

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-15C
Z.C. Case No. 11-15C
Howard University
(Special Exception for Lot 53 in Square 417)
June 2, 2014

Application of Howard University, pursuant to 11 DCMR § 3035.1, for a special exception under § 210.5 of the Zoning Regulations to permit interim university office, dining, and food service/catering uses at the existing building in the R-4 Zone District at 1840 7th Street, N.W., Square 417, Lot 53.

HEARING DATE: June 2, 2014

DECISION DATE: June 2, 2014 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Zoning Commission for the District of Columbia (“Commission”) provided proper and timely notice of the public hearing on this application by publication to the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 1B, and to owners of property within 200 feet of the site. The application was also referred to the Office of Planning (“OP”) for review and report.

The subject property is located within the jurisdiction of ANC 1B. ANC 1B, which is automatically a party to the application, submitted a written statement stating that at its regularly scheduled, duly noticed meeting on May 2, 2014, with a quorum of seven commissioners present, ANC 1B voted unanimously (7-0) to support the Applicant's special exception request.

OP submitted a written report and testified in support of the application. The District Department of Transportation also submitted a written report finding no objection to the application. The Applicant received seven letters of support from neighborhood community groups, including the LeDetroit Park Civic Association, Westminster Neighborhood Association, Georgia Avenue Community Development Task Force, Cleveland Elementary School, ANC 6E01 Commissioner Alexander Padro, Ellis Development Group, and Shaw Main Streets. No person requested to participate as a party in this proceeding and the ANC party supported the Application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party. Therefore, pursuant to 11 DCMR § 3100.5, the Commission waived the requirement of 11

DCMR § 3125.4 that a final order must include findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

As directed by 11 DCMR § 3035.4, the Commission required the Applicant to satisfy the burden of proving that the applications satisfied the general special exception standard of 11 DCMR § 3104.1 and the specific conditions of 11 DCMR § 210 pertaining to the establishment of university uses, including the interim use requested here.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 210.5 and 3104.1, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property. The record reflects no objections to the application, and the Commission gives great weight to the recommendations of approval from OP and the affected ANC.

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.

It is, therefore, **ORDERED** that the application be **GRANTED** for a period of **TEN (10) YEARS** beginning on the date that this Order becomes final.

VOTE: **5-0-0 (Peter G. May, Robert E. Miller, Anthony J. Hood, Marcie I. Cohen, and Michael G. Turnbull to approve)**

BY ORDER OF THE D.C. ZONING COMMISSION

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

ATTESTED BY: _____


SARA A. BARDIN
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: **June 19, 2014**