

NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 24-01

Howard University, The Trustees of Florida Avenue Baptist Church, and Florida Avenue Baptist Church (Zoning Map Amendment @ Squares 3060, 3064, 3065, 3074, 3075, & 3078)

The Zoning Commission for the District of Columbia (the Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2505 (2013 Repl.)), hereby gives notice of its intent to adopt the following amendments to the Zoning Map:

- Map amendment to rezone the properties identified below, which are located on the east side of Georgia Avenue, N.W., from Euclid Street, N.W. south to Florida Avenue, N.W. (collectively, the Property), as follows:
 - Square 3060, Lots 830 and 839 from the RA-2 zone to the MU-10 zone;
 - Square 3064, Lots 45 and 837 from the RA-2 zone to the MU-10 zone;
 - Square 3064, Lots 44 and 826 from the PDR-2 zone to the MU-10 zone;
 - Square 3065, Lots 829, 830, 831, 833, and 834 from the PDR-3 zone to the MU-10 zone;
 - Square 3074, Lot 11 from the PDR-3 zone to the MU-9B zone;
 - Square 3075, Lot 807 (western portion) from the PDR-3 and RA-2 zones to the MU-9B zone;
 - Square 3075, Lot 807 (eastern portion) from the PDR-3 and RA-2 zones to the MU-10 zone; and
 - Square 3078, Lots 17, 26, 27, 28, and 30 from the PDR-3 zone to the MU-10 zone.

THE PETITION

On January 12, 2024, and as amended on January 17, 2024, Howard University (hereinafter referred to as the University or Petitioner), in conjunction with The Trustees of Florida Avenue Baptist Church and the Florida Avenue Baptist Church (collectively, the Church), filed a petition requesting that the Commission approve a proposed map amendment to rezone the Property from the RA-2 zone to the MU-10 zone, the PDR-2 zone to the MU-10 zone, the PDR-3 zone to the MU-10 zone, the PDR-3 zone to the MU-9B zone, and the RA-2 zone to the MU-9B zone (the request is collectively referred to as the Map Amendment or the Petition). (Exhibit [Ex.] 1-4A) The Petition states that the proposed rezoning is, on balance, not inconsistent with the Comprehensive Plan (CP); would further the Property's designations on the CP Maps, Citywide Elements, and the Mid-City Area Element; would facilitate redevelopment opportunities with housing and retail options that are lacking in the surrounding area; and would further CP racial equity goals and policies to foster an inclusive city, as discussed below. (Ex. 3)

Description of the Property to be Rezoned

The Property consists of approximately 1,157,379 square feet of land area (26.56± acres) primarily within Howard's Central Campus and is located within the boundaries of Advisory Neighborhood Commission (ANC) 1E and ANC 1B. The Property 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, on

the east by the University's campus and single-family residences, and on the west by Georgia Avenue.

The majority of the proposed area to be rezoned is governed by the 2020–2030 Howard University Central Campus Plan (the Campus Plan¹), which became effective on April 8, 2022 (Z.C. Order No. 20-08).

Current Zoning

The Property is currently zoned RA-2, PDR-2 and PDR-3.

The RA-2 zone is intended to provide for areas developed with predominately moderate-density residential uses. (Subtitle F § 101.5) The RA-2 zone permits a maximum density of 1.8 floor area ratio (FAR) (2.16 FAR for IZ); permits a maximum building height of fifty feet (50 ft.); permits a maximum penthouse height of twelve feet (12 ft.), except fifteen feet (15 ft.) for penthouse mechanical space; and permits a maximum lot occupancy of sixty percent (60%). (Subtitle F §§ 201.1, 201.4, 203.2, 205.1, 210.1)

The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. (Subtitle J § 101.4) The PDR-2 zone permits a maximum density of 4.5 FAR for use categories listed in Subtitle J § 201.2² (3.0 FAR for all other uses); permits a maximum building height of sixty feet (60 ft.); and permits a maximum penthouse height of twelve feet (12 ft.), except eighteen feet six inches (18 ft., 6 in.) is permitted for penthouse mechanical space. (Subtitle J §§ 201, 203.2, 205.1)

The PDR-3 zone is intended to permit high-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. (Subtitle J § 101.5) The PDR-3 zone permits a maximum density of 6.0 for use categories listed in Subtitle J § 201.2 (4.0 FAR for all other uses); permits a maximum building height of ninety feet (90 ft.); and permits a maximum penthouse height of twenty feet (20 ft.). (Subtitle J §§ 201, 203.2, 205.1)

Proposed Zoning

The Petitioner proposes to rezone the Property to the MU-9B and MU-10 zones.

The MU-9 zones are intended to permit high-density mixed-use development including office, retail, and housing, with a focus on employment and residential use and are intended be located in or near the Central Employment Area,³ on arterial streets, in uptown and regional centers, and at

¹ The Campus Plan outlines several future and major projects to be undertaken for new and renovated buildings which would result in improved facilities for student, faculty, and staff including additional housing on campus for University students. The Campus Plan also outlines ways to address issues concerning the wider community and restricts housing on land subject to the Campus Plan for University students, faculty, and staff.

² These land use categories include Agriculture, Large; Animal Sales, Care, and Boarding; Arts, Design, and Creation; Government, Large Scale; Government, Local; Production, Distribution, and Repair; Utility (basic); and Waste-Related Services.

³ The Central Employment Area (CEA) is the core area of the District of Columbia where the greatest concentration of employment in the city and region is encouraged. The geographic boundaries of the CEA are detailed in the Comprehensive Plan. Subtitle B § 100.2.

rapid transit stops. (Subtitle G § 101.14) The MU-9B zone permits a maximum density of 6.5 FAR (7.8 FAR for IZ), and a maximum FAR of 6.5 for non-residential uses; permits a maximum building height of ninety feet (90 ft.) (one hundred feet [100 ft.] for IZ), with no limit on the number of stories; permits a maximum penthouse height of twenty feet (20 ft.); and has no maximum permitted lot occupancy for residential use. (Subtitle G §§ 201.1, 203.2, 205.1, 210.1)

The MU-10 zone is intended to permit medium- to high-density mixed-use development with a balance of uses conducive to higher quality of life and environment; be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan; require a level of public space at the ground level; and allow residential and non-residential bulk to be apportioned between two (2) or more lots in the same square. (Subtitle G § 101.15) The MU-10 zone permits a maximum density of 6.0 FAR (7.2 FAR for IZ), and a maximum FAR of 3.0 for non-residential uses; permits a maximum building height of ninety feet (90 ft.) (one hundred feet [100 ft.] for IZ), with no limit on the number of stories; permits a maximum penthouse height of twenty feet (20 ft.); and a maximum lot occupancy of seventy-five percent (75%) for residential use (eight percent [80%] for IZ). (Subtitle G §§ 201.1, 203.2, 205.1, 210.1) In the MU-10 zone, the allowable residential and non-residential FAR may be apportioned between two (2) or more lots in the same square, regardless of the FAR limits, subject to a combined lot agreement in accordance with the provisions of Subtitle C, Chapter 12 and the conditions set forth in Subtitle G § 201.3(a) and (b). Subtitle G § 201.3.

SET DOWN

At its March 28, 2024, public meeting, the Commission voted to set down the proposed Map Amendment Petition for a public hearing as a rulemaking⁴ case.

NOTICE

On October 18, 2024, pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the December 16, 2024 public hearing, and published notice of the public hearing in the November 1, 2024 *District of Columbia Register*, and published notice of the public hearing on the calendar on OZ's website. (Ex. 18-20)

ANC Reports

The Property is located within the boundaries of ANCs 1E and 1B. Therefore, both ANCs are an affected ANC, as defined by Subtitle Z § 101.8. On October 31, 2024, ANC 1E submitted a report (ANC 1E Report) expressing ANC 1E's recommendation of support for the Map Amendment. (Ex. 22) On December 3, 2024, ANC 1B submitted a report (ANC 1B Report) expressing ANC 1B's recommendation of support for the Map Amendment. (Ex. 27) Neither ANC cited any issues and concerns in its report.

⁴ Based on the standards contained in Subtitle Z §§ 201.2, 201.5, and 201.7, and pursuant to Subtitle Z § 201.9, the Commission determined the designation of this case as a rulemaking case. More specifically, the Commission set this case down as a rulemaking case pursuant to Subtitle Z § 201.7(b)(1) because the University does not own all of the property proposed to be rezoned. Further, the Commission also noted that the property proposed to be rezoned is of a character that raises land use policy questions to a greater degree than highly localized issues of facts and effects on neighboring properties.

Comments

Prior to the December 16, 2024, public hearing, the W1 Alliance of Howard Neighbors filed a letter in opposition to the proposed Map Amendment, citing various arguments generally summarized as follows: (Ex. 33)

- The Map Amendment should be re-setdown as a contested case, primarily to allow cross-examination of the Petitioner and OP;
- There are no comprehensive and concrete impact studies or assessments to support the contentions that the Map Amendment will not result in adverse impacts and will result in transportation and infrastructure improvements, specifically no detailed impact assessments regarding traffic/transportation, the environment, and displacement;
- The Petitioner's community outreach and engagement was lacking particularly to affected vulnerable residents in adjacent public housing as it did not include racial equity impact analyses to evidence the specific individuals notified and their opportunity to provide feedback on how the proposed increase in density would impact them; and
- The Petitioner and OP's CP Future Land Use Map (FLUM) analyses are flawed and made without supporting impact studies. Likewise, the CP 2021 update changes to the FLUM were never reviewed as to impacts contravening the D.C. Code and the CP requirements for impact assessments.

OP Reports

On March 18, 2024, OP submitted a report (OP Setdown Report) recommending that the Commission set down the proposed Map Amendment Petition for public hearing and concluding that the proposal would not be inconsistent with the CP Maps, Citywide Elements and the Mid-City Area Element, including when viewed through a racial equity lens; and would advance recommendations of the DUKE Small Area Plan. (Ex. 12) On December 6, 2024, OP submitted a report (OP Hearing Report and, together with the OP Setdown Report, the OP Reports) that recommended approval of the proposed Map Amendment Petition and largely reiterated the statements and conclusions of the OP Setdown Report. (Ex. 29) The OP Reports acknowledge that it is difficult to assess the actual impact that would result from any development on the Property; however, the potential impacts-positive or negative-of new development resulting from the proposed rezoning can be assessed, on the assumption that development consistent with the permissions of the proposed MU-9B and MU-10 zones would, at some point, be done on the Property. (Ex. 12 at 12; 29 at 12)

A summary of the contents of the OP Reports follows.

COMPREHENSIVE PLAN: CP MAPS

Future Land Use Map (FLUM)

The FLUM designates the Property with the following land uses categories:

- Mixed Use (Medium Density Residential / Medium Density Commercial / Institutional);
- Mixed Use (High Density Residential / Medium Density Commercial / Institutional); and
- Mixed Use (Medium Density Residential / Medium Density Commercial)

These land use categories are defined below:

- **Mixed Use Categories:** *The Future Land Use Map indicates areas where the mixing of two or more land uses is especially encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. . . The Mixed Use Category generally applies in the following circumstances:*
 - a. *Established, pedestrian-oriented commercial areas that also include substantial amounts of housing, typically on the upper stories of buildings with ground-floor retail or office uses;*
 - b. *Commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground-floor retail or office uses and upper story housing;*
 - c. *Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist, but a plan depicting the precise location of these uses has yet to be prepared; and*
 - d. *Development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses. 10-A DCMR § 227.20.*

The "Mixed Use" designation is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are specifically encouraged in the future. 10-A DCMR §227.22. A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. . . . Residential uses are permitted in all of the MU zones, however, so many Mixed Use areas may have MU zoning. 10-A DCMR § 227.23.
- **Medium Density Residential:** *This designation is used to define neighborhoods or areas generally but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas. Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential Category, and other zones may also apply. 10-A DCMR § 227.7.*
- **High Density Residential:** *This designation is used to define neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings. Pockets of less dense housing may exist within these areas. Density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-4 and RA-5 Zone Districts are consistent with the High Density Residential category, and other zones may also apply. 10-A DCMR § 227.8.*
- **Medium Density Commercial:** *This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses,*

although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply. 10-A DCMR § 227.12.

- ***Institutional:*** *This designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories. 10-A DCMR § 227.18.*

Citing to the CP Framework Element, which states that the FLUM is intended to provide generalized guidelines for development decisions, OP concluded that the proposed Map Amendment is not inconsistent with the Property's FLUM designations. The Framework Element identifies the MU-10 zone as being consistent with the Medium Density Commercial category. OP also found the MU-9B zone to be appropriate because the MU-9B zone permits high-density mixed-use development including office, retail, and housing, with a focus on employment and residential use.

Generalized Policy Map (GPM)

The GPM indicates that a significant portion of the Property is within the policy area designated as a **Main Street Mixed Use Corridor**, which encompasses substantial portions of 7th Street, N.W. and Georgia Avenue, N.W. The portion of the Property located on the east side of Georgia Avenue, N.W., south of Bryant Street, N.W. and north of V Street, N.W., is designated as a **Multi-Neighborhood Center**.

These designations are defined below:

- ***Main Street Mixed Use Corridors:*** *These are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian- oriented environment with traditional storefronts. Many have upper-story residential or office uses and some corridors are underutilized, with capacity for redevelopment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment; and (10-A DCMR § 225.14)*
- ***Multi-Neighborhood Centers:*** *Multi-Neighborhood Centers contain many of the same activities as Neighborhood Commercial Centers, but in greater depth and variety. The area served by a Multi-Neighborhood Center is typically one to three miles. These centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety*

of service-oriented businesses. These centers also may include residential and office space for small businesses, although their primary function remains retail trade. (10-A DCMR § 225.17)

OP concluded that the proposed Map Amendment is not inconsistent with the GPM. The area to be rezoned is part of the larger Georgia Avenue Main Street Mixed Use Corridor, a pedestrian-oriented roadway with multiple bus routes and is in close proximity to the Shaw/Howard University and the U Street/African-American Civil War Memorial/Cardozo Metrorail stations. Portions of the Property along 7th Street and Georgia Avenue, N.W. are designated Main Street Mixed Use Corridor on the GPM. The proposed MU-9B and MU-10 zones would facilitate new development that would maintain a pedestrian-friendly environment and would encourage transit use. Furthermore, the proposed Map Amendment would enable the redevelopment of this portion of Georgia Avenue with a mix of university uses and new retail uses that would serve the wider community, consistent with the objectives for a Main Street Mixed Use Corridor.

The proposed MU-9B and MU-10 zones are not inconsistent with the recommendations of the Multi-Neighborhood Center designation, which is the GPM designation for the portion of the Property located between Bryant Street, N.W. on the north, and V Street, N.W. on the south. The density and intensity of development that would be allowed under the proposed Map Amendment would enable a mix of uses and could support surrounding uses that are specific to the University and the Howard University Hospital. As such, the proposed Map Amendment would improve the immediate neighborhood and is therefore not inconsistent with the GPM.

IZ Plus

The OP Reports noted that IZ Plus would automatically apply to the proposed Map Amendment.⁵ (See Subtitle X §§ 502.1(a)(1), 502.1(b)) However, OP acknowledged that housing developed on the Property exclusively for University students, faculty, or staff would not be subject to the IZ Program. (See Subtitle C § 1001.6(c).

