

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

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

Applicant's Prehearing Statement
*Request for Modification With Hearing and
Special Exception to Permit Construction of Over-Height Retaining Walls*

Hearing Date: March 5, 2025

I. INTRODUCTION

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 in Square 1341 (collectively, the “**Property**”) submits this Prehearing Statement in support of BZA Application No. 18431 (the “**Application**”). The Application requests approval of (i) a Modification With Hearing pursuant to Subtitle Y § 704 to permit various changes to the School’s private school plan, originally approved pursuant to BZA Order No. 16559, and most recently modified by BZA Order No. 18431, and (ii) a special exception pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2 to permit the construction of three over-height retaining walls. The Board of Zoning Adjustment (the “**BZA**” or “**Board**”) is scheduled to consider the Application for public hearing on March 5, 2025.

II. UPDATES SINCE SUBMISSION OF THE APPLICATION

The School has continued to work closely with Advisory Neighborhood Commission (“**ANC**”) 3D and neighboring residents since initially filing the Application on November 12, 2024. In response to the feedback received and to address concerns about anticipated adverse impacts, the School has revised the proposed extent of the modifications to the private school plan.

Specifically, the original Application proposed to shift the School’s existing athletic/soccer field slightly to the east to accommodate the installation of a new, four-lane running/jogging track and field lighting. The proposed shift and track required the construction of a new retaining wall, with a maximum height of 27 feet. The neighbor residing closest to the proposed retaining wall, however, expressed concerns as to proposed impacts resulting from the wall’s height. After meeting with the neighbor several times at their home and reviewing the potential impacts, the School agreed to modify the proposed improvements to the athletic field, such that no new retaining walls need will be constructed in close proximity to their home. With this modification, the existing athletic/soccer field will be maintained in its current size and location, with only minor upgrades proposed. Furthermore, all over-height retaining walls that are needed for the project will be located centrally within the campus and not be visible from any neighboring property. The proposed retaining walls are further discussed in Section VI below.

Accordingly, the proposed modifications to the approved private school plan are now as follows:

- **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:** Maintain the existing athletic/soccer field in the same location and configuration, with minor upgrades and improvements including (i) new lighting, (ii) a new and relocated scoreboard, (iii) enhanced stormwater management facilities beneath the field, (iv) reconfigured retaining walls generally located on the west/northwest side of the field and interior to the campus, adjacent to the Innovation Center, to accommodate a new ADA accessible pathway to and from the field; and (v) new turf.
- **Practice Field:** Reconfigure the existing basketball court and parking areas to the north of the athletic field to create a new 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.

Accordingly, this Prehearing Statement details the application as revised and supplements the information provided in the Applicant's *Preliminary Statement*. See [Exhibit 12](#).

III. UPDATED PLANS

An updated set of plans that integrates all the changes to the Application discussed above is attached hereto as [Exhibit A](#) (the "**Updated Plans**"). The Updated Plans show that the existing athletic field will remain in its present location and with its current configuration. The Updated Plans also remove the proposed retaining wall that the School proposed to construct around the shifted athletic field on its east and south sides. The retaining walls that are located on the west side of the existing field for which relief is needed are detailed in the Updated Plans. See Updated Plans, Sheet(s) 46-53. The Updated Plans also include additional details regarding the proposed lighting for the athletic field and resulting illumination, as well as new sheets regarding the School's proposed stormwater management plan. See Updated Plans, Sheets 54-56 and 57-59, respectively. The Applicant will provide the Board with an overview of all major changes shown in the Updated Plans at the public hearing on the Application.

IV. BACKGROUND ON THE APPLICATION

A. Description of the Property and the 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 44th Street, the 44th Street right-of-way, and the heavily-wooded Glover-Archbold Park. Residential properties (i.e., single-family homes) 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. When the School relocated from Dupont Circle to the Property in 2002, then-existing improvements were renovated and redeveloped with classroom space, administrative offices, and other educational-based facilities. Today, the Property is improved with education and administrative buildings as well as a gymnasium and outdoor athletic fields.

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.

Vehicular access is provided via the School's southern intersection with Foxhall Road. The northern driveway is reserved for emergency vehicles only. All pick-up/drop-off activity is accommodated on-site. 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 Property.

B. Zoning and Applicable Development Standards

The significant majority of the Property is zoned R-1A, as shown on the portion of the Zoning Map marked as [Exhibit 14](#) in the public record. 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 is zoned R-1A/WH at its easternmost point.¹ This portion is known as Lot 878, which contains only 792 square feet of land area and is unimproved.

¹ The "WH" represents the Wesley Heights overlay, which contains additional regulations intended to preserve and enhance the area's low-density character. See Subtitle D, Chapter 7.

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:²

- 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).

Other development standards that are applicable to the Property and relevant to this Application are summarized below:

- Vehicle Parking: The Zoning Regulations require that a private education use for middle school- and high school-aged students provide two (2) vehicle 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. Per Condition No. 21 of BZA Order No. 18431, the School is limited to a maximum of 128 parking spaces.
- Bicycle Parking: A private school must provide at least one long-term bicycle parking space for each 7,500 square feet of gross floor area (“**GFA**”) and one short-term bicycle parking 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.
- Loading: A use that falls under the “education” category and consists 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.

² 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.

- **Retaining Walls:** The regulations applicable to retaining walls are set forth in Subtitle C, Chapter 14. Generally, the maximum height of a retaining wall shall be six (6) 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. 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. Zoning Approval History

In connection with 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. *See [Exhibit 7](#).*
- **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. *See [Exhibit 8](#).*
- **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. *See [Exhibit 9](#).*
- **BZA Order No. 16559-C** (dated May 12, 2004) – Approval of a modification request to extend the School’s alternative TMP to March 31, 2003. *See [Exhibit 10](#).*
- **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. *See* [Exhibit 11](#).

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.

D. The Field School: Current Vision and Priorities

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. *See* Updated Plans, Sheets 33-45. 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. The School is also focused on modernizing and upgrading its play areas, including the existing athletic field, and providing students with additional resources to learn, grow, and develop.

A brief history about The Field School was included in the Applicant's Preliminary Statement. *See* Ex. 12 at p. 4. Additional background about The Field School and its long-term vision will be shared at the public hearing.

V. APPLICANT'S REQUEST FOR MODIFICATION WITH HEARING

The Board has jurisdiction to grant the requested Modification With Hearing pursuant to Subtitle Y § 704. Any request that the Board cannot process as "a modification without hearing" shall require a public hearing.³ 11-Y DCMR § 704.1. Such a public hearing shall be focused on the "relevant evidentiary issues...and any condition impacted by the requested modification." 11-Y DCMR § 704.6. The scope of the Board's hearing is limited to the impact of the modification on the original approval—in this case, the approved private school plan under BZA Order No. 18431—and does not permit the Board to revisit its original decision. 11-Y DCMR § 704.7.

Accordingly, the Applicant is requesting a Modification With Hearing to permit certain modifications to its approved private school plan. The extent of the proposed modifications have been reduced since the submission of the original Application, as summarized above in Section I.

³ 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.

As required by Subtitle Y § 704.2, this Prehearing Statement provides “the nature of, reasons, and grounds” for the Applicant’s request. *See also* Applicant’s Prehearing Statement, Ex. 12 at pp. 6-11.

A. Proposed Modifications to the Approved Private School Plan

1. New Innovation Center

As shown on Sheets 33-45 of the Updated Plans, the Applicant proposes to construct a new addition that will be known as the Innovation Center. The new addition will connect to the overall School, strategically nestled at the front of the existing Meeting House and to the east of the Aude Building. *See* Updated Plans, Sheets 21-22. The Innovation Center will consist of two stories and approximately 15,716 square feet. The School’s total building footprint will increase to 43,622 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%.

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 Innovation Center also incorporates the same architectural language of the existing campus, with white brick and punched window openings. The building is designed to maximize natural light and provide views to the School’s outdoor spaces. Because the Innovation Center will sit lower than the School’s other buildings, there is an opportunity for the School to leverage the Property’s topography and establish new connections to the renovated athletic field through a series of stairs and ramps surrounded by landscape areas and bioretention.

2. Minor Upgrades to Existing Athletic Field

As described above, the Applicant has withdrawn the major upgrades proposed for the existing athletic field due to the potential impacts to an adjacent neighbor. Instead, the field will remain as is with the same size and configuration with new turf, and with minor upgrades to enhance the overall experience for its students and visitors. *See* Updated Plans, Sheets 21-22 and Sheet 30.

The proposed upgrades include replacing and relocating the scoreboard from the north side to the east side of the athletic field. By facing inward, the scoreboard is directed away from adjacent neighbors and becomes more visible to a larger portion of the campus. The new scoreboard does not include any amplified features and is positioned away from neighboring residences, thus reducing any adverse impacts. The proposed replacement and relocation of the scoreboard satisfies the School’s practical needs and will support the events to take place on the field.

In addition, as shown on Sheets 54-56 of the Updated Plans, the School proposes to install four new field lights around the perimeter of the existing field. The resulting illumination is highly controlled and will be largely confined to the playing field. The new lighting will be directed downward and result in minimal light impacts to the abutting neighbors. Since submitting the original Application, the School has reduced the proposed field lighting from an average illumination of 50 footcandles to 30 footcandles and reoriented light pole S2 to ensure that the lighting will have limited impact.⁴ To further limit any impacts from the field lights, the Applicant proposes a condition to limit use of the lighting to 9:00 pm daily.

Additional upgrades include the installation of new turf and enhanced stormwater management facilities beneath the field.

The School also commits to manage activities on the athletic field in the evening hours to limit noise associated with competitions or other events that would draw a large number of people. The School is fully committed to working in good faith with the neighbors to address and mitigate any issues that arise from use of the athletic field in the evening hours. As to future coordination, the School is continuing to work with the ANC to determine if additional language is needed for this condition and will provide an update of changes, if any, at the public hearing on this case.

As further discussed below in Section VI, the School also proposes to reconfigure the retaining walls generally located to west/northwest of the field. The relocated retaining walls are internal to the campus and adjacent to the proposed Innovation Center, and they will accommodate the creation of an accessible path between the School's buildings and the field.

3. New 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. The new practice field will enable multiple teams to practice simultaneously and help the School achieve its programmatic goals of providing additional outdoor play areas. This new practice field is especially important given the change to the Application to eliminate the new running/jogging track. Additional stormwater management elements will be incorporated to accommodate the new 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

⁴ The School is preparing additional plans to show the potential impact of the proposed lighting and will present these to the ANC at its next public meeting on February 5, 2025, and to the Board at the public hearing on the Application.

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.

B. Proposed Revisions to Conditions in BZA Order No. 18431

As a result of the revisions to the Application, the Applicant has updated the proposed revisions to the existing conditions set forth in BZA Order No. 18431. The updated revisions are shown in the table attached hereto as Exhibit B (hereinafter the "**Proposed Conditions**").⁵ The Proposed Conditions will harmonize the approved private school plan with the School's current practices and operations and reflect the requested changes to the private school plan. In addition, the Proposed Conditions reference the updated Construction Management Plan ("**CMP**"), attached as Exhibit D, which is intended to control and mitigate any adverse impacts resulting from the construction of the Innovation Center. The Proposed Conditions also reference the updated Transportation Demand Management ("**TDM**") plan, which is further discussed below. The Proposed Conditions also reflect the Applicant's commitments made to the ANC.

C. Compliance with Special Exception Criteria Applicable to Private School Use in Residential Zone (Subtitle U § 213.1(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

⁵ The Proposed Conditions supersede the previous version filed as Exhibit A to the Applicant's Preliminary Statement. *See* Ex. 12.

