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January 7, 2013

BY MESSENGER

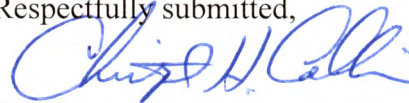
District of Columbia Zoning Commission
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: Gallaudet University Campus Plan and Further Processing Application
Case No. 12-15 - Applicant's Draft Order

Honorable Members of the Commission:

Enclosed as requested is the Applicant's draft order in this case. Please let me know if you have any questions.

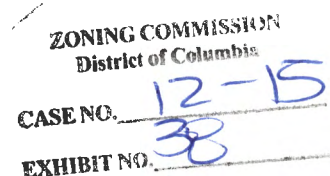
Respectfully submitted,



Christopher H. Collins

CHC/lc
Enclosure

cc: Steve Mordfin, Office of Planning (w/encl., by email)
Anna Chamberlain, DDOT (w/encl., by email)
Jacqueline Manning, Chair, ANC 5B (w/encl., by email)



ZONING COMMISSION
District of Columbia
CASE NO.12-15
EXHIBIT NO.38

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 12-15
Z.C. Case No. 12-15

**Application of Gallaudet University for Special Exception Approval of a New Campus Plan
and Further Processing of an Approved Campus Plan**

January 28, 2013

This case is an application by Gallaudet University (the "University" or "Applicant" or "Gallaudet") requesting special exception approval under the campus plan provisions of the Zoning Regulations at 11 DCMR §§ 3104.4, 3035, and 210 for a new campus plan, and further processing under the new plan to allow the renovation and residential use of Fay House and Ballard House. In accordance with §§ 210 and 3035.5 of the Zoning Regulations, this case was heard and decided by the Zoning Commission for the District of Columbia (the "Commission") using the rules of the Board of Zoning Adjustment ("BZA") at 11 DCMR §§ 3100 *et seq.* For the reasons stated below, the Commission hereby approves the applications, subject to conditions.

HEARING DATE: November 26, 2012

DECISION DATE: January 28, 2013

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

FINDINGS OF FACT

Applications, Parties, and Hearing

1. The University's current campus plan was adopted by the Zoning Commission by Order No. 03-02, issued August 26, 2003 (the "2002 Plan"). The 2002 Plan was approved, subject to certain conditions, for a ten-year term. In 2006, in Order No. 06-16, the Commission approved further processing of the 2002 Plan to permit construction of the Sorenson Language and Communications Center. In 2010, in Order No. 03-02A, the Commission approved an amendment to and further processing of the 2002 Plan to allow the renovation and conversion of Denison House from administrative to residential use. In 2011, in Order No. 03-02B, the Commission approved an amendment to and further processing of the 2002 Plan to allow the construction of the Living Learning Residence Hall 6. No other further processing applications have been filed since that time.
2. On August 22, 2012, the University submitted an application seeking special exception review and approval of a new campus plan (the "2012 Plan"). Included in this application was a request for further processing of the 2012 Plan in order to renovate and convert Fay House and Ballard House from administrative to residential use. (Exhibit ("Ex.") 3.))
3. Notice of the public hearing was published in the *D.C. Register* ("DCR") on September 21, 2012 (59 DCR 10999) and was mailed to Advisory Neighborhood Commission ("ANC") 5B and to owners of all property within 200 feet of the subject property.

4. The public hearing on the application was conducted on November 26, 2012. The hearing was conducted in accordance with the provisions of 11 DCMR §§ 3022 and 3117.
5. In addition to the Applicant, ANC 5B was automatically a party in this proceeding. ANC 5B submitted a report in support of the application. ANC 6A and ANC 6C, both of which are located across Florida Avenue, NE to the south of the campus, also submitted letters in support of the application (Exs. 22, 25, 28).
6. At the public hearing, the University presented evidence and testimony from Fred Weiner, the University's Interim Assistant Vice President, Administration; Hansel Bauman, Director of Campus Planning and Design, who qualified as an expert witness in campus planning; and Nicole White, Principal with Symmetra Design, who qualified as an expert in transportation planning and traffic engineering (Ex. 20.).
7. At the public hearing, the Commission heard testimony and received evidence from the Office of Planning ("OP") in support of the application (Ex. 24). The Commission also heard testimony and received a report from the District Department of Transportation ("DDOT") generally in support of the application (Ex. 23). The Commission also heard testimony and received evidence from several persons in support of the application (Ex. 27).
8. At a public meeting on January 28, 2013, the Commission took final action to approve the application in Case No. 12-15, subject to conditions.

