

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18431 of The Field School, pursuant to 11 DCMR § 3104.1, for a special exception to increase the private school enrollment cap from 320 to 400 students and to increase the faculty and staff cap from 74 to 110 under section 206, in the R-1-A District at premises 2301 Foxhall Road, N.W. (Square 1341, Lots 856, 861, 878 and 879).

HEARING DATE: November 7, 2012
DECISION DATE: December 18, 2012

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 3D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D submitted a report in support of the application. (Exhibit 37.) The Office of Planning (“OP”) submitted a report expressing conditional support for the application. (Exhibit 29.) The D.C. Department of Transportation also recommended conditional approval of the application. (Exhibit 41.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 206. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 206, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that

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granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT** to the approved plans, as shown on Exhibit 28, and the following **CONDITIONS**:

1. The school buildings and facilities shall be constructed in accordance with the plans filed in the record as Exhibit 28.

Number of Students, Faculty and Staff; Operations

2. The maximum student enrollment shall be limited to 400.
3. The maximum number of faculty and staff shall be limited to 110.
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.
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.
6. The school shall not start any outdoor athletic events after 6:00 p.m.
7. No outdoor athletic events shall be held on Sundays.
8. The school shall not allow the athletic field to be used for adult baseball.
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.
10. The school shall schedule all deliveries to take place from 9:30 a.m. to 4:00 p.m., Monday through Friday.
11. The school shall schedule all waste removal to take place from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Use of Facilities by Outside Groups

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

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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.

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.
14. 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, provided that the same conditions that apply to the school's use of the facilities and ground shall apply to the public.

Traffic Management

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.
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.
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.
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.
19. The school shall establish pick-up points for the school shuttle buses at off-street locations within established parking lots. 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.

Parking and Perimeter

21. The school shall provide no more than 128 parking spaces.

22. The parking lot shall be set back at least 100 feet from the adjoining property on the south.
23. The school shall retain porous pavement technology for its parking lot.
24. The school shall install and maintain a 100-foot vegetative buffer between the parking lot and adjoining property to the south.
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.
26. The school shall allow visitors to 2207 Foxhall Road to use the school parking lot.
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 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.
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.

Lighting

30. The school shall operate all light on the parking facilities so that it is directionally down-lit with minimum light candlepower.
31. The school shall not install any exterior event lighting on the athletic field.
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.

Construction Management

33. The school shall implement the construction management plan filed in the record as Exhibit 28.
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.
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.
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.

Community Outreach

37. The school shall coordinate and work with other schools located in the area to address community concerns.
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.

VOTE: **4-0-1** (Lloyd J. Jordan, Nicole C. Sorg, and Jeffrey L. Hinkle and Robert E. Miller to Approve; one Board seat vacant.)

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: December 28, 2012

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PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, 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 § 3205, 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, 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.