

November 22, 2017

D.C. Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW, Suite 200S  
Washington, DC 20001

Re: **BZA Case No. 19599 – Application of Georgetown Day School (“Applicant”) for Special Exception Relief for its Campus at Square 1673, Lot 824, 14, 804, 812, 815; Square 1673, Lots 822, 824 (collectively, the “Campus”) – Supplemental Pre-Hearing Statement of the Applicant**

Dear Members of the Board:

The Applicant hereby supplements its November 8, 2017 pre-hearing statement (“**PHS**”) in the above-referenced application for special exception relief pursuant to Subtitle U, Section 203.1(l) and Subtitle X, Section 104 of the District of Columbia Zoning Regulations. The Applicant seeks to develop a consolidated private school at the Campus, constructing a new Lower Middle School and related improvements (“**New School**”) to accompany the existing High School (“**Existing School**”). The Applicant seeks a waiver pursuant to Subtitle Y, Section 101.9 to file this supplemental statement less than twenty-one days prior to the public hearing on the application.

**I. Update on Discussions with ANC 3E**

In its PHS, the Applicant noted that discussions with Advisory Neighborhood Commission (“**ANC**”) 3E, and neighbors and other community members were ongoing at the time of filing the PHS. The Applicant is pleased to report that at a special meeting of ANC 3E on November 20, 2017, the ANC voted unanimously in support of the application. Conditions of the ANC’s support are reflected in the updated proposed conditions of approval attached here as Exhibit A (“**Revised Conditions**”).

**II. Responses to OP Report**

In response to the report from the Office of Planning (“**OP**”) filed as Exhibit 44 in the record of this proceeding, the Applicant offers the following:

<b><u>OP Comment</u></b>	<b><u>Applicant Response</u></b>
<u>Conditions</u> : OP suggested a revision to proposed conditions regarding future meetings with the ANC.	The Applicant agrees with this revision, as set forth in the Revised Conditions

<p><u>Lighting</u>: OP suggested a revision to conditions regarding lighting and noted that “The [A]pplicant should provide larger-scaled illustrations . . . [and] explain how landscaping . . . will screen lighting [from adjacent residences] and whether there would be late night and early morning hours during which garage lighting might be reduced. . . [and] should provide additional information about how proposed lighting will enhance pedestrian safety both on-campus, and along the western side of 42nd Street, N.W.”</p>	<p>The Revised Conditions include a response to OP’s concern about the direction of lighting. The Applicant also notes that the interior classrooms lighting in the Lower/Middle School building will be subject to motion sensor control as a light pollution reduction measure.</p>
<p><u>TDM</u>: “The [A]pplicant should present a final TDM plan.”</p>	<p>The Applicant’s final TDM plan is now reflected in the Revised Conditions and will be submitted at the hearing.</p>
<p><u>Circulation Diagram</u>: “The [A]pplicant [should] file updated [circulation] diagrams prior to the hearing.”</p>	<p>Such diagram is in the record as Figures 14A and 14B attached to the CTR.</p>
<p><u>Design and Landscaping</u>: “The [A]pplicant should . . . further refine landscaping adjacent to the property line and the design of the first 10 above-grade feet of the building façade to enhance the pedestrian experience through additional color, texture transparency and/or variety . . . [and] [s]ubmit illustrations of the size, materials and general content of the signage.”</p>	<p>At the hearing the Applicant will show enlarged plans of the landscaping in the area suggested by OP.</p> <p>The Applicant has previously revised the 42<sup>nd</sup> Street façade design of the New School in response to comments from OP and believes such previous revisions improve the originally-proposed design.</p> <p>Signage will comply with the signage regulations, will use materials appropriate with the campus and consistent with new building, campus identification and wayfinding.</p>

<p><u>Public Realm Landscaping</u>: “The [A]pplicant should [c]ontinue to work with [DDOT] to clarify and enhance the design and treatment of the proposed modifications to 42nd Street immediately south of Ellicott Street as well as the traffic “slip lane” and public space between 42nd Street and Wisconsin Avenue . . . and [c]larify potential changes to the control of the intersection of Wisconsin Avenue and Chesapeake Street.”</p>	<p>As noted below, the Applicant will work with DDOT, the Public Space Committee, and the ANC to achieve the collectively preferred modifications in the public realm surrounding the Campus, including in the “slip lane.”</p> <p>The Applicant commits to pay for the installation of a traffic signal at Wisconsin Avenue and Chesapeake Street.</p> <p>Given the Thanksgiving holiday, it is not possible for the Applicant to meet with the Public Space Committee in the period between the issuance of the OP report and the public hearing on the application, but the Applicant fully intends to participate in the public space process and will meet with the Public Space Committee staff in due course as it refines its technical plans for the public realm surrounding the Campus.</p>
<p><u>Housing Supply</u>: “The [A]pplicant should submit additional information about . . . the proposed demolition of the GDS-owned market-rate townhouse.”</p>	<p>The reason for removing the townhouse is (1) to provide clearance to route stormwater distribution north of the parking garage to a new retention pond east of River Road; (2) because such area is required for pervious surface stormwater best management practices; and (3) to provide enhanced buffering; (4) to provide for additional soft play area to replace existing program area.</p>
<p><u>Previous Orders</u>: “The [A]pplicant should Clarify whether it is seeking to extinguish all previous Orders relating to both the high school and lower/middle school, or only to extinguish the most recent high school-related order.”</p>	<p>The Applicant does not seek to extinguish any prior orders and does not seek a modification to any previous order. Rather, consistent with the Board’s past practice in BZA cases involving independent schools, the Applicant seeks to have the Board supersede and replace the conditions of BZA Order No. 17868 (pertaining to the Existing School on the Campus) with the conditions of the order in the instant matter in the interest of administrative efficiency</p>

