

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



**Application No. 15708-A of the National Broadcasting Corporation**, pursuant to 11 DCMR 3108.1, for a special exception under Section 211 to modify a condition of the Board's previous Order No. 13554 to continue to operate a commercial broadcasting tower in an R-1-B District at premises 4001 Nebraska Avenue, N.W. (Square 1722, Lot 1).

**HEARING DATES:** September 23, 1992 and December 16, 1992

**DECISION DATES:** January 6, 1993, February 3, 1993, October 7, 2003

**PROPOSED DECISION AND ORDER ON REMAND**

Beginning in 1955, the Board of Zoning Adjustment (the Board) granted permission to the National Broadcasting Corporation (NBC) to operate a broadcast studio office building with an antenna tower and parking. After the initial 1955 approval, NBC filed a series of applications with the Board and was granted permission to make various changes at the site, including permission to replace the original antenna tower with a new one. NBC constructed a new tower in 1988 but also continued to use the original tower. In 1992, NBC applied to the Board for special exception approval to continue the use of the original 1955 tower.

The Board held public hearings on the application and voted in February 1993 to grant the special exception. However, the Board did not issue its written decision until December 1994, by which time three of the four-member majority had been out of office for over a year because their terms had expired. An appeal was brought to the District of Columbia Court of Appeals based in part on this procedural defect. The Board then requested the Court to remand the case so its current Board members could consider NBC's application on the merits. The Court granted the Board's motion and issued an order remanding the application to the Board for further proceedings. The present members of the Board have reviewed the entire administrative record, including the public hearing transcripts. Based upon its review of the record, the Board adopts the substance of the previous decision and order, as set forth below. This decision and order is based solely upon the record as it existed on December 16, 1992, the date upon which the record was closed.

**Government Report Submissions**

Office of Planning (OP) Report. OP recommended approval of this application, concluding that the applicant met the requisite burden of proof under Section 211 of the

Zoning Regulations. The report concluded that the tower is necessary to adequately serve the needs of the applicant and the community and that it would not adversely impact the neighborhood. The report analyzed the history of the tower and other approvals by the Board and recognized that a number of technological changes have taken place that make it necessary for the applicant to continue using the smaller tower.<sup>1</sup> These changes include the District of Columbia Police Department usage as well as other future needs such as the high definition television requirement of the Federal Communications Commission. OP pointed out that the site is large and surrounded by institutional uses and noted the deep set backs for the antenna.

National Park Service Report The National Park Service recommended that the application be denied, contending that the 1955 tower, painted orange and white, would adversely impact Glover-Archbold Park and other parks and vistas throughout the District of Columbia. The principal objection of the Park Service was its understanding that a new tower would "replace" the older tower. The Park Service recommended that all of the devices on the tower should be painted black to match the color on the present black tower. In response, the applicant proffered that it would: (a) repaint the lower tower as necessary using a paint that would blend with the skyline and would be subject to FAA and FCC approval, and (b) dedicate a permanent scenic easement to the Park Service for a portion of the site.

### ANC Reports

Advisory Neighborhood Commission (ANC) 3E ANC 3E supported the requested special exception, noting the following: The preexisting lower antenna is adjacent to the newer and taller antenna, both of which are substantially set back from all property lot lines. The applicant and its representatives have been good neighbors making positive contributions to the community in many areas. No complaints concerning the operation of the station or the antenna towers have been received. No evidence suggests that the continuation of the tower would intensify in any way the existing operation of the station either as to the number of people or amount of traffic, pedestrian or vehicular. The applicant's representatives represented that they will continue to provide a close liaison with the ANC. The subject grounds are carefully maintained and screened from surrounding property. The subject tower is reasonably necessary for the satisfactory and economic transmission and maintenance of the facility. The preexisting antenna tower serves the District of Columbia police and other important users. It appears that the newer antenna tower could not structurally support the antennas that are used on the lower tower. Interruption of service would have a severe and adverse impact on the facility.

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<sup>1</sup> Many of the findings of fact in this decision are based upon the state of technology as it existed in 1992 when the administrative record was closed. Obviously, much has changed since then.

Advisory Neighborhood Commission (ANC) 3C ANC-3C opposed the special exception, noting the following: The case should be considered as a variance rather than as a special exception. The tower is unnecessary for NBC's operations. The tower intensifies the commercialization of NBC's site. The potential health hazards must be weighed against the necessity for the additional antennas. The tower is visually obtrusive. The tower, with its many additional antennas, will increase radio interference problems experienced by neighboring property users. There is nothing about the site that constitutes an exceptional situation, creating a hardship, that warrants relief. The tower is inconsistent with the zoning regulations applicable to the area, and would adversely affect the use of neighboring property.

## **FINDINGS OF FACT**

### **The Property**

1. The property is located on the east side of Nebraska Avenue between Massachusetts Avenue to the south and Upton Street to the north, and is known as premises 4001 Nebraska Avenue, N.W. It is zoned R-1-B.
2. The site consists of 315,810 square feet or 7.25 acres in land area. It has 60 feet of street frontage on Nebraska Avenue. The site is shaped somewhat like a baseball diamond. Vehicular access for the site is from a 310-foot long driveway from Nebraska Avenue. There is a 222-car parking lot on the site. An additional 144 spaces are provided on the adjacent site of the National Presbyterian Church. The site is developed with a two-story brick structure and a radio tower. A ground floor plus two-story addition is currently being constructed on the site. The existing structure totals approximately 124,000 square feet of floor area.
3. To the south of the subject site is the U.S. Naval Security Station with its communication facilities, including a large antenna and other miscellaneous structures close to Glover-Archbold Park. To the north of the site is the National Presbyterian Church headquarters and school facilities. The site is located in an R-1-B District. To the east of the site is Glover-Archbold Park followed by property in the C-3-A District and the McLean Gardens residential development in the R-5-A District fronting on Wisconsin Avenue.

### **Pertinent Zoning History**

4. The Board first granted a use variance to NBC to establish an office building, and special exceptions to establish an office building with parking and a broadcast studio with tower (Appeal No. 4159, public hearing June 1, 1955). Later, following a change in the Zoning Regulations, the Board granted a use variance to

- permit continuation and enlargement of accessory parking facilities (Appeal No. 5494).
5. In BZA Appeal No. 8234, dated June 16, 1965, the Board granted a use variance to permit an addition to the office building established under Appeal No. 4159. The existing building then contained 91,370 square feet and the addition provided an additional 16,280 square feet.
  6. In Appeal No. 10120, dated November 16, 1979, the Board granted the applicant a use variance to permit a second floor addition to the addition permitted under Appeal No. 8234. That addition would have contained a floor area of approximately 8,140 square feet. However, the second floor addition was not constructed at that time and the Board approval for it expired.
  7. In Appeal No. 12011, the Board reinstated Order No. 10120 and also granted permission to locate a temporary office structure at the property during the period of construction of the proposed second floor addition. To alleviate its continuing space concerns, NBC sought and obtained a two year extension of time for the temporary office structure (BZA Order No. 12539, dated March 7, 1978).
  8. In Application No. 13222 dated July 28, 1980, the Board granted the applicant a use variance to permit a ground floor plus two-story addition to the existing structure. As a condition of approval and prerequisite to future zoning relief, the applicant was required to submit a proposed "master plan" for future development of the site.
  9. NBC presented a proposed master plan to the Board with Application No. 13554 in which it sought approval for additions to the broadcast studio and office building, including a new antenna tower.
  10. On November 25, 1981, the Board approved the additions and master plan, subject to the following conditions:
    - a. The additions shall be phased and constructed in accordance with the master plan marked as Exhibit No. 10 of the record.
    - b. The applicant shall secure the approval of the Director of the National Capital Region of the National Park Service for the proposed storm water drainage into Glover-Archibold Park.
  11. The Board's opinion, reflecting the proposed master plan, noted that, in the future, a new larger tower structure would be installed on top of a parking garage or deck

to improve broadcast range and capacity, and the larger tower would "replace" the existing 1955 tower.

12. The new larger tower was constructed in 1988 in the general location approved by the master plan, but the 1955 tower was never removed. The garage or parking deck upon which the 1988 tower was to have been constructed was never erected because NBC obtained additional parking at the nearby National Presbyterian Church and its adjoining parking lot.
13. The 1988 tower was built, instead, on an equilateral triangular base, having footing separation of 60 feet instead of the approved 90 feet. The 1955 tower and the 1988 tower combined have a bulk of approximately 50 percent of the bulk approved for the larger antenna set forth in the master plan.
14. By letter dated February 25, 1992, the Zoning Administrator notified the applicant that under BZA Order No. 13554, the 1955 tower was to have been replaced by the 1988 tower. The Zoning Administrator advised the applicant to either remove the 1955 tower or seek special exception approval allowing it to remain. The applicant filed this application seeking modification of the previous master plan approval to permit the continued use of the 1955 tower.

### **The Special Exception Application**

15. The two antenna towers are set back from the lot lines to conform to the Zoning Regulations, and are set back a distance of approximately 600 feet from Nebraska Avenue and approximately 200 feet from Glover-Archbold Park. The 1955 tower has an approximate height of 459 feet, a height which is 200 feet lower than the 1988 antenna tower. This height was approved by the District government during the 1955 permit process under the Act to Regulate the Height of Buildings in the District of Columbia (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 through 6-601.09). During prior proceedings the Board found this height to be reasonably necessary to render satisfactory service, and this Board adopts that particular finding based upon testimony by the applicant. The 1955 tower is approximately 30 feet from the 1988 tower at the closest point. Each part of the ground mounted antenna tower is set back a minimum of 10 feet from each lot line or a distance of at least 1/6 of the antenna height. The 1955 tower is not located within close proximity to the neighboring residential properties.
16. The 1955 tower has a minimal impact on the neighborhood from a visual standpoint. The 1955 tower is in a location which minimizes, to the greatest practical degree, its visibility from neighboring properties by virtue of its proximity to the newer tower and its main building. Set backs are provided from all property lines substantially more than is required under the Regulations. The

site has been extensively landscaped and the visibility of the 1955 tower has been minimized. The visual obtrusiveness of the two towers together represents a minor skyline protrusion and the height of both towers is much less than permitted under the Board's previous master plan approval. The 1955 tower is set back from residential areas at substantial distance and is visually shielded by distance, existing vegetation and the existing larger tower.

17. Continuation of the 1955 tower will not result in adverse impacts to the community with respect to increased density or traffic. The commercialization of the site will not be increased by a continuation of the 1955 tower and will not result in an increase in office space, number of employees, vehicular and pedestrian traffic or the establishment of other commercial uses on the site. The Board also finds that the continued use of the antenna tower will not increase existing radio interference problems, if any.
18. Continuation of the 1955 tower will not result in adverse impacts on the neighborhood stemming from the electromagnetic effects of the tower. Antennas located on the tower are licensed by the Federal Communications Commission, and the applicant has complied with all requirements of the Federal Communications Commission regarding safety of radio frequency broadcasts. In addition, the Board adopts the finding proffered by the applicant's expert engineer; i.e.: that the electromagnetic frequency is within recommended industry guidelines. The American National Standard Institutes recommended standard for impact is 1,000 microwaves per square centimeter (UM/CM<sup>2</sup>). The applicant's engineering consultant, Smith and Powstenko, noted that the maximum ground level power intensity from the main WRC/TV facility is .0014 MW/CM<sup>2</sup> which would fall at a location 69 meters from the tower base. This ground level power was likened to something less than would occur with a child's walkie-talkie transmitter.
19. With respect to the alleged health hazards stemming from the electromagnetic frequencies, the Board is not persuaded by the evidence or arguments presented by the opposition. While the record contains articles concerning the purported hazards of electromagnetic frequencies, the claims within these articles were neither persuasive nor applicable to either of the towers in this case. The Board is more persuaded by the applicant's testimony that the power generation on the site is negligible, representing a minute portion of that which is allowed under applicable laws.
20. The Board is persuaded that the continuance of the 1955 tower along with the new tower is consistent with the intent of the original master plan and the approval based upon the master plan should therefore be modified to permit its continuation. The combined volume or bulk of the two towers is well within the

approved envelope of the master plan. The purpose of the 1981 master plan was to plan for the future needs and probable physical development for the NBC facility. The master plan set forth the basic design and scope of three phases of contiguous physical expansion. The 1955 tower covered an area of 390 square feet and had a volume of 59,670 cubic feet. The 1988 tower covered an area of 1,560 square feet with a volume of 342,680 cubic feet. The master plan, on the other hand, provided for a tower that would be 3,510 square feet in coverage and would have a volume of 771,030 cubic feet. Thus, the master plan envelope for the tower was almost twice as large as the combined area and volume of the two existing antenna towers.

21. The Board is persuaded that continuation of the 1955 tower would actually result in less impact on the surrounding neighborhood than if the master plan tower were constructed. The master plan tower would have larger structural members, 18 inches to 24 inches in width, and would be closer to Glover-Archbold Park than the other two towers. In addition, the master plan tower would have greater load bearing capacity, most likely resulting in larger and more antennas than the 1955 tower.
22. The Board credits the applicant's testimony that a continuation the 1955 antenna is critically needed for NBC's operational and economic viability. Space for antennae and antenna towers is in high demand, particularly in this area of the District. The 1955 tower is used by several providers of news programs throughout the area, the nation, and the world. As recognized in the master plan and by the Board in previous orders, NBC needs the flexibility to meet unanticipated changes in technology that require additional antenna space. The space on the 1955 tower is occupied by antennae which are critical to the operation of the TV station. These antenna include receiver microwave links from the Clock Tower at 12<sup>th</sup> Street and Pennsylvania Avenue that enable NBC-WRC to receive pictures and sound from the Mall area and the District Building. These links also allow the station to receive important news breaks and items from the White House. Additionally, there are two microwave links from the State Department, including the Channon Building and a microwave link from Capitol Hill. Of particular importance are four antennae housed on the small tower serving the District of Columbia police department. There are other antennae used by various service providers, including private two-way uses for security and other endeavors. Interruption of service would adversely affect the NBC/WRC facility.

### **CONCLUSIONS OF LAW**

The Board is authorized under the Zoning Act of June 20, 1938 (52 Stat. 797, as amended, D.C. Code § 6-641.07(g)(2) (2001), to grant special exceptions as provided in the Zoning Regulations. The applicant applied under 11 DCMR § 3104.1 for a special

exception pursuant to 11 DCMR § 211 to permit the continued use of the 1955 tower at its broadcast studio facility.

The Board can grant a special exception where, in its judgment, two general tests are met, and, the special conditions for the particular exception are met. First, the requested special exception must “be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” 11 DCMR § 3104.1. Second, it must “not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map” 11 DCMR § 3104.1.

The applicant has established that the continuation of the 1955 antenna tower is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The broadcast facility and tower has been operating at the site since 1955 and has been subject to periodic special exception reviews since that time. During this time period the tower has been compatible with the surrounding neighborhood, and there is no evidence to suggest that it would be incompatible with the neighborhood in the future (Findings of Fact 14-21). Likewise, the tower has not adversely affected the use of neighboring properties in the past; and, there is no evidence to suggest that its continued use would adversely effect the neighborhood in the future (Findings of Fact 14-21).

Under Section 211.1 of the Zoning Regulations, the Board may permit the use of commercial broadcast antenna subject to the following provisions:

The proposed location, height, and other characteristics of the antenna shall not adversely affect the use of neighboring property. Because the 1955 tower is set back from lot lines substantially more than required under the Zoning Regulations and is also set back from neighboring residential properties, its location does not adversely affect the use of neighboring properties. The height of the 1955 tower, only 459 feet, is 200 feet less than the approved 1988 tower and less than the master plan tower previously approved by the Board. The comparatively low height of the existing tower will have no impact on the use of neighboring property (See, Findings of Fact 14-15).

The antenna shall be mounted in a location that minimizes to the greatest practical degree its visibility from neighboring property and from adjacent public space, or that is appropriately screened by landscaping or other techniques so as to soften or minimize the visibility of the antenna. Because of the generous setbacks and the landscaping at the site, visibility of the tower is minimized (See, Findings of Fact 14-15). Provided the orange and white tower is repainted to “soften” its visual impact, the Board concludes that this condition will be satisfied.

Each part of a ground-mounted commercial broadcast antenna, including support system and guy wires, shall be removed a minimum of ten feet (10 ft.) from each lot line or at a

distance of at least one-sixth of the mounted height of the antenna, whichever is greater. This condition is met (See, Finding of Fact 14).

The proposed height of the tower shall not exceed that which is reasonably necessary to render satisfactory service to all parts of its service area. This condition is met (See, Findings of Fact 14 and 20).

No transmission equipment shall be located in a Residence District, unless location in the district is necessary for technically satisfactory and reasonably economical transmission. The 1955 tower is not only necessary for technically satisfactory and economic transmission; it is critically needed for NBC's operational and economic viability (See, Finding of Fact 21).

If review by the Historic Preservation Review Board or Commission of Fine Arts is required, concept review and approval shall occur before review by the Board of Zoning Adjustment. This review is not required. Therefore, this condition is inapplicable.

No height of an antenna tower in excess of that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 through 5-409 (1994 Repl. & 1999 Supp.))), shall be permitted, unless the height is approved by the Mayor. The height of the 1955 tower was approved by the District government<sup>2</sup> during the 1955 permit process (See, Finding of Fact 14).

Before taking final action on an application for use as an antenna tower, the Board shall submit the application to the D.C. Office of Planning for review and report. The Office of Planning (OP) reviewed the application and submitted a report recommending approval.

The applicant shall have the burden of demonstrating the need for the proposed height, and that full compliance with matter-of-right standards would be unduly restrictive, prohibitively costly, or unreasonable. Matter of right standards would permit only one ground mounted antenna not to exceed a height of 12 feet at its highest point (See, Sections 201.2—201.5 of the Zoning Regulations). Since 1955, when the subject tower was first approved and built, the Board has recognized that compliance with the matter-of-right standard would be unduly restrictive and unreasonable. The applicant has not only demonstrated the need for the existing 459 foot tower, it has previously demonstrated the need for towers with a greater height, i.e., the 659 foot 1988 tower, and the proposed master plan tower which was approved for 659 feet but would have appeared taller because it was to have been built atop a parking garage (See, Findings of

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<sup>2</sup> The District of Columbia did not have a mayor at that time. Height approval was obtained from the Commissioners of the District of Columbia instead.

Fact 4, 10, 14). The Board is persuaded that the applicant has satisfied its burden of demonstrating the continued need for the existing 459 feet tower.

For the reasons stated above, the Board concludes that the applicant has satisfied the burden of proof with respect to the application for a special exception under § 211 to allow the continued use of the 1955 tower in a residential zone.

### **ANC Issues and Concerns**

The Board is required under Section 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21, as amended; now codified at D.C. Official Code § 1-309.10(d)(3)(A)), to give “great weight” to the issues and concerns raised in the affected ANC’s recommendations. To give great weight the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances and make specific findings and conclusions with respect to each of the ANC's issues and concerns.

In this case, there are two affected ANCs, ANC 3E and ANC 3C. The Board has carefully considered the reports made by each ANC. However, it finds only the report made by ANC 3E to be persuasive. As stated in the Findings of Fact, the Board agrees with ANC 3E that the continued use of the 1955 tower will not adversely impact on the neighborhood and is reasonably necessary to the applicant’s operations. Accordingly, the Board gives great weight to ANC3E’s recommendation to grant the special exception application.

With respect to the report by ANC 3C, the Board finds that it has not offered persuasive advice. ANC 3C maintains that this application must be evaluated under the criteria for variance relief under Section 3103 of the Zoning Regulations. The ANC is incorrect in this respect. The applicant is seeking special exception relief under Sections 3104 and 211 of the Zoning Regulations, not variance relief. Therefore, the applicant does not have to demonstrate under Section 3103.2 that that the property is affected by an exceptional condition creating a practical difficulty or undue hardship upon the owner. With respect to the ANC’s other concerns; i.e. commercialization at the site, health hazards, and visual obtrusiveness, the Board is not persuaded that these issues present a significant problem for the neighborhood (See, Findings of Fact 14-18).

The Board further concludes that, as hereinafter conditioned, the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that the granting of the requested relief will not tend to adversely affect the use of neighboring property in accordance with the regulations and map. It is therefore **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS**:

Approval shall be until December 1, 2004, as intended by the previous Board at the time it deliberated on this case.

The applicant shall grant the National Park Service a permanent scenic easement of a portion of the site consistent with Exhibit No. 48 of the record.

The applicant shall repaint the 1955 tower a color subject to the approval of the National Park Service.

The applicant shall establish and maintain a Community Liaison/Advisory Council which shall meet with neighborhood representatives upon the request of Advisory Neighborhood Commissions 3E and 3C. The applicant's General Manager or his/her designee(s) shall provide any relevant information about their operations upon request, including but not limited to information regarding use of the broadcast towers, real property improvements, parking and traffic issues, or community outreach efforts. The applicant shall also provide upon request information regarding its intentions to seek any licenses or approvals required by any agencies of the Federal or District or Columbia governments regarding station operations. The applicant's General Manager shall use his/her best efforts to establish an on-going dialogue with the operators of other broadcast facilities within the boundaries of Advisory Neighborhood Commissions 3E and 3C.

Therefore, for the reasons stated above, it is hereby **ORDERED** that: The motion to approve the special exception is **GRANTED**.

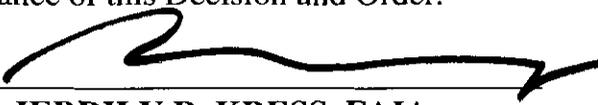
**VOTE:**       **5-0-0** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, David A. Zaidain and John G. Parsons, in favor of the motion)

The vote was taken on October 7, 2003 to affirm order and send proposed order out for exceptions. The order was sent to all of the parties for exceptions and arguments on November 4, 2003. No exceptions or arguments were received by the established deadline of November 25, 2003. The Board voted at its decision meeting on January 6, 2004, to **ISSUE** this Order by a **VOTE** of **4-0-1** (Geoffrey H. Griffis, Curtis L. Etherly, Jr., Ruthanne G. Miller, and David A. Zaidain in favor of the motion, John G. Parsons, not present, not voting).

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

Each concurring member has approved the issuance of this Decision and Order.

ATTESTED BY: \_\_\_\_\_

  
**JERRILY R. KRESS, FAIA**  
Director, Office of Zoning

**DATE OF FINAL ORDER:**           JAN 21 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

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.

PURSUANT TO 11 DCMR § 3125 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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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. SG/RSN