COMPREHENSIVE PLAN: CITYWIDE ELEMENTS

The OP Reports asserted that the Map Amendment proposal is, on balance, not inconsistent with the Citywide Elements of the Comprehensive Plan. (Ex. 12) OP concluded that the proposed Map Amendment would further policies of the Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Educational Facilities Elements.

Land Use

The proposal would not be inconsistent with the Land Use Element as the proposed rezoning to the MU-9B and MU-10 zones would facilitate the redevelopment of underutilized land with a mix of uses that would enhance the surrounding neighborhood and revitalize and the lower Georgia Avenue, N.W. corridor. The Comprehensive Plan Maps, the Mid-City Area Element and Focus Policy Areas, and the Campus Plan do not anticipate PDR uses on the Property. The proposed Map Amendment would allow for redevelopment with a mix of neighborhood-serving retail, university housing, office, and other institutional uses that could serve the University as well as existing and

⁵ The OP Hearing Report recommended that IZ Plus only apply to the Property owned by the Church and portions of the Property extracted from the Campus Plan in the future; however, at the December 16, 2024 public hearing OP testified that it was changing its recommendation such that IZ Plus should apply to all of the Map Amendment Property. (See December 16, 2024 Hearing Transcript [Tr.] at p. 27-28)

future residents of the surrounding neighborhood and could therefore help to create a vibrant corridor experience.

The proposed Map Amendment would further the Land Use Element policies listed below:

- *Policy LU-1.4.1: Station Areas as Neighborhood Centers;*
- *Policy LU-1.4.2: Development Around Metrorail Stations;*
- *Policy LU-1.4.3: Housing Around Metrorail Stations;;*
- *Policy LU-1.4.6: Development Along Corridors;*
- *Policy LU-2.1.1: Variety of Neighborhood Types;*
- *Policy LU-2.1.2: Neighborhood Revitalization;*
- *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods;*
- *Policy LU-2.2.4: Neighborhood Beautification;*
- *Policy LU-2.3.5: Institutional Uses;*
- *Policy LU-2.4.5: Encouraging Nodal Development;*
- *Policy LU-2.4.6: Scale and Design of New Commercial Uses;*
- *Policy LU-3.2.6: Rezoning of Industrial Areas;*
- *Policy LU-3.3.1: Transportation Impacts of Institutional Uses; and*
- *Policy LU-3.3.2: Corporate Citizenship.*

Transportation

The proposal would not be inconsistent with the Transportation Element as the Campus Plan incorporates many of its goals and policies which would be implemented through any new development or redevelopment along Georgia Avenue, N.W. Although some improvements are underway, many more are associated with the redevelopment of the Property. Movements related to buses, vehicles and bicycles would be assessed as part of any redevelopment. The Transportation Element encourages cross street connections, which are being implemented through the Campus Plan and would be furthered by any new development. Improvements to facilitate pedestrian movements and streetscape improvements could also be implemented to enhance the walkability of the area and discourage auto-orientated uses because the proposed rezoning would allow a multitude of active uses. Further, because the Property is located along a major transit corridor near various forms of public transit, future redevelopment could provide increased access to neighborhood-serving commercial uses and institutional uses within the surrounding area.

The proposed Map Amendment would further the Transportation Element policies listed below:

- *Policy T-1.1.4: Transit-Oriented Development;*
- *Policy T-1.1.7: Equitable Transportation Access;*
- *Policy T-1.2.1: Major Thoroughfare Improvements;*
- *Policy T-1.2.3: Discouraging Auto-Oriented Uses;*
- *Policy T-2.3.2: Bicycle Network;*
- *Policy T-2.4.1: Pedestrian Network;*
- *Policy T-2.4.2: Pedestrian Safety;*
- *Policy T-2.5.5: Natural Landscaping;*
- *Policy T-2.6.1: Transportation Access; and*
- *Policy T-2.6.2: Transit Needs.*

Housing

The proposal would not be inconsistent with the Housing Element as generally, the rezoning from the RA and PDR zones to the MU-9B and MU-10 zones would allow for additional housing and affordable housing development than under the existing zoning. The Property is governed by the Campus Plan which limits housing development to University students, faculty, and staff; however, the additional density through the rezoning would allow for a larger number of students to reside on campus and allow other available housing opportunities to go to other District residents. Moreover, if portions of the Property are removed from the Campus Plan and developed for non-university uses, the proposal would help create additional housing at a desirable, transit-accessible location that is consistent with the city's land use and housing policies and objectives.

The proposed Map Amendment would further the Housing Element policy reprinted below:

- *Policy H-1.3.5 - Student Housing: Require colleges and universities to address the needs of their students and promote the use of such housing by their students.*

Environmental Protection

The proposal would not be inconsistent with the Environmental Protection Element as any future development or redevelopment of the Property would be required to comply with the Green Building Act and the District's storm water management regulations and would therefore be consistent with the Sustainable DC Plan in addition to any other requirements by the District of Columbia Department of Energy and the Environment (DOEE). Additionally, the developed or redeveloped buildings would be required to incorporate energy efficient systems to reduce energy use and provide alternative energy sources that would contribute to the District's energy efficiency goals. Redevelopment of the Property could also include new landscaping and environmentally friendly enhancements to the adjoining streetscape that would meet the City's Environmental Protection goals.

