

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

ZONING COMMISSION ORDER NO 11-15

Z C Case No 11-15

(Howard University – 2011 Campus Plan)

January 9, 2012

This Decision and Order arises out of an application filed in Z C Case No 11 15 of Howard University (University) pursuant to 11 DCMR §§ 3108 1, for special exception review and approval of its 2011 Central Campus Plan for the Howard University Campus under §§ 210 and 507 of the Zoning Regulations

The campus is bounded generally by Florida Avenue N W to the south 4th Street N W and the McMillan Reservoir to the east Hobart Street N W to the north and Sherman Avenue, N W to the west It is located in the R-4 D/R-5-A D/R 5- B, R-5-E C 2 A C-R, D/SP-2 C M 2 and C-M 3 zones in Square 330 Lot 800 Square 2872 Lots 266 to 271 275 803 820 822 824 Square 2873 Lots 785, 786 787 788, 789 790 791 792, 796 797 869 872, 873, 1101 Square 2875 Lots 159, 162-167, 284 302 331-333 976 982 1108, 2004, 2011 2033 Square 2877 Lots 62 811 930, 933 934, 945 968 972 970, 977 979 1023 Square 2882, Lots 742 to 749 756 to 769 950 951 952 953 1037 to 1039 Square 2885 Lot 889 Square 3055 Lots 15 821 Square 3057 Lot 92 Square 3058 Lots 827 828 829 833-835 Square 3060 Lots 41 830 839 Square 3063 Lot 801 Square 3064 Lots 44 45 826 837 Square 3065 Lots 36, 829 830 831 833 Square 3068 Lot 30 Square 3069 Lots 65 66 Square 3072 Lots 52 818, Square 3074 Lot 11 Square 3075 Lot 807 Square 3080, Lot 73 Square 3084 Lot 830 Square 3088 Lot 835 and Square 3094, Lot 800 It is surrounded by the neighborhoods of Shaw LeDroit Park, Bloomingdale, Pleasant Plains Park View and Columbia Heights

In accordance with 11 DCMR §§ 210 and 3035 this case has been heard by the Zoning Commission under the rules of the Board of Zoning Adjustment at Chapter 31 of 11 DCMR

HEARING DATE December 5 2011
DECISION DATE January 9 2012

ZONING COMMISSION
District of Columbia
CASE NO 11-15
EXHIBIT NO 89

FINDINGS OF FACT

1 The proposed Campus Plan applies to Howard University's Central Campus The Central Campus is centered along Georgia Avenue and Howard Place with Hobart Street to the north 4th Street to the east U and V Streets to the south and Florida and Sherman

Avenues to the east The campus boundary also extends to the following additional properties vacant buildings along Sherman Avenue and north of Barry Place, parking lot near 9th and V Streets, Carver Hall at 2nd and Elm Streets N W Slowe Hall at 3rd and Elm Streets N W and University Service Center at 10th and Florida Avenue

- 2 The University's previous Central Campus Plan was approved by BZA Order No 16330 on March 29, 1999 subject to conditions including the following
 - A cap on student enrollment at 12,000 faculty at 1 777 staff at 3,494, and hospital staff at 2 185
 - The University should work with the community and make all reasonable efforts to seek the implementation of the recommended traffic mitigation measures if the measures are deemed desirable by a consensus of the affected community groups
 - The University shall endeavor consistent with its overall academic mission to encourage commercial development on lower Georgia Avenue and
 - Establish a Howard University Advisory Council (HUAC) composed of representatives of the University affected Advisory Neighborhood Commissions (including but not limited to ANC 1B and ANC 5C) representatives selected by civic associations surrounding the campus (including but not limited to Pleasant Plains Bloomingdale and LeDroit Park), interested student organizations and other interested community groups The Howard University Advisory Council shall meet on a regular basis or a minimum of four times annually to discuss the effects of University activities on the surrounding community and other issues of mutual concern
- 3 This Plan expired on March 29 1999 The University requested and the Zoning Commission approved an 18-month extension of the Plan on January 12 2009 pursuant to Z C Order No 08 32 and a one year extension on May 24 2010 pursuant to Z C Order No 08-32B to allow the University s new administration to have input on the plan
- 4 The proposed Campus Plan ('2011 Plan) is an update of the previous plan and a program to upgrade and expand campus facilities including academic residential and recreational buildings The 2011 Plan proposes over 2 316,584 gross square feet of new construction as well as major renovations and additions to existing buildings in three phases over the next seven years The 2011 Plan proposes an increase in the floor area ratio (FAR) of the campus from the existing 1 3 to 1 75 but no change in the existing enrollment benchmark of 12 000 students

- 5 The boundaries of the Central Campus are modified with the 2011 Plan. The University is adding a vacant parking lot, consisting of Lots 266, 271, 803, 820 and 822, 824 in Square 2872, Lot 788 in Square 2873 and Lot 1108 in Square 2875. Certain lots in Squares 2873, 2875 and 2877 are no longer owned by the University and have been deleted.
- 6 The proposed 2011 Plan is based upon the following key planning principles:
- support for the University's academic mission,
 - preservation and protection of the University's historic legacy,
 - fostering community engagement
 - implementation of good urban design,
 - enhancing connectivity and walkability
 - improving the public realm
 - developing the campus edge and
 - embracing sustainability
- 7 The proposed 2011 Plan includes several projects that would expand academic, residential, athletic, commercial and student life facilities on the campus. The majority of the proposed building expansion will take place on the eastern portion of the campus (the core area) and not directly adjacent to neighborhood residences.
- 8 The University's plan for the new and expanded building projects is phased as follows:
- Phase 1 (1-3 years)** includes a new interdisciplinary science and engineering building, Computational Biomedical Science, two new Residential Halls as well as a residence for upperclassmen, a wellness and recreation center, and retail.
- Phase 2 (3-5 years)** includes renovation of the Blackburn Center, School of Communications and Retail, Academic/Support/Public Safety, Nursing, Allied Health, Pharmacy, Nanotechnology, Upperclassman Residence, Retail, and the Miner Building Renovation.
- Phase 3 (5-7 years)** includes Health Sciences, Health Care and Retail, an Intercollegiate Athletics Complex and Retail, Graduate and Work Force Housing, Upperclassman Residences, and a teaching and learning building, and
- Future Phase** includes academic, residential, retail, institutional, infill, academic/research, and additional space.
- 9 The University's proposed development plan does not address the current and future status of the Howard University Hospital. The hospital has its own unique operations and

impacts and would need to be fully analyzed to assess its impacts on the neighborhood due to traffic. The Office of Planning (“OP”) therefore recommended that a development plan for the hospital be provided as an amendment to the 2011 Plan should expansion or external alterations be proposed.

- 10 The 2011 Plan proposes to increase the University’s capacity to house students on the campus. The University submitted under separate cover further processing applications for two new dormitories to be constructed for occupancy for the 2014-2015 academic year.
- 11 The University’s student housing plan targets accommodating between 60% and 70% of the total eligible (full time) student population, as compared to the existing capacity to house approximately 40% of eligible students. The plan is designed to address several core issues with the existing inventory, including
 - a general lack of system capacity to house the targeted proportion of the student population
 - the poor location of existing residence halls relative to core campus functions
 - the old age of many of the existing facilities and the infrastructure that serves them, and
 - disparities between housing types, price points, and access to housing within the system
- 12 To accomplish its student housing goals, the University is committed to the construction of several new residence halls, the renovation of certain existing residence halls, and the removal of outmoded or sub-par facilities from the housing inventory. Properties that are tentatively scheduled for removal from the actively occupied inventory include George W. Carver Hall, George W. Cook Hall, Charles R. Drew Hall, Meridian Hill Hall, and Lucy D. Slowe Hall.
- 13 In Phase I of the Campus Plan, the University proposes to construct over 1,300 new beds to replace facilities that are deemed sub-par. In subsequent phases, over 1,500 more beds are proposed to be constructed to enhance system capacity to meet the targeted 60% to 70% on-campus residency rate. Additionally, approximately 100 beds will be removed from the system through a series of interior renovations focused upon enhancing housing quality through de-densification of living conditions.
- 14 Key landscape recommendations included in the 2011 Plan include
 - renovating the Main Quad and Lower Quads
 - developing a new gateway at Howard Place and Georgia Avenue
 - improving streetscapes throughout the campus boundaries

- improving the East-West pedestrian connection at Howard Place across Georgia Avenue to Sherman Avenue
 - renovating the rooftop of the Undergraduate Library with a new green roof garden arbor and seating areas, and
 - creating a new Residential Quad
- 15 The Commission provided proper and timely notice of public hearing on this application by publication in the *D C Register* and by mail to the Applicant, Advisory Neighborhood Commissions (ANC) 1B and 5C and to owners of property within 200 feet of the property that is the subject of this application The application was also referred to OP for review and report
- 16 The Central Campus is located within the boundaries of ANC 1B ANC 1B, which is automatically a party in this proceeding submitted a written statement in support of the application The application is also of interest to ANC 5C whose boundary is located across from the Howard campus ANC 5C also submitted a written statement in support of the application
- 17 OP submitted a written report and recommended approval of the University s application subject to the following conditions
- (a) The overall maximum student enrollment shall be 12,000 students including any student taking at least one class or course at any area covered by the 2011 Plan
 - (b) The 2011 Plan as submitted shall be valid for a period of 15 years
 - (c) The anticipated reuse of the vacated student housing buildings in the community be identified,
 - (d) A campus plan amendment and/or further processing application be submitted should the Howard University Hospital propose any structural changes or expansions
 - (e) Provide university student housing for at least 70% of the total undergraduate enrollment and
 - (f) Submission of the existing proposed and maximum density calculations for the entire campus
- 18 The D C Department of Transportation (DDOT”) submitted a written memorandum indicating support for the application and listing several areas in which the University

could improve or expand upon previous improvements to transportation within and around the Central Campus boundaries

- 19 In response to DDOT s recommendations the University agreed to the following
- (a) Coordinate closely with DDOT regarding the roadway design of Georgia Avenue to ensure successful improvement of transit facilities, changes to curbside parking, and minimization of vehicular delay on the corridor
 - (b) Install a new traffic signal at the intersection of College and 4th Streets, N W prior to the issuance of a certificate of occupancy for the new student residences along 4th Street
 - (c) Fund at least one Bikehare station on the central campus in order to help meet the demand for the bicycle transportation and to connect with new activity centers and residential nodes where Bikeshare bicycles and docks have already been installed
 - (d) Implement a Transportation Demand Management (TDM) Plan to encourage students faculty and staff to reduce the number of drive alone trips to the central campus and increase their use of transit and other alternative modes of transportation The TDM Plan includes
 - (1) Maintenance of bus stops during construction, should any construction activity necessitate bus stop relocation
 - (2) An increase in the amount of short-term and long-term bicycle parking on campus as described in the TDM Plan submitted to DDOT on November 21 2011
 - (3) Offering non University tenants of new campus plan buildings the option to purchase or lease parking spaces at market rate instead of including them in the tenancy lease thus giving them an opportunity to reduce their use of on-site parking,
 - (4) Posting and publication of the final TDM Plan on the University s Parking and Shuttle webpage and in other University media, where commuter benefits and timelines for implementation will be publicized for all faculty staff and students
 - (5) Identification of a TDM Leader ,
 - (6) Installation of at least one transportation information kiosk per year for the first five years of the campus plan implementation,

- (7) Establishment of weblinks to commuter support websites
 - (8) Maintenance and improvement of the University shuttle bus service where necessary,
 - (9) Expansion of telecommuting practices and the promotion of flextime schedules where appropriate for faculty and staff
 - (10) An increase in the price of parking on University parking lots by 100% for all permit holders on lots with occupancy levels of 80% or greater beginning in school year 2012-2013
 - (11) Encourage an increase in the use of WMATA s SmartBenefits program
 - (12) Conduct annual modal split surveys and monitoring practices to determine the effectiveness of the TDM measures in reducing the percentage of drive-alone University faculty staff and students These will include the establishment of aspirational performance indicators and TDM targets that the University shall use as benchmarks against which to measure progress The intent is to be able to effectively gauge success in meeting targets These targets include
 - By the end of the first five years of the approved plan
 - A reduction in the faculty and staff drive-alone rates to 50% and
 - A reduction in the percentage of the overall population (including students) who drive alone to 18%
 - By the end of the first ten years of the approved plan
 - A reduction in the faculty and staff drive-alone rates to 40%
 - A reduction in the percentage of the overall population (including students) who drive alone to 15% and
 - If annual surveys do not show a reduction in the current drive alone mode percentage and/or the number of parking permits sold the University will undertake additional TDM measures beyond those listed above in pursuit of the aspirational targets and
- (e) Commit to an on-going regular monitoring and reporting program of campus transportation activity parking and progress on TDM targets to DDOT

