

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****ZONING COMMISSION ORDER NO. 11-15A****Z.C. Case No. 11-15A****Howard University - Further Processing of Approved Campus Plan  
(Residence Halls at 4<sup>th</sup> and College Streets, N.W. and 4<sup>th</sup> and W Streets, N.W.)****January 30, 2012**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on December 8, 2011, to consider an application by Howard University ("Applicant"), pursuant to 11 DCMR §§ 210, 507.1, and 3104.1, for special exception approval for the further processing of an approved campus plan (the "Howard 2011 Campus Plan") to permit the construction of two residence halls. One residence hall will be located at the southeast corner of the intersection of 4<sup>th</sup> and College Streets, N.W., in the SP-2 Zone District. The other will be located on the east side of 4<sup>th</sup> Street, N.W., between W and Bryant Streets, in the R-5-B Zone District. The application also requested special exception approval for the location, design and number of roof structures, pursuant to 11 DCMR §§ 3104.1 and 411. The Commission considered the application pursuant to Chapters 30 and 31 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the rules of the Board of Zoning Adjustment at Chapter 31 of 11 DCMR.

**Hearing Date: December 8, 2011**

**Decision Date: January 30, 2012**

**FINDINGS OF FACT****The Application, Parties, and Hearing**

1. On June 29, 2011, the Applicant filed an application with the Commission for special exception approval for further processing of the Howard 2011 Campus Plan and special exception approval for the location, design and number of roof structures in connection with two new residence halls ("Application"). (Exhibit 2.)
2. One residence hall will be constructed on the parcel identified as Site #3 on the Howard 2011 Campus Plan, which is located at the southeast corner of the intersection at 4<sup>th</sup> and College Streets, N.W. (Square 3068, a portion of Lot 30) ("Site #3"). Site #3 has a land area of approximately 28,563 square feet and is zoned SP-2.
3. The second residence hall will be constructed on the parcel identified as Site #4 on the Howard 2011 Campus Plan, which is located at the east side of 4<sup>th</sup> Street, N.W., between W and Bryant Streets (Square 3069, a portion of Lot 66) ("Site #4"). Site #4 has a land area of approximately 73,772 square feet and is zoned R-5-B.
4. On November 21, 2011, the Applicant submitted a Prehearing Statement. (Exhibit 23.) The Prehearing Statement included, among other things, a transportation impact study dated October 28, 2011, prepared by Gorove/Slade.

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5. A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on September 30, 2011 (58 DCR 8350). The notice of public hearing was mailed to owners of all property within 200 feet of the subject property and to Advisory Neighborhood Commission ("ANC") 1B. On December 8, 2011, the Commission held a public hearing on the Application. The Applicant and ANC 1B were automatically parties in this case; there were no requests for party status.
6. The Applicant provided testimony from Dr. Barbara Griffin, vice president for student affairs at Howard University; Paul Brailsford, chief executive officer of Brailsford & Dunlavey; Sam Condit, an architect with McKissack and McKissack; Daniel VanPelt, a transportation consultant with Gorove/Slade; Maybelle Taylor Bennett, director of the Howard University Community Association; Marc Lee, Howard's dean of residence life; and Dan Bernstein, vice president of development of Campus Apartments, a developer, owner, and operator of university-related real estate. Based upon professional experience and qualifications, Mr. Brailsford was accepted by the Commission as an expert in real estate finance; Mr. Condit was accepted as an expert in architecture; and Mr. VanPelt was accepted as an expert in traffic engineering and transportation planning.
7. The Office of Planning ("OP") testified at the hearing in support of the Application. The District Department of Transportation ("DDOT") also testified at the hearing in support of the Application. DDOT agreed with the Applicant that a new traffic signal at the intersection of 4<sup>th</sup> and College Streets, N.W., should be installed in advance of the opening of the residence halls.
8. By letter dated November 9, 2011, ANC 1B indicated that the University's applications for approval of a new campus plan and for further processing of that plan to construct student residences were considered at a regularly scheduled meeting of the ANC held on November 3, 2011 with a quorum present. The ANC voted unanimously to support the applications, subject to certain conditions not related to the proposed student residences.
9. By letter dated November 15, 2011, ANC 5C indicated its agreement with the position in support taken by ANC 1B.
10. The Commission heard testimony in support of the application from Commissioner E. Gail Anderson Holness, the single member district representative for ANC 1B11, and received letters in support from Myla Moss, the single member district representative for ANC 1B01, the Pleasant Plains Civic Association, the Development Corporation of Columbia Heights, the Georgia Avenue Community Development Task Force, the LeDroit Park Civic Association, and the Coalition for Smarter Growth.
11. No persons or parties testified in opposition to the Application.

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12. On January 30, 2012, the Commission voted to approve the application subject to conditions.

#### **Residence Hall Proposed for Site #3**

13. Site #3 will be developed with a residence hall containing approximately 240 units and a total of approximately 484 beds housing primarily first-year students. The first level of the building will contain space for offices, community spaces/multi-purpose rooms, and a small convenience store. The building will have a height of approximately 67 feet, eight inches and will contain approximately 138,571 square feet of gross floor area. The residence hall on Site #3 will have a floor area ratio ("FAR") of approximately 4.5, where a maximum 6.0 FAR of residential density is permitted.
14. The Howard 2011 Campus Plan depicts the proposed residence hall in Phase One of the Building Phasing Plan. Also, according to that plan, the residence hall is part of a centralized Underclassman Housing District programmed along the eastern edge of Howard University's campus, adjacent to similar existing student housing for the same population. The only non-university use in proximity to the project site is the D.C. Water pump station immediately to the east, which has co-existed at this location with other residence halls for several decades.
15. For the residence hall on Site #3, the Applicant seeks special exception approval to permit multiple roof structures of unequal heights and a stair tower that will not meet the required setback. These conditions are necessitated primarily by the narrow configuration of the lot, which dictates the building form. Specifically, the roof structures will be separated in multiple enclosures of different heights, instead of being contained in one large enclosure, in order to minimize the bulk atop the roof and the appearance of the roof structures. The stair tower will be situated to comply with the requirements of the building code and to allow for an efficient layout of the building given its configuration.

#### **Residence Hall Proposed for Site #4**

16. Site #4 will be redeveloped with a residence hall containing approximately 451 units with a total of approximately 878 beds, housing primarily first-year students. The building will also contain space for a multi-purpose room, classrooms and new residence life space in the terrace level facing W Street. The building will have a height of approximately 60 feet and will contain approximately 238,264 square feet of gross floor area. The residence hall on Site #4 will have a density of approximately 3.2 FAR; the campus density will be approximately 1.25 FAR, within the 1.8 permitted by the Zoning Regulations.

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17. Howard University's campus is designated as Institutional on the Comprehensive Plan Future Land Use Map. The objectives for public and institutional land uses set forth in the Comprehensive Plan include promoting the continued contributions made by private institutions toward the economic and cultural vitality of the District. The campus and university relations are also discussed in the Educational Facilities Element, including reference to preservation of historic campus buildings and on-site housing of students.
18. The Applicant seeks special exception approval to have multiple roof structures of unequal height and a stair tower that does not meet the required setback. These conditions are necessitated primarily by the large, L-shaped configuration of the lot, which dictates the building form. Specifically, the roof structures will be separated, in multiple enclosures of different heights, instead of being contained in one large enclosure, in order to minimize the appearance of the roof structures from W Street. The elevator core and penthouse will be situated to maximize the efficiency of the building mechanical operations. The stair tower will be located to comply with building code requirements and to allow an efficient layout of the floors below.
19. Site #4 is bounded by the Bethune Annex Residence Hall to the north, the Louis Stokes Health Sciences Library to the west, and the Washington Metropolitan High School to the east. The LeDroit Park Senior Housing development and other vacant public housing structures are located immediately south of Site #4 on W Street. The proposed residence hall will improve this section of W Street by redeveloping Site #4 with a secure building, helping to enliven the street by increasing pedestrian activity.
20. To mitigate the potential adverse impacts relating to noise and other objectionable conditions on the residences to the south, the entrance to the residence hall will be located toward the middle of the block on 4<sup>th</sup> Street, instead of at the intersection of 4<sup>th</sup> and W Street. Also, the main entrance of the building will sit approximately a half-story from grade on 4<sup>th</sup> Street. Students will access the entrance via a ramp that will slope upward from Bryant Street, directing them away from the intersection of 4<sup>th</sup> and W Streets. The terrace level entrance will be located just south of the main entrance of the building and will provide access to the office space, classrooms and multipurpose rooms, and bicycle storage on the terrace level. The residence hall will house primarily first-year students, who are not permitted to have vehicles on campus. Therefore, impacts from vehicular traffic will be minimal.

