

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



**Application No. 20066 of William Stewart**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to raze an existing, detached commercial building, and to construct a new 41-unit residential apartment building in the MU-4 zone at premises 1214-1216 Bladensburg Road, N.E. (Square 4078, Lot 880).

**HEARING DATE:** July 17, 2019  
**DECISION DATE:** July 17, 2019

**DECISION AND ORDER**

William Stewart (the “**Applicant**”) filed an application with the Board of Zoning Adjustment (the “**Board**”) on May 7, 2019 for a special exception under Subtitle C § 703 of Title 11 of the District of Columbia Municipal Regulations (the “**Zoning Regulations**,” to which all references are made unless otherwise specified) from the minimum parking requirements of Subtitle C § 701.5 (the “**Application**”), to permit the construction of a new 41-unit apartment house in the MU-4 Zone at premises 1214-1216 Bladensburg Road, N.E. (Square 4078, Lot 880) (the “**Property**”). For the reasons explained below, the Board **APPROVES** the Application.

**FINDINGS OF FACT**

**Notice of Application and Notice of Public Hearing**

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”) sent notice of the Application and the July 17, 2019 hearing by a May 31, 2019 letter to the Applicant; Advisory Neighborhood Commission (“**ANC**”) 5D, the ANC for the area within which the subject property is located; the Single Member District Commissioner for 5D02; the Office of ANCs; the Office of Planning (“**OP**”); the District Department of Transportation (“**DDOT**”); the Councilmember for Ward 5; the Chairman of the Council; the At-Large Councilmembers; and the owners of all property within 200 feet of the Property. (Exhibit (“**Ex.**”) 16-28.)
2. OZ also published notice of the July 17, 2019 public hearing in the *D.C. Register* on May 31, 2019 (66 DCR 6613) as well as through the calendar on OZ’s website.

**Parties**

3. The Applicant and ANC 5D were automatic parties to this Application. No other party status requests were received.

**The Property**

4. The Property is bounded by Bladensburg Road, N.E. to the east, a vacant lot to the south, and an apartment house to the north. To the west of the property are multi-unit attached dwelling units, which front on 16<sup>th</sup> Street, N.E. (Ex. 8.)
5. The Property is rectangular and contains 8,017 square feet of land area. (Ex. 8.)
6. The Property is currently improved with two commercial structures that the Applicant is proposing to raze. (Ex. 8.)
7. The Property does not have access to a public alley. (Ex. 8.)
8. The surrounding area includes a mix of commercial, residential, and mixed-use development. (Ex. 8.)
9. The Property is located 92 feet from the Metrobus stop at Bladensburg Road and Meigs Place, N.E. It is four-tenths of a mile from the H Street/Benning Road light rail, six-tenths of a mile from the nearest Capital BikeShare station, and eight-tenths of a mile from the nearest car sharing location. (Ex. 8, 12.)
10. The Property is within walking distance of the commercial H Street Corridor and has a WalkScore of 85 which is considered a “very walkable” neighborhood “in which most errands can be accomplished on foot.” (Ex. 8, 29.)
11. The Property is located in the MU-4 zone. (Ex. 8.)
12. The purpose and intent of the MU-4 zone is to permit moderate density mixed-use development, including housing, with access to main roadways or rapid transit stops. (Subtitle G § 400.3.)

**The Application**

13. The Applicant is proposing to raze the existing structures on the Property and construct a new, 41-unit apartment house, with a cellar and penthouse (the “**Project**”). (Ex. 8.)
14. The Project complies with the height and bulk requirements of the MU-4 zone. (Ex. 32.)
15. The Project is required to provide one parking space per every three units in excess of four, which in this case amounts to a minimum of 12 spaces. (Subtitle C § 701.5.)
16. The Application is proposing to not provide any onsite parking for the Project. (Ex. 8.)

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17. The Application cites the Property's physical constraints along with its proximity to mass transit and alternative transit options serves as the basis for its request. (Ex. 8, Subtitle C § 703.2(a)-(c).)
18. The Applicant submitted a Transportation Study dated June 26, 2019 (the "**Transportation Study**"), which analyzed the parking and traffic-related impacts of the Project on the surrounding area. (Ex. 29C.)
19. The Transportation Study noted that the Property was well served by a number of different transportation options and that an average of 48 street parking spaces would be available during the peak parking period. (Ex. 29C.)
20. As required by Subtitle C § 703.4, and as part of the Transportation Study, the Applicant also prepared and submitted a Transportation Demand Management Plan ("**TDM Plan**") in consultation with DDOT. (Ex. 29C at 12.) The TDM Plan includes the following nine conditions to mitigate traffic impacts:
  - a. The Applicant shall identify Transportation Coordinator(s) for the planning, construction, and operations phases of development. The Transportation Coordinators shall act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will develop, distribute, and market various transportation alternatives and options to the residents.
  - b. The Applicant shall provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, Capital Bikeshare coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing [info@godcgo.com](mailto:info@godcgo.com).
  - c. The Applicant shall provide residents who wish to carpool with detailed carpooling information and shall refer them to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.
  - d. Transportation Coordinator shall subscribe to goDCgo's residential newsletter.
  - e. The Applicant shall post all TDM commitments on their website, publicize availability, and allow the public to see what commitments have been promised.
  - f. Long-term bicycle storage rooms shall accommodate non-traditional sized bikes including cargo, tandem, and kids bikes.
  - g. The Applicant shall offer an annual Capital Bikeshare membership, for three years, at the initial sale of each unit.
  - h. The Applicant shall provide a \$100 preloaded SmarTrip card for each unit at the time of initial sale.

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- i. The Applicant shall offer a one-time car share membership to each unit, at the time of initial sale.

**Zoning Relief**

21. The Application requests a special exception under Subtitle C § 703 from the minimum parking requirements of Subtitle C § 701.5 because the Applicant is unable to provide the required 12 parking spaces.

**OP Report**

22. OP submitted a report dated July 5, 2019 (the “**OP Report**”) recommending approval of the Application, subject to the conditions of the Applicant’s TDM Plan. (Ex. 32.)
23. The OP Report noted that the primary physical constraint on the Property preventing on-site parking was the lack of alley access and DDOT’s likely opposition to approval of a curb cut from Bladensburg Road. (Ex. 32.)

**DDOT Report**

24. DDOT submitted a report dated July 5, 2019 (the “**DDOT Report**”) that concurred with the findings of the Applicant’s Transportation Study, particularly that the amount of on-street parking within a two-block radius would be sufficient to meet the needs of the Property. DDOT also noted that it found the Applicant’s proposed TDM Plan to be “robust” for the proposed relief. (Ex. 31.)
25. The DDOT Report concluded that the Application would have no adverse impacts of the District’s transportation network, and only minor impacts on vehicular, transit, pedestrian, and bike trips and parking demand. (Ex. 31.)
26. The DDOT Report noted that DDOT would be unlikely to support a curb cut to the Property because of the Property’s location, the presence of street trees, and the existing Metrobus stop. (Ex. 31.)
27. The DDOT Report noted that the Applicant is not required to provide loading. (Ex. 31.)
28. Therefore, the DDOT Report concluded that it had no objection to the Application, provided that the Application include the TDM Plan conditions in any final Board approval and that the Applicant confirm that:
  - a. The proposed doors will not swing into public space;
  - b. The pedestrian clear path along Bladensburg Road N.E. will be at least six feet wide; and
  - c. Any balconies and/or canopies will comply with public space requirements.
29. The Applicant addressed the issue of the doors in its revised plans. (Ex. 29A.) At the Public Hearing, the Applicant also confirmed that the pedestrian clear path and the balconies and

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canopies would comply with DDOT's requirements. (Board of Zoning Adjustment Public Hearing of July 17, 2019 Transcript ("Tr.") at 37.)

**ANC Report**

30. ANC 5D submitted a written report (the "**ANC Report**," Ex. 36<sup>1</sup>) stating that the Applicant had presented the Application at a duly noticed and regularly scheduled ANC meeting held on July 2, 2019.
31. At that public meeting, at which a quorum was present, the ANC voted to oppose the Application finding the Application had failed to meet the burden of proof for the requested relief because it had failed to adequately demonstrate that it met any of the criteria of Subtitle C § 703.2. (Ex. 36.)
32. The ANC Report noted several issues and concerns with the Project, including:
  - a. The Transportation Study was not extensive enough in terms of duration and scope to fully and accurately assess the impacts of the Project on parking and traffic patterns in the surrounding area;
  - b. Neither the Transportation Study, nor DDOT's report, considered the impacts of other residential developments in the area currently under construction, or the presence of the nearby KIPP School;
  - c. The transportation options referenced by the Applicant were too far away to be truly practical for residents;
  - d. Concerns as to the safety of pedestrians, cyclists and motorists on Bladensburg Road that diminished the "walkability" of the neighborhood;
  - e. Concerns regarding the collection of trash from the Project; and
  - f. The ANC also recommended that the Applicant execute an easement with the adjacent property owner of 1200 Bladensburg Road, N.E. to allow for space for loading, car sharing, and trash pickup.
33. The ANC Report designated Commissioner Keisha Shropshire and Kevin Horgan to testify on behalf of the ANC at the public hearing. (Ex. 36.)

**Persons in Support**

34. The Board received no letters or testimony from persons in support of the Application.

**Persons in Opposition**

35. The Board received no letters from persons in opposition to the Application, but one person testified in opposition at the public hearing. (Ex. 39.)

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<sup>1</sup> The ANC's initial report containing a summary of the July 2, 2018 meeting was uploaded to the record at Ex. 33. This was superseded by a supplementary report at Ex. 36 containing the Form 129 and a more detailed explanation of the ANC's issues and concerns.

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**Public Hearing of July 17, 2019**

36. At the Public Hearing, the Applicant presented testimony from its transportation consultant, Nicole White of Symmetra Designs, and its architect, John Edwards of Bonstra Haresign Architects.
37. The Applicant testified that it intended to advertise the lack of on-site parking in its marketing materials and to target a demographic that was unlikely to own cars (Tr. at 16-18.)
38. The Applicant also noted, that due to the Property's location on a commercial street, it would not be eligible for the Residential Permit Parking ("RPP") Program. (Tr. at 17-18.)
39. The Applicant also noted that while it had not raised the lack of alley access pursuant to Subtitle C § 703.2(h) in its initial application, DDOT's statement that a curb cut from Bladensburg Road was unlikely to be approved, served as effective denial of a curb cut application. The Applicant contended that this effectively satisfied the criteria of Subtitle C § 703.2(h), in addition to its satisfaction of Subtitle C §§ 703.2(a)-(c). (Tr. at 22 and 35.)
40. The Applicant noted that any parking lots within 600 feet of the property are currently in use by other properties and not available for the Applicant's use. (Tr. at 34-35.)
41. In response to the ANC Report's recommended easement with the adjacent property, the Applicant stated that it was in conversations with the adjacent property owner about potentially obtaining an easement at the rear of the property but noted that if it obtained such an easement, it would be used solely to provide a dedicated loading space. (Tr. at 38-39.)
42. OP testified in support of the Application at the July 17, 2019 public hearing, noting that the Applicant only needed to demonstrate compliance with one of the criteria of Subtitle C § 703.2, and that OP concurred with the Application's assertion that it had met three of these criteria: Subtitle C § 703.2(a)-(c). (Tr. at 36.)
43. Mr. Horgan and Commissioner Clarence Lee, Chair of ANC 5D, testified on behalf of the ANC in opposition to the Application. (Ex. 39.)
44. Mr. Horgan testified that the ANC's primary concerns had to do with loading and safety concerns on Bladensburg Road. (Ex. 38; Tr. at 23, 28.)
45. Mr. Horgan reiterated that the ANC believed that the Transportation Study was too limited in scope and did not account for the impacts of neighboring residential development currently under construction, or student pick-up and drop-off at the nearby KIPP School. (Ex. 38; Tr. at 23, 30-32.)

46. In response to the ANC's testimony, Ms. White on behalf of the Applicant confirmed that the methodology used to conduct the Transportation Study is industry practice and supported by DDOT. (Tr. at 40.) Ms. White also noted that the practice of loading and unloading in front of a building is common in urban environments and that DDOT did not express any concerns with any potential impacts on traffic on Bladensburg Road. (Tr. at 42.)
47. Ms. Doretta Jones testified in opposition to the Application. Ms. Jones raised concerns regarding the availability of RPP in the area and the potential impacts on street parking from the Project. (Tr. at 47-48.)

### **CONCLUSIONS OF LAW**

Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); see *also* Subtitle X § 901.2) authorizes the Board to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception:

- a. will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,
- b. will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and
- c. complies with the special conditions specified in the Zoning Regulations.

For the relief requested by the Application, the "specific conditions" are those of Subtitle C § 703.

Relief granted by the Board through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the Board ordinarily must grant the application." *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

#### **Relief from the Minimum Parking Requirements of Subtitle C § 701.5 (Subtitle C § 703)**

Per Subtitle C § 703, the Board may grant a full or partial reduction in number of required parking spaces, subject to the applicant's demonstration of at least one of the ten possible criteria of Subtitle C § 703.2, and satisfaction of the additional standards of Subtitle C §§ 703.3 and 703.4. As

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explained below, the Board concludes that the Applicant has met its burden of proof by demonstrating compliance with multiple criteria of Subtitle C § 703.2.

The Board concludes that the Application meets the criteria of Subtitle C § 703.2(a)-(c), satisfaction of any one of which is sufficient:

*Subtitle C § 703.2(a) - Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*

The Board concludes that the Applicant is unable to provide the required parking on the Property primarily due to its lack of access to a public alley. (Findings of Fact (“FF”) 7, 23 and 39; Tr. at 53-54, and 57.) The Board notes that DDOT, as confirmed by OP and the Applicant, is unlikely to approve a curb cut and that this renders the Property effectively “land locked.” (FF 23 and 26; Tr. at 53-55.) The basis for the Applicant’s compliance with this criterion also effectively satisfies Subtitle C § 703.2(h). (FF 39.) The Board also finds that the Applicant is unable to utilize any parking lots within 600 feet of the property. (FF 40.)

*Subtitle C § 703.2(b) - The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*

The Board concludes that there are sufficient alternative transportation options near the Property to reduce the need for residential parking on-site. (FF 9, 19, and 24.) The Board also concludes that the Applicant’s TDM Plan adequately incentivizes the use of mass transit, shared vehicles, and bicycles by building residents. (FF 20 and 24.)

*Subtitle C § 703.2(c) - Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*

The Board concludes that the Property is not only located near various transit options but is also within walking distance of a major commercial corridor. (FF 9, 10, and 42.)

**Subtitle C § 703.3** - *Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.*

The Board concludes that the Application only requests relief from the required 12 parking spaces on the basis of lack of space and access on the Property and the availability of sufficient alternatives to meet potential parking demand. (FF 15-16.)

**Subtitle C § 703.4** - *Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment’s approval.*



The Board concludes that the Application complies with this provision because it provided the Transportation Study and TDM Plans which were reviewed and accepted by DDOT. (FF 18-20, 24, and 28.) The Applicant testified at the Public Hearing that it accepted the TDM Plan as a condition on the approval of the Application. (Tr. at 37.)

**General Special Exception Relief (Subtitle X § 901)**

The Board concludes that the Application, in addition to meeting the specific conditions of the special exceptions from the minimum parking requirements, also meets the general special exception standards in Subtitle X § 901.2 to be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and to not adversely affect the surrounding properties as follows:

The Board concludes that granting the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the Project meets the intent of the MU-4 zone to permit moderate density housing that meets the other development standards of the MU-4 zone. (FF 12 and 14.) The Board notes that the Application had satisfied the specific special exception criteria for parking relief as discussed above and that this relief was supported by OP and DDOT. (Tr. at 53-57.) The also Board notes that the Application did not request any other dimensional or use relief. (FF 14; Tr. at 55.)

