

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15767 of Howard University, as amended, pursuant to 11 DCMR 3108.1, for special exceptions under Section 210 of the Zoning Regulations for approval of amendments to an approved campus plan and for further processing under the amended plan to allow an addition to an existing law school; permanent use of an existing temporary structure; construction of a service/delivery pad, and; the realignment of the driveway at the entrance to the west campus that intersects the Van Ness Street cul-de-sac in an R-1-A/R-2 District at premises 2900 Van Ness Street, N.W. (Square 2049, Lot 810).

HEARING DATE: December 16, 1992 and February 17, 1993
DECISION DATE: April 7 and May 5, 1993

ORDER

PROCEDURAL MATTERS:

The application initially requested a special exception for an addition to the law school under an approved campus plan scheduled for a public hearing on December 16, 1992. Prior to the December 16, 1992 scheduled hearing, it was determined that the proposed law school addition was not contemplated under the approved plan. The public hearing scheduled for December 16, 1992 was postponed until February 17, 1993. The application was re-advertised to include an amendment to the approved campus plan providing for an addition to the law school.

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is the West Campus of Howard University ("University"). The west campus of the University is located at 2900 Van Ness Street, N.W. The property is used for the University's School of Law. It is split zoned R-1-A and R-2.

2. The R-1-A District permits matter of right development of all structures with a minimum lot area of 7,500 square feet, a minimum lot width of 75 feet, and a maximum height limit of three stories/40 feet. The R-2 District permits matter of right development of a private school with a minimum lot area of 4,000 square feet, a minimum lot width of 40 feet, and a height limit of three stories/40 feet. A college or university is permitted in the R-1 and R-2 Districts by special exception.

3. The subject property is octagonally-shaped, and has a total land area of 845,123 square feet or approximately 19.4 acres. The majority of the site is unimproved. The topography of the site

varies from an elevation of 280 feet along Upton Street to a high point of approximately 300 feet within the site -- creating a slope from the highest point in the center of the site down to Soapstone Valley Park on the north.

4. The subject property is improved with four interconnected, red-brick, masonry buildings: (a) Notre Dame Hall; (b) Houston Hall; (c) Holy Cross Hall; and (d) Law Library. These buildings were constructed over an approximate 60-year period and reflect Gothic Revival, Victorian and Modern architectural styles. The buildings range from one to four stories in height measured from Upton Street, have a combined area of approximately 220,000 gross square feet and contain classrooms, a moot court auditorium, a library, a chapel and laboratory, a dining hall and administrative offices.

- (a) Notre Dame Hall, which contains office space, is four stories in height with one basement and one sub-basement level and contains 40,000 square feet.
- (b) Houston Hall, which contains eight of the 12 classrooms, dining facilities and kitchen, a 429-seat moot court/auditorium, a student lounge area, a chapel and administrative offices, is the oldest of the buildings and the core educational structure. Houston Hall is four stories in height with two basement levels and contains 80,142 square feet.
- (c) Holy Cross Hall, which contains administrative offices and four of the 12 classrooms on the Campus, is four stories in height with two basement levels and contains 66,650 square feet.
- (d) The Law Library is one story in height with two basement levels and contains 27,075 square feet.

The subject property is improved with a "temporary" maintenance building. The maintenance building is one story in height with one story below grade. It is constructed of cinder block with metal siding and contains 2,865 square feet.

The subject property also is improved with a gazebo that is used by students, faculty and employees for passive recreational purposes.

The subject property also is improved with a surface parking lot with 248 parking spaces. Under the Zoning Regulations, the University is required to provide only 77 parking spaces.

The cluster of buildings that comprise the classroom and administrative offices are located on the southern portion of the

property. The maintenance building is located at the eastern boundary. The gazebo is located north of the library. All of these structures, together with the surface parking lot, occupy less than ten percent of the west campus.

By letter dated May 8, 1974, the University agreed to maintain three acres of the West Campus contiguous to Soapstone Valley Park as open space for a 20-year period. The University stated that it had no present intention to construct buildings in the three acre area and none are proposed in the amended plan.

Lastly, the natural configuration and contour of the site, as well as the abundant landscaping, effectively screen the site from the surrounding neighborhood.

5. The subject property is located in the northwest quadrant of the city. It also is located in the Ward 3 neighborhood of Forest Hills and an area of the city known as Van Ness.

The Street addresses of the property are 2900 Van Ness Street, N.W. and 2935 Upton Street, N.W. The street boundaries are Yuma Street to the north, Upton Street to the south, Connecticut Avenue to the west and Linnean Avenue to the east.

The site is not located in a historic district and there are no designated historic landmark buildings located on the property.

Land uses located in the area immediately surrounding the west campus are: residential (single-family dwellings and high-rise apartment houses); commercial (office buildings and retail goods and services); and open space (Soapstone Valley Park and Rock Creek Park). A number of institutional facilities are located nearby. The facilities include: the main campus of the University of the District of Columbia; the Van Ness/UDC Metrorail Station; the International Center; and the International Telecommunications Satellite Organization.

6. There are two pedestrian/vehicular entrances that provide access to the campus. The Van Ness Street cul-de-sac entrance is the primary means of access to the site. The Upton Street entrance is used infrequently, primarily for ceremonial events.

7. The University proposes to construct additional classroom space in the rear yard of Charles Houston Hall, a classroom and office building that serves as the central facility for the Howard University School of Law.

The proposed classroom addition has a floor area of approximately 6,000 square feet on two levels and consists of space sufficient to house two additional classrooms for the School of Law. The addition will accommodate approximately 100 seats. The

classroom space is less than one percent of the campus area, less than .001 FAR and less than three percent of the gross building area on the west campus. The building materials, configuration and footprint will mirror the existing red brick classroom projection on the west so that the building is symmetrical in appearance. The classroom seating will be terraced to ensure a clear line of site to the podium.

In addition to the two new classrooms, the proposed addition will contain a two-story, barrel-vaulted atrium foyer, encased in glass, which will serve as the official entrance to the School of Law. The ambient space will be used as an art gallery adorned with marble floors and natural woodgrain wall finishes. A pedestrian plaza will be located at the entrance to the atrium. The plaza will be landscaped with plum, holly, and Japanese cherry trees; barberry, holly and winterberry shrubbery; and english ivy and periwinkle groundcover to complement the new addition.

8. On May 24, 1974, the Board approved the West Campus Plan ("West Campus Plan") by granting Howard University's application for a special exception to use the site for its Graduate School/Professional Center (See Application No. 11669).

In support of its 1974 application, the University projected a daytime population of approximately 450 students, 41 faculty and 173 staff. The University stated that it planned to use the existing buildings on the site and had "no present intention" of constructing any new buildings. No athletic or comparable facilities were planned.

The 1974 West Campus Plan does not include the proposed addition to Charles Houston Hall. According to the University, law school accreditation officials have encouraged the University to discontinue use of an existing classroom for teaching activities because structural columns obstruct some students' line of site to the podium. As a consequence, the University proposes to add 6,000 square feet of accreditable classroom space in the form of a building addition to Houston Hall.

The University submitted an Amended West Campus Plan ("Amended Plan") on February 3, 1993. The Amended Plan does not propose to change the size of the student body, the faculty or the support staff, although the current census in each of these categories is less than what was approved in the West Campus Plan. The Amended Plan proposes a classroom addition to Charles Houston Hall, a request to use an existing maintenance structure located near the eastern boundary of the west campus on a permanent basis and a reduction in the number of off-street parking spaces. The Amended Plan remains the same as the West Campus Plan in all other material respects.

9. The University also seeks authority for "permanent" use of a maintenance building located near the eastern boundary of the Campus. This structure is identified in the 1974 West Campus Master Plan as a "temporary" use.

The maintenance building which is structurally sound, was built like a permanent building and stores all of the supplies, maintenance equipment and the two service vehicles required to operate and maintain the School of Law. According to the University, the temporary maintenance structure is the primary storage facility for the west campus. Its continued use on a permanent basis is essential to the efficient operation of the physical plant.

On October 31, 1978, the Board approved a special exception to allow the University to replace the then deteriorated maintenance building with a new temporary structure "to be used until the existing master plan can be implemented or revised." (See Application No. 12743). Because the approved West Campus Plan projected the replacement of the structure with a plaza, the relief was granted for only five years, but the Board concluded that the special exception could be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Zoning Regulations.

The Amended Plan reflects use of the maintenance facility on a permanent basis.

10. The University also seeks authority to construct an elevated, concrete, 10-foot by 20-foot service/delivery pad on the west side of Houston Hall. Vehicles delivering office and classroom supplies and food items are presently unloading in the parking lot and supplies are taken to their designations by handtruck.

11. The University also proposes to realign the driveway that intersects the Van Ness Street cul-de-sac in response to the neighbors concerns about wrong way traffic flow from the west campus into the cul-de-sac. The proposed realignment would mitigate any preceived or real traffic flow problems.

12. The floor area ratio (FAR) for the Campus is approximately 0.257, which is well below the 1.8 FAR permitted for university uses in the R-1-A and R-2 zone districts. The proposed classroom addition will increase the overall FAR of the Campus to 0.264.

13. The University testified that the Comprehensive Plan Generalized Land Use Maps designate the west campus area for "Institutional" uses. The institutional land use category is defined in the plan as "land and facilities occupied by colleges,

universities, hospitals, religious institutions and similar facilities as the predominant uses." 10 DCMR Subsection 1113.3. The Comprehensive Plan requires the preparation and approval of master plans to reduce adverse neighborhood impacts and alleviate uncertainty over future institutional activities. 11 DCMR 1115.1(j) and (k). It seeks to assure neighborhood stability contributions made by universities toward the economic and cultural vitality of the City. 10 DCMR 1112.1(e) and (h).

The University stated that both the classroom addition and the maintenance facility are university uses and, therefore, are consistent institutional uses designated for the site in the Comprehensive Plan. The proposed addition will be well insulated from nearby residential areas and will have no adverse neighborhood impact. The maintenance structure has posed no adverse neighborhood impact in the past and no change in its usage is proposed.

14. The West Campus is served by 261 on-site parking spaces. Two hundred fifteen parking spaces are allocated to student parking and 46 spaces are used by faculty and staff. Students, faculty and support staff also use public transportation to and from the site, which is served by the Van Ness/UDC Metrorail Station and several Metrobus routes.

15. Thirteen of the 261 parking spaces will be displaced by the proposed classroom addition. The School of Law will then be served by 248 spaces. The University stated that for university uses located in the R-1-A or R-2 zone districts, the Zoning Regulations require two off-street parking spaces for every three teachers plus one off-street parking space for every ten classroom or auditorium seats, whichever number of seats is greater. The number of parking spaces may vary from the standard if the University uses are included in a campus plan approved by the Board.

16. The School of Law employs 25 full-time faculty members and has 499 classroom seats and 420 auditorium seats. The seating capacity for the addition will be approximately 100 seats. Using the formula set forth in the Zoning Regulations, only 77 spaces are required for the West Campus, with the new classroom addition. With 248 spaces, the West Campus is served by three times the number of spaces required by the Zoning Regulations.

17. The interior roadway system consists of a single looped street from Van Ness Street around the building complex to Upton Street. Traffic accessing the site from Van Ness Street terminates in the parking lots north of the building complex and between Houston Hall and Holy Cross Hall. Traffic accessing the site consists of students, faculty, staff, visitors and service/delivery vehicles bringing office, classroom and maintenance supplies and food items to the Campus. The University believes

that the interior road network is adequate for the existing traffic volume. Ingress and egress to the West Campus is accomplished by way of an asphalt driveway entrance at the end of a circular offset cul-de-sac from Van Ness Street.

18. By memorandum dated February 10, 1993, and by oral testimony at the public hearing, the Office of Planning opined that the application satisfied the zoning requirements and recommended approval of the proposed addition, use of the maintenance structure on a permanent basis and the approval of the Amended Plan "provided that the Applicant discusses the Amended Campus Plan with Advisory Neighborhood Commission 3F".

19. By memorandum dated February 4, 1993, the Department of Public Works ("DPW") opined that parking is not an issue in the case and commented on the entrance/exit traffic pattern. The DPW did not oppose the application.

20. By memorandum dated October 28, 1992, the Metropolitan Police Department ("MPD") related that the MPD does not oppose this application.

21. By memorandum dated October 27, 1992, the District of Columbia Fire Department related that the Fire Department has no objection to this application.

22. By letter dated December 7, 1992 and testimony at the hearing, Advisory Neighborhood Commission (ANC) 3F voted to support this application. The Chairperson of ANC 3F, testified that the University should address the traffic flow in the cul-de-sac adjacent to the entrance to the West Campus. He further testified that conditions relative to use of the West Campus have changed since the West Campus Plan was approved by the Board in 1974; that the ANC has not had sufficient time to review the Amended Campus Plan and requested that the Board delay making a decision in the case until the ANC has an opportunity to vote on the Amended Campus Plan at its regularly scheduled meeting on March 15, 1993.

23. At the conclusion of the February 17, 1993 public hearing, the Board left the record open for the University to submit an amended campus plan, including a driveway realignment scheme, to ANC-3F. The record also was left open until March 30, 1993 in order for ANC-3F to respond to the University's amended campus plan.

24. By letter dated March 30, 1993, ANC-3F notified the Board that it had voted unanimously to support the University's application subject to the following **CONDITIONS**:

- (a) The University realign its west driveway and

the adjoining Van Ness Circle cul-de-sac in accordance with plans set forth as Attachment No. 1 to Exhibit No. 39 of the record, and

- (b) The amended campus plan be construed in accordance with Attachment Nos. 2 and 3 to Exhibit No. 39 of the record.

25. Testimony was presented that one of the best vistas in the District of Columbia is located on the West Campus and that the natural vista should be preserved. A resident of Van Ness East testified that the traffic flow in the cul-de-sac adjacent to the entrance to the West Campus should be addressed by the University. A resident of Veazy Terrace questioned the time taken by the University to address the flow of traffic in the cul-de-sac adjacent to the entrance to the West Campus.

FINDINGS OF FACT:

1. The Board finds that the University has met the requisite burden of proof as set forth in Sections 210 and 3108.1 of the Zoning Regulations.

2. The construction of an addition to Charles Houston Hall of approximately 6,000 square feet of classroom space will not tend to affect adversely the use of neighboring property. Further, the classroom addition is not likely to become objectionable to neighboring properties because of noise, nor vehicular traffic.

3. To allow the University to use the maintenance building as a permanent structure will not tend to affect adversely the use of neighboring property. Further, the maintenance building is not likely to become objectionable to neighboring properties because of noise, nor vehicular traffic.

4. The realignment of the driveway that intersects the Van Ness Street cul-de-sac mitigates any negative traffic flow problems.

5. The proposed classroom addition to Charles Houston Hall; the proposed permanent use of the temporary maintenance building; the construction of a service/delivery pad; and the realignment of the driveway that intersects the Van Ness Street cul-de-sac are consistent with the development of the west campus as contemplated by the Campus Plan, as amended.

6. The loss of 13 off-street parking spaces will not adversely effect the parking supply of the University.

7. The Board agrees with the report of ANC-3F and the University's response to the ANC's issues. The Board finds that

a step can be saved in implementing the improvements to the Van Ness Street cul-de-sac and further amends the instant application to include the further processing of the cul-de-sac design and improvements as it affects the University's property.

8. The Board finds that there is a need to up-date the 1974 West Campus Plan.

9. The Board has no jurisdiction to interpret whether the application is consistent or inconsistent with the Comprehensive Plan.

10. The Board finds that the University is committed to maintaining a three acre area of land contiguous to Soapstone Valley Park as open space.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the University is seeking special exceptions under Sections 210 and 3108.1 of the Zoning Regulations for further processing of an amendment to an approved West Campus Plan, to allow the construction of an addition to an existing structure and to make permanent use of a temporary structure, the granting of which requires compliance with the requirements of Sections 210 and 3108.1 of the Zoning Regulations. The Board concludes that the University has met its burden of proof.

The University has submitted a plan for developing the west campus as a whole, which was approved by the Board in 1974. The Applicant has submitted an amendment to that plan that reflects the University's current plan with respect to the development of the west campus.

The Board further concludes that the proposed addition of approximately 6,000 square feet of classroom space to Charles Houston Hall and use of the maintenance building is located so as not to become objectionable to neighboring property. The proposed addition will not increase the total bulk of all buildings and structures on the west campus so that the bulk exceeds the prescribed gross floor area.

The Board further concludes that the realignment of the driveway that intersects the Van Ness Street cul-de-sac property addresses and resolves the traffic problems cited by the neighbors.

The Board further concludes that the University's application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that it has accorded to ANC-3F the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The on-site road improvements shall be as shown on the site plan marked as Exhibit No. 37A of the record, subject to the approval the Department of Public Works (DPW) of that portion of the proposed road improvements located on public space. The applicant shall have the flexibility to modify the approved on-site road improvements, if necessary, to conform to the improvements on public space approved by the DPW.
2. The applicant shall file an application for approval of an updated campus plan for the west campus within twelve months of the date of the order in this case.

VOTE: 3-0 (Carrie L. Thornhill and Sheri M. Pruitt to grant; John G. Parsons to grant by proxy; Paula L. Jewell and Angel F. Clarens not voting, having recused themselves).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

APR 13 1994

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

BZA APPLICATION NO. 15767
PAGE NO. 11

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS
WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR
CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER
AND REGULATORY AFFAIRS.

ord15767/tm/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15767

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 13 1994 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Charles K. Barber, Esquire
Howard University
2400 6th Street, N.W. Room 309
Washington, D.C. 20059

Jerry A. Moore, III, Esquire
Linowes and Blocher
800 K Street, N.W., Suite 840
Washington, D.C. 20001

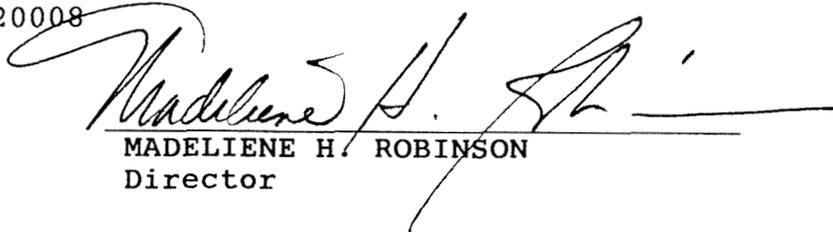
Marjorie Rachlin, Chairperson
Advisory Neighborhood Commission 3-F
4401 Connecticut Avenue, N.W., #401
Washington, D.C. 20008

Joel A. Rabinovitz
2939 Van Ness Street, N.W. #708
Washington, D.C. 20008

Carl H. Patton
2939 Van Ness Street, N.W.
Washington, D.C. 20008

Howard Fox
3001 Veazey Terrace, N.W.
Washington, D.C. 20008

Paul Kay
3001 Veazey Terrace, N.W.
Washington, D.C. 20008


MADELIENE H. ROBINSON
Director

DATE: APR 13 1994