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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18138C
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Case #
18138

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

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STATEMENT OF REASONS IN SUPPORT OF AN APPLICATION TO GRANT A SPECIAL EXCEPTION FOR A
CHILD DEVELOPMENT CENTER/PRIVATE SCHOOL IN THE R-3 ZONE DISTRICT, PURSUANT TO
11 DCMR §§ 205 AND 206, AT 210 ALLISON STREET, N.W., (ROCK CREEK CHURCH RD. AND
WEBSTER ST. N.W., PARCEL 0111/0037)

This Statement of Reasons is submitted on behalf of the applicant, St. Paul's Episcopal Church, a District of Columbia non-profit corporation (the "Applicant" or "St. Paul's"), the owner of the subject property (the "Property"). The Applicant is requesting a special exception for a private school and child development center (the "School") for approximately 120 students, ages 2.5 through 12 years, and approximately 18 staff¹. No new construction is proposed.

THE PROPERTY AND THE SURROUNDING NEIGHBORHOOD

Property Description. The Property is located between North Capitol Street and New Hampshire Avenue, N.W., to the north of Webster Street, N.W. and Rock Creek Church Road N.W. It is zoned R-3 and contains approximately 86 acres of land area. The Property includes the historic Rock Creek Cemetery and is improved with several buildings, including St. Paul's Center (the "Center"), which will house the School. The Center includes church and cemetery administrative offices, a dining room, a fully equipped commercial kitchen, a large auditorium suitable for concerts and other performances, and a large open space that has been used for receptions and dinners.

Current Property Use. The Property is the site of St. Paul's Rock Creek Episcopal Parish, which was founded in 1712 during the reign of Queen Anne. One hundred acres, including the present site of the church building, was pledged to St. Paul's in 1719 and a structure was completed in the several years that followed. Major rebuilding and remodeling

¹ It is anticipated that as many as 25 people may be employed by the School, but no more than 18 will be on campus at any given time.

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18138

EXHIBIT NO. 3

occurred in 1775, 1810, 1868, 1922 and, most recently, in 2004 when the Center was renovated.

The Surrounding Neighborhood. The Property comprises more than 86 acres in upper Northwest Washington and lies between New Hampshire Avenue and North Capitol Street, north of Webster Street and south of Gallatin Street, near the Petworth and Fort Totten neighborhoods. The land is zoned R-3, and is classified as "Parks, Recreation and Open Space" on the Comprehensive Plan Future Land Use Map. The area is defined by large open spaces, such as the Armed Forces Retirement Home, which is just south and southeast of the Property, and garden-style apartments and row dwellings in low-density residential neighborhoods to the east and west.

Zoning. The Property is classified within the R-3 Zone District, with patches of R-5-A and other higher-density residential areas close by. The Armed Forces Retirement Home is zoned, federally-owned property.

PROPOSED USE OF THE PROPERTY

St. Paul's proposes to use portions of the Center as a child development center and private Montessori school, with a maximum enrollment of 120 students and a total of approximately 18 regular staff members. The School will be operated by Christian Family Montessori School ("CFMS"), which currently operates a Montessori school (for children ages two-and-a-half to 12 years) in Mount Rainier, Maryland. CFMS will formally be a tenant of St. Paul's at the Center, but St. Paul's will take an active role in ensuring the success of the School. Hours of operation will be from 8:00 a.m. to 6:00 p.m. The regular school day will run from 8:30 am until 3:00 pm, with before-care starting at 8:00 am and after-care available until 6:00 pm. No new construction is proposed, as the existing Center building will be internally retrofitted to accommodate the classrooms needed by CFMS' use.

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SPECIAL EXCEPTION CRITERIA

The Board is authorized to grant a special exception where it finds:

- (1) The proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Zone Maps; and
- (2) The proposed use is not likely to adversely affect the use of neighboring property,

subject to the specific conditions specified in the Zoning Regulations for the particular special exception use. 11 DCMR § 3104.1. The BZA's discretion in reviewing an application for a special exception is limited to a determination of whether the applicant has complied with requirements enumerated in the specific section of the Zoning Regulations pursuant to which the applicant is seeking the special exception. If the applicant meets this burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

The Proposed Use is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zone Maps. The Property is located in an area which is characterized predominantly by single-family homes and open space. The use of the Property for a school is consistent with the institutional nature of a church property; in fact, St. Paul's established one of the District of Columbia's first parochial schools on this Property in 1775. Child development centers and private schools, as uses permitted by special exception, have been pre-determined as compatible with the uses in the R-3 zone so long as the special exception criteria can be met. We

submit that all requirements for child development centers and private schools can and will be met by the Applicant.

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The Proposed Use is Not Likely to Adversely Impact Neighboring Property. St. Paul's has had a long history of being a welcoming and considerate neighbor and plans to continue this track record with the relocation of CFMS to the Center. Likewise, CFMS prides itself on creating a welcoming environment where parents, children, and staff work together to provide an affordable Montessori school for the community. For the past 30 years, CFMS has done just that in the Mount Rainier neighborhood and hopes that its relocation to the Center will create new opportunities to better serve its current and future students. As described further herein, the existing use and the proposed expansion pose no threat to neighboring property, particularly because the Center is removed from most residential development in the area and situated on an 86 acre enclave.

Because the proposed use encompasses both a child development center use (for ages 2.5 through 5 years, as well as before- and after-care for all students) and a private school (for ages 5-12), we analyze the use against the special exception criteria for both uses under 11 DCMR §§ 205 (child development center) and 206 (private school).

The Center shall be capable of meeting all applicable code and licensing requirements (205.2). CFMS has been in operation and continually in compliance with all Maryland State licensing requirements since it opened in 1981. CFMS will meet all licensing requirements of the Office of State Superintendent of Education, including maximum class sizes by age and minimum teacher-student ratios as required for each age group.

The Center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children (205.3).

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All parking for the Center is off-street parking and located within the boundaries of the Property. A total of 59 spaces are available for all Center users, including staff of the Center and parents needing to come inside the center; 20 of these spaces will be reserved for CFMS. During the regular operating hours of the Center, there is rarely a time when all of the parking spaces at the Center lot are full, however, additional off-street parking is available throughout the internal road network on the Property.

The Center is served by a variety of feeder streets: Allison Street and Webster Street from the south, and New Hampshire and Rock Creek Church Road from the North. As demonstrated by the Traffic Study, attached as Exhibit I, the surrounding road network is operating at acceptable levels of service. No traffic congestion is anticipated, as student drop-off and pick up will take place entirely within the boundaries of the Property and immediately adjacent to the Center entrance. This wholly-internal parking and drop-off not only provides a safe point of entry for the children, the parking area, drive aisles and circular drive area provide ample space for queuing of vehicles on site, ensuring that there is no traffic congestion on the public streets around the Property. Moreover, CFMS' operation calls for staggered arrival and departure times, spreading out the traffic volumes over the course of several hours, most, if not all, of which fall outside of the peak hour for traffic volumes on the surrounding road network. Additionally, CFMS's current enrollment includes a significant number of siblings (25 families with multiple children), and many families carpool to and from school as well.

The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors (205.4). The Property contains 59 off-street parking spaces, 20 of which are adjacent to the Center and will be reserved for CFMS use. The Zoning Regulations require 1 parking space for every four teachers or other employees. 11 DCMR § 2101.1. For purposes of calculating the required parking, the school has assumed, in accordance with 11 DCMR § 2118, that the maximum number of CFMS employees on the premises at any given time will be 18, requiring 5 parking spaces. The Center has always had ample parking to accommodate all of the needs of St. Paul's, and even with the addition of the CFMA staff and parents that may need to park at the Center, there is no need for staff or parents to park on the public streets around the Property—all parking will continue to be accommodated on site.

There are several special events throughout the school year that may result in heavier use of the parking area at the Center. Some examples of these events where most families² will be attending are: two student performances in the spring (Friday evenings); two school picnics, one at the beginning and one at the end of the year (weekday evenings); a silent auction in the early spring (Saturday evening); and graduation in mid-June (weeknight). If the Center's parking area is inadequate to contain all of the vehicles for these events, there is adequate on-road parking within the Property, which is considered off-street parking and can, if necessary, accommodate hundreds of vehicles.

