

Application of  
Howard University

**STATEMENT OF THE APPLICANT**

**I. NATURE OF RELIEF SOUGHT**

Howard University (the "Applicant") submits this application, pursuant to 11 DCMR Section 3103.2 for a variance from the parking requirements of Section 2101.1 at premises 2018 Georgia Avenue, NW (Square 2877, Lot 1030) (the "Subject Property" or "Property").

**II. JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment has jurisdiction to grant the requested variance and relief pursuant to Section 3103.2 of the Zoning Regulations.

**III. EXHIBITS IN SUPPORT OF THE APPLICATION**

Before proceeding with the discussion of the merits of the instant application, the following additional materials are submitted:

- Exhibit A: Zoning Map showing Subject Property, Lot 967 and Vicinity.  
Exhibit B: Subject Property Certificates of Occupancy.  
Exhibit C: BZA Order No. 10844.  
Exhibit D: Lot 967 Covenant.  
Exhibit E: Zoning Commission Order 11-15 approving Howard University Campus Plan.

**IV. BACKGROUND OF THE CASE**

**A. Site and Vicinity Characteristics**

**1. The Subject Property**

The subject property is located in the 2000 block on the west side of Georgia Avenue,

NW. (Square 2877, Lot 1030). (See Exhibit A, Zoning Map showing Subject Property, Lot 967 and Vicinity). As shown on the building plat issued by the District of Columbia Office of the Surveyor and submitted herewith, the Property is rectangular with approximately twenty (20) feet of frontage along Georgia Avenue, N.W. and a lot area of approximately 2,281 square feet. It is improved with a small two-story building containing approximately 3,320 square feet. The subject property is zoned ARTS/C-2-B. It is currently used by the Howard University Hospital ("Hospital" or "HUH") for a maternal health grant program. Previously, under different ownership, it was used for medical offices. (See attached Certificates of Occupancy marked Exhibit B).

The parking requirement for medical office use in the C-2-B zone is two spaces per 1,800 square feet excluding the first 2,000 square feet. As such, the current use generates a parking requirement of only one space.

The Subject Property is located within the boundaries of Advisory Neighborhood Commission 1B.

## **2. Subject Property Use and Need for Variance**

Square 2877 is bounded by V Street to the north, 8th Street to the west, Florida Avenue to the south, and Georgia Avenue to the east. The Property is not located within the boundaries of the Central Campus of Howard University (the "University"). Across Georgia Avenue from the Subject Property is the Hospital.

Located across the public alley to the rear of the Property along 8<sup>th</sup> Street is a 4,561 square foot lot which is also owned by the University. This property ("Lot 967") is encumbered with a covenant restricting its use to surface parking for the Subject Property. The covenant was recorded against Lot 967 pursuant to BZA Order 10844 (Exhibit C) which approved a special exception to provide accessory parking for the Subject Property on Lot 967 subject to a condition

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restricting its use for such parking. (See attached Covenant, Exhibit D). The lot has since fallen into disrepair and secured with a fence. The University has no current need for the lot and has entered into a contract to sell it. The requested variance to waive the parking requirement for the Subject Property will permit the sale to go forward and facilitate a more productive use of the lot.

The Property is located approximately three blocks from the Shaw-Howard University Metrorail Station and is well served with buses along Georgia Avenue and Florida Avenue.

### **3. Howard University Zoning History**

As indicated above, the Subject Property is not located within the boundaries of the University's Campus Plan. The Plan is still relevant, however, given that subject use is accessory to the University's hospital located across the street. The Hospital is included in the plan. The Commission recently approved a new Campus Plan for the University in Case No. 11-15. (See Exhibit E for ZC Order No. 11-15). The approved Campus Plan thoroughly vetted all parking and transportation issues associated with University and the hospital. In general, the Plan per the recommendation of the D.C. Department of Transportation contemplates a net reduction in parking facilities on the Campus, and a shift towards greater reliance on alternative modes of transportation, including mass transit, bicycles, and the Howard University shuttle bus. Additional Transportation Demand Management ("TDM") measures were developed in a comprehensive TDM plan designed to encourage students, faculty, and staff to reduce the number of drive-alone trips to the campus. Under the Plan, parking facilities for the Hospital staff, including staff that works out of the Property, are located at 5<sup>th</sup> and V Street, N.W.

## **V. THE APPLICATION MEETS THE REQUIREMENTS FOR VARIANCE RELIEF FROM THE ZONING REGULATIONS**

The burden of proof for variance relief is well established. The Applicant must demonstrate that its property is affected by an exceptional or extraordinary situation or condition,

that the strict application of the Zoning Regulations will result in a practical difficulty to said applicant, and that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose, or integrity of the Zone Plan. *Palmer v. District of Columbia Board of Zoning Adjustment*, 287 A.2d 535, 541 (1972). As set forth below, the Application meets this three-part test for area variance relief as established in Section 3103.2.

**A. The Property is Affected by an Exceptional or Extraordinary Situation or Condition**

The Property has several unusual conditions which give rise to an exceptional situation. First, the property is grossly underdeveloped but the existing improvements cover most of the lot area leaving little room for convenient, on-site parking. Second, the property is essentially part of the Howard University campus, the parking for which is provided and managed by the University in accordance with an approved Campus Plan and its TDM provisions.

**B. The Strict Application of the Zoning Regulations Would Result in a Practical Difficulty**

In order to qualify for an area variance, a property owner must demonstrate peculiar and exceptional practical difficulties which would result from strict compliance with the applicable regulation. Furthermore, these difficulties must be related to a property's exceptional circumstances.

In the present case, the strict application of the parking requirements would result in a practical difficulty upon the Applicant. Strict adherence to the parking requirements would require that the University provide unneeded, inconvenient parking on-site. All staff that serve the maternal health program, which occupies the Property, are HUH employees who park in the HUH garage located across Georgia Avenue. Any parking which might be provided on-site

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would have to be located to the rear of the existing building. Such parking lacks convenient access to the building entrance on Georgia Avenue. Access would require one to walk around the block since the building is fully built out to the side property lines. Further, visitors currently have convenient, more visible parking in front of the hospital across Georgia Avenue. To require that the University devote Lot 967 to parking rather than disposing it to generate needed revenues for the University would impose an undue burden on the University. The University would have to devote resources to improving and managing the lot for a single parking space rather than making the site available for a more productive use.

For all these reasons, a strict interpretation of Section 2101.1 of the Zoning Regulations would cause a practical difficulty to the Applicant deserving of relief from the Board.

**C. Variance Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan**

The Application can be approved by the Board with no substantial detriment to the public good and with no impairment to the intent, purpose and integrity of the Zone Plan, as set forth below.

**1. Public Good**

The grant of variance relief to permit the disposition of Lot 967 providing revenues to the University and making the site available for more productive use is consistent with the public good. Adequate, convenient visitor parking for the Subject Property is available at the Hospital located immediately across Georgia Avenue as well as on the street in front of the Property. Further, the Subject Property is located within an easy walk to the Howard University-Shaw Metrorail station. It is also well served by MetroBus. Finally, the Applicant has committed to

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Transportation Demand Management (TDM) measures that will mitigate parking demand in and around the campus.

## **2. Zone Plan**

The grant of variance relief in the present case will likewise not impair the District's zone plan. The variance will have a negligible impact on demand for parking in the vicinity, made farther negligible as a result of the Applicant's TDM initiatives and the close proximity to Metrorail and Metrobus options. Further, the Applicant notes that the current public policy with regard to parking for the University, as well as for the District of Columbia as a whole, is to lower the amount of required parking, thereby disincentivizing automobile commuter traffic. In fact, DDOT, as part of its review of the Zoning Regulation and in contemplation of a wholesale review to the Regulations, has suggested that the minimum parking requirements of the Regulations be replaced by parking maximums.

For all these reasons, the Applicant satisfies the requirements of Section 3103.2 of the Zoning Regulations for variance relief from the parking requirements set forth in Section 2101.1.

## **VI. CONCLUSION**

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant therefore requests that the Board grant the variance.

Respectfully submitted,

SAUL EWING LLP

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By Cynthia A. Giordano  
Cynthia A. Giordano  
1919 Pennsylvania Avenue, NW  
Suite 550  
Washington, DC 20006  
(202) 333-8800

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