

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 07-21C**  
**Z.C. Case No. 07-21C**  
**HHLP Georgetown II Associates, LLC**  
**(PUD Modification @ Square 50)**  
**July 24, 2017**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on January 5, 2017, to consider an application of HHLP Georgetown II Associates, LLC, successor to PerStar M Street Partners, LLC (“Applicant”) for approval of a modification of the signage condition of an approved and constructed planned unit development (“PUD”) at Lot 87 in Square 50 (“Subject Property”). The Commission considered the application pursuant to Subtitle X, Chapter 3 and Subtitle Z 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 Subtitle Z, Chapter 4. For the reasons stated below, the Commission hereby approves the application as amended.

**FINDINGS OF FACT**

**Application, Parties, and Hearing**

1. The Subject Property has a land area of approximately 15,588 square feet and is located at the northwest corner of 22<sup>nd</sup> and M Streets, N.W. Square 50 is bounded by N Street to the north, 22<sup>nd</sup> Street to the east, M Street to the south, and 23<sup>rd</sup> Street to the west. The Subject Property is located in the CR Zone District.<sup>1</sup>
2. Pursuant to Z.C. Order No. 07-21, dated May 12, 2008, the Commission approved a PUD for the Subject Property to be developed as a new hotel with a restaurant on the ground floor. Pursuant to Z.C. Order No. 07-21A, dated May 10, 2010, the Commission granted a two-year extension of the original PUD approval, and pursuant to Z.C. Order No. 07-21B, dated November 28, 2011, the Commission granted modifications to the approved PUD for a revised hotel design. The Applicant developed the Subject Property in accordance with the plans approved in Z.C. Order No. 07-21B, and the Subject Property is now occupied and operated as a Hilton Garden Inn with a restaurant on the ground floor.

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<sup>1</sup> The CR Zone District was the zone designation under the 1958 Zoning Regulations, which were repealed and replaced with the 2016 Zoning Regulations on September 6, 2016. The CR Zone District converts to the MU-10 zone under the 2016 Zoning Regulations.

3. Subsequent to the issuance of Z.C. Order No. 07-21B, the Applicant applied for and received permits from the Department of Consumer and Regulatory Affairs (“DCRA”) for construction of the hotel, including installation of the building signage. At the time, the Applicant understood that the Commission had approved the proposed signage plan shown in: (i) the architectural drawings prepared by Shalom Baranes Associates, dated October 7, 2011, and included in the case record of Z.C. Case No. 07-21B as Exhibit 24; and (ii) the signage plan included on page 4 of the Applicant’s PowerPoint presentation from the public hearing of Z.C. Case No. 07-21B, which was included in the case record of Z.C. Case No. 07-21B as Exhibit 36. The DCRA signage permits approved two hotel signs: one at the top of the building on the 22<sup>nd</sup> Street façade facing east, and one above the hotel entrance on the 22<sup>nd</sup> Street façade facing east. The approved permit plans also included a retail sign for Café Deluxe located at the ground level on the M Street façade facing south. (Exhibit [“Ex.”] 22B.) The hotel signs were installed as shown on the approved permit drawings. The retail sign was installed on the ground level’s 22<sup>nd</sup> Street façade instead of on the M Street façade.
4. On April 28, 2014, Advisory Neighborhood Commission (“ANC”) 2A, the ANC in which the Subject Property is located, and the 22 West Condominium Association (“22 West”), which appeared as an organization in opposition to Z.C. Case No. 07-21B, filed an appeal to the Board of Zoning Adjustment (“BZA”) challenging the issuance of the building permit for installation of the east-facing hotel sign at the top of the building. They claimed that the sign was not specifically referenced in the list of conditions in Z.C. Order No. 07-21B and was therefore not permitted. At the BZA’s public hearing and in written submissions, the Applicant asserted that the signage shown in Exhibit 36 was indeed permitted, that the Applicant acted in good faith reliance upon Z.C. Order No. 07-21B to apply for a sign permit from DCRA, and that the Zoning Administrator concurred and approved the sign permit issuance. The BZA reviewed the specific language of Z.C. Order No. 07-21B and determined that the language, as written in Z.C. Order No. 07-21B, Decision A.1, only permitted the single hotel sign over the hotel entrance. (*See* BZA Order No. 18793.)
5. On October 5, 2015, the Applicant filed an application with the Commission for a consent calendar modification to the PUD. (Ex. 1, 2-2H.) The Applicant requested to modify the text of Z.C. Order No. 07-21B by adding the following sentence at the end of Decision No. A.1: “The signage area locations and approximate dimensions shall be shown on the signage plan at Exhibit 36, page 4.”
6. By letter dated October 9, 2015, ANC 2A objected to: (i) the Applicant’s request for a “minor” modification to Z.C. Order No. 07-21B, and requested that the application be placed on the Commission’s hearing calendar to permit public testimony; and (ii) the Applicant’s request to maintain the hotel sign at the top of the building. The letter indicated that at its special meeting on October 7, 2015, with a quorum of commissioners present, ANC 2A voted 5-0-0 to oppose the Applicant’s request for a modification to the text of Z.C. Order No. 07-21B.

