GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: May 2, 2001

SUBJECT: BZA Application 16611

APPLICATION
Application of Edmund Burke School pursuant to 11 DCMR 3104.1, for a special exception from the provisions of Section 206 for an addition to an existing private school for 360 students and 70 teachers and staff and for a variance to §411 to allow more than one roof structure for the properties at 2969 Upton Street and 4101-4103 Connecticut Avenue, NW (Lots 27, 28 and 65, Square 2243), ("proposed site") in the R-5-D Zone District.

SUMMARY RECOMMENDATION
This application proposes to expand an existing school by constructing an addition on lots that are oriented toward Connecticut Avenue. The location of the proposed addition is a logical area for the school to expand; it places the new building away from the residential properties and along the major thoroughfare. Private schools provide educational opportunities that help draw and maintain a diverse city population.

The principal issue is whether the expansion of the school, with the requested increase in students and staff, will have an adverse impact on the neighborhood. Section 206 sets forth the criteria of possible adverse impacts, which must be avoided in order to receive a special exception. OP has analyzed the application against these criteria, which are noise, traffic, number of students, insufficient parking, or otherwise objectionable conditions, and determined that the major issue is the impact of traffic and the school's ability to mitigate that impact. OP relies on the Department of Public Works' transportation experts for analysis of the traffic issue.

The DPW memorandum, while acknowledging that the school's transportation proposal has changed since DPW's main review of the project, concludes "the proposed measures offered by the school would improve traffic congestion and safety over existing conditions... However, local residents would continue to experience traffic congestion under the proposed traffic plan and therefore the Department (of Public Works) does not support the application..." Therefore, OP cannot support the application.

BZA
Case No. 16611
Exhibit No. 12
Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.12

OP believes, that with regards to the addition, the applicant has met the test for the variance pursuant to §411.11.

DATA SUMMARY

	Existing School	Addition	Total
Zoning	R-2 (existing)	R-5-D	
Address	2955 Upton Street, NW	4101-4103 Connecticut Ave, 2969 Upton Street, NW	
Lot and Square	Lot 67 Square 2243	Lots 27, 28, 65 Square 2243	Lots 27, 28, 65 and 67
Land Area	22,050 sf	14,305 sf	36,355 sf
Enrollment	(270 approved) 299 students	90 students (61 new students)	360 students
Staff	(35 approved) 59 staff	25 staff (11 new staff)	70 staff
Parking	25 behind bldg.	48-50 underground	73

Revised Traffic Management Plan 4/10/01

BACKGROUND

The Edmund Burke School ("the school") was established in 1968 as an independent co-educational school for grades six through twelve. The school moved to its current location at 2955 Upton Street after BZA approval in September 1973 (BZA Number 11428). An addition was approved by the BZA for the school in 1983 (Order Number 13986). The order included an increase in enrollment to 270 students.

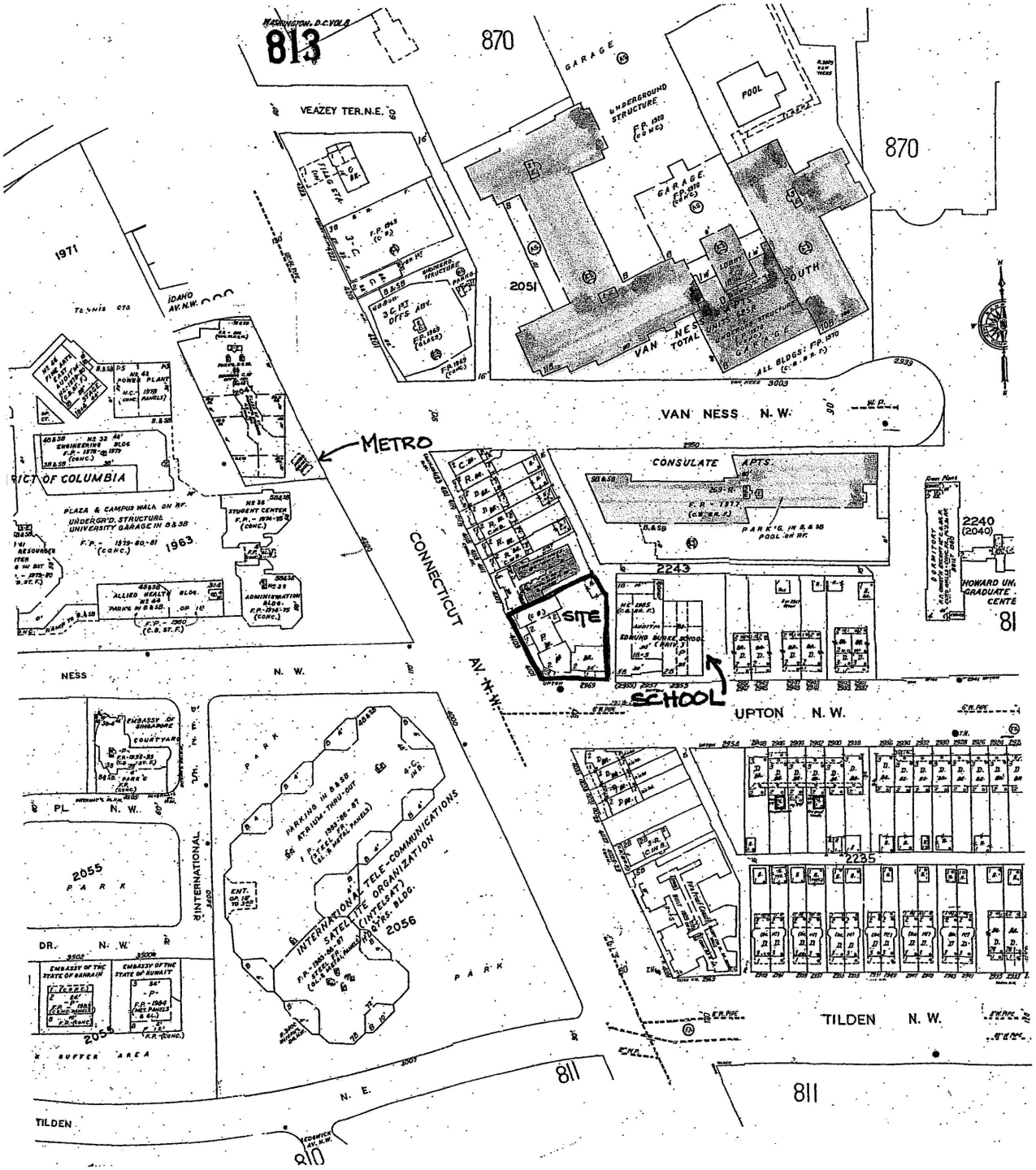
Records indicate that the property has been used for a school since 1911 with the Devitt School and Science School for Dumbarton College preceding the Edmund Burke School.

SITE AND AREA DESCRIPTION

The school site and proposed addition consist of four lots in two zoning districts at the northeast corner of Connecticut Avenue and Upton Street, NW. The existing school is on lot 67 and is zoned R-2. The proposed site for the school's addition consists of three lots fronting on Connecticut Avenue, at the northeast corner of Upton Street and Connecticut Avenue, NW directly across the alley from the current school. All three lots of the proposed site are zoned R-5-D.

The neighborhood to the east of the school is zoned R-2. The southern side of Upton Street to 29th Street is developed as rowhouses. Along the northern side of Upton Street, heading east, are six semi-detached dwellings, the Levine School of Music, portions of Howard University Law School and several large detached residential houses.

North and west of the school, including the proposed site for the school's addition is an R-5-D district that parallels Connecticut Avenue. The area is characterized by medium to high-density residential developments consisting of row houses and apartment buildings of varying heights and bulk. Van Ness Street runs parallel to Upton Street behind the school. This block of Van Ness is developed with high-density residential apartment buildings. At the northwest corner of Van Ness Street and Connecticut Avenue is the Van Ness Campus of the University of the District of Columbia. The proposed site is located within one block of the Van Ness Metrorail station and adjacent Connecticut Avenue bus service.



APPLICANT'S PROPOSAL

The applicant proposes to purchase three lots along Connecticut Avenue and construct a new 28,167 square foot school building for the middle school students. Grades six through twelve currently share the existing school facility. The new building will allow the school to improve their arts and music programs and increase total student enrollment to 360 with an increased total staff of 70 teachers and employees.

The building and site plan have been modified several times in response to concerns voiced by the neighborhood and the ANC regarding traffic, circulation, and alley congestion. The final plan proposes a five-story structure that will include additional classrooms, a library, computer rooms, art and music rooms, a 150-seat auditorium and 48-50 parking spaces (depending on the transportation management plan) on two underground levels. The existing facility would be used for the high school students.

The application states that the building has been designed within the building restrictions of the R-5-D zone.

Student Enrollment and Staffing

In 1983, the BZA approved an addition to the school and an increase in enrollment to 270 students and a staff of 35. The enrollment has increased to a current student body of 299 students and the staff to 59. The requested special exception will accommodate an increased enrollment up to 360 students. The applicant stated that their optimum class size is 15 students. The proposed addition will allow the school to offer a program that accommodates 240 high school students and 120 middle school students. A total staff of 70 teachers and employees is proposed with the application.

Each of the high school classes would receive five (5) new students; the remaining 70 new students would be in the middle school, which will be oriented towards Connecticut Avenue.

Hours of Operation

The core school hours will be from 8:25 A.M. to 3:30 P.M. The after school programs will operate until 6:30 P.M.

Trash Collection and Pickup

According to the application, trash will be collected in the new building and will be serviced by a private contractor between 8 A.M. and 6 P.M.

Daily Visitors

The few parents who might park and visit the school during the day will utilize available visitor spaces behind the school or use on-street parking.

Transportation Management Plan (TMP)

Drop-off and pick-up of students is of particular concern to the residential neighborhood. The neighbors have expressed concern over the impact of drop-off stacking along Upton Street, the congestion created from turning traffic and traffic within the alley system. The rear alley is the sole access to the garages of the adjacent six residential units along Upton Street. The applicant proposed a TMP in the fall of 2000. After several meetings with the neighborhood, the

neighbors asked the applicant to provide 72 parking spaces on-site, preserve the eastern side yard as a buffer for the residential neighbors instead of using it as a driveway, mitigate school traffic congestion in the alley, and orient the traffic and circulation toward Connecticut Avenue.

The applicant subsequently revised the TMP and their building plans to address the neighbor's concerns and achieve the objectives of the proposal. They submitted seven new alternative TMPs to the neighborhood and the Department of Public Works. These new TMPs include:

- Preservation of the eastern side yard as a buffer for the residential neighbors,
- Creation of a pull-off or lay-by on Upton Street in front of the existing school,
- Creation of a driveway to the new building on Connecticut Avenue to create a circular drop-off system beneath the new school building (by making changes to the 1st floor plan),
- Addition of underground parking in the new building to accommodate fifty (50) new spaces with access from Connecticut Avenue.
- Prohibition of stacking on the south side of Upton Street,
- Hiring a traffic control officer to regulate the flow of drop-off traffic,
- Financial incentives for staff to use Metrorail.

The TMPs state emphatically that the alleys will be unobstructed at all times and a traffic officer will be employed to keep traffic moving. The neighborhood, however, has equally stressed their feeling that the situation is currently intolerable, and any increase in enrollment will only increase the adverse impact from the school's traffic.

Traffic

The pre-hearing statement includes a detailed Traffic Impact Analysis (TIA). The TIA and six alternative TMPs have been provided to the Department of Public Works for review and comment. The TIA reports that the intersections around the proposed site and school operate at a Level of Service (LOS) A, B or C eastbound and northbound. The westbound approach from Upton Street to Connecticut Avenue and the Van Ness and Connecticut intersection, both operate at a LOS F in the morning peak hour. The Van Ness/Connecticut intersection improves to LOS C in the evening peak while the westbound approach of Upton Street to Connecticut Avenue remains at LOS F.

The TIA projects that trip generation related to the school addition will be increased by 51 trips during the morning peak hour (includes in and out traffic) and 42 trips during the afternoon peak hour (includes both in and out traffic). Including the reduction of trips caused by the removal of the existing buildings, the TIA projects a *net increase* of 28 AM trips and 34 PM trips.

The alley is currently used by all surrounding residents including the high-rise apartments on Van Ness, the rowhouses on Upton and the residences down to Tilden. The alley system also serves the properties adjacent to it that front on Connecticut Avenue, and the school. The alley is

used for access to residents' parking and trash pickup for adjacent residents and the school's parking.

The revised TMPs were reviewed by the Department of Public Works. DPW has provided a separate detailed memorandum regarding their analyses and recommendation.

EXISTING ZONING AND RELIEF REQUESTED

The existing school is located in the R-2 district. The proposed site is within the R-5-D zone.

The R-5 districts are designed to permit a flexibility of design by permitting all types of urban residential development. The R-5 districts also permits the construction of institutional and semi-public buildings that are compatible with adjoining residential uses. The R-5-D district permits "relatively high height and density."

Uses permitted as a matter of right in the R-5-D zone include medium-high density apartments, fraternity and sorority houses, hospitals, clinics, museums and rooming houses. As a point if comparison, OP estimates that the lots under consideration could accommodate a matter-of-right apartment building with 55-60 units, based on the size of the proposed lot, an allowable 3.5 FAR and a typical apartment size of 800 square feet.

The building and density standards are listed in the following table:

R-5-D	By-Right	Proposed Addition
Height	90 feet	68 feet
Lot Occupancy	75 %	75 %
FAR	3.5	2.0 approx.
Rear Yard	15	25

Both the R-2 and the R-5 districts permit, with the approval of the BZA, private schools if their location does not result in objectionable impacts on the neighborhood pursuant to special exception provisions of Section 206.

VARIANCE

The applicant seeks approval from the Board for a variance to §411 for an additional roof structure to house mechanical equipment. Section 411.11 allows for such a variance when the Board finds that §411 is impractical due to "operating difficulties, size of building lot, or other conditions relating the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable."

After hearing from the adjoining property owner, the applicant designed the roof top mechanical equipment in a manner that distances the air conditioning compressors as far as possible from the adjoining apartment building in order to eliminate any noise that may arise from the units. The design of the new school building has been prepared to include the operational requirements of the student body and certain circulation and parking facilities. The design is such that the

applicant cannot locate all the mechanical equipment in one structure on the southern edge of the roof, away from the apartment building. Therefore, they have requested a variance to allow two roof structures. The second structure would allow the applicant to distance the compressors away from the adjoining neighbors and mitigate any possible noise.

The roof structures are setback from the edge of the roof a distance equal to their height. OP concludes that a single roof structure is unreasonable due to the building design and operating difficulties; that two roof structures would not adversely affect the light and air of adjacent properties; and that the variance will not "materially impair the intent of purposes" of the zoning regulations.

SPECIAL EXCEPTION

Section 206 permits a private school use in an R-2 and R-5 district if approved by the Board of Zoning Adjustment as a special exception in accordance with the provisions of Subsection 3104.1. Such school must also be so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions; and ample parking must be provided.

ANALYSIS

Noise Levels

Noise levels stemming from indoor use of the schools should not be a problem because it would likely be contained. The addition approved by the BZA in 1983 was constructed with 14-inch masonry walls in an effort to contain noise from the school. The new proposed building will be constructed along Connecticut Avenue and should not have a significant noise impact on the residential portions of the neighborhood, which are east of the existing school. One of the elements considered in redesigning the building was to relocate the air conditioning condensers away from the neighboring apartment building to the north. This was done in response to concerns expressed by the building's owner about possible noise. The condensers would be located in a second roof structure, which is impetus for the variance request.

The outdoor activities area would be located on the north side of the building on the forth floor, which puts the area near roof level of the adjoining apartment building. The outdoor space would accommodate passive activities and provide an outdoor area for students to gather for lunch. It would be used during the day when most residents are at work.

Traffic and Parking

The Department of Public Works has reviewed all the traffic reports and proposed mitigation measures from the applicant. DPW has prepared a separate detailed report for the Board.

Parking

The applicant has reconfigured and redesigned the building to include 48 new spaces on the site of the new addition. The existing building has 24 parking spaces, as approved by the BZA in 1983 in conjunction with the approved 270 students and the 35 staff. The application before the Board now addresses an increase in students of 90 and staff of 35. OP agrees with the applicant's assertion that the required new parking must address the new addition, thereby requiring 23 spaces for the increase in staff. The zoning regulations further require a space for every 10 seats in the largest gathering space. The existing auditorium in the existing building is the school's largest space and its parking is covered by the existing BZA order. The applicant

has, however, provided 48 additional spaces. The additional 48 spaces proposed with the new addition satisfy almost any calculation arrangement.

There has been concern expressed that some of the spaces are tandem and therefore not within compliance with the zoning regulations. §2117.3 reads that the spaces must be accessible at all times. The garage and its parking spaces are clearly under the full and continued control of the school and OP feels that, in light of the unilateral control, the use of tandem spaces is not in violation of the zoning regulations. The DPW report also indicates their feeling that the parking requirements have been satisfied.

Number of Students
The educational program is primarily focused inside the building, but there are some outdoor activities that cause the students to walk though the neighborhood to the park or the Howard Law school fields. The school reports that they make repeated contact with the surrounding properties and businesses and encourage them to report any unseemly behavior from the students.

It appears that the largest potential impact on the neighborhood as a result of the proposed new students would be primarily drop-off and pick-up traffic, as noted above. The new school proposal will provide an additional 28,167 square feet of floor area for a proposed additional ninety (90) students. The new addition also includes an outdoor terrace area and courtyard that will be available for student use.

Compliance with Section 3104.1
The BZA must find that approval of the special exception will not bring with it "substantial detriment to the public good" and that it will not impair the intent, purpose and integrity of the Zoning Regulations and Map.

A private school is permitted as a special exception in both R-2 and R-5 districts with BZA approval. The expansion of the Edmund Burke School at the proposed site provides a logical fit with the existing school building. The proposed site orients the school toward the high-density activity of Connecticut Avenue and not toward the residential neighborhood to the east. The proposed site is zoned for medium-high density residential and identified for high density on the General Land Use Map. OP believes that the Edmund Burke School expansion along Connecticut Avenue is a reasonable prospect and such a use along a high intensity corridor and near a Metro station would not impair the intent, purpose and integrity of the Zoning Regulations and Map, However, OP recognizes DPW's conclusion that there is continued adverse impact due to traffic and circulation.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates the proposed site and adjacent land to the north as high density residential. Schools are considered to be part of the fabric of a residential community. As the Comprehensive Plan notes in Subsection 102.3, "Many city neighborhoods also include integral commercial and institutional uses that contribute to their character. Neighborhood businesses, schools, park and recreational facilities, churches and other public facilities all add to the livability of our communities. These uses must be protected, stabilized and improved."

COMMUNITY COMMENTS

Advisory Neighborhood Commission 3F recommend denial of the application at their meeting of October 16, 2000 by a vote of 3 to 2, with 1 abstention (one member recused himself from all discussion due to a conflict of interest).

On their meeting of April 23, 2001, the ANC again recommended denial of the project by the same vote. They stressed their strong concerns about an increased level of school traffic, current congestion in the alley caused by traffic and parking, and the lack of parking during school days and special events. They also stated concern about what recourse is available if the school does not comply with the conditions of an approval.

AGENCY COMMENTS

The Department of Public Works has analyzed the seven traffic management plans submitted by the applicant and while DPW concluded that the traffic management plans offer elements that may improve the current traffic situation, they also concluded the proposed expansion would continue the existing traffic congestion and therefore could not support the application. Their report and recommendation is attached.

RECOMMENDATION

Based on the Department of Public Works analysis, the Office of Planning believes the full implementation of the revised TMP could mitigate some of the current adverse impacts currently affecting the neighborhood. However, based on the Department of Public Works conclusion that the proposal will have an adverse impact on the existing neighborhood, OP cannot recommend approval of the special exception for the addition to the Edmund Burke School, at 4101-4103 Connecticut Avenue, NW and 2969 Upton Street, NW (lots 27, 28 and 65, Square 2243).

If however, DPW's concerns can be addressed, or the Board wishes to approve the application, OP recommends that the following conditions be placed on the special exception:

- Approval of the Traffic Management Plan by DPW and adherence to any related conditions imposed by DPW,
- A schedule of events be provided to the ANC by the school, at least in September and January,
- The scheduling committee between Howard Law School, Levine School of Music and the applicant be re-initiated to eliminate conflict of activities and resulting imposition on the neighborhood,
- An enrollment report be provided each fall to the ANC and the BZA file, to verify the enrollment figure is not surpassed.

OP believes the applicant has met the test for the variance for an additional roof top shelter pursuant to §411.11.

AA/jls$_{AICP}$