

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16166 of Georgetown Day School, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 for an addition to an existing school building and to enlarge the parking/vehicular circulation areas on the site of a private school in an R-1-B/R-5-A Districts at premises 4530 MacArthur Boulevard, N.W. (Square 1356, Lots 896 and 899).

HEARING DATE: January 8, 1997
DECISION DATE: February 5, 1997

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The subject property is located on Lots 896 and 899 in Square 1356. The site consists of approximately 244,125 square feet (5.6 acres). The site is presently occupied by a two story school building which houses the applicant's Lower and Middle Schools, grades K-8. The existing building occupies 30,614 square feet of the site.

2. The subject property has frontage on Clark Place, N.W., a private newly constructed Laverock Place, and a small frontage on two remote locations on MacArthur Boulevard, N.W. It is irregular in shape and is split-zoned in the R-1-B and R-5-A Zone Districts. Approximately 98 percent of the site is located in the R-1-B Zone District. The existing building, and the addition proposed by this application, are entirely within the R-1-B Zone District.

3. The R-1-B Zone District is a low density, residential district which permits a private school as a special exception use with the approval of the Board of Zoning Adjustment ("Board").

4. The School was established at its present location with the approval of the Board by Order No. 7458 dated September 24, 1963. The Board subsequently approved improvements to the School's physical plant four times: Order No. 7801, July 21, 1964; Order No. 9597, August 16, 1968; Order No. 12559, January 18, 1978; and Order No. 14140, September 14, 1984.

5. The land use in the area is comprised primarily of low density apartment buildings, single family houses and other institutional uses. Along MacArthur Boulevard, adjacent to the subject property, there are low rise, low density apartment buildings. Along Q Street, Clark Place and Laverock Place, adjacent to and across from the subject property, are single family dwellings. Also adjacent to the site is a general psychiatric hospital. The entire area is well-served by public mass transit.

6. The applicant proposes to make certain additions to the existing school building which will increase the size of the School's physical plant from 55,553 gross square feet to 83,979 gross square feet. The additions will include a new gymnasium, additional classroom educational space and expansion of the site's parking facilities.

7. The proposed additions will increase the lot occupancy from 13 percent to 20 percent and increase the parking on the site from 65 to 85 spaces. Additionally, a new means of automobile ingress and egress will provide for additional on-site stacking for the pick-up and discharge of students.

8. The Head of School testified that currently the School's enrollment is 575 students, which will not be increased by the proposed additions. He acknowledged that this enrollment figure exceeded the enrollment cap permitted by BZA Order No. 14140. The Head of School stated that the enrollment, as it exists, will not be increased but that the proposal, if approved by the Board, would allow the School to increase faculty/staff to 114 persons. He asked that some flexibility be given to the administration of the School to increase the faculty and staff by 5 percent as changing educational needs require. The Head of School testified that the purpose of the proposed improvements is to improve the programmatic aspects of the School's functions to include additional computer facilities, language laboratories and a gymnasium. He testified that the School's needs have changed over the years and more space is needed to address those various programmatic needs.

9. The applicant's architect, recognized by the Board as an expert, testified that the proposed additions are within the zoning requirements of the R-1-B Zone District and that there would be no objectionable conditions created by the approval of this application. The architect also testified that the proposed additions were, in scale and design, consonant with the architecture and urban design of the neighborhood. It was his opinion that the proposed additions were in harmony with the general purposes of the Zoning Regulations and would not adversely affect the use and enjoyment of neighboring properties.

10. The applicant's traffic consultant, recognized by the Board as an expert in transportation planning, testified that the proposed plan would substantially improve the circulation on the site and the surrounding area. He indicated that the proposed parking arrangement would lessen the traffic congestion on the public streets in the vicinity of the site. The proposed parking plan would increase the capacity of the on-site parking lot from 65 to 85 cars. He testified that the alteration to the parking area will help alleviate traffic congestion on MacArthur Boulevard. It would allow for a substantial increase in space available on-site for the stacking of cars in order to discharge and pick-up

students. He stated that the re-orientation of the circulation pattern will substantially improve the traffic congestion on MacArthur Boulevard.

11. The applicant's traffic consultant determined that the proposed expansion of the School's facilities would not generate additional traffic because no increase in the student population is proposed; and that the alternative internal circulation pattern proposed by this application would substantially improve the circulation pattern, allow for additional stacking and loading within the campus and, thus, will improve the existing conditions.

12. The Office of Planning, by report dated December 26, 1996 and by testimony at the public hearing, recommended approval of the application with the following conditions:

- (a) the maximum number of students shall not exceed 575;
- (b) the number of staff shall not exceed 114 persons;
- (c) all pick-up and drop-off of students shall occur on-site;
- (d) the existing pedestrian access to the site from Q Street shall remain closed;
- (e) all deliveries and trash removal shall occur during normal business hours;
- (f) the landscape plan as provided in the record shall be made a condition of the approval; and
- (g) the applicant shall meet bi-annually with the community to discuss issues and problems of mutual concern.

The Office of Planning was of the opinion that, if the above measures are incorporated as conditions of the Board's approval, the subject application would not impose objectionable conditions in terms of noise, traffic or number of students upon adjoining or nearby property. The Board concurs with the finds and recommendations of the Office of Planning, but agrees to grant the School some flexibility with regard to the size of its faculty and staff to address future programmatic needs for such persons, provided that the flexibility does not exceed 6 persons (5 percent).

13. Advisory Neighborhood Commission (ANC) 2E, by letter dated December 23, 1996 and with testimony at the public hearing, supported the application. The ANC reported that its regularly scheduled, duly announced meeting on November 12, 1996, with six of

its eight members present constituting a quorum, it voted unanimously to support the applicant's building and architectural plans. The ANC asked that the School's traffic plan not be finalized until a new traffic analysis (which had been requested by the District of Columbia Government from the Federal Highway Administration) regarding existing traffic flows on arterial roadways around the proposed Canal Road entrance to Georgetown University is available. The ANC's support is conditioned on the explicit enrollment cap of 575 students, the School be required to enforce compliance with its carpool arrangements, and must periodically review its traffic enforcement and carpool plan with its neighbors.

14. The Foxhall Community Citizens Association, by letter and testimony, supported the School's plans and physical improvements on the condition that the School meet on a regular basis to confirm enrollment figures and address other issues and problems related to the School's operation.

15. One additional citizen testified in support of the application, cautioning the Board that the enrollment cap needs to be enforced and future traffic circulation needs to be coordinated with the local community groups.

16. No one testified in opposition to the application.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds the following:

1. With regard to the special exception request, the Board agrees with the Office of Planning and finds that the proposed additions to the existing School will not create objectionable conditions to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions. In addition, the Board finds that the application meets or exceeds the parking requirements of Chapter 21 of the Zoning Regulations and that sufficient parking is provided to avoid an adverse impact.

2. The proposed project is not inconsistent with the general purpose and intent of the Zoning Regulations and Maps and as conditioned herein, will not tend to be adversely affect the use of neighboring property in accordance with the Regulations and Maps. The proposed continued use of the site for a school is not inconsistent with the site's designation on the Land Use Element of the Comprehensive Plan.

3. The architectural design of the project including the height and bulk of the proposed addition and the siting of the buildings minimize the impact of the project on adjacent

residences, retains significant amounts of open space and is consistent with the urban design of the area.

4. The landscape plan will mitigate the impact of the buildings on the surrounding area.

5. All witnesses who addressed traffic conditions agreed that current conditions associated with pick-up and drop-off of children are characterized by severe congestion and delay. While benefits to be derived from proposed enhancements to traffic circulation are to some extent speculative. The Board finds that they are reasonably calculated to achieve improvements and will not exacerbate existing conditions.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception under Paragraph 206 of the Zoning Regulations. The granting of the special exception requires the showing, through substantial evidence, that the applicant has complied with the requirements of Section 206 and that the relief requested under Subsection 3108.1 can be granted so long as the proposal is in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The Board concludes that as conditioned below, the proposed additions will not cause the subject property to become objectionable to adjoining or nearby property because of noise, traffic, number of students or otherwise objectionable conditions and that ample parking space that is provided to accommodate students, teachers and visitors.

The Board further concludes that a school is a compatible use in a residential district and that the special exception requested is in harmony with the general purpose and intent of the Zoning Regulations and Map and as conditioned herein, will not have an adverse effect on the surrounding properties and that the use is consistent with the intent and purpose of the Zoning Regulations.

The Board further concludes that it has afforded the ANC the "great weight" to which it is entitled. Accordingly, it is hereby **ORDERED** that the application for a special exception is hereby **GRANTED**, subject to the following **CONDITIONS**:

- (1) The maximum of students shall not exceed 575.
- (2) All vehicular pick-up and drop-off of students shall occur on-site.

- (3) The existing pedestrian access to the site from Q Street shall remain closed.
- (4) All deliveries and trash removal shall occur during normal business hours.
- (5) The number of faculty and staff shall not exceed 120 persons.
- (6) The improvements constructed on the site shall be in conformance with the landscape, circulation and building plans contained in the record.
- (7) The applicant shall establish and maintain a community liaison program consisting of representatives of ANC-2E, the Foxhall Citizens Community Association and other representatives of the community. The applicant shall conduct meetings of the community liaison members at least quarterly. Notice of the meetings shall be given to the liaison committee members and the owners of all property within 200 feet of the site. The applicant shall file copies of all minutes and quarterly reports with the Board at the time of filing an application for continuance of the special exception relief.
- (8) Every three years from the date of this Order, the applicant shall provide to the Board documentary evidence to demonstrate its enrollment figures and compliance with the terms and conditions of this Order. This information must be served on the Advisory Neighborhood Commission and other parties. Those parties will have an opportunity to respond to the applicant's submission. If the Board finds, in its sole discretion, that the School is in violation of the conditions of this Order, it shall direct the Zoning Administrator to begin appropriate zoning enforcement procedures in accordance with the laws of the District of Columbia.
- (9) The applicant shall work with the Department of Public Works and the community to evaluate and facilitate improved traffic flow at the Q Street entrance/exit to the School. If necessary, the applicant shall construct improvements to these entrances such as pedestrian crosswalks and signalization to facilitate better operational aspects of this intersection. The School shall be responsible for up to \$5,000 of these improvements.

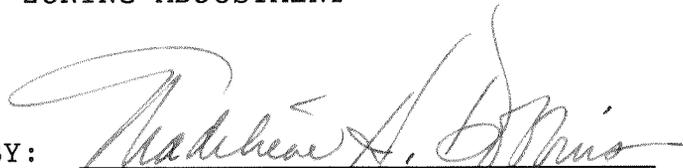
BZA APPLICATION NO. 16166
PAGE NO. 7

THIS ORDER WAS ADOPTED BY THE BOARD OF ZONING ADJUSTMENT ON
FEBRUARY 5, 1997.

VOTE: 3-0 (Angel F. Clarens and Susan Morgan Hinton to grant
and adopt this order; Laura M. Richards to grant
and adopt this order by absentee vote; Sheila Cross
Reid not presen, not voting, not having heard the
case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: APR 2 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW
2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO
COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED,
CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER
IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE
FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF
D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE
REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE
EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE
SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF
ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS
WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR
CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER
AND REGULATORY AFFAIRS.

ord16166/RCL/LJP