² There are currently 69 families attending CFMS.

The Center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual or other objectionable conditions (205.5). The Center includes an outdoor play area, which is set back from all single-family residential properties in the area. The closest residential property is at least 170 yards away from the outdoor play area, and therefore does not create any objectionable impact.

The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties (205.6). The Center and related parking areas are located in the southwestern corner of the Property such that screening to the east and north are not an issue. There are adequate screening and plantings to the west and south such that additional screening will not be necessary to protect adjacent properties from the School's activities on the Property. The Applicant submits that there is no need for the Board to require special treatment to protect any adjacent or nearby properties.

Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the Center in traveling between the play area and the Center itself (205.7). There will not be any off-site play area.

The Board may approve more than one (1) child development center in a square or within one thousand feet (1,000 ft.) of another child development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors (205.8). To the Applicant's knowledge, there are no other child development centers within 1,000 feet of the Property. Regardless, there is no evidence that the School will have any adverse impact on the

neighborhood due to traffic, noise, operations, or other similar factors.

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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 (206.2). As discussed above, the Center in which the School will be located is removed from all residential uses in the neighborhood and is not likely to generate a significant amount of traffic. No other objectionable conditions are anticipated.

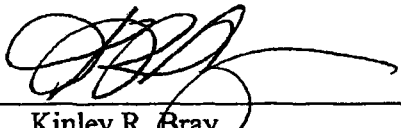
Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile (206.3). Ample parking space exists on the Property to accommodate the School's requirements under Chapter 21 of the Zoning Regulations (5 spaces), as well as parents and other visitors to the School, in addition to all other uses operating on the Property.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the Applicant's proof and all other support of record for the special exceptions requested, such relief be granted.

Respectfully submitted,

ARENT FOX LLP

By: 

Kinley R. Bray
1050 Connecticut Avenue, N.W.
Washington D.C. 20036
(202) 857-6000
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EXHIBIT LIST

- A. Application Form & Letter of Authorization
- B. Self-Certification Form
- C. Plat
- D. Photographs of the Site
- E. Architectural Plans & Elevations
- F. Names & mailing addresses of all property owners within 200' of the Property
- G. Traffic Study

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Arent Fox

November 16, 2010

BY HAND

Meridith Moldenhauer, Chair
Board of Zoning Adjustment
441 Fourth Street NW Suite 210 South
Washington DC 20001

Kinley R. Bray

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Reference Number
029508.00002

Re: Application of St. Paul's Rock Creek Parish
BZA Case No. 18138
Prehearing Statement of the Applicant

Dear Ms. Moldenhauer and Members of the Board:

Enclosed for filing please find an original and twenty (20) copies of the Applicant's prehearing statement in this case.

We look forward to presenting this case at the Board's November 30, 2010 hearing.

Sincerely,



Kinley R. Bray

Cc: Rev. Rosemari Sullivan
Bill Halsey
Wendy Shenk-Evans
Osborne George, P.E.
Stephen Mordfin, Office of Planning (via electronic mail and U.S. Mail)
Anna Chamberlain, DDOT
Jeff Jennings, DDOT
ANC 4D

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18138

EXHIBIT NO. 28

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

**Application of:
St. Paul's Rock Creek Parish**

**BZA Application No: 18138
Hearing Date: November 30, 2010**

PRE-HEARING STATEMENT OF THE APPLICANT

I. INTRODUCTION

This is a self-certified application, pursuant to 11 DCMR §3104.1, for a special exception to operate a child development center and private school for 120 students, aged 2.5 to 12 years in age, and 18 staff within an existing institutional building located on an 86-acre parcel of land. No new exterior construction is proposed. The applicant, St. Paul's Rock Creek Parish ("St. Paul's" or "Applicant") proposes to convert a portion of an existing parish hall for classroom use so that the space may be leased to Christian Family Montessori School ("CFMS" or the "School"), an existing private school currently operating in Mount Rainer, Maryland. The property that is the subject of the instant application is located in the R-3 zone district at 210 Allison Street N.W. (Parcel 0111/0037) (the "Property"), and is owned by St. Paul's Rock Creek Parish. The Applicant submits that it meets the criteria for the requested relief.

