

Cochran, Patricia (DCOZ)

From: Tracy <tracy.l.caswell@gmail.com>
Sent: Tuesday, April 24, 2018 8:12 PM
To: DCOZ - BZA Submissions (DCOZ)
Subject: Comments in opposition - BZA Case 19377: The Boundary Companies and The Missionary Society
Attachments: Exhibit A - Washington Post article; Exhibit B - Scientific study.pdf; Exhibit C - DC Comprehensive Plan Future Land Use Map.pdf

To the Members of the Board of Zoning Adjustment,

I am a homeowner and resident in the neighborhood immediately adjacent to the proposed development. I oppose the plan, and I ask that you reject this proposal as it stands, and require the Applicant to reduce the density and size of this development. I intend to testify in person at the hearing tomorrow, and would like to submit the following comments and exhibits as well:

- Exhibit A: Washington Post article: "Scientists have discovered that living near trees is good for your health"
- Exhibit B: Scientific study: "Neighborhood greenspace and health in a large urban center"
- Exhibit C: DC Comprehensive Plan Future Land Use Map

Paulists' Misleading Testimony to the City

Setting aside whether or not any development of this site is appropriate, given that the Paulists and EYA bargained away their development rights during the PUD process for Chancellor's Row by repeatedly stating both in writing and oral testimony that the reason they should be granted a variance for increased density and building heights and setback relief was that the existing institutional use would continue and as a result the remaining St. Paul's land would remain as open space, thus justifying the development of the other half of the Paulist property, I and my neighbors believe that there is far too much development being proposed on the remaining Paulist land, when considered collectively, and that as proposed the Applicant's plan will have a significant adverse effect on the use and enjoyment of our homes.

Cumulative Adverse Impact of Projects

Part of the problem with this plan is that it is not an honest assessment of the cumulative impacts of the cumulative site development of the residential use, new Paulist building and charter schools. While the Paulists and their development partner want to conveniently disavow each other's plans, saying that they are not dependent on one another and should be reviewed separately, and more importantly that they have nothing to do with the current charter school use of the historic St. Paul's building, they are in fact all tied together. The Paulists knew full well what they were doing, beginning with the development of Chancellor's Row and asserting they wouldn't be developing the rest of their property in order to get as much as they possibly could out of the EYA plan, to crafting easements effectively binding our community's HOA from opposing any future development on the remaining property just a year later and then further revising the easements again before turning the HOA over to the community to make any decisions about relocating and designing the storm water easement a unilateral decision, to selling their building to Building Hope and setting it up for two schools, which are an as-of-right use not requiring any meaningful city review, prior to submitting their development plans so that they could separate out those related impacts from the cumulative effects analysis of those plans. Considering these purposeful decisions by the controlling property owner, who have been present in each and every hearing, meeting and decision since the initial EYA applicants, it is clear that Paulists orchestrated all of this to maximize the value of their land well beyond reasonable market rate and minimize the ability of the city to evaluate the cumulative effects in a meaningful way at one time, thereby minimizing how much the city agencies could ensure that the appropriate amount of open space for a development of this nature would have to provide and what measures to minimize and mitigate the effect of the traffic, parking, increased storm water runoff, tree loss, increased density, etc. would have not just Chancellor's Row but on the surrounding community as well.

While the calculations for residential development Floor Area Ratio and lot occupancy I have seen appear to below city requirements, they appear to be just barely, and while in isolation they may be appropriate and reasonable when taken in consideration with the total development of the proposed homes, Paulist building, and two charter schools, they do not represent

far too much development on a relatively small parcel of land. While it is true that the home I live in benefited from EYA's ability to get variances much like Boundary Co./Elm Street is seeking today I did not develop or build Chancellor's Row and would have expressed similar concerns as I am today if I was an adjacent neighbor at that time. Further just because a mistake was made by the city ten years ago in approving Chancellor's Row the way it did doesn't mean that mistake needs to be repeated.

As proposed, this plan represents far too much cumulative development and should be rejected and the Paulists and their development partner should be directed to rethink their plans and to do so in a way that either significantly eliminates the Paulist building in order to accommodate the 60 homes in a way that does not require all the requested variances or if the Paulists truly want and need their building to reduce the total number of units to something more reasonable like 30-40 homes in order to achieve the same effect. Either way, their revised plan should fully accommodate for the school use (e.g. parking, traffic, outdoor recreation area for the students, etc.), increased open space and tree preservation, adequate surface storage and treatment of stormwater from the collective properties, and do so without negatively impacting the existing residents within Chancellor's Row and the surrounding community who have already made significant investments in their homes and the District of Columbia. Based on BZA's obligation to ensure that any special exception or variance it grants will not adversely affect the use of neighboring property, and the significant adverse that would result to me and my neighbors as a result of this plan being approved, I request that you reject the current variance request and send the Developers and Paulists back to rethink and revise their plans to either eliminate the total residential housing or Paulist building to allow for greater distribution of the homes throughout the property.

Preservation of Trees and Green Space

There is a large body of scientific research supporting the measurably positive impact of trees and plant life on urban residents (see Exhibits A and B). We are deeply concerned with the loss of significant tree cover and large number of specimen trees that will be lost as a result of the proposed development. In addition to the direct loss of trees we are equally concerned with the long-term viability of those that are slated to be "preserved" given the proximity of the proposed homes and other development activities to these mature trees. While many times people think of trees from the ground up it is important to remember that there is nearly as much of a tree below ground, and protection of that portion of a tree is as critical, if not more so, to their long-term viability and health. Given the amount of proposed excavation and filling that will need to occur on this site, in many instances within close proximity to "preserved" specimen trees it is questionable whether these trees are being adequately protected and will actually live long-term. One specific example is that one of the largest specimen trees on the site, a majestic oak tree is located between two rows of homes and has what appears on the site plan to be a proposed storm water and utility easement running directly through the area.

We have already seen a number of the large trees "preserved" as part of Chancellor's Row PUD decline as a direct result of the lagged impacts of the site development and at least one of them will need to be removed within the next year due to its declining health, and urge the BZA to use this as an example for what not to do. Steps need to be taken to adjust the development in a way to more meaningfully protect the trees that the developers are taking credit for preserving.

Further, I note with irony the statement made by John Wilkinson of Boundary Co. in the Washington Business Journal when the property purchase and development plans were announced that the reason he selected the property was because of its "natural beauty". I question seriously what natural beauty will be left with the amount of grading, excavation, and tree removal that will need to occur in order to develop the site as currently proposed. Trees are known to be the lungs of a community and at a time when there is a campaign underway to plant more trees throughout the city care should be given to saving those healthy trees that are already growing in communities.

Lack of Congruity with Comprehensive Plan

Equally in part of our neighborhood that is, as the D.C.'s Comprehensive Plan notes (see Exhibit C), largely devoid of public parks, institutional properties like St. Paul's serves an important function of providing open space to the surrounding community. While St. Paul's is in fact private property, it is a well-established fact through state and federal case law and planning and zoning principles that schools, churches, and similar institutional uses serve as quasi-public spaces for communities to enjoy. At present numerous people in the community surrounding St. Paul's utilize the property to walk their dogs, recreate, and relax. This will largely be lost in the current development plan due to the "balkanization" of the open space. Additionally, as others have noted while the two charter schools using the St. Paul's building are not included in this application, these are inextricably linked to the development and will be equally negatively impacted through the loss of the vast majority of the meaningful open space on the site as the schools use the property for functions (e.g. family day events) and their students use property to recreate on a daily basis and will have no other options for play space once this property is developed.

With the forgoing in mind it is important to keep in mind that with uncertainties in the housing market and challenges some recent developments have had in selling their homes (e.g. Bozzuto Homes on 7th Street, which took significantly longer to sell than the developer expected), coupled with increasing new housing stock throughout the greater Edgewood-Brookland community (e.g. Holy Redeemer, St. Joseph's, McMillan Park, etc.) I and others are concerned with how viable this project is long-term and as the site preparation work, including tree removal and earthwork, will occur before any actual construction happens, if the market was to continue to show sluggishness or there is a saturation in market we will be stuck with a partially denuded site with nothing to show for it. In short once these trees are removed and the land prepared/developed it will be lost forever.

Given the significant adverse effect the loss of the site trees and open space, and contrived manipulation of the land needed to achieve the proposed development will have on me, my immediate neighbors, and the surrounding community I request that the BZA reject this proposal and encourage the developer to consider alternatives that will result in less tree loss and earthwork and increased amount of centrally located meaningful open space.

Thank you for your consideration, and I look forward to the hearing.

Respectfully,

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