

**BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA**

**Application of President and Trustees of
Howard University**

ANC 1B

**Amendment to Central Campus
Plan and Further Processing Application**

PRELIMINARY STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

Pursuant to 11 DCMR Section 3104 and in accordance with Section 210 of the Zoning Regulations, the President and Trustees of Howard University (hereinafter "**Howard**" or the "**University**") request to amend the Central Campus Plan in 1998 and request special exception approval for the further processing of the approved Campus Plan to permit the construction of a the Men's Residential Living and Learning Center ("**LLC**").

The Applicant also seeks a special exception pursuant to Section 411.11 to allow three separate enclosures for its penthouse and mechanical equipment and for locating two of the rooftop structures within the required setback from the exterior walls. As demonstrated below, Howard satisfies the requirements set forth in the Zoning Regulations for the requested relief.

II. INTRODUCTORY STATEMENT

Howard submitted its proposed Campus Plan for the period 1998 through 2008 (the "**Campus Plan**") to the Board of Zoning Adjustment ("**BZA**" or "**Board**") on January 29, 1998. The Campus Plan was approved subject to conditions, including a condition requiring Howard to submit a special exception application to the BZA for each new structure the University proposes to construct. Since approval of the Campus Plan in 1998, the University has filed and the Zoning Commission has approved an application for further processing to construct a replacement for

Bethune Hall at 2255 4th Street, NW in 2003¹, as well as a modification to the Campus Plan to allow residential use at the site. The University also requested a special exception to allow the interim use of an existing, vacant building for occupancy as grant offices of Howard University. Finally, the University has requested, and the Zoning Commission approved, a special exception to use vacant property near the Campus as a parking lot in the interim before it submits its updated Campus Plan in 2008.

III. JURISDICTION OF THE COMMISSION

A. Jurisdiction to Hear Further Processing Applications

Effective December 8, 2000, the authority to hear and decide new campus plan and further processing applications became exclusively vested in the D.C. Zoning Commission (the “**Commission**”) pursuant to 11 DCMR § 3035. Each case is processed and heard under the special exception provisions of § 210 of 11 DCMR.

Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. In considering special exception applications, the Commission must consider only whether the relevant conditions and special exception criteria have been met. If the applicant meets its burden, the Commission ordinarily must grant the application. *See First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 965 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1978).

The D. C. Court of Appeals has reaffirmed the reviewing agency's jurisdiction and scope of review in campus plan cases and has made clear that in reaching its decision the reviewing agency may take into consideration such factors as institutional necessity. *See, e.g., Draude v.*

¹ To date, the approved building has not been constructed.

District of Columbia Board of Zoning Adjustment, 582 A.2d 949, 955 (1990). Further, the Court has distinguished the broader public good referenced in the Zoning Regulations from the more narrow interests of neighboring property owners.

B. Jurisdiction to Hear Request for Additional Special Exception Relief

Section 3104.5 of the Zoning Regulations authorizes the Commission to approve all applications for special exceptions for college and university uses and requires the Commission to use the Board of Zoning Adjustment Rules of Practice and Procedure in doing so.

IV. DESCRIPTION OF THE PROPOSED LIVING AND LEARNING CENTER

Howard proposes to construct a new Men's Residential Living and Learning Center for undergraduate male freshmen on a vacant site of Howard's main campus. See plans for the LLC attached as Exhibit E. A residential living and learning center is a new approach to providing on-campus housing for students and its objective is to create a communal living/learning environment that enhances the first-year academic and social experience for incoming male students. It centralizes the university experience by providing residential units, classrooms, laboratories, a computer lab, and faculty offices within one building. This model not only redefines convenience for its students, but it also exemplifies efficiency in housing that is cost effective for the University.

The proposed building will be placed on a currently vacant site along the eastern edge of the campus, between Crampton Auditorium, Childers Hall and Greene Memorial Stadium. The women's gymnasium previously occupied the proposed site, but was razed in July 2001. The LLC will take the place of the outdated Drew Hall, which was constructed in 1957 and is due to be vacated in 2008. The LLC will be conveniently located adjacent to the Blackburn Center, which houses the main University dining areas and other student recreation and activity

opportunities.

