

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Maxine Brown-Roberts, Project Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** November 3, 2017

**SUBJECT:** BZA Case 19581 – Special Exception for Latin American Montessori Bilingual Charter School at 5000 14<sup>th</sup> Street, NW in the R-16 zone.

**I. SUMMARY RECOMMENDATION**

The Latin American Montessori Bilingual Charter School (LAMB) (School) proposes to collocate with the Kingsbury Center at 5000 14<sup>th</sup> Street, NW as allowed by Subtitle U, § 205.1(a) and § 205.2 and request special exception review under Subtitle U § 202.1(m) and Subtitle U § 202.2(n) for a non-residential use in the R-16 zone. The Office of Planning (OP) recommends approval, with conditions as follows:

1. The maximum number of students in the interim stage shall be 310 and a maximum number of faculty/staff shall be 36;
2. The hours of operation shall be 7:00 am to 6:00 pm, Monday to Friday; and
3. LAMB shall maintain the current allotment of 107 parking spaces.

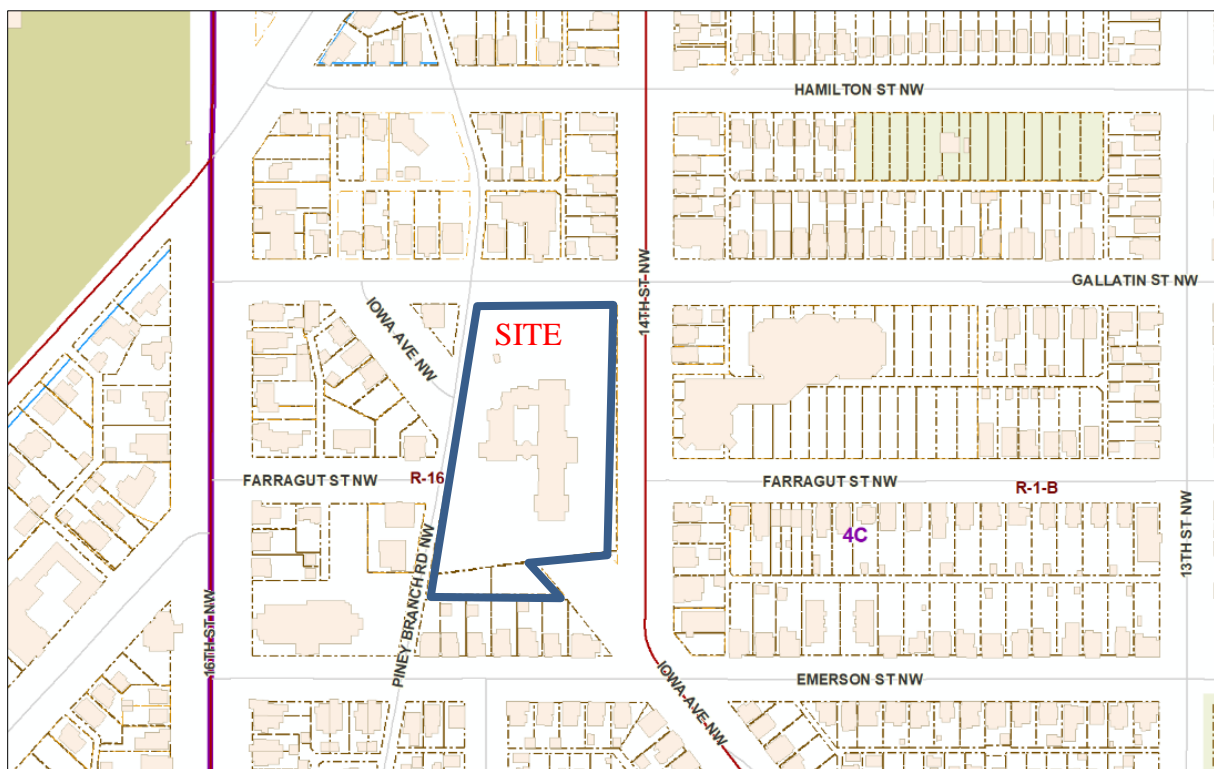
OP further recommends that when Kingsbury departs the property and the student population for LAMB is to be increased to 600, the proposal be submitted to the BZA for further review. In addition, LAMB shall submit details of the gymnasium to the BZA for review prior to construction either as part of that review, or as a modification to the approved LAMB. OP has raised this recommendation with the applicant.

OP also supports the proposed conditions offered by the school at Exhibit 36A and those from the Department of Transportation (DDOT).

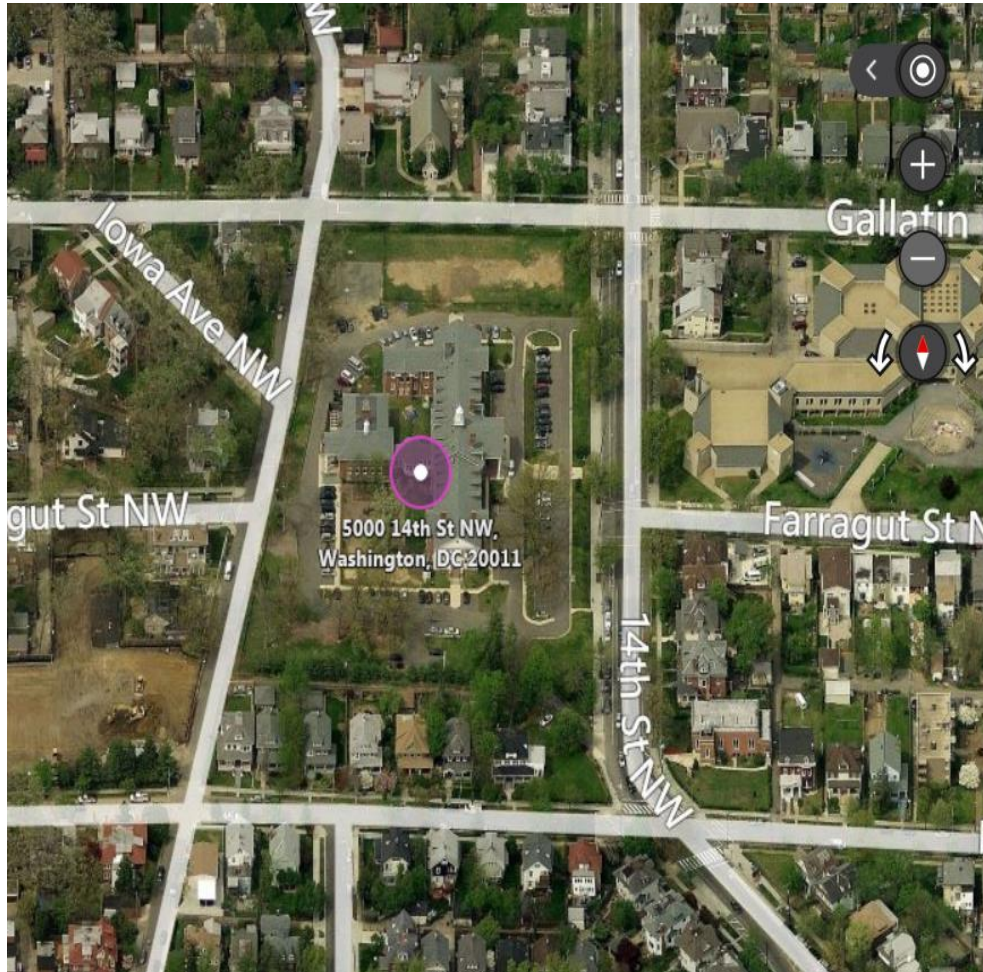
**III. AREA AND SITE DESCRIPTION**

Address	5000 14th Street, NW
Legal Description	Square 2711, Lot 802
Ward/ANC	4/4C
Lot Characteristics	Irregularly shaped property with street frontage along Gallatin Street, NW to the north; 14 <sup>th</sup> Street, NW to the east; Piney Branch Road, NW to the west; and a ten-foot wide alley and Iowa Avenue to the south. The property is flat and has an area of approximately 4 acres.

Existing Development	The site is currently developed with the building which houses Kingsbury Center, a private school for students with learning differences. There are also 107 surface parking spaces and outdoor recreational areas.
Zoning	R-16 (Sixteenth Street Heights Residential House Zone) - Single-family residential and row houses; private schools permitted by special exception.
Historic District	The property is not within a Historic District and is not a historic site.
Adjacent Properties	To the north are single family detached homes, the St. Luke’s Baptist Church and the Mount Zion Baptist Church; to the south are single family detached residences and St. Paul’s church; to the west are single family detached residences and the Jesus Christ of Latter Day Saints church all within the R-16 zone. To the east are single family detached residences and West Elementary School in the R-1-B zone.
Surrounding Neighborhood Character	The wider community is developed with single-family detached residential structures and institutional uses.



Site Location



Aerial Photograph

## II. BACKGROUND and APPLICATION-IN-BRIEF

The property is currently occupied by the Kingsbury Center, a private school for students with learning difficulties. It was approved by BZA Order 16569 for up to 300 students and 138 staff. Currently, the school has an enrollment of 108 students with 12 students in the lower school, 14 students are in the middle school, and 82 students in the upper school with 71 staff members, and it operates Monday to Friday 8:30 a.m. to 6:15 p.m. and Saturday, 8:30 a.m. to 1:30 p.m. The school's BZA Order was recently modified to change their hours of operation to Monday through Friday 7:00 a.m. to 7:00 p.m., and Saturday, 8:30 a.m. to 1:30 p.m. and for the school to serve student in grades pre-kindergarten through high school (Case 16569A, approved on October 4, 2017). Kingsbury intends to increase its student enrollment to 175 students and 80 staff/faculty, still within the permitted numbers, over the next few years. A majority of the lower school students would be picked up and dropped off by private vehicles while a majority of the students in the upper school would utilize school busses or transit. In the longer term, Kingsbury School intends to vacate the property although no timeline has been given.

LAMB is a bilingual English/Spanish immersion public charter school serving students in pre-Kindergarten through fifth grade which currently operates at other locations within the District. The proposal is that the LAMB school would relocate to the subject site in 2018 and would share the

building until the Kingsbury school leaves. At that time, LAMB would expand to occupy the entire building. Initially, LAMB would have 310 students and 36 faculty/staff and would expand to a maximum of 600 students and 110 faculty/staff after the departure of Kingsbury. The hours of operation would be 7:00 am to 6:00 pm. No external changes to the building are proposed and the existing 107 parking spaces would serve both schools. LAMB also proposes to construct a 5,528 square feet gymnasium on the southwestern portion of the property, although no timeline has been given.

#### **IV. ZONING REQUIREMENTS and REQUESTED RELIEF**

The property is located within the R-16 zone. One of the purposes of the R-16 district is to “Control the expansion of nonresidential uses, and/or further conversion of residential housing to nonresidential uses in order to maintain the housing supply and minimize the external negative impacts of new nonresidential uses that are permitted in the R-16 zone in order to preserve neighborhood quality; protect and stabilize existing single-family detached residential areas”.

Private and public schools are allowed within this district pursuant to special exception relief.

#### **V. OFFICE OF PLANNING ANALYSIS**

Subtitle U, § 202.1(m) and § 202.1(n) allow public schools and the collocation of the public school with other permitted schools. Subtitle U § 205.1(a) requires special exception review for non-residential uses permitted under Subtitle U § 202 and Subtitle U § 205.2. The proposal meets the conditions as follows:

- (a) *The non-residential use is capable of being established and operated without adversely affecting the use and enjoyment of neighboring and nearby properties due to traffic, noise, design, or other objectionable conditions; and*

##### Traffic

All drop-offs and pick-ups of students for both schools would be done onsite. The 107 parking spaces would accommodate parking for faculty and staff, visitors, and drop off and pickups by private vehicles to minimize impacts on surrounding streets and parking. In their traffic study, LAMB has identified some traffic impacts on adjacent streets and in particular at the 14<sup>th</sup> Street and Gallatin Street intersection. LAMB is working with DDOT to mitigate the impact at this intersection through a variety of TDM measures outlined in the DDOT report.

##### Noise

The school should not generate any excessive noise to unduly affect the adjacent properties. For the majority of the day, the students would be indoors. The building is centrally located on the property and surrounded by parking lots so it is set back from the property line. Most of the adjacent properties are churches which operates at different times. The outdoor recreation would be during normal school hours and there would be minimal night activities since it’s an elementary school. When the gymnasium is built, there would be less outdoor play, further reducing potential noise from the facility.

Design

At this time, there are no exterior changes proposed to accommodate LAMB and the building would remain unchanged when the student population increases to 600. LAMB has not provided a timeline for the construction of the gymnasium or building plans showing how the zoning standards would be met. The school states the proposed gymnasium would not adversely affect neighboring properties because it would be within the zoning standards, well within the property boundaries, not be overly tall or bulky, and designed to be compatible to the existing building. LAMB plans to make the gymnasium available for neighboring community use.

OP recommends that prior to construction, the building plans for the gymnasium be submitted to the BZA for review to address issues such as traffic, design and stormwater management design and compatibility to the existing building, as a modification to any BZA Order for LAMB School.

- (b) *There shall be adequate, appropriately located, and screened off-street parking sufficient to provide for the needs of the maximum number of occupants, employees, congregants, and visitors who can use the facility at one (1) time; provided:*
  - (1) *The number of parking spaces provided shall be not less than the number required by Subtitle C, Chapter 7 of this title and shall be located and designed so that they have the least objectionable effects on contiguous or nearby property because of noise, traffic, or other objectionable condition;*

During the interim period, there would be a total of 485 students and 116 faculty/staff which would require 71 parking spaces. This requirement would be met as there are currently 107 parking spaces on the property and all would be retained. In addition, LAMB states that the parking spaces would serve faculty/staff as well as drop-off/pick up in the mornings and afternoons. Parents who drop-off and pick-up students would use the spaces for approximately ten minutes and then depart. The spaces would then be available to visitors during the day. As shown on the table below, Kingsbury is expected to have a demand for 56 spaces while LAMB would have a demand of 50 spaces for a total of 106 spaces.

	Interim	Staff Demand	Drop-off/Pick-Up/ visitors	Total
Kingsbury	175 students/80 staff	56		56
LAMB	310 students/36 staff	21	29	50
				106

When the Kingsbury School departs the property and LAMB increases their population to 600 students and 110 staff, the parking requirement would be 21 spaces. LAMB states that there would be a demand for 64 faculty/staff spaces and 40 spaces for pick-up and drop-off for a total of 104 spaces. Therefore, in both scenarios the existing 107 spaces are anticipated to be adequate.

	Final	Staff Demand	Drop-off/Pick-Up/ visitors	Total
LAMB	600 students/110 staff	64	40	104 spaces

Except for those spaces along 14<sup>th</sup> Street, most of the parking spaces are set back from the property line, and are not directly adjacent to any residential properties, and therefore should not have an objectionable effect on neighboring properties.

Currently, bus and private vehicle drop-off and pick-up areas are at the eastern entrance to the building along 14<sup>th</sup> Street. When LAMB comes to the site, bus and private vehicle drop off and pick-ups for Kingsbury would be relocate to the northern entrance. Since LAMB students would not use busses, all its private vehicular drop-offs and pick-ups would be along the 14<sup>th</sup> Street entrance and on a portion of the spaces to the south of the building. When Kingsbury departs and LAMB assumes control of the entire site, drop-off and pick-up areas would remain along 14<sup>th</sup> Street and south of the building but would utilize more of the spaces (Exhibit 31A1, pages 13 to 16). Having the spaces to accommodate parking and all drop-off and pick-up on site would allow the schools to eliminate or minimize visitor, parent, or teacher parking on any of the surrounding streets. With four entrance and exit points, traffic entering and leaving would be distributed and not concentrated at one point, thereby lessening the traffic on each street and the possibility of traffic backups on any one street. To help reduce vehicular trips, the applicant has proposed a number of TDM measures which DDOT will address in their report.

- (2) *Parking spaces and driveways providing access to them shall not be located in a required side setback, or on the lot between the principal building and a street right-of-way, nor in public space abutting the lot;*

Currently, a few of the existing parking spaces and driveways are within the required side yard to the south and between the building and 14<sup>th</sup> Street. This is an existing situation approved under BZA 16569 for the Kingsbury school and effective on May 23, 2000. This requirement was enacted after the approval for Kingsbury and therefore the existing situation is allowed to continue as legally nonconforming. LAMB does not propose any changes to the parking layout or number of spaces and would retain this nonconforming condition. Retaining this condition should not result in any detriment to surrounding properties.

- (3) *If five (5) or more open parking spaces are provided, the parking spaces shall be screened from all contiguous residential property by a wood fence or a wall made of brick or stone at least twelve inches (12 in.) thick and sixty inches (60 in.) high, or by evergreen hedges or evergreen growing trees that are thickly planted and maintained and are at least sixty inches (60 in.) in height when planted; and*

There are no contiguous residences and therefore no screening is required.

- (4) *Any lighting used to illuminate open parking spaces shall be so arranged that all direct rays of lighting are confined to the surface of the paved area devoted to parking; any lighting provided shall be the minimum necessary for reasonable visibility by drivers and for security purposes.*

The school states that the current parking lots have down lighting which is on timers to limit the duration of time they are on. The school states that when the gymnasium is added they would work with neighborhood to mitigate any additional lighting impacts.

## **VI. SUMMARY**

The requested special exception relief for LAMB, a public charter school and its collocation with the Kingsbury School would be in harmony with the purpose and intent of the R-16 zone. OP supports the proposed conditions of approval submitted by LAMB at (Exhibit 36B) and the TDM plan and conditions of approval recommended by DDOT. Currently, a substantial number of the students are bussed to the property while the LAMB students would arrive mostly by private vehicles and the applicant has proposed TDM measures to help reduce vehicular traffic.

However, since there would be a significant increase in the student population, OP recommends that when Kingsbury departs the property and the student population is to be increased and the gymnasium is to be constructed, that the proposal be submitted to the BZA for further review.

## **VII. COMMENTS OF OTHER DISTRICT AGENCIES**

The District Department of Transportation (DDOT) report would be issued under separate cover to the Board.

## **VIII. COMMUNITY COMMENTS**

The property is within the area of ANC-4C. At its October 11, 2017 meeting, the ANC voted to further review the application after receiving the DDOT report. The ANC is scheduled to vote at the November 8<sup>th</sup>, 2017 meeting.