BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Edmund Burke School

BZA Application No. 17022
ANC 3F
April 15, 2003

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STATEMENT OF THE APPLICANT

I.

INTRODUCTION

The Board of Zoning Adjustment denied Application No. 16611 on February 8, 2002, in which the Edmund Burke School ("**School**" or "**Burke**") requested an addition to its campus on the subject property to accommodate a total of 360 students. Since the denial, Burke has aggressively implemented suggestions offered by the BZA, District of Columbia Department of Transportation ("**DOT**") and the community in order to improve traffic conditions and its impact in the neighborhood. Burke has accomplished a good deal to be responsive to the concerns voiced in the BZA's denial. In addition, Burke has sought to keep neighbors better informed about the School and engage in dialogue to make our revised proposal as positive as possible for all concerned. In summary, Burke has:

- Created a Board of Trustees – level team to:
  - Re-examine the relationship between Burke's mission and its location;
  - Confirm with the faculty and parent community that Upton Street is, in fact, its desired home;
  - Reduced the student population for school year 2002 – 2003 to 295; and
  - Budgeted a further deduction of the student population for school year 2003 – 04 to 290.
- Implemented (starting March 2002) an enforceable morning traffic management plan that:
  - Prohibits drop offs on Upton Street except for carpools with 3 or more students;
  - Prohibits drop offs in the public alley between Van Ness and Upton Streets;
  - Provides shuttle bus service from Shoemaker Street;
  - Provides for student drop off at the nearby Kiss N' Ride; and
  - Expands metrorail benefits to Maryland and Virginia families, in addition to District families.

BZA
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Exhibit No. 7

Board of Zoning Adjustment
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EXHIBIT NO. 7

- Established Design Principles for Burke's Revised BZA Proposal:
  - Reduces requested enrollment to 300, with "triggers" that could eventually increase the enrollment to 320;
  - Increases proposed faculty to 70;
  - Reduces the square footage of the new building;
  - Includes an elevated walkway between the new building and the existing School;
  - Continues the morning drop off plan;
  - Continues shuttle, metrorail benefits, carpools, and use of Kiss 'n Ride;
  - Prohibits Upton Street and alley drop-offs;
  - Introduces an afternoon pick-up plan which moves Burke traffic off of Upton and on to pick up lanes on Burke's own property;
  - Maintains proposed increases in below ground and above ground parking; and
  - Establishes a compliance plan with quantifiable benchmarks to assess success.
- Met monthly since June 2002 with a neighborhood committee (referred to as the Burke Neighborhood Advisory Committee or BNAC):
  - Exchanged ideas and refined Burke's thinking and planning with a group of residents from Upton Street and the surrounding neighborhood who are willing to advise the school as it develops its new building and traffic management plans; and
  - Investigated ways to move forward that benefit both the neighborhood and the School.
- Published monthly neighborhood updates (since June 2002), which include:
  - Monthly calendars;
  - School program notes; and
  - Special announcements.
- Offered services to our neighbors:
  - Summer fitness course;
  - Use of our library and its collection;
  - Weekly litter pick up on Upton Street;
  - Complimentary tickets to Burke performances; and
  - Plowing of the alleys during snowstorms.

- Introduced Compliance Measures:
  - Added an additional traffic monitor in the morning to further improve our ability to identify any families who are not adhering to the traffic requirements so that we can follow up with them directly;
  - Included with the re-enrollment contract for next school year a commitment to the traffic management plan and a published set of consequences for breaches; and
  - Established enrollment cap of 290 students for the 2003-2004 school year.

Discussions between Edmund Burke and the community continue. Different sectors of the community have expressed different concerns to the School, and the School has endeavored, as much as possible, to address the concerns particular to each group of neighbors. The School has specifically responded to community concerns about the traffic on Upton and Van Ness Streets as well as in the public alley, the amount of parking provided by the School, and the preservation of green space between the existing school building and its eastern most property line. As a result of these continuing communications, and in a genuine effort to accommodate the surrounding community, the plans for Burke's addition have undergone numerous modifications, most significantly, a reduction in the requested enrollment. The School believes that the current plan represents a workable alternative that addresses the concerns of the community and the needs of the School.

