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 15th 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 Morris, Hendricks and Glascock, P.A., and marked as page 1 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.

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 _____.