

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

**APPLICATION OF
DISTRICT OF COLUMBIA PUBLIC SCHOOLS**

ANC 3C

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, District of Columbia Public Schools (the “Applicant”), the operator¹ of the John Eaton Elementary School at the property located at 3301 Lowell Street NW (Square 2088, Lots 0001 and 800) (the “Property”) in support of its application for special exception relief pursuant to 11 DCMR Subtitle X § 901.2, Subtitle C § 1610.2 for FAR relief from the maximum FAR permitted under Subtitle C § 1604.2, and pursuant to Subtitle C § 1402.1 for relief from the retaining wall height requirements under Subtitle C 1401.3, 1401.4, and 1401.5.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property is comprised of two adjacent rectangular lots, Lot 0001 and Lot 800, which comprise the whole of Square 4088. The John Eaton Elementary School (the “Eaton School”) is composed of four connected buildings: the original school building constructed in 1911, a similar second building constructed in 1922, a multipurpose building constructed in 1930, and a

¹ The Property is owned by the District of Columbia but is operated by District of Columbia Public Schools and District of Columbia General Services.

connecting corridor building constructed around 1981. The Property is located in the R-1-B zone district. A copy of the zoning map is attached at **Exhibit A** and copies of the survey plats are attached at **Exhibit B**. The Property contains 66,150 square feet of land area.

The Property is located in the Cleveland Park neighborhood and the Cleveland Park Historic District. It is rectangular-shaped and is bounded by Macomb Street NW to the north, 34th Street NW to the east, 33rd Place NW to the west, and Lowell Street NW to the south. Three of the existing buildings on the Property are contributing structures to the Cleveland Park Historic District, including the site of the Project, the existing multi-purpose building. A copy of the map showing contributing structures is attached at **Exhibit C**. The Applicant is working with HPO staff and has obtained verbal support from HPO staff to raze the existing multi-purpose building. An application to HPRB was just filed and is scheduled to be reviewed by HPRB at their May 23rd meeting.

Public schools are permitted in the R-1-B zone district as a matter of right subject to the development restrictions in Chapter 16 of Subtitle C.

B. Traffic Conditions and Mass Transit

The Property has very good mass transit options. The Cleveland Park Metro Station is less than one-half mile from the Property. Metrobus lines 96, W47, H3, 30N, 33, H4, D32, 31, 30S, and 37 are within walking distance from the Property on Wisconsin Avenue NW and Woodley Road NW. Two Capital Bikeshare stations, one at Wisconsin Avenue NW and Newark Street NW, and a second station near the Cleveland Park Metro Station, at the corner of Macomb Street NW and Connecticut Avenue NW, are less than .5 miles from the Property. Walkscore.com indicates that the area is a “Very Walkable” with “Good Transit” and is “Bikeable.”

C. The Project

The District of Columbia (the “District”) is currently engaged in modernizing its public schools in order to better meet the needs of the students. At present, the Eaton School is severely under-sized for its growing population. The modernization process for the Eaton School started its feasibility study and the design process in January 2018 with the goal of finding a design that would right-size the building, improve ADA accessibility, preserve green space for students and be in harmony with the Cleveland Park Historic District. After considering multiple designs, the District awarded the design of the modernization project to Cox Graae + Spack Architects in Winter 2019. The District chose the current design after a lengthy community process, including multiple community meetings, meetings with HPO staff, and meetings with the ANC.

The Applicant proposes to raze the existing connector and multi-purpose buildings, and construct a new connector/multipurpose building (the “Project”) to provide improved ADA access and to better accommodate the academic programs of the school and the needs of the students. The new addition will result in an additional 24,822 sq. ft. of gross floor area (“GFA”). Except for the requested FAR and retaining wall relief, the Project will comply with the development requirements for the R-1-B zone as illustrated on Sheet 02 of the architectural plans at **Exhibit D** (the “Plans”). The height of the portion of the Project will rise to no greater than 60 feet as permitted in the R-1-B zone.

As shown on page 16 of the Plans, the entry on Lowell Street NW will remain the primary entry for the Eaton School, however, the current entry area will be updated to better meet ADA and safety standards. The new multi-purpose and connector portion of the building will be comprised of a lower level (partially below grade), and three floors. The lower level will contain a gymnasium, stage, cafeteria, food service area, discovery commons, and storage and mechanical

space. The first floor will have an entry plaza and welcome center at the south end facing Lowell Street NW and an administration suite, educational support rooms, primary and early education classrooms, special classrooms, a health suite, educational enrichment offices, storage space, and discovery commons. The second and third floors will be the home of additional multipurpose classrooms, administrative and educational support offices, and the library as well as discovery commons, storage, and mechanical space.

To comply with District wide educational standards for outdoor and place space, the outdoor space of the Property will be re-graded and updated to include additional green and pervious space and both outdoor classroom and recreation areas. A new lower elementary playground will be located on the east side of the new addition with a new turf field located just north the playground at the northeast corner of the Property. Additional new outdoor recreation space will be located above the lower level of the gymnasium and along the northern edge of the Property. A new outdoor classroom will be located at the northwestern corner of the Property. Additional green space will be provided via a green roof on a significant portion of the roof of the addition.

As permitted by the Zoning Regulations in Subtitle B § 100.2, when a property has more than one street lot line, the Applicant may choose which street lot line is the front. Here, the Applicant is choosing the Lowell Street NW street lot line as its front lot line. Accordingly, the Property has two side lot lines, one along 34th Street NW and the other along 33rd Place NW, and a rear lot line along Macomb Street NW. Public education buildings in the R-1-B zone are required to have a 25 foot rear yard and are not required to provide a side yard. As shown on Sheet 02 of Plans, the Project exceeds the 25 foot rear yard requirement in the R-1-B zone.

Parking is not required for the Project. The Project does not trigger additional parking requirements because it is an addition to a historic resource and, pursuant to Subtitle C § 704.2, parking is only required for additions to historic resources when the addition will result in at least a 50% increase in gross floor area (“GFA”) and the resulting requirement is at least four parking spaces. Accordingly, no parking requirement is triggered because the GFA of the existing buildings will be increased by 24,822 sq. ft., which is less than a 50 % increase in GFA.

Pursuant to Subtitle C § 802.6, additions to historic resources are required to provide additional bicycle parking spaces only for the addition’s GFA and only when the GFA results in at least a 50% increase in GFA from the existing building as of the date of the 2016 Zoning Regulations. In this case, because the addition to the existing building will increase the existing building’s GFA by 24,822 sq. ft., which is less than a 50% increase in GFA, additional bicycle parking requirements are not triggered.²

In addition, no loading is required. Pursuant to Subtitle C § 901.7, loading is only required for an addition to a historic resource resulting in at least a 50% increase in GFA. Again, as stated above regarding the requirements of vehicle and bicycle parking, the Project will result in less than a 50% increase in GFA and therefore, no requirement to provide additional loading is triggered.

There is no requirement for public education buildings to provide courts under Subtitle C Chapter 1600. All courts provided are compliant with the requirements of Subtitle C § 1608.1. As shown on Sheet 19 of the Plans, the Project will have four court niches, which are included in the design for the purposes of architectural ornamentation and merging the facades of the addition with the existing historic buildings.

² Accordingly, pursuant to Subtitle C § 806, there is no shower requirement because there is no requirement for the Project to provide long term bicycle parking.

In order to meet the need for more educational and multi-purpose space for the Eaton School students, the Applicant seeks a special exception from the maximum 0.9 FAR permitted by Subtitle C § 1604.2, to allow an additional 17,830 sq. ft., resulting in 1.17 FAR, less than an additional third of the permitted FAR. Pursuant to Subtitle C § 1610.2, exceptions to the development standards for public education buildings are permitted as special exceptions subject to the requirements of Subtitle X, Chapter 9.

Additionally, the Project involves a re-design of the Eaton School's playgrounds and outdoor areas to better meet the needs of the current student body by updating the fields and play structures to meet with current safety and outdoor educational standards plus increase the pervious service and green space for the site and the students. As part of the renovation of the outdoor space, re-grading of the site will occur and certain retaining walls will need to be rebuilt, as shown in red on Sheet 23 of the Plans.³ Due to the site's unique topography, several of the renovated retaining walls will need to be re-located and necessarily must be higher than the 4 ft. permitted as a matter-of-right in the R-1-B zone. Accordingly, the Project will require special exception relief pursuant to Subtitle C § 1402.1 from the retaining wall height requirements set forth in Subtitle C §§ 1401.3, 1401.4 and 1401.5.

As illustrated below, the Applicant meets the standards for special exception relief for additional FAR pursuant to Subtitle C § 1610.2 and for increasing the height of certain retaining walls pursuant to Subtitle C § 1402.1.

³ Additional more specific information about the retaining walls requiring relief will be provided in a supplemental filing.

IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the 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 Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

The relief request will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The purposes of the R-1-B zone are, among other things, to permit stable, low-to moderate-density residential areas suitable for family life and supporting uses. Public education buildings are permitted as a matter of right, subject to the conditions of Subtitle C, Chapter 16. Subtitle D §§ 100, 104. Further, the purposes of the R-1-B zone are to stabilize residential areas and to promote a suitable environment for family life.

The Project's requests for special exception relief to allow approximately 0.4 additional FAR and increase the height of certain retaining walls in order to provide increased educational programming and improved outdoor classroom and recreation area align with these intentions. Updating the severely undersized Eaton School to meet the needs of its growing student population will increase the stability of the residential neighborhood by providing a school that can meet the neighborhood's needs. The relief requested will allow the Applicant to construct an improved multipurpose educational building along with increased outdoor and green space that meets the needs of 490 students on the existing Property through a design that is both in harmony with the existing historic structures and with current educational, ADA, and safety standards.

For these reasons, the relief is harmonious with the general purpose and intent of the Zoning Regulations and maps.

B. The Proposed Relief will not tend to Adversely Affect the Use of Neighboring Property

The Project's proposed height and setbacks are consistent with and within the zone's design standards for the lot. The use of neighboring properties includes predominately single family housing served by the Project. The residential uses of the neighborhood will not tend to be adversely affected by the Project. To the contrary, the Project will further stabilize the neighborhood by providing a modernized and attractive elementary school capable of serving the needs of the families in the surrounding residential neighborhood.

The Project does not require height relief and, except for FAR, complies with all other mass and density requirements, such as lot occupancy and setbacks. Furthermore, the Project is located on a single square, surrounded on all sides by public streets, thus reducing any impact the relief might have on the neighborhood. Allowing additional FAR and additional height for particular retaining walls on the Property will permit the current Property to be updated with a design that

increases the educational capacity for the school, facilitates a well-rounded curriculum by providing multi-purpose educational and outdoor classroom space, and, not only preserves, but increases green space on the Property.

Therefore the special exception relief requests for additional FAR and retaining wall height do not adversely affect the use of the neighboring property.

C. The Project Satisfies the Special Conditions of Subtitle C § 1402.1

Subtitle C § 1402.1 permits exceptions to the retaining wall requirements of Subtitle C Chapter Fourteen are conditioned on the applicant “demonstrat[ing] that conditions relating to the building, terrain, or surrounding area would make full compliance unduly restrictive, prohibitively costly, or unreasonable.”

In this case, the unique topography of the site mandates the use of retaining walls as demonstrated by the numerous retaining walls already on the Property. For example, there is a 20-25 ft. change in grade from the north boundary of the Property (300 ft. above sea level) to the southern boundary of the Property. The southern end of the Property changes in grade from east to west by approximately 6 ft. (changing from 319.08 to 325 ft. above sea level). Further, the high point of the Property (near the center of the site) reaches 326 ft. above sea level, with a rise of 20 ft. from the center of the eastern boundary of the Property to the high point, and a 6 ft. change in grade from the center of the western boundary of the Property to the high point of the Property. Therefore, in order to meet the District’s objective of preserving and increasing green space wherever possible and to meet the District’s standards for level outdoor play and recreation space on the Property, regrading of the site will be necessary, as well as rebuilding and relocating certain portions of the pre-existing retaining walls. Requiring full compliance with the height restriction of 4 ft. for retaining walls in the R-1-B zone set forth in Subtitle C §§ 1401.3 and 1401.4, and

further restricting retaining wall height to 42 inches for retaining walls located between a building line and a property line, as set forth under Subtitle C § 1401.5, would therefore be unduly restrictive and unreasonable as applied to the specific topography of the Property, as well as prohibitively costly.

Accordingly, the retaining wall relief requested satisfies the conditions of Subtitle C § 1402.1.

VI. COMMUNITY OUTREACH

Pursuant to Advisory Neighborhood Commission (“ANC”) 3C’s procedures and guidelines, the Applicant will contact ANC 3C when the application is filed and request that the Applicant present to ANC 3C at the next available public meeting.

VI. CONCLUSION

For the reasons stated above, the Project meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant the application.

Respectfully Submitted,

COZEN O’CONNOR



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