

**MEMORANDUM**

District of Columbia Office of Planning



**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Arthur Jackson, Case Manager  
 Joel Lawson, Associate Director Development Review

**DATE:** December 11, 2012

**SUBJECT:** **BZA Case 18472** – Request for a parking variance for the Excel Academy DC Public Charter School located at 2501-2533 Martin Luther King Jr Avenue SE

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**I. SUMMARY RECOMMENDATION**

The Office of Planning (OP) **recommends approval** of the requested parking variance. However, OP notes that the submission provides little justification regarding how the proposal addresses the relevant test for parking relief. The applicant will provide a more comprehensive and acceptable justification at the public hearing.

**II. AREA AND SITE DESCRIPTION**

|                                    |                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address                            | 2501-2533 Martin Luther King Jr Avenue SE                                                                                                                                                                                                                                                                                                                                             |
| Legal Description                  | Square 5862 Lot 0960                                                                                                                                                                                                                                                                                                                                                                  |
| Ward                               | 8C                                                                                                                                                                                                                                                                                                                                                                                    |
| Lot Characteristics                | The existing 2.07 acre property is located in the northwest corner of the Sumner Road intersection with Martin Luther King Jr Avenue NE. The property slopes down sharply and then gently from east to west. Driveways from MLK Jr Ave and Sumner Road provide vehicular access to a paved parking lot. The Suitland Parkway Expressway cuts across the northern end of the property. |
| Existing Development               | The property is developed with the former Birney Public School building, a ball field and hard surface playground area, and paved parking area which accommodates approximately 48 vehicles. The former public school is now occupied by two public charter schools – Excel Academy (the applicant), and Septima Clark Public Charter School.                                         |
| Zoning                             | R-5-A and W-3, although the portion of the site occupied by the school and associated open spaces / parking is all zoned R-5-A. Both districts allow public schools as a matter of right.                                                                                                                                                                                             |
| Historic District                  | None                                                                                                                                                                                                                                                                                                                                                                                  |
| Adjacent Properties                | The Anacostia Metro rail station and the Suitland Parkway, two-story detached dwellings to the south across Sumner Road, Matthews Memorial Baptist Church to the southeast across the Sumner Road intersection with Martin Luther King Jr Avenue; Campbell's AME Church to the east across the avenue, and the Barry Farms Recreation center and community to the west.               |
| Surrounding Neighborhood Character | Moderate-scale residential (refer to Figure 2)                                                                                                                                                                                                                                                                                                                                        |

BOARD OF ZONING ADJUSTMENT  
 District of Columbia

CASE NO. 18472

EXHIBIT NO. 27



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EXHIBIT NO.27

### III. APPLICATION IN BRIEF

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant     | Excel Academy, the applicant and property lessee, with the permission of the District of Columbia Department of General Services, the lease holder                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Proposal      | <p>Excel Academy is pre-K through eight grade charter school exclusively for girls. It currently shares the site and its facilities with Septima Clark, a public charter school for boys which is in the process of relocating off this site. Currently, the two schools collectively have 759 students and 127 faculty<sup>1</sup>.</p> <p>Excel Academy plans to expand to accommodate approximately 1,000 students and 162 faculty and staff members over the next three years (through the 2015-2016 academic year), after the other charter school departs.</p>                |
| Relief Sought | §3103.2 – variance relief to reduce the parking requirement to equal the current 48 on-site parking spaces. Chapter 21 of the Zoning Regulations bases parking requirement on the number of faculty, requiring a minimum of 2 parking spaces on-site for every 3 teachers and staff. The site currently provides 48 spaces, the 127 current faculty (for both schools) would require 85 spaces so the site is currently non-conforming, and the proposal to increase the number of faculty to 162 increases the parking requirement to 108 spaces, so increases the non-conformity. |

### IV. OFFICE OF PLANNING ANALYSIS

- Unique and exceptional conditions resulting in a practical difficulty

Unique conditions identified in the application are that the existing building was constructed prior to the current Zoning Regulations, and “there is no available space for additional parking on the site.” The existing parking lot is located north of the building on a gentle slope that extends down from Martin Luther King Avenue.

The location of the building and the need for extensive open play space for a facility of this size would appear to constrain options for additional parking. However, the applicant should better explain why this parking area could not be extended, even marginally, to more closely meet zoning requirements.

- Determent the public good

The application essentially does not address this aspect of the test, and should be required to provide analysis at the hearing. Rather, the Traffic Study seems to indicate that the current demand exceeds the on-site parking capacity, and expanding the number of staff would presumably make this situation worse without a robust and enforceable traffic management strategy. To address this, the Gorove Slade Traffic Statement (but not the applicant submission) alluded to the following mitigating factors:

- The site is well served by transit, with several bus routes along MLK Jr Avenue SE. The property is approximately 750 feet from Anacostia Metrorail Station which also has a Capital Bikeshares Station. However, in spite of the accessibility of transit, only 26 percent of the current staff arrive Metrorail, bus or by walking.
- Although not noted in the applicant's statement, the Traffic Consultant report notes that Excel

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<sup>1</sup> Information from the applicant's traffic study

Academy will commit to implementing the following Transportation Demand Management (TDM) and parking strategies at the start of the 2013-2014 academic year in an attempt to reduce the parking demand

- Designate a TDM Coordinator to oversee and implement the TDM measures
  - At the beginning of the school year, distribute information to faculty, staff and students explaining the benefits of sustainable transportation practices
  - Provide incentives to encourage more employees to carpool, although the submission does not provide a commitment as to what these incentives might be
  - Work with the Metropolitan Washington Council of Governments' (MWCOC) to help parents to identify other parents to share vehicle trips to the site
  - Allow employees to withhold funds from their paycheck for transit under the WMATA SmartBenefits program
  - Monitor the trip generation and mode split for employees and students and report this information to the District Department of Transportation (DDOT) in order the monitor the progress of the TDM program
  - Restriping the existing parking areas to accommodate additional vehicle spaces, although there is no indication of what the potential number of spaces could be
- The Traffic Consultant report also notes that the applicant has entered into an agreement with Matthews Memorial Baptist Church across MLK Jr. Ave to lease 12 parking spaces, and the mentioned that it may be possible to secure additional spaces Campbell's AME Churches OP supports sharing of parking spaces, but addition detail of this agreement is needed, as is an assurance that these are not spaces required by the Church OP also encouraged the applicant to provide an accurate count of the *total* number of parking spaces that could be accommodated on the site or leased on neighboring properties. This would allow the Board to make a more informed decision on this case

In summary, OP is supportive of the direction of the TDM plan, but the plan is lacking in detail and commitment This detail should be provide prior to or at the hearing, and the applicant should be willing to include commitments into any BZA Order

- Detriment to the intent, purpose and integrity of the zoning regulations.

