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Geoffrey Griffis, Chairman
District of Columbia
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

Re: BZA Application No. 16852, St. Patrick's School

Dear Mr. Griffis:

I am writing to support the application of St. Patrick's for a special exception that will permit the use of property at 4925 MacArthur Boulevard, NW, as a school. I write to you as a DC resident of eight years whose house is on the boundary between what is known as the Palisades and what is known as Wesley Heights. Having attended almost all of the ANC and Citizens Association meetings that considered this application, I am well versed in the issues.

The BZA is given the task of determining whether the proposed use is likely to become offensive to the neighbors because of noise, traffic, number of students, or other reasons. The ANC refused to apply this standard in making its negative recommendation to you. One Commissioner, quoted in the Northwest Current, made this clear by saying that although he did not find the use offensive, he could not see how it was possible to substitute his views for those of the neighbors. Yet this is precisely what the zoning laws contemplate as a possibility. If opposition by neighbors at the application stage was meant to be inherently fatal, the law would say so. Instead, the law clearly contemplates an informed and thoughtful evaluation by the BZA (and, hence, by the ANC) based on the details of the proposal, the conditions proposed by the applicant and the neighbors and the Office of Planning, other evidence submitted, and the informed experiences of the members of the Board. The ANC has abdicated its responsibilities in this case.

In other cases involving schools seeking a special exception, applicants, neighbors, the ANC, the Office of Planning, and the Board itself have sought common ground and possible conditions that might allow the proposed use to proceed without an unreasonable risk that the school would "become offensive." In this case, St. Patrick's has gone to extraordinary lengths to determine what might offend the neighbors, to address those concerns, and to provide meaningful guarantees to ensure that promises are honored. For example:

- The neighbors fear future expansion. St. Patrick's is willing to make a cap on enrollment a matter of record title that can be enforced by participating affected landowners.
- The neighbors fear school traffic on neighborhood streets. St. Patrick's is committed to converting dozens of vehicle trips daily (by parents who drop off and pick up children) into a handful of vehicle trips daily (by buses) – using only major streets, such as MacArthur Boulevard, where the traffic impact on the neighbors would be, at worst, negligible.
- The neighbors fear parents will ignore the school's traffic rules. St. Patrick's has added to the enrollment contract a provision that allows the school to expel a child whose family will not obey the rules.

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- The neighbors fear noise from student activities. St. Patrick's has agreed that it will not even allow a basketball hoop or commercial trash pickup, even though the neighbors will not be subject to any restrictions on their own activities that, during the school day, might prove disruptive to learning should the school facility be approved.

And so on. In spite of all of these many concessions and guarantees, the position of the neighbors and certain openly hostile Commissioners on the ANC is that no concession is sufficient and no guarantee is adequate. It therefore falls to the BZA to address the relevant question: is it simply impossible that a large house on an oversized property at the end of a residential street, on the corner of a major local thoroughfare, cannot support a small and well-administered school program without causing irreversible harm to the neighborhood? To ask the question is almost to answer it. Certainly it is not impossible, although the opponents – including the ANC Commissioner who rejected all attempts to amend her negative motion with conditions that might address legitimate concerns – would have you believe otherwise.

As to offense caused by noise, St. Patrick's has prepared and submitted scientific evidence to show that noise will not be an issue. I suppose if all the traffic on MacArthur Boulevard and all the airplanes flying to National Airport went away, it might be an issue. Until that splendid day arrives, common sense and objective measurements tell us that noise will not be a problem at 4925 MacArthur Boulevard.

As to offense caused by traffic, it has already been noted that St. Patrick's has an exemplary traffic management plan on the table. No credible objection to this plan has been raised except for the self-serving predictions by opponents that St. Patrick's and its families will not honor the promises contained in the plan. Surely more than mere cynical assertion is needed to demonstrate a likelihood of harm.

As to offense caused by number of students, it is hard to see what reasonable apprehension is contemplated by opponents. Do they picture the 60 thirteen-year olds swarming like locusts on Ashby and 49th Streets? As the parent of a rising seventh grader, I can assure the Board that it will be a cold day in hell when my 13 year old is allowed to wander the city's streets after school! The fact is that a laboratory experiment in how St. Patrick's manages its program for the very children it seeks to enroll at this location is underway already. Grade 7 is operating at 4880A MacArthur Boulevard NOW in property leased from The River School; and Grade 8 begins next year. I challenge anyone to show that the presence of these students has been anything other than a benefit to the neighborhood this past year.

The zoning code limits the rights of landowners who wish to go beyond the as-of-right uses permitted in the underlying zone. In some cases, a special exception process restores some of those rights – if certain tests can be met. Under the rules of that process, the applicant has a burden of proof to sustain. St. Patrick's has amply met that burden. The neighbors have had the opportunity to rebut the case made by St. Patrick's. They have been unable to do so – indeed, in large part, they have been unwilling even to participate in the process. Their position, that they can prevent a landowner from establishing a school in their neighborhood just because they don't want a school, is not recognized by the zoning code; wishing simply doesn't make it so.

I urge the Board of Zoning Adjustment to find that St. Patrick's has submitted a thoughtful, detailed, responsive proposal that meets the special exception requirements of the zoning code. Thank you for your consideration.

Sincerely,

