

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

**APPLICATION OF CATHOLIC CHARITIES OF THE
ARCHDIOCESE OF WASHINGTON
801 BUCHANAN STREET, NE (PARCEL 135, LOT 71)**

**BZA CASE No. 20749
HEARING DATE: OCTOBER 19, 2022**

PREHEARING STATEMENT OF THE APPLICANT

SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF NEW PRIVATE SCHOOL AND
TO PROVIDE FEWER THAN MINIMUM NUMBER OF REQUIRED PARKING SPACES

I. OVERVIEW AND NATURE OF RELIEF SOUGHT

This Prehearing Statement of the Applicant is submitted on behalf of Catholic Charities of the Archdiocese of Washington ("**Catholic Charities**" or the "**Applicant**"), acting on behalf of The Lieutenant Joseph P. Kennedy Institute, Inc., the owner of the property located at 801 Buchanan Street, NE, and more particularly known as Parcel 135, Lot 71 (the "**Property**"). The Property is zoned Residential Apartment (RA)-1. Pursuant to Subtitle X § 901.2 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("**DCMR**"), the Applicant is requesting approval of the following:

- special exception relief pursuant to 11-U DCMR §§ 203.1(m) and 420.1(a) and 11-X DCMR § 104.1 to permit the construction of a new private school on the eastern 1.96 acres of the Property (the "**School Site**"); and
- special exception relief pursuant to 11-C DCMR § 703.2 to provide 31 compliant vehicle parking spaces where 37 are required under 11-C DCMR § 701.5.

As explained herein, the Applicant proposes to replace the existing school building with a new facility that will be constructed on the School Site. The new facility will serve 60 students, ages 6 to 22 years of age, and will include a child development center that will serve approximately 40 to 45 children, ages six months to five years.

This Prehearing Statement serves to reiterate and supplement the information provided in the Applicant's *Preliminary Statement of Compliance with Burden of Proof* that is marked in the case record at Exhibit 6 (the "**Preliminary Statement**").

II. JURISDICTION

The Board of Zoning Adjustment (the "**BZA**" or "**Board**") has jurisdiction to grant the requested special exception relief pursuant to 11-X DCMR § 901.2.

III. PROPERTY AND SURROUNDING AREA

The Property is located in the Michigan Park neighborhood of the District and consists of 6.7 acres of land area on the south side of Buchanan Street, NE. The Property is currently improved with a school building known as The Lieutenant Joseph P. Kennedy Institute (hereinafter referred to as the "**Kennedy School**" or "**School**"), which is further discussed below. Vehicular access to the Property is made available via two existing curb cuts along Buchanan Street, NE. The physical site is challenged because of topography, sloping with an overall elevation change of over 20 feet.

Regarding the surrounding area, Providence Hospital owns and controls land that surrounds the Property on the west, south and east. To the north, across Buchanan Street, are single family, semi-detached homes in the R-2 zone. The Property is located approximately 0.8 miles from the Fort Totten Metrorail station and the Metrobus Route 80 runs in close proximity along 12th Street, NE.

IV. ZONING AND APPLICABLE USE PERMISSIONS

The Property is zoned RA-1. The RA zones permit urban residential development and compatible institutional and semi-public buildings. 11-F DCMR § 100.1 (emphasis added). The provisions of the RA zones are intended to, among other things: (i) provide for the orderly development and use of land and structures characterized by moderate- to high-density residential uses; (ii) promote stable residential areas while permitting a variety of types of urban residential neighborhoods; (iii) allow limited non-residential uses that are compatible with adjoining residential uses; and (iv) encourage compatibility between the location of new buildings or construction and the existing neighborhood. 11-F DCMR § 100.3. The RA-1 zone specifically provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. 11-F DCMR § 300.2.

The development standards of the RA-1 zone are provided in Subtitle F of the Zoning Regulations as provided below:

- FAR: 0.9; 1.08 for Inclusionary Developments (§§ 302.1 and 302.2)
- Height: 40 ft.; 3 stories / 90 ft. for institutional buildings (§ 303.1)¹
- Lot Occupancy: 40% (§ 304.1)
- Minimum Rear Yard: 20 feet (§ 305.1)
- Side Yard: One side yard with minimum distance equal to three inches per foot of building height but not less than eight feet (§ 306.2(a))
- Green Area Ratio: 0.4 (§ 307.1)

¹ An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse or rooftop structure, provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the district in which it is located. 11-F DCMR § 203.3.

- Open court: Not required, but if provided with a non-residential structure, the open court shall have a minimum width of 2.5 in./foot of height of court, but not less than 6 feet minimum (§ 202.1).

A private school is permitted in the RA-1 zone as a special exception pursuant to Subtitle F, Sec. 102.1 and Subtitle U, Sec. 203.1(m). A child development center is permitted as a matter of right. 11-U DCMR § 401.1(c).

The parking requirements for the school are as specified in Subtitle C, Chapter 7. For elementary and middle school uses, two (2) vehicle parking spaces are required for each three (3) teachers and other employees. For high schools and accessory uses, two (2) vehicle parking spaces are required for each three (3) teachers and other employees, plus either one (1) space for each 20 classroom seats or one (1) space for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater. 11-C DCMR § 701.5. The "daytime care" use category requires 0.5 spaces per 1,000 square feet, with a minimum of one space required. *Id.*

V. BACKGROUND ON THE KENNEDY SCHOOL AND PROPOSED CONSTRUCTION OF NEW FACILITY

A. BACKGROUND

The Applicant owns and operates the Kennedy School, which was first approved by the BZA on September 10, 1958, pursuant to BZA Order No. 5225, which is attached as **Tab A**. The BZA permitted the construction of a greenhouse for the School on January 18, 1978, pursuant to BZA Order No. 12558. For reference, the certificates of occupancy issued for the School in 1960, 1977, and 1980 are attached hereto at **Tab B**.²

The Kennedy School is a private, non-profit child development, academic and vocational school for students with physical, emotional, and developmental disabilities, ages six years to twenty-two (22) years. The School utilizes a team-based approach for its classrooms, which have no more than seven students and no less than three staff members. Students of the Kennedy School are supported holistically, through behavioral and social emotional counseling, series academic intervention focusing on mathematics, internships that focus on employment skills, and physical education.

The Kennedy School also offers an affordable CDC component that is one of only three of its kind in the District. The CDC was first established in 1988 as a fully inclusive child development program for young children, serving children with and without developmental disabilities. The CDC's programs allow infants, toddlers and preschoolers the opportunity to develop positive self-esteem, learn early readiness skills, and develop self-care habits, all in a group setting. The CDC has proven to be an invaluable neighborhood amenity, providing affordable child care to persons residing in proximity to the Property.

² The certificates of occupancy issued in 1977 and 1980 were specifically issued to the Applicant.

B. DEVELOPMENT PROGRAM

The Applicant proposes to raze the existing school building and construct a new facility on the School Site, to be known as the Catholic Charities Education Center. Subject to a future subdivision, the School Site will consist of approximately 85,513 square feet of land area (\pm 1.96 acres). The new facility will house both the Kennedy School and a childhood development center ("CDC"). The CDC will serve children, ranging from six weeks to five years old, with and without developmental disabilities. The new facility will consist of approximately 35,670 square feet ("sf") of gross floor area ("GFA"), with approximately 19,655 sf of GFA being allocated for the School, approximately 8,525 sf of GFA being allocated for the CDC program, and approximately 7,490 sf of GFA being allocated as shared spaces.

A complete, updated set of the architectural drawings is attached as **Tab C** (the "Plans"). As shown on the Plans, the proposed building program wraps around a central, exterior courtyard. The form is segmented to break up the overall scale of the building to achieve compatibility with the adjacent neighborhood character. Given the steep topography of the Property, the new building is terraced into intermediate levels. Connecting these levels is a prominent ramp, which helps navigate the challenging site and provides universal accessibility to the students, the majority of whom have special needs. The new building provides several spaces to facilitate the specialized program for the School, as well as a new music/art room, computer room, and library. The courtyard area includes an outdoor dining terrace and various playground amenities that will be configured appropriately for the students of the School. The proposed construction will also provide environmental benefits, including the installation of a green roof and significant landscaping to beautify the School Site.

