

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

August 7, 2012



Holland & Knight LLP
800 17th Street NW, Suite 1100
Washington, D.C. 20006
Attention: David W. Briggs

Re: Determination Regarding Off Street Parking Requirements As Applied to the Junior/Senior High Programs of Maya Angelou Public Charter School for the Utilization of Evans Junior High School Facilities Located at 5600 East Capitol Street, NE, Washington, D.C.

Dear Mr. Briggs:

As a follow up to our meeting of May 3, 2012, I am providing the determination of this Office regarding your inquiry on the off street parking requirements applicable to the junior/senior high programs of the Maya Angelou Public Charter School ("Maya Angelou") for the building and grounds of the former Evans Junior High School at 5600 East Capitol Street, NE, Washington, D.C. ("Evans"). The lot on which Evans is located is designated "R-2" under the Zoning Regulations.

You advised that Evans was developed as a junior high school by the Department of Buildings and Grounds of the District of Columbia, being completed in 1964. Evans, a 125,800 facility, is situated on 8.35 acres, and known as Lot 0804 in Square 5244. (See Site and School Plans for Evans Junior High School attached as Exhibit A.) Evans was designed to have a capacity of 706 students and associated number of staff. (District of Columbia Public Schools ("DCPS") School Utilization Chart attached as Exhibit B.)

You also advised that Evans has approximately in excess of 40 class rooms and associated learning spaces and offices and as well as an auditorium space containing 649 fixed seats.

You have advised, based upon information from DCPS, that a conservative estimate of staffing of Evans as a junior high school, based upon the physical configuration of the building and its design capacity and student/teacher ratio would be approximately 88 staff (teachers, administrators and support staff). To your knowledge, Evans was developed with a minimal amount on onsite, off street parking, which has been estimated was approximately 9 parking spaces. At the time that Evans was constructed, the Zoning Regulations of the District of Columbia (the "Zoning Regulations") were not applicable to District of Columbia government projects, including its schools.

It is my understanding that Evans is no longer an active DC Public School facility and that the DCPS had contracted with the See Forever Foundation, operating as Maya Angelou, to give the Foundation rights to use portions of Evans pursuant a Collaboration Agreement of 2004, while

retaining for its own use the remaining portions of Evans, including the auditorium, for use as "swing space" for other active public schools whose facilities were undergoing renovation. You further advised however that this 2004 Agreement was amended in 2008, by DCPS and the Foundation to give the Foundation control of the entirety of Evans, for Maya Angelou's operations, DCPS having determined that it no longer needed Evans as a "swing space" option. Maya Angelou then expanded its senior high program by adding a junior high program and currently operates with in excess of 500 students of junior and senior high age and professional and supporting staff exceeding 90.

Maya Angelou will be undertaking a major renovation of Evans to better support its schools programs. After the renovation, it is expected that the total enrollment in the Maya Angelou programs is expected to be approximately 620 students, with the student population almost equally divided between junior high and high school age students, with approximately 132 teachers and support staff. (See Exhibit C, being a concept plan for renovation of the site of Evans campus for the Maya Angelou programs.)

You advised that Maya Angelou does not permit those students, who are of driving age, to drive to school, and you also advised that staff arrive at Evans by mass transit, bicycle, walking as well as driving. You noted that those staff who drive find parking on neighboring streets, since there is no off-street parking on the Evans campus. A review of the records of this office finds not complaint having been lodged regarding parking at or related to Evans.

As part of its renovation, Maya Angelou is proposing no physical enlargement of the physical structure of Evans or any increase in the amount of gross floor area of Evans. You advised that applications for permits for the proposed building renovations will be filed in late fall with DCRA, with the renovations scheduled to begin in the Spring of 2013 for occupancy in the Spring of 2014. The proposal includes development a surface level parking lot with driveway access from Blaine Street, NE, to provide off street parking for staff and visitors. You noted that Maya Angelou's consultants have advised that if interim parking were to be required prior to Evans renovation, the cost of site preparation to accommodate off street parking and providing access to the most suitable site for that temporary parking area on the Evans campus, would cost in excess of \$70,000, and that any interim parking arrangements on site would have to be modified later during and as part of the Evans final renovation project.

