GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: November 25, 2003

SUBJECT: BZA Application #17081
4700 Whitehaven Parkway, N.W. (St. Patrick's Episcopal Day School)
(Square 1747, Lot 60)

APPLICATION

The application by St. Patrick's Episcopal Day School (St. Patrick's) requests an amendment to an approved special exception, BZA Order 16517, to reflect a new cap of 93 staff and faculty.

RECOMMENDATION IN BRIEF

The Office of Planning recommends that the Board of Zoning Adjustment **APPROVE** the proposed amendment and that the amendment be reflected as a new condition to BZA Order 16517 as follows:

> **"13. The number of students in the elementary school and the child development center shall not exceed 440 students. The total number of staff and faculty shall be limited to ninety-three full time equivalent employees."**

SITE DESCRIPTION

The subject school is located at 4700 Whitehaven Parkway, N.W. (Square 1373, Lot 817 and Square 1374, Lot 5) and provides classes from nursery through Grade 6 and can accommodate up to 440 students (Attachment 1).

PROPOSAL

The proposed amendment is to clarify BZA Order 15374 that specifies only a staff cap of 60 and is silent on faculty. The amendment will specify a cap of 93 staff and faculty that is the current staff and faculty employed by the school.

BZA
Case No. 17081
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17081
EXHIBIT NO. 29

ZONING REQUIREMENTS

The main school is in the R-1-B District and the gymnasium, located directly across the street, is in the R-1-A District. Private schools are permitted as a special exception use in the R-1 districts if they meet the requirements outlined in Section 206.2 and 206.3 of the Zoning Regulations. Special exception uses are those that are pre-deemed compatible with the Zoning Regulations for that particular zone district, but which need to be reviewed by the Board to ensure that certain negative impacts do not occur.

ANALYSIS

A special exception to operate the St. Patrick's School, BZA Order 14009, was approved on December 23, 1983 (Attachment 2). In that Order, the Board imposed conditions including a cap of 280 elementary students, 110 students in the child development center (390 total) and 48 "faculty and staff". On February 11, 1991, BZA Order 15374 (Attachment 3) approved an application that increased the caps to 440 students and 60 staff. From the records in the case, it is evident that the Order addressed "staff" only and did not specify that the cap pertained to both faculty and staff as indicated in the original BZA Order.

Since then, the applicant has interpreted the order to mean that there was no cap on the "faculty" and therefore they could increase their faculty at any time without any referral to the BZA. This interpretation was challenged by ANC-3D. In 2002, the applicant submitted an application for its junior high school on McArthur Boulevard and again the faculty cap was in dispute. The ANC presented evidence that there was an error in the order and the cap was intended to refer to a combination of faculty and staff. The school now agrees with the ANC and is therefore proposing the amendment to clarify the order.

Since the 1990 order, the school has made a number of incremental increases in faculty and staff that now stands at an equivalent of 93 full-time employees. The applicant states that this is sufficient to serve their current student population.

The proposed amendment meets the requirements of the following provisions as outlined in Section 206:

> **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.**

As demonstrated in previously approved special exceptions granted to the school, the school is not likely to become objectionable to neighboring property owners because of noise. The BZA instituted conditions relating to noise, traffic, parking, and the number of students. Regarding the proposed amendment, the number of faculty and staff has grown over the years due to the need for specialty teachers for individual subjects and administrative personnel in specialized fields. Many of the school's employees are hired on a part-time basis, but overall this equates to 93 full-time employees. The proposed cap will be at a level that is appropriate for the school's current enrollment. Currently, the staff and faculty are accommodated in a parking lot under the gymnasium and do not produce any objectionable noise or traffic. The proposed amendment is not expected to change the existing situation.

As part of the special exception process for the junior high school, the applicant worked with DDOT to formulate a traffic plan that includes carpooling to minimize traffic impacts at this site. The exiting number of staff and faculty were included in that plan and therefore the proposed amendment will not have any further impact on traffic. DDOT has stated in their report that the proposed amendment will have no negative impact the school's transportation management plan and recommends approval of the application. (Attachment 4)

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.

Based on Section 2118.3 of the Zoning Regulations, "*The number of teachers or employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night, including persons having both full-time and part-time employment.*"

Further, the Zoning Regulations require 2 parking spaces per 3 teachers and other employees and therefore 62 spaces are required. Currently, there are 62 assigned spaces in the gymnasium. Additionally, the school provides an additional 42-angled spaces that are leased from the District of Columbia and 23 spaces leased from the adjacent Army Corps of Engineers property for a total of 127 spaces for staff, faculty, and visitors.

The application is also required to meet the requirements of Section 3104.1 for Special Exceptions as follows:

"…. special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, …."

The BZA has found that the school is in harmony with the Zoning Regulations and does not adversely impact neighboring properties. In particular, the proposed amendment will be in keeping with the intent of the original BZA order to impose a cap on the number of faculty and staff at the school. The proposed amendment will not have an impact on parking as there are ample spaces provided to accommodate faculty, staff, and visitors.

COMMUNITY COMMENTS

ANC-3D reviewed the application at its November 5, 2003 meeting and recommended approval of the application (Attachment 5) with the following conditions:

1. St. Patrick's Elementary School will hold quarterly meetings with ANC 3D and the community;
2. St. Partick's Elementary School will not return to the ANC or the BZA for any further expansion of faculty, staff or students for a period of five (5) years from the date of issuance of the BZA Order; and

3. St. Partick's Elementary School will provide the ANC and the BZA with a yearly report on staffing and faculty levels with a break down of full-time and part-time employees.

OP supports the ANC's recommended conditions.

SUMMARY AND RECOMMENDATION

The application is in compliance with Sections 206 and 3104.1 of the Zoning Regulations and therefore the Office of Planning recommends that the Board of Zoning Adjustment **APPROVE** the proposed amendment and that the amendment be reflected as a new condition to BZA Order 16517 (Attachment 6) as follows:

"13. The number of students in the elementary school and the child development center shall not exceed 440 students. The total number of staff and faculty shall be limited to the ninety-three equivalent full time employees."

ATTACHMENTS:

1. Aerial Photo
2. BZA Order 14009
3. BZA Order 15374
4. DDOT Report
5. ANC-3D Report
6. BZA Order 16517

AA/mbr



St. Patrick's Episcopal Day School

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Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ November 18, 2003

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14009, of St. Patrick's Episcopal Church, pursuant to Sub-section 8207.2 of the Zoning Regulations for special exceptions under Paragraph 3101.41 and 3101.42 for a proposed addition to an existing child development center and private elementary school in an R-1-B District at premises 4700 Whitehaven Parkway, N.W., (Square 1372, Lot 817) and under Sub-section 7205.3 to permit required parking spaces serving the structure to be located in an R-1-A District on the north side of Whitehaven Parkway, N.W., (Square 1374, part of Lot 847) elsewhere than on the site where the structure is located.

HEARING DATE: August 10, 1983
DECISION DATE: September 7, 1983

FINDINGS OF FACT:

1. The subject site is located on Whitehaven Parkway, N.W. between Foxhall Road and Reservoir Road. It consists of two parcels, one on the north side of Whitehaven Parkway and one on the south. The south parcel is in an R-1-B District and ~~is known as premises~~ 4700 ~~Whitehaven~~ Parkway, N.W. The north parcel is in an R-1-A District.

2. The subject parcels are both irregular in shape. The north parcel has nine sides and an area of 90,173 square feet. The south parcel has eight sides and an area of 74,998 square feet.

3. The south parcel is improved with a two story plus basement elementary school building which was built by St. Patrick's Episcopal Church in 1976. The north parcel is open space with a playing field located in its southwest corner.

4. The subject square on the south of Whitehaven Parkway is triangular in shape and is developed with institutional uses on the north facing Whitehaven Parkway, on the east facing Foxhall Road, and on a portion of the western side facing Reservoir Road. A cluster of seventeen single family homes occupies the central portion of the Reservoir Road side on the west. On the Whitehaven Parkway side are the U.S. Army Corps of Engineers Reservoir site immediately east of the subject site, and the property formerly used as the Florence Crittenden Home now occupied by the Lab School immediately west of the subject site. Further west and north of the subject site are two sites

used by the D.C. Fire Department and a Pepco power station. Immediately south of the Corps of Engineers site is the German Chancery.

5. The subject square on the north of Whitehaven Parkway is irregular in shape with Mount Vernon College facing Whitehaven Parkway and occupying the entire Foxhall Road side on the east and two-thirds of the W Street side on the north. The western one-third of the square is developed with single-family dwellings facing 48th Street, U Street and Reservoir Road on the west and Berkeley Terrace on an interior loop. The uses fronting on Whitehaven Parkway to the west of the subject site include Our Lady of Victory Church and School, and the Lab School of Washington.

6. There are six single family dwellings that front on Whitehaven Parkway to the west of the subject site. Three of the dwellings are located on the north side of Whitehaven Parkway and three are located on the south side. Two residential properties abut St. Patrick's land. One is immediately to the south of the existing school site. The other is immediately west of the north parcel.

7. The neighborhood surrounding the subject squares is zoned R-1-B on the northwest, south and southeast, with R-1-A on the northeast. A C-2-A strip is located to the west-northwest. Georgetown Reservoir is located on the western edge of the neighborhood area. Immediately west of the reservoir is Potomac Avenue and the Palisades of the Potomac River. At the eastern edge of the neighborhood is Glover-Archibald Parkway with Glover Park to the east-northeast of the subject neighborhood.

8. There is access to the subject site from Whitehaven Parkway which separates the two parcels and provides a frontage for both parcels. Whitehaven Parkway is a 120 foot right-of-way which is partially paved.

9. St. Patrick's Episcopal Day School is a nursery and elementary school operated under the auspices of St. Patrick's Episcopal Church. The school was founded in 1956 as a nursery school and expanded to the elementary school level approximately ten years later. Continued growth led the Church to purchase the subject site from the Florence Crittenden Home on Whitehaven Parkway for construction of an elementary school building. The Board approved the subject site as a school on March 6, 1975, in BZA Order No. 11307. On February 19, 1976 the Board approved modifications to the site plan in BZA Order No. 11933. The nursery school has remained at the church location on Foxhall Road to the south of the subject site.

10. The school is a member of the National Association of Episcopal Schools and the Association of Independent

Schools of Greater Washington. It has been certified by the District of Columbia Board of Education. The school includes children of all races and religious beliefs. There is a very active financial aid scholarship program. The school does not turn away a child who needs financial aid. The school has $115,000 a year budgeted for scholarship money.

11. The enrollment of the school is comprised of children who are living in the District of Columbia, Maryland, and Virginia, with seventy-four percent residing in the District of Columbia. Approximately 100 children reside within a ten-block radius of the school. Many of the children living in the area are able to either walk to school or take the Metrobus. The remainder of the children are transported to and from school by automobiles or vans. The majority of the riders use car pools, with about 100 vehicles participating including the vans.

12. St. Patrick's Episcopal Church has been located in the Foxhall Road area for sixty years and is now located at the southeast corner of the intersection of Foxhall Road and Reservoir Road. The present structure has had numerous additions to accommodate the growth of the congregation and church programs, which include a senior citizens' center, a nutrition center, and Alcoholics Anonymous.

13. In 1980 a planning study of the Church and its activities revealed that the Church is not barrier-free because it has seven different levels created by numerous additions. This creates a problem for the senior citizens program and other Church programs. Other problems included inadequate space for the Church and school and inadequate parking. Finally it was important to reunite the elementary school and the Church on the same site so that they could share facilities and enable the senior citizens and the nursery school to interact.

14. It became known to St. Patrick's that Mount Vernon College was willing to sell a portion of its land located directly across the street from the present elementary school. Approximately two acres of wooded land was available. St. Patrick's purchased the land and it became the north parcel of the subject site. This purchase enabled the Church to consolidate its operations on two adjoining parcels separated only by a low-volume local traffic street.

15. St. Patrick's Episcopal Church intends to sell the church building at 1655 Foxhall Road, N.W. and construct the proposed addition to serve as both a church and a school. The existing child development center that is located in the present Church would be moved to the new addition. The proposed addition will allow the applicant to increase its outreach activities and provide modern facilities that are

accessible to the handicapped. The Church has approximately 600 members. A maximum of 150 attend any one service.

16. The architect has designed the new Church/school addition to be in harmony with the character of the surrounding neighborhood. The building will have a residential scale and its design will blend in with similar institutional uses in the area. Improvement to both parcels were designed to avoid adverse impact on the neighbors. Plans were discussed with all adjacent property owners and their suggestions were incorporated as revisions to the landscape plans. Further, the playing field will be restricted to day-time activities since no lights will be provided for night-time recreation.

17. The present use of the elementary facility at 4700 Whitehaven Parkway will not change nor will the present enrollment of 280 children be increased. The nursery school presently has enrolled 110 children, which number will not change upon the relocation of the school. The present enrollment of the school will remain at a total of 390 children. The total of forty-eight faculty and staff members will not increase. The church building itself is permitted as a matter-of-right. Approximately one-third of the entire church building would be used by the school, with two-thirds used by the Church.

18. The applicant's traffic expert testified that the traffic generated by the combined presence of the Lab School and St. Patrick's School would not have an adverse impact on the neighborhood due to traffic, noise, operations or other similar factors, because the combined traffic from St. Patrick's and the Lab School will not adversely affect present traffic conditions on MacArthur Boulevard/Reservoir Road and Foxhall Road. There would be no change from the current levels of service during the morning and evening peak hours. There will not be any traffic added to the evening peak hours since the school lets out before that time. The parking area on the north site, which would have thirty-two spaces, is needed. Both the traffic expert and the architect testified that it is not practicable to locate all the spaces on the south side of Whitehaven Parkway. There is no problem with parking vehicles on both sides of Whitehaven Parkway because the street is a very low volume street. The sight distance is excellent, there is no problem with seeing cars from either direction, and as far as safety and convenience, there are no problems in terms of traffic engineering, traffic operations and safety.

19. The proposed development of the north site includes a parking area for thirty-two cars to be located immediately adjacent to Whitehaven Parkway and a playing field to be located at the north end of the site. The site will be screened from adjacent properties on the east and west by tree lines and fences. The playing field will be enclosed

by a chain link fence and will be entered only by a path from the south portion of the parcel. This location will be further away from the nearest adjoining residence than the playing field that is located there now. The children will be supervised on the play area and while crossing the street, with a ratio of two teachers for every class of fourteen to twenty students. The parking area will be located on the southern edge of the parcel and will be chained and locked at night to prevent unauthorized use.

20. The proposed development of the south site includes the continuance of the existing 12,587.58 square foot school structure at the northwest edge of the parcel and the construction of an addition on the eastern side of the school that will add approximately 15,634.8 square feet to the structure. A play area immediately south of the existing school will be removed and a wooded area between the addition and the properties to the south will be preserved. A wooden stockade fence will be located along the southern border of the property with a tree screen adjacent to the property line. A parking area at the northwest corner of the parcel will provide seventeen spaces.

21. The proposed private school and child development center in an R-1-B zone requires a special exception under Paragraphs 3101.41 and 3101.42 of the D.C. Zoning Regulations. The proposed parking area in the R-1-A District across the street requires a special exception under Sub-section 7205.3. The Board has authority to grant special exceptions under Sub-section 8207.2 of the Zoning Regulations.

22. The proposed building addition complies with all the physical requirements of the District of Columbia's Zoning Regulations. The height of the school portion of the addition will only be thirty-four feet, whereas forty feet is allowed. The height of the Church addition will be fifty-nine feet, whereas sixty feet is permitted. Parking will be provided in excess of the zoning requirements, since a parking lot will be built across the street. A total of forty-nine off-street spaces will be provided, whereas thirty-two spaces are required by the Zoning Regulations.

23. In order to preserve the wooded area located behind the proposed addition, the applicant has sited the building as far north and as close to Whitehaven Parkway as possible, while still allowing a corridor connection from the existing building to the new addition. The applicant intends to seek permission to use public space and Federally-owned property adjacent to the proposed addition along Whitehaven Parkway as a pre-school play area. The wooded area not only enhances the beauty of the site but serves as a visual and sound buffer. Further, additional plantings are proposed for the play area across Whitehaven Parkway from the School to

enhance the screening provided by existing mature trees and vegetation.

24. Access to the site on Whitehaven Parkway is from either the Foxhall Road intersection or the MacArthur Boulevard/Reservoir Road intersection. All picking up and dropping off of children will be made either at the southern or northern end of the circular drive as it fronts on the entrance to the child development center and private school. The circular drive is located off of Whitehaven Parkway, which is a low-volume street. The Board finds that the combined effect of both the proposed addition and the Washington Lab School would not affect current levels of service at either of the two major intersections.

25. By virtue of the large site, the topography, and the careful design and location of the existing building and planned addition, the proposed use will not be objectionable because of noise, activity, visual or other objectionable conditions. The applicant has consulted with adjacent property owners to revise landscape plans in order to increase the noise and visual buffer to provide sufficient protection for the neighbors.

26. The Board finds that the proposed child development center meets the requirements of Paragraphs 3101.41 as follows:

A. The proposed center meets all applicable code and ~~licensing requirements, as reported by the D.C.~~ Department of Consumer and Regulatory Affairs by memorandum dated August 4, 1983.

B. The proposed center will be so located and designed as to create no objectionable traffic condition and no unsafe condition for picking-up and dropping-off children. All cars will enter the site by way of a circular driveway, and all embarking and disembarking will occur within the site.

C. The proposed center with its proposed accessory parking will provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors. The required number is thirty-two spaces, while forty-nine will be provided.

D. The proposed center, including its outdoor play space, is so located and designed that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board in this order

will require special treatment in the way of screening of the buildings, play areas and parking areas through the use of plantings and location of facilities away from the perimeter of lots, to protect adjacent and nearby properties.

E. The proposed off-site play area will be located so as not to result in endangerment to the individuals in attendance at the center in traveling between such play area and the center itself. The only street to be crossed in reaching the play area is a low volume local traffic street.

F. The cumulative effect of the proposed center and the two other child development centers located within 1,000 feet will not be sufficient to have an adverse impact on the neighborhood due to traffic, noise of operations or other similar factors.

G. The Board has submitted the application to the D.C. Department of Human Services, D.C. Department of Transportation and the D.C. Office of Planning for review and written reports.

27. The Board finds that the private elementary school meets the requirements of Paragraph 3101.42 as follows:

A. The school structure is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

B. Ample parking space will be provided for students, teachers and visitors likely to come to the site by automobile. The parking provided will exceed that required in Article 72.

28. The Board finds that the proposed accessory parking meets the requirements of Sub-section 7205.3 as follows:

A. It is not practicable to locate the required parking spaces in accordance with Sub-section 7205.1 because the size of the lot on which the school structure will be located is not sufficient to accommodate more than seventeen spaces. Thirty-two spaces are required and forty-nine are provided, with thirty-two across the street on a separate lot and seventeen on-site.

B. The accessory parking spaces are to be located across the street from the school on a lot diagonally across from the lot where the structure

is located. The street separating the parking lot from the structure it is intended to serve is a local traffic street with minimal automobile traffic.

C. The accessory parking lot is reasonably convenient for the occupants and guests of the private school and child development center. The accessory parking spaces are located within 800 feet of the lot line of the structure the parking lot is designed to serve.

D. The Board in this order will impose conditions as to who shall use the school, landscaping and parking layout, number of students and staff, location of outdoor recreation activities, and limitation on non-school-related use of the facilities. The applicant discussed the proposed school and parking lot with the two residential neighbors adjacent to the property and agreed to conditions as to screening and fencing which have been incorporated herein.

29. The Office of Planning, by report dated August 1, 1983, recommended that this application be approved. The Office of Planning was of the opinion that the subject premises with its spacious facility for on-site parking, site access, setbacks, and landscaping, is capable of meeting the criteria for approval for the special exceptions sought. The Office of Planning did not believe that the use of the site as proposed will be objectionable to neighboring properties due to noise, traffic, or number of students or the location of the Lab School and as such believed that the school would be consistent with the objectives of Sub-sections 8207.2 and 7205.3 of the Zoning Regulations. The Office of Planning recommended approval as the specific criteria of Paragraphs 3101.41 and 3101.42 designed for the protection of neighboring properties from objectionable impacts have been met. The Board concurs with the reasoning and recommendations of the Office of Planning.

30. One neighbor testified in qualified opposition to the application. His concerns included denser landscaping to buffer the play area from his property and restriction of the use of Lot 847 to daytime activities. He testified that he had been assured by the applicant that certain improvements will be made to landscape plan for the two acre site to mitigate the effect on adjacent property. Specifically, evergreen trees would be planted in a staggered manner along his property line to provide a sound and sight buffer. Six foot fencing would be constructed around the entire play area with one locked gate so as to limit access to authorized persons and deter trespassers and the area will not be lighted so that only daytime activities will be permitted.

Further, the landscape architect has agreed to contact the neighbor when removal of the trees and grading of the site are ready to begin so that damage to his property during construction can be prevented or, at least, kept to a minimum.

31. The applicant responded to the concerned neighbor by testifying that with regard to the conditions, the applicant has no objection to the restriction to daytime use. However, with regard to noise amplification, a loud speaker may be appropriate from time to time for community events at the church. Secondly, with regard to school use, it is proposed that this be school related activities. However, there are also going to be some church related activities.

32. The applicant appeared before the two Advisory Neighborhood Commissions and the Palisades Citizens Association, all three of which have voted to support the application. The applicant met with virtually all of the Church's neighbors in an effort to let them know what will be incorporated in the plan and to learn the concerns that they might have.

33. The revised landscape drawings show forty-eight white pine and forty hemlocks for the north site tree screen. The applicant has added additional trees after meeting with the adjacent property owner so as to effect screening between his property and this play area.

34. The D.C. Department of Transportation, by memorandum dated June 30, 1983, reported that the proposed expansion can be expected to generate approximately thirty additional school-related trips during morning peak hours. This trip generated level will have a negligible effect on the surrounding street system. The applicant proposes to provide a total of forty-nine spaces to service the school, seventeen on-site and thirty-two across Whitehaven Parkway, almost directly across the street from the existing parking area entrance. This parking supply should accommodate school-generated demand, as well as mitigating the effect of church-related traffic, whose peak hours will seldom overlap with school operation, on neighborhood streets. The Board concurs with the DOT report.

35. Advisory Neighborhood Commission 3B, by letter dated June 29, 1983, advised that it had voted unanimously to support the special exception application. However, the Commissioners requested that special precautions be taken by St. Patrick's School to insure the safety of school children crossing Whitehaven Parkway to the playground area during recess periods. The representative from St. Patrick's

estimated that approximately ten crossings would be made per day by class groups under adult supervision. The Commissioners suggested that even though the children would be supervised, some provision should be made to possibly close off Whitehaven Parkway during the times when the crossings would be made. The Board concurs with the recommendations of ANC 3B, but notes that the control of traffic on Whitehaven Parkway is not within the jurisdiction of the Board.

36. Advisory Neighborhood Commission 3D, by letter dated June 21, 1983, advised that it had voted unanimously not to take objection to the application, based on acceptance of an agreed-upon landscaping plan worked out with adjoining neighbors, particularly Mr. Marshall Hornblower, whose property would be the most affected by the development, upon the condition that prohibition be imposed upon night-time lighting, except for security purposes of the playing field. The Board concurs with the recommendations of ANC 3D. No plans for lighting the playing field are included in this application. Any future proposal for such lighting would require the review and approval of this Board.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking special exceptions to allow an addition to an existing child development center and private elementary school and to allow the required parking for the center and school to be located across the street. The granting of such special exceptions requires that the proposed uses meet the requirements of Paragraphs 3101.41 and 3101.42 and the requirements of Sub-section 7205.3. The Board further must determine that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met the requirements for the special exceptions to implement its proposal. The proposed center and school will comply with Paragraphs 3101.41 and 3101.42 and will meet all applicable code and licensing requirements. There will be no objectionable traffic or noise conditions. There will be ample parking space. Screening has been provided to protect surrounding residential areas. There will be safe travel between the center and the off-site play area. The cumulative effect of more than one child development center within 1,000 feet will be negligeable. The accessory parking spaces comply with Sub-section 7205.3.

The Board concludes that it has accorded "great weight" to the issues and concerns of both Advisory Neighborhood

Commissions. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Operation of the school shall be limited to St. Patrick's Episcopal Day School.

2. Landscaping and parking layout of the sites shall be in accordance with the plans marked as Exhibit Nos. 36 and 37 of the record.

3. The number of students in the elementary school shall not exceed 280, and in the child development center shall not exceed 110. The total number of facility and staff for both facilities shall not exceed forty-eight.

4. There shall be no outdoor recreation activities on lot 817 south of the existing paved patio.

5. All non-school-related use of the school facilities shall be limited to no more than three per month.

VOTE: 4-0 (Lindsley Williams, William F. McIntosh, Carrie L. Thornhill and Charles R. Norris to grant; Douglas J. Patton not voting, not having heard the case).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: DEC 23 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14009order/LJP1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15374 of the Vestry of St. Patrick's Church, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 207 to increase an existing private school from 390 to 440 students and from 51 to 60 staff for the alteration and repair of an existing church and private school in an R-1-B District at premises 4700 Whitehaven Parkway, N.W., (Square 1372, Lot 817).

HEARING DATE; October 17, 1990
DECISION DATE: October 17, 1990 (Bench Decision)

DISPOSITION: The Board CONDITIONALLY GRANTED the application by a vote of 3-0 (Paula L. Jewell, John G. Parsons and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

FINAL DATE OF ORDER: October 30, 1990

ORDER

The Board granted the application by its Order dated October 30, 1990, subject to four conditions. Condition No. 4 of the Order required that the applicant submit a landscaping plan for the project for review and approval by the Board prior to the issuance of a Certificate of Occupancy for the proposed use.

On December 21, 1990, counsel for the applicant submitted a landscape plan for the project for consideration by the Board. At its public meeting of January 9, 1991, the Board reviewed the landscape plan as submitted by the applicant. The Board concludes that the proposed plan provides appropriate screening between the project and adjacent residential uses and adequately addresses the concerns of the Board.

Upon consideration of the foregoing facts it is hereby ORDERED that the revised landscaping plan marked as Exhibit No. 31A of the record satisfies Condition No. 4 of the Board's Order and is therefore APPROVED.

DECISION DATE: January 9, 1991

VOTE: 3-0 (Paula L. Jewell and Carrie L. Thornhill to approve; John G. Parsons approve by proxy; Sheri M. Pruitt and Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: FEB 11 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT 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 ODER 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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

O15374/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION/APPEAL NO. 15374

As Executive Director of the Board of Zoning Adjustment Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated FEB 11 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Allison Prince, Esquire
Wilkes, Artis, Hedrick & Lane
1666 K St., N.W., Ste. 1100
Wash, D.C. 20006

Marshall Hornblower
4800 U Street, N.W.
Wash, D.C. 20007

Vestry of St. Patrick's Church
4700 Whitehaven Parkway, N.W.
Wash, D.C. 20007

Barbara Hamer, Chairperson
Advisory Neighborhood Commission 3B
P.O. Box 32312, Calvert Station
Wash, D.C. 20007

EDWARD L. CURRY
Executive Director

DATE: FEB 11 1991

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15374 of the Vestry of St. Patrick's Church, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 207 to increase an existing private school from 390 to 440 students and from 51 to 60 staff for the alteration and repair of an existing church and private school in an R-1-B District at premises 4700 Whitehaven Parkway, N.W., (Square 1372, Lot 817).

HEARING DATE; October 17, 1990
DECISION DATE: October 17, 1990 (Bench Decision)

DISPOSITION: The Board CONDITIONALLY GRANTED the application by a vote of 3-0 (Paula L. Jewell, John G. Parsons and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

FINAL DATE OF ORDER: October 30, 1990

ORDER

The Board granted the application by its Order dated October 30, 1990, subject to four conditions. Condition No. 4 of the Order required that the applicant submit a landscaping plan for the project for review and approval by the Board prior to the issuance of a Certificate of Occupancy for the proposed use.

On December 21, 1990, counsel for the applicant submitted a landscape plan for the project for consideration by the Board. At its public meeting of January 9, 1991, the Board reviewed the landscape plan as submitted by the applicant. The Board concludes that the proposed plan provides appropriate screening between the project and adjacent residential uses and adequately addresses the concerns of the Board.

Upon consideration of the foregoing facts it is hereby ORDERED that the revised landscaping plan marked as Exhibit No. 31A of the record satisfies Condition No. 4 of the Board's Order and is therefore APPROVED.

DECISION DATE: January 9, 1991

VOTE: 3-0 (Paula L. Jewell and Carrie L. Thornhill to approve; John G. Parsons approve by proxy; Sheri M. Pruitt and Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: FEB 11 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT 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 ODER 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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

O15374/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION/APPEAL NO. 15374

As Executive Director of the Board of Zoning Adjustment Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated FEB 11 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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4700 Whitehaven Parkway, N.W.
Wash, D.C. 20007

Barbara Hamer, Chairperson
Advisory Neighborhood Commission 3B
P.O. Box 32312, Calvert Station
Wash, D.C. 20007

EDWARD L. CURRY
Executive Director

DATE: FEB 11 1991

MEMORANDUM

TO: Jerrily R. Kress, Director
Office of Zoning

FROM: Ken Laden, Associate Director
Transportation Planning and Policy Administration

DATE: November 18, 2003

SUBJECT: BZA application number 17081; St. Patrick's School 4700 Whitehaven Parkway, NW Washington DC

The District Department of Transportation (DDOT) has reviewed BZA Application No. 17801 to amend the Cap on Faculty and Staff at St. Patrick's School. DDOT recognizes that this amendment will clarify the existing cap. No negative impact on the existing transportation management plan will occur as a result of the approval of this application. Therefore, DDOT supports this application.

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

RECEIVED
D.C. OFFICE OF ZONING
2003 NOV 14 PM 3:41

November 11, 2003

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW, Suite 210-S
Washington, DC 20001

RE: Application 17081, St. Patrick's Elementary School

Dear Chairman Griffis:

ANC 3D, with a quorum (4) present at all times, and with proper notification of this meeting to the public, heard a presentation at its November 5 meeting from St. Patrick's School on the need to establish a new faculty and staff cap for its elementary school. ANC 3D believes that the school deserves to be commended for coming forward, however belated, with a solution that will end a years-long legerdemain and establish a cap that realistically reflects the current size of faculty and staff.

St. Patrick's Elementary School informed the Commission of its Application (#17081) to the BZA for a hearing and to ask for the Commission's approval of a proposed new cap on faculty and staff. Considerable discussion ensued on the concept and impact of FTEs (Full Time Equivalents), as it was difficult for some members of the Commission to understand the necessity for this new method of counting faculty and staff. Concern was expressed by some members of the Commission that by allowing the FTE method of counting there is less assurance the school would stay within its numerical cap, while also acknowledging the need to find employment for teachers who, for a variety of reasons, might need to move from full-time to part-time teaching or to administrative status.

Peter Barrett, Headmaster of the school, maintained that the cap it is currently seeking is imposed by provision in the zoning code that states the school must provide 2 spaces for every 3 employees. As parking has reached capacity in the school's gymnasium, and in the space it leases from the Army Corps of Engineers, which the Headmaster claimed was a visitor's lot (BZA #16852, May 21, 2002, page 258), and in the diagonal spaces leased from the District, any spillage into the surrounding neighborhood would become objectionable to neighbors. The ANC is hopeful that the new cap proposed by the school will be strictly adhered to. If it is, it will help reduce the distrust that has built up over the years between the school and the ANC. The new cap also will end a charade played out by the school and its lawyers over the past decade that the BZA had imposed a cap only on "staff," not on the size of the school faculty. During that period, St. Patrick's faculty and staff grew from 60 to 103. The school has admitted the errors of its ways in seeking a new cap that reflects the real size of its faculty and staff. ANC 3D also would like to take some credit for calling the school's attention to its misleading cap of the past.

The underlying purpose of a cap on faculty and staff, of course, is to make sure a school lives within its boundaries and does not impose objectionable conditions, such as parking, upon its neighbors. Even with the proposed new cap for St. Patrick's, parking by private schools remains a problem in our Palisades neighborhood. St. Patrick's Elementary School shares Whitehaven Parkway with George Washington's

BZA
Case No. 17081
Exhibit No. 25

Mt. Vernon Campus, Our Lady of Victory Elementary School and The Lab School of Washington. Some of these schools employ numerous teachers, probably in excess of BZA caps, who find they must park on residential streets because their campuses cannot supply off-street parking. Many neighborhood streets are currently filled to capacity with cars from outside the neighborhood. It is no longer a situation where the parking is "likely to become objectionable" under Section 206 of the zoning code. Private school parking has become objectionable and therefore a specific cap that reflects reality is critical in the case of St. Patrick's and in the future for other private schools in the Palisades neighborhood.

With two distinct locations--the elementary school on Whitehaven and a new junior high on MacArthur and Ashby St., some Commissioners expressed concern about overlap and sharing of faculty and staff on both the elementary school and junior high campuses as this could lead to potential problems in tracking teachers on both campuses in the future.

As a result of its deliberations ANC 3D strongly encourages inclusion of the following conditions when the BZA Order for this application is written:

1. St. Patrick's Elementary School will hold quarterly meetings with ANC 3D and the community;

2. St. Patrick's Elementary School will not return to the ANC or the BZA for any further expansion of faculty, staff or students for a period of five (5) years from the date of issuance of the BZA Order; and

3. St. Patrick's Elementary School will provide the ANC and the BZA with a yearly report on staffing and faculty levels with a break down of full-time and part-time employees.

After weighing the proposal from St. Patrick's Elementary School, Advisory Neighborhood Commission 3D, voted 7-0-0 to approve, with conditions, the "[S]pecial exception to permit 93 faculty and staff for an existing child development center and private school in the R-1-B Zone District pursuant to Sections 205 and 206 of the Zoning Regulations at premises 4700 Whitehaven Pkwy., NW (Square 1372 and Square 1374, Lot 5)." The Commission hopes the BZA will accord the Commission's views the "great weight" to which it is entitled by law.

Sincerely,

John W. Finney
Chair

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16517 of Vestry – St. Patrick's Church, pursuant to 11 DCMR 3108.1 (new section 3104.1), for a special exception under Section 206 to allow the construction of a one-story athletic building with gymnasium and an addition to and renovation of a classroom of an existing private school in the R-1-B District at premises 4700 Whitehaven Parkway, N.W. (Square 1372, Lot 817 and Square 1374, Lot 5).

HEARING DATE: December 8, 1999
DECISION DATE: December 8, 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, 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 in support of the application.

As directed by 11 DCMR 3324.2 (new 3119.2), 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 Section 206. No person or entity appearing as a 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 3108.1 (new 3104.1), 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. The gymnasium will not be more than 12 feet in height above the level of the playing field.

2. The distance between the western wall of the parking lot on the north side of Whitehaven Parkway and the property line that the school shares with the Hornblowers at 4800 U Street, NW, will be at least 8 feet.

3. The evergreen buffer required in BZA Order No. 14009, as amended, will be maintained to mitigate the visual and aural effects of the project.

4. There will be no exterior lighting of the gymnasium except that required for security and identification purposes.

5. No light fixture attached to the gymnasium or installed in the adjacent parking lot shall be visible from an occupied level of a Berkeley Terrace residence.

6. There will be no lighting of the playing field. Any lighting of the parking lot will be installed such that the rays are directed toward the surface of the lot to avoid an impact on adjacent properties.

7. There will be no sound systems installed outside. Portable sound systems may be used only in connection with school and church events and only during daytime hours, subject to reasonable limitations (or instruction to the coaches or masters of ceremony).

8. The gymnasium roof shall remain free of any fixtures or attachments, such as lights, HVAC equipment, antennas and satellite dishes.

9. St. Patrick's shall install and maintain evergreen trees along the southern edge of the playing field.

10. The school facilities shall be used for school and church purposes only except that non-profit 501 (c)(3) organizations, such as scout troops and community groups, may use school facilities subject to a maximum of three times a month. On Saturdays, Sundays, and holidays, the playing field may be used for school or church purposes. Use by non-school, non-church organizations during this time shall be limited to once per month.

11. There shall be a 6:00 p.m. curfew on the use of the playing field.

12. No stadium seating or bleachers shall be constructed either of a temporary or a permanent nature or shall be installed on the playing field level.

Pursuant to 11 DCMR 3301.1 (new 3101.6), the Board has determined to waive the requirement of 11 DCMR 3331.3 (new 3125.3) 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 to 0 (Sheila Cross Reid, Kwasi Holman, Jerry Gilreath and Robert Sockwell to approve.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 28 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 3125.6, "A DECISION OR ORDER OF THE BOARD SHALL BE AND BECOME FINAL UPON FILING IN THE RECORD AND SERVICE UPON THE PARTIES."

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.

BAB/12.15.99

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16517

As Director of the Office of Zoning, I hereby certify and attest that on DEC 28 1999 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Allison Prince, Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, NW, Suite 1100
Washington, DC 20006

Peter Barrett, Headmaster
Saint Patrick's Episcopal Day School
4700 Whitehaven Parkway, NW
Washington, DC 20007

Jonda McFarlane, Chairperson
Advisory Neighborhood Commission 2E
St. John's Episcopal Church
3265 S Street, NW
Washington, DC 20007

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director