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July 5, 2011

Via Hand Delivery

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

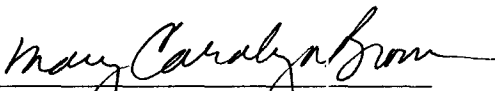
Re: BZA Case No. 18233 – Protestant Episcopal Cathedral Foundation/
National Cathedral School, 3600-09 Woodley Rd., N.W.
(Square 1944, Lot 25 and Square 1922, Lot 17)

Dear Board Members:

On behalf of the Protestant Episcopal Cathedral Foundation and the National Cathedral School, we are submitting herewith an original and twenty copies of the Statement of the Applicant in support of the special exception relief requested for the above-referenced property. We look forward to the Board of Zoning Adjustment's consideration of this application at the hearing on July 19, 2011.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Mary Carolyn Brown

Attachments

cc: Karen Thomas, OP (via email)
Advisory Neighborhood Commission 3C (via overnight mail)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18233
EXHIBIT NO. 24

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

APPLICATION OF:	)	
	)	
PROTESTANT EPISCOPAL	)	
CATHEDRAL FOUNDATION	)	
on behalf of the National Cathedral	)	BZA CASE NO. 18233
School for Girls	)	
	)	
Special Exception Relief pursuant to	)	ANC 3C
Section 206 for a Faculty/Staff Increase	)	
For a Previously Approved Private School	)	<u>HEARING DATE:</u>
3600 Woodley Rd., NW (Sq. 1944, Lot 25)	)	July 19, 2011
3609 Woodley Rd., NW (Sq. 1922, Lot 17)	)	

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

The Protestant Episcopal Cathedral Foundation, on behalf of the National Cathedral School for Girls, submits this statement in support of its application to the Board of Zoning Adjustment for a special exception under section 206 of the Zoning Regulations to permit a small increase in the number faculty and staff at an existing private school located at 3600 and 3609 Woodley Road, N.W., Washington, D.C. (Square 1922, Lot 17 and Square 1944, Lot 25). The proposed number of full-time equivalent (FTE) faculty and staff would be increased from 150 to 165, for a total increase of 15 employees. Of the 15 new faculty and staff, eight were previously part of the Protestant Episcopal Cathedral Foundation employment staff even though they served the National Cathedral School. Consequently, the net increase is seven employees. National Cathedral School is located on the grounds of the Washington National Cathedral and

in the square immediately to the north of the Cathedral grounds in the R-1-B and R-5-D Districts.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment ("Board" or "BZA") has jurisdiction to grant special exception relief pursuant to D.C. Code § 6-641.07 (2001 ed.) and section 3104 of the Zoning Regulations (11 DCMR).

III. BACKGROUND

A. Site and Vicinity Characteristics

The subject property consists of Lot 17 in Square 1922 and Lot 25 in Square 1944. The portion of the school located in Square 1922, which is on the north side of Woodley Road, is split-zoned R-1-B and R-5-D, as shown on a portion of the Zoning Map attached as Exhibit A. Lot 17 comprises the entirety of Square 1922 and is bounded by Lowell Street on the north, 36th Street on the east, Woodley Road on the south, and Wisconsin Avenue on the west, as shown on the plats attached as Exhibit B. The site includes approximately 78,047 square feet of land area. The portion of the school located in Square 1944 on the south side of Woodley Road is located in the R-1-B District and includes approximately 2,455,389 square feet of land area. See Exhibit A.

B. Description of the Surrounding Area

The National Cathedral School ("NCS") is part of the Protestant Episcopal Cathedral Foundation ("PECF") and the 56-acre Cathedral Close ("Close"). Hearst Hall, which houses the administrative offices and the Upper School of NCS, is situated on the Close. The NCS athletic facility is also located on the Close along Woodley Road to the east. The Close is the site of

other PECF entities, including Beauvoir School (nursery through third grade) and St. Albans School for Boys (grades 4-12).

C. History of NCS

NCS is an Episcopal, independent college preparatory school for girls in grades 4-12. Chartered in 1900, it is the oldest of the institutions constituting the Protestant Episcopal Cathedral Foundation ("PECF"). Its history is closely tied to the beginnings of the Washington Episcopal Diocese and the building of the Washington National Cathedral. Dedicated to fostering the spiritual, intellectual, and physical development of its students, the school is divided into a Lower School (grades 4, 5 and 6), located in Whitby Hall on the Woodley North campus; the Middle School (grades 7 and 8), located in Scott and Founders Halls on the Woodley North campus; and the Upper School (grades 9-12), located primarily in Hearst Hall on the Cathedral Close, but also in portions of the Woodley North campus. With an original enrollment of 16 day and 32 boarding students in 1900, NCS presently serves 585 students pursuant to BZA Order No. 17759.

D. Zoning History

NCS was established prior to the enactment of the Zoning Regulations in the District of Columbia. The school first appeared before the Board in 1964 for approval to erect a new dining hall and a new academic building to house classrooms, a library and a language lab. See BZA Order No. 8000 (1964).

Two decades later, NCS received special exception approval to renovate the existing Hearst Hall, which had been leased to non-profit organizations and another private school, for use by NCS. See BZA Order No. 14282 (1985). That order also set an enrollment and employment limits of 546 students and 105 faculty and staff.

In 1992, the Board approved plans to construct a two-story plus basement addition consisting of assembly and performance space, a library, music room, computer center and classroom. The Board affirmed the enrollment objective of 546 and full-time-equivalent (FTE) faculty or staff levels of 105. See BZA Order No. 15691 (1992).

In 1999, the Board approved a special exception to construct the NCS athletic center located on the Cathedral Close. NCS did not seek any increase in the enrollment objective or FTE faculty or staff levels. See BZA Order No. 16433 (1999).

Most recently, in 2008, the Board authorized additions and renovations to the Woodley North campus, with a concomitant increase in enrollment to 585 students and an increase in the faculty/staff to 150 FTE. See BZA Order No. 17759 (2008). Copies of the BZA Orders referenced here are attached as Exhibit C.

IV. PROPOSED MODIFICATION

NCS requests approval to increase the number of faculty and staff by 15 employees to a maximum of 165 FTEs. Of the 15 new faculty and staff, eight are housekeeping staff previously part of the PECF payroll even though they served NCS. Consequently, the net increase is only seven employees. The modest increase in the faculty/staff from 150 to 165 is critically needed to advance and support the mission of the school. The seven new faculty/staff will allow the school to expand its academic offerings in language, technology, and advances mathematics, and to support ongoing fundraising and administrative support initiatives.

IV. STANDARD OF REVIEW

A special exception use is presumed to be compatible with other uses permitted within the same zone district, provided the specific regulatory requirements are met. *First Baptist Church of*

Washington v. District of Columbia Board of Zoning Adjustment, 432 A.2d 695 (1981). In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section of the Zoning Regulations. If the Applicant meets its burden, the Board must ordinarily grant the application. *Id.*; *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973). Through the exhibits, testimony and other evidence before the Board, the Applicant will establish that it complies with all applicable provisions.

V.

THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION

A. Standard of Review

A special exception use is presumed to be compatible with other uses permitted in that particular zoning classification provided that the specific regulatory requirements are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If the Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973). As set forth below, NCS complies with the standards for special exception relief.

B. Special Exception Standard for Private Schools Under Section 206

Section 206 of the Zoning Regulations permits the use of a private school in the R-1 through R-5 Districts if approved by the Board as a special exception, provided certain conditions are met. First, the school must be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions. 11 DCMR § 206.2 (2005). Second, the private school must

provide ample parking space, but not less than that required in Chapter 21 of the Zoning Regulations, to accommodate the students, teachers and visitors likely to come to the site by automobile. 11 DCMR § 206.3. As set forth in greater detail below, the proposed increase in NCS faculty and staff will not result in objectionable conditions. Parking will be provided in accordance with requirements of the Zoning Regulations and will be sufficient to accommodate the proposed demand. Further, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

C. No Increase in Noise Levels

The proposed faculty/staff increase will not have any perceptible increase in noise levels on adjacent or adjoining properties. All educational programs and school-related activities will continue to fall within the existing scope of operations so that noise levels will remain unchanged.

D. No Objectionable Traffic or Parking Conditions

The proposed faculty/staff increase will also not have any significant impacts on traffic or parking conditions on the public streets adjacent to the Cathedral Close and in the nearby neighborhoods. Under BZA Order No. 17759, NCS is authorized to enroll 585 students and employ 150 full-time equivalent faculty and staff, generating a requirement for 140 parking spaces under the Zoning Regulations.

As a result of the proposed increase in faculty and staff to 165 FTEs, the number of required parking spaces will increase to 149 spaces. That number is derived from a formula that requires two spaces for every three faculty and staff members ($165 \times 2/3 = 109$), plus one parking space for every ten seats in the largest assembly space. 11 DCMR § 2100.6. The largest

assembly space is the athletic center, which generates a requirement for 40 parking spaces. Since the completion of the new parking garage on the Cathedral Close, NCS is able to provide 176 spaces, which more than satisfies the parking demand of the school's faculty, staff and students.

PECF and other schools on the cathedral grounds have worked closely over the years with their transportation consultant, Gorove/Slade Associates, to study traffic impacts and develop mitigation measures to ensure that the Close does not create any adverse traffic impacts on the community. Most recently, Gorove/Slade Associates prepared a transportation analysis in 2008 for NCS in connection with BZA Application No. 17759. As a result of the recommendations in that report, NCS implemented the following measures that were incorporated as conditions in the BZA order:

- The provision of 176 parking spaces on the Cathedral Close or the Woodley North campus for use by NCS faculty, staff, students, and visitors.
- A requirement that all faculty, staff, and students who drive to the school to park on the Close in off-street parking allocated to NCS.
- Participation in parking demand management activities sponsored by PECF to reduce parking demand generated by students, faculty and staff. These measures include: encouraging the use of public transportation; making available reduced fare Metro passes; offering credits for bicycle commuters; and other measures as may be provided by PECF from time to time such as remote parking and shuttle service between the Close and nearby Metrorail stations.
- Continuation of the requirement that faculty, staff, and students who drive to school register their vehicles with the school and to display an identifying sticker on each vehicle so as to facilitate compliance with the parking policy. NCS shall require each parent to agree to the parking policy when that parent signs each year's enrollment contract, including a requirement that individuals who violate the parking policy will be subject to disciplinary action by the school.

- Training for the crossing guard stationed at Woodley Road between 36th Street and Wisconsin Avenue to improve coordination of pedestrian traffic at the crosswalk with the red light at Wisconsin Avenue.
- A requirement that visitors who drive to school events and activities shall be directed to park on the Close in off-street parking allocated to the NCS to the extent parking is available. NCS shall inform all visitor schools in writing of the location of visitor parking.
- The establishment of a neighborhood liaison committee composed of NCS staff and neighbors for the purposes of coordinating and discussing traffic and parking issues, and for yearly reporting in December on the actual number of students and the number of faculty and staff employed by the school. NCS shall provide a contact telephone number and e-mail address for persons who wish to report any failure to comply with the conditions adopted in this Order.
- Continuation of the NCS parking policy addendum established March 31, 2008, with the flexibility to amend any provision after consideration of the proposed change by the liaison committee the flexibility to modify its parking policy and vary the location of parking spaces.

Based on these measures, Gorove/Slade concluded that the 2008 additions and faculty/staff increase would have no adverse impacts on traffic or on the community. The BZA credited these conclusions in its order. See BZA Order No. 17759, October 31, 2008, 6-7.

In connection with its current BZA application, NCS again reached out to Gorove/Slade to assess any impacts that might occur as a result of the modest increase of faculty and staff by the net increase of seven employees. Because projects that produce fewer than 300 daily trips and fewer than 25 peak hour trips in the peak direction are considered *de minimus*, the District Department of Transportation ("DDOT") generally waives the requirement for a traffic impact study. See DDOT Design and Engineering Manual 2009, at 45-1.

Here, the net increase of seven new NCS employees falls significantly below the 300 daily trip generation threshold, and likewise would not generate more than the maximum potential of 14 peak hour trips in the peak direction. Consequently, a full traffic study was not prepared. Instead, Gorove/Slade assessed the proposed net increase in faculty/staff based on

existing operation conditions and concluded that there would be no adverse effects on traffic or parking. See Gorove/Slade Memorandum to DDOT, July 1, 2011, attached as Exhibit D.

Gorove/Slade estimated that the seven new faculty/staff would generate six morning peak hour trips, four evening peak trips, and two after-school trips. As noted in the Gorove/Slade memorandum, "these additional trips represent a minimal contribution to the existing traffic flows on the roadways serving NCS and will not have an adverse impact on the existing roadway network." With respect to parking demand, Gorove/Slade found that throughout the day, the overall parking demand associated with the campus was well below the available supply. The peak demand occurs at approximately 1:00 p.m., when a total of 667 out of 826 parking spaces were occupied. Presently, NCS is allocated 176 of those parking spaces, with 122 parking permits issued to faculty and staff. The six vehicular trips anticipated by the net increase of seven faculty and staff can easily be accommodated on the Close.

Nevertheless, DDOT has indicated that that the Applicant must demonstrate that the proposed FTE increase will produce zero-net trips. This is typically accomplished by an Applicant engaging in transportation demand management (TDM) actions. These include encouraging the use of public transportation; making available reduced fare Metro passes; offering credits for bicycle commuters managing traffic demand through incentives not to drive, and other similar actions. NCS has already adopted these TDM measures, which the Board endorsed in BZA Order No. 17759. Consequently, the net increase of seven faculty/staff will not create any objectionable conditions due to parking or traffic.

VI. COMMUNITY RELATIONS

NCS discussed its proposed faculty/staff increase with Advisory Neighborhood Commission ("ANC") 3C and members of the community on several occasions. On June 20,

2011, ANC 3C voted unanimously to adopt a resolution stating it had no objection to the approval of a special exception to solely allow NCS to increase the faculty/staff by 15 full-time persons. ANC 3C recognized that NCS provides more spaces than are required by the proposed staff increase, and the TDM measures adopted by NCS have reduced the school's contribution to traffic and parking demand in the neighborhood. A copy of the ANC resolution is attached as Exhibit E.

VII. WITNESSES

NCS intends to call the following witnesses in support of its special exception application:

- Kathleen Jamieson, Headmistress, National Cathedral School
- Erwin Andres, Gorove/Slade Associates, Inc., Transportation Consultants

Other representatives from these organizations may also appear on behalf of the applicant.

VIII. EXHIBITS

The following exhibits are attached in support of this application:

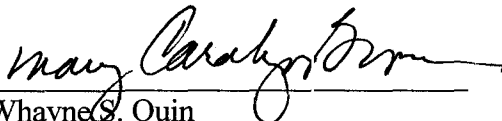
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| Exhibit A | Zoning Map for the Subject Property |
| Exhibit B | Real Estate Plats (Baist and Sanborn) Depicting the Subject Property |
| Exhibit C | Copies of BZA Orders Pertaining to NCS |
| Exhibit D | Transportation Memorandum Prepared by Gorove/Slade Associates, Inc. |
| Exhibit E | ANC 3C Resolution to BZA |
| Exhibit F | Outlines of Witness Testimony |

IX.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for special exception approval under the Zoning Regulations. Accordingly, National Cathedral School for Girls respectfully requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By 
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DATE: July 5, 2011