GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: June 25, 2002

SUBJECT: BZA Application 16890 - Request filed by Robins, Kaplan, Miller & Ciresi L.L.P. for a **special exception** to modify BZA Order No. 16177 to increase the number of staff members permitted at a private school, proposed by Washington International School, 1690 36th Street, N.W.

APPLICATION
Application of Washington International School for:

1) **Special exception relief pursuant to §206 of Title 11 DCMR** to permit an increase in the number of staff members permitted at a private school approved by BZA Application No. 16177, Condition No. 2, on March 19, 1997,

for property located on the north side of Reservoir Road, the west side of 36th Street, the south side of R Street and the east side of 37th Street. The property is zoned R-3, row dwellings.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for special exception to amend Condition No. 2 of BZA Application No. 16177 (copy attached), to increase the maximum number of staff from 45 to 64, subject to the following conditions:

1. That the location of the 7 visitor parking spaces be clearly marked;
2. That the 6 additional parking spaces not shown on the site plan be striped within the parking lot; and
3. That the number of faculty that drive and park at the site not exceed 47 at any given time.

BZA
Case No. 16890
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.16890
EXHIBIT NO.26

PROJECT DESCRIPTION

This proposal is to increase the maximum number of staff members from 45 to 64 for Washington International School, an elementary school. The increase is requested for two reasons. First, as the number of students has increased, in accordance with the approved special exception, the need for additional staff has become necessary. Second, the application states that the number of employees was incorrectly assessed on the previous application by not including the school librarian, part-time teacher assistants, custodial staff and personnel to staff after-school programs. The application indicates that the school is currently operating with a staff of close to 64. As a result, the applicant must return to the BZA to increase the maximum number of employees to that deemed necessary by the applicant to run the school.

The BZA decision to approve the special exception for the school, BZA Application No. 16177, was made final on March 19, 1997, subject to the following conditions:

1. *The school shall operate from 7:30 a.m. to 6:00 p.m., Monday through Friday.*

2. *The maximum number of students shall not exceed 475, and the total amount of staff members shall not exceed 45. A series of enrollment caps shall be instituted; no more than 375 students in 1997, 400 students in 1998, and 475 students by the years 2000.*

3. *The grounds of the school shall be maintained in a neat and orderly appearance at all times.*

4. *Landscaping shall be provided as indicated on the applicant's site plan.*

   The site shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

5. *The applicant shall establish a liaison committee with Advisory Neighborhood Commission (ANC) 2E which will be open to participation by any member of the community. The committee shall meet quarterly and reports of the meeting shall be maintained.*

6. *The school shall adhere to its traffic circulation plan and all traffic mitigation measures.*

7. *The school shall construct a wrought iron fence (or its visual equivalent) the same height and in the same location as proposed for the chain link fence.*

The applicant has informed the Office of Planning that the school operates within the time period of 7:30 am and 6:00 pm, Monday through Friday; that the number of students enrolled at the school is not in excess of 475; and that a liaison committee was established with ANC 2E. A visual inspection of the site revealed that the school is maintained in a neat and orderly appearance; that the landscaping appears to be in general conformance with the site plan and maintained in healthy condition, and is kept free of refuse and debris; that the parking lot was

constructed in accordance with the site plan; and that a wrought iron fence was erected around the play area to the west of the school building.

SITE AND AREA DESCRIPTION

The property consists of Lot 14 of Square 1304, in the North West quadrant of the District. It is bounded by Reservoir Road, 36th Street, R Street and 37th Street, in the 1600 block of 36th Street. Vehicular access to the site is only from 36th Street. The site is improved with a three-story school building oriented toward 36th Street; an asphalt paved parking lot consisting of 48 parking spaces, including 2 spaces reserved for the physically handicapped; and one loading berth. Additional parking may be provided within the southernmost portion of the parking lot, where a circular island had been proposed as depicted on the site plan. As evidenced by the aerial photography (see attached aerial photograph), the island was not constructed and the area is asphalt paved. This area could possibly be striped for 6 additional parking spaces, as the applicant indicates that there are 54 parking spaces on-site. However, this area was inaccessible due to construction activities occurring on the southern portion of the building and construction materials and equipment placed on the asphalt paving. A sign at the northern entrance to the parking lot states that parking within the lot is for faculty only. No sign was evident indicating the location of visitor parking, although the applicant states that there are 7 visitor parking spaces on-site. A dumpster area is provided at the western end of the parking lot.

The western portion of the subject property is primarily improved with outdoor play areas for the school, enclosed by an 8-foot high wrought iron fence or retaining wall. A retaining wall is located in the northwest corner of the play area. The outdoor play area is screened from 36th Street by the building, and is buffered on the other three sides by existing and proposed landscaping, including an existing landscape buffer along 37th Street. Pedestrian access to the rear of the property is provided either through the building or via a concrete stairway from Reservoir Road.

The surrounding area is primarily residential in nature, but also includes some institutional uses, such as the Duke Ellington School for the Arts, Georgetown University and the use that is the subject of this application. To the east of the subject property, across 36th Street, is the Duke Ellington School for the Arts (a public school); to the south of the property, across Reservoir Road, are row houses; to the west of the property, across 37th Street, are row houses; and to the north of the property, across R Street, are row houses. Georgetown University Medical Center and Conference Center is located southwest of the subject property.

The area has been identified on the Generalized Land Use Map as located within the institutional use land use designation- *"Land and facilities occupied by colleges, universities, hospitals, religious institutions and similar facilities are the predominant uses."*

EXISTING ZONING

The subject property is zoned R-3, Row house district.

R-3 Residential District

"The R-3 district is designed essentially for row dwellings, but there shall be included in an R-3 district areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwellings. To permit a family-life environment, permitted related uses are the same in R-3 districts as in R-1 districts." (§320.1)

RELIEF REQUESTED:

Special Exception pursuant to §206– Private Schools and Staff Residences

Section 206 sets forth the specific criteria under which private schools may be permitted within the R-3 district. Those criteria are as follows:

> *206.1 Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted in an R-1 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.*
>
> *206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.*
>
> *206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.*

This proposal is for the expansion of the staff of an existing private school. The subject school is not a trade school and no staff residences are provided. No changes are proposed to the building, the number of students, or the manner in which the school operates. As the increase in staff is to allow the school to operate as was envisioned by the applicant under the previous application with the number of staff necessary to run the school as was approved, the school will not become objectionable to nearby properties. The vehicular access and the building will continue to be oriented to 36th Street, which faces a public school, and not toward the any of the residential units surrounding the other three sides of the subject property. Ample parking is provided on-site as required by Chapter 21. A total of two parking spaces for each three employees is required, or 43 parking spaces for a staff of 64, and the applicant has indicated that 45 staff members park on the lot within assigned spaces, and that one staff member parks off-site. The remaining staff members utilize alternative modes of transportation to arrive at the site. The parking lot contains at least 48 spaces, in excess of the minimum requirement. In addition, the applicant has submitted the results of a parking survey. Two surveys were conducted on May 21, 2002, one at 10:00 am and the other at 2:00 pm. The results indicate a maximum occupancy of 50 spaces, four less than the number the applicant indicates are provided. No student parking is necessary as this is an elementary school. Although the visitor parking may have been obscured by the recent construction at the site, the location of visitor parking and the striping for the additional 6 parking spaces needs to be clearly delineated on the property.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of Section 206 and that in granting the relief, the intent and purpose of the chapter *"shall not adversely affect the use of the neighboring properties,"* provided the location of the visitor parking is clearly marked.

COMPREHENSIVE PLAN

This project will be in conformance with the provision that *"There a large number of institutional uses in Ward 3. These include religious, medical, educational, recreational, or public service uses as well as embassies and chanceries, museums, libraries, and galleries. ...The compatibility of these uses must be maintained, expansion carefully controlled, changes to neighborhood-related uses encouraged, and conversion to other nonconforming uses prevented"* (§1409.1(f)).

COMMUNITY COMMENTS

ANC 2E considered the application at their meeting of June 4, 2002 and unanimously voted to approve the application, *"so long as the number of faculty who drive and park at the site would not exceed forty-seven at any given time."*

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. OP concludes that the special exception meets the required tests and can be granted *"without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."*

The Office of Planning recommends approval of the following:

> **Special exception pursuant to §206 of Title 11 DCMR** to permit an increase in the maximum number of staff members permitted at Washington International School from 45 to 64, subject to the following conditions:
>
> 1. That the location of the 7 visitor parking spaces be clearly marked;
> 2. That the 6 additional parking spaces not shown on the site plan be striped within the parking lot; and
> 3. That the number of faculty that drive and park at the site not exceed 47 at any given time.

AA/sjm$_{AICP}$



Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. 16890

DC Office of Planning
June 14, 2002

Scale 1:1115

25 0 25 50 75 100

Attachment 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

3/28/97

Application No. 16177 of the Sisters of the Good Shepherd pursuant to 11 DCMR 3108.1, for a special exception under Section 206 for the location of a private elementary school in an R-3 District at premises 1690 36th Street, N.W. (Square 1304, Lot 14).

HEARING DATE: December 4, 1996

DECISION DATES: January 8, 1997 and February 5, 1997

ORDER

SUMMARY OF EVIDENCE:

1. The subject site occupies the entirety of square 1304 which is bounded by Reservoir Road on the south, 37th Street on the west, R Street on the north, and 36th Street N.W. on the east. It contains 112,105.5 square feet of land area and is currently improved with the Levine School of Music and Sisters of the Good Shepherd School and Convent.

2. The area surrounding the site is residential in character (i.e. row and semi-detached dwellings) and is densely populated. The Duke Ellington School is located directly east of the site across 36th Street N.W. The site is not located within the confines of the Georgetown Historic District.

3. The site is located in an R-3 zone district. The R-3 District permits matter of right development of single-family residential uses including detached, semi-detached, and row dwellings with a minimum lot area of 2,000 square feet, a minimum width of 20 feet, a maximum lot occupancy of 60 percent, and a maximum height of 3 stories/40 feet. A private school is permitted in an R-3 District if approved by the Board of Zoning Authority in accordance with the conditions specified in Section 3108 of 11 DCMR, subject to the provisions of Section 206.

4. The Washington International School (WIS) is the contract purchaser of the subject property. WIS proposes to relocate its Lower School campus from its current location (Oliver Street in Georgetown) to the subject site. As well, the WIS fourth and fifth grade classes would be moved from the Macomb Street campus to the site. The existing structures on the property would be demolished and replaced with a three-story building containing 44,406 gross square feet of floor space. The new building would contain 31 classrooms and 33 additional rooms. Parking for 54 vehicles would

Exhibit 1

be provided on the eastern portion of the site adjacent to the proposed school. The school would accommodate up to 475 students and 45 staff members, and would operate from 7:30 a.m. to 6:00 p.m., Monday through Friday.

5. WIS has voluntarily agreed to a series of enrollment caps. In 1997, WIS proposes no more than 375 students, increasing to 400 the next year, and 475 by the year 2000. This is to permit neighbors an opportunity to insure that the traffic mitigation measures and circulation plan are feasible, and allow WIS and the community the opportunity to resolve any other issues before the full number of students is accommodated. WIS further drew up a "Development Agreement" between itself, the Burleith Citizens Association and the Cloisters West Homeowners Association which establishes, inter alia, a Liaison Committee between the aforementioned organizations.

6. WIS provided testimony to the effect that the proposed improvements would not adversely affect neighboring properties, and that they would be in harmony with the Zone Plan and Regulations. WIS also offered expert testimony and a traffic circulation plan projecting that the total amount of traffic generated by the school on a daily basis would be less than or equal to that which would be generated by the matter of right uses. Therefore, the school is not likely to produce an adverse impact on either the overall amount of traffic in the neighborhood, the timing of traffic, or on the need for parking in the neighborhood.

7. The D.C. Office of Planning (OP) offered evidence to support its written recommendation that the special exception be granted with certain conditions, as it found that the proposed school would neither adversely affect the neighboring properties, nor be detrimental to the neighborhood.

8. The ANC 2E voted to approve the application provided that certain conditions be met by the applicant. Additional letters of support were received stating, inter alia, that the proposed school would be an asset to the community.

9. The Board also received several letters in opposition to the application, and heard independent testimony from residents in the vicinity of the subject site. The letters and testimony identified a number of anticipated problems related to the proposal which included (but was not limited to) the following: gridlock, noise, environmental impact, parking, too many institutions, and adverse effect on the quality of life for residents.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. The proposed lower school is, in height, design and use compatible with and sensitive to the surrounding neighborhood.

2. The proposed use by WIS is not likely to have an objectionable impact on neighboring property because of either noise, traffic, the intensity of the use or aesthetic considerations, so long as WIS complies with the conditions set out by the Board.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant, Sisters of the Good Shepherd, pursuant to 11 DCMR 3108.1, is seeking a special exception under Section 206 to establish a new private school of pre-kindergarten through fifth grade in a three-story school building in an R-3 District at premises 1690 36th Street, N.W. (Square 1304, Lot 14).

The granting of such special exception requires a showing through substantial evidence that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that the application will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The applicant must also meet the requirements of Section 206 of the Zoning Regulations.

The Board concludes that the applicant has met the burden of proof.

The Board concludes that the applicant will provide adequate, and appropriately located parking.

The Board concludes that subject to compliance with conditions listed below, the facility will not have an adverse impact on the neighborhood because of traffic, or noise.

The Board concludes that the application has been referred to and approved of by the Office of Planning and other relevant District of Columbia departments and agencies.

The Board concludes that granting the application is in harmony with the general purpose and intent of the Zoning Regulations and Map, and that it will not tend to adversely affect

The Board concludes that it has accorded the views of the ANC 2E the "great weight" to which they are entitled.

Based on the foregoing, the Board ORDERS that the application is hereby GRANTED, SUBJECT to the following CONDITIONS:

1. The school shall operate from 7:30 a.m. to 6:00 p.m., Monday through Friday.

2. The maximum number of students shall not exceed 475, and the total amount of staff members shall not exceed 45. A series of enrollment caps shall be instituted: no more than 375 students in 1997, 400 students in 1998, and 475 students by the year 2000.

3. The grounds of the school shall be maintained in a neat and orderly appearance at all times.

4. Landscaping shall be provided as indicated on the applicant's site plan.

The site shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

5. The applicant shall establish a liaison committee with Advisory Neighborhood Commission (ANC) 2E which will be open to participation by any member of the community. The committee shall meet quarterly and reports of the meeting shall be maintained.

6. The school shall adhere to its traffic circulation plan and all traffic mitigation measures.

VOTE: 4-0 January 8, 1997 (Susan Morgan Hinton, Laura M. Richards, and Howard R. Croft to grant; Sheila Cross Reid to grant by absentee vote; Angel F. Clarens not voting, not having heard the case).

After further consideration of the record on February 5, 1997, the Board concluded the matter regarding the fencing of the property by adding the following condition to those listed above:

7. The school shall construct a wrought iron fence (or its visual equivalent) the same height and in the same location as proposed for the chain link fence.

Susan Morgan Hinton, Laura M. Richards and Sheila Cross Reid adopted Condition No.7 by consensus vote.

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

ATTESTED BY Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER MAR 19 1997

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.

ord16177/AZ