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October 16, 2026

VIA IZIS

Zoning Commission
for the District of Columbia
441 4th Street, NW, Suite 200S
Washington, DC 20001

Re: Text Amendment Petition to Exempt University Housing from Affordable Housing Production Requirement Generated by Construction of Penthouse Habitable Space (11-C DCMR § 1507)
GS Development Services Northeast, LLC
Petitioner's Statement of Purposes and Objectives

Dear Members of the Zoning Commission:

This Text Amendment Petition ("Petition") is filed on behalf of GS Development Services Northeast, LLC (hereinafter referred to as "Petitioner") pursuant to Subtitle X, Chapter 13, and Subtitle Z § 305 of the Zoning Regulations. The Petitioner respectfully requests that the Zoning Commission (the "Commission") adopt, **on an emergency basis**, a narrowly tailored text amendment to Subtitle C § 1507.3 clarifying that housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff is not subject to the requirement in Subtitle C § 1507 to contribute to the Housing Production Trust Fund ("HPTF") for penthouse habitable space.

Emergency action is necessary to avoid further delay in permitting the mixed-use development approved under the Howard University Campus Plan at 2301 Georgia Avenue, NW. Construction, including renovation of the existing building, is already underway and is currently affecting vehicular and pedestrian traffic on Georgia Avenue and the surrounding streets; any delay prolongs those impacts on the community. In addition, as with most educational facilities, the opening of the building is timed with the start of the academic year. A delay in permitting or construction could leave much-needed student housing vacant for a portion of the academic year and push students into the surrounding private housing market—the very outcome the Comprehensive Plan seeks to avoid. The Petitioner aims to open the Project for the start of the 2029-30 academic year.

This statement and attachments are submitted under Subtitle Z § 305.5, which requires a petitioner to state the proposal's purposes and objectives, demonstrate consistency with the Comprehensive Plan, and provide a racial equity analysis using the Commission's current Racial Equity Tool.[1] In accordance with Subtitle Z §§ 305.2, 305.6, and 1600.2, the $325.00 filing fee will be provided to the Office of Zoning upon filing the Petition, and, as shown in the Certificate of Service, the Petitioner is concurrently serving the Office of Planning ("OP") and all Advisory Neighborhood Commissions ("ANCs").

I. BACKGROUND, PURPOSES, AND OBJECTIVES

The Petitioner is the developer of the mixed-use project (the "Project") approved by the Commission on February 9, 2026, pursuant to ZC Order No. 20-08D (the "Order"), as a further processing of Howard University's 2020 Central Campus Plan (the "Campus Plan"). The subject property is located at 2301 Georgia Avenue, NW, and is commonly referred to as the "Wonder Plaza" site. In the Campus Plan, the development is described as the *Fusion Building*. Select sheets from the approved plans under the Order are attached hereto as **Exhibit A**.

The Project is a mixed-use building approved with approximately 282 dormitory units (595 beds); a two-level health and wellness center consisting of approximately 52,974 square feet; approximately 7,362 square feet of retail; and a dining facility consisting of approximately 8,435 square feet. The building is eight stories and includes a 20-foot-tall penthouse. Of the 282 dormitory units, 267 units (554 beds), comprising approximately 244,880 square feet, will be located on Levels 2 through 8, and 15 units (41 beds), comprising approximately 18,549 square feet, will be located in the penthouse on Level 9.

The Project is the subject of Building Permit Application No. B2607679. During zoning review, the Department of Buildings commented that the dormitory units in the penthouse require a contribution to the HPTF pursuant to Subtitle C § 1507. Subtitle C § 1507.5 reads as follows:

1507.5	Inclusionary units resulting from the set-aside required for penthouse habitable space as described in Subtitle C § 1507.2 shall be provided within the building, except that the affordable housing requirement may be achieved by providing a contribution to the Housing Production Trust Fund consistent with the provisions of Subtitle C §§ 1507.6 through 1507.10, provided that the calculation of the contribution shall be based on the maximum permitted residential FAR when: (a) The new penthouse habitable space is being provided as an addition to an existing building which is not otherwise undergoing renovations or additions that would result in a new or expanded Inclusionary Zoning requirement within the building; (b) The penthouse habitable space is being provided on an existing or new building not otherwise subject to Inclusionary Zoning requirements; or (c) The building is not otherwise required to provide Inclusionary Units for eligible households earning equal to or less than fifty percent (50%) of the MFI if the amount of penthouse habitable space would result in a net floor area set-aside less than the net floor area of the smallest dwelling unit within the building.

[1] Available at: https://dcoz.dc.gov/service/zoning-commission-racial-equity-tool.

Based on the calculation set forth in Subtitle C § 1507.7, the estimated HPTF contribution for the Project is $251,346.00—a significant cost imposed on housing that will serve Howard University students.

II. PROPOSED TEXT AMENDMENT AND RATIONALE

The Petitioner proposes that housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff ("University Housing") be exempt from the requirements of Subtitle C § 1507, by adding University Housing to the existing exemption in Subtitle C § 1507.3 as set forth below. (Text to be deleted is marked in ~~**bold and strikethrough**~~ text; new text is shown in **bold and underline** text.)

SUBTITLE C §1507 – AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION ON A NONRESIDENTIAL BUILDING OF PENTHOUSE HABITABLE SPACE

Sec. 1507.3 The requirements of this section shall not apply to properties owned by the District government or the Washington Metropolitan Area Transit Authority and used for government or public transportation purposes~~.~~**; nor shall they apply to housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff. In the event all or a portion of the housing is converted to another use, a contribution to the Housing Production Trust Fund for the penthouse habitable space shall be required in accordance with this section.**

A. Consistency with Existing University Housing Exemption

The proposed exemption is modeled on the existing exemption for University Housing in the Inclusionary Zoning ("IZ") regulations at Subtitle C § 1001.6(c). The Zoning Regulations already recognize that housing built exclusively for a university's students, faculty, or staff should not bear affordable housing obligations designed for market-rate development. The proposed amendment would extend this settled policy to the affordable housing linkage in Subtitle C § 1507. The conversion clause ensures that the District's affordable housing interests remain protected if the housing is ever repurposed for another use.

B. Consistency with Intent of the HPTF Requirement

The HPTF requirement was adopted in response to the 2014 amendments to the 1910 Height Act, which, for the first time, permitted human occupancy within rooftop penthouses of up to 20 feet in height. The Commission directed that this new permission, which could confer considerable value on landowners, be tied to the District's affordable housing objectives.[2] The HPTF requirement was accordingly directed at "penthouse non-residential gross floor area," with

[2] *See* Public Record for Z.C. Case No. 14-13, Ex. 1, Office of Planning Setdown Report dated July 24, 2014, pp. 1, 3 (proposing application of the affordable housing linkage program to new habitable office space).

the contribution measured by the assessed value of office space. The requirement was thus designed to capture a share of the commercial value created by new penthouse space.

The proposed amendment addresses the narrow circumstance of University Housing and is consistent with the tax-exempt nature of the use. The District's tax laws exempt qualifying college and university property, including qualifying dormitory facilities, from real property taxation. Specifically, D.C. Code § 47-1002(10) exempts from real property tax buildings owned and operated by a nonprofit school, college, or university and used as part of the generally recognized teacher-student relationship. Section 47-1002(10A) similarly exempts certain dormitories owned by nonprofit foundations for the benefit of a nonprofit college or university and used to house its students. **Notably, D.C. Code § 47-1018 expressly exempts Howard University's real and personal property from taxation when used for purposes set forth in its charter**.

Finally, applying the HPTF requirement to University Housing works against the District's own affordable housing goals. The Comprehensive Plan encourages on-campus student housing precisely because it relieves pressure on the affordable housing stock in neighborhoods surrounding colleges and universities. Each additional on-campus bed reduces the potential for a student to seek housing in the surrounding community. Requiring a contribution for penthouse University Housing could discourage colleges and universities from using occupiable penthouse space for housing, reducing on-campus housing supply and increasing student demand for neighborhood housing. The proposed amendment addresses this unintended result while preserving the HPTF requirement for other nonresidential penthouse development.

