Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 05-27

As Secretary to the Zoning Commission, I herby certify that on MAY 05 2006 copies of this Z.C. Order No. 05-27 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

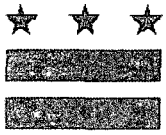
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ATTESTED BY: Sharon S. Schellin
Sharon S. Schellin
Acting Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia
CASE NO. 05-27
EXHIBIT NO. 36

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 05-27
Z.C. Case No. 05-27
(American University – Further Processing of Campus Plan – 4400 Massachusetts Avenue, NW)
January 30, 2006

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on November 7, 2005 to consider an application from American University ("AU" or "Applicant") for review and approval of a further processing application to permit the construction of a new School of International Service ("SIS") building, pursuant to §§ 210 and 3135 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. Pursuant to 11 DCMR §§ 210 and 3135, the Commission heard the case under the rules of the Board of Zoning Adjustment set forth in 11 DCMR Chapter 31 At a public meeting on January 30, 2006, the Commission voted 4-0-1 to approve the application

The self-certified application was filed August 17, 2005 The new SIS building will be located on AU's main campus along Nebraska Avenue, NW (Square 1600, Lot 1).

No requests for party status were made Advisory Neighborhood Commission ("ANC") 3D was automatically granted party status

PRELIMINARY MATTERS:

Applicant's Case The Applicant offered testimony and evidence from David Taylor, Chief of Staff to the President of American University, and Jorge Abud, Assistant Vice President of Facilities and Administrative Services, and the following experts Carl Elefante, Architect, Quinn Evans Architects, Marsha Lea, Landscape Architect, EDAW, Inc, and Matthew Huston, Traffic Engineer, HNTB Corporation Mr Taylor discussed the history of the School for International Service, the need for the new SIS building, and the community dialogue process undertaken by the Applicant, noting that AU understood that the traffic impact on Nebraska Avenue was a primary and sensitive concern for the surrounding community In response to those concerns, AU agreed to widen Nebraska Avenue for the dedicated left turn lanes

Carl Elefante, admitted as an expert in architecture, addressed the design goals for the SIS building, the organization of the building, its relationship to the AU campus and the environmentally-sensitive, "green" aspects of the building. Marsha Lea, admitted as an expert in landscape architecture, discussed the siting of the proposed new SIS building and the ability to

introduce a new pedestrian gateway into the campus opposite the large surface parking lot across Nebraska Avenue Ms Lea noted that there are several sustainable aspects of the building's design, including rain gardens and a cistern on site that will support on-site irrigation

Matthew Huston of the HNTB Corporation, admitted as an expert in transportation engineering, testified to the process that was undertaken in preparing the HNTB traffic study and the conclusions of that analysis Mr Huston noted the following conclusions

- Nebraska Avenue is a congested roadway during peak periods due to capacity constraints at Ward Circle and to a lesser extent at Foxhall Road The intersections adjacent to the Campus at Newark Street and New Mexico Avenue play a minor role in congestion, and absent the impacts of the congestion at Ward Circle and Foxhall Road, these intersections would operate at a good level of service
- The proposed SIS building will generate a small volume of new traffic on Nebraska Avenue and will result in minor traffic impacts that would go unnoticed by most motorists The anticipated changes in traffic volumes are very small compared to the total volume of traffic on Nebraska Avenue and are comparable to the normal variation in traffic from day-to-day
- The level of service analysis conducted at the intersection of Nebraska and New Mexico Avenues in itself does not justify widening Nebraska Avenue to five lanes
- As the number of parking spaces on campus will increase with this application, there will be no increase in pressure on off-campus parking in the surrounding neighborhoods.
- With the proper site design, the new SIS building and its related parking facilities will not interfere with pedestrian traffic crossing Nebraska Avenue (Testimony of Matthew Huston, Tr pp 27-29.)

