

Case # 18138

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**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

STATEMENT OF REASONS IN SUPPORT OF AN APPLICATION TO GRANT A SPECIAL EXCEPTION FOR A
CHILD DEVELOPMENT CENTER/PRIVATE SCHOOL IN THE R-3 ZONE DISTRICT, PURSUANT TO
11 DCMR §§ 205 AND 206, AT 210 ALLISON STREET, N.W., (ROCK CREEK CHURCH RD. AND
WEBSTER ST. N.W., PARCEL 0111/0037)

This Statement of Reasons is submitted on behalf of the applicant, St. Paul's Episcopal Church, a District of Columbia non-profit corporation (the "Applicant" or "St. Paul's"), the owner of the subject property (the "Property"). The Applicant is requesting a special exception for a private school and child development center (the "School") for approximately 120 students, ages 2.5 through 12 years, and approximately 18 staff¹. No new construction is proposed.

THE PROPERTY AND THE SURROUNDING NEIGHBORHOOD

Property Description. The Property is located between North Capitol Street and New Hampshire Avenue, N.W., to the north of Webster Street, N.W. and Rock Creek Church Road N.W. It is zoned R-3 and contains approximately 86 acres of land area. The Property includes the historic Rock Creek Cemetery and is improved with several buildings, including St. Paul's Center (the "Center"), which will house the School. The Center includes church and cemetery administrative offices, a dining room, a fully equipped commercial kitchen, a large auditorium suitable for concerts and other performances, and a large open space that has been used for receptions and dinners.

Current Property Use. The Property is the site of St. Paul's Rock Creek Episcopal Parish, which was founded in 1712 during the reign of Queen Anne. One hundred acres, including the present site of the church building, was pledged to St. Paul's in 1719 and a structure was completed in the several years that followed. Major rebuilding and remodeling

¹ It is anticipated that as many as 25 people may be employed by the School, but no more than 18 will be on campus at any given time.

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occurred in 1775, 1810, 1868, 1922 and, most recently, in 2004 when the Center was renovated.

The Surrounding Neighborhood. The Property comprises more than 86 acres in upper Northwest Washington and lies between New Hampshire Avenue and North Capitol Street, north of Webster Street and south of Gallatin Street, near the Petworth and Fort Totten neighborhoods. The land is zoned R-3, and is classified as "Parks, Recreation and Open Space" on the Comprehensive Plan Future Land Use Map. The area is defined by large open spaces, such as the Armed Forces Retirement Home, which is just south and southeast of the Property, and garden-style apartments and row dwellings in low-density residential neighborhoods to the east and west.

Zoning. The Property is classified within the R-3 Zone District, with patches of R-5-A and other higher-density residential areas close by. The Armed Forces Retirement Home is unzoned, federally-owned property.

PROPOSED USE OF THE PROPERTY

St. Paul's proposes to use portions of the Center as a child development center and private Montessori school, with a maximum enrollment of 120 students and a total of approximately 18 regular staff members. The School will be operated by Christian Family Montessori School ("CFMS"), which currently operates a Montessori school (for children ages two-and-a-half to 12 years) in Mount Rainier, Maryland. CFMS will formally be a tenant of St. Paul's at the Center, but St. Paul's will take an active role in ensuring the success of the School. Hours of operation will be from 8:00 a.m. to 6:00 p.m. The regular school day will run from 8:30 am until 3:00 pm, with before-care starting at 8:00 am and after-care available until 6:00 pm. No new construction is proposed, as the existing Center building will be internally retrofitted to accommodate the classrooms needed by CFMS' use.

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SPECIAL EXCEPTION CRITERIA

The Board is authorized to grant a special exception where it finds:

- (1) The proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Zone Maps; and
- (2) The proposed use is not likely to adversely affect the use of neighboring property,

subject to the specific conditions specified in the Zoning Regulations for the particular special exception use. 11 DCMR § 3104.1. The BZA's discretion in reviewing an application for a special exception is limited to a determination of whether the applicant has complied with requirements enumerated in the specific section of the Zoning Regulations pursuant to which the applicant is seeking the special exception. If the applicant meets this burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

The Proposed Use is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zone Maps. The Property is located in an area which is characterized predominantly by single-family homes and open space. The use of the Property for a school is consistent with the institutional nature of a church property; in fact, St. Paul's established one of the District of Columbia's first parochial schools on this Property in 1775. Child development centers and private schools, as uses permitted by special exception, have been pre-determined as compatible with the uses in the R-3 zone so long as the special exception criteria can be met. We

submit that all requirements for child development centers and private schools can and will be met by the Applicant.

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The Proposed Use is Not Likely to Adversely Impact Neighboring Property. St. Paul's has had a long history of being a welcoming and considerate neighbor and plans to continue this track record with the relocation of CFMS to the Center. Likewise, CFMS prides itself on creating a welcoming environment where parents, children, and staff work together to provide an affordable Montessori school for the community. For the past 30 years, CFMS has done just that in the Mount Rainier neighborhood and hopes that its relocation to the Center will create new opportunities to better serve its current and future students. As described further herein, the existing use and the proposed expansion pose no threat to neighboring property, particularly because the Center is removed from most residential development in the area and situated on an 86 acre enclave.

Because the proposed use encompasses both a child development center use (for ages 2.5 through 5 years, as well as before- and after-care for all students) and a private school (for ages 5-12), we analyze the use against the special exception criteria for both uses under 11 DCMR §§ 205 (child development center) and 206 (private school).

The Center shall be capable of meeting all applicable code and licensing requirements (205.2). CFMS has been in operation and continually in compliance with all Maryland State licensing requirements since it opened in 1981. CFMS will meet all licensing requirements of the Office of State Superintendent of Education, including maximum class sizes by age and minimum teacher-student ratios as required for each age group.

The Center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children (205.3).

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All parking for the Center is off-street parking and located within the boundaries of the Property. A total of 59 spaces are available for all Center users, including staff of the Center and parents needing to come inside the center; 20 of these spaces will be reserved for CFMS. During the regular operating hours of the Center, there is rarely a time when all of the parking spaces at the Center lot are full, however, additional off-street parking is available throughout the internal road network on the Property.

The Center is served by a variety of feeder streets: Allison Street and Webster Street from the south, and New Hampshire and Rock Creek Church Road from the North. As demonstrated by the Traffic Study, attached as Exhibit I, the surrounding road network is operating at acceptable levels of service. No traffic congestion is anticipated, as student drop-off and pick up will take place entirely within the boundaries of the Property and immediately adjacent to the Center entrance. This wholly-internal parking and drop-off not only provides a safe point of entry for the children, the parking area, drive aisles and circular drive area provide ample space for queuing of vehicles on site, ensuring that there is no traffic congestion on the public streets around the Property. Moreover, CFMS' operation calls for staggered arrival and departure times, spreading out the traffic volumes over the course of several hours, most, if not all, of which fall outside of the peak hour for traffic volumes on the surrounding road network. Additionally, CFMS's current enrollment includes a significant number of siblings (25 families with multiple children), and many families carpool to and from school as well.

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The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors (205.4). The Property contains 59 off-street parking spaces, 20 of which are adjacent to the Center and will be reserved for CFMS use. The Zoning Regulations require 1 parking space for every four teachers or other employees. 11 DCMR § 2101.1. For purposes of calculating the required parking, the school has assumed, in accordance with 11 DCMR § 2118, that the maximum number of CFMS employees on the premises at any given time will be 18, requiring 5 parking spaces. The Center has always had ample parking to accommodate all of the needs of St. Paul's, and even with the addition of the CFMA staff and parents that may need to park at the Center, there is no need for staff or parents to park on the public streets around the Property—all parking will continue to be accommodated on site.

There are several special events throughout the school year that may result in heavier use of the parking area at the Center. Some examples of these events where most families² will be attending are: two student performances in the spring (Friday evenings); two school picnics, one at the beginning and one at the end of the year (weekday evenings); a silent auction in the early spring (Saturday evening); and graduation in mid-June (weeknight). If the Center's parking area is inadequate to contain all of the vehicles for these events, there is adequate on-road parking within the Property, which is considered off-street parking and can, if necessary, accommodate hundreds of vehicles.

² There are currently 69 families attending CFMS.

The Center, 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 or activity, or visual or other objectionable conditions (205.5). The Center includes an outdoor play area, which is set back from all single-family residential properties in the area. The closest residential property is at least 170 yards away from the outdoor play area, and therefore does not create any objectionable impact.

The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties (205.6). The Center and related parking areas are located in the southwestern corner of the Property such that screening to the east and north are not an issue. There are adequate screening and plantings to the west and south such that additional screening will not be necessary to protect adjacent properties from the School's activities on the Property. The Applicant submits that there is no need for the Board to require special treatment to protect any adjacent or nearby properties.

Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the Center in traveling between the play area and the Center itself (205.7). There will not be any off-site play area.

The Board may approve more than one (1) child development center in a square or within one thousand feet (1,000 ft.) of another child development center 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 (205.8). To the Applicant's knowledge, there are no other child development centers within 1,000 feet of the Property. Regardless, there is no evidence that the School will have any adverse impact on the

neighborhood due to traffic, noise, operations, or other similar factors.

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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 (206.2). As discussed above, the Center in which the School will be located is removed from all residential uses in the neighborhood and is not likely to generate a significant amount of traffic. No other objectionable conditions are anticipated.

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 (206.3). Ample parking space exists on the Property to accommodate the School's requirements under Chapter 21 of the Zoning Regulations (5 spaces), as well as parents and other visitors to the School, in addition to all other uses operating on the Property.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the Applicant's proof and all other support of record for the special exceptions requested, such relief be granted.

Respectfully submitted,

ARENT FOX LLP

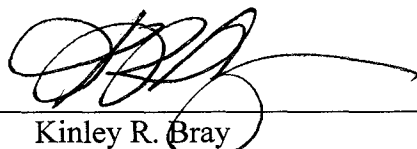
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EXHIBIT LIST

- A. Application Form & Letter of Authorization
- B. Self-Certification Form
- C. Plat
- D. Photographs of the Site
- E. Architectural Plans & Elevations
- F. Names & mailing addresses of all property owners within 200' of the Property
- G. Traffic Study

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