

Testimony of Phil Feola

On Behalf of

the

Edmund Burke School

Thank you Madam Chairperson:

For the record, my name is Phil Feola with the law firm Shaw Pittman and I am here this evening to represent the Edmund Burke School (“**School**”) the owner of lots 27, 28, 65 and 67 in Square 2243 in the District of Columbia. For orientation purposes, the existing School building occupies Lot 67 at 2955 Upton Street, N.W. near the intersection of Connecticut Avenue. Lots 27, 28 and 65 are properties the School purchased for expansion purposes and are located on the northeast corner of Connecticut Avenue and Upton Street, NW. A plat showing those properties is attached to my written statement as Exhibit A. The Edmund Burke School respectfully objects to inclusion of its properties in the proposed Forest Hills Tree and Slope Overlay District.

A. Mistakenly Included

In the first instance, it appears as though the inclusion of the School’s properties in the Overlay District in the Notice for Public Hearing is merely a mistake. Neither the mapped boundaries for the proposed Overlay District included with the application, nor maps prepared by the Office of Planning, include the School’s properties. Nonetheless, the Notice for Public Hearing states, in proposed Regulation 1520.6, that Squares 2241 – 2251, thus Square 2243 be included in the Map Amendment implementing the Overlay. If the inclusion of Square 2243 in the proposed district is in error, or a mistake, we kindly request that any final rulemaking of this Overlay District respectfully delete Square 2243 or, at least, Lots 27, 28, 65 and 67 in the Square.

B. Reasons for Non-Inclusion

If the Notice for Public Hearing is not mistaken, the School believes it is inappropriate to include the School’s properties within the Overlay District.

The School’s properties are in two discreet parcels. Lot 67 is improved with a two-story school building and has been used continually for school purposes since 1911. This lot is virtually entirely pervious, due either to existing parking spaces, hardscape or building as permitted by previous BZA Orders. The property is virtually flat (with the exception of the front stairs which are in public space) and the property is not adjacent to any stream, valley or natural habitat in the Forest Hills neighborhood. Photographs of the School’s building and Lot 67 are attached as Exhibit B.

The second discreet parcel is on the corner of Upton and Connecticut Avenue and is separated from the existing School building by a public alley. It is completely devoid of trees and/or buildings which were recently demolished in order to allow the School an opportunity, with Board of Zoning Adjustment approval, to expand towards Connecticut Avenue. Like Lot 67, this property is also flat and, until the buildings were demolished, virtually 100% pervious.

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The parcel is not adjacent to, or drains into, abutting natural habitats. Photographs of these lots are attached as Exhibit C.

The School's properties are in the R-5-D Zone and inclusion in the Overlay District would reduce the lot occupancy of these properties from 75%, permitted as a matter-of-right in the R-5-D Zone, to 30%. Further it should be noted that the entire frontage on Connecticut Avenue of Square 2243 is completely built with virtually no trees and virtually little, if any, impervious surface remaining.

