GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-21
Z.C. Case No. 06-21
Consolidated Planned Unit Development by
Douglas Development Corporation located at 6th and L Streets, N.W.
January 8, 2007

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on December 4, 2006 to consider an application from Douglas Development Corporation (the "Applicant") for consolidated review and approval of a planned unit development ("PUD") and related Zoning Map amendment. The application was filed on behalf of and with the consent of Jemal's Judge LLC, the owner of the property that was the subject of the application. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Zoning Commission hereby approves the application.

FINDINGS OF FACT

Application, Parties, and Hearing

1. On April 13, 2006, the Applicant filed an application with the Commission for consolidated review and approval of a PUD and related Zoning Map amendment for Lots 800, 859, 50, and 51 in Square 449, located at the northwest corner of the intersection of 6th and L Streets, N.W., in Washington, D.C. (the "Property"). The Property consists of 8,612 square feet of land and is located in the Downtown Development (DD) Overlay/R-5-B District.

2. At its public meeting held June 12, 2006, the Commission voted to schedule a public hearing on the application. At the meeting, the Commission requested that the Applicant provide additional information related to the color of materials for the James Essex House, the drainage for the new courtyard, and the project's design and impact on L Street.

3. On June 13, 2006, Advisory Neighborhood Commission 2C (the "ANC"), the ANC within which the property is located, filed a letter with the Commission stating the ANC voted to support the application at its meeting held June 7, 2006.

4. On August 3, 2006, the Applicant filed a prehearing statement with the Commission that included the information requested by the Commission as described in Finding of Fact 2 above. The prehearing statement also included a letter of support from the Mount Vernon Square Neighborhood Association.

5. After proper notice, the Zoning Commission held a hearing on the application on December 4, 2006 (the "Hearing"). The parties to the case were the Applicant and ANC 2C.

6. There were no parties or persons in opposition to the PUD.

7. At the conclusion of the Hearing, the Zoning Commission voted 5-0-0 to take proposed action to approve the application.

8. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under § 492 of the District Charter. NCPC, by action dated December 28, 2006, found the proposed PUD would not affect the federal establishment or other federal interests in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

9. The Zoning Commission took final action to approve the application on January 8, 2007.

The PUD Project

Overview

10. The proposed PUD is a residential development consisting of approximately 20 condominium units located at the northwest corner of the intersection of 6th and L Streets, N.W. in the Mount Vernon Square area. The project includes the rehabilitation of the historic James Essex House, which will house three dwelling units. To the west of the James Essex House, a three-story condominium apartment wing with a mezzanine will house five dwelling units. To the north of the James Essex House, a condominium apartment wing with the appearance of three bay-front Victorian homes on three lots on 6th Street will house twelve dwelling units. The dwelling units will contain a total of approximately 22,047 square feet of floor area. The site amenities will include a landscaped courtyard and below-grade parking. The Applicant will rehabilitate the historic James Essex House, remove the existing blight caused by the abandoned buildings currently on the Property, and provide additional housing in an area designated as a Housing Opportunity Area on the District's Generalized Land Use Policies Map. The Historic Preservation Review Board approved the conceptual design for the PUD on January 26, 2006.

Site Description

11. The Property consists of 8,612 square feet of land located at the northwest corner of the intersection of 6th and L Streets, N.W., and is more particularly described as Lots 800, 859, 50, and 51 in Square 449. It is improved with three abandoned buildings: the James Essex House, located at the corner of 6th and L Streets (Lot 800); a one-story rear addition to the James Essex House (Lot 800); and a one-story commercial building on 6th Street, on the north side of the James Essex House (Lot 859). Two vacant parcels on the north side of the commercial building are also part of the Property (Lots 50 and 51).

12. The District of Columbia Comprehensive Plan Generalized Land Use Map designates the Property in the medium-density residential category, where multiple-unit housing and mid-rise apartment buildings are the predominant uses. Also, the District of Columbia Generalized Land Use Policies Map includes the Property within the UDC/Mount Vernon Square Development Opportunity Area and the Mount Vernon Square Housing Opportunity Area. The current zoning for the Property is the Downtown Development (DD) Overlay /R-5-B District.

