ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

September 12, 2001

VIA HAND DELIVERY

Sheila Cross Reid
Chairperson
Board of Zoning Adjustment
441 4th Street, N.W
Second Floor
Washington, D.C. 20001

Re: Edmund Burke School
Application No. 16611

Dear Chairperson Reid and Members of the Board:

We had planned to file the enclosed letter on Tuesday, September 11, 2001, as directed by the Board. However, due to the closing of the District of Columbia government on Tuesday, we were unable to do so.

Sincerely,

Phil T. Feola/SES

Phil T. Feola

Sarah E. Shaw

Sarah E. Shaw

Enclosure

Document #: 1161824 v.1

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BZA
Case No. 16611
Exhibit No. 241

Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.241

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Sheila Cross Reid
Chairperson
Board of Zoning Adjustment
441 4th Street, N.W
Second Floor
Washington, D.C. 20001

Re: Edmund Burke School
Application No. 16611, Pedestrian Bridge

Dear Chairperson Reid and Members of the Board:

At its meeting on September 4, 2001, the Board of Zoning Adjustment ("**BZA**") asked that the Edmund Burke School ("**School**"), the applicant in the above-captioned case, submit a more detailed analysis of the impact of a proposed pedestrian bridge to connect the existing School building on Upton Street to the proposed new school building on Connecticut Avenue over a public alley. On behalf of the School, we respectfully request that consideration of this bridge be removed from the BZA's deliberations on this matter for the reasons articulated below.

THE BRIDGE

From a program point of view, the School has always favored connecting the two buildings with a bridge. This is evident in early iterations of the plans, which included such a bridge connection. However, the School decided to forego the bridge connection based on three factors: cost, early community concern, and the need for an additional public hearing and review process (by the District of Columbia Zoning Commission) for approval in order to occupy the space over a public alley. The single biggest factor for the School removing the bridge from consideration was the cost. The costs associated with the bridge are not just for the structure itself, but would involve substantial interior renovations to the existing School to make the connection viable. Because the School added two levels of underground parking, in response to community concerns, which significantly increased the new building cost, and since the bridge was not a "program" need, i.e., classroom or educating space, eliminating the bridge freed monies to cover a portion of the additional costs for the below grade parking.

During the BZA hearings, Board Member Anthony Hood, however, indicated concern about student pedestrians and wondered about just such a connection. In response to this, the School, in its August 20, 2001 filing, proposed that it would add the bridge back into the plan subject, of course, to Zoning Commission approval. This proposal was not an attempt to

circumvent the system. The School was fully aware that the "bridge" would have to be approved by the Zoning Commission after full notice and a public hearing. The School was merely demonstrating a willingness to accommodate the Board's request, even though it would increase the financial burden to the School.

The School believes that Board Member Hood's suggestion is a good one and one that is logical. At some point in the future, the School may seek to have the bridge approved by the District of Columbia Zoning Commission, after an appropriate public hearing process, but for the present application the School does not believe it is necessary and it is certainly not essential for pedestrian safety.

PEDESTRIAN SAFETY

The School strongly believes that it can operate these two buildings without a bridge and not jeopardize student safety. Even more than the Board members, the School's responsibility to its community, its parents and students with regard to student safety is paramount. As the Board is aware from the testimony in the record, the current Burke Middle and High School student population uses the sidewalk on Upton Street to cross this public alley on a regular basis. The number of the existing students using the public sidewalks, with the Board and the opponents urging, will increase as more students utilize mass transportation to get to the School.

However, because there is the potential for additional pedestrian trips across the alley between the two buildings after construction, the School has proposed (in its August 20, 2001 submission) an operational plan to address these concerns. The School agrees to close the private driveway in the new building during the academic day once the morning drop-off period is over. It will not reopen it until the afternoon pick-up period. As students need to walk between the two buildings during the School day, the School will assign a faculty/staff member to monitor this student crossing. During rush hour periods, an off-duty Metropolitan police officer will be responsible for the intersection of the alley, the School driveway and Upton Street and control, and insure, pedestrian safety. The School will require that pedestrian trips by students between buildings be done only under the supervision of a faculty/staff member and only in the most controlled circumstances.

It should also be pointed out, as the record shows in this case, that the new building on Connecticut Avenue is primarily being built for the Middle School students (grades 6, 7 and 8), the arts program and a new library, with the existing building then being dedicated predominantly to High School students. Thus, the younger students, with an entrance to the building on

Connecticut Avenue and the pick up and drop off occurring inside the building, may have less need to cross the public alley to get to their daily activities than they do currently. For those times, such as gym classes, where the students must move to the existing School building, their movement will be controlled and directed by a faculty or staff member.

CONCLUSION

While the School believes that Board Member Hood's idea for a bridge is of exceptional merit, it hereby withdraws the consideration of the bridge as part of the BZA Application No. 16611. If, in the future, the School believes that a bridge would be a convenience, it will make the appropriate application for use of the air rights over this public space to the District of Columbia Zoning Commission in full accordance with the laws and regulations of the Zoning Commission and neighbors and the public will have full notice and opportunity to comment.

Sincerely,

Phil T. Feola

Sarah E. Shaw

cc: David Shapiro
Marie Sansone, Esquire

Document #: 1161197 v.2

Certificate of Service

I hereby certify that on September 12, 2001, a copy of the foregoing Letter was hand delivered to the following:

Jennifer Steingasser
Office of Planning
801 North Capitol Street, NW, 4th Floor
Washington, DC 20002

Mr. Kenneth Laden
Department of Public Works
2000 14th Street, NW, 5th Floor
Washington, DC 20009

ANC 3F c/o Phil Kogan
Health and Human Services
200 Independence Ave, SW, #503H
Washington, DC 20201

Linda Jay
2951 Upton Street, NW
Washington, DC 20008

And

3634 Veazey Street, NW
Washington, DC 20008-3135

Van Ness South Tenants Association
c/o Pat Brown
Greenstein, DeLorme & Luchs
1620 L Street, NW, Suite 900
Washington, DC 20036

NULS
c/o Jodie Smolik
2945 Upton Street, NW
Washington, DC 20008

Sirrus, LLC
c/o Cynthia Giordano, Esq.
Arnold & Porter
555 12th Street, NW
Washington, DC 20004

Sarah E. Shaw