Government of the District of Columbia

ZONING COMMISSION

Zoning Commission Order No. 02-20
Case No. 02-20
Campus Plan – The Catholic University of America

This Decision and Order arises out of an application by The Catholic University of America ("CUA" or "Applicant") for special exception approval pursuant to 11 DCMR § 3104.1, and in accordance with § 210 of the Zoning Regulations, of an updated Campus Plan for a period of ten years on the University's campus located in Ward 5 in Northeast Washington, D.C.

The campus is located in the R-4, R-5-A, and C-M-1 Zone Districts in Square 3821, Lot 817; Square 3654, Lots 3-6, 10, 12, 15-17, 801-806, and 809-811; Square 3655, Lot 1; Square 3656, Lot 800; Square 3657, Lots 805, 821, and 826; Square 3671, Lots 2, 3, and 802; Square 3821, Lots 44 and 45.

HEARING DATES: September 19, 2002 and February 20, 2003

DECISION DATE: April 14, 2003

Motion

At the first scheduled hearing on September 19, 2002, CUA moved to postpone the hearing because the Office of Planning had filed an incomplete report one week past the deadline. As a result of this delay CUA was unable to prepare fully for the hearing. The Commission agreed to postpone the hearing until February of 2003.

Findings of Fact

1. The proposed Campus Plan applies to the area bounded by Michigan Avenue, N.E. to the south, Harewood Road, N.E. to the west, Taylor Street, N.E. to the north, and John McCormack Road, N.E. to the east. Also included is the DuFour Athletic Complex, located north of Taylor Street and bordered by John McCormack Road and Hawaii Avenue, and the South Campus, located south of Michigan Avenue. The boundaries of the Campus Plan are identical to those included in the previous Campus Plan ("the 1992 Plan"). The campus of CUA is zoned R-5-A except for two small areas within the campus, including land located just south of Michigan Avenue, along Seventh and Eight Streets, N.E., which is zoned R-4, and land located at the southeast corner of the intersection of Michigan Avenue and the railroad tracks (in Square 3657), which is zoned C-M-1.

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2. CUA is located in the northeast quadrant of Washington, D.C., in a primarily residential area of low to medium density development. Immediately surrounding the campus are many large institutional facilities, particularly houses of religious study, colleges, and hospitals, as well as some light industrial and commercial properties. The campus is divided into three segments. The main campus contains 95.3 acres. This central part of the campus contains the administrative, academic, and student life facilities. The South Campus, comprising 8.7 acres, is located south of Michigan Avenue, and contains student housing and some support facilities. The North Campus contains 40.5 acres and is located north of Taylor Street. This area is used for recreation programs and includes an athletic center, stadium, and sports fields.

3. The 1992 Plan, pursuant to which the University now operates, was approved by BZA Order No. 15382, dated May 22, 1992, for a period of ten years. This Plan authorized the construction of several buildings and indicated the phase-out of certain others. BZA Order No. 15382 allowed for a maximum enrollment of 7,500 full-time equivalent (FTE) students, projected to be distributed as 3,770 undergraduate FTEs and 3,730 graduate FTE students. The maximum number of regular faculty and staff was projected at 1,710. A maximum of 1,939 parking spaces was to be provided on campus during the ten-year period of the plan to meet the needs of the projected maximum campus population. The plan would result in development of a maximum density of 0.49 FAR resulting from 2,884,922 square feet of gross floor area.

4. In conjunction with the 1992 Plan approval, another BZA application, Application No. 15389, was simultaneously approved. This further processing case approved the construction of the new facility for the Columbus School of Law. There have been a series of other further processing cases since the approval of the 1992 Plan:

   - BZA Order No. 15922, dated April 15, 1994, approved the construction of a new grounds maintenance and storage facility near the intersection of Taylor Street and McCormack Road, N.E.
   - BZA Order No. 16316, dated January 22, 1999, involved the modification of approved plans for an addition to the North Dining Hall and permission to construct a small storage facility.
   - BZA Order No. 16482, dated August 3, 1999, involved permission to place temporary manufactured housing units on the campus.
   - BZA Order No. 16534, dated February 9, 2000, granted approval to construct two new dormitories containing a total of 348 beds. These dormitories were occupied beginning in the Fall of 2001. Also in 2000, the University obtained BZA approval to construct a University Center to provide a central meeting and activities building for students, faculty, and staff. The Edward J. Pryzbyla University Center is under construction pursuant to BZA Order No. 16613, dated December 8, 2000.