Government Reports The Office of Planning ("OP"), in its report dated October 28, 2005 and through its testimony at the public hearing, recommended approval of the further processing application with a single condition The OP report noted that the proposed new SIS building would not only be in conformance with the number of stories, building height, square footage, and setback requirements from Nebraska Avenue (as conditioned in the approved Campus Plan), it would be smaller than what was allowed by the Campus Plan The OP report outlined the Applicant's satisfaction of the requirements of § 210 of the Zoning Regulations and the requirements for development of Building Sites D and E enumerated in the approved Campus Plan OP concluded that the proposed application is in compliance with the provisions of § 210 of the Zoning Regulations, provided that the total amount of garage parking provided for Projects D and E will not exceed 520 spaces (OP report, pp 1, 4, and 9, Exhibit 21 of the record)

The District Department of Transportation ("DDOT") submitted a report, dated October 17, 2005, indicating that

- DDOT concurred with the recommendation that the Applicant work with DC agencies, neighboring property owners, and the community to develop a detailed streetscape plan for Nebraska Avenue from north of Ward Circle to Rockwood Parkway, incorporating the provision for widening Nebraska Avenue, using AU property, to add a fifth lane for turning movements
- DDOT concurred that, with appropriate setbacks and proper site design, the SIS building and parking facilities will not interfere with pedestrian crossing at Nebraska Avenue
- The additional parking spaces will not compromise ingress and egress

ANC Report Advisory Neighborhood Commission 3D adopted a unanimous resolution (6-0-0) in opposition to the further processing application at its October 5, 2005 public meeting. In a letter to the Commission dated October 17, 2005, the ANC noted its objection to the application based on five factors. (i) the application was inconsistent with the 2000 Campus Plan, (ii) the proposed SIS building would cause gridlock, and the Applicant's traffic study was fatally flawed; (iii) the application violated the 2000 Campus Plan and would create unmitigated traffic congestion that would have serious adverse consequences for the neighborhood; (iv) AU failed to abide by its obligation to "work with" the community, and (v) AU failed to inform the community of its plans for the original School of International Service

ANC Commissioner Hugh Mullane presented testimony at the public hearing on behalf of the ANC in opposition to the application Mr Mullane testified that the ANC desired the vehicular entrance to the parking garage should come internally through the campus and not from Nebraska Avenue Mr Mullane also testified that the existing traffic conditions on Nebraska Avenue are problematic and that the proposed application will create extra traffic and density on Nebraska Avenue

Persons in Opposition Michael Mazzuchi, who lives at 4430 Macomb Street, NW, testified in opposition to the application Mr Mazzuchi stated that he believed AU has not recognized the traffic problem that the application would create and has not realistically assessed alternatives Mr Mazzuchi also testified that he considered the HNTB traffic study to be flawed and inadequate

FINDINGS OF FACT:

BACKGROUND

1 AU submitted its proposed Campus Plan for the period 2000 through 2011 (the "Campus Plan") to the Board of Zoning Adjustment on August 24, 2000. Thereafter, responsibility for the review and approval of campus plans and further processing applications was transferred to the Commission The Commission approved the Campus Plan and three further processing applications (the construction of the Katzen Arts Center, an addition to the Mary Graydon Center, and the enclosure of the campus road under Butler Pavilion) on January 8, 2002 pursuant to Z C Order No 949 On April 30, 2002, the Commission issued Order No 949-A that restated the Commission's intent that the bleacher seats approved in the Campus Plan were to face the athletic fields, and adopted a new condition of approval that included certain

commitments of AU that were offered during the public hearing process that were not included in Order No 949 Subsequently, the Commission's approval of the Campus Plan was appealed to the DC Court of Appeals The Court of Appeals upheld the Commission's approval of the Campus Plan as rational, supported by substantial evidence in the record, and compliant with legal requirements in all but one respect The Court of Appeals remanded the case to allow the Commission to articulate with particularity its reasons for declining to follow the recommendation of ANC 3E and ANC 3D that AU be required to place parking stickers in all AU-related vehicles The Campus Plan Remand Order, Order No. 949-B, became effective on November 18, 2005 In this Order, the Commission addressed with particularity its rationale for not requiring AU to place parking stickers in all AU-related vehicles.

SIS HISTORY, NEED FOR NEW BUILDING, CAMPUS PLAN CONDITIONS

2 The Applicant's School of International Service was founded in 1957 and has been headquartered in the same two-story building on Nebraska Avenue since its inception The current SIS enrollment includes approximately 1,150 undergraduate students and approximately 925 graduate students from approximately 150 countries The existing SIS building includes approximately 11,586 square feet, which the Applicant stated was not sufficient to meet the programmatic and physical space needs of SIS. Currently, SIS faculty are spread throughout other buildings on the campus The need for a new SIS building was identified in the 1989 Campus Plan but was never built The 2000 Campus Plan once again noted the need for the development of a new SIS facility (Statement of the Applicant, pp 2-3, Exhibit 17 of the record Transcript of November 7, 2005 Public Hearing ("Tr ") pp 13-15, testimony of David Taylor)

3 The proposed new SIS building will allow the school to conduct virtually all of its activities in its own building, providing flexibility to better support its academic program The new SIS building will provide up-to-date lecture halls, informal gathering spaces, and offices for students, faculty, and staff No student enrollment increase will directly result from this application (Statement of the Applicant, pp. 3 and 6, Exhibit 17 of the record)

4 The proposed new SIS building will be located along Nebraska Avenue at the approximate location where New Mexico Avenue intersects Nebraska Avenue This site is currently improved with a surface parking lot that provides approximately 90 parking spaces and is adjacent to the existing SIS building (Statement of the Applicant, p. 3, Exhibit 17 of the record)

5 The Campus Plan refers to the existing parking lot as Building Site D and to the site of the existing SIS building as Building Site E. The Campus Plan envisioned that Building Site D would include a building consisting of 100,000 square feet, a height of 60 feet, and an underground parking garage It was initially envisioned that a building accommodating library expansion, classrooms, and academic offices would be constructed on this site. The Campus Plan anticipated that the existing SIS building would be demolished and that an 80,000-square-foot, 60-foot-tall building with an underground parking garage would be constructed on Building Site E In total, the two parking garages on Building Sites D and E would include 520 parking spaces (Statement of the Applicant, p 3, Exhibit 17 of the record)

6 The Campus Plan included the following conditions/guidelines for the development of Building Sites D and E

- The height of the buildings should not exceed 60 feet and the gross floor area should not exceed 100,000 square feet for Project D or 80,000 square feet for Project E,
- The buildings should be set back from Nebraska Avenue the same distance as Hurst Hall,
- The Applicant shall provide trees and softscape to enhance the special character of Nebraska Avenue,
- The Applicant shall work with D C agencies, neighboring property owners, and the community to develop a detailed streetscape plan for Nebraska Avenue from north of Ward Circle to Rockwood Parkway, incorporating the provisions for widening Nebraska Avenue, using AU's property, to add a fifth lane for turning movements; and
- The Applicant shall design ramps to the parking garage under the building to minimize the impact on Nebraska Avenue traffic from turning movements created as a result of this project

(Statement of the Applicant, pp. 7-8, Exhibit 17 of the record.)

7 AU submitted information into the record regarding the Applicant's satisfaction of the requirements of § 210 of the Zoning Regulations, including compliance with the maximum bulk requirements of the R-5-A District and compliance with conditions of the Campus Plan Order. (Statement of the Applicant, pp 5-15, Exhibit 17 of the record)

8 The Applicant has determined that the existing SIS building on Building Site E can still serve a beneficial purpose for the University in providing general classroom and office space Therefore, the existing SIS building will not be demolished, rather the existing SIS building will be retained for classroom and office use by other university programs (Statement of the Applicant, p 4, Exhibit 17 of the record Testimony of J Abud, Tr pp 59-60)

PROPOSED NEW SIS BUILDING

9 The new SIS building will include three floors above grade plus a mechanical penthouse (and a terrace level below grade), will have a maximum building height of 48 feet, and will include approximately 65,400 square feet of gross floor area Two levels of below-grade parking will provide approximately 300 parking spaces The entrance to the parking garage will be from a curb cut on Nebraska Avenue that aligns with the existing New Mexico Avenue/Nebraska Avenue intersection The parking garage entrance has been designed with a long travel distance from Nebraska Avenue, via a curved vehicular entrance ramp, in order to prevent any adverse traffic impacts on Nebraska Avenue from cars waiting to enter the parking garage No gate or ticket booth will impede cars from entering the parking structure in a timely and efficient manner In fact, vehicles will travel unimpeded approximately 360 feet before encountering the first parking space (Statement of the Applicant, p 4, Exhibit 17 of the record)

