ADVISORY NEIGHBORHOOD COMMISSION 4A

7600 Georgia Avenue, N.W., Washington, DC 20001

March 4, 2000

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FROM: Joseph H. Hairston, Chairman
Advisory Neighborhood Commission 4A

TO: GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

SUBJECT: ANC 4A REPORT RE: BZA APPLICATION NO. 16556

(a) THE IDENTIFICATION OF THE APPLICATION:

BZA Application No. 16556

(b) WHEN THE PUBLIC MEETING OF THE ANC TO CONSIDER THE APPLICATION WAS HELD:

The public meeting to consider BZA Application 16556 was held on Tuesday, February 1, 2000, at 7:30 PM.

(c) WHETHER PROPER NOTICE OF THAT MEETING WAS GIVEN BY THE ANC:

ANC 4A provided proper notice of the meeting to its residents. To insure the broadest dissemination, notices of the meeting were mailed to 1,206 residents of ANC 4A by first class mail approximately 12 days prior to the meeting date. Further, meeting notices were posted in market places, churches, recreational and other public space throughout the single member districts within ANC 4A area. Meeting announcements were also published in an ANC 4A community newsletter. Further, meeting notices were hand delivered to residents living in the immediate impact area of this application. In addition, the information on all ANC 4A meeting announcements include the date, time and location of the meeting and the meeting agenda. Also included are the names of each ANC 4A commissioner and the ANC 4A telephone number where they are reached.

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Board of Zoning Adjustment
District of Columbia
CASE NO.16556
EXHIBIT NO.147

(d) THE NUMBER OF MEMBERS OF THE ANC THAT CONSTITUTE A QUORUM AND THE NUMBER PRESENT AT THE MEETING:

There are eight ANC 4A members. Five ANC members constitute a quorum. Six members were present at the ANC 4A meeting on Tuesday, February 1, 2000.

(e) THE ISSUES AND CONCERNS OF THE ANC ABOUT THE APPLICATION, AS RELATED TO THE STANDARDS AGAINST WHICH THE APPLICATION MUST BE JUDGED:

The standards of the Zoning Regulations against which this application must be judged are provided in Section 206: PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1), and more specifically, in Sections 206.2 and 206.3.

The standards in Section 206.2 indicate that 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.

Further, the standards in Section 206.3 state that 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.

The issues and concerns of the ANC about this application as related to the above standards developed from the objections raised by the vast majority of residents attending the ANC meeting on February 1, 2000, when the application was discussed.

Attorney Derrick Humphries, representing the Coalition of Neighbors living within a block of the synagogues on both sides of 16th Street, indicated that the process was flawed in that, among other reasons, the plans for relocation were made without community involvement. He, along with many other residents, objected strongly to the increased traffic congestion, parking problems, litter and noise that would be caused by the influx of over 200 students, 30 or more staff personnel, in addition to numerous parents and visitors into the community.

They stated that traffic is already congested in both directions on 16th Street, at 16th & Jonquil, and at 16th & Juniper Streets; that on-street parking in both directions on 16th Street in the area of the synagogues is already inadequate; that on Saturdays, during the day and in the evenings and during special events, vehicles routinely are double-parked on the streets and parked in the alleys and by fire hydrants; and that unlike other schools located in the general area, there is no buffer zone between the proposed school and the nearby homes. Some residents expressed concerns for pedestrian and public safety. They described the safety risks and dangers that the children would confront by crossing busy 16th Street in order to go from one proposed site to the other; and by traveling from the proposed sites to the Shepherd Park recreation field.

Attorney Humphries cites pedestrian safety as a great and continuing concern because there is no sidewalk immediately in the front of the Tifereth Israel Synagogue, which bounds the east side of 16th Street (7701 16th Street NW). The lack of a sidewalk forces all pedestrians to walk a narrow grassy path that is dangerously close to the aggressive and speeding northbound 16th Street traffic. It is reported that the Metropolitan Police Department regularly deploys officers with radar speed detection equipment to this section of 16th Street in order to slow the high rate of speeding and reckless driving.

Furthermore, the neighbors point out that current use of Tifereth Israel Synagogue for a child development center is in violation of BZA order dated March 7, 1994. The neighbors indicate that they have continuously expressed the concerns described below to the leadership of Tifereth Israel:

(1) Despite a BZA requirement that "all dropping off and picking up of children shall occur from Juniper Street," parents and other drivers routinely use the adjoining alley as a drop-off site and stop and/or park (double-park) facing east on the south side of Juniper Street, requiring them and the children to cross Juniper Street in order to enter the synagogue door which is located on the north side of Juniper Street.

(2) The "three parking spaces to be provided on the side for the exclusive use of the Child Development Center are too short. Therefore, minivans, station wagons and luxury vehicles parked in those spaces protrude out into the alley and block use of the alley. Neighbors have contacted the police about this illegal and unsafe parking situation.

(3) The BZA order required the synagogues to establish and to maintain a "community liaison/Advisory Council" to meet no less than quarterly to address issues and concerns of the day care facility and the community. It is reported that despite repeated complaints by the neighbors regarding problems with traffic and parking during drop-off and pick-up of children, impact on the neighbors of activities at the site, fire safety issues, litter and trash, traffic crashes at the intersection of Juniper and 16th Streets, the synagogue has failed to hold quarterly meetings in order to address these recurring issues. Space at the synagogue site and the property, according to an adjacent neighbor, is so limited that the Fire Inspector inquired if the neighbor's yard might be used as an evacuation area for the children, faculty and staff in the event of a fire or other emergency; and

(4) Although approval of the expanded use in 1994 was "for a period of three years," the synagogue has never obtained BZA approval beyond the approval period of operation and, therefore, is currently operating its expanded Child Development Center under an expired BZA order.

Lt. Anderson of the Metropolitan Police Department PSA 401, which includes the area impacted by this application, reported that there are already tremendous traffic problems in the area caused by commuter traffic and the traffic from the four existing schools:(1) Child Development Center in the synagogue at 7701 16th Street NW; (2) the Shepherd Park Elementary School at 7800 14th Street NW, a kindergarten through sixth grade public school located within the subject square and less than 1000 feet of the site; (3) Lowell School at 1640 Kalmia Road, approximately one block west of 16th Street NW, and within two blocks of the proposed sites; and (4) the Washington Ethical Society located at 7750 16th Street NW, one-half block from the proposed site and currently hosting its own student programs.

Private dwellings face three sides of both of the sites. Private dwellings immediately abut the Tifereth Israel site on its North side. The owners of the neighboring property state that there is no way to alleviate existing and potential problems through the design and site of the existing physical facility or through landscaping and screening.

A 15-foot wide public alley is at the rear of the Tifereth Israel site and abuts the site on the east side. Private dwellings abut the public alley on the east side as well as on the west side of the alley.

A similarly structured public alley is at the rear of the Ohev Sholom site. Private dwellings also about that alley.

Both alleys provide neighbors with access to their garages and their homes. Emergency, repair, delivery and trash/garbage vehicles use these alleys daily.

The criteria for granting a special exception for this application has not been met. It is apparent from testimony, facts and evidence that this application is not in harmony with the general purpose and intent of the Zoning Regulations as required for special exceptions. The R-1 Resident district is designed to protect quiet residential areas. One family detached dwelling uses are permitted as a matter of right in R-1 Residence districts. The imposition of yet another private school with its concomitant problems at two separate sites across a very busy street from each other upon the already over-burdened residential community is unconscionable. Further, contrary to the criteria for granting a special exception, the application will affect adversely the use of neighboring property because adverse parking, parking access and public safety conditions already exist in this community. Approval of this application would only have cumulative impact on existing problems and exacerbate these conditions.

Therefore, the application neither passes the test nor meets the criteria required for a special exception. Further, the application is not in compliance with Title II, Section 214.7 of the DC Municipal Regulations which stipulate that accessory parking spaces shall be located and facilities in relation to the parking lot shall be designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

(f) THE RECOMMENDATIONS, IF ANY, OF THE ANC AS TO THE DISPOSITION OF THE APPLICATION:

ANC 4A voted unanimously to oppose the BZA Application No. 165556.

(g) THE VOTE ON THE MOTION TO ADOPT THE REPORT TO THE BOARD:

***Six* ANC 4A members voted in opposition to BZA Application No. 16556 and *no* members voted in favor.**

(h) THE NAME OF THE PERSON(S) AUTHORIZED BY THE ANC TO PRESENT THE REPORT:

ANC Commissioners Douglas Sloan, Jourdinia S. Brown, Joseph H. Hairston, Riddick Vann & James H. Jones; and Attorney Derrick Humphries.

(i) THE SIGNATURE OF THE CHAIRPERSON OF THE ANC:

