GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: April 10, 2000

SUBJECT: BZA Case 16569

APPLICATION

This application by the World Plan Executive Council and the Kingsbury Center seeks special exception relief approval to establish a private school to be operated by The Kingsbury Center at 5000 14th Street, N.W. (Square 2711, Lot 802). The subject property is located in an R-1-B/DR-1 district.

The applicant is requesting approval for a maximum of 300 students and 138 (full-time equivalent) staff. Student enrollment and staff increases will ramp up gradually. The projected enrollment for 2000-2001 at Kingsbury Day School is expected to be 120 students. Upon relocation to the subject property, enrollment will continue to increase, reaching 266 students by 2007, and 300 students by 2010.

Only minimal changes to the building on the subject property will be required for Kingsbury's use. These include renovations to the roof, windows and the exterior of the building and some reconfiguration of the building interior. Upon renovation, the new building will have adequate class and resource rooms; one-way observation rooms; art, music, and computer rooms; a library; a multi-purpose room for physical education, school plays, staff meetings, receptions; science lab; kitchen; faculty lounge; and a playground and playing field. The facility also will be fully ADA compliant, including an outdoor ramp to the entrance and an interior elevator. A considerably enlarged paved driveway surrounding the building will permit the drop-off and pick-up of children with safety. New parking areas will accommodate staff and visitor parking needs. Finally, a new fire sprinkler system, security system, and exterior lighting will ensure the safety and security of people and property.

BZA
Case No. 16569
Exhibit No. 32

Board of Zoning Adjustment
District of Columbia
CASE NO.16569
EXHIBIT NO.32

Kingsbury is supported by the Tutoring Services division that trains its own special tutors to work with children and adolescents with learning difficulties. They also tutor children who are not currently enrolled at Kingsbury. Kingsbury's Diagnostic and Psychological Services division administers diagnostic tests and provides therapy for KDS children and others referred to the Center because they appear to have learning or attentional difficulties. Kingsbury also offers community education in child development and learning disabilities through The Kingsbury Lecture Series and The Kingsbury Symposium. Since 1988, The Kingsbury Center has offered daylong annual symposia for teachers, other professionals, and parents on topics related to learning disabilities such as learning strategies, ADD/ADHD, types of intelligence, and self-esteem. The Symposium is open to the public. These uses are ancillary to its proposed use as a private school. A site plan of the subject property, depicting the location and entrances to the Dickson Mansion, two new proposed play areas and the proposed parking and driveway areas is attached hereto. (Please see Exhibit1)

All four existing access points to the site (two on 14th street and two on Piney Branch Road) will be utilized to disperse traffic entering and exiting the site so that the traffic impacts are not concentrated in any particular direction.

SUMMARY RECOMMENDATION

The Office of Planning recommends that this application be approved, with several conditions.

SITE AND AREA DESCRIPTION

The proposed site is currently improved with a three-story, 57,483 square foot building with basement on 3.97 acres. It is located at 5000 14th St., NW, Square 2711, Lot 802. It is bordered on the north by Gallatin Street, NW, on the east by 14th Street, NW, on the south by a public alley running between Iowa Avenue and Piney Branch Roads, NW and on the west by Piney Branch Road, NW.

Directly to the north is St. Luke's Baptist Church. To the northeast is the Mt. Zion Baptist Church; to the east is the West Elementary School and to the southwest is a facility owned by the Dominican Nuns. The rest of the buildings are largely single family residences.

The site is zoned R-1-B/DR-1 (Residential/diplomatic overlay). The building was built around 1913 as the John Dickson Home, a home for gentlemen over 65. For many years, it was used by the Army-Navy Club for an assisted living facility. Most recently it was the home of the World Plan Executive Council, Inc., which established it as the Maharishi College of Natural Law. The uses consisted of office, residential, educational and meditation uses. The property has been on the market for 7-8 years and is substantially vacant and in a state of disrepair.

ANALYSIS

Zoning Issues. The subject site is in an R-1-B District. The Zoning Regulations, in section 200.1, describe such districts as follows:

> The R-1 district is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.

Section 200.2 further explains:

> The provisions of this chapter are intended to stabilize the residential areas and to promote a suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted.

Section 206 of the Zoning Regulations permits private school use within R-1 districts by special exception, under certain conditions. Section 206.2 states:

> 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 other objectionable conditions.

Section 206.3 requires that ample parking space must be provided. In addition to these specific tests for private schools, the proposed use must meet the general tests for all special exceptions. According to Section 3104.1, "those 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. . ." The following analyses deal with each of these conditions in turn.

