

April 24, 2018

VIA IZIS

DC Board of Zoning Adjustment

441 4<sup>th</sup> Street, NW

Suite 200, South

Washington, DC 20001

Re: Board of Zoning Adjustment Case No. 19377

The Boundary Companies and the Missionary Society of St. Paul the Apostle (the "Applicant")

3015 4<sup>th</sup> Street NE (Square 3648, Lots 1070 and 1071) (the "Application")

I am opposed to the application because it adversely affects the two schools both located in the old St. Paul's College building directly next to the project site. I have two children that attend Lee Montessori Public Charter School (an elementary school), which is one of the two schools (the other is Washington Leadership Academy, a high school).

**Summary of the Adverse Affects of the Application**

The project outlined in the Application, as proposed, prohibits pedestrian and vehicle access to the schools beyond one circuitous driveway easement, essentially making the schools surrounded by an island of private development that has only private streets, where public access is prohibited and enforced against by anyone who is not a homeowner. Said another way, parents and students will only be able to enter by car via one driveway on 4<sup>th</sup> Street, or by walking (1) along that same driveway (which will be dangerous, as there is no sidewalk) or (2) via the only path currently permitted by Chancellor's Row HOA ("CR HOA") on the opposite side of the school via Hamlin St.

Proposed Solution: The extremely adverse negative affect of the Application can be mitigated by implementing the conditions listed in DDOT's report, and I sincerely request that Board carefully considers DDOT's report and require the conditions recommended therein.

### **Detailed Description of the Adverse Affects of the Application**

The Applicant states: *"The Project will not adversely affect neighboring property. In fact, the Project will complement and enhance the use of the St. Pauls College building as public charter schools."* (Exhibit 64, Section V. Subsection D, Para.2) This statement could not be further from the truth.

The project outlined in the Application requests a system of "private streets" that will prohibit access to school students and their parents. As you can see from the site plan, these private streets will create a "virtual gated community" that adversely affects the schools, because it effectively creates a moat surrounding schools' building, with cars only able to enter the small driveway on 4<sup>th</sup> Street . Additionally, pedestrians will be allowed to walk along that driveway (which is dangerous, as no sidewalk space is provided), or via the extremely limited and inefficient pedestrian easement accessed on the other side of the schools' entrances (on Hamlin St. NE)

The Applicant states: *"The private streets as part of the Project will be used primarily for access to the build up with no direct connection to the public street network. Therefore, the narrower street width will not impact neighboring residents who are driving in the area."* (Exhibit 64, Section VII, Subsection C) What the Applicant omits in asking for this relief is that drivers and pedestrians who are not homeowners will be forbidden any use of those streets or sidewalks. This absolutely adversely impacts neighboring residents walking and driving in the area, as they will be prohibited ANY use of those private streets, if only to walk or drive their children to school.

In addition, the project as planned eliminates the entire parking lot at the front of the school, with only some minor parking for the disabled located elsewhere. Therefore, any parent of small children, or parents involved in providing supplies or doing laundry for the school (as is extremely common, at least for the elementary school) who needs to park will need to either park on 4<sup>th</sup> Street or 7<sup>th</sup> Street and walk up the dangerous driveway or the circuitous pedestrian easement via Hamlin Street, because the currently safe pedestrian path to 4<sup>th</sup> St. NE will be eliminated.

We will need an easement to even walk on any of the “private streets” because despite what Chancellor’s Row claimed to the Board in the application for the initial development<sup>1</sup>, the unwavering rigidity of the Chancellor’s Row HOA forbids ANY cars or pedestrians on its “private streets” except for the one, arguably inconvenient, Hamlin St. NE pedestrian easement; the current limited Hamlin St. NE pedestrian easement already adversely affects the schools in a number of ways: (i) it is burdensome, as it is not the most direct route to the Metro, (ii) it increases car traffic (because the most logical pedestrian routes are forbidden), (iii) it is inefficient, as DDOT found in its report, because it pushes all potential through traffic to roads outside Chancellor’s Row and, moreover, (iv) Chancellor’s Row policing of its “private” sidewalks creates the potential racial profiling of pedestrians by Chancellor’s Row homeowners. So while the current constraints are frustrating, and the Application, as proposed, would create a veritable “pressure pot” between the new homeowners and the population of school participants. I can understand why the original development allowing private streets may have been approved given the false promises made in the initial application and the low density of use of the Paul’s Collage at that time, but that is no longer the case (especially as both schools continue to grow). As such, I beg the Board to not allow any “private streets” without a public access easement.

It is my understanding the Applicant is requesting special exemption to create “theoretical lots.” (Exh. 64, Section VI (p. 12)) Given the extreme adverse affects the proposed Application has on the schools directly adjacent to the proposed project, I do not believe the Applicant meets the requirements to benefit from a special exception, without requiring additional conditions that will serve the public good.

Furthermore, there is \*nothing\* in the Application that provides any assurances that the Applicant intends to minimize construction traffic that could prohibit/inhibit access to the schools. While the Applicant amended its statement to provide such assurances to Chancellor’s Row residents (Exh. 64, Section IV B], it makes no mention of similar concessions for the schools, even though there are several classrooms with windows facing the proposed construction site. The large scale of this construction project will adversely affect the learning environment of the schools unless the Applicant agrees to outline how it plans to minimize the adverse affects of construction traffic.

It is also my understanding that DDOT conducted a report that outlined the nature of the problem (Exhibit 73, under “Site Design”). DDOT clearly had concerned about the ability of the public to have connectivity between East-West travel (such is the virtual gated community island nature of this entire development with the use of private roads), and yet the Applicant nonetheless proposes blocking travel on Regent Place with a slap-dash inclusion of public space (“F” on the Site Plan).

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<sup>1</sup> Per Chancellor’s Row initial development application, via EYA, LLC, Exhibit 7-27-97 (9/14/07): *“There will be no gates or barriers preventing members of the public from gaining access to the site. An interconnected street grid network disperses automobile traffic and facilitates pedestrian movement, connecting the homes to the public streets and integrating the entire development into the existing neighborhood; it does not create a self-contained suburban-style village.”*

For all of these reasons, I believe the Applicant has failed to show that the project will not adversely affect the neighboring community, and thus the requirement elements to obtain the zoning relieve they request have not been met.

**Request to Mitigate Adverse Affects on the Lee Montessori PCS and Washington Leadership Academy**

Having read the DDOT report referenced herein, I agree with all of the conditions, but there are two conditions that are crucial to provide safe and effective access to the schools:

(1) Provide 6-foot wide sidewalks adjacent to all private streets, INCLUDING the driveway extending from 4<sup>th</sup> Street NE to Regent Place NE, with adequate landscape strips or buffers; and

(2) Provide public access easement spanning the extent of all private streets and associated sidewalks. (Ex. 73, DDOT Report , p. 2)

In addition, given that the Applicant has agreed not to allow for construction traffic via Chancellor's Row, I request that the Applicant similarly prohibit construction traffic on all school access roads and propose efforts to minimize construction noise for work facing Lee Montessori classrooms.

Thank you for considering my concerns and comments.

Sincerely,

Faye Hammersley

1312 Randolph St. NE

Washington, DC 20017

(Proud Lee Montessori parent)