Importantly, the existing school building will be razed only after the new facility is open and operating, in order to minimize the disruption to the students and families served by the Kennedy School. The operations of the new school facility, namely the number of students, transportation and drop off/pick up times will be consistent with how the Kennedy School has historically operated. The Kennedy School will continue to serve approximately 60 students with approximately 34 teachers and staff; and the CDC will continue to serve approximately 45-50 students with approximately 12 staff members.

Based on the projected number of students and faculty, a minimum of 37 spaces are required for the new school building. In this case, the Applicant proposes to provide 31 compliant parking spaces and seven (7) tandem spaces. Although the Applicant's proposal requires special exception approval to allow the tandem spaces (as further discussed below), a total of 38 parking spaces will effectively be made available for the school's use. The seven tandem spaces will be used by School or CDC staff, and since the majority of staff schedules are regular and predictable, the seven tandem spaces will be used in an efficient manner. Furthermore, all of the school-aged children (6 to 22 years old) arrive and depart the Kennedy School via buses provided by the Office of State Superintendent of Education. The southern end of the School Site is designed with a drop-off/pick-up loop that can accommodate stacking for up to eight buses. Therefore, the 38 spaces will be adequate to support drop off/pick up activities for the CDC and the teachers and staff for the school and CDC.

VI. UPDATES TO APPLICATION

Since the initial filing of the subject application, the Applicant has refined the site plan to accommodate the proposed development of a new townhome community immediately to the west of the School Site, which the Board is reviewing under a separate, companion application,³ as well as the potential development of the Providence Hospital property to the south. Specifically, the school site plan has been refined as follows:

- the rear parking lot/bus loop entrance has been shifted approximately 20 feet to the south to achieve better alignment with the southernmost private road within the proposed townhome community;
- a continuous sidewalk connection will be provided along the proposed private road adjacent to the School Site, which will facilitate pedestrian activity from Buchanan Street to the Providence Hospital site to the south, as requested by DDOT;
- one parking space abutting the tandem parking area in the rear lot has been relocated to the parallel parking strip along the proposed private road; and
- the Applicant now proposes to relocate two heritage trees to the School Site, whereas three were previously shown.

The Applicant also procured a transportation consultant to assess the anticipated traffic impacts resulting from the new school building. A copy of the consultant's traffic study was submitted to the case record at Exhibit 27A (the "**Traffic Study**").⁴ The Traffic Study concludes that because no changes to enrollment are anticipated for the School or the CDC, no new trips would be generated by the proposed construction. *See* Traffic Study at p. 10. The Traffic Study also finds that the Applicant's implementation of a Transportation Management Plan (TMP) will ensure that the School and the CDC will not have an adverse impact on the surrounding roadway network. *See* Traffic Study at p. 11.

VII. SPECIAL EXCEPTION RELIEF

A. RELIEF REQUESTED

The Applicant is requesting special exception approval to permit (i) the construction of a new school building pursuant to 11-U DCMR §§ 203.1(m) and 420.1(a), 11-X DCMR § 104.1 and

³ *See* BZA Case No. 20751. Public record, *available at*:
https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20751

⁴ The Traffic Study was submitted in accordance with 11-Y DCMR § 300.14, which provides that no later than thirty (30) days before the date of the public hearing on the application, the applicant shall file with the Board any traffic or transportation reports to be submitted in support of the application.

11-X DCMR §901.2; and (ii) to allow 31 parking spaces and seven tandem spaces, and thus fewer than the minimum number of required parking spaces, pursuant to 11-C DCMR § 703.2.⁵

B. BURDEN OF PROOF

Pursuant to D.C. Code § 6-641.07(g)(2) and 11-X DCMR § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property, subject in each case to the special conditions specified. The stated purposes of the Zoning Regulations are set forth in D.C. Code § 6-641.02:

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

A use granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception approval, “[t]he Board’s discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

⁵ In BZA Case No. 20472, the Board approved the same special exception relief to allow tandem parking spaces. *See* BZA Public Mtg. Tr. of Nov. 3, 2021, at pp. 6-35.

