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COMMUNICATIONS SECTION

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.

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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

EXHIBIT NO.

18233
8

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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 § 3113.13, 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 $162 \times 2/3 = 108$. $108 + 40 = 148$, 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. ($176 - 40 = 136$. $2/3x = 136$. $x = 204$.)
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

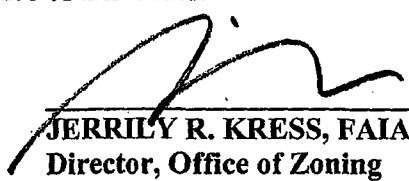
proposed renovations and addition, and to introduce landscaping at Lowell Street, provided that the design and landscaping are not inconsistent with the relief granted in this Order and conform to the recommendations of the Historic Preservation Review Board or its delegate.

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



BZA APPLICATION NO. 17759

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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Advisory Neighborhood Commission 3C
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Washington, D.C. 20008

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ATTESTED BY:


JERRILY R. KRESS, FAIA
Director, Office of Zoning 

TWR