

RECEIVED
D.C. OFFICE OF ZONING

***goulston&storr*s**
counselors at law

2013 JAN -8 PM 2:07

Christine A. Roddy
croddy@goulstonstorr.com
202-721-1116 Tel

January 8, 2013

HAND DELIVERY

Lloyd Jordan, Chairperson
D.C. Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW, Suite 200 South
WASHINGTON, DC 20001

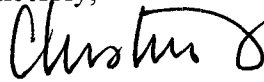
RECEIVED
D.C. OFFICE OF ZONING
2013 JAN -8 PM 2:07

Re: Case No. 18400: Proposed Findings of Fact and Conclusions of Law (Square
2726, Lots 825, 831) ("Property")

Dear Chairperson Jordan:

Enclosed is the Applicant's draft order in the above-referenced case. The Applicant agrees with the conditions proposed by the Office of Planning in its report dated December 31, 2012. This application has the support of the Office of Planning, the District Department of Transportation and the Advisory Neighborhood Commission 4A. Accordingly, in light of evidence in the record and the support from the community and District agencies, JPDS respectfully requests that the Board approve this application with the conditions proposed by the Office of Planning.

Sincerely,



Christine A. Roddy

RECEIVED
D.C. OFFICE OF ZONING
2013 JAN -8 PM 2:07

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18400

EXHIBIT NO. 43

Certificate of Service

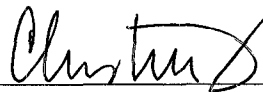
I hereby certify that the foregoing document was sent by first class mail on January 8, 2013, to the following:

Stephen Mordfin
Office of Planning
1100 4th Street, SW
Suite E-650
Washington, DC 20024
Stephen.mordfin@dc.gov

Murat Omay
District Department of Transportation
55 M Street, SE
Suite 400
Washington, DC 20003
Murat.oday@dc.gov

ANC 4A
7600 Georgia Avenue, NW, Suite 205
Washington, DC 20012
4A07@anc.dc.gov

Dr. Frances Welsing
c/o John Davis
1629 K Street, NW
Washington, DC 20006
jwdalaw@aol.com



Christine Roddy

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

* * *

Application No. 18400 of The Jewish Primary Day School of the Nation's Capital ("JPDS") pursuant to 11 DCMR § 3104.1 for a special exception to increase the student enrollment and number of faculty and staff members and pursuant to 11 DCMR §3103.1 for a variance from the parking requirements, for a private school located at 6045 16th Street, NW in the R-1-B and R-5-A Zone Districts (Square 2726, Lots 825, 831) ("Property" or "Main Campus").

HEARING DATES: September 25, 2012

DECISION DATE: January 15, 2013

DECISION AND ORDER

The applicant in this case is The Jewish Primary Day School of the Nation's Capital ("JPDS" or "Applicant"). JPDS filed an application with the Board of Zoning Adjustment on April 24, 2012, for a special exception under 11 DCMR § 3104.1 to increase the student enrollment for a school located at 6045 16th Street, NW from 275 students to 300 students and to increase the faculty and staff from 56 individuals to 72 individuals and to expand the campus to include property purchased at 6017 16th Street. It also seeks a variance under 11 DCMR §3103.1 from the off-street parking requirements to provide 48 spaces; JPDS will provide 24 on-site, zoning compliant spaces but will also provide stacked parking for a total of 45 spaces on the Property and up to 25- spaces off-site.

The Board held a public hearing on September 25, 2012. Following the hearing, at its decision meeting on January 15, 2013, the Board voted ____ to grant the application for the school special exception and variance, 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 Street, NW. 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 4715 16th Street, NW and to maintain second through sixth grades at the Main Campus. (Exhibit 3).
2. Application. The application requests a special exception under 11 DCMR § 3104.1 to increase the student enrollment of the Main Campus at 6045 16th Street, NW (Square 2726, Lots 825, 831) from 275 students to 300 students and to increase the faculty and staff from 56 individuals to 72 individuals. The application also requests to expand the Main Campus to include 6017 16th Street and it seeks a parking variance under 11 DCMR § 3103.1 from the requirement to provide 48 on-site spaces; the applicant will provide 45 stacked spaces on-site and up to twenty-five spaces off-site at a satellite location will be accessible by carpool or shuttle bus, for a total of 70 spaces. (Exhibits 3, 10, 25, 38, [Supplemental OP Report])
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") 4A, the

ANC within which the Property is situated, and the Single Member District Commissioner, ANC 4A07, of the application. (Exhibits 14-19)

4. Pursuant to 11 DCMR § 3113.13, the Office of Zoning mailed the Applicant, the owners of all property within 200 feet of the Property, and ANC 4A, notice of the September 25, 2012, hearing. Notice was also published in the D.C. Register. The School's affidavits of posting and maintenance indicate that three zoning posters were posted beginning on September 6, 2012, in plain view of the public. (Exhibits 20-22, 26).
5. Requests for Party Status. ANC 4A was automatically a party in this proceeding. The Board granted party status to Dr. Frances Welsing, a neighboring property owner. (Exhibit 24.)
6. Applicant's Case. The Applicant presented testimony and evidence from Janine Goodman, the President of the Board of Trustees, Naomi Reem, Head of School, and Nicole White, an expert in traffic engineering. Their relevant testimony will be reflected in the Findings of Fact that follow. At the request of the Board, the Applicant supplemented its initial application and testimony with a noise mitigation plan to address concerns noted by Dr. Welsing. In its submission, dated December 14, 2012, Applicant proposed to construct a ten foot tall solid fence along the southern property line. (Exhibit [Dec. 14 submission])
7. Office of Planning: By a report dated September 18, 2012, supplemented by testimony at the public hearing and an additional report dated December 31, 2012, OP recommended approval of the special exception and variance requested in the application, subject to ten

conditions. The School was in agreement with the Office of Planning's proposed conditions of approval. (Exhibits 27, December 31 submission)

8. The Office of Planning noted that the fence along the southern property line proposed in Applicant's supplementary submission, was a "reasonable compromise" to address Dr. Welsing's concerns. It further noted that the application would "not tend to affect adversely the use of neighboring property" and "would not result in a substantial detriment to the public good". (Exhibits 27, December 31 submission)
9. The Office of Planning noted that the parking variance was appropriate given the number staff and students who will utilize either the shuttle bus or student bus service. JPDS is also providing showers for faculty and staff members to encourage biking to school and further reduce demand for on-campus parking. (Id.)
10. District Department of Transportation: DDOT, by reports dated September 21, 2012 and November 16, 2012, and supplemented by testimony at the hearing, supported the application. It initially requested additional information regarding the details of the satellite parking and recommended active management of bus operations and management and continuation of JPDS' carpool and bus programs. DDOT's supplemental report stated that it had received the requested information and that it was satisfied with the materials and conclusions. DDOT noted that it supported the implementation of the proposed Transportation Demand Management measures and intercampus connectivity programs. (Exhibits 29, 38)
11. ANC 4A: On June 5, 2012, the ANC voted unanimously in support of the application. The ANC submitted a letter dated September 19, 2012, into the record memorializing its

support and noting that the requested special exceptions and variance would “create no adverse and unacceptable changes in the Applicant’s programs, activities, or mission as same relate to the education of youth. In addition, residents of several single member districts of ANC 4A have strongly recognized and appreciated the Applicant’s mission and commitment to its neighboring communities...[f]inally, ANC 4A determined that supporting the Applicant and Project would be in the best interests of eligible residents of single member districts comprising ANC 4A, as well as, District residents generally.” (Exhibit 28).

12. Parties and Persons in Support of Application. There were no parties or persons in support of the application.

13. Parties and Persons in Opposition to the Application. Dr. Frances Welsing testified as a party in opposition. She testified to concerns with the level of noise generated by the children playing on the outdoor playing area adjacent to her house. She noted the noise had adverse impacts on her well-being; however, no additional information was provided to support these statements. Her concerns were applicable to the playing area approved by Case No. 17700 and not currently before the Board for consideration. As part of this application, Applicant has not sought any modification to the restrictions placed on the play area that were set forth in the Board’s Order in Case No. 17700. (Exhibit 24)

The Subject Property and the Surrounding Area

14. The Main Campus is located at 6045 16th Street, NW. It is situated to the east of Rock Creek Park and just north of the intersection of Military Road and 16th Street, NW. The

remainder of the Square is comprised primarily of apartment houses. It is located in Ward 4. (Exhibit 3)

15. The Main Campus is located in the Brightwood neighborhood of Northwest D.C. The property has over 350 feet of frontage along 16th Street, to the west. It also fronts Fort Stevens Drive and Rock Creek Ford Road to the north. The Applicant recently acquired the neighboring property located at 6017 16th Street and is incorporating it into its campus. (Exhibit 3)

16. With the inclusion of the additional property, the Main Campus is approximately 67,853 in size. The property is improved with a two-story school building consisting of approximately 27,886 square feet, an outdoor playing field and a single-family house. The Main Campus was recently before the Board in 2008 for approval to increase its student enrollment, faculty and staff and to expand the boundaries of the campus in order to provide outdoor athletic space (Case No. 17700). (Exhibit 3)

17. The Main Campus is located in the R-1-B and R-5-A Zone Districts. The R-1-B Zone District is designed for low density residential areas. The R-5-A Zone District is designed to permit flexibility of design by permitting in a single district a variety of urban residential uses. (Exhibit 3)

Previous Zoning Approvals

18. The site was first approved for use as a private school pursuant to BZA Order No. 2069. More recently, in 2008, in Case No. 17700, the Board approved a maximum occupancy of 275 students and 56 faculty and staff for the site, it approved an expansion of the

campus to include an outdoor playing area, with significant restrictions on its use and it approved a variance from the access requirements for parking. (Exhibit 3)

The Applicant's Proposed Project

18. JPDS is a co-educational elementary school providing a Jewish and general studies education for grades pre-K through six, and is the only Jewish Day School in the District of Columbia. Its mission is to provide a strong foundation in Jewish and secular learning, laying the groundwork for its students to become knowledgeable, responsible Jews and citizens, who are deeply committed to the community at large, to Jewish living and values, and to the people and state of Israel. The School strives to create an environment filled with warmth, joy, and intellectual excitement that celebrates the unique qualities of each student, respects varied approaches to Judaism, fosters a strong sense of ethics and of self, embraces diversity, and builds a community of lifelong learners. (Exhibit 3)
19. JPDS was founded in 1988 by a small group of parents looking to provide for a Jewish primary education closer to their homes in the District. It first operated as a kindergarten, part of the Adas Israel Congregation on Quebec Street, NW, and grew slowly over the years to first include K through 3rd grade, and ultimately at that location, to 6th grade. In 2000, after becoming independent of the Congregation, and after several failed attempts to find a permanent home in the District of Columbia, the School found temporary accommodations in Montgomery County in the former Montgomery Hills Junior High School. Finally, in 2002, the School purchased the building at 6045 16th Street, NW, (a building that was built in 1950 to house the Hebrew Academy, and later was the home of the Owl School), added a pre-kindergarten class, and settled into its permanent home in the District of Columbia. (Exhibit 3)

20. Since the School's return to Washington, D.C., enrollment has steadily increased and in the school year 2011-2012 the student population reached 273 at the Main Campus, very close to the current maximum occupancy pursuant to BZA Order No. 17700. Because it wants to meet the needs of local Jewish parents for an excellent Jewish and secular education in the District of Columbia, the Board of Directors seeks permission to expand student enrollment at the Property. To assist in meeting the increased demand, the School also seeks an increase in its faculty and staff to a maximum of 72 individuals. (Exhibit 3)

21. In addition to seeking approval for an increase in population cap, JPDS seeks variance approval from the parking requirements. The Main Campus requires 48 parking spaces but there are only 24 spaces on-site. Accordingly, the School seeks variance relief for 24 spaces, but will mitigate this by providing a maximum of 45 stacked spaces on-site and up to twenty-five spaces off-site that will be accessible by carpool or shuttle bus, for a total of 70 spaces. (Exhibits 3, 10, 25, 38, OP Report, Transcript)

22. JPDS operates a successful student bus program. It has three buses that currently transport approximately 140 students (approximately half of its existing population). The bus program will ultimately be expanded to include a fourth bus, which will help streamline bus routes and services provided to children. (Exhibits 10, 25, 38, Transcript)

23. In order to promote carpooling, JPDS provides a zip code list to help connect families with other JPDS families interested in carpooling. (Exhibits 10, 25, 38, Transcript)

24. In order to promote alternative modes of transportation, JPDS provides shower facilities as an incentive for faculty and staff members to either bike or walk to campus. Bicycle

racks are also 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 10, 25, 38, Transcript)

25. JPDS will implement a monitoring program to ensure that it meets the projections set forth in its transportation analysis. If JPDS successfully meets the projections, the monitoring plan will expire. (Exhibit 25)

Noise Impacts

26. Raising the existing cap on students at the Main Campus from 275 to 300 will not create an objectionable increase in the amount of noise on the Property. The children are indoors for the majority of the day. The outdoor play area to the south of the school is used for the School's program only Monday through Friday for a maximum of five hours each day. The School is not proposing to modify the terms of use approved by the Board regarding use of the outdoor play area. Under Order No. 17700, only 65 children are permitted on the southern play area at any one time. These measures help mitigate any impact the use of the outdoor space may have on neighboring properties, particularly the property located immediately to the south of the site. (Exhibit 3)

27. At the hearing, Dr. Welsing provided testimony that the noise generated on the play area had adverse impacts on her health. She did not provide any medical evidence to support her statements. She further testified that she often heard noise from the children playing outdoors and requested that a wall be constructed between the two properties. (Transcript)

28. At the close of the hearing on September 25, 2012, the Board asked the School to develop a noise mitigation plan to address the concerns noted by Dr. Welsing.
29. In order to develop the mitigation plan requested by the Board, the School retained a noise consultant. In response to the School's request for recommendations to mitigate noise impacts from the play area, the consultant produced a series of recommendations that were entered into the record as Exhibit ____, tab B. The consultant recommended placing a barrier between the school and Dr. Welsing's property to the south. Accordingly, the School proposed to construct a ten foot tall solid fence along the southern property line as shown in the record as Exhibit ____, tab C. The fence would consist of wooden posts, box steel beams for framing, and spacers that set the wooden panels forward by approximately one inch. The baffling of the panels would be highly effective in absorbing noise from the play area. In addition to this, there would be material below the panels that is lined with diagonal planks to further deaden noise generated on the playground. The proposed barrier is designed to provide a measurable reduction in the noise generated by the children on the playground. (Exhibit [December 14 submission])
30. The School forwarded this proposal to Dr. Welsing's attorney on November 19 and again on November 30. Dr. Welsing never responded or provided input on the proposal. (Id.)
31. The District of Columbia Building Code (D.C. Building Code, Section 3110.3.3) only permits a ten foot tall fence on a common residential property line with the express permission of the neighboring property owner; thus, the School can only implement the plan if Dr. Welsing consents to its implementation. Applicant proposes that if Dr. Welsing does not agree to and sign the fence permit application within sixty (60) days of

this order, the obligation to provide a fence will expire. The Office of Planning supported this proposal in its supplementary report. (Exhibits [December 14]; December 31 OP report).

Traffic Impacts

32. JPDS' expert in traffic engineering confirmed that the increase in student enrollment at the Main Campus will not have a negative effect on traffic in the community. The analysis provided by Symmetra Design found that the traffic management plan implemented by the School after 2008 is effective. In fact, 73% of the student body either carpool or take the bus to and from school. This has led to a dramatic decrease in the School's trip generation since 2008: there are currently only 82 inbound trips to the Main Campus during the a.m. peak period and 57 inbound trips in the p.m. peak period. The decrease is even more notable since it occurred while the student population increased. Given the success of the School's bus program, Symmetra does not anticipate an increase of 25 students or 16 staff members to create a detrimental traffic condition. (Exhibits 10, 38)

33. Nevertheless, the School is proposing a monitoring program to ensure that its operations align with the projections provided in its transportation analysis. If JPDS meets the projections set forth in its analysis for two years in a row, its monitoring obligations will cease. (Exhibit 25)

34. JPDS will also implement a transportation demand management program that includes reserving 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 10, 25, 38, OP Report, Transcript)

Parking

35. The Zoning Regulations require two parking spaces for every three faculty and other employees. 11 DCMR § 2101.1.

36. As a private school use, the School is also required to have "ample" parking, 11 DCMR 206.

37. The Zoning Regulations therefore require that a minimum of 48 parking spaces be provided on-site. The site only has capacity for 24 on-site parking spaces but the School will provide 45 stacked spaces on-site and a minimum of twenty-five spaces off-site that will be accessible by carpool or shuttle bus, for a total of 70 spaces. (Exhibits 3, 10, 38, OP Report, Transcript)

38. The transportation analysis provided by Symmetra Design states that 84% of JPDS faculty and staff drive to campus, indicating that 70 spaces will meet parking demand. (Exhibits 10, 25)

39. In an effort to encourage use of the satellite parking, JPDS will reserve spaces on-site for the carpools shuttling people from the off-site parking location. (Exhibits 10, 25, OP Report, Transcript)

Other Potentially Objectionable Conditions

40. There are no potentially objectionable conditions suggesting the requested relief is not appropriate. (Exhibit 3)
41. The School is taking affirmative steps to minimize its impact on the community, particularly on residential neighbors. (Exhibits 3, 38, Post-Hearing)
42. The existing building is well-equipped to handle an additional twenty-five students. Previous use of the building by other schools exceeded 350 students. (Exhibit 3)

Harmony with the Zoning Regulations and Map

43. The Applicant is undertaking numerous 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 possibility of adverse effects on neighbors as consistent with the Zoning Regulations and Zoning Maps.

Parking Variance

44. The Property meets the "exceptional conditions" element of the variance test because the building was constructed prior to the adoption of the Zoning Regulations. The Building on the Main Campus was constructed in 1950. (Exhibit 3)
45. The school building is situated on the lot in such a way that makes it difficult to carve out additional space for parking. The school building is built on the property line along 16th Street and has its greatest length from north to south, stretching nearly the entire length of

the lot as it existed at the time the school building was constructed. A parking lot was established to the east of the building, which is the existing lot today. Because the school building is constructed along the property line to the west, the only available space for additional parking is in the existing parking lot or on the playing field. (Exhibit 3)

46. Providing legal spaces to the lot is not possible given the odd shape of the lot and the limitations on expansion because of the existing school building and the adjacent roadways. Further, the School has invested a considerable amount of money to establish an outdoor play area for the children and converting it to surface parking would not serve the School, the community, or the District well. Further, the Applicant would not be able to easily connect parking on the main portion of the lot to the southern portion because there is a significant grade change between the two areas. This would mean that the parking would have to be accessed from 16th Street and would require a curb cut from 16th Street, which would not be a favored approach. Moreover, the southern portion of the lot is better preserved as green, open space for the children to play. (Exhibit 3)

47. In this case, a strict application of the parking regulations would limit the amount of faculty and staff the School could hire, which, in turn, would hinder the quality of the education for the students. Imposing such a restriction on the Applicant's ability to grow would force the School to choose between decreasing its student population and looking for a new location for the School. (Exhibit 3)

48. In order to mitigate any impacts of the lack of parking, the Applicant will provide the required amount of parking; albeit some spaces will be provided off-site or in stacked form on-site. (Exhibit 3)

49. JPDS is providing 25 spaces off-site that will be accessible by carpools or shuttles.

(Transcript, Exhibit 38, OP Report)

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 Main Campus.

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. In this case, JPDS meets those requirements with respect to its variance from the parking requirements.

The School Special Exception

Section 206.2 of the Zoning Regulations mandates that the School be located so as not to become objectionable to surrounding properties due to noise, traffic, number of students, or other objectionable conditions. 11 DCMR § 206.2. Section 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, the School has agreed to provide a solid fence along the southern property line with the cooperation of Dr. Welsing. To further mitigate any such impacts, the School has agreed to be bound by a Transportation Demand Management Plan and Monitoring Plan.

The size of the School, at 300 students and 72 faculty members, is manageable on the site and within the community, as the building has historically been used for more than 350 students. The School will be providing ample parking on-site and off-site. The 70 spaces provided will be more than sufficient to accommodate the needs of teachers, and visitors. Parking is also addressed in the TMP and the Applicant has been sensitive to the needs of the community regarding parking, as well as student drop-offs and pick-ups.

The School's proposal for the Main Campus is in harmony with the purpose and intent of the Zoning Regulations and Map.

The Parking Variance

In order to be granted a variance from the parking requirements, the application must satisfy the three-pronged variance test. The application has satisfied the requisite test. The first prong of the test requires a showing that there is a unique condition of the property that ultimately creates a practical difficulty in complying with the parking requirements. This property is unique because it is improved with a building constructed in 1950. The building was constructed prior to the adoption of the Zoning Regulations, thus the parking requirements promulgated under the regulations were not yet in effect, meaning that when the building was designed, the parking

requirement was not taken into consideration. The building is placed such that only twenty-four parking spaces can be located on-site. The remainder of the campus is otherwise occupied by a single family house 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 1950 or elimination of outdoor play area for the children. In order to mitigate any impacts that may be created as a result of the variance from the parking requirements, the applicant is providing an additional 25 spaces off-site and an additional 21 stacked spaces on-site. The Applicant is providing a total of 70 spaces rather than the 45 spaces that are required by zoning.

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

The Office of Planning recommended conditional approval of the School special exception and the Board likewise agrees with this recommendation. OP recommended a list of 10 conditions, addressing various aspects of the School's operations. The Board concludes that all of OP's concerns are adequately recognized, addressed, and dealt with in the conditions to this Order and by the provisions of the Applicant's Traffic Management Plan.

The Board will also note that although it is not required to give great weight to Dr. Welsing's concerns, it believes that the Noise Mitigation Plan submitted by the School addresses Dr. Welsing's noise concerns.

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 Lots 825, 831 in Square 2726 is **GRANTED, SUBJECT** to the following **CONDITIONS, NUMBERED 1 THROUGH 10:**

1. Enrollment shall not exceed 300 students.
2. Faculty and staff combined shall not exceed 72.
3. No more than 65 students shall be permitted at one time on the play area adjacent to the residential property on the southern property line (play area).
4. Use of the play area as part of the School's program shall be limited Monday through Friday to the hours of 10:00 am- 2:30 pm and 3:30 pm -4:30 pm.
5. The School shall publish its programmed use of the play area for both the School and the summer camp.
6. The play area shall be set back an average of 15 feet from the south property line and landscaped as approved in Case No. 17700-A.
7. No permanent play equipment will be permitted on the play area.
8. The School shall maintain the transportation demand management program dated September 11, 2012.
9. Twenty-four standard and 21 stacked parking spaces shall be provided at the school. Twenty-five additional spaces shall be available at a satellite location, with bus and carpool transportation available between the satellite location and the school for faculty and staff. Reserved parking shall be available for these carpools at the school.
10. The school shall construct a ten-foot high fence along the common lot line with Dr. Welsing's residence, as shown on sheets 1 and 2 of the plans prepared by MJCI, Inc., and

dated December 12, 2012, requiring her permission on the fence due to the height of the fence. If the adjacent property owner does not agree to and sign the fence permit application within sixty days of the effective date of this Order, this condition shall expire.