III. COMPREHENSIVE PLAN CONSISTENCY AND RACIAL EQUITY ANALYSIS

The Petition is not inconsistent with the Comprehensive Plan and directly advances the policies of the Educational Facilities Element and the Housing Element that encourage on-campus student and faculty housing, including:

- ***Policy EDU-3.3.4: Student Housing****. Encourage the provision of on-campus student housing in order to reduce college and university impacts on the housing stock, especially the affordable housing stock, in adjacent neighborhoods. Consider measures to address the demand for student housing generated by non-District institutions with local branches. (10-A DCMR § 1214.9).*

- ***EDU-3.3: Colleges, Universities, and Neighborhoods.***

    - *Frequently raised issues include the need for student housing ... Campus plans have responded to these concerns in a number of ways, such as increasing building intensity on-site to avoid the need for land acquisition, development of new dormitories, and implementation of numerous programs to manage parking, traffic, noise, and other environmental impacts. (10-A DCMR § 1214.3).*

- *The District should continue to explore ways to help universities and their students meet their needs while encouraging compatibility of campus development with surrounding communities. (10-A DCMR § 1214.4).*

- ***Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs**. Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District's character, culture, and economy, and that is also consistent with and supports community improvement and neighborhood conservation objectives. (10-A DCMR § 1214.7).*

- ***Policy EDU-3.3.6: Faculty Housing**. Support faculty and staff housing within campus plans. Encourage the housing to be created through partnerships and dedicated university programs. (10-A DCMR § 1214.11).*

- ***Policy H-1.3.5: Student Housing**. Require colleges and universities to address the housing needs of their students and promote the use of such housing by their students. (10-A DCMR § 505.12).*

A more detailed Comprehensive Plan ("Comp Plan") analysis is provided in the sections below.

A. Part One: Guidance Regarding the Comprehensive Plan

1. Overview and Application

Subsection 228.1(d) of the Comp Plan provides that the "zoning of any given area should be guided by the [FLUM] interpreted in conjunction with the text of the Comp Plan, including Citywide Elements and the Area Elements, as well as approved Small Area Plans." Because the Petition is a text amendment of limited application, the Comp Plan text—particularly the policies addressing the housing linkage and student housing—carries the greatest weight in the analysis.

2. Future Land Use Map

Because the Petition does not propose any rezoning or target specific parcels, the Future Land Use Map ("FLUM") functions as policy context rather than a site-specific directive. The amendment neither rezones property nor alters land-use designations or density ranges. Its practical effect is limited to University Housing. The amendment does not alter any FLUM designation or authorize development inconsistent with applicable land-use or zoning requirements. Accordingly, the Petition is not inconsistent with the FLUM when read together with the Comp Plan as a whole.

3. Generalized Policy Map

The Petition does not alter Generalized Policy Map ("GPM") designations. Penthouse habitable space remains subject to existing height, setback, and size limitations, and campus development remains subject to campus plan review before the Commission. By leaving GPM

designations untouched and supporting the efficient use of existing institutional sites, the Petition is not inconsistent with the GPM when read together with the Comp Plan as a whole.

4. Citywide Elements

i. Implementation Element – Housing Linkage

In establishing the housing linkage objective, the District set forth its purposes: to encourage the construction and rehabilitation of housing affordable to low-income households; to reduce the shortage of affordable housing and mitigate the impact of increased demand from employees of new non-residential development who compete with current residents for scarce affordable housing, and from high land values partly driven by demand for non-residential square footage; and to increase the District's income tax base and labor force. *See* 10-A DCMR § 2514.3. The linkage reflects the recognition that housing demand is driven in part by new commercial development and rising land values. *See* 10-A DCMR §§ 504.21, 2514.2.

University Housing does not create the impacts the housing linkage is intended to address. Instead, it provides housing for students, faculty, and staff who might otherwise compete for housing in the surrounding community. For the reasons discussed in Section II, applying the housing linkage requirement to University Housing would work against that objective. This conclusion is further supported by the existing exemption for University Housing under the IZ regulations in Subtitle C, Chapter 10.

ii. Educational Facilities Element

The Educational Facilities Element most directly supports the amendment. Policy EDU-3.3.4 calls on the District to "[e]ncourage the provision of on-campus student housing in order to reduce college and university impacts on the housing stock, especially the affordable housing stock, in adjacent neighborhoods." 10-A DCMR § 1214.9. This is the strongest single provision because it ties on-campus student housing to protection of the affordable housing stock—the same objective the HPTF serves. Imposing an HPTF contribution on penthouse dormitory beds increases the cost of providing precisely the housing this policy seeks to encourage.

