Advisory Neighborhood Commission 3D
PO Box 40846, Palisades Station
Washington, DC 20016

RECEIVED
D.C. OFFICE OF ZONING
2004 FEB 17 AM 9:57

February 17, 2004

Mr. Geoffrey Griffis, Chair
District of Columbia Board of Zoning Adjustment
441 Fourth Street, N, Suite 210-S
Washington, DC 20001

Re: St. Patrick's School (St. Patrick's) - 4925 MacArthur Boulevard, NW
Request for Clarification or, in the Alternative,
Modification of BZA Order No. 16852

Advisory Neighborhood Commission 3D opposes the application of St. Patrick's School for a clarification or, in the alternative, modification of BZA Order No. 16852. The time for such a request has expired and the changes to the basement have been completed. Two years ago the Commission voted 5-0-0- to oppose the application of St. Patrick's to place a junior high school for 60 students in the midst of a residential neighborhood after careful consideration of the requirements listed under Title 11, §206. The BZA granted permission for the establishment of the junior high school based on a number of conditions that include the plans filed as exhibits. The use of the basement space has been changed, violating a condition of BZA Order No. 16852. Timely notification was not given by St. Patrick's. In addition, the change of use of the basement and creation of more useable space allows more intense use of the building. (TAB 1).

1. SUMMARY OF FACTS

One fact remains constant throughout exhibits and testimony presented during BZA hearings on Application 16852, and in the Final Order – the use of the basement area of the building. The basement was designated as usable utility space. There would be no student load per BOCA in the building's existing basement containing 1316 sq. ft. The request for clarification or modification to BZA Order 16852 is not about the creation of a music room, it is about a change of use of basement space that took place after BZA Order 16852 was signed on March 25, 2002.

- The Statement of the Applicant (Statement) signed by Allison Prince on April 2, 2002, states (p. 6): "The building contains approximately 4,325 square feet of usable space...suited to...SPS's middle school program." (TAB 2).

- The Statement discusses complete rehabilitation and upgrading of the existing building (p. 7), "the building will be fully renovated and used for seminar-style classrooms." (TAB 3).

BZA
Case No. 16852
Exhibit No. 393

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.393A1

- The Statement includes a list of proposed upgrades to the building (p.18) that does not list any proposed change in use of the basement. (TAB 4).

- Exhibit A in the list of Exhibits in Support of the Application (p.23), denotes the net amount of classroom space on each floor which is consistent with the statement on page 6 mentioned above – the total amount of useable space is 4,325 sq. ft. (TAB 5).

- Exhibit A in the list of Exhibits in Support of the Application (p.23), states, "88 Total Students per BOCA Code allowances." (TAB 5).

- Exhibit A in the list of Exhibits in Support of the Application (p.23), refers to the "Plans for the renovation of the school," Maximum Occupancy Information, states, "Basement Plan: 1316 sq. ft. No student occupant load. To be used as utility space." (TAB 5).

- Exhibit A in the list of Exhibits in Support of the Application (p.23), does not include the 1316 sq. ft. of basement space in the total usable space in the building. (TAB 5).

- The drawings, (Exhibit A of the Statement), indicate Utility Room on all spaces with the exception of the proposed life safety and handicapped accessibility upgrades and elevator machine room. (Exhibit A, GTM Architects, 04/01/2002). (TAB 6).

- Testimony on April 16, 2002 (p. 286) by David Konapelsky references upgrades to the building: "a three-story with the basement life safety addition which includes a code-compliant, fire-rated enclosed stair and an elevator for handicapped access. The addition measures 386 square feet per floor, roughly 19 by 19, including an offset for the elevator." (TAB 7).

2. CHANGE OF USE

The Statement of Applicant dated April 2, 2002, followed a "Preliminary Design Review Meeting" held February 25, 2002, between Sidney Lester, Bellur Ravishankar and Toye Bello of DCRA and David Konapelsky and Amanda Kahles of GTM Architects. Mr. Konapelsky is listed as St. Patrick's Project Architect (Statement, p. 21). The *Meeting Minutes* reveal discussions took place concerning the basement use and reflect the following: "[a]ll spaces in the basement should be identified as unusable space or mechanical rooms on the plans. If rooms are to be used for storage, they must be rated and sprinkled according to their size. If the basement is to be converted into usable space, the floor level would need to be lowered to accommodate a 7' 6" ceiling height and an additional exit would need to be provided at grade on the front of the building." (TAB 8).

Mr. Konapelsky was informed of what changes would be required if the basement use were to change from utility/mechanical space to classroom space on February 25, 2002 and the meeting minutes are on file at BLRA with Mr. Konapelsky's permit drawings. A Feasibility Study (GTM Architects Letter to Peter Barrett), submitted to St. Patrick's School on March 5, 2002, refers to the Preliminary Design Planning Review Meeting with the District and references basement use in relation to the location of the elevator in the life safety addition. The Feasibility Study notes, "[t]he elevator also makes access to the basement convenient, which is where storage and utility spaces would be logical." The sprinkler system is also noted, "[a]ddition of a sprinkler system would not be required for the building since the total square footage is not more than 20,000 sf or higher than 3 stories." (TAB 9).

The Statement of Applicant and Feasibility Study are consistent in their description of use of the basement space -- No Student Load.

The decision to change basement space from utility/mechanical space to classroom space occurred after the final BZA hearing (October 8, 2002). The addition of a sprinkler system, whether voluntary or required, and second means of egress on the front of the building became necessary as a result of the change of use of basement space. On October 23, 2003, seven months after the BZA Order was signed, Mr. Konapelsky prepared a memo to St. Patrick's justifying the change of use in the basement. The memo refers to the Preliminary Design Meeting (February 25, 2002), with District Building Code Officials, and states, "[a]ll spaces in the basement should be identified as unusable space or mechanical rooms on the plans. If rooms are to be used for storage, they must be rated and sprinkled according to their size. If the basement is to be converted into usable space, the floor level would need to be lowered to accommodate a 7' 6" ceiling height and an additional exit would need to be provided at grade on the front of the building." Mr. Konapelsky was informed on February 25, 2002 -- twenty months before his memo was written to the school on October 23, 2003 -- detailing the requirements to change the basement utility/storage space into useable classroom space. There are no plans or exhibits in the BZA record, nor was there any testimony, to indicate there was intention or need to change the basement from utility/storage space to classroom space. (TAB 10).

3. THE PERMITTING PROCESS

A meeting Neighbors United Trust (NUT) and I had on November 19, 2003, with Drek Wilson, deputy to zoning administrator Denzil Noble, revealed that none of the Exhibits presented during the BZA hearings or a copy of BZA Order 16852 were on file at DCRA. A copy of the Order was given to Mr. Wilson, and Mr. Wilson stated that in his opinion the drawings were "good, or code compliant" on which a construction permit had been issued on June 23, 2003. (TAB 11).

Because there was a significant question as to the legality of DCRA action, a request for an inspection and stop work order were filed with DCRA by NUT. (TAB 12).

Multiple follow-up calls were placed to Denzil Noble who was "on leave," "at a staff retreat," "at a hearing," "out of the building," or "not at his desk." Although I identified myself as the ANC Commissioner for the Single Member District, Mr. Noble never returned a phone call. The failure of DCRA to respond or to investigate the complaint resulted in the filing of Form 300 with the Office of Zoning by NUT on January 21, 2004. The complaint specifically addressed the change of use of basement space and enclosure of a portion of the front porch to allow for the addition of a second means of egress on the front of the building. (TAB 13).

The February 2, 2004, request of St. Patrick's to the BZA, for a clarification or modification, (p. 3), states "[f]ollowing the BZA's approval of the application, the architects for St. Patrick's produced working drawings based on the drawings submitted to the BZA." The Exhibits presented to the BZA (Statement, Exhibit A) (TAB 6) and those submitted on February 2, 2004 in Tab B, as BZA Plan, (TAB 14) indicate utility rooms, elevator, elevator machine room and a new stair. The addition of life-safety systems was addressed in BZA Order 16852, (Findings of Fact, #3, page 4). (TAB 15). The change of use from utility space to classroom space in the basement was not addressed in BZA Order 16852 in any exhibits submitted by Mr. Konapelsky, or in any statement made by Mr. Konapelsky. His representations were consistent regarding the use of basement space -- there would be "no student load."

Further, on February 25, 2002, DCRA informed Mr. Konapelsky what changes would be necessary if the use of the basement space were to change to permit student use of the basement space. In fact, Mr. Konapelsky knew more than two months before the first BZA hearing (April 16, 2002) what would be necessary to convert the basement into useable space. But the BZA was not informed by St. Patrick's of the change of use until February 2, 2004, two years after Mr. Konapelsky's meeting with DCRA and one year after BZA Order 16852 was issued. **Only when DCRA placed a hold on the Certificate of Occupancy did St. Patrick's submit a request to the BZA for *Clarification or, in the Alternative, Modification of BZA Order 16852* (dated March 25, 2003).**

The creation of a travel path, increase in ceiling height, addition of a sprinkler system and creation of a second means of egress on the front of the building would be required if the use of basement space were to change from utility space to classroom space. It was not necessary to create a pathway of 10' by 12'. It was not necessary to change its use from utility space to classroom space. It was not necessary to create a second means of egress on the front of the building, lower the basement to create ceiling height of 7' 6" for the entire room, and install a sprinkler system until the change of use from utility space to classroom space occurred. Changes made to the building were major in nature and therefore are outside the scope of Section 3129.7.

4. TIME HAS EXPIRED TO MODIFY THE PLANS

St. Patrick's has requested a modification to the plans based on provisions of 11 DCMR § 3129. The Zoning Regulations state: "A: request for modification of the plans shall be filed with the Board not later than six (6) months after the date of the final order approving the application." Accordingly, the school needed to file its request on or about September 25, 2003. (TAB 15).

The date (April 7, 2003), on the plans in St. Patrick's submission requesting a clarification or modification indicates St. Patrick's knew that the use of the basement would be changed. That was just two weeks after BZA Order 16852 became final and well before September 25, 2003 when the school should have filed its request for a modification. (See Building Permit Plan). (TAB 16).

5. EXPANSION FROM A ZONING STANDPOINT

St. Patrick's argues that **None of the modifications constituted an expansion from a zoning standpoint. There was no increase in the footprint of the building, no addition of gross floor area and no change in the maximum number of faculty, staff and students permitted in the building.** The Exhibits presented to the BZA on April 16, 2002 and throughout the hearings automatically became Conditions of BZA Order 16852. (§3125.7 & 3125.8). Therefore the change of use of the basement **does** constitute a violation of the Zoning Code because 120 sq. ft. additional useable space was created by lowering the basement floor and would permit six additional individuals in the building under BOCA requirements. In this case the Conditions of BZA Order 16852 determine the number of students and teachers allowed in the building, however, when St. Patrick's sells the building the new owner would apply for 94 persons in the building under BOCA instead of the current 88 indicated in The Statement of Applicant (p.17). Not only does the change in use create more useable space in the basement, it allows more intense use of the entire building and construction was not carried out in accordance with the approved plans. (TAB 17).

6. A PATTERN OF BEHAVIOR

Across time, a pattern of behavior by St. Patrick's has emerged. In 1999 the school filed for a special exception to build a gymnasium and parking lot for 68 cars. The request received unanimous approval from ANC 3D. An application was approved on December 8, 1999 for a special exception to allow the construction of a one-story athletic building and gymnasium for which the BZA issued Order 16517 on December 28, 1999. On June 28, 2000, six months after BZA Order 16517 was issued, St. Patrick's met with Michael D. Johnson, Zoning Administrator, to request a revision to the plans for the gymnasium. Parking spaces would be reduced from 68 to 62 and an additional curb cut would be required to permit two levels of parking. This request, "for a minor change" did not go back to the BZA and there are only plat drawings in the BZA

files from the December 8, 1999 hearing. The school claimed the revisions were necessary because "the gymnasium depicted in the original plans proved to be financially untenable for St. Patrick's to construct. Rather than returning to the BZA to request a "change or modification" to the Order, the school went directly to DCRA on June 28, 2000. (TAB 17).

On July 9, 2002, David Konapelsky was cross examined regarding the enclosure of the front terrace. Mr. Konapelsky was asked if the front terrace was included in the footprint of the building. He responded, "[i]n the overall footprint, when we calculated percentage of lot occupancy, yes, but not in the usable footprint. In other words, it's not a functional space or a place where we calculated student populations." The basement of the building was not calculated in functional space. (July 9, 2002 Transcript, p. 372). (TAB 18).

A follow-up question was raised regarding the enclosure of the front terrace, "[c]ouldn't the school later build on it and substantially increase the size of the building?" Ms. Prince, St. Patrick's zoning attorney responded, " [a]nd of course, Board of Zoning Adjustment approval would be required for any enclosure of the existing porch, even though it's part of the footprint...[b]ecause it increases the habitable space for the use of the school." St. Patrick's architect and zoning attorney were aware that if changes were to be made that would increase useable space, the school would be required to return to the BZA. (TAB 19).

Condition 8b of BZA Order 16852 states, '[b]efore seeking a certificate of occupancy for the subject property, the Applicant shall submit the carpool program for review and approval by the District Department of Transportation (DDOT). The Applicant shall submit a progress report evaluating the carpool program to DDOT once per year..." No report has been submitted to DDOT since October 6, 2002. A Certificate of Occupancy was issued without a progress report. (TAB 20).

On September 22, 2003, a letter was sent to Denzil Noble explaining that the yield from acceptances had caused St. Patrick's to exceed its student cap due to an increase in students on Financial Aid. The condition governing the school's student cap of 440 was set forth in BZA Order No.15374, dated October 30, 1990. (TAB 21).

A hearing took place on December 3, 2003 and on January 13, 2004, the BZA granted the request of St. Patrick's for an increase in the faculty and staff cap (BZA Application No. 17081). BZA Order No. 15374, dated October 30, 1990, capped the number of staff at the school at 60. The school had 103 staff members when it appeared at the public meeting on January 13, 2004. (TAB 22).

7. POSITION OF ANC 3D

On April 4, 2002, ANC 3D submitted a letter reflecting the vote of the ANC 3D on the application of St. Patrick's for a special exception to locate a junior high school at 4925 MacArthur Boulevard. The Commission voted 5-0-0 to deny the request. In its deliberations the Commission thoroughly reviewed each element under Title 11 §206, noise, traffic, number of students or otherwise objectionable conditions. The Commission's findings are outlined in the April 4, 2002, submission to the BZA.(TAB 22).

Advisory Neighborhood Commission 3D does not support the untimely request of St. Patrick's School for a Clarification or, in the Alternative, Modification of BZA Order No. 16852. Numerous indications were given in plans and exhibits that the basement would be used as utility/storage space. Additional useable space has been created in the basement outside plans and exhibits presented to the BZA. The use of the basement has changed and intensity of use of the building has increased. Therefore, ANC 3D requests that the BZA take the following actions with regard to the request of St. Patrick's:

- deny a modification of BZA Order 16852;
- deny any student load in the basement;
- deny any use of the basement space for other than utility/storage space or that required to make the basement space code compliant;
- require St. Patrick's to seal up the second means of egress on the front of the building if it is not required to make the building code compliant; and
- require the school to install proper buffering if noise is a concern for Mr. and Mrs. Houy, the neighbors living immediately to the east of the school.

Advisory Neighborhood Commission 3D requests that its opinion be afforded the great weight to which it is entitled under DC Law.

Sincerely,

Alma H. Gates

Alma H. Gates
Chair, ANC 3D

cc: All Parties

Certificate of Service
16852

I hereby certify that on February 17, 2004, a copy of the foregoing letter and attachments was delivered by hand to te following:

John Finney
ANC 3D04
5275 Watson Street, NW
Washington, DC 20016

Allison C. Prince
Shaw Pittman LLP
2300 N. Street, NW
Washington, DC 20037

Lawrence Skrivseth and Cathy Wright
4913 MacArthur Boulevard, NW
Washington, DC 20007

Alan Bergstein, Esq.
Office of Corporation Counsel
441 4th Street, NW, 6th Floor
Washington, DC 20001

Denzil Noble
Acting Zoning Administrator
941 N. Capitol Street, NE
Washington, DC 20002

Nancy Feldman
4911 W Street, NW
Washington, DC 20007

Katherine Van Sickle DeMallie
4923 Ashby Street, NW
Washington, DC 20007

Michael Lovendusky
4927 MacArthur Boulevard, NW
Washington, DC 20007

Ellen McCarthy
Office of Planning
801 N. Capitol Street, NE, 4th Floor
Washington, DC 20002

Kathleen Patterson
Councilmember, Ward 3
1350 Pennsylvania Avenue, Suite 107
Washington, DC 20004

Alma H. Gates

February 17, 2004

LIST OF EXHIBITS

1. Email to Alma Gates from Jerrily Kress dated January 21, 2004;
   Email to ANC 3D Commissioners from Peter Barrett, dated January 23, 2004;
   Email to ANC 3D Commissioners from Alma Gates, dated January 24, 2004.

2. Statement of the Applicant, hearing date, April 16, 2002, page 6.

3. Statement of the Applicant, hearing date, April 16, 2002, pages 7-8.

4. Statement of the Applicant, hearing date, April 16, 2002, pages 18-19.

5. Statement of the Applicant, hearing date, April 16, 2002, Exhibit A.

6. Statement of the Applicant, hearing date, April 16, 2002, Exhibit A, Proposed Basement Plan.

7. BZA Statement of David Konapelsky, April 16, 2002, pages 286-290.

8. Preliminary Design Review Meeting Minutes, February 25, 2002.

9. St. Patrick's Episcopal Day School Feasibility Study, March, 5, 2002.

10. Memo St. Patrick's from David Konapelsky, Re: Basement, October 23, 2003..

11. Letter to Dereck Wilson from Alma Gates, November 20, 2003.

12. Inspection Scheduling and Complaint Form, November 19, 2003.

13. Complaint of Non-Compliance with Condition(s) of a BZA/ZC Order, January 21, 2004.

14. Proposed Basement Plan (BZA Plan), April 1, 2002.

15. BZA Order 16852, March 25, 2003, Findings of Fact, page 4.
    Title 11, §3129.3.
    Title 11, §3129.7.

16. Building Permit Plan, April 7, 03
    Building Permit #B474931, June 23, 2003.

17. Title, 11 §3125.8.

18. Letter to Peter Barrett regarding the change in plans for the gymnasium, Neighbors United, April 30, 2002.
Letter from Wilkes Artis to BLRA, June 30, 2000.

19. BZA Testimony of David Konapelsky, July 2, 2003, pages 372-373.

20. BZA Testimony of Allison Prince, July 2, 2003, pages 373-374.

21. BZA Order 16852, March 25, 2003, Conditions, page 16.

22. Letter from St. Patrick's to Denzil Noble, September 22, 2003.

23. BZA Hearing Agenda, December 2, 2003, Decision Date January 13, 2003, on Application 17081.
Letter of ANC 3D to Jerrily Kress, December 3, 2002.
Letter of ANC 3D to Karen Edwards, May 30, 2002.

24. Letter of ANC 3D to BZA, April 4, 2002.

Subj:	**RE: St. Patrick's School**
Date:	1/21/2004 12:32:13 PM Eastern Standard Time
From:	jerrily.kress@dc.gov
To:	AHG71139@aol.com, Olutoye.Bello@dc.gov
CC:	jerrily.kress@dc.gov, richard.nero@dc.gov

Sent from the Internet (Details)

Dear Alma Gates:
I am sorry if I or the BZA mislead you. We only formally get involved when a form 300 is submitted. (If you don't have one, print one from our website dcoz.dc.gov It is a very simple form.) After the formal BZA case file is closed, nothing else can be added. The form 300 and any attachments are kept in a separate file that Toye keeps. If you haven't filed a form 300, please do so immediately (with any attachments) so that we can formally start our process. BY LAW our process only involves review of actual conditions of a BZA Order (Plans and elevations filed as an exhibit are the only extra thing considered a condition by law). If we find a condition has been violated and we are not able to get the owner to resolve the issue, then we send a short report of our findings to DCRA and request immediate enforcement. Also all of the BZA and ZC orders are sent to the Zoning Administator. And again they are available on our website (word searchable) so there is no reason that DCRA is unaware of our orders. Please file the form 300. Thank you. Jerrily Kress, Director

Subj: **4925 MacArthur Basement Usage**

Date: 1/23/2004 6:10:50 PM Eastern Standard Time

From: Barrett@stpatsdc.org

To: AHG71139@aol.com, aheuer3344@earthlink.net, springvalleydc@starpower.net, Hugh.Mullane@usdoj.gov, finneyj@worldnet.att.net, tanyakhamilton@yahoo.com

Sent from the Internet (Details)

TO: Alma Gates, ANC 3D Chair, and ANC 3D Commissioners John Finney, Sarah Shapley, Anne Heuer, Tanya Hamilton, Hugh Mullane

FROM: Peter A. Barrett, Head of School, St. Patrick's Episcopal Day School

DATE: January 23, 2004

Dear Mrs. Gates and ANC Commissioners:

I am happy to report that construction at 4925 MacArthur Boulevard is substantially complete. All inspections were completed this week, we have a certificate of occupancy, and the building will be ready for students on Monday.

I wanted to share with you one development from earlier this week - a development we had not expected and that we want to take very seriously. With all inspection approvals in hand, we applied for the certificate of occupancy this week and discovered that, based on a neighbor complaint over our use of the basement, the certificate of occupancy was "on hold." Until that moment, we had heard absolutely no indication that DCRA saw any potential issue with our use of the basement space for students. The zoning inspectors visited the site several times in the course of construction and allowed construction to proceed. All plans and permits to date - which clearly showed the basement being used for students - had been legally approved and permitted.

Background Information
As some of you know, when we presented plans to the BZA in 2002 the basement was intended as usable school space, but for storage and mechanical, only. I have asked our architect, David Konapelsky, to review the evolution of the planned use of the basement. David conveyed the following information: During the construction drawing phase, we selected an elevator whose machine room had to have a 7 ½½-foot clear ceiling (requiring us to lower a portion of the existing floor slab and to add a required remote second stair). The path of travel to the remote exit also required a minimum ceiling height, resulting in a small room that could function as something other than a utility room. In addition, after the hearing concluded, we decided to install a sprinkler system, which had been recommended but not required, in an effort to upgrade existing fire safety in the building. The addition of a sprinkler system also allows safer occupancy of the basement. As a result of these decisions - based on life-safety considerations - we had a small basement space usable for students, as well as for storage. We therefore moved the planned

music room to the basement, where any noise from singing and our African standing hand drums (tubanos) would not carry beyond the enclosed, below-grade location. We were confident that music in the basement was the best solution for the neighborhood, as well as for our students.

Neighbor Questions Over Basement Legality

Last fall, neighbors did challenge the legality of the basement (as an "illegal fourth story"). We submitted substantial material from zoning counsel and from our architect to the ANC 3D Chair and to neighbors in order to establish the complete legality of the space. After considerable study, we do not find any interpretation of the regulations by which the basement space is an "illegal fourth story."

Issue at Hand

As we understand it, more recent neighbor complaints - and, likewise, DCRA's concerns - center on whether basement use by students is consistent with the BZA order. Although there is nothing in the BZA order that dictates how space is to be used inside the building, and DCRA saw no conflict during the original permitting process, we would like to resolve any lack of clarity. Our commitment is to abide by the letter and the spirit of the BZA order. As such we will need to ask the BZA to clarify this issue of basement use. They would likely address the request for clarification at a regularly scheduled public meeting.

Interim Occupancy

Given our desire for clarity and to avoid any "grey" zone in terms of BZA compliance, students will not use the basement until the BZA has clarified their intent. We will move music class back upstairs temporarily - or permanently, should that be the BZA's intent. Our certificate of occupancy is valid for student use for the top three floors, and DCRA has confirmed that while students may not occupy the basement, access to the basement is permitted given the mechanical equipment that is located there.

