ShawPittman LLP

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January 5, 2004

Mr. Geoffrey H. Griffis, Chairman
District of Columiba Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 410
Washington, DC 2001

2004 JAN -5 PM 3:28
D.C. Board of Zoning Adjustment

Re: BZA Application No. 17081 – St. Patrick's School - Faculty and Staff Cap

Dear Chairman Griffis and Members of the Board:

Attached please find Proposed Findings of Fact and Conclusions of Law that we have prepared in connection with the above-referenced BZA Application. The conditions reflect the input of ANC 3D.

In addition, attached please find several BZA Orders regarding schools and child development centers that operate under FTE caps on faculty and staff. Specifically, we have included the following orders: National Cathedral School (BZA Order No. 15691), Georgetown Day High School (BZA Order No. 16944), St. Gertrude's School and Child Development Center (BZA Order No. 15805), and the Fishing School (BZA Order No. 16361).

In addition, numerous college and universities operate pursuant to FTE caps, including: Howard University (BZA Orders No. 13416 and 14733), The Catholic University of America (BZA Orders No. 14082 and 15382 and 15389), The George Washington University (BZA Orders No. 14261 and 16553), Johns Hopkins University (BZA Orders No. 14387 and 14614), Mount Vernon College (BZA Order No. 14393), Georgetown University (BZA Orders No. 15302 and 16565), American University (ZC Order No. 949), and the University of Notre Dame Semester in Washington Program (ZC Order No. 02-25).

We look forward to the Board's consideration of this case on January 13, 2004.

Sincerely,

Allison C. Prince

Allison C. Prince

BZA
Case No. 17081
Exhibit No. 37

Board of Zoning Adjustment
District of Columbia
CASE NO. 17081
EXHIBIT NO. 37A

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Application No. 17081 of Vestry – St. Patrick's Church pursuant to 11 DCMR § 3104.1 for a Special Exception Under §§ 205 and 206 to Permit 93 FTE Faculty and Staff for an Existing Child Development Center and Private School in the R-1-B Zone District at Premises 4700 Whitehaven Parkway, NW (Square 1372, Lot 817 and Square 1374, Lot 5)

HEARING DATE: **December 2, 2003**

DECISION DATE: **January 13, 2004**

DECISION AND ORDER

The Board of Zoning Adjustment approved Application No. 17081 of Vestry – St. Patrick's Church to permit 93 FTE faculty and staff for an existing child development center and private school in the R-1-B Zone District pursuant to Sections 205 and 206 of the Zoning Regulations at premises 4700 Whitehaven Parkway, NW, subject to conditions.

PRELIMINARY MATTERS

Applicant: The Applicant in this case is Vestry – St. Patrick's Church, the owner of the property that is the subject of the application. The Applicant is represented by Shaw Pittman.

Application: The Applicant filed an application with the Board of Zoning Adjustment on September 10, 2003, for a special exception under 11 DCMR § 3104.1 to permit 93 FTE faculty and staff in an existing child development center and private school under 11 DCMR §§ 205 and 206 (1995) in an R-1-B Zone District at 4700 Whitehaven Parkway, NW (Square 1372, Lot 817, and Square 1374, Lot 5). The zoning relief requested in this application is self-certified pursuant to 11 DCMR § 3113.2.

Notice of Application and Notice of Hearing: By memoranda dated September 11, 2003, the Office of Zoning advised the D.C. Office of Planning, the D.C. Department of Transportation, the Zoning Administrator, the City Councilmember for Ward 3, and Advisory Neighborhood Commission (ANC) 3D, the ANC for the area in which the subject property is located, of the application.

The Board scheduled a public hearing on the application for December 2, 2003. Pursuant to 11 DCMR § 3113.13, the Office of Zoning, on September 25, 2003, mailed the applicant, the owners of all property within 200 feet of the subject property, and ANC 3D notice of the hearing.