The proposed Map Amendment would further the Environmental Protection Element policies listed below:

- *Policy E-1.1.2: Urban Heat Island Mitigation;*
- *Policy E-2.1.2: Tree Requirements in New Development;*
- *Policy E-2.1.3: Sustainable Landscaping Practices;*
- *Policy E-3.2.3: Renewable Energy;*
- *Policy E-3.2.7: Energy-Efficient Building and Site Planning;*
- *Policy E-3.2.9: Energy Efficiency for Major Employers;*
- *Policy E-4.1.1: Maximizing Permeable Surfaces; and*
- *Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff.*

Economic Development

The proposal would not be inconsistent with the Economic Development Element. The proposed Map Amendment has the potential to provide new retail, office and service opportunities in a transit-accessible area. Additional office space could allow for the expansion of healthcare and research uses associated with the University. The Map Amendment also increases the potential to

create significant retail and service space to support the needs of the University and residents in the surrounding area. Furthermore, future uses could support institutional growth and programs associated with the University and also assist in revitalizing the Georgia Avenue, N.W. corridor.

The proposed Map Amendment would further the Economic Development Element policies listed below:

- *Policy ED-1.1.5: Build Capacity and Opportunities;*
- *Policy ED-1.3.4: Leveraging and Adapting to Technological Change;*
- *Policy ED-2.2.1: Expanding the Retail Sector;*
- *Policy ED-2.2.7: Planning For Retail;*
- *Policy ED-2.4.1: Institutional Growth;*
- *Policy ED-2.4.2: Secondary Benefits;*
- *Policy ED-2.4.3: Higher Education and Health Care Linkages; and*
- *Policy ED-2.4.5: Partnerships with Anchor Institutions.*

Educational Facilities

The proposal would not be inconsistent with the Educational Facilities Element. The University is supportive of many of the District's goals for improvement in education, preservation of the environment, encouraging and supporting the use of public transportation, and reducing the use of single-occupancy vehicles and intends to incorporate these measures in future development of the Property. The University is also heavily involved in the community and places multiple student volunteers throughout the community that will continue to serve District residents through the services they provide. Additionally, the University would continue to support opportunities that serve and address the needs of the University as well as the surrounding community. Further, the proposed Map Amendment would allow a significant increase in on-site housing opportunities for both lower and upper-class students. Most importantly, the proposed Map Amendment would result in a level of development that is anticipated by the Campus Plan.

The proposed Map Amendment would further the Educational Facilities Element policies listed below:

- *Policy EDU-3.2.2: Corporate Citizenship;*
- *Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs;*
- *Policy EDU-3.3.4: Student Housing;*
- *Policy EDU-3.3.5: Transportation Impacts of Colleges and Universities;*
- *Policy EDU-3.3.6: Faculty Housing;*
- *Policy EDU-3.3.9: Educational Facilities and Large Site Development; and*
- *Policy EDU-3.3.11: Access to Recreational, Educational, and Cultural Opportunities.*

COMPREHENSIVE PLAN: MID-CITY AREA ELEMENT

The Property proposed to be rezoned is located within the Mid-City Area Element of the Comprehensive Plan. The Mid-City Planning Area is comprised of approximately 3.1 square miles. 10-A DCMR § 2000.1. The Planning Area is one of the most diverse parts of Washington, DC. Although it is one of the smallest of the ten planning areas geographically, it is the most populous and most dense. 10-A DCMR § 2000.2. Some Mid-City neighborhoods are still facing

challenging economic and social conditions, including the Georgia Avenue N.W. and Florida Avenue N.W. corridors, where some buildings continue to lie vacant. 10-A DCMR § 2000.8.

The proposal would not be inconsistent with the Mid-City Area Element as the proposed MU-9B and MU-10 zones would provide for increased development potential, which would enhance and support the economic vitality of the surrounding Property area. The proposed Map Amendment would allow for higher density growth along the Georgia Avenue, N.W. corridor, as encouraged by the Property's GPM and FLUM designations, and would help preserve the row house character of the adjacent residential neighborhoods of LeDroit Park, Shaw, and Pleasant Plain. As envisioned in the Campus Plan, the revitalization and redevelopment of Property fronting on the Georgia Avenue, N.W. corridor would provide opportunities to enhance facades and buildings, and pedestrian and bicycle connections. New development could also include improvement to stormwater infrastructure, street trees, green roofs, pervious surfaces, and bioretention areas.

There are portions of the Property that are located within two policy focus areas within the Mid-City Area Element—the *Georgia Avenue Corridor Policy Focus Area* and the *U Street/Uptown Policy Focus Area*—which include a number of tailored recommendations and development objectives. The proposed rezoning would meet the policy for the revitalization for the *Georgia Avenue Corridor Policy Focus Area* because it would enable ground-floor retail and other street-activating uses. Additionally, a portion of the Property is recommended for the Howard Town Center to be developed with a mix use development that could not only serve University uses, but medical and cultural uses that could also serve surrounding residents and the District as a whole. The southern portion of the Property is identified as being with the *U Street/Uptown Policy Focus Area*, which is envisioned as an area that will enhance and promote the District's Black cultural history. A mixed-use center would further policies of the focus area, and could accommodate uses such as arts establishments, restaurants, and shops to serve residents and visitors to the area.

The proposed Map Amendment would further the recommendations of the two policy focus areas that cover the Property, and specifically further the Mid-City Area Element policies and planning actions listed below:

- *Policy MC-1.1.2: Directing Growth;*
- *Policy MC-1.1.3: Infill and Rehabilitation;*
- *Policy MC-1.1.4: Local Services and Small Businesses;*
- *Policy MC-1.1.8: Multimodal Connections;*
- *Policy MC-2.1.1: Revitalization of Lower Georgia Avenue NW;*
- *Policy MC-2.1.2: Georgia Avenue NW Design Improvements;*
- *Policy MC-2.1.3: Howard University;*
- *Policy MC-2.1.5: Cross-Town Connectivity;*
- *Action MC-2.1.A: Corridor Identity;*
- *Action MC-2.1.C: Howard Town Center;*
- *Action MC-2.1.D: Great Streets Improvements; and*
- *Policy MC-2.3.2: Uptown Subareas.*

POTENTIAL CP INCONSISTENCIES

The OP Reports acknowledge that the Map Amendment proposal is potentially inconsistent with Land Use Element Policy LU-3.2.1: *Retain Areas for Industrial Uses*; and Housing Element Policy H-1.1.1: *Private Sector Support*. OP also notes that the Petitioner identified potentially inconsistent CP policies, specifically policies that encourage net-zero buildings (Policy H-1.6.5: *Net-Zero, Energy Efficient Housing*; Policy E-3.2.2: *Net-Zero Buildings*); and Transportation Element Policy T-1.1.8: *Minimize Off-Street Parking*. OP concludes that these potential CP inconsistencies are either mitigated or outweighed by the numerous CP policy goals and objectives described above that would be advanced by the Map Amendment proposal.

DUKE SMALL AREA PLAN (DUKE PLAN)

A significant portion of the Property is subject to the policies and recommendations of the DUKE Plan, the applicable Small Area Plan adopted by the D.C. Council on June 21, 2005. Many of the DUKE Plan's policies and recommendations were adopted in the Mid-City Area Element, or the *Georgetown Avenue Corridor* and the *U Street/Uptown* policy focus areas discussed above, and its policies and recommendations would be advanced by the Map Amendment proposal.

The Property is located within the boundaries of two of the six sub-districts outlined in The DUKE Plan, the Howard Theatre District and the Howard Town Center Area. The Howard Theatre District is intended to “be a vibrant center focused upon a revived Howard Theatre.” DUKE Plan p. 14. Properties in this sub-district should be programmed to complement and support a “complete destination with restaurants, outdoor cafes / dining, intimate music clubs, bars, bookstores, art galleries, modest priced retail and other destination uses.” The proposed Map Amendment has the potential to advance this recommendation because the proposed MU-9B zone will allow a mixed-use development that could include many of the uses recommended. The Howard Town Center Area is envisioned as a university and neighborhood, where the University and other property owners can develop their properties in accordance with the DUKE Plan. The proposed MU-9B zone would permit development at the recommended heights and density and as envisioned in the Campus Plan. The proposal would also allow for the integration of retail and service uses on the ground floor along with other University uses to serve the neighborhood.

This concludes the summary of the OP Reports.

COMPREHENSIVE PLAN: RACIAL EQUITY

The Comprehensive Plan requires the Commission to apply the standard of review applicable to the Map Amendment through a racial equity lens. (10-A DCMR §§ 2501.4-2501.6, 2501.8) Consideration of equity is intended to be based on the policies of the Comprehensive Plan, and part of the Commission's consideration of whether the Map Amendment is “not inconsistent” with the Comprehensive Plan, rather than a separate determination about a zoning action's equitable impact.

The Comprehensive Plan Framework Element states that equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality. (10-A DCMR § 213.6) Further, “[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural

conditions, and creates access to education, services, healthcare, technology, workforce development, and employment opportunities.” (10-A DCMR § 213.7) The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions. (10-A DCMR § 213.9)

The Comprehensive Plan Implementation Element suggests to prepare and implement tools to use as a part of the Commission’s evaluation process. Consistent with the Comprehensive Plan guidance, the Commission utilizes a Racial Equity Analysis Tool (Tool) in evaluating zoning actions through a racial equity lens; the Commission released a revised Tool on February 3, 2023. The revised Tool requires submissions from Petitioners and OP analyzing the zoning action’s consistency with the Citywide and Area Elements of the Comprehensive Plan, and Small Area Plans, if applicable (Part 1); a submission from Petitioner including information about its community outreach and engagement efforts regarding the zoning action (Part 2); and a submission from OP including disaggregated race and ethnicity data for the Planning Area affected by the zoning action (Part 3.)

OP

As required by the Commission’s Tool, the OP Reports provided Racial Equity Analyses that responded to Part 1 of the Tool as summarized above. The OP Reports also provided disaggregated race and ethnicity data⁶ for the Mid-City Planning Area, in which the Property is located, in response to Part 3 of the Tool. (Ex. 12, 29) The data makes the following observations about the Planning Area: (Ex. 29)

Disaggregated Race and Ethnicity Data:

- In the 2018 to 2022 study period, the Mid-City planning area was almost evenly split between the White population and other populations. The percentage of both White and Black populations has decreased from the 2012-2016 study period, with other minority groups increasing their share of the total population. The White population decreased from 52% to 50.5%; the Black population decreased from 32.6% to 26.1%, which is reflective of but more significant than the District-wide trend during this period;
- The Mid-City planning area has a higher median income than the District as a whole, as evidenced by data from both the 2012-2016 and 2018-2022 survey periods. The planning area median income, however, increased faster than the citywide median, but these gains were not distributed evenly across racial groups. The median income of some groups saw significant increases, while other groups saw more modest gains, or, in the case of those identifying as American Indian and Alaskan Native, a decrease;
- Fewer residents in the Mid-City planning area own their home than in the District as a whole – 38.3% compared to 41.4%. The homeownership rate in the planning area increased slightly over the two survey periods, similar to the District-wide trend. The homeownership rate among White households went up, as opposed to citywide, where White ownership went down by a

⁶ In response to Part 3 of the Tool, the OP Setdown Report provided disaggregated race and ethnicity data taken from the 2012-2016 and the 2017-2021 American Community Survey (“ACS”) 5 Year Estimates, which are available via the OP State Data Center. After the OP Setdown Report was filed, the OP State Data Center was updated to include more current ACS data from 2018-2022. The updated data, which includes the 2018-2022 ACS 5 Year Estimates, is provided in the OP Hearing Report and is summarized herein.

fraction of a percent. Black homeownership decreased in the planning area, although somewhat less than the citywide trend. Homeownership also went up among several other racial groups.

- Between 2012-2016, the unemployment rate in the planning area was at 6%, which was lower than the District at 8.7%. Although the rate of both the District and the planning area fell in 2018-2022 period, the planning area's unemployment rate at 4.4% remained well below that of the District as a whole at 7.11%.
- The housing cost burden in the planning area was approximately 3 and 6 percentage points lower than that of the District during the 2012-2016 and 2018-2022 time periods. The poverty rate of the Planning Area for the 2012-2016 period was lower than the District as a whole but between the 2012-2016 and 2018-2022 periods the poverty rate in the District fell from 17.90% to 15.1% while that of the Planning Area increased from 13.5 to 15.1% making poverty level in the District as a whole and the planning area the same.

The OP Reports note that the planning area has exceeded the Mayor's 2025 affordable housing target (as of the Deputy Mayor for Planning and Economic Development Dashboard October 2024 update) by providing 1,494 affordable housing units, or 147.5% of the target amount. OP concludes that the proposed Map Amendment could free up affordable housing within the neighborhood for other residents as housing within the Campus Plan boundary would be for University students, faculty, and staff. Any affordable units created on development of property outside the Campus Plan boundary could provide increased opportunity for lower-income families to remain in the District and the planning area, and in particular could provide homeownership opportunities. Given the income data by race, it can be inferred that the families benefitting from affordable housing would be Black or other minority groups, which could have some impact on the present trends of declining Black population in the planning area. (Ex. 29)

PETITIONER

As required by the Commission's Tool, the Petitioner's submissions provided Racial Equity Analyses that responded to Parts 1 and 2 of the Tool. (Ex. 3, 14, 25) In response to Part 2 of the Tool, the Petitioner provided information regarding its community outreach and engagement efforts. The Petitioner initially discussed the proposed Map Amendment with ANC 1B and with ANC 1E on two occasions in the summer of 2023. The proposed Map Amendment was also discussed at the Howard Community Advisory Committee meeting on July 13, 2023, with the following community stakeholders, which are a part of the Howard University Office of External Affairs Community Advisory Council:

- Shaw Mian Street;
- Lower Georgia Avenue Main Street;
- Councilmember's Office;
- Florida Ave Baptist Church;
- LPCA;
- Georgia Avenue Thrive;
- District Bridges;
- Uniting Our Youth;
- Pleasant Plains Civic Association;
- HU Alumni-members of the OEA Community Advisory Council; and
- HU Interim Dean Bradford Grant – College of Architecture.

After the Petition was filed on January 12, 2024, and following the Commission's vote to set down the Petition for public hearing, the Petitioner continued its engagement with local community groups and the affected ANCs. The Petitioner met with the LeDroit Park Civic Association (LPCA) on several occasions, and had follow-up meetings with the Howard Community Advisory Committee on February 15, 2024, and on May 22, 2024. The Petitioner's community engagement resulted in the execution of a Memoranda of Agreement between the Petitioner and the LPCA and between the Church and the LPCA. (Ex. 25A, 25B) The development standards and use restrictions agreed upon are memorialized in the covenants that are filed in the case record. (See Ex. 32)

PUBLIC HEARING

At the public hearing on December 16, 2024,⁷ the Petitioner presented its case, and the Commission heard testimony from OP, Commissioner Larry Handerhan, SMD Representative for ANC 1B01, Matthew Fay, President of the LPCA, and Paulette Matthews president of the Kelly Miller housing complex.

OP reiterated the assertions and conclusions made in the OP Reports.

Commissioner Handerhan reiterated the ANC's support for the Map Amendment as detailed in the ANC 1B Report.

Mr. Fay expressed the LPCA's support for the Map Amendment and expressed appreciation for the Petitioner's partnership and community outreach as detailed in the LPCA's Letter in Support. (Ex. 35)

Ms. Matthews testified in opposition to the Map Amendment. She testified about the lack of information and community outreach about the Petition and lack of information about development plans and policies for the District, generally.⁸

CONCLUSION

Pursuant to Subtitle X § 500.3, the Commission shall find that the proposed Map Amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property. For the reasons discussed above, the Commission finds the proposed Map Amendment is not inconsistent with the CP, including the CP maps, Citywide Elements, and the Mid-City Area Element, including when viewed through a racial equity lens; and will advance recommendations of the DUKE Plan. The Commission acknowledges the potential CP inconsistencies cited by OP and the Petitioner and finds any potential CP inconsistencies to be outweighed by CP policies that would be advanced by the Map Amendment proposal, as discussed above. The Commission concludes that the increased density and height

⁷ At the start of the December 16, 2024 public hearing, the Commission considered W1 Alliance of Howard Neighbor's letter in opposition requesting that the Commission re-setdown this case as a contested case instead of a rulemaking. The Commission affirmed its decision to set down the case as a rulemaking, stating that the case meets the criteria of Subtitle Z § 201.7(b)(1) because the Petitioner does not own all the property proposed to be rezoned; in addition, the Commission noted that the ownership pattern includes many large parcels along a major corridor, so it raises land use policy questions to a greater degree than highly localized issues of fact and effects on neighboring properties. (See December 16, 2024 Hearing Transcript at pp. 5-8; see also Subtitle Z §§ 201.2, 201.5, 201.7, 201.9.)

⁸ See December 16, 2024 Hearing Transcript at pp. 46-50.

afforded by the MU-10 and MU-9B zones, coupled with the broader range of permitted uses, will facilitate redevelopment that is compatible with the Campus Plan and the surrounding neighborhood. Moreover, the Commission finds the Petitioner and OP's respective responses to the Tool adequate and is encouraged that the provision of increased density on the Property will advance CP racial equity goals.

The Commission acknowledges the opposition comments raised by W1 Alliance of Howard Neighbors (Ex. 33) and the opposition hearing testimony of Ms. Paulette Matthews, primarily citing the need for concrete impact studies and lack of community outreach, both summarized above. With respect to concrete impact studies, as OP's Reports in this case readily state, it is difficult to assess the actual impacts of the proposed rezoning thus OP assessed potential impacts of the proposed rezoning based on matter-of-right development of the Property under the proposed MU-9B and MU-10 zones. The Commission finds the impact assessment contained in the OP Reports⁹ sufficient to evaluate the appropriateness of the proposed MU-9B and MU-10 zones. With respect to lack of community outreach, the Commission finds the case record demonstrates the Petitioner's outreach efforts but recognizes that efforts fell short for some community members.

“Great Weight to the Recommendations of OP”

The Commission must give “great weight” to the recommendations 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 § 504.6. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016))

The Commission finds OP's recommendation, based on the analyses in the OP Reports, to approve the proposed Map Amendment persuasive and concurs in that judgment. The Commission also agrees that IZ Plus should apply to the Map Amendment.

“Great Weight to the Written Report of the ANC”

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting 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 § 505.1. 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))

The ANC 1E Report expressed ANC 1E's recommendation of support for the Map Amendment. The Commission concurs ANC 1E's recommendation.

⁹ The OP Reports analyzed the proposed MU-9B and MU-10 zones for the Property including a discussion of the Property's CP map designations, CP Citywide Elements and the Mid-City Area Element, disaggregated race and ethnicity data for the Mid-City Planning Area, potential CP inconsistencies, and the DUKE Plan.

The ANC 1B Report expressed ANC 1B's recommendation of support for the Map Amendment. The Commission concurs with ANC 1B's recommendation.

PROPOSED ACTION

At the conclusion of its December 16, 2024 public hearing, the Commission voted to take **PROPOSED ACTION** to authorize the publication of a Notice of Proposed Rulemaking to amend the Zoning Map as follows (and noted that IZ Plus should apply):

VOTE (December 16, 2024): 4-0-1

(Robert E. Miller, Gwen Marcus Wright, Tammy M. Stidham, Anthony J. Hood to **APPROVE**; Joseph Imamura, having not participated, not voting)

SQUARE	LOTS	MAP AMENDMENT
3060	830, 839	RA-2 zone to MU-10
3064	45, 837	RA-2 zone to MU-10
3064	44, 826	PDR-2 zone to MU-10
3065	829, 830, 831, 833, 834	PDR-3 zone to MU-10
3074	11	PDR-3 zone to MU-9B
3075	807 (western portion)	PDR-3 and RA-2 zones to MU-9B
3075	807 (eastern portion)	PDR-3 and RA-2 zones to MU-10
3078	17, 26, 27, 28, 30	PDR-3 to MU-10

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov; by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; or by fax to (202) 727-6072. Ms. Schellin may be contacted for question by telephone at (202) 727-6311 or by e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.