

# Holland & Knight

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September 27, 2021

## 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. 12-15C - Gallaudet University  
Proposed Amendment to 2012-2022 University Campus Plan  
Applicant's Request for Waiver of 11-Z DCMR § 402.4**

Dear Chairman Hood and Members of the Zoning Commission:

On behalf of Gallaudet University ("Gallaudet" or the "Applicant"), the applicant in the above-referenced case, we respectfully request that the Commission approve a limited waiver from the hearing notice requirement set forth in 11-Z DCMR § 402.4. More specifically, this request only applies to the requirement that the Applicant post notice of the public hearing in this matter "on the front of each existing building located on the subject property". Gallaudet already has posted hearing notices all around the boundaries of the university campus "in plain view of the public at each street frontage on the property" as otherwise required pursuant to § 402.4 and will maintain those signs as required. Gallaudet makes the present waiver request given the exceptional burden created in having to post and maintain dozens of campus buildings internal to the university campus.

In prior instances when Gallaudet has pursued updates to its campus plan approval, including most recently in 2012-2013, the Zoning Regulations provided accommodation for the posting of hearing notices for university campus plans, as follows:

3113.17      In the case of an application for approval of a college or university campus plan, the notice shall be posted on all frontages of the property included within the plan that face any property not owned by the college or university. (1958 Regulations)

This language relating to the posting of university campuses does not appear in the current Zoning Regulations. We are not aware if this was an inadvertent omission. In any event, it appears that the Commission has previously recognized this difficulty to university applicants and granted waiver from the current posting requirement to at least one other such applicant (See Application of Georgetown University - ZC Case No. 16-18). As noted in support of waiver in that application, compliance with the technical requirement to post and maintain notice on all existing buildings on

a university campus property would require an extraordinary effort. Such would certainly be the case for Gallaudet as there are dozens of existing buildings spread across the 90+ acre campus. Further, almost all of the buildings located on the Gallaudet campus are far removed from the surrounding public road network and secured by fencing.

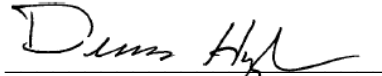
The Applicant has posted all street frontages of the university campus, including public entrances to the campus, consistent with the general requirement for contested case applications and past practices. Further, the Applicant is engaging with the three Advisory Neighborhood Commissions which include or bound the university campus (ANCs 5D, 6A and 6C) and is actively including its student population in planning related to the limited amendment proposed to the campus plan in this application.

Subtitle Z § 101.9 confirms the Commission's authority to waive its rules where the exercise of such a waiver would also not prejudice the rights of any party nor is otherwise prohibited by law. As set forth above, we believe waiver would not work any prejudice nor is prohibited by law.

Thank you for your consideration of this waiver request.

Respectfully submitted,

HOLLAND & KNIGHT LLP

  
Dennis R. Hughes, Esq.

cc : Certificate of Service

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 27, 2021, electronic copies of Gallaudet University's request for partial waiver from 11-Z DCMR § 402.4 were delivered as follows:

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**Advisory Neighborhood Commission 6C**

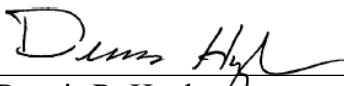
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