

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 387
Case No. 82-4C
December 13, 1982

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on August 2, 16 and 30, 1982. At those hearing sessions the Zoning Commission considered an application from the Gallaudet College for consolidated review and approval of a Planned Unit Development (PUD) and related amendment to the Zoning Map of the District of Columbia, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. The hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application requests consolidated review and approval of a PUD and related change of zoning from unzoned property to R-1-A for lots 80 and 815 in Square 2745 F. The applicant proposes to use the site as its Northwest Campus. Its main college campus is located at Florida and West Virginia Avenues, N.E. The applicant proposes no major construction in association with this application.
2. The R-1-A District permits, as a matter-of-right, development of single-family residential uses for detached dwellings with a minimum lot area of 7,500 square feet, a minimum lot occupancy of forty percent, and a maximum height of three stories/forty feet. Universities and colleges are normally permitted as a special exception with the approval of a campus plan by the Board of Zoning Adjustment (BZA).
3. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines and standards which may exceed or be lesser than the matter-of-right development standards identified above. The Commission may also approve uses which could be permitted as a special exception by the BZA.

4. The main campus of Gallaudet College (Kendall Green) is not subject to this application. The Kendall Green campus plan was previously approved by the BZA in a series of applications under Paragraph 3101.46 of the Zoning Regulations.
5. The site that is the subject at this application is located on the south side of the 1600 block of Kalmia Road, N.W., is the former Marjorie Webster Junior College property, and comprises approximately 8.75 acres of land.
6. The site is improved with a total of eight structures. Three of the eight structures, the main building, Fraser Hall and Memorial Hall, have an institutional character in that they are large buildings and specifically designed for educational/dormitory purposes. Four structures, Webster Hall, Haskell Hall, Dumas Hall and Goodman Hall located along Kalmia Road, are small and generally in scale with the existing houses in the area. One structure, known as the Spring House and located in the central portion of the site, is more in the nature of a gazebo in appearance and general character.
7. Access is available from one structure to the other through a system of pedestrian walkways and stairs. Tennis courts are located near the intersection of Kalmia Road and 17th Street.
8. There are three parking lots on the site; one having access from Kalmia Road, one adjacent to the main building and one adjacent to Memorial Hall along 17th Street. These three parking lots with some spaces in the rear of Fraser Hall would provide a total of approximately eighty-eight spaces.
9. The site was previously occupied by the Marjorie Webster Junior College, a post-secondary educational institution from 1928 until 1971. The peak enrollment of students at the Marjorie Webster Junior College was 500 to 510. Approximately 400 of those students were residents, which rendered a certain residential character about the college. Around 1971 the University Research Corporation acquired interest in the site and sought to expand the junior college operation to include a private laboratory and full service school including remedial and special education services for 150 children aged six to seventeen. This request was denied by the BZA. However, in October 1972, it was revealed through a public hearing that the University Research Corporation was conducting programs on the site which were not approved by the BZA. The

college was ordered to cease all activities, except for those that were approved. The college complied.

10. In 1976, the International School of Law sought to obtain the BZA's approval to move its operation to the subject site. This request was approved with conditions to ensure the safeguards for the surrounding community. The International School of Law chose not to purchase the property or operate its programs there.
11. In 1977, the property was sold to the United States Fire Administration (USFA), an entity of the Federal Government, for use as a fire academy. In 1978 the USFA decided that the site was not suitable for its purposes. In November, 1981, the ownership of the property was transferred to the Gallaudet College by an Act of the United States Congress.
12. The property was zoned R-1-A prior to its acquisition by the Federal Government. The property became unzoned in 1977 in accordance with the provisions in the Zoning Act of the District of Columbia when the Federal Government acquired it. As noted, the property is unzoned at this time. Unzoned property does not allow private property owners to use property until zoning is applied.
13. The site is surrounded on three sides by residential property zoned R-1-A. The R-1-A District is the most restrictive zone in the Zoning Regulations. The remaining side of the site faces federally owned parkland, which is not zoned.
14. The site is surrounded by a residential area predominately developed with single-family detached houses. The existing residential development in the area is very well maintained.
15. The site has major frontages on Kalmia Road and 17th Street, N.W. Access to the property is available from these two streets, with a secondary access from an alley which runs between Kalmia Road and Jonquil Street. The site abuts the rear yards of residential properties at Jonquil Street to the south. To the east between the site and the alley is residential property with wooded rear yards. Beyond that and fronting on 16th Street, is the Washington Ethical Society building. To the north across Kalmia Road, which forms an arc at this location, are single family residential houses. To the west across 17th Street is Rock Creek Park.
16. There have been no major repairs to the existing

facilities at the site since 1970. The buildings have been completely neglected and have rapidly deteriorated to the point where there are potential public health and safety problems. Roofs are open to the elements, interiors have deteriorated, and there is evidence of insect and animal infestations, as well as building entry by unauthorized intruders.

17. Gallaudet College was founded in 1856. In 1864, President Abraham Lincoln signed into law an enabling act which permitted the College to offer degrees to deaf people. Since its founding, the mission of the College has been to respond to the needs of deaf persons by providing them with the best possible education. During the past 126 years, Gallaudet has grown from serving a handful of students and teachers in a single house into a world leader in education, research and public service. In an 1864 enabling act, the school added a collegiate division, being the first, and for almost a century, the only, institution of higher learning designed specifically to meet the needs of deaf people. Today, it remains the world's only liberal arts College especially for deaf persons. The College not only educates deaf, college-age young people, but it also prepares individuals to become teachers at schools for the deaf throughout the nation. The Model Secondary School for the Deaf has been established on the main campus on 17 acres of land. The Kendall Demonstration Elementary School is also located on the main campus. Gallaudet College is a non-profit, tax-exempt private institution offering education from pre-school through doctorate, supporting and fostering significant research, and breaking new ground in service delivery. It provides a wide array of services and functions relating to deafness and deaf people.
18. The applicant proposes to renovate the facilities at the site, hereinafter referred to as the Northwest Campus, to help meet the unprecedented challenge of serving deaf students who were born during the worst Rubella epidemic in the history of the United States, 1964-65. Children born during this epidemic will be reaching college age in 1983, 1984, and 1985. Many of them will be seeking admission to Gallaudet College. Hearing-loss due to maternal rubella has normally ranged from six percent to twelve percent. Hearing-loss due to rubella increased to forty-one percent and thirty-four percent in 1964-65. The result was a substantial increase in the total number of deaf children born in those years. Gallaudet thus faces a significant increase in undergraduate admissions in academic years 1983-84 and 1984-85. This increase is expected to taper-off in later years. Since these

students will remain at the College for four to six years, the impact of these increased enrollments will persist through the end of the decade.

19. If Gallaudet College is to serve the increased enrollment, it will be necessary to complete the renovation of all existing Northwest Campus buildings and much of the campus site work by July 1983. Because of this tight schedule, the College has an urgent need to obtain an approved zoning designation for this property as well as all necessary District of Columbia approvals and permits as soon as possible. The applicant has determined that the filing of a consolidated PUD application and for a map amendment would give the applicant its best opportunity to meet this critical deadline. Otherwise, the applicant might file an application for map change before the Zoning Commission and after a hearing and in the event of a favorable result, would then have to present an application for special exception to the Board of Zoning Adjustment to operate a college facility at the site. This latter method would normally take twice as long as the consolidated PUD and Map amendment process before the Zoning Commission. In addition, the consolidated PUD affords the Commission the opportunity to impose development conditions similar to those that the BZA might apply in a campus plan case. The PUD also allows the Commission to dispose of all zoning aspects of the use of the property without involving a second agency in the process.
20. When the Northwest Campus opens in August of 1983, it will be the home for the Gallaudet College School of Preparatory Studies. This program is designed for all first-year students whose diagnostic tests reveal academic deficiencies which require concentrated attention and fundamental course work before the students can proceed with their college careers. This academic program has been chosen for the site because the existing facilities on the Northwest Campus are designed to accommodate educational programs for a similar number of students. Since the property was formerly a junior college, it offers the required mix and number of dormitories, classrooms, as well as student activity and assembly areas. Later in the decade, after the number of first-year undergraduate students nears pre-rubella bulge levels, students of other levels of their academic careers may live and study at the Northwest Campus.
21. The applicant proposes that the Northwest Campus be a self-contained, residential college of higher learning with a maximum campus density of 600, to be reduced to 550 after July 1, 1987. There would be a maximum of

450 students, no more than twenty percent of whom would be commuters. The limitation on enrollment is at any given time; thus if a student dropped out in mid-semester, a replacement could be made. There would be an overall limit of 225 persons who are faculty, staff and employees, within the density limit of 600 to 550.

22. The College will conduct an academic program on a twelve month basis.
23. Short courses, such as are held at the main campus, would be offered at the Northwest Campus during the academic year in such areas as aerobics, support services for the parents of deaf children, and legal issues. These classes are small and are less than full semester courses. If short courses are offered to non-degree program students at the Northwest campus they will be planned to insure that the overall campus density does not exceed the limits set forth above.
24. At the Northwest Campus, a typical summer program would include summer school for 200 to 250 preparatory students. There might be faculty-in-service training, sign language courses, and similar courses, but at no time during the summer months would the campus exceed the density and other limitations heretofore stated.
25. The functional space uses planned for the campus closely resemble the way the space was used by the Marjorie Webster Junior College. For example, the assembly room, gymnasium, swimming pool and cafeteria will continue to be used for those purposes when renovation is completed. Most dormitory, classroom, office, student service, renovation, and building service space, will continue to be used for those purposes once spaces are refurbished and equipped.
26. The school proposes that enrollments may vary from year to year. For this reason the College proposes establishment of a "multi-purpose space" use category to provide flexibility in the way the campus uses available space. This category represents nineteen percent of the total net assignable space of the campus. At any one time, the College might use multi-purpose spaces for any of the uses listed, except for residential uses. Appendix A to the application provides specific multi-purpose space data for the entire campus, all buildings per lot and individual buildings.
27. To implement its program, the applicant seeks Zoning

Commission approval to initiate limited levels of renovation and site improvements. All seven existing buildings will be renovated. To meet security, fire code and handicapped accessibility requirements, a structure will be constructed to join the two annexes located in the rear of the main building. A lobby area will be attached to Memorial Hall for the same reasons. Site improvements will be limited to those necessary to provide the campus with handicapped accessibility, adequate road systems, recreational space, parking, site lighting and attractive landscaping as well as to meet the requirements of the D.C. Fire Department for access, National Park Service for drainage, D.C. Department of Environmental Control for erosion control and the College for security. The overall site plan is designed to be consistent with the District's Comprehensive Plan, the character of the surrounding neighborhood, and the intent and purposes of the Zoning Regulation and PUD process.

28. The latest hour the classes will be in session in the middle of the week will be 9:00 P.M.
29. Shuttle buses will operate during the hours of 7:00 A.M. to 6:00 P.M. The operation of the buses consists of trips from the Northwest Campus to the Kendall Green Campus, the Metro station in Silver Spring, and the Carter Barron parking lot. The scheduling consists of three round trips in the morning and three round trips in the afternoon to the Metro Station and Carter Barron parking lot and seven round trips daily between the two campuses, for a total of thirteen round trips by shuttle buses. Special buses would be used for special activities rather than a regularly scheduled shuttle bus. Buses arriving at the Northwest Campus will load and off-load on the campus and will not load or off-load on Kalmia Road or 17th Street.
30. Trash and garbage pick-ups will take place during the hours of 7:30 A.M. and 3:30 P.M.
31. No outside agencies unrelated to the mission of applicant will be permitted to hold fund-raising activities on the campus. The applicant has agreed that no profit-making agency shall use the campus.
32. The proposed uses of the seven buildings on the campus are set out in Exhibit No. 127. Goodman Hall is to be used as the residence of the Northwest Campus director or associate director and his or her family. It will not be used for dormitory or office use. Haskell and Dumas Halls will be office and multi-purpose space buildings. Webster Hall will have a dispensary but no infirmary and the campus security headquarters will be

located there as well as a business office and student affairs office and, probably, two residential staff employees will live in Webster Hall. The building will be open twenty-four hours per day. Fraser Hall will be used for classrooms, a post office, a dormitory, offices, and a multi-purpose space. There will be a small structural change by way of a canopy at the back. "Old Main" will house the library, dining hall, physical education department, dormitory, classrooms, maintenance materials receiving, offices, and a multi-purpose space, and will be used pretty much as it was at the time of Marjorie Webster. There will be a small area of construction at the back of Old Main to permit a wheelchair approach. Memorial Hall will be used for offices, a communications clinic, auditorium, classrooms dormitory and a multi-purpose space.

33. The proposed physical changes to the site, landscaping and grading are depicted in Exhibit No. 126 which shows a two-way street going directly through the campus from Kalmia Road to 17th Street. One entrance to the 17th Street parking lot was proposed to be closed and an entrance placed as close to Memorial Hall as possible, taking into consideration two spaces for handicapped people needed to avoid crossing an entrance. A "right turn only" sign is to be placed at this location when exiting. The College proposed to post "deaf pedestrian" signs, change buildings to provide door lights in addition to door bells and fire lights in addition to fire bells. The lighting scheme throughout the campus calls for shoe-box type lighting designed to give out a soft yellow light for direction and to avoid spillage into areas outside the campus. There will be ramps constructed at Old Main and Memorial Hall. An elevator will be constructed in Old Main to be located in the tower and elevators will be constructed in Fraser Hall and Memorial Hall.
34. The maximum height of all of the existing buildings to be renovated is no more than forty feet. The floor area ratio (FAR) of the project is 0.356. The lot occupancy of the project is 12.35 percent.
35. The elimination of the tennis courts and other site improvements will result in a small reduction of impervious surface. There are approximately 150 trees on the site. Twenty to thirty existing trees will be removed. The applicant proposed to plant approximately eighty new trees, including seventeen deciduous, fifty flowering, and thirteen evergreens. New plantings will include beech, oak, maple, flowering dogwood, rosebud, rhododendron, and azalea. Around the Webster Hall parking lot there will be juniper, Russian olives, and holly for screening. Around the 17th Street parking

lot, screening materials such as hemlock were proposed. The applicant proposed to use a mixture of materials rather than hedgerow, for a better effect, and to avoid the problem of losing a whole species, such as the loss of privet during the 1981-82 winter.

36. The applicant proposes to provide 114 parking spaces. Parking in the plan has been developed principally by redesigning existing lots and the development of a new lot around Webster Hall. Driveway entrances have been closed onto Kalmia Road from Haskell Hall and Dumas Hall, leaving one driveway entrance onto Kalmia Road from Webster Hall. Two parking places for the handicapped were to have been provided in front of Dumas Hall. During the course of the proceedings, the applicant determined to eliminate these two parking places and retain the driveway of Dumas Hall to Kalmia Road, reserving two places there for stacked handicapped parking. The 17th Street parking lot's two entrances have been reduced to one.
37. Storm drainage will be accommodated as shown on Exhibit No. 70 by an upgraded system with an expanded detention area for water collection in the vicinity of the tennis courts. Water from parking areas will drain to catch-basins to piping to the detention basin, which will maintain a discharge rate for a two-year storm. Roof drains from the buildings go to an underground collection system and the existing storm drainage system.
38. The increased vehicular traffic generated by the Northwest Campus can be accommodated by the existing street systems, based upon existing volumes and projected vehicular volumes. The vehicular traffic increase would be modest. This increase in vehicular traffic would not change the level of service of any of the surrounding streets.
39. A noise and air pollution analysis, based upon the additional vehicular traffic generated by the Northwest Campus, projected that the increase in air pollution would be .0017 of a gram per mile, barely measurable. Additional noise would be between .10 to .15 decibels, which cannot be heard by the human ear.
40. The applicant proposes to establish a Northwest Gallaudet Community Relations Council to provide the neighborhood with a mechanism to have its views considered and acted upon in connection with the activities at the Northwest Campus. A majority of the members of the Council would come from neighborhood groups in the community, and the Council would be chaired by a person from the Community.

41. The opening of the Northwest Campus would have no immediate impact upon the Kendall Green Campus Master Plan which has been approved by the Board of Zoning Adjustment. First, the opening of the Northwest Campus will not reduce the overall Gallaudet College needs for residential, classroom, and office space, during the remainder of the 1980's. Second, while Northwest Campus academic programs will be largely self-contained, those students will use Kendall Green facilities in several ways. They will attend academic and cultural programs; athletic and recreational events; use the college infirmary; student union and library; visit friends; receive counselling and other student services; and otherwise participate in programs which cannot be accommodated on the Northwest Campus. Third, the existence of the Northwest Campus and its availability for academic programs will not substantially reduce the need for additional facilities described in the Kendall Green Master Plan. The majority of the new construction in the Master Plan is visitor housing, continuing education and conference center for growing public service programs, and an advanced and special programs building to be used primarily to meet increased computer center and research program requirements.
42. The proposed development is well served by community services. The site has easy access for fire and police protection purposes. All municipal and public utility services are available to the site. Metrobus service is available a short distance away on the 16th Street corridor.
43. The District's Comprehensive Plan includes public health, public safety and vacant land-use goals which are all promoted by the development of the Northwest Campus for the use described in the applicant's plan.
44. The D.C. Office of Planning and Development (OPD) by memoranda dated July 23, 1982 and October 6, 1982, and by testimony presented at the public hearing, recommended approval of the application, subject to proposed development conditions, guidelines, and standards. The OPD noted that the applicant has proposed to use the subject site for college campus purposes by utilizing the existing buildings on the site. No additional buildings are proposed. It was the opinion of the Office of Planning and Development that this would be a suitable use for the site in view of the fact that the facilities at the site were designed initially for an educational institution. The buildings would be improved, renovated and put into productive use, rather than remaining vacant and deteriorating. The College is nationally recognized

for its excellence and is an important element in the cultural and educational resources of the City. The OPD reported that the main issues in the case are related to the impact of the proposed campus on the surrounding area. The College has an extraordinary need to serve additional students in the near future until 1987 because of the number of deaf students born in the rubella epidemic of 1964-65. It was OPD's opinion that the planned unit development provisions would provide adequate controls on the use of the facilities at the site, and would enable the premises to be prepared in time for Fall 1983 occupancy. The Commission concurs with the findings of the OPD.

45. The D.C. Department of Transportation (DCDOT), by memorandum dated August 2, 1982 and testimony presented at the public hearing, did not anticipate that measurable adverse impact will be imposed by this development on the surrounding street system and did not object to the approval of the application. The DCDOT recommended that the student enrollment be limited so that the demand for parking not exceed the supply of 114 parking spaces. The written report recommended that a sidewalk, curb and gutter along Kalmia Road from the main entrance to an existing sidewalk along 17th Street be constructed. The DCDOT noted that the applicant must coordinate all design and construction elements within public space with the DCDOT, and assume their cost. The DCDOT recommendation that the applicant construct a sidewalk, curb, and gutter along Kalmia Road was withdrawn at the hearing in view of the off-loading and on-loading of buses on the Campus. The Commission concurs with the findings of the DCDOT.
46. The D.C. Department of Recreation (DCDR), by memorandum dated July 26, 1982, reported that the DCDR found no significant impacts resulting from the proposal. The DCDR expressed a preference that the existing tennis courts be retained.
47. The D.C. Fire Department (DCFD), by memorandum dated July 8, 1982, reported that the DCFD had no objections in general to the type of development proposed. The DCFD expressed its need to maintain coordination efforts between it and the developer to maintain safety standards.
48. The D.C. Department of Environmental Services (DES), by memorandum dated July 12, 1982, reported that the DES anticipates no substantial impact on the surrounding areas and has no objections to the proposal.
49. Advisory Neighborhood Commission (ANC)-4A, by letter of

authorization dated September 13, 1982 and by testimony presented at the public hearing, requested denial of the application unless compliance with the following conditions is met:

- a. That the existing structures on the site be unaltered relative to height and floor area,
 - b. That the applicant abandon the existing parking lot at 17th Street, relocate its entrance to the interior of the site, or restrict its capacity and operating hours,
 - c. That the staff and student population not exceed 500, no more than 225 of whom will be staff,
 - d. That off-campus parking be prohibited and on-campus parking not exceed 114 spaces,
 - e. That the development conditions on the applicant be binding,
 - f. That members of Gallaudet's Northwest Campus Advisory Committee be elected by the area residents, and
 - g. That this zoning process remain within the jurisdiction of the Zoning Commission.
50. The Commission is required to give "great weight" to the issues and concerns of the ANC. As to the issues and concerns set forth in Finding No. 50, the Commission finds as follows:
- a. The applicant proposes to use the existing buildings without significant exterior changes. There will be no increase in height, and any increase in floor area and lot occupancy, as described herein, will be very minimal.
 - b. The 17th Street parking lot is necessary for on-campus parking. While considerable attention was given during the course of hearings to the possibility of having the entrance changed to some place other than 17th Street, such a requirement would be unreasonable, unrealistic, and most difficult and expensive to attain by reason of the extremely rough topography of the site behind Memorial Hall. The traffic studies, noise studies, and pollution studies all demonstrate that the use of the 17th Street parking lot, which is across the street from Rock Creek Park, will have little adverse impact upon the neighborhood. The Commission will further impose additional

requirements for an intensive landscape screen between the parking lot and 17th Street.

- c. The applicant's maximum or proposed population of 600 persons is reasonable, in light of the need to accommodate the increased enrollment resulting from the "Rubella Bulge". A limitation of 500 persons would unduly restrict the ability of the College to serve its demands. The level of 600 persons is consistent with the density on the site during the period when Marjorie Webster Junior College occupied it during its peak period in the late 1960's. The limitation to a maximum of 225 faculty and staff persons is reasonable.
 - d. On-campus parking will be limited to 114 spaces. While the College has offered to prohibit off-campus parking by students, faculty and staff, such a provision is extremely difficult to confirm under the Zoning Regulations. Furthermore, on-street parking is more appropriately within the regulation controls of the Department of Transportation.
 - e. The conditions imposed on the applicant with the approval of this PUD will run with the land and be enforced by a covenant which must be recorded before a building permit can be issued.
 - f. The Community Relations Council proposed by the applicant is to be created by the applicant. The Zoning Commission has no authority to require the creation of such a body, and cannot dictate to the applicant how the group should be composed or run.
 - g. As a Planned Unit Development, the campus plan will be entirely within the jurisdiction of the Zoning Commission.
51. Eva and James W. Johnson, and the Shepherd Park Citizens Association by letter received September 21, 1982 and by testimony presented at the public hearing, appeared as parties in support of the application, subject to development conditions. The conditions would control issues relative to the maximum number of students (500), a limit on social and athletic events, a limit on commuter parking, a curfew on class sessions, and a revision in the composition and authority of the Gallaudet Community Relations Council.
52. Jerald C. Sadoff, by letter dated July 31, 1982, supported the proposal and indicated that the applicant had been cooperative in addressing the concerns of the neighborhood relative to neighborhood character,

parking, and property blight. He believed that the renovation and maintenance of the property by the applicant would enhance the neighborhood.

53. Fannie Bigio, party, by statement received and by testimony presented at the public hearing, opposed the application. Her concerns related to adverse impacts resulting from the use of the existing parking lot on 17th Street, potential noise pollution resulting from the expanded use of Memorial Hall, and increased traffic as it related to the health and safety of neighborhood children.
54. Marilyn Binkley, party, by statement received on September 8, 1982 and by testimony presented at the public hearing, opposed the application but would not object, subject to development conditions. The conditions related to the reduction of student, staff, and traffic density levels.
55. Joyce Batipps and Mary Solano by testimony presented at the public hearing, and nine other parties, represented by counsel, Gail S. Marshall, opposed the application for reasons related to traffic, commuter impact, and neighborhood compatibility issues.
56. John Binkley, person in opposition, by testimony presented at the public hearing, did not object to the application, subject to the protection of his privacy in his rear yard.
57. The Civic League of North Portal Estates, by letter dated July 30, 1982, pledged its support to "those residents who are now asking for a reduced level of activity."
58. The Zoning Commission finds that rezoning the property to R-1-A, the most restrictive zoning designation, and the matter of use of the subject site are not major issues. The site was previously used as a college from 1928 to 1971, was discontinued as that use, and was later not used at all for a short period of time subsequent to the ownership by the Federal Government. The Commission believes that the central issues relate to neighborhood impact considerations.
59. As to the concerns regarding the expansion of the existing structures on the site, the Commission finds that no major alterations will occur as to affect the height, floor area, or exterior facade of the buildings.

60. As to the concerns regarding the student and staff density of the Northwest Campus, the Commission finds that the peak student population of the Marjorie Webster Junior College was approximately 500. The Commission is mindful of the anticipated impact of the "rubella bulge", the concern not to impose burdensome program and staffing constraints on the College, and the reduction of one hundred persons from the College's original proposed population of 700.
61. As to the concerns regarding parking and related noise, the Commission concurs with the DCDOT report and believes that it is not unreasonable to expect that the College provide for on-site parking spaces of sufficient quantity to accommodate its parking needs. The Commission finds that because of severe topography constraints, it is impractical to relocate the entrance of the existing parking lot on 17th Street to an internal orientation. The Commission believes that adverse noise and visual impacts can be reduced via adequate and appropriate landscaping.
62. As to the concerns regarding traffic and the safety of neighborhood residents, the Commission finds that ingress and egress traffic patterns at the Northwest Campus can be so imposed as to diminish and discourage the use of neighborhood streets for vehicular use. Such restrictions would include limitations of the access to 17th Street to one-way outbound, and a requirement for right-turn-only onto 17th Street.
63. As to the concerns regarding adverse impact on the neighborhood during the evening, the Commission finds that limitations on class sessions, and social and fund raising events and activities, shuttle bus service, and refuse collection will insure neighborhood tranquility.
64. As to the issue regarding neighborhood compatibility, the Commission notes that the Zoning Regulations presently permit the establishment of colleges in R-1-A Districts, as a special exception with the approval of the BZA. The Commission finds that the criteria against which this application was measured are at best as strict as the normal special exception criteria. The Commission further notes that the former Majorie Webster Junior College and the proposed Northwest Campus have a residential character in as much as a large number of the campus population will be residents.
65. As to the concerns regarding the lack of privacy in the rear yards of abutting property owners on Jonquil Street, the Commission reopened the record on November 15, 1982 to permit additional information relative to

this matter. After review of submissions by the applicant and several other parties, the Commission finds that a seven foot high wood fence along the property line separating the College property from the houses at 1619, 1623, and 1627 Jonquil Street provides adequate screening in that area. Any higher fence would be visually intrusive for both properties. The owners of the adjoining houses are free to plant additional landscaping on their own property if they so desire.

66. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC reported that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment and other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, since control of the use and site plan is essential to insure compatibility with the neighborhood.
2. The development of this PUD carries out the purposes of Article 75 to encourage the rehabilitation of the former Marjorie Webster Junior College site as the Northwest Campus annex of the Gallaudet College, which will offer more attractive and efficient overall planning and design without sacrificing creative and imaginative planning.
3. Approval of the application would be consistent with the purposes of the Zoning Act (Act of June 20, 1938, 52 Stat, 797) by furthering the general public welfare and serving to stabilize and improve the area.
4. The proposed application can be approved with conditions which would insure that the development would not have an adverse affect on the surrounding community.
5. The approval of the application would promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the

Zoning Regulations and Maps of the District of
Columbia.

6. The Commission can approve college use of the property without requiring further review by the Board of Zoning Adjustment.
7. In making its decision on this application, the Zoning Commission has accorded the Advisory Neighborhood Commission-4A the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the Consolidated Planned Unit Development and adoption of a change in zoning from unzoned property to R-1-A for lots 80 and 815 in Square 2745F @ the south side of the 1600 block of Kalmia Road, N.W., subject to the following guidelines, conditions, and standards:

1. The Planned Unit Development shall be developed in accordance with the plans prepared by Miller, Wihry and Lee, Landscape Architects, Engineers and Planners, dated June 3, 1982, with revisions, said plans marked as Exhibits No. 27-B through 27-I, inclusive of the record, as such plans may be modified to conform to the guidelines, conditions, and standards of this order.
2. The planned unit development shall be the Northwest Campus of Gallaudet College, the main campus of which is located at 800 Florida Avenue, N.E. The maximum permitted height shall be forty feet. The maximum permitted floor area ratio (FAR) is 0.358. The maximum permitted percentage of lot occupancy is 12.35 per cent.
3. The planned unit development shall be a self-contained residential college of higher learning. There shall be a maximum of 600 persons, including students, faculty and staff, enrolled or employed at this campus location at any one time. Of the 600 total persons, no more than 225 shall be faculty and staff. Students who reside on the Campus shall not have automobiles.
4. The regular school year will consist of twelve months including a summer session. During the summer months, regular courses may be offered under the same limitations that would apply during the regular year.
5. The latest hour that classes shall be in session is

9:00 P.M.

6. The proposed uses of the seven buildings on the campus shall be as set out on the site plan marked as Exhibit No. 127 of the record. Goodman Hall shall be used as the residence of the Northwest campus director or associate director and his or her family. It shall not be used for dormitory or office use. Haskell and Dumas Halls shall be office buildings. Webster Hall may have a dispensary and/or infirmary, and the campus security headquarters shall be located there as well as a business office and student affairs office. Two residential staff employees and their families may live in Webster. Webster Hall may be used twenty-four hours per day. Fraser Hall shall be used for offices, classrooms, a post office, and a dormitory. There may be a small structural change by way of a canopy at the back. Old Main shall house offices, the library, dining hall, physical education department, dormitory, classrooms, and maintenance materials receiving. There shall be a small area of construction at the back of Old Main to permit a wheelchair to approach, as shown on Exhibit No. 127. Memorial Hall shall be used for office, communications clinic, auditorium, classrooms, dormitory, and multipurpose space. All buildings except Goodman Hall include some multipurpose space.
7. No outside organizations or agencies, unrelated to the mission of Gallaudet, shall be permitted to hold fund-raising activities on the Northwest campus. Profit-making organizations or agencies shall not use the Northwest Campus.
8. The parking and circulation plan shall be as shown on Sheet No. 5 of Exhibit No. 27, with the following changes:
 - a. The driveway leading from the parking lot west of the Main Building to 17th Street shall be one-way from the lot toward 17th Street. A sign indicating "Do Not Enter" shall be posted at the 17th Street end of the driveway.
 - b. The intersection of the driveway cited above with 17th Street shall be reconfigured so as to provide for a right turn only onto 17th Street.
 - c. The parking spaces located north of Dumas Hall shall be eliminated. The existing driveway leading to Dumas Hall from Kalmia Road shall be retained, and shall be used for

two stacked parking spaces for the handicapped.

- d. The centerline of the driveway access to the parking lot located adjacent to 17th Street shall be located approximately 105 feet from the intersection of the southeastern property line with the right-of-way of 17th Street. The location of that driveway may be shifted slightly so as to pass between the two existing trees located adjacent to 17th Street and the parking lot at this location. A sign shall be posted alongside this driveway limiting turning movements on to 17th Street to "Right Turn Only."
9. One hundred fourteen parking spaces shall be provided, as shown on Sheet No. 5 of Exhibit No. 27, except that the location of the two spaces adjacent to Dumas Hall shall be as set forth in Condition No. 8C. All parking spaces shall be lined and clearly marked for such use, including designation of spaces for compact cars and the handicapped.
10. Shuttle buses shall operate during the hours of 7:00 A.M. to 6:00 P.M., connecting the Northwest campus to the Kendall Green campus, the Metro Station in Silver Spring and the Carter Barron parking lot. Shuttle bus service shall consist of three round trips in the morning and three round trips in the evening to the Metro Station and Carter Barron parking lot and seven round trips daily between the two campuses, for a total of thirteen round trips by shuttle buses. Regular shuttle buses shall not be operated after 6:00 P.M. Special buses may be used for special activities rather than a regularly scheduled shuttle bus.
11. Buses arriving at the Northwest campus shall load and unload on the campus and shall not load or unload on Kalmia Road or 17th Street.
12. Landscaping and site improvements shall be constructed as shown on Exhibit No. 126 of the record. The cost of constructing improvements located in public space shall be borne by the applicant and such improvements shall be maintained by the applicant. No fewer than fifty per cent of the eighty new tree plantings shall be evergreens with a minimum height of eight to ten feet at planting. All trees cut down or which die within six years of the effective date of this order shall be replaced by trees of like species, no less than six inch caliper.
13. The parking lot adjacent to 17th Street shall be

screened from properties across 17th Street by the addition of a double staggered row of Canadian Hemlocks (*Tsuga Canadensis*), five to six feet high when planted, with the rows five feet apart and the trees five feet on center in each row.

