

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



**Application No. 18400 of The Jewish Primary Day School of the Nation’s Capital**, pursuant to 11 DCMR §§ 3103.1 and 3104.1 for a variance from the off-street parking requirements under § 2101.1 and a special exception under § 206 to expand a private school by increasing the maximum student enrollment and number of faculty and staff in the R-1-B and R-5-A Districts at premises 6045 16th Street, N.W. (Square 2726, Lots 825, 831).

**HEARING DATE:** September 25, 2012

**DECISION DATE:** January 15, 2013

**DECISION AND ORDER**

The applicant in this case is The Jewish Primary Day School of the Nation’s Capital (“JPDS” or “Applicant”). JPDS filed an application with the Board of Zoning Adjustment (“Board” or “BZA”) on April 24, 2012, for a special exception under 11 DCMR § 3104.1 to expand an existing private school use at 6045 16<sup>th</sup> Street, N.W. (the “Property”) by increasing the maximum student enrollment from 275 students to 300 students and the maximum number of faculty and staff from 56 individuals to 72 individuals, and by expanding the campus to include property purchased by the Applicant at 6017 16<sup>th</sup> Street, N.W. It also seeks a variance under 11 DCMR § 3103.1 from the off-street parking requirements for a private school use to provide 48 spaces; JPDS will provide 24 on-site, zoning-compliant spaces but will also provide stacked parking for a total of 45 spaces on the Property.

The Board held a public hearing on September 25, 2012. Following the hearing, at its decision meeting on January 15, 2013, the Board voted 4-0-1 to grant the application for the school special exception and variance, subject to conditions.

**FINDINGS OF FACT**

**Preliminary Matters**

1. Applicant. The Application was filed by JPDS, a not-for-profit corporation. JPDS is a co-educational day school that was founded in 1988. In 2002, the School moved from Montgomery County, Maryland to the present location of its Main Campus at 6045 16<sup>th</sup>

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Street, N.W. JPDS provides education for children in pre-kindergarten through sixth grade. The Applicant plans to move its pre-kindergarten, kindergarten, and first grade programs to 4715 16<sup>th</sup> Street, N.W.<sup>1</sup> and to maintain second through sixth grades at the Main Campus.

2. Application. The application requests a special exception under 11 DCMR § 3104.1 to increase the maximum student enrollment of the Main Campus at 6045 16<sup>th</sup> Street, N.W. (Square 2726, Lots 825, 831) from 275 students to 300 students and to increase the maximum number of faculty and staff from 56 individuals to 72 individuals. The application also requests a parking variance under 11 DCMR § 3103.1 from the requirement to provide at least 48 on-site spaces; the Applicant will provide 24 zoning-compliant spaces, with a total of 45 stacked spaces, on-site.
3. Notice of Application and Notice of Public Hearing. By memoranda dated April 27, 2012, the Office of Zoning advised the D.C. Office of Planning ("OP"), the Zoning Administrator, the District of Columbia Department of Transportation ("DDOT"), the Councilmember for Ward 4, Advisory Neighborhood Commission ("ANC") 4A, the ANC within which the Property is situated, and the Single Member District Commissioner, ANC 4A07, of the application. (Exhibits 14-19.)
4. Pursuant to 11 DCMR § 3113.13, the Office of Zoning mailed the Applicant, the owners of all property within 200 feet of the Property, and ANC 4A, notice of the September 25, 2012, hearing. Notice was also published in the *D.C. Register* on June 22, 2012 (59 DCR 7485). The Applicant's affidavits of posting and maintenance indicate that three zoning posters were posted at the Property beginning on September 6, 2012, in plain view of the public. (Exhibits 20-22, 26.)
5. Requests for Party Status. In addition to the Applicant, ANC 4A was automatically a party in this proceeding. The Board granted a request for party status in opposition to the application submitted by Dr. Frances Welsing, the owner and resident of a dwelling abutting the Applicant's property. (Exhibit 24.)
6. Applicant's Case. The Applicant presented testimony and evidence from Janine Goodman, the President of the Board of Trustees; Naomi Reem, Head of School; and Nicole White, an expert in traffic engineering.
7. Office of Planning: By a report dated September 18, 2012, supplemented by testimony at the public hearing and an additional report dated December 31, 2012, OP recommended approval of the special exception and variance requested in the application, subject to 10 conditions. The Applicant was in agreement with the OP's proposed conditions of approval. (Exhibits 27.)

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<sup>1</sup> See Application No. 18399, whose order was issued February 11, 2013.