The property is also in the Diplomatic/Residential Overlay zone, the purpose of which is to permit chanceries of foreign countries to locate within the zone. Designation of the zone recognized that the large size of the houses tended to make them suitable for uses of a certain institutional character. The applicant's proposed site has such an institutional character.

Noise—Although a playground and playing field are to be added to the site, noise is not likely to be a problem because the site is well-buffered from residential uses by setbacks, landscaping and parking areas. In addition, Kingsbury has agreed to designate a person to serve as liaison to the Carter Barron East Neighborhood Association to address any concerns that the residents have regarding the operation of Kingsbury.

Traffic—Traffic associated with Kingsbury is likely to be substantially less than a typical independent school because most of the students are transported to school via public school mini-buses. Sixty-six percent (66%) of the existing student population of 100 students currently use bus service from Maryland, Virginia or the District of Columbia to arrive at and depart from the school. Eighty percent (80%) of all students are from the District.

The majority of traffic generated by the Kingsbury Center at its current location on Phelps Place, NW (Sheridan-Kalorama neighborhood) is concentrated primarily within the 20 minutes before school starts and the 15 minutes before school ends. This same pattern is expected to continue in the new location. Smaller amounts of traffic come throughout the day, as the center also provides diagnostic services and special tutoring and teacher training.

All of the vehicles associated with the drop off and pick up of students can be accommodated on site. At its existing site, the maximum AM carpool queue consists of 2 passenger cars and 9 mini-buses. In the afternoon, the maximum PM carpool queue consists of 8 passenger cars and 11 mini-buses. At the proposed site, the maximum internal stacking space is adequate to accommodate 24 passenger cars and 14 mini-buses on-site. The traffic consultant estimated that 3 additional mini-buses would be needed to accommodate the increase in student population, given the likelihood that several of the additional students can be carried in the existing buses.

The southernmost driveway on 14th Street was identified by the community as a driveway that has access issues due to its proximity to the curving alignment along 14th Street and also to its proximity to the intersection of 14th Street and Emerson Street. To address the concerns of the community members, the southernmost 14th Street driveway is limited to right-turn out only to allow for sufficient sight distance for vehicles turning right onto 14th Street.

Parking—The applicant proposes to provide 124 parking spaces, which are 17 more than the 97 spaces which would be required under the Zoning Regulations once the applicant has reached its maximum projections for students and faculty (200 elementary and junior high students, 100 high school students). A portion of the zoning regulations with regard to parking is attached (please see exhibit 2). Briefly, they require 2 spaces per every 3 teachers. High School adds another space for each 20 high school classroom seats.

The Board of Zoning Adjustment has authority to reduce the amount of parking spaces required for nonresidential uses (Subsection 2108.1). Amongst other things, the Board may give consideration to "The quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use."

Considering the facts that
(1) ANC 4C hinged its support of the application on very restricted onsite parking (35 spaces);
(2) A very large parking lot available to the public free of charge is only two blocks away at Carter Barron Ampitheatre;
(3) Unrestricted on-street parking is permitted the full length of 14th Street, and the 36 parking spaces there appear more than sufficient to meet overflow parking needs;
(4) Some of the proposed spaces will increase stormwater run-off and require the cutting of several mature trees

OP recommends some reduction in parking from that normally required by the zoning regulations. OP suggests that 92 spaces should be sufficient to meet the needs of staff and visitors.

In order to meet ANC 4C's concern that greater effort be made to preserve the open space character of the site, OP suggests that Kingsbury look at more ways to encourage alternative modes of travel to the single-occupant motor vehicle. OP suggests Kingsbury consider the following:
(1) Offer staff the option of Metrochecks rather than free parking
(2) Assist the staff to develop shuttles from the closest Metro stations
(3) Provide bicycle parking

Number of students—Eighty percent of the students are D.C. residents today and a similar proportion is expected as the school expands. While Kingsbury's enrollment is 100 today, it projects growth to 266 students by fiscal 2007 and to a maximum 300 by 2010.

The projected number of students is not likely to be a problem at this location, which is nearly 4 acres in size and well-buffered from the rest of the community.

Other objectionable conditions—Neighbors have asked for the opportunity to have continued input to the school on both lighting and landscaping, which the school is willing to grant.

ANC AND COMMUNITY GROUPS

ANC 4C has jurisdiction. On Tuesday, April 11, 2000, it voted to approve this application with conditions. One condition that it differed on in a major way from Carter Barron East Neighborhood Association is parking. In order to achieve maximum environmental protection for the site, commissioners wanted no more than 35 parking spaces to be provided on site, suggesting that the school could use the Carter Barron parking lot 2 blocks away—a very large lot that is open to the public on a no charge basis. One of the neighbors at the ANC meeting requested Kingsbury consider porous paving for the parking areas in order to help better preserve the ecology of the site and there was concurrence that this was a good idea to look into.

The Carter Barron East Neighborhood Association voted to support the application with conditions at its meeting in early April. One of its conditions was that Kingsbury supply its proposed 124 parking spaces onsite. The prevailing interest at this meeting was to minimize parking inconvenience to the closest neighbors. The immediate neighbors who prevailed here did not want Kingsbury patrons usurping parking spaces in front of their homes. Please see attached exhibit 3.

OTHER AGENCIES

Department of Public Works ---- OP hopes to attach their report by the hearing date.

Metropolitan Police Department --OP hopes to attach their report by the hearing date.

Office of the Fire Marshall -- OP hopes to attach their report by the hearing date.

RECOMMENDATION

The Office of Planning recommends approval of this application, subject to several conditions, which are enumerated below:

1. Kingsbury shall manage and control all incoming and outgoing traffic to minimize any deleterious effects on the neighborhood as outlined in its traffic impact analysis. As the school grows in size and as experience teaches everyone concerned where problems with unacceptable traffic flow or congestion may occur, Kingsbury shall work with the community to try to adjust patterns to mitigate traffic impacts to the maximum extent practicable.

2. Kingsbury shall provide no more than 92 parking spaces onsite. In creating the driveway and parking spaces, Kingsbury shall preserve the trees and green space to the maximum extent possible and give neighborhood residents input on landscaping. For any overflow parking, Kingsbury shall direct its clientele to park along 14th Street on its side of the street.

3. Kingsbury shall designate a person to serve as liaison to CBENA. Any concerns that the residents of CBENA have regarding the operation of Kingsbury shall be discussed in a timely fashion, and every reasonable effort shall be made by Kingsbury to resolve problems for the residents created by their operation.

4. Kingsbury shall not exceed 300 students in the total enrollment.

5. Kingsbury shall have the following hours of operation:
Monday - Friday: 8:30 am - 6:15 pm
Saturday: 8:30 am - 1:30 pm, during several months of the year
Sunday: Closed

6. Lighting of the property should be internally focused so as to not interfere with neighbors quiet enjoyment of their property.

