

EXHIBIT B

**PROPOSED CONDITIONS OF APPROVAL FOR
Z.C. ORDER NO. 06-11Q/06-12Q/06-11R/01-17E**

A. Conditions for the Temporary Housing Plan

1) Temporary Housing Plan.

- a. The University shall be permitted to house no more than two hundred and twenty (220) third- and fourth- year students at the Aston Residence Hall at 1129 New Hampshire Avenue for a period of no more than twenty-four consecutive months during the Thurston Hall renovation.
- b. The University shall be permitted to house no more than three hundred and thirty (330) third- and fourth- year students at One Washington Circle for a period of no more than twenty-four consecutive months during the Thurston Hall renovation.
- c. The University shall be permitted to house second-year students at 1959 E Street for a period of no more than twenty-four consecutive months during the Thurston Hall renovation.

2) Mitigation of Objectionable Impacts.

- a. The University shall house no more than two students per room at the Aston and One Washington Circle, with the exception of one-bedroom units in One Washington Circle (totaling 12 units) which may be permitted to house up to three students.
- b. For the Aston, One Washington Circle and 1959 E Street, the University shall provide residential engagement support to service the University student population, including resident advisors, faculty in-residence and in-residence professional staff living at each property. The Residential Conduct Guidelines that govern student behavior in and around university residential facilities shall apply to each property, as well as the Student Code of Conduct.
- c. At One Washington Circle, the building will also be staffed by professional management staff 24 hours per day, seven days per week to maintain and operate the property and also serve as additional oversight regarding the buildings' operations and any concerns raised by neighbors.

- d. The University shall prohibit the use of the balconies and the swimming pool at One Washington Circle by students through physical modifications to the property.
 - e. The University shall continue to provide a mechanism for reporting issues concerning student behavior to the GW University Police Department, and violations of DC law may be reported to the Metropolitan Police Department.
- 3) **Enrollment Caps.** The University shall continue to operate within its campus plan enrollment caps as set forth in Z.C. Order No. 06-11/06-12.
- 4) **Duration and Penalty.** Following commencement of the Thurston Hall renovation, the University shall pursue diligent completion of the work and reopen Thurston Hall so that the temporary housing plan use for Aston, One Washington Circle, and 1959 E Street as set forth above will last no more twenty-four consecutive months.
- a. Should the University continue the Temporary Housing Plan by occupying either the Aston, One Washington Circle or 1959 E Street pursuant to the Temporary Housing Plan after the expiration of the Limited Period (defined below) or remain out of compliance with either Condition C-6 of Z.C. Order No. 06-11/06-12 or Condition 8 of Z.C. Order No. 746-C after the Limited Period, the University will pay as liquidated damages a fee \$1,000,000 to the Foggy Bottom Defense and Improvement Corporation (the “Trust”) for every semester or any part thereof in which the University occupies either the Aston, One Washington Circle, or 1959 E Street pursuant to the Temporary Housing Plan after the expiration of the Limited Period.
 - b. For purposes of this order, the Limited Period shall be a period of 24 consecutive months commencing from the start date. The start date of the Limited Period shall be the first date upon which an undergraduate student (or, in the case of 1959 E Street, a second-year undergraduate student who would not be otherwise permitted to reside in the property under Condition 8 of Z.C. Order No. 746-C) moves into one of the above three properties to facilitate the Thurston Hall renovation. The end date shall be the date when the last undergraduate student (or, in the case of 1959 E Street, the last second-year undergraduate student) moves out of the above-referenced properties. The University shall provide ANC 2A and FBA with written notice within 5 business days of both the start date and end date, and affirm that it has resumed compliance with Condition C-6 of Z.C. Order No. 06-11/06-12 and Condition 8 of Z.C. Order No. 746-C as of the end date. The University will also provide ANC 2A and FBA with an opportunity to visually inspect the properties in order to confirm such student move-in/move-out activity.

- c. Prior to the issuance of a Certificate of Occupancy for the renovated Thurston Hall, the Applicant shall provide the Zoning Administrator with evidence, and the Zoning Administrator shall determine, that the University has ended the Temporary Housing Plan or made the required liquidated damages payment in accordance with this condition.

5) **Communications and Transparency.**

- a. The University will maintain a contact number available to all residents to call to register any questions or concerns regarding the operations of the Aston or One Washington Circle.
- b. The University will meet quarterly with ANC 2A and FBA to discuss the operations of the Aston and One Washington Circle.
- c. The University shall provide semi-annual reports to ANC2A regarding the operations of the Aston and One Washington Circle.

B. Modification of Conditions in Existing Orders

1. *The following condition shall temporarily replace Condition P-8 of Z.C. Order No. 06-11/06-12 for the duration of the Temporary Housing Plan.* During the Temporary Housing Plan, the University shall not house first- or second-year students in The Aston (1129 New Hampshire Avenue NW) but the University may house undergraduate third-year and fourth-year students in The Aston.
2. *The following condition shall temporarily replace Condition C-6 of Z.C. Order No. 06-11/06-12 for the duration of the Temporary Housing Plan.* During the Temporary Housing Plan, the University shall make available beds either on campus or in The Aston or One Washington Circle for full-time Foggy Bottom undergraduate students equivalent to 70% of the full-time Foggy Bottom undergraduate student population up to an enrollment of 8,000, plus one bed per full time Foggy Bottom undergraduate student over 8,000; notwithstanding the foregoing, during the period of the Temporary Housing Plan, the University shall have flexibility to reduce the above requirement by up to 99 beds without such a reduction being considered a violation of the condition.
3. *The following sentence shall temporarily be added to Condition P-1 of Z.C. Order No. 06-11/06-12.* For the avoidance of doubt, the University's use of One Washington Circle to accommodate third- and fourth-year students as a part of the Temporary Housing Plan does not violate Condition P-1 of Z.C. Order No. 06-11/06-12.
4. *The following condition shall temporarily replace Condition 8 of Z.C. Order No. 746-C for the duration of the Temporary Housing Plan.* The University shall restrict residential occupancy in 1959 E Street to sophomores, juniors, seniors, graduate students, and students enrolled in an honors program.

5. The temporary conditions outlined in this Section B shall expire at the end of the Temporary Housing Plan period (i.e. the Limited Period described in Section A above).

C. Conditions to the Renovation of Thurston Hall

1. **Project Development.** The Project shall be built in accordance with the plans and elevations dated _____ and marked as Exhibit __ of the record (the “Final Plans”), and with flexibility from the lot occupancy and penthouse enclosure height and setback requirements, subject to the following areas of flexibility:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Final Plans or as approved by the Historic Preservation Review Board, the U.S. Commission of Fine Arts, or their respective staffs;
 - c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Final Plans, or as required to secure final approval from the Historic Preservation Review Board, the U.S. Commission of Fine Arts, or their respective staffs. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
 - d. To provide a range in the approved number of dwelling units and number of beds of plus or minus ten percent (10%);
 - e. To vary the location, attributes, and general design of the approved streetscape and public space to comply with the requirements of, and the approval by, the DDOT Public Space Division;
 - f. To vary the final landscaping materials on private property as shown on the Final Plans based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
 - g. To vary the amount, location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project provides a minimum of 2,000 square feet of solar panels;
 - h. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems;

- i. To vary the final design and layout of the indoor and outdoor amenity spaces to reflect their final design and programming;
 - j. To vary the final design of the ground floor signage, awnings, canopies, and similar features, to accommodate the specific uses within the building or as approved by the Historic Preservation Review Board, the U.S. Commission of Fine Arts, or their respective staffs.
2. **Bicycle Parking**. For the life of the Project, the Project shall provide 36 long-term bicycle parking spaces and, subject to approval by public space officials, 36 short-term bicycle parking spaces.
3. **Loading Management Plan**.
 - a. A loading dock manager will be designated by the University. The dock manager will coordinate with the office of GW Housing and the dining hall operator to schedule deliveries;
 - b. All loading, delivery, and trash collection activity will be required to take place in the alleyway remaining on private property at all times;
 - c. The dock manager will schedule deliveries and ensure loading area capacity is not exceeded. In the case of unscheduled deliveries arriving while the loading area is full, the driver will be directed to return at a different time so as to not impede traffic flow on any adjacent streets;
 - d. Trucks using the loading area will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT’s Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System;
 - e. The dock manager will be responsible for disseminating DDOT’s Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT’s truck routes. The dock manager will also post these documents in a prominent location within the service area; and
 - f. The dock manager and/or a representative of the University will be on call during scheduled deliveries to address compliance issues.
4. 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 for building permit

must be filed as specified in 11-Z DCMR § 702.2. Construction must begin within three years after the effective date of this Order. (11-Z DCMR § 702.3.)

5. 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.