

Testimony of Robert B. Avery, Board President
Foxhall Community Citizen's Association

Re: Application No. 17429; Friends of St. Patrick's, et al.
Hearing Date: June 13, 2006

I appreciate the opportunity to speak to the commission today regarding this matter. My name is Robert Avery and I am the elected President of the Board of the Foxhall Community Citizens Association (the FCCA). The FCCA is a neighborhood association that has represented the area of lower Foxhall, Foxhall Village, and Colony Hill 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. There is no question that we are the association whose membership most closely corresponds to the residents who will be most impacted by the proposed school.

The FCCA chose not to be a party in these proceedings opting instead to fold its interests into those of the Colony Hill Association and Camille Comeau—an FCCA Board member--both of whom are parties with similar interests. Nevertheless the FCCA has taken a very active role in advancing what it sees as critical neighborhood concerns in the Application. The FCCA Board sent a letter to the BZA in February opposing the school portion of the zoning exception unless certain conditions relating to traffic and school operations were met. The FCCA membership supported this action with a 36 to 1 vote at its April meeting. Proposals were taken to ANC 3-D which supported the FCCA on most of what it asked for at a special May ANC meeting. The FCCA also started direct negotiations with Saint Patrick's focusing on traffic and school operations which we see as areas which have the most concern to the broader community.

Our main concern was and is traffic. Traffic on Foxhall Road during the peak early morning and mid-afternoon commuting hours has reached saturation. This will be the 10th private school within a ½ mile radius centered on the Whitehaven-Foxhall intersection--far exceeding the concentration of private schools in any other area of the city. Most of these schools were either expanded or built in the last ten years. In each case an argument was made for an R-1 exception, stating that the action proposed would have a minimal incremental impact. Maybe so. Yet the collective impact has fundamentally altered our neighborhood.

Each day more than 1,500 vehicles clog our streets dropping off students in the morning and returning in a new mid-afternoon rush hour to pick them up. Few of these students come from our neighborhood and many, if not most, come from Maryland and Virginia. Saint Patrick's is the new proposal, arguing for their exception, as the others did, in isolation. The neighborhood is at its breaking point with incremental change. We realize that it was unrealistic to expect that we could stop the school. That said, we wanted hard vehicle and usage restrictions which would at least limit the traffic impact. We did not see that in the School's original BZA application.

We were also concerned about operations. Saint Patrick's had proposed comparatively few limitations on its operations. The operations plan filed with the BZA in February

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placed no limits on school hours, had the right to operate a summer camp from 8 AM to 8 PM, set virtually no limit on the number and variety of non-school and weekend events, proposed an open campus and had no strict noise limitations.

The conditions we sought represented a significant alteration of the school's original proposal. Thus, we were not optimistic about the prospects of achieving our goals through negotiation. Nevertheless the FCCA and Colony Hill jointly negotiated with Saint Patrick's over a period of two months. Our pessimism turned out to be unfounded; I'm happy to report that we reached agreement on all items last week. Accordingly the FCCA Board has voted unanimously to withdraw its opposition to the school. I believe that we have accomplished virtually everything that we sought. Saint Patrick's negotiating stance signaled that they understood the realities of what operating a school with minimal impact in this neighborhood would mean. The community has every right to feel satisfied.

The operations and traffic management plan resubmitted by Saint Patrick contains a number of real significant concessions to the community. It sets a peak morning traffic cap of 146 representing a student to vehicle ratio of 3 to 1; it calls for a closed campus (students can't leave during the day) and no summer camp at this time. It places significant limitations on the number of after hours events and heavily restricts noise and lights. In our view the proposed operations and traffic plan is as restrictive as that of any other school in the area. We strongly and enthusiastically support it and have asked the ANC to do so as well. We urge the BZA to adopt it as offered.

Finally, let me comment on one other issue. In its February 18th letter to the BZA, the ANC requests that—"A transportation report shall be required for each subsequent year until the school reaches full capacity and any request for an increase in students beyond the initial enrollment shall be based on the successful implementation of the school's transportation plan."

The community understands that the purpose of a clause like this is a check to ensure that the school must come back to the community to demonstrate good faith and compliance before it reaches full capacity. Saint Patrick's has agreed to other restrictions in the operations plan which, in the view of the FCCA, accomplish the same purpose. Further, the traffic cap required by the agreed upon operations plan will surely not be binding until the school is at full capacity. Thus, the conditional growth requirement of this ANC clause has no great value to the community and may cause harm to Saint Patrick's by complicating their financing. Consequently, the FCCA supports changing the ANC clause to read: "A transportation report shall be required for each subsequent year until the school reaches full capacity," dropping the conditional clause.

Saint Patrick's has made significant concessions to the community which will meaningfully impact its operations. On our side, therefore I think that we are obligated to not be petty or frivolous in what we demand. We should push only issues which truly benefit the community. I do not think that the ANC's clause conditioning growth meets this standard and ask that you not accept it.

Thank You