. The Applicant will subdivide the three tax lots to create a new record lot, Lot 13. The total lot area of the new record lot will be 7,870 square feet. The eastern boundary of the lot will be 169 feet.
5. Lot 805 and the northeastern corner of Lot 804 abut a public alley that extends east-west from 4<sup>th</sup> Street to the subject property. The alley is 10 feet wide before turning to the north, widening to approximately 25 feet before terminating at the rear of a property fronting on U Street.
6. The alley terminates to the east of the boundary between Lots 805 and 807 and in front of a two-car garage at the rear of the property fronting on U Street. The eastern boundary of Lot 807 abuts the garage.
7. The existing structure on Lot 804 is a three-story, detached principal dwelling. It was constructed prior to 1876. (Ex. 49C, p. SD5.2.) It is “sometimes known as the historic Butterworth mansion.” (Ex. 14 at 1.)
8. The existing dwelling is 39 feet and 8 inches in height.
9. The existing dwelling has a 76-foot rear-yard setback.

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10. To the east, the existing dwelling has a non-conforming side-yard setback of 4.6 feet. To the west, the dwelling has a non-conforming side-yard setback of 2.7 feet.
11. Lots 805 and 807 are unimproved.
12. Abutting the property to the west is the Howard University Day Care Center. The center is approximately 25 feet in height. It is set back a considerable distance from T Street. It also has a significant side-yard setback to the east.
13. Abutting the property to the east is a single-family row dwelling owned by the Party Opponents. At its narrowest, the distance between that dwelling and the existing dwelling on the subject property is 4.6 feet. The existing dwelling on the Applicant's property has several east-facing windows.
14. The properties abutting the subject property to the north are improved with semi-detached principal dwellings that front on U Street, N.W. Both of the U Street dwellings have rear-yard setbacks of indeterminate length.
15. The amended application seeks special exception relief under Subtitle U § 320.2 to convert the existing structure, with an addition, into a 7-unit apartment house. Two of the seven units will be IZ units.
16. The two IZ units will be made available to households that earn 80% of the area median income. One IZ unit will be a four-bedroom unit at the front of the first floor with a view of T Street. The second IZ unit will be at the front of the second floor with a view of T Street.
17. The three-story addition to the existing dwelling will be 32 feet and 1 inch in height, consistent with Subtitle E § 303.1 (35 feet and three stories allowed).
18. The project will have a permissible lot occupancy under Subtitle E § 304.1 (60%) of 42.6%.
19. The lot area for conversion will equal 1,124 square feet per unit, well above the 900 square foot requirement of Subtitle U § 320.2(d).
20. The apartment house will have a conforming rear yard setback under Subtitle C § 306 (20 feet) of 48 feet two and three-quarters inches.
21. The addition will extend the eastern side yard of the existing building (4.6 feet) as permitted under Subtitle E § 207.4 (3 feet).
22. The addition will extend the western side yard of the existing building (3.75 feet) as permitted under Subtitle E § 207.4 (3 feet).

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23. The addition to the existing building will include windows and a balcony that face east toward 417 T Street.
24. The project will retain the original slate roof of the existing dwelling.
25. The Applicant will provide 5 vehicle parking spaces for the apartment house.
26. Applicant will provide 8 bicycle parking spaces in the apartment house. (Ex. 65B.)
27. The Applicant will contract with a private trash collection company for trash collection from the alley. (Ex. 59.)
28. Homes along T Street, N.W. between 4<sup>th</sup> Street, N.W. and 5<sup>th</sup> Street, N.W. have their trash collected along T Street and not from the alley. (Tr. at 360.)
29. The apartment house must have its trash stored near and collected from the alley (Ex. 18).
30. The apartment house would be the only property along T Street, N.W. between 4<sup>th</sup> Street N.W. and 5<sup>th</sup> Street N.W. to have its trash collected from the alley. (Tr. at 360.)
31. Trash storage will be provided entirely on the subject property between the parking spaces and the alley. (Ex. 59F.) Plantings between the trash bins and the alley will provide a buffer between the trash bins and the neighboring properties. (Ex. 59.)
32. Trash will not be stored in the alley or on adjacent properties. (Ex. 59F.)
33. The property is located in the LeDroit Park Historic District. By vote taken on December 3, 2020, the Historic Preservation Review Board approved the subdivision to create a new record lot and found the Applicant's revised concept design for a three-story rear addition compatible with the character of the existing house and the historic district, contingent on a reduction in height of the bay projection on the west elevation. (Ex. 60G.)
34. The subject property is located within one-half mile of a Metrorail station (Shaw-Howard University).
35. The window wells for the apartment house will be located entirely on the project's property. (Ex. 59.) Construction matters related to the planned window wells are under the purview of DCRA and not zoning related or under the purview of the Board.
37. The property is located in a Residential Flat zone, RF-1.
38. The Residential Flat zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two dwelling units. (Subtitle E § 100.1.)

