

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18237 of Lab School of Washington, pursuant to 11 DCMR § 3104.1, for a special exception to extend the existing cap of 182 faculty and staff members and 330 students, for an existing private school (main campus) under section 206, in the R-1-B District at premises 4759 Reservoir Road, N.W. (Square 1372, Lot 25).

HEARING DATE: July 26, 2011
DECISION DATE: July 26, 2011

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

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”) 3D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. ANC 3D filed a report, dated July 22, 2011, which indicated that it considered the application at two properly noticed and scheduled public meetings held on June 1, 2011 and July 6, 2011. At the meeting on July 6, 2011, with a quorum of Commissioners present, the ANC voted 9:0 to support the application with conditions. (Exhibits 29 and 30.)

The Office of Planning (“OP”) submitted a timely report recommending approval of the application, subject to conditions.¹ (Exhibit 27.)

A letter of opposition to the application was filed for the record by a neighbor, Paul Martin Wolff, 4770 Reservoir Road, N.W.² (Exhibit 23.)

¹ OP’s report recommended adoption of six conditions, which it indicated had been proposed by the Applicant in consultation with the ANC. (Exhibit 27.)

BZA APPLICATION NO. 18237
PAGE NO. 2

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 a special exception under § 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 ANC and OP 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. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED WITH THE FOLLOWING CONDITIONS:**

1. The maximum enrollment shall be 330 students.
2. The maximum number of faculty, staff, and administrative personnel, including part-time employees, shall be 182.
3. Within 30 days of the beginning of each academic year, the School shall provide to ANC 3D a report indicating current student enrollment and the number of faculty/staff.
4. The School shall fully implement and comply with the Traffic Management Plan (“TMP”) submitted for the record as Exhibits 9 and 26, Tab B. The TMP shall mandate that no new trips be generated beyond the existing limit of 165 morning peak hour trips. It shall also require that a traffic monitoring survey be performed once every semester.
5. Within 45 days of each traffic monitoring survey required in the TMP, the School shall provide to DDOT and ANC 3D a report indicating its compliance with the TMP. Compliance with the TMP shall be measured by whether the School maintains a morning peak hour trip generation of no greater than 165 trips. If the School exceeds 165 trips during the a.m. peak period for two consecutive reporting periods, additional transportation management measures shall be triggered. Such measures shall require stringent obligations from the School to reduce the morning peak hour trip generation and

² The Applicant responded to the neighbor’s concerns both in its written statements which included transportation report and Traffic Management Plan (“TMP”) (Exhibits 9 and 26, Tab B) and in testimony in which the Applicant stated that in addition to following its TMP, it has hired an off-duty policeman to assist in managing traffic.

may include measures such as prohibiting new staff from arriving to the campus by car. If the School still exceeds 165 trips during the morning peak period after the third consecutive survey is conducted, it must file an application with the BZA for review of the conditions of approval of this application within 30 days.

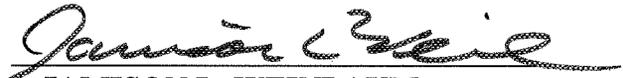
6. The Lab School shall host public meetings at least once every four months to discuss any matters of concern to the community regarding the School and to discuss possible measures for addressing such concerns. Notice of the time and location of the meetings shall be sent to the ANC, the Foxhall Community Citizens Association and the Palisades Citizens' Association and posted on the School's website at least 30 days in advance.

VOTE: **4-0-1** (Meridith H. Moldenhauer, Jeffrey L. Hinkle, Nicole C. Sorg, and Peter G. May to APPROVE; Lloyd J. Jordan neither 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

AUG 3 2011

FINAL DATE OF ORDER: _____

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 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, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THEREOF, 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

BZA APPLICATION NO. 18237

PAGE NO. 4

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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BZA APPLICATION NO. 18237

AUG 3 2011

As Director of the Office of Zoning, I hereby certify and attest that on _____, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, or delivered by electronic mail in the case of those ANC's and SMD's that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Allison Prince, Esq., and Christine A. Roddy, Esq.
Goulston & Storrs
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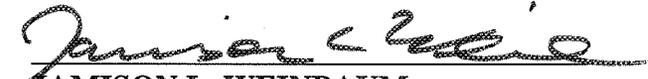
Chairperson
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ATTESTED BY:


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