Testimony of Sylvia Shugrue
At July 25, 2000 BZA Hearing
in Opposition to the Special Exception
Request of The Field School

My name is Alan Swendiman. I am an attorney appearing on behalf of Sylvia Shugrue. Mrs. Shugrue resides at 2207 Foxhall Road, which is immediately adjacent on the south side to the Cafritz property. Mrs. Shugrue has lived there for over 40 years; the property has been passed down through her family. The house dates back to the 1850's. In fact, it appears on an 1859 District of Columbia map.

Mrs. Shugrue appears in opposition to The Field School's application. At the outset, I want to make several points clear. Mrs. Shugrue is not anti-education. Nor for that matter, as one School supporter at a prior hearing intimated, "anti-child." You can not have devoted over 40 years of your professional life to teaching young people in the District of Columbia public schools and be anti-education or anti-child.

Nor, is this a case of being anti-Field School. As an educational professional, Mrs. Shugrue commends the accomplishments of the School described by various students and parents.

BZA
CASE No. 16559
Exhibit No. 463

Board of Zoning Adjustment
District of Columbia
CASE NO.16559
EXHIBIT NO.463

Rather, what is at issue is the location of this School at this particular site, based not on imagined fears, but on genuine concerns. Having lived on Foxhall Road next to the Cafritz property for over 40 years, Mrs. Shugrue is more familiar with the history, topography, geography, and the traffic of Foxhall than most people.

Granting the School's application will have a negative impact on the community at large. There are at least seven schools within a one-half mile radius of the site. Past history has demonstrated that private schools expand. There is a demand for the service. At one time, there were residential homes on Whitehaven Parkway. Most of these houses have been purchased by schools. There now only remain three. The Lab School and St. Patrick's have expanded and almost meet on Whitehaven Parkway.

As the result of the location of schools and their expansion, residents are being pushed out and both the school sites and residential property are being permanently removed from the tax rolls. The District of Columbia is losing tax revenue as tax-exempt property expands. This means less tax dollars available for District of Columbia public schools.

A previous speaker at an earlier hearing quoted Mayor Williams. Mayor Williams has also said that one of his top priorities is the improvement in the quality of the District of Columbia public schools. He has proposed increased financial resources to accomplish this priority. Those resources have to come from somewhere.

As an institution, the Field School will inevitably expand. Contrary to a previous representation, during a meeting with Mrs. Shugrue, where I was present, a representative of the School's architect asked her whether she would be interested in selling her home. Subsequently, Mrs. Shugrue has been advised by Mr. Jeff Dwyer that the School had expressed an interest in buying both her house as well as the residential property next door to her. Several elderly people reside on W Street and whose homes, therefore, are vulnerable to purchase.

In a Statement submitted to this Board, the School states that it "was founded on the belief that learning occurs best in an informal, personal and non-institutional environment." (p. 9) Yet, the School's plans call for an institution with multiple

buildings for classrooms, an administration building, a large asphalt parking lot, tennis courts and playing fields in a self-contained area.

Locating a school at the Cafritz site will increase the amount of traffic on Foxhall Road. The School's plans call for facilities to accommodate up to 320 students and 74 teachers and administrative staff. The site is not accessible to public transportation. Consequently, students must drive or be driven to school. As you saw from the video, Mrs. Shugrue has trouble getting out of her driveway under current conditions. Location of the school at this site will only make it worse.

As measures to control traffic, the School proposes to place a stoplight at the southbound left-hand turn lane and the single entrance located at the southern portion of the property, approximately 180 feet from Mrs. Shugrue's home. The stoplight will be activated both for those southbound cars turning left into the property and for cars seeking to exit either right or left from the proposed School site. Mrs. Shugrue will find it difficult to either exit her driveway onto Foxhall Road or enter from Foxhall. DPW proposes to install a stoplight at Whitehaven Parkway. If the two stoplights are

synchronized, a backup will be created in front of Mrs. Shugrue's home. If both lights are unsynchronized, then there will be an insufficient break to either exit or enter her property.

Location of the School on the Cafritz property also creates a safety issue for students. There is no access to the proposed site by foot. Foxhall is a winding road with poor site lines. The School's proposal includes "a public sidewalk that has been placed on the School property in order to provide the safest opportunity for all members of the community to walk south along Foxhall Road." (p. 14) However, the proposed sidewalk does not extend beyond Mrs. Shugrue's property line with the Cafritz estate to W Street. And the Applicant's own Traffic Impact Analysis observes the "[v]ehicular speeds .... exceed the posted speed limit of 25 mph in the vicinity of the relocation site." (p. 9)

During the 40 years she has resided on Foxhall Road, Mrs. Shugrue has had a presidential box to numerous accidents, a number of which have been fatal. These have included instances where cars have crashed into the fence alongside the Cafritz

property as well as the tree in her front yard. In recent years, a propane truck driving south on Foxhall Road lost control, crashed into the Cafritz property, spun around, caught fire and burned, resulting in the downing of a high-tension wire. But for the wind blowing towards the Cafritz property, Mrs. Shugrue's house would have caught fire. Mrs. Shugrue has been visited, not infrequently in the evening, by drivers seeking to call for emergency assistance. The sidewalk -- and for that a stoplight -- does not address the safety issue.

The School also proposes to create a shuttle bus program that will pick up students and provide transportation from locations along major commuting arteries into the District, such as the intersections of MacArthur and Loughboro and Massachusetts and Nebraska Avenues. (p. 10) If anyone is familiar with these two particular locations, shuttle pickup is simply not realistic. There are no safe pickup places in those areas because of the heavy traffic and institutions located there. Moreover, the shuttle bus service is to begin at 7:30 a.m. Class for the Middle School begins at 8:00 a.m. This plan of traffic control is entirely premised upon middle school students arriving before

or at 7:30 a.m. at the shuttle pickups and no traffic delays to the school in order to arrive on time. Inevitably, parents will be forced to drive these students to school.

The location of the School at this site also raises environmental issues. The School's proposed traffic plan is to route all traffic entering the site through the single southern entrance such that all cars will pass close to Mrs. Shugrue's property, then proceed north towards the school buildings to drop off students in the morning and pick them up in the afternoon, and then proceed south past her property to exit the site. A large asphalt parking lot will be located closest to Mrs. Shugrue's property. This is the large stacking area to which Mr. Slade previously referred. This creates a large stacking area for cars to drop off and pick up students. This asphalt parking will also allow cars to line up at the stoplight to exit the site. The line of idling cards waiting to drop off or pick up students as well as to exit the property will create substantial auto emissions, which will blow downwind. The emissions from cold start engines of cars and shuttle busses in the parking lot will further exacerbate the situation. There also will be a

temporary construction road, with the accompanying construction traffic, nearby her property.

The School's proposed black asphalt parking lot is designed to accommodate 96 cars adjacent to Mrs. Shugrue's residence. Installation of such an impermeable surface will: (1) change the climate of the immediate area by generating heat from the dark asphalt surface that will blow downwind; (2) create noise; (3) create a water run-off towards Mrs. Shugrue's home during rain and snow storms causing erosion; (4) require lights for security purposes creating an immediate brightness factor; (5) be used for immediate and future construction with heavy construction trucks and equipment bringing dirt and noise; and finally (6) not preserve green space as claimed.

The Cafritz property slopes toward Mrs. Shugrue's residence. There is a natural rise on the Cafritz's side. Under the current conditions, rainwater runs off onto her property. With rain and melting snow, there will be increased run-off from the impervious surface of the asphalt parking lot. During winter, there will be run-off of another kind. The parking lot and paved areas on the site will need to be cleared of

snow. Sand and salt will be used. Upon melting, the sand and salt will run off with the water towards Mrs. Shugrue's home.

The Cafritz property is the dividing line between the Potomac River and the Foundary Branch. The watershed comes down through the Cafritz site and Mrs. Shugrue's property. There was a Victorian home on the site between the Cafritz residence and Mrs. Shugrue's property, which was razed either in 1969 or 1970. The foundation and basement of that house remain. The School was not aware of this until Mrs. Shugrue pointed it out. The School's plans require a substantial movement of soil to create playing fields and a parking lot, although they cannot tell you how much. This movement of earth and the use of any construction fill will have a negative impact on the contour of the property and on water run-off, and will result in erosion.

The School indicates that it has met with representatives of the National Park Service and the Building and Land Regulation Administration to discuss the adequacy of the proposed storm water management plan. The School's emphasis has been on the impact upon Glover Archbold Park. In its report of June 7, 2000, the Office of Planning

states that "The National Park Service, managers of adjoining Glover Archbold Park, expressed concern over the storm water management plan. David Murphy of NPS has been quoted as stating: The National Park Service views the development of the Cafritz property as an important and critical opportunity to commence the long term preservation of the Glover Archbold . . . we are pessimistic that the actions of the Field School will provide any more than a conduit for high level of flows being released onto parkland into a current heavily eroded water course. Significantly, the School's civil engineer never met with Mrs. Shugrue whose property is also downstream and subject to the same water flows from the Cafritz estate. And in view of all of this, the School's plans continue to call for a large impervious asphalt parking lot, rather than a porous gravel/grass parking area more in conformance with the landscape and the School's stated mission of an informal setting.

The School has proposed a ten-foot berm to buffer the proposed School site from Mrs. Shugrue's property. At the last BZA hearing, a School representative stated that the renderings of that berm were of mature vegetation five years in the future

from planting. The only mature thing here is Mrs. Shugrue – and those are her words not mine.

Mrs. Shugrue is almost 87 years old. We would hope she would have many more years ahead of her. However, she might not have five years to wait for that vegetation to grow. The fact of the matter is that there is no immediate and effective buffer to her property.

The School has stated that "all outdoor sporting events on campus will only occur during the day since neither the athletic field or the tennis court will have lights." School representatives have further stated here that no event will begin after 6:00 p.m. On cross-examination, we were told that events will end at 5:30 p.m. and people will be leaving the school between 5:30 and 6:00 p.m. Yet, the School's operations plan states that "the School will shut the lights to the southern most parking lot at 9:00 p.m." There appears to be no reason why lights should be left on until 9:00 p.m. The greatest impact of these lights will be on Mrs. Shugrue whose second floor bedroom faces out to the Cafritz property and the proposed parking lot.

The School's proposed plan creates a myriad of problems. The continuing amendments and modifications simply move those problems around. The impact is not equally distributed throughout the immediate neighborhoods -- 44th Street or Palisades. Rather, the School's plans and modifications move those problems to, and focus the impact on, southern Foxhall Road and Mrs. Shugrue's adjoining property. What the School is attempting to do is to put a square peg in a round hole.

Contrary to representations that the School has tried to accommodate the neighborhoods' concerns, the fact is that the School has not modified or changed its plans unless forced to do so. You may recall that I raised the question of relocating the two buses planned in the southern parking lot. The School's representatives said that those buses could be moved. Yet, there are plans that show those two buses there.

In addition to the traffic issues raised, the School's plans are deficient in a number of ways: (1) The size of the parking lot is too large, and must be reduced and relocated. The School is proposing shuttle buses and carpooling. Therefore, fewer parking spaces are required. (2) The parking lot should consist of a porous surface of

some grass/gravel composition rather than asphalt. When we first raised this, the School objected on the basis of cost. As you can see from its revised plans, the School has managed to find financial resources to bury utilities underground, expand Foxhall Road, and create a left-hand turn lane. A permeable surface will also be in line with the School's mission of creating an informal, non-institutional setting. (3) The School must install low intensity lighting, which is turned off at 6:00 p.m. The School has indicated that no events will occur after 6:00 p.m. and that, in fact, people will be leaving between 5:30 - 6:00 p.m. Therefore, there is no reason to leave them on that late. (4) The School should install, in consultation with a professional landscaper, a berm of mature vegetation to create an effective ten-foot barrier and buffer to Mrs. Shugrue's property. (5) Finally, School traffic and construction trucks should be routed as far away from Mrs. Shugrue's property as possible to mitigate air and noise pollution. These are just some of the deficiencies in the School's plans.

In summary, the Field School's application does not meet the legal standards required for a special exception, that is, that it will not create an adverse impact upon

adjoining property owners in terms of traffic, noise, number of students and other conditions. The burden is upon the applicant and not the neighbors. Mrs. Shugrue is an adjoining property owner. The location of The Field School at the Cafrtiz site will have an adverse impact upon Mrs. Shugure and her historic property in terms of traffic, noise, automobile emission, water run-off, erosion, climate and brightness. Therefore, the application should be rejected.

We thank you for your time and favorable consideration.