39. The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses. (Subtitle E § 100.2.)
40. The provisions of the RF zones are intended to: (a) 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; (b) allow for limited compatible non-residential uses; (c) allow for the matter-of-right development of existing lots of record; (d) establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones; (e) allow for the limited conversion of rowhouse and other structures for flats; and (f) prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone. (Subtitle E § 100.3.)
41. The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two dwelling units are permitted. (Subtitle E § 300.1.)
42. Subtitle U § 320.2, under which zoning relief is requested for a residential conversion, was amended by Zoning Commission Order No. 19-21, dated September 14, 2020.

### **CONCLUSIONS OF LAW AND OPINION**

The Applicant seeks a special exception under Subtitle U § 320.2 for the conversion of an existing detached principal dwelling to a 7-unit apartment house in the RF-1 Zone at 421 T Street, N.W. (Square 3090, Lots 804, 805, and 807). 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 specific conditions. (*See* Subtitle X § 901.2.)

Subtitle U § 320.2, as amended by Zoning Commission Order No. 19-21, provides that the conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the following requirements: (a) The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion; (b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and (c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.

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Based on the findings of fact, the Board concludes that the application, as amended, satisfies the requirements for a special exception consistent with Subtitle U § 320.2. First, the existing residential building was constructed prior to May 12, 1958. Second, the building will also be in existence when the Applicant files for a building permit with the Department of Consumer and Regulatory Affairs. Third, the 7-unit apartment house will include two IZ units. Finally, there will be approximately 1,124 square feet of land for each of the seven units.

Based on the finding of fact, the Board also concludes that the application satisfies the requirements for a special exception under Subtitle X § 901.2. First, the conversion will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The application, as amended, satisfies the requirements for a special exception consistent with Subtitle U § 320.2. The project will be consistent with Subtitle E § 101.1, which recognizes that within the Residential Flat zones there have been limited conversions of dwellings or other buildings into more than two dwelling units.

The project is consistent with the general purpose and intent of the provisions of the RF zones, which are intended, *inter alia*, to recognize and reinforce the importance of low- and moderate-density housing to the overall housing mix and health of the city; to recognize and reinforce the importance of neighborhood character and walkable neighborhoods; and to allow for the matter-of-right development of existing lots (Subtitle E § 100.3). The project will introduce a moderate-density apartment house into an RF zone. For the reasons discussed below, it will maintain the character of the neighborhood. It also will have no impact on the walkability of the neighborhood.

The project also will be in conformance with the development standards of Subtitle E Chapter 3, including height of the addition (Subtitle E § 303.1), lot occupancy (Subtitle E § 304.1), rear yard (Subtitle E § 306.1), and side yard (Subtitle E 207.4). The project will preserve the original house, constructed in 1876, and the addition will require no zoning relief under Subtitle E. Conformance with these development standards ensures that the project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

Second, the Board concludes that the conversion will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. Specifically, the conversion will have no adverse effects with respect to light and air, privacy, parking and traffic, trash storage and collection, and character, scale and pattern of the neighborhood.

Light and Air. The Party Opponents argued that the proposed project would adversely affect the light and air available to neighboring properties. The Board is not persuaded by this argument. The updated architectural plans and elevations submitted by the Applicant prior to the December 9 hearing (Ex. 49C) included in the appendix a sun and shadow study. The study indicates that the new shadow created by the proposed addition will not result in an undue impact. Much of the new afternoon shadow generated by the addition would fall on the Applicant's property, on the alley to the east of the property, and on adjacent garages.

Privacy. The Party Opponents argued that the proposed project would adversely affect the privacy of use and enjoyment of neighboring properties. The Board is not persuaded by this argument. The addition to the existing building will include windows and a balcony that face east. However, there is a public alley that dead ends to the east of Lot 805 and to the east of the north end of Lot 804. The windows and balcony for the most part will overlook the alley. The impact of privacy, therefore, will not be undue.