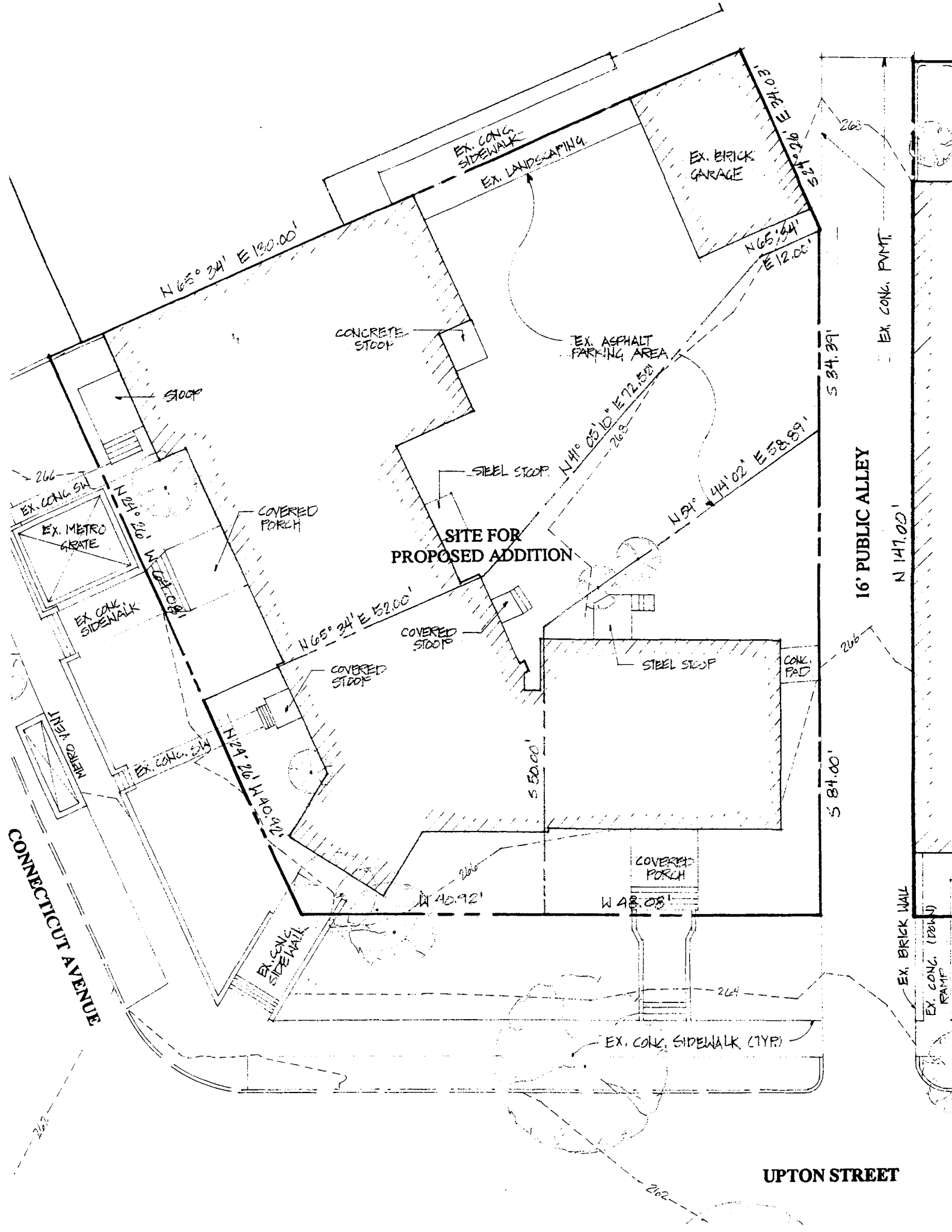
C. Conclusion

Inclusion of the Edmund Burke School properties in the Forest Hills Tree and Slope Overlay District does not further or advance any of the purposes of that proposed District. Conversely, inclusion of the properties in the District will place an extreme burden on the School in its ability to move its educational program forward in the future.

Thank you for your time and attention.

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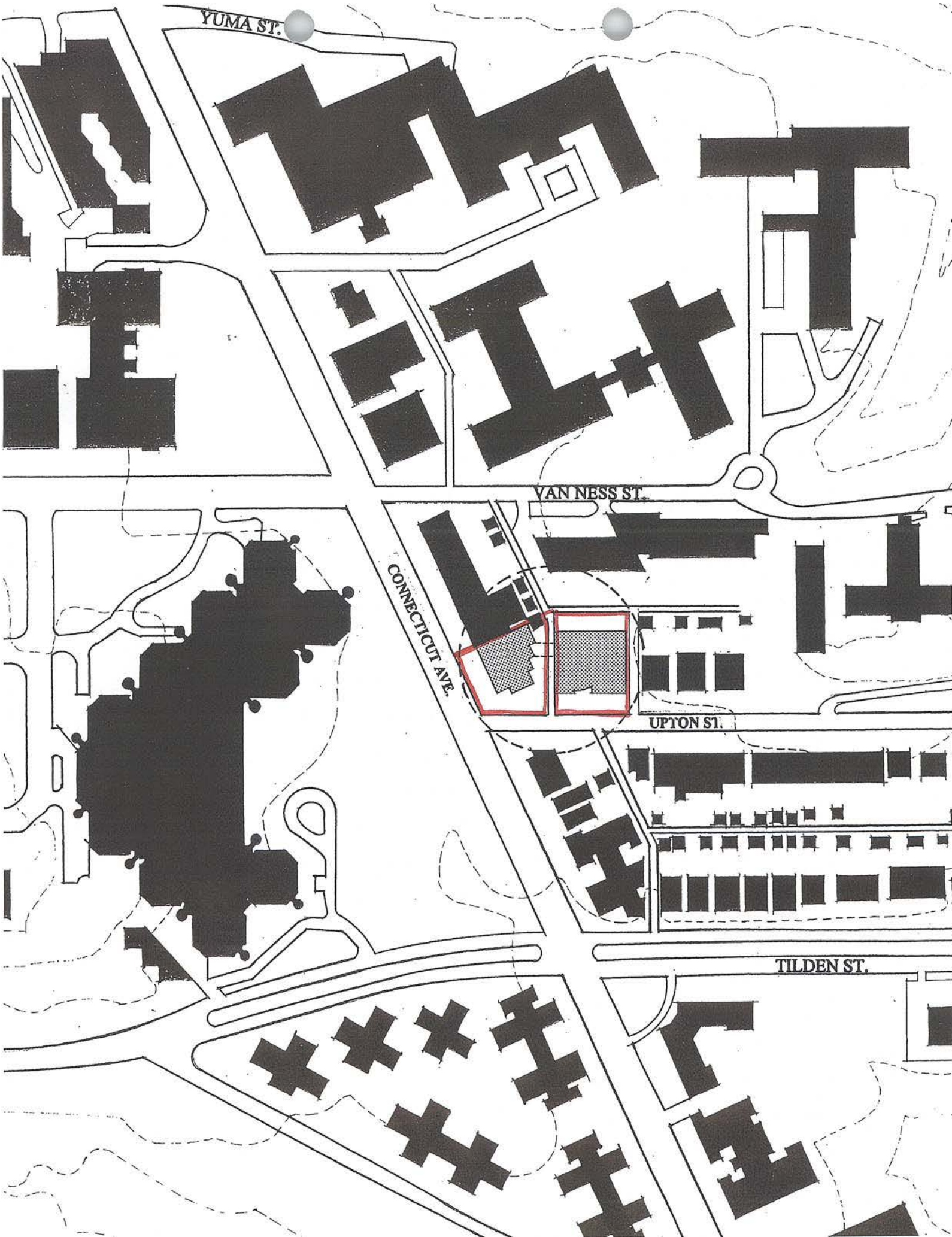


CONNECTICUT AVENUE

16' PUBLIC ALLEY

UPTON STREET

B



16' PUBLIC ALLEY

E 150.02'

16' PUBLIC ALLEY

N 147.00'

EXISTING
EDMUND BURKE
SCHOOL

EXIST. DUMPSTER

EXIST. WOOD SHED

EX. WOOD RETAINING WALL

EX. WOOD RET. WALL

276

EX. LANDSCAPING

EX. 8' HIGH PRIVACY FENCE

33.6'

33.5'

EX. CONG. SIDEWALK

272

274

EX. CONG. RAMP (DOWN)

EX. CONG. SIDEWALK

EX. LANDSCAPING

E 150.02'

EX. CONG. STEPS

EX. BRICK SIDEWALK

STONE WALL

EX. CONG. WALL
EX. LANDSCAPING

EX. LANDSCAPING

EX. CONG. SIDEWALK

EX. BRICK SIDEWALK

EX. ASPHALT

STREET

C











