

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-34A
Z.C. Case No. 08-34A
Center Place Holdings, LLC
(Second-Stage Planned Unit Development for the South Block)
January 28, 2013

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on November 29, 2012, to consider an application from Center Place Holdings LLC¹ (the "Applicant") for approval of a second-stage planned unit development ("Second-Stage PUD") for development of the South Block (the "Application") in accordance with the Commission's approval in Z.C. Case No. 08-34 ("Z.C. Order No. 08-34") under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR ("Zoning Regulations"). The project site is located in Lot 44, Square 568, generally bounded by 2nd Street, N.W., to the east, E Street, N.W., to the south, 3rd Street, N.W., to the west and the extension of F Street, N.W., to the north (the "Site"). The Commission considered the Application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the Application.

FINDINGS OF FACT

Application, Parties, and Hearing

1. On June 4, 2012, the Applicant filed the Application, including architectural plans and drawings, for approval of the Second-Stage PUD for the Site in accordance with Z.C. Order No. 08-34 (the "PUD Submission"). (Exhibit ["Ex."] 3.)
2. At its July 9, 2012, public meeting, the Commission set the case down for hearing.
3. The Applicant filed a Prehearing Submission on August 31, 2012, including a Prehearing Statement and modified architectural plans and drawings. (Ex. 15-16A8.) The Applicant then filed additional materials in its Supplemental Prehearing Submission on November 8, 2012, (the Supplemental Prehearing Submission") along with fully re-issued plans and elevations (the "South Block Second-Stage PUD Plans"). (Ex. 20-21A5.)
4. A Notice of Public Hearing was published in the *D.C. Register* on October 5, 2012. The Notice of Public Hearing was mailed to all property owners within 200 feet of the Site as well as to Advisory Neighborhood Commission ("ANC") 6C.

¹ The Application was originally submitted by Center Place Holdings, LLC, on behalf of the District of Columbia, through the Office of the Deputy Mayor for Planning and Economic Development, the owner of the property at that time. Since then, Center Place Holdings, LLC has acquired the property.

5. The Commission held a public hearing on the Application on November 29, 2012. The parties to the case were the Applicant and ANC 6C, the ANC within which the Site is located.
6. The Applicant presented the following witnesses: Sean Cahill, representing the Applicant; William Pedersen, architect with the firm of Kohn Pedersen and Fox ("KPF"); and Steven Sher, land planner with Holland & Knight. Messrs. Pedersen and Sher were accepted as experts in their respective fields.
7. The Office of Planning ("OP") submitted a report dated November 19, 2012, in support of the Application. (Ex. 23.) The OP report stated that the proposal is not inconsistent with the first-stage PUD approval or the Comprehensive Plan. In its testimony at the hearing, OP reiterated its support for the Application and rested on the record.
8. The District Department of Transportation ("DDOT") submitted a report dated November 19, 2012. (Ex. 24.) DDOT testified in support of the project at the hearing.
9. ANC 6C submitted a letter dated October 15, 2012, indicating that with a quorum present, ANC 6C voted unanimously to support the Application. (Ex. 22.)
10. At the conclusion of the hearing, the Commission took proposed action to approve the Application, including the South Block Second-Stage PUD Plans. The Commission requested that the Applicant provide additional details to indicate the materials and architectural details of the seven-story portion of the project. On December 21, 2012, the Applicant submitted its Post-Hearing Submission (the "Post-Hearing Submission") with this information. (Ex. 31-31A.)
11. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by delegated action dated January 15, 2013, found that the Application would not have an adverse effect on federal interests nor be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 33.)
12. The Commission took final action to approve the Application at its public meeting held on January 28, 2013.

The Site and the Area

13. The Site consists of the land located in Lot 44 in Square 568 in the area generally bounded by 2nd Street to the east, E Street to the south, 3rd Street to the west, and the proposed extension of F Street to the north, in Northwest DC. The Site contains approximately 85,364 square feet of land area.

14. The Site was approved as part of a first-stage PUD (the "First-Stage PUD") in Z.C. Order No. 08-34 and is known as the South Block. Z.C. Order No. 08-34 approved the First-Stage PUD for the entire area of development in the air rights above the Center Leg Freeway, a zoning map amendment to C-4 for the entire site, and a consolidated PUD for the following: (1) the construction of the entire platform; (2) the proposed mix of uses, the height and density of each building, and site plan for the overall project; (3) the construction of the office building in the North Block; (4) the construction of all below-grade parking, concourse and service levels; and (5) the proposed landscaping and streetscape design for the overall Site.
15. The Application requests approval for the Second-Stage PUD for the South Block building ("South Block Building" or "Building"). The First-Stage PUD for the Site also includes the construction of facilities for the Jewish Historical Society ("JHS"), including relocation of the historic Adas Israel Synagogue to the northwest corner of the Site. The JHS facilities are not included in this Application and will be brought forward in a separate second-stage PUD application.
16. The Commission concluded through Z.C. Order No. 08-34 that the Site was appropriate for C-4 zoning.
17. The Site is not within a historic district. The JHS Synagogue is a designated historic landmark and will be relocated to the Site in the future.

Design of South Block Building

18. The South Block Building is a 12-story office building with ground-floor retail. The maximum height of the building is 130 feet.
19. In the PUD Submission, the Applicant presented a modern designed glass building organized into two parallel bars with a full-height, central glass atrium. The exterior of the Building incorporated vertical fins and a horizontal and vertical architectural canopy, which created a unique and distinctive architectural characteristic to the Building. The canopy structure rose to 18 feet, six inches above the roof. The bulk of the massing has been placed along 2nd and F Streets, and the Building steps down on the west side, closer to F and 3rd Streets. Entrances on E, F, and 2nd Streets were recessed from the main street wall to further articulate the Building. The overall gross floor area of the Building in the PUD Submission was approximately 713,587 square feet, with 674,486 square feet of gross floor area devoted to office use and 19,101 square feet of gross floor area devoted to retail use.
20. At the set down, the Commission expressed concern relating to the height of the canopy structure above the roof of the Building. In response to these concerns, and as set forth in the Prehearing Submission, the Applicant lowered the overall height of the canopy

covering the Building to match the maximum height of the Building at 130 feet. The canopy element continues to maintain the same structure and design as proposed in the PUD Submission, with the canopy being lightweight and slim without additional cladding to hide the structure. The canopy will consist of an open-grate brise-soleil spanning between cantilevered structural members and will likely be fabricated out of aluminum or stainless steel rods. The canopy highlights the important corners of the building and provides aesthetic dimension in these areas.

21. In addition to lowering the overall height of the canopy structure, the Applicant incorporated other massing refinements to maintain the architectural expression in keeping with the original design intent of the Building. These changes include providing setbacks at levels 11 and 12 at the southeast corner of the building and at level 12 at the northwest corner. These setbacks help define the separation between the Building and the canopy above, which was the intent of the original design and an important element of the architectural composition of the Building. Similarly, the entrances were brought closer to the street to increase the area of the ground floor and allows for more sunlight to enter the atrium on the south façade. Finally, the Applicant also reconfigured the roof structure as a result of the lowered canopy. Specifically, the eastern penthouse was split into two spaces and relocated to either side of the penthouse to harmonize with the overall design intent of the building.
22. The reduced height of the canopy structure and the related modifications that maintain the original design intent of the Building responds positively to the Commission's concerns. The Commission finds that the building's design creates an appropriate massing for the South Block.
23. The modifications presented in the Prehearing Submission resulted in a slightly reduced overall gross floor area for the building. Accordingly, the South Block Building as proposed in the South Block Second-Stage PUD Plans includes 689,352 square feet of gross floor area, with 670,251 square feet devoted to office use and 19,101 square feet devoted to retail use.
24. The Applicant commits to provide a minimum of 19,101 square feet of gross floor area devoted to retail use in the South Block Building, which will go towards the minimum of 62,687 square feet which the Applicant is required to provide for the overall project by Z.C. Order No. 08-34. This retail space will be located generally along 2nd Street, E Street, and F Street, with ceiling heights of 12 feet, as shown on the South Block Second-Stage PUD Plans. The Applicant requested flexibility to increase the amount of retail space up to an additional 13,954 square feet by converting those areas identified as office/retail flex spaces on the South Block Second-Stage PUD Plans.
25. In Z.C. Order No. 08-34, the overall project was approved to include a total of 1,146 parking spaces in the consolidated, below-grade parking facility. This Application

proposes no change to the amount or location of parking approved in Z.C. Order No. 08-34.

