KATHERINE VAN SICKLE DEMALLIE
4923 ASHBY STREET N.W
WASHINGTON, DC 20007

March 8, 2002

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Jerrily Kress, Director
Board of Zoning Adjustment
District of Columbia
441 Fourth Street NW, Room 210
Washington, DC 20001

Subject: St Patrick's Application for Special Exception Case # 16852

Dear Director Kress:

I am writing you to raise several issues associated with St. Patrick's proposed application (Case # 16852) and seek clarification about the scope and applicability of related BZA Orders 16517 associated with the proposed school. Your resolution of these issues, including any appropriate legal and policy review of existing orders, or other DC regulations, will help identify the true impacts of the proposed school and help both our neighborhood and the BZA determine the effects of the school in meeting the burden of proof under Section 206, Title 11 of the DC Zoning Regulations. I also ask that the copy of this letter and its attachments be incorporated as part of the official file for Case 16852.

BACKGROUND OF THE PROPOSED APPLICATION

St. Patrick's School has applied for a special exception to establish a private school in a residentially zoned neighborhood at the corner of Ashby Street and MacArthur Blvd., NW. This school intends to use a large existing private house for 60 students and 12 faculty. The proposed site comprises 3 lots with a total space of only ½ acre and is surrounded by about 15 other residential house lots on square 1393. The perimeter of the proposed site is only 5 feet from the home of its nearest neighbors. There is tremendous concern by the immediately surrounding neighbors that the school will be intrusive and disrupt the neighborhood. The proposed school population of 60 students and 12 faculty will triple the number of residents on Ashby Street, and double the number of residents of all the other surrounding lots of square 1393. This is an unprecedented population loading for this property. This concern is especially heightened since the neighborhood has been in its current configuration for over 50 years with a stable population of single family homes and average residency of over 20 years. The neighborhood also contains a number of retired families that are home during the day when the school would be in operation. Therefore, the issues of noise, number of students and traffic are all highly important.

ST. PATRICK'S CURRENT PROPOSAL FOR THE USE OF THE MACARTHUR/ ASHBY PROPERTY AND ITS RELATION TO THE ST. PATRICK'S SCHOOL ON WHITEHAVEN PARKWAY.

In its materials and presentations to the community, St. Patrick's school has identified that it will use both the proposed property site at the MacArthur/Ashby corner as well as its current school at Whitehaven Parkway (a school currently comprising preschool to grade 6) to accommodate the needs of the proposed school for grades 7, 8 and 9.

Because Ashby street, as well as other feeder streets surrounding square 1393 are so narrow, it is impossible to bring the 60 grade 7, 8 and 9 students directly to the MacArthur/Ashby site. Accordingly, St. Patrick's proposes a different traffic pattern. In this pattern, St. Patrick's school at Whitehaven Parkway would be the central staging area in the morning, with the parents of the grade 7, 8 and 9 students bringing the 60 students to St. Patrick's Whitehaven campus. Once the students are assembled at the Whitehaven campus, St. Patrick's will shuttle the 60 students in several relays from St. Patrick's Whitehaven campus

BZA
Case No. 16852
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.27

through the neighborhood to a DC metro bus stop in front of the proposed site at MacArthur and Ashby Street. The route back to St. Patrick's Whitehaven campus is still being developed and very contentious.

St. Patrick's identified that there will be about 45 vehicles associated with the parents bringing the 60 grade 7, 8 and 9 students to St. Patrick's Whitehaven campus. This number is addition to the estimated 300 plus vehicles that already bring the 440 preschool through grade 6 students and 100 faculty and staff to the St. Patrick's Whitehaven campus every morning.

During the day, the 60 grade 7, 8 and 9 students are to be situated primarily at the MacArthur/ Ashby site with additional pedestrian and shuttle buses going through the neighborhood to yet another St. Patrick's school site at 4880A MacArthur Blvd. for science and other school activities. In the afternoon, grade 7, 8 and 9 students will be shuttled back to the Whitehaven campus to use St. Patrick's gym, and other School facilities. In the afternoon, the grade 7, 8 and 9 students will depart from St. Patrick's Whitehaven campus.

From the logistics outlined above, there are several key considerations and issues that need to be resolved.

Is the proposed use of the St. Patrick's Whitehaven campus for additional vehicles and logistics in keeping with BZA Order 16517 issued in 1999 for the St. Patrick's Whitehaven campus? At the time of the 1999 BZA Order, St. Patrick's representatives testified that there was an enrollment cap of 440 and grade levels through grade 6. In the BZA hearing on December 8, 1999 that resulted in a bench decision to approve renovation of St. Patrick's school and construction of a gymnasium (both on Whitehaven Parkway), Mr. Peter Barrett noted that there would be " no additional grade levels, no additional students, no additional cars. Just a school... to meet the needs of its current students." (Current here presumably means the current student body as of 1999 which only went through grade 6).

The additional 45 cars for the 60 grade 7, 8 and 9 students arriving at St. Patrick's Whitehaven campus would arrive at the peak hour of traffic (7:45am to 8:45 am daily) and represent a 21 percent increase over and above the current level of 220 peak hour cars that deposit children through grade level 6 every morning at St. Patrick's Whitehaven campus. The additional shuttle buses to convey the grade 7, 8 and 9 students in relays through the neighborhood to the proposed MacArthur/ Ashby site are also above and beyond the current traffic patterns for St. Patrick's Whitehaven campus.

Is the proposed use of the St. Patrick's Whitehaven campus for additional grades in keeping with BZA Order 16517? As noted above, St. Patrick's noted in 1999 that the Whitehaven campus would not be used for additional grades beyond their current student grade levels in 1999, which only went through grade 6. Yet, St. Patrick school documents indicate that the school proposes to use the gymnasium on the Whitehaven campus for its athletics program for grades 7, 8 and 9.

Is the proposed use of the St. Patrick's Whitehaven campus for additional students in keeping with BZA Order 16517? As noted above, St. Patrick's noted at the BZA hearing in December 1999, that St. Patrick's school had an enrollment cap of 440 students. Yet the proposed use of St. Patrick's Whitehaven campus for activities with grade 7, 8 and 9 would appear to put it over its enrollment cap of 440.

All of these questions address the intent and binding nature of BZA Orders. In essence these questions ask "what do caps and conditions stated in these BZA Orders mean in practice? If the caps are meant to set a limit on adverse impacts associated with private school traffic in residential zoned neighborhoods, or asssure that the residential nature of a neighborhood is not overwhelmed by the operations of a private school that is being allowed through a special exception to operate in that residential neighborhood, it is necessary for a school to adhere fairly strictly to the conditions set out by the BZA. I believe the future increase in use of St. Patrick's Whitehaven campus is cumulatively well beyond that contemplated under its existing orders. I have written St. Patrick's about these issues. I am enclosing both my correspondence to St. Patrick's and the answers provided by counsel to St. Patrick's to me dated March 6, 2002 for your consideration in your deliberations.

If the various proposed uses of St. Patrick's Whitehaven campus noted above are not in keeping with BZA Order 16517 issued in 1999, will the BZA need to have another hearing to consider all relevant aspects of the proposed activities and traffic at the Whitehaven campus? Would such a hearing include notification to the relevant ANC's and neighbors, and appropriate time for review of St. Patrick's proposal? Will this impact on the hearing date of April 16, 2002 for the hearing on Application 16852?

OTHER ISSUES RELATED TO ST. PATRICK'S PROPOSED PLAN TO ESTABLISH A SCHOOL FOR GRADES 7, 8 AND 9 AT THE MACARTHUR/ASHBY PROPERTY

Will the parking spaces proposed by the school be enough to accommodate faculty and Staff. St. Patrick's school has identified that the lot at the proposed MacArthur/Ashby Site has 15 spaces. However, there is a fire zone sign currently on the property that raises the issue of whether there really are 15 available spaces. Who actually determines whether there is a fire lane requirement on the property imposed by the city?

Will Ashby Street lose on-street parking as a result of the establishment of the school at the corner of MacArthur Blvd and Ashby Street? I have asked St. Patrick's school repeatedly for an answer to this question and have not received any definitive answer. Parking is a key issue for neighbors and any restriction or loss of spaces due to school requirements would be a significant hardship.

What are BZA procedures for reviewing possible increases in students or grades that are above the proposed cap of 60 students in grades 7, 8 and 9 for St. Patrick's proposed school at MacArthur Blvd and Ashby Street NW? St. Patrick's school has identified that they are seeking a special exception to have a school for 60 students grade 7, 8 and 9 at the MacArthur/Ashby site. However, in briefings to ANC 3D on March 6, 2002, the school noted that there was sufficient space under the BOCA standards to have 88 students. At the same time, the school highlighted a proposal to increase the building size that would provide a space that could accommodate about another 11 students. If the BZA provided a cap of 60 students, and St. Patrick's school decided in the future that it wanted to expand to more than 60 students, what are the procedures that would have to be followed? Would there be a full BZA review with notification to the neighbors and the ANC? Or, could the school get an administrative modification without having to go back through a full review cycle of notification and review by the relevant ANC?

Likewise, what is the BZA review if St. Patrick's decided in the future to build an addition to the school that was not contemplated in the BZA Order. Are there different review procedures depending on whether any addition is within the so called footprint or whether it extends beyond the footprint?

What are the BZA procedures for providing Faculty and Staff caps and reviewing possible increases in faculty and staff that the school may want to increase in the future? The school has identified that it will have 8 full time and 4 part time faculty/staff, but has not included this number in its application to the BZA. How does the BZA assign caps for faculty and staff at private schools? The history of faculty and staff caps at the Whitehaven campus is quite convoluted with a so called staff cap of 60. The earlier BZA record on this is quite confusing, and it was one of the issues that I raised in my letter to St. Patrick's noted above. The reason for my concern is that it appears that St. Patrick's Whitehaven campus has increased its employment to 80 full time and 20 part time employees, well beyond the 60 contemplated in earlier decisions.

What is the definitive answer by the city as to whether St. Patrick's can use the metro bus stop close to the proposed site near the MacArthur/Ashby corner for discharge and pick up of private school students in St. Patrick's shuttle? Several questions have been raised by the neighbors to St. Patrick's about the legality of using a public metro bus stop for private school purposes. This was also discussed at the ANC 3D meeting March 6, 2002. To date there has been no definitive answer to this question by St. Patrick's. What are the DC rules and regulations regarding such use? Is there a constraint on the hours during which it can be used, or the number of times during the day it can be used, or the duration of the stop if such use is allowed? Are there liability issues associated with allowing a private school bus to use a public bus stop? When and who will give a final decision on this and how will it be transmitted?

Thank you for your time and attention to the clarification of these issues.

Sincerely,



Katherine Van Sickle DeMallie

CC Rt Rev. Jane Holmes Dixon
Rev Elizabeth McWhorter
Peter Barrett
ANC 3D Commission
Erik Gaull, PCA

Katherine Van Sickle DeMallie
4923 Ashby Street, NW
Washington, DC 20007

February 19, 2002

Mr. Peter Barrett
Head of School
St. Patrick's Episcopal Day School
4700 Whitehaven Parkway, N.W.
Washington, DC 20007-1586

Dear Mr. Barrett:

Thank you for holding the meeting February 11, 2002 to discuss the plans of St. Patrick's to establish a school for 7th, 8th and 9th grades at 4925 MacArthur Blvd.

The conversation covered a number of issues including the current and future use of St. Patrick's school on Whitehaven Parkway. These issues had also been raised at the ANC meeting on February 6, 2002. I am seeking clarification of these issues to better identify the impacts of the proposed school at 4925 MacArthur—especially since the activities of the proposed school will be linked to St. Patrick's Whitehaven campus in a number of ways.

ISSUE 1 WHAT IS A STUDENT CAP? DO MORE THAN 440 ST. PATRICK'S STUDENTS VISIT OR ATTEND ST. PATRICKS'S WHITEHAVEN CAMPUS EACH DAY? WHAT IS THE CURRENT TOTAL PRE 3PM STUDENT POPULATION? WHAT IS THE CURRENT TOTAL POST 3PM STUDENT POPULATION? ARE THESE DIFFERENT SETS OF STUDENTS? IS ST. PATRICK'S DOUBLE SHIFTING THE SCHOOL?

ISSUE 2 WHAT IS A GRADE CAP? WHAT GRADES ARE CURRENTLY USING ST. PATRICK'S WHITEHAVEN CAMPUS EACH DAY? DO 7TH GRADERS FROM ST.PATRICKS'S 4880A MACARTHUR SITE USE ANY OF ST. PATRICK'S WHITEHAVEN SCHOOL BUILDINGS AND FACILITIES? IS THIS USE IN KEEPING WITH BZA ORDERS?

From presentations that St. Patrick's has made before neighborhood groups where school representative have noted some pre 3 pm and post 3 pm activities at St. Patrick's Whitehaven campus, I am not quite clear on the concept of student cap that is being used by St. Patrick's. In a recent conversation I had with Mr. Toye Bello, Acting Zoning Administrator, Mr. Bello made the distinction between "total maximum student population" and "total number of students present at any time." Mr. Bello noted that the distinction was a critical because the actual number of students allowed on a school property could be higher depending on the definition that was followed. He noted that "rotation" of students under the concept of "total number of students present at any time" could actually increase the number of students using a location and pose additional adverse impacts from increased traffic etc. One analogy that comes to mind is the seating capacity of a restaurant. The restaurant could say it had a maximum seating cap of 440 patrons but actually serve 880 in two shifts.

1999 BZA Order Regarding St. Patrick's Whitehaven School and Issue of Caps

I have read through several of the previous BZA case files and transcripts related to special exceptions granted to St. Patrick's. BZA Order 16517 dated December 8, 1999 granted a special exception to St. Patrick's school for construction of a new gym and other improvements of St. Patrick's school on Whitehaven Parkway. Testimony both by Ms. Prince (St. Patrick's counsel) and Mr. Peter Barrett regarding conditions and operation of St. Patrick's Whitehaven school were included in oral and written testimony. Ms. Prince noted that "The school was established on the site in 1976. It provides education for approximately 440 students in grade levels ranging from child development center through grade 6." (page 439 of the oral transcript) Later, Ms. Prince said that "currently there's an enrollment cap of 440." (page 441) A little later in the same hearing (page 443), Mr. Barrett noted "no additional grade levels, no additional students, no additional teachers, no additional cars. Just a school that with a

creative mix of new construction and renovation of existing space is better able to meet the needs of its current students." Additionally, in discussing the new gymnasium Mr. Barrett noted it would be "a gymnasium that will enable us to meet the needs of our current student body more effectively." (page 442) Presumably this is the so called current student body of 440 students and grades up through grade 6 that would have been in existence at the time of the BZA Order in 1999.

1990 BZA Order Regarding St. Patrick's Whitehaven School and Issue of Caps

An earlier order specifically addressed the cap of 440 students. BZA Order No 15374 dated October 17, 1990 granted a special exception to the Vestry of St. Patrick's to increase the size and population of its existing school on Whitehaven Parkway. The Order noted that "at the public hearing, the applicant (St. Patrick's) amended the application for a maximum number of students of 440 and 60 staff." Condition 2 of the BZA Order granting the special exception noted "the number of students shall not exceed 440."

In oral testimony recorded in the transcript for the hearing October 17 1990, Ms. Prince (legal counsel for St. Patrick's) said "St. Patrick's is seeking an increase in enrollment from 390 students to an absolute cap of 440 students." Later, Ms Prince added, "St. Patrick's is also seeking an increase to an absolute maximum staff and faculty of 60." (BZA Hearing Transcript, October 17, 1990, page 53) Toward the end of the oral arguments at the BZA hearing October 17,1990 Board member Parsons noted "the need to have some conditions, such as a maximum of 440 students, and a maximum staff of 60." (BZA Hearing Transcript, October 17, 1990, page 81) As noted above these conditions were incorporated into BZA Order 15374.

The written application for the October 1990 BZA hearing submitted by Mr. Whayne S. Quin and Ms. Allison C. Prince of Wilkes, Artis, Hedrick and Lane, on behalf of St. Patrick' noted that the school included levels from pre school through grade 6. (page 1) On page 4 of this written application, it noted the "the expansion of the facility is not related to an attempt to substantially increase enrollment at the school." This written testimony also cited a maximum of 440 students.

From a review of these documents, I have several questions about the enrollment cap and conditions of use of St.Patrick's Whitehaven campus.

The first question is whether St. Patrick's enrollment cap was based on "total maximum student population" or "total number of students present at any time." This clarification would be helpful in assessing current and future impacts from school operation. Was this distinction made in your campus master plan or other documents related to the 1999 BZA Order? Is St. Patrick's double shifting the school? Are the students who use the Whitehaven campus after 3pm the same set of students that used it before 3pm?

The second question is the degree to which the 1999 BZA Order contemplated the use of St. Patrick's gymnasium on Whitehaven Parkway for grades beyond grade 6. Will St. Patrick's need to get a modification of the BZA Order issued in 1999 to provide for any current use of St. Patrick's gymnasium by 7th graders at St. Patrick's school at 4880A MacArthur Blvd that was established in September of 2001?

ISSUE 3 WHAT IS A FACULTY AND STAFF CAP? HOW DOES IT RELATE TO NUMBER OF EMPLOYEES?

The number of faculty are also unclear. BZA Order 15374 of 1990 identified that the number of *staff* should not exceed 60. However, on page 5 of the written application to BZA submitted by W. Quin and A. Prince it notes "the *faculty and staff* will not exceed 60." Likewise, in oral testimony at the BZA hearing October 17, 1990 that resulted in the bench decision on the same day, Ms. Prince said "St. Patrick's is also seeking an increase to an absolute maximum *staff and faculty* of 60." (Page 53 of the Oral transcript, BZA Order 15374) It would seem that given the bench decision right after oral statements in this case and the specifics of the oral testimony by Ms. Prince, that the BZA would have thought they were granting a *staff and faculty* cap of 60.

The faculty and staff cap again came up in BZA Order 16517 on December 8,1999. Mr. Barrett provided written and oral testimony that indicated there would be "no additional teachers, no additional cars." (page 443 of the Oral Transcript, BZA Order 16517) However, Ms. Prince in oral testimony at the same December 8 1999 hearing noted

"There is a maximum permitted *staff* number of 60 and because the specifics of the earlier orders governing the property, *there is no faculty cap. We only have a staff cap.*" (page 441 of the Oral Transcript, BZA Order 16517). Were there other BZA Orders beyond that of 1990 that provided the interpretation of faculty staff caps? How do you resolve the apparent inconsistency in what the cap actually refers to?

At a February 9, 2002 meeting with the neighbors, St. Patrick's representatives noted that they had about 80 full time employees and 20 part time employees. Does this include faculty and staff? How does this fit with your caps? This suggests that there may be as many as 100 employee cars per day going to the Whitehaven Campus. This appears to be more than 40 more than were contemplated in 1990 if the cap of 60 was applied to faculty and staff. Of additional interest is how you count part time employees. Do these part time employees count toward any cap? The question of the faculty and staff cap is important, because St. Patrick's has indicated there may be additional hires including 2 traffic police and a facility engineer under the plans to expand St. Patrick's to 4925 MacArthur Blvd. Will these new employees count against the current cap?

ISSUE 4 TRAFFIC IN 1990, 2002, AND IN THE FUTURE AT ST. PATRICK'S AT WHITEHAVEN—HOW 120 VEHICLES USED TO BRING STUDENTS TO SCHOOL IN 1990 TURNED INTO 340 VEHICLES IN 2002, AND WILL INCREASE TO ALMOST 400 IF THE PROPOSED SCHOOL AT 4925 MACARTHUR BLVD IS APPROVED. ADDING IN FACULTY AND STAFF VEHICLES WILL INCREASE THE TOTAL TO ABOUT 500 VEHICLES A DAY

Traffic in 1990

One of the benefits of reading old files is that one is able to gain perspective on the basis for which decisions were made. The 1990 file for BZA Order 15374 is a case in point. Robert Morris Inc. of Maryland performed a traffic study as part of the application by St. Patrick's to increase its student enrollment from 390 to 440 students in 1990. In this report there is a very complete identification of student modes of travel, statistics on the student vehicle ratio and general traffic patterns on Whitehaven Parkway. The main findings of the traffic study noted that of the 390 students at the campus in 1990, 1 percent of students came by metro, 15 percent used vanpooling (at 12 students per van) and 84 percent came by auto. There was a fairly high ratio of students per vehicle (3.2 students per vehicle).

To identify the total number of vehicles needed for all 440 students in 1990 (see attached) one can use the same data on mode of travel and student per vehicle ratios and apply it to the 440 students. As can be seen from the table the number is about 122 vehicles. The Department of Public Works cited the 1990 traffic study provided by St. Patrick's in its recommendation for approval to the Board of Zoning Adjustment to grant the increase in students in 1990.

Traffic in 2002

As of 2002, St. Patrick's Whitehaven school had about the same number of students (440), but the increase in traffic over the 1990 period is staggering. St. Patrick's written material to the community in December notes that most children arrive by car or carpool. On February 11, 2002, St. Patrick's representatives noted at a meeting on their traffic plan, that the student vehicle ratio was now about 1.3 students per car. Van pooling which had represented 15 percent of students in 1990 does not appear to be active at this time. Accordingly, using the 440 student base in 2002 and applying the student to vehicle ratio of 1.3 indicates there are about 340 cars being used to bring the current student body of 440 students to school.

Clearly, there can be fluctuations in the estimates, but the magnitude of change between 1990 and 2002 is significant. The apparent cause of the large change is the significant decrease in the student per vehicle ratio. It is hoped that the study by Marty Wells will be as complete and detailed as the study done in 1990.

When one adds in the apparent growth in vehicles from faculty and staff which was about 60 in 1990 and as many as 100 today, the estimated number of vehicles associated with students, faculty and staff at the school goes from an 180 in 1990 to 440 in 2002. This was about 2.4 times the amount of traffic the BZA thought was going to be on Whitehaven in 1990.

Traffic in the Future-Impact From Shuttle Service from St. Patrick's Whitehaven Campus to 4925 MacArthur and Ashby Streets

The proposed use of St. Patrick's campus on Whitehaven will add another large number of cars to the already overburdened Whitehaven Parkway. Using the same 1.3 student ratio, the addition of 60 students in grades 7, 8 and 9 will increase the traffic by 46 more vehicles. Adding in other extra traffic police, facility engineer and other staff will likely bring the level to an additional 50 vehicles per day or a total of nearly 500 vehicles a day.

Given the apparent inability of the BZA to control the amount of traffic on Whitehaven Parkway through a student cap, it may be appropriate to investigate initiating a cap on vehicles. This would force the school to take much more seriously, their responsibility to the community and their stewardship of a public thoroughfare.

The written statement of St. Patrick's school in its application to the BZA in 1990 seems ludicrous in hindsight. In 1990 (page 7) they asserted "Through continued efforts to encourage carpooling and the use of the van service, the number of cars travelling to the site each day will be further reduced." In fact the number of cars was never was reduced, the number only increased. This historical experience does not bode well for any confidence that traffic will be mitigated in the future or that shuttle bus service will hold up in the long term.

ISSUE 5 IMPACT OF ST.PATRICK'S PROPOSED SCHOOL FOR GRADES 7, 8 AND 9 AT 4925 MACARTHUR BLVD AND ITS RELATED USES OF ST.PATRICK'S WHITEHAVEN CAMPUS. WILL BZA ORDERS REGARDING THE CURRENT CAPS AND CONDITIONS AT ST.PATRICK'S SCHOOL AT WHITEHAVEN NEED TO BE MODIFIED? WHAT OUTREACH IS BEING DONE WITH ST. PATRICK'S WHITEHAVEN NEIGHBORSS TO INFORM THEM OF THESE PENDING CHANGES?

As noted above, the proposed traffic plan that uses St. Patrick's Whitehaven Campus for arrival and departure of the 60 students in grade 7, 8 and 9 will add a number of students, vehicles and shuttle buses to the Whitehaven campus. Likewise, St. Patrick's gymnasium and playing field on Whitehaven Parkway also figure in St.Patrick's expansion plans and are proposed to be part of the athletic program for grades 7, 8 and 9. There is also the future use of St. Patrick's Whitehaven school for other activities such as drama and music once the 4880A MacArthur site is vacated.

Will St. Patrick's need to obtain a modification of the 1999 BZA Order to provide for any future uses of St. Patrick's Whitehaven facilities? Will St. Patrick's notify the surrounding neighbors of the change in use or additional uses of the Whitehaven campus before it applies to the BZA for any modifications, or submits a new application regarding St. Patrick's Whitehaven campus?

I look forward to hearing from you on this matter and thank you in advance for your clarification.

Sincerely,

Katherine Van Sickle DeMallie

CC: Rt. Rev. Jane Holmes Dixon,
Rev. Elizabeth S. McWhorter
ANC 3 D Commissioners
Erik Gaull, Palisades Citizens Association

EXCERPT: ROBERT L MORRISON "TRAFFIC ANALYSIS ST. PATRICK'S EPISCOPAL SCHOOL, OCT 1990"
CASEFILE 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."

ShawPittman LLP

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March 6, 2002

Mrs. Katherine Van Sickle DeMallie
4923 Ashby Street, N.W.
Washington, DC 20007

Dear Mrs. DeMallie:

Peter Barrett sent me your letter dated February 19, 2002. Given the technical nature of many of the issues that you have raised, he requested that I respond. I would also be pleased to meet with you to review your questions if that would be helpful.

Issue One

What is a student cap? Do more than 440 St. Patrick's students visit or attend St. Patrick's Whitehaven campus each day? What is the current total pre-3 p.m. student population? What is the current total post-3 p.m. student population? Are these different sets of students? Is St. Patrick's double shifting the school?

St. Patrick's has a cap of 440 students in pre-school through grade six on the Whitehaven campus. The BZA orders governing the school do not regulate the total number of students present at any time. They regulate the total number of students who can be enrolled. St. Patrick's operates in full compliance with the cap. There is no double-shifting at the school.

Regarding activities before 3 p.m., students are in nursery through grade six. Grade seven students have attended chapel on the Whitehaven campus and special events such as lectures by visiting authors.

Regarding afternoon activities, St. Patrick's has extended day, after-school activities and after-school sports daily on the Whitehaven campus, after most students have departed. Almost all of the post-3 p.m. students are in nursery through grade six. Thirteen grade seven students came to play soccer on the Whitehaven campus in the fall and eleven grade seven students come to play basketball in the winter.

Issue Two

What is a grade cap? What grades are currently using St. Patrick's Whitehaven campus each day? Do seventh graders from St. Patrick's 4880A MacArthur site use any of St. Patrick's Whitehaven school buildings and facilities? Is this in keeping with BZA orders?

This question is largely answered in the previous response. The Whitehaven campus accommodates grades pre-school through six consistent with the BZA approvals. The highly limited use of the Whitehaven campus by a small number of seventh graders does not constitute a violation of the BZA order. The order clearly contemplates the use of the gym for school and church purposes and by non-profit 501(c)(3) organizations. Current seventh graders and future seventh and eighth graders will attend classes and the vast majority of their activities at their own campus. The limited current and proposed use of the Whitehaven campus by these students does not constitute a violation of the BZA order.

Issue Three

What is a faculty and staff cap? How does it relate to the number of employees?

St. Patrick's approval for the Whitehaven campus contains a cap on only staff and not faculty. Staff includes non-teacher employees. As you noted from your review of the transcript in BZA Application No. 16517, we clearly reminded the Board in 1999 that there is no faculty cap but rather only a staff cap. At that time, the Board did not opt to include a faculty cap. St. Patrick's is in full compliance with the staff cap of 60.

Any new hires related to 4925 MacArthur Boulevard will be subject to whatever conditions are placed in that BZA order. The school expects and will comply with a reasonable cap on faculty and staff for that campus.

Issue Four

Traffic in 1990, 2002 and in the future at St. Patrick's at Whitehaven - How 120 vehicles used to bring students to school in 1990 turned into 300 vehicles in 2002 and will increase to almost 400 if the proposed school at 4925 MacArthur Boulevard is approved. Adding in faculty and staff vehicles will increase the total to about 500 vehicles a day.

At the time of the approval of the gym in 1999, only three years ago, the Board of Zoning Adjustment had an opportunity to review traffic issues associated with the existing use and the proposed gym. That case provided an opportunity to review any changes in traffic patterns since 1990. At that time, the Board determined that there were no adverse traffic impacts associated with the use and included no conditions governing traffic in the BZA order. Based on our current traffic report, which relies on counts conducted at the carpool lane driveway, there is a student-to-vehicle ratio of 1.39. Further, the report notes that there are approximately 220 cars being used to bring children to the school in the sixty minute period between 7:45 a.m. and 8:45 a.m.. Most of the nursery school students arrive later because of their 9:00 a.m. start time. There has been no significant change in the student-to-vehicle ratio since 1999.

The addition of approximately 43 vehicles daily to Whitehaven will not have a significant impact on the existing condition, particularly given the proposed improvements to the operation of the carpool.

Issue Five

Impact of St. Patrick's proposed school for grades seven, eight and nine at 4925 MacArthur Boulevard and its related uses of St. Patrick's Whitehaven campus. Will BZA orders regarding the current caps and conditions at St. Patrick's school at Whitehaven need to be modified? What outreach is being done with St. Patrick's Whitehaven neighbors to inform them of these pending changes?

St. Patrick's has applied for school use of the existing building at 4925 MacArthur Avenue. This building will be the campus for the St. Patrick's grades seven and eight and will be regulated separate and apart from the main campus. In the interest of minimizing traffic impacts on the Ashby Street neighbors, St. Patrick's concluded that the shuttle operation between Whitehaven Parkway and MacArthur would be desirable. The plan greatly reduces the number of vehicles that will arrive at the MacArthur site daily. St. Patrick's has also taken the opportunity to overhaul its existing drop-off and pick-up procedures on Whitehaven to minimize any traffic impacts. We are confident that this proposal represents the opportunity for a "win-win" situation.

We have no question that a modification of the 1999 BZA order would be required if St. Patrick's sought to locate its seventh and eighth graders on the Whitehaven campus. The addition of two grades to that campus would exceed the scope of that order. St. Patrick's has opted to instead create a separate campus for grades seven and eight that will be separately regulated by the BZA. The proposed highly limited use of Whitehaven

Parkway as a drop-off and pick-up location combined with the use of the gym for a small fraction of the week and during after school hours does not constitute a violation of that order. While we agree that the seventh and eighth grade students cannot spend their entire days on the Whitehaven campus absent a modification of the BZA order, we also believe that the order cannot be reasonably interpreted to ban such students from the campus at all times.

Further, if for any reason these students are unable to use the gym for drop-off and pick-up and for the limited athletic use that is proposed, the school will use another neighborhood location for drop-off and pick-up and alternative and scattered locations for its athletic program, as it does currently. I hope you agree that there are significant traffic benefits associated with the proposed consolidated approach.

Since you are an Ashby Street neighbor, I would expect your concerns to center on the impact of the proposed use on your home. We have designed the shuttle arrangement to address the numerous articulated concerns about traffic impacts on Ashby Street. While we appreciate your input on the main campus, we would hope that you appreciate that we have devised this arrangement for the benefit of you and your neighbors on Ashby Street. We welcome any suggestions about alternative arrangements that you may find preferable.

Very truly yours,

Allison C. Prince

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