



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

January 4, 2019

Norman M. Glasgow, Jr., Esq.
Holland & Knight LLP
800 17th Street, NW
Washington, DC 20006

RE: Campus Master Plan for Howard University Divinity School

Dear Mr. Glasgow:

The purpose of this letter is to confirm the status of the campus master plan, approved pursuant to Board of Zoning Adjustment (“BZA”) Order 14174, for the Howard University Divinity School campus. For reference, a copy of the BZA order is attached as Exhibit A and a copy of the campus master plan is attached as Exhibit B.

Subject Property

The subject property is an irregularly shaped parcel located on the east side of 14th Street, NE, between Taylor Street on the north and Randolph Street on the south and is more particularly described as Square 4157, Parcels 146/56, 146/67, 146/68, 146/69, 146/73 and 147/169 (the “Property”). The Property consists of approximately 23 acres. It is designated on the District of Columbia Comprehensive Plan Future Land Use Map as Institutional, and zoned R-1-B. Approximately 13.39 acres of the Property (Parcel 146/Lot 73), served as the campus of Holy Name College and is improved with three structures: an 1886 Queen Anne style frame farmhouse, known as the James Sherwood Farmhouse; Benjamin E. May Hall, formerly the Holy Name College; and a single story garage building. This portion of Property is the subject of pending historic landmark application.

Howard University Divinity School

The District issued certificate of occupancy (“CO”) No. B. 147732, dated October 31, 1986, for the use of the Property as the Howard University Divinity School. The CO, a copy of which is attached as Exhibit C, limits the use to 200 students and 28 faculty members, consistent with BZA Order No. 14174. Said order approved the campus master plan for the Divinity School (the “Campus Master Plan”), subject to the following conditions:

1. Landscaping and parking layout on the subject site shall be as shown on the site plan marked as Exhibit No. 20A of the record.
2. The number of students shall not exceed 200, with a maximum of twenty-eight faculty and staff.

3. Operation of the facility shall be limited to the Howard University Divinity School.

All of the Divinity School functions were located at the Property until 2015, when significant portions were relocated to Howard University's West Campus. Since then, a few of the Divinity School operations have remained on the Property, namely the library and the storage of special collections of artifacts and manuscripts.

Campus Master Plan

BZA Order No. 14174 does not include a date for the expiration of the Campus Master Plan. The Office of the Attorney General ("OAG") recently opined that if the order does not include an expiration date for the Campus Master Plan, the Campus Master Plan would only expire in one of the following circumstances, pursuant to Subtitle Y § 706.1 of the Zoning Regulations:

706.1 If a special exception use or use variance is established, the use will only expire if:

(a) An expiration date is specified in the order;

(b) The special exception use or use variance is discontinued for any reason for any period of three (3) or more years occurring after October 8, 2010; except where governmental action impedes access to the premises; or

(c) Either of the following occurs after the effective date of the order granting the variance:

(1) A certificate of occupancy for a different use is issued; or

(2) A residential use for which no certificate of occupancy is required is established.

A copy of the OAG correspondence is attached as Exhibit D.

None of the foregoing circumstances have occurred in the case of the Howard University Divinity School. First, as previously mentioned, there is no expiration date specified in BZA Order No. 14174. Second, there has not been a discontinuation of the university use for a period of three years. Although many functions of the Divinity School relocated in 2015, some of the Divinity School functions have remained on the Property, namely the library and the storage of special collections of artifacts and manuscripts. Third, there has not been a CO for a different use issued for the Property since the 1986 CO was issued, nor has there been a residential use on the property for which no CO is required.

Zoning

The Property is in the R-1-B Zone District. Notwithstanding the R-1-B zoning, BZA Order 14174 provides that in R-1, R-2, R-3, R-4, R-5-A and R-5-B Districts, the maximum bulk requirements normally applicable in such districts may be increased for specific buildings or structures provided the total bulk of all buildings and structures on the campus shall not

exceed the gross floor area prescribed for the R-5-B District. (See FF No. 11.B.) On that basis, the Board concluded that the total bulk of all buildings and structures on the campus will not exceed the gross floor area prescribed for the R-5-B District. (See Conclusions of Law and Opinion.)

The R-5-B District was converted to the RA-2 Zone district under the current Zoning Regulations. The RA-2 Zone provides for areas developed with predominately moderate-density residential. As a matter of right, the maximum permitted density is 1.8 FAR and 2.16 FAR with inclusionary zoning; the maximum permitted height is 50 feet; and the maximum permitted lot occupancy is 60%. (Subtitle F §§ 302, 303, 304.)

According to the Zoning Map on the Office of Zoning website, BZA Order 14174 is the only zoning approval affecting the development of the Property. The other orders¹ referenced for the Property include the parcels comprising the Divinity School site, but pertain to the development of Howard's Central Campus only.

Conclusion

The use and development of the Property is subject to the Campus Master Plan for the Howard Divinity School approved by the BZA pursuant to Order No. 14174. The Order does not provide an expiration date for the Campus Master Plan. As such, the Campus Master Plan only would expire in one of the circumstances set forth in Subtitle Y, Sec. 706.1 of the Zoning Regulations. None of those circumstances have occurred. Therefore, the Campus Master Plan for the Howard Divinity School has not expired. Further, notwithstanding the R-1-B zoning, the buildings and structures approved under the Campus Master Plan, as may be amended by the Zoning Commission, can be developed in a manner not to exceed the density prescribed for the RA-2 Zone District, subject to the following conditions:

1. Landscaping and parking layout on the subject site shall be as shown on the site plan marked as Exhibit No. 20A of the record.
2. The number of students shall not exceed 200, with a maximum of twenty-eight faculty and staff.
3. Operation of the facility shall be limited to the Howard University Divinity School.

Sincerely,



Matthew Le Grant
Zoning Administrator

¹ BZA Order No. 16330 granted special exception approval of Howard University's 1998 Central Campus Plan; ZC Order 08-32 granted an extension of the Central Campus Plan; ZC Order 08-32A granted an amendment to the Central Campus Plan; and ZC Order 08-32B granted an extension of the Central Campus Plan.

Attachments: A: BZA Order 14174
B: Campus Plan
C: COO B147732
D: OAG Correspondence dated 1-5-18

File: Det Let re Howard Univ Divinity School to Glasgow 1-4-19