GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16944 of Georgetown Day School High School, pursuant to 11 DCMR § 3104.1, for a special exception to increase the student enrollment cap from 410 to 465, and to increase the number of faculty/staff from 60 to 95 at an existing private school under section 206 in the R-2 District at premises 4200 Davenport Street, N.W. (Square 1673, Lot 821).

HEARING DATE: **December 10, 2002**
DECISION DATE: **December 17, 2002**

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the applicant, Advisory Neighborhood Commission (ANC) 3E, and to the owners of all property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 3E. ANC 3E, which is automatically a party to this application, submitted a written statement dated November 19, 2002, in support of the application. The Office of Planning (OP) submitted a report recommending approval of the application subject to conditions.

As directed by 11 DCMR §§ 3104 and 206, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for special exception. No person or entity appearing as a party to this case at the public hearing testified in opposition to this application. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

During the public hearing of December 17, 2002, the Board determined that the present application should be construed as a new application, a conclusion with which the Applicant agreed. The Board determined that the application form complies with the requirements of a new application and that the applicant has paid the appropriate fee for a new application.

Case No. BZA 16944
Exhibit No. 55

Board of Zoning Adjustment
District of Columbia
CASE NO.16944
EXHIBIT NO.55

Based upon the record before the Board and having given great weight to the ANC and the OP report, dated December 2, 2002, filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 206, and that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be limited to a high school, grades 9-12.

2. The number of students at the high school shall not exceed 465 and shall be limited to grades nine through twelve.

3. The high school shall have a maximum of 95 full-time equivalent faculty and staff members.

4. The high school shall offer to appear before the ANC in which it is located during the fall and spring of each year to discuss any issues of concern to the community. The school shall attend any additional meetings deemed necessary by the school and/or the ANC to address issues and concerns raised by the community.

5. At the beginning of each school year, but in no event later than October 15th, the school shall provide the Board and the Zoning Administrator documentary evidence to demonstrate its enrollment figures and compliance with the terms and conditions of this Order, including the Traffic Management Program referenced in Condition Number 11 of this order. This information must be served on the ANC, which will have an opportunity to respond to the school's submission.

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

7. All vehicular traffic to and from the site shall use the Davenport Street entrance. Pedestrian access only will be permitted at the 42nd Street entrance, which will be monitored from 7:45 a.m. to 8:15 a.m.

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

9. The site shall continue to provide one emergency access point on 43rd Street, which shall be secured by a 6.5-foot gate. The gate shall be locked at all times except for access by emergency vehicles.

10. The applicant shall maintain all landscaping in a healthy, growing condition.

11. A Traffic Management Program shall be established, instituted, and monitored by the school. The Traffic Management Program shall include, but not be limited to, the elements listed in Exhibit C to the Applicant's pre-hearing submission, marked as Exhibit 31 of the record.

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. When the parking lot is open during non-operating hours, the school shall provide security to prevent unauthorized parking.

13. During special events, which increase the demand for parking beyond the number of spaces available on the lot, the school shall provide shuttle bus service to and from the Tenleytown Metrorail station to minimize potential overflow parking on neighborhood streets by visitors to the school. Adequate notice of such service shall be provided by the school to all invited participants in the special event.

14. During its hours of operation, only school faculty, staff, and 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 extracurricular or inter-scholastic activities held on site shall be concluded by 11:30 p.m.

Pursuant to 11 DCMR § 3100.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: **3-1-1** (Geoffrey H. Griffis and Curtis L. Etherly, Jr. to approve; Carol J. Mitten to approve by proxy; David A. Zaidain not hearing the case, not voting; Anne Mohnkern Renshaw voting by proxy to support the application with conditions that were not approved, and therefore her vote was recorded in opposition to the application).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

ATTESTED BY: Jerrily Kress
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: MAR 2 5 2003

UNDER 11 DCMR § 3103.1, "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 FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION, WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERNMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. cwm

GEORGETOWN DAY SCHOOL

TRAFFIC MANAGEMENT PLAN

The Traffic Management Plan shall include, but not be limited to, the following elements:

(a) No student shall drive a vehicle to School unless there is an assigned, on-site parking space for that vehicle.

(b) The School shall encourage the use of public transportation as the primary means of accessing the School by the faculty, staff and students.

(c) The School shall make available to all students reduced fare Metrorail passes to encourage use of public transportation.

(d) At the beginning of each school year, all students must register their vehicles and indicate where the vehicle will be parked.

(e) Students shall be strictly prohibited from parking on the residential streets surrounding the campus.

(f) School employees will be trained at the beginning of each year to implement and enforce this Transportation Management Plan.

(g) The School shall employ security personnel to patrol the streets surrounding the campus in order to ensure that this Plan is operational and effective and that no students are parking on residential streets.

(h) The School shall lease parking spaces, in a commercial facility in reasonable proximity of the School, for those students who need to drive to the vicinity of the School and the School will operate a shuttle bus service to, and from, that parking facility at times that are convenient and logical for students' use if needed.

(i) The Transportation Management Plan shall become a part of the enrollment contract between the School and parents, by which the parents shall agree to be bound by its fines and punishments as follows:

(1) First Violation: parent/student warning shall be issued.

(2) Second Violation: a monetary fine.

(3) Third Violation: a doubling of the monetary fine.

(4) Fourth Violation: disciplinary action shall be taken which may include suspension.

(5) Fifth Violation: additional disciplinary action shall be taken which may include expulsion from the School.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16944

As Director of the Office of Zoning, I hereby certify and attest that on MAR 25 2003, a copy of the foregoing Notice of Final Rulemaking and Determination and Order in BZA Application No. 16929 was mailed first class, postage prepaid, or delivered via inter-agency mail to each person and public agency who appeared and participated in the public hearing and who is listed below:

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ATTESTED BY: Jerrily Kress

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