**III. Responses to DDOT Report**

In response to the report from the District Department of Transportation (“**DDOT**”) filed as Exhibit 45 in the record of this proceeding, the Applicant offers the following:

<b><u>DDOT Comment</u></b>	<b><u>Applicant Response</u></b>
<u>PM Trip Cap</u> : DDOT recommends a PM school trip cap and a PM peak hour trip cap of 465 and 265, respectively.	The Applicant agrees with this recommendation.
<u>Site Circulation</u> : “Provide an ADA connection between the north-south and east-west sidewalks internal to the site.”	The Applicant agrees with this recommendation.
<u>43<sup>rd</sup> Street Gate</u> : “Revise the triggers and monitoring proposal for the 43rd Street pedestrian entrance to [c]larify the reporting and documentation of “prohibited drop-offs” to include additional details about reporting criteria and reporting responsibilities of the School and neighbors [and] [p]rovide an opportunity to refine the Operations Plan prior to the closure of the gate in the event that “prohibited drop-offs” are observed. This opportunity would allow [the Applicant] to augment [its] Operations Plan to include additional safeguards (e.g. additional staff, notices to parents, etc.).”	The Applicant agrees with this recommendation and the revised conditions include this change.
<u>Right-of-Way Improvements</u> : “Implement the following improvements as proposed: [1] Install an approximately 140 foot right turn lane at Ellicott Street/Wisconsin Avenue; [2] Close the 42nd Street “slip lane” between Ellicott Street and the Wisconsin Avenue “fish hook” . . . [3] Prohibit left out movements at the fish hook; and [4] pay for a traffic signal at Wisconsin Avenue/ Chesapeake Street to provide a safe signalized left turn movement.”	The Applicant agrees with each of these proposed improvements.
<u>Pedestrian Accommodations</u> : “[1] Install new sidewalk where it is missing on the west side of 43 <sup>rd</sup> Street between Ellicott Street and the alley; [2] Install detectable warnings in curb ramps where they are missing at the	The Applicant will work with DDOT during the Public Space Committee process to plan the details of these recommendations but does not believe that compliance with these recommendations should be a condition of this

<p>southwestern corner of Ellicott Street/42nd Street; [3] Reconstruct the alley curb cut to Ellicott Street such that the 6-foot clear sidewalk material, scoring pattern, and elevation extend across the entrance.”</p>	<p>order as these recommendations are subject to a separate review process that involves technical and design detailing that will impact the ultimate specifics of these recommendations. Further, given the nearly \$500,000 of costs associated with the light and the slip lane closure, to which GDS has agreed, we ask that DDOT reconsider the scope of these requirements.</p>
<p><u>TDM Plan</u>: Strengthen the TDM with the following additional measures: [1] Designate a TDM coordinator responsible for administering, organizing, marketing, and accomplishing the TDM plan; [2] Install a Transit Screen in the LMS and High School buildings; [3] Provide a bike maintenance facility and make a ZR-16 compliant number of showers and lockers available for biking or running commuters; [4] Charge for staff and faculty parking with pricing incentives for carpooling; [5] Provide reserved parking spaces for carpools within the parking garage; [6] Provide a location for a Capital Bikeshare station . . . [7] [P]rohibit deliveries from Davenport Street for both school buildings during peak periods in order to maintain curbside space for pick-up/drop-off activities; [and] [8] [A]dd queuing analysis from the ingress points for school dropoff/pick-up. Queues that back up into DDOT rights-of-way are not acceptable and, if identified through monitoring, would require additional mitigations.”</p>	<p>The Applicant agrees with each of these items.</p>
<p><u>Continued Coordination</u>: “Given the complexity and size of the action, the Applicant is expected to continue to work with DDOT outside of the BZA process on the following matters: [1] Public space, including curb and gutter, street trees and landscaping, street lights, sidewalks, and other features within the public rights of way, are expected to be to DDOT standards. Careful attention</p>	<p>As noted above and as recommended by DDOT, the Applicant will continue to coordinate with DDOT during the Public Space Committee process to design the detailed improvements proposed in public space, which are generally outside the scope of this application.</p>

<p>should continue to be paid to pedestrian and bicycle connections along the site's perimeter and adjacent infrastructure; [2] Design of the 42nd Street “slip lane” closure and “fish hook” improvements, which are subject to public space permitting; [3] Signal warrant analysis and design of the Wisconsin Avenue/ Chesapeake Street traffic signal; [4] Monitoring and operations plans specific to the 43rd Street pedestrian gate; [5] Final design of pedestrian facilities internal to the site, particularly providing an ADA connection between the east-west and north-south sidewalks; Ongoing coordination in regard to the implementation of the TDM Plan, Operations Management Plan, and Monitoring Plan; [6] Mitigation improvements in public space should be coordinated as part of the public space permitting. It is anticipated that the entirety of the public space surrounding the school site will be included in the public space permitting process; [7] Coordination of the final design for vehicular access points is necessary to ensure that safe design is incorporated and pedestrian and cyclist connections are improved; and [8] All utility vaults are expected to be accommodated on private property.”</p>	
<p><u>Sustainability</u>: “DDOT recommends that the Applicant provide at least five (5) 240-volt electric car charging stations, which equates to approximately one (1) electric car charging station per 50 vehicle parking spaces.”</p>	<p>The Applicant will agree to provide one electric vehicle charging station.</p>

**IV. Additional Outreach**

As Exhibit B to the PHS (Exhibit 41B of the record in this proceeding), the Applicant filed a revised Statement of Public Outreach, updating the initial statement included at Exhibit 11. As identified above, the Applicant and its representatives presented again before ANC 3E on November 20, 2017 and engaged in numerous discussions, phone calls, and e-mails with ANC 3E commissioners, neighbors, and other members of the surrounding community since the filing of the PHS.

