ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

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ATTORNEYS AT LAW

RICHARD B. NETTLER
JEANNINE RUSTAD ZIGNER
(202) 775-0725

April 6, 2004

BY HAND
Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W., Room 201
Washington, D.C. 20001

Re: BZA Application No. 17143 of Marquette University
502 East Capitol Street, N.E.; Square 840, Lot 23 (the Property)

Dear Mr. Griffis:

On behalf of the Applicant in the above-referenced matter, enclosed you will find the original and twenty copies of the Pre-Hearing Statement of the Applicant.

Thank you for your attention to this matter.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Richard B. Nettler
Jeannine Rustad Zigner

cc: ANC 6B (c/o Bill Crews; w/encl.)
John Moore, Office of Planning (by hand; w/encl.)
Gary Petersen, The Capitol Hill Restoration Society (w/encl.)
Father Timothy O'Brien (by hand; w/encl.)

BZA
Case No. 17143
Exhibit No. 30

Board of Zoning Adjustment
District of Columbia
CASE NO. 17143
EXHIBIT NO. 30

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of: **Marquette University** **BZA Application No.: 17143**
Hearing Date: April 20, 2004

STATEMENT OF THE APPLICANT

I.
Introduction

This is a self-certified application (*see Exhibit 1*) brought by Marquette University (the "Applicant"), the owner of the property located at 502 East Capitol Street, Square 840, Lot 23 (the "Property"), pursuant to 11 D.C.M.R. § 3104, for a special exception from section 206 of the zoning regulations to continue the operation of a private school in the basement of the Property. The Applicant submits that it meets the criteria for the requested relief.

II.
Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to 11 D.C.M.R. §§ 3104.1.

III.
Background Information

A. The Applicant.[1]

Marquette University, founded in 1881, is located in Milwaukee Wisconsin. In 1984, Father Timothy J. O'Brien, a member of the Marquette University's political science department, founded an internship program coordinating internships for students in congressional offices and on political campaigns for interested students. In the beginning, the internships took place in Milwaukee; however, there soon developed enough interest to explore an academic program in Washington, D.C.

[1] Adapted from the website of the Les Aspin Center for Government, http://www.marquette.edu/aspin.

The first summer program took place in 1988 with twenty-seven (27) students joining Fr. O'Brien in Washington. Over the next several years, Fr. O'Brien brought approximately thirty-five (35) students to Washington each summer for coursework and internships on Capitol Hill. By 1993, the program, then called the Marquette University Washington Program (the "Washington program"), was expanded, and the first semester program was conducted. Fr. O'Brien, along with distinguished Marquette faculty members like George Reedy, journalism professor and former press secretary to Lyndon Johnson, taught courses on the United States Congress, the presidency, interest groups, and the role of media in politics.

In 1984, former Secretary of Defense Les Aspin joined the faculty at Marquette University as a Distinguished Professor of International Policy. In this capacity, Aspin began to work closely with Fr. O'Brien to expand the Applicant's presence in Washington and fully develop the internship program. A property for the Aspin Center was soon identified to provide classroom, office, and meeting space. Unfortunately, Aspin would never get to see the fruits of his efforts, as he died suddenly in May 1995, just one year after his return to Marquette. The Washington program was renamed in his honor and is now the Marquette University Les Aspin Center for Government (the "Center").

In 1995, under the direction of Fr. O'Brien, Marquette began year round academic programming at the Center. The Center now offers programs in each academic semester as well as during two summer sessions.

Also in 1995, the Center took on a global component to its efforts to train and educate, with Fr. O'Brien taking a group of Marquette students to Africa as part of a course on comparative democracies. Since then, four (4) similar courses over the winter break have allowed students to

study and observe the political processes of European and African countries.

The Les Aspin Center is committed to instilling in its students the values of leadership, service, and academic excellence. In the Jesuit tradition, it strives for the full development, intellectual, spiritual, social, and professional, of those who participate in its programs. Its mission is not simply to educate, but to prepare individuals for lives dedicated to the betterment of others. This commitment is evidenced by its actions both on a global, as well as a local basis.

On a global basis, the Center periodically honors distinguished public servants. In 1995, the first Marquette University Les Aspin Center Democracy Award was presented to Ambassador Richard Holbrooke. Since then, the award has been given to Senators Robert and Elizabeth Dole and Senator Daniel Inouye. The award recognizes individuals who have made lasting contributions to the principles of democracy and principled leadership. The Aspin Center has also bestowed its Les Aspin Center Public Service Award. Identifying those who have demonstrated a commitment to a life of service, this award has been given to former Wisconsin governor Tommy Thompson and Milwaukee Archbishop Rembert Weakland.

On a local basis, Fr. O'Brien is currently working on including community involvement as a mandatory part of the curriculum of its interns in the District. By this, students attending the Center are required to take on voluntary work within the city so as to see, first hand, the needs that the government serves, not only from the vantage point of Capitol Hill, but from a humanistic point. The goal is to have students learn, through experience, the issues attendant with an urban environment.

B. Property and Surrounding Neighborhood.

1. The Property, Zoning and Surrounding Neighborhood.

The property, which is improved with a four-story brick townhouse, occupies Lot 23 in Square 840 and has a premises address of 502 East Capital Street, N.E. Square 840 is bounded by East Capitol Street on the south, 5th Street on the west, A Street on the north and 6th Street on the east.

The Property is zoned CAP/R-4 and is located in the Capitol Hill Historic District. The R-4 districts are designed to include those areas predominantly developed with row dwellings and include buildings converted from single-family to two-family dwellings. The CAP overlay is intended to limit height, bulk and uses in order to protect the U.S. Capitol and its surrounding residential neighborhoods. 11 D.C.M.R. §§ 1200.1 et seq. Any use allowed by special exception in the R-4 district is, likewise, permitted in the CAP/R-4 district. 11 D.C.M.R. § 1201.3(a).

Although located in the residential R-4 zone district, the area surrounding the Property is characterized by both residential and small-scale businesses.

2. The History of the Use of the Property by Marquette.

a. Marquette's Purchase of the Property.

The Applicant purchased the Property in October of 1995, as unfinished, new construction. Fr. O'Brien, the director of the Center moved into the Property in May 1996, and has resided at the Property since completion of the building.

Given its desire to have permanent space for the Center, as well as a permanent residence for Fr. O'Brien, prior to purchasing the Property, the Applicant met with D.C. officials to discuss the proposed use of the Property. Based on these discussions on June 3, 1996, Marquette was granted a

certificate of occupancy for use of the basement of the Property as a private club, a matter of right use in the CAP/R-4.[2] *Exhibit 2.* The remainder of the Property was (and is) used by Fr. O'Brien as his private residence.

b. BZA Application No. 16459.

On Feb. 6, 1997, the Capitol Hill Restoration Society ("CHRS") filed an appeal (BZA Appeal No. 16235) with the BZA challenging the use of the property as a private club. On October 31, 1997, CHRS & Marquette entered into an agreement, whereby Marquette agreed to file an application with the BZA for a special exception.[3] *See Exhibit 3.* An Application was filed on Dec. 2, 1998 (BZA Application No. 16549) with a hearing on July 21, 1999. The Board approved the application at its September 22, 1999 public meeting with the final order being issued on January 18, 2000 and corrected on March 17, 2000. *See Exhibit 5.* Subsequently, Marquette obtained a certificate of occupancy for use as a private school.[4] *See Exhibit 6.*

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[2] Private Club is defined in the Zoning Regulations as a

> building and facilities or premises used or operated by an organization or association for some common avocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; Provided that the organization or association shall be a non-profit corporation and registered with the US Internal Revenue Service, that goods, services, food and beverages shall be sold on the premises only to members and their guests, and that office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization.

11 DCMR § 199.1

[3] The Agreement required the Applicant to apply for a special exception for a college or university use. However, by letter to the Board in BZA Application No. 16459 dated July 20, 1999, the CHRS agreed that the private school classification of use was more appropriate for the Applicant. *See Exhibit 4.*

[4] The Certificate of Occupancy was granted without expiration.

c. Operations of the Center.

The Les Aspin Center for Government (the "Center") is used for student training seminars in the Marquette University congressional internship program. These scholars work on Capitol Hill and in other government agencies and the Center provides an opportunity for the scholars to share their experiences and ideas with each other and members of Congress, visiting dignitaries and Marquette University alumni. The Center occupies only the basement portion of the premises, which comprises approximately one-quarter (1/4) of the improvements on the Property, and accommodates, on average, twenty (20) students and, two (2) full-time staff members. The remainder of the Property is used as the personal residence of Rev. Timothy J. O'Brien, the Director of the Center.

Classes are held at the Center for approximately 3.5 hours twice a week. The Center's hours of operation are Tuesday and Thursday afternoons between 1:00 and 5:00 p.m., and all classes are confined to the basement area. Occasionally, a lecture is given to students in the basement after 5:00 p.m., but on an irregular basis.

Additionally, about once a quarter, the basement is used to host a meeting for visits from the board of visitors (20 or so persons who helped contribute to the purchase of the building and the activities of Marquette University). Father O'Brien, who heads the Center, occasionally has a personal reception persons affiliated with Marquette University at the Property.

Students enrolled in the Center do not live at the property but, rather, they reside at a separate residence provided to them within walking distance of the School. None of the School's students are permitted to have cars in the District of Columbia. The two staff persons currently use off-street parking at a nearby garage and driveway. The Center does host infrequent receptions for Marquette University persons once approximately every three (3) months wherein street and/or off-street

parking is utilized.

The Center has operated from the basement of the Property for over six (6) years without incident. Based on its operation, the Applicant has received unanimous support from ANC 6B, the CHRS and its two adjoining neighbors. *See Exhibits 7 -- 9.*

C. The Proposed Continued Operations of the Center.

By this application, the Applicant is seeking to allow the continuation of its operations of the Center at the Property.[5] Additionally, as outlined below, the Applicant is seeking some minor modifications to the conditions set forth in the Board's final order in BZA Application No. 16459 approving the special exception for the Center.

The first modification is more a correction to adequately reflect the Center's operations. As noted in BZA Application No. 16459, the hours of operation of the Center are from 1:00 to 5:00 p.m. However, the conditions restrict the hours of operation to 4:00 p.m. The Applicant hereby requests that the Board correct this discrepancy and extend the hours of operation to 5:00 p.m. This request was noted and supported by ANC 6B and the adjoining neighbors have no objection to this correction.

Second, given that the Center has operated for almost six (6) years at the Property without incident, the Applicant requests that condition number 7, restricting the special exception to four (4) years, be excluded and the special exception granted in the instant manner be granted without expiration. Support for this request is set forth below in Section V.B.3.

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[5] The Agreement expired on October 31, 2002. Although the Agreement expired, rather than face additional conflicts with its neighbors by attempting to obtain a matter of right certificate of occupancy for use as a private club, Marquette has opted to apply to extend its special exception, without limitation on duration.

IV.

Special Exception Considerations

A. Criteria for Special Exceptions.

As for the criteria for a special exception, 11 D.C.M.R. § 3104.1 permits the Board to grant special exceptions, pursuant to the following:

> Pursuant to authority contained in the Zoning Act of June 20, 1938 (52 Stat. 797), as amended, the Board is authorized to grant special exceptions, as provided in this title where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title...

In short, the Board is empowered to grant a special exception where it finds

(1) The proposed use is in harmony with the Zone Plan and Zone Maps; and
(2) The proposed use is not likely to adversely affect the use of neighboring property.

The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the Applicant has complied with requirements of the section. If the Applicant meets this burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

1. Criteria Pursuant to Section 206.

The following is an outline of the specific criteria for a special exception pursuant to section 206 with an explanation as to how the Applicant complies with each of the requirements. In reviewing the criteria, it is important to keep in mind that the Board found that the Applicant

satisfied the criteria in BZA Application No. 16459. Since then, the Center has operated, without change and without incident, at the Property. Thus, given that nothing has changed in the intervening four (4) years, the Applicant clearly still meets the criteria for the special exception.

Section 206 requires that:

> (1) 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; and
> (2) ample parking space, but not less than that required in chapter 21 of the zoning regulations, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

11 DCMR §§ 206.2 & 206.3.

First and foremost, the principle use of the Property is the residence of Fr. O'Brien (and his dog). The operations of the Center are limited to the basement of the Property.

As noted above, the Center has operated at the Property for almost four (4) years without incident. Thus, as the Board found in BZA Application No. 16459, the continued use of the Property for the Center will not adversely affect the neighborhood. The classes are limited to the basement of the Property, limiting the possibility of any adverse affect due to noise. Moreover, the Applicant is restricted from using the garden for any functions attendant with the Center. Finally, with regard to noise, condition number 6 requires that the Applicant use its best efforts to supervise its students. Given the small number of students each semester, this has proven an adequate assurance that the use does not disrupt the neighborhood. Likewise, the small number of the classes and the limited hours ensures that the number of students does not adversely affect the neighborhood.

The number of regular guests to the Center is minimal. In addition to the classes, which are held for approximately 3.5 hours, the Center holds occasional lectures after 5:00 p.m. and once a quarter, uses the basement to host a meeting from the board of visitors, a group of twenty (20) or so

persons who contributed to the purchase of the site. Finally, Fr. O'Brien occasionally has personal receptions or gatherings at the Property that include persons affiliated with the Applicant. However, to the extent these are personal receptions, even to the extent they may include colleagues affiliated with the Applicant, they do not fall under the use of the Center.

With regard to parking, off-street parking is provided for Fr. O'Brien and the other full-time staff person. Currently, the non-resident, full-time staff person does not drive to the Property. For evening functions, the Property's proximity to Metro lessens the need for on-street parking. Moreover, and most importantly, students who attend the Center are not permitted to have personal vehicles in the District. Condition number 3 prohibits the applicant from assisting any student in obtaining a zone six residential or temporary parking permit. The District Department of Transportation, Transportation Policy and Planning Administration ("DDOT"), by memorandum dated February 20, 2004, stated that it has no objection to the proposal. *See Exhibit 10.* In its memorandum, DDOT noted that the Applicant continues to satisfy all conditions of BZA Order No. 16459. *Id.*

B. The Special Exceptions Will Be in Harmony with the General Purpose and Intent of the Zone Plan and Maps and The Relief Will Not Adversely Affect the Neighborhood.

1. Continued Use of the Property for the Operations of the Center is in Harmony with the General Purpose and Intent of the Zone Plan and Maps.

As set forth above, section 206 not only contemplates the use of a building in the underlying zone district as a private school, the Applicant's use can be qualified as a matter of right use as a private club. It is out of an abundance of caution that the Applicant has sought to continue the use as a special exception, despite the expiration of the agreement with the CHRS that brought them before the Board in 1995. However, even as a special exception, such use is in harmony with the general

purpose and intent of the zone plan and maps, as indicated by the Board's findings in BZA Case No. 16459 and the continued operation of the Center for six (6) years, without incident or complaint. Given that the proposed continuance of the operations of the Center does not detract from the residential nature and use of the Property and the surrounding neighborhood, such use is in harmony with the zone plan and maps. Moreover, the primary use of the Property is as the residence of Fr. O'Brien, with the operation of the Center being limited to the basement of this four-story structure.

2. The Proposed Continued Operations Will Not Adversely Affect the Surrounding Neighborhood.

Again, given the history of the use of the Property for the Center without incident, along with the fact that the only changes proposed are minimal or corrective, the proposed continuance of the operation of the Center will not adversely affect the surrounding neighborhood. As noted by ANC 6B, the conditions of the special exception provide adequate assurances that the use will not become disruptive to the neighborhood. Included in these conditions is the requirement that the Applicant meet with either the SMD commissioner of the ANC or appear before the ANC annually. With the director of the Center also being the resident of the Property, Fr. O'Brien has a special interest in seeing that the use does not adversely affect the neighborhood in which he resides.

3. The Application Has Received Strong Support.

As outlined above, there has been no adverse impact by way of the number of students, noise, traffic, parking or otherwise in the past six (6) years of operation. Based on this history, the Applicant has received support from ANC 6B, CHRS, DDOT, Department of Housing and Community Development and the immediately adjoining neighbors. *See Exhibits 7-11.* Unlike BZA Application No. 16459, as of the filing of this prehearing statement, there is no opposition to this application.

4. The Record Supports a Grant of the Special Exception without Expiration.

As noted above, the Applicant is requesting that the Board grant the special exception without limitation to the duration of the approval. This request is based on the following information:

a. The Center has operated from the Property, without incident, for over six (6) years and is not proposing any changes to its operations;
b. As noted by ANC 6B, the proposed conditions, which mirror the conditions of BZA Order No. 16459, are adequate to ensure the use of the Property does not become objectionable to the surrounding neighborhood;
c. The primary use of the Property is as the residence of Fr. O'Brien and, as such, Fr. O'Brien has a special interest in seeing that the use does not disrupt the community in which he resides. Moreover, as a resident of the community, Fr. O'Brien is readily accessible to his neighbors, should any problems arise;
d. The Board's prior decisions provide support that a special exception can be granted without limitation (*see Exhibit 12*); and
e. The immediate neighbors, ANC 6B and CHRS support the application without limitation (*see Exhibits 7-9).*

In the event that the Board is unwilling to grant the special exception without expiration, the Applicant requests that the Board extend the special exception to ten to fifteen years. *See Exhibits 7-10.*

V.
Witnesses

1. The Applicant

VI.
Proposed Conditions

The Applicant proposes the following conditions, which mirror the conditions set forth in BZA Order No. 16459, with the exceptions highlighted:

1. Enrollment at the Center shall be limited to an average of 20 students over the year and two full-time staff persons.

2. The Center shall be operated between the hours of 1:00 and 5:00 p.m., but shall be permitted, on an irregular basis, to have lectures for students in the evening.
3. The Applicant shall not assist any student in obtaining a zone six residential permit or temporary parking permit.
4. The Applicant shall not permit any part of the Property to be used for other than official receptions for the Center on a yearly basis or for any functions that are not attended by students and their guests; provided, however, that nothing herein shall be misconstrued to prohibit the resident of the Premises from using the residential portions in a manner consistent with such residential use. There shall be no garden parties associated with the Center.
5. The Applicant shall maintain a working relationship with Advisory Neighborhood Commission 6B, either through the annual meetings with the SMD Commission for the Property or annual appearances before ANC 6B, regarding the Center's use of the Property
6. The Applicant shall use its best efforts to supervise the conduct of its students.

VII.
Exhibits In Support of the Application

1. Zoning Certification.
2. Certificate of Occupancy dated September 17, 1996
3. October 31, 1997 Agreement by and between the Applicant and the CHRS
4. The CHRS letter dated July 20, 1999 to the Board in BZA Application No. 16459
5. BZA Order No. 16459
6. Certificate of Occupancy No. 11997 dated June 4, 2001
7. Letter of support from Rebecca A. Miller, owner of 504 East Capitol Street
8. Letter of Support from David Deutsch and Stephanie Deutsch, owners of 500 East Capitol Street
9. DDOT letter of support
10. Department of Housing letter of support
11. Outline of special exception cases supporting no time limitation

VIII.
Conclusion

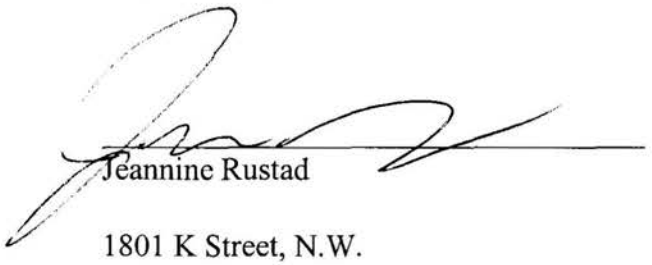
For the above reasons, the Applicant respectfully requests that the Board grant the relief sought. Given the lack of adverse impact on the surrounding area, the support of ANC 6B, the CHRS, immediate neighbors, DDOT and DOH, the Applicant requests a bench decision and summary order, if the Board feels such a decision is justified.

Respectfully submitted,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.



Richard B. Nettler



Jeannine Rustad

1801 K Street, N.W.
Suite 1200
Washington, D.C. 20006
(202) 775-0725

Exhibit 1

Form 135 – Side 1
(Revised 03/15/02)

Case No. _____

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member District(s)
502 East Capitol Street, N.E.	840	23	CAP/R-4	6C07

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☒ §3104.1-Special Exception
Pursuant to Subsections			

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
	Marquette University (By Father Tim O'Brien)
Agent's Signature	**Agent's Name (Please Print)**
	Richard B. Nettler/Jeannine Rustad

Date	10/30/2003	D.C. Bar No.	929471/451110	or	Architect Registration No.	

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature		Date	

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	2,626	1,800	n/p	n/a	None
Lot Width (ft. to the tenth)	26.26	18	n/p	n/a	None
Lot Occupancy (building area/lot area)	60%	n/p	60%	n/a	None
Floor Area Ratio (FAR) (floor area/lot area)	2.02	n/p	n/p	n/a	None
Parking Spaces (number)	1	1	n/p	n/a	None
Loading Berths (number and size in ft.)	0	0	n/p	n/a	None
Front Yard (ft. to the tenth)	None	n/p	n/p	n/a	None
Rear Yard (ft. to the tenth)		20'	n/p	n/a	None
Side Yard (ft. to the tenth)	None	n/p	n/p	n/a	None
Court, Open (width by depth in ft.)	None	n/p	n/p	n/a	None
Court, Closed (width by depth in ft.)	None	n/p	n/p	n/a	None
Height (ft. to the tenth)		n/p	40'	n/a	None

Exhibit 2

BLRA-17
(Rev. 12/1 i)

District of Columbia Government
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration Zoning Division
P.O. BOX 37200 — Washington, D.C. 20013-7200

No. [illegible]

CERTIFICATE OF OCCUPANCY

SEPT. 17, 1996
(date)

Permission is hereby granted to MARQUETTE UNIVERSITY
to use suite(s) _____ on the BASEMENT floor(s)
of the building located on lot(s) 23 square 840
known as premises 502 EAST CAPITAL STREET, N.E. for the following
purpose(s) PRIVATE CLUB/NON-PROFIT CORPORATION
NOT SEXUALLY ORIENTED [ ]

BZA # _____ EXPIRATION DATE: _____

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated. ONLY for the premises, or part thereof, and for the purpose(s) indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

ZONE R-4 FEE $ 32.00

Hampton Cross, Director
By _____
Designee

cch

#3
16459

OFFICE OF ZONING
DISTRICT OF COLUMBIA
99 MAR 16 AM :41

APPLICATION FEE
$ 25.00
NON-REFUNDABLE

ISSUANCE FEE
(see fee schedul)

(22) Receipt # 21442
(23) Trans. # 44401009

FORMATION / PROPOSED BUSINESS

(1) Address of Business 501 1111 Constitution Ave. NW Suite/Room #
(2) Telephone No. of Business 202-547-5337 Lot 23 Square 840
(3) Trade Name of Business Marquette University
(4) Is Business Incorporated? ☐ No ☑ Yes (Attach Letter of Good Standing and complete Line 5)
(5) President Robert Walsh Vice President Patrick Rund Secretary/Treasurer Kenneth Sm
(6) Is Business a Partnership? ☑ No ☐ Yes
(7) Business Owner Marquette University 202 547 53
(8) Business Owner's Home Address P.O. Box 1881 (See Instructions) Milwaukee Wisc. Tel. No. (Area Zip Code 5320

FORMATION ON OCCUPANCY

(9) ☐ Ownership Change ☐ Partial Occupancy ☐ New Bldg. ☐ Use Change ☐ Load Change BZA No. —
(10) Proposed Use of Business The Private Premises Used by Non Profit Organizat: For Common Recreational Purposes such as Fraternal & Educational Recre.
(11) Is Business Sexually Oriented According to D.C. Zoning Regulations? ☑ No ☐ Yes
(12) Proposed Occupancy Load N/A Square Feet Occupied 1250
(13) Which Floors to be Occupied BASEMENT Basement? Yes
(14) Prior Use New construction

FORMATION ON ENTIRE BUILDING

(15) Building Owner Marquette University Tel. No. (Area) 944-7886
(16) Building Owner's Address P.O. Box 1881 Milwaukee, Wisc. Zip Code 5320
(17) Materials of Building Brick/Dry wall
(18) Square Feet Occupied 5450 No. of Floors 3 Basement? Yes

ATTESTATION AND SIGNATURE

I certify that all of the statements on this application are true to the best of my knowledge and belief. I agree to comply all applicable laws and regulations of the District of Columbia.

(19) IF OWNER OF BUSINESS N/A
Signature Date
IF AUTHORIZED AGENT FOR OWNER OF BUSINESS (Attach Authorization)
(20) Name of Agent Virgil J. Hand (Print Clearly) Signature Virgil J. Hand Date 9/17/
(21) Address of Agent 516 Uhuru St. N.W. Wash. D.C. Zip Code 200

OFFICE USE ONLY

INFORMATION DESK 2nd

(24) Premises Condemned ☑ No ☐ Yes Cleared By Date 9-17
(25) Building in RA Zone ☐ No ☐ Yes Cleared By Date 9-17
(26) Residential ☐ No ☐ Yes Smoke Det. Info. Given By Date 9/17

LICENSE BRANCH 1st

(27) Licenses Required No License is required
(28) — Reviewed By — Date 9/1

ZONING OFFICE 2nd

(29) Zone R-4 Basmt BZA No.
(30) Prior Use Private Club / Non Profit
(31) Certificate # 217451 Date Issued 6/3/96 ☑ Approved ☐ Disa.
(32) Accepted for Filing By Date 9/17

EXAMINER'S USE

(33) Prior Use Code Private Club Proposed Use Code Private Club
(34) Use Change ☒ No ☐ Yes Inspect. Required ☒ No ☐ Yes By Date
(35) Inspection Fee $ Insurance Fee $ 32.00
(36) Approved for Issuance By Date 9/1

INSPECTION BRANCH

(37) Date of Scheduled C/O Inspections
(38) Inspection Status Approved ☐ Disapproved ☐ By Branch Date
(39) Inspector's Signature Printed Name
(40) Reason for Disapproved

OCCUPANCY PERSONNEL

(41) ☒ Approved ☐ Denied ☐ Cancelled By 9/17/96
(42) Reason for Cancellation/Denied
(43) Certificate of Occupancy No. B176654 Date of Issuance 9/17/96
(44) Bldg. Elec. Plumb. Fire Zoning

WHITE—DCRA CANARY—Fire Department

MARK OUTS AND WHITE OUTS ARE NOT ACCEPTABLE.

Note: C/O is re-issued to correct lot designation.
9/17/96

'99 MAR 16 A11:41
OFFICE OF DISTRICT

Exhibit 3

AGREEMENT

THIS AGREEMENT (hereinafter, "Agreement") is made and entered into this 31st day of October, 1997 by and between MARQUETTE UNIVERSITY (hereinafter "Marquette") and THE CAPITOL HILL RESTORATION SOCIETY, INC. (hereinafter, the "Society").

WITNESSETH:

WHEREAS, Marquette is the record owner of certain property, located at 502 East Capitol Street, N.E. (hereinafter referred to as the "subject property"); and

WHEREAS, the Society has filed an appeal with the Board of Zoning Adjustment challenging Marquette's use of the subject property as a private club, BZA Appeal No. 16235 (hereinafter the "Appeal"); and

WHEREAS, Marquette believes that its use of the subject property fully complies with the private club requirements of the Zoning Regulations of the District of Columbia; and

WHEREAS, the Society believes that the more appropriate use category is a college or university use; and

WHEREAS, the parties hereto have decided to settle their dispute, without any admission of liability or concession as to the validity of any party's claims or defenses; and

WHEREAS, all parties agree that a resolution of this Appeal is in their mutual best interests; and

WHEREAS, the parties have jointly filed a letter request with the Board of Zoning Adjustment ("BZA" or "Board") requesting that BZA Appeal No. 16235 be indefinitely stayed.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises set forth below, the mutual sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Marquette agrees to file a special exception application with the Board of Zoning Adjustment pursuant to Section 210 of the Zoning Regulations to permit college and university use of the subject property.

2. The Society agrees to support Marquette's special exception application through public testimony and written statement at the public hearing and to support Marquette's special exception application before ANC 6A, ANC 6B and any other community groups and neighbors. The Society shall not be required to oppose, but neither shall it support, proposals from neighbors, other community groups and persons, and ANC 6A or ANC 6B for conditions to be attached to the special exception.

3. If the Board of Zoning Adjustment approves Marquette's use of the subject property as a special exception for college and university use pursuant to Section 210 of the Zoning Regulations, then once a final written order has been issued with conditions acceptable to Marquette, and after the expiration of any appeal periods, Marquette agrees to file an application for a certificate of occupancy for college and university use which, once issued, will supersede its current certificate of occupancy for private club use. Both parties agree to ask the BZA to then dismiss the Appeal with prejudice.

4. If the Board of Zoning Adjustment does not approve Marquette's special exception application for college and university use, then Marquette will continue its use of the property under the current certificate of occupancy for private club use and BZA Appeal No. 16235 will be reactivated to permit the Society to challenge that use.

5. The parties agree that the stay of BZA Appeal No. 16235 to permit the processing of a special exception application will have no effect on the parties' arguments concerning laches and that all claims or defenses which either part has in connection with that appeal as of this date will continue, unchanged, if and when the appeal is continued.

6. In consideration of the terms of this Agreement, Marquette agrees not to purchase any residentially zoned property on Capitol Hill for a period of ten years, as provided in the Declaration of Covenants, Conditions and Restrictions attached hereto as Exhibit A, unless that property is to be used residentially. Marquette agrees to sign and record Exhibit A in the land records of the District of Columbia upon issuance of the certificate of occupancy provided for in Section 3 above.

7. Upon execution of this Agreement, the parties shall execute and file all documents necessary to implement the Agreement.

8. The parties agree to issue a joint statement announcing settlement of this dispute. The statement will include a brief outline of the terms of the settlement plus assurances by both parties of their commitment to the safety, security and quality of life in the community. Both parties condemn any hostile or illegal activity and recognize the need for open communication between the Society and Marquette.

9. This Agreement is contingent upon signature of both parties.

10. Both parties agree not to take any position in any lawsuit or administrative proceeding which is inconsistent with the letter or spirit of this Agreement.

11. This Agreement may only be amended by a writing executed by all living and competent parties to this action.

12. This Agreement terminates on the earlier of the 31st day of October, 2002, or if the BZA denies Marquette its application for a special exception, on the day of the BZA's oral decision, or unless otherwise extended in writing by all parties.

13. It is expressly understood that the provisions set forth in this Agreement constitute a compromise of disputed claims. Each party agrees that this Agreement is a fair and reasonable compromise of disputes, and that it is entered into knowingly, as the result of arms-length negotiations between the parties and without coercion or undue influence. Each party represents and warrants that it has read and understands this Agreement and has executed it voluntarily.

14. This Agreement constitutes the entire agreement between the parties concerning the subject matter discussed herein and is the exclusive agreement between the parties on this subject from the time of execution.

15. Each signatory to the Agreement represents and warrants that it has the authority to enter into this Agreement on behalf of the party for which the signatory is signing. The Society expressly represents and warrants that it is a not-for-profit corporation duly organized and existing under the laws of the District of Columbia and that it has the full authority to enter into this Agreement on behalf of itself and all of its constituent members and that is execution of this Agreement shall bind each and every one of its constituent members thereto.

16. The parties agree that by virtue of this Agreement, Marquette and the Society have assumed no obligations other than those expressly called for by the terms of the Agreement.

The parties have executed this Agreement this 31st day of October, 1997.

ATTEST:
Patrick J. Burns, S.J.
(Corporate Seal)

MARQUETTE UNIVERSITY
By: Kenneth H. Smits
Kenneth H. Smits, Treasurer

APPROVED AS TO FORM:
Steven Lotz
OFFICE OF

STATE OF WISCONSIN)
)SS.
COUNTY OF MILWAUKEE)

I HEREBY CERTIFY that on this ____ day of _____, 1997, before the undersigned Notary Public in and for the State of Wisconsin, personally appeared Kenneth H. Smits, who made oath in due form of law that he is the Treasurer of Marquette University, is authorized to act on behalf of Marquette University, and that the matters and facts set forth in the aforesaid Agreement are true to the best of his personal knowledge, information and belief.

Steven Lotz
Notary Public Steven F. Lotz

My commission (permanent): _____
(Notarial Seal)

ATTEST:

_____
(Corporate Seal)

THE CAPITOL HILL RESTORATION SOCIETY

By: _____
President

DISTRICT OF COLUMBIA, ss:

I HEREBY CERTIFY that on this ___ day of _____, 1997, before the undersigned Notary Public in and for the District of Columbia, personally appeared Bradley R. Braden, who made the oath in due form of law that he is the President of the Capitol Hill Restoration Society, and that the matters and facts set forth in the aforesaid Agreement are true to the best of his his/her personal knowledge, information and belief.

Barbara Mouton
Notary Public, D.C.
BARBARA MOUTON
My Commission Expires April 30, 2002

My commission expires: _____
[Notarial Seal]

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("DECLARATION"), made this ___ day of _____, 1997, by MARQUETTE UNIVERSITY, a non-profit corporation organized and existing under the laws of the State of Wisconsin.

WITNESSETH:

WHEREAS, Marquette University is the owner of the real property located in the District of Columbia, known as Lot 23, Square 840, and more particularly described in "Exhibit A" attached hereto and incorporated herein (hereinafter referred to as the "Subject Property"); and

WHEREAS, Marquette University desires to utilize the Subject Property for educational purposes as provided in order _____ of the District of Columbia Board of Zoning Adjustment dated _____, 199__ (hereinafter referred to as "The Order"); and

WHEREAS, Marquette University desires to assure the Capitol Hill community that it shall not purchase to use for educational purposes any of the residential real property located in the Capitol Hill Historic District (such residential real property hereinafter referred to as the "Benefitted Property") for a period of ten (10) years from the date of The Order.

NOW THEREFORE, in consideration of the foregoing, Marquette University hereby declares that the Subject Property is and shall be held and occupied subject to the conditions, covenants and restrictions hereinafter set forth.

CLAUSE I

GENERAL CONDITIONS

A. Restriction on Purchase and Use of Real Property. Marquette University shall not purchase any portion of the Benefitted Property to use for educational purposes for a period of ten (10) years from the date of the Order.

CLAUSE II

GENERAL APPLICATION

A. These covenants, conditions and restrictions are to run with the land of the Subject Property and shall be binding upon Marquette University and its successors and assigns. All parties claiming by, through, or under it, shall be taken to hold, agree and covenant with Marquette University and its successors and assigns to conform to and preserve said restrictions as to the uses of the Subject Property and the purchase and use of the Benefitted Property.

B. The Capitol Hill Restoration Society, Inc. and the owners of the Benefitted Property as well as their successors and assigns, shall have the right without any showing of special damage to enforce these covenants, conditions and restrictions, including the right to sue for and obtain an injunction (prohibitive or mandatory) to prevent the breach of said covenants, conditions and restrictions. This Declaration shall confer no rights to The Capitol Hill Restoration Society, Inc. or the owners of the Benefitted Property to claim or to sue for damages.

C. These covenants, conditions and restrictions are to run with the land of Subject Property for ten (10) years from the date of The Order, when they shall automatically expire without the necessity of any further consent, approval or action.

D. These covenants, conditions and restrictions are for the benefit of the Capitol Hill community but may be terminated or amended with the written consent of the Capitol Hill Restoration Society, Inc.

E. All references to zones, districts or zoning regulations, including references to specific zones, found in this Declaration are references to the text and maps of Zoning Regulations of the District of Columbia in effect on the date of this Declaration.

F. All references to the Capitol Hill Historic District are references to the definition of that District (_____cite_____) in effect on the date of this Declaration.

IN WITNESS WHEREOF, Marquette University has had its corporate seal hereto attached, and has caused these presents to be signed with its corporate name by Kenneth H. Smits, its Treasurer, attested by Reverend Patrick J. Burns, S.J., its Secretary, and has appointed Steven J. Cottingham, Esq. to be its attorney-in-fact to acknowledge and deliver this instrument according to law, effective as of the date first hereinabove written.

ATTESTED:

MARQUETTE UNIVERSITY

_____

Reverend Patrick J. Burns, S.J., Secretary

By: _____

Kenneth H. Smits, Treasurer

(Corporate Seal)

Exhibit 4

CAPITOL HILL RESTORATION SOCIETY
PO BOX 15264 • WASHINGTON, DC 20003-0264 • 202-543-0425

July 20, 1999

Board of Zoning Adjustment
Suite 210
441 Fourth Street, NW
Washington, DC 20001

BZA # 16459
PREMISES: 502 East Capitol Street, NE
SQ 840, LOT 23
HEARING DATE: July 21, 1999
ZONING: R-4

Members of the Board:

The Capitol Hill Restoration Society SUPPORTS the application of Marquette University for a special exception to continue to operate a private school for 20 students at 502 East Capitol Street, NE.

Marquette purchased the premises in late 1995 for use of the Les Aspin Center for Government (the Center). A Washington Semester and other educational programs at Marquette are based at the Center.

On June 3, 1996, Marquette received a Certificate of Occupancy (B174751) to operate a private club in the basement. A replacement certificate (B175654) that also authorizes a private club in the basement, was issued on September 17, 1996 to correct technical errors in the original application.

On February 6, 1997 the Society appealed the decision of the Zoning Administrator to issue a private club Certificate of Occupancy to Marquette (BZA 16235). Our position was that Marquette was using the private club to hold college classes in connection with Washington Semester programs. However, the definition of a private club in the Zoning Regulations restricts private clubs to "avocational" purposes. There was a conflict, in our view, between the regulatory definition and what seemed to us a clearly vocational use of the club by Marquette.

On May 14, 1997, one week before the public hearing on our appeal, Marquette and the Society jointly requested that action on the appeal be indefinitely stayed while the parties explored a settlement. Now, more than two years later, that stay continues.

We had two principal objectives in pursuing an agreement: (1) that the definition of a private club be strictly interpreted in order to prevent them from proliferating to the detriment of residential districts, and (2) that public processes be used wherever possible.

BZA
CASE No. 16459

Negotiations continued during the summer and a final agreement was signed on October 31, 1997. The agreement provides, in part, that:

- Marquette believes that use of the subject property fully complies with the private club requirements of the Zoning Regulations.
- The Society believes that more appropriate use category is a college or university.
- Therefore, the parties decided to settle their dispute without concession as to the validity of any party's claims or defenses.

The agreement provides that Marquette will apply for a special exception as a college or university. Marquette's application, however, is for a private school, a category that seems to fit the situation better than the provision for a college or university. The Society verbally accepted that substitution and so states now. Our concern is with the public process provided by a special exception, not the particular zoning category that brings that about.

If an order for a special exception is granted as a private school with conditions acceptable to Marquette and the neighbors, Marquette will apply for a certificate of occupancy for a private school to supersede the present certificate as a private club.

If, however, a special exception is not granted, or would be subject to conditions unacceptable to Marquette, then the stay of Appeal 16235 will be lifted and the appeal will continue.

The Agreement provides (Clause 2) that the Society will not propose in its own right any conditions to be placed on a final order, nor will it support any conditions that neighbors, other community groups, or the ANCs may propose. On the other hand, the Society is not required to oppose any conditions proposed by others.

The Society hopes that Marquette will accept reasonable conditions, should they be proposed and included by the Board in its order. It will not be in the interest of either party to continue this divisive dispute.

Sincerely,

Lyle R. Schauer
Chair, Zoning Committee

Exhibit 5

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

★ ★ ★

Application No. 16459 of Marquette University, pursuant to 11 DCMR 3108.1 **(new 3104.1)** for a special exception under Section 206.1 to use the premises as a private school for twenty (20) students and two (2) staff persons in an R-4 District at premises located at 502 East Capitol Street, N.E. (Square 840, Lot 23).

HEARING DATE: July 21, 1999
DECISION DATE: September 22, 1999

CORRECTED ORDER*

This order replaces the Board's original order for this application dated January 18, 2000. It adds another condition to the set of conditions at the end of the order on page 7. The addition is asterisked.

SUMMARY OF EVIDENCE:

1. The subject application was filed on December 2, 1998, by Steven J. Cottingham, Esquire, of the Office of the General Counsel, Marquette University (hereinafter referred to as Marquette or Marquette University), to use the basement level of 502 East Capitol Street, N.E. (the Premises), as a private school for its "Les Aspin Center for Government" (the School). The Premises are located in an area zoned CAP/R-4.

2. Marquette previously obtained a certificate of occupancy to use the Premises for a private club, a use permitted as a matter of right in the CAP/R-4 District. The Zoning Regulations define a private club as including circumstances where a "building and facilities or premises used or operated by an organization or association for some common avocational purpose such as, but not limited to, a fraternal, social, educational, or recreational purpose; Provided, that the organization or association shall be a non-profit corporation and registered with the U.S. Internal Revenue Service, that goods, services, food, and beverages shall be sold on the premises only to members and their guests, and that office space and activities shall be limited to that necessary and customarily incidental to maintaining the membership and financial records of the organization." However, pursuant to an agreement between it and the Capitol Hill Restoration Society, Marquette filed the instant application for a special exception.

3. Under § 206 of the Zoning Regulations, the Board may approve a special exception for use as a private school, provided that the applicant meets the conditions specified in §3108 **(new 3104)** of chapter 31 of this title, and provided that (1) 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 and (2) ample parking space, but not less than that required in chapter 21 of the zoning regulations, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

4. The Premises, a four-story brick townhouse, occupies lot 23 in square 840 and is bounded by East Capitol Street on the south, 5th Street on the west, A Street on the north and 6th Street on the east. The School will occupy only the basement portion of the Premises, which comprises approximately one-quarter of the Premises, and will accommodate, on average, 20 students and, two full-time staff members. None of the School's students are permitted to have cars in the District of Columbia.

5. The two staff persons currently use off-street parking at a nearby garage and driveway. The Center does anticipate infrequent receptions for Marquette University persons once approximately every 3 months wherein street and/or off-street parking may be utilized.

6. As a preliminary matter, Advisory Neighborhood Commission 6B requested a continuance of the hearing scheduled for July 21, 1999, on the grounds that it did not have notice of the date of the hearing. After it had been determined that the Premises are not located in ANC 6B and that a representative of ANC 6B had not appeared at the last hearing date, of which it did have notice, at which time the matter was continued to July 21, 1999, the Board denied ANC 6B's request.

7. As an additional preliminary matter, ANC 6B complained that the application for the School should have been filed as a request for a special exception under Section 210 of the Zoning Regulations pertaining to college and universities rather than as a private school. The Board noted that this was a self-certification matter and denied the complaint.

8. Father Timothy O'Brien (Father O'Brien), Director of the Marquette University Les Aspin Center (Center) and sole resident of the subject premises, testified in support of the application by giving a historical account of the Center and the proposed use of the Center. With respect to the proposed use, Father O'Brien testified that the Center's use of the premises will be confined solely to the basement area. Father O'Brien testified that the Center would occasionally be used for student training seminars in the Marquette University congressional internship program. These scholars will be working on Capitol Hill and in other government agencies and the School will provide an opportunity for the scholars to share their experiences and ideas with each other and members of Congress, visiting dignitaries and Marquette alumni. Father O'Brien testified that the Center was a tangential experimental learning program for a semester or a summer.

9. Father O'Brien made it clear that the students enrolled in the Center would not be living at the residence occupied by him. Rather, the students would be living at a separate residence within walking distance of the School.

10. Father O'Brien testified that the students would be in the Center approximately 3.5 hours twice a week. According to Father O'Brien, the Center's hours of operation would be Tuesday and Thursday afternoons between 1:00 and 4:00 p.m., and all "classes" would be confined to the basement area. Occasionally, a lecture is given to students in the basement after 5:00 p.m., but on an irregular basis. Otherwise, Father O'Brien stated that the basement would be nearly vacant at all other times, except for occasional visits from the board of visitors (20 or so persons who helped contribute to the purchase of the building and the activities of Marquette University) who come for meetings once a quarter. Father O'Brien also testified that he was not proposing any change in the current operation of the School if the special exception was granted.

11. Father O'Brien expects that the School, or he personally, would have occasional receptions for someone at Marquette University, such as a recent reception he hosted which was sponsored by the Dean of the School of Nursing for 14 or 15 alumni in the Greater Washington area.

12. With regard to complaints made about cars with Michigan license plates being parked near the Premises, Father O'Brien testified that Marquette University was located in Milwaukee, Wisconsin, not Michigan, and reiterated that the School's students are not permitted to have cars. Therefore, Father O'Brien stated that the suggestion that these complaints were linked to the School's students was unsupported. With respect to parking, Father O'Brien testified that he parks in a garage, that his assistant parks behind him in the driveway, and that he does provide his required one parking space pursuant to 11 DCMR Subsection 206.3. Father O'Brien also discussed the agreement entered into by Marquette University and the Capitol Hill Restoration Society which was the catalyst for Marquette University's present special exception application.

13. Mr. Steve Cottingham, Assistant Vice President and Counsel for Marquette University, also testified in support of the application. Mr. Cottingham stated that he had been involved with the Center project from its inception in 1995. Mr. Cottingham testified that he was not notified of the June 15, 1999 ANC 6B meeting and that he was not invited to attend, nor was Father O'Brien or he notified of any continuance of ANC 6B's meeting.

14. The site of the application is located within the jurisdiction of Advisory Neighborhood Commission 6A (ANC 6A). ANC 6A, which is automatically a party to this application supports the application by a vote of 9-0, provided that the School complies with certain conditions. Ms. Janet Schmidt, representative of ANC 6A, testified that those conditions were as follows: that enrollment in the Center must be limited to 20 students; that the students cannot have cars in Washington, D.C.; that no Marquette official or individual can assist any student in obtaining a Zone 6 residential permit or temporary visitor parking permit; that no use other than official Marquette University functions (defined as activities from which Marquette does not obtain unrelated business taxable income or income) may take place at the Center; and, that no garden parties may be held on the premises by either students or attendees.

15. The Capitol Hill Restoration Society (CHRS) submitted a written statement in support of the application. The CHRS also testified in support of the application through Mr. Lyle Schauer, a resident of 1107 Independence Avenue, S.E., and Zoning Chair of CHRS. Mr.

Schauer testified about the circumstances leading up to the special exception application, i.e., the agreement between Marquette University and CHRS. Mr. Schauer testified about interlinked community issues and the need to do the right thing for the community.

16. ANC 6B and three individuals opposed the application. Mr. Simon, a representative ANC 6B, testified that ANC 6B voted to oppose the application. Mr. Simon testified that he believed that a school use located in the basement may not always stay in the basement, that there would be an irresistible attraction to using the rest of the facility and that there were other places the educational activity could take place. Mr. Simon also testified that there was nothing "special" about the application for the special exception and that it was made because it was convenient or comfortable. Mr. Simon testified that the application was corrosive to the residential neighborhood and corruptive to the zoning code.

17. Ms. Jean Marie Neal, a resident of 621 A Street, N.E., testified in opposition to the special exception application. Ms. Neal testified about lobbying firms, non-profits, etc. buying residential homes and converting them to businesses. Ms. Neal testified that there was no need for business intrusion on what was currently residential. Ms. Neal testified that Capitol Hill was comfortable, convenient, and an easy target for commercial ventures and that such commercial ventures would have an adverse effect on residential real estate. Ms. Neal acknowledged that she lived within the jurisdiction of ANC 6A but that she failed to attend meetings regarding the special exception application. Ms. Neal testified that she represented 12-14 members of her community but also testified that she lacked any petition signed by those 12-14 community members.

18. Ms. Loretta Garrison and Mr. Holmes Brown, residents of 8 Fourth Street and 403 E. Capitol Street, S.E., respectively, testified in opposition to the special exception application. They testified that they lived next door to the apartment building where the students live and that they had negative experiences with Marquette University students there.

19. Councilmember Sharon Ambrose wrote a letter to the Board of Zoning Adjustment regarding the special exception application. In her letter, Councilmember Ambrose thought that the School was seeking a use variance, in the guise of a special exception, for the entire Premises and stated that she was concerned that the application would seek to locate a school in a residential neighborhood whereas in the past the building had been used as a residence for University administrators who hosted rare large social gatherings. The Councilmember characterized the past activities as unobtrusive and compatible with the residential block. Councilmember Ambrose urged the Board to place conditions on the use if the application was granted and stated that she was "pleased to have Marquette University as a neighbor thus far."

20. The Board left the record open until September 8, 1999. Following the hearing but before the close of the record, the Board received numerous letters in support of the application including supporting letters from some of those who previously opposed the application.

21. Some of the individuals in opposition to the application submitted comments to the Board requesting that the Board impose conditions on the applicant which would require the applicant to insure the conduct of the adult students where they reside in the District of Columbia and which would limit the use to a period of three years.

FINDINGS OF FACT:

1. The Board finds that the proposed private school use is, in its height, design and use, compatible with and sensitive to the surrounding neighborhood.

2. The Board also finds that the use is not likely to have an objectionable impact on neighboring property because of either noise, parking, traffic, the intensity of the use or aesthetic considerations.

3. The Board further finds that conditions proposed by ANC 6A and the Capitol Hill Restoration Society are appropriate and will alleviate any purported objectionable impacts of the proposed private school.

4. As for the objections of ANC 6B, the Board finds that the objections are not relevant to the issue before the Board. In an application for special exception, the issue is whether the application meets the criteria established under the Zoning Regulations. There is no reason to believe that the School will not limit itself to the basement area. The School has been in operation in the past under a different certificate of occupancy and neither ANC 6B nor any other person in opposition to the application has shown that the School has not been operated as proposed.

5. The Board finds that it has no basis for imposing conditions on the applicant which concern the use of the residential property which is not the subject of this application. Similarly, the Board finds that the imposition of a time limit on the special exception would not be reasonable. The applicant had a certificate of occupancy for the use of the basement of the Premises as a social club. There was no time limitation on that certificate of occupancy. Further, the use of the basement for a public school is extremely limited in terms of time and use. The basement is used twice a week during the summer in the afternoon and once a week during the year for an average of twenty students who are in the District of Columbia participating in intern programs elsewhere. There does not seem to be justification for limiting the term of the negligible use.

CONCLUSIONS OF LAW AND OPINION:

The Les Aspin Center has the burden of demonstrating that its proposal addresses the issues reflected in 11 DCMR 3108.1 (**new 3104.1**), Section 206, and that "the use, height, bulk, and design are in harmony with existing uses and structures on neighboring property," that ample parking space is provided and that "the use will not create dangerous or other objectionable traffic conditions." Based on the testimony and evidence presented at the public hearing, the Les Aspin Center has met its burden.

The proposal by the Les Aspin Center accommodates the reasonable concerns of the residents and otherwise meets the requirements for a special exception. Many or most of the those who own property neighboring the proposed school site agreed. Furthermore, the record does not appear to demonstrate that the location of the special exception use in the basement of the Premises has any unique impact on neighboring property owners than if located elsewhere in the same residential zone.

The three aspects of the proposed use of the basement of the residence having the greatest potential for adverse impact are noise, visual intrusion and traffic disruption. With regard to noise and visual intrusions, the Les Aspin Center has responded to such concerns by limiting the number of students and staff to 22 persons. The Les Aspin Center has also stated that it will not have more than one reception approximately every three months to help alleviate such potential intrusion. To further help alleviate visual intrusion, the Les Aspin Center has also stated that it will not place any additional signs on the residence indicating that a school is present on the site.

Regarding traffic disruption, students are not allowed to have cars in Washington, D.C. In addition, because the administrator and the additional full-time staff person will park in a nearby garage and driveway, street parking will rarely, if ever, be utilized by the Center.

As for the issue of whether the provisions of Section 210 of the Zoning Regulations should apply, the Board notes that in self-certifying, the applicant takes the risk of any misidentification of use. The Board's approval is limited to whether a special exception for the use certified should be granted.

Based upon the record before the Board, the Board finds that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 **(new 3104)**, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further finds that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. Enrollment at the School shall be limited to an average of 20 students over the year and two full-time staff persons.

2. The Les Aspin Center shall be operated between the hours of 1:00 and 4:00 p.m., but shall be permitted, on an irregular basis, to have lectures for students in the evening.

3. The applicant shall not assist any student in obtaining a zone six residential permit or temporary parking permit.

4. The applicant shall not permit any part of the Premises to be used for other than official receptions for the Les Aspen Center on a yearly basis or for any functions that are not attended by students and their guests; nothing herein shall be

be misconstrued to prohibit the resident of the Premises from using the residential portions in a manner consistent with such residential use. There shall be no garden parties associated with the Les Aspen Center.

5. The applicant shall establish a liaison with Advisory Neighborhood Commission 6A to maintain a working relationship regarding the school use and attend, through its representative, ANC 6A meetings at least once a year in furtherance of this liaison.

6. The applicant shall use its best efforts to supervise the conduct of its students.

7.* Approval shall be for **FOUR YEARS.**

VOTE: 3-0 (Sheila Cross Reid, Betty King and Anthony Hood to grant).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA

FINAL DATE OF ORDER MAR 17 2000

PURSUANT TO D.C. CODE SEC 1-2351 (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 WTH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHAL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATION OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

45602349.1/ord16459/JKN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16459

As Director of the Office of Zoning, I certify and attest that on MAR 17 2000 a copy of the decision entered on that date in this matter was mailed first class, postage prepaid to each party in this case, and who is listed below:

Steven J. Cottingham, Esq.
Marquette University-Office of General Counsel
P. O. Box 1881
Milwaukee, WI 53201-1881

Richard B. Nettler, Esq.
Robins, Kaplan, Miller & Ciresi L.L.P.
181 K Street, N.W., Suite 1200
Washington, D.C. 20006-1301

The Chairperson
Advisory Neighborhood Commission 6A
St. James Parish
1132 4th Street, N.E.
Washington, D.C. 20002

The Chairperson
Advisory Neighborhood Commission 6B
921 Pennsylvania Ave., S.E.
Washington, D.C. 20003

Michael Johnson
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E.
Washington, D.C. 20002

Attested By: _____
JERRILY R. KRESS, FAIA
Director

Attest16459/JKN

Exhibit 6

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street N.E. room 2100
Washington D.C. 20002
Tel: (202) 442-4470 Fax: (202) 442-4862

Government of the District of Columbia
BLRA 94A

C of O

CERTIFICATE OF OCCPANCY

PERMIT NO.
CO 11997

THIS PERMIT IS VALID ONLY FOR THE PREMISES OF THE PROJECT ADDRESS

DATE : 6/4/01

DDRESS : 02 E CAPITOL ST NE	FLOOR(S): BASEMENT BASEMENT ONLY	PRCLID : (square) (lot) WARD : ZONE :

ERMISSION IS HEREBY GRANTED TO : CORPORATION : MARQUETTE UNIVERSITY ID No.: 999999	TRADING AS : LES ASPIN CENTER FOR GOVERNMENT
APPROVED USES : CHILD DEVELOPMENT CNTR 201.1P	PREVIOUS USES : PUBLIC HALL 721.6A

TYPE	BZA NO.	OCCUPIED SQ. FOOTAGE	OCCUP. LOAD:	EXPIRATION DATE:
NEW C/O	16459	5,120	22	NONE

DESCRIPTION OF USE

FEE :
$58.00

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, VALID ONLY for the premise at the above address or part thereof, and for the purpose(s) indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

Carlynn Fuller **INTERIM DIRECTOR**	PERMIT CLERK: **ADEMOLA SHITTU**

Exhibit 7

504 East Capitol Street
Washington, D.C. 20003
March 9, 2004

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Room 210
Washington, D.C. 20001

RE: BZA Application No. 17143 of Marquette University
502 East Capitol Street, NE

Dear Mr. Griffis:

We are writing in support of the application of our neighbor, the Marquette University, The Les Aspin Center for Government (the "Center"), for a special exception to continue the operation of a private school at 502 East Capitol Street, NE.

We have lived in our home for nine years and, during this time, have come to know Father Timothy O'Brien, the Director of the Center. We are aware that the Center has been operating under a special exception for the last four (4) years and is now before the Board of Zoning Adjustment to renew that special exception.

During the Center's operation, there has been no disruption to the surrounding community. The Center operates on a limited basis, with students coming for classes only two (2) days a week, with the occasional additional meetings. Because classes are out before 5:00 PM and limited to the basement of the property, the Center's operations do not cause any objectionable noises. Furthermore, the limitation of the Center's classes to the basement allows the property, which is also used as Father O'Brien's residence, to maintain its residential appeal and quality.

With regard to traffic and parking, there is no negative impact on the neighborhood, as the students are not allowed to have cars and Father O'Brien has private parking for himself and his staff person.

Given the past record of Marquette University in the operation of the Center without disruption to the community, we support the application and strongly urge the Board to approve the special exception without limiting the time as to its approval.

Thank you for the opportunity to comment on this application.

Sincerely,

Christopher J. Vizas II

Rebecca A. Miller

BZA
Case No. 17143
Exhibit No. 28

Exhibit 8

Mar 05 04 03:19p

DAVID S. DEUTSCH
500 EAST CAPITOL STREET, NE
WASHINGTON, DC 20003-1141

March 5, 2004

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

Re: BZA Application No. 17143 of Marquette University
502 East Capitol Street, NE

Dear Mr. Griffis

We fully support the application of my immediate neighbor, the Marquette University, The Les Aspin Center for Government (the "Center"), for a special exception to continue the operation of a private school at 502 East Capitol Street, NE.

We have lived at 500 East Capitol since 1995, and have come to know Father Timothy O'Brien, the Director of the Center. After four years of operation, we are aware that the Center is now before the Board of Zoning Adjustment to renew its special exception.

We can honestly say that the Center has been an excellent neighbor. With classes only two days a week and out at 5 PM, disruption and noise has never been a problem. Classes are held in the basement and are invisible. We have seen no impact on the neighborhood as regard to traffic; the students do not have cars and Father Tim has off street parking.

We fully support the application and strongly urge the board to approve the special exception without limiting the time as to its approval. Thank you.

Sincerely,

David S. Deutsch

David Deutsch

Stephanie Deutsch

Exhibit 9

CAPITOL HILL RESTORATION SOCIETY
PO BOX 15264 • WASHINGTON, DC 20003-0264 • 202-543-0425

12 March 2004

Jerrily R. Kress, FAIA
Director, Office of Zoning
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

RE: BZA#'s 17125, 17130, 17131, 17142, 17143, and 17157

Dear Director Kress,

The Capitol Hill Restoration Society Zoning Committee at a meeting held on 11 March 2004 considered the above cases. The Committee voted unanimously to support all of these applications based upon the discussion below.

BZA 17125 involves filling in a rear dogleg with a one-story addition that requires a variance because the lot occupancy will increase from 64% to 75%. The committee voted unanimously to support the application because there was no impact on the abutting neighbor and moving the improvement back 4 feet to qualify the applicant for a special exception made no sense. The committee believed that such de minimus numbers were being discussed that the application should be approved. The applicant's neighbors were also in favor of the improvement and this was a factor in the vote of the committee.

BZA 17130, a property located at 407 11th Street, SE, involves special except to increase the lot occupancy to 64% in order to construct a garage and a variance to allow the garage to be built closer to the centerline of the alley than 12 feet (the alley is only 15 feet wide. The applicant has agreed to move the garage 30 inches in from the rear property line making it 10 feet from the centerline. Based upon this representation, the committee voted unanimously to support the application

BZA 17131 involves that addition to the rear of 347 Tennessee Avenue, NE. The applicant needs a special exception to increase the lot occupancy to 69%. The committee vote unanimously to support the application

BZA 17142 involves building a new garage at the rear of 639 A Street, NE. The proposed garage, which will line up with a row of garages on either side, will increase the lot occupancy to 63.4%. The committee voted unanimously to support the application.

BZA
Case No. 17143

BZA 17143 is the application of Marquette University for a special exception to allow the continuance of a private school at 502 East Capitol Street, NE. The application is the same as the application that was approved by the BZA in case 16459 in 1999 with the exception that the special exception will be permanent and not for only 4 years and the applicant will meet with the ANC commissioner, not the full ANC, once a year. Abutting neighbors sent letters of support for the application. CHRS supported the application in 1999 and the committee voted unanimously to support this application.

BZA 17157 is another dogleg case. The property is located at 423 12th Street, SE. The dogleg is only 3.5 feet wide and already counts towards the lot occupancy. When the addition is built, the building will cover 66.4 % of the lot and a special exception is needed. The neighbor on the side impacted by the addition supports the applicant. The committee voted unanimously to support the application.

Respectfully,

Gary M. Peterson, Chair
Capitol Hill Restoration Society
Zoning Committee

Exhibit 10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION

Transportation Policy and Planning Administration

To: Jerrily R. Kress, FAIA
Director
Office of Zoning

From: Kenneth G. Laden

Date: February 20, 2004

Re: **BZA No. 17143 – Special Exception to Allow for the Continuance of a Private School Located at 502 East Capitol Street, NE, Square 840, Lot 23 in the CAP/R-4 District**

The applicant, Marquette University, seeks to continue the use of the subject site, the Les Aspin Center for Government (Center), for students enrolled in the University's congressional internship program. The use of the site was previously approved in BZA Order No. 16459 on September 22, 1999 for a period of four years. This report addresses the transportation impacts of the proposal.

The Center, located within a four-story townhouse, is located at 5th and East Capitol Street, NE within the Capitol Hill community. The area is comprised of townhouses and small-scale businesses. The Center's hours of operation are Tuesday and Thursday between 1:00 and 5:00 p.m. Classes are held in the basement for approximately 3.5 hours a day. Other activities at the Center occur sporadically. Occasional lectures are held after 5:00 p.m. on a irregular basis, and once a quarter the basement is used to host a meeting from the board of visitors, a group of 20 or so persons who contributed to the purchase of the site and other activities for Marquette University.

The Center has two staff persons who use nearby off-street parking spaces. Students enrolled in the internship program are provided with separate housing within walking distance of the Center. The students are not permitted to have vehicles in the District of Columbia while enrolled in the program. The infrequent events listed above require the use of additional on-street and off-street parking spaces.

BZA Case No. 17143 Exhibit No. 25

The previous approval in BZA Order No. 16459 stipulated seven conditions that the applicant seeks to continue. The enrollment will be limited to an average of 20 persons, the hours of operation shall remain between 1:00 and 4:00 p.m. permitting irregular lectures and meetings, no student will receive assistance in obtaining a Zone-6 RPP sticker or temporary on-street parking permit, the premises will only be used for official receptions and uses of the Center, the applicant will establish a liaison with ANC-6A and

attend ANC-6A meetings at least once a year, the applicant will use its best efforts to supervise the conduct of its students and finally approval will last for a period of four years.

The use will not create objectionable or dangerous traffic conditions or significantly impact on-street parking supply. Accordingly, DDOT has not objection to the proposal, and supports extending the approval period to ten years if the Board deems the applicants continues to satisfy all conditions of BZA Order No. 16459.

KL:lb

Exhibit 11

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

★ ★ ★

Office of the Director

MEMORANDUM

TO: Jerrily R. Kress FAIA
Director
Board of Zoning Adjustment

FROM: Stanley Jackson
Director

DATE: March 3, 2004

RECEIVED
D.C. OFFICE OF ZONING
2004 MAR -5 AM 11: 23

SUBJECT: Board of Zoning Adjustment No. 17143 – Special Exception under Section 206.1 of 3104.1 to allow the Continued Use of the Basement of 502 East Capitol Street NE (Square 840, Lot 23) as a Private School for Twenty Students and Two Staff Persons in an R-4 District

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As requested in a Board of Zoning Adjustment (BZA) memorandum of February 9, 2004, the DC Department of Housing and Community Development (DHCD) has reviewed the above referenced Board of Zoning Adjustment Application, supports approval of the requested special exception, and offers the following reasons in support based upon the specific information presented in the application:

1. The Les Aspin Center (Center) is presently operating under a special exception approved under BZA Order No. 16459 dated March 17, 2000.

2. BZA Order No.16459 was approved under the requirements of 206.1, after the applicant demonstrated that the Center was not likely to become objectionable to adjoining property because of noise, traffic, or number of students, and that parking space was provided off-street for the two staff members of the Center.

3. The Center has operated for nearly four years without incident under the conditions established in BZA Order No. 16459. The conditions included operating the school programs during 1:00 pm and 4:00 pm, having occasional lectures in the evening, and having occasional official receptions for the school.

4. The Center is requesting extension of the current special exception approved under BZA Order No.16459 and is willing to abide by the same conditions placed on the previous special exception approval.

BZA
Case No. 17143
Exhibit No. 24

Exhibit 12

Schools

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

Application No. 16433 of the Protestant Episcopal Cathedral Foundation of the District of Columbia ("the National Cathedral") on behalf of The National Cathedral School ("NCS" or "Applicant") pursuant to 11 DCMR § 3108.1. for a special exception under 11 DCMR 5 206 to allow the construction of a girls' athletic facility at a private school in an K-1-B District on the grounds of the National Cathedral, 3500 Woodley Road, N.W. (Square 1944. Lot 25).
HEARING DATE: April 14,1999
DECISION DATE: June 2. 1999

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

Application No. 14571, of the Meyer Foundation, as amended, pursuant to Sub-section 8207.2 (3108.1, DCMR, 11) of the Zoning Regulations, for a special exception under Paragraph 3101.42 (206.1, DCMR 11) for a private school for adults, 35 persons (faculty and staff), 20 student visitors daily, on behalf of the Meridian House International in a D/R-5-B District at premises 1624 Crescent Place, N.W., (Square 2568, Lot 806).
HEARING DATE: March 18 , 1987
DECISION DATE: March 18, 1987 (Bench Decision)

Child/Elderly Development Centers

Application No. 17105 of Jenny Waelder Hall Center for Children, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to allow a child development center (16 children, 6 teachers and 2 staff) under section 205, in the R-1-A District in an existing church building at premises 3150 Chesapeake Street, N.W. (Square 2263, Lot 836).
Note: The Applicant amended the application at the hearing; reducing the number of children requested from 20 to 16.
HEARING DATE: January 27, 2004
DECISION DATE: January 27, 2004 (Bench Decision)

Application No. 17013 of First Rock Baptist Church Foundation, Inc., pursuant to 11 DCMR § 3104.1, a special exception to extend the provisions of the less restrictive R-5-A zone to the more restrictive R-2 Zone under subsection 2514.2, and a special exception to construct a new residential development under section 353, and pursuant to 11 DCMR § 3103.2, for a variance to extend the R-5-A provisions more than 35 feet into the R-2 District under subsection 2514.2(a), and pursuant to 11 DCMR § 3104.1, a special exception to operate a child development center for 90 children and 15 employees under section 205, to allow the construction of a 74 unit affordable apartment house for seniors with a child development center in the R-5-A and R-2 Districts at premises 4638 H Street, S.E. (Square 5359, Lot 324).
HEARING DATE: May 20, 2003
DECISION DATE: May 20, 2003 (Bench Decision)

Application No. 17067 of House of Mercy, Inc., pursuant to 11 DCMR § 3 104.1, for a special exception to allow an increase in the number of staff (from 52 to 85) and an addition to the building serving an existing child development center under section 205 (last approved by BZA Order No. 15585, dated January 3 1, 1992), in the R-4 District at premises 2000 Rosemount Avenue, N.W. (Square 2618, Lot 807).
HEARING DATE: October 28, 2003
DECISION DATE: October 28, 2003 (Bench Decision)

Application No. 17053 of Government of the District of Columbia Office on Aging, pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to and renovation of a senior wellness center under section 205 (Elderly Development Center), in the R-5-A District at premises 3001 Alabama Avenue, S.E. (U.S. Res. 672, Parcel 2141185).
HEARING DATE: September 23,2003
DECISION DATE: September 23, 2003 (Bench Decision)

Application No. 17052 of Government of the District of Columbia Office on Aging, pursuant to 1 I DCMR § 3104.1, for a special exception to construct a senior wellness center under section 205 (Elderly Development Center), in the R-1-B District at premises 190 1 Evarts Street, N.E. (Square 4124, Lot 50).
HEARING DATE: September 23, 2003
DECISION DATE: September 23, 2003 (Bench Decision)

Application No. 15758 of Winn Development and Ministries United to Support Community Endeavors, Inc., pursuant to 11 DCMR § 3108.1, for a special exception under Section 205 to increase a child development center from 15 to 30 children ages two to five years and four staff in the basement of an apartment building in an R-5-A District at premises 4309 3rd Street, S.E. (Square 6219, Lot 32).
HEARING DATE: April 14, 1993
DECISION DATE: April 14, 1993 (Bench Decision)

Application No. 14946, as amended, of the District of Columbia Department of Public and Assisted Housing, pursuant. to 11 DCMR 3108.1, for a special exception under Sections 205 and 330.5(d) to establish a child development center for thirty-nine children, ages two to fourteen, one director two teachers and two aides, in the basement in an R-5-B District at premises 1000 - 12th Street, S . E . , (Square 1023, Lot 122)
HEARING DATE:: November 18, 1988
DECISION DATE: November 18, 1988 (Bench Decision)

Application No. 16446 of DRM and Associates. Inc. pursuant to 11 DCMR § 3108.1 and 3107.2 for a special exception under Section 205 to allow a child development center for 50 children, infant through 12 years and 9 staff, and a variance from the off-street parking requirement (Subsection 2 101.1) in an R-4 District at premises 728 F Street. N.E. (Square 98 1. Lot 49).
HEARING DATE: April 7, 1999
DECISION DATE: June 2. 1999
(Allowed continuance of previous special exception.)

Application No. 16354 of Mt. Calvary Holy Church of Deliverance, pursuant to 11 DCMR § 3108.1 for a special exception under Subsection 205.1 to establish a child development center for 30 children, infant to five years, and three staff, on the basement floor in an R-1-B District at premises 5900 Chillum Place, N.E. (Square 3715, Lot 30).
HEARING DATE: June 17,1998
DECISION DATE: June 17,1998 (Bench Decision)

Application No. 16334 of the Department of Housing and Community Development on behalf of Bright Beginnings, Inc., pursuant to 11 DCMR § 3108.1, for a special exception under the provisions of Section 205 to establish a child development center for 98 children and 30 staff, on the first floor of an existing structure in an R-4 District at premises 128 M Street, NW (Square 557, Lot 849).
HEARING DATE: April 15, 1998
DECISION DATE: April 15, 1998 (Bench Decision)

Other Cases

Application No. 17027 of Emergence, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to allow a community service center under section 334, in the R-4 District at premises 731-733 Euclid Street, N.W. (first and second floors) (Square 2884, Lot 836).
HEARING DATE: July 1, 2003
DECISION DATE: July 8, 2003

Application No. 17011 of American Association of Homes and Services for Aging, pursuant to 11 DCMR § 3104.1, for a special exception to deviate from the ground floor designated retail and service area provisions under sections 1302.4, and 1304.1, to allow a residential real estate office in the WP/C-2-A District at premises 2519 Connecticut Avenue, N.W. (Square 2202, Lot 116).

Note: The Board determined that the application requires special exception relief and not variance relief as requested in the alternative by the Applicant.
HEARING DATE: May 13, 2003
DECISION DATE: May 13, 2003 (Bench Decision)

Long Time Limits

Application No. 17065 of GAP, Inc., pursuant to 11 DCMR 5 3104.1, for a special exception to allow a child development center (140 children and 28 employees) under section 205, (last approved by BZA Order No. 16153, dated October 11, 1996) in the R-5-D District at premises 3636 16th Street, N.W. (Woodner Apartment Building) (Square 2624, Lot 83 1).
HEARING DATE: October 28, 2003
DECISION DATE: October 28,2003 (Bench Decision)
(10 years)

Application No. 16430 of St. John's Church, pursuant to 11 DCMR 3108.1. for a special exception under Section 205 and 320.3 to increase the number of children in the present child development center from 36 to 45 children and increase the current staff from seven to nine in an R-3 District at premises 3240 0 Street, N.W. (Square 1231, Lot 144).
HEARING DATE: February 17,1999
DECISION DATE: February 17,1999 (Bench Decision)
(10 years)

Application No. 16322 of the Faith Moravian Church of the Nation's Capital, pursuant to 11 DCMR 3 108.1 for a special exception under the provisions of Section 205 to establish a child development center for 59 children, infants to five years of age and 11 staff, on the first level of the basement and part of the first floor of an existing structure in an R-2 District at premises 405 Riggs Road, NE (Square 3741, Lot 809).
HEARING DATE: March 18, 1998
DECISION DATE: March 18, 1998 (Bench Decision)
(10 years)

Application No. 16008 of the Mt. Zion United Methodist Church Board of Trustees, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to allow a child development center of 30 children, ages infant to five years on the first floor in an R-3 District at premises 1334 29th Street, N.W. (Square 1241, Lot 135).
HEARING DATE: December 1 4 , 1994
DECISION DATE: December 1 4 , 1994 (Bench Decision)
(15 years)