

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-15G
Z.C. Case No. 11-15G
Howard University
(Modification of Consequence to Approved Campus Plan @ Square 3065)
January 29, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on January 29, 2018. At that meeting, the Commission approved the application (“Application”) of Howard University (“Howard” or “Applicant”), for a modification of consequence to add “dormitory/residential” use to the mix of uses designated in the Campus Plan for the Howard Center located at 2225 Georgia Avenue N.W. (Square 3065, Lot 36) (“Howard Center,” “Property,” or “Building”). The Commission considered the Application pursuant to Subtitle Z § 703 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“Zoning Regulations”).

HEARING DATE: January 29, 2018
DECISION DATE: January 29, 2018

FINDINGS OF FACT

1. On November 20, 2017, Howard filed its Application with the Commission seeking an amendment to its Campus Plan to add “dormitory/residential” to the designated uses for the Howard Center. The Campus Plan, which was previously approved by the Commission in Z.C. Case No. 11-15 dated June 29, 2011 designated the Property for “academic space, support facilities, public safety and ground level retail use.”
2. The Applicant is planning a renovation of the Property which is substantially vacant due to unhealthy environmental conditions as a result of years of deferred maintenance. The Property was originally constructed as a hotel and the original hotel room configurations from that use remain intact. While the Campus Plan previously contemplated the demolition and redevelopment of the Property, the University has decided to pursue a more economic and expeditious renovation of the Building utilizing the original hotel room configurations for new dormitory/residential uses. The Property will feature a mix of retail uses on the first two floors, support facilities including conference and hospitality uses on the third and fourth floors and residential/dormitory uses on levels five through nine.

3. The Applicant's objective with respect to the proposed Campus Plan amendment is to facilitate the renovation and adaptive reuse of the Building by adding dormitory/residential use to the planned uses for the Property in the Campus Plan. This will enable the University to timely proceed with the renovation and avoid a potentially extended vacancy along Georgia Avenue.
4. With its Application, the Applicant submitted a log of community meeting where the University presented its plans and modification case. (Exhibit ["Ex."] 1A.)
5. The Applicant served a copy of the Application on Advisory Neighborhood Commission ("ANC") 1B, which is the only party to the case. ANC 1B submitted a report dated December 8, 2017, supporting the Application to enable the University "to be able to renovate and convert 2225 Georgia Ave. NW." The ANC report acknowledged the support of the Pleasant Plains Civic Association, Le Droit Park Civic Association and the Georgia Avenue Community Development Task Force. (Ex.6)
6. The Commission received a letter in support from the Pleasant Plains Civic Association. (Ex.1D.)
7. By report dated December 1, 2017, the Office of Planning ("OP") recommended approval of the Application to allow the addition of dormitory/residential use for the Property. OP indicated that the Property is located within the PDR-3 zone and therefore does not require review via the further processing process but the uses on the Property need to be consistent with the Campus Plan. OP further stated that the modification would allow the partially vacant building to be occupied and would facilitate the revitalization that has begun in the lower Georgia Avenue area including ground-floor retail, active uses, and residential uses. (Ex.4.)
8. The Commission, at its January 29, 2018 public meeting, determined that the Application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3-703.4 and that no public hearing was necessary pursuant to Subtitle Z § 703.1. The Commission was therefore required pursuant to Subtitle Z § 1703.17(2) to establish a timeframe for any parties in the original proceeding to file a response to the Application and for the Applicant to respond thereto. Although ANC 1B already provided its report, the Commission wanted to ensure that ANC 5B, which has historically been recognized as having standing in Howard Campus Plan cases, to respond. The Commission scheduled January 5, 2018 as the date for responses and January 29, 2018 as the date for further Commission deliberations.
9. On January 3, 2018, Howard provided a letter to the Commission outlining the notice and outreach to ANC 5C, and on January 24, 2018, submitted an email from Horacio Sierra, Ph.D, ANC Single Member District 5E08 Commissioner, that expressed his support.
10. The Commission approved the modification at its public meeting of January 29, 2018.

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.” (11-Z DCMR § 703.3.) Examples of modifications of consequence “include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)

The Commission concludes that the modification as described in the above findings of fact, are modifications of consequence, and therefore can be and granted without a public hearing.

The Commission finds that the proposed modification is entirely consistent with the previous Campus Plan, as well as the recent Campus Plan amendment in Z.C. Case No. 11-15F, which place a high priority on the revitalization of Georgia Avenue and the need to leverage the current real estate market to further University redevelopment initiatives. The proposed modification is minor in nature seeking only to expand the range of uses permitted in on the Property for expedited re-occupancy following an unplanned vacancy. Further, the proposed dormitory/residential use is not inconsistent with the Comprehensive Plan.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl) to give “great weight” to the issues and concerns of contained in the written report of an affected ANC. As is reflected in the Findings of Fact, ANC 1B voted to support the Application and expressed no issues or concerns. The Commission is also required give great weight to the recommendations of OP (See D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP’s recommendation to approve this modification of consequence Application. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the Campus Plan approved in Z.C. Case No. 11-15 and as subsequently amended. The conditions in Z.C. Order No. 11-15 and subsequent amendments remain unchanged but the future land use designation for the Property included in the Campus Plan, including in the Campus Development Plan included therein, are amended to include dormitory/residential use as a future use for the Property.

On January 29, 2018, upon the motion of Vice Chairman Miller, and seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the Application at its public meeting 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 July 27, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. SARDIN
DIRECTOR
OFFICE OF ZONING