The Applicant also notes that it previously met with the District Department of Energy and the Environment to review, among other items, the application's stormwater plans.

**V. Additional Expert**

The Applicant has previously proffered Jami L. Milanovich of Wells + Associates as an expert in transportation planning and engineering, Jeff Barber of Gensler, and Robby Deem of Cerami & Associates, Inc., as an expert in acoustical engineering and noise impact analysis.

The Applicant supplements this list by proffering Matt Cafritz of Davis Construction as an expert in construction and construction impact management. Mr. Cafritz's resume is attached as Exhibit B.

**VI. Waiver Request**

Because this statement is filed less than twenty-one days prior to the public hearing, the Applicant requests a waiver from the Board to accept this statement. Such a waiver will not prejudice any party or person and is not otherwise prohibited by law. Accordingly, the Board should grant this request.

**VII. Conclusion**

For the reasons set forth in the Applicant's initial statement and PHS, as supplemented above, this application satisfies the requirements under Subtitle U, Section 203.1(1) and Subtitle X, Section 104 of the Zoning Regulations to construct the New School on the Campus.

If you have any questions, please do not hesitate to contact the undersigned at (202) 721-1106.

Sincerely,



Allison C. Prince

Enclosures

## Certificate of Service

The undersigned hereby certifies that copies of the foregoing document was delivered by first-class mail or hand delivery to the following addresses on or before November 27, 2017.

Stephen Cochran (2 copies)  
Office of Planning  
1100 4<sup>th</sup> Street, S.W., Suite 650E  
Washington, D.C. 20024

Jonathan Rogers (2 copies)  
District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

ANC 3E (5 copies)  
c/o Lisner Home  
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Washington, DC 20015

Jonathan Bender, ANC 3E03  
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Washington, DC 20016

Adam Rubinson\*  
4821 43<sup>rd</sup> Street, NW  
Washington, DC 20016

Karla J. Etten, Co-Trustee of the Carol W. Jaenicke Rev. Trust (u/d/t Nov. 21, 2013)\*  
4226 Ellicott Street, NW  
Washington, DC 20016

Dennis Williams on behalf of GDS Neighbors\*  
4207 Chesapeake Street, NW  
Washington, DC 20016



\_\_\_\_\_  
David A. Lewis

\*Party status application pending.

## **EXHIBIT A**

### **PROPOSED CONDITIONS GEORGETOWN DAY SCHOOL CONSOLIDATED CAMPUS**

Consolidated Conditions for BZA Order No. 19599 (pertaining to the High School, Lower/Middle School, and the Campus generally):

#### **Enrollment and Faculty/Staff Caps**

1. This Order authorizes and shall apply to the use of the Campus for grades Pre-K through 12 and shall upon effectiveness supersede and replace all conditions of existing orders applicable to the High School.
2. The Conditions of this Order shall become effective only upon the commencement of operation of the Lower/Middle School building on the Campus. Notwithstanding the foregoing, any Condition hereof applicable to the construction of such building shall become effective upon the commencement of construction of such building.
3. Upon the issuance of a Certificate of Occupancy for the Lower/Middle School building, the maximum enrollment shall be 1,075 students in the aggregate for the Campus. An increase to 1200 shall be permitted subject to Condition 12(a).
4. Upon the issuance of a Certificate of Occupancy for the Lower/Middle School building, the maximum number of full-time equivalent faculty and staff shall be 220 in the aggregate for the entire Campus. An increase to 260 shall be permitted subject to Condition 12(a).

#### **Reporting and Community Engagement**

5. At the beginning of each school year, but in no event later than November 15th of any calendar year that the monitoring and reporting requirements herein are in effect, the School shall provide to ANC 3E and to the District Department of Transportation (“DDOT”) documentary evidence sufficient to demonstrate the total enrollment of students in Pre-K through Grade 12 at the Campus and compliance with the terms of this Agreement, including the Transportation Management Plan (“TMP”) referenced herein. For avoidance of doubt, “documentary evidence sufficient to demonstrate the total enrollment of students” shall mean a copy of the student phonebook for the applicable school year, or access to an online databases of student phone numbers and addresses to which students are provided, or evidence of similar scope and for avoidance of doubt shall not be a mere report or declaration of compliance. The annual reporting on the TMP shall provide, among other things: (1) the number of carpool exceptions that were granted and for what reason, (2) the number of students and staff who paid the parking penalty, and (3) the modal split among students and staff.

#### **Transportation, Access, and TMP**

6. All vehicular traffic entering the Campus shall be limited to the Davenport Street and River Road entrances (with the exception of deliveries to the Lower/Middle School,

which will enter via the Public Alley on Ellicott Street). All vehicular traffic exiting the Campus shall be limited to the River Road, Davenport Street, and Ellicott Street egress points. All pre-K through Second Grade traffic will egress to Ellicott Street. All other Lower/Middle School traffic shall have the option of egressing from the Campus via either River Road or Ellicott Street. Pedestrian and bicycle access to and egress from the Campus shall be on 42nd Street, 43rd Street, River Road or Davenport Street only. Pedestrian and bicycle access to and egress from 43rd Street shall be permitted only subject to Condition 10.

7. Vehicular traffic exiting the Campus from the alley onto Ellicott Street shall be permitted to make only a right turn during morning drop-off and afternoon pick-up periods.
8. No passenger vehicle pick-up and drop-off of students shall occur on the streets or alleys immediately adjacent to the Campus (i.e., Ellicott Street, NW, 42nd Street, NW, Chesapeake Street, NW, River Road, NW, 43rd Place, NW, and 43rd Street, NW and their adjacent alleys). During drop-off and pick-up, caregivers shall not park on such neighborhood streets to wait or walk their student(s) to the Campus. Pick-up and drop-off of students by School-chartered bus(es) shall be permitted on 42nd Street.
9. The Campus shall continue to provide one vehicular emergency access point along 43rd Street, which access point shall be at all times secured (i.e., closed) by a locked gate (the “Vehicular 43rd Street Gate”), provided such gate shall be operable and open only for use and as needed by emergency vehicles. The 43<sup>rd</sup> Street neighbors will be consulted about the design of any replacement gate.
10. A new sidewalk shall be constructed as shown on the Final Plans to allow for a gated pedestrian connection (the “Pedestrian 43rd Street Gate”) to the Campus at the southern end of 43rd Street, which has no outlet. The Pedestrian 43rd Street Gate shall be constructed at the terminus of 43rd Street and shall be open only on school days and only between the hours of 7:00 AM and 4:00 PM for the purpose of allowing pedestrian access to and from the Campus. At all other times, the Pedestrian 43rd Street Gate shall be locked. The Pedestrian 43rd Street Gate shall not be used for vehicular drop-offs of students or staff on 43rd Street or Ellicott Street (any such drop-off being a “Prohibited Drop-Off”). In the event that there is a Prohibited Drop-Off, DDOT shall be notified with information regarding the date and time so that DDOT can devise an Operations Plan to prevent future drop-offs. In the event that there are more than three Prohibited Drop-Offs during the first year of the operation of the consolidated Campus, the School shall notify DDOT with information regarding the date and time of such Prohibited Drop-Offs. Upon such notification, the School shall secure the Pedestrian 43rd Street Gate at all times.
11. The TMP instituted pursuant to previous Orders for the High School and is hereby replaced with the following Conditions, which shall be applicable to the entire Campus upon the effectiveness of these Conditions and which the Applicant shall fully implement and comply with as set forth in the Transportation Demand Management, Operations Management and Monitoring Subparts of the TMP contained in Exhibit \_\_\_\_\_ of the record. The Applicant shall be responsible for implementing the full TMP including, without limitation, the following provisions.

- a. The School shall in any year that the monitoring and reporting requirements herein are in effect and in accordance with and subject to the terms of the TMP, hold quarterly meetings with the ANC and other community members to garner feedback on traffic and parking related issues.
- b. The School shall engage a transportation engineer to undertake monitoring of vehicular access to the Campus to ensure compliance with the AM Peak Hour and PM School Peak Hour Trip Thresholds (as such terms are defined in the TMP). The established AM and PM Peak Hour Trip Thresholds shall be a goal for Years 1-4 and a binding cap thereafter (where “Year 1” is defined as the first school year commencing upon the initial opening of the new Lower/Middle School). Commencing Year 1 and continuing through Year 4, the School shall arrange to monitor compliance with the AM and PM School Peak Hour Trip Thresholds one (1) time each school year, during the fall semester of each school year, provided that in the event the School fails to stay below the applicable Trip Thresholds, the School shall arrange to monitor compliance with the Trip Thresholds again in the spring semester of that same school year. If the School fails to meet its Trip Thresholds upon such second monitoring during this period, it shall work with DDOT and the ANC to identify remedial revisions to the TMP necessary to promote compliance and shall implement such measures. Commencing in Year 5 through Year 17, the School shall arrange to monitor compliance with the Trip Thresholds triennially in the fall semester (i.e., four times between Year 5 and Year 17) provided that in the event the School fails to stay below the applicable Trip Thresholds, the School shall arrange to monitor compliance with the Trip Thresholds again in the spring semester of such year, and the School shall thereafter resume annual monitoring until such time as the annual monitoring study demonstrates that the School has met the Trip Thresholds for two consecutive years. At such time, triennial monitoring shall resume until Year 17 or until such time as two consecutive triennial studies demonstrate compliance, whichever is later.
- c. Beginning in Year 5, in the event the School fails to comply with the applicable Trip Caps (as such term is defined in the TMP), the School shall require the requisite number of students to comply with the Trip Cap to take three-person carpools and/or ride the bus to School, adding such buses and/or bus routes as necessary to comply with the Trip Cap. The School shall work with DDOT and the ANC to identify which of the foregoing remedial revisions to the TMP will be used to ensure compliance. Students and parents who fail to comply with the carpooling, parking, busing (if mandated) and/or pick-up and drop-off requirements of the TMP shall be subject to an escalating set of penalties (leading ultimately to student expulsion after the sixth offense). In the event of a violation of the Trip Cap, the Department of Consumer and Regulatory Affairs (“DCRA”) will institute enforcement proceedings against the School using any or all of the enforcement measures that are legally available.

12. In connection with implementing the full TMP including, without limitation, the following provisions, the School shall:

- a. Permit no more 595 AM peak hour vehicle trips during the AM peak hour, no more than 465 PM peak hour vehicle trips during the PM school peak hour, and no more

than 265 for the PM peak, as verified by traffic monitoring to be conducted at the Applicant's expense, as outlined pursuant to the Conditions hereof and as more fully set forth in the TMP. In Years 1 through 4, the AM and PM Peak Hour Trip Thresholds shall be a goal, which the School shall strive to achieve. Beginning in Year 5, the Trip Thresholds shall serve as a binding cap. Upon the School's achievement of an AM Trip Cap of 595, a PM School Peak Hour Trip Threshold of 465, and the PM Peak Hour Trip Threshold of 265, and provided the School has satisfied all monitoring and reporting requirements with respect thereto for two consecutive school years, then the aggregate student enrollment limit hereunder shall automatically increase from 1075 to 1125 students and the limit on the aggregate number full-time equivalent faculty/staff shall automatically increase from 220 to 240 faculty/staff. Thereafter, provided the School has achieved the AM Trip Cap of 595, the PM School Peak Hour Trip Threshold of 465, and the PM Peak Hour Trip Threshold of 265, and satisfied all monitoring and reporting requirements with respect thereto for two additional consecutive school years, then the aggregate student enrollment limit shall automatically further increase to 1200 students and the limit on the aggregate number full-time equivalent faculty/staff shall automatically further increase to 260 faculty/staff. If the School does not satisfy the Trip Cap or Trip Threshold conditions in this subparagraph, it shall not be entitled to any automatic increase in its enrollment.

- b. Meet no less than quarterly with the ANC to ensure any traffic concerns by either party can be addressed in a timely manner;
- c. Hire a Metropolitan Police Officer (a Traffic Control Officer or "TCO") to control traffic at the intersection of Ellicott Street and the Public Alley, consistent with the Metropolitan Police Department and/or DDOT regulations, during the Lower/Middle School's pick-up and drop-off periods. The School shall instruct the TCO that the intended purpose of such officer is to require that all traffic exiting the Campus via the Public Alley during drop-off/pick-up turns only right onto Ellicott Street, and not to stop traffic along on Ellicott Street for long periods of time to facilitate egress from the school.
- d. Deploy School staff along the perimeter of the Campus to ensure that Ellicott Street, 42nd Street, 43rd Street, 43rd Place, River Road, and Chesapeake Street are not used for vehicular drop-off/pick-up or temporary parking and to otherwise enforce the TMP;
- e. Encourage the use of public transportation by the faculty, staff, and students who are old enough to use public transit and instruct eligible students to obtain a DC One Card (and the School shall assist with sign-ups for the DC One Card) and establish a "transit buddy" program to match older students with younger students taking transit;
- f. Provide up to \$100.00 monthly in SmarTrip subsidies to Virginia and Maryland financial aid students;
- g. Provide \$135.00 monthly in SmarTrip Cards for faculty/staff who take transit to School;
- h. Operate a minimum of three (3) full-sized buses or such larger number of smaller buses as is necessary to accommodate the same or more students as three full-sized buses, which buses shall pick-up students at School-designated off-Campus

- locations in the morning, which buses shall also be available for use by faculty and staff;
- i. Require that cars dropping off students on Campus in the morning drop-off at least two students per vehicle, with the following exceptions not to be subject to such carpooling requirement:
    - i. Students in Pre-K through 1<sup>st</sup> grade,
    - ii. Students in the “Early Grasshopper” program,
    - iii. Student drivers who may not lawfully carry passengers, and
    - iv. Students who demonstrate a hardship, to be evaluated by the School on a case-by-case basis and at all times subject to the Trip Caps, which evaluation may consider, without limitation, special transportation needs, lack of access to other transportation facilities, or distance from the Campus;
  - j. Not permit any students to drive a vehicle to the Campus unless there is an on-Campus parking space for that vehicle;
  - k. Ensure that at the beginning of each school year, all students have registered their vehicle(s) with the School;
  - l. Strictly prohibit students and staff from parking on the residential streets surrounding the Campus;
  - m. Provide discounted parking pricing for student drivers and faculty/staff who carpool. The parking fee will be reduced by one third ( $\frac{1}{3}$ ) for each additional student beyond the driver (drivers with three additional student passengers will park for free);
  - n. Set the price for parking on Campus at substantially increased rates for students who drive to Campus from a residence within one (1) mile of Campus or within one (1) mile of a Red Line Metrorail station, subject to a discounted parking rates of one third ( $\frac{1}{3}$ ) the premium amount for student drivers who carpool;
  - o. Train school employees at the beginning of each year to implement and enforce the TMP;
  - p. Instruct parents not to park on, or queue on, public streets adjacent to the Campus, including Chesapeake Street, 42nd Street, Ellicott Street, 43rd Street, 43rd Place, and River Road, to wait for their children at school drop-off or pick-up times;
  - q. Continue to provide traffic control personnel on Campus during drop-off and pick-up times to facilitate on-Campus traffic flow and enforce drop-off and pick-up procedures;
  - r. Facilitate the foregoing carpooling requirements by establishing an online system to help parents identify other families along their travel route by distributing information regarding the location of other families in the area to parents at the start of each school year;
  - s. Distribute a policy manual to all families prior to the start of the school year that explains all relevant policies and procedures regarding parking, pick-up, drop-off and penalties for non-compliance, which information shall also be posted on the School’s website;
  - t. Incorporate the relevant provisions of the TMP into the enrollment contract between the School and parents, by which the parents shall agree to be bound by its fines and punishments; and.

- u. During any period of time when the existing Campus parking spaces are reduced (e.g., during construction), provide the same number of parking spaces elsewhere and shall fully enforce the School's existing parking restrictions.
13. The surface parking areas of the Campus shall be secured by a chain gate, cable, or similar device during all hours that such area is not in use. When the parking area is open during non-school hours, the School shall provide security to prevent unauthorized parking.
  14. The Campus parking garages shall be available for use only by authorized users of the Campus during all hours that the School is open. The School shall have security personnel on duty at the School to monitor the garages at all hours that the garages are open. The garages shall be secured during all hours not in use.
  15. Students parking cars on Campus shall stay on Campus during the hours that classes are in session except for trips off-Campus for the following purposes: (a) work or internship related activities; (b) community service events; (c) school or extracurricular-related activities; or (d) approved leave.
  16. The School shall use all reasonable and diligent efforts to cause DDOT and the Public Space Committee ("PSC") to permit the closure to vehicular traffic of the 42nd Street, NW "slip lane" and to allow such slip lane to be returned to a sodded state or to such other finished material as is mutually agreeable to the School and the ANC, in the reasonable determination of each. In the event that the ANC does not support an alternative surface treatment, grass shall be required, subject to DDOT and PSC approval. The final surface treatment of such slip lane post-closure shall be subject to DDOT and PSC approval and DDOT's or the PSC's failure to consent to a landscaped or sodded condition shall not constitute a default of the School hereunder. The Parties agree that subject to the foregoing, the closure of the slip lane must occur prior to issuance of the certificate of occupancy for the Lower/Middle School. Determination of the final surface material, and the installation of the final surface material in the closed slip lane must be completed within one year of the issuance of the certificate of occupancy for the Lower/Middle School.
  17. The School, at its expense, shall install or cause to be installed a traffic signal at the intersection of Chesapeake Street, NW and Wisconsin Avenue, NW, subject to DDOT's review and approval and shall use reasonable efforts to obtain such approval prior to the issuance of the certificate of occupancy for the Lower/Middle School.

#### Summer Usage of Campus Facilities including Enrollment Increases

18. The School shall not be restricted from offering or authorizing use of the Campus for summer programs outside of the regular school year, provided that it meets the same Trip Thresholds that apply during the school year. To ensure same, the School agrees to the following: (a) that except as provided herein, the School shall allow no more than five hundred (500) students and staff (the term "students" shall encompass all participants in summer programming of any kind, including camps), cumulatively, to be on Campus on any day during such summer programs; (b) the School shall conduct monitoring during the summer for two consecutive years, which monitoring shall occur on the day when the

maximum number of students and staff that summer are expected to be present; and which monitoring shall be of the same scope and thoroughness as monitoring conducted during the school year, and the peak hours selected for monitoring shall be the actual peak summer hours. If the School does not exceed the Trip Thresholds for two consecutive summers of monitoring, it may cease monitoring. In the event the School fails to stay below the applicable Trip Thresholds, the School shall arrange to monitor compliance with the Trip Thresholds again during the summer of the following year. The School shall continue annual monitoring until such time as the annual monitoring study demonstrates that the School has met the Trip Thresholds for two consecutive years. Once the School has two successful consecutive years of satisfying the applicable Trip Thresholds, up to 50 additional students, resulting in a total of 550 students and staff, may be added if such additional students are required to arrive by bus or public transit. If at any time that traffic is not subject to monitoring, there is a shift or change in programming that is likely to substantially increase traffic demand during any peak hour, the School shall consult with the ANC and DDOT before implementing such change to determine whether additional monitoring is required. If both the ANC and DDOT concur that additional monitoring is desirable, the School shall institute said monitoring. If the School seeks to increase enrollment beyond 550 (500 plus 50 additional by bus or transit), the School shall consult with the ANC before implementing that change to determine whether the ANC will require additional monitoring, and shall abide by the ANC's decision.

19. If the School does not meet its summer Trip Thresholds, it shall work with DDOT and the ANC to identify remedial revisions to the TMP necessary to promote compliance and shall implement such measures. If the School fails to meet applicable Trip Thresholds for two consecutive years during Years 1 through 4, the School shall thereafter reduce the total number of students and staff permitted on campus during all days during the summer by a number sufficient to ensure it meets its Trip Thresholds.

#### Building Plans

20. The improvements constructed on the Campus shall be in conformance with the Final Plans, subject to any required subsequent District agencies approvals.
21. The School shall design the Lower/Middle School to meet the certification requirements at the Gold level under the LEED 2009 rating system. In connection with that commitment, the Lower/Middle School building shall contain motion-sensitive lighting in the classrooms and function rooms in order to reduce the potential for light pollution and shall contain emergency lighting as required.

#### Campus Use, Noise and Lighting

22. All extracurricular or inter-scholastic activities held on the Campus shall be concluded by 11:30 p.m. This time limit does not apply to periodic (i.e., once or twice yearly) "lock-ins", where students from a single grade sleep over at the school.
23. All interscholastic athletic events utilizing the Campus athletic field(s) shall be scheduled to conclude no later than 7:30 p.m. In situations where an event goes into overtime, is

subject to weather delays, or is subject to other conditions that force the event past 7:30 p.m., the event must be concluded no later than 8:00 p.m. No use of outdoor playing fields, playgrounds, outdoor recreational facilities, and green space shall be permitted after sundown.

24. There shall be no artificial lighting of the athletic field(s), playgrounds, outdoor recreation facilities, or green space that is directed at any of the nearby residences, provided such prohibition shall not be understood to preclude any code-required lighting (such as path lighting) from being installed.
25. No exterior building lights shall be directed toward the existing residences along 43rd Street, NW.
26. The loudspeaker (i.e., audio) and bell systems within the Campus shall not be audible in the neighborhood except for standard emergency alarm systems. There shall be no permanent outdoor audio system of any kind except those required by law or for safety.
27. Temporary outdoor audio systems (apart from a loudspeaker, bell system, and alarm system) at the Campus shall be allowed only during school hours for special school events, and not more than three times a year.
28. Rooftop mechanical equipment on the new Lower/Middle School building will be designed to comply with the D.C. Noise Regulations.

#### Community Uses of the Campus

29. The School shall make available the following amenities on the Campus for use by approved community activities, subject to the following restrictions and subject to other reasonable posted rules and regulations:
  - a. Exterior fields:
    - i. During daylight hours only;
    - ii. When the fields are not being used by the School;
    - iii. By making a reservation with the School's space-use coordinator;
    - iv. After signing an appropriate liability waiver;
    - v. After providing the proper liability insurance certificate(s);
    - vi. By paying a reasonable fee (reasonableness to be determined by reference to fees charged for field use by DC Department of Parks and Recreation (DPR) and other private schools in DC) for administrative, security and maintenance costs associated with such use, requiring provision of a certificate of insurance, requiring liability waivers, and setting parameters on the types of uses allowed on the fields (e.g., no dogs or wheeled toys, etc.), provided such parameters shall not prohibit any sport permitted on fields maintained and/or programmed by DPR;
    - vii. With the understanding that users of the fields are liable for any damage to school property and fully responsible for any injuries;
    - viii. Expecting that the user is not using the space for profit; and
    - ix. No dogs (or any other animals) allowed.

- b. Exterior playground:
  - i. When the playground is not being used by the School;
  - ii. During daylight hours only;
  - iii. With the understanding that users of the playground are liable for any damage to school property and fully responsible for any injuries; and
  - iv. No dogs (or any other animals) allowed. The School shall have the right from time to time to establish and post reasonable and customary rules and regulations governing community use of the play area and to close the play area on a temporary basis from time to time for maintenance, cleaning, or repairs.
  
- c. Lower/Middle School and High School classrooms;
  - i. Only upon reservation confirmed by the School;
  - ii. When the classrooms are not being used by the School;
  - iii. After signing an appropriate liability waiver;
  - iv. Only if a School security guard is available and shall be subject to such reasonable requirements as the School may impose, including, without limitation: charging a reasonable fee for a security guard as well as any administrative and maintenance costs associated with such use, requiring provision of a certificate of insurance, requiring liability waivers and setting parameters on the types of uses allowed in the classrooms.

#### Open Space

- 30. The southeast portion of the Campus south of the existing High School (i.e., located at the northwest corner of the intersection of 42nd and Chesapeake Streets), which is currently landscaped shall be maintained as open space. No parking shall be permitted on this portion of the Campus.

**EXHIBIT B**

**EXPERT WITNESS RESUME**



# MATTHEW CAFRITZ, LEED AP

## VICE PRESIDENT

### CONSTRUCTION OPERATIONS

Matt is responsible for all field operations. He is an authority on efficient site management, and consults with our operations teams on preconstruction logistics planning — before mobilization even takes place. Matt matches superintendents to the right project, and our teams depend on his considerable technical and construction knowledge to help resolve challenges in the field. He mentors and trains superintendents on jobsite communication, and makes sure workplace safety, schedule, and budget management skills are instinctual — and up to DAVIS standards.

#### Confidential Client

Value: \$472.3 M | 1,800,000-SF | Goal: LEED Gold®

MCLEAN, VA – New construction of a 30-story trophy-level headquarters building with curtainwall façade featuring a six-story lobby and separate above- and below-grade parking. A conference center with a kitchen/cafeteria and fitness center, an amenity level with a green roof, an above-street pedestrian connector and stand-alone retail structure are part of the project.

#### Hogan Lovells

Value: \$80.0 M | 385,000-SF | Goal: LEED Gold®

WASHINGTON, DC – Phased, occupied renovation for the law offices of Hogan Lovells, an international firm specializing in corporate, financial, intellectual property and government regulatory law. Renovations spanned three years and included 7 floors of offices, a full floor conference center, roof expansion, two full service cafeterias, and a child care center. Each practice floor standardizes attorney offices, primarily on the exterior of the floor plan, and uses demountable glass fronts for all office types. The interior of the floor plan utilizes a “flex zone” layout for interior offices, huddle rooms, and workstations to provide for future modifications. The roof expansion and conference center phase included structural modifications to construct a two story atrium at reception with two story feature stair and passenger elevator, as well as installation of an interconnecting stair through 7 floors of occupied tenant space. Two independent and full service kitchens were built to serve the firm as well as catering for meetings and events.

#### Corporate Executive Board (CEB) - Headquarters @ Waterview

Value: \$62.5 M | 625,000-SF

ARLINGTON, VA – This interior build-out project covered 24 floors with office areas, state-of-the-art conference facility with auditorium-style classrooms, multiple meeting rooms, upscale dining facilities, full-service cafeteria, and data center with back-up chiller, generator, and fuel system. A raised floor system for electrical / telephone / data raceways runs throughout the space.



#### QUALIFICATIONS

31+ Years of Experience in Construction Industry  
2008 DCMSA Outstanding Jobsite Supervision of the Year



#### VALUE ADD

Technical + Construction Knowledge to Help Resolve Field Challenges  
Leadership + Guidance to Superintendents



#### EDUCATION + CERTIFICATES

University of Vermont - 1980  
Apprenticeship Program Local 26, Journeyman's Card - 1985  
OSHA 30-Hour Construction Safety



#### PROFESSIONAL AFFILIATIONS

Woodley House - Board Member



#### WORK EXPERIENCE

DAVIS (1999 - Present)  
SIGAL Construction (1985 – 1999)



# MATTHEW CAFRITZ, LEED AP

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### **Nestlé Headquarters**

\$39.0 M | 210,000-SF

ARLINGTON, VA – Interior build-out of a new headquarters involving tenant improvement of the 1st floor lobby + mezzanine levels, floors 25-35, 1+2. The space consists of open-plan office workplace with team collaboration and conference rooms throughout; a 10,000-SF dining facility with commercial kitchen, as well as an independent food and beverage product evaluation labs. Each floor has a central pantry/HUB with an internal stair that spans floors 25-33.

### **Corporate Executive Board (CEB) Tower**

Value: \$29.0 M | 350,000-SF

ARLINGTON, VA – New global headquarters for CEB that spans floors 8 – 20 of a 31-story office building. This project includes conference center space that will occupy the Floors 29 and 30. The tenant interior scope of work for this state-of-the-art tower includes a public observation deck + lounge that will give the staff a change of scenery from cubical style spaces; typical practice floors designed with high-end millwork and glass; a specialty catering/food service kitchen; and executive floors with interconnecting stairs.

### **Gallaudet University MSSD Residence Hall**

Value: \$29.2 M | 77,250-SF | Goal: LEED Gold®

WASHINGTON, DC – This three-story dormitory, constructed to DeafSpace guidelines, provides shared living rooms, kitchens, media rooms, libraries and lounges for 160 students. The ground-floor living room connects entertainment space to a terrace for student activities. A student courtyard, rain garden, and bio-ponds helped to provide a calming green space to the seven-acre site.

### **Sands Capital Management**

Value: \$22.0 M | 86,000-SF | Project Is: LEED Gold®

ARLINGTON, VA - This high-end headquarters space features a new monumental stair connecting the four tenant floors. Work included minor demolition, stone, millwork, cabinetry, wood paneling, glass office doors and partitions, back-painted glass, acoustical ceilings, porcelain tile, static dissipative tile, carpet and carpet tile, wood flooring, fabric-wrapped panels, HVAC, plumbing, sprinkler and electrical.

### **Georgetown University Car Barn**

Value: \$7.6 M | 83,000-SF

WASHINGTON, DC – Modernizations to this historic landmark included extensive façade restoration, complete mechanical system upgrade, restroom renovations, elevator replacement and the build-out of interior garage space into classrooms and offices. This project was divided into three distinct phases to maximize speed and efficiency. The façade restoration involved replacing all windows and terraces, repairing damaged mortar, and fixing a corroding structural problem. Tenant improvements entailed mechanical system upgrades, including the removal and replacement of the Car Barn's MEP system, sprinkler system, and emergency lighting system. DAVIS also added a new heating and cooling tower on the roof, along with a brand new mechanical temperature control system.



# MATTHEW CAFRITZ, LEED AP

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### **St. Andrews Episcopal School Gymnasium + Student Center**

Value: \$14.5 M | 50,000-SF | Goal: LEED Certified®

POTOMAC, MD – Construction of this mixed-use student center features two gymnasiums, athletic facilities, and public gathering space requiring relocation of current underground data, electrical, water and sewer utilities, and re-establishing underground communication lines to existing buildings and additional on-site parking. Extensive landscape surrounding the building includes a cul-de-sac, a series of storm water management ponds and micro-bio retention areas.

### **2020/2050 M Street, NW (Phases I + II)**

Value \$9.2 M | 418,000SF | Goal: LEED Gold®

Demolition of existing buildings at 2020 and 2050 M Street NW, and construction of a two-phase, mixed-use development and a new state of the art 10-story office building with ground floor retail and four levels of underground parking.

### **The Advisory Board Company**

Value: \$3.1 M | 28,000-SF | Goal: LEED Silver®

WASHINGTON, DC – Demolition and interior build-out of the second floor, including reconfiguration of existing closed office plan into open workspaces and team rooms. The space featured open offices at the perimeter, with conference and lounge areas. In addition to large and small conference rooms, dedicated telephone, family and wellness spaces were constructed for employee privacy. The project also required base building upgrades of the core restrooms on the 2nd floor.

### **MITRE Corporation HQ Campus Phase I-III**

Value: \$128.8 M | 1,860,000-SF

MCLEAN, VA – The project began with the renovation of an existing building. An internal main pedestrian connected these three buildings with corporate amenities and common function areas accessible within a secured perimeter. The second phase involved the new construction of a six-story campus centerpiece, garage and surrounding landscape. The corporate interiors of the facility were a part of the scope. Phase three was a seven-story build-to-suit continuation of the campus with an interconnecting bridge linking the complex. The interiors were also part of this work. Additional work was performed under separate contracts in other MITRE locations.

### **White & Case Remodel**

\$6.2 M | 85,000-SF

WASHINGTON, DC – This project included high-end partner / associate offices, secretarial stations, executive conference centers, a library, records center, information technology facilities, and dining facilities. One of the many highlights are the beautiful blacklit onyx walls located on the 11th and 12th floor. An expansion phase included retrofitting the lobby corridors and upgrades to the typical office space. New carpet and lighting finishes at perimeter quarters outside occupied attorney offices. A lunch room and large multipurpose room were part of the expansion. The large multipurpose room included switchlight glass, and blacklit fabric ceiling.



# MATTHEW CAFRITZ, LEED AP

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### ADDITIONAL PROJECTS LIST

<b>Service Employees Int'l Union</b> Washington, DC <b>LEED Gold</b>	Value: \$23.7 M	190,000-SF
<b>US Department of Education</b> Washington, DC	Value: \$21.6 M	290,000-SF
<b>White &amp; Case</b> Washington, DC	Value: \$14.7 M	162,000-SF
<b>Transaction Network Services</b> Reston, VA	Value \$6.3 M	120,000-SF
<b>US Green Building Council (USGBC)</b> Washington, DC <b>LEED Platinum</b>	Value \$8.9 M	75,000-SF
<b>CACI Federal</b> Chantilly, VA	Value \$13.3 M	220,000-SF
<b>BAE Systems</b> Rockville, MD	Value \$5.0 M	40,000-SF
<b>Seven Skyline Place</b> Falls Church, VA	Value \$41.2 M	570,000-SF
<b>Bloomberg BNA Multiple Floors</b> Arlington, VA <b>LEED Gold</b>	Value: \$12.5 M	108,000-SF
<b>International Spy Museum</b> <b>LEED Silver</b>	Value: \$19.3 M	52,000-SF
<b>O'Melveny &amp; Myers</b>	Value: \$11.2 M	136,000-SF
<b>Discovery Communications Newlands Building</b>	Value: \$2.3 M	40,000-SF