

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 506  
case NO. 86-15  
December 8, 1986  
(Howard Plaza I - Map Amendment)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on September 18, 1986. At that hearing the Zoning Commission considered an application from Dr. James E. Cheek, President of Howard University, for review and approval of a map amendment, pursuant to Section. 9101 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the. Rules of Practice and Procedure before the Zoning Commission.

### FINDINGS OF FACT

1. The application was filed June 20, 1986, and requested review and approval of a map amendment from C-M-1 to R-5-R for lots 1029, 1058, 1060, 1062, 1064, 1072, 1074, 1.076, 1078, 2040, and part of lot 2039 in Square 2875 and Lots 290-293, 829, 867, 868, and part of lot 870 in Square 2873, with a portion of a public alley in Square 2875 to be closed.
2. The applicant proposes to construct two high-rise apartment buildings for graduate, professional, and married students, and a limited number of faculty and staff.
3. At its monthly meeting on August 4, 1986, the Zoning Commission authorized the scheduling of a public hearing, and granted a request for expedited processing of the application, due to District of Columbia law requiring tax commitments for exempt bond financing having zoning approvals in place by November 1, 1986. The Commission waived its Rules of Practice and Procedure to allow the request, The Commission also determined it would consider alternative rezoning to SP.
4. The C-M-L District permits development of low bulk commercial and light manufacturing uses to a maximum floor area ratio (FAR) of 3.0, and a maximum height of

three stories/forty feet, with new residential uses prohibited.

5. The R-5-D District permits matter-of-right general residential uses of high density development, including single-family dwellings, flats, and apartments to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.0 for apartment houses and 5.0 for other structures and and maximum lot occupancy of seventy-five percent.
6. The SP-1 District permits matter-of-right medium density development including al.l kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the BZA to a maximum height of sixty-five feet, a maximum floor area ratio (FAR) of 4.0 for residential and 2.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.
7. The SP-2 District permits matter-of-right medium/high density development including all kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the BZA, to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.0 for residential and 3.5 for other permitted uses, and a maximum Lot occupancy of eighty percent for residential uses.
8. The site is generally bounded by Sherman Avenue, to the west, Barry Place, to the north, and 8th Street, N.W. to the east, and consists of approximately 113,534 square feet of land area, presently occupied by vacant commercial buildings, parking lots, junk yards and other underutilized land.
9. The extant zoning pattern in the area of the site includes C-M-1 to the immediate west, R-5-B farther west, C-M-2 to the immediate east, SP-2 farther east, R-4 to the immediate north and R-5-B farther northeast.
10. The site is in a designated Development Opportunity Area, Housing Opportunity Area and mixed use residential, commercial and industrial area according to the Land Use Element of the Comprehensive Plan.
11. The Commission finds that over the past years, little or no development has occurred within the industrial zone on the site and in the surrounding area.
12. The Commission finds that the creation of increased

opportunities for housing development, in place of industrial development, is consistent with the goals and policies of government agencies and the Comprehensive Plan.

13. The Commission notes that residential uses are environmentally sound, less noisy, and present less chance of air pollution or chemical-industrial processing than industrial development uses,
14. The proposed change in zoning is consistent with the goals, policies and elements of the Comprehensive Plan for land use, economic development, and housing.
15. The Commission heard opposing testimony from the Advisory Neighborhood Commission 1B representatives to the effect that the subject application was prematurely brought before the Zoning Commission, as stated in the ANC-1B report, Exhibit No. 24 of the record, That is, the ANC 1B contends that the applicant should have previously gone before the Board of Zoning Adjustment for review and approval of a housing complex as part of its University Campus Plan. However, the sole issue before the Zoning Commission is the change in zoning, Campus plan review is a separate process. That process should be guided by the decision of the Zoning Commission about the appropriate zoning classification of the site. ANC 1B did not state any opposition to R-5-D zoning for the site.
16. There were no other parties in support of or opposition to the application at the public hearing or of record.
17. The Commission finds that rezoning the site to R-5-D is appropriate in lieu of the SP zoning alternatives considered.
18. The Commission finds that rezoning to SP, which would allow for large child care facilities or offices for doctors and dentists, is inappropriate for the subject site.
19. The Commission finds that upon balancing- all of the related elements of the Comprehensive Plan, rezoning the site is appropriate and consistent with the Comprehensive Plan for the National Capital..
20. The decision of the Zoning Commission in this application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated November 7, 1986, took no action on the proposal.

21. The Commission finds that the applicant satisfied the criteria of Section 9101 of the Zoning Regulations of the District of Columbia.

CONCLUSIONS OF LAW

Rezoning to R-5-D as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.

Rezoning to R-5-D will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as stated in the Zoning Regulations and Map of the District of Columbia.

Rezoning to R-5-D will not have an adverse impact on the surrounding neighborhood.

Rezoning to R-5-D would not be inconsistent with the Comprehensive Plan for the National Capital..

The Zoning Commission has accorded ANC 1B the "great weight" to which it is entitled.

DECISION

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of the following:

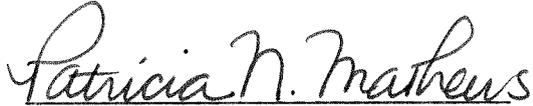
Change from C-M-1 to R-5-D for lots 1029, 1058, 1060, 1062, 1064, 1072, 1074, 1076, 1078, 2040 and part of lot 2039 in Square 2875 and lots 290-293, 829, 867, 868, and part of lot 870 in Square 2873, located at Sherman Avenue, to the west, Barry Place, to the north, and 8th Street, N.W. to the east, as shown on the plat marked as Exhibit No. 6 of the record,

Vote of the Commission at its monthly meeting of October 6, 1986; 4-0 (Maybelle T. Bennett, Lindsley Williams, John G. Parsons and Patricia N. Mathews - to approve, George M. White not voting not having participated in the case).

This order was adopted by the Zoning Commission at its monthly meeting held December 8, 1986, by a vote of 4-0 (Commissioners Lindsley Williams, Maybelle T. Bennett, John G. Parsons and Patricia N. Mathews - to adopt, George M. White - not voting, not having participated in the case).

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In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on 23 JAN 1987.



PATRICIA N. MATHEWS  
Chairperson  
Zoning Commission

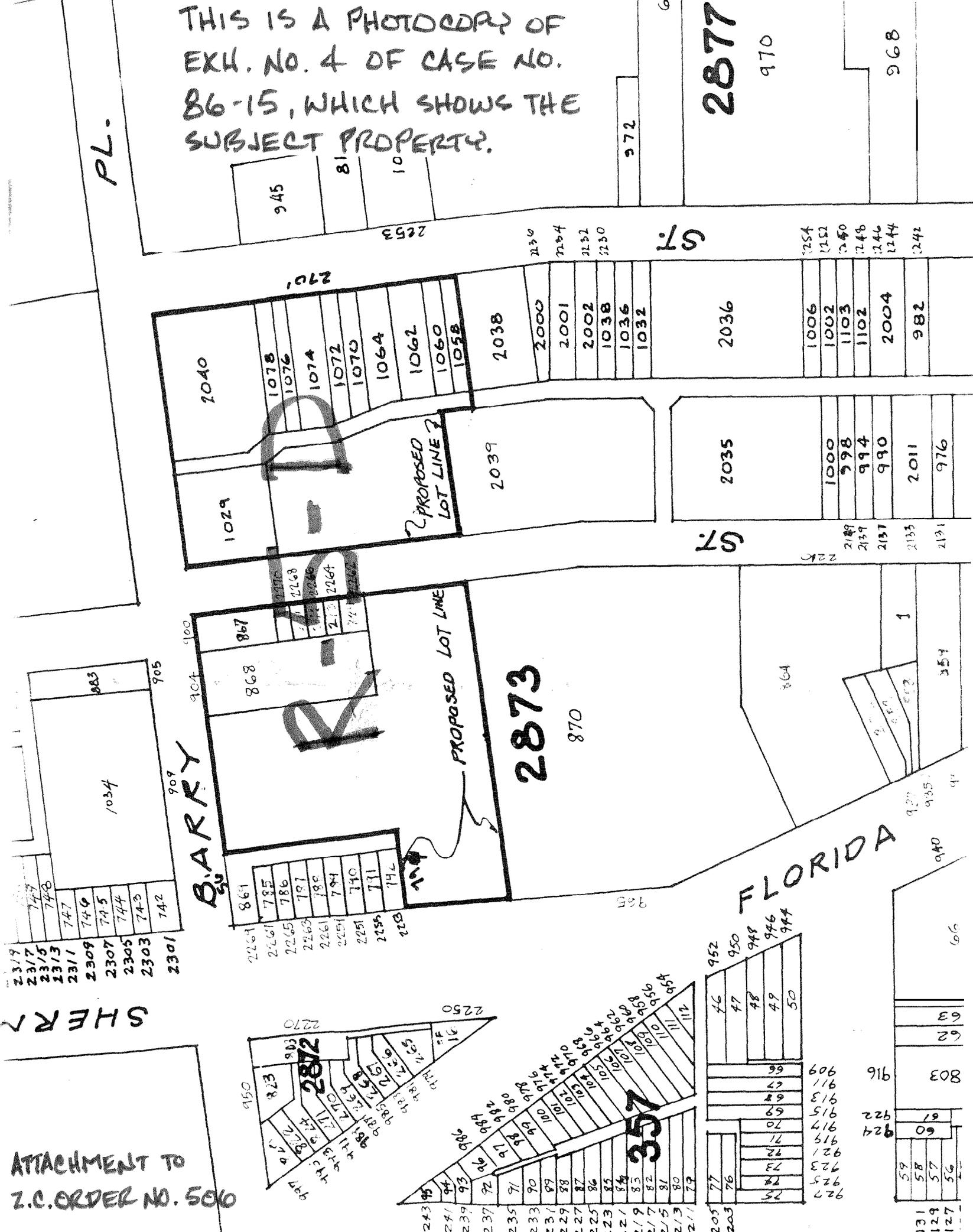


EDWARD L. CURRY  
Acting Executive' Director  
Zoning Secretariat

zcorder506/BOOTH9

THIS IS A PHOTOCOPY OF  
EXH. NO. 4 OF CASE NO.  
86-15, WHICH SHOWS THE  
SUBJECT PROPERTY.

PL.



ATTACHMENT TO  
Z.C. ORDER NO. 500

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