

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-11C/06-12C
Z.C. Case No. 06-11C/06-12C
(Second-Stage Planned Unit Development and
Further Processing of an Approved Campus Plan)
The George Washington University Foggy Bottom Campus – Square 39)
July 25, 2011

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on June 16, 2011, to consider an application of The George Washington University (the “University”) for the review and approval of the second stage of an approved planned unit development (“PUD”) and further processing of an approved campus plan. The Commission considered the application pursuant to § 210, Chapter 24, and Chapter 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. The Commission approves the application, subject to the conditions below.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The property that is the subject of the application is located in Square 39, Lot 803 (the “Property”).
2. In December 2010, the University submitted an application for second-stage PUD approval of the Property. The University sought approval to develop a seven-story building for the School of Public Health and Health Services (“SPHHS”). The University concurrently requested further processing approval of its approved campus plan to construct the new facility.
3. The second-stage PUD portion of the application was set down for a public hearing at the Commission’s February 7, 2011 public meeting. Notice of the public hearing on the combined application was published in the *D.C. Register* on April 22, 2011 (58 DCR 3473) and was mailed to Advisory Neighborhood Commission (“ANC”) 2A and to owners of property within 200 feet of the second-stage PUD site.
4. A public hearing was conducted on June 16, 2011. The Commission accepted Arlen Li as an expert in the field of architecture and Jami Milanovich as an expert in the field of traffic engineering. The University provided testimony from these experts as well as

from Dr. Lynn Goldman, the Dean of the SPHHS, and Alicia Knight, the University's Senior Associate Vice President for Operations.

5. In addition to the University, ANC 2A was automatically a party in this proceeding.
6. At the hearing, the Commission heard testimony and received evidence from the Office of Planning ("OP") and the District Department of Transportation ("DDOT") in support of the application, as well as testimony and evidence from ANC 2A indicating no opposition to the project.
7. The Commission also heard testimony from numerous faculty and students in support of the application. Representatives of the West End Citizens Association ("WECA") also indicated that the organization was pleased with multiple aspects of the application.
8. At the close of the hearing, the Commission took proposed action to approve the second-stage portion of the application and plans that were submitted into the record. The Commission also asked the University for information regarding the planned relocation of the GW Hospital Radiation/Oncology Department, which is currently located on the Property.
9. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. NCPC was unable to align its schedule with that of the Zoning Commission's so as to be able to take a formal action on the case; however, staff reviewed the proposed action and did not identify any impacts to federal interests. (Exhibit 43.)
10. The University filed its post-hearing submission addressing the Commission's comments on July 11, 2011. (Exhibit 41.)
11. At its public meeting on July 25, 2011, the Commission took final action to approve the application and plans that were submitted into the record.

Campus Plan and First-Stage PUD Approval

12. In Z.C. Order No. 06-11/06-12, the Commission concurrently approved a new campus plan and first-stage PUD for the Foggy Bottom Campus (the "Campus Plan/PUD"). The Campus Plan incorporated a plan for developing the campus as a whole by concentrating height and density within the central campus core and redistributing parking supply throughout the campus in multiple underground parking garages. The first-stage PUD is coterminous with the approved boundaries for the Foggy Bottom Campus, and includes all properties that were owned by the University at the time of approval of the Campus

Plan/PUD. The approved first-stage PUD identified 16 development sites for future development as well as the uses, height, gross floor area, and lot occupancy for each development site.

13. For the Property that is the subject of this application, the Campus Plan/PUD approved a building devoted to academic/administrative/medical use and/or commercial/investment use with a height of 90 feet, lot occupancy of 90%, and gross floor area of 115,549 square feet.

Second-Stage PUD Approval/Further Processing

Overview of the Property

14. The Property consists of the entirety of Square 39 and is bounded on the north by K Street, N.W., on the west by 24th Street, N.W., on the southeast by New Hampshire Avenue, N.W., and on the northeast by Washington Circle, N.W. The Property is currently improved with a three-story structure known as the Warwick Building, which contains various departments and programs of the School of Medicine and Health Services and the GW Hospital. The Property also contains a surface parking lot containing 24 spaces, which is accessed from New Hampshire Avenue, and an off-street loading space, which is accessed from 24th Street. Finally, a triangular public park is located in public space at the corner of New Hampshire Avenue and 24th Street.
15. Surrounding uses include the GW Hospital and the Medical Center to the east and southeast, a 10-story building currently used by the University as a residence hall to the west, and rowhouses and a nine-story condominium to the west and southwest.
16. The Foggy Bottom-GWU Metrorail station is located immediately to the southeast of the Property.