7. By letter dated October 9, 2015, the West End Citizen's Association ("WECA"), which was a party in Z.C. Order No. 07-21B, also objected to the Applicant's request for a minor modification to modify the text of Z.C. Order No. 07-21B. (Ex. 6.)
8. On October 14, 2015, the Office of Planning ("OP") submitted a report recommending that the Commission not consider the Applicant's request as a minor modification, and instead to set down the application for a public hearing. (Ex. 8.)
9. At its public meeting held on October 19, 2015, the Commission voted to schedule a public hearing on the application.
10. On August 11, 2016, the Applicant filed a Prehearing Submission, which supplemented the Applicant's initial application and addressed the one sign at issue, which was the horizontal, back-lit, east-facing hotel sign at the top of the 22<sup>nd</sup> Street façade. (Ex. 13-13L.)
11. A Notice of Public Hearing for the application was published in the *D.C. Register* on October 4, 2016. The Notice of Public Hearing was mailed to all property owners within 200 feet of the Subject Property and to ANC 2A on October 7, 2016. (Ex. 20.)
12. On December 9, 2016, the District Department of Transportation ("DDOT") filed a hearing report indicating that the application would have no adverse impacts on the travel conditions of the District's transportation network, and that DDOT had no objection to approval of the application. (Ex. 21.)
13. On December 16, 2016, the Applicant filed a supplemental prehearing submission, which updated the Commission on the proposed signage plan and included revised proposed text for Z.C. Order No. 07-21B, Decision No. A.1, based on continued negotiations with the ANC and other stakeholders. (Ex. 22D.)
14. On December 22, 2016, ANC 2A submitted a second letter that reaffirmed its opposition to the Applicant's request to maintain the hotel sign at the top of the building. The ANC's letter indicated that at its regular, duly noticed public meeting on November 16, 2016, with a quorum of commissioners present, ANC 2A voted 5-0-0 to oppose the Applicant's modification request. (Ex. 24.)
15. On December 27, 2017, OP submitted a hearing report indicating that it did not support the application to retain the hotel signage at the top of the building, but that it did not oppose locating the ground-floor retail signage on the building's 22<sup>nd</sup> Street façade. (Ex. 25.)
16. The Commission held a public hearing on the Application on January 5, 2017. The parties to the case were the Applicant, ANC 2A, and WECA. Twenty-Two West participated as an organization in opposition to the application.
17. Three witnesses testified at the public hearing on behalf of the Applicant: Christopher Doyle of the Applicant; Shalom Baranes of Shalom Baranes Associates, and Shane Dettman of Holland and Knight LLP. The Commission indicated that they had previously

qualified Mr. Baranes as an expert in architecture and Mr. Dettman as an expert in land use and zoning.

18. At the public hearing, Joel Lawson of OP testified against the Applicant's request to maintain the hotel sign at the top of the building.
19. At the public hearing, both Commissioner Florence Harmon of ANC 2A06, the Single Member District representative for the area in which the Subject Property is located, and Commissioner Patrick Kennedy, Chairman of ANC 2A, testified on behalf of ANC 2A in opposition to the application.
20. At the public hearing, Barbara Kahlow testified on behalf of WECA as a party in opposition to the application.
21. At the public hearing, Sally Blumenthal of 22 West testified as an organization in opposition to the application. Twenty-Two West is a residential condominium building located directly across M and 22<sup>nd</sup> Streets from the Subject Property at 1177 22<sup>nd</sup> Street, N.W.
22. At the conclusion of the public hearing, the Commission requested that the Applicant continue to work with ANC 2A, WECA, and 22 West to reach an agreement on the hotel signage. The Commission set dates for the parties to file post-hearing submissions and scheduled a decision meeting for the case on April 24, 2017.
23. On April 11, 2017, the Applicant, ANC 2A, and 22 West submitted a joint letter requesting a three-month extension of the April 24, 2017, decision meeting and associated filing deadlines in order to continue negotiations regarding the hotel signage. (Ex. 40.)
24. On July 10, 2017, the Applicant, ANC 2A, 22 West, and WECA submitted a joint letter indicating that they had resolved the matter regarding hotel signage by agreeing that the Applicant would remove the hotel sign at the top of the building and replace it with a new blade sign. (Ex. 41.) On July 11, 2017, WECA submitted an email indicating that its support for installation of the new blade sign was conditioned on the Applicant immediately removing the sign at the top of the building. (Ex. 42.)
25. On July 14, 2017, the Applicant submitted its post-hearing filing, which: (i) described its agreement with ANC 2A, WECA, and 22 West and attached a copy of the agreed-upon new blade sign; (ii) proposed conditions to be included in the Commission's Order regarding timing for removing the existing sign and installing the new blade sign; (iii) addressed the location of the ground-level retail signage, with which none of the parties or 22 West had any concerns; and (iv) requested a waiver of the post-hearing filing deadline, since its post-hearing submission was filed several days late. (Ex. 43-43A.)
26. On July 16, 2017, ANC 2A submitted an email opposing the signage plan included in the Applicant's post-hearing submission because it was not an accurate depiction of the sign to which the parties had agreed. (Ex. 44-44A.)

27. On July 17, 2017, the Applicant submitted a letter superseding and replacing the cover letter and signage plan filed on July 14, 2017, which had inadvertently included an outdated signage plan. (Ex. 47-47A.) The revised signage plan included is the sign that was agreed to by the Applicant, ANC 2A, WECA, and 22 West. (Ex. 47A.)
28. At its public meeting on July 24, 2017, the Commission voted to deny the Applicant's originally-stated request to modify the text of Decision No. A.1 of Z.C. Order No. 07-21B, and to grant the Applicant's request to install the revised blade sign shown and remove the hotel sign at the top of the building. (Ex. 47A.)

