

**GOVERNMENT OF 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)**

HEARING DATE (18431):	November 7, 2012
DECISION DATE (18431):	December 18, 2012
ORDER ISSUANCE DATE (18431):	December 28, 2012
HEARING DATE (18431-A):	March 5, 2025
DECISION DATE (18431-A):	March 5, 2025

**SUMMARY ORDER ON REQUEST FOR
MODIFICATION WITH HEARING**

Pursuant to notice, at its March 5, 2025, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for a modification with hearing to BZA Order No. 18431 to modify conditions of approval to allow an increase in enrollment from 400 to 425 and increase in full-time equivalent faculty/staff from 110 to 120; and modify a private school plan to allow a 2-story addition, reconfiguration of existing parking areas to create a new practice field, reconfiguration of existing surface parking lot and bus parking zone, and construct three new retaining walls at an existing private school in the R-1A and R-1A/WH zones. The Board considered the request for a modification with hearing under Subtitle Y § 704 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION.¹ In Application No. 18431, the Board approved the request by The Field School (the “**Applicant**”) for special exception relief under the ZR58 regulations to increase the private school enrollment cap from 320 to 400 students and to increase the faculty and staff cap from 74 to 110. The Board issued Order No. 18431 on December 28, 2012. (Exhibit 11 of the record for Case No. 18431-A.) The approval was subject to 38 conditions. (See pp. 2-5 of Order No. 18431.)

¹ The School has been the subject of several BZA approvals since 2000 to allow the private school use, including Order Nos. 16559, 16559-A, 16559-B, and 16559-C. (Exhibits 7 through 10.)

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PROPOSED MODIFICATION. On November 12, 2024, the Applicant submitted a request for a modification with hearing to Order No. 18431. (Exhibits 1-18.) The proposed modifications included an increase in enrollment from 400 to 425 and an increase in full-time equivalent faculty/staff from 110 to 120, as well as a new 2-story addition, reconfiguration of existing parking areas to create a new practice field, reconfiguration of existing surface parking lot and bus parking zone, and construction of three new retaining walls. The Applicant submitted revised plans reflecting these modifications. (Exhibit 26A.) The Applicant also proposed to modify several conditions from the Original Order, as outlined in Exhibit 36A.

Based on the proposed modifications, the Applicant requests:

- Special Exception from the maximum retaining wall height requirements of Subtitle C § 1401.2, pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2 (6 ft. maximum required; 13 ft. 6 in., 11 ft. 6 in., 9 ft. 2 in. proposed)
- Special Exception under the private school use requirements of Subtitle U § 203.1(m) and Subtitle X § 104, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 2.)

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y § 704.5, the Applicant served the request for a modification with hearing on the parties to the original application. (Exhibit 5.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3D.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 5, 2025, at which a quorum was present, the ANC voted to support the modification. (Exhibit 27.) The ANC report raised no issues or concerns, although noted several commitments from the Applicant as part of justification for the ANC's support.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 29.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the modification. (Exhibit 31.) DDOT's report included a condition that the Applicant shall implement a TDM plan and annual monitoring study. In a subsequent email in Exhibit 32A, DDOT clarified the correct TDM plan is in Exhibit 26C and had no issue with the Applicant's request for flexibility in the location of bicycle parking spaces.

PERSONS IN SUPPORT. The Board received two letters from neighbors in support of the application. (Exhibits 30, 35.)

CONCLUSIONS

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a modification without hearing² requires a public hearing and shall be processed as a modification with hearing. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications with hearing.

As directed by Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exceptions and modification with hearing.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for a modification with hearing to modify conditions of approval to allow an increase in enrollment from 400 to 425 and increase in full-time equivalent faculty/staff from 110 to 120; and modify a private school plan to allow a 2-story addition, reconfiguration of existing parking areas to create a new practice field, reconfiguration of existing surface parking lot and bus parking zone, and construct three new retaining walls at an existing private school, and for the requested relief:

- Special Exception from the maximum retaining wall height requirements of Subtitle C § 1401.2, pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2 (6 ft. maximum required; 13 ft. 6 in., 11 ft. 6 in., 9 ft. 2 in. proposed)
- Special Exception under the private school use requirements of Subtitle U § 203.1(m) and Subtitle X § 104, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the modification request is **GRANTED** consistent with the plans shown in Exhibit 26A of the record, subject to the following **CONDITIONS**³, which shall replace and supersede the conditions of BZA Order No. 18431:

Number of Students, Faculty and Staff; Operations

1. The maximum student enrollment shall be limited to 425.

² See, Subtitle Y § 703.7.

³ The Applicant proposed maintaining the same construction management conditions as adopted in Order No. 18431, however, the Board determined these conditions were outside of the Board's purview and did not adopt them in this modification order. Rather, the Board noted at the public hearing that the construction management conditions and the construction management plan in Exhibit 26D shall be referenced in the final order.

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2. The maximum number of full-time equivalent faculty and staff shall be limited to 120.
3. 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.
4. 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.
5. The school shall not allow the athletic field to be used for adult baseball.
6. No more than three major evening events beginning after 7:00 p.m. shall be held on the school property during the school year.
7. The school shall schedule all waste removal to take place outside of the hours of drop off (7:30 a.m. to 9:00 a.m.) and pick up (2:30 p.m. to 4:00 p.m.), Monday through Friday.

Use of Facilities by Outside Groups

8. The school may allow schools, youth sports organizations, community youth groups, and other educational-based institutions to use the athletic fields when not in use by the school. The school shall include the following on its website: information about the availability of the field; instructions for submitting rental requests; and requirements to limit adverse impacts relating to noise in the evening hours
9. 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 9:00 p.m., 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.
10. The school shall permit local residents to use the athletic field and to walk or stroll the campus grounds when these areas are not being used for school purposes.

Traffic Management

11. The Applicant shall comply with the Transportation Demand Management plan as set forth in Attachment E to the Applicant's Transportation Statement in Exhibit 26C (pp. 43-47).
12. 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.

Parking and Perimeter

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13. The school shall provide no more than 129 parking spaces, comprised of 124 parking spaces and 5 ADA parking spaces.
14. The parking lot shall be set back at least 100 feet from the adjoining property on the south.
15. The school shall install and maintain a 100-foot vegetative buffer between the parking lot and adjoining property to the south.
16. 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 for Case No. 18431.
17. 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 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.

Lighting

18. The school shall operate all light on the parking facilities so that it is directionally down-lit with minimum light candlepower.
19. The school shall install exterior event lighting on the athletic field in accordance with Sheets 55 and 56 of the Plans at Exhibit 26A. The school shall turn off the exterior event lighting no later than 9:00 p.m. daily.
20. The school shall turn off the lights to the parking lots at 11:00 p.m., except for special events or reasons of safety.

Community Outreach

21. The school shall coordinate and work with other schools located in the area to address community concerns.
22. 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. The school will continue to respond to issues raised by neighbors when they arise, consistent with the school's past practice of demonstrating responsive and effective engagement with its neighbors.

In all other respects, Order No. 18431 remains unchanged.

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VOTE: 4-0-1 (Carl H. Blake, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; Frederick L. Hill not present, not participating)

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

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: March 13, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER,

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IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.