The composition of the LLC provides for parking and academic space on the lower levels and residential units on the upper levels. There is a significant grade change on the proposed building site; in order to take advantage of the property's slope toward Fifth Street, one level of parking is recessed completely below grade. A dedicated floor for learning and socialization containing a mixture of academic space, faculty offices and communal activities is terraced into the hillside on the next level, providing sweeping views of McMillan Reservoir. The first floor of the building consists of a mixture of living/learning spaces, while residential space is provided on the upper four floors.

The building will be 50 feet tall (five stories) and consist of approximately 117,465 gross square feet of construction. The proposed building will include 73 below grade parking spaces and 22 surface spaces. The LLC will house approximately 165 residential units that can accommodate up to 414 male undergraduate students. The vast majority of the rooms will be double occupancy units (61%), but single (5%), triple (10%) and quadruple (24%) occupancy rooms will also be available. An apartment for both a community director and a graduate assistant will also be located on-site.

The architectural expression of the proposed building will be compatible with nearby historic buildings on the Campus including Founders Library, Douglass Hall and Cook Hall, as well as more recent buildings such as Childers Hall, Locke Hall and Crampton Auditorium. The building has been designed to blend comfortably with the historic character of the Howard campus through the use of compatible building materials, traditional façade composition and a sloping roofline. At the same time, the new building exhibits a contemporary feel through generous use of glazing. A lighted rooftop cupola will provide a distinctive presence for the

building and building facades will be constructed of red brick with cast-stone and/or pre-cast concrete trim. A mixture of punched window openings and larger glazed areas will add interest to the building facades and will allow extensive natural light into public spaces and office areas. A rooftop screen will mask the penthouse and cooling tower on the roof, contributing to the building's overall aesthetic. Plans, elevations, and sections of the proposed LLC building are attached as Exhibit E. The area surrounding the LLC will include landscaping and brick, stone, asphalt and concrete hardscape features. See the landscape concept plan attached as Exhibit J.

V. REQUESTED SPECIAL EXCEPTIONS

A. Compliance with Requirements of Section 210

In all respects, the requested special exception approval fully complies with §210 of the Zoning Regulations. The specific zoning requirements, and Howard's satisfaction of those requirements, are addressed in detail below.

1. College or University which is an Academic Institution of Higher Learning (Subsection 210.1)

Howard University was founded in 1867 and is fully accredited. It boasts 12 schools and colleges and offers degree programs in more than 160 specialized subjects with doctorals offered in more than 23 areas.

2. The Use is Located so that it is Not Likely to Become Objectionable to Neighboring Property (Subsection 210.2)

No student enrollment or faculty and staff increase is directly related to the construction of the LLC. The building site is bound by Fifth Street, the Blackburn University Center, Childers Hall, Cramton Auditorium and Greene Stadium, and is in the heart of the Howard campus. The LLC will be located on the eastern portion of the campus, and will be sufficiently buffered by McMillan Reservoir to the east and the main campus to the west. Given that it will

be removed from neighboring properties, it will not have any objectionable noise impact on the surrounding area.

The proposed 95 parking spaces provided with the LLC are not expected to cause any redistribution of traffic on neighboring streets related to vehicles coming to Howard's campus, primarily because of the site's location in the interior of the campus. The parking will be available for faculty and staff. Pursuant to University policy, freshmen students are not permitted to keep cars on campus. These spaces replace parking previously available at this site; no additional traffic is anticipated in relation to the construction of this building. There are several points of access to the Howard campus; thus, vehicles driving to the site will be dispersed among several roads.

3. Compliance with the Maximum Bulk Requirements (Subsection 210.3)

As of Howard's 1998 Campus Plan, the overall floor area ratio ("FAR") for the campus was well within the permitted boundaries under the Zoning Regulations. Pursuant to paragraph 18 of BZA Order Number 16330, a maximum 2.75 FAR is permitted for development of Howard's entire campus. The existing FAR of the Howard Campus is 1.38. The proposed project will add approximately 117,465 square feet to campus development, increasing the FAR to 1.41, which remains well within the maximum FAR limit.

4. Submission of a Plan for Developing the Campus as a Whole (Subsection 210.4)

As noted above, Howard filed its 1998-2008 Campus Plan on January 29, 1998. The Board issued Order No. 16330 approving the Campus Plan. The current further processing application will require a revision of this Campus Plan. Howard's initial Campus Plan did not contemplate additional residential housing and though additional classroom and faculty space was planned, it was not specifically proposed for this site.

The Howard Campus is located in multiple Zone Districts, including R-4, R-5-B, R-5-E, SP-2, CR, C-2-A, C-M-2 and C-M-3. The allowable FAR for the Campus is 2.75 and at the time the 1998 Campus Plan was approved, the Howard Campus had 6,072,004 square feet of gross floor area and an existing ground area of 4,362,558 square feet, resulting in a FAR of 1.39. BZA Order No. 16330 (paragraph 16) approved 305,845 square feet of additional development to be included with the Health Sciences Library and an Interdisciplinary Science/Technology Center and a number of renovation and adaptive reuse projects for existing University properties. The Campus was proposed to have a FAR of 1.35. Since the Campus Plan was approved, the Health Sciences Library and Learning Center and Interdisciplinary Science/Technology Center were constructed and four structures were demolished, including the women's gymnasium which previously occupied the project site. In light of the number of buildings that have been demolished on Campus, the FAR has decreased slightly since the 1998 Campus Plan. The current FAR for the Howard Campus is 1.38.

Since the approval of the Campus Plan, Howard has identified a need to provide additional housing for undergraduate students, to upgrade its student housing facilities, and to modernize its academic resources and facilities. The University's Office of Residence Life reports that there is a strong demand for student housing on campus. The University has approximately 4,000 beds for undergraduate students. Freshmen are required to live on campus and they typically utilize 35-38% of available housing. The University uses a lottery system to allot the remaining spaces among the other students. There is often a waiting list to live in the University's residence halls and in 2003 several hundred undergraduate students requested University housing but could not be accommodated.

The LLC will provide additional housing for undergraduate students and provide

additional faculty office space, and laboratory and classroom space. The gross floor area of the LLC will consist of approximately 117, 465 square feet, bringing the FAR for Howard to 1.41, which remains well within the 2.75 FAR permitted for the Campus.

The LLC will neither increase student enrollment or the number of faculty or staff, nor will it increase traffic flow on Campus. The traffic and parking analysis prepared by O.R. George & Associates for the 1998 Campus Plan concluded that on-site circulation and parking needs of the campus would be adequately served by the existing and proposed transportation facilities.² The LLC will not have a significant impact on campus circulation, traffic or parking. This facility will provide housing for freshmen, who are not permitted to have cars on Campus. Moreover, this building will provide 95 parking spaces, helping to alleviate any need that may have existed for parking on Campus. Howard will provide an updated traffic analysis with its pre-hearing statement.

5. No Interim Use of Land is Proposed (Subsection 210.5)

No interim use of land is requested as a result of this special exception application.

6. No New Use Sought for Approved Site of Buildings Moved Off Campus (Subsection 210.6)

Howard does not seek approval for any new use of a previously approved building site and thus complies with this section.

7. Compliance with the Policies of the District Elements of the Comprehensive Plan (Subsection 210.7)

The Project is not inconsistent with the policies of the District Elements of the Comprehensive Plan. The Project will further the goals and objectives of the Ward 1 Element of the Comprehensive Plan by enhancing educational facilities in the ward without adversely

² Paragraph 24 of BZA Order Number 16330 refers to the findings of O.R. George's traffic and parking analysis in further detail.

impacting adjacent residential areas.

8. The Proposed Buildings Are within the Floor Area Limit for the Campus as a Whole (Subsection 210.8)

The existing Campus Plan FAR of 1.38 is within the permitted 2.75 FAR prescribed for the campus. The Project will add approximately 117,465 square feet of gross floor area to the campus, which will result in a new campus FAR of 1.41.

9. Referral to the District of Columbia Office of Planning and the District of Columbia Department of Public Works (Subsection 210.9)

Howard will forward a copy of the application to the Office of Planning and DDOT for their review and report.

B. Compliance with Requirements of Section 411.11

Howard is also seeking special exception relief pursuant to Sections 3104.1 and 411.11 from 11 DCMR Sections 400.7 and 411.3 for three roof top structures on the roof of the proposed LLC, two of which are not sufficiently setback from the roof edge. In order to obtain relief, the special exception must be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and must not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps. 11 DCMR § 3104.1.

1. The Requested Relief is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The general purpose and intent of the zoning regulations and zoning maps is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare. 11 DCMR § 101.1. Specifically, the requested relief must take into consideration the character of the respective districts as well as the suitability of each district for the uses permitted; and must be designed to encourage the stability of districts and of land values. Id. at § 101.2. The relevant

sections of the Zoning Regulations provide guidelines, which are described in more detail below, by which to evaluate whether a special exception should be granted.

