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April 20, 2018

By email to: [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov)  
District of Columbia Board of Zoning Adjustment  
441 4<sup>th</sup> Street, N.W., Suite 200S  
Washington, D.C. 20001

Re: General Comments on Case 19377, The Boundary Companies and  
The Missionary Society of St. Paul the Apostle (the "Applicant") –  
Special Exception and Variance Application for 3015 4<sup>th</sup> Street N.E.

Dear Members of the Board:

I write on behalf of the Board of Directors of Chancellor's Row, a community of 237 townhomes located on the site of property formerly owned by The Missionary Society of St. Paul the Apostle (the "Paulists"). As shown on the annotated zoning map attached as Exhibit A, Chancellor's Row abuts the property that is the subject of Case 19377 (the "Proposed Project") to the northeast and to the south. The HOA does not oppose the Proposed Project, but feels that it should be carried out with sensitivity to Chancellor's Row, the closest residential neighbors and those that will be most affected by the proposed development. This letter outlines the HOA's concerns and requests two conditions of approval and one revision to the layout for the Proposed Project.

## Background

Chancellor's Row was built (as shown on the Applicant's Proposed Site Plan, attached as Exhibit B) around three sides of the historic St. Paul's College building, leaving the west side of the building and much of Chancellor's Row with a view of considerable open space. Subsequently, the historic St. Paul's College building was sold to Building Hope, a non-profit

organization that has leased the building to two public charter schools: Lee Montessori and Washington Leadership Academy (the "Charter Schools").

All of the streets in Chancellor's Row are private. They were not built to public street standards and were not intended to be open to the general public. The main road that runs between Chancellor's Way and the Charter Schools, Regent Place, is owned in part by the HOA and in part by Building Hope, and is the subject of reciprocal easements.

The Charter Schools are permitted at this location by right. In presenting its case for charter approval to the D.C. Public Charter School Board (the "PCSB"), the Charter Schools committed to a traffic management plan that directs parents to enter the site from 4<sup>th</sup> Street N.E., drop off and pick up students in designated driveway loops on the west side of the school campus, and leave the site the same way they entered, without using any Chancellor's Row roads. The Charter Schools' traffic management plan directs staff to enter the site from the east, using Hamlin Street, N.E., and park in a parking lot on Building Hope property at the east end of the site. A simple "boom" arm gate located where the school drop-off/pick-up loops join Regent Place remains closed at all times, preventing traffic from passing through the site from 4<sup>th</sup> Street NE to 7<sup>th</sup> Street NE on Regent Place or other Chancellor's Row streets. However, although the PCSB relied on the gate and the traffic management plan in approving the Charter Schools' present location, it appears that these elements were not conditions of approval. Moreover, even with the traffic management plan in place, Chancellor's Row residents are regularly inconvenienced by Charter School staff, parents, and other visitors occupying limited Chancellor's Row parking spaces and parents using one of the narrow traffic lanes on Regent Place to drop off or pick up students, rather than the designated drop-off/pick-up loops. This is complicated by the fact that as Chancellor's Row streets are private, D.C. Department of Transportation ("DDOT") has refused to issue zoned parking passes to most of the community residents, making it impossible for them to legally park on the streets outside their community and making the limited parking within Chancellor's Row an essential resource. We note that at the PCSB public hearing regarding the Charter Schools' proposal to locate at their current site, Lee Montessori stated that the biggest lesson learned at its previous location was the importance of having a parking lot. The Proposed Project would reduce the number of off-street parking spaces for the Charter Schools, potentially exacerbating parking conflict within Chancellor's Row.

#### Conditions of Approval and Project Revision Requested to Avoid Adverse Impacts on Chancellor's Row

The HOA requests two conditions of approval -- one of which has been agreed upon by the Applicant and Building Hope - and one change in the layout of the Proposed Project. These requests are intended to address three sources of potential adverse effects on Chancellor's Row: traffic, parking, and the use of the new Paulists' building.

(a) Traffic.

Chancellor's Row was developed with a network of private roads, including Regent Place, which are narrow and not designed to handle the heavy traffic of public roads. Moreover, the HOA is responsible for approximately 91%<sup>1</sup> of the costs of maintenance and insurance. The Applicant and Building Hope have agreed to the main condition of approval necessary to prevent the Proposed Project from dramatically changing the use of Regent Place, and the HOA is confident that they will not object to the second condition. Both are outlined below.

Currently, access to the site from 4<sup>th</sup> Street NE is limited to a narrow driveway serving the Charter Schools, which ends in a closed gate on Regent Place, as noted above. The Proposed Project would replace that narrow driveway with a wider, more centrally located and more easily navigable extension of Regent Place. As noted earlier, the existing gate across Regent Place is a voluntary measure that could be removed at any time. If the gate were removed, the new roadway configuration could make Regent Place an attractive cut-through not only for residents of the Proposed Project and their visitors, but for the communities associated with the Charter Schools and for the public at large. Moreover, the DDOT has recommended in its report to the BZA that the Applicant be required to provide a public access easement over all of its private roads, and a pedestrian access easement over a portion of its property that connects to Regent Place, "to increase the future potential to improve access between 4<sup>th</sup> Street NE and 7<sup>th</sup> Street NE for the general public." BZA Ex. 73 at 4.

Allowing Regent Place to become a through street that members of the public would perceive as being open to them would lead to serious adverse effects on Chancellor's Row residents. It would decrease quality of life in Chancellor's Row by leading to a potentially dramatic increase in traffic, with attendant increases in noise, fumes, level of activity, and difficulty getting in and out of the community. Regent Place and Chancellor's Way would be transformed from truly local roads with very limited traffic to private roads functioning as public ones, with the level of traffic contained only to the extent that the narrowness and physical geometry of the roads reduce their attractiveness as a cut-through. Residents who purchased their homes in reliance on the expectation that the community's roads were private, with very low levels of traffic, would suddenly see a significant change in the character of the roads and therefore in the community itself. The HOA would face potentially substantial increases in insurance and maintenance costs with increased usage. These outcomes would be inconsistent with the BZA's obligation to ensure that any special exception or variance it grants will not tend to adversely affect the use of neighboring property.

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<sup>1</sup> Under the shared roadway easement between Chancellor's Row and Building Hope (formerly the Paulists), Building Hope is responsible for 25% of the annual maintenance costs of the shared roadway portion, representing only 9% of the total roadway system. This puts the responsibility for the vast majority of the cost of maintenance and insurance coverage for the roadway, and those who utilize it, on the HOA and homeowners of Chancellor's Row.

To prevent adverse traffic impacts on Chancellor's Row, the HOA requests that the BZA take the following actions:

1. Reject DDOT's recommendation that the Applicant provide a public access easement over its private roads and a pedestrian access easement over part of its property, as doing so would lead the public to private property that does not have any such public use easements.
2. Impose the following conditions<sup>2</sup>:

**All traffic associated with the Proposed Project, including construction traffic and residential traffic, is prohibited from using any roads within Chancellor's Row, including Regent Place east of the Proposed Project.**

**Applicant shall install a manually-operated wrought iron gate, with stone pillars at each end, across the point where the school parking lot connects with Regent Place, at the curve in the road just northeast of the Lee Montessori drop-off loop (see general location marked on Ex. B attached), with the goal of preventing private vehicles from using Regent Place as a through connection from 4<sup>th</sup> Street N.E. to 7<sup>th</sup> Street N.E.**

(b) Need for More Parking for Charter Schools, Not Less

While the Charter Schools are not technically part of the pending application, given their proximity to the existing and proposed townhomes and the interconnected nature of the infrastructure (i.e. circulator road and parking) intended to serve the Charter Schools, proposed townhomes, and the new Paulist building, it is critical that these features be evaluated for their total maximum utilization rates and not viewed in isolation. The current Charter School parking lot is fully utilized on most school days and over capacity during special events. As a result, the HOA has great concern about the proposal to reduce the Charter Schools' onsite parking, and in fact requests that it be expanded to accommodate the schools' full need when they reach their collective stated capacity of 753 students by 2020. We also note that, per the PCSB staff reports and testimony given at the time the charters were issued for the schools, in addition to school use, the historic St. Paul's College building is now or will in the near future be occupied in part by non-profit office space and workforce housing. Accordingly, any site plan approved by the BZA should include the necessary parking for those uses in addition to the requisite parking for

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<sup>2</sup> The Applicant has agreed to construct the proposed gate and Building Hope has agreed to permit the gate on its property. This is consistent with the Applicant's pledge that neither construction traffic nor residential traffic will use the portion of Regent Place within Chancellor's Row, and the reliance in its traffic analysis on "a physical barricade between the existing school driveway and the adjacent Chancellor's Row roadways." Applicant's Pre-Hearing Statement, BZA Ex. 64, at 9; Applicant's Comprehensive Transportation Review, BZA Ex. 62A, at 13.



the Charter Schools. The HOA's concern is that without adequately providing for parking upfront there will be no meaningful way of addressing any inadequacies at some future date, which will increase the burdens on local parking and traffic.

According to the Office of Planning Report on the Proposed Project (BZA Ex. 89), the Charter Schools are required to have a minimum of 55 parking spaces. They currently have 69 spaces available in various parts of the site, and that total would drop to 62 spaces with the Proposed Project as now configured. The Charter schools' applications to the PCSB anticipated a maximum combined enrollment by 2020 of more than 700 students – a large school community for a small number of parking spaces. Moreover, while we do not have detailed information about the amount of square footage in the St. Paul's College building that will be devoted to non-profit office and residential uses, submissions to the PSCB stated that 25,000 square feet of space would be used for a combination of office and approximately 15 workforce housing units intended for teachers. Based on this limited information, we estimate that a minimum of eight additional spaces should be provided for these uses, assuming 15 residential units and 10,000 square feet of office space.

To avoid adverse impacts on the availability of parking for residents of Chancellor's Row, the new townhomes, and the surrounding Edgewood and Brookland communities, the HOA requests that the BZA examine the Charter Schools' present and future parking needs based on their operational experience, rather than zoning code specifications, and **require the site plan to be reconfigured to provide adequate on-site parking for all anticipated occupants of the St. Paul's College building** (i.e. Charter School students, teachers, social workers and other support staff, co-located non-profit organization staff, and workforce housing residents).

(c) New Paulists' Building.

Chancellor's Row was built as a townhouse development with a moderate level of residential density. The Proposed Project includes a new building to accommodate the Paulists on the site, 75 feet from the closest Chancellor's Row homes. Applicant's submissions indicate that the new Paulists' building will be a Clerical Group Residence with a maximum of 15 residents. BZA Exs. 85 and 85A. The level of activity associated with this use and occupancy could be considered compatible with the character of Chancellor's Row and the general neighborhood (setting aside that it will occupy green space that is now a primary viewshed for Chancellor's Row residents, provides a meaningful viewshed onto the historic St. Paul's College building for the general public, and is part of the site's total quasi-public open space, which, in a section of the city largely devoid of parks, has been described in the District of Columbia's Comprehensive Plan as being critically important). If the residency were to increase, or the use of the building were to change to a more general multi-family use, nearby Chancellor's Row residents could experience significant adverse effects from increased noise, traffic, and activity levels. To ensure compatibility and avoid adverse impacts, the HOA requests that the BZA impose the following condition:

**Occupancy of the Paulist Fathers Residence and Mission House shall be limited to a maximum of 15 residents. Any change in the intensity or nature of the use of the building (e.g. workforce housing or other multi-family housing) will require an application for an amendment to the special exception for new residential development in the RA-1 Zone and a new public hearing.**

Thank you for taking these requests into consideration.

Sincerely,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By: *Douglas M. Bregman/me*  
Douglas M. Bregman

cc: Susan Dreweke, Chancellor's Row HOA President