# Neighbors United for Livable Streets

Upton Street Neighbors

Van Ness South Tenants' Association, Inc.

Van Ness East Condominium Association

The Consulate

4107 Connecticut Avenue

4007 Connecticut Avenue, NW Tenants' Association

August 27, 2001

HAND DELIVERED

Ms. Sheila Cross
Chairperson
Board of Zoning Adjustment
441 4th Street, NW, 2nd Floor
Washington, DC

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D.C. OFFICE OF ZONING
2001 AUG 27 PM 3:09

Re: False Testimony /BZA Application No. 16611

Dear Madam Chair:

On behalf of Neighbors United for Livable Streets (NULS), I am writing to submit the following response pursuant to BZA rules of procedure #3121.6 regarding the August 20, 2001, submission by the Edmund Burke School. Upon review of the materials submitted by the Burke School, the following has been determined:

**1) Lou Slade of Gorove Slade presented false testimony to the Board of Zoning Adjustment during the July 10, 2001 hearing. Further because of his false testimony, his testimony regarding traffic counts and the new traffic management plan cannot be accepted as truthful and should be ruled inadmissible by the Board.**

During the NULS testimony, traffic expert Joe Mehra of MCV identified several errors in the Gorove Slade analysis that produced invalid results, including a traffic count performed on July 8, 1999 when the school was not in session. During rebuttal, Lou Slade of Gorove Slade denied the summer count and testified that in his 30 years of work he has not performed summer counts for schools because it would invalidate the results.

However, during cross-examination, the Gorove Slade technical appendix to the Traffic Impact Analysis was produced indicating that July 8, 1999 was the date of the Ct. Ave/ Tilden Street count. Mr. Slade testified that it

BZA
Case No. 16611
Exhibit No. 225

Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.225

was a clerical error and that the actual date was April 8, 1999. Although, upon cross-examination, Gorove Slade's Traffic Impact Analysis states that all counts were performed between September and October 1999. There was no mention of any April counts.

On August 20, 2001, Gorove Slade submitted photocopies of "handwritten" traffic count sheets supposedly dated April 8 and April 10, 1999 (04/08/99 and 04/10/99). **Upon examination of these documents, it has been concluded that these documents have been altered and truly represent a summer count taken on July 8, 1999**. On one form, someone from Grove Slade has attempted to turn the number seven into a four. On the second page of handwritten counts, the 07/08/99 is clearly discernible.

Gorove Slade in the memo to BZA on August 20, 2001, states that a count was also done April 10, 1999. Even if we were to assume the April 10, 1999 is correct, that date was a Saturday, thereby the traffic count would also be invalid

**2) Burke has submitted "new" information regarding a loading dock and pedestrian bridge that has not been subject to review by NULS until August 20. NULS does find the pedestrian bridge objectionable because it invades public alley air space, would require a special variance and does not meet the fire safety code for fire trucks passing through the alley. NULs is also appealing the letter signed by the Zoning Administrator until the parties have a chance to meet with him specifically.**

The NULS organization brings this information to your immediate attention and requests an extension of the BZA vote.

Sincerely,

Jodie P. Smolik, Coordinator

202-537-5071

**Certificate of Service**

I hereby certify that on August 28, 2001, a copy of my correspondence to the BZA hearing was served via US mail, properly stamped for First-Class Mail Service, addressed to the following;

Jennifer Steingasser
Office of Planning
801 North Capitol Street, NW, 4th Floor
Washington, DC 20002

Mr. Kenneth Laden
Department of Public Works
2000 14th Street, NW, 5th Floor
Washington, DC 20009

ANC 3 F c/0 Phil Kogan
Health and Human Services
200 Independence Ave, SW, #503H
Washington, DC 20201

Linda Jay
2951 Upton Street, NW
Washington, DC 20008

Van Ness South Tenants Association
C/o Pat Brown
Greenstein, DeLorme & Luchs
1620 L Street, NW, Suite 900
Washington, DC 20036

Edmund Burke School
C/ o Phil Feola & Sarah Shaw
Shaw Pittman
2300 N Street, NW
Washington, DC 20037

Sirrus, LLC
C/o Cynthis Giordano, Esq.
Arnold & Porter
555 12th Street, NW
Washington, DC 20004

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2001 AUG 31 AM 9:51

**NULLS**

# Urgent Fax

| | | | |
|---|---|---|---|
| **To:** | Sherry Pruit, BZA | **From:** | Jodie Smolik |
| **Fax:** | 202-727-6072 | **Pages:** | 2 |
| **Phone:** | | **Date:** | |
| **Re:** | Certificate of Servicve | **CC:** | |

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

**Hi, Sherry.**

**I did want you to know that I did send copies of all of my correspondance to all parties. Here is the certificate of service notice.**

**Jodie Smolik**

**NULLS**

CITY OF ALEXANDRIA
DEC 31 P 4:51

**GOROVE/SLADE ASSOCIATES, INC.**
1140 Connecticut Avenue NW, Suite 700, Washington, DC 20036
Phone: (202) 296-8625 Fax: (202) 785-1276

