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May 13, 2003

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RECEIVED
D.C. OFFICE OF ZONING
2003 MAY 14 PM 4:17

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

Re: Zoning Commission Case No. 03-02
Gallaudet University

Dear Members of the Commission:

Pursuant to the direction of the Commission at its April 28, 2003 public hearing in the above-referenced case, enclosed please find a proposed Summary Order for your use. Please feel free to contact the undersigned should you have any questions. A copy of the enclosed proposed Order is also being sent electronically to the Office of Zoning.

Sincerely,

Dennis R. Hughes

Enclosure
cc: ANC 5B

ZONING COMMISSION
District of Columbia
Case 03-02
Exhibit 48

ZONING COMMISSION
District of Columbia
CASE NO.03-02
EXHIBIT NO.48

ZONING COMMISSION ORDER NO. 03-02
Case No. 03-02
(Campus Plan – Gallaudet University)
April 28, 2003

Application No. 03-02 of Gallaudet University, pursuant to 11 DCMR §§210 and 3035, for special exception review and approval of its Facilities Master Plan, 2002-2012, for the Gallaudet University Campus, which is bounded generally by Florida Avenue, NE to the south, West Virginia Avenue, NE to the east, Mount Olivet Road, NE and Corcoran Street, NE to the north, and Brentwood Parkway and 5th and 6th Streets, NE to the west, at premises 800 Florida Avenue, NE (Parcels 141/69, 129/103, 129/112, and Square 3591, Lot 4). In accordance with 11 DCMR §§210 and 3035, this case has been heard by the Zoning Commission under the rules of the Board of Zoning Adjustment, at Chapter 31 of 11 DCMR.

HEARING DATE: April 28, 2003
DECISION DATE: April 28, 2003 (Bench Decision)

SUMMARY ORDER

The Commission provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to the Applicant, Advisory Neighborhood Commissions (ANC) 5B and 6A, and to owners of property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning for review and report.

The Subject Property is located within the jurisdiction of ANC 5B. ANC 5B, which is automatically a party to the application, submitted a written statement in support of the application. The Commission noted that the application is also of interest to ANC 6A, whose boundary is located across Florida Avenue from the Gallaudet campus. ANC 6A also submitted a written statement in support of the application.

The D.C. Office of Planning submitted a written report and testified in support of the application. The D.C. Department of Transportation submitted a written memorandum indicating no objection to the application.

As directed by 11 DCMR §3119.2, the Commission required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception under 11 DCMR §210. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof, under 11 DCMR §§3104.1 and 210, and that the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore ORDERED that the application be GRANTED.

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

VOTE: 5-0-0 (Anthony Hood, James. H. Hannaham, Carol J. Mitten, John Parsons to approve; Peter J. May to approve by proxy)

BY ORDER OF THE D.C. ZONING COMMISSION

ATTESTED BY: _____

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR §3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR §3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25. *SEE* D.C. CODE §1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.