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August 23, 2010

VIA HAND DELIVERY

Jamison Weinbaum
Director, Office of Zoning
441 4th Street, NW
Suite 210-S
Washington, DC 20001

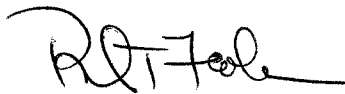
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Re: ZC Case No. 97-16A: Proffered Public Benefits and Amenities and Proposed Conditions

Dear Mr. Weinbaum:

Per the Procedural Order dated July 26, 2010, attached please find the Lowell School's final list of proffered public benefits and corresponding proposed conditions, as well as the Applicant's draft conditions for the final Order, both of which incorporate comments from the Office of the Attorney General and the Office of Planning. Lowell also encloses a black-line document showing the changes made to their August 9, 2010, submission. Please feel free to contact us should you have any questions.

Sincerely,



Phil T. Feola



Christine A. Roddy

cc: Deborah Gibbs

ZONING COMMISSION
District of Columbia

CASE NO. 97-16A
EXHIBIT NO. 50

Certificate of Service

I hereby affirm that the foregoing document was sent to the following addresses on August 23, 2010, by hand delivery or first-class mail:

Steve Cochran
Office of Planning
1100 4th Street, SW
Suite E650
Washington, DC 20009

Alan Bergstein
Land Use and Public Works Section
1100 15th Street, N.W.
Suite 800
Washington, D.C. 20005-1707

ANC4A
7600 Georgia Avenue, NW, Suite 404
Washington, DC 20012


Christine Roddy

Final List of Proffered Public Benefits for Zoning Commission Case No. 97-16A and
Corresponding Condition
August 23, 2010

Benefit/Amenity	Proposed Condition
1. Traffic Management Plan	The Applicant shall institute a Traffic Management Plan prior to the issuance of a building permit for the addition to the Parkside building, or during such time period specifically stated below or in the Traffic Management Plan. The Traffic Management Plan shall include the following: • Access to the property will be counter-clockwise with ingress via 17th Street, NW and egress via Kalmia Road, NW, during peak morning and afternoon arrival and departure periods. • Maintaining a carpool program, walking “buses”, and biking “trains” with an online database for Lowell families to locate other families living nearby. • The Applicant will actively manage the entrances and exits to the campus with at least two staff members posted on the sidewalk near the Kalmia Road entrance/exit and one staff member at the 17th Street entrance during weekday peak activity periods, as well as during major special event. During the afternoon peak pickup period, Lowell will ensure that a legally authorized traffic control officer is posted at the carpool entrance to manage traffic onto the School’s campus. • The Applicant will prohibit the parents of its students from utilizing Jonquil Street between 16th and 17th Streets during drop-off and pick-up periods. Lowell will periodically post a staff member to monitor Lowell drivers’ use of Jonquil. • Lowell will offer private bus service to

	families as early as Fall 2011 and will provide reasonable financial incentives to subsidize and encourage the use of the bus. • Lowell will implement a rewards program for families, faculty and staff to encourage carpooling or alternative methods of transportation to and from the School. The rewards program for its families and students will consist of an annual bike raffle for both parents and children. The more people in the carpool and the frequency of carpooling earn greater chances for winning. The rewards program for faculty and staff will consist of providing gift cards to those faculty and staff members who earn a certain threshold of points for carpooling. Again, the more people in the carpool and the frequency of carpooling earn greater chances for winning. • Lowell will enforce these rules pursuant to the guidelines provided in the Traffic Management Plan in the record as Exhibit _____. The School will also enforce the loading provisions of the Traffic Management Plan as specified therein.¹ • The Applicant will require enrolling families to sign a traffic and parking management agreement agreeing to the rules outlined in Exhibit _____ of Exhibit _____. • The Applicant will provide a “test run” of the proposed bus service for a minimum of one week in Spring 2011. • The School will implement all other
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¹ The Applicant will provide specific information on how it intends to enforce the loading provisions of the TMP in its September 13, 2010, post-hearing filing, including: the Applicant will require all vendors to execute a contract agreeing to abide by the loading provisions set forth in the Neighborhood Cooperation Agreement; the School will provide a staff member to supervise all loading activity, including directing trucks into and out of the loading area, as necessary; and the Applicant will further provide a point of contact to any neighbors with continuing complaints and will meet with them in person to discuss any problems.

	commitments outlined in the Traffic Management Plan dated September 13, 2010 and submitted as _____ of _____ in the record. • On-site access roads shall be built and maintained in accordance with the Site Plan in Exhibits 36 and 42. • Prior to securing a building permit for the addition to the gymnasium and pool, Lowell shall submit a report to DDOT indicating the multi-modal split of the students, faculty, and staff accessing the School during morning and afternoon peak periods. Lowell shall also provide information on queuing measurements. Lowell shall also re-evaluate whether the queuing aisle in front of Parkside is necessary to mitigate impacts on the community.
2. Construction Management Plan	The Applicant shall comply with paragraphs 1-8 of the Construction Management Plan (included as Exhibit H of Exhibit 42 in the record) upon issuance of building permits for each phase of construction. The Applicant shall further comply with paragraph 9 of the Construction Management Plan prior to issuance of a raze permit for the Fraser building unless otherwise specified in the Construction Management Plan.
3. Environmental Design	The planned unit development shall be developed in accordance with the drawings and plans prepared by Bowie Gridley Architects, dated November 25, 2009, June 11, 2010, July 1, 2010, and July 14, 2010 Powerpoint, and marked as Exhibits 2, 21, 36 and 42 of the record, as well as paragraph 55 (c) herein, as modified by the guidelines, conditions and standards of this order. These plans shall achieve an equivalent of LEED certification (at least 40 points).
4. First Source Agreement	The Applicant shall enter into a First Source Employment Agreement with the District of

	Columbia Department of Employment Services to promote and encourage the hiring of District of Columbia residents relative to the construction of the project prior to the issuance of a building permit for the addition to the Parkside Building.
5. Certified Business Enterprises	The Applicant shall enter into a Certified Business Enterprises Agreement with the Department of Small and Local Business Development for no less than 35% of the contract work granted under this PUD prior to the issuance of a building permit for the addition to the Parkside Building.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for Review and Approval of a Modification to an Approved Planned Unit Development for the Subject Property (Square 2745F, Lots 815 and 817). The approval of this PUD modification is subject to the following conditions:

- 1) The planned unit development shall be developed in accordance with the drawings and plans prepared by Bowie Gridley Architects, dated _____², and marked as Exhibit _____ of the record, as well as paragraph 55 (c) herein, as modified by the guidelines, conditions and standards of this order. These plans shall achieve an equivalent of LEED certification (at least 40 points).
- 2) The planned unit development shall be the campus of the Lowell School. The maximum permitted height shall be 40 feet. The maximum permitted floor area ratio (FAR) is .34. The maximum permitted percentage of lot occupancy is 15%.
- 3) The planned unit development shall be used by the Lowell School for a private educational institution comprised of nursery, elementary and middle school programs through grade eight. There shall be a maximum of 400 students enrolled, with faculty and staff not to exceed 100 persons.

² The Applicant is submitting a complete set of plans with its September 13, 2010, post-hearing filing.

- 4) The regular school year will consist of twelve months including a summer session.
- 5) The Applicant shall institute a Traffic Management Plan prior to the issuance of a building permit for the addition to the Parkside building, or during such time period specifically stated below or in the Traffic Management Plan. The Traffic Management Plan shall include the following:
 - Access to the property will be counter-clockwise with ingress via 17th Street, NW and egress via Kalmia Road, NW, during peak morning and afternoon arrival and departure periods.
 - Maintaining a carpool program, walking “buses”, and biking “trains” with an online database for Lowell families to locate other families living nearby.
 - The Applicant will actively manage the entrances and exits to the campus with at least two staff members posted on the sidewalk near the Kalmia Road entrance/exit and one staff member at the 17th Street entrance during weekday peak activity periods, as well as during major special event. During the afternoon peak pickup period, Lowell will ensure that a legally authorized traffic control officer is posted at the carpool entrance to manage traffic onto the School’s campus.
 - The Applicant will prohibit the parents of its students from utilizing Jonquil Street between 16th and 17th Streets during drop-off and pick-up periods. Lowell will periodically post a staff member to monitor Lowell drivers’ use of Jonquil.
 - Lowell will offer private bus service to families as early as Fall 2011 and will provide reasonable financial incentives to subsidize and encourage the use of the bus.

