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

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.393A2

enclosure of the existing porch, even though it's part of the footprint.

CHAIRPERSON GRIFFIS: It would, why?

MS. PRINCE: Because it increases the habitable space for the use of the school.

CHAIRPERSON GRIFFIS: Indeed. Is that understood?

MS. GATES: It is, however, I believe, when the classroom building was enlarged, or upgraded recently, the plans to do that had already been drawn. The planning was there earlier, and that was where I was going with this question.

But perhaps we were going to say this is part of the footprint and come back later and say oh well we said it was part of the footprint.

CHAIRPERSON GRIFFIS: Right. Understood.

MS. GATES: Thank you. Is there concern about survival of any of the trees on the property?

MR. KONAPELSKY: When we did the life safety addition, there was a discussion from Saint Patrick's that they were, it was critical to keep the existing trees on site.

And there is an existing Magnolia tree, and I noticed that there was a paper that came across today about an Arborist had looked at the Magnolia

transportation to the subject property by shuttle bus. In the afternoon, the students will be required to return to the Whitehaven campus via shuttle bus for pick-up.

(b) The shuttle buses shall employ a round-trip route between the Whitehaven campus and the subject property utilizing Whitehaven Parkway, MacArthur Blvd., Arizona Avenue, Loughboro Road, and Foxhall Road back to Whitehaven Parkway.

(c) The shuttle buses shall stop to on- and off-load students on MacArthur Blvd. in front of the school building. The Applicant shall ensure that the shuttle buses do not idle at the subject property but are released from the Whitehaven campus as necessary to make scheduled morning drop-offs and afternoon pick-ups.

(d) The Applicant shall monitor compliance with the shuttle bus system daily and shall make such compliance a condition of student enrollment. The Applicant shall not permit students to be dropped off or picked up at the subject property at arrival and dismissal times except in prearranged special circumstances, such as when a child will arrive late due to a doctor's appointment. Student drop-offs in special circumstances shall be at the Ashby parking lot.

8. The Applicant shall establish a carpool program to and from the Whitehaven campus serving students at the subject property.

(a) The Applicant shall require carpools to drop off and pick up students at the Whitehaven campus in coordination with the shuttle bus system for transportation to and from the subject property.

(b) Before 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; copies of the annual progress report and DDOT's response shall be given to the community liaison committee established by the Applicant pursuant to this order.

9. The total number of faculty and staff at the subject property shall not exceed 8 full-time and 4 part-time.

10. The Applicant shall provide at least 15 parking spaces on the subject property, as shown on the Applicant's site plan SP1 (Exhibit No. 340).

11. The Applicant shall use the subject property for special evening events after 4:00 p.m. no more than two times during the school year. Evening events shall finish no later than 10:00 p.m.

12. The Applicant shall hold no more than two daytime special events, when the school is open to parents and other non-students, at the subject property during the school year. Daytime special events shall be scheduled to occur between 10:00 a.m. and 4:00 p.m.

St. Patrick's
EPISCOPAL DAY SCHOOL

PETER A. BARRETT
Head of School

September 22, 2003

Mr. Denzil Noble
Deputy Administrator and Acting Zoning Administrator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, DC 20002

Re: St. Patrick's Episcopal Day School
4700 Whitehaven Parkway

Dear Mr. Noble:

The main campus of St. Patrick's Episcopal Day School ("St. Patrick's" or "the School") is located at 4700 Whitehaven Parkway in the R-1-A zone. The School has operated on the site since 1977. The most recent BZA Order issued for the school use is BZA Order No. 16517, dated December 28, 1999. In that order, the Board approved an expansion of the School and the construction of a gymnasium. Condition 2 of an earlier order, Order No. 15374, dated October 30, 1990 sets forth the student cap of 440 that governs the School.

The purpose of this letter is to provide you with written notice that our enrollment for the 2003-2004 school year exceeds the cap by eight students.

We understand the importance of the cap and the other conditions that govern the School's operation. Over the years, the School has made every effort to refine its admission process so that the yield from acceptances does not exceed 440. Unfortunately, this process is not an exact science, as demonstrated by the School's experience last spring.

The overage notwithstanding, our 2003-2004 enrollment profile has remained largely the same as in previous years, with one exception. Participation in our Financial Aid Program has increased from an expected 75 to 87 students this year. In a year that saw a higher-than-normal tuition increase, we worked hard to retain all of those students but anticipated a certain level of attrition in the months preceding the opening of school — attrition that never occurred in this area, or across our enrollment profile. Hence the overage in our enrollment, a fact amply demonstrated by the narrow difference between

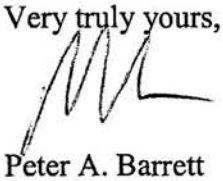
our anticipated tuition receipts at 440 students and our projected actual receipts at 448 students.

We have every expectation that, with the typical level of attrition, the enrollment will decline across the school year. Already, in the second full week of school, we have received word of one student's expected departure at mid-year because of a family move. We will make every effort to refine the admissions process for 2004-2005 to ensure that the School will not exceed the limit of 440.

We are not seeking an increase in our student cap because this is a temporary condition. At a meeting on September 3, 2003, we alerted the members of ANC 3D to the overage and pledged to rectify it in the next school year. The School decided that it was important to alert you to the current enrollment and our commitment to address this issue in our admissions process during the spring of 2004.

We would be pleased to answer any questions you may have.

Very truly yours,



Peter A. Barrett
Head of School

cc: Toye Bello
Jerrily Kress
John Finney, Chairperson and Commissioner 3D04
ANC 3D:
Hugh Mullane
Sarah Shapley
Tanya Hamilton
Alma Gates
Ann Heuer
Scott Polk

Document #: 1350770 v.1

BOARD OF ZONING ADJUSTMENT

Office of Zoning
Second Floor Hearing Room, Suite 220-S
441 4TH Street, N.W.
Washington, D.C. 20001

BOARD EXECUTIVE SESSION
8:30 a.m.

SPECIAL PUBLIC MEETING AGENDA

Tuesday, January 13, 2004
9:00 a.m.

BOARD ACTION/MOTION:

1) Application No. 17081 of St. Patrick's Episcopal Day School, pursuant to 11 DCMR § 3104.1, for special exceptions to permit an existing child development center and private school under sections 205 and 206, having 93 faculty and staff in the R-1-B District at premises 4700 Whitehaven Parkway, N.W. (Square 1372, Lot 817, and Square 1374, Lot 5).

Hearing Date:	December 2, 2003
Decision Date:	January 13, 2004

Participating Board Members: Geoffrey H. Griffis, Curtis L. Etherly, Jr., David A. Zaidain, and Ruthanne G. Miller.

2) Application No. 17088 of Willie D. Cook, Sr., pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking space requirements under subsection 2101.1, to allow a public hall and summer garden in the C-2-A District at premises 1101 Kenyon Street, N.W. (Square 2844, Lot 819).

Hearing Date:	December 9, 2003
Decision Date:	January 13, 2004

Participating Board Members: Geoffrey H. Griffis, Ruthanne G. Miller, and Peter G. May

3) BZA MINUTES : November and December Meetings and Hearings
(forwarded by email on December 24, 2003)

4) Annual Board Elections

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

RECEIVED
D.C. OFFICE OF ZONING
2002 DEC -3 AM 9:34

Jerrily Kress. FAIA
Director, Office of Zoning
441 4th St. NW
Suite 210 South
Washington, DC 2001

Dear Ms. Kress:

I enclose a copy of a letter that I sent last spring, at your suggestion, to Karen Edwards, General Counsel of the Department of Consumer and Regulatory Affairs, inquiring as to whether St. Patrick's School was complying with a BZA cap on the size of faculty and staff.

I have never received a definitive reply from Ms. Edwards. Since the original letter, of course, your office has established a new post of compliance with BZA orders. I thought you might be interested in the letter as an example of the past difficulty in getting DCRA to enforce BZA conditions and also as perhaps a task for your new office of compliance.

Sincerely yours,
John W. Finney

Chair, ANC3D

BZA
Case No. 16852
Exhibit No. 348

May 30, 2002

Karen Edwards
General Counsel
The Department of Consumer and Regulatory Affairs
941 N. Capitol St. NE—Suite 9400
Washington, DC 20002

Dear Ms. Edwards:

At the suggestion of the Office of Zoning, ANC3D writes to you to register a formal complaint that St. Patrick's School on Whitehaven Parkway is exceeding the cap on size of faculty and staff imposed on the school by the Board of Zoning Adjustment.

In an order issued by the BZA, dated October 17, 1990, a cap of 60 was placed on the size of faculty and staff of the school. That cap still prevails, never changed or altered in subsequent years by the BZA.

In testimony in recent weeks by school officials and representatives of District agencies before the BZA, it has become apparent that the size of faculty and staff at St. Patrick's currently exceeds 80 and may be as high as 100.

For example, under cross-examination at a BZA hearing on May 21, Peter Barrett, headmaster of St. Patrick's, stated, according to my notes, that the school had 50 full time faculty members, 15 part-time faculty members, 21 administrative staff members including full and part-time and four maintenance staff members. From those numbers, Mr. Barrett extrapolated that St. Patrick's had a "full time equivalent" of 84 persons on its faculty and staff. By his own calculations, therefore, St. Patrick's is exceeding the cap of 60 for faculty and staff imposed by the BZA.

Other testimony submitted to the BZA in recent weeks suggests the number of faculty and staff totals 100. For example, in a traffic analysis prepared for the school and submitted to BZA, Wells & Associates, in a report dated April 2, 2002, states on page 6, "There are presently 80 full-time and 20 part-time faculty and staff." That report undoubtedly drew upon figures supplied by the school. Similarly, in a report to the BZA dated April 13, 2002, Kenneth Laden, Associate Director for Planning of the D.C. Department of Transportation, stated, "St. Patrick's currently employs a total of 100 full and part-time teachers at the Whitehaven Parkway School."

In attempting to avoid the obvious conclusion that it has violated the cap on faculty and staff, St. Patrick's has resorted to what we believe is legal legerdemain. In the BZA hearing on May 21, Allison Prince, the lawyer representing St. Patrick's, argued rather vociferously that there was no longer a BZA cap on the size of the faculty at the school, just on the size of the staff. Her argument was that in its 1990 Order #15374, the BZA talked only about a cap on "Staff," thereby excluding the faculty from any cap except that imposed by availability of parking spaces. The argument is a specious one, avoiding the regulatory history of "caps" imposed on St. Patrick's in the past 19 years. As elaborated upon in the attached memo, starting in 1983, BZA has used the term "faculty and staff" in establishing caps for the school. In 1983, BZA Order # 14009 stated, "The total number of 'faculty and staff' ... shall not exceed 48." In 1990, when the school was seeking another expansion, the school application stated that, "The number of 'faculty and staff' will not exceed 60." That statement was reinforced in oral testimony by Ms. Prince who said, "St. Patrick's is also seeking an increase to an absolute maximum 'staff and faculty' of 60."

In its order of Oct. 17, 1990 granting a special exception to the school, there are several references to "faculty and staff" and "staff" in a way that suggests BZA was using the two terms interchangeably. So it is understandable that in the final conditions of its order, the BZA should state that the number of the 'staff' shall not exceed 60, while it is clear from the record that its intent was that number should include both faculty and staff.

To argue otherwise, as does Ms. Prince on behalf of the school, is to ignore the intent of the applications and the oral testimony of the school that the cap should apply to both faculty and staff. We believe that the BZA was using the term "staff" in its broad context to include faculty, and therefore that St. Patrick's currently is exceeding the cap of 60 on faculty and staff imposed in the 1990 order.

We request that you examine whether St. Patrick's is violating a condition laid down by the BZA in establishing the maximum permissible size of its faculty and staff and report back to ANC3D on your findings.