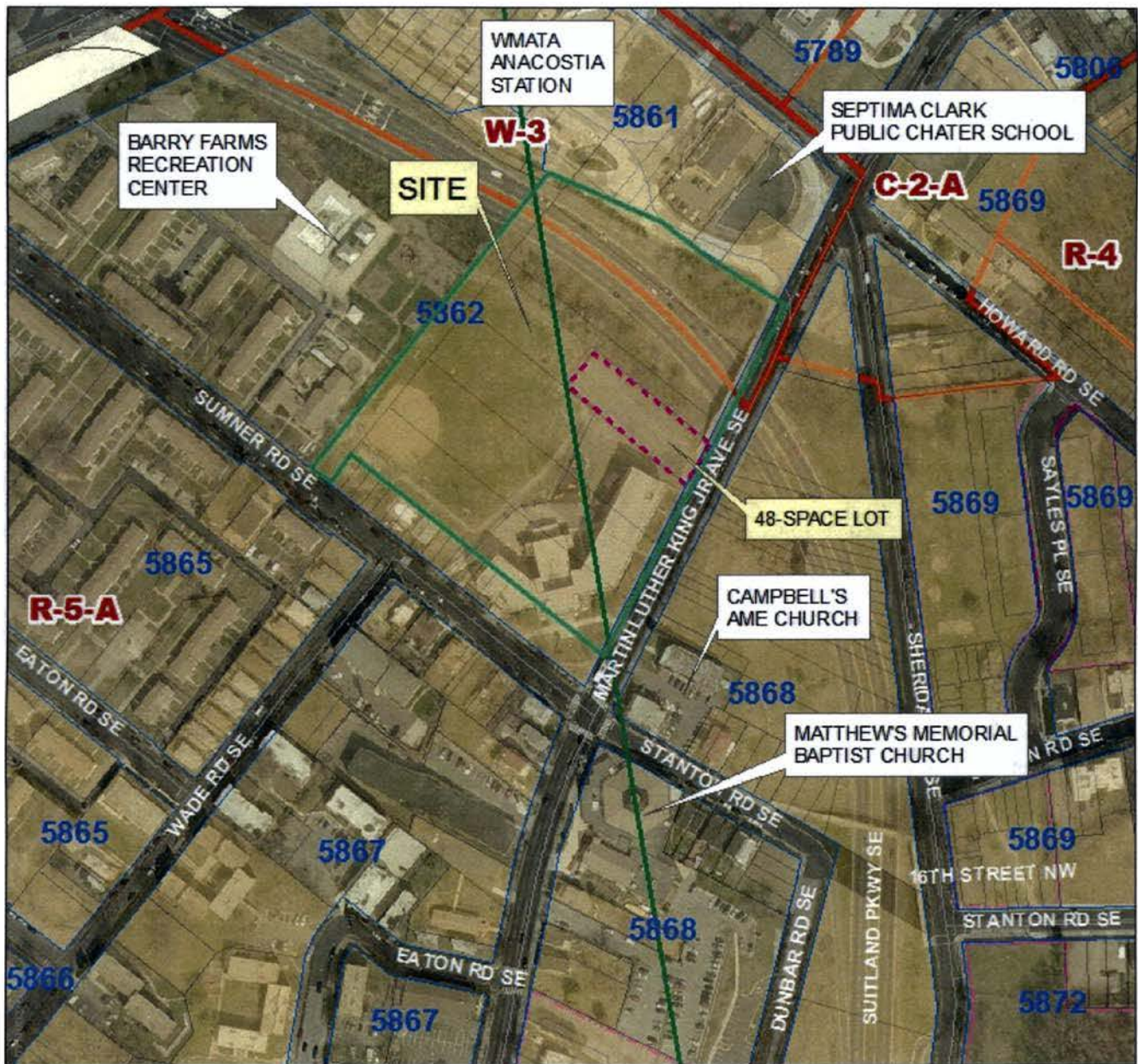
Again, the submission essentially does not address this portion of the test – normally, this lack of justification would be enough for OP to recommend denial of the application However, in this case, OP acknowledges that the existing Charter facilities, combined, have close to the total number of faculty that currently exists on the site Providing required amounts of on-site parking would seem to lead to a reduction in other important open space, needed for any school and, presumably, also of benefit to the broader community Subject to District Department of Transportation comments on the proposal, and with the submission of proper TDM commitments, the expansion should be able to be accommodated without significant detriment to the intent of the zoning

## **V. AGENCY REVIEW**

The District Department of Transportation has been contacted about this application and will be providing comments under a separate cover

## **VI. COMMUNITY COMMENTS**

This application was forward to Advisory Neighborhood Commission (ANC) 8C for review and comment To date no ANC resolution on this case has been added to the case record file, although the Chairperson of the ANC, Mary Cuthbert, has submitted a letter in support.



**BZA Application No. 18472**  
**2501-2533 Martin Luther King Jr. Avenue SE**



Government of the District of Columbia  
 Office of Planning ~ December 10, 2012

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery © Pictometry International

- Metro Stations
- Metro Bus Routes
- Property Squares
- Street Center Lines
- Water