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8. The OP testified that a fence proposed by the Applicant along the southern property line would be a “reasonable compromise” to address Dr. Welsing’s concerns. It further noted that the application would “not tend to affect adversely the use of neighboring property” and “would not result in a substantial detriment to the public good”. (Exhibit 27.)
9. The OP testified that the parking variance was appropriate given the number of students who will utilize either the shuttle bus or student bus service as well as measures by JPDS to encourage biking to school and further reduce demand for on-campus parking. (Exhibit 27.)
10. District Department of Transportation: DDOT, by report dated September 21, 2012, and supplemented by testimony at the hearing, supported the application. It requested additional information regarding the details of the satellite parking and recommended active management of bus operations and management and continuation of JPDS’ carpool and bus programs. DDOT noted that it supported the implementation of the proposed Applicant’s transportation demand management measures and intercampus connectivity programs.
11. ANC 4A: On June 5, 2012, the ANC voted unanimously in support of the application. The ANC submitted a letter dated September 19, 2012, into the record memorializing its support and noting that the requested special exceptions and variance would “create no adverse and unacceptable changes in the Applicant’s programs, activities, or mission as same relate to the education of youth. In addition, residents of several single member districts of ANC 4A have strongly recognized and appreciated the Applicant’s mission and commitment to its neighboring communities. Finally, ANC 4A determined that supporting the Applicant and Project would be in the best interests of eligible residents of single member districts comprising ANC 4A, as well as, District residents generally.”
12. Parties and Persons in Support of Application. There were no parties or persons in support of the application.
13. Parties and Persons in Opposition to the Application. Dr. Frances Welsing testified as a party in opposition. She testified to concerns with the level of noise generated by the children playing on the outdoor playing area adjacent to her house, which she alleged had adverse impacts on her well-being.

**The Subject Property and the Surrounding Area**

14. The Main Campus is located at 6045 16<sup>th</sup> Street, NW. It is situated to the east of Rock Creek Park and just north of the intersection of Military Road and 16<sup>th</sup> Street, N.W. The remainder of the Square is comprised primarily of apartment houses and also contains the home of the party in opposition.
15. The Main Campus is located Ward 4, in the Brightwood neighborhood of Northwest D.C. The property has over 350 feet of frontage along 16<sup>th</sup> Street to the west. It also fronts Fort Stevens Drive and Rock Creek Ford Road to the north. The Applicant recently acquired the

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neighboring property located at 6017 16<sup>th</sup> Street and seeks to incorporate that property into its campus.

16. With the inclusion of the additional property, the Main Campus will be approximately 67,853 square feet in size. The property is improved with a two-story school building consisting of approximately 27,886 square feet, an outdoor playing field, and the newly acquired building, which was formerly used as a one-family dwelling.
17. The Main Campus is located in the R-1-B and R-5-A Zone Districts. The R-1-B Zone District is designed for low density residential areas. The R-5-A Zone District is designed to permit flexibility of design by permitting in a single district a variety of urban residential uses. A private school is permitted in those zones if approved by the Board as a special exception pursuant to §§ 206 and 3104.1 of the Zoning Regulations.

**Previous Zoning Approvals**

18. A private school was first allowed at the subject property in 1948 as the Hebrew Academy of Washington. See BZA Appeal No. 2069 (1948), BZA Appeal No. 2320 (1949), and BZA Appeal No. 2561 (1949). The Hebrew Academy constructed its two-story building at the site in 1950 and enrolled more than 350 students there. The site was subsequently used by the Owl School and was acquired by the Applicant in 2002. In 2008, the Board approved an application by JPDS for a maximum occupancy of 275 students and 56 faculty and staff for the site as well as an expansion of the campus to include an outdoor playing area and a variance from the access requirements for parking. Use of the outdoor playing area was made subject to several conditions of approval, including a landscaping requirement, a limit of 65 students permitted at one time on the play area, and restrictions on when the play area could be used. See BZA Order No. 17700-A (May 13, 2008).

**The Applicant's Proposed Project**

19. The Applicant currently enrolls 273 students (2011-2012 school year) at the Property. The Applicant proposed to increase enrollment to a maximum of 300 students and to increase the number of employees at the Main Campus from 56 to 72.
20. The Applicant plans to incorporate the recently acquired neighboring property (6017 16<sup>th</sup> Street) into its campus. That building will house fundraising and accounting offices for as many as five persons.
21. Under chapter 21 of the Zoning Regulations, an increase to 72 employees would create a minimum parking requirement of 48 spaces. Because the Property contains 24 parking spaces that comply with zoning requirements, such as those concerning size and accessibility, the Applicant seeks a variance to reduce the parking requirement of the private school use by 24 spaces. The Main Campus can accommodate a maximum of 45 stacked spaces on-site.

22. JPDS operates a student bus program, which currently uses three buses to transport approximately 140 students (approximately half of the existing student population). The Applicant plans to expand the bus program to include a fourth bus, which will help streamline bus routes and services provided to children.

*Noise Impacts*

23. Raising the cap on student enrollment at the Main Campus from 275 to 300 will not create a substantial objectionable increase in the amount of noise on the Property that cannot be mitigated with sufficient measures. The children are indoors for the majority of the day and create minimal noise while outdoors. The outdoor play area to the south of the school is used for the School's program only Monday through Friday for a maximum of five hours each day. The School is not proposing to modify the terms of use approved by the Board regarding use of the outdoor play area. These measures, as well as additional conditions adopted in this Order, will mitigate any potential adverse impact created by the use of the outdoor space on neighboring properties.

24. At the hearing, the party in opposition testified that the private school use created adverse impacts related to noise generated on the play area. She testified that she often heard noise from the children playing outdoors and requested that a wall be constructed between her property and the play area. At the close of the hearing on September 25, 2012, the Board asked the Applicant to develop a noise mitigation plan to address the concerns noted by Dr. Welsing. The Applicant retained a noise consultant to devise recommendations to mitigate noise impacts from the play area. (Exhibit 41, tab B.) The consultant recommended placing a barrier between the play area and Dr. Welsing's property to the south.

25. Pursuant to the recommendation of its noise consultant, the Applicant proposed to construct a 10-foot tall solid fence along the southern property line as shown in the record as Exhibit 41, tab C. The fence would consist of wooden posts, box steel beams for framing, and spacers that set the wooden panels forward by approximately one inch. The baffling of the panels would be effective in absorbing noise from the play area, and material below the panels would be lined with diagonal planks to further deaden noise generated on the play area. The proposed barrier was designed to provide a measurable reduction in the noise generated by the children on the play area. The Applicant forwarded this proposal to Dr. Welsing's attorney on November 19 and again on November 30, but did not receive a response.

26. The District of Columbia Construction Code provides that "where owners propose to erect a party fence over 7 feet (2134 mm) in height in Residential Districts ... written agreement to the height by the owners of the properties on which the fence is to be located shall be filed with the code official before issuance of a permit." (12 DCMR § A § 3110.3.3.)

***Traffic Impacts***

27. JPDS' expert in traffic engineering testified that the increase in student enrollment at the Main Campus would not have a negative effect on traffic in the community. The analysis provided by Symmetra Design found that the traffic management plan implemented by the School after 2008 has been effective, as 73% of the student body either carpool or take the bus to and from school. Given the success of the Applicant's bus program, Symmetra did not anticipate that an increase of 25 students or 16 staff members would create a detrimental traffic condition.
28. JPDS will continue to implement a transportation demand management program that includes reserving on-site parking spaces for carpools, offering transportation subsidies, providing showers and bicycle racks for those who bike to work, and providing a zip code list to help connect families interested in carpooling. In order to promote alternative modes of transportation, JPDS provides shower facilities on the Main Campus as an incentive for faculty and staff members to either bike or walk to campus. Bicycle racks are also available for faculty or staff biking to campus. JPDS will also increase the transit subsidies it provides its faculty and staff to encourage taking public transportation to school.
29. JPDS will implement a monitoring program to ensure that it meets the projections set forth in its transportation analysis. If JPDS successfully meets the projections for two years in a row, the monitoring plan will expire.

***Parking***

30. For a private school use, the Zoning Regulations require at least two parking spaces for every three faculty and other employees. (11 DCMR § 2101.1.)
31. As a private school use, the School is also required to have "ample" parking to accommodate students, teachers, and visitors at the site. (11 DCMR § 206.3.)
32. The Zoning Regulations therefore require that a minimum of 48 parking spaces be provided on-site. The site has capacity for 24 on-site parking spaces capable of complying with all zoning requirements, and the Applicant will provide 45 stacked spaces on-site (including the 24 compliant spaces) and a minimum of 25 spaces off-site that will be accessible by carpool or shuttle bus, for a total of 70 spaces.
33. The transportation analysis provided by Symmetra Design states that 84% of JPDS faculty and staff drive to campus, indicating that 70 spaces will meet parking demand generated by employees.
34. In an effort to encourage use of the satellite parking, JPDS will reserve spaces on-site for the carpools shuttling people from the off-site parking location. It will also encourage alternative

modes of transportation by providing transit subsidies and make showers available to those biking to work.

***Other Potentially Objectionable Conditions***

35. There are no other potentially objectionable conditions suggesting the requested relief is not appropriate.
36. The School is taking affirmative steps to minimize its impact on the community, particularly on residential neighbors.
37. The existing building has the capacity to accommodate an additional 25 students. Previous use of the building by other schools exceeded 350 students.

***Harmony with the Zoning Regulations and Map***

38. The Applicant will undertake several precautions to ensure that neighboring property owners will not be adversely affected by an increase in the enrollment of students and staff. The Applicant is taking affirmative steps to decrease its trip generation, and to minimize any noise that may be generated by the requested relief. These measures will diminish any possibility of adverse effects on neighbors as consistent with the Zoning Regulations and Zoning Maps.

**CONCLUSIONS OF LAW AND OPINION**

The Board is authorized to grant a special exception where, in its judgment, the special exception will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property." (11 DCMR § 3104.1.) Certain special exceptions must also meet the conditions enumerated in the particular sections pertaining to them. In this case, the Applicant had to meet the requirements of both § 3104 and § 206 (Private Schools) with respect to the proposed expansion of the private school use at the Main Campus.

**The School Special Exception**

Subsection 206.2 of the Zoning Regulations mandates that a private school must be located so as not to become objectionable to surrounding properties due to noise, traffic, number of students, or other objectionable conditions. (11 DCMR § 206.2.) Subsection 206.3 states that ample parking must be provided, but not less than that required by Chapter 21, to accommodate students, teachers, and visitors. (11 DCMR § 206.3.) Similarly, § 3104 stipulates that the special exception use must not tend to affect adversely neighboring properties, and further, that it be in harmony with the Zoning Regulations and Map.

The Board finds that the proposed increase in maximum enrollment and number of faculty and staff will not create a substantial objectionable condition to the surrounding properties. The

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building is located such that there is buffering between it and the neighboring property owner. Further, the School has agreed to provide solid fence along the southern property line with the cooperation of Dr. Welsing. To further mitigate any impacts, the School has agreed to implement a transportation demand management plan and monitoring plan.

The expanded size of the School, at a maximum of 300 students and 72 faculty members, is manageable on the site and within the community, as the building has historically been used for more than 350 students in the past. The School will be providing ample parking on-site and off-site. The 70 spaces provided will be sufficient to accommodate the needs of teachers and visitors to the site. The potential demand for parking will be decreased in part through implementation of the Applicant's transportation demand management plan. The School's proposal for the Main Campus is in harmony with the purpose and intent of the Zoning Regulations and Map.

**The Parking Variance**

The Board is authorized to grant a variance where, in its judgment, the variance satisfies the three-pronged test set forth in § 3103 of the Zoning Regulations. The first prong of the test requires a showing that there is an exceptional situation or condition of the property such that the strict application of the Zoning Regulations would create a practical difficulty for the owner of the property in complying with the parking requirements.

The Applicant's property faces an exceptional situation in that the site is improved with a building, constructed before the current Zoning Regulations went into effect, whose location limits the availability of parking on the site to 24 zoning-compliant parking spaces. The building is built on the property line along 16<sup>th</sup> Street and has its greatest length from north to south, stretching nearly the entire length of the lot as it existed at the time the school building was constructed. A parking lot was established to the east of the building, which is the existing lot today. Because the school building is constructed along the property line to the west, the only available space for additional parking is in the existing parking lot or on the playing field. The property is otherwise occupied by a single family house, which the Applicant recently acquired and plans to devote to the private school use, and an outdoor play area for the children. Complying with the parking requirement would create a practical difficulty for the school and would either require modifications to a building constructed in 1950 or elimination of outdoor play area for the children. The provision of zoning-compliant spaces to the lot is not possible given the odd shape of the lot and the limitations on expansion because of the existing school building and the adjacent roadways. The Applicant previously established an outdoor play area for the children on the southern portion of the lot. That area is not amenable to parking in light of a grade change at the subject property and the need for an additional curb cut on 16<sup>th</sup> Street. The strict application of the parking regulations would also limit the number of faculty and staff JPDS could hire at the subject property, which, in turn, would hinder the quality of the education for the students.

A variance cannot be granted unless the “relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.” In this case the Board finds no substantial detriment to the public good associated with a variance that will allow the Applicant to continue to provide the existing 24 parking spaces at the Property instead of the 45 that would otherwise be required in light of the increase in the number of employees at the site. The Applicant will implement a transportation demand management plan that will decrease the demand for parking that would otherwise be generated by the expanded private school use, and will provide 25 parking spaces off-site as well as 21 additional stacked spaces on-site; that is, parking sufficient to accommodate a total of 70 vehicles. The 25 off-site parking spaces will be accessible by carpools or shuttles.

**Great Weight**

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning. (D.C. Official Code §§ 1- 309.10(d) and 6-623.04 (2001).) “Great weight” means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

ANC 4A recommended unanimously unconditional approval of the School special exception and variance. The Board agrees with the ANC's recommendation of approval.

OP recommended conditional approval of the School special exception and the Board likewise agrees with this recommendation. OP recommended a list of 10 conditions, addressing various aspects of the School's operations. The Board concludes that all of OP's concerns are adequately recognized, addressed, and dealt with in the conditions to this Order and by the provisions of the Applicant's Traffic Management Plan.

The Board also concludes that the Noise Mitigation Plan submitted by the Applicant addresses Dr. Welsing’s noise concerns.

For the reasons stated above, the Board concludes that the Applicant has met its burden of proof with respect to an application for a special exception pursuant to §§ 3103, 2101, 3104 and 206 to expand enrollment and faculty and staff and to provide less than the required on-site parking. Therefore, it is hereby **ORDERED** that the application for a special exception for a private school for Lots 825 and 831 in Square 2726 is **GRANTED, SUBJECT** to the following **CONDITIONS:**<sup>2</sup>

1. Enrollment shall not exceed 300 students.
2. Faculty and staff combined shall not exceed 72.

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<sup>2</sup> These conditions include several that were originally adopted as part of the Board’s approval of the private school use of the Property in Application No. 17700-A. In the event of an inconsistency between this Order and the prior decision, the conditions adopted in this proceeding supersede the previously approved conditions.

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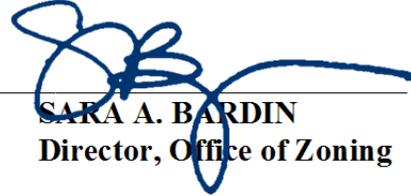
3. No more than 65 students shall be permitted at one time on the play area adjacent to the residential property on the southern property line.
4. Use of the play area as part of the School's program shall be limited to Monday through Friday to the hours of 10:00 a.m. - 2:30 p.m. and 3:30 p.m. - 4:30 p.m.
5. The School shall publish its programmed use of the play area for both the School and the summer camp.
6. The play area shall be set back an average of 15 feet from the south property line and landscaped as approved in Application No. 17700-A.
7. No permanent play equipment shall be permitted on the play area.
8. The School shall maintain the transportation demand management program dated September 11, 2012.
9. The Applicant shall provide 24 zoning-compliant and 21 stacked parking spaces at the subject property, as well as 25 additional parking spaces at a satellite location, with bus and carpool transportation available between the satellite location and the school for faculty and staff. Reserved parking shall be available for these carpools at the school.
10. The Applicant shall construct a 10-foot high fence along the common lot line with Dr. Welsing's residence, as shown on sheets 1 and 2 of the plans prepared by MJCI, Inc., and dated December 12, 2012, (Exhibit No. 41, tab C). If the adjacent property owner does not sign the fence permit application within 60 days of the final date of this Order, this condition shall expire.
11. The Applicant shall implement a noise mitigation plan to ensure that noise impacts of the private school use on the abutting residence shall not exceed the levels permitted under the D.C. Code (currently 60 dBAs during the day and 55 dBAs at night) based upon the normal industry standard. The Applicant shall measure the noise level at the abutting property quarterly during the first year of the implementation of the noise mitigation plan, and if the noise exceeds levels permitted by law, the Applicant shall put forth additional remedial measures sufficient to reduce the level of noise on that property.

**VOTE: 4-0-1** (Lloyd J. Jordan and Jeffrey L. Hinkle to APPROVE; Nicole C. Sorg and Anthony J. Hood to approve by absentee vote; one Board seat vacant.)

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

A majority of the Board members approved the issuance of this order.

**ATTESTED BY:**

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

**FINAL DATE OF ORDER:** April 11, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6. 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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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. 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 11 DCMR § 3205, 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.

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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.