

# Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Dennis R. Hughes  
202.419.2448  
[dennis.hughes@hklaw.com](mailto:dennis.hughes@hklaw.com)

December 27, 2024

## **VIA IZIS**

Zoning Commission for the  
District of Columbia  
441 4<sup>th</sup> Street, NW, Suite 210S  
Washington, D.C. 20001

**Re: Z.C. Case No. 12-15D - Gallaudet University  
Proposed Amendment to 2012-2027 University Campus Plan and  
Further Processing – Merrill Learning Center (the “Application”)  
Applicant's Supplemental Submission**

Dear Chairman Hood and Members of the Zoning Commission:

On behalf of Gallaudet University ("Gallaudet" or the "Applicant"), we respectfully submit these materials for your consideration in advance of the January 27, 2025, public hearing scheduled for this Application. These materials are provided pursuant to Subtitle Z Section 401.5 of the Zoning Regulations (11 DCMR) as a supplement to the application materials originally filed in this matter.

### **Enclosed Exhibits:**

- A. Table of Campus-Wide Building Data – including GFA and Percentage of Commercial Uses (existing and proposed).
- B. Resumes of prospective witnesses.

### **Summary of Requested Amendment to Approved Campus Plan:**

As detailed in its Statement in Support included at Exhibit 3 of the hearing record, the University is requesting a limited amendment to its approved 2012-2027 campus plan (the "Campus Plan") to allow the University to undertake the extensive renovation and reimagining of its Merrill Learning Center (“MLC”) located within the Gallaudet Mall area of the campus.

The Campus Plan identifies the demolition of MLC as one of the University’s “Phase III Planned Projects” (Section 8.10, Page 79 of Campus Plan), providing that “the building will be demolished to provide additional green space on campus and complete the restoration of the Gallaudet Mall.” Another project included among “Phase III Projects” is the related “Gallaudet Mall Restoration”,

which provides that “the area where MLC is located will be turned into a public green space with terraced amphitheater style seating... includ[ing] the addition of new walkways, nighttime lighting, landscape and trees, and exterior furniture.” (Section 8.10).

The MLC served as the University’s main library and learning center since its construction approximately fifty years ago. Given its deteriorated condition and functional obsolescence, library facilities were relocated from the MLC on an interim basis and the building was closed for use in 2022. Within the next few years, the University intends to construct a new library and student learning center on the site of the current Edward Miner Gallaudet Building following a successful fundraising campaign. Before moving forward with the new library project, which is identified in the Campus Plan as the “Student Learning Commons” (Section 8.10, Page 77), the University will return to the Zoning Commission for further processing of plans for that project.

With the present application, the University proposes to preserve and repurpose a significant portion of the existing MLC structure rather than to demolish and remove the improvements to a landfill, as shown in the concept drawings package included at Exhibit 3A of the hearing record. Current plans for the MLC renovation would refurbish approximately 65,000 square feet of floor area in the basement level of the building for a combination of important university uses, including installation of the University’s deaf archives, which is currently warehoused off-campus. Other uses would include video and panoptic studios, audio/video laboratory space, lecture halls, classrooms, collaborative and other informal gatherings spaces, along with building operations.

The upper two floors of the building, comprising approximately 35,500 square feet of gross floor area, would be demolished and replaced with a small butterfly wing-shaped glass enclosure measuring approximately 15,000 square feet in area. This open space would serve as a lobby and informal gathering space and access point to the lower level as well as a small café (approximately 3,767 square feet). Extensive landscaping and hardscaping, including seating, lighting and covered gathering area, all utilizing DeafSpace design principles, are proposed around the perimeter of the building, serving to reopen and reconnect the sightlines of the Gallaudet Mall as well as to reestablish a tree canopy in this part of the campus. To the south of the MLC, the landscaping concept includes the Merrill Oasis Garden and, as part of a future construction phase, a terraced amphitheater, as was contemplated in the “Gallaudet Mall Restoration” project approved in the Campus Plan.

### **Commercial Uses:**

As noted above, programming for the renovated MLC contains a small café use measuring less than 3,800 square feet. This commercial use will add only a *de minimis* increase in campuswide commercial uses and satisfies the commercial use requirements applicable to university uses as set forth in Subtitle X Section 101.3 of the Zoning Regulations:

*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 the following conditions:*

- (a) *There shall be a demonstrated and necessary relationship between the use and the university functions;*

The café use is intended as a campus amenity for usage and gathering space by students, faculty, staff and visitors to campus and will be designed using DeafSpace architecture principles.

- (b) *The total floor area of all commercial uses, including basement or cellar space, shall occupy no more than ten percent (10%) of the gross floor area of the total campus plan floor area; and*

Within the renovated MLC, the roughly 3,800 square foot commercial use will occupy less than five percent of the floor area of the building. This small percentage is generally consistent with the percentage of commercial uses across the campus, which totals approximately six percent. A table of campuswide building data showing the breakdown of overall gross floor area and amount of commercial uses is included at Exhibit A.

- (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.*

The café use will be located in the center of campus and does not involve significant loading operations nor is anticipated to generate vehicular trips.

### **Applicant's Presentation at Hearing:**

At the public hearing, the Applicant may call Richard Dougherty and/or Christopher Hoffmann to testify on behalf of the University. Mr. Dougherty serves as University Architect, and Mr. Hoffmann serves as the Director of Campus Design + Planning. Their testimony will describe the University's history, current University priorities, findings with respect to the condition of the MLC to support reuse rather than complete demolition of the building, the architectural design and usage proposed for the building, and how the project supports the University's mission to reclaim and reopen the Gallaudet Mall.

The Applicant may also call Brandice Elliott, Director of Planning Services at Holland & Knight, as an expert witness in urban planning. Ms. Elliott previously has been qualified as an expert witness by the Zoning Commission. Her testimony will describe the consistency of the Campus Plan amendment with the Comprehensive Plan, including when analyzed through a racial equity lens.

Resumes of these witnesses are included at Exhibit B.

**Community Outreach:**

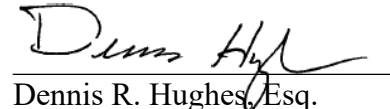
The campus is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 5D and abuts the boundaries of ANC 6A and ANC 6C. After meeting with ANC 5D’s Zoning and Development Committee in September and the ANC 5D Committee of the Whole in October, the University received ANC 5D’s recommendation of support at its November 12, 2024, public meeting. The University requests that ANC 5D’s recommendation be granted the great weight to which it is entitled.

The University understands from ANC 6C that that ANC does not anticipate providing comment to the Zoning Commission regarding the application. The University has not yet confirmed whether ANC 6A has comment regarding the application.

Thank you for your consideration of these additional materials in advance of the January 27 public hearing.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in dark ink, appearing to read "Dennis Hughes", is written over a horizontal line.

Dennis R. Hughes, Esq.

cc : Certificate of Service

## **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on December 27, 2024, electronic copies of Gallaudet University's supplemental prehearing materials were delivered as follows:

### **D.C. Office of Planning**

Ms. Jennifer Steingasser

Mr. Joel Lawson

Mr. Philip Bradford

[jennifer.steingasser@dc.gov](mailto:jennifer.steingasser@dc.gov)

[joel.lawson@dc.gov](mailto:joel.lawson@dc.gov)

[philip.bradford@dc.gov](mailto:philip.bradford@dc.gov)

### **Advisory Neighborhood Commission 5D**

Commissioner Salvador Saucedo-Guzman, Chairperson

Commissioner Hector Arbuckle SMD 5D01

[5D05@anc.dc.gov](mailto:5D05@anc.dc.gov)

[5D01@anc.dc.gov](mailto:5D01@anc.dc.gov)

### **Advisory Neighborhood Commission 6A**

Commissioner Amber Grove, Chairperson

Commissioner Keya Chatterjee, SMD 6A01

[6A04@anc.dc.gov](mailto:6A04@anc.dc.gov)

[6A01@anc.dc.gov](mailto:6A01@anc.dc.gov)

### **Advisory Neighborhood Commission 6C**

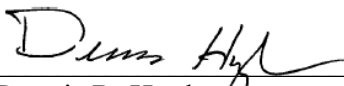
Commissioner Mark Eckenwiler, Chairperson

Commissioner Christy Kwan, SMD 6C06

[6C@anc.dc.gov](mailto:6C@anc.dc.gov)

[6C01@anc.dc.gov](mailto:6C01@anc.dc.gov)

[6C04@anc.dc.gov](mailto:6C04@anc.dc.gov)

  
Dennis R. Hughes