

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 20082 of Friendship Public Charter School, Inc., as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle G §§ 409.1 and 1201.1 from the minimum rear yard requirements of Subtitle G § 405.1, and under Subtitle C § 909.2 from the loading requirements of Subtitle C § 901.1, to construct a three-story public charter middle school building with an elevated and enclosed pedestrian walkway, to an existing public charter elementary school building in the MU-4 zone at premises at 2721 - 2725 Martin Luther King, Jr., S.E. (Square 5982, Lots 812, 822, and Parcel 234/31)

HEARING DATE: July 31, 2019

DECISION DATE: July 31, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 35 (Final Revised); Exhibit 15 (Revised); Exhibit 4 (Original).)¹

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") 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") 8C.

ANC Report. The ANC did not file a report to the record.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 36.)

DDOT Report. The District Department of Transportation ("DDOT") submitted a report indicating that it had no objection to the application. (Exhibit 37.) DDOT has recommended approval of the Applicant's request subject to conditions, which have been adopted as part of this Order.

¹ The Application was amended to withdraw a request for relief from the long-term bicycle parking requirements of Subtitle C § 802.1.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle G §§ 409.1 and 1201.1 from the minimum rear yard requirements of Subtitle G § 405.1, and under Subtitle C § 909.2 from the loading requirements of Subtitle C § 901.1, to construct a three-story public charter middle school building with an elevated and enclosed pedestrian walkway, to an existing public charter elementary school building in the MU-4 zone

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBITS 6 and 34A AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall improve the sidewalk conditions on the south side of Milwaukee Place, S.E. to at least nine feet (six-foot sidewalk and three-foot tree box), per the DDOT right-of-way card.

Student Transportation Demand Management (“TDM”) Plan Elements

2. The school shall encourage carpooling by offering a parent listserv to allow parents to find carpool matches.
3. The school shall require all drop-off and pick-up activities to take place within the designated curbside locations.
4. The school shall coordinate bike safety/education courses for students.

² In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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5. The school shall offer DC One Cards to all students to encourage the use of public transportation.

Faculty/Staff TDM elements

6. The school shall offer a transit benefit program to faculty and staff to encourage the use of public transportation.
7. All faculty and staff who drive to school shall be instructed to park on campus.
8. The school shall encourage carpooling by offering a staff listserv which shall allow staff to find carpool matches.
9. All faculty/staff shall complete training on TDM procedures.

School-Wide TDM Elements

10. The school shall assign a staff member to serve as Transportation Management Coordinator (“TMC”) who shall be responsible for oversight of the TDM plan, adherence to driving and parking regulations, and encourage and facilitate carpooling.
11. The Applicant shall provide TMC contact information to goDCgo, conduct an annual commuter survey of employees onsite, and report TDM activities and data collection efforts to goDCgo once per year.
12. The TMC shall receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
13. The school shall implement policies for deliveries to the campus to minimize the impact of this traffic on the neighborhood.
14. The school shall install outdoor bicycle parking racks to promote additional bicycle activity.
15. The school shall participate in the Safe Routes to School Program.

Loading Management Plan

16. No deliveries of trash pickup shall occur during peak school drop off or pick up hours.
17. No deliveries or trash pickup shall occur within public space. Deliveries and trash pickup for both buildings shall occur in the designated service area along the rear of the existing building.

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18. Trucks using the loading area shall not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20, Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System.
19. A staff member shall be designated as the loading facility manager. The loading facility manager shall be responsible for disseminating suggested truck routing maps to drivers from delivery services that frequently utilize the loading facility. The facility manager shall also distribute materials such as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws.
20. No trash pickup or deliveries shall occur on MLK Avenue or Milwaukee Place, S.E.
21. The loading facility manager shall also be responsible for coordinating with vendors to schedule deliveries and shall work with the community to resolve any conflicts should they arise.

VOTE: 5-0-0 (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Peter G. May 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 ATBARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: August 2, 2019

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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE

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EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. 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.

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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.