GOVERNMENT

OF

THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC MEETING

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WEDNESDAY

NOVEMBER 8, 2000

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:50 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

ROBERT N. SOCKWELL	Vice Chairperson
RODNEY L. MOULDEN	Board Member
ANN RENSHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

HERBERT M. FRANKLIN	Commissioner
KWASI HOLMAN	Commissioner
CAROL J. MITTEN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

Sheri Pruitt,	Secretary, BZA
Beverly Bailey,	Office of Zoning
Paul Hart,	Office of Zoning
John Nyarku,	Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL PRESENT:

Mary Nagelhout, Esq.
Marie Sansone, Esq.

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

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

(9:50 a.m.)

CHAIRPERSON REID: Good morning. Welcome to the November 8th meeting of the Board of Zoning Adjustment of the District of Columbia. Again, I apologize for the delay. I mentioned that we were going to be starting a little late because we were waiting for a board member.

And we still have another board member who has not yet arrived, and will be joining us shortly, Rodney Moulden. But we will go ahead and commence at this time. Mr. Hart.

MR. HART: Good morning, Madam Chair, and Members of the Board. The first item on the agenda is the approval of the minutes for the month of October. I would request, Madam Chair, that we handle this a little bit differently from how we have been doing it, in terms of doing them en masse.

And the reasons for this is that for the month of October, there were several members shifting around in different cases.

CHAIRPERSON REID: Okay.

MR. HART: So, if you would, I would like to go down with each minutes for each week. The first minutes is the only straightforward one for October 3rd. In that one, Ms. Reid, Mr. Sockwell, Ms. Renshaw, Mr. Moulden, and Mr. Holman sat.

CHAIRPERSON REID: Okay. May I have a motion?

MR. HOLMAN: So moved.

MEMBER RENSHAW: Second.

CHAIRPERSON REID: All in favor for approval?

(A chorus of Ayes.)

MS. PRUITT: The staff will record the vote as four to zero --

CHAIRPERSON REID: No, we need a motion. All in favor that we -- I didn't hear the --

(A chorus of Ayes.)

CHAIRPERSON REID: Thank you.

MS. PRUITT: Excuse me, Madam Chairwoman. The staff will record the vote as four to zero to approve. Motion made by Mr. Holman, and seconded by Ms. Renshaw.

CHAIRPERSON REID: All right.

MR. HART: October 10th. Ms. Reid, Mr. Sockwell, Ms. Renshaw, and Mr. Moulden, and Mr. Holman.

CHAIRPERSON REID: All right. Motion.

VICE CHAIRPERSON SOCKWELL: I move that we accept the minutes.

MEMBER RENSHAW: Second.

CHAIRPERSON REID: All in favor.

(A chorus of ayes.)

MR. HART: Madam, let me add that Mr. Hood called in a proxy to approve.

CHAIRPERSON REID: Okay. Thank you.

MS. PRUITT: The staff will record the vote as five

to zero to approve the motion made by Mr. Sockwell, and seconded by Ms. Renshaw.

MR. HART: October 17th, Ms. Reid, Mr. Sockwell, Ms. Renshaw, Mr. Moulden, and Mr. Holman. That is one of the meetings where we had the Azerbaijan, and Mr. Lawson called in to approve the one case for that particular set of minutes, and so it is a little bit different here.

MEMBER RENSHAW: Motion to approve October 17th, 2000 minutes.

VICE CHAIRPERSON SOCKWELL: Second.

CHAIRPERSON REID: And the proxy for?

MR. HART: Mr. Lawson.

CHAIRPERSON REID: All in favor?

(A chorus of ayes.)

MS. PRUITT: The staff will record the vote as five to zero to approve the motion made by Ms. Renshaw and seconded by Mr. Sockwell.

MS. SANSONE: Excuse me, but it would be four to zero. Mr. Parsons is not here.

MS. PRUITT: That's correct.

MR. HART: October 24th, Ms. Reid, Mr. Sockwell, Ms. Renshaw, Ms. Mitten, Mr. Parsons, and Mr. Moulden.

MEMBER RENSHAW: Move that we approve the October 24th, 2000 minutes.

CHAIRPERSON REID: Second.

MR. HART: Okay. Here again Azerbaijan, with Mr. Lawson, and a proxy from Mr. Parsons to approve. And a proxy from Ms. Mitten, who was not here for all of the session, but she called in and asked me to register her proxy to approve.

CHAIRPERSON REID: Okay. All in favor?

(A chorus of ayes.)

MR. HART: The staff will record the vote as four to zero. A motion by Ms. Renshaw, and seconded by Ms. Reid, with a proxy from Mr. Parsons, and a proxy from Mr. Lawson, and a proxy from Ms. Mitten.

CHAIRPERSON REID: Thank you.

MR. HART: October 31st, Mr. Sockwell, Ms. Renshaw, Mr. Moulden, Mr. Parsons, and Mr. Holman.

MEMBER RENSHAW: I move for the approval of the October 31st, 2000 minutes.

VICE CHAIRPERSON SOCKWELL: Second.

MR. HART: There is a proxy from Mr. Parsons to approve.

CHAIRPERSON REID: All right. All in favor?

(A chorus of ayes.)

MS. PRUITT: The staff will record the vote as four to zero to approve. Motion made by Ms. Renshaw, and seconded by Ms. Reid, and a proxy from Mr. Parsons --

CHAIRPERSON REID: No, no.

VICE CHAIRPERSON SOCKWELL: Actually, I seconded.

MS. PRUITT: Excuse me. Let me start over. Motion made by Ms. Renshaw, seconded by Mr. Sockwell, and a proxy from Mr. Parsons, and Mr. Moulden not present and not voting. So it is four to zero to approve.

CHAIRPERSON REID: I'm sorry, but read that vote again? Read it?

MS. PRUITT: A motion made by Mrs. Renshaw, and seconded by Mr. Sockwell, a proxy from Mr. Parsons, and so it is four to zero to approve. Mr. Moulden, who could vote, is not present and is not voting. So, four, zero, one.

CHAIRPERSON REID: Who are the four?

MR. HART: Okay. The motion was made by Ms. Renshaw, and seconded by Mr. Sockwell. The vote is five to zero. The persons involved are Mr. Sockwell, Ms. Renshaw, Mr. Moulden, Mr. Parsons, by proxy, and Mr. Holden.

CHAIRPERSON REID:

MS. SANSONE: Excuse me, but Mr. Moulden is not here.

CHAIRPERSON REID: I thought you said by proxy.

MS. PRUITT: No, he is not present and is no voting.

CHAIRPERSON REID: Okay.

MS. PRUITT: So it would be four to zero, and one.

CHAIRPERSON REID: Okay. Oh, boy, one of those days.

MR. HART: The next item on the agenda is a motion, Number 16387, Application of Square 456 Associates, pursuant to 11 DCM-3108.1 and 3107.2, for a special exception under Subsection 411.11 for a roof structure and a variance from Subsection 1706.22(g) to permit commercial development to proceed prior to issuance of a certificate of occupancy for nonresidential development within the DD District until a certificate of occupancy is issued for affordable housing in a DD/C-4 District at the premises of 625 to 627 E Street, and 620 and 626 F Street, 505 to 507, and 511 to 517, N.W. This is in Square 456, Lots 37, 39, 868 and 869.

This application was heard on September 2, 1998, with a decision date of September 2, 1998, and the order was issued on December 3rd, 1998. The board members sitting were Ms. Sheila Cross Reid, Ms. Betty King, and Mr. Anthony Hood.

A motion, dated November 3, 2000, from the law firm of Wilks Artis, requesting the Board modify the previously approved order and plan consistent with two conditions in BZA Order 16387.

CHAIRPERSON REID: Okay. Board Members, this particular motion resulted from a situation wherein the project, this particular project that is, I think, on New Jersey Avenue, and with the objective of developing low income housing for seniors.

And it had come before us before, and there was

some additional processing that had to be done for their permitting if I understand it correctly in regard to any action with DCRA, and we have in our files quite a few letters of recommendation in support of this application.

And we have no opposition to the application, as well as the fact that both DCRA -- the Department of Housing and Redevelopment and Housing Finance Agency this particular project.

The ANC -- let's see. I don't think there was any objection from the ANC in which this particular project was located. And it appeared that it was somewhat stymied in being able to move in a timely fashion due to circumstances beyond its control.

So, before us is two different issues that we must vote on, and we can do so in one vote if I am not mistaken, and that is as it pertains to the special exception for the roof structure and the variance to permit commercial development to proceed prior to issues of a certificate of occupancy for non-residential development within the DD District until a certificate of occupancy is issued for affordable housing.

And the fact that there is $500,000 being held in escrow at this time, and basically what they are asking us to do is to -- I'm sorry, but are they asking for an extension of time?

MEMBER RENSHAW: Six months.

CHAIRPERSON REID: I'm sorry, wait a time. I am

not seeing that. I don't see a time frame.

MEMBER RENSHAW: Page 3.

MS. PRUITT: For an extension of time.

CHAIRPERSON REID: Yes, but where is that?

MEMBER RENSHAW: Page 3.

MS. PRUITT: Page 3.

MEMBER RENSHAW: Down at the bottom. It says request for six months.

CHAIRPERSON REID: Oh, okay. Okay. For a six month extension of time. Okay. I just was wondering why it was not on the same page. But it skipped a page. Okay. Then I have no problem with it. Board Members, discussion?

(No audible response.)

CHAIRPERSON REID: Motion?

VICE CHAIRPERSON SOCKWELL: I move that we grant a six month extension for the purposes outlined in the request, and that there will be no compromise to the other aspects of the approval, BZA Order Number 16387.

MEMBER RENSHAW: Second.

CHAIRPERSON REID: Okay. All in favor?

(Ayes.)

MR. HART: The staff will record the vote as four to zero; motion made by Mr. Sockwell, and seconded by Ms. Renshaw, to permit the motion as requested.

CHAIRPERSON REID: Thank you.

MS. PRUITT: You now have the second part, which is the roof. There were actually two requests. One was for a time extension, and the second one was for the redesign of the roof as a result of having --

CHAIRPERSON REID: A modification of the plan?

MS. PRUITT: Right. Of having to go through a HPRB review.

CHAIRPERSON REID: Okay. I thought we were doing it all together.

MS. PRUITT: I wasn't sure that was clear. Isn't that what you voted on?

CHAIRPERSON REID: Well, I specified that there were two requests. One was for an extension of time, and then also for the processing of -- their permit processing.

But basically for the modification of plans, I thought or I intended to include it within the initial motion. So if were not, do we need to reword the motion?

MS. PRUITT: I think we just did.

CHAIRPERSON REID: Okay. Fine. Thank you. And in the submission by the attorney for Wilks Artis, it did indicate that the ANC was in some support of the motion, and I did not --

MS. PRUITT: Madam Chair --

CHAIRPERSON REID: -- see a letter in my package.

MS. PRUITT: That is in your supplemental package.

CHAIRPERSON REID: They were going to submit it.

MS. PRUITT: It is. It is in the supplemental package.

CHAIRPERSON REID: Okay. Then --

MS. PRUITT: And in this particular package, there is a letter from Jack Evans, and a letter from ANC.

CHAIRPERSON REID: Okay. The ANC letter is -- you don't have --

MS. PRUITT: It is in support.

MEMBER RENSHAW: It is dated November 3rd, 2000, Madam Chair, and it signed by Norma M. Davis, Vice Chairperson, ANC-2C, addressed to the members of the board.

"The purpose of this letter is to express the unanimous support of ANC-2C for a granting of a modification of the plans for the above-referenced project in Square 456, and to express support for the Golden Rule Plaza, Inc., to corporate its project fronting on New Jersey Avenue, Northwest."

"The Commission voted four to nothing to support the project at its regularly scheduled November 1st public meeting, at which a quorum was present. The vote is consistent with the ANC's prior support of these projects. Therefore, the ANC respectfully requests the Board of Zoning Adjustment grant the consent calendar modification and approvals that have been requested."

CHAIRPERSON REID: Okay. Then that certainly will be given the great weight they are entitled. All right.

CHAIRPERSON REID: Madam Chair, just to augment the record with regard to the modification. Since it is a physical change to the exterior features of the building, my personal review of the proposed changes shows that the roof structure changes, which include increases and decreases in roof structure bulk for specific efficiency reasons within the design of the project, that those changes do not materially affect the appearance of the restructure from important points of view, mainly the streets F and 7th.

And that the in-fill appears not to have any negative consequences with regard to the project, and that is the partial court in-fill that was proposed. So just to add to the record the statement that the modifications, as exterior modifications, seem to be non-consequential.

CHAIRPERSON REID: Thank you, Mr. Sockwell. All right. Next case.

MR. HART: The next case is Application 16606, the Application of Traci Brown pursuant to 11 DCMR 3103.2 and 11 DCMR 3104.1, for a variance from the requirements of Subsection 2001.3(a)(b) and (c), to allow an enlargement to an existing non-conforming structure, and a special exception under Subsection 223.1 to allow a non-conforming rear yard for a single-family dwelling in an R-4 District at premises 1032 D Street, N.W., Square 962, Lot 66.

The hearing date was October 10th, 2000. The board

members sitting were Mrs. Reid, Mr. Sockwell, Ms. Renshaw, Mr. Moulden, and Mr. Hood. The Board completed hearing the case and indicated that the following submissions be made:

One, Modified drawings to show the connection between the garage and the house; and a revised Office of Planning report, reflecting the Board's concerns and responding to the Capitol Hill Restoration Society's report.

The Board also directed the staff to verify the voting action taken by the Advisory Neighborhood Commission ANC-6A.

The staff contacted Ms. Wanda C. Harris, Chairperson of ANC-6A, who verified that the ANC supported the application; however, two of the persons, Ms. Karen Wirt and Ms. Virginia Gaddis, who were listed as voting in support were not Commissioners.

The staff informed Commissioner Harris that without a vote with a quorum of duly appointed commissioners present, the Board would recognize the vote of support, but could not afford great weight to the ANC's recommendation.

CHAIRPERSON REID: Okay. Well, obviously in regard to the ANC-6A having made the revelation to us that there was an incorrect listing in their letter, in which they did have commissioners listed that were not commissioners, we would definitely make note of the fact that they support that particular application, but they would not be granted the great weight with

which they are normally entitled.

But we certainly would take their recommendation into consideration in making a decision. Let's see now. The modified drawings that were requested were submitted by Ms. Brown. Were there any questions on that, Board Members?

(No audible response.)

CHAIRPERSON REID: Okay. They were satisfactory, and the revised Office of Planning report reflecting the board's concern in responding to the Capitol Hill Restoration Society report, was there any discussion about that?

(No audible response.)

CHAIRPERSON REID: All right. Then may I have a motion on this particular application?

VICE CHAIRPERSON SOCKWELL: Madam Chair, I move that we accept the application.

CHAIRPERSON REID: For approval?

VICE CHAIRPERSON SOCKWELL: Yes, approval the application for the variance, and special exception as requested.

MEMBER MOULDEN: I second.

CHAIRPERSON REID: I concur with my colleagues that the applicant has demonstrated that she has met her burden of proof with regard to the property being unique and unusual, and it being a practical difficulty to comply with the existing zoning regulations.

I think that among other things that she has showed

how the property, the location of the property, lends itself to the listed activities between the house and the garage, and the fact that this was a means by which she would be able to correct that.

And the questions that were raised by Board Member Sockwell in regard to the drawings further clarify for us what in fact we were looking at. There was no -- to my knowledge, there was no opposition nor adverse impact in granting this particular application, both for the variance or the special exception, and did not impair the integrity or intent of the zoning regulations or map. All in favor?

(A chorus of ayes.)

CHAIRPERSON REID: Opposed?

(No audible response.)

CHAIRPERSON REID: Okay.

MR. HART: The staff will record the vote as five to zero; Mr. Sockwell making the motion, and Mr. Moulden and Mr. Hood called in their proxy to approve.

The next case is Application Number 16570, of Bertha Tucker, of Tucker's Day Care Center, pursuant to 11 DCMR 3104.1, for a special exception under Section 205, to increase the number of children in an existing development center to a total of 65 students, 6 infants, and 59 other children, ages 2 through 12 years of age, and 8 staff persons, in an R-5-A District at premises 3215 - 11th Place, Southeast, Square

5944, Lot 800.

The case was heard on July 11th, 2000. The board members were Mrs. Sheila Cross Reid, Mr. Sockwell, Ms. Renshaw, Mr. Moulden, and Mr. Holman. The board postponed a decision on the application to allow the applicant to resolve pending issues with the Department of Health.

The representatives from the Department of Health informed the board that there are child care violations at the site, DCMR Title 29. The Board requested that the Office of Zoning contact the Department of Health to find out if the pending case against the applicant could be expedited.

Also, employees from the Department who testified at the public hearing were ask ed to assist in expediting review of the case within the Department of Health.

The Department of Health's report was to have been filed prior to the September 5th, 2000 public meeting. The report was not filed because the applicant and the Department of Health were unable to meet.

The Office of Zoning staff then recommended that the decision be postponed to the Board's public meeting on November 8, 2000 to allow the participants the extra time requested to resolve the issues.

On Thursday, November 2, 2000, Ms. Candia Faison, attorney for the Department of Health, submitted a consent order signed by the Department's representative and the applicant's

attorney into the BZA records.

The consent order does not address a resolution of the violations as indicated by the Department's representative at the Board's July hearing. A copy of the consent order has been included in your package.

May I just add something, Madam Chair. In subsequent conversations with the Department, it has been indicated that the consent order that you have before you does not or in no way should be taken as a report recording a resolution of the violations.

In essence, what it has done is to give the applicant 8 months to continue functioning, and in that period of time to deal with the issues. So in essence what the board asked, which was a report from the Department of Health, indicating that the violations have been resolved, we have not gotten that.

CHAIRPERSON REID: Board Members, I think that in this instance that perhaps it would be -- that the logical thing to do would be perhaps to continue this until such time that the violations that we received notification from the Department of Health about, that the violations have been addressed.

Because obviously that was one of the reasons why we were unable to take an action on this particular case because of the fact of the violations that were brought to our attention through testimony from the Department of Health.

So they are saying now that they are going to give

Bertha Tucker Day Care Center 8 months?

MR. HART: Yes.

CHAIRPERSON REID: And they are going to allow them to operate, and give them 8 months to be able to address the violations, or to rectify the violations, and so there is no sense to them coming to us before that time I don't think. Any discussion on this?

MEMBER RENSHAW: Madam Chair, I just agree with you. I think this should be continued until the Department of Health notifies the BZA that those violations have been corrected.

CHAIRPERSON REID: Mr. Holman.

COMMISSIONER HOLMAN: Madam Chair, I just wanted to point out that Section 5 states in part that if the respondent intends to be licensed for a program capacity greater than that for which they are currently licensed, they must apply for a different license.

I am not sure whether that would affect our approval as well. So I guess that I do concur with you that it is better to wait, because this is not on point, in terms of what we asked for and it is a little confusing.

CHAIRPERSON REID: Okay.

CHAIRPERSON REID: Madam Chair, it would appear to me that any applicant that is under the requirements of a court order would be -- it would be to our benefit not to act upon an application for any change in their operating situation pending

their ability, or their proven ability, to meet the requirements of the court order.

Unfortunately, this court order does allow at the end of an 8 month period an application for expansion of the program, but does bind the applicant under a 12 month requirement for meeting the requirements of its existing license.

So there is sort of a double position there, and I just feel that we should perhaps continue this case for at least the 8 months that the order specifies that nothing can be done.

So that way we don't grant an increase at the same time that the court might be wanting to take their license away. I just think that we should be very cautious in moving on this.

CHAIRPERSON REID: What I had indicated previously, Mr. Sockwell, was that rather than trying to set it for a time certain that we just leave it up until some time that the violations have been rectified, and then allow Bertha Tucker to come back to us to get on the agenda.

MR. HART: May I comment on that, Madam Chair?

CHAIRPERSON REID: yes.

MR. HART: I suggested identically to the Department of Health exactly what you just said, and I indicated also at the end of 8 months that they have an inspection period that they need.

And that involves anywhere from another month to another six weeks to inspect the place, and make sure that all of

the violations are rectified, and then to write a report, and then contact this body. So the 8 months is a bare minimum.

CHAIRPERSON REID: I'm sorry, Mr. Hart, but the consent order indicated after 12 months, and normally if we wanted to set it up for a year, or if we just wait and don't schedule until the point where they are ready to come back.

MS. PRUITT: Madam Chair, we are trying to set things to date certain so that they don't hang, and if at that particular time there is still some new information, we can continue it again.

But maybe the staff would suggest that maybe you set it for the September 2001 time frame, and that gives them -- the consent order is over on May 28th.

And then if they need a couple of weeks, that is basically June, and two months to write the report, and everything is done in August, we could put it for September, and that we could sort of do a check in at least and get a status quo. If not, hopefully you can dispense with the case.

CHAIRPERSON REID: Okay. Can we get a motion?

MEMBER MOULDEN: I make a motion that we continue the case of Bertha Tucker's Day Care Center pending information related to health issues until September of the year 2001.

COMMISSIONER HOLMAN: Second.

CHAIRPERSON REID: Okay. All in favor?

(A chorus of ayes.)

MS. PRUITT: The staff will record the vote as five to zero to approve, or rather basically to extend or continue this case until September of the year 2001 so that hopefully the information can come into the board. The motion was made by Mr. Moulden, and seconded by Mr. Holman.

CHAIRPERSON REID: Okay.

MR. HART: Madam Chair, we know to announce that there is a change in the agenda. At this time, we are going to begin with Georgetown.

CHAIRPERSON REID: I am just checking with Mr. Franklin to see if he is ready. Wait just one second.

(Brief Pause.)

CHAIRPERSON REID: Okay. Georgetown. So we are going to have a change in the sequence of the agenda. Mr. Franklin has to leave, and he is the one who was the zoning commissioner member who participated in that particular case.

So we are going to do Georgetown first, and then we will go to The Field School, and the conditions with The Field School only.

MR. HART: Application Number 16566 of Georgetown University, pursuant to 11 DCMR 3104.1, for a special exception for the review and approval of the University Campus Plan, years 2000 to 2010 under Section 210 in the R-3 and C-1 districts at premises bounded by Glover Archbold parkway to the west, National Park Service along the Chesapeake and Ohio Canal and Canal Road to

the South, N Street to 36th Street, and 36th Street to P Street to the east, and Reservoir Road to the North.

Square 1222, Lots 62, 801 and 802; Square 1223, Lots 85, 86, 804, 805, 807 to 810, 812, 815, 821, 824, 826, 827, 831, 843, 846, 847, 851, 853, 855, and 857.

And Square 1226, Lots 91, 94 to 101, 104, 105, 803, 804, 806, and 811 to 815. Square 1248, Lots 122 to 125, 150 to 157, 800 to 802, 804 to 806, 829 to 831, 834 and 835; and Square 1321, Lots 815 through 817.

The hearing dates for this case were June 13th and July 18th, 2000. The board members sitting were Ms. Sheila Cross Reid, Mr. Robert Sockwell, Ms. Ann Renshaw, Rodney Moulden, and Herbert Franklin.

The decision date was scheduled for the Board's September 5, 2000 public meeting. At the September 5th, 2000 public meeting, the board decided that additional information and time was needed before making a decision.

The record was left open only for the additional information requested by the Board, and a new date was set for a decision at the Board's November 8, 2000 public meeting. The transcript for the September 5, 2000 public meeting has been included in your package.

CHAIRPERSON REID: Thank you. Okay. Board Members, discussion with regards to this case?

COMMISSIONER FRANKLIN: Madam Chair, I would like

to just begin the discussion by presenting a motion, which we can then discuss. This is a very important matter, not only for Georgetown, but for the community and for the city at large.

And it is apparent that the university has taken a number of steps to recognize the legitimate concerns of the community. I am impressed with the fact that the new vice president, Mr. Gonzales, has already taken a number of steps that I think recognize that there has to kind of be a change of orientation, in terms of what goes on both on-campus and off-campus.

There clearly is a need for ongoing cooperation with the community, and all that this board can do is to try and set some ground rules for how that cooperation should proceed. But if that cooperation doesn't occur, and if there is not a good effort on the part of both the community and the university to see that the coexistence of this important institution, with the values of the community, is premised on some ground rules, we will have wasted a good deal of time and effort.

And I think that there will be a price to be paid by everybody, and so I hope that that would be avoided. In reading my own remarks that have been in the transcript, I think that I need to clarify what my intent was.

When I suggested that the campus plan would be approved for a period of less than 10 years, I think I was misrepresenting my own thoughts in the following respect.

What I was trying to say was that I thought that the major elements of the campus plan, as to which at least for my own part I don't have any difficulty, would be approved for a 10 year period.

But there would be some conditions that are set having to do with certain facets of that plan that I believe could not be approved for 10 years. More specifically, Madam Chair, that I would like to suggest that we not increase the enrollment cap that exists under the 1990 plan until the Southwest Quad has been completed and occupied, which I think is consistent with the university's own view that they would not be doing so.

And at the time of the completion of the southwest quad that we entertain in a proceeding at that point an increase in the enrollment cap. But it would be doing so with much better information as to the effectiveness of the off-campus housing program that has been instituted.

We would be able to look at the possibilities of an increase in enrollment knowing much more than we know today about the effectiveness of that program.

I had mentioned also some concern about whether the campus plan now before us, which does of course show an increase in on-campus housing through the southwest quad, was as complete as it needed to be, in terms of additional on-campus housing.

And I think that my idea would be that once the completion of the southwest quad is before us and it is occupied,

and a request is made for additional enrollment, I for one would like to see some indication that additional on-campus housing would be provided before the end of the 10 year period.

Far be it for me, or I think for anyone on this board, to try to dictate to Georgetown University whether it should be a much more residential campus than it is today.

I could only note that the institutions with which it is endeavoring to compete for prestige and becoming a highly selective institution tend to be residential in orientation, and not having a very substantial number of their students off-campus, although I haven't done a study of that.

But certainly when you look at Georgetown in relation to some of the other prestige universities certainly in the eastern cities, it is blessed by having a surrounding community that is stable, and that is prosperous, and that is in itself perhaps an attraction to those who would be admitted to the university.

It is really blessed in that regard, and I think it needs to regard the integrity and stability of that neighborhood as important to its own well-being, well as to the community's well-being.

So that I would hope that we would be presented in, let's say, five years time with a proposal for additional on-campus housing. And it is not apparent to me when I look at the campus plan as it now exists where that housing could be located.

I understand that that is a financial burden, but there is a major capital campaign in progress, and I would hope that the university administration then in place would take a very hard look at increasing the level of on-campus housing to much more than it's present rate so that it would begin to approach ideally 90 percent of the full-time enrollment by the end of the 10 hear plan.

So that is really an attempt to clarify what I was trying to get at, in terms of an approval for less than 10 years. I think we probably after 5 years or whenever the southwest quad is occupied should revisit the situation as to the degree of on-campus.

Because after all, when you look at the hearings that we have held and the comments of the community, the major irritant to the community is the off-campus housing situation.

And that has to be, it seems to me, addressed in a long term way and in a comprehensive way. So I would also add, Madam Chair, that I think there ought to be some additional conditions that are imposed on the approval of this campus plan beyond what I just stated, in terms of the enrollment cap, that addresses the off-campus situation and a code of conduct of students.

I noted with approval that we have a letter from the president of the governing body, the board of directors for Georgetown University, and I would have been much more pleased,

and I think we should require, that the governing body actually has a resolution.

It's a 50 member body, or more than 50 members, and it is not or there is nothing in the record to indicate that the board, as such, has addressed the situation and has given its blessing to a fully effective financed off-campus housing and student activity program.

So I would have a condition that addresses that and ask the university administration to obtain that from the governing body.

CHAIRPERSON REID: All right.

COMMISSIONER FRANKLIN: With respect to the code of conduct, I have to say that as a recovered lawyer that I found it very complex to understand. I think you have to be kind of a specialist in white-collar crime just to know exactly what is being said, in terms of the standards that students are supposed to comport with.

I would suggest the following, because it is not clear to me that if there is a complaint coming out of the community whether some householder has to basically act as a complainant to pursue this before the university's rather elaborate hearing system.

So I would like to suggest that some officer -- it occurs to me that Mr. Gonzales, as the vice president, should be able to determine whether there is probable cause for a matter to

be brought before a hearing board.

And that the vice president would act as the complainant, relieving the householder of the duty to do that. I don't know whether that is pivotal or not, but it wasn't clear to me reading the code of conduct who the complainant would have to be in cases arising from the neighborhood.

I did note that the hearing board has a different composition, depending on the severity of the matter. I believe that the composition of the board, the hearing board, with community complaints should be the same as any other complaint where the severity is regarded by the university as great.

There was no, at least in my reading, clarify regarding whether sanctions for repetitive violations would become more severe. That is, the category, like A, B, and C categories under the student conduct code, and it did not -- at least to my reading -- clarify that if you were a repeat offender that the sanctions would be suitably increased.

There also was no clarity that off-campus housing was a privilege rather than a right, and could be revoked in the event of a violation, and I think we have to have a condition that addresses that.

The so-called hot line, the record is before us in our hearings, and being material submitted, are not entirely clear as to whether that hot line is really hot. It seems to go cold at times.

And I would like to see a condition that says that the hot line is a true hot line on a 24 hour, seven day a week, basis. So that when the member of the community calls with a complaint that there is a live person at the other end of that line at all times.

Now, whether it has to be at 4:00 a.m. in the morning, on a Tuesday or a Wednesday morning, I think can b resolved by sufficient arrangements so that the call rolls over to somebody in the department of public safety, or some such live person who can be communicated with at that time and be responsive.

The other issue that concerned me as I looked at the record was the disclosure of data regarding sanctions. I understand that there seems to be some constraints under the law with respect to the disclosure of sanctions with respect to any named student.

And I can appreciate why that exists, but it seems to me that it is possible for the university on a regular basis to disclose the record of sanctions that have been imposed for complaints coming out of the community, with no indication of the identity of the student.

So that the community can get some idea as to whether these sanctions are actually being imposed or not. So that, Madam Chair, is really the sum and substance of my concern about the code of conduct on the basis of the record.

Turning to some other matters that the community has been concerned with, the helipad. I think a condition that simply indicates that it is to be used only for medically required purposes would be sufficient.

Clearly, we don't want to see the helipad being used for executives who find it easier to move by helicopter than other means, and there is no evidence that that has occurred in the past, but just to allay any concerns, I think we ought to make sure that there is a medically required purpose, and that periodic reports are made to the community of credible evidence that that is being done.

There has been concern, and we talked about this at the last meeting about the use of automobiles owned by students. The university has made it very plain that those automobiles should be registered with the District under District law.

And I think we applaud or should applaud that effort, but it is not clear to me that there is any way to determine whether students are actually doing that.

And it would seem to me appropriate for the university to ask students who are coming with an automobile to register it with the university what the license plate of that automobile is.

It is a simple record keeping requirement, and then if automobiles are not registered with the District, at least you know what State they are registered to, and can check with the

transportation department of the District as to whether those automobiles have violated traffic or parking requirements, and that the tickets have been paid, et cetera.

And it should be made plain to the owner of the automobile that if there are a lot of outstanding violations, and it has not been registered with the District, that the university will not provide parking privileges for the student, and it will regard that as an infraction under the student code of conduct.

There also was some lack of clarity in the submissions by the university regarding its relationships with DCRA when evidence of housing code violations or overcrowding came to its attention. And I think that when that happens the university should itself report those infractions to DCRA.

Having said this -- oh, one other matter. I think we should also have a condition that the performing arts center, the arena, and Harbin Field facilities should be used for university related purposes.

Having said that, I do think that the university has come forth with a great deal of effort and detail on policies that are responsive to the complaints that have come out of the community.

And I am hopeful that with these conditions and with an indication that this board, as well as the university, regards the off-campus behavior of students as a critical element in terms of the campus plan.

And I am very hopeful that this will provide a foundation for useful and beneficial cooperative activity between the university and the community.

MS. PRUITT: Mr. Franklin, just for clarification, your condition concerning the Performing Arts Center, the --

COMMISSIONER FRANKLIN: Harbin Field, and the arena.

MS. PRUITT: Are they to be only for university use exclusively?

COMMISSIONER FRANKLIN: University related use.

MS. PRUITT: Related.

COMMISSIONER FRANKLIN: It is not clear to me from the record what the uses are to be, and what the standards are, and I know that there is concern that these might turn into venues for commercial use.

MS. PRUITT: Okay. So university related.

COMMISSIONER FRANKLIN: Yes. For example, if the university has a cultural arts program as part of the amenity of student life, and performers come in from here and abroad, that is a university related use.

But if some commercial entrepreneur decides that this is a venue that would be great for their own purposes, and it becomes kind of a commercial operation, I think that that raises a question.

MS. PRUITT: Okay. Thank you. I just wanted

clarification.

COMMISSIONER FRANKLIN: And that is what I gathered was the concern of the community. I may not be accurately reflecting it, but it seems to me that we can't say that these facilities should be only used for student productions and that is my concern.

Obviously, there is a role -- and I think the community would regard the role of these as cultural amenities favorably provided that they take place at certain hours when they are not going to inundate the area with a lot of extraneous traffic. I don't know of any other way of trying to express that at this point.

CHAIRPERSON REID: Okay. Thank you very much, Mr. Franklin. Board Members.

COMMISSIONER FRANKLIN: So I make that in the form of a motion, Madam Chair.

CHAIRPERSON REID: Yes. Do I have a second?

MEMBER RENSHAW: I will second it, but I have a few additional thoughts that Mr. Franklin and the Board might want to consider in developing some conditions on this case.

First of all, I think that any fines that are imposed by the university should be very specific as to where the fines go. It is not enough to say that we are -- that the university is going to levy a fine of X-amount of dollars when again we have no knowledge whether the fine is being collected and

for what purpose it goes to.

CHAIRPERSON REID: Excuse me, Ms. Renshaw. Was that specified, the amount of the fine?

MEMBER RENSHAW: There was, but it was not clear the amount of or where the fine went.

CHAIRPERSON REID: Well, no, first of all, the fines, I had a question about that. In the exhibit they specified that there would be fines. But I think that was my question was as far as what the specific amount of the fine would be for various violations. I didn't see that.

MEMBER RENSHAW: Yes.

CHAIRPERSON REID: This is the flyer that I had, and it just said fines. Did you see it?

MEMBER RENSHAW: Yes, I did, but one of the submissions had an amount of money attached to it, and I was not clear where the money goes, and I also support your point that all of these fines should be very specific and laid out.

CHAIRPERSON REID: Did anyone else see that, what the amount of the fines were? Did the staff see it?

(Brief Pause.)

CHAIRPERSON REID: Mr. Hart, could you just turn around and just ask them did they specify what the amount of the fines were for the various violations? I didn't see it.

MR. HART: Okay.

CHAIRPERSON REID: Or penalties, the fines? A

dollar amount.

(Brief Pause.)

MR. HART: Madam Chair, yes. It is in the record. An example is $300 for a trash violation.

MEMBER RENSHAW: That's it. Yes, $300. But again where does that money go and who collects it.

CHAIRPERSON REID: Mr. Hart, where specifically does it say, because when -- as it pertains to the trash violation and the submission, I don't see it.

(Brief Pause.)

MR. HART: Madam Chair, there are several references in the record, and the applicant is requesting that they supply that information.

CHAIRPERSON REID: All right. Now, as to the question of where the fines go, I don't know if we -- do you want to know just generally? I don't think we can stipulate as to where the fines would go.

MEMBER RENSHAW: If the university would spell out in its papers such as the response to BZA's request for additional information, if it could just indicate to the board that it has a purpose for the money.

In other words, that it is going to be used in support of a nonprofit activity sanctioned by the community, such as that.

CHAIRPERSON REID: Ms. Pruitt.

MS. PRUITT: Ms. Renshaw, I think the board gets in a very awkward situation when you start talking about how their funds should be spent. It really would go normally into the general fund for Georgetown to determine where that goes.

MEMBER RENSHAW: Perhaps we could suggest --

MS. PRUITT: You can't.

MEMBER RENSHAW: Can we suggest that the university and the ANC work out a procedure?

MS. PRUITT: No.

CHAIRPERSON REID: No, that's not appropriate.

MEMBER MOULDEN: Ms. Renshaw, I think these are probably dollars and our authority may be restricted.

MEMBER RENSHAW: It is possible for an institution to work with a neighborhood organization to determine where an amount of money collected from funds how it is disbursed.

MS. PRUITT: Although I believe that is a little bit out of the board's jurisdiction. I am not saying it is not possible. I think it is a little out of the board's jurisdiction.

But I have been told by the attorneys of the applicant that the money goes back in to fund the program, basically to keep the personnel going, if they are doing any landscaping as a result of complaints and things of that nature. That is where the funding comes or goes.

CHAIRPERSON REID: Furthermore, Ms. Renshaw, I think that while we want to see the imposition of fines for the --

to fine the students for behavior that was inappropriate, it goes to -- I wouldn't want to get into how those fines were distributed.

I think it is enough for me and from my point of view, anyway, for there to be fines. And the fines are basically to penalize the student, but to go to where those funds should be allocated, I don't think we can get into that.

MEMBER RENSHAW: I am not going to belabor the question or the statement, but I just feel that the university should enter into a dialogue with the ANC as to that subject matter as to where the fines ought to go.

We won't specify here where, but I am just putting it out that a discussion among parties in the community would lead to perhaps a proper place for the fines to rest and to use, how to be used. Let me go on just very quickly, and --

CHAIRPERSON REID: Well, before you go any further on that, I don't think we can put a condition in a board order to that extent. I think that we have to just stop at the point of specifying where the fines were, and --

MEMBER RENSHAW: And be specific about the amount of fines.

CHAIRPERSON REID: And being specific, and then the disposition of those fines would be up to the university, notwithstanding your suggestion. I mean, certainly you have the right to suggest anything that you would like to.

But you have to be very careful as to what we can do and what we cannot do as a board. I believe that may step over the line quite frankly.

MEMBER RENSHAW: Well, I don't think it is untoward here to have the disposition up to the university in consultation with the Advisory Neighborhood Commission. And moving on, I think the university should monitor the enforcement of housing violations with DCRA.

One of the big gaps is that it is not enough to report a housing violation, but you have to monitor the enforcement. You have to connect with DCRA as to when inspectors are coming out to take a look at the housing violation, and this is not just a matter of making note that DCRA ought to take a look at a particular housing violation.

Somebody has got to follow up, and who is the somebody, and I feel that it is the university's job to do that.

MS. PRUITT: Ms. Renshaw, could you go over that again?

MEMBER RENSHAW: Yes. I think the university should monitor the enforcement of housing violations.

MS. PRUITT: And monitor DCRA?

MEMBER RENSHAW: And monitor DCRA.

MS. PRUITT: Because enforcements are done through DCRA.

MEMBER RENSHAW: DCRA, exactly.

MS. PRUITT: And I guess my question is what exactly do you mean by that? If that is a condition, and I was the university, I am not sure what you would like for me to do.

MEMBER RENSHAW: I would like if there is a housing violation that is report to the university by the neighborhood that the university then contact DCRA if the neighbor has not done so, him or herself, and that the university take on monitoring the situation.

In other words, calling DCRA or writing a letter to DCRA, to ask for the status of the inspection of the housing violation, and what is going to be done concerning this housing violation; whether a fine has been issued, and whether there is a time line on the fine.

And if we don't do that, it is just going to drop, and we have no way of giving the neighborhood any feeling that there is going to be someone taking hold of this problem.

CHAIRPERSON REID: I don't know exactly what the appropriate procedure would be in this regard. Remember that the university is not in the real estate business, or --

MEMBER RENSHAW: No, but it has got an office of --

MEMBER RENSHAW: It is a -- this is an issue between the homeowner, the landlord, and the student. And if in fact there is a violation, the neighbor or the community person could report it to DCRA.

Now, to the extent of the university getting

involved in that process would require additional staffing and the like. I don't know that is something that again goes beyond what we have the authority to do.

MEMBER RENSHAW: First of all, Madam Chair, you are assuming that there are going to be a lot of housing violations, and we hope that the university, through its concerted effort to reach out to the students on and off-campus to behave in a better fashion, that this is going to get through to the students, and we are going to eliminate or at least reduce the number of problems that we have in the community.

CHAIRPERSON REID: Okay. Why don't we --

MEMBER RENSHAW: This is a matter -- Madam Chair, this is a matter of a complainant, a neighbor, who might call DCRA and register a complaint about a housing violation.

CHAIRPERSON REID: With the landlord.

MEMBER RENSHAW: With DCRA.

CHAIRPERSON REID: And that is the landlord.

MEMBER RENSHAW: And the neighbor also makes a complaint to the Office of Student Affairs at the university, and I don't think --

CHAIRPERSON REID: Against the landlord or the student?

MEMBER RENSHAW: Against the fact that whoever is in that house is causing -- has a violation, that there is a violation of that house.

CHAIRPERSON REID: Okay. Let us do this, Ms. Renshaw, so that we won't belabor this issue. We will construct conditions, and the conditions will have to be voted on by this board.

And I think that at the time that we do the conditions, then we can enter into further discussion and then determine after consultation with corporation counsel what in fact is within the auspices of what the board would be allowed to do.

MEMBER RENSHAW: All right. That's fine. And the hot line data and the follow-up should also be with the ANC on a monthly basis. It has in the materials supplied by the university that the university will share all this information at each meeting of the alliance for local living.

I think the data should be shared in writing with the ANC and that should also include data on the helipad trips per month, and the university can collect that data and report it to the ANC.

CHAIRPERSON REID: Okay. That again would be a suggestive condition that we would take into consideration. All of them, to include the ones that Mr. Franklin -- or notwithstanding the ones that Mr. Franklin and all of us give today would be the ones that we would take into consideration to see what would be the best way for us to proceed. Thank you, Ms. Renshaw. Anything further? Mr. Sockwell.

VICE CHAIRPERSON SOCKWELL: Just a couple of

things, Madam Chair. With regard to the off-campus hot line. My understanding from the documentation is that the hot line would be operated in such a manner that a staff person or staff persons would be sent out on each reported call.

And that if the report is confirmed the off-campus student affairs contacts the student residences the following week to set up meetings with the Dean.

It doesn't say exactly what is to be at the immediate point of response. In other words, are students where the house or the location of where the complaint being lodged to exist, is that immediately given some notice to cease and desist the nonconforming activity.

CHAIRPERSON REID: Oh, okay.

VICE CHAIRPERSON SOCKWELL: It didn't seem to be clear as to what the intermediate or immediate activity to resolve the condition would be, and therefore I don't know exactly how that is to work, and I think we have to at least condition that the hot line have a responsibility to not just investigate, but to attempt to eliminate the problem during the course of its investigation, its immediate investigation.

Also, I think that the code of conduct should be signed for by the students as they receive it, as just a more direct indication of the university's resolve in making sure that it is understood that the students must abide by it, rather than handing it out in a package.

That piece of the package really requires the student to put his name somewhere to say that, yes, I have received this, and yes, I understand or will read it, and do understand that I am responsible to the community and to my university.

On one of Mr. Franklin's requests that the three facilities -- the Harbin Field, the performing arts center, and the arena -- not be used for non-university activities. My concern is that there is a level of limitation that might be rather onerous to the university, as well as a level of limitation that would certainly be protecting the community against the MCI Center type use of such facilities.

And I believe that there is a point where we can strike a balance between what is and what isn't a university sponsored event, because if a local performing arts society wishes to have neighborhood activities that are public, while that would certainly be beneficial to the surrounding community having a very close in venue to receive performances, I think that if that is the case, then those should not be restricted, and would certainly be advertised to the community, and perhaps in an annual, or quarterly, or monthly magazine or public document that is probably already put out by the university.

And those things would be indicated as well, and the university should not be hosting strictly commercial shows. That would be for others than the university community in a

primarily revenue generating mode.

And I think the university could make the distinction, but that our conditions should require that the university make that distinction and eliminate from its schedule such activities that would be considered as truly non-university, non-community oriented revenue generators.

And exactly how to word that I don't know, but I think that Mr. Franklin and I might be able to discuss some language.

COMMISSIONER FRANKLIN: Mr. Sockwell's comments are very consistent with my own thinking.

CHAIRPERSON REID: Thank you. Mr. Moulden.

MEMBER MOULDEN: I feel that the university has made a good attempt to address the issues that were brought up in the prior meeting. I think that some things that the board have been discussing, particularly with Ms. Renshaw, there are things that are more day-to-day that can be worked out through a corroborative effort between the university and the community to resolve some of those issues.

I think the issue as far as the use of property or other type of commercial uses on the university has a dual effect. It could be a revenue generator for the university, and just as well as it could cause some type of negative impacts for the community.

So I think that needs to be looked at very

carefully and specified as to the types of uses that would be compatible to the community and most beneficial to the university.

I think the other things, as far as clarity in the repetitive violations, and the hot line issues, those things can be worked out I think pretty easily once we make some agreements. And my view are consistent generally with Mr. Franklin.

CHAIRPERSON REID: Thank you, Mr. Moulden. First of all, I would like to commend Georgetown University on the great effort that they have made to try to ameliorate some of the problems that we had addressed in our two earlier meetings.

I think that given the fact that there was a voluminous amount of things that we asked them to do in a very short amount of time that the university has demonstrated to me at any rate that they have now taken very seriously the complaints that we were receiving from the community and have moved aggressively to try to address those complaints most effectively, notwithstanding the fact that there are still some areas that may need a little tweaking.

But nevertheless I think that all things considered that they have done a very good job, number one; and, number two, that I also have to commend the community for their cooperation with trying to come to some solution with Georgetown with meeting these goals.

And also with the students who have now meeting their responsibility, and demonstrating to us that they are now

taking an active role in monitoring and trying to defuse some of the problems that are occurring in off-campus housing.

In regard to the items that were requested, I think that we have now in our file many or most of everything that we asked for, and I just kind of like wanted to go over it a little bit.

The off-campus housing plan has been submitted, and a reporting system to track the number of complaints received from citizens, and a code of conduct is what Mr. Franklin has spoken to earlier, and that appeared to be a code of conduct that had already been utilized.

I don't know if it is a new code of conduct, but one that seems to have been updated to reflect some of the things that we talked about. The only question that I had was in regard to the student flyer that was put out and to me it was a little general.

And I would just like to see -- and as Ms. Renshaw said -- that we see some specific fines. I didn't see in here, although it was said that we had specific fines, but I didn't see what in fact the breakdown was, because it says basically that first, there is probation, and party privileges revoked.

Well, I mean, how do you -- that is kind of hard for a school to actually effectuate a 19 or 20, or 21 year old -- well, to ground them. So I don't know how that is going to be done.

But the fines I think would go a long way to suggest to the student that the first violation, X-number of dollars; and the second violation, X-number of dollars; and the third being something more severe; and the fourth being to the extent of expulsion, which was indicated here.

So that they realize that the behavior that they exhibit has to be reflective of the institution in which they are attending, which is one of the highly ranked institutions in this country.

And it is also an entity that prides itself on its reputation, and its moral, and its character, and its reputation. And it is the type of institution that we want the students to be proud of going to.

And also a reputation that would be enjoyed as being one of the highest regard all over the world. And these are the kinds of things that would bring it to that point, we think.

And if the students understand that if there is going to be some disciplinary action taken that that would then have more of a control -- well, not control, but more of an impact on the way that they conduct themselves.

Now, the parents notified portion, which is one of the things that was required -- develop a notification system -- I didn't see that. Did I miss it within the submission?

I didn't see a copy of a letter, or the type of letter that would be sent to the parents to notify them if in fact

there is a violation by one of the students.

MS. PRUITT: It is on page 5, Madam Chair, in Exhibit J.

CHAIRPERSON REID: Thank you. Page 5, under Exhibit J? Oh, okay. It is the long pages?

MS. PRUITT: Yes. It says that parents are then and will continue to be notified by the university that its code of conduct applies to off-campus conduct, and that the university will enforce its standards.

CHAIRPERSON REID: Oh, no, I am not referring to that, Ms. Pruitt. I saw that. My question was in regard to a sample letter of what or how they are going to be notified.

MS. PRUITT: You mean after a student has an infraction?

CHAIRPERSON REID: Yes. This is just a general letter about what they are going to do.

MS. PRUITT: After there has been an infraction that a parent may be notified?

CHAIRPERSON REID: Exactly. Exactly. I mean, if the student has been charged with being intoxicated in public, or indecent exposure, or something of the like, then what kind of mechanism is in place to let the parents know that this is what is happening.

And notwithstanding the fact that the notification to the students that if in fact they conduct themselves in this

inappropriate manner that the parents will be notified will within itself go a long ways in having an impact on the way that they conduct themselves I would think.

Okay. Developing mechanisms for coordinating with the police department. We see that. Also, the expenditure of funds for the department of public works to assist with the trash removal when students are moving out. I thought that was very good.

And also having hired additional staffing to assist with the student -- what was it. I suppose the staffing. There is so much stuff on here. Oh, the off-campus student affairs. I thought that was great.

Okay. The code of conduct, social probation, disciplinary probation, et cetera, and academic suspension, and dismissal. Okay. We need a breakdown as to at what point these things will come into play.

The hot line. As Mr. Sockwell mentioned, and also Mr. Franklin, is great. The idea of it being tightened up to the extent that it is manned by a human being, and as Mr. Sockwell said, an indication as to what will happen.

To simply say that they call a hot line number without any indication as to what will occur once the hot line number is called, and what action will be taken by the university, doesn't mean a lot. So we would like to know that.

Okay. Now, the monitoring of helicopter flights

for the medical emergency, and MED-STAR, I didn't see that in the submission. Did I miss it?

MS. PRUITT: Mr. Franklin has actually done or did a condition concerning that. That they be limited to medical requirements exclusively.

CHAIRPERSON REID: Yes, I heard Mr. Franklin as to that, and thank you very much. But my question is how -- they were supposed to submit to us how helicopter flights were going to be monitored, and that is what I did not see.

MS. PRUITT: Do you have page 8 of your long sheet?

CHAIRPERSON REID: Page 8?

MS. PRUITT: Yes, that Med-Star coordinates the monitoring of helicopter transport, and thus have the discretion to provide transportation based on medical needs, which is basically what they are saying.

But they had estimated that it is 12 trips per week. However, since July 1st, the total has only been 23.

COMMISSIONER FRANKLIN: I think the Chair is correct that they are being reported.

MS. PRUITT: How they are being reported, but not the number?

CHAIRPERSON REID: Right. I mean, how, and that was the issue, as to how they were going to be monitored to ensure that they are used exclusively for medical emergencies.

MEMBER RENSHAW: And I had recommended that this

data be collected on a monthly basis and reported by the university to the ANC.

MS. PRUITT: That was your condition just recently, correct?

VICE CHAIRPERSON SOCKWELL: Madam Chair, I might just say that it might be that the FAA requires certain types of flight plan information to be filed anyway, and that such information would just be augmented like a taxi cab fare route, fare monitoring, just to determine where it is going, and the type of use.

CHAIRPERSON REID: However --

VICE CHAIRPERSON SOCKWELL: It should be something that they have already been required to do and that they would just pull out.

CHAIRPERSON REID: Well, that was one of the things that the ANC was specifically concerned about, and I think that if they do have a record of how it is monitored, then at any point if the ANC or the community, the Hillendale Civic Association, wanted to know the frequency or what have you, they would be able to give it to them.

And the other thing that was very impressive to me was the revised ANC position, which I thought was just very conciliatory in its content when it basically just asked generally that the things that we had already talked about be addressed and adhered to.

And they were satisfied with what Georgetown had submitted, and gave them some solace in knowing that while not expecting a perfect world; nonetheless, at least now they would be able to have a more peaceful existence in their community.

So I thought that that was very good. That was ANC-2E. Let's see what else. The other thing was the term, and I also concur with Mr. Franklin as to the 10 year term with the understanding that the proposed enrollment increase of 39 students per year would be delayed.

The phasing would be delayed until the southwest quad is in place, and I have no problem with that, and I think there was an indication of that being reviewed for further processing at the five year mark, at the halfway mark.

Now, also the issue of the number of students housed on campus. I think it was indicated that it would be 70 percent of full-time undergraduate students, and that's all I had. Basically, I was pleased with what was submitted to us to address the issues that we had.

And I think that it will go a long ways as to a start, and as time goes on, I am sure that any other problems that may merge will be addressed with equal consideration and concern that has been demonstrated in this submission to us, and I would greatly appreciate that.

MS. PRUITT: Excuse me, Madam Chair. I guess I do have one question or clarification. On your statement about the

enrollment in the five year plan. Are you stating that they can have the increase, but that increase cannot occur until after five years?

Or are you saying that at five years that they come back and you will determine if they get the increase?

CHAIRPERSON REID: No, no. It is in keeping with the request from --

MS. PRUITT: Because I believe Mr. Franklin's is the second one, correct?

CHAIRPERSON REID: I'm sorry?

MS. PRUITT: Mr. Franklin's is the second interpretation.

CHAIRPERSON REID: What do you mean second?

MS. PRUITT: Where they don't get the increase until they come back in five years, and then you will determine if they get it or not. I believe you said something a little different.

CHAIRPERSON REID: No, wait a minute. I am saying that there will be a delay in the phasing of the students until after the southwest quad is in place.

MS. PRUITT: Okay. So that is different than Mr. Franklin's. They are two different --

MS. GIORDANO: Madam Chair, that is the university's position now as I understand it, that they would not be increasing their enrollment until the southwest quad was

occupied.

And what I was suggesting was that we defer any consideration of approving any increase in the cap over the 1990 limitation until we have seen the results of the off-campus housing program.

I don't know any other way of trying to convey the importance of this to the university, except to say that they can't increase their undergraduate enrollment unless they are going to add to the on-campus housing supply, and/or assure all students that are living off-campus will behave in a neighborly way.

Or perhaps becoming more selective, and not increasing enrollment at all. There are these three options, and I would not want to increase the cap until we have had some indication that they become successful in making sure that those that don't live on campus are behaving in a neighborly way.

CHAIRPERSON REID: No, I think that --

COMMISSIONER FRANKLIN: That could be done. You know, the vote might be at that time to increase it.

CHAIRPERSON REID: Well, I was kind of going along with the ANC's -- this was an agreed upon condition of the ANC that the enrollment increase be delayed, or that the phasing be delayed until the southwest quad was in place.

I think that while our intention obviously is to try to mitigate any adverse impact, that at the same time, we

don't want to interfere with the financial feasibility, or the financial position, or viability, of the university.

And I think that we can achieve both. Some way we can achieve both.

MS. PRUITT: Madam Chair, maybe this is one of the conditions that you really talk about later.

CHAIRPERSON REID: Okay.

MS. PRUITT: I just wanted to be clear that there were two separate ideas.

CHAIRPERSON REID: Yes, I am basically going along with what the ANC has stipulated as one of their conditions, and if they are comfortable with it, then I have no problem with it.

MS. PRUITT: Okay. I just wanted to --

CHAIRPERSON REID: If that is workable, and then we can -- that is one of the other conditions that we can discuss when we go over the conditions.

MEMBER RENSHAW: Madam Chair, is it the intent to vote on all of the conditions at this meeting, or are we just making a determination as to the campus plan and the conditions to be drafted, and then reviewed by the board at another meeting?

CHAIRPERSON REID: That is exactly what we will be doing, Ms. Renshaw. Typically what we do in these larger cases, especially the highly contested cases, is to go ahead and vote on the case itself.

And then subsequent to it, have a chance to review

with the assistance of corporation counsel the conditions. Now, for the most part, I think that 95 or 98 percent of the conditions we are all in agreement with.

There are two or three that we may have that -- that we may need further discussion on, and those specifically we can vote on separately, any of those that you may have some problem with.

MEMBER RENSHAW: But, Madam Chair, we are voting today on a time line in other words.

CHAIRPERSON REID: Yes.

MEMBER RENSHAW: And I am uncomfortable voting on a time line if we do not come to agreement as to Mr. Franklin's suggestion as to the university coming back within five years to see the results of the off-campus housing. In other words, a vote for one time line may be conditioned on a vote for the other time line.

CHAIRPERSON REID: I don't follow that.

MS. PRUITT: I'm sorry, I was distracted. I didn't hear your last comment. I'm sorry, Madam Chair.

CHAIRPERSON REID: I was asking --

MEMBER RENSHAW: Madam Chair does not understand the reasoning. What I am saying, Madam Chair, is that today that we are voting on a time line.

However, Mr. Franklin has suggested a period of -- as I understand it, Mr. Franklin, five years, where the university

would then come back and we would see the results of the off-campus housing program, vis-a-vis increasing the cap, the student cap, the undergraduate student cap. And so I -- well, isn't that correct, Mr. Franklin?

COMMISSIONER FRANKLIN: Yes.

MEMBER RENSHAW: All right. So I am saying that if we are voting for 10 years that it is based on this aspect or this condition that Mr. Franklin has offered, that the university come back within 5 years and where we can see the results of the off-campus housing program.

CHAIRPERSON REID: All right.

MEMBER RENSHAW: And so I can't vote for a blanket 10 years if this is not in place.

MS. PRUITT: Ms. Renshaw, let me ask you this way. Notwithstanding the housing program, the 10 years for the actual development plan for the university, is that something that you feel comfortable with, notwithstanding the housing issue?

I mean, they have other projects aside from housing which they are proposing to be developed in the 10 years that the university would need to be planning for, or at least have some idea of whether or not they would be able to develop those.

I am trying to kind of understand where your cutoff point is maybe; and also would you have a problem with approving a 5 year plan as it related to the off-campus housing, and then to be determined after you have worked out your conditions.

Or are you saying that if Mr. Franklin's condition doesn't go, then you don't feel comfortable at all with a 5 year plan, no matter what?

MEMBER RENSHAW: That's what I am saying.

MS. PRUITT: All right. I just needed to get some clarification.

MEMBER RENSHAW: Because I don't want to lose Mr. Franklin's condition, and yet this condition may not be voted on today, and we would vote later on on a 10 year span, which I think, given the discussion today of problems with the university that have not been resolved to our satisfaction as listed by Mr. Franklin.

And given the fact that 10 years ago this -- we have in the record that the university and the community must continue to work together to seek solutions, et cetera, et cetera.

And we are finding 10 years later that these solutions have not been worked out to the community's satisfaction. And I am just hesitant to give a blanket 10 years when I am not really at a comfort level with what is being offered right now.

I mean, we are still discussing these matters, and we are still refining these conditions, and yet we are being asked to vote on a specific period of time; oh, yes, 10 years, and that's that.

MS. PRUITT: So you are not comfortable with any

development, whether it is housing or anything. Like if there was an academic development to be coming on line in 7 years --

MEMBER RENSHAW: I am comfortable with a shorter period, and I am most comfortable with Mr. Franklin's suggestion of 5 years on the housing program, and coming back to the board.

But I don't have much comfort in how the problems that have been expressed by the community are being resolved. There are still problems out there, and yet we are going to bless a development plan for 10 years, and where is the mechanism for the neighbors to come back and tell us whether or not the problems have been resolved.

We are letting the university go ahead, but we are also telling the community, well, we are rewarding them when we do not have the evidence that the university has corrected the problems. This is a world-class, an international class university.

And it has yet to deal with the neighbors in a fashion that it deals with its own programs. So that is a weakness that we have talked about through these hearings, and we have gotten some information from the university that addresses it, but it is not as tight as it should be.

And yet we are then going to reward the university before it has tightened up these matters dealing with the community? Perhaps one of the other board members would like to address this point. Mr. Sockwell.

VICE CHAIRPERSON SOCKWELL: Only briefly, Ms. Renshaw. I think that the issue with the university that we have to keep in mind is that we are dealing with not only the university's enrollment and its community relationship, but we are dealing with an economic engine of multiples of millions of dollars.

And within restricting that economic engine, and/or placing conditions upon its activities, we need to be as cognizant of the fact that if it is supposed to run on high-test that we may be able to put it on mid-grade.

But if we run it on low, it is going to ping, and we don't necessarily want to create the ping. What we really want to do is make sure that it runs as efficiently within the guidelines that we set as possible.

And there are times when the guidelines and the results of having set the guidelines will not come together at the same time. So my feeling is that while we are not necessarily going to get all of the results that we want, and we are now putting this university through a m ore rigorous set of criteria, and must test its resolve in meeting those criteria, I do believe that we must be reasonably considerate of the overall condition that we are monitor and/or restricting.

MEMBER RENSHAW: That was well said. I just want to say that the university should have come together by now on the problems between the neighborhood and the university.

The university was on notice 10 years ago that there were problems, and the problems are still with us, and I would just like to pick up on a few words of Mr. Sockwell about the economic engine.

And I would like to see that the university's economic engine be put into full throttle for the neighborhood, and to once and for all eliminate the problems that have been expressed before this board at this campus hearing.

And it is important to say this, and to have it as a part of the record so that in five years when we review the housing of the Georgetown University that we are reminded of these feelings, and words, and opinions.

And I can understand that the university has got to move forward with its development plans, and perhaps one of the other board members, or other member might have some additional words and reflections on this. And I will then take that into consideration.

COMMISSIONER FRANKLIN: Madam Chair, if I could address these comments briefly. I find myself in agreement with both Mr. Sockwell and Ms. Renshaw, and I think conceptually what can be done here is to sever two considerations as I think the staff has indicated.

The university needs to have the assurance of a 10 year approval with respect to a whole range of developmental issues that it is facing. The one issue that seems to me to be

directly related to the source of the problems with the community, the major source, is the influx of students.

If there were no students living in Berleath and the other surrounding communities, we wouldn't be spending all this time discussing all of these neighborhood problems.

So it seems to me that the most direct way of addressing that is to say to the university that until you can assure us that the irritants that we have been told of are being eliminated effectively, we don't want to have any more students flooding into this neighborhood.

And the only way to do that is to provide campus housing for them on campus, or to make sure that they are behaving in a neighborly way. A very difficult thing, I'm sure, because there are going to be some minority of students who probably will provide problems.

Or to drop the notion of increasing undergraduate enrollment and looking at making the university much more selective in terms of the number of undergraduates that it takes.

I am no expert on university finances. I understand that that may be a real problem. So, Ms. Renshaw, the shoe is really pinching the university when you say that you are focusing on this issue of increasing enrollment, because that as I understand it is what they think they need, in terms of revenue for operations.

And I think if we say that that is where the shoe

is pinching, and until you can improve that situation, we won't allow you to increase enrollment, I think we are doing what the community wants done.

At the same time, we don't have to control and limit the other aspects of the campus plan, which we find are otherwise acceptable. And I therefore think that you can sever these two considerations, and still achieve what I think you and I want to achieve.

Now, the Chair's view is that after the southwest quad is open that this board would be content with an increase in enrollment at that point.

And all I am saying is that, no, I think that has to be looked at again at that point to see how effective all of these various initiatives have proved to be.

CHAIRPERSON REID: Thank you, Mr. Franklin. I think that there are several things that we have to consider here. One is the fact that 10 years ago when we first -- when we issued this order under which the university is currently operating, I don't think that the degree of problems that the university is facing today were apparent.

I think that what we are dealing with is an issue of the times, and the fact that progressively over the last 10 years that we have seen a proliferation of the kind of problems with these students drinking, and noise, and just a worsening of the impact on the community.

And as such these issues have been raised, and I think that it is incumbent upon the university to then move to aggressively and proactively come up with a solution, or to proffer to us how they are going to handle those problems that are brought to our attention.

And I think that that is the best that we could ask, that the university demonstrate to us that, yes, we are cognizant of the problem, and that we do and are concerned about it. And we are doing something about it.

And I guess part of this would have to be on trust and honor that the university will definitely keep their problems to us and to the university, and it would be conditioned on, of course, as to what they intend to do about these problems that have emerged in that 10 year period of time.

And in all fairness let's look at the thing from all points of view. Now, the other thing is that we -- and I don't think there is any disagreement with this board as to the campus plan itself.

We could today approve the campus plan, and we don't have to approve the term necessarily. The term would be a condition under which the campus plan would be operating until such time that we could enter into further discussions as to this issue as to the enrollment, since we seem to have some disagreement as to how in fact the phasing in of the enrollment would be effectuated.

And as such I think from hearing from both Mr. Franklin and Ms. Renshaw, that it is no one's intent to have the university shoot itself in the foot. We certainly want to see a financially viable entity in operation.

But at the same time, you want to give more assurance to the community. Now, from what I sit, once the ANC, which is the primary or one of the primary voice of the community, demonstrates to me what their level of expectation and satisfaction would be, and giving it the great weight to which it is entitled, then I think that our role as a body is to move to try to assure that these concerns are being recognized.

And once we do that, I think that anything over and above that is kind of going beyond what is the responsibility that this board has been charged with. Mr. Moulden.

MEMBER MOULDEN: I agree, Madam Chair, that we can handle this method to accommodate both sides of the coin. I also agree that the campus plan, similar to the master plan, there is a definitive amount of time that is needed to accomplish things, from funding to actual improvements that are necessarily.