II.

NATURE OF RELIEF SOUGHT

Burke requests that the BZA approve a special exception for an addition to an existing private school in the R-5-D Zone District pursuant to Section 206 of the Zoning Regulations. The existing school building is located at 2955 Upton Street, N.W. (Lot 67, Square 2243). The addition will be located on an adjacent property to the west of the existing School at 4101 Connecticut Avenue, N.W. (Lot 68, Square 2243) ("**Property**"). The location of the Property is shown on Exhibit A. Burke seeks special exception authorization from the BZA to construct an additional school building, renovate its existing campus and to increase enrollment capacity to 320 students (in stages as explained below) and faculty and staff to 70. Plans for the new building are shown in Exhibit B.

III.

BACKGROUND

A. Edmund Burke School

Edmund Burke School is a private, independent school that was established in the District of Columbia in 1968. The School has been located at 2955 Upton Street, N.W. since 1973. The School currently has 295 students in grades sixth through twelfth and employs fifty-nine faculty and staff, fifty-five at the School's existing building.

B. Edmund Burke School Mission

The Edmund Burke School was conceived in 1968 to provide its students with the very best education possible through the careful development of imagination, reason and knowledge, with special emphasis on the abilities and needs of the individual student. Burke fosters the academic excellence necessary to prepare its students for the challenges of higher education, young adulthood and beyond. The School is committed to engendering a sense of the larger world in its students, and one of the primary ways in which it does this is through its extensive community service/service learning program. This program places students in various places throughout the city, including public schools, hospitals, shelters, community organizations and businesses, to experience first-hand the realities of the modern urban environment. The School is committed to remaining an urban school in the District of Columbia.

C. Previous Zoning Approvals

Burke was established in 1968 and moved to its present location following approval by the BZA in BZA Application No. 11428 in September 1973. The site has been used almost exclusively as a school since 1911. From 1926 until 1951, the property was used as the Devitt School, including evening classes. Later, the BZA approved the use of the subject premises as a Science School for Dunbarton College in BZA Appeal No. 9200. In 1983, the BZA, by Order No. 13986, approved the construction of an addition to Burke and a corresponding increase in enrollment to 270 students.

IV.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

The Property is located in the R-5-D Zone District[1] at the northeast corner of Connecticut Avenue, N.W. and Upton Street, N.W., where it is separated from the existing Burke building by a public alley. An excerpt from the Zoning Map is attached as Exhibit C. It is irregular in shape and consists of approximately 14,305 square feet of land area. It is unimproved, but was most recently occupied by a small apartment building (6 units) and an office/museum building predominately occupied by the offices of the Cultural Institute of Brazil.

There is a six-story apartment building adjacent to the Property to the north. The Intellsat building and the federally owned "chancery" campus is across Connecticut Avenue from the site. There are many commercial and high density residential uses to the north along the adjacent portion of Connecticut Avenue, N.W. North of the site at Connecticut Avenue and Van Ness Street, N.W. is a C-3-A Zone District of intense mixed-use development along Connecticut Avenue. This district contains the Van Ness Center and other commercial developments. In the northwest quadrant of the intersection of Connecticut Avenue and Van Ness Street is the campus of the University of the District of Columbia. Directly behind the existing school building is The Consulate, a 90 foot tall apartment building with over 250 units. South of the subject Property on Connecticut Avenue, the land uses consist of single family houses and large apartment buildings.

To the east of the existing School buildings, on the north side of Upton Street, are six single family (duplex) houses, Howard University School of Law and the Selma M. Levine School of Music. To the east of the existing School, on the south side of Upton Street, are a series of single family row dwellings.

[1] The existing School is located in the R-2 Zone District.

V.

PROPOSED EXPANSION

This application proposes expanding the School to the property to the west of the existing School. The School seeks to undertake this addition so that it may better serve its student body by providing more classroom and academic space, thereby allowing a wider breadth of educational activities. The proposed new building will contain classrooms, computer rooms, photography labs, music rooms, art studios and administrative space. It will also have a black box auditorium and outdoor terrace space for recreation.

The proposed new building will be in complete conformance with the requirements for the R-5-D Zone District. The building addition will have a height of 53 feet, well below the ninety-foot height permitted in the R-5-D Zone District. The gross floor area of the building is 2.1 FAR, well below the 3.5 FAR permitted as a matter-of-right in this zone. The rear yard is approximately 17 feet 6 inches and the lot occupancy will be thirty-three percent (33%). Based on the private school use of the Property, the Zoning Regulations require 23 parking spaces for the addition. In direct response to community concerns, new parking for 47 vehicles will be provided under the proposed building, in addition to the 24 spaces currently provided by the School, for a parking total of 71 spaces.

VI.

COMMUNITY OUTREACH AND ITS IMPACT

Care has been taken to plan an addition that is reasonable in size and design and compatible with the surrounding neighborhood. Burke has had numerous discussions and meetings with property owners adjacent to the Property and various neighbors. Different sectors of the community feel affected by the School's operations in different ways, complicating the School's ability to completely satisfy everyone. However, the School believes the current plan represents a mutually workable solution.

The School reached out to a group of neighbors representing the key residential areas surrounding the School to work in an advisory capacity as the School developed the architectural and operational plans. This group known as BNAC (Burke Neighborhood Advisory Committee) has been meeting with School representatives and its consultants since the summer of 2002. The

mission of this group was to offer the School a neighborhood perspective as it developed architectural plans, help identify traffic and parking impact areas, and to work with the School in developing a Management Plan. The final task of this group, which is still in progress, is to forge a Compliance Plan that will insure a viable responsive relationship between the School and the neighborhood. The School has greatly benefited from the constructive, spirited, and collaborative nature of this relationship and believes this could represent a model for other institutions.

The current plan shows significant compromise by the School. The community's main concern has focused on issues of traffic, circulation and parking at the School, and as a result, much attention has been paid to these issues. The current plan provides underground parking at the new School building, to be accessed off of Connecticut Avenue, and an on-site student pick-up and drop-off loop, which is accessed off of Connecticut Avenue and exited by a private driveway to Upton Street. In direct response to community concerns and input all pick-up and drop-off at the School will take place on School property, and there will be no School traffic in the public alley system.

As a result of the design of the campus and the institution of the policies outlined in the School's proposed Management Plan attached as Exhibit D, described in greater detail below, the proposed special exception will not be objectionable to adjoining and nearby property owners as a result of noise, traffic or number of students. Additionally, the School has developed a construction management plan, as part of its Management Plan, for the construction period to ensure minimum impact on the surrounding neighbors.

The School appreciates the importance of open communications with its neighbors. The process during the last ten months has been informative and insightful. It has resulted in many refinements to the plan and, most importantly, a Compliance Plan described below, with self enforcement mechanisms.

VII.

THE APPLICANT IS ENTITLED TO SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

Uses that are allowed by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for a special exception under the Zoning Regulations, the BZA's discretion is limited to determining whether the proposed exception satisfies the relevant zoning

requirements. If the prerequisites of the Regulations are satisfied, the Board ordinarily must grant the application. See, e.g., Bakers' Local Union No. 118 v. District of Columbia Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth in greater detail below, approval of special exception relief in this case is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of nearby properties.

VIII.

THE APPLICANT MEETS THE STANDARDS FOR USE OF THE PROPERTY AS A PRIVATE SCHOOL

Section 206 of the Zoning Regulations provides that a private school shall be permitted in the R-5-D Zone District if the BZA finds that two requirements are met. First, the private school must not be objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions (11 DCMR § 206.2). Second, ample parking, but not less than that required under Chapter 21 of the Zoning Regulations must be provided to accommodate the students, teachers and visitors likely to come to the site by automobile (11 DCMR § 206.3).

Through previous applications approved by the BZA, Burke has demonstrated that its programs meet these standards. The addition, and changes, currently proposed will not substantially affect the conditions upon which the previous approvals were granted.

A. Noise

Noise emanating from the School will not adversely impact neighboring property in this active and densely populated part of the District. The existing School building and the proposed addition are large enough to satisfy the many academic and extra-curricular program needs of the School, the vast majority of which will take place indoors. Also, by locating the addition on property fronting on Connecticut Avenue, the School's expansion will not bring institutional use further into the residential neighborhood and will not adversely affect the character of Upton Street. In addition, the School is proposing to establish a Management Plan which includes constraints on its operations, (see Exhibit D), which will establish policies to insure that the School's operations will minimize noise and not create an adverse impact on neighboring properties.

The Management Plan will prohibit the School's assembly spaces from being rented by outside groups, and permit only one special event to be held at any one time. It will limit noise emanating from the School to 60 decibels during the day and 55 decibels during the evening. It will require that all deliveries shall be done during the School's hours of operation. There will be no appreciable increase in noise levels emanating from the School due to this application. In fact, the Plans propose moving the air conditioning mechanical unit and the emergency generator (currently located on the northeast corner of the School property) away from its existing location adjacent to residential uses. With such a move, these mechanical units will cease to create any appreciable noise disturbances to surrounding property owners, and thus lower the noise impact on adjacent residential uses. The BZA confirmed this analysis even in its denial of the School's previous application (see Finding of Fact No. 9, BZA Order No. 16611).

B. Traffic

The transportation consulting firm of Wells and Associates has undertaken a traffic study of the area in which the Property is located and has generated a Traffic Impact Analysis of the existing and future conditions and a Traffic Management Plan ("**TMP**") for the School. The Traffic Impact Analysis (attached as Exhibit E) and the TMP, which is included in the School's Management Plan (Exhibit D) demonstrate that the proposed changes to the School will not adversely affect traffic patterns in the vicinity of the site or have an adverse impact on the road network with the proper management of the School's traffic. The proposed expansion will result in only 11 additional trips to (and from) the School in the morning peak hour and 14 additional trips in the afternoon peak hour

During the course of its discussions with the community, it became clear to the School that one of the neighbors' primary concerns was the burden of drop-off and pick-up traffic on Upton and Van Ness Streets, as well as in the north – south public alley between Van Ness and Upton Streets, N.W. The TMP develops a strategic plan for handling these traffic issues. To begin, ingress and egress to the underground parking garage will be only via a driveway and ramp from Connecticut Avenue. Car pool vehicles dropping off students will access the same driveway off of Connecticut Avenue and veer to the right to enter an on-site traffic loop, drop off students and then continue on the loop to Upton Street. During drop-off and pick-up, all queuing, along Connecticut Avenue and to the east of the new building, will be strictly limited and regulated.

As the Traffic Impact Analysis shows, approximately 25% of vehicles coming to the School in the a.m. peak hour arrive from the east; 30% arrive from the west; 15% arrive from the south; and 30% arrive from the north. The new plan will redirect all permitted inbound trips to the School's site to the new Connecticut Avenue entrance. Under this plan, all vehicles, whether accessing the garage or dropping off students on site, will use the driveway and ramp off of Connecticut Avenue.

The TMP also puts in place several additional policies that will alleviate congestion around the School. The TMP proposes to increase the person power devoted to managing this traffic. Two off-duty, Metropolitan Police Officers will act as traffic control officers during the AM and PM carpool operations. Faculty and staff will be trained to enforce the parking and carpool policies during the prime drop-off and pick-up periods. Disciplinary procedures for violators will be instituted and strictly enforced. Additionally, the use of Metrorail and Metrobus by School employees will be promoted through transit subsidies. A Metrorail ridership incentive program has already been implemented and been enthusiastically received by the faculty/staff and students. Parents will be encouraged to drop-off and pick-up children at the VanNess Metrorail Station Kiss-and-Ride or at the remote location delineated in the TMP to which the School will operate a shuttle.

C. Number of Students and Faculty/Staff

One of the most important aspects of Edmund Burke's educational philosophy is its commitment to small class sizes and small total enrollment. Pursuant to BZA Order No. 13986, the School is permitted to enroll 270 students and employ thirty-five faculty and staff. Through the instant application, the School seeks to increase student enrollment initially to 300 with 70 faculty and staff members. It proposes to expand this number to 320, but only if the School meets a stringent set of operational conditions as set forth in the Compliance Plan described below. In the interim, before the new building is complete, the School requests permission to increase its student enrollment to 290 and its faculty/staff to 60. By constructing additional educational facilities on the Subject Property, the School will be able to comfortably accommodate these increases, distributing the student body among the two buildings and reducing the impact on the neighboring properties on either side of the School buildings.

D. Ample Parking

This application will permit the increase of on-site parking to 71 parking spaces. The new building will accommodate 47 cars. Of these spaces, 36 will be completely in accordance with the Zoning Regulations. In addition, the garage will accommodate 11 additional spaces in a stacked configuration.

BZA Order No. 13986 requires the existing School provide 24 spaces. This Order permitted the School to build an addition to its original facility, which included the existing gymnasium, which is, and will remain, its largest assembly space, accommodating 250 students. As stated above, BZA Order No. 13986 permits the School to have a student population of 270 students with a faculty/staff of 35 persons. Through this application, the School is requesting permission to increase enrollment and the size of its faculty and staff to 320 and 70 respectively.

Section 2101.1 of the Zoning Regulations, requires that parking be provided at a ratio of 2 for every 3 faculty and staff and 1 for every 10 seats in the largest assembly space. Since the largest assembly space (the gym) was approved by the BZA with 24 parking spaces, parking for the new building is based on the increase in faculty and staff from the 35 permitted by BZA Order No. 13986 to the 70 requested in this application. Thus, the additional 35 faculty and staff, multiplied by two-thirds equals an additional parking requirement of 23 new spaces. This new requirement, added to the 24 required by the BZA in Order No. 13986, brings the parking requirement to 47. As shown on the architectural plans (Exhibit B), the School plans to provide 71 parking spaces total when the addition is complete.

Students will be strongly discouraged from driving to school. Currently, only 15 students drive to School. If the population increase requested in the application is approved, the junior and senior class will be increased by a total of 10 students. This increase will result in 1 more student driving to School. To the extent that students drive, the School will implement specific parking policies that will be strictly enforced. Those students who need to drive will park in the underground garage and will not be permitted to park in front of nearby residences. In order to ensure compliance, student vehicles will be registered and required to have a Burke Identification Sticker, so that any violations can be easily reported to the School. A specific staff person will be tasked with monitoring student compliance and responding promptly to any

community complaints. The School is committed to working closely with the community to accommodate successfully the traffic and parking needs generated by the School. As the BZA found in Application No. 16611, the School's provision of 71 parking spaces meets the "Ample Parking" Requirement of 11 DCMR §206.3 (see Conclusions of Law, BZA Order No. 16611, p. 9).

IX. COMPLIANCE PLAN

The Compliance Plan, which is still being analyzed by the School and BNAC, will offer the neighborhood and the District a clear set of operational benchmarks that relate to the key impact areas around the School. The School has worked hard with BNAC to establish a Management Plan that will allow for the neighborhood and the School to coexist without putting undue hardship on the surrounding area. The Compliance Plan will offer benchmarks for success and consequences to the institution for failure. The Compliance Plan relies on identifying key impact areas, establishing acceptable levels of operation, monitoring procedures followed by regular assessments and finally, allowing for an institutional remedy period and penalties for failure to remedy particular areas. The Compliance Plan will serve as a tool to insure that the Management Plan will continue to be effective over the long run. The School will submit its final Compliance Plan prior to the BZA hearing on this application.

X.

EXHIBITS IN SUPPORT OF THE APPLICATION

The School will submit the following exhibits in support of the application:

Exhibit A: Portion of the Sanborn Atlas showing the Property
Exhibit B: Plans for the Proposed Addition
Exhibit C: Zoning Map, Property Outlined in Red
Exhibit D: Management Plan
Exhibit E: Traffic Impact Analysis
Exhibit F: Agent Authorization
Exhibit G: Self Certification Form
Exhibit H: D. C. Surveyor's Plat
Exhibit I: Property Owner's List
Exhibit J: Photographs of Site

XI.

CONCLUSION

For the above reasons, this application meets the criteria set forth in Section 206 for special exception approval for a private school and is therefore in harmony with the general purpose and intent of the Zoning Regulations and will not adversely affect neighboring property. The School respectfully requests the Board of Zoning Adjustment approve this application.

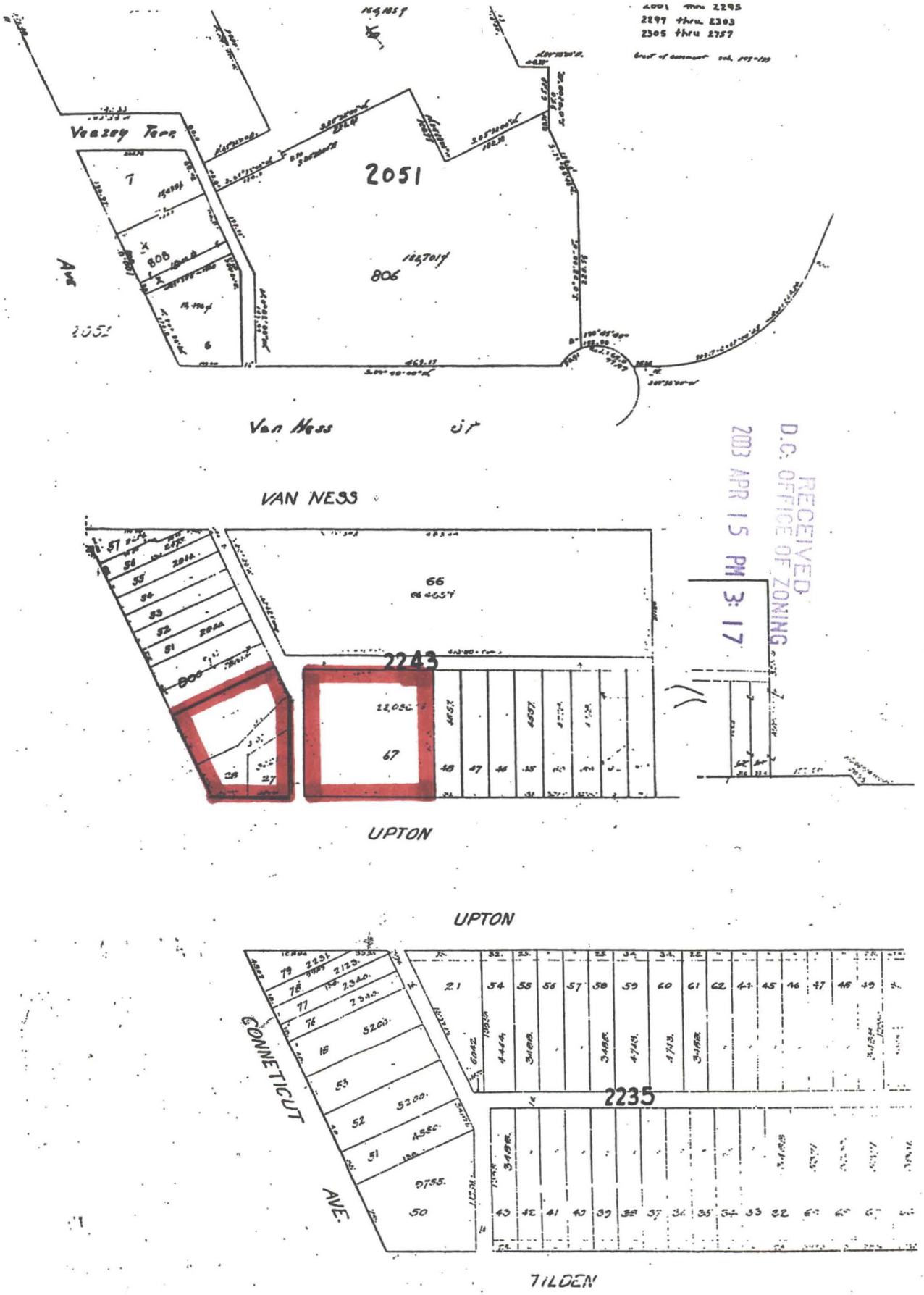
Respectfully submitted,

Phil T. Feola

Ashleigh Dale Horne

April 15, 2003

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View from Upton Street



View from Connecticut Avenue



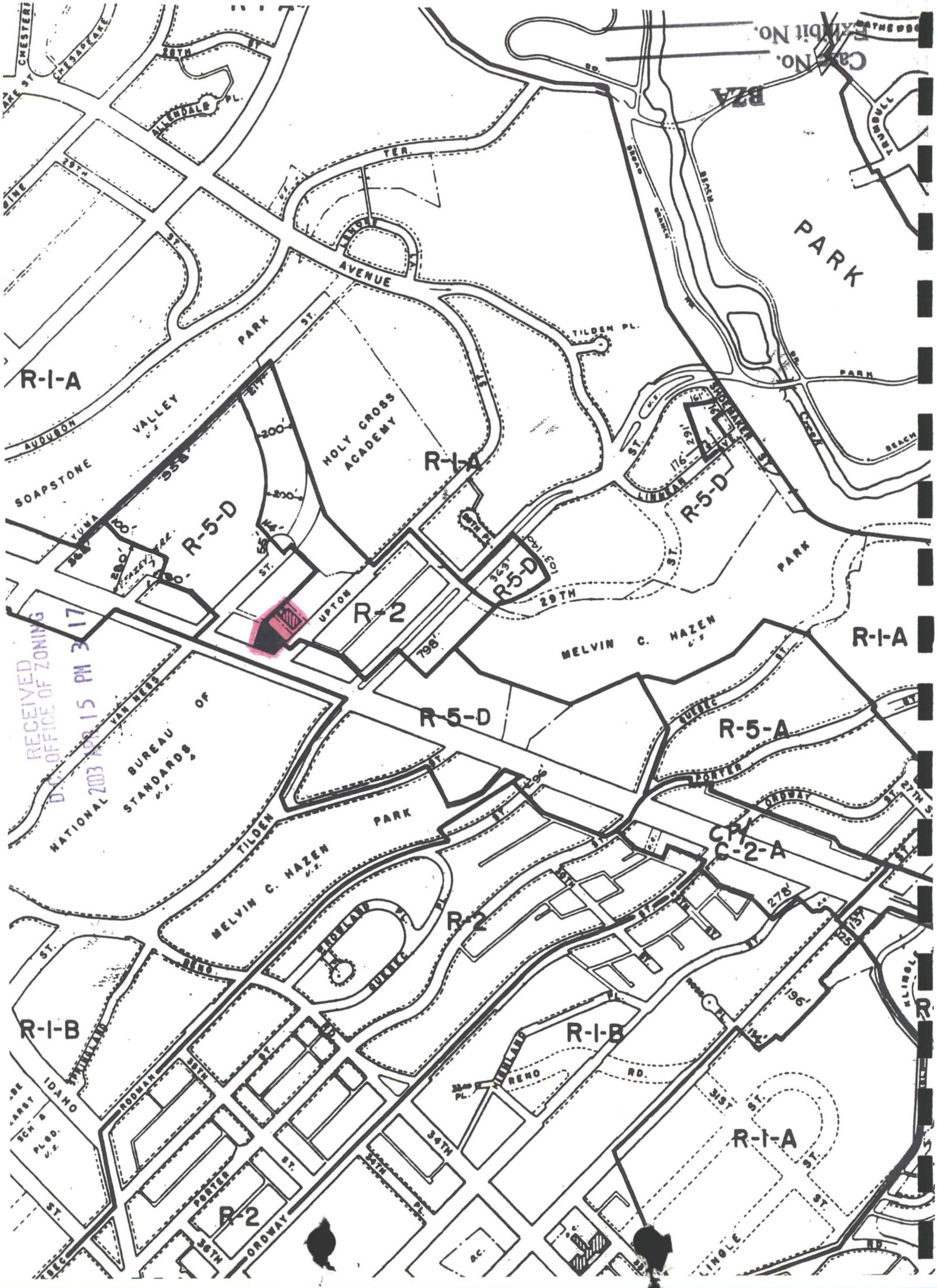
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Case No.
Exhibit No.
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R-2
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R-1-B
C-2-A
HOLY CROSS ACADEMY
MELVIN C. HAZEN
TILDEN PARK
NATIONAL BUREAU OF STANDARDS
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