GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14278, of Lewis E.S. Parker, Trustee, Harry Family Trust, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraph 3101.42 to construct a private high school with an athletic field and under Sub-section 7203.6 to permit a reduction in the number of required parking spaces in an R-2 District at premises 4200 Davenport Street, N.W., (Square 1672, Lot 813, Square 1673, Lots 1, 2, 808-813, 816, 817 and 819, and part of Davenport Street to be closed).

HEARING DATE: April 17, 1985
DECISION DATE: May 1, 1985

FINDINGS OF FACT:

1. The subject site is located on a tract of land fronting on Davenport Street to the north, 42nd Street to the east, Chesapeake Street and River Road to the south and southwest, and 43rd Place to the west. Forty-third Street provides access to the site from its northernmost point. The site is known as premises 4200 Davenport Street, N.W. It is located in an R-2 District.

2. The site abuts residentially zoned and developed property on its north (R-3, R-2 Districts), east, and south sides (R-2 District). The site is located adjacent to a Safeway grocery store and parking lot on the north in the C-2-A District. The site is one block from Wisconsin Avenue.

3. The site contains 4.6 acres of land area. The site is irregularly shaped. The site is known as the Harry Tract. There are three single family structures located on the east side of River Road which are owned by members of the Harry family. The remainder of the site is unimproved.

4. The contract purchaser, the Georgetown Day School (GDS), plans to construct on the Harry Tract a first class high school building with gymnasium, theater, library, arts and classroom space, plus faculty offices and student and faculty lounges. Also included will be a regulation-size soccer field and a running track, and parking spaces for at least sixty-one cars. The proposed lot occupancy is 13.8 percent and the floor area ratio (FAR) is 0.36.

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5. The GDS is seeking special exception relief to locate a private high school on the Harry Track, and to reduce the amount of required parking spaces by not more than twenty-five percent.

6. Paragraph 3101.42 of the Zoning Regulations permits with BZA approval through a special exception, a Private school, but not including a trade school, and residences for teachers and staff of a private school, provided that the school is 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 and that ample parking space, but not less than that required in Article 72 of these regulations, is provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

7. Under Sub-section 7203.6, the BZA is authorized to reduce the amount of parking spaces required for nonresidential uses by Sub-section 7202.1 provided that:

A. The amount of required parking spaces shall not be reduced by more than twenty-five percent.

B. The Board shall give consideration to:

1. The nature and location of the structure;

2. The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;

3. The amount of traffic congestion existing or which the building or structure can reasonably be expected to create in the neighborhood;

4. The quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood which can reasonably be expected to be available when the building or structure is in use; and,

5. The proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area, or a ride-sharing program approved by the District of Columbia Department of Public Works;

6. If the applicant relies on a ride-sharing program, the applicant shall demonstrate to the Board that the program shall continue as long as the use continues; and

7. Before taking final action on an application, the Board shall refer the application to the District of Columbia Department of Public Works for review and report.

8. GDS was established in 1945 to be the first desegregated school in the District of Columbia. GDS is a nonprofit, co-educational, nonsectarian school, governed by a Board of Trustees of parents elected by the parent body and administered by an appointed Director. Over eighty percent of the students are residents of the District of Columbia.

9. GDS high school was established in 1969. Since that time, the school has been located in makeshift space. GDS is presently located in a former office building at 4880 MacArthur Boulevard, which it purchased and converted for use as a high school. GDS has been seeking an appropriate location for a new home in the District of Columbia which is designed for its own use, conveniently located for its student
population, in close proximity to public transportation, and which will include an outdoor recreation field and adequate on-site parking. The Harry Tract was identified by GDS as a prime location for the school, given the fact that it satisfied all of the criteria listed above.

10. GDS initiated contact with the Advisory Neighborhood Commission (ANC) and the Friendship Tenley Citizens Association (FTCA) concerning the proposed high school in late 1983. This was followed up by a community-wide meeting held in January, 1984, with GDS representatives to discuss the proposal. Subsequently, an Ad Hoc Committee composed of neighborhood representatives was appointed by the ANC and FTCA for the purpose of articulating community concerns to GDS during the design of the project. GDS then began site planning for the school and selected the architectural firm of Keyes Condon Florance (KCF) in mid-March. During the latter part of March and the month of April, KCF commenced work on the project, developing conceptual plans and layouts. During that time, the Ad Hoc Committee met and formulated the general issue areas which they felt must be addressed by GDS. GDS responded to those issues, and the ensuing meetings and discussions during the following twelve months formed the basis for refinement of the neighborhood concerns and the GDS proposals.

11. The discussions between GDS and the Ad Hoc Committee culminated in a thirty-one paragraph Draft

Agreement with the Ad Hoc Committee which governed the development of the site and the proposed operation of the school, including the number of students and faculty; construction and school operation schedules; traffic and transportation access; fencing, buffering, and landscaping; security; land use; neighborhood input during construction and operation of the school; water drainage; parking; community service projects by GDS; future uses of the site; student discipline; and use of the building and grounds by the community. The said agreement is attached hereto and incorporated in this Order.

12. The site plan for the high school has been developed so that the school building is located as far to the east as possible on the site, adjacent to the Safeway supermarket, and across 42nd Street from the car wash, the rear of the Volvo sales and service facility, and the Central Pension Fund office building. The school parking lot, which will not be lighted at night, is located adjacent to the Safeway parking lot, and will be landscaped to screen it from adjacent dwellings. The athletic field, located along River Road, will be heavily landscaped along its perimeter. The dwellings to the south of the site will be screened by a heavy landscape buffer. The Board finds that school building is thus located in such a manner that it is buffered from the surrounding residences by the grass playing area and/or landscaping.

13. GDS presented a written report and expert testimony by an accoustical engineer that any noise generated by the operation of the school will not exceed the ambient noise levels of the neighborhood, which is located adjacent to the Wisconsin Avenue and River Road corridors, and that the design features incorporated into the plans will serve to buffer the transmission of any noise from the site. He concluded that the proposed high school will have no significant noise impacts on the neighborhood, and that any noise generated will be similar or less objectionable than that generated by a residential development on the site. The Board so finds.

14. GDS presented a written report and expert testimony by a traffic engineer. The report contained an analysis of booth vehicular and pedestrian travel to and from the site. The traffic analysis was based upon surveys and figures of the D.C. Department of Public Works (DPW) augmented by studies and observations made by the traffic expert. The traffic expert found that there is excellent public transportation access, with ten bus routes adjacent to the site and the Red Line Metrorail station approximately three blocks to the southeast. Surveys of transportation mode choice were taken of DGS students and faculty, and were compared with surveys of another private school. At the present school location, with limited public transportation

access, four bus routes, forty-three percent of the students use public transportation. The transportation analysis for the new site, with ten bus routes and a metrorail station in close proximity, along Wisconsin Avenue and River Road, uses a conservative estimate of forty-five percent public transportation users. The Board so finds.

15. All traffic to and from the site, both vehicular and pedestrian, will access the site via the Davenport Street entrance. The traffic report analyzed peak hour traffic volumes, and found that the AM traffic volumes are more critical because they coincide generally with GDS arrivals. GDS departures are spread over a three hour period in late afternoon, prior to the evening rush hour. The traffic study concluded that the directional morning peak period traffic volumes will increase on Davenport and 42nd Streets by approximately 160 cars, or less than three cars per minute per hour. This additional demand is well within the existing street capacity. Parents who drive their children to school will be instructed to pick-up and drop-off students on school grounds, which will not interfere with traffic flow. As compared with a matter-of-right development of residential units, the daily trip generation will be approximately the same for the proposed school. Existing traffic at affected intersections currently operates at level of service "B" or better, with no change expected as a result of the development. Parking demand at the present site is low. Currently, twenty-four spaces serve a school population of 382 students faculty and staff. Not all of these spaces are used all the time, although they are open, free and secure. The proposed site will have at least sixty-one spaces for 456 students, faculty and staff. Thus, with a future increase in school population of nineteen percent, and a future increase in parking supply of 157 percent, the traffic expert found adequate parking to serve the daily needs of the school. Any additional parking needs for special events can be accommodated on the playing field area. There are also metered parking spaces along Davenport Street and 42nd Street that are available for public use. The Board so finds.

