GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17300 of St. Patrick's Protestant Episcopal Day School, pursuant to 11 DCMR § 3104.1 for a special exception under Section 206 to allow an increase in the student enrollment from 40 to 60 children at a private school in the R-1-B District at premises 4925 MacArthur Boulevard, N.W. (Square 1393, Lot 17) and to permit students to walk between the premises and the main campus at 4700 Whitehaven Parkway.

HEARING DATES: April 12, 2005
DECISION DATE: April 26, 2005

DECISION AND ORDER

On January 28, 2005, St. Patrick's Protestant Episcopal Day School (the School or the Applicant), filed an application with the Board of Zoning Adjustment (the Board) for a special exception under Section 206 of the Zoning Regulations to allow an increase in the student enrollment from 40 to 60 children, at a private school that was last approved under BZA Order No. 16852-A. The School amended its application to also request that students be permitted to walk between the premises at 4925 MacArthur Boulevard and the main campus at 4700 Whitehaven Parkway. Following a public hearing on April 12, 2005, the Board voted to approve both requests at a decision meeting held on April 26, 2005.

PRELIMINARY MATTERS

Self-Certification The zoning relief requested in this application is self-certified pursuant to 11 DCMR § 3113.2 (Exhibit 5).

Notice of Public Hearing Pursuant to 11 DCMR 3113.3, notice of the hearing was sent to the Applicant, all entities owning property within 200 feet of the Applicant's site, the Advisory Neighborhood Commission (ANC) 3D, and the Office of Planning (OP). The Applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect (Exhibit 23).

ANC 3D The subject site is located within the area served by Advisory Neighborhood Commission 3D (the ANC), which is automatically a party to this application. The ANC filed a report indicating that at a public meeting on March 2, 2005, with a quorum present, it met to consider the requested relief. The ANC voted 4-3-1 to oppose an increase in student enrollment from 40 to 60, and voted 7-1-0 to support the change permitting students to walk between the campuses under certain conditions. In its report to this effect (Exhibit 27), the ANC also noted that its By-laws require a margin of 5 votes in order to constitute a majority. No representative of the ANC appeared to testify at the public hearing.

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Government Reports.
Office of Planning (OP) Report OP filed a report supporting the request to allow students to walk to the School from the main campus, but limiting the requested enrollment increase to 10 students instead of 20 students (Exhibit 28). However, during testimony at the public hearing, OP's representative stated that an enrollment increase of 20 would not cause additional adverse impacts to the community provided the conditions of the Order (other than the condition limiting walking) were maintained.

Department of Transportation (DDOT) Report DDOT filed a report concluding that the proposed enrollment increase would only minimally affect the existing level of service of the surrounding street system, and would not have an adverse impact on the area road network from a transportation standpoint (Exhibit 36). DDOT also noted that the 20 additional students would add, at most, one shuttle bus trip between the main campus and the School, and that the 15 existing parking spaces for faculty and staff were adequate.

Requests for Party Status. The Board received no requests for party status.

Persons in Opposition to the Application. The Board received six letters in opposition to the application (Exhibits 25, 26, 29, 30, 31 and 38). The letters in opposition asserted generally that the proposed enrollment increase would create objectionable noise during student arrival, dismissal, and recess times, that the school does not provide sufficient space for 60 students, and that the school has not been in operation long enough to evaluate its impact on neighboring properties. Michael Lovendusky, who submitted two of the letters, also testified in opposition to the application, stating that most of the School's students do not reside in the neighborhood. He also expressed concern about the School's overall expansion plans, specifically the potential plans to add a high school on another campus, and stated that the enforcement condition in the Order, Condition 20, was not effective.

Persons in Support of the Application. The Board received two letters in support of the application (Exhibits 22, and 35). Charles and Sharon Houy, who reside at the property most immediately abutting the School, stated that the School's operations had been conducted in an orderly manner and that they did not oppose the application (Exhibit 22). Another letter in support was submitted by three ANC commissioners, Sarah Shapley, Hugh Mullane, and Richard Hamilton (Exhibit 35). They stated that they voted in support of the enrollment increase because the traffic management had been effective, the School has engaged in ongoing communication with the community, and the School had demonstrated its willingness to comply with the conditions of its approval. Spence Spencer, a neighborhood resident, also testified in support of the application, stating that the conditions of Board approval were "working".

Applicant's Case. Peter Barrett, headmaster of St. Patrick's Episcopal Day School, testified on behalf of the Applicant. The Applicant also presented testimony and evidence from Robert Brenneman, an acoustical engineer with Polysonics Corp. Mr. Brenneman was recognized by the Board as an expert in acoustical engineering, regarding the potential noise impacts of the additional 20 students.

FINDINGS OF FACT

Background

1. In 2003 the Board approved the School's application to operate a private junior high school in the existing building located at 4925 MacArthur Boulevard, NW. The Board initially issued BZA Order No.16852 on March 25, 2003 approving this use. Because thelanguage at the end of the order erroneously stated that the Order would not be valid for more than six months, the Board issued Corrected Decision and Order No. 16852-A, also dated March 25, 2003.

2. In addition to the junior high school, the Applicant operates a co-educational elementary school for 440 students at 4700 Whitehaven Parkway, NW (the Whitehaven campus or the main campus). The School is about one-half mile from the Whitehaven campus.

The Property and Surrounding Area

3. The subject property consists of approximately 21,000 square feet of land area in the R-1-B zone at premises 4925 MacArthur Blvd., N.W. (Square 1393, Lot 823). It has approximately 150 feet of frontage on MacArthur Blvd. and also has frontage on Ashby Street, N.W.

4. The property is located in the Palisades neighborhood of Ward 3, at the corner of MacArthur Blvd. and Ashby Street. Ashby Street is a narrow residential street improved with ten single-family houses.

5. The property contains a 2-1/2 story building, built in 1905, in the northwest corner, and the remainder of the property is occupied by a parking lot and a large lawn. Pursuant to the 2003 Board Order, the building was renovated for school use. As of the date of the public hearing, the School had been operating for approximately 15 months.

The Special Exception History

6. When the Board approved the junior high school use in 2003, it also imposed 20 conditions. Among other things, these conditions limited enrollment to 40 students, required a shuttle bus system and carpool program to minimize the number of vehicles coming to the School for pick-ups and drop-offs, and established a community liaison committee to address any community concerns related to the School:
   Condition Number 16: "The Applicant shall limit enrollment at the subject property to a maximum of 40 students in grades 7 through 9";
   Condition Number 7: "The Applicant shall provide a shuttle bus system to minimize the number of vehicles coming to the subject property to drop off or pick up students.
   (a) Students who do not walk to school or arrive at the subject property by public transportation will be required to arrive at the gymnasium at the Applicant's Whitehaven campus between 7:30 a.m. and 7:55 a.m. on school days for transportation to the subject property by shuttle bus. In the afternoon, the students will be required to return to the Whitehaven campus via shuttle bus for pick-up.

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

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

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

Condition Number 18: "The Applicant shall establish and maintain a community liaison committee to address community concerns related to the private school use of the subject property. It is recommended that the community liaison committee include representatives of ANC 3D, the Palisades Citizens Association, owners of property abutting the subject property, and other interested persons. The Applicant shall conduct meetings of the committee at least quarterly, giving notice of the meetings to committee members and to the owners of all property within 200 feet of the subject property. Detailed minutes of all meetings shall be taken, maintained, and circulated among the members."

7. Under the current traffic management plan associated with Condition Number 7, students are transported to and from the School by shuttle bus unless they arrive late for school, after the shuttle bus has completed its last route. In that event, they are picked up at the Whitehaven Campus by an administrative staff member and transported to the School.

The Requested Relief

8. The School has proposed an enrollment increase of 20 students, to be added in two phases. Ten additional students would be admitted for the 2006-2007 school year, bringing the total enrollment to 50 students. An additional 10 students would be admitted for the 2007-2008 school year, which would bring the total enrollment to the proposed maximum of 60 students and result in a modification of Condition Number 16. The proposal would not require any additional faculty or staff or any additional parking spaces beyond the 15 spaces now required.

9. The School also proposes to permit students to walk between the Whitehaven campus and the School, resulting in a modification of Condition Number 7. Students would be permitted to walk at the beginning of the day during school arrival time, and at the end of the day, during school dismissal time; or, with written parental permission, late arriving students could walk if weather permits. The students have permission to walk through the nearby Lab School of Washington.

Traffic Impacts of Additional Students and Students Walking

10. The proposed additional students will have a negligible impact on traffic in the area. The additional students will arrive at and depart from the School on the shuttle bus, and will add, at most, one shuttle bus run in the morning and one in the afternoon. This will result in a total of three shuttle bus runs in the morning and three in the afternoon. The Board credits the testimony of the headmaster, Peter Barrett, that the time period for unloading the shuttle bus at the School ranged from 49 seconds to 1 minute and 30 seconds in one test period. The additional students will also be included in the School's Carpool Initiative, which established a target average vehicle occupancy of 1.60.

11. The Board also credits DDOT's findings that: (a) the additional students will only minimally affect the existing level of service of the surrounding street system; and, (b) from a transportation standpoint, the project will not have an adverse impact on the area road network.

12. The Board also finds that the Applicant's proposal to permit students to walk between the Whitehaven campus and the School will have a positive impact on traffic by reducing the number of vehicular trips to and from the School.

Noise Impacts of Additional Students and Students Walking

13. Robert Brenneman, the applicant's sound expert, testified and submitted a report indicating that the additional 20 students would not create objectionable noise impacts (Exhibit 24, Tab B). Mr. Brenneman also found that the sound of the voices is compatible with this residential neighborhood, even with the additional students.

14. The Board accepts the findings and conclusions contained in Mr. Brenneman's expert testimony and report, which were based upon a field study of the noise generated by the students during their outdoor time.

Compliance With Conditions of BZA Order

15. Based upon minutes from the Community Liaison Committee, OP found that the School has been operating without any objectionable effects from noise, traffic, or number of students. OP also found that the conditions under which the School operates have been instrumental in ensuring that there are no adverse impacts on neighboring properties (Exhibit 28). The Board adopts these findings.

CONCLUSIONS OF LAW

The Board of Zoning Adjustment is authorized under the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Code § 5-524(g)(2)), to grant special exceptions as provided in the Zoning Regulations. The Applicant applied under 11 DCMR § 3104.1 for a special exception pursuant to 11 DCMR § 206 to allow an increase in student enrollment and to permit students to walk between the main campus at 4700 Whitehaven Parkway and the School.

The Board can grant a special exception where, in its judgment, two general tests are met, and, the special conditions for the particular exception are met. First, the requested special exception must "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps." 11 DCMR § 3104.1. Second, it must "not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map." 11 DCMR §3104.1.

The Applicant has established that the proposed changes (20 additional students and the students walking between the School and the main campus) would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The School had been operating at the site for over a year by the time of the public hearing and has complied with its conditions of operation. During this time period the School has operated without any objectionable effects from noise, traffic, or number of students. There is no evidence to suggest that the additional students, or the presence of students walking between the campuses, would adversely affect the use of neighboring properties or be incompatible with the neighborhood in the future.

Under Section 206.1 of the Zoning Regulations, the Board may permit the use of private schools subject to the following provisions:

> 206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions. As stated in the Findings of Fact, the private school, even with 20 additional students and some students walking between campuses, is not likely to become objectionable to nearby properties. The Board is persuaded that the proposed changes will have minimal impact on the noise and traffic conditions at the School (See Findings of Fact 10-15).
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> 206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile. Granting the requested relief will have no impact on the parking at the School. The number of required parking spaces is based upon the number of teachers and staff – not the number of students -- and the level of staffing is not being increased. There are 15 parking spaces, more than the 7 spaces that are required for the current number of staff.

The Board is required, under D.C. Code § 6-623.04, to give "great weight" to OP recommendations. In its report OP recommended that the enrollment increase be approved, but for only 10 additional students. However, OP's report did not identify specific, quantifiable impacts that would justify limiting the enrollment increase to 10 rather than 20 students. Further, at the hearing, OP stated that an additional 10 students (with a total increase of 20) would not have an adverse impact on the community provided the conditions set forth in this Order are continued. Accordingly, the Board and OP are in agreement.

The ANC Issues and Concerns

The Board is also required, under Section 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21, as amended; now codified at D.C. Code § 1-309.10, to give "great weight" to the issues and concerns raised in the affected ANC's recommendations. To give great weight the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances, articulating specific findings and conclusions with respect to each of the ANC's issues and concerns.

The Board notes that although the ANC proposed a motion to oppose the enrollment increase, that motion was not approved because a majority of the commissioners, as defined by the ANC's By-laws, did not vote in favor of it. Accordingly, with respect to the enrollment increase, the Board finds that the ANC did not provide a recommendation in its written report that can be afforded great weight. However, the ANC did vote in favor of permitting students to walk between the campuses and noted this in the written report it submitted. Therefore, the Board does give great weight to the ANC's recommendation on this issue; and, for reasons explained above, the Board finds the ANC's advice on this issue to be persuasive.

For the reasons stated above, the Board concludes that the Applicant has met its burden of proof. By this Order, the Board revises Condition No. 16 of BZA Order No. 16852-A to allow a maximum enrollment of 60 students at the School, and Condition No. 7 of BZA Order No. 16852-A to allow students to walk between the Whitehaven Campus and the School under certain circumstances.

Condition No. 16 is modified to read as follows: The Applicant shall limit enrollment at the subject property to a maximum of 60 students in grades 7 through 9.

Condition No. 7 is modified to read as follows: The Applicant shall provide a shuttle bus system to minimize the number of vehicles coming to the subject property to drop off or pick up students.

a) Students who do not walk to school or arrive at the subject property by public transportation will be required to arrive at the gymnasium at the Applicant's Whitehaven campus between 7:30 a.m. and 7:55 a.m. on school days for transportation to the subject property by shuttle bus. In the afternoon, the students will be required to return to the Whitehaven campus via shuttle bus for pick-up.

b) Students may also walk from the gymnasium at the Whitehaven Campus to the subject property after 7:30 a.m., provided they have already been recorded as having arrived at the Whitehaven Campus. Any students walking from the Whitehaven Campus to the MacArthur Campus shall walk across Whitehaven Parkway, through the Lab School campus to MacArthur Boulevard and then proceed to the subject property. At dismissal time, students may walk from the subject property to the Whitehaven Campus, for sports or for dismissal, provided they have the approval of the MacArthur Campus Director or his/her designee. Any students walking from the MacArthur Campus to the Whitehaven Campus shall walk along MacArthur Boulevard and through the Lab School property to

the Whitehaven Campus.

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

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

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

For convenience, the conditions as revised in this Order are set forth in full in the Appendix.

VOTE: **5-0-0** (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. and John A. Mann, II to grant; Anthony J. Hood to grant by absentee ballot)

Vote taken on April 26, 2005

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

ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: SEP 0 8 2005

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

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

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

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

APPENDIX

1. No organized sports shall be conducted on the subject property. All outdoor activity involving students shall be conducted on-site and shall be recreational in nature. The applicant shall provide adult supervision for all outdoor activity involving students at the subject property.

2. The Applicant shall not employ loudspeakers, amplified music, or bells at the subject property.

3. The Applicant shall schedule all deliveries to the subject property to occur between 9:30 a.m. and 4:00 p.m., Monday through Friday.

4. The school building shall be open for occupancy by students from 7:30 a.m. until 4:00 p.m., Monday through Friday.

5. The subject property shall not be occupied by students for a minimum of two months during the summer season.

6. The Applicant shall not use large commercial dumpsters on the subject property.

7. The Applicant shall provide a shuttle bus system to minimize the number of vehicles coming to the subject property to drop off or pick up students.

   a) Students who do not walk to school or arrive at the subject property by public transportation will be required to arrive at the gymnasium at the Applicant's Whitehaven campus between 7:30 a.m. and 7:55 a.m. on school days for transportation to the subject property by shuttle bus. In the afternoon, the students will be required to return to the Whitehaven campus via shuttle bus for pick-up.

   b) Students may also walk from the gymnasium at the Whitehaven Campus to the subject property after 7:30 a.m., provided they have already been recorded as having arrived at the Whitehaven Campus. Any students walking from the Whitehaven Campus to the MacArthur Campus shall walk across Whitehaven Parkway, through the Lab School campus to MacArthur Boulevard and then proceed to the subject property. At dismissal time, students may walk from the subject property to the Whitehaven Campus, for sports or for dismissal, provided they have the approval of the MacArthur Campus Director or his/her designee. Any students walking from the MacArthur Campus to the Whitehaven Campus shall walk along MacArthur Boulevard and through the Lab School property to the Whitehaven Campus.

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

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

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

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

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

   b) Before seeking a certificate of occupancy for the subject property, the

Applicant shall submit the carpool program for review and approval by the District Department of Transportation (DDOT). The Applicant shall submit a progress report evaluating the carpool program to DDOT once per year; copies of the annual progress report and DDOT's response shall be given to the community liaison committee established by the Applicant pursuant to this order.

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

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

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

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

13. The applicant shall arrange adequate off-street parking for daytime and evening special events at a location off-site so that persons attending the events are not likely to park on the streets in the vicinity of the subject property.

14. The Applicant shall not permit use of the subject property at any time by any persons or groups for purposes not related to school use.

15. The Applicant shall arrange any lighting used to illuminate the parking lot on the subject property so that all direct rays of the lighting are confined to the surface of the parking lot.

16. The Applicant shall limit enrollment at the subject property to a maximum of 60 students in grades 7 through 9.

17. The Applicant shall install fencing, as shown on the site plan (Exhibit No. 340) along the southern property line, at the Applicant's expense, if requested by the abutting property owner.

18. The Applicant shall establish and maintain a community liaison committee to address community concerns related to the private school use of the subject property. It is recommended that the community liaison committee include representatives of ANC 3D, the Palisades Citizens Association, owners of the property abutting the subject property, and other interested persons. The Applicant shall conduct meetings of the committee at least quarterly, giving

notice of the meetings to committee members and to the owners of all property within 200 feet of the subject property. Detailed minutes of all meetings shall be taken, maintained, and circulated among the members.

19. Expansion of the building on the subject property shall be limited to the area necessary for access shown on the Applicant's site plan (Exhibit No. 340).

20. The special exception shall be valid except that this Order shall terminate and require modification upon a finding by the Board that the Applicant has either admitted violating, paid a fine for violating, or has been found by the Department of Consumer and Regulatory Affairs, after hearing, to have violated the same condition on three or more occasions within five years

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 17300

As Director of the Office of Zoning, I hereby certify and attest that on SEP 08 2005, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Allison C. Prince, Esquire
Pillsbury Winthrop Shaw Pittman, LLC
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Chairperson
Advisory Neighborhood Commission 3D
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Washington, DC 20016

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ATTESTED BY:

JERRILY R. KRESS, FAIA
Director, Office of Zoning

TWR