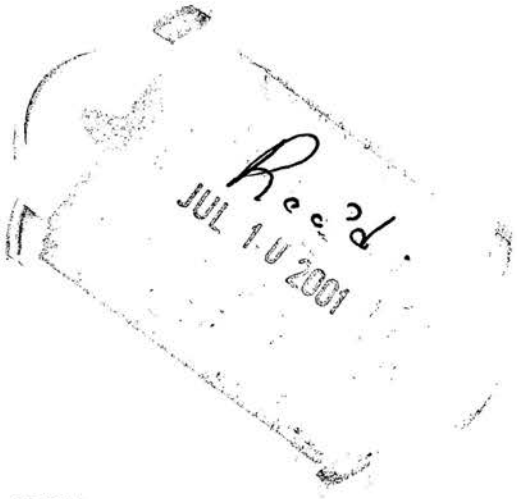
ShawPittman

A Law Partnership Including Professional Corporations

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RECEIVED 9/27/00

September 27, 2000



VIA HAND DELIVERY

Mr. Michael D. Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E., 2nd Floor
Washington, D.C. 20002

Re: Edmund Burke School
(2955 and 2969 Upton Street, N.W.,
4104 and 4103 Connecticut Avenue, N.W.)

Dear Mr. Johnson:

Thank you for the opportunity, on September 12, 2000, to discuss the proposed expansion of, and parking plan for, the Edmund Burke School ("School").

As we discussed, pursuant to Board of Zoning (BZA) Order No. 13986 (attached as Exhibit A), the School is presently required to provide twenty-four spaces. This Order permitted the School to build an addition to its original facility. The addition included its existing gymnasium which is, and will remain, its largest assembly space (250 students). Order No. 13986 permits the School to have a student population of 275 students with a faculty/staff of 35 persons. The School has applied to the BZA (Application No. 16611) for an additional building and permission to increase enrollment to 360 and the size of its faculty and staff to 70.

As you know, Section 2101.1 of the Zoning Regulations, requires that parking for private schools be provided at a ratio of 2 spaces per 3 faculty and staff and one for each 10 seats in the largest assembly space. Since the largest assembly space (the gym) was approved by the BZA with twenty-four parking spaces, we are of the opinion that parking for the new building should be based on the increase in faculty and staff from the 35 permitted by BZA Order No. 13986 to the 70 currently requested. Thus, the proposed 70 faculty/staff (if approved by the BZA) minus the 35 faculty/staff permitted previously by the BZA equals an additional 35 faculty and staff. The new faculty/staff increment, multiplied by 2/3rds, creates

BZA
Case No. 16611
Exhibit No. 212

Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.212

a new parking requirement of 23 spaces. This new requirement, added to the 24 required by the BZA, would bring the required parking count to 47. As shown in Exhibit B, the School plans to provide 48 parking spaces total when the addition is complete. By providing these parking spaces, the School is meeting its parking requirement.

As shown in Exhibit B, these required parking spaces will be located on the "campus", that is, spread between the two distinct lots. Because the School will be expanding from its current location on Lot 67, onto a new lot separated by a public alley, we believe it is permitted to meet its parking requirement on any, or all, of these lots. As we discussed, there is zoning precedent for such a parking arrangement at a private school located in a residential district. In 1992, the BZA approved the expansion of the National Cathedral School ("NCS") on Square 1922 and required the majority of the parking for NCS to be on the Cathedral Close, Square 1944, which is separated from the approved expansion site by a public street (Woodley Road.) Exhibit C is the BZA orders approving the NCS expansion and Exhibit D is the parking plan approved by the BZA in that case.

Thus, it is our opinion, and past precedent confirms, that parking for private schools, if approved by the BZA pursuant to Section 206 of the Zoning Regulations, may be located anywhere on the School's premises, even if the addition or expansion of that school is on a separate record lot.

As you indicated in our meeting, you agree with our analysis. Kindly confirm your opinion by signing a copy of this letter in the space provided below.

Thank you for your attention to this matter. If you have any questions or comments, please feel free to call either of the undersigned at (202) 663-8789 or (202) 663-8902.

Sincerely,

Phil T. Feola

Sarah E. Shaw

CONFIRMED

Michael D. Johnson
Zoning Administrator

Dated: Oct 3°, 2000

Enclosures
cc: Walter Ailes

Document #: 996711 v.1



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13986, as amended, of Edmund Burke School, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to construct an addition to a private secondary school and for variances from the lot occupancy requirements (Sub-section 3303.1), from the prohibition against required parking spaces measuring less than nine feet by nineteen feet (Sub-section 7204.1) and from the prohibition against parking spaces not being accessible directly from streets or alleys (Sub-section 7206.4) in an R-2 District at premises 2955 Upton Street, N.W., (Square 2243, Lots 30, 49 and 50).

HEARING DATE: July 13, 1983
DECISION DATE: September 7, 1983

FINDINGS OF FACT:

1. As originally advertised, the application requested a side yard variance from the requirements of Sub-section 3305.1 of the Zoning Regulations. Subsequent to the advertisement of the hearing, the Zoning Administrator determined that this relief was no longer required since only one side yard is required for a private school in the R-2 District and the applicant is providing one side yard in excess of the requirements. The Board therefore permitted the amendment of the application to eliminate the side yard variance request under Sub-section 3305.1 of the Zoning Regulations.

2. The subject site is located on the north side of Upton Street between Connecticut Avenue and 29th Street, N.W. and is known as premises 2955 Upton Street, N.W. It is in an R-2 District.

3. The site is rectangular in shape containing 22,050 square feet of land area and 150 feet of frontage on Upton Street, N.W. The site is improved with a two-story and basement brick structure presently used as a private school. At the rear of the school, to the north and accessible from a sixteen-foot wide public alley, is a paved area approximately 100 feet in length and thirty-five feet in depth. A sixteen-foot wide public alley also abuts the site to the west. There is a ten foot building restriction line along the Upton Street frontage.

4. The site is located in an R-2 District which runs from the alley immediately west of the site eastward to

approximately 29th Street. The R-2 portion of Upton Street is a residential neighborhood consisting of three-story single-family row dwellings and, approaching 29th Street, semi-detached dwellings. The R-2 District includes portions of the Howard University Law School Campus.

5. North and west of the site is an R-5-C District which also runs parallel to Connecticut Avenue south of the site. The R-5-C area is characterized by high density residential development contained in row dwellings and apartment houses of varying heights and bulk.

6. Northwest of the site at Connecticut Avenue and Van Ness Street, N.W. is a C-3-A District of intense mixed-use development along Connecticut Avenue. This district contains the Van Ness Center and other commercial developments. In the northwest quadrant of the intersection of Connecticut Avenue and Van Ness Street is the Van Ness Campus of the University of the District of Columbia.

7. The applicant proposes to construct a three-story brick addition to the existing structure. The addition will be constructed to the west of the existing structure over to and contiguous with the western lot line. Each floor will be interconnected with the existing structure. The addition will include a gymnasium, stage and additional classrooms. The gymnasium will also serve as an auditorium. Renovation of the existing structure is also planned.

8. The height and design of the addition will be consistent with the existing structure.

9. The applicant, the Edmund Burke School, in an independent, co-educational middle and secondary school offering grades seven through twelve. The present enrollment is 165 students, of which seventy-three percent resides in the District of Columbia. Over sixteen percent of the students receives financial aid. There are twenty-eight teachers and other staff members on the payroll, but only twenty are at the school at any given time.

10. It is anticipated that the proposed addition will provide for a maximum number of 270 students. The staff will increase to thirty-five persons, although only twenty-eight will be on the site at any one time.

11. There are approximately twelve students per classroom at the present time. That number is expected to increase to fifteen.

12. The Edmund Burke School was established in 1968 and moved to its present location following approval by this Board in BZA application No. 11428, Order dated September 6, 1973. The site has been used almost exclusively as a school

since 1911. From 1926 until 1951, the property was used as the Devitt School which had at one time 250 students and also had evening classes. Later, the Board approved the use of the subject premises as a Science School for Dunbarton College in BZA Appeal No. 9200.

13. The high school curriculum for each student at the Edmund Burke School includes four years of English, three years of math, three years of foreign language, four years of history, two years of fine arts, and three electives. Independent study is also encouraged and voluntary community service is required. Further, there is a full complement of extracurricular activities including athletics, yearbook, dramatic and musical productions, poetry readings, an "It's Academic" team, backpacking, canoeing, and skiing trips and a number of ad hoc events. Students have been successful in obtaining acceptance at leading colleges and have maintained a high performance level.

14. School activities are completed by 6:00 P.M.

15. The applicant envisions community use of the gymnasium and the art facilities. Presently, the existing building is used by neighborhood civic associations and non-profit organizations.

16. All of the activities planned in conjunction with the proposed addition will be entirely contained within the structure.

17. The addition will have fourteen-inch thick concrete and masonry walls to provide maximum sound insulation. The gymnasium is located seven feet below grade in the basement to contain noise. Rock below the seven foot level prohibits the gymnasium from being any lower. Windows in the gymnasium will be double glazed.

18. A regulation, full-size basketball court measures eighty-four feet by fifty feet. The applicant, however, is only able to provide a court measuring approximately seventy-four feet by forty-two feet in the addition. The proposed gymnasium will be the minimum size that still can function efficiently for instructional purposes. A permanent stage is also proposed which will be located adjacent to the gymnasium floor so that the room may be used as an auditorium.

19. The School's outdoor recreational activities are located off the subject site on the grounds of the Howard University Law School approximately 250 feet away. Students walking to the field are supervised by the physical education teacher. Fewer trips are planned to the field since the proposed gymnasium will accommodate additional activities than presently occur.

20. Approximately three percent of the students will be allowed to drive an automobile to school. Student parking will be provided on-site in extraordinary situations. Parents of the students must request in writing permission to allow a student to drive to school. A student may drive only when there is no adequate public transportation or in other exceptional circumstances.

21. Twenty-eight percent of the students are dropped off at the school. Five percent ride with someone who parks at the school. Fifty-one percent use mass transit and fourteen percent will walk or ride bicycles.

22. Forty percent of the faculty drive automobiles to work. The remaining sixty percent either walk, use mass transportation or ride in a car pool. A majority of faculty and staff drive compact cars.

23. The landscaped side yard east of the existing building, measuring approximately thirty-four feet in width, serves as a buffer between the school and the adjacent properties. There is also a four foot grade increase in this side yard, thereby making it inappropriate for parking. The existing public alley adjacent to the western property line will serve as an open space buffer between the addition and other adjacent uses.

24. The school is located approximately one block from Connecticut Avenue, N.W. bus service and two blocks from the Van Ness Metrorail Station. Additional parking is available at nearby commercial parking facilities.

25. The R-2 District permits a maximum lot occupancy of forty percent or 8,820 square feet. As proposed, 12,284.85 square feet are to be occupied, requiring a variance of 3,464.85 square feet or 39.28 percent.

26. At the Board's request, the applicant revised the originally proposed parking layout of twenty-five spaces to include a defined pedestrian walkway to the rear door, to preserve the existing trees in the rear and side yards and to clearly locate the trash dumpster. The Board was also concerned that in the original parking layout, the spaces were offset, so that a vehicle in one space actually blocked two others.

27. Twenty-five off-street parking spaces measuring nine feet by nineteen feet are required. Under the revised plan, two spaces at nine feet by nineteen feet, nine spaces at eight feet by sixteen feet and fourteen spaces at eight feet by nineteen feet are proposed to be provided. Variances are required for those spaces measuring less than nine feet by nineteen feet. The revised plan did show one parking space partially in front of the rear exit. Such a condition

could be hazardous in the event that quick egress from the building was required in an emergency.

28. Nine spaces are not directly accessible to a street or alley with access available only across another parking space. These spaces require variance relief from the provisions of Sub-section 7206.4.

29. The Office of Planning, by report dated July 6, 1983, recommended deferral of consideration of the original application until further explanation of the proposal could be obtained. The Office of Planning was concerned with the size of the addition and the extent of the lot occupancy variance. The Office of Planning was further concerned with the impact on the neighborhood resulting from the increased enrollment. Subsequent to the filing of the report and prior to the hearing before the Board, the applicant resolved all of the Office of Planning's concerns and the Office testified in support of the application at the hearing.

30. The Forest Hills Citizens Association, by letter dated July 13, 1983, stated no objection to the application but expressed concern over the possible increase in traffic on Upton Street. The applicant has agreed to work with the neighborhood to help reduce any traffic impacts.

31. Many letters in support of the application were received into the file. The letters were submitted by neighboring property owners and District of Columbia educators.

32. Advisory Neighborhood Commission 3F by letter dated July 13, 1983, recommended its support of the application. The Board waived its Rules to admit the ANC report into the record even though the report was not timely filed.

33. No one appeared in opposition to or in favor of the application at the public hearing.

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 under Paragraph 3101.42 to construct an addition to a private middle and secondary school and variances from the parking space size requirements under Sub-section 7204.1, from the prohibition against parking spaces not being accessible directly from streets or alleys under Sub-section 7206.4 and from the lot occupancy requirements under Sub-section 3303.1.

Regarding the special exception, the applicant must prove that it has complied with the requirements of Paragraph 3101.42 of the Zoning Regulations. The Board concludes

that the applicant has met its burden of proof. The addition will not be objectionable to adjoining or nearby property. The addition will be constructed of brick to provide maximum sound insulation and all activities planned will be entirely contained within the structure. Use of the site as a private school has been consistent since 1926 without adverse effect. The addition's height, bulk, scale and design are compatible with the existing building and will not adversely effect neighboring property. The increase in the number of students and faculty at the school will not over intensify the use of the available space. The number of trips generated by the addition will not create an adverse impact on the transportation system in the area, and the applicant will provide an adequate number of parking spaces. Therefore, the Board concludes that the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and will not adversely affect the use of the neighboring property.

As to the variance relief sought, the Board concludes the site is affected by an extraordinary or exceptional condition in that the existing structure was built prior to the adoption of the existing Regulations. A sub-soil condition of the site is such that extensive and costly excavations below the seven foot level would be required to construct the addition. This condition creates a practical difficulty in the property.

The Board further concludes that the requested variances can be granted without detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board notes that the revised parking plan locates one parking space partially in line with the rear exit, creating a potentially hazardous condition in the event of emergency egress from the building. Accordingly, it is ORDERED that the application is hereby GRANTED subject to the following CONDITIONS:

1. Operation of the school shall be limited to the Edmund Burke School, except as provided in Condition No. 5.

2. Twenty-four parking spaces shall be provided on-site. Parking shall be in accordance with Exhibit No. 33A of the record, except that the parking space immediately adjacent to the west side of the rear exit shall be eliminated.

3. The noise emanating from the structure shall not exceed 55 dba (decibals) as measured at the property line nor exceed the provisions of Sub-paragraph 6102.613 of the Zoning Regulations.

4. The number of students shall not exceed 270 and

the total number of faculty and staff shall not exceed thirty-five.

5. All non-school-related use of the building shall be limited to no more than three events per month.

VOTE: 4-1 (Lindsley Williams, Carrie Thornhill, William F. McIntosh and Douglas J. Patton to grant; Charles R. Norris opposed to the motion).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: OCT - 4 1983

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.

13986order/KATE10



Proposed Site Circulation

EDMUND BURKE SCHOOL



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15691 of the Protestant Episcopal Cathedral Foundation, pursuant to 11 DCMR 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, 1992 and September 23, 1992
DECISION DATE: November 4, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The property which is the subject of this application is known as 3600 Woodley Road N.W. The subject site is located along 36th Street N.W. between Woodley Road and Lowell Street within the boundaries of the National Cathedral School campus. The applicant stated that the National Cathedral School (NCS) campus occupies a portion of the grounds of the Washington National Cathedral (hereinafter the Cathedral grounds are referred to as "the Close") and an adjacent square, Square 1922, across Woodley Road to the north. The NCS campus is divided into three district areas consisting of Hearst Hall, Woodley North, Whitby Hall and the athletic playing fields and related facilities.

Hearst Hall, the school's signature building, occupies the northwest corner of the Close and is bordered to the west by Wisconsin Avenue N.W. and to the north by Woodley Road N.W. Hearst Hall is home to the Upper School and NCS administrative offices.

Woodley North and Whitby Hall are located across Woodley Road from the Close 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. Woodley North consists of four integrated buildings: Scott Hall, Founders Hall, Procter Hall and Whitby Center. Woodley North houses the Middle School and many of the Middle and Upper School educational and administrative facilities including the library, drama department, science laboratories, computer center, gymnasium and aerobic/weight room.

Whitby Hall is home to the Lower School. In addition to classrooms, Whitby Hall includes a library, science laboratory, computer center, and small assembly room. The addition proposed by this application will be made to Whitby Hall and will front on 36th Street between Woodley Road and Lowell Street.

NCS's athletic facilities are located two blocks to the east of the School on the northeast corner of the Close at 34th Street and Woodley Road. They include two playing fields, eight tennis courts and related support facilities.

The applicant stated that several years ago, NCS embarked upon a long range planning process to assure maximum utilization of existing facilities and to establish a clear direction for growth and development of the campus during the 1990s. The process highlighted the physical plant deficiencies and space needs of each of the three schools, prioritized these needs, and determined a comprehensive solution for future growth.

The planning process identified the problems associated with the Lower School as requiring immediate attention. Specifically, the Lower School program has outgrown its current facilities at Whitby Hall. As a result, space and locational deficiencies exist with regard to the Lower School's library, science laboratory, computer center, art classroom, assembly room, language laboratory and general classrooms. Further, inadequate and failing heating and cooling systems plague both the classrooms and the support spaces in Whitby Hall, while the absence of a defined entrance, reception and administration area poses a security problem.

Proposed Addition to Whitby Hall:

To remedy the Whitby Hall space deficiencies, NCS proposes to construct a two-story plus basement brick addition to the existing building. The addition consists of approximately 11,330 square feet, and rises 30 feet in height as measured from the existing grade at the center of the front of the building on Woodley Road. The building contains a rear yard setback of 98 feet as measured from the center of Lowell Street, and coupled with the existing structure, occupies 40 percent of the subject site. Space within the addition has been allocated for an assembly/performance room, a music room and six classrooms.

The addition includes a defined entrance to the Lower School accessible from a landscaped courtyard adjacent to the Middle School/ Lower School parking lot. The parking lot includes twelve regulation sized parking spaces with extensive perimeter landscaping and controlled lighting to minimize visual impacts upon surrounding residential properties. Further, an improved circulation flow is contemplated through the parking lot to allow for a more orderly and efficient student drop off and pick up traffic sequence.

The applicant stated that the proposed brick and precast addition will complement and expand upon the original 1917 design of Whitby Hall.

2. Square 1922 is split-zoned R-1-B and R-5-C. The R-5-C zone district covers approximately 25 percent of the subject square beginning at Wisconsin Avenue and extending south and east into the interior portion of the square. The R-1-B zone district covers the remaining portion of the square and is the area in which the proposed addition would be located.

The R-1-B District permits matter of right development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of 40 percent, and a maximum height of three stories/40 feet.

Relative to this application, a private school is permitted in an R-1-B zone district as a special exception subject to the provisions of Section 206 of 11 DCMR. Section 206 provides as follows:

206 PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206.1 Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Section 3108 of chapter 31 of this title, subject to the provisions of this section.

206.2 The private school shall 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.

206.3 Ample 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.

3. The applicant stated that the application complies with the standards for special exception relief. The applicant stated that the addition is located so as not to become objectionable to adjoining and nearby property because of noise, traffic, number of students or other objectionable conditions.

A. Noise:

The proposed addition is set back 64 feet from the curb on Lowell Street and 30 feet from the curb on 36th Street. This distance, coupled with the width of both streets (29 feet from curb to curb), ensures an adequate buffer between the addition and the nearest residential dwellings.

The applicant stated that in addition to the setback, an extensively landscaped buffer strip is planned for the perimeter of the site adjacent to both 36th and Lowell Streets. This landscaping includes dense hedges surrounding the parking lot, a high canopy of flowering trees, mid-scale flowering trees and broad garden areas along 36th Street. This landscaping is supplemented by the presence of several mature trees located in the public space adjacent to the site. The landscaping and trees will serve as an additional buffer and mitigate the visual effect of the addition and the adjoining parking area.

The applicant stated that NCS currently budgets for the enrollment of 546 students and employs 105 regular faculty and staff. NCS does not plan to increase these numbers, therefore, no objectionable impacts due to noise are anticipated.

B. Traffic:

The applicant testified that the proposed addition does not impose adverse traffic impacts upon the surrounding neighborhood.

The applicant engaged the services of a consultant to analyze current parking, loading and vehicular circulation patterns in the vicinity of the School. Based on survey data and field observations, the consultant found that the majority of Lower School students are dropped off between 7:30 a.m. and 8:00 a.m. and picked up between 3:00 p.m. and 3:30 p.m. Drop off and pick up activity occurred primarily along 36th Street (between Lowell and Woodley Road) and Woodley Road (between Wisconsin Avenue and 36th Street). Whereas field observations revealed that the drop off and pick up activity along Woodley Road operated with minimal interference upon nonschool traffic, the consultant concluded that the 36th Street activity operated in an inefficient manner.

The consultant testified that the school currently has a parking facility which has one driveway on 36th Street. That facility works adequately for parking 12 vehicles and for trash pick up, but it is a source of problems.

Parents must use the curbside to drop off their children in the morning and to pick them up in the afternoon. Some parents are tempted to pull into the parking area to drop off or pick up their children. However, there is inadequate space in the parking area to turn around and exit because of the parked cars, therefore, parents must back into the street to leave the parking area.

The consultant testified that because parents often have to wait for their children during afternoon pick up, the length of stay on the curbside is longer than desired. This creates traffic congestion on the adjacent streets. This congestion is a nuisance

to neighbors, as well as to drivers trying to get through the area. It is also a safety hazard for the children.

To rectify this condition, the consultant recommended a plan to move the existing small parking lot and use the relocated lot immediately adjacent to the proposed addition as a queuing/storage area for vehicles dropping off and picking up students. Use of the relocated lot would make it possible for parents to enter the lot from a curbcut on Lowell Street, discharge or retrieve passengers at the new Lower School entrance and proceed out of the lot by way of a curb cut onto 36th Street. Ideally, traffic would circulate in a clockwise direction so that much of the traffic would be coming eastbound on Lowell approaching that drop off area. The plan is to have the traffic proceed one way entering from Lowell Street and exiting on 36th Street.

The consultant testified that the management plan seeks to make different uses of the area based on the time of day.

Early morning use:

He stated that eight of the 12 parking spaces will be reserved for faculty and staff, who will be asked to arrive and fill those spaces before 7:30 a.m. For one-half hour beginning at 7:30 a.m. parents are to drop off students at the designated area. He stated that parents will be encouraged to use the drop off facility because it is safer, it minimizes the impacts on the neighborhood, and the children prefer to be dropped off here.

The consultant stated that four vehicles can easily fit in the drop off area and a fifth one can fit in the throat of the driveway directly off of Lowell Street. He stated that with the traffic signal on Wisconsin Avenue operating in 90-second cycles, he anticipates having only two, three, or at the most four vehicles arriving during each 90-second cycle.

The drop off facility will be attended by NCS staff to make sure it is operating safely and that there is no one using it for any activity other than dropping off students. Parents will enter from Lowell Street and they will be instructed by an attendant to pull up as far as possible into the drop off area. Students will get out of the car. The vehicle will then be allowed to exit on 36th Street where the drivers will be encouraged to turn right toward Woodley Road. Then they may proceed as they wish.

The consultant acknowledged that not everyone will find the proposed drop off plan the most convenient way to approach the school and drop off their children because many parents are coming from other directions. However, those parents who can, will be encouraged to get into this clockwise pattern to use the drop off area.

The consultant testified that on rare occasions, the drop off facility will be backed up because someone is having trouble getting out of a car. There will be parking spaces for the handicapped and handicapped students may be getting out of cars, slowing vehicle flow. If vehicles approach on Lowell and the drop off area is full, the driver will simply be instructed by the attendant to move further east on Lowell, turn right on 36th Street and drop off their children along 36th Street, where there is currently a lot of drop off activity.

The consultant testified that afternoon pick up will be a little more complicated because parents have to wait a while for their children. The pick up area can only accommodate four or five vehicles, and if people are waiting 10 or 15 minutes, it is preferable that they not wait in the pick up area. Therefore, the attendants will monitor use of the area. If a driver is waiting for a passenger who does not seem to be ready, and the driver is blocking access to the area, the driver will be asked to move into the street and find a place at the curb to wait.

The consultant pointed out that for the plan to be viable, the school administration will have to have responsible people who will monitor these activities, watch for problems and make sure that parents who are causing problems are identified and spoken to. The school must also make sure that the neighbors are aware of the plan so that when they see problems arising, they can call the school for administrative followup.

Midday use:

The traffic management consultant testified that after the morning drop off period ends, the area is available for use by visitors. Visitor parking, including spaces for the handicapped, will be set aside for use during the day.

The consultant testified that the area will also be used by trash trucks to pick up trash on a daily basis. By using the drive-through, the trucks will no longer have to back out of the driveway into the street after picking up the trash.

Finally, the traffic management consultant expressed the view that the proposal will not have an impact on traffic. The predominant flow of traffic on 36th Street in the morning and afternoon is school-related. If the school can effectuate the plan as proposed, there should be little to impede the flow of traffic near the site. He also noted that the school is not proposing to increase the number of students or faculty. Therefore, the proposal will not increase traffic in the area. The consultant pointed out that the proposed plan will be improved over time with the input of neighbors.

The Number of Students:

The applicant stated that the purpose of the addition is to enhance the quality and efficiency of the Lower School. NCS has no plans to increase overall enrollment objectives beyond current levels. Faculty and staff levels are, therefore, expected to remain constant. Thus, there is no reason for traffic or parking to increase as a result of the proposed addition. Therefore, the applicant is of the opinion that the proposed addition does not impose adverse impacts because of the number of students.

Parking:

The applicant stated that ample parking is currently provided to accommodate students, teachers and visitors coming to the site by automobile, and that the construction of the proposed addition will not alter this fact.

Section 2101.1 of the Zoning Regulations requires a private elementary, junior and senior high school like NCS to provide parking in accordance with the following standards:

- Elementary and Junior High School: two parking spaces for each three teachers and staff; and

- High School: two parking spaces for each three teachers and other employees, plus either one space for each 20 classroom seats in the largest auditorium, gymnasium or area useable for public assembly, whichever is greater.

Applying the above standards, with a total staff of 105 and the largest public assembly space in Hearst Hall containing 200 seats, NCS is required to provide 80 parking spaces.

NCS stated that it complies with this requirement and currently provides 80 spaces on the Cathedral Close (including 12 spaces now located within the existing parking lot adjacent to Whitby Hall).

Upon construction of the addition, NCS proposes relocating the 12 spaces adjacent to Whitby Hall approximately 70 feet to the north on the subject site. This relocation will enable NCS to retain the existing on-campus parking for faculty, staff and visitors in close proximity to the Middle and Lower Schools.

To buffer the relocated parking lot from nearby residential development, NCS proposes to landscape the perimeter of the lot along Lowell and 36th Streets. The proposed landscaping includes dense hedges, flowering trees and broad garden areas. Further, the mature street trees located in public space serve as an additional buffer and help render the parked cars visually unobtrusive.

3. The Office of Planning (OP), submitted a report dated September 15, 1992 recommending conditional approval of the application. OP stated that in order to remedy Whitby Hall's deficiencies, NCS is proposing to construct a two-story plus basement brick addition to the existing building. The addition would consist of approximately 15,000 gross square feet with a building height of 35 feet. The rear yard setback of the addition would be in excess of 25 feet as measured from the center of Lowell Street located to the north. The total lot occupancy of the proposed addition combined with existing school buildings in the R-1-B zoned portion of the campus would be 40 percent. Floor space within the addition would be used for an assembly/performance room, a library, a music room, several classrooms, and a computer center.

In addition to the proposed structure, a landscaped courtyard would be constructed adjacent to and north of the building addition. The existing 12-space parking lot on the site would be moved closer to Lowell Street to the north and would be extensively landscaped around its perimeter. Controlled lighting would be extensively landscaped around its perimeter. Controlled lighting would also be provided for the courtyard and the parking area to minimize visual impacts at night upon surrounding residential properties to the north and east. The proposed parking area would be accessed from Lowell and 36th Streets via one new curb cut on each of the two streets. This configuration would allow for improved traffic circulation through the proposed parking lot to facilitate a more efficient and safer student drop off and pick up traffic pattern.

The applicant has provided a parking and pedestrian assessment report that addresses the existing parking situation, loading activity, and vehicular and pedestrian circulation patterns in the vicinity of the school. It also identifies possible procedural problems and recommends solutions. The Office of Planning has referred this application to the Department of Public Works (DPW) for an assessment of the impacts of the proposal on vehicular traffic and parking. The Office of Planning will defer to DPW's recommendations regarding such impacts.

Based upon a comprehensive review and analysis of the applicant's proposal, the Office of Planning is of the opinion that the proposed addition and related facilities would be in compliance with the provisions promulgated in Section 206 of 11 DCMR. The proposed addition is located on the subject site so as not to become objectionable to adjoining and nearby properties because of noise, traffic, the number of students or other objectionable conditions. The addition would be well set back from the curb on both 36th and Lowell Streets, providing an adequate distance between the structure and the nearest residences. In addition, an extensively landscaped buffer strip would be provided along the perimeter of the subject property parallel to both 36th and Lowell

Streets. Existing mature trees in the public space and on the site would be retained and would supplement the proposed landscaping. These landscaping components would mitigate the visual impacts of both the proposed building addition and the adjoining parking area.

Regarding traffic impacts, the Office of Planning believes that the proposed parking area and circulation pattern which would be provided on-site with the addition would actually be an improvement over existing conditions, especially when considering student drop off and pick up activities. At present, student drop off and pick up activity occurs primarily along both 36th Street and Woodley Road adjacent to the school property. The proposed relocated parking area to the north of the proposed addition, and the curb cuts associated with it, would allow much of the drop off/pick up activity to take place on-site and off the surrounding streets. This situation would also enhance student safety and security. As previously stated, the Office of Planning referred this application to DPW for a traffic and parking impacts assessment relative to the proposed project.

The Office of Planning is of the opinion that the applicant has met the burden of proof relative to the request for a special exception to allow the construction of the proposed addition to Whitby Hall. The proposed addition complies with the regulatory provisions specified in Section 206 of 11 DCMR. The proposed addition would alleviate space constraints that currently exist on the school's campus due to today's educational requirements. With the proposed landscaping plan, the building addition and relocated parking area would be adequately buffered from surrounding residential properties and would not appear to create negative traffic impacts. In addition, there is no proposal to increase the number of students, faculty or staff. As a result, the Office of Planning believes that noise levels related to school activities would not be increased. Accordingly, the Office of Planning recommends approval of this application subject to the following conditions:

1. The total school enrollment objective is not to exceed 546 students. The total number of full-time equivalent (FTE) faculty is not to exceed 68. The total number of FTE support staff is not to exceed 37 individuals.

2. The school's regular hours of operation shall be 8:00 a.m. to 3:15 p.m., Monday through Friday. After school activities shall be allowed until 6:30 p.m.

3. Trash collection shall be on a daily basis with the trash storage location (i.e., dumpster) well-screened from the surrounding neighborhood as

proposed by the applicant at Tab 15 in the Pre-Hearing Submission, dated September 9, 1992.

