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May 20, 2002

Mr. Geoffrey Griffis
Chair, Board of Zoning Adjustment
441 4th Street, NW Suite 210
Washington, DC 20001

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Re: St. Patrick's Episcopal Day School – 4925 MacArthur Boulevard, NW
BZA No. 16852

Dear Chairman Griffis and Members of the Board:

My name is Lee Dixon. By profession I am a negotiations lawyer, specializing in mediating difficult, contentious cases such as contract disputes, property disputes and other real estate deals. I was a District resident until December 1997, when my family moved to Virginia.

Beginning in September 1999 through September 2000, I was retained to assist the Oakcrest School, a Catholic girls' school with several hundred students, in their battle to win approval to locate in McLean, Virginia. For many years, Oakcrest had been located in Tenleytown, just off of Wisconsin Avenue in Ward 3 in Washington, DC. After an extensive property search over a number of years in DC, (including consideration of the Field School's current Foxhall Road property), the school concluded that the only viable options for an expanded campus were in the suburbs. I negotiated an agreement for Oakcrest to buy the McLean Bible Church property on Balls Hills Road, right next to the Beltway. The agreement was reached in April 2000 but was contingent on obtaining local government approval through a "special permit" for use as a school in a residential area.

Oakcrest's inability to find affordable, suitable property in the city has bearing on the St. Patrick's case. It clearly demonstrates how hard it is for any school committed to a DC location to find space for a growing student population. I am writing this letter, however, because I believe that Oakcrest's lengthy battle to win approval to locate the school on the former church property—and the ultimate positive outcome of that battle—has direct bearing on the current case of St. Patrick's on MacArthur Boulevard. Oakcrest needed a "special exception" in order to operate its school at the proposed McLean location. The neighbors were fiercely opposed to Oakcrest's location at the sight, due in large part to

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their fear that Oakcrest could not be a good neighbor with "intensive" five day per week activity at the site. (By contrast, the church's activity had been limited to weekend heavy activity and weekday evening meetings.) The church's pattern of use—and Oakcrests's proposed use—is almost exactly the same as the current and proposed use patterns at 4925 MacArthur Boulevard. In our case, the McLean neighbors were united in their opposition, including forming a neighborhood affinity group. The residents retained expert outside counsel (a number of the residents were themselves litigation experts) and threatened several lawsuits. Their opposition was based on their unequivocal contention that a school was an inappropriate use for the site—next to a quiet and secluded residential neighborhood with highly valued homes which value would be greatly diminished by the presence of the school.

I personally directed and participated in much of the neighborhood negotiations for the school, so I am not surprised by what I have heard of the acrimony of St. Patrick's zoning case. Our experience revealed that residents fear any change in the place where they live and will fight—sometimes seemingly unreasonably—against unknowns and against change. I believe, however, that Oakcrest's experience is instructive in an important way: None of the neighbors' fears has come to pass, and the neighbors—formerly adamantly opposed—are now united in their view that Oakcrest is a good neighbor and the school use of the property is consistent with and actually enhances the residential neighborhood environment.

The opposition of the Oakcrest neighbors is extensively documented in hearing transcripts and in newspaper stories (several dozen during the first six months of 2000 in the local McLean papers). Those same neighbors, including the litigation attorney who had led the opposition, recently offered a formal apology to the Oakcrest trustees and Head of School, stating that they were wrong to have fought Oakcrest's location. Their experience has now been that Oakcrest has indeed been a good neighbor—as Oakcrest pledged it would be during the long negotiations process.

I am a former St. Patrick's parent. My oldest son graduated from the school and my younger two attended there for several years. I have first-hand experience with St. Patrick's as an institution. I am confident that the School will honor any and all commitments made to the MacArthur neighbors. The school's plans—a shuttle bus to deliver students and no athletics at the site—virtually ensure that the surrounding neighbors will feel no adverse impact from the site's use for middle school students. In addition, in my opinion the St. Patrick's plan to add grade levels to the school is one that brings great benefit to the whole of the city. When my children began at St. Patrick's,

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my family lived several minutes away, in Hillandale, in Washington, DC. Our move to Virginia was, in part, a decision to be closer to the schools our boys now attend and will attend in the future. Increasing the supply of excellent school options—and in particular church-based options—is a vital part of keeping families in DC, as is creating an ethic of honoring children and their place in our communities.

My experience with the remarkably similar situation with Oakcrest indicates that St. Patrick's can and will be able to perform as a good and responsible neighbor at 4925 MacArthur Boulevard. I hope this information may help the Board to see through to a hopeful outcome, for all parties, to this dispute. Feel free to call upon me if I can provide any further information or be of assistance.

Sincerely,

Lee J. Dixon, II