

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**Application of Gallaudet University  
Amendment to Approved Campus Plan  
800 Florida Avenue, NE,  
Further Processing of Merrill Learning Center Renovation**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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**I.     Introduction:**

Gallaudet University (“Gallaudet” or the “University”) submits this application for amendment to its approved university campus plan (2012-2027)(the “Campus Plan”) and for related further processing of its design plans for extensive renovation and reimagining of the Merrill Learning Center (“MLC”) located within the Gallaudet Mall area in the center of the University’s campus.

The renovation project involves demolition of much of the above-grade portions of the existing building, renovation and conversion of the below-grade portions of the building, construction of a dramatic new entrance and ground level gathering space, and new landscape and hardscape improvements to enhance the student experience of the Gallaudet Mall.

The MLC has served as the University’s main library and learning center since its construction in the early 1980s. More than a decade ago, the building was identified in the Campus Plan as being in poor overall condition and was then designated for demolition. Library facilities have since been relocated from the MLC on an interim basis, and the building has been closed for use since 2022. Within the next few years, following a successful fundraising campaign, the University intends to construct a new library and student learning center on the western edge of campus, at the site of the current Edward Miner Gallaudet Building, consistent with the Campus Plan. That undertaking will be the subject of a future further processing

application to the Zoning Commission. The present application is required to allow the University to sustainably renovate the below-grade portions of the MLC, rather than demolish it entirely, and to construct the jewel box-like glass pavilion, entrance and surrounding hardscaping.

## **II. Background:**

The property that is the subject of this application (Square 3593, Lot 4) (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 6<sup>th</sup> Street, NE, to the west. The Property, approximately 93 acres in size, comprises the great majority of the campus area. Smaller additional University properties are also located on either side of 6<sup>th</sup> Street, NE, which properties 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). The Campus Plan was approved for ten years (2012-2022) by the Zoning Commission in 2013 (Zoning Commission Order No. 12-15). 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). Most recently, per Order No. 12-15C, the Campus Plan approval was extended through December 2027, and the Campus Plan was amended to facilitate a series of landscaping, hardscaping and other site improvements within the campus boundaries. These improvements include: (1) the creation of a park-like promenade along the western edge of the campus (“Creativity Way”) 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; (2) the installation of a memorial garden commemorating the Black Deaf experience across the University's history ("Louise B. Miller Memorial Garden"); (3) the realignment of Tapscott Street; and (4) the removal of a small sliver of land from the controls of the Campus Plan, with said land to be incorporated into the the mixed use redevelopment being undertaken by the University in partnership with JBGSmith of multiple parcels of non-residentially zoned land immediately adjacent to the Property, pursuant to a Planned Unit Development approved by the Zoning Commission in Order No. 15-24.

### **III. Amendment to Approved Campus Plan and Further Processing:**

The sole purpose of the present Campus Plan amendment application is to facilitate the University's efforts to sustainably reuse and repurpose the below-grade portions of the Merrill Learning Center rather than to demolish the building in its entirety, as identified in the Campus Plan (Campus Plan: Section 8.10 – "Phase III Planned Projects").

The MLC currently stands as a three-story brick and glass structure in the middle of Gallaudet Mall. Given the sloping grade, the building appears to be a single story from the north, whereas the lower levels are evident from the south elevation (see attached drawings package at Page 4). Given its functional obsolescence, deteriorated condition, (including significant water damage), and plans to relocate the University's library to a new facility, the MLC has long been the focus of University planning related to its replacement, demolition and reconstruction of the Gallaudet Mall.

Under the Campus Plan, the MLC was slated for demolition following relocation of its historical uses, particularly library use, to other areas of the campus. The Campus Plan envisions that this demolition would occur in tandem with University efforts to restore the Gallaudet Mall to its original formal design, including turning the area where the MLC is located into a public green space with terraced amphitheater seating. The Mall restoration approved in the Campus Plan likewise contemplates new walkways and lighting across the Mall, landscaping and planting of trees, and exterior furniture (Campus Plan: Section 8.10 – “Phase III Planned Projects”).

After conducting a thorough and extensive physical audit of the MLC, the University has determined that the most appropriate course of action in terms of both fiscal and social responsibility would be to preserve and repurpose as much of the existing building as feasible rather than to demolish and haul the building remnants away to a landfill. The University’s Architect and consulting architects and engineers have confirmed that the structure retains its integrity, and the below-grade spaces are well-suited to the uses that the University intends to locate within the refurbished MLC. These uses include: the University’s extensive deaf archives (approximately 10,614 square feet), which is being returned to campus after being stored in an off-campus warehouse; a video studio (approximately 4,956 square feet); panoptic studio (approximately 2,417 square feet); the Office of Research, including technology/audio/video laboratory space (approximately 3,453 square feet); the Schuman Deaf Documentary Center (approximately 2,606 square feet); and lecture halls (approximately 4,200 square feet), classroom (1,630 square feet), collaborative space (2,175 square feet) and multipurpose room (1,824 square feet), all designed using DeafSpace design principles; and finally building operations (4,775 square feet). These remainder of this lower level (approximately 60,000 square feet) will be

utilized as flexible meeting/work/study space, all as shown in the plans and renderings included at Exhibit A(Sheets 10 and 11).

Natural light will be provided to this largely below-grade level through the semicircular opening created by removal of the current central staircase, by a series of oculus skylight windows, and by a wall of windows facing south towards the Gallaudet Mall. As part of a future phase of construction, this southern vantage also will look out upon an outdoor amphitheater that will utilize a mixture of landscaped terracing and hardscaping, all as provided for in the Campus Plan.

The existing upper two levels of the MLC, totaling approximately 25,000 square feet, are proposed to be demolished and replaced with a single-story glass and aluminum pavilion measuring approximately 3,800 square feet. Topped by a soaring butterfly roofline, the new “Level 1” will contain an open lobby that wraps around the green roof covering the lower level. This upper level will also house a roughly 3,800 square foot café area that will face north across a landscaped “North Plaza” toward Hall Memorial Building, which frames the north end of the Gallaudet Mall. This landscaped area will contain extensive new plantings along with hardscaped paths and sun shades for informal gatherings.

Once the renovation is complete, the attributable gross floor area of the MLC will be reduced by approximately 20,000 square feet from its current size, for a new total of approximately 80,000 square feet of GFA.

Upon the Zoning Commission’s approval of the Application, the University intends to begin demolition during the Summer of 2025, while most classes are out of session and student population and University traffic is at its lowest. Demolition is anticipated to take 14-16 months, to be followed by construction beginning in the 3rd Quarter of 2025. Construction is expected to

be completed and the renovated MLC ready for its grand reopening by the Fall Semester 2026. Construction traffic will be coordinated by the University and the building contractors to minimize inconvenience and noise to the surrounding neighborhood. The University will communicate regularly with the community through Advisory Neighborhood Commissions (“ANC”) 5D, 6A, and 6C to keep them informed of traffic plans, construction timing and news, and to address any questions or concerns from the surrounding community.

As part of its community outreach to-date, the University issued its Notice of Intent to file this Application to property owners within 200 feet of the campus boundary. That notice issued on July 9, 2024. Copies of the Notice also were provided to ANC 5D, the ANC within whose boundaries the campus is located, as well as to abutting ANC 6A and ANC 6C. A representative of ANC 6C informed the University that that ANC likely would not review the Application. No response has yet been received from ANC 6A.

The University has been in regular contact with representatives of ANC 5D for the past several months. Most recently, the University shared its plans for the MLC project with ANC 5D’s Zoning and Development Committee on September 19, 2024, and also with ANC 5D at its Committee of the Whole public meeting on October 22, 2024. The University is scheduled to return to ANC 5D at its meeting on November 12, 2024, for formal consideration of the Application by the ANC.

#### **IV. Compliance with Burden of Proof:**

Following is a summary demonstration of the University’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 30 days prior to the public hearing, the Applicant may supplement these materials detailing changes to the approved 2012-2027 Campus Plan to effectuate the proposed amendment.

Also provided herein at Exhibit B, the University includes its preliminary analysis of the Application relative to the Comprehensive Plan, including review through the lens of racial equity.

*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 the Property since its founding in the nineteenth century 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 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 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 ANCs whose boundaries include or abut the campus.

As provided herein, the proposed amendment and further processing for MLC meet the applicable standards and conditions provided in the Zoning Regulations.

*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.*

In its continuing efforts to be a good neighbor within its rapidly-changing neighborhood, the University maintains open relations with nearby residents and businesses both directly and through the ANCs that include and abut the campus boundaries. The proposed amendment described herein, which would reinvigorate the center of campus and dramatically improve the campus experience for University students, faculty and staff, will not create any excessive or uncontrolled traffic, noise or other objectionable conditions. Temporary construction-related activity will be contained within the campus, demolition is planned to occur during the summer while classes are not in session (and typical University traffic is at its lowest), and will be closely directed and monitored by the University to minimize impacts on neighboring residents and businesses.

*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.*

As described above, the renovated MLC will provide state of the art spaces for several critical institutional uses, including deaf archives, studios, lecture halls, assembly areas, and offices, all in the lower level of the building. These spaces will be accessed by an architecturally impressive entry and gathering point that also will include a café space measuring approximately 3,800 square feet. The café is intended to serve as an amenity and informal gathering space for students, faculty, staff and campus visitors. This accessory use to the larger institutional purpose and focus of MLC will be located so as not to create any objectionable conditions to the surrounding neighborhood. No noise or additional vehicular traffic is anticipated to be generated by the commercial use.

Given the very large size of the Property, overall gross floor area for the campus as a whole is below 1.0 FAR, and the proposed café, measuring approximately 3,800 square feet, will add only a *de minimis* amount to the overall commercial gross floor area for the campus.

*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.*

As noted above, the maximum total density of all buildings on campus is well under 1.8 FAR. If approved, the renovated MLC will actually result in an overall reduction of gross floor area as 25,000 square feet of GFA is proposed to be demolished while only 3,800 square feet of GFA will be added as part of the renovation.

*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 present application, to renovate rather than to demolish MLC, will result in negligible changes to the Campus Plan. The University will provide as part of its Prehearing Statement appropriate documentation to reflect the proposed change 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 MLC renovation will provide an amenity to the University community that will have no adverse effect on the surrounding neighborhood. The renovation will not result in any increase in student enrollment or increase in the number of faculty and staff. Nor will operations in the renovated building generate any increase in vehicular traffic.

*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 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 2012-2027 Campus Plan and further processing under the amended Campus Plan to facilitate the innovative redevelopment of the Merrill Learning Center as described in the concept drawings and materials provided herewith.