4. The regular hours for drop off of children shall be from 7:30 a.m. to 8:00 a.m., Monday through Friday. The hours for pick up of children shall be from 3:15 p.m. to 3:45 p.m., Monday through Friday.

5. The total number of annual evening school events shall not exceed ten, of which six events shall involve parents and faculty, and four events shall involve students, parents and faculty. All other after school events shall take place at Hearst Hall on the portion of the NCS campus located on the National Cathedral grounds.

6. Eighty (80) parking spaces shall be provided for school use, either on-site or on the Cathedral grounds. The subject site shall contain no more than 12 parking spaces. All 80 spaces shall be marked and striped.

7. Play area and/or facilities for the children shall remain unchanged. The Procter Gymnasium on the NCS main campus can be used for night basketball games.

8. The applicant shall create and maintain a liaison committee with the community that shall meet on a quarterly basis.

9. The parking recommendation for Lowell Street N.W. and Wisconsin Avenue N.W. provided by the applicant's parking and pedestrian assessment report shall be subject to DPW's review and approval.

4. The subject application was referred to the following District government agencies for review and comment:

A. Department of Public Works;
B. Fire and Emergency Medical Services Department;
C. Metropolitan Police Department; and
D. Department of Consumer and Regulatory Affairs.

5. By memorandum dated September 22, 1992, the Department of Public Works (DPW) commented on the transportation elements of the subject application. DPW noted the proposed addition and the plans to relocate the 12-space parking facility north towards Lowell Street. DPW also noted the proposed access through driveways off of Lowell Street and 36th Street and the proposed pick up and drop off area.

With regard to the street system, DPW stated that streets abutting the school property include Wisconsin Avenue, Woodley Road, Lowell Street and 36th Street.

A. Wisconsin Avenue is a principal arterial street with a paved width of 60 feet and an everage daily traffic volume of 36,000 vehicles near the site. Parking is prohibited on the east side of the street adjacent to the school property.

B. Woodley Road is a collector with a paved width of 30 feet and an average daily traffic volume of 6,000 vehicles in the vicinity of the site. Parking is prohibited on the north side of the street adjacent to the school.

C. 36th Street and Lowell Street are both local streets with a paved width of 30 feet adjacent to the school. They serve as access to and from the parking lot.

DPW stated that five Metrobus routes pass the site on Wisconsin Avenue. They are the 30, 32, 34, 36 and 96 Metrobus lines.

With regard to traffic impact, DPW stated that since the applicant does not intent to raise student enrollment or staff levels, the proposed addition should not increase the volume of traffic generated by the school. In fact, the circulation plan proposed by the applicant, which calls for relocating the parking facility and having all pick up/drop off activities occur on site, could alleviate current traffic congestion on 36th and Lowell Streets and enhance pedestrian safety in the area.

DPW noted that of the 80 automobile parking spaces required by the Zoning Regulations, 12 spaces are located on-site. The remainder or 68 spaces are on the grounds of the Washington National Cathedral across Woodley Road.

From a transportation standpoint, DPW was of the view that the proposed improvement will have a minimal impact on the neighboring residential streets. Accordingly, the Department of Public Works has no objection to the proposal.

6. By report and resolution dated September 16, 1992, and through testimony at the hearing, ANC 3C expressed opposition to the application.

ANC 3C recommended that the Board deny the proposed application in its present form, because the siting, massing, and scale of the addition, plus the proposed parking and circulation

plan, will maximize "noise, traffic... or otherwise objectionable conditions" on nearby property owners and residents. In this regard, ANC-3C stated the following:

A. Parking: Although the BZA's order in Case No. 14282 requires the National Cathedral School to have 80 allocated parking spaces, the school has yet to show this ANC (despite repeated requests) a parking plan designating its spaces. Nor does it appear that NCS has complied with the order. The claimed need for a parking lot is a direct outcome of the Cathedral's continuing failure to comply with the 1985 order. Therefore, we agree with the neighbors in opposing construction of a new parking lot on the residential boundary of the school campus that would ensure auto-related intrusion into the neighborhood.

B. Traffic Circulation: Currently school-related traffic arrives via one of three routes (Woodley Road, 36th Street, or Lowell Street). The proposal to direct more or all of this traffic onto Lowell Street will maximize the traffic impact on that neighborhood street. It may tie up traffic on Wisconsin Avenue in the peak hour (southbound traffic turning left/east onto Lowell). It involves removing residential parking spaces on Lowell Street. It also attempts to move traffic through the new parking lot, for drop off near a school door, then onto 36th Street. The plan to concentrate traffic onto Lowell and through a driveway will generate too much traffic "friction" and thus gridlock.

C. Height/Scale/Massing: We believe the elevation along 36th Street is undesirable for the adjoining private property and, in accordance with the objectives of the special exception process, should be scaled back. In connection with this, we note the following:

1. Lot occupancy: To avoid requiring variance relief, the applicant must keep total lot occupancy on the Square to no more than 40 percent; this would allow approximately 4,6000 additional square feet. However, the applicant proposes an addition occupying approximately 5,800 square feet. We have heard rationale that the above-grade ground floor on 36th Street is actually below the main grade measured from another street. Not only do we recommend against accepting this rationale, but it reinforces the neighbors' legitimate contention that the massing, height, and scale along 36th Street is too great.

2. Height: It is the opinion of ANC 3C that the height of the addition, approximately 51' to the roof peak, is too great along 36th Street adjacent to single family houses. This inappropriate height is contrary to Sections 206 and 3108 of the Zoning Regulations.

3. Massing: The bulk of the addition has been placed along 36th Street without setback from the property line. This design allows for the controversial parking lot and drive-through/student drop off. Thus, the single-family neighborhood gets the worst of all three possibilities -- the unwanted parking lot, the unwise drive-through, and a 51-foot structure across the street.

4. School Program: ANC 3C does not oppose the National Cathedral School's desire to improve its educational space. But after hearing the arguments of the school and the neighbors' opposition, this ANC is convinced that a different design is possible that would achieve the same program results while ensuring better compatibility and harmony with the adjacent residential community. Such a design would have our support.

7. Responding to the issues raised by the ANC, the applicant provided the following information.

Parking: The 1985 Board order required the applicant to provide 80 parking spaces for use by those affiliated with NCS. Presently, 12 parking spaces are located behind Whitby Hall and 28 parking spaces are located near Hearst Hall. The other 40 spaces are on Pilgrini Drive, on the south side of the Cathedral. While the 40 parking spaces are a fair walking distance from NCS, there are no boundaries on the Cathedral Close itself and there is very little restricted or reserved parking of any kind. Moreover, the Board's 1985 order did not designate where the spaces were to be located. Therefore, the parking spaces, as provided, are in compliance with the 1985 order.

Traffic Circulation: The school has made a commitment to provide whatever manpower is needed to control the drop off/pick up process so that back-ups do not occur on Lowell Street. The plan to have cars circulate the block if they cannot fit into the driveway area, should also help prevent congestion.

Height/Scale/Massing:

Lot Occupancy: In testimony at the hearing, the applicant maintained that the proposed project does not exceed the 40 percent

lot occupancy allowed by the Zoning Regulations. The applicant stated that the plans before the Board were approved by the Zoning Administrator on the issue of lot occupancy.

Setback and Massing: In a letter dated July 17, 1992 to Mr. Matthew Coffey, Chairman of the NCS Physical Facilities Committee, the applicant's architect addressed issues raised by the ANC with regard to setback, massing and the impact of the structure on nearby properties. In this letter, he stated:

As requested by the immediate neighbors at our meeting on 1 June 1992, we have explored the option of moving the addition to Whitby Hall back from Thirty-Sixth Street. You will recall that the directive was to examine a five-foot and a fifteen-foot offset from the current proposal.

> The District of Columbia zoning ordinance stipulates that a side yard shall not be required along a side street abutting a corner lot in a Residence District (Section 405.5). Our property is a corner lot, and we are currently providing no side yard. If, however, we move the building off the lot line to provide a side yard of any kind, the minimum allowable dimension is 8'-0" (Section 405.9). Because a five-foot offset is not possible, we have examined an eight-foot offset in the alternative.
>
> Moving the mass of the classroom addition back eight feet has many effects. First, the existing scheme is designed around the centerline of the long wall of Whitby Hall, and its relationship to the wall of Whitby Gym. Arthur Heaton's original design was symmetrical in every respect, including massing and window placement. Our entry aligns on the centerline of the building and our courtyard is created by doubling the dimension from the center line to the Whitby Gym wall. This courtyard size working against the lot line on the street side creates the tightest possible program for the music and assembly rooms on the lowest level and three acceptable classrooms with support spaces on the main floor and the second story. Upon careful examination, we believe that it is also the tightest acceptable dimension for the exterior courtyard space considering the one-story eave line of the existing classroom building. Nominally, this exterior space is fifty feet wide (measured east-west) by seventy feet deep (measured north-south). The one-story entrance hall actually makes the ground area more square in plan. The loss of even eight feet in width (more than fifteen percent) would dramatically alter the proportion of the garden, rendering it a linear space - a slot between buildings, not a well-proportioned court.

As for the program, if the entire addition is pushed over eight feet, we would loose 350 square feet in the music room because of the bearing wall of Whitby Hall. This well-proportioned space is currently 1,050 square feet. A loss of thirty-three percent of the floor area would render this program element unusable.

In our opinion, this 8'-0" study has clearly defined the issues and demonstrated the problems. This scheme will not work if the mass is moved off the lot line. Obviously, a sixteen-foot setback would be considerably worse in every way.

In addition to this site/mass study which you requested, we attempted to generate an alternate proposal for the entire project which would address the program and the site constraints in a different way. Four schemes were generated, all within the forty percent lot occupancy requirement. In every case, serious compromises were created, not only to exterior spaces and the program on the lowest level, but to the teaching spaces above as well.

Height, design and school program:

With regard to the impact of the height and design on neighboring properties. The architect stated:

On the street side of the building, there is approximately ninety-five feet between our new building and the face of 3105 Thirty Sixth Street. Our proposed building is not directly across from this house, but rather has a relationship of corner to corner. The space is not contained by continuous walls or other structures like the court. We believe that the addition of 8'-0" (around eight percent) will definitely be imperceptible over this dimension in this set of spatial conditions. Incidentally, the neighboring house to the north of 3105 across Lowell Street (3201 Thirty-Sixth Street) is approximately 105-feet from the brick house and it appears that its cornice line height above the street roughly matches our proposed cornice height.

This design has been carefully reviewed by the Cathedral Building and Grounds Committee, the Cleveland Park Historical Association, the Cleveland Park Architectural Review Committee, and the District of Columbia Historic Preservation Review Board. In all cases there was detailed discussion of the mass and bulk of the addition, as well as the character and size of the exterior spaces.

> All groups enthusiastically endorsed the project for its sensitivity to the original historic building as well as to the historic neighborhood that surrounds it.
>
> It is our firm conviction that with the tight constraints of the program, the handicapped access requirements, and the site itself ... the scheme presented is the most responsible and appropriate solution available. .

At the public hearing, the architect testified that the greatest amount of bulk in the structure is at the lower level where it has less of an impact on the neighborhood and reduces the overall bulk of the project on the site. This is because of the one-story terrace which provides a transitional element between the mass of the classroom addition and the mass of the existing building. The architect noted that the applicant could have sought to build in greater bulk above the lower level, but did not.

7. The applicant submitted into the record the Historic Preservation Review Board's staff report and recommendation. The report was approved by the HPRB on December 18, 1991. The HPRB noted that the property is located in the Cleveland Park Historic District. The HPRB stated that the new addition is sited to the east of the existing building, and wraps around the existing structure creating a new entrance way. The new construction will add an additional 12,000 square feet to the school, and will provide needed space for the school program.

The existing structure is very traditional in design with bricks laid in a Flemish bond with Tudoresque elements defining the doors and window surrounds.

The new construction for the addition will be tied to the design and scale of the existing school by a common vocabulary. The brick and mortar of the new construction will match as closely as possible with what is existing. The stonework will match as closely as possible, as will the roof slates. The detailing will be complementary. The creation of the new entranceway will further serve to marry the old and new structures.

The plan also calls for the creation of a parking lot at the northeast corner of the site. The plans are very schematic and do not address the lighting, paving and landscaping of this part of the design. The parking lot needs to be minimized as much as possible.

Based on its observations, the HPRB approved the project in concept provided that the architects provide brick and mortar samples for the new construction and that the plans for the parking lot be resubmitted showing the elimination of the two parking spaces on public space; and that more information on paving

materials, lighting and landscaping be provided. The HPRB also recommended that the applicant attempt to save as many extant trees as possible.

8. A number of area residents submitted a petition and a statement and testified at the hearing in opposition to the application. While these neighbors welcome the NCS into their community and understand the school's need for more space, they raised a number of concerns that they believe need to be addressed. These include:

A. the 40 percent maximum lot occupancy requiremets;
B. failure to meet special exception requirements;
C. mass and height;
D. Parking; and
E. the drive-through

A. The Lot Occupancy: Opponents to the application made arguments similar to those of the ANC - that the proposed construction will bring the lot occupancy in excess of the 40 percent allowed. The opposing neighbors argued that the 5,872 square-foot building addition is in excess of 40 percent of the lot. They maintained that the applicant attempted to bring the proposal into compliance by "berming one corner of the music room," rather than reducing the size of the addition. The opponents argued that because the 40 percent allowable lot occupancy is exceeded, a variance from 11 DCMR Subsection 403.2 is necessary.

B. The Special Exception Standard: Opponents maintain that one significant purpose and intent of the Zoning Regulations is to preserve open space in R-1 neighborhoods. They stated that the Board must determine whether the project is in harmony with the general purpose and intent of the regulations where it exceeds the lot occupancy allowed. They believe that the excess in this application is particularly egregious because the project is to be built to the property line on 36th Street, and its existing building around the corner on Lowell Street is already up to the property line. This total absence of a setback on 36th Street is rationalized by the fact that the lot fronts on three streets, and on Lowell Street as a "grandfathered" existing building. These explanations do not alter the fact that the applicant's large size and perimeter construction occupy the lot in such a way as to minimize open space facing the neighborhood and maximize the institutional intrusion.

The lot's most attractive open space faces Woodley Road and is completely cut off from the neighborhood by NCS's existing buildings. If this application is granted, the only "open space" left at Lowell and 36th Streets would be a raised courtyard enclosed on three sides, and a parking lot.

Other adverse impacts of the excess size and poor placement of the proposed project include locating the school's dumpster next to the sidewalk and directly in front of a facing residence and the loss of two very large trees, one totally on public space and the other on the property line.

C. Mass and Height: The opponent stated that according to the applicant, the new building is only an addition to an existing Woodley Road building and, as such, is only 30 feet tall. This figure was determined by measuring from the elevated grade at the middle of the Woodley Road building to the inside ceiling of the addition. The opponents believe that the structure should be treated as a distinct building for purposes of evaluating the project's impact on adjacent properties.

The opponents pointed out that the proposed new structure fronts on 36th Street. Measured at this front (which the applicant acknowledges), the project stands 51 feet high from doorstep to rooftop - the approximate equivalent of a five-story building. The project's eave line is 38 feet, compared with 22 feet for the facing residence. The absence of any setback from the 36th Street property line increases the impact of this objectionable height.

The opponents also argued that the floor area ratio (FAR) for this private school should be less than that of a public school in an R-1 District. While there is no applicable FAR requirement for a private school in an R-1 District, a public school there would be limited to 0.9 gross FAR (11 DCMR Subsection 402.1). Based on the evidence of record, NCS's FAR would appear to be 0.94. Since public schools are given greater allowances than other structures, it would follow that NCS's FAR should be less than that of a public school. To allow a private school to exceed the size allowed to public schools in R-1 Districts would be contrary to the regulations' general intent and purpose. The opponents noted that reducing the classroom structure by one floor would resolve both the height and the mass problems.

