

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** May 4, 2018

**SUBJECT:** BZA Case 19748 (2430 K Street, N.W.), to allow a private school in a residential zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- Subtitle U § 203.1(l), Private Schools in Residential Zones
- Subtitle X §104, Private School Plan

Subject to the following conditions related to the drop-off plan and parking as proposed by the applicant and intended to lessen or mitigate any potential impacts of the proposal on the surrounding neighborhood:

1. Drop-off and pick-up of children being administered per the plan provided in Exhibit 42D and accompanying narrative (Exhibit 42), subject to DDOT concurrence.
2. Up to eight off-street parking spaces being provided for the faculty and staff use on lot 846.

The OP report and recommendation is based on the information provided by the applicant pertaining to limitations on the operation of this proposed use which would lessen or mitigate potential undue impacts, including:

- The number of students not exceeding 60.
- The number of faculty and staff not exceeding eight.
- The hours of operation of the school not exceeding Monday through Friday, 8:00 am to 6:00 pm, with occasional evening or Saturday events such as parent meetings, open houses, and back-to-school nights.
- Use of the on-site play area being staggered with small groups of children to minimize any potential impacts from the noise of children at play.

In addition to these use restrictions, OP supports conditions provided by the District Department of Transportation (DDOT).

**II. LOCATION AND SITE DESCRIPTION**

Address	2430 K Street, N.W.
Applicant	Saul Ewing Arnstein & Lehr for Acton Academy Foundation
Legal Description	Square 28, Lots 172 and 846

Ward, ANC	Ward 2, ANC 2A
Zone	<b>R-17</b> is intended to permit single dwelling unit attached rowhouses on small lots. Private schools are permitted by special exception.
Historic District	Foggy Bottom Historic District
Lot Characteristics	Lot 172 is a rectangular lot with 23,049 square feet of area, with 197.25 feet of frontage along K Street. The rear of the lot abuts a public alley ranging between 20-25 feet in width. Lot 846 is a rectangular alley lot with 5,590 square feet of area. The lot is surrounded on three sides by a public alley ranging between 8-30 feet in width.
Existing Development	Lot 172 is currently developed with St. Paul's Protestant Episcopal Church and two row dwellings, which serve as church offices and programs. The west portion of the property serves as open space. Lot 846 currently functions as an accessory parking lot, providing 21 parking spaces.
Adjacent Properties	To the north, across K Street, are multifamily buildings. To the south, across the public alley, are row dwellings. To the east are row dwellings and multifamily building. To the west, are two story row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character predominantly consists of row dwellings, large multifamily buildings, neighborhood-serving retail, and institutional uses.
Proposed Development	The applicant proposes to co-locate a private school, serving up to 60 students in a Montessori Primary Pre-K Program and Acton Elementary Program, at St. Paul's Parish. The school would be served by a parking lot containing 21 spaces on lot 846, which is used by the Parish. At capacity, eight staff would be employed by the private school. The open space along the western portion of the property would be improved for outdoor recess with fencing and small playground equipment, but no other improvements are proposed for the property.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone – R-17</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width (ft.) D § 1002	40 ft.	197 ft.	No change	None required
Lot Area (sq. ft.) D § 1002	4,000 sq.ft.	23,049 sq.ft.	No change	None required
Height (ft.) D § 1003	40 ft.	48.5 ft.	No change	Existing nonconforming
Lot Occupancy D § 1004	60%	65.4%	No change	Existing nonconforming
Rear Yard (ft.) D § 1006	20 ft.	0 ft.	No change	Existing nonconforming
Side Yard (ft.) D § 1007	5 ft., if provided	39.25 ft. (east) 0 ft. (west)	No change	Existing nonconforming (west)
Pervious Surface D §1008	20%	Not provided	No change	Not requested
Parking C § 701	9 spaces	24 spaces	No change	None required
Private School Use U § 203.1(I) X §104	Permitted by Special Exception	Church and accessory parking lot	Private School collocated on Church property	<b>Required</b>

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Special Exception Relief pursuant to Subtitle U § 203.1(I), Private Schools in Residential Zones**

*203.1 The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:*

- (l) Private schools and residences for teachers and staff of a private school, but not including a trade school, subject to the following conditions:*
  - (1) 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;*

The proposed private school should not become objectionable to adjoining and nearby property because of noise, traffic, number of students, or other conditions. The property is currently used as a church, with uses generally limited to services, ministries, fellowship, and special events occurring on Sundays, weekends, and evenings. The proposed private school would operate Monday through Friday from 8:00 am to 6:00 pm, with occasional evening events, including parent information sessions. The church use and school use would have complimentary schedules, with only one use typically functioning at one time. OP has provided a condition stipulating the hours of operation for the school to minimize potential conflicts with the Parish and to mitigate potential impacts on the surrounding neighborhood.

The outdoor space at the west portion of the lot would be converted into a play space for recess, including fencing and small-scale playground equipment. Recess would occur in the morning, after lunch, and in the afternoon at regular times. A condition requiring that recess be staggered with smaller groups of children has been provided as a noise mitigation measure. The two-story row dwellings located along the east property line have privacy fences and landscaping, which would further filter noise from the play area.

The applicant has provided a drop-off and pick-up plan (Exhibit 42 and 42D), which would require vehicles to enter Snows Court from 25<sup>th</sup> Street to arrive at the parking lot located in the alley. The school would be located in a transit-rich area, and it is expected that 20-30% of families would arrive by walking or public transportation. It is anticipated that approximately 30-35 cars would drop off children per day. Extensive outreach to adjacent neighbors has been conducted, who according to the applicant, have expressed support for the plan. As this plan would serve to minimize potential traffic impacts to neighbors in the area, OP has included this as a condition of approval, subject to DDOT concurrence with the details of this plan.

- (2) *Ample parking space, but not less than that required by this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile; and*

The church has an accessory parking lot on lot 846, located to the south of the Parish in the alley. The lot consists of 21 parking spaces and there are three accessible spaces on the Parish lot, resulting in a total of 24 parking spaces. The applicant has indicated that at capacity, there would be a total of eight staff, generating a requirement of six spaces (two spaces per three teachers, rounding up). The Parish has allocated eight parking spaces for the private school use. As these on-site parking spaces would serve to minimize potential impacts of the proposed use on parking in the surrounding neighborhood, OP has included this as a condition of approval; the applicant has agreed to this condition.

The site is located in a walkable area that is also transit accessible, as it is only 0.2 miles from the Foggy Bottom-GWU Metro Station. There are also several bus lines that run along K Street, Pennsylvania Avenue, and 23<sup>rd</sup> Street. These alternatives should reduce the parking demand on site, resulting in less impact on the neighbors. A bike rack is also available for use on the site.

- (3) *After hearing all evidence, the Board of Zoning Adjustment may require additional parking to that required by this title;*

The Office of Planning does not recommend additional parking beyond what is required for the use.

**b. Special Exception Relief pursuant to Subtitle X § 104, Private School Plan**

*104.1 Education use by a private school shall be permitted as a special exception subject to review and approval by the Board of Zoning Adjustment after its determination that the use meets the applicable standards of Subtitle X, Chapter 9 and conditions of this section.*

*104.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.*

As provided in the analysis above, for relief requested from Subtitle U §203.1(1), the private school as proposed, including the limitations on the use proposed by the applicant, should not become objectionable to adjoining and nearby property due to noise, traffic, number of students, or other conditions. OP has included conditions of OP approval related to parking and drop-off to minimize potential impacts of the proposed private school. OP has also had discussions with DDOT, and would also in agreement with conditions proposed by DDOT.

*104.3 The development standards for a private school shall be those of the zone in which the private school is located.*

The private school would be located on a property that is currently developed with an institutional use. Although aspects of the existing development are nonconforming to current regulations, the proposal does not include any additions or exterior modifications.

*104.4 In calculating density, the land area shall not include public streets and alleys, but may include interior private streets and alleys within the school boundaries.*

Given that the private school would be located on a property already developed with an institutional use, the density has been established; however, additions or other exterior modifications are not proposed to accommodate the private school.

**i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposed private school would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. It would be collocated on a property that is currently developed as an institutional use, and would make use of the facility during the week when it would otherwise go unused. Educational facilities are compatible with residential development. The applicant has addressed potential issues regarding drop-off and pick-up of students through the provision of a plan, and has provided sufficient parking for teachers and visitors.

**ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The proposed private school should not adversely affect the use of neighboring property. The applicant has conducted significant outreach to neighbors, as documented in the pre-hearing statement (Exhibit 42). The neighboring two-story row dwellings to the west would be separated from the outdoor play area by a fence and existing landscaping, which would provide a buffer from the outdoor play area. The drop-off and pick-up plan provided by the applicant acknowledges discussions with the neighbors and incorporates concerns, including communication with parents about how to drive through the alley. No additions or other building alterations are proposed, so the neighboring properties would not be impacted by construction.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of the date of this writing, comments from other District Agencies had not been received. DDOT will be filing a report under separate cover.

**VI. COMMUNITY COMMENTS**

At its regularly scheduled meeting on April 18, 2018, ANC 2A voted to recommend approval of the requested special exceptions.

The West End Citizens Association has requested party status in opposition (Exhibit 38); one letter in opposition to this party status request was filed to the record at Exhibit 43.

Attachment: Location Map

### Location Map

