Testimony II

My name is Jaynie Simmons. I am here today as the appointed representative of the Tilden Court Condominium Association.

I am a resident of the neighborhood for the past 25 years. I arrived as a renter in 1976 and am now a homeowner.

Tilden Court is located on the northeast corner of Connecticut and Tilden Streets, N.W. The building occupies approximately half of the Connecticut Avenue block between Tilden and Upton Streets, N.W. Our back door is within 100 feet of Edmund Burke's Upton Street property.

Tilden Court is a 5 story, red brick, property that was originally built in 1929. The building currently has 68 units.

As such, I speak for the largest single group of neighborhood residents who will be directly affected by Edmund Burke's expansion plans.

Our building includes single people, married couples, and families with children. In 1929 few people owned cars and on-street parking was more than sufficient for those who did own vehicles. Like several other Connecticut Avenue properties of the same sage, our building's architecture has absolutely no provision for parking and we are entirely dependent upon Upton, Tilden and 29th Street for our on street parking needs.

Any 4007 who exits the building to retrieve a car parked on either Upton or the eastern half of Tilden must exit via our back door and then proceed through the Tilden-Upton alleyway.

As a resident with 25 years tenure I have seen many of the zoning changes affecting our neighborhood firsthand.

When I first moved to the neighborhood in 1976, The Carnegie Institute still performed their scientific mission, Howard University Law School had not yet graduated their first class, the Hillwood Museum had not yet opened their doors to the public, and the Burke School was still functioning at their originally mandated numbers of "165 students and 28 teachers and other staff members".

I remember well the discussions and promises made to the neighborhood when Burke applied to have their numbers increased to 270 students and 35 faculty and staff. I was one among many who believed the promises that were made.

The neighborhood wanted to believe the promises that the Edmund Burke Administration made. We wanted to believe that the school, their students, their parents, their staff and their visitors would appreciate the opportunity to be located in a lovely neighborhood such as our own. And more importantly, we wanted to believe that the school, their

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students, their parents, and their staff would respect both the physical property of the neighborhood and the neighbors.

Since 1983, the BZA has explicitly and specifically stated that "The applicant [Burke] has agreed to work with the neighborhood to help reduce any traffic impacts."(BZA Application Order #11428).

Since 1983 the problems of traffic, parking, noise, trespassing have steadily grown worse.

If I had known then what I know now I would have voiced my opposition their 1983 plans. I do not want to make that mistake twice. A wise man once wrote: "There is a point at which forbearance ceases to be a virtue." That man was philosopher Edmund Burke. (Observation on Late Publication on the Present State of the Nation; Vol I, page 273)

It is interesting to note that the Edmund Burke School's Administration has continued to make many promises to the neighborhood homeowners regarding Burke's willingness to enforce a variety of noise, usage and traffic plans or pledges involving student/parent/teacher accountability, both in the past and with regard to their current BZA Application.

The general neighborhood consensus is Burke has been unable to, and to some extent, disinterested in self-monitoring these problems even during the most crucial phases of this current process.

Phone calls have been answered not in the genuine spirit of neighborhood reconciliation, but with annoyance. Hired police officers do not monitor parking and traffic problems as much as attempt to placate anxious parents. In some cases, these off-duty, privately hired officers have actually been rude to or issued thinly veiled threats to neighbors who have voiced any level of concern. Efforts to diplomatically continue discussions regarding current problems have been met with accusations that these are tactical efforts on the part of neighborhood residents to muddy the current situation, when, in fact we have been making continued attempts to be aboveboard and put concerns on the table in order to solve the problems we are already faced with **now**.

Bureau of Zoning Adjustment decisions during the past twenty-five years have created a level of increase in usage that cumulatively threatens to overwhelm the residential neighborhood on Tilden Street, Upton Street, Van Ness Street, 29th Street, Lenore Lane, Linnean Avenue, and Connecticut Avenue between Tilden and Van Ness Streets, N.W.

These decisions, made by the BZA piecemeal and each independently of the next have instituted a *de facto* policy where the neighborhood is viewed as hospitable haven for almost all forms of institutional use and, which, as a result, actually creates an environment where the tax-paying homeowners feel like outsiders in our own neighborhood.

Before Marjorie Merriweather Post's death, Hillwood functioned as a private home with comparitively few visitors. After Hillwood's 1977 Museum opening the BZA originally allowed Hillwood a robust 41,600 Visitors per year in 1977, but the Museum and Gardens are now permitted a staggering 81,00 Visitors annually plus 10 Sunday events, 16 Educational Evenings, and an Annual Fundraiser for 350 people. There has been a dramatic increase in traffic to our neighborhood, both by private car and motor coach. On the night of our last BZA Hearing (May 23) Hillwood went before the ANC to request a liquor license for their on-site restaurant.

The Carnegie Institution had a mere 50 people occupying their property before the BZA allowed the Levine School of Music to plan for as many as 1,500 students. Their weekday/daytime density level of 800 students provides a steady flow of traffic up and down Upton, Tilden and 29th Streets, N.W.

Perhaps the most interesting piece of the zoning and density puzzle is a comparison of Edmund Burke's proposed expansion with that of the existing grounds provided by other private schools operating in real-estate rich Upper Northwest Washington, D.C.

Even with Burke's proposed expansion, which would double their current property share, the school projects a student density level of 450 students per acre (360 students on ¾ of One Acre).

This **density level is 5 times greater** than that of Georgetown Prep, which has the next highest density level, with 90 High School students per acre on their Davenport Street, N.W. location.

Burke's density is 17 and ½ times greater than the current student roster that the Field School will transplant to the newly purchased 10.4 Acre Cafritz estate on Foxhall Road, N.W.

The Field School and the Lowell School were listed in closest proximity to Burke not because their student density levels were so much lower, but because these two private schools both purchased new properties in the Northwest area within the last 24 months, clearly showing that such properties were available for purchase and were deemed affordable by the other private schools who purchased them.

The rest of the Private School density reports all make one thing strikingly clear: Edmund Burke overwhelmingly reports the highest density levels of students per acre for any private school surveyed in Northwest Washington.

How is Burke able to fit so many intellectually curious and active students into such a small place? The answer is obvious to all of us who live on Tilden, Upton, Van Ness, and 29th Streets: our neighborhood has literally become an extension of the Burke grounds.

Students jog through our streets, engage in the teen-age rites of cigarette smoking, ditching school and amorous flirtations in our alleyways. Cheerleaders and other students voice their school spirit, go on photography class outings, and share their youthful enthusiasm as they walk past our homes. Parents and students cut through our alleyways, often at unsafe speeds, double and even triple park along Upton Street and the Upton-Tilden alleyway.

Do any of you have teen-agers yourself at home? I think you will agree that one or two teen-agers can generate an incredible an amazing level of noise. Now, close your eyes and imagine 360 teen-agers.

The attitude and the behaviors demonstrated by Burke School staff, students and parents make clear a seemingly prevalent point of view: That the $17,000 a year tuition that Edmund Burke charges does not merely buy them the opportunity for a good education; it buys them the neighborhood, too. It's the best real estate bargain you can find on the market in Washington, D.C.

If they need playing fields to support their athletic programs, well they will use the playing fields at Howard University Law. Never mind that Howard University Law is specifically prohibited by a BZA Order from renting or allowing their playing fields to be used by another group.

At the May ANC meeting, Burke was confronted with the irrefutable facts that they continue to use the Howard University Law School playing fields, despite a BZA Order which supposedly prevents Howard Law from allowing such usage.

Burke's legal representative, merely shrugged his shoulders and said, " Well, that is Howard's issue; ***We're*** not doing anything wrong."

If Burke's legal representative feels it is okay for Burke to use these playing fields despite the BZA order. So much for Burke's stated desires towards creating a spirit of cooperation and fair play with the neighborhood residents.

Can any one here have any doubt that if Burke's own attorney himself believes this to be true, that other Burke parents, students, faculty and staff will follow his lead and ignore whatever other guidelines or regulations they disagree with or find inconvenient?

Burke has publicly stated that their "Pledge" will suddenly be able to control the problems that have plagued the neighborhood for years. Where has this "Pledge" been before? Where was this "Pledge" after the 1983 BZA zoning exception? Where was this pledge 3 years ago? Where was this "Pledge" at the beginning of the 200-2001 school year?

This "Pledge" was only offered up after numerous and repeated meetings with the neighborhood who continued to find the flaws with Burke's traffic, parking, noise and land use designs.

Burke's assertion that: "No students or families may park on the residential streets adjacent to the school" [Upton Street] precludes what will happen on Tilden Street, 29th Street, Linnaean Avenue. (?)

Their guidelines informing parents and student drivers that they "...may not drive west on Upton Street", ""...drop off or pick up students in front of the Upton Street school entrance." Or ..."utilize the public alleyways between Van Ness and Upton (what about between Upton and Tilden?) are all clearly **unenforceable guidelines.**

Guidelines are not rules. And even rules that do not have the support of unilaterally enforceable consequences mean nothing.

Who is going to catch and punish drivers who commit infractions? The Department of Public Works is not going to camp out on Upton and the surrounding streets 8 or 10 hours a day. The privately hired Police officers are not going to hand out tickets to Burke students and parents. In fact, we can't even depend on the hired Police Officers to follow City-established rules themselves.

Case in point. This just in from the "Almost Too Good to Be True" Files:

After the May BZA I called my partnerScott and asked him to pick me up at Van Ness because of the rain (I forgot my umbrella).

We stopped at Giant and then proceed home through the Veazey-Van Ness Alley and the Van Ness-Upton Alley so we could avoid trying to turn left onto Upton across 4 lanes of Connecticut Avenue traffic.

As we arrived at the back of Burke's Upton Street property, (5:15 P.M.) I saw a car driving NORTH on the "One Way Southbound Only" Alley.

I asked Scott to slow down and then stop our car as the offending car, which had pulled slightly to the left to allow us passage, was almost parallel with ours.

(Scott hates when I confront these offenders. He's afraid someone's going to have a gun in their glove compartment...)

As I rolled down the window, the other car also rolled down their window.

As I began to utter the words "Did you see the "One Way" only sign, I was interrupted by the offending driver.

IT WAS THE EDMUND BURKE POLICE OFFICER WHO HAD TESTIFIED AT THAT MORNING'S HEARING!

She was driving a personal vehicle and was not in uniform.

Her excuse? She sputtered: "I know it's a one way alley; I was just checking the alley for problems."

Checking how? Checking to see if other people were following the law and driving southbound?

I am absolutely APPALLED at this situation. She was not in uniform, she was not driving a police vehicle; even if she was, **Police Officers are supposed to follow the rules, too!**

If Edmund Burke's hired Police Officer can turn a blind eye to a posted regulation, what will others do?

The opportunities for disobeying the requested guidelines are more numerous than the stars in the summer sky. And ***every*** year there will be a new class of Burke students, Burke parents, and Burke visitors who will ask for or need time to "adjust" to the new rules.

At the close of Burke's May ANC presentation, their legal representative stated to the ANC that "It's hard to turn away parents who want a good education for their children." His statement was delivered with such convincing sincerity that it may have been easy for many to overlook its serious disingenuousness.

This is not about providing bright students with a challenging education. Burke's request for a zoning exemption is not about scholarships or diversity or good works or award winning volleyball teams. The Edmund Burke School is a business, like many others. Their area of expertise is education. Their mission is to stay in business.

This situation is about Edmund Burke's ability to compete with other private schools in Washington for the valuable prize of tuition dollars

Edmund Burke cannot compete for these tuition dollars unless they are able to match the kind and number of programs that other private schools can provide.

They cannot provide these programs without a corresponding increase in staff and physical space.

And they cannot pay for these programs, their increased staff and their larger building and equipment without a drastic increase in student enrollment and student **dollars**.

This represents an understandable fact of business. The problem is that the Edmund Burke School wants the **neighborhood** to pay for their business plan with increased traffic, more trash, more noise, more parking infractions, less parking for our own residents, less civility in our own neighborhood.

There is simply no [redacted]ough buffer space between the neigh[redacted]ood and 360 students plus an additional 60 faculty plus assorted staff members. Look at the campus plans for all the other Northwest private schools.Look at the campus plans for Northwest D.C. public schools. All of them provide ample buffer spacem to minimize the expected aggravations that occur between the school and their surrounding neighborhoods.

It is not the students' fault. There is no place else for them to go. There is no place else for them to drive. There is no place else for them to park. There is no place else for them to eat lunch, practice their cheers, smoke a cigarette away from the "prying eyes" of school administrators, explore mutual attractions, and just be **teenagers.** It is the administration's fault for insisting that so ambitious a plan be shoe-horned into so small and insufficient a space.

This situation is about trying to shove a size-22 woman into a size-12 dress. I feel uniquely qualified to comment on the feasibility of achieving success.

This is not a case of Not In My Back Yard. This is a Case of No More In My Back Yard.

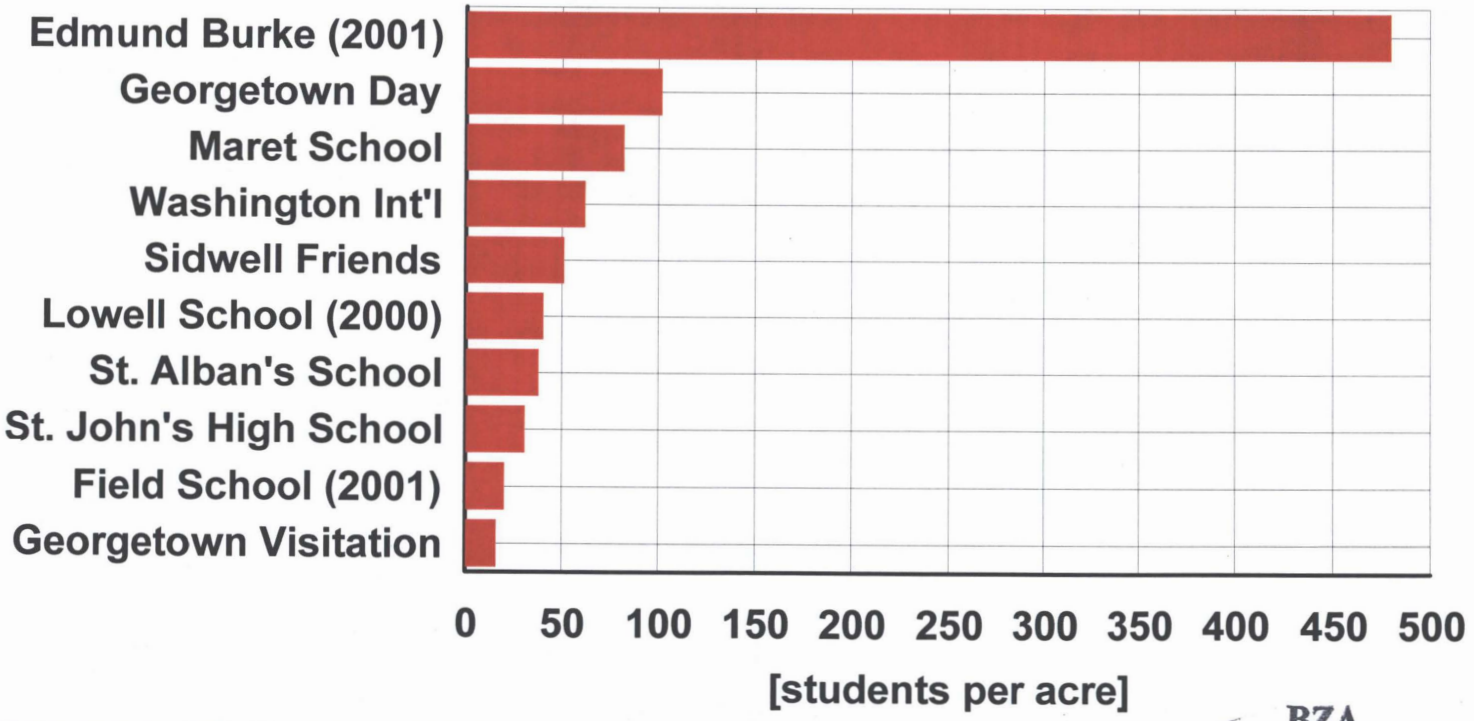
Within 4 square blocks our neighborhood is already host to Howard University Law, Hillwood, Intelsat, WJLA, 22 Embassies and our closest "neighbor":Edmund Burke.

Madam Chair and Commissioners: Our Boat is so small and Burke's needs are so large.

The Zoning decisions that have been made piecemeal in the past should not be repeated in this case. Edmund Burke, himself, may have said it best: ""The True danger is when liberty is nibbled away, for expedience, and by parts." (April 3, 1777 to the Sheriffs of Bristol)

On behalf of the residents of Tilden Court and the Tilden/Upton/Van Ness neighborhood, I respectfully ask the BZA not to nibble away at our neighborhood for expediency's sake and to reject the Edmund Burke request.

Comparison of Burke School Student Density Per Acre to other N.W. Washington Private Schools



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