AA/mv

Exhibit 1

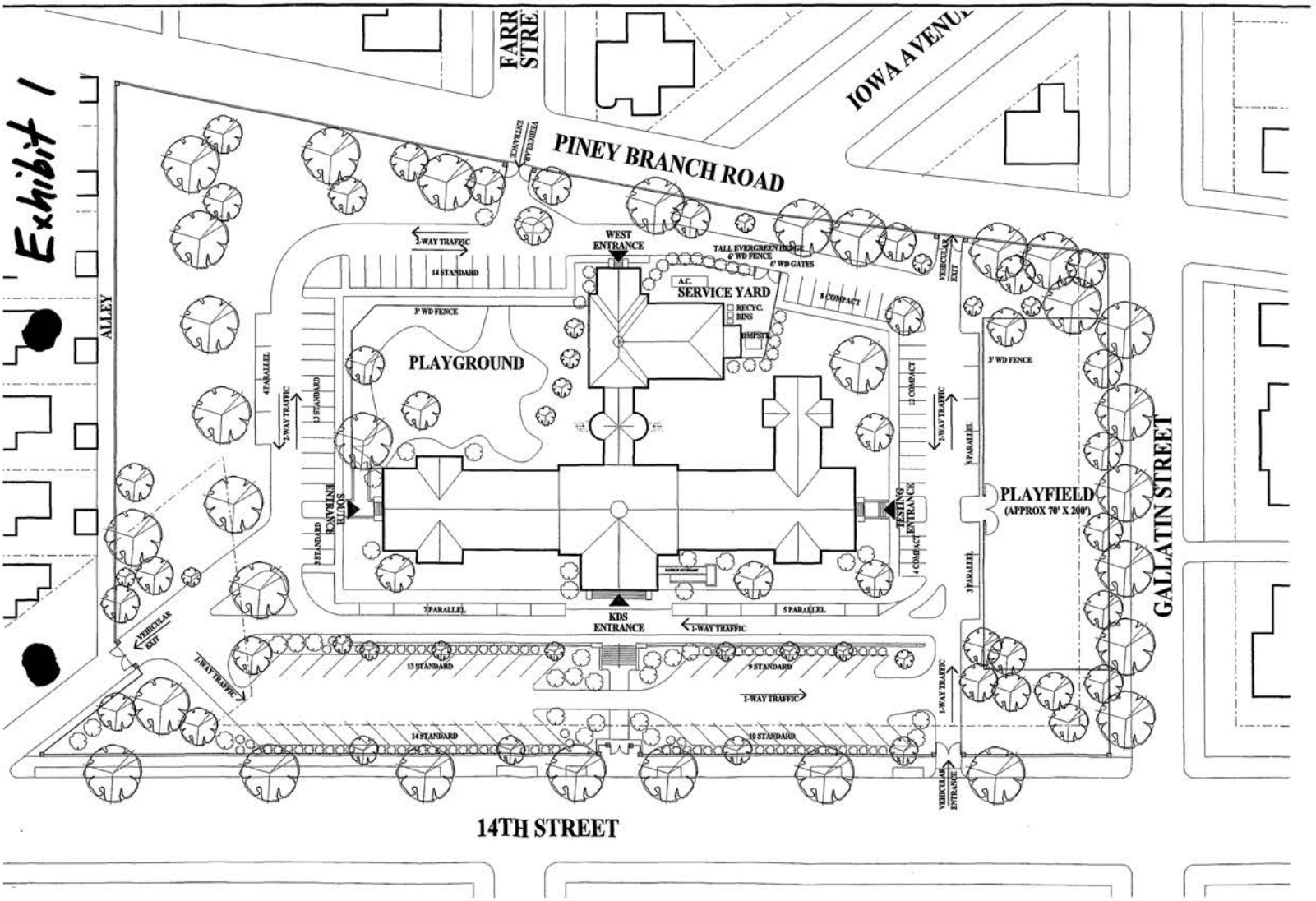

FARR STREET
IOWA AVENUE
PINEY BRANCH ROAD
EMERGENCY ENTRANCE
WEST ENTRANCE
2-WAY TRAFFIC
14 STANDARD
TALL EVERGREEN HEDGE
6' WD FENCE
6' WD GATES
VEHICULAR EXIT
A.C.
SERVICE YARD
RECYC.
BINS
DUMPSTER
8 COMPACT
3' WD FENCE
PLAYGROUND
ALLEY
4 PARALLEL
2-WAY TRAFFIC
13 STANDARD
SOUTH ENTRANCE
3 STANDARD
12 COMPACT
2-WAY TRAFFIC
3 PARALLEL
TESTING ENTRANCE
4 COMPACT
PLAYFIELD
(APPROX 70' X 200')
3 PARALLEL
7 PARALLEL
KDS ENTRANCE
1-WAY TRAFFIC
5 PARALLEL
VEHICULAR EXIT
2-WAY TRAFFIC
13 STANDARD
9 STANDARD
1-WAY TRAFFIC
1-WAY TRAFFIC
14 STANDARD
10 STANDARD
VEHICULAR ENTRANCE
GALLATIN STREET
14TH STREET

Exhibit 2

2101.1 (Continued)

USES	NUMBER OF PARKING SPACES REQUIRED
Community based residential facility:	
All districts other than C-3, C-4, C-5 (PAD):	
1 to 8 persons housed	1
9 to 15 persons housed	2
16 or more persons housed	As determined by the BZA
C-3, C-4, C-5 districts	1 for each 10 persons housed
Dormitory, sorority or fraternity house not approved as part of a campus plan:	
All districts	1 for each 5 beds
Flat:	
R-5-A	1 for each dwelling unit
All other districts	1 for each 2 dwelling units
One-family dwelling:	
All districts	1 for each dwelling unit
Publicly assisted housing, reserved for the elderly and/or handicapped:	
All districts	1 for each 6 dwelling units
Rooming or boarding house:	
All districts	1 plus 1 for each 5 rooming units
SCHOOLS:	
Child Development Center:	
All districts	1 for each 4 teachers and other employees
College or other institution of higher learning, business trade, or other school and accessory uses located on the campus:	
C-4, C-5 (PAD)	No requirement
All other districts	For each building: 2 for each 3 teachers; plus either 1 for each 10 classroom seats or 1 for each 12 stadium seats or 1 for each 10 auditorium seats, whichever is greater, except as provided in §2106
Elementary and Junior High School:	
All districts	2 for each 3 teachers and other employees

