

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

RECEIVED
D.C. OFFICE OF ZONING

2006 MAY -8 PM 2:36

DENNIS R. HUGHES
202 419 2448
dennis.hughes@hklaw.com

May 8, 2006

Hand Delivery

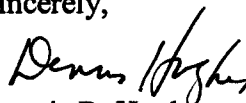
District of Columbia Zoning Commission
441 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Re: Application of Gallaudet University
Zoning Commission Case No. 06-16

Dear Members of the Commission:

Enclosed please find original and 20 copies of the Prehearing Statement of Applicant in the above-referenced matter.

Sincerely,


Dennis R. Hughes

Enclosures

cc: Advisory Neighborhood Commission 5B
DC Office of Planning

3020574_v10

ZONING COMMISSION
District of Columbia

CASE NO. 06-16
ZONING COMMISSION
EXHIBIT NO. 23
District of Columbia
CASE NO. 06-16
EXHIBIT NO. 23

**BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA**

Application of Gallaudet University

Zoning Commission Case No. 06-16
Public Hearing: May 22, 2006
ANC 5B

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

Pursuant to 11 DCMR Section 3104 and in accordance with 11 DCMR Section 210, Gallaudet University (hereinafter "Gallaudet") requests further processing under its approved Facilities Master Plan, 2002-2012 for the Gallaudet campus (the "Campus Plan") for the construction of the Sorenson Language and Communication Center on land zoned R-4 located within the Gallaudet 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. (Parcels 141/69, 129/103, 129/112, and Square 3591, Lot 4)(the "Campus").

II.

EXHIBITS IN SUPPORT OF APPLICATION

- Exhibit A:** Portion of the Sanborn Atlas showing the Campus outlined in red.
- Exhibit B:** Portion of the Zoning Map showing the Campus.
- Exhibit C:** Zoning Commission Order No. 03-02, approving the Gallaudet University Plan, 2002-2012.
- Exhibit D:** Architectural drawings for the Sorenson Language and Communication Center.
- Exhibit E:** Table showing Campus-wide gross floor area and building density.
- Exhibit F:** Outline of the testimony of Paul Kelly, Vice President, Gallaudet University.
- Exhibit G:** Outline of the testimony of Gregory A. Mella, Partner, SmithGroup architects.

III.

INTRODUCTORY STATEMENT

Background

The most recent Gallaudet University Campus Plan was approved unanimously by the Zoning Commission by bench decision on April 28, 2003. (Zoning Commission Order No. 03-02 at Exhibit C). The approved Campus Plan is valid for a period of 10 years from the date of the final Zoning Commission Order, that is, until August 26, 2013.

The Campus Plan highlighted a series of gradual improvements to be undertaken on the Campus, with emphasis to be placed upon reinforcing the visual image of the Campus, including restoration of the Central Green, invigorating the Campus core and improving pedestrian circulation, and optimizing university facilities. Demolition of a variety of aging academic and residential buildings (approximately 360,000 square feet of space) was approved in the Campus Plan. At the same time, several new residential halls and academic buildings were approved,

including a new 80,000 square foot state-of-the-art language and communication center, a new library and more than 120,000 square feet of new on-campus residential construction.

Gallaudet now returns to the Zoning Commission with the present application for further processing approval of the first capital improvement identified in the Campus Plan, the Sorenson Language and Communication Center ("Sorenson Center").

Description of Proposed Construction

The Sorenson Center is proposed as a three-story academic building, consisting of approximately 85,400 square feet of multi-purpose academic space, including classrooms, laboratories, and faculty offices for the following departments: Hearing, Speech, and Language Services (HSLS); American Sign Language (ASL) and Deaf Studies; Linguistics; Communications; Government/History/Sociology; and Media (Exhibit D). The Sorenson Center will be located immediately to the northeast of the Student Academic Center (constructed 2002) and to the southeast of the Hall Memorial Building (constructed 1959), the academic core of the Campus. With the proposed demolition of the Merrill Learning Center, the Sorenson Center will frame the northeast corner of a restored Central Green. The site proposed for the Sorenson Center was previously occupied by the Hughes Memorial Gym, which has been demolished, and is currently utilized as a temporary surface parking lot. A small new surface parking lot for fourteen vehicles is contemplated as part of the Sorenson Center project.