### **Office of Planning Report**

21. By report dated November 28, 2011, OP recommended approval of the application. (Exhibit 24.) OP concluded that the proposal would provide new student housing that would be in harmony with the general purpose and intent of the Zoning Regulations. The report also stated that the residence halls would not adversely impact neighboring

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properties, and that the residence halls were designed to complement current uses and building materials of neighboring buildings and spaces.

### **DDOT Report**

22. By report dated November 28, 2011, DDOT stated its finding that, based on the information provided by the Applicant, the new residence halls would not have an adverse impact on the transportation network. DDOT supported the Applicant's proposal to seek signalization at the intersection of 4<sup>th</sup> and College Streets, N.W., as an important safety enhancement. (Exhibit 25.)

### **Post-Hearing Submissions**

23. On January 6, 2012, the Applicant submitted revised drawings for the residence hall proposed on Site #3. (Exhibit 33.) In response to comments of the Commission related to the building design, the revised drawings show the relocation of the building entrance from 4<sup>th</sup> Street to the center of the building on the southern façade and changes to the configuration of the interior corridor of the building.
24. The Applicant indicated that, before beginning construction of the residence halls, the Applicant will file with the Commission a construction management plan approved by the single-member representative for ANC 1B11 and the LeDroit Park Civic Association.

### **CONCLUSIONS OF LAW**

1. With respect to Site #3, the Commission finds that the proposed residence hall is consistent with the Howard 2011 Campus Plan and is not likely to become objectionable to neighboring properties because of noise, traffic, number of students, or other objectionable conditions.
2. With respect to Site #3, the Commission finds that the proposed roof structures will not materially impair the intent and purpose of the Zoning Regulations, or adversely affect the light and air available to adjacent buildings.
3. With respect to Site #3, the Commission finds that the application is in harmony with the Zoning Regulations and Maps, and will not tend to create any adverse effect on neighboring properties.
4. In light of the foregoing, with respect to Site #3, the Commission finds that the Applicant has met its burden of proof under 11 DCMR § 3104.

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5. With respect to Site #4, the Commission finds that the building will be located so that it is not likely to become objectionable to neighboring properties because of noise, traffic, number of students, or other objectionable conditions.
6. With respect to Site #4, the Commission finds that the building's roof structures will not materially impair the intent and purpose of the Zoning Regulations, or adversely affect the light and air available to adjacent buildings.
7. With respect to Site #4, the Commission finds that the application is in harmony with the Zoning Regulations and Maps and will not tend to create any adverse effect on neighboring properties.
8. In light of the foregoing, with respect to Site #4, the Commission finds that the Applicant has met its burden of proof under 11 DCRM § 3104.
9. The Commission is required under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-135; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and conditions expressed in the written report of an affected ANC. In this case, ANC 1B voted to support the University's applications for approval of a new campus plan and development of student residences, and did not indicate any issues or concerns related to the proposed student residences.
10. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to recommendations by the Office of Planning. For the reasons stated above, the Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.
11. The Application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the Application, subject to the following CONDITIONS:

1. Site #3 shall be developed in substantial accordance with the plans titled "Howard University Student Housing/4<sup>th</sup> & College Street (Site #3) / Revised Drawings For Site #3," dated 01/06/12, prepared by McKissack & McKissack. (Exhibit 33.)

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2. Site #4 shall be developed in substantial accordance with the plans titled "Howard University Student Housing / 4<sup>th</sup> & Bryant Street (Site #4)," dated 06/29/11, prepared by McKissack & McKissack. (Exhibit 13.)
3. Prior to the issuance of a building permit for the residence hall, the Applicant shall file with the Commission a construction management plan approved by ANC 1B11 and the LeDroit Park Civic Association.
4. Prior to the issuance of the certificate of occupancy for the residence halls, the Applicant shall, with the permission of DDOT and at the University's expense, install a traffic signal at the intersection of 4<sup>th</sup> and College Streets, N.W. The signal approved by DDOT shall be installed prior to issuance of a certificate of occupancy for either of the residence halls.

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, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On January 30, 2012, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Schlater, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Konrad W. Schlater, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to adopt; Anthony J. Hood, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on March 2, 2012.