

Foxhall Community Citizen's Association
Washington, DC 20007
February 27, 2006

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Mr. Geoffrey H. Griffis, Chair
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 Chairman Griffis:

The Foxhall Community Citizen's Association ("FCCA") is a neighborhood association that has represented the area of lower Foxhall, Foxhall Village, and Colony Hill ("CH") as a formal organization since 1928. There are approximately 1350 households in the FCCA's community. Although Colony Hill has its own neighborhood association, it is entirely included within our community area as well. Our association has been monitoring the application of St. Patrick's ("SP") to build a private school at 1801 Foxhall Road.

When SP first began presenting its school and housing development plans, both CH and FCCA expressed concern, and CH, as the nearest neighborhood organization, began discussions with SP about its concerns involving traffic, housing development access on 45th street, architecture, construction, noise, and school operation. The FCCA Board believed that SP was in earnest negotiations with Colony Hill to resolve these matters and so let CH take the lead. It had been the FCCA Board's expectation that CH and SP would reach an agreement on the issues that concerned the FCCA, or short of that, that the ANC would address these crucial issues during its review of the school's traffic and operation impacts on our community. The FCCA Board was both surprised and disappointed when at the ANC hearing it became clear that (1) SP and CH had not been able to reach an agreement; and (2) that the ANC would impose no immediate conditions on traffic and took no stand on most issues related to school operations. At this point it appears to the FCCA Board that SP is proceeding to the BZA with its original proposal more-or-less intact with few if any concessions to the community on school traffic or operations issues. Consequently, the FCCA Board has concluded that it has no choice but to oppose SP's application for a school exception at this time. The FCCA Board believes that the proposed school project, as presented, will have a significant adverse impact on our constituency and on the surrounding neighborhoods, and we respectfully ask that you do not grant a zoning exception for the school at this time for the following reasons:

St. Patrick's school potential impact on the traffic on Foxhall Road during the peak early morning and mid-afternoon commuting hours is likely to be objectionable to

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the surrounding neighborhoods and its proposed mitigation plan is inadequate. Current Foxhall road traffic is already at the breaking point. It is plain that, in the absence of serious, comprehensive traffic enforcement measures, an additional 440 students and 100 faculty traveling to and from the current site would irretrievably exacerbate this problem, causing the school project to fail to meet BZA standards for special exception. We do not believe that SP's proposed traffic management plan meets this goal. SP's plan contains proposed carpooling, shuttle buses, and staggered hours, all with a view toward increasing vehicle occupancy and lowering vehicle counts at peak hours. Yet, these measures are merely strategies without accountability--SP has resisted making the hoped-for results of these proposals binding on itself or its parent body, nor has SP proposed mechanisms for enforcement. SP has proposed no binding cap on the number of ingress/egress trips per day and even its own estimates establish a resulting daily trip count that would be 50 percent higher than that imposed on the neighboring Field School in its request for a similar school exception from the BZA several years ago. SP proposes no cap on student numbers, so actual traffic counts could even be higher in the future. As a new and unproven school, the SP upper school has announced that it plans to "roll" to full enrollment. This fact offers the BZA and the community an opportunity to set interim target goals that might help ensure traffic management accountability.

We are also concerned about SP's access plan. SP's proposed single point of entry will carry the entire load of its proposed population, and, even by its own traffic calculations, will be heavily taxed morning and evening. We are not yet convinced that the proposed changes to Foxhall Road and the single point of access represent the best solutions to the traffic access problems. While SP provides a southbound turn lane, it provides the approach to that lane in part by narrowing Foxhall Road to one lane just north of its new intersection. It has provided no dedicated right turn lane into the property, and no access at Whitehaven, and its current building plan precludes an easy access added at a later date should traffic conditions or expansion plans warrant. Recognizing that Foxhall Road is already at the breaking point, we ask that a condition of BZA school exception approval be that SP gives the community the very best Foxhall Road intersection solution possible, using the existing right of way and SP's construction efforts to the mutual long-term advantage of DDOT, taxpayers, neighbors, and SP. If it is deemed that there is not sufficient information at present to determine the best solution for the intersection configuration and traffic problems that will exist when the school is finally opened, we ask that the BZA require SP to return to the ANC and BZA with an appropriate Foxhall Road access solution before a school occupancy permit is issued. Finally, future safety concerns and BZA Foxhall Road precedent dictate that the intersection construction should be finished before a certificate of occupancy is issued for a school on this site.

The last time the BZA approved a school zoning exception in the Foxhall area, the Field School, it did so only with hard vehicle and student caps, required widening of Foxhall Road, and continuation of an established shuttle bus plan. Both future enrollment and occupancy were tied to the school's compliance with these protections. The FCCA Board believes that the Field school restrictions represent the minimum conditions which should be imposed on St. Patrick's. SP is the new school, the

proverbial straw that could brake the camel's back. To impose less stringent conditions should be unacceptable. If the BZA decides to grant the special school exception, the FCCA Board asks the BZA to do so only with an absolute cap on student enrollment and a mandatory traffic plan that insures that the ratio of daily trip counts to students is no higher than that imposed on the Field School (106 to 320).

Finally, and most critically, we ask that the BZA include some enforcement mechanism with continuing ANC review. We ask that the BZA establish a rolling cap on SP's student and faculty/staff numbers that is conditioned on satisfactory compliance with the requirements that the BZA sets. We ask that this process continue after SP reaches full capacity and that continued operations be contingent on a satisfactory traffic management plan each year. Without these measures, the new SP school has great potential to become objectionable to the surrounding neighborhoods.

St. Patrick's has materially understated the adverse impact that its operations will have on the surrounding community. SP has proposed comparatively few limitations on its operations similar to those that the BZA has required other District private schools to operate under. When pressed by CH for limits, SP proposed the right to operate the school from 6 AM to Midnight with occasional events that last later, the right to operate a summer camp from 8 AM to 8 PM, with virtually no limit on the number and variety of non-school and weekend events, with only the small concessions that "only six indoor events will conclude *after midnight*" and "only four outdoor non-athletic events *will begin after 7 PM.*" They propose to permit student drivers, but did not commit to a closed campus whereby all students are prohibited from leaving during the day. They plan to build a high-use artificial turf athletic field next to existing Hoban Road houses, but provide no solid wall or sound or light barrier between the field and the surrounding residences. As the only field proposed for a high school that plans to have a full athletic program, the field will be in constant use throughout the teaching day, and after class especially. Its stated field use limitations are vague, inconsistent with other BZA orders, and can be easily exploited. There are no proposed limits on the use of outside PA systems or portable lights, and no decibel emissions limitations or other types of sound and light protections often seen at other private schools.

Unlike some other private schools, SP's new school will be an integral part of a far larger active church community and an existing private school with a current student population of 482 students. The new school facility will be larger and grander than its current facility, and is sure to be much in demand by the whole church community. SP's vague wording suggests that the ability of the St. Patrick's church and its lower school to use the new facility will be unfettered.

In short, SP's proposed operations plan is not in conformity with other private schools and does not respect neighbors' rights in light of its proposed usage. Without reasonable but enforceable restrictions and limitations on the use of this facility and better sound and light protections, it is probable that SP's noise, traffic and operations will be objectionable to the surrounding neighborhoods.

These proposals stand in contrast to the operations restrictions imposed on the Field School and other schools. The Field School has a cap of 320 students, limited student driving and parking with a closed campus (students can't leave during the day), has no outside PA system or field lighting, has built a sound berm, is limited to three major evening events per year, operates no summer camp, and does not have an affiliated organization that uses the facility during non-school hours. Other private schools provide even more specific limitations relating to field use, summer camp, decibel limits, and student behaviors in residential neighborhoods. The FCCA board believes that the operation restrictions imposed on the Field and other private schools represent a good guide for SP and requests that the BZA impose similar limitations on SP.