### **PUD Modification**

29. The Applicant requested approval to modify the signage condition of the PUD approved in Z.C. Order No. 07-21B. The approved PUD includes hotel and restaurant signage that was required to be built "in accordance with the architectural plans and elevations prepared by Shalom Baranes Associates, dated October 11, 2007 (Exhibit 24), as supplemented by the plans presented at the public hearing (Exhibit 36) (the "Plans"), as modified by the guidelines, conditions, and standards herein." (See Z.C. Order No. 07-21B, Decision No. A.1.) Exhibit 24 was the architectural drawings prepared by Shalom Baranes Associates and dated October 7, 2011. Exhibit 36 was a copy of the Applicant's PowerPoint presentation, which included the Applicant's signage plan on page four.
30. The Applicant in this case originally requested that the Commission add the following sentence at the end of Decision No. A.1 of Z.C. Order No. 07-21B: "The signage area locations and approximate dimensions shall be shown on the signage plan at Exhibit 36, page 4." Adding this language would clarify that Exhibit 36, page 4 showing the signage area, locations, and approximate dimensions was the approved signage plan for the project and would permit the Applicant to maintain the hotel signage in its existing location at the top of the building.
31. In its supplemental prehearing submission dated December 16, 2016, the Applicant updated its request to modify the text of Z.C. Order No. 07-21B to instead add the following condition on the location and dimensions of the approved building signage: "The signage area[,], locations, and approximate dimensions shall be shown on Exhibit Nos. [22A, 22B, and 22CD] of Z.C. Case No. 07-21C." (Ex. 22.) Exhibit 22A is a photograph of the existing upper-level hotel sign, Exhibit 22B is a copy of the approved permit drawings for the building signage, and Exhibit 22D is a photograph showing the existing ground-level restaurant sign located on the building's 22<sup>nd</sup> Street façade.
32. Following the public hearing and negotiations with ANC 2A, WECA, and 22 West, on July 14, 2017, as supplemented on July 17, 2017, the Applicant submitted its post-hearing filing, which included a revised signage plan showing an externally-illuminated hotel blade sign for the hotel on the building's M Street façade near the corner with 22<sup>nd</sup> Street, which would replace the existing hotel sign at the top of the building. (Ex. 47, 47A.) The replacement sign would be three feet by 10 feet (30 square feet) with two spot lights mounted on each side near the base of the sign ("Replacement Sign"). Installation of the



Replacement Sign was agreed to by ANC 2A, WECA, and 22 West, contingent upon the Applicant removing the existing hotel sign at the top of the building. (*See* Ex. 41.) In its post-hearing filing, the Applicant proposed conditions regarding the timing for removal of the existing sign and installation of the Replacement Sign, which the Commission did not approve.

33. The Applicant also requested a modification regarding the building's ground-floor retail signage, which was approved to be located on the building's 22<sup>nd</sup> Street façade (*see* Exhibit 36 of Z.C. Case No. 07-21B), but was installed on the building's east façade (*see* existing conditions photograph and signage permit drawings at Exhibit 22B and 22D). The Applicant requested that the Commission approve the existing location and approximate dimensions of the retail signage, as shown on Exhibit 22B and 22D, to allow the sign to be maintained in its current configuration. The Applicant also requested flexibility to relocate the retail signage to its originally-approved location, as shown on Exhibit 36 of Z.C. Case No. 07-21B. ANC 2A, WECA, and 22 West did not oppose this request. OP also stated no objection to the existing retail signage, assuming it meets all requirements of any applicable signage or public space regulations. (*See* Ex. 25, p. 3.)
34. Based on the foregoing, the Commission approves the Applicant's final request to modify the text of Z.C. Order No. 07-21B to add the following condition: "The signage area, locations, and approximate dimensions shall be as shown on Exhibit No. 47A of Z.C. Case No. 07-21C. The building shall not include any signage at the top of the building. Ground-floor retail signage shall be consistent with either Exhibit 36 of Z.C. Case No. 07-21B or Exhibits 22B and 22D of Z.C. Case No. 07-21C."

### **OP Reports**

35. By report dated October 14, 2015, OP recommended that the Commission not consider the Applicant's request as a consent calendar minor modification, and instead set down the application for a public hearing. (Ex. 8.)
36. By report dated December 27, 2017, OP indicated that it did not support the application to retain the hotel signage at the top of the building, but did not oppose the placement of the ground-floor retail signage on the building's 22<sup>nd</sup> Street façade. (Ex. 25, p. 1.) Consistent with OP's recommendations, the Commission does not approve the Applicant's request to maintain the hotel signage at the top of the building, and does approve the Applicant's request for flexibility to maintain the existing location of the ground-floor retail signage.

### **DDOT Report**

37. By report dated December 9, 2016, DDOT filed a hearing report indicating that the application would have no adverse impacts on the travel conditions of the District's transportation network, and that DDOT had no objection to approval of the application. (Ex. 21.)

