

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 2, 2013

SUBJECT: **BZA Case 18579** – request for special exception to establish a private school and child development center in and variance relief for a proposed three-story addition to the Holy Trinity School generally located at 3514 O Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) supports **approval** of:

- a special exception in accordance with § 205 to establish a new child development center (pre-kindergarten program) for a maximum of 16 children and 2 teachers;
- a special exception in accordance with § 206 to establish a new private school with a maximum 350 students and 70 faculty and staff;
- a special exception in accordance with § 411.11 from § 411.3 (for multiple roof structures) and § 411.5 (roof structures of different heights); and
- a variance from §§ 403.2 and 2001.3 (a) and (c) to allow a three-story addition to the Lower School building that would slightly increase the current nonconforming lot occupancy onsite from 58.6% to 58.9%.

Suggested new conditions for the §§ 205 and 206 approvals are as follows:

1. The (NAME OF THE PRE-KINDERGARTEN PROGRAM) child development center on the subject property shall:
 - a. operate from Monday through Friday from 7:30 AM to 6:00 PM;
 - b. have a maximum enrollment of 16 children ages 4-years old;
 - c. employ a maximum of two full-time teachers; and
 - d. schedule and coordinate staff-monitored drop-off and pick-up activities between 7:45 and 8:15 AM, and 3:00 – 3:15 PM, respectively.
2. The Holy Trinity School in the subject property shall:
 - a. operate from Monday through Friday also from 7:30 AM to 6:00 PM;
 - b. have a maximum enrollment of 334 students in kindergarten through the eighth grade;
 - c. employ a maximum of 68 faculty and staff; and
 - d. schedule and coordinate staff monitored drop-off and pick-up activity between 7:30 and 8:00 AM, and 3:00 – 3:15 PM, respectively.
3. After-school athletic activities in the planned multi-purpose room shall be limited to intramural sports between students attending Holy Trinity School.



4. These approvals shall be for a 5-YEAR TERM. Before the end of this term, the child care center and school operator(s) shall return to the Board of Zoning Adjustment (BZA) with a comprehensive list of effective traffic demand management (TDM) measures, developed in consultations with the community, District Department of Transportation (DDOT) and Advisory Neighborhood Commission (ANC) 6A that then would become additional approval conditions.

The applicant is agreeable these conditions except for the approval term.

II. LOCATION AND SITE DESCRIPTION

Address:	1301 and 1325 36 th Street NW ¹
Legal Description:	Square 1227, Lot 0095
Ward:	2E
Lot Characteristics:	The generally rectangular corner tract of 59,440 square feet (1.36 acre) that fronts along N Street, O Street, 36 th Street and a public alley that extends from O Street. This alley varies in width from 10 feet to 20 feet. There is also a curb cut along the same frontage that provides vehicular access to a gated private driveway. This church property occupies over half of the square (refer to Figures 1 and 2).
Zoning:	R-3 – churches are allowed as a matter of right: child development centers and private schools are allowed subject to special exception approval.
Existing Development:	According to the application, Holy Trinity School has operated in the District since 1818 and on the subject church property since 1871. The property is currently developed with the Holy Trinity Main Church, Chapel of Saint Ignatius, Parish Center building, Upper and Lower School buildings, various paved patio areas, open stairs and landscape areas. There is also an outdoor play area in the southern half of the property that is surrounded by the above-referenced buildings.
Historic District:	Georgetown ²
Adjacent Properties:	Two and three-story row dwellings and a few commercial buildings of masonry and frame construction surround the site on both sides of O, N, 35 th and 36 th Street NW.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	The Roman Catholic Archbishop of Washington, owner of record.
Proposal:	Formally establish a child development center and private school at the existing Holy Trinity School. The proposal involves physical site improvements to update these buildings and make them comply with Americans with Disability Act (ADA) standards. Proposed construction would result in a minimal expansion of the existing

¹ The addresses of the subject Upper and Lower School buildings on the Holy Trinity Catholic Church campus.

² Proposed changes to these contributing structures are subject to review the Federal Commission of Fine Arts in its capacity as The Old Georgetown Board.

	<p>building area. The applicant was advised by their legal representations to seek zoning relief for the proposal.</p> <p>As noted above, the school has operated on the subject property since 1970. Certificates of Occupancy issued in 2009 and submitted with the application authorize a maximum 172 students and 35 staff in the building at 1301 36th Street NW (the Upper School) and 158 students and 35 staff in the building at 1325 36th Street NW (the Lower School). This application would increase the total authorized enrollment from the current total of 330 students to 350 students, but retain the current limit of 70 teachers and staff (including the pre-kindergarten teachers).</p> <p>The applicant indicated that the proposed child development center (pre-kindergarten program) would serve 16 children 4-years of age. Two teachers would be committed to this program. Other staff resources from the larger school would be assigned to work with the center as the need arises.</p> <p>Two proposed construction elements have zoning implications:</p> <ul style="list-style-type: none"> • Construction proposed in the “elbow” of the Lower School and the existing play area would: install an elevator to service all three floors in the existing restroom tower; and construct an adjacent tower that would provide more restrooms on each floor. Since a portion of a larger first-floor restroom facility would be demolished for the new tower, the new construction would result in a net increase in building area of 201 square feet to 35,029 square feet, and the overall non-conforming lot occupancy by 0.3% from 58.6% to 58.9%.³ • Additional mechanical equipment planned on the Upper and Lower School building roofs would be enclosed in separate screens that would not connect with or be the same height as other existing roof structures. <p>Third floor construction proposed in the Upper School that would infill the u-shaped open area over the existing first floor theater space with new classrooms, <i>would not</i> expand the current building area. None of the other interior changes appear to require zoning relief and no new exterior structures are planned.</p>
Relief Sought:	Variance relief from §§ 403.2 and 2001.3 to increase the current non-conforming lot occupancy, and special exception relief in accordance with §§ 205 (child development center), 206 (private school), and 411.11 (roof structures standards).

IV. ZONING REQUIREMENTS

R-3 District	Regulation	Proposed ⁴	Relief?
Lot Occupancy § 403	54% max. ⁵	58.9%	Yes

³ Information from plans submitted with the original application.

⁴ Information provided by applicant.

⁵ Percentage derived by the applicant based on the proportion of the site currently occupied by school and church uses.

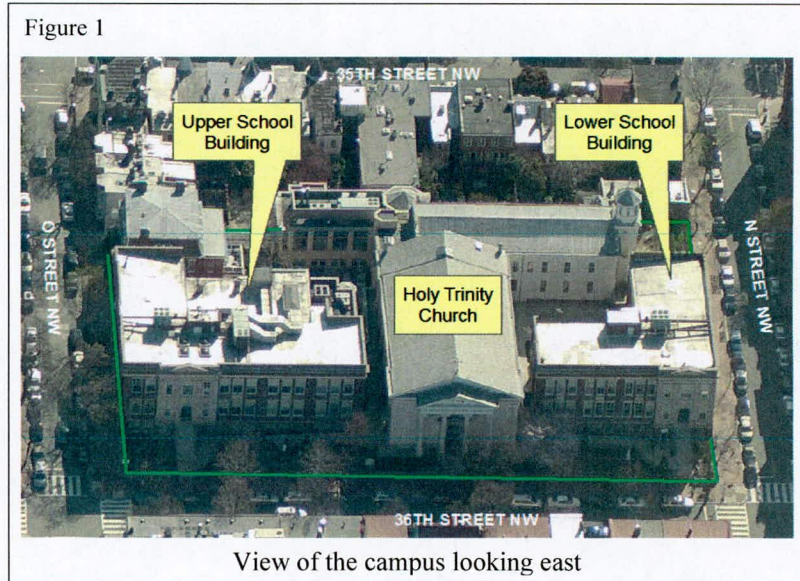
R-3 District	Regulation	Proposed ⁴	Relief?
Roof Structures § 411	18.5 feet	8 feet <i>(multiple)</i>	Yes

The Office of Planning (OP) asked to Zoning Administrator to comment on the lot occupancy calculation derived by the applicant in the original application. Although no response has been received, the Zoning Administrator will review this proposal for conformity with all Zoning Regulations at the building permit stage.

V. OP ANALYSIS

a) Compliance with Child Development Center standards (§ 205)

205.1 *Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*



205.2 *The center or facility shall be capable of meeting all applicable code and licensing requirements.*

The Child Care Licensing Division of the Office of the State Superintendent of Education (OSSE) indicated that it had not received anything for the proposed facility, don't currently have a licensed facility at this address or under this name, nor has the applicant applied for licensure. As a result, OSSE did not provide any comments.

205.3 *The center or 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.*

Management of traffic conditions associated with current drop-off and pick-up activities around the site were analyzed by traffic consultant Grove/Slade (refer to § 206.2 below).

205.4 *The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

Refer to the consultant traffic analysis discussion below in § 206.3 below.

205.5 *The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.*

The school and child care center site is fenced in and otherwise enclosed by the existing buildings. The outdoor play area onsite is screened from the surrounding by buildings that

border it. Placement of these buildings also minimizes the visual and acoustical impacts of children outside activities on the neighboring properties.

- 205.6 *The Board 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.*

No special treatment is suggested.

- 205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.*

The application indicates that child development center the outdoor activities would be limited to the onsite play area.

- 205.8 *The Board may approve 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 only when the Board 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.*

There are no other child development center uses on Square 1227 but two centers appear to operate within 1,000 feet of the square at the Georgetown Visitation Preparatory School (1524 35th Street NW) and Georgetown University Hoya Kids (3624 P Street NW). There is no indicate that the cumulative impact these centers, with this proposal for a center to serve 16 children 4-years old, would adversely impact the neighborhood.

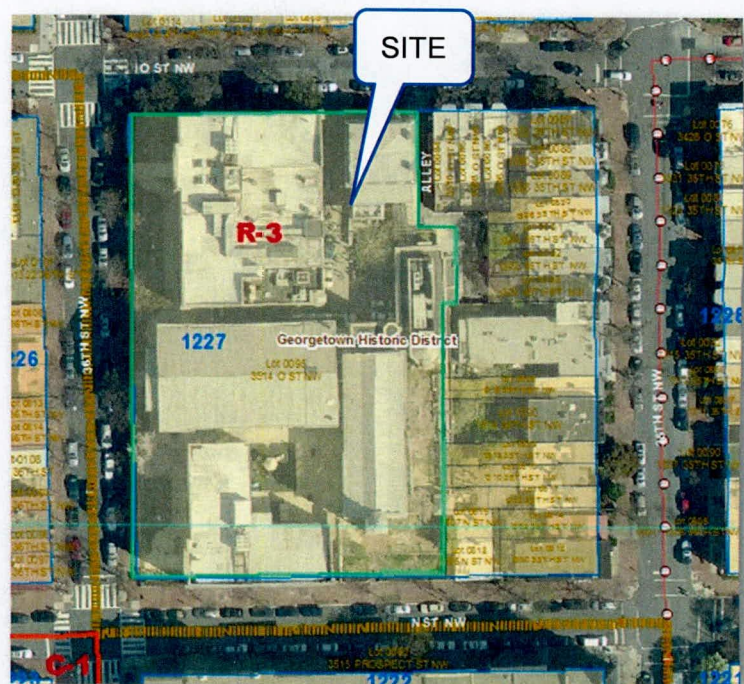
- 205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*

Neither OSSE nor DDOT have added comments to the case record file.

- 205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.*

No agency comments have been

Figure 2



added to the case record file.

c) Compliance with Private School Standards (§ 206)

- 206.1 *Use as a public school that does not meet the requirements of chapter 4 of this title or as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*
- 206.2 *The 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.*

The school would continue to operate in the two buildings on Holy Trinity Church campus that it has occupied since 1970. There was no indication that the presence of this facility has resulted in any objectionable conditions related to noise.

In terms of traffic impacts, the technical memorandum prepared by Gorove/Slade dated June 25, 2013, summarized current school pick-up and drop-off procedures as follows:

- pre-kindergarten students generally arrive between 7:50 and 8:00 AM and are escorted into the Lower School by parents and guardians;
- children in grades 1 – 4 arrive at the playground and are escorted into the Lower School building by staff between 7:30 and 8:00 AM;
- children in grades 5-8 enter the Upper School beginning at 7:30 AM.

Once school ends at 3:00 PM, students are expected to be picked-up from both schools by 3:15 PM. The afternoon pick-up for the different groups is orchestrated along the neighboring streets. The school also currently employs a number of transportation demand management (TDM) measures to reduce area transportation impacts.

The consultant concluded that the proposed additional students would not result in more vehicular activity or adverse impacts on the surrounding community. Even so, the memorandum explained that addition traffic demand management measures may improve the school overall impact on the surrounding community, thereby improving the existing conditions. Based on observations made of existing conditions in the surrounding public space, it was recommended that the applicant take additional steps to:

- designate a TDM coordinator to oversee and implement the TDM measures;
- station a staff member along 36th Street between O and P Street to ensure that access to the street is maintained for persons residing in that block when pick-up vehicles form a queue;
- change the afternoon pick-up procedures to assign vehicles picking-up more than one child to 36th street and vehicles picking-up only one child to O Street; and
- work with the Metropolitan Washington Council of Governments SchoolPool program coordinator to more effectively help parents to find other parents with whom to share rides for drop-off and pick-up purposes.

It was also recommended that the school work with the surrounding community and the Advisory Neighborhood Commission (ANC) to evaluate the success of these measures.

- 206.3 *Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile. Buildings shall be designed and built so that not less than seventy-five*

percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets.

Section 2101.1 would normally require 46 parking space onsite for the existing and proposed maximum of 70 teachers and employees. However, the existing building onsite have been deemed to contribute to the existing Georgetown Historic District. In accordance with §§ 2100.6 and 2100.7, no additional parking spaces are required for these uses.

The applicant does currently lease at total of 15 parking spaces at the above-referenced Georgetown Visitation Preparatory School (approximately 1,000 feet away) and the Jelleff Recreation Center (0.8 miles away). The school also reimburses employee costs of parking in neighboring garages up to \$10 a day.

The traffic consultant was of the opinion that existing conditions on the street could also benefit from by the school encouraging greater use of public transit and carpooling by faculty and staff subject property. Additional TDMs suggested included:

- providing stipends to employees to encourage more use of public transit;
- discouraging employees for using on-street parking resources;
- participating in the District Safe Routes to School (SRTS) programs and working with the DDOT SRTS liaison “to improve access to for non-auto modes” of transportation;
- initiate and incentivize semi-annual “Walk or Bike to School” day to encourage more students to try walking or biking to work; and
- monitoring the progress and effectiveness of these new strategies over time.

So, although *more* vehicular activity or adverse impacts would not result for this proposal, it appears that some transportation management improvements are currently needed. It also appears from the memorandum that the proper response to existing traffic conditions will need to be developed cooperatively with the community and ANC.

Accordingly, OP recommends that the Board of Zoning Adjustment (BZA) consider a short approval term as one of the approval conditions to allow the applicant to develop a comprehensive TDM program.

c) Compliance with Roof Structure Relief Standards under § 411.11 (§§ 411.3 and § 411.5):

411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1920 (36 Stat. 452; D.C. Official Code, §§ 6-601.01 to 6-601.09, on apartment building roofs, penthouses for (a) storage, showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that roof; and (b) other enclosed areas, within the area permitted as a roof structure, used for recreational uses accessory to communal rooftop recreation space, shall be subject to conditions and variable floor area ratio credit specified in this section.

411.2 When located below, at the same roof level with, or above the top story of any building or structure, penthouses (as outlined in § 411.1) shall be subject to the provisions of §§ 400.7 ... and to the conditions and variable floor area ratio specified in this section.

There is no indication whether the § 400.7 conditions would be met.

- 411.3 *All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.*

The proposed roof structures would not be connected to the existing structures.

- 411.4 *When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.*

The roofs on both buildings consist of one level.

- 411.5 *Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 411.6.*

The screens enclosing the additional roof structures vary for the existing enclosures which appear taller in the submitted building elevation.

- 411.6 *When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in §§ 411.3 and 411.5, except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.*

The submitted plans do not include elevations of the actual enclosures or an explanation of the materials that would be use.

- 411.7 *Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37) shall be permitted.*

There is no floor area limitation in the R-3 District.

- 411.8 *Roof structures shall not exceed one-third (1/3) of the total roof area for those districts where there is a limitation on the number of stories.*

Although not calculated in the application, it does not appear that the existing and proposed roof structures would exceed 1/3 of the total roof area.

- 411.9 *In addition to the floor area ratio allowed by § 411.7, mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.*

This standard is not applicable in this case.

- 411.11 *Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7 ... and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.*

The applicant explained that the existing mechanical penthouses are visible from the street, while the proposed penthouses would be positioned on the roof so not be visible from the street. If fact, the visibility of the new rooftop equipment factored in the Old Georgetown Board granting its approval of the proposed additions (refer to the Agency Comments section below).

Given the sensitivity to the historic character of Georgetown, the applicant felt it important to minimize the visibility of the rooftop structures. As a result, all the proposed roof structures are also shorter than the existing structures.

d) Area variance relief in accordance with §3103.2 (§§ 403.2 and 2001.3 (a) and (c)):

• **Unique conditions or circumstances:**

The subject property is developed with a number of multi-story buildings that predate the 1958 adoption of the District Zoning Regulations. These buildings have also been deemed to contribute to the Georgetown Historic District. The age of these school buildings requires that they be brought up to current health and safety requirements.

• **Exceptional or practical difficulty:**

As noted above, the proposed changes would update the Upper and Lower School buildings to better serve the sanitation needs of current students and to comply with ADA standards. Although the required improvements can be accomplished within the current Upper School building footprint, that is not an option in the Lower School building.

The applicant explained that both the elevator and bathrooms must be ADA compliant, which dictates their size. There is insufficient room within the Lower School building footprint to provide either the elevator or restroom to meet the referenced size standards *without* significantly diminishing the available classroom space. Such a reduction on in the amount of floor area available of educational purposed on this developed campus would undermine the mission of the school.

• **Detriment to the Public Good:**

The Old Georgetown Board determined that the extent and location of the proposed construction would not be detrimental to the preservation goals of the Georgetown Historic District. The applicant's transportation consultant also concluded that more vehicular activity or adverse impacts would not result on the surrounding community from this proposal.

• **Detriment to the intent, purpose and integrity of the zoning regulations:**

The proposed exterior addition would result in a minimal expansion of the existing building area and lot occupancy. Granting the zoning relief as requested from §§ 403.2 and 2001.3 (a) and (c), to allow a slight expansion of the existing non-conforming lot occupancy to make improvements to address current health and safety standards, would therefore *not* be contrary or detrimental to the intent and integrity of the Zoning Regulations.

VI. AGENCY COMMENTS

The CFA in its role as the Old Georgetown Board had no objections to the concept design for proposed alterations to the Holy Trinity Upper and Lower School buildings and the rear additions. The Old Georgetown Board Appendix summary dated April 18, 2013, also noted that *a rooftop mock-up of the proposed mechanical equipment installations confirmed that the equipment and screen locations will not be visible from public thoroughfare.*

To date, no OSSE or DDOT comments have been provided in this case.

VII. COMMUNITY COMMENTS

No community comments have been added to the case record file although applicant indicated that the ANC adopted an approval resolution subject to the implementation of several additional TDMs.