Our community is already burdened with a disproportionate share of private school traffic. Within one-half mile of this site, St. Patrick's lower school, Georgetown Day middle and lower schools, the Lab School, the Washington International School, the Field School, the Rock Creek International School, Our Lady of Victory School, and the River School are host to over 2,500 private students and their families. This does not include students and traffic generated by Georgetown University and GW-Mount Vernon Campus, both of which are growing and are also within one-half mile of the site. Some of these schools continue to create traffic, noise, and operations problems for us each day, and several have ignored existing BZA requirements that were supposed to protect us. Schools routinely exploit loopholes or ambiguities in their existing BZA orders to do what they want without regard to the our neighborhoods, submitting to accountability only reluctantly on those occasions where they have to go before the BZA or some other agency to get some new concession from the public.

It is also not clear how much the community benefits from these schools. Few of the students are drawn from our neighborhoods; indeed many do not even live in the District. As non-profits, the schools contribute little to the District's tax base. We are the community most affected by this school. By our estimates, 42 percent of the students in the St. Patrick's lower and middle schools live in Maryland or Virginia; in contrast, only 4 percent (19 of 482 students) live within the one-half mile radius surrounding the proposed school that will be most impacted by its presence. Only 10 percent of current students are within a one-mile radius. Our entire FCCA community of 1350 households lives within the one-half mile radius.

It is unfair to our community to bear the traffic, noise, and other burdens imposed by the school when we receive so little of the benefit. We ask that if the BZA does grant the school an exception, that it mandate neighborhood protections that are to be detailed, explicit, comprehensive, and enforceable. Otherwise, experience has shown us that that the natural inclinations of even good-intentioned private school operators to do what fits their own needs will lead to depreciation in the protections and rights of the broader community.

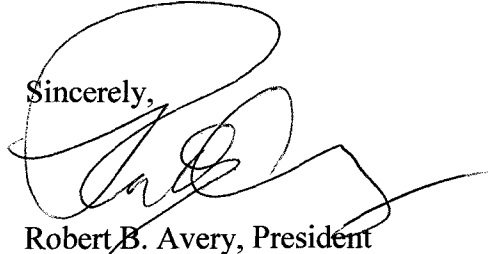
We ask that the BZA not grant SP a school zoning exception at this time. If it does grant an exception, we ask that the BZA make it be contingent on meeting the above conditions. Our proposals are reasonable; they are not egregious, petty, or punitive.

Indeed, we believe that these operational and traffic restrictions will help SP in the long run by building in the structure that holds out the best chance for future harmony between the school and the surrounding neighborhood. We also remain hopeful that some, if not all, of these issues can still be resolved by negotiation. We stand ready to do our part should others seek such a dialogue.

Finally, in concluding we want to comment on the apparent inconsistency between our position and that of the ANC. It is our belief that ANC (and we) believed that most of the contentious areas of disagreement between SP and the CH were on the housing portion of the proposal and that satisfactory progress was being made on negotiating school traffic cap and operations issues. Indeed, school issues did not even get discussed until the second half of the second ANC decision-making meeting. We recognize that all parties likely contributed to this outcome, not just SP. Nevertheless, when the ANC was confronted with SP and CH's failure to have an agreement on school issues, it was too late at that point to put forth a satisfactory alternative to the original SP proposal. The operations and traffic cap issues just fell between the cracks.

The FCCA Board, which is broadly drawn from our community, unanimously supports this position. We would also like to ask for the opportunity for our Board President, Robert Avery, to present our views to the BZA in person as a witness.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Avery', with a large, looping flourish above the name.

Robert B. Avery, President
On behalf of the Foxhall Community Citizens Association Board
4442 Greenwich Parkway NW
Washington, DC 20007