

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 06-38

Z.C. Case No. 06-38

**(Howard University – Approval to Amend Central Campus Plan and Special Exception
Application for Further Processing)**

January 18, 2007

Application No. 06-38 of President and Trustees of Howard University (the “Applicant”), pursuant to 11 DCMR § 3104.1 and in accordance with § 210 of the Zoning Regulations, request to amend the Campus Plan approved in 1998 to permit the construction of a residential facility for its students to be known as the Men’s Living and Learning Center (“LLC”). The Applicant simultaneously requests special exception approval for the further processing of the approved Campus Plan to permit the construction of the LLC, which would be located on the main campus between Crampton Auditorium, Childers Hall, and Greene Memorial Stadium. Finally, the Applicant seeks a special exception pursuant to § 411 to allow three (3) separate enclosures for its penthouse and mechanical equipment and for locating two (2) of the rooftop structures within the required setback from the exterior walls.

HEARING DATE: January 18, 2007

DECISION DATE: January 18, 2007 (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 in the *D.C. Register*, by mail to Advisory Neighborhood Commissions (“ANC”) 1B and 5C, and to owners of property within 200 feet of the site. The campus of Howard University is located within the jurisdiction of ANC 1B and 5C.

As directed by 11 DCMR § 3035.4, the Commission required the Applicant to satisfy the burden of proving the elements of § 210 of the Zoning Regulations, which are necessary to establish the case for a special exception for a college or university.

The design of the LLC does not make it feasible to locate the stair enclosure, elevator overrun, and cooling tower in one enclosure. In addition, the stair enclosure and elevator overrun will not be sufficiently set back from the roof edge. As a result, Howard seeks special exception relief pursuant to §§ 3104.1 and 411.11 from 11 DCMR §§ 400.7 and 411.3 to allow three (3) separate

rooftop structures and to locate the stair enclosure and elevator overrun within the required setback from the exterior walls. The screen the Applicant is proposing around the perimeter of the roof will conceal the roof structures and eliminate any aesthetic detriment the roof structures may have without a setback.

As of the Applicant's 1998 Campus Plan, the overall floor area ratio ("FAR") for the campus is well within the permitted boundaries under the Zoning Regulations. Pursuant to paragraph 18 of BZA Order No. 16330, a maximum 2.75 FAR is permitted for development of the Applicant's entire campus. After the demolition of the Center for Hypertension, Center for Sickle Cell Disease, Bethune Hall, the Physical Education Annex, and the new construction of the Lois Stokes Medical Library, the existing density of the Howard Campus is 1.34 FAR. The construction of the LLC will add approximately 117,465 square feet to the campus development, increasing the density of the entire campus to 1.36 FAR, which remains well within the maximum density.

The D.C. Office of Planning, in a report dated January 12, 2007, which was submitted into the record, stated that the application is in conformance with the provisions of § 210 and recommended approval of the application as submitted. The District Department of Transportation, in a report dated January 8, 2007, stated that it had no objection to the proposal. ANC 1B submitted a letter in support of the application dated October 10, 2006. ANC 5C submitted a letter in support of the application dated November 29, 2006. Additional letters of support were submitted into the record, including one from Bloomingdale Civic Association, Inc., dated October 16, 2006, and another from the Pleasant Plains Civic Association dated October 5, 2006.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 210 and 411.11 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 in accordance with the Zoning Regulations and Map. The Commission notes and gives great weight to, the recommendation of the Office of Planning that the application satisfies the requirements of § 210. The Commission notes, and gives great weight to, the recommendation of ANCs 1B and 5C to support the University's efforts to locate residential facilities for its students on campus.

It is, therefore, **ORDERED** that the further processing application be **GRANTED**. It is further **ORDERED** that the amendment to the 1998 Campus Plan be **GRANTED** subject to the conditions previously delineated in BZA Order No. 16330.

Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that findings of fact and conclusions of law accompany the order of the Commission. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 4-0-1 (Anthony J. Hood , John G. Parsons, Carol J. Mitten, and Michael Turnbull to approve; Gregory N. Jeffries, having not participated, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this Order.

ATTESTED BY:



JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: JAN 31 2007

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

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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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



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As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 06-38 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning