Helen Hagerty
4708 Reservoir Road, NW
Washington, DC 20007

RECEIVED
D.C. OFFICE OF ZONING
2001 FEB 13 PM 4:00

9 February 2001

Mr. Robert Sockwell
Chair, DC BZA
441 4th St., NW
Room 210
Washington, DC 20001

Dear Mr. Sockwell:

Enclosed please find a copy of the Hardy PTA letter, petition, principal's letter to the Mayor, and two letters to the editor regarding the flea market. These copies are for placement in the file of case # 16643.

As I noted during the recent hearing on January 30, the principal apparently has no input as to how school property is used. This is unfortunate and does not put the best interest of children first. Portable toilets and dumpsters do not belong on school property throughout the year to accommodate flea market shoppers on Sundays. In fact, it's offensive.

The contract for the architect will soon be signed and plans will move forward for Hardy's complete renovation. There will be no place for the flea market during construction, nor once the work is complete. The flea market will have to move. K Street seems like a viable solution that should be discussed further.

Sincerely,

Helen M. Hagerty

Helen M. Hagerty

BZA
Case No. 16643
Exhibit No. 71

Board of Zoning Adjustment
District of Columbia
CASE NO.16643
EXHIBIT NO.71

"DESK COPY"

NOV 19 REC'D

Rose L. Hardy Middle School PTA
1819 35th St., NW
Washington, DC

NOV 18 REC'D

November 9, 1999

Ms. Arlene Ackerman
Superintendent
DC Public Schools
825 N. Capitol St., NW
Washington, DC

Dear Ms. Ackerman:

We, the undersigned members of the Executive Board of the Rose L. Hardy Middle School PTA and Parents of Hardy School, wish to present the following statements and views on the leasing of the Hardy School grounds to the operator of a flea market:

1. DCPS ERRED IN INTERPRETING THE REGULATIONS REGARDING ALLOWABLE AND APPROPRIATE ACTIVITY ON SCHOOL PROPERTY.

   The Municipal Regulations state that all non-DCPS activities on school property shall be consistent with the educational mission of the building and grounds being considered. The Municipal Regulations list a number of allowable activities on school property. **Commercial activity is last on that list.**

   The flea market operator leases the entire grounds of Hardy and then subleases space to sellers of foodstuffs, antiques, pictures, rugs, and other new and used items for resale. None of proceeds of the lease, sub-leases, or sales inures to the benefit of Hardy School. There is no component of the flea market operation that can, in any way, be related to the educational mission of Hardy or any other school.

2. DCPS ERRED IN THE PROCEDURES FOR NEGOTIATING AND APPROVING THE LEASE IN THAT THE PRINCIPAL OF HARDY DID NOT PARTICIPATE IN THE NEGOTIATION OF THE LEASE AND DID NOT SIGN THE USE AGREEMENT.

   The DCMR and DCPS's internal regulations stipulate that the Principal shall , at a minimum, agree to the conditions of the use agreement and shall sign the use agreement. The Principal at Hardy was neither a party to

the negotiations of the lease nor did he sign the use agreement.

The purpose of this requirement is to provide the Principal with an opportunity to determine that the conditions of the use agreement are consistent with the mission of the building and that such use does not interfere with education. It also affords the Principal an opportunity to consider the views of the parents and local community in setting the terms.

3. THE CONTINUED USE OF THE GROUNDS FOR A FLEA MARKET JEOPARDIZES THE INVESTMENT IN THE NEW SPORTS FIELD AND BASKETBALL COURT.

DCPS has made a considerable investment in building a track, playing field, and basketball courts for use by the students of Hardy. Additionally, other aesthetic improvements have been made in the front of the school such as the construction of plant boxes and the planting of trees and shrubs.

The flea market has always occupied the entire property for its use. The new fields now use about 40% of the grounds. There has been, however, no reduction in the amount of activity of the flea market. To the contrary, the sellers now pack themselves into the smaller space. A recent count indicated that there were 85 vehicles on the grounds using every available square foot of space. We have observed vehicles backing up on the sidewalks, pushing newly planted trees and shrubs in the process. It is only a matter of time before the sellers begin to place their vehicles and wares on the playing fields and cause costly damage.

4. THE CONTINUED USE OF THE GROUNDS FOR A FLEA MARKET IS INCOMPATIBLE WITH THE COMMUNITY'S USE OF THE SPORTS FIELD AND BASKETBALL COURT.

Sports fields and basketball courts area natural drawing card for local residents, both children and adults, to participate in athletic activities. These are appropriate and ordinary uses of school grounds. The presence of trucks, cars, and large crowds is not compatible with that use.

5. DCPS DOES NOT ENFORCE THE CONDITIONS OF THE AGREEMENT.

DCMR includes several standard clauses for use of school property. For instance, lessors shall not place signs or other items on school buildings or

fences. We have observed several signs which are routinely hung on fences and the building. Sellers hang paintings of window screens. Portable toilets and trash cans are left on the property during the week. If DCPS were to inspect the grounds while in use, these and other violations would be apparent.

6. THE LEASE MAY BE IN VIOLATION OF OTHER DC LAWS AND REGULATIONS

Recently, the DC Zoning Administrator issued a ruling that the flea market was operating in violation of the zoning laws. It is a commercial activity which is not approved for that block. No Certificate of Occupancy has issued. The operator could not then have the appropriate business licenses and registrations. The lease is, therefor, in violation of several DC laws and regulations. DCPS should not be a party to a lease which does not ensure compliance with all DC laws.

All the reasons above indicate that DCPS should revoke the current lease. If, however, DCPS decides that it can lease the property we, through the Principal and the PTA, would like to actively participate in the negotiation of the revised lease agreement.

We have attached sheets with the signatures of parents at Hardy who agree with this position.

The purpose for which Hardy was built - education - must always be the prime consideration in determining its use.

Sincerely,

Marty Tillman, President

Cheryl Clark, Vice President

Robert Moore, Treasurer

Karen Frazier, Secretary

cc: Mr Jack Evans, DC Council
Ms. Kathy Patterson, DC Council
Ms. Westy Byrd, DC Board of Education

(1)

ROSE L. HARDY MIDDLE SCHOOL PTA
"FLEA MARKET" PETITION
NOVEMBER 9, 1999

We, the undersigned Parents and Friends of Hardy School, support the Hardy PTA Executive Council in its opposition to the continued leasing of Hardy school property to the operator of the "Flea Market".

NAME	SIGNATURE
Verna Anderson	Verna Anderson
MARY Anne Wright	Mary Anne Wright
Angela Watson	Angela Watson
Susan BACHRACH	Susan O Bachrach 3740 Benton St NW 20007
Audrey C Brown	
TIMOTHY D'EMILIO	T. D'Em
LEONELLE CAVESTANY	Leonelle Cavestany
SHEILA HOLEMAN	Sheila Holeman
Gail V. Harris	Gail V. Harris
Evan Hendricks	E D Hendricks
Mary Louise Garniez	
Robin Snead	
Dorothy Duvall	
Linda Holifield	Linda M Holifield
Gloria Lopez	Gloria Lopez
Linwood MARTIN	

2

ROSE L. HARDY MIDDLE SCHOOL PTA
"FLEA MARKET" PETITION
NOVEMBER 9, 1999

We, the undersigned Parents and Friends of Hardy School, support the Hardy PTA Executive Council in its opposition to the continued leasing of Hardy school property to the operator of the "Flea Market".

NAME	SIGNATURE
Cynthia Martin	Cynthia Martin
Sheila Hutton	Sheila Hutton
C. J. Lopez II	CJ Lopez II
Margaret Lopez	Margaret Lopez
Beverly Jackson	Beverly Jackson
INDIA WILLIAMS	
FRAN WARKING	Fran Warking
~~Joyce Ford~~	~~Joyce Ford~~
Nadine Bell	Nadine Bell

ROSE L. HARDY MIDDLE SCHOOL PTA
"FLEA MARKET" PETITION
NOVEMBER 9, 1999

We, the undersigned Parents and Friends of Hardy School, support the Hardy PTA Executive Council in its opposition to the continued leasing of Hardy school property to the operator of the "Flea Market".

NAME	SIGNATURE
Germenia Booker	Germenia Booker
Cheryl Clark	Cheryl Clark
Tina Lathmu	
Lisa Branick	Lisa Branick
Bonny M. Henderson	Bonny M. Henderson
David M. Reed	David M. Reed
Carolyn Bethea	Carolyn Bethea
Melvin Bethea	Melvin Bethea
Wesley Byrd	Wesley Byrd
Anne Masters	

ROSE L. HARDY MIDDLE SCHOOL PTA
"FLEA MARKET" PETITION
NOVEMBER 9, 1999

We, the undersigned Parents and Friends of Hardy School, support the Hardy PTA Executive Council in its opposition to the continued leasing of Hardy school property to the operator of the "Flea Market".

NAME	SIGNATURE
Dellie Reed	Dellie Reed
Donald Wyatt	Donald M. Wyatt
Percy Davis	
John Wilson	John B Wilson
JACK DELGADO	
Deborah J. Turner	Deborah J. Turner
DeBorah S. Thomas	DeBorah S. Thomas
Donald Wyatt	Donald M. Wyatt

District of Columbia Public Schools
Rose L. Hardy Middle School
1819 35th Street, NW
Washington, DC 20007

202-282-0057
202-282-2383 (fax)

Patrick Pope, Principal Norma Lewis, Assistant Principal

February 14, 2000

Honorable Mayor Williams,

I am writing to request your assistance in an important matter regarding the use of district property, specifically school grounds and buildings, for commercial ventures.

For approximately fourteen years the Georgetown Flea Market has operated on the Gordon/Hardy Middle School property on Sundays. The Flea Market has operated under a yearly contract administered by the District Schools Realty Office.

Currently the lease of this school property is under review by the District Zoning Commission. It is my understanding that the City Council is considering legislation that would give the Flea Market operator permanent residence on this property.

Speaking for the school community, I can assure that no one is interested in interfering with the operation of this venture. The community does want the Flea Market to relocate. Construction of a playing field and track on part of the former parking lot has recently been completed. The school needs to have the option of using the field and parking lot for sports activities on the weekends.

Please help me assure my community that the full use of school property for school and community activities and events will remain the permanent priority. I also need to assure the community that the superintendent and the school board will remain the final authority in these matters.

Thank you in advance for your time and attention.

Sincerely,

Patrick Pope

plain why so many Ellington students are reading below grade level?

Some teachers would like to turn grassy areas around Ellington into free surface parking lots to remedy this situation. Others have suggested that teachers should be issued Zone 2 Residential Parking Permits so that they can park on neighborhood streets all day without

ily available.

There's a Metrobus that stops in front of Ellington and runs to the Dupont Circle Metrorail station, and just two blocks away on Wisconsin Avenue there's a cross-city bus line. Instead of dashing from their classrooms to move their cars, Ellington teachers should be dashing to catch the bus.

Letters to the Editor

Dear Georgetowner:

As a person who has always loved waking by Montrose Park and smelling the wonderfully fragrant circular lavender garden, I have some distressing news. The other day I saw a womn "harvesting" the dried lavender buds and placing them in a bag. I thought little of it at the time, since there was so much I reasoned that a few handfuls wouldn't be missed. A few days later, however, I was walking by the garden and failed to pick up the characteristic fragrance. Upon furhter inspection, THE ENTIRE GARDEN had been stripped of every lavender bud. It is pathetic that someone would be so selfish as to rob the entire community of a fantastic source of "aroma therapy," presumably because they are too cheap or lazy to pay the ten dollars or so it would cost to buy a lavender sachet. This may be small in the scheme of things, but it is a depressing statement about the human species. To make matters worse, I was in Fresh Fields recently and noticed another reasonably well-groomed woman using her hand to rake thorugh cereal in one of the bins (scoops are provided) and use the same hand to munch on some of the bits she had sifted out. WHO ARE THESE PEOPLE -- YIKES!! I am hoping you will print this so that some of the "ladies and gentlemen" who behave so regrettably will be shamed or englightened into getting a grip on their behavior

Sincerely,
Amazed in
Dupont Circle

Dear Georgetowner:

You failed to list me in your comprehensive list of homes built before 1825 (see *Georgetowner*, Oct. 14, 1999). I am part of Cox's Row on N Street, one of the most historic groupings of Federal row houses. Please make a correction.

Thank you,
3327 N Street, N.W.

Dear Editor:

I am the parent of a new seventh grade student at Hardy Middle School in Georgetown. I have been impressed with the principal's management of the school and its programs and the quality of the faculty. I have been equally impressed with the efforts of the principal to maintain and improve the building and its grounds through careful planning and use of the limited resources provided by DCPS. One of those efforts is using a part of the school's parking lot to provide a field and track for the students. Surface grading is nearly complete and sodding is scheduled in the next few weeks. The physical education department and the coaches of the school's teams are excited because they will, at last, have a field for regular physical education classes and team practice sessions.

The entire school grounds are, however, currently leased by DCPS to the operator of a "flea market," an entirely commercial affair. This outdoor market, operating every Sunday, draws large crowds of sellers and buyers presenting a high potential for damage to or misuse of the school's property. For instance, the market operator leaves portable rest rooms and dumpsters on the school property throughout the week providing a harbor for vermin with attendant health and safety risks for students and nearby residents. Additionally, there is limited space for parking. I understand that shrubbery has been cut down by sellers so they could get their vehicles on the property.

The site, in general, seems to exhibit more wear and tear than one might expect from ordinary use by school children. I am concerned that the costly investment in the athletic field will be rendered valueless if such misuse continues.

The use of facilities dedicated to one of government's most important public functions -- education -- should be strictly limited to that purpose. The policy of leasing public school property for commercial purposes can onlylead to increased problems such as those described along with associated repair costs or, worse yet, lawsuits.

DCPS should cancel the flea market lease, stop this misuse of school property, and concentrate all of its efforts and resources on educating our children.

A Hardy School Parent

(Letters Continued on Page 7)

States and Iraq?' In fact, the Bush administration was sending messages to Saddam Hussein that were convincing him to invade Kuwait. For example, the American Ambassador to Iraq had a meeting with Saddam Hussein about six days before the invasion. This is what she told Saddam: "The United States is not interested in Arab-Arab conflict. We are not interested in your border problem with Kuwait."

It was after the war that I went to Baghdad to meet the foreign minister of Iraz, Tariq Azis. I had never met with Saddam, so I told Tariq that I had a paper that I wanted him to give Saddam. The letter read "If President George Bush had telephoned Saddam Hussein and said, 'Mr President, you should not invade Kuwait. This will be a disastrous thing for Iraq. The United States would intervene in a war with you and you would be the loser. I understand that you

Kennedy was assassinated, he was in touch with Castro, he told him that the United States wanted to normalize relations with Cuba and drop the embargo. If Kennedy had lived, he would have dialogued with Castro.

The end result today: Quadaffi and Castro are still firmly in power. A dialogue would have changed that, I am sure.

In my recent article on the New Millennium, I pointed out that war would continue, probably for 50 years. The Senate's decision not to pass the Comprehensive Test Ban Treaty has cut off dialogue with many nations. As we move into the New Millennium, we have to change our views. We have to initiate meaningful dialogue with rogue nations. If we do that, it will reverse a lot of dangerous problems which exist around the world. It will also change leadership in these countries.

LETTERS TO THE EDITOR

Don't close the flea market — move it

I would like to comment on the letters that have been written in support of the Georgetown Flea Market at Hardy Middle School. I don't believe anyone is trying to "shut it down." I believe it should move to another location. Let me explain why.

Last month I attended a Six-School Complex picnic behind the Hardy school. Right in the middle of the activities sat two portable toilets and a Dumpster strewn with trash. Is it really so silly to expect trash-free public school facilities? Furthermore, the wear and tear of an operation like the flea market does add to the deterioration of the property. Just ask the principal.

The Hardy school is no longer just a building and a parking lot sitting empty. It is a middle school for grades six through eight serving 250 children from all over this city. Half of the parking area is being renovated into a much-needed playground, track, field and basketball courts. This city is desperate for playing fields for its children, especially on weekends. Children and their families would be much better served by having unhampered access to this facility once it is complete for soccer, lacrosse, baseball and track. Even the Jelleff Boys and Girls Club is having a difficult time accommodating all of the teams vying for field space on weekends.

The flea market is overwhelmingly popular, and no one is trying to shut it down. We would like to see it relocated. Why not explore other locations in Georgetown? Has anyone inquired about the parking lots at Georgetown University or Guy Mason Recreation Center? There is not one private school in this city that would allow a flea market to operate on its property for a mere $1,700 per month because they respect their schools and children and maintain their facilities. Shouldn't we expect the same for children who attend public schools in the District?

Helen Hagerty
Georgetown

Georgetown Current