

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Jewish Primary Day School of the Nation's Capital Inc.**  
**4715 16<sup>th</sup> Street, NW (Square 2707, Lot 33).**

**I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.**

This Statement is submitted on behalf of Jewish Primary Day School of the Nation's Capital Inc.<sup>1</sup> ( "**Milton**" or the "**School**") (the "**Applicant**"), owner of the property located at 4715 16<sup>th</sup> Street, NW (Square 2707, Lot 33) (the "**Property**"). The School has two campuses: the north campus ("**North Campus**"),<sup>2</sup> located at 6045 16<sup>th</sup> Street, NW, and the south campus ("**South Campus**"),<sup>3</sup> located at 4715 16<sup>th</sup> Street, NW. There have been previous BZA cases for both campuses, referenced herein. This Application is only for the South Campus which houses the Early Elementary Program.

Milton purchased the South Campus Property from the Lowell school, which was an existing private school permitted to have 125 students and 14 staff. In 2012, in BZA Case No. 18399 the Board granted relief to increase this limit to 130 students and 26 staff. The Applicant is now seeking to increase the limit to 150 students and 37 staff pursuant to U-203.1(m). As discussed below, the Applicant is requesting this increase based on its anticipated needs for the incoming preschool and kindergarten classes. The Applicant also requested, and was granted, parking relief in the 2012 BZA Case (7 spaces provided, 17 required). This increase to 37 staff would ordinarily require 25 parking spaces (2 spaces for every 3 employees). Accordingly, the Applicant is seeking special exception relief pursuant to C-703.2 for 18 spaces.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X-901.2, U-203.1(m), and C-703.2.

**III. Witnesses**

The Applicant anticipates that Alexandra Wilson from Sullivan & Barros will lead the presentation. Nicole White is also expected to attend as the traffic expert and Mr. Duncan Miller from the ownership team will be available for questions.

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<sup>1</sup> Also known as Milton Gottesman Jewish Day School of the Nation's Capital

<sup>2</sup> North Campus houses the Upper Elementary and Middle School.

<sup>3</sup> South Campus houses Pre-K through Grade 1.

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

##### **A. Description of the Property Location and Surrounding Area.**

The South Campus, or the Early Elementary Program, is located in the 16th Street Heights neighborhood of Northwest DC. The Property is bound by 16th Street to the west, Decatur Street to the north and Piney Branch Road to the east. It is located in Ward 4. The site is approximately 18,682 square feet in area and in the R-1B Zone. The remainder of Square 2707 is comprised primarily of single-family houses. Surrounding uses on adjacent blocks include institutional uses primarily consisting of churches.

##### **B. History of Milton Gottesman Jewish Day School.**

Milton is a co-educational elementary school (PK-8) providing a Jewish and general studies education since 1988. Its mission is as follows: The Milton Gottesman Jewish Day School weaves the unique threads of every student, educator, and family into a vibrant tapestry of Jewish community. Grounded in Jewish sources, we prepare students for a life of meaning, engaged citizenship, and critical thinking through innovative teaching, joyful learning, and educational excellence with the nation's capital as an extension of our classroom. Milton was founded in 1988 by a small group of parents looking to provide for a Jewish primary education closer to their homes in the District. It first operated as a kindergarten, part of the Adas Israel Congregation on Quebec Street, NW, and grew slowly over the years to first include K through 3rd grade, and ultimately at that location, to 6th grade. In 2000, after becoming independent of the Congregation, and after several failed attempts to find a permanent home in the District of Columbia, the School found temporary accommodations in Montgomery County in the former Montgomery Hills Junior High School. In 2002, the School purchased the building at 6045 16th Street, NW (North Campus). In 2012, it acquired the South Campus.

In BZA Order No. 18400-B (for the north campus, not the subject property) the School requested and was granted relief for a proposed addition, as well as an increase in the number of students and staff at that campus. As a result, Milton was able to add a 7th and 8th grade to the school, resulting in the current PK-8<sup>th</sup> Grade.

##### **C. Previous Approval for the South Campus**

The South Campus site was first approved for private school use pursuant to BZA Order No. 14919, dated March 2, 1989, which granted the Lowell School approval to use the site for a maximum of 125 children in grades kindergarten through third, a staff of 14, and a variance allowing a 25% reduction in the required parking as well as from the minimum size of the parking spaces. In 2011, the School acquired the Property, and in 2012, the School was granted BZA relief in order to establish the Early Childhood Center (South Campus) which serves PK, Kindergarten, and 1<sup>st</sup> Grade students. It has successfully operated by virtue of that BZA approval with 130 students and 26 staff members for over a decade.

**D. Proposed Increase and Pick Up and Drop Off Procedures**

After conferring with the existing families at Milton and others in the community, the School anticipates a larger number of applicants for the incoming PK (age 4) and Kindergarten classes than in previous years. This is due to the increase in births during the Covid time period, i.e., “Covid Babies.”<sup>4</sup> Accordingly, the Applicant is seeking to increase enrollment on the South Campus by 20 children—from 130 to 150 and an increase in staff from 26 to 37. The request for parking relief corresponds to the increase in staff enrollment to 37. Milton prides itself on a successful student/teacher ratio; therefore, as students are added, teacher capacity must be increased accordingly. Over the past couple of years Milton’s operational needs have grown as well – and this increase is needed to add the staff to maintain our operations. Specifically, this increase would be used to add not only additional teachers but additional security, facilities, student support, transportation, and auxiliary staff.

Milton’s Parent Handbook offers many alternatives to traditional pick-up and drop-off, such as options for walking, biking, and public transportation, including the Kids Ride Free program. In addition, Milton operates its own bus that stops at both the South Campus and North Campus. It offers more than 35 stops in Washington DC and Montgomery County. If the bus is not an option, the next option the handbook suggests is carpooling to campus. And finally, the handbook details the procedures for carline at South Campus. Drop offs are over by 8:15am and occur in the carpool lane.

From the handbook:

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<sup>4</sup> <https://www.scientificamerican.com/article/covid-caused-a-baby-bump-when-experts-expected-a-drop-heres-why/>

To enter the car pick-up lane, cars driving on 16<sup>th</sup> Street should turn right (if traveling north) or left (if traveling south) onto Decatur Street, and make a sharp right into the circular driveway, pulling as far forward as possible. **Cars must exit the driveway by making a left turn only onto Decatur Street and then back onto 16<sup>th</sup> Street** (see diagram below). In an effort to be good neighbors and avoid adding traffic to the neighborhood, we ask that you only turn left out of the carpool driveway to return to 16th Street.

- Upon arrival, staff members help the students out of the car, greet them, and make sure they arrive safely to their classrooms.
- Children should only be dropped off via the carpool lane.
- Students arriving after 8:15am should be accompanied to the Decatur St.

Regarding dismissal, Milton has dismissal between 3:25 and 3:45pm on Mondays through Thursdays, with early dismissal between 2:25pm and 2:45pm in observance of Shabbat. Carline procedures on the South Campus are the same for dismissal and drop-off. The carpool lanes are used to keep the flow of cars moving and ensure efficient pick-up and drop-off.

## **V. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.**

### **A. Overview.**

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

### **B. General Special Exception Requirements of Subtitle X § 901.2.**

The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps” and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2).

This site has operated as a private school with 125 students and 7 parking spaces by virtue of a BZA Approval from 1989. The only increase occurred in 2012, when the Applicant requested an additional 5 students and 12 staff members. Accordingly, this use has operated without adverse impacts to the use of the neighboring properties for nearly 40 years. The site is a corner lot fronting on three streets; it only immediately abuts property to the south; otherwise, its immediate neighbors include three rights-of-way. Nevertheless, there is a fence that surrounds the property; the fence is lined with mature plantings to buffer the use of the site from the adjacent homes. The increase of 20 students and 11 staff members and request for parking relief will not tend to adversely affect the use of neighboring properties as will be more thoroughly demonstrated by a forthcoming transportation analysis. The Applicant will work with neighbors, the ANC, and the Office of Planning regarding any additional proposed conditions to mitigate potential impacts on the use of neighboring properties.

**C. Requirements of Subtitle U-203.1(m).**

**(m) Private schools and residences for teachers and staff of a private school, but not including a trade school, subject to the following conditions:**

**(1) 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;**

**(a) Noise**

The children will be indoors for the majority of the day. When they are outside, they will utilize the area at the eastern end of the site for play area. This space is adjacent to Piney Branch Road and is set back from the only adjacent property, which is located to the south. There is a fence and mature plantings separating the play area and the houses to the south to ensure there will not be a negative impact on the neighboring property.

**(b) Traffic**

As will be further demonstrated by a Transportation Analysis, the increase in staff and students shall not rise to the level of objectionable.

**(c) Number of Students**

The proposed number of students is a relatively modest increase—only 25 more than the number of students on site since 1989, and only 20 more students than what was approved in 2012.

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

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

The Applicant will provide a transportation analysis. The Applicant is seeking parking relief as discussed below.

**D. Parking Special Exception Requirements of C-703.2**

The Applicant received relief for parking in both the original case for the Lowell School in 1989 and the subsequent 2012 case to increase students and staff. Variances were required for those respective reductions. The current staff limit of 26 requires a total of 17 spaces, where 7 are provided on site. The Applicant is proposing an increase of 11 staff members, to 37, resulting in a total requirement of 25 spaces.

**The Board of Zoning Adjustment may grant a full or partial reduction in the number of required parking spaces, as a special exception pursuant to Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction of at least one (1) of the following:**

**(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;**

The Property cannot physically provide the required number of spaces. The existing building on site was constructed before the current zoning regulations went into effect and the location of the existing building limits the availability of parking on site to only seven on-site parking spaces. The property is otherwise occupied by a lay-by along Decatur Street and an outdoor play area. Complying with the parking requirements would either require modifications to a building constructed in 1922, or the elimination of an outdoor play area.

**703.3 Any reduction in the required number of parking spaces granted under Subtitle C § 703.2 shall be:**

*(a) Proportionate to the reduction in parking demand demonstrated by the applicant;*

*(b) Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and*

*(c) Limited to relief from the minimum number of parking spaces required by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.*

*703.4 Any request for a reduction of more than four (4) spaces from the required number of parking spaces shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.*

The Applicant provided a transportation analysis for the original request. The transportation analysis demonstrated that there would not be any objectionable traffic impacts or parking impacts. The Applicant will coordinate with DDOT and provide an updated transportation analysis.

## **VI. CONCLUSION.**

For the reasons stated above, this Application meets the requirements for special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

*Alexandra Wilson* —

Alexandra Wilson  
Sullivan & Barros, LLP  
Date: November 25, 2024