

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :

:

GALLAUDET UNIVERSITY - : Case No.

CAMPUS PLAN AMENDMENT & : 03-02B

FURTHER PROCESSING AT :

PARCEL 141/69 :

:

-----:

Thursday,

February 10, 2011

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 03-02B by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

KONRAD W. SCHLATER, Vice Chairman

MICHAEL G. TURNBULL, FAIA, Commissioner

(OAC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
STEPHEN MORDFIN

The transcript constitutes the minutes from the Public Hearing held on February 10, 2011.

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1 P-R-O-C-E-E-D-I-N-G-S

2 6:30 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentle men. This is a Public
5 Hearing of the Zoning Commission for the
6 District of Columbia on Thursday, February 10,
7 2011.

8 My name is Anthony Hood. Joining
9 me this evening are Vice Chairman Konrad
10 Schlater and Commissioner Mike Turnbull.

11 We are also joined by the Office
12 of Zoning staff Ms. Sharon Schellin. Also the
13 Office of Planning staff Mr. Lawson and Mr.
14 Mordfin.

15 This proceeding is being recorded
16 by a court reporter and is also Webcast live.

17 Accordingly, we must ask you to refrain from
18 any disruptive noises or actions in the
19 hearing room.

20 The subject of this evening's
21 hearing is Zoning Commission Case No. 03-02B.

22 This is a request by Gallaudet University for

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1 special exception relief pursuant to 210 and
2 3104.1 of the Zoning Regulations.

3 Notice of today's hearing was
4 published in the DC Register on December 10,
5 2010, and copies of that announcement are
6 available to my left on the wall near the
7 door.

8 The hearing will be conducted in
9 accordance with provisions of 11 DCMR 3117 as
10 follows: preliminary matters, applicant's
11 case, report of the Office of Planning, report
12 of the government agencies, report of the
13 Advisory Neighborhood Commission 5B,
14 organizations and persons in support,
15 organizations and persons in opposition,
16 rebuttal, and closing by the applicant.

17 The following time constraints
18 will be maintained in this hearing: the
19 applicant, 15 minutes possibly; organizations,
20 5 minutes; and individuals, 3 minutes.

21 The Commission intends to adhere
22 to the time limits as strictly as possible in

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1 order to hear the case in a reasonable period
2 of time. The Commission reserves the right to
3 change the time limits for presentations if
4 necessary and notes that at no time shall be
5 ceded.

6 All persons appearing before the
7 Commission are to fill out two witness cards.

8 These cards are located to my left on the
9 table near the door. Upon coming forward to
10 speak to the Commission, please give both
11 cards to the reporter sitting to my right
12 before taking a seat at the table.

13 The decision of the Commission in
14 this case must be based exclusively on the
15 public record. To avoid any appearance of the
16 contrary, the Commission requests that persons
17 present not engage the members of the
18 Commission in conversation during any recess
19 or at any time. The staff will be available
20 throughout the hearing to discuss procedural
21 questions.

22 Please turn off all beepers and

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1 cell phones at this time so as to not disrupt
2 these proceedings.

3 Would all individuals wishing to
4 testify please rise to take the oath?

5 Ms. Schellin, would you please
6 administer the oath?

7 (Witnesses sworn.)

8 MS. SCHELLIN: Thank you.

9 CHAIRMAN HOOD: Before we get
10 started let me ask, is there anyone here in
11 opposition of this case?

12 I'm not seeing anyone.

13 Mr. Collins, do you have one person
14 you would like to proffer as an expert
15 witness?

16 MR. COLLINS: Yes. That's true,
17 sir.

18 CHAIRMAN HOOD: Mr. Luker?

19 MR. COLLINS: Yes.

20 CHAIRMAN HOOD: Did I pronounce
21 that right?

22 MR. COLLINS: Yes.

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1 CHAIRMAN HOOD: Commissioners, we
2 have Mr. Luker's resumΛ proffered in
3 architecture.

4 Any objections?

5 Okay. We will accept him as an
6 expert.

7 MR. COLLINS: Thank you.

8 CHAIRMAN HOOD: Mr. Collins, let
9 me just mention to you that we have reviewed
10 the materials and I would ask that you do your
11 presentation accordingly.

12 MR. COLLINS: Understood. Thank
13 you, sir.

14 CHAIRMAN HOOD: I assume you
15 understood. I'm going to see what you do
16 after this.

17 MR. COLLINS: Thank you, Mr.
18 Chairman and members of the Commission. My
19 name is Christopher Collins with the law firm
20 of Holland and Knight.

21 With me to my left is Mr. Hansel
22 Bauman. Mr. Bauman is the director of design

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1 and planning for Gallaudet University.

2 And to my right is Mr. Jeff Luker.

3 Mr. Luker is with Quinn Evans Architects, who
4 are the architects of the project, and you
5 have admitted him as an expert witness.

6 We have a full presentation that
7 we've submitted to the Commission, including
8 the prehearing statement which includes two
9 things: the justification for the further
10 processing, as well as the elements of the
11 amendment to the campus plan that we are
12 putting forward before you today in order to
13 allow this building to be constructed.

14 In short, this is an amendment to
15 the campus plan to allow a combination
16 residence and academic hall to replace an
17 academic building in that location on the
18 campus.

19 You have the prehearing statement
20 and the plans before you.

21 We have had discussions with the
22 community and have had support from all

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1 aspects of the community: the Gallaudet
2 Community Relations Council, Advisory
3 Neighborhood Commission 5B, and also across
4 Florida Avenue are Advisory Commissions 6A and
5 6C, both of which have filed letters of
6 support.

7 There is no opposition to this
8 project to our knowledge.

9 We are available for any questions
10 that you may have at this time.

11 CHAIRMAN HOOD: Thank you very
12 much. Mr. Collins, you take hints very well.
13 I really want to thank you for that.

14 Commissioners, do we have any
15 questions that we may want to ask? We'll do
16 that at this time.

17 Commissioner Turnbull?

18 COMMISSIONER TURNBULL: I just
19 wanted to confirm, you're going for LEED
20 Silver?

21 MR. COLLINS: Correct. We are
22 pursuing a LEED Silver for the project.

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1 COMMISSIONER TURNBULL: I w as
2 looking at this one -- on the one rendering,
3 the view from the northeast. The building is
4 primarily brick.

5 MR. COLLINS: Correct.

6 COMMISSIONER TURNBULL: But it
7 looks like -- is that slate going up the
8 wall --

9 MR. COLLINS: Yes.

10 COMMISSIONER TURNBULL: -- by the
11 entry there?

12 MR. COLLINS: Yes.

13 COMMISSIONER TURNBULL: You're
14 basically trying to reintroduce the ma terial
15 that appears elsewhere on buildings nearby?

16 MR. COLLINS: Yes. The idea is
17 that the slate is in harmony with some of the
18 historic buildings that are on campus.

19 COMMISSIONER TURNBULL: Okay.
20 When are you looking to start construction on
21 this?

22 MR. COLLINS: W e are poised to

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1 begin construction perhaps as early as April.

2 We have foundation to grade permits package
3 that is nearly complete at this point.

4 This project is the result o f a
5 design competition. We are allied with Segal
6 Construction in a design-build agreement. So
7 all the activity is moving quite quickly.

8 COMMISSIONER TURNBULL: How man y
9 students can be housed in this building?

10 MR. BAUMAN: It's 1 75 student
11 beds.

12 COMMISSIONER TURNBULL: 175?

13 MR. BAUMAN: Yes.

14 COMMISSIONER TURNBULL: And you've
15 got some longer range plans of changing a lot
16 of your buildings and redoing the whole
17 residential -- this is kind of a pilot project
18 on a smaller building, I guess?

19 MR. BAUMAN: That's correct. This
20 will be the f irst new building in roughly a
21 10-year master plan for housing renewal on the
22 campus that we except to take place roughly

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1 over the next 10 years. You'll see more
2 detail about that as we come forward with the
3 2022 Campus Plan.

4 COMMISSIONER TURNBULL: Okay. But
5 the concept of this building is one that
6 you're going to mirror in some other buildings
7 as you go ahead?

8 MR. BAUMAN: Yes. It certainly
9 is.

10 We have plans for the site next to
11 this building, which is currently a
12 residential building called Peet Hall. It
13 will be either a major renovation or a
14 replacement of that building.

15 Once we've confirmed the viability
16 of our enrollment numbers and financial
17 conditions we would move forward with that
18 project. It would essentially mirror this
19 project.

20 COMMISSIONER TURNBULL: Mirror
21 stylewise or shape?

22 MR. BAUMAN: Well, I think it --

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1 the current plan is essentially it would
2 mirror it almost entirely, in program, in
3 number of beds, and certainly in architectural
4 style.

5 COMMISSIONER TURNBULL: All right.
6 Thank you.

7 CHAIRMAN HOOD: Any other
8 questions?

9 Vice Chairman Schlater?

10 VICE CHAIRMAN SCHLATER: I think
11 the applicant should be commended. You got
12 support of the ANCs and the Coordinating
13 Council. You had all your ducks in a row for
14 this hearing. That's why it's going so
15 smoothly.

16 I noticed that there was some
17 mention of the fact that this building will
18 house students who were previously housed at
19 Ballard North and it will be used to house
20 students from the Model Secondary School for
21 the Deaf.

22 MR. BAUMAN: That's correct.

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1 VICE CHAIRMAN SCHLATER: Can you
2 explain to me what the Model Secondary School
3 for the Deaf is?

4 MR. BAUMAN: Yes.

5 VICE CHAIRMAN SCHLATER: I'm just
6 curious.

7 MR. BAUMAN: Gallaudet University
8 operates two schools under federal
9 legislation. That's the Model Secondary
10 School, which is a residential school, a
11 secondary school. Then we have an elementary
12 school as well operating under that same
13 mandate. All told we have about 240 students
14 between those two schools.

15 The Model Secondary School is,
16 again, a residential school. We have students
17 from all over the country who come to that
18 school. We house boys and girls roughly right
19 now in about 170 beds in those facilities.

20 Recently we lost about three of
21 those buildings due to major soils distressed
22 to those buildings. So we've decanted those

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1 buildings so that our students are safe.

2 We put all the boys in the Ballard
3 North Hall. They don't in any way occupy the
4 entire building. But for obvious safety
5 reasons we purposed that building entirely for
6 MSSD boys. The girls remain in the one
7 remaining building up on the MSSD site.

8 VICE CHAIRMAN SCHLATER: Thank you
9 very much.

10 CHAIRMAN HOOD: Thank you. I
11 don't have any questions.

12 I'm not seeing anyone here from 5B
13 for any cross-examination. We will continue
14 to move on.

15 Let's go to the report of the
16 Office of Planning.

17 Mr. Mordfin?

18 MR. MORDFIN: Good evening. I'm
19 Stephen Mordfin with the Office of Planning.

20 The Office of Planning is going to
21 stand on the record on this case but is
22 available for questions.

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1 CHAIRMAN HOOD: Thank you very
2 much, Mr. Mordfin. I'm glad you knew that
3 hint applied to you too. Thank you. Great
4 job.

5 Commissioners, any questions of
6 the Office of Planning?

7 VICE CHAIRMAN SCHLATER: Just one
8 question very quick. I could have asked this
9 of the applicant's attorney.

10 Just in terms of the Commission's
11 role on reviewing this application, the
12 applicant provided the design for us to look
13 at.

14 Is it part of our role to do a
15 design review on this project?

16 MR. MORDFIN: Part of it. There's
17 the campus plan amendment which is to change
18 the use, to permit the academic and
19 residential use.

20 Then there's the further
21 processing. What that does is, the role of
22 that is to see is what they're proposing

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1 generally in conformance with the campus plan.

2 In this case, the first part,
3 you've changed the use and the size of the
4 buildings.

5 Then the second part is to look
6 at, does this actually conform -- not exactly;
7 it doesn't have to be exactly because there's
8 usually round numbers for building -- but
9 generally conform to what is called for in the
10 campus plan.

11 VICE CHAIRMAN SCHLATER: Would you
12 say that's a design review?

13 MR. MORDFIN: There's some design
14 review in there. Does it conform; do you
15 think the bulk, height, and location -- are
16 all those things in conformance; and the use
17 of the building.

18 VICE CHAIRMAN SCHLATER: Okay. I
19 have no problems with the design. I'm just
20 more curious from a process standpoint. Thank
21 you.

22 CHAIRMAN HOOD: Thank you.

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1 Any other questions?

2 Let's look at reports from other
3 government agencies.

4 As stated on page 7 of the report,
5 the Fire and Emergency Medical Services in an
6 email dated December 9 indicate they have no
7 objections.

8 DC Water in a letter conclude that
9 if the plans are in conformance with the
10 standard design manual it would issue a water
11 and sewer availability certificate.

12 Those two, I think, are the other
13 entities besides the Office of Planning who
14 have responded unless I'm leaving something
15 out.

16 Mr. Collins, you can add something
17 to that.

18 MR. COLLINS: No, sir.

19 CHAIRMAN HOOD: Now the report of
20 Advisory Neighborhood Commission 5B. Since I
21 know that's my own AN C, I don't see any
22 representatives here.

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1 I will mention in this letter of
2 support from Chairman Shelton, our Exhibit 26,
3 "Please be advised that William Shelton is
4 authorized to represent or act on behalf. In
5 addition, ANC 5B appreciates Gallaudet's
6 continued outreach efforts to our ANC."

7 I think this letter is very well
8 written. It shows the exemplary efforts that
9 Gallaudet has always made to the Ward 5
10 community, especially 5B.

11 Also, we have letters of support.

12 I think ANC 6C is the one that
13 abuts. Is it 6C?

14 MR. COLLINS: Both 6A and 6C abut
15 on the other side of Florida Avenue.

16 CHAIRMAN HOOD: All the letters
17 are similar. They talk about the great
18 outreach efforts of Gallaudet to the ANCs 6C
19 and 6A. I will tell you that that really
20 shows the exemplary effort, as I stated, that
21 Gallaudet has done.

22 Also, the Gallaudet Coordinating

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1 Relations Council -- I don't want this to go
2 unnoticed -- Mr. George Boyd, who was one of
3 the founders of that organization, passed.
4 His funeral will be this coming Saturday,
5 which I personally will be attending.

6 Dr. Boyd, who received an honorary
7 degree from Gallaudet -- I had the opportunity
8 to attend that. I hope that as Gallaudet
9 moves forward that they remember him and the
10 efforts that they did.

11 Especially with the Gallaudet
12 Community Relations Council, which I think
13 makes this Zoning Commission -- since I've
14 been here, Gallaudet has been one of the
15 campus plans and further processings that
16 usually go as smooth as this is going tonight.

17 We don't usually experience this.

18 So our hats off to the late Dr.
19 George Boyd and the Gallaudet Community
20 Relations Council. I hope that Gallaudet will
21 remember the efforts and work that Mr. Boyd
22 and all those who have done who make things,

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1 as one of my colleagues has already mentioned,
2 why the room is not full.

3 I think we're going to have some
4 other hearings where we may have standing room
5 only. But that goes to show the efforts that
6 have been put forward long before a lot of us
7 have even gotten here.

8 MR. BAUMAN: Mr. Chairman, if I
9 may, I appreciate that commendation of Dr.
10 Boyd. He was a neighbor of mine. He'll be
11 sorely missed as a neighbor as well as a
12 representative of the community.

13 I think it's already been said in
14 the halls of Gallaudet that we plan on moving
15 forward in his spirit.

16 CHAIRMAN HOOD: Great. That's
17 good to know.

18 As long as I'm here -- it looks
19 like the Mayor is going to reappoint me, so
20 I'll be here at least another three years. If
21 I see you again, I'm probably going to mention
22 that same thing at every hearing. So forgive

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1 me if you hear it again.

2 MR. BAUMAN: Thank you.

3 CHAIRMAN HOOD: Do we have any
4 organizations or persons here that are in
5 support?

6 Any organizations or persons here
7 in opposition?

8 Mr. Collins, do you have any
9 closing remarks?

10 MR. COLLINS: Just two things.

11 First of all, I want to
12 acknowledge the presence of Mr. Paul Kelly,
13 Vice President of Gallaudet University.

14 And also Fred Wiener. Mr. Wiener
15 is Executive Director of Program Development
16 for the university as well.

17 Secondly, I would respectfully
18 request approval of this application.

19 CHAIRMAN HOOD: You would like a
20 bench decision?

21 MR. COLLINS: Yes, sir.

22 CHAIRMAN HOOD: All right. Thank

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1 you.

2 Is that it, Mr. Collins?

3 Okay. I want to thank ev eryone
4 for such a succinct prese ntation. We
5 appreciate it. Plus the application and plus,
6 the outreach is key. I can't express that any
7 more. I really want to thank you all for what
8 you do.

9 Okay, Commissioners. Would
10 somebody like to make a motion?

11 VICE CHAIRMAN SCHLATER: Sure, Mr.
12 Chairman.

13 I'd like to move that we take
14 proposed action on case -- do we do proposed
15 or is it final?

16 CHAIRMAN HOOD: Final. It's going
17 to be final.

18 VICE CHAIRMAN SCHLATER: I move
19 that we take final action on Case No. 03-02B,
20 request for campus plan amendment and special
21 exception for further processing for Gallaudet
22 University at 800 Florida Avenue Northeast.

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1 CHAIRMAN HOOD: It's been moved.

2 Can I get a second?

3 COMMISSIONER TURNBULL: Second.

4 CHAIRMAN HOOD: Thank you, Vice
5 Chairman and Commissioner Turnbull.

6 It's been moved and properly
7 seconded.

8 Any further discussion?

9 All those in favor?

10 ALL: Aye.

11 CHAIRMAN HOOD: Not hearing any
12 opposition, Ms. Schellin, would you please
13 record the vote?

14 MS. SCHELLIN: Staff records the
15 vote 3-0-2 to approve final action in Zoning
16 Commission Case No. 03-02B, Commissioner
17 Schlater moving, Commissioner Turnbull
18 seconding, Commissioner Hood in support,
19 Commissioners May and Selfridge not
20 present/not voting.

21 CHAIRMAN HOOD: Ms. Schellin, do
22 we have anything else before us?

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MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Thank you very
much.

With that, I want to thank
everyone for their participation tonight and
this hearing is adjourned.

(Whereupon, at 6 :49 p.m. the
hearing was adjourned.)