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Testimony Related to Edmund Burke School Application for Expansion

My name is Susan Collins. Since 1992, my husband and I have lived at 2943 Upton Street, in one of the town houses along the dead-end alley adjacent to the Edmund Burke school.

Quite frankly, I did not want to testify in opposition to Burke's expansion. Burke is a unique school which provides an excellent education. My own 2 children attend an independent school in the District, which also wishes to expand. I serve as a member of the Board of Trustees of that school, and well understand the constraints and challenges faced by independent schools in urban settings. I am happy to have one as a neighbor.

I wanted to support the school even though the difficulties raised by this proposed expansion, and the on-going problems between the school and the neighborhood – particularly for the residents of the 6 houses on that dead-end alley are real. As you have heard, these include traffic, parking, trash and noise. Our concerns are not whiney or unreasonable. For the most part, we have been tolerant and patient. In my view, the central problem is lack of trust. I will return to these points in a moment.

For me the final straw was reading in the school's testimony at the last BZA hearing that Burke's Board of Trustees had unanimously voted in favor of continuing the school's over-enrollment policy. Apparently their justification for blatant disregard of the existing BZA order was a large number of excellent applicants and the desire for funds to make school improvements. I assume that members of Burke's Board of Trustees, like members of the Board on which I serve, are aware of the Principles for Good Practice spelled out by the National Association of Independent Schools. These principles clearly state that one responsibility of the Board of Trustees is:

> "to assure that the school operates in compliance with applicable laws and regulations, minimizing exposure to legal action."

Quite simply, I was shocked to learn that there had been unanimous Board support for this school behavior.

In fact, and following up on a comment made by a member of the BZA in 2001, (I believe it was Mr. Hinton), the neighborhood attempted to have the 1983 BZA order enforced. We contacted the office of Adjudication of the DC Department of Consumer

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and Regulatory Affairs (DCRA) to request withdrawal of Burke's certificate of occupancy. In August 2002, the DCRA issued its finding. Quoting from their letter:

> "While the initial overcrowding was unplanned and unexpected, the respondent in subsequent years made a conscious and obviously calculated decision to continue enrollment at over capacity levels."

Furthermore, they found absolutely no mitigating or extenuating circumstances for the overcrowding that had existed since September 1997 (and still exists). Therefore they imposed the full available penalty – a whopping $500, plus a $40 processing fee. I won't bother to do the numbers to compare the $540 fine with the cumulated tuitions Burke collected from over 5 years with more than 20 extra students per year. I also won't compare that $540 to the value of the time and resources incurred by neighbors over nearly a year to initiate this process and to see it through to the end. This situation raises two issues:

First, I have to ask the BZA – Why is an institution that has been found, by DCRA, to be in continued violation of its existing BZA order, with no mitigation circumstances, in good standing to bring a new request to the BZA at all???

Second, the clear implication is that our neighborhood HAS NO RECOURSE if problems emerge with this new plan. That means that the real issue is one of **trust:**

> **Therefore, to support this expansion, I and my neighbors must have some reason to trust that the school will work in good faith and in a timely way to address reasonable concerns.**

I would now like to briefly explain why it is absolutely inevitable that problems will emerge, and more importantly why Burke school, through repeated actions and inactions has squandered the trust of neighbors – even those such as myself who have tried hard to give the school the benefit of the doubt.

You have already heard extensive commentary on the many aspects of the proposal that, at the very least, raise the potential for problems to emerge. Let me mention two:

1. **The proposed physical traffic patterns, especially in the alley Van-Ness-Upton alley and on Upton Street, seem very difficult to manage**. *If additional intersections are routinely clogged, should I have confidence that the school will address the problem, perhaps by providing additional people to direct flow?* Most mornings, I drive out of my garage to take my kids to school and then go to work. The only route is to turn left from the dead-end alley onto the part of the alley between Van Ness and Upton that would be between the existing and the new parts of the Burke school. As I understand it, cars will continue to drive down that alley to park behind the existing school building. Now cars and buses will also be circulating through the new alley lanes. These all empty onto Upton Street, a relatively narrow two-way street with parking on

both sides. What happens on mornings when the trash or recycling truck arrives to service the school or our houses?

2. **The school proposes to maintain its very convoluted traffic management plan, with 11 prohibited drop-off sites, and complex "required" driving routes for parents.** *Even the school recognizes that the only hope of making this plan work is a "compliance" plan with heavy penalties for offenders. But no one I have asked in the neighborhood, not even members of the BNAC (the neighborhood advisory committee) is clear about just how this plan is supposed to work.*

What about Burke's traffic management efforts? I appreciate the fact that the traffic problems have improved – things were noticeably better over the past year than they had been before. But it must be emphasized that a year of successfully improving the AM and PM traffic problems were an essential condition for Burke to submit a new BZA application. They accomplished this and have re-applied. I sincerely hope that these traffic management efforts are indeed maintained. But I have to question whether this is really workable over the long haul once the BZA hearings are over. First, I know Burke parents who find the long list of drop-off and pick up rules difficult to comply with and the harsh penalties unreasonable. I sympathize. If I were a Burke parent, I would feel the same way. Second, as a concerned neighbor, with a husband who served on BNAC, I still don't understand how the enforcement is supposed to work. I do know that spending my mornings and afternoons recording and reporting parents who violate the rules is not my idea of being a good neighbor.

After Burke's BZA application for expansion was denied in 2001, I fully expected the school to approach its neighbors and work to gain our trust in preparation for renewing its application. As I stated at the outset, I would like to support the school, and hoped the school would begin to demonstrate its willingness to respect and address reasonable neighborhood concerns. Unfortunately, that is not what happened. Instead, their actions have further eroded my trust. Let me give three examples.

First, in the aftermath of the 2001 BZA denial, Burke chose to avoid working things out with those neighbors, such as the residents of the 6 homes on the dead-end alley, who would be most impacted by an expansion. Instead, Burke approached neighbors who had either supported their initial plan or who had not been involved, inviting them to participate in an advisory group called BNAC. It was only neighborhood outrage, once this tactic came to light, that got two representatives from our alley added to BNAC. I will let others, with first hand experience, talk about BNAC.

Second, homes on the alley have had long-standing concerns about trash overflowing from Burke's dumpster, particularly when the school hosts special events. The trash is ugly, it smells, and rodents have been seen in the alley. Despite a series of complaints, this problem has persisted. Neighbors have suggested a larger or anadditional dumpster. A BNAC member suggested moving the dumpster to another spot on school property. But even though the school was in the midst of submitting a

new application for expansion this summer, there were more incidents, and nothing was done. This is a fixable problem, and a reasonable request from the neighborhood.

Finally, throughout the earlier BZA hearings and the many BNAC meetings more recently, Burke has heard neighborhood concerns about the disruption that would be caused by construction if the expansion goes forward If Burke genuinely wanted to assuage neighborhood concerns, particularly for those of us with garages on the dead-end alley, offering some type of construction plan would seem to be obvious -- a no-brainer. Has Burke ever responded in any way to this very real and very reasonable neighborhood concern? No they have not. Is Burke required to submit a construction plan to the BZA? Apparently not. So they have chosen to ignore this concern.

I can only conclude that Burke's approach to the neighborhood is not based on a responsible attempt to be a good neighbor. Instead the school's response is consistently minimalist -- to take actions only if forced to do so, and ignore issues whenever possible. I'm not claiming that earning the neighborhood's trust is easy. In fact, Burke has a particularly difficult job because the school happens to be located in part of the city where residents are already beseiged by institutions. This is not Burke's fault. But it is not the fault of neighborhood families either. The school can not ignore the realities of its environment.

The bottom line is that, as a consequence of Burke's pattern of behavior, the school has failed to earn the trust of **any** of its immediate neighbors along the alley. These are the reasons I felt compelled to speak to you in opposition to the Burke school's expansion.

In closing, let me reiterate that I stand ready to work with a school which makes a concerted effort to respect my concerns. Whatever happens with this BZA application, I continue to hope for that outcome.

Thank you very much for your attention.