C. JUSTIFICATION

1. Special Exception for Proposed Construction of New Private School Building

A private school is permitted in the RA-1 zone by special exception pursuant to pursuant to 11-U DCMR § 420.1(a) subject to the conditions of 11-U DCMR § 203.1(m).⁶ The Applicant demonstrates compliance with each of the following conditions:

- (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;*
 - (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;*

This application complies with each of the foregoing criteria as discussed below:

The [private 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.

As discussed above, the Kennedy School has operated on the Property since 1958 without any complaints of objectionable impacts to adjoining and nearby properties. The construction of the new facility will provide a superior learning space for students and development space for children served by the CDC, but will not bring significant operational changes. As noted above, the number of students, hours of operations, and transportation services at the new school will be consistent with the historical operations at the existing school. Moreover, given that the Kennedy School serves students with physical, emotional and developmental disabilities, special attention was given to the building design to create an environment that is safe, secure, navigable, and aesthetically pleasing. The new facility will promote the overall well-being of the student population and minimize any objectionable impacts to the neighboring properties.

⁶ 11-U DCMR § 420.1(a) provides that "any use or structure permitted under Subtitle U § 320" is permitted by special exception in the RA-1 zone. 11-U DCMR § 320.1(a) then provides that "any use or structure permitted under Subtitle U § 203" is permitted by special exception. The transitive nature of these provisions thus permits a private school in the RA-1 zone by special exception.

It is also unlikely that the School would become objectionable to residents of the townhome community that is proposed for the western portion of the Property. The site planning for the School Site has been closely coordinated with the developer of the townhome community to achieve maximum compatibility between both uses, and to ensure future connectivity to the Providence Hospital site should it be redeveloped in the future.

[The private school shall have] [a]mple 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.

As noted above, the School Site must provide a minimum of 37 parking spaces in accordance with 11-C DCMR § 701.5. The Applicant proposes to provide only 31 compliant parking spaces; however, the provision of seven tandem parking spaces will bring the total number of parking spaces to 38. These 38 spaces will be sufficient to accommodate the students, teachers, and staff likely to come to the School Site by automobile. The Traffic Study finds that the seven tandem spaces will be "effectively managed" because they would be used by faculty and staff of the School of the CDC who arrive earlier and leave later. See Traffic Study at p. 11. Thus, the tandem spaces are unlikely to pose any conflicts.

After hearing all evidence, the Board of Zoning Adjustment may require additional parking to that required by this title.

As discussed herein, the proposed parking will not result in any objectionable conditions on the School Site and will adequately serve the students, faculty and staff of the School and of the CDC. Accordingly, the Applicant does not believe any additional parking is necessary.

2. Special Exception for Private School Plan

11-X DCMR § 104.1 provides that education use by a private school shall be permitted by special exception subject to review and approval by the BZA after its determination that the use meets the general criteria of Subtitle X Chapter 9 and the following conditions:

- *The private 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. (11-X DCMR § 104.2).*
- *The development standards for a private school shall be those of the zone in which the private school is located. (11-X DCMR § 104.3).*
- *In calculating density, the land area shall not include public streets and alleys, but may include interior private streets and alleys within the school boundaries. (11-X DCMR § 104.4).*

This application complies with each of the foregoing criteria as follows:

The private 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. (11-X DCMR § 104.2).

The Applicant incorporates by reference its comments above related to 11-U DCMR § 203.1(m)(1) to demonstrate that School meets this condition.

The development standards for a private school shall be those of the zone in which the private school is located. (11-X DCMR § 104.3).

As shown on Sheet C-200 of the Plans, the new school building will satisfy all of the development standards of the RA-1 zone, with the exception of parking (for which the Applicant is requesting special exception relief).

In calculating density, the land area shall not include public streets and alleys, but may include interior private streets and alleys within the school boundaries. (11-X DCMR § 104.4).

With the construction of the new school, the School Site will have a density of approximately 0.42 FAR, which complies with the maximum permitted density in the RA-1 zone (0.9 FAR).

3. Special Exception for Proposed Parking

As shown on Sheet C-200 of the Plans, the School Site will provide 31 compliant spaces, including 10 parallel spaces strategically located along the side of the proposed private road. With the seven tandem spaces proposed in the rear lot, the School Site will effectively provide 38 spaces where 37 are required.