14. A wood fence, seven feet in height, shall be erected by the applicant on the property line between the Northwest Campus and the houses located at 1619, 1623 and 1627 Jonquil Street. The type of fence shall be as shown on Exhibit No. 129 of the record. A chain-link or wood fence of the same type shall be erected along the remainder of the eastern and southeastern boundary of the campus and shall not exceed seven feet in height.
15. The applicant shall request the D.C. Department of Transportation to install signs indicating the presence of "Deaf Pedestrians" at all crosswalks and intersections adjacent to the campus.
16. The College shall change buildings to provide door lights in addition to door bells, and fire lights in addition to fire bells. There may be a covered ramping to be constructed at Old Main and Memorial. An elevator may be constructed in Old Main to be located in the Tower and elevators may be constructed in Fraser Hall and Memorial Hall.
17. Lighting on the Northwest campus shall be designed to prevent spillage into the surrounding neighborhood. Parking lots will be lit to a one foot candle light. Pedestrian paths will be lit at a one to one and one-half foot candle light intensity.
18. "Fire Lane -- No Parking" signs shall be posted on the driveway which runs between Goodman Hall and Dumas Hall on Kalmia Road and ends behind Fraser Hall.
19. All trash pick-up shall take place between the hours of 7:30 A.M. and 3:30 P.M. Any trash compactor located on the site shall not be operated between the hours of 6:30 P.M. and 7:30 A.M.
20. The change in zoning from unzoned to R-1-A shall be effective upon recordation of a covenant as required by Sub-section 7501.8 of the Zoning Regulations.
21. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, satisfactory to the office of the Corporation Counsel and the Zoning Regulations Division, which

covenant shall bind the Applicant and successors in title to construct on and use this property in accordance with this order or amendments thereof of the Zoning Commission. When the covenant is recorded, the applicant shall file a certified copy of that covenant with the office of the Zoning Secretariat.

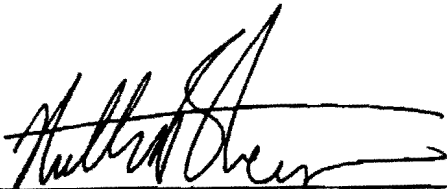
22. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application must be filed for a building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.

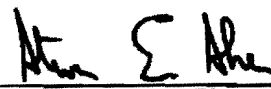
Vote of the Commission taken at the public meeting on November 15, 1982: 4-0 (Lindsley Williams, George M. White, Walter B. Lewis, and John G. Parsons, to approve - Maybelle T. Bennett, not present not voting).

This order was adopted by the Zoning Commission at its public meeting held on December 13, 1982 by a vote of 5-0 (Lindsley Williams, George M. White, Maybelle T. Bennett and Walter B. Lewis, to adopt as amended and John G. Parsons, to adopt by absentee vote).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on **DEC 24 1982**.

The amendment to the Zoning Map shall not be effective until the covenant required by Article 75 of the Zoning Regulations is recorded in the land records of the District of Columbia.


WALTER B. LEWIS
Chairman
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Secretariat

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 849

Case No. 97-16M

**Modification of an Approved Planned Unit Development
at 1640 Kalmia Road, N.W.,
(Lowell School)
June 8, 1998**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on April 2, 1998, to consider an application from Lowell School ("Applicant") for modification of an approved planned unit development, pursuant to Chapter 24 and Section 102, respectively, of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. On October 24, 1997, the Applicant filed a request for the modification of an approved planned unit development for the property located at 1640 Kalmia Road, N.W., Lots 80 and 815 in Square 2745F. The PUD site is the former location of the Northwest Campus of Gallaudet University.
2. The Applicant proposes to use the property for its own private school programs. It will upgrade and renovate the existing school buildings, add new space to the main building (Main Hall), and undertake other minor modifications and improvements to the site.
3. The subject property is situated in the Colonial Village Neighborhood of Ward 4, along the upper 16th Street corridor just east of Rock Creek Park. The site is comprised of 298,682 square feet of land area (8.75 acres). The site contains frontage of approximately 780 feet on Kalmia Road and approximately 620 feet on 17th Street. The site is improved with seven structures, four of which were designed for institutional and academic purposes. The remaining three buildings are single-family houses that were converted to university uses. All buildings are currently vacant. A system of pedestrian walkways and stairs connects the buildings.

4. Four parking lots are located on the campus, providing a total of 86 spaces. Two are accessed from Kalmia Road, another is located adjacent to the Main Hall, and a fourth one is located off of 17th Street near Memorial Hall.
5. The site abuts the rear yards of residential property at Jonquil Street to the south. There is a seven-foot high wood fence at the property line and large trees that screen the campus from the neighboring houses. To the east is a public alley adjacent to residential property with wooded rear yards. Nearby along 16th Street, N.W., are the Ohev Sholom Synagogue (7712 16th Street, N.W.), the Tifereth Israel Synagogue (7701 16th Street, N.W.), the Washington Ethical Society (7750 16th Street, N.W.), the Bernard School (7760 16th Street, N.W.), and the First United Church of Jesus Christ (7901 16th Street, N.W.).
6. The site is located in the institutional land use category on the District of Columbia Generalized Land Use Map. It is currently zoned R-1-A. The R-1-A Zone District permits, as a matter-of-right, development of single-family detached dwellings with a minimum lot area of 7,500 square feet, a minimum lot occupancy of 40 percent, and a maximum height of three stories at 40 feet. Private schools are permitted as a special exception with the approval of the Board of Zoning Adjustment (BZA) in the R-1-A Zone District.
7. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines and standards which may exceed or be lesser than the matter-of-right development standards identified above. The Commission may also approve uses which could be permitted as a special exception by the BZA.
8. The site was first developed in 1924 as the Marjorie Webster Junior College, a post-secondary education, residential institution. The campus included academic buildings, dormitories and physical education and recreational activities. At the time of the comprehensive rezoning of the city in 1958, the property was zoned R-1-A. In 1977, the United States Fire Administration, an entity of the federal government, purchased the property for uses as a fire academy. In accordance with the provisions of the Zoning Act of the District of Columbia, federal property is not subject to local zoning laws and does not carry a local zoning classification, and thus the property was rendered unzoned. The government found the property unsuitable for its needs, however, and in 1981, transferred the property to Gallaudet University.
9. By Order No. 387 effective December 24, 1982, the Zoning Commission granted approval for a PUD on the site and a related map amendment rezoning the property back to R-1-A and authorized Gallaudet University to use the facility as its Northwest campus, with conditions. The maximum height permitted was 40 feet, the maximum permitted floor area ratio (FAR) was set at 0.358, and the maximum permitted percentage of lot occupancy was restricted to 12.35 percent.

10. Lowell School is a private, non-profit and non-sectarian school founded in 1965. It presently operates a co-education nursery school and elementary school program at two separate locations, under BZA Order Nos. 14292, 14919 and 16257. The elementary school, which includes kindergarten through third grade, is located at 4715 16th Street, N.W., at the intersection of Decatur Street in a building owned by Lowell. The nursery school is located in leased spaced at the Sixth Presbyterian Church at 5413 16th Street, N.W.
11. Lowell's proposed program is for children in grades pre-kindergarten through 6th. The student enrollment proposed by Lowell will not exceed 400, with the initial number of faculty and staff at 50 persons. Lowell requests flexibility to increase faculty and staff to 60 persons in the future to accommodate new or specialized educational needs of its students. Lowell proposes a twelve month school year, including a summer section, with summer courses offered under the same conditions that apply during the regular school year. The typical school day will be 8:30 a.m. to 6:00 p.m.
12. Lowell proposes to relocate to the former Northwest campus of Gallaudet University in order to consolidate its operations into a single permanent location and eventually expand its program to include elementary grade levels through the sixth grade. The existing buildings on the PUD site, which were designed for academic purposes, are ideally suited for continued educational uses. The site has been used as a school or training facility almost continuously since 1924 and Lowell's use of the property is consistent with that history.
13. Lowell will use the four existing academic buildings for its program. The three single-family houses at 1626, 1630 and 1636 Kalmia Road, N.W., that were used for university purposes by Gallaudet, will be sold in order that they may be returned to residential use.
14. Lowell proposes only minor modifications to the existing PUD site. The two original buildings will be upgraded and renovated to meet current life-safety and handicap accessibility regulations and to improve the circulation and spatial requirements for Lowell's programs. Lowell proposes to build a new, one-story pedestrian entrance (approximately 500 square feet), on the northwest corner of the Main Hall and fill in the porte cochere under the existing cafeteria.
15. Lowell also proposes a future two-story addition at the rear of Main Hall, containing approximately 8000 square feet of space, to replace the two existing one-story wings. The change is necessary to solve poor circulation and spatial problems created by the current configuration.
16. Finally, Lowell proposes to retain the playing field in the open space at the north portion of the site. Multipurpose recreational courts will also be included in this

portion of the campus. In all other respects, the campus configuration will be consistent with the existing layout.

17. The maximum 40-foot height of the buildings will not be increased. The floor area ratio ("FAR") will increase slightly from 0.358 to 0.365, and the existing 12.35 percent lot occupancy will increase to 12.72 percent, by virtue of the adjustments to the site area and development data caused by Lowell's proposal to sell the three buildings on Kalmia Road.
18. The Applicant requests flexibility under the PUD process from the minimum lot requirements for the subdivision of new record lots for the three properties on Kalmia Road to be sold as single-family dwellings. Because of the less strict requirements of the Zoning Regulations in effect at the time the houses were constructed (sometime between 1938 and 1941), and the current configuration of buildings on the campus, the new lots will not be able to conform with minimum lot area, side yard, rear yard and other area requirements of the R-1-A Zone District. The proposed side yards will be approximately five feet in width, which met the requirements of the pre-1958 Zoning Regulations. The proposed lots will have land areas ranging from approximately 5,400 to 6,500 square feet, instead of the required 7,500 square feet. Finally, the rear yard at 1636 Kalmia Road will only have a depth of approximately 12 feet, instead of the required 25 feet.
19. The Applicant also requests flexibility under the PUD process to allow another, smaller private school to occupy an existing campus building, which occupancy may be concurrent with Lowell's occupancy, in the event that the proposed renovations to the campus are not completed in time for the start of Lowell's academic term. The Applicant is currently negotiating with another private school for the purchase of Lowell's existing building at 4715 16th Street, N.W. Upon its sale, Lowell intends to relocate to the Kalmia Road site before or during the 1998-99 school year, provided the proposed modifications to the campus have been completed. In the event those modifications are not completed, Lowell proposes to stay at its 16th Street location for a maximum of one year and allow the contract purchaser school to occupy one of the buildings at the Kalmia Road campus for which no renovations are planned. The contract purchaser school is a private elementary school with fewer than 100 students and 25 faculty and staff.
20. The Applicant will provide 60 on-site parking spaces. All students will be dropped off and picked up within the campus boundaries to prevent any adverse effects on neighboring streets.
21. The Applicant's architect testified as an expert in architecture and site planning. He stated that the proposed use will not have any objectionable impact on the site or surrounding neighborhood, and that it is in conformance with the intent and purposes of the Zoning Regulations.

22. The Applicant's traffic consultant recognized by the Commission as an expert in transportation planning and engineering, concluded, by written report and testimony at the hearing, that Lowell's use of the PUD site will not create any significant roadway capacity, safety or operational deficiencies. Further, the Applicant and its traffic consultant are working with the neighborhood to implement a Neighborhood Traffic Management Plan to address a number of traffic concerns that currently affect the community but that are unrelated to the use of the site, which is presently vacant.
23. The Applicant proposes to establish a Community Relations Council to provide the neighborhood with a mechanism to have its views considered and acted upon in connection with the activities at the Kalmia Road campus. A majority of the members of the Council would come from neighborhood groups in the community, and the Council would be chaired by a person from the Community.
24. The District of Columbia Office of Planning (OP), by memorandum dated March 23, 1998, and by testimony presented at the public hearing, recommended approval of the application. It stated that the proposal would maintain the academic institutional use of the site and thus is consistent with the Generalized Land Use Map of the Comprehensive Plan, which designates the site for institutional use. OP also stated that the proposed use of the property for Lowell School would maintain the existing character of the area and enhance the surrounding neighborhood by returning three existing single-family structures to residential use. In order to assure that these three residential structures would be used as single-family residences, OP recommended that the Zoning Commission include these houses as part of the PUD application and designate them for single family use. In the alternative, OP recommended that the applicant enter into a covenant or a deed restriction with any of the civic organizations of the area to meet this objective.
25. Advisory Neighborhood Commission (ANC) 4A, through testimony presented at the public hearing, requested approval of the application. The ANC voted unanimously to support the application at its regularly scheduled public meeting on March 3, 1998.
26. A resident at 1645 Jonquil Street, N.W. testified in support of the application. The resident stated that she was pleased that the Applicant was willing to work with neighbors to resolve current and future concerns through the establishment of a Community Relations Council and initiation of a Neighborhood Traffic Management Plan.
27. A resident at 7742 16th Street testified at the hearing in support of the project, with conditions. She requested that the Zoning Commission limit the maximum number of students and faculty and staff for the campus and opposed returning the three residences to single family homes, implementing the recommendations of

the Neighborhood Traffic Management Plan, and allowing any other use other than Lowell School at the site.

28. The Commission concurs with the position of the Applicant, OP, and ANC 4A that the proposed planned unit development should be approved.
29. The Commission finds that the Applicant has met its burden of demonstrating the public benefits and other meritorious aspects of the proposal. Those benefits include the renovation and maintenance of the existing institutional buildings in a manner consistent with the historical academic use of the property; the retention of the large open spaces on the campus, existing landscaping, and naturalistic setting of the campus; the return of three buildings to single-family use; and a neighborhood traffic management plan.
30. The Commission finds that the minor deviations in lot occupancy, rear yard, side yard requirements for the subdivision proposed for the houses at 1626, 1630 and 1636 Kalmia Road, N.W., will not adversely affect neighboring properties.
31. The Commission further finds that the PUD project is not inconsistent with the Comprehensive Plan Generalized Land Use Map, which designates the site for institutional land use and is appropriate for colleges, universities, hospitals, religious institutions, private schools and similar facilities.
32. The Commission finds that the Applicant has satisfied the intent and purpose of Chapter 24 of the Zoning Regulations.
33. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by delegated action of the Executive Director indicated by report dated May 28, 1998, that the proposed modifications would not adversely affect the federal interest in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling the development of the subject site in a manner consistent with the best interest of the District of Columbia.
2. The modification of this PUD carries out the purposes of Chapter 24 of 11 DCMR to encourage the development of well-planned residential, institutional, commercial and mixed-use projects that offer a variety of building types and more attractive and efficient overall planning and design not achievable under matter of right development.

3. The modification of this PUD is compatible with city-wide goals, plans and programs and is sensitive to environmental protection and energy conservation.
4. The approval of this application is not inconsistent with the Comprehensive Plan of the National Capital and the purposes of the Zoning Act.
5. The proposed application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and assure neighborhood stability.
6. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the text and map of the Zoning Regulations.
7. In making its decision on this application, the Commission has accorded Advisory Neighborhood Commission 4A the "great weight" to which it is entitled.
8. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of this application for modification of an approved planned unit development for Lots 80 and 815 in Square 2745F located at 1640 Kalmia Road, N.W. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The planned unit development shall be developed in accordance with the drawings and plans prepared by Bowie Gridley Architects, dated February 5, 1998, and marked as Exhibit No. 13 of the record, as modified by the guidelines, conditions, and standards of this order.
2. The planned unit development shall be the campus of the Lowell School. The maximum permitted height shall be forty feet. The maximum permitted floor area ratio (FAR) is 0.36. The maximum permitted percentage of lot occupancy is 12.72 percent.
3. The planned unit development shall be used by the Lowell School for a private educational institution comprised of nursery and elementary school programs through grade six. There shall be a maximum of 400 students enrolled, with faculty and staff not to exceed 60 persons.
4. The regular school year will consist of twelve months including a summer session.

5. The Applicant shall institute a Traffic Management Plan which shall include the following:
 - (a) Access to the property will be counter-clockwise with ingress via 17th Street, N.W., and egress via Kalmia Road, N.W., during the peak morning and afternoon arrival and departure periods.
 - (b) The Applicant will provide manual traffic control at both access points during week-day peak activity periods, as well as during major special events.
 - (c) The Applicant will discourage the parents of its students from utilizing the neighborhood streets to the south, (i.e., Juniper, Holly and Jonquil) to access the site via the 17th Street entrance.
 - (d) During off-peak periods, the 17th Street, N.W., entrance will be closed, and two-way access to the campus will be provided via Kalmia Road, N.W.
 - (e) School Advance Signs and School Crossing Signs will be provided and installed at appropriate locations along the approaches to the school.
 - (f) The geometric and signal phasing improvements for the intersection of 16th Street at Kalmia Road will be incorporated in the access plan for the campus, if permitted by the Department of Public Works.
6. The Applicant shall subdivide the property located at premise addresses 1626, 1630 and 1636 Kalmia Road, N.W., into three lots of record (collectively hereinafter referred to as the "Residential Lots") as shown on the plan prepared by Macris, Hendricks and Glascock, P.A., and marked as page J of Exhibit No. 12 in the record. The Applicant is permitted in this subdivision to deviate from the minimum lot area, lot frontage, side yard, rear yard and other area standards of the Zoning Regulations.
7. The zoning of the Residential Lots shall be R-1-A. The Applicant shall attempt to sell the Residential Lots and buildings thereon, in order that they may be returned to a use consistent with the existing R-1-A Zone District. If the Applicant is unable to sell any or all of the Residential Lots, the Applicant may lease said Residential Lots for single-family residential use. There may be no use and/or sale of the Residential Lots unless, and until, the Applicant records, among the Land Records of the District of Columbia, a deed restriction on the Residential Lots which restricts them to single family, or open space, use.
8. The Applicant shall have the flexibility to allow a private elementary school, which is the potential purchaser of Lowell School's existing building at 4715 16th Street, N.W., to temporarily occupy the Kalmia Road campus during the 1998-

1999 school year. This lessee shall comply with the conditions of this order including the Traffic Management Plan delineated in Condition No. 5.

9. The Applicant shall establish a Community Relations Council to provide the neighborhood with a mechanism to have its views considered and acted upon in connection with the activities at the School. A majority of the members of the Council shall come from the neighborhood and neighborhood groups in the community, and the Council will be chaired by a person from the community.
10. No outside individuals, organizations or agencies shall be permitted to hold fund-raising 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 Exhibit No. 13.
12. Lighting on the property shall be designed to prevent spillage into the surrounding neighborhood.
13. "Fire Lane – No Parking" signs shall be posted on the driveway which runs between 1626 and 1630 Kalmia Road and this Fire Lane shall be maintained until the District of Columbia Fire Department determines it to be unnecessary.
14. 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.
15. 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 and operation of the project.
16. The Applicant shall enter into a Memorandum of Understanding with the Local Business Opportunity Commission (LBOC) to utilize minority business enterprises in the development of the project prior to filing for a building permit.
17. 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 of Modification shall bind the Applicant and all successors in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission.

Z.C. ORDER NO. 849

CASE NO. 97-16M

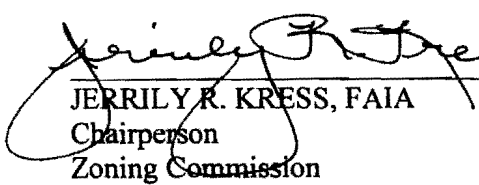
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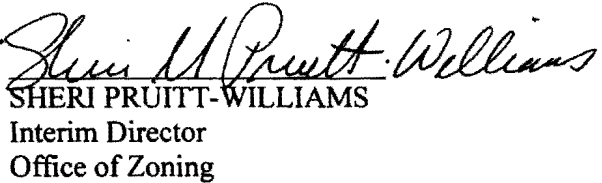
18. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the Applicant has satisfied the conditions contained in Paragraph 15 herein.
19. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR 2409.1. Construction shall begin within three years of the effective date of this order.
20. Pursuant to D.C. Code Section 1-2531 (1991), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the Applicants are required to comply fully with the provisions of D.C. Law 2-38, as amended, codified at D.C. Code, Title 1, Chapter 25 (1991), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division of DCRA to approve permits if the Applicant fails to comply with any provision of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at the public hearing on April 2, 1998: 3-0 (Maybelle Taylor Bennett, Jerrily Kress and Herbert Franklin to approve, John G. Parsons, not voting, not present).

The order was adopted by the Zoning Commission at its regular public meeting on June 8, 1998, by a vote of 4-0: (Herbert M. Franklin, Anthony J. Hood, Jerrily R. Kress and John G. Parsons to adopt- Angel F. Clarens, not present, not voting).

In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register; that is, on JUL 3 1998.


JERRILY R. KRESS, FAIA
Chairperson
Zoning Commission


SHERI PRUITT-WILLIAMS
Interim Director
Office of Zoning

ZCO849/SDB