Government of the District of Columbia

ZONING COMMISSION

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, and 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

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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, 3035, 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 adversely affect 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.

The Facilities Master Plan, 2002-12, shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibit 11 of the record, as modified by the guidelines, conditions, and standards of this order.

VOTE: 4-0-1 (Carol J. Mitten, Anthony J. Hood, James. H. Hannaham, and John G. Parsons to approve; Peter G. May not present, not voting)

BY ORDER OF THE D.C. ZONING COMMISSION
Each concurring member approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
DIRECTOR, OFFICE OF ZONING

FINAL DATE OF ORDER: AUG 2 6 2003

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 CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS

CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. OF THE D.C. CODE. SEE D.C. CODE SECTION 2-1402.67 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C.LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. NOTE IN SECTION 2-1401.01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS.