

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 11-15F**  
**Z.C. Case No. 11-15F**  
**Howard University**  
**(Amendment to the Howard University Central Campus Master Plan)**  
**May 25, 2017**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on May 18, 2017, in order to consider an application (“Application”) by Howard University (“Howard” or the “Applicant”), for an amendment to the Howard University Central Campus Plan, dated June 29, 2011 (“Campus Plan”), to remove several properties from the Campus Plan boundaries. The Commission considered the application pursuant to Subtitle X § 101.10 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR” or the “Zoning Regulations”). The public hearing was conducted in accordance with the rules of the Board of Zoning Adjustment at Subtitle Y of Title 11 DCMR.

**HEARING DATE: May 18, 2017**

**DECISION DATE: May 25, 2017**

**FINDINGS OF FACT**

1. On March 9, 2017, Howard filed an application with the Commission seeking an amendment to the Campus Plan, dated June 29, 2011, (Exhibit [“Ex.”] 5 in Z.C. Case No. 11-15.) The Campus Plan proposes development for Howard’s campus with over 2,316,584 gross square feet of new construction, major renovations, and additions to existing buildings in three phases over seven years.
2. The Applicant seeks to amend the Campus Plan to extract the following properties (“Extraction Properties”) from the boundaries of the Campus Plan:
  - (a) Effingham Apartments located at 2711-2719 Georgia Avenue, N.W. (Lots 833, 834, and 835, Square 3058);
  - (b) Carver Hall located at 211 Elm Street, N.W. (Lot 830, Square 3084);
  - (c) Slowe Hall located at 1919 Third Street, N.W. (Lot 835, Square 3088);
  - (d) East Towers Parking Lot located at 2251 Sherman Avenue, N.W. (part of Lot 1101, Square 2873);

- (e) 9<sup>th</sup> and V Street Parking Lots located at 9<sup>th</sup> & V Streets, N.W. (Lot 797, Square 2873; Lots 2033, 2011, 2004, 1108, 976, 982, and 1108, Square 2875);
  - (f) Parking Lot Three located at the northwestern corner of Georgia Avenue and W Street, N.W., (Lots 62, 811, 934, 945, 968, 970, 972, 977, 979 and 1023, Square 2877); and
  - (g) Florida Avenue Townhomes located at 907 and 909 Florida Avenue, N.W. (Lots 872 and 873, Square 2873)
3. The Applicant's objective with respect to the proposed Campus Plan amendment is to remove underutilized properties which are no longer needed for university uses from the campus and from regulation under the campus plan provisions of the Zoning Regulations and to facilitate their development for private uses in accordance with area revitalization trends and City planning objectives. Such development is expected to generate capital to support the University's educational mission.
  4. The Applicant submitted a Prehearing Statement on April 28, 2017, which included a log of the University's meetings with community groups and the Applicant's transportation report. (Ex. 24).
  5. A description of the proposed Campus Plan amendment and the notice of the public hearing in this matter were published in the *DC Register* on March 31, 2017. (Ex. 8). The notice of public hearing was mailed to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission ("ANC") IB on March 21, 2016. (Ex. 9). On May 18, 2017, the Commission held a public hearing on the application. The only party to the case that appeared at the hearing was the Applicant.
  6. The Commission received letters in support from ANC 1B and ANC 5E, which are automatically parties to the Application. (Ex. 20, 30.) ANC 1B supported the application with certain specified "provisions in the application to the Zoning Commission for approval." The ANC 5E report expressed no issues or concerns.
  7. Letters in support were also received from Pleasant Plains Civic Association, the Georgia Avenue Community Development Task Force, the LeDroit Park Civic Association, and the Bloomingdale Civic Association. (Ex. 14, 22, 31.)
  8. By report dated May 8, 2017 and testimony at the public hearing, the Office of Planning ("OP") recommended approval of the requested amendment to allow the Extraction Properties to be excluded from the Campus Plan. OP also expressed its support for the University's commitment to submit a new campus plan within two years following the Commission's approval of the Application. (Ex. 27.)
  9. By report dated May 2017 and testimony at the public hearing, the District Department of Transportation ("DDOT") indicated that it has no objection to the Application with the condition that the Applicant develop an implementation mechanism to ensure the

extension and construction of the street network consistent with the Duke Plan and DDOT standards. At the public hearing, DDOT indicated that the condition proposed by the Applicant to address this issue was acceptable to DDOT. (Ex. 25.)