Order No. 16559 at p. 19. The private school use remains in harmony with the purpose and intent of the R-1A zone, which is intended, in part, to “promote a suitable environment for family life.” 11-D DCMR § 101.3(b). The proposed modifications will not make the School an incompatible use, or one that is adverse to adjacent and surrounding neighbors. In addition, the Proposed 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. As discussed above (*see* Section II), the Applicant has worked closely with the community throughout the processing of this Application. The School has reduced the extent of the modifications to directly address certain concerns raised by the most impacted neighbor. Specifically, the School no longer proposes to shift its existing athletic field and to construct a new retaining wall around the perimeter. Alternatively, the School now proposes modest improvements to the existing athletic field in the same size and location. These minor changes will enhance the experience for its students and will not create objectionable conditions.

In addition, 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 CMP will minimize any adverse impacts during the period of construction.

The new improvements include updates to the stormwater management facilities on the Property. The upgraded stormwater management facilities will use current best management practices and will meet all of the Department of Energy & Environment’s (“DOEE”) requirements. The School proposes a combination of accepted and studied practices, including green roofs, rain gardens and infiltration systems. The result will be enhanced stormwater management across the Property.

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 nor will it result in adverse impacts relating to traffic. As set forth in the Applicant’s Transportation Statement (the “**Transportation Statement**”), attached as Exhibit C, the proposed increase in the student enrollment cap from 400 to 425 students and the associated increase in the School’s FTE faculty and staff would result in an estimated 23 additional AM peak hour vehicle trips, 13 additional PM school peak hour vehicle trips, and an additional 10 PM commuter peak hour trips. The Transportation Statement notes that the School is well-equipped to handle these changes due to having a well-managed pick-up/drop-off (PUDO) operation and an extensive shuttle bus system, among other resources. Thus, the Transportation Statement concludes that the proposed increases are not expected to result in any

adverse traffic impacts to the surrounding roadway network. Furthermore, the School's updated TDM plan, which is being integrated into the Proposed Conditions, will serve to control and monitor traffic patterns, incentivize non-auto modes of travel, and keep any objectionable conditions to adjoining and nearby properties to a minimum.

- **Sub. U § 203.1(m)(2)**: *Ample parking spaces, 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,⁶ the School must provide a minimum of 124 parking spaces. As shown on the zoning data table provided on Sheet 23 of the Updated 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 parking required by zoning, the Applicant proposes to revise Condition No. 21 to BZA Order No. 18431 to set a maximum of 129 parking spaces. As explained in the Transportation Statement, this number of parking spaces will meet the expected demand for the School, yet remains limited in order to encourage students' use of the bus program. *See Exhibit C.* Thus, the proposed parking can "accommodate the students, teachers, and visitors" without subjecting the neighborhood to objectionable conditions.

- **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 absent additional parking requirements.

D. 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 set forth criteria that must be considered when evaluating a private school plan. The Application's compliance with this criteria is summarized below:

⁶ The School's largest area useable for public assembly is the Meeting House, which can accommodate a maximum occupancy of 441 people.

- **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 Prehearing 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. Only minor refinements are proposed to the existing athletic field and to the existing surface parking lot are intended as subtle adjustments. 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. Overall, the proposed modifications better accommodate the School's existing operations and will not adversely impact neighboring residents.

- **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 the Application's 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 Updated Plans demonstrates the School's compliance with the relevant development standards. Except for the proposed retaining wall, the proposed modifications will have no impact on the Property's compliance with zoning or require any new areas of zoning relief.

- **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.

VI. SPECIAL EXCEPTION RELIEF FOR PROPOSED RETAINING WALLS

A. Update on Proposed Retaining Walls

The Application originally requested special exception relief to permit the construction of a new retaining wall around the shifted athletic field. However, due to potential impacts to the abutting neighbor, the School no longer proposes to shift the athletic field in proximity to neighboring properties, as the originally proposed retaining wall is no longer necessary.

