

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17549 of Georgetown Visitation Preparatory School, pursuant to 11 DCMR § 3104.1, for a special exception to increase a private school student enrollment cap from 435 to 490, and to increase the cap on faculty and staff from 110 to 120, under section 206, in the R-3 District at premises 1524 35th Street, N.W. (Square 1292, Lot 202).

HEARING DATE: February 20, 2007
DECISION DATE: February 20, 2007 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

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

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) 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 submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

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 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 § 3101.6, 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**, **SUBJECT to the following CONDITIONS:**

1. The number of students shall not exceed 490.
2. The School shall have a maximum of 120 staff members.
3. Outdoor activities shall take place under staff supervision at all times.
4. The grounds and landscaping of the School shall be maintained in a neat and orderly condition at all times.
5. Trash and refuse generated by the School shall be kept from public view and collected at least twice weekly.
6. The Traffic Management Plan shall be established, implemented and monitored in accordance with the terms of the plan (attached).

VOTE: 3-0-2 (Geoffrey H. Griffis, Ruthanne G. Miller, Curtis L. Etherly, Jr. to grant; John A. Mann II not present, not voting; No Zoning Commission Member present)

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

Each concurring member approved the issuance of this order.

ATTESTED BY:



JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: FEB 27 2007

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, 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.

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TRANSPORTATION MANAGEMENT PLAN
PROPOSED NEIGHBORHOOD AGREEMENT
(Updated 1/30/2007)

Georgetown Visitation is grateful to its neighbors for their interest and support for our application for an enrollment cap increase. At the same time we recognize that traffic in the Georgetown area generally and on 35th Street specifically has become more congested. As one of several schools using 35th Street as a major arterial route, we are committed to taking affirmative steps to alleviate our contribution to the congestion by implementing more aggressive management of the traffic flow through the intersection of 35th and Volta and by reducing the number of vehicles visiting campus during peak traffic periods.

We recognize that there is no single policy that will solve the traffic issues on 35th Street. The proposed plan that we have developed is our effort to identify a collection of changes to the School policies, permitting procedures and traffic management at the gate that, taken as a whole, should have a significant impact on Visitation's contribution to the traffic on 35th Street. Some steps can be implemented immediately, but others (particularly those requiring the involvement of parents) can not be fully implemented until the next school year. Accordingly, some steps are "tiered," involving immediate incentives coupled with complete implementation during the next school year.

I GENERAL FRAMEWORK

A. The School agrees that this Transportation Management Plan (TMP) will govern its management of School-related transportation in exchange for the support of the ANC for Visitation's application to the BZA for a special exception in Case No 17549. The School and the ANC agree to be bound by the terms of the TMP and any future amendments agreed-upon under paragraph I.C. This TMP will become effective upon the issuance of an order from the BZA granting an increase in the student and faculty cap that is requested or not appealed by the school.

B. Absent any amendment or written agreement to the contrary, the plan in its current form will remain in force for a period of 10 years. One year prior to the end of the term, Visitation will meet with neighborhood and ANC representatives to discuss the continued need for a plan of this type and renegotiate the terms of the plan based on the then-current traffic situation. Absent a new agreement between the School and the ANC, the terms of this plan (subject to any amendments) will continue in force beyond the initial 10-year period.

C. Recognizing the need for flexibility in developing the most-effective long-term plan, the School and the ANC agree the TMP can be amended at any time by mutual agreement. Any amendment, to be effective, shall be written, signed by the School and signed by a representative of the ANC after approval by the ANC. Agreements on implementing contemplated aspects of the plan, e.g., adjusting the hours for the off-duty police officer as described in section II.B. are not subject to the preceding sentence but may be arrived at more informally.

D. The ANC may designate a representative or representatives to be the liaison with the School on matters relating to the TMP.

II IMMEDIATE STEPS

A. Visitation will request new signs in the area of its Main Gate at 35th and Volta that ensure pedestrian safety and support the four-way stop signs at the intersection.

B. The School will employ an off-duty MPD officer to regulate the morning flow of traffic and adherence to traffic regulations at the School gate/intersection of 35th and Volta. The officer will be on duty from 7:15 to 8:15 each morning the School is in regular session. The priorities of the off-duty officer will be to enhance pedestrian and traffic safety and to keep traffic flowing on the public streets (35th Street and Volta Street east of 35th Street). The officer's start and end times may be readjusted as needed to best address the demands of the morning traffic flow associated with the School, as the School and the ANC or its delegate may agree.

C. Visitation will take immediate and longer-term measures to reduce the traffic associated with the School's normal operations to levels which, between the peak hours of 7:30 a.m. and 8:15 a.m., are no greater than reasonably would be expected at the current enrollment cap of 435 students and 110 faculty and staff as derived from the traffic counts performed by O.R. George & Associates on January 25, 2006.

1. The School will take actions that will reduce the number of trips generated by the School during the time between the peak hours of 7:30 a.m. and 8:15 a.m. by a range of 7-12% below the number of trips reflected in the January 25, 2006 traffic count. Accordingly, the expected range for the maximum number of vehicles-trips related to School traffic through the School's entrance at 35th & Volta (in plus out) should be between 300 and 284.

2. Beginning with the 2007/2008 academic year, the School will submit to the ANC a Traffic Summary prepared by a qualified third-party traffic engineer (to be selected by the School and approved by the ANC) that will evaluate the efficacy of the steps that have been put into place to reduce traffic volume and improve the flow of traffic on 35th Street. If the annual Traffic Summary does not indicate traffic levels commensurate with the number of vehicle-trips in the preceding paragraph, Visitation will propose specific additional traffic reduction measures to the ANC, and will work together with the ANC to ensure implementation of those additional measures, to further reduce levels and impact of Visitation-related traffic.

3. The School will in any event submit a Traffic Summary to the ANC for three consecutive years, beginning with the 2007/2008 academic year. If the annual Traffic Study indicates traffic levels commensurate with the number of vehicles-trips identified in Paragraph 1 for any two consecutive year period (beginning with the 2008/2009 academic year), the School will not be required to submit another annual count unless and until the ANC indicates by a vote that it requests

Agreed Transportation Management Plan

the School to do so after considering the then-current traffic at 35th and Volta and the possible effect of Visitation's addition to and detracting from such traffic.

4. The expected range referred to in paragraph C.1 is an upper limit and not a target. The School will be in compliance with paragraph C.1 when the traffic count is within the expected range of 300 to 284 for the peak period. At the same time, the School and the ANC value the importance of an ongoing collegial dialog about traffic management and reduction, and the School and the ANC appreciate that overall traffic reduction is generally more beneficial than traffic shifting. The School and the ANC will continue to explore together reasonable ways of reducing and managing School-related traffic.

D. In order to reduce the volume of traffic entering its campus during the morning peak time, Visitation will take the following steps immediately:

1. The School will assign a staff member to serve as Transportation Management Co-coordinator (TMC). Responsibilities will include the oversight of all aspects of this plan, the distribution of Parking Permits, and adherence to all School driving and parking regulations, as well as the responsibility to encourage and facilitate car-pooling among faculty, students and parent drivers. Having a designated TMC will enhance the School's ability to monitor and enforce the School's transportation rules. The TMC will not only monitor carpooling, but will also identify students who live near each other and assist in forming new carpools among parent drivers as well as student drivers (where allowed by local laws).

2. The School will stagger the hours of faculty and staff to reduce the number of drivers entering the campus during peak hours. Currently, all full-time faculty are to be on campus at 7:45, even if they do not have a first period class. Faculty who do not teach first period will now be asked to arrive on campus either before 7:30 or after 8:15 so that they do not contribute to the peak traffic period. We will also restructure the hours of non-instructional staff and require them to arrive either before 7:30 or after 8:30, as well as hold other meetings at times that will not contribute to the peak traffic period. The School currently allows several non-Visitation employees to park on campus, traffic that would be forced on the neighborhood streets if not permitted to park here. We will also require non-Visitation groups that use the campus to avoid peak traffic periods as a condition of parking on campus.

3. The School will encourage car-pooling in the second semester of this school year by offering Car-Pool Rebate (CPR) to any parent who regularly drives 3 or more students to school. The CPR will not be less than \$500. We are focusing on parent driven car-pools so as not to encourage driving arrangements that are inconsistent with the regulations in the local jurisdictions and unsafe driving conditions for younger drivers. The CPR will be administered by the TMC and regularly checked by the gate attendants. This measure will reduce the number of cars dropping-off and picking-up students during peak traffic periods. It should

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be noted that every drop-off/pick-up represents two trips through the intersection, so as more parent-driven carpools are formed, Visitation's burden on 35th Street should be reduced significantly.

4. The School will offer subsidies to students, faculty and staff to encourage the use of public transportation rather than driving themselves or being dropped off. The School will publicize new and existing subsidies to parents, students, faculty and staff.

E. The School will implement new policies for buses and deliveries to campus to minimize the impact of this traffic on the neighborhood. All buses and delivery vehicles will load and off-load on campus and avoid certain peak hours for this activity to occur. It should be acknowledged that occasionally larger vehicles may not be able to abide by this restriction but the School will attempt to make this a rare occurrence.

F. The School will develop a series of Safe Driving Presentations with the MPD for our students in an effort to increase the level of safety and attention paid by our student-drivers. The topics covered will include an explanation of the laws of the local jurisdictions, safe driving tips and driving courtesy. These will be offered during the second semester of this year and then become a requirement to obtain a parking permit for the campus in the future. In addition, we will aggressively enforce the traffic and parking regulation on our own campus and take immediate steps when those regulations are violated.

G. In addition to updating the Student Handbook to reflect all changes to the driving and parking policies, the School will incorporate all driving and parking policies that effect parents or students into the enrollment contract that parents enter into for each new academic year. These include, but are not limited to, the following requirements:

1. All drop-off and pick-up activities shall be within areas specifically designated on the campus. This requirement will be strictly enforced by the gate attendant(s) on duty.
2. Students shall only drive a vehicle to school if the vehicle is registered with the School, has been assigned a parking permit, and there is an assigned, on-site parking space for the vehicle. A valid parking permit must be displayed at all times while the vehicle is on campus.
3. Only junior and senior students with valid driving permits are eligible to park on campus. Eligible students must register their vehicle and apply for a parking permit in order to park on campus. At the beginning of the academic year, all students who had parking permits the previous year must re-register their vehicle and re-apply for parking permits. Students are strictly prohibited from parking on residential streets surrounding the campus.
4. Non-compliance with the regulations will result in imposition of the following penalties: a warning shall be issued and a monetary fine imposed for a first

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violation; a second violation will result in doubling the monetary fine; and a third violation will result in the loss of driving privileges on campus.

III ONGOING STUDIES AND PROPOSALS

A. Visitation will work with the ANC and its neighbors to secure a designated right turn lane on 35th Street onto the campus which would allow Visitation-bound cars approaching from the North to clear the intersection more quickly and reduce the delay at the four-way stop for other drivers. This has been proposed in the Traffic Impact Assessment commissioned by the School and discussed with the neighbors. The parking spaces to create this lane North of Volta/the Main Gate would be replaced by the School relinquishing the same number of spaces set aside as "School Zone—No Parking" south of Volta, in front of Founders Hall. The School would pay for any costs (permitting, signage etc.) associated with this change. The School, with the support of the ANC, will request DDOT's approval of this change.

B. The School will study additional ways to reduce the volume of traffic entering the campus during peak time that can be implemented next school year or in future years. These will include possible additional restrictions on student driving and parking on campus as well as additional incentives to encourage car-pooling arrangements and other modes of transportations (such as walking and biking). As part of this review we will also study the feasibility of offering a shuttle service for students from stops outside the District.

C. Visitation will study ways to allow for easier access to its campus in order to minimize congestion at the intersection of 35th and Volta. Suggestions have been made on widening the curb lane at the entrance to allow for a smoother entry at the main gate. We will review this and implement any reasonable changes that will improve the efficiency and safety of the entrance.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA APPLICATION NO. 17549

As Director of the Office of Zoning, I hereby certify and attest that on **FEBRUARY 27, 2007**, 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:

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