GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16931 of 2327 Champlain Street, L.L.C. (the "Applicant") pursuant to 11 DCMR § 3103.2 for a variance from the lot occupancy requirement of Section 403.2 and for a variance from the floor area ratio ("FAR") requirement of Section 402.4 and pursuant to 11 DCMR §§ 3104.1 and 1403 for a special exception from the maximum permitted height requirement under Section 1402.1 and pursuant to 11 DCMR § 3104.1 for a special exception from the roof structure requirement of Section 411 for the construction of an apartment house with sixty-eight units to be located at 2327 Champlain Street, N.W. (Square 2563, Lots 101, 879, and 883) and located in the RC/R-5-B District (the "Application").

HEARING DATE: October 29, 2002
DECISION DATE: October 29, 2002 (Bench Decision)

DECISION AND ORDER

SELF CERTIFIED:

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

PRELIMINARY MATTERS:

1. The Board of Zoning Adjustment (the "Board"), pursuant to its rules, provided proper and timely notice of the public hearing on this Application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission ("ANC") 1C and to owners of property within 200 feet of the subject site.

2. Geoffrey H. Griffis, Chair of the Board, recused himself from these proceedings to eliminate the appearance of any impropriety based on his connection to the architecture firm involved in the Application.

3. The subject site is located within the jurisdiction of ANC 1C, which is automatically a party to this application. ANC 1C submitted a letter in support of the Application on October 29, 2002. The Board accepted ANC 1C's report into the record by waiving its seven day advance filing rule for such reports set forth in 11 DCMR § 3115.1. Eleanor Johnson testified on behalf of ANC 1C.

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4. On October 15, 2002, the Board received a request for party status from Ron Allen, an owner of adjacent property at 2329 Champlain Street, and from Dominique Kostelac, an owner of adjacent property at 2329 Champlain Street. By letter dated October 25, 2002, Mr. Kostelac withdrew his request for party status. Mr. Allen appeared at the hearing to withdraw his request for party status and to testify in support of the Project.

5. As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR §§ 3104.1 and 1403 and for variances pursuant to 11 DCMR § 3103.2.

6. One witness testified in support of the application. One witness testified in opposition to the application.

7. The Board received letters in support of the Application from the following organizations and persons: Reed-Cooke Neighborhood Association; Vincent C. Musi; Christopher J. Reynolds; Michael N. Sussman; Marc Robison; Pierre Pozzo-Di-Borgo; Elise Holloman; George S. Dravillas; Kurt Rieschick; Edward Jackson; Margaret Jackson; Erik Huey; Dennis Lee; 2332 Ontario, L.L.C.; and 1731 Kalorama, LLC.

8. The Board received a petition in opposition to the Application from property owners to the south of Kalorama Road. The Board also received letters in opposition from the following persons: Brandon Fong; Leslie Brenowitz; and Francoise Drozd.

9. The Office of Planning ("OP") timely filed a report in support of the Application on October 22, 2002.

10. The District Department of Transportation ("DDOT") filed its report on October 24, 2002. The Board accepted the DDOT report into the record by waiving its seven day advance filing rule set forth in 11 DCMR § 3114.2.

FINDINGS OF FACT:

1. The subject site is known as 2327 Champlain Street, N.W., in Square 2563, Lots 101, 879, and 883 (the "Site"). The Site is located in the RC/R-5-B District. Square 2563 is bounded by Kalorama Road to the south, Ontario Road to the east, Euclid Street to the north, and Champlain Street to the west. The Site is in the southwest corner of Square 2563, bounded by Champlain Street and Kalorama Road, with a public alley extending the length of the eastern side. This public alley is ten feet at the southern end of the Site, increasing to fifteen feet towards the northern end of the Site. The Site is currently

improved with a former Amoco gas station, an abandoned auto repair shop, and a liquor store. The Site is zoned RC/R-5-B.

2. The Site is located in the heart of the Reed-Cooke/Adams Morgan area. This area contains a wide variety of uses, including residential, retail, commercial and industrial. The property directly to the north of the Site is the Brass Knob building and across the street to the west is the newly constructed Adams Morgan Lofts. The majority of development on this portion of Champlain Street and to the west on Ontario Road is residential in nature. Closer to Euclid, there are commercial developments, including the City Paper offices, and a large church. One block to the east is 18th Street, the heart of the Adams Morgan commercial district. To the south of the Site is the Marie Reed Community Center.

3. The R-5 Districts are general Residence Districts designed to permit flexibility of design by permitting in a single district, with certain exceptions, all types of urban residential development if they conform to the prescribed height, density and area requirements. The R-5-B District is designed to permit development with moderate height and density. The R-5-B District permits a maximum height of fifty feet and a maximum FAR of 1.8.

