

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



BZA Application No. 18400-C
Milton Gottesman Jewish Primary Day School of the Nation's Capital
6045 16th Street, N.W. (Square 2726, Lots 825 and 831)

HEARING DATE (18400-B):	January 12, 2016
DECISION DATE (18400-B):	January 12, 2016
ORDER ISSUANCE DATE (18400-B):	January 15, 2016
HEARING DATE (18400-C):	July 14, 2021
DECISION DATE (18400-C):	July 14, 2021

SUMMARY ORDER ON REQUEST FOR
MODIFICATION OF SIGNIFICANCE

Pursuant to notice, at its July 14, 2021, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for modification of significance to BZA Order No. 18400-B for the following zoning relief to increase the number of students to 425 and to increase the number of staff members to 87, of an existing private school in the R-1-B and RA-1 Zones:

- Special exception from the use provisions of Subtitle U § 203.1(m) (pursuant to Subtitle X § 901.2)
- Special exception from the minimum vehicle parking requirements of Subtitle C § 701.5 (pursuant to Subtitle C § 703 and Subtitle X § 901.2)

The Board considered the request for modification of significance under Subtitle Y § 704 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

ORIGINAL APPLICATION. In Application No. 18400-B, the Board approved the request by Milton Gottesman Jewish Primary Day School of the Nation's Capital (the “**Applicant**”) for variances from the lot occupancy requirements, the off-street parking requirements, and the loading requirements, as well as special exceptions from the private school requirements and from the roof structure requirements to increase the enrollment cap to 350 students and 72 staff and construct an addition to the existing school building.¹ The Board issued Order No. 18400-B on January 15, 2016. (Exhibit 7.) The approval was subject to seven conditions, including limits

¹ The use was originally established in BZA Order No. 17700, as corrected by Order No. 17700-A and as modified in Order No. 18400.

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on the number of students and staff, as well a requirement that a minimum of 25 off-site parking spaces be provided.

PROPOSED MODIFICATION. On March 30, 2021, the Applicant submitted a request for modification of significance to Order No. 18400-B. (Exhibits 1-12.) The Applicant proposes to modify the conditions to read as follows:

Condition No. 1: Enrollment shall not exceed ~~350~~ 425 students.

Condition No. 2: Faculty and staff combined shall not exceed ~~72~~ 87.

Condition No. 4: A minimum of ~~25~~ 38 off-site parking spaces shall be provided to faculty and staff, enabling those employees to carpool to the school, with reserved or preferential parking provided onsite.

Based on the proposed modifications, the Applicant requests:

- Special exception from the use provisions of Subtitle U § 203.1(m)
- Special exception from the minimum vehicle parking requirements of Subtitle C § 701.5

The zoning relief requested in this case was self-certified. (Exhibit 2.)

NOTICE OF THE REQUEST FOR MODIFICATION. Pursuant to Subtitle Y § 704.5, the Applicant served the request for modification of significance on the parties to the original application. (Exhibit 8.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4A.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 1, 2021, at which a quorum was present, the ANC voted to support the modification. (Exhibit 29.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the modification. (Exhibit 30).

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the modification, with the condition that the Applicant implement the Transportation Demand Management ("TDM") Plan and Performance Monitoring Plan ("PMP"), including the trip generation caps, outlined in its report. (Exhibit 31.) The Board adopted DDOT's conditions and amended the conditions of the prior approval that require implementation of the TDM plan and PMP to include DDOT's most recent requirements, as reflected in the DDOT report.

CONCLUSIONS

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence² requires a public hearing and is a modification of significance. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

As directed by Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exceptions and modification of significance. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

It is therefore **ORDERED** that this application for a modification of significance of BZA Order No. 18400-B is hereby **APPROVED** to:

- Increase the maximum number of students to 425
- Increase the maximum number of staff members to 87
- Grant special exception relief from the use provisions of Subtitle U § 203.1(m)
- Grant special exception relief from the minimum vehicle parking requirements of Subtitle C § 701.5

subject to the following **CONDITIONS**, which shall replace and supersede the conditions of BZA Order No. 18400-B:

1. Enrollment shall not exceed 425 students.
2. Faculty and staff combined shall not exceed 87.
3. The Applicant shall implement the Transportation Demand Management plan in Exhibit 31 of the record of Application No. 18400-C.
4. A minimum of 38 off-site parking spaces shall be provided to faculty and staff, enabling those employees to carpool to the school, with reserved or preferential parking provided onsite.

² See Subtitle Y §§ 703.3 and 703.4.

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5. The Applicant shall implement the Performance Monitoring Plan, including the trip generation caps, in Exhibit 31 of the record of Application No. 18400-C.
6. The Applicant shall construct three ADA-compliant curb ramps at the intersection of Fort Stevens Drive and Rock Creek Ford Road
7. The Applicant shall provide six long-term bicycle parking spaces.

In all other respects, Order No. 18400-B remains unchanged.

VOTE: 5-0-0 (Frederick L. Hill, Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Michael G. Turnbull to APPROVE)

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

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

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: July 23, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.