

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

February 18, 2006

Mr. Geoffrey H. Griffis
Chair
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001

RE: Application No.17429, Friends of St. Patrick's Episcopal Day School LLC
and St. Patrick's Episcopal Church and Day School

2006 FEB 21 PM 3:07

D.C. OFFICE OF ZONING

RECEIVED

Dear Chairman Griffis:

Advisory Neighborhood Commission 3D met with the school and community representatives on September 7 and December 7, 2005, January 4, February 1 and at a special meeting of the commission on February 16, 2006. A quorum (5) was present at all times and notices were posted prior to meetings in the NW Current, in public places throughout the community and on the ANC's website. The commission's agenda was also posted on the Palisades Listserv prior to the meeting.

The commission considered the application of the Friends of St. Patrick's Episcopal Day School LLC and St. Patrick's Episcopal Church and Day School for a Special Exception pursuant to 11DCMR § 3104.1 for a special exception to allow the development of 19 single-family detached dwellings as a theoretical lot subdivision under § 2516; and, for a special exception to construct a private middle and high school under § 206 in the R-1-B District at 1801 Foxhall Road, NW. The commission bifurcated consideration of the application, separately considering the residential development and the school, although this letter addresses both aspects of the application.

The property (17.3 acres) will be divided into three parcels: a 7.72 acre northern portion for the school; a 1.53 acre middle portion (Parcel B) as open space; and, an 8.05 acre southern portion for 28 single-family homes.

The property, known widely as "The Brady Estate," was the site purchased earlier by Betty Brown Casey for the Mayoral Mansion but sold later to the Applicant. The original Brady mansion was demolished shortly after Mrs. Casey purchased the site leaving the property substantially unimproved. The Board may recall that when Mrs. Casey attempted to acquire the four acres of adjacent parkland, known as Whitehaven Park, there was tremendous resistance expressed by the community and the Friends of

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EXHIBIT NO.

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EXHIBIT NO.51

Whitehaven was formed to formalize the opposition. The Friends of Whitehaven also took an active role throughout hearings on the Phillips Estate theoretical lot subdivision.

The subject property is similar in character and size to the Phillips Estate, a parcel just north along Foxhall Road, which was approved for a 47 house development by the Board of Zoning Adjustment in 2005. Both properties are surrounded on two sides by Federal parkland and share a common border along Whitehaven Park. The subject property currently has a park-like quality that has provided open, green space for the entire community that surrounds it. The contours of the land are steeply sloping and provide a rich habitat for wildlife and migratory birds as well as a number of magnificent specimen trees. The land is naturally separated by a swale or “dell” (parcel B) that will provide an open green buffer between the housing development and the school buildings.

Approximately 40 feet from the eastern boundary of the site, in the southern swale, there is a wetland area/ephemeral stream that continues off-site and drains to Foundry Branch in Glover Archbold Park and is considered a Waters of the US and jurisdictional to the Army Corps of Engineers.

THE RESIDENTIAL DEVELOPMENT

A new residential development that will be contextual in house design to the existing neighboring communities of Colony Hill and Wesley Heights is being proposed for eight acres of the site. Nine matter of right houses will front along Hoban Road and a nineteen lot theoretical subdivision will be built on the interior of the property. A loop roadway within the proposed residential area would connect to and extend 45th Street at Hoban Road and provide a single means of ingress and egress to the subdivision. Lot sizes will average 9,935 square feet, almost twice what is required in the R-1-B Zone District.

The Colony Hill community expressed concern to the commission that the proposed development would forever change the character of that neighborhood. Concern over additional traffic and safety in the neighborhood was expressed. Residents proposed several alternate access points into the development which the commission did not find workable as they would have significant impact on the matter of right homes, the school playing field, require the removal of additional trees and/or effectively require closure or re-routing of Hoban Road. The commission also considered the existing circulation patterns within Colony Hill and found them to be unnecessarily difficult for current residents. Hoban Road runs between Foxhall and Reservoir Roads and is one way for its entire length. Forty-Fifth Street intersects Hoban Road, at one end, and intersects with Foxhall Road at the other end, just above the Foxhall Road intersection with Reservoir Road. The intersection of Foxhall and 45th Street is the only two-way means of ingress and egress the community currently has and when southbound traffic is backed up on Foxhall there is no safe way for traffic exiting Colony Hill to access southbound Foxhall Road.

The commission recognized that allowing two-way traffic for the entire length of Hoban Road and permitting traffic to enter Hoban off of Reservoir would encourage cut through

traffic and would pose a significant safety problem for the Colony Hill community. However, opening Hoban Road between Foxhall Road and 45th Street to two way traffic would provide the existing community with a safer access point to both northbound and southbound Foxhall Road; and, would help disperse future traffic impacts more evenly throughout the community.

At its special meeting on February 16, 2006, the commission was informed that there had been no progress made on a proposed agreement between the Friends of St. Patrick's and the Colony Hill Neighborhood Association offered with the hope that acceptance would prevent an appeal by Colony Hill of the Board's decision. The agreement would provide architectural controls on the nine Hoban Road lots as well as procedures for construction of those lots, a Construction Management Agreement, a School Operations Plan and suggested specific traffic mitigation proposals for the streets within Colony Hill. However, Colony Hill continues to oppose access to the proposed residential portion of the development through an extension of 45th Street.

The Applicant states that fifty percent of the overall property will be covered with impervious surface and currently there are no existing stormwater management systems on site. As a result current flows are uncollected and uncontrolled. Given the sloping contours of the land, runoff will continue to flow towards National Park Service properties. The Applicant will present its Board approved plans to the Environmental Health Administration (EHA) and DCRA for runoff, collection, retention, pollutant removal, and controlled discharge and the designs for stormwater management to minimize post-development hydrology for flow rate and timing by using porous pavers and stormwater detention devices.

Based on a detailed tree inventory, there are 605 trees on the project site including a variety of young and mature trees of varying condition and size, of which 293 trees meet the District's minimum diameter requirement for Special Trees – six are exempt species – therefore 287 trees that meet Special Tree criteria of which 177 or 34% qualify for protection based upon their good health. There will be an unavoidable loss of trees and grassed areas located within the planned footprints of proposed construction; however, the Applicant has hired an arborist who will establish a minimal clearance zone and a critical root zone for protected trees to ensure tree protection, especially of specimen trees that will remain as amenities on the site.

Impacts on the environment would be mitigated by maintaining a vegetative buffer in the site perimeter setback, protecting and preserving the trees in the northern swale as part of a natural resource area, constructing buildings with site-sensitive measures to protect the critical root zone of trees during construction, protecting trees greater than 12" in diameter which may reach Special Tree diameter prior to site development, and planting native trees throughout the site, particularly in the vegetative buffer and other open space protected areas to help offset the loss of Special Trees.

THE SCHOOL

St. Patrick's Episcopal Church and Day School proposes to construct a middle and high school to provide both the facilities and the educational programs through which students would be able and encouraged to excel academically, artistically and athletically. The addition of a high school would permit a seamless educational opportunity for students who wish to attend St. Patrick's from nursery through 12th grade.

The new facility shows buildings tucked into the property's topography to limit visual impact. The new campus would include construction of a high school building, an administrative building, a middle school building, a gym, an athletic field and a school theater for an overall lot occupancy of 19.3 percent where 40 percent is permitted. A 170-car garage will be provided under school buildings with 47 additional spaces on the school's loop road for non-peak hour parking. The loop road also provides a circulation system within the campus to help alleviate traffic backups on Foxhall Road.

The proposed project would result in the development of a new signalized intersection on Foxhall Road with a southbound turning lane, and a site entrance for the proposed school across from the German Embassy. If this light is approved, there will be five lights within one-tenth of a mile along that stretch of Foxhall Road (Reservoir Road, the new St. Patrick's School, Whitehaven Parkway, Phillips Estate and Field School).

Foxhall Road is classified as a minor arterial and is similar to 34th St. /Reno Road but is far shorter in length. It runs between Nebraska Avenue and Canal Road and is a four-lane road in some sections and a two-lane road in others and carries approximately 17,000 cars a day (based on 2002 traffic studies). Currently a dangerous situation exists for the northbound lane of Foxhall Road where the road changes from four lanes to two lanes at the intersection with Whitehaven Parkway. Drivers speed up in an attempt to pass cars in the right lane and find themselves heading into southbound traffic in the opposing lane. The posted speed limit is 25 MPH, however speeds regularly exceed 40 MPH and the area is regularly patrolled by traffic officers from the 2nd Police District.

Several commission members met with representatives at the District Department of Transportation (DDOT) to discuss the school's proposed transportation plans and new school entrance, the entrance into the proposed housing development and proposed changes for traffic patterns on Foxhall Road. One commission member recounted the lengthy discussions that occurred regarding the location and adequacy of the stacking lane when Field School was established at a point just north on Foxhall Road. This matter was also mentioned in discussions on February 16th in reference to the adequacy of the stacking lanes being proposed for the entrance to the new school and at Whitehaven Parkway. The commission was advised that a number of the commission's specific Foxhall Road concerns would need to be considered by DDOT's Traffic Services Administration (TSA), and TSA input had not been obtained by the time of the February 16 commission meeting.

The school has proffered a School Travel Management Plan which includes proposals for:

- a) walk initiative
- b) carpool initiatives
- c) shuttle bus service
- d) parking controls
- e) staggered start and dismissal times

The commission commended the school for its proposal but concluded it would be more effective to have a review and discussion closer to the opening of the new school facility when actual carpool goals and shuttle bus plan implementation, based on real numbers, can be reviewed. The commission also concluded it would like a further review by DDOT. Although neighbors submitted a traffic management proposal at the February 16 meeting, including a limit on vehicular traffic during the morning peak hour, the commission did not have adequate time to consider this proposal, and indicated that the commission reserved the right to supplement its report on matters that come before the Board of Zoning Adjustment during the course of the hearings.

CONCLUSION

As stated earlier the commission bifurcated consideration of Application No. 17429 and approved the following motions and conditions.

ANC 3D Motion on the Theoretical Lot Subdivision:

The Friends of St. Patrick's has applied for a special exception to allow the development of 19 single-family detached dwellings as a theoretical lot subdivision under Title 11, section 2516. The commission finds that the proposed development shall comply with the substantive provisions of this title and is not likely have an adverse effect on the present character and future development of the neighborhood. Therefore, ANC 3D moves approval of the application subject to the following conditions:

- 1) There shall be a single point of ingress to and egress from the subdivision located at the intersection of Hoban Road and 45th Street, NW;
- 2) Two-way traffic shall be permitted to enter and exit Hoban Road from its intersection with Foxhall Road to 45th Street;
- 3) A Homeowners Association, Architectural Guidelines (provided Colony Hill agrees) and Covenants, Conditions and Restrictions shall be implemented as presented by the Applicant in its September 8, 2005 and February 9, 2006 submission (Exhibit C), and will be filed with the land records prior to the sale of any individual lot;
- 4) The Applicant shall establish a nondisturbance buffer area in coordination with the National Park Service for any lots that abut federal park property. The nondisturbance buffer areas shall be protected by a covenant recorded in the land records of the District of Columbia;

- 5) The Applicant's arborist shall, in consultation with the National Park Service, develop an "approved species" plant list. The nondisturbance buffer area may only be planted with trees and shrubs on the "approved species" list;
- 6) The Applicant agrees to treat weed, insect and disease infestation species within the nondisturbance buffer area by using specified environmentally "friendly" products;
- 7) The Applicant shall, in consultation with the National Park Service and the District's Environmental Health Administration, implement best management practices and take measures to control soil erosion to protect the natural drainage channels, Waters of the United States and the adjacent parklands, and modify the four stormwater discharges to increase biofiltration and groundwater recharge;
- 8) The Applicant shall conduct quarterly construction meetings with immediate neighbors, interested members of the community and ANC throughout the construction phase. A 24-hour hotline shall be installed;
- 9) The Applicant shall establish a construction entrance to the property at the original entrance to 1801 Foxhall Road; and, implement a DDOT approved Transportation Management Plan for the construction site that shall include the Safety Standards for Construction Vehicles, "The Cooper Code."

Advisory Neighborhood Commission 3D reserves the right to consider any changes to the application as filed and to supplement our report on matters that shall come before the Board of Zoning Adjustment during the course of the hearings.

Approved 7-0-0
February 16, 2006

ANC 3D Motion on the creation of a Jr. High and High School at 1801 Foxhall Road

St. Patrick's Episcopal Church and Day School have applied for a Special Exception pursuant to Title 11 § 206, to develop a Middle and High School campus for 440 students and 100 faculty and staff at 1801 Foxhall Road, NW. The support of Advisory Neighborhood Commission 3D is conditioned on the provisions of the school's "Operations Plan" and the following:

NOISE

- 1) The use of amplified sound shall be strictly prohibited on school grounds;
- 2) The school will not rent or permit use of the athletic field by outside groups (including church-related groups) for organized sporting or other events.

TRAFFIC

- 1) Ingress to and egress from the school shall be located on Foxhall Road at a location approximately opposite the residence of the German Ambassador;

- 2) School traffic shall be controlled by an on-demand traffic signal and all expenses for design and installation shall be born by the school;
- 3) A DDOT approved right turn bay/deceleration lane shall be provided on Foxhall Road for northbound traffic entering the school driveway;
- 4) A DDOT approved stacking lane shall be provided for southbound traffic turning left into the school driveway;
- 5) A DDOT approved stacking lane shall be provided for northbound cars turning left at the intersection of Foxhall Road and Whitehaven Parkway;
- 6) Appropriate signage shall be installed on Foxhall Road to permit clear driver channelization decisions, and additional traffic management conditions as may be established subject to DDOT review and approval of traffic management issues;
- 7) Conditional approval of the conceptual St. Patrick's Traffic Management Plan (Exhibit I) is granted provided that prior to the opening of school a fully developed plan with an implementation strategy shall be presented to the ANC and DDOT, and shall include carpooling goals for achieving Average Vehicle Occupancy rates, shuttle bus use by students and faculty/staff including pick up and drop off locations, appropriate coordination with other schools in the area, staggered arrival and dismissal times, and a formalized school policy on student drivers;
- 8) Prior to the opening of each school year, (a) the Traffic Management Plan shall be made part of the enrollment contract between the school and student families and compliance will be made a requirement for continued enrollment; and (b) St. Patrick's shall report to the ANC on how the Transportation Management Plan is being implemented.

NUMBER OF STUDENTS

- 1) Initial enrollment shall be for students in the seventh, eighth and ninth grades. At the end of the second full year of school operation, a transportation report shall be submitted to DDOT and the ANC indicating the success of the carpool plan and shuttle bus plan;
- 2) A transportation report shall be required for each subsequent year until the school reaches full capacity and any request for an increase in students beyond the initial enrollment shall be based on the successful implementation of the school's transportation plan;
- 3) The number of students shall be capped at 440 students. There shall be a maximum of 100 faculty and staff.

AMPLE PARKING

- 1) Ample parking, but not less than that required under Chapter 21 of the Zoning Regulations shall be provided by the school;
- 2) Parking by school staff and students on surrounding neighborhood streets shall be strictly prohibited;
- 3) Visitors to the school, including visiting teams and parents, shall be required to park on campus.

ENVIRONMENTAL PROTECTION

- 1) The "Northern Dell" (Exhibit A, Parcel B) shall be preserved as open land and for wildlife by the school in perpetuity, in the form of a binding covenant and easement pursuant to Title 42 of the DC Code, as a part of the real property recordation before the Recorder of Deeds;
- 2) Whitehaven Parkland shall be treated as an environmental asset and educational opportunity for St. Patrick's School. The school shall work closely with the National Park Service to ensure there is no encroachment on the park during or post construction of the new campus;
- 3) The School shall work with the Environmental Health Administration to develop appropriate stormwater management practices to minimize adverse downstream environmental effects.

Advisory Neighborhood Commission 3D reserves the right to consider any changes to the application as filed and to supplement our report on matters that shall come before the Board of Zoning Adjustment during the course of the hearings.

Approved 6-1-0
February 16, 2006

Therefore, Advisory Neighborhood Commission 3D requests that its deliberations and findings be given the "great weight" to which they are entitled under DC Law.

Sincerely,



Jill Stern
Chair

cc: Phil Feola

SAFETY STANDARDS FOR CONSTRUCTION VEHICLES

"The Cooper Code"

1. Before a trucking company starts a project, the excavation company must require documentation of:
 - All necessary licenses and permits
 - Any accidents or citations involving trucks or on-duty drivers for the prior year
 - The last required federal inspection
 - Adequate liability insurance
 - Current federal safety report
 - A pledge not to pay speeding tickets for drivers.
2. If any of the above information changes or expires during the project, the trucking firm must update its records.
3. Before work starts, the excavation company shall certify that the trucking company has complied. The certification shall be placed on the truck's windshield, with a list of each driver authorized to drive the truck.
4. Before any driver starts work on a project, the excavation company must inspect the driver's commercial license to make sure it is current and appropriate for the job.
5. The excavation company must identify routes for drivers that minimize the use of streets through residential areas.
6. The excavation company must not require or recommend that drivers take any other routes.
7. If the excavation company uses how long a trip takes to measure a trucker's performance, the standard shall be the "reasonable" time it takes to drive the recommended route.
8. The excavation company must not load any truck with more weight than the maximum allowed in any jurisdiction in which the truck is driven.