The Board concludes that granting the requested special exception will not tend to adversely affect the use of neighboring properties because the Board determined that the conditions of the Applicant's TDM Plan would serve to mitigate any traffic and parking impacts resulting from the requested relief, as confirmed by the DDOT Report. (FF 24-25, and 28; Tr. at 53 and 56.) The Board concurred with the findings of both the OP and DDOT Reports, which did not raise any concerns about any additional adverse impacts resulting from the Project. (Tr. at 53.) The Board also noted that it was encouraged by the Applicant's efforts to reach an agreement with the neighboring property owner regarding a potential easement for loading, and its responsiveness to community concerns. (Tr. at 54-55, and 57.)

**"Great Weight" to the Recommendations of OP**

The Board must give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8.)

The Board concludes that the OP Report, which provided an-depth analysis of how the Application met each of the requirements for the requested special exception relief, is persuasive and concurs with OP's recommendation that the Application be approved, as discussed above.

**"Great Weight" to the Written Report of the ANC**

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 5D. (§ 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) (2012 Repl.) and Subtitle Y § 406.2.) 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. 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).

The Board finds the issues and concerns about the impact on parking and transportation alternatives raised by the ANC Report unpersuasive because the Application’s Transportation Study and TDM Plans, which both DDOT and OP accepted, concluded that the Project would not result in any significant adverse impacts and that any minor impacts would be mitigated by the conditions of the TDM Plan. (FF 24, 25, and 28.) In response to the ANC’s concerns about the scope of the Transportation Study, the Board concludes that the scope of the study was appropriate and credits the findings of the Transportation Study on the basis that the methodology used to conduct the Transportation Study is industry practice and supported by DDOT. (FF 46; Tr. at 40.)

The Board concludes that the other issues and concerns raised by the ANC Report – trash, safety on Bladensburg Road, and the easement on the adjacent property – are beyond the scope of the Board’s review in granting relief from parking, and as such do not constitute “legally relevant issues and concerns.” (Tr. at 35, 49, 56-59.) The Board finds the determination by DDOT, as well as by OP, that the Transportation Study and TDM Plans are sufficient to evaluate the potential impact of the Board granting the Application more persuasive than the ANC Report and therefore concludes that the Application has adequately addressed the issues and concerns raised by the ANC.

## **DECISION**

Based on the case record, the testimony at the hearing, and the Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exception relief.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 29A<sup>2</sup> WITH THE FOLLOWING CONDITIONS:**

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<sup>2</sup> Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6 (Ex. 4). In granting the requested self-certified relief subject to the plans submitted with the Application, the Board made no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed

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1. The Applicant shall identify Transportation Coordinator(s) for the planning, construction, and operations phases of development. The Transportation Coordinators shall act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will develop, distribute, and market various transportation alternatives and options to the residents.
2. The Applicant shall provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, Capital Bikeshare coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing [info@godcgo.com](mailto:info@godcgo.com).
3. The Applicant shall provide residents who wish to carpool with detailed carpooling information and shall refer them to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.
4. The Transportation Coordinators shall subscribe to goDCgo's residential newsletter.
5. The Applicant shall post all TDM commitments on their website, publicize availability, and allow the public to see what commitments have been promised.
6. Long-term bicycle storage rooms shall accommodate non-traditional sized bikes including cargo, tandem, and kids bikes.
7. The Applicant shall offer an annual Capital Bikeshare membership, for three years, at the initial sale of each unit.
8. The Applicant shall provide a \$100 preloaded SmarTrip card for each unit at the time of initial sale.
9. The Applicant shall offer a one-time car share membership to each unit, at the time of initial sale.

**VOTE: 5-0-0** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Anthony J. Hood to APPROVE)

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

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for this project and to deny any application that would require additional or different zoning relief from that is granted by this order.

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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:** August 26, 2019

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

PURSUANT TO SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR,

RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.