

5/16/18 Testimony of Barbara Kahlow
on BZA Case No. 19748, Acton Academy Foundation –
Special Exceptions (Sq. 28, Lots 172 & 846)

I, Barbara Kahlow, live at 800 25th Street, N.W., which is just a few blocks from the site. I am testifying on behalf of the West End Citizens Association (WECA), the oldest citizens organization in the Foggy Bottom-West End area. The WECA is primarily interested in maintaining the quality of life for the existing residential community in Foggy Bottom-West End. I last testified before the BZA on behalf of the WECA on April 19, 2017 as a Party in Support in BZA Case No. 19475. In total, the WECA has been accepted as a Party in over 20 DC zoning cases.

On April 19, 2018, the WECA requested Party status in Opposition to the requested Special Exceptions for Acton Academy Foundation to operate in the Foggy Bottom Historic at 2430 K Street (BZA No. 19748). Since then, we were disappointed to see several letters in the case record which mentioned two of the WECA's officers (including me) by name without contacting either of us even though our contact information was indicated in the Party status request letter and accompanying Form 140 (Exhibit 38). Also, Exhibit 43 submitted by a couple who are new abutting owners demonstrated that they were unaware of the WECA's successful representation in many land use cases over the years and the WECA's outstanding meeting speakers (e.g., in the last 3 years: DDOT Director Marootian, new GWU President LeBlanc, Auditor Kathy Patterson, DCRA Director Bolling, Councilmembers Robert White and Jack Evans, and AG Racine).

The WECA Party request stated, "the new school would be in the Foggy Bottom Historic District which includes many retired residents and would create objectionable noise three times daily in a new outdoor playground abutting homes" (p. 1). In fact, Acton could easily use the nearby public children's playground 1½ blocks away at 26th and K Streets. The Applicant's Prehearing Statement erroneously states that it is at 26th and I Streets (Exh. 42, p. 8 and the map on Exh. 42C). All around DC you see chains of kids (including very young children) transported to and from nearby playgrounds. Also, as stated in the WECA Party request, "The Applicant's assertion that 3 times a day outdoor play will occur 'when most adjoining results are likely to be away from home' (p. 6) is not accurate" (p. 2). The Applicant's Prehearing Statement repeats this erroneous assertion (Exh. 42, p. 5). For example, my nearby 51-unit condominium has primarily retired residents who are home during the day.

In addition, the WECA Party request expressed concern about exclusive use of a public alley with homes along it for drop-offs and pick-ups of students. Apparently, the DC Fire Department does not check on such practices until a Certificate of Occupancy is issued. The WECA asked the Fire Department to review this matter prior to a BZA decision in this case.

The Department of Transportation's (DDOT's) May 1, 2018 Report expressed concern about the student drop-offs and pick-ups in an alley and recommended that "approval of the requested special exceptions [be] on the condition the Applicant be limited to 24 morning vehicle trips" for the 60 students (Exh. 44, p. 2). The Office of Planning's (OP) May 4th Report echoed this recommendation stating, "Drop-off and pick-up of children ... [be] subject to DDOT concurrence" (Exh. 45, p. 1). The Applicant's Prehearing Submission states "we anticipate

approximately 30 to 35 cars at the school's capacity of 60 students" (Exh. 42, p 5). Clearly this expectation exceeds DDOT's 24 maximum.

OP also recommended that "Use of the on-site play area being staggered with small groups of children to minimize any potential impacts from the noise of children at play" (Exh. 45, p. 1) and "A condition requiring that recess be staggered with smaller groups of children has been provided as a noise mitigation measure" (Exh. 45, p. 2).

Today, the WECA opposes the proposed Special Exceptions and asks the BZA to require Acton to use the nearby public playground instead of creating a new one abutting multiple homes and to wait before any decision on the DC Fire Marshal's evaluation of the appropriateness of use of only a public alley with homes along it for student drop-offs and pick-ups.

Thank you for your consideration of our views.