GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE March 7, 2002

BZA
Case No. 16855
Exhibit No. 39

SUBJECT: BZA Application 16855
4770 Q Street, N.W.– Rock Creek International

APPLICATION
The applicant is seeking a modification of a previously approved special exception, BZA Order #16424, March 5, 1999. The applicant requests a change in the condition specifying the grade limit outlined in Condition 2 of the order. The request does not seek to modify the number of students nor any other condition of the order. The Condition 2 reads as follows:

2. The number of students shall not exceed 200, pre-kindergarden through fifth grade.

The applicant requests that the condition be modified as follows:

2. The number of students shall not exceed 200, pre-kindergarden through **sixth grade**.

SUMMARY RECOMMENDATION
Office of Planning **recommends approval** of the modification.

SITE AND AREA DESCRIPTION
Rock Creek International is located at 4470 Q Street, N.W. in an existing structure formerly known as the Hardy School which closed in 1996. The original school building was built in 1933 and had six classrooms. In 1937, a second floor was added, increasing the number of classrooms to twelve. In 1998, the Rock Creek International School entered into a ten (10) year lease for the Hardy School site with the District of Columbia Public Schools. Prior to its opening, Rock Creek completed extensive renovations and improvements to the interior of the building to create a more modern school environment. The property has a lot area of 49,853 square feet and is located in a neighborhood predominantly comprised of single-family residential dwellings and some minor neighborhood–oriented commercial enterprises on the opposite side of Foxhall Road at the corner of Greenwich Parkway. The property is surrounded by and has access to a playground operated by the D.C. Department of Parks and Recreation.

Board of Zoning Adjustment
District of Columbia
CASE NO.16855
EXHIBIT NO.39

PROJECT DESCRIPTION

The applicant is seeking relief from the fifth grade specification of Condition 2, BZA Order #16424, dated March 5, 1996 outlining the maximum number of students allowed at the facility and the grade range of the students, including:

> "[T]he number of students shall not exceed 200, pre-kindergarden through fifth grade."

The school is requesting modification of this section of the condition to allow continuation of classes for the students through the sixth grade. The special exception request for modification surfaced due to the difficulty the school is experiencing in finding a suitable location for its previously proposed middle school expansion which would have allowed a smooth transition of its students to grade six through eight. The original BZA order becomes invalid after two years forcing the highest grade students into a position of not being able to attend school after March 2002.

It is important to note that this request will not increase the already approved total student enrollment or faculty.

ZONING REQUIREMENTS

The site is zoned R-1-B. Pursuant to Sections 205 and 206, a child development center and private school are permitted uses in this District if approved by the Board of Zoning Adjustment. The request for a special exception to modify the order is submitted pursuant to Section 3104.1 of the Zoning Regulations that states ...

> **"Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this Title, where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning regulations and Zoning Maps and will not tend to affect adversely the use of the neighboring property in accordance with the Zoning Regulations and Zoning Maps..."**

ANALYSIS

Rock Creek International operates a private school/child development center in the Georgetown/Palisades neighborhood for children aged three to ten. Currently, the school is operating under the latest BZA approval dated March 5, 1999, subject to the following conditions (Attachment 1):

1. Approval shall be for a period of 10 years, expiring on September 30, 2009.
2. The number of students shall not exceed 200, pre-kindergarden through fifth grade.
3. The number of staff shall not exceed 40.
4. The hours and days of operation (for academic purposes) shall be 8:00 a.m. to 6:00 p.m., Monday through Friday.
5. Twenty-six on-site parking spaces shall be provided.
6. The applicant shall maintain an on-going liaison committee with the Foxhall Community Citizen's Association, The Advisory Neighborhood Commission 2E and other interested community members. The liaison

committee shall meet at least four times a year to discuss and resolve community and school related issues.

7. Landscaping to consist of evergreen trees, shall be provided and maintained on the north parking lot (Q Street side of site).

The Office of Planning did not submit a report in reference to the 1998 special exception request (#16424). However, based on OP's review of the applicant's previous special exception submittal, the applicant intended (and still intends) to develop a middle school for grades six through eight at a different location.

The applicant currently faces an emergency situation with respect to the graduation of fifth grade students who may not find placement in the sixth grade, either at Rock Creek or other middle schools. The applicant contends that it is more difficult to be placed in a new school at the sixth grade, than it is to enter school in seventh grade. Modification of the order will allow the school to be standardized with the public school system, as well as with other private schools in the District, which extends through the sixth grade.

The school currently operates in conformance with the remaining six (6) conditions. The total number of students enrolled will not exceed the maximum (200), and new staff will not be hired beyond the required forty (40) members. The applicant is not requesting a change in the overall hours of operation (not to exceed 6:00 p.m.). As such, no adverse traffic impacts are predicted with this request.

COMMUNITY COMMENTS

According to the applicant, the Foxhall Citizen's Association supports the request. ANC 2E meets on March 28th to consider the modification request.

CONCLUSION

The Office of Planning does not anticipate any negative impacts if the school is allowed the flexibility to extend its programs through the sixth grade within the stated hours of operation and in conformance with the other conditions in the previous BZA Order #16424. This will extend time to the applicant to continue its property search for locating its proposed middle school for sixth through eight grades.

It is OP's opinion that the school has operated in harmony with the general intent of the Zoning Regulations and Map. The Office of Planning is satisfied that modification of the previous order will not change the material facts upon which the Board made its earlier decisions by allowing the school to operate. OP therefore **recommends approval** by the Board of Zoning Adjustment of the applicant's request to amend the condition # 2 as follows:

2. **"The number of students shall not exceed 200, pre-kindergarden through sixth grade."**

ATTACHMENTS

1. Site Location Map
2. Board of Zoning Adjustment, Summary Order, Application #16424, March 5, 1999.



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. 16855

DC Office of Planning
March 5, 2002

Scale 1:2573

25 0 25 50 75100 Feet

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Attachment 1

ATTACHMENT 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16424 of the D.C. Public Schools (The Hardy School), pursuant to 3108.1, for a special exception under Sections 205 and 206 to establish and operate a private school for 200 pre-kindergarten to fifth grade students and staff of 35-40 persons in an existing structure in an R-1-B District at premises 4470 Q Street, N.W. (Square 1363, Lot 980).

HEARING DATE: February 3, 1999
DECISION DATE: February 3, 1999 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, submitted a written statement, with conditions, in support of the application. Most of the ANC's conditions have been incorporated into this order. The Board gave the written report of the ANC the "great weight" to which it is entitled.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR Sections 205 and 206 of the Zoning Regulations. No party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. Approval shall be for a period of 10 years, expiring on September 30, 2009.

2. The number of students shall not exceed 200, pre-kindergarten through fifth grade.

3. The number of staff shall not exceed 40.

4. The hours and days of operation (for academic purposes) shall be 8:00 a.m. to 6:00 p.m., Monday through Friday.

5. Twenty-six (26) on-site parking spaces shall be provided.

6. The applicant shall maintain an on-going liaison committee with the Foxhall Community Citizen's Association, Advisory Neighborhood Commission 2E and other interested community members. The liaison committee shall meet at least four times a year to discuss and resolve community and school related issues.

7. Landscaping, to consist of evergreen trees, shall be provided and maintained on the north parking lot (Q Street side of site).

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4 – 0 (John G. Parsons, Betty King, Sheila Cross Reid and Jerry H. Gilreath to grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Sheri M. Pruitt-Williams
SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: MAR 5 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.