Pursuant to 11 DCMR section 411.3, “all penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material and color.” Section 400.7 requires all mechanical equipment or stairway or elevator penthouses to be set back from all exterior walls a distance at least equal to its height above the roof. The Zoning Regulations further provide that “[w]here impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the ... location, design, number, and all other aspects of such structure..., even if such structures do not meet the normal setback requirements...; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.” 11 DCMR § 411.11.

The design of the building does not make it feasible to locate the stair enclosure, elevator overrun and cooling tower in one enclosure. The proposed building must fit into the broader context of Howard University, which presents several constraints on building design. One major constraint is the orientation of the building given its context within the Campus and the significant grade change at the project site, and the space allotted on the campus for this structure. The area is limited and is adjacent to several existing buildings. In order to maintain the openness of the campus, Howard proposes a U-shape design that maximizes the area, but intersperses vast green spaces making it an appealing residential structure. In configuring the

building to blend with the external environment, the internal layout of the building had to be adjusted, which consequently dictated the location of the rooftop structures. The cooling tower will be located above one wing of the building; while the elevator overrun and stair enclosure must be located on the other wing of the building in order to offset the residential lobby from the main building lobby. To diminish the effect of three separate penthouses, Howard is constructing a screen around the roof top to minimize the presence of the three structures and to give the appearance that they are enclosed within one structure.

The building's design also makes it difficult to set back each of the rooftop structures by the required amount. The LLC is a multi-functional building that serves many purposes for Howard. In doing so, however, the building was designed to separate the residential uses from the academic uses. This requires placing the elevator bank apart from the main lobby to minimize non-resident traffic to the upper floors. To maximize academic space on the first floor, the elevators were placed in the southeast corner of the main corridor. Consequently, the elevator overrun, which is 15 feet tall, is located within 15 feet of the exterior walls along the rooftop. The stairway, which is to be used in an emergency when the elevators cannot be used, is located near the elevators. Because the building design calls for long, narrow corridors, it is difficult to maintain a 10 foot setback for the stair enclosure, while still providing easy access to the outdoors.

The proposed design remains consistent with the intent of the Zoning Regulations and Zoning Map. The requested relief does not compromise the character of the R-5-B Zone District or of the Howard Campus. To the contrary, the requested relief will improve the functionality of the building and the proposed screen improves the aesthetic of the structure.

**B. The Requested Relief Will Not Adversely Affect the Use of
Neighboring Property**

The additional penthouses and the intrusion into the required setback will not adversely affect the use of neighboring property. The penthouses will be no taller than 15 feet tall, which is well within the permissible height of eighteen feet and six inches and they will be masked by a 16 foot tall screen put in place around the perimeter of the building. 11 DCMR § 400.7. Howard does not anticipate constructing the building to the full 58 feet that is permitted (the building will be only 50 feet tall), which further minimizes any effect the penthouses may have. Similarly, the two structures that are not sufficiently set back from the exterior walls on the rooftop will not adversely affect neighboring properties. The screen Howard is proposing around the perimeter of the roof will conceal the roof structures and eliminate any aesthetic detriment the roof structures may have without a setback. Additionally, the stair enclosure will slope to the same angle as the screen, ensuring that it will not be seen from ground level. The proposed screen will mitigate any unsightly views that may have been created by the rooftop structures. Moreover, the building is located in the heart of the Howard campus; thus, the only properties that would be affected by this are owned by Howard. These considerations diminish the possibility that they will have an adverse effect on neighboring properties.

VI. WITNESSES

1. Representatives of Howard University
2. Representative of Project Architect

VII. CONCLUSION

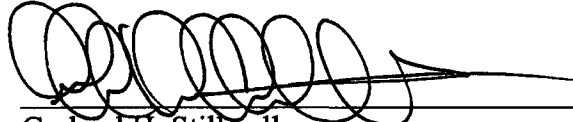
For the reasons stated above, the proposed LLC satisfies the requirements for special exception approval in accordance with §§ 210, and 411 of the Zoning Regulations. Accordingly,

Howard respectfully requests that the Commission approve this special exception application and approve the amendment to the Campus Plan.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN, LLP

By:



Garland H. Stillwell

Christine A. Roddy