

**BEFORE THE ZONING COMMISSION  
FOR THE DISTRICT OF COLUMBIA**

**Z.C. CASE NO. 24-01  
PREHEARING STATEMENT**

**PETITION FOR A ZONING MAP AMENDMENT  
FROM THE RA-2, PDR-2, AND PDR-3 ZONE DISTRICT TO  
THE MU-9B AND MU-10 ZONE DISTRICT**

**\*\*\***

**SQUARE 3060, LOTS 830 AND 839  
SQUARE 3064, LOTS 44, 45, 826 AND 837  
SQUARE 3065, LOTS 829–831, 833 AND 834  
SQUARE 3074, LOT 11  
SQUARE 3075, LOT 807  
SQUARE 3078, LOTS 17, 26–28 AND 30**

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**HOWARD UNIVERSITY**

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**August 19, 2024**

Respectfully submitted by:

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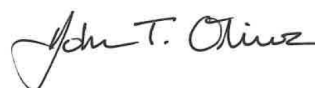
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**CERTIFICATE OF COMPLIANCE**  
**WITH SUBTITLE Z § 501 OF THE ZONING REGULATIONS**

Pursuant to 11-Z DCMR § 501.1, the undersigned, on behalf of Howard University, the Florida Avenue Baptist Church, and the Trustees of Florida Avenue Baptist Church (collectively the “Petitioner”), hereby certifies that the petition and this supplemental filing comply with the provisions of 11-Z DCMR § 501.1 *et seq.*

<b><u>Subtitle Z Subsection</u></b>	<b><u>Description</u></b>	<b><u>Page/Exhibit</u></b>
501.1(a)	Information requested by the Zoning Commission at the time of set down.	Page 4
501.1(b)	List of witnesses prepared to testify on behalf of the Petitioner	Page 4
501.1(c)	Written summary of all witness testimony	Exhibit C
501.1(d)	Additional information introduced by the Petitioner	Page 5
501.1(e)	Reduced plan sheets	N/A
501.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Exhibit D
501.1(g)	Estimated time required for presentation of the Petitioner’s case	Page 5
501.3	Transportation memorandum prepared by traffic consultant	N/A

Respectfully submitted,



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John T. Oliver  
Holland & Knight LLP

### **List of Exhibits**

- Exhibit A: Boundary of Subject Property
- Exhibit B: Comprehensive Plan Analysis
- Exhibit C: Outlines of Witness Testimony and Resume for Expert Witness
- Exhibit D: List of Maps, Plans, or Other Documents Readily Available  
that may be Offered into Evidence
- Exhibit E: Hearing Fee Calculator Form 116

## **I. INTRODUCTION**

This Prehearing Statement and accompanying documents (the “Prehearing Submission”) are submitted on behalf of Howard University, the Florida Avenue Baptist Church, and the Trustees of Florida Avenue Baptist Church (collectively the “Petitioner”) in support of their petition to the Zoning Commission for the District of Columbia (the “Commission”) for a Zoning Map Amendment to rezone the property generally located on the east side of Georgia Avenue, NW, from Euclid Street south to Florida Avenue, from the RA-2, PDR-2, and the PDR-3 zones to the MU-9B and MU-10 zones (the “Petition”). The property to be rezoned is more specifically identified as:

- Square 3060, Lots 830 and 839;
  - Square 3064, Lots 44, 45, 826, and 837;
  - Square 3065, Lots 829–831, 833, and 834;
  - Square 3074, Lot 11;
  - Square 3075, Lot 807; and
  - Square 3078, Lots 17, 26–28, and 30.
- (the “Property”)

The Commission considered the Petition for setdown at its public meeting on March 28, 2024, and voted unanimously (4-0-1) to schedule the Petition for a public hearing. As demonstrated by the Certification of Compliance above, and as set forth below, this Prehearing Submission meets the filing requirements of 11-Z DCMR § 501 *et seq.* Accordingly, the Petitioner requests the Commission schedule a public hearing on the Petition at the next available date.

### **A. The Property**

The Property consists of approximately 1,157,379 square feet of land area (approx. 26.56 acres) within the boundaries of Advisory Neighborhood Commission (“ANC”) 1E and ANC 1B. With the exception of the Florida Avenue Baptist Church lots, the Property is within the boundaries of the Howard University 2020 Central Campus Plan and includes the Howard University Hospital, the Howard University College of Medicine, Howard University auxiliary services, and various retail uses. The Property is bounded on the north by Euclid Street, on the south by Florida Avenue, and on the east by Howard’s campus and the LeDroit Park neighborhood. Across the street from the Property, on the west side of Georgia Avenue, there are multiple mixed-use developments that are approved and/or under construction. These developments include the Bond Bread/WRECO development, which is programmed for 180 hotel rooms, 469 residential units, 20,000 square feet of public plaza space, and 49,000 square feet of retail space. The first phase of development for surface parking lot known as Howard Lot 3 will be redeveloped with a residential building a mixed-use building containing approximately 26,000 square feet of ground-floor retail/non-residential uses and approximately 437 residential units above. Subsequent phases include the construction of the National Research Center for Health Disparities, which was approved pursuant to BZA Order Nos. 20850 and 20850A. The property located on the west side of Georgia Avenue, across from the Property, is zoned MU-10 and ARTS-2.

## **B. Request for Zoning Map Amendment**

The Petition, which was filed on January 12, 2024, requests approval of a Zoning Map amendment to rezone the Property from the RA-2, PDR-2, and the PDR-3 zones to the MU-9B and MU-10 zones. *See* Exhibit (“Ex.”) 1–4A. The MU-9B zone is intended to permit high-density mixed-use development including office, retail, and housing, with a focus on employment and residential use, and to be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops. 11-G DCMR §§ 101.14(a)–(b). The MU-10 zone is intended to permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions; be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality; require a level public space at the ground level; and allow residential and non-residential bulk to be apportioned between two or more lots in the same square. 11-G DCMR §§ 101.15(a)–(d).

Rezoning the Property to the MU-9B and MU-10 zones would not be inconsistent with the Comprehensive Plan, as doing so would align the Property’s zoning with its designation on the Future Land Use Map (“FLUM”)<sup>1</sup>; would permit additional residential density on the Property; would facilitate development opportunities envisioned by the District; would further several policies under the DUKE Plan, the Mid-City Area Element, and relevant Citywide Elements, including the Land Use, Housing, Transportation, Environmental Protection, and Economic Development Elements; and is not inconsistent with the Comprehensive Plan when evaluated through a racial equity lens. (Ex. 3). Additionally, the proposed zone districts are compatible with the zoning on the west side of Georgia Avenue, which is MU-10 and ARTS-2.

## **C. Office of Planning Report**

The Office of Planning (“OP”) filed a report dated March 18, 2024, recommending the Commission set down the Petition for a public hearing. *See* Ex. 12 (the “OP Setdown Report”), pp. 1.

In its report, OP requested the Petitioner provide a map showing the exact boundary lines of the proposed zones prior to the public hearing. In response to OP’s request, **Exhibit A** depicts the boundary lines of the proposed zones superimposed onto the Property.

The OP Setdown Report concluded that the Petition “would not be inconsistent with the Comprehensive Plan . . . the FLUM and Generalized Policy Map (“GPM”), the Mid-City Element, the DUKE Plan[,] and the Howard University Campus Plan [which] support[s] the change from the residential and industrial zones to allow a mix of university uses along with retail, office, and other service uses, along a major transit corridor.” OP Setdown Report, pp. 23.

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<sup>1</sup> The FLUM designates the Property as Mixed-Use (Medium Density Commercial / Medium Density Residential / Institutional), Mixed-Use (High Density Residential / Medium Density Commercial / Institutional), and Mixed-Use (Medium Density Commercial / Medium Density Residential).

More specifically, the OP Setdown Report stated the proposed Petition:

1. “Would not be inconsistent with the Comprehensive Plan FLUM which recommends Mixed [Use] Medium Density Residential / Medium Density Commercial / Institutional uses; High Density Residential / Medium Density Commercial / Institutional uses; and Medium Density Residential/Medium Density Commercial uses.” OP Setdown Report, pp. 1.
2. “Would not be inconsistent with the [FLUM and GPM] map designations or the Citywide and Area Elements.” OP Setdown Report, pp. 7.
3. “Would not be inconsistent with the recommendations [of the GPM] for a Multi-Neighborhood Center on the properties between Bryant Street on the north and V Street on the south[,] and would allow for more intense uses than what is currently allowed by the PDR-3 zone.” OP Setdown Report, pp. 10.
4. “Would improve the neighborhood and would not be inconsistent with the GPM.” *Id.*
5. “On balance, would not be inconsistent with the Comprehensive Plan . . . [and the] rezoning would allow for the revitalization of this lower portion of Georgia Avenue with improved retail services, landscaping, and improvements to the public realm.” OP Setdown Report, pp. 23.
6. “Would be consistent with the District and the University’s desire to further the redevelopment of the University properties to serve the University needs as well as that of the neighborhood and the City.” *Id.*

Further, the OP Setdown Report stated the policies of the Comprehensive Plan, as well as the recommendations of the Mid-City Element, the Mid-City Small Area Plan, and the 2020–2030 Howard University Central Campus Plan support rezoning the Property to allow an increase in density and to accommodate the revitalization of this portion of Georgia Avenue, which will result in the redevelopment of the Property and will support the Petitioner’s needs as well as the City as a whole. *See* OP Setdown Report, pp. 2. In multiple instances, the OP Setdown Report reiterates a common theme that the Property’s current zoning is not consistent with the FLUM, and that the Petition would not be inconsistent with the Comprehensive Plan, the Mid-City Element, the Mid-City Small Area Plan, the DUKE plan, and the other elements of the Comprehensive Plan such as the Land Use Element, Transportation Element, Housing Element , Environmental Protection Element, Economic Development Element, and the Educational Facilities Element.

## **II. RESPONSE TO COMMENTS FROM THE ZONING COMMISSION**

During its deliberations at the public meeting on March 28, 2024, the Commission requested that, prior to the public hearing on this Petition, the Petitioner provide: (i) information as to how the properties owned by the Florida Avenue Baptist Church fit into the overall project;

and (ii) detail on what specific policies in the Comprehensive Plan outweigh the Petition's inconsistencies with the Comprehensive Plan. The Applicant's response is provided below.

#### **A. Florida Avenue Baptist Church Properties**

Lots 17, 27, and 28 in Square 3078 (the "Church Properties") are owned by the Trustees of Florida Avenue Baptist Church and the Florida Avenue Baptist Church (collectively, the "Church").<sup>2</sup> Like the Howard parcels, the Church Properties are designated Mixed-Use (Medium Density Commercial / Medium Density Residential) and Mixed-Use (High Density Residential / Medium Density Commercial / Institutional) on the FLUM and as a Main Street Mixed Use Corridor on the GPM. They are currently zoned PDR-3. The proposed MU-10 zoning is consistent with the Church Properties' designation on the FLUM and the GPM. Therefore, in the interest of efficiency, Howard agreed to include the Church Properties in its Petition. Currently, the Church Properties are not included in any of the redevelopment plans for the Howard parcels.

#### **B. Specific policies in the Comprehensive Plan which outweigh the Petition's inconsistencies with the Comprehensive Plan**

A discussion of how the Petition's consistency with the Comprehensive Plan outweighs its inconsistency with the Comprehensive Plan is attached as **Exhibit B**.

### **III. SUPPLEMENTAL FILING REQUIREMENTS OF SUBTITLE Z § 501**

#### **A. Additional Information Specified by the Commission**

In accordance with 11-Z DCMR § 501.1(a), the Petitioner herein has provided additional information specified by the Commission at the time the Petition was set down for public hearing.

#### **B. List of Witnesses Prepared to Testify on Behalf of the Petitioner**

In accordance with 11-Z DCMR § 501.1(b), a list of those persons the Petitioner intends to call as witnesses is provided below:

1. Ms. Brandice Elliott<sup>3</sup>  
Holland & Knight LLP, Director of Planning Services

#### **C. Summary of Testimony of Witnesses or Reports and Area of Expertise**

In accordance with 11-Z DCMR § 501.1(c), an outline of the witnesses' testimony and a complete and professional copy of Ms. Elliott's resume is attached as **Exhibit C**.

#### **D. Additional Information Introduced by the Petitioner**

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<sup>2</sup> The Church Properties are not located within the Howard University 2020 Central Campus Plan.

<sup>3</sup> The Zoning Commission has previously qualified Ms. Elliott as an expert witness in land use and zoning.



In accordance with 11-Z DCMR § 501.1(d), the Petitioner hereby submits the following additional information. Specifically, the Petitioner has discussed the Petition with multiple stakeholders during several meetings over the past several months as follows:

**Advisory Neighborhood Commissioner (“ANC”) 1E**

- February 14, 2024: Meeting with ANC 1E Zoning and Economic Development Committee

**ANC 1B**

- January 16, 2024: Meeting with ANC 1B Zoning, Preservation, and Development Committee

**LeDroit Park Civic Association**

- December 5, 2023: Meeting with LeDroit Park Executive Committee
- January 23, 2024: Meeting with LeDroit Park Civic Association
- February 27, 2024: Meeting with LeDroit Park Representatives
- March 26, 2024: Meeting with LeDroit Park Representatives
- May 16, 2024: Meeting with LeDroit Park Representatives
- July 17, 2024: Meeting with LeDroit Park Representatives
- July 30, 2024: Meeting with LeDroit Park Representatives

**Howard Community Advisory Committee Meeting**

- February 15, 2024: Meeting with Howard Community Advisory Committee
- May 22, 2024: Meeting with Howard Community Advisory Committee

**E. List of Maps, Plans or Other Documents Readily Available**

In accordance with 11-Z DCMR § 501.1(f), a list of maps, plans, or other documents readily available to the general public and that may be offered into evidence at the public hearing is attached as **Exhibit D**.

**F. Estimation of Time Required for Presentation of Petitioner’s Case**

In accordance with 11-Z DCMR § 501.1(g), the estimated time for the presentation of the Petitioner’s case is 45 minutes, subject to the discretion of the presiding officer at the public hearing.

### **G. Report by Traffic Consultant**

In accordance with 11-Z DCMR § 501.3, any traffic report for the Petition will be filed with the Commission at least thirty (30) days prior to the public hearing.

### **IV. CONCLUSION**

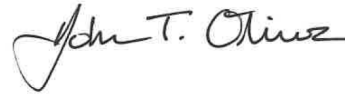
This Prehearing Statement, along with the original petition, satisfy the filing requirements for a contested case Zoning Map amendment petition, as required by Subtitle X, Chapter 5 and Subtitle Z of the Zoning Regulations. In light of the foregoing, the Petitioner respectfully requests the Commission schedule a hearing on the Petition.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties



John T. Oliver