Each of these BZA cases was non-controversial. The four most recent further processing cases were approved unanimously and by bench decisions and summary orders. Each of these applications enjoyed the support of the affected ANC, and the most recent case, Application No. 16613, was supported by both ANC 5C and ANC 5A.

5. The proposed Campus Plan (the "2002 Plan") is a limited update of the current Plan. The 2002 Plan proposes very limited facilities development during the next ten years, and proposes less construction than was approved in the 1992 Plan. CUA proposes to construct 735,500 square feet of new buildings and building additions for the period covered by the 2002 Plan and plans to demolish 165,846 square feet of existing building area. When all the additions and demolitions are completed, the Campus will have a density of 0.44 FAR, well below the 1.8 FAR prescribed for the R-5-B District and below the density of 0.49 FAR approved by the BZA in the previous Campus Plan case. The 2002 Plan proposes no change to the approved boundaries of the CUA Campus Plan. The 2002 Plan proposes no change to the previously approved enrollment cap of 7,500 FTE students. Currently, student enrollment is lower than it was at the time the 1992 Plan was approved.

6. The Applicant's plan for developing the campus as a whole shows the location, height, and bulk of all present and proposed improvements, as required by 11 DCMR § 210.4.

7. The proposed Campus Plan anticipates several new and expanded buildings on campus, including five new academic/administrative buildings, new residence halls, additions to several existing buildings, and the selective demolition of certain antiquated buildings.

8. CUA proposes no change to the existing Campus Plan boundaries. There was no objection to the retention of the existing Campus Plan boundaries from the Office of Planning or the community.

9. CUA proposes no change to the current enrollment cap of 7,500 FTE students. CUA will continue to calculate FTEs based on the formula used in connection with the 1992 Campus Plan. Specifically, FTEs are calculated based on fall enrollment numbers as follows:

    a. Undergraduate student FTE: the total number of semester credit hours awarded to undergraduate students divided by 15 semester hours.

    b. Graduate student FTE: the total number of semester credit hours awarded to graduate students divided by 9 semester hours.

    c. Total FTE: the sum of the undergraduate and graduate FTE students.

10. CUA proposes no change to the faculty and staff cap of 1,710 approved in connection with the 1992 Plan.

11. CUA's traffic expert prepared a detailed analysis of vehicular circulation and parking issues relating to the Campus Plan. In addition, the traffic expert recommended operational changes/improvements along McCormack Road including the provision of a roundabout north of the pedestrian crosswalks linking the campus to the adjacent CUA/Brookland Metrorail Station pedestrian accessway. The improvements also provide for appropriate signage, as well as pavement and curb treatments to restrict the roadway section situated south of the Metro Station crosswalks for use by emergency vehicles only.

12. The Applicant is committed to handling university-related traffic and planning in a manner that will minimize any adverse impacts on the community. The 2002 Campus Plan aims to reduce surface parking in select areas of the campus and provide improved parking at the campus perimeter. This is consistent with the University's goal of continuing to consolidate scattered parking lots into fewer, well-placed locations to enable a more pedestrian-friendly campus to evolve, while also supporting environmental and green campus objectives. Vehicular access will be limited to the perimeter of the campus. In addition, the Plan provides for better traffic direction and parking access. The Campus Plan proposes a maximum long-term parking supply of 2,340 spaces.

