

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

**Application of  
Friendship Public Charter School, Inc.  
Square 5982, Lots 812, 822, Parcel 234/31**

**BZA Application No. \_\_\_\_\_  
ANC8C, SMD02**

**STATEMENT OF THE APPLICANT**

This statement is submitted in support of an application (“**Application**”) for Board of Zoning Adjustment (“**BZA**” or “**Board**”) approval by Friendship Public Charter School, Inc. (“**Friendship**”), by its attorneys, Greenstein DeLorme & Luchs, P.C., by John Patrick Brown, Jr., Esq., and Lyle M. Blanchard, Esq. Pursuant to the District of Columbia’s Zoning Regulations, this Application seeks the Board’s special exception relief for long-term bicycle parking, loading and rear yard requirements for construction of a three-story public charter middle school building with an elevated and enclosed pedestrian walkway to an existing public charter elementary school building (the “**Project**”) in the MU-4 zone at premises 2721 - 2725 Martin Luther King, Jr., S.E. (Square 5982, Lots 812, 822, Parcel 234/31) ( the “**Property**”).

**I. NATURE OF RELIEF SOUGHT**

In order to construct the proposed new public charter middle school building in the MU-4 zone district, Friendship requests special exception relief pursuant to 11 DCMR Subtitle X § 901 for long-term bicycle parking under Subtitle C§ 807, loading under Subtitle C § 909, and rear yard requirements under Subtitle G § 1201.

**II. JURISDICTION OF THE BOARD**

The Board has jurisdiction to grant the requested special exception relief pursuant to 11 DCMR Subtitle X § 901.

### **III. DESCRIPTION OF THE PROPERTY AND THE SURROUNDING AREA**

The Property is comprised of three existing lots which will be subdivided into a single irregularly shaped lot fronting on Martin Luther King, Jr., Avenue, S.E. and its rear lot line defined by a sixteen (16) foot public alley with a lot area of 23,981 square feet. Exhibit A (Surveyor's Plat). The Property is bounded on the west opposite side of the public alley by the existing Friendship Southeast Academy elementary school building, to the north by a convenience store and to the south by a car wash. The Property is zoned MU-4 and located in the Congress Heights neighborhood of Ward 8 and adjacent to the St. Elizabeth West Campus. Exhibit B (Zoning Map).

The Property is currently improved with a surface parking lot used by the Friendship Southeast Academy faculty, staff and visitors. Exhibit C (Photos of Property).

The Property is located within walking distance of both the Congress Heights and Anacostia Metro Stations. There are numerous Metro Bus lines providing service along Martin Luther King, Jr. Avenue with connections to the two nearby Metro stations, including A2, A4, A6, A7, A8, W2, W4 and 90 routes. The Property is well served by readily available public transportation.

### **IV. BACKGROUND ON FRIENDSHIP**

Friendship as a not-for-profit was established in 1998 with two public charter schools. Since then, Friendship has become one of the District's largest and highest – performing public charter school networks. Its twelve campuses, including the Southeast Academy campus, enroll more than 4,200 students in pre-kindergarten through 12<sup>th</sup> grade. Friendship provides a world-class education that prepares students for college success and a career of their choice. Friendship empowers students to achieve high academic standards, enjoy learning, and develop as ethical,

well-rounded and self-sufficient citizens who contribute actively to their communities. Beyond the classroom, extended learning and athletic programs round out the whole student.

Friendship's award winning teams know the tough and the technical, from resilience in robotics to grit on the gridiron. Friendship students graduate well prepared for college and success in the fast-paced world.

## **V. EXISTING AND INTENDED USE**

The Property is located in the heart of Friendship's existing Southeast Academy campus. The proposed building will not only provide a new middle school facility, but also consolidate and integrate the existing Southeast Academy buildings and establish an important and neighborhood enhancing streetscape presence on Martin Luther King, Jr. Avenue, S.E. The existing surface parking lot will be replaced with a three-story middle school building. The new building has not been designed to stand alone, but to be fully integrated into the existing Southeast Academy facilities and operations.

Currently, the Southeast Academy campus includes the two-story combined elementary (pre-K3 -5<sup>th</sup> grade) and STEM middle school (6-8<sup>th</sup> grade) building that fronts on Milwaukee Avenue, S.E. and is bounded by the 16 foot public alley on the south and east and the former Boys and Girls Club campus on the west. The former Boys and Girls Club campus was acquired by Friendship in 2009. This 3.26 acres property is used by Friendship for a public garden, athletic facilities and parking. The site previously provided additional classrooms in modular mobile classrooms. The Friendship Technology Preparatory and High School (8-12<sup>th</sup> grade) is located at the northwest corner of Martin Luther King, Jr. and Milwaukee Avenues, S.E.

The new three-story middle school building has been designed to provide an enhancing streetscape presence on Martin Luther King, Jr. Avenue, S.E, including a prominent clock tower

as a permitted architectural embellishment. The new building will accommodate approximately 210 students in the sixth, seventh and eighth grades. The first and second floors will include classrooms, offices, flex space and locker room facilities. On the second floor, the pedestrian walkway will connect with the existing elementary school building and allow shared use of the buildings. The third floor will be an indoor gymnasium. Site Plan and Design Plans, Exhibit D.

There will be no access to the new building from the public street. Instead, the public entrance to the new building will be from the rear at the public alley. After consultation with DDOT, there will be no new curb cut on Martin Luther King, Jr. Avenue, S.E. The existing car wash access lane will be retained, but not used by Friendship. Access for the Friendship facilities will be provided from an existing 16 foot public alley from Martin Luther King, Jr. Avenue, S.E. This east west alley will allow one –way vehicular access from the public street that will either 1) connect to the north south public alley running between the elementary and middle school buildings and exiting onto Milwaukee Avenue, S.E.; or 2) continue west for access to the existing parking on the elementary school property or additional parking to be provided on the Boys and Girls Club site. See Commuter Pickup/Drop off Circulation Plan, Exhibit E.

The existing elementary school building and the new middle school building will be connected by an elevated and enclosed pedestrian walkway. This connection will integrate the two buildings and allow safe and secure, all-weather passage of students, faculty and staff and use of shared facilities and activities. For the new middle school building, the pedestrian walkway is located in the required rear yard and requires the special exception requested. The portion of the pedestrian walkway on the elementary school property is located in the side yard and does not require zoning relief.

The proposed new middle school building requires 9 off-street parking spaces. Under Subtitle C, § 701.8(b), the 9 required parking spaces will be provided on the immediately adjacent elementary school property in addition to the number of required parking for that building.

## VI. ZONING ANALYSIS

The proposed public charter school building use is permitted as a matter-of-right in the MU-4 zone.

Zoning Requirement	MU-4 Matter of Right	Proposed	Zoning Relief Required
<b>HEIGHT</b> 11-G DCMR §403.1 11-B DCMR §307.1	<b>50 ft./no limit in stories</b>	50 ft.	NONE
<b>PENTHOUSE Height</b> 11-G DCMR §403.2	<u>Maximum Penthouse Height:</u> 12 ft. except 15ft. for penthouse mechanical space	<u>Height:</u> Mechanical: 15 ft.	NONE
<b>FLOOR AREA RATIO (“FAR”)</b> 11-G DCMR §402.1	Maximum of 1.5 FAR for Non-Residential Use  1.5 FAR = <b><u>35,972 GFA Max</u></b> 23,981 Lot Area	<b>1.48</b> = $\frac{35,594 \text{ GFA}}{23,981 \text{ Lot Area}}$	NONE
<b>LOT OCCUPANCY</b> 11-C DCMR §1603	None Prescribed for public education buildings	51.6% (12,380 sf)	NONE
<b>REAR YARD</b> 11-G DCMR §405.2	<b>15 ft. minimum</b>	0 (@ Pedestrian Walkway)	<b>SPECIAL EXCEPTION</b> per 11-G DCMR §1201
<b>SIDE YARD</b> 11-G DCMR §406.1	<b>No side yard is required.</b> If provided, it shall be at least 2 in. wide for each 1 ft. of height of building but not less than 5 ft. <b>8.33’/0’</b>	60’-11’’/0’	NONE

Zoning Requirement	MU-4 Matter of Right	Proposed	Zoning Relief Required
<b>GREEN AREA RATIO (“GAR”)</b> 11-G DCMR §407.1 11-C DCMR Chapter 6	<b>0.3</b>	0.3	NONE
<b>VEHICLE PARKING SPACES</b> 11-C DCMR §701.5 “Public Education” 11-C DCMR §709.1 Rules of Calculation	<b>0.25 per 1,000 sf. (9 spaces)</b>  Parking can be provided off-site if it is within 600 ft. of the subject property. Restrictions and requirements apply.	9 parking spaces provided on immediately adjacent elementary school property per 11-C §701.8(b)	NONE
<b>BICYCLE PARKING SPACES</b> 11-C DCMR §802.1 “Public Education”	All non-residential uses with 4,000 sq. ft. or more of GFA shall provide bike spaces.  Long Term Spaces: 1 space for each 7,500 sq. ft.  Short Term Spaces: 1 space for each 2,000 sq. ft.  <b>5 long-term spaces required</b>  <b>18 short term spaces required</b>	0 long-term spaces  20 short-term spaces	<b>SPECIAL EXCEPTION</b> per 11-C DCMR §807  <b>5 long-term spaces</b>
<b>LOADING</b> 11-C DCMR §901.1 “Education”  11-C DCMR §901.4 Platform  11-C DCMR §901.4 Calculation of GFA for loading requirements for non-residential uses  11-C DCMR §904 Access Requirements  11-C DCMR §905 Size and Layout Requirements	For 30,000 to 100,000 sq. ft. of GFA:  <b>Minimum Loading Berths: 1</b> <b>At least: 12 ft. wide, 30 ft. deep, and 10 ft. vertical clearance</b>  <b>Minimum Loading Platform: 1</b> <b>At least: 100 sq. ft.</b>  <b>Driveway access to loading at least 12 ft. in width (max of 24 ft.)</b>  <b>Minimum Number of Service/Delivery Spaces: 1 (10’ x 20’)</b>	No loading  (Continued use of existing loading area at adjacent elementary school property)	<b>SPECIAL EXCEPTION</b> per 11-C DCMR §909  <b>1 loading berth and platform</b>  <b>1 service/delivery space</b>

Zoning Requirement	MU-4 Matter of Right	Proposed	Zoning Relief Required
<b>COURT</b> 11-G DCMR §202.1  Definitions: 11-B DCMR §100.2	No court is required. If provided, it shall have the following minimum dimensions:  <u>CLOSED COURT</u> Minimum Width: 2.5 in./ft. of height of court; 12 ft. minimum Minimum Area: Twice the square of the required width of court dimension; 250 sq. ft. minimum.  <u>OPEN COURT</u> Minimum Width: 2.5 in./ft. of height of court; 6 ft. minimum	          N/A          10'-4"	NONE

This Zoning Analysis was established based on a preliminary design meeting with the Zoning Administrator.

**VII. THE APPLICATION MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION UNDER SUBTITLE X § 901**

The Applicant is requesting the following special exception relief, including:

- Bicycle Parking (Long-term only) – C § 807.

In the MU-4 zone, this educational building would be required to provide five (5) long-term and eighteen (18) short-term bicycle parking spaces be provided on the Property. Additionally, this non-residential use which requires long-term bicycle parking spaces and occupies more than 25,000 square feet in gross floor area must provide two (2) showers and three (3) clothing lockers located in the same building.

Friendship, as a modern educational institution, is committed to supporting bicycle use by its students, faculty and staff by providing short-term bicycle parking, shower and locker facilities. The Property will provide twenty (20) short-term bicycle parking spaces. No long-term bicycle spaces will be provided and are not necessary for this non-residential educational

use and the limited demand for bicycle parking only on a daily basis. The required shower and locker facilities will be provided on the second floor of the new building.

As a result, Friendship meets or exceeds the required short-term bicycle parking, shower and locker requirements, but requests special exception relief only for the five (5) long-term bicycle parking spaces.

- Loading – C § 909

In the MU-4 zone, this educational building would be required to provide the following loading facilities:

- 1 loading berth (12' x 30')
- 1 loading platform (100 sf)
- 1 service/delivery space (10' x 20')

For this individual building on a larger campus, providing the required loading facilities is both unnecessary and impractical. Given the design and location of this building, lack of public street access from Martin Luther King, Jr. Avenue, S.E., and limited accessibility from the existing 16 foot wide alley system, it is impractical, unnecessary and duplicative to provide the required loading facilities to this individual building. The Southeast Academy campus currently provides adequate and more reasonably located and accessible loading facilities to serve the limited needs of all the related buildings, including the existing loading facilities on the adjacent elementary school building. Food deliveries for the centralized kitchen facilities in the elementary school are made to the loading facilities at that building. A centralized refuse and recycling staging area is provided on the Southeast Academy campus.



- Rear Yard – G § 1201.

In the MU-4 zone, the Project would require a minimum rear yard of fifteen (15) feet under G § 405.2. The footprint of the proposed building maintains or exceeds the required 15 foot rear yard as measured to the property line or center-line of the abutting public alley. However, the elevated and enclosed pedestrian walkway between the two buildings creates a minor, vertically and horizontally limited encroachment into the required “open to the sky” rear yard. Based on this unique and limited circumstance and important objective to safely connect the two buildings, Friendship is requesting this special relief in accordance with the criteria set forth in G § 1201.1(a)-(e). The Project does not include apartment or office uses, nor are such uses located within the threshold distances in G § 1201.1(a)-(b). Therefore, G § 1201.1(a)-(b) are not applicable.

The adjacent school buildings are generally parallel to each other and separated by at least sixty-seven (67) feet. As a result there will be no penetration of sight lines into habitable rooms. Therefore, the Project meets the criteria in G § 1201.1(c).

The extremely limited rear yard relief requested does not negatively impact or interfere with the provision of service functions, including parking and loading. All required parking to both adjacent buildings is provided in compliance with C-§701.8(b). Also, loading that is warranted and appropriate for the campus configuration that exists at Southeast Academy is being provided without negative impact from the elevated pedestrian walkway and minor rear yard encroachment.

The Applicant has discussed these issues with DDOT in anticipation of the agency reviews required by G § 1201.1(e). Thus, Friendship’s Project will satisfy the special exception criteria in G § 1201.1(a)-(e) for rear yard relief.

**A. The Application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.**

The MU-4 zone is intended to permit moderate density mixed use development to provide facilities for shopping and business needs, housing and mixed uses. Subtitle G § 400.3. The Project is in harmony with the general purpose and intent of the Zoning Regulations, as the proposal is for a permitted public charter school use with very limited special exception area relief that is readily accommodated by the Southeast Academy campus facilities.

**B. The Project will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.**

The Project will replace an unattractive surface parking lot and enhance the large void in the streetscape with a new public charter school and neighborhood resource. The Project has been thoughtfully designed to ensure the structure and uses will not adversely affect the neighboring property owners or the greater community. The attendant impacts on the surrounding neighborhood is anticipated to be positive and neighborhood serving.

**VIII. STATEMENT OF SATISFACTION OF BURDEN OF PROOF FOR ZONING RELIEF SOUGHT**

The Applicant submits that, based upon (i) its Application and the materials submitted in conjunction herewith, (ii) the evidence to be presented at the public hearing and (iii) other evidence to be submitted hereto, it will satisfy and comply with the applicable legal standards and burdens for the special exception relief requested.

**IX. AGENCY AND COMMUNITY OUTREACH**

During the planning process for this Project, Friendship discussed the project with both the Office of Planning and Zoning Administrator to obtain important guidance and assistance.

The Applicant has also had several meetings and communications with DDOT, and has discussed this project directly with the single member district ANC commissioner (8C02). On May 15, 2019, Friendship's representatives met informally with ANC 8C Commissioners. Friendship will make a formal presentation to ANC 8C at its regularly scheduled monthly meeting on June 6, 2019.

## **X. WITNESSES EXPECTED TO TESTIFY**

Applicant's Representative: Mr. James Waller  
Chief of Schools  
Friendship Public Charter School, Inc.

Architect's Representative: Tony Newman, AIA, NCARB  
Michael Marshall Design

Traffic Engineer: Daniel Van Pelt, P.E., PTOE  
Grove Slade  
Transportation Planners and Engineers

## **XI. EXHIBITS**

Exhibit A: Surveyor's Plat

Exhibit B: Zoning Map

Exhibit C: Photos of the Property

Exhibit D: Site Plan and Design Plans

Exhibit E: Commuter Pickup/Drop off Circulation Plan

## XII. CONCLUSION

For the reasons set forth above, the Applicant is entitled to, and respectfully requests approval of, the grant of special exception relief to allow for the development of the Property.

Respectfully submitted,

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