The opponents stated that the applicant's proposal would result in an objectionable mass intruding into the neighborhood. The applicant has provided no evidence to document any serious analysis of alternaives. Therefore, the applicant has failed to make every effort to avoid any possible adverse impact upon the neighborhood. Consequently, the applicant has not met the special exception test.

Parking: Opponents stated that NCS proposes to eliminate its parking lot along the existing building, some 70 feet from Lowell Street, and to construct a new lot abutting the Lowell Street sidewalk. This is highly objectionable to the community.

Also with regard to parking, the opponents argued that 40 of the 80 parking spaces provided under the 1985 Board order are located so far from NCS as not to be of service to NCS. In the opponents' view, the Board should not simply require that the spaces be located on the same lot but the Board should be guided by other zoning requirements associated with parking lots. For example, the parking lot should be located "so that the likely result will be a reduction in overspill parking on neighborhood streets." (Subsection 212.6). More specifically, accessory spaces must be located "in their entirety within two hundred feet (200') of the area to which they are accessory (Subsection 213.3), except that churches may locate up to 50 percent of their parking up to 4,000 feet away. (Subsection 2116.3).

Finally, with regard to parking, the opponents stated that the applicant is not providing adequate parking to accommodate the students, teachers, and visitors likely to come to the site by automobile.

The opponents maintain that the calculation of the numbers of required parking spaces is incorrect. Based on the number of seats in NCS's largest auditorium, as indicated on the Zoning Data sheet, the applicant should provide 22 spaces plus 70 to accommodate the 105 emloyees. This is a total of 92 spaces, therefore the proposal of 80 spaces is inadequate.

The proposed drive-through: The opponents challenged the applicant's proposed drop off/pick up plan. They do not believe that NCS's security goals will be achieved. According to the NCS Master Plan, the problem is that many students now wait, unattended, to be picked up at the corner of Lowell and 36th Streets. But while the applicant's statement says that the girls may be picked up in the new drive-through lot, its own consultant has concluded that the lot must be closed to afternoon pick up, since it would become too "jammed up" to use.

Instead of picking up in the lot, which has only five queuing spaces, the consultant recommends that cars circle the block in a clockwise direction and take any available parking place. The Traffic Management Plan, in turn, recommends that the children wait at various curbside points: 4th grade at 36th Street, 5th grade on Woodley Road and 6th grade on Wisconsin Avenue, and "residual" on the other side of Woodley Road. It is unclear to opponents how dispersing these young girls on the sidewalk around three sides of the school would increase their security. The Wisconsin Avenue pick up seems particularly dubious, since with the recommended removal of Wisconsin Avenue parking restrictions, no curbside spaces would be available, so pickups would involve double parking on that busy street.

Ironically, the Traffic Management Plan's recommended "instructions to Parents" concludes by encouraging them to pick up their students on 36th Street or Woodley Road. (Page 6). This is the current, reasonable arrangement, which the community is happy to support.

The traffic study also shows that the drive-through would only have limited use even for morning drop offs. It recommends that all drivers approaching from the east or coming down 36th Street from the north drop off on Woodley Road or 36th Street. Only drivers coming from Wisconsin Avenue or across Woodley from the west should attempt the drive-through. (The consultant did not determine how many drivers currently come from these directions). Even then, parents are advised that the drive-through may be backed up; if so, they should wait a few seconds to see if it will clear, otherwise proceed down Lowell Street. (G/S Traffic Management Plan, Page 4). Of course, while they are waiting (there probably will be no room to pull over, since this block of Lowell is usually solidly parked), others will be waiting behind them and, quite possibly, others will be waiting - during morning rush hour - on southbound Wisconsin Avenue, trying to make the left turn onto Lowell Street. For these reasons many neighbors oppose the drive-through proposal.

The School's reorientation: The opposition stated that the school currently, faces Woodley Road and only its relatively unobtrusive back faces the residential area. The school now proposes to establish a major entry onto Lowell Street, completely reorienting the lower school away from the Cathedral and into the neighborhood. The school already has an attractive, defined entry from the beautiful Woodley Road courtyard overlooking the Cathedral. The reorientation will change the character of the neighborhood from residential to institution-dominated. Given the excellent existing Woodley Road entry, it simply is not necessary.

In the 1966 BZA case concerning this site, the BZA noted that:

> In order to demonstrate their concern for the neighbors, appellants [the school] pointed out that the doors shown on the [proposed addition's] plans were for emergency use only and that the students would not normally enter or leave directly onto 36th or Lowell Streets.

NCS should be required to renew its former respect for the residential character of the area. The current informal entry by a portion of the students is unobjectionable, but the added encroachment of an enlarged, formalized entry would be a major change which would adversely impact the neighborhood.

9. Some of the area residents appeared at the hearing to testify in support of the application. They support the proposal for a number of reasons. First, supporters believe that because of the school's excellent educational standards, it is an asset to the community. They feel that the additional space is necessary for the school to maintain its standards in the 1990s. The project represents progress for the community.

Some of the supporters whose children attend NCS, testified that the current drop off, pick up plan is not safe for the children. They prefer the designated drive-through in the applicant's proposed plan.

One witness testified that there is a great deal of open space on the Cathedral grounds and in the nearby community.

Supporting neighbors requested that the application be granted so that the NCS may continue its mission in the community.

10. Because of strong neighborhood opposition to the application, the Board requested that the Office of Planning facilitate a meeting between the applicant and the community to address issues which remained of concern to opponents at the end of the hearing. All parties were afforded an opportunity to submit comments on the meeting into the record.

11. By letter dated October 28, 1992, counsel for the applicant stated that an accommodation has been reached with the persons who appeared in opposition to the case. The compromise was approved by ANC 3C and the compromise relates to three issues: (1) on-site parking; (2) building height; and (3) future site development.

Parking/drive through: The school will reduce the number of on-site spaces from twelve to four. The other eight parking spaces will be relocated on the Cathedral Close. In addition, the School has agreed to eliminate the proposed drive-through on the site. Instead, the students will dropped off at the curb.

Building Height: The applicant agreed to reduce the height of the main portion of the addition three feet, as measured from the midpoint of the base of the addition.

Future Site Development: The school agrees not to increase the building footprint on the portion of the subject property that is now vacant, the area east of Whitby Center and north of Whitby Hall.

12. In a memorandum to the applicant dated October 28, 1992, the transportation consultant made recommendations and described

the effects of the modifications proposed. The consultant provided the following information:

Transportation Management Plan: The most important differing element between future conditions and current conditions is the proposed implementation of a Transportation Management Plan (TMP) to facilitate drop off and pick up operations. The TMP will formalize drop off and pick up procedures that will increase traffic efficiency and provide a safer environment for the National Cathedral School students. However, due to the site plan revision, modifications to the formal TMP will be necessary prior to its initiation.

In addition, after the implementation of the TMP, it may be desirable to observe and analyze the drop off and pick up operations to be sure that adequate restricted area is available for the drop off and pick up operations to occur (since the drop off and pick up area was removed from the previous plan). If it is deemed that additional restricted area is desirable, an examination of the Lowell Street parking area should be made to ascertain whether parking restrictions should also be levied along a portion of Lowell Street to provide additional drop off/pick up area.

Relocating Driveway Access: The relocation of the driveway access from the on-site parking area to the public street network from 36th Street to Lowell Street will have two beneficial impacts. First, the driveway relocation will remove vehicular activity associated with the on-site parking lot from the highly utilized 36th Street drop off/pick up area to the moderately utilized Lowell Street drop off/pick up area. Thus, this relocation will reduce potential conflicts with NCS students and the on-site parking activity. Second, the removal of the curb cut access from 36th Street will provide additional area for one or two vehicles to stand while dropping off or picking up NCS students. However, a potential negative impact of this proposal is the removal of one or two unrestricted parking spaces along Lowell Street.

Trash Pick-Up Operations: The revised on-site parking area provides the opportunity for better on-site trash loading maneuvers to occur. The current trash pick-up operation requires the trash vehicle to back-up onto 36th Street to leave the NCS grounds. The new parking plan may allow trucks to maneuver on-site so that head-in/head-out trash loadings may potentially occur.

The transportation consultant expressed the opinion that traffic safety and operational conditions will be adequate in the future and superior to the conditions that currently exist.

Issues

The issues of fact raised in this application are as follows:

1. Whether the lot occupancy calculation is correct;

2. Whether the proposed height is appropriate for the facility in a residential area;

3. Whether the design of the entrances is appropriate for a school in a residential district;

4. Whether the setback of the structure is adequate;

5. Whether the number of parking spaces meets the requirements of the 1985 Board order;

6. Whether the drop off/pick up plan is safe for the children;

7. Whether the drop off/pick up plan will have an adverse impact on traffic conditions in the area.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. Crediting the testimony of the applicant's architect, the proposed lot occupancy is in compliance with the requirements of the Zoning Regulations.

2. The applicant has agreed to reduce the height of the addition by three feet.

3. The applicant will not increase the footprint of the building into the vacant area east of Whitby Center and north of Whitby Hall.

4. The Historic Preservation Review Board approved the design elements of the project.

5. BZA Order No. 14282 dated May 20, 1985 did not specify the location of the 80 parking spaces to be designated for NCS use.

6. NCS does not propose to increase the number of staff or students. Therefore, the proposed parking will be adequate.

7. No evidence was presented to demonstrate that the proposal will increase noise in the area.

8. The drop off/pick up plan will continue to use the curbside as desired by opposing witnesses. The applicant will make future revisions to the details of the plan before it is finalized to ensure the safety of the children and improved traffic conditions on nearby streets.

Conclusions of Law and Opinion:

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to allow a two-story addition to a private school located in R-1-B and R-5-C zone districts. Granting such a special exception requires a showing through substantial evidence that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and that it will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The applicant must also meet the requirements of 11 DCMR 206 regulating private schools.

The Board concludes that the applicant has met this burden of proof. The Board is of the opinion that the addition is located so that it is as not likely to become objectionable to adjoining and nearby property owners because of noise, traffic, the number of students or otherwise objectionable conditions.

The Board concludes that the applicant meets the parking requirements. The Board is of the view that ample parking spaces will be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

The Board notes that some opposing neighbors argue that the parking requirements are not met based on the number of seats in the auditorium. However, because the Zoning Administrator has determined that the Zoning Regulations have been met and because his decision has not been challenged in an appeal, the consistency of his decision with the Zoning Regulations is not an issue properly before this Board. The Board reaches the same conclusion with regard to the argument that the project exceeds the 40 percent lot occupancy allowed.

The Board concludes that the application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map.

The Board concludes that the applicant has reduced the height of the structure by three feet and has agreed not to expand the structure into specified vacant areas. Based on these revisions, the Board is of the opinion that granting the application will not adversely affect the use of neighboring property.

The Board concludes that the views of ANC 3C have been accorded the "great weight" to which they are entitled.

Accordingly, the application is hereby **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. Construction shall be in accordance with the plans marked as Exhibit No. 91B, and as modified by Exhibits No. 94A and 95A in the record.

2. The total school enrollment objective is not to exceed 546 students. The total number of full-time equivalent faculty and staff is not to exceed 105.

3. Trash collection shall be on a daily basis when school is in session with the trash storage location (i.e., dumpster) well-screened from the surrounding neighborhood in accordance with Tab 15 of Exhibit No. 23 of the record.

4. The regular hours for drop off of children shall be from 7:30 a.m. to 8:00 a.m., Monday through Friday. The hours for pick up of children shall be from 3:15 p.m. to 3:45 p.m., Monday through Friday.

5. The total number of annual evening school events for more than 25 persons in the proposed addition of the Lower School shall not exceed ten. All other after-school events shall take place at Hearst Hall on the portion of the NCS campus located on the National Cathedral grounds.

6. Eighty (80) parking spaces shall be provided for school use as shown on Exhibit No. 95A of the record. All 80 spaces shall be marked and striped.

7. Play area and/or facilities for the children shall remain unchanged. The Procter Gymnasium can continue to be used for night basketball games.

8. The applicant shall create and maintain a liaison committee with the community that shall meet on a quarterly basis.

VOTE: 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).

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

ATTESTED BY: Reginald C. Lyons for
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: MAR 28 1994

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 SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15691Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15691

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on _____ a copy of the order entered on that date in this matter was mailed 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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Patricia Wamsley, Chairperson
ANC 3C
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Washington, D.C. 20008

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

Reginald C. Lyons for

MADELIENE H. ROBINSON
Director

DATE: MAR 28 1994

15691Att/bhs

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 that 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
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.

ord15691/TWR

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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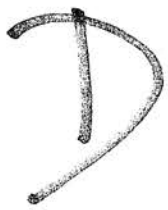
Phil Mendelson, Chairperson
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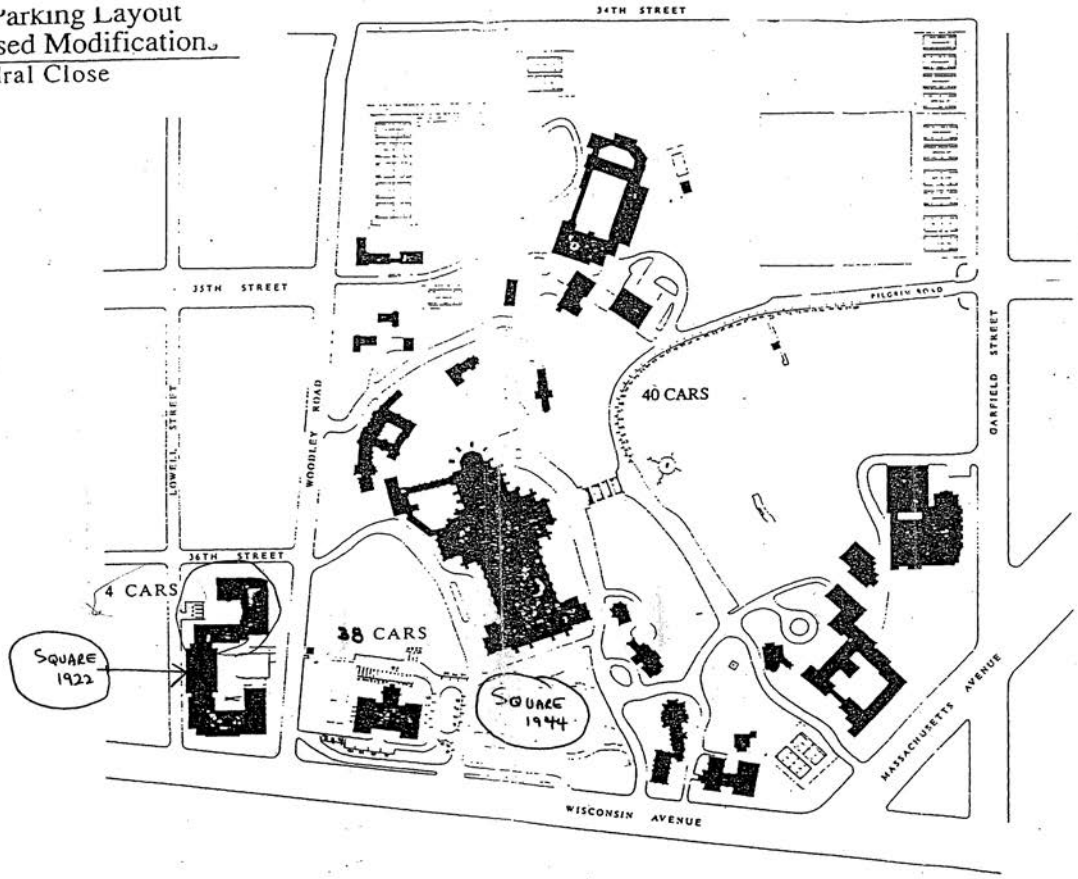
Attested By: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

Date: APR 1 1998

Attest/ljp



NCS Parking Layout
Proposed Modifications
Cathedral Close



BOWIE • GRIDLEY ARCHITECTS

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