GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17996 of the Protestant Episcopal Cathedral Foundation of the District of Columbia, pursuant to 11 DCMR § 3104.1, for a special exception under § 206 to modify an existing private school use to increase the number of faculty and staff at the National Cathedral Elementary School (Beauvoir) to 109, in the R-1-B District at premises 3500 Woodley Road, N.W. (Square 1944, Lot 25).[1]

HEARING DATE: November 24, 2009
DECISION DATE: November 24, 2009 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 3C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C filed a report, dated October 21, 2009, indicating that, at a

[1] The application originally filed as BZA No. 17996 was amended and bifurcated to reflect that the Applicant sought special exception relief for two different principal uses (private school under section 206 and child development center under section 205) at a single site. The Beauvoir School has been operating under BZA Order 16274 which authorized a private school under section 206 for up to 400 students and up to 85 faculty and staff. The Applicant is now asking to increase the number of faculty and staff to 109, while keeping maximum student enrollment the same, i.e. 400. This order addresses only the modification of the existing special exception for the private school use; the child development center is the subject of BZA No. 17996-A.

Board of Zoning Adjustment
District of Columbia
ZONING COMMISSION
CASE NO. 17996E
District of Columbia
EXHIBIT NO. 6
CASE NO.order-17996
EXHIBIT NO.

publicly noticed meeting held on October 19, 2009, at which a quorum was present, the ANC voted unanimously to support the application with conditions. The ANC's report was filed on a timely basis and met the requirements of section 3115.1 of the Zoning Regulations. (Exhibit 28). The Office of Planning (OP) submitted a timely report recommending approval of the application with conditions as set forth in the OP report as well as subject to the recommendations of the District Department of Transportation (DDOT). (Exhibit 29). DDOT filed a report that recommended conditional approval of the application. (Exhibit 27).

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 206. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED AS CONDITIONED:**

1. The number of students at Beauvoir School shall not exceed 400.

2. The number of faculty and staff at Beauvoir School shall not exceed 109.

3. Beauvoir School shall not offer any conferences, training sessions, or other large programs for outside groups, except for those already scheduled as of November 24, 2009.

4. The Applicant shall provide 126 parking spaces, 73 of which shall be designated for Beauvoir School and 48 of which shall be shared between Beauvoir School and the child development center (CDC) at the same location, and shall comply with the submitted parking plan.

5. On an annual basis, starting in October, 2010, the Applicant shall submit a report to ANC 3C showing the location of all the parking spaces on the entire PECF Close together with any changes to the 126 parking spaces that constitute the parking "bank" of Beauvoir School and the CDC.

VOTE: **4-0-1** (Marc D. Loud, Shane L. Dettman, Meridith H. Moldenhauer, Anthony J. Hood to APPROVE. No other Board members present, or voting.)

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

ATTESTED BY: Jamison L. Weinbaum
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: DEC 22 2009

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 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.

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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMIILY OFFENSE, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 17996

As Director of the Office of Zoning, I hereby certify and attest that on DEC 22, 2009, 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:

Mary Carolyn Brown, Esq.
Holland & Knight
1099 Pennsylvania Avenue, N.W. (Suite 100)
Washington, D.C. 20006

Chairperson
Advisory Neighborhood Commission 3C
4025 Brandywine Street, N.W.
Washington, D.C. 20016

Single Member District Commissioner 3C07
Advisory Neighborhood Commission 3C
2802 27th Street, N.W.
Washington, D.C. 20008

Mary Cheh, City Councilmember
Ward Three
1350 Pennsylvania Avenue, N.W.
Suite 108
Washington, D.C. 20004

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY: Jamison L. Weinbaum

JAMISON L. WEINBAUM
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17996-A of the Protestant Episcopal Cathedral Foundation of the District of Columbia, pursuant to 11 DCMR § 3104.1, for a special exception under § 205 to establish a child development center as a principal use for a maximum of 60 children who are siblings of students at the National Cathedral Elementary School (Beauvoir) or children of employees of the Foundation, and a maximum of 21 employees in the R-1-B District at premises 3500 Woodley Road, N.W. (Square 1944, Lot 25).[1]

HEARING DATE: November 24, 2009
DECISION DATE: November 24, 2009 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 3C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C filed a report, dated October 21, 2009, indicating that, at a

[1] This application was originally filed as BZA No. 17996, but was amended and bifurcated to reflect that the Applicant sought special exception relief for two different principal uses (private school under section 206 and child development center under section 205) at a single site. The child development center, which is the subject of this order, had been operating as an accessory use to the private school. The Applicant is now seeking to establish the child development center as a separate principal use at the same location, as well as to increase both the number of children and employees at the child development center.

Board of Zoning Adjustment
District of Columbia
CASE NO.17996
EXHIBIT NO.5

publicly-noticed meeting held on October 19, 2009, at which a quorum was present, the ANC voted unanimously to support the application with conditions. The ANC's report was filed on a timely basis and met the requirements of section 3115.1 of the Zoning Regulations. (Exhibit 28). The Office of Planning (OP) submitted a timely report recommending approval of the application with conditions and subject to the recommendations of the District Department of Transportation (DDOT). (Exhibit 29). DDOT recommended conditional approval of the application. (Exhibit 27). The Office of the State Superintendent of Education (OSSE), Compliance Care Licensing Unit, recommended that the application be granted. (Exhibit 24).

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 205. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED AS CONDITIONED:**

1) The number of children at the child development center (CDC) shall not exceed 60. Only siblings of current matriculating Beauvoir students and children of active Protestant Episcopal Cathedral Foundation (PECF) employees shall be authorized to be accepted into the CDC program.

2) The number of faculty and staff of the CDC shall not exceed 21.

3) The CDC shall not offer any conferences, training sessions, or other large programs for outside groups, except for those already scheduled as of November 24, 2009.

4) The Applicant shall provide 126 parking spaces, 5 of which shall be designated for the CDC and 48 of which shall be shared between Beauvoir School and the CDC, and shall comply with the submitted parking plan.

5) On an annual basis, starting October, 2010, the Applicant shall submit a report to ANC 3C showing the location of all the parking spaces on the entire PECF Close together with any changes to the 126 parking spaces that constitute the parking "bank" of Beauvoir School and the CDC. The annual report shall also indicate the total number of children enrolled in the CDC and specify the number of that total enrollment figure who are children of PECF employees and who are siblings of current matriculating Beauvoir students.

VOTE: **4-0-1** (Marc D. Loud, Shane L. Dettman, Meridith H. Moldenhauer, Anthony J. Hood to APPROVE. No other Board members present, or voting.)

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

ATTESTED BY: Jamison L. Weinbaum
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: DEC 22 2009

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 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.

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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMIILY OFFENSE, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 17996-A

As Director of the Office of Zoning, I hereby certify and attest that on DEC 22, 2009, 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:

Mary Carolyn Brown, Esq.
Holland & Knight
1099 Pennsylvania Avenue, N.W. (Suite 100)
Washington, D.C. 20006

Chairperson
Advisory Neighborhood Commission 3C
4025 Brandywine Street, N.W.
Washington, D.C. 20016

Single Member District Commissioner 3C07
Advisory Neighborhood Commission 3C
2802 27th Street, N.W.
Washington, D.C. 20008

Mary Cheh, City Councilmember
Ward Three
1350 Pennsylvania Avenue, N.W.
Suite 108
Washington, D.C. 20004

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY:

JAMISON L. WEINBAUM
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17996-B of Protestant Episcopal Cathedral Foundation, on behalf of Beauvoir School, pursuant to 11 DCMR § 3104.1, for a special exception under section 206 to increase the number of faculty and staff of an existing private school to 109, in the R-1-B District at premises 3500 Woodley Road, N.W. (Square 1944, Lot 25).[1]

HEARING DATE: November 24, 2009
DECISION DATE: November 24, 2009 (Bench Decision)
MOTION FOR RECONSIDERATION: February 2, 2010
DECISION DATE: February 2, 2010

SUMMARY ORDER ON RECONSIDERATION

Background.

On November 24, 2009, the Board of Zoning Adjustment ("Board" or "BZA") approved the Applicant's original request for a special exception under § 206 to modify an existing private school use to increase the number of faculty and staff to 109 from its previous level of 85, while keeping the student enrollment the same, e.g. 400. The Board heard and approved the original application on November 24, 2009 and on December 22, 2009, the Board issued BZA Order No. 17996, granting the relief requested under § 206, with conditions. The original application had requested relief for both the private school and the child development center located on the same site. During its deliberations, the Board separated the two requests for relief and issued two separate orders, each of which contained conditions. BZA Order No. 17996 addressed the special exception for the private school; the child development center is the subject of BZA No. 17996-A.

[1] The application originally filed as BZA No. 17996 was amended and bifurcated to reflect that the Applicant sought special exception relief for two different principal uses (private school under section 206 and child development center under section 205) at a single site. The Beauvoir School has been operating under BZA Order 16274 which authorized a private school under section 206 for up to 400 students and up to 85 faculty and staff. The Applicant is now asking to increase the number of faculty and staff to 109, while keeping student enrollment the same, e.g. 400. BZA Order No. 17996 and this order address only the modification of the existing special exception for the private school use; the child development center is the subject of BZA No. 17996-A.

On December 30, 2010, the Applicant filed a timely motion for reconsideration of Condition No. 3 of the final summary order in Application No. 17996. (Exhibit 39). The Applicant maintains that Beauvoir School and Advisory Neighborhood Commission ("ANC") 3C intended Condition No. 3 in Order No. 17996 to apply only to the proposed child development center, which was approved under a companion case in BZA Order No. 17996-A, and not the elementary school. By letter dated January 22, 2010, ANC 3C submitted its resolution dated January 19, 2010, clarifying that it recommended that Condition No. 3 be imposed in connection with the child development center. (Exhibit 40). The Board waived the requirements of 11 DCMR § 3126.5 to accept the ANC submission.

The Board determined that the Applicant had met its burden of proof under 11 DCMR § 3126 for reconsideration and accordingly granted the motion to remove Condition No. 3 from BZA Order No. 17996 as reflected below. In all other respects, this final summary order, modifying Order No. 17996, and the final summary order in BZA Application No. 17996-A remain the same.

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 3C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C filed a report, dated October 21, 2009, indicating that, at a publicly-noticed meeting held on October 19, 2009, at which a quorum was present, the ANC voted unanimously to support the application with conditions. The ANC also requested that the Board separate the enrollment and faculty maximum numbers for the elementary school and the child development center in its order.[2] The ANC's report was filed on a timely basis and met the requirements of subsection 3115.1 of the Zoning Regulations. (Exhibit 28). The Office of Planning (OP) submitted a timely report recommending approval of the application with conditions as set forth in the OP report as well as subject to the recommendations of the District Department of Transportation

[2] The Board adopted this last ANC request to show the private school and child development center's enrollment and faculty maximum numbers separately by means of issuing two separate orders: BZA Order No. 17996, which is modified by this order, to reflect the private school's enrollment and faculty maximum numbers, with conditions, and BZA No. 17996-A for the child development center, again with conditions.

(DDOT). (Exhibit 29). DDOT filed a report that recommended conditional approval of the application. (Exhibit 27).[3]

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 206. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED AS CONDITIONED:**

1) The number of students at Beauvoir School shall not exceed 400.

2) The number of faculty and staff at Beauvoir School shall not exceed 109.

3) The Applicant shall provide 126 parking spaces, 73 of which shall be designated for Beauvoir School and 48 of which shall be shared between Beauvoir School and the child development center (CDC) at the same location, and shall comply with the submitted parking plan.

4) On an annual basis, starting in October, 2010, the Applicant shall submit a report to ANC 3C showing the location of all the parking spaces on the entire PECF Close together with any changes to the 126 parking spaces that constitute the parking "bank" of Beauvoir School and the CDC.

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[3] The record also reflects that the Office of the State Superintendent of Education (OSSE), Compliance Care Licensing Unit, recommended that the application (as to the child development center) be granted. (Exhibit 24). Moreover, the site is a designated historic landmark and several buildings are on the National Register and the DC Historic Site list. (*See*, Exhibit 29).

VOTE on Original Application (November 24, 2009): 4-0-1
(Marc D. Loud, Shane L. Dettman, Meridith H. Moldenhauer, Anthony J. Hood to APPROVE. No other Board members (vacant) present, or voting.)

VOTE on Motion for Reconsideration (February 2, 2010): 4-0-1
(Meridith H. Moldenhauer, Marc D. Loud, Shane L. Dettman, Anthony J. Hood to APPROVE. No other Board member participating, nor voting.)

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

ATTESTED BY: Jamison L. Weinbaum
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: FEB 05 2010

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 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.

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,

GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMIILY OFFENSE, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17996-B

As Director of the Office of Zoning, I hereby certify and attest that on FEB 05 2010, 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:

Mary Carolyn Brown, Esq.
Holland & Knight
1099 Pennsylvania Avenue, N.W. (Suite 100)
Washington, D.C. 20006

Chairperson
Advisory Neighborhood Commission 3C
4025 Brandywine Street, N.W.
Washington, D.C. 20016

Single Member District Commissioner 3C07
Advisory Neighborhood Commission 3C
2802 27th Street, N.W.
Washington, D.C. 20008

Mary Cheh, City Councilmember
Ward Three
1350 Pennsylvania Avenue, N.W.
Suite 108
Washington, D.C. 20004

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
941 N. Capitol Street, N.E.
Washington, D.C. 20002

ATTESTED BY: Jamison L. Weinbaum

JAMISON L. WEINBAUM
Director, Office of Zoning

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17996-C of The Beauvoir School, the National Cathedral Elementary School, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the conditions of BZA Order No. 17996-B, to decrease the minimum parking requirements and to permit the installation of temporary classroom space on the schools property, in the R-1-B Zone at premises 3500 Woodley Road, N.W. (Square 1944, Lot 25).

HEARING DATE (17996):	November 24, 2009
DECISION DATE (17996):	November 24, 2009
ORDER ISSUANCE DATE (17996):	December 22, 2009
ORDER ISSUANCE DATE (17996-A)[1]:	December 22, 2009
MOTION FOR RECONSIDERATION	
DECISION DATE (17996-B):	February 2, 2010
ORDER ISSUANCE DATE (17996-B):	February 5, 2010
MODIFICATION OF CONSEQUENCE	
DECISION DATE (17996-C):	July 29, 2020

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE

Original Application. In Application No. 17996, the Board of Zoning Adjustment ("Board" or "BZA") approved the request by Protestant Episcopal Cathedral Foundation of the District of Columbia for a special exception under § 206 to modify an existing private school use to increase the number of faculty and staff at the National Cathedral Elementary School (Beauvoir) to 109, in the R-1-B District. The Board issued Order No. 17996 on December 22, 2009. On December 30, 2009, the Applicant filed a timely motion for reconsideration of Condition No. 3 of the final summary order in Application No. 17996. The Board granted the motion for reconsideration to remove Condition No. 3 from BZA Order No. 17996. BZA Order No. 17996-B was issued on February 5, 2010. (Exhibit 3.) The approval was subject to four conditions:

[1] BZA Application No. 17996 was filed in 2009 for a special exception to increase the number of faculty and staff at the Beauvoir School and to establish as a principal use a child development center. That application was subsequently amended and bifurcated to reflect the two separate requests. The establishment of the child development center was approved pursuant to BZA Order No. 17996-A. The increase in faculty and staff for the Beauvoir School became the subject of BZA Order No. 17996, as corrected by BZA Order No. 17996-B.

Board of Zoning Adjustment
District of Columbia
CASE NO.17996C
EXHIBIT NO.8

1. The number of students at Beauvoir School shall not exceed 400.
2. The number of faculty and staff at Beauvoir School shall not exceed 109.
3. The Applicant shall provide 126 parking spaces, 73 of which shall be designated for Beauvoir School and 48 of which shall be shared between Beauvoir School and the child development center (CDC) at the same location and shall comply with the submitted parking plan.
4. On an annual basis, starting in October, 2010, the Applicant shall submit a report to ANC 3C showing the location of all the parking spaces on the entire PECF Close together with any changes to the 126 parking spaces that constitute the parking "bank" of Beauvoir School and the CDC.

Proposed Modification. On July 14, 2020, The Beauvoir School, the National Cathedral Elementary School, the owner of the property, submitted a request for modification of consequence to Order No. 17996-B. (Exhibits 1-2.) The Applicant proposes to allow the installation of four learning cottages to serve as classroom and accessory space for the 2020-21 academic calendar year and to modify Condition No. 3 to temporarily reduce the number of parking spaces provided on the Site as follows:

> **Condition No. 3:** The Applicant shall provide 126 parking spaces, 73 which shall be designated for Beauvoir School and 48 of which shall be shared between Beauvoir School and the child development center (CDC) at the same location, and shall comply with the submitted parking plan. **For the 2020-2021 academic calendar year, the Applicant may reduce the overall number of parking spaces to 104 spaces, 51 of which shall be designated for Beauvoir School and 48 of which shall be shared between Beauvoir School and the CDC.**

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the "Zoning Regulations" to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 2.)

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

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 20, 2020, at which a quorum was present, the ANC voted to support the request subject to four conditions, listed below. (Exhibit 5.)

1. The generator shall operate only during the school day until the weather necessitates otherwise;
2. There shall be no safety lighting or lighting from the trailers at night;

3. A traffic facilitator shall manage drop-off and pick-up operations during the hours specified for those operations, and shall be aware that drivers with destinations other than Beauvoir are using Woodley Road and 35th Street;
4. Beauvoir shall require parents or anyone that ordinarily drives to the school to pick-up or drop-off a student to park on the Close and not on neighborhood streets during the specified pick-up and drop-off hours.

The Applicant agreed to the ANC's proposed conditions. (Exhibit 7.)

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 4.)

DDOT Report. The District Department of Transportation did not submit a written report regarding the modification request.

Request for Modification of Consequence

The Applicant seeks a modification of consequence to the conditions of BZA Order No. 17996-B, to decrease the minimum parking requirements and to permit the installation of temporary classroom space on the school's property, in the R-1-B Zone.

The Board determines that the Applicant's request complies with Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under Subtitle Y § 703.4.

"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 was persuaded by the issues raised in the ANC's Report and adopted the four proposed conditions as part of this modification. Accordingly, the Board finds the ANC's recommendation to approve the application with conditions persuasive and concurs in the judgment.

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 consequence of BZA Order No. 17996-C is hereby **GRANTED**, subject to the following conditions, which shall replace and supersede the conditions of BZA Order No. 17996-B:

1. The number of students at Beauvoir School shall not exceed 400.

2. The number of faculty and staff at Beauvoir School shall not exceed 109.

3. The Applicant shall provide 126 parking spaces, 73 of which shall be designated for Beauvoir School and 48 of which shall be shared between Beauvoir School and the child development center (CDC) at the same location and shall comply with the submitted parking plan. For the 2020-2021 academic calendar year, the Applicant may reduce the overall number of parking spaces to 104 spaces, 51 of which shall be designated for Beauvoir School and 48 of which shall be shared between Beauvoir School and the CDC.

4. On an annual basis, starting in October, 2010, the Applicant shall submit a report to ANC 3C showing the location of all the parking spaces on the entire PECF Close together with any changes to the 126 parking spaces that constitute the parking "bank" of Beauvoir School and the CDC.

5. For the 2020 – 2021 academic school year, the Applicant may install four (4) temporary learning cottages to serve as temporary classrooms and accessory space as shown on the site plan and exhibits identified as Exhibit 2, provided:

    a. The generator shall operate only during the school day until the weather necessitates otherwise.

    b. There shall be no safety lighting or lighting from the trailers at night.

    c. A traffic facilitator shall manage drop-off and pick-up operations during the hours specified for those operations and shall be aware that drivers with destinations other than Beauvoir are using Woodley Road and 35th Street.

    d. The Applicant shall require parents or anyone that ordinarily drives to the school to pick-up or drop-off a student to park on the Close and not on neighborhood streets during the specified pick-up and drop-off hours.

In all other respects, Order No. 17996-B remains unchanged.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Robert E. Miller to APPROVE; one Board seat vacant.)

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: July 30, 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.