## **ANC 2A Report**

38. By letter dated October 9, 2015, ANC 2A objected to: (i) the Applicant's request for a "minor" modification to Z.C. Order No. 07-21B, and requested that the application be placed on the Commission's hearing calendar to permit public testimony; and (ii) the Applicant's request to maintain the hotel sign at the top of the building. The letter indicated that at its special meeting on October 7, 2015, with a quorum of commissioners present, ANC 2A voted 5-0-0 to oppose the Applicant's request for a modification. The ANC's decision was based on its belief that Z.C. Order No. 07-21B provided "clear direction for one hotel identification sign only and it was to be over the hotel entrance." (Ex. 7, p. 2.)
39. By letter dated December 22, 2016, ANC 2A submitted a second letter that reaffirmed its opposition to the Applicant's request to maintain the hotel sign at the top of the building, based on its belief that Z.C. Order No. 07-21B clearly permitted one hotel identification sign only, and it was to be located over the hotel entrance. The letter indicated that at its regular, duly noticed public meeting on November 16, 2016, with a quorum of commissioners present, ANC 2A voted 5-0-0 to oppose the Applicant's request for a modification. (Ex. 24, p. 2.)
40. Commissioners Florence Harmon and Patrick Kennedy testified on behalf of ANC 2A at the public hearing and expressed ANC's unanimous opposition to the proposed modification. Commissioners Harmon and Kennedy described the ANC's long history of involvement with the PUD and the inappropriate nature of the existing signage for the neighborhood. Commissioners Harmon and Kennedy requested that the Commission deny the Applicant's request to maintain the existing hotel sign at the top of the building as being inconsistent with Z.C. Order No. 07-21B and the intent of the Commission in approving that application. (Ex. 30, 36.)
41. Following negotiations with the Applicant, WECA, and 22 West after the public hearing, the parties filed a joint notice of settlement based upon a revised signage plan, which would remove the existing hotel sign at the top of the building and replace it with the Replacement Sign (*see* Ex. 41). Unfortunately, the plans submitted were not those agreed to by the ANC. Commissioner Harmon pointed this out to the Applicant's Counsel through an email dated July 16, 2017. (Ex. 44.) The Applicant subsequently submitted the correct revised plans. (Ex. 47-47A.)

## **Parties in Opposition**

42. WECA submitted written and oral testimony in opposition to the application. By letters dated October 9, 2015, and August 15, 2016, WECA objected to the Applicant's request for the application being reviewed a consent calendar "minor" modification, and objected to the Applicant's request to maintain the existing hotel sign at the top of the building. (Ex. 6, 14.) Similar to the ANC's position, WECA's objection was based on its belief that Z.C. Order No. 07-21B only permitted one hotel sign, and that sign was to be located over the hotel's entrance.

43. Barbara Kahlow testified on behalf of WECA at the public hearing, expressing WECA's opposition to the hotel signage at the top of the building and the importance of removing that sign. (Ex. 35.)
44. Following negotiations with the Applicant, ANC 2C, and 22 West after the public hearing, WECA agreed to a revised signage plan, which would remove the existing hotel sign at the top of the building and replace it with the Replacement Sign. (Ex. 41.) WECA conditioned its support of the Replacement Sign with the Applicant immediately removing the existing hotel sign at the top of the building. (*See* Ex. 42, 48.)

### **Organizations in Opposition**

45. Sally Blumenthal of 22 West testified as an organization in opposition to the application at the public hearing. Twenty-Two West opposed the application based on the belief that Z.C. Order No. 07-21B only permitted a single hotel sign, and that sign was to be located above the hotel's entrance on 22<sup>nd</sup> Street. (Ex. 37.) Following negotiations with the Applicant and other parties, 22 West supported the revised signage plan. (*See* Ex. 41.)

### **Persons in Opposition**

46. Rebecca Coder, ANC Commissioner Chair during Z.C. Case No. 07-21B, testified in opposition to the application at the public hearing in her individual capacity. Commissioner Coder provided examples of other PUDs with "appropriate" signage, included information on the health impacts of artificial light, and asserted that hotels do not need signs for successful operation. (Ex. 31.)

## **CONCLUSIONS OF LAW**

1. Pursuant to the Zoning Regulations, the PUD process is designed to provide for higher quality development through flexibility in building controls, including building height and density, provided that the PUD results in a project superior to what would result from the matter-of-right standards, offers a commendable number or quality of meaningful public benefits, protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. (Subtitle X § 300.1.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider and approve this application for a modification to the approved Consolidated PUD. Any modifications proposed to an approved PUD that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Commission pursuant to Subtitle Z, Chapter 7. Pursuant to Subtitle X § 704.3, the application shall meet the requirements for, and be processed as, a second-stage PUD application. In this case, the Commission treated the PUD modification as a second-stage PUD application.
3. The Commission may establish general standards and, in individual cases, set standards and conditions for height and bulk lesser or greater than the standards established for the affected districts in the Zoning Regulations. (Subtitle X § 300.6.)



4. Development of the Property, as modified, carries out the purposes of Subtitle X, Chapter 3 to provide high quality development that is superior to what would result from the matter-of-right standards.
5. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan.
6. The project benefits and amenities are reasonable tradeoffs for the requested development flexibility.
7. Approval of the PUD modification is appropriate because the project is consistent with the present character of the area, is not inconsistent with the Comprehensive Plan, and conforms with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the written issues and concerns the affected ANC. The only issues and concerns expressed by ANC 2A concerned its opposition to the modification originally proposed. The ANC did not submit a formal report concerning the revised modification request, although its representative entered a settlement agreement with the Applicant concerning it. Therefore, as to the modification granted, there are no issues or concerns to give great weight to.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP's recommendations. For the reasons stated above, the Commission concurs with OP's recommendation to: (i) deny the Applicant's request to maintain the hotel signage at the top of the building; and to (ii) grant the Applicant's request for flexibility on the location of the ground-floor retail signage. OP took no position on the negotiated new signage plan shown on Exhibit 47A.
10. The PUD modification application is subject to compliance with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission of the District of Columbia **ORDERS APPROVAL** of the revised request for modifications to a previously approved consolidated PUD for the Subject Property located at Lot 87 in Square 50, originally approved in Z.C. Order No. 07-21, as amended by Z.C. Order No. 07-21B, subject to the conditions listed below.

**A. HOTEL SIGNAGE**

1. Decision No. A.1. of Z.C. Order No. 07-21B shall be amended as follows:


“The PUD shall be developed in accordance with the architectural plans and elevations prepared by Shalom Baranes Associates, dated October 7, 2011 (Exhibit 24), as supplemented by the plans presented at the public hearing (Exhibit 36) (the "Plans"), as modified by the guidelines, conditions, and standards herein. Notwithstanding the notes on pages A1 and A2 of Exhibit 24, but subject to the flexibility allowed under Condition No. 7(e) (discussed at paragraph 43(b) of this Order), the hotel shall have two signs: (i) one hotel sign shall be above the hotel's entrance on 22<sup>nd</sup> Street, as shown on pages A1 and A2 of Exhibit 24, and that sign cannot be at a different location or be vertically mounted on the façade of the hotel or illuminated from within, and (ii) one hotel sign shall be an externally-illuminated vertical blade sign located on the building's M Street façade near the corner with 22<sup>nd</sup> Street, and shall be three feet by 10 feet (30 square feet) with two spot lights mounted on each side near the base of the sign. The signage area, locations, and approximate dimensions shall be consistent with Exhibit No 47A of Z.C. Case No. 07-21C. The building shall not have any signage at the top of the building. Ground floor retail signage shall be consistent with either Exhibit 36 of Z.C. Case No. 07-21B or Exhibits 22B and 22D of Z.C. Case No. 07-21C.”

**B. MISCELLANEOUS**

1. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
2. The Applicant is required to comply fully with the provisions the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 *et seq.*, (“Act”). 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, 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.

On July 24, 2017, upon the motion of Commissioner Turnbull, as seconded by Chairman Hood, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application, as amended, at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull) to approve.

In accordance with the provisions of Subtitle Z § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on November 9, 2018.

  
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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

  
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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**