

## Cochran, Patricia (DCOZ)

---

**From:** Jennifer C. Concino <jcconcino@tobinoconnor.com>  
**Sent:** Wednesday, May 2, 2018 1:33 PM  
**To:** DCOZ - BZA Submissions (DCOZ)  
**Subject:** BZA Case 19377: The Boundary Companies and The Missionary Society - COMMENTS IN OPPOSITION

**Importance:** High

Good Afternoon -

My name is Jennifer C. Concino. I reside at 505 Regent Pl., N.E., Washington, DC 20017 with my 70-year old mother and co-owner, Regina M. Concino. My telephone number is (202) 904-0570 and my email is jcconcino@tobinoconnor.com.

I write today in opposition to BZA Case 19377 and strongly oppose the development of the land that is the subject of the above-mentioned case (the "Paulist Property").

My mother and I are the joint owners of the real property located at 505 Regent Place, N.E. Our stone unit is directly across from the proposed development. We purposefully chose to purchase the unit six (6) years ago following the death of my father from a long illness with a rare form of cancer. It was his wish that my mother and I find a "nice place" to reside together in D.C. that was large enough to ensure we did not get on each other's nerves but would also provide a quiet and tranquil setting in order to ensure my small-town mother would not be overwhelmed by the city. The fact that we are living in "Little Rome" surrounded by institutions of the Catholic faith would have only pleased my devoutly Catholic father even more. The unit at 505 Regent Place, N.E. would have certainly fulfilled his wish.

My opposition to the proposed development is based on the following (including, but not limited to) very serious concerns:

1. The proceedings in Zoning Commission Case No. 07-27 from 2008 clearly indicated that the Paulist Property would not be developed at a future date. There were references to ensuring that the "campus-like" atmosphere would be retained in that open green space. The developer should be estopped from now requesting to develop the property. In addition, the stone units (where I reside and for which we

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19377  
EXHIBIT NO.143

paid a higher premium) were utilized to ensure consistency of the view-shed from 4th Street, N.E. By building new units on the Paulist Property, that view-shed will be completely destroyed and the premium we paid rendered much less valuable. The development of that site will directly and adversely affect the value of my property.

2. As a relevant side note, the area of proposed development often floods after heavy rains. Where will the rain water go once the area is developed? There is a rain water easement reserved to my community that must be considered.

3. Everyone in D.C. complains about traffic. However, for the past several years the traffic around the Paulist Property is heavy and dangerous. One example - heading from the Basilica of the National Shrine on 4th Street, N.E. and attempting to make the left onto Franklin Street, N.E. is almost impossible during rush hour. It is a miracle if more than one car is able to make the left from 4th Street, N.E. onto Franklin Street, N.E. in the late afternoon since Franklin Street, N.E. is continuously backed-up. The proposed development of the Paulist Property indicates that all ingress and egress will be on 4th Street, N.E. Adding to the school traffic (which is scheduled to increase over the next several years), this will make 4th Street, N.E. even more saturated, dangerous and pollution-causing. Moreover, adding in the other developments in the area – such as a hotel complex, it will be impossible to navigate the neighborhood. Please remember that additional units are currently being built on the East side of Chancellors' Row (on 7th Street, N.E.) that will contribute to this already heavy traffic situation.

4. The streets of Chancellors' Row are private. This means that Chancellors' Row pays for the maintenance, depreciation and repair of all streets and sidewalks (or shares such costs with easement holders on some of the roads). The Paulists' reserved an easement on some of the roads but not all of them. However, and most importantly, the easement did not assume that there would be two schools installed in the existing building and construction of 60 more townhomes. If the Paulists or their successors in interest start using the private roads in excess of the initial use of the easements, such use will cause the roads to require more maintenance and this will directly result in the increase of the HOA fees for Chancellor's Row residents thereby decreasing the value of my property. If the development is approved, the roads should become DC public roads or the developer should be responsible for all costs associated with the roads in perpetuity.

5. Admittedly, I am not an expert in city planning. However, even a cursory review of the proposed development by an untrained eye clearly indicates that ambulances and firetrucks may have a difficult time maneuvering through the proposed streets. This situation would directly affect my unit in the event of a fire or other emergency situation. There are way too many units on the small area of the proposed development to provide a safe environment.

6. I have never been accused of being a “tree-hugger.” I am a conservationist in the vein of President Theodore Roosevelt. To that end, the trees on the Paulist Property provide my elderly mother with great enjoyment. She often sits at the open windows in order to gaze at their beauty and magnificence. She watches the squirrels play, hears woodpeckers pecking and has even seen a fox in the area on several occasions. How many other areas in N.E., D.C. exhibit such glory? The tranquility and peace provided by the trees must be maintained in our concrete city world. Removing the green space will negatively affect the value and enjoyment of my property. Indeed, my elderly mother and I purposefully chose the unit we purchased so we could enjoy the green space and in reviewing the 2008 Zoning case, it was reasonable to discern that the property would never be developed. Obviously, permitting such development now, will decrease the value, use and enjoyment of our property since we will be looking at the back of someone else’s house.

In closing, please be advised that I am generally not against all development per se. I proudly espouse the views that private property should be utilized for the enjoyment of the owners but not to the detriment of the use, enjoyment and value of the immediately adjacent property owners. In this instance, I believe the Paulists waived their ability to develop the subject property at a future date and they should be estopped from now claiming the ability to do so. Development in a city-setting requires a balancing of all interests and concerns. A development to raise a tax-base is not a justifiable reason. Based upon the above, I strongly oppose the development of the Paulist Property.

Alternatively, if the development is approved, the developer should be required to include my row of units in the proposed agreement it recently submitted to the BZA noting that it will provide, among other things, power washing, pre- and post-construction surveys and a duty to repair any damage caused by the construction of the Paulist Property for a few of the units in Chancellors Row abutting the project. I do not understand why such an agreement was entered into for only such a small group

of abutting homeowners. Why were such abutting homeowners also provided front yards? Why were the other units abutting the project not included? Clearly, my unit, and the others in my row, are also directly across from the proposed development. Our homes will be directly effected by the development and any such agreement must and should include my unit and my row (501, 503, 505, 507 and 509 Regent Place, N.E.).

Thank you for your consideration. Please feel free to contact me with any questions or concerns.

Regards,  
Jen

Jennifer C. Concino, Esq.