

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

Application of
The River School

BZA Application No.
ANC: 3E05

STATEMENT OF THE APPLICANT

I.

Nature of Application

This application is made by The River School (the “**School**” or the “**Applicant**”) for special exceptions to locate its child development center/school campus serving children from birth through 6th grade (the “**Campus**”) at 4220 Nebraska Avenue NW (Square 1727, Lots 4 and 5) (the “**Property**”). The application requests special exception relief (1) pursuant to 11-U DCMR § 203.1(m) and 11-X DCMR § 104 to permit a private school in a residential zone district; (2) pursuant to 11-U DCMR § 203.1(h) to permit a childhood development center in a residential zone district; and (3) pursuant to 11-C DCMR § 703.2 to allow the 12 tandem parking spaces and six spaces in the pick-up/drop-off loop in the total parking supply to count toward the 52-space parking requirement. The Campus development will conform to the Zoning Regulations in all other respects.

II.

Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X, § 901.1 of the Zoning Regulations (11-X DCMR §901.1).

III.

Description of Property and Surrounding Area

The Property is located in the Tenleytown neighborhood and is bounded by Nebraska Avenue, Van Ness Street, and 42nd Street NW. The Property is comprised of 98,935 square feet of land area, or just over 2.27 acres. The Property is currently improved with a large house

constructed in the 1920s (the “**Historic Building**”) and several other structures (the “**Accessory Buildings**”). The Accessory Buildings at the Property include a gate/guest house near the Nebraska Avenue entrance, a pool house, a garden shed, and a cupola that is located on a brick base. The Property includes significant areas of open space and many large trees. The Property currently has curb cuts on both Nebraska Avenue and 42nd Street. The Nebraska Avenue curb cut provides primary access to the Property and a circular driveway adjacent to the Historic Building.

Under Oak, as the Historic Building is known, is the work of two important figures in the history of the development of the District; architect Victor Mindeleff and landscape architect Rose Greely. Mindeleff’s design for the house celebrated the monumental oak tree from which it takes its name, and which was said to be over 250 years old. The Buchanans, the current owners of the Property, took the important step of hiring Rose Greely to design a comprehensive landscape plan for the entire site in 1955. Greely was a pioneering figure in the field of landscape architecture who was involved in the design of several notable sites in the District. For Under Oak, Greely designed a series of terraces, a new rose garden, driveways, and other features. Over the years the site saw a series of alterations including the 1958 construction of the pool and pool house, and the construction of the guest/gate house in the 1970s. In approximately 1960, when the Mount Alto Veterans Administration Hospital was being demolished, the Buchanans saved one of its cupolas, installed it on a brick base, and located it on the grounds.

Nearly one hundred years after its construction, Under Oak has retained its historic integrity, both in terms of the house and the site. In light of this historic character of the Property, the School has worked closely with the Historic Preservation Office (“**HPO**”) regarding the Campus plans even though the site does not have official landmark status. The

Campus is currently undergoing a courtesy review by the Historic Preservation Review Board (“**HPRB**”). The School expects to have comments from the HPRB prior to the Board’s consideration of this application.

The Property is located on an institutional corridor of Nebraska Avenue. The American University’s Washington College of Law is located one block to the north of the Property, and the National Presbyterian School, Child Care Center, and Church are located across Nebraska Avenue and immediately south of the Property. Further to the north is the commercial intersection of Wisconsin Avenue and Nebraska Avenue, and the Property is less than ½ a mile from the Tenleytown-AU Metrorail Station along Wisconsin Avenue. Further to the south along Nebraska Avenue are several non-residential properties, including American University buildings, the Department of Homeland Security, and Restoration Church.

The Property lies between these institutional uses bordering Nebraska Avenue NW and large single-family home neighborhoods to the west and north. The other uses in the square include six large single-family houses. Across Nebraska Avenue to the east is a federal reservation and additional single-family homes. Across Van Ness Street to the south is another federal reservation.

IV. **School Background and Proposed Program**

The River School was founded to provide an inclusive educational experience for students with hearing loss. The River School is the first school in the United States to educate young children with hearing loss learn alongside their hearing peers right from the beginning. The River School’s mission is to provide a program that challenges each child to work collaboratively, think critically, and develop confidence to take risks, embrace their curiosity, and find their voice. The School provides premier, inclusive education for all students, with a

focus on early language, literacy and social-emotional development; theme-based curriculum; and a wide array of classes in the arts, sciences and physical development. The School uses a unique co-teaching model that pairs a master's level educator and a speech-language pathologist full time in each classroom, a unique and effective combination that optimizes child development and allows for personalized education for each child. The School was founded in 1999 in Washington, DC, and has grown into an international model school. The School prepares all students to thrive within general school populations upon graduation from the School.

Consistent with the School's mission, approximately 18 % of the current student population have hearing loss, and the School also includes a clinic for children with hearing loss. The clinic primarily serves the School population, including alumni, and is also open to children in the surrounding community. The clinic provides diagnostic and audiology services, hearing aid and cochlear implant programming, occupational therapy, speech therapy, auditory-verbal therapy and psychological assessment and treatment as an ancillary service that furthers the mission of the School. The clinic also provides a vital service as one of only two facilities in the District that accepts Medicaid for its diagnostic services. Finally, in serving its mission, the School operates a summer camp for low-income children with hearing loss. Currently sixty percent of children with hearing loss enrolled at The River School receive financial aid.

The School currently serves 210 students from birth through third grade and has 72 faculty and staff members. The existing School campus is located on MacArthur Boulevard, and the School's growth and operation are constrained by the size and outdated nature of the facilities. The School's relocation to the Property presents a unique opportunity for the School to further its mission on an institutional corridor that is Metro accessible while respecting the surrounding residential community. The School's relocation to the Property will allow the

School to expand its offering to provide education for students from birth to 6th grade. As part of this expansion, the School seeks to increase its maximum enrollment to 350 students and its faculty and staff to 90.

The Campus plan that will facilitate this growth makes use of the existing Historic Building, respects the overall natural features of the Property, and locates all new construction away from the nearby single-family houses. The interior of the Historic Building will be renovated while the exterior will remain intact. The Historic Building will provide space for offices and some of the School's youngest students. The guest/gate house and the pool house will be used for accessory space for the School. The Applicant has coordinated with HPO to determine which elements of the Historic Building and Accessory Structures should be maintained, as reflected in the Campus plans attached as Exhibit I (the "**Plans**").

The Plans also show that all new construction is concentrated away from the neighboring homes. The new buildings on the Campus will be located along Nebraska Avenue and Van Ness Street in three separate pavilions. The main building will be located at the south end of the site at the intersection of Nebraska Avenue and Van Ness Street. This main pavilion will be three full stories with a partial, set-back fourth story. It will house space for classrooms, student gatherings, School offices, and below-grade activities, including a gym. A smaller two-story pavilion will be attached to this main building extending toward the west which will provide additional classroom space. A final pavilion will be constructed along Nebraska Avenue to the north of the main building, which will be two stories high with a gabled roof that will also provide classroom space. Playground space will be located in the center of the Campus between the Historic Building and the new construction.

The Campus site circulation has been designed to take advantage of the existing curb cut along Nebraska Avenue and to minimize the impact on the neighboring properties. The majority of parking will be located below-grade. The Applicant will close the curb cut on 42nd Street allowing all School-related traffic to enter and exit via Nebraska Avenue NW. Traffic will enter the School from Nebraska Avenue via the existing curb cut, widened to accommodate emergency vehicle access, if required, at the northern end of the site. The below-grade parking garage will be accessed via a parking ramp at the northern end of the Property. Based on conversations with the adjacent neighbors to the north who have resided in their home for almost thirty years, this parking ramp will be enclosed and covered to minimize its impacts. The historic cupola is proposed to be relocated to the top of this ramp enclosure to further enhance the attractiveness of the design. Vehicles accessing the site for pick-up/drop-off operations will pass by the entrance to the garage and enter a newly constructed loop road between the Historic Building and the new pavilion along Nebraska Avenue. Pick-up/drop-off operations will occur in this central location and vehicles will then exit back on to Nebraska Avenue through a new curb cut to the south. Some ancillary parking spaces will be located in the existing drive circle and driveway adjacent to the Historic Building. The loading facilities will be located adjacent to the north pavilion building. All of the surface drive, parking, and loading areas will be screened from adjacent properties with plantings. In addition, the existing guest/gate house will act as a buffer.

Upon completion, the total gross floor area of the Campus will be 66,691 square feet, including 12,603 square feet of existing development and 54,088 square feet of new development. Therefore, the total Campus will have a floor area ratio (“**FAR**”) of 0.67. The maximum height of the tallest new building will be 50 feet. The building will be set back 10 feet from the Property line along its street frontage and the fourth story, beginning at 38 feet in

height, will be set back an additional 17 feet. The Campus will have a lot occupancy of less than 30% and will provide over 50% of the Property as pervious surface.

