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August 12, 2003

BY TELEFAX AND U.S. MAIL

Jerrily R. Kress, FAIA
Director
Office of Zoning
441 4th Street, N.W., Suite 210
Washington D.C. 20001

Re: Third Supplement to Complaint of Non-Compliance with Conditions of BZA/ZC Order No. 16977.

Dear Ms. Kress:

On February 26, 2004, I filed a Form 300 – Complaint of Non-Compliance With Condition(s) of a BZA/ZC Order, in connection with the Sheridan School's violations of BZA Order No. 16977, which the BZA issued on February 4, 2004. I supplemented the complaint in writing on April 29, 2004, and June 29, 2004, with additional violations by the School. Please accept this letter as the third supplement to my February 26, 2004, Complaint. Set forth below are additional violations of BZA Order No. 16977 by the Sheridan School that I personally observed between June 30, 2004, and today, Thursday, August 12, 2004.

Sheridan School violations of BZA Order No. 16977 (Feb. 4, 2004), between June 30, 2004, and August 12, 2004, in reverse chronological order:

1. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, August 12, 2004, at 0710 hours (7:10 a.m.), trash or recycling materials were collected from the School by a BFI garbage truck in violation of Condition No. 7.

2. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

BZA
Case No. 16977
Exhibit No. 67

Board of Zoning Adjustment
District of Columbia
CASE NO. 16977
EXHIBIT NO. 67

On Wednesday, August 11, 2004, construction activities occurred between 0655 hours and 0800 hours (6:55 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; hauling and moving construction materials, including but not limited to bricks; brick laying, and use of power saws to cut bricks and other construction materials.

3. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

On Tuesday, August 10, 2004, construction activities occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; working sawing and cutting construction materials with the use of power tools, brick laying, debris disposal, and operation of heavy construction equipment and heavy construction vehicles.

4. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

On Tuesday, August 10, 2004, numerous personal or company vehicles of construction workers approached and departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

5. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

On Monday, August 9, 2004, construction activities occurred between 0615 hours and 0800 hours (6:15 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included

construction workers arriving, staging and preparing; banging and hammering construction materials, and use of various power tools for cutting construction materials.

6. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Monday, August 9, 2004, numerous personal or company vehicles of construction workers approached and departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

7. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Saturday, August 7, 2004, construction activities occurred between 0550 hours and 0800 hours (5:50 a.m. and 8:00 a.m.), and between 1700 hours and at least 1730 hours (5:00 p.m. and at least 5:30 p.m.) in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; hauling and hammering construction materials, operating heavy equipment, welding, banging and hammering steel, operating power tools and cutting steel, and hoisting construction materials.

8. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Saturday, August 7, 2004, numerous personal or company vehicles of construction workers approached and departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

9. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of

construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Friday, August 6, 2004, construction activities occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; welding steel, hammering, sawing and use of various power tools.

10. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Friday, August 6, 2004, numerous personal or company vehicles of construction workers (including but not limited to several HVAC Precision Service, Inc., trucks) approached and departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

11. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, August 5, 2004, at 0805 hours (8:05 a.m.), trash or recycling materials were collected from the School by a BFI garbage truck in violation of Condition No. 7.

12. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Thursday, August 5, 2004, construction activities occurred between 0645 hours and 0800 hours (6:45 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; demolition work, piling debris in dumpsters, drilling, pounding construction materials, use of construction vehicles, and use of power tools for cutting construction materials.

13. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Thursday, August 5, 2004, numerous personal or company vehicles of construction workers (including but not limited to an HVAC Precision Service, Inc., truck and several delivery trucks) approached and departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

14. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Wednesday, August 4, 2004, construction activities occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving at the construction site, staging and preparing their tools and equipment and construction materials, sawing with power tools, pounding construction materials, and disposing of temporary wall materials in dumpsters.

15. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Tuesday, August 3, 2004, construction activities occurred between 0645 hours and 0800 hours (6:45 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; hammering, sawing, pounding, cutting, vacuuming, nailing, breaking concrete, and other demolition work, and use of power tools.

16. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period

of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Monday, August 2, 2004, construction activities occurred between 0645 hours and 0800 hours (6:45 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; hammering and pounding steel; roofing repair or replacement activities on the roof; and use of power tools for sawing and grinding.

17. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Monday, August 2, 2004, numerous personal or company vehicles of construction workers (including but not limited to an HVAC Precision Service, Inc., truck and numerous personal vehicles) approached the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

18. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On information and belief, on Sunday, August 1, 2004, construction activities occurred in violation of Condition No. 18 and the Construction Management Plan Item 1, without a building or construction permit and without any prior notice to or consultation with the neighbors of the School.

19. Condition No. 8(a) ("No pickups or deliveries shall occur at any entrance located on the north side of the building (i.e., facing Alton Place) before 9:00 a.m. or after 6:00 p.m., Monday through Friday.")

> On Friday, July 30, 2004, a Jiffy John Sewage Truck delivered portable toilet cleaning services before 0620 hours (6:20 a.m.), in violation of Condition No. 8(a).

20. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Friday, July 30, 2004, construction activities occurred between 0620 hours and 0800 hours (6:20 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; and using hand and power tools for hammering, nailing, pounding, and sawing construction materials.

21. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Friday, July 30, 2004, numerous personal or company vehicles of construction workers (including but not limited to a Jiffy John Sewage truck and an HVAC Precision Service, Inc., truck and numerous personal vehicles) approached and departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

22. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Thursday, July 29, 2004, construction activities occurred between 0655 hours and 0800 hours (6:55 a.m. and 8:00 a.m.), and between 1700 hours and 1920 hours (5:00 p.m. and 7:20 p.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; using hand and power tools for hammering construction materials, and cleanup and demobilization.

23. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period

of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Thursday, July 29, 2004, numerous personal or company vehicles of construction workers (including but not limited to an HVAC Precision Service, Inc., truck and numerous personal vehicles) approached and departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

24. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Tuesday, July 27, 2004, construction activities occurred between 0645 hours and 0800 hours (6:45 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; using hand and power tools for hammering and pounding construction materials.

25. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Tuesday, July 27, 2004, numerous personal or company vehicles of construction workers (including but not limited to an HVAC Precision Service, Inc., truck at 0645 hours (6:45 a.m.) approached or departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

26. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

On Monday, July 26, 2004, construction activities occurred between 0650 hours and 0800 hours (6:45 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; and hammering and nailing of construction materials.

27. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

On Saturday, July 24, 2004, construction activities occurred between 0645 hours and 0800 hours (6:45 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; hammering, sawing; and moving and dropping steel and other construction materials.

28. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Thursday, July 22, 2004, at 0825 hours (8:25 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

29. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Thursday, July 22, 2004, at 0840 hours (8:40 a.m.), trash was collected from the School by a second BFI garbage truck in violation of Condition No. 7.

30. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

On Thursday, July 22, 2004, construction activities occurred before 0800 hours (8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; using hand and power tools for jack hammering, sawing, and mixing cement or concrete.

31. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Thursday, July 22, 2004, numerous personal or company vehicles of construction workers (including but not limited to an Extreme Steel truck at 0640 hours (6:40 a.m.) approached or departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

32. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Tuesday, July 20, 2004, construction activities occurred between 0650 hours and 0800 hours (6:50 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; using hand and power tools for hammering, nailing, and sawing.

33. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Tuesday, July 20, 2004, numerous personal or company vehicles of construction workers (including but not limited to an HVAC Precision Services, Inc. truck at 0650 hours (6:50 a.m.) and a heavy construction crane at 0805 hours (8:05 a.m.)), approached or departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

34. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no

construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Monday, July 19, 2004, construction activities occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; using hand and power tools for hammering and nailing.

35. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Monday, July 19, 2004, numerous personal or company vehicles of construction workers (including but not limited to a Jiffy John Truck), approached and departed the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

36. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Saturday, July 17, 2004, construction activities occurred between 0610 hours and 0800 hours (6:10 a.m. and 8:00 a.m.), and between 1700 hours and 2100 hours (5:00 p.m. and 9:00 p.m.), in violation of Condition No. 18 and the Construction Management Plan Item 1. These construction activities included construction workers arriving, staging and preparing; using power tools, grinding construction materials, and sawing lumber; detonating small explosive charges used in power nailing tools; demolition work, and building activities; and cleanup and demobilization.

37. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

On Saturday, July 17, 15, 2004, beginning at 0700 hours (7:00 a.m.), numerous personal or company vehicles of construction workers (including but not limited to an ACM Services, Inc. truck), approached the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

38. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

On Friday, July 16, 2004, construction activities, including mobilization, staging, hammering, nailing, sawing with power tools, and HVAC installation and construction work occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

39. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

On Thursday, July 15, 2004, at 0815 hours (8:15 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

40. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

On Thursday, July 15, 2004, at 0625 hours and 0645 hours, respectively (6:25 a.m. and 6:45 a.m.), numerous personal or company vehicles of construction workers (including but not limited to a privately owned, small red car with Maryland license plate beginning with "MSX," and the second HVAC Precision Services, Inc. truck of the day), approached the site via Alton Place, N.W., in violation of Condition 18 and Construction Management Plan Item 3.

41. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging,

preparation, demolition, construction, cleanup and demobilization."):

> On Wednesday, July 14, 2004, construction activities, including mobilization, staging, work on the roof, HVAC replacement, construction work on the classrooms, and concrete work on concrete poured the day before, occurred between 0715 hours and 0800 hours (7:15 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

42. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Wednesday, July 14, 2004, numerous personal or company vehicles of construction workers (including but not limited to HVAC Precision Services, Inc.), approached the site via Alton Place, N.W., before 0715 hours (7:15 a.m.).

43. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 14 (twice "monthly meetings, if so requested, shall commence no later than one week after construction work begins."):

> At a meeting at the School on May 26, 2004, the required three people requested twice monthly meetings. Mobilization for the construction work and light construction work at the School began on June 14, 2004. Heavy construction work at the School began on June 21, 2004. By email on Tuesday night, July 13, 2004 (misdated by the School July 9, 2004), the School set the first meeting date (without any prior consultation) for July 20, 2004, in direct violation of Condition No. 18 and the Construction Management Plan Item 14 (since July 20 is more than one week after both June 14 and June 21).

44. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Tuesday, July 13, 2004, construction activities, including pouring concrete and other concrete work, occurred after 1735 hours (5:35 pm), in violation of Condition No. 18 and

the Construction Management Plan Item 1.

45. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Monday, July 12, 2004, numerous personal or company vehicles of construction workers (including but not limited to HVAC Precision Services, Inc.), approached the site via Alton Place, N.W., between 0625 and 0800 hours (6:25 a.m. and 8:00 a.m.).

46. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Monday, July 12, 2004, construction activities, including mobilization, staging, work on the roof, and HVAC replacement, occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

47. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Friday, July 9, 2004, numerous personal or company vehicles of construction workers approached the site via Alton Place, N.W., between 0630 and 0800 hours (6:30 a.m. and 8:00 a.m.).

48. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging,

preparation, demolition, construction, cleanup and demobilization."):

> On Friday, July 9, 2004, construction activities, including mobilization, heavy construction work, crane operations, deliveries, staging, work on the roof, HVAC replacement, and cleanup, occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

49. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Wednesday, July 7, 2004, numerous personal or company vehicles of construction workers approached the site via Alton Place, N.W., between 0720 and 0800 hours (7:20 a.m. and 8:00 a.m.).

50. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Wednesday, July 7, 2004, construction activities, including mobilization, heavy construction work, deliveries, staging, work on the roof, HVAC replacement, and cleanup, occurred between 0720 hours and 0800 hours (7:20 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

51. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Tuesday, July 6, 2004, numerous personal or company vehicles of construction workers approached the site via Alton Place, N.W., between 0630 and 0800 hours (6:30 a.m. and 8:00 a.m.).

52. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Tuesday, July 6, 2004, construction activities, including mobilization, heavy construction work, driving piles and driving pilings into the earth, deliveries, staging, work on the roof, HVAC replacement, and cleanup, occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

53. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 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."):

> On Friday, July 2, 2004, at least seven personal or company vehicles of construction workers approached the site via Alton Place, N.W., between 0630 and 0800 hours (6:30 a.m. and 8:00 a.m.).

54. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Friday, July 2, 2004, construction activities, including mobilization, heavy demolition work, deliveries, staging, work on the roof, HVAC replacement, and cleanup, occurred between 0625 hours and 0800 hours (6:25 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

55. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[])] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging,

preparation, demolition, construction, cleanup and demobilization."):

> On Thursday, July 1, 2004, construction activities, including mobilization, heavy demolition work, deliveries, staging, cleanup, occurred between 0625 hours and 0800 hours (6:25 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

56. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

> On Thursday, July 1, 2004, at 0810 hours (8:10 a.m.), trash was collected from the School by a BFI garbage truck in violation of Condition No. 7.

57. Condition No. 18 ("The applicant shall comply with, implement, and enforce the construction management plan dated September 16, 2003 (Exh. 45 (Tab C)[)] during the period of construction of the interior and exterior work described in the plans and drawings submitted in conjunction with the subject application.") Construction Management Plan Item 1 ("Conduct no construction activities before 8:00 AM or after 5:00 PM[] Mondays-Fridays. . . . Construction activities shall include, but not be limited to, mobilization, deliveries, pickups, staging, preparation, demolition, construction, cleanup and demobilization."):

> On Wednesday, June 30, 2004, construction activities, including mobilization, heavy demolition work, deliveries, staging, cleanup, occurred between 0630 hours and 0800 hours (6:30 a.m. and 8:00 a.m.), all in violation of Condition No. 18 and the Construction Management Plan Item 1.

58. Condition No. 7 ("No trash collection shall occur before 9:00 a.m. or after 6:00 p.m., Monday through Friday."):

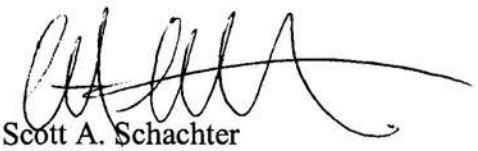
> On Wednesday, June 30, 2004, at 0730 hours (7:30 a.m.), trash was collected from the School by several 30 yard container transporting trucks in violation of Condition No. 7.

The Complaint and the three supplements to the Complaint document more than 100 violations of BZA Order No. 16977 by the School in the six short months since it was issued. The Sheridan School has failed to make any showing whatsoever that it did not in fact commit these violations, and the School has failed to comply with the BZA's March 10, 2004, cease and desist order. Notwithstanding the BZA's cease and desist order, and notwithstanding the School's express representations to the BZA and the School's neighbors that it could and would comply with the terms and conditions of BZA Order No. 16977, the School continues to flagrantly and significantly disregard and violate the requirements of the order, effectively on a daily basis. Consequently, it is beyond doubt that the Sheridan School has not achieved compliance with BZA Order No. 16977. More severe sanctions are required to punish the School for its past and continuing violations of the Order, and to specifically deter future violations by the School.

The School itself agreed and was ordered by the BZA, among other things, not to perform construction work before 8:00 a.m. The School reneged on its agreement and is currently violating the BZA's Order. The School's prior promises to do better and comply with the law in the future have all proven false. The neighbors of the School need the BZA to put an end to the School's disregard of its legal obligations.

Thank you in advance for your prompt attention to this matter. Please contact me in writing to inform me how the BZA will address the School's unlawful conduct.

Sincerely,



Scott A. Schachter

cc: Ms. Yvonne Rockett (202) 442-4591
Ms. Cathy Wiss (by email to schumannwiss@juno.com)
Mr. Carl Kessler (by email to anc3f01@starpower.net)
Mr. C. Randall Plummer (by email to rplummer@sheridanschool.org)
Mr. James D. Heath (by email to jheath@sheridanschool.org)
Mr. Lyle M. Blanchard, Esquire (by email to lmb@gdllaw.com)
Mr. Jacques B. DePuy, Esquire (by email to jbd@gdllaw.com)