2101.1 (Continued)

USES	NUMBER OF PARKING SPACES REQUIRED
High school and accessory uses:	
All districts	2 for each 3 teachers and other employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in the largest auditorum, gymnasium or area usable for public assembly, whichever is greater
WAREHOUSE:	
All districts	1 for each 3,000 ft.^{2} of gross floor area
ALL OTHER USES:	
All districts	1 for each 600 ft.^{2} of gross floor area and cellar floor area

2101.2 Nothing contained in this section shall be construed to prohibit the establishment of accessory parking spaces in an amount which exceeds that required by §2101.1; Provided, that each case complies with all other applicable provisions of this chapter and chapter 23.

2101.3 Nothing contained in this section shall be construed to prohibit the establishment of parking spaces accessory to buildings or structures for which no required parking spaces are specified in §2101.1; Provided, that each case complies with all other applicable provisions of this chapter and chapter 23.

SOURCE: Final Rulemaking published at 31 DCR 6585, 6588 (December 28, 1984); as amended by Final Rulemaking published at 32 DCR 4374, 4378 (July 26, 1985); by Final Rulemaking published at 33 DCR 2818 (May 9, 1986); by Final Rulemaking published at 39 DCR 8305, 8309 (November 13, 1992); and by Final Rulemaking published at 40 DCR 3744, 3747 (June 11, 1993).

2102 EXCEPTIONS TO THE SCHEDULE OF REQUIREMENTS: C-4 DISTRICT

2102.1 In a C-4 district, the provisions in this section shall apply.

2102.2 The parking requirements applicable to a Disposition Lot as defined in the urban Renewal Plan for the Downtown Urban Renewal Area shall be as specified in that Plan.

2102.3 The parking spaces required pursuant to §2101.1 for office and retail and service uses need not be limited to use by employees, occupants, guests, visitors or customers of such uses and may be used for general public parking.

SOURCE: Final Rulemaking published at 31 DCR 6585, 6596 (December 28, 1984), effective March 1, 1985.

2101.1 (Continued)

USES	NUMBER OF PARKING SPACES REQUIRED
High school and accessory uses:	
All districts	2 for each 3 teachers and other employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in the largest auditorum, gymnasium or area usable for public assembly, whichever is greater
WAREHOUSE:	
All districts	1 for each 3,000 ft.^{2} of gross floor area
ALL OTHER USES:	
All districts	1 for each 600 ft.^{2} of gross floor area and cellar floor area

2101.2 Nothing contained in this section shall be construed to prohibit the establishment of accessory parking spaces in an amount which exceeds that required by §2101.1; Provided, that each case complies with all other applicable provisions of this chapter and chapter 23.

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2107 EXCEPTION TO THE SCHEDULE OF REQUIREMENTS: OUTSIDE THE CENTRAL EMPLOYMENT AREA

2107.1 The Board of Zoning Adjustment is hereby authorized to reduce or eliminate the amount of required parking spaces for nonresidential buildings or structures located outside the Central Employment Area; Provided, that the building or structure is provided with a direct connection to a Metrorail station currently in operation or for which a construction contract has been awarded.

2107.2 The parking spaces normally required are not necessary to serve the use located in the building or structure. In determining whether the parking spaces are necessary, the Board shall give consideration to the following:

(a) The nature and location of the building or structure and the nature and location of the connection to Metrorail;

(b) The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one (1) time;

(c) The amount of traffic congestion existingor which the building or structure can reasonably be expected to create in the neighborhood;

(d) The quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use; and

(e) The availability of public transportation service in the area, or a ride-sharing program approved by the District of Columbia Department of Public Works.

2107.3 If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues.

2107.4 Prior to taking final action on an application under this section, the Board shall refer the application to the District of Columbia Department of Public Works for review and report.

SOURCE: Final Rulemaking published at 31 DCR 6585, 6598 (December 28, 1984), effective March 1, 1985.

2108 REDUCTION OF PARKING SPACES: AUTHORITY OF THE BOARD

2108.1 The Board of Zoning Adjustment is hereby authorized to reduce the amount of parking spaces required for nonresidential uses by §2101.1 pursuant to the provisions of this section.

2108.2 The amount of required parking spaces shall not be reduced by more than twenty-five percent (25%); Provided, that for a use which is in the category of "All

Other Uses" in the table in §2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).

2108.3 The Board shall give consideration to the following:

(a) The nature and location of the structure;

(b) The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;

(c) The amount of traffic congestion existing or which the building or structure can reasonably be expected to create in the neighborhood;

(d) The quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use; and

(e) The proximity to public transportation,particularly Metrorail stations, and the availability of public transportation service in the area; or a ride-sharing program approved by the District of Columbia Department of Public Works.

2108.4 If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues.

2108.5 Prior to taking final action on an application, the Board shall refer the application to the District of Columbia Department of Public Works for review and report.

SOURCE: Final Rulemaking published at 31 DCR 6585, 6600 (December 28, 1984), effective March 1, 1985.

2109 APPLICABILITY OF RESIDENTIAL BUILDING

2109.1 For the purposes of §§2104, 2105, 2107 and 2108, a non-residential building or structure includes any building or structure where eighty percent (80%) or more of the gross floor area is devoted to a use other than a dwelling, flat, multiple dwelling, rooming or boarding house, community based residential facility or hospital.

SOURCE: Final Rulemaking published at 31 DCR 6585, 6600 (December 28, 1984), effective March 1, 1985.

2110 - 2114 [RESERVED]

2115 SIZE OF PARKING SPACES

2115.1 Except as otherwise provided in this section, a required automobile parking space shall be a minimum of nine feet (9 ft.) in width and nineteen feet (19 ft.) in length,

Other Uses" in the table in §2101.1, the amount of required parking spaces shall not be reduced by more than fifty percent (50%).

2108.3 The Board shall give consideration to the following:

(a) The nature and location of the structure;

(b) The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;

(c) The amount of traffic congestion existing or which the building or structure can reasonably be expected to create in the neighborhood;

(d) The quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use; and

(e) The proximity to public transportation,particularly Metrorail stations, and the availability of public transportation service in the area, or a ride-sharing program approved by the District of Columbia Department of Public Works.

2108.4 If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues.

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Exhibit 3

Vogel, Mary

Subject: FW: Kingsbury Center

RESOLUTI Kingsbury

From: <legroom@mindspring.com> at INTERNET-MAIL
Sent: Monday, April 10, 2000 1:09 PM
To: Vogel, Mary
Cc: dcstreet@smart.net at INTERNET-MAIL
Subject: RE: Kingsbury Center

Dear Ms. Vogel:
In response to your request, I am sending you via this email a working draft of the Carter Baron Neighborhood Association resolutions regarding zoning approval for the Kingsbury Center at 5000 14th Street, N.W. There may be some fine tuning of the language of the resolutions before they are submitted to the BZA. Thank you for your due dilligence on this zoning application.
Best regards,
Gael Murphy
202 722 1903

Draft April 10, 2000
CBENA RESOLUTION ON KINGSBURY CENTER PROPOSAL

The Carter Barron East Neighborhood Association (CBENA) endorses the application for special exceptions from the Board of Zoning Adjustment (BZA) in order for the Kingsbury Center to run a school at 5000 14th Street, NW, provided that certain conditions which are designed to minimize the impact of the proposed facility on our residential neighborhood are attached to the granting of the special exception.

We urge the BZA to add the following conditions to any order it issues granting the special exceptions that Kingsbury seeks:

1. Kingsbury shall manage and control all incoming and outgoing traffic to minimize any deleterious effects on the neighborhood. As the school grows in size and as experience teaches everyone concerned where problems with unacceptable traffic flow or congestion may occur, Kingsbury shall work with the community to try to adjust patterns to mitigate traffic impacts to the maximum extent practicable.

2. Kingsbury shall provide 124 parking spaces on site, as shown in the site plan. This plan shows the parking around the building, not on the perimeter of the property. In creating the driveway and parking spaces, Kingsbury shall preserve the trees and green space to the maximum extent possible. For any overflow parking, Kingsbury shall direct its clientele to park along 14th Street on its side of the street.

3. Kingsbury shall designate two persons to serve as liaisons to CBENA and a CBENA representative shall serve as liaison to the Kingsbury Board on behalf of CBENA. Any concerns that the residents of CBENA have regarding the operation of Kingsbury shall be discussed in a timely fashion, and every reasonable effort shall be made by Kingsbury to resolve problems for the residents created by their operation.

4. Kingsbury shall not exceed 300 students in the total enrollment in its school.

5. Kingsbury shall have the following hours of operation:
Monday - Friday: 8:30 am - 6:15 pm
Saturday: 8:30 am - 1:30 pm, during several months of the year
Sunday: Closed