

October 22, 2013

HAND DELIVERY

Lloyd Jordan, Chairperson
D C. Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW, Suite 200 South
WASHINGTON, DC 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18426
EXHIBIT NO. 40

RECEIVED
D.C. OFFICE OF ZONING
2013 OCT 22 PM 2:45

Re Case No 18426 Request for Minor Modification of Approved Plans

Dear Chairman Jordan

Pursuant to Section 3129 of the Zoning Regulations, the National Presbyterian Church, Inc hereby requests approval of a minor modification of the plans approved in Case No 18426 ("the Case")

In Case No 18426, approved in November 2012, the Board authorized changes related to the facilities of National Presbyterian School ("NPS"), located on the campus of National Presbyterian Church. More specifically, the Case provides for three primary areas of relief to NPS

- Increase of the School's student, faculty and staff caps,
- Variance from the side yard requirements,
- Special exception for new construction on the campus

The minor modification, which is the subject of this letter, relates to the third item above, the new construction approved for the campus. In the Case, the Board approved a third story addition to the NPS School building; the conversion of Church administrative space to school use with a small addition, and a three-story courtyard infill. The minor modification presented herein seeks to alter that scope of new construction by gaining approval for a simple (approximately 1,800 square feet) addition of classroom space to the back side of the School's existing building.

The need for this minor modification stems from the fact that NPS is planning to phase the new construction approved in the Case instead of building it all at once. This approach is responsive to the School's desire to minimize the disruptive impact that construction will have on its

program and calendar and to the School's capacity to fund construction. To facilitate this phasing plan, NPS is proposing the classroom addition noted above, which will provide the classroom space NPS needs in the near term, while providing the School the flexibility and ability to better manage the disruption and costs associated with pursuing the broader work approved by the Board in the future. Below is a more detailed description of the new construction plans and explanation of the proposed modification.

In preparing its permit plans for the different components approved in the Case, NPS determined that pursuing all of these items simultaneously would be too costly and too disruptive to program. In particular, the third story addition to the existing building and the third story of the courtyard infill proved to be very expensive structurally and would disrupt the school year for ten months or more. For that reason, the School looked into alternatives within the scope of the approved work that might provide the School with the programmatic space it needs immediately while creating as little disruption as possible to the school calendar/day during construction. NPS concluded that it makes sense to postpone the third story addition to the School building and the conversion of the church administrative space for the time being, and instead to move ahead with the infill of the courtyard space with a two-story, instead of three-story, infill.

The postponement of the third story work, in particular the third story of the courtyard, eliminates two planned classrooms that the School needs in the near term. To address this need, the School concluded that it makes sense to pursue the modification that is the subject of this letter, an addition of two new classrooms adjoining the back side of the School's existing building. Not only can these classrooms be constructed in a shorter time frame, with much less disruption to daily school activities, and at a much lower cost, they are also strategically located adjacent to other classroom space. In fact, the proposed new location of the two needed classrooms turns out to provide a more natural fluidity with the current floor plan and better cohesion of the entire educational space. NPS would then have the flexibility to pursue the other items approved by the Board in the Case, as needed, at a later date when school is not in session. NPS is currently in the process of submitting an application for its building permits.

The proposed addition's location at the rear of an existing building will be sufficiently buffered from the neighboring property -- the NBC campus. The addition also complies with all zoning requirements and is consistent with each of the conditions of the Board's approval in Case No. 18426. The modest addition is depicted in the attached plans. There have been no changes of material fact since Case No. 18426; the use of the property remains the same, as does its zoning designation and its Comprehensive Plan designation. Uses of those properties surrounding NPS also remain unchanged.

NPS is simultaneously serving the ANC with this request. NPS has already reached out to its Single Member District representative on the Advisory Neighborhood Commission to notify them of the minor modification to the approved plans. The community has not noted any concerns with the modification at this time.

Lloyd Jordan, Chairperson
October 22, 2013
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NPS is not proposing to modify the nine conditions imposed in Case No 18426, but only to modify the approved plans to allow for this 1,800 square foot addition. It asks that the Board approve this request as a minor modification on its consent calendar at its earliest public meeting.

Sincerely,



Allison C Prince



Christine A Roddy

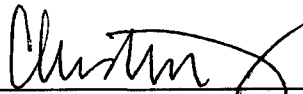
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Certificate of Service

I certify that the enclosed documents were forwarded to the following addresses on October 22, 2013, by hand delivery or first class mail

Arthur Jackson
Office of Planning
1100 4th Street, SW
Suite E-650
Washington, DC 20024

ANC 3E
c/o Lisner Home
5425 Western Avenue NW
Suite 219
Washington, DC 20015



Christine Roddy

A



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



FORM 152 – MOTION FOR MINOR MODIFICATION

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 18426

Motion for Minor Modification to: ☐ Final Order ☒ Approved Plan ☐ Amount of Relief ☐ Other _____

Points and Authorities:

Below and/or on a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map.

See attached.

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of October, 2013

I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, Intervenor, and the Office of Planning on

the above referenced BZA case via: ☒ Mailed letter ☒ Hand delivery ☐ E-Mail ☐ Other _____

Signature:

Print Name:

Christine Roddy

Firm/Organization:

Goulston & Storrs

Address:

1999 K Street, NW, Suite 500; WDC 20006

Phone No.:

202.721.1116

E-Mail:

croddy@goulstonstorrs.com

To be notified of hearing and decision: (Maker of Motion or Authorized Agent)

In the event an authorized agent files a motion on behalf of the Maker of the Motion, a letter signed by the Maker of the Motion authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name:

See above

Address:

Phone No.:

E-Mail:

B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18426 of The National Presbyterian Church, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to allow the physical expansion of an existing private school to include a three story addition and increase in the student enrollment cap to 320 and the facility and staff cap to 70 individuals under section 206, and a variance from the side yard requirements for a temporary modular trailer under section 405, in the R-1-B District at premises 4120-4124 Van Ness Street, N W (Square 1724, Lot 805)

HEARING DATE: November 2, 2012
DECISION DATE: November 2, 2012

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit 4)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *DC Register* and by mail to Advisory Neighborhood Commission ("ANC") 3E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a report in support of the application. The ANC report indicated that at a regularly scheduled and duly noticed meeting on October 11, 2012, with a quorum present, the ANC voted 5-0-0 to support the Applicant's request. (Exhibit 31.) The Office of Planning ("OP") submitted a report in support dated October 23, 2012 (Exhibit 30) and testified at the hearing in support of the application. The District Department of Transportation submitted a letter of no objection (Exhibit 29). Prior to testimony, the Applicant requested and the Board granted Expert witness status to Bill Spack for Architecture and reconfirmed prior approval to Daniel Van Pelt for Transportation.

Variance Relief.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of

BZA APPLICATION NO. 18426

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- 5 Generally students shall be dropped off between 7 30 and 8 30 AM and picked-up between 3 15 and 3 30 PM with the following exceptions children in the half-day program shall depart between 12 noon and 12 15 PM; children in an extracurricular class activity shall depart between 4:15 to 5 30 PM; and children in after-school care shall depart between 3 15 and 6 00 PM
- 6 The school shall implement the following Transportation Demand Management (TDM) strategies
 - a Designating a TDM coordinator
 - b Educating parents on TDM measures available at the beginning of the school year
 - c Incentivizing car-pooling through faster drop-off and pick-up
 - d Adding a ride-matching component to the school website that integrates Google maps with the School's directory to show ridesharing opportunities. The school may supplement this effort with SchoolPool from the Metropolitan Washington Council of Government (MWCOC) which allows parents to create on-line profiles that can be used to find other parents for trip-sharing
 - e Subsidizing public transit and walking/cycling for employees which include
 - i SmarTrip Cars (sic) valued at 50% or 100% of the commuting cost via Metrobus or Metro rail, depending on how much the recipient employs transit in their commute
 - ii Equivalent stipends for walkers and cyclists.
 - f Participating in the District's Safe Routes to Schools program.
 - g Incorporating "semi-regular" walk/bike to school days that incentivize biking and walking for students
 - h. Monitoring vehicle trip generation and the mode split for students and employees independently, and providing this information to the District Department of Transportation (DDOT) on an annual basis
- 7 The use of school play areas and athletic facilities shall be limited to activities supervised and run by the school and/or The National Presbyterian Church.
- 8 Placement of the planned 36 x 60-foot modular structure shall be in accordance with the approved plans
- 9 No more than 30-60 days after issuance of the Certificate of Occupancy for the final phase of the approved construction the temporary modular building shall be removed from the required side yard setback along the southern boundary; and the variance relief approved under (this application) shall expire.

VOTE: **3-0-2** (Lloyd J Jordan, Marcie I Cohen, and Nicole C Sorg to APPROVE; No other member present and one vacant seat)

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

The majority of the Board members approved the issuance of this order

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: November 13, 2012

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6

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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. 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.

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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 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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 18426

As Director of the Office of Zoning, I hereby certify and attest that on November 13, 2012, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, or delivered by electronic mail in the case of those ANC's and SMD's that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below

Allison Prince or Christine A Roddy
Goulston & Storrs
1999 K Street, NW, Suite 500
Washington, D.C. 20006

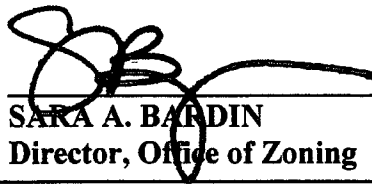
Chairperson
Advisory Neighborhood Commission 3E c/o Lisner Home
5425 Western Avenue NW
Suite 219
Washington, DC 20015

Single Member District Commissioner 3E05 c/o Lisner Home
5425 Western Avenue NW
Suite 219
Washington, DC 20015

Mary M Cheh, Councilmember
Ward Three
1350 Pennsylvania Avenue, N W , Suite 108
Washington, D C 20004

Melinda Bolling, Esq.
General Counsel
Department of Consumer and Regulatory Affairs
1100 4th Street, S W , 5th Floor
Washington, D C 20024

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

441 4th Street, N W , Suite 200/210-S, Washington, D C 20001

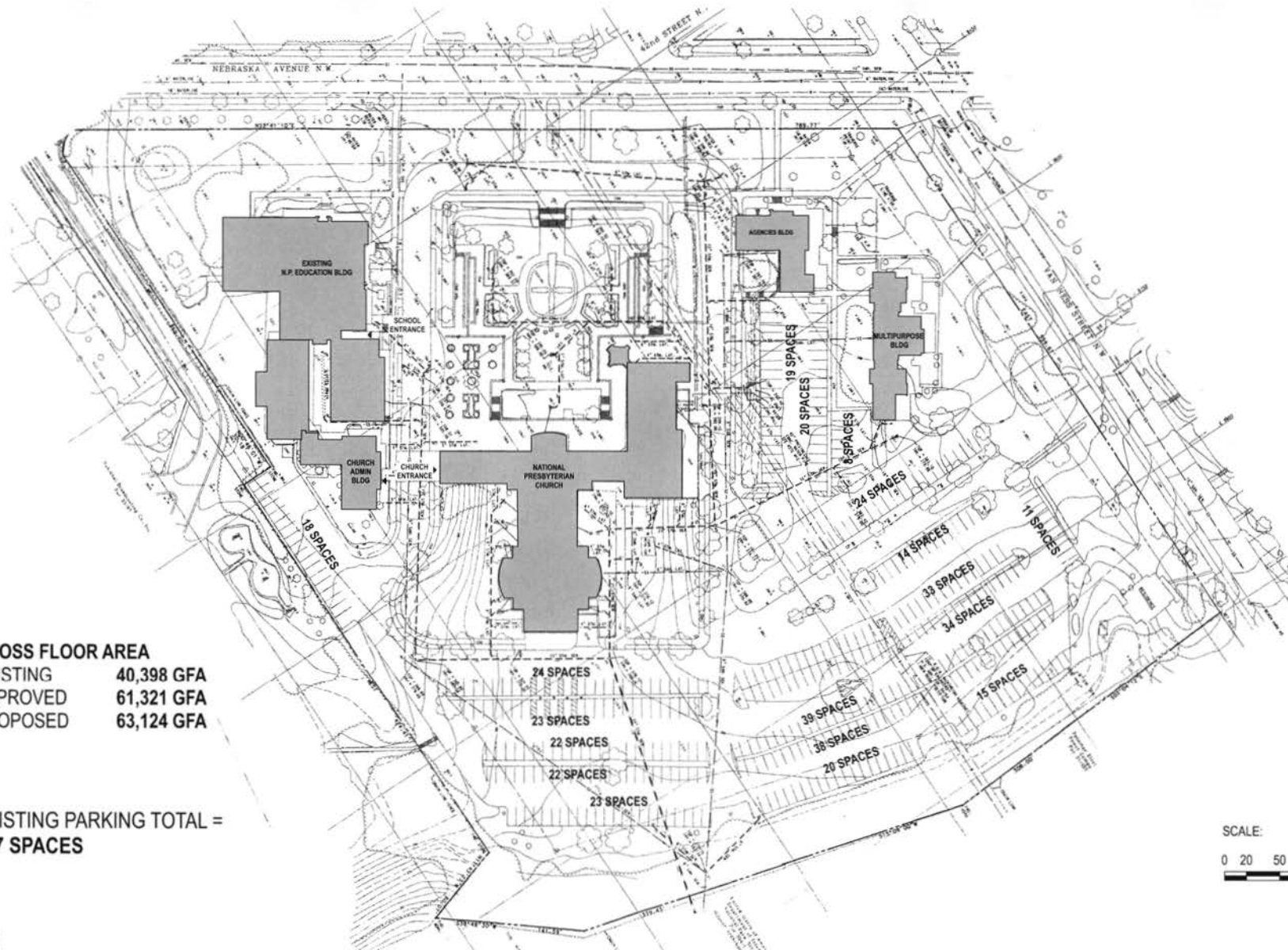
Telephone (202) 727-6311

Facsimile (202) 727-6072

E-Mail dcoz@dc.gov

Web Site www.dcoz.dc.gov

C



GROSS FLOOR AREA
 EXISTING 40,398 GFA
 APPROVED 61,321 GFA
 PROPOSED 63,124 GFA

EXISTING PARKING TOTAL =
 407 SPACES

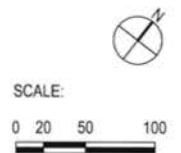


EXHIBIT D
National Presbyterian School

Existing Civil Survey w/ Parking

cox graae + spack architects

09 October 2013
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GOULSTON & STORRS
A PROFESSIONAL CORPORATION
PARALEGAL ACCOUNT
1999 K STREET, NW SUITE 500
WASHINGTON, DC 20006-1101

15-120/540

9678

DATE 10/22/13

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D.C. Treasurer

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Bank of America.



FS FOR 13918.0001 (CASE NO. 18426)

Cara Graham
AUTHORIZED SIGNATURE

SAFEGUARD SECUR
SAFEGUARD SECUR