ANC Direction

I will assume it is in all parties' interest to resolve this matter quickly. Unless the ANC would like to have prior discussion with St. Patrick's, we will file a request for clarification next week. Please let me know if you would like us to handle this in any other way. We feel the ANC and St. Patrick's have made great strides in working together cooperatively, wherever possible. We would like to proceed here, in that same spirit of open communication and cooperation.

Please contact me, Mrs. Gates, if you would like us to proceed any differently. Many thanks for your time on this issue.

With all my best,

Peter A. Barrett
Head of School

Subj: **Email from Peter Barrett**

Date: 1/24/2004 10:37:27 AM Eastern Standard Time

From: AHG71139

To: SpringValleyDC@starpower.net, hugh.mullane@usdoj.gov, tanyakhamilton@yahoo.com, finneyj@worldnet.att.net, AHG71139, AHeuer3344

CC: barrett@stpatsdc.org, kbradley@nationaljournal.com

My fellow commissioners:

I had a call last evening from Board Chair Katherine Bradley regarding the Certificate of Occupancy for St. Patrick's Jr. High School located at 4925 MacArthur Boulevard informing me that an Email would arrive shortly from Peter Barrett. The phone call and Email concern a violation of the BZA Order and construction of a basement, second means of ingress and egress and enclosure of the front porch without BZA knowledge or approval.

Background:

Plans submitted and testimony before the BZA by the school referred to a basement to be used only as storage space. There was to be no student load because the basement ceiling height did not meet code.

In late October 2003, it became obvious that construction beyond what was presented to the BZA was being done. The issue of fourth story construction referred to in Mr. Barrett's Email was raised, but a letter from David Konapelski provided sufficient explanation that there was not a fourth story but rather a lowered basement floor. The school was very aware that there was neighborhood concern because copies of the plans for the basement were distributed and discussed at the school's monthly meeting with the neighbors. The creation of a 120 square foot room in the basement is the matter at hand. Its creation required the basement floor to be excavated and lowered to create a ceiling height of 7'-6", a sprinkler system to be installed and a second means of ingress and egress to be added on the front of the building. Further the front porch of the building had to be reconfigured and enclosed to allow room for the second means of ingress and egress.

Following a review of the building plans with DCRA staff and a comparison with those submitted to the BZA, the Neighbors United Trust, a party to the case, filed a formal complaint with DCRA on December 8, 2003. As no response was received from DCRA, in spite of numerous phone calls and Emails, I requested that the Compliance Officer at the Office of Zoning become involved in the complaint. I attach a portion of an Email from the Director of the Office of Zoning, Jerrily Kress, to me:
"Plans and elevations filed as an exhibit are the only extra thing considered a condition by law. If we find a condition has been violated and we are not able to get the owner to resolve the issue,

then we send a short report of our findings to DCRA and request immediate enforcement. Also all of the BZA and ZC orders are sent to the Zoning Administrator. And again they are available on our website (word searchable) so there is no reason that DCRA is unaware of our orders. Please file the form 300 so that we can begin work immediately and help you. Thank you. Jerrily Kress, Director"

Ms. Kress states that the elevations and plans presented are themselves a condition of the BZA Order. This is based on Sections 3125.7 and 3125.8 of the Municipal Regulations, Title 11, which state:
"Approval of an application shall include approval of the plans submitted with suchb application for the construction of a building or structure [or addition thereto) ...unless the Board orders otherwise...An applicant shall be required to carry out the construction, renovation, or alteration only in accordance with the plans approved by the Board, unless the Board orders otherwise."

Within two days of the filing of form 300 by Neighbors United a "hold" was placed on the use of the basement and that is what prompted Peter Barrett's Email to you tonight and Katherine Bradley's phone call to me.

The time for St. Patrick's to seek clarification on the BZA Order was at the beginning of the project when David Konapelski knew the elevator selected would require additional basement clearance. Therefore, it is my intention, as Commissioner for the Single Member District in which the school resides, to request the BZA require the school to file an application for a hearing on the violation and changes made to the plans outside the BZA Order (16852).

Alma Gates
Chair 3D

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of St. Patrick's Episcopal Day School

BZA Application No. 16852
Public Hearing: April 16, 2002
ANC 3D

D.C. RECEIVED
OFFICE OF ZONING
2002 APR -2 PM 3:44

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

St. Patrick's School ("SPS") seeks special exception approval for continued school use of the existing building located at 4925 MacArthur Boulevard, NW (the "Subject Property"). The building has been used as a school for adults for the past four decades. SPS seeks permission to use the building for a maximum of 60 students in Grades 7 through 9. SPS is an independent school which has operated in the District of Columbia since 1956. Originally, SPS was located at the southwestern corner of Foxhall and Reservoir Roads, in the old St. Patrick's church. In 1977, pursuant to the approval of the Board in Application No. 11307, SPS moved to its current campus at 4700 Whitehaven Parkway. The school currently has 440 students in Nursery through Grade 6 on the Whitehaven Parkway campus. In addition, the school has 16 seventh grade students who attend classes in leased, commercially-zoned space in a building on MacArthur Boulevard, NW that it shares with the River School.

The school now proposes to use the existing building at 4925 MacArthur Boulevard for Grades 7 and 8. (See plats and excerpt from the Zoning Map attached as Exhibits B-E.) In addition, the school seeks flexibility to include Grade 9 for the 2003-2004 academic year only. The proposed use involves a major renovation of the existing building including all necessary life safety and handicapped accessibility upgrades. The school has proposed numerous

BZA
Case No. 16852
Exhibit No. 17

perhaps with additional classes available, would create the one academic offering beyond 3:00 p.m., concluding at 4:00 p.m.

III.
DESCRIPTION OF PROPERTY AND PROPOSED USE

A. Subject Property and Environs

The Subject Property is located in the R-1-B Zone District on a lot consisting of almost one-half acre. The existing building was constructed in 1905 as one of the original homes in the Palisades. The German School Society operated a kindergarten on the site in the early 1960s. From 1964 until this year, the Subject Property has been owned and occupied by the Washington Psychoanalytic Society. It is used as a school for psychiatrists who are training to become psychoanalysts. The building contains approximately 4,325 square feet of usable space and is suited to the seminar-style classroom format used in SPS's middle school program.

The Subject Property contains approximately 21,000 square feet -- enough land area for three to four large single-family lots. The minimum lot size in the R-1-B zone is 5,000 square feet. (See potential development of the site with three single-family houses attached as Exhibit H.) A substantial benefit of the proposed school use over a matter-of-right single-family use is the abundant open green space that will be retained and maintained. In addition, the site contains on-site parking for 15 vehicles, which is large enough to easily handle the eight full-time and four part-time faculty members as well as visitors.

The Subject Property has 150 feet of frontage on MacArthur Boulevard. There is a bus stop directly in front of the building that will be used for student drop-off and pick-up. Its northern frontage is along Ashby Street, a narrow residential street improved with ten single-family houses. Ashby Street has a paved width of only 25 feet and contains parking on both sides of the street. Given the Subject Property's extensive frontage along MacArthur Boulevard,

the school has made every effort to orient the building, and associated ingress and egress, toward MacArthur. Ashby Street will be used only for access to the existing parking lot for faculty and visitors -- not for the drop-off or pick-up of students.

During its almost 40 years of operation on the site, the Washington Psychoanalytic Society has held regular classes, programs and board meetings. During the day, the use of the Subject Property by six staff members and some visitors results in a total of eight cars traveling to the property. (The Wells & Associates' traffic count, conducted on December 12, 2001, showed eight cars arriving during the morning peak hour.) During the evenings and weekends the usage increases significantly. The Society runs its programs on an average of five to seven nights per week and four Saturdays per month from September to May. The evening programs typically begin at 7:15 p.m. and end at 10:00 p.m. The Saturday programs are from 7:30 a.m. to 2:00 p.m. Some programs attract in excess of 25 participants. As a result, spillover parking in the neighborhood is not unusual, as has been documented by the traffic engineer.

The existing school use, while not entirely without impacts, has been a part of the Palisades neighborhood for four decades and appears to have been the source of little conflict with the community. It is a known and familiar use that was present when the current neighbors moved onto Ashby Street. In contrast, the proposed middle school, while a continuation of the existing school use, represents change and as a result has generated strong emotions, both positive and negative.

B. Proposed Use

The proposed plan involves the complete rehabilitation and upgrading of the existing building which is the primary feature of the Subject Property. The residential appearance of the building will be preserved and enhanced through the removal of the fire escapes on the eastern and southern sides of the building. The school will retain and maintain the open space which

provides a generous buffer that benefits the neighboring houses. The significant stone retaining wall that surrounds the site's MacArthur and Ashby frontages also will be retained. Steps will be installed in the retaining wall along the MacArthur frontage to provide direct access to the front of the building from MacArthur, a major thoroughfare. The proposed use involves significantly more open space than a matter-of-right use of the property for three or four single-family homes. The continued, non-residential use of the building will prevent the infill development of the lot, while providing significant and needed educational opportunities for children.

In recent years, some of the larger and vacant sites along MacArthur Boulevard, which were originally devoted to institutional use, have been developed with single-family houses. (For example, the eleven-house development on the former St. John's Child Development Center site at Chain Bridge and MacArthur, and the newly constructed houses in the Laverock development on the old YWCA Harrison school site on MacArthur.) While these new additions have contributed to the housing stock in the neighborhood, any remaining opportunities to preserve open space, particularly near park property, should be valued. The subject proposal offers such an opportunity.

The fifteen parking spaces located on the property are more than necessary to accommodate the faculty and staff. In addition, the existing dumpster, which has been a nuisance to the community, will be removed. Trash pick-up will be handled on a daily basis by the cleaning crew, which will use a passenger-type vehicle or van. Trash will be stored in "supercan" containers which will be placed in a wood fenced enclosure located on the west side of the parking lot, away from the property line. Daily pick-ups will avoid the need for a dumpster.

mechanism. St. Patrick's will not expand enrollment at the Subject Property beyond 60 and has offered the covenant as a permanent control on enrollment. If the program needs to grow beyond 60 students, the school recognizes that it needs to grow at another location.

As previously discussed, the proposal involves an opportunity to retain significant green space on the site and to renovate and upgrade the existing building. The increase in the footprint of the building is necessary to accommodate access for the disabled and a second fire-rated means of egress which will also eliminate the existing and relatively unsafe existing metal fire stairs on the south and east sides of the building. The generous setbacks between the building and neighboring properties will be fully maintained. In addition, the existing parking area will be used but not expanded. Since additional impervious surface will not be added to the site, the extensive green space will be maintained and protected.

In addition, stormwater runoff, which is now uncontrolled on the property, will be controlled for both quality and quantity with an underground structure via a sand filter or filtration system in combination with either pipe detention or an underground vault. The stormwater management concepts have been discussed with representatives of the National Park Service which controls property on the west side of MacArthur Boulevard across from the subject site.

In summary, the upgrades to the existing building are as follows:

1. Replacement of all major building systems;
2. Full handicapped accessibility;
3. Painting of the exterior;
4. Replacement of windows as required;
5. Removal of unsightly fire escape on the rear and south sides of the building;

6. Installation of steps in the retaining wall along MacArthur Boulevard to further orient the building to MacArthur Boulevard;

7. Addition of bathrooms to meet code;

8. Stormwater management;

9. Addition of a fire stair, and upgrade of the existing main stair;

10. Removal of asbestos material as identified in The Phase 1 Environmental Site Assessment Environmental Study; and

11. Addition of a sidewalk along the driveway for handicapped access from the existing sidewalk to the rear door of the building, for use by people arriving from bus (on MacArthur) to the Subject Property.

B. St. Patrick's Will Provide Ample Parking Spaces On The Property To Accommodate Teachers/Staff and Visitors

The Zoning Regulations require seven parking spaces for the proposed eight full-time and four part-time faculty members. The proposed plan entails a minimum of fifteen parking spaces including a parking space that is accessible to the disabled. Because of the removal of the dumpster, additional area on the site is available for parking. The proposed fifteen parking spaces are adequate to accommodate faculty, staff and visitors, as confirmed by the traffic engineer.

