a valuable asset to the neighborhood, would stabilize the development of the area, and would put a vacant piece of land to a viable use that is compatible with the neighborhood. The supporters also spoke in favor of the low density use, and supported the site plan which placed all construction on the east side of the project toward the commercial properties, leaving the open landscaped area adjacent to the houses on the west. The supporters also felt that a school with the reputation that GDS enjoys would serve to increase property values in the area. The supporters felt that the proposed use would be less obtrusive than other uses which could be placed on the site as a matter of right. Some of those who testified in support were parents of GDS students, and testified that the students are well behaved and do not cause any adverse neighborhood impacts at their existing location. The chairman of the Ad Hoc Committee testified in favor of the school, saying that he was impressed by the response of GDS to the concerns of the community during the planning process, and he was of the opinion that GDS will be a good neighbor.

34. A neighbor of the existing Georgetown Day High School appeared and testified about the lack of adverse impact in that area. The existing high school building directly abuts residential structures on three sides. He testified that the existing school building is quiet, that there are no problems in the neighborhood from the students.

35. A GDS parent who lives across the street from the Sidwell Friends School testified that he has experienced no adverse impact from being in close proximity to that school. The Board notes that the Sidwell Friends School is a larger school with a larger student population.

36. The opposition presented ninety-two preprinted form letters, nineteen letters, and a petition in opposition to the school. Eleven individuals also testified in opposition at the hearing. The basis for the opposition was that the Harry Tract should not be permitted to be used for school purposes. Instead, the parcel of land should be devoted to dwelling uses only. The opposition also speculated that the school would be a threat to the integrity and quality of the neighborhood; that most people surrounding the school are opposed; that the zoning laws are intended to protect neighborhoods; that there would be a loss of tax revenues to the city; that the site is too small for a school; that the construction of the school would require removal of trees from the site; that there are already too many segregated schools in the District of Columbia; that a public school is more preferable in the neighborhood; that there is plenty of room for a private school in Maryland; that there would be adverse impacts on traffic and litter; that property values would suffer; that there would be adverse impacts upon the

Board of Zoning Adjustment
District of Columbia
CASE NO.16559
EXHIBIT NO.77A2

public schools in the area; that there would be constant commotion on the school site; that development of this property would disturb the existing views of neighboring residents; and, that there would be disturbance in the neighborhood during sports activities on the field.

37. The Board in addressing the concerns of the opposition finds that the applicant has no burden to establish that the subject site cannot be used for residential purposes. The applicant seeks its relief through a special exception not a use variance. The applicant's burden is to establish that it has met the requirements of that section of the Zoning Regulations under which the relief has been sought. As to the concern that the subject site is too small for the proposal the Board finds that a 4.6 acre site with occupancy by the school of less than one-half acre and a 0.36 FAR is not small. The Board also finds that as conditioned below in the grant landscaping, buffering issues and construction disturbances will be addressed. The issues of a loss of tax revenues, lack of a need for the proposed school in the area and a negative impact on the existing public schools are not zoning issues. None of these are listed as requirements under Paragraph 3101.42 of the Zoning Regulations under which the relief is sought. The Board further finds that the opposition presented no survey on traffic impact that negated the reports of the applicant's expert traffic witness or the report of the DPW. The opposition produced no probative evidence on the issue that property values would suffer because of the subject proposal. Much of the testimony of the opposition were naked allegations. Finally, as to the issue of views, the Board finds that none of the surrounding residential properties have scenic easements. The Board notes that much has been said that the aforementioned Ad Hoc Committee was a sham and its report irrelevant. The Board finds that this is not an issue properly before it. Said report was not dispositive of this application. The record is replete with independent evidence.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking special exceptions the granting of which requires that the proposal meet the requirements of Paragraph 3101.46 and Sub-section 7203.6 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof. The proposed school will be so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions. Based upon the testimony and evidence in the record, the Board also

concludes that ample parking space will be provided to accommodate students, teachers, and other visitors likely to come to the site by automobile. Further, based upon the testimony and evidence, the Board concludes that the applicant is entitled to special exception relief in order to reduce the amount of required parking on the site. The Board concludes that, even with the special exception relief to reduce the amount of required parking spaces, the amount of spaces on private property and the amount of spaces on public property together will exceed the number of required parking spaces in the Zoning Regulations. For all the above reasons, the Board further concludes that the special exception relief will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to adversely affect the use of neighboring property in accordance with said Zoning Regulations and maps.

The Board further concludes that it has accorded the ANC the great weight to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED in its entirety SUBJECT to the followings CONDITIONS:

1. Approval shall be limited to the Georgetown Day School.

2. The number of students shall not exceed 410 and shall be limited to grade nine through twelve.

3. The school shall have a maximum of sixty full-time equivalent faculty and staff members.

4. All traffic to and from the site during construction shall be along Wisconsin Avenue, 42nd Street and Davenport Street from 42nd Street except for vehicles specifically involved with such tasks as perimeter landscaping and utility connections.

5. All vehicles involved with the demolition of the three dwellings fronting on River Road, grading the property, and excavating for and constructing the school building shall enter and exit only from Davenport and 42nd Streets. Vehicles shall not load or unload debris or fill on River Road.