Pursuant to 11-C DCMR § 703.2, the BZA may grant a full or partial reduction in the number of required parking spaces, subject to the general special exception requirements of 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;*
- (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*
- (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*

- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonable be expected to create in the neighborhood;*
- (e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*
- (f) All or a significant proportion of dwelling units are dedicated as affordable housing units;*
- (g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;*
- (h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:
 - (1) A curb cut permit for the property has been denied by the Public Space Committee; or*
 - (2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or Chapters 6 or 11 of Title 24 DCMR;**
- (i) The presence of healthy and mature canopy trees on or directly adjacent to the property; or*
- (j) The nature or location of an Historic Resource precludes the provision of the number of parking spaces required by this chapter; or providing the required number of parking spaces would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Resource.*

In this case, the criteria of 11-C DCMR §§ 703.2(a), (e), and (i) are relevant to the amount of parking that can be achieved on the School Site, and serve as justification for the requested special exception approval.

The layout for the School Site is challenged because of topography. The site slopes with a significant elevation change that exceeds 20 feet, which limits the areas where safe and accessible parking can be provided on-site. Moreover, the Applicant cannot provide six additional compliant spaces on another lot in accordance with Subtitle C § 701.8. As discussed above, the land surrounding the School Site to the east, west, and south is owned and controlled by the Providence Hospital, which must be able to accommodate its own parking needs. In addition, the residential

properties to the north of the School Site are zoned R-2. As such, no off-site parking location would comply with the zoning limitations set forth in 11-C DCMR § 701.8(b)(2).⁷ For these reasons there is no viable off-site location available within 600 feet from the new school building.

Regarding the criteria of subparagraph (e), the anticipated parking demand for the School and the CDC would be met by the minimum parking standards. As explained above, all of the School's students are transported to/from the School via bus, and therefore require no parking. Although some children attending the CDC would be dropped-off and picked up by automobiles, parents/caretakers would only require parking for a limited duration. Effectively, all on-site parking will be utilized by the School's faculty and the CDC's staff. The tandem spaces are intended to serve these employees who are likely to arrive early, leave late, and remain on-location throughout the entirety of the school day. Therefore, the seven tandem spaces can be effectively managed.

Finally, as depicted on the overall landscape plan (*see* Updated Sheet L-100), the Applicant proposes to relocate two heritage trees to the School Site – one in the northeast corner and one in the southeast corner. In order to ensure the health and longevity of these transplanted trees, parking spaces cannot be located in close proximity to the tree root plate. This further limits the areas where required parking can be provided on the School Site.

4. Compliance with General Special Exception Criteria

The requested special exceptions are in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. 11-X DCMR § 901.2(a). The RA zones are intended to "encourage compatibility between the location of new buildings or construction and the existing neighborhood," and a stated purpose of the RA-1 zone is to "permit the construction of those institutional⁸ buildings...that would be compatible with adjoining residential uses." 11-F DCMR §§ 100.3(f) and 300.1(b) (emphasis added). Consistent with these intentions, the proposed construction of the new school building will be compatible with the existing neighborhood and neighboring residential uses. The new construction will comply with all of the development standards of the RA-1 zone (e.g., FAR, height, etc.), and the segmented design ensures compatibility with the surrounding residential aesthetic.

The proposed parking, which falls short of the minimum requirement by six spaces, does not undermine the intentions of the parking regulations as set forth in 11-C DCMR § 700.1. The 31 compliant spaces and the seven tandem spaces are "designed to minimize negative impacts"

⁷ 11-C DCMR § 701.8(b)(2) provides that an off-site location may be located within a different zone, except that the off-site parking location for a use within any zone other than an R or RF zone shall not be located within an R or RF zone, except parking for Transportation Infrastructure uses as permitted by Subtitle U § 202.1(q). In this case, because the School Site is zoned RA-1, an off-site parking location could not be located on the nearby properties zoned R-2. The new school building is also not a Transportation Infrastructure use.

⁸ The "education, private" use category is described as "an educational, academic, or institutional use with the primary mission of provision providing education and academic instruction that provides District or state mandated basic education or educational uses." 11-B DCMR § 200.2(k)(1). Thus, the reference to "institutional buildings" in 11-F DCMR § 300.1(b) contemplates the new facility proposed for the Kennedy School.

and are "safe and accessible" given the nature of the proposed uses and anticipated demand. 11-C DCMR § 700.1(a) and (b). As discussed above, the seven tandem spaces are intended for faculty and CDC staff who are likely to remain on-site throughout the school day, and thus will not depend on having unobstructed access to their vehicles. Furthermore, the configuration of the surface parking area creates opportunities for significant landscaping and accommodates the relocation of two heritage trees, thus reducing environmental impacts. *See* 11-C DCMR § 700.1(c).

The requested special exceptions also will not tend to affect adversely the use of neighboring property. 11-X DCMR § 901.2(b). The Kennedy School first opened in 1958 and has operated for decades without objection from neighboring residents. The new construction will provide enhanced learning and activity spaces for the School and the CDC, but is not intended to increase enrollment and/or escalate the School's operations, which will remain consistent with past practice. As noted above, the Applicant has also been coordinating closely with the developer of the new townhome community proposed to the west of the School Site to ensure that the site planning is compatible. With respect to parking, the provision of six fewer spaces than the minimum requirement will not encourage "spillover" parking. The 31 compliant spaces, together with the seven tandem spaces, will effectively provide 38 total parking spaces, and will be adequate to satisfy the demand generated from the School and the CDC.

Finally, for the reasons discussed above, the application meets the applicable criteria for granting special exception approval for a private school in the RA-1 zone and a reduction in the required parking. 11-X DCMR § 901.2(c).

VIII. DESIGN FLEXIBILITY

The Applicant respectfully requests flexibility to the exterior details, exterior materials, and parking configuration for the new school building as follows:

- **Exterior Details.** To make refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the approved plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings and skylights.
- **Exterior Materials.** To vary the final selection of the colors and type of exterior materials based on availability at the time of construction, provided that the selection of colors are within the color ranges shown in the approved plans.
- **Parking Configuration.** To make refinements to the approved parking configuration on the private street adjacent to the School Site, including location along the street, number of parking spaces (plus or minus 2 spaces), and/or other elements, in order to respond to opportunities and/or constraints that may arise during the permitting and construction of the proposed private street adjacent to the School Site.

The Applicant recognizes that such design flexibility will be granted so long as the changes do not increase the special exception relief granted by the Board or create any areas of relief that require further review by the Board.

IX. UPDATE ON COMMUNITY OUTREACH

The Property is located within the boundaries of Advisory Neighborhood Commission ("ANC") 5A and within the jurisdiction of Single-Member District 5A03. The Applicant presented this zoning application at an SMD community meeting on May 19, 2022, and on September 8, 2022. The Applicant anticipates that the full ANC will consider the application at its duly-noticed, regularly scheduled public meeting on September 28, 2022. To date, the community stakeholders have not expressed any objection to the new school building as designed.

X. UPDATED WITNESS LIST AND EXPERTS

Outlines of testimony for the Applicant's witnesses are included at Exhibit 11 in the case record. Those witnesses who will be testifying as experts are identified with an asterisk (*) in the list below:

1. Mary Jane (MJ) Morrow
Representative from Catholic Charities of the Archdiocese of Washington
2. Sequaya Tasker
Representative from The Kennedy School
3. Suman Sorg, FAIA / Natalie Ramirez, AIA (*)
A Complete Unknown Architects
 - To be proffered as expert witness in architecture and urban design.
4. Jami L. Milanovich, P.E. (*)
Wells + Associates
 - To be proffered as expert witness in transportation planning and traffic engineering. Professional resume previously submitted at Exhibit 27B.
5. Sharon Bradley
Bradley Site Design, Founder + Principal
 - Available for questions.

XI. EXHIBIT LIST

- Tab A: BZA Order No. 5225
- Tab B: Certificates of Occupancy for School Use (1960, 1977, 1980)
- Tab C: Updated Architectural Plans
- Tab D: Professional Resumes of Suman Sorg and Natalie Ramirez