The Project

17. The University sought approval to develop a seven-story building as a new home for the School of Public Health and Health Services containing uses consistent with the Property's academic/administrative/medical designation under the approved Campus Plan (the "Project"). The Project also includes two stories of below-grade program space. A small café serving beverages and prepared foods to building users may also be included within the Project.
18. At the hearing, the project architect provided a detailed description of the building design intent, façade design, materials selection, and surrounding context. The architect noted the proposed components of the building design including type and color of materials,

ground-floor design and roof lines, and window placement were all incorporated based on their compatibility with surrounding buildings in order to articulate the building's facades. Similarly, uses within the building were organized to place the less-intensive office space on the western side of the Project, facing residential uses.

19. The Project will create an improved site plan for vehicular and pedestrian traffic over existing conditions:
 - a. The University will, with the permission of DDOT, eliminate both curb cuts on the block as well as the existing surface parking lot;
 - b. Loading and service access will be provided through an on-street loading space along 24th Street, N.W.;
 - c. The University will improve and expand the public park located at the intersection of 24th Street and New Hampshire Avenue as a part of the Project; and
 - d. Pursuant to its Streetscape Plan and related agency approvals, the University will improve the streetscape surrounding the entire square. These improvements will result in an enhanced pedestrian experience through wider sidewalks, improved paving materials, widened tree pits, and new landscaping and furnishings consistent with the Streetscape Plan.
20. The proposed Project will minimize environmental impacts, particularly compared to existing conditions. The University testified that it is targeting a minimum of the equivalent of the Silver rating under the U.S. Green Building Council's LEED 2009 for New Construction rating system.
21. The Project will provide approximately 81 bicycle parking spaces, including both surface spaces and spaces within the building.
22. The total gross floor area for the Project is approximately 115,542 square feet, for a total floor area ratio ("FAR") of approximately 5.39 and a lot occupancy of approximately 89%. The building will reach a maximum height of approximately 90 feet.
23. The University requested flexibility from the loading requirements in order to permit the construction of the building without the required loading berths, loading platforms, and service/delivery spaces. The Commission previously approved flexibility from the lot occupancy requirement in the first-stage PUD.

Project Amenities and Public Benefits

24. The project amenities and public benefits of the PUD were proffered and accepted in conjunction with the Campus Plan/PUD process.
25. The University indicated in its written submissions and at the public hearing that it had started to implement many of these public benefits and project amenities pursuant to the conditions of approval of the Campus Plan/PUD Order.
26. As detailed in the University's testimony and written submissions, the proposed Project will implement the following project amenities and public benefits that were approved as part of the Campus Plan/PUD:
 - a. Exemplary urban design, architecture, and landscaping, including high quality materials, pedestrian-oriented landscape improvements, and sustainable features;
 - b. Site planning and efficient land utilization, through the removal of the existing surface parking lot and low-density construction, which will further the development of additional academic and administrative space within the campus plan boundaries;
 - c. Effective and safe vehicular and pedestrian access and transportation management measures. Specific features include:
 - i. Elimination of surface parking;
 - ii. Elimination of both curb cuts around the square in order to reduce potential vehicular-pedestrian conflicts;
 - iii. On-street loading that will eliminate the need for trucks to maneuver within the street to back in to the proposed loading dock;
 - iv. Operational measures to regulate service and delivery activity in order to ensure pedestrian safety and reduce potential adverse impact; and
 - v. Approximately 81 bicycle parking spaces;
 - d. Environmental benefits, including green roof, daylight harvesting through the use of atrium spaces, and terracotta panels, as well as a goal of achieving a minimum of the equivalent of a Silver rating under the LEED-NC 2009 rating system (which exceeds the minimum commitment of 16 points under Condition P-13 of the Campus Plan/PUD); and

- e. Uses of special value, including the enhanced and expanded public park at the southern edge of the Project.

