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January 31, 2007

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Ms. Carol Mitten, Chairperson
District of Columbia Zoning Commission
Office of Zoning
441 4th Street, NW, Room 210
Washington, DC 20001

Re **Howard University (the "Applicant")**
Approval to Amend Central Campus Plan and Special Exception Application
for Further Processing, Zoning Commission Case No. 06-38
Proposed Summary Order

Dear Chairperson Mitten and Members of the Commission

Enclosed please find twenty copies of the Applicant's Proposed Summary Order
for the above-captioned application. Please feel free to contact me with any questions.

Best regards,

Kate Myers
Associate

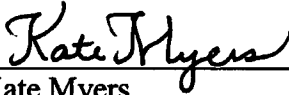
Enclosure

ZONING COMMISSION
District of Columbia
CASE NO. 06-38
EXHIBIT NO. 55

RECEIVED
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2007 JAN 31 PM 12:50

Certificate of Service

I hereby certify that a copy of the proposed Summary Order was delivered or sent by 1st Class mail on January 31, 2007 to the addresses listed below



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ZONING COMMISSION ORDER NO. 06-38
Z.C. Case No. 06-38
(Howard University – Approval to Amend Central Campus Plan and Special
Exception Application for Further Processing)
January 18, 2007

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2007 JAN 31 PM 12:59

Application of President and Trustees of Howard University, pursuant to 11 DCMR § 3104.1 and in accordance with § 210 of the Zoning Regulations, the President and Trustees of Howard University (hereinafter “Howard”) request to amend the Campus Plan approved in 1998 to permit the construction of a residential facility for its students to be known as the Men’s Living and Learning Center (“LLC”) Howard simultaneously requests special exception approval for the further processing of the approved Campus Plan to permit the construction of the LLC, which would be located on the main campus between Crampton Auditorium, Childers Hall, and Greene Memorial Stadium Finally, Howard seeks a special exception pursuant to § 411 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

HEARING DATE: January 18, 2007

DECISION DATE: January 18, 2007 (Bench Decision)

SUMMARY ORDER

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

The Commission provided proper and timely notice of the public hearing on this application by publication in the *D C Register*, by mail to Advisory Neighborhood Commissions (“ANC”) 1B and 5C, and to owners of property within 200 feet of the site The campus of Howard University is located within the jurisdiction of ANC 1B and 5C

As directed by 11 DCMR § 3035.4, the Commission required the Applicant to satisfy the burden of proving the elements of § 210 of the Zoning Regulations, which are necessary to establish the case for a special exception for a college or university

The design of the LLC does not make it feasible to locate the stair enclosure, elevator overrun and cooling tower in one enclosure. In addition, the stair enclosure and elevator overrun will not be sufficiently set back from the roof edge As a result, Howard seeks special exception relief pursuant to Sections 3104.1 and 411.11 from 11 DCMR Sections 400.7 and 411.3 to allow three separate rooftop structures and to locate the stair enclosure and elevator overrun within the required setback from the exterior walls. 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.

As of Howard’s 1998 Campus Plan, the overall floor area ratio (“FAR”) for the campus is well within the permitted boundaries under the Zoning Regulations. Pursuant to paragraph 18 of BZA Order No. 16330, a maximum 2.75 FAR is permitted for development of Howard’s entire campus. After the demolition of the Center for Hypertension, Center for Sickle Cell Disease, Bethune Hall, the Physical Education

Annex, and the new construction of the Lois Stokes Medical Library, the existing FAR of the Howard Campus is 1.34. The construction of the LLC will add approximately 117,465 square feet to the campus development, increasing the FAR of the entire campus to 1.36, which remains well within the maximum FAR.

The D.C. Office of Planning, in a report dated January 12, 2007, which was submitted into the record, concluded that the application is in conformance with the provisions of § 210 and recommended approval of the application as submitted. The District Department of Transportation, in a report dated January 8, 2007, stated that it had no objection to the proposal. ANC 1B submitted a letter in support of the application dated October 10, 2006. ANC 5C submitted a letter in support of the application dated November 29, 2006. Additional letters of support were submitted into the record, including one from Bloomingdale Civic Association, Inc., dated October 16, 2006, and another from the Pleasant Plains Civic Association dated October 5, 2006.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 210 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Commission notes and gives great weight to, the recommendation of the Office of Planning that the application satisfies the requirements of § 210. The Commission notes, and gives great weight to, the recommendation of ANC 1B and ANC 5C to support the University's efforts to locate residential facilities for its students on campus.

It is, therefore, **ORDERED** that the further processing application be **GRANTED**. It is further **ORDERED** that the amendment to the 1998 Campus Plan be **GRANTED** subject to the conditions previously delineated in Zoning Commission Order No. 16330.

Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that findings of fact and conclusions of law accompany the Order of the Commission. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 4-0-1 (Carol J. Mitten, Anthony J. Hood, John G. Parsons, and Michael Turnbull to approve; Gregory N. Jeffries, having not participated, 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: _____