ShawPittman LLP
A Limited Liability Partnership Including Professional Corporations

RECEIVED
D.C. OFFICE OF ZONING
2002 MAY -6 AM 11: 24

May 3, 2002

Mr. Geoffrey Griffis
Chairman
Board of Zoning Adjustment
441 4th Street, Suite 210
Washington, DC 20001

Re: St. Patrick's School -- 4925 MacArthur Boulevard, N.W.
BZA No. 16852

Dear Chairman Griffis and Members of the Board:

In response to items requested at the April 16 hearing on this case, we enclose the following:

1. A copy of the sound report presented by Scott Harvey of Polysonics, the Applicant's sound expert;

2. The carpool plan for St. Patrick's Whitehaven campus;

3. A draft of the covenant the Applicant has offered to adjoining and abutting neighbors, amended to reflect the concern of The Neighbors United Trust; and

4. A draft set of proposed conditions, amended to reflect the second Office of Planning report and the concerns of Mr. Lovendusky, as expressed at the hearing.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Allison C. Prince

Allison C. Prince

Jamie Baker Roskie

Jamie Baker Roskie

Enclosures

BZA
Case No. 16852
Exhibit No. 261

Board of Zoning Adjustment
District of Columbia
CASE NO. 16852
EXHIBIT NO. 261

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing documents were sent by hand delivery this 3rd day of May 2002, to the following parties:

Neighbors United Trust
Representatives:

Nancy Feldman
4911 "W" Street, N.W.
Washington, D.C. 20007

Alma Gates
4911 Ashby Street, N.W.
Washington, D.C. 20007

Katherine VanSickle DeMallie
4923 Ashby Street, N.W.
Washington, D.C. 20007

Lawrence Skrivseth
4913 MacArthur Blvd., N.W.
Washington D.C. 20007

Michael Lovendusky
4927 MacArthur Blvd., N.W.
Washington, D.C. 20007

John Finney
ANC 3D04
5725 Watson Street, N.W.
Washington, D.C. 20016
or
PO Box 40846 Palisades Station
Washington, D.C. 20016

Ken Laden and Rachel MacCleery
DDOT
2000 14th Street, N.W., 7th Floor
Washington, D.C. 20009

Maxine Brown Roberts
Office of Planning
801 N. Capitol Street, N.E., 4th Floor
Washington, D.C. 20002

JBRoskie

Jamie Baker Roskie
Shaw Pittman

POLYSONICS CORP.

ACOUSTICAL AND COMMUNICATIONS CONSULTING

5115 MacArthur Blvd. NW
Washington, DC 20016
V: (202) 244-7171
F: (202) 244-7479

10075 Tyler Place, #16
Ijamsville, MD 21754
V: (301) 874-2600
F: (301) 874-3277

1-800-388-7172
www.polysonics-corp.com

ESTABLISHED 1958
ACOUSTICS & VIBRATION
AUDIO-VISUAL
TECHNICAL SYSTEMS

3 May 2002

Peter Barrett
St. Patrick's Episcopal School
4700 Whitehaven Parkway, NW
Washington, DC 20007

MACARTHUR BLVD, 4925
Executive Summary

Dear Mr. Barrett:

Please find enclosed the Polysonics report letter reviewing the study and addressing noise issues at the proposed St. Patrick's day school at 4025 MacArthur Blvd, NW, Washington, D.C. The following is a summary of the conclusions reached by this study.

- According to the District of Columbia Municipal Regulations, the unamplified human voice is exempt from any noise code. This is the only noise source of concern in this study.
- The two contiguous properties to the site will be the only properties directly affected by noise from the proposed school. This effect will be that the voices from children playing will be heard in the outdoor areas of the properties. The level of the loudest school noise will be consistent with the existing transportation noise from MacArthur Blvd and Reagan National Airport.
- Only on these two properties will occupants hear the noise indoors with windows closed. This is only in rooms which directly face the school's open area. This noise will not be heard in other rooms of the house with windows closed. Additionally, it will not be heard in other houses of the neighborhood.
- The period of the school noise is highly limited to approximately 2 hours per day. There is no activity during nights, weekends, or the summer.
- The average noise level on any property will not be increased by the presence of the school noise.
- Polysonics concludes that this school use as proposed and studied is compatible with residential zoning.

For details, please see the enclosed report.

Sincerely,

Scott Harvey, P. E.
Senior Acoustical Consultant

SBH/rc
Study cover Ltr.doc

POLYSONICS CORP.

ACOUSTICAL AND COMMUNICATIONS CONSULTING

5115 MacArthur Blvd. NW
Washington, DC 20016
V: (202) 244-7171
F: (202) 244-7479

10075 Tyler Place, #16
Ijamsville, MD 21754
V: (301) 874-2600
F: (301) 874-3277

1-800-388-7172
www.polysonics-corp.com

ESTABLISHED 1958
ACOUSTICS & VIBRATION
AUDIO-VISUAL
TECHNICAL SYSTEMS

3 May 2002

Peter Barrett
St. Patrick's Episcopal School
4700 Whitehaven Parkway, NW
Washington, DC 20007

MACARTHUR BLVD, 4925
Noise Survey

Dear Mr. Barrett:

Polysonics has conducted an analysis of the noise level from children playing in the open space of the 4925 MacArthur Blvd site, proposed for the middle school of St. Patrick's Episcopal School. This study included on site sound level measurements. The results of the measurements indicate that the noise from children will be no higher than the current noise level from traffic on MacArthur Blvd and airplanes from National Airport. Additionally, even though at certain times the sound pressure levels are the same, the power of the noise from trucks and airplanes enables that noise to penetrate closed windows and walls better than the lower powered human voice. Therefore, the children's noise will not be heard in a house with closed windows, with the exception of those one or two rooms in each abutting house that directly face the play area. Polysonics concludes that this school use as proposed and studied is compatible with residential zoning.

The following is offered in support of this finding and provides a general overview of basic acoustics principles.

Basic Acoustics

As a reference for how "loud" measured noise levels are, the following is provided:

Source	Noise Level
Normal Speaking Voice at 2 feet	65 dBA
Raised Speaking voice at 2 feet	70-75 dBA

The decibel scale, or dBA, used for measuring noise, is logarithmic, not linear. Therefore multiple noise sources do not sum as one might think. When summing noise sources, it should be understood that noise levels of the same value, for example 70 dBA and 70 dBA, together will sum to 73 dBA. The same 3 dBA increase is applied to any two noise levels of the same magnitude (40 dBA + 40 dBA = 43 dBA, likewise 110 dBA + 110 dBA = 113 dBA).

Like decibel additiona, perception of noise level increases can be misunderstood. Most humans perceive increases in noise levels according to the following subjective schedule:

Increase in Noise	Subjective Interpretation
3dBA	Barely Perceptible
5 dBA	Clearly Perceptible
10 dBA	Twice as Loud

Even though the dBA measurements from two different sources have equal value, the character of the sounds can be drastically different. When comparing the human voice to airport or truck traffic, the biggest difference in character is the tonality or frequency of the noise. The trucks and planes are characterized by powerful low tones while the voice has much less powerful middle and high tones. It is this power which enables transportation traffic to be heard inside houses where the voices of equal dBA value will not be heard.

The above principals should be kept in mind during the following discussion of noise levels and impact upon the surroundings to the proposed St. Patrick's site.

District of Columbia Noise Codes

According to the District of Columbia Municipal Regulations (DCMR) Title 20 under section 2704 "Exemptions: Miscellaneous,"

"2704.8 The unamplified voice shall be exempt at all times."

Since there are no amplification devices, no amplified music, no bells, no loudspeakers, or warning devices, the "noise" of the proposed school is only that of children playing or talking in an open space. Therefore, the noise source of concern is exempt from the noise code and inherently compatible with the residential zoning.

Site Survey

On April 11, 2002, Polysonics visited the site to conduct precision sound level measurements of both the ambient noise (the level of the existing conditions, without children) and the noise level of St. Patrick's students who visited the site during the lunch time hour that day.

Measurements were made with two Bruel & Kjaer Type 2236 Integrating Sound Level meters that are capable of measuring and storing the variations in noise level over extended periods of time. The instruments were mounted on tripods and measurements taken in accordance with ANSI Standards. Both instruments were calibrated prior to the survey traceable to National Institute of Standards and Technology (NIST).

Existing 7th grade students were brought to the site during lunch period and given the opportunity to eat lunch and play. The children were not given instruction on how to act and given free reign over the open area. Resultant activity included lunch, conversation, and a touch

football game. Instrumentation was set up at the property lines to the south and to the east of the building. Measurements began before the children arrived and ended after they left. Noise levels were recorded in 1 and 10 second intervals. Traffic and aircraft were also counted and measured.

The major ambient noise sources included aircraft flying into Reagan National Airport and truck and bus traffic on MacArthur Boulevard. This site is in the direct flight path of the airport, meaning that flyovers occur immediately overhead. The flyovers were counted during the survey and in a 20 minute time period, 11 major flyovers occurred (1 flyover every 2 minutes). Similarly, truck or bus pass-bys occurred once every two minutes. For both sources, the levels ranged between 68 and 73 dBA. See the enclosed graph plotting time and dBA with associated noise source indicated. This graph is a representative sample of the ambient noise.