13. The 2002 Plan proposes a resolution to a long-standing problem perceived by CUA. The northbound, one-way segment of John McCormack Road that intersects Michigan Avenue just west of the Michigan Avenue Bridge has been a source of illegal and dangerous traffic conflicts, as well as the use of the CUA Campus by unauthorized vehicles. This section of road also handles significant pedestrian traffic to and from the Metrorail station on the east side of McCormack Road. CUA's proposal is to close a small portion of John McCormack Road, N.E. to general traffic eliminating northbound access from Michigan Avenue. Along with the restriction of northbound traffic on that segment of McCormack Road to emergency vehicles only, a cul-de-sac would be created to provide access to both the area adjacent to the entrance to the Metrorail station and the campus and to allow traffic on McCormack Road to turn around. Along with this suggested change, CUA would close the portion of the private campus roadway from John McCormack Road to the interior of the main campus. The benefits of these road closures include: (1) the elimination of a potentially dangerous intersection at Michigan Avenue and John McCormack Road; (2) the elimination of vehicular and pedestrian conflicts between the campus and the Metrorail station entrance; and (3) the elimination of unauthorized traffic in a heavily used pedestrian zone of campus.

14. In its initial report to the Commission, the District Department of Transportation ("DDOT") recommended a feasibility study to consider the neighborhood impact of the proposed change in McCormack Road, and DDOT advised against the proposed changes to McCormack Road in its final report. DDOT argued that the proposal would result in the rerouting of trucks through adjacent residential neighborhoods. In addition, DDOT argued that the redistribution of traffic would increase traffic at the 4th Street/Harewood Road intersection. CUA's traffic expert counters DDOT's position in stating that pedestrian safety between the campus and the Metro Station will be greatly improved and

that the proposed improvements will have only a marginal impact on traffic volumes at the 4th Street/Harewood Road intersection.

15. The Commission finds that, based on the DDOT analysis and recommendations, the existing conditions along John McCormack Road do not result in measurable unsafe conditions. However, in the event that the University and DDOT agree on specific future road improvements to enhance pedestrian safety along John McCormack Drive, the Commission would support such enhancements.

16. The Campus Plan allows for the relocation of key campus programs to create desirable adjacencies between administrative and support functions, academic and student life programs. Strategic relocations and improvements in the southern portion of the main campus provide opportunities to create program clusters in more suitable spaces and to encourage new partnerships and interdisciplinary initiatives. The completion of the Edward J. Pryzbyla University Center this spring will allow that process to begin by consolidating food services, student life services, lounges and meeting rooms into one building in the heart of the campus. Once the Pryzbyla Center is fully occupied, the current university center (Cardinal Hall), North Dining Hall, and select areas in other buildings will be available for other uses. With these changes, the University is considering the conversion of North Dining Hall into recreational, administrative, and student life support services while Cardinal Hall provides a prominent place for high profile and essential administrative/academic functions.

17. As enrollments grow to support residential replacement projects, CUA plans to consider changes to the use of existing buildings such as converting Gibbons Hall to academic programs. To meet future academic, administrative, and student life needs, the University also has identified certain buildings for demolition, sites for new building construction, and buildings that may receive additions.

18. Proposed building demolitions include: St. Bonaventure, Conaty, Spellman, Spalding, and Salve Regina Halls and the McCarthy, maintenance shop, and former bank buildings. All of these buildings were identified for demolition in the 1992 Campus Plan.

19. St. Bonaventure currently houses CUA's academic programs and student life offices. Given its location on the south side of Michigan Avenue, the University prefers to relocate those functions to the Main Campus. In addition, the building is not readily accessible, and would require extensive renovation to make it so.

20. Conaty, Spellman, and Spalding Halls are existing residence halls located in the South Campus area. All three were identified for demolition in the previous Campus Plan as a means of advancing the University's goal for consolidation of academic and residential facilities to the Main Campus. Salve Regina Hall and the McCarthy and maintenance shop buildings are all relatively small, obsolete buildings. The University no longer leases the bank building to an outside entity and prefers to allocate that key parcel of land, adjacent to one of the main entrances to campus, for more appropriate uses.

