

**JEWISH PRIMARY DAY SCHOOL OF THE NATION'S CAPITAL, INC.
PRELIMINARY APPLICANT'S STATEMENT**

6045 16TH STREET, NW

I.

Nature of Relief Sought

This Statement is submitted on behalf of Jewish Primary Day School of the Nation's Capital Inc. ("Applicant" or "JPDS"), to request special exception approval pursuant to 11 DCMR § 206 to increase the maximum number of students at the Jewish Primary Day School located at 6045 16th Street, NW (Square 2726, Lots 831 and 825) (the "Property"). The Applicant is requesting that the enrollment cap be increased from the currently approved cap of 300 students to 350 students, with no increase in the previously Board-approved staff cap of 72. JPDS wishes to add grades 7 and 8 to the existing school, which currently serves grades 2 – 6. The Applicant also operates a second location for pre-K, K, and 1st grade. That location, 4715 16th Street, NW, is not part of this application.

JPDS is also requesting approval to build an addition (the "Addition") to the existing school building on the Property (the "Building"). Due to the Addition, the Applicant is seeking area variance relief from the 48-space parking requirement; from the maximum permitted lot occupancy; and from the loading requirement.

II.

The Applicant

The Jewish Primary Day School of the Nation's Capital Inc. is a co-educational elementary school providing a Jewish and general studies education for grades two - six at 6045 16th Street, NW, and is the only Jewish Day School in the District of Columbia. The School

strives to create an environment filled with warmth, joy, and intellectual excitement that celebrates the unique qualities of each student, respects varied approaches to Judaism, fosters a strong sense of ethics and of self, embraces diversity, and builds a community of lifelong learners.

JPDS was founded in 1988 by a small group of parents looking to provide for a Jewish primary education closer to their homes in the District. It first operated as a kindergarten, part of the Adas Israel Congregation on Quebec Street, NW, and grew slowly over the years to include K through 3rd grade, and ultimately at that location, up through 6th grade. In 2000, after becoming independent of the Congregation, and after several failed attempts to find a permanent home in the District of Columbia, the School found temporary accommodations in Montgomery County in the former Montgomery Hills Junior High School. Finally, in 2002, the School purchased the building at 6045 16th Street, NW, (a building that was built in 1950 to house the 350-student Hebrew Academy, and later was the home of the Owl School), added a pre-kindergarten class, and settled into its permanent home in the District.

In BZA Order No. 18400 issued in 2013, the Board granted approval to expand the school's enrollment cap to 300, and the staff cap to 72. As part of that case, the Board also approved parking relief similar to that requested in this Application. Thanks to a generous donation, JPDS has now been presented with the opportunity to add a 7th and 8th grade to the school, which will allow their students to continue through the elementary education and move directly to high school, rather than finding another school for their 7th and 8th grade education. JPDS also has the opportunity to renovate and upgrade the existing building, and to build the Addition. This increase in space is necessary not only for the additional two grades, but also to keep up with today's education space requirements.

The building located on the Property was constructed for the Hebrew Academy in 1950 and was designed for, and occupied by, more than 350 students. With the proposed Addition, it will be able to easily accommodate the requested maximum enrollment of 350 students and 72 staff.

III.

Description of Subject Property and Surrounding Area

A. The Subject Property and Surrounding Area.

The Property is located in the Brightwood neighborhood of Northwest D.C. The property has over 350 feet of frontage along 16th Street, to the west. It also fronts Fort Stevens Drive and Rock Creek Ford Road to the north. The Applicant acquired the neighboring property located at 6017 16th Street and incorporated that property and its building (the “Accessory Building”) into the campus as part of BZA Case No. 18400 in 2013. The Property, including both lots, has a land area of approximately 67,853 square feet. The property is improved with a two-story school building consisting of approximately 27,886 square feet of floor area, an outdoor playing field, and the single-family house. The Property is located to the east of Rock Creek Park and just north of the intersection of Military Road and 16th Street, NW. The remainder of the Square is comprised primarily of apartment houses, as well as one adjacent property with a single-family dwelling.

B. Existing Zoning

The Property is split-zoned, with the majority of it located in the R-1-B zone, and a portion on the east side of the Property zoned R-5-A. The R-1-B Zone District is designed for low density residential areas. The R-5-A Zone District is designed to permit flexibility of design

by permitting in a single district a variety of urban residential uses. The site was first approved for use as a private school pursuant to BZA Order No. 2069. In 2008, the Board approved a maximum occupancy of 275 students and 56 faculty and staff for the site, also approving an expansion of the campus and a variance from the access requirements for parking. In 2013, in BZA Order No. 18400, the Board approved an enrollment cap of 300 and staff cap of 72.

IV.

Description of Project

The Applicant is proposing to increase the number of students that was approved in BZA Order No. 18400 and to hold the approved staff cap of 72. In that Order, the Board approved a maximum of 300 students and staff of 72, along with a parking space variance. In order to provide for the addition of the two middle-school grades, the Applicant is seeking approval for 350 students and again for 72 staff.

Following the proposed Addition and subject to the approval of this request, JPDS would serve students in this location for grades two through eight.

In addition to seeking approval for an increase in enrollment cap, JPDS is seeking variance relief from the parking requirement. For a staff of 72, the parking requirement is 48 spaces. The Applicant is requesting relief to provide 22 compliant spaces and 14 compact spaces. The Applicant is also seeking *de minimus* lot occupancy relief of 3.78% over the maximum permitted 40%, as well as relief from the loading requirement for buildings with over 30,000 square feet in gross floor area.

V.

Relief Requested

This application seeks special exception approval pursuant to Section 206 for the increase in the enrollment cap and approval the staff cap and the proposed Addition, as well as area variance relief from the lot occupancy requirements of Section 403.1, the parking requirements of Section 2101.1, and the loading requirement of Section 2201.1.

Special Exception Relief

The standard for special exception relief requires establishing that the proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, and that relief can be granted without adversely affecting neighboring properties. Specifically, the Regulations permit a private school in the R-1 and R-5-A Zone Districts provided that they satisfy the following: (1) it is located so that it is not likely to become objectionable to adjoining and nearby properties because of noise, traffic, number of students, or otherwise objectionable conditions, and (2) the site provides ample parking, but not less than the amount required by the Zoning Regulations.

A. The Application is in Harmony with the General Purpose and Intent of the Zoning Regulations

1. JPDS is Located So As Not to Be Objectionable to Neighboring Properties.

The JPDS Main Campus is located along 16th Street, which is a major arterial commuter roadway. The Main Campus is bordered to its north by Fort Stevens Drive, and it has a significant amount of buffering to the east between the building and the neighboring properties.

The building was originally built to be used as a private school for 350 children, pursuant to the approval by the BZA in 1948 - Appeal No. 2069. The Building is set back from neighboring properties, which reduces the possibility that it creates objectionable conditions for its neighbors.

a. Noise

Raising the existing cap on students at the Main Campus from 300 to 350 will not create an objectionable increase in the amount of noise on the Property. The children are indoors for the majority of the day and there is a minimal amount of noise that is created by children while outdoors. The bulk of the increase in enrollment cap is related to the addition of the middle-school grades. This project contemplates the removal of the outdoor play area away from the neighboring single-family dwelling.

b. Traffic

The increase in students will not create any objectionable traffic conditions for neighboring property owners. Symmetra Design performed a study to determine the impact that increasing students enrollment would have on traffic. That study will be submitted soon, along with more information about the parking and traffic scenarios for the school's operation.

c. Number of Students

The Applicant seeks approval to allow an additional fifty students over the previously approved 300 students, and for a staff cap of 72, which was previously approved in Order No. 18400. The increase in students will not adversely affect neighboring property owners. As stated previously, the increase in students will not create any objectionable noise or traffic conditions. Further, JPDS will demonstrate that it will effectively deal with any traffic issues resulting from the increase in student enrollment.

d. Otherwise Objectionable Conditions

The increase in student and staff enrollment will not create any other objectionable conditions for neighboring property owners.

2. The Applicant Will Provide Ample On-Site Parking.

Additional information and narrative will be provided along with the traffic and parking study to be filed soon.

B. Relief Can Be Granted Without Adversely Affecting the Use of the Neighboring Property in Accordance with the Zoning Regulations and Zoning Maps.

As outlined above, the Applicant is undertaking numerous precautions to ensure that neighboring property owners will not be adversely affected by an increase in the enrollment of students and staff or by the variance relief requested. These measures will diminish any possibility of adverse effects on neighbors as consistent with the Zoning Regulations and Zoning Maps.

Variance Relief

The burden of proof for variance relief is well established. The Applicant must demonstrate that the Property is affected by an exceptional or extraordinary situation or condition, that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. *Palmer v.*

BZA 287 A.2d 535, 541 (D.C. 1972). As summarized below, the application meets the three-part test for area variance relief.

A. The Property is Affected by an Exceptional Situation or Condition.

The Property meets the “exceptional condition” element of the variance test because the Building was constructed in 1950, prior to the adoption of the Zoning Regulation. The way the school building is situated on the lot makes it difficult to carve out additional space for parking. The school building is built on the property line along 16th Street and has its greatest length from north to south stretching nearly the entire length of the lot as it existed at the time the school building was constructed. A parking lot was established to the east of the building, which is the existing lot today. Because the school building is constructed along the property line to the west, the only available space for additional parking is in the existing parking lot or on the playing field. Unfortunately, adding legal spaces to the lot is not possible given the odd shape of the lot and limitations on expansion because of the existing school building and the adjacent roadways. Further, the Applicant would not be able to easily connect parking on the main portion of the lot to the southern portion because there is a significant grade change between the two areas. This would mean that the parking would have to be accessed from 16th Street, which would not be a favored approach. The Addition is necessary to provide space for the incoming middle-school students as well as to provide for changing programmatic needs for elementary education.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

To satisfy the second element for an area variance standard, the Applicant must demonstrate “practical difficulty.”

In this case, a strict application of the parking regulations would limit the amount of faculty and staff the School could hire for both locations, which, in turn, would hinder the quality of the education for the students. With the requested variance, the Applicant would be required to maintain its current faculty and staff populations at both locations as well as the current student populations. Imposing such a restriction on the Applicant's ability to grow would force the School to choose between increasing its student population and looking for a new location for the School. Neither scenario is an acceptable solution. Alternatively, the Applicant will provide an amount close to the required amount of parking, with the provision of 14 compact spaces. The lot occupancy and variance relief is necessary due to the requirements for the proposed addition, and the lack of area available for loading facilities.

C. Relief can be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan.

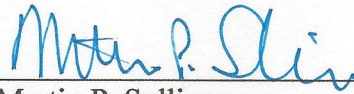
Finally, the applicant must demonstrate that "granting the variance will do no harm to the public good or to the zone plan." *Gilmartin*, 579 A,2d at 1167. The granting of a variance from the parking requirements can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zone Plan. The Applicant will provide sufficient parking on the Property, and will show that the granting of parking, lot occupancy, and loading relief will not be a substantial detriment to the public good or the integrity of the Zone Plan.

VI.

Conclusion

For the aforementioned reasons, the Applicant requests that the Board approve this application as submitted.

Respectfully,



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