Conclusion

- 27. The Project will not cause unacceptable impacts on vehicular or pedestrian traffic, as demonstrated by the testimony and reports provided by the University's traffic expert and the OP and DDOT reports and testimony described herein:
 - a. The Commission finds that the Project will not impose adverse or objectionable impacts on the surrounding transportation network. The Commission credits the findings of the University's traffic expert and agrees with the traffic expert's finding that the Project will not create any adverse impacts when compared with future background conditions. The Commission credits the testimony of DDOT that the project will not impose objectionable impacts due to traffic;
 - b. The Commission finds that the proposed on-street service and loading space, with the additional truck management measures proposed by the University, will ensure that the Project will not impose adverse or objectionable impacts because of truck traffic. The Commission credits the testimony of DDOT that these measures are acceptable; and
 - c. The Commission finds that the Project will not impose adverse or objectionable impacts on the surrounding pedestrian network, and in fact will improve existing conditions. The Commission recognizes that DDOT will determine the final measures to be installed through the public space approval process;

Compliance with Requirements of Z.C. Order No. 06-11/06-12

- 28. Pursuant to Condition P-14 of Z.C. Order No. 06-11/06-12, the University demonstrated that the proposed second-stage PUD is consistent with the location, use, zoning, gross floor area, lot occupancy, and height set forth in the first-stage PUD.
- 29. Pursuant to Condition P-16 of Z.C. Order No. 06-11/06-12, the University provided the compliance, impact analysis, and progress reports required for each second-stage PUD in its initial PUD application.
- 30. Pursuant to Condition P-17 of Z.C. Order No. 06-11/06-12, the University provided its most recently filed Foggy Bottom Campus Plan Compliance Report indicating substantial compliance with Z.C. Order No. 06-11/06-12.

31. The Commission finds that the University has satisfied the above conditions and requirements of Z.C. Order No. 06-11/06-12.

Compliance with Section 210 Standards

32. In evaluating a special exception to permit a college or university use in a residential zone district, the Commission must review whether the application meets the standards for approval under § 210 of the Zoning Regulations, including whether the “proposed use will be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable impacts.” During its consideration of the campus plan in Z.C. Case No. 06-11/06-12, the Commission determined that the use of the Foggy Bottom Campus as a whole, including the number of students, faculty and staff proposed and the related traffic and parking impacts associated with that use, would not become objectionable to neighboring property. Here, the Commission finds that the University has satisfied its burden of proof under the Zoning Regulations for further processing of the approved campus plan to construct the Project.
33. For the reasons already detailed in this Order, the Commission credits the testimony of the University’s traffic consultant and finds that the traffic, parking, and other transportation impacts of the Project are not likely to become objectionable to neighboring property.
34. The Commission agrees with DDOT’s conclusions regarding vehicular and pedestrian impacts and related issues with the proposed development. The Commission credits DDOT’s evaluation of the University’s traffic study and related transportation demand and truck management measures. The Commission also credits DDOT’s acceptance of the pedestrian and related streetscape measures proffered by the University subject to final approval by DDOT.
35. The Commission credits the evidence submitted by the University that total campus FAR will remain within the density limit approved for the residentially zoned portions of the campus after the construction of the Project.
36. The Commission credits the evidence provided by the University and OP that the Project would not be inconsistent with the Comprehensive Plan of the National Capital, and will further the goals and policies of the Comprehensive Plan.

Compliance with PUD Standards

37. In evaluating a PUD application, the Commission must “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development

incentives requested, and any potential adverse effects.” During its consideration of the first stage PUD in Z.C. Case No. 06-11/06-12, the Commission determined that the development incentives and related rezoning for the entire campus were appropriate and fully justified by the superior benefits and amenities offered by the Campus Plan/PUD and this decision was affirmed by the District of Columbia Court of Appeals. Here, the Commission finds that the University has satisfied its burden of proof under the Zoning Regulations for this second-stage PUD, including the requested flexibility from the loading requirements and satisfaction of the PUD standards.

