

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18740 of Sheridan School Inc., pursuant to 11 DCMR §§ 3104.1, for a special exception under § 206 to allow the continued operation of an existing private school¹ with an increase in student enrollment from 226 to 230, in the R-2 District at premises 4400 36th Street, N.W. (Square 1968, Lot 10).

HEARING DATE: April 15, 2014

DECISION DATE: April 15, 2014

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3F, which is automatically a party to this application. ANC 3F submitted a timely written report, dated March 23, 2014, in which the ANC indicated that at a properly noticed, regularly scheduled public meeting held on March 18, 2014, with a quorum present, the ANC voted unanimously (5:0:0) to support the application's request for an increase in enrollment but not to support the permanent removal of a term limit. (Exhibit 22.)

The Office of Planning ("OP") submitted a timely report on April 8, 2014, recommending approval of the application with the revised conditions submitted by the Applicant, including the removal of the term limit of approval. (Exhibit 26.) The District Department of Transportation ("DDOT") submitted a letter recommending "no objection" together with a waiver of the time

¹ This use of the property as a private school was previously approved by the Board in BZA Order Nos. 7282 (July 2, 1963), 13089 (February 27, 1980), 15656 (December 23, 1992), and 16977 (February 4, 2004).

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requirements to submit the report. (Exhibit 28.) Previously, DDOT had provided a timely report but with no recommendation since it required more information. (Exhibit 24.)

The Applicant satisfied the burden of § 3119.2 in its request for special exception relief to allow an increase in student enrollment from 226 to 230 and continued operation of an existing private school under §§ 3104.1 and 206. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 206 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED SUBJECT TO FOLLOWING CONDITIONS**:

1. The parking layout of the small parking area in front of the school building on 36th Street, N.W. shall be maintained in the current configuration and no stacked parking shall be allowed in the parking area in front of the school building on 36th Street.
2. The main parking area on Alton Place, N.W. shall be maintained in the current configuration and the drive aisle in the lot shall not be used for the parking of motor vehicles.
3. During school hours, the parking area on Alton Place shall only be used by faculty and staff. After-school hours, the parking area shall only be used by school visitors, parents, and members of the board of trustees.
4. The Applicant shall maintain and enhance all landscaping in a healthy growing condition, replacing it when necessary.
5. The number of students shall not at any time exceed 230, of which no more than 50 shall be kindergarten students. The term “students” is defined without exception as all children (including children who pay tuition or receive scholarships) who are enrolled in the school or participate in summer school or summer camp activities.
6. The hours of operation shall be between 7:30 a.m. and 6:00 p.m., Monday through Friday.

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7. No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday.
8. The Applicant shall schedule deliveries at the property so that:
 - a. All pickups or deliveries shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) after 9:00 a.m. and before 6:00 p.m., Monday through Friday. The Applicant shall post and maintain a sign adjacent to the door located nearest to the parking lot on Alton Place indicating that deliveries shall only be accepted during the designated hours.
 - b. Only as necessary, time-sensitive deliveries of produce, perishable goods, or similar items may be accepted at the building's main entrance on 36th Street between 7:00 a.m. and 9:00 a.m.
 - c. No deliveries shall be made during the weekend or on school holidays.
9. The Applicant shall maintain a community liaison group in coordination with Advisory Neighborhood Commission 3F. The Applicant shall:
 - a. At least once a year, and at other times as requested, meet with the ANC and the community liaison group at the school and review issues of ongoing interest, including traffic and parking, landscaping, compliance with BZA conditions, school operations, and any planned construction, renovations, and maintenance, and
 - b. Provide electronic notice of special events on a continuous basis, but not less than monthly, to ANC 3F and to the community liaison group (all property owners or occupants in the 3500 and 3600 blocks of Yuma Street, N.W., 3500 and 3600 blocks of Alton Place, N.W., and 4300 – 4500 blocks of 36th Street, N.W.)
10. The Applicant shall not park school buses or vans: (a) on any residential streets within the boundaries of ANC 3F or (b) on the property after school hours unless arrangements for off-site parking are terminated by the owner of the off-site parking area (or other third party who controls the parking area) and the Applicant is unsuccessful in making arrangement for alternative off-site parking. In the event the arrangements for off-site parking are terminated, the Applicant shall in good faith seek to make alternative arrangements for off-site parking promptly, and shall not park any school buses or vans on the property, after school hours, longer than 60 days in the aggregate. Within 14 days of an event when a school bus or van is parked on the property, the Applicant shall report to the community liaison group on its good-faith efforts to make arrangements for alternative off-site parking arrangements. Thereafter, the Applicant shall continue to report to the group on a biweekly basis until the bus or van is relocated off property.

11. All mechanical equipment associated with the central heating and cooling (“HVAC”) systems shall be located in the basement of the school building or in other interior areas of the building, except that new or replacement HVAC equipment may be installed and operated on the exterior of the building (including its roof) so long as the new or replacement HVAC equipment (a) generates operating noise no greater than the noise generated by the HVAC equipment it replaces, (b) is screened from neighboring property, and (c) is no larger in size, shape, or profile than the HVAC equipment it replaces. Any HVAC equipment not permitted by this paragraph shall require Board of Zoning Adjustment approval as a modification of the special exception approved in this Order.
12. Evening and weekend activities or events at the property shall be restricted to those activities and events that are customary to an elementary school (kindergarten through eighth grade).
 - a. During activities or events at the school, ingress and egress shall be restricted to the building’s main entrance on 36th Street, N.W.
 - b. The Applicant shall deliver to all members of the community liaison group all notice of planned activities or events at least one week in advance by mail or electronic mail.
 - c. With the exception of the farmer’s market, the Applicant shall be restricted to a maximum of 12 activities or events of 50 or more persons.
13. The Applicant shall not allow the use of the property for commercial or profit-making functions or activities such as dances, concerts, exercise classes, or other events. This condition shall not apply to the CASA or similar summer educational program or summer camp traditional to an elementary school offered by the Applicant or to the farmer’s market operating at the property.
14. The Applicant shall use its best efforts to ensure that:
 - a. Students enter and exit the school building by either the 36th Street entrance or the playground doors closest to 36th Street that face Yuma Street;
 - b. Faculty and staff enter and exit the school building through (i) the doors located on 36th Street, (ii) the doors adjacent to the Yuma Street playground, or (iii) the doors adjacent to the parking area on Alton Place for faculty and staff who park their vehicles in that parking area; and
 - c. Students, parents, visitors, faculty, and staff enter and exit the school building on the Alton Place (north) side of the building when coming to the subject property by bicycle and using a bicycle rack located on the Alton Place side.

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15. The Applicant shall provide faculty and staff with incentives, including the Smart Benefits program, to encourage the use of public transportation or carpooling to the property. The Applicant shall give priority to or reserve at least three sign-designated parking spaces for persons who carpool.
16. The Applicant shall comply with, implement, and enforce the traffic management plan ("TMP") described in the Applicant's Traffic Report at Exhibit 27, as may be amended after consultation with the community liaison group and provided the traffic impact is not greater than that contained in the TMP.
17. No later than May 1st of each year, the Applicant shall submit an annual report to the Zoning Administrator setting forth its ongoing compliance with the Conditions of this Order during the prior calendar year, and shall transmit copies of the annual report, by mail or electronic mail, to the Office of Planning, ANC 3F, and the community liaison group. The annual report shall include, at minimum:
 - a. Detailed information on the number of students enrolled (by range and average number enrolled);
 - b. A breakdown of faculty and staff by full-time, part-time, and contract basis for those contract personnel who work more than 10 hours per week on average; and
 - c. The number of written complaints or allegations of non-compliance received by the Applicant during the prior year, with a description of the nature of the complaints or allegations and a copy of each complaint.
18. The Applicant shall notify ANC 3F and the community liaison group, at least 30 days in advance, of any plans it has for the renovation of the existing playground, any substantial maintenance or renovation, or interior work. The Applicant shall meet with the community to discuss the schedule and appropriate construction management measures for the playground project or any other larger scale maintenance work.
19. The Applicant shall not be required to obtain additional Board approval for in kind renovations to the existing playground provided that the existing footprint, location and topography or grade is generally maintained.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

VOTE: **4-0-1** (Michael G. Turnbull, Marnique Y. Heath, Lloyd L. Jordan, and Jeffrey L. Hinkle to Approve; S. Kathryn Allen, not participating or voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:  _____ *for*
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: April 24, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THEREOF, 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.