10. At the public hearing a number of individuals testified some testified in support of the Application, and some testified in opposition to the Application. The testimony in opposition focused on gentrification in the area and the potential for the proposed amendment to contribute to gentrification. Opposition from University students and alumni also centered on a desire for more inclusiveness in University real estate development and planning initiatives. At the end of the hearing the Commission asked the University to meet with the students and report back to the Commission on the meeting. By letter dated May 24, 2017, the University confirmed that it had met with the students who testified at the hearing and summarized the discussions that took place. (Ex. 39.)
11. The Applicant submitted proposed conditions to be included in the Commission's order approving the Application. The conditions address issues raised by DDOT, ANC 1B, and the Bloomingdale Civic Association. Relative to the gentrification concerns raised at the hearing, the University proffered a condition indicating that it would use best efforts to achieve a goal of developing a total of 50-100 units of affordable housing at 30%-60% AMI within the Extraction Properties, the Campus Plan boundaries or other Howard University property. With the exception of Condition No. 5, University accountability and compliance with the proposed conditions is proposed to rely solely on reporting requirements to the Commission in the context of future Campus Plan applications and are not intended to regulate or otherwise burden the future development of the Extraction Properties which will become subject to matter of right zoning requirements upon approval of the Application. The Commission finds that the conditions and proposed accountability through reporting requirements applicable to future Campus Plan applications to be a reasonable and acceptable response to community concerns.

### **CONCLUSIONS OF LAW**

The Applicant is seeking special exception approval pursuant to Subtitle X § 101.14 of the Zoning Regulations, for an amendment to its campus plan. Pursuant to 11-X DCMR §§ 101.2, 101.10, and 901.2, the Commission is authorized to grant a special exception where, in the judgment of the Commission, based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The Commission is required under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-135; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns expressed in the written report of an affected ANC. In this case, ANC IB requested that certain conditions be included in this Order, and the Commission concludes that the Applicant's proposed conditions

address ANC 1B's concerns. ANC 5E's report expressed no issues or concerns and therefore there is nothing to give great weight to. (Ex. 14E.)

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code §6-623.04) to give great weight to OP recommendations. For the reasons stated above, the Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.

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

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the Application subject to the following conditions:

1. Condition No. 1 is hereby amended to change the term of the 2011 Plan as follows: The University will submit an application for review of a new campus plan by March 16, 2020.
2. The University will make best efforts to meet a goal of developing a total of 50-100 housing units at 30%-60% AMI within the Extraction Properties, the Campus Plan boundaries or other Howard University property.
3. Prior to submitting an application for a building permit to develop an Extraction Property, the University or its development partner(s) will present plans for the development of the property at a public meeting of the ANC within which the property is located.
4. Howard University and community will work together to leverage economic development and tax benefits to reinvest in the community and encourage other city support and investment.
5. The University will make best efforts to work with DDOT to negotiate the terms of easements for public vehicular, bicycle and pedestrian access to the proposed rights of way to be constructed by Howard University and its development partners ("Proposed Right of Way") areas depicted in Exhibit 33 in the record. The University will record an easement for each Proposed Right of Way prior to applying for any building permits on properties abutting each specific Proposed Right of Way.
6. The University will enter into lease agreements with the developer(s) of Slowe and Carver Halls to make available up to 50 parking spaces for the residents of the renovated properties at the University garages located at the northeast and southeast corners of V and 5<sup>th</sup> Streets, N.W. The agreements will span a period not less than 10 years, subject to an annual renewal clause to allow for demand-based adjustments.


7. The University will report to the Zoning Commission on the status of the Proposed Right of Way easements and Conditions Nos. 2- 6 above in all future Campus Plan update, amendment or further processing applications. The Commission shall consider whether the University has made the requisite compliance or best efforts in determining whether to grant all future campus plan requests before it.
8. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 *et seq.* (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.


On May 25, 2017, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on March 16, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

  
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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

  
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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**