4. The Reed-Cooke Overlay District is designed to implement the objectives of the Reed-Cooke Special Treatment Area, which include protecting current housing in the area, providing for the development of new housing, and maintaining heights and densities at appropriate levels. The Reed-Cooke Overlay District is also designed to protect adjacent and nearby residences from damaging traffic, parking, environmental, social and aesthetic impacts. The Reed-Cooke Overlay District restricts the maximum permitted height to forty feet.

5. The Applicant presented testimony and evidence in support of the proposed construction of a four story apartment house with sixty-eight units (the "Project"). The Project has a maximum height of fifty feet and a maximum FAR of 2.75. The Project includes fifty-six parking spaces as follows: forty spaces in a below-grade parking garage, five parking spaces on the cellar level, and eleven outdoor spaces on the first floor. In response to community requests, the Project incorporates significant setbacks along Champlain Street and parking significantly in excess of that required.

6. The Site has unusual and exceptional conditions. The Site has an irregular and narrow shape, with its width reducing by almost forty percent from the northern end (which has a width of 106 feet) to the southern end (which has a width of sixty-five feet).

7. The Site also has a sloping topography, having a grade change of approximately ten feet from the northern to the southern end. As a result, portions of space typically below-grade, such as a parking area, must be counted in the gross floor area.

8. In addition, the Site suffers from significant adverse soil and subsurface conditions. The expert studies submitted as Exhibits G and H of the Applicant's Pre-hearing Submission evidence the Site's exceptionally high water table as well as poor soil load bearings and contaminated soil due to the Site's previous use as a gas station. The high water table prevents deeper excavation to incorporate a second below-grade level while the adverse soil conditions significantly increase the costs of developing the Site.

9. The Applicant worked extensively with the community, including ANC 1C and the Reed-Cooke Neighborhood Association. As a result of these meetings, the Applicant incorporated significant setbacks along the western façade of the Project, which exacerbate the unusual and exceptional conditions on the Site. These setbacks from the western line range from three feet to more than fourteen feet. Overall, the setbacks provide 1,023 square feet of green space between the property line and the Project's façade.

10. Section 403.2 of the Zoning Regulations permits a maximum lot occupancy of sixty percent in the R-5-B District. The Project covers approximately sixty-six percent (or approximately 14,925 square feet) of the Site. The requested setbacks, combined with the narrowing of the Site from north to south, result in the increased lot occupancy.

11. The increased lot occupancy is necessary to create viable apartment units along the southern end of the Project. If this portion of the Project was reduced to comply with the lot occupancy requirements, the result would be unmarketable apartment units or the elimination of parking spaces.

12. The larger footprint is required to provide a complying below-grade parking garage. The garage has been designed so that it permits parking along the eastern and western walls with a twenty foot drive aisle in the center. A maximum width of approximately sixty-five feet is needed to provide the nine feet by nineteen feet spaces clear of columns and a twenty foot wide drive aisle clear of columns. This configuration maximizes available on-site parking. However, if the footprint was reduced, the columns in the garage would be relocated and the garage would lose approximately twenty parking spaces.

13. If the square footage of the building footprint that would be permitted to project into Champlain Street and Kalorama Road under the Building Code was excluded from the

lot occupancy calculation, the requested relief is reduced to almost that permitted as a matter of right.

14. The lot occupancy variance can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant has incorporated setbacks on the western façade as an important design consideration for the community. If these setbacks were not incorporated and the Applicant instead incorporated bay windows and balconies projecting into public space, the Project would have a lot occupancy of sixty percent within the confines Zoning Regulations. Granting the variance relief supports and enhances sound project planning on the Site and the maximization of green space on the street façades.

15. In addition, the intent of the lot occupancy requirements is to provide sufficient light and air to residential units and surrounding buildings. The Site is located on two street frontages as well as a public alley along the eastern property line, which create light and air corridors, further providing light and air for the Project and adjacent properties.

16. The Project will have a significant positive effect on the neighborhood and furthers the goals of the Reed-Cooke Overlay District by creating additional residential units, by removing a liquor store from a residential zone, and by cleaning up contaminated soil and ground water.

17. Section 402.4 of the Zoning Regulations permits a maximum FAR of 1.8 in the R-5-B District. The Reed-Cooke Overlay District does not provide for additional density for preferred uses. Based on the adverse subsurface and soil conditions of the Site, the narrow and irregular shape of the Site, and the topography of the Site, the Project includes a maximum of 2.75 FAR.

