

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: December 30, 2021

SUBJECT: BZA Case 20593 (3637 Patterson Street, N.W.) to permit the continued use of a recreational playing field to serve an existing private school in the R-1-B Zone.

I. BACKGROUND

The Board of Zoning Adjustment first approved special exception relief for the new recreational playing field in Case 17718 (2008). This approval was extended in Case 18236 (2011) subject to a series of conditions.

II. OFFICE OF PLANNING RECOMMENDATION

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

- Private Schools, Subtitle U § 203.1(m), pursuant to Subtitle X § 900 (private schools permitted with special exception; playing field associated with private school existing; playing field associated with private school proposed).

Subject to the following conditions, which are based on conditions of the previous approval, and which would mitigate the impact of the proposal by reducing noise, circulation, number of students, and operating hours. Applicant proposed changes from the previous approved conditions are noted as **bold underlined** (additions) or **~~bold strike-through~~** (deletions) text.

1. The recreational playing field may be used between 9:00 a.m. – 6:30 p.m., but in no event shall the field be used after sunset.
2. No more than 90 students shall be permitted to use the field at any given time.
3. The field shall be landscaped in accordance with the Illustrative Site Plan submitted with the subject application and dated **August 2021, located at Exhibit 6 in the record**. The applicant shall have the flexibility to substitute comparable planting based on availability, planting season and specific requests from adjacent neighbors.
4. The primary means of access to the field for students shall be the alley entrance. Kindergarten students shall have flexibility to use either Patterson Street or the alley entrance.
5. Gates shall be kept locked whenever the field is not in use by the school or other authorized party.
6. No permanent recreational structures such as baseball backstops, soccer goals, or basketball hoops shall be constructed on the field.
7. The field shall not be used for major athletic or sporting events, nor shall it be used by organized groups that are not a part of the school's educational and religious program.

8. No amplifiers, generators, compressors or other loud devices shall be used by the school on the field.
9. The school shall be permitted, but is not required, to use the field or make the field available to neighboring **families households in Squares 1863 and 1864, and lots located in Square 1999 that front on Patterson Street, NW**, during the hours of 10:00 a.m. and 6:30 p.m. on weekends, holidays or other times when school is not in session, subject to any rules and restrictions imposed by the school **or parish regarding security and noise levels**.
10. The school shall be responsible for maintenance of the field, including maintenance of the landscaping and removal of trash and debris from the field and the adjacent sidewalk and alley.

~~11. Approval shall be for TEN YEARS from the effective date of this order.~~

III. LOCATION AND SITE DESCRIPTION

Address	3637 Patterson Street, N.W.
Applicant	Holland & Knight LLP for the Archdiocese of Washington
Legal Description	Square 1863, Lots 824, 825, and 826
Ward, ANC	Ward 3, ANC 3G
Zone	The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots.
Historic District	None
Lot Characteristics	The subject property consists of three rectangular lots having a cumulative area of 25,920 square feet. The lots have 180-feet of frontage along Patterson Street and 180-feet of frontage along a 15-foot-wide public alley.
Existing Development	The property is currently used as a play field and does not consist of any structures.
Adjacent Properties	The subject property is bordered on all sides with detached residential buildings.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly low density residential, consisting of detached residential buildings.
Proposed Development	The Applicant proposes to continue to use the property as a play field for a private school. There are no structures on the lots and new structures are not proposed.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-1-B	Regulation	Existing	Proposed	Relief
Height § 303	40 ft. max.	--	No change	None required
Lot Width § 302	50 ft.	180 ft.	No change	None required
Lot Area § 302	5,000 sq.ft. min.	25,920 sq.ft.	No change	None required

Zone – R-1-B	Regulation	Existing	Proposed	Relief
Lot Occupancy § 304	40% max.	--	No change	None required
Rear Yard § 306	25 ft. min.	--	No change	None required
Front Setback §305	Within range of existing front setbacks on same side of the street	--	No change	None required
Side Yard § 206	2 yards, 8 ft. min.	--	No change	None required
Private School U § 203.1 (m)	Private school in R-1-B zone requires S.E.	S.E. expires 2021	Extension of S.E. with no expiration	S.E. required

V. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief from Subtitle U § 203.1(m), Private Schools

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:

- (m) 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 private school was approved in 2000 (Case 16561). The subject playing fields were approved in 2008 (Case 17718) and have been the subject of a subsequent Special Exception extension (Case 18236). While the play field is located in a low-density residential area, the Applicant has agreed to retain previously approved conditions that would limit its impact, including a cap on the number of students on the field at one time and limited hours of operation. Additionally, the Applicant does not use generators, compressors, or other loud noise devices in compliance with the conditions. The field is not used for major athletic or sporting events, also in compliance with the conditions.

In addition to abiding by the conditions that limit noise impact to neighboring properties, the Applicant has made physical improvements to the property to further mitigate its impact to neighbors, also in compliance with the previous Order. The play fields include a substantial landscape buffer that buffers noise for the benefit of adjacent neighbors. A 60-inch high fence has been installed around the perimeter, and security floodlight have been placed on the property. The gates to the field are locked when the field is not in use by the school.

The Applicant has requested to eliminate the prior condition requiring renewal of the Special Exception every ten years. OP does not object to the removal of this condition provided that the concerns of the neighbors have been sufficiently addressed.

- (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

Separate parking for the play field has not been provided because it is used by students during school hours and does not host major athletic or sporting events. The private school provides sufficient parking for faculty and students.

- (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 to accommodate the play fields.

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Private schools and accessory fields are permitted in the R-1-B zone with the approval of a special exception; therefore, the proposed extension of the special exception for the play field is consistent with the intent of the Zoning Regulations and Zoning Maps.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The play field should not adversely affect the use of neighboring property, as provided in the analysis above. The conditions that would continue to be applied to this use would mitigate its impacts to neighboring properties.

A request for party status in opposition has been filed to the record at Exhibit 23. The Applicant should address concerns at or prior to the public hearing.

VI. OTHER DISTRICT AGENCIES

As of the date of this report, other District Agencies had not provided comments to the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

ANC 3/4G has provided a letter indicating that it does not oppose the requested relief at Exhibit 21 in the record.

VIII. COMMUNITY COMMENTS TO DATE

A request for party status in opposition has been filed at Exhibit 23 in the record.

Attachment: Location Map

Location Map

