NEIGHBORS UNITED

A Trust established in The Palisades to preserve our residential neighborhoods

October 8, 2002

Remarks to the Board of Zoning Adjustment in Case No. 16852 (St.Patrick's)
by Nancy L. Feldman, Trustee

Good day, Chairman Griffis and Members of the Board. I am Nancy Feldman, a neighbor whose W Street property is about 50 feet from the rear of the subject site, and a Trustee of Neighbors United. We appreciate this opportunity to address the Board in opposition to the Special Exception request by St. Patrick's, to put a junior high school in our backyards.

Notwithstanding all of the detail necessarily examined in the course of this hearing, this is a simple case: the school is seeking to impose an intense, non-residential use on a small parcel of less than half an acre, in a close-in, quiet residential neighborhood. Upon a thoughtful review, none of the proposed conditions or other patches offered would come close to remedying the harm such a use would cause to the neighborhood, and that harm would be irreparable.

Once St. Patrick's had decided to change its public position and open a junior high school, there were plenty of other choices available for its location, including space at its current site now occupied by three houses (one of which it already owns and the others it is negotiating to buy), properties owned by the District which has a helpful acquisition program run by the Office of Planning, as well as various privately owned sites in town. But, as the school's Chairperson told me in February, the property was much cheaper than other sites already zoned for comparable use. This way, they only had to outbid residential uses. Well, it is not surprising that an institution paying no property or income taxes or other public carrying charges for use of city property, and which enjoys tax-free revenue bond financing, was able to outbid individuals and small developers who do have considerable tax burdens in the District.

BZA
Case No. 16852
Exhibit No. 315

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.315

According to section 200 of Title 11, the Zoning Regulations, R-1 zoning is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes, and the zoning is intended to stabilize the residential areas and to promote a suitable environment for family life.

However, there are quite a few local non-residential uses that are matter-of-right under certain circumstances in R-1: churches, farms, child- and elderly-development centers, home-based businesses, community centers, bed and breakfasts, and public schools. Those uses are either low density or are available for use by the residents and other members of the public.

In contrast, private schools, which offer neither of those advantages to the community, require an extra step, the Special Exception process, with a finding that each particular application be in harmony with the general purpose and intent of the Zoning Regulations, not tend to adversely affect the use of neighboring property, and be subject to specific extra conditions, at Section 206 of Title 11. Thus, a private school program is not automatically "pre-deemed compatible" with residential zoning. Rather, it is simply not prohibited, and a private school has an opportunity, and the burden of proof, to make its case. We already have seven private schools in The Palisades, that are appropriately located, either in commercial space or on generous acreage with plenty of buffers to protect adjacent homes. And in the past, we neighbors supported much less intense uses of the subject property.

Our part of The Palisades is a stable, long-standing residential enclave, with many retirees and people who work at home. We are asking you to help us preserve that balance, to protect the remaining residential fabric of the neighborhood and restrict institutional expansion to appropriately sized and buffered sites. You don't have an urban village without villagers.

We are not afraid of change, but neither are we foolish enough to accept uncritically everything that calls itself positive change. If there is anything that we do fear, it is that the strong aversion of most people in the neighborhood to this proposal, and its foreseeable adverse impact both upon immediate neighbors and the broader community, will be disregarded on the basis of unrealistic and unenforceable promises and assurances. In practical terms, after a sizable investment for retrofitting and initial technical compliance for the certificate of occupancy by the Applicant, no matter how bad the resulting problems might be, this proposed use would never be unraveled. We hope that you can understand the justifiable anxiety of the neighborhood to this threat to our tranquility.

For a harbinger of its likely impact, take a look at Whitehaven Parkway on the aerial map in the Office of Planning report. Twenty years ago, Whitehaven was a residential street with some educational institutional uses. Now you can see how it evolved from that mix, with massive and sprawling structures taking over the residential uses, no green space except a last remaining homeowner's property at the back end, and a large number of pedestrians and vehicular traffic completely clogging what was one of our two connecting streets to the neighborhood arterials, Foxhall and MacArthur, during critical times of the day.

We now have exactly one connecting street left, W Street, also a one-lane when cars are parked on both sides. W is right next to Ashby Street and is the logical place for St. Patrick's parents and other related traffic to access the proposed facility. We can foresee an instant adverse effect on the W Street passage, as well as 49th Street and the other narrow cross-streets (mostly without sidewalks) between MacArthur and Foxhall, where after several years of work we have just managed to get some stop signs to discourage other commuters. Please note that one of the signatories on our petition is Patrick Burke, head of traffic control for the D.C. Metropolitan Police, who lives on W Street and sees these problems at first-hand.

We are taking this opportunity to present the Board with the original petitions, copies of which are found at Tabs A and E of the Opposition submission dated April 9, 2002, which indicate very substantial neighborhood opposition: 203 signatures, from 31 households out of the 33 within 200 feet of the site, and 172 more in the immediately surrounding area. The text of the petition is as relevant today as it was this past spring, and incorporates by reference the details of our objections brought out at these hearings. Harry Gates and Doug Ormerod, who gathered most of the signatures on the petitions, are present to answer any questions that the Board Members or the Applicant may have regarding that process.

The rest of our presentation will review the Section 206 factors, namely traffic, noise, number of students and parking, as well as objectionable factors relating to privacy, safety and other concerns, and we will comment upon various of the proposed conditions. You will hear from Tina Van Sickle and our traffic expert, Joe Mehra; Alma Gates, cum video; Cathy Wright for the abutting neighbors; and Michael Lovendusky, who lives directly across from the property.

We ask the Board to be mindful that enforcement of all of the proposed restrictions and conditions would depend upon a community liaison entity to be "established, maintained and conducted" by the Applicant, and critical compliance verification to be self-certified. Under such circumstances, it is very relevant to consider the Applicant's history of non-compliance and lack of credibility in its neighborhood dealings. This is a school that continually refuses to cooperate in mitigating problems it has caused unless it has an application pending; that, when caught flat out, admitted it was over its staff cap and had knowingly taken federal land without permission or payment; and admitted that it did not notify us about its change of position regarding the junior high because it had matter-of-right zoning (no application kowtowing needed!), and further destroying its credibility with us by conveniently characterizing such behavior as "an honest reversal".

And finally, we ask you to please consider the enormous burden you would be imposing upon the ANC and all of us, just to process the complaints and problems and attempt to document the inevitable non-compliance to the satisfaction of officials who have hundreds of cases to deal with. Thank you.