

# Government of the District of Columbia

## ZONING COMMISSION



**ZONING COMMISSION ORDER NO. 716**  
**Case No. 91-20**  
**(Map Amendment - Howard University)**  
**April 6, 1992**

Pursuant to notice, a public hearing before the Zoning Commission for the District of Columbia was held on January 23, 1992. At that hearing, the Zoning Commission considered an application from Howard University requesting to amend the Zoning Map of the District of Columbia from R-5-B to SP-2, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

### FINDINGS OF FACT

1. The original application, which was filed on October 31, 1991, requested a change of zoning from R-5-B to SP-2. The properties that are the subject of the application are Lot 30 (formerly lots 27, 28, 29, 801, 803 and 804) in Square 3068 and Lot 66 (formerly part of Lot 859) in Square 3069.
2. Lot 30 is located on the east side of Fourth Street between College and Bryant Streets and Lot 66 is located on the east side of 4th Street between Bryant and W Streets N.W.
3. The applicant seeks the change of zoning to facilitate the construction of an addition to an existing women's dormitory (Bethune Hall), located on the northern portion of Square 3068 (formerly Lot 804), to a height limit that is consistent with the height limits permitted elsewhere on the campus. The proposed addition would be a seven-story (66 feet) dormitory addition that would house 606 students with underground parking for 70 vehicles with access from Bryant Street N.W.
4. On November 18, 1991, the Zoning Commission authorized a public hearing to consider the rezoning of Lot 30 in its entirety or, in the alternative, to consider the rezoning of the southern portion of Lot 30, which comprises former lots 27, 28, 29, 801 and 803 in Square 3068. The Commission decided not to hear the University's request

to rezone Lot 66 in Square 3069 because there is no immediate plan for the development of that parcel. (The University has decided not to relocate its law school to the subject site, as anticipated by the campus plan.)

5. The northern portion of Square 3068; that is, former Lot 804, is improved with the six-story Bethune Hall which houses 304 undergraduate women students. The remainder of the square is vacant and has been cleared in anticipation of construction of an addition to the dormitory structure.
6. The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of 60 percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of 60 feet.
7. The SP-2 District permits matter-of-right medium/high density development including all kinds of residential uses, with limited offices for nonprofit organization, trade associations and professions permitted as a special exception requiring approval of the Board of Zoning Adjustment (BZA), to a maximum height of 90 feet, a maximum FAR of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot occupancy of 80 percent for residential uses.
8. The Building Height Limitation Act of 1910 (Height Act) limits the height of buildings on residential streets that are less than 60 feet in width to a height that equals the width of the abutting street. The Zoning Administrator has determined that this part of 4th Street is a residential street. Since 4th Street between College and Bryant Streets is 50 feet wide, the height of any building constructed on Square 3068 is limited to 50 feet by the Height Act.
9. The District of Columbia Generalized Land Use Map of the Comprehensive Plan of the National Capital designates the subject site as being in the institutional land use category. Institutional uses include land owned and facilities operated by college and universities including dormitory uses.
10. Square 3068 is located on Howard University's central campus. All of the property west and southwest of the square is included in Howard University's Central Campus and is developed with University uses, including Harriett

Tubman Women's Dormitory Quadrangle on Square 3063 to the north, the University Pharmacy and Pharmacological Sciences Building on Square 3062 northwest of the site, and the Graduate School of Arts and Sciences and the WHMM-TV station building to the east. The 4th Street corridor between W Street on the south and College Street on the north is within Howard University's Central Campus.

11. The area east and south of Square 3068 is developed with institutional uses. McMillan Reservoir and a District of Columbia Fire Department facility are located to the northeast; a District of Columbia Department of Public Works facility and a public elementary school are located to the east; and a Howard University parking lot, an elementary school and playground, and a maintenance and mechanical storage facility operated by the Department of Public Works are located to the south.
12. The applicant's architect and planning expert, by testimony presented at the hearing and by statements included in the record, stated the following:
  - a. That this dorm expansion was reflected in the campus plans approved by the Board of Zoning Adjustment (BZA) in 1980 and 1988. Both plans approved greater height and density for the site than are now requested.
  - b. That the rezoning of the site from R-5-B to SP-2 and the proposed use are consistent with and supportive of the Comprehensive Plan of the District of Columbia in that the proposal furthers the major goals of the Comprehensive Plan to; 1) stabilize the neighborhood with additional housing stock; 2) increase local employment and economic growth; 3) preserve and promote cultural and natural amenities; 4) improve the physical character of the area; and 5) preserve and insure community input.
  - c. Without the proposed rezoning, the dormitory addition would house 450 instead of 550 students. Howard desperately needs to maximize its on-campus housing because parents of prospective students are disinclined to let their children enroll in any institution that houses 70 percent of its students off campus, commonly in dangerous neighborhoods. More on-campus housing is essential for student recruitment and retention. Yet, there are few

remaining pieces of land on the main campus large enough to meet this housing need. Howard plans to increase the percent of students housed on-campus from 30 to 60.

- d. That the proposed rezoning complies with and furthers the goals and policies of the Ward 1 Plan in that 1) the rezoning is consistent with the Plan's objective of protecting the Ward's housing stock and stimulating the production of new housing to meet all levels of need and demand; 2) the construction of the proposed dormitory on-campus discourages inappropriate expansion by the University, including the expansion of dormitories into privately-owned, residentially-zoned areas of the Ward; 3) the rezoning will allow the University to meet its on-campus housing objective so that privately-owned residences now occupied by University students will be available to District residents upon completion of the dormitory; and 4) the proposed rezoning permits the development of a new facility at a height, bulk and density that is harmonious with the institutional and governmental uses that occupy and surround the rezoning site.
13. The District of Columbia Office of Planning (OP), by memorandum dated January 13, 1992 and by testimony presented at the public hearing, recommended that the southern portion of Lot 30, Square 3068 be rezoned from R-5-B to SP-2. OP supported the project as consistent with the Comprehensive Plan and with the height and massing of surrounding buildings, but concluded that partial rezoning of Square 3068 should be adequate. OP agreed that streets should not ordinarily be split-zoned, except in instances (like this) where steep topography comes into play. However, OP indicated their willingness to go along with rezoning of the entire square if the applicant covenants in perpetuity not to construct anything on the site of the existing Bethune Hall exceeding the current 56 feet height.
  14. No other District government agencies commented on the application.
  15. Advisory Neighborhood Commission (ANC) 1B, by letter dated January 5, 1992 related its support for the rezoning. The ANC concluded that Howard University owns

all of the property that is the subject of the rezoning and that the primary impact of the rezoning will be upon the university-related activities and not the nearby residential community.

16. A person testified in support of the application on behalf of the Committee of 100 on the Federal City and the Bloomingdale Citizens Association. It was stated that the community's preference that the requested SP-2 zoning not permit "real" commercial uses or very tall buildings to become established on the campus, and that the community would prefer to have the whole square rezoned to SP-2 if the covenant restricting anything on the site of the existing Bethune Hall exceeding the current 56 feet were in place.
17. No persons or parties testified in opposition to the application.
18. The Commission concurs with OP in that rezoning only the southern portion of Square 3068 would allow the applicant to construct a dormitory addition at a height and bulk that is consistent with existing buildings on the west side of 4th Street, the previously approved campus plan and the existing SP-2 zone district immediately to the west of the site.
19. The Commission further concurs with OP in that the northern portion of Square 3068 is already improved with the existing Bethune Dormitory structure and does not necessitate a rezoning at this time.
20. The Zoning Commission finds that rezoning the southern portion of the square is consistent with both the Comprehensive Plan and the previous rezoning of the property to the immediate west of the subject site to SP-2 to allow for the horizontal expansion of Howard University.
21. The Zoning Commission finds that the requested rezoning will be in furtherance of the goals of the Comprehensive Plan, including the Ward 1 Plan.
22. The Commission finds that the rezoning to SP-2 is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

23. The proposed decision to approve SP-2 rezoning for the southern portion of Square 3068 was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. By report dated March 24, 1992, NCPC found that the proposed map amendment would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to SP-2 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.
2. Rezoning to SP-2 will promote orderly development in conformity with the entirety of the District of Columbia zone plan as stated in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to SP-2 will not have an adverse impact on the surrounding neighborhood.
4. A rezoning to SP-2 will not have an adverse impact on the surrounding neighborhood.
5. In its decision, the Zoning Commission has accorded ANC 1B the "great weight" consideration to which it is entitled.
6. 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.

DECISION

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

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Change from R-5-B to SP-2 the southern portion of Lot 30;  
that is, former lots 27, 28, 29, 801 and 803 in Square 3068.

Vote of the Zoning Commission taken at the public meeting on February 10, 1992: 4-0 (Tersh Boasberg, John G. Parsons, Lloyd D. Smith, and William L. Ensign, to approve SP-2 rezoning - Maybelle Taylor Bennett, not voting, having recused herself from the case).

This order was adopted by the Zoning Commission at its public meeting on April 6, 1992, by a vote of 4-0 (John G. Parsons, William L. Ensign and Tersh Boasberg to adopt - Lloyd D. Smith to adopt by proxy - Maybelle Taylor Bennett, not voting, having recused herself from the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on APR 24 1992.



TERSHER BOASBERG  
Chairman  
Zoning Commission



MADALIENE H. ROBINSON  
Acting Director  
Office of Zoning

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