By Fax and Mail

4911 Ashby Street, NW
Washington, DC 20007

April 8, 2005

Mr. Geoffrey Griffis
Chair
Board of Zoning Adjustment
441 4th Street,
Suite 210-S
Washington, DC 20001

RE: Application # 17300
Hearing Date: April 12, 2005

Dear Mr. Griffis:

I write today as a long standing resident of Ashby Street who has witnessed the division of a neighborhood by an institution that cannot point to one student who lives within sight of the school. What is now described as a "mansion" was once a residence meant for a family of four to six that has been institutionalized and become a school for 40 adolescent students and twelve staff members.

But, this letter is not about students or schools but rather about the Board of Zoning Adjustment's ability to make decisions based on the testimony of paid "experts" who are there to ensure their client's success. Very few neighborhoods can afford to hire an attorney, a traffic expert, a sound expert and an architect. Neighbors' concerns, no matter how valid, lack "expert" status and therefore do not rise to the same level of consideration.

A review of activities since BZA Order 16852-A was issued indicated St. Patrick's has not been the good neighbor they profess to be. The presence of the school has created objectionable conditions for the immediate neighbors:

1) Immediately following the decision of the Board to grant approval of the application, two events occurred. The mature Yew hedge that had surrounded the property was so severely pruned that the neighbors and passers by viewed dead shrubs for over one year. The board will note not one photograph provided under TAB C of the Application is taken from ground level with a view of the perimeter as the shrubs were only recently replaced. The second event was the signing of a Construction Protocol by the chair of the school's

BZA
Case No. 17300
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17300
EXHIBIT NO. 29

board and the Single Member District ANC Commissioner. This protocol was only observed when it was convenient for the school so, when construction fell behind schedule, construction hours were extended and neighbors where informed that the District allows work until 7:00 PM and they would have to live with the extra three hours of daily disturbance. On one occasion when cement was being poured late in the evening neighbors were told "to move if they didn't like it." The Compliance Officer was unwilling to become involved in complaints because there was nothing in the BZA Order for him to cite.

2) Several months into the construction phase it became obvious that the school was exceeding the scope of work presented to the BZA and the school returned to the Board for a modification and creation of classroom space in the basement. The extra time spent shoveling out the basement extended construction for almost six months. Again, the burden of proof and expense fell to the neighbors.

3) In addition to the Yew hedge, two major trees on the property have been destroyed and a third is barely surviving. A review under TAB C of the "View from Lawn (Southside)" clearly shows the bare branches of the beloved Beech Tree about which much was said during original testimony and which the architect vowed would be protected. It is dead. A review of the "SE Corner of Life Safety Addition" shows a Magnolia that has been severely trimmed and is living on borrowed time. Missing from the photographs is a mature White Ash that graced the northwest corner of the property and was cut down after its roots were exposed over a five month period and it moved during Hurricane Isabel.

4) Stormwater issues are worse today than prior to construction. Sandbags are required along the southwest side of the parking lot. The storm drains and the infiltration trench installed per their stormwater plans are not performing as expected. Storm drains overflow and send silt-filled water cascading over the wall onto MacArthur Boulevard depositing mud and enough water on the sidewalk that it is impassible. Erosion problems raised by NPS continue. Flexible black extensions are placed on every downspout and directed across the lawn and onto sidewalks and streets. A new erosion channel has been cut into the earth between the school wall and driveway on Ashby Street permitting water to run freely down the sidewalk.

5) The Plat shown under TAB E does not indicate that a substantial area of the open space is actually a driveway and parking lot. Time has shown that the "large landscaped lot" and patio are not useable for outdoor activities during winter months and on rainy days because they have been heavily landscaped so students must share space with staff cars on the blacktop parking lot. Placing twenty unsupervised adolescent students under the windows of nearby neighbors is simply not acceptable. Having unsupervised students playing

badminton and retrieving shuttlecocks or soccer balls from neighboring properties or public streets does have an impact. Allowing students to use the door entering on the parking lot does have objectionable impact. Mr. and Mrs. Houy have informed the board that they are not bothered by noise, but Mr. and Mrs. Houy are on their way to work before school opens in the morning and return long after school has closed in the afternoons. At the opening of this letter I noted this is not about children or students. They are normal and healthy and need to express themselves, but they need appropriate space to recreate and learn.

6) One of the school's parents noted the pressure under which the school is operating now that it must return to the BZA for a 50 percent increase in student enrollment. The parent stated that the students are in "lockdown." While the interior of the building and the manner in which the students exist when on campus are not covered by the Zoning Code, impacts are not going to improve with an increase in enrollment. A public middle school in the District of Columbia is required to provide 170 square feet of space per student while St. Patrick's is providing slightly more than 20 square feet per student. The lack of appropriate student space cannot improve conditions for the immediate neighbors or the students themselves. While the school recognizes students cannot recreate inside the building as they do outside, it should not permit their youthful exuberance to become an objectionable condition and problem for school neighbors. In spite of traffic on MacArthur Boulevard and airplane flyovers, the voices of 20 adolescents transcend the ambient noise that is blocked from homes on Ashby Street by the school building itself.

7) The school has submitted a traffic report that raises a number of questions but before turning to actual numbers, consideration of DDOT's parking recommendations should be mentioned. DDOT removed public parking during school hours from Whitehaven Parkway to facilitate the carpool traffic flow. Without those absent parking spaces, the school is unable to provide parking for its entire staff and when there are special events is requesting relaxed enforcement for parents and grandparents. The removal of most of the public parking along Whitehaven Parkway did result in an objectionable condition for the community that the school now wants to use with impunity. This same impunity would not be afforded to a member of the community who parked on Whitehaven Parkway.

To the school's credit, there has been a remarkable change in the backups that used to exist on Foxhall Road and credit for that improvement goes to the two off-duty police officers who keep school traffic moving and the extended dismissal period. However, the student counts supplied in the traffic report raise questions because there are 480 students enrolled in the school but the number of students supplied in the report falls far short of that number even if the youngest students are excused. Raising the carpool AVO from 1.4 to 1.8

represents an increase of one quarter of one percent. DDOT and the school need to work toward an increase in carpool figures. Car seats for the youngest children, who represent a small percentage of school enrollment, are a consideration, but sufficient time has passed to determine that a number of parents are not participating in the carpool plan.

8) In its order, the board did recognize the potential for severe impacts from school-related traffic on the neighborhood necessitating a plan by which students would be transported to school from a satellite location. Students who do not arrive in time to catch the shuttle bus are being retrieved by school car and transported to 4925 MacArthur Boulevard. In spite of the board's best efforts, traffic is being generated by the school whether through teachers, administrators, parents or delivery trucks.

It should be apparent to the board that the school has not been in operation long enough to work out the kinks in its operation and further burden should not be placed on the neighborhood until this is accomplished. The school has a serious problem with its stormwater system and water coming off of the expanded roof of the building. The school does not have adequate interior or exterior space and adding more students is not going to increase available space inside or outside the building; it is not going to lessen the impact of exuberant adolescents on their immediate surroundings; and, it is not going to improve the AVO for the carpool plan. More time is needed to evaluate the success of St. Patrick's Jr. High School.

Sincerely,

Alma H. Gates

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