

ARNOLD & PORTER

Cynthia A. Giordano
Cynthia_Giordano@aporter.com

202.942.5840
202.942.5999 Fax
202.654.7058 Cell

555 Twelfth Street, NW
Washington, DC 20004-1206

February 11, 2003

Carol Mitten
Chair, Zoning Commission
Office of Zoning
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: ZC Case No. 02-10 (Text Amendment Forest Hills
Tree and Slope Overlay District)

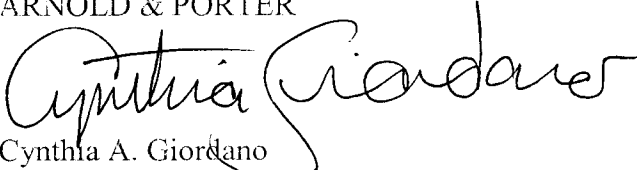
Dear Zoning Commission Members:

The attached letter was submitted on behalf of Howard University prior to the closing of the record in the case, but after the public hearing. However, it was not mentioned or discussed in the subsequent decision-making deliberations of the Commission.

We are resubmitting it at this time as a comment to the proposed rulemaking notice. We urge the Commission to consider our comments at this time. To our knowledge, neither the Office of Planning nor the ANC has expressed any objection to the position set forth in our original letter to the Commission.

Sincerely,

ARNOLD & PORTER


Cynthia A. Giordano

Attachment

cc: Maybelle Bennett, Director
Howard University Community Association

Jennifer Steingasser, Office of Planning
ANC 3C, 3F and 3G

ZONING COMMISSION
District of Columbia
Case 02-19
Exhibit 314

RECEIVED
D.C. OFFICE OF ZONING
2003 FEB 11 PM 4:05

ARNOLD & PORTER

Cynthia A. Giordano
Cynthia_Giordano@aporter.com

202.942.5840
202.942.5999 Fax
202.654.7058 Cell

555 Twelfth Street, NW
Washington, DC 20004-1206

October 14, 2002

Carol Mitten
Chair, Zoning Commission
Office of Zoning
441-4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: ZC Case No. 02-10, (Text Amendment Forest Hills Tree
and Slope Overlay District)

Dear Zoning Commission Members:

This is a last hour response on behalf of Howard University to the above-referenced text amendment, which seeks to include the University's law school campus within the proposed Forest Hills Tree and Slope Overlay District.

Maybelle Bennett, Director of the Howard University Community Association, just recently learned of this proposal from a Forest Hills resident. As far as we know, the University did not receive notice about the proposal, or the public hearing on the proposal, from the Office of Zoning, although it is possible that a notice may have been sent to other University personnel who did not understand its import. Nevertheless, the University respectfully requests that the Commission consider the following position of the University with respect to this matter.

Inclusion of the Howard Law School Campus in the Overlay is Unnecessary.

The University's law school campus is currently subject to the stringent controls of the campus plan review process. The West Campus Plan was last amended and updated in 1997 (BZA Order No. 16110). According to that order, the only new buildings planned for the campus, at that time, were a new law library and a residence for Howard University's President. Plans for the law library were reviewed and approved by the BZA (for further processing under the campus plan) in 1998 (BZA Order 16353). It was thereafter constructed by the University.

As a result, the only remaining new development authorized under the campus plan is the President's residence. Unlike other single-family residences in the area, the President's residence will have to undergo a detailed design review and approval process by the Zoning Commission pursuant to the further processing requirements for campus

Carol Mitten
October 14, 2002
Page 2

plans. The additional controls of the proposed Forest Hills Overlay are therefore unnecessary.

The Application of the Proposed Overlay Trees and Slope Protection Provisions are Duplicative.

By virtue of its approved Campus Plan (BZA Order No. 16110, Condition No. 13), the University is already required to maintain an area containing trees and slopes adjacent to Soapstone Valley Park as open space. No new development will be permitted in this area.

The Proposed Ground Coverage and Yard Restrictions in the Text Amendment have no Logical Applicability to the Law School Campus.

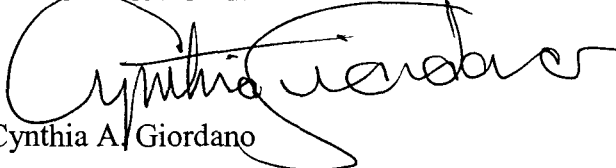
The proposed ground coverage and front, rear and side yard standards are designed to apply to single family lots. The law school campus occupies a single, 20-acre lot with very limited street frontage. New development on the campus is not likely to entail a subdivision of this lot. As a result, all of the various ground coverage, yard, and even the tree removal restrictions (no more than 3 trees) logically apply to Howard's parcel.

In conclusion, we ask that the Commission exclude the University's law school campus (Square 2049, Lot 810) from the approved Forest Hills Tree and Slope Overlay District.

Thank you for your consideration.

Sincerely,

ARNOLD & PORTER



Cynthia A. Giordano

cc: Maybelle Bennett, Director
Howard University Community Association
Jennifer Steingasser, Office of Planning
ANC 3C, 3F and 3G