Government of the District of Columbia
Office of Zoning

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: September 28, 2004

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C. Register* on October 8, 2004.

1 Z C. Order No 03-12/03-13;
2. Z.C. Order No. 02-22;
3 Z.C. Order No. 04-17,
4 Z.C Order No. 04-20; and
5. Z.C Order No. 04-12.

The Final Rulemaking is also provided on the attached 3.5" disk.

ZONING COMMISSION
District of Columbia
CASE NO. 04-20
EXHIBIT NO. 18

Received By

9-29-04
Date

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ZONING COMMISSION
District of Columbia
CASE NO.04-20
EXHIBIT NO.18

ZONING COMMISSION ORDER NO. 04-20
Z.C. Case No. 04-20
(Special Exceptions Interim Use of a Building at 1840 7th Street, N.W.
Campus Plan Amendment and Parking Reduction)
September 9, 2004

Application of the President and Directors of Howard University, pursuant to 11 DCMR § 3104 1, for special exceptions under § 210 of the Zoning Regulations to allow the interim use of an existing, vacant building for occupancy as grant offices of Howard University; for a campus plan amendment for the same purpose, and a special exception under § 2108 for a reduction in parking spaces, for property located in an R-4 District at 1840-50 7th Street, N W (Square 417, Lots 53, 42-46 and 822)

HEARING DATE: September 9, 2004

DECISION DATE: September 9, 2004 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Commission provided proper and timely notice of the public hearing on this application by publication in the D C Register, and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report

The subject property is located within the jurisdiction of ANC 1B ANC 1B, which is automatically a party to the application, submitted a written statement in compliance with zoning requirements regarding the ANC being accorded "great weight" ANC 1B testified in support at the public hearing, indicating unanimous support for approval of the application

The D C Office of Planning submitted a written report and testified in support of the application No person requested to participate as a party in this proceeding Accordingly, a decision by the Commission to grant this application would not be adverse to any party

As directed by 11 DCMR § 3035 4, the Commission required the Applicant to satisfy the burden of proving the elements of § 210 of the Zoning Regulations, which are necessary to establish the

case for a special exception for universities No person or party testified in opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 210 and 2108, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map The record reflects no objections to the application, and the Commission gives great weight to the recommendations of approval from the Office of Planning and the affected ANC

It is, therefore, **ORDERED** that the application be **GRANTED** for a period of five (5) years.

Pursuant to 11 DCMR § 3100 5, the Commission has determined to waive the requirement of 11 DCMR § 3125 3 that findings of fact and conclusions of law accompany the final order on a special exception application for a university use The waiver will not prejudice the rights of any party and is appropriate in this case

VOTE: 4-0-1 (Carol J. Mitten, Anthony J. Hood, Kevin L. Hildebrand, and Gregory N Jeffries to approve; John G. Parsons, not present, not voting.)

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

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES UNDER 11 DCMR § 3125 9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D C LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D C CODE *SEE* D C CODE § 1-2531 (1999) THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER OF THE D C CODE SEE D.C CODE

SECTION 2-1402.67 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D C LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. NOTE IN SECTION 2-1401 01 OF THE D C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS