

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: October 15, 2021

SUBJECT: BZA 20472 – Special Exceptions for The River School, 4220 Nebraska Avenue, NW

I. OFFICE OF RECOMMENDATION

The River School (“School” or “Applicant”) proposes a private school use and an associated daytime care facility (“child development center”) with an accessory clinic at 4220 Nebraska Avenue, NW in the R-1-B Zone. Although these uses are anticipated as appropriate within this zone, the school and child development center are permitted by special exception, subject to review against conditions specified in the regulations intended to minimize and mitigate potential impacts.

The Office of Planning (OP) recommends **approval** of the following special exceptions pursuant to Subtitle X § 901.2 with conditions:

- Subtitle U § 203.1(m), Private School Use;
- Subtitle X § 104, Private School Plan;
- Subtitle U § 203.1(h), Daytime Care Use; and
- Subtitle C § 701.5, Parking (52 parking spaces required, 47 parking spaces proposed) pursuant to Subtitle C § 703.2.

Conditions

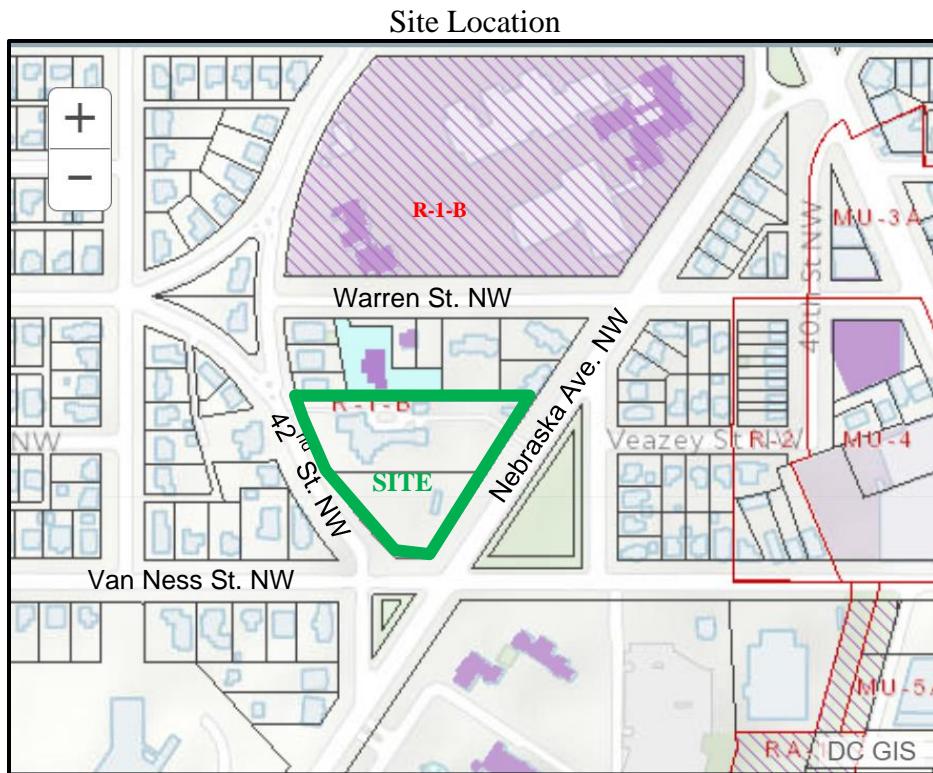
The proposed school would replace a single-family home, and this more intensive level of use could have impacts on the adjacent properties and neighborhood, especially in relation to traffic to and from the property. The School has proffered a number of conditions (Exhibit 51F) that should mitigate or minimize these potential impacts. OP has reviewed the conditions and supports their incorporation into any Final Order, with any modifications which may be recommended by the Department of Transportation (DDOT).

Flexibility

The School, at Exhibit 51E, has requested design flexibility to allow minor changes to the buildings to include internal layout and external changes that may result from design changes recommended by the Historic Preservation Review Board (HPRB) and provided that no element of the approved special exceptions is changed. OP supports the granting of the requested flexibility.

II. LOCATION AND SITE DESCRIPTION

Applicant	The River School
Address	4220 Nebraska Avenue, NW
Legal Description	Square 1727, Lots 4 and 5
Ward/ANC	3/ANC-3E
Lot Characteristics	The property is comprised of two irregularly shaped lots which combine for a total of 98,935 square feet of land area, forming a roughly triangular shaped property that is bounded by Nebraska Avenue to the east, Van Ness Street, NW to the south, 42 nd Street, NW to the west and single-family, detached residences.
Zoning	R-1-B – intended for areas predominantly developed with detached houses. Private schools and daytime care uses are permitted by special exception, so are deemed appropriate for this zone if the specified standards are met.
Existing Development	The property is currently improved with a large house also known as the “Historic Building” or “Under Oak” and several other accessory structures such as a gate/guest house, a garage, a pool and pool house, three sheds, and a cupola. The property has entrances/exits from Nebraska Avenue and 42 nd Street.
Historic District	Not within a historic district or a designated historic site. However, the property and the buildings may qualify for historic designation, so the proposal is undergoing courtesy review by the Historic Preservation Review Board (HPRB).
Adjacent Properties	To the north are single family detached residences fronting Warren Avenue, 42 nd Street, and Nebraska Avenue. Across Warren Street is the American University Washington College of Law campus. To the east and south, across Nebraska Avenue and Van Ness Street, are undeveloped properties (Reservations) owned by the District of Columbia and Federal Government. To the west, across 42 nd Street, are single family detached residences.
Surrounding Neighborhood	The broader area surrounding the school includes a mixture of single-family detached residences and institutional uses. The property is less than half a mile from the Tenleytown-AU Metrorail Station on Wisconsin Avenue.



III. BACKGROUND

The River School currently operates at 4880 MacArthur Boulevard, NW, further west in Ward 3. The following is a summary comparison of the existing school with the proposal.

	Existing River School	Proposed River School Location
Address	4880 MacArthur Boulevard NW	4220 Nebraska Avenue NW
Land Area	19,225 sq. ft.	98,935 sq.ft.
Maximum Student Enrollment	220 students (201 current enrollment)	350 students (anticipate full enrollment in 5 -10 yrs.)
Part-time Students	26	24 – 48
Grades Served	Preschool through Grade 3	Preschool through Grade 6
Student Demographics	54% students from DC (44% of those reside in zip code 20016) 24% from Maryland 22% from Virginia 18% children with hearing loss 42% from diverse backgrounds	Anticipated to remain the same or similar to existing, but over time River School expects to draw more students from areas near the new campus location.
Student Mode Split	90% automobile 10% walk/bike 0% transit	81% automobile 15% walk/bike 4% transit
Faculty/Staff	70	90
Parking Spaces	27 provided	52 required, 47 proposed
Pick up/Drop off	On McArthur Boulevard	On-site

IV. PROPOSAL

The existing site plan shows the property currently developed with several structures (Exhibit 31B1, page A4). To accommodate the River School, the main house also known as the “Under Oak” would remain at its current location and be renovated with no additions. The pool house, the copula and the gate house would be renovated and relocated on the property. New buildings would be constructed on the south and south-east side of the site.

Although the property and the buildings may qualify for historic designation, they have not been designated. However, the School has submitted the proposal for the preservation of the existing buildings and the addition of the proposed new buildings to HPRB for courtesy review. HPRB will continue to review the proposal, but at this time have indicated support for the proposed building locations, height, scale, and materials.

The River School would have a maximum of 252 students in Grades 1 to 6, and a daytime care (child development center) with a maximum of 98 children for a total maximum of 350 students and 90 faculty and staff.

The School was founded to provide an inclusive educational experience for children with hearing loss, who make up approximately 18% of the students. The School would operate a clinic to offer services to children with hearing loss, including audiological diagnosis and treatment, speech and language therapy, psychoeducational assessment, and occupational therapy. The clinic would mainly serve students enrolled at the school/and child development center but would also serve alumni students and other non-enrolled children from the community who need treatment. The clinic would treat approximately 40-50 students per day of which an estimated 20 would be non-enrolled persons.¹ The Applicant states that the Zoning Administrator has confirmed that the clinic is an accessory use to the overall school use as it would occupy approximately 11.5% of the overall square footage of the campus, which is less than the 20% of the overall square footage allowed by the Regulations for an accessory use. The 20 non-enrolled persons coming to the campus would represent about 5% of the number of persons coming to the campus daily.

V. OFFICE OF PLANNING ANALYSIS

A. Private School Use

Subtitle U § 203.1(m) allows private schools in the R-1-B zone subject to the following:

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;*

Noise

The change from a single-family residential use to a school, a more intense use, would result in more activity on the property which could result in some noise impacts on the adjacent residences. However, the location of the new buildings which would have most active uses, the allocation of

¹ These non-enrolled students are not included in the 350-maximum number of persons attending the school and child development center.

uses in the buildings, and the location of the play areas, parking and drop-off areas should lessen the overall potential noise impacts and minimize potential objectionable impacts.

The Under Oak building on the northern portion of the site would be renovated to accommodate administrative space, small event space and clinic treatment space. These less active uses on this portion of the site should help to minimize noise which could affect the abutting neighbors to the north. The School proposes to retain the wall and fencing which separates the properties and would enhance the existing landscaping with additional planting to further reduce visibility and help to reduce sound spill from the school site. The new buildings that would accommodate classrooms, the child development center, treatment areas and other activities would be mainly located on the southeastern portion of the site closer to Van Ness Streets and Nebraska Avenue, away from most residences.

The play areas would be between the Under Oak building and the southernmost building and along 42nd Street (Exhibit 51B2, page A28-A29) and would consist of lawn areas and play sculptures. These areas would be away from the abutting residences to the north and noise would be buffered by the Under Oak building and landscaping. The noise impacts on the residences to the west of 42nd Street should be mitigated by 42nd Street right-of-way, a wall along the right-of-way, and a setback from the property line that includes a buffer of landscaping and trees. Since the school and child development center would only go to the 6th grade and would have no sport fields, the noise generated from the play areas should not be objectionable.

The residences to the east would be separated from the property by Nebraska Avenue, open space, and 41st Street. Similarly, the school would be separated from the residences to the south by open space and Van Ness Street.

The main parking area would be located under the southernmost building while the pick-up and drop-off areas are near the center of the campus, thereby minimizing potential noise to the adjacent residences. The ramp to the below grade parking is located close to the entrance to the school and would be covered to dampen noise and reduce visibility. The loading facilities would also be located near the center of the property and away from the residential properties.

Traffic

Currently, the property is accessed from both Nebraska Avenue and 42nd Street. The proposal to close the 42nd Street exit and have all traffic enter and exit along Nebraska Avenue would help eliminate noise and traffic impacts on 42nd Street, and on the adjacent residents to the north and west. All parking, drop-off and pick-up would be accommodated on-site and, combined with staggered drop off times, should help to minimize the effects of traffic coming to the school at the same time.

The school anticipates that approximately 81% of the arrivals to the school would be via automobile. It is anticipated that an additional 20 nonstudents would come to the site per day for treatment at the clinic, and most would enter and leave the property outside of rush hours.

To mitigate the effects of the vehicular traffic on neighborhood streets, the School has proposed a three-pronged Transportation Management Plan (“TMP”) which included the following components:

1. An Operations Management Plan, which establishes protocols to ensure that all pick-up and drop-offs are done on-site, rather than on the street. The Operations Management Plan also includes a loading management component.
2. A Transportation Demand Management (“TDM”) Plan, which sets out vehicle trip caps which would result in a reduction in vehicle trips. To enable reductions in vehicular trips, incentives are proposed to encourage the use of non-auto modes of transportation, including provision for shuttle service during the morning drop-off, information on school’s website, procedures for infractions, rideshare programs with incentives, outreach and education.
3. A Monitoring Plan, intended to ensure that the Operations and the TDM plans are being implemented and working. The Monitoring Plan includes a schedule for monitoring of the various mitigation strategies, a process to handle commitments which are not being achieved and reporting to DDDOT and the community.

The School also proposes off-site mitigation measures to assist in reducing the impact of traffic coming to and leaving the school. Measures would include roadway improvements, signal modifications and parking restrictions at the Van Ness Street/Nebraska Avenue intersection to reduce delays at the intersection and provide an improved crosswalk signal. At Nebraska Avenue near Warren Street, crosswalk improvements would be made to facilitate pedestrian safety for pedestrians crossing Nebraska Avenue.

All loading activities would be done on-site, and the School has committed to working with delivery operators to ensure that all loading uses the facilities provided. Large deliveries would be scheduled during non-pick-up and drop-off times and trucks coming to the site would be limited to box trucks.

The implementation of the TMP and off-site improvements should help to minimize traffic impacts on the surrounding streets and neighborhood. The School continues to work with DDOT to refine the transportation improvement solutions to be implemented by the School. DDOT will provide more detailed analysis of the TMP in their report.

(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*

All the proposed parking would be provided on site with most in a garage below the larger new building. The number of spaces required to serve the school and child development center would be 52. The School proposes 47 regulation spaces and has requested relief. As mitigation, 12 additional tandem spaces would also be provided in the below grade garage and an additional six spaces would be provided at grade to be used for pick-up, drop-off and short-term parking, resulting an effective parking level of 65, which is in excess of the required amount. The School states that providing the required standard spaces at grade would impact the historic building and the preservation of the special or heritage trees on the site. Providing additional conforming spaces below grade would further increase site disturbance, but the applicant is proposing the tandem spaces that would be assigned to persons who would not have conflicts in schedules. As such, the number of actual proposed spaces meets the intent of the zoning. The School has also committed in their proposed TDM Plans to reduce single occupancy trips to the site and reduce the need for on-site parking.

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

OP does not recommend additional parking for the school and would be in support of DDOT's recommendations on parking and traffic management.

B. 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 noted above under Subtitle U § 203.1(m), the buildings and uses have been located to minimize or mitigate potential impacts. The School would implement TDM practices to lessen or mitigate traffic impacts on the adjacent roadways and would implement a system of monitoring and reporting any negative impacts on the surrounding roadways and community. There would be extensive new landscaping, including green walls, to mitigate the removal of trees on a wooded property and to provide visual and acoustic buffering. The historic character of the property would be respected.

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

The total gross floor area of the campus would be 61,980 square feet, including 12,603 square feet of existing development and 48,678 square feet of new development. The table below demonstrates how the School would generally meet the development standards of the R-1-B zone:

R-1-B Zone	Requirement	Proposed ¹	Relief
Lot Area	5,000 sq. ft. minimum	98,935 sq. ft.	None
Lot Width	50 ft.	Van Ness Street and Nebraska venue have been designated as the two street frontages and both exceed 50 feet wide.	None
Front Yard	Within the range of existing front setbacks of all residential buildings.	Within the range of existing front setbacks of all residential buildings to the north.	None
Side Yard	8 ft. (adjacent to the residential buildings)	No new buildings within the required setback	None
Rear Yard	25 ft. min.	Setback from 42 nd Street	None
Height	90 feet max, if set back 1:1 over 40 feet	40 ft./3 stories	None
Lot Occupancy	40% max.	31.39 %	None

R-1-B Zone	Requirement	Proposed¹	Relief
Pervious Surface	50% min.	58.43%	None
Parking Spaces	52 spaces min.	47 compliant spaces 12 tandem spaces, 6 pick-up/drop-off spaces	Required
Bicycle Spaces	Long Term: 1 space/7,500 sq. ft. Short Term: 1 space/ 2,000 sq. ft. min.	8 spaces 31 spaces	None
Loading	30,000 - 100,000 sq. ft.: 1 loading berth, 1 loading platform, 1 delivery space min.	1 loading berth, 1 loading platform, 1 delivery space	None

¹ Information provided by Applicant

As can be seen from the table above, the proposal would meet all the development standards of the R-1-B zone except for number of parking spaces, for which the School has requested relief and will be further discussed below.

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.

The land area of the school does not include any public streets or alleys. It includes private drives to access parking areas within the school boundaries. The buildings would have an overall FAR of 0.67.

C. Daytime Care Uses

Subtitle U § 203.1(g) allows daytime care uses in the R-1-B zone if the following requirements are met:

- (1) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;**

The Zoning Regulations require 52 spaces, but the School has proposed to have 47 zoning compliant spaces with an additional 12 tandem spaces and six pick-up/drop-off and visitor spaces. All pick up and drop off location would be done on-site at a location that is central to the campus and away from the adjacent residential uses.

The School anticipates that most of the children would arrive at the property by automobile on a staggered basis for morning arrivals and evening departures. The school has provided a detailed queuing analyses which was undertaken to ensure that the on-site queuing capacity around the loop (Exhibit 51B3, page C3) is adequate to accommodate the volume of pick-up and drop-off traffic projected on the site. The School has indicated that it is projected that there would be a need to accommodate up to 31 vehicles in the loop, which the loop could accommodate. The School has indicated that if the actual need exceeds the projected need and capacity for additional queuing space, they would consider providing shuttle buses for the older children from a central location to mitigate the need for queuing, drop-off, or pick-up on the adjacent streets.

- (2) *Any off-site play area shall be located so as not to endanger individuals traveling between the play area and the center or facility;*

No off-site play areas would be used.

- (3) *The Board of Zoning Adjustment may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties; and.*

OP does not recommend additional special treatment. The proposal has the buildings with the most active uses, including the Daytime Care use, away from the adjacent residences, and includes increased landscaping. All parking spaces, except for a few visitor parking spaces, would be provided in a below grade parking garage in order to help preserve trees and open spaces and to minimize noise. The maximum height of new construction is at 40 feet to be more compatible with the Under Oak building and the surrounding residences.

- (4) *More than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility may be approved only when the Board of Zoning Adjustment finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors;*

Within 1,000 feet there are three other daytime care uses: The National Presbyterian Child Development Center to the south of the site, St. Albans Early Childhood Center to the north of the site, and Broadcasters Child Development Center to the east of the site. The increase in vehicular and pedestrian traffic to and from the school could impact traffic on the surrounding roads. To mitigate this impact, the School has proposed a number of on-site and off-site measures which would include queuing for pick-up and drop-off on site, roadway and intersection improvements, and improved pedestrian walkways and crossings on adjacent streets.

D. Parking

Subtitle C § 701.5, require 52 parking spaces for the proposed uses. The applicant is providing 47 parking spaces and has requested a special exception pursuant to Subtitle C § 703.2. to reduce the number of required spaces. The School is also providing an additional 12 tandem spaces in the garage and six surface, pick-up/drop-off and visitor spaces. The proposal meets the requirements of Subtitle C § 703.2 as follows:

- 703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:** (the relevant criteria are included below);

- (b) *The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*
- (i) *The presence of healthy and mature canopy trees on or directly adjacent to the property; or*
- (j) *The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant*

architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.

- 703.1 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.**
- 703.2 Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.**

The property has a large historic building which, along with its setting, is to be preserved. Expanding the parking area to meet the requirement would result in the diminution of the historic integrity and setting of the historic resource. Secondly, there are a number of heritage and special trees on the site and providing additional parking spaces would result in the need to remove additional trees which OP would not support, as the City is trying to maintain and improve a healthy and mature tree canopy. Providing additional parking spaces would lessen buffering, and could result in additional noise disturbance to adjacent residences to the north.

The School would provide 47 standard spaces in addition to the 12 tandem spaces and the six-surface parking, which should adequately serve the school's parking needs. The School has provided a TDM Plan to DDOT for review as required.

General Special Exception requirements of Subtitle X, Chapter 901.1

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

The R-1-B zone allows public schools by right, subject to lot size, and private schools and daytime care by special exception if the requirements outlined are met. The proposed school and child development center would provide an inclusive learning setting, as well as on-site treatment for children with hearing loss. As demonstrated above, the proposed school and child development center meet the requirements of Subtitle U § 203.1(m), Subtitle X § 104, Subtitle U § 203.1(h), and Subtitle C § Subtitle C § 703.2.

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

The proposed school and child development center would be a more intense use on the property than the existing single-family dwelling. However, the preservation of the historic Under Oak building, the placement of the new buildings away from the existing residences, the retention of the significant vegetation and trees, the enhancement of the trees along the property lines, and the placement of a majority of the parking spaces below grade should allow the new development to not unduly adversely affect the neighboring properties.

However, the traffic to and from the property could affect traffic and pedestrian movements on the adjacent streets. To mitigate these impacts, the School would implement a TMP, and has agreed to a number of area transportation improvements to include: intersection improvements, installation of

an improved pedestrian signal to facilitate pedestrian crossings, installation of stop signs, funding of a Capital Bikeshare Station and first year's operating cost near the site, construction of a portion of missing sidewalk along the 42nd Street, and a commitment to evaluate additional intersections if needed and provide needed improvements at that time. These improvements would help to mitigate the potential adverse impacts.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, comments had not been filed from other District agencies.

VII. ANC COMMENTS

The property is in ANC-3E. At the time of this report the ANC has not submitted a report to the record.

VIII. COMMUNITY COMMENTS

The record contains several letters in support and letters in opposition to the proposal. There is also a request for party status in opposition by Tenleytown Preservation Association, which was granted at Exhibit 37.