Notice was published in the D.C. Register on October 3, 2003. The Applicant's affidavits of posting and maintenance indicated that two zoning posters were placed in front of the property in plain view of the public. As a preliminary matter, at the December 2, 2003 hearing, Mr. Michael Lovendusky of 4927 MacArthur Blvd., NW stated that he should have been notified of the public hearing. The Board concluded that since he lives one-half mile from 4700 Whitehaven Parkway, he was not entitled to notice. He did receive notice of the BZA application involving the establishment of a junior high for St. Patrick's School across from his residence at 4925 MacArthur Blvd., NW.

Request for Party Status: The Board denied the Request for Party Status filed by Mr. Michael Lovendusky of 4927 MacArthur Blvd., NW. The Board concluded that given the substantial distance of his house from the subject property, he would not be more significantly affected by the proposal than other persons in the general public.

Applicant's Case: The Applicant presented testimony from Katherine Bradley, Chairman of the Board of St. Patrick's School. In addition, Peter Barrett, Head of School, answered certain questions. The Applicant submitted no expert testimony. The Applicant presented rebuttal testimony from Katherine Bradley.

Office of Planning (OP) Report: OP submitted a report dated November 25, 2003, recommending approval of the application. OP observed that approval of the application would clarify BZA Order No. 14009. OP determined that 93 full-time equivalent employees would be an appropriate cap for the school's current enrollment, and that there would be no objectionable impact on adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions. OP also found that there is ample parking on site for the proposed number of faculty and staff, which is not an increase over existing conditions. OP finally concluded that the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map because it will be in keeping with the intent of

BZA Order No. 14009 to impose a cap on the number of faculty and staff employed by the school.

District Department of Transportation: In its report dated November 18, 2003, DDOT expressed support for the application, finding that it would clarify the existing cap at the school and would not cause a negative impact on the existing transportation management plan.

District Department of Health. In its report dated October 27, 2003, the District Department of Health recommended approval of the application.

ANC Report: ANC 3D submitted a letter dated November 11, 2003, setting forth its support of the application. The ANC recommended a condition that would prohibit the Applicant from applying for an increase in the students, faculty, or staff for the next five years. The ANC also recommended a condition that would require quarterly meetings between the Applicant and community. Finally, the ANC recommended a condition that would provide the ANC and the BZA with a yearly report on staffing and faculty levels with a breakdown of full time and part time employees.

Person in Opposition to the Application: Michael Lovendusky, a resident of 4927 MacArthur Boulevard presented testimony in opposition to the application.

Closing of Record. The record was closed at the end of the hearing except for specific documents requested by the Board. The Applicant was asked to submit prior orders of the Board in which FTEs were used in connection with faculty and staff caps. In addition, the Applicant and the ANC were asked to submit proposed findings of fact and conclusions of law, including proposed conditions.

Decision Meeting: The Board scheduled its decision meeting for January 13, 2004.

FINDINGS OF FACT

1. The property that is the subject of this application is located in the R-1-B District at 4700 Whitehaven Parkway, NW (Square 1372, Lot 817, Square 1374, Lot 5). The property is used as St. Patrick's Episcopal Day School, a child development center and private school pursuant to Sections 205 and 206 of the Zoning Regulations.

2. In 1977, the school moved to its present location after 21 years of operation at the southeastern corner of Foxhall and Reservoir Roads. Pursuant to BZA Order No. 15374, dated October 30, 1990, there is a cap on the number of staff at the school of 60. In connection with the subject application, the Applicant seeks an updated condition that will supersede the earlier cap and establish a new cap of 93 Full Time Equivalent (FTE) faculty and staff.

3. The school's cap has not changed since it was established in 1990. There has been only one BZA application relating to the elementary school since that time. Application No. 16517 was completed in 1999 and involved: (1) the renovation and expansion of the existing building at 4700 Whitehaven Parkway, NW on the south side of Whitehaven Parkway, and (2) the construction of a new gymnasium and parking facility on the school's property on the north side of Whitehaven Parkway.

4. In connection with the 1999 application, the Applicant filed a statement indicating that it employed 64 faculty and 29 staff. Because that amount exceeded the cap contained in the 1990 order, the school should have sought an amendment to the cap in addition to the other relief it was seeking at that time. Unfortunately, the school incorrectly determined and stated to the BZA that the limit of 60 staff pertained to staff only and did not limit the number of faculty. A detailed review of the file from the 1990 application, however, makes clear that the original cap was intended to include all employees. The school now seeks a new cap that allows 93 total full time equivalent faculty and staff. The school acknowledged that it should have revised the cap as soon as it became aware that the school's faculty and staff exceeded 60.

The Proposed New Cap

5. The school is requesting a cap that represents the number of faculty and staff currently employed by the school. As a result, there will not be any change in existing conditions associated with the increase.

6. Over the past 14 years, the faculty and staff at St. Patrick's has grown gradually. As in independent schools throughout the United States, St. Patrick's faculty now includes more "specialty" teachers who teach foreign language, reading, music, physical education and other individual subjects. On the staff side, the operation of an independent school, including the

administration of its admission/financial aid, business and development offices have become increasingly complicated. As a result, the school now has a chief financial officer, a position that did not exist years ago. Significant additional growth in faculty and staff is neither necessary nor economically feasible. The cap will continue an employee level that is appropriate for the school's enrollment and adequate to address the program needs of the school.

7. Katherine Bradley testified that the use of an FTE cap is the most appropriate manner to count faculty and staff at St. Patrick's. It is the most conservative and accurate way to track actual employment at the school. Further, the use of FTEs eliminates the incentive to replace part-time positions with full-time positions. Such an incentive may be created if only a head count is used. She further testified that St. Patrick's has always incorporated part-time workers into its work force to provide a family-friendly environment. St. Patrick's, like most elementary schools, has a predominately female workforce. The part-time positions make it possible for women who need flexibility and reduced working hours to continue meaningful careers as they raise their families.

8. Mrs. Bradley noted that the School is willing to limit the percentage of part-time employees in order to address concerns about part-time "creep." The school also is willing to place a cap on both the FTEs and the total number of employees (head count). The school proposed a FTE cap of 93 and a head count cap of 105.

9. Alma Gates of ANC 3D presented testimony in support of the application and the proposed use of FTEs in calculating the cap. Ms. Gates specifically emphasized the ANC's interest in a condition that would prohibit the Applicant from seeking any further expansion of faculty, staff members, or students for five years from the final date of the order.

10. Maxine Brown Roberts of the Office of Planning testified in support of the application. She testified that the proposed cap would clarify the condition in BZA Order No. 15374. In addition, she testified that the application meets the requirements of § 206.

11. Michael Lovendusky testified in opposition to the application. Specifically, he was opposed to the use of a FTE computation for the number of faculty and staff. Further, he

suggested that the Board should impose a financial penalty on St. Patrick's School for alleged non-compliance with its earlier BZA order.

Traffic and Parking Impacts

12. Section 206.2 requires that ample parking space be made available. Although the section does not specifically quantify the term "ample parking space," it states that there shall not be fewer spaces than are required by Chapter 21 of the Zoning Regulations. Currently, the school has 62 parking spaces on its property, all of which are located in the gymnasium located on the north side of Whitehaven Parkway. These spaces fully satisfy the requirement generated by 93 FTE faculty and staff.

13. In addition to the 62 spaces located on the school property, the school provides 23 parking spaces on property adjacent to its campus, which it leases from the Army Corps of Engineers. The school also provides 42 angled spaces in public space along Whitehaven Parkway. The school leases this space from the District of Columbia and made a substantial investment in the creation of the spaces and the installation of the sidewalk along that portion of Whitehaven Parkway. The campus therefore provides a total of 125 (127 VRL) parking spaces, which is more than adequate to accommodate regular day-to-day faculty, staff and visitors.

14. The school has devoted considerable time and resources to the traffic impacts associated with its operation. Last year, the school worked with the traffic engineer and the District Department of Transportation to make adjustments to the operation of its carpool on Whitehaven Parkway. In addition, the school has implemented a carpool program that has successfully reduced the number of cars on Whitehaven Parkway each day. These traffic improvements, combined with the ample parking supply, have improved traffic conditions on Whitehaven Parkway and demonstrate the school's commitment to minimize any traffic impacts.

15. The District Department of Transportation has concluded that the application will not result in any adverse impact on the school's traffic management plan.

16. The Office of Planning has determined that the school provides ample parking for teachers and employees and observed that the traffic management plan instituted as part of the prior special exception process mitigates traffic impacts at the site.

Harmony with the Zoning Regulations and Map

17. The proposed cap will reflect the existing conditions at the school and therefore will result in no new impacts.

18. Vestry – St. Patrick's School has served the children of its own neighborhood and the larger Washington, DC community for over 50 years. The parking spaces provided on the site and the adjacent public property will ensure that the traffic and parking impacts associated with the school are minimal. The parking is adequate to accommodate the needs generated by the use. There is a parking space for literally every employee and a good number of visitors. Through a continuing commitment to its carpool program, the number of cars traveling to the site each day will be closely monitored.

CONCLUSIONS OF LAW AND OPINION

The Board of Zoning Adjustment is authorized under the Zoning Act of 1938, approved June 20, 1938 (52 Stats. 97, as amended; D.C. Code §5-424(g)(2)) to grant special exceptions as provided in the Zoning Regulations. Vestry – St. Patrick's Church applied under 11 DCMR §3104.1 on behalf of St. Patrick's School for a special exception pursuant to 11 DCMR §§ 205 and 206 to allow for the establishment of a new cap on faculty and staff at the school The notice requirements of 11 DCMR §3113 for a public hearing on the application have been met.

St. Patrick's School is a child development center and private school as those terms are used in the Zoning Regulations. To meet its burden of proof under subsection 3104.1, the Applicant must demonstrate that the proposed use would meet the special conditions listed in §§ 205 and 206, that it would be harmony with the general purpose and intent of the Zoning Regulations and Map, and that it would not adversely affect the lawful use of the neighboring property. Under subsection 206.2, "[t]he private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions." Section 205.3, governing child development centers, contains a similar section. Subsections 205.4 and 206.3 are similar sections addressing the amount of parking available on site. Section 205.4 requires "sufficient" parking, and section 206.3 requires "ample" parking.

The Board's discretion in reviewing the application for special exception for a child development center and private school is limited to a determination of whether an applicant has complied with the requirements of Sections 205, 206 and 3104.1. If the applicant meets its burden, the Board must ordinarily grant the application. *See The Washington Ethical Society v. District of Columbia Board of Zoning Adjustment* 421 A.2d 14, 18 (D.C. 1980).

Further, the Board is required under D.C. Code § 412.2 to give "great weight" to the recommendations of the Office of Planning. The Board credits the testimony of DDOT that the application will not have any adverse affect on the traffic management plan. The Board also credits the testimony of OP that the applicant provides ample parking and that the application will not cause objectionable impacts to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions. The Board also credits the testimony of OP that the proposed amendment will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

The Board also is required under Section 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 121-10, as amended; D.C. Code §1-261(d)), to give great weight to the recommendations of the ANC for the area within which the subject property is located. Under Section 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-135, 47 DCR 5519 (2000) (to be codified at D.C. Code §1-261(d)(3)(a)), the Board is required to articulate with particularity and precision the reasons why the ANC does or does not offer persuasive evidence under the circumstances, articulating specific findings and conclusions with respect to each of the ANC's issues and concerns. The Board has considered carefully the ANC's report and testimony in support of the application, as well as the ANC's proposed conditions. The Board agrees with the ANC that the school should be required to schedule quarterly meetings with ANC 3D and the community and that the school should provide the ANC and BZA with yearly reports on staffing and faculty levels in order to monitor compliance with the faculty and staff cap. The Board rejects, however, the ANC's request that the School be required to refrain from seeking modification to the cap for the next five years. The Board does not have the jurisdiction to constrain an applicant from making an application in the future.

The Board has considered carefully the proposed use of FTEs as opposed to a head count to determine compliance with the proposed cap. The Board notes that the use of FTE caps on faculty and staff for schools and child development centers is well established. Several other schools and child development centers operate under FTE caps on faculty and staff. Examples of such schools include the National Cathedral School (BZA Order No. 15691), St. Gertrude's School and Development Center (BZA Order No. 15805), the Fishing School (BZA Order No. 16361), and Georgetown Day School High School (BZA Order No. 16944). In addition, numerous colleges and universities use FTE to calculate caps, including Howard University (BZA Orders No. 13416 and 14733), Catholic University (BZA Orders No. 14082 and 15382 and 15389), George Washington University (BZA Orders No. 14261 and 16553), Johns Hopkins University (BZA Orders No. 14387 and 14614), Mount Vernon College (BZA Order No. 14393), Georgetown University (BZA Orders No. 15302 and 16565), American University (ZC Order No. 949), and the University of Notre Dame Semester in Washington Program (ZC Order No. 02-25). The Board is persuaded that, in this case, the use of FTEs will allow for an accurate assessment of the school's impacts and will not discourage part-time employment opportunities. The Board concludes that the use of an FTE count with a restriction on the total number of employees will ensure that there will not be any adverse impacts resulting from FTE "creep."

Based upon the findings of fact, and having given great weight to the OP and ANC recommendations, the Board concludes that the proposed new cap for the child development center and private school, as conditioned by the Board, is not likely to become objectionable to adjoining and nearby properties. The Board also concludes that the approved number of faculty and staff can be accommodated within the parking currently available on the premises.

For the reasons stated above, the Board concludes that the Applicant has met its burden of proof. It is hereby **ORDERED** that the application is **GRANTED** subject to the following conditions:

1. The maximum number of faculty and staff shall be 93 FTE,[1] and the total headcount for faculty and staff employed by the school shall not exceed 105.

2. The School shall be required to file an annual report with the Board of Zoning Adjustment and ANC 3D indicating the total number of faculty and staff. The report will include a breakdown of the number of full time and part time employees. In addition, the School shall provide the ANC with the additional information necessary to track employees shared by the 4925 MacArthur Blvd. and 4700 Whitehaven Parkway campuses.

3. The School shall schedule quarterly meetings and invite and encourage the participation of its Board, ANC 3D, and members of the community. Minutes will be taken and filed with the Board of Zoning Adjustment and ANC 3D. The purpose of the meetings will be to discuss issues relating to the operation of the School.

VOTE:

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

ATTESTED BY: _____

SECRETARY TO THE BOARD

Document #: 1368644 v.2

[1] The Full-Time Equivalent concept shall be used in translating the hours worked by part-time employees into the equivalent number of full-time employees. For example, two employees who work three days per week, or .6 of a full-time job, would count as 1.2 FTEs.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15691 of the Protestant Episcopal Cathedral Foundation, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to allow a two-story addition consisting of an assembly/performance room, library, music room, classrooms and a computer center for a private school in R-1-B and R-5-C Districts at premises 3600 Woodley Road, N.W. (Square 1922, Lot 17).

HEARING DATES: July 15, 1992 and September 23, 1992
DECISION DATE: November 4, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

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

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

Woodley North and Whitby Hall are located across Woodley Road from the Close on a site bounded by Wisconsin Avenue to the west; 36th Street to the east; Lowell Street to the north; and Woodley Road to the south. Woodley North consists of four integrated buildings: Scott Hall, Founders Hall, Procter Hall and Whitby Center. Woodley North houses the Middle School and many of the Middle and Upper School educational and administrative facilities including the library, drama department, science laboratories, computer center, gymnasium and aerobic/weight room.

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

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

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

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

Proposed Addition to Whitby Hall:

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

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

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

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

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

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

206 PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

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

206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

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

A. Noise:

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

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

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

B. Traffic:

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

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

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

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

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

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

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

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

Early morning use:

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

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

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

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

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

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

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

Midday use:

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

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

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

The Number of Students:

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

Parking:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Height/Scale/Massing:

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

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

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

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

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

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

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

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

Height, design and school program:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Issues

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

1. Whether the lot occupancy calculation is correct;

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

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

4. Whether the setback of the structure is adequate;

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

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

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

FINDINGS OF FACT:

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

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

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

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

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

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

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

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

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

Conclusions of Law and Opinion:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: 4-0 (Angel F. Clarens, Maybelle Taylor Bennett, Paula L. Jewell and Carrie L. Thornhill to grant; Sheri M. Pruitt not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: MAR 28 1994

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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

~~15691Order/TWR/bhs~~

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15691

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on _____ a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Linowes and Blocher
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Washington, D.C. 20001

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Washington, D.C. 20016

Agnes C. Underwood
3601 Lowell Street, N.W.
Washington, D.C. 20016

Nicholas Eberstadt
3511 Lowell Street, N.W.
Washington, D.C. 20016

Richard P. Schifter
3465 Macomb Street, N.W.
Washington, D.C. 20016

R.W. Alvord
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Jessup, Md 20794

David Aufhauser
3105 36th Street, N.W.
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Patricia Wamsley, Chairperson
ANC 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

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

Reginald C. Lyons Jr.

MADELIENE H. ROBINSON
Director

DATE: MAR 28 1994

15691Att/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 16944 of Georgetown Day School High School, pursuant to 11 DCMR § 3104.1, for a special exception to increase the student enrollment cap from 410 to 465, and to increase the number of faculty/staff from 60 to 95 at an existing private school under section 206 in the R-2 District at premises 4200 Davenport Street, N.W. (Square 1673, Lot 821).

HEARING DATE: **December 10, 2002**
DECISION DATE: **December 17, 2002**

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the applicant, Advisory Neighborhood Commission (ANC) 3E, and to the owners of all property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 3E. ANC 3E, which is automatically a party to this application, submitted a written statement dated November 19, 2002, in support of the application. The Office of Planning (OP) submitted a report recommending approval of the application subject to conditions.

As directed by 11 DCMR §§ 3104 and 206, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for special exception. No person or entity appearing as a party to this case at the public hearing testified in opposition to this application. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

During the public hearing of December 17, 2002, the Board determined that the present application should be construed as a new application, a conclusion with which the Applicant agreed. The Board determined that the application form complies with the requirements of a new application and that the applicant has paid the appropriate fee for a new application.

Based upon the record before the Board and having given great weight to the ANC and the OP report, dated December 2, 2002, filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 206, and that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be limited to a high school, grades 9-12.

2. The number of students at the high school shall not exceed 465 and shall be limited to grades nine through twelve.

3. The high school shall have a maximum of 95 full-time equivalent faculty and staff members.

4. The high school shall offer to appear before the ANC in which it is located during the fall and spring of each year to discuss any issues of concern to the community. The school shall attend any additional meetings deemed necessary by the school and/or the ANC to address issues and concerns raised by the community.

5. At the beginning of each school year, but in no event later than October 15th, the school shall provide the Board and the Zoning Administrator documentary evidence to demonstrate its enrollment figures and compliance with the terms and conditions of this Order, including the Traffic Management Program referenced in Condition Number 11 of this order. This information must be served on the ANC, which will have an opportunity to respond to the school's submission.

6. The southeast portion of the site located at the northwest corner of the intersection 42nd and Chesapeake Streets shall be landscaped and maintained as open space. No parking shall be permitted on this portion of the site.

7. All vehicular traffic to and from the site shall use the Davenport Street entrance. Pedestrian access only will be permitted at the 42nd Street entrance, which will be monitored from 7:45 a.m. to 8:15 a.m.

