Government of the District of Columbia
Office of Zoning

Z.C. CASE NO.: 03-17

As Secretary to the Zoning Commission, I herby certify that on AUG 2 4 2004 copies of this Z.C. Order No. 03-17 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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6. Councilmember Jim Graham
7. Office of Planning (Ellen McCarthy)
8. Ken Laden, DOT
9. Zoning Administrator
10. Corporation Counsel (Alan Bergstein)

ATTESTED BY: Alberto P. Bastida

Alberto P. Bastida, AICP
Secretary to the Zoning Commission

ZONING COMMISSION
District of Columbia
CASE NO. 03-17
EXHIBIT NO. 30

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 03-17
Z.C. Case No. 03-17
Howard University
(Campus Plan Amendment and Further Processing of
New Bethune Residence Hall)
November 12, 2003

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on September 29, 2003 to consider applications from the President and Directors of Howard University (the "University"), requesting a campus plan amendment and a special exception for further processing approval of the University's proposed New Bethune Residence Hall, under authority of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210. The subject property is located at 2255 4th Street, N.W. The campus plan amendment requests permission to continue residential use of the site in place of the Faculty Center proposed in the adopted campus plan. Pursuant to Zoning Commission Order No. 932, this case was heard and decided by the Zoning Commission using Board of Zoning Adjustment ("BZA") rules for campus plan cases.

HEARING DATE: September 29, 2003
DECISION DATE: November 12, 2003

FINDINGS OF FACT

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Application, Parties, and Public Hearing

1. On May 21, 2003, the University submitted an application to the Zoning Commission for further processing approval to construct a replacement Bethune Hall at 2255 4th Street, N.W. (part of Lot 30 in Square 3068). On September 29, 2003, the University filed an application to amend the approved 1998 Campus Plan to authorize the continuation of residential use on the subject site, rather than change the use to Faculty Center, as indicated in the 1998-2008 Campus Plan.

2. The Commission provided proper and timely notice of the public hearing on these applications by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commissions ("ANC") 1B and 5C and to the owners of property within 200 feet. The Applicant and ANCs 1B and 5C are the parties in this case.

3. The public hearing on the proposed campus plan amendment and special exception was held on September 29, 2003.

The Campus Plan and Application for Amendment

4. Howard University's Central Campus is located in an urban setting that includes residential, commercial, industrial, and institutional uses. The campus is centered along Georgia Avenue and Howard Place and is generally bounded on the north by Harvard Street, on the east by 4th Street, on the south by U and V Streets, and on the west by Georgia, Sherman, and Florida Avenues, all in the Northwest quadrant.

5. The University submitted its proposed campus plan for the period, 1998 to 2008, on January 29, 1998, showing the location, height, and bulk of all present and proposed improvements as required by the 11 DCMR § 210.4. After public hearings, the Board of Zoning Adjustment ("BZA") approved that plan by BZA Order No. 16330 on September 2, 1998 (the "Campus Plan").

6. In the University's campus plan document, entitled *UniverCity 20/20: Howard University 1998 Central Campus Plan*, Bethune Hall was indicated as an existing residence hall for women students. The proposed future use was for the then-existing Bethune Hall to be renovated and converted to the Bethune Faculty Center.

7. In the campus plan amendment application, the University indicated several reasons why it requested approval to continue residential use on the site rather than to carry out the Faculty Center project as indicated in the Campus Plan. The reasons for the proposed amendment are summarized as follows:

   (a) Bethune Hall was found to be in very poor physical condition and not worth renovating for any use. It had been vacant for three to four years because of its poor condition. Accordingly the building was demolished.

   (b) The University reassessed the priority of the proposed Faculty Center and determined that its functions were already provided in various locations around the campus.

   (c) Given the major expense and investment represented by new construction, the University decided to advance a higher priority campus objective, namely provision of additional on-campus housing for students. The University is in the process of phasing out its off-campus student housing.

   (d) The replacement Bethune Hall will be a high-quality student residence including numerous academic and life-style amenities.

   (e) The location and residential use are highly compatible with the immediate surroundings and the objectives of the campus plan. New Bethune Hall will effectively complete the three-sided Bethune Annex as a residential enclave surrounding a large courtyard. Another dormitory, Frazier Hall, is immediately

across College Street to the north, and the site is also only 2-3 blocks from the "Quad," which is the focal point and heart of the campus.

8. The University has not at this time made a determination as to whether a new faculty center as proposed in the 1998 Plan will be pursued. This decision will be incorporated in the next updated Campus Plan, which is due to be submitted to the Zoning Commission in 2008.

The Proposed New Residence Hall

9. The Bethune Hall site is located in the east-central part of the main campus, immediately inside the adopted eastern boundary of the campus, and a short distance south of McMillan Reservoir. Surrounding development is as follows. To the north are Frazier Hall (residential) and the College of Pharmacy in three- and four-story buildings. Immediately to the west of Bethune Hall are two- and three-story buildings accommodating television station WHUT and the Chemistry Laser Research Building. To the south is a large, L-shaped surface parking lot that is within the campus plan boundary and the Lewis Elementary School, which is outside the boundary. Immediately to the east is a large historic building that serves as the pumping station for water distribution from McMillan Reservoir.

10. The new Bethune Residence Hall will be a modern, domestically-scaled manor house, designed to provide living accommodations for 312 freshmen women. The proposed rectangular structure will complete the fourth side the existing Bethune Annex, a major residential complex that consists of a large central courtyard framed by two seven-story towers on the east and west and a connecting three-story building on the south.

11. The Annex currently has the capacity to house up to 557 students, and the New Bethune Hall will accommodate 312 students for a total of 869 beds.

12. The south façade of the proposed New Bethune Hall is conceived as a large porch on the manor house facing the landscape of the quad and permitting views toward the City. The narrow site permits spectacular views looking south toward downtown or north toward the McMillan Reservoir. College Street will be converted from a dead-end service drive into a lushly landscaped pedestrian access way connecting the Tubman and Bethune Residential quadrangles.

13. New Bethune Hall is designed to integrate learning and living. A full college experience recognizes that education extends into the social and recreational activities that occur in residence halls. This new residence hall will accordingly include a wellness/fitness center, community room, study room, and meditation room on the lower level. The lower level also accommodates a storage area, the loading dock, the main trash collection room, and a telecom room. On the first floor are the entrance lobby, the "eatery," a computer café, housekeeper's area, storage, community director's apartment, and other offices. The residential floors (two through seven, with 312 beds) will be well served with lounges, study rooms on each floor, laundry facilities, and communal bathrooms. The

exterior of the new building will be brick and limestone veneer. The roof will be constructed of pre-patinated metal.

Zoning and Development Standards

14. The SP-2 zone that applies to the site allows a maximum density of 6.0 FAR for residential uses, including dormitory, and a maximum height of 90 feet. The new Bethune Hall is sited on nearly the same footprint as the former, six-story Bethune Hall. New Bethune as designed is seven stories high and has a height of 85 feet 7 inches, which is within the 90-foot height limit. As to FAR, New Bethune Hall will have 108,063 square feet of gross floor area ("g.f.a."). The subject lot of 99,225 square feet is also improved with the Bethune Annex, which will remain and which has 225,000 square feet of g.f.a., for a total of 333,063 square feet of g.f.a. This total floor area constitutes a density of 3.36 FAR, which is clearly within the 6.0 FAR allowed.

15. The lot occupancy of proposed Bethune Hall is 46 percent, whereas up to 80 percent is allowed for multi-family residential buildings in the SP-2 zone. There is no front yard setback from the proposed extension of College Street, and none is required. A side yard of 36 ½ feet is provided from 4th Street, whereas only 16.36 feet is required. No rear yard is required, as the proposed building connects with the existing Bethune Annex. The University's architects submitted drawings and comments documenting that the roof structures on the building comply with the height, bulk, and setback requirements for such structures.

Compliance with Campus Plan Provisions

16. The proposed building complies with the overall density allowed for the Central Campus in the 1998-2008 campus plan. The Campus Plan Order (BZA #16330) summarizes the existing and permitted density in Finding of Fact No. 18. The allowable density is 2.75 FAR. The existing buildings have a total gross floor area of 6,072,004 square feet on a land area of 4,362,558 square feet, for a campus density of 1.392 FAR. The Bethune Hall replacement building proposed in this Application will add 20,263 square feet of g.f.a. to total improvements on campus, based on 108,063 square feet of g.f.a. proposed in New Bethune minus 87,800 square feet of g.f.a. in former Bethune Hall. The new campus total will be 6,092,267 square feet of g.f.a., constituting a 1.40 FAR and well within the 2.75 FAR allowed under the Campus Plan.

17. Subsection 210.2 of the Zoning Regulations requires that the proposed campus use shall be "not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions." The replacement Bethune Hall will be a continuation of the existing residential use on the site and will add to the residential environment created by the Bethune Annex quadrangle and Frazier Hall across the street. The number of students on campus will not change as a result of this project. Bethune Hall is internal to the campus, so that the student residents will walk to their primary academic and other activities without affecting the neighborhoods surrounding the University. Automobile traffic generated by the residents will be minor. The new residence hall will be occupied by freshman women and the University strongly

discourages freshmen from bringing automobiles on campus. There is little likelihood of any adverse effects being imposed on adjacent neighborhoods as a result of this proposed replacement building.

18. The 1998 Campus Plan Order indicates in Finding of Fact No. 22 that 4,220 parking spaces exist on the campus that the University proposed to reduce the total by 500 spaces and maintain approximately 3,727 spaces. The Order also states, "Seventy-five percent of available spaces are supplied in lots well within short walking distance of all campus buildings." Accordingly, ample parking capacity exists convenient to new Bethune Hall to serve the needs of the future resident students. Such needs are expected to be minimal because of the University's policy to actively discourage underclassmen from having cars on campus. The Commission concludes that there is no practical need to provide parking under the new building and that the University will continue to be in compliance with the approved parking plan in the Campus Plan.

19. Although no parking is required under the Campus Plan, at the public hearing the applicant's architects documented serious constraints that would make parking under New Bethune Hall very difficult and costly. These constraints include immediate proximity of major utility lines serving central Washington, the complications of connecting with the parking garage beneath the Bethune Annex, and the high cost of removing and replacing the existing foundation caissons.

20. In response to concerns raised by ANC 1B in meetings with University representatives about parking generally, the University indicated to the Zoning Commission that it is creating interim parking lots on two properties, one along W Street and one along Georgia Avenue.

21. New Bethune Hall is consistent with and furthers several campus development and design principles as set forth in *UniverCity 20/20*. These include: "gradual and graceful change of the campus by preserving valued [historical] qualities and making connections to the past;" planning for a "unified architectural order;" "conserv[ing] important design characteristics of the campus through uniformity of detail, scale, proportion, texture, materials, color and building form;" and good streetscape design as represented by the physical closing and transformation of College Street in front of Bethune Hall.

22. New Bethune Hall will complete the Bethune quadrangle complex with a highly compatible design that will enhance this section of the campus and emphasize the collegiate and studious atmosphere represented by open space quadrangles. At seven stories and with a brick and limestone exterior, the building's scale, design, and materials will transition between the lower-scaled, Georgian-influenced Frazier Hall to the north and the large-scaled Bethune Annex complex to the south.

Consistency with the Comprehensive Plan

23. The Howard University Central Campus is designated as "Institutional" on the Generalized Land Map of the Land Use Element of the *Comprehensive Plan for the National Capital* (the "Comprehensive Plan"). The Institutional designation is designed

to substantially coincide with the campus plan boundaries. The proposed use is clearly part of the institution of the University and is consistent with the land use policies of the city's Comprehensive Plan.

Report of the Office of Planning

24. The report of the Office of Planning ("OP"), dated September 22, 2003, recommended approval of the applications. An OP representative also testified in support of approval at the public hearing. The report noted that "the proposed development will positively impact the quality of life on campus," and "[P]roviding housing on the main campus is consistent with the University's aim to house as many of its students on campus as is possible." (OP report, p. 4) OP stated that there would be no adverse effects from constructing a new dormitory in this location. The report indicated that a campus plan amendment was required in order to approve the special exception for New Bethune Hall and recommended that occupancy be limited to female underclassmen.

Reports of Other Government Agencies

25. The Metropolitan Police Department, the Fire and Emergency Medical Services Department, and the D.C. Water and Sewer Administration submitted reports stating that the proposed development will not negatively affect their services or capacity. The report of the D.C. Department of Transportation ("DDOT") was not submitted by the close of the record. However, at the public hearing the OP representative indicated that DDOT staff had advised the OP that DDOT had no objections to the project.

Advisory Neighborhood Commissions

26. At its meeting of August 7, 2003, Advisory Neighborhood Commission 1B voted unanimously to support the Zoning Commission's approval of the proposed New Bethune Residence Hall. ANC 1B submitted a written statement in compliance with zoning requirements regarding the ANC being accorded "great weight," and the Secretary of the ANC testified in support at the public hearing. ANC 5C also unanimously voted to support the applications and submitted a letter in support dated September 22, 2003.

Other Community Organizations

27. The following community organizations in the neighborhoods surrounding Howard University submitted letters in support of the applications: the LeDroit Park Civic Association and the Bloomingdale Civic Association. The development team for the New Bethune Hall made a presentation before the Community Advisory Committee sponsored by the University, and no objections were raised by member neighborhood organizations and residents at that time.

Other Public Testimony

28. Other than that of ANC 1B, there was no public testimony in support of or opposition to the applications.

CONCLUSIONS OF LAW

1. Based on the Findings of Fact and the evidence of record, the University is seeking a campus plan amendment and a special exception pursuant to §§ 3104.1 and 210 of the Zoning Regulations for approval of proposed New Bethune Residence Hall. The Commission concludes that the University has met its burden of proof in complying with the applicable zoning standards.

2. The proposed New Bethune Hall is consistent with the City's applicable planning policies and with the college and university special exception standards of the Zoning Regulations at 11 DCMR § 210. The proposed replacement building is also consistent with the University's adopted campus plan, as proposed for amendment in this application, and will not cause any objectionable conditions affecting neighboring properties.

DECISION

The Commission has accorded ANCs 1B and 5C and the Office of Planning the "great weight" to which they are entitled. Accordingly, it is ordered that this application is **GRANTED.**[1]

VOTE: **4-0-1** (Peter G. May, Anthony J. Hood, Carol J. Mitten, and John G. Parsons to approve; James H. Hannaham, not present, 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: AUG 16 2004

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 (10) DAYS AFTER IT BECOMES FINAL.

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[1] Notwithstanding §§ 3125.7 & 3125.8, the Commission is providing flexibility regarding the design of the penthouse to permit minor changes to the pitch and the design of the eaves and to permit minor changes to the material used for the roof, the facade, and the openings.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO (2) 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 § 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 BY THE COMMISSION.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. 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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION THAT IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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