

## SUPPLEMENTAL STATEMENT

On February 17, 2021, the River School (the “**School**” or the “**Applicant**” or “**River**”) submitted an application (the “**Initial Application**”) to the Board of Zoning Adjustment (“**BZA**” or the “**Board**”) for approval of a new campus for a private school including a child development center (the “**Campus**”) at 4220 Nebraska Avenue NW (Square 1727, Lots 4 and 5) (the “**Property**”). The School will provide educational opportunities for up to 350 children from birth through sixth grade.

Since filing the Initial Application, the School has continued its extensive community outreach, agency coordination, and refinement of the Campus plans. This supplemental statement (the “**Statement**”) summarizes those outreach and coordination efforts, explains the changes made to the Campus and School operations in direct response to them, and reiterates how the Campus and its proposed operation, as revised, more than meets the requirements of the Zoning Regulations for special exception approval.

### **I. Summary of Initial Application**

The River School was founded by Nancy Mellon in 1999 to provide an inclusive educational experience for children with hearing loss. Notably, it is the first school in the United States to educate young children with hearing loss and enable them to learn alongside their hearing peers from the beginning. The School provides premier, inclusive education for all students, with a focus on early language, literacy, and social-emotional development through the use of a theme-based curriculum. It offers a wide array of classes in the arts, sciences, and physical development and has grown into an international model that prepares all students to thrive within general school populations upon graduation from the School.

The School currently serves 222 students from birth through third grade and has 72 faculty and staff members. The new Campus will allow the School to further its mission by expanding the grade levels and meeting the strong demand for its services. The School’s growth opportunities and operational needs simply cannot be met on its current campus on MacArthur Boulevard. Consistent with the School’s mission, approximately 18% of the current students have hearing loss. To serve those students, the School also includes a clinic. While the clinic primarily serves the School population, including alumni, it is also open to children in the surrounding community.

The general program described in the Initial Application remains unchanged. The School seeks BZA approval for the new Campus to serve up to 350 students from birth through sixth grade, with its accessory clinic use, and up to 90 faculty and staff. While the program has not changed since the Initial Application, the School has made significant changes to the physical plans and the transportation operations in direct response to input and feedback from members of the community, Advisory Neighborhood Commission (“**ANC**”) 3E and adjacent ANC 3D, the Historic Preservation Review Board (“**HPRB**”), and the District Department of Transportation (“**DDOT**”).

The Initial Application proposed a Campus with a total gross floor area of 66,691 square feet, consisting of 12,603 square feet of existing improvements and 54,088 square feet of new

development. As originally proposed, the main building consisted of four stories and was 50 feet in height. The School has significantly revised the plans, as shown in the updated plans attached as Exhibit B (the “**Plans**”), by reducing the overall height and density of the new construction including removing an entire floor from the main southern pavilion. The changes to the Plans are detailed throughout this Statement.

In summary, through the updated application (the “**Updated Application**”), the School continues to request special exception approval (1) to permit a private school (11-U DCMR § 203.1(m)), 11-X DCMR § 104); (2) to permit a childhood development center (11-U DCMR § 203.1(h)) and (3) to allow the 12 tandem parking spaces in the parking garage and six spaces in the pick-up/drop-off loop to count toward the 52-space parking requirement (11-C DCMR § 703.2). The Campus complies with the Zoning Regulations in all other ways.

## **II. Outreach and Feedback**

In the seven months since filing the Initial Application, the School has been working in earnest to solicit input and feedback from members of the community and District agencies. There have been many hours of iterative conversations, online information sessions, and small group site visits with a wide array of neighbors including institutional stakeholders and abutting property owners. The School’s outreach also extended to individual ANC commissioners and staff members of the Office of Planning (“**OP**”) and the Historic Preservation Office (“**HPO**”). All of this input has resulted in significant changes to the overall Campus design.

### **A. Historic Preservation Review Board (“HPRB”)**

The Property is currently improved with a historic estate known as “Under Oak.” Constructed in 1924 with later additions, Under Oak was identified by the Tenleytown Historical Society as a potential landmark, but the Property does not have official landmark status. As soon as the School began pursuing the Property, the School reached out to the HPO staff to seek their guidance on an appropriate design approach to the Campus. The School held a series of meetings and site visits with HPO staff members, who provided important feedback on the location, scale, and massing of any new construction on the site. Based on this guidance, the School decided to seek a Courtesy Review by the HPRB for the Campus. A Courtesy Review is a mechanism whereby applicants can seek the input of the HPRB on plans for sites that have historic merit but are not formally designated as historic.

The School presented the concept for the Campus at the HPRB meeting on February 25, 2021. At the meeting, the HPRB expressed overall support for the school use and provided comments on several items, including concerns about the overall size and massing of the new construction and its relationship to the existing house. Following the meeting, the School met again with HPO staff to discuss potential changes in response to the comments raised by the HPRB. Ultimately the School made significant changes to the plans including a notable reduction in the proposed massing of the new construction through the removal of a full story, modifications of the footprint, and the introduction of traditional architectural design elements including a gabled roof embellishment. The plans were also modified to include the retention of the garage at the northern end of the site in direct response to an HPRB request. In a subsequent Courtesy Review on July 1, 2021, the HPRB again noted their support for the proposed use of

the Property and commented favorably on the revisions noting that the new massing was successful and related better to the site and neighborhood. The HPRB also noted the improvements to the proposed landscape plan. The Applicant will continue working with HPO and the HPRB on the Campus to ensure that the design is compatible with the Under Oak house.

#### B. Office of Planning

OP requested additional information on the accessory clinic provided by the School. The School operates a clinic for children that provides services, including audiological diagnosis and treatment, speech and language therapy, psychoeducational assessment, and occupational therapy, which is integral to the School's mission. The vast majority of clinic patients are current students and alumni. River's clinic is one of only two facilities in the District that accepts Medicaid for Auditory Brainstem Response ("**ABR**") to diagnose or confirm pediatric deafness. The clinic, therefore, is central to River's mission and the student experience. The clinic will employ 10 clinicians, each expected to see up to five patients a day, for a maximum of 50 patients. 60% of those patients will be current School students. Therefore, a maximum of 20 individuals who are not current students will come to Campus for clinic services.

The Zoning Administrator has determined that the clinic use is accessory to the school use. The Zoning Regulations define accessory use as "A use customarily incidental and subordinate to the principal use and located on the same lot with the principal use. Except for short-term rentals and unless otherwise specifically permitted, an accessory use shall be limited to twenty percent (20%) of the gross floor area." (11-B DCMR §100) The clinic use only occupies approximately 11.5% of the overall square footage on site. Additionally, only 5% of the overall users of the Campus will be outside users of the clinic. Finally, the clinic use will generate no more than 40 vehicle trips throughout the day, none of which will be during the school's AM or PM peak hours, and only four of which will be during the PM Commuter Peak Hour, as detailed in the Comprehensive Transportation Report ("**CTR**"). Therefore, the clinic use is accessory to the school use and will continue to serve the District through the School's mission.

#### C. Community Outreach

The School has engaged in a wide range of community outreach and engagement efforts regarding the Campus. From the earliest discussions with members of the community, the School has consistently underscored its goal of establishing a new campus that embodies the spirit of River's inclusive community and provides a nurturing and enriching educational environment for its students, while at the same time respecting the surrounding neighborhood and serving as an asset to the community and the District.

Early in the process, in the summer of 2020, the School reached out directly to the immediately adjacent neighbors and other nearby property owners. Following the initial round of neighbor discussions, the School sent letters to all residents within 200 feet of the subject property to directly inform them about the proposal and followed up with a community-wide virtual meeting in December 2020. During this time, the team was in regular contact with ANC 3E and met with OP and DDOT to discuss the proposal for the Property. Feedback and input from these discussions significantly shaped the initial design concept for the Campus, such as the

scale of the new development and the orientation and function of circulation patterns, including the use of Nebraska Avenue for all vehicular access and the closing of the existing curb cut on 42<sup>nd</sup> Street. Notably the School's decision to eliminate any vehicular access from 42<sup>nd</sup> Street was in direct response to the concerns of several 42<sup>nd</sup> Street neighbors.

In the seven months since the filing of the Initial Application, there have been extensive revisions to the plans based on input from the community and the HPRB. While the architectural team focused on updating the building elements of the Campus, the landscape designers closely evaluated the health and viability of the existing trees and vegetation throughout the Property and worked to develop a comprehensive landscape concept plan. The resulting plan is focused on preserving important heritage and special trees, enhancing the unique natural features of the Property, providing creative and interactive outdoor learning opportunities for School students, and addressing issues raised by members of the community, particularly with respect to streetscape and screening elements that enhance the Campus edges that intersect with the public realm.

Understanding that traffic and transportation considerations are key concerns of several members of the community, the School took a multi-pronged approach to addressing transportation impacts of the project. First, the School developed a comprehensive Transportation Management Plan (“**TMP**”), which included the following components:

1. An Operations Management Plan, which establishes protocols to ensure that the pick-up and drop-off (PUDO) operations can be accommodated entirely on site. The Operations Management Plan also includes a loading management component.
2. A Transportation Demand Management (“**TDM**”) Plan, which sets vehicle trip caps for the School resulting in a reduction in vehicle trips of 45% during the AM peak hour, 15% during the PM School peak hour, and 15% during the PM Commuter peak hour. The TDM Plan includes robust strategies and incentives to encourage the use of non-auto modes of transportation, including provision for shuttle service during the morning drop-off.
3. A Monitoring Plan developed to ensure that the TDM and Operations Management Plan are functioning as intended. The Monitoring Plan provides a stringent schedule for monitoring and evaluating the School's commitments, including its vehicle trip cap and its ability to accommodate PUDO queues on site. Importantly, the Monitoring Plan ensures that transportation-related impacts are proactively addressed and appropriately mitigated, and also specifies defined mitigation strategies that will be implemented if, for reasons currently unforeseen, the established goals and commitments are not achieved.

Second, the School has committed to construct roadway improvements to offset the impact of the proposed school on the surrounding roadway network, including signal modifications and parking restrictions at the Van Ness Street/Nebraska Avenue intersection that would substantially reduce delays at the intersection and the installation of a High-Intensity Activated Crosswalk (“**HAWK**”) signal on Nebraska Avenue near Warren Street to improve pedestrian safety and facilitate pedestrians crossing Nebraska Avenue. The School continues to work with DDOT to refine the transportation improvement solutions to be implemented by the School.

In the spring of 2021, the School launched a series of focused engagement efforts to ensure that members of the community and other interested stakeholders had the opportunity to learn more about the project; review the updated design and transportation plans; and share their concerns, input, and feedback. As detailed in Exhibit C, these meetings included specific design-focused and transportation-focused information and listening sessions that provided direct access to key members of the project team.

While the School made significant progress in connection with its comprehensive planning effort throughout the spring and early summer months of 2021, the team also recognized that some members of the Tenleytown community continued to have questions and concerns about the Campus. In light of the School's firm commitment to working collaboratively to resolve those issues, the initial BZA hearing date was rescheduled from July 2021 to October 27, 2021. This additional time allowed the School to engage directly with all interested stakeholders to more fully understand their questions, interests, and concerns; actively collaborate to develop solutions and responses; and effectively integrate those approaches into the updated proposal for the Campus.

Over the summer months of 2021, as public health conditions improved, the School redoubled its efforts to engage and collaborate directly with members of the Tenleytown neighborhood, ANC3E and ANC 3D, and District agencies in the time leading up to the October BZA hearing. As detailed in Exhibit C, these efforts included numerous online information and listening sessions, small-group on-site gatherings, and one-on-one discussions with adjacent and nearby neighbors.

The School also established a dedicated project website, which provides a wide range of resources including filing and submission materials, meeting presentations and video recordings, information about upcoming meetings and engagement opportunities, and FAQs. The website also features a *community input portal*, where neighbors and interested stakeholders can easily submit questions or comments directly to the project team. To date, responses to more than 35 questions and comments received through the portal have been posted on the website, ensuring full transparency and also allowing members of the community to benefit from reviewing and understanding the perspectives of their neighbors. A compilation of these comments and responses is attached as Exhibit D.

Input received from these meetings and engagement opportunities as well as the *community input portal* shaped further modifications to the design and landscape elements of the Plans, including enhanced plantings along Campus edges to effectively integrate with the character of the residential neighborhoods surrounding the Campus. In addition, the design team will continue to integrate feedback from members of the community and work with HPO to refine the street-facing facades and evaluate material options to ensure that the new development is compatible with the surrounding residential community.

With respect to transportation issues, in response to concerns raised by members of the community and specific requests from ANC3E Commissioners, the School has made numerous and significant updates to its initial transportation plan. These modifications are detailed throughout this Statement and include substantially reducing the proposed trip generation by 45% from initial projections for the AM School peak hour through the adoption of more

stringent TDM policies; enhancing monitoring requirements; and developing enhanced mitigation strategies. The infrastructure improvements proposed by the School are in direct response to concerns raised by the community and specifically the ANC Commissioners.

Active community engagement remains ongoing and will continue through and following the BZA's review of this Application, as the School is firmly committed to cultivating and maintaining positive relationships with its neighbors and establishing itself as a respectful and contributing member of the Tenleytown community.

A summary of specific meetings with members of the community and ANC Commissioners is provided at Exhibit C.

### **III. Revisions to the Campus Plans**

The Campus plans, including the recent revisions, have been designed to balance multiple, sometimes competing, interests: (1) the School's program and space needs; (2) historic preservation and landscape considerations; and (3) neighborhood and community priorities, particularly regarding transportation. As shown on the Plans, these priorities are showcased through the revisions to the Plans since the Initial Application, including:

- Removal of the fourth story of the main southern pavilion, reducing the maximum height from 50 to 40 feet;
- Reducing the overall massing of the Campus, resulting in a total gross floor area of new construction of 48,678 square feet;
- Relocating the pool house to the west side of the Property adjacent to 42<sup>nd</sup> Street;
- Enhancing the landscaping plans based on direct consultations with neighbors;
- Retaining the gate house adjacent to the northern Property line; and
- Adding a gabled roof element to the southern pavilion at the HPRB's request.

The Plans show a thoughtfully-designed Campus that respects the Under Oak historic home and the surrounding residential neighborhood. The design also appropriately relates to the institutional corridor along Nebraska Avenue. As noted herein, the design will continue to evolve in response to the HPRB and community input. For that reason, the School requests the areas of design flexibility in the building permit finalization process described in Exhibit E.

### **IV. Campus Operations and Proposed Conditions**

The School is fully committed to operating in a manner that minimizes any impacts on the neighborhood. The School recognizes the importance of creating enforceable operating plans for the Campus that will address concerns raised by members of the community, particularly as they relate to traffic. As such, the School is proposing the conditions attached as Exhibit F for the Updated Application. These conditions are clear, stringent, and enforceable, and reinforce the School's strong commitment to enhancing the quality of life for those residing in the neighborhoods surrounding the Campus.

Regarding traffic, the TMP establishes enforceable and measurable trip caps which reflect a reduction of 45% from initially projected trips in the AM School peak hour and 15% in

the PM School and Commuter PM peak hours. Additionally, the School will begin monitoring and enforcing the trip caps at the Campus beginning in the fall of Year 1 of School operation. A failure to comply with the trip requirements will result in immediate review with the ANC and DDOT and commencement of specific mitigations. In addition to the transportation-related conditions, the proposed conditions limit activities at the Campus that might create adverse impacts associated with noise or lighting on the surrounding neighborhood.

