

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

**Application for 218 D Street, SE
(Square 763, Lot 2)**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This 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) and 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).

Pursuant to 11-Y § 300.15 of the Zoning Regulations, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“BZA” or the “Board”) no fewer than 21 days prior to the public hearing for the application. In this statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exception. The following is a preliminary statement demonstrating how the Applicant meets the burden of proof.

I. Background

A. 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, 3rd Street, SE to the east, D Street, SE to the south, and 2nd 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 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 office building constructed in 1890 with approximately 12,020 square feet of floor area. 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.

B. The Applicant

The Capitol Hill Day School serves approximately 220 students in prekindergarten through eighth grade, and employs approximately 54 faculty and staff. CHDS is presently located in the historic Dent School building at 210 South Carolina Avenue, SE (the “Dent School”). With the expansion of CHDS into the building on the Site, additional space would be freed up at the Dent School which would create the potential to reimagine and reclaim that space for collaborative learning, student support services, and classroom flex space.

II. Special Exception Relief

A. Standard of Review

Pursuant to D.C. Code §6-641.07(g)(2) and Subtitle X § 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.*

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. The private school use will be located entirely within the existing building, 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 should be approved so long as it meets the specific special exception criteria noted below.

B. 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 in the existing building to house a maximum of approximately 90 students and approximately six full-time faculty and staff. The mezzanine level will only provide space for administrative offices and storage. All classroom instruction and school activities will occur within the building and during normal school day hours (approximately 8:00am to 6:00pm), such that 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 to access the new classroom spaces. 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.¹ 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. CHDC will continue to provide ample parking at the Dent School that is adequate to accommodate its teachers and visitors.

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.

III. Affected Advisory Neighborhood Commission

As required under 11-Y § 300.8(1), the Applicant has apprised Advisory Neighborhood Commission (“ANC”) 6B of the application. On October 13, 2017, the CHDS representatives met with the ANC Single Member District Commissioner 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. Following ANC 6B’s typical course of action, and prior to the public hearing in this case, the Applicant will present the BZA application at ANC 6B’s Planning & Zoning Committee and at the full ANC’s regularly-scheduled, duly noticed public meeting. As part of its prehearing

¹ “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.

statement that will be filed no less than 21 days prior to the public hearing, the Applicant will include a statement describing its continued engagement with the ANC.

In addition, the Applicant has met with representatives of the Capitol Hill Restoration Society (“CHRS”) to explain its proposed use of the existing building on the Site. The Applicant will continue to work with CHRS throughout the BZA application process, including presenting at its public meeting if necessary, to ensure that any issues raised by CHRS are addressed prior to the public hearing.