July 10, 20003

Chairman Geoffrey Griffis
Board of Zoning Adjustment
441 4th Street NW Suite 210-S
Washington, DC 20001

In support of Case #17022 Expansion Application for Edmund Burke School

Dear Mr. Chairman:

We are writing in strong support of the Edmund Burke School's application to expand its facility by building at the corner of Connecticut Avenue and Upton Street. We live in ANC3F, the district in which Burke is located and are a Burke family. We are all of voting age.

Burke has taken several important steps since the BZA turned down its zoning application in September 2001. It voluntarily instituted a traffic management plan for morning drop-offs which has cut Burke-related traffic on Upton Street by 95%. This voluntary plan has been in effect for 14 months. Furthermore, in response to neighborhood objections that it exceeded its enrollment cap of 270, Burke has decreased enrollment to 295 students this past year and to 290 students in school year 2003-04.

Its new application includes a mandatory traffic management plan along with a very stringent compliance plan that would financially penalize the school for infractions. The school has also decreased its enrollment request from 360 students in the previous application to 300 students (with a ladder to 320 if certain conditions are met), again with stringent financial penalties for exceeding the cap. .

It would be a great mistake to "great weight" to the opinion of ANC3F in reaching your decision. The ANC process was neither fair nor open-minded. A number of the commissioners acted dishonestly and unethically in reaching their decision. I have evidence that one or more ANC3F commissioners worked with opponents of the expansion. Copies of one of my letters (see attachment #1) were leaked by one or more ANC commissioners to one of the plan's most vociferous opponents. And who knows how many others were leaked that we don't know about. In addition, Commissioner Karen Perry actually accompanied the opposition group, Neighbors United for Livable Streets, to a meeting with Office of Planning, a strong indication of where she stood on the issue. One need only look at the nasty and hysterical tone of the ANC3F report on the expansion plan to know that it is not a balanced look at the plan.

Some of Burke's neighbors would have you believe that everyone on their street is united in opposition to Burke's expansion. That is false. The school worked with a number of Upton Street neighbors on the plan before you. They met around twenty times and they had input into the final plan. A number of neighbors who opposed the school on the last go around, now support it.

BZA
Case No. 17022
Exhibit No. 75

Board of Zoning Adjustment
District of Columbia
CASE NO. 17022
EXHIBIT NO. 75

The Burke facility needs to be renovated and updated in order that its educational program keep pace with changes in education. This new plan is a reasonable and needed request. If the District of Columbia wants to keep families with school age children, it must ensure that it has both private and public schools for these children to attend. We believe that city residents should support educational facilities. Burke has shown itself willing to take the neighborhood's views into consideration and deserves the BZA's approval for its expansion.

Thank you for your attention.

Sincerely,

Geralyn K. Lobel
Martin Lobel
Devra Lobel
Rachel Lobel

Attachments

Attachment 1

3rd message

Subj: **Fwd: May 19 ANC Agenda Item Re Edmund Burke School Expansion**
Date: 5/23/2003 8:55:00 AM Eastern Daylight Time
From: GeralynLobel
To: schools@anc3f.org

Dear Commissioners:

I am forwarding to you an e-mail that appeared on my computer in "response" to what I thought was a confidential letter to the seven of you prior to Monday's meeting. Mr/Ms Weisman's name does not appear on my list of commissioners.

That one of you would pass this on to a non-member of the ANC shows a lack of integrity and character that gives all politicians a bad name. You know who you are.

Geralyn Lobel

Forwarded Message:

2nd message

Subj: **RE: May 19 ANC Agenda Item Re Edmund Burke School Expansion**
Date: 5/19/2003 2:35:57 PM Eastern Daylight Time
From: JAWeisman@SWIDLAW.com
To: GeralynLobel@aol.com
Sent from the Internet (Details)

I love the part about "better" compliance and giving themselves a "voluntary" fine. Who are these people?

-----Original Message-----
From: GeralynLobel@aol.com [mailto:GeralynLobel@aol.com]
Sent: Monday, May 19, 2003 11:08 AM
To: schools@anc3f.org
Subject: May 19 ANC Agenda Item Re Edmund Burke School Expansion

1st message

Dear Commissioners:

I saw in the NW Current that the ANC intends to take up a proposal to consult with a zoning lawyer about the Edmund Burke Expansion Project.

Just to be clear, I am both a parent at Edmund Burke School, a member of its Board of Trustees, and a resident of ANC3F, who supports the school's efforts to build on Connecticut Avenue. I am one of five people living at 4525 31st Street, registered to vote in ANC3F, who all support allowing Burke to expand its facilities. this letter speaks for all of us.

This strikes me as an abuse of process. The ANC may later want to hire counsel, but it is premature to say the least. By even talking about consulting a lawyer, it sounds to me as if the school is being prejudged and found guilty without even having the opportunity to present its case. It seems to be only fair to wait until the ANC meeting on June 16 to make a decision of this kind.

Edmund Burke School has done a lot of hard work and soul searching since it was turned down by the BZA. It has voluntarily implemented a morning drop off plan that has reduced our share of Upton Street traffic by 95%. We have reduced our enrollment from 300 to 290 students to try to bring the school into better compliance with its cap. This is a $300,000 "fine" we have placed on ourselves. These are good faith efforts. The drop off plan is now part of our school contract with fines handed to families who don't follow the plan.

The ANC seems to be incorrectly assuming that it will be looking at the old expansion plan when in fact this has a number of significant improvements. The school is working with a group of Upton Street neighbors on a detailed compliance plan that Edmund Burke School would implement with

oversight by the neighborhood and specific sanctions for noncompliance. It has submitted a detailed traffic management plan to deal with traffic into and out of the school. The new plan would divert student foot traffic to a new Connecticut Avenue entrance to the school, thus lessening the number of students on Upton Street.

As a DC taxpayer, I am also concerned about spending our tax money unnecessarily. While I assume that the ANC has a budget for such things, to be spending it at this time is wasteful.

Finally I object to an ANC that gives the appearance of listening to a small and vocal number of neighbors who oppose this new building. I think the ANC should represent everybody who lives in the district. The fact is that the vast majority of people in the ANC may not particularly care about this building and there are certainly many people who are who do support this new building, but aren't as vocal about it. We are five of those people.

Sincerely,

Geralyn K. Lobel
On behalf of myself, Martin Lobel, Rachel Lobel, Devra Lobel, Luz E. Almeida

June 13, 2003

Mr. Gottlieb Simon
Executive Director
Office of Advisory Neighborhood Commissions
1350 Pennsylvania Avenue NW
Washington DC 20004

Dear Mr. Simon:

Attached please find copies of e-mails I sent to the commissioners of ANC3F on May 19 and May 23. The May 19 letter expresses my opposition to their hiring a zoning lawyer to advise them on Edmund Burke School's application for expansion prior to the ANC even holding its public hearing on the application. Attached to the May 19 e-mail is a comment which was inadvertently sent to me by Julie Weisman, a vocal opponent of Burke School's application. Finally, my May 23 e-mail to the ANC3F commissioners, to which I received no response, in which I express my displeasure that my e-mail was shared in such a way.

As Executive Director of the office with jurisdiction over the Advisory Neighborhood Commission (ANC) system, I request that you investigate this matter based on a number of issues.

1. When a private citizen corresponds with an elected DC government official, there is a presumption of privacy. I was expressing my opinion on a public resolution on which these commissioners were going to be voting. That one or more commissioners passed along this private correspondence to another private citizen strikes me as unethical.

2. The sharing of information with a person who is a known and active opponent as Miss Weisman is, raises the question of the open-mindedness of one or more commissioners in the matter of the Edmund Burke School's application for expansion.

3. Even more seriously, it raises questions about the fairness of the ANC process because it is evident to me that one or more commissioners may be actively taking sides on the issue.

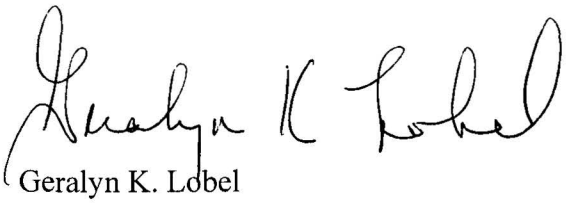
4. Given these shenanigans, I also question whether ANC3F, as a supposedly unbiased government entity, is legally allowed to use taxpayers' money to hire a lawyer whose purpose is to side with one party to a zoning issue. My understanding is that it is the job of the Corporation Counsel to provide an ANC with legal advice.

ANC3F is meeting on Monday, June 16 at 7:30 pm to hear both sides of Edmund Burke School's application to expand. The school is scheduled to go to the BZA on July 15 (Application #17022).

I hope you will take this matter with the seriousness with which I view it and that your office will investigate it thoroughly.

Thank you for taking the time to read my letter and e-mails.

Sincerely yours,



Geralyn K. Lobel
4525 31st Street NW
Washington DC 20008
202-362-8818

attachments

CC: Councilmember David Catania