

December 26, 2013

VIA HAND DELIVERY

Lloyd Jordan, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: **Pre-Hearing Statement for BZA Case No. 18663**

Dear Chairperson Jordan and Members of the Board

Enclosed, please find one original and 20 copies of the Applicant's pre-hearing statement in the above-referenced case. The Applicant looks forward to presenting this application at its public hearing on January 14, 2013.

If you or your staff has any questions, please feel free to contact me

Sincerely,


Christine Roddy

Enclosures
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BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18663
EXHIBIT NO. 27

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PRE-HEARING STATEMENT OF THE APPLICANT

I.

Nature of Relief Sought

This is the pre-hearing statement of the Lab School of Washington (“Applicant” or “School”) for special exception relief to construct a high school and an addition to its arts building. The School also seeks variance relief to further reduce the amount of on-site parking by twenty standard spaces (net reduction of sixteen spaces) and to reduce the amount of formal loading provided on-site. The Applicant was most recently before the Board in 2011 to permanently establish the approved student enrollment and faculty and staff caps at 330 and 182, respectively. The Applicant is not proposing to raise either cap with this application. A copy of Order No. 18237, is attached as Exhibit D. This application pertains to the Applicant’s campus located 4759 Reservoir Road, NW (Square 1372, Lot 25) (“Property” or “Main Campus”).

II

Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Sections 206, 2101, 2201, 3103 and 3104 of the Zoning Regulations.

III.

The Applicant

The Lab School is a co-educational independent school for children with special needs in grades one through twelve grade. Grades five through twelve are located on the Main Campus while grades one through four are located on Lab’s campus at 4470 Q Street, NW (also known as 1550 Foxhall Road, NW). See Order No. 17944.

Founded in 1967 by Sally L. Smith, The Lab School of Washington is internationally recognized for its innovative programs for children with learning disabilities. The current Head of School, Katherine Schantz, has been with the School since July 2009.

The instructional approaches developed by Professor Smith emphasize hands-on, experimental learning and the use of the arts to teach academic skills. State-of-the-art work with technology-based learning, performing, visual and multi-media arts and experiential learning keep the Lab School pioneering new educational methods. In some classes, such as reading, Lab School students require one-on-one instruction by teachers. The School maintains a low teacher to student ratio to deliver the rigorous content and multiple modalities to its diversity of learners. Over 90% of Lab School students go on to college.

Because of the special needs of the students, the Lab School provides specialized services to its students, including psychological assessment; speech and language therapy, psychotherapy; occupational therapy, evaluation and treatment; and consultation services. The Lab School outreach service offers assistance to parents and professionals.

The Lab School has been an active member of this community for over 30 years and an active member of the District community for almost 45 years. Once the gymnasium was built, the School has offered the Community Swim Program, which allows neighborhood residents the use of the Lab School's indoor pool and gym. The School also hosts local swim teams and swim clubs and provides space for swimming lessons. The Lab School offers gym space to basketball training camps, local art fairs and community groups. Lab participates in the Halloween festival at the adjacent firehouse. In addition to its active participation in the immediate community,

25% of Lab's present student population are children funded by the District of Columbia Public School system.

IV.

Description of Subject Property and Surrounding Area

A. The Subject Property and Surrounding Property

The Property is located in the R-1-B Zone District near the intersection of Whitehaven Parkway and Reservoir Road and has frontage on both streets. The Property contains 163,567 square feet of land area, which varies topographically from west to east. It is improved with a prominent "castle" administration building, a gymnasium, including an indoor pool, a carriage house, an arts building, two classroom buildings, and two administrative buildings that were formally single-family houses. The Applicant also owns property located across Whitehaven Parkway, which contains 5,003 square feet of land area.

The surrounding area is largely dedicated to institutional uses. The Property abuts St. Patrick's Episcopal Day School to the east and Fire Engine House No. 29 to the west. The School is also within close proximity to the George Washington University's Mount Vernon Campus, and the Our Lady of Victory Church and School.

B. Existing Zoning and Prior Zoning Approvals

The Property is located in the R-1-B District, which is designed for low density residential areas. The site is surrounded by property also located in the R-1-B Zone District.

The School was established at its present location in 1982. Prior to that time, the Property was the location of the Florence Crittendon Home and School. In 1992, the BZA, by Order No. 15642, granted the School's application to add additional property to the School and to convert a single family home into administrative offices. In the 1997 case that approved the

new gymnasium (Order No. 16273), the BZA approved a maximum student enrollment of 310 students and a faculty/staff cap of 95. In a subsequent BZA case, the Board approved use of the property located at 4749 Whitehaven Parkway for use as administrative offices for the School. The same order, Order No. 17383 (amended by Order No. 17383-A), also approved an increase in the student population to 330 students and the number of faculty and staff to 182 individuals. As a condition of approval, the Board required the Applicant to construct 43 new angled parking spaces, complete with a sidewalk, along Whitehaven Parkway and in public space to accommodate faculty, staff, and visitors to the School, while also remaining available for use by the public. The Board also limited approval for increasing the student, faculty and staff numbers to a term of five years and asked that the School update the ANC on the current student enrollment, the number faculty and staff employed and with the results of bi-annual traffic monitoring surveys. Lab returned to the Board in 2011 in Case No. 18237 to demonstrate that its operations satisfied the conditions set forth by the Board five years previously. The Board agreed and granted permanent approval of the student enrollment and faculty and staff caps so long as Lab complies with the stated conditions.

V. Description of Project

Lab is proposing to expand the facilities on its campus to provide additional room for its current student population. It is proposing a high school building to provide its high school students space separate and apart from the middle-school students. The construction of the high school will necessitate the demolition of the two administrative office buildings along Whitehaven Parkway. Lab is also proposing an addition to its arts building. In total, this project will increase the gross floor area on the campus from approximately 85,000 square feet to 108,000 square feet.

Lab has undertaken minimal expansion of its classroom space since it occupied the site in 1982. The last major improvement constructed on the campus was the gymnasium, which was constructed in 1999. In order to serve the needs of its students, Lab has determined that a physical expansion is necessary. Lab currently has 125 students enrolled in its high school program and 152 students in its middle school program and both programs are comingled in a single building, which makes for suboptimal classroom space. There are currently up to 13 students in each classroom, the average size of which is 237 square feet. Lab strongly believes that more space is necessary for the education of its middle and high school students; accordingly, it will shift the high school students to the proposed building. This project will remedy the crowded conditions in the high school and in turn give the now crowded middle school students more space. The school is not seeking to increase its enrollment in the high school or significantly change the current mix of students.

More specifically, this project will improve deficiencies in space by increasing average classroom size from 240 square feet to 500 square feet. The high school will include approximately 18 classrooms and new multi-functional student commons. These spaces will allow the high school to function almost entirely independently of the rest of the campus (the high school will, however, still share the theatre, outdoor area, arts facility, and gymnasium facilities with the middle school). The proposed classrooms are sized to accommodate innovative and nontraditional teaching methods and will allow flexibility and mobility in furnishings to accommodate different ways of learning, which is the hallmark of Lab's educational model. With moveable furniture, the classrooms can be used as space for one-on-one learning or be reconfigured to accommodate a collaborative group setting. Additionally, Lab integrates art into many of its disciplines in order to illustrate subject matter. Doing this requires

unique large rooms for studio space and the storage of art materials. At the same time Lab School is dedicated to providing a college-preparatory academic experience and the proposed high school will offer state-of-the-art science labs to promote STEAM (Science, Technology, Engineering, Art and Math) learning.

In addition to serving Lab's educational needs, the additional space will also satisfy functional needs. It will also allow for easy circulation; the current high school hallways were constructed for a significantly lower traffic volume, resulting in square footage substantially less than what is necessary for the daily flow in the high school. In addition, the new space allows for the recommended number and kinds of bathrooms. Finally, it increases the multi-purpose meeting spaces, which will allow the entire high school student body to meet for assemblies and allow more conference rooms for conducting progress meetings.

With respect to the proposed addition to the arts building, Lab will increase the size of its arts studios and it will provide space for its theater program. Currently, all 277 students share one floor of the arts building for a combination of studio arts classes, middle school home rooms and academic clubs. The space is inadequate with regard to the size of rooms and the arts-based mission of the School. Students take at least one and sometimes two arts classes daily. The proposed new floor on the arts wing will give the upper grades access to arts studios that are more spacious, sophisticated, and equipped to deliver the STEAM curricula. The art studio is sized to allow students the freedom to explore large scale projects while the musical area will allow for training and practice without disrupting adjacent classrooms. Additionally, the School has a Black Box Theater on the ground floor of the arts building that is a hallmark of its arts-based curriculum. The current theater does not have adequate space for a stage, much less audience seating. The 200 square foot addition to the theater will help mitigate these limitations

and will better accommodate the parent audiences, add a stage and improve technology for productions.

Lab will use this project as an opportunity to “green” its operations. As a part of its greening effort, Lab will replace its HVAC system with a more efficient system and is incorporating water efficient fixtures and landscaping. Its work will be LEED certifiable. The School is also reducing the area of its surface parking lot and converting a portion of it to pervious green space. More specifically, Lab is eliminating the parking area that lies between the classroom space and the gymnasium. While this decision is the result of the School’s green initiative it also because Lab has determined that this area gives rise to pedestrian and vehicular conflicts and Lab is eliminating it as a safety precaution. Converting this parking to green space will create a functional and visual connection between the school buildings that will allow students to traverse safely. It will also, however, result in the reduction of on-site parking and loading. Lab currently provides 87 zoning-compliant spaces on campus and 20 stacked parking spaces for a total number of 107 on-site parking spaces and it provides one loading berth. The elimination of this parking and loading area, as well as the elimination of seven spaces along the southern edge of the addition, results in a loss of 20 zoning compliant spaces on-site and one loading berth, but will allow for a safer arrival, dismissal and access to the high school and will eliminate delivery trucks on the center of its campus. The enhanced TMP measures (as discussed later in this document) would encourage use of transit and result in reduced emissions, consistent with the District’s policy for sustainability.

VI.

Relief Requested

This application seeks approval to construct an addition to the Lab School campus that will be used for private school purposes. Lab is located in the R-1-B Zone District and as such, private school uses, including the expansion thereof, requires special exception relief from the BZA. Accordingly, Lab seeks relief pursuant to Section 206 of the Zoning Regulations to allow for the construction of a 29,000 square foot private school addition.

Lab also seeks variance relief pursuant to Section 2001.1 from the parking requirements for a private school. The on-site parking requirement for the School is 130 spaces; however, the School currently has approval for 87 zoning-compliant spaces. This project will result in the loss of 20 parking spaces leaving a total of 67 zoning-compliant parking spaces on-site. Four spaces would be gained through stacked parking, resulting in net loss of 16 spaces.

Finally, Lab seeks variance relief from the requirements of Section 2201.1. The on-site loading requirement for a private school with more than 100,000 square feet of development is to provide one loading berth at 30 feet deep (with accompanying platform and service and delivery space) and one loading berth at 55 feet deep (with accompanying platform). Lab will provide an informal loading area at the rear of the school that will be accessed from Whitehaven Parkway and will meet its needs.

As noted previously, the School is not proposing changes to the existing cap on its student enrollment or faculty and staff numbers nor is it proposing changing its scope of services, as it currently has a high school program.

A. The Application is in Harmony with the General Purpose and Intent of the Zoning Regulations

1 The Property is Located so as Not to Be Objectionable to Neighboring Properties

The proposed construction will be located on the northwestern property line, along Whitehaven Parkway, and in the interior of the campus. It is adjacent to the Palisades fire station and across Whitehaven Parkway from Our Lady of Victory and south of St. Patrick's Episcopal Day School. The addition is surrounded by institutional uses and is the same context and scale of the existing institutional uses lining the street.

a. **Noise**

There will be no negative noise impact from the proposed addition. All activities associated with the completed work will take place indoors, which will buffer the noise from surrounding properties. The only outdoor component of the project is the conversion of the surface parking area to green space. This space is currently used by students as a connection between buildings; the use of the space will not necessarily change with the proposed project, but the level of safety in using it will. Nevertheless, this space is located between two school buildings; the structures will impede noise travel to other properties. It is important to remember that the School is not increasing the maximum number of students who will be located on-site, thus there should be no discernable increase in the level of noise generated by campus activities.

Finally, it is significant that the surrounding uses are each institutional uses themselves – either a school, which would generate a similar level of noise as Lab, or a fire house, which generates a greater level of noise. Accordingly, there is no adverse effect on neighboring property owners with respect to noise

b. Traffic

The Applicant is proposing to maintain its existing cap of 330 students and 182 faculty and staff members. The School has implemented a stringent Traffic Management Plan (“TMP”) in compliance with the approval granted by Case No. 18237. Specifically, the School has instituted a number of programs to ensure that its operations do not contribute to congestion along MacArthur Boulevard or Reservoir Road, including

- Established and expanded a highly successful shuttle-bus program to certain Metro stations and other points in Virginia and Maryland,
- Provides \$245 a month in Metrocheck benefits to encourage employees to take public transportation,
- Enrolled in the “Guaranteed Ride Home” program to encourage use of public transportation;
- Provides bike racks and showers for faculty and staff who to bike to the Campus,
- Adopted a formal carpool program (complete with a zipcode lists to facilitate forming carpools among families living in the same community); and
- Eliminated reserved parking at the Main Campus (a comprehensive list is attached in the transportation analysis as Exhibit B).

The School has agreed that it will not generate any new trips beyond 165 morning peak hour inbound trips, as required by Order No 18237. It monitors its trip generation twice a year to confirm that it meets this goal and to date, the School has successfully done so.

The School is not proposing a new circulation plan in connection with the high school addition. Access to the School will continue to be from the existing entrance on Reservoir Road. Pedestrian access to the School will be enhanced in connection with the project as two pathways

to the School will be improved from Reservoir Road so pedestrians can avoid using the vehicular entrance. The School proposes to modify the TMP measures as conditions dictate in order to be respond to faculty and staff needs, improve effectiveness and reduce parking demand. In fact, Lab is proposing that a condition of zoning approval include a provision that Lab cannot exceed a parking demand of 129 parked vehicles (during a typical weekday peak hour). This will ensure that in the event Lab meets its full capacity, there will be a maximum limit to its parking demand. Lab already monitors its parking demand twice a year when it monitors its trip generation; it is happy to continue to simultaneously provide the results to the ANC and DDOT at that time.

c. Number of Students

The Applicant is proposing to maintain the existing cap on the number of students, thus the number of students should not have a discernable effect on the community. It is worth noting that while the School currently has an enrollment of approximately 277 individuals, it has had an enrollment of 330 in years past and operated without negative impacts on the community.

d. Otherwise Objectionable Conditions

This application will greatly improve the quality of life for Lab students but will not create objectionable conditions for neighboring property owners.

2. The Applicant Will Provide Ample On-Site Parking

Lab currently has a parking demand of 118 parked vehicles during the typical weekday peak hour for its faculty and staff of 170 individuals. The School provides 107 parking spaces on-site (87 zoning-compliant spaces and 20 stacked spaces). It makes up the delta between its supply and demand (11 spaces) by leasing 15 spaces at the nearby CVS.

The application pending before the BZA proposes to eliminate a net of 16 on-site campus parking spaces, which will reduce the on-site parking supply to 67 zoning-compliant spaces and 24 stacked spaces. When Lab is at its faculty and staff cap of 182 individuals, it anticipates having a demand of 129 parked vehicles during the typical weekday peak hour.

In order to ensure that the proposed project will not have adverse parking impacts on the neighboring community, Lab is proposing to address the parking reduction in two separate ways. The first prong of its strategy is to use the parking supply it does have more efficiently (the on-site spaces that can be achieved through stacked parking currently are not fully utilized). Lab will acquire 23 additional spaces off-campus for a total of 38 parking spaces and it will assign faculty and staff members to park in the off-campus spaces to ensure maximum use of those spaces. As a last resort, Lab will utilize some of the angled parking spaces it constructed along Whitehaven Parkway. While this will provide a sufficient parking supply to meet the anticipated demand, Lab is striving to reduce the ultimate demand for parking.

The second prong of Lab's strategy is to strengthen its transportation demand management program. As demonstrated in Exhibit B, Lab currently undertakes a number of measures to reduce its parking demand. Nevertheless, Lab is proposing to double its efforts and reduce demand even further. It will expand the number of shuttles it provides and the shuttle routes in order to tailor them to meet the needs of students as well as faculty and staff. It has instituted a "guaranteed ride home" to make individuals more comfortable taking alternative transportation to work; similarly, it will provide a community bike so that those who don't drive to school can still run errands during the day. This is just a sampling of the measures Lab will undertake. Lab is committed to providing creative solutions to ensure that its physical expansion does not adversely impact those around it.

Lab has proven that it can meet – and exceed – such challenges in the past. The Board of Zoning Adjustment has previously charged Lab with reducing its parking needs. Historically, Lab generated a need for 175 parking spaces. Lab went to work and reduced parking demand to its current state of 118 parked vehicles during the typical weekday peak hour. Lab has already reduced its parking demand by 33% and its efforts are far from over. Lab wants to be sure that its operations do not have a negative effect on any other individuals or schools, so it has the motivation and determination to meet its parking goals. In fact, Lab proposes that a condition to zoning approval include a provision that says if Lab does not meet its parking demand goal of 129 parked vehicles during the typical weekday peak hour, additional TMP measures must be implemented immediately. If Lab fails for a second consecutive time, it must return to the Board for its review of the conditions of approval. Lab is committed to meeting this goal (see Section VIII for the proposed language).

B. Relief Can Be Granted Without Adversely Affecting the Use of the Neighboring Property in Accordance with the Zoning Regulations and Zoning Maps

As outlined above, the Applicant is not proposing a change in circulation patterns, an increase in the number of students, or an increase of its faculty and staff, but is in fact proposing to maintain the existing approval for the Main Campus. Accordingly, there should be no detrimental effect on neighboring property owners as a result of the proposed addition to the Main Campus. The Main Campus will in essence absorb the effects of the addition and impede any effects that would otherwise extend to neighboring property owners.

The project does reduce the amount of parking and loading on-site; however, the amount of parking that the School will provide both on-site and off-site, as confirmed by the attached parking study, will satisfy the needs of the School. Nevertheless, the School will reserve an additional 23 parking spaces, for a total of 38 off-campus parking spaces, to ensure that there is

no spill-over parking in the community. Lab will continue to work with the community to address any concerns they may have regarding parking and it is committed to maintaining or reducing the current level of parking demand. The Applicant believes that in light of the work it has done to minimize the effect of its operations on the community, its request for approval is appropriate. For example, this year alone, the number of students who take the shuttle rather than being driven to school, has increased by 25% since last year (from 80 to 100 students), showing that Lab can effect change in the transportation practices of its students, faculty and staff.

Moving the loading area from the center of the campus to the rear of the school will not have an adverse effect on the community. The proposed loading area is where Lab's trash is currently stored and picked up; thus, trucks are already accessing that area. The area is sufficiently large to accommodate the vehicles entirely on Lab's campus and because Lab's loading demands will not increase, the number of vehicular trips will not increase

VII.

The Application Meets the Requirements for Variance Relief

The burden of proof for area variance relief is well established. The Applicant must demonstrate that the property is affected by an exceptional or extraordinary situation or condition, that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. Palmer v. D.C. Bd. of Zoning Adj., 287 A.2d 535, 541 (D C 1972). As outlined below, the Applicant demonstrates that the Property meets the three-part test for area variance relief.

A. The Property is affected by an Exceptional Situation or Condition

The Court of Appeals held in Clerics of St Viator v D.C. Bd of Zoning Adj., 320 A. 2d. 291 (D.C. 1974) that the exceptional situation or condition standard goes to the property, not just the land. The Court in Monaco v. D.C. Bd. of Zoning Adj., 407 A.2d 1091 (D.C. 1979) went even further and noted that the exceptional situation or condition is not limited to the land or the physical improvements on the land, but applies also to the history of the property. In Monaco, the Court accepted the past zoning history of the property as evidence of uniqueness, as well as its location in relation to the Capitol. Specifically, the Court held “[t]he site’s proximity to the Capitol made it uniquely valuable to the Republican National Committee, a public service organization. The previously constructed buildings and the contiguous subject site can be considered together in applying the test especially because the past acts of the zoning authorities led interveners to rely in good faith on their eventual consent to the final stage of the building. This case, like DeAzcarate, illustrates that extraordinary circumstances can encompass the past zoning history, as well as the physical features, of the property.” *Id.* at 1099-1100. Furthermore, the Court of Appeals held in Gilmartin v. D.C. Board of Zoning Adjustment, 579 A.2d 1164, 1167 (D.C. 1990), that it is not necessary that the exceptional situation or condition arise from a single situation or condition on the property. Rather, it may arise from a “confluence of factors.” *Id.* Finally, it is not necessary that the Property be unreservedly unique. Rather, applicants must prove that a property is affected by a condition that is unique to the property and not related to general conditions in the neighborhood

Here, like in Monaco, there are a series of factors that contribute to the uniqueness of the Property. As described above, there are several limiting factors on the School’s ability to provide the requisite amount of parking and loading. The primary considerations are the existing

footprints of its buildings and the existing circulation plan, safety considerations, and on-site wetland and grade considerations.

The current footprint of the campus and the existing entrance to the School relegate the “front yard” as the only feasible space for parking or loading. Accordingly, the School dedicates the area in front of the main entrance as parking for visitors, faculty and staff. The placement of the school buildings impedes placing parking or loading elsewhere on campus as there is not the requisite space to provide both the space and access to the space. The only locations where parking or loading could be located is 1) between the two buildings – the area where parking is currently provided but the School is proposing to remove it, 2) on the wetlands, or 3) below the high school building. With respect to the first option, this aisle is currently used for parking and loading. It is also used by students accessing the gymnasium during the day or by the community accessing the pool at night and by large vehicles for loading. To have both pedestrians and vehicles utilizing the same space increases the likelihood of a conflict between the two. The drive aisle also does not function ideally for parking: it is a dead-end aisle, thus, if a car turns down the aisle and discovers that no parking is available, it must undertake a multi-point turn to pull out of the space. Similarly, trucks must make the same maneuvers after deliveries in order to exit the area. Again, undertaking such maneuvers where pedestrians are present is neither safe nor ideal.

With respect to the second item, there are local and federal restrictions to paving a certified wetland for use as surface parking or loading. Lab has no intention of paving this part of its campus. The wetlands play an important role in the School’s curriculum and Lab does not intend to change that.

Finally, with respect to the third item, providing parking in the high school addition would eliminate a significant amount of program space and undermine the utility of the new construction. This would come at a high cost too since the parking garage would yield a minimum number of spaces for the amount of program space it assumed. The high cost for so few spaces renders this option impracticable.

B. Strict Application of the Zoning Regulations would Result in a Practical Difficulty

The requested relief is for an area variance, and the appropriate test is whether the strict application of the zoning regulations results in a “practical difficulty.” In reviewing the standard for practical difficulty, the D.C. Court of Appeals stated in Palmer v. Board of Zoning Adjustment, 287 A.2d 535, 542 (D.C. App. 1972), that “[g]enerally it must be shown that compliance with the area restriction would be unnecessarily burdensome. The nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case.” In area variances, applicants are not required to show “undue hardship” but must satisfy only “the lower ‘practical difficulty’ standards.” Tyler v D.C. Bd. of Zoning Adj., 606 A.2d 1362, 1365 (D.C. 1992) (citing Gilmartin v. Bd. of Zoning Adj., 579 A.2d 1164, 1167 (D.C. 1990)). Finally, it is well settled that the BZA may consider “a wide range of factors in determining whether there is an ‘unnecessary burden’ or ‘practical difficulty’ Increased expense and inconvenience to applicant for a variance are among the factors for BZA’s consideration.” Gilmartin, 579 A.2d at 1171 (citing Barbour v D.C. Bd. of Zoning Adj., 358 A.2d 326, 327 (D.C. 1976)); see also Tyler v D.C. Bd. of Zoning Adj., 606 A.2d 1362, 1367 (D.C. 1992). Other factors to be considered by the BZA include: “the severity of the variance(s) requested”; “the weight of the burden of strict compliance”; and “the effect the proposed variance(s) would have on the overall zone plan.” Gilmartin, 579 A.2d at 1171.

Thus, to demonstrate practical difficulty, an applicant must show that strict compliance with the regulations is burdensome, not impossible. Here, the Applicant meets this standard. In the first prong of the variance test, the Applicant demonstrated that there is limited space available for providing the requisite parking and loading. Strict compliance with the Zoning Regulations would require the Applicant to either locate the parking or loading in a space with environmental restrictions on its use (the wetlands) or would require the School to compromise both safety and its goal of establishing a “greener” campus by providing parking between the gymnasium and existing classrooms. The School would like to take its goal of greening its campus even further by reducing its parking needs and encouraging faculty and staff to use alternative methods of transportation for arriving at campus. It would also like to eliminate as many vehicular and pedestrian conflicts on its campus as possible, for obvious reasons, and thus avoid using the central courtyard area for anything but passive recreation.

C. Relief Can Be Granted without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

The requested variance relief can be granted without impairing the intent, purpose and integrity of the Zone Plan. The reduction in parking will not have a negative effect on the community because the School is offering traffic management plan that will effectively reduce its parking needs. Attached as Exhibit B is a transportation analysis that sets forth that this goal is achievable and in order to achieve it, Lab will undertake the following commitments in addition to those commitments the school has already made to the community (these may be modified as a part of the final TMP)

- Providing a community bike to allow faculty to run errands during the day;
- Providing \$40 per month for those who bike to work;

- Prohibiting student driving absent an extenuating circumstance;
- Assign faculty and staff to use the parking spaces available at the CVS; and
- Providing dedicated carpool spaces as needed.

Lab will also commit to maintaining a parking demand of equal to or less than 122 parking spaces and will submit monitoring reports twice a year to both DDOT and the ANC regarding its progress.

Similarly, the requested relief from the loading requirements will not have an adverse effect on the community. Lab is moving its loading operations to the area at the rear of its campus, which is accessed from Whitehaven Parkway. This area is the only area on the campus that provides the space needed to adequately accommodate loading. It also is discreetly located so that it will neither interfere with Lab operations nor will it have any traffic impacts; further, that area is not used by pedestrians. Whitehaven Parkway is largely an institutional thoroughfare and serves considerably fewer vehicles than Reservoir Road, which was the previous access point for Lab's loading. This area is currently accessed by trucks for deliveries and trash pick-up so there will not be a significant difference between proposed operations and existing operations. Further, the proposed project will not increase Lab's loading demands, so there will not be an increase in vehicular trips to the site due to loading activity. While Lab will provide a loading area, it will not provide formal loading berths, as required by zoning. Nevertheless, this area will be sufficient to accommodate Lab's loading needs.

VIII.

Conditions

In coordination with the ANC, Lab proposes the following condition, in addition to each of the conditions of approval listed in Order No. 18237. Lab and the ANC are still finalizing the precise language of the condition; any modifications will be presented at the public hearing:

In order to ensure that the removal of the on-campus parking spaces will not impact the adjacent streets or neighborhood, Lab School will maintain a minimum of 38 off-campus parking spaces, secured through leases or by other means exclusive of the use of public parking spaces. LSW will monitor its parking demand once each semester (Fall and Spring) to determine how many secured off-campus parking spaces are required to meet LSW's parking demand needs subject to the following conditions:

1. The parking monitoring survey shall be conducted within 30 days of the start of each semester. A report documenting results of the parking monitoring survey will be submitted to DDOT and the ANC within 45 days of the completion of the monitoring survey.
2. The School shall commit to a maximum parking demand threshold of 129 parked vehicles including on and off-campus parking (exclusive of public parking spaces), during the typical weekday peak hour. The number of parked vehicles within the 38-space secured off-campus parking area will be defined in the monitoring report.
3. If the School's actual parking demand is equal to or less than the parking demand threshold during the typical weekday peak hour for four (4) consecutive semesters (or monitoring periods), subject to DDOT and ANC approval, LSW may reduce the number of secured off-campus parking spaces by a number approved in consultation with the ANC.
4. If the School's actual parking demand is greater than the parking demand threshold during the typical weekday peak hour for any monitoring period, additional TMP measures must be implemented immediately. If Lab fails for a second consecutive time, it must return to the Board for its review of the conditions of approval.

IX

Community Outreach

Lab presented this project at the ANC's public meetings on September 11, 2013, October 2, 2013, and December 4, 2013. The ANC voted unanimously in support of the application on December 4, 2013, with the understanding that Lab would provide the condition proposed in

Section VIII. Lab will return to the ANC in January for a vote on the proposed language of the condition.

In addition to the presentations before the ANC, Lab has hosted numerous tours of the School, it has presented to the Foxhall Community Citizens Association, and it has met with all neighboring property owners.

X.
Hearing Presentation

Lab will have three witnesses testify on its behalf at the hearing: Katherine Schantz, Head of School; Camilo Bearman, the project architect; and Mike Workosky, the transportation consultant. Resumes for both the project architect and transportation consultant are attached as Exhibit E, along with outlines of each witness' testimony.

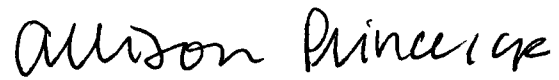
XI
Exhibits

- | | | |
|----|-----------|-------------------------------|
| 1. | Exhibit A | Architectural Plans |
| 2. | Exhibit B | Traffic Management Plan |
| 3. | Exhibit C | Lab Fact Sheet |
| 4. | Exhibit D | Order No. 18237 |
| 5. | Exhibit E | Resumes and Witness Testimony |

XII.
Conclusion

For the aforementioned reasons, the Applicant requests that the Board approve this application as submitted.

GOULSTON & STORRS

A handwritten signature in black ink that reads "Allison Prince". The script is cursive and fluid.

Allison C. Prince

A handwritten signature in black ink that reads "Christine". The script is cursive and fluid.

Christine A. Roddy

Certificate of Service

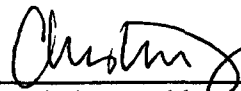
I hereby certify that the foregoing document was hand delivered or sent by first class mail on December 26, 2013 to the following:

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Christine Roddy