

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

STATEMENT OF APPLICANT

This application is made by Associates for Ideal Education, a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code and a District of Columbia non-profit corporation trading as Academy for Ideal Education (the “Applicant”), for a special exception to operate a private school in the building and on the property located at 4501 Dix Street, NE (the “Property”).

I. Nature of Relief Sought

The Applicant respectfully requests the Board of Zoning Adjustment (the “Board”) to approve, pursuant to Section 206 of the Zoning Regulations (11 DCMR § 206), a special exception for the operation of a private school on the Property.

II. Jurisdiction

The Board has jurisdiction pursuant to Section 3104.1 of the Zoning Regulations (11 DCMR § 3104.1) to grant the relief requested.

III. The Applicant

Associates for Ideal Education (“AIE”), a District of Columbia non-profit corporation that is tax exempt under Section 501(c)(3) of the Internal Revenue Code, was incorporated in 1981 as an umbrella organization to administer the programs of the Ideal Learning Center, which was established in 1979. The Ideal Learning Center offered tutorial and enrichment programs during after-school hours and on Saturdays. In 1981, the program expanded to begin L.I.F.T. (Learning Is Fun Time) reading and math summer day-camps. In 1991, the executive director of AIE, together with four other individuals, opened the Ideal School of Washington, a non-sectarian private school, with six students in pre-school to fourth grade. AIE acquired the school in 1996 and adopted the trade name Academy for Ideal Education.

During the four school years preceding the 2014-2015 school year, the Applicant was located at 62 T Street, NE, Washington, DC, which is in Ward 5. The Applicant's lease at 62 T Street, NE expired at the end of the 2013-2014 school year. The Applicant currently has an enrollment of sixty students in kindergarten through grade twelve. The Applicant's students reside primarily in Wards 4, 5, 6, 7 and 8.

The Applicant's educational mission is to prepare students for college or post-secondary careers or vocational training through the use of holistic, brain-based methodologies and a rigorous, values-enriched curriculum to provide strong academic, career-education and life-skills programs and to enable learners, from kindergarten through grade 12, to realize their full potential.

IV. Description of the Property

The Property is a brick building and consists of a basement and first, second and third floors. According to the current certificate of occupancy, the occupied square footage of the building is 9,259. On belief and information, the Property was constructed twenty or more years ago. It is located in an R-2 district. The Property is owned by, and is immediately adjacent to, Grace Apostolic Church, which is located at 4417 Dix Street, NE and is also in an R-2 district. The residential properties in the neighborhood immediately surrounding the Property are in an R-2 district.

The primary means of ingress and egress to the Property for students, parents and guests are through two sets of doors that front on Dix Street, NE. To the rear of the Property, with vehicular access provided on Clay Street, NE, there is a parking lot that contains seventeen marked parking spaces. The parking lot is available for use by the Applicant for its teachers and staff on school days during school operating hours. The parking lot is also used by Grace Apostolic Church, its members and congregants on Sundays during worship services, on weekday evenings for regularly scheduled meetings (e.g., prayer meetings, Bible study, etc.) and on special event dates. However, only rarely, if ever, will there be an occasion when the church's use of the

parking lot will overlap in any substantial degree with the Applicant's use of the parking lot on school days during school operating hours.

In connection with the use of the Property by the Applicant as a private school, no exterior construction or renovations are planned or proposed, nor is any interior construction, demolition or renovation planned or proposed. In its current structural and physical condition, the Property has been well maintained and is quite suitable for use by the Applicant. The interior spaces in the Property are sufficient to accommodate the Applicant's enrolled students, teachers and staff, and the Property was built-out to provide classrooms and instructional spaces, a multi-purpose assembly space, lavatories, hallways, storage spaces, offices and other administrative spaces. The Property will be accepted by the Applicant in "as-is" condition, except for interior repainting and installation of carpeting in certain areas.

V. Existing and Intended Uses of the Property

The existing use of the Property under the current certificate of occupancy is church Sunday school and educational training. The Property also contains a space and facilities for a food-share program under which Grace Apostolic Church distributes food items to individuals who are indigent or otherwise food insecure. The Property was used by Grace Apostolic Church's immediate predecessor in ownership as a child development center, on belief and information, beginning more than twenty years ago for up to ninety-five children. The Property has been in continual use for institutional purposes for a period of at least twenty years.

The intended use of the Property is a private school for 110 students in kindergarten through grade twelve. The Property was built-out to provide eight classrooms or instructional spaces. Teachers and staff number twelve, of which six are full-time teachers and staff. During regular school operating hours, no more than eight teachers and staff will be present at the same time in the Property.

The regular school operating hours for students on school days are 8:30 a.m. to 3:30 p.m. Full-time teachers and staff report to work on school days at 8 a.m. and are scheduled to depart from work at 4 p.m. The Applicant's annual calendars provide for 182 regular-session school days in a school year, typically beginning on the Wednesday after Labor Day and ending during the third week in June. The Applicant observes a Winter Break in December that coincides with the Christmas and New Year's holidays, as well as a Spring Break that generally coincides with Easter.

The Property does not contain any athletic or sports facilities. However, the Property is conveniently located to nearby D.C. Parks and Recreation centers, with which the Applicant will make arrangements for the use by its students of those centers' physical education, recreational and athletic facilities. Approximately three blocks away from the Property's location, to the west of the intersection of Dix Street, NE and 42 Street, NE, there is a large green, open space that elementary school students can use for recreation, exercise and recess periods.

VI. The Application Meets the Requirements for Special Exception Relief for a Private School

A. Standards of Review for a Special Exception

Under Section 3104.1 of the Zoning Regulations (11 DCMR § 3104.1), the Board is authorized to grant a special exception where it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. The standards of review, as they relate to a private school, are further amplified and defined in Section 206 of the Zoning Regulations (11 DCMR § 206), which provides that (i) 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, and (ii) ample parking space, but not less than that required in Section 2101.1 of the Zoning Regulations (11 DCMR § 2101.1), shall be provided to accommodate the students, teachers and visitors likely to come to the site by automobile.

B. The Operation of a Private School on the Property Will Be in Harmony With the General Purpose and Intent of the Zoning Regulations

The operation of a private school on the Property will not impair or conflict with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring properties.

1. Noise

The presence of students on the Property during school operating hours on school days is not likely to become objectionable to adjoining and nearby properties. From any conventional perspective, the Applicant's student enrollment is, and will continue to be, quite small. The current enrollment is sixty students, and the application for a special exception provides for an enrollment of 110 students. The regular school operating hours on school days for students are 8:30 a.m. to 3:30 p.m. As such, students will tend to be in transit to school in the morning during or after the departure time to work for neighborhood residents who work away from home. The end-of-day departure time for students from school is generally earlier than the time that is the end of a workday for many, if not most, workers. During most of a school day, students are indoors in orderly, teacher-supervised classrooms and instructional environments. Recess periods for students are brief and also teacher supervised. Therefore, the amount of noise that will be made by students while outdoors is likely to be insignificant and not likely to be objectionable to adjoining and nearby properties.

With respect to the use of the Property as a private school, the Applicant neither plans nor proposes to reconstruct or renovate any part of the exterior of the building or to reconstruct, demolish or renovate any of the interior spaces of the building. The current structural and physical condition of the Property is well suited for use by the Applicant as a private school. The Property was built-out to provide the functional spaces required for the operation of a school, and the Property will be accepted by the Applicant in "as-is" condition, except for interior re-painting and installation of carpeting in certain areas. Thus, no noises or disturbances will be experienced by adjoining or

nearby properties as a result of any construction, demolition or renovation activity in or on the Property.

The Property has no athletic or sports facilities, including no facilities for spectator-attended athletic contests or events with competing schools. Thus, the Applicant is not in operation on the days and during the times when other schools, often during weekday evening hours, sponsor large, on-site athletic events that result in significant increases in noise, traffic, lighting pollution and parking congestion in the surrounding neighborhood. Rather, the Property is located a convenient distance from D.C. Parks and Recreation centers. For athletic contests in which the Applicant will be hosting a competing school, the Applicant will make arrangements for the use of a D.C. Parks and Recreation facility or a commercial sports facility.

The Property is owned by, and is most immediately adjacent to, Grace Apostolic Church, an institutional, non-residential property owner with an active congregation and numerous ministries. However, because the Applicant's school days and hours of operation occur on days and at times when Grace Apostolic Church is not holding worship services or other activities, neighboring residents will experience no compounding effect in terms of noise, traffic and parking congestion from the Applicant's operation of a private school on the Property.

2. Traffic

The commuting pattern for the Applicant's students to and from school, in the current academic year and during prior school years, involves relatively few students who are transported by automobile by a parent and no students who drive and park at school. There are several reasons for this pattern. First, the Property is located only three-tenths (0.3) of a mile from the nearest Metro rail station, the Benning Road Metro Station. Except for students who live within walking distance of the school, virtually all of the Applicant's middle school and high school students transit through the Benning Road Metro Station to and from school. Second, a number of siblings are enrolled as students with the Applicant, and the responsibility for providing safe transit for

elementary school age students is entrusted by parents to an older sibling, thereby relieving parents of the need to drive elementary school age students to and from school. It is uniformly the case that the older or oldest sibling, who is a middle school or high school student, is made responsible by their parent for the supervision of the younger sibling(s) during their commute to and from school. Third, almost all of the parents of students enrolled with the Applicant receive scholarship benefits from the D.C. Opportunity Scholarship Program ("OSP"), and the parents' economic and financial circumstances that are the basis of qualification for OSP scholarship assistance may well influence their decisions about personal transportation and the options available to their children for transportation to and from school. In order to be eligible to receive OSP scholarship assistance, a family must be a recipient of benefits from the Supplemental Nutrition Assistance Program, formerly the food stamp program, or the family's income cannot exceed 185% of the poverty threshold. Fourth, the families of all of the Applicant's students reside in the District of Columbia, and the D.C. Department of Transportation issues a card to students enrolled in a school that can be used for no-cost transportation to and from school on Metro buses.

3. Number of Students

The application provides for an enrollment of 110 students, who can be accommodated quite comfortably in the existing facilities of the Property. By any traditional measure, 110 students is a relatively small number of students. As such, the number of students in the Applicant's student body will have a negligible adverse effect on the neighborhood and is unlikely to be objectionable to adjoining and nearby properties.

4. Otherwise Objectionable Conditions

The operation of a private school by the Applicant in and on the Property will not create any otherwise objectionable conditions for the neighboring residents.

5. Parking Facilities

The Applicant has the use of the parking lot, which is located to the rear of the Property with access for automobiles provided on Clay Street, NE, for its teachers and staff on school days during school operating hours. The parking lot has seventeen marked spaces, which exceeds the minimum requirement set forth in Section 2101.1 of the Zoning Regulations (11 DCMR § 2101.1). The application provides that the number of teachers and staff is twelve. There are 120 classroom seats in the building. Section 2101.1 of the Zoning Regulations requires that (i) two parking spaces be provided for each three teachers and staff, plus (ii) one parking space for each twenty classroom seats. Consequently, the required number of parking spaces that must be provided with the Property is fourteen.

Furthermore, the seventeen parking spaces provided with the Property are more than ample and sufficient to accommodate the students, teachers, and visitors likely to come to the Property by automobile. During prior school years and continuing in the current academic year, the commuting pattern for students does not involve any high school students who drive themselves to school in an automobile and park. While the Applicant's teachers and staff number twelve, no more than eight teachers and staff will be present at the same time in the building on a school day during school operating hours, thus further reducing the actual demand for parking spaces.

VII. Contact With Advisory Neighborhood Commission

The Property is located in Single Member District ("SMD") 7D05 of Advisory Neighborhood Commission ("ANC") 7D. Prior to the filing of the application with the Board, the Applicant's two senior administrators met with Janis D. Hazel, commissioner, SMD 7D05, to inform her of the Applicant's plans to file an application for a special exception with respect to the use of the Property as a private school; to seek her guidance and counsel regarding the efforts that should be made by the Applicant to inform neighboring residents, civic organizations, associations, ANC 7D and other entities regarding the application; and to request her support and the support of ANC 7D

for the action of the Board to grant the special exception. Commissioner Hazel provided valuable recommendations regarding the process that the Applicant should pursue in securing support for the approval of the application.

For the purpose of discussing its application, the Applicant pledges to contact, at the earliest practicable time prior to the scheduled public hearing on the application, ANC 7D, neighborhood community and civic groups, the Office of Planning and adjacent property owners. The Applicant further pledges to submit, not later than fourteen days prior to the scheduled public hearing, a statement of the efforts made to contact these groups and the results of those efforts.

VIII. Conclusion

For all of the reasons hereinabove set forth, the application satisfies the standards for special exception relief, and the Applicant respectfully requests the Board to grant the special exception specified in the application.