- Lowell will implement a rewards program for families, faculty and staff to encourage carpooling or alternative methods of transportation to and from the School. The rewards program for its families and students will consist of an annual bike raffle for both parents and children. The more people in the carpool and the frequency of carpooling earn greater chances for winning. The rewards program for faculty and staff will consist of providing gift cards to those faculty and staff members who earn a certain threshold of points for carpooling. Again, the more people in the carpool and the frequency of carpooling earn greater chances for winning.
- Lowell will enforce these rules pursuant to the guidelines provided in the Traffic Management Plan in the record as Exhibit _____. The School will also enforce the loading provisions of the Traffic Management Plan as specified therein.³
- The Applicant will require enrolling families to sign a traffic and parking management agreement agreeing to the rules outlined in Exhibit _____ of Exhibit _____.
- The Applicant will provide a “test run” of the proposed bus service for a minimum of one week in Spring 2011.
- The School will implement all other commitments outlined in the Traffic Management Plan dated September 13, 2010 and submitted as _____ of _____ in the record.
- On-site access roads shall be built and maintained in accordance with the Site Plan in Exhibits

³ The Applicant will provide specific information on how it intends to enforce the loading provisions of the TMP in its September 13, 2010, post-hearing filing, including: the Applicant will require all vendors to execute a contract agreeing to abide by the loading provisions set forth in the Neighborhood Cooperation Agreement; the School will provide a staff member to supervise all loading activity, including directing trucks into and out of the loading area, as necessary; and the Applicant will further provide a point of contact to any neighbors with continuing complaints and will meet with them in person to discuss any problems.

36 and 42.

- Prior to securing a building permit for the addition to the gymnasium and pool, Lowell shall submit a report to DDOT indicating the multi-modal split of the students, faculty, and staff accessing the School during morning and afternoon peak periods. Lowell shall also provide information on queuing measurements. Lowell shall also re-evaluate whether the queuing aisle in front of Parkside is necessary to mitigate impacts on the community.
- 6) The Applicant shall comply with paragraphs 1-8 of the Construction Management Plan (included as Exhibit H of Exhibit 42 in the record) upon issuance of building permits for each phase of construction. The Applicant shall further comply with paragraph 9 of the Construction Management Plan prior to issuance of a raze permit for the Fraser building unless otherwise specified in the Construction Management Plan.
 - 7) The Applicant shall enter into a First Source Employment Agreement with the District of Columbia Department of Employment Services to promote and encourage the hiring of District of Columbia residents relative to the construction of the project prior to the issuance of a building permit for the addition to the Parkside Building.
 - 8) The Applicant shall enter into a Certified Business Enterprises Agreement with the Department of Small and Local Business Development for no less than 35% of the contract work granted under this PUD prior to the issuance of a building permit for the addition to the Parkside Building.
 - 9) Upon approval of this application, the Applicant shall establish a Community Relations Council to provide the community members with a mechanism to have their views

considered and acted upon in connection with the activities of the School. A majority of the members of the Council shall come from the neighborhood and neighborhood groups in the community. The Council shall be chaired by a person from the community. The Council shall meet twice per school year, or more often if needed. No later than January 1 of each year, Lowell shall submit minutes from each Community Relations Council meeting of the previous year to the Zoning Compliance Officer in the Office of Zoning, the ANC and to property owners within 200 feet of the Lowell campus.

- 10) No outside individuals, organizations or agencies shall be permitted to hold fundraising activities on the property, except that community-related activities, reported in advance to the Community Relations Council, may be permitted at the Applicant's discretion.
- 11) The parking and circulation plan shall be as shown on Exhibits 36, and 42.
- 12) Lighting on the property shall be designed to prevent spillage into the surrounding neighborhood.
- 13) The Applicant shall have the necessary flexibility to make adjustments to the project with respect to interior partitions, classrooms, parking layout, and outdoor play areas. It shall also have the flexibility to choose either scheme for the parking garage and play area as approved by the Zoning Commission and illustrated on Sheets _____ of Exhibit _____.⁴ Finally, the Applicant shall also be granted the necessary flexibility to modify the proposed plans in response to design recommendations from the Historic Preservation Review Board and the Commission of Fine Arts.

⁴ The final set of plans will be included with the September 13, 2010, post-hearing submission.

