# 4911 Ashby Street, NW
# Washington, DC 20007

October 11, 2003

RECEIVED
D.C. OFFICE OF ZONING
2003 OCT 14 AM 7:37

Mrs. Katherine Bradley
Chair, Board of Trustees
St. Patrick's Episcopal Day School
4700 Whitehaven Parkway, NW
Washington, DC 20007

RE: BZA Order 16852

Dear Mrs. Bradley:

Our return to Ashby Street after a week in California was not what I expected. I regret to tell you that very little has changed with the arrival of the "rent a cop" who is supposed to monitor construction parking at the site. I cannot understand why he is there because parking continues on Ashby Street and in front of the Skrivseth/Wright home at 4913 MacArthur Boulevard.

Yesterday afternoon when I left home for a meeting there were Uniwest "No Parking" signs on Ashby Street and three construction vehicles parked next to them. There were also cars parked on MacArthur in front of 4913. This parking pattern has been the same for the two days since my return from California and a constant complaint since construction began in May. I did see the chair for the cop across the street but no one in it. The "No Parking" signs are being installed and removed on a daily basis and destroying the grass along the street.

When I returned from my meeting I was surprised to find a construction worker's car parked against the locked opening in the fence, across the sidewalk with its rear in the street. It was there for quite awhile. Is it possible that a few of the crew were inside having a "brew" to celebrate the long weekend? I called Chris Sutherland when the car had been parked there for about half an hour.

It is obvious that there is inadequate supervision at the construction site and yet a member of the Uniwest firm, a member of Spaulding and Slye and two members of the St. Patrick's staff have been assigned to this project and could be making regular site visits to ensure there is project oversight and compliance. After almost six months of experience and constant concerns being raised by the neighbors the school needs to realize the neighbors are serious about what is happening at the site.

Michael Lovendusky filed another complaint with the Office of Zoning's Compliance Officer regarding pre-seven o'clock activity at the site on September 29. The police were summoned and the school was notified immediately.

BZA
Case No. 16852
Exhibit No. 361

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.361

Not one week has passed since construction commenced in May that some activity has not disrupted the neighborhood before 7:00 o'clock am; trucks have not been running through the neighborhood; dumpsters have been exchanged on MacArthur Boulevard by a driver who then backed across four lanes of MacArthur Boulevard and up Ashby Street; and, construction vehicles have been parked in front of neighbor's homes in spite of a rent-a-cop, Uniwest "No Parking" signs and four supervisors.

I am frankly disappointed in the efforts by the school or its agents to enact strict measures at the site that has resulted in a very long unpleasant summer. I am reminded of Anne Renshaw's admonition to the BZA "that the responsibility for reporting will fall on the neighbors." Lacking a Construction Management Plan, these words have become reality. St. Patrick's has not been able to control its contractor or the construction site and there is serious doubt that it will be able to control teachers, parents or students once a Certificate of Occupancy is issued.

Sincerely,

Alma H. Gates
ANC 3D-05

cc: John Finney
Toye Bello
Jerrily Kress

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WASHINGTON, DC 20007

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Mrs. Katherine Bradley
Chair, Board of Trustees
St. Patrick's Episcopal Day School
4700 Whitehaven Parkway, NW
Washington, DC 20007

Dear Mrs. Bradley:

Thank you for forwarding a copy of your letter to John Finney dated October 2, 2003. After a careful review I have a few comments and questions regarding the attachments.

1. The brief letter from Chris Sutherland and attached copies of permits. A review of permit #B452963 "for sheeting/shoring & underpinning for work to be performed in conjunction with building permit #B474931." Where does either permit indicate that the floor or a portion of the basement will be lowered to create 120 square feet of space for an additional (music) classroom?

   I also note that permit B452963 is for R-4-B zoning. Is this a veiled attempt on the part of the school to get the building on record as a future temporary community service center or a rehabilitation and substance abuse home? Both uses are permitted under R-4 zoning. I am familiar with St. Patrick's past creative wording on zoning applications to create future opportunities and would like to call your particular attention to this building permit. What appears to be a mistake may well not be, so I would appreciate a statement from the school that St. Patrick's is not creating an opportunity for the future use of the building for other than R-1-B use.

2. Mr. Konapelsky's memo does not address the fact that there was to be no use of the basement by students when he testified before the BZA. As a matter of fact the drawings of the basement indicated utility rooms. Mr. Konapelsky reacted as expected when I asked about the additional basement space. He knew it was not in the original plans and while "it does not change the footprint of the building" it does expand the usable square footage in the building and would allow 6 more students under BOCA requirements. It also appears that a portion or all of the front porch on the Ashby Street side will be enclosed. This enclosure was not in the original plans that the BZA approved and again, does not alter the footprint of the building. It does appear that the school was not

completely forthright with the BZA or the community when the original drawings were presented. Neither of these additions were covered by the BZA Order.

You might argue that the ceiling has not been raised, but the floor has been lowered and a partial basement has been created in space that was once a cellar. Nevertheless, there are 120 additional square feet of usable classroom space in the basement. The current student cap is for 40 students but that will not hold forever and additional usable space has been added allowing for future jr. high student expansion.

Finally, you may be aware that in 1999 when the school came to the ANC and the BZA for approval of the gymnasium a set of plans was presented and were changed after they were approved by the BZA. The change in the configuration of the gymnasium and the reduction in the number of parking spaces was discovered during the hearing on bond financing. Neither set of gymnasium plans was in the 1999 BZA file during the hearing on Order 16852. These opportunistic moves show a pattern of deceit on the part of the school.

3. It would be unfortunate and clearly a desperate move if Ms. Prince were to attempt to use the child development section of the code to create a different formula for the school's parking needs. The number of spaces available for parking in the gym lot remains the same - 62. The number of faculty and staff is currently 102. The more teachers without assigned parking spaces the more objectionable school parking becomes for the community. Use of the East lot is out for faculty/staff parking because Peter Barrett stated it is a "visitor's lot" during the BZA hearing, although it appears to be used more for storage more than for parking.

I appreciate your follow through on our previous conversations and the opportunity to present a few observations on what was included in your letter to Mr. Finney.

Sincerely,

Alma H. Gates

Alma H. Gates
ANC 3D-05

cc: John Finney