

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18663 of the Lab School, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a variance from the off-street parking requirements § 2101.1, a variance from the loading requirements under § 2201.1, and a special exception to allow an addition to an existing private school under § 206, in the R-1-B District at premises 4759 Reservoir Road, N.W. (Square 1372, Lot 25).¹

HEARING DATES: November 19, 2013 and January 14, 2014

DECISION DATE: January 14, 2014

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 both testified at the public hearing on January 14, 2014 and submitted a letter report, dated January 11, 2014. The ANC's report indicated that at a properly noticed, regularly scheduled public meeting held on January 8, 2014, with a quorum of Commissioners present at all times, the ANC voted unanimously (10:0:0) to support the application with conditions.² The ANC report also noted that the ANC had considered the application at its December 4, 2013 meeting and voted unanimously (10:0:0) at that meeting to recommend preliminary approval of the application subject to agreement on language to address parking concerns outlined by the ANC and submission of a construction management plan. That language was agreed to at the ANC's January 8th meeting. (Exhibit 29.)

¹ The Applicant amended the application to add variance relief from the loading requirements under § 2201.1. The caption has been adjusted from that which was advertised accordingly.

² The Board waived the time requirements for filing the ANC report and allowed it into the record.

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Board of Zoning Adjustment
District of Columbia
ZONING COMMISSION
CASE NO. 18663
District of Columbia
EXHIBIT NO. 37
CASE NO. order-18663
EXHIBIT NO.

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The Office of Planning ("OP") submitted a timely report on January 7, 2014, recommending approval of the application with conditions. (Exhibit 28.) By its letter, dated January 10, 2014, the District Department of Transportation ("DDOT") indicated it had no objection to the Applicant's requests for variance and special exception relief. (Exhibit 30.)

Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for area variances from the strict requirements of the off-street parking requirements § 2101.1 and from the minimum loading requirements under § 2201.1. No parties appeared at the public hearing in opposition to the 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 filed in this case, the Board concludes that the Applicant has met the burden of proving under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested 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.

Special Exception Relief

The Applicant also satisfied the burden of § 3119.2 in its request for special exception relief to allow an addition to an existing private school under §§ 3104.1 and 206. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, 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 be **GRANTED SUBJECT TO THE REVISED PLANS AT EXHIBIT 27 AND WITH THE FOLLOWING CONDITIONS**³:

³ These conditions include conditions that were established as a part of Case No. 18237. The maximum enrollment of students and maximum number of faculty, staff, and administrative personnel remain unchanged from those approved in that prior case. These previously approved conditions are being consolidated in this order with newly

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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 each academic year, the School shall provide to ANC 3D a report indicating current student enrollment and the number of faculty/staff.
4. The Lab School (“School”, “Lab School”, or “LSW”) shall fully implement and comply with the Traffic Management Plan (“TMP”) approved in Case No. 18237 and submitted as Exhibit 33 in the instant case. 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 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.
7. In order to ensure that the removal of the on-campus parking spaces will not impact the adjacent streets or neighborhood, Lab School will maintain a minimum of 38 off-campus parking spaces, secured through leases or by other means exclusive of the use of public parking spaces. LSW will monitor its parking demand once each semester (Fall and Spring) to determine how many secured off-campus parking spaces are required to meet LSW’s parking demand needs subject to the following conditions:

proposed language so that all applicable conditions that pertain to this Applicant are in a single order for easy reference.

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- a. The parking monitoring survey shall be conducted within 30 days of the start of each semester. A report documenting results of the parking monitoring survey will be submitted to DDOT and the ANC within 45 days of the completion of the monitoring survey.
 - b. The School shall commit to a maximum parking demand threshold of 129 parked vehicles including on and off-campus parking (exclusive of public parking spaces), during the typical weekday peak hour. The number of parked vehicles within the 38-space secured off-campus parking area will be defined in the monitoring report.
 - c. If the School's actual parking demand is equal to or less than the parking demand threshold during the typical weekday peak hour for four (4) consecutive semesters (or monitoring periods), subject to DDOT and ANC approval, LSW may reduce the number of secured off-campus parking spaces by a number approved in consultation with the ANC.
 - d. If the School's actual parking demand is greater than the parking demand threshold during the typical weekday peak hour for any monitoring period, additional TMP measures must be implemented immediately. If Lab School fails for a second consecutive time, it must return to the Board for its review of the conditions of approval.
8. The Lab School shall comply with the Construction Management Plan submitted as Exhibit 34 in the record.

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

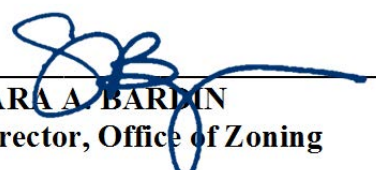
A majority of the Board members approved the issuance of this summary order.

VOTE: **3-0-2** (Lloyd L. Jordan, S. Kathryn Allen, and Marcie I. Cohen to Approve; Jeffrey L. Hinkle, not participating or voting; the third Mayoral appointee 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: January 16, 2014

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 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 PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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.