DCMR 18

VEHICLES AND TRAFFIC

★ ★ ★

D.C. OFFICE OF DOCUMENTS

JUNE 1987

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.152A2

MARION BARRY, JR.
MAYOR

ALAN S. WINTER
ACTING DIRECTOR OF DOCUMENTS

2401 LOADING AND UNLOADING VEHICLES

2401.1 If no curb space is available within a reasonable distance, a passenger vehicle may stand parallel and as near as practicable to other parked vehicles, only long enough to take on passengers who are actually waiting at the curb or to leave off passengers.

2401.2 Unless prohibited by §2402, a vehicle may stop parallel and as near as practicable to parked vehicles while loading; Provided, that the vehicle while so parked will not unreasonably impede or interfere with orderly two-way traffic, or on a one-way street, that at least one lane is kept open for moving traffic.

2401.3 On any street, highway, or any portion of a street or highway, where parking is prohibited but stopping and standing are not prohibited, passenger vehicles may stop momentarily to load and unload passengers, and any vehicle may stop long enough to actually load and unload materials.

2401.4 When stopping to load and unload school children along the roadway, a school bus driver shall pull as far to the right as is safe, at a place on the roadway where there is three hundred feet (300') or more of clear sight distance to the front and rear, and stop only for such time as is actually necessary to take on or discharge passengers.

2401.5 Before making a stop to load or unload passengers, a school bus driver shall actuate the flashing white stroboscopic light not less than three hundred feet (300') distant from the stop, and allow the light to remain flashing until the bus resumes motion after the stop.

2401.6 At each stop to pick up or discharge one or more school children, the school bus driver shall actuate the flashing red light during the time that the bus is stopped to pick up or discharge passengers, and shall turn off the light when the bus resumes motion.

2401.7 Commercial vehicles shall not be parked at an angle to the curb or perpendicular to the curb on any roadway or alley except for the delivery of coal or objects which require the services of two (2) or more men or special equipment (such as a winch or hoist) to load or unload, and then only for so long as may be actually necessary for such loading or unloading.

2401.8 A four-wheeled, animal-drawn vehicle, a tractor-trailer, or tractor semi-trailer combination shall stand so that the animals or tractor are parallel with the curb, facing in the direction of traffic.

2401.9 In the following designated market areas, vehicles may park at an angle to the curb when parking of vehicles is otherwise permitted:

(a) The west side of 7th Street, S.E. between C Street and North Carolina Avenue; and

2208.9 The driver of a vehicle or the motorman of a streetcar approaching a "YIELD" sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in this section, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he or she is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

2208.10 A driver who has yielded in accordance with §2208.9, may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; Provided, that if the driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of failure to yield the right-of-way.

2209 RIGHT-OF-WAY: SCHOOL BUSES

2209.1 The driver of a vehicle approaching from any direction a school bus on which a warning light is flashing, shall prepare to stop the vehicle and shall bring the vehicle to a complete stop not less than fifteen feet (15') from the school bus; Provided, that this requirement shall not be complied with by a driver approaching a school bus from the opposite direction on a street with a median strip divider.

2209.2 A driver who has stopped for a school bus, in accordance with this section, shall not proceed until the visual signals are no longer actuated.

2210 EMERGENCY VEHICLES AND APPARATUS

2210.1 Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this title, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2408 PROCEDURES FOR POSTING TEMPORARY OR EMERGENCY PARKING RESTRICTIONS (Continued)

2408.3 Whenever, the erection of signs, ropes, cables, or other barricades is required under the provisions of §2407, the services of the members of the Metropolitan Police Department, the Department of Transportation, and the Department of Environmental Services may be employed for such purpose.

2408.4 Whenever the Director is authorized to erect signs under certain emergency conditions in accordance with §2407, the failure to comply with the requirement that such signs shall be erected "at least the length of time in advance that parking is normally legally permitted" shall not authorize the further parking of vehicles after the actual erection of such signs, except those vehicles which are authorized to park after the erection of signs.

2409 RESTRICTED USE OF BUS, TAXICAB, AND SIGHTSEEING ZONES AND STANDS

2409.1 The Director is authorized to have signs prohibiting parking or standing placed at bus stops, zones, and stands; taxicab stands; and sightseeing stands, and is authorized to determined the dimensions of all such stands.

2409.2 Signs shall be erected after investigation by the Department of Transportation with representatives of the Washington Metropolitan Area Transit Authority and area bus and taxi companies.

2409.3 No person shall stand or park a vehicle other than a bus in a bus stand, or other than a taxicab in a taxicab stand, or other than a sightseeing vehicle in a sightseeing stand; Provided, that a driver of a passenger vehicle may stop momentarily in a stand for the purpose of and while actually picking up or discharging passengers, as long as such stopping does not interfere with any bus, taxicab, or sightseeing vehicle about to enter the stand designated for the use of such vehicle.

2409.4 The driver of any vehicle parked in a bus, taxicab, or sightseeing stand in accordance with §2409.3, shall at all times remain within five feet (5') of the vehicle.

2409.5 The prohibition against parking or standing at such stands shall be effective at all times, unless the restricted periods have been otherwise designated and signs posted accordingly.

2409.6 **"NO STANDING"** areas for zones and stands for public transit buses shall be of the following sizes:

TEN YEAR INCREASE IN TRAFFIC AND PARKING NEEDS AT ST. PATRICK'S

1990	1999	2002
Increase from 390 to 440	440[1]	440

Table 1. Increase in the Number of Students

1990	1999	2002
60	60[2]	80 full-time, 20 part-time at Whitehaven Campus

Table 2. Increase in St. Patrick's Staff

1990	1999	2002
3.2 students per car 116 cars, 6 vans	no traffic study done no increase in students	1.3 students per car 338 cars

Table 3. Increase in Student Related Traffic

1990	1999	2003
3.2 students per car 116 cars, 6 vans	no traffic study done no increase in students	1.3 students per car 385 cars, 2 buses

Table 4. Projected Increase in Traffic with an Increase of 60 Students

---

[1]Source: 1999 BZA oral testimony Application No. 16517. Request to enlarge classroom building and add a gymnasium. Student and staff figures remain consistent with 1990 request.

[2] 42 diagonal parking spaces at top of Whitehaven, the church lot (30) and 62 interior parking spaces in the gymnasium adequately serve Whitehaven campus staff parking needs. Teachers at 4925 MacArthur Boulevard Campus will park on campus in 15 existing spaces.

EXCERPT: ROBERT L MORRIS INC, "TRAFFIC ANALYSIS ST. PATRICK'S EPISCOPAL SCHOOL, OCT 1990" CASE FILE BZA ORDER 15374 OCT 17 1990

School Operations

The expansion, to a maximum of 440 children, from the current enrollment of 390 children, would result in 50 more children coming to the site each day. There would be a phased-in staff increase:

2 persons in 1990

1 person in 1991

3 persons in 1992

2 persons in 1993

for a total of eight additional staff members in four years.

The following modes of travel are currently used by children attending the school.

1% by Metro and walk

15% in vans, at 12 per van

84% by auto, at 3.2 per car

Assuming the same mode split for the 50 additional children, there would be 14 additional vehicles coming to the site. Adding eight more vehicles for the increased staff, there would be a total of 22 vehicles arriving, and 14 vehicles departing during the morning rush hours. (The school's operation does not affect evening rush hours.)

The current trip orientation, during times of

ST. PATRICK'S
1990 TRAFFIC LOADING ON WHITEHAVEN

STUDENTS IN 1990	MODE OF TRAVEL		STUDENTS BY MODE	STUDENT PER VEHICLE	NUMBER OF VEHICLES
440	METRO	1%	4	NA	0
440	VAN	15%	66	12/VAN	6
440	AUTO	84%	370	3.2/CAR	116
TOTAL NUMBER OF VEHICLES					122

Source for mode of travel percentages and student per vehicle information taken from "Robert L. Morris Inc., Traffic Analysis, St Patrick" Episcopal School, October, 1990."

Traffic Plan Fact Sheet

Response to St. Patrick's Episcopal Day School's Proposal to Locate Grades 7 and 8 Program

at 4925 MacArthur Boulevard

April 2, 2002

St. Patrick's has purchased 4925 MacArthur Boulevard and is requesting a special exception from the Board of Zoning Adjustment to use the property for academic use (no athletics) for up to 60 students in Grades 7 and 8.* The BZA hearing is scheduled for April 16, 2002 at 1:00 pm.

4925 MacArthur Traffic Plan: Not Zero Impact for the Community

- Parents would drop students off on MacArthur, 49th or Ashby Street rather than drive to Whitehaven Parkway and stand in traffic to have students bused back to MacArthur Boulevard;
- Teachers would access the parking lot on Ashby Street throughout the day via MacArthur Boulevard or 49th Street;
- Overflow from teachers and any events at the MacArthur Boulevard location would use neighborhood parking.

