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ANC Testimony
Commissioner, Alexandra Gianinno
ANC3E-06

Thank you Commissioners for the opportunity to testify today. My name is Alexandra Gianinno and I am ANC Commissioner for ANC 3E06, the SMD that the proposed development would be located in. My remarks will focus on River School's application, their draft shuttle plan, and the concerns of the ANC, mainly if the draft shuttle plan answers the question posed by the Board. This testimony specifically answers that question.

Board of Zoning Adjustment
District of Columbia
CASE NO.20472
EXHIBIT NO.175

The primary issue we had and continue to have regarding the River School plan to purchase the property at 4220 Nebraska to locate their school, day care center and National Center for Hearing Innovation, is the impacts on traffic and safety the proposed development and all of its activities would impose on the surrounding community, not just the shuttle plan.

Regarding the shuttle plan, which is the specific issue we were asked to address, this ANC worked with the River School to try to get to an agreement on their shuttle plan, and in the end we could not come to agreement.

Important Background and Context

When ANC 3E first started evaluating this project, it used the data from a number of previous transportation studies completed in support of other development projects and campus plans. These indicated a fairly stable traffic state, with some exceptions, and were not flagged as a cause for concern. Once the Applicant's Comprehensive Transportation Review was complete though, it was immediately obvious that the surrounding development projects were having, and were going to have, a dramatically worse impact on the traffic infrastructure. The holistic effects had clearly not been foreseen by the previous studies. This caused the ANC to reevaluate the River School Plan, the TMP and their notional strategies to address their adverse impacts. I would like to note that the ANC has worked with the Applicant to convey concerns, suggest means of addressing those concerns, and find a mutually beneficial solution so that it might support the Applicant's proposal, but to date, has not been able to achieve that outcome.

The Court determined, that, "Neither the traffic study nor the Transportation Management Plan, however, mandated the shuttle as a required component of the School's plan. Rather, the study and Transportation Management Plan referred to the School's "flexibility in determining which strategies to use to remain at or below the trip thresholds." Despite the proposed reduction to reduce pick-up and drop-off volumes, the traffic study anticipated adverse impacts at nearby intersections." Page 5 *Tenleytown Preservation Association v District of Columbia Bd. of Zoning Adjustment*, No. 22-AA-0806 (DC decided December 18, 2023)

The ANC, has several specific concerns, which include but are not limited to: exceptions to the rule regarding who shall ride the shuttles, enforcement mechanisms that also require reporting requirements to the ANC, clearly delineated sanctions that impact not only the student but also the school; and more specific traffic related issues such as entry and egress from the 4220 Nebraska property, PUDO location that is not near the 4220 Nebraska site, queuing of buses, idling, impacts on Nebraska Avenue traffic flow which includes AU buses, routing through the Tenleytown and AU Park neighborhoods, and the intersection of Nebraska, Van Ness St, and 42nd Street, which ANC 3E has asked to be remedied in previous resolutions, which is still not remedied.

The BZA specifically noted in its remand order that, "The submissions must be based solely on the record in this case and shall not include any materials not before the Board in the original proceeding."

Conclusion

Because of this, and the lack of details related to enforcement of sanctions and of the plan itself, while the ANC appreciates that any TMP will have provisions for the school or its community not adhering to agreements, we believe the means for holding TRS responsible for those consequences are not currently sufficient to deter non-compliance. The consequences for the school's failure to comply with its TMP would not be punitive enough to change behaviors once the school, if approved by the BZA, and later purchased by the River School, is in place. Unfortunately, we have seen numerous examples of traffic issues, including queuing in busy public streets, with GDS, St Albans, Maret, and, currently, River School at Palisades. The consequences for non-compliance must extend beyond simple measures to punish families, but also be punitive towards the school for noncompliance.

Based on the limited details provided in this new shuttle proposal, the ANC has come to the conclusion that the Applicant's shuttle proposal does not adequately address our overriding concerns. The ANC voted unanimously to support a Resolution on June 25, 2024 that stated, "ANC3E does not believe that the applicants' plan provides enough detail to be considered at this time as more than a notional plan. ANC3E lacks confidence in the viability and enforceability of the latest draft proposal to satisfy the conditions of the remand and remains concerned the shuttle bus plan will not adequately reduce the impacts of additional traffic this project is likely to generate and does not support the draft proposal at this time."

If the BZA does not heed the concerns of the ANC regarding the impacts of the notional shuttle plan the River School has presented, we respectfully request that the BZA require the Applicant to adhere to the following in the Order:

1. The applicant's current proposed language for the bus exemption could create a situation in which students would qualify for numerous accommodations less than exemption from bussing in addition to exemption. Yet, the school would be able to exempt all these students from the requirement to use the bus. We urge that the language for the bus exemption read as follows:
K-6 students who have a documented physical disability or condition such that the Americans with Disabilities Act (ADA) or DC Human Rights Act would require an accommodation which would prevent them from utilizing the shuttle bus, approved each school year by the Head of School. Hearing loss in and of itself shall not constitute an acceptable exemption.

2. The school has indicated that it expects no more than four exemptions from bussing per year. Although this number might be considered *de minimis*, any more would not. We ask the BZA to add a condition requiring the school to notify DDOT and the ANC of the number of exemptions each year and require that if more than 4 exemptions are granted that the school must work with DDOT and the ANC to develop compensatory measures.

3. The Court made much of the need for enforcement. There currently is no condition that specifies the precise consequences for those who impermissibly arrive at school via automobile. Accordingly, the BZA should require a condition that incorporates the school's purported escalating discipline system, along the lines of the following:

Students who violate these policies shall be subject to mandatory escalating discipline, which shall require a warning on the first offense. . . suspension on the fifth offense, and expulsion on the sixth offense. If more than 5 families are sanctioned with student suspension in a given academic year, during years one and two post school opening, in year three the case should be reopened and a new traffic study shall be conducted. At the same time, River shall also meet with DDOT and ANC to implement compensatory measures.

3. The ANC in its resolution from June 25, 2024, and parties in Opposition have noted with concern the curious lack of details provided to the ANC, DDOT, OP and BZA by River School regarding the River Shuttle Plan despite this remand order. The ANC requests that BZA include in its order, the timely development of a robust shuttle plan that includes details and clear language that includes routes, queuing, and the process for real-time community input.

Thank you for the opportunity to testify.