

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17868 of Georgetown Day School, pursuant to 11 DCMR § 3104.1, for a special exception to increase the student enrollment cap from 465 to 500, and to increase the number of faculty and staff from 95 to 100 for an existing private school, under section 206, in the R-2 District at premises 4200 Davenport Street, N.W. (Square 1673, Lot 824).

HEARING DATE: January 27, 2009
DECISION DATE: January 27, 2009 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

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) 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted an approved resolution not opposing the application, attached to which was an agreement entered into by the ANC and the Applicant. Both the resolution and agreement were approved at the ANC's special meeting on January 26, 2009. (Exhibit 31) The Office of Planning (OP) also submitted a report in support of the application. (Exhibit 26).

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 report, 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

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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** subject to the following **CONDITIONS**:

1. Approval shall be limited to the High School, grades 9-12.
2. The number of enrolled students at the High School shall not exceed 500.
3. The High School shall have a maximum of 100 full-time equivalent faculty and staff members.¹
4. The southeast portion of the site located at the northwest corner of the intersection of 42nd and Chesapeake Streets shall be landscaped and maintained as open space. No parking shall be permitted on this portion of the site.
5. At the beginning of each school year, but in no event later than October 15th, the School shall provide to the ANC and to the District Department of Transportation documentary evidence to demonstrate its enrollment figures and compliance with the terms and conditions of this Order, including the Transportation Management Plan (“TMP”) referenced in Condition No. 10 of this Order.
6. The School shall be available, at the request of Advisory Neighborhood Commission 3E, during the fall and spring of each year to discuss any issues of concern to the community. The School shall attend any additional meetings deemed necessary by the School and/or the ANC to address issues and concerns raised by the community.
7. All vehicular traffic to and from the site shall use the Davenport Street entrance. Pedestrian access only will be permitted at the 42nd Street entrance, which shall be monitored from 7:45 a.m. to 8:15 a.m.

¹ Condition number 3 is expressed in “full-time equivalents,” also known as “FTEs,” which does not reflect the total number of full time and part-time faculty and staff that may be employed by the High School. Pursuant to 11 DCMR § 2118.3, the maximum number of individual faculty and staff members employed by the High School for any one period of the day is limited by the parking requirements set forth at 11 DCMR § 2101.

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8. All pick-up and drop-off of students shall occur on the School grounds. During drop-off and pick-up, caregivers may not park in the neighborhood to wait or walk their student(s) to the school.

9. The site shall continue to provide one emergency access point on 43rd Street, which shall be secured by a 6.5-foot gate. The gate shall be locked at all times except for access by emergency vehicles.

10. The Transportation Management Plan instituted pursuant to Order 17170 shall continue to be maintained and monitored by the School. The TMP shall continue to include the following elements:
 - (a) The School shall encourage the use of public transportation as the primary means of accessing the School by the faculty, staff, and students.

 - (b) The School shall make available to all students reduced fare Metrorail passes to encourage use of public transportation.

 - (c) No student shall drive a vehicle to School unless there is an on-site parking space for that vehicle.

 - (d) At the beginning of each school year, all students must register their vehicles with the School.

 - (e) The School shall strictly prohibit students from parking on the residential streets surrounding the campus during all hours that the School's on-site parking is available for use.

 - (f) School employees will be trained at the beginning of each year to implement and enforce the TMP.

 - (g) The School will instruct parents not to park on, or queue on, Chesapeake Street to wait for their children at school drop-off or pick-up times.

 - (h) The School will continue to provide traffic control personnel at the driveway during the school drop-off and pick-up times to facilitate on-campus traffic flow and enforce drop-off and pick-up procedures.

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- (i) The School will encourage carpooling by establishing an online system to help parents identify other families along their travel route by distributing information regarding the location of other families in the area to parents at the start of each academic year.
 - (j) The School will distribute a policy manual to all families prior to the start of the academic year that explains all relevant policies and procedures regarding parking, pick-up, drop-off and penalties for non-compliance. This information shall also be posted on the School's website.
 - (k) Faculty and staff will be encouraged to use mass transit and those living beyond 15 miles will be subsidized in their use of mass transit.
 - (l) The TMP shall become a part of the enrollment contract between the School and parents, by which the parents shall agree to be bound by its fines and punishments.
11. The surface parking area shall be secured by a chain gate, cable, or similar device during all hours that the lot is not in use. When the parking area is open during non-school hours, the School shall provide security to prevent unauthorized parking.
12. The parking garage shall be available for use at all times that the School is open. The School shall have security personnel on duty at the School and monitoring the garage at all hours that the garage is open. The garage shall be secured during all hours that it is not in use.
13. During special events which increase the demand for parking beyond the number of spaces available on the site, the School shall provide shuttle bus service to minimize potential overflow parking on neighborhood streets by visitors to the School. Adequate notice of such service shall be provided by the School to all invited participants in the special event.
14. All extracurricular or inter-scholastic activities held on site shall be concluded by 11:30 p.m.

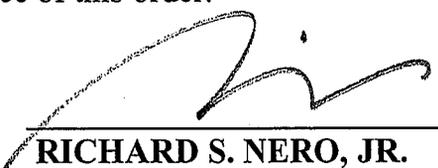
15. All interscholastic athletic events utilizing the athletic field shall be scheduled to conclude no later than 7:30 p.m. In situations where an event goes into overtime, is subject to weather delays, or is subject to other conditions that force the event past 7:30 p.m., the event must be concluded no later than 8:00 p.m.
16. There shall be no artificial lighting of the athletic field.
17. The bell system within the school shall not be audible in the neighborhood except for standard emergency alarm systems.
18. Students parking cars on either the surface lot or in the garage are to stay on campus during the hours that classes are in session except for trips off-campus for the following purposes: (a) work or internship related activities; (b) community service events; (c) school or extracurricular-related activities; or (d) approved leave.
19. The School may make its High School facilities and grounds available to organized community groups.
20. During any period of time when the existing campus parking spaces are reduced, the School shall provide the same number of parking spaces elsewhere and shall fully enforce the school's existing parking restrictions.

VOTE: **5-0-0** (Ruthanne G. Miller, Marc D. Loud, Mary Oates Walker, Shane L. Dettman, and Michael G. Turnbull, FAIA, to APPROVE AS CONDITIONED.)

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

Each concurring member approved the issuance of this order.

ATTESTED BY:



RICHARD S. NERO, JR.

Acting Director, Office of Zoning

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FINAL DATE OF ORDER: February 23, 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 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 PURPOSES OF SECURING A BUILDING PERMIT.

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, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

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, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, 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.

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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.

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As Acting Director of the Office of Zoning, I hereby certify and attest that on February 23, 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:

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ATTESTED BY:


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