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August 24, 2000

'00 AUG 24 P4:03

OFFICE OF ZONING
DISTRICT OF COLUMBIA

Hand Delivery

Sheila Cross-Reid
Chairperson
Board of Zoning Adjustment
441 4th Street, N.W.
Room 210
Washington, D.C. 20001

Re: BZA Application No. 16559, The Field School

Dear Chairperson Reid and Members of the Board:

On behalf of the Applicant in the above-referenced case, enclosed please find the Applicant's proposed findings of fact and conclusions of law. Copies of this document are being hand delivered to the parties listed on the attached Certificate of Service as of this date.

Sincerely,

Phil T. Feola

Paul A. Tummonds

CC: John Fondersmith, Office of Planning
Elizabeth Ely

BZA
Case No. 16559
Exhibit No. 480

Board of Zoning Adjustment
District of Columbia
CASE NO.16559
EXHIBIT NO.480

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing letter and findings of fact and conclusions of law were hand delivered this 24th day of August, 2000, to the following:

Advisory Neighborhood Commission 3D
c/o Beverly Monroe, Administrator
3900 Legation Street, N.W.
Washington, D.C. 20015

Alan Swendiman, Esquire
Jackson & Campbell
1120 20th Street, N.W.
Suite 300 South
Washington, D.C. 20006

Richard Aguglia, Esquire
Hunton & Williams
1900 K Street, N.W.
Washington, D.C. 20006

Mr. Jeffrey Bolotin
4604 Foxhall Crescent Court, N.W.
Washington, D.C. 20007

Paul A. Tummonds, Jr.

208261

APPLICANT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

GOVERNMENT OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Application No. 165559 of The Morris and Gwendolyn Cafritz Foundation/The Field School, pursuant to 11 DCMR 3104.1 for a special exception to establish a private school under Section 206 for a maximum of 320 students and a maximum of 74 faculty and staff in the R-1-A District at premises 2301 Foxhall Road, N.W. (Square 1341, Lots 856, 861, 878 and 879)

HEARING DATES: **March 29, May 10 and July 25, 2000**

DECISION DATE: **September 5, 2000**

'00 AUG 24 P4:05

DECISION AND ORDER

PRELIMINARY MATTER

1. This case was initially scheduled for a public hearing on March 15, 2000. It was continued by consent of the parties to March 29, 2000. At the beginning of the public hearing on March 29, 2000, parties in opposition objected to proceeding because they claimed that they did not have enough time to evaluate changes to the Applicant's transportation materials. The Board decided to proceed with the Applicant's case, but not any part of it related to traffic and transportation which was decided to be heard by the Board on May 10, 2000.

APPLICATION

1. The Subject Property consists of approximately 10.5 acres of land fronting on Foxhall Road N.W. The Property is bordered by Foxhall Road on the west and slopes downhill to the east where it adjoins the rear of residential lots on 44th Street, the 44th Street right-of-way and the heavily wooded Glover Archibold Park. To its south the property borders single family houses and to its north it borders the Kreeger Museum. The Property is presently improved with a single-family house, a three-story 14,000 square foot residence built in 1937 in the Art Deco style. The Property has its high point at its northwest corner and slopes to a low point in the southeast corner, with an approximate change slope of 100 feet in elevation.

2. The Property is located in the Ward Three neighborhood of Wesley

Heights. The predominant nature of the area is residential in character, however a number of private school uses and embassies are located in the vicinity including the Mount Vernon campus of The George Washington University, St Patrick's School, The Lab School, the Belgian Embassy and the Spanish Embassy.

3. The Field School is a private, independent school which has operated in the District of Columbia since 1972. It has been located at 2126 Wyoming Avenue N.W. since 1974. At the time of the application the School had 212 students in grades 7 through 12 with 49 faculty/staff.

4. The R-1-A Zone District permits private schools, not including trade schools, with special exception approval by the Board of Zoning Adjustment pursuant to § 206 of the Zoning Regulations.

5. This application involves the renovation of the existing building and the construction of additional school buildings and athletic facilities which have been designed to minimize disturbance to the existing topography and landscaping and incorporate the existing house into the scheme of the campus. The application requests a maximum population of 320 students and 74 faculty and staff.

6. The Field School is a co-educational institution that was founded on the belief that learning occurs best in an informal, personal and non-institutional environment. It has an integrated curriculum providing students with a vision of the inter-relatedness of various spheres of human activity. It permits them to examine the particular and still maintain a sense of the whole. The School's mission statement states that it: "Values individuality and inspires creativity, compassion for others and a passion for learning. We select students with a variety of challenges, abilities and backgrounds. Through dialogue among students and teachers, we encourage students to seek knowledge and join in community. Field connects the various realms of knowledge to help students understand their world and lead full lives."

7. In addition to the proposed buildings on the Property the application, initially proposed 128 on site parking spaces with access along the frontage on Foxhall Road as well as parking spaces for 10 school buses, a service area and an enclosed loading dock on the north side of the property. The parking was reduced to 110 spaces at the request of the Office of Planning and the Advisory Neighborhood Commission 3D.

8. The proposed new construction would be approximately 40,000 square feet for academic classrooms, administrative offices, a gymnasium and a 110-seat theatre. The architecture is designed to carefully integrate itself with the house and the hillside as a series of low, residentially scaled two and three story buildings.

9. The buildings on the proposed campus are well within the height, FAR, lot occupancy and other requirements of the R-1-A Zone District.

10. The School proposed, as part of its application, establishing an Operations Plan which would:

(a) stagger the hours of start between the lower and upper schools, with an 8 a.m. start for the 7th and 8th graders (approximately 50 to 60 students) and no earlier than an 8:20 a.m. start for grades 9 through 12 (approximately 250 to 260 students);

(b) strictly enforce car pooling among students so that no student will have the privilege of driving to school without at least two passengers;

(c) not start any outdoor athletic event after 6 p.m.;

(d) not conduct athletic events on Sunday;

(e) prohibit students from leaving the campus during the school day in unsupervised activities;

(f) permit local residents to utilize the athletic fields, tennis court and campus grounds when they are not being used by the School;

(g) shut the lights in the southern most parking lot at 9 p.m. and not turn on these lights on Saturdays and Sundays except for special events;

(h) not allow any outside group to rent its facilities;

(i) not install any exterior lighting on the athletic fields or tennis court;

(j) ensure that all lighting in the parking facilities are directionally downlit with minimum light candle power;

(k) meet quarterly with a Liaison Committee which consists of representatives of the School, ANC 3D, the Neighborhood Alliance, the Palisades Citizens Association, the Foxhall Crescent Homeowners Association and representatives of adjacent properties.

(l) co-ordinate and work with other schools located in the area to address various community concerns.

11. Throughout the public hearing process in this case, the Applicant's traffic consultant, Gorove/Slade Associates, has determined that the proposed relocation of The Field School to the Property would not create any adverse traffic impacts on the area. The initial Gorove/Slade report ("First Report"), filed with the Board on March 1, 2000, proposed that all traffic would access the site from Foxhall Road at a northern entrance,

(slightly modified from the current entrance to the existing house) and from a new southern entrance that would be located approximately 80 feet from the southern boundary of the Property. The School would provide 128 well-buffered and landscaped parking spaces that would be more than adequate to address the expected demand for parking spaces. In addition, the campus was designed to provide for an internal vehicular circulation plan that would provide two-way traffic and a third drop off lane for parents dropping-off students, for student drivers, faculty, staff and deliveries. (Applicant's Statement p. 8-9). This circulation system provides an extremely generous queuing system that is more than adequate to accommodate the School's needs and to prevent queuing on the public roadways.

12. In response to concerns raised by the Department of Public Works, in a Memorandum dated March 9, 2000, the Applicant proposed the widening of a portion of Foxhall Road along the frontage of the Property to permit the construction of a left turn lane for southbound Foxhall Road traffic to enter the Property. The DPW recommendation resulted in a modification to the Gorove/Slade report. The proposed new entrance for southbound Foxhall Road traffic was to be located approximately 200 feet north of the southern property line. The proposed left-turn lane included a stacking lane that would accommodate ten cars and a traffic control officer to direct traffic into the School during the morning peak traffic period. The Applicant's traffic consultant submitted a memorandum to the Board dated April 3, 2000 ("Second Report") (Exhibit __ of the record) that outlined this proposal, in direct response to DPW recommendations, and concluded that the inclusion of a dedicated left-turn lane on Foxhall Road for left turns into the Property would result in improved access to the site.

13. At the request of the Board, on May 19, 2000, the Applicant submitted a Traffic Impact Analysis, prepared by Gorove/Slade Associates, Inc. ("Third Report"), that collected all of the information that had previously been presented to the Board regarding the traffic and parking impacts of the School in one document. The Traffic Impact Analysis restated Gorove/Slade's conclusion that the School will not create any adverse traffic or parking impacts on the surrounding area. This analysis assumed the creation of the southbound Foxhall Road left-turn lane and the implementation of the School's Transportation Management Plan.

14. In response to another DPW memorandum, dated May 22, 2000, the Applicant made further modifications to the proposed entrance to the School on Foxhall Road that satisfied the recommendations of DPW. These recommendations included:

- Assuring that the proposed left-turn lane on southbound Foxhall Road would provide a sight distance of 305 feet for northbound traffic and 364 feet for southbound traffic.
- Making the combined taper, deceleration and stacking distance of the left-turn lane be 474 feet (this would provide for a three car stacking lane).
- The removal and relocation of all utilities and other obstructions along the Foxhall Road frontage.

- The closing of the northern entrance to the property to all vehicular traffic except for emergency vehicles.
- The installation of a traffic signal at the entrance to the School.
- The installation of school zone warning signs and signs warning drivers of the signal at the entrance to the School.

In addition, an updated Traffic Impact Analysis was prepared by Gorove/Slade and submitted to the Board on June 2, 2000 ("Fourth Report") which adjusted the previous analysis to accommodate the inclusion of a traffic light. The Second, Third and Fourth Gorove/Slade Reports were a direct result of the changing recommendations of the DPW. All of the Gorove-Slade reports concluded that the impact of the School on the traffic network (200 cars on a roadway that carries 17,500 cars a day) will be negligible.

15. The School also proposes as part of its application the establishment of a Transportation Management Plan which will:

(a) restrict access and egress from the site to the southern most entrance except for emergency vehicles;
(b) require faculty and staff to arrive before 7:30 a.m.;
(c) provide a shuttle bus service to, and from, the Tenleytown Metro rail station, the Foggy Bottom Metro rail station and, at least two other off-site locations in the vicinity of the intersections of MacArthur Boulevard/Loughboro Road and Massachusetts Avenue/Nebraska Avenue to encourage use of the shuttle buses to the school;
(d) expand the shuttle bus service to pick up points at other remote pick up points convenient to the parents to meet the goal of keeping School related vehicles out of the Foxhall Road corridor;
(e) require all faculty staff, students and visitors driving to the School to park on campus;
(f) require student drivers to car pool with at least two additional riders to maintain their driving privilege to the School;
(g) issue student drivers parking stickers and students who do not have a parking sticker will be prohibited from driving to the School and enrollment contracts will mandate loss of driving privileges, and other disciplinary measures, for students who attempt to park in the neighborhood;
(h) build a sidewalk for public use within the Schools' property on the Foxhall Road side of the property.
(i) build a left turn lane in Foxhall Road, provide a signalized intersection at the School entrance and flashing control devices to indicate the presence of a School, all designed in accordance with standards required by the Department of Public Works.

SUMMARY OF EVIDENCE:

A. Applicant

1. Mrs. Elizabeth Ely, founder and Executive Director of The Field School testified that the current school with 212 students is on less than one acre of ground in a very congested area on Wyoming Avenue just doors off of Connecticut Avenue. She indicated that in this extremely tight situation, the School has co-existed peacefully with its neighbors, many of which have written letters into the record indicating such peaceful co-existence. Mrs. Ely testifies that a central piece of the School's philosophy concerns the need for a network of relationships for adolescents, beginning in the family, School and beyond to the larger community. She stated that over the years they have established special relations with public schools including the Raymond School and the Meridian Chartered School. She indicated that throughout the School's twenty five-year existence, it has had a strong internship program which requires students to work in nursing homes, schools, hospitals, daycare centers and other private/public agencies throughout the District of Columbia. She indicated that the School is profoundly committed to diversity, ethnic, economic and social and it actively pursues diversity in its faculty, staff and student body. She also testified that the maximum number of students that the School's philosophy can accommodate, and still maintain its mission, is 320.

2. Mrs. Ely testified that approximately seven years ago when the School went through the Middle States Association of Schools and Colleges accreditation process, one of the prime recommendations from that entity was that the School establish larger facilities. Establishment of the School on the Property will enable it to have a gym, playing field, science labs, adequate arts facilities and meeting space for the entire school. Mrs. Ely testified that given her long involvement in education in the District, she is convinced that the application is reasonable and feasible and it will not harm, but rather enhance the neighborhood and the District.

3. Mrs. Louise Millikan, President of the Field School Parents' Association and a member of the School's Board of Trustees, testified that the School is a special place, a place "where miracles happen". It is a very small school and its size is part of its secret for success. She testified that the Board of Trustees had looked at over eighty sites in the District, and that it is committed to stay in the District. Once the Property was identified, the School immediately began to meet with neighbors. She testified that, since February 1999, the School had held over twenty-four meetings with community members and organizations and since the beginning has worked hard to keep neighbors informed of the plans and address their concerns. She indicated the School wants to be a part of the Foxhall community and enrich it just as it has the Kalorama neighborhood where it has been for the past twenty-eight years.

4. Mrs. Millikan listed a few of the changes that were made in response to community concerns including:

(a) the support for the use of public transportation through policy discouragement and incentives,
(b) the prohibition of an entrance from 44th Street,
(c) the location of the southern entrance as far away from the nearest property line as possible,
(d) the provision of a shuttle bus which will operate from the Tenley and Foggy Bottom Metro rail stops as well as remote pick up points to minimize traffic on Foxhall Road,
(e) the requirement of car pooling,
(f) the agreement not to light the athletic fields and to have no outdoor athletic events beginning after 6 p.m.,
(g) a prohibition on renting the facility to outside groups, and
(h) the invitation to neighbors to walk and enjoy the green space on the property, use the athletic field and tennis courts.

5. Mr. David Cox, principal in the architectural firm of Kress Cox Architects, recognized as an expert by the Board in architecture and site planning, described the immediate vicinity of the site and described the property as an irregular shaped piece of ground with 710 feet of frontage on Foxhall Road with a maximum depth in east-west direction of 760 feet and a slope with an elevation change of approximately 100 feet from the high point of the northwest corner to the southeast. He testified that the existing house is in the Art Deco style with a circular drive with two points of access on the Foxhall Road and is approximately 14,000 square feet in size. The existing building is three stories in height with landscape terraces facing east.

6. Mr. Cox testified that the design for the site keeps much of the site as open as possible with circulation and parking kept close to Foxhall Road and running parallel to it. The architecture arranges itself in two academic wings, one along the north side as an extension of the north end of the house, stepping down the hillside and terminating in the gymnasium. A second wing, an academic cluster, extends outward from the southern end of the house and terminates in a 400 seat all school meeting house. He indicated that the play fields are located roughly in the center of the site while buffered on all sides by existing and proposed vegetation. He stated that the internal circulation for vehicles is north-south, parallel to Foxhall Road, connecting the parking areas on the site. He testified the new construction will be compatible with the existing building, with the scale kept residential, two and three story buildings, made of light masonry with hipped roofs and projecting bay elements.

7. Mr. Cox testified that while the R-1-A Zone District has no FAR limit, it does have set backs and lot occupancy restrictions. He testified that, despite the permitted lot occupancy of 40 per cent, the proposed School will occupy only 7 per cent of the site with buildings. He also testified that the total of impervious surface including parking areas, sidewalks, and buildings, is only 27 per cent of the site, with the remaining portions of the site permeable to water. He indicated that the building set backs are approximately 300 feet, equivalent to a football field, from the south residential property line and even

further than that from the actual houses themselves to the nearest building. The southern vehicular entrance is approximately 200 feet from the southern property line and the gymnasium is set back about 100 feet from the eastern property line.

8. Mr. Cox testified that the stormwater and surface run-off systems were designed to provide protection to the Glover Archibald National Park, with all roof water and parking lot water directed to underground leaders and piping, which will force the water through sand filters to begin a two stage filtration process. After filtration, the water will be detained and released incrementally downhill to the right-of-way on 44th Street where it will run into a stormwater pipe installed in an existing pathway so as not to cut trees. It will then be tied into the W Street storm water outfall which currently falls into Foundary Creek, but by that time the water would be completely treated and detained.

9. Mr. Cox testified that the geotechnical analysis of the site showed:

(a) that it has good bearing capacity with nothing unusual;
(b) that the soil is generally fill on the surface with good quality clay below it;
(c) there was no presence of underground aquifers or any underground water; and
(d) no underground water showed up in any of the 30-foot deep soil borings.

Mr. Cox testified that with regard to environmental impacts the entire project was designed to minimize the adverse environmental impact on neighbors with significant buffering and landscaping, with the play fields kept in the center portion of the site as far away from the residential areas as possible. He reiterated that there will be no lighting on the play fields and sound impact will be minimized. The buildings themselves are designed to be energy efficient and insulated with the ambient noise level well below that of Foxhall Road as it currently exists, and in fact the buildings will shield additional noise from that street.

10. Eliot Rhodeside, landscape architect with Rhodeside & Harwell, recognized by the Board as an expert in landscape architecture, testified with regard to the landscape buffers on the north, east and south of the property lines and indicated that the plan was designed carefully to preserve existing trees and all of the mature trees along the Glover Archibold Park and 44th Street right-of-way. The intent of the plan is to utilize native materials with enhance of the existing vegetation. He indicated that the total existing coverage of the tree canopy is approximately one-half of the site and that will be virtually left intact. He indicated that to create the School about 2½ acres of the site will be utilized in active school use with green vegetation on the remaining 2.5 acres. He indicated that the plan calls for the provision of 200 additional trees, plus shrubs and ground covers. He addressed the concern raised by some members of the community that with regard to a "stream" on the property, that his analysis and study went as far back as

the Coastal and Geodetic Survey in 1888, which shows all the adjacent stream which existed in the area. This Survey does not show a stream, either intermittent, or continually running, on the Property.

11. In response to a request from the Board, the School modified its site plans to include a walkway from the athletic field to the property line on 44th Street for the purpose of collecting errant athletic balls and relocated all the bus parking to behind the gym.

12. Mr. R.J. Keller, Senior Project Engineer with R.C. Fields and Associates, recognized by the Board as expert in civil engineering, described the storm water system in detail. He indicated that the system was being "over-sized" to accommodate future drain inlets that might occur in the future and it would provide a storm shore on 44th Street that does not currently exist. He testified that this system will be placed in the existing trail so as to minimize the amount impact on vegetation and, consequently, improve the trail condition. He stated because there is no storm-water collection on 44th Street that the improvements provided by the School will make a significant improvement to the quantity and quality of water that enters into Glover Archibold Park.

13. Mr. Keller indicated that the maintenance of the sand filters, which will be the School's responsibility, are located adjacent to the parking areas so that a maintenance vehicle could pull directly up to them and perform cleaning and maintenance. He indicated that the sand filter vault is a multi-stage filter with the first filter primarily a sediment, oil grit type separator that requires at least a yearly maintenance. The second stage of the filter is a sand portion which basically strains the water and will need to be maintained less frequently.

14. The Applicant's traffic consultant, Louis Slade of Gorove/Slade Associates (who was admitted by the Board as an expert), testified that The Field School's relocation to the Property would not have any adverse impact on traffic or parking in the area near the Property. Mr. Slade discussed the existing traffic levels of service and transportation patterns in the area and the proposed levels of service that can be expected as a result of the School's relocation to the site. Mr. Slade concluded that all of the studied intersections along Foxhall Road are projected to operate at acceptable levels of service during the AM and PM peak periods after the School relocates to the site.

15. In regards to the proposed left-turn lane in southbound Foxhall Road to allow left turns into the Property, Mr. Slade testified as to the lane's satisfaction of the requirements of the Department of Public Works. Mr. Slade noted that the combined length of the taper, deceleration and stacking lane was 474 feet as recommended by DPW. Mr. Slade noted that with the installation of a traffic signal at the entrance to the Property, a stacking lane that provided room for three cars was sufficient and would not cause any negative impacts on southbound Foxhall Road traffic. Mr. Slade noted that as soon as three cars entered the stacking lane, the signal would cause northbound Foxhall Road

traffic to stop and would provide a green arrow for left turns into the Property from Foxhall Road.

16. Mr. Slade also testified that the 110 parking spaces provided on the campus were more than sufficient to address the expected parking demand of the School. Mr. Slade noted that the Zoning Regulations require 90 parking spaces for the School and the practical parking requirement for this School would be 98 parking spaces. Mr. Slade concluded that the 110 parking spaces created on the Property would prevent the need for students, faculty, staff or visitors to the School from parking in adjacent neighborhood streets.

17. Mr. Clay Kaufman, a teacher at the Field School, testified regarding the School's proposed Transportation Management Plan. Mr. Kaufman stated that the Plan was created to be as convenient as possible for the School's parents, staff and students. Mr. Kaufman also noted that this Plan is very much in keeping with the ethos of the School and he did not envision the School having any problems in enforcing the Plan with its students or parents.

18. At the request of the Board, the School submitted a Construction Management Plan, which would control the actual construction on the property, with all construction parking and vehicles being maintained on-site with the non-construction areas being protected by a chain-link fence the during the duration of construction. Essentially, the construction will be staged on what will be the playing fields, which will be the last portion of the site on come on-line. The Construction Management Plan includes a construction loop road that has been moved as far away from the neighboring property to the south as possible.

19. In rebuttal, the Applicant's Land Planner, Steven E. Sher (who was admitted as an expert) testified and submitted information for the record as to the appropriateness of the School on the Property. Mr. Sher submitted documentation that a School on the Property was consistent with the Comprehensive Plan and the Comprehensive Land Use Map designation of the site and the Ward 3 Element of the Comprehensive Plan. Further, he provided comparative data, which rebutted testimony given by opponents that the size of the Property was too small for the School. His testimony opined that the School's density per student was consistent with a number of similar schools approved by the Board of Zoning Adjustment in the northwest quadrant of the District.

20. Also in rebuttal, Mr. James Long of Delon Hampton and Associates, recognized as an expert by the Board in civil engineering and highway design, testified that he reviewed the DPW reports, the reports of the Applicant's traffic expert and the Opponent's traffic experts, and conducted his own analysis of the vehicular entrance plan to the School, and concluded that he agreed with DPW and the Applicant's expert that the design for the left turn lane is sufficient and safe, and if built will not create any adverse effect on traffic or safety in the Foxhall Road corridor.

B. Testimony of the Office of Planning and the Department of Public Works

1. The Office of Planning (OP), in its reports dated March 10, 2000, May 3, 2000 and June 7, 2000 and through its testimony at the public hearing recommended conditional approval of the application. In its March 10, 2000 report, OP determined that the Applicant had made several concessions in its design of the campus to address neighborhood concerns. OP also determined that the design of the School was attractive, in keeping with the neighborhood and minimized the visual intrusion and institutional feel. In this report, OP requested that the Applicant adopt the conditions proposed by the Department of Public Works.

2. On May 3, 2000, OP filed an addendum, (Exhibit 418 of the record) to its initial report to address the Applicant's revised entrance plan to the School that included a dedicated left-turn lane on Foxhall Road for traffic entering the Property. This addendum reiterated OP's recommendation to approve the application and included conditions that were included in ANC 3D's resolution supporting the application. In this addendum, OP referenced a letter from DPW to ANC 3D which stated that "the proposed left turn lane would provide approximately 300 feet of vertical and horizontal sight distance between the entrance and oncoming northbound traffic. DPW judged this to be adequate to allow safe left turning movements into the school property." (Exhibit 418, p.2 of the record).

3. In its final memorandum dated June 7, 2000 (Exhibit 444 of the record), OP addressed the Applicant's modifications of the proposed entrance to the Property to satisfy the recommendations of DPW. OP noted that the relocated southern entrance to the Property will be approximately 190 feet from the southern property line. In regards to certain issues raised by the opposition to the application. OP concluded that the School will have great motivation to only allow 106 cars into the Property each morning and thus will assure that a large percentage of its students utilize the shuttle bus service, the School's plan to allow 38 students to drive to School is appropriate, and that the proposed public sidewalk on Field School property is meaningful for public safety purposes.

4. OP's June 7, 2000 memorandum included 24 conditions for approval that were created from the Applicant's own operations plan, comments from the community, DPW and OP. These conditions are:

a. The School will inaugurate staggered hours between the Lower and Upper Schools with an 8 AM start for seventh and eight graders (approximately 50-60 students) and no sooner than 8:20 AM start for ninth through twelfth graders (approximately 250-260 students).

b. The school will strictly enforce carpooling among students so that no student can have the privilege of driving to the campus without at least two passengers, either students or facility.

c. The School will not start any outdoor athletic event after 6 PM.

d. No athletic events will be held on Sunday.

e. The School will prohibit students from leaving the campus during the school day except for emergencies and organized trips.

f. The School will permit local residents to utilize the athletic field and tennis courts and walk or stroll the campus grounds when these areas are not being used for School purposes.

g. The School will shut the lights to the southernmost parking lot at 9 PM and not turn on the lights at this parking lot on Saturday and Sunday except for special events.

h. The School will not allow any outside group to rent its facilities.

i. The School will not install any exterior lighting on the athletic fields or tennis courts.

j. All lighting on the parking facilities will be directionally down lit with minimum light candle power.

k. The School will coordinate and work with the other schools located in the area to address community concerns.

l. Any deliveries will be scheduled to take place during off-peak hours –9:30 AM to 4:00 PM.

m. No more than 106 vehicles should be allowed to enter the school property during the AM peak hour – 7:30 AM to 8:30 AM. Conformance to this limit should be tied to the planned expansion from 260 to 320 students.

n. Before the School is to be opened, the left turn lane into a relocated south entrance as described in Gorove Slade Associates' Traffic Management Plan dated June 2, 2000, shall be constructed and ready to carry traffic.

o. Left turns into the proposed northern entrance of the property should be prohibited at all times.

p. The size of the parking lot should be reduced to no more than 110 parking spaces. Major evening and weekend events should also require carpooling and vanpooling from Metro stops.

q. The parking lot should be setback at least 80 feet from the adjoining properties to the south. Screening vegetation must be installed and maintained in this buffer.

r. The School should investigate the porous pavement technology with a groundwater recharge system and, if cost effective and otherwise feasible, use it for the parking lot installation in order to mitigate ecological disturbance to the property and the neighborhood.

s. While construction described in the BZA Order is ongoing, the applicant will meet with neighbors and community representatives on a monthly basis to discuss construction activities scheduled for the following month, and to also review its efforts to resolve any objectionable conditions.

t. At and after the completion of construction, the School shall conduct similar meetings on no less than every six months to discuss and review any objectionable conditions, which may arise from the adjoining property owners and representatives of the Palisades Citizen's Association, the Spring Valley-Wesley Heights Citizens Association, the Foxhall Citizens Association, the Wesley Heights Historical Society, the Foxhall Crescents Homeowners Association and ANC 3D. For the purpose of this provision, an adjoining property owners shall include owners directly across Foxhall Road.

u. Only three major evening events will be held during the school year.

v. A sidewalk will be laid along the edge of the School property as shown on the School's plans.

w. The School will work with the neighbors to approach the Department of Public Works to implement a series of traffic calming measures to protect the residential neighborhoods from commuter encroachment.

x. Student drivers must be at least 17 years of age and possess a permit that allows them to carry at least two passengers.

5. The Department of Public Works (DPW) through reports submitted in the record dated March 9, 2000 and May 22, 2000. (Exhibit ___ of the record) and testimony determined that the application would have no negative traffic or parking impacts assuming that certain conditions were met. It determined that the parking proposed would be adequate and the on-site circulation system will be appropriate and adequate to accommodate automobiles without infringement on the public roadways. This recommendation was based on the following factors:

- the Applicant abiding by the carpooling, transit recommendations and other policies and programs established in the Applicant's traffic management plan. (July 25, 2000 Hearing, Tr. p. 104).

- the removal and relocation of utilities and other obstructions on the east side of Foxhall Road at the Applicant's expense. (July 25, 2000 Hearing Tr. p. 105).

- the widening of Foxhall Road adjacent to the Field School Property for the development of a southbound left turn lane from Foxhall Road into the site. The left turn lane must provide a minimum northbound sight distance of 305 feet, a minimum southbound sight distance of 364 feet and a minimum taper, deceleration and stacking distance of 474 feet. (July 25, 2000 Hearing Tr. p. 105, 106). All costs associated with the widening of Foxhall Road are the responsibility of the Applicant.

- the elimination of the northern exit/entrance on the sight, except for emergency vehicle use. (July 25, 2000 Hearing Tr. p. 107).

- the installation of a traffic signal at the entrance to the school, with the Applicant responsible for the cost of the signal. (July 25, 2000 Hearing Tr. p. 108).

- the installation of school zone warning signs and signs warning drivers on Foxhall Road of the school entrance, with the Applicant responsible for all expenses. (July 25, 2000 Hearing Tr. p. 108).

6. DPW also testified that typically at this phase of a project it provides recommendations for an applicant and that after a project is approved by the Board, the applicant and DPW would work together on the specifics of the traffic related improvements during the permit process. (July 25, 2000 Hearing Tr. p. 105).

7. DPW, through testimony, reiterated that if its recommendations, which are based on extremely conservative premises, are followed, establishment of the School on the Property will not create any objectionable condition due to traffic.

C. Testimony of the National Park Service

1. A representative of the National Park Service (NPS) testified in support of the application at the July 25, 2000 hearing and deemed the proposed

development and actions of the Applicant to be a model for development adjacent to NPS property. (July 25, 2000 Hearing Tr. p. 158)

2. The NPS representative noted the chronic stormwater retention problems that plague this area and Glover Archbold Park since 44th Street does not include any stormwater management structures. The NPS representative noted that the Applicant will be purposefully over-sizing its stormwater management structures and providing the necessary infrastructure improvements in 44th Street, N.W. to assure that the project will have no adverse environmental impacts, as well as addressing the existing chronic erosion problem. (July 25, 2000 Hearing Tr. p. 158).

D. Report and Testimony of Advisory Neighborhood Commission 3D

1. ANC 3D initially submitted a letter opposing the application, dated March 14, 2000.

2. ANC 3D then submitted a resolution in support of the application, dated April 25, 2000, contingent upon the satisfaction of a number of conditions. (Exhibit 414 of the record).

3. Thereafter, ANC 3D submitted another resolution, dated July 18, 2000, that reversed its previous support for the project. (Exhibit 448 of the record). However, the resolution requested that if the Board decided to approve the application, that three conditions, in addition to the 24 conditions of approval that were recommended by the Office of Planning.

E. Letters and Testimony in Support of the Application

1. The application received the support of numerous community organizations, including the Palisades Citizens Association (which represents over 15,000 residents), the Wesley Heights Historical Society, the Foxhall Crescents Homeowners' Association and the Wesley Heights Association for the Preservation of Residential Streets.

2. A number of residents of the immediate area testified that the greatest existing problem on Foxhall Road is the number of speeding cars. These residents noted the beneficial traffic calming effects that the proposed school will have on Foxhall Road as a result of the Applicant's traffic management plan as well as the proposed improvements in Foxhall Road. (July 25, 2000 Hearing, p. 174 – 176, 180-181).

3. Supporters of the application stated that they felt the design of the school and maintaining the majority of the site with open space and athletic fields was the best use of the land. Supporters of the application also noted that the application will allow for the construction of a safe public sidewalk along Foxhall Road on school property.

4. The Wesley Heights Association for the Preservation of Residential Streets testified in support of the Application. It indicated that it represented over 90 members of the community, and was a Committee of the Wesley Heights Historical Society. Its views summarized the general support for the Application by members of the community. (Transcript page 151). The Association indicated that it had spent a year studying this application, hired professionals to review the zoning and traffic issues and engaged in extensive conversations with representatives of the National Park Service, to take a position on this matter. It believes that there are five central areas that are important to the neighborhood. First, the protection of the Glover Archibold Park, ensuring proper run off into the park, thus preserving existing wetlands, protecting an old growth forest, and remove additional erosion threats to the park. Secondly, the Association wanted to ensure preservation of green spaces, which the School provides and which is in opposition to alternative development schemes, such as a residential development which could cover up the 60 per cent of the land area with buildings and/or streets. Thirdly, the Association feels strongly about the protection of lower 44th Street, which is essentially an extension of the Glover Archibold Park. Fourth, the Association believes that the School's provision of additional recreation space for the children in the community is a benefit because the community does not have open space and playing fields for children's use in informal activities. Finally the traffic scenario will be improved by the addition of the School to the neighborhood because it will have a calming effect on the very real problem facing the community which is speeding, not congestion, on Foxhall Road. The Association stated that of all the possible uses of the Property, The Field School proposal, which is remarkably sensitive to environmental and community concerns, is the best possible use and achieves all of the Association's goals (Tr., p.156).

5. Over 250 letters in support of the application were submitted in the record of this case and over 35 persons testified over two separate public hearings in support of the project.

F. Testimony of Parties in Opposition

1. The opposition parties were: Neighbors Against Foxhall Gridlock (NAFG), Foxhall Crescents Southgate Homeowners Association and Sylvia Shugrue.

2. NAFG presented testimony from two residents of Foxhall Road (Mr. and Mrs. Kenneth Woodcock), a third resident in the area, two traffic experts, an expert land planner as well as a video that intended to show the current traffic conditions along Foxhall Road. NAFG presented testimony addressing the questions of whether the School's relocation to the Property would create an adverse impact on the neighborhood in terms of traffic or otherwise objectionable conditions and whether the School's proposed location is consistent with the Comprehensive Plan and the Ward 2 Plan. (July 25, 2000 Hearing, Tr. p. 193).

3. Mr. Woodcock testified that the Property is too small for a high school and inflicts unacceptable impacts on the neighborhood. Mr. Woodcock's basis for this conclusion was that the site is actually only able to put school facilities on 8.5 acres of the site, the site is sloped whereby an ideal site would be level, the site only has one access point, and there is no room for the School to expand. (July 25, 2000 Hearing, Tr. p. 198-200).

4. NAFG's land use expert, Mr. Ken Doggett, testified that the proposed relocation of the School to the site would further diminish the residential character of the immediate area which is already highly impacted by private schools and colleges. Mr. Doggett also testified that the School's use of the site was not consistent with various provisions of the Comprehensive Plan, the School would negatively impact the site and the immediate area due to the limited size and configuration of the property with its steep slopes. Mr. Doggett also noted that other comparable schools are generally located on larger sites with access to a major road and public transportation. (July 25, 2000 Hearing, Tr. p. 207, 209, 211, 212).

5. NAFG's traffic experts, Fred Hanscomb and Joe Mehra, presented testimony regarding the proposed left-turn lane in southbound Foxhall Road. Mr. Hanscomb testified that the proposed left-turn lane violates AASHTO standards with regards to required taper, deceleration and stacking lane requirements. (July 25, 2000 Hearing, Tr. p. 221). Mr. Mehra critiqued the Gorove/Slade traffic analysis and concluded that the traffic analysis was not valid due to errors in the use of existing traffic data and levels of service. Mr. Mehra conducted his own traffic analysis and concluded that the existing traffic levels of service on Foxhall Road are bad and will be made worse with the addition of The Field School. (July 25, 2000 Hearing, Tr. p. 229).

6. Alan Swendiman, counsel for Mrs. Sylvia Shugrue resident of 2207 Foxhall Road, N.W., testified as to the negative traffic impacts that the School will have on Foxhall Road and the negative environmental impacts that the School will have on Mrs. Shugrue's property. The environmental concerns were based on the emissions from idling cars and potential stormwater run-off from the Property onto Mrs. Shugrue's property. (July 25, 2000 Hearing, Tr. p. 238, 241, 242).

7. On behalf of the Foxhall Crescent's Southgate Homeowner's Association, Mr. Jeff Bolotin testified that the Applicant has not met its burden of proof in this application. Mr. Bolotin testified that the proposed use of the site by The Field School is inappropriate, not fitting in with the community, violates the Ward 3 Plan and produces serious traffic and safety issues which have not been satisfactorily dealt with. (July 25, 2000 Hearing, Tr. p. 250).

G. Letters and Testimony in Opposition to the Application

1. Three individual witnesses testified in opposition and a number of letters were filed in the record in opposition to the application.

FINDINGS OF FACT:

1. The property that is the subject of this application is a 10.5 acre site located in the R-1-A District at premises 2301 Foxhall Road, N.W. (Square 1341, Lots 856, 861, 878 and 879). The R-1-A District permits private school use as a special exception under Section 206 of the Zoning Regulations. The Field School is a private school as that use is meant in the Zoning Regulations. The proposed school will consist of a maximum of 320 students in grades 7-12 and 49 faculty/staff.

2. The site fronts on Foxhall Road to the west, the Kreeger Museum to the north, private residences to the east and private residences to the south that front on W Street, N.W. and Foxboro Place, N.W. Glover-Archbold Park is located to the southeast of the site. The site is currently improved with a three-story, 14,000 square foot residence. The property slopes steeply to the east and the south.

3. The proposed new construction would be approximately 40,000 square feet for academic classrooms, administrative offices, a gymnasium and a 110-seat theatre. In addition, a tennis court and athletic fields will be constructed on the site. The athletic fields require the construction of a retaining wall and some regrading of the property. The existing house is to be used for student activities, administrative offices and classrooms.

4. The building additions to the existing house will be constructed into the slope of the property in order to reduce their visibility from the street and nearby properties. No access to the site from 44th Street will be permitted. A new southern entrance and a signalized intersection will allow entrance to the property. The existing northern entrance is retained for emergency vehicular use only. An internal roadway and parking lot consisting of 110 parking spaces is located on the site.

5. The application includes substantial landscaped buffers surrounding the entire perimeter of the property. A large berm is located at the southern edge of the property between the parking lot on the property and the residence located immediately to the south of the property.

6. The Board finds that the Applicant has had extensive discussions with NPS and the District of Columbia Department of Health Environmental Protection Division regarding soil erosion and stormwater management structures on the site. The proposed application provides substantial improvements to stormwater infrastructure on the site as well as on 44th Street. The Board finds that the proposed application not only will have no adverse impact on the adjacent Glover Archbold Park, but will also improve the present environmental conditions on the site and nearby NPS property.

7. The Board agrees with the findings and determinations of the Office of Planning that the application is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or other objectionable conditions.

The Board finds that the adoption of the 24 conditions proposed by the Office of Planning, as well as the three additional conditions of ANC 3D, will assure that no objectionable conditions arise as a result of the application.

8. The Board agrees with the findings and determinations of the Department of Public Works that the application will have no negative impacts on neighboring properties from traffic or parking as a result of the improvements that the Applicant will undertake, specifically the widening of southbound Foxhall Road to allow the creation of a dedicated left-turn lane into the School and the creation of the signalized intersection at the entrance to the school.

9. The Board notes that it is typically the practice of DPW to make recommendations for the Board's benefit in determining whether objectionable conditions may occur as a result of an application. The Board recognizes that it may be necessary for DPW and the Applicant to make further refinements to the design of the left-turn lane in southbound Foxhall Road and the signalized intersection at the entrance to the site during the permit review process.

10. The Board is required by statute to give "great weight" to the resolution of Advisory Neighborhood Commission (ANC) 3D that was filed in this case. The Board notes that the ANC submitted three positions, two in opposition and one in support, of the application and subsequently adopted a resolution in opposition to the project. In accordance with ANC 3D's final resolution on this application, the Board finds that with respect to traffic, the DPW testimony and reports, the report and testimony of the Applicant's traffic expert (Gorove Slade Associates) and expert highway engineer(Delon Hampton and Associates), are persuasive and that the approval of this application will have no adverse affect of traffic or transportation. With regard to environmental issues raised by the ANC, the Board finds the testimony of the NPS and the Applicant's experts that the approval of the application will have no adverse environmental effect. The Board notes that the final ANC position, while in opposition, recommends that, if the Board approves this application, it adopt the conditions proposed by Office of Planning and suggests three additional conditions. The Board follows this request.

11. The Board believes that the Applicant has acted in good faith throughout the development process and has amended its application to satisfy the recommendations of the Office of Planning, the Department of Public Works and the community.

12. The Board finds that, based on the testimony of the Office of Planning, and the Applicant's land use expert, the relocation of The Field School to the Property is consistent with the Comprehensive Plan and the Comprehensive Plan Land Use Map designation for this site and the Ward 3 Element of the Plan. The Board also finds that the Property is large enough to accommodate the needs and demands of a private school for grades 7-12 that includes a maximum of 320 students.

CONCLUSIONS OF LAW:

The Applicant is seeking a special exception under Section 206 of the Zoning Regulations for approval of a private school. The Applicant proposes the establishment of a private school as that use is defined in the Zoning Regulations. The Board is authorized to grant a special exception where, in the judgment of the Board based on a showing of substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject to certain conditions specified in Section 206 DCMR Section 3104.1.

Based on the foregoing Findings of Fact and the evidence of record, The Board concludes that the applicant has met its burden of proof for the granting of the special exception because the proposed private school is in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and zoning maps.

The Board has given the ANC 3D recommendations in this matter, the "great weight" to which it is entitled.

Uses that are permitted by special exception are presumed to be appropriate for the applicable zoning district as long as certain conditions are satisfied. We concur with the Office of Planning's conclusion that the proposed project fully meets the conditions enumerated in Section 206 of the Zoning Regulations.

The Board finds that the proposed private school is not likely to become objectionable to neighboring properties due to noise, traffic, number of students or other objectionable conditions and that the application provides ample parking, not less than the amount required by Chapter 21 of the Zoning Regulations.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The School buildings and facilities shall be constructed in accordance with the plans prepared by Kress Cox Associates as shown in Exhibit__ of the record. The maximum student enrollment shall be 320 students and the maximum number of faculty and staff shall be 74.

2. The School will inaugurate staggered hours between the Lower and Upper Schools with an 8 AM start for seventh and eight graders (approximately 50-60 students) and no sooner than 8:20 AM start for ninth through twelfth graders (approximately 250-260 students).

3. The school will strictly enforce carpooling among students so that no student can have the privilege of driving to the campus without at least two passengers, either students or facility.

4. The School will not start any outdoor athletic event after 6 PM.

5. No athletic events will be held on Sunday.

6. The school will prohibit students from leaving the campus during the school day except for emergencies and organized trips.

7. The school will permit local residents to utilize the athletic field and tennis courts and walk or stroll the campus grounds when these areas are not being used for School purposes.

8. The School will shut the lights to the southernmost parking lot at 9 PM and not turn on the lights at this parking lot on Saturday and Sunday except for special events.

9. The School will not allow any outside group to rent its facilities.

10. The School will not install any exterior lighting on the athletic field or tennis courts.

11. All lighting on the parking facilities will be directionally down lit with minimum light candle power.

12. The School will coordinate and work with the other schools located in the area to address community concerns.

13. Any deliveries will be scheduled to take place during off-peak hours –9:30 AM to 4:00 PM.

14. No more than 106 vehicles should be allowed to enter the school property during the AM peak hour – 7:30 AM to 8:30 AM. Conformance to this limit should be tied to the planned expansion from 260 to 320 students.

15. Before the School is to be opened, the left turn lane into a relocated south entrance as described in Gorove Slade Associates' Traffic Management Plan dated June 2, 2000, shall be constructed and ready to carry traffic.

16. Left turns into the proposed northern entrance of the property should be prohibited at all times.

17. The size of the parking lot should be reduced to no more than 110 parking spaces. Major evening and weekend events should also require carpooling and vanpooling from Metro stops.

18. The parking lot should be setback at least 80 feet from the adjoining properties to the south. Screening vegetation must be installed and maintained in this buffer.

19. The School should investigate the porous pavement technology with a groundwater recharge system and, if cost effective and otherwise feasible, use it for the parking lot installation in order to mitigate ecological disturbance to the property and the neighborhood.

20. While construction described in the BZA Order is ongoing, the applicant will meet with neighbors and community representatives on a monthly basis to discuss construction activities scheduled for the following month, and to also review its efforts to resolve any objectionable conditions.

21. At and after the completion of construction, Field School shall conduct similar meetings no less than every six months to discuss and review any objectionable conditions, which may arise from the adjoining property owners and representatives of the Palisades Citizen's Association, the Spring Valley-Wesley Heights Citizens Association, the Foxhall Citizens Association, the Wesley Heights Historical Society, the Foxhall Crescents Homeowners Association and ANC 3D. For the purpose of this provision, an adjoining property owners shall include owners directly across Foxhall Road.

22. Only three major evening events will be held during the school year.

23. A sidewalk will be laid along the edge of the school property as shown on the school plans.

24. The School will work with the neighbors to approach the Department of Public Works to implement a series of traffic calming measures to protect the residential neighborhoods from commuter encroachment.

25. Student drivers must be at least 17 years of age and possess a permit that allows them to carry at least two passengers.

26. The application should be approved subject to the satisfaction of stormwater management concerns of the National Park Service.

27. During construction, the Applicant shall make available a 24-hour hotline with a live or on-call operator to respond to resident's questions and

complaints about objectionable and unsafe conditions. Such a number shall be posted prominently at the site and otherwise publicized

28. Pick-up points for Field School shuttle buses shall be established off-street within established parking lots and monitored by school staff and/or volunteers.

For the reasons stated above, the Board concludes that the applicant has met the burden, it is hereby **ORDERED** that the application be **GRANTED**.

VOTE:

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
SHERI M. PRUITT-WILLIAMS
SECRETARY TO THE BOARD

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