The Campus and Surrounding Property

9. The Property that is the subject of this application is the residentially-zoned portion of the University's Campus, which is identified as Parcel 141/69 (the "Campus" or the "Property"). The Property is located in Northeast Washington, has an area of approximately 93 acres, and is bounded generally by Mount Olivet Road and Corcoran Street to the north; West Virginia Avenue to the east; Florida Avenue to the south; and Brentwood Parkway and 6th Street to the west.
10. Adjacent to the Campus, on the east side of 6th Street, NE are Parcel 129/70 (45,440 sq. ft.) and Parcel 129/103 (61,500 sq. ft.) both of which are zoned C-M-1. These parcels contain a University parking garage and the Appleby Building, which houses University support functions. Together, these two parcels and Parcel 141/69 comprise 95.5 acres. To the west, across 6th Street, are Parcels 129/106 (20,895 sq. ft.), and 129/112 (78,936 sq. ft.) and Square 3591, Lot 4 (66,743 sq. ft.) all of which are zoned C-M-1. Although a University use is permitted as a matter of right in the C-M-1 zone, and the Commission's review jurisdiction is limited to the 93-acre D/R-4 zoned portion of the Campus, the entire 99.35 acre campus was included by the Applicant in its presentation to provide to the Commission a complete picture of what is proposed.
11. Gallaudet is unique among colleges and universities in the District in that there are both an elementary school and a high school on the Campus. The Clerc Center, located on the northern portion of the Campus, includes the Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD). The Clerc Center

occupies about 30 acres of the 93-acre D/R-4 zoned portion of the Campus. Technically, any new construction for non-University private school uses does not require Campus Plan review by the Zoning Commission under Section 210, but is subject instead to review by the Board of Zoning Adjustment under Section 206 of the Zoning Regulations. The University included the Clerc Center in the Campus Plan in order to provide a full understanding of the future development on the Campus. At the request of the University, the Commission will retain jurisdiction to review and approve the future development of the Clerc Center.

12. The main entrance to the Campus is located on Florida Avenue near its intersection with 8th Street, NE. Vehicular access to the Campus is also provided on 6th Street, on Brentwood Parkway and on West Virginia Avenue.
13. The campus is split-zoned D/R-4 and C-M-1. The surrounding area is generally zoned C-M-1 to the west, and R-4 to the north, east and south. The Campus is located in the Institutional land use category on the Future Land Use Map of the Comprehensive Plan of the National Capital.

Campus Plan Application

14. The 2012 Plan sets forth in detail Gallaudet's desired plans for the next ten years. The 2012 Plan assumes a modest annual growth of the student population between 1.0% and 3.0% during that time. In summary, over the course of the next decade, Gallaudet desires to undertake a variety of demolition, renovation and new construction projects, totaling a

net increase of approximately 206,000 square feet of new space for the University, and a net reduction of approximately 94,400 square feet on the Clerc Center.

15. The University presented evidence and testimony that the 2012 Plan was developed through a collaborative community-based planning process, which included meetings over the last year. On October 12, 2011, Gallaudet discussed the proposed Campus Plan with the Gallaudet Community Relations Council ("GCRC"). Since that time, GCRC members have been involved with the community meeting processes (as further described below), and have participated in dialogue with the University about the Campus Plan. The Campus is located within the jurisdiction of Advisory Neighborhood Commission ("ANC") 5B and is located adjacent to ANC 6A and ANC 6C. The University made the following presentations to the ANC's prior to the filing of this application:

December 1, 2011	Introductory discussion with ANC5B
March 1, 2012	Presentation to ANC5B
March 14, 2012	Presentation to ANC6C
March 16, 2012	Presentation to ANC5B SMD06 at Gallaudet University
March 21, 2012	Presentation to ANC6A Economic Development and Zoning Committee
April 4, 2012	Presentation to ANC 6C Planning, Zoning, and Environment Committee

16. Gallaudet also held a series of four community outreach meetings in various parts of the community in the Spring of 2012, and obtained community input which helped to inform the Campus Plan. Gallaudet held three community forums, at the Trinidad Recreation Center on Saturday morning, April 14; at The Atlas Performing Arts Center on Monday evening, April 16; and at Gallaudet University Chapel Hall on Tuesday evening,

April 17. Each of these forums provided the same information, and included an opportunity for the community to explore specific topics with University representatives, and to engage in a dialogue about the Campus Plan. A workshop was then held on Monday evening, April 30 at the Peikoff Alumni House on the Gallaudet campus. The workshop focused on major themes, synthesized the information obtained in the community forums, and provided a further opportunity for community members and University representatives to explore specific topics.

