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APPLICATION BY HOWARD UNIVERSITY
FOR REVIEW AND APPROVAL OF A SPECIAL EXCEPTION
FOR
A PARKING LOT AS AN INTERIM, OFF-CAMPUS USE
February 14, 2006

I. Introduction

This application by the President and Directors of Howard University (the "University") requests special exception approval under 11 DCMR §§ 3104.1 and 210 of the Zoning Regulations to allow the use of land in Square 2872, Lots 266-271, 803, 820, 822, 823 and 824 (the "Property") for interim university use. Square 2872 is a triangular-shaped square bound by Florida Avenue on the west and south, Barry Place on the north, and Sherman Avenue on the east, all N W.

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 criteria in § 210.2 . ." The proposed use is a parking lot for University use on a site that is just outside the campus plan boundaries, which end at Sherman Avenue along the east side of the Property

II. The Property and the Vicinity

The Property proposed for parking lot use consists of an assemblage of 9,954 square feet of land area The site constitutes the great majority of the property in Square 2872, specifically the lots enumerated above The principal exception is an existing large house with a sign for a nonconforming commercial use at the southern point of this triangular block.[1] The parking lot

[1] This house is clearly shown on the Project Plans attached as *Exhibit D* and also on the "Site Location and Neighborhood Context Map" in *Exhibit B*

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site is essentially triangular in shape and is vacant except for three old and primarily vacant, two-story residential buildings that are scheduled to be demolished.[2]

The immediate land use context is dominated by several large buildings and sites. To the east of the site, across Sherman Avenue, are two large, high-rise apartment houses, developed and owned by the University and occupied by students and faculty. To the north, across Barry Place, is a large, high-rise apartment house. To the west of this apartment house, across 11th Street is the large campus of Cardozo High School. Directly to the west of the Property (across 10th Street) is the Howard University Service Center, a large, brick industrial type of structure. To the southeast, along the east frontage of Florida Avenue, is underutilized land that will be developed with University uses in the future.

Due south of the subject property are squares predominantly improved with townhouses, conversions and scattered, small nonconforming commercial uses Infill construction of mid-rise apartment buildings is also occurring on vacant lots in this vicinity.[3]

As depicted on the "Zoning Map" in *Exhibit C*, the Property is within an R-5-B District that encompasses 10 or 12 city blocks to the north and west. The two large apartment houses to the east of Sherman Avenue are zoned R-5-E, and CR zoning extends to the south of these in the area formerly zoned light industrial To the south, beyond the R-5-B zoning, is an area zoned C-2-B/Arts.

III. The Proposed Parking Lot

As depicted in the plans in *Exhibit D*, the proposed parking lot will have 23 spaces and will have access from Florida Avenue. The majority of the site is vacant, and the deteriorated,

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[2] See the photographs of the subject property in *Exhibit A*

[3] See the "Site Location and Neighborhood Context Map" *in Exhibit B* and the "Zoning Map" in *Exhibit C*

two-story buildings on Lots 820, 822 and 823 will be demolished. The parking lot will be surrounded by a metal fence with brick piers. The plans include new landscaped areas oriented to the corners of the site at Sherman Avenue and Barry Place and at Florida Avenue and Barry Place The surface will be bituminous concrete, with yellow striping and concrete wheel stops.

The lot will primarily serve faculty members and potentially some students, who will be able to park and walk two or three blocks to the east to buildings on the Main Campus of Howard University..

IV. Compliance with Zoning Criteria

The Property is zoned R-5-B, a moderate-density apartment house zone that permits matter-of-right development of general residential uses including single-family dwellings, flats and apartments to a maximum density of 1.8 FAR and a maximum height of 50 feet. Various uses are also allowed as special exceptions, including college or university use.

Section 210 of the R-1 District provisions allows college or university use as a special exception, and this authority carries over to the R-2 through R-5 zone districts. Directly applicable to this Application is § 210 5, which provides.

> *210 5 Within a reasonable distance of the college or university campus, and subject to compliance with §§ 210 2 and 3104, the [Zoning] 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*

Sub-section 210.2, in turn provides

> *210 2 The college or university use 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.*

Finally, § 3104 is the authorizing provision for Board of Zoning Adjustment approval of special exceptions generically. The requirements therein govern all special exceptions. Sub-section 3104.1 is as follows:

3104 1 The Board is authorized under § 8 of the Zoning Act to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property , subject in each case to the special conditions specified in this title

The proposed University parking lot is evaluated below in terms of the zoning standards cited above. This Application also addresses the standards for construction of parking lots as set forth in § 2303 of the Zoning Regulations

The proposed parking lot will not become objectionable to adjoining or nearby property for the following reasons·

- Vehicular entry to and egress from the parking lot will be from Florida Avenue, a principal arterial street.
- The accessory parking will be surrounded by an attractive fence to provide visual screening for the public and from nearby land and building uses
- The parking spaces will serve only faculty, staff or students of Howard University, which is located immediately to the east of the proposed parking lot These persons will tend to park and stay a number of hours at the University, thus resulting in little in-and-out vehicular traffic.
- The immediate proximity to the University makes for an efficient land use pattern, in that the users can walk to the campus. This is in keeping with the general purpose and intent of the Zoning Regulations in allowing an interim college or university use near a campus as a special exception
- At 23 spaces, the parking lot is not large, and will accordingly create only a moderate amount of traffic. It will function primarily as a commuter lot, with the faculty and students arriving in the morning and staying most of the day. Consequently, the lot will not create any noticeable traffic safety or traffic noise effects. In-and-out traffic from the parking lot will generally be less than that created by a building on the same property
- The apartment buildings to the north and east, and nearby row dwellings, are across city streets and have ample separation from the parking use so as to avoid any adverse traffic or noise effects.

V. Compliance with the Zoning Regulations in 11 DCMR § 2303 – Parking Lots

The Applicant also offers the following comments on the criteria in 11 DCMR regarding parking lots

2303 1 A parking lot in any district shall conform to the following special provisions

> *(a) All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials or other materials or other material approved by the District of Columbia Department of Public Works as structurally equivalent or better, which form an all-weather impervious surface, and which is a minimum of four inches (4 in) in thickness*

Comment: The Applicant's plans provide for a bituminous concrete surface that complies with this provision.

> *(b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line*

Comment· Complies. The parking lot will be surrounded by a new metal fence, and the parking spaces on the property will have concrete wheel stops See the "Site Plan" on Sheet 1 0 of the plans attached as *Exhibit D*

> *(c) No other use shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the district in which the parking lot is located*

Comment. Complies. Parking will be the sole use of the Property.

> *(d) No vehicular entrance or exit shall be within forty feet (40 ft) of a street intersection as measured from the intersection of the curb lines extended*

Comment: Complies The entrance driveway is more than 40 feet from either of the two nearest intersections -- Florida Avenue/Sherman Avenue and Florida Avenue/10th Street.

> *(e) Any lighting used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.*

Comment: Complies. The lighting has been designed so that all direct rays are confined to the surface of the parking lot.

> *(f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval*

Comment: Applicant will fully comply with these maintenance, landscaping and buffering standards Two rectangular areas of landscaping are proposed, near the corners at Florida Avenue/Barry Place and Sherman Avenue/Barry Place.

VI. Conclusion

As indicated in this statement, the proposed interim university use complies with the specific special exception criteria under § 210 and respectfully requests that the Zoning Commission approve the application.

Sincerely,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Nathan W Gross, AICP

Attachments