ANC 3F

3F01 - Phil Kogan
3F02 - Karen L. Perry
3F03 - Robert V. Maudlin
3F04 - David J. Bardin
3F05 - Doug Mitchell
3F06 - Cathy Wiss
3F07 - Lyn Oglesby, PhD

Advisory Neighborhood Commission 3F
NORTH CLEVELAND PARK / FOREST HILLS

August 27, 2001

RECEIVED
D.C. OFFICE OF ZONING
2001 AUG 27 PM 4:33

Board of Zoning Adjustment
for the District of Columbia
441 4th Street NW, Suite 210-S
Washington, DC 20001

Re: Board of Zoning Adjustment Application No. 16611, Edmund Burke School

Dear Members of the Board:

I apologize for the lateness of this document and would like to request that the Board accept it as a submission. It is not one of the items requested at the end of the hearing on July 22nd, and I must have been exhausted by the late hour not to remember or realize that this item was not specified by Mr. Hart. It was not until I was re-reading the transcript this weekend, that I noticed this omission.

During the course of my testimony that day, Mr. Feola challenged the assertion that Burke had violated the 1983 BZA order as it pertained to condition five of the order which stated, "All non-school related use of the building shall be limited to no more than three events per month." At the time Mr. Feola told me to submit the evidence.

Rather than enumerate all the participant-paid seminars, rental of the auditorium, etc., in the interest of brevity, I am merely submitting three documents: (1) The Northwest Current article, dated March 15, 2000, reporting on the ANC's March 13th meeting, in which Mr. Shapiro admitted "Burke holds more non-school events than the Board permitted." (2) A letter from Mr. Shapiro to the ANC Commissioners further clarifying his remarks at the March 13th ANC meeting regarding non-school events at the top of page 2. It should be noted that many of these groups were more than 15 people and came via large school buses. And, (3) E-mail correspondence between myself and Julie Weisman, an Upton Street resident.

Once again, I hope you will accept this late submission if, for no other reason, than the credibility of my statement into the record.

Thank you for your consideration.

Sincerely,

Karen Perry

Karen Perry
ANC 3F02

Attachments

BZA
Case No. 16611
Exhibit No. 233

e-mail: anc3f@juno.com
ANC 3F, P.O. Box 39290, Washington, DC 20016-9290
web site: www.DC.net/maudlin
Phone: 202.362.6120 • Fax: 202.686.7237

Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.233

Current, March 15, 200
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Neighbors contest Burke's expansion

By ELIZABETH WIENER
Current Staff Writer

Plans to expand the Edmund Burke School on Upton Street ran into a firestorm of protest from neighbors this week — even before the private middle and upper school has submitted a formal proposal for zoning changes.

The 295-student school, housed in an old brick structure just off Connecticut Avenue, wants to build a 40,000-square-foot, $12 million addition. The new space would accommodate 65 additional students as well as an auditorium, studio and performing arts space and a covered rooftop recreation area.

The ambitious project, the largest in the school's 30-year history, will require one or more special exceptions from the Board of Zoning Adjustment, said attorney Sarah Shaw, who represents the school.

Burke needs permission to

See **Burke**/Page 23

BURKE

From Page 1

expand a private school in a residential area, perhaps with less parking than normally required. A bridge to the addition also may require zoning approval.

School officials said they will not be ready to submit formal plans for at least a month. But they have been meeting with neighbors in the Van Ness area and presented their preliminary proposal to the Forest Hills advisory neighborhood commission on Monday.

Loud concerns about traffic, parking, light and air indicated Burke faces tough going.

David Shapiro, head of the school, acknowledged that the traffic and parking problems will not be easy to solve. But Burke, he said, is an urban school with a diverse student body by choice, and wants to stay in the neighborhood.

"The solution of us picking up and moving out gets to the soul issues of the school," he said.

Shapiro explained that a recent accreditation found the school's current space 'insufficient to serve our current program." Burke needs to add space for performing arts, physical education, health classes and a better library to serve its mission as a progressive school offering students freedom and choice, he said.

He also acknowledged Burke currently exceeds an enrollment cap set by the Board of Zoning Adjustment in 1983 and holds more non-school events than the board permited.

Walter Ailes, assistant head of school, is steering Burke's expansion. He described "a long dance with neighbors" on Upton and Van Ness streets, trying to figure out ways to squeeze in enough parking — in alleys, cutouts on Connecticut Avenue, inside the building — to alleviate neighbors' concerns when the school is expanded.

Ailes said he has heard complaints that parents gridlock the area during drop-off and pick-up. Burke students and faculty take up neighborhood spaces during the day and block alleys during special events — all issues the school promises to address, he said.

"You cannot do what you want at the expense of everybody in the neighborhood."
—Neighbor Janie Simmons

He also acknowledged that the addition will "take a whole lot of light away" from an apartment building at 4107 Connecticut Ave., whose rear windows face an alley that also backs on the school. "There's not much we can do about that," he said.

And then it was the neighbors' turn, and not one spoke in favor of the school's proposal.

Denise Couture said she moved from Georgetown to tree-lined Upton to raise two little boys, "and it's been a nightmare ever since." With Burke, Howard Law School and Levine School of Music all lining the street, "I've had the mirror knocked off my car, and counted 30 cars parked without neighborhood parking permits."

"The situation is unbearable now, without additional students," said Julie Weisman, who also lives on Upton. "Tonight there was an event at the school, and we couldn't get out of our street. If you can't solve it now, how can you with [more students]?"

Jamie Simmons, who lives in a nearby Connecticut Avenue apartment, said she had stood outside her back door "and clocked parents in Volvos and Audis doing 17, 18, 20 miles an hour down the alley. I motioned one driver to slow down, and she flipped me off."

Simmons described a dire parking shortage in the neighborhood already. "This is not going to solve the problem," she told the Burke officials. "You cannot do what you want at the expense of everybody in the neighborhood."

The school will come back to the neighborhood commission for formal support when it finalizes its plans. Commissioner Karen Perry did not sound optimistic. "Some of the neighbors, from the consulates, haven't even heard your proposal yet," Perry told the Burke officials.

From: "Philip Kogan" <pkogan@os.dhhs.gov>
To: <Cynthia_Giordano@aporter.com>
Cc: <karenperry2@juno.com>
Date: Thu, 1 Feb 2001 10:50:11 -0500
Subject: Fwd: Letter from Edmund Burke School

Comments:
Cynthia -

See David Shapiro's letter attached. Have your clients seen the revised plans referred to by Shapiro?

- - - - - - - - - - - - - - Original Message - - - - - - - - - - - - - -
To: Philip Kogan@ASMB.BUDG@OS.DC
From: "David Shapiro" <David_Shapiro@eburke.org>
Date: Wed Jan 31 20:28:51 2001
Attached: ANC, Headers.822

Dear Phil,

I'm enclosing as an attachment the letter that I'm sending to all ANC-3F Commisioners to udate you on what's happened with Burke's plan since our last presentation to the ANC and to clarify some points that were raised the evening of our presentation.

I'd hoped to speak personally with you before I sent you the letter, but unfortunately I wasn't able to reach you by phone today. We will be sending copies of the letter to our neighbors with a request for continued conversation in the near future, and I would be very grateful if you and Commissioner Lyn Oglesby would be willing to co-sponsor such a meeting. I've had a chance to speak with Commissioner Oglesby who is able to co-sponsor the meeting on Monday, February 12, or on Sunday afternoon, February 11. It would be wonderful if you were able to assist Burke/neighborhood dialogue in this way. Please let me know if this is possible for you and if either of those dates is convenient.

If you have any questions or would like to speak about any of this, I hope you will give me a call (202-362-8882).

Sincerely,

David Shapiro, Head of School
Edmund Burke School

January 31, 2001

Advisory Neighborhood Commission 3F
Commissioners:
Philip Kogan
Karen Perry
Robert V. Maudlin
David J. Bardin
Douglas Mitchell
Cathy Wiss
Lyn Oglesby

Dear Commissioners,

As Edmund Burke School moves through the application process to improve the school's program and facilities, we are very mindful of the important questions and different perspectives facing you as you consider our on-going request for support.

In the hopes that you will find it helpful, we would like to provide you with an update regarding a concern raised at our most recent presentation to the ANC3F about automobile exhaust in the proposed driveway. We would also like to offer clarification regarding several points that were made by commissioners that evening:

- A design concern was raised during the meeting regarding the potential for exhaust fumes to make their way from our proposed driveway up the side of the adjoining apartment building at 4107 Connecticut Avenue. Since the meeting, we have done the necessary alterations to our design, including an exhaust system and the addition of a wall alongside the apartment building, and we have shared this solution with the apartment building's owner representatives.

- A point was made about the "discovery" process regarding Burke's non-compliance with the BZA's 1983 enrollment cap of 270. To our ears, the remark seemed to indicate that Burke had sought to hide enrollment information from its neighbors. I want to assure you that Burke never hid its over enrollment and, in fact, was responsible for informing the neighbors about it. I held a community meeting in the late spring of 1999 to introduce myself to our neighbors and to share Edmund Burke School's hopes for the future. I made clear at that meeting that the school was over enrolled and that we very much wished to develop additional program space, first to better serve the educational needs of our current students and secondarily to allow for enrollment growth to 360. After 14 years of compliance, an enrollment of over 270 was a relatively recent event in the school's history. We certainly recognized the need to request from the BZA new conditions under which we would operate this school (we initially intended, naively as it turns out, to appear before the BZA in early Fall of 1999), and I saw my meeting with neighbors as an important first step.

- A statement was also made that the school is currently out of compliance with the condition that limits the school to 'three evening events a month." The actual condition in our zoning order states that "the school will not hold more than three *non-school* [our italics] events per month." Early last year, this issue was raised by some of our Upton Street neighbors. At that time, the school was renting its gym to community groups who had organized an adult volleyball and basketball league. Many schools in the area were involved in responding to this kind of community need, and Burke was among them. On average, ten to fifteen adults would come to Burke two nights a week for this purpose. Rightly or wrongly, the school did not view these games as "events." When some of our neighbors told us that they felt that this was a violation of our zoning order, the school permitted the groups to play out their season and then terminated the long-term relationship. Obviously, this represents a loss of revenue for Burke, but more importantly, it seems to us that this is a loss to the community. Be that as it may, the only non-school event that we have continued is the use of the school as a polling and election location for the community.

- Finally, as a point of clarification, the traffic volumes a commissioner referenced that evening represent the actual number of trips, not vehicles associated with the Edmund Burke School proposal. This can be confusing since, for example, a *single* vehicle arriving and subsequently departing during the peak hour represents *two* trips. The total number of *vehicles* anticipated during the AM peak hour in the future is 196, **not** 328. The total number of *vehicles* anticipated during the PM peak hour is 159, **not** 265.

From the beginning of the building proposal process, our goal has been to imbed in our project sound physical solutions that would offer an improvement to the quality of life in our neighborhood while enhancing the education that Edmund Burke School offers its students. We want to be a good neighbor, and we hope that, should our proposed plans be approved, they will cause as little inconvenience to our neighbors as possible.

We will be sharing this letter with our neighbors, along with a request for continued conversation. Any guidance that you wish to give the school on how to facilitate such communication would be welcomed.

Sincerely,

David Shapiro, Head of School
Edmund Burke School

From: "Weisman, Julie" <JAWeisman@SWIDLAW.com>
To: 'Karen L Perry' <karenperry2@juno.com>
Date: Sat, 19 May 2001 17:27:12 -0400
Subject: RE: Burke Compliance

Karen-

Although David claims he told us about the noncompliance, I did not realize it until someone got me a copy of the 1983 BZA order. They also are out of compliance with respect to numbers on teachers and staff. With respect to outside events, we never were informed they were not compliant. In fact, even after I told them they were out of compliance, they were claiming that renting the gym to outsiders did not fall within the BZA conditions. They stopped when their lawyer told them to (or so they say). Good luck on Tuesday. My thoughts will be with you.

Julie

-----Original Message-----
From: Karen L Perry [mailto:karenperry2@juno.com]
Sent: Friday, May 18, 2001 2:22 AM
To: JAWeisman@swidlaw.com
Cc: astoria7@erols.com; jsmolik@winklerbotanical.org; Burkezone@aol.com; Phil.kogan@hhs.gov; mgsegal@starpower.net
Subject: Burke Compliance

Julie, hope you have a great vacation. We will be thinking about you on Tuesday.

I know you are probably busy getting ready to go away, but I am a little or a lot confused on the compliance issue. Was it David Shapiro who first told the neighborhood they were out of compliance on the student cap or is this something they admitted after you raised the increase in traffic and activity with them, etc. For some reason I thought you pulled their BZA order and went to them.

What about the fact that they had too many teachers? Did he admit that first or did we just find out when we got the order.

What about the rental for more than 3 non-school events? How did we find out about that? Is that something they told us?