

October 31, 2012

HAND DELIVERY

Lloyd Jordan, Chairperson
D.C. Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW, Suite 200 South
WASHINGTON, DC 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18399
EXHIBIT NO. 38

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Re: Case No. ^{18399 EB}18400: Post-Hearing Statement for Property Located at 4715 16th Street,
NW (Square 2707, Lot 33) ("Property")

Dear Chairperson Jordan:

At the close of the public hearing in the above-referenced case, the Board requested additional information.¹ The Applicant hereby provides the requested information as follows:

- Detailed landscape plan (Exhibit A and below);
- Information on bus routes (Exhibit C);
- Additional parking information including establishing off-site parking agreements, developing measures to reduce parking demand and parking analysis (Exhibit D);
- Implications of imposing a term on BZA approval (Exhibit E and below).

Detailed Landscape Plan

In Case No. 14919, the Board approved the landscape plan attached as Exhibit B in connection with Lowell School's use of the property. The plan provided for a minimal amount of landscaping along the southern property line as a buffer between the school and the neighboring property owner. The Jewish Primary Day School of the Nation's Capital ("JPDS") is going to enhance this buffer by implementing the landscape plan attached as Exhibit A. There

¹ The Applicant's post-hearing submission was initially due on October 30, 2012; however, District offices were closed on October 30, 2012 due to damage inflicted by Hurricane Sandy. Accordingly, pursuant to Section 3110 of the Zoning Regulations, the Applicant files its post-hearing submission on October 31, 2012.

is currently a wood-planked fence along the southern lot line that is set back approximately five feet from the property line; this provides both a spatial buffer and noise buffer in and of itself. In addition to the fence, JPDS is going to add a series of trees along the southwestern portion of the property, where there is currently a very sparse buffer. There are existing, dense plantings to the south of the property line along the eastern portion of the property.

Implications of Imposing a Term

The Office of Planning has suggested imposing a term of ten years on the approval of the school use. JPDS strongly discourages the Board from imposing such a term. Attached as Exhibit E is a letter from Birchwood Capital Partners outlining the effects of imposing such a term, such as reduced property investment, accelerated amortization of improvements, higher cost of capital and higher monthly payments, difficulty refinancing in years closer to term expiration, and adverse impact on enrollment in later years of term. As the letter indicates, there are significant repercussions on the feasibility of the school program if a term is imposed, which will not only adversely affect JPDS, but will negatively impact the local Washington DC community as a whole. The availability of an excellent Jewish day school education in Washington, DC has played no small role in the growth and revitalization of neighborhoods in Ward 4 over the last several years and we expect the new capacity offered by the lower school, to significantly contribute to this upward trajectory. By imposing a term limit on the relief requested, the uncertainty of the long term viability of the entire school program is at risk, and will likely adversely affect that growth in the communities surrounding both the main and lower campus that has or would have been spurred by the success of JPDS.

More importantly, this term limitation is unnecessary. There are other methods for addressing the parking and traffic concerns that were raised at the hearing, and which JPDS is addressing, as described in supplementary materials attached hereto. Instead of imposing a term, the Applicant proposes a monitoring program, which has been successful in addressing similar concerns at other schools, to ensure that JPDS is continuing to address parking and traffic concerns going forward. Specifically, if the Applicant does not meet the projections set forth in its transportation study two years in a row, it will work with DDOT to develop additional techniques to mitigate its impact and reduce its parking demand and trip generation. The Applicant will provide its monitoring reports to DDOT and the ANC no later than November 30, of each school year as set forth in the traffic impact statement.

In the event the Board feels it must impose a term, notwithstanding the adverse impacts to both the school and the larger DC community, JPDS would ask that the term be for a minimum of 15 years, with a provision allowing JPDS to request a renewal of the approval 36 months in advance of the expiration of the order. Allowing this renewal will provide assurance to those students currently enrolled and those considering enrollment in the lower school that the program will exist for the duration of the student's tenure. Additionally, should the renewal be denied, it will afford JPDS an opportunity to determine how it will move the program back to its main campus. Again, JPDS strongly urges the Board to consider holding JPDS accountable through its monitoring program rather than by imposing a term on the approval.

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Conclusion

JPDS appreciates the time the Board has put into this matter and it would be happy to provide any additional information that may aid in the Board's decision on this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine", with a stylized flourish at the end.

Christine A. Roddy

Certificate of Service

I hereby certify that the foregoing document was hand delivered or sent by first class mail on October 31, 2012 to the following:

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Christine Roddy