20 The LeDroit Park Civic Association and the Pleasant Plains Civic Association both expressed concerns about University-owned vacant buildings located outside the Campus Plan boundaries including those that are currently vacant or near vacant, and those that are scheduled to become vacant. The University has addressed each of these concerns as follows:

- The Mary Church Terrell House, 326 T Street N W, is a National Historic Landmark (as of 1975), and is undergoing restoration activities as funding becomes available. The building is unoccupied. The University indicated that it continues to seek funding to complete the restoration of the building and the exterior landscaping will be maintained.
- The Walter Washington Home, 408-410 T Street N W, is a home of special local significance which the University intends to renovate and stabilize for potential use as a University Guest House. The University indicated that in the interim the exterior landscaping will be maintained.
- 649 Florida Avenue N W is a vacant lot that is fenced in and frequently collects trash. Neighbors have asked and the University agreed that the lot be regularly cleaned and that the University will explore placing some artwork around the perimeter to keep it from being an eyesore.
- The Effingham Apartments, 2711, 2715, 2719 Georgia Avenue N W, are currently vacant. This apartment complex will remain vacant and the University agreed to maintain the exterior landscaping and keep the hallways well lit in the evenings.
- Square 2877, Lot 967 next door to 2009 Eighth Street N W, is a fenced in vacant lot which intermittently collects trash. The neighbors have requested and the University agreed that the lot shall be regularly cleaned and that the University will explore placing some artwork around the perimeter to keep it from being an eyesore.
- Vacant storefronts occur in several places on Howard-owned property along Georgia Avenue (e.g. Wonder Plaza and 2727 Georgia). Neighbors have requested and the University agreed that the University will work with the Emergence Community Arts Collective and the Pleasant Plains Workshop to place artwork in the front windows of these facilities so that they stop looking so desolate.

21 The LeDroit Park neighbors asked that since so much construction is expected to ensue in the near term, they would like the University to develop a construction plan with its

neighbor community institutions that would help minimize the inconveniences that construction can normally bring about. The University agreed to develop construction plans that address these and other concerns of neighbors as they arise around each of the construction projects it sponsors.

22. The LeDroit Park and Pleasant Plains communities, the Georgia Avenue Community Development Task Force, and ANC 1B all conditioned their support of the plan upon the continuation of the Community Advisory Committee ("CAC") that was established in 1999 as a condition of the Zoning Commission's approval of the University's 1998 Central Campus Master Plan. The University agreed to continue the CAC and include a senior University official in the meetings.
23. The Bloomingdale Civic Association, ANC 1B, the Georgia Avenue Community Development Task Force, and the LeDroit Park Civic Association all acknowledged a need for the University to work more closely with its students and its neighbors to foster better relationships between the students who live in off-campus housing and community residents. To help develop a more robust infrastructure for managing these relationships, the University agreed to implement the following measures:
 - (a) The development of an off-campus housing policy that will be published in the student handbook.
 - (b) The creation of an inventory of off-campus housing so that students who live off-campus can be readily identified by address.
 - (c) Regular convening of students who live off-campus to orient them to the community's history and heritage, introduce them to community leaders, provide them with tips for safety and adjustment to community living, and remind them of off-campus housing policies, their rights, and responsibilities.
 - (d) Working with community groups to organize welcoming events for students, and
 - (e) Establishing a website that
 - (1) Provides valuable information to students and community members such as contact information for University staff, the Metropolitan Police Department ("MPD"), the Department of Consumer and Regulatory Affairs ("DCRA"), and community leadership in the event issues arise or complaints need to be filed.
 - (2) Contains a complaint form that can be filled out online by any complainant who needs to alert the University of a concern they may have,

- (3) Sets forth instructions regarding the procedures that students and community members should follow to have complaints addressed most efficiently and effectively,
 - (4) Assigns a University staff member to be responsible for monitoring complaints filed and directing them to the appropriate persons to resolve the issues raised
 - (5) Identifies issues that should be addressed by the University MPD the Landlord Tenant Division of DCRA or others and
 - (6) Identifies landlords and tenants rights and responsibilities as they relate to off-campus housing in which students reside such as safety hazards on the property overflowing trash problems overcrowding rodent and/or insect infestation etc
- 24 The University submitted a rationale justifying the treatment of the Howard University Middle School located within the campus boundaries as an accessory university use for zoning purposes As such the Middle School s parking requirements can be met within the overall Campus Plan parking standards
- 25 As directed by 11 DCMR § 3119 2, the Zoning Commission required the Applicant to satisfy the burden of proving the elements necessary to establish the case for a special exception under 11 DCMR § 210
- 26 On December 12 2011 the University submitted a post hearing memorandum in which it responded to the Zoning Commission OP DDOT ANCs 1B and 5C the LeDroit Park Civic Association the Bloomingdale Civic Association the Pleasant Plains Task Force and the Georgia Avenue Community Development Task Force In its post-hearing memorandum the University provided all of the additional information requested by the Zoning Commission and accepted and committed to implementation of the recommendations set forth in the statements by the Office of Planning the Department of Transportation and the various neighborhood organizations

CONCLUSIONS OF LAW

The Applicant is seeking a special exception pursuant to §§ 210 and 3104 of the Zoning Regulations for approval of a new Campus Plan The Zoning Commission is authorized to grant a special exception where in the judgment of the Zoning Commission based on a showing through substantial evidence the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of

neighboring property in accordance with the Zoning Regulations and Zoning Maps (D C Official Code § 6-641 07(g)(2)(2001) 11 DCMR § 3104 1)

The Zoning Regulations specify that a university in a Residence Special Purpose (SP) or Mixed-Use (Commercial Residential) (CR) Zone District 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 § 507 7 and § 615 2) With the imposition of conditions contained in the Order the Zoning Commission concludes that the Applicant has met its burden of showing that its use of its property will not be objectionable to neighboring property

The Zoning Commission concludes that the proposed 2011 Plan includes an acceptable and appropriate range of projects The Zoning Commission also concludes that, in addition to making traffic and parking assessments the University articulated its vision for the campus environment successfully

The Zoning Commission notes, and gives great weight to, the recommendations by OP that the proposed Campus Plan should be approved subject to certain conditions designed to insure that the University will conform to the requirements of § 210 of the Zoning Regulations especially §§ 210 2 and 210 7 The Zoning Commission has incorporated many of OP's recommended conditions which have been agreed to by the University into the approval of the new Campus Plan The Zoning Commission also notes and gives great weight to the issues and concerns of ANCs 1B and 5C and carefully considered their comments in formulating the conditions of approval of the Campus Plan

The Zoning Commission finds that the Campus Plan boundaries and proposed enrollment faculty and staff caps are reasonable and appropriate Because the caps are a continuation of the status quo and have proven to be adequate in the past they are not likely to become objectionable Further the Zoning Commission concludes that the Campus Plan provides adequate housing and conditions regarding off campus student housing and this approval subject to conditions will ensure no adverse impacts on neighboring property as a result of students living off campus The Zoning Commission encourages the University s plans to implement various sustainability and green practices

Based upon the record before the Zoning Commission it concludes that the Applicant has met the burden of proof, under 11 DCMR §§ 3104 1 3035 and 210, and that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map It is therefore **ORDERED** that the application for a new Campus Plan be **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL**

- 1 This 2011 Plan and the level of University operation it describes, including the Howard University public charter middle school, are approved until December 31, 2027, subject to the following conditions or until such time prior to that date as the Zoning Commission determines that conditions warrant submission of a campus plan amendment or an updated campus plan
- 2 The approved 2011 Plan boundary shall be the Central Campus as shown on Exhibit 85 in the record,
- 3 The Central Campus may only be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibit 5 of the record, as modified by the guidelines conditions, and standards of this Order
- 4 The University shall submit to the Zoning Commission, as a special exception each individual request to construct a building or structure which is described in the 2011 Plan, and located in a Residence Special Purpose or Mixed-Use (Commercial Residential) Zone District Along with each request the University shall submit information as to how the particular building or structure complies with the 2011 Plan
- 5 The University shall submit a campus plan amendment and/or further processing application should the Howard University Hospital propose any structural changes or expansions
- 6 The University shall not exceed a maximum enrollment of 12 000 students enrolled in classes located in the area covered by the 2011 Plan The maximum employment for faculty and staff shall not exceed 7 456 (including the Howard University Hospital) ¹
- 7 **Not later than August 31, 2026** the University shall provide student housing within the 2011 Plan boundaries for at least 70% of its undergraduate student population
- 8 The University shall continue to work with the Community Advisory Council to clearly address issues to enhance community relations A senior level University representative will participate in the meetings,
- 9 In the transitioning of existing student residence halls away from use as student housing into faculty and/or workforce housing the University shall not allow the halls to remain vacant for a period of more than one year
- 10 In an effort to promote respectful relationships between University students who live in off-campus housing and community residents, the University shall implement the following measures

¹ The University may of course request an increase to these caps through an application to modify this Order

- (a) **No later than December 31, 2012** develop an off campus housing policy that will be published in the student handbook
 - (b) **No later than December 31, 2012** create an inventory of off campus housing so that students who live off-campus can be readily identified by address
 - (c) **Throughout the life of the Campus Plan** regularly convene students who live off campus to orient them to the community's history and heritage, introduce them to community leaders, provide them with tips for safety and adjustment to community living and remind them of off-campus housing policies their rights and responsibilities
 - (d) **Throughout the life of the Campus Plan** work with community groups to organize special events where students and neighbors can come together in a pleasant welcoming environment and
 - (e) **No later than December 31, 2012** establish a website by that among other things
 - (1) Provides valuable information to students and community members such as contact information for University staff MPD DCRA and community leadership in the event issues arise or complaints need to be filed and
 - (2) Contains a complaint form that can be filled out on line by any complainant who needs to alert the University of a concern they may have
- 11 The University shall undertake the following transportation measures
- (a) **Throughout the life of the Campus Plan** coordinate closely with DDOT regarding the roadway design of Georgia Avenue to ensure successful improvement of transit facilities changes to curbside parking and minimization of vehicular delay on the corridor
 - (b) **Prior to the issuance of a certificate of occupancy** for the proposed new student residence halls along 4th Street, and subject to the permission of DDOT install a new traffic signal at the intersection of College and 4th Streets, N W
 - (c) **No later than December 31, 2015** fund at least one Bikeshare station on the central campus in order to help meet the demand for bicycle transportation and to connect with new activity centers and residential nodes where Bikeshare bicycles and docks have already been installed,
 - (d) **Throughout the life of the Campus Plan** the University shall implement a TDM Plan to encourage students faculty and staff to reduce the number of drive alone

trips to the central campus and increase their use of transit and other alternative modes of transportation. The TDM Plan shall include

- (1) Maintenance of bus stops during construction, should any construction activity necessitate bus stop relocation
- (2) An increase in the amount of short-term and long-term bicycle parking on campus as described in the TDM Plan submitted to DDOT on November 21, 2011
- (3) Offering non-University tenants of new campus plan buildings the option to purchase or lease parking spaces at market rate instead of including them in the tenancy lease, thus giving them an opportunity to reduce their use of on-site parking,
- (4) Posting and publication of the final TDM Plan on the University's Parking and Shuttle webpage and in other University media, where commuter benefits and timelines for implementation will be publicized for all faculty, staff and students,
- (5) Identification of a TDM Leader
- (6) Installation of at least one transportation information kiosk per year for the first five years of the campus plan implementation
- (7) Establishment of weblinks to commuter support websites,
- (8) Maintenance and improvement of the University shuttle bus service where necessary
- (9) Expansion of telecommuting practices and the promotion of flextime schedules where appropriate for faculty and staff
- (10) An increase in the price of parking on University parking lots by 100% for all permit holders on lots with occupancy levels of 80% or greater beginning in school year 2012-2013,
- (11) Encourage an increase in the use of WMATA's SmartBenefits program, and
- (12) Conduct annual modal split surveys and monitoring practices to determine the effectiveness of the TDM measures in reducing the percentage of drive-alone University faculty, staff and students. These will include the establishment of aspirational performance indicators and TDM targets (*see*

Finding of Fact No 19 (d) (12)) that the University shall use as benchmarks against which to measure progress, and

- 12 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

VOTE 5-0-0 (Michael G Turnbull, Marcie I Cohen, Anthony J Hood, Konrad W Schlater, and Peter G May to approve)

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

ATTESTED BY



SARA A BARDIN
OFFICE OF ZONING DIRECTOR

FINAL DATE OF ORDER March 2, 2012

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z C CASE NO 11 15

As Secretary to the Commission I hereby certify that MAR 9 2012 copies of this Z C Order No 11 15 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
Secretary to the Zoning Commission
Office of Zoning