

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-15H
Z.C. Case No. 11-15H
Howard University
(Minor Modification/Technical Correction - Howard University
Central Campus Master Plan)
July 30, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on July 30, 2018. At that meeting, the Commission approved the application ("Application") of Howard University ("Applicant"), for a minor modification/ technical correction to Z.C. Order No. 11-15F to correct the lot numbers and property descriptions provided for the Effingham Apartments located at 2711-2719 Georgia Avenue, N.W. ("Effingham Apartments") and the abutting landscaped lot on the corner of Georgia Avenue and Fairmont Street, N.E. ("Landscaped Lot") 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").

MEETING DATE: July 30, 2018
DECISION DATE: July 30, 2018

FINDINGS OF FACT

1. On June 25, 2018, the Applicant filed an Application with the Commission seeking a minor modification/technical correction to Z.C. Order No. 11-15F, which had approved the extraction of a number of properties ("Extraction Properties") from the Howard University Central Campus Plan, including the Effingham Apartments and the Landscaped Lot. (Exhibit ["Ex."] 1, 2.)
2. The Application requested the following corrections to the Order:
 - (a) Lot 833 in Square 3058 to be identified as the Landscaped Lot abutting the south lot line of the Effingham Apartments, and not as part of the Effingham Apartments, as erroneously stated in Z.C. Order No. 11-15F (Finding of Fact 2);
 - (b) The Effingham Apartments to be identified as Lots 827, 828, and 829 in Square 3058, and not Lots 833, 834, and 835 as erroneously cited in Z.C. Order No. 11-15F (Finding of Fact 2); and

- (c) The Extraction Properties to be listed by lot and square in the Decision section of the Order, and not only included in Finding of Fact 2 in Z.C. Order No. 11-15F.
3. Pursuant to Subtitle Z § 703.2, “minor modifications” are those “modifications that do not change the material facts upon which the Commission based its original approval.”
 4. The Landscaped Lot was included in the Extraction Properties by Z.C. Order No. 11-15F, but not referred to as separate from, but abutting, the Effingham Apartments.
 5. The Effingham Apartments were identified as part of the Extraction Properties by name and address in Z.C. Order No. 11-15F Order but by incorrect lot numbers in Square 3058.
 6. The Applicant served a copy of the Application on Advisory Neighborhood Commission (“ANC”) 1B, the affected ANC in regard to the requested modification to the lots in Square 3058 that are included in the Extraction Properties. ANC 5E, which was a party in Z.C. Case No. 11-15F pursuant to Subtitle Z § 101.8 because the Extraction Properties included Lot 830 in Square 3084, directly across 2nd Street N.W. from ANC 5E, is not an “affected ANC” for this Application because the only changes are to the lot numbers in Square 3058 that is not directly across a street from ANC 5E. (Ex. 1, 2.)
 7. By report dated July 18, 2018, the Office of Planning (“OP”) recommended approval of the corrections requested by the Minor Modification. (Ex. 4.)

CONCLUSIONS OF LAW

The Commission is required by § 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.)) to give great weight to the recommendations of OP. The Commission concurred with OP’s recommendation to approve the Application as a Minor Modification.

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 contained in the written report of the affected ANC. As the affected ANC, ANC 1B did not file a report, there are no issues or concerns to which the Commission can give great weight.

At its July 30, 2018 public meeting, the Commission concluded that the corrections requested in the Application do not change the material facts upon which the Commission based its original approval of Z.C. Order No. 11-15F. Accordingly, the Commission concluded that the Application falls within the scope of a Minor Modification made pursuant to Subtitle Z § 703, and so it can be considered and voted on by the Commission without a public hearing pursuant to Subtitle Z § 703.1.

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 the minor modification/technical correction to Z.C. Order No. 11-15F, which shall be modified by amending

Finding of Fact 2 and by inserting a new Decision paragraph 1 listing the Extraction Properties as follows:

1. Finding of Fact 2 is revised to read as follows:
 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, 2711-2719 Georgia Avenue, N.W. (Lots 827, 828, 829 in Square 3058);
 - (b) Corner of Georgia Avenue and Fairmont Street, N.W. (Lot 833 in Square 3058¹);
 - (c) Carver Hall, 211 Elm Street, N.W. (Lot 830 in Square 3084);
 - (d) Slowe Hall, 1919 Third Street, N.W. (Lot 835 in Square 3088);
 - (e) East Towers Parking Lot, 2251 Sherman Avenue, N.W. (part of Lot 1101 in Square 2873);
 - (f) 9th and V Street Parking Lots, 9th and V Streets, N.W. (Lot 797 in Square 2873; Lots 976, 982, 1108, 2004, 2011, and 2033 in Square 2875²);
 - (g) Parking Lot Three, northwestern corner of Georgia Avenue and W Street, N.W., (Lots 62, 811, 934, 945, 968, 970, 972, 977, 979, and 1023 in Square 2877); and
 - (h) Florida Avenue Townhomes, 907 and 909 Florida Avenue, N.W. (Lots 872 and 873 in Square 2873³).

¹ The Application erroneously listed this as Lot 833 in Square 3084, but the description of the Landscaped Lot in the Application clearly locates it in Square 3058. The maps showing the Extraction Properties and the revised Campus Plan (Ex. 2B, also Ex. 4A and 4B in Z.C. Case No. 11-15F) erroneously fail to include the Landscaped Lot in the Extraction Properties removed from the Howard University Central Campus Plan.

² Although the Application included proposed changes to the lot numbers in Square 2875 (to include 156, 159, 162, 167, 218-220, 284, 302, 331, 382, 383, 872, 873 instead of 2004, 20011, and 2033 that were included in Z.C. Order No. 11-15F) in the proposed modifications, these lot number changes were not included in the stated relief, and therefore were not considered by the Commission, and thus are not included in this Order.

³ The Application erroneously listed this as Lots 872 and 873 in Square 287, but the street addresses, as well as the maps showing the Extraction Properties, clearly identify these properties as located in Square 2875. Moreover, these properties were correctly identified in Z.C. Order No. 11-15F, and the Application did not seek to change them.

2. New Decision 1. is added as follows:

1. The following properties are removed from the Campus Plan boundaries:

- a. Effingham Apartments, 2711-2719 Georgia Avenue, N.W. (Lots 827, 828, 829, Square 3058);
- b. Corner of Georgia Avenue and Fairmont Street, N.W. (Lot 833, Square 3058);
- c. Carver Hall, 211 Elm Street, N.W. (Lot 830 in Square 3084);
- d. Slowe Hall, 1919 Third Street, N.W. (Lot 835 in Square 3088);
- e. East Towers Parking Lot, 2251 Sherman Avenue, N.W. (part of Lot 1101 in Square 2873);
- f. 9th and V Street Parking Lots, 9th & V Streets, N.W. (Lot 797, Square 2873; Lots 976, 982, 1108, 2004, 2011, and 2033 in Square 2875);
- g. Parking Lot Three, northwestern corner of Georgia Avenue and W Street, N.W., (Lots 62, 811, 934, 945, 968, 970, 972, 977, 979, and 1023 in Square 2877); and
- h. Florida Avenue Townhomes, 907 and 909 Florida Avenue, N.W. (Lots 872 and 873 in Square 2873).

All conditions contained in Z.C. Order No. 11-15F remain in effect.

On July 30, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, 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 *D.C. Register*; that is on April 12, 2019.

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. BARDIN
DIRECTOR
OFFICE OF ZONING