#### **V. Reiteration of Special Exception Standards**

The Campus and proposed operational standards, as revised, continue to meet all of the special exception standards. Overall, as detailed above, the School program proposed for the Property has not changed – the School will provide education for up to 350 children from birth through sixth grade with up to 90 faculty and staff. The Campus design is sensitive to the surrounding neighborhood and includes significant landscaping and buffering to benefit the abutting neighbors as well as the broader community. The plan also involves the preservation of the existing Under Oak home, garage, guest cottage, and pool house. The changes made since the Initial Application, including the reduction of the proposed massing and detailed operational conditions, have been focused on creating a Campus that will not have objectionable impacts on the surrounding residential neighborhood, consistent with the standards of the Zoning Regulations.

The requested relief is in harmony with the general purpose and intent of the Zoning Regulations as required by 11-X DCMR § 901.2. As detailed throughout this Statement and further below, the Campus will not adversely affect the surrounding residential neighborhood due to noise, traffic, number of students, or otherwise objectionable conditions. Private schools and child development center (“**CDC**”) uses are permitted in the R-1-B Zones, subject to the special exception standards, because these community uses have been deemed compatible with residential neighborhoods if properly conditioned. Additionally, the Property is an appropriate location for the use given the institutional nature of this area of the Nebraska Avenue corridor. Finally, the Campus design and operations, as detailed in the conditions above and below, will mitigate any potential adverse impacts of the School’s use at the Property.

#### **A. School Plan Special Exception**

The Board may approve a special exception for private education use in the R-1-B Zone if it finds that the proposed use will not create objectionable impacts on neighboring properties and that the use provides sufficient parking. While any use of a property will have impacts, the School has worked diligently to ensure its operations will be actively managed to effectively mitigate any objectionable impacts on the surrounding residential neighborhood. For immediately abutting neighbors, the School has enhanced the landscaping and agreed to retain the existing gatehouse, close the 42<sup>nd</sup> Street curb cut, cover the parking ramp, and limit traffic circulation to one-way. The School has thoughtfully and deliberately taken all of these actions, in direct response to community input and feedback, to effectively mitigate any objectionable impacts on immediate abutters and the broader community.

The Property is ideal for school use. It is an unusually large site with substantial open space along a major arterial. The BZA has approved several schools with similar or greater

enrollment levels on comparably-sized or smaller campuses. For example, the Edmund Burke School on Upton Street operates on a 0.83-acre campus with an enrollment cap of 320 students. As detailed above and below, the TDM and TMP included in the CTR are robust, including defined and enforceable trip caps as well as substantial improvements to the surrounding transportation network.

The School itself is an important use in the community, providing mission-driven education in a transit-oriented neighborhood and on an institutional corridor. Taken together, and as detailed throughout this Statement, the proposed Campus has been designed and operations have been detailed to avoid an objectional impact on neighboring properties.

Additionally, the Campus provides sufficient parking for the proposed use. Based on the Plans, the Campus is required to provide 52 fully-compliant spaces.<sup>1</sup> Here, the School actually provides 65 parking spaces that are usable on the Campus. However, 12 of these spaces are tandem spaces in the parking garage, and six spaces are surface spaces that are not counted for zoning purposes because they are not accessible during the pick-up/drop-off times. Therefore, the Campus only provides 47 zoning-compliant parking spaces.

While in general the Regulations do not allow tandem or pick-up/drop-off spaces to count toward zoning-required parking, they are appropriate for a Campus use such as that proposed. Faculty and staff schedules are predictable and set at the School. Therefore, all tandem spaces will be able to be utilized in an efficient manner. Additionally, the spaces located in the pick-up/drop-off spaces will be ideal for users who come to the School during the day outside of pick-up/drop-off times, such as those visiting the clinic. Therefore, the spaces provided at the Campus fully anticipate the School's operation and are sufficient for the School's needs.