II. JURISDICTION

The Board of Zoning Adjustment has jurisdiction to grant the relief requested pursuant to 11 DCMR § 3104.1.

III. BACKGROUND INFORMATION

A. The Property and Surrounding Neighborhood.

1. The Property.

The Property is located between North Capitol Street and New Hampshire Avenue, N.W., to the north of Webster Street, N.W. and Rock Creek Church Road N.W. It is zoned R-3 and contains approximately 86 acres of land area. The Property includes the historic Rock Creek Cemetery and is improved with several buildings, including St. Paul's Center (the "Center"), which will house the School. The Center includes church and cemetery administrative offices, a dining room, a fully equipped commercial kitchen, a large auditorium suitable for concerts and other performances, and a large open space that has been used for receptions and dinners.

The Property is the site of St. Paul's Rock Creek Episcopal Parish, which was founded in 1712 during the reign of Queen Anne. One hundred acres, including the present site of the church building, was pledged to St. Paul's in 1719 and a structure was completed in the several years that followed. Major rebuilding and remodeling occurred in 1775, 1810, 1868, 1922, and, most recently, in 2004 when the Center was renovated.

2. The Surrounding Neighborhood.

The Property comprises more than 86 acres in upper Northwest Washington and lies between New Hampshire Avenue and North Capitol Street, north of Webster Street and south of Gallatin Street, near the Petworth and Fort Totten neighborhoods. The land is zoned R-3, and is classified as "Parks, Recreation and Open Space" on the Comprehensive Plan Future Land Use Map. The area is defined by large open spaces, such as the Armed Forces Retirement Home, which is just south and southeast of the Property, and garden-style apartments and row dwellings in low-density residential neighborhoods to the east and west.

3. Zoning.

The Property is classified within the R-3 Zone District, with patches of R-5-A and other higher-density residential areas close by. The Armed Forces Retirement Home is unzoned, federally-owned property. Matter-of-right uses in the R-3 zone district include, *inter alia*, single-family detached and single-family semi-detached dwellings, and other uses permitted as a matter of right in the R-1 zone district, such as churches, public schools, and libraries. 11 DCMR §§ 300.2, 201.1.

IV. THE PROPOSED DEVELOPMENT

A. Proposed Use.

St. Paul's proposes to use portions of the Center as a child development center and private Montessori school, with a maximum enrollment of 120 students and a total of approximately 18 regular staff members. The School will be operated by Christian Family Montessori School ("CFMS"), which currently operates a Montessori school (for children ages two-and-a-half to 12 years) in Mount Rainier, Maryland. CFMS will formally be a tenant of St. Paul's at the Center, but St. Paul's will take an active role in ensuring the success of the School. Hours of operation will be from 8:00 a.m. to 6:00 p.m. The regular school day will run from 8:30 am until 3:00 pm, with before-care starting at 8:00 am and after-care available until 6:00 pm. No expansion of the building footprint is proposed, as the existing Center building will be internally retrofitted to accommodate the classrooms needed by CFMS' use. An existing on-site play area will be used by the School. CFMS plans to enhance this play area by adding a new play structure appropriate for children under the age of 6 and erecting a fence to enclose the play area. Additionally, CFMS will enclose a small outdoor play area off of each of the two existing

classrooms within the Center to allow for some outdoor classroom activities throughout the school day, when weather permits.

A total of 59 parking spaces is available in two parking lots adjacent to the Center. 20 spaces in the north parking lot will be reserved for CFMS staff use. In addition, there is ample parking available in a second parking lot immediately south of the St. Paul's Center building. Parents dropping off and picking up children at the School will use the south parking lot for this purpose. All pick up and drop off operations will take place entirely within the boundaries of the property and, as demonstrated in the Applicant's traffic impact analysis, which was submitted with the initial application in this case, and the Applicant's supplemental traffic information, attached hereto, there will be no queuing onto neighborhood streets and no dangerous or objectionable conditions created as a result of the requested use.

V. SPECIAL EXCEPTION CRITERIA

The Board is authorized to grant a special exception where it finds:

(1) The proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Zone Maps; and

(2) The proposed use is not likely to adversely affect the use of neighboring property,

subject to the specific conditions specified in the Zoning Regulations for the particular special exception use. 11 DCMR § 3104.1.

The BZA's discretion in reviewing an application for a special exception is limited to a determination of whether the applicant has complied with requirements enumerated in the specific section of the Zoning Regulations pursuant to which the applicant is seeking the special exception. If the applicant meets this burden, the Board ordinarily must grant the application.

First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment, 432 A.2d 695, 698 (D.C. 1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

A. The Proposed Use is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zone Maps.

The Property is located in an area which is characterized predominantly by single-family homes and open space. The use of the Property for a school is consistent with the institutional nature of a church property; in fact, St. Paul's established one of the District of Columbia's first parochial schools on this Property in 1775. Child development centers and private schools, as uses permitted by special exception, have been pre-determined as compatible with the uses in the R-3 zone so long as the special exception criteria can be met. We submit that all requirements for child development centers and private schools can and will be met by the Applicant.

B. The Proposed Use is Not Likely to Adversely Impact Neighboring Property.

St. Paul's has had a long history of being a welcoming and considerate neighbor and plans to continue this track record with the relocation of CFMS to the Center. Likewise, CFMS prides itself on creating a welcoming environment where parents, children, and staff work together to provide an affordable Montessori school for the community. For the past 30 years, CFMS has done just that in the Mount Rainier neighborhood and hopes that its relocation to the Center will create new opportunities to better serve its current and future students. As described further herein, the existing use and the proposed expansion pose no threat to neighboring property, particularly because the Center is removed from most residential development in the area and situated on an 86 acre enclave.

Because the proposed use encompasses both a child development center use (for ages 2.5 through 5 years, as well as before- and after-care for all students) and a private school (for ages 5-12), we analyze the use against the special exception criteria for both uses under 11 DCMR §§ 205 (child development center) and 206 (private school).

C. The Center shall be capable of meeting all applicable code and licensing requirements (205.2).

CFMS has been in operation and continually in compliance with all Maryland State licensing requirements since it opened in 1981. CFMS will meet all licensing requirements of the Office of State Superintendent of Education, including maximum class sizes by age and minimum teacher-student ratios as required for each age group. The Office of the State Superintendent of Education has submitted a memorandum to the Board in this case, filed as Exhibit 26 in the record, noting its support for the application.

D. The Center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children (205.3).

All parking for the Center is off-street parking and located within the boundaries of the Property. A total of 59 spaces are available for all Center users, including staff of the Center and parents needing to come inside the center; 20 of these spaces will be reserved for CFMS. During the regular operating hours of the Center, there is rarely a time when all of the parking spaces at the Center lot are full, however, additional off-street parking is available throughout the internal road network on the Property.

The Center is served by a variety of feeder streets: Allison Street and Webster Street from the south, and New Hampshire and Rock Creek Church Road from the North. As demonstrated by the Traffic Study, attached as Exhibit I, the surrounding road network is

operating at acceptable levels of service. No traffic congestion is anticipated, as student drop-off and pick up will take place entirely within the boundaries of the Property and immediately adjacent to the Center entrance. This wholly-internal parking and drop-off not only provides a safe point of entry for the children, the parking area, drive aisles and circular drive area provide ample space for queuing of vehicles on site, ensuring that there is no traffic congestion on the public streets around the Property. Moreover, CFMS' operation calls for staggered arrival and departure times, spreading out the traffic volumes over the course of several hours, most, if not all, of which fall outside of the peak hour for traffic volumes on the surrounding road network. Additionally, CFMS's current enrollment includes a significant number of siblings (25 families with multiple children), and many families carpool to and from school as well.

CFMS recently conducted a travel mode split survey at their Mount Ranier campus. The School is currently serving 93 children, represented by 69 families. Of the 65% of families with just one child enrolled in the school, nine of these bike or walk to school and nine carpool with another family on a regular basis. Additionally, four of CFMS' staff members have children enrolled in the school, so the parent/staff member and their child travel together to school. Although the vast majority of CFMS' students live within the same zip code as the School's current location, 15 students (approximately 21.7%) live in the Brookland/Brentwood/Fort Lincoln areas of D.C. or within the zip codes surrounding the St. Paul's Property. It is anticipated that once CFMS opens its doors on the St. Paul's Property, it will become a neighborhood school, as students who live in Mount Ranier will be replaced with students from the surrounding neighborhood over the course of the first three years in operation. In fact, in the last two months, during the course of community outreach in connection with the instant

application, CFMS has received 3 new applications from families and 2 additional inquiries from students living within the neighborhoods surrounding the Property.

CFMS is committed to implementing a strong Transportation Management Plan that is consistent with CFMS' mission and financial capabilities. CFMS proposes a plan that consists of the following measures:

1. Ride-Sharing. CFMS will include language in the parent and staff handbooks regarding ride-sharing opportunities in an effort to reduce single-occupant vehicle trips to the Property. As stated above, there is currently a significant amount of ride-sharing occurring among the student population, and CFMS will continue to encourage this behavior by facilitating opportunities for parents and staff to coordinate with one another to work out carpooling arrangements, and by maintaining a comprehensive carpool list in the school office.

2. Promoting Transit. Unfortunately, the school's non-profit status, along with the limited number of employees and the variable times of arrival on site does not make participation in WMATA's SmartBenefits program a feasible option, however, CFMS will encourage transit ridership for both parents and staff. CFMS will publicize bus routes, fares, and scheduling information on the School site and will include this information in parent and staff handbooks.

3. Guaranteed Ride Home. CFMS will disseminate information regarding the Metropolitan Washington Council of Governments' Guaranteed Ride Home program to its staff at the time of initial employment and will include such information in the staff handbook.

4. Bicycle Racks. CFMS and St. Paul's will place two (2) or more bicycle racks at convenient locations near the entrance to St. Paul's Center for use of staff and parents who wish to bike to the School.

5. Local Access Plan. CFMS will direct parents and staff who drive to the Property to utilize routes that will not substantially impact the surrounding neighborhood. These routes will be included in the parent and staff handbooks. CFMS will also provide parents with information about planning safe walking routes to school, including a link to the Safe Routes to School website maintained by DDOT in the parent handbook.

6. School Transportation Coordinator. Wendy Shenk-Evans, Director of CFMS, will serve as the School's Transportation Coordinator ("STC"). As STC, Ms. Shenk-Evans will monitor and promote the measures noted above through dissemination of information and periodic reminders, and will be the designated contact with the local Advisory Neighborhood Commissions (there are four ANCs in the area surrounding the Property).

E. The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors (205.4).

The Property contains 59 off-street parking spaces, 20 of which are adjacent to the Center and will be reserved for CFMS use. The minimum number of parking spaces for a child development center in a residential zone is 1 per 4 teachers and staff. 11 DCMR § 2101.1. The minimum number of parking spaces for a private school is 2 per each 3 teachers and staff. Id. Assuming the more restrictive parking ratio applies to all teachers and staff, a maximum of 12 spaces is required.

The Center has always had ample parking to accommodate all of the needs of St. Paul's, and even with the addition of the CFMS staff and parents that may need to park at the Center, there is no need for staff or parents to park on the public streets around the Property—all parking will continue to be accommodated on site.

There are several special events throughout the school year that may result in heavier use

of the parking area at the Center. Some examples of these events where most families will be attending are: two student performances in the spring (Friday evenings); two school picnics, one at the beginning and one at the end of the year (weekday evenings); a silent auction in the early spring (Saturday evening); and graduation in mid-June (weeknight). If the Center's parking area is inadequate to contain all of the vehicles for these events, there is adequate on-road parking within the Property, which is considered off-street parking and can, if necessary, accommodate hundreds of vehicles. CFMS will, however, discourage use of the on-road parking within the Property for regular pick-up and drop-off operations, and will include language to that effect in its parent and staff handbooks.

F. The Center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual or other objectionable conditions (205.5).

The Center includes an outdoor play area, which is set back from all single-family residential properties in the area. The closest residential property is at least 170 yards away from the outdoor play area, and therefore does not create any objectionable impact.

G. The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties (205.6).

The Center and related parking areas are located in the southwestern corner of the Property such that screening to the east and north are not an issue. There are adequate screening and plantings to the west and south such that additional screening will not be necessary to protect adjacent properties from the School's activities on the Property. The Applicant submits that

there is no need for the Board to require special treatment to protect any adjacent or nearby properties.

H. Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the Center in traveling between the play area and the Center itself (205.7).

There will not be any off-site play area.

I. The Board may approve more than one (1) child development center in a square or within one thousand feet (1,000 ft.) of another child development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors (205.8).

To the Applicant's knowledge, there are no other child development centers within 1,000 feet of the Property. Regardless, there is no evidence that the School will have any adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

J. 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 (206.2).

As discussed above, the Center in which the School will be located is removed from all residential uses in the neighborhood and is not likely to generate a significant amount of traffic. No other objectionable conditions are anticipated.

K. Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile (206.3).

Ample parking space exists on the Property to accommodate the School's requirements under Chapter 21 of the Zoning Regulations (12 spaces), as well as parents and other visitors to the School, in addition to all other uses operating on the Property.

VI. WITNESSES

The Reverend Rosemari Sullivan, Rector, will testify on behalf of St. Paul's as to the history of uses on the property, the condition of the existing facility, and the capacity to accommodate a school operation on site.

Wendy Shenk-Evans, Director of CFMS, will testify on behalf of the School as to its current operational characteristics and future operations on the Property.

Osborne George, P.E. will testify as an expert in transportation planning and traffic engineering on the existing transportation network and the potential impacts of the proposed use on the Property.

Ellen McCarthy, Director of Planning and Land Use for Arent Fox, will testify as an expert in planning and zoning and will address how the application meets the tests for special exception relief under 11 DCMR § 3104.1.

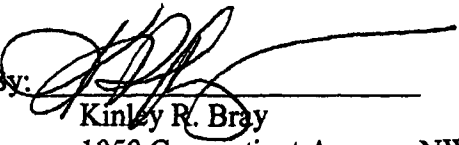
We reserve the right to call additional witnesses and to present additional evidence as necessary at the hearing. We estimate that our presentation will require approximately 45 minutes of the Board's time.

VII. CONCLUSION

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the Applicant's proof and all other support of record for the special exception requested, such relief may be granted.

Respectfully submitted,

ARENT FOX LLP

By: 
Kinley R. Bray
1050 Connecticut Avenue, NW
Washington DC 20036
(202) 715-8572
(202) 857-6395 FAX

LIST OF EXHIBITS

- | | |
|-----------|---|
| Exhibit A | Community Outreach Efforts |
| Exhibit B | Supplemental Transportation Memorandum, O.R. George & Associates |
| Exhibit C | Transportation Related Information included in Parent & Staff Handbooks |
| Exhibit D | Résumé of Osborne George, P.E. |
| Exhibit E | Résumé of Ellen McCarthy |

LIST OF WITNESSES

Rev. Rosemari Sullivan, Rector, St. Paul's Rock Creek Parish

Wendy Shenk-Evans, Director, Christian Family Montessori School

Osborne George, P.E.*

Ellen McCarthy, Director of Planning and Land Use, Arent Fox*

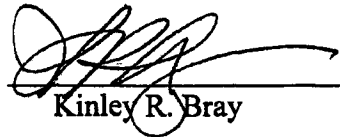
* Expert witness.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of November, 2010, a copy of the foregoing
was mailed, first-class, postage pre-paid, to:

Advisory Neighborhood Commission 4D
143 Kennedy Street N.W.
Washington DC 20011

District of Columbia Office of Planning
2000 14th Street, N.W., Fourth Floor
Washington D.C. 20009
Attention: Jennifer Steingasser, Joel Lawson, Stephen Mordfin


Kinley R. Bray