13. The Property is situated just north of the Central Employment Area and the Downtown Plan Area, as said areas are defined on the Generalized Land Use Polices Map. It is located within two blocks of the Mount Vernon Square Metrorail Station, located at M and 7th Streets, and within three blocks of the Convention Center, located between 7th and 9th Streets and N Street and New York Avenue.

14. The areas immediately north and east of the Property, along 6th and L Streets, are developed primarily with row houses. More intensive commercial uses are located to the south and west on L Street. The west side of 6th Street is primarily designated in the medium-density residential category on the Land Use Map. The east side of 6th Street and the north side of L Street are designated in the moderate-density residential land use category. The lots immediately south and west of the Property are designated in the high-density commercial land use category.

15. The Property is located within the Mount Vernon Square Historic District, which is bounded, generally, by New York Avenue on the south; 1st Street on the east; N Street between 1st and 5th Streets and M Street between 5th and 7th Streets on the north; and 7th Street on the west. This district includes approximately 420 properties, 408 of which are contributing buildings constructed between 1845 and 1945.

Project Design and Components

16. The overall design intent for the PUD is to develop an architectural solution that (i) is consistent in size, scale, massing, and architectural detailing with structures traditionally found in the Mount Vernon Square Historic District and, more specifically, along 6th Street; (ii) retains the James Essex House as a prominent architectural feature of the 6th

Street corner; and (iii) develops a façade for the infill additions along 6th Street and the western addition that will complement the historic façade of the James Essex House.

a. James Essex House. The existing façade of the James Essex House will be restored to its original character in accordance with the guidelines established by the U.S. Department of Interior. This will include the repair and/or replacement of wood headers and sills, windows and doors, and the decorative cornice to their original character and quality. The existing masonry façade will be cleaned and tuckpointed as required. Site improvement details, such as lighting fixtures and railings, will also be designed to enhance the historic character of the house. The interior of the building will be renovated to include a 1- or 2-bedroom unit and two duplex–1-bedroom units.

b. Western Addition on L Street. The western addition, to the rear of the James Essex House, will be accessed along L Street, through a landscaped courtyard. It will have below-grade parking accessible from L Street. The façade of this section of the project is designed in a modern style as a contrast to the historic façade of the James Essex House. The design elements include an all masonry façade with cast stone along the base and face brick above. The floor plan for the rear building consists of three – 1-bedroom units and two duplex – 1-bedroom units at the third level, which will include a bedroom on the mezzanine level overlooking a double height living space. Each of the five units in the western addition will have oversized metal clad windows with balcony projections toward the courtyard.

c. Infill Units on 6th Street. The infill units along 6th Street will have an all masonry façade, projecting bays, and a strong cornice element with Victorian inspired gable projections at the roof line. This area of new construction will also have face brick with cast stone detailing, double-hung windows, and a raised stoop entry with transoms above all main entry doors. The brick detailing at the façade will include Flemish bond brick work and banding at projecting bays. A soldier course will be provided at the head of all third-story windows. This section of the project will contain six duplex – 1-bedroom units along the 6th Street face, three duplex – 1-bedroom units, and three efficiency units along the courtyard. The height of the row houses will be consistent with the adjacent structures on 6th Street.

Matter-of-Right Development Under Existing Zoning

17. The Property is located in the DD Overlay/R-5-B District.

18. The R-5-B District permits residential development of moderate height and density. The maximum permitted density is 1.8 FAR, and the maximum permitted lot occupancy is 60%. The maximum permitted building height is 50 feet.

Matter-of-Right Development Under Proposed DD/C-2-C District

19. The Applicant seeks a Zoning Map amendment in order to change the Property from DD Overlay/R-5-B District to the DD Overlay/C-2-C District.

C-2-C District

20. The maximum permitted height of a building in the C-2-C District is 90 feet. (11 DCMR § 770.1.) The maximum density permitted in the C-2-C District is 6.0 FAR, of which no more than 2.0 FAR may be for other than residential use. (11 DCMR § 771.2.) Under the Zoning Regulations, the maximum lot occupancy applicable to residential buildings within the C-2-C District is 80%. (11 DCMR § 772.1.)

PUD Area Requirements and Guidelines

21. Subsection 2401.1 of the Zoning Regulations establishes minimum area requirements for planned unit developments. Where, as here, a PUD-related map amendment is requested, compliance is based upon the zone district being requested.