The Element further recognizes that campus plans have responded to community concerns about student housing by "increasing building intensity on-site to avoid the need for land acquisition [and] development of new dormitories." 10-A DCMR § 1214.3. Penthouse dormitories are a form of on-site intensification the Plan recognizes as responsive to those concerns. The District should also "continue to explore ways to help universities and their students meet their needs while encouraging compatibility of campus development with surrounding communities." 10-A DCMR § 1214.4. Policy EDU-3.3.2 encourages university growth that recognizes the institutions' contribution to the District's character, culture, and economy while supporting neighborhood conservation (*Id.* § 1214.7), and Policy EDU-3.3.6 supports faculty and staff housing within campus plans (*Id.* § 1214.11). Because the exemption extends to faculty and staff housing, it advances that policy as well.

iii. Housing Element

Policy H-1.3.5 directs the District to "[r]equire colleges and universities to address the housing needs of their students and promote the use of such housing by their students." 10-A DCMR § 505.12. The amendment removes a financial disincentive to universities and their development partners meeting that obligation through additional on-campus beds, including within otherwise-permitted penthouse space.

5. Analysis of Potential Inconsistencies

An analysis of potential inconsistencies is also necessary to demonstrate that the amendment is "not inconsistent with the Comp Plan." 11-X DCMR § 500.3. "[E]ven if a proposal conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole." *Durant v. District of Columbia Zoning Comm'n*, 65 A.3d 1161, 1168 (D.C. 2013). Where the Commission approves an action inconsistent with individual policies, it "must recognize these policies and explain [why] they are outweighed by other, competing considerations." *Friends of McMillan Park v. District of Columbia Zoning Comm'n*, 149 A.3d 1027, 1035 (D.C. 2016). See also 10-A DCMR § 2504.6 ("An element may be tempered by one or more of the other elements.").

Upon review, the Petitioner has identified one potential inconsistency. The Petition would reduce future HPTF contributions attributable to penthouse habitable space in University Housing, which could be viewed as in tension with the Comp Plan's affordable housing production objectives and the linkage objective's stated purpose of encouraging the construction and rehabilitation of housing affordable to low-income households (10-A DCMR § 2514.3).

However, the proposed exemption is narrow. It applies only to housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff, and only to penthouse habitable space. More importantly, University Housing reduces demand on the surrounding housing market by providing housing for students, faculty, and staff who might otherwise compete for that housing. This directly advances Policies EDU-3.3.4 and NNW-1.1.7. When weighed against those policies, as well as Policies H-1.3.5 and EDU-3.3.6 and the housing linkage's own purpose, the proposed amendment is not inconsistent with the Comp Plan as a whole.

B. Part Two: Community Outreach and Engagement

1. Impacted Community(ies)

This Petition seeks a District-wide text amendment that, although prompted by the Project, would apply to University Housing citywide. The "affected community" therefore consists of residents, ANCs, and stakeholders near the District's college and university campuses, as well as students, faculty, and staff. The Petition has been served on OP and all ANCs.

2. Analysis of Past and Present Discrimination / Harm

Neighborhoods surrounding campuses, including the Georgia Avenue corridor near Howard University, have experienced rising housing costs and displacement pressures, which can be exacerbated by unmet student housing demand. By supporting the provision of on-campus beds at the penthouse level of a building, the amendment helps keep student demand on campus and away from the neighborhood rental stock relied upon by longtime residents, many of whom, in the area surrounding Howard University, are residents of color. In the specific case of the Project, the amendment also supports a historically Black institution in meeting its students' housing needs on its own land.

3. Community Priorities and Impact on the Zoning Action

Frequently raised community issues regarding universities include the need for student housing, and campus plans have responded by intensifying development on-site and building new dormitories. *See* 10-A DCMR § 1214.3. The Petition responds directly to those priorities. It does not change height, bulk, or use permissions, and campus development remains subject to Commission campus plan review, preserving the community's ability to address parking, traffic, noise, and other impacts.

C. Part Three: Disaggregated Data Regarding Race and Ethnicity

The Commission expects disaggregated race and ethnicity data from OP in every Comp Plan analysis submission that analyzes a zoning action. Any additional information requested by the Commission will be provided.

D. Part Four: Zoning Commission Evaluation

Part Four of the Racial Equity Tool asks which Comp Plan policies related to racial equity will potentially be advanced or not advanced, and what positive and negative outcomes are anticipated. The table below evaluates the amendment against the equitable development indicators.

Theme / Indicator	Proposed Petition / Anticipated Outcome
Direct Displacement	The amendment would not result in displacement of residents or businesses, as it does not involve removal, restriction, or conversion of existing housing or commercial uses. It affects only the HPTF contribution obligation for penthouse space in University Housing.
Indirect Displacement	The amendment is not expected to result in any indirect displacement because the proposed amendment relates to housing for students, faculty, and staff of local colleges and universities only. To the contrary, the Petition could mitigate indirect displacement by reducing the number of students in the neighborhood rental market, particularly for affordable housing.

Theme / Indicator	Proposed Petition / Anticipated Outcome
Housing	The amendment supports additional on-campus beds that relieve pressure on the affordable housing stock (EDU-3.3.4). It will modestly reduce future HPTF contributions from University Housing penthouse space; that effect is limited in scope and balanced by the amendment's support for University Housing that can reduce pressure on the surrounding housing market.
Physical	The amendment does not alter public space, infrastructure, cultural resources, height, or penthouse dimensional limits. Campus development remains subject to campus plan review and existing environmental standards.
Access to Opportunity	By reducing a financial burden associated with providing University Housing in penthouse space, the amendment supports institutions in providing additional housing for students, faculty, and staff close to classes, services, and transit.

IV. JUSTIFICATION FOR EMERGENCY RULEMAKING

In addition to setting the Petition down for a public hearing and authorizing publication of proposed rulemaking, the Petitioner respectfully requests that the Commission take emergency action to adopt this text amendment. Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505(c)), authorizes an agency to adopt a rule on an emergency basis, effective immediately, where the agency determines that emergency action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals.

As noted above, emergency action is necessary to avoid further delays in permitting and construction of the Project. Construction is already underway, and any delay would prolong existing impacts on vehicular and pedestrian traffic along Georgia Avenue and surrounding streets. More importantly, the Project's delivery is targeted for the start of the 2029-30 academic year. A delay could prevent the approximately 595 new student beds from becoming available when needed and push students into the surrounding private housing market, contrary to the Comprehensive Plan's express policy of encouraging on-campus housing to reduce pressure on the surrounding housing stock.

Emergency action is therefore appropriate to avoid these adverse consequences while continuing to support the District's overall affordable housing interests. The proposed exemption applies only to University Housing, and the HPTF contribution would become applicable if the housing is later converted to another use. Under these circumstances, emergency adoption is warranted to protect the public welfare while the Commission considers permanent rulemaking.

V. CONCLUSION

The proposed text amendment is consistent with, and furthers, the underlying objectives of Subtitle C § 1507, which was designed to tie the value of new commercial penthouse space to the District's affordable housing goals. It aligns § 1507 with the existing university housing exemption in the IZ regulations, protects the District's interests through a conversion requirement, and advances multiple Comprehensive Plan policies encouraging on-campus housing to meet university housing needs and reduce impacts on the affordable housing stock in adjacent neighborhoods. Because construction of the Project is underway and any permitting delay threatens the timely delivery of student housing, the Petitioner respectfully requests that the Commission approve the proposed text amendment on an emergency basis.

Thank you for your consideration of this Petition.

Very truly yours,

HOLLAND & KNIGHT LLP

By: Leila Batties
Leila M. Jackson Batties
Christopher S. Cohen

cc: Certificate of Service

Attachment (Exhibit A)

Certificate of Service

We hereby certify that on October 16, 2026, in accordance with Subtitle Z §§ 101.8 and 305.6, a copy of the foregoing text amendment petition has been served via electronic mail on the Office of Planning and all Advisory Neighborhood Commissions in the District of Columbia:

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