It is my understanding that Maya Angelou sought and obtained in 2007 a certificate of occupancy for portions of Evans for a charter school having 180 high school students and 40 staff. (CO150452). You advised that at the same time, DCPS was using the remainder of Evans for the program of Luke C. Moore High School ("Moore") and that DCPS retained control over the auditorium of Evans for its own purposes. At that time, Moore had a high school student population of approximately 253 students in grades 9 through 12, and a teaching staff of 11 plus other administrators and staff. (See Exhibit D.) This office finds no evidence that DCPS obtained a certificate of occupancy for its use of the portions of Evans of any of its programs, including the Moore program. There is no evidence in the records of this Office that Maya

Angelou sought a modification of the 2007 certificate of occupancy to reflect its expanded programs after it was ceded control of the entirety of Evans by DCPS in 2008.

You have advised that the Public Charter School Board (the "Board") has recently requested that Maya Angelou obtain at this time a certificate of occupancy for its program, even before it completes its renovation of Evans. This poses a problem for Maya Angelou, since applying the provisions of the Zoning Regulations to Maya Angelou's program of junior and senior high programs would require Maya Angelou to have to provide off street parking related to its expanded space and programs at Evans since the issuance of its 2007 certificate of occupancy, before it can complete the proposed renovations, including the permanent off street parking area.

A. Confirmation of Off Street Parking Requirement.

Analysis:

In evaluating the off street parking requirements to support Maya Angelou's programs as described above, and as previously noted, prior to May 23, 1990, District of Columbia owned properties were not subject to application of the Zoning Regulations. Thus no off street parking requirements were applicable to the development or subsequent use of Evans for its junior high program.

Since 1990, and with the application of the Zoning Regulations to District owned property, uses of the properties, such as Evans, must be in compliance with the Zoning Regulations. Maya Angelou sought evidence of compliance in 2007 when it sought and was issued a certificate of occupancy of its then existing high school program that was housed in a portion of Evans. It is appropriate now for Maya Angelou to seek a modification of its certificate of occupancy to reflect its enhanced and expanded operations in Evans, and thus the reason for your inquiry and request.

Taking into account Maya Angelou's combined programs of junior high and high school students, it would be the position of this Office as follows:

(i) With regard to off street parking required for the staff, only parking attributable to the additional staff being added by Maya Angelou's programs above the estimate of staffing for Evans's as a junior high school would need be considered. Parking with regard to the elementary and junior high program for staff would benefit from the imputed amount of off street parking for Evans when it was established in the 1960s as a junior high school. Assuming that your estimate of Evans's staffing as a junior high school was approximately 88, and recognizing the proposed staffing under Maya Angelou's programs to be at 132, then the staff increase would be 44 positions, requiring 29 off street parking spaces be provided for Maya Angelou's programs attributable to its staffing.

(ii) Where there is a high school population, the Zoning Regulations also require that off street parking be provided for the greater of 1 parking space for each 20 class room seats or 1 parking space for each seat in the largest assembly space. Assuming 310 high school students in its programs, then, based upon classroom seats, a minimum of 16 parking spaces would be required.

As was noted earlier, however, Evans has an auditorium containing 649 seats, and this assembly space must be considered to determine as applicable off street parking requirements. Based upon past determinations of this Office, where there has been a mixed school population in a former junior high facility with a large assembly space, we believe it is reasonable to conclude that a comparison of the high school population to elementary and/or junior high populations in a school program is appropriate to derive what the off street parking requirement would be. Assuming approximately 310 high school students in the high school division of Maya Angelou, representing approximately 50% of Maya Angelou's school population, then based upon the Evans auditorium seating of 649 seats, 325 seats could be attributable to the high school population, generating the potential need for 33 parking spaces for Maya Angelou's high school population.

Notwithstanding the potential need for having available 33 parking spaces, we must recognize that in 2007, the entirety of Evans was used for high school purposes when this Office issued to Maya Angelou a certificate of occupancy to for its high school program of 180 students (with DCPS contemporaneously using Evans for the Moore high school program of 253 students). No parking spaces were required by this Office at that time, notwithstanding that the amount of auditorium seating would have required 65 parking spaces. Assuming the due issuance of the 2007 certificate of occupancy by this Office, and that the number of off street parking spaces required at that time for the combined DCPS and Maya Angelou high school programs would exceed the amount of off street parking that would now be required for Maya Angelou's current high school program, we would determine that no off street parking related to its proposed high school population of 310 students would be required in order to permit issuance of certificate of occupancy for Maya Angelou's current or proposed high school program.

Determination:

Based upon the foregoing material, it is this Office's determination that, to operate its junior/senior high school programs at Evans for 620 students and 132 staff, Maya Angelou must provide no less than 29 off street, stripped parking spaces, which spaces are solely attributable at this time to the staffing of its programs. Should Maya Angelou's high school program expand or its staffing population of all of its programs increase from what is reference in this determination, then some amount of additional off street parking may be required to keep its programs at Evans in compliance with the Zoning Regulations.

B. Issuance of Conditional Certificate of Occupancy

Considering the Board's request that Maya Angelou provide a certificate of occupancy recognizing its current operations of junior and senior high programs with a student population and staff that is in excess of that authorized under the 2007 Certificate of Occupancy, you requested that this office permit the issuance of a conditional certificate of occupancy recognizing Maya Angelou's current operating capacity. Your request was made recognizing that Maya Angelou would be commencing its renovations of Evans in the spring of 2013, including installation of a off street parking lot with access from Blaine Street, NE, providing at least the amount of off street parking spaces determined to be required for its program as set for above. The renovation project is expected to be completed by the Spring of 2014. Permit application for this work are expected to be filed this coming fall in advance of the Spring 2013 commencement of work. You expressed concern that if some form of certificate of occupancy were not made available to Maya Angelou presently and prior to the completion of the renovations that the Board would assess penalties including the potential of restricting or closing down aspect of Maya Angelou's programs.

Recognizing the current conditions of Evans, Maya Angelou's pending renovation program, including the cost of providing temporary off street parking and access thereto and the pressures being imposed by the Board, this Office is prepared to approve the issuance of the requested conditional of occupancy for Maya Angelou's junior/senior high program at not to exceed 620 students and 132 staff, with an expiration date of May 31, 2014. While it would be an optimal situation if off street parking could be provided during this period, this office recognizes the topographical, cost and logistical difficulties of being able to provide at this time any reasonable amount of off street parking prior to the renovations being completed, and the fact that since Maya Angelou began its expanded operations in 2008, no complaints have been registered with this Office.

When an application for issuance of a conditional certificate of occupancy is submitted, this office will give its approval subject to the parameters of this letter.

Should you have any questions regarding this determination, please contact me.

Sincerely, 
Matthew Le Grant
Zoning Administrator

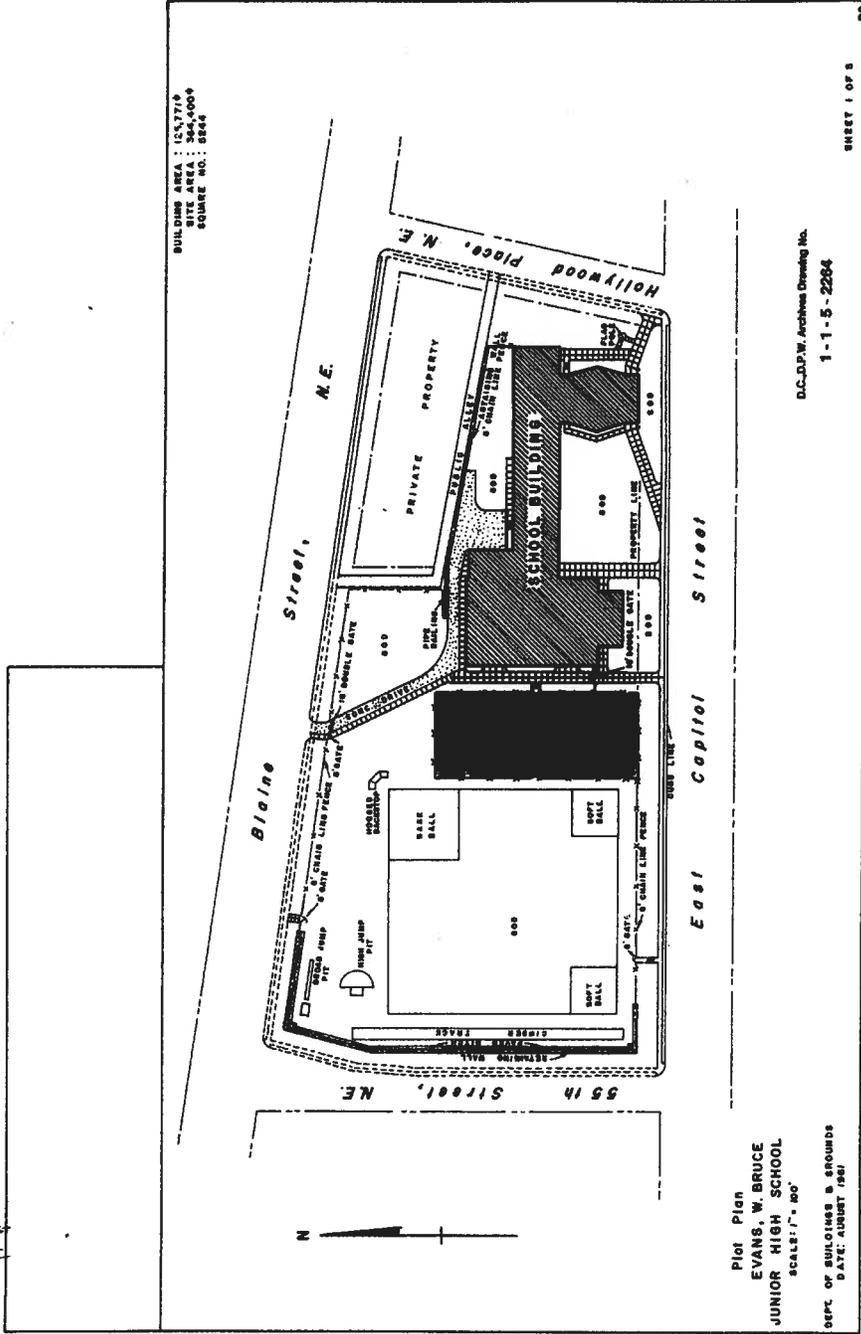
Attachments:

- Exhibit A -- Site and School Plans of Evans Junior High School
- Exhibit B -- DCPS School Utilization Sheet
- Exhibit C -- Concept Plan for Site Renovation of Evans Campus for Maya Angelou Program
- Exhibit D -- DCPS School Information on Luke C. Moore High School

Exhibit A

Site and School Plans for Evans Junior High School

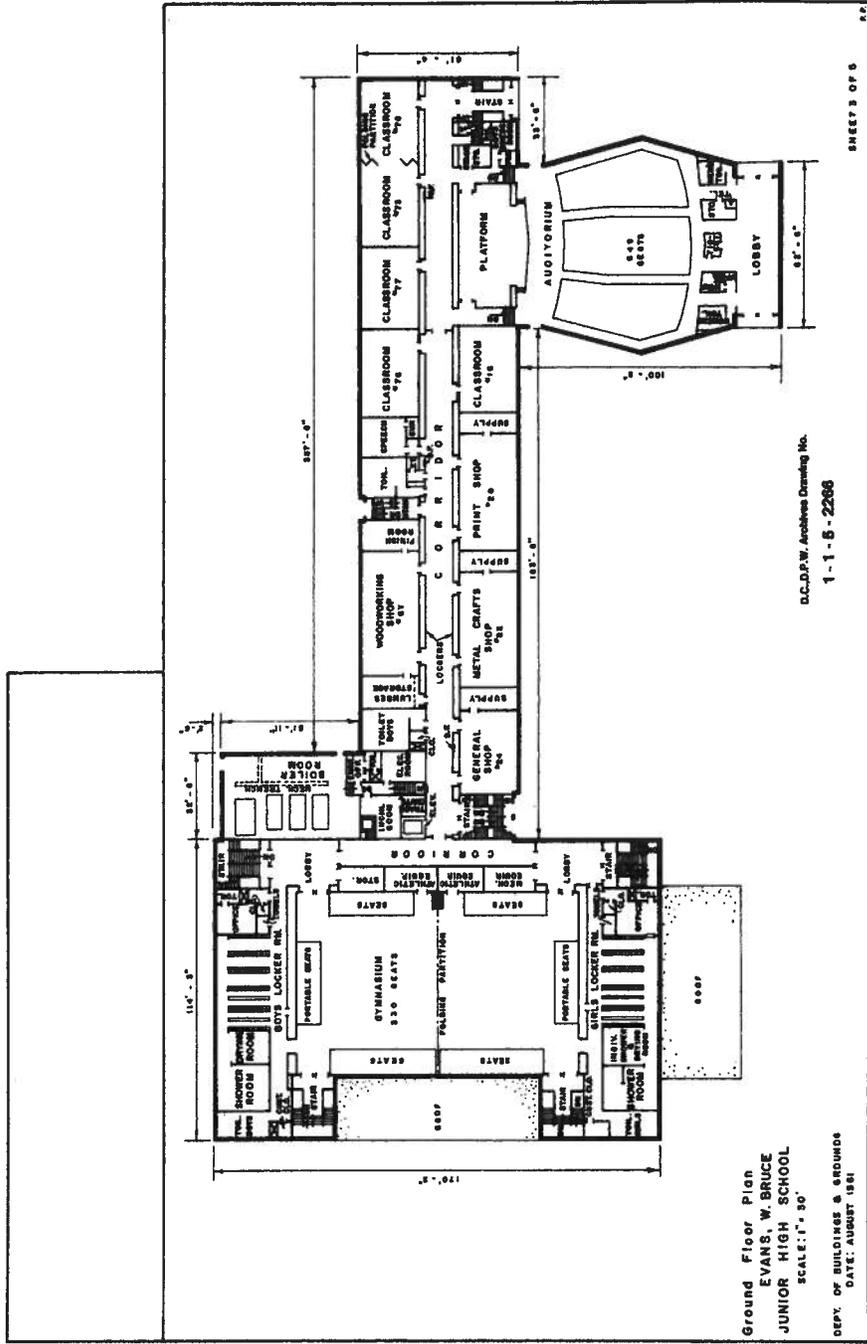
BUILDING AREA : 12,577.0
SOURCE NO. : 2264



Plot Plan
EVANS, W. BRUCE
JUNIOR HIGH SCHOOL
SCALE: 1/4" = 10'
DEPT. OF BUILDINGS & SURVEYS
DATE: AUGUST, 1941

D.C.D.P.W. Archives Drawing No.
1-1-5-2264

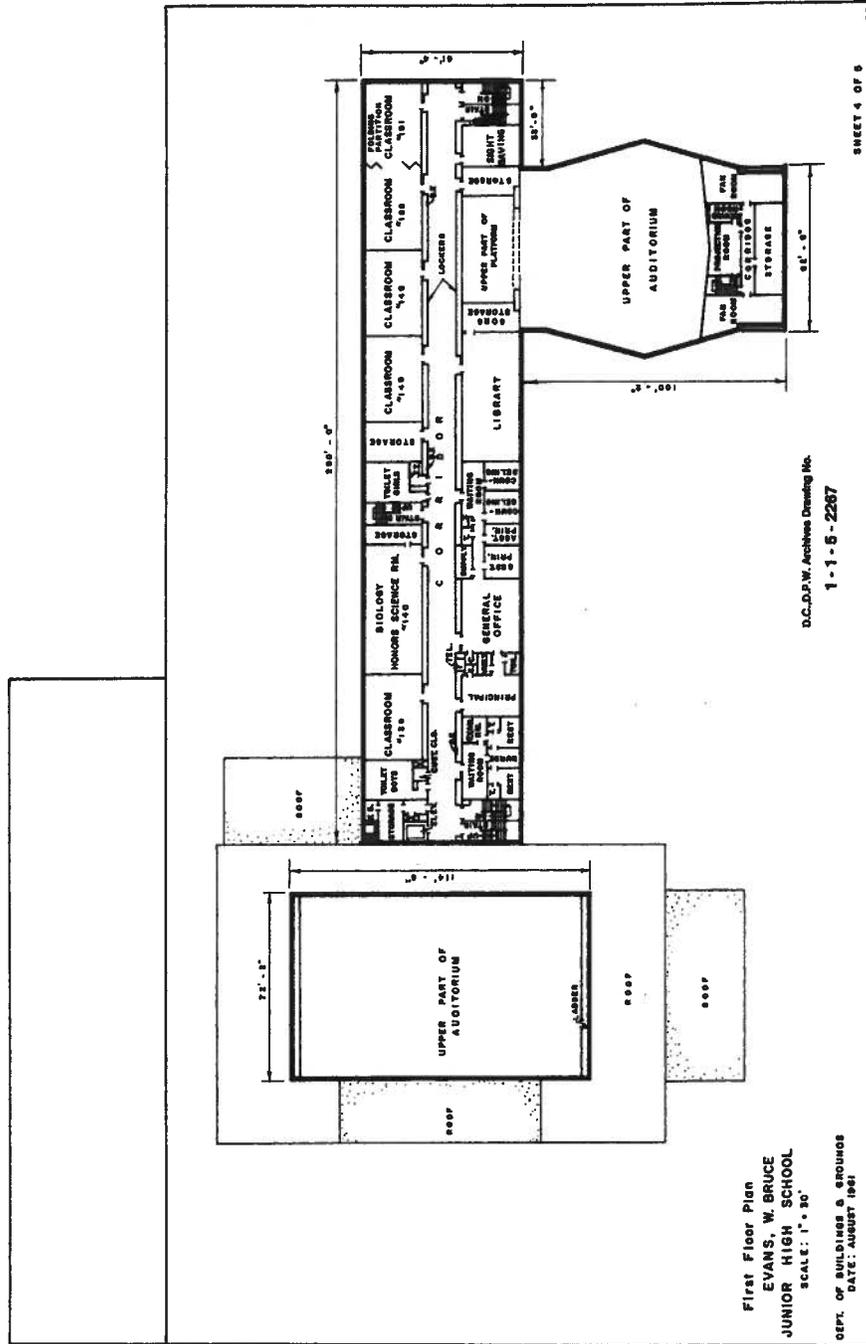
SHEET 1 OF 3



Ground Floor Plan
 EVANS, W. BRUCE
 JUNIOR HIGH SCHOOL
 SCALE: 1" = 30'
 DEPT. OF BUILDINGS & STRUCTURES
 DATE: AUGUST 1961

D.C.D.P.W. Architects Drawing No.
 1-1-B-2288

SHEET 3 OF 8



First Floor Plan
 EVANS, W. BRUCE
 JUNIOR HIGH SCHOOL
 SCALE: 1" = 30'
 DEPT. OF BUILDINGS & SHEDS
 DATE: AUGUST 1961

D.C.D.P.W. Architects Drawing No.
 1-1-8-2287

SHEET 4 OF 6

65562-7

Exhibit B

DCPS School Utilization Sheet

DCPS SCHOOL UTILIZATION

SY 1994-1995 Unrevised

WD	Sch. Type	SCHOOL	YEAR BUILT	SQUARE FEET	Design	SY 94-95	%
				Inter. (1)	Capacity	Enrol.	Occupied
6	JHS	HINE	1966	131,300	659	815	124%
6	JHS	KRAMER	1943	154,000	737	410	56%
6	JHS	ELIOT	1931	155,100	890	409	46%
6	MS	STUART/HOBSON	1927	105,900	570	367	64%
6	SHS	EASTERN	1923	288,800	1847	1238	67%
6	SHS	ANACOSTIA	1935	247,000	1342	741	55%
6		TOTAL ENROLLMENT				3980	69%
7	JHS	MILLER	1949	160,000	878	295	34%
7	JHS	FLETCHER/Johnson	1892	302,000	1512	785	52%
7	JHS	EVANS	1964	125,800	706	277	39%
7	MS	SOUSA	1950	160,000	795	419	53%
7	MS	ROPER	1967	156,000	1202	606	50%
7	SHS	WOODSON, H.D. SR.	1972	251,100	1599	905	57%
7		TOTAL ENROLLMENT				3287	47%
8	JHS	Friendship (PR Harris)	1976	348,700	2730	1020	37%
8	JHS	HART	1954	210,700	1154	721	62%
8	JHS	DOUGLASS	1926	137,700	804	373	46%
8	JHS	JOHNSON JR.	1940	182,500	1236	392	32%
8	SHS	BALLOU	1960	271,300	2042	1169	57%
8		TOTAL ENROLLMENT				3675	47%