26. In Z.C. Order No. 08-34, loading was approved for the overall project to be located in a consolidated, below-grade loading facility accessed from E Street. The below-grade loading facility continues to be accessed from E Street. However, given the design of the Building, the loading entrance has shifted approximately 30 feet to the west as compared to that approved in Z.C. Order No. 08-34. This location results in better coordination of the ramp with the below-grade facilities.
27. The South Block Building includes an eco-chimney as a sustainable building feature designed to clean exhaust from the below-grade parking facility and the loading docks before releasing it into the atmosphere. The eco-chimney will be located on the west side of the Site, as shown on the South Block Second-Stage PUD Plans and consistent with the First-Stage PUD approval. The eco-chimney will be a two-story structure clad in glass panels similar to the typical building curtainwall system. Because the eco-chimney represents very new technology, the exact dimension of the structure may evolve somewhat as it is further developed.
28. The streetscape design for the South Block Building is consistent with the approval in Z.C. Order No. 08-34. The streetscape design of 2nd and 3rd Streets follows the basic Downtown grid street palette of street trees and No. 16 Washington Globe streetlights. F Street extends the Downtown character from the west as Downtown's "Main Street," with more widely spaced street trees and DC Twin-25 streetlights in pairs. The design now incorporates two additional planters on F Street, east of the Building entrance. These planters extend the same design of trees and plans previously approved. On E Street, the Applicant has set back the building façade six feet, 10 inches to create a 14-foot sidewalk along E Street, with a continuation of the streetscape from the east and west. Three low planters with trees and groundcover have been added on E Street to frame the building entrance similar to F Street.
29. The Commission requested additional information regarding the design and materials of the seven-story portion of the Building. In its Post-Hearing Submission, the Applicant provided supplemental information to indicate that the façade of the seven-story structure at the northwest corner of the Site continues the stainless steel spandrel detail from the glass fin wall, with the glass and spandrel panels recessed from the face of building. The stainless steel frame also turns the corner onto the west façade in order to give it depth and weight. On the west façade fronting the JHS property, the material will be stucco on masonry infill construction with metal reveals. The stuccos will be painted a warm, neutral tone to complement the brick color on the relocated JHS synagogue. When the JHS facilities are constructed, this wall will be covered and no longer visible.

Connection to 3rd Street, N.W.

30. The Commission requested clarification as to the connection of the Building to 3rd Street. The Applicant provided this clarification in its Prehearing Submission, indicating that the Site fronts on all four streets which define the boundaries of the Square: 3rd Street, F Street, 2nd Street, and E Street. The width of the right-of-way of 3rd Street is 110 feet, which permits a maximum height of 130 feet under the Act of 1910. The Building fronts on all four streets, and there are entrances to the Building on all four streets. For purposes of the width of the street to determine the permitted height and for purposes of determining the point of measurement, the Applicant may choose the street which gives the greatest advantage.
31. The Applicant has elected to use 3rd Street as the street to determine the permitted height. A portion of the Site between the west façade and 3rd Street is not proposed to be developed as part of this Application. Because there is no requirement that a building be constructed to the property line in order to front on that street, the South Block Building has frontage on 3rd Street and is permitted a maximum height of 130 feet by the Act of 1910.
32. The Applicant provided additional information in the Supplemental Prehearing Submission to evidence that the proposed JHS facilities will include a connection to the South Block Building to form a single building under the Zoning Regulations and will be considered as an addition to the Building. As shown on the South Block Second-Stage PUD Plans, the connection will be made through the doors provided in the west façade of the Building, which will lead to a public corridor that opens onto the ground floor level of the central atrium in the building. The nature and design of the connection must be provided to the Commission in the second-stage PUD application for the JHS facilities.

Central Atrium

33. A primary element of the South Block Building is the central atrium. The atrium provides an important central space that maximizes the daylight for the relatively deep floor plates.
34. The Commission requested clarification as to the height of the atrium above the main roof. Specifically, the central atrium rises to a maximum height of 18 feet, six inches above the roof. This height includes the glass atrium which extends 15 feet above the roof as well as the structural element which extends an additional three feet, six inches, for a total of 18 feet, six inches above the roof.
35. The Applicant provided detailed information in its Supplemental Prehearing Submission regarding the Zoning Regulations with respect to those types of elements that are permitted to exceed the maximum permitted height of building. The Commission finds

that the design and height of the atrium above the roof is in accordance with the long-standing application of the Zoning Regulations as applied to coverings of an atrium in buildings in the District.