18. The unusual and exceptional conditions of the Site impose a peculiar and exceptional practical difficulty, resulting in the requested variance. In order to construct a residential development on this Site, a certain critical mass must be achieved due to the Site's adverse subsurface and soil conditions. The Site contains as much as 15,000 cubic yards of petroleum contaminated soil. Based on current market conditions, the removal and legal disposal and testing of this material will create additional costs of $50 to $70 per cubic yard, which is between $750,000 and $1,050,000 in increased costs.

19. In addition, the Site's subsurface levels include a highly plastic silt stratum, which requires the use of Geo-Piers to modify the settlement characteristics of this stratum

and to lower foundation loads to the underlying medium dense to very dense sand and gravel stratum. These Geo-Piers are required regardless of whether one or more below-grade levels are constructed and create significant added cost for the construction of the Project.

20. The Site also must be dewatered based on the groundwater levels. The water table is as high as 14.7 feet in some places, which limits the Project from including additional below-grade space. Moreover, costs for the Project are increased by the 4,648 square feet of area on the cellar level, which includes some parking, being counted towards FAR.

21. These increased costs require a building with a certain critical mass in order for it to be developed. The gross floor area permitted as a matter of right was uneconomic to redevelop for the community-desired conversion to residential use. The principal reasons relate to the excessive costs to remediate soil contamination, a condition necessary to facilitate financing sales of condominium units, and the above normal building foundation costs made necessary due to substandard soil load bearing conditions. In addition, the inclusion of an approximate five percent moderate-income unit sales ratio presents further hurdles to financial feasibility.

22. The FAR variance can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Project maximizes residential uses of the Site, as encouraged by the Reed-Cooke Overlay District. Furthermore, as required by the Overlay District, the Project improves the aesthetics of the area, continues the positive trend of residential development, and will have no adverse impact on traffic or parking in the neighborhood. Additionally, the Project also cleans up potentially dangerous soil and water conditions. Finally, the Applicant has agreed with the community to provide three affordable housing units within the Project, even though not otherwise required under the Zoning Regulations.

23. Although the R-5-B District permits a maximum height of fifty feet, the Reed-Cooke Overlay District restricts the maximum height to forty feet. Due to the need to provide a certain critical mass of units as discussed above, the Applicant must exceed the permitted height of forty feet. The Reed-Cooke Overlay District permits the Board to grant a special exception from the requirements set forth in Chapter 14 subject to the compliance with the criteria set forth in Section 1403.1(a) through 1403.1(g). Each of those criteria are satisfied as follows:

    a. <u>The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the Reed-Cooke Overlay District</u>.

The requested increase in height furthers the goals of the Reed-Cooke Overlay District, including the protection of current housing in the area, the development of new housing in the area, and the maintenance of heights and densities at appropriate levels. 11 DCMR § 1400.2. The Project provides new housing at an ideal location, near new and existing residential uses. The removal of the liquor store and service/auto repair shop and the increase in the number of residential units in the neighborhood will further improve the surrounding area. Furthermore, the height of the Project is compatible with the surrounding area.

b. Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition. The proposed access for the garage and service/delivery space from Kalorama Road will help to minimize conflicts with pedestrian traffic and will create no dangerous or otherwise objectionable traffic condition.

c. Adequate off-street parking shall be provided for employees, trucks, and other service vehicles: The proposed off-street parking spaces are more than adequate and are in excess of that required by the Zoning Regulations. The Project also provides loading facilities in accordance with that required by the Zoning Regulations.

d. If located within a C-2-B zone, the use shall not be within twenty-five feet of a residence district, unless separated by a street or alley: This criteria is not applicable because the Site is zoned RC/R-5-B.

e. Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences: The Project incorporates only residential uses. Accordingly, there will be no noise associated with the Project which would adversely affect adjacent or nearby residences.

f. No outdoor storage of materials nor outdoor processing, fabricating or repair shall be permitted: The Project does not propose any outdoor storage of materials nor outdoor processing, fabricating or repair.

g. The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working or visiting in the area: The Project serves to benefit the area and furthers the stated goals for the area. It provides development of new residential units in a

well-designed building and results in the clean up of potentially dangerous contaminated soils and water. This Project will not adversely affect adjacent or nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working or visiting the area.

24. Due to the exceptional conditions of the Site, the Project's roof structure does not comply with Section 411.5 of the Zoning Regulations, which requires that the walls of the roof structure be of equal height. The roof structure was designed with a sloping roof to minimize the view of the roof structure for nearby apartment houses and to create a more architecturally appealing penthouse. The primary roof structure has a height of seven feet with a sloping roof up to twelve feet. The roof structure steps down on the eastern side to a height of seven feet, five inches. The steps in height are not visible from Champlain Street or nearby properties and are not likely to be visible from the alley properties.

