

To the Board of Zoning Adjustment:

We, the **undersigned homeowner(s) of Chancellor's Row**, an established townhome community situated directly adjacent to 5 acres of undeveloped property owned by the Missionary Society of St. Paul the Apostle, a.k.a. "Paulist Fathers," **strongly oppose** the Application for Variance/Special Exception (**No. 19377**) under which the Applicant Seller (Paulist Fathers) and Developer (Boundary Companies) intend to erect 60 townhomes plus a 20,000 s.f. communal residence upon said undeveloped property.

- Chancellor's Row homeowners will be *directly and substantially* impacted to our lasting detriment by the proposed development.
- The DC Zoning Commission has already recognized the *Chancellor's Row* townhome community as "very dense" and "very sardine like."¹
- In order to offset the proposed density of the Chancellor's Row development, the Applicant (Paulist Fathers and EYA, LLC) repeatedly represented to the Zoning Commission that the Seller's remaining 5 acres of green space facing 4th Street *would be preserved from further development.*² See Attachment.
- City agencies, including the Zoning Commission,³ approved of the Chancellor's Row development based on the representations made by the Applicant. See, e.g., DC Department of Housing and Community Development Memorandum (July 8, 2008): "DHCD offers the following reasons for support of the application *based upon the specific information presented in the application*: ... The park-like St. Paul's Campus will be retained for the portion of the site *fronting on and facing 4th Street NE*" (emphases added).
- If the BZA were to approve the current Application No. 19377, permitting another "sardine like" development on land that the Applicant *specifically* represented to the Zoning Commission as remaining off limits to further development, the residents of Chancellor's Row would be irreparably harmed by such a result.
- The predictable outcome of the proposed development will be the compounding of vehicular congestion, a paucity of street parking, the extinction of natural landscape and felling of mature trees, infringement of easements, and complete obliteration of the "park-like campus" that is core

¹ Planned Unit Development (PUD) Application, Z.C. Case No. 07-27 (EYA, LLC and St. Paul's College), November 19, 2007, transcript of Regular Public Meeting:

- "COMMISSIONER TURNBULL: I think we see just a lot of congestion in some of these areas where with a lack of green space you just see a lot of congestion.... It gets to be a very sardine like development and it just seems to be very constrained.... I was just concurring [with] Commissioner Parsons' comment that it seems very dense.... Although it does say that the green space is supposedly 24 percent, when you look at the plan it is so chopped up into very minimal side yards and rear yards that it doesn't seem to offer that much of an amenity. It seems very tight" (pp.83-86).

² Z.C. Case No. 07-27, July 17, 2008, transcript of Public Hearing; testimony of Mr. Jack McLaurin on behalf of the Applicant:

- The "idea of consolidating the [Chancellor's Row] development ... is to maintain these viewsheds that the Paulists currently have. If you have driven by the site on 4th Street, it's just a spectacular openness of green space that will be maintained" (p.24).
- "[A]s you're driving down [4th] Street, you still experience the open space and the natural slope.... You still experience the open space and you have this wonderful vista of the college" (p.29).
- "Regarding open space, ... this [Exhibit 40, Slide 21 'Open Space Plan'] is a plan that is color coded.... The sort of the light green is the Paulist property, which remains untouched" (p.32). See Attachment.
- "[T]he way the property is used today, the community does come in and basically, you know, use some of the open space to play, to throw footballs, throw softballs, and I think that is the intention of the Paulists to allow that community use to continue, especially on the broader areas of the campus" (p.116).

³ Z.C. Case No. 07-27, Zoning Commission Order No. 07-27 (final action to approve the application on November 10, 2008), pp.5-6: "**SATISFACTION OF PUD EVALUATION STANDARDS**.... The Applicant's architect, Jack McLaurin ... noted the importance of open space in the project. (July 17, 2008 Transcript, pp. 21-24.]" See footnote above first bullet.

to the identity of Chancellor's Row. This was *not* the picture presented to the Zoning Commission when the Applicant sought and received approval for Chancellor's Row; quite the opposite.

- Our decision, as prospective Chancellor's Row home buyers, to invest and set roots in this community was substantially informed by the bucolic vista upon which the otherwise densely packed neighborhood was settled. That we expected this open space belonging to the Paulist Fathers to remain undeveloped was entirely reasonable and justified, given their publicly voiced representations to the Zoning Commission.
- In sum, we, the undersigned homeowner(s) of Chancellor's Row, oppose the Application for Variance No. 19377 (1) because of the predictable and detrimental effects it would have on our already highly compact community, (2) because our neighborhood was approved for such highly compact development *premised on* the preservation of the adjoining undeveloped land, and (3) because it would be unjust for the Applicant to profit from the sale and development of that land, given the profit it has already reaped from the Chancellor's Row development based on its hollow representations.

Attachment (1)

Name: Peter Poon

Mailing Address: 508 Regent Place, NE, Washington, DC 20017

Telephone Number: (202) 526-5496

Email Address: poondog1@ymail.com

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Open Space Plan

