

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18399 of Jewish Primary Day School of the Nation's Capital, Inc. pursuant to 11 DCMR §§ 3103.2 and 3104.1 for a variance from the off-street parking requirements under § 2101.1 and a special exception under § 206 to increase the private school student enrollment cap from 125 to 130 students and to increase the faculty and staff cap from 14 to 26 in the R-1-B District at premises 4715 16th Street, N.W. (Square 2707, Lot 33).¹

HEARING DATES: September 25, 2012

DECISION DATE: November 27, 2012

DECISION AND ORDER

The applicant in this case is The Jewish Primary Day School of the Nation's Capital ("JPDS", "School", or "Applicant"). JPDS filed an application with the Board of Zoning Adjustment ("Board" or "BZA") on April 24, 2012, for a special exception under 11 DCMR § 3104.1 to increase the student enrollment for a private school use located at 4715 16th Street, N.W. (Square 2707, Lot 33) (the "Property") from 125 students to 130 students and to increase the faculty and staff from 15 individuals to 26 individuals. It also seeks a variance under 11 DCMR § 3103.1 from the off-street parking requirements to provide 17 spaces; JPDS proposes to provide seven on-site spaces.

The Board held a public hearing on September 25, 2012. Following the hearing, at its decision meeting on November 27, 2012, the Board voted 4-0-1 to grant the application, subject to conditions.

FINDINGS OF FACT

Preliminary Matters

1. Applicant. The Application was filed by JPDS, a not-for-profit corporation. JPDS is a co-educational day school that was founded in 1988. In 2002, the School moved from Montgomery County, Maryland to the present location of its Main Campus at 6045 16th

¹ Although the Applicant sought to increase the cap on faculty and staff from 15 to 26, the Board notes that the employee cap previously authorized at the subject property was 14. See BZA Order No. 14919 (March 2, 1989), Condition No. 2 at p. 10. The caption has been changed accordingly.

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Street, N.W. JPDS provides education for children in pre-kindergarten through sixth grade. The Applicant is proposing to move its pre-kindergarten, kindergarten, and first grade programs to the Property and to maintain second through sixth grades at its Main Campus. (Exhibit 3.)

2. Application. The Applicant plans to establish an Early Childhood Center Campus ("ECCC") at the subject property, where special exception approval of a private school use was originally granted to the Lowell School in 1989. See BZA Order No. 14919 (March 2, 1989). This application requests a special exception under 11 DCMR § 3104.1 to increase the student enrollment permitted at the Property from 125 students to 130 students and to increase the faculty and staff from 14 individuals to 26 individuals. The application also requests a parking variance under 11 DCMR § 3103.1 from the requirement to provide 17 off-site spaces; the Applicant will provide seven of the required spaces on-site and 15 spaces off-site. (Exhibits 1 and 3.)
3. Notice of Application and Notice of Public Hearing. By memoranda dated April 27, 2012, the Office of Zoning ("OZ") advised the D.C. Office of Planning ("OP"), the Zoning Administrator, the District of Columbia Department of Transportation ("DDOT"), the Councilmember for Ward 4, Advisory Neighborhood Commission ("ANC") 4C, the ANC within which the Property is situated, and the Single Member District Commissioner, ANC 4C02, of the application. (Exhibits 16 - 20.)
4. Notice. Pursuant to 11 DCMR § 3113.13, the OZ mailed the Applicant, the owners of all property within 200 feet of the Property, and ANC 4C, notice of the September 25, 2012, hearing. Notice was also published in the *D.C. Register* on June 22, 2012 (59 DCR 7485). The Applicant's affidavits of posting and maintenance indicate that three zoning posters were posted at the Property beginning on September 6, 2012, in plain view of the public. (Exhibits 21-23.)
5. Requests for Party Status. In addition to the Applicant, ANC 4C was automatically a party in this proceeding. The Board granted party status in opposition to the application to the Carter Barron East Neighborhood Association ("CBENA"). (Exhibit 27.)
6. Applicant's Case. The Applicant presented testimony and evidence from Janine Goodman, the president of its board of trustees; Naomi Reem, Head of School; and Nicole White, an expert in traffic engineering. (See Hearing Transcript of September 25, 2012, ("Tr."), pp. 26-178.)
7. Office of Planning. By a report dated September 18, 2012, supplemented by testimony at the public hearing, OP recommended approval of the special exception and variance requested in the application, subject to a series of conditions. The Applicant was in agreement with the OP's proposed conditions of approval, with the exception of a condition to impose a 10-year term on the approval. OP ultimately reassessed its proposal for a 10-year term and supported the application without the imposition of a term, citing the

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monitoring plan proffered by the Applicant to ensure compliance with the proposed conditions. (Exhibit 28.)

8. The OP testified that the proposed expansion of the private school use was not likely to present any objectionable traffic conditions to adjoining and nearby properties in light of the operation of a proposed shuttle bus between the JPDS campuses and a student bus service, as well as the small increases expected in the number of trips generated by the requested increases in student and faculty caps. (Exhibit 28.)
9. The OP further noted that the parking variance was appropriate given the number of students who will utilize either the Applicant's shuttle bus or student bus service. JPDS will also provide showers for faculty and staff members to encourage biking to school and further reduce demand for on-campus parking. (Exhibit 28.)
10. The OP filed a supplemental report dated November 16, 2012, that reiterated its support for the application and commented favorably on the Applicant's proposed parking plan, landscape plan, traffic mitigation plan and impact analysis. (Exhibit 37.)
11. The OP proposed 12 conditions of approval:
 - a. The number of students shall not exceed 130.
 - b. The number of faculty and staff shall not exceed 26.
 - c. The hours of operation of the school shall not exceed from 8:30 a.m. to 6:00 p.m., with students, faculty and staff permitted to arrive prior to the start of school.
 - d. Use of the on-site play area shall be limited to small groups of children to minimize impacts from the noise of children at play.
 - e. Seven off-street parking spaces shall be provided at the school, and 15 off-street parking spaces shall be available at MOSAIC Church at 4401 16th Street, N.W.
 - f. Drop-off and pick-up of children shall be from the existing driveway on Decatur Street. Bus pick-up and drop-off shall be from the driveway on 16th Street.
 - g. Parking for large extracurricular events shall occur at the Carter Barron Fringe parking lot, with shuttle service provided to the subject property.
 - h. The applicant shall landscape the property in accordance with the landscape plan dated October 20, 2012.
 - i. All faculty and staff shall be permitted to ride the school's buses for free.
 - j. Four of the on-site parking spaces shall be reserved for carpoolers.

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- k. The applicant shall file a monitoring report with the ANC and DDOT every year no later than November 30.
 - l. Should the applicant fail to meet the projections as outlined in the transportation study two years in a row, the applicant would then be required to work with DDOT to develop additional techniques and mechanisms to mitigate its impact and reduce parking demand and trip generation. (Exhibit 37.)
12. JPDS concurred with the OP's conditions but proposed modifications to subparagraphs (e), (f) and (k) as follows:
- e. Seven on-site parking spaces shall be provided on the Property. Fifteen spaces shall be provided off-site and within a half-mile of the Property.
 - f. Drop-off and pick-up of children shall be from the existing driveway on Decatur Street. Bus drop-off and pick-up operations shall take place from 16th Street.
 - k. JPDS shall implement a monitoring program to ensure that it meets the projections set forth in its transportation analysis. JPDS will take traffic counts at the intersections of Decatur and 16th Streets and Crittenden and 16th Streets on an annual basis and will submit the results to DDOT by November 30 for two consecutive years after the proposed plans are in place. If JPDS successfully meets its projections, its obligations to continue monitoring will cease. If JPDS does not meet its projections for two years in a row, it shall work with DDOT to develop additional techniques and mechanisms to mitigate its impact and reduce parking demand and trip generation. (Exhibit 40.)
13. District Department of Transportation. DDOT, by report dated September 21, 2012, and supplemented by testimony at the hearing, requested an operational analysis of the intersection of 16th Street and Crittenden Street, a supplemental parking analysis and details about off-site parking spaces. It further recommended active management of bus operations and management and continuation of the Applicant's carpool and bus programs. DDOT otherwise supported the application, including the implementation of the Applicant's proposed transportation demand management measures and intercampus connectivity programs. (Exhibit 31.)
14. DDOT submitted a supplemental report, dated November 16, 2012, stating that the Applicant had adequately addressed its concerns outlined in its previous report. Specifically, DDOT noted that the intersection of Crittenden and 16th Streets was operating and would continue to operate at acceptable levels of service under the existing and future conditions analysis; the provision of satellite parking was sufficient to address parking needs; and the proposed transportation demand management plan would reduce single-occupancy trips once it was implemented. (Exhibit 39.)

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15. DDOT noted that its preference was for routing buses to use 16th Street for both northern and southern operations. The Applicant proposed to use 14th Street for southern travel given community concerns regarding use of local streets. (Exhibit 39.)
16. ANC 4C. On August 8, 2012, the ANC voted 7-2-1, at a regularly scheduled meeting with a quorum present, to recommend unconditional approval of the special exception and variance requested by the Applicant. The Single Member District representative noted that she sent a questionnaire to all property owners within 200 feet to solicit their feedback regarding the application. She found that many people within the community supported the application. (Exhibit 30.)
17. Parties and Persons in Support of Application. There were no parties or persons in support of the application present at the hearing.
18. Parties and Persons in Opposition to the Application. Doreen Thompson testified in opposition to the application on behalf of CBENA, a party to the case. She testified to parking and traffic concerns. She noted particular concern with the possibility of vehicles stacking on Piney Branch Road from Decatur Street to Emerson Street and with vehicles speeding on neighborhood roadways. CBENA residents live in close proximity to the Property and are the ones who would be impacted by the traffic operations of the School. She requested that a term be imposed on any approval of the application to confirm compliance with the variance standard and ensure no adverse impacts resulted from the reduction in required parking. She noted that she did not otherwise oppose the application. (Exhibit 27 and Tr., pp. 139-147.)

The Subject Property and the Surrounding Area

19. The Applicant's planned Early Childhood Center Campus will be located in the 16th Street Heights neighborhood of Northwest Washington, D.C. The Property is bound by 16th Street to the west, Decatur Street to the north and Piney Branch Road to the east. It is located in Ward 4. The site is approximately 18,682 square feet in area. (Exhibits 3 and 32.)
20. The Applicant acquired this property in 2011 and is leasing it to the Washington Latin Public Charter School through 2013. (Exhibit 3.)
21. Aside from the Early Childhood Center Campus, the remainder of Square 2707 contains primarily one-family detached dwellings. Surrounding uses on adjacent blocks include institutional uses, primarily churches. (Exhibit 3.)
22. The Property is located in the R-1-B Zone District. The site was first approved for private school use pursuant to BZA Order No. 14919, dated March 2, 1989, which granted the Lowell School special exception approval to use the site for a maximum of 125 children in grades kindergarten through third with a staff of 14 and a 25% reduction in the required

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parking as well as a variance from the minimum size requirements for the off-street parking spaces provided at the private school. (Exhibits 3, 9, and 11.)

23. To the south of the building is the children's outdoor play area. There are seven existing parking spaces in the front and side yards of the building; however, between the parking spaces and the lay-bys located along both 16th Street and Decatur Street, there is no additional room for providing the required parking. (Exhibit 3.)

The Applicant's Proposed Project

24. The building located on the Property was constructed in 1922 as a one-family dwelling. It was subsequently converted for private school use by the Lowell School and was later used by the British School of Washington. The Applicant now owns the Property, which is currently under lease to the Washington Latin Public Charter School. The Applicant plans to assume use of the Property no later than January 2014 to create its Early Childhood Center Campus. (Exhibit 3.)
25. The Applicant is proposing to increase the maximum student enrollment at the Property from the existing cap of 125 students to 130 students and to increase the permitted number of faculty and staff from 14 to 26 individuals. The Property will serve as the Applicant's Early Childhood Center Campus for students in prekindergarten through first grade, who are currently served at the Main Campus. (Exhibits 1 and 3.)
26. In addition to seeking approval for an increase in population cap, JPDS seeks variance relief from the parking requirement. With 26 employees on site, the Early Childhood Center Campus will require at least 17 parking spaces but there are only seven spaces on-site. Accordingly, the School seeks variance relief for 10 spaces. (Exhibits 1 and 3.)
27. The Applicant will provide 15 parking spaces off-site and within one-half mile of the Property. These spaces will be made available to faculty and staff and visitors to the ECCC. (Exhibit 36.)
28. The Applicant will also make parking available at the Carter-Barron parking lot when large extra-curricular events occur. JPDS will provide shuttle service to and from the parking lot to the Property. (Exhibits 26 and 36.)
29. The ECCC will operate between 8:30 a.m. and 6:00 p.m., with students, faculty and staff arriving prior to 8:30 a.m. (Exhibit 26.)
30. The Property is located on the corner of Decatur Street and 16th Street, and the ECCC will use both street frontages in its drop-off and pick-up operations. Guardians driving children to the Property will be directed by the Applicant to utilize Decatur Street. Children will be dropped off or picked up via the lay-by on Decatur. To minimize traffic impacts on the community, parents will be instructed to exit the lay-by on Decatur Street via a left-hand turn in order to avoid use of Piney Branch Road. (Exhibits 3 and 26.)

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31. JPDS operates a student bus program, which currently has three buses that transport approximately 140 students (over half of its existing population). The Applicant plans to expand the bus program to include a fourth bus, which will help streamline bus routes and services provided to children. (Exhibits 3 and 26.)
32. The Applicant's student bus service will utilize 16th Street to drop off and pick up children. Buses will park temporarily in front of the ECCC to drop children off and to pick them up. These buses will transport students between both campuses, which are approximately one mile apart. The buses will utilize 16th Street when moving north-bound and 14th Street when traveling south-bound toward the ECCC. (Exhibits 26, 32, and 36.)

Noise Impacts

33. The increase in the maximum number of students permitted at the Property – i.e. five students – is unlikely to cause a discernible increase in the noise level created by the private school use. The children will be indoors for the majority of the day. When they are outside, they will utilize the area at the eastern end of the site for a play area. This space is adjacent to Piney Branch Road and is set back from the only adjacent property, which is located to the south. (Exhibit 3.)
34. There is an approximate five-foot setback from the southeastern property line, providing a buffer between JPDS and the property to the south of it. In addition to the spatial buffer, there is a wood-planked fence that will absorb some of the noise from the children during their outdoor play time. (Exhibits 3 and 36.)
35. The Applicant will install additional plantings along the southwestern property line in order to supplement the buffering already provided. (Exhibit 36.)

Traffic Impacts

36. JPDS' expert in traffic engineering confirmed that the proposed increase in student enrollment at the Early Childhood Center Campus will not likely have a negative effect on traffic in the community. The analysis provided by Symmetra Design projected that the ECCC would result in a net increase of six morning and 17 school PM trips as compared to current traffic operations. During the commuter PM peak hour, a decrease of approximately 29 trips to the school is expected. (Exhibits 10, 26, and Tr., pp. 39-48.)
37. Traffic counts taken at 16th and Decatur Streets and 16th and Crittenden Streets confirm that the intersections will continue to operate at acceptable levels once the ECCC begins operations. (*Id.*)
38. Symmetra Design's traffic impact statement concludes that the maximum on-street queuing will be four vehicles for a brief period of time. (*Id.*)
39. Nicole White testified that 83% of JPDS students currently carpool and/or take the bus to

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school and this statistic is expected to remain true once the ECCC opens, further minimizing the amount of traffic driving to the Property. (*Id.*)

40. JPDS will also implement a transportation demand management (“TDM”) program that includes reserving four on-site parking spaces for carpools, increasing transportation subsidies, providing showers and bicycle racks for those who bike to work, and linking families that live near each other in order to encourage carpooling. (Exhibit 36.)
41. The Applicant will operate a shuttle between the Main Campus and the Early Childhood Center Campus to reduce the number of trips made to the Early Childhood Center Campus. Families with children at both campuses will drop both children off at only one of the campuses and use the shuttle to transport children to their appropriate campus instead of making an independent trip to the second campus. (*Id.*)
42. In order to promote carpooling, JPDS provides a zip code list to help connect families with other JPDS families interested in carpooling. JPDS will also encourage carpooling among its staff by reserving four on-site parking spaces for faculty and staff who carpool to the Property. (Exhibit 36.)
43. In order to promote alternative modes of transportation, JPDS will provide shower facilities in the ECCC as an incentive for faculty and staff members to either bike or walk to campus. Bicycle racks will be available for faculty or staff biking to campus. JPDS will also increase the transit subsidies it provides its faculty and staff to encourage taking public transportation to school. (Exhibits 3, 26, and 36.)
44. JPDS will implement a monitoring program to ensure that it meets the projections set forth in its transportation analysis. JPDS will take traffic counts at the intersections of Decatur Street and 16th Street and Crittenden Street and 16th Street on an annual basis and will submit the results annually to DDOT by November 30 for two consecutive years after the proposed plans are in place. If JPDS successfully meets its requirements, the monitoring plan will expire. (Exhibits 3, 26, and 36.)

Parking

45. For a private school use, the Zoning Regulations require at least two parking spaces for every three faculty and other employees. (11 DCMR § 2101.1.)
46. As a private school use, the School is also required to have “ample parking...to accommodate the students, teachers, and visitors likely to come to the site by automobile.” (11 DCMR 206.3.)
47. The Zoning Regulations therefore require that a minimum of 17 parking spaces be provided on-site. The site only has capacity for seven on-site parking spaces, although JPDS will also provide 15 spaces off site, for a total of 22 spaces. (Exhibits 1 and 26.)

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48. The transportation analysis provided by Symmetra Design states that 84% of JPDS faculty and staff drive to campus, indicating that 22 spaces will meet parking demand. (Exhibits 10 and 26.)
49. In an effort to reduce parking demand, JPDS will encourage carpooling among its faculty and staff by reserving four on-site parking spaces for carpools. It will also encourage alternative modes of transportation by providing transit subsidies and making showers available to those biking to work. (Exhibits 10, 26 and 36.)

Other Potentially Objectionable Conditions

50. There are no other potentially objectionable conditions suggesting the requested relief is not appropriate. (Exhibit 3.)
51. The planned ECCC will be located among numerous institutional uses and it is taking affirmative steps to minimize its impact on the community, particularly on residential neighbors. (*Id.*)
52. The existing building is well-equipped to handle an additional five students. (*Id.*)

Harmony with the Zoning Regulations and Map

53. The Applicant will undertake several precautions to ensure that neighboring property owners will not be adversely affected by an increase in the enrollment of students and staff. The Applicant is taking affirmative steps to decrease its trip generation, and to minimize any noise that may be generated by the requested relief. These measures will diminish any potential adverse effects on neighbors consistent with the Zoning Regulations and Zoning Maps. (Exhibits 3, 10, 26, 32, and 36.)

CONCLUSIONS OF LAW AND OPINION

The Board is authorized to grant a special exception where, in its judgment, the special exception will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property." (11 DCMR §3104.1.) Certain special exceptions must also meet the conditions enumerated in the particular sections pertaining to them. In this case, the Applicant had to meet both the requirements of § 3104 and § 206 (Private Schools) with respect to the expansion of the private school use of the Property.

The School Special Exception

Subsection 206.2 of the Zoning Regulations mandates that a private school use be located so as not to become objectionable to surrounding properties due to noise, traffic, number of students,

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or other objectionable conditions. (11 DCMR § 206.2.) Subsection 206.3 states that ample parking must be provided, but not less than that required by Chapter 21, to accommodate students, teachers, and visitors. (11 DCMR § 206.3.) Similarly, § 3104 stipulates that the special exception use not tend to affect adversely neighboring properties, and further, that it be in harmony with the Zoning Regulations and Map.

The Board finds that the increase in enrollment and faculty and staff will not adversely affect, or be objectionable to, the surrounding properties. The building is located such that there is buffering between it and the neighboring property owner. Further, many of the neighboring properties are institutional uses and the building has been used historically as a school. To further mitigate any impacts, the Applicant has agreed to implement a transportation demand management plan and a monitoring plan.

The expanded size of the School, at 130 students and 26 faculty members, will be manageable on the site and within the community. The School will provide ample parking on-site and off-site, as 22 spaces will be sufficient to accommodate the needs of teachers and visitors. The potential demand for parking will be decreased in part through implementation of the Applicant's transportation demand management plan and through adherence with its proposed drop-off and pick-up plan.

The Applicant's proposal for the ECCC is in harmony with the purpose and intent of the Zoning Regulations and Map.

The Parking Variance

The Board is authorized to grant a variance where, in its judgment, the variance satisfies the three-pronged test set forth in § 3103 of the Zoning Regulations. The first and second prongs of the test require a showing that there is an exceptional situation or condition of the property such that the strict application of the Zoning Regulations would create a practical difficulty for the owner of the property.

The Applicant's property faces an exceptional situation in that the site is improved with a building, constructed before the current Zoning Regulations went into effect, whose location limits the availability of parking on the site to seven spaces. The property is otherwise occupied by a lay-by along Decatur Street and an outdoor play area for the children. Complying with the parking requirement would create a practical difficulty for the school and would either require modifications to a building constructed in 1922 or elimination of outdoor play area for the children.

A variance cannot be granted unless 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 Map." In this case the Board finds no substantial detriment to the public good associated with a variance that will allow the Applicant to continue to provide the existing seven parking spaces at the Property instead of the 17 that

would otherwise be required in light of the increase in the number of employees at the site. The Applicant will implement a transportation demand management plan that will decrease the demand for parking that would otherwise be generated by the expanded private school use, and will provide 15 parking spaces off-site within a half-mile of the Property.

Great Weight

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning, D.C. Official Code §§ 1- 309.10(d) and 6-623.04 (2001). "Great weight" means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

ANC 4C recommended unconditional approval of the School special exception and variance. The Board agrees with the ANC's recommendation of approval.

OP recommended conditional approval of the School special exception and the Board likewise agrees with this recommendation. OP recommended a list of conditions addressing various aspects of the School's operations. The Board concludes that all of OP's concerns are adequately addressed in the conditions to this Order and by the provisions of the Applicant's Traffic Management Plan.

The Board also finds that the Applicant's TDM and monitoring plan will address CBENA's concerns with parking and traffic. The Board notes that CBENA is otherwise supportive of the application.

For the reasons stated above, the Board concludes that the Applicant has met its burden of proof with respect to an application for a special exception pursuant to §§ 3103, 2101, 3104 and 206 to expand enrollment and faculty and staff and to provide less than the required on-site parking.

THEREFORE, it is hereby **ORDERED** that the application for a special exception for a private school for Lot 33 in Square 2707 is **GRANTED, SUBJECT** to the following **CONDITIONS, NUMBERED 1 THROUGH 10:**²

1. The number of students shall not exceed a maximum enrollment of 130.
2. The number of faculty and staff shall not exceed 26 individuals.
3. The hours of operation shall not exceed 8:30 a.m. to 6:00 p.m. Children and staff may be present on-site before 8:30 a.m.

² These conditions include several that were originally adopted as part of the Board's approval of the private school use of the Property in Application No. 14919. In the event of an inconsistency between this Order and the prior decision, the conditions adopted in this proceeding supersede the previously approved conditions.

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4. Use of the on-site play area shall be limited to small groups of children to minimize impacts from the noise of children at play.
5. Seven on-site parking spaces shall be provided on the Property. Fifteen spaces shall be provided off-site and within a half-mile of the Property. Four of the on-site parking spaces shall be reserved for faculty and staff who carpool.
6. Drop-off and pick-up of children shall be from the existing driveway on Decatur Street. Bus drop-off and pick-up operations shall take place from 16th Street.
7. Parking for large extracurricular events shall occur at Carter Barron, with shuttle service provided to the Property.
8. The Applicant shall landscape the property in accordance with the landscape plan dated October 20, 2012 and entered into the record as Exhibit 38.
9. All faculty and staff shall be permitted to ride the school's buses for free.
10. JPDS shall file and implement a monitoring program to ensure that it meets the projections set forth in its transportation analysis. JPDS will take traffic counts at the intersections of Decatur and 16th Streets and Crittenden and 16th Streets on an annual basis and will submit the results to DDOT by November 30 of each year for two consecutive years after the proposed plans are in place. If JPDS successfully meets its projections, its obligations to continue monitoring will cease. If JPDS does not meet its projections for two years in a row, it shall work with DDOT to develop additional techniques and mechanisms to mitigate its impact and reduce parking demand and trip generation.

VOTE: **4-0-1** (Lloyd J. Jordan, Nicole C. Sorg, and Jeffrey L. Hinkle to Approve; Anthony J. Hood to APPROVE by absentee ballot; 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: _____



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: February 11, 2013

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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 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.

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As Director of the Office of Zoning, I hereby certify and attest that on February 11, 2013, 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:

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ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning