ZONING - BZA DECISION - JUNE 1992

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15656 of the Sheridan School pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to allow an increase in the number of students of a private school from 200 to 215, and an addition containing classrooms, library, gymnasium and support facilities for a private school in an R-2 District at premises 4400 36th Street, N.W. (Square 1968, Lot 10).

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D.C. OFFICE OF ZONING
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HEARING DATE: May 20, 1992
DECISION DATE: June 17, 1992

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The site is located in the eastern portion of Square 1968 and is bounded by Yuma Street, N.W. to the south, 36th Street, N.W. to the east and Alton Place, N.W. to the north. The site is located between Reno Road and Connecticut Avenue, N.W. and is known as premises 4400 36th Street, N.W. It is zoned R-2.

2. The site is generally rectangular in shape with a frontage of 235 feet along 36th Street, 306.72 feet along Alton Place, and 265.95 feet along Yuma Street for a total lot area of approximately 70,647 square feet. The site slopes gently along Alton Place with a substantial change of grade to the Yuma Street frontage.

3. The site is currently developed with a private school for 200 students which was constructed circa 1964 pursuant to BZA Order No. 7282. By Order No. 13089 dated February 27, 1980, the Board approved the construction of an addition to the school to house two offices on the first floor and a science room on the second floor.

4. The area surrounding the subject site is primarily developed with single-family detached and semi-detached dwellings in the R-2 and R-1-B Districts. Two blocks west of the site, along Connecticut Avenue, are C-3-A and R-5-C zone districts. The Diplomatic Overlay zone is located one block southeast of the site. The University of the District of Columbia and the Van Ness-UDC Metro Station are approximately two blocks from the site.

5. The applicant is seeking a special exception to expand its current physical plant and to increase its enrollment from 200 to 215 students. No variances or other zoning relief are needed.

BZA
Case No. 16977
Exhibit No. 11

Board of Zoning Adjustment
District of Columbia
CASE NO. 16977
EXHIBIT NO. 11

6. The R-2 District primarily permits single-family detached and semi-detached dwellings. It also permits certain institutional uses, including churches and schools. Private schools are allowed as a special exception with Board approval, subject to the following provisions:

a. The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

b. Ample parking space, but not less than that required in Chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

7. The Sheridan School is a small independent school with approximately 200 students of diverse backgrounds. The school includes kindergarten through eighth grade -- a lower school, middle school and junior high school. It is a not-for-profit institution, governed by a Board of Trustees and administered by a headmaster. The school's philosophy places priority on preparing students to meet academic and personal challenges in a supportive and stimulating environment emphasizing individual growth and community responsibility. Mathematics, science, reading, writing, foreign language, computer education, physical education and athletics, art and music are integral parts of the school's curriculum. Extra curricular activities include a newspaper, computer club, year book, photography club, orchestra, sports and a mountain campus.

8. The school exists in a highly competitive academic community and seeks to maintain its reputation for offering quality education. The school is the only kindergarten though eigth grade independent school located in northwest Washington. The school has one section per grade. Class sizes average 22 to 24 students. Seventy-five percent of its families live in the District of Columbia. Approximately 37 percent of the students live within a ten- block radius of the site.

9. There are currently the equivalent of 39 full-time teachers and staff. The academic hours of operation are currently 8:30 a.m. to 3:30 p.m. Daycare programs for the students begin at 7:30 a.m. After-school daycare activities and evening programs run from 3:30 to 6:00 p.m.

10. The applicant proposes to construct an addition to the existing building to modernize the facility to meet current and future requirements. The existing building has many obsolete features and is too small to meet the school's physical needs.

11. The proposed modernization plan includes larger classrooms for fourth to eighth grades; room for computer technology throughout the school; a separate gymnasium that will still be smaller than the recommended size for a junior high school; a larger library; math room and science room; a music room insulated from outside noise and large enough for instruments and movement activities; a foreign language classroom; four small tutoring rooms; and improved storage space. The proposed modernization will also bring the building into compliance with the Americans with Disabilities Act.

12. The existing classrooms are smaller than the average square footage per student for D.C. public schools (33 square feet), Montgomery County public schools (38.08 square feet) and several independent schools with which Sheridan competes (36 to 37 square feet). The existing building contains 30 square feet of space per student for kindergarten through third grade, 21 square feet of space per student for fourth through sixth grades, and 25 square feet of space per student for seventh and eighth grades. The proposed modernization would increase the average classroom size from 26 square feet to 32 square feet.

13. The school had an enrollment of 204 students for the 1991-92 school year. The headmaster testified that the school accepts more than 200 applications per year to ensure that 200 students are actually enrolled in order to satisfy its budget needs for tuition income. The applicant requests flexibility to allow up to 215 students. The applicant testified that the school does not intend to increase its 200 student base, but desires flexibility to accommodate an increase when actual enrollment exceeds the 200 students cap by a small percentage.

14. The school sponsors approximately ten activites per year which attract 100 or more people. These events include such school-related activities as the Fall Fair, School Play, Spring Musical, etc. The school has previously leased its facility for non-school related activities such as a Jazzercize class but has discontinued such activities because of neighborhood concerns regarding noise and traffic. The school will not rent its facility for commercial activities in the future.

15. The applicant's representative testified that the school enhances the neighborhood in which it is located in that it provides an educational alternative for families in the District; its playground is open for use by nearby residents and their children; and the site provides visual open space. In addition, the school participates in community outreach, including making space available to the neighbors for a Saturday morning produce market, picking up litter in the neighborhood, visiting nearby senior citizens, providing food and clothing for needy residents

and making available, at no charge, its outdoor education center in the Shenandoah Mountains for children from the Allen Outreach Center in Anacostia.

16. The school proposes to establish a Sheridan Neighbors' Advisory Council to give the neighbors an ongoing forum to express their ideas and to hold the school accountable for compliance with the Board's order. The Advisory Council would meet on a quarterly basis, or more often, as requested by the neighborhood. The school is willing to submit to the Zoning Administrator an annual report on its compliance with the Board's order with copies to the Office of Planning and Advisory Neighborhood Commission 3F.

17. The proposed two-story addition will contain approximately 15,500 square feet to be located primarily west of the existing building. The existing school, with the proposed addition, would contain a total of approximately 37,300 square feet of gross floor area.

18. The existing height of the structure is approximately 23 feet. The proposed height of the building addition would be approximately 32 feet measured from the finished grade level at the middle of the front of the building to the ceiling of the top story. The building height measured at the new westernmost point will be 21.6 feet. The R-2 Zone District permits a height of 40 feet.

19. The R-2 Zone District has a minimum side yard requirement of eight feet. The applicant is proposing a 19-foot wide side yard along the addition's western boundary on the Alton Place side.

20. The allowable lot occupancy for a church or a public school in the R-2 District is 60 percent. The allowable lot occupancy for all other uses is 40 percent. The proposed lot occupancy of the school, with the addition, would be approximately 30 percent. The allowable floor area ratio (FAR) in an R-2 zone district is 0.9. The FAR of the proposed project is 0.53.

21. The proposed addition will be set back approximately 60 feet from Alton Place and about 53 feet from Yuma Street. It would be sited 10 to 20 feet lower than Yuma Street.

22. The applicant's architect testified that the location and design of the proposed addition was selected over several alternative schemes as having the least impact on the neighborhood and providing for the school's optimal program requirements. The location of the proposed addition to the west of the existing structure will reduce its visual impacts on the houses located to the south and east along Yuma Street.

23. The proposed addition will be constructed of brick and concrete block building materials to complement the architecture of the existing structure.

24. The height of the proposed addition will be less than 40 feet as permitted in the R-2 District. In addition, the proposed addition will have a mansard roof to reduce the visual perception of the apparent height of the building.

25. The applicant proposes to retain as much of the existing landscaping as possible. The applicant also proposes additional landscaping along the western and southern portions of the site to further screen the school from nearby residences. On the western edge, there will be a combination of evergreen shrubs and plants, a trellis with a twining vine and approximately four other trees such as pine or willow oaks. Along Yuma Street, the southern portion of the site, there will be a mixture of canopy and flowering trees with evergreen shrubs.

26. In response to the concerns expressed by neighborhood residents regarding the inadequacy of the existing landscaping, the applicant has invited neighborhood participation in the final detailing of the landscape plan for the site. In addition, the applicant began implementation of the landscaping plan with the planting of five canopy trees along Yuma Street.

27. The nearest residential structure to the proposed addition is located at 3634 Alton Place. There is a six-foot "overlap" between the proposed addition and the residential structure at 3634 Alton Street. The gym is set back 19 feet from the property line or 27 feet from the adjacent structure. The height of the residential structure at 3634 Alton Street is higher than the roof line of the proposed gym. The applicant proposes to soften the visual impact of the western walls by screening them with landscaping to resolve any visual impacts of height and bulk. The applicant submitted shadow studies indicating that shadows created by the proposed addition will have a negligible impact on the adjacent properties due to the change in topography and the shadows from the existing building.

28. The applicant's representative testified that a unified playground is an important part of the proposed plan. The proposed play area will measure approximately 38,000 square feet and will contain a paved play area, a grass play area, and playground equipment. The play area is located on the southern portion of the lot.

29. The applicant's representative testified that all deliveries and trash pick-up shall occur after 7:00 a.m. The applicant has designated a representative to be contacted in case there are any problems with the delivery and/or trash pick-up schedule.

30. The mechanical equipment associated with the proposed central heating and cooling systems will be located in the basement of the building. The applicant's expert acoustical engineer testified that it will not be audible at the northwest property line which is nearest the proposed addition.

31. There was further expert testimony that the gymnasium, which will not have windows along the western edge, will not have any adverse noise impact or create objectionable conditions on adjoining properties. Doors on the south side of the addition will be for emergency exiting only. Persons attending events will be directed to use the front entrance of the school along 36th Street.

32. The applicant's expert aeronautical engineer and aerodynamics expert testified that there will be no wind tunnel effect resulting from the relationship between the school's proposed gymnasium and the adjacent property at 3634 Alton Place. Considering the existing and proposed building geometries, the features of the surrounding terrain and the substantial number of adjoining buildings and trees surrounding the site of the addition, the expert witness concluded that no wind tunnel effect would occur.

33. The applicant's representative testified that during construction there will be no adverse impact from vibrations on neighboring property because either caissons or auger cast pile foundations will be used.

34. In December 1991, five months before the public hearing and prior to the filing of the BZA application, the applicant invited the community to review the revised plan at a number of neighborhood meetings. In early 1992, a neighborhood negotiating team was established. Negotiations were taking place up until the time of the public hearing. The major concerns expressed on behalf of the neighbors related primarily to size and scale, setback, noise from the air conditioning equipment and the gym, and landscaping. There was also concern about the school's compliance with the 1963 Order establishing the school at the site.

35. Between December 1991 and the time of the public hearing, the applicant revised its plans in an effort to respond to the issues raised by the neighbors which included increasing the setback of the building from eight to 19 feet on the side closest to the adjacent western residence; placing the HVAC in the basement of the building to eliminate noise; eliminating all windows in the

gym; eliminating all doors on the western side of the gym and one set of exit doors on the south side to reduce potential noise; placing panic bars on the on the emergency exit doors to the gym; hiring an expert landscape architect to develop a comprehensive landscaping plan; and beginning implementation of the landscape plan prior to any BZA action on the application.

36. The school's expert traffic consultant testified that there would be no objectionable conditions created by the addition of 15 students to the Sheridan enrollment. The levels of service at the intersections of 36th Street and Alton Place and 36th and Yuma Streets will remain at levels of service A during morning and evening peak hours. He testified that under the proposed plan, there will be 26 parking spaces at the site. This meets the D.C. Code requirement of two parking spaces for every three employees. Twenty-two spaces will be located on the northern portion of the site with two curb cuts along Alton Place. There will be four spaces in the circular driveway at the front of the building along 36th Street N.W.

37. The traffic consultant testified that the existing drop-off and pick-up of students is organized and efficient. A staff person meets each child and helps the child out of the car. Children are taught to cross only at the crosswalk. The school places cones by nearby driveways to ensure that parents picking up their children do not block access to neighboring properties.

38. The Office of Planning, by memorandum dated May 13, 1992, recommended conditional approval of the application. The OP was of the opinion that the proposed increase in enrollment is minimal and would not impact the surrounding area adversely. Additionally, OP was of the opinion that the proposed addition would not adversely impact the surrounding area in terms of noise, traffic or other objectionable conditions. OP noted that the applicant has agreed to meet with community representatives on a regular basis to ensure that the school's functions do not impact the area adversely. The OP recommended that approval of the application should be conditioned as follows:

a. The number of students shall not exceed 215. Of this total, the number of kindergarten students shall not exceed 50.

b. Landscaping shall be provided and maintained, particularly along the west side of the property and along Yuma Street, to effectively screen the addition from adjacent neighbors.

c. The hours of operation shall be from 8:00 a.m. to 6:00 p.m.

d. The after-hour activities on the subject site shall be restricted to those that are customary to an elementary school. Large functions shall be restricted to a maximum of 12 per year. Entrance and exit by the participants to such events shall be restricted to the existing main entrance at 36th Street N.W.

e. No moneymaking programs, such as dances, concerts or other events, shall be conducted at the school.

f. Delivery of supplies and trash pick-up shall not occur before 7:00 a.m.

g. The applicant shall maintain a continued liaison with the Advisory Neighborhood Commission to discuss and resolve community concerns regarding the conduct of the school's activities and compliance with the Board's order.

h. The school shall explore with the community the need to establish and implement a drop-off and pick-up program to alleviate traffic impacts on the area.

39. Advisory Neighborhood Commission (ANC) 3F, by letter dated May 7, 1992, and by testimony presented at the public hearing, recommended that the application be denied. The ANC was of the opinion that the granting of the application would adversely affect surrounding residences in a variety of ways including noise, traffic, appearance, inadequate setback, and casting of shadows on neighboring property. The ANC representative testified at the public hearing that the ANC's opposition to the application does not represent opposition to the School. The ANC representative urged the applicant to attempt to reach a compromise with the neighbors such as entertaining revisions to the plans for the proposed addition, to reduce the mass of the structure, and to condition its right to a certificate of occupancy to compliance with the conditions of the Board's orders.

40. The record in the case contains a petition and several letters in support of the application. Four persons testified at the public hearing in support of the application. The support was generally based on the school's positive impact on the neighborhood in terms of providing an educational alternative; its aesthetically pleasing architectural presence; and its availability to the community in terms of the use of its playground facilities and weekend farmers' market. In addition, persons in support testified that the existing facility does not have an adverse impact on the area in terms of its architecture or bulk, noise or traffic.

41. The record contains petitions and letters in opposition to the application. Ten persons testified at the public hearing in opposition to the application. The opposition is generally summarized as follows:

a. The massing and scale of the proposed addition is too large and would damage the residential character of the neighborhood;

b. The proposed addition is too close to the western property line. Because the address of the school is 36th Street, the western portion of the site should be required to meet the 20-foot minimum rear yard requirement for the R-2 District;

c. The proposed addition will create objectionable shadows on the neighboring Alton Place property;

d. The proposed addition will create an objectionable wind tunnel effect between the addition and the residence at 3634 Alton Place;

e. The gymnasium/auditorium would generate objectionable noise levels. Soundproofing the interior of the building would not alleviate the noise impact of people arriving at or leaving the gymnasium after events;

f. The industrial-size air conditioning system would be too noisy for a residential neighborhood;

g. Parking of school buses on or near school property and the pre-7:30 a.m. delivery of supplies and trash pick-up are too noisy for a residential area and should be discontinued;

h. The school creates adverse traffic conditions based, in part, on its failure to limit enrollment to neighborhood children as set forth in the 1963 Board order;

i. The school should be required to protect neighborhood residences from noise, filth, debris, and danger during the construction period. In addition, the school should be required to provide a surety bond to adequately protect the area against property damage or failure to complete the project;

j. The school must rectify any noncompliance with previous Board orders and provide a guarantee of strict compliance with any conditions imposed in any future Board orders.

42. At the conclusion of the public hearing, the Board left the record open to afford the applicant an opportunity to submit revised plans and/or a narrative explanation addressing concerns regarding massing as it relates to the residential character of the area, shadows, noise, and compliance with the conditions of the Board's previous orders; a north/south elevation of the site including landscaping; and any possible agreement or compromise between the application and the opposition to address the issues raised by the opposition.

43. By submission dated June 3, 1992, the applicant submitted materials to address the issues identified by the Board at the public hearing. The submission included a copy of the proposed site plan showing alternative locations for the proposed addition, with a written description of each plan and its impacts on shadows, massing and noise, as well as the pros and cons associated with each plan both programmatically and with respect to impacts on the site and neighborhood.

44. The applicant argued that Scheme A, as presented at the public hearing, is the best plan in terms of addressing the potential impact of an addition on the neighborhood and the programmatic needs of the school. Scheme A does not create any objectionable conditions with respect to shadow, massing or noise and is designed to best meet the needs of the school. The addition is set back 19 feet from the adjacent Alton Place property and takes advantage of the favorable topographic conditions on the western part of the site without losing canopy trees.

45. With respect to the alternative schemes, the applicant argued that Schemes B through G are unacceptable because of one or more of the following: programmatic problems with respect to the school's operations; potential adverse impacts on nearby residential properties due to massing; loss of existing trees and open green space; loss of windows to existing classrooms; and the prohibitive cost of providing underground parking.

46. Of all the alternatives proffered, the applicant argued that Alternative B represents the least objectionable plan. Alternative B would not be as efficient programmatically as Scheme A. However, Alternative B results in a setback from Alton Place 15 feet further south than Scheme A and therefore would lessen any potential impact from shadows cast by the addition on the adjacent residential structure on Alton Place or any potential "wind tunnel" effect.

47. The applicant described matter-of-right alternatives for the site which would result in major topographic disruption and up to 20 duplexes on the site. Such development could result in

additional curb cuts, less setbacks, 40 percent lot occupancy, 0.9 FAR, greater shadow impact, loss of canopy trees and open space, loss of locally available playground space and loss of on-street parking.

48. The record contains one response from a party in support of Alternative A. The support was based on the following:

a. The plan is well-conceived.

b. The addition is well-sited.

c. The proposal minimizes impacts on neighbors and the surrounding community; and,

d. The proposal is not objectionable based on the applicable standards.

49. Advisory Neighborhood Commission (ANC) 3F, by submission received on June 10, 1992, responded to the applicant's post-hearing submission, as follows:

a. The applicant has not changed its position on agreeing to condition the issuance of the certificate of occupancy on compliance with the conditions imposed in the Board's orders.

b. The alternative schemes presented by the applicant would result in very little change in terms of the impact of the proposed building mass on the immediate residential neighborhood. In addition, the proposed alternatives only depict a re-configuration of the addition on the site and do not reduce the architectural mass of the addition.

c. The applicant failed to prove that the noise from the proposed HVAC system would be within legal limits or that the noise generated from such system would not be objectionable to neighboring property owners.

d. The applicant offered no new evidence establishing that the neighbor's concerns regarding the casting of unwanted shadows on adjoining property has been addressed.

50. By submission dated June 10, 1992, several parties in opposition to the application filed a joint response to the applicant's post-hearing submission. In addition to the concerns expressed by the ANC, the parties in opposition noted the following:

a. None of the applicant's proposed alternatives reduce the mass, height, scale, noise and traffic generated by the proposed addition.

b. Neither Scheme "A" nor "B" meet the criteria set forth in the Zoning Regulations and would equally impact neighboring property in terms of noise, traffic, number of students and other objectionable conditions including mass, loss of ample parking, and destruction of trees and open space. In fact, Scheme "B" differs from Scheme "A" only with respect to siting, requires the loss of more trees, and does not reduce the mass, footprint, or impact on the neighborhood.

c. The applicant has violated the conditions imposed by the Board's previous order and the findings of fact upon which the Board based its initial decision are no longer applicable. The opposition is of the opinion that non-compliance predicts future noncompliance.

d. The applicant's enforcement proposals of providing for a neighborhood advisory council and an annual letter of compliance to the Zoning Administrator are inadequate in that they do not provide any provisions for penalties for noncompliance.

e. All of the submitted alternative schemes are objectionable to the neighbors. If the applicant would eliminate the proposed enlargement of the gymnasium, the "townhouse" plan submitted by the adjoining property owner would satisfy the educational needs of the school and would integrate the addition into the existing low-scale residential neighborhood without the adverse impacts associated with the proposed large scale development.

f. The proposed addition will exacerbate the existing adverse traffic impacts associated with the drop-off and pick-up of students to the site.

g. The applicant's proposed landscaping does not ensure adequate screening of the building nor does it guarantee proper maintenance of the landscaping once it has been provided. In addition, the applicant did not propose to extend the fencing type existing on the eastern property line to the southern property line as a supplement to the natural screening proposed.

h. The applicant has not conducted an Environmental Impact Study to ensure that the proposal will not create environmental problems such as drainage impact, erosion or flooding.

i. The applicant's proposal does not include conditions related to maintaining the HVAC system, providing adequate insurance to protect neighboring property owners during the construction period, limiting construction hours and providing parking for construction workers, and commiting to completion assurances at the financing stage of the project.

FINDINGS OF FACT:

1. The applicant has met the requisite burden of proof set forth in 11 DCMR 206 and 3108.1.

2. The layout of the building, as hereinafter conditioned, has been modified to specifically address the concerns expressed regarding the physical "overlap" between the proposed addition and the adjoining residence and the related impacts with respect to shadows and wind tunnel effect on the adjacent property. The siting and bulk of the project do not violate any area requirements of the Zoning Regulations.

3. The proposed landscaping will provide visual screening of the proposed addition and the final placement and types of trees are subject to flexibility in order to afford an opportunity to address any specific concerns expressed by the neighbors of the site.

4. The increase in the maximum number of students from 200 to 215 is minimal and is not likely to impact on the existing operation of the school in terms of noise or traffic generated by students. The proposed twenty-six on-site parking spaces comply with the requirements of the Zoning Regulations.

5. The applicant has made substantial efforts to minimize external noise impacts by placing the HVAC equipment within the basement of the building; eliminating all windows in the gym; eliminating doors on the western and southern sides of the gym; placing panic bars on the emergency exit doors to the gym; and limiting visitor access to the gym through the main entrance to the school on 36th Street.

6. After-hours functions for 100 or more persons would be limited to a maximum of 12 per year. Access to the facility during those functions would be limited to the 36th Street entrance to

minimize impacts on the neighborhood. The facility will not be available for activities such as the previous exercise class or other commercial, non-school related events.

7. The applicant is subject to all of the applicable enforcement mechanisms available to ensure compliance with this or any other order of the Board. In addition, the applicant will be further influenced by the community liaison group to be established as a condition of this approval.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires that the proposal meets the requirements set forth in 11 DCMR 206 and 3108.1, that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations, and that the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met the requisite burden of proof. As hereinafter conditioned, the project will be so located that it is not likely to become objectionable to adjoining property because of noise, traffic, number of students, or other objectionable conditions.

Based on the testimony and evidence of record, the Board also concludes that ample parking space will be provided to accommodate students, teachers, and other visitors likely to come to the Fsite by automobile.

The Board concludes that the special exception will be in harmony with the general intent and purpose of the Zoning Regulations and Map and, as hereinafter conditioned, will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that it has accorded the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is hereby **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

1. The layout of the addition shall be as shown on the plat marked as Exhibit No. 107C (Scheme B) of the record.

2. The parking layout shall be as shown on the plat marked as Exhibit No. 107A (Scheme A) of the record.

3. Landscaping shall be provided as shown on Exhibit No. 24 of the record. Additional landscaping shall be provided in the 15-foot strip of land directly abutting the

gymnasium addition between the addition and the parking area along Alton Place, N.W. All landscaping shall be maintained in a healthy growing condition. There shall be flexibility in the final placement and types of trees to permit the applicant to address any specific concerns raised by the neighbors.

4. The number of students shall not exceed 215, no more than 50 of which shall be kindergarten students.

5. The hours of operation shall be between 7:30 a.m. and 6:00 p.m., Monday through Friday.

6. Extracurricular activities shall be restricted to those customary to a kindergarten through eighth grade school. After-hours functions which would attract 100 persons or more shall be restricted to a maximum of 12 per year. During the course of such functions, entrance and exist shall be restricted to the main entrance located on 36th Street, N.W.

7. The applicant shall not make the school available for commercial functions such as dances, concerts, or other events.

8. No deliveries or trash collection shall occur before 7:00 a.m.; daily.

9. All mechanical equipment associated with the central heating and cooling systems shall be located in the basement of the school.

10. The applicant, in cooperation with the Advisory Neighborhood Commission, shall establish a community liaison group, and shall meet no fewer than four times per year. Notice of the meetings of the community liaison group shall be sent to all property owners within 200 feet of the site. The community liaison group shall be established for the purpose of discussion and resolution of any community concerns including, but not limited to the following: the conduct of the school's activities and operations; implementation of the drop-off and pick-up program; encouraging use of public transportation and carpooling by staff and students; and, compliance with the conditions of the Board's order.

11. The applicant shall submit an annual report to the Zoning Administrator setting forth its ongoing compliance with the terms of this order. The applicant shall provide copies of such annual report to the Office of Planning, ANC 3F, and all members of the community liaison group.

VOTE: 3-1 (William L. Ensign, Paula L. Jewell and Carrie L. Thornhill to grant; Angel F. Clarens opposed to the motion; Sheri M. Pruitt abstaining by proxy).

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

ATTESTED BY: _____
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: DEC 23 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15656Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 15656

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 23 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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