

**MEMORANDUM**

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**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Raul Goldstem, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** January 22, 2014

**SUBJECT:** BZA Application #18683 – Request for special exception relief under §§ 206 and 3104 at 1125 Neal Street NE

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **recommends approval** of this special exception application, subject to conditions, for a private school in an existing building at 1125 Neal Street NE. The application requires the following relief.

- §§ 206 and 3104, special exception for a private school use

OP approval is conditioned on the following

- The school would be limited to a maximum of 100 students and 9 faculty and/or staff.

**BOARD OF ZONING ADJUSTMENT**  
District of Columbia

CASE NO. 18683

EXHIBIT NO. 25

**II. AREA AND SITE DESCRIPTION**

Address.	1125 Neal Street NE
Legal Description.	Square 4065, Lot 819 (hereinafter, the "Property")
Ward/ANC.	5/5D
Lot Characteristics	The site is roughly rectangular in shape and measures a total of 62,979 square feet of land area. It has frontage on Neal Street to the north and West Virginia Avenue NE to the west, and borders a rear 20' wide public alley to the south.
Zoning	R-4 row dwellings and flats
Existing Development:	The Property is developed with two two-story buildings. The building that is proposed for the private school use is located in Property's approximate center facing Neal Street. It measures about 37,000 square feet of gross floor area. To the east of the subject building is a fenced-in green space. A curb cut and driveway extends from Neal Street between the buildings and provides access to parking for both buildings. A 20' wide public alley borders the rear of the Property, although it appears to not be accessible from the Property due to existing fencing and grade changes.
Historic District	N/A
Adjacent Properties.	The Property abuts a row of two-story row dwellings to the east. To the north of the Property, across Neal Street, are two-story row dwellings. To the south of the Property, across the public alley, are two-story row dwellings. To the west of the subject Property, across West Virginia Avenue, is Gallaudet University.

Surrounding Neighborhood Character	To the north, east, and immediate south of the subject Square are predominately row dwellings and institutional uses zoned R-4 A block to the east is the Wheatley Education Campus Roughly two blocks to the south are low scale commercial uses along Florida Avenue NE To the west of the Square is the Gallaudet University campus
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### III. PROJECT DESCRIPTION IN BRIEF

Applicant(s)	Holy Name Catholic School (owner), Higher Development Academy (tenant)
Proposal	<p>The Applicant seeks special exception relief to operate a private school in an existing building</p> <p>As procedural background, the Zoning Administrator previously referred the proposal to the BZA for use variance relief to operate a vocational school The Applicant subsequently withdrew the application and later re-filed a self-certified application seeking special exception relief for a private school use, and OP has evaluated the relief as requested</p> <p>In general, two buildings occupy the Property owned by the Holy Name Catholic School Center City Public Charter School operates in the building at the corner of Neal Street and West Virginia Avenue, and the Applicant now proposes to locate a private school in the building fronting Neal Street. Previously, in 2010, a certificate of occupancy was issued for a child development center use in the subject building for up to 100 children and 16 staff<sup>1</sup> The child development center is not currently in operation</p> <p>The proposed private school would be focused on adult education More specifically, the Applicant provided the following additional information "The Mission of Higher Development Academy is to educate District of Columbia adults who desire to acquire basic educational assistance in achieving reading comprehension, improved grammar skills and successful completion of the GED Examination It delivers accessory services to sustain the student's life skills and education by providing emotional, and employment skill support"<sup>2</sup></p> <p>The school would be limited to 100 students and 9 faculty and/or staff The hours of operation would be 8 00 am to 7 00 pm Monday to Friday It would occupy five classrooms, four offices, and two break rooms, amounting to approximately 8,750 square feet or about a quarter of the building<sup>3</sup> The Applicant is not leasing the existing auditorium or gymnasium space<sup>4</sup></p> <p>No internal or external changes are proposed to the building There is existing paved parking to the west and south of the building which would accommodate 16 dedicated parking spaces for the Applicant</p>
Relief Sought	§§ 206 & 3104, special exception for a private school

### IV. IMAGES AND MAPS

<sup>1</sup> OP is not aware of any Board of Zoning Adjustment case related to the child development center use

<sup>2</sup> Email from Applicant to Paul Goldstein (OP), 1/8/14

<sup>3</sup> The Applicant indicated that the space occupied by the school would span on levels of the building

<sup>4</sup> If the auditorium was used by the school, additional vehicular parking could be required per § 2101



Aerial view of the site (subject building highlighted)



View of the subject block looking south across Neal Street (subject building highlighted)



Subject building

## V. ZONING REQUIREMENTS

In the R-4 zone, private schools are permitted as a special exception under §§ 206 and 3104.

### Section 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*

The application proposes a new private school in an R-4 zone

*206 2 The private 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 should not be objectionable to adjoining and nearby properties. No expansion or renovation of the building is proposed, and the school would operate in a building that appears to have historically functioned for educational purposes. No special or athletic events are proposed for the Property. The Applicant anticipates that about 90% of the students would arrive by walking, biking, or public transportation, and that a portion of the faculty and staff will carpool or arrive by alternative transportation. The Applicant has been in communication with the Department of Transportation (DDOT) regarding traffic and parking issues, and OP anticipates that DDOT will provide an analysis of the application under separate cover.

*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*

OP anticipates that there should be ample parking to accommodate the Applicant's needs. While a portion of the existing parking spaces in the parking lot would service the neighboring charter school, the application proposes that 16 spaces (the minimum required) would be dedicated to the proposed private school.<sup>5</sup> The Applicant has indicated that the locations of the dedicated spaces have been determined, although OP has not yet received a submission identifying the spaces. The Applicant also anticipates that students are largely expected to arrive at the campus through means other than private vehicles.

## **VI. ANC/COMMUNITY COMMENTS**

The Applicant has indicated that there have been communications with ANC 5D. However, to date, OP is not aware of any ANC vote or official submission. Letters of support from Gallaudet University, Center City Public Charter Schools, and several dozen neighbors and individuals have been submitted to the record. OP is not aware of any letters in opposition at the date of this report.

## **VII. AGENCY COMMENTS**

DDOT has informally indicated to OP that it has no objection to the application, and OP anticipates that DDOT will submit comments under separate cover.

JLS/pg

Paul Goldstein, case manager

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<sup>5</sup> The Applicant calculated the parking requirement based on the "college or other institution of higher learning, business trade, or other school and accessory uses located on the campus" standard. This provides that "For each building 2 for each 3 teachers, plus either 1 for each 10 classroom seats or 1 for each 12 stadium seats or 1 for each 10 auditorium seats, whichever is greater, except as provided in § 2106." See § 2101.1