GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Memorandum

TO: District of Columbia Board of Zoning Adjustment

FROM: Ellen McCarthy, Director

DATE: November 22, 2005

SUBJECT: BZA Application #17383
4749 Whitehaven Parkway (The Lab School of Washington)

RECEIVED
D.C. OFFICE OF ZONING
2005 NOV 15 PM 4:54

APPLICATION

The application by the Lab School of Washington requests, pursuant to 11 DCMR 3104.1, special exception relief under Section 206 to:

- increase the maximum student enrollment from 310 to 330 students and faculty and staff from 94 to 182; and
- to use the property located at 4749 Whitehaven Parkway for administrative offices for the school in the R-1-B Zone District.

The applicant has also requested relief under 11 DCMR § 214 to install 50 angled parking spaces in the public-right-of-way along Whitehaven Parkway as accessory parking spaces for the school.

RECOMMENDATION

Based on the subsequent analysis of the report, OP recommends the following:

Administrative Office in Residence
OP recommends approval for special exception relief to allow use of the former residence owned by the school for use as administrative offices with the condition that any associated staff, faculty, volunteers, student or other school personnel be part of the Lab School total enrollment or employment cap.

Increases in Enrollment and Employees
OP does not recommend approval of the requested increase in the student cap from 310 to 330 students. OP recommends that the student cap be decreased to the previously approved 310 students no later than the 2007/2008 school year.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17383
EXHIBIT NO. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17383
EXHIBIT NO. 31

OP cannot recommend approval at this time of the increase in faculty/staff request due to the related traffic and parking issues which DDOT has determined to be insufficiently addressed. OP has requested additional information that has yet been received:

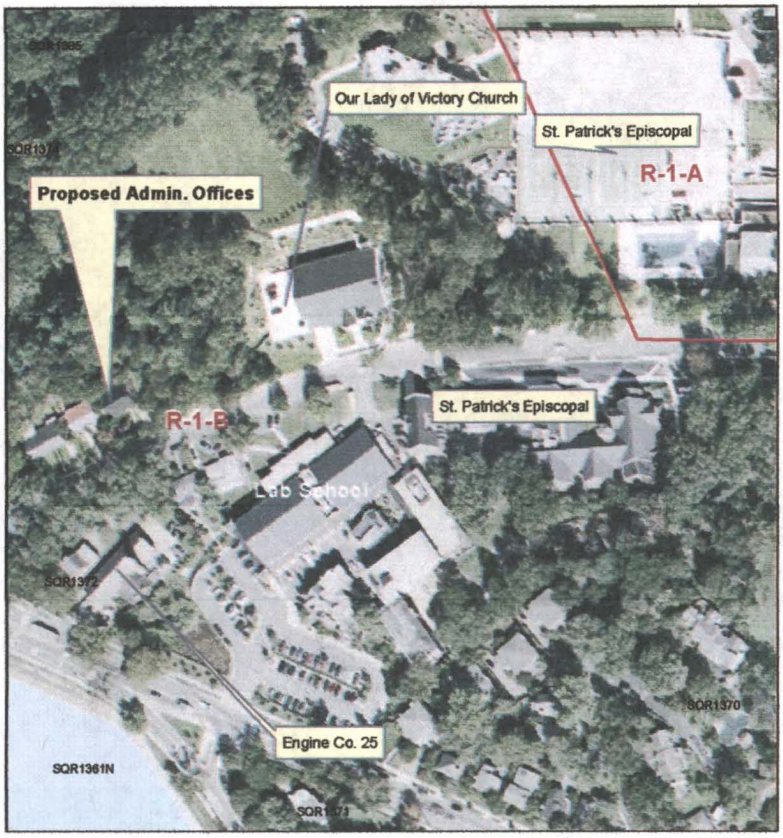
- Details about the student-staff ratio that has so dramatically increased the staff in violation of the existing 1997 Order.
- A full and scaled site plan with topographic information for both existing and future conditions; including fire hydrants, utility poles, street lights, trees, and sidewalks;
- A transportation impact analysis and transportation management plan with details requested by DDOT

The Night School

OP understands that the night school has been operating for twenty years but that no explicit BZA approval has ever been granted. It has been represented to OP that the night school focuses primarily on literacy for adults and adult tutoring. OP strongly supports these efforts but is unclear if the use requires additional BZA approval as part of the Lab School or possibly as a community service center. OP has requested additional information be provided to the BZA regarding number of students, faculty, staff and volunteers, the hours of operation, parking and any special programs.

SITE DESCRIPTION AND BACKGROUND

The property is located near the intersection of Whitehaven Parkway and Reservoir Road on 163,567 square feet of land, which is improved with an administration building, gymnasium, carriage house, arts building and two classroom buildings. The property abuts a fire house to the west and St. Patrick's Episcopal School on the east. Schools, including George Washington University's Mount Vernon Campus and Our Lady of Victory Church and School are located across Whitehaven Parkway from the Lab School. The school's property at 4749 Whitehaven Parkway which is proposed to accommodate the new administrative offices is located to the west of Our Lady of Victory Church. The surrounding area is a mix of residential and institutional uses zoned R-1-B.



The school was established at the current location in 1983. Its programs are targeted to children and adults with learning disabilities, with emphasis on hands-on experimental learning and the use of arts to teach academic skills. The Lab Night School caters to adults with learning disabilities, offering career counseling, as well as academic programs to upgrade employment skills or to improve college entry requirements.

The school has a current enrollment of 330 students in kindergarten through grades 12 and employs 182 faculty and staff. Below is a summary of Board approvals since the school's existence at this location:

BZA Approvals (1983 – Present)	Granted	Conditions
1983 - # 14006	Approval for 250 students	No more than 25 of which shall be enrolled in the child development center.
1992 - # 15642	Conversion of and an addition to an existing building	Number of employees at the building not to exceed six (6).
1997- # 16273	Addition to the school and increase in the maximum enrollment from 250 to 310	# of students not to exceed 310. # of faculty not to exceed 95. Community liaison to be appointed.

According to the applicant, all students arrive at approximately 8:30 am and dismissal is staggered between 3:00 pm and 3:30 pm for primary students and seniors respectively.

PROPOSAL

The Lab School of Washington is requesting special exception approval in compliance with the Zone Regulations to increase its faculty and staff from 94 to 182 persons and its student enrollment from 310 to 330 students. The school is also requesting an increase in the number of required parking spaces to be located off-site in the public right-of-way on Whitehaven Parkway. Special Exception relief is also required for the school to use its property located across Whitehaven Parkway as administrative offices for the school.

SPECIAL EXCEPTION ANALYSIS

The subject site is located in the R-1-B Zone District where private schools are permitted as a special exception use if they meet the requirements outlined in Section 206.2 and 206.3 of the Zoning Regulations. It is a use pre-deemed compatible with the Zoning Regulations for that particular zone district, but which needs to be reviewed by the Board to ensure that certain negative impacts do not occur.

The application is subject to the following provisions as outlined in Section 206 as follows:

Proposed Use of 4749 Whitehaven Parkway

The school recently purchased this 5,003 square foot property that is currently improved with a single-family home. The school intends to convert the residence to administrative offices for the school. 15 staff persons are expected to work at these offices and 8 parking spaces are proposed for this location. The proposed use must conform to the requirements of Section 206 as follows:

> **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.**

OP agrees with the applicant's statement that the proposed use of the building will not result in objectionable conditions for nearby property because of noise, traffic or number of students. This entire block from Foxhall Road to Reservoir Road is used for institutional purposes including St. Patrick's Episcopal school and the Lab School. There are no residential uses on this block. The office use for 15 staff persons would not generate noise, as no student activity is expected at this location. As stated, the building is surrounded by institutional buildings and is well buffered from nearby residences.

Therefore, **OP supports the use of the former residence as administrative offices for the school on condition that no student activity is allowed at this location and that the office employees, whether faculty or staff, be included in the school's total figures.**

Parking

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 the applicant's statement that 15 staff persons would occupy this location, 10 spaces are required to satisfy the requirements of Section 2101.1[1]. However, according to correspondence dated September 30, 2005 between the applicant and ANC3D, in response to the ANC's concern about the possible creation of additional parking/impervious surface on the lot, the school stated that it is willing to accommodate parking for only three cars, which was consistent with the former use of the property.

OP believes that additional relief may be necessary to reduce the number of required parking at this location or in the alternative, the remainder of spaces should be accommodated at the main campus or elsewhere, in accordance with §§ 2116.6 through 2116.9. OP has no further information from the applicant regarding the proposed reduction in the number of spaces at this location or how employees will arrive at the offices.

Increase in the Number of Students, Faculty and Staff

The applicant's most recent approval (BZA Order # 16273) is conditioned as follows:

1. The number of students shall not exceed 310.
2. The number of faculty and staff shall not exceed 95.

The school currently exceeds its student enrollment cap by 20 students and faculty by 91 staff persons. In addition, OP understands that the school has approximately 22 volunteers who visit the site daily. The applicant has stated that there are no plans to exceed its student population in excess of 330. The applicant explains that the faculty and staff cap increase is required due to the curriculum needs of the student population it serves. The requested increases in the number of students and faculty should also conform to the requirements of Section 206.2:

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.

---

1 Section 2101.1 requires schools provide 2 parking spaces per 3 teachers and other employees for high schools, 1 space for 20 seats of classroom space or 1 space for each 10 seats in the largest assembly space, whichever is greater.

Number of Students
Noise:
Based on information provided by the applicant, there are no anticipated changes in the hours of the school's operation or increases in extracurricular activities that would increase noise in the neighborhood beyond what currently exists. OP does not have any information that the current noise level has an adverse impact on the immediate or adjoining property.

Traffic
Other impacts related to this increase are reflected in the applicant's traffic study which documents the number of in-bound and out-bound vehicles during the peak morning and afternoon times, with a modal split revealing that 100 percent of all persons arrive and depart by private vehicle or school buses. As such, the traffic entering and leaving the site generates significant on-site parking demand, which ultimately results in over-flow parking on neighborhood streets.

Currently, 10 students drive to school and park on campus. The applicant has recently adopted a policy to allow only students with a proven hardship to drive to school. The new provision anticipates a maximum of 6-8 drivers per year.

However, the increase of twenty (20) additional students is directly proportional to the increase of 91 additional faculty, staff and possibly volunteers due to the curriculum needs and requirements of the student population. This increase has led to adverse impacts on neighborhood streets due to increased traffic to the school and resulting overflow parking on neighborhood streets.

Based on Section 206.2's requirement that the school shall not become objectionable to noise, traffic, number of students or other objectionable conditions, OP cannot recommend approval of the increase in the student cap to 330 students at this time. Since the applicant has stated that the students' needs drive the number of teachers and special assistants needed to meet program/curriculum requirements.

Number of Faculty and Staff
Traffic and Parking

Section 2101.1 of the Zone Regulations requires 2 parking spaces per 3 teachers and other employees for high schools, 1 space for 20 seats of classroom space or 1 space for each 10 seats in the largest assembly space, whichever is greater. Based on these requirements, the school needs 130 on-site parking spaces. According to the applicant's statement, a total of 107 marked and unmarked spaces are provided on site, with 87 spaces described as legal parking spaces.

Based on the submitted traffic study, the school generates a demand for 175 parking spaces during the morning and 154 spaces in the afternoon (2:00 pm). The traffic study concluded that the parking demand exceeds the current on-site supply by 68 spaces during the morning peak

hour and 56 spaces during the afternoon. With respect to the adverse impact on the number of vehicles that come to the school and require on-site parking, the applicant has proposed to locate an additional 50 spaces along Whitehaven Parkway upon DDOT's approval of a public space permit. There is significant neighborhood concern regarding the location of the required parking spaces on Whitehaven Parkway, discussed in the following section.

The school has attempted to address the increased traffic to the site with provision of a recently purchased shuttle bus to provide access to the school from the Tenley/AU Metro Station between the hours of 7:30 am and 5:00 pm for its volunteer staff (approximately 22 persons).

The applicant's traffic analysis submitted determined that the existing parking supply does not satisfy the morning or afternoon requirements for on-site parking with resulting over-flow parking on neighborhood streets. Therefore, as suggested, the parking demands would need to be reduced through either transit or ride-sharing and other strategies to comply with the Zone Regulations. According to DDOT's observation of the site, visitors and staff currently use on-street parking to satisfy the parking demands of the school.

While OP understands that contemporary program requirements are adjusted over time to address the special needs of students that attend the school, no additional information has been provided regarding the program requirements. In addition, no detailed information was provided regarding the number and type of staff (full-time, part-time or temporary) for OP's or DDOT's analysis.

OP has requested additional information and evidence of the faculty/staff requirements that are needed due to the specialized curriculum of the school. DDOT has also requested a full-scale site plan for existing and proposed conditions. Incorporating DDOT's conclusion that they cannot support the application and the lack of information and detail about faculty/staff requirements, OP cannot recommend an increase.

Accessory Parking Spaces - § 214

The applicant intends to address the impact due to the increase in the number of staff by requesting an increase in the parking supply in keeping with the provision of Section 206.3.

> **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.**

Section 2101.1 requires schools provide 2 parking spaces per 3 teachers and other employees for high schools, 1 space for 20 seats of classroom space or 1 space for each 10 seats in the largest assembly space, whichever is greater. As previously stated, the school current supply of 87 legal spaces is under-capacity to meet the current peak demands, as well as the regulation requirement of 130 spaces. The applicant has stated that the school could park up to 107 cars on-site, perhaps in tandem. However, due to the site's layout no additional regulation-sized spaces can be

accommodated on-site as surface parking and the applicant has requested that the additional spaces be placed elsewhere in accordance with § 214.

The applicant has stated that the school has been working with DDOT on the proposed location and layout for approximately 50 angled spaces along Whitehaven Parkway. This would allow the school to exceed the school's parking requirements by 7 spaces. DDOT believes that the proposed spaces are acceptable from a technical standpoint but does not support the application overall.[2]

The school informed OP that the proposal to provide on-street parking dedicated to the school's requirement would be a temporary condition for five (5) years to allow the school to design its parking structure on-site or at another nearby location if another location were available.

In discussion with the Office of the Attorney General (OAG) with respect to the proposed parking of required or accessory parking spaces on public space, OAG advised that the Zone Regulations have no authority to limit where parking can be placed ("elsewhere"), as long as it is lawful space. Public space is deemed lawful space and the zone regulations cannot limit the use of public space. However, DDOT's Transportation Division is opposed to designating the public right-of-way for parking for local schools.[3]

The applicant recently purchased a shuttle bus to provide transportation for faculty to and from the AU/Tenley Metro Station between the hours of 7:30 am to 5:00 pm. OP supports this initiative to reduce the number of faculty vehicles coming to the school as well as its restriction on student driving to the campus.

OP believes that the school needs a traffic management plan to address the current demand in the short-term. However, for the long-term the school needs to consider on-site parking accommodation to relieve traffic on neighborhood streets, to mitigate the adverse impacts along Whitehaven Parkway and MacArthur Boulevard, and at the school's intersection. OP understands there have been discussions with the ANC about a parking garage. OP believes this could be a solution to the parking situation but neither OP nor DDOt have seen any information on a garage.

---

[2] DDOT's Memo attached

[3] -----Original Message-----
From: Laden, Ken (DDOT)
Sent: Tuesday, November 08, 2005 1:18 PM
To: Bah, Abdoulaye (DDOT); Wiktor, Denise (DDOT); Etzkorn, Lars (DDOT)
Cc: Booker, Lewis (DDOT); Simpson-Mason, Ann (DDOT)
Subject: RE: Traffic Impact Assessment for the Lab School

I am opposed to designating our public ROW for parking for local schools.
They should provide onsite parking.

SPECIAL EXCEPTION REQUIREMENTS
§3104
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, ..."**

Based on the above discussion, OP believes that the use of the former residence for administrative offices will not tend to adversely affect the use of neighboring properties since the immediate neighbors are institutional as well.

However, OP believes that the applicant has provided insufficient information regarding the student/teacher ratio, the type of staffing (temporary and permanent) and is concerned about the current adverse impacts on the neighborhood due to the school's exceeded enrollment cap. As such, OP cannot conclude that the requested increase to bring the school into compliance will not tend to adversely affect the neighborhood.

AGENCY COMMENTS
DDOT's comments were previously discussed and in summary, DDOT is opposed to the accessory parking proposal along Whitehaven Parkway.

According to the Findings of Fact in BZA Order #14006 1983, DDOT by memorandum dated July 19, 1983 recommended that the school's application be conditioned as follows:

(a) the applicant should be required to implement a carpool program for the teachers and staff of the school;
(b) the applicant should provide the number of parking spaces required by the D.C. Zoning Regulations for the proposed use and (c) the number of teachers, staff and employees should not exceed the numbers projected for 1987 in the BZA application as long as the use is in existence.

The recommendation was made on a projection of 310 students and sixty five teachers and staff. At that time also, the applicant agreed to institute a carpool program for the teachers and staff at the school. (Order #14006)

COMMUNITY COMMENTS

The applicant has met with the community, including ANC 3D on several occasions to discuss its proposal regarding the special exception requests. In the most recent correspondence from ANC 3D to the Board, dated November 4, 2005, the ANC noted that the increases in staff and number of students has created a negative impact on the immediate neighborhood with respect to overflow parking on neighborhood streets. In addition, they further indicated that no community liaison was appointed, as was conditioned in the school's previous BZA Order of 1997.

The ANC voted in favor of the use of the administrative offices at the former residence but denied approval of the increase in the student and faculty cap as requested. The ANC recommended the student cap be reduced through attrition to the previously approved 310 and that faculty be decreased to 150. Further, the community is not in support of the provision of the accessory parking spaces in the public right-of-way along Whitehaven Parkway. (Attached)

RECOMMENDATION

OP recognizes that the applicant has already exceeded its enrollment cap and is now before the Board to request an increase its cap by 20 students and 87 staff. However, OP is not convinced that the increases in the student and faculty cap can be granted without negative impact on the neighborhood. Indeed, the unauthorized increases have had a significant impact on the school's parking supply, with an attendant overflow on neighborhood streets. OP also supports DDOT's position that the public right-of-way should not be designated to provide the required parking area for the school. OP is not satisfied that sufficient information was provided regarding the type of faculty (full time/temporary, faculty, staff) and no information was provided regarding the lab's Night School program for adults. Information is also needed regarding extracurricular activities to determine if these may impact the school's parking supply/demand.

Therefore for reasons discussed, **OP recommends the following:**

Administrative Office in Residence

OP **recommends approval** for special exception relief to allow use of the former residence owned by the school for use as administrative offices with the condition that any associated staff, faculty, volunteers, student or other school personnel be part of the Lab School total enrollment or employment cap.

Increases in Enrollment and Employees

OP **does not recommend approval of the requested increase in the student cap from 310 to 330 students**. OP recommends that the student cap be decreased to the previously approved 310 students no later than the 2007/2008 school year.

OP **cannot recommend approval** at this time of the increase in faculty/staff request due to the related traffic and parking issues which DDOT has determined to be insufficiently addressed. OP has requested additional information that has not yet been received:

- Details about the student-staff ratio that has so dramatically increased the staff in violation of the existing 1997 Order.
- A full and scaled site plan with topographic information for both existing and future conditions; including fire hydrants, utility poles, street lights, trees, and sidewalks as requested by DDOT;
- A transportation impact analysis and transportation management plan with details requested by DDOT

The Night School

OP understands that the night school has been operating for twenty years but that no explicit BZA approval has ever been granted. It has been represented to OP that the night school focuses primarily on literacy for adults and adult tutoring for two nights per week from 6:30 to 9:30 pm. OP strongly supports these efforts but is unclear if the use requires additional BZA approval as part of the Lab School or possibly as a community service center. OP has requested additional information be provided to the BZA regarding number of students, faculty, staff and volunteers, the hours of operation, parking and any special programs.