

VAN NESS STREET COALITION
Dedicated to Preserving the Residential Character of Van Ness Neighborhood

March 23, 2016

Ms. Marnique Y. Heath, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 200 South
Washington, D.C. 20001

RE: BZA # 17703A/ Sidwell Friends Lower School (Post Hearing Filing)

Dear Chairperson Heath:

The Van Ness Street Coalition strongly supports the ordering rule proposed in our March 7 filing, which gives priority in the expenditure of the \$100,000 additional funds provided by Sidwell Friends School to two Department of Transportation (DDOT) recommendations:

- (1) Installation of raised crosswalks at 37th/ Upton, and
- (2) Removal of a diverter at Wisconsin/ Upton.

DDOT recommended the raised crosswalks to protect school children and pedestrians walking along 37th to Hearst Elementary School. Our neighborhood strongly supports the crosswalk, since many children in our neighborhood attend Hearst. DDOT recommended removal of the Wisconsin Avenue diverter, a small part of a large concrete barrier erected in 2008, to address the exceptionally high incidence of crashes at Wisconsin/ Upton Street (see photo, p. 2).¹

Raised Crosswalk: Our neighborhood's strong support for these safety measures is demonstrated by the 102 signatures on the March 10 petition (Exhibits 40, 41). The importance of the 37th/ Upton raised crosswalk is underlined by Van Ness resident Christina Burnett's email:

"I wanted to pass along my concern about the safety of the intersections of 37th St and Van Ness and 37th and Upton with respect to the neighborhood children. While walking my son to Hearst in recent months, we have had several "near misses" with cars

¹ DDOT's recommendation reads: "Subject to the DDOT safety evaluation, implement recommended actions, which could include removal of the vehicular traffic diverter on the east leg of the Upton Street/Wisconsin Avenue intersection restricting turns, and installation of a new raised crosswalk or contribution towards a raised intersection at 37th Street and Upton Street to facilitate safe pedestrian movement and calm traffic on these streets. The traffic calming islands at both Wisconsin/Upton and Reno/Upton would likely remain in place." (emphasis added)

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that blow through the stop signs. We have also witnessed other parents with their children almost get hit, with one parent having to bang on the side of the inattentive driver's car to let her know she almost mowed them over. I'm really hoping our neighbors can come together with a way to help keep our kids safe without something tragic happening first."

Issue Before BZA: Chuck Ludlam (Springland Farms Community, the "SFC") has filed a lengthy and misleading protest against removal of the concrete barrier, which displays shocking disregard for the professional judgment of the Department of Transportation and safety hazards at the Wisconsin/ Upton intersection. The concrete "island" was never at issue in the hearing, despite Upton Street's attempts to interject the issue and to thwart DDOT's limited recommendations. All that the Board is asked to determine is whether the additional \$100,000 should be applied first to funding DDOT's two recommendations.

At the March 1 hearing, Sidwell's Head of School Bryan Garman offered an additional \$100,000, in response to questions from Commissioner Frederick Hill about DDOT's safety recommendations. Since the \$100,000 would be insufficient to cover all of the projects (based upon Sidwell's estimate of \$175,000), priority for expenditure of the additional funds should be given to those that are most urgent and which were the focus of discussion at the hearing.



Contrary to Mr. Ludlam's allegations, the removal of the entire concrete barrier is not before the BZA. Only DDOT's recommendation of a solution for an exceptionally high crash incidence at Wisconsin/Upton (53 crashes, the highest of any intersection studied) is before the BZA. The 2003 Upton Street Traffic Study has been superseded by more recent crash data, which is the basis for DDOT's ongoing review.² The 2003 Study was based upon a narrow consideration of a single street --- Upton --- and not the impact

² According to Ryan Westrom's testimony at the March 1 hearing, DDOT's review will be completed by year-end, and possibly sooner.

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upon a wider area of nearby streets. Van Ness was never included, nor Veazey, Warren, 37th or 38th. The Study's one street approach is outdated and inconsistent with more modern, broad scoped analysis used by contemporary traffic engineers. Its conclusions are also inconsistent with DDOT's current policy, which would encourage traffic to flow through a wide area without impediment.

Mr. Ludlam has also misrepresented the agreement between the neighborhood and Sidwell: there was never an "agreement" that the barriers would not be affected by the neighborhood agreement. Since everyone knew that there would never be an agreement on that point, we agreed to proceed with points that could be addressed unanimously.

BZA is not asked to make determinations about the impact of removal of the diverter on any of the surrounding streets. We respect the professional judgment of DDOT's experienced planners and engineers and ask only that BZA provide them the time necessary to complete their analysis, so that the \$100,000 can be applied to DDOT's final recommendations, before being spent on other projects that may be less effective. The long list of other items Mr. Ludlam has proposed instead of these two safety improvements demonstrates that there is a real threat to block DDOT's recommendations and squander limited funds on traffic signs, etc. We look to DDOT to bring professional judgment and a balanced perspective to traffic issues affecting the wider neighborhood.

At the March 1 hearing, Mrs. Bavin, an SFC witness, added an unscripted comment to her written testimony. She said that "we" had never been aware of a possible compromise about the barriers and we would support a compromise that removed the diverter and narrowed the channel (more than DDOT has recommended, but a welcome offer). Her statement raises the question whether Mr. Ludlam's assertions fairly represent the views of SFC members, who may not be accurately informed about DDOT's proposal.

Mr. Ludlam has raised spurious arguments about "due process" and "administrative procedure" that are not relevant to BZA's Condition 6. DDOT has shown great patience and consideration in wading through the 20 pages of emails from Mr. Ludlam. There is no reason to expect that DDOT will violate any procedural requirements in their future decisions. But there is reason to be concerned that his torrent of comments will slow down DDOT's decision making, and require more time than necessary for a decision needed to protect drivers, pedestrians, and DC residents. Given the five year limit on availability of these funds, delay is an instrument that Upton Street can and will use shamelessly to preserve its isolated status --- without regard for the safety of others.

Ordering Rule for Condition 6: Our proposed amendment to Condition 6 would follow the Applicant's draft with the addition of the ordering rule highlighted in yellow:

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- Prior to issuance of the Certificate of Occupancy for the Lower School facility at 3720 Upton Street NW, the Applicant shall either:
 - (a) Construct some of the capital improvements recommended by DDOT in its report to the BZA (Exhibit No. 29 of the record), up to a maximum monetary value of \$100,000. Projects shall be selected based on DDOT's determination that those improvements are necessary or desired for the life/ safety of District residents, drivers, and pedestrians, with priority given to the recommendations for improvements at the Wisconsin/ Upton intersection and 37th/ Upton intersection. No funds shall be allocated or expended for other projects on that list until DDOT has made its determination with respect to these two items; or
 - (b) Place \$100,000 into an escrow fund to contribute to said capital improvements, with allocation and expenditure of the escrow fund made in accordance with the guidelines above.

If, five years after the issuance of the Certificate of Occupancy, said improvements have not been constructed, the money shall be released to the Applicant.

Request for Assistance: Mr. Ludlam's misleading --- even bullying --- attacks demonstrate how much we need BZA's protection to ensure that DDOT's safety recommendations are implemented fairly, with regard for the entire neighborhood, not merely a single street. Our residents ask that you protect the \$100,000 funds needed for the raised crosswalks at 37th/ Upton and the removal of the diverter at Wisconsin/Upton by adopting the ordering rule as part of Condition 6.

Throughout this process, we have been impressed by the professionalism and knowledge of DDOT's staff, as well as their willingness to listen to all sides. We ask you to allow them adequate time to complete their analysis, and protect funds for these two projects, so that limited funds are spent efficiently.

Sincerely,



Brenda R. Viehe-Naess
ON BEHALF OF THE VAN NESS STREET COALITION