

EXHIBIT G

The university believes that its proposed design flexibility language is appropriate for the 2011 Campus Plan. This proposed language is very similar, in terms of scope and specificity, to that approved by the Zoning Commission in five design review cases referenced below. Furthermore, the below-referenced cases are explicitly subject to design review, and the 2011 Campus Plan is not such a design review case. A campus plan is subject to special exception approval, provided that there are no objectionable impacts from traffic, noise, number of students, or other objectionable impacts; nevertheless, a campus plan is not a design review case. While building design certainly may be a consideration with respect to the Commission's evaluation of "other objectionable impacts," the Zoning Regulations do not explicitly identify design as one of the impacts that the Commission should evaluate. Accordingly, that the Commission previously approved similar design flexibility language in PUD and design review cases indicates that the proposed design flexibility language for the campus plan is appropriate.

In its proposed Findings of Fact and Conclusions of Law, the university proposed the following conditions with respect to design flexibility:

11. *The University is granted the flexibility to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configurations of the structures.*
12. *The University is granted the flexibility to vary the final selection of the exterior materials within the color ranges and material types proposed, based on the availability at the time of construction. The University is granted flexibility to make refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings, trim, and façade patterns and articulations.*

The Commission approved similar design flexibility language in prior PUD and design review (Capitol Gateway Overlay) cases. The following are examples of such design flexibility:

- 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, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structures;*
 - b. To vary final selection of the exterior materials within the color ranges and materials types as proposed based on availability at the time of construction;*
 - c. To make minor refinements to exterior details and dimensions, including balcony enclosures, belts, courses, sills, bases, cornices, railings, and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit;*
 - d. To vary the exact location of the affordable units, as shown on the plans, provided they are located on the same floor as shown on the plans;*
 - e. To vary the size and location of retail entrances to accommodate the needs of specific retail tenants and storefront design; and*

f. To make alterations to the design of the underground parking garages and the townhouse parking spaces, provided that the North Parcel parking garage contains approximately 124 spaces, the South Parcel garage contains approximately 395 spaces, and the townhouses contain approximately 16 spaces, which requirement may be satisfied with any combination of compact and full-sized spaces.

[Z.C. Order No. 08-15]

The University 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, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;*
- b. To vary final selection of the exterior materials within the color ranges and materials types as proposed based on availability at the time of construction;*
- c. To make minor refinements to exterior details and dimensions, including balcony enclosures, belts, courses, sills, bases, cornices, railings, and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or are needed to address the structural, mechanical, or operational needs of the building uses or systems;*
- d. To vary the size, location and design features of retail entrances, including the size, location, and design of windows, doors, awnings, canopies, and similar features, to accommodate the needs of specific retail tenants and storefront design; and*
- e. To vary the size, location, and other features of proposed building signage related to the university use or the retail use, provided that such signage is consistent with the locations and dimensions illustrated on pages A40-A43 of the approved plans or is otherwise permitted under the applicable provisions of the Construction Codes.*

[Z.C. Order No. 06-11B1]

The Applicant shall have flexibility with 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, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structures;*
- (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 the materials;*
- (c) To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit; and*
- (d) To vary the appearance of the façades of the building on Block I to meet the design requirements and architectural standards of the ultimate tenant.*

[Z.C. Order No. 09-03]

The Applicant shall have flexibility with the design of the PUD in the following areas:

- To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structures;*

- *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;*
 - *To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit;*
 - *To allow the Applicant or future homeowners to construct detached garages on lots 7-15, 24-30, and 41-45 in Block A2. If constructed, the garages are limited to a maximum gross floor area of 450 square feet, a 15 foot (1 story) height, can be up to 25 feet in depth; and extend to the rear and side property lines. The garage, in combination with the house, cannot exceed a lot occupancy of more than 80%; and*
 - *To use Block E as a surface parking lot until such time that retail parking spaces are established in Block A1. Access to the interim parking lot on Block E must occur via existing curb cuts or curb cuts proposed in connection with the development of Block E.*
- [Z.C. Order No. 08-24/08-24A/04/25]

The Applicant shall have flexibility with the design of the project in the following areas:

- *To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways and mechanical rooms, provided that the variations do not materially change the exterior configuration of the buildings;*
- *To vary the final selection of the exterior materials within the color ranges and material types (maintaining the same general level of quality) as proposed, based on availability at the time of construction;*
- *To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals; and*
- *To vary the exterior design and materials of the ground floor retail space based on the preferences of the individual retailer. The Applicant will not permit the individual retailer to modify the building footprint, except for bay projections not to exceed four feet from the property line, or reduce the quality of the materials used on the exterior of the ground floor of the Project, as shown in the plans submitted with this application. The Applicant and all tenants of the project will comply with the requirements of Chapter 16, except as otherwise approved by this Order.*

[Z.C. Order No. 08-30]