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July 12, 2011

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

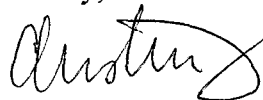
Re: **Pre-Hearing Statement for BZA Case No. 18237**

Dear Members of the Board:

Enclosed, please find one original and 20 copies of the Applicant's pre-hearing statement in the above-referenced case. The Applicant asks that the Board waive the requirements of Section 3113.9, which requires reports created by a traffic consultant to be submitted 20 days prior to the public hearing. The Applicant provided a copy of its transportation report in its initial submission, which satisfied the requirements of this Section; however, it now supplements the report with a Traffic Management Plan ("TMP"). The TMP was established in coordination with the Advisory Neighborhood Commission and the details of it were not finalized until late last week, which accounts for the delay in filing the report.

If you or your staff have any questions, please feel free to contact me.

Sincerely,



Christine Roddy

Enclosures
DCDOCS\7057102.1

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18237

EXHIBIT NO. 26

PRE-HEARING STATEMENT OF THE APPLICANT

I.

Nature of Relief Sought

This is the pre-hearing statement of the Lab School of Washington (“Applicant” or “School”) for special exception relief to maintain the maximum student enrollment, and number of faculty and staff as established per Board of Zoning Adjustment (“BZA”) Order No. 17383, and modified by Order Nos. 17383-A and 17383-B. Per Condition No. 7 of Order No. 17383-A, the approval of the increase in enrollment and faculty and staff limits was limited to a five year term and is set to expire on February 12, 2012. Accordingly, the Applicant is returning to the Board to extend permanently the existing cap of 182 faculty and staff members and 330 students. A copy of Order No. 17383-A is attached as Exhibit A. This application pertains to the Applicant’s campus located 4759 Reservoir Road (Square 1372, Lot 25) (“Property” or “Main Campus”).

II.

Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Sections 206 and 3104 of the Zoning Regulations.

III.

The Applicant

The Lab School is a co-educational non-public school for children with special needs in grades kindergarten through twelfth grade. Grades 5-12 are located on the Main Campus while

grades kindergarten through 4 are located on Lab's campus at 4470 Q Street, NW. See Order No. 17944.

Founded in 1967 by Sally L. Smith, The Lab School of Washington is internationally recognized for its innovative programs for children and adults with learning disabilities. The current Head of School, Katherine Schantz, has been with the School since July 2009.

The instructional approaches developed by Professor Smith emphasize hands-on, experimental learning and the use of the arts to teach academic skills. State-of-the art work with computers, storytelling, writing, and art in the elementary school as well as a continual emphasis on project learning in the junior and senior high school keep the Lab School pioneering new educational methods. Over 90% of Lab School students go on to college.

Because of the special needs of the students, the Lab School provides specialized services to its students, including: individualized tutoring for all ages; psychological assessment; speech and language therapy, psychotherapy; occupational therapy, evaluation and treatment; and consultation services. The Lab School outreach service offers assistance to parents and professionals. In some classes, such as reading, Lab School students require one-on-one instruction by teachers.

The Lab School Night School, founded in 1984, has dramatically changed the lives of hundreds of adults by helping them stay in college, re-enter college, pass the GED, upgrade employment skills, or apply for more advanced career positions. Our adult students are educated by our learning specialists who can diagnose and remediate learning differences and counsel adults on a more positive approach to making a better and happier life.

The Lab School has been an active member of this community for over 30 years and active member of the District community for almost 45 years. Since its athletic building was approved in 1997, the School has offered the Community Swim Program, which allows neighborhood residents the use of the Lab School's indoor pool and gym. The School also hosts local swim teams and swim clubs and provides space for swimming lessons. The Lab School offers gym space to basketball training camps, local art fairs and community groups. Lab participates in the Fourth of July Parade and Halloween festivals at the adjacent firehouse.

IV. Description of Subject Property and Surrounding Area

A. The Subject Property and Surrounding Property

The Property is located in the R-1-B Zone District near the intersection of Whitehaven Parkway and Reservoir Road. It has frontage on both streets. The Property contains 163,567 square feet of land area. It is improved with a prominent "castle" administration building, a gymnasium, a carriage house, an arts building, two classroom buildings, an indoor pool, and two houses. The Applicant also uses property located across Whitehaven Parkway, which contains 5,003 square feet of land area and is improved with a single family home that is used for administrative offices.

The surrounding area is characterized by a mixture of residential and institutional uses. The Property abuts St. Patrick's Episcopal Day School to the east and Fire Engine House No. 29 to the west. Both sides of Reservoir Road, located south and east of the Property are devoted primarily to use as single family homes. The Embassy of the Federal Republic of Germany and an underground reservoir are located further east of the Property. St. Patrick's Episcopal Day

School gymnasium, The George Washington University's Mount Vernon Campus, and the Our Lady of Victory Church and School are located across Whitehaven Parkway from the School.

B. Existing Zoning and Prior Zoning Approvals

The Property is located in the R-1-B District, which is designed for low density residential areas. The site is surrounded by property also located in the R-1-B Zone District.

The School was established at its present location in 1982. Prior to that time, the Property was the location of the Florence Crittendon Home and School. In 1992, the BZA, by Order No. 15642, granted the School's application to add additional property to the School and to convert a single family home into administrative offices. In the 1997 case that approved the new gymnasium (Order No. 16273), the BZA approved a maximum student enrollment of 310 students and a faculty/staff cap of 95. In a subsequent BZA case, the Board approved use of the property located at 4749 Whitehaven Parkway for use as administrative offices for the School. The same order, Order No. 17383 (amended by Order No. 17383-A), also approved an increase in the student population to 330 students and the number of faculty and staff to 182 individuals. As a condition of approval, the Board required the Applicant to construct 43 new angled parking spaces, complete with sidewalks, along Whitehaven Parkway to accommodate faculty, staff, and visitors to the School, while also remaining available for use by the public. The Board also limited approval for increasing the student, faculty and staff numbers to a term of five years and asked that the School update the ANC on the current student enrollment, the number faculty and staff employed and with the results of bi-annual traffic monitoring surveys.

V.
Description of Project

The Applicant secured approval from the Board for a maximum enrollment of 330 students and 182 faculty and staff members in Order No. 17383, amended by Order No. 17383A.

The Board conditioned the approval on constructing 43 angled parking spaces along Whitehaven to be available to the public, implementing a traffic management plan (“TMP”), and monitoring the School’s progress with the TMP and reporting the same to the ANC. The Applicant now returns to the BZA to report on its progress and to extend permanently the existing cap on student enrollment and faculty and staff members.

The Board limited the approval term in 2007, allowing it to reevaluate the effect of the School’s operations on the community, primarily with respect to parking and traffic congestion. The School is happy to report that it has made significant strides in both regards.

At the time the School secured its special exception approval in 2007, congestion and parking were at an all time high. In the Spring of 2007, the School generated 201 peak inbound trips in the morning and had a parking demand for 175 spaces. As detailed below, the School has proactively changed its operations to reduce these numbers and is on its way to establishing a new culture in the Lab community of promoting “green” practices that improve the School’s operations, but also diminish its impact on the community. As the result of a series of initiatives, which are outlined below, Lab was able to reduce its trip generation to 160 peak hour inbound trips¹ and a demand for 103 parking spaces, as evidenced by the most recent traffic and parking survey.

Since going before the Board in 2007, the School has implemented a number of programs to reduce parking demand and to address congestion caused by visitors driving to the School. The biggest change that Lab has instituted is a shuttle bus program that currently operates in the District, Arlington County and Montgomery County. Approximately 75 students take the shuttle

¹ It is important to note that the inbound trips include all trips to off-site parking areas used by the School, not just trips to the main entrance of the School.

and it has been very successful.² In fact, Lab is adding a shuttle line that will serve the King Street Metrorail Station and Bradlee shopping center in Alexandria in the Fall 2011. The shuttle is available to students starting in the first grade. It currently transports students to and from the Tenleytown, Rosslyn, Foggy Bottom, Dupont Circle and Friendship Heights Metrorail Stations, as well as to and from Glen Echo, the Beth El Synagogue and the Westbard Shopping Center in Maryland. In addition to the shuttle, the School has encouraged faculty and staff to use public transportation to and from school by participating in the Metrocheck program. The School now provides the maximum pre-tax benefit to faculty and staff members. In order to maximize utilization of the campus parking, on-site spaces will be available on a first come first served basis. The elimination of assigned parking will allow for far more efficient use of the parking spaces and ensure that all on-campus spaces are being utilized. The School also requires all of its teachers to arrive at the campus prior to the peak time of student drop-off (7:45 a.m.) in an effort to reduce the number of cars driving to the site during peak hours. The School has implemented additional programs that are discussed in more detail in attached transportation analysis, such as the Guaranteed Ride Home program and it has increased its efforts to encourage biking to the Property.

Finally, in coordination with the ANC, the Applicant has added even more stringent requirements to its TMP. A summary of these changes are included in the Community Outreach Section below and explained more thoroughly in the TMP attached as Exhibit B.

VI. Relief Requested

² Since the last approval, Montgomery County, MD has stopped allowing students attending private schools in the District of Columbia from riding on their buses. Accordingly, the School has had to address an additional 25 to 30 trips to the campus that did not exist at the time of the last hearing.

This application seeks to extend permanently the approval granted by Order No. 17383A to maintain the maximum number of students, faculty and staff at 330 and 182, respectively. Per Section 206 of the Zoning Regulations, the standard for special exception relief requires establishing that the proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and that relief can be granted without adversely affecting neighboring properties. Specifically, the project must demonstrate that: (1) it is located so that it is not likely to become objectionable to adjoining and nearby properties because of noise, traffic, number of students, or otherwise objectionable conditions; and (2) the site provides ample parking, but not less than the amount required by the Zoning Regulations.

A. The Application is in Harmony with the General Purpose and Intent of the Zoning Regulations

1. The Property is Located so as Not to Be Objectionable to Neighboring Properties

The Applicant is not proposing any changes to the property or improvements that comprise its Main Campus; rather it is proposing to maintain the existing approval to maintain the approved student population as well as the number of faculty and staff members.

Significantly, the Applicant seeks to maintain the existing approval while simultaneously having implemented a series of programs (as noted above) to mitigate the effect on the neighboring community.

a. **Noise**

There will be no negative noise impact from maintaining the approved student enrollment and the number of faculty and staff members. The Applicant is not anticipating a change in its operations for the classes that will remain on the Main Campus. Thus, given that the Board

found that the noise generated by 330 students and 182 faculty and staff would not have a detrimental effect on neighboring properties in 2007, it would remain true at this time.

b. Traffic

The Applicant is proposing to maintain a maximum cap of 330 students and 182 faculty and staff members. The School has instituted a number of programs to ensure that its operations do not contribute to congestion along MacArthur Boulevard or Reservoir Road. Specifically the School has:

- Established a highly successful shuttle program,
- Provides \$220 a month in Metrocheck benefits to encourage employees to take public transportation;
- Enrolled in the “Guaranteed Ride Home” to encourage use of public transportation;
- Provides bike racks and showers for faculty and staff wishing to bike to the Campus;
- Requires faculty and staff to arrive at the campus at 7:45 to ensure their arrival does not conflict with the arrival of students.
- A formal carpool program (complete with a zipcode lists to facilitate forming carpools among families living in the same community);
- Eliminating reserved parking at the Main Campus; and
- Expanded shuttle service.

The School has also worked closely with the ANC to develop a TMP that will be effective. To that end, the School has agreed to the following measures in order to enforce the TMP requirements:

- The TMP shall mandate that no new trips be generated beyond the existing limit of 165 morning peak hour trips. It shall also require that a traffic monitoring survey be performed once every semester.

- Within 45 days of each traffic monitoring survey required in the TMP, the School shall provide to DDOT and ANC 3D a report indicating its compliance with the TMP. Compliance with the TMP will be measured by whether the School maintains a morning peak hour trip generation of no greater than 165 trips. If the School exceeds 165 trips during the a.m. peak period for two consecutive reporting periods, additional transportation management measures shall be triggered. Such measures shall require stringent obligations from the School to reduce the morning peak hour trip generation and may include measures such as prohibiting new staff from arriving to the campus by car. If the School still exceeds 165 trips during the morning peak period after the third consecutive survey is conducted, it must file an application with the BZA for review of the conditions of approval of this application within thirty days.
- The Lab School shall host public meetings at least once every four months to discuss any matters of concern to the community regarding the School and to discuss possible measures for addressing such concerns. Notice of the time and location of the meetings shall be sent to the ANC, the Foxhall Community Citizens Association, the Palisades community listserv, and the Palisades Citizens' Association and posted on the School's website at least 30 days in advance.

Lab faces several challenges in reducing the number of trips made to the campus but is making every effort to do so. Because Lab is a niche program that provides specialized services, its students come from all over the Metropolitan area. The vast area from which Lab attracts its students makes it difficult to establish carpools, to encourage biking or walking to school, or to even provide access to public transportation. This difficulty is compounded by the fact that many Lab students have siblings that attend other schools because they do not require the specialized teaching that Lab provides. The fact that many Lab parents have carpool obligations at other schools, makes it challenging to take on similar obligations at Lab. Nonetheless, Lab has made every attempt to encourage carpooling, biking and walking and it will continue these efforts. Under its agreement with the ANC, Lab has every incentive to develop a program that truly works. Otherwise, the School will have to return to the Board for review of its operations. The Applicant believes that its TMP will lead to an efficient system that will benefit the School, its families and the surrounding community.

To be sure, the Applicant retained Wells & Associates to study the effect of maintaining the student enrollment. The study concluded that:

- The Lab School of Washington's Transportation Management Plan (TMP) complies with BZA Order 17383-A in reducing the AM peak hour vehicle trip generation and balance parking supply and demand, as proven by actual traffic and parking counts.
- The number of inbound vehicle trips at the main campus driveway on Reservoir Road has declined and remained below 165 peak hour vehicles as a result of disbursing this traffic to other off-site parking locations and efforts to restrict faculty/staff arrival times, encourage carpooling, or using the LSW shuttle bus instead of driving alone.
- Parking demand has consistently been less than parking supply for several years. Accordingly, additional parking is not required to adequately accommodate LSW's peak parking demands. The addition of parking would only encourage driving, further impacting neighborhood streets.
- On-going enhancements to the TMP (attached as Exhibit B), coupled with sustainable initiatives by the School will continue to reduce travel demands and impacts on the surrounding neighborhood.

c. Number of Students

The Applicant is proposing to maintain the existing cap on the number of students; thus there should be no discernable effect on the community.

d. Otherwise Objectionable Conditions

The School is not proposing any new construction or any changes to the existing makeup of its program; accordingly, the proposed project will not create any otherwise objectionable

conditions. It will be in harmony with the intent of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring property owners.

2. The Applicant Will Provide Ample On-Site Parking

The Applicant is proposing to maintain the existing supply of 152 parking spaces, as necessary. The Applicant is aware that providing ample parking is one of the community's greatest concerns so the Applicant has gone through great lengths to study its parking demand to ensure the proposed parking satisfies demand.

Pursuant to the Zoning Regulations, the Applicant must provide two (2) spaces per each three (3) teachers or other employees, calculated when the maximum number of employees is on campus. For 182 employees, this results in 122 spaces. The regulations further require that for the high school use, the greater of one (1) space for each 20 classroom seats or one (1) space for every ten (10) seats in its gymnasium be provided. The gym has the capacity for 300 occupants. Approximately 83 seats are devoted to high school use. Therefore, the school must provide nine (9) additional spaces. This equates to a total of 131 spaces (122 spaces for overall use and nine (9) additional spaces specifically for the high school use).

The Applicant is proposing to provide 107 spaces on campus and 45 spaces off-site, as necessary,³ which is consistent with the findings of the traffic and parking study prepared by Wells & Associates, attached as Exhibit B. In addition, Lab has constructed 43 angled parking spaces in public space that are available to the public, including Lab, on a first-come, first-served basis. The attached parking study demonstrates that the School has consistently been able to

³ Lab currently leases 15 spaces from the neighboring CVS and Safeway retail center and 30 spaces from The George Washington University Mt. Vernon Campus. The lease for the GW spaces expires in August 2011; however, the attached parking analysis suggests that only three vehicles utilize the GW parking and renewing the lease may not be necessary. Accordingly, Lab is considering the feasibility of reimbursing those individuals who use the GW parking facility rather than leasing a fixed number of spaces. This will allow Lab to maintain an appropriate parking supply and ensure that there is no spillover parking within the neighborhood. This program would be evaluated on a monthly basis, at which time Lab would approach those individuals requesting reimbursement to encourage them to use public transit rather than driving to the School.

meet its parking demands. Lab provides a total of 152 parking spaces (on-campus and off-campus), not including the 43 angled spaces, and its parking demand does not approach the need for all spaces. In fact, since Spring 2009, Lab has maintained a parking demand for less than 150 spaces. See Exhibit B. The parking analysis prepared by Wells & Associates confirms that Lab has been successful in meeting the parking needs of its school community.

Moreover, pursuant to Finding of Fact No. 37 of Order No. 17383A, the board found that the provision of 107 (stacked) spaces on-site in combination with the availability of 26 of the angled spaces would provide “ample parking to meet the parking demand” of the School. The School will continue to maintain this parking supply of at least 130 spaces.

B. Relief Can Be Granted Without Adversely Affecting the Use of the Neighboring Property in Accordance with the Zoning Regulations and Zoning Maps

As outlined above, the Applicant is not proposing an increase in the number of students, faculty and staff, but is in fact proposing to maintain the existing approval for the Main Campus. Accordingly, there should be no detrimental effect on neighboring property owners as a result of the operations on Main Campus. The amount of parking, as confirmed by the attached parking study, will satisfy the needs of the School and the Applicant has committed to not generating any new trips beyond 165. Thus, there should be no discernable effect in the increase in the present enrollment to the maximum enrollment of 330 students. Nevertheless, the School will continue to work with the community to address any concerns they may have regarding parking or congestion. The Applicant believes that in light of the work it has done to minimize the effect of its operations on the community, its request for approval is appropriate.

VII.
Community Outreach and Proposed Conditions of Approval

The Applicant presented the application at the ANC's June public meeting. The ANC voted in support of the application. After the June meeting, the ANC had additional questions about the application. In order to address the ANC's comments, the Applicant is proposing the following on which it asks the Board to condition approval of the application:

1. The maximum enrollment shall be 330 students.
2. The maximum number of faculty staff and administrative personnel including part time employees shall be 182.
3. Within 30 days of the beginning of each academic year the school shall provide ANC 3D a report indicating the current student enrollment and the number of faculty/ staff.
4. The School shall fully implement and comply with the Traffic Management Plan ("TMP") submitted into the record as exhibit _____. The TMP shall mandate that no new trips be generated beyond the existing limit of 165 morning peak hour trips. It shall also require that a traffic monitoring survey be performed once every semester.
5. Within 45 days of each traffic monitoring survey required in the TMP, the School shall provide to DDOT and ANC 3D a report indicating its compliance with the TMP. Compliance with the TMP will be measured by whether the School maintains a morning peak hour trip generation of no greater than 165 trips. If the School exceeds 165 trips during the a.m. peak period for two consecutive reporting periods, additional transportation management measures shall be triggered. Such measures shall require stringent obligations from the School to reduce the morning peak hour trip generation and may include measures such as prohibiting new staff from arriving to the campus by car. If the School still exceeds 165 trips during the morning peak period after the third consecutive survey is conducted, it must file an application with the BZA for review of the conditions of approval of this application within thirty days.
6. The Lab School shall host public meetings at least once every four months to discuss any matters of concern to the community regarding the School and to discuss possible measures for addressing such concerns. Notice of the time and location of the meetings shall be sent to the ANC, the Foxhall Community Citizens Association, the Palisades community listserv and the Palisades Citizens' Association and posted on the School's website at least 30 days in advance.

VIII.

Hearing Presentation

The Applicant anticipates needing 40 minutes for its hearing presentation. It will have two witnesses testify on its behalf: a representative of the Lab School and its traffic engineer.

Attached as Exhibit C are outlines of witness testimony as well as a resume for Michael Workowsky of Wells & Associates, who will be proffered as an expert in traffic engineering.

IX.
Exhibits

1. Exhibit A 17383A
2. Exhibit B Traffic Management Plan
3. Exhibit C Expert Resume and Witness Testimony

VIII.
Conclusion

For the aforementioned reasons, the Applicant requests that the Board approve this application as submitted.

GOULSTON & STORRS



Allison C. Prince



Christine A. Roddy

Certificate of Service

I hereby certify that the foregoing document was hand delivered or sent by first class mail
on July 17, 2011 to the following:

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Christine Roddy