

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

**BZA Application No. 18431-A  
The Field School  
2301 Foxhall Road, NW  
Square 1341, Lots 856, 861, 878, and 879**

**Preliminary Statement in Support of Modification With Hearing  
and Special Exception to Permit Height of Proposed Retaining Wall**  
*submitted in accordance with Subtitle Y §§ 704.2(b) and 300.8(e)*

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**I. INTRODUCTION**

This statement is submitted on behalf of The Field School (hereinafter the “School” or the “Applicant”), the owner of the property located at 2301 Foxhall Road, NW, which consists of lots 856, 861, 878, and 879 (collectively, the “Property”). The Applicant requests the Board of Zoning Adjustment (the “BZA” or “Board”) to approve a Modification With Hearing pursuant to Subtitle Y § 704 to permit various changes to the School’s private school plan originally approved by BZA Order No. 16559, and most recently modified by BZA Order No. 18431. The proposed modifications to the approved private school plan are specifically listed below:

- **New Innovation Center:** Construct a new addition to be known as the Innovation Center, which will provide students with new digital and arts-based learning opportunities;
- **Athletic Field and Running Track:** Shift the existing athletic/soccer field slightly to the east to accommodate the installation of a new, four-lane running/jogging track with field lighting, which includes the construction of a new retaining wall, further discussed below;
- **Practice Field:** Reconfigure the existing basketball court and parking areas to the north of the athletic field to create a practice field;
- **Parking Layout:** Reconfigure the School’s existing surface parking lot and bus parking zone;
- **Maximum Student Enrollment Cap:** Increase the approved student enrollment cap from 400 to 425; and
- **Maximum Full-Time Equivalent (“FTE”) Faculty and Staff Cap:** Increase the number of approved FTE faculty and staff from 110 to 120.

To reflect these proposed modifications, the Applicant proposes to revise several of the conditions set forth in BZA Order No. 18431, as shown in the table attached hereto as **Exhibit A**

(hereinafter the “Revised Conditions”). The Revised Conditions will harmonize the approved private school plan with the School’s current practices and operations, as further discussed in Section III.C below. As noted in the Revised Conditions, those conditions that relate to traffic management will be replaced with a new Transportation Demand Management (“TDM”) plan, which will be submitted to the record with a supplemental filing.

In addition to the modification to the private school plan, the Applicant requests special exception approval pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2 to allow the construction of the proposed retaining wall around the repositioned athletic field. As detailed below, while the height of the retaining necessitates the relief requested, the design of the retaining wall represents the most feasible and favorable solution, which will minimize adverse impacts to neighboring properties.

Submitted herewith is a letter from the Applicant authorizing Holland & Knight LLP to file and process the application. Also submitted herewith are the various items required for this application, as set forth in Subtitle Y §§ 704.2 and 300. Upon filing the application via IZIS, the Applicant will provide a check for the requisite filing fee to the Office of Zoning.

This preliminary statement provides an overview of the proposed modifications and how the requested relief meets the burden of proof. Pursuant to Subtitle Y § 300.15, the Applicant will file a prehearing (supplemental) submission with any additional needed information no later than thirty (30) days prior to the public hearing on the application.

## **II. BACKGROUND**

### **A. Description of the Property and Surrounding Area**

The Property is an irregular shaped site consisting of approximately 459,962 square feet (10.56± acres) located in northwest Washington, DC, specifically in the Ward 3 neighborhood of Wesley Heights. The Property fronts on Foxhall Road to the west and slopes steeply downhill to the east, where it abuts the rear residential lots facing 44<sup>th</sup> Street, the 44<sup>th</sup> Street right-of-way, and the heavily-wooded Glover-Archbold Park. Residential properties facing W Street and Foxboro Place abut the south lot line. The Kreeger Museum abuts the Property along the north property line.

The Property was the former home of the Cafritz family but was renovated and redeveloped with classroom space, administrative offices, and other educational-based facilities to support the School’s relocation in 2002. Today, the Property is improved with education and administrative buildings as well as a gymnasium and outdoor athletic fields. The School is accessed from its southern intersection with Foxhall Road, and a circular driveway facilitates pick-ups and drop-offs on the Property. The School currently has 128 parking spaces available for vehicular parking, plus four ADA parking spaces, as well as designated bus parking for 11 buses. Given that the lower portion of the Property has heavy tree cover and remains in a relatively natural state, the School’s facilities and activities are largely confined to the northern, more elevated areas of the site.

The School is generally surrounded by residential neighborhoods to the south, north, and northeast. The Foxhall Crescents residential subdivision is located across Foxhall Road to the northwest. While the surrounding area is predominantly residential in character, a number of private schools are located nearby, including the Mount Vernon campus of The George Washington University, St. Patrick's Episcopal Day School, The Lab School, Horace Mann Elementary School, and Our Lady of Victory School.

## **B. Current Zoning and Applicable Development Standards**

The significant majority of the property is zoned R-1A, as shown on the portion of the Zoning Map submitted herewith. The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. 11-D DCMR § 101.1. The purposes of the R-1A zone are to (a) protect quiet residential areas now developed with detached houses and adjoining vacant areas likely to be developed for those purposes; and (b) stabilize the residential areas and promote a suitable environment for family life. 11-D DCMR § 101.3. A very small portion of the property at the easternmost point is zoned R-1A/WH. This portion of the Property is known as Lot 878, is comprised of only 792 square feet, and is not improved.

The relevant development standards for the R-1A zone are set forth in Subtitle D, Chapter 2, and are summarized in the bulleted list below:

- Use: a private school is permitted by special exception (Sub. U § 203.1(m)).
- Lot Dimensions: minimum required lot width of 75 feet; and a minimum required lot area of 7,500 square feet (Sub. D § 202.1).
- Height: maximum permitted height of 40 feet and three stories, not including penthouse or rooftop structure (Sub. D § 203.1).
- Penthouse and Rooftop Structure: maximum permitted height of 12 feet and one (Sub. D § 205.3).
- Rear Yard: minimum rear yard of 25 feet (Sub. D § 207.1).
- Side Yard: minimum of two side yards, each a minimum of eight feet in width, shall be provided for all detached buildings (Sub D. § 207.2).
- Lot Occupancy: Maximum lot occupancy of 40% (Sub. D § 210.1).
- Pervious Surface: Minimum required pervious surface of 50% (Sub. D § 211.1).

The base development standards in Subtitle D, Chapter 2 apply to the R-1A/WH zone, except as specifically modified by Subtitle D, Chapter 7. 11-D DCMR § 700.1. In this case, there is no construction proposed on the R-1A/WH zoned portion of the Property.

With respect to vehicle parking, the Zoning Regulations require that a private education use for middle school- and high school-aged students provide two parking spaces for each three teachers and other employees, plus either one for each 20 classroom seats or one for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater. 11-C DCMR § 701.5. Condition No. 21 of BZA Order No. 18431, the School is limited to a maximum of 128 parking spaces.

For bicycle parking, a private school must provide at least one long-term space for each 7,500 square feet of gross floor area (“GFA”) and one short-term space for each 2,000 square feet of GFA. 11-C DCMR § 802.1. However, for an addition to an existing building, no additional bike parking spaces are required if the addition is less than 25% of the GFA. 11-C DCMR § 802.5.

For loading, an education use consisting of 30,000 to 100,000 square feet of GFA must provide at least one loading berth and at least one service/delivery space. 11-C DCMR § 901.1. However, for an addition to an existing building, no additional loading facilities are required if the addition is less than 25% of the GFA. 11-C DCMR § 901.6.

The regulations applicable to the proposed retaining wall are set forth in Subtitle C, Chapter 14. Generally, the maximum height of a retaining wall shall be six feet. 11-C DCMR § 1401.2. The height of a retaining wall shall be determined as follows: (a) the height of a retaining wall is the vertical distance measured from the natural grade at the base of the wall to the top of the wall; (b) when the height of a retaining wall varies, the height shall be measured at the highest point of the wall, from the natural grade at the base of the wall at that point; and (c) berms or other similar forms of intermittent terrain elevation shall not be included in measuring retaining wall height. 11-C DCMR § 1401.1. Further, retaining walls may be tiered or terraced provided that the width of the area between each retaining wall is at least twice the height of the lower retaining wall. The area between each wall shall be pervious and may not be paved or otherwise covered with impervious materials. 11-C DCMR § 1401.7.

### **C. The Field School: Overview, Growth, and Priorities**

The Field School is a sixth (6<sup>th</sup>) through twelfth (12<sup>th</sup>) grade independent school that strives to give its students a purposeful education. Founded in 1972, the School was established by its founder, Elizabeth Ely, to provide students with an inquiry-based curriculum encompassing organized "fields" of knowledge—taught in an environment that stressed dialogue, analytic thinking, and larger lessons of how young people could grow to become generous, responsible, and self-knowing adults. Today, the School continues this trajectory with a pedagogy that is relevant, engaging, meaningful, and joyful.

When the School first opened in 1972, it served 44 students in a small set of rooms above Regina Cleaners, a dry-cleaning business on the corner of Connecticut Avenue and R Street in downtown Washington, DC. A couple of years later, the School found a new home on Wyoming Avenue near Dupont Circle. In the decades that followed, the School grew and evolved.

The School relocated to the Property in 2002, and was able to provide access to a gymnasium and playing field, new science labs, and creative studio spaces. Since its relocation to Foxhall Road, it has expanded only once, pursuant to the BZA’s approval in BZA order No. 18431.

After celebrating 50 years and undergoing a campus master planning process in 2022, the School looks to continue its legacy by transforming existing spaces and adding new spaces to support its curriculum and accommodate future needs. The next step, and a major component of this application, is the proposed construction of a new Innovation Center that will support the School’s robust Studio Arts program. Consisting of theater, technical theater, music, and visual



arts (e.g., 2D, 3D, and photography), the Studio Arts Program is an integral part of the School's experience. Further details about the Innovation Center are provided below in Section III.B.1.

#### **D. Zoning Approval History**

As discussed above, the School previously operated in Dupont Circle until its relocation to the Property in 2002. The School has received the following zoning approvals:

- **BZA Order No. 16559** (dated December 19, 2000) – Approved a special exception to establish a private school for a maximum of 320 students and 74 faculty and staff in the R-1A zone at the Property. The approval included 42 conditions under the following headings (i) Number of Students and Faculty and Staff; Operations; (ii) Traffic Management; (iii) Parking Lot; (iv) Lighting; (v) Construction Management; (vi) Stormwater Management; and (vii) Community Outreach.
- **BZA Order No. 16559-A** (dated August 6, 2001) – Approval of a modification request to allow interim use of an existing building by nine staff members and for monthly board meetings to be held on campus.
- **BZA Order No. 16559-B** (dated August 23, 2002) – The Board granted an interim modification of Condition Nos. 13-24 in Order No. 16559. The Board also approved an alternative transportation management plan (TMP) that the School would follow while certain improvements to the Foxhall Road right-of-way, as required by Order No. 16559, were completed. The modified conditions, including the alternative TMP, were set to expire on January 31, 2003.
- **BZA Order No. 16559-C** (final date of May 12, 2004) – Approval of a modification request to extend the School's alternative TMP to March 31, 2003.
- **BZA Order No. 18431** (dated December 28, 2012) – Approval of a special exception to increase the School's enrollment cap from 320 to 400 students and to increase the faculty and staff cap from 74 to 110. The approval also allowed the School to modernize and expand its existing facilities through the construction of 28,193 additional square feet to accommodate academic, administrative, and communal space. BZA Order No. 18431 generally carried forward the conditions from the previous BZA orders (summarized above), and include 38 conditions under the following headings: (i) Number of Students, Faculty and Staff; Operations; (ii) Use of Facilities by Outside Groups; (iii) Traffic Management; (iv) Parking and Perimeter; (v) Lighting; (vi) Construction Management; and (vii) Community Outreach.

Given this case history and that the most recent approval includes all of the required conditions since the original approval, the Applicant seeks to modify BZA Order No. 18431 with this application.

### **III. MODIFICATION WITH HEARING**

#### **A. Request**

Any request for a modification that cannot be processed pursuant to Subtitle Y § 703 shall require a public hearing. 11-Y DCMR § 704.1. The proposed changes to the School’s approved plan exceed the scope of a “modification without hearing”, and the associated impacts are likely to be better understood with witness testimony.<sup>1</sup> Accordingly, the Applicant is requesting a Modification With Hearing pursuant to Subtitle Y § 704 to modify the private school plan. This statement provides the nature of, reasons, and grounds for a Modification With Hearing, as required by Subtitle Y § 704.2. In accordance with Subtitle Y §§ 704.4 and 704.5, the Applicant will serve a copy of this application on Advisory Neighborhood Commission (“ANC”) 3D, the only other party to the original proceeding, and the Office of Planning (“OP”).

The proposed modifications to the private school plan are detailed in Section III.B below.

#### **B. Proposed Modifications to Approved Private School Plan**

##### **1. New Innovation Center**

As shown on the architectural plans and elevations submitted herewith (the “Plans”), the Applicant proposes to construct a new addition to be known as the Innovation Center. The new addition will consist of two stories and approximately 15,377 square feet. The Innovation Center will connect to the overall School, positioned at the front of the existing Meeting House and to the east of the Aude Building. *See* Plans, Sheet 28. The School’s total building footprint will increase to 43,317 square feet, which results in a lot occupancy of less than 10%. This is well below the R-1A zone’s maximum permitted lot occupancy of 40%.

As shown on Sheets 34-35 of the Plans, the Innovation Center will provide additional classroom and communal space for students to design, create, and innovate. The ground floor includes a gallery and classroom spaces for makerspace activities, science-based learning, digital arts, and a recording studio. The second level includes additional classrooms and collaboration space.

The design of the Innovation Center is compatible with the other campus buildings and will provide for a physical connection to the existing buildings. The design incorporates the same architectural language of the existing campus, incorporating white brick with punched window openings. The addition sits lower than the other buildings and uses the Property’s topography to connect to the renovated athletic field through a series of stairs and ramps surrounded by landscape areas and bioretention.

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<sup>1</sup> The Zoning Regulations describe “a modification without hearing” as one “in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board. Determination that a modification can be approved without witness testimony is within the Board’s discretion.” 11-Y DCMR § 703.7.

## **2. Refinements to Athletic Field and New Retaining Wall**

The construction of the new Innovation Center presents an opportunity for the School to shift and refine its outdoor spaces. As shown on Sheets 47-48 of the Plans, the Applicant proposes to shift the existing athletic/soccer field slightly to the east of its current position. Doing so will provide enough space to install a four-lane running track around the perimeter of the field. The School's field is an attractive asset to its students and to the larger community, and the addition of the running track would be great service given that there are very few available public tracks in the surrounding neighborhood.

The School proposes to install lighting on the field as shown on Sheets 68-70 of the Plans. This lighting will allow the students and community to use the athletic field during the shorter winter days and will provide a safe and secure environment. The lighting selected includes the latest technology for controlled and directed illumination. The proposed lighting system has customizable optics to control the intensity of LED lights, putting a higher percentage of light precisely on the field to reduce impact on the surrounding area. The School is continuing to work with the neighbors on the extent of and regulations for the lighting to ensure that it results in no adverse impact.

The proposed shifting of the athletic field also involves the installation of a single retaining wall, which ranges in height from one foot to 27 feet to support the field. The exterior of the retaining wall is proposed to be constructed with a mechanically stabilized earth (MSE) wall. This wall is a composite structural wall consisting of alternating layers of compacted backfill and soil reinforcement elements fixed to a wall facing. The School proposes using a wall facing that is segmental concrete blocks stacked to resemble the appearance of a stone wall. The final appearance will have a color and texture variation similar to natural stone. The School continues to work with the community and nearby neighbors on the design and materials, and it will provide an update based on that continued work with its supplemental submission.

The School evaluated different retaining wall options but finds that the proposed solution minimizes adverse impacts to the campus and to surrounding neighbors. The proposed retaining wall is discussed further below in Section IV.

## **3. Reconfiguration of the Practice Field**

To the north of the athletic field, the School proposes to reconfigure the existing basketball court and parking areas to create an athletic practice field. Additional stormwater management elements will be incorporated to accommodate the expanded practice field.

## **4. Reconfiguration of Existing Parking Lot**

The School proposes to slightly reconfigure and regrade the existing parking lot on the Property. The proposed layout will accommodate a total of 129 parking spaces, comprised of 124 parking spaces plus five ADA parking spaces. Bus parking will be consolidated in the area south of the athletic field, providing space for eleven buses. Eight of the bus parking spaces are relocated from the northwest corner of the campus, and three are relocated from an adjacent gravel area.

Other changes proposed for the parking lot include additional planting areas, including new canopy trees and groundcover, and relocated existing lighting. The revised parking layout will not result in any changes to vehicular circulation within the campus.

#### **5. Increase to Student Enrollment Cap**

The School proposes a modest increase in its student enrollment cap. BZA Order No. 18431 set the maximum student enrollment number to 400. *See* Condition No. 2. The Applicant seeks increase that number to 425 students with this application. The School currently enrolls 368 students and requests this increase to allow for gradual enrollment increases as appropriate in the coming years. There is no intent to increase the student enrollment to this maximum cap immediately.

#### **6. Increase to FTE Faculty and Staff Cap**

The School also proposes a modest increase in the School's FTE faculty and staff cap. BZA Order No. 18431 caps the maximum number of faculty and staff at 110. *See* Condition No. 3. The School currently employs 98 FTE faculty and staff. The Applicant seeks to increase that number to 120 FTEs. These additional FTEs will allow for faculty and staff to support the new subject matters that are included as part of the Innovation Center. The increase will also allow for staffing for future programs and academic support, additional maintenance and janitorial staff, and other support personnel. The increase is anticipated to be gradual, given the current number of FTEs, and is proposed as part of this application for planning purposes.

### **C. Proposed Revisions to Conditions in BZA Order No. 18431**

To accommodate the modification to the private school plan, the Applicant also proposes revisions to the existing conditions as set forth in the attached **Exhibit A**. While some of the proposed changes are intended to accompany the modifications discussed above (e.g., increases to student enrollment and faculty caps), other revisions aim to harmonize the approved private school plan with current operations and practices. For example, the Applicant proposes to replace most of the conditions under the "Traffic Management" heading with a new, comprehensive TDM plan to establish greater consistency with the School's current practices. Similarly, a new construction management plan ("Construction Management Plan") will be proposed based on continued discussions with the community. Details regarding changes to the conditions are set forth in **Exhibit A** and any updates to the Revised Conditions, including the newly proposed conditions for the TDM plan and the Construction Management Plan, will be included with a supplemental submission to be filed no later than 30 days before the public hearing in accordance with Subtitle Y § 300.14.

### **D. Compliance with Special Exception Criteria Applicable to Private School Use in Residential Zone (Subtitle U § 203.1(m))**

A private school use is permitted as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions of Subtitle U § 203.1(m). The proposed modifications do not change the Board's findings required by Subtitle X §§ 901.2(a) and (b) when the Board

originally granted the special exception allowing the School to operate at the Property. *See* BZA Order No. 16559 at p. 19. The private school use remains in harmony with the purpose and intent of the R-1A zone. The proposed modifications will not make the School an incompatible use, or one that is adverse to adjacent and surrounding neighbors. In addition, the Revised Conditions will also serve to minimize any unfavorable impacts to the neighborhood.

The School's ongoing compliance with the conditions for a private school use in a Residential (R) zone is summarized below:

- **Sub. U § 203.1(m)(1):** *Shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.*

The School is not relocating to a new site and there should be no objectionable conditions resulting from the proposed modifications. The Innovation Center will be integrated with the School's existing building facilities and will not be constructed in a new or remote area on campus. The School's updated Construction Management Plan will minimize objectionable conditions during the period of construction. Increases to the student population and the School's FTE faculty and staff will not lead to any perceptible increase in noise levels on adjacent or adjoining properties. Although the athletic field will be shifted slightly to the east, it will remain in the same general location. The Applicant is working closely with the abutting neighbors to mitigate any impacts from the use of the field on those properties. Furthermore, the School's updated TDM plan will serve to control traffic patterns and keep any adverse impacts to adjoining and nearby properties to a minimum.

- **Sub. U § 203.1(m)(2):** *Ample parking space, but not less than that required by this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.*

The School will provide sufficient parking spaces to accommodate the proposed increases to student enrollment and the number of FTE staff and faculty. The Zoning Regulations require the School to provide two spaces for each 3 teachers and other employees, plus either one for each 20 classroom seats or one for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater. With the increase in FTE faculty and staff to 120, plus the number of seats in the School's largest area usable for public assembly [which is the Meeting House which can accommodate a maximum occupancy of 441 people], the School must provide a minimum of 124 parking spaces. As shown on the zoning data table provided on Sheet 23 of the Plans, the School will provide 129 parking spaces within its reconfigured parking lot, including 124 parking spaces and five ADA parking spaces.

Based on the zoning required parking, the Applicant proposes to revise Condition No. 21 to BZA Order No. 18431 to set a maximum of 129 parking spaces. As will

be set forth in the Applicant's Transportation Statement, this number of parking spaces is sufficient for the expected demand for the School while also capping the parking provided to encourage students' use of the bus program and minimize adverse traffic impacts.

Thus, the proposed parking complies with the Zoning Regulations and accommodates the needs of the School, but remains considerate of the surrounding neighborhood.

- **Sub. U § 203.1(m)(3)**. *After hearing all evidence, the Board of Zoning Adjustment may require additional parking to that required by this title;*

The Applicant believes that the proposed amount of parking is appropriate for the School, and that the Board can approve the requested modifications to the private school plan without additional parking requirements.

#### **E. Compliance with Criteria Applicable to Private School Plan (Subtitle X § 104)**

In addition to the criteria set forth in Subtitle U § 203.1(m), Subtitle X § 104 includes criteria that must be evaluated with a private school plan. This application's compliance with Subtitle X § 104 is summarized below:

- **Sub. X § 104.1**: *Education use by a private school shall be permitted as a special exception subject to review and approval by the Board of Zoning Adjustment after its determination that the use meets the applicable standards of Subtitle X, Chapter 9 and conditions of this section.*

The private school use at the Property is already permitted as a special exception pursuant to BZA Order No. 16559, which was subsequently modified by BZA Order No. 18431. The continued use of Property for the School is in harmony with the purposes of the R-1A zone, which are to protect quiet residential areas and promote a suitable environment for family life. 11-D DCMR § 101.3. The proposed modifications do not detract from these purposes and provide the School with increased opportunities to serve existing and prospective students. In addition, and as discussed throughout this statement, the proposed modifications will not tend to affect adversely the use of neighboring property. The new Innovation Center will be constructed on the northern portion of the campus where the School's existing facilities are located, thus not bringing new buildable area or activities closer to nearby residents. The reconfiguration of the athletic fields have been designed to ensure that there is no adverse impacts to the use of the nearby residential properties. The proposed increases to the student and FTE faculty caps are also modest. Resulting increases to the School's population will not drastically alter the School's character or anticipated activity levels.

- **Sub. X § 104.2**: *The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.*

Please *see* response above regarding compliance with Subtitle U § 203.1(m)(1).

- **Sub. X § 104.3:** *The development standards for a private school shall be those of the zone in which the private school is located.*

The proposed construction on the Property fully complies with the development standards for the R-1A zone. The zoning data table provided on Sheet 23 of the Plans demonstrates the School's compliance with the relevant development standards. Accordingly, the proposed modifications will have no impact on the Property's compliance with zoning.

- **Sub. X § 104.4:** *In calculating density, the land area shall not include public streets and alleys, but may include private interior streets and alleys within school boundaries.*

The Property does not include any public streets and alleys.

#### IV. **SPECIAL EXCEPTION RELIEF FOR PROPOSED RETAINING WALL**

##### A. **Request**

Pursuant to Subtitle C § 1401.2, the maximum permitted height of a retaining wall on the Property is six (6) feet. Other limitations with rear and side setbacks are also required but are not applicable to this proposed retaining wall. As shown on Sheet 59 of the Plans, the Applicant proposes to install a retaining wall that ranges in height from one foot to a maximum height of 27 feet, as measured from the top of the wall to the lowest grade. Accordingly, the Applicant is requesting a special exception pursuant to Subtitle C § 1402.1:

**Retaining walls not meeting the requirements of this section may be approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X.** In addition to meeting the general conditions for being granted a special exception as set forth in that subtitle, the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would to make full compliance unduly restrictive, prohibitively costly, or unreasonable.

[Emphasis added.] As explained below, the proposed retaining wall represents the most feasible solution to overcome the Property's challenging topography and minimizes any adverse impacts to the School's adjacent neighbors.

##### B. **Burden of Proof**

Pursuant to D.C. Official Code §6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a request for special exception where it finds said request will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and

Zoning Map, and will meet such special conditions as may be applicable. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion...is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). **“In sum, the applicant must make the requisite showing, and once he has, the Board ordinarily must grant his application.”** *Id.* (Emphasis added.)

### **C. Justification for Proposed Retaining Wall**

The existing conditions of the Property make full compliance with the maximum permitted height for a retaining wall unduly restrictive and unreasonable. The Property significantly slopes downward toward the abutting residences fronting the Foxboro Place cul-de-sac and those fronting 44<sup>th</sup> Street. In addition, the lot configuration considerably limits where the retaining wall can be positioned around the athletic field.

As shown on Sheet(s) 47-66 of the Plans, the Applicant has evaluated three potential retaining wall designs. The first design option proposed a series of terraced retaining walls that would be compliant with the Zoning Regulations; however, this design is not feasible. Specifically, portions of the terraced retaining walls would cross over the Property’s lot line and encroach upon the abutting lot and single-family residences fronting on 44<sup>th</sup> Street. This design would also adversely impact a heritage tree, which is not permitted under DC law, and it would result in the removal of special trees that are located to the east/southeast of the Property.

The second design option that was considered involved a two-tiered system. This option does not fully comply with the Zoning Regulations and would require relief, and it did not result in an preferred solution. Specifically, it would require the removal of several special trees between the Property and adjacent residences and would result in a reduced area of buffer between the playing field and neighboring residences. Furthermore, the plantings that can be located within the two tiers are reduced in size as compared to the proposed option due to the foundation of the wall. Accordingly, while this design option is “more compliant” with the Zoning Regulations, it results in a less favorable design for the abutting homeowners.

The most feasible and favorable retaining wall design option involves the installation of single retaining wall ranging in height from one foot to a maximum of 27 feet. This design results in the most reduced impact to existing special and small trees, allows for favorable conditions to incorporate additional plantings, and preserves the heritage trees on School’s campus. As shown on Sheet 63 of the Plans, a single retaining wall also maintains adequate buffers between the School and adjacent property owners. There is a buffer of approximately 44.5 feet between the retaining wall and the Property line adjacent to the homes fronting the Foxboro Place cul-de-sac, and a buffer of approximately 17 feet between the retaining wall and the Property line adjacent to the homes fronting 44<sup>th</sup> Street. Such distances of separation cannot be achieved with the other design options that the Applicant evaluated. The retaining wall’s setback from the Property line also allows for significant planting opportunities and a denser vegetative buffer within these areas



of the campus that abut neighboring residences. Additionally, the community pathway will be modified to remove a steep staircase and instead provide a gradually sloping hardwood mulch path along the wall for community access.

Accordingly, the proposed retaining wall is the best solution to overcome the existing terrain and topographical constraints associated with the Property, and minimizes any adverse impacts to neighboring properties. The existing site conditions make full compliance with the retaining wall hall limitations unduly restrictive and reasonable. Moreover, full compliance is largely undesirable due to the resulting impacts to existing trees and buffer areas between the Property and neighboring homeowners. The requested special exception is in harmony with the stated purposes of the R-1A zone to “protect quiet residential areas now developed with detached houses” and to “stabilize the residential areas and promote a suitable area for family life.” For these reasons, the requested special exception satisfies the general criteria of Subtitle X § 901.2 and the specific conditions required by Subtitle C § 1402.1.

## **V. APPRAISAL OF AFFECTED ANC AND COMMUNITY OUTREACH**

The information below is provided in accordance with Subtitle Y § 300.8(l).

The Property is located within the boundaries of ANC 3D and Single Member District (“SMD”) 3D07. The Applicant has apprised ANC 3D of the requests made with this application and has engaged directly with several of the ANC commissioners, including the representative for SMD 3D07. At the ANC’s duly-noticed, regular monthly meeting held on October 9, 2024, the Applicant announced its intent to file the application and provided information on opportunities for Commissioners and community members to learn more about the application. These included a virtual meeting which was held on October 15, 2024, and an in-person meeting which was held at The Field School on October 23, 2024. Notices for these meetings were also hand-delivered to all property owners within 200-feet of the Property.

In addition to these public forums, the Applicant is working directly with neighbors abutting the School’s campus to ensure that their input is considered and that their concerns are appropriately addressed. The Applicant has met individually with neighbors who may be specifically impacted by the proposed improvements and will continue to work with them to identify any mitigation(s) required. The Applicant will provide an update of the agreed-upon measures intended to reduce or mitigate any adverse impacts that may result from the proposed modifications as part of its supplemental filing prior to the public hearing.

The Applicant has provided regular updates to the ANC 3D commissioners regarding the perspectives of neighboring property owners and interested stakeholders, and will continue to work with the ANC and the impacted community, including presenting the application at upcoming ANC 3D public meeting(s). The Applicant will supplement the record regarding its public outreach efforts in accordance with the Zoning Regulations.

## **VI. COORDINATION WITH DISTRICT AGENCIES**

The Applicant has also begun to coordinate with appropriate District agencies, including OP, the District Department of Transportation (“DDOT”), and the Department of Energy & Environment (“DOEE”). On September 27, 2024, the Applicant met with OP to review the proposed application and answer questions regarding the requested. The Applicant’s traffic consultant has also begun working with DDOT, including obtaining approval on its scoping documents and reviewing the Applicant’s proposed TDM plan. The Applicant intends to meet with DOEE prior to the public hearing. The Applicant will continue to work with these District agencies and will supplement the record with information resulting from those meetings in a supplemental filing that will be timely filed in accordance with Subtitle Y § 300.15.

**EXHIBIT A**  
**The Field School**  
**Existing and Proposed Conditions**  
**BZA Order No. 18431-A**

Existing Condition	Proposed Condition (changes shown in bold and underline)
1. The school buildings and facilities shall be constructed in accordance with the plans filed in the record as Exhibit 28.	1. The school buildings and facilities shall be constructed in accordance with the plans filed in the record as <b><u>Exhibit</u></b> .
<b><u>Number of Students, Faculty and Staff; Operations</u></b>	
2. The maximum student enrollment shall be limited to 400.	2. The maximum student enrollment shall be limited to <b><u>425</u></b> .
3. The maximum number of faculty and staff shall be limited to 110.	3. The maximum number of <b><u>full-time equivalent</u></b> faculty and staff shall be limited to <b><u>120</u></b> .
4. The school shall stagger hours of operation between the Middle School and Upper School with an 8:00 a.m. start for 6th-8th graders and no earlier than an 8:20 a.m. start for 9th-12th graders.	<i>No change.</i>
5. The school shall prohibit students from leaving the campus during the school day except for emergencies, when authorized by a parent or guardian, or for school-organized trips.	<i>No change.</i>
6. The school shall not start any outdoor athletic events after 6:00 p.m.	<i>Propose to delete this condition.</i>
7. No outdoor athletic events shall be held on Sundays.	<b><u>The school shall not hold outdoor athletic events on Sundays; however, youth sports and other community groups may use the athletic fields on Sundays.</u></b>

8. The school shall not allow the athletic field to be used for adult baseball.	<i>No change.</i>
9. No more than three major evening events beginning after 7:00 p.m. shall be held on the school property during the school year.	<i>No change.</i>
10. The school shall schedule all deliveries to take place from 9:30 a.m. to 4:00 p.m., Monday through Friday.	<i>Propose to delete this condition.</i>
11. The school shall schedule all waste removal to take place from 8:00 a.m. to 4:00 p.m., Monday through Friday.	<i>Propose to delete this condition.</i>
<b><u>Use of Facilities by Outside Groups</u></b>	
12. The school shall not be prohibited from making its facilities available to outside groups. Rental of its outdoor athletic facilities, however, is conditioned on the school obtaining written agreement of three-quarters of the properties adjacent to the school. The school shall convene meetings with such neighbors to assess ways that the school's field may be used by outside groups in a way that is sensitive to the surrounding neighborhood, seeking to achieve consensus to facilitate greater use of the field by outside groups, and shall report annually in writing to the ANC for the next two years on the status of its efforts.	<i>The condition has been satisfied and/or the time has passed. Propose to delete this condition.</i>
13. The school shall allow no more than five non-sporting events of more than 100 people each year in the gymnasium. Use of the gymnasium by outside groups (other than for the five aforementioned events) shall not begin before 9:00 a.m. or end after 8:30 p.m. nor occur on Sundays, and such groups may park only in spaces along Foxhall Road or near the theater entrance, not at the gymnasium parking area along 44th Street.	13. The school shall allow no more than five non-sporting events of more than 100 people each year in the gymnasium. Use of the gymnasium by outside groups (other than for the five aforementioned events) shall not begin before 9:00 a.m. or end after 9 <del>8:30</del> p.m. <del>nor occur on Sundays</del> , and such groups may park only in spaces along Foxhall Road or near the theater entrance, not at the gymnasium parking area along 44th Street.
14. The school shall permit local residents to use the athletic field and to walk or stroll the	14. The school shall permit local residents to use the athletic field <b><u>and track</u></b> and to walk

campus grounds when these areas are not being used for school purposes, provided that the same conditions that apply to the school’s use of the facilities and grounds shall apply to the public.	or stroll the campus grounds when these areas are not being used for school purposes, <del>provided that the same conditions that apply to the school’s use of the facilities and grounds shall apply to the public.</del>
<b><u>Traffic Management</u></b>  <b>The Applicant is working with DDOT and the community. Where indicated, conditions to be replaced by a new Transportation Demand Management (“TDM”) plan which is consistent with current practices.</b>	
15. All traffic entering or exiting the school property must use the southern entrance, with the exception of emergency vehicles and other vehicles that require access through the northern entrance and are unable to use the southern entrance. The gate at the northern entrance shall bar any turns from Foxhall Road onto the school property or from the school property onto Foxhall Road.	<i>No change.</i>
16. The school shall not permit more than 106 vehicles to enter the school property during the 7:30 a.m. to 8:30 a.m. morning peak hour.	<i>To be replaced in accordance with new TDM Plan.</i>
17. The school shall require all student drivers to park on school property. The school shall establish a school parking sticker program and provide students who qualify under the program with parking stickers authorizing them to park on school property. No parking stickers may be issued to any student who is under the age of 17.	<i>To be replaced in accordance with new TDM Plan.</i>
18. The school shall require, as part of its school parking sticker program, that students carpool to the maximum extent permitted by the Safe Teenage Driving Amendment Act of 1999, effective April 5, 2000, and other applicable licensing laws.	<i>To be replaced in accordance with new TDM Plan.</i>
19. The school shall establish pick-up points for the school shuttle buses at off-street locations within established parking lots.	<i>To be replaced in accordance with new TDM Plan.</i>

These pick-up points shall be monitored by school staff and/or volunteers.	
20. The school shall require carpooling and vanpooling for major events and weekend events.	<i>To be replaced in accordance with new TDM Plan.</i>
<b><u>Parking and Perimeter</u></b>	
21. The school shall provide no more than 128 parking spaces.	21. The school shall provide no more than <b><u>129</u></b> parking spaces, <b><u>comprised of 124 parking spaces and 5 ADA parking spaces.</u></b>
22. The parking lot shall be set back at least 100 feet from the adjoining property on the south.	<i>No change.</i>
23. The school shall retain porous pavement technology for its parking lot.	<i>Propose to delete this condition. This condition results from the original approval in 2000. The private school incorporates stormwater management in accordance with current practices, which would not include this type of technology.</i>
24. The school shall install and maintain a 100-foot vegetative buffer between the parking lot and adjoining property to the south.	<i>No change.</i>
25. The school shall install and maintain a vegetative buffer between the parking lot and Foxhall Road in accordance with the “Proposed Site Plan,” Exhibit 40 in the record.	<i>No change.</i>
26. The school shall allow visitors to 2207 Foxhall Road to use the school parking lot.	<i>Propose to delete this condition. This house is vacant and not owned by the school. Any future redevelopment of the site will accommodate parking on its own site.</i>
27. The school shall, prior to the beginning of the construction of the new addition, provide further screening of parking area near the gymnasium for 44th Street neighbors in the form of a 12-foot dark metal fence and related plantings, which shall be maintained in good working condition. This fence shall be placed	<i>No change.</i>

on the gymnasium side of the existing stone wall and shall extend from the southern-most point of the lot along the wall as far as parking extends next to the gymnasium building. The school shall not park buses along the fence or stone wall.	
28. The school shall permanently fix the drainage issues that are currently being addressed by a silt tarp installed on the fences abutting the 44th Street residences adjacent to the school, subject to approval by or in accordance with guidelines provided by the District Department of the Environment.	<i>This condition has been completed. Propose to delete this condition.</i>
29. The school shall, prior to the beginning of the occupancy of the new addition, replace the cooling unit by the gymnasium, now referred to as “The Chiller,” with a new unit that will have a sound spectrum that is quieter by approximately three to five dBA (which is similar to a 20% decrease in loudness) and has minimal tones. This new unit shall incorporate new technology, such as compressor wraps and upgraded low-noise fans (or scroll-type compressors), that are quieter, and the school shall require that the new unit have a factory witness test to confirm lower noise levels and minimal tones prior to delivery on the property.	<i>This condition has been completed. Propose to delete this condition.</i>
<b><u>Lighting</u></b>	
30. The school shall operate all light on the parking facilities so that it is directionally down-lit with minimum light candlepower.	<i>No change.</i>
31. The school shall not install any exterior event lighting on the athletic field.	<b>31. The school shall install exterior event lighting on the athletic field in accordance with Sheets ____ of the Plans at Exhibit ____.</b>  <i>The Applicant is working with the community to determine the appropriate time limits on use of outdoor athletic fields with the proposed outdoor lights. This condition will</i>

	<i>be updated as appropriate in the prehearing (supplemental) statement.</i>
32. The school shall turn off the lights to the parking lots at 9:00 p.m. and shall not turn the lights on at the parking lots on Saturdays and Sundays, except for special events or reasons of safety.	<i>Propose to delete this condition.</i>
<b><u>Construction Management</u></b>  <b>The Applicant is working with the community to draft a new Construction Management Plan, which will replace the referenced plan in Condition No. 33. The requirements set forth in Condition Nos. 34, 35, and 36 will be incorporated into the newly agreed-upon Construction Management Plan.</b>	
33. The school shall implement the construction management plan filed in the record as Exhibit 28.	33. The school shall implement the construction management plan filed in the record as <b>Exhibit ____</b> .
34. During the construction proposed in this application, the school shall meet with neighbors and community representatives on a monthly basis to discuss construction activities scheduled for the following month and to review its efforts to resolve any objectionable conditions. For purposes of this condition, the term “adjoining property owners” includes owners directly across Foxhall Road.	<i>No change; to be incorporated into new Construction Management Plan.</i>
35. During construction, the school shall make available a 24-hour hotline with a live or on-call operator to respond to callers’ questions about objectionable and unsafe conditions. The school shall publicize the hotline number and post it prominently at the site.	<i>No change; to be incorporated into new Construction Management Plan.</i>
36. The school shall ensure that truck and vehicle parking, material staging or storage, and contractor’s trailers are not placed or otherwise located on the easternmost parking lot.	<i>No change; to be incorporated into new Construction Management Plan.</i>



<b><u>Community Outreach</u></b>	
37. The school shall coordinate and work with other schools located in the area to address community concerns.	<i>No change.</i>
38. After completion of the construction proposed in this application, the school shall conduct meetings with neighbors and community representatives no less than once every six months to discuss and review any objectionable conditions.	<i>No change.</i>