

**BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION**

**Application of Gallaudet University
Amendment to Approved Campus Plan
800 Florida Avenue, NE**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction:

Gallaudet University (the “University”) submits this application for amendment to its approved university campus plan to facilitate a series of landscaping, hardscaping and other site improvements within the campus boundaries. These improvements include the creation of a park-like promenade along the western edge of the campus to serve as an informal gathering and activity space, providing a new gateway and connection between the campus and an increasingly vibrant commercial corridor to the west of the campus, and the installation of a memorial garden commemorating the Black Deaf experience across the University’s history.

This application is submitted in coordination with a proposed modification to, and second stage review of, the multi-phased, mixed-use planned unit development (“PUD”) approved by the Zoning Commission along 6th Street, NE, that has been submitted to the Zoning Commission as Application No. 15-24B. Included in the present application is a request to relocate and realign a portion of Tapscott Street, a gated private road accessing the campus from 6th Street, NE, in order to better align and integrate the campus entrance with the adjacent PUD development, as was contemplated as part of the PUD approval, and a related request to remove a small parcel of land (approximately 6,000 square feet) from the residentially-zoned portion of the campus (reflecting the abandoned segment of Tapscott Street), which parcel is requested to be rezoned and incorporated into the PUD as part of the pending PUD modification application

No. 15-24B. Given the interrelationship between the PUD modification and the proposed landscaping/hardscaping improvements proposed for the campus, the University requests that the Zoning Commission consider scheduling coordinated public hearings for the PUD modification and Campus Plan amendment to best inform the Commission and interested members of the community.

Finally, the University requests that the Zoning Commission consider an extension of the current Campus Plan approval given the ongoing health emergency and the University's immediate focus on addressing issues of operational concern that may delay meaningful consideration and outreach related to long-term planning initiatives.

II. Background:

The property that is the subject of this application (Square 3593, Lot 4 and a portion of Lot 6, collectively formerly known as Parcel 141/69) (the "Property") is zoned RF-1 and is occupied as the campus of the University. The campus 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 6th Street, NE, to the west. The Property, approximately 93 acres in size, comprises the great majority of the campus area. Smaller remaining portions of the campus, also located on the east side of 6th Street, NE, include Lot 5 and part of Lot 6 in Square 3593 (collectively, formerly Parcels 129/103 and 129/70), both of which parcels were zoned C-3-A and included as part of the PUD approved in Order No. 15-24, along with other properties owned by the University that are not residentially-zoned and thus not subject to the campus plan.

The University's original campus plan was approved by the Board of Zoning Adjustment in 1972 (BZA Order No. 11093). Most recently, the 2012-2022 Campus Plan was approved by

the Zoning Commission in 2013 and remains in effect until December 31, 2022 (Zoning Commission Order No. 12-15) (the “Campus Plan”). Minor amendments and further processing applications for individual building projects were approved in 2014 (New MSSD Dormitory - Zoning Commission Order 12-15A) and 2018 (Ballard North Demolition - Zoning Commission Order No. 12-15B).

Subsequent to the most recent Campus Plan approval, the University partnered with the JBG Companies (now JBG Smith) in the mixed use redevelopment of multiple parcels of non-residentially zoned land immediately adjacent to the Property, including former Parcels 129/70 and 129/103 (now comprised of Lot 5 and part of Lot 6 in Square 3593), pursuant to a PUD approved by the Zoning Commission in Order No. 15-24. Development of this PUD was delayed and tolled by appeal until mid-2019, and the University and JBG Smith are now proposing several refinements to the approved plan, which have been submitted to the Zoning Commission independently of this application (Application No. 15-24B), requesting modification to the first stage PUD approval along with second stage approval for certain portions of the PUD. Included among the proposed PUD modifications is the development envelope for "Parcel 1" of the PUD, which was approved to include a rectangular open space at the corner of 6th Street and Florida Avenue, NE, totaling approximately 16,000 square feet.

Upon extensive further study, including conducting an international design competition for Parcel 1, the University is now proposing to develop the parcel with a cultural center containing up to approximately 90,000 square feet of university-related uses, including arts, design and theatre uses along with limited office uses. The University believes this proposed use and the high quality design of the building that will be constructed on the site will offer a greater benefit to the community than leaving a void at this prominent and highly-trafficked intersection.

A. Creativity Way

The University proposes to install along the western boundary of the Property a vibrant pedestrian-only promenade running in a north-south orientation adjacent to the campus's historic Faculty Row buildings. The University envisions this linear open space as providing a meaningful and superior alternative to the isolated open space originally proposed for Parcel 1 and a more successful transition between the University campus, its historic buildings and landscape, and the new, higher density mixed-use buildings constructed, and soon to be constructed, along 6th Street, NE. This open space, tentatively labeled "Creativity Way", will have its southern terminus at its intersection with the Morse Street extension proposed as part of the PUD and its northern terminus at its intersection with the relocated Tapscott Street, discussed below. There will be multiple access points from 6th Street, NE: from Parcel 1; from Tapscott Street; from Morse Street; and from a "Green Finger" that will be installed as part of the development of "Parcel 2" of the adjacent PUD. Along the course of the path, university and related ground floor uses (such as possible multipurpose theater space and café) proposed for the Parcel 2 PUD buildings will open onto Creativity Way. Connections from Creativity Way onto the campus's Olmsted Green are also provided, in the form of sculptural "Gateways" located between the historic Faculty Row buildings.

In addition to these Gateways, the University's plans for Creativity Way include a number of landscape and hardscape features and iconic structural elements, such as architecturally-detailed "Portals" at the north and south entrances of Creativity Way designed to allow for wayfinding into the space. At the center-point of Creativity Way and at the eastern terminus of the "Green Finger" element of the adjacent PUD will be a "Pavilion" designed to

serve as an inviting space for gatherings and interaction as well as cover from weather-related elements. As shown in the attached drawings, these various hardscape and structural elements have been designed in a striking abstracted and geometric architectural vocabulary that will certainly kindle interest from pedestrians entering the campus from the 6th Street and Union Market areas. At the same time, these elements serve as time-honored components of historic university campus design (entrance gates, towers and pavilions) and have been designed to be sympathetic in scale and materials to the historic campus buildings and grounds into which they will be layered.

Creativity Way will address the natural sharp grade change from south to north along this western edge of the Property through a combination of ramping and stepping, and in the process will create inviting areas for informal interaction, formal gatherings, exhibitions and presentations. The space has been designed to utilize leading principles of DeafSpace design and planning. It also will incorporate extensive landscaping and masonry hardscaping to frame the space, presenting a transitioning gateway to the tranquil, bucolic campus from the increasingly active and energetic commercial corridor along Florida Avenue and 6th Street, NE. Creativity Way will allow visitors to mark their arrival at Gallaudet's unique campus enclave and to engage with the Deaf community in a meaningful and intimate manner.

Creativity Way will measure approximately 20,000 square feet in land area, roughly 4,000 square feet larger in size than the "Gateway Plaza" originally proposed for Parcel 1 of the PUD. As noted above, Creativity Way is primarily a landscaped and hardscaped open area thoughtfully interspersed with flower beds and shrubbery as well as large-scaled sculpturally-designed Portals and Pavilion. These structural elements will not add any meaningful enclosed

or conditioned space to the campus nor are they anticipated to generate any traffic or noise that would be detrimental to the immediate neighborhood.

The Conservatory structure proposed for the northern edge of Creativity Way is contemplated to be a space measuring approximately 6,000 square feet in gross floor area that will provide a variety of uses, including an outdoor amphitheater-like structure for study, lounging and social interaction, as well as readily-convertible interior and exterior spaces for academic and social meeting opportunities as well as theatrical performances and limited public events, and through a combination of landscaping and hardscape design will lead visitors into the University campus and to the Kendall School Division II Memorial, discussed below. Planning for the Conservatory building is in its preliminary stage and is shown in the attached drawings for illustrative and scale purposes only. At such point as the University has further refined its needs and more fully developed the programming for the Conservatory, it will be included in a future campus planning document for the Commission's review.

B. Kendall School Division II Memorial

The University also desires to amend the Campus Plan to include plans it has developed for an extensive and immersive memorial garden to commemorate and educate regarding the history of the Black Deaf experience at Gallaudet. This landscaped element, tentatively referenced as the Kendall School Division II Memorial (the "Memorial"), will consist of a series of paths, plantings, outdoor "rooms" and a water feature that reimagines the footprint of the original Division II School. It will be located between the Kellogg Conference Hotel and Peikoff Alumni House and will consist of a Freedom Garden and a Memorial to honor the efforts of Louise Miller and other parents and the first group of Black children to gain access to the

Kendall School for the Deaf on the University's campus, and to highlight the groundbreaking legal victory accomplished in advance of the landmark *Brown v. Board of Education* case.

The Memorial will involve landscaping and hardscaping but will not include any habitable structures and thus will have no impact on overall building density related to the campus. While the University anticipates and encourages visitors to the Memorial from Creativity Way and outside of campus, no vehicular traffic or noise is anticipated as a result of the addition of the Memorial to the campus.

C. Tapscott Street Relocation

The University requests approval to remove approximately 6,000 square feet of land along the westernmost portion of the Property, adjacent to the 6th Street PUD, from the controls of the Campus Plan and related transfer into the PUD, all in order to facilitate the relocation and realignment of a segment of Tapscott Street, as shown in the enclosed plans.

The PUD contemplates the relocation and realignment of a segment of Tapscott Street, which is a gated campus access road that currently terminates at 6th Street, NE, immediately south of the Brentwood Park athletic field. The proposed new location, contemplated in the first stage approval of the adjacent PUD and developed in coordination and at the recommendation of the Office of Planning, would be located slightly south along 6th Street, NE, between the PUD's Parcel 2A and Parcel 2B buildings.

As a result of this relocation, a rectangular area measuring approximately 148 feet by 40, representing a significant portion of the current footprint of the segment of Tapscott to be relocated, would then be removed from the controls of the Campus Plan. That parcel would then be incorporated into the PUD as part of Application No. 15-24B. The necessary rezoning of that

parcel from RF-1 as part of the PUD would be undertaken separate from the present Campus Plan amendment application and is included as part of Application No. 15-24B currently pending with the Commission.

D. Campus Plan Timing

The unprecedented and ongoing health emergency has necessitated the University's focus be placed overwhelmingly on current operations and student wellbeing. Classes for the Fall 2020 and Spring 2021 semesters operated online almost exclusively, causing significant disruptions to campus activities and operations. The University's current focus centers on preparations for the Fall 2021 semester, which is anticipated to be predominantly on-campus and in-person, with an objective to safely return to normalcy.

The University's Campus Plan currently is set to expire in December 2022. In order to provide meaningful and considered long-range planning, study and consideration by the University community, as well as outreach and discussion with the University's neighbors and with the Office of Planning, such campus planning efforts should prudently commence at least 24-30 months in advance of Zoning Commission review. Unfortunately, given the University's primary focus on the immediate operational issues at hand, substantial long-range planning needs to be delayed temporarily to allow the University to focus on its students, faculty and staff, as well as to study and better comprehend its needs in a what is hoped will soon be a post-COVID environment. For that reason, the present application includes a request for a modification to the approved Campus Plan to extend the expiration date of the Campus Plan by five years, to December 31, 2027. The University has discussed with the Office of Planning the timing

constraints and challenges it is facing, and that office indicated support for the proposed extension.

III. Amendment to Approved Campus Plan and Further Processing:

The present Campus Plan amendment application is made to address these various site improvements to the campus that have been proposed following the University's most recent Campus Plan approval. To the extent that the Zoning Commission determines that further processing approval is also appropriate, pursuant to Subtitle X §101.9, for these site improvements, the Applicant hereby requests such approval.

Following is a summary demonstration of the Applicant's compliance with the regulations pertaining to university campus plans, as set forth in Subtitle X of the Zoning Regulations. As part of the Applicant's Prehearing Submission, to be submitted not less than 21 days prior to the public hearing, the Applicant will identify detailed revisions needed to the approved 2012-2022 Campus Plan document to effectuate the proposed amendments and changes.

Pursuant to Subtitle X §101.1 of the Zoning Regulations, education use by a college or university shall be permitted as a special exception subject to review and approval by the Zoning Commission under Subtitle X, Chapter 9, after its determination that the use meets the applicable standards and conditions of this chapter.

The University has been located at this site since its founding and has played an integral role in the development of its immediate neighborhood, and the District as a whole. The

University has proceeded with development of its capital projects over the last nearly 50 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, the University has returned to the Board of Zoning Adjustment (and more recently, the Zoning Commission) on numerous and regular occasions for approval of revised plan documents and further processing under said documents. Throughout the campus plan review and further processing applications, the University has consistently engaged its neighbors in the process, including through meetings with the affected Advisory Neighborhood Commissions whose boundaries include or abut the campus.

Pursuant to Subtitle X §101.2, the uses shall be located so that they are not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.

The University 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 affected Advisory Neighborhood Commissions. The proposed amendments addressed herein, which would facilitate development of Creativity Way as a vibrant entry point to the campus from the west and creation of a significant memorial garden in commemoration of the Black Deaf experience historically, will not create any excessive or uncontrolled traffic, noise or other objectionable conditions.

Pursuant to Subtitle X §101.3, any commercial use customarily incidental to a university use in an R, RF, or RA zone, or as an adjunct use to a university building, shall be subject to certain conditions:

(a) there shall be a demonstrated and necessary relationship between the use and the university functions:

(b) the total floor area of all commercial uses shall occupy no more than 10 percent of the total campus floor area;

(c) the commercial use shall be located so that it will not become objectionable to non-university residential neighbors due to hours of operation, noise, parking, loading, lighting, trash, or other operational characteristics that are not customarily associated with a residential use.

Further, pursuant to Subtitle X §101.4, the campus plan process shall not serve as a process to create general commercial activities or developments unrelated to the educational mission of the applicant or that would be inconsistent with the Campus Plan.

Creativity Way is not proposed as a commercial use. Rather, it is intended as a meaningful entry point, pedestrian passage, buffer and connection, and vibrant gathering space for students of the University and members of the public, incorporating leading DeafSpace planning principles.

Pursuant to Subtitle X §101.5, in maximum total density of all buildings and structures on the campus, given its RF-1 zoning, is 1.8 FAR.

The maximum total density of all buildings on campus is well under 1.8 FAR. If approved, the improvements comprising Creativity Way would add only a de minimis amount of additional gross floor area. Likewise, upon the Commission's approval of the relocation of the segment of Tapscott Street, allowing the University to remove the area of abandonment (approximately 6,000 square feet) from the Campus Plan controls and for that parcel to be rezoned and incorporated into the 6th Street PUD, there will be a resulting change in the overall GFA and FAR calculations for the campus given the reduction in land area, however, given that the overall land area for the Property exceeds 4 million square feet, the change would be extremely minimal.

Pursuant to Subtitle X §101.8, as a prerequisite to requesting a further processing for each college or university use, an applicant shall have submitted to the Zoning Commission for approval a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements including but not limited to: (a) buildings and parking and loading facilities; (b) screening, signs, streets, and public utility facilities; (c) athletic and other recreational facilities; and (d) a description of all activities conducted or to be conducted on the campus and of the capacity of all present and proposed campus development.

The Zoning Commission approved the 2012-2022 Campus Plan in Order No. 12-15. The proposals included in the present application, namely, to establish Creativity Way and the Kendall School Division II Memorial and to relocate a segment of Tapscott Street, will result in

minor changes to the Plan. The University will provide as part of its Prehearing Statement appropriate documentation to reflect the changes to the Campus Plan. This documentation will include replacement drawings and figures to the approved Campus Plan document.

The further processing of specific buildings, structures, and uses within an approved campus plan shall be processed as a special exception (Sub. X §101.9). Further, pursuant to Subtitle X §101.14, approval of a campus plan shall be based upon the determination by the Zoning Commission that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Maps, subject to the special conditions specified in this section.

In its Prehearing Statement and at the public hearing in this matter, the University will demonstrate that the proposed Creativity Way improvements along the western boundary of the Property will provide an amenity to the neighborhood as a whole by creating a vibrant transition space that will serve as open space for the community as well as serve to better unify the campus to its more dense commercial neighbors to the west.

To the extent that the Zoning Commission considers any of the elements included in this application as buildings, structures, or uses requiring further processing approval, the Applicant herein requests such approval.

Pursuant to Subtitle X §101.12, 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 FAR 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 approved.

The construction of the elements described herein will be well within the FAR limit for the campus as whole, based upon the computation included in the most recently approved Campus Plan and the building density of any other buildings constructed or demolished since the Campus Plan was approved.

V. Conclusion.

For all these reasons, Gallaudet University satisfies the requirements for special exception approval to amend the approved 2012-2022 Campus Plan and, if deemed by the Commission to be needed, further processing under the amended Campus Plan, to facilitate development of Creativity Way and the Kendall School Division II Memorial, the relocation and realignment of a portion of Tapscott Street and the removal of a small portion of land from the Campus Plan controls, to be allocated to land controlled by the abutting PUD. Further, the extension of the validity of the approved Campus Plan for a period of five years, such that the Campus Plan shall remain effective through December 2027, is appropriate given the circumstances affecting the University.