

# Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | www.hklaw.com

Christopher H. Collins  
202.457-7841  
chris.collins@hklaw.com

March 21, 2018

## VIA IZIS AND HAND DELIVERY

District of Columbia Zoning Commission  
441 4th Street, N.W.  
Suite 200-S  
Washington, DC 20001

**Re: Zoning Commission Order No. 12-15: Gallaudet University 2012 Campus Plan - Application for Modification of Consequence for Demolition of Ballard North (Parcel 141/69)**

Dear Honorable Members of the Commission:

Gallaudet University (the “University”) hereby requests approval of a modification of consequence to its 2012 Campus Plan, which was approved by the Commission in Order No. 12-15, dated March 7, 2013. The proposed modification seeks approval for the demolition of the vacant dormitory building known as Ballard North. A copy of Order No. 12-15 is attached hereto as Exhibit A. Attached as Exhibit B are portions of the “Campus Plan-Executive Summary” (“Executive Summary”), submitted as Exhibit 8A1 and 8A2 of the record in Case No. 12-15, including a plat of the campus highlighting the location of Ballard North, and information regarding the physical conditions of Ballard North and other campus buildings.

## Background

Ballard North was built in 1965 as a four-story 60 ft. tall university dormitory with 54,641 gross sq. ft., and with a capacity of 160 beds. Prior to the Fall 2006 semester, three wings in Ballard North (second, third, and fourth floors east) were temporarily converted into the Boys’ Dormitory for the Model Secondary School for the Deaf (MSSD), the high school located on the Clerc Center portion of the campus. The remaining five wings of Ballard North (first, second, third, and fourth floors west and the first floor east) were utilized by the University for university student housing. During Thanksgiving of 2008, the remaining University students were moved out of Ballard North, and on January 1, 2009, the entirety of Ballard North was transferred to MSSD’s control. Beginning in 2009, the building was then fully occupied as temporary housing for MSSD students while a new MSSD dormitory was being constructed on the Clerc Center

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**ZONING COMMISSION**  
District of Columbia  
CASE NO. 12-15B  
EXHIBIT NO. 2

portion of the campus per ZC Order No. 12-15A. Upon completion of the new MSSD dormitory in January of 2017, Ballard North was again vacated.

Item 9 in the “Phase I Implementation” section on page 82 of the Executive Summary states the following with regard to Ballard North:

**Vacate Ballard North**

Project Summary: 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.

This same language appears in Finding No. 21 on page 9 of Order No. 12-15. Thus, the only use identified in the approved Campus Plan for future use of Ballard North was for possible future swing space.

The Executive Summary also listed the condition of all of the buildings on campus. Ballard North was listed at the low end of the spectrum as being in “poor condition” (see Exhibit B hereto).

**The Proposed Modification**

The University has determined that Ballard North must be demolished. The 53-year old dormitory building is currently vacant, per the language of the Executive Summary and Finding 21 of the Order, and has been vacant for over a year. After the building was most recently vacated, the University undertook an analysis of possible future residential use of the building, and the costs of renovating and modernizing the building for university residential use. The University determined after that study that the condition and configuration of the building are such that it cannot be reused without extensive renovations. Modern designs for university on-campus housing are much different than they were 50 years ago, when Ballard North was built with four floors of narrow double-loaded corridors with two student beds to each room. The cost to modernize Ballard North in an ideal configuration that university students would want to live in would be greater than the replacement cost of the building. Moreover, Ballard North has not housed any university students for over 9 years, and there is no anticipated demand in the near future for use of Ballard North for university housing. The cost to continue carrying the building vacant, with no identified future program or occupant, is a substantial drain on the University’s financial and operational resources. Removal of Ballard North would also provide greater flexibility of use of campus space in future campus planning efforts. Having made the determination to demolish Ballard North, the University’s goal is to have demolition completed during the winter of 2018 when the campus population is at its lowest level and many students and staff are away. In order to carry out that work, the University must first disconnect the building’s mechanical and electrical systems from Ballard West and the campus loop during the summer months, also when most students are away from the campus.

### **A Modification of Consequence Is Appropriate In This Case**

Subtitle Z, Section 703 of ZR16 establishes the standards and requirements for approval of modifications of consequence, without a public hearing. Section 703.4 notes that examples of modifications of consequence:

[i]nclude, but are not limited to, proposed changes to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.

This proposed modification is most closely related to a “redesign or relocation of architectural elements and open spaces...”. The University is not requesting any changes to a condition in the final order.<sup>1</sup> Moreover, it does not appear from Order No. 12-15 that the proposal to retain, but vacate, Ballard North affected the Commission’s decision to approve the Campus Plan. The Office of Planning has concurred that a Modification of Consequence is the most appropriate method to handle this request.

### **Service on Parties**

Finding No. 2 of Order No. 12-15 notes that ANC 5B was automatically a party to the Campus Plan application and submitted a letter of support, and that ANC’s 6A and 6C, both of which are located across Florida Avenue to the south of the campus, also submitted letters of support. The campus is now located within the boundaries of ANC 5D. The northern boundaries of ANC’s 6A and 6C along Florida Avenue abutting the University campus remain unchanged. Under Subtitle Z, Sec. 403.5(b) of ZR16, all three of these ANC’s are automatic parties to this modification request. The University has made arrangements to meet with all three ANC’s in April, at their regularly-scheduled monthly meetings as follows:

ANC 5D - April 10

ANC 6A - April 12

ANC 6C – April 11

In addition, the university will be meeting with the Zoning Committees of ANC 6A and 6C prior to the full ANC meetings. ANC 5D does not have a Zoning Committee.

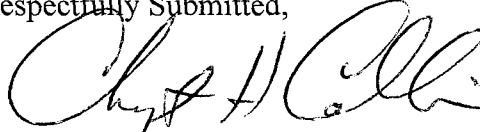
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<sup>1</sup> Condition No. 1 of Order No. 12-15 refers to “Ballard House”. That is a different building from Ballard North.

**Conclusion**

For the foregoing reasons, Gallaudet University respectfully requests approval of this Modification of Consequence. Thank you.

Respectfully Submitted,



Christopher H. Collins



Dennis R. Hughes

CHC:jma

**CERTIFICATE OF SERVICE**  
**Z.C. Case Order No. 12-15**

**I HEREBY CERTIFY** that on March 21, 2018, a copy of the attached Gallaudet University 2012 Campus Plan – Application for Modification of Consequence for Demolition of Ballard North (Parcel 141/69) was served by email on the following:

Joel Lawson  
Office of Planning  
1100 4<sup>th</sup> Street, SW  
Washington, DC 20024  
[joel.lawson@dc.gov](mailto:joel.lawson@dc.gov)

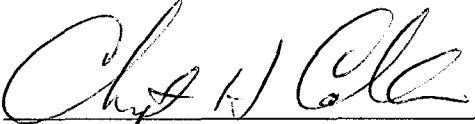
Stephen Mordfin  
Office of Planning  
1100 4<sup>th</sup> Street, SW  
Washington, DC 20024  
[stephen.mordfin@dc.gov](mailto:stephen.mordfin@dc.gov)

Anna Chamberlin, DDOT  
District Department of Transportation  
55 M Street, SE  
Washington, DC 20003  
[anna.chamberlin@dc.gov](mailto:anna.chamberlin@dc.gov)

Advisory Neighborhood Commission 5D  
Washington, DC  
[5D@anc.dc.gov](mailto:5D@anc.dc.gov)

Advisory Neighborhood Commission 6A  
P. O. Box 75115  
Washington, DC 20013  
[ANC6A@yahoo.com](mailto:ANC6A@yahoo.com)

Karen Wirt, Chair  
Advisory Neighborhood Commission 6C  
P. O. Box 77876  
Washington, DC 20013  
[6C02@anc.dc.gov](mailto:6C02@anc.dc.gov)

  
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Christopher H. Collins