10. The appearance of the new SIS Building along Nebraska Avenue will be reminiscent of numerous existing buildings on the campus, with an updated architectural treatment The façade will consist of precast concrete in a buff color with punched windows The entrance to the parking garage on Nebraska Avenue will be visually buffered through landscaping and hardscape materials A low stone wall will provide an appropriate visual buffer of the parking garage entrance from Nebraska Avenue The exterior of the new SIS building facing the campus quadrangle will provide an open and inviting presence at this end of the campus The façade will include large glass windows showcasing a rounded entry rotunda. The building's interior will include a large glass enclosed atrium with numerous areas for student interaction and small group meetings A café terrace will also be created at the ground-floor level in the area between the proposed SIS building and the Bender Library (Statement of the Applicant, pp 4-5; Exhibit 17 of the record)

11. The Applicant agreed to widen Nebraska Avenue, along its western edge in front of Building Sites D and E (within the existing public right-of-way), in order to provide a dedicated left-turn lane for northbound vehicles making a left turn into the SIS parking garage and for vehicles making a left turn from southbound Nebraska Avenue onto New Mexico Avenue (Statement of the Applicant, pp 4 and 9, Exhibit 17 of the record)

12 The proposed new SIS building will also provide numerous environmentally-sensitive features, including

- The collection and storage of rainwater from the roof into a cistern for landscape irrigation use,
- The potential for future generation of renewable energy on site with roof-mounted thin film photovoltaics,
- The optimization of window and skylight locations to bring daylight deep into the building, reducing the need for artificial lighting;
- The provision of fresh air into offices through the use of operable windows, the creation of natural air flows within the building using ventilated skylights and mechanical penthouses,
- Use of materials, the production of which minimizes harm to the environment, and
- A vegetated roof, which slows and filters stormwater runoff and provides thermal insulation for the building

(Statement of the Applicant, p 5, Exhibit 17 of the record)

13 The Commission credits the testimony of the Applicant's traffic expert The Traffic and Parking Study prepared by the HNTB Corporation reached the following conclusions

- Nebraska Avenue is congested during peak periods due to traffic volumes exceeding capacity at Ward Circle and, to a lesser extent, the Foxhall Road intersection

- The proposed SIS parking garage would generate a small volume of new traffic on Nebraska Avenue, and thus result in no significant traffic impacts on this street The computed change in delay due to this small volume change would go unnoticed by most motorists
- Anticipated changes in traffic volumes are very small compared to the total volume of traffic on the roadways. The estimated increase in traffic volumes is on the order of the normal variation in traffic volumes from day to day
- The alternative lane configurations and operating schemes examined for the proposed SIS driveway show little variation in average intersection delay and would go unnoticed by most motorists.
- The level of service analysis in itself does not justify widening Nebraska Avenue to five lanes with exclusive left turn lanes at New Mexico Avenue. The improvements would not result in noticeable travel time differences along Nebraska Avenue during peak periods because the true capacity constraints in the corridor would remain unaddressed.
- No increase in pressure on off-campus parking in the surrounding neighborhoods is anticipated, as the number of parking spaces on campus will increase with this application.
- With proper site design, the SIS Building and its parking facilities will not interfere with pedestrians crossing Nebraska Avenue.

(Statement of the Applicant, pp. 6-7, Exhibit C to the Statement, Exhibit 17 of the record.)

14 The University engaged in dialogue with members of the adjacent community and the ANC regarding the proposed new SIS building Representatives of the University made presentations to ANC 3D on July 6, 2005 and October 5, 2005 regarding this application. University representatives also made a presentation to ANC 3E on July 14, 2005 to further notify the larger community of this project. The Applicant made presentations to smaller neighborhood working groups regarding the new SIS building on March 15, 2005, April 19, 2005; May 17, 2005; and September 20, 2005, as well as providing SIS project updates at the Liaison Committee meetings. (Statement of the Applicant, p 15 and Exhibit E, Exhibit 17 of the record)

15 One of the goals of the approved Campus Plan was to remove surface parking lots and put parking spaces in garages on the perimeter of campus so as to create more green space on the campus In addition, the approved Campus Plan sought to remove vehicular traffic that currently runs through the center of campus and reduce pedestrian vehicular conflicts and create a safer pedestrian environment (Testimony of M Lea, Tr pp 102-103)

16 In response to comments raised by the Commissioners, the Applicant filed a post-hearing submission on December 5, 2005 Included in the post-hearing submission were the following documents

- Proposed Site Landscape Plan - The parking garage entrance was reduced from three lanes to two lanes This results in approximately 1,500 square feet of additional green space in front of the proposed new SIS building and moves the

parking garage ramp area farther from the Nebraska Avenue sidewalk.

- Studies of the Impacts of the Proposed Widening of Nebraska Avenue - The creation of the additional lane of Nebraska Avenue would result in the removal of the following existing street trees one four-inch oak; three 18-inch elms; three three-inch oaks, one 10-inch oak, and one 42-inch oak If the lane is not created, the only street tree that will be required to be removed along Nebraska Avenue is the 10-inch oak tree

  The creation of the additional lane would result in the removal of approximately 6,000 square feet of green space This area will be replaced with asphalt

  The construction of the new SIS building will allow the Applicant to remove two existing curb cuts on Nebraska Avenue (i) the curb cut between the existing SIS building and Hurst Hall and (ii) the curb cut between Hurst Hall and the Ward Circle building
- Elevations, Plans and Building Section - Elevations depicting minor refinements to the building's façade, the appearance of the entrance to the parking garage, and the proposed roof structure In addition, plans for the roof and first level of the parking garage, as well as a section of the building were submitted

(Exhibit 28 of the record)

17 At the January 9, 2006 Public Meeting, the Commission requested that the Applicant provide additional plans that depict the vehicular entrance from Nebraska Avenue into the SIS site with a reduced width, in order to minimize the loss of greenspace on the site On January 19, 2006, the Applicant submitted plans that depicted a two-lane vehicular entrance into the SIS site (Exhibit 34 of the record)

18 The Commission finds that the Applicant complies with the maximum bulk requirements of the R-5-A District, and has submitted a campus plan that adequately details the location, height, bulk, and use of all existing and proposed buildings on the campus, and that the use categories used by AU are adequate to describe the proposed uses of the various facilities on campus AU proposed no interim use of the property, and no major new building was proposed to be moved off campus The Commission finds that the proposed new SIS building is within the floor area ratio limit for the campus as a whole

CONCLUSIONS OF LAW:

The Applicant is seeking a special exception under § 210 of the Zoning Regulations for a further processing application of an approved campus plan. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing of 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, subject to certain conditions specified in § 210 11 (DCMR § 3108 1) Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied The Zoning Regulations specify that use as 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)

The Commission notes that the proposed construction of the new SIS building does not anticipate an increase in students. The Commission also finds that the location of the proposed building and alignment of the entrance to the parking garage with the intersection of Nebraska and New Mexico Avenues is appropriate and entirely consistent with the goals and policies of the Campus Plan The Commission finds that the design, appearance, and environmentally-sensitive features of the new SIS building are appropriate and further the special nature of AU's campus along Nebraska Avenue. Based on the post-hearing submission of the Applicant, the Commission believes that the proposed widening of Nebraska Avenue will have an adverse impact on the appearance of the campus along Nebraska Avenue due to the loss of greenspace and existing street trees

Based on these factors, the Commission finds that the new SIS building, without the proposed widening of Nebraska Avenue and with a two-lane vehicular entrance from Nebraska Avenue into the SIS site, is not likely to become objectionable to neighboring properties due to noise, number of students, or other objectionable conditions.