Phasing of the Project

36. Condition No. 27 of Z.C. Order No. 08-34 approved the consolidated PUD for a period two years from the effective date of the order. Within such time, an application must be filed for a building permit for the construction of the platform and base infrastructure. Construction of the platform and base infrastructure must begin within three years of the effective date of the order. The Commission provided that within two years of the completion of the construction of the platform and base infrastructure, the Applicant must apply for a building permit for the construction of the North Block. The Applicant must commence construction of the North Block within four years of the completion of the construction of the platform and base infrastructure.
37. Given the necessity of having the platform constructed prior to the vertical development, the Applicant requests that the Second-Stage PUD for the South Block Building be approved in the same manner as the consolidated PUD was approved for the North Block. Specifically, the Applicant requests that upon approval of the Second-Stage PUD for the South Block Building, a building permit application must be submitted within two years of the completion of the construction of the platform and base infrastructure and that construction must commence within four years of that date. The Commission finds that the proposed timeframe for approval of the Second-Stage PUD is acceptable.

Development Flexibility and Incentives

38. In this Application, the Applicant requested additional flexibility from the roof structure requirements. Specifically, the South Block Building incorporates two mechanical penthouses on the roof of the Building and two enclosures for the elevator override and stair towers. These roof structures are not placed in a single enclosure as required by § 411.3 of the Zoning Regulations, which results primarily from the design of the Building, the independent mechanical systems for the separate portions of the Building, and incorporation of the central atrium. Each of the penthouses achieves a 1:1 setback, and the penthouse structures have been designed to harmonize with the overall design intent of the Building. The Commission finds that the development flexibility requested is acceptable.
39. No additional flexibility was requested or is granted through this order.

Compliance with PUD Standards

40. The Applications comply with the standards for a PUD set forth in Chapter 24 of the Zoning Regulations.
41. The Commission finds that the South Block Building is consistent with the First-Stage PUD approval in Z.C. Order No. 08-34.
42. The overall project, including the South Block Building, provides important public benefits and project amenities which are described in detail in Z.C. Order No. 08-34. These public benefits and project amenities have not changed with this Application. Accordingly, the Commission's finding that the relative value of the project amenities and public benefits offered is sufficient given the degree of development incentives requested and any potential adverse effects of the overall project, including the South Block Building, should not change
43. The South Block Building has been evaluated under the PUD guidelines for the C-4 Zone District. The density of the South Block Building is below the density permitted for a PUD within the C-4 Zone District and is less than that approved in Z.C. Order No. 08-34. The maximum height of the South Block Building is within that permitted for a PUD in the C-4 Zone District and is consisted with the First-Stage PUD approval in Z.C. Order No. 08-34.
44. The Application has been evaluated by the relevant District agencies and has been found to have no unacceptable adverse impact. The Commission finds that the South Block Building will have a positive impact on the city and will have no unacceptable adverse impacts.
45. As set forth in Z.C. Order No. 08-34, the Commission finds that the South Block Building advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The Commission finds that the South Block Building is not inconsistent with the Comprehensive Plan of 2006.

Office of Planning

46. By report dated November 19, 2012 and through testimony presented at the public hearing, OP recommended approval of the Application. (Ex. 23).
47. In the OP Report and its testimony at the hearing, OP concluded that the proposal is not inconsistent with the First-Stage PUD approval or the Comprehensive Plan. OP recommended approval of the Application.

District Department of Transportation

48. DDOT filed a report dated November 19, 2012, summarizing the transportation analysis for the project, including the roadway capacity and operations, safety, bicycle and pedestrian facilities, transit services, site access and loading, parking, streetscape and public realm, and Transportation Demand Management. (Ex. 24.) In response to questions from the Commission, DDOT testified in support of the project.

ANC 6C Report

49. By letter dated October 15, 2012, ANC 6C indicated that it voted to support the Applications by a vote of 8-0-0. (Ex. 22.)
50. The Commission afforded the views of ANC 6C the "great weight" to which they are entitled.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider and approve the Second-Stage PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of the South Block Building carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The Application is consistent with the First-Stage PUD approval in Z.C. Order No. 08-34.
5. The South Block Building is within the applicable height, bulk, and density standards of the Zoning Regulations for a PUD within the C-4 Zone District. This mixed-use project

which serves to reconnect the city is appropriate for the Site. The impacts of the South Block Building are not unacceptable.

