

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-11Q/06-12Q
Z.C. CASE NO. 06-11Q/06-12Q
The George Washington University
(Modification of Significance to the 2005-2025 Foggy Bottom Campus Plan and Related
First-Stage PUD – Temporary Housing Plan for Renovation of Thurston Hall)
December 2, 2019

Pursuant to notice, at its December 2, 2019, public hearing, the Zoning Commission for the District of Columbia (the “Commission”) considered an application (the “Application”) from The George Washington University (the “University”) for review and approval of a modification of significance to Condition Nos. P-1, P-8(b), and C-6 of Z.C. Order No. 06-11/06-12 (the “Original Order”), which approved the 2006-2025 Foggy Bottom Campus Plan (the “Approved Campus Plan”) and the related first-stage PUD (the “Approved PUD,” and collectively with the campus plan, “Approved Campus Plan/PUD”) for the Foggy Bottom Campus to allow for the temporary use of Lot 7 in Square 72 (“The Aston”) and Lot 805 in Square 52 (“One Washington Circle Hotel” or the “OWCH”) to house third- and fourth-year undergraduates of the University normally housed in Thurston Hall while that dormitory undergoes renovation.

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the “Zoning Regulations”] to which all subsequent citations refer unless otherwise specified) and for the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Background

1. Pursuant to the Original Order, the Commission granted both a special exception approval for the Approved Campus Plan in Z.C. Case No. 06-11 and the related Approved PUD in Z.C. Case No. 06-12 for the University’s Foggy Bottom Campus, which consists of properties located in Squares 39, 40, 41, 42, 43, 54, 55, 56, 57, 58, 75, 77, 79, 80, 81, 101, 102, 103, 121, and 122 (collectively, the “Campus”). The Approved Campus Plan addressed the development of the campus as a whole by concentrating height and density within the central campus core. The related Approved PUD identified 16 development sites for future development as well as the uses, height, density, and lot occupancy for each development site. The Original Order conditioned the Approved Campus Plan/PUD on, among other measures, commitments to on-campus housing requirements and **ending** the use of off-campus residence halls to house undergraduate students.

Notice

2. On April 19, 2019, the University mailed a notice of intent pursuant to Subtitle Z § 300.7 to file an application for modifications to certain conditions affecting areas of the Approved Campus Plan/PUD to:
 - Advisory Neighborhood Commission (“ANC”) 2A, the “affected ANC” per Subtitle Z § 101.8;
 - The Foggy Bottom Association (“FBA”) and the West End Citizens Association (“WECA”), parties to the Approved Campus Plan/PUD approved by the Original Order;
 - Owners within 200 feet of both The Aston, at 1129 New Hampshire Avenue, N.W. and OWCH, One Washington Circle Hotel at 1 Washington Circle, N.W.; and
 - All property owners within 200 feet of the Campus.

(Exhibit [“Ex.”] 2F; all exhibit citations refer to the record in Z.C. Case No. 06-12Q.)

3. The University filed the Application for a modification of significance to conditions of the Original Order on July 15, 2019, pursuant to Subtitle Z § 704, as two separate applications:
 - The application for modification of the conditions of the Approved Campus Plan was filed as Case No. 06-11Q; and
 - The application for modification of the conditions of the related Approved PUD was filed as Case No. 06-12Q.

The Commission decided for administrative efficiency to combine these two applications into a single case given that each application requested a modification of the Original Order. (Ex. 1, 2, 2A-2G.)

4. On July 25, 2019, the Office of Zoning (“OZ”) referred the Application to the Office of Planning (“OP”), ANC 2A, and ANC 2B¹ for their consideration and reports prior to setdown of the Application.
5. At its public meeting on September 23, 2019, the Commission unanimously voted to set down the modification for a public hearing. (September 23, 2019 Public Meeting Transcript [“9/23 Tr.”] at 51.)
6. OZ published the Notice of Public Hearing on October 1, 2019, pursuant to Subtitle Z § 402.1. (Ex. 15.)
7. On October 8, 2019, the University filed a letter requesting that the Commission waive the posting requirements of Subtitle Z § 402.4, which require posting at each street frontage and on the front of each existing building of the Campus. The University instead requested

¹ Although ANC 2B was not an “affected ANC” pursuant to Subtitle Z § 101.8 because its district does not include the areas of the Campus subject to the Application, OZ provided ANC 2B with referral because its district is located within 200 feet of a portion of the Campus that was the subject of the Application.

permission to post only the frontages that face property not owned by the University, as was the required posting for campus plans under § 3113.17 of the 1958 Zoning Regulations. (Ex. 15B, 20.)

8. The Commission granted the requested waiver pursuant to Subtitle Z § 101.9 at its public meeting on October 23, 2019, based on its conclusion that the University demonstrated good cause for the waiver, as it would comply with the intent of Subtitle Z § 402.4 by providing notice to non-University adjacent property owners and so would not prejudice the rights of any party and is not otherwise prohibited by law.
9. The University posted notice of the hearing on the Campus in compliance with the Commission's waiver on October 24, 2019, and provided evidence that it had maintained such notice pursuant to Subtitle Z § 402.3. (Ex. 20, 30.)

Parties

10. The parties to the Approved Campus Plan/PUD approved by the Original Order were the University, ANC 2A, FBA, and WECA. WECA requested party status in support for this case, which the Commission granted. (Ex. 16.)

The Application

11. The Application included two of four applications (collectively, the "Applications") filed by the University with the Commission to authorize the renovation of Thurston Hall (the "Renovation") and the temporary relocation of students housed in Thurston Hall during the Renovation, which were heard together at a public hearing on December 2, 2019. The other two applications were:
 - a. Z.C. Case No. 06-11R requesting further processing of the Approved Campus Plan to permit the Renovation and related zoning relief; and
 - b. Z.C. Case No. 01-17E requesting a modification of an approved PUD for Lot 29 in Square 122 with an address of 1959 E Street, N.W., to permit the temporary relocation housing of Thurston Hall students during the Renovation at that property.
12. Thurston Hall is an on-campus residence hall that currently contains approximately 1,080 beds for first-year students. (Ex. 2.) To accommodate the loss of these beds during the Renovation, the University worked with ANC 2A, FBA, and WECA to develop a temporary housing plan that ensures first- and second-year students remain housed on campus and addresses remaining undergraduate housing demand as well as the steps the University will take to minimize any adverse impact on the surrounding residential neighborhoods related to student housing during the Renovation ("Temporary Housing Plan"). (Ex. 24A.)
13. The Temporary Housing Plan includes a combination of three measures to address undergraduate housing demand:
 - A planned undergraduate enrollment decrease;
 - Increased utilization of existing on-campus beds; and

- The use of certain off-campus properties to accommodate third- and fourth-year undergraduate students during the Renovation.
14. The Application proposed to temporarily house third- and fourth-year undergraduate students under the Temporary Housing Plan in two commercial/investment properties owned by the University in the Foggy Bottom and West End residential neighborhoods to the northwest and west of the Campus:
 - a. The Aston (Square 72, Lot 7) is located mid-block at 1129 New Hampshire Avenue N.W., approximately three blocks north of the Campus. The Aston is currently used for graduate student housing; and (Ex. 2.)
 - b. OWCH (Square 52, Lot 805) is located at 1 Washington Circle N.W., across Washington Circle from the Campus. OWCH is currently used as a hotel. (Ex. 2.)
 15. The Aston and OWCH are each located in the RA-5 zone. (Ex. 2E.)
 16. The Temporary Housing Plan also includes a series of commitments regarding the duration of the Temporary Housing Plan, the number of students to be housed in The Aston and OWCH, mitigation of potentially objectionable impacts related to the proposed temporary off-campus undergraduate housing facilities, and communication during the Temporary Housing Plan, which are memorialized in a voluntary agreement between the University, ANC 2A, and FBA (the “ANC Agreement”). (Ex. 10, 24C.)
 17. As refined based on the ANC Agreement, the University requested modification of the Original Order to modify three conditions of approval that would temporarily supplant or augment conditions of the Original Order for the limited period of the Temporary Housing Plan:
 - a. Condition P-1 of the Original Order sets forth certain restrictions on the use of off-campus properties for undergraduate housing. (Original Order at 35.) The University proposed a condition that confirmed the University’s temporary use of OWCH for third- and fourth-year undergraduate students during the limited period of the Temporary Housing Plan is permitted;
 - b. Condition P-8(b) of the Original Order prohibits undergraduate housing in The Aston. (Original Order at 37.) The University proposed a modification to allow third- and fourth-year undergraduate student housing in The Aston during the limited period of the Temporary Housing Plan;
 - c. Condition C-6 of the Original Order sets forth the undergraduate housing requirement for the Campus. The University proposed a modification that would allow off-campus beds at The Aston and OWCH to count toward the on-campus bed requirement. The University anticipated it would otherwise meet the requirement during the term of the Temporary Housing Plan, but it requested flexibility from the requirement by up to

99 beds in case for some reason the full number of beds cannot be provided, without such deviation being considered a violation of the condition; and

- d. The University proffered additional conditions of approval that would memorialize the commitments of the ANC Agreement. (Ex. 24B-C, 32.)
18. On September 27, 2019, the University filed a prehearing submission that included a map illustrating the Temporary Housing Plan, a summary of the ANC Agreement, and proposed conditions of approval. (Ex. 11, 11A, 11B.)
19. The University filed a Comprehensive Transportation Review (“CTR”) prepared by Rob Schiesel of Gorove/Slade. (Ex. 19-19A.) The CTR concluded that the Temporary Housing Plan “[would] not adversely impact the local transportation network.” The CTR also noted that the University had proposed a Traffic Demand Management (“TDM”) Plan for the facilities associated with the Temporary Housing Plan, including The Aston and OWCH, in order to promote non-vehicular modes of travel for students and to mitigate any adverse impacts.
20. On November 12, 2019, the University filed a supplemental prehearing submission that refined the terms of the Temporary Housing Plan and related modifications based on the ANC Agreement. The submission reattached the map of the Temporary Housing Plan, the ANC Agreement, and the proposed conditions of approval. (Ex. 24, 24A, 24B, 24C.)
21. On December 2, 2019, the Applicant submitted a further revision to the proposed conditions of approval regarding OWCH based on discussions with ANC 2A. (Ex. 32.)
22. At the public hearing on December 2, 2019, Alicia Knight, the University’s Senior Associate Vice President for Operations, testified on behalf of the University. Rob Schiesel of Gorove/Slade Associates appeared on behalf of the University as an expert witness in transportation planning. The University addressed the Commission’s questions regarding the Temporary Housing Plan, including the University’s strategic plan to reduce undergraduate enrollment, the process for reaching agreement with the ANC, and the proposed mitigation measures in the OWCH.

Responses to the Application

OP

23. By a report dated September 13, 2019, OP recommended setdown of the Application for the modification to the Original Order for the Approved PUD because the Application was not inconsistent with the Comprehensive Plan or the intent of the Approved PUD.² (Ex. 9.)
24. By a report dated November 22, 2019, OP recommended approval of the Application with no comments or conditions (the “OP Report”). The OP Report concluded that the Application was not inconsistent with the Comprehensive Plan (the “CP”) or the intent of the Approved Campus Plan/PUD. The OP Report noted that the student housing alterations

² Per Subtitle Z § 400.4, no setdown is required for a modification of the Approved Campus Plan.

were temporary, limited in numerical and geographic scope, and accompanied by measures to minimize potential adverse impacts. (Ex. 28.)

25. At the public hearing on December 2, 2019, OP recommended approval of the Application and rested on the record of its report. (December 2, 2019 Public Hearing Transcript [“12/2 Tr.”] at 36.)

DDOT

26. By a report dated November 22, 2019, DDOT expressed no objection to the Application provided the University implement its proposed TDM Plan for The Aston and OWCH for the duration of the Temporary Housing Plan. (Ex. 29.)

ANC 2A

27. ANC 2A submitted a report (the “ANC Report”), stating that at its regularly-scheduled, duly-noticed public meeting on September 18, 2019, at which a quorum was present, it voted to support the Application’s Temporary Housing Plan and related Modifications to the conditions of the Original Order, subject to the terms and commitments set forth in the ANC Agreement. (Ex. 13.)
28. At the public hearing on December 2, 2019, both Chairperson Smith and Commissioner Epstein from ANC 2A testified in support of the Application and commended the University on its extensive public outreach and willingness to compromise on the Applications. ANC Commissioners Smith and Epstein described the process by which the ANC had negotiated with the University regarding the Temporary Housing Plan and how the terms of the ANC Agreement had been reached. (12/2 Tr. at 37-43.)

Other Parties

29. On December 2, 2019, WECA submitted written testimony in which it expressed support for the University’s plan to minimize adverse effects related to the Temporary Housing Plan as set forth in the ANC Agreement. WECA expressed concern regarding the provision of the Agreement that would impose a financial penalty if the duration of the Temporary Housing Plan was exceeded. (Ex. 35.)
30. At the public hearing on December 2, 2019, Sara Maddux, President of WECA, testified on behalf of WECA as a party in support of the Application. (12/2 Tr. at 45-49.)

Other Responses

31. The Commission received numerous letters from University students in support of the Application and its importance in facilitating the renovation of Thurston Hall. (Ex. 31, 34.)
32. At the public hearing on December 2, 2019, three students from the University testified in support of the Application, focusing on the importance of renovating Thurston Hall. (12/2 Tr. at 51-61.)

CONCLUSIONS OF LAW

Modification of Significance Approval

1. Subtitle Z § 704 authorizes the Commission to review and approve modifications of significance to final orders of the Commission.
2. Subtitle Z § 703.5 defines a modification of significance as a “modification to a contested case order or the approved plans of greater significance than a modification of consequence.” Subtitle Z § 703.6 includes “changes to proffered public benefits” and “additional relief or flexibility” as examples of a modification of significance.
3. Subtitle Z § 703.5 requires the Commission to hold a public hearing on a modification of significance. Pursuant to Subtitle Z § 704.4, the scope of the hearing is limited to the impact of the modification on the subject of the original application and does not permit the Commission to revisit its original decision.
4. The Commission concludes that the University has satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 2A, FBA, and WECA.
5. The Commission concludes that the Application qualifies as a modification of significance within the meaning of Subtitle Z §§ 703.5 and 703.6, as a request to modify conditions of approval that change proffered public benefits and commitments approved by the Original Order.

Impact on the Approved Campus Plan/PUD

6. The Commission concludes that the Application is consistent with the intent of the Approved Campus Plan to provide sufficient student housing, especially as it will facilitate the renovation of on-campus housing, a central goal of the Approved Campus Plan.
7. The Commission also concludes that approval of the Application is not likely to generate objectionable impacts due to noise, traffic, number of students, or other objectionable conditions because the Temporary Housing Plan is limited in duration and scope. The Commission notes that the University has worked with the parties to develop a series of mutually agreeable commitments and conditions to mitigate the potential impacts of the Temporary Housing Plan.
8. For similar reasons, the Commission concludes that the Application will not materially impact the planning, uses, amenities, benefits, and impacts that formed the basis for the Commission’s prior approval of the related Approved PUD.

Not Inconsistent with the Comprehensive Plan (the “CP”)

9. The Commission concludes that the Application is not inconsistent with the CP’s designation of The Aston and OWCH on the Future Land Use Map for High-Density Residential Use.

10. The Commission concludes that the Application furthers the following goals of the CP:
- Economic Development Element to support the growth of higher education;
 - Education Facilities Element to provide quality on-campus student housing; and
 - Near Northwest Area Element to promote coordination between the University and the community and to provide quality on-campus student housing.

The Commission concludes that the goals of the CP will be furthered because the Temporary Housing Plan will facilitate the long-term renovation and enhancement of quality on-campus housing only made possible by the temporary near-term increase of off-campus housing, and because the University and community have coordinated to reach a mutually acceptable compromise that will address the impacts of the Temporary Housing Plan.

“Great Weight” to the Recommendations of OP

11. The Commission must give “great weight” to the recommendation of OP pursuant to § 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 (2018 Repl.)) and Subtitle Z § 405.8 (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
12. The Commission finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

“Great Weight” to the Written Report of the ANC

13. The Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 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) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
14. The Commission notes that the ANC Report did not raise any issues or concerns regarding the Application that were not addressed through the ANC Agreement. The Commission notes the ANC Report’s support for the Application persuasive and concurs in that judgment.

DECISION

In consideration of the record and the Findings of Fact and Conclusions of Law herein, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a modification of significance to temporarily modify the requirements of Condition Nos. P-1, P-8(b), and C-6 of Z.C. Order No. 06-11/06-12 as follows (with all other conditions of that Order remaining unchanged and in effect) to facilitate the

Temporary Housing Plan, by adding the following conditions (new text shown in **bold and underlined**):

Temporary Housing Plan Conditions

A. Modifications to Conditions of Z.C. Order No. 06-11/06-12

1. During the Limited Period (as defined below) of the Temporary Housing Plan (as defined in Conditions A.1.a through A.1.c below):

- a. The University may use One Washington Circle (“OWCH”) to accommodate third- and fourth-year students, notwithstanding Condition P-1 above;**
- b. The University may house undergraduate third-year and fourth-year students in The Aston, notwithstanding Condition P-8.b above; and**
- c. The University shall make available beds, either on campus or in The Aston or OWCH, for full-time Foggy Bottom undergraduate students equivalent to 70% of the full-time Foggy Bottom undergraduate student population up to an enrollment of 8,000, plus one bed per full-time Foggy Bottom undergraduate student over 8,000, notwithstanding Condition C-6 above. Notwithstanding the foregoing, during the Limited Period, the University shall have flexibility from the above requirement by up to 99 beds without such deviation being considered a violation of the condition.**

B. Additional Temporary Housing Plan Conditions

1. Enrollment Caps. The University shall continue to operate within its campus plan enrollment caps as set forth in Z.C. Order No. 06-11/06-12.

2. The Limited Period:

- a. The University shall be permitted to house no more than 220 third- and fourth-year students at The Aston for a period of no more than 24 consecutive months during the Thurston Hall renovation (the “Limited Period”);**
- b. The University shall be permitted to house no more than 330 third- and fourth-year students at OWCH for a period of no more than 24 consecutive months during the Limited Period;**
- c. For purposes of this order, the “Limited Period” shall be a period of 24 consecutive months commencing from date upon which an undergraduate student moves into one of the above properties to**

facilitate the Thurston Hall renovation. The Limited Period shall end on the date when the last undergraduate student moves out of the above-referenced properties; and

d. Following commencement of the Thurston Hall renovation, the University shall pursue diligent completion of the work and reopen Thurston Hall so that the Temporary Housing Plan use for The Aston, and OWCH as set forth above will last no more 24 consecutive months.

3. Mitigation of Objectionable Impacts:

a. The University shall house no more than two students per room at The Aston and OWCH, with the exception of one-bedroom units in OWCH (totaling 12 units) which may be permitted to house up to three students;

b. The University shall prohibit the use of the balconies and the swimming pool at OWCH by students through physical modifications to the property;

c. For The Aston, and OWCH, the University shall provide residential engagement support to service the University student population, including resident advisors, faculty in-residence and in-residence professional staff living at both properties. The Residential Conduct Guidelines that govern student behavior in and around university residential facilities shall apply to both properties, as well as the Student Code of Conduct;

d. At OWCH, the building will also be staffed by professional management staff 24 hours per day, seven days per week to maintain and operate the property and also serve as additional oversight regarding the buildings' operations and any concerns raised by neighbors; and

e. The University shall continue to provide a mechanism for reporting issues concerning student behavior to the GW University Police Department, and violations of DC law may be reported to the Metropolitan Police Department.

4. Transportation Demand Management Measures: For the duration of the Temporary Housing Plan, the University shall adhere to the following transportation demand management measures:

a. Students at The Aston and OWCH will be provided with information on transportation options upon move-in that includes details on public transit options, bike facilities locations, and other available programs;

- b. Alternative transportation modes, carpooling programs, and car-sharing are promoted through flyers and information provided to students at The Aston and OWCH; and
- c. A transportation factsheet link is posted online to provide information and campus transportation options.

5. Communications and Transparency:

- a. The University will maintain a contact number available to all residents to call to register any questions or concerns regarding the operations of The Aston or OWCH;
- b. The University will meet quarterly with ANC 2A and FBA to discuss the operations of The Aston and OWCH; and
- c. The University shall provide semi-annual reports to ANC2A regarding the operations of The Aston and OWCH.

6. Duration and Penalty: Should the University continue the Temporary Housing Plan by occupying either The Aston, or OWCH pursuant to the Temporary Housing Plan after the expiration of the Limited Period or remain out of compliance with Condition C-6 of Z.C. Order No. 06-11/06-12 after the Limited Period, the University will pay as liquidated damages a fee of \$1,000,000 to the Foggy Bottom Defense and Improvement Corporation (the "Trust") for every semester or any part thereof in which the University occupies either The Aston, or OWCH pursuant to the Temporary Housing Plan after the expiration of the Limited Period.

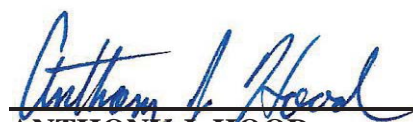
7. Compliance:

- a. The University shall provide ANC 2A and FBA with written notice within five business days of both the start date and end date and affirm that it has resumed compliance with Condition C-6 of Z.C. Order No. 06-11/06-12 as of the end date. The University will also provide ANC 2A and FBA with an opportunity to visually inspect the properties in order to confirm such student move-in/move-out activity;
- b. Prior to the issuance of a Certificate of Occupancy for the renovated Thurston Hall, the Applicant shall provide the Zoning Administrator with evidence, and the Zoning Administrator shall determine, that the University has ended the Temporary Housing Plan or made the required liquidated damages payment in accordance with this condition; and


c. The Zoning Administrator shall file with the Zoning Commission his/her determination that the University has ended the Temporary Housing Plan and has resumed compliance with Condition C-6 of Z.C. Order No. 06-11/06-12.

VOTE (December 2, 2019): 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Michael G. Turnbull, and Peter G. May to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 06-11Q/06-12Q shall become final and effective upon publication in the *D.C. Register*; that is, on April 10, 2020.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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.