#### B. Childhood Development Center Special Exception

The Board may approve a CDC use if it finds that the use will not create objectionable or unsafe traffic conditions, and it is designed to protect neighboring properties. As detailed throughout this Statement, the proposed Campus does both. The CTR included in the record at Exhibit 46A includes expert analysis on the traffic that will be generated by the Campus and concludes that, with the mitigations proposed, the use will not create objectionable conditions. Additionally, as detailed extensively above, the Campus has been designed to protect adjacent properties, including through the concentration of construction away from adjacent residences, substantial landscaping and buffering, and strict operations plans.

#### C. Vehicular Parking Space Special Exception

The Board may grant a special exception to reduce zoning-compliant vehicular parking spaces pursuant to 11-C DCMR § 703.2, which requires showing that the required parking

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<sup>1</sup> 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. The 63 faculty/staff includes the specific 56 faculty/staff members for private education use and 7 of the 10 clinicians, which represents an equal proportion of clinicians as the general faculty/staff breakdown between CDC and education use. The other clinicians would be allocated to the CDC use based on proportions. (2) Based on 20,058 square feet of CDC use, 10 parking spaces are required for CDC use. Therefore, a total of 52 parking spaces are required.

cannot be provided due to at least one of several factors. The Initial Application detailed the reasons why the full amount of required parking could not be provided at the Property, including the historic considerations affecting the development of the Property, the limitations related to the six heritage trees at the Property, and the need to concentrate the new construction away from the adjacent properties.

Additionally, the Initial Application detailed the transit-accessibility of the Property. It is located 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 that 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 detailed above, the Campus provides parking sufficient for its needs and, based on the specific operations of the School, the tandem and pick-up/drop-off spaces in addition to the zoning-compliant spaces will provide appropriate parking for the Campus. This conclusion is fully supported by the analysis set forth in the CTR prepared by Wells + Associates at Exhibit 46A in the record. Specifically, the Campus provides sufficient parking and, coupled with its TDM, the School will not have an objectional impact due to vehicular traffic.

## **VI. Conclusion**

In conclusion, the School meets the requirements for special exception approval by the Board for private education use at the Property and for inclusion of the pick-up/drop-off loop and tandem parking spaces in the overall Campus parking. The 2.3-acre Property includes over 13,000 square feet of building area that will be repurposed for school use. The significant open space provides the ideal location for school use and the School program is appropriate in size and scope for the Property and the neighborhood.

The main focus of the Board's review is ensuring that the proposed School use will not result in objectionable conditions that adversely impact the surrounding residential neighborhood, and the School has met this burden. For six months before the Initial Application's filing, and over the last seven months since its submission, the School has tirelessly engaged in outreach with the adjacent neighbors, the community, and District agencies. The School has provided numerous touch-points within the community, including in-person and virtual meetings, listening sessions, ANC meetings, multiple telephone and tele-conference discussions and email communication threads, and the user-friendly website. The School has also repeatedly met with the staffs of HPO, DDOT, and OP regarding the Property, including multiple site visits with these agencies. All of this outreach, as detailed above, was undertaken to fully understand and address the School's potential impacts on the surrounding community.

The School has diligently listened and revised the Campus in response to the concerns raised by members of the community. The reduction in massing, lowering of building height, and increased landscaping have all been incorporated into the Updated Application to respond to the input and feedback received from members of the community and effectively mitigate any impact of the School's built environment on the surrounding residential neighborhood. The

School has also significantly conditioned its operations to address specific concerns raised during the planning process and ensure the School's operation will not have an adverse impact. Most importantly, the School's robust TMP, which takes effect in the School's first year of operation at the Campus, sets forth clear and enforceable solutions to promptly reduce vehicle trips in the event the established caps are not met. All of these changes, as detailed in this Statement, have been done to mitigate the impacts of the School and ensure there are no objectionable conditions for neighbors. As such, the School requests the Board approve the special exceptions requested to create its Campus at the Property.