

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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Application No. 14919, of the Lowell School, Inc., as amended, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 206 to establish a private elementary school for 125 children, grades kindergarten through the third grade, and a staff of 14 and to allow a 25 percent reduction in the required parking spaces, and a variance from the 9' by 19' minimum size of a required off-street parking space (Sub-section 2115.1) in an R-1-B District at premises 4715 16th Street, N.W., (Square 2707, Lot 33).

HEARING DATE: November 18, 1988
DECISION DATE: January 4, 1989

FINDINGS OF FACT:

1. The applicant at the public hearing amended the application to include proposed additions, to increase the number of staff from eleven to fourteen and to allow a twenty-five percent reduction in the number of required off-street parking spaces pursuant to Section 2108 of the Zoning Regulations.

2. The subject site is located on the southside of Decatur Street between Piney Branch Road and 16th Street, N.W. The site is known as 4715 16th Street, N.W. The site is in the R-1-B District.

3. The site is generally rectangular in shape and contains a land area of 18,824 square feet. It has 100 feet of frontage along 16th Street and is generally flat. The site is improved with a three-story stucco-over-brick structure which was built in the late 1920's. In the last two decades, its two owners have been the Embassy of Honduras, and most recently, the Church Universal and Triumphant. The Church Universal and Triumphant used the building for a church and a multi-family dwelling. It is presently vacant.

4. In the immediate vicinity of the site along 16th Street, N.W., there are many religious institutions. Immediately to the north is the Church of Christ. Within a one block area of the subject property along 16th Street are the Seventh Day Adventist Church of the Capital, the Washington Seventh Day Baptist Church, and the Nineteenth Street Baptist Church. In addition, located one block north of the

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subject property on the west side of Sixteenth Street, is the Somerset School which serves grades seven through twelve.

5. Northwest and south of the site is the R-1-B District. Further west and southwest of the site is the R-1-A and R-3 Districts, respectively. To the east, northeast and southeast of the site is the R-4 District.

6. The subject property is located in the R-1-B Zone District which permits primarily residential, single-family detached dwellings. The R-1-B District also permits certain institutional uses, including churches and private schools as a special exception with Board approval. The applicant is seeking a special exception to establish a private school at the subject site as the Lowell School.

7. Founded in 1965, the Lowell School has a co-educational nursery and primary program serving children from age three through third grade. It is a nonprofit institution, governed by a Board of Directors and administered by an appointed Director. Presently, the Lowell School is located approximately five blocks to the north of the subject property at 16th and Kennedy Streets, N.W. at the Sixth Presbyterian Church. The Board approved the application of the Lowell School in 1985 to establish the school at this location under Application No. 14292.

8. The school's success and growing demand for placement has caused the school to outgrow its current space at the Sixth Presbyterian Church, which has led to the purchase of the subject property at 4715 Sixteenth Street, N.W. in June 1988. If the subject application is approved, the school will move its primary program, Kindergarten through Third grade, to the subject property. The Lowell School will continue its nursery school program at the 16th and Kennedy Streets location.

9. The applicant proposes to use the site for its primary division which is expected to enroll up to 125 students and to employ 14 full and part-time staff members. The school hours will run from 8:30 A.M. until 3:00 P.M. with an extended day program, which ends at 6:00 P.M. Approximately ten percent of the student population will participate in the extended day program.

10. The applicant has designed a new drop-off and pick-up area off of Decatur Street and devised a traffic and circulation plan which includes an allowance for staggered arrivals and departures to ensure an uninterrupted flow of traffic in the neighborhood during the drop-off/pick-up times. The applicant's traffic plan includes a traffic monitor positioned at the corner of Piney Branch Road and Decatur Street who will direct cars arriving at the site so as not to cause any congestion. The school has been

successful in enforcing a similar plan at its present location. Typically, students arrive in carpools. There are also at least ten students who walk to school.

11. The applicant's transportation consultant testified at the public hearing that existing traffic congestion in the area is minimal with the exception of 16th Street, N.W. The proposed school is not expected to create any significant traffic congestion in the neighborhood because Lowell's parents will be directed to approach the school from the north on Piney Branch Road and then to the west along Decatur Street. This circulation pattern will ensure that traffic flow along 16th Street is unaffected by the school and that no queing of cars occurs adjacent to residential uses.

12. Seven parking spaces consisting of six full-size 9 feet by 19 feet, and one compact-size, 8 feet by 16 feet, parking spaces will be provided on-site. A total of nine spaces is required based on two parking spaces for every three teachers or other employees. The School is seeking Board approval to provide only seven parking spaces rather than the nine spaces as required pursuant to Section 2101.1 of the Zoning Regulations.

13. The applicant also seeks a variance from Sub-section 2115.1 of the Zoning Regulations which require that the size of all required off-street parking spaces be 9 feet by 19 feet. It is proposed that one parking space be 8 feet by 16 feet as a compact car space.

14. The proposed seven parking spaces constituted less than a twenty-five percent reduction in the required parking. Based upon the current commuting patterns of the schools' staff, many of whom will be relocating to the subject site, the applicant believes that a total of seven parking spaces will meet the parking requirements of the school. Currently, only six full-time staff members drive their own automobiles to work. The remainder either carpool, use public transportation, or work part-time in such a fashion that they can share the remaining space. The reduction will have a beneficial impact in that it will enable the school to preserve many of the large, healthy trees which beautify the site and add ambience to the neighborhood.

15. Bus stops are located immediately in front of the site and one-half block to the north of the site. Five Metrobus routes serve 16th Street and are used by several Lowell families and staff.

16. The applicant will continue to hold its larger, all-school events at its present location where parking is available. These include an annual parent pot-luck supper, and the Fall Bazaar and Book Fair both of which are open to

the public. The only large evening event which the school intends to hold at the proposed location will be its Back-to-School night for the parents only, which is held in the Fall. The school will make arrangements with the adjacent Church of Christ to use its lot or will use the Carter Barron parking lot for parent parking before scheduling this event at the subject site.

17. The applicant plans to ensure that school activities will not disturb the neighbors by designating a buffer area along the southern border of the property. This buffer area will be designated as a vegetable and flower garden for education purposes and will be fenced off or blocked by shrubbery. In addition, the school will closely supervise recess activities and will stagger the times at which students will be playing outside or engaged in other recess activities so that at no time will the whole student body be on the school grounds at once. Further, the students will only be engaged in outdoor recess activities on the school grounds for a total of one hour and ten minutes per day.

18. Physical education classes and other organized sports activities will be held at the Carter Barron field located at 16th Street and Colorado Avenue, N.W. which is approximately two blocks north of the site.

19. The applicant will provide trash receptacles in a fenced-in area located on the north border of the site. Trash will be collected by an independent service which will access the site from Decatur Street only. The applicant stated that it will ensure that trash collection will only occur during reasonable hours. There are no food service operations so that refuse will be limited to trash from paper bag lunches and other school usage.

20. The applicant testified that more than one-third of the students and over half of its staff live in Ward 4. The school is committed to the community and is actively recruiting more children from the area by contacting neighborhood churches, encouraging its current neighborhood families to recruit, circulating its brochure to local community organizations, and by participating in the Black Student Fund Fair.

21. The applicant testified that one of the school's educational goals is helping students to be responsive to community needs. Lowell structures age-appropriate ways for the children to do this, including picking up litter, collecting for UNICEF, working on projects for Martha's Table, donating and sorting food for the Sixth Presbyterian Church's food bank and making craft projects for the school bazaar. These activities provided community benefits in addition to serving Lowell educational goals and objectives.

22. The applicant stated that it has worked with the community to inform them of the schools plans and to address neighborhood concerns. The Director of the Lowell School testified at the public hearing that she had spoken with many of the neighbors by phone and in person in the area to inform them of the Schools' plans and to invite suggestions and concerns. The school also provided an open house for the neighborhood at the site to enable residents to see the property, to become acquainted with Lowell's plans and to meet school personnel. The school and or its representatives met with numerous citizens organizations, Advisory Neighborhood Commission 4-C and 4-A.

23. The applicant's Executive Director of the school testified that the school consulted with the D.C. Police for their advice on securing the building against crime. The school has followed every aspect of their advice, including installing photo-sensitive lighting outside, putting up curtains, installing timed lights inside, screwing shut the building windows, and maintaining the grounds.

24. The applicant's architect testified at the public hearing that the subject property is very suitable for use as a school and that the small, proposed additions would be compatible with the existing architecture of the building. The architect stated that the restoration and improvements to the building and grounds would make a positive contribution to the character of the neighborhood.

25. By memorandum dated November 14, 1988, and by testimony presented at the public hearing the Office of Planning (OP) recommended conditional approval of the application. OP stated that the application meets the criteria for special exception approval; that the school use of the premises will not have an adverse impact on the neighborhood; and that the school will be a reduction in intensity of use compared to the previous multi-family, church and chancery use of the premises. OP also stated the school meets the criteria for a twenty-five percent reduction in the required number of parking spaces requirement and that the one parking space which is 8 feet by 16 feet does not impair the intent of the Zoning Regulations. In conclusion, the OP recommended that the application be approved subject to the following conditions:

- a. Use of the on-site play area be limited to small groups of children to minimize impacts from the noise of children at play.
- b. Dropping-off and picking-up of children shall be via the Decatur Street entrance.
- c. Off-street parking shall be provided in accordance

with the applicant's plans, dated October 25, 1988.

The Board agrees with the report and recommendations of OP.

26. The Department of Public Works (DPW) by memorandum dated December 14, 1988 stated that the operation of the private school will have a negligible impact on the surrounding street system. The surrounding streets are characterized as follows:

- a. 16th Street is a principal arterial with a total roadway width of 50 feet. 16th Street has two lanes and an exclusive left turn lane in each direction. 16th Street has an Average Daily Traffic volume of 31, 400 vehicles. There is no parking on this street during the peak period.
- b. Decatur Street is a 30-foot-wide collector street. Parking is unrestricted on this street.
- c. Piney Branch Road is a 26-foot-wide local street. North of Decatur Street, parking is unrestricted on this street. South of Decatur Street, Residential Permit Parking (RPP) is in effect from 7:00 a.m. until 8:30 p.m.

The Department of Public Work believes the special exception request to reduce the required number of nine parking spaces to seven is acceptable and that the seven parking spaces will meet the parking requirements of the school's staff. The Department of Public Work has no objection to the variance to provide one compact parking space. DPW further, recommends the following:

- a. The applicant coordinate with the Bureau of Traffic Services, DPW for the final design of the proposed Decatur Street driveway.
- b. Vehicles using the seven parking spaces located off of the driveways back into those spaces so that when they exit these spaces they do not disrupt the internal traffic circulation.
- c. The applicant coordinate with the Bureau of Traffic Services, DPW to refine DPW's alternative traffic circulation plan. DPW does not agree with the circulation plan proposed by the applicant in Findings of Fact No 10 and 11 of this order. DPW believes the applicants proposed traffic circulation plan would adversely affect the local traffic circulation system.

- d. Visitors to the school should park in the drop-off and pick-up area of the Decatur Street driveway for short periods of time. DPW further recommends the applicant also investigate the use of the Carter Barron and the Church of Christ parking lots for visitor parking.

The Board generally concurs with the recommendations of DPW.

27. Advisory Neighborhood Commission (ANC) 4-C by letter dated November 9, 1988, and by testimony presented at the public hearing recommended that the application be denied. The ANC reported that the school would have an adverse impact on the immediate area because of noise and traffic. The ANC stated that residents in the area who are home during the day would be disturbed by traffic resulting from drop-off/pick-up of students and the noise during the arrival and recess activities in the schoolyard. The ANC also reported that crime in the area is a problem and that the school would become an attractive target for crime unless adequate security and lighting is developed. Finally, the ANC stated that the conversion of the subject building to a school would further deteriorate the character of the neighborhood. The Board disagrees with the reasoning of the ANC.

28. Residents residing at 4608 15th Street, 4709 16th Street and 4717 Piney Branch Road, N.W. in the vicinity of the site, appeared at the public hearing in opposition to the application. The basis of their opposition included parking, traffic, trash, litter, noise and an adverse effect on property values.

29. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. In addressing the ANC's concerns, as well as those raised by other opposition, the Board finds:

- a. Approval of the application with conditions related to the number of students, use of on-site play areas, and the drop-off/pick-up of students will not create the adverse impacts anticipated by the opposition.
- b. Based on the history of the applicant and the evidence of many witnesses, the Board does not anticipate that the neighborhood will be adversely impacted by noise, traffic, or crime related to the school.
- c. The proposed use, restoration and additions to the subject building will not adversely impact the character of the neighborhood including property values.

30. Several community organizations provided written support for the application including ANC - 4A. Letters in support of the application were received from Councilmembers Charlene Drew Jarvis and James Nathanson. A number of residents and community leaders appeared at the public hearing and testified in support of the application including the Executive Director of the Black Student Fund. Over forty-five letters and a petition with nearly 300 signatures were submitted into the record in support of the application.

31. Five letters and a petition with thirty signatures were received in opposition to the application including a letter from Councilmember Betty Ann Kane.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking special exceptions and variance relief. The applicant is seeking two types of special exception relief (1) a special exception to establish and convert an existing building to a private school in the R-1-B District; and (2) a special exception to reduce the parking requirements for the proposed school by no more than twenty-five percent. Both special exceptions must meet the overall criteria for granting a special exception set forth in Section 3108.1, which requires that the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property.

In addition, with respect to the private school exception, the Board must find that the applicant has complied with Section 206 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The school is so located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or other objectionable conditions. The subject building is setback a substantial distance from the adjoining houses located immediately to the south. And immediately to the west, north and south the subject property is bounded by public streets. As a result the location of the subject building, the school is not likely to have any adverse noise impacts on adjacent property owners.

Further, all school activities with the exception of passive recreational activities during recess will be conducted inside the subject building or at Carter Barron. Recess will be staggered minimizing the number of children

that will be outside on the school grounds at any one time. The school will also designate a buffer area on the portion of the subject site which adjoins the adjacent residential uses. Recess activities within these buffer areas will be limited to ensure against adverse noise impacts.

Traffic to and from the site is not likely to be objectionable. The school has carefully worked out a circulation plan and will construct a drop-off/pick-up driveway to ensure a uninterrupted flow of traffic to the site. Further, ample parking space is provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

For the parking reduction special exception, the Board must find that the applicant has complied with the provisions of Section 3108. The Board concludes that the applicant has also met this burden of proof. Based upon the maximum number of students, teachers and other employees who will be at the school at one time, the site's accessibility to public transportation, and the commuting patterns of the school's teachers and other employees, the seven parking spaces to be provided on-site are adequate.

As to the variance relief requested, the Board concludes that an area variance the granting of which requires proof of a practical difficulty upon the owner of the property arising out of some unique or exceptional condition of the property. The location and large size of the subject building and accessory building and the need to connect these structures with a covered walkway and the need to provide a driveway off of Decatur Street provide exceptional site conditions. As a result of these conditions, the applicant will encounter practical difficulties if the size of parking space requirements are strictly applied. The difficulty is that additional green space on the site will have to be paved over and several of the existing, large trees on the site will have to be removed. The requested variance is minor in nature and will not cause any substantial detriment to the public good nor impair the intent or purpose of the zoning plan.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Maps. Additionally, the proposed use will not adversely affect surrounding uses or the zoning pattern for the area.

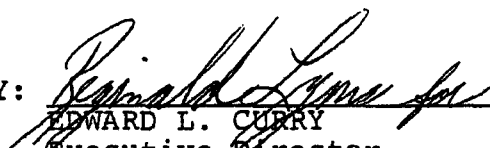
The Board also concludes that it has accorded to the ANC "the great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the plans marked as Exhibit No. 81C of the record.
2. The number of students shall not exceed 125. The number of faculty and staff shall not exceed fourteen.
3. The hours of operation shall not exceed from 8:30 A.M. to 6:00 P.M.
4. Use of on-site play area shall be limited to small groups of children to minimize impacts from the noise of children at play.
5. Off-street parking shall be provided in accordance with the plans marked as Exhibit No. 81C of the record.
6. Drop-off and pick-up of children shall be from Decatur Street. The dimensions and location of the driveway, access to parking spaces and circulation patterns shall be coordinated with the D.C. Department of Public Works.
7. Parking for large extracurricular events shall occur at the Carter Barron Fringe parking lot and/or the parking lot of the Church of Christ.

VOTE: 4-0 (Paula L. Jewell, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAR 2 1989

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14919order/LJP46

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14919

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAR 2, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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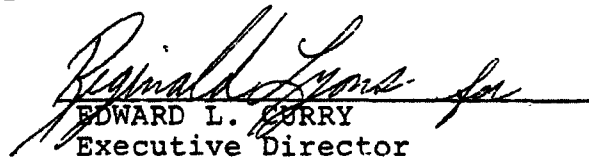
Barbara Paterson
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Councilmember Charlene Drew Jarvis
" James Nathanson
" Betty Ann Kane

Rudolph Harris, Chairperson
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4020 - 8th Street, N.W.
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EDWARD L. CURRY
Executive Director

DATE: MAR 2 1989