Parking and Traffic. The Board was not persuaded by the argument of the Party Opponent that the project will have an adverse effect on parking and traffic by increasing traffic in the alley and on 4<sup>th</sup> Street and creating additional demand for parking. Under Subtitle C § 701.5, for a 7-unit apartment house, the Applicant is required to provide four vehicle parking spaces. The Applicant will provide five parking spaces. Consistent with the requirements of Subtitle C § 802.1, the Applicant will provide 8 bicycle parking spaces. Finally, the project will be located within ½ mile of a Metrorail station (Shaw-Howard University), which will mitigate any adverse impacts related to traffic and parking. DDOT had no objection to approval of the application.

Trash Collection and Storage. As is required for a project of this size, the Applicant will contract with a private trash collection company for trash collection from the alley. Although other properties along the block have their trash collected from T Street, DDOT requires the trash from the apartment house to be collected from the alley. The Party Opponents complained that the narrow width of the alley behind the property makes it impassable to trash trucks. The Board credits the Applicant's testimony that the private company hired to collect trash and recyclable materials from the subject property will utilize equipment designed specifically for the District's narrow streets and slender alleyways, like the alley to the east of the property. (Tr. at 381.) The private company will utilize light trucks that will back into the alley adjacent to the property from 4<sup>th</sup> Street N.W. (Ex. 59D.)

The Party Opponents also complained about the amount of trash that will be generated by an apartment house and the location of trash storage. The Board concludes that the Applicant has adequately addressed this complaint. Consistent with DDOT policy, trash storage will be at the rear of the property between the parking spaces and the alley and will be confined to the property. Trash will not be stored in the alley or on adjacent properties. Plantings between the trash bins and the alley will provide a buffer between the trash bins and the neighboring property.

Character, Scale and Pattern. The Party Opponents argued that the proposed project would have a substantial intrusion upon the character, scale, and pattern of houses along the street and alley. The Board is not persuaded by this argument and concludes that the project will not substantially visually intrude upon the character, scale, and pattern of houses along T Street. The Board agrees with OP's conclusion that the project, consistent with the requirements of Subtitle E § 100.3, will recognize and reinforce the importance of neighborhood character. The project will preserve the "historic Butterworth mansion" and the addition will require no zoning relief from the development standards of Subtitle E Chapter 3.



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The Board concludes that the project's conformance with those development standards will ensure that the project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. For the same reason, there will be no adverse impact on the character, scale, and pattern of the neighborhood. In addition, the Applicant will retain the original slate roof of the existing dwelling, and the materials for the addition will be consistent with existing buildings in the neighborhood. The roof and the addition, therefore, also will recognize and reinforce the importance of neighborhood character.

The Board notes HPRB's determination that the Applicant's revised concept design for the project will be compatible with the LeDroit Park Historic District. The HPRB determination supports the Board's conclusion that that the project will not substantially visually intrude upon the character, scale, and pattern of houses along T Street.

The Party Opponents raised several additional arguments in opposition to the project; for example, claims about the window wells planned for the new apartment house. Other than those addressed above, however, the Party Opponents' arguments did not address the legal criteria under Subtitle U § 320.2 and Subtitle X § 901.2 by which the Board must judge the request for special exception relief.

OP recommended approval of the zoning relief requested by the Applicant. OP concluded that the Applicant met the conditions for the conversion of an existing residential building to an apartment house in an RF zone under Subtitle U § 320.2 as well as the general special exception review standards under Subtitle X § 901.2. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed above, the Board agrees with OP's recommendation that, in this case, the application should be approved.

Under Section 13(d) of the Advisory Neighborhood Commission Act of 1975, the Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.). To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. D.C. Official Code § 1-309.10(d)(3)(B). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns," *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978). In this case, ANC 1B raised no issues or concerns to which the Board must give great weight. For the reasons stated above, the Board agrees with the ANC that the application should be approved.

Based on the finding of fact and conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exception under Subtitle U § 320.2 and Subtitle X § 901.2 to convert an existing detached principal dwelling unit to a 7-unit apartment house in the RF-1 Zone at premises 421 T Street, N.W. Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the updated architectural plans and elevation submitted as Exhibit 49C.

**VOTE: 3-1-1** (Frederick L. Hill, Lorna L. John, and Chrishaun S. Smith voting to **APPROVE**; Anthony J. Hood voting to Deny; 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:**

  
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**SARA A. BARDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** January 28, 2022

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,

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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.