MR. AND MRS. CAMPBELL DEMALLIE
4923 Ashby Street, NW
Washington, DC, 20007

March 11, 2002

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D.C. OFFICE OF ZONING
2002 MAR 26 AM 10:09

Mr. John Finney
5275 Watson Street, NW
Washington, DC 20016

Subject: St. Patrick's Application for Special Exception to establish a private school in a residentially zoned neighborhood

Dear Mr. Finney:

When the dust finally settled after Wednesday night's long and vociferous parade of St. Patrick's wants, needs, accolades of integrity, and the one woman who just wanted the Ashby Street residents to "get over it about the children", I was struck that I felt like a kid surrounded by bullies in a school yard. What was it that they clamored for? The answer of course was a piece of our neighborhood. They wanted to take the rights of my husband and I, as well as the other nearby neighbors to the peace and tranquility of the neighborhood—a neighborhood that has been a stable community for over 50 years.

THE ROLE OF THE ANC IN PRESERVING SCARCE NEIGHBORHOODS

I believe a neighborhood like Ashby Street is a scarce resource for the city and should not be sacrificed to meet the immediate needs of a private school--especially when the site is so ill suited. I do not recall any other special exception where this size private school with this number students has been put in such close proximity to the homes of its nearest neighbors— less than 5 feet on one side and about 11 feet on the other. It would set a terrible precedent to approve this special exception. With the dense residential nature of the neighborhood, there are approximately 33 other affected homes within 200 feet of the Ashby site that will directly bear the cost of the establishment and operation of this school.

THE ROLE OF ZONING IN EQUALIZING THE VOICES OF THE MANY AND THE FEW.

In the aftermath of St. Patrick's testimonials, I also realize that the voice of the Ashby Street neighbors can never be as loud as St. Patrick's. How can they be? Approximately 30 families over the interest of over 400.The arrangement that equalizes the playing field for the large and small voices is the zoning regulations.

The city divides zoning into various categories according to different uses—commercial, residential, etc. Section 200, Title 11 of the zoning regulations identifies DC's citywide objectives for residential zoning under the general provisions for the so-called R-1 category (of which Ashby Street is a part). The regulations read in part, "the R-1 district is designed to protect quiet residential areas now developed with one family detached dwellings and adjoining vacant areas likely to be developed for that purpose." It further states that "the provisions of this chapter are to stabilize the residential areas and to promote a suitable environment for family life."

BZA Case #16852

BZA
Case No. 16852
Exhibit No. 42

Board of Zoning Adjustment
District of Columbia
CASE NO.16852
EXHIBIT NO.42

The residential zoning regulations allow as a matter of right, one family detached dwellings and public schools in R-1 zoned areas. However the regulations do not allow private schools as a matter of right. The zoning regulations allow for a private school to seek a special exception to exist in a residentially zoned area, but it has the burden of proof (section 206 of title 11) to show that the school's location "is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions."

There is a clear relationship between the goals of the city to keep the quiet residential character of neighborhoods and the burden of proof that a private school seeking a special exception has to meet, ie, that it will not create noise, traffic congestion, and disruption. **Again, for emphasis, the private school has to prove the location is not likely to become objectionable to adjoining and nearby property.** These regulations have worked in the past. The MacArthur/Ashby site has actually been under a special exception for about 40 years. The BZA granted a special exception to the Washington Psychoanalytic Institute in 1963. The scope of the Institute's activities included Sat. morning classes of not more than 60 adult physicians, and a few evening meetings a month. The Institute library was available during the day for research. There was no summer school. The BZA found that "In general the activities of this medical organization are extremely quiet and less than that which would occur in many private homes." The BZA granted the special exception because "of the limited use of this premises by the appellant that it is not likely to become objectionable because of noise, traffic, number of students, or otherwise objectionable conditions." As residents of property directly opposite the MacArthur/Ashby site for 18 years, we have had no adverse consequences from the location and operation of the Institute. We believe the Institute has been a good neighbor. The Institute's operation and activities are diametrically opposite the proposed school's high density usage from the daily rounds of activities contemplated for sixty teenage students in grade 7, 8 and 9 at St. Patrick's.

ST. PATRICK'S HAS NOT SHOWN THAT IT CAN MEET THE BURDEN OF PROOF UNDER ZONING SECTION 206

This is a school that proposes to bring 60 students and 12 faculty onto a small residential site of 140 feet by 150 feet. It will bring traffic congestion, noise, and disruption to a stable neighborhood. In a separate letter to Bishop Dixon (January 10, 2002 attached) on this matter, I asked her to imagine "60 students standing 15 feet from someone's kitchen window playing ball or shouting directions back and forth. Or think of someone who is ill such as our nearby neighbor Mr. Rakusan trying to rest and not being able to get away from the noise so near their home." This is of course the potential daily reality of ourselves and our neighbors. In a neighborhood such as ours, with such a large number of retired individuals, we just cannot get away from the noise. For others, who have more serious diseases, their ability to enjoy their backyard in peace will be impaired.

As I noted to the Bishop, the outreach effort by St. Patrick's is commendable, but the ends the school and church seek—of inserting a daily population of over 70 students and faculty on a half acre site in the middle of a residential neighborhood is unseemly and untenable. The traffic issues are clearly a burden and will adversely impact the neighborhood. The number of students has been commented on before—it is essentially like being next to a hotel and would completely change the character of the neighborhood.

The ANC actions on this special exception will define what meaning the concept of neighborhood has, not just this year, but in the future. St. Patrick's environment on Whitehaven is not auspicious. It does not appear to be a coincidence that the of 6 family residences existing on Whitehaven Parkway in the mid 80's, one was bought out by St. Patrick's and three were bought out by the Lab School (who actually tore down one of the three residences). I believe that at least one of the remaining two is a rental. Can anyone truly walk down Whitehaven now and believe they are in a residential neighborhood? Would anyone really want to walk there after dark? This is the specter that confronts me when I think of Ashby Street. I do not want it to turn it into a junior Whitehaven.

THE CURRENT NEIGHBORS HAVE CONTRIBUTED TO MEETING THE CITY'S OBJECTIVE OF RESIDENTIAL ZONING-CREATING STABILITY AND FAMILY LIFE. WILL FAMILY LIFE BE THE SAME AFTER THE ESTABLISHMENT OF THE SCHOOL?

The church has claimed a number of benefits it is providing the city. It should be noted that the Ashby Street and surrounding families have invested a great deal for the benefit of the city. Not only in the taxes to support the operation of the city, but in the day to day efforts to assure the safety of our streets, provide a neighborhood that is safe for pedestrians and that is tranquil. This is in keeping with the zoning regulations under section 200, Title 11 I outlined above. But, what will be the family life in nearby and adjacent homes be after the school is introduced? I know that some of the neighbors are concerned that the activities of the proposed school will endanger the safety of their children as well as create noise, bring significantly increased traffic, and create other hazards. What happens when the frisbee or ball used by St. Patrick's kids goes shooting over the hedge on to MacArthur Blvd. The hedge wall perimeter is 10 feet from the bus lane and 16 feet from the travel lane. Do we want the potential of a MacArthur pile up?

THERE MAY BE A CASE FOR MORE PRIVATE SCHOOLS, BUT ST. PATRICK'S SCHOOL HAS NOT MADE A CASE WHY THE SCHOOL CAN ONLY BE LOCATED ON ASHBY STREET

There is no doubt from the comments at the ANC meeting that the parents need a school. But, the case was not made why they need the school only at the Ashby location. Ashby Street happened to be on the market as the school was expanding. There is no explicit tie binding the proposed Ashby site school to Whitehaven in terms of curriculum. In fact, I argue below that it should not have a binding tie because it would violate their current BZA Orders associated with the elementary school at Whitehaven.

Further, the school has demonstrated that it has the money and capability to explore a number of options in the market to provide its educational services. The school has demonstrated that it will use commercial space when needed, as it is doing at 4880A MacArthur, that it will consider other places in the city, as it has done in reviewing the Italian Embassy and the Rosedale Estate in Cleveland Park. St. Patrick's has also shown great resilience in moving to Whitehaven after it was denied expansion in its location at Foxhall and Reservoir. There is no doubt, that St. Patrick's will find space if the special exception is not granted. However the residents do not have that option. We located in the neighborhood because it was residential and expected it to be residential. We located in the neighborhood to make a commitment and we did. The average length of residency is over 20 years.

ARCHITECTURAL PRESERVATION IS NOT A COMPELLING REASON TO LET A NEIGHBORHOOD BE DESTROYED.

St. Patrick's has noted in their brochure to the community in December 2001 that they would seek minimal changes to the building and grounds at the MacArthur/Ashby property. This statement has been used by some as a reason for supporting the school. But, does architecture really make a neighborhood? Does it really make sense to double the population of the surrounding square 1393, and triple the poulation on Ashby Street. When one considers that if the property would result in three residences with a family size of 4 there would be 12 individuals on the site and not 72. The briefing by St. Patrick's Wednesday night at the ANC is not reassuring. No sooner had St. Patrick's started to talk about the building than they brought up the option of a double stacking of the porch which would provide space for another 11 students. This is a chilling thought when combined with the notion that St. Patrick's could actually have 88 students under the BOCA standards. Adding 11 potential spaces to the 88 apparently allowed by BOCA results in 99 students. Where does it all stop?

WHO IS ST. PATRICK'S SERVING?

While the school was not able at the February ANC meeting to precisely identify the exact number of parents within Palisades, the turn out at the March meeting suggests it is serving some community. Data from the earlier BZA Orders suggest that increasingly the community being served is out of town. In 1983, when the BZA granted an addition to the school, (BZA Order 14009), it noted that "St. Patrick's Episcopal Day School is a nursery and elementary school operated under the auspices of St. Patrick's Episcopal Church. The school was founded in 1956 as a nursery school and expanded to the elementary school level approximately ten years later." One of the other findings of fact was "The enrollment of the school is comprised of children who are living in the District of Columbia, Maryland, and Virginia, with **seventy four percent (74%) residing in the District of Columbia. Approximately 100 children reside within a ten-block radius of the school.**" Many were able to walk to school. Compare that to **the sixty-two (62 %)** of the students coming from the District today, with most being driven.

This decrease in District based students and changing student per vehicle ratios has had the negative consequence of increased traffic. These effects when coupled with increased staff and the additional student base in the proposal school for grades 7, 8 and 9, will result in about 900 vehicle trips to and from the school on Whitehaven each day.

A SCHOOL LOCATION AT ASHBY WILL IMPACT ST. PATRICK'S WHITEHAVEN CAMPUS IN WAYS NOT ANTICIPATED UNDER BZA ORDERS GOVERNING ST. PATRICK'S WHITEHAVEN CAMPUS. THESE ISSUES AND OTHER UNANSWERED QUESTIONS WERE SENT TO BZA TO ANSWER

I have read a number of the BZA Orders, and inquired of St. Patrick's school what the impact of the proposed school will be on the Whitehaven Campus (copies of this letter were sent to the ANC). Based on the answers to my letter, plus the incomplete answers to questions about the potential loss of parking spaces, the possibility of school expansion on Ashby Street under the BOCA standards, and the proposal for an increase in space above the porch (the so called double stacking option), I have written to the BZA to resolve these issues. I am enclosing copies of all correspondence for your and the ANC's consideration in reviewing St. Patrick's application for special exception and ask that this letter and its attachments be made a part of the official ANC file for this case.

In sum,
St. Patrick's has a right to ask for a special exception, but has not proven it has a right to receive a special exception.

These are irretrievable decisions and both my husband and I urge you to vote no to St. Patrick's request for a special exception to establish the school on the MacArthur/Ashby corner.

Sincerely,

Mr & Mrs Campbell DeMallie Jr

Mr. and Mrs. Campbell DeMallie, Jr.

CC: Rt. Rev. Jane H. Dixon
Rev. Elizabeth McWhorter
Peter Barrett
ANC 3D Commission
Erik Gaull, PCA

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Mr. and Mrs. Campbell DeMallie, Jr.
4923 Ashby Street, N.W.
Washington, D.C. 20007-1046

January 10, 2002

The Rt. Rev. Jane Holmes Dixon
Episcopal Church House
Mount St. Alban
Washington, DC 20016-5094

Dear Bishop Dixon:

Thank you for your response to our letter of December 11th raising concerns about St Patrick's school and taking a direct interest in the issue through your discussions with the Rev. Betty McWhorter, the Rector of St Patrick's, and Ms. Katherine Bradley, President of the Day School Board.

We believe the process the school is undertaking to inform the Palisades community is commendable. Unfortunately, the ends the school and the church seek—of inserting a daily population of about 75 students and faculty on a half acre site (measuring roughly 140 by 150 feet) in the middle of a residential neighborhood is unseemly and untenable. This is made abundantly clear when you realize that the nearest adjoining walls of residential neighbors are literally 5 to 10 feet away from the perimeter of the proposed school property boundary.