38. The Commission credits the testimony of the University and its architectural experts and finds that the superior design, site planning, streetscape, sustainable design, and uses of special value (the enhanced public park) all constitute acceptable project amenities and public benefits consistent with the Commission’s first-stage approval.
39. The Commission finds that the character, scale, mix of uses and design of the Project are appropriate, and finds that the site plan is consistent with the intent and purposes of the PUD process to encourage high quality developments that provide public benefits.
40. For the reasons detailed in this Order, the Commission credits the testimony of the University’s traffic consultant and finds that the transportation impacts of the Project on the surrounding area are capable of being mitigated through the measures proposed by the University and are acceptable given the quality of the public benefits of the PUD.
41. As detailed in this Order, the Commission agrees with DDOT’s conclusions regarding vehicular and pedestrian impacts and related issues with the proposed development.
42. The Commission credits the testimony of the University and OP regarding the compliance of the Project with the Comprehensive Plan. The development is fully consistent with and furthers the goals and policies in the map, citywide and area elements of the Plan, including:
 - a. Designation as an Institutional use on the Future Land Use Map;
 - b. Land Use Element policies recognizing the important contribution of universities to the District economy and their efforts to address transportation issues and serve as corporate role models through high quality architecture and sustainable building methods;
 - c. Other policies in the Economic Development, Education, Transportation, Environmental Protection, and Urban Design Elements related to the Land Use policies and goals stated above; and

- d. Policies in the Near Northwest Area Element regarding improved communication, increased density on-campus, and mitigation measures and amenities that improve the character of the area as a whole.

Agency Reports

43. By report dated June 3, 2011, and by testimony at the public hearing, OP recommended approval of the application, including the second stage PUD and further processing of the campus plan. OP reviewed the application under the PUD and campus plan standards of the Zoning Regulations as well as the specific conditions of the Campus Plan/PUD Order, and concluded that the University had satisfied its burden of proof. At the public hearing, the University submitted the three drawings requested by OP into the record. (Exhibit 33.)
44. By report dated June 8, 2011, DDOT recommended approval of the University's application based on its review of the vehicular, pedestrian, and other transportation impacts of the Project.

ANC 2A Report

45. At a regularly scheduled meeting on May 17, 2011, with a quorum present, ANC 2A approved a resolution taking the position of no objection to the application provided that the University and the ANC agreed to hours of delivery for the on-street parking space and that the University provided assurance regarding the proposed improvements to the public park.
46. The Commission gives "great weight" to the issues and concerns raised by ANC 2A, which raised no objection to the application provided the University addressed both conditions. The Commission further finds that the issues and concerns presented by the ANC were addressed by the University in its pre-hearing submissions and in testimony at the public hearing.
47. At the public hearing, the ANC representative testified regarding concerns about the proposed relocation of an existing use on the Property to an off-campus location. The University addressed this issue in its post-hearing submission.

Testimony in Support

48. At the hearing, the Commission received evidence and heard testimony from many faculty, students and neighbors, including WECA, in support of the Application. WECA indicated it was in support because the University agreed to:

- a. Install segmented benches in the expanded park at the intersection of 24th Street and New Hampshire Avenue as shown on the plans;
- b. Use non-brick sidewalks along Washington Circle as shown on the plans and bricks laid in concrete for the remaining streetscape improvements surrounding the site; and
- c. Remove the proposed loading dock and limit loading service hours.

In its supplemental pre-hearing submission and at the public hearing, the University acknowledged that it had agreed to make these changes.

Testimony in Opposition

49. No persons or organizations provided testimony in opposition to the application.

CONCLUSIONS OF LAW

1. The Applicant requested special exception approval, pursuant to 11 DCMR §§ 210, 3305, and 3104, of further processing of its approved campus plan, and approval, pursuant to 11 DCMR Chapter 24, of a second-stage PUD and modification to a first-stage PUD for its Foggy Bottom Campus. The Commission is authorized under the aforementioned provisions to grant a special exception which, in the judgment of the Commission, will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. A special exception to allow use as a college or university in a Residence zone may be granted subject to the provisions contained in § 210, including that the university use must be “located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions” and that the maximum bulk requirements may be increased for specific buildings, subject to restrictions based on the total bulk of all buildings and structures on the campus. The Commission is also authorized under the Zoning Act to approve planned unit developments consistent with the requirements set forth in Chapter 24 of the Zoning Regulations.
2. Based on the above Findings of Fact and pursuant to Condition P-15 of Z.C. Order No. 06-11/06-12, the Commission concludes that the University has satisfied the burden of proof for special exception approval of further processing of its campus plan in accordance with § 210. In particular, the Commission concludes that the proposed

project will not create objectionable traffic, parking, pedestrian, or other impacts on the surrounding community.

3. Also based on the above Findings of Fact, the Commission concludes that the University has satisfied the burden of proof for approval of the second-stage PUD under Chapter 24 of the Zoning Regulations. Approval of this Project will provide high quality development that provides public benefits, is consistent with the overall goal of the PUD process 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.”
4. The proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1.
5. Under the PUD process and pursuant to Condition P-14 of Z.C. Order No. 06-11/06-12, the Commission has the authority to consider this application as a second-stage PUD. This second-stage review permits detailed design review of each project based on the conceptual height, density and use parameters established in the first-stage PUD and the benefits and amenities approved in exchange for that height, density, and design flexibility. The Commission concludes that the Project is consistent with the first-stage PUD, including the parameters regarding location, use, height, bulk, and parking set forth for the Property in the first-stage PUD.
6. In approving the PUD, the Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards. In this application, the Commission concludes that the requested flexibility from the loading requirements can be granted without detriment to surrounding properties and without detriment to the zone plan or map.
7. Based on the documentation included in the initial PUD application, the Commission concludes that the University has demonstrated compliance with the conditions of the first-stage PUD as detailed in Condition P-16 of Z.C. Order No. 06-11/06-12.
8. Based on the University’s most recently filed Foggy Bottom Campus Plan Compliance Report, which was included in the initial application package, the Commission concludes that the University is in substantial compliance with Z.C. Order No. 06-11/06-12.
9. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter of right standards. The character, scale, mix of uses, and design of uses in the proposed PUD are appropriate, and the proposed development is compatible with the citywide and area plans of the District of Columbia.

10. The Commission concludes that this project provides superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right development on the Property would provide. The Commission finds that the urban design, site planning, efficient and safe traffic circulation, sustainable features, streetscape improvements, and uses of special value all are significant public benefits.
11. The Commission concludes that the impact of the project is acceptable given the quality of the public benefits of the project. The Commission agrees with the conclusions of the University's traffic expert that the proposed project will not create adverse traffic, parking, or pedestrian impacts on the surrounding community.
12. Approval of the PUD and further processing application is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP and finds that the proposed project is consistent with and furthers numerous goals and policies of the Comprehensive Plan, including the Land Use Element provisions related to educational institutions, transportation impacts, and corporate leadership in exemplary design, as well as related provisions in other citywide elements and policies in the Near Northwest Area Element related to managing the impacts of campus development.
13. The Commission has judged, balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects, and concludes approval is warranted.
14. The Commission is required under D.C. Official Code § 6-623.04 to give great weight to OP recommendations. The Commission concurs with OP's view that the second-stage approval and further processing approval should be granted.
15. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the written issues and concerns of the affected ANC. The Commission accorded the issues and concerns raised by ANC 2A the "great weight" to which they are entitled, and in so doing fully credited the unique vantage point that ANC 2A holds with respect to the impact of the proposed application on the ANC's constituents. The Commission credits the ANC's position of no objection and concludes that the issues raised by the ANC were addressed by the University and agencies at the public hearing.
16. Notice of the public hearing was provided in accordance with the Zoning Regulations.
17. The University 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 applications for (1) second-stage PUD approval for property consisting of Square 39, Lot 803 (“Property”); and (2) further processing approval of the 2007 Foggy Bottom Campus Plan. This approval is subject to the following guidelines, conditions, and standards:

1. This project shall be developed in accordance with the plans marked as Tab A of Exhibit 21 of the record, as modified by guidelines, conditions, and standards herein.
2. The University shall have flexibility from the loading provisions of the Zoning Regulations and shall not be required to provide any off-street loading berth, platform, or service/delivery space:
 - a. The University shall work with DDOT to establish an on-street loading zone along 24th Street, as shown on the approved plans. The loading zone shall be in effect from 7:00 a.m. to 10:00 p.m. Monday through Friday; and
 - b. All vendors, suppliers, and service providers will be instructed that service or delivery activity shall not be permitted through the 24th Street service entrance between 10:00 p.m. and 9:00 a.m. and between 5:00 p.m. and 7:00 p.m., Monday through Friday. Notwithstanding the foregoing, the University shall be permitted to use the 24th Street service entrance for catering and other food service delivery from 7:00 a.m. to 9:00 a.m. Monday through Friday.
3. The Project shall be used for university academic/administrative/medical uses.
4. The University shall complete a transportation performance monitoring study of the Project at three years and six years after issuance of the certificate of occupancy for the Project, and shall provide a report summarizing its findings to OP, DDOT, ANC 2A, the West End Citizens Association, the Foggy Bottom Association, and the Advisory Committee. The study shall cover the items listed on page 4 of Exhibit 24 of the Record.
5. The University shall provide a minimum of approximately 81 bicycle parking spaces in connection with the Project, as shown on the approved plans.
6. Prior to the issuance of a certificate of occupancy for the Project, the University shall demonstrate that it has:
 - a. Constructed the streetscape improvements as shown on the approved plans;

- b. Constructed the park at the intersection of 24th Street and New Hampshire Avenue as shown on the approved plans; and
- c. Included an electronic information display in the lobby of the new building that is able to provide information on GW's transportation management plan.

The final design of any improvements in public space shall be subject to final approval from DDOT and the University shall have flexibility to modify such improvements in response to DDOT direction. In addition, the University shall have flexibility to further modify the design of the park.

- 7. The University shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary final selection of the exterior materials within the color ranges and materials types as proposed based on availability at the time of construction;
 - c. To incorporate a fritted pattern into the glass on the New Hampshire Avenue façade;
 - d. To make minor refinements to exterior details and dimensions, including balcony enclosures, belts, courses, sills, bases, cornices, railings, and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or are needed to address the structural, mechanical, or operational needs of the building uses or systems; and
 - e. To vary the size, location, and other features of proposed building signage related to the university use, provided that such signage is consistent with the locations and dimensions illustrated on the approved plans or is otherwise permitted under the applicable provisions of the Building Code.
- 8. No building permit shall be issued for this project until the University has recorded a covenant among the land records of the District of Columbia between the owners 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. Such covenant shall bind the University and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Zoning Commission.

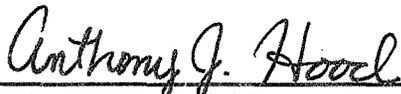
9. The application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for the building permit as specified in 11 DCMR § 2409.1.

10. The University is required to comply fully with the provisions of the Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01, et seq. ("Act") and 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, 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 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.

On June 16, 2011, upon the motion of Commissioner Turnbull, as seconded by Commissioner May, the Zoning Commission **APPROVED** this application at the close of its public hearing by a vote of 3-0-2 (Anthony J. Hood, Peter G. May, and Michael G. Turnbull to approve; Konrad W. Schlater and Greg M. Selfridge, not present, not voting).

On July 25, 2011, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Peter G. May, Greg M. Selfridge, and Michael G. Turnbull to approve; Konrad W. Schlater, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on September 2, 2011.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



RICHARD S. NERO, JR.
ACTING DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NOS.: 06-11C/06-12C

As Secretary to the Commission, I hereby certify that on AUG 29 2011 copies of this Z.C. Order No. 06-11C/06-12C were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|--|
| 1. D.C. Register | 6. Councilmember Jack Evans |
| 2. Maureen Dwyer, Esq.
Goulston & Storrs, PC
1999 K Street, N.W. Suite 500
Washington, D.C. 20006-1101 | 7. DDOT (Martin Parker) |
| 3. ANC 2A
West Branch Library
1101 24 th Street, N.W.
Washington, D.C. 20037 | 8. Melinda Bolling, Acting General Counsel
DCRA
1100 4 th Street, S.W.
Washington, D.C. 20024 |
| 4. Commissioner Florence Harmon
ANC/SMD 2A06
1099 22 nd Street, N.W. #1011
Washington, D.C. 20037 | 9. Office of the Attorney General (Alan Bergstein) |
| 5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 | 10. West End Citizens Association
c/o Barbara Kahlow
800 25 th Street, N.W. #704
Washington, D.C. 20037 |
| | 11. Foggy Bottom Association
c/o L. Asher Corson, President
955 26 th Street, N.W. Apt. 709
Washington, D.C. 20037 |

ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning