



## ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN

AMERICAN UNIVERSITY PARK

FRIENDSHIP HEIGHTS

CHEVY CHASE

WAKEFIELD

FORT GAINES

c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015

<https://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 (GDS) 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 based in material part 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 consecutively to increase its enrollment to 1200.
4. Unfortunately, even before GDS sought to expand its campus, GDS exceeded its enrollment cap at its current site without promptly disclosing the overenrollment. To ensure this never happened again, the BZA required 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 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 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 2022 to report to the ANC 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’ board of trustees was aware from the beginning that GDS was violating its legal obligations but did not direct GDS’ Head of School or others to notify the ANC, DDOT, or the Zoning Administrator.
11. GDS putatively gained millions of dollars of revenue from the overenrollment.

12. If GDS is not held accountable it would be incentivized to repeat its misconduct and would set an example for other schools like it, such as the River School. The extra car trips generated would impose harm on the residents of the ANC and the broader environment by, among other things, contributing to congestion, danger to pedestrians, and climate change.

13. On November 28, 2017, on the eve of the BZA hearing and after a report in support from DDOT and a resolution in support from ANC 3E, counsel for GDS filed an amended Traffic Management Plan (TMP), a lengthy and dense document, that removed a key provision regarding pick up and drop of on public streets both parties relied on for their support, but failed to identify the removal with “track changes” or a reference to the deletion in a cover note. The removal of that provision effectively rendered meaningless the subsequent trip counts and goals the school was required to meet before increasing enrollment.

14. 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 not been able 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 such as the River School, from repeating such conduct or engaging in it in the first place.

**NOW THEREFORE BE IT RESOLVED:**

1. ANC 3E finds that GDS has violated its zoning order and the MOU.
2. ANC 3E authorizes Commissioners Jonathan Bender, Matt Cohen and Tom Quinn (“Designated Commissioners”) 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 the Designated Commissioners from seeking additional formal support from ANC 3E for anything related to the foregoing.
4. Nothing herein requires the participation of any individual Designated Commissioner in any aspect of the foregoing.
5. Nothing herein requires the Designated Commissioners 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 0-0-0 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