

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17913 of Gonzaga College High School, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to construct new facilities for academic and athletic uses, to construct a below grade parking garage and to make other related modifications to the campus under section 206, and for a variance from the court requirements under section 406, in the R-4, C-2-A and C-3-C Districts at premises 19 I Street, N.W. (Square 622, Lots 90 and 840).

HEARING DATE: April 28, 2009
DECISION DATE: April 28, 2009 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

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

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) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. On April 7, 2009, ANC 6C, at a duly noticed, regularly scheduled meeting with a quorum present, voted to recommend approval of the application. The ANC submitted a timely report. (Exhibit 26) The Office of Planning (OP) submitted a report in support of the relief requested under section 206 and subsection 406.1, subject to the implementation of the Transportation Management Plan (TMP). (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.

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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.¹

Based upon the record before the Board, and having given great weight to the OP report, the Board also concludes that the Applicant has met the burden of proving under 11 DCMR §§ 3103 and 406 that there exists an exceptional or extraordinary condition or situation related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the 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 Zoning Map.

¹ The Board conditioned its approval on the Applicant's implementation of the Transportation Management Plan (TMP) provided in the application. In so doing, the Board gave great weight to OP's report. In its report OP emphasized the 8 commitments the Applicant made in the TMP (Exhibit 25, Attachment D, pgs 20 – 21); namely that the Applicant, in implementing the TMP, would:

- a. Increase vehicle occupancies (i.e. carpooling) with appropriate consideration for the classification of young drivers who access the School as well as in keeping with the regulations applying to teenage driving and the number of passengers allowed (as per local District of Columbia laws);
- b. Encourage the use of public transportation by staff and students;
- c. Monitor traffic operations within the campus during the peak drop off/pick up periods to ensure efficient operations and that no "spill back" occurs on the adjacent public roadways;
- d. Assign a staff member with the specific responsibility to coordinate carpools among students, parents and staff. In addition, Gonzaga will create an online system to help identify those with similar travel routes and residence locations;
- e. Host regular discussions with the student drivers on road safety, courtesy, and the local laws and regulations of the jurisdictions in which they drive;
- f. Provide a copy of the School's Transportation Management Plan and its traffic and transportation policies to all students, parents and staff at the beginning of each school year as part of the student enrollment contract;
- g. Designate a Campus Transportation Coordinator with the responsibility of implementing the School's Transportation Management Plan;
- h. Undertake monitoring and evaluation of the TMP and make adjustments as necessary to meet the stipulated objectives.

Furthermore, as part of the TMP, the Applicant will provide a Transportation Performance Report to the Policy and Planning Administration Staff of the District's Department of Transportation (DDOT) and the ANC on an annual basis. (Exhibit 25, Attachment D)

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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 (pursuant to Exhibit 31 – Plans) be **GRANTED, SUBJECT TO THE FOLLOWING CONDITION:**

1. The Applicant shall implement the Transportation Management Plan (TMP) contained in the application. (Exhibit 25, Attachment D)

VOTE: 3-0-2 (Shane L. Dettman, Marc D. Loud, Gregory N. Jeffries to APPROVE. Mary Oates Walker and the third Mayoral appointee (vacant) not participating, not voting.)

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

FINAL DATE OF ORDER: MAY 04 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

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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.

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.

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 May 4, 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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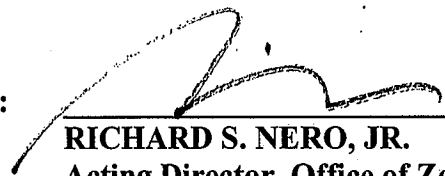
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ATTESTED BY:

A handwritten signature in dark ink, appearing to read 'Richard S. Nero, Jr.', is written over a horizontal line.

RICHARD S. NERO, JR.
Acting Director, Office of Zoning