



## Office of the General Counsel

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3300 • FAX 202-541-3337

April 25, 2018

District of Columbia Board of Zoning Adjustment  
441 4th Street, NW  
Room 220 South  
Washington, DC 20001

**Re: Comments in Opposition to Immediate Approval, Case No. 19377 (3015 4<sup>th</sup> Street, NE)**

Honorable Members of the Board:

I am writing to convey the views of the United States Conference of Catholic Bishops (USCCB) regarding the above-captioned matter. *See* Letter of Authorization (enclosed). USCCB is a District of Columbia nonprofit corporation located at 3211 4<sup>th</sup> Street, NE, immediately adjacent to the subject property to the north.

For the reasons set forth more fully below, USCCB respectfully requests that the Board withhold its decision on the present application until USCCB and the Applicant have had the opportunity to work through their differences regarding a range of issues pertaining to the impact of the plan on the USCCB's property and current use thereof. We have begun good faith negotiations with the Applicant, and we are hopeful that we can resolve our differences amicably and reasonably soon. But until those differences are resolved, we are obliged to oppose the application in its current form.

We have four main concerns with the proposal, which may be summarized as follows:

**1. Preservation of Easement and Boundary Fence** – The current proposal would locate portions of one townhouse, and portions of several walking paths, driveways, and front yards, on an easement that USCCB owns. These features would also displace the tall fence that currently marks the southern boundary of our easement. We are currently in discussions with the Applicant regarding alternative locations for the encroaching features that would instead respect the easement and fence. In the meantime, we would urge the Board not to approve any plan that would not respect the easement and tall fence, as USCCB intends to maintain its interests in them. Our commitment in this regard is strong for several reasons, including that the fence and buffer are necessary to deter pedestrian cut-through traffic on our busy driveway and parking lot, and so avoid serious safety and liability risks.

**2. Preservation of Fourth Street Fence** – The proposed plan contemplates the removal of the entire fence that has long enclosed the Paulists' property along Fourth Street. This change, too, would increase the likelihood and number of pedestrians cutting through our driveway and parking lot, posing safety and liability concerns. The presence of the bikeshare station and public amenity near our driveway opening, as well as the playground only a bit farther down Fourth Street, further increases those risks. In partial mitigation of this problem, we have proposed to the Applicant that it modify its plan to keep part of the Fourth Street fence

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in place, namely, from our property line to the opening of the proposed new driveway. We would strongly support any such modification, and correspondingly oppose any plan without it.

**3. Proposed Fourth Street Driveway Near Our Own** – Currently, most of the car traffic from the Chancellor’s Row residential development flows out to the south and east, which has had no impact on the USCCB. With the recent opening of the school, however, the driveway on Fourth Street farther to the south has created new traffic congestion and even hazard near the intersection with Lincoln Road. We are concerned that a second opening farther north will create at least a similar increase in traffic congestion and hazard very close to our own driveway opening, making it more difficult and less safe for our staff to enter and exit our property. In addition, we are concerned that creating a new opening on Fourth Street would cause at least some westward shift in the traffic pattern flowing into and out of the former Paulist property, not only from the new residences proposed, but from Chancellor’s Row and the school. We understand that there is currently a gate that regulates traffic flow between Chancellor’s Row and the remaining Paulist property, and that the gate would be maintained and even improved as part of the plan. But it remains unclear how the gate would operate to limit a westward shift in traffic toward Fourth Street. We have recently obtained the traffic study regarding the impact of the driveway, and we are just beginning to evaluate it.

**4. Storm Water Management** – The storm drain on the south side of our driveway near the opening onto Fourth Street is connected to the Storm Water Management system located on the property to be developed. That storm drain occasionally floods during heavy rains. We understand that a new and improved system is contemplated as a part of the proposed development, which is promising. At the same time, we currently have no specific information about the proposed system, or other reason to believe that it would address not only the current flooding problems we have experienced, but the additional strains created by the increase in pavement and reduction in permeable surface.

In conclusion, I would note again that belated but fruitful discussions are now under way with the Applicant, and we are hopeful that we will be able to reach agreement on alternative proposals that would address the foregoing concerns adequately. As of the date of this hearing, however, those concerns are not addressed, and for as long as that situation remains, we cannot support the proposal and must instead oppose it. At the same time, we would not urge the Board to reject the application. Instead, we would respectfully request that the Board simply refrain from rendering a decision on the application at this time, in order to allow our ongoing discussions with the Applicant to yield a modified proposal that we can support.

Sincerely yours,



Anthony R. Picarello, Jr., Esq.  
(DC Bar No. 454459)  
Associate General Secretary and General Counsel  
United States Conference of Catholic Bishops

Enclosure



## Office of the President

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3100 • FAX 202-541-3166

His Eminence Cardinal Daniel N. DiNardo  
Archbishop of Galveston-Houston  
*President*

April 25, 2018

District of Columbia Board of Zoning Adjustment  
441 4th Street, NW  
Room 220 South  
Washington, DC 20001

**Re: Case Number 19377 (3015 4<sup>th</sup> Street, NE)**

Honorable Members of the Board:

This letter hereby authorizes Anthony R. Picarello, Jr., Associate General Secretary and General Counsel for the United States Conference of Catholic Bishops (“USCCB”), to represent USCCB with respect to the case referenced above.

Sincerely,

UNITED STATES CONFERENCE OF  
CATHOLIC BISHOPS, a District of  
Columbia Nonprofit Corporation

By: *Daniel Cardinal DiNardo*  
Name: Cardinal Daniel N. DiNardo  
Title: President