

CONDITIONS AS MITIGATIONS TO COMPLIANCE CONCERNS

Raised by the

Committee of Neighbors Directly Impacted by LAMB Application (CNDI-LA)

RE: BZA CASE #19581

Relief Type: Special Exception

Latin American Montessori Bilingual Public Charter School, (LAMB)

Case Description: Application of LAMB, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 205.1(a), to establish a public charter school in the R-16 Zone at premises 5000 14th Street N.W. (Square 2711, Lot 802).

Party status applicants to BZA Case #19581, The Committee of Neighbors Directly Impacted by LAMB Application (CNDI-LA), in its efforts to adequately assess compliance and the impacts over future years of the Applicant, Latin American Montessori Bilingual Public Charter School, (LAMB), and its occupancy and management of the subject property as a public charter school in the District of Columbia, approves the 2-year – 2018-2020 – interim student population of 485 students, plus 116 faculty and staff for a LAMB/Kingsbury operation, subject to the conditions offered by DDOT and the Applicant, combined with those of CNDI-LA, at which time LAMB would return to the BZA to re-apply for a special exception, in order to increase its student body population to a maximum of 600 students, plus 110 faculty and staff, once the current occupant and owner of the subject property, Kingsbury, has left.

During the interim period, 2018-2020, LAMB shall meet the following conditions:

1. The Applicant shall comply with all conditions and mitigations laid out by DDOT in its report to the BZA, as well as the twenty-two (22) enumerated conditions outlined in its Power Point presentation, pages 24-27.
2. Where there may be detail differences outlined in this document, compared with the Applicant's 22 enumerated conditions in its Power Point narrative, some of which may overlap, it is this document and these conditions that will take precedent.

Good Neighbor Policy and Partnerships

3. LAMB will work with the Committee of Neighbors Directly Impacted by LAMB Application (CNDI-LA – e.g., its representatives) and West EC to establish key metrics and verification methods of compliance with an agreed upon good neighbor policy, the parent commuter plans, and with the terms of any resulting BZA order related to the core zoning issues of concern – traffic/parking, noise, environmental impact, lighting/design, and approved use.

4. Key metrics and verification methods of compliance shall include, but not be limited to:

- Compliance by parents with traffic plan;
- Rental/use of the facility or its grounds for non-LAMB events;
- As part of its annual survey of students and parents, LAMB shall work with CNDI-LA in creating and establishing, to the extent possible, a comprehensive data questionnaire/survey, which addresses the modes of transportation that parents and students use to get to and from school;
- Within the first year of operation, incorporate distinguishing, numbered dashboard placards for the vehicles of parents, that would differ from those of faculty and staff;
- Record violators by date, time, placard number, (if available), make, model and color of vehicle, tag number and when possible, the name of the driver;
- Enforce no idling regulation – 3 minutes on/3 minutes off;
- Employ traffic monitors or assign staff at all queuing and entry/exit points during peak hours of drop-off and pick-up to assure compliance with policy manual that relates to transportation management, including, but not limited to, carpooling, parking, pick-up, drop-off and routing, especially when establishing the appropriate exit-based commute route;
- Maintain written records, identifying vehicle information of any LAMB-parent who violates the neighborhood parking conditions;
- A standing list of agenda items, attendees, old business, new business and next meeting date, shall be part of all Quarterly Meeting Reports;
- Written summaries of all Quarterly Reports, signed-off on by all parties, and records maintained by the signing parties;

5. LAMB will convene quarterly review meetings with CNDI-LA and West EC to review these metrics and identify any issues that require redress or mitigation; such redress or mitigation to be corrected within 72-hours or at the beginning of the next school term, if requested by LAMB or in any case involving a 3rd party as soon as practicable. Summary reports of these quarterly meetings, prepared by LAMB, will be approved by all three parties and archived for submission to the BZA as part of LAMB's reapplication for its full 600-student population.

6. Before LAMB representatives collaborate with representatives from West EC to coordinate any LAMB scheduled events that will avoid, to the greatest extent possible, the simultaneous hosting of after-hours and large events,¹ LAMB will meet with representatives from CNDI-LA to discuss any impacts to the core zoning issues of concern – traffic/parking, noise, environmental impact, lighting/design, and approved use – address such impacts and their potential to violate those core zoning issues and have them addressed, in writing, before moving forward with the hosting of any after-hours and/or large events.

¹For purposes of this condition, "large events" is defined as more than 100 attendees over and above the parent/student population at that time.

7. After an after-hours or large event, LAMB agrees to acknowledge receipt of any specific concerns or issues raised by CNDI-LA, within one (1) week of their written request and within 30-calendar days from that acknowledgement, respond, in writing, to any remedies being offered and/or the avoidance of any repeated concern(s) in the future. Notice to extend any written response from LAMB shall not be unreasonably withheld by CNDI-LA, should LAMB make such a request at least 10-days prior to the expiration of their written response.

Transportation, Traffic, and Routing

8. LAMB shall implement the transportation demand management ("TDM") program described on pages 11-12 of Exhibit 31A1 in the record; and while not a part of its application, where LAMB deems appropriate, during the interim period with Kingsbury, do its due diligence in ensuring, to the extent possible that compliance by both parties is a shared responsibility.

9. Within the first month of each school year, LAMB will distribute a policy manual to all families, explaining all relevant policies and procedures regarding its transportation management measures including, but not limited to, carpooling, parking, pick-up, drop-off, and driving routes. While this policy manual does not apply to Kingsbury families during any period of their joint occupancy, LAMB shall do its due diligence in ensuring, to the extent possible that compliance by both parties is a shared responsibility.

10. The policy manual will also include "Safe Passage" information to ensure students' safe arrival and departure. Upon request, this policy manual will be made available to LAMB's neighbors.²

11. The policy manual shall advise families that parents driving to and from the school shall use the appropriate exit/entrance based on their commute needs, but under no circumstances shall parents use Piney Branch Road for either entrance or exit.

12. To ensure compliance with a prohibited use by parents or visitors in using Piney Branch Road, for entry or exit to and from the school, LAMB at its expense, within the first school term, shall install a key card/key-code entry/exit system at the property's two West-gate entrances on Piney Branch Road to prevent unauthorized access or egress. Key card/key-code access and egress shall be authorized to LAMB faculty and staff only.

13. At its own expense, at the start of the 2018-219 school term, continuing through subsequent years, LAMB shall hire or dedicate the services of traffic monitors from its own staff, to be assigned at all queuing and entry/exit points during peak hours of drop-off and pick-up in order to assure compliance with the school's policy manual as it relates to transportation management measures including, but not limited to, carpooling, parking, pick-up, drop-off and driving routes, as well as the appropriate exit-based commute route, recording violators by the date, time, make, model and color of the violating vehicle, its tag number and whenever possible, the name of the driver.

² Neighbors, in this instance, is described as any household located in ANC 4C/SMD 4C02

14. At any large gatherings or special events³ that are anticipated to exceed LAMB's parental/child capacity, LAMB, at its own expense, will engage the services of a MPD officer, consistent with MPD policy, to enforce traffic, entry/exit conditions and to provide safety and security to the event. Regularly scheduled PTA meetings or parental/student body events are excluded.

15. At no time during its occupation of the subject property, shall LAMB recommend or support that Emerson Street be a two-way street.

School Hours of Operation

16. LAMB's regular hours of operation will be 7:00 AM to 6:00 PM, Monday thru Friday. LAMB will consult with and consider any concerns or issues raised by CNDI-LA, if any, before requesting a change in hours of operation.

17. During the interim period, when both LAMB and Kingsbury are in the building, 2018-2019 and 2019-2020 school terms, LAMB students shall not exceed 310, and LAMB faculty and staff shall not exceed 36.

18. After the combined interim period with Kingsbury is completed and Kingsbury has moved out, LAMB shall reapply to the BZA to increase the maximum number of students at LAMB, not to exceed 600, and the maximum number of faculty and staff members shall not exceed 110. All conditions in this document must be complied with.

19. Beginning in its seventh (7th), up to its ninth (9th) year – in any case before the beginning of the 2027-2028 school term – LAMB will encourage and engage DCPS and the West Education Campus to enter with them into a series of discussions and meetings with the ANC, the Ward 4 city council representative and CNDI-LA, on the establishment of a 20-year plan that addresses the future of the two close-in educational facilities and how to more effectively blend them into their immediate community/neighborhoods.

Lighting

20. LAMB will continue to use the same parking lighting plan as the Kingsbury School, making sure all illuminations are pointing downwards. However, CNDI-LA should be advised and consulted, if for safety and/or security, the need arises for changes to the existing lighting during any outdoor construction to take place on the grounds of the campus, indoor modifications, and/or renovations to the building structure.

21. CNDI-LA shall also be advised and consulted should LAMB wish to add, change or modify any signage over and above what exist on the front of the building, facing 14th Street. This includes, but is not limited to any back-lighted digital or marquee-type signs.

³ See Footnote 1 for definition of large gatherings or special events

22. LAMB agrees not to install any outside lighting or any other type of illumination that intends to light any area for outdoor activities of any kind, whether recreational in nature or otherwise.

Design

23. The gymnasium will conform to zoning requirements and will be contained within the property boundaries. The applicant shall submit plans for the gymnasium, to be reviewed by the BZA, as a minor modification and be subject to the attached Construction Conditions (Exhibit #TBD)

Noise

24. LAMB will install acoustic blankets to reduce the sound of the HVAC system facing Piney Branch Road on the existing building or any new building(s) or new equipment to be installed on the subject property, whether on the ground or elevated. Noise ambient measures should also be provided to minimize any noise associated with any construction projects.

25. At its expense, LAMB agrees to establish and install an evergreen noise buffer around the current or any future playground area; and as an environmental buffer, evergreen trees shall be planted around the subject property's perimeter, fronting all sides of the subject property – Gallatin, Emerson and Piney Branch – except 14th Street.

Miscellaneous

26. LAMB will ensure that sufficient green borders (e.g. perimeter trees and shrubbery) are established around the entire perimeter of the subject property, except 14th Street; and that any further trees lost are replaced on an equivalent diameter-inches basis.

27. Communication and notification to CNDI-LA representatives, should LAMB experience any difficulties or impediments in complying or implementing any of these conditions, as outlined, will be factored into any delay or non-compliance by LAMB. CNDI-LA anticipates 95-100% compliance with these conditions.

###

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on Wednesday, December 13, 2017, copies of a corrected version of Stand-Alone Conditions previously submitted by the Committee of Neighbors Directly Impacted by LAMB Application (CNDI-LA) in Response to Applicant's Conditions as Mitigations to Compliance Concerns - BZA Case #19581 / Exhibit #118 - were delivered via e-mail to the following:

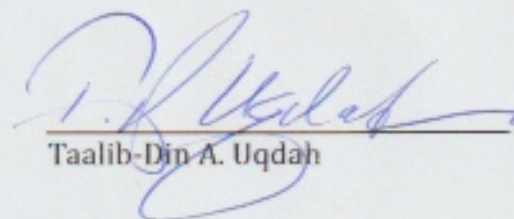
Attorney Cary Kadlecek
Goulston & Storrs
ckadlecek@goulstonstorrs.com

Maxine Brown Roberts
DC Office of Planning
Maxine.brownroberts@dc.gov

Aaron Zimmerman
District Department of transportation
Aaron.zimmerman@dc.gov

Advisory Neighborhood Commission 4C
c/o Commissioner Jonah Goodman, Secretary - SMD 4C10
4C10@anc.dc.gov

and
Commissioner Maria Barry, SMD 4C02
4C02@anc.dc.gov



Taalib-Din A. Uqdah