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ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS MCLEAN GARDENS • WOODLEY PARK

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August 31, 2004

By facsimile and mail

Mr. Geoffrey Griffis
Chairman, D.C. Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: BZA Application No. 17149, Sidwell Friends School, Findings of Fact and Conclusions of Law

Dear Chairman Griffis and Members of the Board:

Pursuant to the Board of Zoning Adjustment's (BZA) instructions at the close of the July 29, 2004 public hearing in the above-captioned matter, Advisory Neighborhood Commission 3C (ANC 3C) and Advisory Neighborhood Commission 3F (ANC 3F) submit the following Findings of Fact and Conclusions of Law. ANC 3F, with the concurrence of ANC 3C, will submit under separate cover brief memorandum on the matters of the applicability of Section 2516 and the determination of the location of the building front for purposes of measuring the height of the proposed middle school addition. Previously, ANC 3C, with the concurrence of ANC 3F, submitted a brief memorandum on the construction phasing matter and the applicability of Section 411 concerning the multiple roof structures on the proposed middle school addition.

FINDINGS OF FACT

Property and Surrounding Area

1. The applicant, Sidwell Friends School, is in the Cleveland Park neighborhood of Ward 3, and is located at 3825 Wisconsin Avenue, N.W. (Square 1825, Lot 816)

2. The property is bordered on the north by the James Johnson Building, owned by the Federal National Mortgage Association, the Cleveland Park Branch of the U.S. Post Office, and the Washington Home, a hospice and extended care facility; on the east by the Phoebe Hearst Elementary School, and the Hearst Recreation Center and Field; on the south by private homes

BZA
Case No. 17149
Exhibit No. 90

Board of Zoning Adjustment
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EXHIBIT NO. 90

and a commercial building at the corner of Wisconsin Avenue and Quebec Street; and on the west by McLean Gardens Apartments and Condominiums.

3. The property is zoned R-1-B, except for a narrow strip fronting on Wisconsin Avenue, which is zoned C-2-B, and the northeast corner of the property, which is zoned C-2-A.

4. The 15 acres property houses an historic landmark-designated building, Zartman House, near the center of the property. To the south and east of Zartman House are athletic fields and three tennis courts. The School campus occupies the northern section of the property and consists of a one-story art center, two gyms, a two-story upper school, a three-story middle school, a one-story security and utility building, and five tennis courts.

5. The School has operated from this site since 1937. A second campus for the lower school is located in Bethesda, Maryland.

6. The area east and south of the School is occupied by an established neighborhood of single-family homes.

Phoebe Hearst Elementary School

7. Hearst Elementary School (Hearst) is located on 37th Street directly across from the Sidwell middle school building. Hearst has 160 students enrolled in Pre-kindergarten through 3rd Grade.

8. Hearst school day is 8:45AM to 3:15PM. The school provides a before and after school program. Pick-up and drop-off occur at the single school entrance on 37th Street, opposite the current Sidwell middle school entrance.

9. Hearst and Sidwell have overlapping drop-off and pick-up periods.

The Washington Home

10. The Washington Home is a critical care facility on Sidwell's northern border. In April 2004, the BZA approved Application No. 16836, authorizing the expansion of the on-site parking area at 37th Street and Upton Street along with a detailed landscaping plan.

11. Commissioner Cathy Wiss of ANC 3F testified that Sidwell and The Washington Home (TWH) signed an agreement on June 14, 2004, which stipulated that Sidwell Friends will not light the two tennis courts at the north edge of the campus, nor use them after 9 p.m. without TWH consent. The Washington Home notes that it would be difficult to play tennis after 9 p.m. without lighting.

12. Commissioner Wiss also testified that the June 14 agreement between Sidwell and The Washington Home specifies that Sidwell Friends will
    a. install and maintain landscaping that is generally consistent in nature with the plan already submitted to TWH for the area between the property line adjacent to the Middle School addition and TWH parking lot;

a. install and maintain landscaping that is generally consistent in nature with the plan already submitted to TWH for the area between the property line adjacent to the Middle School addition and TWH parking lot;
b. submit the final composition of this area to input from residential neighbors
c. design and install mutually agreed upon landscaping along the south edge of TWH property. Maintenance of that landscaping will be the responsibility of TWH.

Sidwell Friends School

13. There are 800 students enrolled in the middle and upper schools and 169 faculty and staff. Current hours of operation are 7:30AM to 3:45PM for the middle school, and 7AM to 3:45PM for the upper school. Athletic team practices are scheduled until 6PM, Monday through Friday, with visiting team games extending to completion or dark.

14. The applicant schedules after school events for students and parents, such as, plays, back-to-school night, and dances.

15. The applicant hosts prospective students and parents during the school day, and at evening events.

16. The applicant regularly rents the gym facilities during non-school hours. The tennis courts are also used during non-school hours by a school-sponsored tennis membership club.

17. Applicant has a student parking policy that prohibits students from parking on-site. A student survey conducted in April 2003 found that approximately 124 students drive to school. On-site parking for 192 automobiles is reserved for staff and visitors.

18. Applicant seeks to increase the middle school from 33,000 square feet to 68,000 square feet, to build a 307-space underground garage, 6,300 square feet of building and grounds facilities, 10,000 square feet meeting house, and a 33,000 square feet, 3-story gymnasium.

Previous Board Orders

19. The applicant appealed (Appeal No. 10460) a BZA decision denying their application to add a second and third story to the middle school building in 1970. The BZA granted the application on appeal.

20. In 1979, the applicant requested a special exception (Application No. 12945) to build a gymnasium with no bleacher seating, an arts center with a 450-seat auditorium, and a maintenance building. The application was approved with the following conditions: enrollment was limited to 700 students, faculty limited to 100 persons, staff limited to 30, and 145 on-site parking spaces were required.

21. The applicant requested three separate modifications to Order No. 12945.

a. On August 29, 1979 the applicant requested that the gymnasium building be moved 25 feet to the west, that the dimensions of the maintenance building be changed, and that a covered bicycle storage area be deleted. The BZA granted the modifications on October 9, 1979.

b. On December 26, 1979 applicant requested additional modifications of the plans previously approved. In an order dated March 31, 1980 the BZA approved 1) a reduction in the height and square footage of the gymnasium building and 2) an increase in the site coverage with a reduction in the overall square footage of the arts center building.

c. On March 25, 1980, the applicant requested an additional modification of the arts center building. The Joint Committee on Landmarks (predecessor to the Historic Preservation Review Board) determined that the property on which the arts center was to be located included portions of the original landmark property. As such, they had jurisdiction over the design and sighting of the arts center and they opposed the plans that were previously approved by the BZA. Their preferred design included an increase in gross floor area, a small reduction in site coverage and a reorientation of the building. By order dated April 21, 1980, the BZA approved the modifications.

22. In a 1993 bench decision, the BZA approved a special exception application to allow the school to build an addition. The Board waived the requirement for accompanying Findings of Fact and Conclusions of Law.

23. In 1996, the school applied for a special exception to renovate and add to the upper school building, to temporarily install classroom trailers, and to increase the limit on enrollment from 700 to 780 and the limit on faculty and staff from 130 to 190. The BZA approved the application in a bench decision.

Compliance with Board Orders

24. The applicant has admitted that they are out of compliance with the 1996 BZA order, which limited enrollment to 780 students. Based on statements by the applicant the enrollment level has exceeded the limit for at least 4 years, and will continue to exceed the limit in the 2004/05 school year.

District of Columbia Department of Transportation (DDOT)

25. On June 1, 2004 DDOT submitted a one-page memorandum on the Sidwell special exception application. DDOT did not endorse or oppose the application, discussing various aspects of the proposal instead. They
    a. "did not oppose" a more limited drop-off and pick-up at the middle school entrance on 37th Street, as has been proposed by Sidwell;
    b. had no comment on the proposed retiming of the traffic signal or advance left turn lane at Wisconsin Avenue and Rodman Street, or on the proposed construction management plan;
    c. strongly encouraged a 10% reduction in vehicular trips to and from the school through increased participation in mass transit and car pooling;

d. supported the construction of an on-site parking garage, and suggested that any overflow parking demands could be handled on Quebec Street or 37th Street.

26. DDOT did not testify at any of the BZA hearings scheduled in this case, despite the requests of the Office of Planning, the Zoning Office, ANC 3C and ANC 3F. After both ANCs urged the BZA to compel DDOT to submit to cross-examination, Chairman Griffis asked the ANCs to submit written questions to DDOT and instructed that DDOT should submit their responses by August 10, 2004. The ANCs were instructed to submit comments on the responses by August 24, 2004. ANC 3F submitted questions, but DDOT ignored the request for responses and the deadline imposed by Chairman Griffis. DDOT did submit a second memorandum on July 12, 2004, which responded to questions posed by a Sidwell neighbor, Barbara Beelar. DDOT stated that they had conducted a study of 37th Street traffic in May 2004 and found no major discrepancies with the findings in the school's traffic consultant report.

27. The Office of Planning testified that they could not respond to questions from the Board or parties regarding traffic and parking issues, as they rely on DDOT to provide that expertise. Since traffic and parking issues are an important focus of this special exception application, the BZA believes that all relevant testimony bearing on contested issues should occur in a public forum where the testimony can be scrutinized. In this case, there was public testimony that DDOT had visited the site with other neighborhood representatives present, and that DDOT concurred with community representatives on the need for signage changes as a result of unsafe and illegal traffic activity. Additionally, DDOT conducted a traffic study of the nearby area (separate from the May 2004 study of 37th Street) and determined that traffic calming measures should be installed. None of this activity was mentioned in the DDOT memorandum. Also, changes in signalization which are an important part of the applicant's traffic management plan, have not been evaluated by DDOT to determine if such changes are warranted and what impact the changes would have on Wisconsin Avenue traffic and AM rush hour. Since DDOT refused to appear to respond to questions and they refused to respond to written questions submitted by ANC 3F at the request of the BZA chair, the BZA finds their submitted comments lack completeness and creditability.

District of Columbia Office of Planning (OP)

28. Office of Planning submitted a report to the BZA on May 8, 2004. Based largely on DDOT's memorandum, which neither endorsed nor opposed the application, OP supported the application with conditions. OP recommended that the enrollment limit beginning in 2004 be increased to 800 and that the staff level remain at 190. OP couples this increase with the implementation of the traffic management plan (TMP). However, the TMP is premised on completion of the parking garage, which has been estimated by the applicant as no sooner than May 2005.

29. One year after the issuance of a certificate of occupancy for the parking garage and submission of evidence to the Zoning Administrator that the applicant is in full compliance with the zoning order and DDOT's written evaluation that the parking garage is operating successfully, OP would recommend an enrollment increase to 825 students. OP further recommended that the enrollment could be raised to 850 students six years after the issuance of the certificate of occupancy for the garage if they submit evidence of compliance with the zoning order and

DDOT submits a written report to the Zoning Administrator that the TMP is operating successfully. The increases are tied to a finding by DDOT that traffic and parking issues are resolved.

30. In addition, OP urged in its testimony that the applicant be required annually to submit evidence to the BZA, the Zoning Administrator, and DDOT to demonstrate its enrollment numbers and its full compliance with the zoning order. OP also supported the recommendation from ANC 3C that the applicant submit a report annually to ANC 3C and ANC 3F that documents compliance with the enrollment and staff limits and full compliance with the zoning order provisions.

31. OP endorsed DDOT's recommendation that vehicular travel to and from the school be reduced by 10% through a combined increase in mass transit usage and higher vehicle occupancy rate through carpooling.

32. The Office of Planning testified repeatedly on June 29, 2004 that it supported the construction management plan presented by ANC 3C, which would mitigate the adverse impacts of construction and related traffic.

33. Since the OP recommendation is based largely on DDOT's sparse analysis of the traffic and parking issues relevant to this application, and since DDOT has omitted relevant information pertaining to their site visit and their plans to install traffic calming measures in the vicinity of Sidwell from their submission, and since DDOT has refused to appear before the BZA in this case or respond to written questions from ANC 3F, the BZA finds the elements of the OP report that rely on DDOT unpersuasive.

34. The Board notes that both OP and ANC 3C and 3F have recommended that the zoning order condition support for an enrollment increase to 800 students on frequent and detailed evidence of compliance. The Cleveland Park Community Association testified that enrollment should not be increased at all since the school is in "willful non-compliance." Based on the history of non-compliance with the zoning order and DDOT's unwillingness to have their facts, assumptions and conclusions questioned by the Board or by the parties, the Board is unwilling to condition future automatic enrollment increases, as proposed by OP, on DDOT's submission to the Zoning Administrator. Furthermore, both DDOT and OP have recommended that school related traffic be reduced by as much as 10%, a goal that seems counterintuitive to an automatic increase in numbers of students. The Board has heard repeated complaints that the Zoning Administrator does not enforce zoning orders and so to transfer approval for enrollment increases, which is the responsibility of this Board, to the Zoning Administrator, even with the reviews suggested by OP, is imprudent and unwarranted.

Parking and Traffic Issues

35. Current access to the school is from two points on Wisconsin Avenue: the circular drive in front of Zartman House, 3825 Wisconsin Avenue, and the entrance to the upper school at 3901 Wisconsin Avenue. An additional egress point is a drive shared with the Federal National Mortgage Association, by right of an easement granted by the Washington Home to establish a

43. Sidwell also proposes to change its current no on-site student parking policy by requiring students to park in the parking garage or in surface, on-site spaces. However, Sidwell also testified that students would not be prohibited from parking in the neighborhood.

44. Ingress to the proposed parking garage would be from a driveway entered from Wisconsin Avenue and aligned with Rodman Street, which has a traffic signal. Egress would be from the driveway shared by the post office and the school through an easement provided by the Washington Home. The application submitted by the school also requests a southbound advance left turn lane at the Wisconsin Avenue/Rodman Street intersection.

45. Wells and Associates, the applicant's traffic consultants, stated in a May 2004 memorandum to the District Department of Transportation that if enrollment is increased to the requested 850 students and drop-off and pick-ups are restricted on 37th Street, the timing of green lights would have to be shifted from Wisconsin Avenue to the side streets.

Advisory Neighborhood Commission 3C (ANC 3C)

46. ANC 3C met several times with Sidwell representatives during ANC Planning and Zoning Committee meetings. Conceptual plans and parking and traffic issues were the primary focus of these meetings. Efforts were also made to resolve issues, such as the lack of on-site parking and the mass of the proposed middle school, prior to ANC 3C consideration of the special exception application. On April 13, 2004, ANC 3C held a joint special ANC public meeting with ANC 3F focusing on presentations by Sidwell and a neighborhood group, followed by questions and answers. At the regularly scheduled April ANC 3C meeting, the commission unanimously approved a resolution, which conditionally supported the conceptual plan Sidwell presented and outlined conditions that should be incorporated into the zoning order.

47. ANC 3C's resolution supports the construction of a below-grade parking garage, which was in part expanded to respond to neighborhood concerns, provided that the garage would provide at least 300 code-complaint spaces and result in all students and staff parking on-site, and not on neighborhood streets, and all buses parking on-site.

48. ANC 3C also requests that any significant changes to the site plan as presented to the Historic Preservation Review Board and the ANC be subject to ANC consideration prior to any BZA consideration. The Board heard testimony from both the ANCs and the neighbors that the applicant's plans continue to change and some important aspects in any Section 206 deliberation, such as the height and appearance of the proposed garage and the number of roof structures on the middle school addition, were presented for the first time during the last day of the BZA hearing. Complete and final applications should be submitted to the ANC for great weight comment and applicants should not be allowed to circumvent ANC review by presenting substantive modifications during the course of BZA proceedings. To do otherwise, denies the communities represented by the ANC their opportunity to fully comment on potential adverse impacts under Section 206.

49. The ANC recommends that the front façade of the middle school on 37th Street be "indented" to soften the long edge of that façade and that the view of the north and east facades of the proposed middle school be further shielded from view with numerous tall evergreens.

fifteen foot alley about 297 feet long as an egress to Wisconsin Avenue. Access to the entrance of the middle school is from 37th Street.

36. There is a no parking zone from 8AM to 4PM, Monday through Friday, on east side of 37th Street from the Washington Home driveway to the end of the middle school. There are similar no parking restrictions across 37th Street in front of Phoebe Hearst Elementary School. The remainder of the curb space bordering Sidwell from the end of the middle school on 37th Street to Quebec Street and from Quebec Street to Wisconsin Avenue is unrestricted parking. There is restricted 15 minute parking next to the no parking zone in front of Hearst Elementary on 37th Street, with the remainder of the curb space bordering Hearst Recreation Field on 37th Street, Quebec Street, and Idaho Avenue unrestricted. The curb space bordering the Washington Home on 37th Street and Upton Street is unrestricted. All of the curb space bordering houses on Quebec Street, Idaho Avenue, Tilden Street, and Upton Street is restricted 2-hour parking.

37. Hearst Elementary School teachers, U.S. Post Office personnel, Washington Home staff, Fannie Mae consultants and Sidwell students and visitors use the unrestricted parking spaces, and often the restricted spaces.

38. DDOT has studied the traffic issues raised by the residents in the Upton/37th Streets area and determined that traffic calming measures, including a circle at the intersection and a speed hump are warranted to reduce speeds and control traffic.

39. Sidwell drop-off and pick-up traffic at the middle school travels south on 37th Street. The majority of Hearst Elementary School traffic travels north on 37th Street. The drop-off and pick-up periods for both schools overlap. Sidwell has recently delayed pick-up at the middle school by 15 minutes in order to reduce the congestion during the pick-up period.

40. There is queuing, double parking, and U-turns occurring during pick-up and drop-offs on 37th Street. Thru traffic at these times is difficult, if not impossible, and often dangerous to drivers and pedestrians.

Applicant's Traffic Management Plan

41. Sidwell proposes the following pick-up and drop-off patterns once the proposed parking garage is operational: 1) pick-up and drop-offs at the middle school entrance on 37th Street limited to 5th and 6th graders, 2) pick-up and drop-off of all other students at the designated lane, which will accommodate 31 cars, in the parking garage, and 3) Zartman Circle. (An amendment to the TMP states that 60 drop-off and pick-up spaces will be provided in two lanes in the proposed garage, however Mr. Wells, the applicant's traffic consultant testified that the 22 foot drop-off lane would accommodate 30 cars and a second lane would be a thru travel lane.)

42. Faculty, staff and students are encouraged to walk, if appropriate, or use public transportation. Sidwell plans to promote the Smart Student Metro Pass program, and extend this benefit to Maryland and Virginia students. Metrochek will continue to be available to employees. Sidwell will also continue a fee-based shuttle service between the Bethesda, Maryland lower school campus and the DC campus.

50. ANC 3C also recommends that only Sidwell 5th and 6th graders use the 37th Street pick-up and drop-off entrance to the middle school once the parking garage is built.

51. ANC 3C also conditions support for the special exception application on an enrollment limit of 800 students. Once the parking garage is built, all student and staff parking on-site, and the proposed traffic management plan is implemented, ANC 3C suggests that Sidwell file a new special exception application to raise enrollment to 825. Sidwell should not request any additional increase in enrollment or staff levels beyond 825 students and 190 staff until the traffic management plan has been successfully implemented for one year.

52. The ANC 3C resolution additionally requires Sidwell to provide a written report each December to ANC 3C and 3F that certifies enrollment and staff levels and compliance with all BZA order conditions. The Office of Planning testified in support of this provision. Further, the school should meet with neighbors at least quarterly and provide minutes of said meetings to ANC 3C and 3F.

53. At the June 7, 2004 special public meeting of ANC 3C the commission outlined a construction management plan, which it endorsed conceptually in its April 2004 resolution. This additional resolution provides a framework to limit the adverse impacts of construction activity in the neighborhood and resolve construction issues if they arise. The plan addresses traffic, parking, noise, and other potential objectionable conditions associated with a large construction project and one that contemplates a long period of sequential building. At the June 29, 2004 BZA hearing, Mr. Feola, counsel for the applicant, testified that the applicant agreed with the ANC 3C construction management plan. The Office of Planning also testified on June 29, 2004 that it supported the ANC 3C construction management plan.

Advisory Neighborhood Commission 3F (ANC 3F)

54. ANC 3F filed a resolution not objecting to
    a. the special exception for the stairway structure on the middle school addition, pursuant to Section 411.11;
    b. the addition of arts teaching spaces in the lower level of the Kenworthy Gym without expanding the footprint;
    c. the partial renovation of the Kogod Arts Center to improve instructional space;
    d. green landscape and design; and raising the enrollment cap from 780 to 800.

55. Like ANC 3C, ANC 3F recommended conditional approval of Sidwell's plans and outlined conditions that should be incorporated into the Board's order.

56. In its resolution, ANC 3F strongly supports, as the first phase of construction, building the two-level parking garage with 307 zoning compliant spaces to accommodate all student, faculty, and staff parking on campus and to bring Sidwell into compliance with Section 206.3. Commissioner Cathy Wiss testified that students parking on neighborhood streets in both restricted and unrestricted spaces take away parking needed and used by others. A number of students have been seen parking in restricted zones, in defiance of school policy. In addition, Sidwell students have been observed parking on private property, including The Washington

in the neighborhood to drop off and pick up students, thereby disrupting traffic on those streets, creating hazards for other drivers and students, and invading the privacy of residents. This situation is illustrated on page 14 of Tab D of Sidwell's February 13, 2004, application. This problem has only intensified since Sidwell instituted a policy banning queuing by the middle school before dismissal time. Parents who arrive early simply park elsewhere in the neighborhood. In addition, residents have complained that Sidwell parents speed through the neighborhood to drop off students. Limiting drop-off and pick-up on 37th Street to only 5th and 6th grade students and their siblings will not cure these problems. Commissioner Wiss stated that ANC 3F has suggested measures Sidwell could take to accommodate all drop off and pick up from the Wisconsin Avenue exit, including widening the entrance driveway and creating a special "middle school path" to separate younger and older students.

61. ANC 3F recommends that Sidwell change the main entrance to the expanded middle school from 37th Street to the courtyard on the Wisconsin Avenue side of the building so that it faces the center of campus in order to discourage parent pickup and drop-off on 37th Street and surrounding streets.

62. ANC 3F also requests that the proposed tennis courts near the upper school not be lighted for evening use. Commissioner Wiss testified that these tennis courts would be very close to the property line with The Washington Home and would overlook resident rooms and terraces.

63. ANC 3F recommends that Sidwell adopt a construction management plan in consultation with impacted institutions, residential neighbors, and ANC 3C and ANC 3F, but has not approved any construction management plan to date.

64. ANC 3F requests that Sidwell adopt a more detailed landscaping plan showing type, size, and location of trees to be planted in order to screen the middle school, new gym, and new tennis courts from homes on Tilden, 37th, and Upton Streets and from residents of The Washington Home and that this plan be accepted in writing by ANC 3C, ANC 3F, and The Washington Home. Commissioner Wiss testified that the plan Sidwell submitted to ANC 3F lacks the specificity needed for evaluation and may not provide an adequate screen.

65. ANC 3F urges that Sidwell adopt a strong tree protection plan for existing trees on The Washington Home's property, including the tall hedge by the proposed tennis courts, with a commitment to replace in kind any of these trees damaged in construction. Commissioner Wiss testified that protection from construction activities is needed to save these trees because many trees on The Washington Home's property are very close to the property line, including a dense evergreen hedge needed to screen resident rooms and terraces from the proposed tennis courts.

66. Because periodic meetings have been effective in airing and resolving issues at other schools, ANC 3F recommends that Sidwell hold quarterly meetings open to all residents of the community, that it provide written notice of these meetings to residents within 400 feet of the school, that these meetings include a high-ranking Sidwell representative, that Sidwell take minutes, and that these minutes be posted on the Sidwell web site and forwarded to ANC 3C and ANC 3F.

Home parking lot, which by BZA order will now have to be gated to prevent unauthorized use; the driveway of an unoccupied house on Tilden Street; and the private parking lot at McLean Gardens, as noted in the Wells traffic report. ANC 3F also approves of surface parking for 5 buses behind the Johnson Building and 16 visitors/guests in the circle by the Zartman House.

57. Sidwell's past efforts to prevent parking infractions have not worked, therefore ANC 3F requests that Sidwell adopt a traffic management plan, as other schools have done. ANC 3F recommends that all student, faculty, and staff cars be registered with the school, that Sidwell provide stickers to the driver, that Sidwell monitor the neighborhood to make sure no students are parking in restricted or unrestricted parking spaces, and that Sidwell institute a system of sanctions, such as fines, to make this policy work.

58. Because a surprisingly large number of students, faculty, and staff drive to Sidwell even though it is on a bus line and not far from two Metro stations, ANC 3F urges that Sidwell adopt a transportation management plan that would include MetroCheck, carpooling, and use of the school's five buses to shuttle students from its Bethesda campus and other suburban locations, as well as from local Metro stops. ANC 3F requests that Sidwell be required to demonstrate that it can reduce vehicular traffic to the campus by 15 percent. Commissioner Wiss testified that a transportation management plan that reduces traffic congestion and pollution is in keeping with Sidwell's desire to develop a "green" campus.

59. Noting in its resolution that Sidwell has been overenrolled for the past several years and thus does not have "clean hands" in applying for this special exception, ANC 3F requests that enrollment be capped at the current level of 800 students – an increase of 20 students above Sidwell's existing BZA Order of August 16, 1996, in Case No. 16139 -- until the parking garage is completed and Sidwell has demonstrated that it can accommodate all student, teacher, faculty, and visitor parking on campus for one school year. Commissioner Wiss testified that given past problems with traffic and student parking in the neighborhood, there is no certainty that Sidwell will be able to control traffic and parking well enough, even with the garage, to accommodate the 850 students requested. A one-year test of the school's ability to park all vehicles on site and to manage traffic would allow the Board to determine whether an increase to 850 students would, as Section 206.2 requires, "not likely . . . become objectionable to adjoining and nearby property".

60. ANC 3F strongly requests that all student drop-off and pickup, including 5th and 6th grade students, be on the grounds of Sidwell and not on 37th Street or any neighborhood residential street. Commissioner Wiss testified that using the Wisconsin Avenue entrance for all student drop off and pick up would reduce congestion on 37th Street, promote safety of students and other traveling through the neighborhood, eliminate unauthorized satellite drop off and pick up sites near the middle school, and reduce speeding through the neighborhood by cars traveling to Sidwell. She has observed that congestion occurs during middle school drop off and pick up even when Hearst Elementary School is not generating traffic simultaneously. Sidwell parents often park on both sides of the street, weave in and around each other, or simply do not bother to pull over to the curb to drop off students. Because 37th Street is narrow – only 30 feet wide -- conflicts occur with city garbage trucks and trucks servicing The Washington Home. Long lines of cars stuck on 37th Street can block traffic attempting to exit Tilden Street. In addition, Commissioner Wiss testified that a large number of middle school families use other locations

67. ANC 3F also requests that Sidwell provide, on a monthly basis to ANC 3F and to residents within 400 feet of the campus, a calendar of school events giving the anticipated number of attendees so that residents will know when to expect a greater number of people and cars coming to campus. Commissioner Wiss testified that in the past, events have spilled out into the neighborhood and also onto the grounds of Hearst School and Recreation Center.

68. ANC 3F also asks that Sidwell provide it a yearly report certifying compliance with conditions of this BZA order, in particular the enrollment cap, traffic management and enforcement plan, on-campus parking, landscape plan, and construction management plan.

CONCLUSIONS OF LAW

Applicable Law – Special Exception

The Board of Zoning Adjustment is authorized to grant special exceptions where, in the Board's judgment, a special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. **DC Official Code Section 6-641.07(g)(2); 11 DCMR Section 3104.1.** The applicant is seeking a special exception pursuant to 11 DCMR 3104 and the special conditions specified in Section 206 to continue the operation of a private school located at 3825 Wisconsin Avenue, N.W.

Section 206.2 states that a private school in an R-1 District 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. The District Department of Transportation's (DDOT) report on traffic raised more questions than it answered regarding objectionable traffic conditions. While they were neutral on restricting 37th Street traffic activity to 5th and 6th Grade drop-offs and pick-ups, they were silent on the current traffic situation, and the complication of two schools using the same residential street for pick-up and drop-offs at basically the same times. DDOT examined the pick-up and drop-off patterns in May 2004 but reported only that they found no major discrepancies with the applicant's consultant's numbers of cars. There was no discussion of safety despite DDOT's determination that a traffic study was warranted for this area and their further determination based on the results of that study that traffic calming is necessary in this area. By separating what they independently know about the traffic situation in the immediate vicinity of the applicant's school from the information that they reported to the BZA, DDOT reached the conclusion that an increase of 50 students was acceptable. None of the parties have endorsed increasing the enrollment to 850 students because all the parties realize that there are traffic issues that must be mitigated at the current enrollment level. ANC 3C urged a reduction in the traffic generated by the applicant on 37th Street; ANC 3F urged that all traffic attributed to the applicant be removed from 37th Street; both ANCs urged that all school-related parking be removed from city streets; the Cleveland Park Community Association cited safety and traffic problems on 37th Street that need to be addressed; and neighbors testified to congestion and safety concerns caused by the overuse of 37th Street by the two schools. Only DDOT seems unconcerned with the traffic.

applicant's plans, is unsatisfactory given DDOT's unwillingness to provide a benchmark for making a creditable future assessment. DDOT hasn't even evaluated the delayed pick-up time already instituted by the applicant to relieve congestion in the afternoon.

The testimony of Mr. Wells, the applicant's traffic consultant, in describing how the traffic situation could improve is noted by the Board. But it is apparent to the Board that there is indeed need for improvement and that the significant changes contemplated by applicant, including moving all student parking to its campus, the erection of a substantial parking garage, and the limited or non-use of 37th Street, should result in improvement. However, these are complicated changes that will rely on the cooperation of a student body and parent body that is used to very different patterns. The Board is persuaded by the positions of the ANCs that any enrollment increase over 800 students should be considered in the context of Section 206 conditions. Thus, a new special exception application is necessary to raise the enrollment limit.

The addition to the middle school building is substantial and does extend the institutional presence of the applicant closer to the neighborhood and thus, it presents a potential objectionable condition. The length and mass of the new building on 37th Street, which more than doubles the size of the current middle school, is not setback from the street and is not in scale with the other institutional uses nearby: the public school across the street is a modest, well set back, single building with no additions and the Washington Home, which is substantially set back from the street, is low and heavily landscaped. The proposed new 52 foot building with 8 foot penthouses also presents a much taller presence in the R-1 district that is limited to 40 story houses. The Board finds that ANC 3C's testimony that there should be a break in length of the façade, which moves the addition farther into the campus, and that there should be significant tall evergreen coverage buffering the north façade and the northeast corner is warranted. Such landscaping will avoid the applicant having to reduce the mass while it will present a more pleasing and less institutional year-round view for the neighbors.

Section 206.3 requires that ample parking space be provided to accommodate students, teachers, staff and visitors arriving at the school by automobile. The applicant will meet the minimum number of spaces required by building a two story parking garage for 300 automobiles. Additional surface parking will be provided. Neighbors testified that school related parking in the neighborhood was objectionable. They provided descriptions of illegal parking and parking in driveways and use of the few unrestricted parking spaces available for the competing parkers from the Hearst Elementary School, the recreation center, the Washington Home, Fannie Mae, and the post office.

The Board applauds the response of the applicant to the parking concerns voiced by the neighborhood. The change in school policy that will result in students only parking on-site should improve the street parking supply situation. Since there was some contradictory testimony about the intention of the applicant to move all school-related parking on-site, the Board will condition the order on all school-related parking on-site. Thus, the Board finds that Section 206.3 has been satisfied by the applicant's submission. However, the Board must reiterate that approval is based on an enrollment level of 800 students. The Board is not granting a sequential enrollment increase. There are significant uncertainties about how the construction projects and changes in policies will impact the issues raised by the Section 206 deliberation. Since the Board is aware that enrollment has been a condition of previous zoning orders, and must take note that the applicant has been out of compliance with this condition, and that both ANCs have urged that the applicant file a new special exception

compliance with this condition, and that both ANCs have urged that the applicant file a new special exception application for any enrollment increase above 800, the Board will condition this order on an enrollment limit of 800.

Respectfully submitted by

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