

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

**Application of The Lab School of
Washington**

**BZA Application No. 17383
ANC 6D**

**PRELIMINARY
STATEMENT OF THE APPLICANT**

**I.
INTRODUCTION**

The Lab School of Washington (the "School") is a private school for children with special needs located at the intersection of Reservoir Road and Whitehaven Parkway. Because it serves children with learning and other disabilities, the students at the School require more individual attention than offered by typical private schools. As a result, the number of teachers and staff employed by the School has gradually increased over time. The School currently employs a greater number of faculty and staff than permitted under its most recent approval by the Board and has a slightly larger student enrollment. As a result of the increased number of faculty and staff, the parking currently available on the property does not meet the minimum parking requirements of the Zoning Regulations. There is extremely limited space on the Property for additional parking. The School proposes to increase the parking available for employees and visitors of the Lab School by installing 50 back-in angled parking spaces with wheel stops and a designated sidewalk within the existing public right-of-way of Whitehaven Parkway.¹ This application requests a special exception in order to bring the School into compliance with its faculty/staff and student enrollment caps as well as the parking requirements.

¹ The use of this public space will require a public space permit and entail annual rental payments to the District of Columbia.

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In addition, the School recently purchased property located across Whitehaven Parkway from the School. The property is improved with a single-family home. The School requests special exception approval to use the property as administrative offices for the School and for eight additional parking spaces.

II. **NATURE OF RELIEF SOUGHT**

The Lab School requests that the BZA approve a special exception under 11 DCMR § 206 to permit an increase in the faculty and staff cap from 94 to 182 for an existing private school, located at 4759 Reservoir Road, N.W. (Square 1372, Lot 25) (the “**Property**”), in the R-1-B Zone District. The School also is requesting a minor student enrollment increase from 310 to 330. The School also requests a special exception under 11 DCMR § 214 to permit the location of accessory parking spaces for the School off-site. Finally, the School requests special exception approval under 11 DCMR § 206 to use the property it recently acquired as an administrative building. The property is located across Whitehaven Parkway from the Property at 4749 Whitehaven Parkway, N.W. (Square 1374, Lot 840) (the “**New Property**”).

III. **BACKGROUND**

A. The Lab School of Washington

The Lab School of Washington (the “**School**”) is a private school for children with special needs. It has been located at the Property since the School acquired it in 1982. The School currently enrolls 330 students in grades kindergarten through 12 and also offers educational programs for adults. The School now employs 182 faculty and staff.

B. The Lab School Mission

Founded in 1967 by Sally L. Smith, The Lab School of Washington is internationally recognized for its innovative programs for children and adults with learning disabilities. The

Lab School Day School offers individual instruction to students in kindergarten through the 12th grade.

The instructional approaches developed by Professor Smith, who is head of the Graduate Program in Special Education Learning Disabilities at American University as well as the Director of the Lab School, emphasize hands-on, experimental learning and the use of the arts to teach academic skills.

State-of-the art work with computers, storytelling, writing, and art in the elementary school as well as a continual emphasis on project learning in the junior and senior high school keep The Lab School pioneering new educational methods. Over 90% of Lab School students go on to college.

Because of the special needs of the students, the Lab School provides specialized services to its students, including: individualized tutoring for all ages; psychological assessment; psychotherapy; occupational therapy, evaluation, and treatment; and consultation services. The Lab School outreach service offers assistance to parents and professionals.

The Lab School Night School, founded in 1984, has helped adults soar academically as they enter or re-enter college, pass the GED, or upgrade their employment skills. In addition, many adults with learning disabilities are not working in jobs that build on their strengths and interests. Lab School Career Counseling helps them, and a number can go on to college with the help of The Lab School of Washington's College Counseling services.

C. Previous Zoning Approvals

The School was established at its present location in 1982. Prior to that time, the Property was the location of the Florence Crittendon Home and School. In 1992, the BZA, by Order No. 15642, granted the School's application to add additional property to the School and to convert a single family home into administrative offices. In the 1997 case that approved the

new gymnasium (Order No. 16273), the BZA approved a maximum student enrollment of 310 students and a faculty/staff cap of 95.

IV. **DESCRIPTION OF PROPERTY AND PROPOSED USE**

A. Subject Property and Environs

The Property is located in the R-1-B Zone District near the intersection of Whitehaven Parkway and Reservoir Road. It has frontage on both streets. The Property contains 163,567 square feet of land area. It is improved with a prominent “castle” administration building, a gymnasium, a carriage house, an arts building, and two classroom buildings. There currently are 88 parking spaces located on the Property. The New Property is located across Whitehaven Parkway from the Property. It contains 5,003 square feet of land area and is improved with a single family home. The New Property will contain eight parking spaces.

The surrounding area is characterized by a mixture of residential and institutional uses. The Property abuts St. Patrick’s Episcopal Day School to the east and Fire Engine House No. 25 to the west. Both sides of Reservoir Road, located south and east of the Property are devoted primarily to use as single family homes. The Embassy of the Federal Republic of Germany and an underground reservoir are located further east of the Property. St. Patrick’s Episcopal Day School gymnasium, The George Washington University’s Mount Vernon Campus, and the Our Lady of Victory Church and School are located across Whitehaven Parkway from the School. The New Property is adjacent to two single-family homes, both of which are owned by St. Patrick’s School.

B. Proposed Faculty and Staff Increase

The School proposes to increase its permitted number of faculty and staff employees from 95 to 182 to reflect current conditions at the School. Although student enrollment has

remained relatively stable since its last approval in 1997, the number of faculty and staff has gradually increased. This is a result of the School's very low student to teacher ratio (two students per one teacher) and the School's need to hire resource teachers and professionals to assist with the special needs of learning disabled students. These professionals include tutors, psychologists, occupational therapists, speech therapists, and other professionals. The number of faculty and staff are critical for The Lab School to achieve its education mission for the learning disabled.

C. Proposed Student Enrollment Increase

As set forth above, the School has a current student enrollment of 330 students. BZA Order No. 16273 permits a maximum student enrollment of 310.

D. Proposed Angled Parking Spaces in Public Space

The Property currently provides 88 on-site parking spaces. The School proposes to install 50 back-in angled parking spaces with wheel stops with a designated sidewalk within the existing public right-of-way of Whitehaven Parkway. The angled parking spaces will be located on the south side of Whitehaven Parkway, N.W., between Reservoir Road and the entrance driveway to the School. The School plans to install a five-foot wide planting strip between the parking spaces and the adjacent properties. The planting strip will be landscaped with new trees and other appropriate vegetation. The School also plans to install a new, relocated, six-foot wide sidewalk adjacent to the planting strip. A site plan for the proposed angled parking spaces is attached to this application.

E. Proposed Use of the New Property

The School recently purchased the New Property, which is located at 4749 Whitehaven Parkway N.W. It comprises 5,003 square feet of land area, and is improved with a single family home. The School plans to use the New Property as administrative offices for the School.

Approximately 15 existing employees will have offices at the New Property and there will be eight parking spaces.

V. COMMUNITY OUTREACH

This application is the result of the School's discussions with the community. Last year, ANC 3D expressed concern about whether the School provides sufficient parking for its employees and whether the School was in compliance with its faculty and staff cap. Since then, the School has had numerous discussions and meetings with ANC 3D and various neighbors. Following these communications, the School determined that it had incorrectly excluded tutors, interns, and other specialists from the faculty and staff count. Given the increased faculty and staff numbers, the School also needs to provide more parking. During the last year, the School has worked with the ANC and the District of Columbia Department of Transportation to select and develop a plan from the twelve options presented, finally selecting the plan presented in this application as the only feasible way for the School to come into compliance with its cap and to provide more parking for its employees.

One of the alternatives, to construct a parking garage on the Property, would cause major disruption and inconvenience to the easternmost and southernmost abutting properties and would require two to three years for fund raising. That alternative would temporarily displace approximately 48 parking spaces, bus pick-up, and bus delivery to the street during a two year construction period of a parking structure.

The School has presented the plan for the angled parking spaces to the ANC, DDOT, and the School's institutional neighbors. In preparing this application, the School also undertook a review of its student enrollment and determined that it was slightly over its student enrollment cap.

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

Uses permitted by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. Schools are recognized as reasonable and appropriate uses in the residential zone – “In general, uses of land for educational purposes are ‘highly favored,’” Glenbrook Road Ass’n v. D.C. Board of Zoning Adjustment, 605 A.2d 22 (D.C. 1992). Also, in reviewing applications for a special exception under the Zoning Regulations, the Board’s discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the requirements are satisfied, the Board ordinarily must grant the application. *See, e.g., Nat’l Cathedral Neighborhood Ass’n v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 n.1 (D.C. 2000). As set forth in greater detail below, approval of special exception relief in this case is in harmony with the general purpose and intent of the Zoning Regulations and will not adversely affect the use of nearby properties.

VII.
THE APPLICANT MEETS THE STANDARDS FOR A FACULTY/STAFF AND
MINOR STUDENT ENROLLMENT INCREASE
AND FOR USE OF THE NEW PROPERTY FOR A PRIVATE SCHOOL

Section 206 of the Zoning Regulations provides that a private school shall be permitted in the R-1-B Zone District if the BZA finds two requirements are met. First, the private school must not be objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions (11 DCMR § 206.2). Second, ample parking, but not less than that required under Chapter 21 of the Zoning Regulations, must be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile (11 DCMR § 206.3). Under Chapter 2100 of the Zoning Regulations, the School is required to

provide two spaces for every three teachers and other employees. In addition, for the portion of the School devoted to high school use (1/4 of the school), the School is required to provide one parking space for every ten seats in the gymnasium. The School's gymnasium seats 300.

Through previous applications approved by the BZA, the School has demonstrated that its programs meet these standards. The increase in faculty and staff, together with the additional parking spaces, will allow the School to provide its students the special services they need without substantially affecting the conditions upon which the previous approvals were granted. The requested student enrollment increase is minor and reflects the current conditions at the School.

A. The Use Is Not Likely to Become Objectionable to Nearby Property Because of Noise, Traffic, Number of Students or Otherwise Objectionable Conditions

1. Noise

The additional faculty and staff do not cause objectionable noise and have little effect on neighboring property. The faculty and staff generally work inside the school buildings, and as a result, cause no adverse noise impacts. Most of the School's immediate neighbors are institutional uses, and the School's buildings are well-buffered from nearby residential properties. Likewise, the requested minor increase in student enrollment will have little effect. The School proposes an increase of only 20 students.

The use of the New Property as an administrative building for the School will not cause objectionable noise impacts to neighboring property. The New Property abuts St. Patrick's Episcopal Day School gymnasium, The George Washington University's Mount Vernon Campus, and two single family homes owned by St. Patrick's. The New Property will not be used as classrooms for students, thereby limiting any noise emanating from the site.

2. Traffic

The School currently operates with a faculty and staff of 182 without significant adverse effects on traffic. Pursuant to BZA Order No. 16273, the Reservoir Road entrance to the site has been realigned with the MacArthur Boulevard intersection in order to take advantage of the traffic signal at that location. The Whitehaven Parkway entrance has been closed. These changes have significantly improved the traffic circulation patterns near the site since the 1997 application.

The transportation consulting firm of Wells and Associates will undertake a traffic study of the area in which the Property is located and has completed a Traffic Impact Analysis of the conditions of the School. The Traffic Impact Analysis will demonstrate that the additional faculty and staff do not adversely affect traffic patterns in the vicinity of the site or have an adverse impact on the road network.

3. Number of Students

While the School generally has maintained a stable student enrollment that is within the cap established by the BZA in 1997, the current enrollment now exceeds the cap by 20 students. As set forth above, the Property is large and buffered from residential uses. It can easily accommodate 20 additional students.

In addition, due to the special needs of the students, the School had found that it must employ more teachers and resource professionals in order to complete its educational mission. The School currently employs 182 faculty and staff. The additional faculty and staff will not have an objectionable impact on neighboring property because they will have little impact on noise, will not substantially affect traffic and will not cause other objectionable conditions. The School plans make more parking available for the additional faculty and staff.

The use of the New Property as administrative offices for the School will have a negligible effect on traffic. Only approximately 15 of the existing school employees will use the

New Property on a regular basis. There will be no special events held at the New Property. The use of the New Property will not cause any additional increase in faculty and staff.

B. Ample Parking

During the course of discussions with the community, it became clear to the School that the neighbors' primary concern was with overflow parking in the neighborhood from the School. In addition, the School discovered that it does not provide sufficient parking to meet the requirements of the Zoning Regulations.

The School currently provides 88 spaces on the Property and eight on the New Property. Under § 2100 of the Zoning Regulations, the School is required to provide 130 parking spaces. Because the School serves grades kindergarten through 12, the parking requirement for the School must be calculated in increments. Under § 2100, a private school is required to provide two parking spaces for every three employees at the time when the maximum number of employees are on the Property. For 182 employees, this results in 122 spaces. In addition, for the high school use, the School is required to provide one space for each ten seats in the gym. The gym has the capacity for 300 occupants. Because the School serves grades kindergarten through 12, ¼ of the School is devoted to high school use. Therefore, the School must provide 8 additional parking spaces for the high school use. This results in a total requirement of 130 spaces.

The School plans to provide 50 additional spaces in the public right-of-way along Whitehaven Parkway adjacent to the School and 8 additional spaces at the New Property – 16 more spaces than are required by the Zoning Regulations. This will provide ample parking for the additional staff and will alleviate the current parking impacts associated with the School.

VIII.
THE APPLICANT MEETS THE STANDARDS FOR
OFF-SITE ACCESSORY PARKING SPACES

Section 214 of the Zoning Regulations provides that accessory parking spaces elsewhere than on the same lot on which the principal uses is located shall be permitted as a special exception in an R-1 Zone District. Under that section, the applicant must demonstrate that the spaces are in an open area, are located in within 200 feet of the subject property, and are contiguous to the subject property. The spaces must meet the conditions of Chapter 23 of the Zoning Regulations. Moreover, the applicant must demonstrate that it is economically impractical or unsafe to located the parking spaces on the subject property. Finally, such parking spaces must be located so as not to be objectionable to nearby property because of noise, traffic, or other objectionable conditions. The proposed 50 angled parking spaces along Whitehaven Parkway meets these conditions.

A. Location of the Parking Spaces

As shown on the attached site plan, the proposed parking spaces will be located in an open area in the public right-of-way along Whitehaven Parkway in front of the School in satisfaction of § 214.2. As required by §§ 214.3 and 214.4, they are immediately adjacent to the Property.

B. Compliance with Chapter 23

The proposed parking spaces will comply with the provisions of Chapter 23 of the Zoning Regulations. The area will be paved with an all-weather impervious surface as required by the District of Columbia Department of Transportation (“DDOT”). There will be no structures or lighting related to the parking lot. The School plans to provide a five-foot wide planting strip that will include appropriate plants and trees. These plants and trees will be

maintained in a healthy, growing condition by the school. There is no residential property contiguous to the proposed parking area.

C. Economically Impracticable or Unsafe

It would be economically impracticable to locate additional parking spaces on the Property because of the unusual condition of a wetland area and because of the existing improvements on the lot. As the site plan demonstrates, a substantial portion of the Property is occupied by a creek and related wetland area. The School is required to replace any wetland area it uses with an equal amount of wetland property. The School cannot relocate this wetland area without purchasing a wetland area off-site. The remainder of the lot is improved with existing buildings and parking spaces. There is little room on the Property for substantial additional parking spaces without removing the creek and wetland area.

D. No Objectionable Noise, Traffic, or Other Objectionable Conditions

The installation of the proposed angled parking spaces will be a significant improvement over existing conditions. As shown in the attached photographs, the existing parallel parking spaces located along Whitehaven Parkway are unmarked and unsightly. There is no curb, which causes erosion of adjacent soil. People frequently park their cars on the grass and soil, resulting in a continuous muddy area along the side of the street. The School proposes an alternative – more parking spaces that are attractive and well-maintained. The parking area will be adequately paved and striped and will be furnished with bumper stops. The School will provide a new sidewalk, which will increase pedestrian safety. The planting strip will be a vast improvement over existing conditions with its new plants and trees. The proposed angled spaces will not cause objectionable traffic conditions. Indeed, the street will be wider along the portion abutting the parking area, resulting in an improved traffic flow.

IX.
CONCLUSION

As demonstrated above, the application meets the criteria set forth in Sections 206 and 214 for special exception approval and is, therefore, in harmony with the general purpose and intent of the Zoning Regulations. In compliance with Section 3104.1 of the Zoning Regulations, the school has demonstrated that the relief sought is in harmony with the general purposes and intent of the Zoning Regulations and will not adversely affect neighboring properties. The school respectfully requests that the Board of Zoning Adjustment approve this application.

Respectfully submitted,

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