22. Because the C-2-C District being requested is not among the Zone Districts specified in § 2401.1 (a) and (b), the default minimum requirement of 15,000 square feet applies.

23. The property that is the subject of this PUD application has a land area of 8,612 square feet, or 6,388 square feet less than required.

24. Nevertheless, § 2401.2 permits the Commission to waive not more than 50% of the minimum area requirement, or 7,500 square feet, provided:

    a. the Commission shall find after public hearing that the development is of exceptional merit and in the best interest of the city or county; and

    b. the Commission finds one of the following:

        (1) if the development is to be located outside the Central Employment Area, at least 80% of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto; or

        (2) if the development is to be located in a portion of the Central Employment Area which is in an HR Overlay District, the

development shall contain a minimum floor area ratio of 2.0 devoted to hotel or apartment house use.

25. The Commission finds that these elements have been met. The Commission finds that the proposed PUD is of exceptional merit and in the best interest of the District. The development includes the restoration of a deteriorated building that contributes to the Mount Vernon Square Historic District and will add housing in a location directly adjacent to Downtown. The Commission further finds that the development is outside the Central Employment Area, and at least 80% of the development's gross floor area is devoted exclusively to dwelling units and uses accessory thereto. In this development, 100% of the gross floor area is devoted to dwelling units and uses accessory thereto.

26. The maximum permitted building height for a PUD in the C-2-C District is 90 feet. (11 DCMR § 2405.1.) The maximum permitted density is 6.0 FAR, of which no more than 2.5 FAR can be devoted to non-residential use. (11 DCMR § 2405.2.) The proposed project has a 45-foot maximum height and a total density of 2.56 FAR, which is devoted entirely to residential use. Accordingly, the Commission finds the PUD project complies with PUD standards of § 2405 of the Zoning Regulations.

Development Incentives and Flexibility

27. The Applicant requested the following areas of flexibility from the Zoning Regulations:

    a. Lot Coverage. The Applicant proposes to have a lot occupancy of 100%, where a maximum of 80% is permitted. However, the lot occupancy of the PUD at the courtyard level is 86%.

    b. Rear Yard. In lieu of a 15-foot rear yard, the Applicant proposes an 8-foot-wide court that functions as a light well between the rear building and the adjacent structure to the west.

    c. Rear Court. The project is designed with an 8-foot-wide rear court where the Regulations require the court to have a minimum width of four inches per foot of height, measured from the lowest level of the court to that elevation; provided the court is not less than 15 feet in width.

    d. Additional Areas of Flexibility. The Applicant also requests flexibility for the following:

        - to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

- to vary the final selection of the exterior materials within the color ranges and material types as proposed, without reducing the quality of the materials; and

- to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.

Public Benefits and Amenities

28. The following benefits and amenities will be created as a result of the PUD:

a. Housing and Affordable Housing. The single greatest benefit to the area, and the District as a whole, is the creation of new housing and home ownership opportunities consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. The Applicant proposes to devote 982 square feet of the residential gross floor area for persons whose income does not exceed 80% of the Area Median Income.

b. Historic Preservation. The Property is located within the Mount Vernon Square Historic District. The PUD project includes the rehabilitation of the James Essex House, which was constructed in 1855, and is prominently located at the northwest corner of 6th and L Streets, N.W. The exterior of the house, including the brick color, windows, and trim, will be restored to their original character, and the structure will house three of the twenty dwelling units proposed.

c. Urban design, architecture, landscaping, and open space. The design of the project complements the historic character of the area. The streetscape and the new residential units will help to animate this area of the Mount Vernon neighborhood.

d. Employment and training opportunities. In order to further the District of Columbia's policies related to the creation of employment opportunities, the Applicant will enter into a Memorandum of Understanding with the Department of Small and Local Business Development in an effort to utilize local, small, or disadvantaged business enterprises certified by the District of Columbia Local Business Opportunity Commission in order to achieve, at a minimum, the goal of 35% participation in the contracted development costs in connection with the development of the project. The Applicant will also enter into a First Source Agreement with the Department of Employment Services ensuring cooperation with the Department for employee recruitment for jobs created by the PUD, with

the objective that 51% of the employees hired in connection with the development of the PUD will be District of Columbia residents.

Compliance with the Comprehensive Plan

29. The project is consistent with major themes of the Comprehensive Plan, including the following major themes:

- Section 102 – Stabilizing and Improving District Neighborhoods
- Section 108 – Preserving the Historic Character of the District

30. The project meets many of the goals and objectives of the Comprehensive Plan, as follows:

a. The application is consistent with Chapter 3, Housing Element, of the Comprehensive Plan. The general objectives for housing are "… *to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations.*" (§ 302.1) At least one of the proposed dwelling units will be affordable, with the rest to be sold at market rate.

b. Chapter 7, Urban Design Element, outlines objectives and policies in support the Urban Design goal to "… promote the protection, enhancement, and enjoyment of the natural environments and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient." (§ 701)

708 Buildings
708.2 (a) Design residential, commercial, and all other buildings to complement or enhance the physical character of the District.

(b) Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.

709 Streetscape
709.2 (a) Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian way.

(j) Encourage the planting and maintenance of street trees as the single most important streetscape element along

commercial and residential streets to provide shade, design continuity, spatial relief, and a juxtaposition of the natural and built environments.

710 Areas of Strong Architectural Character

710.2 (d) Encourage new development within areas of strong architectural character to contribute to the physical identity and character of those area.

(e) Encourage building massing and scale of new development to be sensitive to established patterns.

712.1 The areas in need of new and improved character objective are to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.

712.2 The policies established in support of the areas in need of new and improved character objective are as follows:

(a) Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities.

(b) Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment.

31. The application is consistent with the following objectives of the Ward 2 Plan:

a. Section 1304 outlines objectives for housing, including: *(a) stimulate production of new and rehabilitated housing; (b) provide for the housing needs of... moderate-income households;* and *(d) encourage home ownership.*

b. Section 1316.1 outlines the following objective for urban design: *The objective for urban design is to develop a quality design environment, combining old and new developments.*

c. Section 1319 outlines objectives for preservation, including: *(b) To preserve and reuse historic... buildings in historic areas in Ward 2.*

<u>Comprehensive Plan Generalized Land Use Map</u>

32. The Generalized Land Use Map includes the Property in the medium-density residential land use category. Multiple-unit housing and mid-rise apartment buildings are the predominant uses. This land use category may also include low- and moderate-density housing. The application is consistent with this recommendation.

33. The Commission finds that the PUD is consistent with the Comprehensive Plan because (i) it supports major themes of the Comprehensive Plan, including *stabilizing and improving District neighborhoods and preserving the historic character of the District*; (ii) meets many of the goals and objectives of the Comprehensive Plan, including those in the Housing and Urban Design Elements; (iii) furthers objectives of the Ward 2 Plan; and (iv) is consistent with Generalized Land Use Map and the Draft Comprehensive Plan Future Land Use Map.

Office of Planning Report

34. By report dated November 24, 2006, the Office of Planning recommended approval of the PUD application on the basis that the project is not inconsistent with the elements of the Comprehensive Plan and with the provisions of Chapter 24, the design complements the historic character of the area and the streetscape, and the new residential units will help to animate this area of the Mount Vernon neighborhood.

Other Government Agency Reports

35. By report dated August 1, 2006, the District Department of Transportation (DDOT) stated that it has no objections to the PUD. In its report, DDOT noted that the Property is located one block from the Mount Vernon Square-Convention Center Metrorail Station on the Green and Yellow Lines and several Metro bus routes traverse near the site. The report also noted that the Applicant will provide 10 parking spaces compared to the 5 spaces required by the Zoning Regulations and a below-grade garage that is accessed from L Street. DDOT concluded that the project will have a minimal impact on traffic circulation in the area and satisfies the necessary parking requirements; however, the Applicant should coordinate with DDOT for public space improvements abutting the Property.

Findings to Support Waiver of Lot Area Requirement

36. The Commission finds that the PUD is of exceptional merit and is in the best interest of the District, because the project provides additional housing and affordable housing in the Mount Vernon Square neighborhood, the project includes the preservation of a contributing structure in the Mount Vernon Square Historic District, the design and architecture of the project complements the historic character of the area, and the PUD will provide economic and employment opportunities for District residents and businesses. Also, the Commission finds that 100% of the gross floor area shall be used

exclusively for dwelling units and uses accessory thereto. Thus, the Commission deems it appropriate to waive the minimum lot area requirement of 15,000 square feet and to permit the PUD to be developed on a lot of 8,612 square feet.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience. (11 DCMR § 2400.2.)