VII.
COMMUNITY OUTREACH

The applicant's extensive community outreach effort has spanned four months. Discussions with the community were initiated even before the school's contract to buy the property was accepted. (A full list of all meetings is included as Exhibit P.) St. Patrick's has appeared before the Palisades Citizens Association and its Board on four occasions with an additional meeting tonight, and Advisory Neighborhood Commission 3D on two occasions with a final meeting on April 3. Further, the school sponsored two traffic meetings, issuing open

A

ST. PATRICK'S SCHOOL

DCMR Zoning Information

Zoning R-1-B

Permitted	Provided
Height restrictions: 40 feet or 3 stories	39.5 feet (3 stories)
Minimum lot size: 5,000 sf lot size, 50 feet minimum width	21,080 sf lot size/150 foot width
Floor area Restriction: No restriction in R-1-B	n/a
Maximum lot occupancy: 40%	14.4%
Rear Yard (setback): 25 feet	37 feet
Side Yard (setback): 8 feet	95 feet 9 inches (southern side yard)
Parking Requirements: 2 parking spaces for each 3 teachers/employees = 7 spaces based on 8 full-time and 4 part-time teachers/employees	15 spaces (final layout subject to DCRA approval during the permit process)

Maximum Occupancy Information

Existing Plans:

BOCA Code requires 20 sq. ft. net per classroom area

Basement Plan:
1316 sq. ft.
No student occupant loan
To be used as utility space

Second Floor Plan:
1376 sq. ft.
38 students
3 classrooms

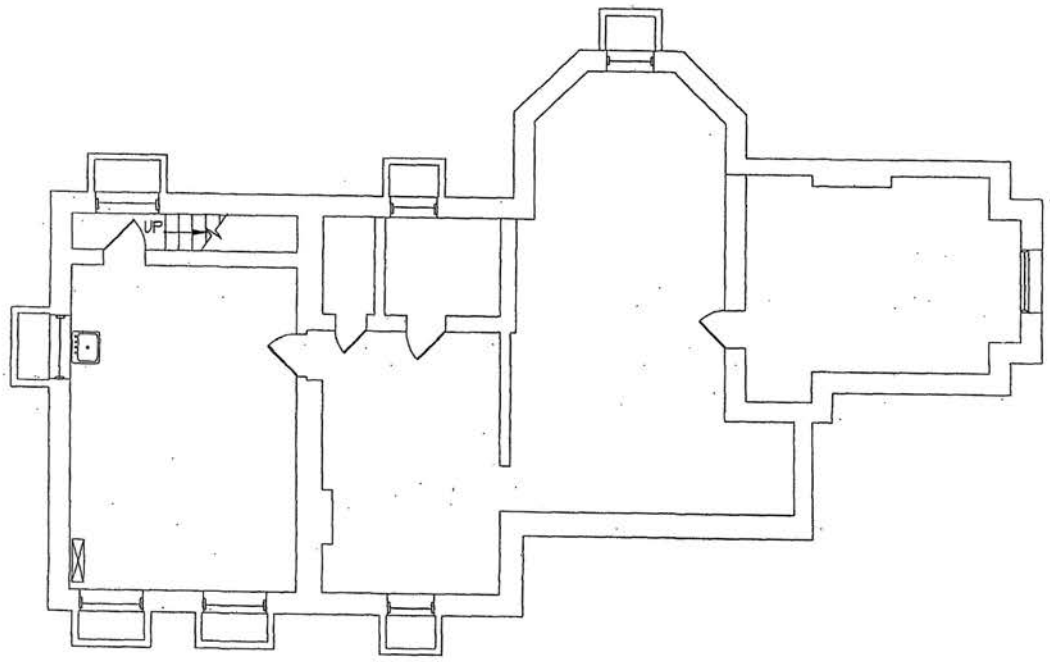
First Floor Plan:
1538 sq. ft.
22 students
2 classrooms

Third Floor Plan:
1411 sq. ft.
28 students
2 classrooms

88 Total Students per BOCA Code allowances

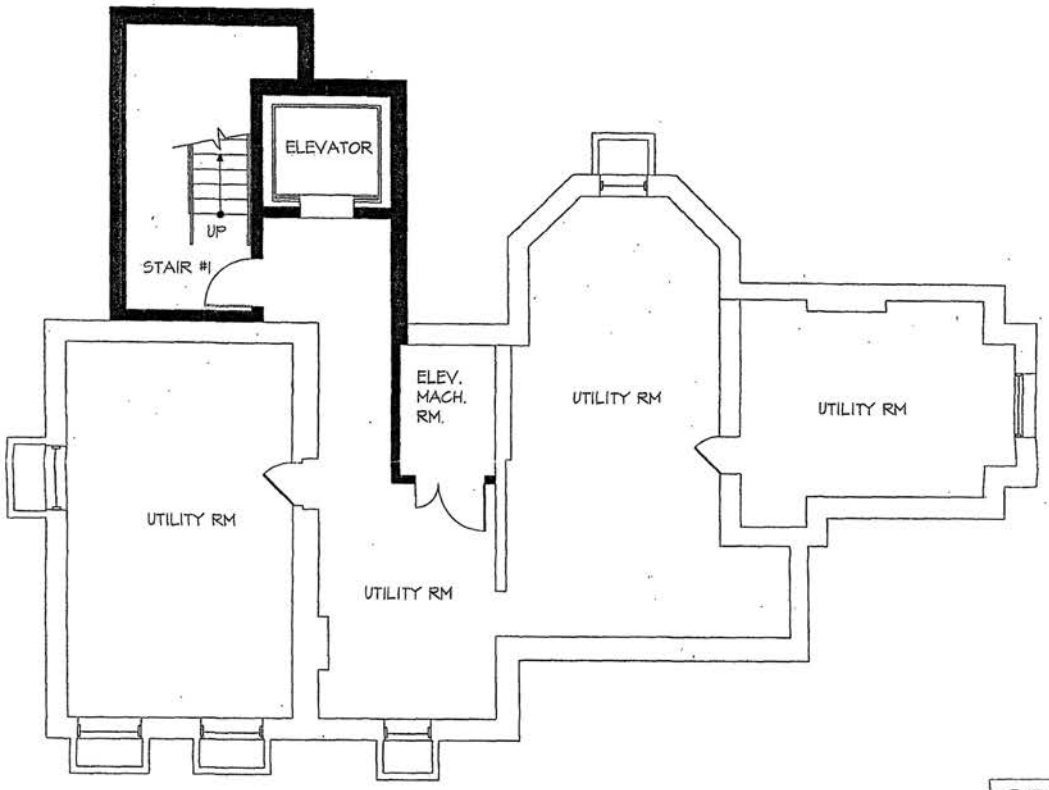
FILE NAME: 010649

A



1 / SD-0 EXISTING BASEMENT PLAN

SCALE: 1/8"=1'-0"



2 / SD-0 PROPOSED BASEMENT PLAN

SCALE: 1/8"=1'-0"

EXISTING SQUARE FOOTAGE - 1316sf
LIFE SAFETY ADDITION - 342 sf
STUDENT OCCUPANT LOAD PER BOCA - 0 STUDENTS

GTM
ARCHITECTS
10418 ARMORY AVENUE,
KENSINGTON, MD, 20895
(301)942-1082
(301)942-1926 FAX

04/01/2002

School, University of Maryland, several projects, projects at the Naval Academy, Anne Arundel Community College in Annapolis, Cedarcrest College in Pennsylvania, Bolis School. So I have a history of working on different projects in various communities.

MEMBER ETHERLY: Okay. Thank you very much. No objection, Mr. Chairman.

CHAIRPERSON GRIFFIS: And did any and all of those have the life safety upgrades attendant to the actual project scope that you were working on?

MR. KONAPELSKY: Yes, actually, I worked on, one of my previous firms, Docent Sacrament School, the handicapped upgrades of that school, several years ago.

CHAIRPERSON GRIFFIS: Okay. Do any of the parties want to speak to this proffer as an expert witness?

(No response.)

No indication of speaking. Again, I would say we can move on and accept this as an expert witness.

MR. KONAPELSKY: Okay. The existing building is a three-story Victorian-style building with a full basement, built in 1905, which consists of wood floor framing supported by interior and exterior

masonry-bearing walls. There's an 832-square-foot terrace porch on the west or MacArthur Boulevard side of the first floor. Existing front door is entered off this terrace porch area and faces MacArthur Boulevard.

The building has several distinctive architectural elements, which include a bay with large-scale windows facing the lawn area. Among the most aesthetically-unappealing aspects of the existing building are the metal exterior fire escapes on the south and east sides of the building and the utilitarian enclosure of the first floor or south porch, which are visual eyesores.

The mechanical, electrical, and plumbing systems in the existing building were upgraded in the 1960s and would be upgraded with this addition.

It is critical to keep in mind that St. Patrick's has a seminar-based scholastic program with small groups of students, typically totaling eight children, which requires room sizes offered at 4925 MacArthur Boulevard. There are no requirements for athletic facilities or sophisticated science laboratories, which increase the square footage requirements per student considerably.

The program includes one common room, one

school office, one science lab, six classrooms, two offices, along with support restrooms and utility rooms. The BOCA Code allows 88 occupants or students in this facility.

The upgrades in reference to the building are a three-story with the basement life safety addition, as you can see on the board to the left, which includes a code-compliant, fire-rated enclosed stair and an elevator for handicapped access. The addition measures 386 square feet per floor, roughly 19 by 19, including an offset for the elevator.

Restrooms are upgraded to accommodate the new use, and two handicapped restrooms will be located on the first floor.

The existing first-floor porch on the southwest corner of the building will be renovated with the detailing more in character with the existing Victorian-style structure. Large glass windows and more defined columns are proposed.

A second-floor porch addition is proposed above the existing porch with the existing footprint to clean up the facade, which will have nonfunctional egress doors, previously used for the fire escape, as well as adding space which will make the adjacent classroom more functional.

Mechanical, electrical, and plumbing systems will be upgraded.

MS. PRINCE: I really do want to save one minute for our sound expert. So if you are going to adhere to that clock, I'm going to ask Mr. Konapelsky to complete his testimony.

MR. KONAPELSKY: Okay. In conclusion --

CHAIRPERSON GRIFFIS: Let's just take a quick minute and revisit that. I am prepared just to add 15 minutes onto it, so we don't need to rush through it, obviously. We're making good time.

MS. PRINCE: Thank you.

CHAIRPERSON GRIFFIS: Everything is detailed on this. So we can continue with that and add that time on.

MR. KONAPELSKY: If that's the case, I'm going to just revisit the site upgrades because there's one critical point. There's a van-accessible parking space at this site that we've included with transitional ramps for handicapped access at the rear of the site. The existing parking lot will be repaved to accommodate 15 spaces.

There's a new trash enclosure which is away from the neighbor's yard, which is on the west side of the parking lot.

Subsequent to several meetings with the Fire Code officials in reference to fire access to the building, we've added stairs on the MacArthur Road side. Also, functionally, for the children to get off the bus and use MacArthur Road as the access or the front door, keeping noise and students away from Ashby Street as much as possible.

The stormwater system will be upgraded with the scope of work, and it is very important that all the existing trees will remain with this addition. Everything we've done and everything we've talked about to this point in time, other than the life safety upgrade, the addition which is colored in orange, is within the building footprint.

In conclusion, since the feasibility study was started to this point in time, I fully believe that, given the program of St. Patrick's, they'll be happy in this space and it's ample space to accommodate their needs.

CHAIRPERSON GRIFFIS: Thank you very much.

Just a quick note: We obviously need the SP-1 that you're showing here. Our site plan that we had submitted didn't have the stairs or the trash location.

MS. PRINCE: I believe it did. I believe

Preliminary Design Review Meeting Minutes

St. Patrick's Episcopal School

Date: February 25, 2002
Attendees: Sydney Lester, Bellur Ravishankar, Toye Bello, David Konapelsky, Amanda Kahles – GTM Architects

1. Project Description

St. Patrick's Episcopal has requested a pre-design review meeting to discuss code related issues involved in their newest private school project proposed at 4925 MacArthur Blvd. NW.

The building is three levels above grade and the total sf is 5,641sf. The building is currently occupied by the Washington Psychoanalytic Society as a business training/education facility. St. Patrick's Episcopal intends to use the facility for education purposes for a maximum of 60 students - 7th and 8th grade level.

We will need to address issues of egress out of the building, use of existing fire escapes, and review the preliminary plans for any problematic issues.

2. Meeting Discussion

Toilet Room Requirements

Separate toilet facilities will be required for both males and females on any floor with an occupant load of more than 15. All floors in the building, except the basement, will have and occupant load of more than 15. In this instance, two toilet fixtures will be required on all floors. Mr. Ravishankar recommended locating two fully accessible single user toilet rooms on the first level, a female multi user toilet room on the second floor and an male multi-user toilet room on the third floor to meet the fixture count requirements per the DC supplement to 1996 BOCA code.

Egress

One new egress stair is proposed as an addition to the building. As we discussed, the existing interior stair would be allowable as an additional means of egress as long as the following requirements are met:

- -Creation of "lobby" spaces with rated walls and doors will be required around the stairs on each level.
- -No openings will be allowed between floor levels
- -No mechanical units or storage closets will be allowed in the center of stairwell

If the two means of egress stairs are provided as indicated, the existing fire escapes can be eliminated.

Construction Type
The existing construction type is 5B. An education use group would not be allowable in a three-story 5B wood frame structure (without a waiver) unless the structure is currently used for education. Allison Prince, zoning attorney with Shaw Pittman, is currently researching this issue and the previous use groups. If the building was not previously used for education as we have been told, a sprinkler system should be planned prior to applying for a waiver.

New Stairwell
Would windows on exterior walls of the stairwell be allowable? Sydney Lester is checking on this and will call us with a response tomorrow. He does not think they are allowable under BOCA 1014.11.1.

Life Safety
A fire alarm system and strobes would be required.

Basement
All spaces in the basement should be identified as unusable space or mechanical rooms on the plans. If rooms are to be used for storage, they must be rated and sprinkled according to their size. If the basement is to be converted into usable space, the floor level would need to be lowered to accommodate a 7'-6" ceiling height and an additional exit would need to be provided at grade on the front of the building.

Zoning
Zoning issues were not discussed since it is assumed that Allison Prince will be scheduling a meeting with Toye Bello to discuss.

St. Patrick's Episcopal Day School
Feasibility Study
4925 MacArthur Blvd., NW
Washington, DC

Submitted March 5, 2002

GTM
ARCHITECTS
Incorporated

March 5, 2002

Mr. Peter Barrett, Head
St. Patrick's Episcopal School
4700 Whitehaven Parkway, NW
Washington, DC 20007

RE: Building Feasibility Study
MacArthur Campus
4925 MacArthur Blvd., NW
Washington, DC

Dear Mr. Barrett,

The building currently occupied by the Washington Psychoanalytic Society is a three-story masonry, wood framed structure, with a slate roof, and a basement. The current use of the building functions closely to the future intended use as an academic building. The floor plan includes meeting rooms, libraries, administrative offices, restrooms, a kitchen, and related storage and mechanical spaces.

The building under consideration consists of a total of approx. 5,641 sf of which 2,774 sf (approx. 49%) is usable for classrooms, offices, etc. The balance of the building, 2,867 sf, is as follows:

1,197 sf - Restrooms and Circulation (approx. 21%)
1,670 sf - Uninhabitable Space / Storage / Basement and Third Floor (approx. 29%)
* ceiling height in the basement areas and sloped ceilings in three of the third floor spaces make these spaces uninhabitable per building code

Existing Square Footages and Student Occupant Load in Classrooms per 1996 BOCA

Basement:	1316 sf – No student occupant load – Utility Space Only
First Floor:	1538 sf – 22 students (2 classrooms)
Second Floor:	1376 sf – 38 students (3 classrooms)
Third Floor:	1411 sf – 28 students (2 classrooms)
	88 Total Students

10415 ARMORY AVENUE • KENSINGTON, MARYLAND 20895 • (301) 942-9062 • FAX (301) 942-3929
www.gtmarchitects.com

Egress Issues:
Two exits are required in order to make the existing building code compliant. Based on DC Code interpretation, the existing fire escapes are considered acceptable exits, but can make up no more that 50 % of the required exits out of the building. Another acceptable exit, a fire rated stair, must be provided.

In order to eliminate the existing, unsightly fire escapes, the existing interior stairway would need modifications before it would be considered a code compliant exit. Based on our Pre-Design Planning Review Meeting with DC on February 25, 2002, it would be necessary to create fire rated enclosures or vestibules around the existing stairs on each level. It would not be possible to return the stair to the original condition and open up the stair between levels since fire rated separation would be required between floors. Several locations on the existing main stair where ceiling height clearances are too low (4'-11" at one point) would need to be addressed.

Accessibility:
Addition of a code compliant ramp is necessary in order to gain access to the first floor only. The logical location for the ramp is the rear entrance where a paved ramp is currently located.

To make all levels of the building accessible, an elevator is required. The proposed floor plan shows a new elevator at the southeast side of the building. This location avoids reconfiguration of the existing structure, (if an elevator were to be retrofitted inside the existing footprint it would seriously diminish the amount of useable space). The elevator also makes access to the basement convenient, which is where storage and utility spaces would be logical.

Plumbing Fixtures:
The minimum number of plumbing fixtures required for the building is as listed below. The existing toilet rooms would need to be demolished so that accessible toilet rooms could be provided.

3 Single User Toilet Rooms for Males
3 Single User Toilet Rooms for Females
- or a combination of toilet rooms with a minimum of 6 fixtures
2 Drinking Fountains or Water Bottles
1 Service Sink (Janitor's Closet)

Life Safety:
Addition of a sprinkler system would not be required for the building since the total square footage is not more that 20,000 sf or higher than 3 stories.

Exit lighting, emergency lighting and a fire detection alarm system (audible and visual) would be required.

Site:

The layout of vehicular access, flow, and parking is a consideration for the use of an academic facility at this location. These elements must be determined prior to designing the life safety improvements because drop-off access will determine the appropriate location of the entry element, handicapped ramps, and egress throughout the building. A report commenting on storm water issues accompanies this report, and we know you are in the process of consulting with a civil and traffic engineer to resolve site issues.

MEMO

Date: October 23, 2003

To: St, Patrick's Episcopal Day School

From: David Konapelsky

Re: Basement
St. Patrick's Episcopal Day School
Grades 7 and 8
4925 MacArthur Blvd. NW

The basement level of occupancy at 4925 MacArthur Blvd. has always been identified on the drawings as a useable space. The drawings prepared for the BZA hearings (dated 2/28/02) identified the function of the spaces as Utility Rooms, 1 Stair, and an elevator machine room. The final plan has Utility rooms, 2 stairs, an elevator machine room, mechanical and electrical rooms, corridors, and a Music Room.

Several specification and code requirements influenced the plan to what was ultimately presented for permit approval. During the construction drawing phase, the elevator was selected, whose specification required the elevator machine room to have a 7'-6" clear ceiling. This required lowering a portion of the existing floor slab. Along with this, a remote second stair was added per the requirements of BOCA Code 1010.3. This was added in a (required) remote location within the existing footprint. The path of travel to the remote exits required a 7'-6" minimum height ceiling, resulting in a room (under the Art Room, central to the plan), which could function as something other than a utility room.

In addition, St. Patrick's elected to install a fire sprinkler system to upgrade the existing fire safety in the building. Prior to the time of the BZA hearing, GTM Architects had a pre-design meeting with District Building Code Officials, at which the District "recommended" a sprinkler system for safety, but did not require it, since the building was already functioning as an existing educational use building. The addition of a sprinkler system also allows safer occupancy of functions in the basement.

It is important to note that during testimony of GTM Architects at the BZA hearing, Chairman Geoffrey Griffis made it clear in his comments that architectural program and code compliance issues are the responsibility of the Building Code Officials, the Architect, and the building permit review process, not the BZA. Design development, and permit drawings require coordination of information well beyond what can be presented in schematic form, which is what Mr. Griffis was speaking about. In our case it yielded a second stair, lower basement slab elevations, installation of a sprinkler system, and a more functional space in the basement (designated as a Music Room), which meets code, the BZA agreement, and is legally permitted.

4911 ASHBY STREET, NW
WASHINGTON, DC 20007

November 20, 2003

Mr. Dereck Wilson
Deputy Administrator
BLRA
941 North Capitol Street, NE
Second Floor, Room 2000
Washington, DC 20002

Dear Mr. Wilson:

Thank you for seeing me yesterday on such short notice to discuss the building plans and permits issued for St. Patrick's Episcopal Junior High School located at 4925 MacArthur Boulevard, NW.

I found it disturbing that the school has substantially changed the configuration and potential useable space in contradiction of its statements to the BZA, the architect's correspondence and other assurances. I also found it disturbing that city officials have not acted to constrain the school and required them to follow the basic plans that everyone was relying on in this process.

Again, I am grateful to you for taking the time to make yourself available to discuss matters related to BZA Order #16852.

Sincerely,

Alma H. Gates

Alma H. Gates
ANC 3D-05

Revised C. Hall 6/11/03

C

V. H

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
INSPECTION SCHEDULING AND COMPLAINT UNIT
941 NORTH CAPITOL ST., N.E., SUITE 2000
WASHINGTON, D.C. 20002
(202) 442-4615

INSPECTION SCHEDULING & COMPLAINT FORM

Date Received: 11.19.03 **Complaint Number:** 47414

Source of Complaint
[ ] Telephone [ ] Mail [X] Walk-in [ ] Internal
[ ] Public Index Inquiry Control Correspondence. No.:_____
[ ] Referred to another Administration (Identify) _____

TYPE OF COMPLAINT
[X] Construction [ ] Plumbing [ ] Electrical
[ ] Mechanical [ ] Elevator [X] Structural
[ ] Private Home [ ] Business [ ] Vacant Lot
[ ] Vacant Building [X] Zoning

PROPERTY ADDRESS: 4925 MACARTHOR BLVD WASHINGTON, DC
Number Street Suite/Apt. No. City
20007
State Zip Code

COMPLAINANT INFORMATION: KATHERINE VAN SICKLE DEMALLIE
Complainant's Full Name

4923 ASHBY ST NW WASHINGTON D.C.
Number Street Suite/Apt. No. City
20007
State Zip Code

Telephone No.: Home: 202-965-0480 Work: — Mobile: —
Cell: — Fax: —

ANONYMOUS COMPLAINANT [ ]

Nature of Complaint: CONSTRUCTION ~~ORDERS~~ PLANS ARE NOT THE SAME AS THOSE APPROVED BY BZA ORDER 16852 ISSUED MARCH 25 2003. SPECIFICALLY, THE ADDITION OF A MUSIC ROOM AND ADDITIONAL STAIRCASE WERE NOT AUTHORIZED BY THE BZA ORDER.

I REQUEST A STOP WORK ORDER UNTIL THE ST PATRICK'S EPISCOPAL SCHOOL GOES BACK TO ~~THE~~ BZA ~~FOR~~ BASEMENT EXPANSION REVIEW AND APPROVAL BY BZA.

you have a written complaint, you may attach it. If additional space is required, please attach a separate sheet.

Complaint Processed By: Katherine Nelson Lutle
Date Complaint Forwarded to Division: _____
Scheduled Inspection Date: _____ **Actual Inspection Date:** _____
Assigned Inspector's Name: _____

Form 300
(Revised 09/09/02)

Case No._____

Complaint No._____

DISTRICT OF COLUMBIA OFFICE OF ZONING

COMPLAINT OF NON-COMPLIANCE WITH CONDITION(S) OF A BZA/ZC ORDER

Notice: See other side of complaint of non-compliance with condition(s) of a BZA/ZC Order for instructions

IMPORTANT NOTE: This process is not intended as a substitute for the enforcement responsibility of the Department of Consumer and Regulatory Affairs (DCRA). Any person that believes immediate enforcement action is required should contact DCRA.

A complaint is hereby filed with the Office of Zoning for review and assessment of compliance; and if in non-compliance, assistance in working with the non-complying party to achieve compliance and/or referral for mediation; and/or if not resolved, referral to Department of Consumer and Regulatory Affairs (DCRA) for appropriate action pursuant to Titles 11 and 16 DCMR Chapters 32, such as revocation of building permits/Certificate(s) of Occupancy, or citation action - the details of which are as follows:

Address(s) of Affected Premises	Square (s)	Lot (s)	BZA Order No. and Date	ZC Order No. and Date	BZA/ZC Order Expiration Date	Condition No.
4925 MacArthur Blvd	1393	0823	16852 DATE 3/25/03	N/A	N/A	19 *

Present use of Property:	Middle School		
Owner of Property:	St. Patrick's Episcopal School	**Telephone No.:**	202-342-2805
Address of Owner:			
Name, address and telephone number of lessee (if applicable):			

List specifically by condition number each and every alleged violation(s) of non-compliance with condition(s) of a BZA/ZC Order and the relevant sections of the Zoning Regulations (see reverse for more detailed explanation). Title 11 Sect 3125.7; 3125.8 BZA 16852.

Please use a separate piece of 8 ½" x 11" to respond and attach it to the Form 300 (if needed).

Attached letter to Denzil Noble outlines specific non compliance including unauthorized expansion of habitable space through enclosure of porch and excavation of basement. These activities are in violation of condition 19, and plans submitted by St. Patricks School during application process

The making of a false statement on this form, or any attachment thereto, or in response to any questions or request for information made by the Director or by Office of Zoning Staff, is punishable by the criminal penalties set forth in section 404(b) of the District of Columbia White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code 22-2514(b)).

Date:	21 January 2004	**Signature:**	Complainant Katherine Van Sickle DeMallie

Contact Information of Complainant

Name:	Katherine Van Sickle DeMallie, Neighbors United Trust				
Address:	4911 Ashby St, N.W, WASHINGTON DC				
Phone No.:	202-965-0480	**Fax No.:**		**E-Mail:**	demallie@erols.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Katherine Van Sickle DeMallie
Neighbors United Trust
4911 Ashby Street, NW
Washington, DC 20007

Mr. Toye Bello
Compliance Review Program Specialist
DC Office of Zoning
441 Fourth Street, NW
Suite 210 South
Washington, DC 20001

RE: BZA Order #16853, St. Patrick's School @ 4925 MacArthur Boulevard, NW

Dear Mr. Bello:

Attached you will find a duplicate of the complaint delivered to Denzil Noble, Acting Zoning Administrator, on December 8, 2003. There has been no response from Mr. Noble regarding this complaint other than an acknowledgment.

This complaint is being submitted at your request to Commissioner Gates and concerns the creation of additional habitable space at 4925 MacArthur Boulevard:

1. Condition 19 of BZA Order 16852 has been violated. The front porch has been partially enclosed and the entrance to the school has been moved to allow creation of a second means of ingress and egress into the basement beneath the original entrance to the school. Also, the excavation of the basement was never anticipated/considered by the BZA. Drawings submitted to the BZA by GTM Architects indicate the basement will have no student occupant load and will be used as utility space.

2. 11 DCMR §§ 3125.7 and 3125.8 have been violated by the illegal creation of additional habitable space.

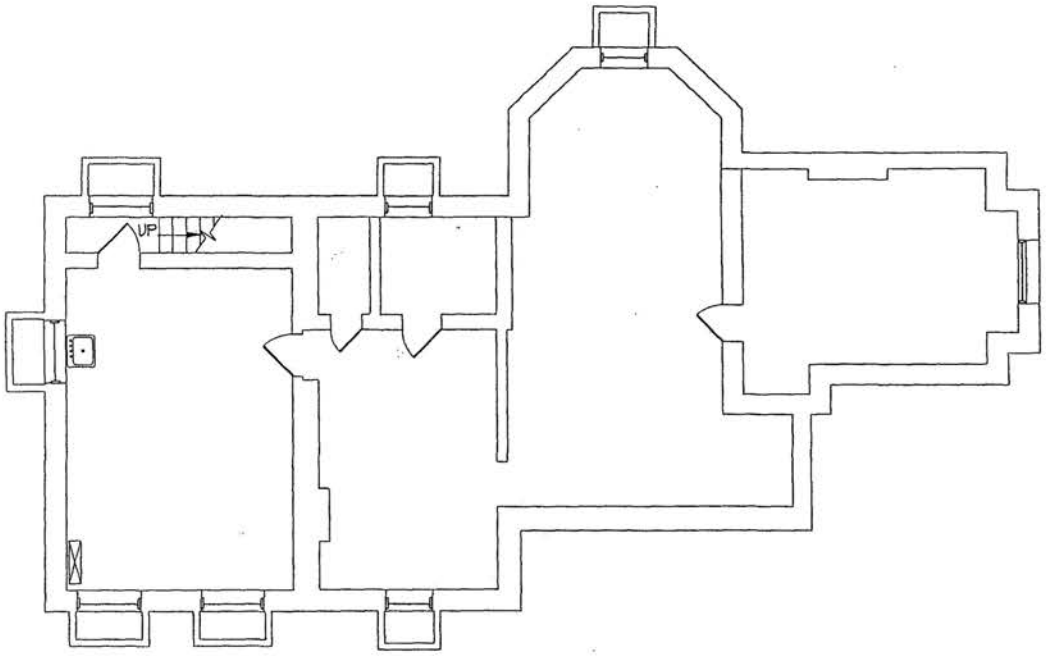
As significant time has passed since this complaint was first filed and a Certificate of Occupancy is pending, your immediate attention to this matter would be greatly appreciated.

Sincerely,

Katherine Van Sickle DeMallie

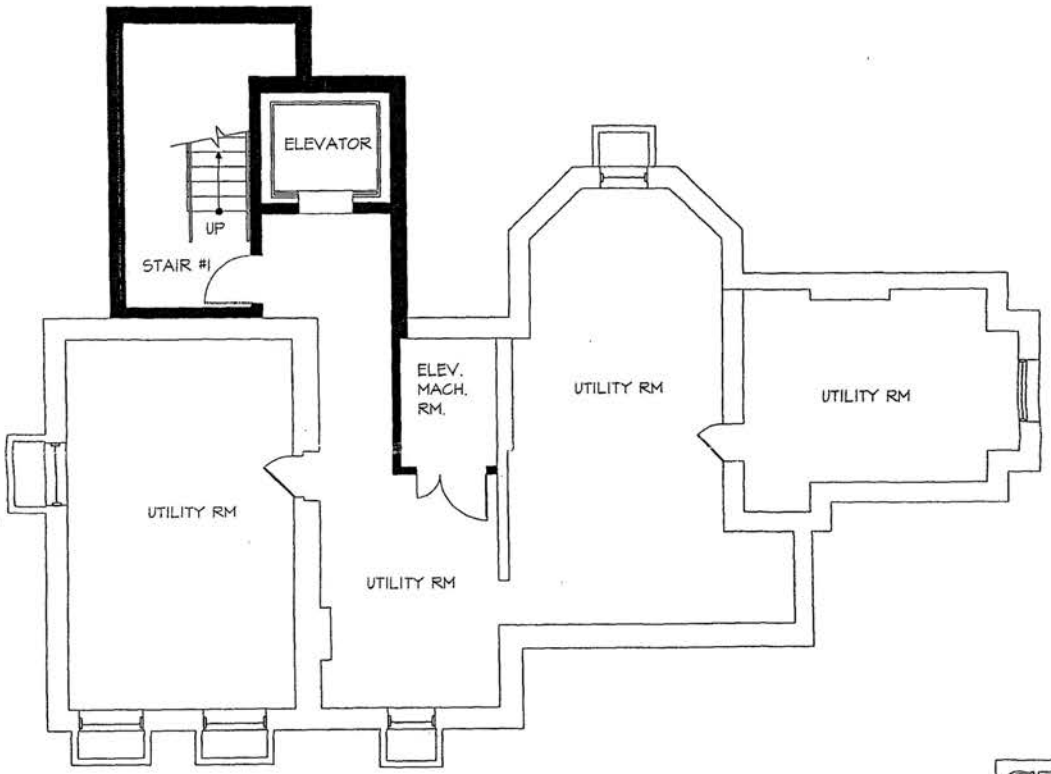
Katherine Van Sickle DeMallie
(202) 965-0480

FILE NAME: 0100-1



1 / SD-0 EXISTING BASEMENT PLAN

SCALE: 1/8"=1'-0"



B2A PLAN

2 / SD-0 PROPOSED BASEMENT PLAN

SCALE: 1/8"=1'-0"

EXISTING SQUARE FOOTAGE - 1316sf
LIFE SAFETY ADDITION - 342 sf
STUDENT OCCUPANT LOAD PER BOCA - 0 STUDENTS

GTM
ARCHITECTS
10465 ARMORY AVENUE,
KENSINGTON, MD. 20895
(301)942-1062
(301)942-3429 FAX

04/01/2002

building, built in 1905 as a single-family residence, contains approximately 4,325 square feet of usable space. The remainder of the site is occupied by a parking lot and a large lawn.

3. The Applicant plans a complete rehabilitation of the existing building, including removal of the fire escapes on its eastern and southern sides, renovation of the building interior and conversion to seminar-style classrooms, construction of a second-story addition to an existing porch, and upgrades to the building's handicapped accessibility and life-safety systems. The proposed modifications would preserve the building's residential appearance, with the only change in the footprint of the building made to accommodate the life-safety and handicapped accessibility upgrades, including the provision of code-compliant handicapped restrooms.

4. The Applicant proposes to preserve the existing open green space on the subject property, including existing trees, and to maintain the lawn and plantings as a park-like setting.

5. The subject property contains a parking lot entered from Ashby Street. The Applicant proposes to reconfigure and reconstruct the lot, with a slight increase in the paved area, to maximize the number of spaces in the available area, to provide handicapped parking, and to provide a buffer between the parking lot and the adjacent neighbors.

6. The Applicant has coordinated with the National Park Service in designing a stormwater management system to be installed beneath the parking lot. The stormwater management system is designed to protect the integrity of the existing retaining wall and is expected to significantly reduce or eliminate stormwater run-off from the parking lot onto neighboring properties.

7. The subject property is located in a predominantly residential neighborhood of single-family detached houses. The average lot size in the immediate vicinity of the site is between 7,000 to 8,000 square feet.

8. The subject property is zoned R-1-B. The purposes of the R-1 district include to stabilize and protect quiet residential areas developed with one-family detached dwellings, and to promote a suitable environment for family life. 11 DCMR §§ 200.1-200.2. The R-1-B zone provides for districts of higher density than the R-1-A zone. 11 DCMR § 200.3.

9. The building on the subject property, after modifications planned by the Applicant, would continue to comply with height, lot occupancy, and other area requirements of the R-1-B district.

10. Under the Applicant's proposal, total lot occupancy would be 14.4 percent, where a maximum lot occupancy of 40 percent is permitted. *See* 11 DCMR § 403.2.

11. The minimum lot size in the R-1-B district is 5,000 square feet. 11 DCMR § 401.3. The subject property could potentially be redeveloped with several single-family residences.

3128.3 Upon receipt of the record, the Commission shall review the case and take such action as it deems appropriate; provided, however, the Commission shall not reverse or modify any decision or order of the Board without affording the parties to the case an opportunity to present memoranda to the Commission in support of or in opposition to the action of the Board.

3128.4 Any action by the Commission may include, without limitation, any of the following:

(a) Hearing argument on the Board record in the case;

(b) Affirmance, modification, or reversal of the Board's decision or order; and

(c) Remanding the case to the Board for reconsideration, rehearing, or other action pursuant to instructions of the Commission.