17. Subsequent to the scheduling of the Zoning Commission review of this application, Gallaudet made formal presentations of the proposed Campus Plan and further processing to the ANC's as follows:

October 4, 2012	ANC 5B
October 17, 2012	ANC 6A Planning and Zoning Committee
November 7, 2012	ANC 6C Planning and Zoning Committee
November 8, 2012	ANC 6A
November 14, 2012	ANC 6C

18. Pursuant to 11 DCMR §210.1, the Commission finds that Gallaudet University is an academic institution of higher learning that was chartered as such by an Act of Congress (Ex. 20, p. 7). Gallaudet was formally established in 1856 as a small school for deaf and blind children. It was later incorporated as the Columbia Institution for the Instruction of the Deaf and Blind. Pursuant to Congressional approval, the college division was added in 1864. Gallaudet became the first, and was, for almost a century, the only institution of higher learning specifically designed to meet the needs of the deaf population. Gallaudet became a University in 1986 upon the passage of the Education of the Deaf Act. Gallaudet is fully accredited and authorized to confer degrees.

19. As required by 11 DCMR § 210.2, the Commissions finds that the proposed use will be located so that it will not likely become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable impacts.

(a) Noise

The Campus Plan is designed so as not to create objectionable conditions because of noise. The main portion of the Campus is spread across 95.5 acres, and has significant open space adjacent to its residential neighbors to the north, east and south. Within the Campus boundaries, University activities are designed to be located in such a manner as to satisfy Gallaudet's need for a tranquil and secure place for students to study, work and live. In its efforts to reduce ambient noise, Gallaudet has built into the Campus Plan a landscaped perimeter buffer to all adjacent residential areas, in addition to the preservation, maintenance and enhancement of large open green space, including the Olmsted Green, the Gallaudet Mall, and several athletic fields.

For the reasons set forth above, the Commission finds that the 2012 Plan is not likely to become objectionable to neighboring property due to noise.

(b) Traffic

The University is designed as a pedestrian-oriented campus, with parking located along its periphery. Because of the large size of the Campus and the fact that it operates as a self-contained unit, visitors, faculty and staff park on campus rather than on the streets in the surrounding neighborhood.

At present, the Campus contains a total of 1,588 parking spaces, 1,381 primary on-campus parking spaces located within parking garages and surface lots, plus an additional 207 spaces located in an overflow parking lot located across 6th Street. Peak occupancy of the total parking supply has been determined to total only 67 percent of available spaces, whereas in 2002 peak occupancy measured 74 percent of then-existing supply. The 207 overflow parking spaces are used only four or five times a year, and are planned to be eliminated as part of future Campus Plan development. Additionally, 14 parking spaces adjacent to College Hall will be eliminated in order to enhance landscaping in that area. The University will maintain an on-campus parking supply of 1,367 spaces.

Because the student population is projected to increase by up to 3% per year¹, the University will implement additional Transportation and Parking Demand Management measures. These measures, which are further described in the report prepared by Symmetra Design (Ex. 20, Tab D), are intended to manage current and future parking demands within Gallaudet's current primary parking supply. The University currently operates an extensive shuttle service for students and faculty/staff, and has recently installed a Capital Bikeshare station on Campus, with space for 19 bikes, adjacent to the main entrance at 8th Street and Florida Avenue. As further detailed in the Symmetra Design report, the University will continue to examine additional measures to manage its existing parking supply and further encourage alternate modes of transportation in the future.

¹ The numbers of faculty and staff are not expected to increase over the next 10 years.

As part of the Campus Plan, Gallaudet has proposed an improved site access system to increase safe pedestrian connections to/from transit and the surrounding development neighborhood and enhance vehicular efficiency and safety.

