To: Geoffrey Griffis, Chair, Board of Zoning Adjustment

From: Laura W. Griffen, on behalf of Barbara Allan

Date: October 15, 2002

Re: Case #16915, Supplemental Brief re: Off-Street Parking

Attached is a supplemental brief the Board requested at its hearing on September 24, 2002 re: the need for off-street parking for Barbara's Montessori School.

BZA
Case No. 16915
Exhibit No. 107

Board of Zoning Adjustment
District of Columbia
CASE NO.16915
EXHIBIT NO.107

To: Mr. Geoffrey Griffis, Board of Zoning Adjustment

From: Laura Griffen, on behalf of Barbara Allan

Date: October 15, 2002

Re: Case #16915, Supplemental Brief re: Off-Street Parking

Dear Mr. Griffis,

Re: Off-Street Parking at Barbara's Montessori School, Case #16915

The BZA requested that the parties at interest in Case #16915 (the application of Barbara Schriever Allan for renewal of the special exception for Barbara's Montessori School) brief the issue of whether the School must have off-street parking spaces for its employees. The answer is no; but even if the BZA found the school were required to have off-street parking, those parking spaces already exist.

The parking schedule set forth in 11 DCMR Section 2101.1 requires 1 parking space for "each 4 teachers and other employees." Because the School only employs 3 individuals as teacher's aides on any given day, there is no requirement for off-street parking within the meaning of the regulations. The regulations on their face require one space for "each four" employees, not for "up to" four employees.

The BZA and DDOT consistently have found that the School is not required to provide off-street parking. In 1992, the BZA granted a special exception to the School in its current configuration of students and teachers. In his letter dated September 13, 2002, Mr. Laden of the Department of Transportation ("DDOT") noted that "[a]s stated in the previous DDOT report dated September 25, 1992, the off-street parking requirement of (1) parking space for every four (4) staff is not required for this site, however we note the applicant has a driveway leading to a garage that can accommodate two (2) vehicles." Exhibit 92. The School has relied on this consistent and longstanding interpretation.

As the DDOT notes, the School in any case can accommodate one car in its driveway and one in the garage, which is off-street parking. Thus, even if Ms. Allan as an owner is included in the count of teachers, or even if the BZA interprets the regulations to require the School to have one parking space for up to four employees, the school already has sufficient parking.

As a practical matter the existing street parking is adequate for the neighborhood. The DDOT found that the "proposed continuation of the subject site as a child development center will not have a negative impact on parking supply in the immediate community, or create dangerous or objectionable traffic conditions." As Mr. Wells found in his traffic study, he observed the day before his report (September 16, 2002) that in the

morning, "[h]alf of all spaces on the east side, and two-thirds of all spaces on the west side, were vacant."

Finally, the regulations must be interpreted in light of the number of teachers/employees who are at the School on any given day. While it is true that the School employs more than three aides on its payroll, only three are there at one time. The question the regulations address is the traffic *impact* of teachers, not an abstract payroll/parking space issue. This is the same way in which the BZA cap on the number of students at a school has always been interpreted: only a certain number of students per day are allowed, even though the School may enroll more because some students only come one, two or three days a week. Thus the certificate of occupancy is granted for the number of students and teachers on the premises. Again, and in any event, even were the overall number of teachers or other employees improperly used as the benchmark, the parking spaces in the driveway and garage would be adequate for eight employees.

Sincerely,



Laura W. Griffen

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

10/15
Jean Pham
296-3399

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MEMORADUM

TO: Zoning Commission

FROM: ~~Andrew Altman~~, Director
Office of Planning

DATE: June 6, 2002

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Proposed Antenna Regulations

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The attached Final Report concerning the Proposed Antenna Regulations is being submitted less than 10 days prior to the Zoning Commission's consideration of the item and scheduled public hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

Attachments

ZONING COMMISSION
District of Columbia
Case 01-02TA
Exhibit 45

Confirmation Report – Memory Send

Page	: 001
Date & Time:	15-Oct-2002 02:52pm
Line 1	: 2027276072
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