

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 17703-C of Sidwell Friends School**, pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance of BZA Order No. 17703-A to modify the campus plan of an existing education campus under the private school use permissions of Subtitle U § 203.1(m) and Subtitle X § 104, for additions and renovations of an existing education campus, and to modify the initial order conditions and revise the timeline of completion of the modification plan in MU-4/R-1-B Zones at premises 3825 Wisconsin Avenue, N.W. and 3720 Upton Street, N.W. (Square 1825, Lots 816 and 818).

<b>HEARING DATES</b> (17703-A):	January 26, March 1, and March 29, 2016
<b>DECISION DATE</b> (17703-A):	March 29, 2016
<b>ORDER ISSUANCE DATE</b> (17703-A):	April 1, 2016
<b>MODIFICATION HEARING DATE:</b>	February 5, 2020
<b>MODIFICATION DECISION DATE:</b>	February 5, 2020

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF SIGNIFICANCE**

Original Application. In Application No. 17703-A, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Sidwell Friends School (the “Applicant”) under the Zoning Regulations of 1958 for special exception from the private school requirements under § 206, to increase the size of an existing education campus and number of students and staff in the C-2-A/R-1-B District.<sup>1</sup> The Board issued Order No. 17703-A on April 1, 2016. (Exhibit 4.) The approval was subject to 10 conditions. In Application No. 17703-B, the Board approved the Applicant’s request for a two-year time extension of the validity of that order. (Exhibit 4.)

Proposed Modification. On November 4, 2019, the Applicant submitted a request for modification of significance to Order No. 17703-A. (Exhibits 1-12.) The proposed modifications would allow the Applicant to relocate the existing Upper School division to the Upton Campus, relocate the Lower School division to the Wisconsin Avenue Campus, and make other improvements to better unify the Campus. The Applicant submitted revised plans reflecting these modifications. (Exhibit 34D1-34D4.) The modifications also require revisions to the approved conditions, as well as revisions to the timeline of completion for the project and adoption of a more detailed phasing plan. Based on the proposed modifications to the approved plans, the Applicant requests special exception relief under the private school use permissions of Subtitle U

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<sup>1</sup> Prior to Application No. 17703-A, the Board approved relief for Sidwell Friends School in Applications No. 10460, 12945, 15769, 16139, 17149, and 17703.

**BZA APPLICATION NO. 17703-C**  
**PAGE NO. 2**

§ 203.1(m) and Subtitle X § 104. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 10.)

Notice of the Request for Modification. Pursuant to Subtitle Y § 704.5, the Applicant served the request for modification of significance on the parties to the original application. (Exhibit 12.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant, Advisory Neighborhood Commission ("ANC") 3F, and ANC 3C.

ANC Reports. ANC 3C submitted a report indicating that at a regularly scheduled, properly noticed public meeting on January 22, 2020, at which a quorum was present, the ANC voted to support the request, provided that the Applicant follows its Transportation Management Plan ("TMP"). (Exhibit 38.) ANC 3F submitted a resolution indicating that at a regularly scheduled, properly noticed public meeting on November 19, 2019, at which a quorum was present, the ANC voted to support the request, but recommended modified conditions. (Exhibit 40.) The modified conditions, including the proposed TMP measures, were adopted by the Board as part of this order.

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of significance. (Exhibit 36.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of significance. (Exhibit 37.)

**Request for Modification of Significance**

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence<sup>2</sup> requires a public hearing and is a modification of significance. The Applicant's request complies with 11 DCMR Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

As directed by 11 DCMR Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exception and modification of significance. The only parties to the case were the ANCs and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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<sup>2</sup> See, Subtitle Y §§ 703.3 and 703.4.

**BZA APPLICATION NO. 17703-C**  
**PAGE NO. 3**

“Great Weight” to the Recommendations of OP

The Board is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP’s recommendation that the Board approve the application persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) The Board finds the recommendation of both affected ANCs that the Board persuasive and has adopted conditions consistent with the ANCs’ recommendations.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of significance of BZA Order No. 17703-A is hereby **GRANTED**, subject to the approved modified plans at Exhibit 34D of Application No. 17703-C, and the following conditions, which shall replace and supersede the conditions of BZA Order No. 17703-A:

General

1. The Project shall be constructed in accordance with the plans prepared by Perkins Eastman and marked in the record as Exhibit 34D.

Traffic

2. The Applicant shall fully implement and comply with the Transportation Management Plan (“TMP”) including the Transportation Demand Management, Operations Management and Monitoring Subparts of the Plan contained in the Applicant’s Transportation Statement Submission, dated December 20, 2019, marked as Exhibit 25A of the record.
3. The provisions of the TMP that the Applicant implements shall include, but not be limited to:
  - a. Relocation of Middle School drop-off and pick-up from its existing location on 37th Street, N.W. to locations on campus as soon as practicable but no later than the beginning of construction of the Lower School;
  - b. The site plan of the Upper School be configured to allow a queuing capacity of 55 cars as shown on the plans marked as Exhibit 34D of the record;
  - c. A reduction of all vehicular traffic to the School by 30%;

- d. A requirement that no more than 220 morning peak hour trips (which is equivalent to 110 vehicles entering and exiting the site during AM peak hour or during any sixty-minute morning period), and no more than 180 afternoon peak hour trips (which is equivalent to 90 vehicles entering and exiting the site during the PM school peak hour or during any sixty-minute afternoon period) be generated by the proposed Upper School facility (as determined based on inbound plus outbound traffic counts) as verified by traffic monitoring conducted on representative school days at the 37th Street and Upton Street driveways to the Upton Campus at the Applicant's expense;
- e. The Applicant commits to continue to work with the neighborhood through periodic meetings to ensure any traffic concerns by either party can be addressed in a timely manner;
- f. The hiring of a Traffic Control Officer consistent with the Metropolitan Police Department and/or District Department of Transportation regulations to control traffic at the intersection of 37th and Upton Streets during the School's pick-up and drop-off periods;
- g. The Applicant will work to secure approval from the District Department of Transportation ("DDOT"), as soon as practicable after the Middle School pickup-drop-off is relocated to Wisconsin Avenue, to change the signage along the west side of 37th Street between Quebec and Tilden Streets to read "No Stopping, Standing or Parking, 8:00 AM to 4:00 PM School Days."

Student/Faculty Caps

- 4. The maximum enrollment for the entire school upon the issuance of a Certificate of Occupancy of the new Lower School building shall be 1150 students. Provided that the Applicant meets the standards and requirements of the Monitoring Subpart of the TMP for two consecutive school years, it may increase student enrollment to 1200 students. Provided that, after increasing enrollment to 1200 students, the Applicant meets the standards and requirements of the Monitoring Subpart of the TMP for two additional consecutive years, it may increase student enrollment to 1250 students.
- 5. The maximum number of faculty and staff for the entire school upon the issuance of a Certificate of Occupancy for the new Upper School building shall be 250. The maximum number of faculty and staff may be increased to 310 if after successfully meeting the standards and requirements of the Monitoring Subpart of the TMP for two consecutive years after initial occupancy of the new Upper School building.

DDOT Condition

- 6. Within 15 months after the effective date of the BZA Order, subject to DDOT design review and approval and no delays outside the Applicant's reasonable control, the Applicant shall design and construct the following improvements (in order of priority),

**BZA APPLICATION NO. 17703-C**  
**PAGE NO. 5**

with final inspection and sign-off by DDOT after completion, up to a maximum monetary value of \$75,000:

- a. Raised crosswalks at 37th and Upton (4 crosswalks), 38th and Upton (3 crosswalks), and 37th and Quebec (4 crosswalks); and
- b. New sidewalk where it is missing along 37th Street north of the school (from Upton Street past the alley, on the west side of the street) if there is money remaining after construction of the crosswalks.

Landscaping

7. As shown on the plans marked as Exhibit 34D of the record, the Applicant shall maintain the existing vegetation and green buffer at the corners of the site at 37th and Upton Street, N.W.; the Project's fencing shall be consistent with the design and locations as shown on the plans marked as Exhibit 34D of the Record; and the community will have access to the green space, on hours/days that School is not in session.

Construction

8. The Applicant shall abide by the following construction constraints:
  - a. Exterior construction shall be limited to the hours of 7:00 AM - 5:00 PM on weekdays; and 8:00 AM - 5:00 PM on Saturdays. Interior work that does not create noticeable noise or traffic may continue until 10pm on weekdays. Nothing in this order shall restrict work on the Wisconsin Avenue Campus, provided that this work does not entail construction related traffic on 37th or Upton Streets;
  - b. At the Upton Campus, there shall be a limit on Saturday exterior construction and demolition work to no more than 24 Saturdays during the initial construction period of renovating the building and 10 Saturdays during the future construction of an addition to the east side of the building. If the future addition is constructed concurrently with the initial construction period, then the maximum number of permitted Saturdays is 24. Interior construction work on Saturdays shall be permitted during the entire construction period provided that there shall not be deliveries of material or equipment to the site on Saturdays beyond the aforementioned. Notice shall be given to the ANC and neighborhood representatives at least two days in advance of exterior Saturday work;
  - c. Vehicles belonging to construction personnel and construction vehicles will not be permitted to park or idle on neighborhood streets;
  - d. The staging and queuing of construction vehicles such as dump trucks and tractor trailers will be avoided to the maximum extent possible; however, it shall not be permitted on neighborhood streets before 7:00 AM weekdays and 8:00 AM Saturdays. Staging and queuing is further prohibited during the "drop-off" and "pick-up" periods of Hearst Elementary School, defined as the period of 40

**BZA APPLICATION NO. 17703-C**  
**PAGE NO. 6**

minutes before and 20 minutes after the start and end times of the school day as published by DCPS;

- e. All truck traffic will use an approved circulation pattern from and to Wisconsin Avenue utilizing Quebec Street, 37th Street, and Upton Street to minimize the impact on the adjacent neighborhood streets provided that such plan is approved by DDOT. This circulation pattern is restricted as follows: 1) Truck access to the site from Wisconsin Avenue will only be via Quebec Street and not Upton Street. 2) Truck egress from the site to Wisconsin Avenue will be via Quebec Street or Upton Street. 3) The primary entrance to the Upton Campus property will be on 37th Street, unless the entrance is obstructed, in which case the secondary entrance on Upton Street will be utilized;
- f. At the completion of each work day, the construction site will be cleared of litter and debris and all construction materials and machinery will be left in an organized manner;
- g. Sidewalk around the perimeter of the site shall be kept clear and clean throughout the period of construction;
- h. Sidwell Friends School shall install video monitoring and recording equipment on and around the Upton Campus site to verify compliance with the above conditions (a) & (d). Sidwell will share video documentation as requested by neighbors. Based on complaints to the ANC, for each verifiable violation of above conditions in excess of one (1) per month, Sidwell Friends School shall lose one (1) instance of Saturday work permitted under condition (b) above, up to an overall maximum loss of 14 Saturdays from the 24 Saturdays permitted.

Parking

- 9. All faculty, staff and students who drive to the School shall park on campus.

Phasing

- 10. The Applicant may construct the Project in multiple phases consisting of the five blocks (Blocks A-E) identified in Exhibit 34D. The first phase (Phase I) will involve any one or multiple blocks, a building permit application for which shall be filed within two years of the effective date of this Order. Within two years after completion of the Phase I, the Applicant must apply for a building permit for another block (Phase II), and the Applicant must continue to apply for a building permit within two years upon completion of Phase II or any subsequent phase for at least one remaining block as long as there are blocks remaining; provided, however, that all building permits for construction consistent with this Order must have been filed within 15 years of the effective date of this Order to be vested.

In all other respects, Order No. 17703-A remains unchanged.

**BZA APPLICATION NO. 17703-C**  
**PAGE NO. 7**

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter G. May to APPROVE; no other Board members participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**  
A majority of the Board members approved the issuance of this order.

**ATTESTED BY:** \_\_\_\_\_

  
**SARA A. BARDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** February 11, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.