



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015  
[www.anc3e.org](http://www.anc3e.org)

### **RESOLUTION FINDING VIOLATIONS BY GEORGETOWN DAY SCHOOL OF ITS ZONING ORDER AND MOU AND AUTHORIZING ADMINISTRATIVE LEGAL ACTION**

#### **WHEREAS:**

1. Georgetown Day School received a special exception in 2017 to greatly expand its campus on land predominantly zoned as residential. BZA No. 19599-A.
2. The zoning order from the case (“Order”) includes a scheme designed to minimize one of the chief harms associated with private schools, abundant automobile trips.
3. Under the Order, which was largely based both on a District Department of Transportation (DDOT) report and a Memorandum of Understanding (MOU) with the ANC, GDS must reduce car trips to a specified cap for two years consecutively to increase its enrollment from 1075 to 1125. It must meet the same cap for two more years to increase its enrollment to 1200.
4. Unfortunately, GDS has exceeded its enrollment cap before without promptly disclosing the overenrollment. Because of this, the BZA ordered GDS to provide a letter to this ANC and DDOT each year by no later than November 15 specifying whether it is in compliance with its enrollment cap and providing documentary evidence of same.
5. GDS enrolled approximately 1125 students for the 2021-2022 school year without meeting its trip cap for one year, much less the required two years that would have permitted such an enrollment.
6. GDS intentionally chose not to file the very letter the BZA ordered it to file to prevent the school from again overenrolling in violation of its zoning order.
7. The ANC had grown to trust GDS, and neither the ANC nor DDOT noticed the absence of the letter.
8. GDS then again enrolled approximately 1125 students for the 2022-2023 school year, again without meeting its trip caps for a single year, much less the required two years that would have permitted such an enrollment.
9. GDS waited until mid-November to reveal to the ANC (it is not clear it ever notified DDOT) that it had overenrolled its school significantly for two school years. By then the 2022-23 school year was well underway and the second year’s overenrollment was a *fait accompli*.
10. GDS putatively gained millions of dollars of improper revenue from the overenrollment.
11. GDS apparently also deleted DDOT requirements in a set of legal conditions it shared only on the night before the hearing without using “track changes” or otherwise specifically calling out the deletions. The deletions render GDS’ traffic counts inaccurate.
12. ANC 3E favors negotiated resolutions with applicants for zoning relief and has almost always been able to achieve such resolutions. To date, ANC 3E has been unable to achieve a satisfactory

negotiated resolution with GDS. Such a resolution should provide, among other things, significant deterrence to GDS and other similarly-situated schools, one of which has received BZA permission to locate within the boundaries of our ANC, from repeating its conduct.

**NOW THEREFORE BE IT RESOLVED:**

1. ANC 3E finds that GDS has violated its zoning order and the MOU.
2. ANC 3E authorizes Commissioner Jonathan Bender to draft and file with the Zoning Administrator and/or the BZA any documents necessary to seek administrative action related to GDS' violations, and to appear and at any hearings related to same and participate on the ANC's behalf.
3. Nothing herein requires or prevents Commissioner Bender from seeking additional formal support from ANC 3E for anything related to the foregoing.
4. Nothing herein requires Commissioner Bender to initiate administrative legal proceedings by a specific date. Indeed, the ANC still hopes to achieve an amicable resolution with GDS if one can be reached in a reasonable time frame.

The resolution passed by a vote of 7-0-1 at a properly noticed meeting held on February 9, 2023, at which a quorum was present, with Commissioners Bender, Carney, Cohen, Denny, Ghosh, Gianinno, Hall, and Quinn in attendance.

ANC 3E

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by Jonathan Bender  
Chairperson