

**MEMORANDUM****TO:** District Board of Zoning Adjustment

2011 JUL 19 PM 3:44

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation**DATE:** July 19, 2011**SUBJECT:** BZA Application #18237 – Request for special exception relief to preserve the maximum school student enrollment and faculty and staff level at 4759 Reservoir Road N.W.**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends approval, subject to conditions, of this application to maintain permanently the maximum permitted student enrollment and number of faculty and staff at a school located at 4759 Reservoir Road N.W. BZA Order No. 17383-A instituted a five year term for the student and faculty/staff caps which are set to expire in February 2012. In association with its request to maintain the permitted caps, the Applicant, in consultation with ANC 3D, has proposed six conditions below.¹ OP is supportive of these conditions:

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 to ANC 3D a report indicating 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 shall 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 and the Palisades Citizens' Association and posted on the School's website at least 30 days in advance.

II. AREA AND SITE DESCRIPTION

Address:	4759 Reservoir Road N.W.
Legal Description:	Square 1372, Lot 25 (hereinafter, the "Property")
Ward/ANC:	3/3D

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18237

EXHIBIT NO.

27

Board of Zoning Adjustment

District of Columbia

202-442-2638

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¹ The proposed conditions slightly modify conditions found in the BZA Order No. 17383-A.



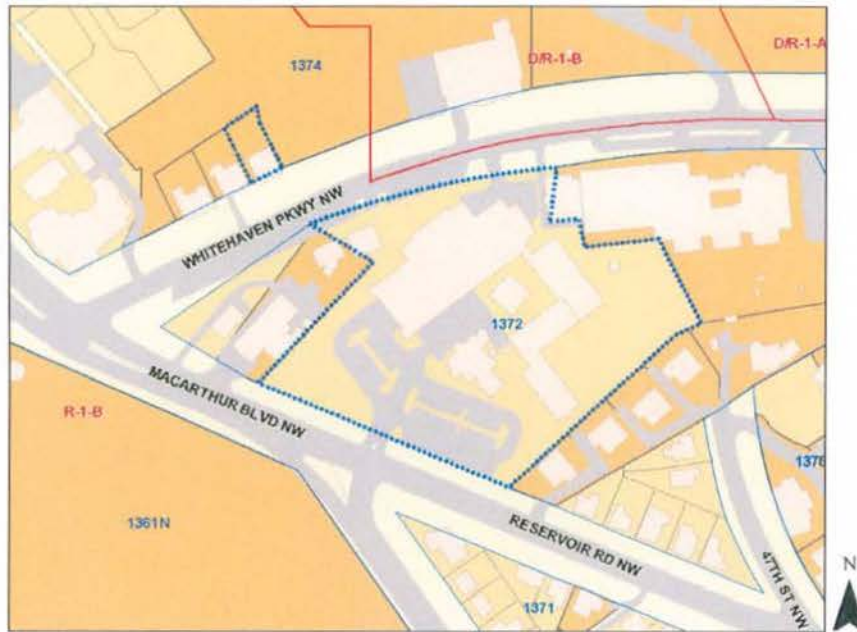
Lot Characteristics:	The primary lot is irregular in shape and measures a total of 163,567 square feet. It has frontage on both Whitehaven Parkway and Reservoir Road. The Property slopes downward toward Reservoir Road. The Applicant also uses an additional lot (Square 1374, Lot 840), which is located across Whitehaven Parkway and measures 5,300 square feet of land area.
Zoning:	R-1-B: low density residential; public and private schools
Existing Development:	The Property is developed with several buildings, including an administration building, gymnasium, and two classroom buildings, among others. Across Whitehaven Parkway, the Applicant uses a single family dwelling for administrative purposes.
Historic District:	N/A
Adjacent Properties:	The Property abuts St. Patrick's Episcopal Day School to the east, Fire Engine House No. 29 to the west, and single family dwellings to the south.
Surrounding Neighborhood Character:	The immediate area consists of a mix of residential and institutional uses. Single family homes largely characterize the area south of the Property. Further east is an underground reservoir and the Embassy of the Federal Republic of Germany. St. Patrick's Episcopal Day School's 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.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Lab School of Washington ("Applicant" or "School")
Proposal:	The Applicant seeks special exception relief to maintain permanently the maximum student enrollment and number of faculty and staff established pursuant to BZA Order No. 17383, and modified by Order Nos. 17383-A and 17383-B. Condition No. 7 of Order No. 17383-A approved an increase in student enrollment and faculty and staff for a five year term. The Applicant is returning to the Board to retain the existing cap of 330 students and 182 faculty and staff members. According to the Applicant's traffic study, current enrollment is 279 students and 166 faculty and staff.² If the approval expired, the previous enrollment cap of 310 students and a faculty and staff of 95 would be reinstituted (BZA Order No. 16273 (1997)). More generally, the Applicant's Reservoir Road campus caters to children with special needs in grades fifth through twelfth grade. Grades kindergarten through 4th are located on a separate campus at 4470 Q Street N.W. The Applicant has indicated that the specialized teaching model requires more intensive faculty involvement. The Applicant also offers educational programs for approximately 30 to 35 adults two nights a week.
Relief Sought:	§ 206, use as a private school

IV. IMAGES AND MAPS

² See Wells & Associates traffic study, Applicant's April 21, 2011 Exhibit H, page 1.



Aerial view of the site (highlighted)



View of the subject block looking north across Reservoir Road
(Property identified)

V. ZONING REQUIREMENTS

In R-1-B zones, private schools are permitted as a special exception under §§ 206 and 3104.³ Each section of relief will be examined below.

Section 206

- 206.1 *Use as a public school that does not meet the requirements of chapter 4 of this title or as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

³ BZA Order No. 17838 defined the “night school” use, as then operated, as an accessory use under the zoning regulations. The Applicant has indicated to OP that the number of adult students attending night school is fewer now than in 2006.

The application proposes to continue an existing private school in an R-1-B zone.

- 206.2 *The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.*

The School should not be objectionable to adjoining and nearby properties. The Applicant proposes to maintain the existing student and faculty enrollment caps as approved pursuant to the BZA Order No. 17383 (and modified by 17383-A & B). At the time, the Board was “persuaded that [with the student cap of 330 and faculty cap of 182] ... the School will continue to have only minimal impact on the noise and traffic conditions in the area.”⁴ However, the Board preserved the opportunity to reevaluate the effect of the Applicant’s operations on the community, particularly with regard to parking.

Since the earlier special exception approval, the Applicant has introduced several TMP measures.⁵ The Applicant has implemented a shuttle bus program and provided metrocheck benefits to employees, among other measures. The Applicant’s traffic study indicates that the measures have reduced the AM peak hour vehicle trip generation rate below 165 trips and better managed parking demand. The Applicant’s updated TMP (dated July 12, 2011) references additional initiatives, including un-assigning reserved parking spaces to better use the available parking supply and additional free daytime shuttle bus service routes. The Applicant has continued to commit to no new trip generation beyond the existing limit of 165 morning peak hour trips with increasing penalties for non-compliance. The Applicant would continue to perform regular traffic monitoring and to provide results to DDOT and ANC 3D. Due to the Applicant’s robust TMP measures, combined with a commitment to restrict peak hour trip generation, maintaining the existing student and faculty/staff caps should not be objectionable to neighboring properties. Additionally, OP is not aware of any issues related to objectionable noise and does not anticipate any related concerns.

- 206.3 *Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.*

In BZA Order 17838, the Board noted that “the primary objectionable impact has been on parking in the neighborhood. The Board finds that the objectionable parking impacts will be mitigated by the additional parking that will be provided as set for the below and by the decrease in the demand from parking resulting from the School’s TMP.”⁶ The School provides 107 on campus spaces (87 striped/20 stacked), and 45 off-campus spaces (15 at a CVS parking lot and 30 spaces at the George Washington University garage). The traffic study indicates that many of these spaces go unused. The Applicant would continue to provide more than the required number of spaces under the zoning regulations, which has been calculated as 131 spaces, to meet parking demand.⁷ Additionally, the School constructed 45 angled parking spaces adjacent to the campus along Whitehaven Parkway (per BZA Order) which are open to the public but a portion of which are frequently used for School affiliates. The existing parking supply, along with a continued commitment to TMP initiatives to lower parking demand, should preserve ample parking space for Applicant needs.

Section 3104

⁴ BZA Application No. 17383, page 9.

⁵ The Applicant had considered seeking to acquire additional property for a new parking garage. However, the Applicant subsequently determined that it was not financially feasible or necessary in light of successful TMP measures.

⁶ *Id.*

⁷ In Finding of Fact No. 37 of Order No. 17383-A, the Board determined that 107 marked and stacked spaces on-site along with 26 spaces off-site would be sufficient to satisfy the School’s parking demand.

The general standards by which the BZA should review special exceptions are set forth in § 3104.1 and listed below.

(a) Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Maps?

Private schools are permitted by special exception in the R-1-B districts. The Applicant has operated at the existing location since 1972. It also has operated with a student cap of 330 and a faculty/staff cap of 185 for several years, and has provided 152 parking spaces to accommodate its parking needs and implemented a TMP plan to offset any traffic related impacts. No building expansions are proposed. As such, the requested special exception would remain in harmony with the purpose and intent of the zoning regulations.

(a) Will the special exception tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

The continuing school use within the existing student and faculty/staff limitations would not result in new neighborhood impacts. The traffic study indicates that the traffic generation and parking demand have been trending downward, and the Applicant has updated its TMP to more aggressively address traffic and parking issues. The Applicant has further committed to not exceed a morning peak hour trip generation of 165 trips, with continued monitoring and penalties for non-compliance. Approval of the requested special exception should not have an adverse effect on neighboring property.

VI. ANC/COMMUNITY COMMENTS

The Applicant has indicated that ANC 3D has voted to support the requested relief, with conditions. To date, OP has not received an ANC submission or any official filings from neighbors.

VII. AGENCY COMMENTS

OP understands that the Department of Transportation (DDOT) may submit comments under separate cover.

JLS/pg
Paul Goldstein, case manager