- 14) No building permit shall be issued for this planned unit development until the Applicant has recorded a Notice of Modification to the PUD Covenant in the land records of the District of Columbia. Such Notice and Modification to the PUD Covenant in the land records of the District of Columbia. Such notice and all successors in title to construct on the use of this property in accordance with this order or else amendment thereof by the Zoning Commission.
- 15) The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the Applicant has satisfied the conditions contained in Paragraph 11 herein.
- 16) The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR Section 2409.1. Construction shall begin within three years of the effective date of this order. An application for the final building permit completing the work approved herein shall be filed within three years of the issuance of the certificate of occupancy for the Parkside building, but no later than six years from the effective date of this order.
- 17) The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family

responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

On July 26, 2010, upon the motion of Commissioner May, as seconded by Chairperson Hood, the Zoning Commission **APPROVED** the application for a modification of an approved PUD by a vote of 5-0-0.

On September 27, 2010, upon the motion of _____, as seconded by _____, the Zoning Commission **ADOPTED** this Order to approve the modification of an approved PUD by a vote of _____.

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on _____.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

Final List of Proffered Public Benefits for Zoning Commission Case No. 97-16A and
Corresponding Condition
August 9, 23, 2010

Benefit/Amenity	Proposed Condition
1. Traffic Management Plan	The Applicant shall institute a Traffic Management Plan prior to the issuance of a building permit for the addition to the Parkside building, or during such time period specifically stated below or in the Traffic Management Plan. The Traffic Management Plan shall include the following: • Access to the property will be counter-clockwise with ingress via 17th Street, NW and egress via Kalmia Road, NW, during peak morning and afternoon arrival and departure periods. • Maintaining a carpool program, walking “buses”, and biking “trains” with an online database for Lowell families to locate other families living nearby. • The Applicant will actively manage the entrances and exits to the campus with at least two staff members posted on the sidewalk near the Kalmia Road entrance/exit and one staff member at the 17th Street entrance during weekday peak activity periods, as well as during major special event. During the afternoon peak pickup period, Lowell will ensure that a legally authorized traffic control officer is posted at the carpool entrance to manage traffic onto the School’s campus. • The Applicant will prohibit the parents of its students from utilizing Jonquil Street between 16th and 17th Streets during drop-off and pick-up periods. Lowell will periodically post a staff member to monitor Lowell drivers’ use of Jonquil. • Lowell will offer private bus service to

	families as early as Fall 2011 and will provide reasonable financial incentives to subsidize and encourage the use of the bus. • Lowell will implement a rewards program for families, faculty and staff to encourage carpooling or alternative methods of transportation to and from the School. <u>The rewards program for its families and students will consist of an annual bike raffle for both parents and children. The more people in the carpool and the frequency of carpooling earn greater chances for winning. The rewards program for faculty and staff will consist of providing gift cards to those faculty and staff members who earn a certain threshold of points for carpooling. Again, the more people in the carpool and the frequency of carpooling earn greater chances for winning.</u> • Lowell will enforce these rules pursuant to the guidelines provided in the Traffic Management Plan in the record as Exhibit _____. <u>The School will also enforce the loading provisions of the Traffic Management Plan as specified therein.¹</u> • The Applicant will require enrolling families to sign a traffic and parking management agreement agreeing to the rules outlined in Exhibit _____ of Exhibit _____. • <u>The Applicant will provide a “test run” of the proposed bus service for a minimum of one week in Spring 2011.</u> • The School will implement all other commitments outlined in the Traffic
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	Management Plan dated September 13, 2010 and submitted as _____ of _____ in the record. • On-site access roads shall be built and maintained in accordance with the Site Plan in Exhibits 36 and 42. • Prior to securing a building permit for the addition to the gymnasium and pool, Lowell shall submit a report to DDOT indicating the multi-modal split of the students, faculty, and staff accessing the School during morning and afternoon peak periods. Lowell shall also provide information on queuing measurements. Lowell shall also re-evaluate whether the queuing aisle in front of Parkside is necessary to mitigate impacts on the community.
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3. Environmental Design	The planned unit development shall be developed in accordance with the drawings and plans prepared by Bowie Gridley Architects, dated November 25, 2009, June 11, 2010, July 1, 2010, and July 14, 2010 Powerpoint, and marked as Exhibits 2, 21, 36 and 42 of the record, as well as paragraph 55 (c) herein, as modified by the guidelines, conditions and standards of this order. These plans shall achieve an equivalent of LEED certification (at least 40 points).
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	Columbia Department of Employment Services to promote and encourage the hiring of District of Columbia residents relative to the construction of the project prior to the issuance of a building permit for the addition to the Parkside Building.
5. Certified Business Enterprises	The Applicant shall enter into a Certified Business Enterprises Agreement with the Department of Small and Local Business Development for no less than 35% of the contract work granted under this PUD prior to the issuance of a building permit for the addition to the Parkside Building.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for Review and Approval of a Modification to an Approved Planned Unit Development for the Subject Property (Square 2745F, Lots 815 and 817). The approval of this PUD modification is subject to the following conditions:

- 1) The planned unit development shall be developed in accordance with the drawings and plans prepared by Bowie Gridley Architects, dated November 25, 2009, June 11, 2010, July 1, 2010, and July 14, 2010 Powerpoint², and marked as Exhibits 2, 21, 36 and 42~~Exhibit~~ of the record, as well as paragraph 55 (c) herein, as modified by the guidelines, conditions and standards of this order. These plans shall achieve an equivalent of LEED certification (at least 40 points).
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² The Applicant is submitting a complete set of plans with its September 13, 2010, post-hearing filing.

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- The Applicant will require enrolling families to sign a traffic and parking management agreement agreeing to the rules outlined in Exhibit _____ of Exhibit _____.
- The Applicant will provide a “test run” of the proposed bus service for a minimum of one week in Spring 2011.
- The School will implement all other commitments outlined in the Traffic Management Plan dated September 13, 2010 and submitted as _____ of _____ in the record.
- On-site access roads shall be built and maintained in accordance with the Site Plan in Exhibits

³ The Applicant will provide specific information on how it intends to enforce the loading provisions of the TMP in its September 13, 2010, post-hearing filing, including: the Applicant will require all vendors to execute a contract agreeing to abide by the loading provisions set forth in the Neighborhood Cooperation Agreement; the School will provide a staff member to supervise all loading activity, including directing trucks into and out of the loading area, as necessary; and the Applicant will further provide a point of contact to any neighbors with continuing complaints and will meet with them in person to discuss any problems.

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considered and acted upon in connection with the activities of the School. A majority of the members of the Council shall come from the neighborhood and neighborhood groups in the community. The Council shall be chaired by a person from the community. The Council shall meet twice per school year, or more often if needed. No later than January 1 of each year, Lowell shall submit minutes from each Community Relations Council meeting of the previous year to the Zoning Compliance Officer in the Office of Zoning, the ANC and to property owners within 200 feet of the Lowell campus.

- 10) No outside individuals, organizations or agencies shall be permitted to hold fundraising activities on the property, except that community-related activities, reported in advance to the Community Relations Council, may be permitted at the Applicant's discretion.
- 11) The parking and circulation plan shall be as shown on Exhibits 36, and 42.
- 12) Lighting on the property shall be designed to prevent spillage into the surrounding neighborhood.
- 13) The Applicant shall have the necessary flexibility to make adjustments to the project with respect to interior partitions, classrooms, parking layout, and outdoor play areas. It shall also have the flexibility to choose either scheme for the parking garage and play area as approved by the Zoning Commission and illustrated on Sheets _____ of Exhibit _____.⁴ Finally, the Applicant shall also be granted the necessary flexibility to modify the proposed plans in response to design recommendations from the Historic Preservation Review Board and the Commission of Fine Arts.

⁴ The final set of plans will be included with the September 13, 2010, post-hearing submission.

- 14) No building permit shall be issued for this planned unit development until the Applicant has recorded a Notice of Modification to the PUD Covenant in the land records of the District of Columbia. Such Notice and Modification to the PUD Covenant in the land records of the District of Columbia. Such notice and all successors in title to construct on the use of this property in accordance with this order or else amendment thereof by the Zoning Commission.
- 15) The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the Applicant has satisfied the conditions contained in Paragraph 11 herein.
- 16) The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR Section 2409.1. Construction shall begin within three years of the effective date of this order. An application for the final building permit completing the work approved herein shall be filed within three years of the issuance of the certificate of occupancy for the Parkside building, but no later than six years from the effective date of this order.
- 17) The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family

responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

On July 26, 2010, upon the motion of Commissioner May, as seconded by Chairperson Hood, the Zoning Commission **APPROVED** the application for a modification of an approved PUD by a vote of 5-0-0.

On September 27, 2010, upon the motion of _____, as seconded by _____, the Zoning Commission **ADOPTED** this Order to approve the modification of an approved PUD by a vote of _____.

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on _____.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

Document comparison by Workshare Professional on Monday, August 23, 2010
11:35:59 AM

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<u>Moved to</u>	
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Format change	
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Deleted cell	
Moved cell	
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Deletions	6
Moved from	0
Moved to	0
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