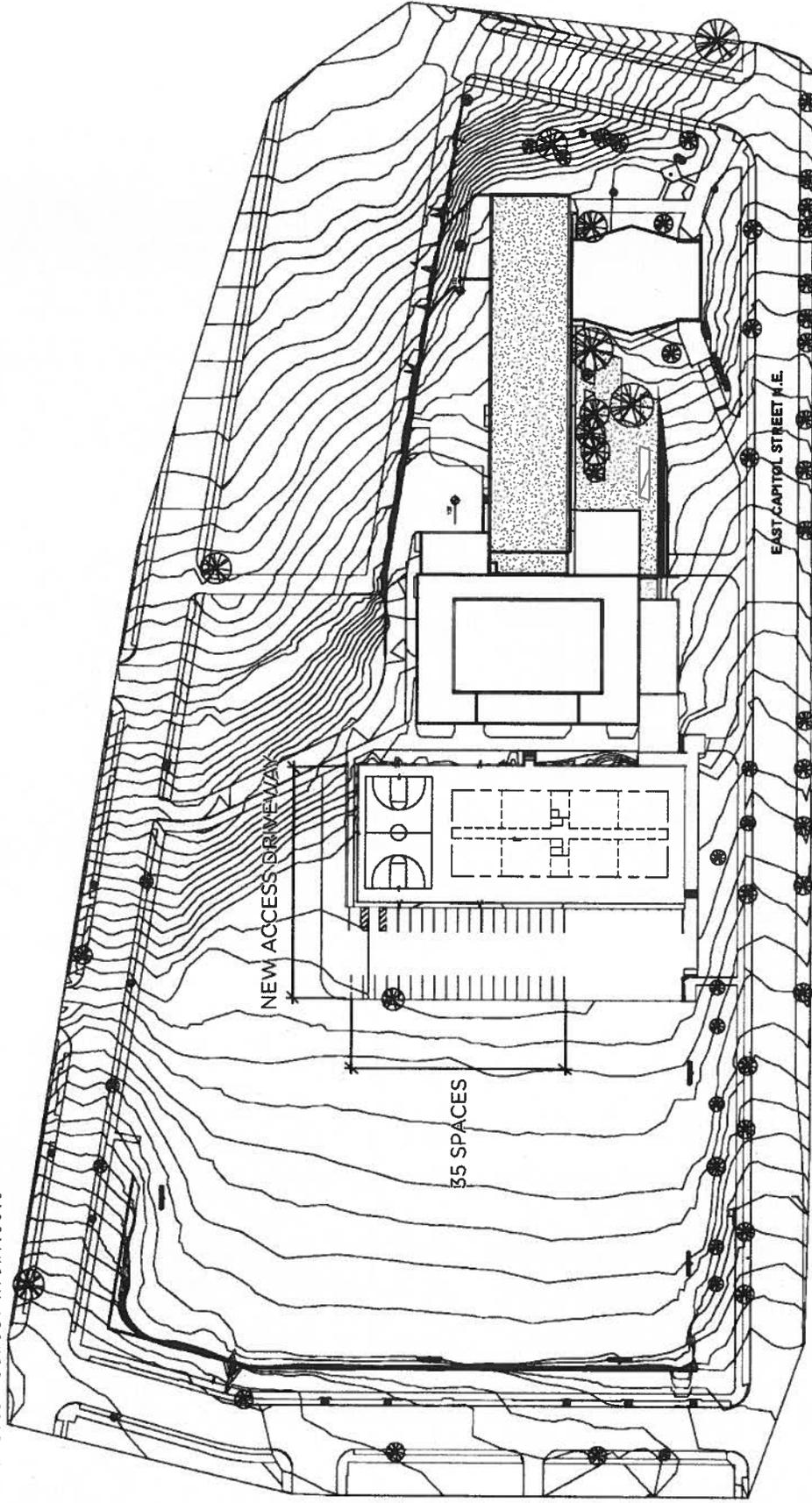
Total Secondary 8,179,800 43,833 27,115 62%

Data Sources

- (1) Division of Facilities Management, Planning 6/95
- (2) Public Schools of the District of Columbia Report May 24, 1985
Dept. of General Research, Budget, and Legislation,
Office of the Statistician

Exhibit C

Concept Plan for Site Renovation of Evans Campus for Maya Angelou Program



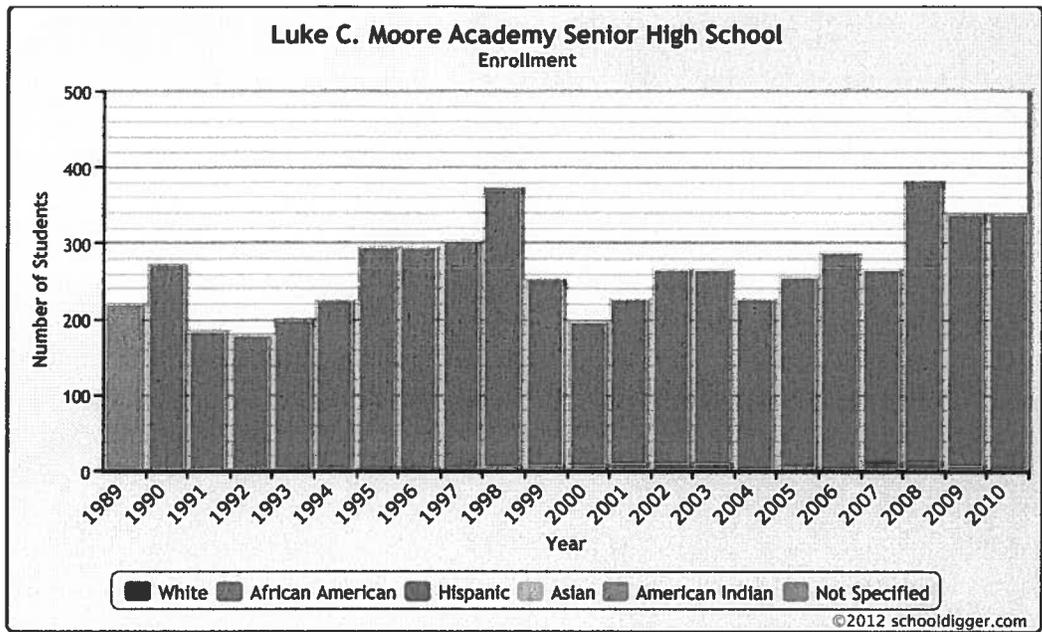
35 PARKING SPACES INCLUDING:
2 NEW HANDICAP SPACES
RELOCATED 9 EXISTING PARKING SPACES
35 TOTAL SPACES REQUIRED

NOT TO SCALE

PARKING PLAN

Exhibit D

DCPS School Information on Luke C. Moore High School



Compare

Year	White	African American	Hispanic	Asian	American Indian	Not Specified	Total
1989	0	0	0	0	0	219	219
1990	0	270	0	0	0	0	270
1991	0	184	0	0	0	0	184
1992	0	178	0	0	0	0	178
1993	0	197	0	0	0	0	197
1994	0	222	0	0	0	0	222
1995	0	291	2	0	0	0	293
1996	0	291	2	0	0	0	293
1997	0	301	1	0	0	0	302
1998	1	365	5	1	0	0	372
1999	2	242	6	1	0	0	251
2000	0	189	7	0	0	0	196
2001	0	216	9	0	0	0	225
2002	0	255	7	1	1	0	264
2003	0	255	7	1	1	0	264
2004	0	221	3	0	1	0	225
2005	1	249	4	0	1	0	255
2006	0	286	2	0	0	0	288
2007	0	253	11	0	0	0	264
2008	2	367	11	1	0	0	381
2009	1	328	8	0	0	0	337
2010	0	332	4	0	0	0	336

Source: National Center for Education Statistics, U.S. Dept of Education.

About Enrollment/Ethnicity

For more information about how the Department of Education defines ethnicity, see [Defining Race and Ethnicity Data, National Center for Education Statistics](#)