3128.5 The sua sponte review process established in this section shall not grant any rights of appeal to the Commission.

3128.6 Because there is no right of appeal to the Commission from any action of the Board, the Commission need not answer any communications to the Commission (regardless of the form) requesting that sua sponte review be undertaken. Sua sponte review is a discretionary internal process.

3128.7 The Commission shall look to the following guidelines when determining whether to invoke its sua sponte review authority. The Commission may exercise sua sponte review as follows:

(a) In a particular instance where it appears to the Commission that the Board has exceeded its prerogatives and has thus in effect changed the zoning;

(b) Where it appears that a basic policy of the Commission, as expressed in the Zoning Regulations, has been violated as a result of action by the Board; or

(c) In an unusual instance, as determined by the Commission.

SOURCE: Final Rulemaking published at 46 DCR 7853, 7914-15 (October 1, 1999); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8569-70 (October 20, 2000).

3129 MODIFICATION OF APPROVED PLANS

3129.1 This section applies to all appeals and applications filed with the Board under this chapter; provided, however, this section only applies to chancery applications to the extent specified in § 3134.

3129.2 The Board shall consider requests to approve modifications to plans approved by the Board, as set forth in §§ 3125.7 and 3231.8. The request shall be in writing, shall state specifically the modifications requested and the reasons therefor and include a copy of the plans for which approval is now requested.

3129.3 A request for modification of plans shall be filed with the Board not later than six (6) months after the date of the final order approving the application.

3129.4 All requests for modifications of plans shall be served on all other parties to the original application at the same time as the request is filed with the Board. A party shall have ten (10) days within which to submit written comments that such party may have concerning the requested modification.

3129.5 A decision on a request for modification of plans shall be made by the Board on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application.

3129.6 No member shall vote on a request for modification of plans unless the member participated in and voted on the original decision or read the record.

3129.7 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 its approving the application.

SOURCE: Final Rulemaking published at 46 DCR 7853, 7915 (October 1, 1999); as amended by Final Rulemaking published at 46 DCR 8041, 8042 (October 8, 1999); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8570 (October 20, 2000).

3130 TIME LIMITS ON BOARD ACTION

3130.1 No order authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless, within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit.

3130.2 Any permit approved under this chapter shall be issued within a period of six (6) months after the date of the filing of an application for the permit.

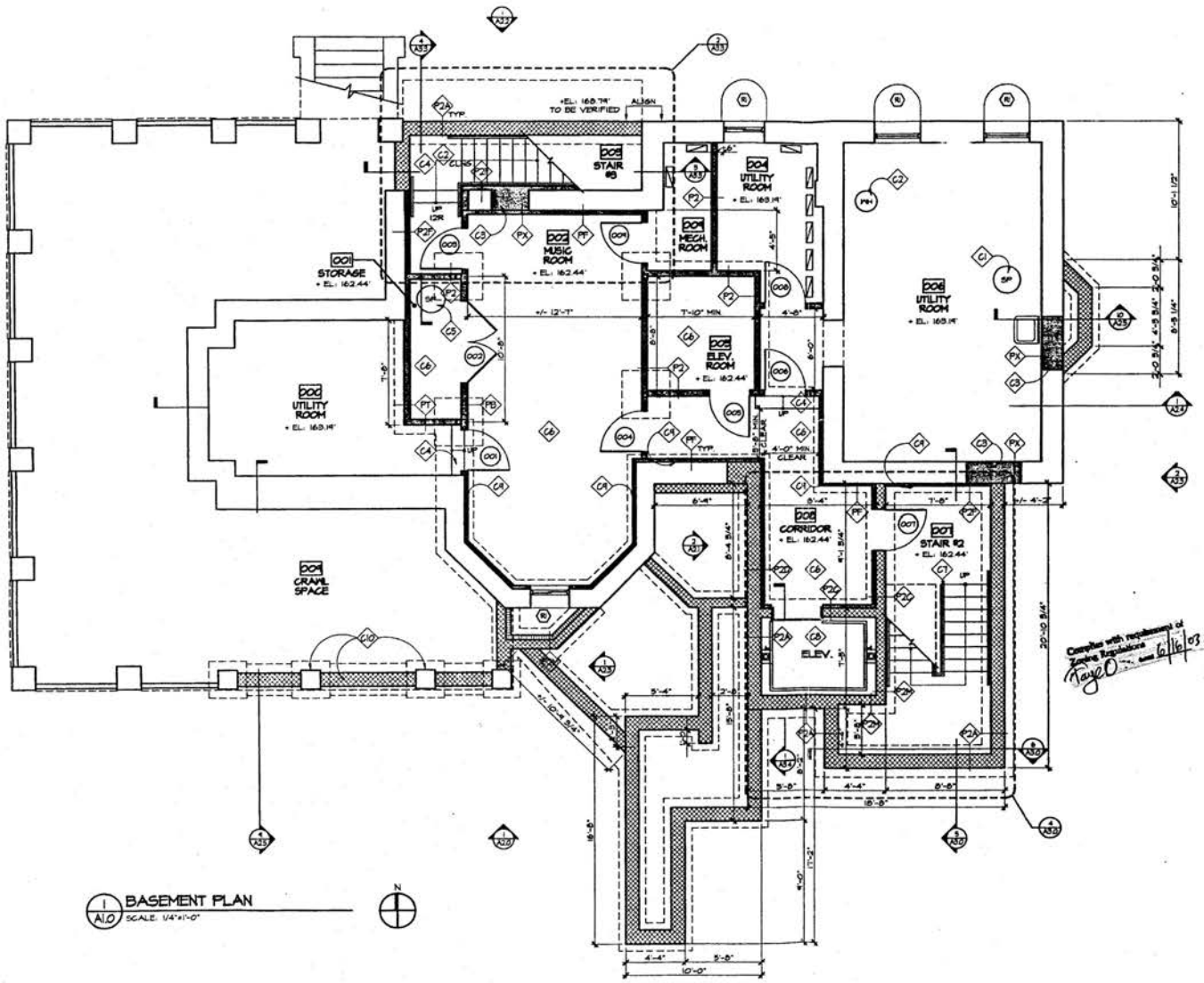
3130.3 The erection or alteration approved in the permit shall be started within six (6) month after the date of the issuance of the permit, and shall proceed to completion in accordance with its terms. If the work is not started within such period the permit shall expire and shall not be renewed.

3130.4 An order of the Board authorizing the use of all or any portion of a structure or parcel of land shall not be valid for a period in excess of six (6) months, unless such use is established within that period; provided, however, that where the permitted use is dependent upon the erection or alteration of a structure, §§ 3130.1 through 3130.3 shall apply.

3130.5 In the event an appeal is filed in a court of competent jurisdiction from an order of the Board, all time limitations in this section shall commence to run from the decision date of the court's final determination of the appeal. Unless stayed by the Board or a court of competent jurisdiction, an appellant or applicant may proceed pursuant to the order of the Board prior to the court's final determination.

SOURCE: Final Rulemaking published at 46 DCR 7853, 7916 (October 1, 1999); as amended by Final Rulemaking published at 48 DCR 9830, 9841 (October 26, 2001).

3131-3133 [RESERVED]



1 / A1.0 BASEMENT PLAN
SCALE: 1/4"=1'-0"

N

CONSTRUCTION NOTES

- C1 REPLACE EXIST. SUMP W/NEW SUMP IN SAME LOCATION (V.I.F.) MEP ENGINEER TO SIZE PUMP, CONNECT TO STORM SYSTEM.
- C2 EXIST. WATER HEATER TO BE RE-USED, COORD W/MEP DWGS
- C3 PATCH/INFILL W/SOLID CMU, MATCH EXIST'G FINISHES
- C4 NEW CONC STEPS
- C5 NEW SUMP PUMP - COORD W/MEP DWGS, CONNECT TO STORM SYSTEM
- C6 NEW CONC SLAB ON GRADE - SEE STRUCTURAL DWGS
- C7 NEW CONC & MTL PAN STAIRS, SEE DWG A3.0
- C8 NEW ELEVATOR - SEE DWG A3.4
- C9 UNDERPIN EXIST. BSMT WALL TO ACCOMMODATE PROPOSED SLAB ELEVATION, COORD W/STRUCTURAL DWGS
- C10 NEW FOUNDATION WALL BTWN EXIST. PIERS, COORD W/STRUCT DWGS.

KEY

EXISTING WALL

NEW WALL AS NOTED PER PARTITION TYPE

BUILDING PERMIT PLAN

GTM ARCHITECTS
1045 ARMORY AVENUE,
KENSINGTON, MD. 20895
(301)942-9080
(301)942-9401 FAX

4925 MACARTHUR BLVD., NW
WASHINGTON, D.C. 20007

BASEMENT PLAN

ST. PATRICK'S
EPISCOPAL DAY SCHOOL
GRADES 7 & 8

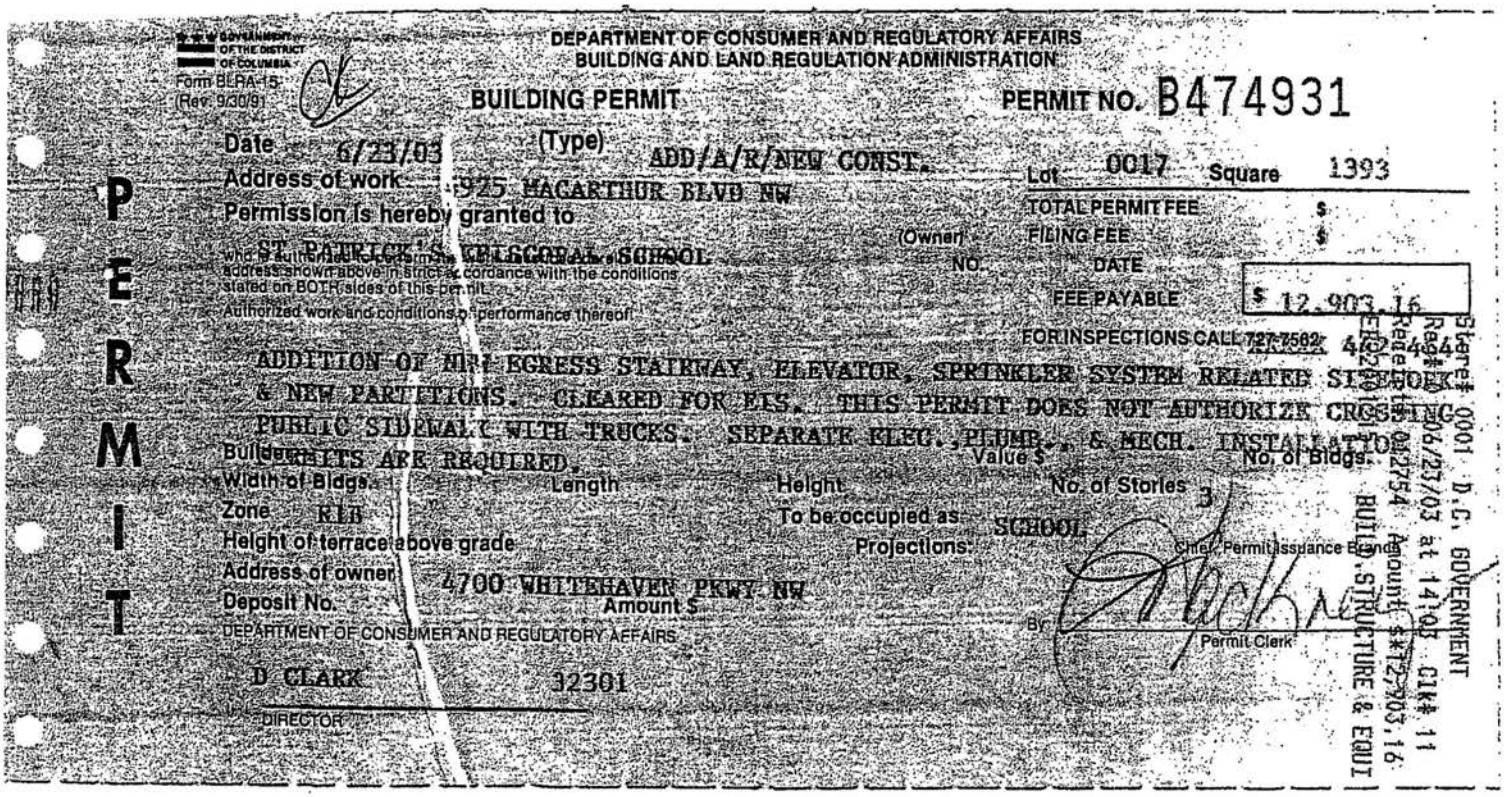
REVISIONS:
PERMIT SET

SEAL:

DISTRICT OF COLUMBIA REGISTERED No. 4884 ARCHITECT

DRAWN BY: MSH/SH
CHECKED BY: DPK
SCALE: AS NOTED
DATE: 04.07.03
PROJECT NO. 01.0644
DRAWING NO. A1.0

(D)



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B474931

PERMIT

Date 6/23/03 (Type) ADD/A/R/NEW CONST.

Address of work 925 MACARTHUR BLVD NW

Lot 0017 Square 1393

Permission is hereby granted to

ST PATRICK'S EPISCOPAL SCHOOL (Owner)

who is authorized to perform the work at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions or performance thereof:

ADDITION OF NEW EGRESS STAIRWAY, ELEVATOR, SPRINKLER SYSTEM RELATED SITEWORK & NEW PARTITIONS. CLEARED FOR EIS. THIS PERMIT DOES NOT AUTHORIZE CROSSING PUBLIC SIDEWALK WITH TRUCKS. SEPARATE ELEC., PLUMB., & MECH. INSTALLATION PERMITS ARE REQUIRED.

NO. DATE

TOTAL PERMIT FEE $

FILING FEE $

FEE PAYABLE $ 12,903.16

FOR INSPECTIONS CALL 727-7562

Value $ No. of Bldgs.

Builder

Width of Bldgs. Length Height No. of Stories 3

Zone R1B To be occupied as SCHOOL

Height of terrace above grade Projections:

Address of owner 4700 WHITEHAVEN PKWY NW

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D CLARK 32301

DIRECTOR

By

Chief, Permit Issuance Branch

Permit Clerk

Store# 0001 D.C. GOVERNMENT
Reg# 006 06/25/03 at 14:03 Clk# 11
Rec# 042754 Amount $12,903.16
CHECK $12,903.16
BUILD.STRUCTURE & EQUI

3125 FINAL DECISION AND EFFECTIVE DATE OF DECISIONS

3125.1 This section applies to all appeals and applications filed with the Board under this chapter; provided, however, this section only applies to chancery applications to the extent specified in § 3134.

3125.2 The concurring vote of at least a full majority of the members of the Board is necessary for any decision.

3125.3 A decision or order on an appeal or application shall be in writing and accompanied by findings of fact and conclusions of law, which shall be filed in the record.

3125.4 Formal notice of an order shall be given to any party to the appeal or application, by serving the party with a copy of the decision or order and the accompanying findings of fact and conclusions of law, by first class mail, postage prepaid.

3125.5 A copy of the decision or order and the accompanying findings of fact and conclusions of law shall be served on the council member representing the ward within which the property is located and any ANC that submitted a written report in accordance with § 3115.

3125.6 For purposes of this chapter, a decision or order shall be and become final upon its filing in the record and service upon the parties.

3125.7 Approval of an application shall include approval of the plans submitted with the application for the construction of a building or structure (or addition thereto) or the renovation or alteration of an existing building or structure, unless the Board orders otherwise.

3125.8 An applicant shall be required to carry out the construction, renovation, or alteration only in accordance with the plans approved by the Board, unless the Board orders otherwise.

3125.9 No order of the Board shall take effect until ten (10) days after it becomes final pursuant to § 3125.6.

3125.10 The Director or the Chairperson of the Board is authorized to sign a final decision or order that has been approved by a majority of the Board.

SOURCE: Final Rulemaking published at 46 DCR 7853, 7912 (October 1, 1999); as amended by Final Rulemaking published at 47 DCR 9347, 9352 (November 24, 200); and Final Rulemaking published at 49 DCR 2742, 2748 (March 22, 2002).

3126 RECONSIDERATION OR REHEARING

3126.1 This section applies to all appeals and applications filed with the Board under this chapter; provided, however, this section only applies to chancery applications to the extent specified in § 3134.

3126.2 Any party may file a motion for reconsideration or rehearing of any decision of the Board, provided that the motion is filed with the Director within ten (10) days from the date of issuance of a final written order by the Board.

3126.3 Any motion for reconsideration shall be served upon all other parties, or any representative parties pursuant to designations made pursuant to § 3112.15.

Neighbors United
4911 Ashby Street , NW
Washington, DC 20007
April 30, 2002

Mr. Peter Barrett
Head of School
St. Patrick's Episcopal Day School
4700 Whitehaven Parkway, N.W.
Washington, DC 20007-1586

Dear Mr. Barrett:

We have a continuing interest in learning how St. Patrick's has complied in the past with conditions imposed pursuant to previous BZA Orders.

Until recently, I was under the impression that the most recent zoning determinations for St. Patrick's school was the BZA decision in 1999, that provided for an expansion of the school and the construction of a gymnasium that included 68 parking spaces.

I have had occasion to review the District of Columbia Revenue Bond File associated with St. Patrick's request that the District of Columbia issue its tax exempt District of Columbia Revenue Bonds (St. Patrick's Episcopal Day School Project) Series 2000, in the aggregate amount of approximately $11 million dollars , which were issued in 2000 to fund, among other items, the gymnasium on Whitehaven Parkway. In this file I found correspondence between Wilkes Artis representing St. Patrick's school and Mr. Michael Johnson, Zoning Administrator at the Department of Consumer and Regulatory Affairs in Washington, DC dated June 30, 2000 (attached). This correspondence reflects that the school requested and received approval for changes in the structural configuration of the gymnasium as well as the reduction of 6 of the 68 parking places that had been provided under the BZA Order. This was a reduction of approximately 9 percent of the parking places originally approved by the BZA. Given the parking problems on Whitehaven, this appears to be a material change in the scope of the BZA Order. It is not clear whether the BZA ever reviewed this request, or whether the relevant ANC's were notified.

Parking and other aspects of St. Patrick's operations on Whitehaven may also affect the current consideration of St. Patrick's proposed use of 4925 MacArthur property.

I am therefore requesting that St. Patrick's make available to the BZA, the parties, and include in the public record, any and all other correspondence with relevant agencies that relate to the zoning requirements, physical configuration, traffic and parking at the school since the BZA Order of 1999. I further request that any other such correspondence providing relief or changes to the zoning requirements be provided at least one week before the resumption of the BZA hearing on St. Patrick's request for special exception to establish a private school in a residentially zoned neighborhood, on May 21, 2002.

Sincerely,

Katherine Van Sickle Demallie
Trustee

CC: Jerrily Kress
ANC 3D

, ummonds, Jr.
7.7854
monds@wilkesartis.com

Wilkes Artis

Chartered
Attorneys at Law

Suite 300, 1666 K Street, NW
Washington, DC 20006-2803
202.457.7800
Fax: 202.457.7814

June ~~28~~ 30, 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.
Washington, D.C. 20002

Re: St. Patrick's Episcopal Church and School ("St. Patrick's")
4700 Whitehaven Parkway, N.W.
Construction of a One-Story Athletic Building and Gymnasium
Approved by Board of Zoning Adjustment Order No. 16517

Dear Mr. Johnson:

Thank you for taking the time to meet with representatives of St. Patrick's on June 28, 2000. At that meeting, we discussed minor revisions to the plans for the gymnasium building that were approved by the Board of Zoning Adjustment (BZA) in BZA Application No. 16517. As you determined, these minor revisions to the approved plans are consistent with the intent of the BZA Order.

The BZA approved St. Patrick's application by a bench decision on December 8, 1999 and issued a written order on December 28, 1999. A copy of this BZA Order is attached. There was no community opposition to the application and St. Patrick's received the support of Advisory Neighborhood Commission (ANC) 2E, ANC 3D, the Palisades Citizen's Association and the immediate and most affected neighbor, Marshall and Marne Hornblower. Copies of the letters in support from these groups and people are also attached to this letter.

The approved set of plans included a forty foot retaining wall to the north of the gymnasium, one level of parking (to include sixty-eight parking spaces) and ~~two~~ curb cuts along Whitehaven Parkway. The proposed minor revisions to the plans include a reduction of the retaining wall from forty to fifteen feet, ~~a~~ the addition of ~~removal of~~ one of the curb cuts on Whitehaven Parkway and the inclusion of two levels of parking that will include sixty-two parking spaces. In addition, the total square footage of the building will be reduced slightly and the location of the locker rooms will be shifted to the front of the building along Whitehaven Parkway.

All of the proposed revisions are consistent with the intent of the BZA Order. The BZA's conditions of approval of the application generally address the buffering of the gymnasium building from adjoining properties and the use of the gymansium and athletic field, not the areas of the proposed minor revisions to the plans.

The proposed revisions are necessary as the gymnasium depicted in the original plans proved to be financially untenable for St. Patrick's to construct. ~~construct~~ reduction The reduction in the height of the retaining wall will create less ~~of a~~ visual impact on the neighboring properties. Similarly, the ~~removal~~ of one curb cut will also benefit neighboring properties by assuring the continual flow of traffic along Whitehaven Parkway. Finally, St. Patrick's will continue to provide an appropriate number of parking spaces that will satisfy the School's demand for parking as well as the Zoning Regulations' parking requirement.

Please confirm by signing this letter in the space provided below, that St. Patrick's proposed minor revisions to the approved set of plans for the gymnasium building, as described above, are consistent with BZA Order No. 16517.

If you have any questions or comments regarding this letter, please feel free to call me at (202) 457-7854.

Sincerely,

Paul A. Tummonds, Jr.

CONCUR

Date: 6/30/00

Michael D. Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs

cc: Mark Vershbow
Allison C. Prince

Note: Michael Johnson, Matt Pie & Allison Prince had a telephone conference with Marshall Hornblower on June 30, 2000. He confirmed that he was not opposed to the proposed changes and considers them consistent with the BZA Order.

two means of egress and only was providing one.

MS. GATES: Well, that's where I was going with this.

CHAIRPERSON GRIFFIS: Indeed. And we can point that out, if we had time. But again, there's nothing that we can even follow up in doing. Certainly, with a registered architect and the permitting process in review, I would hope, I know for certain, that that will be addressed.

MS. GATES: Thank you. Are there plans to enclose the terrace in the future?

MR. KONAPELSKY: Are we talking about on the second floor, on the porch area?

MS. GATES: No, I'm talking about the terrace in the front.

MR. KONAPELSKY: No, we are not planning on enclosing that. That hasn't been discussed.

MS. GATES: But is the terrace included in the footprint?

MR. KONAPELSKY: In the overall footprint, when we calculated percentage of lot occupancy, yes, but not in the usable footprint. In other words, it's not a functional space, or a place where we calculated student populations. It's an exterior space.

MS. GATES: Couldn't the school later

build on it and substantially increase the size of the building?

MR. KONAPELSKY: Yes, they could. If they wanted to.

MS. GATES: Okay.

CHAIRPERSON GRIFFIS: Meaning, they have addition FAR, that they could enclose that space?

MR. KONAPELSKY: The lot allows forty percent lot occupancy. If they wanted to, and pursued the right channels of the permit process, they could do that.

CHAIRPERSON GRIFFIS: Okay. But your client hasn't asked you to investigate that, in terms of architectural plans or proposed schemes, or have they?

MR. KONAPELSKY: No, not at all.

CHAIRPERSON GRIFFIS: Okay.

MR. KONAPELSKY: Actually, other than the life safety addition, they were very vehement about staying within the footprint of the building.

CHAIRPERSON GRIFFIS: I see. Okay.

MS. GATES: That would stay within the footprint.

MS. PRINCE: And of course, Board of Zoning Adjustment approval would be required for any