6. The southeast portion of the site located at the northwest corner of the intersection of 42nd and Chesapeake Streets shall be regraded, landscaped and maintained as open space. No parking shall be permitted on this portion of the site.

7. All traffic to and from the site, both pedestrian and vehicular shall use the entrance off of Davenport Street.

8. All pick-up or drop-off of students shall occur on the school grounds.

9. The site shall provide one emergency access point on 43rd Street which shall be secured by a 6.5 foot gate as shown on the plans marked as Exhibit No. 8 SP1 of the record. The gate shall be locked at all times except for access by emergency vehicles.

10. The site shall be landscaped in accordance with the plans marked as Exhibit No. 8, SP2 of the record. The applicant shall maintain all landscaping in a healthy, growing condition.

11. All students permitted to drive to school shall be provided with a parking space on-site. Students who do not have access to an on-site parking space shall be prohibited from driving to school. Students shall be prohibited from parking on neighborhood streets. Violation of that prohibition by students shall result in disciplinary action by the school.

12. The parking area on-site shall be limited to use for school-related activities. The lot shall be secured by a chain gate or cable during all hours that the lot is not in use. In addition, the school shall provide a security service during non-operating hours to prevent unauthorized parking.

13. During special events which increase the demand for parking beyond the number of spaces available on the lot, parking for additional vehicles shall be provided on the playing field to minimize parking by visitors to the school on neighborhood streets.

14. During its hours of operation, only school faculty, staff, students and visitors who have checked in with the school office shall be permitted on the site except for persons attending special events such as athletic events, plays, parent meetings, and similar school-related activities and persons parking in public parking spaces related to the site.

15. The hours of operation of the school for classes shall not exceed from 8:15 a.m. to 3:15 p.m. All extracuricular or inter-scholastic activities held

16. The school shall be constructed in accordance with the plans marked as Exhibit No. 43A of the record.

17. The school shall bear the cost of the installation of a new street light on the north side of Davenport Street approximately 110 feet west of the existing drive-way to the Safeway store and for the upgrading of two existing street light on Davenport Street. All such work shall be coordinated with the Street Lighting Branch of the Department of Public Works.

18. The applicant shall implement a storm water management drainage system and drainage easement in accordance with the recommendations of the Department of Public Works.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh and

Carrie L. Thornhill to grant; Patricia N. Mathews to grant by proxy; Douglas J. Patton not present, not voting).

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

ATTESTED BY:

CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 04 SEP 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "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 BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14278order/LJPE

[redacted]DHS - AD HOC COMMITTEE AGREEMENT

School Size

1. Georgetown Day High School (GDHS) will have a total enrollment of no more than 410 students, all of whom will be in grades 9-12.

2. During its first ten years of operation, GDHS will have no more than a total of 60 full-time equivalent faculty and staff members. Thereafter, GDHS will not increase its faculty and staff to a number in excess of 60 full-time equivalent people prior to discussing this matter with the NAG group referenced below.

Construction

3. Construction and related activities on the Harry Tract site will begin no earlier than 7:00 a.m. and will end no later than 5:00 p.m. and will occur only Monday through Friday subject to the following exceptions: (1) overtime work required to correct situations that threaten the Building or surrounding neighborhood and non-general contractor work beyond GDS's control, i.e. utility work by PEPCO (GDS will make reasonable efforts to cause such work to be performed

during normal working hours); (2) Work on Saturdays after the building site is enclosed which takes place within the confines of the building site, provided that (i) no deliveries are made to the building site, (ii) all worker parking is on site and (iii) any work which produces substantial noise does not commence until 9:00 a.m. or after; (3) Work taking place before or after the normal start/stop times within the building after it is enclosed, provided that such work will not produce noise objectionable to the neighborhood.

4. All traffic to and from the site during the construction period will be along Wisconsin Avenue, 42nd Street and Davenport Street (from 42nd Street), except vehicles involved with perimeter landscaping and utility connections. In particular, all vehicles involved with the demolition of the three houses along River Road, grading the property and excavating for and building the school, will enter and exit only from Davenport and 42nd Street. Trucks will not load or unload debris or fill on River Road.

5. GDS shall obtain alternate bids in connection with the demolition, grading and excavation work to be done on the site. Alternative A will be based on retention of the three houses on the ~~west~~ east side of River Road as late as possible in the construction cycle but in any event until May 1, 1986,

and Alternative B will be based on demolition of said homes and grading to be performed in connection therewith at the outset of construction of the School. If Alternate A results in a premium cost to GDS of no more than $5,000, then GDS will proceed under Alternative A. If said construction cost premium is in excess of $5,000, GDS shall proceed under Alternative B, provided, however, that GDS shall (1) plant as early as possible the new landscaping contemplated by its plans, (2) simultaneously sod the playing field and fence in the property, and (3) thereafter begin maintenance of both the old and new landscaping. Notwithstanding the foregoing, GDS will continue to investigate with NAG alternative demolition and grading schedules for the homes along River Road, and GDS will make reasonable efforts to accommodate NAG's buffering objectives within its budget constraints.

6. A seven foot high plywood construction fence will surround the building construction site and all construction materials and debris will be confined to the fenced construction site.

7. GDHS will make every effort to minimize the inconvenience to the community caused by the construction activity and, in particular, will attempt to keep noise, traffic and unsightly debris to a minimum during the construction period.

8. The three houses along River Road and the trees and shrubbery currently located along River Road will be maintained in a neat and orderly condition by GDHS from the date GDHS takes title to the property until the houses are demolished.

9. GDHS will provide adequate security to the construction site during the construction period.

Site Design

10. Subject to the requirements of the D.C. Board of Zoning Adjustment, the lot at the northwest corner of 42nd Street and Chesapeake Street will not be used for parking for at least 10 years from the date the School begins its operation. GDHS will regrade and landscape this lot and will not fence it in unless, in the opinion of the School and/or NAG, it becomes a public or maintenance liability.

11. All traffic to and from the site, vehicular and pedestrian, except by emergency vehicles, will use the entrance off of Davenport Street. Parents will be instructed to pick up or drop off students on school grounds.

12. In addition to the entrance described in the foregoing paragraph, the site will have a single emergency access point at 43rd Street. The access point will be secured by a

6-½ foot gate, as described on the architectural plans filed with the Board of Zoning Adjustment dated December 3, 1984, which will be locked at all times and will be used only by emergency vehicles.

13. In the event the on-site storm drainage control system proves inadequate to prevent overland or subsurface run-off from the site onto adjacent property, GDHS will take such steps as may be reasonably necessary after the school has been constructed to alleviate the drainage problem.

Landscaping

14. GDHS will provide landscaping around the perimeter of the site in accordance with the attached landscaping plan by Keyes Condon and Florance dated December 13, 1984.

15. GDHS will maintain in a neat and attractive ~~attractive~~ manner all land, bushes and trees along the perimeter of the site as long as GDHS owns the site and will in connection therewith make reasonably necessary replacements of said foilage.

Parking and Traffic

16. All GDHS and students permitted to drive cars to school will be provided a place to park on site. Any GDHS students who

do not have both permission to park and places to park on the site will be prohibited from driving to school.

17. Any students who have parked in the neighborhood will be subject to disciplinary action.

18. The school will prohibit unauthorized use of the parking lot at night. The lot will be secured by a chain gate or other appropriate measure and, in addition, there will be a security service employed during non-operating hours to prevent unauthorized parking. In the event the regular parking spaces on the site are inadequate to service the parking needs for visitors during special events, GDHS will facilitate parking on the playing field to minimize the necessity of school visitors parking in the neighborhood.

?

19. GDHS will make all reasonable efforts to have (i) parking banned during school hours on Davenport Street, east of the current entrance to the Safeway, (ii) four-way stop signs installed at the intersection of Chesapeake and 42nd Streets, and (iii) repainting and upgrading of crosswalks at the intersection of 42nd Street and River Road and Chesapeake and 42nd Streets.

Security

20. During operating hours, only GDHS staff, students and visitors who have checked in at the front office will be permitted on the site, except for people attending athletic events, plays, parent meetings and similar, organized after-school activities and those non-GDHS people parking in public parking spaces related to the site. GDHS shall use its best efforts to have the District of Columbia close any publicly dedicated portion of Davenport Street remaining within the confines of the site, and if it is successful in doing so, shall erect a gate to the School immediately adjacent to the Safeway entrance on Davenport.

21. GDHS will employ a security service for the site during non-operating hours and will assure that no unauthorized activities occur on the site during non-operating hours.

Neighborhood Advisory Group

22. If and when the Board of Zoning Appeals approves a special exception for GDHS to build a high school facility on the site, ANC will establish a Neighborhood Advisory Group (NAG) to represent the community interest in a continuing dialogue about the impact of GDHS activities on the neighborhood. The three members of NAG will be residents from the area

immediately adjacent to the site. They shall be selected by the Advisory Neighborhood Commission in consultation with the Friendship Tenleytown Citizens' Association.

23. NAG will meet with the executive director, the principal of GDHS and at least two members of the Board of Trustees (collectively "GDHS representatives") at least four times a year. One meeting shall be held during the two months prior to the beginning of each academic year to review the school schedule. Upon request, the GDHS representatives will meet with NAG to discuss GDHS activities that are adversely affecting the community including, for example, student misconduct.

24. To the extent feasible, any significant modifications to the GDHS daily schedule or its annual schedule of after-school events, as described below, shall be discussed with NAG prior to their implementation.

    a. Daily Schedule: Classes begin at 8:15 a.m. and end at 3:15 p.m.. The lunch break will be a maximum of thirty minutes long and extracurricular club activities will be held during lunch period, as at present, with lunch eaten during the meetings.

b. After-school Events Schedule:

- No summer school sessions
- No more than seven dances - Friday evenings 8:00 p.m. to 11:30 p.m.
- No more than three plays - with no more than four performances of each play.
- All interscholastic athletic events concluding before 6:30 p.m.
- No evening classes/courses.
- No more than six pot luck dinners and/or films - 6:00 p.m. to 9:00 p.m.
- All other extracurricular activities (e.g. yearbook; newspaper; literary magazine; math; chess; civil war and similar clubs; model U.N.; Student Council; collect preparatory programs; etc.) will occur either after school 3:15 p.m. to 6:00 p.m. or on Saturdays.

25. GDHS will not sell, rent or develop Lot No. 804 without first discussing plans with NAG.

26. GDHS will discuss with the NAG Community Service projects which would benefit the Tenleytown Community, and GDHS will encourage its students to participate in such projects.

27. GDHS will discuss with NAG any plans that it may be considering to expand the size of the site, or the building or the parking area. Presently, GDHS does not plan to expand the site area of the School except in connection with the purchase, as they are available and to the extent that said purchases are economically feasible, of the homes along Chesapeake Street which are adjacent to the School site. Such expansion would, for the foreseeable future, be intended to provide additional space for potential recreational facilities such as tennis courts and/or a swimming facility, and additional much needed buffer area/campus. There exist no long range plans to expand the enrollment at this site beyond the projected population of 400, and it is important to note that for the foreseeable future, any such expansion would not be either programmatically or financially feasible.

Noise and Student Discipline

28. The bell system within the school will not be audible in the neighborhood except for standard emergency alarm systems.

29. Students will be required to respect the rights of the school's neighbors, to avoid littering and loitering in the neighborhood, and other objectionable behavior. Students who do not follow these rules will be disciplined by GDHS.

Amenities

30. GDHS will make its school building available for use by responsible community groups on a mutually agreeable schedule.

Building Design

31. The Building will include a student lounge substantially as shown on the architectural plans filed with the Board of Zoning Appeals dated December 13, 1984.

1ST STORY of Level 1 printed in FULL format.

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January 2, 2000, Sunday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 1403 words

HEADLINE: '00 Worries; Emergency Crews Sent Home After New Year's Fears Fizzle

BYLINE: Peter Slevin, Washington Post Staff Writer

BODY:

All appeared quiet on the millennial front yesterday, as a new year and a new epoch creaked into glitch-free gear. Water flowed, e-mail scrolled and ATMs did their crisp duty in defiance of the double-zero plague.

Y2K, the morning after, was more sigh than shout. When dawn broke peaceably, authorities across the region began paring their around-the-clock emergency crews, sending weary officials home if their duties did not involve public safety.

Fireworks company inspectors checked the Washington Monument for burns from yesterday morning's big show, and pronounced the obelisk fit. Workers bagged champagne corks and beer bottles on the grounds of the Lincoln Memorial. Visitors ambled in thin streams through the day's more mellow millennial events.

Though the future may beckon--in years that now begin with a "2"--the day seemed most notable for everything that didn't happen the night before: the electrical grids that didn't short-circuit, the sewage that didn't cascade into the streets, the terrorists who stayed home.

"The transition was smooth, operations were very successful," said Erik Christian, the District's deputy mayor for public safety. As of midnight, he said, "all systems were go, and nothing has changed since. We're just remaining vigilant. Upbeat and vigilant."

In Maryland and Virginia, officialdom similarly pronounced the new year gremlin-free. Spokesman David Weaver said of Montgomery County's $ 50 million effort to banish computer bugs, "An anticlimactic end to this whole affair is exactly what we hoped for."

Fairfax computer programmers arrived at the county's government center at 10 a.m. to begin two days of testing before the workweek begins. And no problems were reported in Manassas Park, the town of fewer than 10,000 residents that spent $ 77,000 on an emergency shelter, including $ 11,000 for rations.

D.C. Mayor Anthony A. Williams (D) called the trouble-free celebration "another milestone" for a city struggling to repair its government and its image alike. He called the District a "city now resurgent."

The mayor went on to say that the District's computers are functioning properly and will be ready for business tomorrow, despite the city's late start in battling the Y2K computer bug. This weekend's events show, Williams said, that "now we have a government that's able to do more than one thing at a time."

All the talk of bugs and glitches and things that go WARNING: RESUME FAILURE in the night caused Walter and Judie Rupinski to buy water--with ample wine as a backup. The Great Falls residents watched the millennial celebrations from home Friday night, but emerged yesterday to survey the scene.

"Once it passed Moscow," Walter Rupinski said of the arrival of Y2K, "I felt pretty safe."

Sarah Meyers said she bought water and batteries, only to conclude that the reality "didn't live up to the hype." Remembering a power outage a year ago, her husband, Matt Meyers, added, "We had more problems last year in Fairfax."

On the sunny day-after, cleanup workers stripped the Mall of millennial trash--cigarette butts, champagne bottles, lone mittens. A few groups of people walked with their eyes to the ground, scavenging for souvenirs from the previous night's revelry.

This day felt different from the one before, said 27-year-old Ansu John of Herndon, wearing a New Year's Eve 2000 party hat. "All my reference points are in the 20th century," she mourned.

At the District's Main Street Millennium festivities on Constitution Avenue, Pookie Hudson and the Spaniels were doo-wopping their way through a 1960s medley by 11 a.m. The mayor estimated that 100,000 people attended the event on New Year's Eve.

"People talk about the diversity of Washington. Last night, the diversity of Washington danced," Sandy McCall, the festival's executive director, said yesterday. "It's too bad that it was overshadowed by what was going on at the Lincoln Memorial. As impressive as that was, that was People magazine. This was really truthful."

Many partygoers who made their way to the Reflecting Pool on Friday night said they felt shortchanged by the two minutes of midnight fireworks and the way the Lincoln Memorial event was staged for television and an elite audience chosen by the White House, not for the tens of thousands on hand. There were long silences during commercial breaks, while the largest fireworks didn't erupt until nearly 1 a.m., after thousands had departed.

The pyrotechnics appeared to leave the Washington Monument unscathed, despite National Park Service worries that threatened to cancel the sizzling display at the last minute. Workers draped a $ 60,000, 500-foot sheet of fireproof material across the monument to protect it from more than 700 cigar-sized fireworks lashed to its scaffolding.

"There's no discoloration on the material at all," Scott Raso, a Fireworks by Grucci technician, said as workers began the three-day task of dismantling the display. The event was designed to the second, but a nude reveler in the Reflecting Pool almost busted the timing.

As the final 10 minutes to midnight ticked by, fireworks technicians realized that a naked man was splashing back and forth in the cold, thigh-deep water. Miles of control cables that technicians had worked for two weeks to install were in danger.

"My heart stopped," said Grucci's Jeff Engel, as he watched the man near a string of fireworks designed to race like a fuse from the Lincoln Memorial to the Washington Monument. "He was in the middle and was . . . touching wires and jumping over wires."

Engel ran from a command trailer and got ready to jump in. But the man climbed back out and lost himself in the crowd. The cables were intact.

"When that monument was lit," Engel said, "my heart was in my throat."

Although authorities reported no computer-inspired Y2K dramas, the area's roadways claimed casualties of a more human sort. A driver died in a one-car crash on Foxhall Road in Northwest Washington, and a 16-year-old high school junior was killed in a two-vehicle accident in Fairfax County. Another crash took two lives in the Jamestown area of Virginia on Friday night.

Two accidents led to five deaths in Maryland. Ed and Olivia Thomas, a father and daughter returning home from a New Year's Eve church service in Baltimore, died in Howard County early yesterday when their disabled car was struck from behind. Police charged the driver of the offending car with manslaughter and drunken driving.

The Howard County Courthouse was busy on New Year's Eve, not with oaths, but vows. A dozen couples were married at 12:05 a.m. by Circuit Court Clerk Margaret D. Rappaport.

Exactly when the clock struck was a relative matter. At the U.S. Naval Observatory, Gaithersburg sisters Gracie Cohen, 9, and Erica Cohen, 11, counted down to midnight with the U.S. armed forces' most accurate clock.

Three. . . two . . . one!

Silence.

The gold ball stuttered and finally dropped, about two seconds into the year 2000.

It was the second glitch of the day for the country's official timekeeper. The observatory arranged an Internet posting that tracked the time, second by second. But as the new year swept into the United States, viewers of the observatory's site saw the date as Jan. 1, 19100.

Better luck in the year 20100.

Staff writers Petula Dvorak, David Fallis, Sylvia Moreno, Fern Shen, Martin Weil and Jamie Stockwell contributed to this report.

Workers dismantle one of the towers that held the lighted numbers "1999" and then, after midnight, "2000," at the east end of the Reflecting Pool. Photos on Page C9. Around the Reflecting Pool, empty champagne bottles and other trash await collection by cleanup crews. Sheridan Lea, 4, lies across the lap of her father, Watson Jennison, as they take a break from the activities at the District's Main Street Millennium festivities on Constitution Avenue. The two were in town from Charlottesville to experience some of the New Year's festivities. Alison Whaley, 9, of North Potomac, leans on her father, Joseph, during a prayer service at a church in Northeast Washington. Steve Palmer, an employee of Fireworks by Grucci, removes spent fuses from the Reflecting Pool as fog shrouds the Washington Monument. Shirley Troxell and grandson Jack Troxell, 1 1/2, encounter a surprise at the Main Street Millennium festival.

LANGUAGE: ENGLISH

LOAD-DATE: January 02, 2000

THE PALISADES CITIZENS' ASSOCIATION

POST OFFICE BOX 40503, PALISADES STATION, WASHINGTON, DC 20016

Jerrily R. Kress
Director
Office of Zoning
441 4th Street
Suite 210
Washington DC 20001

March 8, 2000

Dear Ms. Kress,

This is to inform you that the Palisades Citizens Association at it's March general membership meeting overwhelmingly passed the following resolution in response to the Field School's application for a special exception to build a private school the property at 2301 Foxhall Road, NW (BZA Application # 16559).

The resolution reads as follows:

Recognizing our neighbors' serious concerns about increased traffic, especially on their residential streets, the Palisades Citizens Association will support the Field School application with the following conditions:

1. That the Department of Public Works be required to create, implement and enforce a traffic mitigation plan for side streets off Foxhall Road, including 49th Street, that is acceptable to the community in order to keep Field School traffic and commuters of residential streets, including, but not limited to:
   - A sign that bans left hand turns at W street onto Foxhall Road during morning rush hours and other such signs that keep traffic off neighborhood streets
   - Additional stop signs
   - Other traffic deterrent measures for residential streets
   - No installation of a traffic light at W Street and Foxhall Road

2. That during the morning rush hours between 7:30 and 9:00 AM, no left hand turns may be made by southbound cars from Foxhall Road into the Field School; and that the Field School take all reasonable measures to require that its parents, students and staff do not use neighborhood side streets to reach the school.

3. That The Field School will support the Palisades Citizens Association in opposing the proposed traffic signal at Foxhall Road and W Street, but will support the proposed traffic light at Whitehaven Parkway and Foxhall Road.

Sincerely,

Gary Ridder

Gary Ridder
President

DEC 2 4 1999

ENROLLED ORIGINAL

AN ACT

Codification District of Columbia Code 2000 Supp.

D.C. ACT 13-190

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 1999

To amend the District of Columbia Traffic Act, 1925 and Chapter 1 of Title 18 of the District of Columbia Municipal Regulations to establish, a three-tiered graduated driver's license program for drivers under the age of 21, nighttime driving restrictions and passenger limits for drivers under the age of 18, and to require certified driving experience and demonstrated safe driving habits prior to the removal of driving restrictions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Safe Teenage Driving Amendment Act of 1999".

Amend § 40-301

Sec. 2. Section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Code § 40-301), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) The Mayor is authorized to issue a new or renewed motor vehicle operator's permit, valid for a period not to exceed 5 years, to any individual 17 years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

"(A) The applicant shall pay an application fee of $30, which may be increased by the Mayor to compensate the District for processing and evaluating the application and issuing the permit.

"(B) The applicant shall demonstrate that he or she is mentally, morally, and physically qualified to operate a motor vehicle in a manner not to jeopardize the safety of individuals or property. The Mayor shall determine whether an applicant is qualified through:

"(i) An examination of the applicant's knowledge of the traffic regulations of the District;

"(ii) A practical demonstration, or evidence acceptable to the Mayor of the applicant's ability to operate a motor vehicle within any portion of the District, except that upon renewal of an operator's permit or upon the application of an individual who meets the criteria set forth in subparagraph (C) of this paragraph, the examination and

"(B) The applicant shall have successfully passed all parts of the examination other than the driving demonstration test; and

"(C) No holder of a of a learner's permit shall:

"(i) Operate a motor vehicle except for a passenger vehicle used solely for pleasure;

"(ii) Operate a motor vehicle for compensation; and

"(iii) Operate a motor vehicle unless while under the instruction of and accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older, occupying a seat beside the permittee, and wearing a seat belt.".

(3) New paragraphs (2A), (2B), (2C), and (2D) are added to read as follows:

"(2A) The Mayor is authorized to issue a new or renewed provisional motor vehicle operator's permit, valid for a period not to exceed 1-year, to any individual 16 and ½ years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

"(A) The applicant shall pay an application fee of $15, which may be increased by the Mayor for the costs of processing and evaluating the application and issuing the permit;

"(B) The applicant shall satisfy the qualification requirements set forth in subsection (a)(1)(B) of this section and:

"(i) Shall be the holder of a valid learner's permit issued at least 6 months prior to the application for a provisional permit;

"(ii) Shall not have admitted to, been found liable for, or been convicted of an offense for which points may be assessed; and

"(iii) Shall have received 40 hours of driving experience as certified by the holder of a valid motor vehicle operator's permit from any jurisdiction, who is 21 years of age or older and who has accompanied the applicant while the applicant was operating the motor vehicle.

"(C) No holder of a provisional permit shall:

"(i) Operate a motor vehicle occupied by any passengers other than one holder of a valid motor vehicle operator's permit who is 21 years of age or older, occupying a seat beside the permittee, and wearing a seat belt, and any other passenger who is a sibling or parent of the permittee; or

"(ii) Operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, unless driving to or from employment, a school sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid

demonstration may be waived in the discretion of the Mayor. No practical demonstration shall be required for a motorized bicycle permit; and

"(iii) Any other criteria as the Mayor may establish.

"(C) An applicant under the age of 21, shall meet the following additional qualifications in addition to the qualifications in subparagraph (B) of this paragraph:

"(i) The applicant shall be the holder of a valid provisional permit issued at least 6 months prior to the application in accordance with paragraph 2A of this subsection;

"(ii) The applicant shall not have admitted to, been liable for, or convicted of an offense for which points may be assessed during the 12 consecutive month period immediately preceding the application; and

"(iii) The applicant shall have received 10 hours of nighttime driving experience, as certified by the holder of a valid motor vehicle operator's permit from any jurisdiction, who is 21 years of age or older and has accompanied the applicant while the applicant was operating the motor vehicle.

"(D) No permittee under the age of 18 shall:

"(i) Operate a motor vehicle occupied by more than 2 passengers under the age of 21, except that this restriction shall not apply to a passenger who is a sibling of the permittee;

"(ii) Operate a motor vehicle in which the permittee or any passenger fails to wear a seat belt; or

"(iii) Operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, unless driving to or from employment, a school-sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older and who is occupying a seat beside the permitee; or

"(iv) Operate a motor vehicle other than a passenger vehicle or motorized bicycle used solely for the purposes of pleasure and not for compensation.".

(2) Paragraph (2) is amended to read as follows:

"(2) The Mayor is authorized to issue a learner's permit valid for 1-year to any individual 16 years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

"(A) The applicant shall pay an application fee of $15, which may be increased by the Mayor for the costs of processing and evaluating the application and issuing the permit.

motor vehicle operator's permit who is 21 years of age or older, wearing a seat belt, and occupying a seat beside the permittee.

"(2B) Notwithstanding the provision of subsection (a)(1)(c), (a)(2)(B), and (a)(2A) of this section, a person under the age of 21 who holds a valid motor vehicle permit from another jurisdiction shall be eligible for a comparable District of Columbia driver's permit, provided that the permittee's operation of a motor vehicle shall be subject to the applicable restrictions set forth in subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C) of this section.

"(2C) Penalties:

"(A) Any violation of the permit restrictions set forth subsection (a)(1)(D), (a)(2)(C) or (a)(2A)(C) of this section, in addition to any other penalties that may be imposed by law, shall result in the suspension of the permits issued pursuant to subsection (a)(1)(C), (a)(2) or (a)(2A) and the addition of a period of time equal to the period of permit suspension to the requirements set forth in (a)(1)(C)(i) and (a)(2A)(B)(i) as follows:

"(i) The first offense shall result in a suspension of 30 days;

"(ii) The second offense shall result in suspension of 60 days; and

"(iii) The third and subsequent offenses shall result in a suspension of 90 days.

"(B) The Mayor shall notify, in writing, the parent or legal guardian of a permittee who is under 18 years of age and who violates subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C);

"(2D) Operator's permits subject to the provisions of this Act, including a learner's permit, provisional permit and operator's permit, shall be visually distinguishable pursuant to rules promulgated by the Department of Motor Vehicles.".

(4) Paragraph (3) is amended by striking the phrase "dual control motor vehicle at such times as such pupil" and inserting the phrase "dual control motor vehicle between the hours of 6 a.m. and 11 p.m., while the pupil" in its place.

(5) A new paragraph (3A) is added to read as follows:

"(3A) Notwithstanding the passenger restrictions set forth in subsection (a)(1)(D), (a)(C)(iii), and (a)(2A)(C)(iii) of this subsection, a permittee who is enrolled in a driver education course may operate a motor vehicle containing a greater number of passengers while the permittee is under the instruction of and accompanied by a licensed motor vehicle driving instructor provided that the other passengers are also receiving driving instruction.".

(6) Paragraph 4 is amended as follows:

(A) Strike the phrase "operator's permit or learner's permit" and insert the phrase "operator's permit, learner's permit, or a provisional permit" in its place.

(B) Strike the phrase "replacement learner's permit" and insert the phrase "replacement learner's permit, or replacement provisional permit" in its place.

(b) Subsection (d) is amended by striking the phrase "operator's permit or learner's

permit" and inserting the phrase "operator's permit, learner's permit, or a provisional permit" in its place.

Sec. 3. Chapter 1 of Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended as follows: DCMR

(a) Subsection 100.1 is amended by inserting the phrase "provisional permits," after the phrase " learner's permits,".

(b) Subsection 102.2 is amended by striking the phrase "of sixty (60) days" and inserting the phrase "not in excess of 1 year" in its place.

(c) Subsection 102.3 is amended by striking the phrase "of sixty (60) days" and inserting "not in excess of 1 year" in its place.

(d) Subsection 102.4 is amended by inserting the phrase ", a provisional permit, "after the phrase "a learner's permit".

(e) Subsection 102.5 is amended to read as follows:

"102.5 A person holding a learner's permit shall not operate a motor vehicle except between the hours of 6 a.m. and 9 p.m., and while under the instruction of, and when accompanied by the holder of a valid driver's license who is at least 21 years of age and who shall occupy the seat beside the permittee.".

(f) A new subsection 102.14 to read as follows:

"102.14 A person holding a provisional permit shall not operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, except if travelling to or from employment, a school-sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid driver's license who is at least 21 years of age and who shall occupy the seat beside the permittee.".

(g) Subsection 103.1 is amended by inserting the phrase ", a provisional permit, "after the phrase "a learner's permit".

(h) Subsection 103.7 is amended by inserting the phrase ", provisional permit," after the phrase "learner's permit".

(i) Subsection 104.1 is amended by inserting the phrase ", a provisional permit, "after the phrase "a learner's permit".

(j) Subsection 107.10(c) is amended by inserting the phrase "and provisional permits" after the phrase "Learner's permits".

(k) Subsection 109.1 is amended by inserting the phrase ", a provisional permit, " after the phrase "a learner's permit".

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Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 913; D.C. Code § 1-233 (c)(3)).

Sec. 5. This act shall apply on September 1, 2000. The graduated driver's license program, nighttime driving restrictions, and passenger limits shall apply to youths born after December 31, 1984.

Sec. 6. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Linda W. Cropp
Chairman
Council of the District of Columbia

Anthony A. Williams
Mayor
District of Columbia
APPROVED: November 18, 1999

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HEADLINE: D.C. Votes To Limit Teenage Drivers; Council Sets 18 As Minimum Age For Full License

BYLINE: Vanessa Williams, Washington Post Staff Writer

BODY:

The D.C. Council adopted the strictest teenage driving law in the region yesterday, effectively pushing up the minimum age for obtaining a full-fledged driver's license from 16 years old to 18.

The new law would put District teenagers through a three-step obstacle course to receive an unrestricted license. Neophyte drivers would require supervision, particularly at night, and the number of passengers who can travel with them would be limited.

Local and national experts say teenage drivers are more prone to accidents because they lack experience behind the wheel.

Maryland, which strengthened its teenage driving law in July, requires drivers who have just turned 16 to use a learner's permit for four months, then receive an 18-month provisional license. Maryland teenagers have to be at least 17 years and 7 months old before they qualify for an unrestricted license.

In Virginia, new drivers can get a permanent driver's license at 16 if they receive a driver education certificate from a state-approved program and have held a valid learner's permit for six months.

D.C. Council member Kathy Patterson (D-Ward 3), who wrote the District's legislation and pushed for the restrictions, smiled broadly as the bill was finally approved. It will take effect Sept. 1, 2000, if it is approved by the D.C. financial control board and Congress.

"I'm pleased it was approved unanimously by the council today," Patterson said, adding that her 15-year-old does not share her enthusiasm for the new law. "All the research shows that these laws can save lives."

Some District teenagers, who had been looking forward to that important milestone on the road to adulthood, were disappointed yesterday to learn of the pending restrictions.

Danielle Brock, 17, a senior at Anacostia High School, said that some restrictions on teenagers, such as the District's recently enforced curfew, are good because they protect young people, but that the new driving restrictions don't.

"Some of us have responsibilities," Brock said as she waited in line at an ice cream truck at 18th and P streets SE. "We have jobs to get to. The Metro and the buses aren't always the best. We need to drive."

Currently, anyone 16 or older can obtain a learner's permit by passing the District's written driver's license exam. Learner's permit holders can apply to take the road test. If they pass, they will receive a full license.

Under the new legislation, a 16-year-old would still receive a learner's permit if the applicant passes a written exam. At 16 1/2, teenagers could apply for a provisional permit, which would allow unsupervised driving during the day, but require a licensed adult to be in the car at night. Provisional permit holders could have only family members as passengers.

At age 17, a provisional driver could apply for a full license with restrictions allowing the licensee to drive alone during the day but requiring supervision at night. Provisional drivers would be allowed only two passengers. The final step, full unrestricted licensure, would be bestowed on teenagers when they turned 18 and could show a clean driving record.

Lon Anderson, a spokesman for AAA Mid-Atlantic, hailed the strictness of the D.C. measure. "Maryland has a tough one, but this goes a little bit further," said Anderson, whose organization worked with Patterson to develop the legislation.

Patterson said she hoped Virginia officials would beef up their teenage driver laws to be more compatible with those in the District and Maryland.

Anderson said national figures show that 16-year-old drivers crash at nine times the rate of other drivers and that 17-year-old drivers have collisions six times as often as other drivers. Teenage drivers also are more likely to have accidents between the hours of 10 p.m. and 6 a.m., which was why Patterson pushed for nighttime restrictions.

"If only one child or one person does not lose their life because of this, I would think the legislation is worth it," said Ronald Monroe, an assistant police chief in the District. He said teenage accidents are mostly attributable to "poor judgment, lack of experience. Our hope is the legislation will make parents and young people more aware of the awesome responsibility and the importance of safe driving."

Patricia Temoney, 15, a 10th-grader at Richard Milburn Academy, said she liked the stricter law.

"I don't feel old enough to drive on my own," Temoney said, as she stood with friends in the 2100 block of Fairlawn Avenue SE. "There are too many people my age getting hurt," Temoney said, drawing nods of agreement from family members and admonishment from her teenage friends to be quiet.

The Safe Teenage Driving Amendment Act of 1999 passed with little debate, while council members saved their more emotional rhetoric for a resolution approving $ 105.5 million in revenue bonds for the American Red Cross to build a new headquarters in Foggy Bottom. The 10-story building is being opposed by residents in the Northwest community sandwiched between downtown and Georgetown.

The council grudgingly passed a resolution authorizing the bond sale to raise cash for the Red Cross, which wants to build the headquarters at 2025 E St. NW. Foggy Bottom residents have complained that the building would be too large for the site and would block their sunlight and views, but the headquarters would bring 1,200 workers from suburban offices into the District.

"I have great compassion for the Foggy Bottom community," said council member Carol Schwartz (R-At Large). "I am not proud of the vote I'm going to cast today for this bond."

The council's resolution, which passed 7 to 5, "recommends" that the Red Cross reduce the height and size of the building. But the recommendations are not binding, and Congress has warned the council not to try to attach conditions to the resolution.

Staff writer Emily Wax contributed to this report.

Licensing Phases

Under a plan passed by the D.C. Council yesterday, District teenagers would have their driving rights restricted at age 16, with privileges gradually increased until they are 18.

Learner's Permit: Drivers have to be at least 16, may drive only when accompanied by a licensed driver and must have passed written and vision tests.

Provisional Stage: Drivers ages 161/2 with no infractions for six months may drive unsupervised during the day but must be supervised by a licensed driver from 11 p.m to 6 a.m. weekdays and midnight to 6 a.m. on weekends. Drivers also must have 40 hours' driving experience certified by a parent or guardian.

Full License with Restrictions: A driver age 17, reaches this stage after completing 12 consecutive months without a moving violation and at least 10 hours of nighttime driving experience may drive from 6 a.m. to midnight unsupervised. Driver may have two passengers. At age 18 the driver may receive a full license with no restrictions.

SOURCE: D.C. Council

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