25. The proposed roof structure complies with the spirit and intent of the roof structure provisions and the Zoning Regulations by ensuring adequate light and air to adjacent property and abutting streets. The sloping roof and steps in height reduce, if not eliminate, the visibility of the roof structure from the surrounding areas. Furthermore, for those properties that have views of it, the roof structure has been designed to architecturally complement the Project and to be aesthetically pleasing, creating a penthouse that is in harmony with the purpose and intent of the Zoning Regulations.

26. In addition, the roof structure does not meet the setback requirement on the north façade of the Project. Sections 441.2 and 400.7(b) of the Zoning Regulations require that a roof structure in the R-5-B District be set back from the building's walls a distance at least equal to the roof structure's height. The maximum height of the Project's roof structure is twelve feet; thus, the Zoning Regulations require a setback of the same. The roof structure meets this setback requirement on the eastern, southern, and western façades of the Project.

27. On the northern façade of the Project where the roof structure does not meet the setback, the Project abuts the Brass Knob building and its proposed addition. If the setbacks were provided at this point, a twelve foot gap would result and would create adverse water and wind conditions, as well as be aesthetically unpleasing.

28. The proposed roof structure complies with the spirit and intent of the roof structure provisions and the Zoning Regulations. The purpose of the setback requirement is to ensure adequate light and air to adjacent property and abutting streets. The height of the roof structure has been reduced to the maximum extent possible and meets the setback requirements for the significant majority of the roof line. At the north façade,

there are no windows, and thus, the roof structure will not block the light and air to any adjacent windows. Accordingly, the roof structure is in harmony with the purpose and intent of the Zoning Regulations.

29. The Office of Planning ("OP"), by its report filed on October 22, 2002, and by testimony at the hearing, recommended that the Application be approved with one condition. The OP testified that it was of the opinion that the Applicant had satisfied its burden of proof for both the variance and special exception relief requested. The OP presented the following condition for approval:

    a. The Applicant will provide three moderately priced units and will have a system to ensure that these units will remain moderately priced in perpetuity.

30. The Applicant agreed with the community to provide three moderately priced units in the Project.

31. The District Department of Transportation, by memorandum filed on October 24, 2002, (the "DDOT Report"), stated that it had reviewed the traffic analysis prepared in support of the Project and that it concurred with the Applicant's projected vehicular trips. The DDOT report concluded that the amount of traffic generated would not adversely impact traffic conditions on the surrounding street system.

32. By letter dated October 28, 2002, and filed with the Board on October 29, 2002, ANC 1C supported the Project. ANC 1C indicated that at its October 21, 2002, regularly scheduled and duly noticed meeting, ANC 1C voted 6-1 (with one abstention) to recommend that the Board grant the requested relief subject to the incorporation in the Board's order of a construction plan designed to minimize inconvenience to other residents and businesses in the area to the extent practical.

33. Edward Jackson testified on his and his wife's behalf, Margaret Ann Jackson, in support of the Application. Mr. Jackson testified regarding the importance that development in this area has had in creating this neighborhood.

34. The Reed-Cooke Neighborhood Association submitted a letter in support of the application. The Reed-Cooke Neighborhood Association requested the inclusion of a construction management plan as part of the order.

35. Richard Hancuff, a resident at 2320 Ontario Road, N.W., testified in opposition to the Application based on the height of the Project along Kalorama Road. The Project has a maximum height of fifty feet measured from the level of the curb opposite the middle of the front of the building on Champlain Street. Because of the slope of the site, the

height of the building on Kalorama Road would be higher. However, the building includes significant setbacks on the Kalorama Road side, except for a small portion of the building at the extreme southeast corner of the site. The building would cast no shadow on any building on the south side of Kalorama Road, where Mr. Hancuff's residence is located. Therefore, after reviewing the impact of the Project on the surrounding areas, the Board concluded that there would be no detriment by granting the Application.

CONCLUSIONS OF LAW AND OPINION:

Based upon the foregoing Findings of Fact, the Board concludes that the Applicant is seeking area variances from Sections 403.2 and 402.4 of the Zoning Regulations and special exceptions under Sections 1403 and 411 of the Zoning Regulations.