16. All GDS faculty, staff and students who are permitted to drive cars to school will be provided a parking space on site. Any student who does not have both permission to drive to school and a place to park on site will be prohibited from driving to school. Students who drive to school and park in the neighborhood will be subject to disciplinary action. The school will prohibit authorized use of the parking lot at night. The lot will be secured at night, and a security service will be employed to prevent authorized parking and other unauthorized use of the school site during non-operating hours. During special events at the school, if the parking spaces on site are inadequate to

meet the parking demand, excess parking will be accommodated on the playing field area to minimize the necessity of school visitors' parking in the neighborhood. The athletic field area has been designed with a curb cut and a cinder track to facilitate this parking. There will be an emergency entrance to the site from 43rd Street. This access point will be secured by a gate which will be locked at all times and used only by emergency vehicles. GDS has met with DCDPW representatives during the design phase of the project and has incorporated their comments into the final site plan. The applicant has also consulted with DCDPW to discuss operational issues as well. The Board so finds.

17. The future total enrollment at the school will be no more than 410 students. The philosophy of the school includes the teaching of respect for the rights and property of one's fellow citizens. DGS students are required to complete sixty hours of community service during their tenure at the school. A partial list of student community service projects was submitted for the record. Students are instructed not to trespass on neighboring property, not to litter, and not to engage in any otherwise objectionable behavior either at the school, or in travelling to and from the school. Students who do not follow these rules will be disciplined by the school. The Board so finds.

18. GDS has presented two alternate plans for parking, one of which meets the strict requirements of the Zoning Regulations, and one of which requires special exception relief. The calculations for both layouts for zoning purposes was based solely upon the number of required spaces on private property. However, when the number of new parking spaces to be created on public space by GDS are included in the calculations, both alternative plans exceed the number of spaces required under the Zoning Regulations.

19. The Board finds that the Zoning Regulations require fifty-seven spaces for the proposed use. The applicant has included one proposal which provides fifty-seven spaces on private property, and another eleven spaces on public space, for a total of sixty-eight spaces. The alternative preferred by the Ad Hoc Committee and by GDS, however, is to delete the parking spaces in the Garden Area adjacent to the intersection of 42nd and Chesapeake Streets. This would result in fifty spaces on private property and eleven spaces on public space, for a total of sixty-one parking spaces. This proposal requires special exception relief. Both alternative parking plans include two handicapped spaces adjacent to the school building. Both alternative parking plans have been reviewed and coordinated with the Department of Public Works. GDS representatives testified that they intend to work with Safeway to return the entire Davenport Street to private ownership. If that is accomplished, the

parking spaces which are now shown as being located on public space will revert to private parking spaces at that time.

20. The school will have a future maximum of approximately 456 occupants (students, faculty and staff). Over one-half of the students do not have drivers' licenses, and therefore are not capable of driving. Student drivers to the school will be strictly controlled, as outlined above, and this policy will be strictly enforced. Students will be permitted to drive to school only in extraordinary circumstances, by permission of the school administration, and only if there is a place to park on-site.

21. The Office of Planning (OP), in its memorandum dated April 10, 1985 and at the public hearing recommended that the application be approved with conditions. The OP noted that the project is in compliance with the building height, bulk and yard and lot occupancy requirements of the R-2 District. The OP was of the opinion that the physical layout and design of the three story school building and grounds will minimize noise on surrounding properties. Students will be instructed by the school to respect the rights of others, and objectionable behavior will not be tolerated. Noise generated by outside sporting events on the athletic field will be buffered by distance and landscaping. The majority of the field is separated from other residentially used properties by public streets. The playing field will not be lighted, and all inter-scholastic events will conclude before 6:30 P.M. to maintain the neighborhood's evening hour tranquility. The OP was of the opinion that the number of students proposed to be enrolled in the school is not likely to become objectionable to adjoining and neighboring property. The OP was further of the opinion that the parking and vehicular access to the site is adequate to minimize any adverse impacts. Students will be prohibited from driving to the site unless they have permission to do so from the school, as well as a place to park on the site. There will be no unauthorized use of the parking lot at night. The OP reported that over one-half of the students do not have driver's license, and that the existing twenty-four parking spaces at the school are adequate to serve the daily needs of 382 students, faculty and staff. The OP also reported that the school is within one block of the Wisconsin Avenue and River Road bus corridors and within a short walking distance of the metrorail station. The OP also reported the high percentage of public transportation used by GDS students. The OP reported that the applicant had demonstrated that its proposal has been planned in such a way as to comply with the requirements for special exception relief. The OP concluded that the application be approved with the

conditions as agreed to with the Ad Hoc Committee. The Board concurs with the recommendation of the OP and its reasoning. The Board will condition the grant herein incorporating the concerns of the Committee over which the Board has jurisdiction.

22. The DPW, in its memorandum dated April 10, 1985, reported that as to the surrounding street system Ellicott Street is a local street with a paved width of thirty-five feet. Residential permit parking restrictions are in effect on both sides of the street. Chesapeake Street is also a local street, with a paved width of thirty feet. Residential permit parking is allowed on both sides of the street. 43rd Place is a local street with a paved width of twenty feet near the site. Residential permit parking is allowed on both sides of the street. River Road is a minor arterial with a paved width of thirty-six feet and an average daily traffic volume of 13,400 vehicles near the site. Unrestricted parking is allowed on both sides of the street near the site. 42nd Street is a local street with a paved width of thirty-four feet and an average daily traffic volume of 3,500 vehicles near the site. Three-hour metered parking is allowed between 7:00 A.M. and 6:30 P.M., Monday through Friday. Wisconsin Avenue is a principal arterial with a paved width of sixty feet and average daily traffic volume of 3,500 vehicles near the site. Metered parking is allowed on both sides of the street. Davenport Street is a dead-end local street, with a paved width of thirty feet. Parking is allowed on both sides of the street, but is limited to three hours between 7:00 A.M. and 6:30 P.M. on weekdays, and 43rd Street is a local street with a paved width of thirty feet, which dead ends north of the proposed school site. Residential permit parking is permitted on both sides of 43rd Street. The DPW further reported that the site is 800 feet from the Tenleytown station on Metrorail's Red Line. In addition, ten Metrobus routes, the T2, T3, T4, T6, T7, 30, 32, 34, 36 and 37 routes, stop near the site on River Road and Wisconsin Avenue.

23. The DPW reported that as to traffic because of the site's excellent access to public transit, the DPW estimated that forty-five percent of the student population would travel to the site by public transit, ten percent will walk, and forty-five percent will arrive and leave by automobile. The DPW concurred in the GDS estimate that approximately 273 daily vehicle trips will be generated by the school. Approximately 160 of these trips will occur between 7:00 and 8:00 A.M., during the morning peak hour on the adjacent streets. This volume of additional traffic will not affect the levels of service at intersections surrounding the site.

Afternoon traffic volumes will be dispersed over several hours; the majority will not coincide with PM traffic peaks on the surrounding streets. All access to the site will be via Davenport Street; vehicles entering and leaving the campus will turn around via a cul de sac on school property. No vehicular or pedestrian access will be permitted from River Road. The emergency access entrance from 43rd Street will be kept locked at all times. The DPW noted that a channelization scheme has been developed by the DPW to improve sight distances at the intersection of Ellicott Street, 42nd Street, and Wisconsin Avenue. The Department hopes to include funding for this safety improvement in the FY 1987 capital budget.

22. As to parking, the DPW reported that the amount of parking will be sufficient to service the site, especially since eleven new public spaces will be available near the school entrance once the Davenport Street access has been improved by the applicant. Also, the GDS has agreed that only faculty members, staff and students who have been specifically assigned a parking space will be permitted to drive to the site. During special events, such as parent meetings and school plays, the athletic field can be used as a parking area.

25. The DPW reported that the GDS should be required to pay the cost of upgrading the two existing street lights on Davenport Street, and of installing a new light on the north side of Davenport Street, approximately 110 feet west of the existing Safeway driveway. All street light work must be coordinated with the DPW's Street Lighting Branch.

26. The DPW further reported that there is water and sewer service available to the site. The closing of Davenport Street will require a drainage easement and a drainage system for handling stormwater flow across the development. The GDS should continue to work with the DPW to develop and implement such a stormwater management system. The Board concurs in the DPW's reasoning and recommendation.

27. Advisory Neighborhood Commission 3E in a report filed April 10, 1985, reported that by a vote of 3-2 the ANC recommended that the application be denied. The ANC reported as follows:

> Whereas, the site of the proposed development falls within the boundaries of Single Member District 03, the preponderence of whose citizens have expressed concern that the quiet residential character of the neighborhood be preserved, that the traffic flow within the neighborhood continue to allow easy, unhindered passage to and from their residences uninterrupted by commuters entering the neighborhood for any reason, that the intersection at Wisconsin Avenue and 42d Street, N.W.

is poorly designed, dangerous, and inviting an accident, and that River Road, N.W. is already overloaded with commuter traffic,

Whereas, the District of Columbia recently proposed a city-wide land use plan that gives voice to local citizen participation in the planning of the future uses of their neighborhood, and,

Whereas, the proposed Georgetown Day School site:

represents an encroachment on the residential character of the neighborhood,

represents a potential precedent for future, unwarranted development of the surrounding neighborhood,

generates additional unwanted traffic in the neighborhood,

has its most significant ports-of-entry to the site through the intersection at Wisconsin Avenue and 42nd Street, N.W. and via River Road, N.W.

would generate a general disruption to the surrounding neighborhood with its various evening social, cultural and sporting events,

preempts the voice of the local citizenry in its right to determine future planning uses within the area in a thoughtful and deliberative manner, by putting in place a major development that will predetermine future uses before the ward area development plan can be created,

Therefore, be it resolved that

1. ANC 3E oppose the special exception relief Georgetown Day School seeks to construct its proposed secondary school on the Harry Tract.

2. That no development of the Harry Tract be approved that does not fit the residential character of the neighborhood and within the scope of the to-be developed ward area development plan.

3. That no development of the Harry Tract be approved that exceeds the current R-2 zoning of the area and

4. That the residential development of the Harry Tract take into account and complement the overall

development of the Wisconsin Avenue Corridor within ANC 3E.

5. That the citizens of ANC 3E, both for and against the establishment of the Georgetown Day School on the Harry Tract work in a united effort for the establishment of a ward area development plan and a coordinated development strategy of out neighborhood that causes the minimal adverse impact to our residents.

Finally, the ANC voted that, if the BZA grants the special exceptions sought in the application, that such approval should be conditioned upon: (a) the conditions negotiated by the Ad Hoc Committee; (b) a stipulation that a cafeteria be included as part of the school construction; and (c) a stipulation that demolition of the three houses on the east side of River Road be delayed as late as possible in the construction cycle.

28. The Board does not concur with the recommendation of the ANC. The Board is required by statute to give "great weight" to the issues and concerns of ANC that is reduced to writing in a resolution. The Board does not concur for the following reasons:

a. A private school is a use which is predeemed compatible with other uses in the R-2 District, subject to review by the Board for consistency with the requirements set forth in Paragraph 3101.42 of the Zoning Regulations. No variances or zoning changes are requested or are necessary in order to allow a private school to be located on the subject site. Any dispute concerning whether a private school should be permitted to locate on the site by special exception should be addressed to the Zoning Commission, rather than to the Board.

b. This Board has no authority to impose a building moratorium on the Harry Tract until such time that the City develops a Ward Plan for this area. Development on the site is governed by the R-2 zoning, and, as further set forth below, the proposed use is consistent with that zoning.

c. The proposed private school use does not exceed the current R-2 zoning of the site. A public high school could be placed on the site without the need for any relief from this Board.

d. Based upon the evidence and testimony, the Board finds that the proposed school development of the Harry Tract will complement the overall

development of the Wisconsin Avenue Corridor within ANC 3E.

e. This Board concurs with the ANC that the conditions set forth in the draft letter of agreement will help to ensure that there will be no adverse impact from the development and operation of the school on this site. The draft agreement includes provisions concerning the use of the student lounge for cafeteria purposes, and a procedure for determining when the three houses along River Road will be demolished during the construction phase.

29. The Friendship Neighborhood Coalition (FNC) testified at the public hearing that on March 12, 1985, the FNC Board voted to support the Georgetown Day School application for a special exception to build a high school on the Harry Tract. Some of the main issues which were raised were:

A. Concern about both the short and long-term disruption to the immediately adjacent residents of any development on that site.

B. Concern about the long-term effects of development on the Harry Tract to the larger neighborhood.

C. The magnitude of the change the GDS proposal has to be compared to matter-of-right residential development.

D. Schools and places of religious worship appear to be generally considered compatible uses in low density residential neighborhoods. Exemplified by the fact that if this proposal were for a public high school, even a large one, it could be built as a matter-of-right.

E. Other possible applications for changes if existing zoning from townhouses, to apartments to office or other commercial use. Remembering that this parcel has commercial uses across the street.

F. Traffic, noise, residential buffering, open space needs, upkeep problems, etc. under various options.

G. A concern that the current architectural plans show a 'back view' to 42nd Street which may at least psychologically cause safety as well as esthetic problems along that street.

30. FNC recognized that some of the immediate neighbors opposed this application. However, FNC had a broader

membership to consider. It appeared that board members immediately next to the development were slightly in favor of the school over other development. It appeared that there was room for legitimate disagreement as to whether people would rather live next door to a high school or semi-detached or town houses. Those who live one block or more from the school almost all indicated that the impact of even residential development on their part of the neighborhood would be considerable worse than that of the school, especially as far as traffic and its associated problems were concerned. On balance it was agreed that any development on the Harry Tract would probably have negative impact on the neighborhood. The FNC Board felt that the school would probly cause no more, possibly fewer, problems than maximum matter-of-right residential development and that the open space afforded by this plan was a plus. FNC believed traffic would increase in any event and that particular attention needs to be paid to the dangerous intersection of Wisconsin Avenue, 42nd Street and Ellicott Street. It was felt that having Davenport Street and 43rd Place remain closed to through traffic was an advantage. Several people at the Board meeting indicated that a high-quality school, whether public or private, was an asset to the community, and since a public high school could be built as a matter-of-right, it seemed unreasonable to withhold approval for a private one. A school would seem to be an appropriate long-term buffer between the commercial properties and the single-family residential neighborhood. FNC was concerned that the longer this parcel lies undeveloped, the greater the pressures will be to change its zoning. Most of the Board Members present felt that the school was the best development that they could reasonably hope for on the site. If these special exceptions were granted, FNC would strongly urge that negotiations between GDS and the Citizen's Ad Hoc Committee be continued to minimize the impact of the school both during the planning and construction phases and on a long-term basis.

31. The American University Park Citizens Association voted to support the application. The vote of the Association was based upon the favorable impact of the school upon the neighborhood.

32. The Friendship Tenleytown Citizens Association voted to take no position on the application. However, the Association requested that, if the application is granted, that the conditions set forth in the draft agreement be incorporated into the approval.

33. Approximately sixty letters and a petition with approximately 390 signatures were submitted in support of the application. In addition, ten persons spoke at the hearing iin support of the application. This support was based upon the belief that the proposed school use would be

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

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 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