The updated Application continues to request special exception relief to permit the construction of three retaining walls.⁷ As shown on Sheets 46-53 of the Updated Plans, the three retaining walls are needed to coordinate the grade changes between the new Innovation Center and the existing athletic field which will be maintained. The specific purpose of each retaining wall is further detailed below:

- Retaining Wall #1: The School proposes to reconstruct the existing eight-foot retaining wall located to the west of the athletic field. This retaining wall must be reconfigured to accommodate the proposed Innovation Center and to create an accessible (ADA) path down to the athletic field. The new retaining wall has a maximum height of **9 feet, 2 inches** (as measured from the top of the wall to the lowest grade). This retaining wall is hereinafter referred to as the “**Lower Ramp Wall**” and is shown with blue shading on Sheets 47-49 of the Updated Plans.
- Retaining Wall #2: The School proposes to reconstruct the existing eight-foot retaining wall located to the west of the athletic field. Similar to the Lower Ramp Wall, this retaining wall must be reconfigured to accommodate the proposed Innovation Center and to create an accessible (ADA) path down to the athletic field. The new retaining wall will have a maximum height of **11 feet, 6 inches** (as measured from the top of the wall to the lowest grade). This retaining wall is hereinafter referred to as the “**Upper Ramp Wall**”) and is shown with orange shading on Sheet 47 and 50-51 of the Updated Plans.
- Retaining Wall #3: In order to accommodate the proposed accessible path leading from the Innovation Center down to the field and the location of the new practice field, the School proposes to construct a new retaining wall that has a maximum height of **13 feet, 6 inches** (as measured from the top of the wall to the lowest grade). This retaining wall is hereinafter referred to as the “**Practice Field Wall**” and is shown with yellow shading on Sheets 47 and 52-53 of the Updated Plans.

The Lower Ramp Wall, the Upper Ramp Wall, and the Practice Field Wall are collectively referred to as the “**Retaining Walls**” in the sections below.

⁷ The Zoning Regulations define “Retaining Wall” as “[a] vertical, self-supporting structure constructed of concrete, durable wood, masonry or other materials, designed to resist the lateral displacement of soil or other materials. The term shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulder walls, or other retaining structures.” 11-B DCMR § 100.2.

B. Request for Special Exception and Jurisdiction

Pursuant to Subtitle C § 1401.2, the maximum permitted height of a retaining wall on the Property is six (6) feet. There are other limitations with rear and side setbacks are also required but are not applicable to the proposed Retaining Walls. 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.)

The Board has jurisdiction to grant the requested special exception relief pursuant to Subtitle X § 901.2.

C. 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.)

D. Justification

The existing conditions of the Property make full compliance with the maximum permitted height for a retaining wall unduly restrictive and unreasonable. As discussed herein and as shown on Sheets 24-28 and Sheet 45 of the Updated Plans, the Property significantly slopes downward toward the abutting residences fronting the southern and western property lines, creating a significant grade change between the School’s main facilities and the lower portion of the campus. Because the School is maintaining the existing field configuration, the grade change must be moderated with the Retaining Walls to achieve the accessible route. The Retaining Walls all work together to resolve the topographical challenges existing on the Property.

Specifically, the School intends to create an accessible pathway that leads from the proposed Innovation Center down to the existing athletic field. *See* Updated Plans, Sheet 47. The School's goal is to create access for all its students and ensure that individuals can safely navigate the campus. The Lower Ramp Wall and the Upper Ramp Wall are specifically designed, and the proposed heights are needed, to moderate the dramatic changes in grade. These reconfigured retaining walls will also enable the School to create a far more gracious landscape and hardscape than would otherwise be available. The Practice Field Wall also must be constructed with the proposed configuration to create enough space for the accessible path.

In addition to improving accessibility on campus, the proposed Retaining Walls are also needed for programmatic purposes. The Practice Field Retaining Wall must reach a certain height to stabilize the new practice field in the proposed location (i.e., where the existing basketball court is located) and to maximize the play area available to the School's students. Due to the Property's topography, the practice field sits at lower elevation than the School's facilities. If the Practice Field Retaining Wall cannot be constructed to its maximum proposed height of 13 feet, 6 inches, this would compromise access to and from the School's Wonder Building. In addition, a compliant retaining wall at this location would reduce size of the practice field by approximately 2,150 square feet, resulting in fewer opportunities for students/teams to practice simultaneously, and creating more scheduling challenges for the School.

Moreover, providing terraced walls in accordance with Subtitle C § 1401.7 is not feasible in this case.⁸ *See* Sheets 49, 51, and 53. Due to the steep elevation change and limited space between the School's main facilities and the athletic field, the requisite width cannot be provided in a manner than supports the School's accessibility and programmatic objectives. A terraced design would encroach upon the existing field, thus compromising its functionality. In order to accommodate compliant, terraced walls, the field would need to be shifted to the east and the retaining wall that concerned abutting neighbors would need to be constructed. A terraced design in lieu of the Upper Retaining Wall would also encroach upon the staircase between the Innovation Center and the new practice field. The proposed Retaining Walls are therefore necessary to keep the field serviceable in its present location and to accommodate the proposed improvements to the campus.

The requested special exception is also 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." Although portions of the Retaining Walls will exceed the maximum height permitted by the Zoning Regulations, there will be no adverse impacts to neighboring properties or uses. None of the Retaining Walls directly impose upon an abutting property owner. Moreover, none of the Retaining Walls will be visible from any neighboring property. As shown on Sheets 46-53 of the Updated Plans, each Retaining Wall will be located internal to the campus and at least 95 feet from any abutting property line. For these reasons, the requested special exception satisfies the general criteria of Subtitle X § 901.2, as well as the specific conditions required by Subtitle C § 1402.1.

⁸ Subtitle C § 1401.7 provides that "[r]etaining 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." (Emphasis added.).

VII. UPDATES ON COMMUNITY OUTREACH

As discussed above and in the Applicant's *Preliminary Statement* (see Ex. [12](#) at p. 13), the Applicant has worked closely with ANC 3D and the most impacted neighbors. Updates regarding the Applicant's outreach to the community and its efforts to address neighbor concerns are provided below.

The Applicant initiated its outreach to the community prior to submitting the Application. 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 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 met individually with neighbors who may be specifically impacted by the proposed improvements and worked to identify measures that would mitigate anticipated adverse impacts. The Applicant attended the ANC's next monthly meeting on November 6, 2024, shortly before filing the Application. At that meeting, the School received additional questions about the proposed modifications, particularly the shifting of the athletic field. The School also indicated its commitment to opening the field to community members and external organizations.

Since filing the Application, the School has provided regular updates to ANC 3D and has made its representatives readily available. The Applicant presented the Transportation Statement and proposed TDM plan to the ANC 3D's Transportation Committee on November 19, 2024. The School's representative attended ANC 3D's December public meeting to answer questions and receive additional feedback. The School most recently presented the full Application to the public at the ANC's monthly meeting on January 8, 2025. Following the presentation, the ANC requested that the Applicant respond to a variety of questions and comments. Most recently, on January 24, 2025, the School mailed a letter to all adjacent neighbors detailing the changes that have been made to the Application, including the proposed intent to maintain the existing athletic field with only minor upgrades. All of the issues that were raised during the ANC's January meeting have been addressed with the Updated Plans and/or the Proposed Conditions, as discussed throughout this Prehearing Statement.

In addition to its work with the ANC, the School has maintained ongoing dialogue with the surrounding neighbors. Members of the Applicant's team have held multiple one-on-one meetings with several neighbors from W Street and Foxboro Terrace on campus. During these discussions, the neighbors provided feedback and asked that the School implement certain mitigations to reduce noise impacts and enhance maintenance of the Property's vegetative buffer. As reflected by the Updated Plans and the Proposed Conditions, the School has effectively addressed each of these concerns.

The School has also had numerous in-person and virtual meetings with the residents of 2306 44th Street, NW (the "**44th Street Owner**"), the neighbor who would have been most directly impacted by the field shift and the retaining wall proposed with the original Application. The Applicant's outreach to the 44th Street Owner also included several follow-up emails and phone

calls. Additionally, the School's landscape architect met with the 44th Street Owner's landscape architect to discuss potential planting and landscape solutions to mitigate the impact of the proposed retaining wall. In December 2024, following several weeks of discussions and meetings on site, as well as the installation of a temporary structure to illustrate the height and location of the proposed retaining wall, the 44th Street Owner informed the School that it did not intend to support the Application given the anticipated adverse impacts. Shortly after the new year, the School developed the alternative plan for the existing athletic field, which is presented herein and removes the retaining wall that concerned the 44th Street Owner.

The School is continuing to work with the community and with adjacent neighbors, including the 44th Street Owner, to ensure that all concerns and issues have been addressed to the fullest extent possible. If any further changes are made and agreed to prior to the hearing, the Applicant provide an update to the Board. The Applicant anticipates that ANC 3D will vote on the Application at its next full public meeting, which is scheduled on February 5, 2025.

VIII. UPDATES ON COORDINATION WITH DISTRICT AGENCIES

Throughout the processing of this Application, the School has also coordinated with appropriate District agencies, including the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), and DOEE.

On September 27, 2024, the Applicant initially met with OP to review the proposed application. On January 24, 2025, the Applicant met again with OP to provide an update on its work with the ANC and the surrounding neighbors and to provide an overview of the various updates to the Application discussed herein. This Prehearing Statement and the materials provided with the Applicant's Prehearing Submission address the feedback provided by OP during these meetings.

The School's traffic consultant has worked closely with DDOT throughout the processing of this Application, including obtaining approval on its scoping document and reviewing the Applicant's proposed TDM plan. DDOT's feedback has been focused primarily on the proposed bicycle parking (e.g., removal of non-standard “wave” racks and replacement with standard inverted-U style racks) and the proposed TDM plan, which the Applicant has refined accordingly. The Transportation Statement and the proposed TDM Plan were finalized and submitted to DDOT on December 20, 2024. Applicant's traffic consultant most recently met with DDOT on January 28, 2025, and is prepared to address any additional feedback at the public hearing.

Given the sloping topography and the School's proposed stormwater management upgrades, and in light of the stormwater management issues raised during discussions with neighbors and ANC 3D, the Applicant's civil engineer met with DOEE on January 29, 2025, to discuss the project and review the stormwater management concepts shown on Sheets 57-59 of the Updated Plans. The Applicant will meet all of DOEE's requirements for the project and continue to work with them during the permitting process.

IX. WITNESSES

Outlines of testimony for (i) the Applicant's representative; (ii) the architect for the proposed Innovation Center; (iii) the Applicant's landscape architect; and (iv) the Applicant's traffic consultant were previously submitted as part of the original Application and are included in the public record at [Exhibit 17](#). Except for the Applicant's proffered expert in civil engineering (identified below), resumes for the Applicant's expert witnesses have also been provided. *Id.* For ease of reference, the Applicant's witnesses are listed below:

- **Lori Strauss**
Head of School, The Field School
Representative of the Applicant
- **Nancy P. Gribeluk / Carl Knutson**
Perkins & Will
Architect for the Innovation Center (proffered expert)
- **Stephanie Wolfgang**
Perkins & Will
Landscape Architect (proffered expert)
- **Jami L. Milanovich**
Wells + Associates
Traffic Consultant (proffered expert)
- **Ryan Brannan**
Wiles Mensch Corporation
Civil Engineer (proffered expert; copy of resume provided at [Exhibit F](#))

X. LIST OF EXHIBITS TO PREHEARING STATEMENT

Exhibit A: Updated Plans
Exhibit B: Proposed Conditions
Exhibit C: Transportation Statement (*see* Attachment E: TDM Plan)
Exhibit D : Construction Management Plan
Exhibit E: Updated Outlines of Witness Testimony
Exhibit F: Resume for Ryan Brannan

XI. CONCLUSION

In light of the foregoing and as supported by other filings in the case record, the Applicant has demonstrated that the proposed modifications to BZA Order No. 18431 are appropriate, and that the Application satisfies the criteria applicable to a private school use in a Residential (R) zone. In addition, the requested special exception to allow the proposed Retaining Walls is justified pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2. Therefore, the Applicant respectfully requests that the Board approve the Application.