GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

AFTERNOON SESSION

+ + + + +

TUESDAY

JUNE 25, 2002

+ + + + +

The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 9:30 a.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
ANNE MOHNKERN RENSHAW	Vice Chairperson
CURTIS ETHERLY, JR.	Board Member
DAVID ZAIDAIN	Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner (AOC)

COMMISSION STAFF PRESENT:

Sheri M. Pruitt, Secretary, BZA
Beverley Bailey, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Arthur Jackson, Office of Planning
Maxine Brown-Roberts, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Corey Buffo, Esq.

C-O-N-T-E-N-T-S

AGENDA ITEM	PAGE
APPLICATION OF THE WASHINGTON HOME:	
16836 ANC-3F	8
WITNESSES	
LAURIE DICKESON	42
ERWIN ANDRES	74
JAMES LONG	119
LILING TIEN	153
JOHN ARMENTROUT	178
JEFF McGEE	192

P-R-O-C-E-E-D-I-N-G-S

(1:20 p.m.)

CHAIRPERSON GRIFFIS: Good afternoon. I would ask that this hearing please come to order.

This is the 25 June 2002 afternoon public hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Geoff Griffis, Chairperson. Joining me today is the Vice Chairperson, Ms. Anne Renshaw, and also Mr. Curtis Etherly. Representing the National Capital Planning Commission is Mr. David Zaidain on my left, and representing the Zoning Commission this afternoon on this case is Mr. May.

Copies of today's hearing are available to you. They are located at the table near the door where you entered into the hearing room.

I will reiterate -- and this may be familiar for everybody on this case this afternoon, but we are, of course, recording this entire proceeding and every proceeding, so that we ask you to refrain from any disruptive noises or any disruptive activity in the hearing room out of respect for the Board and also for those giving testimony today.

When presenting information to the Board, you will need to speak into the microphone. And

although we have introduced most everybody before, we will ask you again to state your name and address for the record.

All persons planning to testify today, either in favor or in opposition, should fill out two witness cards. Witness cards are available at the testimony table and also the table where the agendas are. Upon coming forward to speak to the Board, you can give those cards to the recorder who is sitting to my right.

The order of procedure was outlined before, but let me reiterate. We will go through, first, the statements and witnesses of the applicant. Second, we go to government reports, all those attendant to this particular application -- Office of Planning, DDOT, etcetera. The report from the Neighborhood Advisory Commission will be third. Fourth, we will hear parties and persons in support of the application. And, fifth, would be parties or persons in opposition. And, sixth, would be closing remarks by the applicant.

We have made some headway into this, so I will reiterate exactly where we are and get clarification if I am mistaken on that, and we will continue from that.

Cross examination is, of course, done of the witnesses and is permitted by the applicant and or parties in the case. The ANC within which the party is located is automatically a party in the case.

The record will be closed at the conclusion of each case, except for any material specifically requested by the Board. The Board and staff will specify at the end of the hearing exactly what is to be submitted and when timewise and who should be doing the submissions into the Office of Zoning. After the record is closed, clearly no other information would be accepted by the Board.

The Sunshine Act requires that the public hearing on each case be held in the open before the public. The Board may, consistent with its rules of procedures and the Sunshine Act, enter executive session during or after the public hearing on a case for purposes of reviewing the record and deliberating on the case.

The decisions of the Board in these contested cases must be based exclusively on the public record. And, therefore, to avoid any appearance to the contrary, we ask that persons present today not engage Board members in conversation.

A couple of housekeepings. Of course, I would ask that everyone turn off their cell phones and beepers at this time, so that we don't disrupt the proceedings. Also, we're having some technical difficulty with some of the microphones, so I'll walk you through all of that if we get major feedback. But just to outline, if we can, just be aware just to keep one microphone on at a time. Otherwise, we may get some disruption in that.

We will make every effort to conclude today by 6:00. At this point, we're coming off of a working lunch but a good lunch. We're very optimistic that we will get through everything we need to by 6:00 today. If that's not the case, we will clearly update everybody and get schedules cleared as we move to that hour and see what the reality is.

At this point, we will consider any preliminary matters. Preliminary matters are those that relate to whether a case will or should be heard today, such as requests for postponements, continuance or withdrawal, or whether a proper and adequate notice of the hearing has been given. If you are not prepared to go forward today or you believe that the Board should not proceed with this case that is continuing, now is the time to raise such a matter.

Let me just take note that we do have a motion before us, and I want to take that up as a first issue after the case is actually called. Other than that, does staff have any other preliminary matters for us?

MS. BAILEY: No, Mr. Chairman.

CHAIRPERSON GRIFFIS: Okay. Are there any other preliminary matters that anyone wants to raise at this time? Not seeing any, then, I think we can call the afternoon case.

MS. BAILEY: Application Number 16836 of The Washington Home, pursuant to 11 DCMR 3104.1, for a special exception for an addition to an existing health care -- this is a hospice facility. The applicant is proposing to increase the number of beds from 201 to 205, and increase the number of parking spaces from 75 to 173, under Section 219. The property is located in an R-1-B District at premises 3720 Upton Street, N.W., Square 1825, Lot 818.

Is there anyone here today who was not here previously and needs to be sworn in? Please stand to take the oath.

(Whereupon, an oath was administered to those persons planning to testify.)

MS. BAILEY: Mr. Chairman, I just wanted

to remind Mr. Zaidain that he needs to state on the record that he has read the April 2nd testimony on this case.

MEMBER ZAIDAIN: I have done so, and I have also read the file and all of the submissions, and I will be participating.

CHAIRPERSON GRIFFIS: Good. And you were provided with a full transcript of the last proceeding, correct?

MEMBER ZAIDAIN: Yes, I was.

CHAIRPERSON GRIFFIS: Excellent.

Thank you, Ms. Bailey, for that reminder, and good afternoon to you.

Also, good afternoon to Ms. Pruitt who is here, and also our corporation counsel this afternoon is Corey Buffo, and we welcome him this afternoon.

Okay. That being said, when last we were together, let me just refresh the Board's mind and just to get clarification that in fact I am correct, we had gone through several witnesses -- two? Is that what you're indicating? Right. Which was the traffic engineer, correct?

I'll tell you what. Why don't you outline what you remember of where we were?

MR. KEYS: We had heard from the CEO of

The Washington Home --

CHAIRPERSON GRIFFIS: Yes.

MR. KEYS: -- Lynn O'Connor.

CHAIRPERSON GRIFFIS: Right.

MR. KEYS: And we had completed the direct examination of Erwin Andres from Gorove/Slade.

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: And the Chair indicated at that time that we would resume with questioning, first, from the Board --

CHAIRPERSON GRIFFIS: From the Board.

MR. GRAHAM: -- of Mr. Andres.

CHAIRPERSON GRIFFIS: Right. Exactly. And that was my understanding also. However, let me just get clarification that there are other witnesses that are being called for the applicant's case. Is that correct?

MR. KEYS: That's correct, Mr. Chairman.

CHAIRPERSON GRIFFIS: Okay. What I'd like to do, if it's appropriate with the Board and appropriate with you, is continue the presentation of your case. We have our notes and questions ready to go, but I think it's going to be even easier if we just continue on and do the cross examination after the entire case is presented. Does that give you any

trouble?

MR. KEYS: Let me understand. You are going to defer the cross examination of all witnesses?

CHAIRPERSON GRIFFIS: How many do you have?

MR. KEYS: I have four in addition to Mr. Andres. Mr. Chairman, I just wanted to make sure if you're saying that the Board will defer its questions until the end or whether you're going to defer the -- Mr. --

CHAIRPERSON GRIFFIS: No, I understand your point. It's a good point. Did you -- I don't have it in front of me. Did you submit a witness list for us?

MR. KEYS: I think that we identified our witnesses in the supplemental information. And at the beginning of the case, I outlined who would be testifying on the applicant's behalf.

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: I think there are actually three new witnesses that I didn't know about until today, that I've just been informed about. I may be wrong. Maybe it's two.

MR. KEYS: No, I think that it's only one witness --

CHAIRPERSON GRIFFIS: Okay.

MR. KEYS: -- that was not on the list.

CHAIRPERSON GRIFFIS: Now, let's step back two seconds. Let me have you introduce yourself, with your address and I'll do the same.

MR. KEYS: My name is George Keys. I'm with the firm of Jordan Keys & Jessamy, LLP. The office is at 1400 16th Street, N.W., Washington, D.C., Suite 700. And I am counsel for The Washington Home and Hospice.

MR. GRAHAM: And my name is John Graham, Jonathan Graham. I'm at 3643 Tilden Street and quite close to The Home, and I'm representing the citizens concerned about The Home's expansion here today.

CHAIRPERSON GRIFFIS: Correct. And you are a party in the case, Mr. Graham.

Okay. Mr. Keys, just outline again who you are calling today.

MR. KEYS: Mr. Griffis, following the cross examination of Erwin Andres, I would then call Laurie Dickeson, the architect for the project, whose CV was presented to the Board, and I believe --

CHAIRPERSON GRIFFIS: Yes.

MR. KEYS: -- accepted as an expert witness. I would then follow with Mr. James Long.

Mr. Long was not originally on the witness list, but since Storm Water Management has lately become such a large issue, we have brought that into the process.

CHAIRPERSON GRIFFIS: Okay. And Mr. Long is a civil engineer?

MR. KEYS: Is a civil engineer with Delana Hampton.

CHAIRPERSON GRIFFIS: I see.

MR. KEYS: And I will at that time present his resume -- personal resume for your consideration.

CHAIRPERSON GRIFFIS: Okay.

MR. KEYS: Then, we would proceed with Ms. Liling Tien, who is our landscape architect, whose CV was presented to the Board.

And, finally, I have a witness that I may call, and that is Mr. McGee. Mr. McGee is a home employee. He is a facilities manager for The Home, and I will reserve judgment as to whether I'm going to need him or not.

MR. GRAHAM: Mr. Chairman, may I ask a question?

CHAIRPERSON GRIFFIS: Yes. But, first, answer mine. You did not have cross examination conducted of the traffic engineer last, is that correct?

MR. GRAHAM: That's right. I haven't cross examined him.

CHAIRPERSON GRIFFIS: Indeed. And we did have cross examination by the ANC, is that correct?

MR. GRAHAM: We did not. There has been no cross examination of Mr. Andres. They have only cross examined Ms. O'Connor.

CHAIRPERSON GRIFFIS: I see. Okay. Good.

Mr. Graham, your question?

MR. GRAHAM: Does the Board adhere to the 60-minute requirement stated in the rules, or is that honored in the breach? I'm just curious, given the list of witnesses that Mr. Keys has outlined.

MR. KEYS: Mr. Chair, my witnesses -- their direct can be accomplished in 60 minutes.

CHAIRPERSON GRIFFIS: The first part of the question is yes, I think we would adhere to the 60 minutes. And in my limited experience, with that many witnesses it does not necessarily mean they would take longer than that. My only apprehension is, where did the clock leave last? Which I'm not sure I see noted in my notes, so I'm not sure we can establish that.

But I think it might be fair if the parties are with an understanding that we would set it for 45 minutes and let the clock run at that for

today's hearing. Unless there is other information that staff may be aware of, or others took notes of what the clock ran previously. That would give you 15 minutes into the 60 minutes. Is that acceptable, Mr. Keys?

MR. KEYS: Mr. Griffis, if you are proposing that I run my witnesses one after the other with no interruption, I think we can accomplish that. But it does make it difficult to conduct the cross examination, because you've got to relate it back to the testimony. And in experience, it is always easier if the cross follows the testimony, so that it's fresher, so that we can --

CHAIRPERSON GRIFFIS: So you want witnesses crossed after they present.

MR. KEYS: I think that would be --

CHAIRPERSON GRIFFIS: That's fine. I don't have a problem with that. Secondly, the witnesses can run straight through. The Board will interrupt with questions as that -- as the testimony is given.

The clock stops if the Board asks a question and for the duration of the answer of the question, and starts again when testimony is given, which is probably why we run a heck of a lot longer

than anticipated at times. But nonetheless, it's an important part of the proceeding.

So getting all of that established and fleshed out, Board members, I would suggest that we proceed with the case, and we will cross each witness after their presentation. That leaves us now -- I would suggest that we go to -- Ms. Dickeson was going to be your next witness called, is that correct? Is that what you stated?

MR. KEYS: That's correct, Mr. Chairman. But we still have Mr. Andres.

CHAIRPERSON GRIFFIS: Oh, I haven't forgotten about him. But let me ask if I can indulge you to bring on the architect, and that we conduct our cross examination of both witnesses at that time. I see a little bit of relation, although not much. I'm sure the architect is talking a little bit more about the addition to it.

But, quite frankly, although we've reacclimated ourselves with this, it helps to walk back into the project. So if the Board is comfortable with that, if the parties are comfortable with that, I would suggest that we would proceed in that fashion. Is that acceptable to the ANC and Mr. Graham?

MR. GRAHAM: That's fine.

CHAIRPERSON GRIFFIS: Okay. Great. In which case -- okay. And while that's getting set up, because we have bumped your schedule a little bit, and your anticipation was doing -- Board, I would suggest that we take up the motion that we have, and I will categorize it as a motion to compel.

And as we are all aware, it is a motion that this Board instruct the applicant to produce certain documentations to the community. And others can characterize it or summarize it other ways, if it's appropriate or I haven't done it justice.

We have the motion -- and then there's a secondary part of the motion -- if we do not compel the applicant to produce, that we actually strike from the record certain documentation that we have not compelled to produce. We do have a response from Mr. Keys dated June 24th to this motion.

MR. GRAHAM: May I speak to it briefly?

CHAIRPERSON GRIFFIS: Yes, briefly, because I think you've done an ample job outlining it in the written submission. But, Mr. Graham, I'll give you a moment.

MR. GRAHAM: Sure. I just want to put it in the context of what happened last time, because we heard some testimony from Ms. O'Connor and from Mr.

Andres that relied upon background information. And I thought that the request would be considered pretty reasonable in light of what the witnesses actually said in response to questions from the members of the Board as well as from me.

And I would just refresh the members of the Board that if one reviews the transcript, for example, Member Etherly asked, "Did your parking survey take a look at the mode of transportation that visitors to the facility normally undertook? If you're a visitor to the facility, are you primarily coming by car or by taxi or by metro?" And Ms. O'Connor answered, "Good question. We did do that. The specifics we can share with you. I don't know what the results are off the top of my head."

I asked for those specifics in my letter, and we never got anything back.

CHAIRPERSON GRIFFIS: What was the page cite on that?

MR. GRAHAM: That's transcript at 81.

Mr. Andres testified that they had performed employee surveys that The Home had administered. Transcript at 135. Mr. Andres testified that he looked at various sign-in logs. Transcript at 137 and 138.

And then, Mr. Keys told this Board that when Mr. Etherly asked whether a visitors' sign-in log recorded license plate numbers, Mr. Keys said, "I think that for the traffic Mr. Andres can probably provide a copy of the visitor log from one of the prior periods." That's at the transcript at 93.

Again, I asked for the log. Mr. Etherly asked for the log. We haven't seen it.

With regard to the parking garage, again, Mr. Kogan -- Commissioner Kogan asked how much parking the earlier plan for underground parking would have created, and Ms. O'Connor responded, "I don't remember the specifics. I can provide them for you." That's at the transcript at 95.

And then, with regard to alternative parking programs, I asked Ms. O'Connor how much it would cost per year to institute a valet program instead of building a parking lot for $2 million, and she said, "I don't know." I asked her how much it would cost to institute a shuttle program, and she said, "I don't remember." In fact, answered to the valet, "It's not I don't know. It's that I don't remember. But we can provide that." The transcript at 121.

I also asked her, "If you took that money

and you created a fund for the valet management, would it be more or less costly?" and she said she didn't remember that from the top of her head. So my expectation when we ended last time was that we would get some of this information, so we could see that which their own experts relied on and The Home relied on, and that's all we're asking for.

CHAIRPERSON GRIFFIS: Indeed. Well, let me take up first, in terms of compelling production of relevant information or evidence, certainly, the Board has jurisdiction within the hearing if it is required for our own deliberative process as part of the case and as part of the testimony to require submission of that documentation. That documentation obviously would be given to all parties in the case and provided in the public record in the case.

That brings me to the point that we are here, and we are in this hearing, and I -- I would be of mind to deny the motion to compel, not based on relevancy or appropriateness of that requested, but, rather, on more of a procedural matter that it is outside of our -- of the Board's -- well, I don't think the Board wants to create that latitude of its authority in compelling information to be delivered outside the hearing, which I have -- which is the way

I essentially view this motion at this time.

And there on the second part, having stricken information because it wasn't provided outside of our public hearing, would I think jeopardize the integrity of our own hearing process because that would be important aspects to, one, the substantiation and the making of a case, but, two, and most importantly, for our own deliberative process and in forming our decision on this case.

But I would hear others. Mr. May?

COMMISSIONER MAY: I would tend to agree, generally speaking, with what you've laid out. I think that the -- if there is such additional information out there that may have been requested, if not very directly, by the Commission, it is certainly in the applicant's best interest to provide that information.

However, I don't feel that we are in a position to compel them to provide anything. I mean, it's simply a matter of making their case. And I also think, frankly, the -- any party to the case or any individual is certainly in it -- would be in a position to point out the holes or discrepancy in the applicant's case and the lack of information, lack of supporting information, as appropriate.

I don't see that there is reason to either compel production of backup information or -- or strike anything that has been presented. I mean, we base our decision on what has been presented, and I would just hope that the applicant would present as much information as possible to make the best cases possible, and that the parties would do the same.

CHAIRPERSON GRIFFIS: That's an excellent point that I had passed over. And, clearly, Mr. Graham and the ANC would have the opportunity to cross examine in order to substantiate the lack of documentation. It would, therefore, go to not making a case.

So any others?

VICE CHAIRPERSON RENSHAW: Well, Mr. Chairman, it is disappointing that when an applicant states that they would comply with providing this, they offer to provide and then they do not come forward with these documents. That is discouraging and distressing.

I feel that we are able to ask for these items. I think we should remind the applicant that the applicant stated that it would share this material with us. And I think that the applicant should take heed, and this information should be forthcoming.

CHAIRPERSON GRIFFIS: Good. Thank you, Ms. Renshaw.

VICE CHAIRPERSON RENSHAW: But that could be separate from this motion to compel.

CHAIRPERSON GRIFFIS: Indeed. And I also want to restate that we're not done here. So the opportunity for submission of information -- and I don't take it that at this point full documentation hasn't been provided, that the applicant will not provide it. They have, and continue to have, the opportunity as we see fit. If it doesn't come in voluntary, we can obviously give direction on that.

Okay. Any other comments? I will give you an opportunity to speak, but I would move that we deny the motion to compel, and, subsequently, in the alternative, also deny the motion to strike evidence as based on the submission by Mr. Graham.

COMMISSIONER MAY: Second.

CHAIRPERSON GRIFFIS: Thank you, Mr. May. Any discussion? All those in favor of the motion, signify by saying aye.

(Chorus of ayes.)

And opposed?

(No response.)

MS. PERRY: Mr. Griffis, may I ask a

question?

CHAIRPERSON GRIFFIS: Of course.

MS. PERRY: My name is Karen Perry from ANC-3F. I understand that ANC-3C asked to have party status in this hearing also. I don't know if that is taken up now, whether it's a preliminary motion. I understand that request was made this morning.

CHAIRPERSON GRIFFIS: Ah, no wonder I don't know anything about it.

(Laughter.)

Is anyone --

MS. PERRY: Yes, there is a representative here from 3C, and they did -- they had their meeting last night and did pass a resolution in this case. They are the adjoining ANC to ours.

CHAIRPERSON GRIFFIS: Right.

MS. PERRY: The Home used to be in their ANC before redistricting, and they have residents within the 200-foot limit. I didn't know if that should be brought up now or later.

CHAIRPERSON GRIFFIS: No, it's an excellent point. It should be brought up, and it should be brought up right now. I would start our very brief review of this with the fact that our regulations clearly state out a time period of which

party status needs to be submitted. This is, in fact, even a continued case. We've lapsed quite a bit in a substantial amount of time.

I would be inclined to strike this request based on the timing and submission, but I would open the floor to my Board for other opinions.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, do I understand you are suggesting this not be accepted?

CHAIRPERSON GRIFFIS: Exactly.

VICE CHAIRPERSON RENSHAW: And your reason is just time?

CHAIRPERSON GRIFFIS: My reason is, one, specific in this case, we are continuing this from April. There was ample time previous to April, as the requirements would have been, for a submission of a request for party status. We are now coming to the end of June. It is difficult to continue a case and then bring on parties. We have already heard witnesses. This case has -- is in progress. So procedurally it becomes somewhat difficult.

Secondly, we do have an ANC as a party in this case, so I do not think that it would jeopardize the ANC.

VICE CHAIRPERSON RENSHAW: However, this

ANC had The Washington Home within its boundaries before redistricting. That is the case. And we are adding, for instance, more people today and testimony. And I think that if the ANC can read the record and be brought up to date, bring itself up to date, the matters at hand, then the ANC would be qualified to --

COMMISSIONER MAY: We don't actually have a request for party status.

CHAIRPERSON GRIFFIS: Indeed. Let's get clarification. Is 3C the ANC that the property is actually located?

MR. KEYS: That -- it's not. It abuts the property that's --

CHAIRPERSON GRIFFIS: So it abuts 3C.

SECRETARY PRUITT: However, Mr. Chair, we did notice them also.

CHAIRPERSON GRIFFIS: Okay.

SECRETARY PRUITT: So they got the same notice as everybody else.

CHAIRPERSON GRIFFIS: Indeed. That's a good point.

MR. ESPENSCHIED: Actually, it's a little more complicated than that, Mr. Chairman, if I may --

CHAIRPERSON GRIFFIS: Oh. Can it get any more complicated?

MR. ESPENSCHIED: The ANC boundaries have been changed.

CHAIRPERSON GRIFFIS: Indeed.

MR. ESPENSCHIED: And before the change, ANC-3C included The Home. After the change, The Home is outside our ANC, but so close that our immediately contiguous -- we have contiguous residents to The Home. I believe we did not receive notice, but I think I was just --

CHAIRPERSON GRIFFIS: Staff just stated that you did.

MR. ESPENSCHIED: I think I was just contradicted on that.

CHAIRPERSON GRIFFIS: Yes.

MR. ESPENSCHIED: So --

CHAIRPERSON GRIFFIS: Well, here's for clarification. With the redistricting that happened, did the specific ANC member change?

MR. ESPENSCHIED: I'm sure it did. I don't see how it could not have. The boundary of the ANC --

CHAIRPERSON GRIFFIS: I see.

MR. ESPENSCHIED: -- changed, was moved. So we had a Commissioner whose district included The Home, but we now do not have a Commissioner whose

district includes The Home.

CHAIRPERSON GRIFFIS: But that Commissioner is still -- the boundary didn't change so that that Commissioner actually joined a new ANC. It actually maintains in 3C but lost The Home, is that correct?

MR. ESPENSCHIED: There was sufficient rearrangement that it would be difficult to discern that. We'd have to look at the map to see --

CHAIRPERSON GRIFFIS: Yes, yes. Well, can anyone figure out the redistricting? I know. That's why I say, it's not mapped yet. So --

MR. ESPENSCHIED: Well, the issue we're here to raise goes to The Home's -- I mean, it's not a factual issue. It goes to The Home's failure to abide by the order that this Board issued when it was in our district. And it is in continuing violation of that order, and that's the issue which our ANC wishes to address.

CHAIRPERSON GRIFFIS: Okay. Can you do that with straight testimony? Or are you wanting to have cross examination privileges and also avail yourself to the responsibilities of party status?

MR. ESPENSCHIED: Although we'd prefer party status, I don't think it's necessary for our

purpose, because the cross examination we would do would be likely to be redundant to that which is going to be done by 3F and by the represented citizens.

CHAIRPERSON GRIFFIS: And if it was redundant, we wouldn't hear it. So --

MR. ESPENSCHIED: Okay.

CHAIRPERSON GRIFFIS: That being said, let me go to the applicant for comment.

MR. KEYS: Mr. Chairman --

CHAIRPERSON GRIFFIS: Yes.

MR. KEYS: -- I would certainly resist any idea that 3C should be a party in this case, and I would ask the Board to remember that we have had parties parachuting out of the sky in this case. No one in this case has presented themselves in a timely manner. Here there is no -- the Board's rules indicate that you can waive rules for good cause shown.

There is no demonstration of any cause for why they couldn't be a part of this case in a timely manner. I think if the ANC wants to participate in this case it can do so as a person in opposition at the appropriate point in the proceeding.

CHAIRPERSON GRIFFIS: Okay. Thank you.

Mr. Graham, any opinion?

MR. GRAHAM: I don't have a view, but I think the point they raise is very interesting of the lack of compliance. It seems to me that this Board's view on that is all that matters.

CHAIRPERSON GRIFFIS: Okay.

SECRETARY PRUITT: Excuse me, Mr. Chair. Just for clarification on the record, I -- staff was mistaken. 3C was not notified.

CHAIRPERSON GRIFFIS: Okay.

SECRETARY PRUITT: So they did not receive -- we notified --

CHAIRPERSON GRIFFIS: Okay.

SECRETARY PRUITT: -- 3F, 3F-06, City Council -- and the City Council person.

CHAIRPERSON GRIFFIS: Okay. And does ANC-3F have an opinion? And let me say while she's coming up that, clearly, we've run into this before in terms of the redistricting and the complication that that has, in fact, had on applications that have changed wards or ANCs. Well, anyway, so it's a temporary confusion, but hopefully we'll get it straightened out.

MS. PERRY: I think ANC-3F would like to see 3C a party to this case, because The Home and the previous BZA application that they're abiding on was

written when The Home was in 3C. And they have more knowledge of it than 3F does. I think with the understanding --

CHAIRPERSON GRIFFIS: Okay.

MS. PERRY: -- that cross examination won't be redundant or lengthy, I would like them to have -- we would like them to have party status.

CHAIRPERSON GRIFFIS: Good. Two things. Can I have -- did -- I'm not sure if you introduced yourself. Give your name and address.

MR. ESPENSCHIED: I'm Peter Espenschied. Address is 3414 Newark Street, 20016.

CHAIRPERSON GRIFFIS: Okay. Here is my --

MR. KEYS: Mr. Chair?

CHAIRPERSON GRIFFIS: Yes.

MR. KEYS: May I add -- just the record indicates in the supplemental information filed by the applicant that we have participated with ANC-3C --

CHAIRPERSON GRIFFIS: Indeed.

MR. KEYS: -- in this matter. And I would direct the Commission's attention to item 16, which is the fourth page of that supplemental, which indicates that the package -- the BZA application package was distributed to ANC Commissioner John Welsh, and this is at the meeting of November 15th of ANC-3F.

And, previously, as indicated in item 12, there had been prior discussions with Commissioner John Welsh regarding the expansion plans. So it's not a question of them not being aware that this was happening.

MR. ESPENSCHIED: Mr. Chairman, I need to respectfully disagree on the matter of awareness. I am not aware of Mr. Welsh's contact. He is a Commissioner for 3C but not for this district, not for the district that adjoins The Home. And the Chairman of the Commission and the Commission's office were not aware of this until very recently.

CHAIRPERSON GRIFFIS: Okay.

MR. ESPENSCHIED: In fact, the matter was brought to our attention through the Cleveland Park Citizens Association, which -- for which you may have a letter on record on the same matter as 3C is raising -- namely, of process.

CHAIRPERSON GRIFFIS: Okay. Board members, I would suggest that, one, that we -- I don't think it's unreasonable that 3F would consult with 3C on issues, especially of cross examination and presenting a case. And, two, that as 3C is here, that we would have them give testimony as a person in this case. And I think that would be appropriate, but I

will let others speak to that.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, I would suggest that ANC-3C be allowed party status. First of all, the SMD Commissioner did not receive any notice about this, and the Commission should be at the table to bring perspective on the past order.

Also, since ANC-3C and 3F will be conferring, there will not be any duplication of testimony, cross examination, so I don't think that we have to fear that. But I feel that this ANC should be allowed to have party status, and the ANC will judge how much they want to relate to this case from there.

MEMBER ZAIDAIN: Mr. Chair?

CHAIRPERSON GRIFFIS: Yes.

MEMBER ZAIDAIN: I have a question. This may be semantical. But the resolution that was submitted, as far as I read it, was not requesting party status, and I think you just stated that you didn't need to have party status. Correct? You said that you could operate under just direct testimony?

CHAIRPERSON GRIFFIS: Right. And, more specifically and directly, are you prepared to make a case for party status right now?

MR. ESPENSCHIED: I said we would prefer party status, but it's not essential for our purposes.

MEMBER ZAIDAIN: I'm inclined to vote against the motion for party status, but --

COMMISSIONER MAY: I think that, given that we will have the opportunity to hear what ANC-3C has to say as an individual, and I'm certain there will be no shortage of cross examination on the issues, that I -- I do feel that there will be sufficient representation of any information that ANC-3C would have to bring to the table.

And I think, frankly, we -- there is something to be said for the fact that this is a -- a -- not an insignificant project, and that to get a request from -- for party status at this point, I mean, we do have rules about this, and it wouldn't have been too difficult to comply, to get party status for ANC-3C if they had applied in advance.

VICE CHAIRPERSON RENSHAW: Yes. But they did not receive official notice from this office that this case was going to be forthcoming.

COMMISSIONER MAY: That's true, but there are multiple means by which people are notified of projects and cases before the BZA. And it's very hard to believe that there was no one of responsibility in ANC-3C who was aware of this project many months ago. So --

VICE CHAIRPERSON RENSHAW: Well, perhaps Mr. Espenschied could clarify. And also, when you say that you prefer party status, would you give us some information about that, some background?

MR. ESPENSCHIED: Yes. Well, first of all, to make the record about the situation more complete, I should make clear that the single member district of ours, of 3C's, which adjoins The Home, though it does not include it, is presently vacant. And that may have complicated this matter in terms of people knowing.

But I do want to say in response to Mr. May's observation that, first of all, our plate is very full with issues, and we genuinely were not aware until recently of this matter. I'm a member of the Planning and Zoning Committee. It has heard a number of cases over the past two months, and this was not -- we were not aware of this.

SECRETARY PRUITT: Mr. Chair, I also would like to state for the record our procedures don't require us to notice the adjoining ANC. We try to do that as a courtesy. Sometimes we miss, but it is not required by our procedures. Procedurally, we only are required to notice the ANC in which the subject property is located.

CHAIRPERSON GRIFFIS: Okay.

MR. ESPENSCHIED: We are not complaining about the lack of notice.

CHAIRPERSON GRIFFIS: Right. No, and we appreciate that, although we'll hear all complaints.

(Laughter.)

But if you want to keep them to yourself, that's fine.

I think this is coming up because of the redistricting, which is -- as I stated, it's kind of a temporary adjustment. But to that, 3F -- the district is what it is, and the property is now within it. And so although it may be new, it certainly is part of its responsibility and part of its jurisdiction.

I think it's absolutely appropriate, and it is by our regulations, the ANC which the -- is granted party status.

MR. ESPENSCHIED: Mr. Chairman, you asked me to address -- answer your question about why we would want party status.

CHAIRPERSON GRIFFIS: Well, Ms. Renshaw did, and what I'm -- and I'll hear you out briefly. But what I -- really, what we're trying to decide here is whether we compel you to make the case for party

status at this time. But why don't you briefly tell us why you believe you want it.

MR. ESPENSCHIED: It affects the order in which we would be heard and the issue that we are going to discuss, primary issue -- is one which actually we had thought, had the opportunity existed, we would even raise as a preliminary matter. And we think that it would be in the interest of procedural efficiency for it to be heard up front rather than later as a -- in the hearing of proponents and opponents.

CHAIRPERSON GRIFFIS: So you want party status to bring up a preliminary matter?

MR. ESPENSCHIED: A matter which should be heard as early in the proceedings as possible. Obviously, it's too late for a preliminary matter. But it is our belief that under the conditions which I can describe, to the degree that you will hear them, we think that the Board should not even be hearing this case from this applicant at this time.

COMMISSIONER MAY: Mr. Chairman, this probably relates to the issue that was raised by the Cleveland Park Citizens Association -- I think was the one that -- about the current conditions and why this -- The Home is currently in -- because they are

overparking the existing parking lot. Is this the issue that you're talking about?

MR. ESPENSCHIED: Yes, that's essentially the issue. It's a question of the integrity of the zoning plan, the Board's maintenance of it, and the consequences of hearing such an --

CHAIRPERSON GRIFFIS: I think what you're dancing around is you believe that you can bring a motion to dismiss that would be upheld. Is that correct?

MR. ESPENSCHIED: Yes.

CHAIRPERSON GRIFFIS: And it would be based on the fact that -- I mean, we're really -- we're going beyond here. We need to establish whether you have party status or not. Can that not be brought up through the ANC, that it has party status? You know, you could have that motion written out, have them provide the motion, they can call you as a witness to support the motion, if I was to give a little bit of advice.

Is there any other reasons you'd -- outside of that and giving -- well, that's attendant to your testimony also. Any other reasons that you see the need for requesting party status?

MR. ESPENSCHIED: No, Mr. Chairman.

That's it.

CHAIRPERSON GRIFFIS: Okay.

MS. PERRY: Mr. Griffis, I think I need to clarify something. The Home has been in ANC-3F now for a number of years. It was the previous redistricting, not the recent one, that put The Home in our ANC.

COMMISSIONER MAY: It's still there?

MS. PERRY: It's still in our --

(Laughter.)

COMMISSIONER MAY: Okay. Just --

MS. PERRY: I just wanted to clarify, because of the two redistrictings, The Home has been bounced around.

CHAIRPERSON GRIFFIS: Done. I would think that we invite 3C to give testimony as a person in the case and to advise, as it will, its adjoining Commission 3F. And I will ask that be seconded as a motion.

COMMISSIONER MAY: Second.

CHAIRPERSON GRIFFIS: Thank you. Anyone else want to speak to it?

MEMBER ETHERLY: Mr. Chair, I don't want to exhaust -- I don't want to exhaust the issue. It's a close question. It's a very close question.

Initially, I was inclined to vote against the request, and I still am. But I just wanted to note for the record that it is a very close question, particularly because there is some prior knowledge there that could perhaps be useful.

But I think with close consultation with your colleagues from 3F, we can still vet a lot of those issues in a very full and complete manner.

CHAIRPERSON GRIFFIS: Not to mention at their own time for testimony.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, I am in favor of 3C being a party in the case, representing immediate contiguous residents to The Home, and I believe that the fullest representation of those contiguous residents to The Home would be made by 3C's having party status.

CHAIRPERSON GRIFFIS: Okay. Others? All those in favor of the motion, signify by saying aye.

(Chorus of ayes.)

And opposed?

VICE CHAIRPERSON RENSHAW: Opposed.

CHAIRPERSON GRIFFIS: Thank you, Ms. Renshaw. We can record the vote when staff is able.

MS. BAILEY: The vote is four-zero-one to oppose ANC-3C to become a party. Mr. Griffis made the

motion, Mr. May seconded, Mr. Etherly and Mr. Zaidain is in support, Mrs. Renshaw is opposed.

CHAIRPERSON GRIFFIS: Thank you.

VICE CHAIRPERSON RENSHAW: So the vote would be four-one-zero.

MS. BAILEY: Four-one-zero.

CHAIRPERSON GRIFFIS: Good. Mr. Graham, what ANC are you in?

MR. GRAHAM: I believe it's about to change. I believe it's going to change in the next few weeks. I've been --

CHAIRPERSON GRIFFIS: Don't start with the shenanigans.

(Laughter.)

VICE CHAIRPERSON RENSHAW: Is it C or F?

MR. GRAHAM: C.

CHAIRPERSON GRIFFIS: Okay. Okay. It doesn't matter. I was just --

MR. GRAHAM: I know I'm moving from -- we've been told we're moving from one to the other.

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: We're in 3C, I am informed dispositively.

CHAIRPERSON GRIFFIS: Okay. Good.

MR. GRAHAM: Or at least most loudly.

CHAIRPERSON GRIFFIS: In which case I think we were going to do something. And if I'm not mistaken, you were calling your architect. Is that correct? Then, let us proceed with that.

Mr. Graham, I would ask you if you could take a seat, give the table to the applicant to present their case, and we can move ahead.

MR. KEYS: Members of the Board, Laurie Dickeson is the project architect. I will ask her to introduce herself and, in the interest of time, to give the Board a quick overview of the site, focus on the hospice addition as an initial matter, and then move to the parking and the topographical issues that we'd like to bring to their attention.

MS. DICKESON: My name is Laurie Dickeson. I'm with Amos Bailey Arnold Architects in Baltimore.

CHAIRPERSON GRIFFIS: Yes. Actually, why don't you bring your boards a little bit closer, and they might be able to use that mike. Could we just stop the clock for a second?

Let me just beforehand -- Mr. Graham, you can't see it, nor can the ANC. So what I'm going to do is ask you -- you can angle them out a little bit further. I just thought we'd get it close to the table, so that you could get the mike. Indeed. And

it is part of this -- the documentation is part of the submission that I think everyone might have.

Mr. Graham, you have the site plans. Were you delivered the submissions? You can bring it right over on that side.

MEMBER ETHERLY: And I would suggest if the ANC representative also wants to perhaps better position him or herself.

CHAIRPERSON GRIFFIS: Okay. Great. Can you reach? Fabulous.

MS. DICKESON: I apologize, north is down on this board for this drawing. Upton Street runs along the north side of the property, 37th Street on the east side.

The white shows the existing building. Most of this area is a three-story building. This portion right here is where the existing hospice unit is, and this area indicates the one-story addition that's going on to that. This is directly adjacent of the main circular entrance drive and the canopy entranceway to the facility.

This is a floor plan, which is an enlargement of just this area here. This shows the entrance from the circular drive. This is the existing hospice unit. There are nine patient rooms.

The expansion proposes an addition of four rooms, one story, as all of this is one story. This is the Upton Street or the north elevation looking from this direction. It's simply an extension of the existing building, same height, same materials, brick and precast concrete.

These are the other views. It's designed to be as much an extension and unobtrusive as possible. It extends an additional 12 feet from the building on the north side of the facility.

To introduce you to the site, I'd like to talk a little bit about the character of the adjoining streets. These are photographs of the streets and the neighboring properties around the home. The first one shows Upton Street looking west. To the left is The Washington Home's property. To the right are the residential properties across the street.

This shows the large trees that are -- the mature trees that are on the north side of The Home's property, and the character of the trees and landscaping on the rest of the street. You can also see on the right side there are very tall utility poles actually with power lines and streetlights all along the north side of the street.

This is a view looking from The Washington

Homes property north across to those neighbors there. And you can, again, see the landscaping, the lights, and just the character of Upton Street.

This is looking from the northeast back down southwest towards The Home's property. This is the intersection of 37th and Upton. To orient you, this is the northeast corner of The Washington Home's property, and that's the cupola that we'll be talking about a little later when we talk about the site plan.

This is a view down Upton Street, again from -- from the east, kind of looking west. This is west going toward Wisconsin. This is the -- you can begin to see the beginning of the existing berm that we'll be talking about and the beginning of one of the large trees.

This is looking kind of the other direction from the other side of the street back toward The Home's property. To the right here is the entrance to the circular drive to the facility, and that shows the large sycamores and poplars on the berm.

This is standing on The Home's property looking directly east, sort of at the crest of the berm. And this is going downhill toward Upton Street, and those are the large trees that we'll be

discussing.

I'm going to turn this over. I have to apologize. The remaining site drawings show north at the top as is appropriate. So I'd like to begin to show it that way as we discuss the site.

Again, Upton Street, toward that direction is Wisconsin. Directly adjacent to the west is the post office property; 37th Street on this side. Residential properties on the north side and on the east. To the south is the Sidwell Friends School property. So there are no immediate neighbors on the -- residential neighbors on the southern border of the property.

The plan for the enlarged parking is shown -- what's shown in gray is the parking scheme that we're proposing. The existing parking is shown with a heavy dashed line. What happens, this existing circular drive remains unchanged. Entrances to the site from Upton and a service entrance from 37th Street remain unchanged.

The existing parking is 90 feet from Upton Street at its furthest north point. We are proposing extending that line and squaring off this existing kind of meandering lot. The existing parking is 58 feet from 37th Street, and we're proposing

extending from about that same point, again, out to the corner.

This is the cupola that shows up in the photograph. This is the location of the berm, the raised ground, and the large trees, which tend to be on the north side of the berm as it goes downhill toward Upton.

The plan for the parking and the extension of this line means that we're actually behind the crest of the berm, and this parking that we're adding in this area is below the top of the berm and not visible from Upton Street.

CHAIRPERSON GRIFFIS: That line that you're on right now, it looks as if it may be cutting into the berm.

MS. DICKESON: It does begin --

CHAIRPERSON GRIFFIS: Is there --

MS. DICKESON: It begins to cut into the berm as you move east. Okay?

CHAIRPERSON GRIFFIS: So you're anticipating that there would have to be some sort of small curb or retaining --

MS. DICKESON: We anticipate a small retaining wall beginning probably in here, and which would gradually get taller as we go toward this end.

Although the berm also falls as you move east, so that the grade of the parking begins to converge with the existing grade. The site is fairly level in this area right now.

CHAIRPERSON GRIFFIS: And another question while you're going through the site plan. Do you have an existing site plan? I understand that the dashed line is showing us the existing parking configuration on the site.

MS. DICKESON: My civil engineer has one.

CHAIRPERSON GRIFFIS: Okay. Was that previously submitted?

MS. DICKESON: I don't believe so.

CHAIRPERSON GRIFFIS: Okay. What size -- do you have that with you? I'm not -- you do. You have eight sets? You anticipated the question.

(Laughter.)

All right. We don't give extra credit, but that's a great thing.

(Laughter.)

I think it would be appropriate if we could have that now, because I think that's helpful for us in terms of looking at the new site plan, if it's appropriate, Mr. Keys, to submit that.

MEMBER ZAIDAIN: Mr. Chair?

CHAIRPERSON GRIFFIS: Yes.

MEMBER ZAIDAIN: While he's doing that, I have a question. You were talking about the retaining wall and how it's going to be increasing in height, which is obviously noting below -- you know, how far below grade the lot is going to be. How high will the retaining wall be at its highest point?

MS. DICKESON: I'm not sure of the precise number as the final grading plan is not worked out. But I don't --

MEMBER ZAIDAIN: Okay.

MS. DICKESON: -- anticipate it would be higher than two or three feet at the most.

MEMBER ZAIDAIN: Okay.

CHAIRPERSON GRIFFIS: And the estimating -- obviously, we're not looking at a topographic representation of the site.

MS. DICKESON: Right.

CHAIRPERSON GRIFFIS: But the top of the berm as -- what would you estimate the top height of that? I mean, what kind of elevation are we looking at? The photographs I think represent it, but just to kind of get --

MS. DICKESON: Yes, I think if you're --

CHAIRPERSON GRIFFIS: -- a benchmark.

MS. DICKESON: -- if you're standing on Upton Street, your line of sight -- the berm is either just below that, depending on where you are along Upton, because there's some --

CHAIRPERSON GRIFFIS: Clearly.

MS. DICKESON: -- change in the slope as you move along Upton Street. Okay. Yes, if you have the --

CHAIRPERSON GRIFFIS: Oh, we do have it.

MS. DICKESON: Yes. If you have the civil engineer's existing conditioning plans, the existing topography is shown on the site, and you can see, really, the crest of the berm. Yes, it's above the 354 line, probably at the highest point of the berm.

And if I were standing directly north of that on the Upton Street sidewalk, I might be -- gosh, it looks like I'm even 10 feet below the highest point of the berm if I'm reading this right.

CHAIRPERSON GRIFFIS: It does look that -- to be from the -- as it -- towards the center as it goes to the curb. We're at --

MS. DICKESON: Yes.

CHAIRPERSON GRIFFIS: -- 344.

MS. DICKESON: 44.

CHAIRPERSON GRIFFIS: I see. Okay. So

that puts it into some -- some general parameters of what we're looking at.

Other questions? Okay.

MS. DICKESON: I would say also that the additional paved area that we're showing on this site represents a 7.4 percent increase in the total impervious coverage. Now that's counting the area occupied by the building and the drives in the parking. Just to kind of give you a sense of the scope of that.

MEMBER ZAIDAIN: So with the structure and with the parking lot, you're increasing it by 7.4 percent? Did I understand that right?

MS. DICKESON: I'm increasing the impervious area by an additional 7.4 percent.

MEMBER ZAIDAIN: Okay.

MS. DICKESON: But I'd like to give you the numbers. The existing parking lot shown here was marked with 75 spaces. The new parking lot adds 98 spaces. So for that amount of increase of paving area, we're able to accommodate a lot more cars. And that's because the existing parking, although it's attractive in the islands and the landscaping, it's inefficient in terms of the amount of paving that's been put down for the number of cars that it can

accommodate.

CHAIRPERSON GRIFFIS: Did you say you have less than eight percent increase in impervious surface?

MS. DICKESON: Yes. So the new parking, by squaring it off -- and we don't extend any closer to Upton and 37th than the previous closest points were, but we're able to accommodate a lot more cars just because it's more efficient.

MR. KEYS: Ms. Dickeson, before you leave the issue of the parking, could you briefly address in the proposed area? The green space requirement that is associated with parking lots and whether this site plan, as you propose it, meets those requirements.

CHAIRPERSON GRIFFIS: The five percent requirement?

MS. DICKESON: Yes.

CHAIRPERSON GRIFFIS: Sorry to present. We have that. Go ahead.

MS. DICKESON: The zoning regulations require five percent of the interior of the parking lot to be devoted to landscaping. The existing and proposed -- the complete parking, as a result of this scheme, has a total of seven percent of the interior devoted to green space. That's these islands that are

shown in here. So that's -- that represents seven percent of the parking and drives within the site.

CHAIRPERSON GRIFFIS: Actually, that's important. Do you want to just point them out as the Board looks?

MS. DICKESON: This.

CHAIRPERSON GRIFFIS: Indeed.

MS. DICKESON: And it's the natural extension of the perimeter. So I'm counting this, this, these islands, the corner that's been carved away, and these islands.

CHAIRPERSON GRIFFIS: Okay. And part of the loss of let's call it the green space in the current parking configuration is that center island. Is that correct?

MS. DICKESON: Right. Right now, we're showing islands here and here. But this center island is not represented in the proposed parking.

VICE CHAIRPERSON RENSHAW: What percentage of green space do you have now?

MS. DICKESON: Within the parking?

VICE CHAIRPERSON RENSHAW: Yes.

MS. DICKESON: Seven percent.

VICE CHAIRPERSON RENSHAW: Existing.

MS. DICKESON: Seven percent -- oh, I'm

sorry, in the existing plan.

VICE CHAIRPERSON RENSHAW: Yes.

MS. DICKESON: I don't know. I haven't calculated that.

VICE CHAIRPERSON RENSHAW: Could you calculate that and let us know? And also, how much land mass -- by squaring off the parking, how much land are you turning from green space to paved surface?

MS. DICKESON: There was a chart I think with that data submitted in the application, which quantifies the square footage of the existing parking and the additional -- the existing area of parking was 46,000 square feet, and there's an additional 18,000 proposed. That's just the parking surface, not the total coverage of the lot.

VICE CHAIRPERSON RENSHAW: And you're reading from a chart in the --

MR. KEYS: Ms. Renshaw, that's on page 12 of the applicant's submission.

VICE CHAIRPERSON RENSHAW: Thank you. It's good to have the reference.

MEMBER ETHERLY: Just for my colleagues, that would be Exhibit Number 4 in the file.

MS. DICKESON: As part of the parking lot

renovation or redoing, we will be redoing the lighting in the parking. The existing parking lighting -- there's a photo here that you can barely see one of the poles. The existing parking is illuminated by two types of fixtures. There is a 12-foot pole that's a shoebox type fixture. There's a -- which means -- you can almost see -- it's like a box shape on top. And what that does is prevent light from escaping above the level of the fixture. It aims all of the lighting down.

As opposed to the kinds of lights that are typically the streetlights in the neighborhood, which have no cutoff and send light basically out in every direction. So the existing lot is illuminated by -- I think I located where the poles are. I think there's 10 or 11 poles in the existing lot, and they don't -- they are not placed near property boundaries.

There are some at the perimeter of the existing lot, but they are not on the side that's nearest 37th Street. They tend to be in the islands and more on this side.

The other type of fixture which serves to fill in areas where the poles aren't adequately illuminating, there is about a three-foot tall bollard-type fixture, which throws light -- keeps

light low on the ground, and it also has a cutoff so that light -- you can't see a light source above the top of the bollard. It cuts it off.

And those are used to fill in areas around the poles and also illuminate the pedestrian circulation from the parking to the building. What we're proposing is an extension of that concept, which is the 12-foot pole, again, with a cutoff type fixture, which will restrict the light from being seen above the level of the fixture.

And then -- which is demonstrated a little bit in this diagram of keeping the light down low, and then in-filling again at the pedestrian areas and at areas of the parking that are near the perimeter of the site, with the low bollard-type fixture, which also has the cutoff and prevents light from -- a light source from being seen above that level.

The existing lot lighting is -- probably the average illumination level is a little low for what would be recommended for a quiet residential area, but it's close. It's mainly kind of uneven. And with the use of the bollards, we hope to be able to kind of even it out. But, again, the lighting will be unobtrusive from outside of the site, given that the poles are located some distance from the perimeter

and the light is all shining down.

VICE CHAIRPERSON RENSHAW: What kind of lights are you using?

MS. DICKESON: The existing fixtures, if you mean the lamp type, is a high pressure sodium, which is compatible with what's in the neighborhood, as the surrounding residences typically have incandescent lights which are a warmer yellow color. That was the lighting that was used when the lot was originally done, and we would use the same type of lamping in the new fixtures.

CHAIRPERSON GRIFFIS: Any concern on that, Ms. Renshaw? Are you clear on the different lamping types?

VICE CHAIRPERSON RENSHAW: Yes. It was just to find out whether or not you are using any halogen lights.

MS. DICKESON: We haven't proposed it. There are none in the surrounding area. The tall streetlights, which are probably 25, 30 feet tall -- I'm not exactly sure of their height, but they are very tall -- are kind of a cobra-head type fixture, and they are also high pressure sodium. So that's consistent with the lighting both on -- the appearance of the lighting on the residences and the streetlights

that are throughout the neighborhood.

VICE CHAIRPERSON RENSHAW: So it will not be that stark white or --

MS. DICKESON: Right.

VICE CHAIRPERSON RENSHAW: -- white-blue light.

MS. DICKESON: Right. It's a warm yellowish tone.

VICE CHAIRPERSON RENSHAW: Okay.

CHAIRPERSON GRIFFIS: I'm a big fan of the cold white lights actually.

(Laughter.)

VICE CHAIRPERSON RENSHAW: I'll talk to you afterwards.

CHAIRPERSON GRIFFIS: Okay. All right. Other questions? That is actually a great lighting debate, but we won't have it here.

Okay. Anything else on that? Board, are you all clear? Actually, there's some I think very illustrative diagrams for how the lighting -- what has just been described, how the lighting is thrown onto the site, the bollard lighting is there, and also the larger fixtures. So I think it's -- and it's -- can everyone see the diagram on the far left? Because that shows all three conditions. Actually, the street

lighting, if I'm reading that correctly --

MS. DICKESON: Right.

CHAIRPERSON GRIFFIS: -- the street lighting -- the fixture -- the 12-foot fixture and then the bollard fixture.

Okay. And now do we have -- we don't have that in the file as of yet, correct?

MR. KEYS: Mr. Chair, I believe that was --

CHAIRPERSON GRIFFIS: Oh, okay. You can correct me. We do?

MR. KEYS: I believe that was left the last time we were here. It may not have been. We can certainly make this available. It's simply a reduction of the chart.

CHAIRPERSON GRIFFIS: Yes, indeed. Well, we just need to verify the fact that we do have it. Have you seen it? Okay. I'll check the main file, and we'll -- we'll let you know if that's the case.

Okay. Other questions? Anything further? Good. I would --

VICE CHAIRPERSON RENSHAW: Just to clarify, Ms. Dickeson, you're not moving the cupola at all.

MS. DICKESON: No, the cupola remains

where it is.

VICE CHAIRPERSON RENSHAW: All right. And the distance from the cupola to the parking area now versus what it would be after the cutback. Can you tell me those --

MS. DICKESON: I cannot tell you exactly. I would -- I guess eyeballing the scale of the drawing, it may be 60 feet from the parking now. The closest point when we're done it may be 20 feet, very approximately.

COMMISSIONER MAY: Mr. Chairman, can I ask a question? I'm sorry. I missed where you were. Am I interrupting you? Okay.

MS. DICKESON: No.

COMMISSIONER MAY: Just so I understand, having seen this new plan here, the entire slope is -- or the entire site is sloping toward a high point in the lower left-hand corner, which is southwest now. Is that right? Or south --

MS. DICKESON: Yes, this is southwest. The site overall slopes and the streets slope to this corner.

COMMISSIONER MAY: All right. And even through the parking lot, so the parking lot, you know, where the front door of the building is higher than

the berm?

MS. DICKESON: I believe that's correct. I think that the -- I think that the first floor building elevation is -- no, it is 361.

COMMISSIONER MAY: Yes.

MS. DICKESON: So it is taller than the berm.

COMMISSIONER MAY: And yet the way the site works -- I mean, not -- it's one of those things you can't really appreciate without actually seeing it. But if you stand on the streets, on the north and on the east side, and look at the building, really all you can see is the berm right now, right?

MS. DICKESON: That's true from Upton Street. This area is actually fairly level here, and there is a view of the parking existing as you're coming along 37th Street.

COMMISSIONER MAY: Now, with the new parking lot, you're planning on maintaining approximately the same grades. So you're not going to be cutting the -- doing any cutting of that slope?

MS. DICKESON: The existing parking surface generally slopes from -- this whole surface slopes down as you go northeast. We're going to continue that slope. So this will be -- there will be

some cutting on the back side of the berm as we come to the north edge, not in this area.

COMMISSIONER MAY: I see. So you're trying to nestle it into the back side of the --

MS. DICKESON: Yes.

COMMISSIONER MAY: -- of the berm there.

MS. DICKESON: It's into the back side of the berm here, and it's to -- so it's not visible from Upton Street.

VICE CHAIRPERSON RENSHAW: Could you -- Mr. May, are you -- could I ask at this point for just some clarification of the screening, since the land, as you have brought out in the testimony, is sloping down toward the corner?

MS. DICKESON: In the record within the BZA application for this, in Section 7, there are some cross-sections cut through the site which help to clarify the relationship of the topography on the sidewalk with the berm and the parking. I think the first drawing in Section 7 -- there are three section elevations on it.

The top one is a view from Upton of the entire site. The bottom one is a cut through the berm looking west, and it indicates the viewpoint of a person at the sidewalk on Upton Street and their

relationship to the berm and to the parking. And it shows the existing parking cut into the back of the berm.

MEMBER ETHERLY: Pardon me for interrupting, Ms. Dickeson. Just to clarify, that's the elevation that is labeled Washington Home and Hospice of Washington, and it has a north elevation at top, east/west section in the middle, and then the north/south section at the bottom?

MS. DICKESON: That's correct.

MEMBER ETHERLY: Okay. A copy of that elevation is included in the Office of Planning submission dated March 26th. So if you're looking for it, we can find that in the Office of Planning report.

Thank you, Ms. Dickeson.

COMMISSIONER MAY: I'd like to ask one other question about the -- this is about the five percent rule or the five percent landscape area within the -- or green area within the parking lot. Not having dealt with this in practice, are there guidelines on how you'd interpret that?

Because it seems to me some of the -- your -- what you have included one might argue is not really -- well, I mean, you can argue that you are pushing the definition a bit. So, but I don't know

what guidelines we have been provided, so can you explain?

MS. DICKESON: That's actually -- as an architect, I don't go too far with the site design. I consult with civil engineers and landscape architects. That's actually the guidance that we have received from our civil engineers --

COMMISSIONER MAY: Okay. So we'll follow up with them.

MS. DICKESON: -- for the interpretation of that.

COMMISSIONER MAY: Yes. Okay. Because there are questions about, you know, when you cut out the corner, is that appropriate, when you have that, you know, narrow strip? I mean, is there some critical mass that makes it qualify, or does it -- you know, does a one-foot wide strip qualify, or two-foot wide, etcetera?

And then, you know, the idea that it's -- that probably half of your seven percent is clustered around six spaces there at the center drive. While, you know, on the numbers it seems that the parking lot exceeds that rule, in practice it's -- I'm not sure that you can really say that this -- that we are exceeding it.

Now, the rest of it, in terms of the berm and everything else, I mean, you ought to get some credit for that, but --

CHAIRPERSON GRIFFIS: Yes. But it seems like if you looked at past procedures for the five percent when, in fact, we looked at it, you would take the area off the surface parking to the sidewalk line.

COMMISSIONER MAY: Well, in that case --

CHAIRPERSON GRIFFIS: And that would be the buffer created by the landscaping, because where else are you going to find it?

COMMISSIONER MAY: Yes.

CHAIRPERSON GRIFFIS: Where, in fact, I think this is a conservative undertaking to calculate anything that's actually within the parameter of the parking lot. It would be interesting -- I think it does bring up an interesting question as to how that is actually defined.

COMMISSIONER MAY: Sure. Well, that's what -- we'll get to that later.

CHAIRPERSON GRIFFIS: Who is going to define it?

COMMISSIONER MAY: The landscape architect and civil engineer.

CHAIRPERSON GRIFFIS: Good. Okay. And I

think we can also ask the OP whether they had an opportunity to look at that. And then, if we need to further, we can get some information on it.

Okay. Have we made it tough enough? We got through everything on that? Any other questions? Okay.

Yes, sir?

MR. KOGAN: My name is Phil Kogan of ANC-3F, if I may address the Chair. It was a problem I think with the clock, which had run down to 33 minutes, and suddenly it went back up to 45, and I think the initial ruling here was that the applicant would be given 45 minutes to present the case.

CHAIRPERSON GRIFFIS: Indeed. I was very well aware of that and have been making some notes on time as best I can. So I think we'll get it clear by the time it's over.

MEMBER ETHERLY: Thank you for raising that, Mr. Kogan. We did check into that. For some reason, it jumped back up, but essentially it's a five-minute difference. So there should be five minutes less on the clock. So perhaps if Mr. Keys can just be aware of that. Subtract five minutes.

MR. KOGAN: My calculation was more like 12 minutes. I think it was at 33 minutes.

CHAIRPERSON GRIFFIS: Well, the difficulty is that the clock ran when the Board asked questions and also during some answers. Well, let me just set out that --

MR. KOGAN: Actually, it's at 33 now, so that would be --

CHAIRPERSON GRIFFIS: All right. Let's do it -- this is not, obviously, a scientific measuring device of time. And also, let me also state that this Board has been somewhat lenient because we do interrupt proceedings and testimony, so that exact preciseness of our stop watch is not correct.

So if we do end up running a little bit more time on the applicant's case, obviously, the parties have that additional time that's matched. So with that, our, of course, endeavor always is to get to the bottom of the facts of the case.

And so with that said, let us move -- and I think we ought to have the architect and the engineer up, Mr. Keys. And why don't we continue with Board questions, if there are any, and then I would move to cross examination.

MR. KEYS: I'd like to ask Mr. Long of Delana Hampton, who is the civil engineer of this project, to pick up where Laurie Dickeson left off.

CHAIRPERSON GRIFFIS: Okay. You want to finish --

MR. KEYS: Oh. You want the architect as well?

CHAIRPERSON GRIFFIS: -- you want to finish with Mr. Long, and then do cross examination of all the witnesses?

MR. KEYS: It doesn't matter, Mr. Chair. I mean, at this stage, I've got my eye on the clock. Whichever you would recommend.

CHAIRPERSON GRIFFIS: And we have a differing of opinions even on the Board, which makes it exciting. Mr. Graham, your opinion.

MR. GRAHAM: I would just note, I'm sure you're dealing with much more experienced advocates in this arena than me, but it's really hard to cross examine when you have --

CHAIRPERSON GRIFFIS: Yes.

MR. GRAHAM: -- I guess five or six witnesses that are going to go, and then have me do a single cross. It makes it very difficult.

CHAIRPERSON GRIFFIS: Yes.

COMMISSIONER MAY: Let me just say that we do it in the Zoning Commission all the time, and we've gotten used to it. But here it's a different format,

and so we -- I think adjusting is appropriate.

I think there was some confusion that when you suggested the architect and the engineer, I think you were talking about the traffic engineer --

CHAIRPERSON GRIFFIS: Indeed. Mr. Andres would come up.

COMMISSIONER MAY: -- coming up for cross examination.

CHAIRPERSON GRIFFIS: And that -- I'm sorry, Mr. Keys. I --

COMMISSIONER MAY: So, which was the original plan.

CHAIRPERSON GRIFFIS: I was not clear on that fact. And I think for this -- for this point, I think it would be helpful that we do cross after each.

Also, with the anticipation that we may not finish today, we may be able to have witnesses not come back as we would have finished all of their cross examination. I don't predict that, but it may -- may be a better proceeding.

MR. KEYS: And who would be the next to follow? Would the cross of Ms. Dickeson --

CHAIRPERSON GRIFFIS: Yes. I want -- actually, I'm going to have Ms. Dickeson at the table right now. We're going to do cross of both witnesses,

Mr. Graham, at this time.

COMMISSIONER MAY: We can actually fit four chairs there.

CHAIRPERSON GRIFFIS: Yes. Actually, I didn't mean you to move. I was just going to have her come up. There it is. We'll set the established -- the party crossing can sit wherever that one falls. Right there.

(Laughter.)

MR. GRAHAM: Just to give myself more space, why don't I ask Ms. Dickeson to stand back up by the map, and that way we'll all be happy, and it'll actually be appropriate.

Ms. Dickeson, you refer to the lot as I think meandering and inefficient. It is pretty, isn't it?

MS. DICKESON: It's attractive, yes.

MR. GRAHAM: Okay. And you understand that the neighborhood wants to keep it as attractive as possible, right?

MS. DICKESON: Yes.

MR. GRAHAM: Can you tell me, how far into the berm does the new lot line on the Upton Street side cut into that? How much further does it get to those tree trunks?

MS. DICKESON: I guess it depends on where you're measuring from as the existing perimeter does a lot of in and out.

MR. GRAHAM: Okay. Do you see -- actually, answer it the other way around. How far is it from the trunk of the trees as opposed to from where it is currently?

MS. DICKESON: In this area, it's about the same, obviously, as we're almost converging with the existing parking here. As we extend across here, I'm not sure if we're about 30 feet. I don't have a scale.

MR. GRAHAM: Okay. And I gather that someone else is going to testify about trees, is that correct?

MS. DICKESON: Yes. The landscape architect will.

MR. GRAHAM: Okay. Do you know how many trees are going to be knocked down by doing this?

MS. DICKESON: The landscape architect has a count of the whole --

COMMISSIONER MAY: There was no testimony on that.

CHAIRPERSON GRIFFIS: Yes. We'll keep it to the testimony that was given today.

MR. GRAHAM: Okay. Let me ask you, on diagram -- that number 7 diagram, the site line diagram that the Board has been asking you questions about, let me ask you, if you aren't standing on the street, but if you live on one of the houses on Upton or Tilden Street, what is the elevation of those houses? And where are particularly their living rooms, their bedrooms, etcetera?

MS. DICKESON: I don't have the topography for the houses on the other side of 37th. But given what I know about the street, and what's out here, the land continues to slope as you move east, as you actually move toward Rock Creek Park. I can't speak for the floor elevations of the houses that are -- whose sides actually face 37th Street.

MR. GRAHAM: Okay. And as Member May pointed out, the slope of the lot all slopes toward the corner of the --

CHAIRPERSON GRIFFIS: Actually, you can clarify that in your case presentation.

MR. GRAHAM: Don't worry. The slope of the lot goes toward the corner of Tilden and 37th, correct?

MS. DICKESON: It actually -- I'd have to look at the topography. I'm not sure if this is the

low point or this is the low point.

MR. GRAHAM: You're not sure?

MS. DICKESON: I think that there -- I'm not sure what 37th Street does. It's -- the slope is --

MR. GRAHAM: Okay.

MS. DICKESON: -- is not as significant as Upton Street.

MR. GRAHAM: So you didn't do any site line drawings of what it would look like from within a house or on the lot of any of the neighbors, did you?

MS. DICKESON: The center section on the drawing that's in the application is a section through the sidewalk at 37th Street.

MR. GRAHAM: That's on the side of the home, not on the other side of the street where the sidewalk is, or --

MS. DICKESON: That's correct.

MR. GRAHAM: -- in any of the houses, correct?

MS. DICKESON: That's correct.

MR. GRAHAM: That's all I have for this witness. If Mr. Andres could come up, if I could talk to him.

CHAIRPERSON GRIFFIS: Right by your side.

MR. ANDRES: As a matter of introduction, my name is Erwin Andres, and I'm employed by Gorove/Slade Associates. I reside at 4423 MacArthur Boulevard.

MR. GRAHAM: Excuse me. I'm sorry. The ANC wants to ask some questions of Ms. Dickeson.

CHAIRPERSON GRIFFIS: Then, let me just state when we go further, we will do each witness at the time. And, actually, the order for the cross examination will be the ANC first, and then we'll go to Mr. Graham.

MR. KOGAN: Thank you, Mr. Chairman. I'm Phil Kogan of ANC-3F. I just had one question for the witness. I want her to clarify a factual statement in the testimony in response to a question from the Chair.

The 7.4 percent factor that was used, I believe according to the submission 7.4 percent is the increment of the total site that would be taken for additional parking.

CHAIRPERSON GRIFFIS: Are you asking her?

MR. KOGAN: I'm asking Ms. Dickeson. Is that correct?

MS. DICKESON: Yes. Actually, the 7.4

percent represents the additional parking coverage as a percentage of the entire site.

MR. KOGAN: And that amount, according to the submission, would be 18,400 square feet?

MS. DICKESON: Right. The 18,000 is the additional square footage of parking.

MR. KOGAN: Right. And when added to the existing 46,000, that would provide a total of 64,500 square feet of paved parking.

MS. DICKESON: That's correct.

MR. KOGAN: Thank you.

MEMBER ZAIDAIN: Just a point of clarification. So the 7.4 percent increase does not include the structure. That's just the parking lot.

MS. DICKESON: Right. There is an additional 7.4 percent of the entire site which becomes parking. I have the number on the additional building coverage, if you're interested.

MEMBER ZAIDAIN: Okay. I just thought earlier that you had said that the 7.4 percent increase in impervious surface included the parking lot and the structure.

MS. DICKESON: I may have misspoke. It's the 7.4. There's actually a .8 percent -- less than one percent of the entire site is taken by the

building addition.

MEMBER ZAIDAIN: By the building. Okay.

MS. DICKESON: Right.

MEMBER ZAIDAIN: So --

MS. DICKESON: Yes, it ends up being a little over eight.

MEMBER ZAIDAIN: So, but using those numbers, 7.4 would be the parking lot. And then, if you threw the structure in there, probably it would be over eight.

MS. DICKESON: 8.2.

MEMBER ZAIDAIN: 8.2. Okay.

CHAIRPERSON GRIFFIS: I thought we had -- oh, go ahead. Why don't you introduce yourself, and then we'll --

MS. WISS: Cathy Wiss, ANC-3F-06.

CHAIRPERSON GRIFFIS: Okay.

MS. WISS: I just had one question.

CHAIRPERSON GRIFFIS: Right. And, in fact, if we can -- and it is our normal procedure, and we always hold to it, if there is a party in question that happens to have numerous members, we have one -- one spokesperson --

MS. WISS: Correct.

CHAIRPERSON GRIFFIS: -- for it,

especially within a witness. If you want to just give your question to Mr. Kogan, he can ask it for you.

MS. WISS: Okay. Thank you. I just want to --

CHAIRPERSON GRIFFIS: And, actually, let me be very clear again.

MS. WISS: Okay.

CHAIRPERSON GRIFFIS: If you would like to give your question to Mr. Kogan --

MS. WISS: Okay.

CHAIRPERSON GRIFFIS: -- he can ask it for you.

MS. WISS: Okay.

MR. KOGAN: Thank you, Mr. Chairman.

The question is, if the distance between the existing tree and the paved area is 30 feet, the question is, will the construction area be any closer than the 30 feet?

MS. DICKESON: The 30 feet is approximate, as I said. And if you're referring to the closest large tree, that should be scaled. I think it's at least 30, but I'm not sure of the exact number. There would be a minimal increase or I guess decrease of the distance because of the construction activity.

But as part of the construction activity,

as is customary when you're working around trees -- and our landscape architect can speak further to this -- there will be protection measures in place to assure that the trees are protected.

MR. KOGAN: Okay. Could you describe those protection measures that would be followed?

CHAIRPERSON GRIFFIS: I think I just heard her state that the landscape architect would be dealing with that. If I'm not mistaken, did you have -- do you have any involvement in construction -- protection of the trees?

MS. DICKESON: No, that's not really my field.

CHAIRPERSON GRIFFIS: Okay. Excellent question, then, obviously for the next witness.

Okay. Mr. Graham?

MR. GRAHAM: The ANC has asked me to go first, if that's okay with you, with Mr. Andres.

CHAIRPERSON GRIFFIS: Let me run it by the Board and see if they are comfortable with that. Okay.

MR. GRAHAM: Mr. Andres, you did a study of this facility in 1985 as well as more recently, correct?

MR. ANDRES: Our firm did, not me

personally.

MR. GRAHAM: Okay. And was your firm consulted in 1997 when The Home came to this board and asked for a special exception for another 12 beds?

MR. ANDRES: No. Our firm was not involved with the '97 application.

MR. GRAHAM: You obtained the data in the current report that you presented to the Board in May of 2001, correct?

MR. ANDRES: Yes, that's correct.

MR. GRAHAM: And you made the supplemental submission to this Board -- your report was written on January 15, 2002, about nine months later, correct?

MR. ANDRES: Well, our report was finalized on the 15th of 2002.

MR. GRAHAM: And did you confer with The Home in between the time you did your survey and the time that you wrote your report about how many parking spaces they would want?

MR. ANDRES: As part of our scope of services, what we had done is -- it's an iterative process as part of the site plan design, where we would confer with The Home on basically pieces of information that we would need to develop our peak parking demand analysis. And also, we also sat in

with community meetings as well before we issued a final report.

MR. GRAHAM: Okay. Now, I notice that your report is said to be a parking analysis, not a traffic analysis, is that correct?

MR. ANDRES: Yes, that's what the title of the report is.

MR. GRAHAM: And, in fact, you didn't do any traffic report as to the impact on the neighborhood of having additional parking spots, did you?

MR. ANDRES: The basis of our parking analysis is that the existing condition would only generate additional traffic associated with the four beds that the application identifies, from 201 beds to 205 beds. So, in terms of additional traffic impact, it would be additional traffic impact associated with those four beds.

MR. GRAHAM: So you didn't take into account the additional traffic impact that occurs when people find that parking is easier than it is -- than it has previously been, did you?

MR. ANDRES: The existing condition of the parking facility is such that you have an average of 136 spaces parked on 75 spaces, which means that there

are approximately 61 vehicles that are "illegally parked" within the site. That means parking in the drive aisles, parking in the fire lanes, parking in loading zones. In some instances, actually in several instances, you have people blocking in people who are parked.

The analysis associated with the parking is such that if we -- if the home is able to accommodate the peak parking demand, what would happen is the people who are currently coming to the home, who are currently parking in these spaces, parking in these illegal spaces, would be easier -- easily accommodated on the site.

What this does is it -- it does a few things. The first is that --

MR. GRAHAM: If the witness could just be directed to answer the question. It was a very simple question.

MR. ANDRES: Well, this is part of my answer to the question.

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: I'll leave it up to the Board.

MR. ANDRES: The traffic associated with these vehicles are still going to be there. Because

you're providing parking for these spaces for these people who are illegally parked, these people are still coming to the site.

What this does is actually it reduces circulation traffic currently that -- what currently happens is when I'm an employee or a visitor coming to The Home, I -- the first -- my first instinct is to pull into The Home lot. If there is no parking there, then I have to basically back myself out, because chances are it's congested. I can't easily do that.

So, then, I start circulating around the neighborhood looking for available spaces. What this does is that it reduces that -- that circulation traffic associated with The Home users. So that, you know, if I'm an employee or a visitor coming to The Home, I'll come directly to The Home and see an available space; I pull in. There is no circulation traffic associated with my trip anymore.

MR. GRAHAM: Okay. Your report doesn't discuss any data about circulation traffic, does it?

CHAIRPERSON GRIFFIS: His testimony did, though. I'm sorry. Go ahead.

MR. GRAHAM: Okay.

CHAIRPERSON GRIFFIS: I misunderstood your question. It's the report. Go ahead.

MR. ANDRES: Well, it --

MR. GRAHAM: Does the report --

MR. ANDRES: -- in essence, our report does, because as part of our peak parking demand calculation, we identified a need for 10 percent -- if I can approach the Board real quick.

The table that's on the easel is the table on page 11 of our report, Table 4, where we identify a factor of 10 percent to allow for efficient circulation. And that's the activity that people looking for their parking spaces are accounted for in our peak parking demand projections.

MR. GRAHAM: And you use the same circulation figure, no matter what project, anywhere in the District of Columbia, do you not?

MR. ANDRES: That circulation figure is I guess an industry percentage that we've applied for this project.

MR. GRAHAM: Did you make any count while you were at the facility of how many cars actually attempted to circulate as you've just described?

MR. ANDRES: No, we didn't.

MR. GRAHAM: And your testimony is that the people that have no shame about parking now will simply be able to park legally and, thus, no more cars

will be able to -- will be coming into the neighborhood. Is that your testimony?

MR. ANDRES: Our testimony is that The Home and the peak -- and the parking supply associated with that table would accommodate all of the vehicles coming to The Home onsite.

MR. GRAHAM: Now that depends on your facility at counting the number of cars at the site, is that correct?

MR. ANDRES: Can you clarify your question?

MR. GRAHAM: A lot of your assumptions depend that you've done correct counting of the number of cars on the site, right?

MR. ANDRES: Well, that's not an assumption. We did do these counts onsite.

MR. GRAHAM: Did you do the counts personally?

MR. ANDRES: No, we didn't. Well, not personally. We have staff that is assigned to do that work.

MR. GRAHAM: So, for example, if there were 120 cars and they counted 130, that could make a difference in your conclusion, right?

MR. ANDRES: Yes, I guess so.

CHAIRPERSON GRIFFIS: Okay. A bit speculative, Mr. Graham. Go ahead.

MR. GRAHAM: How many spaces are painted on the lot now?

MR. ANDRES: I believe the number is 78.

MR. GRAHAM: 78 or 75?

MR. ANDRES: We had counted 78 spaces.

MR. GRAHAM: Did you count those yourself personally?

MR. ANDRES: No, I didn't. We had staff that count these.

MR. GRAHAM: So if I told you there were actually 89 spaces painted on the lot out there, you would be surprised, I take it?

MR. ANDRES: Well, there are spaces that aren't legal spaces that are painted.

MR. GRAHAM: You didn't count those when you wrote in your report that there were 75 spaces painted on the grid, right?

MR. KEYS: Mr. Chairman, I have to wonder at the nature of the cross. We never encompassed the painted lines in the parking lot or testified as to that issue. I'm not sure where the cross examination is going.

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: Mr. Andres himself testified that there were 75 spaces last time, and we counted and we found 89. So we're wondering what this was all about.

CHAIRPERSON GRIFFIS: Good. And, Mr. Graham, I think the Board is probably understanding where you want to go with it. But I think it can be accomplished in several questions. So the minutia may not need to be dragged through on this, but it is an interesting point where he's going, just in terms of getting the exact count of the striping of the parking lot.

We have the engineer stating that the counts by the firm indicated that there were 78?

MR. ANDRES: Yes, that's correct.

CHAIRPERSON GRIFFIS: Okay.

MR. ANDRES: And these are spaces that we thought from field observation are legal spaces.

CHAIRPERSON GRIFFIS: Okay. So there was actually a decision made onsite at counting. If something may have been striped, it clearly wasn't legal on -- the staff member that was counting, they would not have counted it.

MR. ANDRES: Yes, that's correct. For example --

CHAIRPERSON GRIFFIS: Okay.

MR. ANDRES: -- there are some spaces that are legally striped for the loading zone.

CHAIRPERSON GRIFFIS: Gives some indication of how it was done. Okay.

Mr. Graham?

MR. GRAHAM: I'll just turn the Board's attention to page 5 of Mr. Andres' report in which he says that there are 78 marked surface parking spaces.

CHAIRPERSON GRIFFIS: Okay. And now, if I can reiterate, then, we have another level of detail on what those actually were. They would have been striped and legal, is that correct?

MR. ANDRES: Yes. It's implicit that those spaces were --

CHAIRPERSON GRIFFIS: I see.

MR. ANDRES: -- were legal.

MR. GRAHAM: And, of course, this Board has only authorized 75, so I'm not sure why 78 would be legal. But we'll leave that to the Board to decide.

CHAIRPERSON GRIFFIS: Well, it's a clarification that's important to be made, Mr. Graham, not -- and when I say legal, I'm not stating it in terms of compliance with the zoning order. I'm

stating in terms of the engineer, what they would look at, and that would be size of the parking space. That would also be drive aisle access to his parking space.

MR. ANDRES: That's correct.

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: How many people did you see that were parked on the grass on 37th Street, not in any parking space?

CHAIRPERSON GRIFFIS: Let me -- also, Mr. Graham, if you're going to the noncompliance of the parking lot, I mean, I think you can quickly get through that, because I don't think the engineer has actually ever -- in fact, we had, if I recall correctly, testimony and photographs showing cars parked in fire lanes. I mean, we don't get much more illegal than that.

So I think it's been fairly well established that this is an overpacked parking surface at this point.

MR. GRAHAM: Yes. Mr. Griffis, if I can just continue the cross. It goes to the accuracy and integrity of a report from data given more than a year ago, and I'm simply trying to point out that there are some very strange things said in the report compared to the reality out there. And I'll tie it up with our

own witnesses, but I think I'm entitled on cross of a parking expert to see can he really count. That's all I'm trying to do right now.

CHAIRPERSON GRIFFIS: I see.

MR. GRAHAM: I'll be very brief with it.

CHAIRPERSON GRIFFIS: A bit strong in that statement, but I understand, and I think you can continue a little bit. As I say, making that point, I think it was fairly clear in the first couple of questions where you were going with that.

My emphasis to you would be if there is specific factual information that you want to refute, that is of utmost importance. If you are trying to, in fact, refute the reputation or the ability of the engineer, we could take all afternoon with that, and I'm not sure it, in fact, would be that productive for you.

MR. GRAHAM: No. I'm sure the Board knows his reputation.

Did you prepare something called an existing conditions plan, Mr. Andres?

MR. ANDRES: Nothing in our report has that title.

MR. GRAHAM: You have a diagram on -- at Tab 2 of your report called Existing Washington Home

Parking Lot Layout.

MR. ANDRES: Yes, I do.

MR. GRAHAM: And did you compare that chart with the reality on the ground of how many parking spaces were marked at the time?

MR. ANDRES: This graphic was a CAD-based graphic that we borrowed from the civil engineer.

MR. GRAHAM: Where do people park -- I noticed from your graph that you had earlier that you had people onsite early in the morning as well, is that correct?

MR. ANDRES: Yes, that's correct.

MR. GRAHAM: Do all the people that come park early in the morning park in the legal spaces by your definition?

MR. ANDRES: Yes, that's correct.

MR. GRAHAM: They do park in the illegal spaces when they park early in the morning when all of the legal spaces are not filled. Is that your testimony?

MR. ANDRES: Yes, that's correct.

MR. GRAHAM: Is there a space reserved for the Chair of the Board at the facility?

MR. ANDRES: I believe there are visitor spaces that are reserved. To my memory, I'm not sure

if there is one for the Chair.

MR. GRAHAM: Did you ever look and see if anyone was parking in the Chair of the Board's space?

MR. ANDRES: That wasn't --

CHAIRPERSON GRIFFIS: We need to quickly get to the relevance of this.

MR. ANDRES: That wasn't part of our specific scope of services. We just looked at the number of vehicles that were parked in the spaces.

CHAIRPERSON GRIFFIS: Okay. But you can't answer that question if you just answer you don't recall if the Chair has a parking space.

Mr. Graham?

MR. GRAHAM: Is there an Employee of the Month space? And is it ever used?

MR. ANDRES: Again, what we did is we looked at the number of vehicles parked and the total number of spaces.

MR. GRAHAM: How many people parking in the parking lot had a zone 3 parking permit?

MR. ANDRES: Again, we didn't look at the -- we didn't look to see if the vehicles had a zone 3 permit.

MR. GRAHAM: How many people were doctors that were actually parked in the lot when you did your

survey?

MR. ANDRES: We have a doctor log-in sheet that we looked at. And if you'll give me two seconds --

MR. GRAHAM: It's one of the documents we previously requested and were never given, by the way.

MR. ANDRES: Three.

MR. GRAHAM: And how many visitors were actually in the lot on the day -- which day were there three doctors, by the way?

MR. ANDRES: The day was on the -- the first day on -- the Tuesday of the survey.

MR. GRAHAM: How about the other two days?

MR. ANDRES: We didn't look at those other two days.

MR. GRAHAM: How many visitors were actually in the lot on the days that you did the survey?

MR. ANDRES: There was no way for us to distinguish visitors from -- based on the fact that there were no -- in the parking lot there were some vehicles with permits and some without.

MR. GRAHAM: How many people that used the lot exited the lot within less than two hours?

MR. ANDRES: We would -- looking at the

parking occupancy survey, it depends which two hours you're talking about.

MR. GRAHAM: Well, can you tell me, how many people at the peak hour, when you measured, say, 130 people using the lot, how many of those people left within two hours, and, thus, would have been entitled to use the two-hour parking?

MR. ANDRES: There is -- we can do a calculation based on the occupancy survey how many vehicles roughly left the lot or roughly entered the lot based on the data presented on that graphic.

MR. GRAHAM: But you've never done that, right?

MR. ANDRES: No, we did not.

MR. GRAHAM: How many people parked in the lot and then walked up to the post office or over to Sidwell or Hearst School?

MR. ANDRES: We don't have that information.

MR. GRAHAM: How many did other business up on Wisconsin Boulevard?

MR. ANDRES: Again, we don't have that information.

MR. GRAHAM: Did you notice how many people on the lot had Maryland or Virginia tags?

MR. ANDRES: We have zip code data, but no analysis was done on whether or not people were from Maryland or Virginia.

MR. GRAHAM: Do you recall that the last time we met that Ms. O'Connor, the President of The Home -- or, excuse me, the CEO -- testified that there was no problem getting parking at 7:00 in the morning?

MR. ANDRES: Well, based on our Washington Home survey, at 7:00 in the morning, which is the first data point on that board, it is within the realm of the existing supply of spaces.

MR. GRAHAM: And you heard her say at that time that those are the low paid workers that she wants to give free parking to, so they don't incur that burden, right?

MR. ANDRES: I don't remember that part of her testimony.

MR. GRAHAM: Do you recall her testifying that it's not until 8:00 or 9:00 when the administrators come in that there's a problem with parking?

MR. ANDRES: Again, that could be part of her testimony.

MR. GRAHAM: Did you look into how many people from The Home are parking at 4200 Wisconsin

parking lot?

MR. ANDRES: No.

MR. GRAHAM: Now, your conclusion is that 173 spaces are required by The Home, correct?

MR. ANDRES: Yes.

MR. GRAHAM: Now, one of the components of that number is 136, which you took the peak number during the day and averaged it over three days, right?

MR. ANDRES: Yes, that's correct.

MR. GRAHAM: Okay. Is that -- do you always take peak demand as the floor in determining how many parking spaces are needed for a particular enterprise?

MR. ANDRES: Could you clarify the question, please?

MR. GRAHAM: Yes. Do you always take the peak demand, whatever a lot is at full capacity, at the highest point, in order to determine what the floor is for how many parking spaces are needed?

MR. ANDRES: Well, I guess it depends on the situation. For example, if we're looking at a school, and it's graduation day, we won't -- you know, that wouldn't be the -- that wouldn't be the day that we would do our traffic count. We would normally pick a day that has -- would be considered an average day

peak parking demand.

MR. GRAHAM: Okay. Does it make any difference to the kind of analysis you do in what type of neighborhood in which the parking lot is located?

MR. ANDRES: In terms of parking, what we do as part of our analysis is we identify the peak parking demand. And based on our experience in working with institutions in the District, it's been our experience that the institutions are usually I guess compelled to provide onsite parking. And as part of our scope of services, we tried to identify what that parking demand -- that should be accommodated onsite.

MR. GRAHAM: So you would have gotten the same answer if The Home was located in a commercial zone or an industrial zone, right?

MR. ANDRES: Well, that's what we would identify as the peak parking demand, yes, that's correct.

MR. GRAHAM: Now, you said that there's an additional 17 spaces that are needed based on the assumption that a third of the utilization of nonresidential vehicles in the neighborhood are Washington Home related, right?

MR. ANDRES: Well, the 17 is -- was

estimated to be a third of what's been occupied, but that 17 is comprised of several components.

MR. GRAHAM: And you didn't do a survey of anyone that was parking in the unrestricted or restricted areas to see if they were Home users or not, did you?

MR. ANDRES: No, that would be I guess really close to sort of invasion of privacy, following people to where they're going.

MR. GRAHAM: Surveying them on the street would be invasion of privacy?

CHAIRPERSON GRIFFIS: Right. Let's move on. You didn't survey those people, correct?

MR. ANDRES: No, we didn't.

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: Now, you have also assumed that there is another six parking spaces associated with the four new beds that The Home wants to build, right?

MR. ANDRES: I believe the number is not six.

MR. GRAHAM: How many is it?

MR. ANDRES: The number is four.

MR. GRAHAM: So you want four new spaces for the four new beds, right?

MR. ANDRES: Yes. And that was based on zoning requirements.

MR. GRAHAM: And that's even though when The Home added 12 beds, just five years ago, they said they didn't need any new spaces, right?

MR. ANDRES: Well, what we used as this -- to come up with these four spaces for these four beds, we used the guideline associated in -- that's sort of described in the zoning requirements.

MR. GRAHAM: Did you analyze how many spaces The Home would need if it were able to persuade 10 or 15 percent of the people that now drive to work to take one of the metros that's so close?

MR. ANDRES: Can you repeat the question?

MR. GRAHAM: Yes. Did you analyze how many spaces would be needed if The Home were able to get 10 or 15 percent of the people that now drive to use the metro or the buses that are all around The Home?

MR. ANDRES: There's not much analysis. If they take metro, then they won't be driving.

MR. GRAHAM: And did you do any analysis of how many people would drive if there was a parking fee associated with parking for free in a residential neighborhood?

CHAIRPERSON GRIFFIS: Two things. First of all, Mr. Andres, I'm going to have you reclarify your answer to the last question.

Secondly, Mr. Graham, if you're going to ask him to answer what he did in terms of speculating of other modes of transportation, why don't you make it very concise. Just fire them off. Give them all at once, and he can go down and he can tell you which ones he did.

MR. GRAHAM: I think the Board got the point, so I --

CHAIRPERSON GRIFFIS: I do.

MR. GRAHAM: That was the end of it.

CHAIRPERSON GRIFFIS: Indeed. We're pretty quick, so you don't need to hit us three times.

MR. GRAHAM: Okay.

CHAIRPERSON GRIFFIS: Just reclarify the last question, and I think you may not have understood the question.

MR. ANDRES: Okay. Well, he -- I guess the question was asked if we did an analysis, if 10 or 15 percent of the people who drove took metro.

CHAIRPERSON GRIFFIS: Correct.

MR. ANDRES: And what I'm saying is that if 10 or 15 percent of these people who drove took

metro, then they wouldn't be driving.

CHAIRPERSON GRIFFIS: Okay. But his direct question was whether you analyzed the impact on your -- in your study. Did you do that speculative study of reducing the traffic or reducing the parking by people taking metro?

MR. ANDRES: No. No, we did not.

CHAIRPERSON GRIFFIS: Okay. Mr. Graham, is that a fair statement?

MR. GRAHAM: That's --

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: That's what I --

CHAIRPERSON GRIFFIS: Ms. Renshaw? Good. Okay.

MR. GRAHAM: And in deference to the Board's savviness on the long litany of questions I could ask about mass transit alternatives, I will step down now.

CHAIRPERSON GRIFFIS: I don't mind you -- all I'm asking is that, you know, you can fire them all off. I mean, I think you are predicting what the answers are. If you want to fire them all off because you're not clear, then do so.

If not, I think the Board is pretty clear what was done and what wasn't done. And I think we'll

probably hear more in terms of testimony on -- we heard some in the beginning, but we'll probably get into more in terms of alternatives that the neighborhood may be looking at.

MR. GRAHAM: Right. I guess my final question, then, would be is, you didn't do any mass transit study of what The Home could do in order to reduce its need for parking, did you?

MR. ANDRES: We didn't, but we did do I guess sort of a benchmark comparison. Based on our employee survey information, which is identified in our parking analysis, there has been -- it has been identified that 20 percent of the population does take metro.

And comparing that to, for example, some of the other major institutions we work for -- NIH, which is also -- which is a health care institution -- they have significant transit incentives that include transit subsidies, and they are located right on top of a metro station. Their transit percentage is 11 percent, to give you an idea of effectiveness of transportation incentives.

MR. GRAHAM: Well, you were the traffic consultant or the consultant also for the Burke School, right?

MR. ANDRES: Yes, that's correct.

MR. GRAHAM: In that case, you did a study on transit alternatives and traffic analysis, etcetera, right?

MR. ANDRES: Yes, we did.

MR. GRAHAM: But you didn't do that here, did you?

MR. ANDRES: No, we didn't.

CHAIRPERSON GRIFFIS: Okay. Is that a pure statement of fact? I'm not sure what the relevancy of that is, but the Board will decide that. Okay.

Mr. May?

COMMISSIONER MAY: Can I just repeat that one statistic? Twenty percent of The Home employees --

MR. ANDRES: Yes, that's correct.

COMMISSIONER MAY: -- take metro now.

MR. ANDRES: Yes.

COMMISSIONER MAY: And NIH --

MR. ANDRES: As a whole --

COMMISSIONER MAY: -- as a comparison, 11 percent.

MR. ANDRES: -- it's 11 percent, and they -- they have Trans-share, which is transit subsidies,

and they are right on top of a metro station. Plus, they have several bus lines there.

COMMISSIONER MAY: And there's no subsidy or incentive on The Home's part?

MR. ANDRES: No. I believe it's part of the demographics of the employee population that are compelled to use transit.

CHAIRPERSON GRIFFIS: And can I just point out, it's Table 1 of your study that outlines that percentage, is that correct? Page 5?

MR. ANDRES: Yes, that's right.

CHAIRPERSON GRIFFIS: Okay. And forgive me, but is that comparison of NIH in your study?

MR. ANDRES: No, it's not.

CHAIRPERSON GRIFFIS: Indeed, so that's just what you're saying at this point.

MR. ANDRES: Yes, that's right.

CHAIRPERSON GRIFFIS: Okay.

VICE CHAIRPERSON RENSHAW: Mr. Chairman --

CHAIRPERSON GRIFFIS: Yes.

VICE CHAIRPERSON RENSHAW: -- if I could ask Mr. Andres, are you aware of this -- of DDOT's emphasis on transit-oriented neighborhood planning?

MR. ANDRES: Not specifically.

VICE CHAIRPERSON RENSHAW: What do you

mean not specifically?

MR. ANDRES: Well, I understand that DDOT looks at transit areas as an opportunity to maximize transit usage for developments at that location.

VICE CHAIRPERSON RENSHAW: But you did not investigate any transit-oriented planning for this particular area?

MR. ANDRES: No. As part of our scope of services, we concentrated on the parking analysis.

VICE CHAIRPERSON RENSHAW: Thank you.

CHAIRPERSON GRIFFIS: So what you're saying is that would be a whole other study that would have to be conducted and obviously paid for.

MR. ANDRES: Yes. You know, it would consist of -- it would consist of doing in-depth surveys of employee sensitivity.

CHAIRPERSON GRIFFIS: Okay. Are you aware of this applicant conducting any of those studies?

MR. ANDRES: I have not seen any studies.

CHAIRPERSON GRIFFIS: Okay. Any other questions?

COMMISSIONER MAY: Yes. This is -- I'm not sure I even want to ask this question, but I'll --

CHAIRPERSON GRIFFIS: Do you want to run it by me first? No, I'm kidding. Ask your question.

COMMISSIONER MAY: In your experience, when you encounter a relatively high percentage of metro use, is that in some cases simply brought on by the lack of parking? In other words, I mean, you mentioned the demographic side of it. I mean, doesn't that demographic have -- I mean, also affected by the fact that they can't get parking, they'd have to park and pay $10 a space, or whatever.

MR. ANDRES: Well, I guess it depends on the rate structure. And, again, it depends on the demographics of the employee population. If the employee population -- for example, if the people that are taking metro now are -- this will be a little judgmental, but a little bit more of the higher paid professionals, then it's possible that they might be persuaded to take transit -- excuse me, to bring in their cars if more parking is available.

However, but because of the fact that the existing parking is already -- you already have people who are illegally parking, it's sort of a condition where the employees know that they can park onsite.

COMMISSIONER MAY: So in the event that there were ample free parking, in your judgment, it does not indicate that the 20 percent would go down.

MR. ANDRES: I don't think so, because of

the fact that it -- that the current parking situation is such that people are illegally parking onsite anyway. So because --

COMMISSIONER MAY: But they're not at all dissuaded by the difficulties of that?

MR. ANDRES: I don't think so, because of the fact that you also -- there are also I guess some spaces that they're competing for on the street as well.

COMMISSIONER MAY: Okay. Thank you.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, a question. If these parking spaces were allowed, the increase I'm talking about, do you have any feelings about whether or not the illegal parking would continue? In other words, more people would drive, therefore, more cars illegally parked in an expanded parking lot?

MR. ANDRES: No. Because of the fact that we've picked the -- I guess the average high peak on -- during the week, we believe that we have that covered, because we also include percentages for visitors. We believe that population is covered, and also because of the fact we include the 10 percent circulation factor, which allows us -- which allows The Home the flexibility to I guess serve certain

events -- for example, board meetings and things of that nature that might peak -- that might surge the parking a little bit.

I believe that if -- that there would be rare instances where we would need more parking than what's identified in that table.

CHAIRPERSON GRIFFIS: Others? Okay. Mr. Kogan? If I might just ask you how many questions you have. Do you know right now?

MR. KOGAN: I have approximately three questions.

CHAIRPERSON GRIFFIS: Okay.

MR. KOGAN: Okay.

CHAIRPERSON GRIFFIS: You have unlimited questions. I just want to get a gauge, because we're going to need to take a quick recess. So I'm just trying to get scheduling.

MR. KOGAN: I'll try to be --

CHAIRPERSON GRIFFIS: Go ahead.

MR. KOGAN: I'll try to be brief.

CHAIRPERSON GRIFFIS: Take your time.

MR. KOGAN: Mr. Andres, I just wanted to follow up on the example or the comparison -- comparative example of NIH. Are you aware of the fact that the NIH has a policy of providing free parking to

employees, and they have a very large quantity of parking spaces available at that facility?

MR. ANDRES: Yes, there's a large quantity, but there's also a large competition for those available spaces. It's turned out such that they have sort of valet parking on campus.

MR. KOGAN: Okay. Mr. Andres, on your survey that occurred during three days in May of 2001, were there any special events occurring at The Home that would have driven that peak up? Any board meetings or any conferences that were occurring to your knowledge?

MR. ANDRES: It's our understanding that we cleared those -- that week with The Home administration before we did our surveys.

CHAIRPERSON GRIFFIS: Meaning that there weren't any of those done.

MR. ANDRES: Yes, that's correct.

CHAIRPERSON GRIFFIS: Okay.

MR. KOGAN: Okay. Mr. Andres, I have an e-mail that was sent to me and Mr. Richard Danzig in response to some questions that we had presented to Mr. Keys back in March. And we asked Mr. Keys about the basis for estimating that 17 vehicles in this on-street unrestricted parking area were related to

Washington Home activities.

And Mr. Keys' response was that that conclusion that there were 17 Washington Home related vehicles is not based on direct empirical evidence, but is, rather, deductive. Is that your understanding of how that number was developed?

MR. ANDRES: Well, that number was developed based on us looking at logs, based on us looking at the employee mode choice information. What we did is when we went out into the field and saw close to 136 vehicles, we took the employee information that said that 66 percent of the population drove, and said that, okay, if every -- if these 66 percent of these employees drove, then, in essence, they would take up all 136 spaces.

But we know that The Washington Home not only has employee users but also has visitor users. So we also looked at several logs, which include doctor logs, hospice volunteer information, hospice visitor logs, and that's where we came up with the 17 percent. And if you give me two seconds, I can break down that 17 for you.

I'm reading the e-mail that Mr. Keys sent. His e-mail does sort of support what I'm going to go through right now. What we believe the 17 vehicles

are consists of --

CHAIRPERSON GRIFFIS: Well, isn't the question posed, was it empirical or --

MR. KOGAN: Yes.

CHAIRPERSON GRIFFIS: Just restate that specific thing, because it may be a very quick answer.

MR. KOGAN: Yes. Was it based on direct observation?

MR. ANDRES: It was based on visitor logs.

CHAIRPERSON GRIFFIS: Okay.

MR. KOGAN: So it was an extrapolation.

MR. ANDRES: No, it wasn't.

CHAIRPERSON GRIFFIS: It was based on fact.

MR. ANDRES: Yes, it was based on the logs.

CHAIRPERSON GRIFFIS: Right. Okay. And now we also need that e-mail submitted in if you -- you can do it whenever you want. I don't need it right now, but it has now come up in the discussion. Okay.

Unless you have an objection to that, Mr. Keys.

MR. KEYS: Mr. Kogan's use of it referred to only one question and answer in the e-mail. I

would probably want to redact the rest as not being relevant to the --

CHAIRPERSON GRIFFIS: Okay. I don't have a problem with that. I think the question is evidence of itself in terms of what it was going to. I didn't necessarily need the use of the e-mail, but it puts it in context. I don't think we need to take it in.

All right. Other questions?

MR. KOGAN: Just one more. I think on page 6 of your report, Mr. Andres, you refer to the fact that there are -- that some of the vehicles observed without residential stickers can be associated with visitors and employees of The Washington Home, but it can also be associated with Sidwell Friends School and the U.S. Post Office located nearby. Isn't that true for parking spaces on the lot and off the lot as well?

MR. ANDRES: Well, it -- it could be true, but we don't believe it to be true on the lot. And the reason for that, of course, is because of the fact you have the potential to be blocked in if you park in the lot. And if you're a non-Washington Home user, that would be a disincentive for you to not park on The Washington Home lot.

MR. KOGAN: Those are my questions.

CHAIRPERSON GRIFFIS: Good. Thank you very much.

Any last Board questions for the witness?

MEMBER ETHERLY: Just very quickly, let me come back to the issue of the visitor logs, because that was raised in some of our earlier conversation regarding the motions practice at the beginning.

Those were just visitor logs, doctor sign-in logs, for just that one -- just one day of the three that you looked at, correct?

MR. ANDRES: Yes, that's correct.

MEMBER ETHERLY: Okay. And that would be that Tuesday date.

MR. ANDRES: Yes, that's correct.

MEMBER ETHERLY: Okay. So I'm going to be a little redundant here, but, for me, I think this is an important question. But it appears that there is no way, other than getting the actual logs, of determining or making some type of assessment of what the level of visitor traffic is on a daily basis, or even doctor traffic on a daily basis at The Home.

And this might be either a question for you or for Mr. Keys to respond to, but I think it's a very crucial point, for me at least getting a flavor for that traffic flow, because that's going to

contribute to usage of the parking spaces.

MR. KEYS: Mr. Etherly, what I would suggest is that the traffic study made reference to the 17 figure. That is a peak use. That's the coincidence of the visitor count at the time of peak use of the lot. I think that when we get to another witness I think we could introduce more current information that might show you the visitor flow throughout the day.

MEMBER ETHERLY: And it's kind of spread out.

MR. KEYS: Throughout the day.

MEMBER ETHERLY: Okay.

MR. KEYS: The 17, as it turns out, is fairly typical.

MEMBER ETHERLY: Okay.

MR. KEYS: If you looked at hourly intervals --

MEMBER ETHERLY: Okay.

MR. KEYS: -- throughout the --

MEMBER ETHERLY: And that's what I was getting at. I mean, if it's the case that you want to leave the impression that, hey, this is a fairly typical snapshot, so take this, I'm fine with that. But that is a little bit of a leap of faith that I'm

still trying to kind of fill in here, and I just want to be sure that we have some opportunity to hear a response to that.

CHAIRPERSON GRIFFIS: What witness do you anticipate having -- being able to answer that?

MR. KEYS: I've asked Mr. McGee --

CHAIRPERSON GRIFFIS: Okay. That's fine. I just wanted to get --

MR. KEYS: Okay. Mr. Chair, if there's --

CHAIRPERSON GRIFFIS: Did you have redirect?

MR. KEYS: That's what I was going to ask. Is this now the appropriate time for that?

CHAIRPERSON GRIFFIS: Unless you can hold off for five minutes, so I can have the Board just quickly take a recess and we'll be back. We'll make it eight minutes. And I'd ask everyone to stand up and stretch their legs while we do that.

(Whereupon, the proceedings in the foregoing matter went off the record at 3:30 p.m. and went back on the record at 3:45 p.m.)

CHAIRPERSON GRIFFIS: Whenever you're ready.

MR. KEYS: Mr. Chair, I have --

CHAIRPERSON GRIFFIS: If I could have everyone's attention, we'll get back into the hearing.

MR. KEYS: Mr. Chair, I have no redirect of this witness.

CHAIRPERSON GRIFFIS: Okay.

MR. KEYS: But I would ask the Chair, if it's at all possible, I have a witness, Mr. Long, who needs to leave here by --

MR. LONG: 5:30.

MR. KEYS: -- by 5:30, if it's possible to take the witnesses slightly out of the order that I suggested and perhaps get to Mr. Long sooner than later.

CHAIRPERSON GRIFFIS: It's your order.

MR. KEYS: Thank you.

MR. ANDRES: Thank you.

CHAIRPERSON GRIFFIS: Sure.

Question, Mr. Graham?

MR. GRAHAM: This is the first I've heard that Mr. Long is going to testify, and I'm just wondering if there was going to be some sort of document or something that we have never been given that I could given or --

CHAIRPERSON GRIFFIS: That's what he's passing out now. And, actually, it was stated at the

beginning -- Mr. Keys stated that he had anticipated calling him, and he let us know today at -- starting this off, and I believe, if I'm not mistaken, Mr. Long is going to talk about the storm water management on the site, because of the submission of information. It's in order to respond to that.

And let me -- are you proffering Mr. Long as an expert witness?

MR. KEYS: Yes, Mr. Chair, I will be.

CHAIRPERSON GRIFFIS: Okay. How about --

MR. KEYS: And I have distributed -- I think staff has passed out his resume.

CHAIRPERSON GRIFFIS: And do the parties have the resume? Mr. Graham?

MR. GRAHAM: I was just handed it for the first time.

CHAIRPERSON GRIFFIS: And I also. But that's what adds to the excitement of these hearings.

Mr. Long is a vice president of Delana Hampton and Associates.

Board members, parties, I would ask that we take a moment just to look this over.

Questions of Mr. Long?

Mr. Long, on your long and extensive resume listing numerous projects, not being able to

read through all of the definitions of these, but storm water management and storm water management design was part of several of these cases. Can you give me an indication of how many or all of these cases? Is this a normal process for you in terms of your discipline on construction projects?

MR. LONG: Storm water management and storm drainage is probably 60 to 70 percent of what we do on all projects.

CHAIRPERSON GRIFFIS: Okay. Board members, other questions? Do parties have any objections to Mr. Long as an expert witness?

MR. GRAHAM: Not given the amount of time I have. I have no basis for any objections.

CHAIRPERSON GRIFFIS: How much time would you need in order to form an opinion?

MR. GRAHAM: I'll guess I'll have to listen to him.

CHAIRPERSON GRIFFIS: I see. Okay. Board members, if there's no objection, I would bestow the honor of expert witness to Mr. Long, based on his clear experience, one, in the projects listed on his resume, and his clear experience in -- as vice president of a firm clearly associated in directly dealing with civil engineering. Any objections?

Okay. We can proceed. Let me outline a little bit, Mr. Keys, in terms of scope of this. Storm water management -- and I think it -- the Board appreciates your bringing an expert on to discuss this based on some of the objections.

Storm water management is clearly under a jurisdiction of an entity beyond this Board. I think as the witness can speak to the impacts attendant to this application, that would be most important. I would say the same, and will say the same, to all of the parties as we go into cross examination. There will be a certain amount that is within our jurisdiction and an amazing amount that is without.

So if we can all focus directly on how it's attendant to the zoning issues, it will be helpful to this Board and also expeditious in our time.

That being said, Mr. Keys, I will turn it over to you to call the witness.

MR. KEYS: Thank you.

I'd like to ask Mr. Long, who is the civil engineer on this project, if he would, utilizing the exhibit which the Board has been provided, that was used during Ms. Dickeson's testimony showing the topography, that set of three exhibits which was the

basis for Mr. Long's presentation to Advisory Neighborhood Commission 3F at the May meeting, addresses the unique aspects of this site and some of the issues that relate to community concerns.

We would like to demonstrate to the Board, as part of our main case, that we are not having an adverse impact on the situation by virtue of this proposal.

Mr. Long, if I could ask you to use those exhibits or the diagrams that previously have been used by Ms. Dickeson to try and give the Board a sense of what we're proposing for the site and how we are hopefully improving the community.

MR. LONG: My name is James Long. I'm a professional engineer, registered in the District of Columbia, and my office is at 8403 Colesville Road in Silver Spring.

We were asked to do several things for this project. One was to conduct a survey, which is a topographic survey which was performed, which is the Sheet C01. And then we were asked to do some drainage analyses in support of this application.

The first drawing, C02, is essentially an enlargement of a portion of the C01 sheet, and it shows the existing lot and the existing drainage

analysis or drainage accounting. It's really an accounting procedure.

The line in red shows the drainage, the onsite drainage boundary of the existing lot, and it's -- the drainage area of small watershed composes 2.01 acres, of which the components are listed below in the table of .62 acres of grass, lawn, open space, .89 acres of pavement, and .5 acres of building.

One thing to notice about this existing lot is that there is no storm water management currently for this lot. It was built at a time when the storm water management regulations were in a state of flux, and essentially at the time I do believe that this was less impervious than was already there, so they were essentially built without any storm water management.

CHAIRPERSON GRIFFIS: Just for clarification here, when you say that there's no storm water management, meaning there's no onsite storm water management --

MR. LONG: There's no onsite sand filter or storage chamber for management of the runoff.

CHAIRPERSON GRIFFIS: Indeed.

MR. LONG: There are storm drainage systems and inlets, and I'll make a differential.

Storm drainage system is a conveyance system for transporting water from one place to another. Storm water management is a treatment or holding tank or filtering device for the cleaning or storage of storm water.

CHAIRPERSON GRIFFIS: Okay. And so for clarification for the non-engineers like myself, storm water management actually treats water onsite as it, then, is moved away.

MR. LONG: That's correct.

CHAIRPERSON GRIFFIS: As opposed to what we have now in existence where we have a normal gutter that would -- the water would run down and run straight down into our rivers. Is that correct?

MR. LONG: It's essentially vented, uncontrolled from the site to the existing system in the streets.

CHAIRPERSON GRIFFIS: Okay. Thank you.

MR. LONG: The C03 drawing is the proposed development. And as stated previously, there is some diversion/conversion of grass to impervious area. My number is a little bit different. We're a little bit more conservative on the drainage side. We didn't count any grass islands inside the lot for a drainage calculation.

But the watershed that's now bounded by this lot grows from 2.01 acres to 2.39 acres. And it's attendant -- the pavement area is increased from 0.89 acres to .43 acres, which roughly accounts for the number Laurie gave you earlier today, if you add in the green -- I didn't count the green space, so it's -- and what we are proposing to do is to construct two sand filters on this site for the treatment of storm water quality control and quantity control.

What we are offering to do -- technically, under EHA, we are only responsible for treating the net increase in impervious area. What we have offered to do and were directed to do were to provide storm water management for the entire lot area. So, basically, the entire parking lot we're going to put in storm water that's now -- that should have been done years ago, but technically wasn't, and treat storm water for this entire impervious area.

The sand filters provide a measure of water quality control through a filtration system, and the sand filters have an enlarged first chamber for the control of water quantity. It stores volume temporarily in there, so that the sand filters are -- have been modified in recent years to perform both

functions.

COMMISSIONER MAY: While you're on that point, could you explain why holding the quantity of water onsite is critically important in the District with its overall problem with storm water management in the combined sewer system?

MR. LONG: Yes. Even if there's no -- there's no combined sewer system in this section of the District. But, typically, you are required to manage -- storm water regulations have evolved over time to manage your runoff rates back to existing conditions or even some places preexisting conditions, which means historically meadow conditions.

It's an over -- it's an oversimplification of what might have existed in the past, but essentially you overmanage -- you retain water on your site and discharge it at a smaller rate, at a rate at which the existing system can receive it to prevent downstream flooding. It's a typical thing to do -- what we have offered to do here via the sand filter structures.

CHAIRPERSON GRIFFIS: Okay. And your proposed plan is -- as laid out and proposed is in compliance with the D.C. building codes that require the storm water measurement.

MR. LONG: It will be. Again, this is a preliminary design, and we haven't run all of the final numbers. But, yes, when we go to final engineering on this, it will be a sealed, certified plan by myself or one of the other D.C. registered PEs in the office.

CHAIRPERSON GRIFFIS: Okay.

VICE CHAIRPERSON RENSHAW: Mr. Chairman?

CHAIRPERSON GRIFFIS: Yes.

VICE CHAIRPERSON RENSHAW: I'd like to ask Mr. Long -- in holding the water and cleaning the water onsite, is there a -- what do I want to call it -- like a fountain arrangement that I've seen on various institutional properties where this is done?

MR. LONG: No, these are just big underground vaults that you really don't want to go in for the most part.

VICE CHAIRPERSON RENSHAW: Right. So it's underground. It's --

MR. LONG: It's an underground chamber.

VICE CHAIRPERSON RENSHAW: All right. I was asking that question, because if above ground it would have to be fenced in for safety.

MR. LONG: Yes. The one thing that we are trying to do here, if you look at the C03 plan, is

that we are trying to salvage some of the existing infrastructure on the site. So those pipes are already in the ground. So there is infrastructure there that we are trying not to rebuild.

It services the building, so we are designing this to meet existing conditions, albeit built conditions, but it's a little bit of an engineering to get -- we're taking out some pipes, obviously, but we're trying to -- essentially, the pipes servicing the building is there.

The runoff comes off the roof. So we can't treat the runoff from the roof because it's already way in the ground. But we can treat the runoff from the entire parking lot.

MEMBER ZAIDAIN: It looks like from the plan you're using the existing inlets, is that correct?

MR. LONG: No. We're reusing -- we're setting new inlets along each edge. The western and southern -- northern edge -- I'm looking at Laurie's plan -- of the property. We would set new inlets to capture that water, convey it to the sand filter, and then reconvey it to the existing outlet pipe.

MEMBER ZAIDAIN: Okay.

MR. LONG: So it -- again, the storm drain

-- what's depicted here is to capture it, conveyance, and then treatment scheme.

CHAIRPERSON GRIFFIS: Are there other alternatives for onsite management?

MR. LONG: There are other alternatives that are -- have been discussed. There was a discussion at one point of using rain gardens or bioretention areas. Bioretention areas provide only water quality control through a filtration system. One of my concerns about a bioretention area, if you do introduce water in the ground -- and this site is perched -- you will see seeps coming out of the side of this at some point in time.

So we've decided -- and parts of this site were -- already had previous construction on it, so we've -- have not found a whole lot of good uses for -- in urban sites or redevelopment sites where bioretention works very well. Plus, you don't get the water quantity control.

One of the other options that has been used in some of the projects is to use a unit called the storm filter unit, which is a single unit, to treat for storm water quality. It's a commercial unit. It's like an enlarged inlet, which treats for quality. Then, to put it into a chamber, a storage

chamber.

We actually have done that on a couple of projects. The tradeoffs are the chamber gets bigger. You are less able to precast them. So, hence, more expense in terms of we have lots of -- we have lots of sand filters of this size under construction that have been precast. So --

CHAIRPERSON GRIFFIS: You also say that you are going to be reusing a substantial amount of the piping. Is it -- I see several that are noted, I'm assuming to be abandoned.

MR. LONG: Yes.

CHAIRPERSON GRIFFIS: Which won't be used.

MR. LONG: Yes.

CHAIRPERSON GRIFFIS: Is there any new piping that's going in under the berm or the landscape, close to any of the trees on the site?

MR. LONG: We have piping on the northern edge. One of the options would be to -- and that piping -- it's actually obscured by the coloring, but it runs under the curb line. One of the things we could do would be to build the inlet, put a manhole in the paving, and then go westward as opposed to running it directly behind the curb line, which would save some impacts.

We would have to buy a couple of extra manholes, but you could send the water into the lot as opposed to behind the curb line, which is a detail we can work out if that's desirable. Or I think we were far enough out of the tree root zone, anyway, but if that's an added measure of caution that is deemed necessary, then that's fine.

MEMBER ETHERLY: Mr. Chair, very briefly. I will definitely admit you're talking a little bit of Greek when we talk about storm water management for at least this particular Board member. But just -- you probably heard at the top a lot of discussion about the berm and, in particular, the gradual slope of the property.

Are there any particular problems or special considerations or concerns that are raised by a loss of a portion of that berm as you noted in Ms. Dickeson's presentation?

MR. LONG: Well, I have heard that there were concerns about flooding offsite, and this is -- actually, we're folding more of this area into the site to be treated by the proposed storm water management system. So in that case, the amount of uncontrolled runoff leaving the property is -- will be less. We're increasing the greater percentage of

controlled runoff.

I think it's a -- from a -- I'll put on my site planner's hat for -- this is a pretty gracious setback that's being preserved. I mean, this is a pretty good setback, and we have -- we are certainly extending the east/west line in a logical fashion, but we're certainly not moving that line northward.

So there is a fair amount of vegetation there that's intent is to be remaining. And there will be protections during construction and whatever we deem necessary for the trees. But it's a pretty -- from a construction standpoint, it's a pretty minimal intrusive northward -- intrusion northward. And we can even lessen that some more if the -- through some clever aligning of utilities.

MEMBER ETHERLY: Okay. And there are no concerns that have been raised or should be raised regarding, say, for example, the integrity of the berm as you deal with the issue of storm water management? I mean, there's -- we've talked a little bit about the placement of a retaining wall portion there.

MR. LONG: Well, actually, the berm is -- the berm is actually a vestige of where parking used to be previously. So the berm was where the parking edge used to be on the previous development, I do

believe, from the record drawings we've pulled.

So the berm is kind of a -- it's just a local -- little localized terrain finger, so to speak, but it's not -- I mean, so we're not -- I do have some concerns about the slope of the lot and the grading, trying to -- it is a balancing act on the northwest corner trying to get some reasonable slopes in the lot.

And, you know, if you get a low cross slope, your retaining wall may be higher -- or will be higher on the northwest corner, but that's a balancing act until we get into final grading.

MEMBER ETHERLY: Okay.

MR. LONG: But it is a -- you know, and maybe that's a -- you know, maybe there is some juxtaposition of spaces when we do final design to minimize those impacts. But that's really the only real -- the water is going there now to the northwest corner.

MEMBER ETHERLY: Okay. So, and when you say juxtaposition of spaces, you're talking about perhaps juxtaposition of a couple of parking spaces?

MR. LONG: Yes.

MEMBER ETHERLY: To cover those slots that are indicated on the northwest corner.

MR. LONG: Yes.

MEMBER ETHERLY: And just to make sure my orientation is correct, that's the corner of C03 that's heading towards Upton and 37th or --

MR. LONG: Yes, where the cupola is.

MEMBER ETHERLY: Gotcha. Excellent.

Okay. Thank you very much, Mr. Chair.

CHAIRPERSON GRIFFIS: That's going to be northeast, isn't it?

MR. LONG: Northeast corner, I'm sorry. Did I say --

CHAIRPERSON GRIFFIS: Right.

MEMBER ETHERLY: Okay. Thanks.

MR. LONG: Northeast corner.

CHAIRPERSON GRIFFIS: Okay. Northeast.

MEMBER ETHERLY: Thank you, Mr. Long.

Thank you, Mr. Chair.

CHAIRPERSON GRIFFIS: Good. Any other questions?

COMMISSIONER MAY: I have one question.

CHAIRPERSON GRIFFIS: Yes.

COMMISSIONER MAY: How deep would the excavation be for the sand filters, approximately?

MR. LONG: These sand filters are -- we've got them sized at 10 by 10, and the one is 40 foot

long, the other is 60 foot long is the preliminary size. So 10 by 10, they'd be -- the top of them would be three foot in the ground, so the excavation would be 12 foot in the ground, 13 foot in the ground.

COMMISSIONER MAY: Okay.

MR. LONG: So they're pretty -- we haven't balanced that with the out -- we have an existing pipe invert that we have to meet, so we may have to play with their pipe to make sure they drain. But that's a final design item, so they may get longer and fatter and shallower because of other engineering concerns. But right now they are sized at eight by eights -- eight by eights or eight by tens.

COMMISSIONER MAY: Right. The reason I asked the question is that it's in the corner where it's located there relatively close to the trees, but at -- if they're only going to be 15 feet in the ground, you ought to be able to excavate and stay well clear of the trees, because you wouldn't need more than, you know, 20 feet or something like that --

MR. LONG: Correct.

COMMISSIONER MAY: -- right?

MR. LONG: Correct.

COMMISSIONER MAY: Yes, okay.

MEMBER ETHERLY: Mr. Long, let me come

back to a response that you gave just a second ago. I want to make sure I understand it. You noted that conceivably, as you get a little deeper into this, there could be a need for the juxtaposition of some parking spaces. Could you talk a little more about what you mean there? Do you mean that there might be a need to perhaps reorient a number of spaces or --

MR. LONG: No. I'm just saying I'm holding the orientation that was given me, but it may be that we -- because if we -- if a wall turns out to be a certain height, and a wall has a heel and a toe on it, that -- the wall itself, which we would put in to minimize impact to existing trees, the wall itself may cause damage to the tree, so we may -- maybe it's eliminated space because you've got to get another entity in there. So sometimes the solution to a problem, put a wall in, may actually cause more damage than good.

So we haven't -- again, haven't graded out this corner to -- in great detail and cut a section for a wall and done all of those heavy design things, but -- so there may be some -- some horizontal -- there may be a horizontal shifting. Maybe you lose a space on one edge in order to get that clearance to minimize disruption to the tree.

MEMBER ETHERLY: Okay. I don't --

MR. LONG: That's the --

MEMBER ETHERLY: Oh, I'm sorry. I didn't mean to interrupt.

MR. LONG: And simply what type of wall, whether we use a concrete wall, mechanically stabilized earth, those decisions haven't been made yet.

MEMBER ETHERLY: Okay. I want to be sensitive, obviously, to not speculating too much. But can you say with any specificity or maybe even generally -- would you anticipate losing more than a space? Because I'm sure as you've heard the conversation the number of spaces is going to be very critical here.

So in that kind of scenario, would you anticipate perhaps one space dropping off, or, you know, could it be any more significant number depending on what happens once you start to really get into the excavational grading issue?

MR. LONG: My estimation would be one or two in the experience we have with trying to grade around trees.

MEMBER ETHERLY: Okay.

MR. LONG: Usually the fix is worse than

the situation.

MEMBER ETHERLY: Okay. All right. So that could be potentially -- let me emphasize that -- potentially one or two spaces.

MR. LONG: Correct.

MEMBER ETHERLY: Okay. But we're just -- once again, we're just kind of hypothetically talking.

MR. LONG: Or simply the juxtaposition of interior green space. Maybe we enlarge that island on the corner to minimize an impact, and that's one of the "five percent" that was discussed earlier.

MEMBER ETHERLY: Okay.

MR. LONG: We enlarged that interior green space on that corner to avoid an existing tree as -- you know, and that -- again, it's the lay of the land, the juxtaposition of things. That's also a solution.

MEMBER ETHERLY: Okay.

MR. LONG: Put islands where existing trees are to minimize intrusion into the root zone.

MEMBER ETHERLY: Okay. Okay. So it sounds like there -- if you get into a scenario where potentially a space or two has to be dealt with because of tree impact or storm water management impact, it's not necessarily the case that you might have to take it away.

MR. LONG: Right.

MEMBER ETHERLY: There is a way to get -- there is a way to work with that and maintain the number that the applicant is looking to place there.

MR. LONG: That's correct.

MEMBER ETHERLY: Okay. Okay. Thank you.

Thank you, Mr. Chair. Thank you, Mr. Long.

CHAIRPERSON GRIFFIS: Anything else for Mr. Long, Mr. Keys?

MR. KEYS: Yes. Mr. Long, I wanted to ensure that the record is clear on your testimony regarding the legal requirement under the current regulations for storm water management. Could you just restate -- I think you've said it, but could you restate that requirement?

MR. LONG: Yes. The storm water management requirement is a land disturbance trigger. Any disturbance over 5,000 square feet of land area requires implementation of the D.C. storm water management regulations. We are clearly over 5,000 square feet of disturbance, which now -- it's a land disturbance criteria that triggers the storm water portion of it.

The storm water regulations require any

net increase in impervious area to be managed for water quantity control. We are also -- we are proposing here to manage existing -- reconfigured existing and the new impervious to -- to manage for both water quantity and quality control. So it is -- on all projects in the District you must do storm water quality control. Period.

MR. KEYS: So do you see -- in your opinion, is this proposed treatment of storm water an enhancement of local circumstances?

MR. LONG: This is a huge betterment, in my opinion, to the existing system out there. It provides management for existing impervious, albeit reconfigured under the new plan, as well as the new impervious area. And also, the sand filters with the enlarged chambers will provide -- will peak shave -- will shave the peak of the storm water runoff, so there's a benefit all the way around.

And I think there is -- in most urban conditions, if you can get the storm water underground, that's where it's going. I mean, it's not -- I mean, we're surrounded on this side by built storm drainage systems. So if we get it underground, we have a chance to manage it.

MR. KEYS: Mr. Long, based on your

experience in the District of Columbia with projects that have parking lots, outdoor parking lots, are you familiar with the requirements, the green space requirements, and the method for calculating those requirements --

MR. LONG: Yes.

MR. KEYS: -- supplied in the District?

MR. LONG: Yes.

MR. KEYS: You heard Ms. Dickeson's testimony about the methods she applied in looking at the proposed parking area and how she calculated the green space. Is her methodology consistent with your understanding of how the District applies its regulations?

MR. LONG: Yes. I mean, we typically apply what's called a logical extension of the curb lines to create rectangles of what the parking lot would be in an idealized situation. So the corners count.

We have not counted space between the sidewalk, and, if the curb lines form a carrier deck, everything that falls within that extension of the carrier deck that was landscaped is the interior -- interior lot landscaping is that -- and we take lot literally, meaning the parking lot and its extension.

So it's a conservative estimate, what Laurie did previously.

COMMISSIONER MAY: So you would agree absolutely with her description of the confines of this, or would you interpret it differently, more generously, more -- I mean, at all differently? I'll put it that way.

MR. LONG: No. We treat it as the logical extension of the curb line. So we would not take -- if there was a -- a five-foot grass strip next to a four-foot sidewalk, we would not count that grass strip. That's part of the site. That falls under the site -- the site landscaping or the site area.

So, I mean, that's -- if -- if you choose to count it that way, then that's great. It's just more percentage, but --

COMMISSIONER MAY: Is there any requirement with regard to the distribution of that five percent over the entire body of the parking lot?

MR. LONG: There's none that I know of in the D.C. regulations. In the surrounding jurisdictions, it's usually one space every -- one -- an island every 12 spaces is an MNCPPC regulation. So you'd have a row of -- an island, a row of 12 cars, an island. So a case could be made that a better

distribution would be to put a set of islands in the middle here, which, you know, that's --

COMMISSIONER MAY: But that's not what the District requires.

MR. LONG: It's just a five percent interior landscaping.

COMMISSIONER MAY: Okay. That resolves my questions. Thank you for bringing that one up.

CHAIRPERSON GRIFFIS: Anything else, Mr. Keys?

MR. KEYS: That's all, Mr. Chair.

CHAIRPERSON GRIFFIS: Okay. Are we sticking with the order, Mr. Graham? Are you first?

MR. GRAHAM: I think so, if that's okay.

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: Mr. Long, can you please tell me when your firm was first retained?

MR. LONG: I believe we finally signed a contract in February or March. We had a proposal in for a while, but it wasn't authorized.

MR. GRAHAM: And did you do any work before April 2nd, the first day of the hearing?

MR. LONG: We -- I don't know the date. We were waiting for the survey first. Actually, we were behind on the survey. So I think we sent Amos,

Bailey and Arnold a 70 percent survey. We were still not -- did not have all of the trees. I don't remember the exact date, but we sent a preliminary reading, at least the --

MR. GRAHAM: Have you done stability testing of this site?

MR. LONG: Stability in terms of --

MR. GRAHAM: Any borings?

MR. LONG: There has been soil borings conducted for the site under Amos, Bailey and Arnold.

MR. GRAHAM: Have you gotten any results of that yet?

MR. LONG: There are boring logs I've seen, yes.

MR. GRAHAM: If the site isn't stable, and it's inclined as it is towards the street and the neighbors, what could happen if you build a parking lot too close to the edge of the natural incline?

MR. LONG: Are you asking me based upon the actual soil borings, or theoretically?

MR. GRAHAM: Let's start with theoretically.

MR. LONG: Theoretically, the lot could fail, but it would be a slope stability failure.

MR. GRAHAM: And the lot would fall toward

the neighborhood, right?

MR. LONG: The soil would rotate towards the neighborhood, thus causing the lot to fail.

MR. GRAHAM: And that risk is enhanced if you have a bigger parking lot closer to the natural incline, right?

MR. LONG: No, I would not say that.

MR. GRAHAM: Isn't that what you told the ANC meeting?

MR. LONG: That's not what the risk would be if the -- if you were to put heavily loading, if you were to park semi-tractor-trailers out here, the risk would be graded, because it was a load not anticipated.

MR. GRAHAM: Have you reviewed the borings?

MR. LONG: I have seen the borings, yes.

MR. GRAHAM: And what did you find?

MR. LONG: Layer cake geology, some -- I don't -- some different stratums of material over different stratums of material, interspaced with some sand lenses.

MR. GRAHAM: And have you provided that material to the neighborhood?

MR. LONG: I have not.

MR. GRAHAM: That's all I have.

CHAIRPERSON GRIFFIS: Okay.

MR. KOGAN: Mr. Chairman, we have several questions for the witness, and Commissioner Wiss has all of those questions. I think it would be more efficient for her to present them.

CHAIRPERSON GRIFFIS: Yes. You don't need to introduce them. As long as one person comes up, I think that'll keep it rolling.

MR. KOGAN: I just wanted to be clear on the process.

CHAIRPERSON GRIFFIS: Okay. Me, too.

MS. WISS: I just have a couple of questions. And your drawing C03 shows the proposed drainage area, I take it, in gray and green, is that correct?

MR. LONG: The proposed drainage divide is -- is the heavy line.

MS. WISS: Okay. The purple line?

MR. LONG: Yes.

MS. WISS: Okay. Now, outside that line there is, say, about 90 feet of driveway?

MR. LONG: That's correct.

MS. WISS: And is this driveway slanted toward 37th Street?

MR. LONG: Yes, it is.

MS. WISS: And are you familiar with a sort of sheeting action that happens during rain along 37th Street towards the northeast?

MR. LONG: Yes, I am.

MS. WISS: And will this change this problem at all, what you're planning on doing here?

MR. LONG: May I explain what the problem is?

MS. WISS: You may.

MR. LONG: If you go to C02, there is a concrete flume which is purple at the bottom of the page, which comes from offsite the property. The original construction set an inlet there, which has a hole in the back of it, which conveys that water into the system.

That water -- there is about a half acre from the -- as shown on the original construction plans that comes off the site, probably at some point it overinundates that inlet. There is -- I can't -- there is no history of the development of what has taken place there.

But The Home has actually conveyed that water via -- there is actually two separate drainage systems on The Home's site. The one we've been

discussing has been a separate and distinct drainage system from the problem that you've discussed. This is actually a different watershed that's -- that's conveyed that -- where the water is conveyed here.

Under the proposed conditions, we actually take some of the drainage area out of this watershed where the problem is. But --

MS. WISS: In other words, you -- are you collecting it in the sand filters?

MR. LONG: Yes. We're removing curbs from that edge, so by default the water will now flow into -- there's a diversion of one small -- from one watershed to the other watershed. We didn't run calculations or tabulations on that, because the main body of the work was in what we've studied to date.

MS. WISS: Now, when you were talking about the sand filters, you mentioned quality and quantity control with infiltration. I don't know if I got that right. Is that correct? There's some infiltration?

MR. LONG: No, there's no -- the sand filter is a filtering device. So there is no recharge of groundwater. It's simply a mechanical -- it's basically a filter. It's a filter bed, and the water is -- is sent through the filter bed. Material is

filtered -- filtered out of it, and then it's discharged to the street.

MS. WISS: Have you done any calculations about the benefits of infiltration?

MR. LONG: We -- in terms of infiltrating the water into the existing ground?

MS. WISS: Yes.

MR. LONG: From the soil borings that -- there are layers of -- there are layers of sand present in the borings, and I don't have them here today, George. But from -- but it's very difficult to -- those sand layers were not very thick, and they were underlain by other more pervious material.

So the -- while infiltration is a viable alternative on many projects, the fact that there's a hard pan below it is just going to cause that water to come out of the ground. So infiltration will only get us one part of the equation in terms of providing storm water for the site quality control. It doesn't get the quantity control.

MS. WISS: Thank you. And what types of pollutants does the sand filter, and what types does it not filter out?

CHAIRPERSON GRIFFIS: That goes a little beyond our zoning issues, does it not? Unless you can

point us to the direction of how it might impact us.

MS. WISS: Well, the reason is that in the Office of Planning report there was a recommendation for a bioretention facility, and plants take out different pollutants than sand will.

CHAIRPERSON GRIFFIS: Right.

MS. WISS: And so I wanted to get toward that, because a bioretention facility would require a different configuration of the parking lot than what's been presented.

CHAIRPERSON GRIFFIS: Indeed. Well, and that goes -- and that's an excellent question, and I think we asked Mr. Long, but let's -- let's restate it. One of the alternatives in that -- you did say bioretention. And at this point, you are proposing that it is just the sand filtration, and that, for whatever reason, it's decided that bioretention is not being pursued. Is that correct?

MR. LONG: That's correct.

CHAIRPERSON GRIFFIS: Okay.

MR. LONG: Sand filters and bioretention areas are equal water quality control measures under EHA, Environmental Health Administration.

CHAIRPERSON GRIFFIS: But they're not equal in quantity control.

MR. LONG: They are not equal in quantity control.

CHAIRPERSON GRIFFIS: Okay.

MR. LONG: So --

CHAIRPERSON GRIFFIS: So, therefore, the bioretention would -- your testimony is it, in fact, would not -- it would not satisfy the entire amount of storm water management needed on this site, is that correct?

MR. LONG: That's correct.

CHAIRPERSON GRIFFIS: Okay. So it may not -- it's not a realistic opportunity to use here.

MR. LONG: Given the goals of this project, no.

CHAIRPERSON GRIFFIS: Okay.

MS. WISS: This is my final question. This is from Title XI, DCMR Chapter 23 -- that's the zoning code -- Section 2303.1(a)(f). It says in part, "Landscaping with trees and shrubs shall cover a minimum of five percent of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval."

So, in fact, this Board would not have to just follow the standard that you outlined in interior

landscaping of the parking lot. But it could then choose something that is not standard, because it felt that was a better solution to the parking problem here, the parking lot design here.

CHAIRPERSON GRIFFIS: You're asking Mr. Long if that's a correct interpretation of the zoning?

MS. WISS: Well, he had told us there was a standard --

CHAIRPERSON GRIFFIS: That's what you're asking, right?

MS. WISS: -- and so I'm saying, could this alternative also be a correct interpretation?

MR. LONG: If five percent is the minimum, yes. Could we exceed the minimum? Yes.

MS. WISS: But could we also -- I guess, actually, I didn't fully understand your discussion about the carrier and what was interior and what wasn't. But, let's say, one could decide that one needed to extend the islands in some way, that that would not fly in the face of the zoning regulations.

CHAIRPERSON GRIFFIS: Well, you're asking him to interpret the zoning regulations, and he's not an expert witness on zoning. You can ask him I think more directly, in calculating the five percent, in the discretion of the Board, could those islands be

manipulated? It seems to be a self-answering question, though.

Mr. Long, would you agree that this Board has jurisdiction to manipulate the green space within the five percent or less than or more than?

MR. LONG: Yes.

CHAIRPERSON GRIFFIS: Okay. Anything else?

MS. WISS: That's all.

CHAIRPERSON GRIFFIS: Okay. Any redirect, Mr. Keys?

MR. KEYS: Yes, Mr. Chair.

Mr. Long, are there other reasons why bioretention would not be appropriate as a solution for this particular site? And I would ask you to make reference to the topographical features of the site.

MR. LONG: Bioretention has been force-fit into many projects that we've -- that we've -- or been attempted to force-fit. If you were to put -- attempt to put a bioretention area in the center of this lot, it's going to consume a very large land area in terms of -- which is contrary to the goals of getting more parking here.

It also -- on a lot that slopes from -- from southwest to northeast, it's actually -- if you

were to say, okay, we're going to pull the lot lines in and put bioretention on the northeast corner somewhere, you would have to build a large berm around two sides of this to capture that area in the bioretention area.

There are very sometimes -- degrading required to force-fit these bioretention areas in. If they are not interior to the lot, if they're put outside the lot, it is very, very detrimental. And I know we've -- we've on some projects been directed to grade in some meteor craters, and they look like meteor craters. So -- because they're -- you're forcing in grading that doesn't match what's out there.

So it's just not a -- bioretention areas, although very useful and we're using them on many projects, are not a panacea for everything.

CHAIRPERSON GRIFFIS: So on a more pedestrian level, what you're saying is based on the grading and the topography that's actually existing on this site, in order to do surface ponds that are the bioretention of the water management, you may end up having to regrade this not to look like what it does now?

MR. LONG: That's correct.

CHAIRPERSON GRIFFIS: Okay.

MR. KEYS: Mr. Long, is it your professional conclusion that the sand filter approach to storm water management is the appropriate approach for this site?

MR. LONG: Yes.

MR. KEYS: Thank you.

CHAIRPERSON GRIFFIS: Good. Thank you very much, Mr. Long.

I think we're ready to proceed.

MR. KEYS: I'd like to ask Ms. Tien, our landscape architect, whom the Board was introduced to at the prior hearing, and I think has accepted her credentials as qualifying her as an expert. I'm going to ask her to quickly address some of the landscape issues that have been raised in this proceeding.

CHAIRPERSON GRIFFIS: Yes. And also, Mr. Keys, let me also outline what I think is going to be of utmost importance in addition to some of the -- and utilization of time would be important, and that would be any studies or anticipation of studies for construction on tree preservation surveys, in terms of drift beds and roots, and how those are going to be protected, or not protected as it will, for the construction.

What else? I think it's important if we can give some direction on specific items that we may want to look at here. Anything else?

MEMBER ETHERLY: Are you speaking generally about the landscaping issue, or are you talking more broadly?

CHAIRPERSON GRIFFIS: No, specifically the landscaping. Right now we'll start the testimony. Do you want counts of trees?

MEMBER ETHERLY: Do we have -- and perhaps Ms. Tien is going to get into this. Do we have an indication as to what landscaping, if any, is going on top of the berm at that northeast corner?

CHAIRPERSON GRIFFIS: Right. Okay. Good. The point being, also -- and it looks like it's coming up in terms of the graphics, we're going to look at the existing landscaping, and then impact of that, and then proposed -- so, with that, we will turn it over to you.

MS. TIEN: Yes. My name is Liling Tien. I'm the landscape architect for this project. I'm with PELA Design, Inc., located in Baltimore, Maryland. The address is 212 Washington Avenue. Zip code is 21204.

When I began this job, The Home gave me

basically three goals. One is, how can we maintain the park-like setting of this area? Mainly, the area along Upton Street and 37th Street. Secondly, they asked me, can we -- for those trees that's going to be impacted by the new parking lot, can we transplant them? And, thirdly, the general enhancement of the ground, of this -- along the vicinity of the parking lot.

So in order to do this, we first conduct like a tree impact study, and then we cut cross-sections and come up with a very general concept -- landscape plan and cut another cross-section to see the impact and see how we can achieve those goals.

Can you see?

CHAIRPERSON GRIFFIS: Why don't you take a pointer from -- there it is.

MS. TIEN: The plan on my right is a tree impact study. The blue trees are the trees to be saved -- will be saved. The green trees are the trees going to be -- we recommend -- our forester recommends to be transplanted. And the purple trees are those trees going to be removed.

The white areas is the existing parking lot, and the light gray area is going to be the new parking lot.

VICE CHAIRPERSON RENSHAW: Could you give us a count of those trees, blue, green, and purple?

MS. TIEN: Sure. We counted this -- the whole -- the blue trees, there will be 104 trees to be saved. The total removed count will be 81, which is purple plus green. And the green will be 31, and the purple will be 51.

What we also do is to project the critical root zone for those mature trees along the berm. And the -- as you can see, these circles are indicating the critical root zone for each mature tree. The closest we get is this one, which is a 40-inch diameter tree. It's a poplar. There are critical root zones right along the edge of the proposed parking lot.

So, basically, we -- this parking lot construction will not impact those mature trees. That's our conclusion.

MEMBER ZAIDAIN: Excuse me. I don't mean to interrupt, but just before you go on.

MS. TIEN: Sure.

MEMBER ZAIDAIN: You talked -- the green trees are going to be transplanted. Does that mean -- that's including plants that are going to be kind of, you know, transplanted within the site? You're not

bringing in anything --

MS. TIEN: Within the site, yes.

MEMBER ZAIDAIN: Okay. You're not bringing in any new plants from offsite?

MS. TIEN: Can be used for the additional landscaping along the -- you know, along this berm.

MEMBER ZAIDAIN: Okay. But as far as the green ones go, those are transplanted within the site.

MS. TIEN: Yes.

MEMBER ZAIDAIN: Like from --

MS. TIEN: Right.

MEMBER ZAIDAIN: -- from purple to green, essentially.

MS. TIEN: Right.

MEMBER ZAIDAIN: Okay.

MS. TIEN: The purple tree we -- there are some trees, such as Armstrong maples that theoretically -- technically, you can transplant them. But it's probably very costly. But if we can find a place that can transplant it right away, maybe offsite, then The Home will do that.

MEMBER ZAIDAIN: Okay.

MS. TIEN: Because of the construction we -- we had to dig up the tree and then had to treat them, feed them, you know, shelter them, and sometimes

it can cause, you know, tremendous amount -- tremendous amount of stress on the trees, and it may not be cost effective to transplant them.

MEMBER ZAIDAIN: Okay.

MS. TIEN: That's my -- our forester's recommendation.

VICE CHAIRPERSON RENSHAW: Of the purple trees, how many of those purple trees are evergreen?

MS. TIEN: About 25 of them. And they are in poor health, basically. They are eastern white pine and hemlock.

Are there any other questions?

VICE CHAIRPERSON RENSHAW: And of the trees being saved -- let's see, we have three categories. In the blue, how many are evergreens?

MS. TIEN: In the blue, let me see --

VICE CHAIRPERSON RENSHAW: You said about 100 trees.

MS. TIEN: I don't have the exact count, but we -- these few evergreen trees, they are crucial for the screening. They are all going to be saved, along 34th Street.

VICE CHAIRPERSON RENSHAW: All right. And any evergreens being transplanted?

MS. TIEN: No. The evergreen trees which

is colored in purple, they are in poor health.

VICE CHAIRPERSON RENSHAW: And of the -- you said 51 trees are in purple --

MS. TIEN: Yes.

VICE CHAIRPERSON RENSHAW: -- 25 of the 51 are evergreens in poor health, and what are the rest?

MS. TIEN: And the -- in terms of species?

VICE CHAIRPERSON RENSHAW: Species and in health and in size.

MS. TIEN: Okay. We have a list. There are Armstrong maples. I don't have the total count, but I can -- for the information. Armstrong maples generally are eight inches in diameter, which is DBH. The --

VICE CHAIRPERSON RENSHAW: Well, I think if you can forward the list, that would be what we would need.

MS. TIEN: Yes. Because it's quite cumbersome. There are quite a few species.

VICE CHAIRPERSON RENSHAW: All right. Thank you for providing that to the Board.

MS. TIEN: Sure.

So in order to achieve the goals The Home had given us, we have come up with a very conceptual plan to protect the perimeter area to screen the

parking lot and to beautify the setting and to maintain the park-like setting.

The general concept is we will -- we are not going to -- knowing that the parking lot is not the most attractive facility, but we are not really going to put up a green wall around it, there will be -- in this plan, we propose 45 new trees, 131 shrubs and evergreen trees.

Basically, we have a parking lot edge that has evergreen shrubs, a mixture of evergreen shrubs, flowering shrubs, major deciduous trees, and flowering trees. So it will be more of a natural setting. Sometimes it will provide seasonal colors. It's not a solid green wall.

Let's take a look at the cross-section we cut here, starting with the A. This is the existing parking lot, looking that way, looking south. And this will be the proposed parking lot addition. So we are still -- if -- we are still pretty much screened by the existing vegetation in that area, but we can -- cutting sections is kind of difficult. It's very specific.

And, actually, when you are there looking at things in 3-D, there are a lot more screening than when you just cut sections. So by -- in order to

ensure the screening, we add additional low shrubs along this area.

And Section B, we -- under the existing condition, we also dashed in what the future parking lot will be. So as you can tell, there will be a wall along here, and the cars really hidden by this berm still, even with the parking addition. Obviously, we can also add some flowering shrubs to beautify the setting.

VICE CHAIRPERSON RENSHAW: Does that mean you are recommending that? You say you can put in. Does it mean that it's going to happen?

MS. TIEN: It's going to happen when we -- working on the construction drawings. We're going to look at very site-specific needs to put in whether it's the lower shrubs, whether it was the tall shrubs, what is the evergreen trees. But in general concept, we wish we can -- we have -- if we have space, we can put flowering shrubs. If we have a gap, maybe want to put taller evergreen shrubs to serve the screening purpose.

If we already have the evergreen trees there and we have space, maybe we'll plant flowering shrubs for beautification purposes.

MEMBER ZAIDAIN: So the bottom two of the

cross-sections, the bottom two in the columns, that's your goal, what you're kind of aiming for.

MS. TIEN: Yes. And this one -- even without it, you know, it's really -- cars really hide behind the berm.

MEMBER ZAIDAIN: Okay.

MS. TIEN: Which is around this area.

MEMBER ZAIDAIN: So just -- so I guess one way to summarize is to say the second ones are what you know you can do, and the third ones are what you are going to try to do.

MS. TIEN: Right.

MEMBER ZAIDAIN: Okay.

MR. KEYS: Ms. Tien, could you just speak a moment to the considerations of security that might influence the landscaping on this site?

MS. TIEN: Yes. Security is always a concern, and for almost every landscape design, parking design, we would not put the -- the vegetation so dense, so high, that people are afraid to be there, to be in the parking lot. So there will be some additional site-specific studies in the design process, but our general concept is this.

VICE CHAIRPERSON RENSHAW: Have you done any cross-sections from the 37th Street side and from

the Upton Street residential side --

MS. TIEN: Yes.

VICE CHAIRPERSON RENSHAW: -- looking into the lot as far as what can be seen from the porches?

MS. TIEN: We thought about that, yes. We haven't, because the topographic information is not -- we don't have that. What we might do, when we prepare the construction document we're going to look at very site-specific, maybe eyeball it, to ensure that the adjacent neighborhood will not have the adverse impact to their -- you know, to their property.

And by having the flowering trees and major deciduous trees, especially the mature ones, really would help the -- would help the resident looking down at the parking lot from the second floor window, for instance.

So there are kind of two -- kind of multi-layer of screening. At your street level, maybe low shrub would do it, or maybe the berm would do it. But on the upstairs windows, you need a tree crown to -- to screen it.

And for Section C, this is actually cutting along this -- this line. We -- this dashed line is going to be the -- is the proposed parking -- proposed parking on the existing condition. But if

you look at the proposed -- our proposed parking lot is actually lower than the -- than the berm that is not going to be impacted.

So the parking lot actually sits lower, which is -- you know, is better news for us, that we know that the impact of the parking lot will not be -- will not have adverse impact on it.

And for the Section D, it is along this line. As Mr. Long has mentioned, this corner will be -- we really have to determine later on how -- as to what extent the parking lot will be located. In this case, I already took two spaces, just to create a better setting for the cupola.

So that's essentially our approach and general concept and analysis and considerations.

VICE CHAIRPERSON RENSHAW: So with your removal of two spaces, it brings the lot count down to what?

MS. TIEN: 171.

VICE CHAIRPERSON RENSHAW: You had mentioned that 31 trees are going to be transplanted. That's the proposal. What's the success rate of those trees living? In other words, or is there a percentage that are going to die off because they really won't take to a new setting?

MS. TIEN: I don't have any scientific data, and it is a very, very tricky question. It's -- if you ask anybody, nobody really, really knows. There are several factors that determine the successful rate. One is the health of the existing vegetation, and, secondly, is how are you going to take care of it, you know, during the construction.

So for those trees, we would like to maintain especially those crepe myrtles, which is right around this area. That's really the main -- the few trees that we really, really want to save.

VICE CHAIRPERSON RENSHAW: Whereabouts are those?

MS. TIEN: It's the cupola.

CHAIRPERSON GRIFFIS: You need to pick that up.

MS. TIEN: Oh, I'm sorry.

VICE CHAIRPERSON RENSHAW: It's right up there in your top -- in the upper -- the cupola is right up in there?

MS. TIEN: Yes, right. Right. Right.

VICE CHAIRPERSON RENSHAW: And since you brought up the -- it's how you take care of the trees that is -- are important, those being transplanted. What overall will be the maintenance and the

guarantee? In other words, do all of these new trees and transplanted trees come along with a maintenance contract and a guarantee?

MS. TIEN: Right. With a warranty. It has to be with a warranty. We will have to put it into the specification. That's why they have --

VICE CHAIRPERSON RENSHAW: Is the warranty for five years? Ten years?

MS. TIEN: For a new tree, normally it's a year or two.

VICE CHAIRPERSON RENSHAW: But is that long enough for a tree to take hold?

MS. TIEN: That's very common practice. That's generally what we -- the warranty is one year or two years.

CHAIRPERSON GRIFFIS: Do you control the warranties?

VICE CHAIRPERSON RENSHAW: Who does, the supplier?

MS. TIEN: In what way?

CHAIRPERSON GRIFFIS: Well, just for clarification, when you say that it would be in the specification, it means you're the designer, you'll write the specifications, and, actually, a subcontractor will purchase the tree and offer the

warranty on that. Is that correct?

MS. TIEN: Right.

CHAIRPERSON GRIFFIS: Okay. And so when you say that it's common practice for a one- or two-year warranty, that's common practice from the supplier of the tree to warranty it. You don't have any -- can you regulate that warranty? Can you -- do you have any flexibility in getting higher warranties on those trees?

MS. TIEN: Higher warranty meaning higher price. Normally, that's the case.

CHAIRPERSON GRIFFIS: I see. Okay. So the more you pay, the more years they will warranty it for.

MS. TIEN: Right.

CHAIRPERSON GRIFFIS: Seems to be fairly symmetrical.

VICE CHAIRPERSON RENSHAW: Can you warranty these trees insofar as if they do not live and have to be replaced, that the --

MS. TIEN: Yes, that's part of the --

VICE CHAIRPERSON RENSHAW: -- trunk and the root system is dug out rather than slicing these dead trees off at the trunk level?

MS. TIEN: Yes, you have to be -- yes,

they had to be nursery grown, and sometimes we -- the -- in the plan schedule, where we specify the tree, we'll specify the root ball size. We don't use the -- you know, for this type of setting, we don't use bare roots material.

VICE CHAIRPERSON RENSHAW: But can it be specified in the contract that if those trees do not live and have to be replaced, that the landscaping company doesn't come in and just slice these trees off and plant a new one in a slightly different location? That they, instead, dig up what is dead and plant anew.

MS. TIEN: That will be in our specification.

VICE CHAIRPERSON RENSHAW: That would be in your specification.

MS. TIEN: Yes.

VICE CHAIRPERSON RENSHAW: Thank you.

CHAIRPERSON GRIFFIS: Anything else?

COMMISSIONER MAY: I have a question.

CHAIRPERSON GRIFFIS: Yes.

COMMISSIONER MAY: The trees that are being moved, generally speaking, how large are they? What caliper?

MS. TIEN: Those are, let me see, 15 feet

height, probably about --

COMMISSIONER MAY: So they are -- these are tree spade moves, moving the trees is not going to be --

MS. TIEN: Not as significant like if you were moving a truly mature tree.

COMMISSIONER MAY: Right. Okay.

MS. TIEN: Okay. Thank you.

CHAIRPERSON GRIFFIS: Thank you.

MR. KEYS: Ms. Tien, I've got one more request of you. I just want to make sure that the record is clear. You're proposing in this plan to remove 51 trees and shrubs from the site.

MS. TIEN: 51 trees.

MR. KEYS: Yes.

MS. TIEN: Shrubs are not included.

MR. KEYS: Now, how many trees are you bringing in, new trees, to the site?

MS. TIEN: 45 trees, according to this plan.

MR. KEYS: And how many new shrubs, according to that plan?

MS. TIEN: 130.

MR. KEYS: Thank you.

VICE CHAIRPERSON RENSHAW: How many shrubs

are going to be removed?

MS. TIEN: We did not make the count. It's so many. It's so many in terms of the -- for instance, the dahlia, they are not very healthy, but there are so many, we just -- we just couldn't count everything.

VICE CHAIRPERSON RENSHAW: Is it over the 130 that will be --

MS. TIEN: New.

VICE CHAIRPERSON RENSHAW: -- new?

MS. TIEN: New.

VICE CHAIRPERSON RENSHAW: Planted?

MS. TIEN: Yes.

VICE CHAIRPERSON RENSHAW: So you're removing more than you are planting.

MS. TIEN: Definitely.

MR. KEYS: I'm not sure that question was understood, and I'd like, Ms. Renshaw, if you could, to repeat it, because I'm not sure Ms. Tien --

VICE CHAIRPERSON RENSHAW: Yes, I --

CHAIRPERSON GRIFFIS: Are these new or old?

VICE CHAIRPERSON RENSHAW: Very good.

MR. KEYS: Yes. I mean, Ms. Tien, you testified that you don't -- there are so many of the

shrubs that are being removed that you didn't count them individually.

MS. TIEN: No. But it would not be more than 100.

CHAIRPERSON GRIFFIS: Okay.

MR. KEYS: All right. So, then, you're replacing more shrubs, in your estimation, than you are removing.

MS. TIEN: Right.

VICE CHAIRPERSON RENSHAW: That's the opposite of what you said before.

CHAIRPERSON GRIFFIS: So we'll recalibrate that. The new shrubs went. There are more --

VICE CHAIRPERSON RENSHAW: More new shrubs --

MS. TIEN: Yes.

VICE CHAIRPERSON RENSHAW: -- than old shrubs that are removed.

MS. TIEN: Right.

VICE CHAIRPERSON RENSHAW: All right. Okay.

CHAIRPERSON GRIFFIS: Good.

Anything else, Mr. Keys?

MR. KEYS: That's all from this witness.

CHAIRPERSON GRIFFIS: Good. Thank you

very much.

Oh. And, of course, we would have these submitted into the record.

Then, let us move to, Mr. Graham, your questions?

MR. GRAHAM: Will the new shrubs and trees be more mature or less mature than the ones that are being taken out?

MS. TIEN: They'll be less mature.

MR. GRAHAM: I gather from the way in which you made your presentation there is still a lot of work that you would have to do before the neighborhood would really know exactly what the lot would look like after the relandscaping, is that correct?

MS. TIEN: Well, this is a part of the design process. First, you do the analysis. Then, you do your concept. We are in the concept planning -- concept design phase.

MR. GRAHAM: Nothing further.

CHAIRPERSON GRIFFIS: Does the ANC have any cross examination?

MS. WISS: Hi. This is Cathy Wiss.

How did you determine the critical root zones of those trees that are in blue?

MS. TIEN: Critical root zone, by definition, is one foot of diameter of the area per one inch diameter of the trees, caliper at the breast height.

I have one thing to add. Any tree that is more than 30 inches DBH, the critical root zone will be 1.5 foot diameter per one inch of DBH.

MS. WISS: Thank you. And the circles that you've drawn on the -- I have here a tree impact study. Yes, the tree impact study. Do they correspond to that calculation?

MS. TIEN: Yes.

MS. WISS: So that you think that this circle around this poplar that's 40 inches is 40 feet from that tree? Or, no, actually, if it's a 40-inch tree, it should be 60 feet from that tree?

MS. TIEN: No, it should be 60 feet in diameter. Therefore, it's 30 feet from the center of the trunk to the edge of the critical root zone.

MS. WISS: So, in fact, you are using the diameter of the whole tree and not the radius.

MS. TIEN: Yes, that's by definition. Yes.

MS. WISS: Now, this is a question I asked of Ms. Dickeson before, and they said that I should

ask it of you. When construction is done, such as the retaining wall that will be going around the entire parking lot and the parking lot itself, how much beyond that wall or the perimeter of the parking lot would there be construction activity?

MS. TIEN: We would probably also have to coordinate with the civil engineer. That has something to do with the grading. But, generally, I think you are geared toward protection of the trees. Even though the -- in D.C. we don't have the -- as far as I know, there is no tree bill adopted yet. In the State of Maryland, generally, we will put tree protection fence when there is construction activity along the critical root zone.

MS. WISS: I guess what I was getting at is, where do you put the fence?

MS. TIEN: No closer than the critical root zone, and to the extent of the grading activity is going to be.

MS. WISS: So let's take this poplar that says it's 40 inches with a circle around it that comes to the edge of the parking lot. The fence would be put on that dotted line. And how would they build the retaining wall?

MS. TIEN: Okay. I --

CHAIRPERSON GRIFFIS: I think you can answer the first part, but probably not the second.

MS. TIEN: Hmm?

CHAIRPERSON GRIFFIS: You can answer the first part where the fence is going. I don't think you can answer the question of how will they build the wall.

MS. TIEN: Right. Thank you.

CHAIRPERSON GRIFFIS: Unless you want to rephrase your question in terms of how -- what is conceivably the way to -- to safeguard the root system --

MS. WISS: How could you -- yes.

CHAIRPERSON GRIFFIS: -- during the construction of wall.

MS. TIEN: In general practice in forestry, the critical root zone cannot be disturbed more than 30 percent. So, therefore, you -- if we do that math, we can put the tree protection fence about 10 feet away from the critical root zone, which I think should be sufficient for the construction.

MS. WISS: Do you mean 10 feet away from it, toward the inside of the parking lot, or 10 feet toward the center of the tree?

MS. TIEN: The center of the tree.

MS. WISS: Now, the heights of the various trees that you are planning to plant, are they all about the same? Or do they tend to be short?

MS. TIEN: Since they are so -- there are going to be so many different species, we -- and also, it depends on the budget. The tree size will be specified accordingly.

MS. WISS: Will you avoid the critical root zones of the very large trees when you plant these things, these new ones?

MS. TIEN: We just have to be careful with that.

MS. WISS: Thank you.

CHAIRPERSON GRIFFIS: Ms. Tien, a followup question on that. Would it be part of any construction process for you to, if so engaged, to actually do the physical survey of the root system on each of the specific trees?

MS. TIEN: That would be a very, very, hard task. But what we can -- what I would suggest to do is when doing the -- when moving the earth work, I will have my forester out there supervising the construction activity. He will know what roots should not be cut and what roots should be.

CHAIRPERSON GRIFFIS: Indeed. So that --

and that's where I'm going with that, in terms of looking at the specific condition. It may, in fact -- well, there may be roots that would not need to be cut, and then the footing of that wall may need to be adjusted accordingly.

MS. TIEN: Right.

CHAIRPERSON GRIFFIS: That's something that you've been in the process before of --

MS. TIEN: Right.

CHAIRPERSON GRIFFIS: Okay.

MS. TIEN: And also, most of the root zones are within a foot and a half, two feet. Most of the root systems are there. And the retaining wall actually goes down further.

CHAIRPERSON GRIFFIS: Right.

MS. TIEN: Yes. More like three feet.

CHAIRPERSON GRIFFIS: I see. I see. Okay.

VICE CHAIRPERSON RENSHAW: Ms. Tien, you said that it depends on the budget for the tree size. At what point is that determined? In other words, at what point does the community know exactly the size of the tree? Mr. Keys?

CHAIRPERSON GRIFFIS: That may also depend on us, huh?

VICE CHAIRPERSON RENSHAW: Yes. But should this go forward.

MR. KEYS: I think that's probably something that another witness would be better positioned to comment on, in terms of the construction budget and the project budget.

VICE CHAIRPERSON RENSHAW: Who would that be?

MR. KEYS: John Armentrout.

CHAIRPERSON GRIFFIS: Okay. Any redirect?

MR. KEYS: No redirect.

CHAIRPERSON GRIFFIS: I think we're done. Are we done? Good. Thank you very much.

MS. TIEN: Thank you.

MR. KEYS: I think while the issue of construction is still fresh, it might be useful to have Mr. Armentrout come forward.

John, would you please introduce yourself, and explain your connection with the project. And I'd like you to address two things -- one, how the construction budget and the project budget will work in relation to landscape issues. And, secondly, I'd like you to describe briefly and quickly the construction process, the scheduling, and the efforts we're going to undertake to reduce construction-

related impacts.

MR. ARMENTROUT: My name is John Armentrout. My address is 15430 Berryville Road, Darnestown, Maryland. I am a construction manager. I have been in the construction business in the metropolitan area since 1960.

I've done many projects in the area, and most of these projects have been projects that are unusual. I've never built two products alike, so -- and I'm accustomed to working in close quarters and unusual circumstances where it's -- the jobs are very difficult.

I've been employed by The Washington Home for about 18 months and helping them with another project, an interior project that they needed some assistance with, and getting the contractors to finish the job, and sorting out the bills, and things of that nature.

And my role on this job would be to -- to supervise the job, to attend and represent The Washington Home in job site meetings, approving bills, seeing that the quantity -- the quality is kept up, and that the plans and specifications are adhered to.

We have -- the project schedule we want to condense as much as we can, so we have minimum

disturbance not only to The Washington Home and their operation but to the neighborhood.

CHAIRPERSON GRIFFIS: What's the projected time right now?

MR. ARMENTROUT: I project -- and these are all -- because we don't have any -- we don't have completed plans, and we don't have any contractor input, so you have -- this is my project. I project the entire job could be done over a six-month period.

That -- having said that, I would say there is some reservation if the job is completed, when it's not the planning time for the shrubbery and the landscaping and the trees, then we would wait until the appropriate time. But we could do the job easily in six months.

I also think that once I get the final plans for the parking lot and know the degree of site work that has to be done, I predict that the parking lot can be done in two to three months. The hospice addition in the parking lot can run concurrently, or they can be done as separate projects.

The -- and if we started -- if we got a permit in September of this year, for example, we would be finished sometime in the spring, March/April, is what I would project.

The parking lot would be done in two phases, and the reason it would be done in two phases, and more if we can do it that way, is that the -- we don't want to take all of the parking spaces away from The Washington Home. So I am -- I hope, and I am meeting with contractors -- a contractor, actually, tomorrow to just -- just to discuss my ideas -- that we can keep about 50 percent of the lot in service at a time.

CHAIRPERSON GRIFFIS: Okay.

MR. ARMENTROUT: Construction staging. All of the construction staging would be done onsite. There would be no staging on the street. For the hospice addition, you would bring materials in in smaller quantities, and it is a small addition. You would store them right near the site, and the parking lot work would be -- you would -- it would stage right on the parking lot area, in the area that you are working with the equipment.

We anticipate that all deliveries would be made to the 37th Street entrance. It's very tight to get in the Upton Street entrance with any vehicles of any size, and I don't see any problem doing that at all. There would be a dumpster, and there would be a storage trailer onsite.

Working hours, 7:00 to 3:30, 7:30 to 4:00, which is standard in the District of Columbia. Obviously, construction workers would like to start at 5:00 in the morning because they hate the traffic and the drive and the parking situation. We would park all construction vehicles onsite.

Saturday work would not be done, nor Sunday work. Saturday work I would say I would make some exception to if -- when the paving process starts, and if we could get it done in two days by working a Friday and Saturday and less congestion and things of that nature, then I would say maybe we should look at that possibility. But it's not anticipated at this point.

Access to the site would be from Wisconsin Avenue to Van Ness to 37th, or from Wisconsin Avenue to Quebec to 37th, depending on whether school is in session at Sidwell Friends I think would have some impact on that. And not knowing when the job is going to start, it's hard to anticipate which one would be used the most.

Truck traffic would be the heaviest during the demolition phases and the paving phases. The Washington Home would require the contractor to monitor the pedestrian sidewalks when trucks are

coming in and out of the -- in and out of the site. And we -- we project that they are going to -- construction vehicles would all park onsite, and that's as far as I have gone at this point in time.

CHAIRPERSON GRIFFIS: Have you had any preliminary pricing on the project?

MR. ARMENTROUT: No, I have not at this point.

CHAIRPERSON GRIFFIS: Okay.

MR. ARMENTROUT: It's been my pricing at this point. To answer your question about -- or the question about the budget for -- for the landscape material and landscape work, I had anticipated that it would probably be in the $100,000 range.

CHAIRPERSON GRIFFIS: For the parking surface?

MR. ARMENTROUT: No, for the --

CHAIRPERSON GRIFFIS: For the landscaping.

MR. ARMENTROUT: Just for the planning material and landscaping, yes.

CHAIRPERSON GRIFFIS: Okay.

VICE CHAIRPERSON RENSHAW: Landscaping, $100,000.

MR. ARMENTROUT: That's just with the budget I have put together at this point, yes.

VICE CHAIRPERSON RENSHAW: And that's going to buy what?

MR. ARMENTROUT: Well, it'll buy a lot of material. It'll buy a lot of material. Most of your trees, I think, would be two- to four-inch caliber, most of your hardwood trees. I would think your evergreens would be eight to 10 feet. This is just my assumption now, so it's not -- I haven't talked to the landscape architect or anyone else regarding this.

CHAIRPERSON GRIFFIS: And for clarification, in terms of your budgeting and throwing out that number, you work for the owner and represent their interests on a construction budget. But you would need their affirmation of your budget, is that correct?

MR. ARMENTROUT: I need their approval on anything I do.

CHAIRPERSON GRIFFIS: Yes, okay.

MR. ARMENTROUT: And I run anything I do by them before it's done.

VICE CHAIRPERSON RENSHAW: You had mentioned that truck traffic would be heaviest during the construction phases. How many round trips --

MR. ARMENTROUT: No, I said the truck traffic would be heaviest between the paving and

demolition phases. I mean, tearing up the old asphalt, and so forth, you've got to get it offsite. And when you're bringing new asphalt in and gravel, there will be a convoy of trucks that come in and out to do that.

VICE CHAIRPERSON RENSHAW: How many do you estimate?

MR. ARMENTROUT: Well, it depends on -- I'm thinking in this project we're going to have to find a contractor, in my view, that has a lot of single-axle dump trucks. The big tandem dump trucks are going to be pretty hard to get them in and out. There will be some concrete trucks that will have to get in. They are pretty big.

But if you can find a small qualified contractor with small tandem trucks, it would be a lot easier to get in and out. It would be a lot easier on the traffic flow. It doesn't mean the big trucks can't get in, but the small trucks would be much better in my view.

I don't know how many, at this point in time. I mean, a truck will carry 10,000 pounds, and I don't -- I haven't taken off or even thought about taking off the quantities of gravel and asphalt and things of that nature.

VICE CHAIRPERSON RENSHAW: You can't project for us?

MR. ARMENTROUT: I could guess.

VICE CHAIRPERSON RENSHAW: Guess. Guess is fine for now.

MR. ARMENTROUT: But I don't think it would make any sense, and I'd rather not do that. I mean, I could tell you it's going to be 100 trips -- 100 trips -- but I don't know that that's accurate.

CHAIRPERSON GRIFFIS: Okay. And let me just make sure that the Board understands. You stated that you didn't do any takeoffs. And what that means is you didn't do any specific analysis of the material that would need to be removed. Therefore, your speculation on number of trips would be basically useless to us --

MR. ARMENTROUT: Right.

CHAIRPERSON GRIFFIS: -- at this point. Only based on your vast experience.

MR. ARMENTROUT: Yes. I don't want to mislead you, and that's what I'm afraid would --

CHAIRPERSON GRIFFIS: Exactly.

MR. ARMENTROUT: -- I would do.

CHAIRPERSON GRIFFIS: Probably would.

VICE CHAIRPERSON RENSHAW: If the truck

traffic is between the paving and the demolition, what period of time is that?

MR. ARMENTROUT: Well, I would think if you do the parking lot in two phases, there will be a little truck traffic with the hospice. But if you do the parking lot in two phases, I'm thinking probably two, three days to demolish half of the lot. Then, you've got to dig for the sand filters, which are going to be probably six or eight or 10 truckloads of dirt to get that out of there.

And then, when you pave, I would think half of the lot could easily be -- what I would think we would do is pave -- do the site work, do -- base pave half of the lot. Then, you would move to the other half of the lot, do the site work there, base pave that, and then one day you would come back in and pave the whole lot.

So I think you're probably looking at less than, you know, three weeks of heavy truck traffic over the whole period of the job.

MR. KEYS: Mr. Armentrout, you have described for the Board a number of construction commitments that the applicant is willing to make in terms of how it's going to conduct itself. Have you communicated those commitments to members of the

community?

MR. ARMENTROUT: I have done that, and I have also done it with The Washington Home.

MR. KEYS: Thank you.

CHAIRPERSON GRIFFIS: Anything else?

VICE CHAIRPERSON RENSHAW: Would you commit or would you state at this time, although this is so early in the process -- we are just deliberating -- that the truck traffic for approximately, what is it going to be, maybe three weeks of heavy truck traffic would utilize Wisconsin Avenue, would come into the city via Wisconsin Avenue?

MR. ARMENTROUT: Yes. And that's -- we have checked with the police department, and that's the way -- they don't want us to use Reno Road or 34th Street.

VICE CHAIRPERSON RENSHAW: Or Military Road.

MR. ARMENTROUT: Or Military. They want us to come Wisconsin Avenue.

VICE CHAIRPERSON RENSHAW: Thank you.

MR. ARMENTROUT: Now, I want you to understand, too, this is not an Army convoy that's going to be there. I mean, it's just normal construction traffic for a project of this nature.

CHAIRPERSON GRIFFIS: Thank you.

Mr. Graham?

MR. GRAHAM: Mr. Armentrout, let me talk about communication with the community first. When is the last time you spoke with the community's representative about construction matters, Mr. Curtis?

MR. ARMENTROUT: Last night.

MR. GRAHAM: And how long was your conversation last night?

MR. ARMENTROUT: Let me think. Let me think. I'm not sure whether it was last night or the night before last. It was probably five minutes.

MR. GRAHAM: And before that, when was the last time you talked with Mr. Curtis?

MR. ARMENTROUT: I don't remember the date, but it was before the first anticipated ANC meeting, and there was another gentleman before that, and then Mr. Curtis called me just when you all formed your group that you have.

MR. GRAHAM: And at that ANC meeting, you told us -- the community, did you not, that the construction staging and other plans were still in process, is that correct?

MR. ARMENTROUT: Certainly, that's correct. We don't have finished plans yet, so I'm

anticipating what will be the final plan.

MR. GRAHAM: And so, again, you still don't have them today, right?

MR. ARMENTROUT: Not yet. There are no permit or bid documents available at this point.

MR. GRAHAM: Okay. You are contemplating a $100,000 budget for landscaping and lighting. Is that correct?

MR. ARMENTROUT: No. I said landscaping. I didn't include lighting in that $100,000 budget, I don't think. And maybe I have said that in the past, but I'm thinking landscaping.

MR. GRAHAM: Do you recall that you told Mr. Curtis it was $100,000 for the landscaping and the lighting in an e-mail that you wrote him?

MR. ARMENTROUT: That's a good possibility. I see you have that e-mail, and I don't have it in front of me.

CHAIRPERSON GRIFFIS: Well, the direct question is --

MR. ARMENTROUT: But I'd like to say that was a --

CHAIRPERSON GRIFFIS: -- what is the $100,000 estimated for?

MR. ARMENTROUT: I would like to say that

was just a general conversation.

CHAIRPERSON GRIFFIS: Okay. And I don't -- frankly, it's not important to the Board. What is important is getting to the base issue. And in stating $100,000 in a budget, does that anticipate only landscaping, meaning the trees and the shrubs and any other sort of growth? Or does that include also the lighting and lighting fixtures?

MR. ARMENTROUT: I may have said that it includes lighting fixtures and the lighting, but it would -- it would not include the electrical work. I wouldn't have anticipated that. I'm thinking more of landscape materials.

CHAIRPERSON GRIFFIS: Okay. It's of no concern to me what you've said before. What is concerned is today and present. Now, setting the situation which you've clearly said, you have -- you do not have any actual budget estimating. That would be done by a general contractor that actually looks at the project, that looks at the specific drawings.

So in stating the -- let's say, the preliminary budget that you have established, $100,000 right now is anticipated for landscaping. Is that correct or incorrect?

MR. ARMENTROUT: That's correct.

CHAIRPERSON GRIFFIS: Okay. Mr. Graham?

MR. GRAHAM: And the $100,000 is what The Home also committed in 1985, did it not, for the landscaping materials alone?

MR. ARMENTROUT: I have only been employed by The Home for about 18 months. I would have no idea what they stated.

MR. GRAHAM: Would you agree that $100,000 buys a lot less landscaping today than it did in 1985?

CHAIRPERSON GRIFFIS: I think we can answer that. Next question, Mr. Graham.

MR. GRAHAM: In terms of traffic, can you please tell the Board, what is going on on 37th Street and Upton Street at 7:00 to 9:00 in the morning, and between 2:00 and 4:00 in the afternoon?

MR. ARMENTROUT: I would like you to clarify that question, if you would, please.

MR. GRAHAM: Is there -- are there two schools directly across the street from the site that we're talking here? And those two schools, if I can show on the board -- there's one school here, there's another school here. Is that correct?

MR. ARMENTROUT: Can you give me the name of those schools, please?

MR. GRAHAM: The Hearst School and Sidwell

Friends School.

MR. ARMENTROUT: There are two schools there, yes.

MR. GRAHAM: And do those two schools occasion an enormous amount of traffic? In fact, a traffic jam every morning and every afternoon?

MR. ARMENTROUT: I think that's possible, yes.

MR. GRAHAM: I have no further questions.

CHAIRPERSON GRIFFIS: Mr. Keys? Oh. Does the ANC have any cross examination? Okay.

MR. KEYS: I have no redirect, Mr. Chair.

CHAIRPERSON GRIFFIS: Good. Very well. Thank you very much.

MR. KEYS: And the last witness is Mr. McGee, and he will just be on very briefly.

Mr. McGee, could you please state your name and address for the record, and identify your association and employment with The Washington Home, please.

MR. McGEE: My name is Jeff McGee, 3807 Idle Court, Bowie, Maryland. I am the Director of Facilities Management at The Washington Home, been there three plus -- three years.

MR. KEYS: Did you have occasion to survey

the status of the parking lot on a particular day this year?

MR. McGEE: Yes. We -- I conducted a car count on 4/11/02 from 7:00 a.m. to 7:00 p.m.

MR. KEYS: Did you do hourly checks on the parking on that day?

MR. McGEE: Yes, I did.

MR. KEYS: Do you know the -- or do you have the results of those hourly checks on parking?

MR. McGEE: Yes, I do.

MR. KEYS: Could you tell me what the peak count on the parking lot on April 2nd of this year -- or April 11th of this year was and what time that peak occurred?

MR. McGEE: The peak was at 1:00 p.m., and it was 136 cars.

MR. KEYS: Have you examined or looked at the chart that Mr. Andres introduced into the record showing the parking distribution counts on the parking lot in May of 2001?

MR. McGEE: I wasn't aware of that until today.

MR. KEYS: What I'd like you to do is I'm going to put it up, and I'd like you to look at it, and I'd like you to compare the numbers, the peak

numbers, with the numbers that you discovered.

I think you'll actually probably need to bring it closer to him to be able to see it.

Does the distribution of vehicles across the day in that chart parallel the distribution of vehicles on the parking lot on the day you examined the parking lot?

MR. McGEE: They resemble them closely, except at 7:00 I have a higher car count, at 7:00 a.m., than what he is showing on his.

MR. KEYS: Right. Does the shape of the curve that's created by those data points on that chart -- does that shape resemble the chart that you have prepared?

MR. McGEE: Very closely.

MR. KEYS: Thank you. Did you also, on that date, examine the visitor logs for April 11th of this year?

MR. McGEE: Yes, I did.

MR. KEYS: Do you have an idea of the total number of visitors to the site during the course of that particular day? And this is just based on the signatures in the log.

MR. McGEE: It's from the visitors log, and there were 150 on that day.

MR. KEYS: Is there any pattern to the distribution of those visitors arriving or coming to the site and signing in?

MR. McGEE: We have heavy times. One is at noon, and that's 22 visitors. And the other one is at 4:00 p.m., and that's 21 visitors.

MR. KEYS: Did you examine visitor logs for any days in addition to April 11, 2002?

MR. McGEE: Yes, I have 4/9 and 4/10 as well.

MR. KEYS: April 9th and April 10th?

MR. McGEE: Yes.

MR. KEYS: Do you know what the total visitor count for those two days was?

MR. McGEE: It's 105 for both days.

MEMBER ETHERLY: Just to clarify, is that combined, or is that 105 each individual day?

MR. KEYS: 105 on each individual day, and then 150 on 4/11.

MEMBER ETHERLY: Thank you.

MR. KEYS: Now, do the visitor logs, as you've looked at them, do they identify whether the purpose of the visit may have been a visit to a patient or an administrative visit or some other way of determining why a person is coming to The Home?

MR. McGEE: Yes, they all have -- they all write down who they are visiting and what time they arrive.

MR. KEYS: Thank you, Mr. McGee.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, a question for Mr. McGee. Did you count the number of doctors' cars on 4/11?

MR. McGEE: No, I did not. It's all visitors log only. That's all I have.

VICE CHAIRPERSON RENSHAW: So there is no designation of physicians versus --

MR. McGEE: There might be a -- that might be another log. This is just the visitors log.

VICE CHAIRPERSON RENSHAW: Just the visitors log.

MR. McGEE: Right.

VICE CHAIRPERSON RENSHAW: But you didn't look at any doctors log.

MR. McGEE: No. It's -- the doctors -- it's not a lot of doctors.

VICE CHAIRPERSON RENSHAW: Not a lot of doctors.

MR. McGEE: No, it's --

VICE CHAIRPERSON RENSHAW: How many?

MR. McGEE: I mean, probably at most maybe

five or seven doctors at one time. I mean, and that's over the course of the whole day.

VICE CHAIRPERSON RENSHAW: How many doctors on staff?

MR. McGEE: That are our employees?

VICE CHAIRPERSON RENSHAW: Yes.

MR. McGEE: Two or three.

VICE CHAIRPERSON RENSHAW: Two or three. All right. Was there anything going on on April 11th that would push the count to 150?

MR. McGEE: No. No, not --

VICE CHAIRPERSON RENSHAW: Any board meeting? Any --

MR. McGEE: There wasn't anything on --

VICE CHAIRPERSON RENSHAW: Any activity?

MR. McGEE: No. We -- we're always heavy Tuesday, Wednesday, and Thursday. We are very heavy on those days.

VICE CHAIRPERSON RENSHAW: Okay. All right. Do you patrol the lot during the day on a regular basis? Is this something that you do?

MR. McGEE: We have security guards that check the lot about hourly.

VICE CHAIRPERSON RENSHAW: All right. And normally, do people stay about two hours?

MR. McGEE: Two to four hours, yes.

VICE CHAIRPERSON RENSHAW: Two to four hours.

MR. McGEE: And it depends if they're here -- a lot of people come and they are volunteers, or whatever. They might stay longer.

VICE CHAIRPERSON RENSHAW: Okay. All right. Thank you.

MEMBER ETHERLY: Just one little bit of follow up. On the visitor log issue, those are individuals that have each signed a particular line on that log. There is no way to tie each of those names to a vehicle, so -- so it would be inappropriate to presume that 150 visitors on April 11th means 150 vehicles, of course. Okay. But there's no way to track how many visitors have come per vehicle.

MR. McGEE: No. Some people put their tag number down, and some people don't.

MEMBER ETHERLY: Okay. Okay. Gotcha. Thank you.

VICE CHAIRPERSON RENSHAW: At present, are there designated spaces for visiting doctors?

MR. McGEE: Not for doctors. There is for visitors, though.

VICE CHAIRPERSON RENSHAW: But there is

nothing that says "Reserved For Physicians"?

MR. McGEE: There is one spot.

VICE CHAIRPERSON RENSHAW: Just one spot. Why was --

MR. McGEE: He's our resident doctor.

VICE CHAIRPERSON RENSHAW: The resident doctor.

MR. McGEE: The one -- the main doctor that we have.

VICE CHAIRPERSON RENSHAW: All right. And he is one out of three -- one out of two or three?

MR. McGEE: Right. He is our main doctor.

VICE CHAIRPERSON RENSHAW: All right. Has there been any discussion among the administration to designate additional spaces as reserved for physicians?

MR. McGEE: There is some talk about doing that, because the doctors are -- have shown disgruntlement about not being able to park in a timely basis to get in to see their patients.

VICE CHAIRPERSON RENSHAW: That's what I remember.

MR. McGEE: And they are a little upset about that, and they voice their concerns.

VICE CHAIRPERSON RENSHAW: All right. And

how long has that talk been going on?

MR. McGEE: Ever since I've been there.

VICE CHAIRPERSON RENSHAW: And you've been there for --

MR. McGEE: Three years.

VICE CHAIRPERSON RENSHAW: -- three years. Why hasn't something been done about reserving those spaces?

MR. McGEE: There is really no place to put them. We don't have a place to put them. We have -- our parking lot is jam packed, full of people.

VICE CHAIRPERSON RENSHAW: Is there a hierarchy of --

MR. McGEE: No. Catch as catch can.

VICE CHAIRPERSON RENSHAW: So it's first come, first serve.

MR. McGEE: Except for the handicapped spots.

VICE CHAIRPERSON RENSHAW: Except for the handicapped. So you don't -- you don't pull out the physicians, even though they are complainants, and say, all right, because they are physicians, and they have a tight schedule, that they are going to have at least three spots reserved for them?

MR. McGEE: No. There is three spots in

the front of the building, and that's for other -- there is one for the doctor, one for the Director of the Board, and one for the Employee of the Month. And that's it.

VICE CHAIRPERSON RENSHAW: When did this Employee of the Month parking spot become available? How did --

MR. McGEE: It's been there three months -- three years. Ever since I've been there, and before then. We have --

VICE CHAIRPERSON RENSHAW: Three years.

MR. McGEE: We have a sign up. It's right at the beginning of the -- right in the front of the building.

VICE CHAIRPERSON RENSHAW: And they fight over that spot.

MR. McGEE: People will park there if you don't watch out.

VICE CHAIRPERSON RENSHAW: How did the parking spot of the month ever come about, though?

CHAIRPERSON GRIFFIS: We don't need to go too far --

VICE CHAIRPERSON RENSHAW: I just want to know.

CHAIRPERSON GRIFFIS: -- into the

management of the firm.

VICE CHAIRPERSON RENSHAW: No, I just want to know how -- because here we are, The Washington Home is wanting these spaces, so I'm just wanting to know a little bit more about the employee of the month parking space.

MR. McGEE: Right.

VICE CHAIRPERSON RENSHAW: If it's catch as catch can, if it's first come, first serve, if you don't have any special places reserved for physicians who are complaining about having to circle through the parking lot and maybe park in the neighborhood.

CHAIRPERSON GRIFFIS: Sounds like they value their employees more than the doctors who visit.

(Laughter.)

MR. McGEE: It's something to show our appreciation to an employee, motivational, whatever, and that's one thing we do. It's been going on for ages.

VICE CHAIRPERSON RENSHAW: Okay. Thank you.

CHAIRPERSON GRIFFIS: Okay. Other questions? Mr. Graham?

MR. GRAHAM: On April 11th, how many vehicles were ticketed for being improperly parked?

MR. McGEE: I don't have that number.

MR. GRAHAM: How many vehicles were -- were any ticketed at all?

MR. McGEE: I don't have that information.

MR. GRAHAM: Did you determine how many vehicles in your lot had zone 3 stickers?

MR. McGEE: All I did was count the cars.

MR. GRAHAM: So you don't know how many people stayed less than two hours either, do you?

MR. McGEE: No, I do not.

MR. GRAHAM: Early in the morning, have you noticed that people park illegally? Have you noticed that people park in illegal spaces even when legal spaces are open, because they happen to be closer to the front door?

MR. McGEE: That does occur.

MR. GRAHAM: On April 11th, was someone parking in the employee of the month spot?

MR. McGEE: I couldn't answer that.

MR. GRAHAM: That's all I have.

CHAIRPERSON GRIFFIS: Do you have knowledge, or are you in charge of ticketing and enforcement on the parking lot?

MR. McGEE: Yes.

CHAIRPERSON GRIFFIS: Okay. Can you tell

me a little bit, and tell this Board a little bit, what that procedure is?

MR. McGEE: We give every employee a hang tag on their rearview mirror --

CHAIRPERSON GRIFFIS: Right.

MR. McGEE: -- when they're employed. They're supposed to display that at all times. If you don't display that, we put a pink piece of paper that says, please, you know, get a proper parking pass. That's all we do. Unless they're parked in the circle, and if they're in the circle for a period of time we will call the police on them to have it towed, because that is a fire lane for the ambulance and the fire truck.

CHAIRPERSON GRIFFIS: Okay. Good. Thank you. Commissioner -- oh, I'm sorry. Does ANC have any --

MS. PERRY: I just have one question. I heard you say that some of the visitors were volunteers. Are they actual parents or children coming to visit parents, or you just said that some of the visitors were the names of volunteers? Does that mean they're employees of some sort or health care workers, or what kind of visitors?

MR. McGEE: We have a volunteer program to

help with activities in The Washington Home, and people come and volunteer their time as a community service to help out with activities or what else might be going on.

MS. PERRY: Okay.

MR. McGEE: They're not actual employees.

MS. PERRY: Okay. Does every employee -- when you were examining the parking lot, did every car have a Washington Home sticker, or the blue tag, the day you were visiting it?

MR. McGEE: The hang tag?

MS. PERRY: The hang tag.

MR. McGEE: Not every vehicle.

MS. PERRY: So some of the cars on your lot could have been from the post office, from Sidwell Friends, or another institution in the area.

MR. McGEE: When I was observing the parking lot, and it was on a regular hourly basis -- and it started earlier than 7:00, but I observed it then -- post office people park along Upton and along 37th Street. They don't come in our lot because they'd get stuck in it, and they can't leave, and they leave before our employees leave.

MR. KEYS: I have no redirect for Mr. McGee.

CHAIRPERSON GRIFFIS: Okay. Thank you, Mr. McGee.

Mr. Keys, is that your last witness?

MR. KEYS: Yes, Mr. Chair, it is.

CHAIRPERSON GRIFFIS: Okay. Can I have the parties up at the table? Oh, just at the table, just have a seat. We don't need any bench conferences here. I can just talk --

(Laughter.)

-- totally in the open.

We are at, according to the clock in the hearing room, about 20 of 6:00. Clearly, we have a little bit more to get through, so I want to reschedule this. We have a date in mind that's accommodating. What I want to do, first of all, is get a general idea of how much time we have left to run through everything, although we're taking an hour so the parties are pretty much tied to that.

Mr. Keys, I understand -- you obviously have closing remarks, and you have two minutes, 38 seconds, according to that clock, left on the hour to present the case. So what I would like to do is move this to July 9 in the afternoon. At this point, it would be the first case in the afternoon.

MR. GRAHAM: I apologize. I have an

enormous arbitration that begins on July 9.

CHAIRPERSON GRIFFIS: How's everyone else on that date? Mr. Graham, is there anyone else that could represent your party?

MR. GRAHAM: Well, quite frankly, I've put a lot of effort into it, and I don't know if there's anyone else that would be able to devote that amount of effort to -- I've spent a lot of time talking to different people and getting people organized to come here, and that sort of thing.

Is it permissible for me to survey my witnesses and see what their availability is? Is that something that would be helpful, or not?

CHAIRPERSON GRIFFIS: If you ask them if they're available on the 9th. But, yes, actually get some dates. This is what I would like to do in this case, and I try in every case, is to continue this as close as possible to this date. Putting it off doesn't serve the Board well, in terms of how much we need to review.

So if you would look at your schedule for July. August we have nothing available. And so I'm going to ask you also to look at September.

(Whereupon, the proceedings in the foregoing matter went off the record at

5:37 p.m. and went back on the record at 5:42 p.m.)

CHAIRPERSON GRIFFIS: Okay. First of all, Mr. Graham, Mr. Keys, ANC, what are blockout dates which you absolutely can't make it?

MR. GRAHAM: Unfortunately, because of the summertime, I did it the other way around. Everyone is available between July 23rd and July 26th. And everyone is available in September.

CHAIRPERSON GRIFFIS: What about August?

MR. GRAHAM: August everyone -- there is a -- you know, everyone is vacating the humidity I guess.

CHAIRPERSON GRIFFIS: What about August 6th?

MR. GRAHAM: Everyone is -- not everyone. We have one person who is in town.

(Laughter.)

Out of four witnesses.

CHAIRPERSON GRIFFIS: That doesn't get a lot of sympathy from us, I must say.

(Laughter.)

MR. GRAHAM: Well, it's the combination of schedules. But on that particular day --

CHAIRPERSON GRIFFIS: Okay. The week

you're in town, the week of --

MR. GRAHAM: July 23rd through 26th.

CHAIRPERSON GRIFFIS: So July 30th is not available.

MR. GRAHAM: I know that I'm not going to be here on July 30th.

CHAIRPERSON GRIFFIS: You're not available on the 30th?

MR. GRAHAM: That's correct. I'm going to be out of town, and I'm not going to tell you where because you'll be mad at me.

CHAIRPERSON GRIFFIS: Are you available on the 6th of August?

MR. GRAHAM: I am available on the -- I personally am available on the 6th.

CHAIRPERSON GRIFFIS: But your witnesses are not.

MR. GRAHAM: My witnesses are scattered to the winds.

CHAIRPERSON GRIFFIS: And I hear Ms. Wiss is also not available on the 6th. All right. This is it. And if this one doesn't work -- this is our official regulation process -- we put all of the dates in a hat and we pick one. So September 10th. I'm kidding about the hat thing.

(Laughter.)

MR. GRAHAM: The 10th is fine with us.

CHAIRPERSON GRIFFIS: Mr. Keys?

MR. GRAHAM: We promise to vote in the morning, early and often.

CHAIRPERSON GRIFFIS: Yes. But some people might be working on campaigns. We wouldn't want to --

MR. KEYS: Mr. Chair, I just would like to state -- and I know it's obvious -- the amount of postponement that's been occasioned in this case. And it's been done to accommodate the late arrival of parties who claim not to have received notice of that which was right in front of them.

Now, the party that is represented -- or has Mr. Graham as the spokesperson is composed of a number of similarly situated people. And I think that before we discard the July 9th date because of Mr. Graham's unavailability, we look at any one of the number of people who have been identified as immediately affected neighbors who have formed an organization, and that they carry this forward as a spokesman rather than delay two months.

MR. GRAHAM: If I can --

MR. KEYS: If Mr. Graham is the only

person who is not going to be here, I don't think the case rests solely with his availability.

MR. GRAHAM: First of all, I didn't canvas other people, because I knew I wasn't going to be here. Number two, I am a party personally. Number three, part of the process has been accommodated, and I think it's great that Mr. Keys did this, but he went off to Korea to The World Cup for three weeks, which is fantastic. That's part of the --

CHAIRPERSON GRIFFIS: Okay.

MR. GRAHAM: -- gap we've previously had.

MR. KEYS: I'm sorry. I don't believe Mr. Graham is a party. I believe Mr. -- the organization is the party. Mr. Graham is simply the designated spokesperson.

CHAIRPERSON GRIFFIS: Right, indeed. It's a combined party, of which he is part of the total party, and I think that the -- the point of clarification Mr. Graham was making was that he was not the hired attorney representing the party.

MR. KEYS: I understand.

CHAIRPERSON GRIFFIS: Okay. Well, on most occasions, I might say you're correct, Mr. Keys, and that there are able bodies in similar situations within the party, that we should go to the July 9th.

It certainly serves this Board.

However, I think -- and I'd like to hear from other Board members -- I think it does, in fact, prejudice the party at this time, noting the amount of effort Mr. Graham has put into the preparation of it. And giving two weeks for a repreparation of somebody I would imagine would be quite difficult, and may actually hinder their case.

I would press upon to see perhaps -- I don't know what your schedule is in terms of -- I forget what you said you were in, but -- arbitration.

MR. GRAHAM: Yes. It's --

CHAIRPERSON GRIFFIS: Is it something that -- how long --

MR. GRAHAM: One of my friends here said, "Oh, won't it settle?" Unfortunately, it won't settle for reasons that I don't need to go into here. It's going to last -- we know exactly how long it's going to last. It's going to last until the 19th. That's why I offered the 23rd through the 26th. And then, after the -- of July.

CHAIRPERSON GRIFFIS: Right.

MR. GRAHAM: And then, we know that after that is when people, including myself, start going off on vacations.

CHAIRPERSON GRIFFIS: But in terms of the July 9th, in terms -- for the arbitration process that you're involved in --

MR. GRAHAM: It's a definite go.

CHAIRPERSON GRIFFIS: I understand that. But I'm not understanding what the daily time requirement would be.

MR. GRAHAM: Well, it's an all-day -- it's like a trial in court, except it's between -- it's a private trial as it were, an arbitration.

CHAIRPERSON GRIFFIS: Right. So you're anticipating that it's going 9:00 to 5:00 at least.

MR. GRAHAM: Yes, it will go 9:00 to 5:00, and, as I'm sure the Board is aware, it means a great deal of preparation early in the morning, late at night, for each day of it.

CHAIRPERSON GRIFFIS: Board members?

MEMBER ETHERLY: Mr. Chair, you sought some comment. This -- I mean, we've had a day full of tough calls here. I know that staff and you have looked very diligently at some alternative dates that work here.

I, too, am concerned about the potential of prejudicing a party's efforts to prosecute its case effectively if we do move forward with the 9th.

However, given the tightness of the schedule and given what we've tried to do to accommodate, I think everyone in this matter -- I'm inclined to agree with Mr. Keys in this situation that the 9th is an appropriate day, and there will just have to be some type of arrangement.

And I -- of course, it -- I can't even begin to assess what kind of impact that would potentially have on Mr. Graham's life, of course, as he's preparing for an arbitration in addition to have to work with somebody else to get them up to speed here. But that appears to be the only workable option that we have in front of us, short of moving towards September or even, God forbid, October in this matter. That's where I fall out, Mr. Chairman.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, where I fall in on this matter is that I would go with September 10th. I think that that is an agreeable date. It seems that everyone here has -- seems to say that that is an available date on their schedule. I do not think that we should prejudice this party, and so, therefore, I would not be in favor of postponing only to the 9th, but I feel that September 10th is the best day --

CHAIRPERSON GRIFFIS: Okay.

VICE CHAIRPERSON RENSHAW: -- for everyone.

MR. KEYS: Mr. Chair, may I complicate matters further? I think if you --

CHAIRPERSON GRIFFIS: No.

MR. KEYS: -- if you remember, we submitted with our application the Certificate of Need that was issued by the agency that governs health institutions. And that certificate indicates very clearly that our approval of the hospice expires in September. And that's the deadline that I advised the Board of that we were working towards, and that's why we didn't want to admit a long postponement in this case. That's still a real deadline.

MR. KOGAN: Mr. Chairman, may I offer a comment? When the neighborhood became aware that The Home would have -- The Home's proposal, rather, would have a very direct impact on their everyday lives, they quickly organized themselves into a group that would be able to present a case here and present their point of view.

And in organizing themselves, they assigned tasks to each individual based on that person's particular skills. We have people who are highly skilled in landscape architecture and project

management. Mr. Graham was seen as somebody who could take on that task of leading the case in a manner of organizing and generally managing the effort.

I think in that role he has done a fine job, and I think he is indispensable, really, and it would be injurious to the neighborhood to have a hearing scheduled at which Mr. Graham could not be present. I would strongly encourage the Board to consider the September 10th date.

VICE CHAIRPERSON RENSHAW: Mr. Chairman, I might recommend that we divide this case. Could we take on the hospice section and dispose of that, and take on the parking lot at a -- or the parking facility at the September 10th date?

CHAIRPERSON GRIFFIS: I think it's an excellent idea. I'm just not sure how to do it. I mean, do we have a full-blown hearing on the hospice, basically severing this application?

MR. GRAHAM: Well, one problem with that is the tie that The Home has made directly to the parking. It's been suggested, as I gather --

CHAIRPERSON GRIFFIS: Right.

MR. GRAHAM: -- that they separate it before, and they have declined to do so.

CHAIRPERSON GRIFFIS: I don't know.

MR. KEYS: Please don't speak for The Home, Mr. Graham.

If it's possible to sever that -- I mean, first off, as I look at the resolution by the ANC, and I look at every document submitted by the community in this case, no one has any objection to the hospice addition. Perhaps that is susceptible to a summary order. It doesn't impact the parking. That would allow -- at least allow us to preserve the Certificate of Need, which expires, as I look at it, on September 20, 2002.

COMMISSIONER MAY: Can we take that up on July 9th?

MR. GRAHAM: Again, from my perspective, their parking report is tied to their hospice, and we wish that weren't so. We think that they -- it shouldn't be. We think it's inappropriate that it is tied that way, and the neighborhood doesn't want to be bad guys. We want health institutions to thrive and survive.

But if this health institution's notion of thriving is to continue adding as they have now done every five years or so, and then say all of a sudden that we've got a parking problem, that seems to us to be -- that they are inextricably linked, and that's

unfair.

As to Mr. Keys, I apologize for speaking for him, and he can apologize for speaking for me, because we do oppose the hospice addition on those very grounds. They have tied them together in their reports. We don't want to be those -- do that, but they have made it that way.

CHAIRPERSON GRIFFIS: Okay. This is what I'd like to do, and I think this is what we're going to do, is on July 9th we will call this case in the afternoon, the first case in the afternoon. We will be set -- severing this application and looking at the hospice addition, the increase in the number of beds for a total number of four.

We have heard all of the case -- the applicant's case on that, and we heard the architect, who was, in fact, able to be cross examined by all of the parties on that up to this point. So I think what we will do is look to have the case -- we will proceed down -- this is going to be kind of difficult, because we've got all of our government reports that are obviously going to tie our application. But this Board is diligent enough to separate out that information specifically.

And we would move along on that. We will

hear cases from the parties based on that, and then I will look to September 10 to finish the entire case on the application, which will obviously be attendant to the parking spaces increase.

COMMISSIONER MAY: Can I offer another suggestion?

CHAIRPERSON GRIFFIS: No.

COMMISSIONER MAY: Okay.

CHAIRPERSON GRIFFIS: Okay. Mr. May.

COMMISSIONER MAY: In the -- I know it's an unlikely event, but in the unlikely event that for some reason Mr. Graham's schedule were to change, and we could proceed with the entirety of the case, can we leave the door open for that possibility?

MR. GRAHAM: I'd be delighted if my schedule would change.

COMMISSIONER MAY: Well, we understand that it's highly unlikely, and we're, frankly, doing all of this to accommodate your schedule. So I think that -- I mean, if it -- if for some reason something changes -- things change --

CHAIRPERSON GRIFFIS: I think that's going right there.

COMMISSIONER MAY: Oh, I see.

CHAIRPERSON GRIFFIS: Well, we'll leave it

at that. That's -- it's an excellent opportunity. It's very difficult to act so quick because that date is fast approaching us.

Mr. Graham, if you were to find out tomorrow that your schedule changed -- as soon as you do, it would be appreciated if you would call the office here. We will try and contact everybody to see if we can't get it going. I think by -- well, there it is, if that's an opportunity.

Okay. September 10 we have -- is it in the morning? Yes, absolutely. This will be the first case in the morning on September 10th, 9:30.

MR. KEYS: And the July 9th, afternoon?

CHAIRPERSON GRIFFIS: July 9th is --

MR. KEYS: At --

CHAIRPERSON GRIFFIS: -- 1:00, first in the afternoon.

MS. PERRY: May I just ask one question on the process now? Is the Office of Planning going to make their full report? And the Department of Transportation is here -- are they making their reports on July 9th? I guess I'm just trying to figure out, do we separate our testimonies now into The Home --

CHAIRPERSON GRIFFIS: Absolutely.

MS. PERRY: Okay. And then the rest of the report gets done on the 10th.

CHAIRPERSON GRIFFIS: Yes.

MS. PERRY: Okay. And I think the reason I'm asking is that The Home has requested parking for the hospice, and indicated a number of beds that's -- I mean, spaces that are needed to accommodate the hospice, so they are really linked. And I guess I'm having a hard time splitting it.

I think, you know, we've sat here -- I just want to say one thing. The neighborhood has been here now for two hearings ready to go.

CHAIRPERSON GRIFFIS: We have gone.

MS. PERRY: Well, we were ready to present our -- the ANC report, Office of Planning, the neighborhood case is ready to be presented. And, you know, Mr. Keys has added more witnesses and more witnesses, and we've heard two days of testimony from them.

CHAIRPERSON GRIFFIS: Okay.

MS. PERRY: And to have this case split now, and the lawyer who, I have to be honest, was not a zoning at all lawyer and we had to train him, who did this whole box, you know --

CHAIRPERSON GRIFFIS: Okay.

MS. PERRY: -- it just doesn't seem fair to split it to July 9th.

CHAIRPERSON GRIFFIS: I see. Well, we have lots of things to take into consideration. Also, Mr. Keys' adding witnesses still stayed within an hour of his time.

MS. PERRY: Not if you take both days of testimony. I've been timing it, so --

CHAIRPERSON GRIFFIS: I see. Well, we have another option. We can continue tonight. We're all here. We could keep it running. I would anticipate the rest of this case would take close to three and a half to four more hours.

MS. PERRY: At least. At least.

CHAIRPERSON GRIFFIS: Last week this Board sat for 13 hours.

MS. PERRY: We did it with the Burke case. I remember. I never want to do that one again.

Okay. July 9th.

CHAIRPERSON GRIFFIS: Indeed.

(Laughter.)

VICE CHAIRPERSON RENSHAW: So, Mr. Chairman, it's my understanding, then, on July 9 you are doing the four beds only, and not anything having to do with the parking lot.

CHAIRPERSON GRIFFIS: Well, I think it's going to be difficult to do, but -- and I think we need to accommodate it. We will be looking at the hospice addition and the special exception for it. So the test will have to be made and the case will be made for it.

SECRETARY PRUITT: Excuse me, Mr. Chairman. Would you also like, then, for the government, if they could, to do some supplemental reports dealing strictly with the hospice end of it, or analysis that way?

CHAIRPERSON GRIFFIS: I'm going to leave that to their discretion. If they think that it would lend clarification to the Board -- otherwise, I think it's going to be clear enough as we look through their reports what goes to the addition and what doesn't.

And as I say, it -- I think the Board is aware of the large picture of this, and I think we can separate it. I'm going to ask everyone's diligence and directness in also separating it. And then we can move on and -- and get where we need to go.

Okay. Anything else we need to cover? Before you ask, I will have staff reiterate all of what we've just said. So nobody move until they have the last word. But are there other items that we need

to accomplish?

VICE CHAIRPERSON RENSHAW: I just want to state for those who are here that I will be away on July 9, but I will read the record, and I will vote on this case.

CHAIRPERSON GRIFFIS: Submissions -- I don't recall that we had any additional submissions today, except that with that presented in evidence, hopefully we might have some of that that was -- anything attendant to the addition for July 9th. Landscaping is coming to mind.

MR. KEYS: I think that you requested information --

CHAIRPERSON GRIFFIS: Oh, okay.

MR. KEYS: -- regarding the interior green space on the existing lot as a percentage. And that's the only thing, I believe, that you've asked us to supplement.

CHAIRPERSON GRIFFIS: Okay. Well, Ms. Bailey I'm sure will correct us all.

MS. BAILEY: Mr. Chairman, can you hear me today?

CHAIRPERSON GRIFFIS: Indeed.

MS. BAILEY: What I have in addition to what Mr. Keys just mentioned, Mrs. Renshaw had

indicated that she wanted a tree preservation study to include the root systems, how will they be protected of the trees, and to provide a list of the number and type of trees. So that is something that I have, if Mrs. Renshaw still needs that information.

VICE CHAIRPERSON RENSHAW: Yes, please.

MR. KEYS: I don't recall it that way. I recall her asking for the list, but I think she wanted information about how it would be protected during construction. And I think that came out --

MS. BAILEY: Mrs. Renshaw, what do you need?

VICE CHAIRPERSON RENSHAW: All right. Let me clarify. I had asked for a list of what's being removed that's in good shape, the numbers, the types, and the sizes, because that was at the point where our landscape -- your landscape expert talked about 25 of the evergreens in poor health. And I asked about the remaining, what's being removed that's in good shape, the numbers, the types, the sizes.

MR. KEYS: Okay. So it's the 51 removed trees.

VICE CHAIRPERSON RENSHAW: In the purple category.

MR. KEYS: Right.

MS. BAILEY: And, Mr. Chairman, you needed for me to just kind of summarize what the Board will be doing the next time. The case has been bifurcated. On July 9th, the Board will take up the hospice addition only, and testimony will be limited to that. On September 10th, there will be a continuation of the testimony concerning the increase in the number of parking spaces.

July 9th it will be in the afternoon session starting at 1:00. September 10th it will be at the morning session starting at 9:30. We will start next -- at the next hearing with a presentation of the Office of Planning and other government agencies. And, again, that testimony would be limited specifically to the hospice addition.

And, Mr. Chairman, I'm not sure if I'm missing something, but I'd be pleased if you would add whatever it is.

CHAIRPERSON GRIFFIS: That sounds absolutely complete to my recollection.

Mr. Etherly?

MEMBER ETHERLY: Mr. Chair, just to clarify that the information that Mrs. Renshaw was seeking -- in case it might be responsive, Exhibit 9 -- and perhaps Mr. Keys can speak to this, and I don't

want to bog us down, because I know we're winding down.

Exhibit 9 is a July 29, 2001, parking expansion tree inventory list that was provided by -- I'm going to mispronounce this, I'm sure, but it appears to be Deruff Landscape. I'm not certain if the -- and it appears to be a very detailed description of the state of each of the trees on the property, the type of tree, current status or condition of the tree, and location of the tree.

If those numbers by chance correspond to the identification numbers that are noted on Exhibit C01 that was prepared by the architect, we might be in good shape, Mrs. Renshaw, in terms of having a clear --

VICE CHAIRPERSON RENSHAW: Well, perhaps those numbers could be clarified for us.

MR. KEYS: Yes. Sadly, Mr. Etherly, I don't think it works that well.

MEMBER ETHERLY: Okay. I just wanted to take a crack --

MR. KEYS: Yes. We'll have to get what she wants, and we'll get it --

MEMBER ETHERLY: But you're close.

MR. KEYS: -- next week.

MEMBER ETHERLY: You're close because you have a basis. All right.

Thank you, Mr. Chair.

CHAIRPERSON GRIFFIS: Okay. Everybody clear? Dates? When we're coming back? Last chance for anything else? In which case, then, we can adjourn the 25 June 2002 afternoon hearing of -- public hearing, and thank you all very much.

(Whereupon, at 6:10 p.m., the proceedings in the foregoing matter were adjourned.)