

Form 140
(Revised 03/15/02)Case No. 17429

PARTY STATUS APPLICATION

Notice: [Click Here for Application Form Instructions](#)

Name:* Jay H. Hebert and Camille R. Comeau
 Address:* 1717 Foxhall Road, N.W. City:* Washington State:* DC Zip:* 20007
 Phone:* (202)625-1205 Fax: Email: jhebert@velaw.com

I, hereby request to appear and participate as a party.

Signature:

Date: 02/13/2006

Will you appear as a(n) ☐ Proponent ☒ Opponent Will you appear through legal counsel ☐ Yes ☒ No

If yes, please enter the name and address of such legal counsel.

Name:

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

Please answer all of the following questions referencing why the above person should be granted party status.
 (If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?*

The proposed school and residential development will create conditions that are objectionable to our property because of increased noise, increased traffic and the unrestricted number of students, faculty and staff.

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)*

Owners.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board?
 (Preferably no farther than 200ft.)*

Approximately 100 feet.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?*

A brand new school with no restrictions on the number of students, faculty, and staff and no meaningful or enforceable restrictions on traffic, noise or use will adversely affect the enjoyment and use of, and the value of, our home. The proposed entrance to the school campus and traffic light on Foxhall, as well as the reduction of Foxhall to one lane between this entrance and Whitehaven, will create significant back-up of traffic up and down the already overburdened Foxhall Road. The unrestricted use of the campus will likely create objectionable noise, nuisance and traffic.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.*

See attached letter.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.*

As the property owners on Foxhall closest to the southern border of the proposed development, we will be more significantly and uniquely adversely affected by the proposed development, and its failure to have any meaningful and enforceable limitations on traffic or the use, operations and numbers of students, faculty, staff and vehicles at the site. It is likely that the traffic back-up caused by the new traffic light on Foxhall Road and the proposed elimination of a northbound lane of Foxhall Road will prevent us from being able to enter or leave our driveway during peak flow traffic periods.

BOARD OF ZONING ADJUSTMENT

District of Columbia

Board of Zoning Adjustment

District of Columbia

CASE NO.

17429

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EXHIBIT NO.36

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36

2/13/2006

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DC OFFICE OF ZONING

2006 FEB 13 PM 12:47

1717 Foxhall Road, N.W.
Washington, DC 20007
February 9, 2006

Mr. Ken Laden
D.C. Department of Transportation Policy and Planning
2000 14th St. NW 7th floor
Washington DC 20009

Ms. Jennifer Steingasser
Office of Planning
801 N. Capitol St. NE Suite 4000
Washington DC 20002

Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, NW Ste 210-S
Washington DC 20001

Re: Application No. 17429; Friends of St. Patrick's, et al.
Hearing Date: February 28, 2006

Dear Ms. Steingasser and Mr. Laden:

Our home is located at 1717 Foxhall Road, just off the intersection of Foxhall and Hoban and adjacent to the proposed development of St. Patrick's new middle and upper school and housing development. We have reviewed the materials that St. Patrick's and the developer have filed with the ANC to this point, and one or both of us has attended each ANC meeting and FCCA meeting at which additional presentations were made. We have become convinced that the proposed project will have a significant adverse impact on our family and on the surrounding neighborhoods, and we respectfully ask that you do not support this project at this time for the following reasons:

St. Patrick's traffic impact statement is based on assumptions and representations that may not be borne out in fact. St. Patrick's makes some critical assumptions about its anticipated operations in order to present its traffic data. First, that it will have 440 students and 100 faculty members. Second, that 30% of its students will take a bus and so should be removed from the traffic equation. Third, that average student occupancy rates for parent driven carpool vehicles will be 1.75, and so a number of cars should be eliminated from the equation. Fourth, that the teachers' hours put their commutes outside the scope of their definition of the AM peak hour, so that their cars should be eliminated from the equation. Fifth, that school hours will be staggered to spread the traffic load. The combined impact of these incremental subtractions is to underrate the school's potential traffic impact by more than half. *And yet no where has St. Patrick's agreed that these numbers, hours, buses, carpools, or vehicle counts will be actually binding upon them, or that failure to achieve these preconditions should limit enrollment or should*

result in penalties or operational changes of any kind. For its traffic management plan to be believed to any degree, St. Patrick's must be bound to follow it and to incur real and immediate consequences for any failure to do so. A traffic management plan that is voluntary and aspirational is no plan at all. Until St. Patrick's includes comprehensive, binding, and enforceable restrictions on the number of students and the number of cars at this facility in its plan, the BZA should not give credence to traffic calculations based on anything less than 540 or more people arriving and departing when it suits them to do so. The BZA has ordered two other schools on Foxhall to bus students or to absolutely cap enrollment and number of vehicles entering school grounds, and we urge the BZA to take similar measures in this case. In addition, we ask that the BZA establish a rolling cap on St. Patrick's student and faculty/staff numbers that is conditioned on satisfactory compliance with interim traffic mitigation goals.

We also believe that the overly optimistic assumptions behind the St. Patrick's traffic study deserve extra scrutiny. For example, it cannot be the best traffic forecasting practice to use an average growth factor of merely 1% per year, when the Phillips Estate, the Office of Homeland Security, American University, and GW- Mount Vernon, among others, are known to have development or expansion plans that will each adversely affect Foxhall Road. Simply comparing growth numbers in DDOT's old traffic counts against St. Patrick's current counts demonstrates growth factors higher than 1% per year. Moreover, it is not clear that St. Patrick's takes into account the new light that will be created that will slow traffic at Foxhall and the Phillips development, or that a new 15 mph zone will stretch from Whitehaven to perhaps past the German Embassy. In assessing the traffic that will stack in the turn lanes at Whitehaven and at its new intersection, St. Patrick's assumes a nearly constant rate of traffic over the peak flow time. We know that this will not be the case. Regardless of when St. Patrick's wants to assume its students will be dropped off, these 440 students will be dropped off in clumps in the 10 or 15 minutes immediately preceding their start times, even if they were allowed to be dropped off earlier. Even using a 20 minute staggered start time and assuming only 257 cars, averaging the arrivals over the entire period, and allowing for carve-outs for busses and carpools that might never materialize, St. Patrick's proposal will push over six cars per minute into this intersection during the worst time of the day! This, of course, assumes no stoppage to wait for any other traffic on Foxhall Road during this 40-minute period. And this appears to be St. Patrick's own best case even after so many favorable assumptions.

Optimistic math not based on actual conditions, and rosy assumptions based on behaviors that will not be required, should not be relied upon in evaluating this project. Foxhall road presents enormous challenges to city planners now, and any future development of 1801 Foxhall must be carefully and closely analyzed. St. Patrick's study and plan make many assumptions that taken together present an unrealistic picture of what future traffic on Foxhall will look like if this project goes forward without careful regulation. We urge OP, DDOT, and the BZA to delve into the assumptions behind St. Patrick's traffic study, and to recalculate traffic loads up and down Foxhall based on what traffic really will be in the future, and how people really will transport high schoolers in the absence of requirements.

St. Patrick's has underestimated the traffic impact of its planned intersection. The cornerstone of St. Patrick's proposal is a single entrance to the school at Foxhall and the German Embassy. While a southbound dedicated left turn lane is provided, it is deficient in several respects. It appears that not all of its length is carved from existing ROW on St. Patrick's property, but that some of it is taken from the existing northbound lane. *The school's plan further provides that one of the northbound lanes will be partially eliminated* north of the proposed entrance, forcing the two lanes of northbound traffic to merge together in a space of approximately *only 100 feet, or less than 5 car lengths*. The proposed plan moves the "Whitehaven pinch" further south on Foxhall, where, as a practical matter, traffic will back up through the proposed St. Patrick's light and down Foxhall during peak AM and PM traffic hours. If moving the pinch further away from Whitehaven helps in traffic at the Whitehaven/Foxhall intersection, it does so only by foisting it downstream at the expense of southern neighbors and by removing a substantial merge area. We note that this spring DDOT will install earlier warnings of the left turn requirement at Whitehaven, giving drivers more time, not less, to merge. Foxhall Road should continue to have two northbound lanes to the Whitehaven intersection.

Little mention is made by St. Patrick's of where its southbound left turn lane is carved from, or what the northbound reconfiguration would do to northbound through traffic, except a statement in its TIS that "overall" the intersection is forecasted to operate at a LOS "A". This seems remarkable, since even using St. Patrick's numbers the left turn southbound lane would be a "C" or "D". St. Patrick's makes no mention about the interruption of northbound traffic during rush hour that is required to allow its southbound traffic to enter the campus, nor has it provided for a third, northbound right turn only lane into the campus, which might lessen some of the impact of St. Patrick's traffic approaching from the Reservoir intersection. Restoring northbound Foxhall to two through lanes and creating a third, dedicated right turn lane into the facility must be part of any viable plan.

The southbound approach also fails to convince under further scrutiny. The proposed stacking length will accommodate less than seven cars at best. The southbound line to get through the light at Foxhall and Reservoir already stretches to or past the German Embassy entrance during both morning and evening rush hour. The queue will be pushed back further by the area of the school entrance, and the backup will get incrementally worse at each cycle of the light at Foxhall and Reservoir, because that intersection already operates at failing capacity and does not clear the queue past the embassy even now. While St. Patrick's discussions seek to minimize this incremental backup, if its numbers are underestimated, as we believe (see above), then spill over from the turn lane will tangle with backups on Foxhall *every morning*.

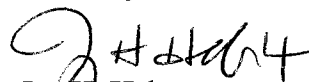
None of this even takes into account the 28 houses that St. Patrick's proposes for development on the property. We note that St. Patrick's has "conservatively" estimated that these 28 houses will, in the aggregate, produce only 21 vehicle trips during the AM

peak hour. This assumption, like many throughout its traffic study, appears questionable at best.

St. Patrick's has materially underestimated the noise and nuisance that will be generated by its development. The proposed school will have at least 440 students and 100 faculty members, with no cap proposed, and no restrictions on undeveloped real estate remaining on campus. Its 170 new parking spaces will be nearly filled (164) by faculty and high school drivers every day (see traffic study). The only playing field for the entire lower, middle, and upper school will be located right next to Hoban Road houses, and the plans that we have seen do not show a solid wall or sound or light barrier between the field and the surrounding residences. There can be no doubt that this field will be in constant use throughout the teaching day and will also be required to be in constant use after school to accommodate even a minimal high school sports program. The new buildings and theatre will be in demand for after hours and weekend activities. St. Patrick's currently operates a summer camp program on Whitehaven campus, and is an active parish that already sponsors a number of events and activities for parishioners. Many schools in the area have prohibitions on the use of lights on fields and outdoor sound amplification and on renting of facilities to outside groups, as well as limitations on the number and kind of extracurricular or non-school activities that may be held on school grounds. *Again, the current plan contains no such neighborhood protections.* We were surprised to read that St Patrick's had written that since the property lies in an approach to Reagan National Airport (the "bad weather" approach only), since traffic was already really noisy, and since some portion of the buildings will be below the level of Foxhall, that noise and nuisance wouldn't be factors for us! Without reasonable but enforceable restrictions and limitations on the use of this facility and better sound protections, it is certain that the noise and traffic will have an adverse impact on the neighborhood.

Unacceptable traffic generation or management, noise, and nuisance are all bases for finding a project such as this objectionable under the zoning regulations. Area schools such as GW- Mount Vernon and Field School have been faced with hard choices about enrollment, busing, parking, and use, because of traffic generation, noise, and nuisance, and we don't think that St. Patrick's is yet holding itself to the standard necessary to deal with the problems that it proposes to create. *In fact, to date St. Patrick's holds itself to no binding standard whatsoever.* We respectfully request that you decline to endorse the current draft of St. Patrick's plan for 1801 Foxhall.

Sincerely,



Jay H. Hebert

Camille R. Comeau