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OF COUNSEL
MARK J. ZWEIFLER

ADMITTED IN NEW YORK
AND NEW JERSEY ONLY

September 16, 2003

By Hand Delivery

Mr. Geoffery H. Griffis
Chairperson
D.C. Board of Zoning Adjustment
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

Re: Submission of Pre-Hearing Statement; BZA App. No. 16977 (The Sheridan School, 4400 36th Street, N.W.; Square 1968, Lot 10)

Dear Mr. Griffis:

Enclosed please find the original and twenty (20) copies of the Applicant's Pre-Hearing Statement with Proposed Conditions attached for the above-captioned matter.

Sincerely,

Lyle M. Blanchard

Lyle M. Blanchard

215002
Enclosures

cc: By First Class Mail
Ms. Catherine J. Wiss, Chairperson, ANC 3F
Mr. Carl Kessler, ANC 3F01
Office of Planning (Attn.: Mr. Steve Mordfin)

RECEIVED
D.C. OFFICE OF ZONING
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BZA
Case No. 16977
Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO. 16977
EXHIBIT NO. 45

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re:	**Application of**	**BZA Application No. 16977**
	The Sheridan School	**Public Hearing: September 30, 2003**
	4400 36th Street, N.W.	**ANC 3F**

PRE-HEARING STATEMENT OF THE APPLICANT

September 16, 2003

This Pre-Hearing Statement ("Statement") is submitted on behalf of the Sheridan School, by its attorneys, Jacques B. DePuy, Esquire and Lyle M. Blanchard, Esquire, Greenstein DeLorme & Luchs, P.C., in support of an application for a special exception and three (3) area variances described below.

I.

Summary of On-going Actions to Address Neighborhood Concerns. Since December 2000, the Applicant has held numerous meetings and discussions with its neighbors in an on-going effort to clarify the School's intentions and resolve its neighbor's concerns. From December 2002 to June 2002, these meetings were held on a quarterly basis. At the June 20, 2002 meeting, the School shared its intent to renovate the thirty-five (35) year old building on the interior and make a modest exterior increase by adding bays to the classrooms, reconfigure the on-site parking and allow a small increase in enrollment. Subsequent meetings or discussions with neighbors were held on July 29, October 1, and December 12, 2002, March 6, May 8, May 27, May 28, in early June, July 2, July 16, August 29, and September 10, 2003. Numerous additional meetings and telephone discussions were held with individual neighbors throughout this period.

The result of these many meetings and discussions are (A) a detailed landscaping plan, which the School has already started to implement as a show of "good faith" to its neighbors, (B) a revised parking plan which is designed to respond to neighborhood concerns and (C) a set of conditions which the Applicant is willing to comply with as part of the Board's order. (See the "Proposed Conditions to B.Z.A. Order Approving Application of Sheridan School for a Special Exception and Variances" attached hereto as Exhibit "A".) ("Proposed Conditions") These Proposed Conditions are the culmination of long and fruitful negotiations with the School's neighbors, the affected ANC 3-F Single Member District Commissioner, Carl Kessler, and ANC 3-F Chair, Catherine J. Wiss.

The Proposed Conditions readopt and tighten the conditions in the Board's prior order (Application No. 15656, December 23, 1992) and establish additional conditions for the School, including with respect to hours of operation, deliveries, trash collection, notification of events, types of events, heating and cooling system, community liaison meetings, annual report, school bus parking, use of entrances and exits, use of the playground, and public transportation incentives. In addition, the Applicant has agreed to separate agreements concerning landscaping and construction management. (See the "Sheridan Landscaping Plan Conditions" and "Sheridan Construction Management Plan" attached hereto as Exhibit "B" and Exhibit "C", respectively.) The Proposed Conditions and the referenced agreements illustrate the level of commitment the Applicant has made to its neighbors to ameliorate their concerns and to ensure the relief requested will not be objectionable to adjoining and nearby property.

As a result of the foregoing, the School will ask the BZA at the public hearing to approve the revised landscaping and parking plans submitted on July 31, 2003 and to adopt the Proposed Conditions as part of its order.

II.

Summary of Initial BZA Application Filed on December 3, 2002. The initial BZA Application filed on December 3, 2002 ("Initial BZA Application") sought a special exception pursuant to Sections 3104.1 and 206 of the Zoning Regulations to allow an existing private school to do the following:

(i) add one thousand two hundred (1,200) square feet of gross floor area ("GFA") to an existing building,

(ii) modify the site plan to create a student "drop off/pick up" lane and reconfigure the parking area in front of the School along 36th Street, N.W. in order to add two (2) additional parking spaces, and

(iii) increase the maximum number of students enrolled in the School from 215 to 226.

No variances were sought in conjunction with the Initial BZA Application.

Summary of Revised BZA Application Filed on July 31, 2003. The Revised BZA Application seeks the same special exception relief sought by the Initial BZA Application with two exceptions, one of

which is an addition and one of which is a deletion. Specifically, the Revised BZA Application seeks a special exception pursuant to Sections 3104.1 and 206 of the Zoning Regulations to allow an existing private school to do the following:

(i) add one thousand two hundred (1,200) square feet of gross floor area ("GFA") to an existing building,

(ii) reconfigure the parking area in front of the School along 36th Street in order to add four (4) additional parking spaces,

(iii) increase the maximum number of students enrolled in the School from 215 to 226, and

(iv) increase the number of students who may be enrolled in the School's CASA summer educational program in excess of one hundred (100) students (to a maximum of 226 students).

The Revised BZA Application no longer seeks approval of a modification of the site plan to create a lay-by lane in the right-of-way of 36th Street, N.W.

The Revised BZA Application also seeks approval of the following three (3) area variances pursuant to Section 3103:

(i) a variance from the requirement that each required parking space shall be accessible at all times directly from improved streets or alleys pursuant to Section 2117.4,

(ii) a variance from the requirement that each required parking space shall be a minimum of nine feet in width and nineteen feet in length pursuant to Section 2115.1 and

(iii) a variance from the requirement that an elementary or junior high school provide two (2) parking spaces for each three (3) teachers and other employees pursuant to Section 2101.1.

As is discussed in more detail below, Sheridan School seeks variances from the requirements of Section 2117.4 and 2115.1 in order to maximize the number of parking spaces provided on site and to minimize or eliminate the need for off-site (i.e., street) parking. [See revised parking plan, labeled "Proposed Parking Revisions prepared by Hickok Warner Cole Architects, attached as Exhibit "A" to the July 31, 2003 Amended and Restated Statement.] The applicant also seeks a variance from the parking requirement for the limited purpose of permitting a modest growth in the maximum number of faculty and staff from fifty-five (55) faculty

and staff to sixty (60) faculty and staff over the next ten (10) years (i.e., through 2013). No variance from the parking requirement is necessary to accommodate the School's current number of faculty and staff.

III.

Existing Zoning Authority. The Sheridan School has been operating at 4400 36th Street, N.W. (Square 1968, Lot 10) ("Property") for almost forty (40) years. Its use of the Property was first authorized by the Board of Zoning Adjustment ("BZA" or "Board") in Appeal No. 7282 dated May 21, 1962. This order allowed a maximum number of 200 students. In Application Number 13089, dated February 27, 1980, the BZA allowed the Sheridan School to construct an addition consisting of two staff offices (first floor) and a science laboratory (second floor). In 1992, the Board approved an increase in student enrollment from 200 to 215 and the construction of an addition containing classrooms, a library, a gymnasium and support facilities. (See Application No. 15656 dated December 23, 1992). [Copies of the aforementioned BZA orders were attached to the Initial BZA Application.]

On March 6, 2003, the School submitted a report to the Zoning Administrator setting forth in detail its compliance during calendar year 2002 with all applicable zoning orders. [See Exhibit "B" attached to the July 31, 2003 Amended and Restated Statement.]

IV.

Existing and Intended Use. The Sheridan School currently uses the existing building on the Property as a private school for kindergarten through eighth grades (i.e., lower school, middle school and junior high school). The School is a small independent school with approximately 205 students of diverse backgrounds. Approximately sixty (60%) of the School's students live in the District of Columbia.

The Revised BZA Application seeks Board approval for the following:

(a) the construction of several small bay additions to existing classrooms -- in order to increase the size and versatility of these classrooms,

(b) a reconfiguration of a small parking area in front of the School in order to accommodate eight (8) vehicles and a reconfiguration of a parking lot on Alton Place in order to

accommodate twenty-nine (29) vehicles -- to accommodate the School's parking requirement on site,

(c) an increase in the maximum number of students authorized at the School from 215 students to 226 students -- in order to assist the School in the stabilization of its annual finances,

(d) approval of the number of students who may be enrolled in the School's CASA summer educational program in excess of one hundred (100) students (to a maximum of 226 students) -- to expressly authorize a program that has been operating at the School for eight (8) years, and

(e) variances from the requirements that each required parking space must be nine feet in width and nineteen feet in length and directly accessible to a street or alley -- so that the School can provide tandem, compact and subcompact car spaces in parking lots on Alton Place and 36th Street, thereby relieving or eliminating parking pressures on neighborhood streets.

V.

Statement of Satisfaction of Burden of Proof for Zoning Relief Sought. The Applicant submits that, based upon (i) its Revised Application and the materials submitted in conjunction therewith, (ii) this Pre-hearing statement and materials, (iii) the evidence to be presented at the public hearing and (iv) other evidence to be submitted subsequent hereto, it will satisfy and comply with the applicable legal standards and burden of proof for a special exception and the three area variances.

A. Special Exception. The Application submitted by Sheridan School will satisfy the requirements of Section 3104.1 of the Zoning Regulations that require the special exception to "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps...." In addition, the Application will comply with the requirements of Section 206 of the Zoning Regulations. This section requires that the School "shall be so 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" and that "ample parking space, but not less than that required in chapter 21 of this title [of the Zoning Regulations], shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile."

The proposed additions, in the form of bays which will add only one hundred fifty (150) square feet to each of eight (8) classrooms, are very modest in size. The increase in the gross floor area of the School building as a result of the construction of these new bays is only four (4%) percent. In addition, three of the new bays face the large playground on the south side of the School building and are separated from the closest dwellings, which are located across Yuma Street, N.W., by approximately two hundred and forty (240) feet. The three new bays that face Alton Place, N.W. are separated from the closest dwellings by Alton Place and approximately one hundred (100) feet. Furthermore, it is not anticipated that the normal day-to-day activities that will occur in the enlarged classrooms -- which are currently used for kindergarten, first, second and third grades -- will cause any noise that will be heard by the residents of nearby houses. In fact, the new construction will result in better soundproofing because of the use of thicker glazing on classroom windows. As a result, such additions will not "become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions" and "will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps...."

The modification of the site plan in order to reconfigure the School's main parking lot on Alton Place, N.W. and a small parking area in front of the School on 36th Street, N.W. is for the purpose of satisfying parking requirements on site and eliminating or minimizing parking pressures on nearby streets. The reconfiguration of these two parking areas will increase the number of parking spaces on School property from 26 to 37 spaces, a 42% increase in the number of spaces provided on site. This site plan modification will thus be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps."

The increase in the maximum number of students allowed to be enrolled (i.e., from 215 to 226) will not cause objectionable conditions or adversely affect neighboring or nearby property. First, the number of additional students requested is small, both in absolute and percentage terms. On a percentage basis, the increase is a modest 5.1% and on an absolute basis the increase is only eleven (11) students. In addition, because it is anticipated that the increase in the maximum number of students will not necessarily result in 226 students being enrolled during each and every year, this number will act as a "cap". Fewer students may actually be enrolled from year to year. Such an increase does,

however, provide flexibility to the School in its admissions process.

The Revised BZA Application also seeks special exception approval of, and establishment of a "cap" on, the number of students who may be enrolled in the School's CASA summer education program in excess of one hundred (100) students. The new "cap" would limit the summer program to a maximum of 226 students. The CASA summer program has been operating at Sheridan for the past eight (8) years without any limitation on the maximum number of students. At present, the CASA program offers educational services in two (2) three and one half week sessions from late June through early August. During the 2002 summer session, approximately 192 students attended each session.[1] Summer educational activities include arts, cooking, computers, creative writing, dance, music, painting, photography and sports. The CASA program requires fewer teachers and staff than are provided from September through June. As a result, the parking lots are generally not fully utilized. In addition, the same drop-off and pick-up system used during the September through June months are utilized during the summer months of the CASA program.

B. Variance Relief.

Under D.C. Code § 5-424(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

> (1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan. *French v. District of Columbia Board of Zoning Adjustment*, 658 A.2d 1023, 1035

[1]By letter dated December 30, 2002, the former Zoning Administrator, Mr. Robert W. Kelly, advised the School that "BZA approval would be required" if Sheridan offers "daily activities for over 100 students" as a part of the CASA program. (Emphasis added.) [A copy of a December 26, 2002 letter from Sheridan's attorneys to Mr. Kelly regarding the CASA summer program and Mr. Kelly's reply were attached as Exhibit "C" to the July 31, 2003 Amended and Restated Statement.] As a result of Mr. Kelly's letter, Sheridan amended its application to seek the relief directed by Mr. Kelly.

(D.C. 1995), *quoting* Roumel v. District of Columbia Board of Zoning Adjustment, 417 A.2d 405, 408 (D.C. 1980). *See, also,* Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment, 534, A.2d 939 (D.C. 1987).

The Applicant meets the tests for the requested area variances for the following reasons:

Unique Property Conditions. The subject property is unique because of the steep slope and dramatic change of grade that exists along the south side of the property. This slope and change of grade result in a hillside along Yuma Street that is unusable for any purpose. Specifically, with respect to the three (3) variances sought with respect to parking, this area along Yuma Street cannot be used for any parking spaces or as a driveway leading to any parking spaces. The area which constitutes the unusable hillside along Yuma Street comprises approximately fifteen percent (15%) of the area of the Sheridan site.

Practical Difficulties Encountered by the Owner. As a result of the unique lot conditions described above, the Applicant is not able to provide any additional parking areas on the site other than the parking lots currently provided along Alton Place and 36th Street, N.W. The area between the steep hillside along Yuma Street and the School's building is occupied by a portion of the school building and by outdoor play areas. These outdoor play areas are used by Sheridan students during school hours and by neighborhood families after school hours and on weekends. The remainder of the site is occupied by the School building, the small parking lot in front of the School on 36th Street, the main parking lot along Alton Place and by landscaped areas. Thus, there is no additional land on which to locate full sized parking spaces or non-tandem spaces.

As a result of such practical difficulties, the School seeks the following variance relief:

(i) a variance from the requirement that each required parking space shall be accessible at all times directly from improved streets or alleys pursuant to Section 2117.4,

(ii) a variance from the requirement that each required parking space shall be a minimum of nine feet in width and nineteen feet in length pursuant to Section 2115.1 and

(iii) a variance from the requirement that an elementary or junior high school provide two (2) parking spaces for each three (3) teachers and other employees pursuant to Section 2101.1.

The first variance is sought so that the School can provide tandem spaces in its main parking lot on Alton Place and the second variance is sought in order to allow the School to provide compact car parking spaces. This approach will maximize the total number of parking spaces that the School can provide on site, in both instances to relieve or eliminate pressures to park on neighborhood streets. The third variance is sought for the limited purpose of permitting a modest growth in the maximum number of faculty and staff from fifty-five (55) faculty and staff, the current level, to sixty (60) faculty and staff over the next ten (10) years (i.e., through 2013). No variance from the parking requirement is necessary to accommodate the School's current number of faculty and staff.

No Substantial Detriment or Impairment. None of the area variances will cause substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zoning plan.

With respect to the request to allow tandem parking in the main parking lot on Alton Place, the School has been employing a "stacked" arrangement, in which cars are parked in the drive aisle, for many years without adverse impact on the surrounding neighborhood and with few complaints. The tandem arrangement will allow the drive aisle to be unobstructed. The parking lot is currently striped to accommodate twenty-two (22) parking spaces, including one handicapped space. The tandem arrangement, in conjunction with the use of compact car spaces (discussed below), allows seven (7) additional cars to park in this parking lot. Thus, when fully utilized, the parking lot on Alton Place will accommodate 29 vehicles. With the addition of the eight (8) parking spaces provided in the small lot on 36th Street, the School will be able to provide a total of thirty-seven (37) parking spaces on site. The School believes that, by maximizing available parking on site, it will relieve overflow parking pressure on nearby streets and eliminate or minimize the need for curbside parking by School faculty and staff.

Based on the requirement of two spaces for every three employees, the School is in full compliance with the parking requirement based on its current level of faculty and staff. Specifically, the School currently has fifty-five (55) full time and part time staff (including six (6) outside contractors who are

technically not "employees"). Thus, thirty-seven (37) spaces are required and 37 spaces are provided. [See the revised parking plan attached as Exhibit "A" to the July 31, 2003 Amended and Restated Statement.] However, to accommodate any growth in faculty and staff, even modest growth, would require a parking variance - solely for the purpose of authorizing such future growth. Thus, it would be necessary to provide forty (40) parking spaces on site to accommodate sixty (60) faculty and other employees -- the maximum number anticipated by Sheridan through 2013. However, the two parking lots on Alton Place and 36th Street cannot accommodate such three (3) additional parking spaces. Therefore, a variance of three (3) spaces is requested.

It should be pointed out that the record in the 1992 BZA Application Number 15656 indicates that twenty-six (26) parking spaces were provided[2] for the "equivalent" of thirty-nine (39) fulltime teachers and staff. This satisfied the required ratio of two parking spaces for every three employees. However, the School has adopted a more conservative methodology for determining its current parking requirement, by counting tutors and kitchen personnel who are not "employees" as its staff, and has thus determined its parking requirement to be based on fifty-five (55) faculty and staff. To provide the required thirty-seven (37) parking spaces on site based on the current number of employees and to provide the required forty (40) parking spaces necessary to accommodate a modest growth in faculty and staff through 2013 to sixty (60) employees, the School must currently provide tandem, compact and subcompact spaces in its lots on Alton Place and 36th Street and seek a variance of three parking spaces to accommodate its faculty and staff growth through 2013.

Furthermore, in support of the statement above that no substantial detriment to the public good will result if the variances are granted, as indicated in the Transportation Study prepared by Wells & Associates, LLC dated July 30, 2003, and submitted the Board on July 31, 2003:

(a) 36th Street at Yuma Street and Alton Place currently operates at acceptable levels of service, at less than a third of capacity;

[2]Twenty-two (22) spaces were provided in the main lot on Alton Place and four (4) parking spaces were provided in the small lot on 36th Street immediately in front of the entrance to the School.

(b) the Sheridan School and street peak hours do not coincide;

(c) the proposed increase in enrollment to 226 students would have no significant adverse traffic impacts and would not be objectionable;

(d) safe and efficient traffic and pedestrian flows were generally observed in the vicinity of the School on school days, and

(e) with specific respect to the variances regarding tandem and compact spaces and from the parking requirement to accommodate a modest future growth in faculty and staff, the potential spillover onto adjacent public streets would be modest and inconsequential (i.e., only three or four cars) and there is ample, vacant on-street parking available at all times of day.

Finally, the Applicant has agreed to screen and landscape the parking lot on Alton Place so as to make the parking lot less visible to neighbors. [See the landscaping plan attached as Exhibit "D" to the July 31, 2003 Amended and Restated Statement.] The landscaping plan also clearly shows that the School has agreed to increase the screening of its property generally and to maximize the landscaping provided on the site so as to make its use unobjectionable to neighboring and other surrounding properties. In addition, the School has agreed to screen the trash enclosure and transformer and beautify this area. (See the Sheridan School Trash Enclosure plan attached hereto as Exhibit "D".)

VI.

Witnesses. The following witnesses will testify in support of the Application:

1. Mr. Randy Plummer, Head of School

2. Mr. Brian Barlia, Member of the School Board of Trustees

3. Michael Hickok, AIA, Hickok Warner Cole Architects

4. Martin J. Wells, P.E., Wells & Associates, LLC

VII.

Conclusion. For the reasons set forth above, the Sheridan School, by and through counsel, submits that its Application has

satisfied (and will satisfy) all applicable zoning requirements and the burden of proof for a special exception and the requested parking variances and, therefore, that the Application should be granted.

Respectfully Submitted,

By: _____
Jacques B. DePuy

By: _____
Lyle M. Blanchard

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Pre-hearing Statement of the Applicant was mailed, first-class, postage prepaid this 16th day of September 2003 to:

Advisory Neighborhood Commission 3F
c/o Catherine J. Wiss, Chairperson
4401-A Connecticut Avenue, N.W., Box 244
Washington, DC 20008

Mr. Carl Kessler, ANC 3F01
3636 Alton Place, N.W.
Washington, DC 20008

Mr. Stephen Mordfin
Office of Planning
801 North Capitol Street, N.E.
Fourth Floor
Washington, DC 20002

Lyle M. Blanchard

214665

Exhibit "A"

Proposed Conditions to B.Z.A. Order Approving Application of Sheridan School for a Special Exception and Variances

(Attached)

PROPOSED CONDITIONS TO B.Z.A. ORDER
APPROVING APPLICATION OF SHERIDAN SCHOOL
FOR A SPECIAL EXCEPTION AND VARIANCES

B.Z.A. APPLICATION NUMBER 16977

1. The classroom additions, constituting approximately 1,200 square feet of gross floor area, shall be as shown on the site plan prepared by Hickok Warner Fox dated July 29, 2003 marked as Exhibit __ of the record and the floor plans and elevations prepared by Hickock Warner Fox dated October 14, 2002 and marked as Exhibit __ of the record.

2. The parking layout of the small parking area in front of the school building on 36th Street, N.W. and the main parking area on Alton Place, N.W. shall be as shown on Exhibit __ of the record. The applicant shall ensure that such parking areas are used in the manner depicted on Exhibit __ and specifically that the drive aisle in the lot on Alton Place is not used for the parking of motor vehicles. The parking area on Alton Place shall only be used during school hours by faculty and staff. During after school hours, such parking area may be used by school visitors, parents and members of the board of trustees.

3. Landscaping shall be provided as shown on a landscaping plan prepared by Hickok Warner Cole dated July 16, 2003 marked as Exhibit __ of the record and the applicant shall comply with such plan. All landscaping shall be maintained in a healthy growing condition and replaced when and as necessary pursuant to and in accordance with the landscaping conditions marked as Exhibit __ of the record.

4. The number of students (including students enrolled during the customary school term from September to June and during the CASA or similar summer program between June and August) shall not exceed 226, no more than 50 of which shall be kindergarten students. Notwithstanding the foregoing, such number of students shall not exceed 215 during the 2004-2005 school year and 220 during the 2005-2006 school year and, furthermore, the applicant shall complete the landscaping plan marked as Exhibit __ and the revisions to the parking lots on Alton Place, N.W. and 36th Street, N.W. marked as Exhibit __ prior to any increase in enrollment above 215 students. For the purpose of this paragraph, students shall be defined as those children who are enrolled in the school or participate in summer school or summer camp activities (including, but not limited to, children who pay tuition or receive scholarships).

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

6. Evening and weekend activities or events shall be restricted to those activities and events that are customary to an elementary school (kindergarten through eighth grade). Activities or events which would attract 50 or more persons or 25 or more vehicles shall be restricted to a maximum of 12 per year. During such activities or events, ingress and egress shall be restricted to the building's main entrance on 36th Street, N.W. The applicant shall notify all persons on the List of Neighbors (as defined in Paragraph 10 below) of all planned activities or events described in this paragraph at least one week in advance of such activities or events by mail or electronic mail.

7. The applicant shall not rent or make the school or its facilities available for commercial or profit-making functions or activities such as dances, concerts, exercise classes or other events. This paragraph shall not be construed to limit or affect the CASA or any similar summer educational program or summer camp traditional to an elementary school offered by the applicant.

8. No trash collection shall occur prior to 9:00 a.m. or any later than 6:00 p.m. Monday through Friday. No pickups or deliveries shall occur at any entrance to the building located on the north side of the building (i.e., facing Alton Place, N.W.) prior to 9:00 a.m. or any later than 6:00 p.m. Monday through Friday. The applicant shall post a sign adjacent to the door that is located nearest to the parking lot on Alton Place, N.W. indicating that no deliveries shall be accepted at such location except during such hours. Deliveries of produce, perishable goods or similar items that are time-sensitive may be accepted at the building's main entrance on 36th Street between 7:00 a.m. and 9:00 a.m. on an occasional "as-needed" basis. No deliveries shall be made during the weekend or school holidays.

9. 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) provided that the operating noise of any new or replacement HVAC equipment is no greater than the noise generated by any HVAC equipment it replaces, such HVAC equipment is screened from neighboring property and such HVAC equipment 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.

10. The applicant, in cooperation with the Advisory Neighborhood Commission, shall maintain and continue a community liaison group to report on the applicant's compliance with the

conditions of this order, to provide a forum for residents of neighboring and nearby property to express their concerns about the operations and activities of the applicant and to notify such residents of upcoming special events of the applicant. The community liaison group 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 or occupants located in the 3500 and 3600 blocks of Yuma Street, N.W., the 3500 and 3600 blocks of Alton Place, N.W. and the 4300, 4400 and 4500 blocks of 36th Street, N.W. ("List of Neighbors") at least two weeks prior to such meetings by mail or electronic mail. The community liaison group shall discuss and attempt to resolve 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; use of public transportation and carpooling by faculty and staff; implementation of the landscaping plan and ongoing maintenance and replacement of plant material; compliance with the conditions of this Order; traffic reduction and traffic safety; and other issues of interest or concern to residents of the neighborhood pertaining to the operations and activities of the school. Such meetings shall also be used by the applicant to notify the community of upcoming special or other events. To ensure accurate information is made available to residents of the neighborhood, the applicant shall take detailed minutes of all meetings of the community liaison group and transmit such minutes by mail or electronic mail to the List of Neighbors. Such minutes, as well as the List of Neighbors, shall be maintained for a minimum of 2 years by the school and shall be made available for public inspection. In addition, an annual schedule of the meetings of the community liaison group shall be transmitted during September of each year to ANC 3-F and the List of Neighbors. The notices required in this paragraph shall be in addition to, and not instead of, any notices required by any other paragraph. Notwithstanding the foregoing, the applicant shall have no obligation to notify any property owner or occupant included on the List of Neighbors in the event such owner or occupant has notified the applicant in writing that it does not wish to receive further notices.

11. The applicant shall submit an annual report to the Zoning Administrator no later than March 1st of the next following calendar year setting forth its ongoing compliance with each and every condition of this Order. The applicant shall transmit copies of such annual report to the Office of Planning, ANC 3F and any person who is included on the List of Neighbors by mail or electronic mail. The annual report shall provide detailed information on the number of students enrolled (by range and average number enrolled) and a breakdown of faculty and staff by fulltime, parttime and contract basis (for those contract personnel who work more than 10 hours per week on average). Each annual report shall list the number of written complaints or allegations of non-compliance received by the applicant during

the prior year, describe the nature of such complaints or allegations and attach a copy of each complaint.

12. No school bus or van shall be parked on the subject property after school hours unless the arrangements for off-site bus parking are terminated by the owner of such site (or other third party who controls such site) and the applicant is unsuccessful in making arrangements for alternative off-site parking for such bus or van. In the event the arrangements for off-site parking are terminated, the applicant shall use good faith efforts to promptly make alternative arrangements for off-site parking for such bus or van. In the event a school bus or van is parked on the subject property pursuant to this paragraph, the applicant shall report to the community liaison group with respect to its good faith efforts to make alternative off-site parking arrangements within 14 days of the parking of a bus or van on the subject property and thereafter on a biweekly basis until the bus or van is relocated to an off-site property. Notwithstanding the foregoing, in no event shall a school bus or van be parked (i) on any residential streets within the boundaries of ANC 3-F or (ii) or on the subject property after school hours for any period longer than 60 days.

13. The applicant shall use its best efforts to ensure that all students enter and exit the school building by means of either the 36th Street entrance or the playground doors that are closest to 36th Street and that face Yuma Street, N.W. The applicant shall use its best efforts to encourage faculty and staff to enter and exit the school building through (i) the doors located on 36th Street, (ii) the doors that are adjacent to the Yuma Street playground or (iii), if such faculty and staff park in the parking area on Alton Place, N.W., the doors that are adjacent to such parking area. Notwithstanding the foregoing, any students, parents, visitors, faculty or staff who travel to the subject property by means of bicycle and who use any bicycle rack located on the Alton Place (north) side of the school building may use doors on such side of the building to enter and exit the school building.

14. The applicant shall make the playground on the Yuma Street (south) side of the school building available to the community at all times during non-operational hours (i.e., after 6:00pm to dusk Monday through Friday and during daylight hours on weekends and school holidays) except when a school event is scheduled during such hours. This paragraph shall not be deemed to authorize or require dog walking, skateboarding or in-line skating on school property if prohibited by the applicant and shall not require the applicant to install any fencing or take any actions to secure or protect its playground (other than such actions as have customarily and historically been undertaken by the applicant).

15. The applicant shall comply with, implement and enforce the construction management plan dated September __, 2003 marked as Exhibit __ of the record during the period of the construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.

16. The applicant shall have flexibility to make minor revisions to any plans submitted in the record for renovations, rehabilitation or replacements located in the interior of the school building provided that such revisions are not visible from adjacent or nearby property, do not require any new or additional zoning relief and do not violate any conditions set forth in this order.

17. The applicant shall use its good faith efforts to provide incentives to faculty and staff to take public transportation or to carpool to and from the subject property (including, but not limited to, offering the MetroChecks program). The applicant shall post signs adjacent to a minimum of 3 parking spaces in the Alton Place parking lot reserving such spaces for, or giving priority to, persons who carpool.

18. The applicant shall comply with, implement and enforce the traffic management plan contained in a letter from the school to Sheridan parents dated September 30, 2002 marked as Exhibit __ of the record provided, however, that the applicant shall have the flexibility to update and revise such plan based upon generally accepted traffic management principles and policies after consultation with the community liaison group referenced in Paragraph 10 above and, if necessary, the District Department of Transportation.

SHERIDAN SCHOOL

September 30, 2002 HEAD OF SCHOOL'S OFFICE

Dear Sheridan Parents,

We need your help. Safety for our students and your children has to be our primary concern. In addition, we have been working closely with our neighbors to foster good relations and a spirit of cooperation. We need their support when we go to the zoning commission with any plans we have for future renovations to Sheridan's campus. It is in the spirit of safety and neighborliness that I write this entreaty for your support.

The traffic situation near and around the school must be improved. At present, it is dangerous and causes a great deal of inconvenience for our neighbors. After much consultation, the following measures will cause the least amount of disruption and will make a positive difference.

Drop-off/Arrival in the Morning:

- **Please do not park your car on the school-side of 36th** street and walk your child into the school or leave the car unattended for any reason.
- **You may park BRIEFLY across from the school to walk your child to the crosswalk** at the corner of Alton and 36th Streets, where we will have a crossing guard to help the children across. **Please do not let your child cross in the middle of 36th Street.**
- Please park on 36th Street **on the other side of Alton or Yuma**, or park on Alton or Yuma Streets if you are going to leave your car and come into the school.
- **Please, no U-turns on 36th Street in front of the school or parking in front of driveways.**

Dismissal/Pick-up in the Afternoon:

- **Please do not park on either side of 36th Street in front of the school** if you are leaving your car and coming into the school to meet your child at one of the playground gates.
- **You may park on the school-side of 36th Street in front of the school and remain in your car if you have arranged for your child (or carpool) to come out from the dismissal gate to the curb on the school side of 36th Street.**
- Please **do not park in front of driveways or on the lawns of any neighbor's homes**.

We will have school personnel out in front of the school to help facilitate arrival and dismissal. These measures allow us to remain faithful to the community culture of Sheridan, where parents and children can greet each other in friendship, particularly at the end of the day, while moving traffic and children in a safe and expedient way.

Thank you in advance for your help!

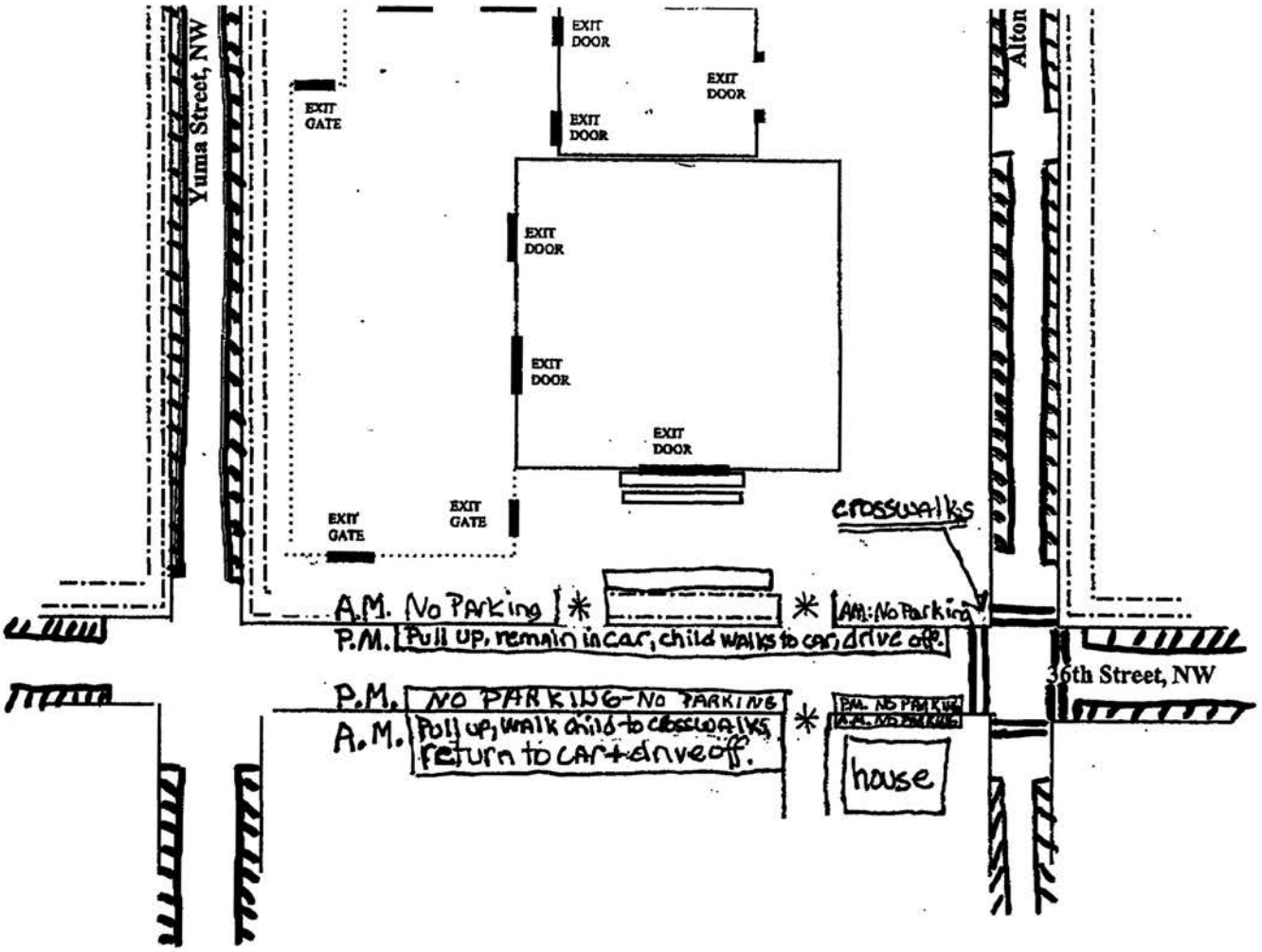
Randy

Randy Plummer

SEE MAP ON REVERSE

SHERIDAN SCHOOL EST. 1970

4400 Thirty-sixth Street, N.W., Washington, D.C. 20008 • 202/362-7900 • Fax: 202/244-9696



Parking (leave car unattended) permitted according to posted parking signs.

* Do NOT Block Driveways.

Exhibit "B"

Sheridan Landscaping Plan Conditions

(Attached)

Sheridan Landscaping Plan Conditions

Exhibit No. to BZA Application Number 16977

The Sheridan School ("School") and its officers, trustees, employees, agents, contractors, subcontractors, and employees of contractors and subcontractors shall agree to and undertake the following:

1. The School shall continue the planting of trees, shrubbery and all other plant materials -- for the purpose of screening the School building and playgrounds from adjacent and nearby residential properties -- which commenced on or about July 2, 2003 as a show of "good faith" by the School to its neighbors prior to the public hearing in BZA Application No. 16977. Such planting is a portion of the landscaping described on the plans (a) delivered by Mr. Randy Plummer and Anne Anderson as authorized agents for Sheridan School on April 8, 2003 for certain plantings on the Sheridan School property adjacent to Yuma Street and (b) delivered June 4, 2003 by Sheridan School (and/or Ann Anderson, its authorized agent) for certain plantings on Sheridan School property adjacent to Alton Place, N.W. [Note: Subsequent thereto, such landscaping plans were consolidated into a comprehensive landscaping plan for the entire School property in a plan prepared by Ms. Anderson through Hickok Warner Cole Architects entitled "Site Plan Perimeter Landscape Plan" dated July 16, 2003. Such comprehensive landscaping plan was thereafter submitted by the School to the Board of Zoning Adjustment on July 31, 2003. For the purposes of this document, all references to landscaping plans shall be to such consolidated plans ("Consolidated Landscaping Plans").]

2. Any plantings agreed to be made by Sheridan School (as depicted on the Consolidated Landscaping Plan) that have not been completed as of the date hereof or that the School has not voluntarily agreed to complete subsequent to the date hereof without regard for the outcome of BZA Application No. 16977 shall (a) commence on or about the tenth (10th) business day after any appeal period for any BZA order approving the revised BZA application filed by Sheridan on July 31, 2003 in Application No. 16977 has expired (provided that no appeal has been filed and no motion for reconsideration is then pending) and (b) be completed no later than sixty (60) days after commencement, unless weather conditions make such completion date objectively unreasonable in the practice of the landscaping trade, in which case the School shall have a further two-month period in which to complete the work outlined in the Consolidated Landscaping Plans. In the event any of the plantings on the Consolidated Landscaping Plans are not readily available, Sheridan agrees (i) to discuss with the residents who regularly attend the quarterly neighborhood meetings plantings which are as equivalent as possible and, thereupon, (ii) to plant such substitute plantings as are reasonably agreed-upon on the schedule above. Notwithstanding the foregoing,

Sheridan shall not be required to commence any plantings if the ground is frozen or unusually damp and it would be inappropriate in the opinion of a recognized nursery and/or tree company to undertake such plantings because of cold weather or unusually damp soil conditions.

3. Upon completion of the plantings depicted on the Consolidated Landscaping Plans, the School shall at all times maintain said plantings. In addition, the School shall at all times maintain all plantings now present on the Sheridan School property and any future plantings that are undertaken by the School ("Plantings"). Such maintenance obligation shall include, but not limited to, the watering, feeding, and spraying of trees as recommended by accredited and recognized nurseries and tree companies for the constant management and nourishment of these plantings to ensure their health, strong growth, continued development, and freedom from insects and diseases. The School shall replace, within the same planting season, but in no case later than six months, all diseased or dead plantings with equivalent plantings. Equivalent plantings shall refer to the physical properties of the particular planting, including its foliage, unless such planting is so mature that it is not reasonably practical to replace such a planting, in which event the School shall plant as equivalent a planting as is reasonable. The School shall trim all hedges and other ground level plantings so they do not hang beyond the plane of the inner edge of the public sidewalks surrounding the School's property.

4. The School shall maintain all bushes along Alton Place, N.W. so as to create a uniform hedge.

5. Sheridan shall use its best efforts to obtain governmental approvals for the replacement of a dying or diseased tree that is located in public space on Alton Place, N.W. at the western entrance to the parking lot on Alton Place subject to the terms of a separate letter from the School to ANC 3-F. [Because this matter involves the use of public space and is outside of the jurisdiction of the BZA, this item is informational only.]

6. At all quarterly neighborhood meetings, the School shall outline all completed landscaping efforts, address any additional or replacement of plantings required to conform its landscaping to the terms hereof and the Consolidated Landscaping Plans and advise the participants in the quarterly neighborhood meetings of the approximate completion dates for work required thereby.

Exhibit "C"

Sheridan Construction Management Plan

(Attached)

Sheridan Construction Management Plan

Exhibit No. to BZA Application No. 16977

In conjunction with the interior and exterior construction work to be undertaken by Sheridan School as described in BZA Application No. 16977 ("Project"), the Sheridan School ("School") and its officers, trustees, employees, agents, contractors, subcontractors and employees of contractors and subcontractors, shall:

1. Conduct no construction activities before 8:00 AM or after 5:00 PM. Mondays-Fridays. Weekend and holiday work will only be conducted in extreme emergencies or with prior notice to the neighborhood. Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization.

2. Agree to construction contracts that require that all those involved in the Project strictly follow the applicable D.C. ordinances for construction noise and hours of operations (unless the standards set forth herein are more restrictive, in which event the School shall comply with and enforce the more restrictive standards).

3. Require all vehicles (including, but not limited to, personal or company vehicles of construction workers) to approach and depart from the construction site via Reno, Albemarle, or 36th Streets, N.W. and not via Alton Place or Yuma Street.

4. Use sealed or covered vehicles both to transport building materials to the construction site and to remove or dispose of waste or garbage at or from the School property, and ensure that any and all spills and dispersal of such materials, waste or garbage at and near the School property are removed immediately.

5. Not impede street access or pedestrian or motor vehicle traffic flow on any public streets or sidewalks.

6. Provide traffic and pedestrian control measures as required by D. C. city law and regulations.

7. Erect a temporary construction chain link fence around all construction materials and construction equipment on the School property.

8. Keep all land not owned by Sheridan (except for adjacent public space for which appropriate permits have been issued) free of all tools, equipment, building and construction materials, and vehicles (including, but not limited to, personal or company vehicles of construction workers).

9. Locate all construction storage and trailers entirely within School property.

10. Keep all tools, equipment, construction materials and vehicles that are stored, left or remain overnight on School property.

11. Secure all construction materials and equipment every day in a manner that poses no potential danger to the community. The School shall inter alia lock all motorized equipment and vehicles, stack any building materials (i.e., brick, lumber, etc.) no higher than two feet and remove any hazardous or toxic substances from the site.

12. Fully disclose to ANC 3-F and all persons whose name is included on the list referenced in Paragraph 10 of the BZA conditions ("List of Neighbors"), with no less than 3 business days advance notice, all presence or use at the School property of hazardous or toxic substances used in conjunction with the construction work.

13. Repair any and all damage to public and private property caused in whole or in part by the construction work involving the Project.

14. Conduct public meetings to address neighbors' concerns about construction activities no less often than twice per month during the time the construction of the Project is actively being pursued if requested by at least three persons whose name is included on the List of Neighbors. Such monthly meetings, if so requested, shall commence no later than one week after the construction work begins.

15. Require each contractor, subcontractor and supplier to provide adequate offsite parking for their workers, management and any other personnel associated with the Project.

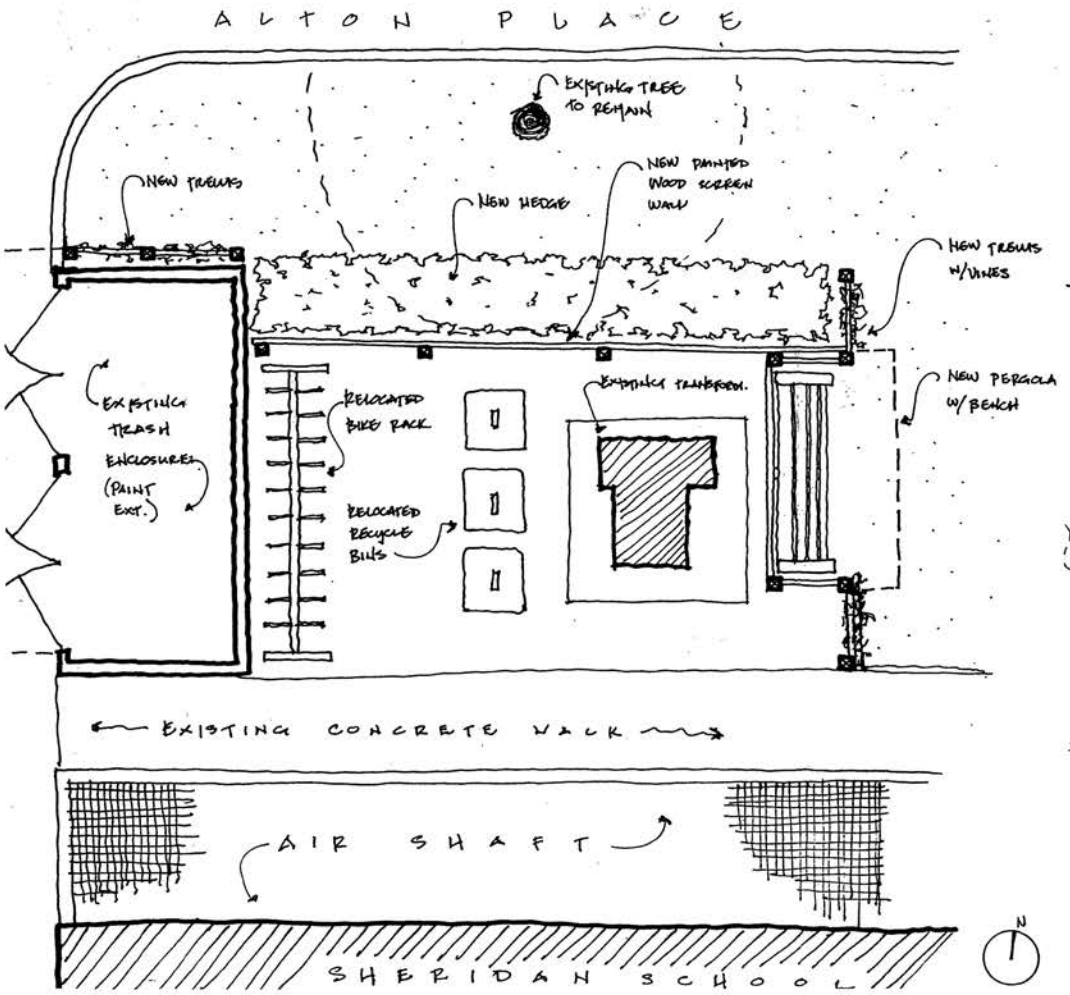
16. Notify the neighbors by mail, electronic mail, and by posting in conspicuous places on the worksite the name, telephone number and address of the school liaison who will address neighborhood concerns about construction related matters.

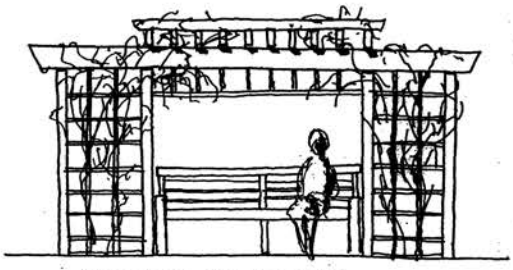
Exhibit "D"

Landscaping Plan for Trash Enclosure

(Attached)

FINAL 7/17/2003





ELEVATION OF PERGOLA.
1/4"=1'-0"



VIEW FROM ALTON PLACE.

SHERIDAN SCHOOL - TRASH ENCLOSURE
7.16.03

HICKOK WARNER COLE
Architects