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2003 SEP 29 PM 1:39

September 25, 2003

Mr. Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210 South
Washington D.C. 20001

Re: Sheridan School BZA Application No. 16,977.

Dear Mr. Griffis and Members of the Board:

On July 29, 2003, I filed a COMPLAINT OF NON-COMPLIANCE WITH CONDITION(S) OF A BZA/ZC ORDER (Form 300), regarding the Sheridan School's non-compliance with the terms and conditions in BZA Appeal No. 7,282 (July 2, 1963), and BZA Application No. 15,656 (Dec. 23, 1992). I supplemented that complaint of non-compliance by letter dated August 11, 2003.

I hereby withdraw my complaint of non-compliance, based upon: (1) my agreement with the School to a series of conditions to the Sheridan School's BZA Application No. 16,977 (copy attached); and (2) other considerations.

Sincerely,

Scott A. Schachter

attachment

cc: Sheridan School Headmaster Randy Plummer
James Heath, by fax only to (202) 966-8023
Jacques B. DePuy, Esq.
Zoning Administrator
Rick Nero

BZA
Case No. 16977
Exhibit No. 51

Board of Zoning Adjustment
District of Columbia
CASE NO. 16977
EXHIBIT NO. 51

REVISED; September 24, 2003

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 and there is no stacked parking in the parking area in front of the school building on 36th Street, N.W. 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 and as amended in writing after early consultation with the community liaison group referenced in Paragraph 10 above and the secural of any necessary approvals from this Board, the District Department of Transportation or other governmental authorities.

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