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July 14, 2020

VIA IZIS

Board of Zoning Adjustment
for the District of Columbia
441 4th Street, NW, Suite 210S
Washington, DC 20001

**Re: Request for Modification of Consequence to BZA Order No. 17996-B
3500 Woodley Road, NW (Square 1944, Lot 25)**

Dear Members of the Board of Zoning Adjustment:

This letter is submitted on behalf of the Beauvoir School, the National Cathedral Elementary School (the “Applicant”), pursuant to Subtitle Y § 703 of the 2016 Zoning Regulations (“ZR16”) in support of a request for a Modification of Consequence to BZA Order No. 17996-B. Specifically, the Applicant proposes to modify on a temporary basis the conditions cited by the Board in order to decrease the minimum parking requirements and to permit the installation of temporary classroom space on the property located at 3500 Woodley Road, NW (Square 1944, Lot 25) (the “Site”). The modified conditions do not create any new areas of zoning relief or increase the zoning relief approved in BZA Order No. 17996-B. The Site is located in the R-1-B zone district and is within Advisory Neighborhood Commission (“ANC”) 3C.

The site plan and photographs attached hereto as Exhibit A illustrate the proposed addition of four (4) learning cottages that will serve as temporary classroom space during the 2020-21 academic calendar year. BZA Order No. 17996-B, the underlying approval proposed to be modified, is attached hereto as Exhibit B-1. Preceding BZA approvals that are relevant to the Beauvoir School are attached as Exhibit B-2. A letter from the Protestant Episcopal Cathedral Foundation (“PECF”), the owner of the Site, authorizing the law firm of Holland & Knight LLP to file and process this Modification of Consequence is enclosed as Exhibit C, as well as a check in the amount of \$845.00, the requisite filing fee calculated in accordance with Subtitle Y § 1600.1(e).

For the reasons stated herein, the Applicant respectfully requests that the Board consider this application at its regularly scheduled public meeting on Wednesday, July 29, 2020.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17996C
EXHIBIT NO. 2

I. Background of Case

The Applicant is requesting this Modification of Consequence in order to establish a proper learning environment for its students and faculty in the midst of the ongoing coronavirus (Covid-19) pandemic. The private elementary school use on the Site – the Beauvoir School, the National Cathedral Elementary School (hereinafter the “Beauvoir School”) – has existed since the early 1930s. In 1997, BZA Order No. 16274 approved an addition to the private school under 11 DCMR § 206 of the 1958 Zoning Regulations for up to 400 students and up to 85 faculty and staff. (*See Exhibit B-2*). Later in 2009, the PECF filed BZA Application No. 17996 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. 19776-A. The increase in faculty and staff for the Beauvoir School became the subject of BZA Order No. 19776, as corrected by BZA Order No. 19776-B.¹

Pursuant to BZA Order No. 17996-B, dated February 5, 2010, the Board approved a special exception to increase the number of faculty and staff at the Beauvoir School to 109 from its previous level of 85, while keeping the student enrollment the same, i.e., 400 students. (*See Exhibit B-1*). The Board cited four (4) conditions under BZA Order No. 17996-B. The parking condition at issue, Condition No. 3, states as follows:

- 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.*

As detailed below, the Applicant proposes to modify this condition on a temporary basis and add a fifth condition to allow the installation of temporary classroom space for the upcoming school year.

II. Proposed Modification to BZA Order No. 17996-B

Pursuant to Subtitle Y § 703.4, the Applicant requests a Modification of Consequence to temporarily reduce the number of parking spaces provided on the Site and to allow the installation of four (4) learning cottages to serve as classroom and accessory space for the 2020-21 academic calendar year. The site plan showing the location of the learning cottages as well as photographs of the same are included as Exhibit A. To provide space necessary for appropriate social distancing, three (3) cottages will be located in the parking area adjacent to Beauvoir Circle, each holding approximately 10 students and a teacher. These three learning cottages will be approximately 50 feet by 14 feet and will be powered by an exterior generator. The fourth cottage (the “Feel Better

¹ Notably, the only effect of BZA Order No. 17996-B was the removal of a condition cited by the Board under BZA Order No. 17996. PECF, on behalf of the Beauvoir School, had filed a timely motion for reconsideration of a condition cited by the Board. (*See BZA No. 17996, Ex. 39*). In all other aspects, the final summary order in Application No. 17996 remained the same.

Cottage”) will be located in a parking area across the street from the existing garden area and will serve as a location for any student needing evaluation for Covid-type symptoms. The Feel Better Cottage will be approximately 28 feet by 8 feet and will be powered by an electrical connection to the main plant. These learning cottages will be temporary in nature and will be removed at the completion of the 2020-21 school year. Furthermore, all of the learning cottages will be placed on existing impervious areas and will not require the removal of any trees on the Site.

Currently, there are 126 parking spaces on the Site devoted to the Beauvoir School and the child development center. Installation of the learning cottages will temporarily prevent the use of 22 parking spaces. As such, during the 2020-21 school year the Applicant proposes to allocate its parking spaces as follows:

	Allocation of Number of Vehicle Parking Spaces for Existing Principal Uses	
	<i>Current</i>	<i>2020-21 Academic Calendar Year</i>
Beauvoir School	73	51
Child Development Center	5	5
Shared	48	48
Total	126	104

Importantly, the minimum parking required for the existing principal uses pursuant to Subtitle C, Chapter 7 of ZR16 will be met despite the proposed reduction in available spaces for the Beauvoir School. Pursuant to Subtitle C § 701.1, a ratio of two (2) parking spaces for each three (3) teachers and other employees are required for a private elementary school. Due to the ongoing pandemic, the Beauvoir School anticipates that during the 2020-2021 school year, portions of its faculty and staff will work remotely which will reduce its faculty and staff on-site to approximately 72. Based upon that estimate, the minimum parking required under the Zoning Regulations would be 48 spaces. With 51 parking spaces designated for the Beauvoir School, the minimum parking requirements will continue to be satisfied in the interim. There is no proposed change to the parking provided for the child development center despite the fact that Beauvoir School anticipates reductions in on-site staff and students for that program as well. Accordingly, there will be no adverse impacts as a result of the temporary reduction in parking.

Overall, the proposed Modification of Consequence will not compromise the operations of the Beauvoir School or the child development center. Enrollment at the Beauvoir School will remain under the existing 400-student limit, and the child development center will have unaffected access to its designated parking spaces. Essentially, the proposed changes will create a safer learning environment that will enable Beauvoir School students and faculty to engage in-person rather than remotely.

As part of this Modification of Consequence, the Applicant proposes the following changes to BZA Order No. 17996-B:

- Modify Condition No. 3, as follows:

*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.***

- Add a condition, as follows:

The Applicant may install four (4) temporary learning cottages to serve as temporary classroom and accessory space for the 2020 – 2021 academic calendar year, as shown on the site plan and exhibits identified as Exhibit

—

III. Community Outreach

The Applicant notified the Chairman of ANC 3C of its request for a modification to the conditions cited by the Board in BZA Order No. 17996-B, prior to filing this application. The Applicant is coordinating with the ANC so that this request can be considered at ANC 3C's regularly-scheduled public meeting on July 20, 2020.

IV. Compliance with Subtitle A § 102 and Subtitle Y § 703

The Applicant's request for a Modification of Consequence of BZA Order No. 17996-B complies with the relevant subsections of Subtitle A § 102 and Subtitle Y § 703, as follows:

- **Subtitle A § 102.4** – *An application to the Board of Zoning Adjustment or the Zoning Commission for a modification other than a minor modification to a vested project shall conform with the 2016 Zoning Regulations.*

This application is for a Modification of Consequence, as defined in Subtitle Y § 703.4, and conforms with ZR16 in all respects except for the private elementary school use initially approved under BZA Order No. 16274 and subsequently modified under BZA Order No 17996-B.

- **Subtitle Y § 703.2** – *The procedure shall allow the Board, in the interest of efficiency, to make, without public hearing, technical corrections, minor modifications, or modifications of consequence to previously approved final orders including any plans approved in such orders. (emphasis added).*

The Applicant requests that the Board approve a Modification of Consequence to the conditions cited under BZA Order No. 17996-B.

- **Subtitle Y § 703.4** – *For purposes of this section, the term “modification of consequence” shall mean 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.*

This application complies with the definition of a Modification of Consequence because it requests a change to Condition No. 3 cited by the Board in BZA Order No. 17996-B. The additional condition to allow the installation of temporary classroom space represents a redesign of architectural elements and open spaces.

- **Subtitle Y § 703.5** – *Any party to a previously filed case in which an order has been issued may make a motion in writing to have a matter placed on the Consent Calendar.*

The Applicant herein requests that the matter be placed on the Consent Calendar agenda at the Board’s regularly scheduled public meeting date of July 29, 2020.

- **Subtitle Y § 703.6** – *An application for a technical correction, minor modification, or modification of consequence approval shall be made in an appropriate manner provided by the Director. The applicant shall furnish two (2) copies of all information required by the form at the time of filing the application, including the following:*
 - a. A completed application form;*
 - b. The nature of, reason(s), and grounds for the technical correction, minor modification, or modification of consequence;*
 - c. A copy of any Board final order, map, plan, or other action or relief proposed to be modified or corrected; and*
 - d. Proof of service to all parties*

Consistent with Subtitle Y § 703.4, a copy of the application form has been completed on IZIS and is included with the case record. The nature of the Modification of Consequence is described herein, and the proposed changes to the conditions cited by the Board in BZA Order No. 17996-B are shown above in Section II of this statement. In addition, the plans and exhibits provided as Exhibit A illustrate the intended effect of this Modification of Consequence. A copy of the underlying order proposed to be modified, BZA Order No. 17996-B, is attached hereto as Exhibit B-1. This request was served on all parties to the original application, as evidenced by the attached Proof of Service. The only party to the original application was ANC 3C.

- **Subtitle Y § 703.7** – *No application for technical corrections, minor modifications, or modifications of consequence shall be processed until the application is complete and all*

required fees are paid in accordance with the applicable fee schedule prescribed in Subtitle Y, Chapter 16.

A filing fee of \$845.00 is enclosed herewith. The Applicant has calculated the filing fee as twenty-six percent (26%) of the original filing fee for a special exception application for a private school use in accordance with Subtitle Y § 1600.1(e).²

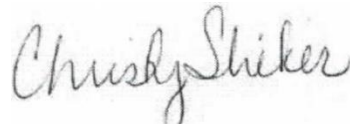
- **Subtitle Y § 703.14** – *The filing of any modification request under this section shall not act to toll the expiration of the underlying order and the grant of any such modification shall not extend the validity of any such order.*

This Modification of Consequence request does not act to toll the expiration of the underlying order or extend its validity as the private school use was previously established in accordance with the applicable requirements.

We would very much appreciate your consideration of this matter at the public meeting on Wednesday, July 29, 2020. Should you have questions or need additional information, please do not hesitate to have Office of Zoning staff contact me.

Very truly yours,

Holland & Knight, LLP



Christine M. Shiker



Christopher S. Cohen

Encl.

² With respect to the original filing fee, the maximum amount applies in this instance. For a private school special exception application, the baseline filing fee is \$33 per student. BZA Order No. 16274 approved the Beauvoir School with a maximum enrollment capacity of 400 students. Because 400 x \$33 is greater than the maximum filing fee, the fee for this application is calculated as 26% x \$3,250. *See* Table Y § 1600.

PROOF OF SERVICE

I HEREBY CERTIFY that on July 14, 2020, a copy of this request for a Modification of Consequence to conditions cited by the Board under BZA Order No. 17996-B was served on the following parties to the original case via email:

D.C. Office of Planning

Ms. Jennifer Steingasser
Mr. Joel Lawson
Ms. Karen Thomas
1100 4th Street, W, Suite E650
Washington, DC 20024
jennifer.steingasser@dc.gov
joel.lawson@dc.gov
karen.thomas@dc.gov

Advisory Neighborhood Commission 3C

Commissioner Nancy MacWood, Chair
Commissioner Vici Gersten, Vice Chair
P.O. Box #4966
Washington, DC 20008
anc3c.office@gmail.com
3c09@anc.dc.gov
vickigerstenANC@gmail.com

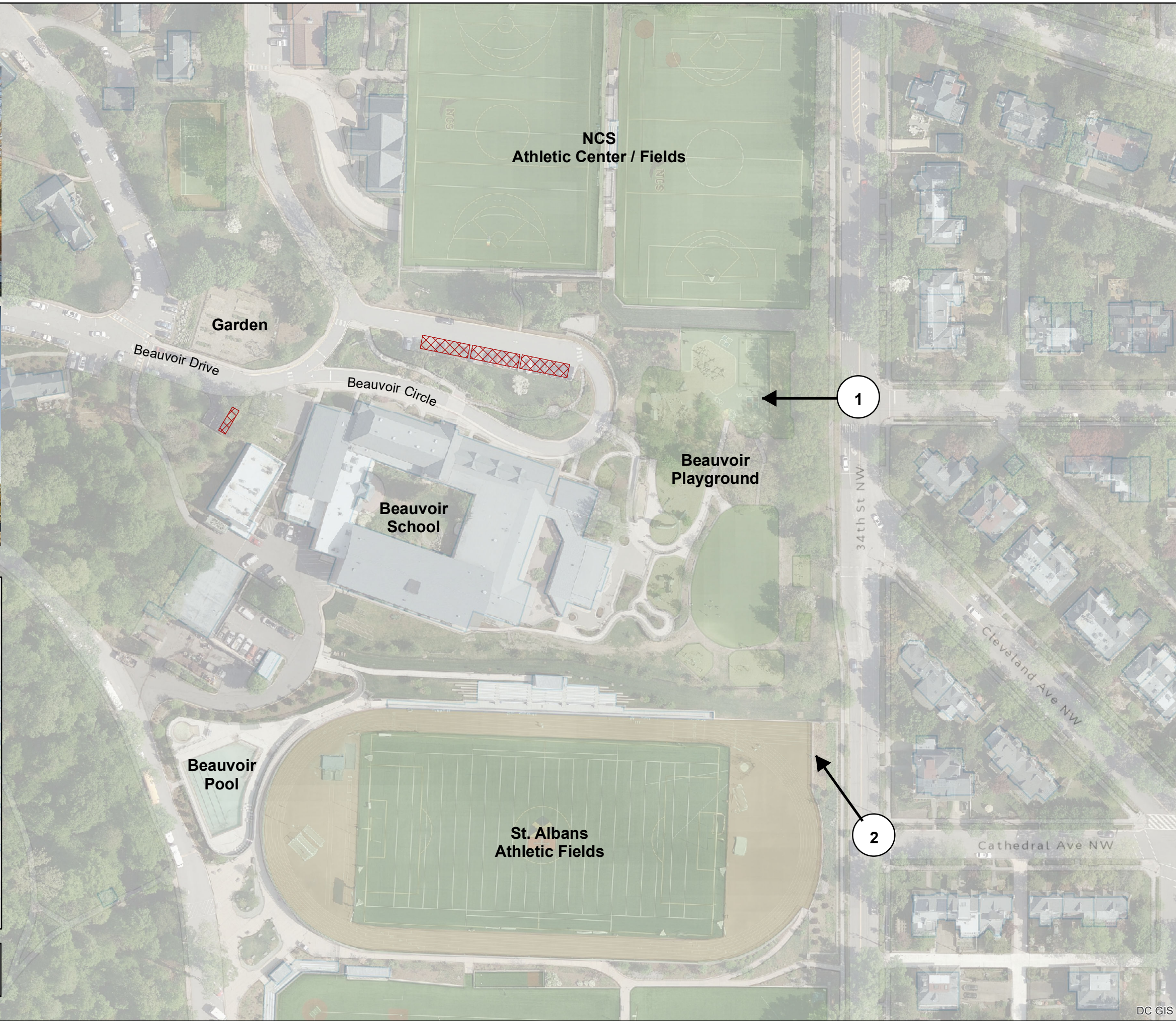
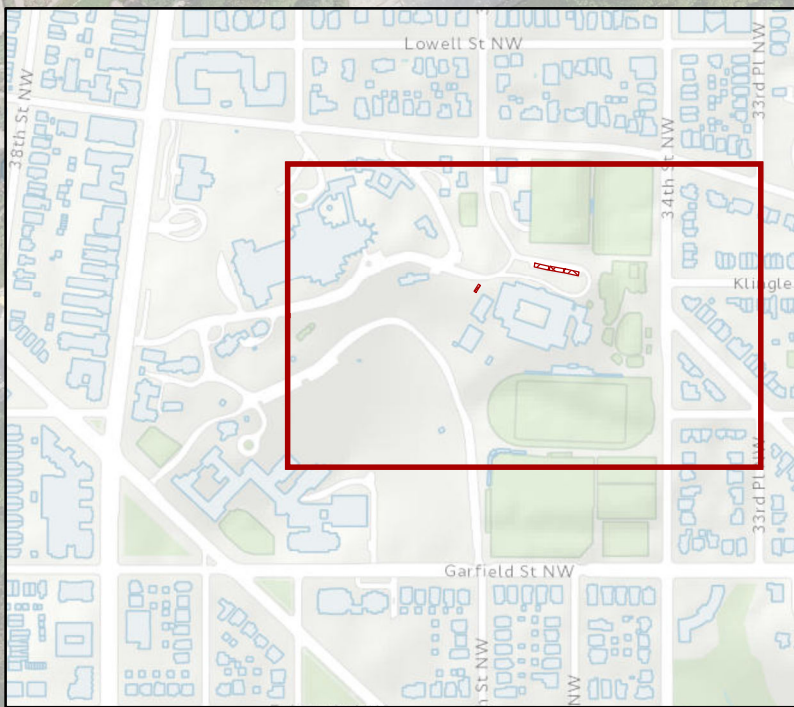
District Department of Transportation

Ms. Anna Chamberlain
Mr. Aaron Zimmerman
1100 Fourth Street, SW
Washington, DC 20024
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aaron.zimmerman@dc.gov

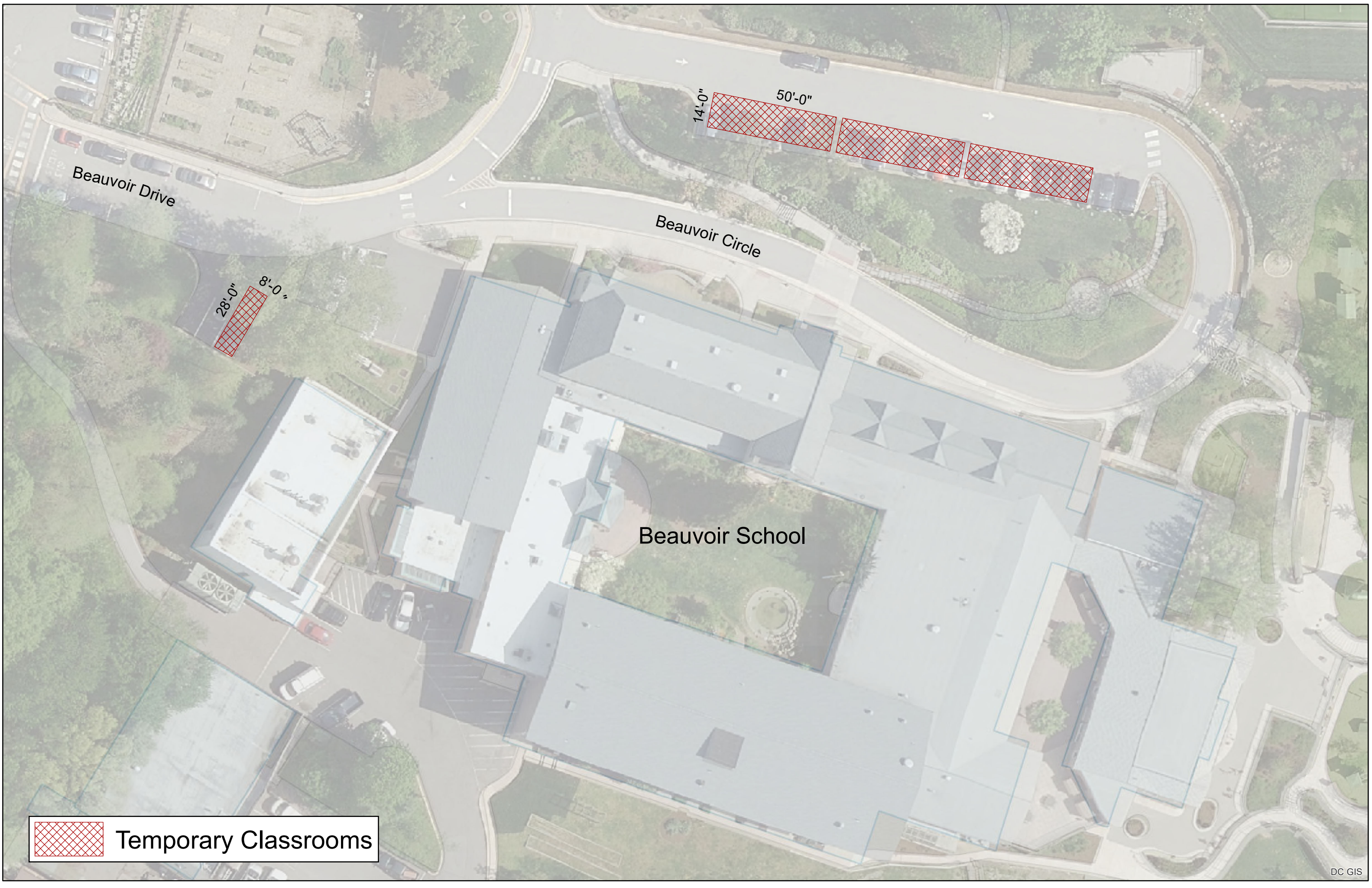


Christopher S. Cohen

EXHIBIT A



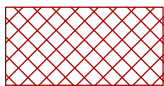
 Temporary Classrooms



Beauvoir Drive

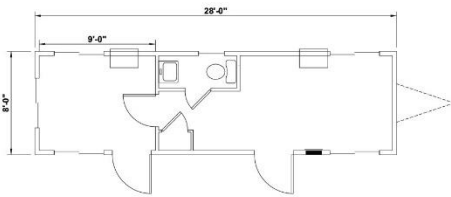
Beauvoir Circle

Beauvoir School

 Temporary Classrooms

Floorplan

32' x 8' Mobile Office



Dimensions

- 32' Long (including hitch)
- 28' Box size
- 8' Wide
- 7' Ceiling height

Exterior Finish

- Aluminum siding
- I-Beam frame
- Standard drip rail gutters

Interior Finish

- Paneled walls
- Vinyl tile floor
- Gypsum ceiling

Electric

- Fluorescent ceiling lights
- Breaker panel

Heating/Cooling

- Electric baseboard heat and thru-wall AC unit or combination heat/AC unit

Windows/Doors

- Horizontal slider windows
- (2) Vision panel door with standard lock or (2) steel door with dead bolt lock

Other

- Private office(s)
- Optional restroom

* Photos are representational; actual products vary. Additional floor plans and specifications may vary from those shown and are subject to in-stock availability.

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EXHIBIT B-1

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.

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BZA APPLICATION NO. 17996-B
PAGE NO. 2

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.

BZA APPLICATION NO. 17996-B
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(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.

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).

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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
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,

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GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMILY 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
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Washington, D.C. 20004

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
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BZA APPLICATION NO. 17996-B
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ATTESTED BY: *Jamison L. Weinbaum*
JAMISON L. WEINBAUM
Director, Office of Zoning

EXHIBIT B-2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16274 of the National Cathedral Elementary School (Beauvoir), pursuant to 11 DCMR 3108.1 for special exceptions under Sections 205 and 206 for an addition to an existing private school in a R-1-B District at premises 3500 Woodley Road, N.W. (Square 1944, Lot 25).

HEARING DATE: November 5, 1997
DECISION DATE: November 5, 1997 (BENCH DECISION)

SUMMARY ORDER

This case was originally advertised to request special exceptions pursuant to 11 DCMR Sections 205 and 206. However, the application was amended to delete relief under Section 205 because the applicant is not operating a child development center.

The Board provided proper and timely notice of 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 the application is located within the jurisdiction of ANC 3C. ANC 3C, which is automatically a party to this application, submitted a written statement of issues and concerns in support of the application.

As directed by 11 DCMR Section 3324.2, the Board has required the applicant to satisfy the burden of providing the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR Section 206. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

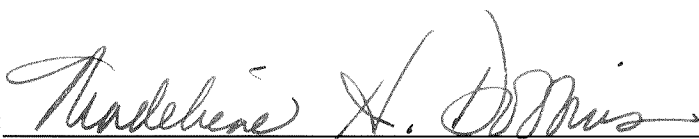
Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The number of students shall not exceed 400.
2. The number of faculty and staff shall not exceed 85.

Pursuant to 11 DCMR Section 3301.1, the Board has determined to waive the requirement of 11 DCMR Section 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Betty King, Susan Morgan Hinton, and Sheila Cross Reid, to grant; Laura M. Richards not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: DEC 8 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "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 BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16274

As Director of the Board of Zoning Adjustment, I certify and attest that on DEC 8 1997 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Richard B. Nettler
Robins, Kaplan, Miller and Ciresi
1801 K Street, N.W., Suite 1200K
Washington, D.C. 20006

Paula Carreiro
3843 Macomb Street, N.W.
Washington, D.C. 20016

Ellen McCarthy
3905 Morrison Street, N.W.
Washington, D.C. 20015

Calvert S. Bowie, AIA
2942 Macomb Street, N.W.
Washington, D.C. 20008

Phil Mendelson, Chairperson
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Attested By:

A handwritten signature in cursive script, reading "Madeliene H. Dobbins".

MADELIENE H. DOBBINS

Director

DATE: DEC 8 1997

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.

BZA APPLICATION NO. 17996
PAGE NO. 2

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
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

BZA APPLICATION NO. 17996
PAGE NO. 4

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 INTRAFAMILY 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

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
PAGE NO. 2

ATTESTED BY:



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.

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-A
PAGE NO. 2

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
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.

BZA APPLICATION NO. 17996-A
PAGE NO. 4

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 INTRAFAMILY 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.
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Washington, D.C. 20004

Melinda Bolling, Esq.
Acting General Counsel
Department of Consumer and Regulatory Affairs
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BZA APPLICATION NO. 17996-A
PAGE NO. 2

ATTESTED BY:


JAMISON L. WEINBAUM

Director, Office of Zoning

EXHIBIT C



7/13/2020

Board of Zoning Adjustment
of the District of Columbia
441 4th Street, N.W., Suite 200S
Washington, D.C. 20001

**Re: Authorization Letter from the Property Owner
Request for a Modification of Consequence to BZA Order No. 17996-B
3500 Woodley Road, NW (Square 1944, Lot 25)**

Dear Members of the Board:

As the owner of the property that is the subject of the above-referenced application, this letter is hereby submitted pursuant to 11-Y DCMR § 200.2, to authorize Holland & Knight LLP to represent Protestant Episcopal Cathedral Foundation ("PECF") in all matters before the Board of Zoning Adjustment ("BZA") concerning a request for a modification of consequence of BZA Order No. 17996-B to allow a reduction of the minimum parking space requirements and to permit the installation of temporary classroom space at the Beauvoir School, the National Cathedral Elementary School. As set forth in Subtitle Y § 200.3, this authorization includes the power to bind PECF in the case before the Board.

Sincerely,

By: Mary Jane Perraut
Its: Chief Financial Officer

Linda Baxter
PECF, Executive Director,
Finance and Administration