21. CUA recognizes that there are significant historic resources on The Catholic University Campus. CUA has agreed to:

- Consolidate in a central location information relating to the history of the University and the buildings and identified archaeological sites on the campus;
- Develop, in consultation with the Historic Preservation Office ("HPO"), an appropriate survey form to be used for the survey of buildings on the campus that are fifty years old or older and, in consultation with the staff archeologist of the HPO, a survey form for previously identified archaeological sites and for those areas containing potential archeological sites;
- Complete, within one year of the approval of this plan and under appropriate professional supervision, a survey of buildings on the campus that are fifty years old or older and identify potential archeological sites; and
- Share the survey information with the HPO and file a copy with the Zoning Commission.

22. The survey will provide the University with a tool to direct its future campus planning. Once the survey is complete, CUA proposes to work with the HPO to develop a historic preservation policy. The historic preservation policy will address buildings scheduled for demolition or rehabilitation in the Campus Plan. The study will require one year, and CUA agrees that it will not demolish any structures other than Salve Regina and St. Bonaventure until the historic preservation policy has been submitted to the HPO and the Zoning Commission.

23. Potential new building sites have been identified in locations that will support the mission of the University and contribute to the pattern of buildings surrounding existing or proposed quadrangles or infill sites along Michigan Avenue and John McCormack Road. These buildings include:

- A new academic/administrative building (Building A) on the site along Michigan Avenue, east of the University Center. It is envisioned as a building constructed over structured parking of approximately 200 cars. The new building will complete the building streetscape along Michigan Avenue and provide the University with a signature building at one of its main campus entrances.
- A new academic/administrative building (Building C), to complete the streetscape along John McCormack Road, is proposed to replace an existing parking lot on the site just south of the power plant, replacing an existing surface parking lot.
- A new academic/administrative building (Building B) is proposed for the south end of the law school quad, including a parking garage with approximately 250 additional parking spaces.
- A new academic/administrative building (Building E) is proposed for the north end of the quadrangle created by McMahon, Hannon, and Caldwell Halls.
- A new academic/administrative building (Building D) is proposed for the Salve Regina site. This building would also occupy the top of an underground parking structure with approximately 300 spaces.

- New residence halls are envisioned for the northern portion of the campus near the existing residence halls. The residence halls would be provided through either new construction near Flather Hall, and/or the renovation of Marist and/or O'Boyle Hall, or the demolition and replacement of those buildings with new residential structures (Building F).

24. CUA has undertaken major steps in conservation and proposes to maintain its leadership role in environmental stewardship. The University has:

- Replaced the central boiler plant, making it more efficient;
- Completed a major water efficiency upgrade to conserve water;
- Installed a major upgrade to the central energy management system that controls the heating, ventilating, and air-conditioning systems of buildings on campus;
- Continued to recycle 40-50% of its waste; and
- Committed to purchase almost 12% of its electricity from a renewable "green power" source for the next five years.

25. The University also has made substantial contributions to air quality from the energy conservation projects listed above. Air quality will also be enhanced by increasing open space and carefully placing new buildings and parking areas to minimize the impact on existing trees.

26. The University has many water quality initiatives, including the reduction of impervious area and a reduction in the use of pesticides. Finally, the University has an urban forestry program that involves the use of shade trees to reduce energy costs associated with air conditioning as well as tree planting and maintenance as an important part of maintaining an attractive campus.

27. CUA's housing policy is designed to minimize the impacts of the University on its adjoining residential neighborhoods. The Office of Planning found that the housing policy has operated with success. Key features of the housing program include:

- CUA's long-standing policy requiring traditional, full-time undergraduate, non-commuter freshmen and sophomores to live on campus.
- CUA encourages juniors and seniors to reside on campus. The renovation of Flather Hall and the construction of 348 suite and apartment style spaces in two new buildings have provided more attractive living accommodations for upperclassmen and graduate students.
- CUA has provided more amenities on campus for student residents, including the new student center, study rooms, lounges, computer labs, multi-purpose rooms, and special services such as local telephone, cable TV, fiber optic computer connections, and Internet access.
- CUA enforces its standard of student conduct and provides an off-campus housing guide outlining expectations and special programs, including a Disciplined Properties Program.

- CUA plans to pace campus housing renovations and expansions with enrollment projections.
- CUA has renovated and built modern, more spacious housing to provide units that are more competitive with market rate housing.

28. Currently CUA provides 2,100 beds on campus with the current capacity of 97% or 2,030 beds as of August 7, 2002. Of the 2,030 occupied beds, 1,910 are for undergraduates. Under CUA's current policy, the 70 unoccupied beds are reserved for graduate students. More than 80% of the full-time undergraduates are housed on campus, with 450 full-time traditional undergraduate students living off campus.

29. The Applicant provided a breakdown by zip code of the current off-campus student population. Generally, the student population is distributed throughout the metropolitan area and tends to congregate around Metrorail stations. The zip code information indicates that many students take advantage of the transit opportunities provided by the close proximity of the Brookland/CUA Metrorail station to campus. The Office of Planning found that, assuming that future enrollment growth will be distributed throughout the metropolitan area in a similar pattern and the policies indicated are pursued, the impact of the 2002 Campus Plan on the Brookland neighborhood should be minimal. In addition, the majority of the increase in enrollment will be in part-time graduate students who are not likely to relocate in close proximity to the University and thus will not affect the housing market.

30. Some residents of Brookland testified that they are concerned about the noise issues associated with certain group houses in the Brookland community. They complained about loud parties and disruptive behavior by certain CUA students. The University presented extensive testimony on its Disciplined Properties Program, which was developed to exercise jurisdiction more effectively over students living off-campus. In addition, CUA has provided the leadership in the metropolitan area for the development and enhancement of a Campus Alcohol Reduction Effort ("CARE") program. Finally, CUA has pulled together the D.C. Metropolitan Police Department, the Alcoholic Beverage Regulation Administration, and the other residential universities in the District of Columbia to work together to reduce abusive and underage drinking. Through its testimony, the University established that it acts aggressively to reduce the impacts associated with group houses in Brookland. Further, the Commission finds that the number of students residing off-campus and in the Brookland community is minimal, because students are dispersed throughout the metropolitan region.

31. The University sought broad community input in connection with the preparation of the 2002 Campus Plan. The community meeting process began in the Summer of 2001. CUA implemented a process that began with ANC briefings in early summer, followed by expanded open meetings designed to inform the broader community.

32. A coordination committee was developed with community representation provided by the ANC of record for the main campus, ANC 5C. CUA submitted a complete chronological

summary of community participation into the record. This documentation establishes extensive community outreach by the University.

33. By letter dated September 19, 2002, ANC 5C offered unanimous support for the approval of the 2002 Plan. The ANC based its support on the limited new development proposed in the Plan, and the continuation of the current campus boundaries and student enrollment cap. Further, the ANC commended CUA's effort to work with the community on many projects. Finally, ANC 5C stated that the University has adequate housing on campus to protect the community from the effects of students living off campus.

34. By letter dated February 11, 2003, ANC 5A, which has jurisdiction over the North Campus, offered several suggestions and recommendations regarding the 2002 Plan. ANC 5A recommended that the University provide sufficient on campus housing for all upperclassmen who desire to live on campus and that the University continue to require underclassmen to live on campus with limited exception. The ANC also requested that CUA must agree to take full responsibility for all off-campus behavior. ANCs 5A and 5C did not present oral testimony at the hearing.

Conclusions of Law

The Applicant is seeking a special exception, pursuant to §§ 210 and 3104 of the Zoning Regulations, for approval of an updated Campus Plan for a period of ten years. CUA has not requested the approval of any further processing applications in connection with this Plan. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing through substantial evidence, the special exception 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. D.C. Official Code § 6-641.07(g)(2)(2001), 11 DCMR § 3104.1. See also Z.C. Case No. 99-09, Order No. 932 amending 11 DCMR § 210.