2. Notice of the public hearing was provided in accordance with the Zoning Regulations.

3. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards that exceed or are less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.

4. The development of the PUD project will carry out the purposes of Chapter 24 of the Zoning Regulations to encourage the construction of well planned developments that offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

5. As noted in Finding of Fact No. 23, the PUD Site contains less land area than the minimum required for a Planned Unit Development in a C-2-C zone district. For the reasons stated in Findings of Fact Nos. 24 through 26, the Commission concludes that the Applicant met has met its burden for obtaining a 43% waiver of that requirement pursuant to 11 DMCR § 2104.2.

6. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. Residential use is appropriate for the site. The impact of the project on the surrounding area is not unacceptable, and instead is favorable. Accordingly, the project should be approved.

7. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.

8. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. The project benefits and amenities are reasonable trade-offs for the requested development flexibility.

9. Approval of the PUD is appropriate, because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied by the Zoning Regulations and Map.

10. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) (2001 ed.) to give great weight to the issues and concerns of the affected ANC stated in its written recommendation dated June 13, 2006. The Commission has carefully considered the ANC's recommendation for approval and concurs in its recommendation.

11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for consolidated review of a Planned Unit Development and related Zoning Map amendment from DD/R-5-B to DD/C-2-C for the Property located at the northwest corner of the intersection of 6th and L Streets, N.W., in Square 449, Lots 800, 859, 50, and 51. This approval is subject to the following guidelines, conditions, and standards:

1. The PUD shall be developed in accordance with the plans prepared by GTM Architects, entitled "Consolidated Planned Unit Development – 6th & L Street," April 12, 2006, and marked as Exhibit No. 4 of the record; as modified by Sheets A2.00 A2.01, A2.05, and A2.06, all dated August 2, 2006, and filed with the Zoning Commission on August 3, 2006, and marked as Exhibit No. 15 of the record; as modified by the guidelines, conditions, and standards herein.

2. The project shall be a residential development constructed to a maximum height of 46 feet and a density of 2.56 FAR.

3. Of the residential gross floor area for the project, a minimum of 982 square feet shall be devoted to affordable housing for residents whose income is no greater than 80% of the Area Median Income.

4. The PUD shall include a minimum of 10 parking spaces.

5. The Applicant shall have flexibility with the design of the PUD as follows:

    a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atriums, mechanical rooms,

elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;

b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and

c. To make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylights, architectural embellishments, and trim or any other minor changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals.

6. Prior to the issuance of a building permit for the project, the Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services in an effort to achieve the goal of utilizing District of Columbia residents for at least 51% of the jobs created by the PUD.

7. Prior to the issuance of a building permit for the project, the Applicant shall enter into a Memorandum of Understanding with the Department of Small and Local Business Development. Under the terms of the Memorandum of Understanding, the Applicant shall make a bona fide effort to utilize local, small, or disadvantaged business enterprises certified by the District of Columbia Local Business Opportunity Commission in order to achieve, at a minimum, the goal of 35% participation in the contracted development costs in connection with the development of the project.

8. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owner(s) and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in title to construct on and use the PUD Site in accordance with this Order or amendment thereof by the Zoning Commission.

9. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a copy of the covenant with the records of the Zoning Commission.

10. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit and construction of the project must start within three years of the date of the effective date of this Order pursuant to 11 DCMR §§ 2408.8 and 2408.9.

10. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit and construction of the project must start within three years of the date of the effective date of this Order pursuant to 11 DCMR §§ 2408.8 and 2408.9.

11. The Applicant is required to comply fully with the provisions the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 et seq. ("Act"). This Order is conditioned upon full compliance with those provisions. In accordance with the 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 sexual 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 denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

On December 4, 2006, the Zoning Commission **APPROVED** the application by a vote of 5-0-0 (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to approve.)

This Order was **ADOPTED** by the Zoning Commission at its public meeting on January 8, 2007 by a vote of 5-0-0 (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to approve).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on SEP 28 2007.

CAROL J. MITTEN
Chairman
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning