Government of the District of Columbia
OFFICE OF ZONING

441 4TH STREET, N.W
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

January 7, 2003

BY TELECOPIER

Phil T. Feola
Paul A. Tummonds, Jr.
Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128

RE: BZA Application No. 16559-B (Field School) Motion for Minor Modification of Approved Plans

Dear Gentlemen:

The Board of Zoning Adjustment (Board) is scheduled to decide the above-cited motion (attached) special public meeting on January 21, 2003, at 9:00 AM. On January 7, 2003, the Board, in executive session, decided that it needed additional information from the Applicant in order to facilitate the Board's January 21, 2003, deliberation in this matter. The Board is requesting that the Applicant provide it with a general picture (a status report if you will) of all of the items previously requested by the Board, including where the school is with respect to addressing the order's conditions, what conditions have been complied with, how much longer will it take to comply with unmet conditions, etc. The deadline for the Applicant's response to the above is noon on Monday, January 13, 2003, and hand delivered by the Applicant to each party. Parties wishing to respond to the Applicant's submission have until noon on Thursday, January 16, 2003, to do so.

Please call Cliff Moy on (202) 727-6311, if you have any questions.

SINCERELY,

JERRILY R. KRESS, FAIA
DIRECTOR

Certificate of Service (Parties)

BZA
Case No. 16559
Exhibit No. 511

Board of Zoning Adjustment
District of Columbia
CASE NO.16559
EXHIBIT NO.511

Government of the District of Columbia
OFFICE OF ZONING

441 4TH STREET, N.W
SUITE 210
WASHINGTON, D.C. 20001
(202) 727-6311

BZA APPLICATION NO. 16559-B

As Director of the Office of Zoning, I hereby certify and attest that on *January 8, 2003*, a copy of the letter on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Phil T. Feola (By Fax on January 7, 2003)
Paul A. Tummonds
Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128

John Finney, Chairman
Advisory Neighborhood Commission 3D
P.O. Box 40846
Washington, D.C. 20008

Ann F. Heuer, Commissioner
Advisory Neighborhood Commission 3D
P.O. Box 40846
Washington, D.C. 20008

Neighbors Against Foxhall Gridlock
c/o Richard Aguglia, Esq
Hutton & Williams
1900 K Street, N.W.
Washington, D.C. 20036

Alan R. Swendiman, Esq.
Jackson & Campbell
1120 20th Street, N.W.
Washington, D.C. 20036

Jeffrey W. Bolotin, Esq.
4604 Foxhall Crescent, N.W.
Washington, D.C. 20007

Kathleen Patterson, City Councilmember
Ward Three
1350 Pennsylvania Avenue, N.W.
Suite 107
Washington, D.C. 20004

Robert Kelly, Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

Ellen McCarthy, Deputy Director
Office of Planning
801 North Capitol Street, N.E.
4th Floor
Washington, D.C. 20002

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, N.W., 6th Floor
Washington, D.C. 20001

rsn

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

December 30, 2002

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By Hand Delivery

Mr. Geoffrey Griffis
Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, DC 20001

Re: Field School - Proposed One Month Extension of the Alternative Transportation Management Plan Approved By BZA Order No. 16559-B

Dear Mr. Griffis:

Enclosed please find a motion for modification of the BZA's approval in BZA Order No. 16559-B to approve a one month extension of the Field School's alternative transportation management plan. This temporary extension is necessary to allow the District Department of Transportation and its contractors to complete the widening of the Foxhall Road right-of-way adjacent to the School property for the construction of a left turn lane and a traffic signal at the entrance to the School property.

Since BZA Order No. 16559-B will expire on January 31, 2003, we request that the BZA address this motion for modification at its January 7, 2003 public meeting or any other public meeting in January, 2003. If you have any questions or comments regarding this motion. Please feel free to call the undersigned at (202) 663-8000.

Respectfully submitted,

Phil T. Feola

Phil T. Feola

Paul A. Tummonds, Jr.

cc: Dale Johnson

Document #: 1296615 v.1

BZA
Case No. 16559-B
Exhibit No. 510

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

THE FIELD SCHOOL BZA APPLICATION NO. 16559-B

MOTION FOR MINOR MODIFICATION OF APPROVED PLANS

INTRODUCTION

On behalf of the Applicant in the above referenced matter, The Field School ("**School**")[1], we hereby move the Board of Zoning Adjustment ("**BZA**"), pursuant to Section 3129 of the Zoning Regulations, to approve a one month extension of the BZA's approval in BZA Order No. 16559-B. This temporary extension is necessary to allow the District Department of Transportation (**"DDOT"**) and its contractors to complete the widening of the Foxhall Road right-of-way adjacent to the School property for the construction of a left turn lane and a traffic signal at the entrance to the School property. Because the BZA's approval in BZA Order No. 16559-B will expire on January 31, 2003, we ask that the Board consider this modification at its public meeting on January 7, 2003, or any other public meeting in January, 2003.

BACKGROUND

BZA Order No. 16559-B approved an alternative transportation management plan for the School's use of the property located at 2301 Foxhall Road, N.W. (Square 1341, Lots 856, 861, 878, and 879) (the "**Subject Property**"). The alternative transportation management plan modified Condition Nos. 13-24 of BZA Order No. 16559 which originally approved the School's

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1 The Field School was the contract purchaser of the property at the time of the original BZA Order (16559) and subsequent to the BZA proceeding purchased the subject property.

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use of the Subject Property. BZA Order No. 16559-B authorized the School to utilize the alternative transportation management plan at the beginning of the 2002-2003 school year until January 31, 2003, when it was expected that the improvements in the Foxhall Road, N.W. public right-of-way would be completed. The alternative transportation management plan was supported by DDOT, OP and ANC 3D. BZA Order No. 16559-B was issued on August 23, 2002.

CONSTRUCTION ACTIVITY

Subsequent to the issuance of BZA Order No. 16559-B, DDOT diligently pursued its design and procurement process for the Foxhall Road improvements. In September of 2002, DDOT established the following timeline:

1) Project advertised for bids - September 23, 2002;

2) Received bids opened – October 16, 2002;

3) Estimated bid award – November 20, 2002; and

4) Estimated construction completion – January 30, 2003.

The timing of these events were generally met, and on November 22, 2002, the DDOT Program Manager sent a letter to all District residents in the area notifying them of the start of construction activity in the Foxhall Road right-of-way on or about December 2, 2002. A copy of that letter is attached.

Presently, based on conversations with DDOT staff, construction activity is progressing on the Foxhall Road improvements. PEPCO crews and the DDOT contractors are working simultaneously in the public right-of-way, and weather permitting, hope that the construction activity can be completed by January 31, 2003. In order to undertake the most prudent course of action, and in anticipation of additional potential weather delays, the School asks that the BZA

grant a one month extension of the alternative transportation management plan that was approved in BZA Order No. 16559-B. Based on discussions with the DDOT Program Manager's staff and the contractors performing the work, the School believes that all of the improvements in the Foxhall Road public right-of-way can be completed by February 28, 2003.

BZA AUTHORITY TO APPROVE MODIFICATIONS

Section 3129 of the Zoning Regulations specifically allows the Board of Zoning Adjustment to approve modifications.

CONCLUSION

In granting the original application and the alternative transportation management plan, the BZA concluded, as a matter of law, that the proposed application was in harmony with the general purpose, intent and integrity of the Zoning Regulations and could be granted without substantial detriment to the public. The one month extension of the alternative transportation management plan does not alter or affect that conclusion in any way.

For the foregoing reasons, the Applicant respectfully requests approval of the aforementioned one month extension of the alternative transportation management plan approved in BZA Order No. 16559-B. Due to the urgent nature of this request, we also respectfully request that this extension be granted at the BZA's January 7, 2003 public meeting, or any other public meeting in January, 2003.

Respectfully submitted,

Phil T. Feola/PAT

Phil T. Feola

Paul A. Tummonds, Jr.

Enclosure

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS

★ ★ ★

District Division of Transportation

RE: Resurfacing of Foxhall Road, N.W.
W Street to Foxhall Crescent Drive
Federal Aid Project No. FY-99-0194-AA-2-KA

NOV 22 2002

Dear Resident:

The District Department of Transportation will start construction of Foxhall Street, from W Street to Foxhall Crescent Drive on or about December 2, 2002. Work under this contract will commence on or about December 02, 2002 and will require approximately two months to complete. Contractor will work during the hours of 7:00 A.M. and 6:00 P.M., Monday through Saturday.

The scope of work for this contract includes repaving of the roadway, new concrete sidewalk, curb and gutter, dedicated left turn lane at the new Field School entrance, removal and planting of trees and a traffic signal at the school entrance which will be active during school hours.

During construction, at least one lane of traffic will be maintained in each direction. Access to the adjacent houses will be also maintained. However, curbside parking will not be allowed on Foxhall Road during the construction.

Thank you for your patience and understanding during the reconstruction of Foxhall Road. If you have any questions or concerns, please contact Mr. Stanley Freeman of my staff at 202-369-2541.

Sincerely,

Muhammed Khalid

Muhammed Khalid
Program Manager