BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION

Application of Gallaudet University
800 Florida Avenue, NE

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

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I. Background:

The Subject Property (Parcels 141/69, 129/103, 129/70, 129/112, and Square 3591, Lot 4) is currently used as the campus for Gallaudet University and is also home to the Laurent Clerc National Deaf Education Center. The original campus plan for Gallaudet University was approved by the Board of Zoning Adjustment in 1972 (BZA Order No. 11093). The approved campus plan was most recently revised in 1992 for a period of ten years (BZA No. 15671). The BZA has approved a number of applications involving further processing under the approved campus plans, most recently in 2000 (BZA Order No. 16582). In the present application, Gallaudet University requests special exception approval from the Zoning Commission for its Facilities Master Plan, 2002-2012, which is included with the present application.

In accordance with §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Commission no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Commission's approval of the requested special exception. Following herein, as required by the Commission's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

Pursuant to §210.1 of the Zoning Regulations, use as a college or university that is an academic institution of higher learning shall be permitted in all residential zones if approved by the Zoning Commission under §3104 of the Regulations, subject to the provisions of §210. The majority of the campus is located in the R-4 District. The westernmost portion of the campus, flanking both sides of 6th Street, N.E., is located in the C-M-1 District. University use is permitted as a matter of right in the C-M-1 zoned portion of the Subject Property.

A. Section 3104.1. *The Commission is authorized to grant the campus plan special exception, where, in the judgment of the Commission, it will be in*

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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 Regulations and Maps.

Gallaudet University has been located at this site since its founding more than 145 years ago, and has played an integral role in the development of its immediate neighborhood, and the District as a whole. Gallaudet University has proceeded with development of its capital projects over the last 30 years in strict accordance with the campus planning process set forth in the Zoning Regulations. Subsequent to the initial approval of its campus plan in 1972, Gallaudet has returned to the Board of Zoning Adjustment on numerous and regular occasions for approval of revised plan documents and further processing under said documents. Throughout the campus plan review and further processings, Gallaudet has consistently engaged its neighbors in the process, through meetings with affected Advisory Neighborhood Commission(s) and with the Gallaudet Community Relations Council.

B. Section 210.2. *The university use shall be located so as not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.*

The proposed facilities included in the Facilities Master Plan are located so that they will not be likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. Gallaudet intends to continue to uphold its obligations as a good neighbor within its community. To that end, it commits to remaining an active participant in the community, maintaining its open relations with nearby residents and businesses, especially through the Gallaudet Community Relations Council. Furthermore, the University commits to continue organizing and controlling university parking and transportation. Gallaudet also will continue to make its facilities available, on occasion, to groups from the immediate neighborhood and the larger District community. For more detailed discussion of these and related efforts being undertaken by Gallaudet as part of this process, please refer to the Facilities Master Plan and Traffic Study documents submitted with this Application.

C. Section 210.3. *The maximum bulk requirements of individual buildings may be increased beyond what would otherwise be permissible, provided that the total bulk of all buildings and structures shall not exceed the gross floor area prescribed for the R-5-B District, namely 1.8 FAR.*

The bulk proposed by Gallaudet for the university portion of its 2002-2012 Master Plan is approximately 0.46 FAR, well under the allotted 1.8 FAR.

D. Section 210.4. *The applicant must submit to the Commission a campus planning document, showing the location, height, and bulk, where appropriate, of all existing and proposed improvements, including: (a) buildings and parking and loading facilities; (b) screening, signs, streets and public utility facilities; (c) athletic and recreational facilities; and (d) a description of activities conducted on the campus and capacity of all present and proposed campus development.*

Gallaudet has provided these materials in its Facilities Master Plan, included with the present Application.

E. Section 210.5. *Within a reasonable distance of the college or university campus, and subject to compliance with the provisions of §210.2, the Commission may also permit the interim use of land or improved property with any use that the Commission may determine is a proper college or university function.*

Gallaudet is not proposing any interim use of land or improved property outside the university campus area.

F. Section 210.6. *When a major new building that has been proposed in a campus plan is instead moved off-campus, the previously designated site shall not be designated for or devoted to a different major new building until and unless the Zoning Commission has approved an amendment to the campus plan applicable to the site; provided, that for this purpose a major new building is defined as one specifically identified in the campus plan.*

Gallaudet is not proposing to move any major new or previously-approved building off-campus.

G. Section 210.7. *In reviewing and deciding a campus plan application or new building construction pursuant to a campus plan, the Commission shall consider, to the extent they are relevant, the policies of the District Elements of the Comprehensive Plan.*

The Comprehensive Plan's Ward 5 Element emphasizes the importance of preserving the Ward's important historic features while permitting sensitive and compatible new development. The Gallaudet College Historic District, listed on the National Register of Historic Places and D.C. Inventory of Historic Sites, is included on the list of important historic sites within Ward 5. This campus plan does not

include any demolition, alteration, new construction or subdivision within the Gallaudet College Historic District.

The Ward 5 Element also notes that parking around the Ward's colleges and universities is one of many locations that continue to be of concern. Catholic University, Trinity College and Gallaudet University are all located within Ward 5. As demonstrated in the attached Traffic Impact Assessment, this campus plan will not increase congestion in the surrounding neighborhood, and will not have any adverse impact upon parking in the surrounding area.

H. Section 210.8. *As an integral part of the application requesting approval of new building construction pursuant to a campus plan, the university shall certify and document that the proposed building or amendment is within the floor area ratio limit for the campus as a whole, based upon the computation included in the most recently approved campus plan and the FARs of any other buildings constructed or demolished since the campus plan was adopted.*

Section 210.8 does not apply to the instant campus plan application, but rather to further processing applications undertaken pursuant to an approved campus plan.

I. Section 210.9. *Before taking final action on applications for use as a college or university, the Commission shall submit the application to the D.C. Office of Planning and the D.C. Department of Transportation for review and written reports.*

It is our understanding that the Office of Zoning will refer this application to the Office of Planning and the D.C. Department of Transportation. Gallaudet will meet with representatives of the Office of Planning and the Department of Transportation prior to the public hearing in this matter.

For all these reasons, Gallaudet University satisfies the requirements for special exception approval for its continued use of the Subject Property as a university that is an academic institution of higher learning.