Cleveland Park Citizens Association
3035 Newark Street NW
Washington, DC 20008
202-362-4279
g.idelson@verizon.net

June 22, 2004

Testimony of George Idelson, President of Cleveland Park Citizens Association, on behalf of the association.

RE: #17149 – Application of Sidwell Friends School

I am George Idelson, president of the Cleveland Park Citizens Association. For over a year, CPCA has been working closely and constructively with Sidwell, with ANCs 3C and 3F, and with other neighborhood groups. Our goal: to help Sidwell shape its application to meet BZA and HPRB standards and, above all, to address the concerns of neighbors who have lived with traffic and parking chaos and will be further impacted by construction for years to come. Mr. Chairman, board members, a strong, enforceable construction management plan must be written into any decision you render in favor of this application. Anything less would be an affront to the community. The endless hours put into this public process by Sidwell's neighbors – their selfless devotion to getting it right – is all the evidence anyone needs that they will take their advisory role seriously and responsibly.

Getting to "yes" is hard work. Many of our concerns have been addressed. On the issue of "clean hands," CPCA members have taken a strong and principled stand. Sidwell is in material violation of its enrollment cap imposed by this Board. Sidwell does not insult you by playing word games about its enrollment cap. Indeed, it concedes it is out of compliance. Still it asks for more students. It is no accident that Councilmember Kathy Patterson's Task Force on Private School Expansion gave the issue of "clean hands" great weight. This is a citywide problem that you can no longer ignore. We have called on Sidwell to drop its plan to ask for more students at this time. If you make it clear that you mean what you say, they will do so.

A school that has knowingly been over its cap for years is not only <u>not</u> in material compliance, it is in <u>willful non compliance</u>. It is time to say no. No longer should you allow your orders to be flouted. If you do not take your own orders seriously, how can you expect citizens to take this body seriously?

Sidwell does not exist in a vacuum. It sits across the street from Hearst, a public school most of whose students are out of boundary and are driven to class. Traffic, parking and enrollment are three strands in a single cord. Add protracted construction to the mix, and the problem gets worse. Sidwell has promised to take the cars off the street and calm the traffic at drop-off points. If they don't waffle on that promise. If the promise becomes reality, subsequent requests for more students will seem less threatening to the neighbors. Until then, we ask you to honor your own orders and insist that Sidwell toe the line on your BZA ordered enrollment cap.

Encl: CPCA "Clean Hands" Resolution

BZA
Case No. 17149
Exhibit No. 50

Board of Zoning Adjustment
District of Columbia
CASE NO. 17149
EXHIBIT NO. 50

Cleveland Park Citizens Association

040501R Resolution: Sidwell Friends School BZA Application and "Clean Hands"

WHEREAS, in the District of Columbia, educational and other nonprofit institutions operating under special exceptions to the Zoning Code granted by the Board of Zoning Adjustment (BZA) must apply to the BZA for any expansion; and

WHEREAS, Sidwell Friends Schools has submitted an application for expansion to the BZA and is at this time in non-compliance with its existing BZA order on student enrollment cap, with the 2003/2004 enrollment at 800 while the existing BZA cap is 780; and

WHEREAS, Advisory Neighborhood Commissions, civic and citizens associations, have opposed applications for expansion when applicants are in substantial non-compliance with their BZA order(s); and

WHEREAS, the Private School Task Force, convened by Councilmember Patterson, recently recommended that the BZA "summarily dismiss a private school's application for a special exception if the BZA finds the applicant is not in material compliance with any BZA order"; and

WHEREAS, compliance with Zoning Order(s) is crucial to maintaining trust, credibility, and a balance of interests between the institution and the neighborhood as well as the credibility of the government and our laws; and

WHEREAS, the principle of "clean hands" is well established in U.S. courts and regulatory bodies; and

WHEREAS, it is a minimum expectation that institutions operating under special exceptions to the zoning orders follow the law; therefore be it

RESOLVED THAT THE CLEVELAND PARK CITIZENS ASSOCIATION

Opposes any application for special exception from an institution which is currently operating in violation of its existing Zoning Order[s]; and

Urges the BZA to require any applicant for a special exception to demonstrate compliance with the ZoningOrder(s) under which it is currently operating; and

Urges the BZA to recognize that its acceptance of applications from institutions in non-compliance encourages continued non-compliance with its Zoning Orders by these institutions and by others; and

Urges the Zoning Commission to amend the Zoning Regulations so as to require that the BZA must summarily dismiss any special exception or variance application from any institution which is not in compliance with its current special exception Order(s), unless it is shown that the institution's non-compliance is due to extraordinary circumstances beyond its control; and

Urges the Sidwell Friends School to bring itself into compliance with its existing special exception order, before bringing its current application to the BZA.

BE IT FURTHER RESOLVED THAT the President or his designee is authorized to represent the Cleveland Park Citizens Association on this matter.

This resolution was adopted by the CPCA Executive Committee on April 14, 2004, and ratified by the Cleveland Park Citizens Association membership at its meeting on May 1, 2004.