

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING--Nov. 25, 1964

Appeal #8000 Protestant Episcopal Cathedral Foundation, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on December 1, 1964:

ORDERED:

That the appeal to permit establishment of a private school at Wisconsin Avenue and Woodley Road, N.W., known as National Cathedral School, lots 803 and 806, square 1922, be granted.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's property has frontages of approximately 400 feet on Woodley Road and 180 feet on Wisconsin Avenue. The total property contains an area of approximately 73,500 square feet of land. The property is at present improved and appellant intends to utilize the existing structures as a private school known as National Cathedral School.

(2) Appellant proposes to erect a new dining hall to accommodate 350 day students and 100 boarding students. Appellant also proposes to erect a new structure to accommodate a new library, a new language laboratory, several classrooms, tutoring rooms, an alumnae office and an accounting office.

(3) Appellant has provided off-street parking to accommodate the teacher's automobiles.

(4) There was one letter in opposition to the granting of this appeal. The Cathedral Heights-Cleveland Park Citizens Association interposes no objection to the granting of this appeal.

OPINION:

We are of the opinion that the use of this existing property with the proposed additions thereto is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions. In making this finding the Board notes that the property has been owned and used by the Cathedral Foundation for many years, and that the additions are so located as not to affect adversely surrounding residential property. Further, the buildings face onto Woodley Road opposite the grounds of the Cathedral Foundation and onto Wisconsin Avenue which is a heavily traveled thoroughfare. Only the outside walls of the rear of the dining area will be visible from Lowell Street and 36th Street, and the school addition is located at the intersection of Wisconsin Avenue and Woodley Road.

We are also of the opinion that ample parking space has been provided to accommodate teachers, students and visitors who might come to the site by automobile.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14282 of the Protestant Episcopal Cathedral Foundation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to renovate and use an existing structure, Hearst Hall, by the Upper School of the National Cathedral School, in an R-1-B District at premises 3612 Woodley Road, N.W., (Square 1944, Lot 815).

HEARING DATE: April 24 and May 1, 1985
DECISION DATE: May 1, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The application was originally scheduled for the Public Hearing of April 27, 1985. Because of physical conditions in the District Building on that date, all applications on the afternoon agenda of that date were continued to a special Public Hearing date of May 1, 1985.
2. The National Cathedral School is located on the grounds of the Washington Cathedral, which is bounded by Massachusetts Avenue, Wisconsin Avenue, Woodley Road, 34th Street and Garfield Street, N.W. The Cathedral grounds encompass approximately fifty-seven acres of land on which is located the Cathedral, the National Cathedral School, St. Albans Church, St. Albans School, the Beauvoir School, the College of Preachers and numerous residences and accessory buildings.
3. The subject site, Hearst Hall, is located at premises 3612 Woodley Road, N.W., in the R-1-B District.
4. Since its founding in 1900, the National Cathedral School has firmly adhered to three educational principles: the highest standard of academic excellence, the incorporation of religious values within the educational process, and the creation of an environment conducive to the fullest possible personal and intellectual development of young women. National Cathedral School prepares its students for college and for broader concerns of adulthood. Students in the 1980's continue to be accepted by the nation's finest colleges and universities.
5. This application involves the renovation of Hearst Hall, which faces Wisconsin Avenue between Massachusetts Avenue and Woodley Road. The entrance to the building is

from the Cathedral's north drive. Approximately two-thirds of Hearst Hall is presently leased as offices of unrelated nonprofit organizations and the Parkmont School. These tenants will be moving to new locations away from the Cathedral grounds. The remaining third of the building presently houses the National Cathedral School dining hall, auditorium, bookstore, maintenance and business offices and three classrooms.

6. The applicant proposes to replace the offices and classroom spaces used by the leased tenants with increased classroom and office space for the National Cathedral School. The renovation will significantly improve the School's overall academic facilities and will greatly relieve seriously crowded conditions in its other buildings.

7. Hearst Hall was constructed in 1900 and served as the center of all operations of the School until 1917, when Whitby Hall and Gymnasium were constructed. During the 1950's, growth of the School's population and curriculum necessitated development of additional academic facilities adjacent to Whitby Hall. Though aging visibly, Hearst Hall remained, during this period, the center of the School's residence and its student life.

8. In the early 1960's leaders of the School and the Cathedral determined to move the residence and student activities to new facilities built on the Rosedale Estate at 36th and Newark Streets. Hearst Hall then became a center for the Cathedral's ongoing programmatic, public and volunteer activities. Social changes in the late 1960's and early 1970's depleted the School's boarding enrollment, however, and precipitated its consolidation as a day school, operating solely from the Woodley Road campus. The Rosedale Estate was sold, with the proceeds being divided between the School and the Cathedral. The proposed renovation of Hearst Hall, therefore, will return the School's original home to active use by the School and will again give the School the full amount of classroom and office space it once had.

9. The renovation of Hearst Hall will include the renovation of existing school facilities and the creation of additional classroom, academic and support space from areas presently used by rental tenants. Specifically, on the ground floor, the existing dining hall and kitchen will be upgraded and support space will be provided. The first floor will include an auditorium, classrooms and school administrative offices. The second floor will include classrooms, a music studio and office support space. The third floor will contain a study hall, classrooms, faculty lounge and office support space. The fourth floor will contain space to accommodate the needs of the art, photography and ceramics curriculum. The renovation does not

involve the construction of new space. The renovation will allow the building to be accessible to the handicapped.

10. During the construction phase of the renovation, there will be an incidental temporary office trailer which will be remove when the renovation has been completed.

11. The National Cathedral School presently has an enrollment of approximately 520 students. There are approximately seventy faculty and thirty other staff. The proposed renovation will not increase these levels. The purpose of the project is to improve the academic facilities for the existing student body. The Board finds that it is appropriate to condition approval of this application to the existing number of students, faculty and staff, with an adjustment of five percent to accommodate minor deviations.

12. The school determined that there was a need for additional space after a major feasibility study was undertaken in the summer of 1982. The study concluded that the basic Structure of Hearst Hall was sound and adaptable to new needs. The renovation will restore and enhance the architectural and historical integrity of the structure while providing needed academic space at a cost far below that of new construction.

13. Paragraph 3101.42 of the Zoning Regulations permits the use of land as a private school provided that it is so located that it is not likely to become objectionable to adjoining and nearby property and that ample parking spaces are provided to accommodate students, teachers and visitors.

14. The proposed renovation of Hearst Hall will not be objectionable due to noise. The building is located within the Cathedral grounds and is constructed of masonry materials. The renovation will include installation of materials that provide additional sound insulation. The use of the building will be limited to quiet, academic functions that will not generate objectionable levels of noise.

15. The proposed renovation will not be objectionable due to traffic. Since many of the existing uses in Hearst Hall will be moving off the Cathedral grounds and since the School will not be increasing the number of students, faculty, staff and visitors, traffic conditions will improve. Fewer people will be traveling to the site overall. Existing traffic levels are not objectionable due to the excellent mass transit available and car pooling. Further, pedestrian traffic across Woodley Road will be reduced. This traffic will continue to be monitored by a crossing guard.

16. The National Cathedral School has existed in the neighborhood since 1900. The renovation of Hearst Hall does

not involve new construction nor will it increase enrollment. Other uses in the immediate vicinity are varied. Large high rise apartment buildings as well as commercial structure are found along Massachusetts and Wisconsin Avenues. Single family detached and semidetached homes predominate in the areas surrounding the Cathedral grounds away from Massachusetts and Wisconsin Avenues. The Board finds that the proposed use will not be objectionable to neighboring property.

17. Ample parking spaces are provided on the subject site, exceeding the number required by the Zoning Regulations. Since there will not be an increase in students, faculty or staff, no additional parking spaces are required. Article 72 of the Zoning Regulations requires seventy-six spaces for the School. Over 350 parking spaces are provided on the Cathedral grounds. Demand for parking spaces will decrease after the renovation because existing tenants in Hearst Hall that use available parking will move to new locations.

18. Numerous bus routes serve the site from Wisconsin Avenue, Massachusetts Avenue, and Garfield Street.

19. The Office of Planning (OP), by memorandum dated April 17, 1985, and through testimony of a representative at the public hearing, recommended approval of the application. The OP reported that the proposed renovation will not result in an intensification of use at the subject site but rather will permit the restoration of Hearst Hall in a manner consistent with the structure's architectural and historical integrity. There will be minimal impacts on neighboring properties since the renovation will not increase the number of students, faculty or staff. There are parking spaces in excess of the number required for the school. The Board concurs with the findings and recommendation of the Office of Planning.

20. Advisory Neighborhood Commission 3C, by letter dated March 29, 1983, reported that it unanimously endorsed the proposed renovation and restoration of Hearst Hall. The ANC however, urged the National Cathedral School and the National Cathedral Foundation to give further consideration to the bus "out-turn" on Woodley Road and to the possibility of reducing or eliminating this traffic by making the buses return to Wisconsin Avenue.

21. The Board is required by statute to give "great weight" to the issues and concerns of the ANC when those issues and concerns are reduced to a written resolution. The Board concurs with the general resolution of the ANC on this application. As to the issue of the bus "out-turn" on Woodley Road. The Board finds that it has no jurisdiction over the issue. The matter should be brought to the attention of the Department of Public Works.

22. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to allow the renovation of an existing building to be used as a private school. The granting of that special exception requires that the proposed use meet the requirements of Paragraph 3101.42. The Board further must determine that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met the requirements for the special exception to implement its proposal. The proposed renovation and school use will comply with Paragraph 3101.42. There will be no objectionable traffic or noise conditions. There will be ample parking spaces. The number of students will not increase. Traffic conditions will improve since existing tenants of the subject structure will be moving to new locations.

The Board concludes that it has accorded "great weight" to the issues and concerns of Advisory Neighborhood Commission 3C. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. A minimum of eighty parking spaces shall be provided on-site. Those spaces shall be clearly designated as for the exclusive use of the school during its hours of operation.
- B. The number of students enrolled shall not exceed 546. The number of faculty and staff shall not exceed 105.

VOTE: 4-0 (Maybelle T. Bennett, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 20 MAY 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14282order/LJPD

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15691 of the Protestant Episcopal Cathedral Foundation, pursuant to 11 DMCR 3108.1 for a special exception under Section 206 to allow a two-story addition consisting of an assembly/performance room, library, music room, classrooms and a computer center for a private school in R-1-B and R-5-C Districts at premises 3600 Woodley Road, N.W. (Square 1922, Lot 17).

HEARING DATES: July 15 and September 23, 1992
DECISION DATE: November 4, 1992

DISPOSITION: The Board GRANTED the application by a vote of 4 – 0 (Angel F. Clarens, Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to grant; Sheri M. Pruitt not voting, not having heard the case).

**FINAL DATE
OF ORDER:** March 28, 1994

MODIFICATION ORDER

The Board granted the application by its order dated March 28, 1994. By letter dated February 20, 1998, the National Cathedral School (NCS), on behalf of the Protestant Episcopal Cathedral Foundation (applicant), requested that the Board waive the six-month filing requirement to allow for the filing of a motion for modification of approved plans.

The Waiver Request

This case involves a special exception application filed by NCS to permit the renovation of, and an addition to, its existing facility, known as Whibty Hall, which houses NCS' Lower School at the 3600 Woodley Road N.W. The movant stated that a hearing was held by the Board on July 15 and September 3, 1992. During this time the Board developed an extensive and complete record for the application. At the conclusion of the hearing on September 23, 1992, the Board directed NCS to meet with certain neighbors ("Neighbors"), who appeared in opposition, to determine whether a compromise could be reached.

The parties reported to the Board by letter dated October 28, 1992, that an agreement had been achieved. A copy of the plans evidencing this agreement was attached to the agreement as an exhibit and adopted by the Board upon issuing its final order in the application. In the normal course of business, the project went through the building permit process and construction began in June 1994. Toward the end of construction (late 1994), a dispute arose between the Neighbors and NCS with regard to the building's conformance with the agreement between the parties. The Neighbors and NCS initiated discussions to attempt to achieve a compromise between the parties. After three years of extensive negotiations, the parties finally agreed to a modified plan near the end of 1997. The movant stated that because the agreement was not reached until 1997, the motion falls outside of the six-month time frame required by the Board's rules. Therefore, a waiver is requested.

By letter dated February 23, 1998, two Neighbors expressed support for the motion to waive the rules. By letter dated February 25, 1998, Advisory Neighborhood Commission 3-C supported the motion to waive the rules.

The Board notes that Subsection 3335.3 of the Zoning Regulations states that "a request for modification of plans shall be filed with the Board not later than six (6) months after the final date of the written order approving the application." To be considered timely, this rule would require that a motion for modification be filed in this case by September 28, 1994. However, the Board notes that pursuant to 11 DCMR 3301.1, "the Board may, for good cause shown, waive any of the provisions of this chapter, if in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law."

Upon consideration of the request, the responses and applicable rules, the Board determined that the NCS has demonstrated good cause for a waiver of the six-month filing requirement, and a waiver in this case would not prejudice the rights of any party, nor would it be otherwise prohibited by law. Therefore the Board **GRANTED** the waiver request and considered the modification of plans.

The Motion for Modification of Plans

Pursuant 11 DCMR 3335.2, "The Board shall consider requests to approve modifications to plans approved by the Board,...." The standard for review appears in Subsection 3335.7 which states that "Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon in approving the application."

In the motion filed with the Board, the movant stated that on September 9, 1992, NCS filed an application with the Board seeking permission to build an addition to an existing structure which had been utilized for private school purposes in the R-1-B and

R-5-C Districts at premises 3600 Woodley Road, N.W. (Square 1922, Lot 17). At the public hearing, a number of persons and parties testified in support, of and in opposition to, the application. After the hearing was complete, the applicant entered into negotiations with the Neighbors at the request of the Board and an agreement was reached. As a result of that agreement, three amendments were proposed to the application. These three amendments dealt with (1) on-site parking; (2) building height; and (3) future site development.

The movant stated that the Board approved the application with the changes shown in the amended plans, along with a number of conditions. In June 1994, NCS applied for and received building permits and the project was constructed in accordance with the building permits. During the course of construction, however, the Neighbors noted some differences in the actual construction from those approved in their agreement with NCS. In an effort to reach a compromise on the various issues, NCS and the Neighbors met consistently to resolve these concerns. The modifications requested here are the result of an amendment to the agreement with the neighbors to achieve the compromise noted. The movant submitted into the record a copy of the original agreement as well as the amended agreement.

The movant requested that the Board approve four modifications as follows:

- (1) A revised site plan which redesigns the open space at the corner of 36th and Lowell Streets, N.W. to include more landscaping and reduce parking on the site by two spaces (Exhibit No. 99 C, sheet 1);
- (2) A relocation of those two spaces to the Washington Cathedral Close (Exhibit No. 99C, sheet 2);
- (3) Minor design modifications to the building itself. (Exhibit No. 99C, sheet 3); and
- (4) An incorporation of the Agreement and Amendment into the record in this case (Exhibit No. 99B).

The movant stated that each of the above modifications relates to insuring that the character of the project fits into the residential character of the neighborhood. The movant argued that the changes are minor and do not alter the ultimate build-out of the site nor change the overall impact of the School's occupancy of the site on the neighborhood. On the contrary, the requested modifications significantly improve the green space and the architectural treatment of the building to accommodate the Neighbors' desires.

In their response dated February 23, 1998, the Neighbors stated that they are responding to the motions filed with regard to a recently constructed addition to the campus located on the block bordered by Wisconsin Avenue, Lowell Street, 36th Street

and Woodley Road, N.W. The neighbors stated that the Board's order authorized NCS to construct a building addition in accordance with its initial application as modified to reflect the substance of the 1992 Agreement. However, in the course of construction, certain elements of the 1992 Agreement were not fulfilled. The 1997 Agreement grew out of that failure. The modifications for which the NCS now seeks approval are intended to implement the 1997 Agreement. The Neighbors requested that the Board's Modification Order reflect the variations between the NCS plans, as originally approved, and the actual structure. This would help to eliminate any confusion on the matter. The Neighbors set forth the most significant elements of variation as follows:

- (1) The height of the addition was not reduced by three feet.
- (2) The north (Lowell Street) facade was substantially redesigned, in that:
 - a. One of the ground floor windows was replaced with a door which leads into the reserved green space;
 - b. The remaining ground floor windows were enlarged and were set lower on the building;
 - c. The first and second story fenestration was changed significantly.
- (3) The height of the raised courtyard was increased, resulting in a higher wall, railing and steps from the parking area to the courtyard.

The Neighbors indicated that these changes are reflected generally in Exhibit No. 102A, and more specifically in Exhibit No. 102B of the record.

Finally, the Neighbors stated that the 1997 Agreement makes various modifications including, among other things:

- a. The parking lot on Lowell Street will be reduced to two spaces, with the other two spaces relocated to the Cathedral Close across Woodley Road;
- b. The ground story window treatment will be revised, and all vertical grilles and railings associated with the windows and new door will be removed;
- c. The steps to the courtyard will be reconfigured;
- d. NCS will restrict use of the new door to emergency use only;
- e. NCS will re-grade and re-landscape the reserved green space as provided in the 1997 Agreement.

The Neighbors expressed the view that the modifications currently being sought are needed so that NCS may fully implement the 1997 Agreement. Therefore, the Neighbors requested approval of the motions.

In its letter dated February 25, 1998, Advisory Neighborhood Commission 3C submitted a resolution in support of the modification. The ANC briefly recounted the circumstances leading up to the filing of the motion and indicated that the modification is needed because of inconsistencies between what was originally approved by the Board and what was actually constructed. The modification embodies a settlement in lieu of litigation. The ANC stated that is regrettable and disturbing that the architectural firm responsible for design and construction of the project, Bowie-Gridley Architects, allowed construction inconsistent with the approved plans, whether by nonfeasance or otherwise. However, the building addition is now a reality and the School and resident neighbors have reached an agreement that reduces adverse impacts. Therefore, the ANC resolved to support the modification of plans. Finally, the ANC listed the inconsistencies and stated that it agreed with the statement in NCS' motion that "The changes make the project more compatible with the character of the neighborhood, including the provision of additional landscaping and screening" and that "The requested modifications...will insure continued good neighbor relationships with the surrounding community."

The Board notes that the current Board members voting on this matter read the record in the case. Upon consideration of the record, the motion for modification, the responses thereto, and the applicable law, the Board concludes that the movant has met the burden of proof. The Board concludes that the modifications are minor and do not materially alter the facts relied upon in deciding to grant the application. The Board further concludes that the parties to the application are in support of the request as the modification will effectuate the most recent agreement between them.

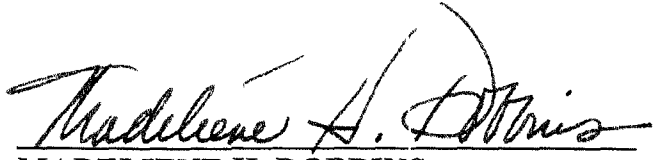
In light of the foregoing, the Board hereby **ORDERS** that the **MOTION TO WAIVE THE RULES** and the **MOTION FOR MODIFICATION OF PLANS** be **APPROVED, SUBJECT** to the **CONDITION** that construction shall be in accordance with the plans marked as Exhibit No. 91B as modified by Exhibits No. 94A and 95A, and as further modified by Exhibit No. 99 of the record.

DECISION DATE: March 4, 1998

VOTE: 3 – 0 (Betty King, Susan Morgan Hinton and Sheila Cross Reid to approve; Maybelle Taylor Bennett to approve by absentee vote).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS
DIRECTOR

Final Date of Order: APR 1 1998

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR § 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15691

As Director of the Board of Zoning Adjustment, I certify and attest that on
APR 1 1998 a copy of the order entered on that date in this matter was
mailed first class, postage prepaid to each party who appeared and participated in the public
hearing concerning this matter, and who is listed below:

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Wilkes, Artis, Hedrick and Lane
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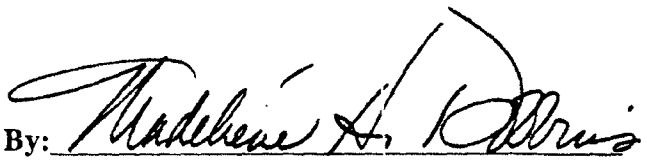
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David Aufhauser
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Phil Mendelson, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Toby Moffett
3415 Woodley Road, N.W.
Washington, D.C. 20016

Attested By: 
MADELIENE H. DOBBINS
Director

Date: APR | 1998

Attest/ljp

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



CORRECTED ORDER

***Application No. 16433** of the Protestant Episcopal Cathedral Foundation of the District of Columbia ("the National Cathedral") on behalf of The National Cathedral School ("NCS" or "Applicant") pursuant to 11 DCMR § 3108.1, for a special exception under 11 DCMR § 206 to allow the construction of a girls' athletic facility at a private school in an R-1-B District on the grounds of the National Cathedral, 3500 Woodley Road, N.W. (Square 1944, Lot 25).

HEARING DATE: April 14, 1999

DECISION DATE: June 2, 1999

**FINDING OF FACT, CONCLUSIONS OF LAW
AND ORDER**

*This order replaces the Board's order dated August 11, 1999, and corrects the vote on page 10 from 3-0 to 4-0.

PROCEDURAL HISTORY

1. The application to construct an athletic facility at NCS was filed on December 31, 1998. The application was submitted as two alternatives, the only difference in the alternatives being the inclusion of an existing building, known as the gatehouse, at the southeast corner of Woodley Road and Beauvoir Drive.
2. Petitions in opposition to the application were submitted to the BZA by the National Cathedral Neighborhood Association ("NCNA") on February 19, 1999, by the Cleveland Park Citizen's Association ("CPCA") on March 1, 1999, and by citizens in the neighborhood, prior to the initial BZA hearing on the application.
3. The Board first heard testimony on the application at its regularly scheduled meeting on March 5, 1999.¹ A continuance was granted for April 14, 1999.
4. On May 5, 1999, at its regularly scheduled public meeting, the Board waived its rules pursuant to 11 DCMR § 3301.1 to accept late-filed documents. The Board then postponed its decision on the NCS application in order to further evaluate legal issues raised by the opposition and the Applicant.
5. On June 2, 1999, the Board approved the application, subject to all conditions agreed to by NCS, ANC 3C, and CPCA.

¹ Testimony primarily concerned the issue of party status.

SUMMARY OF HEARING

1. At the April 14, 1999 public hearing, the BZA heard from the Applicant (represented by the law firm of Wilkes, Artis, Hedrick & Lane) and the opposition (represented by the law firm of Hunton & Williams), and from the Office of Planning ("OP"), NCNA, ANC 3C, CPCA, and numerous witnesses from the community.
2. Office of Planning, by memorandum dated February 26, 1999 and by testimony at the public hearing, recommended approval of the application subject to the conditions included in the ANC 3C resolution and usage guidelines of February 22, 1999. The basis of OP's recommendation included: the facility will be built to minimize impacts on the surrounding community, ample parking will be provided, and the student enrollment will not increase. At the hearing, OP also submitted a report by the Historic Preservation Review Board ("HPRB").²
3. Both the Applicant and the opposition showed videotapes of the proposed facility. These tapes were submitted into the record.
4. Representatives from the CPCA stated that their organization supports the application, provided that the conditions contained in their April 11th, 1999 usage agreement with NCS would be included in the order.
5. The NCNA opposed the application at the hearing. The NCNA witnesses testified that the proposed athletic facility does not meet the requirements of § 206 of the Zoning Regulations and is therefore likely to become objectionable to adjoining and nearby property owners. Specifically, the NCNA claimed that the size of the proposed facility was excessive, especially when compared to other such facilities; that use of the facility by non-students would negatively impact neighbors; that the facility would cause traffic problems; and, that parking in the area would be adversely affected by the proposed athletic facility. The NCNA also asserted that the community had not been adequately consulted regarding the proposed facility and its suggestions for the facility had only been minimally incorporated in the plans for the athletic facility. The NCNA submitted a petition with the signatures of over 300 nearby residents opposing the proposed facility. The NCNA also submitted a letter from the National Trust for Historic Preservation opposing demolition of the gatehouse and urging that the facility be built in a scale respectful to the neighborhood.

² The report, written by HPRB staff and adopted by HPRB at its January, 1999 meeting, approved the proposed athletic facility subject to certain conditions which included: sinking the athletic facility further into the ground, moving the facility further south, additional design development for the eastern elevation facing 34th Street, and consideration of a more acceptable alternative to the proposed chain link fence that would enclose the field on top of the athletic facility. Subsequently, at its February 25, 1999 public meeting, the HPRB determined that the gatehouse cannot be torn down and that other materials must be considered for the proposed fencing on top of the athletic facility. The applicant's motion to reconsider the determination was denied.

6. Ruthanne Miller, the Commissioner for ANC 3C09, requested at the hearing that any liaison committee to be established by the citizens and NCS be comprised of a greater number of individuals. In particular, she recommended that more of the committee members be representatives of ANC 3C.

7. Witnesses for the Applicant, most of which lived in the surrounding area, submitted letters and testified in support of proposed athletic facility. They focused primarily on: the need for quality schools within the District; the importance of giving young women access to athletics; the respect with which NCS has treated the desires of the surrounding community; and the lack of an existing negative impact on the surrounding community by NCS.

8. Witnesses from the surrounding area also submitted letters and testified in opposition to the application. Their assertions included: community outreach was not comprehensive enough; not enough parking would be provided; the proposed facility is too large; the proposed facility is in the wrong place; traffic will be negatively impacted; and ANC 3C had not adequately addressed their concerns.

9. A letter from the Stoddard Soccer League supporting the NCS application was read aloud at the hearing and submitted into the record.

10. The Applicant's traffic expert, by report and by testimony, asserted that the athletic facility would have no adverse impact on traffic in the area. The expert stated that the traffic operation along Woodley Road and in the intersections studied would remain within acceptable levels. The opposition's traffic expert, however, stated that the Applicant's traffic report is not comprehensive enough and that there was likely to be adverse impact from traffic if the facility is built as proposed.

11. At the close of the hearing, the Board decided that the record was to be left open until April 27th to admit the ANC resolution of April 26th and draft orders from the Applicant and the opposition. The Board stated that responses to these submissions submitted before the May 5th hearing would also be accepted into the record.³

FINDINGS OF FACT⁴

1. The National Cathedral grounds ("the Close") consists of approximately 57 acres of land in Northwest Washington, D.C., on which are located the National Cathedral, NCS, St. Alban's Church, St. Alban's School, the Beauvoir School, the College of Preachers, residences and accessory buildings. The Close is bounded by Massachusetts Avenue and Garfield Street to the south, Wisconsin Avenue to the west, Woodley Road to the north, and 34th Street to the east.

³ In total, the documents accepted into the record after close of the April 14th the hearing were: a draft order from the Applicant, received on April 27, 1999; a draft order from the opposition, received on April 29, 1999; the ANC 3C resolution of April 26, 1999, received on April 30, 1999; a letter from ANC 3C-09 Commissioner Ruthanne Miller, received on April 29, 1999; a response from the opposition, received on May 3, 1999; and a response from the Applicant, received on May 3, 1999.

⁴ Findings based on testimonial evidence will be followed by a bracket indicating the source.

2. The portion of the Close that is the subject of this application is zoned R-1-B.
3. The school consists of three main buildings: Hearst Hall, Woodley North, and Whitby Hall. Hearst Hall is located in the northwest corner of the Close and on Lot 25, the same lot as the proposed athletic facility. Hearst Hall houses the Upper School and most of the NCS administrative offices, and served as the center of all operations of NCS until 1917. Woodley North and Whitby Hall, located in Lot 22, are separated from the Close by Woodley Road and are on a site bounded by Wisconsin Avenue to the west, 36th Street to the east, Lowell Street to the north, and Woodley Road to the south.
4. The BZA previously approved an addition to Whitby Hall (Order No. 15691) which included a condition that NCS school enrollment not exceeds 546 students, and the total number of full-time equivalent staff not exceeds 105.
5. NCS' current athletic facilities are located at the northeast corner of the Close, adjacent to 34th Street and Woodley Road, N.W., and include two non-regulation-size athletic fields, eight tennis courts, and related support facilities. The proposed athletic facilities will be located on and under these existing facilities.
6. The NCS application provides for construction of a new 83,160 sq. ft. athletic facility (including a field house, 4 multi-use courts, a 3,500 sq. ft. weight room, locker rooms, an elevated indoor track and a climbing wall), two associated grass athletic fields, a 4,360 sq. ft. entry pavilion, and a 16,000 sq. ft. parking garage.
7. Approximately 4,360 square feet of the athletic facility will be above grade. 17 feet of the proposed field house will rise above the grade of Woodley Road, and about 27 feet of the building will rise above the grade of the lower field along 34th Street. No other structures are to be built in conjunction with the athletic facility will be in excess of 40 feet. The subject structure will have a rear yard set back of 240 feet, the east side yard will be set back 228 feet, and the west side yard will be set back 72 feet.
8. The proposed project also calls for the construction of walls and fences around the athletic facility. The wall at Woodley Road, N.W., will have a height of four feet, two inches at its west end and ten feet, two inches at its east end. The wall at the lower east elevation will be between nineteen feet, four inches to twenty-two feet, two inches. The proposed height of the wall was reduced in order to address ANC 3C concerns. The athletic fence will be constructed to a height of eight feet.
9. The physical characteristics of the buildings included in the proposed facility will remain the same whether the existing gatehouse is included in the plans for the facility or is demolished.
10. The level of interscholastic competition at the school will not change significantly with construction of the new facilities. The increased use that will result from the facility will primarily come from the intramural and fitness activities of the student body.

11. The applicant's plans, and the CPCA and ANC 3C usage agreements with NCS, include measures and conditions to address the issues of noise, traffic, the visual impact of the facility, and construction.

- a) With respect to noise, the plans and agreements provide that: there will be no field lighting for night use of the fields; some of the sports formerly played above grade will now be played below grade; use of the playing fields will be allowed from 9:00 a.m. to 8:30 p.m. on weekdays, from 9:00 a.m. to 6:00 p.m. on Saturdays, noon to 5:00 p.m. on Sundays, and in the summer from 8:00 a.m. to 6:00 p.m. on weekdays only; non-NCS/Foundation use of the athletic fields will be allowed from 10:00 a.m. to 6:00 p.m. on Saturday, noon to 5:00 p.m. on Sunday, and in the summer from 10:00 a.m. to 7:00 p.m. on weekdays, 10:00 a.m. to 6:00 p.m. on Saturday, noon to 5:00 on Sunday, and is limited to 40 people on the field at one time; the proposed building will be set back from the nearest residences along Woodley Road, N.W., and 34th Street, N.W.
- b) In order to alleviate present and future traffic congestion, the Applicant plans to change the current Beauvoir Drive circulation pattern to provide a connection to South Drive with a one-way circulation on Beauvoir Drive. [Applicant, T. 80-85, 371-72]. Also, the Applicant's traffic expert concluded, and the Board finds, that the proposed facility will not have a noticeable impact on traffic on Woodley Road or nearby intersections.
- c) The landscape treatments included in the project increase the amount of open space on the Close, provide landscape edge treatments that screen views of the proposed athletic center, and place the proposed athletic facilities in a setting that is compatible with the character of the neighborhood. [Applicant, T. 75].
- d) NCS is providing 53 parking spaces, in addition to the 85 already on the site, for use in conjunction with the facility. [Applicant, T. 87].⁵
- e) A preliminary construction management plan was developed through discussions with surrounding neighbors, ANC 3C, and other citizens' groups, and includes the following elements:
 - 1) The portion of the lower athletic field least visible to the neighbors will be the staging area for the construction site.
 - 2) Flagmen will be used to direct traffic where the trucks come in and out of the Close.
 - 3) The Applicant has agreed to a construction schedule from 7:00 a.m. to 7:00 p.m., Monday through Saturday.
 - 4) The construction contractor will be required to provide an off site parking facility for its workers.

⁵ In addition, parking provided after 3:30 p.m. includes approximately 30 spaces in the Beauvoir School parking lot and up to 90 parking spaces on South Drive at the College of Preachers.

- 5) The Applicant will develop a liaison committee to monitor construction and address any construction-related problems.
12. ANC 3C filed a resolution with the Board dated February 22, 1999, after holding four public meetings to discuss the NCS application. The resolution supported the application for the proposed athletic facility subject to certain requests intended to address potential adverse impacts upon the neighborhood. The requests included:
- a) Limit after school and non-school usage of the athletic and establish a liaison committee to oversee such usage.
 - b) Reduce parking and traffic problems.
 - c) Manage construction so as to minimize impact on the neighborhood.
 - d) Reduce size of proposed wall along Woodley Road.
13. The CPCA, on April 3, 1999, passed a resolution in opposition to the proposed athletic facility. However, the CPCA stated that it would withdraw its opposition if the terms of the April 11, 1999 usage agreement⁶ arrived at through its negotiations with NCS were incorporated in the BZA order. The Usage Agreement contains:
- a) Limitations on hours of use.
 - b) Limitations on sound amplification.
 - c) Requirement of availability of parking in the parking garage when facilities are in use.
 - d) Requirements regarding the placement of signs for traffic control in the neighborhood.
 - e) Requirements regarding traffic control during events.
 - f) Limitations on NCS/Foundation and community use.
 - g) A provision providing for the establishment of a liaison committee composed of NCS, NCS/Foundation, CPCA, Cleveland Park Historical Society, ANC 3C, NCNA, and adjacent property owners.
14. ANC 3C, in its second resolution of April 26, 1999, partially rescinded and revised its February 22, 1999 resolution, voting 5-1 to adopt the April 3, 1999 CPCA agreement in its entirety and a number of additional provisions.⁷ The additional provisions contain:
- a) Landscaping requirements.
 - b) A requirement of staff presence in parking garage.
 - c) Restrictions on use of facility for non-athletic events.

⁶ The usage agreement was signed by the Chair of the NCS Governing Board, the NCS Headmistress, the Chair of the CPCA Zoning Committee, and the CPCA President.

⁷ The Commissioner for ANC 3C-09, a single member district, voted against the resolution, objecting to the provisions restricting the amount of people on an athletic field at any one time to 40, restricting the amount of people present at any one time inside the proposed building to 50, and limiting the use of the building by non-NCS members.

- d) A prohibition on sale of memberships to the facility.
- e) Liaison committee meeting obligations.
- f) Parking requirements, including providing additional underground parking beyond that proposed in the application if feasible.
- g) Measures to minimize the effect of construction of the facility, including establishment of a construction liaison committee. The resolution also attached a "Construction and operation Conditions".

15. The applicant has agreed to be bound by the ANC 3C resolution. [Applicant T. 121-24].

16. In the event of a contradiction or incompatibility with respect to any particular provision of the CPCA Usage Agreement and the ANC 3C April 26 resolution, the applicant agrees that the more restrictive of the two will govern. *Id.*

CONCLUSIONS OF LAW AND ORDER⁸

The Applicant is seeking to construct an athletic facility at a private school in an R-1-B District. The proposed facility could not be constructed as a matter of right under its current zoning category. Thus, the Applicant is seeking an expansion of an existing special exception use (private school).

The BZA is authorized to hear and decide requests for special exceptions pursuant to Section 8 of the Zoning Act of 1938. Private schools are identified among the uses permitted as special exceptions in an R-1 zone (11 DCMR § 206.1).

In order to obtain a special exception, Section 3108 of the Zoning Regulations requires applicants to demonstrate that the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps.

In addition, Section 206.2 of the Zoning Regulations requires that the private school be located so that is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

The Board finds that the applicant has met its burden in demonstrating that the new athletic facility is in harmony with the purpose and intent of the Zoning Regulations and Maps and is not likely to become objectionable to, or adversely affect, adjoining and nearby property owners because of noise, the number of students, or present otherwise objectionable conditions. The Board notes that the facility, to be built on top of and underneath existing athletic fields, [F.F. 5] will be located near a school campus and church compound in an area where it will not have a deleterious effect on the community. The design of the facility will minimize noise and visual exposure, [F.F. 7, 8, 11]. Specifically, the height of the wall and athletic facility will not have adverse impacts on properties to the north, across Woodley Road, while open space at the location of the facility will be in harmony with such properties. As to the number of students, the enrollment level will remain the same, in accordance with a previous BZA Order [F.F. 4],

⁸ References to Findings of Fact will be designated as "F.F. ___".

and the amount of athletic competition will not change significantly. [F.F. 5, 10]. As to the issue of traffic, the Board accepts the opinion of the Applicant's traffic expert that no significant traffic problems for the surrounding area will result from use of the proposed facility. [F.F. 11] Also, the traffic circulation changes to Beauvoir Drive are expected to prevent traffic congestion adjacent to the facility. *Id.*

In order to ensure that the proposed facility will not adversely affect the neighborhood, the Board's approval is made subject to the terms of the usage agreement between the Applicant and the CPCA and the conditions in ANC 3C's April 26, 1999 revision of its February 22, 1999 resolution (including the conditions of the attached "Construction and Operation Conditions"). The usage agreement and ANC resolution are incorporated in this order as Appendix A and B, respectively. These terms and conditions, developed through discussions with NCS, represent a substantial accommodation of the concerns of the neighborhood through the imposition of restrictions and limitations on NCS's construction and use of the proposed facility. Concerns addressed by the terms and conditions chiefly relate to after school and non-school use of the facility, parking and traffic, and impact on the community during construction of the facility. [F.F. 13, 14]. In addition, the liaison committee to be established under the agreements will serve as a vehicle through which future citizen requests and concerns may be addressed. The Board, in approving this application and in making its approval subject to the conditions agreed to by the ANC, has taken into account the ANC's unique vantage point and found its advice persuasive. In doing so, the Board gave the ANC the great weight to which it is entitled.

Section 206.3 of the Zoning Regulations requires ample parking space, no less than that required by Chapter 21 of the Zoning Regulations which governs parking. Pursuant to such Regulations, NCS will be required to provide a total of 110 parking spaces at the facility. NCS plans to construct at least 53 additional spaces bringing the total to 138 at the facility. [F.F. 11] Therefore, the parking provided will exceed regulatory requirements.

Section 400.1 of the Zoning Regulations allows structures in an R-1-B District to be built to a maximum height of 40 feet. An institutional building, such as the proposed field house, may be erected to a height not exceeding 90 feet, provided that it is removed from all lot lines a distance of not less than one foot for each foot in excess of that authorized in the district in which it is located. No structures to be built in conjunction with the athletic facility will be in excess of 40 feet (the proposed field house will reach a height of almost 27 feet). [F.F. 7] Thus, the proposed athletic facility is in conformance with the Zoning Regulations height limitations for an R-1-B District.

Additionally, to approve an expansion of a special exception, the use must also be either part of, or accessory to, the existing special exception principal use. Thus, the use must be characterized as either principal or accessory. The opposition argues that the proposed athletic facility is neither and that a use variance is required. The Board disagrees.

The Board concludes that the athletic facility is an extension of the principal use. Athletics is a form of education, and thus the athletic facilities are educational facilities. It, therefore, follows that the applicant need only meet the standard for a private school special exception. However, even if the proposed athletic facility could not be fairly characterized as an extension of the

existing principal use, it would nevertheless meet the test for accessory uses as set forth in the Zoning Regulations.⁹

The Zoning Regulations define "accessory use" as: "a use customarily incidental and subordinate to the principal use, and located on the same lot as the principal use." 11 DCMR § 199.1.

1. Customarily Incidental and Subordinate Test

Under the first part of the "accessory use" definition, the Board must determine whether this facility can be characterized as customarily incidental and subordinate to a private school.

An athletic facility is nearly always provided to students of a private school and can be characterized as customarily incidental and subordinate to a private school. The Board has previously approved a number of athletic facilities in conjunction with private schools under a special exception, thus establishing that at least the first part of this test has been met in the past. *See BZA Order No. 16273, Lab School* (Board granted a special exception to private school to construct a 18,800 square foot athletic facility which included a gym, a pool, athletic courts, and exercise equipment for up to 310 students). The Board finds that this application is for an athletic facility, and not a community center as alleged by those in opposition to the application and that the characteristics of this facility allow it to be categorized as accessory to a private school.

2. Same Lot Test

Next, the definition of "accessory use" requires that the proposed use be on the same lot as the principal use.

At NCS, Hearst Hall is on the same lot as the proposed athletic facility. This leaves the other two halls on a lot across the street from the lot on which proposed athletic facility will be built. The Board concludes that, under the circumstances presented here, the "same lot" part of the test is satisfied even though only part of the school is on the same lot as the athletic facility.¹⁰ A different interpretation would produce the absurd result of the Board granting the special exception with respect to the Upper School, and requiring a variance for the Lower and Middle schools.

⁹ The definition of "public school" contained in 11 DCMR § 199 is not helpful to this analysis. The preamble to the 1968 rulemaking that established the definition stated that the definition was intended to "permit the District of Columbia Board of Education greater flexibility in the location and design of public school buildings in residential zones. . .". 15 DCR 29. This language it makes clear the definition was devised to favor the unimpeded development of public schools as matter of right uses. Thus, the definition was intended to be narrowly applied and not expanded by analogy to other uses.

¹⁰ The Board notes that the existing facilities on the same lot as the proposed use are substantial and include the school's main administrative offices, [F.F. 3] moreover, the use originated from this same lot. [F.F. 3].

For the reasons stated above, it is hereby **ORDERED** that the application be **GRANTED** with respect to either of the two plans submitted¹¹ in the application subject to the following **CONDITIONS**:

1. The Applicant shall comply with each and every term set forth in the CPCA - NCS Usage Agreement of April 11, 1999, attached hereto as Appendix A; and
2. The Applicant shall comply with each and every condition set forth in the ANC 3C resolution of February 22, 1999 as amended by the ANC resolution of April 26, 1999, attached hereto as Appendix B, including each and every condition contained in the "Construction and Operation Conditions".

In the event of a contradiction or incompatibility with respect to any particular provisions of the CPCA Usage Agreement and the ANC 3C's April 26, 1999, revision of its February 22, 1999, resolution, the more restrictive of the two will govern. Both agreements include establishment of a liaison committee. The membership of this committee will be the same under the terms of both agreements. Therefore, the Board finds that the establishment of one liaison committee will satisfy both agreements.

A violation of any of these conditions shall be considered a failure to comply with this Order. The violation shall be deemed recurring. Chapter 32 of the Zoning Regulations sets forth provisions with respect to enforcement and penalties for violations of the regulations. Section 3205 requires compliance with conditions in orders of the Board and provides that, if a building permit or certificate of occupancy has been issued pursuant to a decision of the Board to approve a special exception, then each condition to the approval of that special exception shall be treated as a condition to the issuance of the building permit or certificate of occupancy as well. 11 DCMR § 3205.4 (1995). Failure to abide by the conditions, in whole or in part, shall be grounds for the revocation of any building permits or certificate of occupancy issued pursuant to this order.

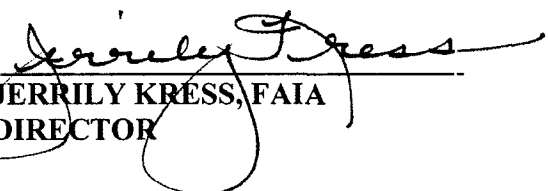
VOTE: 4-0 (Betty King, John Parsons, Sheila Cross Reid, and Jerry Gilreath to grant.)

THE DECISION TO GRANT THE APPLICATION WAS MADE BY THE BOARD OF ZONING ADJUSTMENT AT ITS PUBLIC MEETING OF JUNE 2, 1999.

EACH CONCURRING MEMBER OF THE BOARD HAS READ AND APPROVED THE ISSUANCE OF THIS ORDER AND AUTHORIZED THE UNDERSIGNED TO EXECUTE IT ON THEIR BEHALF.

¹¹ In doing so, the Board in no way absolves that applicant from complying with the law pertaining to Historic Preservation or authorizes any action that is inconsistent with those laws or with any determination made pursuant to those laws.

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

JERRILY KRESS, FAIA
DIRECTOR

Final date of Order: AUG 17 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISION OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR § 310.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH A PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16433

As Director of the Office of Zoning, I hereby certify and attest that on AUG 17 1999 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Wayne S. Quin
Wilkes, Artis, Hedrick and Lane
1466 K Street, N.W., Suite 1100
Washington, DC 20006

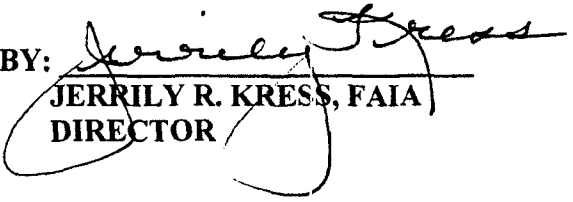
Ruthanne G. Miller, Commissioner
Advisory Neighborhood Commission 3C09
2737 Devonshire Place, N.W.
Washington, DC 20008

Nat'l Cathedral Neighborhood Assoc.
C/o Thomas E. Dernoga
Gray & Dernoga
6510 Paper Place
Highland, Maryland 20777

Nat'l Cathedral Neighborhood Assoc.
C/o Richard L. Aguglia
Hunton & Williams
1900 K Street, N.W.
Washington, D.C. 20006-1109

Ann Hume Loikow, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, DC 20008

ATTESTED BY:


JERRILY R. KRESS, FAIA
DIRECTOR

Usage Agreement

for the National Cathedral School Athletic Facilities

The following agreement between the National Cathedral School (NCS) and the Cleveland Park Citizens Association (CPCA) has been concluded with the intent that the terms thereof shall be incorporated as a condition in any order issued by the Board of Zoning Adjustment granting the special exception requested by the Protestant Episcopal Cathedral Foundation of the District of Columbia (Foundation) on behalf of NCS in BZA Application 16433. This agreement addresses the usage of the athletic facility and related playing fields (collectively, "the facilities") of the NCS.

GENERAL LIMITATIONS:

1. Closing times indicated below refer to the time the doors are locked and the users are gone. "Dusk" means one hour after official sundown.
2. Opening times indicated below refer to the time the doors are unlocked, and users shall not be allowed to arrive before such times.
3. There shall be no lighting of the fields whatsoever, and no playing "under lights" at any time.
4. There shall be no sound systems installed outside. NCS may use a portable system for occasional NCS athletic events, but shall not use such system in a manner that is likely to become objectionable to adjacent or nearby property. There shall be no other outside sound amplification whatsoever.
5. The parking garage must be open and available whenever the facilities are in use.
6. NCS shall request that the D.C. Department of Public Works install appropriate signage to prohibit stopping, standing, and discharging or picking up of passengers by any vehicles, including vans and buses (except scheduled Metro buses), on the south side of the 3400 and 3500 block of Woodley Road, N.W.
7. The NCS/Foundation shall provide personnel to control traffic for major events or several concurrent events and shall use its best efforts to ensure that all vehicles park on the Close. NCS shall stress this commitment to all community groups and visiting teams using the facilities.

NCS / FOUNDATION USAGE:

1. NCS/Foundation usage refers to use by students and staff of NCS, Beauvoir School, St. Albans School for Boys, and visiting teams; and to limited incidental participation of families of students and individual employees of the Foundation who work on the Close. This use shall include summer camps capped at present levels of 180 children.

2. The facilities shall be available for NCS/Foundation usage only between the following hours:

<u>School Year</u>		
	Building	Playing Fields
Mon. through Fri.	7:00 AM to 9:00 PM	9:00 AM to Dusk or 7:00 PM* (whichever is earlier) [*Except scheduled NCS practices or games: 9:00 AM to Dusk or 8:30 PM (whichever is earlier)]
Saturday	9:00 AM to 9:00 PM	9:00 AM to Dusk or 6:00 PM (whichever is earlier)
Sunday	Noon to 5:00 PM	Noon to 5:00 PM

<u>Summer Camp</u>		
	Building	Playing Fields
Mon. through Fri.	8:00 AM to 6:00 PM	8:00 AM to 6:00 PM

3. All parents, staff, students, visiting teams, and guests shall be instructed in advance and required to park all cars, buses, or vans on the Close. NCS shall incorporate this requirement in its policy statements.

4. The NCS/Foundation shall coordinate usage to avoid conflict with parking needs or traffic-flow needs of other events on the Close.

5. NCS/Foundation usage shall be limited to no more than six nonathletic events per year between them (such as fund raisers, award dinners) involving more than 100 people but no more than 400 people. Such events shall end no later than 10:00 PM on Sunday through Thursday, or 11:00 PM on Friday or Saturday, and shall be conducted so as not to be objectionable to adjacent or nearby property. NCS may cede to the Protestant Episcopal Cathedral Foundation of the District of Columbia one of the above six nonathletic events per year, subject to all the same limitations and conditions as would apply to NCS.

These limitations shall not apply to NCS, Beauvoir, or St. Albans student assemblies held during the normal school day.

NON NCS / FOUNDATION USAGE:

Inasmuch as NCS has stated, "It has been and shall continue to be NCS' policy to make its recreational facilities available to members of the community for individual use and for small groups of adults and children," the following conditions shall apply:

1. Although the facilities do not constitute a community center, such community use shall conform to the provisions of §209, Community Centers (R-1), of Title 11 of the District of Columbia Municipal Regulations (attached).
2. There shall be no non-NCS/Foundation use (rental or free) of the facilities for either athletic or nonathletic use to more than 50 persons at any one time in the building, and to no more than 40 persons at any one time on the field.
3. Only one outside playing field shall be used at any one time, and there shall be a 45 minute interval between scheduled uses.
4. The facilities may be made available to community users only between the following hours:

	<u>School Year</u>	
	Building	Playing Fields
Mon. through Fri.	7:00 <u>PM</u> to 9:00 PM	None
Saturday	9:00 <u>AM</u> to 9:00 PM	10:00 AM to Dusk or 6:00 PM (whichever is earlier)
Sunday	Noon to 5:00 PM	Noon to 5:00 PM

	<u>Summer</u>	
	Building	Playing Fields
Mon. through Fri.	9:00 AM to 9:00 PM	10:00 AM to Dusk or 7:00 PM (whichever is earlier)
Saturday	9:00 AM to 9:00 PM	10:00 AM to Dusk or 6:00 PM (whichever is earlier)
Sunday	Noon to 5:00 PM	Noon to 5:00 PM

5. All community users shall be required to park on the Close as a precondition of use. NCS shall limit the number and size of groups to those that can and will be parked on the Close.
6. Inasmuch as parking is a precondition of use, NCS shall coordinate community usage to avoid conflicts with parking needs or traffic-flow needs of other events on the Close.

IMPLEMENTATION:

A Liaison Committee shall be established to oversee and coordinate implementation of this agreement. The Committee shall consist of two representatives from each of the following parties:

1. National Cathedral School
2. Protestant Episcopal Cathedral Foundation of D.C.
3. Cleveland Park Citizens Association
4. Cleveland Park Historical Society
5. Advisory Neighborhood Commission 3C
6. National Cathedral Neighborhood Association
7. Adjacent individual property owners (one selected by owners of the houses on the 3400 and 3500 block of Woodley Road, the 3100 block of 35th Street, and the west side of the 3100 block of 34th Street; and one selected by owners of the houses on from the 3000 block of 34th Street, the east side of the 3100 block of 34th Street, and the 3300 block of Woodley Road, plus the owner of 3333 Cleveland Avenue [all streets being in N.W. Washington])

For the National Cathedral School

Jane E. Gensler Date 4/11/99
Jane Gensler, Chair of the Governing Board

Agnes C. Underwood Date 4/11/99
Agnes C. Underwood, Headmistress

For Cleveland Park Citizens Association:

Isabel M. Furlong Date Apr. 11, 1999
Isabel M. Furlong, Chair of the Zoning Committee

Gregory R. New Date Apr. 11, 1999
Gregory R. New, President

specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

- 207.2 The uses listed in §207.1 shall be subject to any requirements for setbacks, screening, or other safeguards that the Board deems necessary for the protection of the neighborhood.

SOURCE: §3101.43 of Regulations effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).

208 PRIVATE STABLES (R-1)

- 208.1 Use as a private stable shall be permitted as accessory use in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

- 208.2 A private stable shall be set back fifty feet (50 ft.) from all lot lines.

- 208.3 A private stable shall be located so as not to affect adversely the light and air of the building to which it is accessory or of adjacent land and buildings.

SOURCE: §3101.44 of Regulations effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).

209 COMMUNITY CENTERS (R-1)

- 209.1 Use as a community center building, park, playground, swimming pool, or athletic field operated by a local community organization or association shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

- 209.2 A community center shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located.

- 209.3 A community center shall offer no articles of commerce for sale in the center.

- 209.4 A community center shall not likely become objectionable in a Residence district because of noise or traffic.

- 209.5 The use of a community center shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

SOURCE: §3101.45 of Regulations effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988)

ADVISORY NEIGHBORHOOD COMMISSION 3-C

APPENDIX B

GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS · CLEVELAND PARK · MASSACHUSETTS AVE. HEIGHTS · MCLEAN GARDENS · WOODLEY PARK

2737 DEVONSHIRE PLACE, N.W.
 WASHINGTON, D.C. 20008
 (202) 232-2232 FAX: 232-0667

Single Member District Commissioners:

01-Cheryl A. Opadich
 02-Alan Blevins
 03-Michael V. Molnar
 04-Vacant
 05-Ann Hume Loikow
 06-Jim Evans
 07-Lyle Blanchard
 08-Rosalyn P. Doggett
 09-Ruthanne Miller

OFFICE OF THE
DISTRICT COMMISSIONER

99 APR 30 AM 3:1

April 27, 1999

Chairman Sheila Cross Reid
 District of Columbia Board of
 Zoning Adjustment
 441 Fourth Street, N.W., Room 210
 Washington, D.C. 20001

Re: ANC 3C's second resolution regarding BZA
 Application No. 16433

Dear Chairman Reid:

At its regular monthly meeting last night, Advisory Neighborhood Commission ("ANC") 3C reconsidered its position on BZA Application No. 16433, submitted by the Protestant Episcopal Cathedral Foundation of the District of Columbia for a special exception for the construction of an athletic facility with two surface athletic fields and related below grade parking. The meeting was properly noticed and a quorum was present, a quorum being 5 and 6 commissioners being present during the entire meeting.

The ANC approved a resolution partially rescinding and revising its February 22, 1999 resolution. The resolution was approved by a majority vote (5/1). A copy of the approved resolution and the February 22, 1999 resolution as revised by the April 26, 1999 resolution are attached.

The resolution approved last night strikes the provisions of the February 22, 1999 resolution dealing with usage and inserts in lieu thereof the provisions of the April 11, 1999 Usage Agreement between the National Cathedral School and the Cleveland Park Citizens Association with five amendments to the terms of that agreement. The ANC resolution also states that if the Board of Zoning Adjustment does not include the conditions in its February 22, 1999 resolution, as amended by its April 26, 1999 resolution, in its order, the ANC withdraws its conditional support of the application.

The ANC appreciates having the opportunity to submit this second resolution. Thank you for consideration of ANC 3C's views on this application.

Sincerely,



Ann Hume Loikow
 Chair, ANC 3C

BZA

CASE No.

16433

EXHIBIT No.

80

**SECOND RESOLUTION OF ANC 3C ON B.Z.A. APPLICATION NO. 16433,
BY THE PROTESTANT EPISCOPAL CATHEDRAL FOUNDATION OF THE DISTRICT
OF COLUMBIA FOR A SPECIAL EXCEPTION AT 3500 WOODLEY ROAD, N.W.**

WHEREAS the Protestant Episcopal Cathedral Foundation of the District of Columbia ("Foundation") has applied to the Board of Zoning Adjustment ("BZA") for a special exception for the construction of an athletic facility with two surface athletic fields and related below grade parking (BZA Application No. 16433) for one of its subsidiary institutions, the National Cathedral School for Girls ("NCS"); and

WHEREAS the BZA at its April 14, 1999 public hearing on this application requested that Advisory Neighborhood Commission ("ANC") 3C review the April 11, 1999 Usage Agreement for the National Cathedral School Athletic Facilities between the Cleveland Park Citizens Association ("CPCA") and the NCS ("April 11, 1999 Usage Agreement") and attempt to reconcile it with the recommendations on usage contained in the ANC's February 22, 1999 resolution; and

WHEREAS at its public meetings on February 16, February 22, March 22, and April 26, 1999, the ANC has heard oral comments on the issue of usage of the proposed athletic facility, as well as considered written materials previously submitted by, the Applicant, neighbors, NCS students and parents, and other community groups; and

WHEREAS the BZA has given the ANC until April 27, 1999 to submit additional comments on usage of the proposed athletic facility, the ANC reconsidered its comments on the usage guidelines at its properly noticed monthly public meeting on April 26, 1999, at which a quorum was present:

NOW THEREFORE BE IT RESOLVED that the ANC partially rescinds and revises its February 22, 1999 resolution by:

1. Deleting section 2, entitled "Usage of the Athletic Facility," in its entirety and inserting in its place the terms of the April 11, 1999 Usage Agreement and adding at the end thereof before "Implementation":

"The Foundation and NCS shall not sell individual memberships for a price, fee or periodic dues allowing use of the facility by such individuals";

2. Amending the first sentence to section 4, entitled "Construction Management Conditions," by inserting "sections 1 and 2 of" before "the Construction and Operation Conditions: National Cathedral School Athletic Facility"; and

3. Adding a new subsection g. to section 4 to read as follows:

"g. A construction liaison committee shall be established consisting of two representatives each from the Protestant Episcopal Cathedral Foundation of the District of Columbia, the NCS, the ANC, the CPCA, the National Cathedral Neighborhood

Association, the Cleveland Park Historical Society, and adjacent individual property owners (one selected by owners of the houses on the 3400 and 3500 block of Woodley Road, NW, the 3100 block of 35th Street, NW, and the west side of the 3100 block of 34th Street, NW; and one selected by owners of the houses on the 3000 block of 34th Street, NW, the east side of the 3100 block of 34th Street, NW, and the 3300 block of Woodley Road, NW, and the owner of 3333 Cleveland Avenue, NW)."

BE IT FURTHER RESOLVED that paragraph 5 of the subsection a ("General Limitations") of the new section 2 ("Usage of the Athletic Facility"), as amended by paragraph one of this resolution, is amended by inserting "to the users of the athletic facilities, with a staff person on hand to control parking," after "available";

BE IT FURTHER RESOLVED that the first sentence of paragraph 1 of the subsection b ("NCS/Foundation Usage") of the new section 2, as amended by paragraph one of this resolution, is amended by inserting "school" before "use by students of";

BE IT FURTHER RESOLVED that subsection d ("Implementation") of the new section 2, as amended by paragraph one of this resolution, is amended by designating the text of subsection 2d as paragraph 1 of section 2d and inserting the following three new paragraphs:

- "2. The Liaison Committee should meet at least quarterly during the first year of the facility's operation, and semi-annually thereafter, to discuss usage and other issues related to the facility and its impact upon the neighborhood;
3. Any member of the Liaison Committee may convene a meeting at any time to respond to any immediate concerns; and
4. Notice of the meetings of the Liaison Committee will be posted on Woodley Road and 34th Street within three blocks of the Cathedral property.";

BE IT FURTHER RESOLVED that a new paragraph 6 is added to the subsection b ("NCS/Foundation Usage") of the new section 2, as amended by paragraph one of this resolution, to read as follows:

- "6. NCS shall not hold more than ten nonathletic evening events for more than 25 and less than 100 persons per year in the athletic facility.";

BE IT FURTHER RESOLVED that if the BZA does not include the aforementioned conditions in the February 22, 1999 resolution, as amended by this resolution, in its order, ANC 3C withdraws its conditional support of the application; and

BE IT FURTHER RESOLVED that ANC 3C authorizes the Chair of the ANC to transmit this resolution to the BZA.

Approved at the properly noticed monthly public meeting of ANC 3C on April 26, 1999, at which a quorum (6 commissioners present; five commissioners constituting a quorum) was present, by a vote of 5 in favor and one opposed.

**RESOLUTION OF ANC 3C ON B.Z.A. APPLICATION NO. 16433,
PROTESTANT EPISCOPAL CATHEDRAL FOUNDATION OF D.C. FOR THE
NATIONAL CATHEDRAL SCHOOL FOR GIRLS, 3500 WOODLEY ROAD, N.W.
[as amended by the Second Resolution of ANC 3C on B.Z.A. Application No. 16433, dated April 26, 1999]**

WHEREAS the Protestant Episcopal Cathedral Foundation of the District of Columbia ("Foundation") on behalf of the National Cathedral School for Girls ("NCS") has applied to the Board of Zoning Adjustment ("BZA") for a special exception for the construction of an athletic facility with two surface athletic fields and related below grade parking (BZA Application No. 16433); and

WHEREAS the application provides for the construction of a fieldhouse of 83,160 square feet, of which 4,350 square feet is above grade, two surface athletic fields, one on top of the facility and one adjacent to the facility, and a below grade parking facility with a capacity of 50 spaces and 3 above grade spaces near the entrance of the facility; and

WHEREAS the Applicant has represented that a new roadway will be constructed as part of the approved Beauvoir project that will connect Beauvoir Road and South Drive, thereby improving the internal circulation to the proposed Athletic Center and Beauvoir School; and

WHEREAS the application involves the elimination of five tennis courts bordering Woodley Road and the possible demolition of the gatehouse at Beauvoir Drive and 35th Street, N.W. (The Foundation submitted an application with two alternatives – one with and one without the gatehouse, pending its appeal of a January 1999 HPRB ruling that the gatehouse is a contributing element to the historic landmark and must therefore be retained.); and

WHEREAS ANC 3C had a special public meeting on February 16, 1999, to specifically consider this application before the BZA; and

WHEREAS proper notice of that meeting was given through the posting of written notices in at least 2 conspicuous places in each single member district within the Commission area and through the announcement of this special meeting at ANC 3C's previous public meeting on this project on January 25, 1999 concerning the Foundation's application before the Historic Preservation Review Board ("HPRB"); and

WHEREAS 5 members of ANC 3C constitute a quorum and 7 members were at the February 16, 1999 public hearing; and

WHEREAS ANC 3C considered this application at its public meeting on February 22, 1999 at which 7 members were present; and

WHEREAS proper notice of the February 22nd meeting was given through the posting of written notices in at least 2 conspicuous places in each single member district within the Commission area, through publication in the local newspapers, The Northwest Current and The Common Denominator, and through the announcement of this special meeting at ANC 3C's previous public meeting on this project on February 16, 1999; and

As Amended by Second Resolution from
ANC 3C on B.Z.A. App. No. 16433

WHEREAS ANC 3C has also considered written materials submitted by NCS, the Foundation, neighbors, students, parents of students and other members of the community expressing the need for and projected benefits of the proposed athletic facility; and expressing concerns regarding the size, design, location and landscaping of the facility, and related traffic, parking, noise, lighting and construction management issues; and

WHEREAS ANC 3C has expressed its concerns regarding the design and landscaping issues in its Resolution of January 25, 1999, submitted to the HPRB on January 27, 1999, and which is attached hereto for the BZA's reference and consideration; and

WHEREAS the standards of the Zoning Regulations against which this application must be judged are set forth in 11 DCMR 206 and 3108.1- that the proposed facility be located so that it is not objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions; that ample parking spaces be provided; and that granting of the application is in harmony with the intent of the zoning regulations and map and will not adversely affect the use of neighboring property.

THEREFORE BE IT RESOLVED with respect to the application pending before the BZA that ANC 3C supports the application with the following conditions:

1. Landscaping along Woodley Road and 34th Street

The landscaping plan along the perimeters of the site at Woodley Road with respect to the Woodley Road building wall is critical to preventing an adverse visual effect upon the neighborhood, particularly for those across the street. Accordingly,

- a. the Applicant should be required to maintain the landscaping along Woodley Road in a healthy growing condition, including evergreens, and to replace or substitute any landscaping elements that do not survive in a timely fashion;
- b. The Applicant should be required to notify ANC 3C and neighbors across the street of any changes to the landscaping design and consider their views before implementing any changes;
- c. The same principles should be extended to the landscaping along the 34th Street perimeter in order to ensure that the improved landscaping represented in the application continues;
- d. The wall along Woodley Road should be lowered or scaled back to the extent feasible to diminish the potential adverse impact on the neighbors' views and to be more in harmony with the homes across the street.

As Amended by Second Resolution from
ANC 3C on B.Z.A. App. No. 16433

2. Usage of the Athletic Facility

a. *General Limitations:*

1. Closing times indicated below refer to the time the doors are locked and the users are gone. "Dusk" means one hour after official sundown.
2. Opening times indicated below refer to the time the doors are unlocked, and users shall not be allowed to arrive before such times.
3. There shall be no lighting of the fields whatsoever, and no playing "under lights" at any time.
4. There shall be no sound systems installed outside. NCS may use a portable system for occasional NCS athletic events, but shall not use such system in a manner that is likely to become objectionable to adjacent or nearby property. There shall be no other outside sound amplification whatsoever.
5. The parking garage must be open and available to the users of the athletic facilities, with a staff person on hand to control parking, whenever the athletic facility and related playing fields (collectively, "the facilities") of NCS are in use.
6. NCS shall request that the D.C. Department of Public Works install appropriate signage to prohibit stopping, standing, and discharging or picking up of passengers by any vehicles, including vans and buses (except scheduled Metro buses), on the south side of the 3400 and 3500 block of Woodley Road, N.W.
7. The NCS/Foundation shall provide personnel to control traffic for major events or several concurrent events and shall use its best efforts to ensure that all vehicles park on the Close. NCS shall stress this commitment to all community groups and visiting teams using the facilities.

b. *NCS/Foundation Usage:*

1. NCS/Foundation usage refers to school use by students and staff of NCS, Beauvoir School, St. Albans School for Boys, and visiting teams; and to limited incidental participation of families of students and individual employees of the Foundation who work on the Close. This use shall include summer camps capped at present levels of 180 children.

As Amended by Second Resolution from
ANC 3C on B.Z.A. App. No. 16433

2. The facilities shall be available for NCS/Foundation usage only between the following hours:

School Year

	<i>Building</i>	<i>Playing Fields</i>
Mon. through Fri.	7:00 a.m. to 9:00 p.m.	9:00 a.m. to Dusk or 7:00 p.m.* (whichever is earlier) [*Except scheduled NCS practices or games: 9:00 a.m. to Dusk or 8:30 p.m. (whichever is earlier)]
Saturday	9:00 a.m. to 9:00 p.m.	9:00 a.m. to Dusk or 6:00 p.m. (whichever is earlier)
Sunday	Noon to 5:00 p.m.	Noon to 5:00 p.m.

Summer Camp

	<i>Building</i>	<i>Playing Fields</i>
Mon. through Fri.	8:00 a.m. to 6:00 p.m.	8:00 a.m. to 6:00 p.m.

3. All parents, staff, students, visiting teams, and guests shall be instructed in advance and required to park all cars, buses, or vans on the Close. NCS shall incorporate this requirement in its policy statements.
4. The NCS/Foundation shall coordinate usage to avoid conflict with parking needs or traffic-flow needs of other events on the Close.
5. NCS/Foundation usage shall be limited to no more than six nonathletic events per year between them (such as fund raisers, award dinners) involving more than 100 people but no more than 400 people. Such events shall end no later than 10:00 p.m. on Sunday through Thursday, or 11:00 p.m. on Friday or Saturday, and shall be conducted so as not to be objectionable to adjacent or nearby property. NCS may cede to the Protestant Episcopal Cathedral Foundation of the District of Columbia one of the above six nonathletic events per year, subject to all the same limitations and conditions as would apply to NCS. These limitations shall not apply to NCS, Beauvoir, or St. Albans student assemblies held during the normal school day.
6. NCS shall not hold more than ten nonathletic evening events for more than 25 and less than 100 persons per year in the athletic facility.

As Amended by Second Resolution from
ANC 3C on E.Z.A. App. No. 16433

c. *Non NCS/Foundation Usage:*

Inasmuch as NCS has stated, "It has been and shall continue to be NCS' policy to make its recreational facilities available to members of the community for individual use and for small groups of adults and children," the following conditions shall apply:

1. Although the facilities do not constitute a community center, such community use shall conform to the provisions of §209, Community Centers (R-1), of Title 11 of the District of Columbia Municipal Regulations.
2. There shall be no non-NCS/Foundation use (rental or free) of the facilities for either athletic or nonathletic use to more than 50 persons at any one time in the building, and to no more than 40 persons at any one time on the field.
3. Only one outside playing field shall be used at any one time, and there shall be a 45 minute interval between scheduled uses.
4. The facilities may be made available to community users only between the following hours:

School Year

	<i>Building</i>	<i>Playing Fields</i>
Mon. through Fri.	7:00 p.m. to 9:00 p.m.	None
Saturday	9:00 a.m. to 9:00 p.m.	10:00 a.m. to Dusk or 6:00 p.m. (whichever is earlier)
Sunday	Noon to 5:00 p.m.	Noon to 5:00 p.m.

Summer

	<i>Building</i>	<i>Playing Fields</i>
Mon. through Fri.	9:00 a.m. to 9:00 p.m.	10:00 a.m. to Dusk or 7:00 p.m. (whichever is earlier)
Saturday	9:00 a.m. to 9:00 p.m.	10:00 a.m. to Dusk or 6:00 p.m. (whichever is earlier)
Sunday	Noon to 5:00 p.m.	Noon to 5:00 p.m.

5. All community users shall be required to park on the Close as a precondition of use. NCS shall limit the number and size of groups to those that can and will be parked on the Close.

As Amended by Second Resolution from
ANC 3C on B.Z.A. App. No. 16433

6. Inasmuch as parking is a precondition of use, NCS shall coordinate community usage to avoid conflicts with parking needs or traffic-flow needs of other events on the Close.
7. The Foundation and NCS shall not sell individual memberships for a price, fee or periodic dues allowing use of the facility by such individuals.

d. *Implementation:*

1. A Liaison Committee shall be established to oversee and coordinate implementation of this agreement. The Committee shall consist of two representatives from each of the following parties:
 1. National Cathedral School
 2. Protestant Episcopal Cathedral Foundation of D.C.
 3. Cleveland Park Citizens Association
 4. Cleveland Park Historical Society
 5. Advisory Neighborhood Commission 3C
 6. National Cathedral Neighborhood Association
 7. Adjacent individual property owners (one selected by owners of the houses on the 3400 and 3500 block of Woodley Road, the 3100 block of 35th Street, and the west side of the 3100 block of 34th Street; and one selected by owners of the houses on from the 3000 block of 34th Street, the east side of the 3100 block of 34th Street, and the 3300 block of Woodley Road, plus the owner of 3333 Cleveland Avenue [all streets being in N.W. Washington]).
2. The Liaison Committee should meet at least quarterly during the first year of the facility's operation, and semi-annually thereafter, to discuss usage and other issues related to the facility and its impact upon the neighborhood;
3. Any member of the Liaison Committee may convene a meeting at any time to respond to any immediate concerns; and
4. Notice of the meetings of the Liaison Committee will be posted on Woodley Road and 34th Street within three blocks of the Cathedral property.

3. Parking and Traffic Issues

- a. The Applicant shall provide 15 - 25 additional underground parking spaces or a total of 65-75 underground spaces, to be limited only by the constraints of the

Second Resolution from ANC 3C
On B.Z.A. App. No. 16433

existing tree roots, the necessity of adding a retaining wall or other compelling environmental factors;

- b. The Applicant shall provide a minimum of 15 parking spaces elsewhere on the Close if unable to provide them in the underground parking garage;
- c. The Student/Staff Parking Permit Program shall be developed in consultation with ANC 3C and interested neighbors;
- d. The Applicant shall provide a written commitment that this site will not be disturbed in the future by the Foundation to meet the parking needs for the Close as a whole;
- e. The Applicant shall provide a written commitment that the Beauvoir parking lot will be available for users of the NCS athletic facility after Beauvoir's school hours;
- f. The Applicant shall identify appropriate parking on the Close for school buses and vans and so notify visiting schools;
- g. The Applicant shall inform ANC 3C and the BZA when construction of the new roadway connection between Beauvoir School and South Drive (part of the Beauvoir School approved plan) is completed, prior to the completion of the NCS Athletic Center.

4. Construction Management Conditions

ANC 3C supports the inclusion in the BZA order of sections 1 and 2 of the Construction and Operation Conditions: National Cathedral School Athletic Facility, as revised February 22, 1999, and attached hereto, with the following additional conditions:

- a. Applicant shall obtain ANC 3C's approval for any after hour construction permits beyond the hours of 7 a.m. to 7 p.m. (Monday-Saturday);
- b. Applicant shall require the construction contractor to designate a traffic flag safety employee to direct trucks on and off the site in coordination with the traffic signal on 34th Street and Woodley Road;
- c. Applicant shall take necessary measures to reduce construction site noise and dust including watering trucks leaving the construction site;
- d. Applicant shall require the construction contractor to clean dirt and debris from 34th Street before the end of construction each day;

Second Resolution from ANC 3C
On B.Z.A. App. No. 16433

- e. Applicant shall minimize the start of heavy equipment operations on Saturday morning before 9 a.m.; and
- f. Applicant shall coordinate the construction of this project with any other construction on the Close occurring simultaneously; and
- g. A construction liaison committee shall be established consisting of two representatives each from the Protestant Episcopal Cathedral Foundation of the District of Columbia, the NCS, the ANC, the CPCA, the National Cathedral Neighborhood Association, the Cleveland Park Historical Society, and adjacent individual property owners (one selected by owners of the houses on the 3400 and 3500 block of Woodley Road, NW, the 3100 block of 35th Street, NW, and the west side of the 3100 block of 34th Street, NW; and one selected by owners of the houses on from the 3000 block of 34th Street, NW, the east side of the 3100 block of 34th Street, NW, and the 3300 block of Woodley Road, NW, and the owner of 3333 Cleveland Avenue, NW).

As Amended by Second Resolution from
ANC 3C on B.Z.A. App. No. 16433

CONSTRUCTION AND OPERATION CONDITIONS: NATIONAL CATHEDRAL SCHOOL ATHLETIC FACILITY

As part of the National Cathedral School's ("NCS") application for a special exception to the Board of Zoning Adjustment ("BZA") for an athletic facility in Application No. 16433, the following Construction and Operation Conditions ("Conditions") are offered to address issues related to the construction and use¹ of the facility, including the athletic building (and its garage), the athletic field over that building, and the athletic field to its east. These Conditions will be provided to the Advisory Neighborhood Commission (ANC) 3C for review and to the BZA for incorporation in its order approving the application.

CONDITIONS

1. CONSTRUCTION

a. Communication. NCS shall designate a representative ("Representative") to be the key contact for interaction with members of the community regarding the construction. The Representative will have a local office, phone, fax and voice mail, and be accessible during all business hours.

b. Permits. NCS will secure or cause to be secured all permits that are required for the completion of the project.

c. Site Management. NCS will require the erection and maintenance of temporary fencing and barricades around the perimeter of the site. Construction trailers and portable toilets will be located toward the rear of the site away from the street to the extent possible. A minimum amount of lighting will be provided at night. These lights will be sufficient to provide necessary security and to comply with federal and local safety standards. To the extent practicable, the rays from these temporary lights will be directed away from the residences on Woodley Road and 34th Street.

d. Cleanliness. NCS will require the continuous removal of rubbish and construction debris during the normal construction workday and during any other periods of work. Removal and replacement of dumpsters will occur only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:00 a.m. to 7:00 p.m. Saturday if a workday. Portable toilets will be placed away from the streets. NCS will require that Woodley Road and 34th Street are kept clean of any trash and debris resulting from the construction or employees of the contractors.

e. Work Hours. The normal construction work-week will be Monday through Friday 7:00 a.m. to 7:00 p.m. and if required by the schedule Saturday 7:00 a.m. to 7:00 p.m.

¹ Sections 3 (Use of the Athletic Facility) and 4 (Establishment of a Liaison Committee) deleted pursuant to the "Second Resolution of ANC 3C on B.Z.A. Application 16433 by the Protestant Episcopal Cathedral Foundation of the District of Columbia for a Special Exception at 3500 Woodley Road, N.W.," adopted April 26, 1999.

As Amended by Second Resolution from
ANC 3C on B.Z.A. App. No. 16433

All trucks for delivery of equipment, construction or other use will operate on the construction site only during the forgoing hours and days of the week.

f. Contractors. NCS will enforce contractor compliance with all rules and regulations described herein; such Condition will be included in any general and sub-contractor contracts.

g. Traffic, Parking and Loading. During the course of construction, particularly during excavation, most construction related vehicular traffic would access the site on 34th Street. It is expected that most truck queuing will occur on the project site. When queuing of the trucks on the streets is required, it will be kept to the minimum time possible. Flagmen will be provided when trucks enter and leave the site. Trucks leaving the site will move south on 34th Street to Massachusetts Avenue and then on to their destination; trucks will be required to arrive at the site by the same route. A minimum number of trucks may be required to arrive at and exit from Beauvoir Drive onto Woodley Road to remove small amounts of excavation materials or deliver new materials. The final routing of the trucks is subject to the approval of the Department of Public Works.

During excavation phase, NCS will establish means of easily identifying trucks that are involved in the NCS excavation.

NCS will require that the contractor ensure that operators of all construction vehicles are properly licensed and not operating with permission of any one local licensing jurisdiction following revocation of like license in any other local jurisdiction; ensure that the vehicle owners are properly insured for liabilities that may arise; and forbid construction worker parking in the neighborhood. Contractor shall make provisions for its workers to park onsite to the extent possible and other arrangements as maybe required to enforce this policy.

2. STUDENT/STAFF PARKING POLICY

NCS will institute a program of issuing parking stickers for staff and students who drive to school. NCS will establish a person responsible for enforcing the parking policy, with the telephone number of an appropriate NCS official to call if NCS students or staff are parked on or off the Close in a manner not permitted by either the NCS policies or municipal traffic and parking regulations.p

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17759 of Protestant Episcopal Cathedral Foundation of the District of Columbia, pursuant to 11 DCMR § 3104.1, for a special exception under § 206 to permit additions to buildings and an increase in student enrollment and the number of employees at an existing private school in the R-1-B and R-5-D Districts at premises 3609 Woodley Road, N.W. (Square 1922, Lot 175)¹

HEARING DATE: May 13, 2008

DECISION DATE: June 3, 2008

DECISION AND ORDER

This application was submitted November 21, 2007 by the Protestant Episcopal Cathedral Foundation of the District of Columbia, the owner of the property that is the subject of the application, on behalf of the National Cathedral School ("NCS") (hereinafter "Applicant"). Following a public hearing, the Board voted 4-0-1 on June 3, 2008 to grant the application subject to conditions.

Preliminary Matters

Application. The application was filed pursuant to 11 DCMR § 3104 for a special exception under 11 DCMR § 206 to permit certain additions to the National Cathedral School, an existing private school in an area zoned R-1-B and R-5-D at 3609 Woodley Road, N.W. (Square 1922, Lot 17). The zoning relief requested in this application was self-certified pursuant to 11 DCMR § 3113.2.

Notice of Application and Notice of Public Hearing. By memoranda dated November 26, 2007, the Office of Zoning sent notice of the application to the Office of Planning; the Department of Transportation; the Councilmember for Ward 3; Advisory Neighborhood Commission ("ANC")

¹ This application was advertised only as a request for special exception approval to permit additions to buildings at an existing private school. The caption as amended reflects that the Applicant also requested permission to increase the caps previously adopted by the Board with respect to student enrollment and to the number of faculty and staff at the subject property.

BZA APPLICATION NO. 17759
PAGE NO. 2

3C, the ANC for the area within which the subject property is located; and the single-member district ANC 3C09.

A public hearing was scheduled for May 13, 2008. Pursuant to 11 DCMR § 31.13.13, the Office of Zoning on February 21, 2008 mailed notice of the hearing to the Applicant, the owners of property within 200 feet of the subject property, and ANC 3C. Notice was published in the D.C. Register on February 29, 2008 (55 DCR 1939).

Requests for Party Status. In addition to the Applicant, ANC 3C was automatically a party in this proceeding. There were no requests for party status.

Applicant's Case. The Applicant provided testimony and evidence from Kathleen Jamieson, the NCS head of school; Kate Cullen, representing the Protestant Episcopal Cathedral Foundation; Gail Douglass of Hartman-Cox Architects, the project architect; and Louis Slade of Gorove/Slade Associates, a traffic consultant.

The application requested special exception approval of additions and alterations to buildings on the Woodley North campus of NCS, an existing private school. The Applicant described plans to make additions to some of its buildings, to install new windows and building facades, and to complete interior renovations. The planned modifications will entail (i) renovation of the buildings used by the middle school, including making life-safety and accessibility improvements, updating heating and air conditioning, electrical, and fire protection systems, and achieving compliance with current standards regarding energy consumption and building efficiency; (ii) creation of an entrance to the middle school that will provide a central space for middle-school administration and a student commons area; and (iii) development of a science and math "hub."

The Applicant also proposed to increase its total enrollment to a maximum of 585 students, and to increase its number of employees to a maximum of 150 full-time equivalent ("FTE") faculty and staff. According to the Applicant, the proposed increases will not change existing conditions with respect to noise, traffic, or other potentially objectionable conditions.

At the public hearing, the Applicant submitted a list of proposed conditions intended to mitigate any potential adverse impacts associated with the expanded private school use. The conditions generally addressed the number of students, faculty, and staff; parking; and the establishment of a neighborhood liaison committee. The Applicant indicated its agreement with conditions proposed by the Office of Planning and by ANC 3C, with the exception of a proposed condition that would preclude drivers with Zone 3 residential parking permits from parking on the streets in the vicinity of the subject property.

Government Reports. By report dated May 6, 2008 and through testimony at the public hearing, the Office of Planning ("OP") recommended approval of the application subject to certain conditions. OP's proposed conditions would require the Applicant to implement traffic

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management measures that would (i) prohibit student drop-offs on Woodley Road west of Wisconsin Avenue; (ii) require training the school crossing guard to better coordinate pedestrian traffic at the Woodley Road crosswalk with the red light at Wisconsin Avenue; (iii) require students to park in designated NCS parking spaces in the underground garage located on the nearby Cathedral Close; and (iv) encourage the use of the Hearst and North Road Circles on the Close for morning student drop-offs and afternoon pick-ups. OP also proposed a condition requiring a permanent allocation of 175 parking spaces in the garage for use by the Applicant's students and staff during school operating hours, and documentation that the Foundation would allocate the required spaces on a perpetual basis.²

ANC Report. At a regularly noticed and scheduled public meeting held April 21, 2008 with a quorum present, ANC 3C voted 6-0 to pass a resolution regarding the application. In the resolution, the ANC noted its "strong exception to the practice of private schools exceeding enrollment and faculty/staff levels as set by the BZA" but indicated no objection "to the enrollment increase or the significant faculty and staff increase over the previous BZA-approved levels," subject to the following conditions:

- (i) an NCS parking policy for students, staff, and visitors that requires parking on the Close, whether in marked surface or underground parking spaces, since adequate parking is available on the Close and new development will produce new demands for limited parking spaces;
- (ii) firm caps on student enrollment at 585 and faculty and staff at 150 FTEs, and an annual reporting requirement of actual levels to ANC 3C in December of each year;
- (iii) a pick-up and drop-off plan that reduces the amount of pick-up and drop-off from public streets and routes it to North Road, where there is a new signal to accommodate the school traffic and a new off-street pick-up and drop-off facility, since the transportation demand management program recently implemented by NCS does not ensure any reduction in traffic problems related to the practice of using public streets for pick-up and drop-off.

ANC 3C also conditioned its "no objection to the application" on assurances that the Applicant would create and implement a construction management agreement that would include a construction liaison committee comprised of the two members of ANC 3C whose single-member districts are contiguous to the construction project and representatives from each of the residential blocks most likely impacted by the construction.

Person in opposition. The Board received a letter and heard testimony from a resident of the 3600 block of Lowell Street who opposed the application on the ground that the Applicant

² At the hearing, it was determined that such documentation from the Foundation would be unnecessary because the Foundation is the Applicant in this case and is bound by this order.

“failed to provide formal and binding assurance that it will address issues” concerning privacy and the Applicant’s plans to construct new windows on the Lowell Street side of the Woodley North campus.

FINDINGS OF FACT

The Subject Property and Surrounding Area

1. The subject property is located at 3609 Woodley Road, N.W. (Square 1922, Lot 17). The lot is bounded by Wisconsin Avenue on the west, Lowell Street on the north, 36th Street on the east, and Woodley Road on the south. The rectangular parcel has an area of approximately 78,047 square feet (1.8 acres).
2. The site is improved with connected buildings that comprise the Woodley North campus of NCS, a college preparatory school founded in 1900 for girls in grades 4 through 12. The buildings – known as Scott Hall, Founders Hall, Procter Hall, Whitby Hall, and Whitby Center – are organized around a courtyard that opens on the south to Woodley Road.
3. The subject property is immediately north of the 57-acre National Cathedral Close (“Close”). The lower school (grades 4, 5, and 6) is located on the east side of the subject property, while the middle school (grades 7 and 8) occupies three buildings on the west side.
4. The upper school (grades 9 to 12) is located primarily on the Close in Hearst Hall, but also uses part of the Woodley North Campus. Hearst Hall also houses the school’s administrative offices. The NCS athletic facility is located on the Close. In addition, other entities of the Protestant Episcopal Cathedral Foundation are located on the Close, including Beauvoir School (nursery through third grade) and St. Albans School for Boys (grades 4-12).
5. The subject property is located within the Cleveland Park Historic District, although the buildings were constructed after the period of significance (that is, 1880 to 1941) and are non-contributing. On January 24, 2008, the Historic Preservation Review Board (“HPRB”) gave concept approval of the Applicant’s project. The Applicant indicated its intent to continue to work with the Historic Preservation Office during the design phase of the project.
6. Surrounding development in the vicinity of the subject property consists primarily of one-family detached dwellings, with some apartment buildings on Wisconsin Avenue.

Proposed Expansion of the Private School Use

7. The Applicant proposed a renovation project for its Woodley North campus as the third and final phase of a 1990 master facilities plan. The project calls for construction of an additional floor on Scott Hall and on portions of Procter Hall, a new entry pavilion on Woodley Road, and minor additions to Procter Hall. NCS also plans to renovate the interiors of Scott, Procter, and Founders Halls, which are all 40 to 50 years old; install new windows; and renovate the building exteriors with new facades to create a uniform architectural style.
8. Procter Hall will be renovated as a library. Because planned new windows on the Lowell Street elevation would potentially allow views from the library into a nearby residence across Lowell Street, the Applicant indicated that window coverings would be installed on the library windows on the Lowell Street side.
9. The renovations of Procter Hall will include the replacement of mechanical equipment located outside the building at Lowell Street. The Applicant indicated that enhanced landscaping or other screening elements would be installed on the Lowell Street side of the project to improve the aesthetic appearance of the area, subject to HPRB approval.

Proposed Increase in Faculty and Staff

10. The Applicant's number of faculty and staff is limited to 105 full-time equivalent employees ("FTE's"), pursuant to prior BZA orders. (See BZA orders No. 14282, issued May 20, 1985, No. 15691, issued March 28, 1994, and No. 16433, issued August 17, 1999). The Applicant is seeking to increase this cap to 150 full-time equivalent employees.
11. The Applicant presently employs 145 FTE's, consisting of approximately 185 faculty and staff. A maximum of 162 faculty or staff members are at the subject property at any given time.³
12. For purposes of calculating the number of full-time equivalent employees, the Applicant has determined that a full-time employee in a teaching position would teach at least four sections; therefore, a faculty member hired to teach one or two sections would be considered 25 percent or 50 percent FTE, respectively. For non-faculty staff, the Applicant has determined that a 40-hour work week would constitute full-time

³ The Board notes that there is a discrepancy in the record as to the number of FTE's currently employed by NCS. At the hearing Applicant identified the number as 132 at one point and then later twice referred to the number as 144. The ANC identified the number as 144 in its Resolution. However, the Applicant identified the number as 145 in its Statement of the Applicant and this number was affirmed in the post-hearing filings of both the ANC and the Applicant.

employment; a staff person working 20 hours per week would be considered 50 percent FTE.

13. The current operation of the private school use with an excess of 30 FTE's over the authorized cap has not resulted in objectionable conditions to adjoining and nearby property because of parking, traffic or other impacts generated by the current number of employees.
14. The modest increase in number of FTEs sought in this Application over the current employment level - 5 FTE's, is not likely to create objectionable conditions for adjoining and nearby properties.

Proposed Increase in Number of Students

15. The Applicant also seeks an increase in its enrollment cap of 546 students (set forth in prior BZA orders referenced in finding of fact #10) to 585 students. Its current enrollment of 577 students exceeds its authorized cap by 39 students. Applicant is seeking an increase of 8 students over its current enrollment.
16. The current operation of the private school use has not become objectionable to adjoining and nearby property because of the increase in the number of students.
17. No adverse impacts are likely to result from a maximum enrollment of 585 students. The minor increase in number of students over the current enrollment is not likely to increase the intensity of the private school use or create objectionable conditions for adjoining and nearby properties.

Noise Impacts

18. The Board credits the Applicant's testimony that the proposed changes will not cause any perceptible increase in noise levels on adjacent or adjoining properties. The renovated buildings and new additions will not generate additional noise, and the number of students and the intensity of activities will not increase significantly over the current levels. The Board finds that the requested special exception will not create adverse noise impacts on neighboring property.

Traffic Impacts

19. The Board credits the testimony of the Applicant's traffic consultant that intersections adjacent to the subject property along Woodley Road, 36th Street, and Lowell Street currently operate at acceptable conditions, and will continue to operate at acceptable conditions. The consultant concluded that the Applicant's proposed increases in

enrollment and number of employees would result in an “insignificant increase in traffic.”

20. The Applicant has taken steps to decrease traffic that it generates, including offering a commuter rewards program to encourage employees to commute via public transportation, bicycle, or on foot.
21. Effective March 31, 2008, the Applicant implemented new procedures governing student drop-offs and pick-ups. The new procedures were announced in cards mailed to the parents of students and were incorporated into the Applicant's parking policy, which is issued to students and their parents at the beginning of every school year. Student enrollment and re-enrollment contracts will require parents and students who drive to school to agree to all driving and parking rules; failure to comply with the school's policies will be addressed by the head of school (for adults) or through the school's honor code (for students).
22. The new procedures prohibit drop-offs and pick-ups on Woodley Road west of Wisconsin Avenue, on the east side of 36th Street, and in portions of Woodley Road. Permitted drop-off and pick-up locations include the west side of 36th Street, a portion of Lowell Street, the Close garage, and two other locations on the Close, Hearst Circle in front of Hearst Hall and the North Road Circle. Other elements include that drivers must not block crosswalks or intersections; school-related traffic is not permitted to travel north on 36th Street between Woodley Road and Lowell Street during peak drop-off and pick-up times; and parking is not permitted on the west side of 36th Street before 4:00 p.m. or on the south side of Lowell Street between the NCS driveway and 36th Street at any time.
23. The Applicant also proposes to implement recommendations made by its traffic consultant to improve traffic conditions along Woodley Road during the morning drop-off and afternoon pick-up periods. Pursuant to the recommendations, the Applicant will train its crossing guards to coordinate pedestrian traffic at the Woodley Road crosswalk with the red light at Wisconsin Avenue, require students to park in designated NCS off-street parking spaces, and encourage the use of Hearst Circle and North Road circle on the Close for student drop-offs and pick-ups.
24. The Board finds that approval of the requested special exception will not generate objectionable conditions due to traffic. The Applicant is proposing a relatively small increase in enrollment, which will not increase the intensity of use of its facilities significantly. The Applicant offers a benefits program to encourage employees not to commute to the subject property by car, and has recently implemented new traffic procedures designed to minimize traffic impacts associated with student drop-offs and pick-ups.

Adequate Parking

25. Title 11 DCMR § 206.3 requires that “[a]mple parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.”
26. Section 2101 requires that high schools provide “2 [spaces] for each 3 teachers and other employees, plus either 1 for each 20 classroom seats or 1 for each 10 seats in the largest auditorium, gymnasium or area usable for public assembly, whichever is greater.”
27. Pursuant to § 2118.3, “The number of teachers or employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night, including persons having both full-time and part-time employment.”
28. The Applicant presently employs 145 FTE’s, consisting of approximately 185 faculty and staff. A maximum of 162 faculty or staff members are at the subject property at any given time. The Applicant is seeking an increase of 5 FTE’s for a total of 150 FTE’s.
29. Pursuant to §§ 2101 and 2118.3, the athletic center generates a parking requirement of 40 spaces and the maximum number of faculty and staff represented at 162 generates a parking requirement of $162 \times \frac{2}{3} = 108$. $108 + 40 = 148$, total parking requirement.
30. NCS has 176 parking spaces that have been allocated for its use by the Protestant Episcopal Cathedral Foundation. The spaces are located in the Close garage, on surface roads on the Close, or in other locations adjacent to NCS buildings. A small lot, containing two parking spaces, is located in the northeast corner of the subject property with access from Lowell Street.
31. Pursuant to §§ 2101 and 2118.3, 176 spaces would meet the parking requirements for 204 faculty and staff on campus at one time. ($176 - 40 = 136$. $\frac{2}{3}x = 136$. $x = 204$.)
32. The Close contains a total of 853 parking spaces, including 414 in the underground parking garage, which opened in April, 2007. The Protestant Episcopal Cathedral Foundation allocates the parking spaces available on the Close to its member institutions. The surface parking spaces on the Close are marked to indicate the institution to which the spaces have been allocated, but the garage spaces are not specifically designated to any institution.
33. The Applicant’s allocation of 176 parking spaces includes 149 spaces in the garage. Approximately 60 of the Applicant’s garage spaces are assigned to students who register a vehicle with NCS and receive a parking pass. Students who register a vehicle are expected to park in the garage, with the exception of any students with a residential parking permit for Zone 3.

34. The Applicant currently implements a student/staff parking policy whereby parking stickers are issued to NCS staff and students who drive to school. These drivers are generally required to park on the Close but may use on-street parking only if they comply with traffic and parking regulations, including the Residential Parking Permit program. Residential parking restrictions are in effect on the streets in the immediate vicinity of the subject property.
35. The Applicant has adopted a parking policy applicable to upper school students and their parents. Requirements of the policy include that:
 - (a) Every vehicle driven to school by an NCS student must display a numbered NCS student hang tag, which can be obtained by registering a car through the NCS business office. Students parking an unregistered car on the Close or in the immediate neighborhood are subject to school disciplinary action.
 - (b) Between 7:00 a.m. and 3:30 p.m. on school days, NCS students must park on the fourth floor of the garage, with their hang tag displayed on the rear view mirror. Students without Zone 3 residential parking permits may not park on restricted neighborhood streets in Zone 3. Students parking on neighborhood streets must agree to obey all posted regulations and must not obstruct private driveways. Neighbors are encouraged to report violators to the dean of students.
 - (c) Outside of school hours (school hours being 7:00 a.m. - 3:30 p.m.) on school days, students are asked to park in the garage or on the Cathedral grounds.
 - (d) Students agree to observe all posted regulations and 'yellow-curb' restrictions on the Close. Any student vehicle parked illegally on the Close may be subject to enforcement by the District or the Foundation.
36. The Board credits the finding of the Applicant's traffic consultant that there is available parking on neighboring streets.
37. The Board credits the conclusion of the Applicant's traffic consultant that the Applicant's proposed increases in enrollment and number of employees would result in "a marginal increase in the parking requirement" that will be met by the existing parking supply.
38. The Board finds that the proposed expansion of the private school use is not likely to become objectionable to adjoining and nearby property because of parking, and that approval of the application will provide for ample parking space to accommodate the

students, teachers, and visitors likely to come to the site by automobile. The Applicant's proposal includes elements, including a student/staff parking policy and commuter benefits, that will lessen the likelihood of spillover parking on neighborhood streets surrounding the Close. In addition, the Applicant is proposing a modest increase of only 5 FTE's from its current number which is not having any adverse impact on nearby property.

39. The Board also finds that Applicant's provision of 176 spaces meets the requirements of Chapter 21's parking requirements provided no more than 204 part-time or full-time employees are employed at any one period during the day or night.

Harmony with Zoning

40. The western portion of the subject property, facing Wisconsin Avenue, is zoned R-5-D. The remainder, approximately two-thirds of the parcel, is zoned R-1-B. The purposes of the R-1 district include to stabilize and protect quiet residential areas developed with one-family detached dwellings, and to promote a suitable environment for family life. 11 DCMR §§ 200.1-200.2. The R-1-B zone provides for districts of higher density than the R-1-A zone. 11 DCMR § 200.3. The R-5 districts are general Residence districts designed to permit flexibility of design by permitting, in a single district, all types of urban residential development that conform to the height, density, and area requirements established for the districts. The R-5 districts also permit the construction of institutional and semi-public buildings that are compatible with adjoining residential uses but excluded from the more restrictive Residence districts. 11 DCMR § 350.1. Relatively high height and density are permitted in the R-5-D district. 11 DCMR § 350.2.
41. The modifications proposed by the Applicant will conform to the applicable height, bulk, and lot occupancy requirements of the R-1-B and R-5-D districts.
42. The Board finds that the requested 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.

CONCLUSIONS OF LAW AND OPINION

The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, 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 in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. *See* 11 DCMR § 3104.1. Pursuant to § 3104.1, the Applicant seeks a special

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exception under 11 DCMR § 206 to permit certain additions to buildings and to increase enrollment and staff in an expansion of an existing private school on a site zoned R-1-B and R-5-D at 3609 Woodley Road, N.W. (Square 1922, Lot 17).

In accordance with § 206, a private 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. Ample parking space, not less than that required under chapter 21 of the Zoning Regulations, must be provided "to accommodate the students, teachers, and visitors likely to come to the site by automobile." 11 DCMR § 206.3. The Applicant must also demonstrate that the proposed private school use will be in harmony with the general purpose and intent of the Zoning Regulations and Map. 11 DCMR § 3104.1.

Based on the findings of fact, and having given great weight to the recommendations of the Office of Planning and to the issues and concerns of ANC 3C, the Board concludes that the proposed expansion of the existing private school use, as conditioned by the Board, can be located at the subject property so that it is not likely to become objectionable to adjoining and nearby property. The Board has imposed conditions in this order in response to the Applicant's proposal, recommendations of OP, and issues and concerns raised by ANC 3C to set parameters for the school's moderately expanded operation to ensure that no objectionable or adverse condition will be created.

The Applicant's proposal does not involve significant new construction or increased intensity of the existing private school use. Rather, the aging buildings used by the Applicant's middle school will be renovated and improved, among other things, to enhance life safety and accessibility. The Applicant's planned increases in enrollment and number of employees are not likely to create objectionable conditions, especially considering that the Applicant has recently implemented improved procedures governing student drop-offs and pick-ups designed to minimize adverse traffic impacts associated with the private school use.

The Board accords the issues and concerns raised by ANC 3C in its resolution approved unanimously at its April 21, 2008, noticed public meeting the "great weight" to which they are entitled and addresses herein the conditions that ANC's support of the application were contingent upon. The Board adopts most, but not all of the conditions recommended by the ANC.⁴

The Board adopts in this order the ANC's proposed conditions for a cap on student enrollment at 585 and FTE's at 150, and reporting of such levels annually to the ANC. The Board adopts in part the ANC's proposed condition that NCS' parking policy require students, staff and visitors to park on the Close.

⁴ See especially Condition No. 3, concerning staff and student enrollment caps, Condition No. 5, concerning parking, and Condition No. 10, concerning the Applicant's annual reporting requirement.

The Board concurs with the ANC that the Applicant's parking policy should require students and employees who drive to the subject property to park in parking spaces on the Close allocated to NCS, even in the case of vehicles with a residential parking permit for Zone 3. The Applicant did not indicate the number of employees who hold residential parking permits (currently four students have Zone 3 permits), but asserted that its supply of off-street parking was ample to accommodate the students and employees who drive to the subject property, and that disciplinary measures would be taken against persons who fail to comply with parking policies required by the school. The Board concludes that vehicles driven regularly to the subject property by students and employees should be parked in the Applicant's off-street parking spaces so as to minimize the potential for any spillover parking on neighborhood streets. The Board declines to adopt the ANC's proposed condition with respect to visitors holding Zone 3 permits, because visitors' vehicles are not registered with the school and are not required to display an identifying sticker that would facilitate enforcement, visitors' trips are less predictable, and the demand for parking generated by visitors is likely of shorter duration, and with greater turnover, than the demand generated by students and employees who drive.

The Board declines to adopt the ANC's proposed condition concerning student pick-up and drop-off, based on its findings that the Applicant's recently improved procedures adequately address the concerns raised by the ANC with respect to potential traffic impacts associated with student drop-offs and pick-ups.⁵ The Board does not agree with the ANC that the transportation demand management measures implemented by the Applicant will not reduce traffic problems related to student pick-ups and drop-offs because the measures encourage the use of the Close rather than the nearby streets, and prohibit the use of specific locations that might generate adverse impacts, with violators subject to disciplinary measures by the Applicant. Finally, the Board declines to require a construction management agreement as proposed by the ANC, as construction matters are outside the Board's purview in this proceeding.

For the reasons stated above, the Board concludes that the Applicant has satisfied the requirements for a special exception under 11 DCMR § 206 to permit certain additions to, and to increase the number of students and employees at, the National Cathedral School, an existing private school in an area zoned R-1-B and R-5-D at 3609 Woodley Road, N.W. (Square 1922, Lot 17). Accordingly, it is hereby **ORDERED** that the application, pursuant to Exhibit No. 11, as revised by Exhibit No. 29 – Plans, is **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. NCS shall install interior window coverings (shades, draperies or the equivalent) on the new windows on the north side of Proctor Hall that faces Lowell Street, NW.
2. NCS shall enhance the landscaping or install other screening elements on the Lowell Street side of the project, subject to approval by the Historic Preservation Review Board, to screen mechanical equipment and trash.

⁵See Findings of Fact No. 21 through No. 23.

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3. NCS' student enrollment shall not exceed 585 students. NCS shall employ no more than 150 full-time equivalent faculty and staff.
4. The Applicant shall maintain 176 parking spaces on the Cathedral Close or the Woodley North campus for use by NCS faculty, staff, students, and visitors.
5. NCS shall require faculty, staff, and students who drive to the school to park on the Close in off-street parking allocated to NCS.
6. NCS shall continue to participate in parking demand management activities sponsored by the Protestant Episcopal Cathedral Foundation ("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.
7. NCS shall continue to require faculty, staff, and students who drive to school to 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.
8. The Applicant shall provide 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.
9. 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.
10. NCS shall establish 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.
11. NCS shall continue its current parking policy addendum established March 31, 2008, but shall have the flexibility to amend any provision after consideration of the proposed change by the liaison committee.
12. The Applicant shall have the flexibility to modify its parking policy and vary the location of parking spaces. The Applicant also shall have the flexibility to modify the design for the

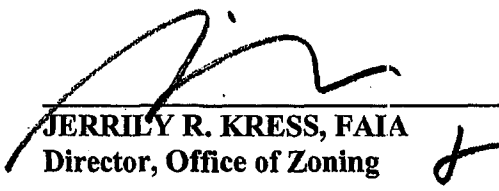
proposed renovations and addition, and to introduce landscaping at Lowell Street, provided that the design and landscaping are not inconsistent with the relief granted in this Order and conform to the recommendations of the Historic Preservation Review Board or its delegate.

VOTE: 4-0-1 (Ruthanne G. Miller, Mary Oates Walker, Shane L. Dettman, and Anthony J. Hood (by absentee vote) voting to approve; Marc D. Loud not participating, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: **OCT 31 2008**

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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 PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, 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

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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.

MN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



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As Director of the Office of Zoning, I hereby certify and attest that on **OCTOBER 31, 2008**, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party who appeared and participated in the public hearing concerning the matter and to each public agency listed below:

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Executive Vice President & Chief Operating Officer
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Protestant Episcopal Cathedral Foundation of the District of Columbia
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Advisory Neighborhood Commission 3C
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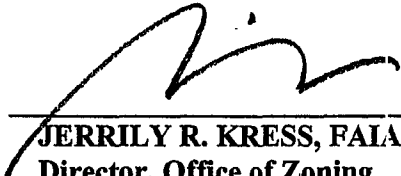
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ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning

TWR