The design for the Sorenson Center is dynamic and engaging, addressing the various and distinct requirements of the several academic and other university departments to be located in the center while at the same time providing ample and useful public spaces for informal dialogue and interaction. Through its unconventional floor plate, varying roof lines, and uniquely articulated principal elevations, the building succeeds in meeting the functional needs of these

integral academic departments while avoiding the monolithic massing of more traditional buildings. Walls of glass allow for an abundance of light in public areas of the building, especially in the multi-level central atrium and the corridors and terrace at the center's most public elevation, fronting Hall Memorial Building and the Central Green.

In addition to its expansive fenestration, the building also utilizes a varied palette of exterior materials, from zinc and aluminum cladding to brick and concrete, providing an appropriate context for the new construction between the mid-twentieth century Hall Memorial Building and the newly-constructed Student Academic Center. At the same time, the design and materials of the Sorenson Center are likewise sensitive to, and harmonize with, the Campus' historic zone, which frames the southern end of the Central Green. The building has been designed to achieve a certified rating from the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED™) rating system. Environmental considerations in the design include water conserving plumbing fixtures to reduce potable water consumption by thirty percent; energy-efficient lighting, glazing, and mechanical systems; and the prevalent use of recycled, locally manufactured, and non-off-gassing building materials such as the zinc siding.

Community Meeting Process and Dialogue

In 1975, Gallaudet formed the Gallaudet Community Relations Council ("GCRC"), consisting of several neighborhood representatives and a Gallaudet liaison. The purpose of the GCRC is to foster a positive relationship between Gallaudet and the neighboring community. Through the process of working with the GCRC over more than 30 years, Gallaudet has kept the community informed, and has received community input, about all elements of any planned expansion of the Campus, as well as other issues. On April 24, 2006, representatives of Gallaudet presented plans for the Sorenson Center to the GCRC, which voted unanimously to support the plan.

The Campus is located within the jurisdiction of Advisory Neighborhood Commission ("ANC") 5B and is located adjacent to ANC 6A. Gallaudet presented its current proposed Campus Plan to a meeting with the Single Member District Commissioner for 5B06 on April 18th and to the ANC 5B Committee of the Whole on April 27, 2006. At its May 4, 2006 public meeting, ANC 5B voted unanimously to support the application.

IV. **JURISDICTION OF THE COMMISSION**

The Zoning Commission has jurisdiction pursuant to Sections 210 and 3104 of the Zoning Regulations to approve as a special exception this further processing application pursuant to the approved Campus Plan for a university located in a residential district. Jurisdiction over the review and approval of campus plans was transferred to the Zoning Commission from the BZA by Commission rulemaking in Order No. 932 (Zoning Commission Case No. 99-09), dated December 8, 2000.

Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. In considering special exception applications, the Commission's discretion is limited to determining whether the relevant conditions and special exception criteria have been met. If an applicant meets its burden, the Commission must ordinarily grant the application. First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment, 432 A.2d 965 (1981); Stewart v. District of Columbia Board of Zoning Adjustment, 305 A.2d 516, 518 (1978).

The District of Columbia Court of Appeals has made clear that institutional necessity is a factor to be considered in a campus plan application. Draude v. District of Columbia Board of Zoning Adjustment, 582 A.2d 949, 955 (1990). Further, the Court has distinguished the broader

public good referenced in the Zoning Regulations from the more narrow interests of neighboring property owners.

V.
GALLAUDET QUALIFIES AS A UNIVERSITY

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. In approving the Campus Plan, the Zoning Commission has previously found that Gallaudet qualifies as a University as defined in the District of Columbia Zoning Regulations (11 DCMR)(the "Zoning Regulations").

VI.
WITNESSES

The following witnesses will testify in support of the application:

1. Paul Kelly, Vice President, Gallaudet University.
2. Gregory A. Mella, Partner, SmithGroup Architects.

VII.
**GALLAUDET COMPLIES WITH THE
REQUIREMENTS OF SECTION 210**

The application fully complies in all respects with Section 210 of the Zoning Regulations. The specific requirements of this section are addressed in detail below:

A. The building is located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions (Subsection 210.2)

No objectionable conditions to neighboring properties will occur as a result of the proposed location of the Sorenson Center. No demolition is contemplated as part of the construction of the Sorenson Center, and all construction and related site work will be undertaken in the core of the Campus, well within the Campus boundaries and distant from neighboring properties.

A central mission of Gallaudet is to provide its students a tranquil and secure place to study, work and live. The Sorenson Center will provide state-of-the-art academic facilities and office space for existing student and faculty populations in keeping with this mission. The departments to be located in the Sorenson Center already exist in other buildings within the Campus, some of which will be demolished once the Sorenson Center has been completed. No increase in the number of students or faculty is anticipated as a result of the addition of the Sorenson Center.

Similarly, as the Sorenson Center is located at the core of the Campus and will serve existing student and faculty populations, no increase in the amount of traffic to the Campus is expected. The site on which the Sorenson Center is to be located is currently utilized as a temporary surface parking lot for approximately 109 automobiles. As noted in the Campus Plan, the existing parking lot was anticipated to be removed in connection with the location of the Sorenson Center. A small parking lot (for approximately 14 autos) is planned immediately adjacent to the Sorenson Center. As further noted in the Campus Plan, the peak parking occupancy on the Campus is approximately only 74 percent and the parking supply for the Campus has been determined by the Commission to be adequate.

As with its mission to its students, Gallaudet is likewise committed to remaining an active and vital part of the community in which it has been located for 150 years. To that end, Gallaudet has maintained an active and open dialogue with community representatives through the Gallaudet Community Relations Council. Gallaudet has also maintained regular contact with its Advisory Neighborhood Commission as well as the neighboring Commission. Both the Gallaudet Community Relations Council and ANC 5B recommend approval of the application.

B. The building will generate only a minimal increase in the total building density of the Campus and will remain well below the 1.8 FAR permitted by the Zoning Regulations. There is no unreasonable campus expansion into improved low-density districts (Subsection 210.3).

For colleges and universities located in residential districts, the maximum bulk requirements normally applicable in those districts may be increased for specific buildings or structures, provided that 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, which is 1.8 FAR. The Campus as a whole totals approximately 4,300,000 square feet of land area. As of the Campus Plan approval in 2003, the total bulk of all buildings devoted to university uses was approximately 1,825,000 square feet, for a total building density of approximately 0.42 FAR.¹ The Campus Plan included a mixture of demolition and construction projects resulting in a net increase of approximately 183,500 square feet, for a total building density of 0.47 FAR at the conclusion of all work approved in the Campus Plan.

¹ This building density total includes only square footage attributable to university use and does not include building square footage attributable to the Clerc Center, which includes the Kendall Demonstration Elementary School (KDES), and the Model Secondary School for the Deaf (MSSD), both of which are also located on the University campus. Private elementary and secondary schools are not subject to special exception review by the Zoning Commission under Section 210 of the Zoning Regulations, but instead are subject to BZA special exception review under Section 206. However, to provide a complete picture, the Clerc Center was described in the Facilities Master Plan 2002-2012, and the existing and proposed Clerc Center facilities were shown in the Figures and described in the Appendices attached thereto.

With the addition of approximately 85,400 square feet for the Sorenson Center, the total density increases only from 0.42 FAR to 0.44 FAR, well below the 1.8 FAR permitted by Subsection 210.3 of the Zoning Regulations. (Exhibit E).

- C. Gallaudet has submitted its long range plans for developing the Campus as a whole, showing the location, height and bulk, where appropriate, of all present and proposed improvements, and a description of all activities to be conducted on the Campus, and of the capacity of all present and proposed campus development. (Subsection 210.4)**

In Order No. 03-02, the Zoning Commission unanimously approved the Campus Plan submitted by Gallaudet. This further processing application is consistent with the approved Plan, which contemplated the proposed language and communication center, including its proposed uses, location, bulk and relationship to the larger Campus.

- D. No interim use of land is proposed (Subsection 210.5)**

No specific interim uses are requested as part of this application nor are there any currently contemplated.

- E. No new use sought for approved site of building proposed to be moved off-campus (Subsection 210.6)**

Gallaudet does not seek approval for any new use of a previously approved building site, and thus complies with this subsection.

- F. The Application complies with the policies of the District Elements of the Comprehensive Plan (Subsection 210.7)**

The R-4 zoned portion of the Campus is designated as an institutional use on the District of Columbia's Generalized Land Use Map of the Comprehensive Plan. As outlined in the

Comprehensive Plan, one of the objectives for institutional land uses is to promote the continued contributions made by private institutions toward the economic and cultural vitality of the District. Approval of the proposed project further the goals of the institutional land use designation by facilitating development of a world class academic facility unlike any other in the country.

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. The Center has been designed, through massing, setting, and materials, to respect the historic context of the central Campus.

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. As demonstrated in the approved Campus Plan, this building addition and conversion of a temporary surface parking lot will not increase congestion in the surrounding neighborhood, and will not have any adverse impact upon parking in the surrounding area.

Further, as a longstanding member of the Ward 5 community, the continued vitality of Gallaudet is important to furthering Ward 5's land use goals of protecting and enhancing the stability of residential neighborhoods and promoting employment opportunities for Ward 5 residents.

G. Certification: The Proposed Buildings are Within the Floor Area Ratio Limit for the Campus as a Whole (Subsection 210.8)

The Applicant certifies that the total building density identified for university use on the Campus Plan, supplemented by the density of the Sorenson Center, will not exceed 1.8 FAR.

H. The Zoning Commission shall refer the application to the District of Columbia Office of Planning and the District Department of Transportation (Subsection 210.9)

The application has been referred to the Office of Planning and the District Department of Transportation ("DDOT") for their review and report. Representatives of Gallaudet have discussed the application with staff of the Office of Planning and DDOT to address any questions regarding the application.

**VIII.
GALLAUDET COMPLIES WITH REQUIREMENTS
OF SECTION 3104 OF THE ZONING REGULATIONS**

Under Section 3104.1, the Zoning Commission is authorized to grant those university special exceptions which, in the judgment of the Commission, 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.²

A. The Application is in harmony with the Zoning Regulations and Maps

The present application is in harmony with the Zoning Regulations and Maps. The Campus is zoned R-4 and C-M-1, and university use is permitted in the R-4 Zone by special exception and in the C-M-1 Zone as a matter of right. The Campus has been occupied by Gallaudet for nearly 150 years. No change in use is being requested. The application is consistent with the Campus Plan approved by the Zoning Commission.

² Section 3104 authorizes the Board of Zoning Adjustment to grant special exceptions. Pursuant to §210.1, the Zoning Commission is granted special exception approval authority with respect to college and university uses in residential districts.

B. The Application creates no adverse effect on neighboring property

As discussed above, the Sorenson Center will have no adverse impact on neighboring property. The building will be located in the interior of the Campus, buffered from neighboring properties, and will serve existing student and faculty populations. No increase in traffic is anticipated as a result of the addition of this building.

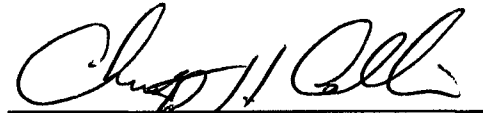
**IX.
CONCLUSION**

For the reasons set forth above, it is respectfully submitted that Gallaudet is entitled to the requested special exception relief and that the relief may be granted in accordance with the requirements of the Zoning Regulations.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:



Christopher H. Collins



Dennis R. Hughes

3758092_v3