With respect to the requests for variance relief, the Applicant must prove that it has complied with the requirements of Section 3103 of the Zoning Regulations. The Board concludes that the requested relief is for area variance, the granting of which requires proof of a practical difficulty upon the Applicant arising out of some exceptional condition or situation of the property. The Board further must find that the relief requested can be granted without substantial detriment to the public good and without substantial impairment to the zone plan.

The Board concludes that the Applicant has met the requisite burden of proof. The Board further concludes that the Site is subject to extraordinary or exceptional conditions by virtue of its narrow shape, its adverse subsurface conditions, its sloping topography, and the incorporation of setbacks on the western façade in response to the community's request. The Board concludes that this confluence of factors results in an exceptional condition or situation impacting the Site.

The Board also concludes that the extraordinary or exceptional situation or condition of the Site results in a practical difficulty upon the Applicant. The Applicant has demonstrated through testimony and evidence that it is unable to economically construct any building on the Site due the higher construction costs resulting from the adverse subsurface conditions and structure requirements based on the soil conditions. The Board concludes that the narrow shape and reduction in width of the Site from its northern to its southern end prevents compliance with the lot occupancy requirement of the Zoning Regulations. The Board further concludes that the costs associated with environmental remediation do not constitute a practical difficulty in this case. Notwithstanding that the Board did not rely on this argument, the Board concludes that the other factors presented combine together to create an exceptional condition or situation.

The Board further concludes that the relief requested can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations. The Project is supported by ANC 1C, the Reed-Cooke Neighborhood Association and numerous adjacent and nearby property owners. The Project will serve to benefit the surrounding community and will further the goals of the Reed-Cooke Overlay District. Furthermore, the design of the Project incorporates significant setbacks, providing a green space along Champlain Street. The Project also provides parking in excess of that required by the Zoning Regulations and incorporates three moderately priced units. The Board only has the authority to impose conditions that are reasonably related to the impact of the relief requested. The Board concludes that a condition that requires moderately priced units to be provided is outside the scope of the Board's authority.

For purposes of the special exception from the maximum permitted height, the Applicant must prove that it has complied with the requirements of Section 1403.1 and 3104.1 of the Zoning Regulations. Based on the evidence and testimony, the Board concludes that the Applicant has complied with each of the criteria listed in Section 1403.1(a) through 1403.1(g). Furthermore, the intent and goals of the Reed-Cooke Overlay District are furthered by the special exception because it results in the creation of new residential units in a Project that maintains heights and densities at appropriate levels. The Board is satisfied by the Applicant's testimony and the support from ANC 1C, the Reed-Cooke Neighborhood Association, and the neighboring property owners that the proposed special exception will have no adverse impact on the community. The Board concludes that the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of the neighboring property in accordance with the Zoning Regulations and Zoning Map.

For purposes of the special exception request, the Applicant must prove that it has complied with the requirements of Section 411 of the Zoning Regulations. Section 411.5 requires that a roof structure must have walls of equal height, and Sections 411.2 and 400.7(b) require that a roof structure be set back from the building's walls a distance at least equal to the roof structure's height. Based on the evidence and testimony, the Board concludes that maintaining walls of equal height and complying with the setback requirement on the north façade of the Project are impracticable because of the shape of the Site and that compliance with these requirements would be unduly restrictive, prohibitively costly, and unreasonable. The intent and purpose of Chapter 400 and the Zoning Regulations is furthered by the special exception because the proposed roof structure with varying wall heights and with extension of the roof structure to the adjacent property on the north façade harmonize with the Project in architectural character, material and color as required by Section 411.3 of the Zoning Regulations. The Board is satisfied by the Applicant's testimony and the support from neighboring

property owners that the proposed roof structure will have no adverse impact upon neighboring properties. The Board concludes that the special exception does not materially impair Chapter 400 or the Zoning Regulations and the light and air of adjacent buildings is not affected adversely. The Board further concludes that the OP and ANC has been given the "great weight" to which it is entitled.

The Board notes that the Reed-Cooke Neighborhood Association requested that a construction management plan be a condition to the approval. The Board concludes that such a condition is not appropriate, but the Board encourages the Applicant to give every consideration to putting a construction management plan in place to assist the neighborhood during the construction period.

In light of the foregoing, the Board **ORDERS** that the application be and the same is hereby **GRANTED.**

VOTE: **4-0-1** (Anne M. Renshaw, David A. Zaidain, John G. Parson, and Curtis L. Etherly, Jr., to approve; Geoffrey H. Griffis, not voting, not participating, having recused himself from these proceedings)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this Order.

ATTESTED BY: Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: DEC 20 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, 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 PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16931

As Director of the Office of Zoning, I hereby certify and attest that on DEC 20 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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ATTESTED BY: Jerrily Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning