

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**

**ZONING COMMISSION ORDER NO. 12-15B
Z.C. Case No. 12-15B
Gallaudet University
(University Campus Plan Modification of Consequence-
Ballard North Building Demolition)**

April 30, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on April 30, 2018. At that meeting, the Commission approved the application of Gallaudet University ("Applicant") for a modification of consequence to its approved 2012 University Campus Plan, for property located at 900 Florida Avenue, NE, (Parcel 141/69) (the "Property"). The modification allows for the demolition of the vacant dormitory building known as Ballard North. The modification request was made pursuant to § 703 of the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations ("DCMR").

FINDINGS OF FACT

BACKGROUND INFORMATION

1. Pursuant to Zoning Commission Order No. 12-15, dated March 7, 2013 (the "Order"), the Zoning Commission approved a renewal of the university Campus Plan for the residentially-zoned portion of the Property. The boundaries of the Gallaudet University Campus Plan are, generally, Florida Avenue, NE, to the south, West Virginia Avenue, NE, to the east; Mt. Olivet Road, NE, and Corcoran Street, NE, to the north, and Brentwood Parkway and 5th and 6th Streets, NE, to the west.
2. The 2012 Campus Plan was amended pursuant to Zoning Commission Order No. 12-15A, dated December 18, 2014, including further processing under the Campus Plan to permit construction of a new dormitory for the Model Secondary School for the Deaf ("MSSD"), the high school located on the Clerc Center portion of the campus.
3. The Property is located within the boundaries of Advisory Neighborhood Commission ("ANC") 5B. ANC 6A and ANC 6C are located to the south of the Gallaudet campus, across Florida Avenue, NE.
4. The Ballard North building was constructed in 1965 as a four-story 60 foot tall university dormitory with 54,641 square feet of gross floor area, 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 MSSD. The remaining five wings of Ballard North (first, second, third, and fourth floors west and first floor east) were utilized by the Applicant 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 portion of the campus, pursuant to Zoning Commission Order No. 12-15A. Upon completion of the new MSSD dormitory in January of 2017, Ballard North was again vacated.

5. The approved 2012 Campus Plan states as follows with regard to the Ballard North building in its Executive Summary:

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 Zoning Commission Order No. 12-15. As a result, the only use identified in the approved 2012 Campus Plan regarding future use of the Ballard North building was for possible future swing space.

The Executive Summary of the approved 2012 Campus Plan also listed the condition of all of the buildings on campus. The Ballard North building was listed at the low end of the spectrum as being in "poor condition".

6. The Applicant has determined that the Ballard North building must be demolished. After the building was most recently vacated, the Applicant 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 Applicant determined after that study that the condition and configuration of the building are such that it cannot be reused without extensive renovations. The cost to modernize the Ballard North building in an ideal configuration that university students would want to live in would be greater than the replacement cost of the building.
7. The Ballard North building has not housed any university students for over nine years, and there is no anticipated demand in the near future for use of the Ballard North building for university housing. The cost to continue carrying the building vacant, with no identified future program or occupant, is a substantial drain on the Applicant's financial and operational resources. Removal of Ballard North would also provide greater flexibility of use of campus space in future campus planning efforts.

PROPOSED MODIFICATION

8. By letter dated March 20, 2018 (Exhibit [“Ex.”] 1), and pursuant to 11-Z DCMR § 703, the Applicant submitted a request for a modification of consequence to allow for demolition of the Ballard North building.
9. In satisfaction of 11-Z DCMR § 703.13, the Applicant provided a Certificate of Service which noted that Advisory Neighborhood Commissions (“ANC”) 5D, 6A and 6C the only parties in the original proceeding, were served with the application. (Ex. 1).
10. On April 6, 2018, the Office of Planning (“OP”) submitted a report (Ex. 5) recommending that the Commission approve the application. In its report, OP noted that the building is not located within the Gallaudet College Historic District, nor would the application increase the number of students, faculty and staff, parking or density.
11. At the Commission’s April 9, 2018, public meeting, the Zoning Commission determined that the application was properly submitted as a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant to 11-Z DCMR § 703.1. The Commission therefore established a timeframe, pursuant to 11-Z DCMR § 703.17(c)(2), for ANC 5D, ANC 6A, and ANC 6C to file a response in opposition to, or in support of, the request, and for the Applicant to respond thereto; and schedule the request for deliberations.
12. The Zoning Commission did not receive any reports on the application from ANC 5D, ANC 6A, or ANC 6C by the deadline established by the Commission.

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.” 11-Z DCMR § 703.3. Examples of modifications of consequence “include, but are not limited to, a proposed change 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.” 11-Z DCMR § 703.4.

The Commission concludes that the modification described in Exhibit 1 of the case record is most closely related to a “redesign or relocation of architectural elements and open spaces...”, is a thus modification of consequence, and therefore can be granted without a public hearing. The Applicant is not requesting any changes to a condition in the final order.

The Commission further concludes that the proposed modification of consequence is consistent with the Commission’s previous approval of the Campus Plan and confirms that the determination by the Applicant to retain, but vacate, the Ballard North building did not affect the Commission’s decision to approve the 2012 Campus Plan.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give “great weight” to the issues and concerns contained in the written report of an affected ANC. In this case, none of the affected ANCs submitted any comments in support of or in opposition to the proposed modification.

The Commission is also required to give great weight to the recommendation of OP (D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP’s recommendation to approve this modification of consequence application.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for a modification of consequence to the approved Campus Plan to allow for demolition of the vacant Ballard North dormitory building.

At its public meeting on April 30, 2018, the Zoning Commission APPROVED the application by a vote of 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter Shapiro, Peter G. May, and Michael G. Turnbull to approve and adopt).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on **[DATE]**.