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ZONING COMMISSION
District of Columbia
CASE NO. 11-15D
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 18
CASE NO. 11-15D
EXHIBIT NO. 18

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-15D
Z.C. Case No. 11-15D
Howard University
(Amendment to the Howard University Central Campus Master Plan)
June 29, 2015

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on May 21, 2015, in order to consider an application by Howard University ("Howard" or the "Applicant"), for an amendment to the Howard University Central Campus Master Plan, dated June 29, 2011 ("Campus Plan"), to remove from the Campus Plan Lots 756-769 in Square 2882. The Commission considered the application pursuant to Chapters 30 and 31 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR" or the "Zoning Regulations"). The public hearing was conducted in accordance with the rules of the Board of Zoning Adjustment at Chapter 31 of Title 11 DCMR.

HEARING DATE: May 21, 2015

DECISION DATE: June 29, 2015

FINDINGS OF FACT

1. On November 7, 2015, Howard filed an application with the Commission seeking an amendment to the Campus Plan, dated June 29, 2011, and prepared by HOK Planning Group. (Exhibit ["Ex."] 5 in Z.C. Case No. 11-15.) The Campus Plan was approved by the Commission pursuant to Z.C. Order No. 11-15, dated January 9, 2012, and effective on March 2, 2015. The Campus Plan proposes development for Howard's campus with over 2,316,584 gross square feet of new construction, major renovations, and additions to existing buildings in three phases over seven years.
2. Howard seeks to amend the Campus Plan to exclude Lots 756-769 in Square 2882 ("Property"), which is designated "Graduate/Workforce Housing" under the Campus Plan. The Property consists of approximately 22,337 square feet, is located in the R-5-B Zone District, and is partially improved with a surface parking lot. Removal of the Property from the Campus Plan will facilitate the development of a mixed-use planned unit development ("PUD") at the northeast corner of Sherman Avenue and Barry Place, N.W., that was approved by the Commission under Z.C. Case No. 14-21 at the same time as it approved this amendment. The PUD site includes the Property and other privately-owned lots and has a total land area of approximately 1.3 acres. The PUD approval included a related Zoning Map amendment from the R-5-B Zone District to the C-2-B Zone District.
3. Under 11 DCMR § 210, a college or university may be approved as a special exception in a Residence District, subject to a campus plan or campus plan amendment approved by the Commission. Section 507 of the Zoning Regulations has similar provisions for a college or university use in the Special Purpose (SP) Zone District. The Zoning Regulations do not require a campus plan for commercially zoned properties.

4. The Campus Plan identifies the portion of the campus within Square 2882 to accommodate the University Middle School of Mathematics and Science, an Early Childhood Learning Center, and workforce housing for faculty and graduate students. The proposed amendment would exclude a small portion of that area but would not preclude the remainder of the property from being developed as stated in the Campus Plan. The inclusion of the Property in the PUD development is not contrary to the objectives of the Campus Plan in that it would allow Howard to provide new housing opportunities for its faculty and staff earlier than anticipated.
5. The Applicant submitted a Prehearing Statement on May 7, 2015. (Ex. 14-14F.) The Prehearing Statement included letters of support from the Pleasant Plains Civic Association, the Georgia Avenue Community Development Task Force, the LeDroit Park Civic Association, and the Bloomingdale Civic Association. (Ex. 14A-14D.) The Prehearing Statement also included letters of support from Advisory Neighborhood Commission (“ANC”) 1B and ANC 5E (Ex. 14E-14F.)
6. A description of the proposed Campus Plan amendment and the notice of the public hearing in this matter were published in the *DC Register* on March 27, 2015. (Ex. 10.) The notice of public hearing was mailed to all property owners within 200 feet of the Property and to ANC 1B on March 19, 2015. (Ex. 11.) On May 21, 2015, the Commission held a public hearing on the application. The parties to the case were the Applicant and ANC 1B.
7. No persons or parties testified in opposition to the application.
8. By report dated December 31, 2015, the Office of Planning (“OP”) recommended approval of the requested amendment to allow the Property to be excluded from the Campus Plan and incorporated into a larger development that would meet Howard’s goals of providing workforce housing for faculty and graduate students. (Ex. 8.)

CONCLUSIONS OF LAW

The Applicant is seeking special exception approval pursuant to §§ 507 and 3104 of the Zoning Regulations, for an amendment to its campus plan. The Commission is authorized to grant a special exception where, in the judgment of the 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)(2012 Repl.), 11 DCMR § 3104.1.)

The Commission is required under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-135; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and conditions expressed in the written report of an affected ANC. In this case, ANC 1B voted to support the Application and recommended that the Commission approve the application. (Ex. 14E.) The Commission has given ANC 1B's recommendation great weight in approving the application.

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. For the reasons stated above, the Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.

The Application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the Application.

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, Robert E. Miller, and Peter G. May to approve).

BY ORDER OF THE D.C. ZONING COMMISSION
A majority of Commission members approved issuance of this Order.

FINAL DATE OF ORDER: July 22, 2015