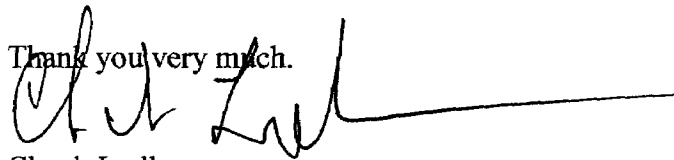


**Proposed Findings of Fact and Conclusions of Law
Submitted by Chuck Ludlam
On Behalf of the Springland Farm Community LLC
Case 17703A: Application of Sidwell Friends School
March 1, 2016**

Attached to this email are proposed findings of fact and conclusions of law in Case Number 17703 A – Application of Sidwell Friends School.

I am the Secretary of the Board of the Springland Farm Community LLC. We have filed today to appear as a party in this case.

I am authorized by the LLC Board to submit these proposed findings and conclusions. This authorization includes the power of the BZA to bind the LLC in this case.

Thank you very much.


Chuck Ludlam
Secretary, Springland Farm Community LLC

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Case 17703A: Application of Sidwell Friends School Proposed Findings of Fact and Conclusions of Law: Springland Farm Community LLC

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PROPOSED FINDINGS OF FACT

The DDOT Traffic Calming Plan for Upton Street

1. The Springland Farm Community LLC represents 100 homeowners on the historic Springland Farm, founded in 1800 by John Adlum. His heirs became real estate developers and built essentially all of the homes in our community. The boundaries of the Adlum farm include Springland Lane, Tilden Street, Upton Street and adjoining streets. The Adlum manor house is historically designated as is the farm's spring house. The homes of the community members surround the Sidwell proposed Lower School campus; The LLC represents the most proximate neighbors to the project. Many of its members live across the street from the project, well within 200'. Accordingly, the Springland Farm Community was accorded party status in the case.

2. The Van Ness Coalition represents homeowners who live on Van Ness Street and streets north of Van Ness Street. None of its members live within 200' of the project. Accordingly, it was not accorded party status in the case.

3. In 2003 the Springland Farm Community petitioned DDOT to perform a traffic calming study for Upton Street. DDOT did so and it proposed to construct two traffic calming islands among other measures including two speed humps¹ and a "no left turn" sign on Reno.² The proposals for the traffic calming islands did not come from the Springland Farm Community; they came from DDOT. The DDOT plan was approved by DDOT and the islands and speed humps were constructed by DDOT, a project completed in early 2008. These traffic calming measures have proven to be exceptionally effective in calming the traffic along Upton Street.

4. One of the traffic calming islands is located at the entrance to Upton Street at Wisconsin Avenue. It permits vehicles exiting Upton onto Wisconsin to turn right – going north. It permits vehicles traveling north on Wisconsin Avenue to turn right – going east – on Upton Street. It does not permit vehicles coming south on Wisconsin to turn right – to enter Upton Street going East. It does not permit vehicles exiting Upton onto Wisconsin to turn left – to go south. The effect of this diverter is to prevent morning rush hour traffic to cut-through on Upton – avoiding artery and connector streets such as Van Ness.

¹ One speed hump is located mid-block on Upton between 37th and 38th Street and the other is located mid-block on Upton between Reno and 37th Street. These speed humps are directed at speeding traffic and they have been extremely effective in slowing the traffic speeding down Upton – a street that drops 70' between Wisconsin and Reno.

² The "no left turn" sign on Reno applies to PM rush hour traffic and it prevents vehicles from turning left – going west – on Upton. This sign is directed at cut-through traffic. It has been extremely effective in preventing this cut-through traffic.

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The other traffic calming island is located at the entrance to Upton at Reno Road. It does not regulate the volume of traffic that may enter or exit Upton. Its sole purpose is to slow traffic and it has been extremely effective to that end.

5. DDOT's proposal to install the traffic islands was and remains consistent with the purpose of the District's traffic calming program: "improving the quality of life in our neighborhoods and addressing traffic-related safety issues throughout the city." DDOT says on its web site:

- In terms of volume control measures, their "primary purpose...is to divert traffic and discourage cut-through traffic."
- "They [traffic calming measures] are appropriate only on local streets with documented cut-through traffic issues." This is true for Upton.
- "They should be only used at local road intersections with collector or arterial streets, since they can accommodate the diverted traffic." This is true for Upton.
- "They may be used on streets with volumes up to 3,500 ADT [Average Daily Traffic]." This is true for Upton.
- Half Closures/Semi-diverters are "good for locations with extreme traffic volume problems..." For Upton, the islands prevent cut-through traffic and slow traffic speeds and also help the neighbors to deal with Hearst, Sidwell and the Washington Home traffic.
- The principal advantage of these volume control measures is that they are "very effective in reducing traffic volumes; average decrease of 40% in traffic volumes." This has been true for Upton.
- The disadvantage is that they "may create circuitous routes for local residents." In our case, our association of the 100 homes on and near Upton Street is perfectly content to take other routes as a very small price to pay for reducing the cut through traffic.
- These volume control measures "cannot be installed on major emergency response routes and transit routes." This issue does not apply to Upton Street.
- These volume control measures "may limit access to the businesses on local streets." This also does not apply to Upton Street because there are no business located there.
- These volume control measures may mean that "enforcement may be required to keep motorists from violating the directional closure." We have seen no evidence that traffic is circumventing the traffic island at Wisconsin. So we see that the traffic calming island at Wisconsin is completely appropriate and well justified.

All of these standards and concepts are supportive of the traffic calming islands DDOT approved and constructed on Upton.

6. DDOT proposed, approved and constructed the islands in a manner completely consistent with its Traffic Calming program. The District says, "Desired outcomes of the Traffic Calming Assessment process may include a reduction in traffic speed, enhanced residential comfort, and improved general safety for pedestrians and bicyclists." Among the "types of traffic calming measures are "volume control measures [that] discourage the cut-through traffic in residential neighborhoods." The District says answers the question "What is Traffic Calming" by stating

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that it includes “physical measures are taken to make speeding more difficult and cutting-through less attractive.” This applies perfectly to the traffic conditions on Upton.

7. The reason DDOT installed the traffic islands on Upton is that Upton street – unlike any other street between Western and M Street – is the site for three large and adjacent institutions that generate huge amounts of traffic – Hearst Elementary School, Sidwell Friends School and the Washington Home. After studying the resulting traffic congestion, DDOT concluded that reducing the cut-through traffic was the appropriate way to prevent total gridlock on Upton Street. Even with the island, there has been gridlock on Upton Street and 37th Street. With the addition of the Sidwell Lower School, there exists the possibility that this gridlock will worsen, especially is the Wisconsin traffic island is removed. Every car coming down Wisconsin that wants to avoid Van Ness would have an incentive to turn onto Upton. This is utterly inconsistent with the District’s traffic calming program.

Proposal of Van Ness Coalition to Dismantle DDOT Traffic Calming Plan for Upton Street

8. The Van Ness Coalition seeks to amend the ANC resolution in this case and the Sidwell petition to force removal of the traffic island on Upton at Wisconsin.

The Sidwell BZA petition states that the DDOT traffic calming island on Upton at Wisconsin is not relevant.

In terms of being non germane, Sidwell’s December CTR says, removal of the [Wisconsin Traffic island on Upton] is “not necessary to mitigate the impact of Sidwell’s proposed project...”

Jami Milanovich of Wells says, “Removal of the island is not required to make the Wisconsin Avenue/MS plan work.” (Email of February 7, 2016).

Phil Feola of Goulston says, “It is, and will be, Sidwell’s position that it is neutral regarding the Upton Street traffic island both during and after construction of the Lower School on the Washington Home site.” (Email of February 8, 2016)

In its January 26 response to the DDOT comments, Sidwell says that it is “not advocating for or against removal of the traffic calming devices and [has] explored other options for accommodating the school’s traffic and mitigating its impact. Specifically, Sidwell will implement a TDM plan that will reduce traffic by 30 percent and will shift its Middle School drop-off/pick-up operations to the new circle on Wisconsin Avenue. The effectiveness of these measures is documented in detail in the CTR.”

9. The Van Ness Coalition has not established that the islands *are* germane to this case.

10. It would be untimely and inappropriate to consider dismantling a *traffic calming* measure in the context of evaluating Sidwell’s plan – endorsed by the ANC and the immediate proximate neighbors – to ameliorate the *traffic increases* from bringing the Sidwell Lower School to the Washington Home property.

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11. The Sidwell petition, ANC resolution and agreement with the immediate proximate neighbors would move the Middle School drop-offs and pickups to Wisconsin Avenue and sharply limit the number of parents of Lower School students who would need to drive into our neighborhood at least two times each day. With no Middle School parents and few Lower School parents driving their kids for drop-offs and pickups on Upton and 37th Streets, the proximate residents will see a dramatic reduction in the current gridlock around the Hearst and Sidwell schools.

12. The Van Ness Coalition amendment would, in effect, introduce a new source of gridlock around the Hearst and Sidwell schools, with a zero sum impact on the Sidwell traffic calming plan.

The Sidwell CTR documents the negative impact of removing the traffic island. This data indicates that if the Upton traffic island is removed, in just one hour – AM peak from 8:00-9:00 – we'd see a 171% increase in traffic on Upton. For PM school peak from 3:15-4:15 we'd see a 67% increase. For PM peak from 5:00-6:00 we'd see a 162% increase. And who would benefit? These negative impacts on Upton would yield a tiny decrease in traffic on Van Ness – only a 12% decrease in volume during the AM peak hour, a 12% decrease during the PM school peak hour, and a 7% decrease during the PM commuter peak hour. The dramatic negative impact on Upton surely is not cost effective or fair in proportionate to the trivial benefit to Van Ness. Indeed it'd mean that there would be only a 40% difference in the number of cars on Upton – a residential street – as on Van Ness – a major connector street.

Upton Street is not the street where negative impacts would occur. The left turners onto Upton would cause an average delay at the Upton / Wisconsin intersection of 15% for all of the 3,454 cars proceeding north and south at AM peak. In general, all approaches would experience some increase in delay. The approaches with the most significant increase vary by time of day. For example, during the morning peak hour, the westbound and southbound approaches would see the largest increase in delay while the eastbound approach would see the largest increase in delay during the evening peak hour. So the mix of impacts of removing the island – decidedly negative for our residential street, trivially positive for an artery street, and a 15% average delay for nearly 3,500 cars in that AM peak hour – well, it's hard to imagine any possible public policy rationale for removing the traffic island. Remember these are the harms inflicted during these few hours. Multiple them by 24 hours a day and 365 days a year. And think about the extreme irony of this amendment should be affixed to a BZA order focused on remediating traffic in the neighborhood around Sidwell's project. It's obvious that removing the island is wildly inconsistent with the issues raised by the Sidwell BZA petition and it's wildly inconsistent with the City's traffic calming priority.

13. If DDOT were to move to reconsider its plan for traffic calming on Upton it should wait for at least a year after the Lower School is opened so that it and the public can assess the likely impact on traffic in the neighborhood. If the traffic island at Wisconsin is removed when the Lower School is opened, Sidwell and DDOT will not be able to sort out the cause and effect of what is sure to be a serious increase in gridlock on Upton. There would be two major variables working – at cross purposes – at the same time. With that confusion, it would be substantially more difficult for Sidwell to assess the impact of its Lower School traffic remediation strategy –

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and jeopardize its ability to establish that it has satisfied the metric that determines whether it can expand its student body. In effect, Sidwell could be blamed for the cut-through traffic.

In addition, DDOT should wait until the plans for redeveloping the 3900 Wisconsin property (Fannie Mae) are finalized. This 9.71 acre property (422,876 square feet) is zoned C-2-B which allows for matter-of-right medium density, including office, residential, retail, or a mix of the three, with a maximum height of 65 feet (6 stories), a maximum lot occupancy of 80% for residential use and 100% for all other uses, and a maximum FAR (Floor Area Ratio) of 3.5 for residential use and 1.5 for other permitted uses. Obviously we could see a rather massive redevelopment of the Fannie Mae property that generates considerable additional traffic, including substantial additional cut-through traffic on Upton Street (headed west primarily in the morning and east to 34th/Reno, primarily in the evening). Repurposing the existing Fannie Mae property appears to be unlikely given that one reason why Fannie Mae is moving is the poor quality of that iconic structure. "Instead real estate developers are more likely to see this property as a lucrative site for the kind of mixed-use projects that are going up elsewhere on Wisconsin Avenue." <http://tenleytowndc.org/2014/08/28/fannie-mae-to-sell-wisconsin-ave-headquarters/>

DDOT should also wait until the final plans for redevelopment of the Hearst Park. They might include a public outdoor swimming pool, renovation or replacement of the existing soccer fields and tennis courts, picnic areas, bocce court, Frisbee golf course, horse show pitch, and expanded recreation center. It is clear that the park may generate substantial traffic. DDOT might find it necessary to install a traffic island at Wisconsin and Quebec or other traffic calming measures.

Traffic Calming Island on Upton at Reno

14. Finally, regarding the traffic island on Upton at 34th / Reno, it is possible that those in other neighborhoods might propose to remove this second traffic island. It was also DDOT proposed, approved and constructed. We oppose this amendment.

It is equally non germane. Sidwell did not consider this island to be within the scope of its submission. DDOT didn't ask Sidwell to prepare an analysis of this island. And none has been prepared because this island –a long block distant from the Sidwell project – is simply not at issue with regard to the Sidwell project.

With regard to this island, there can be no credible argument that removing it will facilitate the flow of traffic in the neighborhood, let alone around the schools. This island is focused on speeding, not volume. It is a classic and non-controversial traffic calming measure.

Prior to DDOT's insertion of the island – in what had been a dedicated right turn lane – traffic would speed around this corner in the dedicated lane rushing to beat the traffic coming down 34th/Reno towards Tilden. Cars would actually accelerate as they approached the stop sign. Cars would routinely run the stop sign in a game of chicken with the traffic coming south on Reno. This was dangerous to everyone – traffic on 34th/Reno, traffic on Upton and the residents of Upton. On multiple occasions, cars parked near this intersection were side-swiped. For those of us whose driveways exit on Upton immediately before 34th/Reno, it was frightening to try to enter Upton going in either direction. We faced a race course speeding by our driveway.

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DDOT's traffic island forces cars to stop before they turned onto 34th/Reno. This simple step has substantially slowed traffic on Upton – it's been more effective than the speed humps. Also, with the landscaping that the community provided – \$15,000 has been donated to the District from 30 neighbors – we have an elegant gateway into the Springland Farm Community. (We are now planning to landscape the traffic island at 34th/Reno and Tilden to match the one at 34th/Reno and Upton.) Removing this traffic island and returning to the raceway would jeopardize both lives and property and destroy a public amenity enjoyed by everyone who travels on Reno Road.

PROPOSED CONCLUSION OF LAW

15. The Springland Farm Community LLC qualifies to appear as a party in the Sidwell Case. The Van Ness Coalition does not.

16. The DDOT approved traffic calming plan (2003-2008), including the traffic calming islands on Upton, is not germane to the Sidwell petition.

17. The DDOT approved traffic calming plan, including the traffic islands on Upton, is consistent with the Sidwell petition and plan to mitigate potentially adverse traffic impacts on the neighborhood. Reconsideration of this traffic calming plan, including the traffic calming islands on Upton, is inconsistent with the Sidwell petition and plan to mitigate potentially adverse traffic impacts on the neighborhood. It would, in practice, undermine the effectiveness of the Sidwell plan and the effectiveness of the order of the BZA in favor of this plan.