While the proposed school literature suggests the existence of a large grassy lawn, the operating reality of the proposed site suggests a much different picture. In fact, we are providing you with some of these pictures that have been taken from different angles to show how limited the space really is on the lot. We ask that you look at these and imagine 60 students standing 15 feet away from someone's kitchen window playing ball or shouting directions back and forth. Or, think of someone who is ill trying to recover and not being able to get away from the noise so near their home. This will be a daily reality for us and our neighbors.



Figure 1 shows a picture from our kitchen

BZA
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Exhibit No. 42A

BZA Case # 16852

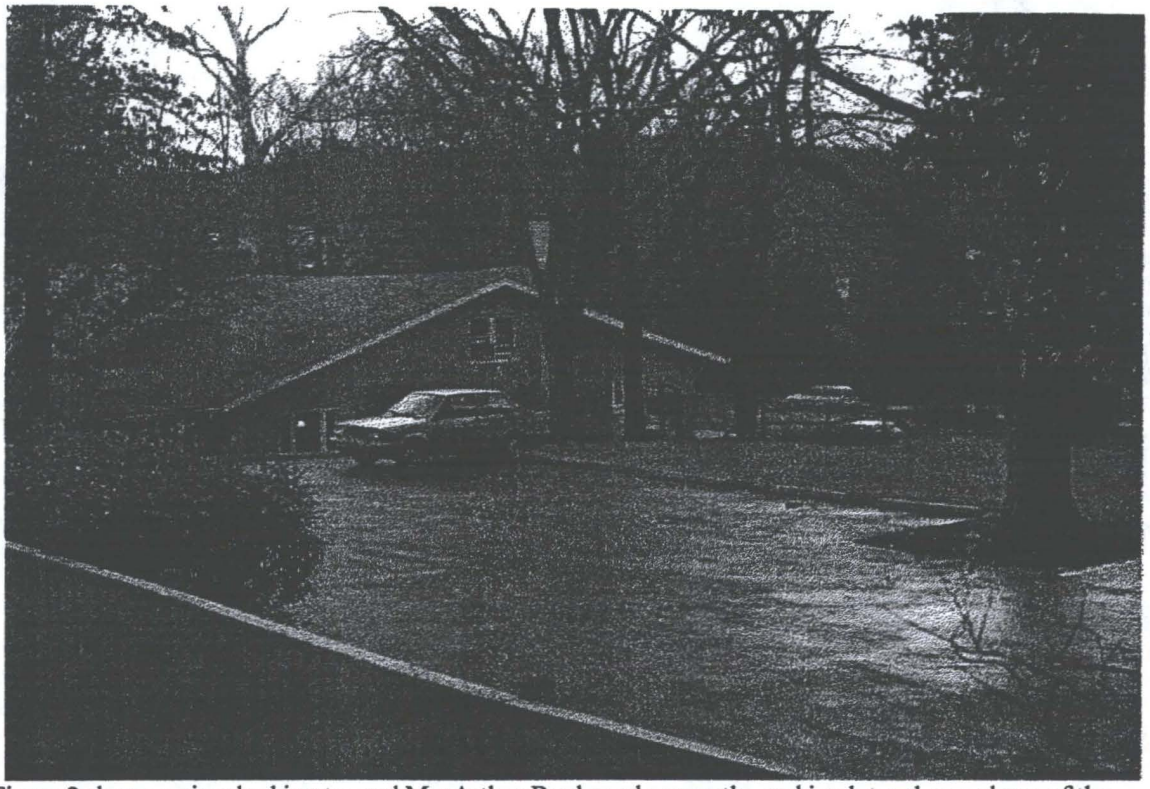


Figure 2 shows a view looking toward MacArthur Boulevard across the parking lot and grass lawn of the proposed school site. Note the proximity of the nearest adjoining house and the large amount of space devoted to parking spaces. If these spaces are filled where are all the 60 children going to be located? Will they wander into the neighborhood?

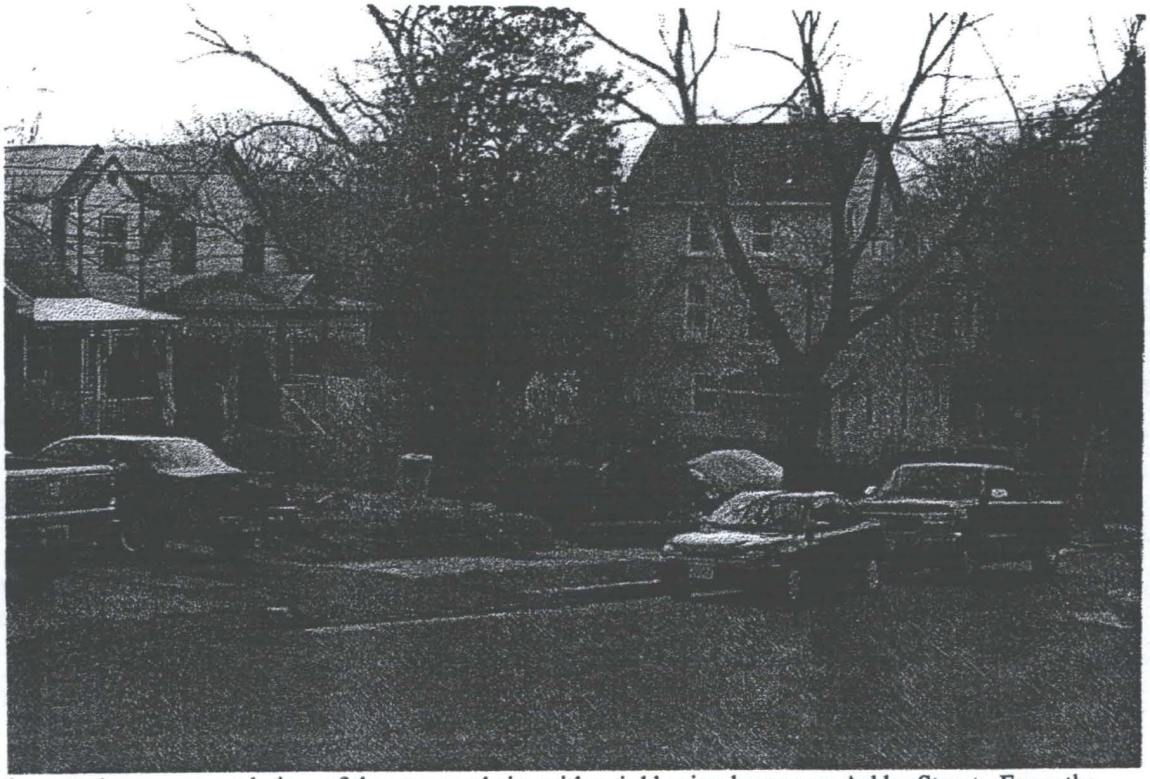


Figure 3 shows a general view of the proposed site with neighboring houses on Ashby Street. From the picture one has a feel for the number of houses and driveways on the street that could be impacted by school traffic.

From these pictures one is led inescapably to ask how the church school can really be a good neighbor on such a cramped space? How can one really do justice to the children given the minimal interior and exterior space? Also how can one be sanguine about an unsettled program plan that has not yet identified where these children are going to get their exercise both on nice as well as inclement days. Are nearby already overburdened parks and public playgrounds going to host these 60 private school students on a daily basis?

We understand that St. Patrick's school is doing a feasibility study and will brief the Finance Committee of the Episcopal Diocese over the period of the next month. At the January 9th briefing by the school to the Palisades Citizen's Association Board there were numerous unanswered questions as to the scope of school activities on the grounds, the logistics associated with school operation, noise and what grades would actually be on the site. While we were initially led to believe it would be confined to 7th and 8th grades, the Head of School, Peter Barrett mentioned the possibility of also using the building for 9th grade. Clearly the shifting conditions being contemplated only add to the unease that the neighborhood feels about this enterprise. We were also upset that there did not appear to be any formal noise study contemplated in the review given the importance of noise in zoning decisions.

Mr. Barrett also mentioned the need to go to the DC Board of Zoning Adjustment to get a special exception to use the property as a school. The reason he needs to do this is because of the primacy of residential use in residentially zoned districts which surround the proposed school. More importantly the property at 4925 MacArthur Boulevard is zoned Residential R-1B. The intent of zoning is clear, "to stabilize and protect quiet residential areas for family life." The ability of schools to use property in residentially zoned districts is not given as a matter of right, in fact, the burden of proof is on the institution to show, "that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions."

In consideration of all the issues that have been raised, we respectively submit that this site is absolutely wrong for the children, the neighbors and the church.

Sincerely,

Kathleen and Campbell DeMallie

Mr. and Mrs. Campbell DeMallie, Jr.

Cc: Peter Barrett
Rev. Betty McWhorter
Katherine Bradley