The noise from the children was consistent with the existing noise level at the site. The highest levels recorded were between 68 and 73 dBA. The loudest levels measured were when the football game was within 15 feet of the sound level meter during particular shouts. (See the enclosed graph plotting time and dBA with associated noise source indicated.) This graph shows a mix of children, cars, trucks, and aircraft. This graph is a representative sample of the children's noise. Notice that the lower level noises during this time are slightly higher than low-level noise during the ambient measurement. This is due in part to the student activity, however, it is also due to the elevated automobile traffic on MacArthur during the noon hour.

Comments

The airport traffic at this site is constant, beginning at 6:00 A.M. and ending at 10:00 P.M. Frequency of flyovers is higher during morning and evening rush hours and at midday. During the survey, the airport was in a "landing" mode, meaning that the planes are generally gliding without much engine use. With changes in wind direction, when the airport is in a "takeoff" mode above the site, the noise level is expected to be 10 dBA higher.

Like the aircraft, the truck and bus traffic on MacArthur Boulevard is constant from early in the morning till the late afternoon or early evening, with increased number of events during rush hours and lunch. The number of events per hour equals that of the aircraft. The high-powered low tones from both these noise sources enables the noise to penetrate windows and walls more readily than voices of children. All houses in the neighborhood are impacted by the airport traffic. All houses contiguous to MacArthur are impacted by MacArthur traffic.

Conversely, the noise from the school is minimal, mainly due to the limited time of exposure and the lower powered noise source. The noise source is only that of the human voice. There is no loudspeaker, no basketball court, no amplified music, no bells, etc. The levels are no louder than the existing truck, bus, and airport noise. The average noise level will not be increased by the presence of the children.

Given the proposed loading and unloading procedure from the shuttle bus, there is little or no impact for a period of 10 minutes at the most, morning and afternoon. This activity is well shielded by the buildings, the retaining wall along MacArthur Blvd, and other topographical features. During the lunch and break times throughout the day, the total exposure will be less

than 2 hours. This will consist of two 20 minute lunch breaks, and one study break. The maximum range of children outdoors at one time is 15 to 20. There will be no exposure at the following times:

- Prior to 7:30 A.M.
- After 5:00 P.M.
- Mid-morning
- Foul Weather
- Weekends
- Holidays
- Summer

Only those houses on unobstructed, contiguous properties will be aware of the level of noise measured during the testing. This amounts two houses. Given the impact from the airport and the roadway, persons outside and two yards away would have to listen very hard to hear any of the schoolyard activity. Persons inside homes with windows closed, in rooms which do not directly face the schoolyard, will not hear the school activity.

Barriers

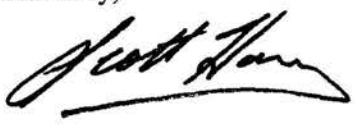
Though not considered necessary from an acoustical standpoint, new barrier fences shielding properties to the south and east could be constructed. These could be wood structures approximately 6 feet tall. The expected noise reduction to contiguous properties is between 5 and 8 dBA.

Conclusions

Noise levels from the proposed school will not increase the existing noise level on the surrounding properties and is considered a compatible use for this residential neighborhood. The human voice is exempt from the DC noise codes. In the design and programming of a school at 4925 MacArthur Blvd, St. Patricks has taken significant measures to shield and limit noise exposure. Polysonics concludes that this school use as proposed and studied is compatible with residential zoning.

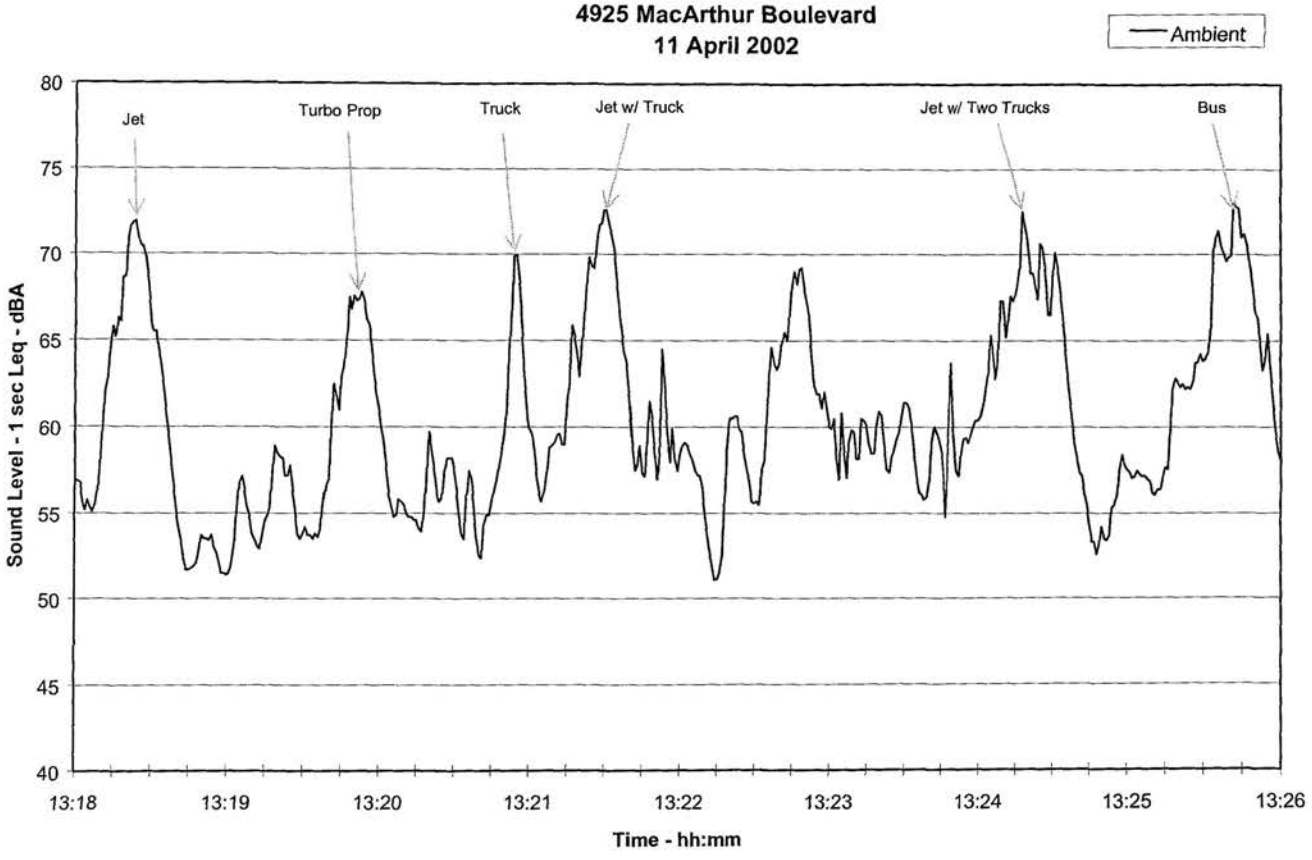
If there are further questions, please contact me directly.

Sincerely,

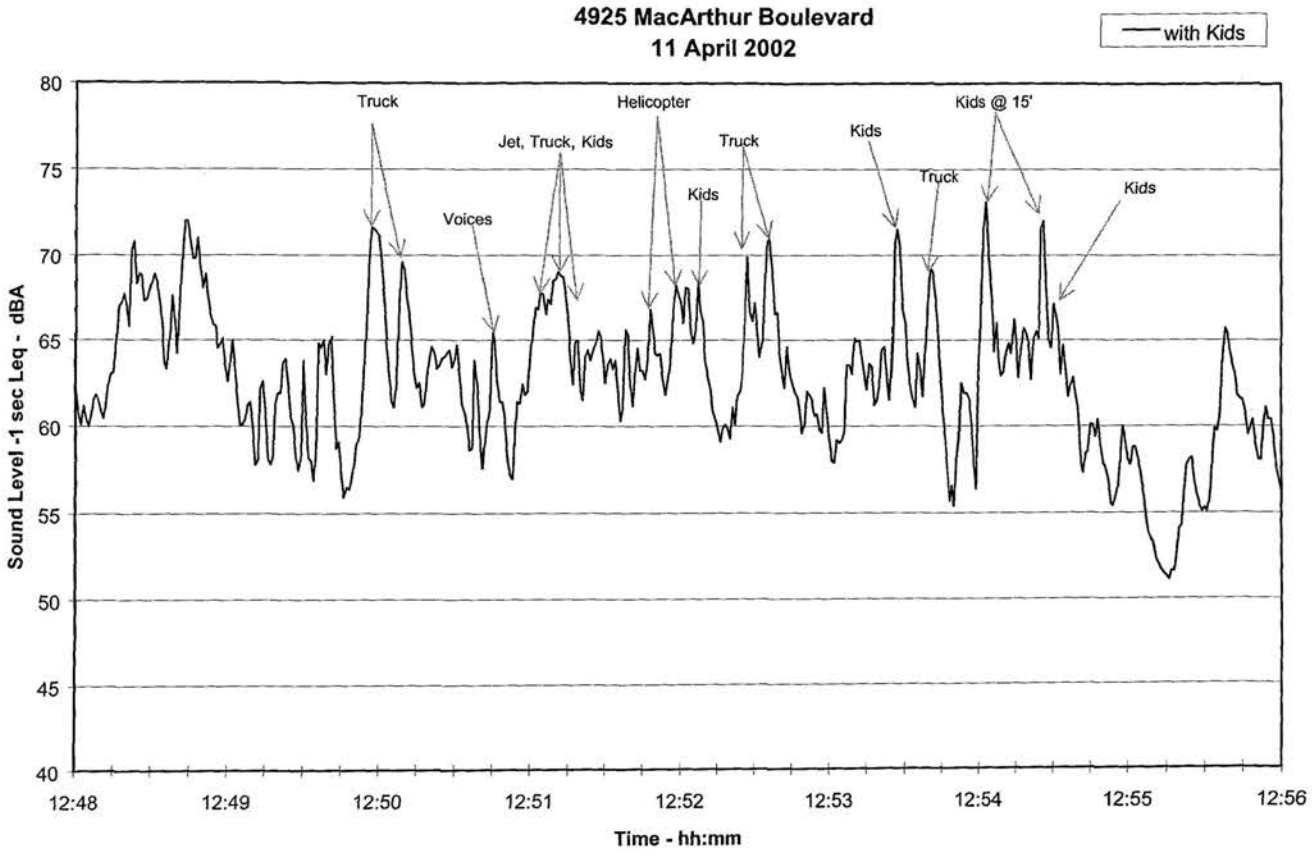


Scott Harvey, P. E.
Senior Acoustical Consultant

SBH/rc
4925 MacArt LTR.doc



Polysonics Corp.



Polysonics Corp.

ST. PATRICK'S EPISCOPAL DAY SCHOOL
CARPOOL INITIATIVE

1 May 2002 Draft

Purpose

At the core of the Carpool Initiative is an effort to change families' fundamental approach to delivering children to—and retrieving them from—St. Patrick's School, an approach that currently undervalues carpooling. That effort best begins with the afternoon carpool, where St. Patrick's can more effectively structure its first, more aggressive measures in this area and assess the results, so most of the procedural changes below are dismissal-based. However, St. Patrick's will institute additional arrival-based measures based on what it learns from the results of the dismissal-based measures, particularly if the educational and marketing efforts, as well as financial incentives for families with both Nursery School and Elementary School students, fail to achieve stated morning goals.

Goal

The immediate goal of the Carpool Initiative is to increase the average vehicle occupancy (AVO) of students dropped off at the Whitehaven Campus from the current morning AVO of 1.39 and the students picked up at the Whitehaven Campus from the current afternoon AVO of 1.34 and to an AVO of 1.60. This initial goal results from discussions with DDOT, based on the calculation which, when applied to arrival carpool, results in no net increase in vehicles with the addition of vehicles carrying Grades 7 and 8 students to the Whitehaven Campus.

[Notes regarding the Carpool Initiative's focus on dismissal measures: 1) With respect to both the length and persistence of queuing along Whitehaven Parkway, the dismissal process is by far the more problematic. Using driveway dwell time as an indicator of steady carpool flow, the Wells & Associates traffic analysis puts the average morning dwell time at 58 seconds and the average afternoon dwell time at two minutes and 35 seconds, more than two and a half times longer. 2) Afternoon dismissal provides us with an opportunity to study the effectiveness of preferential dismissal times, for which there is no appropriate corresponding morning mechanism. 3) Because student trips originate from the school, monitoring compliance with preferential dismissal times will be more direct, and the possible need to move to financial disincentives more apparent.]

Plan Elements

The Carpool Initiative will be comprised of several elements, including:

- community education,
- carpool marketing,
- preferential afternoon dismissal times for carpooling families,
- financial incentives for families with both Nursery School and Elementary School students at arrival time,
- monitoring success in meeting AVO goals,
- financial disincentives if the program fails to meet its minimum AVO goals and monitoring mechanisms for parental compliance, and
- further monitoring success in meeting AVO goals.

Community Education

This program component, which will begin in the spring of 2002, will consist of:

- a series of letters to families (currently enrolled and enrolled for the 2002-2003 school year) and *Thursday Bulletin* articles informing them of the results of the Wells & Associates traffic analysis, particularly with respect to carpooling, and establishing carpooling as a clear priority—an expectation, in fact—of the school; and
- details of the Carpool Initiative, preferential dismissal times for carpooling families and financial incentives for families with both Nursery School and Elementary School students.

Carpool Marketing

Under the revised procedures for this Carpool Initiative, the school will mail a separate transportation packet, on or about July 1, with a letter that reminds parents that carpooling is a clear priority—indeed, an expectation—of the school, reiterates the preferential dismissal times for carpooling families and financial incentives for certain families at arrival time, and strongly encourages parents to form carpools—perhaps the same carpool—for mornings and afternoons. (Existing databases enable the school to aggregate addresses in a manner that will be helpful to parents in forming carpools.) The school will revise the Dismissal Request Form, which will be included in the July 1 transportation mailing, to begin compiling information concerning arrival carpool plans.

School personnel will follow up with families, once they have submitted the Dismissal Request Form, especially those families who have indicated they will be picking up one student at dismissal time. School personnel will encourage those families to form carpools and will suggest other families with whom they might form carpools.

[In the past, during the summer registration period, parents have been asked to submit a Dismissal Request Form, which authorizes dismissal of students to particular programs or individuals. (The school issues carpool numbers based on the Dismissal Request Form.) According to prior procedures, parents received a letter in early to mid July encouraging them to form carpools, a student zip code directory for assistance in forming those carpools, and the Dismissal Request Form, along with a variety of other school information.]

Preferential Dismissal Times for Carpooling Families

Based on the revised Dismissal Request Forms and on follow-up marketing efforts, the school will know whether or not it has met its afternoon goals before the beginning of the 2002-2003 school year, likely by September 1, 2002. If the school has met those goals, or if those goals still appear attainable given the incentive of preferential dismissal times, the school will institute the preferential dismissal times in September 2002. Regular dismissals begin Monday, September 9, 2002. Preferential dismissal times will begin on that date. If those goals do not appear attainable, based on the revised Dismissal Request Form, the school will consider a system of financial disincentives, but will institute preferential dismissal times in any case.

Currently all cars retrieving students at day's end, regardless of how many students, can arrive beginning at 2:40 p.m., with dismissal beginning at 2:50 p.m. The dismissal process generally concludes at approximately 3:15 p.m. (On Fridays, parents can begin arriving at 11:50 a.m. to pick up only Nursery students, at 12:10 p.m. to pick up Nursery and Elementary School students, and at 12:20 p.m. to pick up

only Elementary School students. The Friday dismissal process generally concludes between 12:30 and 12:40 p.m.)

The Carpool Initiative provides two preferential dismissal times, based on the number of students in a carpool. Cars retrieving three or more students may arrive beginning at 2:45 p.m., with dismissal of students beginning at 2:50 p.m. Cars retrieving at least two students may begin arriving at 3:00 p.m. Cars retrieving one student may begin arriving only after 3:15 p.m. Cars arriving earlier than their allotted times will be directed to return at the proper time. The school will adjust preferential dismissal times based on the response to this initiative in order to provide preference to those carpools retrieving the largest number of students.

On Fridays under the Carpool Initiative, parents could continue to arrive at 11:50 a.m. to pick up only Nursery students. Cars picking up Nursery *and* Elementary School students or *three or more* Elementary School students could begin arriving at 12:10 p.m. Cars picking up two or fewer Elementary School students could begin arriving at 12:20 p.m.

Achieving Morning Goals

Attainment of morning goals will be apparent only with actual observation of arrival carpool, which also begins its regular operation Monday, September 9, 2002. The school will conduct those counts for the first time in late September 2002. The following section identifies one financial incentive to help the school achieve morning goals.

Financial Incentives and Disincentives

St. Patrick's is studying the use of financial disincentives for not carpooling if the Carpool Initiative outlined above fails to enable the school to achieve its minimum AVO goals. However, any program that increases the cost of attending St. Patrick's, such as financial disincentives, will have a disproportionate impact on families with the least ability to pay, especially those families that participate in the school's Financial Aid Program.

The Carpool Initiative does involve one financial incentive that would immediately increase the vehicle occupancy for certain families and reduce the overall number of vehicle trips to St. Patrick's—eliminating the Early Arrival Program fee for Nursery School students who have older siblings in the Elementary School, Kindergarten through Grade 8. Some families may now choose to make two trips, one on either side of 8:00 a.m. for their Elementary School children and the other around 9:00 a.m. for their Nursery School children, rather than pay the $750 fee. (Some families choose not to participate in the Early Arrival Program so that their Nursery children will not have such a long day.) Of the roughly 30 families (considered a low number, compared with previous years) with children currently in the Nursery School and the Elementary School who might participate in the Early Arrival Program for their Nursery children, 17 families (57 per cent) participate in the program. Without the fee for families who have both Nursery and Elementary school children, perhaps more such families would participate. Using current figures, St. Patrick's might be able to accomplish about 25 per cent of its morning goal through the use of this particular incentive.

A disincentive under consideration is requiring parents to pay an annual fee (amount to be determined, but perhaps $750, with proceeds benefiting the Palisades Community Fund and other service initiatives) for not participating in the carpool program. If the school finds it necessary to move to financial disincentives, parents would sign a contract with the school indicating their participation in the carpool program or else pay the annual fee. Preferential dismissal times for carpooling families would continue,

even if the school moves to financial disincentives to achieve its minimum AVO goal. The school reserves the right to exercise discretion in assessing the annual fee, based on financial or geographic hardship.

Performance Monitoring

Monitoring of the effectiveness of the Carpool Initiative will be undertaken randomly by the school beginning in September, through surveys of AVO during arrival and pick-up times at the Whitehaven Campus. School personnel will conduct surveys on a regular basis. The school will ask Wells & Associates to conduct AVO surveys at randomly selected arrival and dismissal times in October and December, as well as in the late winter and spring. The results of these surveys, which will be shared with Advisory Neighborhood Commission 3D and DDOT, will be used to determine if program goals are being met and, if not, to determine if amendments to the carpool program are required.

Plan Review

St. Patrick's will seek further review from ANC 3D and DDOT and of the Carpool Initiative, of an substantive revisions in the Carpool Initiative, and of data from monitoring of the program.

Carpool Initiative Timeline *through fall 2002*

Spring 2002 (May 15 through June 1) Letters to families, *Thursday Bulletin* items regarding Carpool Initiative as outlined above.

July 1, 2002 Transportation packet mailed to families. Contents include a letter reiterating the school's expectation that families form carpools and further explanation of preferential dismissal times for carpooling families and financial incentives for certain families at arrival time, a student zip code directory or other aggregation of addresses to assist parents in forming carpools, and a revised Dismissal Request Form.

August 19, 2002 Due date for submission of Dismissal Request Form.

August 19 through September 9, 2002 School personnel continue carpool marketing with families who have indicated they will be picking up one student at dismissal time.

September 9, 2002 Preferential dismissal times begin.

Late September 2002 School personnel conduct first AVO survey.

October and December 2002 (and winter and spring 2003) Wells & Associates conducts AVO surveys.

November 2002 Evaluate need for financial disincentives based on October dismissal AVO survey and implement as needed. Evaluate need for further arrival-based measures based on October arrival AVO survey and implement as needed.

DECLARATION OF COVENANTS

THIS DECLARATION, made this _____ day of _____, 2002, by ST. PATRICK'S EPISCOPAL CHURCH AND DAY SCHOOL (the "**Declarant**"), which Declaration shall constitute a covenant to run with the land, as provided by law, and shall be binding on all parties and persons claiming under it, for the benefit of the following property owners and their successors and assigns (collectively, the "**Beneficiaries**"): **[names and addresses]**

W I T N E S S E T H:

WHEREAS, Declarant is the record owner of certain real property known as Lot 823 in Square 1393 of the District of Columbia, having a street address of 4925 MacArthur Boulevard, N.W., Washington, D.C., legally and more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, Declarant has pending before the District of Columbia Board of Zoning Adjustment an application for a special exception to allow the operation a school on the Property which is known as Application No. 16852; and

NOW THEREFORE, IN CONSIDERATION of the mutual interest of the parties in restricting the enrollment on the site to sixty (60) students, and other good and valuable consideration, the receipt of which are hereby acknowledged, Declarant does hereby declare that the Property is and shall be subject to the covenants hereinafter set forth, to wit:

1. That for so long as St. Patrick's ~~shall operate a school on~~owns the Property, enrollment in ~~the~~any school on the site shall be limited to not more than sixty (60) students.

2. That the covenants contained herein are and shall be construed as real covenants and shall run with the land and shall bind the parties hereto, their successors, heirs, executors, administrators or assigns. Such covenants are not binding upon any party who no longer has a property interest in the Property.

3. That this Declaration may be modified in the future by the written agreement of Declarant and the Beneficiaries.

4. That this Declaration shall become effective and shall be recorded among the Land Records of the District of Columbia within thirty (30) days after, and only after and if a special exception is granted by the District of Columbia Board of Zoning Adjustment to Declarant for operation of a school on the Property.

IN WITNESS WHEREOF, on the day and year hereinabove first written, Declarant has caused these presents to be executed by Peter Barrett, as Declarant's true and lawful attorney-in-fact, and hereby appoints Peter Barrett, as Declarant's attorney-in-fact to execute, acknowledge and deliver these presents on its behalf.

ST. PATRICK'S EPISCOPAL CHURCH
AND DAY SCHOOL

By: _____
Peter Barrett

DISTRICT OF COLUMBIA, ss:

I, _____, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that Peter Barrett, who is personally known (or satisfactorily proven to me) to be the person named as attorney-in-fact for ST. PATRICK'S EPISCOPAL CHURCH AND DAY SCHOOL, a party to the foregoing and annexed instrument being dated as of the _____ day of _____, 2002, personally appeared before me in the aforesaid jurisdiction and by me being duly sworn did acknowledge said instrument to be the act and deed of said party and delivered the same as such.

GIVEN under my hand and seal this _____ day of _____, 2002.

_____
Notary Public

My commission expires: _____

BENEFICIARY SIGNATURE BLOCKS

IN WITNESS WHEREOF, on the day and year hereinabove first written, has caused these presents to be signed by _____, its [_____], attested by _____, its [_____], and its seal to be hereunto affixed, and hereby appoints _____ as its true and lawful attorney-in-fact to execute, acknowledge and deliver these presents on its behalf.

WITNESS / ATTEST

_____
Name:_____

HOMEOWNERS

By: _____
Name:_____
Address:_____

(CORPORATE SEAL)

DISTRICT OF COLUMBIA, ss:

I, _____, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that _____, who is personally known (or satisfactorily proven to me) to be the person named as attorney-in-fact for Homeowner, a party to the foregoing and annexed instrument being dated as of the _____ day of _____, 2002, personally appeared before me in the aforesaid jurisdiction and by me being duly sworn did acknowledge said instrument to be the act and deed of said party and delivered the same as such

GIVEN under my hand and seal this _____ day of _____, 2002.

_____
Notary Public

My commission expires: _____

Proposed Conditions for Occupancy of 4925 MacArthur Blvd. by St. Patrick's School Grades 7, 8 and 9

1. The maximum enrollment shall be limited to 60 students in grades 7, 8 and 9. Grade 9 shall be permitted only for the 2003-2004 school year. The school shall offer to record a binding covenant among the land records restricting enrollment to 60 students.

2. The maximum number of faculty and staff will be 12.

3. The building shall be open for school use from 7:30 a.m. to 4:00 p.m. Staff/faculty may arrive earlier or stay later, but in no event shall they be permitted on the premises after 6:00 p.m.~~.~~

4. No more than two major evening school events, such as back-to-school night, shall be held after 4:00 p.m. during the school year.

5. The school may not allow any outside groups or persons to rent or use any portion of the building at any time.

6. Students who do not walk to school, arrive by public transportation or arrive in a carpool with a minimum of three middle school students shall be dropped off at the gym on Whitehaven Parkway between the hours of 7:30 a.m. and 7:55 a.m. The students will then be shuttled to the Subject Property. The shuttle vehicle will arrive at the site by traveling on MacArthur Blvd. The vehicle will stop and discharge students at the existing bus stop in front of the building. The shuttle will return to Whitehaven via the approved shuttle route. The pick-up of students in the afternoon shall be from the gym on Whitehaven Parkway. Parents will not be permitted to drop off or pick up children at the Subject Property at arrival and dismissal times, except carpooling parents with at least three middle school students in the car may drop off the students at the bus stop in front of the Subject Property in the morning.

7. The Applicant shall install and operate any lighting of the parking facilities so that it is directionally downlit with minimum light candle power. The ANC, ~~and~~ the abutting property owners, and the owners of the house located at 4927 MacArthur Blvd., N.W., will be provided an opportunity to comment on any proposed lighting, fencing and signage.

8. There will be no organized sports conducted on the property. Outdoor activity on the property shall be limited to casual recreational use.

9. ~~If the school decides to operate a summer school program at the Subject Property, such program shall be limited to the months of June and July, and the first week of August, and shall be subject to the 60 student cap.~~There shall be no summer school program at the Subject Property.

10. The site shall contain 15 parking spaces. Tandem parking shall be permitted.

11. The Applicant shall coordinate with the National Park Service in developing and implementing storm water management controls.

12. There are only limited deliveries anticipated for the school. The Applicant shall schedule all deliveries to take place from 9:30 a.m. to 4:00 p.m. Monday through Friday.

13. A carpool program will be established, instituted, and monitored by the school and should be approved by DDOT. The applicant shall submit an evaluation and progress report to DDOT for its evaluation of the program on a yearly basis.

14. Buffering will be provided at the Applicant's expense and in coordination with the owners of 4913 MacArthur Blvd. The fencing will be of such that the light and air of that property is not impacted.

15. Expansion of the building will be limited to the area necessary for access as shown in the plans designated in the record as Exhibit ___.

16. Large commercial trash dumpsters are prohibited.

17. The Applicant shall establish and maintain a community liaison program consisting of representatives of the Advisory Neighborhood Commission 3D, and at least two members of the Palisades Citizens Association, two residents of Ashby Street, the two adjacent residents and any other representatives of the community. The Applicant shall conduct meetings of the community liaison members at least quarterly. Notice of the meetings shall be given to the liaison committee members and the owners of all property within 200 feet of the site.

18. The initial enrollment will be for up to 40 students. After the first year, enrollment may be increased to not more than 60 students. Prior to any increase in enrollment over 40 students, the Applicant will submit a report to the Compliance Specialist in the Office of Zoning and the representatives of the community liaison program demonstrating compliance with all conditions of approval. After consultation with the Office of Planning, DDOT, ANC-3D, and representatives of the community liaison program, the Compliance Specialist will permit the increase in enrollment if he or she concludes that the Applicant has complied with the conditions of the BZA Order.