Mark D. Segal
2946 Upton Street NW
Washington D.C. 20008
October 10, 2000

DISTRICT OF COLUMBIA
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Jerrily R Kress, FAIA
Director
Board of Zoning Adjustment
441 4th Street N.W.
Washington D.C 20001

Dear Ms. Kress:

Ref: Application Number 16611

Further to your notice of September 14th in respect of the above-referenced application, I inform you that I am an interested party insofar as my residence is within 200 feet of the Edmund Burke School on Upton Street NW, and my spouse and I are co-owners of this residence.

I oppose the application in its present form because the applicants have failed to adequately recognize the views of interested parties, nor have they undertaken sufficient due diligence in respect of environmental and traffic impacts on Upton Street. Under the circumstances I formally request that the Board of Zoning Adjustment deny the application.

The first paragraph of Section V on page 6 of the Application mentions the requirement of the District of Columbia Zoning Regulations Section 206 that the school should not be objectionable to adjoining or nearby property because of noise, traffic, number of students or otherwise objectionable conditions (11 DCMR 206.2). I formally submit that the proposed expansion will render the school objectionable to me on grounds of noise, traffic and environment.

The traffic impact study the firm of Gorove/Slade Associates Inc. undertook on behalf of Edmund Burke School is technically defective. Their classification of peak-time traffic density on this Street is wrong. It is busier than they say. They have not worked out the implications for people living on the North side of Upton who want to access their garages during the time their designed merry-go-round would be operating. They have not considered back-up jams and right-of-way issues as a result of traffic flows which require two left turns within such a short distance of each-other on a narrow street parked on both sides. They have also failed to undertake time and motion analysis, which if they did, would demonstrate quite clearly how back-up develops.

They have not considered the inevitable impact on the South side of the street and the alley connecting the South side with Tilden Street. This alley is proximate to our property and serves as our entry and exit path to our parking space behind our house on our

BZA
Case No. 16611
Exhibit No. 45

Board of Zoning Adjustment
District of Columbia
CASE NO.16611
EXHIBIT NO.45

Mark D. Segal
2946 Upton Street, NW
Washington, DC 20008
October 10, 2000

Government of the District of Columbia
Board of Zoning Adjustment
441 4th Street, NW
Suite 210-S
Washington, DC 20001
To the Board of Zoning Adjustment:

Re: Application Number 16611 (Kenneth Workman, Josef Straka, Carl and Elizabeth Richmond)

Per Section 3106.2 of 11DCMR, the following is my filing to appear as a party:

(a) Name and Address: Mark D. Segal
2946 Upton Street, NW
Washington, DC 20008

(b) I hereby request to appear in the above named case, Application Number 16611.

(c) I will appear as an opponent.

(d) I will appear ***on my own behalf.***

(e) Basis for Party Status:

(1) The property that will be affected by the action of the Board is 2946 Upton Street, NW

(2) This property is my home, which I own and occupy together with my wife, is across the street from Edmund Burke School.

(3) The distance between our property and the school is approximately 2000 feet.

(4) **Impacts**:
Environmental: Air quality reduction due to queing of cars on the portion of Upton Street where I live. Noise and congestion increase due to the same cause.
Economic: Possible loss of property value due to congestion and use of alley adjacent to my property by Burke parents and students, more intense traffic generally without adequate controls.

(5) The proposed expansion of the school is not adequately supported by parking, and will therefore continue to impose crowding on us and our guests. The safeguards proposed for traffic and event management rely on sustained fulfillment of commitments by the school. Negative impacts are likely if the school does not honor the commitments currently proposed.

Please provide me with confirmation regarding my status as a Party in the above referenced case. Thank you.

Mark D. Segal

property. The study by its own admission did not account for the present level of illegal use which parents and students of Edmund Burke make of that alley by temporarily blocking it to wait for, drop or collect students. The fact that these parents and students now do this with impunity simply means that this situation will only get worse when there are 25% more students. The District of Columbia Police Department cannot be trusted to prevent this danger and inconvenience, because it inadequately enforces illegal parking in this alley, even when called upon to do so. Therefore the best remedy is to prevent the conditions which give rise to the problem.

There are dangerous driving conditions on Upton Street because of the number of directions and roadways from which traffic can come and go within a very small stretch of roadway. The danger is also complicated by the fact that many people disobey the one-way status of the alley adjacent to Edmund Burke School, creating real collision risk. I have never seen any one ticketed for this offense, again because there is no enforcement. This situation will also get worse as a result of the expansion.

Upton Street is generally over-saturated with traffic because it is a narrow residential street hosting traffic for Edmund Burke School, the Howard University Law School, the Levine School of Music and the Royal Netherlands Embassy. It cannot absorb more traffic without further impairing the residential quality of the neighborhood.

Edmund Burke School has made certain commitments to mitigate traffic impacts, however there is no enforcement mechanism in place or proposed to insure that the School effectively implements these commitments on a sustained basis. In partricular, it appears that there are no legal means of enforcing these commitments in the District of Columbia.

None of the material Edmund Burke School distributed to neighbors deals adequately with the added congestion, noise, dirt and disruption through the construction process of the proposed expansion.

In light of these defects of process and substance, I formally submit that Zoning Regulations Section 206 - (that the school should not be objectionable to adjoining or nearby property because of noise, traffic, number of students or otherwise objectionable conditions [11 DCMR 206.2]) - are not satisfied by Burke's proposal, because the conditions I described above make the proposal objectionable to me. Hence there are valid legal grounds for denying this application and I respectfully request that the Board of Zoning Adjustment deny the application.

Sincerely,

