

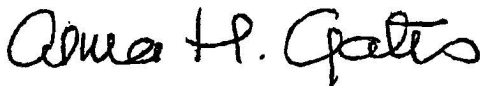
FAX COVER SHEET

TO: Board of Zoning Adjustment
ATTN: Rick Nero
DATE: November 22, 2005
RE: Application #17383, The Lab School of Washington

RECEIVED
D.C. OFFICE OF ZONING
2005 NOV 22 AM 10:29

I will not attend the hearing today due to a torn retina that occurred this morning at 8:00 AM. I am attaching a copy of my testimony and attachments which I would like to make a part of the record. I request that you wave the time requirement as the commission's letter is on file and under normal circumstances I would present this testimony.

Thank you,



Alma H. Gates
Chair, ANC 3D

10 Pages Total

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17383
EXHIBIT NO. 49

Board of Zoning Adjustment
District of Columbia
CASE NO. 17383
EXHIBIT NO. 49



Sibley

Sibley Memorial Hospital
5255 Loughboro Road NW
Washington, DC 20016

Main Hospital
(202) 537-4000
Emergency Dept.
(202) 537-4080

EXITCARE® PATIENT INFORMATION

Patient Name: ALMA GATES (ID# 21866843)

Attending Caregiver: Michael Fitzgerald, Dr.

RETINAL PROBLEM

ADDITIONAL NOTES AND INSTRUCTIONS

Please be advised that in accordance with new federal laws pertaining to Health Care Information, we are unable to give test results over the phone or by fax. If you need copies of this information you need to contact the Medical Records Department at (202) 537-4088 and sign a release for these results to be sent to your physician.

"Return to the Emergency Department if not better or unable to get in to see your doctor at the appointed time"

REST.

FOLLOW UP WITH DR. MILLWATER AS ADVISED.

RETURN TO ER IF FURTHER COMPLAINTS DEVELOP.

FOLLOW-UP INSTRUCTIONS: You need to make arrangements for a follow-up visit

in with
02 - 03 days John R Millwater, Dr. - 202-686-1603 4530 Connecticut Ave NW "Washington, DC 20008"

Added: Q2/2002 Last Modified: Q1/2005

Signature acknowledges that Patient and/or Guardian has received these instructions and understands them.

Patient or Guardian Signature

Date

Witnessed & Instructed by

Date

Sibley Memorial Hospital • • • www.sibley.org

TESTIMONY OF ALMA HARDY GATES
THE BOARD OF ZONING ADJUSTMENT
NOVEMBER 22, 2005

RECEIVED
D.C. OFFICE OF ZONING
2005 NOV 22 AM 10:30

Good afternoon Chairman Griffiths and members of the board. My name is Alma Gates. I reside at 4911 Ashby Street, NW, and am chair of Advisory Neighborhood Commission 3D.

There is no question that The Lab School of Washington provides an extraordinary educational opportunity for children with learning disabilities. I am the parent of a leaning disabled child and have great respect for the service the school provides to these special students. However, the school is not serving the Palisades community and a minority of its students come from the District of Columbia. It is currently over its student cap by 20 and over its faculty/staff cap by 88.

In reading through past Lab School BZA Orders it is clear that the Board of Zoning Adjustment took pains to ensure school activities would be contained on school property and directed the school to appoint a community liaison. The Board made every effort to prevent impact on surrounding properties, on the surrounding neighborhood and Whitehaven Parkway. Order #15642 requires a school building that faces Whitehaven to be accessed from the rear of the campus and student pick up and drop off to be in front of the original classroom building set back from Reservoir Road. A foot path from the front of the property down to MacArthur Boulevard was to be created to prevent school pedestrian traffic on Whitehaven Parkway..

In 1997, when the school applied for new gymnasium and classroom buildings, the school's site plan changed dramatically. A rear entrance/exit on Whitehaven Parkway that once provided through campus access from Reservoir Road was closed. In testimony the school's traffic consultant stated that "the current access to the site from Whitehaven Parkway would be permanently closed as part of the proposed project, thereby further reducing any potential impact on Whitehaven Parkway." Whitehaven Parkway would have no school use, no parking, no students, no conference attendees and no drop off or pickup by parents or school buses.

BZA Order 16273, issued December 3, 1997, set a student cap of 310 and a faculty/staff cap of 95. The school noted it was over its student cap by 44 students in 1997; but, only now does The Lab School admit it met the parking requirement in the 1997 application by omitting a hefty staff of clinicians - psychologists, speech language pathologists and occupational therapists - so the BZA would grant approval of the gymnasium and classroom building. Student teachers and tutor trainees who are at the school everyday as a requirement of certification were also omitted from that application.

In 2003, ANC 3D chair John Finney exchanged letters with Bill McGuirk of DDOT, citing a "cry for help" from Lab School staff and administrators requesting a change in

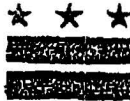
public parking spaces along Whitehaven Parkway for use by The Lab School. Mr. Finney's response was not receptive of the DDOT's proposal and raised the possibility that the school was out of compliance with its faculty/staff cap. (Copies of correspondence are attached.) Two years have passed since that initial "cry for help" from the school and ANC 3D has lost John Finney.

For purposes of this application, 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 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 (11 DCMR § 206.2); and second, 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 (11 DCMR § 206.3.) The school is over its student cap by 20 students and over its faculty/staff cap by 88 – almost twice the number of employees permitted. It could not tell the commission how many of its students drive to school. It is asking to move from private space to public space to meet its parking requirement. That does impose an objectionable condition on the public who count on the use those parking spaces. It is clear, as one commissioner pointed out, "the community is experiencing tremendous traffic impacts that have not been addressed. The public should not pick up the cost for a private school that cannot live within its means." She also suggested the school has outgrown its current site and should be looking for another campus to meet its expansion needs. The commission's letter, dated November 8, is on file and cites comments made by a school neighbor and I am attaching another email from a neighbor who states that 47th Place residents requested "do not enter" signs to prevent cut through traffic.

Application #17383 was very troublesome to the commission and hearings lasted over a three month period. ANC 3D is opposed to the Special Exceptions being sought by The Lab School of Washington to increase its student and faculty/staff cap, and its request for exclusive use of public space for private school parking on Whitehaven Parkway. The commission does support the use of a new school property at 4749 Whitehaven Parkway provided there is no student activity at that location to ensure students would not be crossing Whitehaven Parkway. The commission also addressed the school's student drivers, felt there was need for better supervision and voted to approve a condition that only students with a proven hardship be permitted to drive to school; and, if approved by the board, that condition would be printed in the "Student Handbook." Quarterly meetings with the community and the appointment of a community liaison were conditions ANC 3D also recommends the board consider.

The Lab School has been out of compliance far too long and should not be permitted to simply start over today by washing its hands clean. It needs to show the Board of Zoning Adjustment that it can comply with its orders and that it can be a good neighbor. Therefore, the board might consider an annual reporting mechanism now that the Office of Zoning has an effective Compliance Review Program Officer on staff.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



TRAFFIC SERVICES ADMINISTRATION

SEP 25 2003

Mr. John Finney, Chairperson
Advisory Neighborhood Commission 3D
Post Office Box 40846
Washington, D.C. 20016

Re: Removal of Residential Permit Parking
Notice: 03-40-TS

Dear Commissioner Finney:

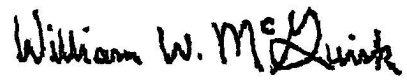
Pursuant to the "Administrative Procedure Amendment Act of 2000" DC Law 13-249 (48 DCR 3491 April 20, 2001), the District Department of Transportation (DDOT) is required to give a written notice of our intent to modify traffic and/or parking requirements. This letter is being forwarded to you for the purpose of notification and solicitation of comments on our intent to implement the following in your jurisdiction.

As a result of the 'cry for help' that has been made by staff and administrators of the Lab School of Washington, 4759 Reservoir Road, N.W., an independent determination has been made to re-evaluate the parking scheme that presently manages parking in the 4700 block of Whitehaven Parkway.

Parking was initially adjusted on this block to determine the effectiveness of a carpool parking study that was conducted under the auspices of the ANC, Saint Patrick Episcopal School, and DDOT. In an effort to create a safer environment for pedestrians, several parking spaces that have been traditionally used by the staff of the Lab School were regulated in a way that prohibits parking during school hours.

A solution to restoring the lost parking opportunities is to make a further adjustment to parking on this block. Therefore, since the present two-hour residential permit parking (RPP) that begins approximately 49 feet east of MacArthur Blvd., N.W. to a point that ends approximately 357 feet east of MacArthur Blvd., N.W., on the south side of the street is directly along side non-residential property, I propose to adjust the parking in this area by removing RPP regulation and to leave this area unrestricted.

Sincerely yours,

A handwritten signature in black ink that reads "William W. McGuirk". The signature is written in a cursive style with a large, stylized "M" and "G".

William W. McGuirk
Acting Associate Director

Cc: Councilmembers

(ANC3D Letterhead)

Oct. 11, 2003

**Re: Removal of Residential Permit Parking on Section of Whitehaven Parkway
Notice: 03-40-TS**

William W. McGuirk
Acting Associate Director
Traffic Services Administration
2000 14th St. NW., 7th Floor
Washington, D.C. 20009

Dear Mr. McGuirk:

I received yesterday (Oct. 10) your letter of Sept. 25, 2003 announcing your intention to remove two-hour residential permit parking (RPP) on a lower stretch of Whitehaven Parkway in response to a "cry for help" from The Lab School. I hasten to respond before you unilaterally take precipitate action—which would not be in keeping, permit me to say, with the cooperative approach we have come to expect from DDOT under Director Dan Tangherlini—with potentially adverse consequences for our neighborhood. The Lab School has not contacted the ANC on this matter.

As you surely appreciate, parking has become increasingly tight along sections of MacArthur Boulevard. That is particularly the case at the intersection of Whitehaven and MacArthur, where you have demands for parking from several schools, from businesses and their customers and employees and from residents of the Palisades. Thus, if you take steps to provide parking for one party—in this case, the Lab School—your action may have an impact on several other parties who may have a desire or need to use that parking space—and indeed may already be using it.

The suggestion I draw from all this is that before by unilateral edict you change parking to help The Lab School, you should consider the needs

and desires of others in the neighborhood, including Our Lady of Victory School, St. Patrick's School, merchants in the neighborhood, residents and, of course, Advisory Neighborhood Commission 3D with a legal mandate to advise you on such matters. If you would be interested, I would be willing to convene a special meeting of ANC3D so that we could have collective consideration of parking in the neighborhood.

Permit me to clarify the record on one point in your letter. You state that "in an effort to create a safer environment for pedestrians," several parking spaces that were "traditionally used" by the staff of The Lab School were eliminated as part of a carpool parking study for St. Patrick's School. That is only partially correct, for the parking was eliminated to provide a free flow of school and non-school traffic up and down Whitehaven, particularly during student drop-off and pick-up times. With all the schools in our neighborhood and parents driving to let off and pick up their children, we have considerable traffic congestion that makes it difficult during certain times of the day for traffic to move on MacArthur Boulevard and Reservoir Road. Indeed, you might want to check with Mr. Laden's planning office on this subject, for last spring that office promised a study of traffic and parking by schools in our Palisades neighborhood with the goal of alleviating the traffic congestion.

Parenthetically, permit me to say I have trouble following the logic that since some members of The Lab School staff "traditionally" parked in public spaces that were changed to no-parking to facilitate traffic, therefore, they are entitled to public parking on another stretch of Whitehaven. The logic seems to rest on the false premise that The Lab School staff members are entitled to parking places on public streets.

I would also suggest that before you respond to "a cry for help," however plaintive, from The Lab School, it would be desirable that you check on whether The Lab School is in compliance with the cap on size of faculty and staff imposed on it by the Board of Zoning Adjustment and whether the school is in compliance with the zoning regulation that it provide off-street parking for two-thirds of its faculty and staff. It may be that its demand for parking on public streets is prompted by the fact that its faculty and staff exceeds the cap and thus it is incapable of providing sufficient on-site parking. Toye Bello, the enforcement officer for the BZA, might be able to help you on whether The Lab School is in compliance with District law.

I look forward to a prompt response from you in the hope that come Oct. 25 you do not arbitrarily make changes in parking in our neighborhood without consulting with the residents, the businessmen, the schools, and our ANC.

Respectfully yours,

John W. Finney
Chair, ANC3D
finneyj@att.net
966-6921
5275 Watson St. NW DC 20016

Copies to:
Commissioners on ANC3D
The Lab School
St. Patrick's School
Council Member Patterson
Council Member Schwartz
Our Lady of Victory School
Palisades Citizens Association

Subj: Fw: Lab School application
Date: 11/21/2005 4:13:28 PM Eastern Standard Time
From: aheuer3344@earthlink.net
To: AHG71139@aol.com
Sent from the Internet (Details)

—Forwarded Message—

From: vjhicks@att.net
Sent: Nov 16, 2005 11:44 AM
To: aheuer3344@earthlink.net
Subject: Lab School application

Dear Ann:

I wanted to make you aware of my opposition, along with that of my neighbors, to the Lab School's application to increase its staff and student population. You probably remember my street, 47th Place, has seen an enormous increase in traffic since the Lab School expanded several years ago. We were finally successful in having the do not enter signs placed at our intersection with MacArthur, but still suffer though a lot of traffic in violation of the signs. Adding another 100 or so cars will only exacerbate our situation.

I've worked with 2 District for better enforcement, which is helping, and have asked DDOT to re-time the light in front of the Lab School to allow more time for westbound MacArthur. While these measures have helped, any increase in traffic in and out of the Lab School will affect us negatively. With so many schools in our neighborhood and with St. Patrick's plans to inundate us with more, we need to say no to expansion of the schools already in existence. Most of the cars are from jurisdictions outside DC, so we need to take care of those of us who pay taxes in DC.

Thank you.

Vicki J. Hicks
1850 47th Place, NW