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2002 DEC 13 PM 2:55

December 11, 2002

Board of Zoning Adjustment
441 4th. St. NW Suite 210-S Washington, DC 20001

RE: 16944 Georgetown Day School Application
Ms. Mitten, Ms. Renshaw, et al;

As a long time resident and an involved, close, neighbor to the Georgetown Day School (GDS) I feel a need to 'revisit' why GDS decided to move within this neighborhood. More importantly I need to explain the ramifications of allowing GDS to expand, per their request.

Briefly the history; in 1985, GDS sought to move into this residential community citing the "juxtapostion of the Metro subway and bus service afforded by proximity to Wisconsin Avenue." This geographical arrangement was predicated on minimum student impact within this neighborhood and the agreement that no students would drive and park their automobiles. Initially, per the agreement, GDS was somewhat active in the community, promising limited residential access to the athletic field, respect for the neighborhood, and apparently involved in community relations.

Some years ago this basically tenable situation deteriorated, relegating this this otherwise quiet neighborhood to what can be best described as 'a parking lot.' Although we, proximate, neighbors called GDS, faxed GDS, walked litter to the GDS offices (including numerous beer cans), had our garages spray painted (four times by GDS' admission), and witnessed numerous 'smoking' activities in our alleys, we somehow endured; rationalizing this behavior will cease come the Summer months and might improve if we complain enough. Be reminded that zoning enforcement is somewhat a new concept to us residents.

These immediate issues did cease, just this school year; coincidentally with GDS' admitting their non-compliance and their subsequent request for 'expansion.' Arguably, these issues may merely be suspended temporarily as the initial agreement between the Board of Zoning and GDS has never been honored, enforced, or acknowledged (unless under duress).

Attached please find email communication between myself and GDS administration; it is a recent and small fraction of the total; I know that GDS "neighbors" on the South side of the GDS enterprise have been vocal, as well, in their concerns regarding non-compliance. We residents immediately bordering GDS have endured the same neighborhood diminution of quality that we lobbied against over 15 years ago. Unfortunately maybe we are not so vocal as so many family residences have moved away only to return as 'non vested' AU group homes. This situation, specifically, leaves us remaining wondering where is the credibility of negotiation and enforcement?

Mr. Peter Branch, Headmaster of GDS, said it best at your BZA Hearing: It is, ironically, what we have lived with for over a decade, "we could drop to 410 [students] and be more obnoxious." More obnoxious? Only with the BZA's help. Please hold them to the original agreement; the very agreement that made them our "neighbors."

Thanks for your attention,

Rick Servatius

BZA
Case No. 16944
Exhibit No. 48

Board of Zoning Adjustment
District of Columbia
CASE NO.16944
EXHIBIT NO.48

THE NORTHWEST CURRENT

Davis Kennedy/Publisher & Editor
Chris Kahn/Managing Editor

Ensure compliance

The plan presented recently by Georgetown Day School head Peter Branch to reduce student parking on neighboring streets — a practice banned by the Board of Zoning Adjustment order permitting the school in the first place — has much to commend. Mr. Branch, for example, has vowed to notify students and parents this summer of penalties, including fines and suspensions.

We must note, however, that the effort comes after 15 years of ignoring provisions in the zoning board's order authorizing construction of the high school on Davenport Street.

Particularly troubling is Mr. Branch's statement to the Tenleytown and American University Park advisory neighborhood commission that the school does not intend to come into compliance with the zoning board's 410-student cap.

The upper school currently enrolls 450. Mr. Branch said that the enrollment would remain steady in the coming year.

This is yet another example of the need for the Board of Zoning Adjustment, in conjunction with the Department of Consumer and Regulatory Affairs, to get tough in enforcing its conditions. The requirements must be taken seriously.

Unfortunately, Georgetown Day School is hardly unique in ignoring the rules for so long. Edmund Burke School even applied for an expansion after years of exceeding its student and faculty cap.

We believe the D.C. Council needs to pass legislation making it clear to scofflaws that the city will withdraw their certificates of occupancy if sustained violations continue. Regulators and the zoning board should set out clear standards, providing a limited time for institutions or developers to come into compliance.

THE NORTHWEST CURRENT

Davis Kennedy/Publisher & Editor
Chris Kahn/Managing Editor

Zoning with teeth

Recent cases have brought new attention to a longstanding problem — the lack of enforcement of often-detailed orders from the Board of Zoning Adjustment and the Zoning Commission.

The Palisades advisory neighborhood commission deserves credit for insisting that the Field School obtain formal approval from the zoning board for modifications to the order allowing the school to locate on Foxhall Road. The board had originally insisted on several traffic improvements, but they will not be ready by the fall. While the interim measures seem quite adequate, it is important that they have the approval of the board.

We hope that this case triggers a more comprehensive review of compliance issues. For the first time, the Office of Zoning — which provides staff support for the Board of Zoning Adjustment and the Zoning Commission — will soon have a compliance officer. Though enforcement will still rest with the Department of Consumer and Regulatory Affairs, there at least will be a D.C. official with the sole responsibility of keeping track of violations.

He or she will clearly have a huge workload. Many cases involve schools — such as Georgetown Day School and Edmund Burke School, which are exceeding their enrollment caps — but others do not. The operators of many accessory parking lots, including one at the CVS Pharmacy on MacArthur Boulevard, began complying with earlier conditions only when the Board of Zoning Adjustment took notice of neighborhood complaints as the operators sought renewals.

We believe it is time for the Board of Zoning Adjustment and the Zoning Commission to schedule a joint roundtable to discuss whether the law contains the mechanisms necessary to ensure compliance. One option is to pull certificates of occupancy for property owners who fail to come into compliance. For schools that exceed population caps year after year despite warnings, the city ought to impose fines amounting to at least half the extra tuition. Other property owners ought to face similarly hefty fines.

In a recent interview, Mayor Anthony Williams proclaimed that the city needs to enforce the conditions that allowed property

GDS asks boost in permitted enrollment to reflect present figure

By ELIZABETH WIENER
Current Staff Writer

Trying to ease relations with its neighbors, Georgetown Day School's upper school has filed for a zoning amendment to reflect its current enrollment and has instituted strict parking rules to keep student cars off residential streets near its Davenport Street campus.

School officials acknowledged last year they were violating a 1985 zoning order that limited total enrollment for the upper school to 410 students, with a staff total of 60. The current enrollment is 450, with about 90 faculty and staff.

But facing criticism from some neighbors, the school this month asked the Board of Zoning Adjustment to amend those caps to reflect the current enrollment, with a bit of flexibility built in. The proposed amendment would cap enrollment at 465, and total staff at 95.

The board has scheduled a hearing on Georgetown Day's proposal for Nov. 19.

In an interview, head of school Peter Branch said his intent "is not to grow the school, but to reflect reality." The student body has grown over the years, reflecting the high demand for independent school seats and unexpectedly high yield from admission offers in some years, he said.

Faculty and staff have also grown to reflect expanded curriculum, including computer l and more advanced science facilities, he said.

Branch said the school could not red enrollment — "Imagine if I told parents of 40 dents to just leave," he said but wants to co into compliance with city zoning laws.

The issue came to a head last spring wi neighbors complained to the Tenleytov American University Park advisory neighb hood commission about Georgetown Day s dents parking and loitering in the neighborho The school's original zoning order did not all

See Enrollment/Page

Regulators fine Burke School for exceeding zoning limit

By ELIZABETH WIENER
Current Staff Writer

The Edmund Burke School has been fined by the city Department of Consumer and Regulatory Affairs for exceeding its 270-student enrollment cap and 35 person staff limit, an infraction that has continued for the past five years.

Last spring, the city Board of Zoning Adjustment turned down the sixth- through 12th grade independent school's plans for an addition and enrollment increase to 360. Facing fierce neighborhood opposition, school officials acknowledged that they had experienced an "unanticipated" increase in acceptances in 1997 which brought the student body to just under 300.

Phil Feola, an attorney for the school, said Burke knows it is in violation of the enrollment cap and is "taking steps to correct it." Last February, the school formally asked to raise the cap to reflect its current enrollment, but the city zoning administrator has not acted on the proposal, Feola said.

Meanwhile, the school is preparing plans for a more modest addition at the corner of Connecticut Avenue and Upton Street. Feola said the plans are still being fine tuned but will provide needed academic, library, art and computer space, without adding to the enrollment.

Feola said the proposed addition would actually solve some of the traffic problems that have angered Burke's Upton Street neighbors. With 50 new underground parking spaces, the entire faculty would be able to park on campus, he said. All drop-off and pickup traffic would enter the campus from Connecticut Avenue, keeping traffic off Upton Street, he said.

"The extra property gives the school the ability to solve these concerns on our own campus," Feola said, adding he hopes the city Board of Zoning Adjustment will consider plans for the addition and amendments to the enrollment cap later this year.

School officials will present their revised plans to neighbors on Oct. 8, but it appears battle lines are already drawn.

In response to neighbors' complaints, a zoning inspector visited the school at 2955 Upton St. in April and confirmed Burke's enrollment was 23 students over the cap.

Burke admitted the infraction "with explanation," but a ruling issued by administrative law judge E. Cooper Brown in early September criticized the school.

In his ruling, Brown dismissed the school's explanation of an "unanticipated (and unprecedented) increase in enrollment" in the 1997-98 school year. He said Burke "did nothing at the time to rectify the matter," and "purposefully continued to over enroll its student body," until its application for expansion was rejected by the zoning board last February.

The penalty is $500, plus $40 in court costs. Feola said the school will not contest the fine.

Meanwhile, the school demolished two Connecticut Avenue buildings to make way for the proposed, but not yet approved, addition. This spring, Burke also instituted a stricter traffic management plan, including shuttle buses, Metro subsidies, and a carpool-only policy on Upton Street that officials s has drastically curtailed school tr fic on Upton Street.

But some residents say they w oppose any expansion or increase the enrollment cap.

Robert Vricella, who lives seve al doors from the school, noted t irony of a $500 fine, "when they charging each student over the $19,000 a year. You do a quick co benefit analysis," he said. Vricc said the school is now parking f ulty cars and shuttle buses on t residentially zoned lot where hous were torn down.

Vricella said neighbors were r upset by the school when its enro ment grew five years ago. Now t nearby Levine School of Mus Howard University School of ... and Hillwood Museum all disru life on what was a quiet residenti street, he said.

Vricella acknowledged a slig improvement in the school's traff management but said parking Upton Street is still problematic f residents. "Over 270 [student flipped the balance," he said. "We going to fight them vigorously."

Mr. Branch,

Your new early morning enforcement of your parking agreement appears relatively more effective than last year. However, it is becoming clear that quite a few students apparently are still driving to the Georgetown Day School Upper School in violation of the agreements you are bound to, and profess, to enforce. These students somehow arrive and "repark" their automobiles which they are, by zoning agreement, not allowed to drive to the Georgetown Day School. e.g., Georgetown Day School Students are driving yet to Georgetown Day School and parking their automobiles in areas outside of your morning 'enforcement' areas, but relocating them in close proximity to your campus.

We have seen some discussion regarding your utilization of a remote 'satellite parking area' and anticipate that your students may be availing the use of this. Regardless, your student's periodic and / or convenient relocation back in our neighborhood is not an option,

nor is it acceptable per the zoning order.

The Georgetown Day School would increase our faith in your efforts to enforce our agreements if you could extend your necessary enforcement throughout the school day.

Thank you very much,

Rick Servatius

4830 43rd. St. NW
Washington, DC 20018

202-966-3389

Georgetown Day School
4200 Davenport St. NW
Washington, DC 20016

March, 21, 2002

Principal Levy,

On Monday, March 18, 2002 I faxed to you a list of the license plates and automobile descriptions of twenty-two Georgetown Day School students parking along one block of Ellicott St. and the 43rd. Street intersection immediately proximate; this fax was based upon the fact that you indicated, at the ANC meeting, that you have MPDC WALES access via your security/maintenance personnel to research, admonish, and eventually restrict these students from parking within this neighborhood. You indicated in a return fax that you actually "misspoke" yourself and do not have the capability to search such a large number of transgressors. Well, just what capability do you have to determine, and effectively discipline, these students? As the three month period where you are to report to the ANC transpires, I as a burdened resident, ask what steps have you taken toward resolution. This is not a new issue, we have been lugging litter to you for years, and you and I did earlier speak of your "fixing this problem." I am, sadly, confident that the parking, and other problems, will remain; you did admit "we(GDS)have no control." Recently, although possibly coincidental, we now enjoy "horn honking" as your students depart this intersection; it makes me wonder just what your 'reminders and daily announcements' are? Are they based solely on avoiding, thereby targeting, certain areas of the neighborhood?

Today the 21st, is yet another day of residential parking congestion. Among the, at least, 25 regular student drivers typically parked along Ellicott St., at least three are DC bonafide "Zone 3" students, one of which resides less than six (6) blocks away. If your efforts to enforce the zoning agreement are as effective we would expect, we would also expect to not see his automobile here this week: His automobile is parked across the intersection from here, as I write. I will continue to record, fax, and forward the license plate information and automobile descriptions on the form provided, regardless of your misstatement, anticipating your eventual effectivity.

There seems to be a fundamental misunderstanding permeating this entire issue; your 'planted' student attendee at the ANC meeting made this abundantly clear. He essentially asked 'if this neighborhood was discriminating against the students that may live as far away as, say, Darnestown?" Well, yes, we are discriminating against "out of zone" parking, and we are discriminating against parking necessary to support a *business dependent on mutually agreed zoning* restrictions !!! Maybe you and your charge would deem the whole Metro "Park and Ride" system as unconstitutional discrimination !! Would it be OK that we 'neighbors' park in your tiny faculty parking lot,

would you discriminate against us? Great academic question; maybe the whole concept of restric[redacted]arking, when inconvenient to your students , is discrimination. As a personal aside; just what are you teaching your students? It's obvious that you are not teaching them (nor are their parents aware), about what contract law, parking law, littering, marijuana use, underage drinking, supervision, discipline, and especially what being neighborly is all about. It might behoove you; it would certainly benefit us, for you to be more of an academician and less of a businessman.

I, personally, vividly recall one incident where your illegally parked students depositing four empty cigarette packs on my lawn, my confronting them, their denying it and denying they were GDS students, my walk to your facility and again confronting them in your student lounge; I especially remember your mollycoddling them in the GDS student lounge: That's sound 'education!!' Were these two of the students you expelled? Do you recall my calling you three months ago during a raucous event in front of my house? Four students smoking pot with their car stereo blaring, I called you and let you listen, does that now make six of the three students you claim to have expelled? A neighbor recalled to me one incident where four of your students were drinking beer in their car and left the glass bottles standing in the street! We will, next incident, simply call the MPDC, as you so advised at the ANC meeting.

Maybe you could host a seminar on these awkward issues for the, hopefully soon-to-be, contractually bound parents; your students, proper, are under the age to contract. Just, please, don't schedule the parent's meeting during the school week, they will be unable to park here, maybe they would have to walk, ride a bike, take a bus or Metro.

Rick Servatius
4830 43rd. St, NW
DC 20016

Mr. Peter Branch
Headmaster, Georgetown Day School

09/06/02

You are the Headmaster of GDS, Levy is the Principal of your GDS High School. Levy is your principal agent, as it were, in residential and business community relations as it pertains to your High School enterprise within this neighborhood. GDS came to this neighborhood seeking proximity to the Metro, a fairly affluent address, and suitable accomodations to ostensibly prepare children in their education and, hopefully, civic development. Even your website and apparent theme seem to indicate fostering a well rounded education.

GDS came to this neighborhood of their own accord and agreed to certain specific zoning specifications to do business within this community. Over many years, lack of enforcement, disrespect for your negotiated neighbors, non-performance, if not malfeasance, and bad faith have created a situation where our burden has become problematical. Levy, has been either

unapproachable in , indifferent to, and /or unable of resolving these issues. GDS is in violation of many zoning agreements; we have only now seen any possibly effective effort and desire that it continue to the letter of these ostensible good faith and negotiated agreements.

You take exception to my phrase "GDS Leveyesque;" be reminded that your Principal Levy promised action by searching out the literally hundreds of errantly parking students through his contacts via the DC Metropolitan Police WALES 'account.' After submission of numerous violators, Levy responded " these are too numerous, I misspoke myself." When asked how many students are leasing parking space at our local grocery store, Levy responded "three." In actuality the number is twelve; minor misunderstanding, or maybe to mitigate the huge number of students in violation? At the very same time when your Levy was professing to halt these parking issues he is seen, and photographed, greeting parking

students. The Ass't Principal was detailed to the South side of your facility one Thursday to 'admonish' your students to not park, but effectively redirected them to the North side. Friday was just the opposite. It is very well documented in pictures. This is not the total subterfuge and mendacious character of what we have come to expect from Levy. Forgive me if "GDS Levyesque" is too strong within this neighborhood's vernacular

You may be the Headmaster of a business known around here as GDS, but you are not my Headmaster; I take a personal view when being 'admonished' by you for using a phrase you find objectionable. I/we have too much congestion, too much litter, too much congregation of poor influences smoking in alleys, too much "High School Parking Lot" activity within a residential and business neighborhood. I find you, GDS, and Levy objectionable

for not honoring your binding agreements; it is interesting that our communication where y sentially

profess your desire to fix those problems, to your student body, but fall short of compliance inspired your own "GDS Levyesque" pronouncement. Where is the 410 student cap? You seem to think this nuance is unimportant. You indicated at a recent ANC meeting that effective enforcing of your once agreed to variances would be "draconian." Are civics and neighborly behavior somehow absent, unless it behooves you, your faculty, and students ?

It is for good reason that our "little local paper," the 'Northwest Current' deemed you "Scofflaws," it is little wonder that many of us here deem you "plunderers."

Is it too much to ask that you fully honor your agreements; the very agreements that somehow enticed you to our neighborhood? The agreements you ostensibly made in good faith, back then? We residents haven't changed, we still want our residences, and neighborhood, not to be squandered by an apparently self-serving 'neighbor' such as GDS.

Sincerely,

Rick Servatius
4830 43rd St. NW
Washington, DC 20016

202-966-3389

> Dear Mr. Servatius,
>
> My comments mean that the GDS Board is examining seriously all aspects of
> our zoning agreement. Our first priority is to address the parking issue.
>
> Consistent with my desire to reduce confrontation with the neighborhood, I
> would ask that we communicate without reference to such provocative
> language as " another inane 'GDS Levyesque' message." Dr Levy has worked
> very hard to address community concerns and no good purpose is obtained by
> our engaging in negative exchanges.
>
> Sincerely,
> Peter Branch
>

04/03/02

Principal Levy,

Heard a 'rumor' from a counterpart near Chesapeake St. that one of your administrators was asking students to refrain from parking in that area. We over on Ellicott St. 43rd St, and 43rd Place still see many students parking and congregating. If you are making an effort to dissuade your students from driving to school, thank you. If they are simply moving into other areas, we require much more effort. As of now there are still numerous cars, with drivers, ALL of which eventually entered your facility.

We appreciate these initial efforts but asking students to simply park in other places is contrary to good neighbor relations and contrary to your agreement

Rick Servatius

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04/05/02

Principal Levy,

Thank you for your efforts to alleviate parking problems created by your, Georgetown Day School (GDS), students. It became readily apparent that GDS students are not at all dissuaded from parking by experiences, today. Your GDS representative was 'monitoring' the situation today on the North side of your campus, apparently he was 'monitoring' the South side yesterday. This (North side) of your campus was inundated by relocated students parking yesterday, the other side of your campus was inundated today by your relocating students. We, your fellow administrator and I, were effective in keeping illegal, and contrary to Zoning Agreement, parking AWAY from the intersection we were observing; your readily recognizable employee, with my taking pictures had quite an impact on the, at least 20 cars attempting to park, students driving by in frustrated haste, an audacious five students your agent confronted actually seeing us

and still attempting to park, (recorded on film).

Of those student drivers that we 'successfully' dissuaded from parking on the North side of your campus, they (at least 10, that we photographed) simply relocated along the South side mostly along Chesapeake St. and River Rd.

Our intent is to use this as a 'baseline' to monitor your progress in resolution of this fundamental issue.

Sincerely,

Richard Servatius