V.
Description of Relief Requested

Pursuant to 11-U DCMR § 203.1(m), the Board may grant a special exception relief to allow private schools in the R-1-B Zone, subject to certain considerations. Pursuant to 11-X DCMR § 104, the Board may grant a special exception for general education use by a private school, subject to similar considerations. The Applicant proposes to locate its new Campus at the Property located in the R-1-B Zone, and therefore requests special exception relief pursuant to 11-U DCMR § 203.1(m) and 11-X DCMR § 104.

Pursuant to 11-U DCMR § 203.1(h), the Board may grant special exception relief to allow daytime care use, including childhood development centers, in the R-1-B Zone, subject to certain conditions. The proposed Campus will include a significant portion of students between birth and three (3) years of age. That portion of the use will occupy 20,058 square feet of GFA of the Campus and will constitute the childhood development center (“CDC”) portion of the use. Therefore, the Applicant requests special exception relief pursuant to 11-U DCMR § 203.1(h).

Finally, pursuant to 11-C DCMR § 703.2, the Board may grant special exception relief to reduce the number of required parking spaces, subject to certain conditions. Here, the Campus includes 42 zoning-compliant parking spaces, 12 tandem spaces and six pick-up/drop-off spaces, for a total of 60 spaces, which the Applicant and its transportation expert have determined are sufficient to address the vehicular parking demand for the Campus. However, under the Regulations, 52 fully compliant spaces are required.¹ Therefore, the Applicant requests special

¹ The required parking spaces are based on the following calculations: (1) based on 63 faculty/staff allocated to the private school use, 42 parking spaces are required for the education use, and (2) based on 20,058 square feet of CDC use, 10 parking spaces are required for CDC use.

exception relief pursuant to 11-C DCMR § 703.2 to allow the tandem and pick-up/drop-off spaces to be counted toward the requirement.

All of 11-U DCMR §§ 203.1(h, m), 11-X DCMR § 104, and 11-C DCMR § 703.2 set forth the standards for consideration of a special exception and are discussed in more detail below. 11-X DCMR § 901.2 also sets forth additional standards for all special exceptions, which are also detailed further below.

VI. **Satisfaction of Standards for Relief**

The Campus satisfies all of the specific standards for the three areas of special exception relief requested, as detailed below in Sections A-C, as well as the general special exception standards, as detailed in Section D.

A. Private School Use

The private school use of the Campus covers the School programming for children ages three (3) and older. This includes the Pre-K classes through 6th grade and constitutes the majority of the Campus' proposed use. As detailed below, the Campus has been designed to be compatible with the historically significant Property and the surrounding homes, while complementing the existing institutional corridor along Nebraska Avenue.

1. *The Campus Will Not Create Objectionable Impacts on Neighboring Properties*

The Campus is not likely to create objectionable impacts on neighboring properties due to noise, traffic, the number of students, or otherwise objectionable conditions. The Campus is proposed to have a maximum of 350 students and 90 faculty and staff. The unusually large site can easily accommodate the School population without negatively impacting neighboring properties. The School has concentrated both new development toward the southeast end of the site, further away from the neighboring residential properties.

By concentrating new development and the School population within the center and southeast portion of the Property, the Plans also minimizes any potential noise impacts on adjacent properties. The outdoor play space will be located centrally within the Campus, providing noise barriers through the buildings and landscaping around the Property. Additionally, the Campus will have minimal noise impacts on the neighboring properties due to the age of the student population. Because the School will only serve students up through 6th grade, there are no large playing fields or late-evening outdoor events that will have noise impacts on the neighborhood. Finally, the Campus will include significant landscaping, including several trees, as well as screenings and vertical plantings to mitigate views and sounds from the immediately adjacent residential properties.

Finally, regarding traffic, the Campus will not cause adverse impacts, as detailed here and below. With the increase in people coming to the Property, the School is aware of the important traffic considerations and will adopt a Transportation Demand Management Plan (“**TDMP**”) to reduce vehicular traffic and ensure that appropriate protocols are in place to accommodate the pick-up/drop-off operation in a safe and efficient manner. The School will utilize the existing driveway (with a widened curb cut to accommodate emergency vehicle access, if required) and will add only one curb cut along Nebraska while closing the curb cut on 42nd Street. The design of the loop road coupled with the implementation of the TDMP will ensure the School is able to accommodate all queuing on site and the Campus provides, as detailed below, ample parking for the School.

In addition, the School has engaged Wells + Associates, a traffic engineering firm, which will produce a comprehensive transportation review (“**CTR**”) in consultation with the District Department of Transportation (“**DDOT**”) that will be submitted to the Board in advance of the

public hearing. The CTR will account for the maximum proposed number of students and faculty/staff at the Property and will include details of the TDMP and recommendations for other improvements that may be necessary to mitigate the impact of the Project, as determined by the results of a traffic impact analysis. Accordingly, the proposed number of students and faculty/staff at the Property in conjunction with the TDMP will not cause adverse traffic impacts on the neighborhood. Attached as Exhibit F is a Preliminary Transportation Management Plan (“PTMP”) prepared by Wells + Associates. The School expects to continue refining the PTMP based on feedback from the neighbors, the ANC, and DDOT and will submit a final TMP prior to the hearing.

2. *The Campus Includes Ample Parking*

The Campus provides ample parking for the School’s demands. The private school use itself will require 42 parking spaces, which the Campus provides, including 40 spaces within the parking garage and two spaces in front of the existing Historic Building. However, the School is requesting, as detailed below, a special exception from the total required 52 parking spaces once the CDC use is factored into the parking requirement. The Campus provides an additional six spaces in the loop connecting the two curb cuts along Nebraska Avenue NW. While these spaces do not count for zoning purposes because they are not always accessible (they will not be utilized for parking during the pick-up/drop-off period in the mornings and afternoons) they will serve the overall use on Campus. Additionally, the parking garage will include 12 tandem spaces, increasing the usable parking spaces on Campus to 60 spaces. Further, these six pick-up/drop-off spaces and the 12 tandem spaces are uniquely suited for the Campus given the predictable nature of drivers and the need for temporary spaces during the day for the School use.

Additionally, Wells + Associates has agreed that the parking provided is sufficient to address the anticipated typical peak demand at the Campus. While there will be a portion of the population that will require parking based on the current and proposed enrollment and employment, the proposed TDMP, referenced above, will work to decrease vehicular trips to the Property by incentivizing non-auto modes of transportation. As detailed above, the ample parking, coupled with the circulation at the Property and the TDMP, will prevent the Campus from having an adverse traffic impact on the surrounding community.

B. Child Development Center Use

The CDC use encompasses the students at the School who are newborns up to three (3) years of age. Under 11-U DCMR § 203.1(h), the review standards for the Board to approve a CDC use are similar to those of a private school use. As demonstrated above, and further detailed below, the proposed Campus satisfies these conditions for approval of the CDC use.

1. *The Campus Will Not Create Objectionable or Unsafe Traffic Conditions*

As detailed above, the Campus has been designed to mitigate traffic conditions on the surrounding community. Vehicular access to the Campus will be from Nebraska Avenue, and all queueing and parking for the School will be on the Property. Finally, as detailed above, the School's expert transportation consultant, Jami Milanovich with Wells + Associates, is studying the overall Campus and will submit a full transportation analysis, including the final TMP, which will include both a Transportation Demand Management Plan and an Operations Management Plan to minimize transportation impacts and promote safe conditions as part of the Campus development.

2. *There is No Off-Site Play Area*

The School will not provide an off-site play area for the CDC use. As discussed above, there will be a playground for the School on Campus, which the CDC students will be able to use.

3. *The Campus is Designed to Protect Neighboring Properties*

As significantly detailed above, the proposed Plans and the Campus operations have been highly designed with the protection of the neighboring properties in mind. The buffering between the Property and most of the adjacent neighbors, the limitations of disturbance or new construction on the north side of the Property, and the enclosing of the parking ramp all illustrate the level to which the Applicant has gone to protect neighboring properties.

4. *The Campus' Impact Has Been Assessed Together with Existing Conditions, Including National Presbyterian Child Care Center*

The impact of the Campus, including the CDC use, has been assessed based on the existing conditions within the neighborhood, including other CDC uses. Within 1,000 feet of the Property, there are three other daytime care uses for children: (1) National Presbyterian CDC, (2) St. Albans CDC, and (3) Broadcasters CDC. With the transportation analysis conducted by Wells + Associates discussed above, the existing conditions that includes transportation to these other uses will be included. Therefore, the total impact of the Campus will be assessed together with the other CDC uses within 1,000 feet of the Property.

C. Parking Spaces

As detailed above, the Campus will provide 42 fully-compliant parking spaces where 52 are required. The Property is affected by several conditions that limit the ability to provide the required parking, as detailed below. However, the Campus provides 18 additional parking spaces that will serve the population even though they cannot be counted for zoning purposes. Finally,

the Property is well-served by transit and is providing the needed parking to adequately serve the School community.

1. *The Campus Cannot Provide All Required Parking Spaces Due to Physical Limitations, Heritage Trees, and the Historic Building, but the Campus Has Limited Parking Needs and is Well Served by Mass Transit*

There are numerous factors about the Property itself that limit the ability to provide parking. The Historic Building, original garden and Accessory Buildings limit the ability to take advantage of the full Property for parking, both on the surface and below grade. Additionally, the Historic Building limits the areas of below grade construction that can be completed without risking damaging the structure. Further, the Property's many trees include six (6) heritage trees. These trees limit the areas of disturbance where parking can be located. Finally, given the adjacency of neighboring residents, the School is concentrating new construction and surface parking as much as possible on the center or the south end of the Property.

While there are site limitations to providing the required parking, the Property is also well-served by public transit. Due to its location in the R-1-B Zone, the Property is not eligible for an automatic 50% reduction in parking spaces, but the Property is only 0.3 miles from the Tenleytown-AU Metrorail station and less than 0.25 miles from the Wisconsin Avenue/Pennsylvania Avenue Priority Corridor Network Metrobus Route (Route 31). Given this proximity, in addition to proposed incentives offered by the School, the School anticipates many faculty/staff will take public transit. The Property is also well served by the bicycle network and is very walkable, increasing the non-automotive transit options for families, faculty, staff, and visitors.

Finally, as will be detailed further in the comprehensive transportation analysis to be provided by Wells + Associates, the zoning-compliant parking provided at the Property is sufficient to serve the School's needs, particularly when supplemented by the tandem and surface

spaces. Therefore, the Campus is eligible for a parking reduction special exception from the Board.

2. *The Relief Requested Only Applies to Spaces Unable to be Provided on Campus*

The School is requesting relief for 10 spaces because the Property is physically unable to accommodate those additional spaces as required by the zoning regulations. As detailed above, this is due to the limitations of the existing Historic Building, site configuration, and the heritage trees on the Property. Further, the Campus includes 18 additional parking spaces that are not zoning compliant. Six of those spaces are within the pick-up/drop-off loop, and therefore are not accessible at all times, as required by the zoning regulations. Additionally, 12 tandem spaces are located in the parking garage. While not zoning compliant, these spaces will be functional for the specific needs of the School, with the tandem spaces used by faculty and staff who typically leave latest and the surface spaces used by short-term visitors.

3. *The School Shall Provide a Transportation Demand Management Plan*

As detailed above, the Applicant has engaged Wells + Associates as the transportation expert for the Campus planning and will provide a full transportation analysis, including a TDMP, prior to the hearing. Attached as Exhibit F is the PTMP providing an initial TDMP. Further, the TDMP will specifically address the amount of parking provided on Campus and how it will adequately meet the needs of the School community.

D. The Campus is in Harmony with the General Purpose and Intent of the Zoning Regulations

The proposed special exception is in harmony with the general purpose and intent of the Zoning Regulations, as it balances the needs of the School with the surrounding community. The Campus plan, as discussed, will not adversely affect neighboring property from noise, traffic,

design, or other conditions, and the Project provides adequate parking, so the requested special exceptions for school and CDC use will satisfy the standards stated in the Zoning Regulations.

Additionally, as detailed thoroughly above, the proposed parking relief is consistent with the purpose and intent of the Regulations given (1) the extensive transportation-related conditions the Applicant will provide as part of the TDMP, (2) the Metro accessibility of the Property, and (3) the additional spaces provided that, while not part of the zoning-compliant spaces, will provide needed parking for those coming to the Campus.

Therefore, the approval of the Campus will be consistent with the general purpose and intent of the zoning regulations.

VII. **Community Outreach**

The School has already engaged in significant community outreach regarding the Campus proposal and will continue working with the neighbors, community, and Advisory Neighborhood Commission (“ANC”) regarding the Campus. The School thoughtfully conducted neighborhood outreach by starting reaching out to the immediate neighbors early on in the process. These included the immediately adjacent neighbors and other property owners within the square. Feedback from these immediate neighbors shaped the overall Campus design. After the initial neighbor outreach, which included site visits with the neighbors, the School sent letters to all neighbors within 200 feet alerting them to the Campus plans. The School held a community-wide virtual meeting in December of 2020. The School has also invited members of the broader community for walk-throughs of the Property to discuss the Plans. Exhibit E includes a detailed list of the community meetings held regarding the Campus.

Finally, the School has conducted regular outreach with the ANC and has met with the Office of Planning and DDOT to discuss the Campus. Most recently, the Applicant team

presented at the ANC's monthly meeting on February 11, 2021. The Applicant team is committed to continuing dialogue and discussions with the neighbors, community, ANC, and government agencies including crafting conditions on the operation of the Campus to address community and agency concerns.

VIII.
Conclusion

For all of the above reasons, the Applicant is entitled to the special exception relief requested in this case.

Respectfully submitted,

/s/
Allison C. Prince

/s/
Meghan Hottel-Cox