In regard to the potential traffic impacts on the surrounding roadway network, the Commission agrees with the findings and determinations of the District Department of Transportation that the construction of the new SIS building and related parking facility will not cause any adverse impacts related to ingress and egress into the parking garage from Nebraska Avenue or adverse impacts on pedestrians crossing Nebraska Avenue to enter the Campus However, the Commission does not believe that the proposed widening of Nebraska Avenue, to allow for a dedicated left-turn lane into the new SIS building and a dedicated left-turn lane onto New Mexico Avenue, is necessary The Commission relies on the written submissions of the Applicant's traffic expert and testimony at the public hearing that the traffic generated by the new SIS building does not warrant the proposed widening of Nebraska Avenue and that such widening of Nebraska Avenue will not result in noticeable travel time differences along Nebraska Avenue during peak periods, because the true capacity constraints in the corridor would remain unaddressed The Commission also notes the Applicant's traffic expert concluded that there would be no increase in pressure on off-campus parking in the surrounding neighborhoods as a result of this application Therefore, the Commission believes that the record fully supports a finding that the further processing application, without the widening of Nebraska Avenue for dedicated left-turn lanes, would have no negative impacts on neighboring properties from traffic or parking

The Commission concurs with, and gives great weight to, the Office of Planning's conclusion that the proposed project fully meets the conditions enumerated in § 210 of the Zoning Regulations, and the conditions included in the Campus Plan regarding the development of Building Site D

The Commission is required by statute to give "great weight" to the issues and concerns raised by the affected ANC The Commission notes the five general areas of concern raised by ANC 3D but finds the ANC's arguments unpersuasive The Commission finds that the proposed new

SIS building is consistent with the approved Campus Plan and, as noted by the OP report, is smaller than the building that was approved for Building Site D The Commission concludes that the Campus Plan clearly anticipated that development on Building Sites D and E would include direct vehicular access from Nebraska Avenue Requiring AU to provide access to the parking garage in the new SIS building from the interior of campus would be contrary to the Campus Plan's goals of reducing vehicular-pedestrian conflicts on the interior of campus and would also result in the loss of green space and trees The Commission concurs with the conclusion of the Applicant, the Applicant's traffic expert, and DDOT that the proposed entrance to the parking garage at the intersection of Nebraska and New Mexico Avenues will not compromise ingress and egress into the parking garage and will not cause traffic gridlock on Nebraska Avenue. The Commission does not find any evidence in the record to conclude that the Applicant's traffic analysis was flawed

The Commission notes that AU proposed to widen Nebraska Avenue for a dedicated left-turn lane in response to neighborhood concerns regarding traffic on Nebraska Avenue While the Commission appreciates the Applicant's desire to address community concerns, the Commission agrees with the conclusions of the Applicant's traffic expert that the proposed traffic anticipated by the new SIS building does not justify the widening of Nebraska Avenue The Commission finds that the Applicant did in fact satisfy the requirements of the Campus Plan in working with the community and notes the significant number of meetings and presentations that occurred between the Applicant and the community

Finally, the Commission notes that the Applicant discussed in the pre-hearing statement, as well as in testimony at the public hearing, that it intends to continue to use the existing SIS building for academic purposes and that it also remains available as a site for future development, consistent with the conditions of the Campus Plan and this Order

The Commission concludes that the further processing application satisfies the requirements of § 210 of the Zoning Regulations Accordingly, it is **ORDERED** that the application is **GRANTED SUBJECT** to the following **CONDITIONS**

1) The SIS building shall be constructed in accordance with the plans submitted as part of Exhibit 17, Exhibit 28, and Exhibit 34 of the record.

2) The Applicant shall remove two existing curb cuts on Nebraska Avenue (i) the curb cut between the existing SIS building and Hurst Hall and (ii) the curb cut between Hurst Hall and the Ward Circle building upon completion of the new SIS building

3) The combined total of underground parking for Buildings D and E shall not exceed 520 parking spaces and no additional curb cuts on Nebraska Avenue for the development of Building E will be permitted

VOTE: **4-0-1** (Carol J Mitten, Anthony J Hood, John G Parsons, Gregory N Jeffries to approve, Michael Turnbull, having not participated, not voting)

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: MAY 04 2006

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 10 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 STRUCTURE 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

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED

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 THAT 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