

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

**APPLICATION OF  
CAPITOL HILL DAY SCHOOL  
HEARING DATE: MARCH 21, 2018**

**BZA APPLICATION NO. 19703  
SQUARE 763, LOT 2  
ANC 6B**

**STATEMENT OF THE APPLICANT**

**I.  
NATURE OF RELIEF SOUGHT**

This prehearing statement is submitted by the Capitol Hill Day School (“CHDS” or the “Applicant”), in support of its application pursuant to 11-U §§ 320.1(a), 203.1(1), and 11-X DCMR § 901.2, for special exception relief to allow a private school use in the RF-3 District in an existing building at 218 D Street, SE (Square 763, Lot 2) (the “Site”).

**II.  
JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the requested special exception relief pursuant to 11-X DCMR § 901.2.

**III.  
WITNESSES**

Outlines of testimony for the CHDS and the project architect were provided in the BZA application and are included in the record at Exhibit 13. A copy of the resume for the project architect is included in the record at Exhibit 14.

#### **IV.** **BACKGROUND**

The CHDS was founded in 1968 and now serves approximately 220 students in pre-kindergarten through eighth grade and employs approximately 43 faculty and staff.<sup>1</sup> CHDS is presently located in the historic Dent School building at 210 South Carolina Avenue, SE (the “Dent School”), and plans to expand into the existing building at the Site, as described below. With the proposed expansion, additional space would be made available at the Dent School, thus allowing CHDS to reimagine and reclaim that building for more collaborative learning, student support services, and classroom flex space. No additional students, faculty, or staff are anticipated or requested as part of the expansion to the Site.

The Site consists of Lot 2 in Square 763 and has a total land area of approximately 4,692 square feet. Square 763 is bounded by C Street, SE to the north, 3<sup>rd</sup> Street, SE to the east, D Street, SE to the south, and 2<sup>nd</sup> Street, SE to the west. The Site is irregularly shaped, with private property to the east and west, a portion of a public alley to the north, and D Street, SE to the south. The Dent School is located approximately three blocks from the Site.

The Site is located in the RF-3 District and is within the Capitol Hill Historic District. The Site is presently improved with an existing three-story commercial building constructed in 1890 with approximately 12,020 square feet of floor area. The Site is located directly across D Street from Folger Park, and 1.5 blocks from a variety of retail, service, and restaurant uses along Pennsylvania Avenue, SE.

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<sup>1</sup> The Statement in Support submitted with the BZA application incorrectly stated that CHDS has 54 faculty and staff members. This number inadvertently included employees associated with CHDS’s field education program (bus drivers and coordinator) who work off site, and employees in the after-school program that occurs in the afternoon and evening after the academic faculty leave for the day.

The Applicant proposes to lease approximately 5,839 square feet of the building's second floor and a 929 square foot mezzanine to be used primarily for classrooms, breakout rooms, and administrative office and storage space. The space would be programmed primarily for instruction of the humanities and math for grades 6-8, and for middle school assemblies. No exterior alterations are proposed. Students will walk to and from the Dent School throughout the day, escorted by staff, as they may have classes at both locations depending on their schedules. Bus trips will also leave from the Dent School. The Site will serve as an ancillary space to support and supplement existing educational programming, and not as a separate educational facility.

The Applicant submitted architectural drawings showing the proposed interior layout with the original application (Exhibit 10). The proposed layout has not changed since that time.

**V.**  
**SPECIAL EXCEPTION RELIEF**

**A. Relief Requested**

Pursuant to 11-U DCMR §§ 203.1(i) and 320.1, private schools are permitted in the RF-3 District only if approved as a special exception under 11-X DCMR, Chapter 9 and 11-U DCMR § 203.1(i).

**B. Standard of Review**

Pursuant to D.C. Code § 6-641.07(g)(2) and 11-X DCMR § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion... is limited to a

determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

**C. Compliance with Special Exception Standards for Private School Use**

Pursuant to 11-U §§ 320.1(a) and 203.1(1), private school use is permitted as a special exception in the RF-3 District if approved by the Board under 11-X DCMR, Chapter 9 and subject to the following conditions:

1. *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;*

The proposed private school use will not become objectionable to adjoining and nearby properties because it will not create any adverse noise, traffic, or other objectionable conditions. CHDS proposes to utilize the second-floor space of the existing building on the Site to provide classrooms and breakout spaces for a maximum of approximately 90 students and approximately six full-time faculty and staff. CHDS will not increase the overall number of students, faculty, or staff as a result of the proposed expansion to Site. In addition to the classroom space on the second floor, administrative office and storage space will be provided on a mezzanine level. The block on which the Site is located is a vibrant, mixed-use street located across from a public park and in close proximity to a variety of commercial uses, such that the proposed school use will fit in with the surrounding uses and daytime activity.

All classroom instruction and school activities will occur within the building and during normal school day hours (approximately 8:00am to 6:00pm). Therefore, nearby properties will not

be impacted by any additional noise. Moreover, students will continue to be picked-up and dropped-off at CHDS's main campus building at the Dent School, which is located approximately three blocks south of the Site, and will walk to the Site during the day, escorted by staff, to access the new classroom spaces. All bus trips will also leave from the Dent School. Thus, the proposed private school use of the Site will also not create any additional or adverse traffic impacts.

2. *Ample parking space, but not less than that required by the Zoning Regulations, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile;*

The proposed private school use at the Site does not require any additional parking spaces. Pursuant to 11-C DCMR § 705.3, an “historic resource” is not required to provide additional parking spaces for a change in use without expansion.<sup>2</sup> The building contributes to the character of the Capitol Hill Historic District and is therefore considered an historic resource that is not required to provide additional parking spaces for the proposed change in use without expansion.

Moreover, students will continue to be picked up and dropped off at the Dent School building, and all teachers and staff will continue to use the existing parking facilities located at the Dent School when accessing the Site. The Dent School has approximately 17 on-site parking spaces that adequately accommodate teachers and staff. Visitors use metered on-street parking spaces adjacent to the Dent School or more typically walk given that the majority of CHDS families live within the neighborhood. Because CHDS is a pre-kindergarten through eighth grade institution it does not have student drivers. CHDS will continue to provide sufficient parking at the Dent School that is adequate to accommodate its teachers and visitors.

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<sup>2</sup> “Historic resource” is defined by the Zoning Regulations as a “historic landmark or a building, structure, object or feature, and its site, that contributes to the character of a historic district, as determined in accordance with the Historic Landmark and Historic District Protection Act of 1978.” See 11B DCMR § 100.2.

3. *After hearing all evidence, the Board of Zoning Adjustment may require additional parking to that required by this title.*

As noted above, the Zoning Regulations do not require any additional parking spaces for the proposed private school use in the historic building at the Site, and all student pick-ups and drop offs and faculty/visitor parking can continue to be accommodated at the Dent School.

**D. Compliance with the General Special Exception Standards**

The proposed use of the Site as a private school is in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring properties. As noted above, the private school use will be located entirely within the existing building on the Site, will not generate any adverse noise or parking impacts, and will not result in any exterior alterations to the existing building. Therefore, the proposed use meets the general special exception criteria of 11-X DCMR, Chapter 9.

**VI.  
COMMUNITY SUPPORT**

The Site is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 6B, with whom the Applicant has engaged for several months. Prior to submitting the application, the Applicant met individually with the Single Member District representative for the Site to present CHDS’s proposed use and programming within the building, the lack of vehicular and parking impacts, and the need for zoning relief. On February 6, 2018, ANC 6Bs Planning and Zoning Committee voted to recommend that ANC 6B support the application. On February 13, 2018, at ANC 6B’s regularly scheduled and duly noted public meeting, ANC 6B voted to support the application.

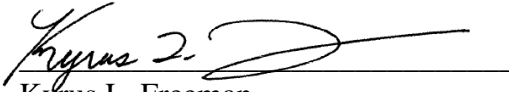
The Applicant also met with the Capitol Hill Restoration Society (“CHRS”) on several occasions, and on February 8, 2018, the CHRS voted in support of the application.

**VII.**  
**CONCLUSION**

For the reasons stated above, the Applicant has demonstrated that its request for special exception relief to locate a private school use in an existing building in the RF-3 District is in harmony with the purpose and intent of the Zoning Regulations and Zoning Map and meets the test for special exception approval under 11-U §§ 320.1(a) and 203.1(1) and 11-X DCMR § 901.2. Accordingly, the Applicant respectfully requests the Board to approve the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

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