8. All pick-up or drop-off of students shall occur on the school grounds.

9. The site shall continue to provide one emergency access point on 43rd Street, which shall be secured by a 6.5-foot gate. The gate shall be locked at all times except for access by emergency vehicles.

10. The applicant shall maintain all landscaping in a healthy, growing condition.

11. A Traffic Management Program shall be established, instituted, and monitored by the school. The Traffic Management Program shall include, but not be limited to, the elements listed in Exhibit C to the Applicant's pre-hearing submission, marked as Exhibit 31 of the record.

12. The parking area on-site shall be limited to use for school-related activities. The lot shall be secured by a chain gate or cable during all hours that the lot is not in use. When the parking lot is open during non-operating hours, the school shall provide security to prevent unauthorized parking.

13. During special events, which increase the demand for parking beyond the number of spaces available on the lot, the school shall provide shuttle bus service to and from the Tenleytown Metrorail station to minimize potential overflow parking on neighborhood streets by visitors to the school. Adequate notice of such service shall be provided by the school to all invited participants in the special event.

14. During its hours of operation, only school faculty, staff, and students, and visitors who have checked in with the school office shall be permitted on the site, except for persons attending special events such as athletic events, plays, parent meetings, and similar school-related activities and persons parking in public parking spaces related to the site.

15. The hours of operation of the school for classes shall not exceed from 8:15 a.m. to 3:15 p.m. All extracurricular or inter-scholastic activities held on site shall be concluded by 11:30 p.m.

Pursuant to 11 DCMR § 3100.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: **3-1-1** (Geoffrey H. Griffis and Curtis L. Etherly, Jr. to approve; Carol J. Mitten to approve by proxy; David A. Zaidain not hearing the case, not voting; Anne Mohnkern Renshaw voting by proxy to support the application with conditions that were not approved, and therefore her vote was recorded in opposition to the application).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: Jerrily Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: MAR 25 2003

UNDER 11 DCMR § 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION, WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERNMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. cwm

GEORGETOWN DAY SCHOOL

TRAFFIC MANAGEMENT PLAN

The Traffic Management Plan shall include, but not be limited to, the following elements:

(a) No student shall drive a vehicle to School unless there is an assigned, on-site parking space for that vehicle.

(b) The School shall encourage the use of public transportation as the primary means of accessing the School by the faculty, staff and students.

(c) The School shall make available to all students reduced fare Metrorail passes to encourage use of public transportation.

(d) At the beginning of each school year, all students must register their vehicles and indicate where the vehicle will be parked.

(e) Students shall be strictly prohibited from parking on the residential streets surrounding the campus.

(f) School employees will be trained at the beginning of each year to implement and enforce this Transportation Management Plan.

(g) The School shall employ security personnel to patrol the streets surrounding the campus in order to ensure that this Plan is operational and effective and that no students are parking on residential streets.

(h) The School shall lease parking spaces, in a commercial facility in reasonable proximity of the School, for those students who need to drive to the vicinity of the School and the School will operate a shuttle bus service to, and from, that parking facility at times that are convenient and logical for students' use if needed.

(i) The Transportation Management Plan shall become a part of the enrollment contract between the School and parents, by which the parents shall agree to be bound by its fines and punishments as follows:

(1) First Violation: parent/student warning shall be issued.

(2) Second Violation: a monetary fine.

(3) Third Violation: a doubling of the monetary fine.

(4) Fourth Violation: disciplinary action shall be taken which may include suspension.

(5) Fifth Violation: additional disciplinary action shall be taken which may include expulsion from the School.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16944

As Director of the Office of Zoning, I hereby certify and attest that on MAR 25 2003, a copy of the foregoing Notice of Final Rulemaking and Determination and Order in BZA Application No. 16929 was mailed first class, postage prepaid, or delivered via inter-agency mail to each person and public agency who appeared and participated in the public hearing and who is listed below:

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ATTESTED BY: Jerrily Kress

JERRILY R. KRESS, FAIA
Director, Office of Zoning