6. The Application can be approved with conditions to ensure that the potential adverse effects on the surrounding area from the development will be mitigated.
7. The number and quality of the project benefits and amenities offered are a more than sufficient trade-off for the flexibility and development incentives requested.
8. Approval of the Application is not inconsistent with the Comprehensive Plan.
9. 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 affected ANC's recommendations. The Commission has carefully considered ANC 6C's support for the project and has given that support great weight.
10. 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 recommendations. The Commission has carefully considered OP's support for the project and has given that support great weight.
11. The approval of the Application will promote the orderly development of the Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
12. Notice was provided in accordance with the Zoning Regulations and applicable case law.
13. The 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 **ORDERS APPROVAL** of the application for a Second-Stage PUD for the South Block Building. This approval is subject to the following guidelines, conditions, and standards. Whenever compliance is required prior to, on, or during a certain time, the timing of the obligation is noted in bold and underlined text.

For the purposes of these conditions, the term "Applicant" means the person or entity then holding title to the Property. If there is more than one owner, the obligations under this Order shall be joint and several. If a person or entity no longer holds title to the Property, that party

shall have no further obligations under this Order; however, that party remains liable for any violation of these conditions that occurred while an Owner.

A. PROJECT DEVELOPMENT

1. The South Block Building shall be developed substantially in accordance with the plans prepared by Kohn Pedersen Fox Associates, dated November 8, 2012, in the record at Exhibits 21A1-21A5, as supplemented by the two additional plan pages dated December 20, 2012, submitted with the Post-Hearing Submission in the record at Exhibit 31A, (collectively, the "South Block Second-Stage PUD Plans") all as modified by the guidelines, conditions, and standards herein.
2. The South Block Building shall have an approximate gross floor area of 689,352 square feet, of which a minimum of 19,101 square feet of gross floor area shall be devoted to retail use.
3. The maximum height of the South Block Building shall be 130 feet, as shown on the South Block Second-Stage PUD Plans.
4. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials;
 - c. To vary the location, attributes and general design of the public spaces and streetscapes incorporated in the project to comply with the requirements of and the approval by the District Department of Transportation Public Space Division;
 - d. To locate retail entrances in accordance with the needs of the retail tenants and vary the façades as necessary within the general design parameters proposed for the project and to locate retail or service uses where "retail" is identified and to locate retail, service, or office uses where "retail/office" is identified; and

- e. To make minor refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals.

B. PUBLIC BENEFITS

5. **The Applicant shall submit with its building permit application** a checklist evidencing that the portion of the project for which the permit is submitted has been designed to meet the USGBC LEED Platinum standard for the core and shell of the office building.
6. **During construction of the project**, the Applicant shall abide by the First Source Employment Agreement under which the Applicant has agreed to fill 51% of all new jobs resulting from the construction of the project with District residents and to fill 67% of all new apprenticeship positions with District residents.
7. **During construction of the project**, the Applicant shall abide by an agreement that provides for Certified Business Enterprises to represent 20% of the developer's equity and development participation in the project and that provides for the Applicant to contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project.
8. **During the life of the project**, the South Block Building shall include a minimum of 19,101 square feet of gross floor area devoted to retail uses generally in the locations shown on the South Block Second-Stage PUD Plans.
9. **During the life of the project**, the Applicant shall provide a Transportation Management Program for all office tenants as approved in Condition 20 of Z.C. Order No. 08-34, which requires the Applicant to provide a Transportation Management Program for all office tenants, as set forth in the Supplemental Report to the Transportation Impact Analysis attached at Tab 4 to the Supplemental Prehearing Submission in the record for Z.C. Case No. 08-34 at Exhibit 30.

C. MISCELLANEOUS

1. No building permit shall be issued for this PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owner of the Site and the District of Columbia, that is satisfactory to the Office of the Attorney

General and DCRA. Such covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Commission.

2. The Second-Stage PUD approved by the Commission shall be valid for a period of two (2) years from the date of completion of the platform and base infrastructure approved in Z.C. Order No. 08-34. Within such time, the Applicant shall apply for a building permit for the construction of the South Block Building. The Applicant shall commence construction of the South Block Building within four years of the completion of the construction of the platform and base infrastructure.
3. 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.* 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.*, 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 November 29, 2012, upon the motion of Commissioner May, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the Application at the conclusion of the public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen not present, not voting).

On January 28, 2013, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Order was **ADOPTED** by the Zoning Commission at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, and Peter G. May to adopt; Michael G. Turnbull to adopt by absentee ballot; Marcie I. Cohen not participating, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on March 1, 2013.