Whitehaven Traffic: Not zero Impact for the Community

- Cars on Whitehaven would increase from 116 in 1990 to 385 in 2002 - over a 300% increase;
- St. Patrick's has 80 full-time and 20 part-time staff who do not car pool;
- 46 additional cars would be introduced to Whitehaven with 60 students in the junior high using St. Patrick's figure of 1.3 students per car;
- Approximately 870 St. Patrick's-related cars would enter and exit Whitehaven Parkway every day;
- 145 shuttle buses from Mt. Vernon will enter and exit Whitehaven Parkway every day;
- Parking spaces on the northeast corner of Whitehaven, from Foxhall to the entrance of Mt. Vernon, would be removed to allow access through St. Patrick's car pool line for Mt. Vernon shuttle buses;
- Public parking on the north side of Whitehaven would be removed from the entrance to Mt. Vernon to Ginger's Lane to reduce congestion created by St. Patrick's as part of a DDOT demonstration project to ensure a reduction in the congestion from St. Patrick's car pool line;
- Commuters and Lab School teachers would no longer be able to park on north side of Whitehaven from entrance to Mt. Vernon to Ginger's Lane and would be forced to park on neighborhood streets;
- St. Patrick's has ample parking for all its staff and parent volunteers in the gym lot, the church lot and diagonal spaces but has not used it effectively.

Affect of Shuttle Buses on the Neighborhood: Not Zero Impact for the Community

- The shuttle bus loop would travel from Whitehaven to MacArthur Boulevard, to Ashby Street, to Arizona Avenue, to Loughboro Road, to Foxhall Road and return to Whitehaven Parkway;
- Two 22 foot, 30 passenger buses are being considered by St. Patrick's;
- Student arrival/departure by shuttle bus (or HOV-3 vehicles) to the existing Metro bus pad located directly in front of 4925 MacArthur;
- Student loading /unloading estimated to take approximately one minute (industry standard) assuming 60 seventh and eighth grade students are perfectly organized and waiting in line to enter and exit the shuttle bus;
- All traffic on the school side of MacArthur would stop while the school shuttle bus loads and unloads students;
- Students will be transported by shuttle bus between campuses during the day for chapel, lectures and special events and at the end of the day for after school activities and sports following the loop through Palisades' neighborhoods..

* Note: The BZA filing asks for 60 students in Grades 7 through 9.

St. Patrick's
EPISCOPAL DAY SCHOOL

PETER A. BARRETT
Head of School

St. Patrick's Episcopal Day School
Dismissal Carpool Program: *Summary, 4/3/02*

Purpose

At the core of the Dismissal Carpool Program treated in summary fashion below is an effort to change families' fundamental approach to delivering children to—and retrieving them from—school, an approach that currently undervalues carpooling. That effort best begins with the afternoon carpool, where St. Patrick's can more effectively structure its first, more aggressive initiative in this area and assess the results. St. Patrick's will then design an Arrival Carpool Program based on those results, for implementation by November 1, 2002.

Goal

The immediate goal of the Dismissal Carpool Program is to increase the average vehicle occupancy (AVO) of students picked up at the Whitehaven Parkway Campus from the current afternoon AVO of 1.34 to an AVO of at least 1.59. A subsequent goal is to increase the current morning AVO of 1.39 to an AVO of 1.59. The goal results from our discussions with DDOT, based on the calculation which, when applied to arrival carpool, results in no net increase in vehicles with the addition of vehicles carrying Grades 7 and 8 students to the Whitehaven Campus.

Plan Elements

The Dismissal Carpool Program will be comprised of several elements, including:

- community education,
- carpool marketing,
- a preferential dismissal time for carpooling families,
- monitoring success in meeting AVO goals,
- a system of financial disincentives if the program fails to meet its minimum AVO goal and monitoring mechanisms for parental compliance, and
- further monitoring of success in meeting AVO goals.

Plan Review

St. Patrick's will seek further review from DDOT and ANC 3D of the emerging carpool plans and of data from monitoring of the program.

ST. PATRICK'S EPISCOPAL DAY SCHOOL
MacARTHUR CAMPUS: 4925 MacARTHUR BOULEVARD
WHITEHAVEN CAMPUS: 4700 WHITEHAVEN PARKWAY
TRAFFIC ANALYSIS
WASHINGTON, D.C.

Prepared for:
St. Patrick's Episcopal Day School

Prepared by:
Wells & Associates, LLC

April 2, 2002

Approximately half of all cars exiting the PU/DO lane in the morning turn right and exit Whitehaven Parkway onto Foxhall Road, as the existing written policy regarding exiting toward MacArthur Boulevard is more strictly enforced in the afternoon. Eighteen (18) parents/guardians (or about a quarter of all parents/guardians) picked their children up at the curb rather than the PU/Do lane during the afternoon peak 15 minutes.

No special events or sports competitions were held on the day of the traffic counts.

Average Vehicle Occupancy

The average number of students dropped off at St. Patrick's on a typical morning is approximately 1.39 students per car. The average number of students picked up on a typical afternoon is 1.34 students per car.

Approximately two-thirds of all cars drop off one student, a quarter drop off two students, and five percent drop off three students. One car dropped off four students and one car dropped off five students.

This closely matches the average number of Elementary School students per family (i.e., 332 families enroll 439 students, or 1.32 students per family). This indicates that few families carpool.

Dwell Times

Dwell time is the elapsed time between the time a vehicle enters and exits the St. Patrick's driveway. It took 25 seconds to one-minute-41-seconds for drivers to enter the driveway, drop off a student or students, and then exit the driveway during the morning drop-off on Wednesday, December 12, 2001. The average dwell time was just under a minute (58 seconds).

The George Washington University
WASHINGTON DC

AT MOUNT VERNON COLLEGE

OFFICE OF THE EXECUTIVE DEAN

February 21, 2002

Ms. Alma Gates
4911 Asby Street, NW
Washington, DC 20007

Dear Alma,

The following will respond to your request for information regarding our anticipated use of Whitehaven Parkway once the new Whitehaven entrance to the campus is opened:

- As you know, per agreement with the community and as required by the BZA order approving over Campus Plan, all GW students, faculty, staff, vendors and shuttle buses will use the new entrance exclusively. Use of the W Street entrance will be restricted to visitors.

- As of fall 2002, there will be approximately 440 students in residence on campus, at least half of whom will be freshmen. University experience is that about 15 percent of students bring cars. Because of the high proportion of freshman, the percentage may be lower for our campus, but let us assume about 65 student automobiles. Please note: resident students' in cars will use of Whitehaven only occasionally, as they use the shuttle bus to get back and forth to Foggy Bottom for classes and activities.

- Shuttle buses currently run from 6:00 am through 2:00 am (3:00 am on weekends). Off-hours, the shuttles are less frequent. Peak class hours, we may run two shuttles, or a shuttle and a back-up van. Roughly, the shuttle volume that can be expected is:

  - **6:00 am – 8:00 am**, every 20 minutes, for a total of 6 shuttle vehicles coming or going each hour;

  - **8:00 am – 6:00 pm**, every 10 minutes, a total of 12-16 shuttles coming or going each hour;

  - **6:00 pm – 12:00 am**, every 20 minutes, 6 shuttles coming or going every hour;

  - **12 am – 2/3:00 am**, every 30 minutes, 4 shuttles coming or going every hour.

- Currently, about 98 full-time, part-time, and contract staff, and 65 faculty, work on campus. While staff come and go at "normal" shift times (7:00/8:00/9:00 am-3:00/4:00/5:00/6:00 pm) faculty come and go as dictated by their particular class and office hour schedules.

- Vendors include up to 11 trucks per business day.

- Once the parking garage is open, there will be more than adequate parking on campus to accommodate all of the above: students, faculty, staff, and shuttles and vendors while they are on campus, as well as athletic department vehicles. We have prohibited parking by all on adjacent neighborhood streets, including Whitehaven. We recommended in our Campus Plan that all parking be prohibited on the north side of Whitehaven.

The latter proposal is, obviously, particularly important in light of St. Patrick's plan to create three lanes on Whitehaven. The northern-most lane will be absolutely necessary for us to access the campus during St. Patrick's pick-up and drop-off times. We, the community, St Patrick's will also need to prevent cars in the pick-up/drop-off lines from blocking egress from the campus for those vehicles, including shuttles, needing to turn left and go eastward up to Foxhall.

The new northern lane will have to be designed. We already know that there is a possibility that we will have to redesign our entrance somewhat, cut back our curb, in order for traffic to access our entrance and the lane as it continues westward beyond our entrance towards MacArthur Boulevard.

Finally, I should note that we are going to work with St. Patrick's immediately to develop ways around and through the pick-up line as we plan on opening the Whitehaven entrance in mid-March. It would be helpful if the city could see its way to providing the third lane access and instituting the absolute prohibition on north-side parking sooner rather later. In the interim, we will have to work out some traffic management alternative.

Sincerely,



Grae Baxter

cc: Peter Barrett

BUFFERS

Buffers provide visual screening and some noise mitigation between properties. There are a number of different candidates for such sight and sound buffers, but most often they are evergreen to assure visual screening year round. Typical screening candidates cited as appropriate for the Washington area are Leyland Cypress, Arborvitae, Holly, and White Pine. Height and width can vary among the specific choices. For example, Leyland Cypress can be 30 to 40 feet high and 12 to 15 feet wide. Green Giant Arborvitae can reach a height of 25 to 30 feet high and 12 feet wide. Certain types of Holly can reach 20 feet high and 15 feet wide. White Pine and Deodar Ceder used by St. Patrick's in the past can reach larger dimensions at maturity—over 20 feet wide.

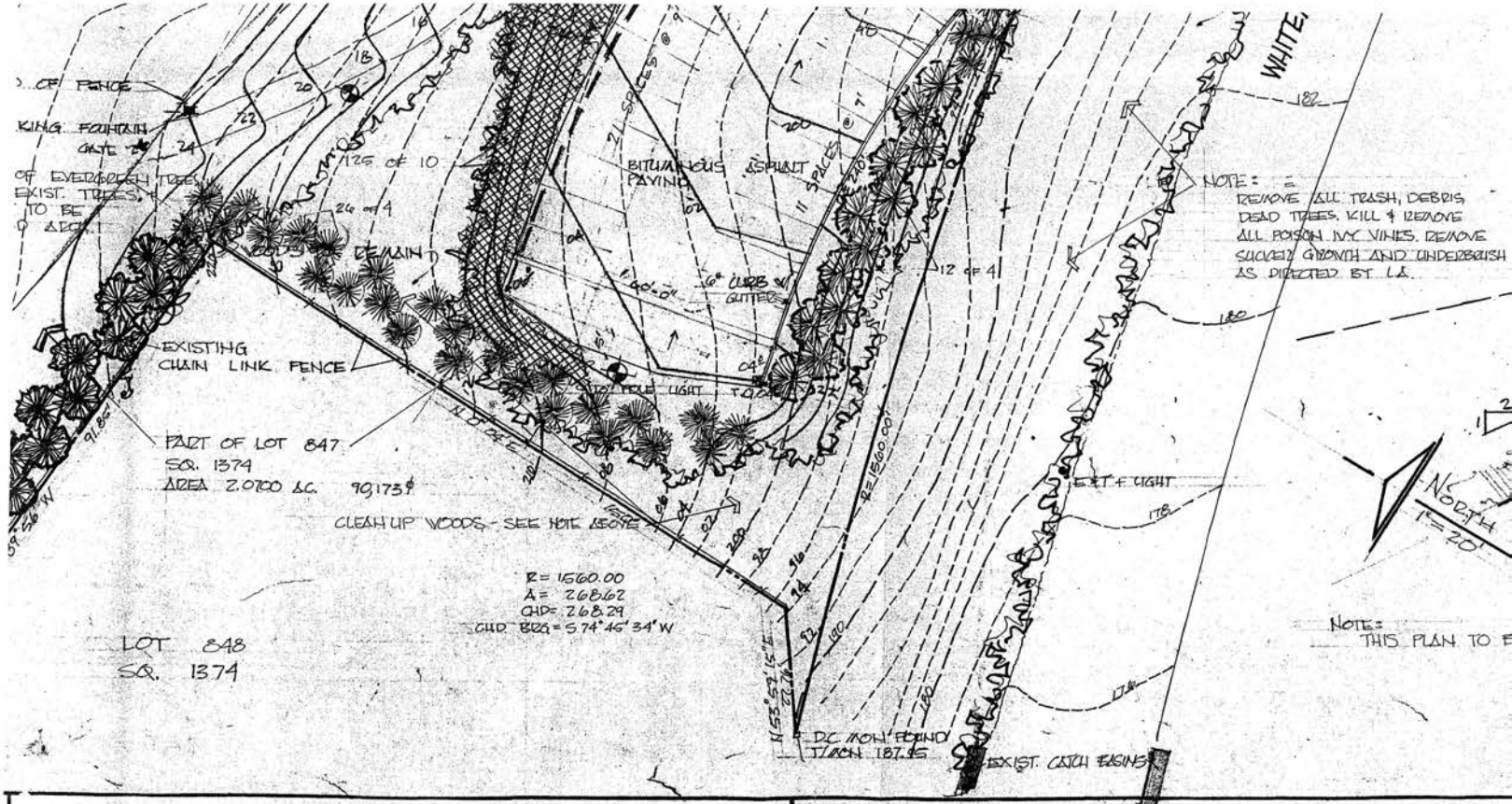
St. Patrick's has used buffers in a number of its expansions. In BZA Order No 14009 issued in 1983, the BZA set out the condition of a staggered line of trees, primarily Deodar Cedar and White Pine, in its expansion of the St. Patrick's Whitehaven campus and creation of a parking lot. In the 1983 Order, two rows of evergreen trees in a staggered layout comprised a buffer of 16 to 18 feet on the landscape plan submitted as part of the Order (attached).

In 1990, the BZA required screening between the St. Patrick's project and adjacent residential uses.

In 1999, in another renovation and addition of gymnasium, BZA Order 16517 stated that the evergreen buffer required in BZA Order 14009, as amended, would be maintained to mitigate the visual and aural effects of the project. In the same Order the BZA also stated that St. Patrick's shall install and maintain evergreen trees along the southern edge of the playing field.

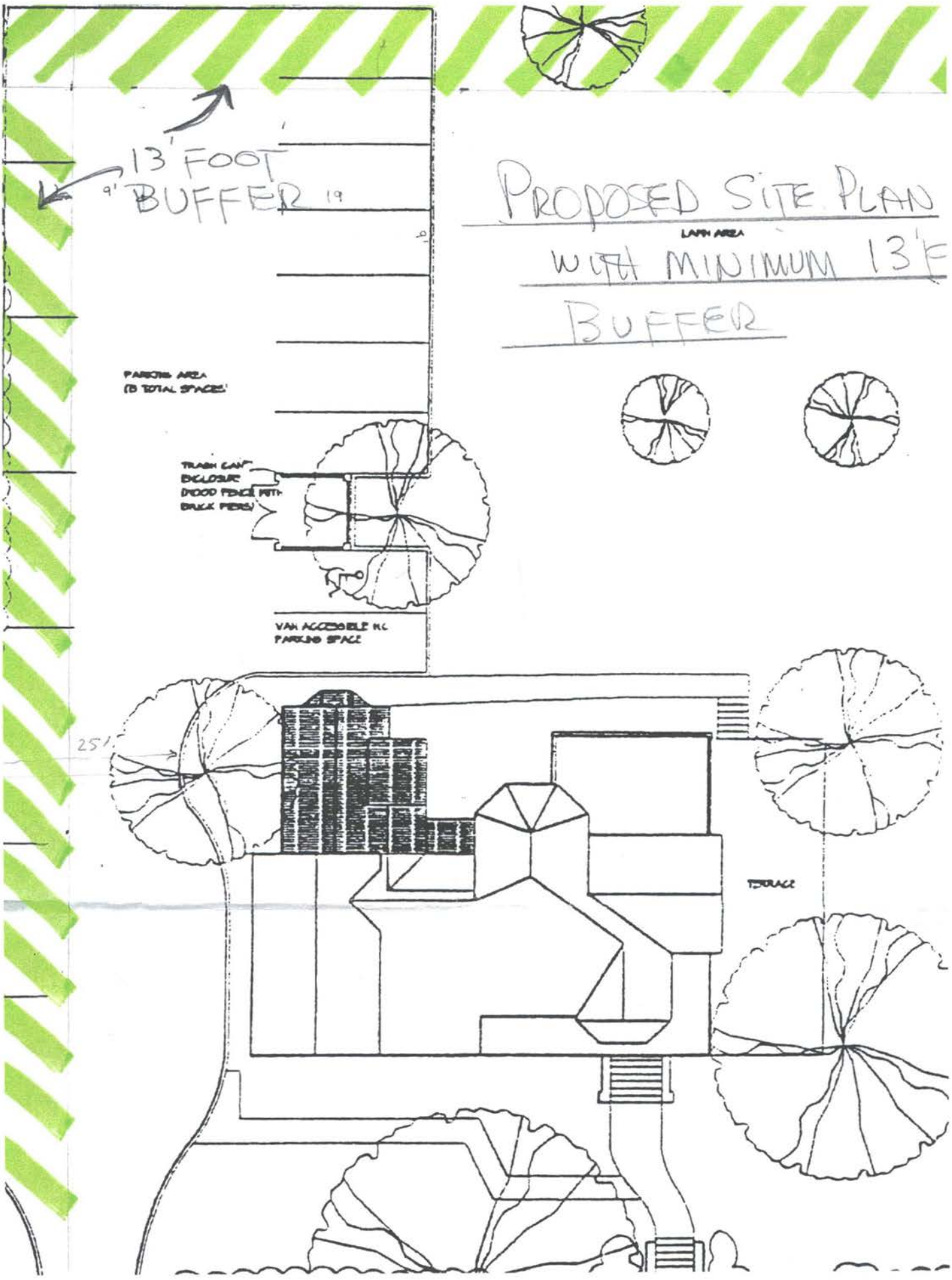
St. Patrick's was informed of the neighbors concerns about the visual and sound impacts of having daily high density school usage at the proposed site in a number of meetings. The location of adjacent houses, with house walls as close as 3 feet from the perimeter of the proposed property are facing considerable disruption to their daily life from noise and the comings and going of school students and faculty throughout the day.

The establishment of a buffer presents problems for the proposed site because the site is so small. Any workable buffer that includes a staggered line of evergreens as was established in the 1983 BZA Order would entail taking up to 12 to 16 feet around at least two sides of the perimeter of the property. This use of land for a buffer in turn would eliminate a number of the proposed parking places along the boundry between St. Patrick's and the immediate and adjoining neighbors. Depending on the size of the buffer, the proposed use of the site for a school could be in jeopardy because there would not be enough parking spaces. St. Patrick's could increase the size of the parking lot, but that would lessen the green space around the proposed school building. Further, the buffer would also decrease the circulation space for vehicles near the entrance of the property, resulting in undue congestion. For example, any buffer placed against the fence that separates the proposed site and its neighbors to the east will constrict egress of cars coming and leaving the property as there is only about 25 feet between the fence on the eastern perimeter of the proposed school property and one of the trees beside the east side of the proposed school building. Before any approval of the special exception is granted to establish a school on the property at 4925 MacArthur, a full impact from establishment of a buffer on the ability of the school to meet all applicable requirements for parking and vehicle circulation should be completed.



LANDSCAPE DRAWING
FROM BZA ORDER 14009 (1983)
Recd 6/22/ OH K. P

ST. PATRICK'S EPISCOPAL CHURCH AND DAY SCHO
4700 WHITEHAVEN PARKWAY, N.W.
WASHINGTON, D.C. 20007


13' FOOT
9' BUFFER 19
PROPOSED SITE PLAN
WITH MINIMUM 13' F
BUFFER
PARKING AREA
(13 TOTAL SPACES)
TRASH CAN
ENCLOSURE
WOOD FENCE WITH
BRICK PIERS)
VAN ACCESSIBLE HC
PARKING SPACE
25'
TERRACE

ST. PATRICK'S VIEW OF THE PROPOSED SCHOOL



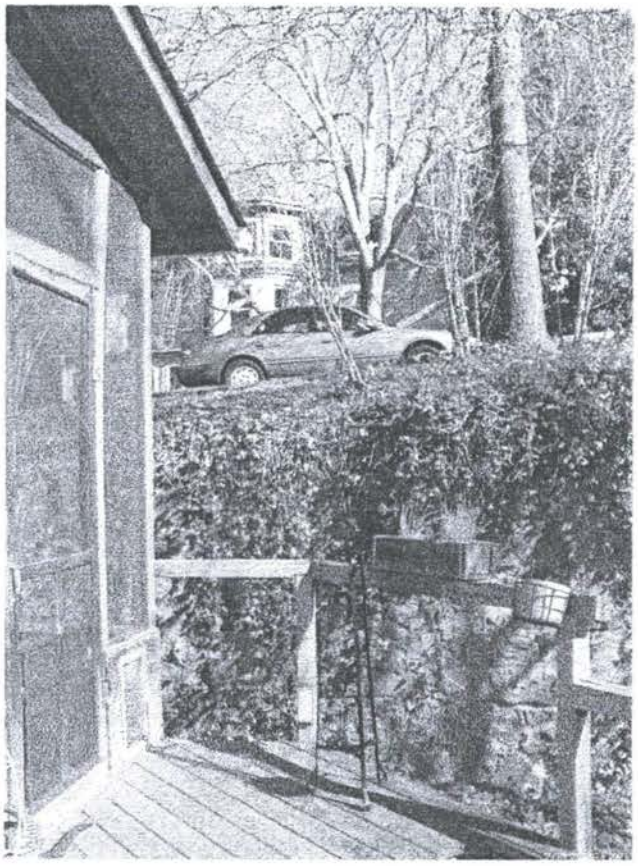
(Photo from the Northwest Current of March 27, 2002)

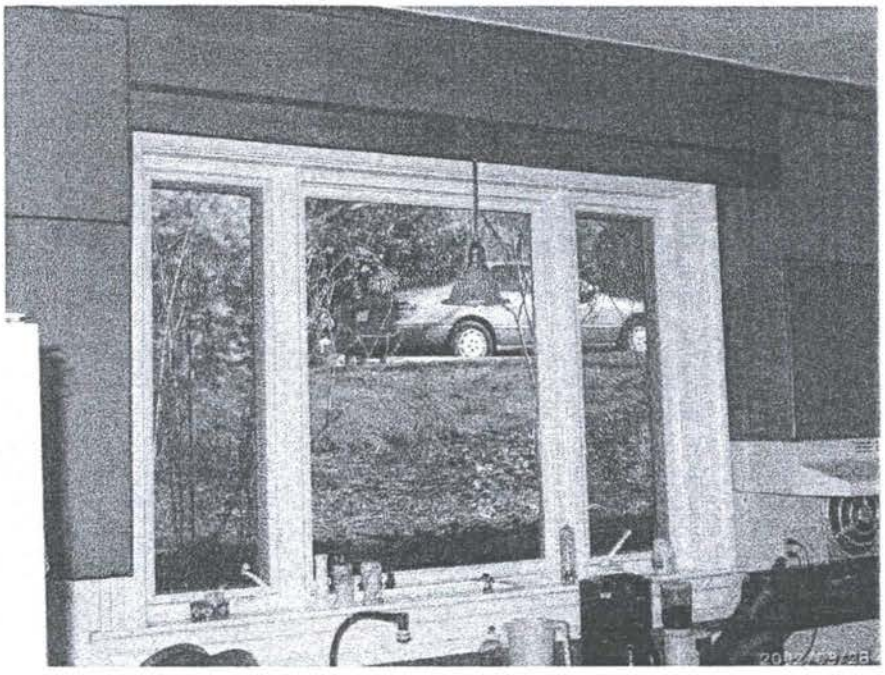
THE NEIGHBORS' VIEW OF THE PROPOSED SCHOOL



This photograph shows the proximity of 4925 MacArthur Boulevard to other houses and the typical crowding on Ashby Street when cars are parked on both sides.

THE NEIGHBORS' VIEW OF THE PROPOSED SCHOOL





These photographs are from one of the nearest neighbors' houses.

The View from Next Door

As concerned citizens of the community and, not least, as the owners of a home that shares roughly 140 feet of boundary with the property that St. Patrick's proposes to use to house 60 students, 8 full-time and 4 part-time faculty, we wish to endorse for the record the concerns raised by community representatives regarding potential negative impact on the neighborhood. As immediate neighbors, we wish to add our special concerns, which include the following:

- **Traffic backups:** Having a school bus stop to unload students at the Metrobus pad 2-3 times during the 7:30-8:15 a.m. window will cause traffic backups on MacArthur Boulevard during the early morning rush hour, blocking or slowing egress from our driveway or from curb parking, delaying the normal flow of Metrobus traffic (4 buses between 7:30 and 8:02), and increasing the risk of fender-bender activity in the next block or two to the south. It is unrealistic to expect a busful of teenagers to unload in one minute, and however long it takes, traffic will be halted by the flashing school bus signals, resulting in backups of vehicles seeking to turn onto MacArthur Boulevard from Ashby and W Streets.

- **Parking congestion:** The existing parking lot has limited capacity. There is certain to be spillover onto MacArthur Boulevard and Ashby Street, reducing the availability of on-street parking for ourselves, our immediate neighbors, and our guests. Parking restrictions in the form of a longer bus pad or zoned parking would represent negative changes from the more relaxed patterns of at least 15 years' standing.

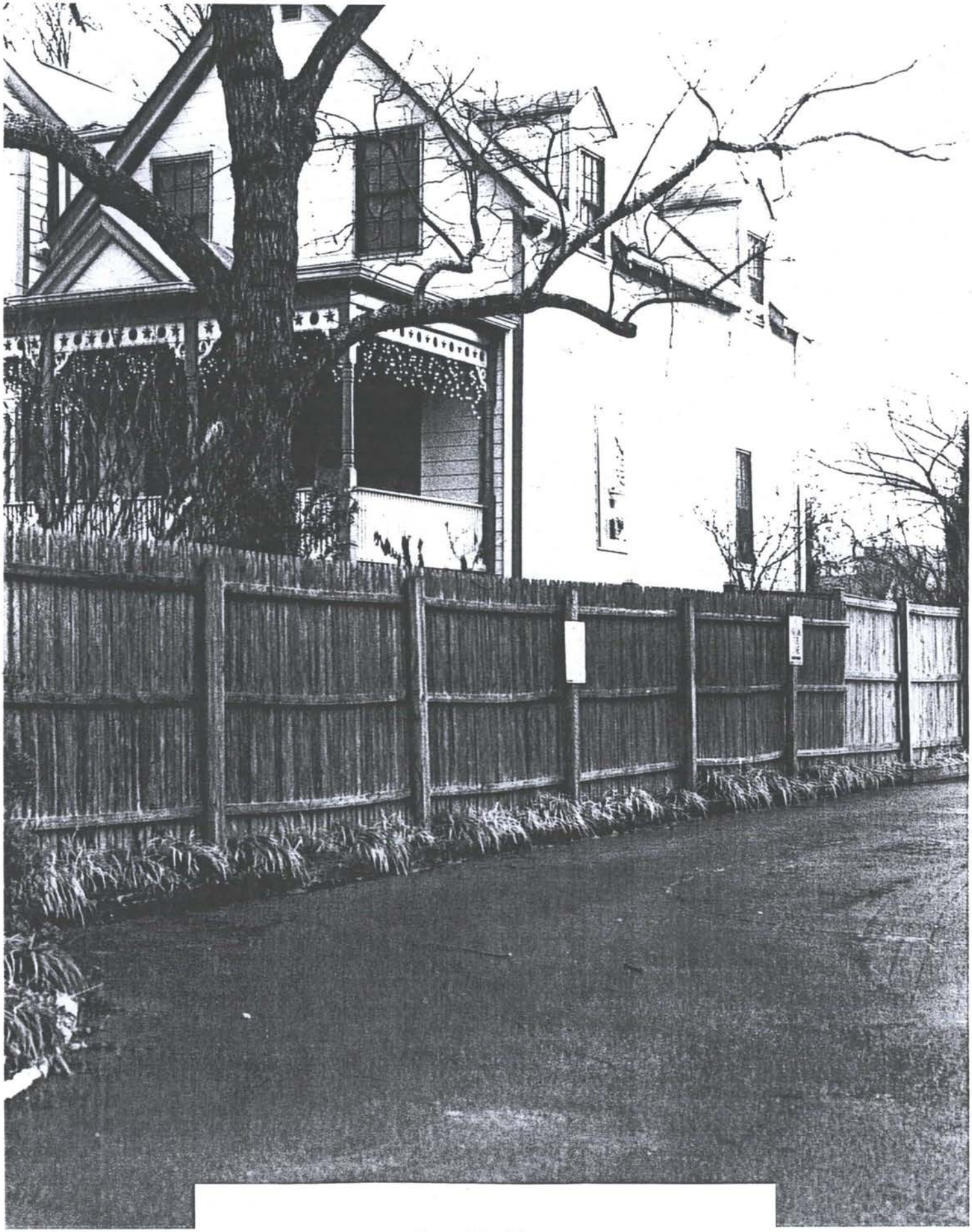
- **Air pollution:** From our back deck we can touch the wall separating the properties. We could, were we so inclined, visually inspect the exhaust systems of cars parked in the current parking lot. The prospect of the lot being filled 5 days a week, rather than the current 2 half-days a week, is daunting, particularly when moribund exhaust systems on older vehicles or malodorous catalytic converters on new vehicles come into play. We do not want these gases on our back porch and in our yard.

- **Noise pollution:** The noise studies conducted have focused on changes in ambient noise levels on MacArthur Boulevard. The proper measurement point if neighborhood impact is to be assessed correctly is the back yards of the immediately contiguous houses. It is inconceivable that we will be able predictably to relax on and enjoy the yards and porches behind our properties in the manner to which we have become accustomed over many years. **There is simply not adequate space for an effective sound buffer.**

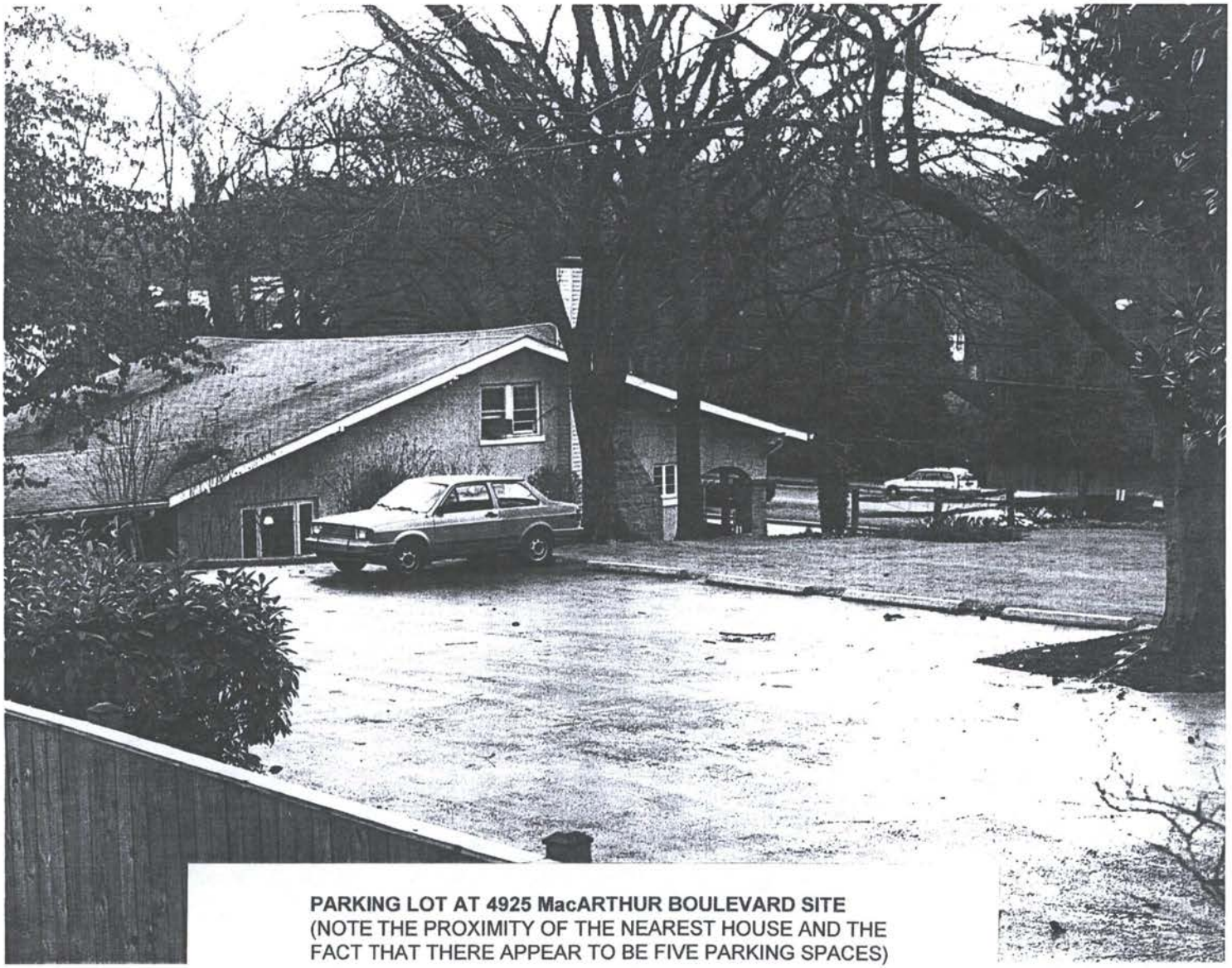
These issues have an immediate and deleterious effect on the quality of life of neighbors in close proximity to 4925 MacArthur Boulevard. Allowing use of the property for a school sets an extremely **bad precedent for a residential neighborhood.** None of these issues would be as serious should the residential density of the property in question be increased, by the presence of additional housing units, which furthermore would require no special exception.

We strongly encourage you to refrain from supporting requests for changes that would so seriously impact the day-to-day lives of your neighbors.

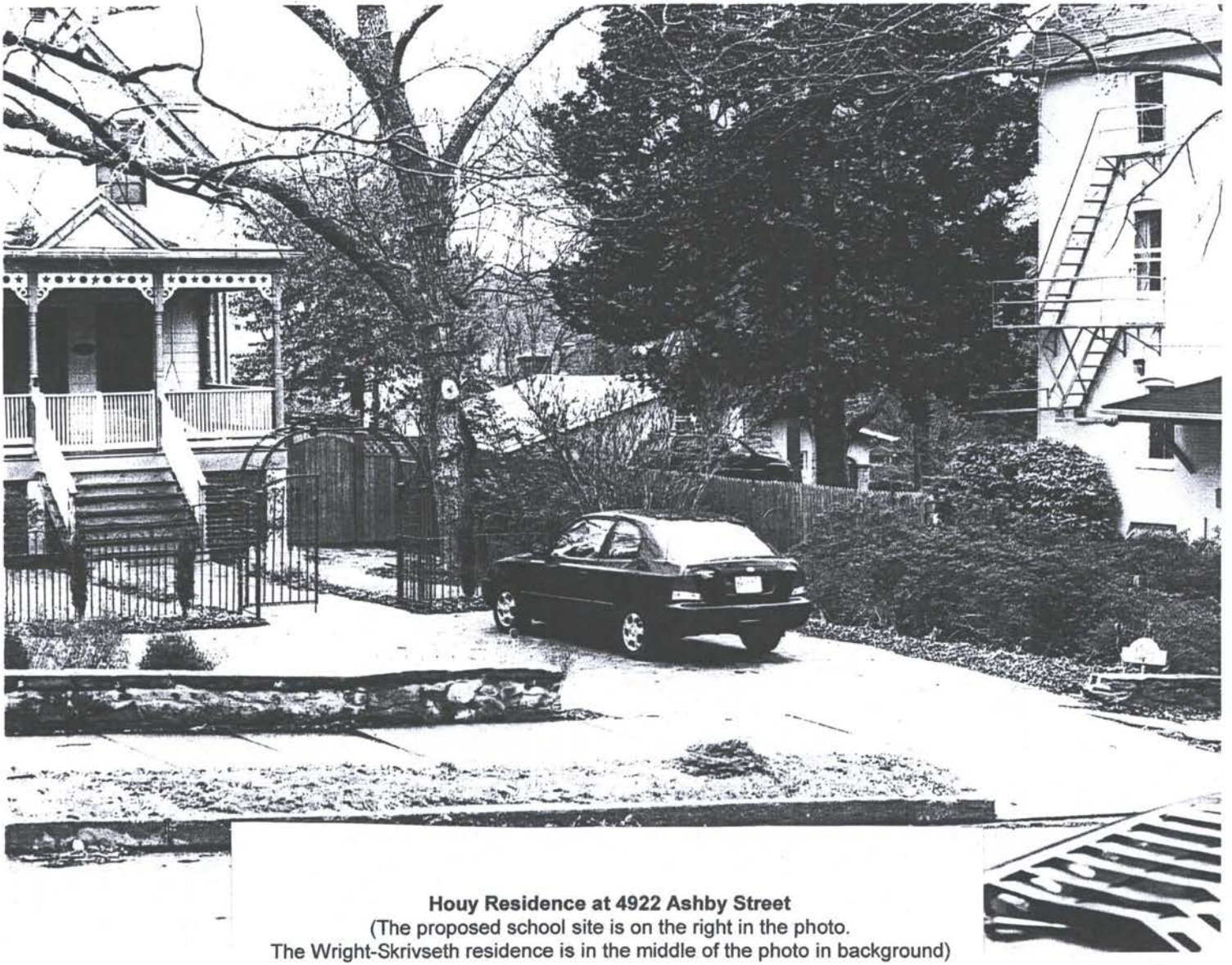
Cathy M. Wright and Lawrence T. Skrivseth
4913 MacArthur Boulevard



Houy Residence
(Taken from driveway of proposed jr. high school site)



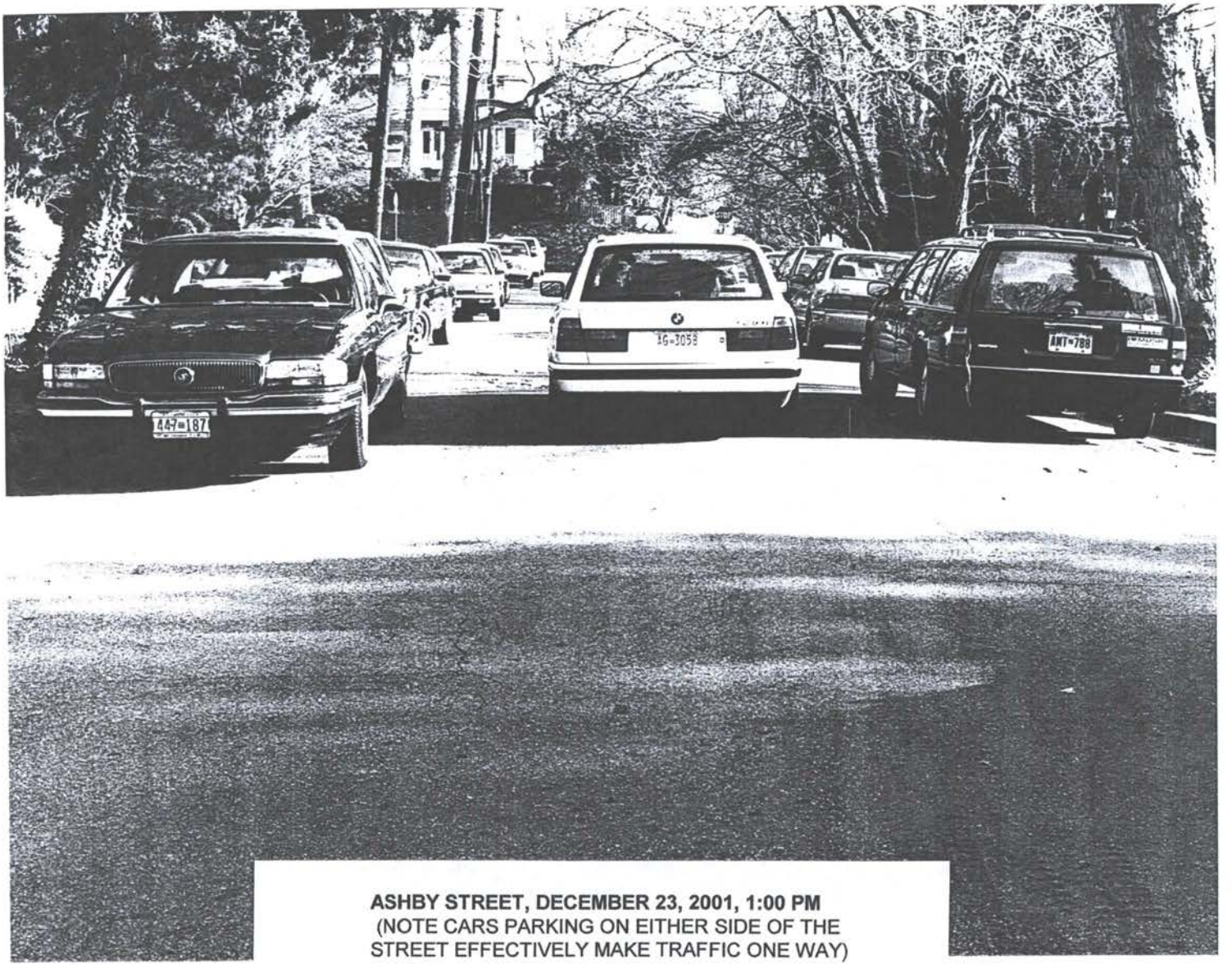
PARKING LOT AT 4925 MacARTHUR BOULEVARD SITE
(NOTE THE PROXIMITY OF THE NEAREST HOUSE AND THE FACT THAT THERE APPEAR TO BE FIVE PARKING SPACES)



Houy Residence at 4922 Ashby Street
(The proposed school site is on the right in the photo.
The Wright-Skrivseth residence is in the middle of the photo in background)

ASHBY STREET PARKING

Ashby Street NW is a small residential street about 400 feet long and 25 feet wide that exits on MacArthur Blvd on the west end, and ends at 49 th street in a T junction on the east end. There are ten residential houses in addition to the proposed site at the corner of Ashby and MacArthur Blvd. These houses are small single family homes with several retired members of households that average 2 to 4 people per household. The number of driveway cuts on Ashby Street is 9 and a number of families use Ashby Street for parking for second cars as well as friends and family who come to visit. There are currently about 21 parking spaces on Ashby Street (using a figure of 22 feet per space arrived at by taking actual measurements between DC city parking meters). This number of available parking spaces reflects the number of driveway cuts and appropriate distances reserved for access to city hydrants and distances before the two stop signs at either end of Ashby Street. Any overflow parking from St. Patrick's school would cause hardship for the houses that do not currently have dedicated driveways as well as the other neighbors who use parking for ancillary uses.



ASHBY STREET, DECEMBER 23, 2001, 1:00 PM
(NOTE CARS PARKING ON EITHER SIDE OF THE STREET EFFECTIVELY MAKE TRAFFIC ONE WAY)

4911 Ashby Street, NW
Washington, DC 20007

April 8, 2002

Mr. Dan Hoang
Fire Protection Engineer
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE
Suite 2000
Washington, DC 20002

RE: 4925 MacArthur Boulevard
BZA Application #16852

Dear Mr. Hoang:

Thank you for taking the time to discuss the subject property located at 4925 MacArthur Boulevard which has been purchased by St. Patrick's Episcopal Day School as the proposed site for a junior high school. Further, thank you for clarifying several statements in a follow up letter to you from Allison C. Prince of ShawPittman dated March 12, 2002.

It is my understanding from our conversation that it is not within your purview to issue any statements regarding fire safety other than to state that access for fire apparatus should be provided at the address of the property. That is to say the official access point for the fire department would be in front of 4925 MacArthur Boulevard. Where fire apparatus actually locates itself upon arrival at the site with respect to the building is at the discretion of the fire department. As the fire hydrant is located at the intersection of MacArthur Boulevard and Ashby Street, your apparatus could utilize access at either or both locations.

You further confirmed that only the Fire Marshall can designate fire lanes and that fire lanes are not located on public property. Therefore, neither MacArthur Boulevard nor Ashby Street would be designated as fire lanes.

Please do not hesitate to contact me at (202) 338-2218 if you have any questions.

Sincerely,

Alma H. Gates

Alma H. Gates

cc: Allison C. Prince

D.C. Law

2-90

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 1978

To authorize the Fire Chief of the District of Columbia to require and regulate the placement and maintenance of fire lanes and fire hydrants on certain private property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA.

That this act may be cited as the "Fire Lanes and Fire Hydrants Act of 1977".

Sec. 2. The Fire Prevention Code of the District of Columbia (Title 7. D.-C.R.R.) (hereinafter referred to as the "Code") is amended as follows:

(a) Section 1.17 of part i of chapter 1 of the Code is amended but inserting in alphabetical sequence the following definitions:

"Commercial purpose means the occupancy or use of a building or structure or any portion thereof, for the display, sale, shelter, or storage of goods, wares, products, vehicles, or merchandise, and the transaction of administrative, business or professional services.

"Industrial purpose means the occupancy or use of a building or structure or any purpose thereof, including open spaces appurtenant thereto, where work is performed in manufacturing material or products.

"Multiple dwelling means a building or structure or any portion thereof, in which there are three (3) or more dwelling or rooming units, occupied or offered for occupancy". (b) Chapter 111 of the Code is amended by adding the following new part to read as follows:

"PART 34-FIRE LANES AND FIRE HYDRANTS

"Sec. 34.1 Designation of Fire Lanes

"Sec. 34.2 Installation of Fire Hydrants

"Sec. 34.1 DESIGNATION OF FIRE LANES.

"(a) The Fire Chief is authorized to require and designate fire lanes on private property used and occupied for assembly, commercial, educational, industrial, institutional or multiple dwelling purposes, or on property occupied by clusters of two (2) or more dwellings to which access is proviate roads, for the purpose of prohibiting parking in front of or adjacent to fire hydrants, fire escapes and egress facilities, and providing access to such property for fire apparatus and emergency vehicles.

"Fire lanes designated by the Fire Chief shall be weather and of sufficient with a surface durable to all firefighting apparatus used by the Fire Department. Such fire lanes shall have a minimum width of twenty (20) feet, unless the Fire Chief determines that a reduced width, which shall be no less than twelve (12) feet, will not adversely affect access by fire apparatus and emergency vehicles.

"(c) It shall be the duty of the owner of property affected by this section to maintain designated fire lanes in good repair and free of obstructions. Overhead objects, including overhanging tree limbs, shall not be lower that fourteen (14) feet above the surface of a fine lane. Accumulations of snow or ice shall be removed from fire lanes with eight (8) hours after the snow or sleet has stopped falling. The Fire Chief may order that the curbs of fire lanes be painted a specific color, and be repainted as often as necessary to remain distinct.

"(d) The Fire Chief may order that signs reading "FIRE LANE NO PARKING ANYTIME" be mounted along the side of the fire lane in such numbers and locations as he may direct. "NO PARKING" signs shall be designed and installed as follows: constructed of properly treated aluminum 0.063 inches thick, 12 inches wide and 18 inches long, with rounded corners. The words "FIRE LANE NO PARKING ANYTIME" shall be painted in red on a white reflectorized background, with each word occupying one line. The sign shall be mounted either on a channelized steel "U" post, or on an adjacent building wall. The bottom

of the sign shall be no less than seven (7) feet above the ground. Where necessary, directional arrows shall be placed below the last word. The words "By Order of the Fire Chief" shall be painted in ½ inch letters at the bottom of the sign. The Fire Chief may order that amended specifications be substituted for the foregoing. (in order to conform with changes in the Department of Transportation's specifications for traffic signs, or otherwise) after publication in the District of Columbia Register as required by sections 6 and 7 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code, secs., 1-1505 and 1-1506). The owner of the affected property shall maintain "NO PARKING" signs so they are clearly legible.

"(e) The cost of construction, installation, painting, maintenance and repair of the Fire lanes and "NO PARKING" signs required pursuant to this section shall be borne by the owner of the affected property.

"(F) It shall be a violation of this section to park any vehicle in a fire lane designated pursuant to this section.

"(1) To park any vehicle on private property in violation of this section shall be a misdemeanor. Any person convicted of such a violation shall be subject to the penalty provided in section 1.20 of this title.

"(2) Any vehicle parked in violation of this section may be removed and impounded by the Metropolitan Police Department in the manner provided by section 91 or part 1 of the District of Columbia Highways and Traffic Regulations.

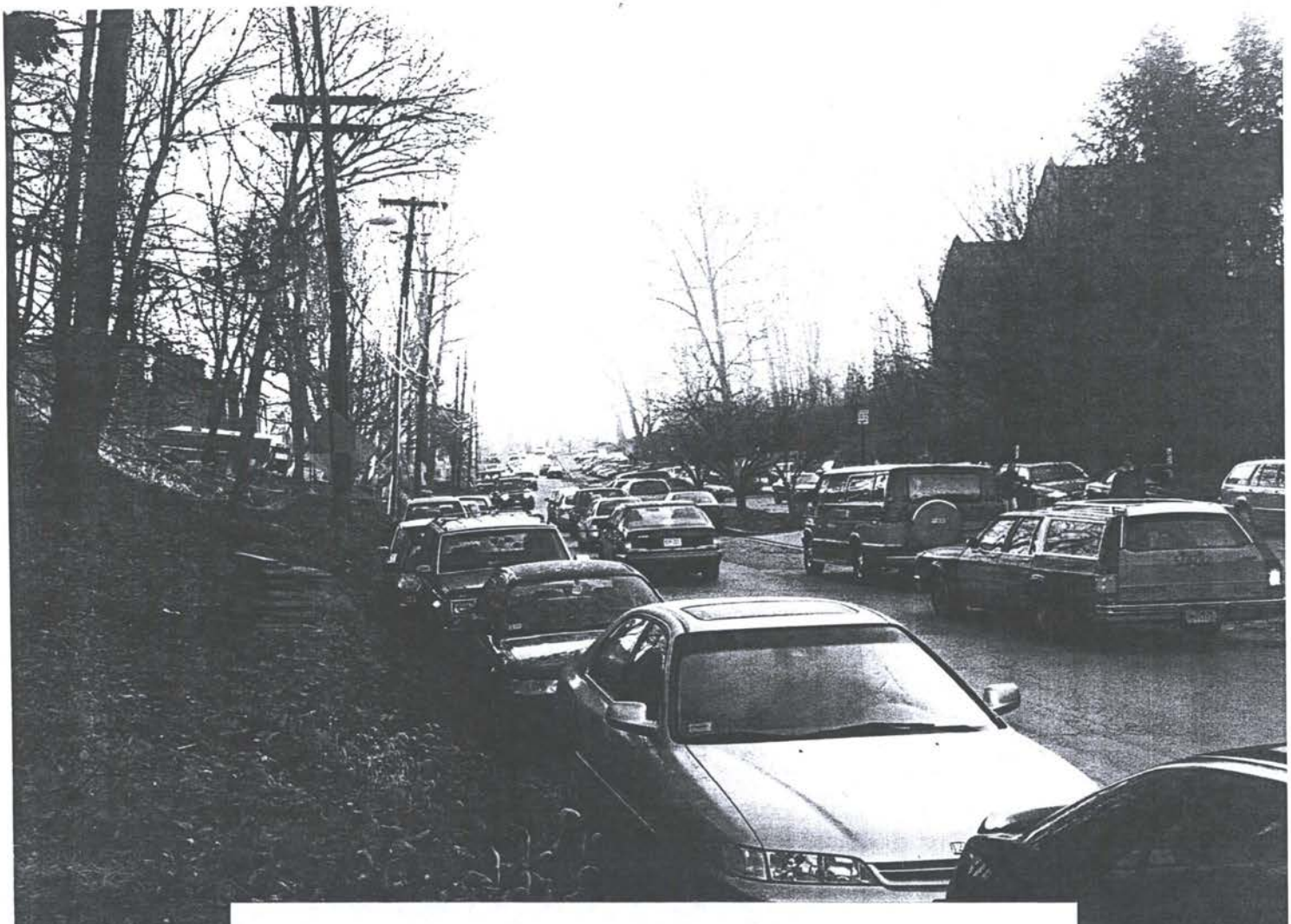
"Sec. 34.2 INSTALLATION OF FIRE HYDRANTS.

"The Fire Chief is authorized to require the installation of, and to specify the number and location of fire hydrants on private property occupied by clusters of two (2) or more single or two-family dwellings to which access is provided by private roads, and on private property used for multiple dwellings, or for assembly or for commercial, educational, industrial or institutional purposes, wherever the distance to the front entrance of the most distance building on such private property from the nearest fire hydrant on a public street exceeds five hundred

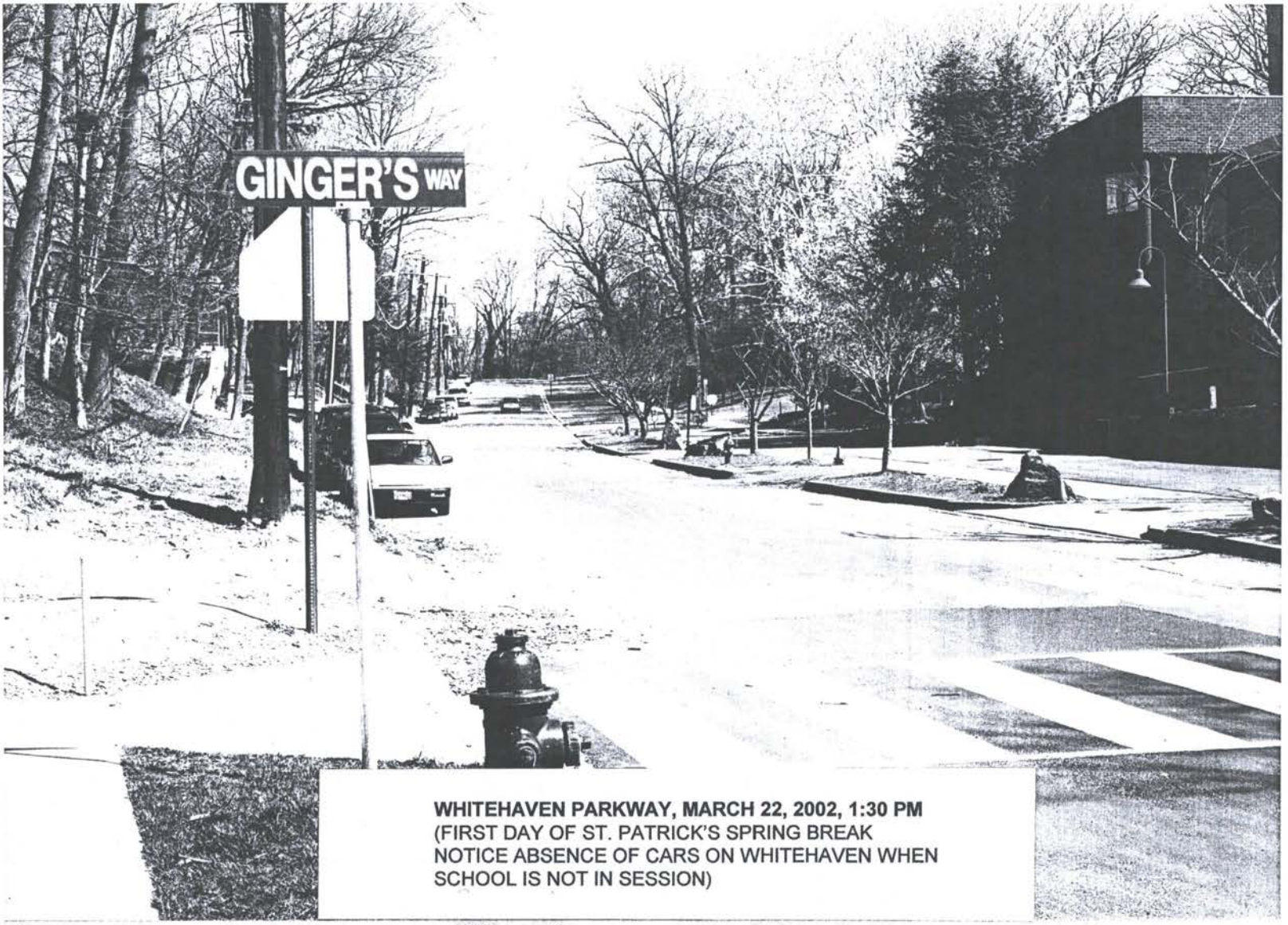
(500) feet. Installation of such fire hydrants and their water mains shall conform to specifications established by the Mayor. The cost of installation, maintenance and repair of fire hydrants and their water mains required pursuant to this subsection shall be borne by the owner of the affected property."

Sec.3. The provisions of this act shall apply to existing occupancies one (1) year after the effective date of this act, unless the Fire Chief determines, for public safety reasons, that a shorter time is necessary. For purposes of this section, "existing occupancies" includes any planned occupancy for which a building permit was issued before the affective date of this act.

Sec. 4. This act shall take effect following the period provided for Congressional review in section 602(c) (1) of the District of Columbia Self Government and Governmental Reorganization Act.



WHITEHAVEN PARKWAY, DECEMBER 3, 2001, 8-8:30 AM
(NOTE THE SIGNIFICANT CONGESTION DURING DROP-OFF AT THE SCHOOL)



WHITEHAVEN PARKWAY, MARCH 22, 2002, 1:30 PM
(FIRST DAY OF ST. PATRICK'S SPRING BREAK
NOTICE ABSENCE OF CARS ON WHITEHAVEN WHEN
SCHOOL IS NOT IN SESSION)

Visualization of Daily Population Impact Upon the

Palisades Residential Neighborhood

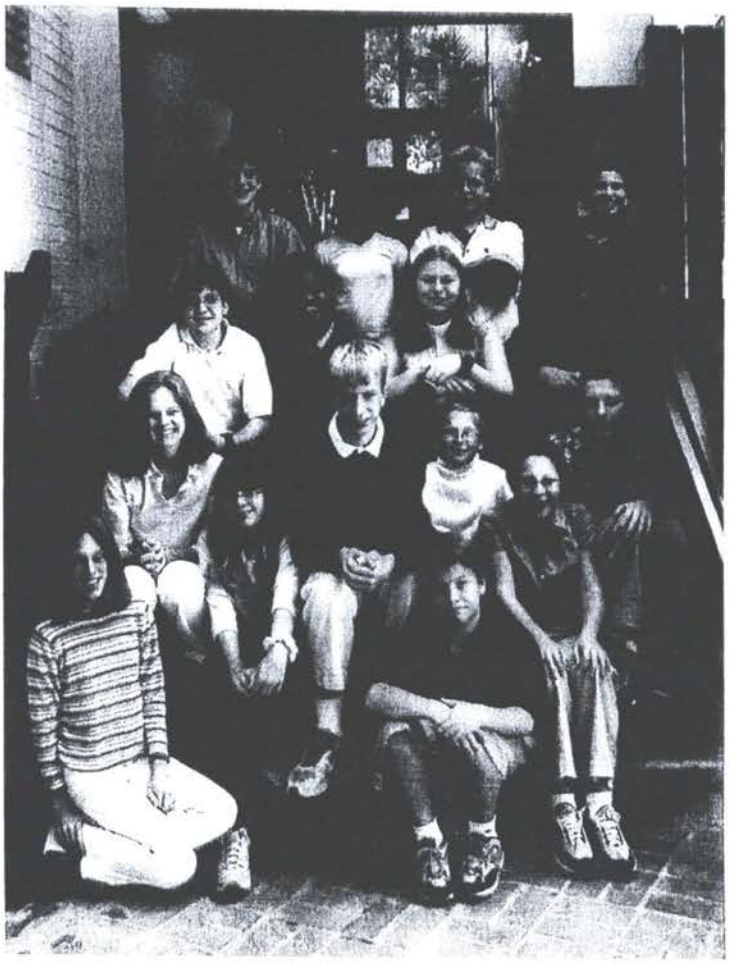
Resulting from the Location of

St. Patrick's Grades 7 and 8 Classes and Faculty

At 4925 MacArthur Boulevard

A Proposal to Locate St. Patrick's Episcopal Day School's Program for Grades 7 and 8 At Ashby Street and MacArthur Boulevard

December 2001



St. Patrick's "Pioneer" Grade 7 Class, Fall 2001



St. Patrick's Grades 7 and 8 Class, Fall 2003
(Extrapolated)



St. Patrick's Grades 7 and 8 Classes, Fall 2003,
With Faculty (Extrapolated)
Not shown: Janitors, Lawnskeepers, Sanitation Workers,
Guests, Parents, and Visitors

PRESERVING OUR RESIDENTIAL NEIGHBORHOOD
THE CASE AGAINST ST. PATRICK'S AT ASHBY

Covenants

by Nancy L. Feldman

Conceding that it had lost the neighbors' trust by not revealing its change of mind about increases in grades and student numbers, and its talk of higher student numbers under the maximum occupancy regulations, St. Patrick's offered the neighbors a covenant regarding a student "cap". Here is why I think such an offer is not worthwhile in this situation. (This is intended as a point for discussion, and not in any way offered as legal advice.)

A "covenant" is a promise, and such a promise relating to specific real estate is said to "run with the land", that is, to bind future owners to the benefit of others, who may be individuals, organizations or even governmental entities. We in The Palisades recognize the value and utility such binding promises may offer to our community, especially such covenants as conservation easements to preserve green space and other environmental amenities.

In my view, in order for a land covenant to be of value, it should have the following elements:

- Promise to voluntarily do less than one is entitled to do with the land –
  (St. Patrick's is only offering to limit itself to the proposed BZA limit of 60 students.)

- Promise in perpetuity, or at least a couple of hundred years –
  (St. Patrick's "restricted" student body number would only last while that particular school was in residence. If it sold the property to another school, as it has lyrically described in its ad about urban school start-ups, or moved to a new high school site and rented out the property, the covenant would end.)

- The promise should be beyond the power of the offeror to manipulate, control or cancel –
  (St. Patrick's covenant would go to individual neighboring properties or possibly organizations. The school could later cut a deal with one or more, and abrogate the covenant.)

- Violation of the promise should be easy to spot and prove, e.g. wildlife refuge vs. bulldozer) –
  (St. Patrick's now has a student cap of 440 at its Whitehaven campus, but proposes to include the future junior high students for pick-up and drop-off, busing, gym, clubs, special events, library, chapel, etc. When are 500 vs. 440 students (or their traffic and other complications) "on" campus? What is the exception for "ancillary use" that they are already citing?" What factors would be needed to establish a violation of a cap?)

- The promise should be easy to enforce and remedial measures, including money damages, possible to reinforce "good intentions"–
  (St. Patrick's could contest its liability indefinitely, with its obviously substantial financial resources. The neighbors or civic groups would have to pay their own legal costs, without reimbursement even if they won. And "winning" would probably amount to no more than a wrist slap and the court's admonishment to the school to be more careful.)