APPLICATION BY HOWARD UNIVERSITY
FOR REVIEW AND APPROVAL OF A SPECIAL EXCEPTIONS
FOR
INTERIM USE OF AN EXISTING BUILDING
AS GRANT MANAGEMENT OFFICES

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June 29, 2004

I. INTRODUCTION

This application by the President and Directors of Howard University (the "University" or "Howard"), requests special exception approval under 11 DCMR §§ 3104.1 and 210 of the Zoning Regulations to allow the use of an existing building and adjacent vacant land at 1840-50 7th Street, N.W. (Square 417, Lots 53, 42-46 and 822, the "Property") for a university use. Subsection 210.5 of the college or university use provisions allows an interim use "within a reasonable distance of the college or university campus, and subject to compliance with § 210.2 . . ." This application also requests approval of a second special exception for a reduction in parking spaces pursuant to § 2108.

Approximately five years ago, the Peoples Involvement Corporation ("PIC") and the Peoples Health Care Foundation completed construction of the existing three-story, 125-bed, vacant nursing home on the site, located at the northwest corner of 7th and S Streets, N.W. The Property was previously Urban Renewal Parcel No. 30. The underlying land was acquired by PIC from the old D.C. Redevelopment Land Agency. The project was constructed under a special exception approval for the health care use and a variance from the lot occupancy requirements (44 percent vs. 40% allowed). It included 33 parking spaces along the southern and western sides of the building. The

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District of Columbia
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EXHIBIT NO.6

application was approved by BZA Order No. 15936, dated April 29, 1994 and a Modification Order dated September 26, 1994. The intent was to provide skilled nursing and intermediate health care services to primarily low- and moderate-income persons. The building was constructed in the late 1990s but was never occupied because of lack of public funding for operations after the structure was built.

Howard University purchased the vacant property more than two years ago with the intention of using it as a residence hall for students temporarily displaced from Drew Hall, which was being renovated. This "swing" space proved unnecessary, however, and the University now proposes that the building be used as the Howard University Research Building No. 1. It would accommodate faculty offices for grant management, primarily for professors and others involved in applying for and managing federal government and other research and academic grants. The actual laboratory, research and other work under the grants occurs elsewhere. This is an urgent need for the University at the present time, as there is a danger of losing a number of grants due to lack of space to perform the necessary work.

The Property is zoned R-4, a moderate-density residential zone that allows matter-of-right development of detached, semi-detached and row dwellings, flats and conversions of existing buildings to apartments. Various other uses are allowed, including rooming and boarding houses, dormitories, fraternities and sororities and a variety of special exception uses. The maximum permitted building height is 3 stories and 40 feet, and maximum lot occupancy is 60 percent. College or university use is allowed as a special exception pursuant to conditions set forth in 11 DCMR § 210.

The Property is in the Shaw Circle neighborhood is within the boundaries of Advisory Neighborhood Commission ("ANC") 1B, single member district 1B01.

II. THE SUBJECT PROPERTY AND THE VICINITY

The property included in this application consists of the entire west frontage of 7th Street, N.W. from S to T Streets, from 7th Street to the north-south alley that bisects the square. Lot 53, which constitutes approximately the southern four-fifths of the 7th Street frontage, is improved with the subject vacant nursing home. This lot is rectilinear, being 95 feet in width and 345.70 feet in length for a land area of 34,742 square feet ("s.f."). The six smaller lots (Lots 42-46 and 822) immediately to the north of the vacant building are also owned by the University and form a nearly square property at the corner of 7th and T Streets, N.W. These smaller lots have a combined area of 7,809 s.f., for a total site area of 42,551 s.f. included in this application.[1] The smaller property will provide some of the surface parking to serve the building.

The existing vacant nursing home building is an attractive three-story brick building having 50,025 s.f. of gross floor area ("g.f.a."), for a floor area ratio of 1.43 FAR on Lot 53.[2] From visual inspection, it appears to be in excellent condition inside and out and is secured from intruders by a chain link fence. The layout of the building is well suited for office use. The rooms vary in size depending upon the number of beds they were designed to accommodate. Each room has only a relatively small half-bathroom, which will not need to be removed for office use. Windows are ample in size, providing excellent natural light to all rooms and corridors as well.

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[1] See the "Property Location and Neighborhood Context" map in *Exhibit A* and the "Zoning Map" in *Exhibit B*.

Directly across 7th Street from the Property is an entrance to the Shaw-Howard University Metrorail station. A large, L-shaped vacant site owned by the Washington Metropolitan Area Transit Authority ("WMATA") abuts the station's entrance plaza on two sides. It will be developed following disposition by WMATA. Proceeding north from the vacant site along the east frontage of 7th Street, the existing development pattern is retail and service uses (including vacant spaces) in townhouse type buildings to T Street and from T Street to U Street. To the east of the WMATA property is the vacant, warehouse structure known as the Wonder Bread Building. Farther to the north and fronting on T Street is the long-vacant and historic Howard Theater.

To the south of the Metrorail station, at the southeast corner of the intersection of 7th and S Streets, N.W. is the Howard University Welcome Center. The uses in this building may relocate to 1840 7th Street as an active, ground floor use, if this application is approved.

Directly to the south of the Property is a high-rise apartment building on 7th Street and garden apartments on the western half of the square oriented to 8th Street and the next block to the west. These buildings constitute the Lincoln-Westmoreland Apartments, a successful low- and moderate-income housing complex constructed in the 1970s. North of T Street, on the west frontage of 7th Street, is a large CVS drug store and other retail and service uses.

Immediately to the west of the Property, across the 15-foot-wide alley, is the Grover Cleveland Elementary School, an attractive four-story brick structure of

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[2] See the photographs of the subject property and vicinity in *Exhibit C.*

approximately the same height as the vacant nursing home building. South of the elementary school, the remaining frontage of 8th Street in this square is improved with townhouses and a small apartment house. The townhouses continue for a half block along S Street. Proceeding to the west of the Property generally, the land use pattern is predominantly townhouses in the heart of the Shaw neighborhood.

III. THE REQUESTED SPECIAL EXCEPTION – UNIVERSITY USE

Section 210 of the Zoning Regulations allows college or university use as a special exception in residential zones. The main clause (§210.1) authorizes the use, and the remaining provisions from §§ 210.2 through 210.10 set forth the conditions for approval. Most of these relate to campus plan situations and are not relevant to this application. The two relevant provisions are set forth and discussed below.

> *210.5 Within a reasonable distance of the college or university campus, and subject to compliance with § 210.2, the Commission may also permit the interim use of land or improved property with any use that the Commission may determine is a proper college or university function.*

Reasonable Distance from the Campus

The Property is located two or two-and-one-half blocks south of the Main Campus of Howard University. The nearest adopted campus boundary is the corner of U Street and Georgia Avenue, N.W., which is virtually at the intersection of Florida Avenue and 7th Street, N.W.[3] (Seventh Street becomes Georgia Avenue north of Florida Avenue.) Thus, the Property is approximately 1,000 to 1,200 feet south of the campus. This is clearly within easy walking distance. More importantly, the University operates a shuttle bus service on a frequent schedule between the Main Campus and the Shaw-

[3] See the Howard University Main Campus boundary map in *Exhibit D.*

Howard University Metrorail station and the Howard University Welcome Center. The Metrorail station is directly across the street from the Property, and the Welcome Center is diagonally across 7th and S Streets from the Property. The proposed use is quite independent of other campus uses, so that few trips to and from the campus will occur.

Proper University Function

Additional space for the proposed grant management office space is urgently needed by the University. Obtaining and executing academic grants are essential University functions. Grants fund academic research which augment faculty expertise and stature as well as provide educational and work/study opportunities for students. The proposed office space will provide needed facilities to expand this important and proper University function.

The proposed use presents no adverse impacts. It will generate little if any noise extending beyond the walls of the building and only limited amounts of vehicular traffic. Many of the future occupants of the building already have reserved parking spaces on the Main Campus and will park there and walk or take the shuttle bus to the building.

The proposed use is also "reasonable" because it can function quite independently of other uses on the Main Campus. There are no classes or other daily student activities to be conducted at the Property, so that it does not need to be in the heart of the campus to meet the time schedules of students going from one class or other activity to another.

Interim Nature of Proposed Use. The proposed use is interim in nature for two reasons. First, it is difficult to predict the volume and type of grant work the University will need over time. Second, as will be discussed in more detail on page 9, the University

will seek a future rezoning of the subject property to C-2-B, which permits a broad range of uses, thus opening up the possibility of other uses of the property in the future.

Not Objectionable to Neighboring Property. The second and the only other applicable standard for approval of interim use under § 210 is § 210.2, as follows:

> *210.2 Use as a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.*

The following statements under individual headings for each potential impact indicate that the use will not become objectionable to neighboring property.

Noise. The proposed program offices will be quiet uses. There will be no processing of products that would generate noise, no assemblies of significant numbers of people or performances. The minor level of noise generated by this office use will be insignificant on this busy section of 7th Street, with ample amounts of vehicular traffic, a Metrorail station entrance directly across the street and pedestrians going to and from nearby retail and service establishments.

Traffic. The location of the building is directly across the street from a Metrorail station and is also within walking distance of the main campus of Howard University. Metrobus lines also operate along 7th Street. Therefore, a high percentage of the faculty members using the offices will arrive by public transit or on foot. The same will be true of student visitors or helpers at the grantee offices that will occupy the building. Nonetheless, the plans call for 50 parking spaces to be provided at the southern and northern ends of the building.

Number of Students. There will be no student functions or students in the building. In this case the principal occupants will be faculty and staff members engaged

in grant management. In the sense of general human activity expected to occur at the premises, the building is proposed to accommodate approximately 675 faculty and staff members. There will be no overcrowding of the building, and the proposed activity level will be in keeping with the activity level expected at this location on a major arterial street adjacent to a Metrorail station.

Other Objectionable Conditions. The Applicant is not aware of any other objectionable conditions that will arise as a result of this vacant building being occupied as program offices of the University. Indeed, it will be a benefit to the neighborhood as well as the University to achieve occupancy of this long-vacant building. As noted previously, WMATA controls a vacant site proposed for development directly across the street, and just beyond that site is the vacant Wonder Bread Building, to the north of which is the long-vacant, historic Howard Theater. The occupancy of 1840 7th Street will help create a more positive environment for renovation of the latter two buildings and development of the WMATA site to occur.

Subsection 3104.1. The generic special exception standards of § 3104.1 provide that special exceptions may be granted "where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property . . ."

The lack of adverse effects on the use of neighboring property has been addressed in the previous section. The proposed use in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map in that the proposed university use is

explicitly allowed as a special exception subject to criteria that the application complies with, in the opinion of the Applicant.

It is significant that the Property, although zoned R-4, fronts on a very busy section of 7th Street, N.W. in terms of vehicular traffic and pedestrian activity related to the Metrorail station, the Howard University Welcome Center and nearby retail uses. In this regard, two current planning policies are relevant.

First, the Generalized Land Use Map of the *Comprehensive Plan for the National Capitol* calls for mixed-use development of the subject property including low-density commercial and moderate density residential uses. The existing building, at 1.43 FAR and 40 feet in height, is clearly low-density commercial in terms of the Office of Planning's usual interpretation of the Plan's intent.

Second, a more current and more detailed land use policy is included in a draft "Convention Center Strategic Action Plan" prepared by the Office of Planning in cooperation with consultants and community organizations. This proposed plan recommends that the subject property in this application be rezoned from R-4 to C-2-C/Arts. The rationale for this recommendation is that the 7th Street frontage properties to the north, east and south all are zoned C-2-B/Arts, and this location should also be zoned for commercial and mixed uses. The allowed 1.5 FAR for office and other commercial uses in C-2-B would accommodate the proposed office use as a matter of right. The University considered applying for a map amendment consistent with the draft plan, but the map amendment process would take six to eight months, thereby maintaining the building as vacant for at least half of the 2004-2005 academic year. The University urgently needs the space in the subject building.

IV. REQUESTED SPECIAL EXCEPTION – PARKING REDUCTION

In § 2108 the Zoning Regulations allow the Board to reduce the number of required parking spaces for a use. Subsection 2108.2, in pertinent part, provides that the parking reduction may not exceed 50 percent of the requirement in the case of a use that is in the category of "All Other Uses" in the parking schedule set forth in § 2101.1.

Regarding the subject building, the parking requirement indicated in § 2101.1 for university use refers to "on the campus" and also provides a ratio related to the number of teachers. In this case, the proposed use is off-campus, and there will be no "teachers" in the building in terms of the land use orientation of the Zoning Regulations. Subsection 2106 is also not applicable, in that it applies to properties governed by a campus plan. This property is located outside the boundaries of the University's Main Campus. Furthermore, because office use is not a permitted use in the R-4 District, the applicable parking requirement appears to be one space for each 600 square feet of gross floor area and cellar floor area as required for "All Other Uses."

Under the 1/600 standard, the subject building of 50,025 square feet of gross floor area has a requirement of 84 spaces. The plans and the application propose a total of 50 spaces. Accordingly, the Applicant requests a reduction in required parking from the required 84 spaces to the 50 spaces provided. The criteria for approval are reviewed below.

As to § 2108.2, the reduction of 34 spaces from a requirement of 84 spaces is substantially less than the 50 percent reduction allowed for a requirement under "All Other Uses."

Subsection 2108.3 directs the Board to consider several possible factors, which are addressed as follows.

2108.3(a) Nature and Location of the Structure. The structure will be used for university offices for grant management, a semi-independent function of Howard University, yet within easy walking or shuttle bus distance from the campus.

2108.3(b) Maximum Occupancy. The maximum number of faculty and staff who will use the building is projected to be approximately 675 individuals. This is a comfortable occupancy load for the building and the site in this high-activity location. There will be very few visitor or guests coming to the premises, and those few will primarily be arriving from the Main Campus on foot or by shuttle bus.

2108.3.(c) Projected Traffic to be Generated. As stated previously, many of the future occupants of the building already have reserved parking spaces on campus and will park there and walk or take the shuttle bus to the Property. The 50 parking spaces provided on-site will be almost exclusively used in the a.m. and p.m. peak periods when faculty and staff occupants of the building arrive and depart from work. There will be little in-and-out vehicular movement. This level of parking use on a major thoroughfare is fairly common and will not create any objectionable effects on neighboring property. The presence of the Metrorail station across the street also assists in moderating vehicular trips to and from the site.

2108.3(d) Quantity of Other Parking Available. The University believes that the 50 on-site parking spaces, plus parking on the Main Campus accessed by shuttle bus or on foot and the convenience of the Metrorail station across the street will all work to absolutely minimize any need for additional off-street commercial parking. In response

to this criterion, the Applicant's primary response is that the Main Campus is a significant repository of nearby off-street parking that will satisfy a significant part of the parking need for this building.

2108.3(e) Availability of Public Transportation and Ride-Sharing. As stated previously, there is a Metrorail station directly across the street from the building and Metrobus service on 7th Street. The availability of reserved parking on the Main Campus for many of the projected faculty members who will occupy the building amounts to the equivalent of a ride-sharing program.

V. Conclusion

The Applicant believes that this Statement fully and satisfactorily documents that the application fully complies with the criteria for approval of each of the two requested special exceptions. Therefore, the Applicant requests that the Commission approve the proposed interim university use and parking reduction.

Respectfully submitted,

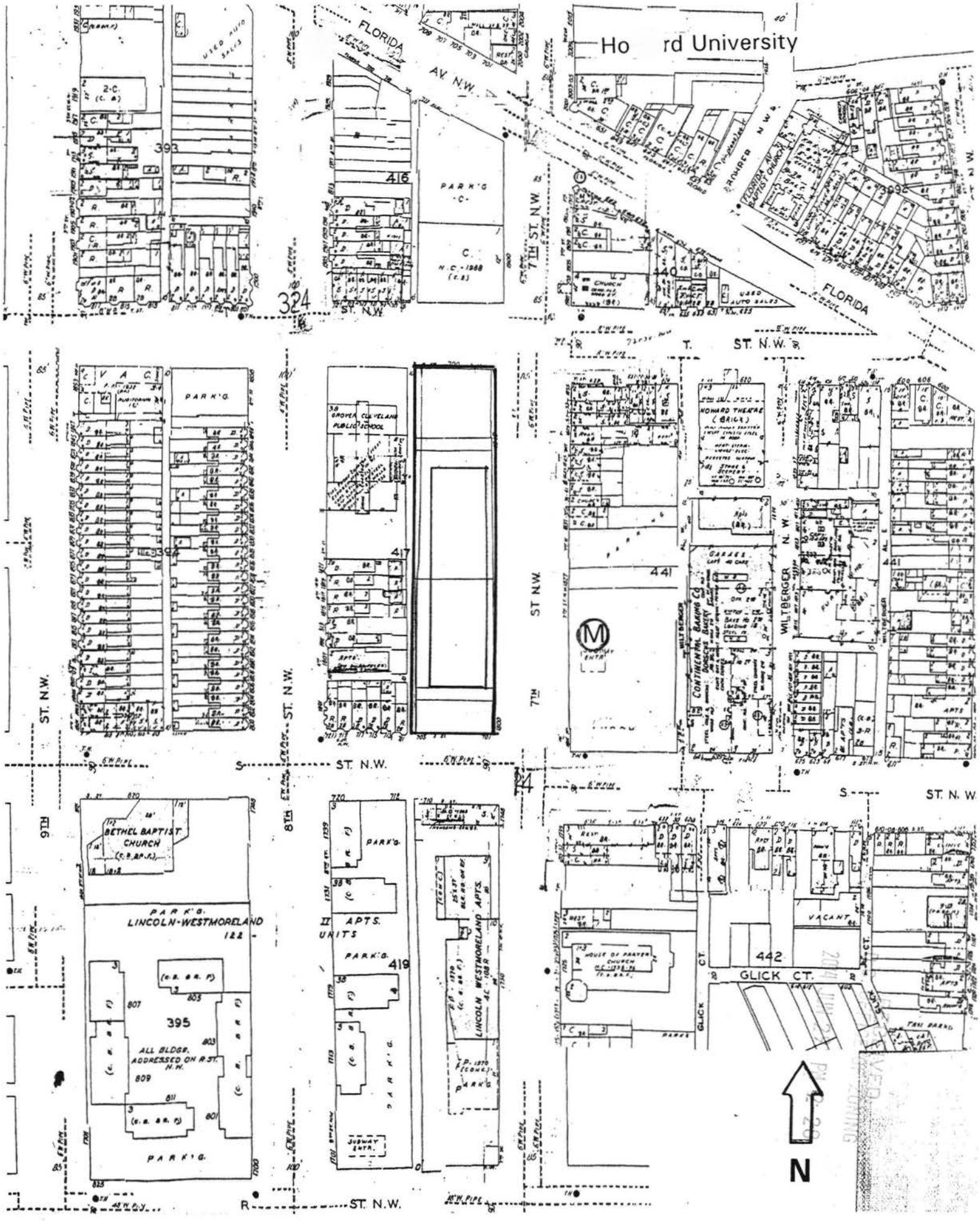
Cynthia A. Giordano

Nathan W. Gross, AICP

Attachments

Exhibit A: Property Location and Neighborhood Context Map

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PROPERTY LOCATION AND NEIGHBORHOOD CONTEXT

Exhibit B: Existing Zoning Map

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EXISTING ZONING

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Exhibit C: Photographs of the Subject Property and Vicinity

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The subject building (1840 7th Street, N.W.) as seen from the Metrorail station across the street.



View of the subject building looking southwest across 7th Street, N.W. The Lincoln-Westmoreland apartment building is seen at the far left of the photograph, located to the south of S Street.



The Shaw-Howard University Metrorail station (as seen from the third floor of the vacant nursing home building), the L-shaped, vacant site owned by WMATA and the vacant Wonderbread Building immediately to the east.



The active retail street frontage diagonally to the northeast from 1840 7th Street, with a high-rise Howard University building in the background, two blocks away.



The Howard University Welcome Center at the southeast corner of 7th and S Streets, N.W., situated diagonally from the subject property.



Large CVS pharmacy to the north of T Street from the subject property, with other retail and mixed uses on U Street in the background.



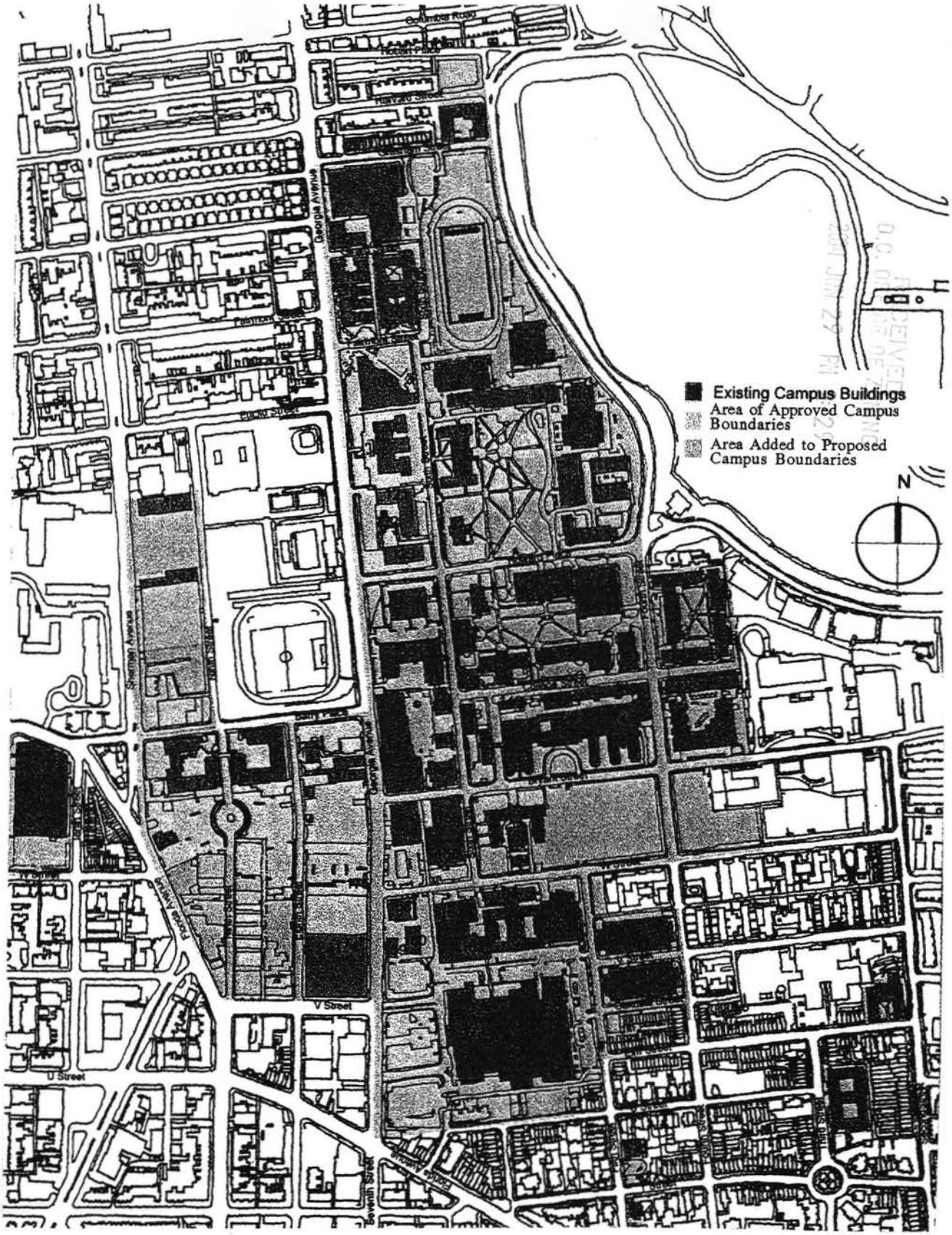
The north end of the vacant building, with the four-story Cleveland Elementary School building immediately to the west across an alley.



The south end of the subject building, with townhouses near the corner of 8th and S Streets, N.W. in the foreground.

Exhibit D: Campus Plan Boundary Map

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HOWARD UNIVERISTY CAMPUS PLAN BOUNDARIES

Source: *University 20/20: Howard University 1998 Central Campus Plan*