Sincerely yours,

John W. Finney
Chair, ANC3D

Cc:
Jerrily Kress, FAIA
Director, Office of Zoning
441 4th St. NW
Suite 210 South
Washington, DC 20001

April 4, 2002

Board of Zoning Adjustment

441 4th Street NW Suite 210-S

Washington DC 20001

Re: BZA # 16852

Dear Members of the Board of Zoning Adjustment:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Wednesday, April 3, 2002 at Sibley Hospital's Ernst Auditorium. A quorum (3) was present at all times. Proper notice of this meeting was given in the Northwest Current Newspaper and notices were distributed throughout the neighborhoods at least seven days prior to the meeting. One of the items on the agenda was the request of St. Patrick's Episcopal School for a special exception from residential zoning restrictions to establish a middle school in an existing building at the corner of MacArthur Boulevard and Ashby Street (4925 MacArthur Boulevard NW). After long deliberation, the Commission voted 5-0-0 against this request for a special exception. The Commission adopted the following letter to the BZA to explain how and why it reached its position.

Before reaching its conclusion in this difficult case, ANC3D held three separate hearings in February, March and April, providing ample time for the school to present its case and for residents to express their views on the location of a new school in a residentially zoned area.

Many issues were raised—the need for more private school spaces; the difficulty encountered by students at St. Patrick's School in finding enrollment at other private schools after completion of 6th grade; the expansion of private schools in the Palisades neighborhood in the past decade or so and its impact upon the residential nature of the Palisades; (there are already eight private schools and a college within less than one mile of the proposed new school), the traffic congestion that has developed on public streets, such as MacArthur, Foxhall and Whitehaven, during morning and afternoon rush hours as parents queue up to drop off and pickup up their children at these private schools; whether in view of the city's fiscal needs, private property should be revenue-producing or tax-exempt, and if the school did not occupy the building, what kind of homes might be built on the property.

But we would like to emphasize that in our final deliberations on our recommendation to you, the ANC3D chose, as does the BZA in considering requests from private schools for a special exception to limit its consideration to the terms set forth in zoning regulations 200, 206 and 3018 in Title 11 of D.C. Municipal regulations.

The burden of proof lay upon St. Patrick's School to demonstrate that the location of the proposed new school would be in harmony with the general purpose and intent of these zoning regulations, both designed to protect residentially zoned neighborhoods. For

reasons to be elaborated upon below, ANC3D concluded that St. Patrick's School failed to prove that the new school building in a strictly residential area would meet the requirements of the applicable zoning regulations.

The proposed school would be located in square 1393 that is zoned R-1-B. Section 200 of the zoning regulations defines the purpose of R-1 zoning "to protect quiet residential areas now developed with one family detached dwellings"...and to "stabilize the residential areas and to promote a suitable environment for family life."

To appreciate the adverse impact that the proposed school would have upon the neighborhood, one has to look at the homes in the residential square where the school would be located. There are 33 homes within 200 feet of the proposed school site, a zone determined by BZA in sending out notices of St. Patrick's request. The two closest homes are less than four feet and about 11 feet from the proposed school site. It is a quiet, residential neighborhood where most residents have lived for more than 20 years, raised their children and now in their senior years seek the tranquility that the neighborhood has thus far provided.

Into this residential haven would be imposed a private school with at least 60 students and a dozen or more faculty. In effect the daytime population of the residential square would be doubled and the noise and bustle of school children would erode the calm and tranquility of the neighborhood. Gone would be the privacy of adjoining homes. Seriously eroded would be the residential quality of life that attracted residents to the area in the first place. And with a school in their midst, many residents fear the value of their property will diminish.

It should be noted that the St. Patrick's proposal represents the first time in the Palisades neighborhood that a private school has attempted to locate in the middle of a residential square. In the past the schools have been located on the fringes of residential areas or in commercial zones. The case, therefore, assumes precedent-setting proportions in weighing the desire of a private school to expand against the desires of residents to preserve the residential nature of their neighborhood.

After long and careful consideration, ANC3D came to the conclusion that location of the school at that site would not be in harmony with the general purpose and intent of Zoning regulations and the Zoning Map "to protect quiet residential areas now developed with one-family detached dwellings..." and "to stabilize the residential areas and to promote a suitable environment for family life."

Nor does the Commission believe that St. Patrick's proposal meets all the individual conditions set forth in Section 206 that must be met before a private school can be granted a special exception to establish a school building in an area zoned R-1-B As the Board members know, section 206.2 specifies that "the private school shall be so located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions."

In studying that section, our ANC found several words or phrases significant in reaching its conclusion. One is "likely," which carries a judgmental connotation of something that is likely to happen in the future. Another was the phrase "adjoining and nearby property." In other words priority must be given to the objections of immediate neighbors of the

proposed school over the views of the encompassing neighborhood known as the Palisades. This priority becomes particularly relevant in view of the ambivalence of the Palisades Citizens Association about the proposed location of the school. The PCA Board of Directors, which is composed of a cross section of leaders within the community and whose policy recommendations commonly are adopted by the general membership, voted 13-2 with two abstentions to **oppose** the granting of the special exception to t. Patrick's. But then, at a standing-room-only general membership meeting, at which St. Patrick's made an organized effort to get supporters to attend, the vote was 169-99 **against** the recommendation of the Executive Board. Meanwhile, the owners of 31 of the 33 homes within 200 feet of the proposed school site signed a petition strongly opposing the location of the school in their residential neighborhood. (The owners of two of the homes preferred to remain neutral) In its deliberations, ANC3D accorded "great weight" to the views of the nearby neighbors and their petition, as it believed was mandated by section 206.2 The final phrase, which influenced commission thinking, was "or otherwise objectionable conditions." That phrase can be interpreted to mean that the conditions in 206.2 are separable and the school can meet some of the conditions and yet fail to meet others, which would thereby disqualify its application. Let us take the conditions of section 206.2 in order:

Noise— It is likely that in playtime or recess, a cacophony of noises will arise that will be audible and disturbing to nearby neighbors, thus disturbing the tranquility of their neighborhood which zoning regulations are supposed to protect. The noise could become a year-round problem for the nearby neighbors, since St. Patrick's School is talking in terms of using the MacArthur campus for a summer school.

Traffic—Recognizing that the new school could present traffic problems in the residential neighborhood, St. Patrick's has proposed that parents deliver and pickup their children at the main campus on Whitehaven, and it will deliver the students to the MacArthur campus by shuttle buses. This indeed should reduce traffic at the MacArthur campus but at the price of adding to the congestion that now exists on Whitehaven in morning and afternoon hours. The commission, however, does not believe that this shuttle bus plan is likely to be endurable or enforceable. Given human nature, it is likely that parents over time will decide that rather than queuing up in a long line on Whitehaven, they can get another half hour of sleep time by delivering their children directly to the MacArthur campus. It is likely, therefore, that over time we shall see increased traffic on Ashby, a narrow, three-lane street and on residential roads such as 49th Street and W, as parents drop their children off in the morning and then wend their way to work through side streets.

Another traffic complication could arise from the requirement under DCMR 18.2401.6 that school buses must activate a flashing red light when stopped to pickup or discharge students. That would mean traffic in the northbound lanes of MacArthur would have to stop for a considerable period while the St. Patrick's school buses unload or pickup students in the proposed Metro bus stop on MacArthur at the corner of Ashby.

Numbers of Students—St. Patrick's has proposed a cap of 60 students for the building on MacArthur, although it claims there would be room for 88 students. Given the pressure on St. Patrick's to find academic placement in private schools for its students as they graduate from its 6th grade, it is likely that over time the school will want to expand

the size of the student body at the MacArthur campus. But even at 60, the ANC finds the number excessive and likely to create conditions objectionable to nearby neighbors. In taking that position, the ANC draws upon the precedent set by the BZA in a 1962 case involving the proposed expansion of a student body in a school in the same building that St. Patrick's would occupy. (BZA Decision Appeal # 6830, July 24, 1962).

In that case, the Board denied permission to the German School Society to increase the student body in the same building now sought by St. Patrick's from approximately 25 children to 75. In explaining its denial, the Board said it was "of the opinion that the granting of this appeal would result in conditions objectionable to the adjoining and nearby property because of noise, traffic and number of students. Further, the Board also is of the opinion that granting of this exception would not be in harmony with the general purpose and intent of Zoning Regulations and maps and would tend to affect adversely the use of neighboring property in accordance with said zoning regulations and maps."

The Board also noted that "considerable opposition to the granting of this request was registered at the public hearing." From the letters and petitions of nearby neighbors that will be filed in the St. Patrick's case, it is fair to conclude there is "considerable opposition" from residents living near to the proposed school.

Or Otherwise Objectionable Conditions—If in the Board's opinion in 1962, 75 students would result in "objectionable conditions," then it would follow that nearly the same number of 60 students proposed by St. Patrick's is likely to create "objectionable conditions" in 2002 and into the future.

Parking—Section 206.3 requires that the private school provide "ample parking space..." to accommodate the students, teachers and visitors likely to come to the site by automobile." St. Patrick's claims that with 15 existing parking spaces behind the building, there will be ample spaces for faculty and visitors. The ANC is skeptical. It believes that when space is taken to provide landscaping buffers for adjoining houses, when room is made for play area, and turn-around room is provided for delivery and trash trucks, it is likely that the parking will be inadequate to handle visitors as well as staff and that some will park on Ashby, thereby depriving residents of parking spaces by their homes.

There are other BZA precedents that we believe support ANC3D's position, one in particular involving the same building. In a 1962 opinion (Appeal 7630), BZA permitted the Washington Psychoanalytic Institute and Society to establish an office in the building and to conduct a post-graduate school of psychoanalysis for physicians in the Washington area. In granting permission, the Board, said it was of the "opinion in view of the limited use of this premises by appellant that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions. This position is further substantiated by the fact that there was no objection to the granting of the appeal by persons residing in the neighborhood. We further find that ample parking space has been provided to accommodate the teachers, students and visitors likely to come to the site by automobile."

In contrast, the request from St. Patrick's School has been met with strong objections from residents living near the proposed school site. The contrast does not stop there. The exception for the Institute limited the students to physicians—and thus adults. The exception requested by St. Patrick's would be for 60 children aged 12, 13 and 14 years old. The exception for the Institute specifically limited class use to four and one half hours on Saturday mornings, plus two Wednesday nights a month. Thus the total class time usage of the building by the Institute was from 35 to 39.5 hours a month. Plus, the Institute did not run summer classes.

Contrast the Institute's usage with that in the St. Patrick's proposal. For the regular school year, St. Patrick's proposes to use the building five days a week, for a minimum of 9.5 hours a day when arrival and departure times are included. Thus, St. Patrick's would use the premises 209 hours a month as a minimum. That would be over five times as much as usage by the Institute. In addition, St. Patrick's suggests it may run a summer school in the building.

Thus, the special exception granted the Institute for "limited use" does not provide a precedent for granting a special exception to St. Patrick's to operate a full-time school for 60 young students. To the contrary, the very limitations imposed on the Institute's usage of the building as conditions for granting of the special exception provide precedent for not approving the much broader usage proposed by St. Patrick's, particularly in view of the objections by nearby residents.

It is the view of the commission that when the limitations imposed in the case of the Institute are combined with the Board's refusal to permit enlargement of the student body of the German school, there is ample precedent in the Board's record, involving the very same building and neighborhood, for not granting St. Patrick's request for a special exception.

ANC3D recommends that the Board of Zoning Adjustment **not grant** the special exception sought by St. Patrick's School. The commission believes that the proposed school would be inconsistent with the character of the neighborhood and would not be "in harmony with the general purpose and intent" of the residential zoning in this neighborhood. The commission also believes that the applicant has not made the requisite showing that it would meet all the requirements set forth in zoning regulation 206.2 The vote by the Commission, as stated in the first paragraph of this letter, was 5-0-0.

In submitting its finding and recommendation, the commission hopes the Board will accord the commission's views "the great weight " to which it is entitled under DC law.

Respectfully yours,

John W. Finney

Chair, ANC3D