Routine deliveries to the University are generally made in trucks of up to 30 ft. in length. On rare occasions, special deliveries associated with construction projects or other special situations on campus occur using 55 ft. tractor-trailer trucks. The University submitted a Transportation Impact Study (Exhibit 31) which shows that truck movements with trucks of up to 55 ft. can be made into and out of the 8th Street gate on Florida Avenue in all instances. However, for 55 ft. trucks exiting the 8th Street gate and turning westbound onto Florida Avenue, the truck will encroach onto the eastbound lane of traffic. Gallaudet proposes that 55 ft. trucks exiting the 8th Street gate and heading westbound on Florida Avenue will be permitted only if appropriate construction or flag personnel are available to assist with managing that maneuver.

The Commission finds that approval of the 2012 Plan is not likely to become objectionable to neighboring property because of traffic. The campus will provide an adequate number of parking spaces, as demand for parking is not likely to significantly increase, and the University will attempt to further reduce the number of vehicle trips to campus through the TMP.

(c) Number of Students

The students at Gallaudet are deaf, hard of hearing, or are pursuing a professional career related to deafness. As such, future enrollment projections for Gallaudet can be

calculated with greater precision than is possible at other universities catering to the hearing population. While the student population increased dramatically in the 1980s as a direct result of the Rubella epidemic of the early 1960s, Gallaudet has actually witnessed a slight decrease in student population since the 2002 campus plan was approved. This is due primarily to two factors – the stabilization in the numbers of the deaf population, and greater communication access for deaf and hard of hearing students, allowing for more opportunities to attend a wide variety of colleges and universities than in previous times.

At the time of the 2002 campus plan approval, Gallaudet maintained a total University student population of approximately 1,706 students (1492 FTE). The current student population has dropped to 1,611 students (1,442 FTE). Gallaudet projects that the total University student population in ten years will increase between approximately 1.0% and 3.0% per year.

Approximately 73% of University-level students at Gallaudet currently live in campus housing. Over the next ten years, Gallaudet intends to maintain the same percentage of available beds with respect to enrollment trends. Upon completion of the proposed residence hall renovations and new construction, the University will be able to house 1,634 students or approximately 73% of the maximum total projected student enrollment of 2,238.

The Commission finds that the approval of the proposed campus plan will not tend to create conditions objectionable to neighboring properties because of the number of

students. During the hearing, the University demonstrated that the proposed increase in the number of students, as well as the student population as a whole, would not result in objectionable impacts due to the many existing and proposed measures implemented by the University to mitigate noise, lighting, traffic, parking, and other impacts. The Commission also finds that the proposed phase-in for the projected enrollment increase is reasonable and will ensure no objectionable impacts are felt in the surrounding community.

(d) Other Objectionable Conditions

The Commission finds that approval of the proposed campus plan will not create other conditions objectionable to neighboring property due to multiple features of the 2012 Plan that address the aesthetic and environmental features of the Campus.

20. Under 11 DCMR § 210.3, the total bulk of all buildings and structures on the Campus must not exceed 1.8 FAR. As required under 11 DCMR § 210.8, the University submitted evidence that the University development plan will result in a density of 0.5 floor area ratio ("FAR"), well within the density limit for the campus as a whole (Ex. 20, Tab C and pp. 11-12). The University and the Clerc Center together will not exceed 0.64 FAR.
21. The Applicant submitted a plan for developing the campus as a whole, showing the location, height, and bulk of all present and proposed improvements, as required by 11 DCMR §210.4 (Ex. 8.). The Gallaudet Campus Plan document titled "Gallaudet University 2022 Campus Plan - Executive Summary", dated August 22, 2012, was filed with the Commission as a part of this application. That document outlines Gallaudet's

plan for development of the Campus as a whole for the upcoming decade, and indicates the location, height and bulk of all existing and proposed improvements. That document, as well as the Prehearing Statement (Ex. 20), illustrate the following:

(a) Buildings and parking and loading facilities.

The 2012 Plan is designed to guide the University in its construction and renovation projects over the course of the next ten years. The 2012 Plan includes the proposed demolition of 270,778 square feet of University buildings and 249,392 square feet of Clerc Center buildings, and new construction of 476,804 square feet of University buildings and 155,000 square feet of Clerc Center buildings. As detailed in the 2012 Plan (Ex. 8), the University proposes a three-phase plan of expansion, renovation and relocations during this period:

Phase I--Implementation

1. Gallaudet Interpreting Service Relocation

To prepare for the renovation of Ballard and Fay Houses, Gallaudet Interpreting Service (GIS) will be relocated temporarily until its permanent home in the new student center at Hall Memorial Building (HMB) is completed.

2. Renovations to Ballard & Fay Houses

The two houses will be renovated into new living/learning communities. The project will involve full interior renovations-finishes replacement, new ceilings, new bathroom fixtures, new lighting and new M/E/P systems as well as selected exterior aesthetic improvements.

3. Gallaudet Research Institute Relocation

The occupants of Dawes House-Gallaudet Research Institute and the Institutional Review Board-will be relocated temporarily in order to renovate the building. A temporary space will be prepared for these departments in HMB and they will be relocated upon completion.

4. Dawes House Renovation

The building, which has yet to be renovated since its construction in the 1880s, will receive full interior and exterior renovations. An elevator will be added to the building to provide an accessible path to each floor.

5. Academic Space Relocates Into Dawes House

Once the renovations to Dawes House are complete, a yet to be determined academic department will relocate to this location.

6. Relocation of Department of Transportation

In order to implement the new campus entrance to the community at the corner of Florida Avenue and 6th Street, the Department of Transportation, currently located in the Appleby Building, will need to be relocated. Gallaudet is currently searching for an off-site property near the campus to house this department.

7. 6th Street Gateway & Olmsted Green

The project involves the demolition of the Appleby Building to allow for the construction of a new pedestrian entrance to campus at the corner of Florida Avenue and 6th Street. The project includes a new entry plaza and walkway to Olmsted Green as well as the restoration of the walkways around Olmsted.

8. MSSD Residence Hall

The new residence hall will consolidate the students currently located in Ballard North and in MSSD Residence Hall Building (RHB). The new facility will contain 144 student beds and 6 staff apartments. There will also be shared student common areas, lounges, kitchens and laundry facilities on each floor.

9. Vacate Ballard North

Once the new MSSD Residence Hall is completed, Ballard North will be vacated and turned back over to the university for their use. The building could be used for temporary student housing as residence halls on the campus are taken off-line for construction or renovation.

10. Demolish MSSD RHB

Once the new MSSD Residence Hall is completed, MSSD RHB will be demolished and the site restored into green space. The site will become the future location of the playing fields for the Clerc Center.

Phase II--Implementation

1. New Museum & Visitor Center

The new museum located at the corner of Florida Avenue and 6th Street will consolidate the existing museum exhibit space located in the Student Academic Center (SAC) and the existing museum offices located in Chapel Hall to this new facility. The facility will also serve as the campus visitor center, which is currently located in Edward Miner Gallaudet Hall (EMG).

2. Relocation of Museum Offices

The museum offices and support spaces currently located in the basement of Chapel Hall will be relocated to the new museum, freeing up this space for other use.

3. Relocation of Museum Exhibit Space

The current museum space in the lower level of the SAC will be relocated to the new museum. The new museum will provide more space for display and other cultural programs.

4. New Innovation Lab & Business Incubator

This new facility at the campus gateway at 6th Street will provide space for student research and start-up business ventures to interact with the community.

5. Mixed-Use Development at 6th Street

The building will contain retail space on the ground floor along 6th Street and 350 bed student apartment style housing above.

6. Student Learning Commons

This new magnet building located between Olmsted Green and the Gallaudet Mall will house the functions of the library, deaf archives, IT helpdesk and student computer lab (from the SAC).

7. Relocation of Library & Deaf Archives

Once the new Learning Commons is completed, the contents of the Library and the Deaf Archives will be relocated to this new facility. The vacated space in the Merrill Learning Center will be used for university swing space, specifically for programs currently located in the Ely Center.

8. Relocation of Student Computer from SAC

The large student computer lab in the SAC will be relocated to the new Learning Commons facility, freeing up that space for academic use.

9. Relocation of Technology Services from HMB

The IT helpdesk currently located in HMB will be moved to the new Commons facility freeing up this space for conversion into academic use.

Phase III--Implementation

1. Relocation of Ely Center Programs

To prepare for the construction of the new academic building, the existing Ely Center will be demolished. The programs currently located in the Ely Center will be relocated to the Merrill Learning Center until the new student center at HMB is ready for operation.

2. Peet Hall Replacement

The project involves the demolition of the existing Peet Hall and the construction of a new 175 bed, suite style student residence hall in the same location. While this project is occurring, beds will be need to be made available in either the student apartments at 6th Street or in Ballard North.

3. New MSSD School/Demolish MSSD

A new MSSD School will be constructed on the Clerc Center campus to replace the existing MSSD building. Once completed the existing building will be demolished and the site restored for use as playing fields.

4. Clerc Center Playing Fields

These new fields will occupy the site of the former MSSD residence halls and will later extend over the site of the former MSSD school. The fields will be constructed to open in conjunction with the new MSSD school.

5. Relocation of Kendall Hall Programs

The occupant of Kendall Hall will be temporarily relocated to the Merrill Learning Center while the building undergoes renovations.

6. Academic Building

This project involves the demolition of the existing Ely Center and the construction of a new academic building.

7. Relocation of Academics from HMB

Once the new academic building is complete, academic departments will be relocated to the new facility or other locations on campus.

8. Recreational Gym

The facility will be located to the east of the Field House along West Virginia Avenue allowing it to be shared between the campus and community. The building will provide much needed additional space for non-collegiate athletics, faculty and staff, and local community members.

9. Renovation of HMB into New Student Center

The HMB facility will be completely renovated for use as the campus student center. The facility will centralize all student organization activities, university board dining and kitchen, retail dining, the bookstore, the post office, as well as add a new ballroom event space. An addition to the north corner of the building will house new kitchen space on the lower level with a ballroom multi-purpose space above.

10. Student Center Programs Relocation to HMB

Once HMB has been renovated, the student center programs which have been temporarily housed in the Merrill Learning Center will be moved to the renovated facility. The completion of the renovation work and the opening of the new student center will occur before the start of the fall semester.

11. Relocation of SAC Programs to HMB

The retail dining facilities, the bookstore, the post office, the student center information desks as well as all meeting room space will be moved to the new student center facility at HMB. The move will free up space in the SAC for renovation into new academic classrooms and department offices.

12. Renovation of Kendall Hall

The renovations will include full interior upgrades included in new finishes and building systems as well as selected exterior renovation and restoration.

13. Relocation of Academics to Kendall Hall

Once the renovations of Kendall Hall are complete, yet to be determined academic departments will be moved into the building.

14. SAC Renovation

The project will involve the full renovation of the SAC to prepare it for new academic department suites and classrooms.

15. Merrill Learning Center Demolition

Once all departments have been moved out of the building, it will be demolished to make way for the restoration of the Gallaudet Mall.

16. Gallaudet Mall Improvements

Once the demolition of the Merrill Learning Center is complete, the site will be filled and reworked to add green space to the mall and mark the completion of the mall improvements.

(b) Screening, signs, streets, and public utility facilities.

The 2012 Plan features a number of improvements and enhancements to the Campus. Specific improvements include: a new pedestrian gate and entry way at 6th Street and Florida Avenue; removal of the adjacent surface parking lot and related landscape improvements adjacent to College Hall and Kendall Hall; and the restoration of the Gallaudet Mall once the Merrill Learning Center is removed. The 2012 Plan also includes a pedestrian plan, a plan for bicycle parking, and an extensive utility plan.

(c) Athletic and other recreational facilities.

The 2012 Plan provides athletic and other recreational and calls for the construction of a new recreation facility and the conversion of the Hall Memorial Building to a new Student Center.

(d) Description of all activities conducted or to be conducted on the campus, and of the capacity of all present and proposed campus development.

New construction will provide 256,804 square feet of gross floor area of University student life space, 200,000 square feet of gross floor area of residential use, and 20,000 square feet of gross floor area of University athletic use. In addition, a new

100,000 square foot MSSD building and a 55,000 square foot MSSD residence will be built on the Clerc Center. Each proposed building is designated in one of the following use categories:

- (i) Student Life
- (ii) Library
- (iii) Academic
- (iv) Recreation/Athletic
- (v) Residential
- (vi) Deaf Culture

22. Pursuant to 11 DCMR § 210.5, the Commission finds that the University does not propose the interim use of land or improved property outside the campus with a college or university use.

23. Pursuant to 11 DCMR § 210.6, the Commission finds that the University does seek approval for any new use of a previously approved building site.

24. Pursuant to 11 DCMR § 210.7, the Commission finds that the 2012 Plan is not inconsistent with the Comprehensive Plan, including the designation of the Campus as “Institutional” and related provisions endorsing change and infill on university campuses consistent with campus plans. The University also provided evidence that the 2012 Plan was not inconsistent with other elements of the Comprehensive Plan, including the Framework Elements, the Land Use Element and Education Facilities Element. The

Commission finds that the proposed 2012 Plan will further the goals and policies of the Comprehensive Plan.

25. Pursuant to 11 DCMR § 210.9, the Commission received reports in support from OP and DDOT regarding the campus plan (Exs. 23, 24).

Further Processing for Fay House and Ballard House

26. There are four buildings in the historic portion of the Campus, near the corner of 6th Street and Florida Avenue, NE that are referred to collectively as Faculty Row. These were all built as residences in the mid-1800's. The largest is the President's house. The other three are smaller and all three were used until recently as administrative office space. In March of 2010, the Commission approved Application No. 03-02A for a minor amendment to the 2002 Campus Plan, and further processing, to convert one of those three buildings (Denison House) from administrative use to residential use. Specifically, the approval authorized a change in the campus plan designation from administrative to residential use, and to renovate and convert the use from administrative office to student residence use, in order to create a living/learning community in the building. The Commission issued a Summary Order in that case.
27. The University now proposes to convert the other two buildings, Fay House and Ballard House, to student residence use as well. Like Denison House, Fay and Ballard were designated as administrative use under the 2002 Campus Plan. The 2012 Plan designates those two buildings as residential use. As the first major project to come out of the Campus Plan, the renovations will restore these two houses to student housing, creating

two new living/learning communities along Olmsted Green. These new communities will enhance the existing living/learning community that was created in the adjacent Dension House in 2010. The projects will involve full interior renovation - finish replacement, new ceilings, new bathroom fixtures, new lighting and new MEP systems - as well as selected exterior aesthetic improvements. The two projects will begin the formation of a strong residential presence on the west side of Olmsted Green, to be further complemented by the future student apartments along 6th Street.

28. The Commission finds that the proposed renovation and conversion of Fay House and Ballard House to residential use is not likely to become objectionable because of noise, traffic, number of students, or other objectionable conditions for the reasons stated above. The renovation and conversion is designed to harmonize with existing campus development and uses.

Office of Planning

29. By report dated March 18, 2010 and by testimony at the public hearing, OP recommended approval of the University's application for a new campus plan, and further processing to permit the renovation and conversion of Fay House and Ballard House to residential use. OP reviewed the application under the standards for special exception approval for a campus plan and further processing under § 210 concluded that the University had satisfied the burden of proof. OP recommended that the Commission approve the application, subject to conditions proposed by OP (Ex. 24).

District Department of Transportation

30. By report dated November 19, 2012, DDOT reported that they "expect[] minimal impact to traffic conditions resulting from the approval of the 2012 Plan." DDOT agreed that the University-related traffic increase associated with the proposed campus plan will be slight and commented favorably on the Applicant's TMP (Ex. 23). DDOT requested certain additional items including more detail on the loading plan, specifically on the vehicular access points to the campus; and more detail on a pedestrian review and analysis. The Applicant provided this additional information in a post-hearing submission (Ex. 36).

ANC's

31. At a regularly scheduled meeting on October 4, 2012, with a quorum present, ANC 5B voted 7-0 to approve the University's application (Ex. 25).
32. At a regularly scheduled meeting on October 17, 2012, with a quorum present, ANC 6A voted 6-0 to approve the University's application (Ex. 28).
33. At a regularly scheduled meeting on November 14, 2012, with a quorum present, ANC 6C voted 7-0 to approve the University's application (Ex. 22).

Other Testimony in Support

34. At the hearing, the Commission heard testimony from Janna DiBiasi, a senior at Gallaudet, in support of the application. The Commission also received a letter in support of the application.

Testimony in Opposition

35. No testimony in opposition was presented at the hearing, nor was there any opposition of record.

CONCLUSIONS OF LAW

1. The Applicant requested special exception approval, pursuant to 11 DCMR §§ 210, 3035, and 3104, of a new campus plan, and further processing under that plan. The Commission is authorized under the aforementioned provisions to grant a special exception when, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. A special exception to allow use as a college or university in a residential zone district may be granted subject to the provisions contained in § 210, including that the university use must 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,” and that maximum bulk requirements may be increased for specific buildings, subject to restrictions based on the total bulk of all buildings and structures on the campus. (11 DCMR §§ 210.2-210.9.)
2. Based on the above Findings of Fact, the Commission concludes that the University has satisfied the burden of proof for special exception approval of the proposed new campus plan in accordance with § 210. The 2012 Plan will provide limited new development.

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 2012 Gallaudet University Campus Plan (the “2012 Plan”) and the level of University operation it describes until December 31, 2012, and further processing of the Fay House and Ballard House renovations and conversions to residential use, subject to the following conditions:

1. Fay House and Ballard House Renovation. The Fay House and Ballard House Renovations shall be developed in accordance with the plans and materials submitted by the University marked as Tab E of Exhibit 20 of the record.
2. Campus Development. The University shall be permitted to construct additional density as described in the 2012 Plan, provided that the proposed development is substantially in conformance with the 2012 Plan as follows:
 - (a) The location of each building shall be limited to the locations identified in the 2012 Plan (Exs. 8 and 20).
 - (b) The uses within each building shall be substantially in conformance with the 2012 Plan (Ex. 8).²
 - (c) The height, gross floor area, and lot coverage of each building shall be consistent with the 2012 Plan (Ex. 8 and 20).

² The use categories indicate the predominant use for each proposed building but do not preclude other accessory uses, such as administrative offices in a residence hall or student life activities in an academic building.

well as a modest increase in student enrollment. The new development and the enrollment increase are not likely to become objectionable because of noise, traffic, number of students, or other objectionable impacts. The 2012 Plan is consistent with the provisions of the Comprehensive Plan, and will contain conditions provided in response to agency comment.

3. Based on the above Findings of Fact, the Commission concludes that the University has satisfied the burden of proof for special exception approval of further processing of the 2012 Plan in accordance with § 210. The renovation and conversion of Fay House and Ballard House are consistent with the 2012 Plan. The Commission concludes that the location and adaptive reuse of those two campus buildings are not likely to become objectionable due to noise, traffic, number of students or other objectionable conditions.
4. The Commission has accorded the recommendation of OP the “great weight” to which it was entitled pursuant to D.C. Official Code § 6-623.04 (2001). As discussed in this Order, the Commission concurred with the recommendation of OP to grant the University’s applications, subject to conditions.
5. The Commission has accorded the issues and concerns raised by ANC 5B the “great weight” to which they are entitled pursuant to D.C. Official Code § 1-309.10(d) (2001). In doing so, the Commission fully credited the unique vantage point that ANC 5B holds with respect to the impact of the proposed campus plan on the ANC’s constituents.

3. Students and Faculty. Upon the approval of the 2012 Plan, and for the remainder of the term of the 2012 Plan, the maximum student enrollment shall not exceed 2,238 students, which includes any person taking at least one class or course on campus. The maximum number of faculty and staff shall not exceed 980.
4. Traffic and Parking.
 - (a) The maximum number of parking spaces shall be 1,588, which may be reduced to a maximum of 1,367.
 - (b) Delivery trucks of 55 ft. or greater in length are permitted to turn westbound onto Florida Avenue when exiting the 8th Street gate, only with the assistance of appropriate construction or flag personnel to assist in that maneuver.
 - (c) The University shall work with DDOT to supplement its Transportation Demand Management Program.
5. The 2012 Plan shall be valid for a period of 10 years, for a term ending on December 31, 2022.
6. At the time of review of any further processing requests for development of University buildings on the east side of Campus that include a pedestrian access into the campus directly from West Virginia Avenue, the Commission will evaluate whether there is a future need for a sidewalk in the public space along a portion of West Virginia Avenue, and whether and to what extent that sidewalk can be accommodated in the public space.

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VOTE:

BY ORDER OF THE D.C. ZONING COMMISSION

The majority of the Commission members approved the issuance of this Order

ATTESTED BY: _____
SARA BARDIN
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: _____, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE COMMISSION SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEP.. ("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 THAT 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. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.