Neighbors United for Livable Streets

September 19, 2001

Sheila Cross Reid
Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Second Floor
Washington, DC 20001

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Re: Edmund Burkes School Expansion
BZA Application No. 16611

Dear Madam Chair and Members of the Board:

On behalf of Neighbors United for Livable Streets (NULS), I am submitting a final rebuttal for the record as permitted at the September 4, 2001 BZA hearing. Members of NULS have worked very hard to submit factual information to the Board in both our "Findings of Fact" and testimony and we respectfully request that the Board review this important information prior to ruling on this case. However, we feel at this time it is important to offer the Board a comprehensive summary of this case and rebuttal of the Burke School's most recent claims.

An Unforgiving Site and Unforgiving Plan

The Burke School proposes to expand to an unforgiving site, with an unforgiving plan, that assumes perfect parents, a perfect pledge and an administration that is credible and will not forget its duties to its neighbors. In reality, the School's plan is so unrealistic and unenforceable that it presents the neighborhood with adverse impacts of such magnitude that the application should be denied. The School has not met the standards for the Special Exception that it is "not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions." The entire burden of the school is on the neighborhood.

It is important for the Board to know what the school can actually accomplish, as opposed to what it may be able to promise. The proposed expansion depends all on promises, hence the "pledge" and traffic management plan. With a larger and more forgiving site with a complete network of less congested streets, fewer promises would be

BZA
Case No. 16611
Exhibit No. 246

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needed. And the promises would be more acceptable if the School's history with compliance and the neighborhood was less troubled.

False Testimony Invalidates Burke's Traffic Management Plan & Analysis

Consultants from Gorove Slade have presented **false testimony** on two very relevant and key issues regarding traffic counts that it **INVALIDATES** their TMP and thus, makes it **inadmissible** to the Board. Their false testimony resulted not only in making the school's TMP inaccurate using wrong data, but also was an attempt to discredit the independent traffic study of NULS.

The Burke School's rebuttal to the BZA dated August 31, 2001 states that the NULS's evidence of Gorove Slade's false testimony was "hearsay" and inaccurate. Based on the written evidence provided by NULS on our traffic appendix, the Board can conclude that Gorove Slade did knowingly give false testimony that not only discredits, but invalidates all analysis and the TMP provided by Gorove Slade. Detailed below are the facts:

Proof that Gorove Slade performed traffic count when school was not in session
During the NULS testimony at the July 10 hearing, traffic expert Joe Mehra of MCV identified many errors in the Gorove Slade analysis that produced invalid results. A major error being that Gorove Slade performed a traffic count on July 8, 1999, when the school was not in session. During rebuttal, Lou 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 as evidence indicating that **July 8, 1999** was the date of the CT Ave/ Tilden Street count.

Mr. Slade contended that it was a clerical error and that the actual date was April 8, 1999. Under further cross-examination, Slade's testimony was proven in direct conflict with another Gorove Slade document, the Traffic Impact Analysis, that states, "all traffic 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 counts 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 Gorove Slade has attempted to turn the number seven into a four. On the second page of handwritten counts, the 07/08/99 is clearly discernable.

The Gorove Slade technical appendix also proves this count was performed in July when school was not in session. To corroborate that this was no mere clerical error, the "weather conditions" on the July 8 technical appendix count sheet states the weather as "hot." July is a "hot" month.

As final proof that Gorove Slade has presented false testimony and performed counts when the school was not in session is to simply review the Gorove Slade memo from Erin Andres to the BZA dated August 20, 2001. The memo lists four dates of traffic counts: April 8, 1999, April 10, 1999, October 5, 1999 and September 30, 1999. The memo states," *The actual dates of these traffic counts have been verified with our staff. These counts performed when the Burke School was in session and are representative of traffic levels normally experienced when the Burke School is in operation.*"

Upon review, April 10, 1999 was a Saturday, therefore, the school was not in session and the results of Gorove Slade's traffic analysis and TMP are INVALID and INADMISSABLE. Since the traffic data used for the analysis was taken at the wrong time when the school was not in session, then there is no way to rely on Gorove Slade's results and TMP based on this inaccurate data.

*******All supporting documents, including Gorove Slade's memo to the BZA, "handwritten" count sheets and technical appendix, are provided in the NULS Traffic Appendix.***

Additional Evidence of False Testimony From Gorove Slade/ An Attempt to Discredit NULS Traffic Count

During the July 10 hearing's rebuttal, Erwin Andres of Gorove Slade presented false testimony that was used as an attempt to discredit and invalidate NULS's expert traffic study. He asserted that the traffic count and video provided by NULS on November 9, 2000 was invalid because a portion of Beach Drive in Rock Creek was closed from 7:30 am – 10:30 a.m. for a search of a police murder suspect. He claimed that a Mr. Jimmy Wilson from the Rock Creek Maintenance Department gave him the information.

Written evidence submitted to the Board on August 27, 2001 proves this assertion is completely false. NULS has submitted both a press release and a shift summary report from the US Park Police that verifies there were no closures of Beach Drive during the time of the NULS traffic study due to the search of the MD State trooper killer or for any other reason. The NULS traffic count is VALID.

In addition, Jimmy Wilson of Rock Creek Park Maintenance has made a statement to NULS that his log for November 9, 2000, shows no road closure on Beach Drive during the time of the NULS morning or afternoon traffic analysis.

Burke's contention in the August 31, 2001 submission to the Board that the US Park Police Reports have "misreported the exact times" is obviously not true and a stretch of the imagination. In addition, the police shift summary represents the reports for the day on November 9, 2000.

*******All supporting documents, including the US Park Police press release and shift summary, are provided in the NULS Traffic Appendix.***

Adverse Traffic Impacts Created By Gorove Slade Errors

Expert traffic witness, Joe Mehra of MCV Associates, concluded in this testimony at the July 10 hearing that Burke School's Transportation Management Plan and Analysis as presented by Gorove Slade is so methodically flawed, with gross errors in traffic counts, calculations, the circulation plan and assumptions, that it is not only an unenforceable plan, but is **INVALID**. **He also testified that such a plan would make the existing traffic situation worse for the neighborhood and result in unsafe conditions.**

******Mr. Mehra's traffic analysis conclusions are detailed in the attached NULS Traffic Appendix.***

Adverse traffic impacts, unsafe conditions include:
A circuitous traffic circulation and access plan that forces parents to use Connecticut Avenue is too time consuming and unrealistic for parents to take (involving five turns), when they could easily continue cut through the public alleys, Van Ness and Upton Streets.

The circulation plan also will create backups on Connecticut Avenue and Upton Street during rush hour (both intersections operate a level of service F.) In addition, the circulation plan presents serious vehicular/ vehicular and vehicular/pedestrian conflict points.

The circulation plan does not prevent continue traffic impacts in the public alley and on Van Ness Street.

Gorove Slade's estimation of trip reductions due to the Transportation Management Plan is INVALID based on miscalculations and bold and untested assumptions for shuttle bus and Metrochek use. Mr. Mehra's analysis determined that the proposed school's 200 vehicle trips would be reduced to 189 vehicles, not 124 vehicles as assumed by Gorove Slade.

The shuttle bus and Metrochek plans do not provide a realistic incentive for parents to use. For Metrochek to be effective for Virginia and Maryland students the Metro must be

convenient to their home (a $1.10 subsidy will not be a financial incentive to change forms of transportation from these areas.)

There are no incentives for the parents to drop off their children at remote shuttle lots because of many factors including inclement weather; if they're running late; the child has heavy school items; or if the shuttle lot is empty because of a shuttle run.

Numerous calculation errors by Gorove Slade skewed all data and invalidated the results. The errors include the miscalculation that 1 vehicle = 1 student (actually 1 car = 1.33 students), the miscalculation of the target audience for shuttle service and the incorrect PM peak hour for calculating traffic. In addition, Gorove Slade used the wrong area type and did not calculate the existing levels of service correctly.

Gorove Slade's traffic count is 21 – 30 % less than MCV's study performed on November 9, 2000.

Burke's Parking Plan Fails to Provide Adequate Parking

The application is objectionable due to inadequate parking, both required and accessory. Burke's plan fails to provide sufficient parking.

Deficiencies in Required Parking: Quantity and Standards
Even using the applicant's calculation (47 spaces), which we challenge, the number of required spaces are not provided.

20 remain behind the existing building after deleting 4 for new bus parking.
6 qualify in the new building (the balance are disqualified by inadequate aisle width (1'-6"), not counting rear spaces in tandem arrangements (per regulation), and by compact car spaces in rows of less than 5 (per regulation). Confirmation is provided in the regulations and statements from the Office of Zoning in the Appendix.

Therefore, a deficiency of 21 parking spaces, or nearly half, remains, even with the applicant's low target.

Adding accessory parking does not replace required parking.
Nor is it effective for self-parking when the facility is too hard to use, both by staff and by evening / weekend users who supposedly depend on it. A cramped garage will force parking demand back onto overburdened neighborhood streets.

At least 75 parking spaces are needed, as acknowledged by the applicant. There are only differences in the calculation of the portion for required spaces.

No Variances have been requested for Substandard Aisles, Arrangement of Spaces.

Elimination of 4 spaces from the rear of the existing building, as proposed by applicant, violates the 1983 order.
No request for reexamination of this provision of the order has been made, nor for transfer to another lot. Even if the transfer were permitted or permissible, no replacement of lost spaces has been accomplished, due to substandard aisles and spaces arrangement of spaces.

NULS alternative calculation for the number of required spaces:
Uses the "largest auditorium" rule invoked by the applicant in its letter to the Zoning Administrator; and

Uses the "campus" approach also invoked by the applicant, and applies it to providing parking as would be required for a new campus. This is appropriate, both by virtue of applicant's continuing violations of the 1983 order, and by flawed analysis of that order.

This results in 83 spaces. Subtracting 20 spaces remaining from the existing building (which are nonconforming, but allowed by the 1983 order) would leave 63 for the new building to accommodate in this enlarged campus.

Insufficient required parking is provided, either at a calculation of 47 spaces, or 83.

Importance of Burke's Non Compliance of BZA Orders

Burke's proposed expansion in this already overburdened neighborhood would exacerbate traffic and parking problems. The school's proposal to minimize these adverse impacts depends almost entirely on its voluntary compliance with a complex operational plan and a "parent pledge." Given Burke's deliberate noncompliance of its 1983 BZA order, NULS has no assurances that Burke will voluntarily comply with such an unrealistic and unenforceable operations plan and pledge, or any other BZA conditions.

The Burke School has been in violation of its student enrollment and faculty caps for many years (at least since 1997). That 1983 BZA order capped enrollment to 270 students and limited faculty to 35. According to the school's BZA application, 299 students now attend the school while faculty number 60.

In testimony, David Shapiro, headmaster of the school, stated that he reported the school's noncompliance to the neighbors back in 1999. NULS's witness Rob Vricella testified at the July 10 hearing that it was actually he, not Shapiro, who researched the 1983 BZA order and determined the school was in noncompliance. Mr. Shapiro had told the neighbors only that the school's enrollment was 300, not that it was overenrolled and in noncompliance.

In 1999, by certified letter, the neighbors requested that Burke come into compliance with its enrollment cap for the following school year 2000/01. Despite this request, Burke

did not reduce its enrollment, but in fact, increased it. Neither did officials from Burke discuss with the neighbors the decision to remain out of compliance.

On various occasions, the neighbors asked Burke to take steps to reduce the burden on the neighborhood resulting from the school's noncompliance, particularly with respect to use of the public alleys for school drop-off and parking issues associated with after-school functions. The school's response was that the only solution to the problem was to allow the school to expand and add more students. Thus, by its noncompliance, Burke adhered to a strategy whereby the neighbors would be held hostage to untenable conditions. Burke promised relief only with approval of its expansion plans. It is also important to note that the school realized additional income of more than $1 million dollars in just three years of noncompliance.

As noted above, once on notice that the school was out of compliance, the neighbors did request that Burke reduce its enrollment and otherwise come into the compliance. The school has not. Thus, the neighbors have no reason to believe that should Burke report an over enrollment in the future, the school will take steps to remedy the situation. The reason is simple. There is no enforcement of BZA conditions. Given this fact, the only assurance the neighborhood can have of future compliance is to ask that the applicant have a proven track record in that regard. Burke is not such an applicant.

The neighborhood finds particularly disturbing the fact that Burke has chosen to remain noncompliant at a time when it would be most beneficial for the school to be in compliance – pre-approval of its application for expansion. The school's deliberate noncompliance, in light of its pending BZA application, signals its belief that there would be no adverse consequences associated with such a course of conduct. If the uncertainty of its application for expansion has not been sufficient for compliance, there certainly would be no reason to comply once the expansion is approved.

Loss of Residential Land & Cumulative Institutional Adverse Impact

The Burke School's expansion is not a by-right use of the site to support the city's land-use objectives. The land for the proposed expansion is by-right R-5 residential, bordered by Connecticut Avenue and Upton Street. This portion of Connecticut Avenue is an avenue of residential structures, almost entirely apartment buildings, and a busy commuter thoroughfare.

Upton Street is a very narrow R-2 residential street, however, the street has suffered from the cumulative impact of institutional expansions. Additionally impacted are the fragile network of neighboring streets including Van Ness, Tilden, 29th, Lenore Lane, Linnaean Ave and the adjacent public alleys.

It is important to note that Upton Street has already absorbed the burden of significant expansions from the following six institutions: the Burke School, Howard Law School, Levine School of Music, the Netherlands Ministers residence, Netherlands Embassy and the Hillwood Museum. Theses expansions have occurred in a ½ mile area and all are situated on the north side of Upton Street.

These institutional expansions have increased the volume of traffic and congestion exponentially. To demonstrate the dramatic institutional impacts in numbers and traffic, Jaynie Simmons, a resident since 1976 of Tilden Court, presented the following testimony to the Board on July 10. She stated, "The BZA originally allowed Hillwood a robust 41,600 visitors per year in 1977, but the Museum and gardens are now allowed a staggering 81,000 visitors annually, not including events.

The Carnegie Institution had a mere 50 people occupying their property before the BZA allowed the Levine School of Music to plan for as many as 1,500 students. Their weekday/daytime density level of 800 students provides a steady flow of traffic." In addition, the Levine School has yet to construct its BZA approved performance art theater with a capacity of 300.

Edmund Burke School's proposed expansion is the straw that will break the residential back of Upton Street. If the Burke School were permitted to expand on this R-5 property, then there would only be six residences remaining on the north side of Upton Street and these residences would be "sandwiched" between the institutions.

This is a neighborhood whose capacities and quality of life have dwindled from institutional expansions: finding safe parking, simply crossing the street, avoiding collisions, heavy traffic, more trash and more noise. NULS and the community of Washington rely on the BZA to protect residential neighborhoods at risk from the burdens of institutional activity. The cumulative impact of the institutional expansions in the neighborhood must be given great weight.

Student Density as an Adverse Impact

Edmund Burke is running a school on a parcel that is clearly too small to contain adverse impacts and meet their students' needs. Edmund Burke overwhelmingly reports the highest density levels of students per acre for any private school surveyed in upper Northwest Washington.

Even with Burke's proposed expansion, the school projects a student density level of 450 students per acres (360 students on ¾ of one acre.) Other private schools in upper Northwest have much more space per student than Burke, a minimum average of 100 students per acre. Burke's density is 17 ½ times greater than the student density for the Field School proposed expansion on Foxhall RD (20.5 students per acre).

Burke School is using the surrounding neighborhood as an extension of its campus which demonstrates that the School does not have the capacity to support the number of students it currently has, and certainly will not be able to contain an expansion of 60 more students (90 above the authorized level) on its proposed ¾'s of an acre. The proposed expansion will not provide an outdoor athletic field for its students. The school intends to continue its unauthorized use of the Howard Law School's west lawn for athletics. As documented by the ANC 3F, the Howard Law School's Campus Plan prohibits this use. In addition, after being notified by the neighbors, the US State Department sent a letter that bans the school from continuing its illegal use of the neighboring property owned by the Iranian government for school athletics.

The School's proposed expansion also does not provide for much needed lunchroom space for students. Students are left unsupervised to leave the school and walk through the neighborhood for lunch. This amounts to increase noise and trash for the neighborhood. In addition, there is pedestrian safety risk for students who continue to use shortcuts through the public alley to travel back and forth to the school.

******A Student Density Graph as Presented on July 10 is enclosed.***

Video Evidence Depicts Traffic Adverse Impacts

NULS has presented into evidence videos depicting heavy school traffic on Upton and the public alley, vehicular conflict points, unsafe pedestrian activities and lack of enforcement by Burke hired police officers, including officers personally blocking the alley then yelling at a neighbor when confronted. NULS has also submitted a FOX 5 News video showing traffic impacts and a 5-minute video showing Spring 2001 school traffic, fire engines on Upton and Burke rental buses blocking the street.

Unsafe Conditions & Enforcement Problems

The Burke Traffic circulation plan has many vehicular and pedestrian conflict points, especially on Upton Street and the public alley. Most of the Burke students must cross two lanes of school and alley traffic just to get to the school.

The use of the alley for buses will result in unsafe conditions to the students as well as the motorists who use the public alley.

Burke's transportation plan has only one police officer to direct traffic. There is no police officer at the Ct Avenue school entrance if school traffic backs up on Connecticut Avenue.

NULS questions if one officer can direct the two lanes of traffic in the alley/ driveway; in addition to the east/west traffic on Upton; the two shuttle buses on Upton pulling into incoming traffic. At the same time, the officer would have to write down the tag numbers of Burke pledge violators and serve as a cross guard

Burke's Compliance Pledge is unrealistic and unenforceable

The compliance plan relies on a candid camera and a 2-page pledge that are not enforceable.

Burke's plan calls for video monitoring only once a month in front of the school on Upton and between the proposed buildings in the alley. There are no cameras to photograph parents dropping off students on Van Ness, 29th Street or further east on Upton. There is also no video in the dead-end alley behind the school. Pledge violators cannot be caught on videotape.

Ken Laden of DPW has stated that the video monitoring would have to be once a week, NOT once a month as the school has stated. In addition, Mr. Laden states that he believes this policy is subjective and unlikely to be effective.

A compliance committee of 3 neighbors, two Burke parents and a school administrator is ineffective and places a burden on the neighborhood to ensure the school's compliance.

Mr. Laden's DPW's May memorandum to the BZA states that an enrollment reduction of only four students in the following enrollment period for failure to achieve traffic reduction goals, is not strong enough a sanction. He states that the sanctions should be more directly tied to the traffic concerns and affect current enrollment, not future enrollment.

The penalties for pledge violators are unrealistic and unenforceable. There are no realistic penalties for senior students who violate the pledge.

DPW does not support the Burke expansion

The Department of Public Works does not support the Burke School expansion because of adverse traffic impacts on the neighborhood.

In a May 21, 2001 memorandum to the BZA, Ken Laden of DOT concludes: "However, even with these proposed measures, there is no way, at this time, to determine whether these measures will be effective in the near-term or long-term. Therefore the Department recommends a one year demonstration of the effectiveness of these proposed transportation mitigation measures before the application is approved."

Mr. Laden testified that that test of the TMP could be implemented and that a 30 –100 day test would be too short.

Office of Planning Does Not Support the Burke Expansion

The Office of Planning has recommended denial of the Burke application, citing unmitigated traffic problems associated with Burke's plan.

BZA Must give Great Weight to the ANC 3F

Advisory Neighborhood Commission 3F has opposed the Burke application, citing unworkable traffic circulation routes, non-compliance with past BZA orders and an unwillingness on the part of the school to come up with a plan that effectively manages the school's traffic and the other impacts. In its resolution, report and July 10 testimony before the BZA, the ANC 3F requests that a full one-year test must be established with Metrochek, shuttles, and compliance plan and committee before any approval by the BZA. By law, the BZA must give "great weight" to a decision of the ANC.

Mediation Claims by Burke & Ex Part Communication

The Burke School has claimed that the neighbors were unwilling to mediate. We disagree. In fact, members of NULS have met many times with the school for the past year and a half. We've invested huge amounts of personal time with the school in this enterprise, time taken away from our family and our businesses, and we don't see the solution. The number of critical issues that have not been resolved, including student enrollment, compliance, parking and traffic management, in spite of changes by the school, have brought us to the conclusion that a solution is not possible.

Mediation as defined by the school is one in which the school expands with its proposed plan of 360 students. Such a large student density is one in which we all agree the school and the neighborhood cannot accommodate. The school cannot accommodate its noncompliance and over enrollment of 299 students now.

With regards to the ex parte communication between the school's hired mediator and the Chair of the BZA, NULS agrees with the findings of Commissioner Kogan of the ANC 3 F. We were very troubled by this ex parte communication, not only for its unprofessionalism and impropriety, but because we believe that this is proof that the neighbors could not have an impartial hearing on July 10 or vote by the Chair.

Despite Burke's claim that David Julyan is a "third party," he was in fact a paid representative of Burke School, a party to this case. He had neither right nor permission from NULS to personally contact the chair of the BZA. In addition, the Chair should not

be party to such "voting" conversations prior to NULS having presented its testimony in opposition to Burke.

NULS would also like the Board to take note that the Phillips Collection case was not a Special Exception case, as the Burke School's case. Given that the Phillips Gallery could expand by right gives incentive for the neighbors to mediate.

Pedestrian Bridge is Opposed; Violates Public Space

NULS opposes the pedestrian bridge over the public alley to link the proposed expansion to the existing school because the structure is visually objectionable to the neighborhood. The bridge further institutionalizes the residential street and violates the public space of the neighborhood. The public alley is a buffer and a roadway, not an institutional structure. It is a further encroachment into the neighborhood by Burke that would require a vote by City Council.

Another important point is that having to have such a large pedestrian bridge that spans a public alley and a private driveway proves that the proposed site is "unforgiving" and cannot accommodate the school's expansion needs. The school's proposed expansion creates impacts, which it cannot contain on its site.

For the above reasons, NULS' respectfully requests that application no. 16611 be denied.

Sincerely,

Jodie Smolik, Coordinator
Neighbors United for Livable Streets
202-537-5071



Neighbors United for Livable Streets

September 19, 2001

MCV ASSOCIATES Traffic Analysis

Joe Mehra, President of MCV Associates, was approved as an expert traffic witness for NULS. He submitted a detailed analysis of the Gorove/ Slade traffic reports dated Sept. 25, Nov 8, Dec 20, 2000 and April 10, 2001. MCV also provided analysis of the May 16, 2001 Gorove Slade Transportation Management Plan.

Mr. Mehra of MCV testified that the Gorove Slade Traffic Analysis and TMP are "NOT VALID" due to major errors in Gorove Slade's use of existing traffic data, calculations and bold assumptions.

He concluded that the Gorove Slade circulation plan would result in unsafe conditions on Upton Street at the intersections with the school driveway and the public alley.

He testified that the circulation plan and access routing proposed by the school for the parents, students and faculty is not enforceable.

Mr. Mehra testified that traffic impacts of the proposed school expansion would make the exiting bad situation worse on Upton Street, the alleys between Veazey, Van Ness and Upton Streets and Connecticut Avenue.

He testified that the use of shuttle buses on Upton Street is unsafe due to the narrow roadway width, parking on both side of the street and the fact that Upton Street is a two-way street.

He testified that the Gorove Slade estimation of the trip reductions due to the TMP is erroneous, showing a higher reduction than possible.

Mr. Mehra's analysis determined that the proposed school's 200 vehicle trips would be reduced to 189 vehicles, not 124 vehicles as assumed by Gorove Slade.

Regarding the vehicle reductions of the TMP, Mr. Mehra demonstrated that Gorove Slade made a major error by calculating one student = one vehicle; thereby overstating the amount of traffic reduction associated with the shuttle and transit option. Based on Gorove/ Slade data, Mr. Mehra testified that the correct calculation would be 1.3 students per vehicle because of student car pools. This testimony was unrefuted by Burke and Gorove Slade.

Mr. Mehra demonstrated another major error by Gorove Slade for shuttle use. He determined that Gorove/Slade incorrectly calculated a much higher target audience for shuttle service by including the faculty, Metro subsidy trips and shuttle trips as part of the target audience. Based on Gorove Slade's own assumptions, then the total of vehicle trips would be reduced by 26 vehicles (not 40). This testimony was unrefuted by Burke and Gorove Slade.

Mr. Mehra testified that Gorove Slade made bold assumptions that 40 students will use the shuttle every morning.

He testified that there are no incentives for the parents to drop off their children at remote shuttle lots because of many factors including inclement weather; if they are running late; the child has heavy school items; or the shuttle lot is empty because the shuttle is on a run.

During cross-examination by NULS, Lou Slade of Gorove Slade could not answer what would happen if students did not utilize the shuttle bus.

Also during cross-examination, Lou Slade confirmed that the shuttle sites would have to be determined each year. He testified that the shuttle site selected at 42nd Street near Wilson High is very busy and there is nearby construction of town homes.

No evidence was submitted on how the shuttle buses would exit from Upton Street. NULS questioned whether or not the shuttle buses would use the public alley to access Tilden Street or be delayed at the intersection of Upton Street and Connecticut Avenue.

NULS presented written evidence that the Burke School did not have permission to use WMATA Kiss and Ride and Pierce Mill as shuttle sites, even though the school had previously reported that it did.METROCHEK INCENTIVE

Mr. Mehra of MCV testified that the transit subsidy reduction for VA/ MD students as assumed by Gorove Slade was incorrect based on bold assumptions and miscalculations.

Almost half of Burke's students come from VA and MD. Of this portion, Gorove Slade reports that 24% will use Metro (a total of 44 students). By adding a $1.10 subsidy, Gorove Slade assumes that 36 more students will accept this incentive and take the Metro from VA and MD, bringing the new total to 80 students – almost a 100% increase in Metro rider ship.

The MCV analysis estimates future transit use from Virginia and Maryland students is 48 students, not 80 students (Gorove Slade) resulting in a decrease of 3 vehicles and not 36 vehicles as estimated by Gorove Slade.

Gorove Slade also incorrectly calculated that one student using the Metro subsidy equals one vehicle trip reduction. (Actual one car = 1.3 students)

Mr. Mehra testified that the issue of shifting over from automobile to Metro from Virginia and Maryland relates to the fact that the Metro must be convenient to the students and their residential locations.

He testified that the process of the student being driven from home to the Metro, transferring lines and the number of stops, and then walking from the Van Ness Metro stop to school is so tedious that an incentive of $1.10 is not enough to cause the change of transportation from automobile to Metro. He testified that the age of the child is also a consideration.

Jodie Smolik of NULS testified that the $1.10 subsidy is an insignificant financial incentive; less than 1% of the total cost of sending a child to Burke, for parents to change the transportation modes for their children.

She also testified that if the incentive has not been implemented, no one could predict its use.

CIRCULATION PLAN

Mr. Mehra testified that the Gorove Slade access and circulation plan has major flaws.

The circuitous route that parents must travel to the school (involving five turning movements and passing through several traffic lights) will add a considerable of travel time to the school traffic. The easier route is to turn left from southbound Ct Ave onto Veazey Terrace (using a protected left turn green arrow), cut through the alley between Veazey Terrace and Van Ness Street and cut across to the Van Ness and Upton Street alley.

He testified that the intersection of the public alley and the proposed school driveway would result in major vehicular and pedestrian conflict points and unsafe conditions.

The conflict points and unsafe conditions include students crossing over the school driveway as well as the public alley. At the same time, school traffic is exiting onto Upton Street, turning either left or right, and at the same time there is traffic coming off of the public alley that is also trying to turn left or right.

The intersections of CT Ave/ Upton St have a level of service ranked F.

A blocked intersection at Upton/ CT Ave will create backups onto Upton and would block the proposed new school driveway and the public alley. Mr. Mehra testified that it would only take four vehicles traveling west on Upton ST towards CT Ave to

block the access from the school driveway onto Upton, which means that the traffic is going to back up all the way inside the parking garage back onto Ct Ave.

Connecticut Avenue during rush hour is two lanes traveling north during the AM peak hour, the same direction that Burke parents are supposed to be traveling to enter the school.

The intersections of CT Ave/ Van Ness have a level of service ranked F.

Mr. Mehra testified that both northbound lanes on Connecticut Avenue would be blocked due to traffic trying to turn left at Van Ness Street and Burke School traffic trying to turn right and enter the proposed entrance on Ct Ave.

Mr. Mehra testified that the traffic impacts for the Van Ness Street, the public alley and Upton Street are far greater than Gorove Slade reports.

Gorove Slade's transportation plan states "that the public alley will not be used" however the Gorove Slade Traffic Impact Analysis on page 11, instructs parent who cannot enter the Ct Ave stacking area "to continue northbound, then turn right onto Van Ness Street, turn right into the public alley and right onto Upton Street. They will have the option of performing their carpool operations at this operations at this location or to continue towards the Ct. Ave access."

In addition, Mr. Mehra found misleading information in Gorove Slade's transportation report, which shows that 45 vehicles are turning onto CT Ave and traveling northbound. However, the Gorove Slade directional distribution states that only 25% of the total traffic is actually traveling north. The majority of the 45 vehicles then may turn right onto Van Ness Street and use the alley to access Upton Street in order to head south or east.

The public alley between Van Ness and Upton is the only form of egress for many residences, including the six residences east of the school that are on a dead-end alley. Trash trucks use the alley daily.

Bus parking behind the school presents unsafe conditions for the public alley. In order to exit the school, the buses would have to back out in reverse into the public alley into the line of oncoming traffic and pedestrians in the alley. Bus parking would also block the residents who live east of the school in the dead-end alley.

OTHER GOROVE SLADE ERRORS

Another error is that Gorove Slade used the wrong PM peak hour for calculating traffic. Using the Guidelines for Traffic Impact Analysis by the Institute of Transportation Engineers, the peak hour for analysis should have been 5 – 6 PM, instead of 2:30 – 3:30 PM. The reason being that more than 50% of Burke students remain after school for activities. This error invalidates the Gorove Slade Analysis.

Another error is that Gorove Slade did not include traffic that would be generated by developments that have approved in the vicinity such as the Embassy Complex on Van Ness and Tilden Streets.

Another error includes the level of service calculations for the intersections. Gorove Slade based calculations on "other areas" instead of as an urban area with sidewalks and bus stops. This error resulted in levels of service being rated higher than is existing and therefore skews the traffic data.

MCV TRAFFIC COUNTS

MCV performed traffic counts on November 9, 2000 of Upton Street and the two public alleys between Upton/ Van Ness and Veazey Terrace/ Van Ness.

MCV collected data during the hours of 7 – 9 AM, 2 – 6:30 PM, and 7 – 8 PM on November 9, 2000.

Gorove Slade's traffic numbers were at least 21 percent less than the numbers MCV counted on November 9, 2000.

Extensive use of the alleys was observed, including more than 100 vehicles.

A queue of 26 cars on Upton Street was observed at 8:07 AM.

A significant amount of pedestrian activity was observed during the AM peak hours. A total of 166 pedestrians were observed near the school. Many pedestrians crossed Upton Street, thus creating vehicle/ pedestrian conflicts.



Neighbors United for Livable Streets

September 19, 2001

TRAFFIC APPENDIX

Contents:

False Testimony Support Documents
Gorove Slade "handwritten counts"
Gorove Slade Technical Appendix with July 8, 1999 dates and "hot" weather conditions
Gorove Slade August 20 Memo to the BZA with April 10, 1999 count (a Saturday).
US Park Police press release
US Park Police Shift Summary
Statement from Jimmy Wilson, Rock Creek Maintenance

Traffic Analysis from Joe Mehra

Certificate of Service

I hereby certify that on September 19, 2001, a copy of my correspondence to the BZA hearing was served via Fax or 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

UNITED STATES PARK POLICE

MEDIA INFORMATION

U.S. DEPARTMENT of the INTERIOR, NATIONAL PARK SERVICE

FOR IMMEDIATE RELEASE

CONTACT:

YR		Incident Number				
0	0		3	4	3	8	9

Sgt. Robert MacLean, PIO (202) 619-7163

SEARCH FOR SUSPECT OF THE MURDER OF MD STATE TROOPER

On Thursday, November 9, 2000 at approximately 09:38 A.M., members of the US Park Police responded to investigate a report of the sighting of the suspect for the murder of the MD State Trooper northbound Beach Drive north of Grove 10, NW, Washington, DC. The north end of Rock Creek Park was closed from Sherril Drive to the MD line. U.S. Park Police deployed the Eagle, SWAT, K-9, and Horsemounted Units to conduct the search. A subject with a similar description was stopped, identified and released. The search was terminated and Rock Creek Park opened at approximately 11:00 A.M.

Anyone with information pertaining to this incident is requested to call the Tipline at (202)690-5080 or Communications at (202) 619-7310.

Lieutenant Stacey A. Collins 11/9/00

Authorizing Official / Date

ORM 84A (9/97)

United States Department of the Interior
National Park Service
United States Park Police
Shift Summary Report

[X] WASH, D.C.
[ ] S.F.F.O.
[ ] N.Y.F.O.

Weather Cool/Cloudy/[illegible]iny
Shift Commander Lt. Stacey Co[illegible]ins

Relief [ ]1st [X] 2nd [ ] 3rd DOW Thursday Date 11/09/00

Criminal Complaints/Unusual Incidents

Case #	Location	Time	Nature	Arr	Unit Assigned
34396	Beach Dr. @ EW Hwy	1030	Suspicious Person	0	30-Lynch
34392	12519 Kenerton Dr. Bowie, MD	1115	Wanted person	1	491-White
34389	Beach dr. N/O Grove 10	0938	AOD-MPD	0	282-Schuet[illegible]
34397	14th St @ Newton	1157	PDP	0	312-Leguil[illegible]w

Motor Vehicle Accidents (PI,F,FV)

Case #	Location	Type

Total MVA 2 Total DWI 0 Except DWI 1

Beat Assignment Change

Name	From	To
Hayes	143	111
Evans	411	412
Spencer	412	411
White	413	491

Public Functions (P) Demonstrations (D)

Case #	Location	Time	Attendance

Remarks and Notifications

34389 0938 hrs. AOD-MPD A detective in route to work observed an individual matching the description for the suspect of the MD State Trooper murder. Search was initiated. A subject was stopped and identified but was not the suspect. Subject was released. Search was terminated at approx. 1100 hrs. Press release was issued.

34382 Administrative Complaint 957-Kerr

34402 Injured Force Member(Broken left index finger) 218-Guetz

D1	S/Silva	Report Writing
D2	S/Husser	Station Business
D3	S/Bosak	Weekly Bulletin
D4	S/Diefrich	Local Lookouts
D5	S/Upright	CIB Update

Submitted by: Lt. S. Collins

Description of False Testimony By Erwin Anders, Gorove Slade, July 10, 2001

At the hearing, the NULS group presented our traffic analysis, witness Joe Mehra of MCV Associates and a video showing extensive traffic and car queuing at 8 am on November 9, 2000. At that time, I had personally contacted the US Park Police and Rock Creek Maintenance to verify that there were no closures during the time of the NULS traffic study (7:00 am – 8:30 am and the afternoon 2:00 pm – 6:00 pm).

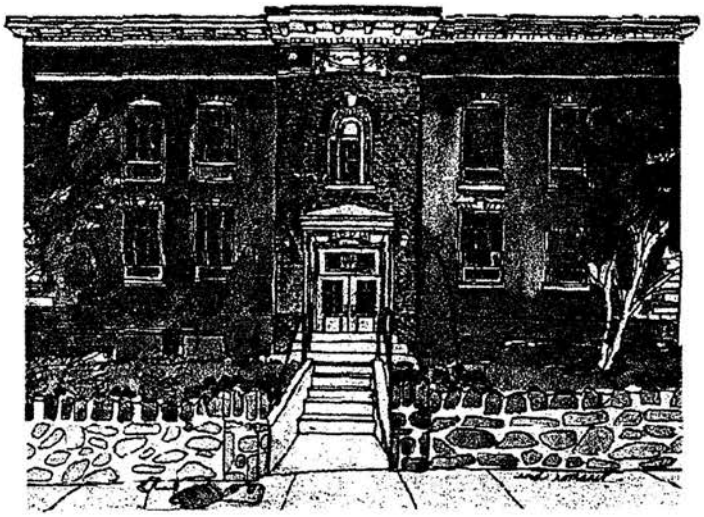
During rebuttal testimony, Mr. Anders testified that our survey was invalid because a portion of Beach Drive in Rock Creek was closed from 7:30 am to 10:30 am for a search for a police murder suspect. He testified that he received this information from a Rock Creek Maintenance employee, one Mr. Jimmy Wilson.

I have received written documentation to support NULS' testimony and to prove that Mr. Anders provided significant false testimony.

I am enclosing the US Park Police press release and police report to verify that there was no 7:30 am 10:30 am closure on Beach Drive. The actual closure was very brief, from 9:38 am until approximately 11:00 am.

Further, I have personally spoken to Mr. Jimmy Wilson of Rock Creek Maintenance and he states that his log for November 9, 2000, shows no road closure during the time of the NULS morning or afternoon traffic analysis.

Technical Appendix
Edmund Burke School



Prepared For

EBS

Edmund Burke School
Washington, D.C.

Prepared by

Gorove/Slade Associates, Inc.
1140 Connecticut Avenue NW
Suite 700
Washington, D.C. 20036
202-296-8625

November 8, 2000

*This document probes that a summer count was performed. Therefore, traffic analysis and TMP are INVALID.

There are a total of 4 pages dated July 8, 1999 with "Hot"

Intersection Traffic Volume Counts and Peak Hour Volume

PM
PEAK HOUR

July
HOT

JOB NAME:	Edmund Burke School	COUNTED BY:	Raynette Savoy, JN
PROJECT NO.	1710-002	DAY & DATE:	Thursday, July 8, 1999
LOCATION:	Cleveland Park	INTERVAL:	15 mn.
CITY/COUNTY:	Washington	STATE: DC	WEATHER: Hot

NB. APPROACH: Connecticut Avenue
SB. APPROACH: Connecticut Avenue
EB. APPROACH: Tilden Street
WB. APPROACH: Tilden Street

COUNTS

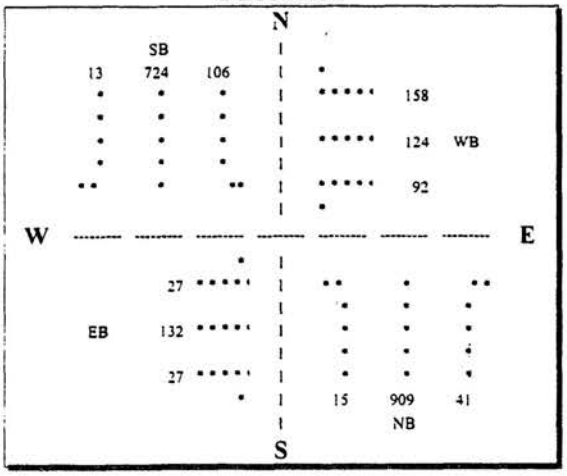
PM	Southbound			Westbound			Northbound			Eastbound			TOTAL	HOURLY		PM
	R	T	L	R	T	L	R	T	L	R	T	L	VEH.	TOTAL	PHF	
MOVEMENT #	1	2	3	4	5	6	7	8	9	10	11	12				
01:30 PM - 01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1263	0.50	01:30 PM - 01:45 PM
01:45 PM - 02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1831	0.72	01:45 PM - 02:00 PM
02:00 PM - 02:15 PM	12	221	31	26	16	38	15	223	12	6	32	3	635	2403	0.95	02:00 PM - 02:15 PM
02:15 PM - 02:30 PM	9	218	32	40	33	24	1	234	6	5	21	5	628	2398	0.95	02:15 PM - 02:30 PM
02:30 PM - 02:45 PM	5	189	24	36	28	13	2	228	2	5	31	5	568	2368	0.94	02:30 PM - 02:45 PM
02:45 PM - 03:00 PM	3	175	24	42	29	21	9	231	2	5	24	7	572	2404	0.95	02:45 PM - 03:00 PM
03:00 PM - 03:15 PM	3	184	32	45	39	32	16	225	4	12	29	9	630	2484	0.95	03:00 PM - 03:15 PM
03:15 PM - 03:30 PM	2	176	26	35	28	26	14	225	7	5	48	6	598	1854	0.71	03:15 PM - 03:30 PM
03:30 PM - 03:45 PM	5	177	19	31	22	15	15	253	1	7	53	6	604	1256	0.48	03:30 PM - 03:45 PM
03:45 PM - 04:00 PM	0	180	26	67	28	24	23	236	10	5	45	8	652	652	0.25	03:45 PM - 04:00 PM
04:00 PM - 04:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	04:00 PM - 04:15 PM
04:15 PM - 04:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	04:15 PM - 04:30 PM
04:30 PM - 04:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	04:30 PM - 04:45 PM
04:45 PM - 05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0			04:45 PM - 05:00 PM
05:00 PM - 05:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0			05:00 PM - 05:15 PM
05:15 PM - 05:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0			05:15 PM - 05:30 PM
PM TOTAL	39	1520	214	322	223	193	95	1855	44	50	283	49	4887	2484		PM TOTAL

PEAK HOUR VOLUMES

PM	Southbound			Westbound			Northbound			Eastbound			TOTAL	HOURLY		PM
	R	T	L	R	T	L	R	T	L	R	T	L	VEH.	TOTAL	PHF	
MOVEMENT #	1	2	3	4	5	6	7	8	9	10	11	12				
02:30 PM - 02:45 PM	5	189	24	36	28	13	2	228	2	5	31	5	568	---	---	02:30 PM - 02:45 PM
02:45 PM - 03:00 PM	3	175	24	42	29	21	9	231	2	5	24	7	572	---	---	02:45 PM - 03:00 PM
03:00 PM - 03:15 PM	3	184	32	45	39	32	16	225	4	12	29	9	630	---	---	03:00 PM - 03:15 PM
03:15 PM - 03:30 PM	2	176	26	35	28	26	14	225	7	5	48	6	598	---	---	03:15 PM - 03:30 PM
TOTAL	13	724	106	158	124	92	41	909	15	27	132	27	2368	0		PM TOTAL

PM Peak Volumes

DIAGRAM



APPROACH/DEPARTURE VOLUMES

SB	
APPROACH:	843
DEPART:	843
WB	
APPROACH:	374
DEPART:	152
NB	
APPROACH:	965
DEPART:	1094
EB	
APPROACH:	186
DEPART:	279

* This is proof that count was performed when school was not in session.

→ There are THREE other Pages dated July.

Intersec[redacted] Traffic Volume Counts and Peak Hou[redacted] Volume

PM
PEAK HOUR

July "HOT"

JOB NAME: Edmund Burke School
PROJECT NO. 1710-002
LOCATION: Clevland Park
CITY/COUNTY: Washington

COUNTED BY: Raynette Savoy, JJN
DAY & DATE: Thursday, July 8, 1999
INTERVAL: 15 mn.
STATE: DC
WEATHER: Hot

NB. APPROACH: Connecticut Avenue
SB. APPROACH: Connecticut Avenue
EB. APPROACH: Tilden Street
WB. APPROACH: Tilden Street

COUNTS

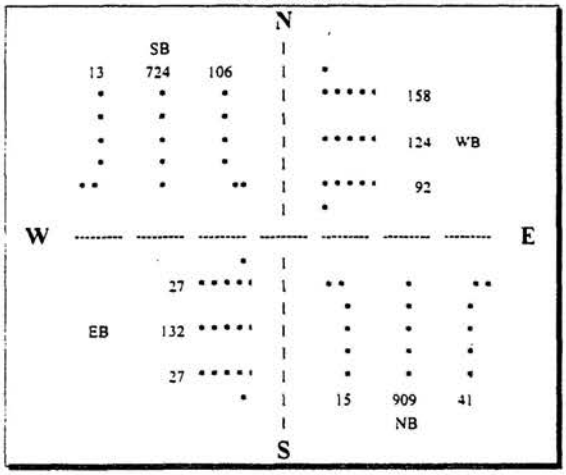
PM	Southbound			Westbound			Northbound			Eastbound			TOTAL	HOURLY		PM
	R	T	L	R	T	L	R	T	L	R	T	L	VEH.	TOTAL	PHF	
MOVEMENT #	1	2	3	4	5	6	7	8	9	10	11	12				
01:30 PM - 01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1263	0.50	01:30 PM - 01:45 PM
01:45 PM - 02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1831	0.72	01:45 PM - 02:00 PM
02:00 PM - 02:15 PM	12	221	31	26	16	38	15	223	12	6	32	3	635	2403	0.95	02:00 PM - 02:15 PM
02:15 PM - 02:30 PM	9	218	32	40	33	24	1	234	6	5	21	5	628	2398	0.95	02:15 PM - 02:30 PM
02:30 PM - 02:45 PM	5	189	24	36	28	13	2	228	2	5	31	5	568	2368	0.94	02:30 PM - 02:45 PM
02:45 PM - 03:00 PM	3	175	24	42	29	21	9	231	2	5	24	7	572	2404	0.95	02:45 PM - 03:00 PM
03:00 PM - 03:15 PM	3	184	32	45	39	32	16	225	4	12	29	9	630	2484	0.95	03:00 PM - 03:15 PM
03:15 PM - 03:30 PM	2	176	26	35	28	26	14	225	7	5	48	6	598	1854	0.71	03:15 PM - 03:30 PM
03:30 PM - 03:45 PM	5	177	19	31	22	15	15	253	1	7	53	6	604	1256	0.48	03:30 PM - 03:45 PM
03:45 PM - 04:00 PM	0	180	26	67	28	24	23	236	10	5	45	8	652	652	0.25	03:45 PM - 04:00 PM
04:00 PM - 04:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	04:00 PM - 04:15 PM
04:15 PM - 04:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	04:15 PM - 04:30 PM
04:30 PM - 04:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	04:30 PM - 04:45 PM
04:45 PM - 05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0			04:45 PM - 05:00 PM
05:00 PM - 05:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0			05:00 PM - 05:15 PM
05:15 PM - 05:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0			05:15 PM - 05:30 PM
PM TOTAL	39	1520	214	322	223	193	95	1855	44	50	283	49	4887	2484		PM TOTAL

PEAK HOUR VOLUMES

PM	Southbound			Westbound			Northbound			Eastbound			TOTAL	HOURLY		PM
	R	T	L	R	T	L	R	T	L	R	T	L	VEH.	TOTAL	PHF	
MOVEMENT #	1	2	3	4	5	6	7	8	9	10	11	12				
02:30 PM - 02:45 PM	5	189	24	36	28	13	2	228	2	5	31	5	568	---	---	02:30 PM - 02:45 PM
02:45 PM - 03:00 PM	3	175	24	42	29	21	9	231	2	5	24	7	572	---	---	02:45 PM - 03:00 PM
03:00 PM - 03:15 PM	3	184	32	45	39	32	16	225	4	12	29	9	630	---	---	03:00 PM - 03:15 PM
03:15 PM - 03:30 PM	2	176	26	35	28	26	14	225	7	5	48	6	598	---	---	03:15 PM - 03:30 PM
TOTAL	13	724	106	158	124	92	41	909	15	27	132	27	2368	0		PM TOTAL

PM Peak Volumes

DIAGRAM



APPROACH/DEPARTURE VOLUMES

SB	
APPROACH:	843
DEPART:	843
WB	
APPROACH:	374
DEPART:	152
NB	
APPROACH:	965
DEPART:	1094
EB	
APPROACH:	186
DEPART:	279

Intersection Traffic Volume Counts and Peak Hour Volume

AM
PEAK HOUR

July
HOT

JOB NAME:	Edmund Burke School	COUNTED BY:	Raynette Savoy, JN
PROJECT NO.	1710-002	DAY & DATE:	Thursday, July 8, 1999
LOCATION:	Cleveland Park	INTERVAL:	15 mn.
CITY/COUNTY:	Washington	STATE: DC	WEATHER: Hot

NB. APPROACH: Connecticut Avenue
SB. APPROACH: Connecticut Avenue
EB. APPROACH: Tilden Street
WB. APPROACH: Tilden Street

COUNTS

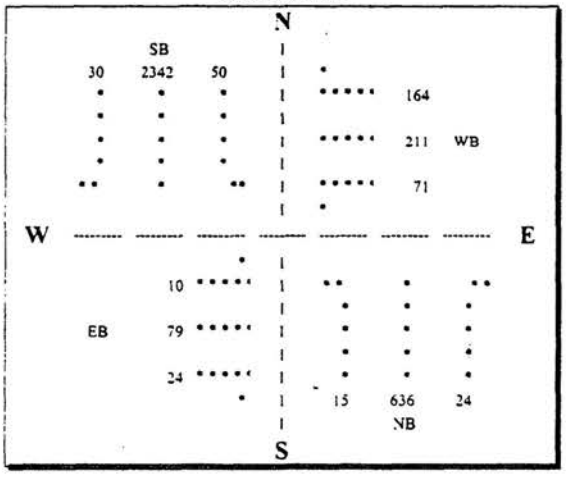
AM	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF	AM
	R	T	L	R	T	L	R	T	L	R	T	L				
MOVEMENT #	1	2	3	4	5	6	7	8	9	10	11	12				
06:30 AM - 06:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1358	0.47	06:30 AM - 06:45 AM
06:45 AM - 07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	2146	0.68	06:45 AM - 07:00 AM
07:00 AM - 07:15 AM	3	432	12	27	27	4	6	100	6	2	7	2	628	3069	0.83	07:00 AM - 07:15 AM
07:15 AM - 07:30 AM	4	479	14	27	34	15	2	140	5	4	6	0	730	3409	0.88	07:15 AM - 07:30 AM
07:30 AM - 07:45 AM	6	528	15	27	52	11	6	117	8	2	12	4	788	3656	0.94	07:30 AM - 07:45 AM
07:45 AM - 08:00 AM	7	589	12	43	45	5	5	181	3	10	22	1	923	3874	0.96	07:45 AM - 08:00 AM
08:00 AM - 08:15 AM	8	601	11	54	58	23	4	176	2	6	24	1	968	3903	0.97	08:00 AM - 08:15 AM
08:15 AM - 08:30 AM	9	624	12	40	56	32	9	162	2	6	21	4	977	2935	0.73	08:15 AM - 08:30 AM
08:30 AM - 08:45 AM	6	633	23	57	49	17	5	162	3	9	38	4	1006	1958	0.49	08:30 AM - 08:45 AM
08:45 AM - 09:00 AM	11	582	19	61	53	24	8	151	6	4	30	3	952	952	0.25	08:45 AM - 09:00 AM
09:00 AM - 09:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	09:00 AM - 09:15 AM
09:15 AM - 09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	09:15 AM - 09:30 AM
09:30 AM - 09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	09:30 AM - 09:45 AM
09:45 AM - 10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0			09:45 AM - 10:00 AM
10:00 AM - 10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0			10:00 AM - 10:15 AM
10:15 AM - 10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0			10:15 AM - 10:30 AM
AM TOTAL	54	4468	118	336	374	131	45	1189	35	43	160	19	6972	3903		AM TOTAL

PEAK HOUR VOLUMES

AM	Southbound			Westbound			Northbound			Eastbound			TOTAL VEH.	HOURLY TOTAL	PHF	AM
	R	T	L	R	T	L	R	T	L	R	T	L				
MOVEMENT #	1	2	3	4	5	6	7	8	9	10	11	12				
07:30 AM - 07:45 AM	6	528	15	27	52	11	6	117	8	2	12	4	788	---	---	07:30 AM - 07:45 AM
07:45 AM - 08:00 AM	7	589	12	43	45	5	5	181	3	10	22	1	923	---	---	07:45 AM - 08:00 AM
08:00 AM - 08:15 AM	8	601	11	54	58	23	4	176	2	6	24	1	968	---	---	08:00 AM - 08:15 AM
08:15 AM - 08:30 AM	9	624	12	40	56	32	9	162	2	6	21	4	977	---	---	08:15 AM - 08:30 AM
TOTAL	30	2342	50	164	211	71	24	636	15	24	79	10	3656	0		AM TOTAL

AM Peak Volumes

DIAGRAM



APPROACH/DEPARTURE VOLUMES

SB	
APPROACH:	2422
DEPART:	2437
WB	
APPROACH:	446
DEPART:	256
NB	
APPROACH:	675
DEPART:	810
EB	
APPROACH:	113
DEPART:	153

Intersection Traffic Volume Counts and Peak Hour Volume

AM
PEAK HOUR

July "HOT"

JOB NAME:	Edmund Burke School	COUNTED BY:	Raynette Savoy, JJN
PROJECT NO.	1710-002	DAY & DATE:	Thursday, July 8, 1999
LOCATION:	Cleveland Park	INTERVAL:	15 mn.
CITY/COUNTY:	Washington	STATE: DC	WEATHER: Hot

NB. APPROACH: Connecticut Avenue
SB. APPROACH: Connecticut Avenue
EB. APPROACH: Tilden Street
WB. APPROACH: Tilden Street

COUNTS

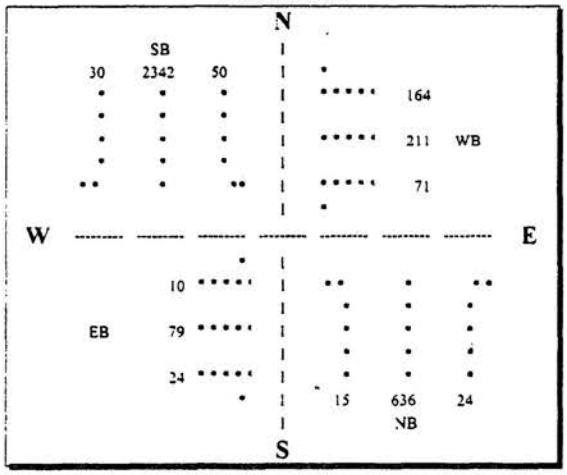
AM	Southbound			Westbound			Northbound			Eastbound			TOTAL	HOURLY		AM
	R	T	L	R	T	L	R	T	L	R	T	L	VEH.	TOTAL	PHF	
MOVEMENT #	1	2	3	4	5	6	7	8	9	10	11	12				
06:30 AM - 06:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1358	0.47	06:30 AM - 06:45 AM
06:45 AM - 07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	2146	0.68	06:45 AM - 07:00 AM
07:00 AM - 07:15 AM	3	432	12	27	27	4	6	100	6	2	7	2	628	3069	0.83	07:00 AM - 07:15 AM
07:15 AM - 07:30 AM	4	479	14	27	34	15	2	140	5	4	6	0	730	3409	0.88	07:15 AM - 07:30 AM
07:30 AM - 07:45 AM	6	528	15	27	52	11	6	117	8	2	12	4	788	3656	0.94	07:30 AM - 07:45 AM
07:45 AM - 08:00 AM	7	589	12	43	45	5	5	181	3	10	22	1	923	3874	0.96	07:45 AM - 08:00 AM
08:00 AM - 08:15 AM	8	601	11	54	58	23	4	176	2	6	24	1	968	3903	0.97	08:00 AM - 08:15 AM
08:15 AM - 08:30 AM	9	624	12	40	56	32	9	162	2	6	21	4	977	2935	0.73	08:15 AM - 08:30 AM
08:30 AM - 08:45 AM	6	633	23	57	49	17	5	162	3	9	38	4	1006	1958	0.49	08:30 AM - 08:45 AM
08:45 AM - 09:00 AM	11	582	19	61	53	24	8	151	6	4	30	3	952	952	0.25	08:45 AM - 09:00 AM
09:00 AM - 09:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	09:00 AM - 09:15 AM
09:15 AM - 09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	09:15 AM - 09:30 AM
09:30 AM - 09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NA	09:30 AM - 09:45 AM
09:45 AM - 10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0			09:45 AM - 10:00 AM
10:00 AM - 10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0			10:00 AM - 10:15 AM
10:15 AM - 10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0			10:15 AM - 10:30 AM
AM TOTAL	54	4468	118	336	374	131	45	1189	35	43	160	19	6972	3903		AM TOTAL

PEAK HOUR VOLUMES

AM	Southbound			Westbound			Northbound			Eastbound			TOTAL	HOURLY		AM
	R	T	L	R	T	L	R	T	L	R	T	L	VEH.	TOTAL	PHF	
MOVEMENT #	1	2	3	4	5	6	7	8	9	10	11	12				
07:30 AM - 07:45 AM	6	528	15	27	52	11	6	117	8	2	12	4	788	---	---	07:30 AM - 07:45 AM
07:45 AM - 08:00 AM	7	589	12	43	45	5	5	181	3	10	22	1	923	---	---	07:45 AM - 08:00 AM
08:00 AM - 08:15 AM	8	601	11	54	58	23	4	176	2	6	24	1	968	---	---	08:00 AM - 08:15 AM
08:15 AM - 08:30 AM	9	624	12	40	56	32	9	162	2	6	21	4	977	---	---	08:15 AM - 08:30 AM
TOTAL	30	2342	50	164	211	71	24	636	15	24	79	10	3656	0		AM TOTAL

AM Peak Volumes

DIAGRAM



APPROACH/DEPARTURE VOLUMES

SB		
	APPROACH:	2422
	DEPART:	2437
WB		
	APPROACH:	446
	DEPART:	256
NB		
	APPROACH:	675
	DEPART:	810
EB		
	APPROACH:	113
	DEPART:	153

This is our traffic appendix + evidence of False Testimony by Gorove/Sl

This was Submitted to the BZA + parties.

E/SLADE ASSOCIATES, INC.
venue NW, Suite 700, Washington, DC 20036
25 Fax: (202) 785-1276

olumbia Board of Zoning Adjustment

dres

001

l 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

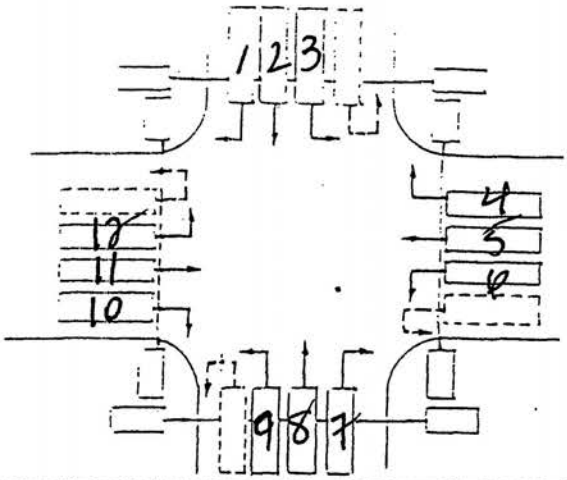
The actual dates of these traffic counts have been verified with our staff. These counts were performed when the Burke School was in session and are representative of traffic levels that are normally experienced when the Burke School is in operation.

April 10, 1999 was a Saturday. School was not in session!

RECEIVED
D.C. OFFICE OF ZONING
2001 SEP -4 AM 10:01

S:\Admin\Intra-office memo.lwp

This statement is FALSE.
The traffic counts are INVALID.
False testimony by Gorove Slade.



GEORGE SLADE ASSOCIATES

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

OFFICIAL TRAFFIC VOLUME SURVEY

Job Name: BURKE Location:

Intersection: TILDEN / CONN

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

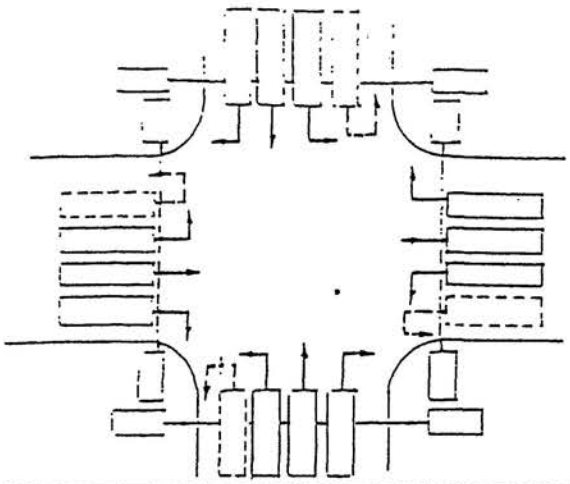
Weather: Fair Rain Snow Showers Hot Warm Cold

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	4	34	15	273	12	6	32	3		
2:15–2:30	9	218	32	40	3	24	6	284	6	5	21	5		
2:30–2:45	5	189	24	36	28	13	2	228	2	5	31	5		
3:00–3:00	3	175	24	47	29	21	9	23	2	6	24	7		
3:00–3:15	3	184	32	49	39	32	16	295	4	12	29	9		
3:15–3:30	2	176	26	35	28	26	14	295	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		

The date clearly still reads 07/08/99 — (July 8, 1999) — a Summer Count.

Therefore, TMP + Counts are INVALID + False Testimony



GROVE SLADE ASSOCIATES

OFFICIAL TRAFFIC VOLUME SURVEY

This appears to have been a 7 changed to a 4. Also this is not a 4/10/9

Job Name: BURKE Location:

Intersection: HERN/CONN

Date: 6/10/99 Day: THURS Interval: 15 Min. / 1 Hour

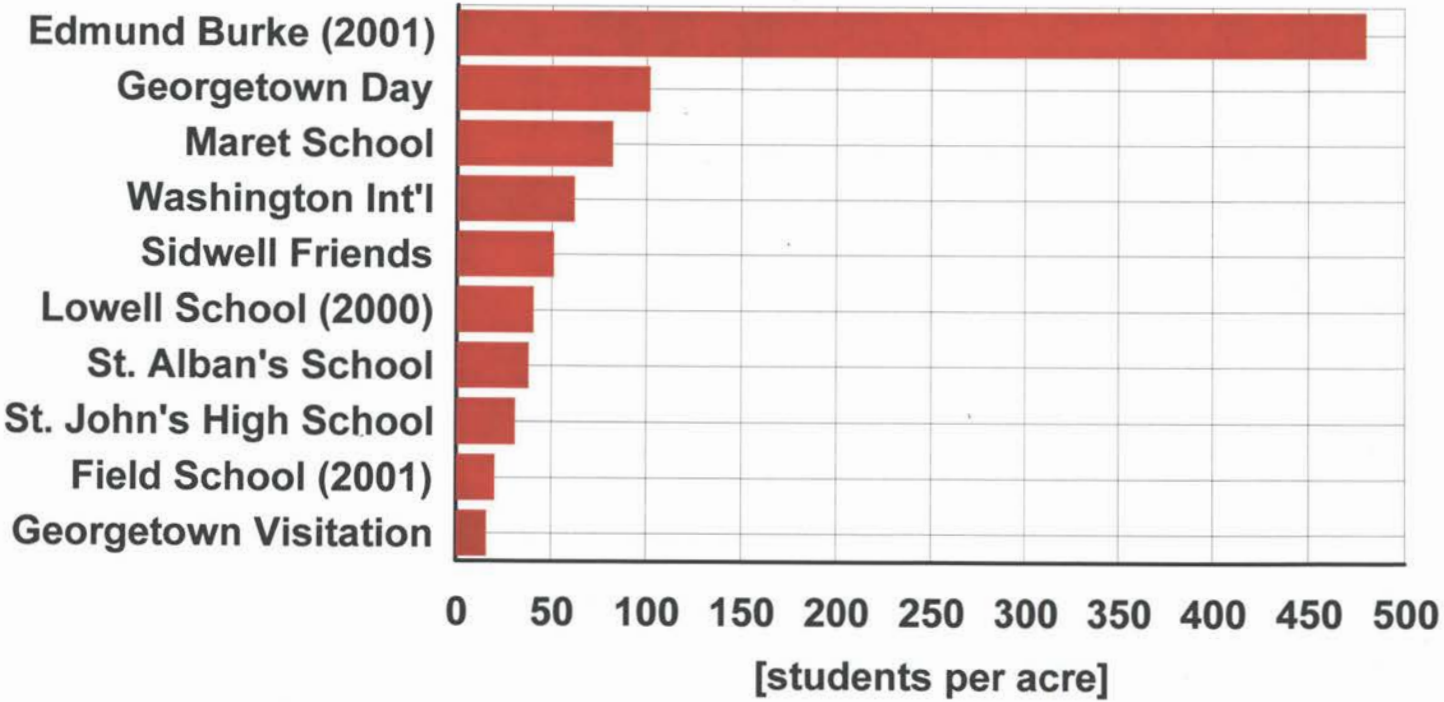
Weather: Fair Rain Snow Showers Hot Warm Cold

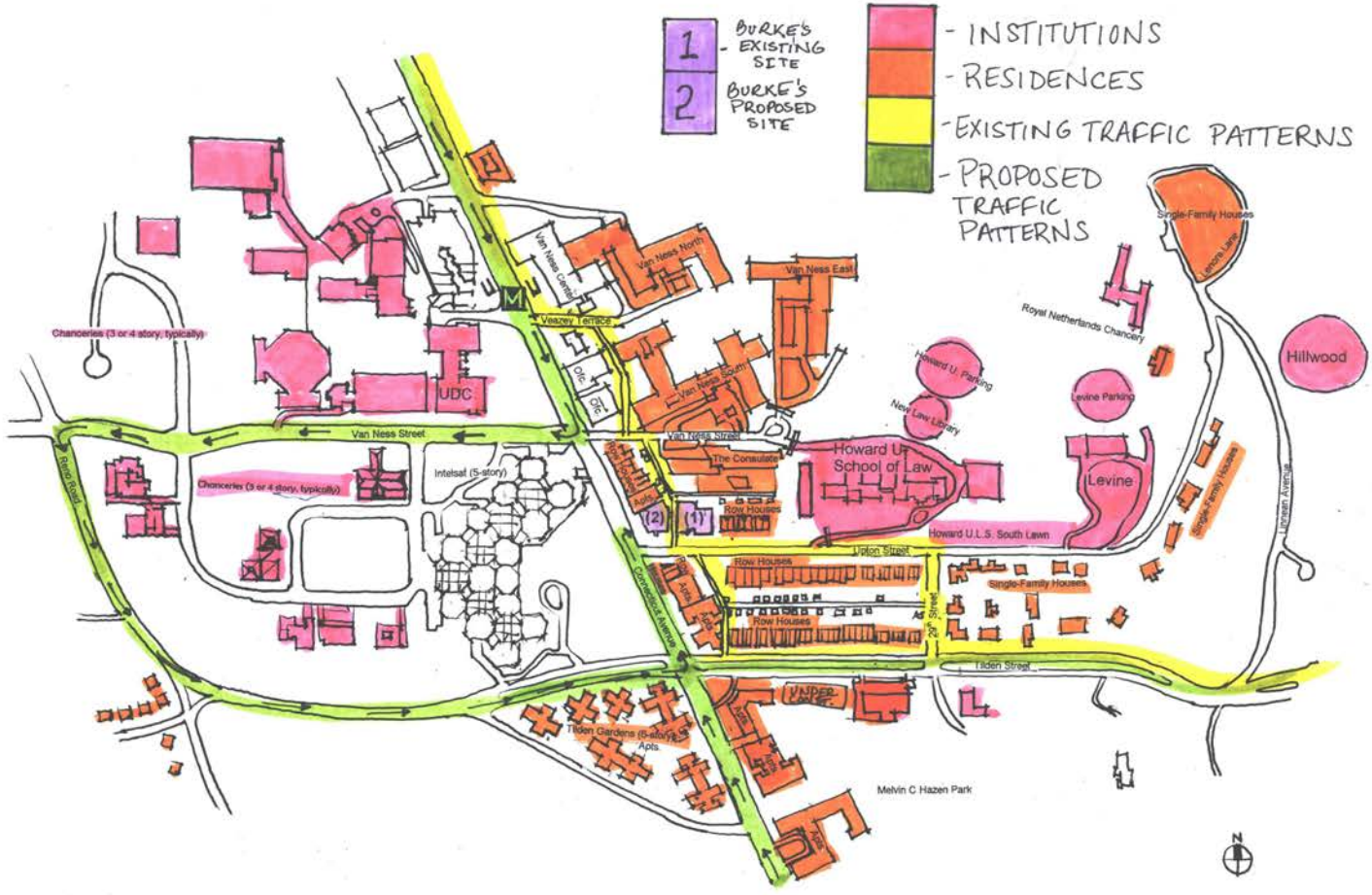
Counted By:

Time AM/PM	1	2	3	4	5	6	7	8	9	10	11	12	Pedestrian Machine A	Pedestrian Machine B
7-715	3	48	12	27	21	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	27	52	11	6	117	8	2	12	4		
745 800	7	89	12	46	46	5	5	181	3	10	22	1		
800 815	8	60	11	24	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	38	4		
845 900	11	58	11	61	53	24	8	151	6	4	30	3		

This appears to have been a 7 changed to a 4. July count actual. Therefore TMP and counts are INVALID! There was false testimony.

Comparison of Burke School Student Density Per Acre to other N.W. Washington Private Schools





Edmund Burke School Development Context

(1) Burke (2) Burke Expansion