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November 25, 2003

VIA HAND DELIVERY

Mr. Geoffrey Griffis, Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: BZA Application No. 17022, Opposition to Sirius LLC's Amended Motion to Strike

Dear Chairman Griffis and Members of the Board:

On behalf of the Edmund Burke School, we hereby oppose Sirius LLC's ("**Sirius**") "Amended Motion to Strike Burke and the District's Department of Transportation Traffic Studies As Irrelevant" ("**Amended Motion**"). This Amended Motion should be denied because, while styled as a Motion, it does nothing more than reiterate the position taken by Sirius, and other opposing parties, in testimony given as part of their case-in-chief. It merely attempts to enhance and bolster arguments made by the opposition parties and as such should be rejected.

Further, the Motion apparently suggests that a "proper" traffic study should evaluate conditions that existed around the subject property in 1983. This clearly would not be a proper test of traffic impact given the increase in traffic that the Washington metropolitan region and Connecticut Avenue, in particular, have experienced in the past twenty years. A Traffic Management Plan needs to incorporate current data, not data that is over twenty years old, in order to mitigate traffic impacts caused by any particular user.

It is important to note that Mr. Wells of Wells & Associates, LLC testified very specifically that the School's current enrollment in excess of 270 students results in negligible amount of automobile traffic to, and from, the site and that it is statistically insignificant to attempt to measure that amount of traffic.

Sirius says that the "true question is not whether or not Burke's TMP will make the traffic situation better than it is today ... but whether or not it will make the situation better than it was at the time of the legal student level of 270 students and 35 faculty, twenty years ago". Mr. Wells testified however, that the Burke increase in student population and faculty/staff (from the 1983 cap) with the Transportation Management Plan would result in a significantly better traffic situation than a smaller school (270

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students, 35 faculty/staff) with no Transportation Management Plan. Mr. Wells' conclusion is the correct one for the Board to consider because the 1983 BZA Order has no requirement for a transportation mitigation program. If this application is approved, with the adoption of the TMP, the traffic situation will indeed be better then today and better than 1983.

For the above reasons, the Amended Motion should be denied.

Sincerely,

Phil Feola

Ashleigh Dale Horne

cc: Office of Planning – Jennifer Steingasser
Office of Planning – Steve Cochran
District of Columbia Department of Transportation – Colleen Smith

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Certificate of Service

I hereby certify that on November 25, 2003, a copy of the foregoing material was sent via first class mail to the following:

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