

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.

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

BZA APPLICATION NO. 17996-C
PAGE NO. 2

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;

BZA APPLICATION NO. 17996-C
PAGE NO. 3

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.

BZA APPLICATION NO. 17996-C
PAGE NO. 4

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.)

BZA APPLICATION NO. 17996-C
PAGE NO. 5

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.