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Erwin N. Andres

**DATE:** August 20, 2001

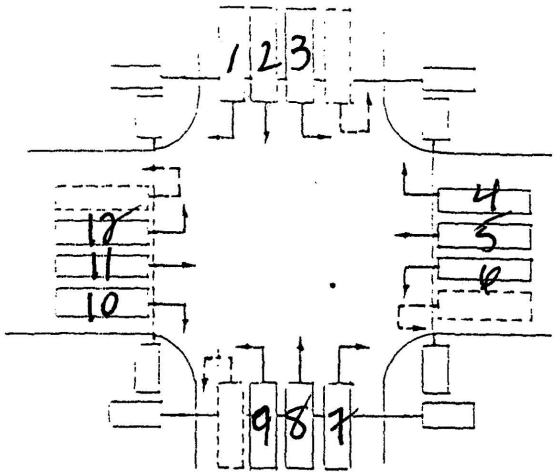
**SUBJECT:** Burke School Traffic Count Field Sheets

Enclosed are field sheets for turning movement traffic counts performed for intersections in the vicinity of the Edmund Burke School. These field sheets have been used to record traffic counts performed on the following dates:

- April 8, 1999
- April 10, 1999 — a Saturday ∴ Counts are invalid
- October 5, 1999
- September 30, 1999

The actual dates of these traffic counts have been verified with our staff. These counts were performed when the Burke School was in session and are representative of traffic levels that are normally experienced when the Burke School is in operation.

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2001 SEP -4 AM 10:01




GROVE SLADE ASSOCIATES

OFFICIAL TRAFFIC VOLUME SURVEY

This is clearly 07/08/99. (July 8, 1999)

Job Name: BURKE Location:

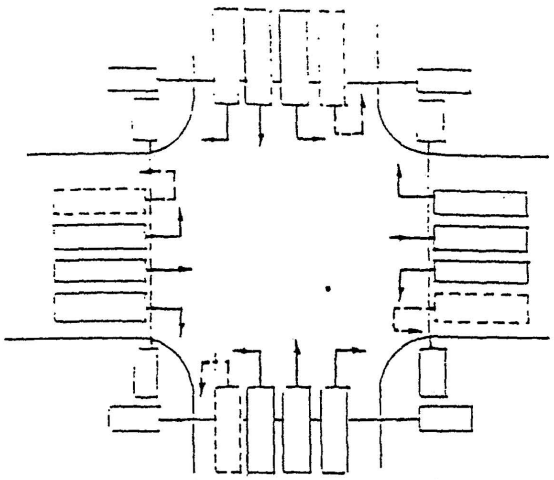
Intersection: TILDEN / CONN

Date: 07/08/99 Day: THURS Interval: (15 Min.) 1 Hour

Weather: Fair Rain Snow Showers Hot Warm Cold

Counted By:

| Time AM/PM | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Pedestrian Machine A | Pedestrian Machine B |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2–2:15 | 12 | 221 | 31 | 24 | 14 | 38 | 15 | 223 | 12 | 6 | 32 | 3 | | |
| 2:15–2:30 | 9 | 218 | 32 | 40 | 33 | 24 | 6 | 281 | 6 | 5 | 21 | 5 | | |
| 2:30–2:45 | 5 | 189 | 84 | 36 | 28 | 13 | 2 | 288 | 2 | 5 | 31 | 5 | | |
| 3:45–3:00 | 3 | 175 | 24 | 42 | 29 | 21 | 9 | 231 | 2 | 5 | 24 | 7 | | |
| 3:00–3:15 | 3 | 184 | 32 | 45 | 39 | 32 | 16 | 285 | 4 | 12 | 29 | 9 | | |
| 3:15–3:30 | 2 | 176 | 26 | 35 | 28 | 26 | 14 | 225 | 7 | 5 | 48 | 6 | | |
| 3:30–3:45 | 5 | 177 | 19 | 31 | 22 | 15 | 15 | 253 | 1 | 7 | 53 | 6 | | |
| 3:45–4:00 | 0 | 180 | 26 | 67 | 28 | 24 | 23 | 236 | 10 | 5 | 45 | 8 | | |



GROVE SLADE ASSOCIATES

OFFICIAL TRAFFIC VOLUME SURVEY

This appears to have been a 7 changed to a 4. Also this is not a 4/10/99.

Job Name: BARE Location:

Intersection: ~~TRAIN~~ / CONN

Date: 04/08/99 Day: THURS Interval: 15 Min. / 1 Hour

Weather: Fair Rain Snow Showers Hot Warm Cold

Counted By:

| Time AM/PM | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Pedestrian Machine A | Pedestrian Machine B |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 7-715 | 3 | ~~58~~ | 12 | 27 | 27 | 4 | 6 | 100 | 6 | 2 | 7 | 2 | | |
| 715 730 | 4 | 49 | 14 | 27 | 34 | 15 | 2 | 140 | 5 | 4 | 6 | 0 | | |
| 730 745 | 6 | ~~58~~ | 15 | 22 | 52 | 11 | 6 | 117 | 8 | 2 | 12 | 4 | | |
| 745 800 | 7 | ~~89~~ | 10 | 43 | 45 | 5 | 5 | 181 | 3 | 10 | 22 | 1 | | |
| 800 815 | 8 | 60 | 11 | 54 | 58 | 23 | 4 | 176 | 2 | 6 | 24 | 1 | | |
| 818 830 | 9 | ~~69~~ | 12 | 40 | 56 | 32 | 9 | 162 | 2 | 6 | 21 | 4 | | |
| 830 845 | 6 | 633 | 23 | 57 | 49 | 17 | 5 | 160 | 3 | 9 | ~~35~~ | 4 | | |
| 848 900 | 11 | ~~58~~ | 19 | 61 | 53 | 24 | 8 | 151 | 6 | 4 | 30 | 3 | | |