TESTIMONY OF RICHARD W. RICHARDSON

My name is Richard W. Richardson. I live and have lived for twenty five years at 2940 Upton Street, and I am speaking for the opposition to the Burke application.

I want just briefly to raise some questions that this hearing process has raised for me as a District citizen and Upton Street neighbor.

1. How can a badly impacted neighborhood be painted by responsible DC city agencies like OP and DDOT as **not** impacted, when the evidence of expert testimony, official zoning maps, local residents, video footage, the ANC report, etc., clearly show otherwise?

2. How can an applicant apply for a special exception from the BZA without seeking required side yard, parking lot occupancy, and/or other variances in advance, since the plan submitted depends on these variances being granted?. Why is the applicant not sent off to acquire these variances before the hearing is scheduled? Will the Zoning Administrator, who can be overruled by the Board, mistakenly believe that the Board has already decided that no variances are needed? Doesn't the burden of this uncertainty fall most heavily on an impacted neighborhood opposition which, at great expense, must respond to an application based on a TMP that must be different if the variances are not granted?

3. How can the ubiquitous evidence of this school's deliberate failure to comply with previous orders as to enrollment and faculty cap imposed by the BZA , and its utter disregard of neighborhood complaint and unrest, be minimized when the very heart of its proposal depends on a good faith performance it has never demonstrated? Its unwarranted and embarrassing attacks on the integrity of the local ANC, it seems to me, illustrate this issue eloquently.

4. How can any credence be given to the TMP enforcement plan, devised at the last minute by Burke without consultation even with its own captive neighbor group? Consider that the enforcement of that plan is dependant on (1) neighbors, who either work, tend to their own children or are retired, policing their streets **in eleven locations twice daily, the first starting at 7:30 AM** throughout the school year; (2) on determination of each reported violation by a school committee ultimately under control of the school, (3) on the hiring of a paid arbitrator in cases of standoff (three against three!) **for each reported traffic infraction**; (4) on an undefined process of moving a complaint **for each reported traffic infraction** from the neighbor on the street to the full committee; and (5)on good and stable relations between school and neighborhood **which do not exist.** Such a plan has no precedent in the District. Why should it give comfort to the neighborhood or to responsible agencies of government?

5. What are the implications of approval of this application from a school which has and will have more students packed into less space than any other private school in northwest Washington? Once such a precedent has been set, what future application could be disapproved for any other school? With Burke's reputation for deliberately ignoring both regulatory and neighborhood

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considerations, what kind of model will have been created for the rest of the private school community? **And finally, what will Burke's actual enrollment, staff size and traffic compliance be three or four years out? In the neighborhood, we all have a pretty good idea.**

We expect Burke to be our neighbor for a long time to come. There is little doubt that if this expansion is not approved Burke and the neighbors will work out a traffic plan that will alleviate some of the worst features of the current situation. We hope that over time, Burke's credibility can be restored so that we will be able to support an application by the school to utilize Connecticut Avenue in a mutually satisfactory way. Now is not that time. Thank you.