

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18579 of the Roman Catholic Archbishop of Washington, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the lot occupancy requirements under § 403 and a variance from the non-conforming structure requirements under § 2001.3¹, and for special exceptions from § 411 from the roof structure requirements, to allow an addition to a private school, and from §§ 205 and 206 to establish private school and child development center uses in the R-3 Zone District at premises 3514 O Street, N.W. (Square 1227, Lot 95)

HEARING DATE: July 9, 2013

DECISION DATE: July 9, 2013

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") 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") 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E did not attend the public hearing nor did it file a report. The Applicant testified that the ANC had voted to approve the application.²

The Office of Planning ("OP") submitted a timely report dated July 2, 2013, recommending approval of the application, subject to four conditions. (Exhibit 28.) By its letter dated July 2, 2013, the District Department of Transportation ("DDOT") submitted a recommendation of no objection subject to implementation of the proposed Transportation Demand Management measures. (Exhibit 29.)

¹ The Applicant amended the application to include a request for variance relief from the non-conforming structure requirements under § 2001.3. The caption has been amended accordingly.

² The Board accepted the Applicant's testimony of the ANC's support of the application, but as there was no ANC report submitted to the record, there was nothing to which great weight could be given.

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Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for variances from the strict application of the lot occupancy requirements under § 403.2 and from the non-conforming structure requirements under § 2001.3, to allow an addition to a private school. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for area variances from §§ 403.2 and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

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 exceptions under §§ 205, 206, and 411. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 205, 206, and 411 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. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED WITH THE FOLLOWING CONDITIONS**:

1. The additions to the Upper School and the Lower School shall be constructed in accordance with the **revised plans** submitted in the record as **Exhibit 26A**.
2. The pre-kindergarten program may only:
 - a. Operate Monday through Friday from 7:30 a.m. to 6:00 p.m.;
 - b. Have a maximum enrollment of 16 children;
 - c. Employ a maximum of two full-time teachers; and

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- d. Schedule and coordinate staff-monitored drop-off and pick-up activities between 7:45 a.m. and 8:15 a.m. and 3:00 p.m. and 3:15 p.m., respectively.
3. The School may only:
 - a. Operate from Monday through Friday from 7:30 a.m. to 6:00 p.m.;
 - b. Have a maximum enrollment of 334 students in kindergarten through eighth grade;
 - c. Employ a maximum of 68 faculty and staff members; and
 - d. Schedule and coordinate staff-monitored drop-off and pick-up activity between 7:30 a.m. and 8:00 a.m. and 3:00 p.m. and 3:15 p.m., respectively.
4. The School shall designate a community liaison to serve as a point of contact for the community.
5. After-school athletic activities in the multi-purpose room shall be limited to those activities supervised and run by the School and/or the Church.
6. The School shall implement a transportation demand management (“TDM”) program that shall:
 - a. Designate a TDM coordinator to oversee and implement TDM measures;
 - b. Encourage student ride-matching by reaching out to the Metropolitan Washington Council of Governments’ SchoolPool program;
 - c. Improve Upper School afternoon pick-up procedures by either stationing a staff member on the 1400 block of 36th Street to assist residents parking on the street or allowing only carpools to use the 36th Street block between P and O Streets, and directing all other vehicles down either O Street or N Street;
 - d. Instruct all employees to comply with the residential parking permit zoned areas;
 - e. Reduce its total traffic footprint and reducing the number of single-occupancy vehicle trips by encouraging carpooling and public transportation;
 - f. Participate in the District’s Safe Routes to School programs and coordinating with the DDOT SRTS liaison to improve access for non-auto modes;
 - g. Provide preferential consideration to carpools when providing access to reserved off-street parking spaces;
 - h. Offer one-year Capital Bikeshare memberships to employees who bike to work;
 - i. Provide adequate on-site bicycle parking spaces;
 - j. Provide a public transportation subsidy of at least \$15.00 per day; and

Complete an additional traffic and parking data analysis within one year after the issuance of a certificate of occupancy for the proposed additions. The traffic and parking

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data analysis shall consist of information gathered from surveys sent to all faculty, staff, and students and the results shall be provided to the ANC.

VOTE: **4-0-1** (Lloyd J. Jordan, Marcie I. Cohen, S. Kathryn Allen, and Jeffrey L. Hinkle 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:  _____ *for*

SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: August 13, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING

ADJUSTMENT. 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, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.