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July 1, 2024

**VIA IZIS AND ELECTRONIC MAIL**

Anthony Hood, Chairperson  
District of Columbia Zoning Commission  
441 4th Street, NW, Suite 200-S  
Washington, DC 20001

**Re: Z.C. Order No. 20-08: Howard University Central Campus Plan;  
Modification of Consequence to Add Back into the Campus Plan  
Boundaries a Previously Extracted Property at 2711 Georgia Avenue N.W.  
(Square 3058, Lot 53, the “Property”)**

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Dear Chairperson Hood and Members of the Commission:

Howard University (the “**University**”), hereby requests approval of a modification of consequence (“**Modification**”) to Z.C. Order No. 20-08 (“**Campus Plan**” or “**Plan**”), which approved the University’s 2020-2030 Campus Plan, to expand the boundaries of the Campus Plan to include the Property. The Property<sup>1</sup> was previously extracted from the campus in Z.C. Orders 11-15F and 11-15H; this application would undo that extraction in order to acknowledge that the Property will be used for university purposes and allow the density of the residentially-zoned portion of the Property to be aggregated with other residentially-zoned portions of the Campus.

Copies of Z.C. Order Nos. 20-08, 11-15F and 11-15H are attached hereto as Exhibit A. This modification request is made pursuant to Subtitle Z, Section 703 of the 2016 Zoning Regulations.

**Background**

In 11-15F and 11-15H, the University received approval to extract the Property and others from the 2010 Campus Plan boundaries to facilitate the development of the properties in concert with private partners. The objective was to monetize underutilized edge and non-core assets owned by the University and generate revenue which can be reinvested in the University mission.

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<sup>1</sup> At the time of extraction, the Property consisted of Lots 827, 828, 829, and 833 in Square 3058. These lots were then subdivided into Lot 53, which is the current lot.

Office of Planning and community support for the extractions indicated support for redevelopment, and recommended a number of conditions, including the following, which were incorporated in the Extraction Orders:

1. Earlier submission of the University Campus Plan update to March 16, 2020 from December 31, 2027;
2. University best efforts to meet a goal of developing 50-100 housing units at 30-60% AMI on University properties; and
3. A commitment to present any plans for the development of the extraction properties at a public meeting of the affected ANC prior to the submission of applicable building permits.

The University has abided by all of the conditions set forth in the Extraction Orders. With regard to the University's housing commitment with a recent commitment to make the newly renovated 79 unit Howard Manor 100% affordable, the University has met the lower end of the 50-100 units and is working towards more.

The Property is split-zoned, with the bulk of the Property in the MU-4 Zone and a portion of the Property in the RA-2 Zone. Following its extraction in 2015, the Property was ground leased to a private developer, Rock Creek - Bison LLC, who developed a mixed-use office and multifamily residential project called The Oliver consisting of approximately 26,459 square feet of office space and 93 residential units ("Project"). The Project has served to enhance a significant campus gateway and further animate the campus edge along Georgia Avenue.

### **Description of the Proposed Modification**

The proposed modification seeks to add the Property back into the Campus Plan to facilitate its use as student housing. Due to a sharp increase in the University's chronic student housing shortage, the University has decided to master lease all of the residential units in the Project for student housing. The initial lease is for a five -year term, with an option for an additional five-year extension. The leased units are intended to serve upperclassmen, which satisfies the Campus Plan's priority to increase housing for upperclassmen and to facilitate a reduction in the number of students residing within the adjacent community. (The office space in the Project, which is located entirely within the MU-4 zoned portion of the Property, will also be leased to the University for use as administrative offices—a by-right use in the MU-4 Zone.)

The change in use to student housing has raised issues about the applicability of Inclusionary Zoning to the Project. The Project was designed and permitted prior to the decision to operate as student housing, so it was subject to the IZ set aside requirements and eligible for the IZ bonus density. As a result, the Project was constructed with 12 IZ units and utilized approximately 0.35 FAR (10,164 SF) of bonus density.

However, student housing “on or behalf of a local college or university exclusively for its students, faculty, and staff” is exempt from the IZ requirements pursuant to Subtitle C, Section 1001.6(c). This exemption is important because of the inherent incompatibility between student housing and the IZ program. For one, IZ requirements mandate selection of tenants through a public lottery process, and for another, students are generally ineligible for IZ units. The net result would be that if IZ applied to student housing, non-students in the IZ units would end up intermingled with students, creating inherent incompatibilities and adversely affecting the university programming and services that are characteristic of student housing that is operated exclusively by a college or university.

Thus, by converting the Property to student housing exclusively for Howard University students, faculty, and staff, the Property becomes exempt from IZ for the duration of that student housing use. However, the student housing use is not entitled to the bonus density which the Project utilized. The proposed modification seeks to address this situation and account for the bonus density by re-incorporating the Property back into the Campus Plan. This will allow the excess FAR of the RA-2 portion of the Property to be aggregated with other residentially zoned properties in the Central Campus which, altogether, will be compliant with the applicable maximum FAR for those properties.

Pursuant to Subtitle X, Section 101.5, FAR for residentially-zoned properties within the boundaries of a campus plan is not assessed on a lot-by-lot basis; rather, FAR for the residentially-zoned portions of the campus are aggregated and evaluated based on the campus as a whole. The Campus Plan approved a total FAR of 1.58 for the RA-2 and RF-1 zoned portions of the Campus, which is within the 1.8 FAR limit for RA-2 and RF-1 zoned land in a campus plan. If the RA-2 portion of the Property is added into the Campus Plan, the RA-2 and RF-1 zoned portions of the Campus remain within that approved 1.58 FAR, as detailed below.

Table 1: Proposed Modification Impact on Approved Campus Plan Density for RF-1 and RA-2 Zoned Portions of the Campus

	Land Area	Proposed GFA	Proposed FAR	Allowed FAR
Approved Campus Plan (RF-1 & RA-2)	2,516,968	3,975,448	1.58	1.8
Proposed Modification (RA-2 portion of site)	+7,843	+14,177 (bldg.) +10,164 (IZ bonus)		
Total	2,524,811	3,999,789	1.58	1.8

Put another way, the addition of density attributable to the residentially-zoned portion of the Project—including the IZ bonus density—to the overall campus density is insignificant and de minimis; it represents a negligible increase of approximately half a percent in the total approved GFA for the RF-1 and RA-2 portions of the Campus.

### **Appropriateness of the Modification of Consequence Process**

A modification of consequence is the appropriate process for the proposed reincorporation of the Property to the Campus Plan. The Property was previously located within the boundaries of the Campus Plan and remained contiguous to the current Campus Plan boundaries on three sides even after its extraction, so integrating it back into the Campus Plan is an appropriate reflection of the Property's geographic proximity to the campus as well as its continued use for university purposes.

The proposed modification will not pose any significant land use impacts on neighboring property. The increase in on-campus student housing for upperclassmen supports a core objective of the Campus Plan by decreasing the number of students—and associated noise, traffic, and parking impacts—in surrounding neighborhoods. Student housing within the Project will also likely reduce traffic and parking in the area as more students will be able to walk to their classes and activities.

The modification is also consistent with the intent and purpose of the Zoning Regulations. The sole purpose of the proposed modification is to account for the Project's FAR for the duration of its use as student housing exclusively for the University's students, faculty, and staff. During the period of time that the Property is used for student housing, it is therefore entitled to benefit from the FAR aggregation and IZ exemptions available under the Zoning Regulations. Upon expiration of the current Campus Plan in 2030, which will likely take place prior to the expiration of the master lease, the University will reconsider the best plan for its use of the Property, including whether the residential portion of the Project should be returned to market-rate housing. In that case, the IZ requirement would spring back into effect and the bonus density will be compliant.

To memorialize the above, the University proffers the following condition of approval:

#### **Inclusionary Zoning Exemption.**

- a. For so long as the residential portion of the Project is used by the University as a residence hall exclusively for its students, faculty, and staff, the Project shall be exempt from the Inclusionary Zoning requirements pursuant to Subtitle C, Section 1001.6(c).
- b. In the event of a change in use of all or a portion of the residential portion of the Project from a residence hall to another multifamily residential use that would be subject to the Inclusionary Zoning requirements of Subtitle C, Chapter 10, the provisions of that chapter shall apply to such use.

This condition is similar to a condition that was applied by the Commission to another university's residence hall approval in Z.C. Case No. 19-20.

**Time is of the Essence in Obtaining the Modification**

The University cannot obtain a Certificate of Occupancy for student housing use of the 93 units until the Commission approves this application. Demand for the units, especially for incoming medical students, this Fall is high. Therefore, expeditious Zoning Commission consideration is respectfully requested.

**Service on Parties and Community Outreach**

Advisory Neighborhood Commission 1B was the sole party to the 2020 Campus Plan proceeding in Z.C. Case No. 20-08. As a result of redistricting, the majority of the Campus (including the Property) is now located primarily in ANC 1E, and portions of the Campus remain in ANC 1B. In accordance with Section 703.13 of Subtitle Z, both ANCs are being served with this application. (See attached Certificate of Service). The University has contacted representatives of both ANCs to discuss this application and offer to meet.

**Conclusion**

The proposed modification should be approved as a modification of consequence. The proposed re-incorporation of the Property into the Campus Plan is consistent with the planning and zoning rationale and objectives of the original extraction case and should be approved without a hearing.

Thank you in advance for your consideration of the requested modification.

Respectfully Submitted,



Cynthia Giordano

cc: **Anthony Freeman, Real Estate Executive**  
Real Estate Development and Capital Asset Management, Howard University  
**Derrek Lucien Niec-Williams, Executive Director**  
Campus Planning, Architecture & Development, Howard University  
**Teresa Edmondson, Director**  
Howard University Community Association

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2024, a copy of this Modification of Consequence was served on the following parties to the original case via email:

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