The Zoning Regulations specify that a university in a residential zone shall 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. 11 DCMR § 210.2. With the imposition of conditions contained in the Order, the Commission concludes that the Applicant has met its burden of showing that its use of its property will not be objectionable to neighboring property.

The Commission concludes that the Applicant's proposed Plan is a modest update of its earlier Plan and includes an acceptable and appropriate range of projects. The Commission also concludes that, in addition to making traffic and parking assessments, the University articulated its vision for the campus environment successfully.

The Commission notes, and gives great weight to, the recommendations by the Office of Planning that the proposed Campus Plan should be approved subject to certain conditions designed to insure that the University will conform to the requirements of § 210 of the Zoning Regulations, especially §§ 210.2 and 210.7. The Commission has incorporated many of OP's recommended conditions into the conditional approval of the new Campus Plan. The

Commission also notes and gives great weight to the recommendations of the ANCs 5A and 5C and carefully considered their comments in formulating the conditions of approval of the Campus Plan.

The Commission finds that the Campus Plan boundaries and proposed enrollment, faculty, and staff caps are both reasonable and appropriate. Because they are a continuation of the status quo and have proven to be adequate in the past, they are not likely to become objectionable. Further, the Commission concludes that the Plan provides adequate housing, and this approval, subject to conditions, will ensure no adverse impacts on neighboring property as a result of students living off-campus. The Commission also concludes that the University's willingness to prepare an historic preservation policy is appropriate giving the significant buildings on the campus.

Accordingly, it is **ORDERED** that the application for approval for a new Campus Plan is **GRANTED SUBJECT** to the following **CONDITIONS**.

1. Approval of the Campus Plan shall be until May 22, 2012.

2. The approved Campus Plan boundaries shall be as set forth in the 2002 Plan. There shall be no change to the Campus Plan boundaries approved in connection with the 1992 Plan.

3. The maximum enrollment shall be 7,500 full-time equivalent (FTE) students based on the fall enrollment numbers. The full-time equivalent student enrollment shall be calculated as follows:

   (a) Undergraduate student FTE: the total number of semester credit hours awarded to undergraduate students divided by 15 semester hours.

   (b) Graduate student FTE: the total number of semester credit hours awarded to graduate students divided by 9 semester hours.

   (c) Total FTE: the sum of the undergraduate and graduate student FTEs.

4. The number of faculty and staff shall not exceed 1,710 during the 10-year period of the Plan.

5. A maximum of 2,340 parking spaces shall be provided on campus over the 10-year period of the Plan.

6. A maximum density of 0.44 FAR or a gross floor area of 2,729,175 square feet shall be permitted by the year 2012.

7. The areas of the South Campus where buildings may be demolished shall be graded and landscaped in a professional manner in a park-like setting (e.g., seeded) within six months of demolition of any or all buildings.

8. One hundred percent of the traditional, full-time undergraduate, non-commuter freshmen and sophomores are required to live on campus.

9. CUA shall provide a yearly report to the Zoning Commission documenting enrollment numbers, the number of beds available, and the numbers of beds utilized by undergraduates and graduates.

10. CUA must submit to the HPO and the Zoning Commission a historic preservation element to the Campus Plan within one year of the effective date of this Order. Until the element is submitted to the Commission, CUA will not demolish any structures other than Salve Regina and St. Bonaventure Halls.

It is ordered that the application for approval of the 2002 Campus Plan is **GRANTED**.

VOTE: 5-0-0 (John G. Parsons, Anthony J. Hood, Carol J. Mitten, James H. Hannaham, and Peter G. May)

BY ORDER OF THE ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Each concurring member has approved the issuance of this Summary Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAY 2 3 2003

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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 STRUCTURES AND RENOVATIONS WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, 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.

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.