Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
www.hklaw.com

September 7, 2005

Mary Carolyn Brown
202 862 5990
carolyn.brown@hklaw.com

HAND DELIVERY

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

2005 SEP -7 PM 2:36

Re: BZA Application No. 17320
St. Albans School

Dear Members of the Board:

On behalf of St. Albans School, we are filing herewith an original and twenty copies of its Proposed Decision and Order in the above-referenced case. We have attempted to address in this submission the proposed conditions adopted by Advisory Neighborhood Commission ("ANC") 3C on August 29, 2005 by a vote of 4-2 (Commissioners MacWood and Black to deny), a copy of which we received this morning. Many elements of the ANC's proposed conditions are substantially the same as the St. Albans' Proffer of Conditions. The ANC conditions to which St. Albans cannot agree are set forth below.

1. Submission of Student Enrollment Numbers and List of Faculty and Staff. The ANC has requested that St. Albans submit to the ANC no later than November 1 each year, a total count of students by grade for the academic year and a list of the faculty and staff members. For privacy reasons, St. Albans cannot supply a list of its faculty and staff members. However, St. Albans is willing to submit a total count of students, faculty and staff to the ANC no later than November 1 of each year for the then-current academic year. The condition is consistent with those required by the Board of Zoning Adjustment for the Sidwell Friends School (BZA Order No. 17149) and Georgetown Day School (BZA Order No. 17170).

2. Restrictions on Zone 3 RPP Holders. The ANC has recommended that the Board prohibit any St. Albans student, faculty, staff or visitor, even those with a Zone 3 Residential Parking Permit ("RPP"), from parking on neighborhood streets. St. Albans questions whether the Board of Zoning Adjustment has the legal authority under the zoning regulations to revoke rights granted by another District agency. Each Zone 3 RPP holder has paid for the right to park on streets within Ward 3 without restriction, and the Board should not be able to discriminate unfairly against

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certain individuals simply because they are somehow affiliated with St. Albans School. Moreover, there is no evidence of record to suggest that there is a shortage of on-street parking spaces that could support such an overly restrictive condition. As noted by the Applicant's expert traffic consultant, there are 1,016 legal parking spaces within a two-block radius of the Cathedral, and over 700 of them are anticipated to be vacant during the school day after completion of the new garage on the Cathedral Close. Further, many residents who complain of parking problems have off-street parking spaces that they simply choose not to use. Nevertheless, St. Albans has strengthened its parking policy to allow Zone 3 RPP holders to resort to on-street parking, and for other motorists to resort to the unrestricted spaces along Garfield Street, only if spaces are not available on the Close.

3. St. Albans Summer Programs. The ANC has proposed to limit the existing summer program to the hours of 8:00 a.m. through 3:30 p.m., with some programs extending to 7:00 p.m. for no more than 100 persons, to address noise, parking and traffic concerns. The rationale for the time limitations is that they mimic the hours of the current summer programs. However, there is no testimony of record to support this. Rather, St. Albans representatives simply testified that some summer programs end in the afternoon and others extend into the evening through sundown. St. Albans' proposed hours of 8:00 a.m. to 7:00 p.m. would for the first time place time limitations on the use of the fields, and there is no basis for including a reference to a 3:30 end time. With respect to noise generated by 100 persons, the Arup Acoustics study demonstrates that the noise from athletic events attracting 1,100 spectators does not increase above non-game ambient noise levels. Thus, there is no basis for restricting hours or number of participants based on noise. Similarly, the Applicant's Transportation Mitigation Plan ("TMP") will adequately address any parking or traffic concerns.

4. Number of PAC Events. The ANC has recommended that there be no more than 50 days of events or performances at the new Performing Arts Center ("PAC") which are scheduled to occur beyond the academic school day and which would be anticipated to fill the facility to above 75 percent of capacity. Additionally, all events would be required to end by 11:00 p.m. The rationale for this limitation is that, based on the current 350-seat capacity Trapier Theater, the number of attendees at the PAC could almost double, which could overwhelm the parking supply in the neighborhood. The ANC asserts that late hours could also disturb the peace and quiet of neighbors. This limitation would be unduly restrictive, however, and could curtail usage of a facility designed to accommodate events that would currently take place in other buildings on the Cathedral grounds, and which already extend to midnight on Friday and Saturday nights. The new parking facility, which will be completed well in advance of the PAC, can easily accommodate the motorists to these events. Further, St. Albans has committed to coordinate PAC events with others held on the Close to ensure that there are not adverse parking and traffic impacts. Finally, during its August meeting, the ANC unfairly compared the annual number of performing arts events at St. Albans with Sidwell Friends School. Such a comparison is inappropriate when St. Albans' PAC will accommodate four institutions on the Close whereas the Sidwell Friends theater will host only its own events.

5. Free Garage Parking for PAC Patrons. The ANC has proposed a condition requiring St. Albans to provide free parking in the new garage for patrons of the Performing Arts Center ("PAC"). Such a condition, however, is an unwarranted economic penalty on St Albans, which has already committed to require patrons of PAC events to park on the Close or in the unrestricted parking spaces on Garfield Street, unless those individuals have a Zone 3 RPP. The Applicant's Transportation Management Plan ("TMP") and proposed conditions adequately encourage students, faculty and staff to park on the Close so as to eliminate any parking shortages on neighboring streets. We believe it is imprudent and outside the scope of the Board's jurisdiction to dictate financial and operational controls on the school's use of the parking garage when less intrusive means are sufficient to achieve the same goals. Thus, the Board should reject the ANC recommendation to provide free parking for PAC events.

6. Limits on Garage Exit Points for PAC Events. The ANC has requested a condition requiring PAC patrons who use the garage to exit only onto Wisconsin Avenue after 10:00 p.m. We believe this condition is too restrictive and would create an unwarranted impact on residents of Wisconsin Avenue who live across from this exit point. During the approval process for the parking garage, the District's Department of Transportation ("DDOT") concurred with the Protestant Episcopal Cathedral Foundation that two exits are needed to disperse traffic quickly and efficiently after Cathedral events. If such a condition were adopted, the restriction would apply only to St. Alban events and not capture other events on the Close ending after 10:00 p.m. Additionally, the single exit point would unnecessarily burden Wisconsin Avenue with additional traffic and create avoidable delays and long lines in the garage, leaving motorists unwilling to restrict themselves in the future to the Wisconsin Avenue exit. Thus, it is uncertain whether such a condition would be effective at all. St. Albans therefore requests flexibility to study the advisability of limiting egress from the garage to Wisconsin Avenue only. Because the garage will be in operation for several years prior to the completion of the PAC, St. Albans believes it will be able to make a more accurate evaluation of the appropriate garage exit points, in consultation with DDOT, based on actual data collected.

7. "Outside Users" of Athletic Fields. The ANC is requesting only occasional use of its athletic fields by non-school users involving no more than fifty players and spectators ending no later than 5:00 p.m. The basis for this restriction is a perception that field usage has intensified over the years and created adverse noise and traffic impacts on neighbors who expect a respite in the summer. St. Albans believes such a condition is unnecessarily burdensome where less intrusive limitations can achieve the same goals. St. Albans' proposed conditions adequately address any potential noise and traffic impacts. Further, the proposed community liaison committee to be established by the school will provide a venue for addressing any unforeseen impacts that may arise.

8. Athletic Fields Lighting. The ANC has recommended that there be no use of lighting on the athletic fields at any time. St. Albans will not illuminate the fields at night, but may be required to provide safety lighting and thus should not be prohibited from doing so.

9. Tennis Club Parking. The ANC conditions propose limiting the hours of the tennis courts from 6:45 a.m. to dusk, seven days a week, and require all related parking to be on the Close. The rationale for this condition is that the tennis club is only adversely impacting the neighborhood from a parking standpoint. Based on this reasoning, and the evidence of record, there is no basis for morning tennis to being no earlier than 6:45 a.m. Rather, the hours should be governed by daylight. With respect to parking, St. Albans stands by its original commitment to direct members of the tennis club to park on the Close unless they possess a Zone 3 RPP or to park in the unrestricted spaces on the north side of Garfield Street. Therefore, there is no special parking set aside for tennis club members, as proposed by the ANC, which would only reduce parking that is available to all commuters and visitors to St. Albans.

10. Community Liaison Committee. St. Albans understands that the ANC is proposing that the Board determine the exact composition and powers of the Community Liaison Committee. St. Albans believes that such matters are beyond the expertise and jurisdiction of the Board. While St. Albans has voluntarily agreed to establish such a committee as part of its Proffer of Conditions, St. Albans is unwilling to relinquish control to the BZA over what it believes is a school governance matter. Rather, the powers and composition of the committee should be determined by the school in consultation with its neighbors, as set forth in the school's proposed conditions.

We look forward to the Board's decision in this application at its September 13, 2005, meeting.

Respectfully submitted,

Whayne S. Quin

Mary Carolyn Brown

Attachment

cc: Nancy MacWood, Chair, ANC 3C (w/ attach)
ANC 3C Commissioners (w/ attach)
Maxine Brown-Roberts, OP (w/ attach)
Abdoulaye Bah, DDOT (w/ attach)

Proposed Decision and Order
Submitted by the Applicant St. Albans School
September 7, 2005

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17320 of the Protestant Episcopal Cathedral Foundation, on behalf of St. Albans School, pursuant to 11 DCMR § 3104, for a special exception under section 206 to allow additions to an existing private school in the R-1-B District at premises 3101 Wisconsin Avenue, N.W. (Square 1944, Lot 25).

HEARING DATES: June 14 and July 26, 2005
DECISION DATE: September 13, 2005

DECISION AND ORDER

The Protestant Episcopal Cathedral Foundation ("Foundation" or "PECF"), the owner of the property, submitted this application on behalf of St. Albans School on March 10, 2005. Based on the evidence and testimony of record, the Board of Zoning Adjustment ("Board" or "BZA") voted _____ to grant the application with conditions.

Findings of Fact

Procedural Matters

1. St. Albans School ("St. Albans" or "Applicant"), through the Foundation, filed an application pursuant to 11 DCMR § 3014 for a special exception under section 206 of the Zoning Regulations to construct additions and enhancements to an existing private school in the R-1-B District at 3101 Wisconsin Avenue, N.W. (Square 1944, Lot 25). The application consists of three components:

    a. Renovating the Upper School and extending the existing New Wing to include additional classrooms and offices and social spaces that give faculty and students more room in which to teach and to learn ("New Wing Extension").

    b. Modifying existing Satterlee-Henderson Field into three tiered fields, including a regulation track, two full-sized fields, a practice area and eight tennis courts.

    c. Building a new underground performing arts center ("PAC") that will house a new theater, classrooms, practice rooms, and storage.

2. The Applicant requested approval to construct the improvements in two phases. Phase I, consisting of the reconfiguration of the athletic fields and construction of the New Wing Extension will commence in 2006, with completion scheduled for Fall 2007. Phase II, construction of the Performing Arts Center, will be built in a later phase within a ten-year timeframe.

3. The school proposes to maintain its current enrollment goal of 568 students, but will not exceed a total maximum enrollment of 579 students, without further approval of this Board. St. Albans requested to increase the number of faculty and staff (full-time equivalent) by nine employees over a ten year period. The total number of faculty and staff would be 143 full-time equivalent employees. The zoning relief requested in the application was self-certified pursuant to 11 DCMR 3113.2.

4. The Office of Zoning sent notice of the application to the D.C. Office of Planning ("OP"), the District's Department of Transportation ("DDOT"), the Councilmember for Ward 3; Advisory Neighborhood Commission ("ANC") 3C, the ANC within which the school is located. At the time the application was filed, the single member district seat for ANC 3C08 was vacant.

5. The Office of Zoning scheduled the application for hearing on June 14, 2005. Pursuant to 11 DCMR § 3113.13, the Office of Zoning mailed notice of the hearing to the Applicant, the owners of the property within 200 feet of the property, and ANC 3C. Notice was also published in the *D.C. Register*.

6. Pursuant to 11 DCMR § 3199, ANC 3C was an automatic party to the case. No other persons or entities requested party status.

7. The Applicant presented the following witnesses in support of its application: Major General (Ret.) Stephen T. Rippe, USA, Executive Vice President and Chief Operating Officer, PECF; Jean Duff, Chair of the St. Albans Community Relations Subcommittee; Coleen Meehan, Director of Planning & Administration, St. Albans School; Roger Duffy, AIA, Skidmore Owings & Merrill LLP, project architects; Richard "Skip" Burck, Richard Burck Associates Landscape Architects; Richard Arentz, Arentz Landscape Architects; and Louis J. Slade, Gorove/Slade Associates, traffic engineers.

8. The following persons testified at the hearing in support of the application: Gale Barron Black, 1761 Crestwood Drive, N.W.; Brad Belt, 2915 34th Street, N.W.; Deborah Page, 2921 34th Street, N.W.; Paul Cunningham, 2707 36th Street, N.W., on behalf of the Massachusetts Heights Citizens Association; and William Farquar, 2901 34th Street, N.W.

9. The following persons testified at the hearing in opposition to the application: Jacqueline O'Neil, 2814 34th Street, N.W.; Susan Dienelt, 3422 Garfield St., N.W.; Carmela Veneroso and John Odling-Smee, 3506 Garfield Street, N.W.; Thomas L. Farmer, 3456 Macomb Street, N.W., and Peter Espenschied, on behalf of the Cleveland Park Citizens Association.

10. Both OP and DDOT recommended approval of the application, with conditions. The ANC submitted a resolution and testified in opposition to the application.

11. At the conclusion of the hearing, the Board left the record open to receive additional submissions from the Applicant and the ANC, including a proposed Decision and Order from each party, and to receive supplemental reports from OP and DDOT.

Background: St. Albans School

12. St. Albans School is located on a portion of Lot 25 in Square 1994 on the grounds of the Washington National Cathedral Close in the R-1-B District. Consisting of approximately 57 acres, Lot 25 consumes all but a small portion of Square 1994, which is bordered by Wisconsin Avenue, Massachusetts Avenue, Woodley Road, 34th Street, and Garfield Street in northwest Washington. The Cathedral Close occupies Mount St. Alban, the high ground of Washington, which offers views of Capitol Hill and the Washington Monument. The Cathedral Close is an individual landmark listed in the D.C. Inventory of Historic Places and on the National Register of Historic Places.

13. The topography of the Close drops precipitously by approximately 70 feet from the high ground of the Cathedral to the lower level of the St. Albans academic buildings along Garfield Street to the south. At the lower southeast corner of the campus at 34th and Garfield Street, which is the location of the athletic fields, there is a grade change of approximately 85 feet. The school buildings are separated from the athletic fields by the Olmsted Woods, one of the major landscape elements of the Cathedral Close, which was designed by the preeminent American landscape architect, Frederick Law Olmsted, Jr. St. Albans School shares the Cathedral Close with the National Cathedral School for Girls, which is located north of the Cathedral, Beauvoir Elementary School, which is located to the east of the Cathedral and just north of St. Albans athletic fields, and the Cathedral.

14. The area surrounding St. Albans is characterized by residential uses. Apartment buildings are located across Wisconsin Avenue from the school, while single family detached dwellings are found along Garfield Street to the south and 34th Street to the east. St. Sophia's Greek Orthodox Church is also located across from St. Albans along Garfield Street.

15. St. Albans is a college preparatory school for boys, chartered by the Foundation in 1909. The school is divided into a Lower School consisting of Forms C, B, A, I and II (grades 4-8), and an Upper School, consisting of Forms III through VI (grades 9-12). The school presently consists of multiple buildings and facilities: Lane-Johnston Building, the True-Lucas Building, Little Sanctuary, the Steuart Building, the New Wing, the Activities Building, the Lawrence Pool, and the Martin Gymnasium.

Summary of Application

New Wing Extension

16. The New Wing Extension will provide vital connections between the separate buildings of the campus that will unify the Upper School buildings. The addition will extend the structure of the New Wing at its current height and width by connecting the New Wing

with the Steuart Building and the Lawrence Pool. The interior circulation consists of a series of stairs and an elevator connecting the various levels for the existing buildings. The elevator provides connection on all floor levels and dramatically improves accessibility to every building on campus. The New Wing Extension will bridge and suppress the current service road, thereby eliminating the more unsightly aspects of the building's service functions. All truck delivery and loading will take place underground, directly below their current operations. The existing loading dock will be converted into a terrace or green space for circulation and passive social activities. Consisting of approximately 18,000 square feet of space, the addition will consist of six new standard classrooms, five new faculty offices, student social space, administrative offices, and a student bookstore.

Reconfiguration of Athletic Fields

17. The St. Albans Athletic Fields project consists of a reconfiguration of the existing Satterlee-Henderson Field on the southeast corner of the Close into three separate tiers. The upper level will contain a regulation competition/practice field for football, soccer, and lacrosse. The field will be surrounded by a regulation six-lane track. There will be seating for approximately 600 people on the north face of the new field, built into the hillside sloping upward to the Beauvoir School. The lower tier playing field, located approximately eighteen feet below the upper tier, will consist of a regulation baseball field, which can also be converted into two practice fields, and an additional half-field for practice. The third tier at the corner of the intersection of 34th and Garfield streets will contain eight tennis courts. Along the north face of the baseball field and separating the two levels will be a fifteen-foot high stone arcade with Roman arches, which will serve as a retaining wall for the upper field and a pedestrian pathway for the length of the fields. The entire project will maintain or improve most of the grades around the perimeter as well as significantly improve the landscaping with generously planted edges. Upon completion, the new athletic fields and landscaping will greatly enhance views to the Cathedral and the overall appearance of the neighborhood.

18. The reconfigured athletic facility will include practice and game venues for St. Albans interscholastic teams in baseball, cross country, football, lacrosse, soccer, tennis and track and field. However, the number of games played by these teams will remain unchanged from the current schedule, as St. Albans is now at the limit allowed by the Interstate Athletic Conference (IAC) rules. The only increase will occur with the track team, which will for the first time be able to host two track meets every year, and one IAC match every six years. The annual track meets do not attract a large number of spectators; however, the IAC match is expected to generate high capacity crowds.

19. St. Albans has a total of twenty-eight teams in the seven sports, and virtually all of the approximately 480 boys who make up grades six through twelve play on one or more of the teams. The fields will be used primarily during the fall and spring athletic seasons, which run from September 1 to November 15, and from March 1 to May 15, respectively. One or two interscholastic games will be played on the fields virtually every day with multiple games normally being played "back to back" rather than simultaneously. The

reconfiguration will allow the school for the first time to have teams practice on regulation-sized fields while contests are occurring. In the Fall, there will be two full-sized practice fields completely separate from the game field. In the Spring, the baseball and lacrosse teams will have completely separate venues. In addition, for the first time, the track and cross country teams will have an all-weather regulation running track on which they can compete. Additionally, with specific fields designated for certain sports, the fields will have a chance to "rest" and be maintained, unlike the current condition where one field is in constant use with little opportunity for maintenance and regeneration. The St. Albans and NCS tennis teams and community tennis club will have eight courts on which to conduct their practices and matches.

The Performing Arts Center

20. St. Albans proposes to construct a Performing Arts Center ("PAC") consisting of a new auditorium and support space for the "coordinate" or co-educational St. Albans and National Cathedral School Performing Arts Program. The PAC will contain 39,000 square feet of space, with 650 seats in the auditorium. The lowest level of the facility will consist of a proscenium stage, orchestra pit, and seating for 350 people. The upper two balcony levels consist of the remaining seating and additional support space, including seven small music practice rooms, a large music practice room, a theater classroom, and six faculty offices. The new facility will be located directly underneath Senior Circle, the circular drive at the front of the school, and thus there will be no visible change of grade at this upper campus level.

21. The PAC is designed to serve events that would normally take place in existing venues elsewhere on the Cathedral grounds. The facility will accommodate up to 100 of these existing events on no more than 100 days of the year. St. Albans sponsors 47 of the 100 existing events, including its coordinate programs with the National Cathedral School. Twenty-two of these 47 events are anticipated to fill the seating capacity of the PAC. The remaining 53 existing events may be relocated from other Cathedral institutions to the PAC upon its completion.

Noise Impacts

22. Of the three planned building programs, only the reconfiguration of the athletic fields has the potential to increase noise. The New Wing Extension will not generate any increase in sound levels because there is no concomitant increase in student numbers. Similarly, the PAC will be constructed underground using acoustical standards necessary for performing arts events, so that noise from this facility is expected to be imperceptible.

23. The Applicant commissioned Arup Acoustics, an expert international design consultant specializing in assessments of noise and acoustic levels for sports events, to determine the potential level of disturbance to the neighboring residences on Garfield Street and 34th Street as a result of the reconfigured athletic fields. Arup Acoustics concluded that noise levels resulting from the new seating areas of the athletic field renovations will actually decrease game time noise level at the residences along Garfield Street and increase levels

slightly for some residents on 34th Street, but that the overall increase in the ambient noise level would not be perceivable when compared to current game-time noise levels. The study was conducted during the Fall 2004 homecoming football game, which generates the greatest attendance and enthusiasm levels of all sporting events at St. Albans, and which is considered the "worst case scenario."

24. The study found that along Garfield Street, the current ambient noise levels (65 dB(A)) are slightly increased (66 dB(A)) during a football game. As a result of the new seating area however, the sound levels from the crowd alone would decrease by more than 10 dB at the Garfield Street residences. With a crowd of 1,100 spectators, which will occur at most once a year, the overall crowd noise along Garfield Street is expected to be 55 dB, which is below the current ambient, non-game noise levels.

25. Along 34th Street, the current ambient, non-game noise level is 68 dB(A). The proposed location of the new athletic seating area is expected to generate noise from the crowd at a level of 63 dB(A), which is below the current ambient noise level. When the game and traffic noise are measured together along 34th Street, a game-time ambient level of 69 dB(A) is expected. This represents an increase of 1 dB over the current game-time level, which is less than the minimal perceptible level change for humans of 3 dB. The noise survey further found that ambient noise levels measured at the houses remain fairly constant regardless of whether a game is being played, implying that the ambient traffic noise is a primary component of the noise level at nearby residences.

26. Based on the Arup Acoustics noise study, the Board finds that reconfiguration of the athletic fields will not have any perceptible increase in noise levels on adjacent or adjoining properties and thus will not create any adverse noise impacts.

Parking Impacts

27. St. Albans School presently provides 154 off-street parking spaces to accommodate the current size of the school and the current population of students, faculty and staff. This number is derived from the zoning requirement of two parking spaces for every three faculty and staff members, plus one parking space for every ten seats in the largest assembly space. Currently, there are 133 full-time equivalent ("FTE") faculty and staff members, which generates a requirement for 89 spaces (133 x 2/3 = 89). The largest assembly space provides 650 seats, thereby generating a requirement for an additional 65 seats (650 x 1/10 = 65), for a total of 154 spaces.

28. While student enrollment will not change under the present proposal, St. Albans may increase the number of FTE faculty and staff employment by nine persons, which would increase by six the number of required parking spaces, for a total requirement of 160 spaces. However, because the Washington National Cathedral property is designated an individual landmark in the D.C. Inventory of Historic Sites, no additional parking spaces are required pursuant to section 2100.5 of the Zoning Regulations. Thus, the zoning requirement under Chapter 21 is 154 off-street parking spaces. However, under section 206.3, the Applicant is required to provide ample parking space, but not less than that

required in Chapter 21 of the Zoning Regulations, to accommodate the students, teachers and visitors likely to come to the site by automobile.

29. To determine whether ample parking will be provided, the traffic expert analyzed the total parking demand for all of the institutions on the Close, including St. Albans. Calculations were made based on the "average daily peak demand," which is defined as the maximum number of vehicles simultaneously requiring parking on or near the Close during mid-week in the month of April, at which time all schools are in session, and which also corresponds with the high seasons for Cathedral visitors. Mr. Slade testified that the institutions on the Cathedral grounds generate an average daily peak demand for 826 parking spaces. Presently, however, there are only 532 spaces on the Close. Thus, there is a deficit of 294 spaces, which forces motorists to park on the surrounding streets. The PECF is presently constructing an underground parking garage on the Close, which will add 307 parking spaces in order to satisfy the average peak daily demand and remove the 294 cars off neighboring streets.

30. Based on the testimony of Mr. Slade, St. Albans generates a daily parking demand of approximately 210 to 230 spaces. PECF has designated 163 surface parking spaces on the Close for use by St. Albans. Another 177 spaces in the new garage will be available for a fee to the general public, including faculty, staff, students and visitors of St. Albans. At the time of the hearing, the amount to be charged for garage parking had not yet been determined. Finally, there are total of 50 unrestricted free spaces on the north side of the 3400 and 3500 block of Garfield Street, N.W., that are also available to the general public. Thus, the total daily parking demand for St. Albans can be accommodated on the Close or in combination with the unrestricted on-street parking spaces along Garfield Street.

31. ANC 3C and several witnesses in opposition to the application testified that St. Albans students create parking problems in the neighborhood. They also stated that many "outside users" of the St. Albans facilities – participants in events unaffiliated with school programs – also created parking shortages on the surrounding streets, particularly along Garfield Street. They urged that St. Albans prohibit its students, faculty and staff, and outside users of its facilities, from parking on neighborhood streets and require them to park on the Cathedral grounds.

32. Under cross-examination, however, these witnesses were unable to produce any evidence or otherwise quantify the purported shortages, or demonstrate that St. Albans students, faculty, staff or visitors were the cause of them. One witness who complained that she often must circle the block for extended periods of time in search of legal on-street parking spaces admitted that she had two off-street parking spaces on her property.

33. In contrast, the traffic expert demonstrated that there was ample parking in the neighborhood while school was in session, purportedly the time when St. Albans faculty, staff and students would create the parking shortages. Conducted on a school day in September 2003 between the hours of 10:00 and 11:00 a.m., the study found that in a two-block radius of the Cathedral there were 1,016 legal on-street parking spaces. Of those spaces, 612 were occupied and 404 were vacant. The traffic expert testified upon

completion of the garage on the Cathedral grounds in Fall 2006, approximately 307 motorists would be able to park their cars on the Close rather than on neighborhood streets. As a result, he concluded, over 700 of the 1,016 legal parking spaces within a two-block radius, or approximately 70 percent, would be vacant during the day.

34. St. Albans also generates a parking demand in the evening hours for its performing arts programs. Based on the traffic analysis, a full-capacity performance would generate 100 cast members and 650 patrons of the event. It is estimated that vehicles would carry three passengers, thus creating a demand for 250 parking spaces. Because these events would take place during the evenings and principally on weekends, motorists would not be competing with the daytime parking demands of the schools on the Close. Consequently, the PAC motorists would require 250 of the 839 spaces on the Close, which could easily be accommodated in the 414-car garage. It is unlikely that motorists would decide to park on neighboring streets, given the proximity of the garage to the PAC and the steep grade changes that would make walking from those streets undesirable. Further, St. Albans has committed to coordinating events at the PAC with other events scheduled on the Close to help ensure that the demand for parking does not exceed the available supply on the Close.

35. The ANC did not dispute the traffic report. During the hearing on July 26, 2005, ANC Chairperson Nancy MacWood acknowledged that she had "never done an independent count" of available parking spaces in the neighborhood and that she had "no reason not to believe what he [Louis Slade of Gorove/Slade Associates] offered." *See* Transcript of Hearing in BZA Case No. 17320, July 26, 2005, at 373.

36. In its supplemental report dated August 12, 2005, DDOT recommended denial of the application unless, among other things, St. Albans reduced on-site parking demand, instituted a parking policy requiring use of the garage and surface space on the Close and restricting parking on neighborhood streets, and established a community liaison with the neighborhood to address traffic concerns. This report was superseded by a second supplemental report dated September 2, 2005, in which DDOT concluded that it had no objection to the application provided St. Albans took measures to minimize traffic impacts. To that end, St. Albans agreed to institute a transportation management plan ("TMP"), as set forth in Exhibit __ to the record. The TMP includes a parking policy requiring faculty, staff and student vehicles to be registered with the school and to display a sticker. All cars will be required to park on the Close. If space is not available, only then should motorists resort to parking on the unrestricted parking spaces along Garfield Street or Zone 3 RPP holders resort to on-street parking. The sticker will enable St. Albans and the community to monitor and enforce the school's parking policy. Additionally, the TMP reduces on-site parking demand through its Commuter Rewards Program. Finally, the TMP requires St. Albans to establish a community liaison committee to address traffic and other concerns. In its September 2, 2005, supplemental report, DDOT concluded that it had no objection to the application provided St. Albans took measures to minimize traffic impacts, as discussed below.

37. The Board credits the evidence supplied by the Applicant and the testimony of its traffic expert, and finds that St. Albans provides ample parking on the Cathedral grounds to meet its parking demand. The Board notes that the requirement to provide "ample parking" under section 206.3 of the Zoning Regulations does not require the Applicant to provide those spaces on its property. Rather, the underlying goal of section 206.3 is to ensure that ample parking is provided so that there are no adverse impacts on surrounding streets. Here, St. Albans exceeds the legal requirement of 154 spaces under Chapter 21 by providing nine additional free parking spaces on the Close. Another 177 spaces are available in the parking garage for a fee to the general public, which may be used by motorists affiliated with St. Albans. Even if many of those garage spaces were full, or motorists did not want to pay for parking regardless of the fee, the overwhelming majority of on-street spaces are vacant during the school day. The vast majority of those streets limit parking to two hours between 9:00 a.m. and 6:30 p.m., unless a vehicle has a Zone 3 Residential Parking Permit ("RPP"), in which case there are no time restrictions. Thus, only faculty, staff, students and visitors with Zone 3 RPPs would be permitted to park on those streets for more than two hours. Alternatively, they could park on the north side of Garfield Street, which has unrestricted parking hours. However, the south side of Garfield Street would still be available to residents. Further, the Board finds that any potential parking problems that might be generated by St. Albans will be fully mitigated by implementation of the TMP. Accordingly, the Board is satisfied that the Applicant provides ample parking.

Traffic Impacts

38. The traffic report also analyzed the effect of the proposed changes at St. Albans on traffic in the area. It concluded that the construction of the New Wing Extension and the reconfiguration of the athletic fields will not have any significant impact, if any at all, on traffic conditions on the surrounding streets. However, the report concluded that the increase in the capacity of the performing arts facility will generate additional traffic arriving on the Close. The traffic consultant anticipated that 150 new trips will be generated a few times a year on Friday evenings prior to a performance. Because these vehicles will use the North Road entrance of the parking garage, which will be a signalized intersection at Wisconsin Avenue, traffic operations at that signalized intersection will be in the desirable range based on standards set by the traffic engineering profession and the District's Department of Transportation. Further, this signal will be integrated with the signal system along Wisconsin Avenue, thus ensuring that signals are coordinated by a master computer for smooth-flowing traffic.

39. DDOT expressed concern in its supplemental report dated September 2, 2005, that cars exiting the garage after late-night performances at the PAC might create objectionable traffic conditions on neighborhood streets. It recommended that St. Albans further minimize parking and traffic impacts by requiring that (i) all parking related to the PAC to be accommodated in the new garage or on the Close; (ii) access from the garage should be limited to the Wisconsin Avenue exist for events scheduled to end after 10:00 p.m.; and (iii) the school events are coordinated with other events held on the Close to ensure that major traffic-generating events are not concentrated on the same evening. St. Albans

concurred with these recommendations, but requested flexibility to study the advisability of limiting egress from the garage to Wisconsin Avenue exit. Because the garage will be in operation for several years prior to the completion of the PAC, St. Albans believes it will be able to make a more accurate evaluation of the appropriate garage exit points, in consultation with DDOT, based on actual data collected. The Board finds that this approach has merit and adequately responds to that concern.

OP Recommendation

40. By memorandum dated June 7, 2005, OP recommended approval of the application with following conditions: (i) the use of sound systems or other amplifications on the fields, except for the announcer calling games, is prohibited; and (ii) there will be no lighting on the fields, as St. Albans does not participate in night games. St. Albans agreed to these conditions, except that it requested to provide footpath lighting at the athletic fields for safety reasons.

41. In its supplemental report dated August 16, 2005, OP also requested the applicant to strengthen its parking policy to strongly encourage parking on the Close and discourage parking on neighborhood streets. OP also concurred with DDOT's recommendation that St. Albans prepare a detailed description of the school's parking management plan. In response to those requests, St. Albans prepared the TMP described above, which directs students, faculty and staff to park on the Close before resorting to on-street parking. The TMP also provides a detailed description of St. Albans' parking policy, commuter rewards program and enforcement mechanisms.

ANC Position

42. By letter dated June 7, 2005, ANC 3C submitted its resolution in opposition to the application. The ANC stated that the applicant had not met its burden of proof because the noise, number of students, and other conditions, including trash and hours and intensity of use, are objectionable to adjoining and nearby property owners and are likely to worsen with the increased intensity of athletic field use, the type of use and capacity of the new Performing Arts Center and the unrestricted outside usage contemplated by the School.

43. The ANC also concluded that the school had not met its burden to provide ample parking. The ANC stated that by St. Albans own admission, the minimum required number of parking spaces of 160 spaces is inadequate to meet their demand. It argued that the school's unmet demand for 210-230 spaces is being satisfied on neighborhood streets, creating great hardship on neighbors who must circle blocks and cannot park near their homes. Finally, the ANC argued that the school refused to enter into an agreement with the neighbors or institute policies to guarantee that visitors to the athletic fields or PAC will park in surface parking spaces on the Close or in the new garage.

44. The Board is not persuaded by the arguments of the ANC or other persons in opposition. The noise study commissioned by the Applicant demonstrates that reconfiguration of the fields will have *less* of an impact on Garfield Street residents, and no impact on residents of 34th Street. While the ANC and persons in opposition asserted that the improved athletic

fields would attract more visitors, more team buses, more traffic and more noise, they did not produce any evidence to support their conclusions. Rather, the testimony of the school indicates otherwise. The reconfigured fields will allow practices and a game to take place at the same time, rather than sequentially. However, the practices are not expected to generate any increase in the number of spectators, traffic, or noise.

45. Similarly, the Board is unpersuaded by the ANC and the opposition's objections to the application based on parking and traffic concerns. As noted above, upon completion of the garage, it is anticipated that 70 percent of the legal parking spaces (707 of 1016) within a two block radius of the Cathedral will be vacant during the day. The Board recognizes that because the athletic fields are located along 34th and Garfield streets, after-school events will have the greatest parking impact on residents of those streets. However, the TMP proposed by St. Albans will help ensure that motorists associated with these events park on the Close. Further, the new garage will also ensure that the parking demand for these after-school events can be accommodated on the Close. The Board concurs with the recommendation of DDOT that the application can be approved in light of the TMP measures.

46. The Board is also unconvinced by the ANC's claim that the PAC will create unacceptable traffic impacts. There will be no increase in the number events held on the Close as a result of the PAC. While attendance capacity will increase for some of those events, there is ample evening parking on the Close to accommodate that demand. Any potential adverse traffic impacts will be mitigated by implementation of the TMP.

Proposed Conditions Submitted by the Parties

47. At the request of the Board, the ANC submitted proposed conditions to alleviate adverse conditions created by the application with respect to noise, parking, traffic or other objectionable conditions. The ANC's conditions differed from those submitted by the Applicant in the following key respects:

    a. St. Albans proposed an enrollment cap of 579 students (while maintaining a goal of 568 students), and the number faculty and staff would be limited to a maximum of 143 FTE employees. The ANC, on the other hand, proposed an enrollment cap of 568 students and a maximum of 142 faculty and staff. Further, the ANC would require St. Albans to provide a student enrollment count by grade, and a list of faculty and staff, no later than November 1 of each academic year.

    b. The ANC requested that the number of events at the PAC be limited to 50 at 75 percent capacity or greater on no more than 50 days of the year, ending no later than 11:00 p.m., rather than the 100 events proposed by the Applicant ending at 11:00 p.m., Sunday through Thursday and at midnight on Friday and Saturday;

c. The ANC requested that the school provide free parking to patrons of the PAC. The school, on the other hand, intends for patrons of the parking garage to pay the established rates for the garage;

d. St. Albans proposed to allow Zone 3 RPP holders to park on neighborhood streets or in unrestricted spaces along Garfield Street only if parking spaces were not available on the Close; the ANC would require all students, faculty, staff and visitors to St. Albans to park on the Close, and have the Board revoke the rights of any Zone 3 RPP holders to park on neighborhood streets;

e. The ANC proposed limiting the hours of the summer program to 8:00 a.m. to 3:30 p.m., with some programs extending to 7:00 p.m. St. Albans proposed hours of 8:00 a.m. to 7:00 p.m.

f. The ANC requested a requirement to allow PAC patrons to only exit the garage at Wisconsin Avenue for events ending after 10:00 p.m. St. Albans would allow patrons to exit at either Woodley Road or Wisconsin Avenue.

g. The ANC recommended only occasional use of its athletic fields by non-school users, involving no more than fifty players and spectators, with events ending no later than 5:00 p.m.; the school would allow greater flexibility in the hours of use and number of participants.

h. The ANC recommended no use of light on the fields at any time, while St. Albans would permit safety lighting along pathways.

i. The ANC conditions would limit the hours of the tennis courts from 6:45 a.m. to dusk, with all parking to occur on the Close. St. Albans would let daylight hours govern and require tennis club members to park first on the Close or in the unrestricted spaces on Garfield Street. Zone 3 RPP holders would be permitted to park on the surrounding streets if spaces were not available on the Close.

j. The ANC recommended that the BZA prescribed the composition of the Community Liaison Committee by pre-determining the number of ANC members, school and Cathedral representatives, and neighbors to be selected by the ANC. St. Albans objected to the Board making this determination as beyond its jurisdiction.

48. The BZA finds that an increase in eleven students over the current enrollment of 568 students will not create any significant impact or objectionable conditions on the surrounding community with respect to noise, parking or traffic. The 579 students represents only a two percent increase over the existing enrollment, which has not increased for more than 30 years. The Board finds that if this new enrollment level were to bring a concomitant two percent increase in traffic, parking or noise impacts, the proposed conditions submitted by the Applicant are more than adequate to mitigate those impacts. The Board finds it reasonable, however, to require the school to submit the number of

students, faculty and staff to the ANC by November 1 of each year to ensure that the school is complying with the conditions of this order. The Board finds it unnecessary and overly intrusive, however, to list the names of faculty and staff.

49. Based on the traffic analysis of Gorove/Slade Associates, the TMP and the recommendations of OP, the Board finds that the 100 PAC events proposed for no more than 100 days of the year will not create any adverse traffic impacts on the community. As noted previously, these 100 events already take place on the Close and will simply be relocated to a new venue on the Close. Accordingly, the Board does not find any basis in the record for restricting the number of events to no more than 50 events at 75 percent capacity or greater on 50 days of the year. Similarly, the Board is not convinced that it is necessary at this time to restrict the garage exit point to Wisconsin Avenue at this time, when the school and PECF will be able to collect almost ten years of data to better inform its decision on the most appropriate number and location of exit points from the garage. Likewise, there is no basis in the record for restricting Friday and Saturday performances to an end-time of 11:00 p.m. Events on the Close already end at 12:00 midnight and no evidence was presented demonstrating that this later time on two nights of the week creates any adverse conditions.

50. The Board also finds that the Applicant's TMP and proposed conditions adequately encourage students, faculty and staff to park on the Close so as to eliminate any parking shortages on neighboring streets. The Board finds it imprudent and outside the scope of its jurisdiction to dictate financial and operational controls, such as free parking, on the school's use of the garage when less intrusive means are sufficient to achieve the same goals. Thus, the Board must reject the ANC recommendation to direct the school to set the price of tickets to cover the cost of parking.

51. The Board rejects the ANC recommendation to prohibit Zone 3 RPP holders from exercising their contractual rights with the city just because they are somehow affiliated with St. Albans School. The Board finds that this recommendation is outside the scope of its jurisdiction and unnecessary in light of the TMP. Similarly, it is beyond the scope of the Board's authority to dictate the composition of the Community Liaison Committee. Such matters are best left to the community and school to negotiate.

52. The Board is unpersuaded by the ANC's rationale for limitations on the school's summer programs. Based on the Arup noise study, noise from athletic events attracting as many as 1,100 spectators does not increase non-game ambient noise levels. Thus, there is no basis in the record to limit the number of summer program participants to 100 people. Similarly, the Applicant's TMP will adequately address any parking or traffic concerns.

53. The Board finds it reasonable to provide low-intensity safety lighting along paths at the athletic fields. Given the number of street lights surrounding the athletic fields, such minimal safety lighting should not be disruptive to nearby neighbors.

54. Finally, there is no evidence in the record or rationale that demonstrates how parking problems will be solved by restricting the hours of the tennis club to 6:45 a.m. to dusk. Parking issues are effectively addressed by the TMP.

Conclusions of Law and Opinion

55. The Board is authorized under section 8 of the Zoning Act, D.C. Official Code § 60641.07(g)(2) (2001) to grant special exceptions, as provided in the Zoning Regulations, where in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the sue of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. *See* 11 DCMR § 3104.1. The Applicant seeks a special exception pursuant to 11 DCMR § 3104.1 to construct additions and enhancements to an existing private school use in the R-1-B District at 3101 Wisconsin Avenue, N.W., Washington, D.C., under the conditions specified in section 206, to cap enrollment at 579 students in grades 4-12, and to increase the number of faculty and staff members to 143 FTE employees over ten years.

56. In accordance with section 206, a private school must 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. 11 DCMR § 206.2. Ample parking space must be provided "to accommodate the students, teachers, and visitors likely to come to the site by automobile." 11 DCMR § 206.3. The Applicant must also demonstrate that the proposed private school use will be in harmony with the general purpose and intent of the Zoning Regulations and Map. 11 DCMR § 3104.1.

57. Based on the findings of facts, and having given great weight to the recommendations of the OP and DDOT, and to the issues and concerns of ANC 3C, the Board concludes that the proposed addition, new construction and reconfiguration of athletic fields, and an increase in the number of faculty and staff at St. Albans School, as conditioned by the Board, are not likely to become objectionable to adjoining and nearby property. The Board has imposed conditions in this order in response to the Applicant's proposal, recommendations of OP and DDOT, and concerns raised by ANC 3C. The Board concludes that the conditions are necessary to establish parameters for school operations that will ensure that no objectionable or adverse effects will be created.

Decision

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

1. Project Design and Flexibility. The Project shall be constructed in accordance with the plans prepared by Skidmore, Owings and Merrill; Richard Burck Associates Landscape Architects; and Arentz Landscape Architects, marked in the record as Exhibit Nos. _____. The Applicant shall have flexibility to modify the design in accordance with the recommendations of the Historic Preservation Review Board. The Applicant may construct the Project in two phases. Phase I, consisting of the reconfigured athletic fields and New Wing Extension, shall commence within two years of the issuance of this Order.

Phase II, encompassing the Performing Arts Center, shall start within ten years of the issuance of this Order.

2. Number of Students, Faculty and Staff. St. Albans shall maintain its current enrollment goal of 568 students and, in any event, will not exceed an increase of 2% over that goal to account for annual enrollment fluctuations for a total maximum permanent enrollment of 579 students. St. Albans may employ up to 143 FTE faculty and staff. (St Albans currently employs128 full-time and 15 part-time employees). St. Albans may increase the number of students, faculty and staff only with the approval of the Board of Zoning Adjustment. No later than November 1 of each year, St. Albans shall submit to the ANC the total number of students, faculty and staff for that academic year so that the ANC may monitor compliance with this condition.

3. Parking Spaces for Faculty, Staff and Students. St. Albans will require faculty, staff and students who drive to school and who do not have valid Zone 3 Residential Parking Permits ("RPP") to park on the Close (including the parking garage to be located under the Cathedral lawn), in designated off-street parking, or on areas of streets not restricted to Zone 3 parking. St. Albans shall direct faculty, staff and students with Zone 3 RPPs to park on the Close before resorting to on-street parking.

4. Parking During Construction of the Foundation Garage. St. Albans shall maintain its current allotment of 154 parking spaces during construction of the Protestant Episcopal Cathedral Foundation (the "Foundation") garage. As a result of lost surface parking spaces during construction, St. Albans will lease 40 spaces from a nearby church or other location and will construct 12 parking spaces on Pilgrim Road until completion of the Foundation parking garage. Although the legal requirement is for 154 parking spaces, 210-230 spaces will be available after completion of the garage.

5. Parking Management Activities. The Foundation and St. Albans will encourage its employees to participate in the Foundation's "Commuter Rewards" program to reduce parking demand among faculty and staff, as set forth as part of *Exhibit* __ to the record.

6. Parking Policy and Registration. Beginning in September of 2005, St. Albans shall establish a parking policy for its faculty, staff and students that will be consistent with Condition Nos. 3 and 4 above. The parking policy will require any student, staff or faculty member who drives to school to register his or her vehicle with the school and to display an identifying sticker on his or her vehicle that will facilitate compliance with the parking policy.

7. Enforcement of Parking Policy. St. Albans will require each parent to agree to the parking policy when the parent signs each year's enrollment contract. Students who violate the school's parking policy will be subject to disciplinary action, which will escalate with repetitive violations and which may include non-renewal of the enrollment contract for the following year.

8. Visitor Cars and Buses. Visitors who drive to school events and activities, including athletic events, summer programs and the Performing Arts Center, and who do not have valid Zone 3 parking stickers, will be required to park their cars in those areas identified in Condition No. 3 above to the extent parking is available. St. Albans will inform all visitor schools in writing of the designated visitor parking and will require visitors from such schools to park in those areas identified in Condition No. 3 above to the extent parking is available. Buses will be required to park on the Close or in designated off-street parking spaces.

9. St. Albans Summer Programs. In order to minimize any potential adverse impacts on neighboring properties, St. Albans will limit the hours of its outdoor summer programs from 8:00 a.m. to 7:00 p.m. St. Albans shall designate vehicular pick-up and drop-off locations on the Close for participants in the summer programs.

10. Performing Arts Center. St. Albans will limit hours of events at the Performing Arts Center from 8 a.m. to 11 p.m. Sunday through Thursday and 8 a.m. to midnight on Friday and Saturday. Performances at the Performing Arts Center (not including rehearsals and practices) will be held on no more than 100 days during any calendar year, which corresponds to existing conditions. Except as provided herein, the Performing Arts Center will only be used by PECF institutions and will not be rented out or otherwise used for commercial purposes. In rare circumstances, the Performing Arts Center may be made available on a limited basis to a non-PECF not-for-profit institution or a community organization that has a compelling need for use of the Performing Arts Center or that has suffered the loss of use of a similar facility and requires temporary relief from such loss.

11. Limitation on St. Albans Use of Athletic Fields. St. Albans will not schedule simultaneous varsity scrimmages or games with other schools on its athletic fields, with the following exceptions: (i) tennis matches, and (ii) make-up games cancelled due to inclement weather and other similar unanticipated events. Additionally, St. Albans will not schedule more than five athletic tournaments involving more than one visiting school per year on its athletic fields.

12. Limitation on Non-School Use of Athletic Fields During Academic Year. St. Albans may offer the use of its athletic fields by schools, organizations or individuals unaffiliated with the PECF or Saint Albans ("non-PECF users") during the academic year as provided herein. St. Albans will direct any non-PECF users who do not have valid Zone 3 parking permits to park in those areas identified in Condition No. 3 above. Non-PECF users shall not be permitted to use the athletic fields before or after the school day, or on weekends, during the school year, except as follows:

    a. Except as provided in Condition No. 12.c., St. Albans may choose to provide a single field space for a single outside user on each weekend day, if there is no scheduled St. Albans or PECF activity on the fields on that weekend day.

    b. Any vehicular pick-up or drop-off will be directed to occur on the Close.

c. Use of the athletic fields during the academic year by teams coached by a St. Albans coach or parent and consisting predominantly of St. Albans students shall be limited to no more than four days per week. Such events shall not last more than six hours.

d. Unless being used by St. Albans, the track shall be available for public use subject to any restrictions placed on such use by St. Albans.

13. Limitation on Non-School Use of Athletic Fields During Non-AcademicYear. St. Albans may offer its fields to non-PECF users during the summer when school is not in session as provided herein. St. Albans will direct non-PECF users who do not have valid Zone 3 parking permits to park in those areas identified in Condition No. 3 above.

a. A single field may be used on a weekday when there is no summer camp activity or St. Albans School or PECF activity on that day. The field may be used for up to seven hours, and begin no earlier than 9:00 a.m. and end no later than 6:00 p.m.

b. A single field may be used four weekday evenings per week; provided, however, that the activity ends no later than 9:00 p.m.

c. A single field may be used each weekend day by a single user either during the day or in the evening if there is no St. Albans or PECF activity on the weekend day. The field may be used for up to six hours, beginning no earlier than 9:00 a.m. and ending no later than 9:00 p.m.

d. Any vehicular pick up or drop off will be directed to occur on the Close.

e. Unless being used by St. Albans, the track shall be available for public use subject to any restrictions placed on such use by St. Albans.

14. Limitations on Lighting and Amplified Noise. St. Albans shall take reasonable steps to minimize noise carrying into the neighborhood from events on its athletic fields. There will be no use of lighting on the athletic fields at any time, except for safety lighting along pathways, as necessary.

15. Tennis Club Parking. St. Albans shall direct members, and require staff and employees of its tennis club who do not have valid Zone 3 parking permits to park in those areas identified in Condition No. 3 when they drive to the St. Albans tennis courts.

16. Use and Parking Liaison Committee. St. Albans shall establish a neighborhood liaison committee composed of St. Albans staff and neighbors for the purposes of coordinating and discussing uses of the athletic fields and parking for the School as provided in these conditions. St. Albans will provide a contact phone number and e-mail address for neighbors who wish to report any failure to comply with the usage and parking conditions stipulated herein.

17. St. Albans Coordination with DDOT. St. Albans will routinely request the District's Department of Transportation or other appropriate District agencies to enforce parking restrictions in the immediate neighborhood surrounding the Close. St. Albans will work with DDOT to study appropriate garage exit points for PAC events.

VOTE: _____ **(Geoffrey H. Griffis, Curtis L. Etherly, Jr., John A. Mann II, Carol J. Mitten and Ruthanne G. Miller voting to _____)**

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

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

FINAL DATE OF ORDER: _____

UNDER 11 DCMR § 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."
PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.
PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.
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. RSN