

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

APPLICATION OF

**FRIENDS OF ST. PATRICK'S
EPISCOPAL DAY SCHOOL LLC
and
ST. PATRICK'S EPISCOPAL
CHURCH AND DAY SCHOOL**

**BZA Application No. _____
ANC 3D
September 8, 2005**

STATEMENT OF THE APPLICANT

**I.
INTRODUCTION**

Friends of St. Patrick's Episcopal Day School LLC ("**FOSP**") and the Vestry of St. Patrick's Episcopal Parish, on behalf of the St. Patrick's Episcopal Church and Day School ("**School**"), collectively "Applicants," seek special exception approval pursuant to §3104 in order to subdivide the property at 1801 Foxhall Road, N.W. ("**Property**") to construct a private school and build a theoretical lot subdivision.

The Property encompasses 17.3 acres and is composed of rolling hills and large gradient changes. The Property extends from Foxhall Road on the west, down a 200-foot slope to the Glover-Archbold Park on the east, and from Whitehaven Park on the north, to Hoban Road on the south. The Property is the former Brady Estate and was most recently owned by the Casey Mansion Foundation, which razed the structures in 2001 in preparation for a proposed development of the District of Columbia Mayoral Mansion. The Property is currently only improved with the remnants of the estate, including a handful of retaining walls, parts of the structure's foundation, portions of a driveway and service road, and a perimeter fence.

BZA

CASE No. 17438
EXHIBIT No. 13

Board of Zoning Adjustment
District of Columbia
CASE NO.17429
EXHIBIT NO.13

The FOSP and the School, pursuant to § 2516, seek to divide the Property into three large parcels, see Exhibit A, for proposed subdivision of the Property. The Applicants intend that the 7.72-acre northern portion of the Property (Lot 827, Parcel A) will be utilized for the School; Parcel B (Lot 826), the middle parcel 1.53 acres, will be reserved for open space; and Parcel C (Lot 825), the southern 8.05 acres, will be sold in order to develop twenty-eight (28) single-family houses (“**Residential Development**”) as described below.

The Applicant is planning to preserve significant amounts of open space and trees on the Property. Therefore, it is proposing to set aside 1.53 acres for open space, and construct a School and a Residential Development designed with the goal of preserving as much of the healthy Special Tree coverage as possible. To best accomplish this goal in the Residential Development, the Applicants have entered into a contract with Elm Street Development and Michael Harris Development, Inc., which as a joint venture (collectively “**Elm Street**”) will develop the southern parcel for residential use. Elm Street is known throughout the region for its commitment to preserving open space and vegetation.

In summary, the Applicants are proposing to construct a middle school and high school campus for St. Patrick’s with the capacity for 440 students and 100 faculty and staff and a Residential Development for 28 new single-family detached homes.

II.

NATURE OF RELIEF SOUGHT

The Applicants request that the Board of Zoning Adjustment approve two special exceptions: (a) for the construction of a private school in the R-1-B Zone District pursuant to §206 of the Zoning Regulations; and (b) for a theoretical lot subdivision, pursuant to §2516 of the Zoning Regulations to subdivide the Property for the private school, a natural resource open

space area, and 28 single-family lots and houses. The location of the Property, the proposed Site Plan, Landscape Plan and conceptual elevations, along with requisite support plans are shown on Exhibit B.

The Applicants propose to build a middle school/high school campus for 440 students and 100 faculty and staff with separate buildings for the middle school and the high school, a theater, a gymnasium, an administration building, underground parking, and a regulation-size soccer field. In the Residential Development, the Applicants plan to construct 28 single-family homes, all of which will be in compliance with all zoning regulations. The homes will conform to architectural controls and guidelines, and the Residential Development will contain a number of pocket parks and an internal road system.

III. **APPLICANTS**

A. St. Patrick's Episcopal Day School

St. Patrick's Episcopal Day School was founded in 1956. It first operated as a nursery school in the old St. Patrick's church at the southeastern corner of Foxhall and Reservoir Roads, a site that is now improved with townhouses. The addition of elementary grades began in 1967. The first Grade 6 graduated in 1974. In 1977, the School moved to its present location at 4700 Whitehaven Parkway, N.W., a campus that is now home to students in Nursery School through Grade 6. In 2001, the School opened the Grades 7 and 8 program, whose students now attend classes at 4925 MacArthur Boulevard, N.W., not far from the Whitehaven Campus.

A coeducational institution for Nursery through Grade 8, the School was founded on the belief that every child has infinite value and can benefit from a varied and challenging academic program. Admission decisions are made without regard to the applicant's race, sex, religious

affiliation, or national origin. The student body and faculty reflect a diverse range of racial, ethnic, cultural, and socio-economic backgrounds. The School currently provides financial aid for tuition and related expenses to 17 % of the student body, at a total cost of \$1.3 million during the current school year. This investment clearly demonstrates the School's commitment to students from a broad socio-economic range.

In 1999 (BZA Application No. 16517), the School sought relief to: (1) renovate and expand its existing building at 4700 Whitehaven Parkway, N.W. which is on the south side of Whitehaven Parkway, and (2) construct a new gymnasium/parking complex on its property on the north side of Whitehaven Parkway. The BZA approved the application. Subsequently, the School built the approved additions and has occupied them for its existing programs.

In the fall of 2000, in recognition of the inadequate number of middle school opportunities in the District of Columbia, the School's Board of Trustees ("Trustees") decided to respond to the demand by offering a seventh and eighth grade program. In 2001, the School acquired the property at 4925 MacArthur Boulevard, N.W. to house its seventh and eighth graders. The BZA approved Application No. 16852 for this use on March 25, 2003.

At the same time that the School's Trustees authorized a Grades 7 and 8 program, they also began studying the possibility of creating a high school program for students in Grades 9 through 12. That study was spurred in part by the absence of a coeducational, Episcopal, secondary school option in the District of Columbia. Furthermore, the Board of Trustees is interested in extending the successful St. Patrick's educational model through Grade 12 as the best way to meet the needs of current and future St. Patrick's students and families throughout the District and the metropolitan area. Indeed, that interest extends throughout the St. Patrick's

community. In a survey conducted last spring that attracted 329 respondents from among current and past parents, faculty and administration, parishners, and friends, 84% of the respondents favored creation of a St. Patrick's High School. Survey participants viewed such a high school as characterized by high academic standards and what they called "St. Patrick's values." While such an institution, in and of itself, would be a welcome addition to the choices available to families in the District of Columbia, it would also provide a fresh option in what has become an overly competitive market for public and independent school students seeking to enter an independent high school within the District of Columbia rather than travel to Maryland or Virginia.

The School's existing Mission Statement would guide the creation and development of a high school program, not only through the high standards of its challenging academic program, but also in striving to support "active, growing, changing individuals within [a] diverse learning community" and creating "an atmosphere of trust and cooperation in which to nourish each [student's] growth toward personal integrity and a lifetime of service." Building a new high school program on the foundation of the existing Mission Statement, the School would continue in its efforts to educate the whole child and to help its students develop all of their gifts. The high school program would be committed to the academic, artistic, physical, spiritual, and moral growth of its students. Maintaining small class sizes and enabling ready accessibility of teachers to their students would be critical elements of the program. The School, therefore, envisions a high school that would provide both the facilities and the educational programs through which students would be able and, indeed, encouraged to excel academically, artistically, and athletically.

B. FOSP

The Friends of St. Patrick's Episcopal Day School, LLC is a group of nine families, parents of St. Patrick's students. The FOSP sought to find a property that could accommodate the School's plans for an expanded middle school and high school. To this end, they contributed monies and secured substantial debt capital in order to purchase the Property in April 2004. They purchased the Property from the Casey Mansion Foundation and have donated Lot 827 to the School for construction of a middle school and high school.

C. Elm Street Development and Michael Harris Development, Inc.

Elm Street Development is a residential development and building company with 28 years of experience in the Washington, D.C. region. Elm Street has extensive experience in developing residential communities that preserve existing trees and provide community open space. Established in 1984, Michael Harris Development, Inc. has developed and constructed homes throughout the metropolitan area and has been a leader in neo-traditional development.

**IV.
DESCRIPTION OF PROPERTY AND AREA**

The Property consists of 17.3 acres of undeveloped land and is located in the R-1-B Zone District. Since the 1880s, the Property has had many monikers: Valley View Farm, Whitehaven, and the Brady Estate. The Property was most recently owned by the Casey Foundation, which planned to donate the Property to the District to house the Mayoral Mansion. However, these plans never materialized. The Property is improved only with parts of the foundation of the Brady Mansion, a gate and stone driveway, a perimeter fence, some retaining walls and remnants of other accessory structures.

The Property is bordered by Foxhall Road on the west; Whitehaven Park on the north; Glover-Archbold National Park on the east; and Hoban Road and the Colony Hill neighborhood of 41 homes on the south. The German Embassy complex is located across Foxhall Road from the Property.

The topography of the Property is hilly and spans numerous elevations. In addition, the Property has been undeveloped for many years and thus has become wooded with both "Special" (as defined by District of Columbia law) and non-Special Trees. The Property consists of moderate, to sharply, rolling terrain with slopes ranging up to 40 percent. The Property also contains two separate knolls, one in the Property's center, and the other in the Property's northern section. Although the natural topography of the Property has been previously modified by prior farm use and the Brady Estate, many of the natural contours and slopes still exist.

The Property does not contain surface water bodies or jurisdictional wetlands. The Property is located at the upper reaches of a large surface drainage area that feeds into an off-site stream that flows northeast into Glover-Archbold Park and drains into Foundry Branch, a minor tributary to the Potomac River.

Investigations by EDAW and Wetlands Studies and Solutions, Inc. ("WSSI") in April and May 2005 determined that there are no jurisdictional wetlands on the Property. During this determination, WSSI concluded that the northern swale area was not a jurisdictional wetland because it did not exhibit any of the three characteristics of wetlands (i.e. hydrophytic vegetation, wetland hydrology, and hydric soils). Moreover, during the same determination, WSSI also concluded that the southern swale was not a wetland, even though it contains the remnants of a spring house with standing water and other superficial indicia of a possible wetland area.

Importantly, on July 8, 2005, the Army Corps of Engineers confirmed that the Property contained no jurisdictional wetlands. Specifically, the U.S. Army Corps of Engineers' Jurisdictional Determination Number 05-02418-11 dated July 8, 2005 (attached as Exhibit D) stated that the Army Corps of Engineers performed a field inspection on June 3, 2005 and confirmed WSSI's conclusion that "these isolated areas are not subject to Corps' jurisdiction pursuant to Section 404 of the Clean Water Act and Department of the Army authorization is not required for any work in these areas."

Surface water flows through the swales when it rains, temporarily creating stormwater runoff on the site. Specifically, the stormwater runoff occurs primarily in the two swales that drain to two separate, natural drainage channels on the northeastern and the southeastern sections of the site. This stormwater currently runs off the site un-detained and discharges into the Glover-Archbold Park.

V. **PROPOSED USE**

As stated above, the Property will be divided into three parcels. The northern parcel will be 7.72 acres – large enough for the school buildings, necessary access roads and a playing field. The middle parcel will be 1.53 acres of open space. The southern parcel will be 8.05 acres, on which the Applicants plan to construct 28 single-family houses.

A. The School

The School buildings will be constructed in a manner that will permit the School to fulfill its mission by providing coeducational, independent, educational opportunities to students from throughout the District and the metropolitan area. The School plans to have 440 students in grades 7 to 12 and 100 faculty and staff.

The School's plans avoid a simple monolithic structure that could disrupt the open space. As seen in Exhibit B, the School buildings are tucked into the Property's topography to limit the School's visual impact. Instead of one large building, the Applicants are proposing to construct a number of separate buildings, including a high school building, an administrative building, a separate building for the middle school, a gym, an athletic field, and a school theater to support the School's mission of educating the whole child. Finally, the School's plans include a 170 car garage under the School buildings.

The School's campus is designed to preserve and enhance open space and vegetation. The Applicants are setting aside the 1.53-acre central downward sloping swale to be kept as open space. Importantly, this natural protection area will help preserve a grove of mature chestnut trees.

The School buildings and the circulation system are designed to meet and/or exceed the Zoning Requirements for the R-1-B Zone District. Specifically, the buildings' heights will fully conform to the Zoning Regulations and the buildings will have side and rear yard setbacks substantially in excess of those required. The total lot occupancy of the School site (Parcel A) will be 19.3 %. The total lot occupancy of the School buildings on the combination of Parcel A and Parcel B (the open space) will be 16%, while 40% lot occupancy is permitted. Finally, a minimum of 170 parking spaces are being provided, even though given the number of students, faculty and staff, a total of 112 spaces are required by the Regulations.

B. The Residential Development

On the southern portion of the Property (Parcel C), the Applicants are planning to create a new residential development that will be contextual in both lot dimensions and house design to

the existing neighboring communities of Colony Hill and Wesley Heights. For this new development, the Applicants propose to create nine lots fronting on Hoban Road, N.W., as a matter-of-right, together with an additional 19 lots created pursuant to a theoretical lot subdivision with frontage on new private, interior roads. Access to the theoretical lots will be from Hoban Road via an extension of 45th Street, N.W.

The plans provide that all the homes will be built on lots that on average are almost twice as large as the required minimum single-family dwelling lot size in the R-1-B Zone District. Specifically, the lot sizes will range from 7,630 to 18,540 square feet and are similar in size to the lots on which the homes in the existing neighboring communities are constructed. Furthermore, public access to open space and the adjacent natural parklands will be preserved and enhanced.

Like the School buildings, the proposed lots and homes will comply with all zoning requirements. The average proposed lot size is 9,935 square feet, almost twice as large as the minimum for constructing a single-family home in the R-1-B Zone District. Building heights, lot occupancies and setbacks will comply with the R-1-B Zone District requirements. Moreover, all of the residential homes will be required to comply with a set of architectural controls and guidelines, to enhance harmony and compatibility within the new development. In addition, the homes constructed on the nine lots on Hoban Road will be required to comply with additional standards designed to promote harmony with the existing adjacent Colony Hill neighborhood. A copy of these restrictions is attached as Exhibit C.

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VI.
THE APPLICANTS ARE ENTITLED TO SPECIAL EXCEPTION RELIEF
UNDER THE ZONING REGULATIONS

Uses that are allowed by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. Schools are recognized as appropriate uses in the residential zones – “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). Furthermore, theoretical lots are also recognized as appropriate uses in the R-1-B Zone District and therefore only require approval of a special exception by the BZA (11 DCMR §2516). 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 prerequisites of 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)). Granting special exception relief in this case, as set forth in more detail below, is in harmony with the general purpose and intent of the Zoning Regulations and map, and will not adversely affect the use of neighboring properties.

VII.
ENVIRONMENTAL IMPACT OF DEVELOPMENT

The Applicants have prepared an environmental assessment to identify the potential environmental impacts and necessary mitigation measures for the project. EDAW performed the Environmental Assessment (“EA”) utilizing a traditional National Environmental Policy Act (NEPA) environmental review approach. Pursuant to the conclusions of the EA, the Applicants are taking significant mitigation measures to decrease any negative environmental impact that may be associated with developing the Property.

A. Topography

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The Applicants have developed detailed plans that minimize soil grading and provide for sensitive siting of individual structures. Furthermore, during construction, the Applicants are planning to implement appropriate management practices for soil erosion to limit the potential for soil erosion and stream/wetland sedimentation impacts during the construction period.

To control the amount of stormwater runoff, the applicants are implementing appropriate stormwater management practices of detention and filtration (see Exhibit B). The detention provided will exceed the standards established by the District of Columbia government in order to enhance protection of the off-site streams. In regards to groundwater, the Property is not the primary source of groundwater recharge in the area because the “upland” recharge areas continue north along Foxhall Road. Therefore, any reduction of the potential groundwater recharge from the soil surface of the site caused by the increase in impervious surfaces will not be detrimental.

The Applicants’ plans include an erosion and sedimentation control plan and a stormwater management plan, in order to prevent erosion of the cleared areas, as well as to control stormwater runoff, collection, and discharge.

B. Vegetation and Trees

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The Property currently contains 293 Special Trees – trees that have a circumference of 55 inches or greater and measure a height of at least 4.5 feet, as defined by the D.C. Urban Forest Preservation Act of 2002 (D.C. Code 8-651.01). Of these trees, 177 qualify for protection based on their health. In addition to the healthy Special Trees, the Applicants have identified a number of additional trees that are to be afforded additional protection based upon their maturity, desirability as a species, excellent physical condition, and aesthetic benefits.

In order to limit the impact that the Project may have on the healthy Special Trees and other vegetation, the Applicants have developed a Tree Preservation Plan, attached as Exhibit E. One of the Applicants' main goals is to save as many of the identified Special and specimen trees as possible by appropriate configuration of the facilities and implementation of measures specific to each tree. Importantly, the Applicants are setting aside 1.53 acres of the Property, the entirety of the northern swale, for tree preservation. By reserving this swale for open space, the Applicants are preserving a beautiful grove of mature chestnut trees in their natural state. Through its tree preservation efforts, the Applicants are expecting to be able to save at least 50 percent, and possibly more, of the healthy Special Trees on the Property. Further, as shown on the Landscape Plan, included in Exhibit B, many new trees will be planted on the Property.

Some key elements of the Landscape and Tree Preservation Plans include:

- Provide a building setback in excess of the minimum required by the zoning regulations around the perimeter of the site;
- Protect the perimeter of each Special Tree during construction with fence barriers to protect the critical root zone of the healthy Special Trees;
- Implement specific site protection measures including the installation of tree wells to protect against excessive fill depth;
- Construct buildings with site-sensitive measures to avoid clear cutting and to protect healthy Special Trees;
- Relocate selected trees;

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- Protect many trees less than 12 inches in diameter to ensure that they reach Special Tree size in the next few years; and
- Plant native trees throughout the site, but particularly in the vegetative buffer and other open space protected areas, to offset the loss of healthy Special Trees.

C. Visual Impacts

As stated above, the Property is a mix of wooded and grassed open space with varying topography that provides a wooded slope down to the Glover-Archbold Park to the east and the Whitehaven Park to the north. In order to mitigate negative visual impact caused by the Project, the Applicants are proposing to create a vegetated buffer along the perimeter of the site as well as plant new trees along the site's perimeter including Foxhall Road. In addition, the Applicants have placed School buildings within the Property's topography, so the buildings have limited negative impact on the views from Foxhall Road and the adjacent national parks.

VIII. THE APPLICANTS MEET THE STANDARDS FOR THE USE OF THE PROPERTY AS A PRIVATE SCHOOL

Section 206 of the Zoning Regulations provides that a private school shall be permitted in the R-1 Zone District if the Board of Zoning Adjustment finds that 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 other objectionable conditions (11 DCMR 206.2). Second, ample parking space, 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).

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A. **The Proposed School Shall Be Located So That It Is Not Likely To Become Objectionable To Nearby Property Because Of Noise, Traffic, Number Of Students Or Otherwise Objectionable Conditions**

1. **Noise**

Noise emanating from the School will not adversely affect neighboring property given the proposed location of the campus and the existing noise levels in the area. Because of the Property's relative isolation, no excessive noise is likely to spill beyond the campus boundaries. Both the existing vehicular traffic in the vicinity of the site and the location of the site in the Ronald Reagan National Airport flight pattern contribute to the existing noise levels. Moreover, because the School buildings and playing fields are integrated into the topography, the noise impact from the School is expected to be minimal.

2. **Traffic**

The Applicants retained Wells & Associates to study traffic-related aspects of the proposed uses. A copy of the Transportation Impact Study ("TIS") is attached as Exhibit F.

The Applicants have formulated a two-pronged approach to mitigating traffic impacts caused by the use of the property for a School:

- A Transportation Management Plan ("TMP") that manages traffic circulation through the widening of Foxhall Road (along the site frontage), an on-site loop road, and sufficient on-site parking; and
- A Travel Demand Management Plan ("TDM Plan") that promotes efficient travel and minimizes vehicular traffic added to the public street network.

The TMP and the TDM Plan are described in greater detail in Section 5 of Exhibit F.

a. Transportation Impact Study (“TIS”)

As shown in Table 5–3 of the TIS, the School will generate 257 vehicle trips during its morning peak hour, 175 School vehicle trips during its afternoon peak hour, and 188 commuter vehicle trips during the peak commuter hour in the afternoon. Depending on the time of day, these additional trips would increase peak hour traffic on Foxhall Road north of the School entrance by as little as five percent but not more than 14 percent; on Foxhall Road south of the School entrance, peak hour traffic would grow by as little as two percent but not more than four percent. These peak–hour increases are kept within reasonable limits by implementation of the School’s TDM Plan; and any impacts will be minimized by the TMP and the new left–turn traffic signal.

b. Transportation Management Plan (“TMP”)

It is estimated that approximately 79 percent of all School traffic would approach the Property from the north on Foxhall Road, with 21 percent approaching from the south. Recognizing that most vehicles will approach from the north, the Applicants propose to create a new, full–movement, signalized intersection on Foxhall Road at the School’s entrance. The new light (the “St. Patrick’s Access Signal”) will be located approximately 700 feet south of Whitehaven Parkway and 1,300 feet north of Reservoir Road. Timing of the St. Patrick’s Access Signal would be coordinated with the other existing signals on Foxhall Road. The St. Patrick’s Access Signal will be installed with a new, full–size left–turn lane. This will allow motorists to stop in the left–turn lane (to wait for an opportunity to safely cross the northbound lane of Foxhall Road and enter the School’s driveway) without hindering the flow of traffic in the two southbound lanes of traffic.

The Applicants also propose to furnish and install new traffic warning signs and pavement markings. The 15-mile per hour "School Zone" speed limit would help to calm the prevailing speeds on Foxhall Road.

The Plans provide for 47 on-site, drop-off/pick-up queuing spaces in one lane along the 1,175-foot long internal loop road. The projected demand for queuing spaces is only 24 cars, therefore, the plans more than adequately address the need for on-site vehicular queuing.

Overall, any increase in traffic on the Foxhall Road corridor resulting from the School's location on the Property will have only a minor impact on levels of service at nearby intersections.

c. Travel Demand Management Plan ("TDM Plan")

The School has devised a detailed TDM Plan aimed at decreasing the number of cars traveling to and from the School each day. The TDM Plan includes: a walk initiative; a carpool initiative; shuttle bus service; parking controls; and staggered start and dismissal times. The purpose of the TDM Plan is to decrease the number of vehicles approaching the School to either drop off or pick up students, thereby further limiting the impact on traffic on Foxhall Road.

While the TDM Plan is described in greater detail in Section 5 of Exhibit F, two particular elements of the Plan deserve highlighting: the carpool initiative and the shuttle bus service. As it has done at its Whitehaven Campus (Nursery–Grade 6) since the fall of 2002, St. Patrick's plans to implement a carpool initiative. The Whitehaven Campus carpool initiative has been extremely successful, increasing the average vehicle occupancy ("AVO") from between 1.33 and 1.41 students per vehicle during peak hours before the program to between 1.91 and 2.05 students per vehicle after the program was instituted. Furthermore, periodic surveys of that

program have demonstrated that the School consistently has exceeded the AVO goal of 1.60 students per vehicle.

The School also proposes to operate a shuttle bus service between the Whitehaven campus, and the Foxhall campus and to other nearby off-campus locations, such as Metro stations. The goal of the shuttle bus program is to permit parents to drop off students at sites that will accommodate their commuting patterns, thereby obviating the need for them to use Foxhall Road.

In summary, the School proposes to take significant steps to mitigate the traffic impact of the new campus. These steps include:

- Widening Foxhall Road as shown on Figure 5-1 of the TIS;
- Installing a new traffic signal at the intersection of Foxhall Road and the new driveway entrance to the School;
- Constructing a new southbound left-turn lane from Foxhall Road into the school's driveway, facilitated by a left-turn light at the new traffic signal. Cars traveling south on Foxhall Road and turning left into the School's driveway thus will not impede traffic in the two remaining through lanes;
- Incorporating a two-lane "loop road" in the design that accommodates 47 vehicles in single file or 94 vehicles in double file. Operating one way and counterclockwise, this 1,175-foot long driveway will be able to accommodate the School's stacking needs within the limits of the site—even at peak times for drop-off and pick-up; and

- Constructing a parking garage with 170 spaces, 53% more than the 112 parking spaces required by zoning guidelines. During non-drop off and pick-up hours, the School can accommodate 47 vehicles parked along the loop road without impacting local traffic. Because school visitors will be able to park on the School's campus, an additional benefit of this significant parking amenity is that visitors to the school will not impact local traffic by driving around on neighborhood streets searching for parking.

3. Number of Students and Faculty/Staff

St. Patrick's School provides a coeducational learning environment based on small class sizes and is committed to this model. The Applicants will build enrollment on the new campus to 440 students in grades 7 through 12 and employ approximately 100 faculty/staff, thereby continuing the School's tradition of small class size and individualized student-teacher interaction. The present timetable envisions that the School will open its expanded middle school and high school in 2009. The relatively small student population will help assure that there will be minimal impacts on neighboring properties.

4. Other Conditions

As previously discussed, the proposed School buildings and facilities have been meticulously designed to be integrated into the existing topography and landscaping of the Property in order to minimize any impacts that the School may have on the surrounding community. Moreover, the proposal involves an opportunity to retain significant green space on the site. Generous setbacks between the buildings and Foxhall Road are provided. In addition to the significant setbacks and landscaping described above, the design scheme for the Property

addresses concerns regarding potential stormwater management degradation, adverse environmental impacts, and quality of life issues for the immediate neighbors of the Property and the entire surrounding community.

The Applicants have also taken great care in designing the campus to assure that the School will not create an adverse impact on the surrounding community, but, instead, will be an asset to the community by assuring development on the Property that maintains the large open areas that presently exist. The lack of adverse environmental impacts on the Property and the open and thoughtful design of the campus enhance the quality of life of residents in the area and ensure that the Project will not create other objectionable conditions to the surrounding community.

B. The Proposed School Will Provide Ample Parking.

The School will have ample parking on site, and, therefore, no faculty, staff, students, or visitors will be required, or allowed, to park in the surrounding residential neighborhoods. The School's proposed parking supply far exceeds the number of spaces required by the Zoning Regulations. For middle schools, the requirement is two spaces for every three faculty and other employees. For high schools, the requirement is two spaces for every three faculty and other employees plus one space for each 20 classroom seats or one space for each 10 seats in the largest gym, auditorium, or area useable for public assembly, whichever is greater. For the proposed School, the Zoning Regulations require that 112 parking spaces be provided on the Property. The School is proposing to construct a single-level, four-bay parking structure that will contain a total of 170 parking spaces, which is 53 percent more parking spaces than are required by the Zoning Regulations. The School will also have the capacity to park an additional

47 vehicles along the internal driveway loop, thereby raising the number of cars that could be parked on campus to 217.

IX.
THE APPLICANTS MEET THE STANDARDS
FOR THE DEVELOPMENT OF A THEORETICAL LOT SUBDIVISION

The FOSP is also proposing to build a theoretical lot subdivision on the southern 8.05-acre portion of the Property (Lot 825, Parcel C). As stated above, the FOSP proposes to construct a Residential Development composed of 9 single-family lots as a matter-of-right along Hoban Road, and an additional 19 lots along internal, private roads by a §2516 special exception. The proposal is in harmony with the intent and purposes of the Zoning Regulations and is consistent with the requirements of §2516. The Residential Development will be contextual in lot and house design with the established existing neighboring communities. The Residential Development will be accessed from Hoban Road on an extension of 45th Street, N.W. The proposal for the subdivision comports with the criteria of § 2516 because: (a) the proposed lots conform to the constraints of the R-1-B Zone District; (b) the proposed homes front directly onto the private streets; (c) the proposed theoretical lot subdivision will have a minimal adverse impact on the surrounding community; and (d) the proposed theoretical lot subdivision will protect and preserve open space on the Property.

Furthermore, because of the reasons stated below, the subdivision will meet the test of a Special Exception pursuant to §3104, because the proposal is in harmony with the general purposes and intent of the Zoning Regulations and because it will not adversely affect the use of the neighboring property.

A. The Proposed Lots Conform to the R-1-B Zone District.

Designed for low-density residential development, single-family detached dwellings can be built as a matter-of-right in the R-1-B Zone District. Furthermore, the R-1-B Zone District requires minimum lot sizes of 5,000 square feet and lot widths of 50 feet. It also requires rear yard setbacks of 25 feet and two side yard setbacks of eight feet each and a maximum lot occupancy of 40 percent for single-family dwellings. In addition, the R-1-B Zone District permits building heights of 40 feet or three stories.

Pursuant to §2516.4, each lot in the Residential Development will exceed 5,000 square feet in area and 50 feet in width. In fact, the lot sizes range from 7,630 to 18,541 square feet, for an average of 9,935 square feet. Each single-family dwelling will occupy less than 40 percent of its respective lot. All front, rear and side lot setbacks will meet or exceed the R-1-B requirements. Finally, measured pursuant to the requirements of § 2516.7, the single-family detached homes will be three-stories and will measure 40 feet or less in height.

In providing for net density for theoretical lots, the Zoning Regulations require that the private roads for ingress and egress into, and out of, the development shall be at least 25-feet in width, have a turning area with a diameter of not less than 60 feet when fewer than two entrances or exits exist on a private road, and the area of land that forms the private roads not be included in the square footage allotment of each separate lot.

In order to provide residents and visitors access to their homes, the FOSP is proposing to build a private road extension of 45th Street from Hoban Road. The 45th Street extension will open onto a private loop road that will provide access to the house lots. This private road will satisfy §2516.6(b), which requires that the means of vehicular ingress or egress be “twenty-five

feet (25 ft.) in width.” The Applicants propose to construct a private road that will be 28-feet wide in most places, and will include two 10-foot wide travel lanes and an eight-foot wide parking lane. Furthermore, as a loop, the private road meets the 60-foot turning area required by §2516.6(c). Moreover, the lots do not include any of the area of land set aside for the streets.

B. The Proposed Subdivision Will Not Have an Adverse Effect on the Present Character and Future Development of the Neighborhood.

The FOSP has designed the development to have as minimal an impact on the surrounding areas and the current neighbors as possible. First the Residential Development will have a minimal impact on traffic in the area. The 28 new houses will generate 21 AM peak hour vehicle trips and 28 commuter PM peak hour vehicle trips per day. In addition, the new houses would add fewer than three seconds of delay for existing Colony Hill residents.

Second, the Residential Development has been designed with an exceedingly modest density and significant amounts of open space. The density, at less than 3.5 units per acre, is low and in keeping with neighboring residential developments. As stated above, the Residential Development will include pocket parks for tree preservation and the homes will be built on lots designed to provide significant open space and minimize the loss of healthy Special Trees.

Third, the design of the lots and proposed homes is in harmony with the existing neighborhood communities and therefore will not adversely impact the character of the surrounding areas. The Residential Development has been designed to complement the existing neighborhood communities.

C. The Neighborhood is in Harmony with the General Purposes and Intent of the Zoning Regulations.

The R-1-B Zone District was designed for low-density Residential Development and permits construction of single-family detached homes as a matter-of-right. The proposed new neighborhood would not be contrary to the purpose or intent of the zoning regulations because each of the proposed lots would provide greater than the minimum lot area and width required in the R-1-B Zone District, and the form of the private streets and single-family homes is in keeping with both the zoning and character of the area. Furthermore, the neighborhood is designed to create and provide access to open space. The density, at less than 3.5 units per acre, is low and in keeping with the neighborhood. The front, rear, and side yard setbacks ensure that the neighborhood will be in harmony with the surrounding communities.

D. Granting the Special Exception will not affect the use of neighboring property in accordance with the Zoning Regulation and Maps.

The proposed neighborhood layout will not adversely affect the surrounding area. The new Residential Development will be in harmony with the existing neighboring communities and the proposed new development on the Phillips Estate north of Whitehaven Park (approved by the BZA on April 5, 2005). Therefore, the development will be directly consistent with other developments in the area.

**X.
NEIGHBORHOOD COMMUNICATION**

The Applicants' community outreach commenced directly after FOSP's purchase of the Property in 2004. Since that time the Applicants have distributed periodic activity "updates" to the ANC 3D, selected ANC 3D members, and leaders of various neighborhood associations. In addition, from Monday, June 7, 2005 to Saturday, June 20, 2005 the Applicants offered several

dozen small, informal meetings with the Property's neighbors. In order to meet with as many neighbors as possible, the Applicants invited small groups of neighbors and stakeholders to meet its development team, to participate in detailed initial presentations, and to voice concerns and suggestions about the Project. The Applicant met with the leaders of the Colony Hill neighborhood again on September 6, 2005 and made an informational presentation to Advisory Neighborhood Commission 3D on September 7, 2005 and will continue these communications as the zoning process proceeds.

XI.
EXHIBITS IN SUPPORT OF THE APPLICATION

The Applicants submit the following exhibits in support of the application:

<u>Exhibit A</u>	Proposed Property Division
<u>Exhibit B</u>	Plans for the Project
<u>Exhibit C</u>	Design Restrictions for Single-family Houses
<u>Exhibit D</u>	United States Army Corps of Engineers' Jurisdictional Determination
<u>Exhibit E</u>	Tree Preservation Plan
<u>Exhibit F</u>	Transportation Impact Study (includes Transportation Management Plan (TMP) and Travel Demand Management Plan (TDM))
<u>Exhibit G</u>	Sanborn Atlas & Zoning Map, Property in Red
<u>Exhibit H</u>	Agent Authorization
<u>Exhibit I</u>	Application Forms and Self Certification Forms
<u>Exhibit J</u>	D.C. Surveyor's Plat
<u>Exhibit K</u>	Property Owner's List
<u>Exhibit L</u>	Photographs of Site

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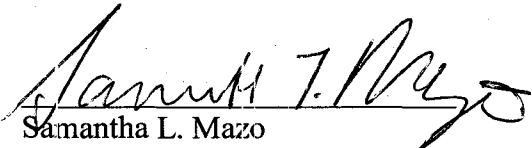
XII.
CONCLUSION

As demonstrated above, the application meets the criteria set forth in Sections 206 and 2516 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 Applicants have 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 Applicants respectfully request that the Board of Zoning Adjustment approve this application.

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman LLP

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Phil Feola

By: 
Samantha L. Mazo

September 8, 2005

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