However, we have two significant issues here, and I believe that they can be accomplished by approving the 10 year master plan contingent upon a 5 year review of it based on examining the issues based on the conditions that we set forth today.

CHAIRPERSON REID: Okay. All right. Mr. Franklin,

did you make a motion?

COMMISSIONER FRANKLIN: Yes, I did.

CHAIRPERSON REID: Way back.

COMMISSIONER FRANKLIN: Way back, right.

CHAIRPERSON REID: Do you want to put a motion on the floor and then we can go over -- well, can you reiterate what your motion was.

COMMISSIONER FRANKLIN: Well, Madam Chair, the only aspect of the motion that seems to be in some contention is the treatment of any increase in the cap on undergraduate enrollment once the southwest quad is occupied.

And the nature of my motion was that the board would at that time -- now five years is an outside time limit, and it could occur earlier depending on how things move.

But at that time the board would entertain a request of the university to increase undergraduate enrollment, and it would be able to decide the merits of that on the basis of a five year experience with the extent to which the university has been able to effectuate the terms and conditions that we are laying down regarding student conduct.

As I understand the chair's perspective on this, she would allow -- and I am not sure what she would allow. Is it the present increase in the cap that is being requested at this point, and allow that to take effect only after the southwest quad has been occupied without regard to whether the off-campus program

has been effective?

CHAIRPERSON REID: No, I think I am saying that it has to be consistent with the request of the ANC, and that was to delay the phasing in of the students until after the southwest quad was in place.

This does not negate a review at the five year mark, with the mechanism of further processing and at that time, as a special exception, they would be able to come in and the neighbors, the community, would be able to testify as to whether or not the university has complied with the conditions that have been proposed under this campus plan.

And how exactly to effectuate that I am not exactly sure, because if we condition the order that within 5 years would have to come back for further processing under a special exception, would that be something within our power to do?

COMMISSIONER FRANKLIN: Well, as I understand it, and the staff can correct me if I don't remember the record correctly, but I think it has been the university's contention that even under the 1990 cap, they still have about 111 vacancies as it were in the undergraduate enrollment.

So that is not being affected by my motion, but they themselves I think have said that they don't propose to fill those vacancies until after the southwest quad has been completed. So to the extent that --

CHAIRPERSON REID: I think I am hearing or getting

the impression from the staff that that is not exactly the wording of it.

MS. PRUITT: There is 111 student basis for the cap --

CHAIRPERSON REID: No, as to the time frame that they would be fulfilled.

MS. PRUITT: The southwest quad is supposed to come on line, I believe, in the year 2003.

COMMISSIONER FRANKLIN: Right.

MS. PRUITT: And there was supposed to be a little bit of time afterwards to see how once the quad has come on to see if it has reduced the number of students outside of campus, and has the student off-campus housing program worked. That is how the 5 years came up.

CHAIRPERSON REID: Mr. Franklin, are you saying that you are thinking that the university is proposing to utilize that 111 number and to fulfill those in this 3 year period, and then after that going to the phasing period?

COMMISSIONER FRANKLIN: No, the --

CHAIRPERSON REID: That being the case, we are only talking about 78 students, additional students, after the three year period, 39 per year? Am I understanding that?

COMMISSIONER FRANKLIN: The numbers after all these hearings get to swirl around in your mind a little bit, but my recollection was that they would not -- at least they undertook to

tell the board that they would not be filling those 111 vacancies until the southwest quad. That's not correct.

(Discussion off the record.)

CHAIRPERSON REID: No, she would have to testify through staff. She can't testify during these proceedings, nope. If there is a correct or something like that, she can certainly give that information to the staff.

(Brief Pause.)

MS. PRUITT: I think it is a little differently than we all remembered. The 111 could be filled prior to the end of the southwest quad, so that they are operating under there at that time.

They also want to have the increase, which is 2003, of the 389 that they are requesting for the 10 year total cap. And at five years the board can then look and say, well, okay, we have got the quad, and you have gotten maybe 111 people have come in.

We do still want to increase this cap by 389, but they are saying that they need the 389 for planning purposes so that they can sort of do their development plan.

COMMISSIONER FRANKLIN: So 389 on top of the 1990 cap.

MS. PRUITT: Correct.

CHAIRPERSON REID: On top of the 111 --

MS. PRUITT: Well, that is all part of the 1990

plan.,

MEMBER RENSHAW: Correct.

CHAIRPERSON REID: The 1990 cap, they have not utilized that or rather the 111.

MS. PRUITT: Correct.

MEMBER RENSHAW: But we are looking at 111, plus 389?

MS. PRUITT: Well, the 111, I am not sure that you should count it, because that has already been determined. So it really should be 389 on top of the cap.

COMMISSIONER FRANKLIN: And that, Madam Chair, was the number that I -- that is being requested now of the board; to increase the cap, the 1990 cap, by 389 in effect.

And what I am saying with my motion is that I am not prepared to do that at this juncture until the board has seen the results of all of this pledge of activity, in terms of off-campus housing problems.

And what this does is that it still gives the university the 111 vacancies that it can fill in this interim period. So I don't think that we are cutting off that avenue at this point.

MS. PRUITT: Madam Chair, you may just want to review again some correspondence from the ANC, dated October 31st, and then also correspondence from Shaw Pittman, dated November 2nd, that deals sort of with that.

COMMISSIONER FRANKLIN: What page and what paragraph, please, Ms. Pruitt. Actually, that is what we were saying earlier, that basically the university agreed with the ANC position, and in their position paper, they state that -- where is that figure. Just one second. I want to read this for a minute.

(Brief Pause.)

CHAIRPERSON REID: Oh, I don't see anything in here. Ms. Pruitt, in the position of ANC, I don't see it specified.

MS. PRUITT: Actually, I didn't either. I was going to say that it is in the first ANC report. We have information, because you were supposed to -- I mean, this was originally scheduled for September 5th. So there is some information that came in from the ANC in support on that part.

CHAIRPERSON REID: Right. And my understanding was that the ANC was in support of the phasing in over the 10 year period after the southwest quad was completed.

MS. PRUITT: And that is in the ANC report that you got on the 5th.

CHAIRPERSON REID: Right. Okay.

MS. PRUITT: Actually, we have the file if you would like to look at it.

CHAIRPERSON REID: Well, that is what my understanding was. Mr. Sockwell.

VICE CHAIRPERSON SOCKWELL: Madam Chair, I was

thinking that perhaps we could add a condition to the requirements of the university under the campus plan. It would be a bit more proactive than the reactive code of conduct.

And that is that we require the university at the beginning of each school year to provide an orientation seminar, one session, on off-campus lifestyle for all undergraduate freshman living off-campus.

In that seminar, you would have your community people, including invitations to those rental housing owners in the community, the police department, university representatives. But all students proposing to live off-campus would be required to attend.

And at that point, they would be given a more descriptive understanding of the code of conduct, and the method by which all parties to off-campus life should reside.

CHAIRPERSON REID: Well, okay. I have no problem with that. I mean, that seems to be very doable, but does that solve our problem?

VICE CHAIRPERSON SOCKWELL: No, it would help to make it more proactive, rather than reactive, because everything seems to be going towards what if they don't do this or that.

MS. PRUITT: Just for clarification, too. The only thing the ANC was to look at in the second part, or rather once we reopened the record again, was the code of conduct. So their whole support of the phasing never changed.

CHAIRPERSON REID: Right. That's what I'm saying.

MS. PRUITT: I just wanted to make sure that was clear.

CHAIRPERSON REID: But the whole point that I was making was that if in fact our actions are consistent with the desires of the ANC and the community -- and that is the point that I was making earlier -- then why go beyond that if they are happy with it.

VICE CHAIRPERSON SOCKWELL: Right.

MEMBER RENSHAW: Madam Chair, doesn't Commissioner Franklin have a motion on the table?

VICE CHAIRPERSON SOCKWELL: Yes.

CHAIRPERSON REID: Well, we were trying to have --

MEMBER RENSHAW: And do you need a second in order to have this discussion?

MS. PRUITT: Well, you actually did second the motion that Mr. Franklin put on the table.

MEMBER RENSHAW: Who seconded it?

MS. PRUITT: You did.

CHAIRPERSON REID: You did.

MEMBER RENSHAW: Oh, isn't that interesting.

MS. PRUITT: It was so long ago.

COMMISSIONER FRANKLIN: That was a long time ago.

MS. PRUITT: I mean, I don't know if Mr. Franklin

is amending his motion in any way.

MEMBER RENSHAW: Well, let me congratulate myself.

MS. PRUITT: But you have seconded this particular motion. And if my understanding of it is correct, to just sort of recap, Mr. Franklin, is that notwithstanding all of the conditions that you all have talked about just dealing with the time frame, it is appropriate that you have no problem approving it for 10 years for the overall campus plan, with the housing component pulled out for a five year review.

Now, you are at the point now of what can happen in that five years prior to or after in relationship strictly to housing.

CHAIRPERSON REID: Well, I was saying that if we are not in one accord --

MS. PRUITT: In enrollment, I'm sorry.

CHAIRPERSON REID: -- with that, then why not just go ahead with the vote for a campus plan itself, and then the 10 years, and we can then decide on the issues germane to the 5 year time frame, and the phasing in of the student increases over the period of time.

I think that is the only ticklish point that we have, and so we can go ahead and do that, and then we can --

MS. PRUITT: Mr. Franklin, is that acceptable for your motion?

COMMISSIONER FRANKLIN: Yes, I think it would be very helpful just to have a bifurcated motion, one on a 10 year plan, and then the conditions.

MS. PRUITT: Do you support that?

MEMBER RENSHAW: Yes.

MS. PRUITT: Seconded.

CHAIRPERSON REID: All right. All in favor?

(A chorus of ayes.)

CHAIRPERSON REID: Opposed?

(No audible response.)

CHAIRPERSON REID: Discussion.

MS. PRUITT: I just wanted to read it back so that we are very clear on this, and actually this is a point of clarification. The staff will record the vote as five to zero to approve the campus plan, the bifurcation of the case, and only the case plan, notwithstanding the housing increase and all of that, for a 10 year period, to expire December 31st, 2010. We need to make it to a date certain, because of campus problems.

CHAIRPERSON REID: Sure. Oh, I understand that. What you were interpreting was my facial expression, Ms. Pruitt, and then the other part would be what are the conditions that we will work on when we go over the conditions, because as we had mentioned, or as I had said earlier, was that for the most part we agree with all of the conditions, save for the issue about the housing. And there was one other thing that you had.

MEMBER RENSHAW: But just to get back to Mr. Franklin's amendment here, or I mean motion here. If Mr. Franklin's motion is then a condition, the condition might not pass, because that condition will be brought up for a vote.

And my vote on the 10 year plan is conditioned on the fact that we are definitely going to have this 5 year review.

CHAIRPERSON REID: I don't think there is a problem with the 5 year review. I think that it is just a matter of us deciding how and what that will consist of. I think we are all in agreement with that as well.

MEMBER RENSHAW: But then the motion, there should be some language in this motion whereby we are passing a 10 year period for the campus plan, and a 5 year period to a date certain.

CHAIRPERSON REID: That is a condition.

MEMBER RENSHAW: That's just it. I mean, conditions we are going to vote on individually, or in groups. And it may or it may not pass.

CHAIRPERSON REID: Yes, that's true.

MEMBER RENSHAW: And my vote today, that I voted for the 10 year, is based only on the fact that we are going to review this case in 5 years for the increase.

CHAIRPERSON REID: Ms. Renshaw, thank you very much. Now, let's take the vote over. How can we undo a vote?

MS. PRUITT: Let's scrap this motion and start a whole new motion again, please.

CHAIRPERSON REID: Okay. Let's scrap this motion and start over again. And Mr. Franklin's motion is on the floor for a 10 year campus plan period. Now, can I get a second of that motion?

VICE CHAIRPERSON SOCKWELL: I will second the motion.

CHAIRPERSON REID: All in favor?

(A chorus of ayes.)

CHAIRPERSON REID: Opposed?

(Aye.)

MEMBER RENSHAW: That was based on only a 10 year campus plan.

CHAIRPERSON REID: Exactly. Now, we will then include within the conditions, Ms. Renshaw, working out or further tweaking how in fact that can be best structured so that hopefully we can all agree on it.

MS. PRUITT: Into a 5 year time. It is just a matter of what and when --

CHAIRPERSON REID: No, we didn't --

MS. PRUITT: Oh, I'm sorry, we hadn't even voted on that.

CHAIRPERSON REID: Well, that is one of the conditions that we will be working on when we do the conditions. And there was another condition that Ms. Renshaw brought up as to whether or not we could determine where the fines would go, and we

can talk about that as well.

But I think that for the most part that all of the rest of them we were in agreement to, and we will vote on those conditions at our next regularly scheduled meeting.

MS. PRUITT: We need to get the conditions together in a draft order, and that might be a little too tight for us at this point.

CHAIRPERSON REID: Conditions together in a draft order?

MS. PRUITT: Yes, a draft order with all these conditions in so that you can look at them.

CHAIRPERSON REID: All right. Okay.

VICE CHAIRPERSON SOCKWELL: Madam Chair, is it my correct understanding that what we are going to be looking at among conditions is a 5 year enrollment cap, to include 111 student increase to the 1990 cap, plus 389 additional students as a planning target to a 5 year review of the university's success with its off-campus housing objectives as required by the board? Is that sort of one of the things that we are looking at?

CHAIRPERSON REID: Mr. Sockwell, to be perfectly honest with you, I don't know. At this point, what we will do is have corporation counsel draft for us the conditions in that manner, and a couple in the alternative manners.

MS. PRUITT: I think it is like three versions.

CHAIRPERSON REID: In three versions, and then we

can take it up and vote on it, because at this point in time it has gone through so many gyrations that who knows. Mr. Franklin.

COMMISSIONER FRANKLIN: I just don't want to add further fuel to the confusion, but, Mr. Sockwell, I believe at least the intent of my earlier motion was to let the 1990 cap continue to exist, which is as I understand will allow 111 new vacancies to be filled in the undergraduate enrollment.

But that with respect to the request for the 389 on top of that, that we would not do anything about that at this point, but defer that for the completion of the southwest quad, and entertain that request at that point, in the light of what we have learned about how they have operated their off-campus program.

VICE CHAIRPERSON SOCKWELL: Do you feel, Mr. Franklin, that the use of 389 additional students as a planning target is too much in the past agreement, and that we would probably grant them that to be a consideration to be used at this point?

COMMISSIONER FRANKLIN: The lord knows whether I will be around in 5 years, and so I don't --

VICE CHAIRPERSON SOCKWELL: We don't know who will be president in 5 years.

COMMISSIONER FRANKLIN: I would certainly be more favorably inclined to grant that increase if I saw that there was more on-campus housing proposed in the campus plan.

VICE CHAIRPERSON SOCKWELL: If we use it as a planning target, don't you think it might be an incentive to the university if we allowed it as a planning target to meet their requirements? Because if they don't get it and they plan for it, then they would have to backtrack around whatever the board would do at the point of decision at five years.

COMMISSIONER FRANKLIN: Well, I think that is worthy of conversation, you know, when we have our meeting to look at the positions. I think that we could discuss that at that time.

MEMBER RENSHAW: Madam Chair, I just want to be clear on this business. I am not a parliamentarian, and I don't know whether we have a parliamentarian on the board.

But Mr. Franklin made a motion back at breakfast time, and as reminded by Mr. Sockwell, I seconded a motion concerning this 5 year -- 10 year-5 year split, and we didn't vote on that. Mr. Franklin -- did we? Because what we voted on was Mr. Franklin's new motion on a 10 year campus plan.

COMMISSIONER FRANKLIN: Yes, we bifurcated the two considerations and separated them into the 10 year plan.

MEMBER RENSHAW: Then we --

MS. PRUITT: The first motion, I think, was misunderstood, because the first motion included the bifurcation, and you voted for it, because we had a five to zero vote.

COMMISSIONER FRANKLIN: That's correct.

MS. PRUITT: And you said, wait a minute, I didn't mean that; and then we did a second motion which maybe clarified it for everybody.

MEMBER RENSHAW: Okay.

COMMISSIONER FRANKLIN: We will have, I presume, a motion presented to the board when we get the corporation counsel's draft of the conditions, and at that point there will probably be a full discussion of this issue once again.

But I think that I understand that the board is in general agreement with the conditions having to do with the code of student conduct, and all that is still left over is what to do about the enrollment increase, and how to handle that perspectively.

CHAIRPERSON REID: Okay. Thank you very much. We still have The Field School conditions to go over. Why don't we take a 5 minute break, and then we will come back and do The Field School.

And hopefully we will be able to get through that fairly quickly, and hopefully start our afternoon session shortly after one o'clock.

(Whereupon, the meeting was recessed at 12:20 p.m., and was again resumed at 12:35 p.m.)

CHAIRPERSON REID: All right. We are now ready to begin the last case of the morning of -- for those of you who are here for The Field School, let me again apologize.

As you can see, we had a very lengthy deliberation on the previous case, and unfortunately we never know how much or how long it is going to take, and unfortunately if you happen to be the next one, it just took a little bit more time than what we had anticipated.

And so hopefully we will be able to get through the conditions fairly quickly. Okay. Can you call the last case, please.

MR. HART: The last case, Madam Chair, which is before the board is Application 16559, of The Morris and Gwendolyn Cafritz Foundation/The Field School, pursuant to 11 DCMR 3104.1, for a special exception to establish a private school under Section 206 for a maximum of 320 students and a maximum of 74 faculty and staff in the R-1-A District at premises 2301 Foxhall Road, Northwest, Square 1341, Lots 856, 861, 878, and 879.

The hearing dates were march 15th, March 29th, May 10th, and July 25th of the year 2000. Board Members were Ms. Sheila Cross Reid, Mr. Robert Sockwell, Ms. Anne Renshaw, and Mr. John Parsons, and Rodney Moulden.

The board completed hearing the case and indicated the submissions to be made for a decision at its September 25th, 2000 public meeting. At the September 25th, 2000 public meeting, the Chairperson, Ms. Sheila Cross Reid, noted that the Board had three members in attendance, one of which would have to leave early, thus leaving the board without a quorum.

On a vote of three to zero, to two, the Board moved to postpone the decision until its October 3rd, 2000 public meeting; Ms. Reid, Ms. Renshaw, and Mr. Parsons to postpone; and Mr. Sockwell and Mr. Moulden, not present and not voting.

The application was called at the Board's October 3, 2000 public meeting. On a motion made by Mr. Parsons, and seconded by Ms. Reid, the board approved the application by a vote of four to one. Mr. Parsons, Ms. Sheila Cross Reid, Mr. Sockwell, and Mr. Moulden, to approve, and Ms. Renshaw in opposition.

The board directed the staff to prepare and submit a draft of the conditions to the Board prior to the November 8th public meeting, at which time the Board proposed to vote on the conditions. A draft of the conditions were included in your package.

CHAIRPERSON REID: Thank you, Mr. Hart. Board Members, as you are aware, the list of conditions is quite lengthy, and it is a part of the record.

And what I can do is to go over and just highlight them, the major ones, and if there are any that we feel that we need to discuss, we can do so. But for the most part, I think we are all familiar with them. I'm sorry, Mr. Hart?

MR. HART: I'm sorry.

CHAIRPERSON REID: I was just saying that we can probably get through them fairly quickly. Yes?

MS. PRUITT: I just wanted to let you know that Mr.

Parsons has sent in a proxy for all the conditions.

CHAIRPERSON REID: For all of them?

MS. PRUITT: Yes, although he had one change.

CHAIRPERSON REID: And that would be?

MS. PRUITT: And that was to condition number 8. It is a very minor change, I believe. "The athletic field may not be used for baseball." What he meant was adult baseball. He has no problem with like Little League, T-ball, and that kind of thing.

CHAIRPERSON REID: Sure.

MS. PRUITT: And so that is his only change.

CHAIRPERSON REID: Yes, I remember him discussing that. Okay. Basically, as we go through them -- and stop me if there is something that you want to discuss, but the maximum student enrollment is 260. There is a morning peak hour of 106 vehicle limit imposed in condition number 18.

MEMBER RENSHAW: Madam Chair, I would like to know how that is counted and by whom. In other words, who determines a 106 vehicle limit. Is it every day?

MS. PRUITT: That is what you have determined.

CHAIRPERSON REID: I don't know. That is the number that they had specified, and if I recall there was ample space to exceed that, but I think this is what was -- I think that was the parking requirement. I am not sure.

MS. SANSONE: Madam Chair, I believe that this is a

parking -- this relates to one of the parking requirements, the morning traffic vehicles, or the number of vehicles coming into the school in the morning.

CHAIRPERSON REID: No more than?

MS. SANSONE: No more than 106. Now, I think what is contemplated here is that the applicant would present the information to the zoning administrator, who could then investigate and confirm that in fact the school is meeting this limit on a consistent basis.

You know, obviously there may be some mornings when they might be a little over or a little under, but the intent here is that they consistently meet the limit, and then he would certify it to the Office of Zoning.

And then at that point The Field School could achieve its maximum student cap of 320 students. And this was in response to the Office of Planning, and the ANC had initiated this proposed condition.

CHAIRPERSON REID: Okay. That was predicated upon being able to increase its student enrollment to a maximum of 320?

MS. SANSONE: That is correct.

MEMBER RENSHAW: But who counts?

CHAIRPERSON REID: The maximum number of faculty and staff shall be 74. The applicant shall stagger the hours of operation between the lower and upper schools from eight o'clock a.m. for 7th and 8th graders, and no earlier than 8:20 a.m. for

9th through 12th graders.

The applicant shall prohibit students from leaving the campus during the school day, except for emergencies, or on authorized trips.

MEMBER RENSHAW: What does it mean when requested? It says, "Except for emergencies, when requested or authorized by a parent."

CHAIRPERSON REID: Now, Ms. Renshaw --

MEMBER RENSHAW: What does that mean?

CHAIRPERSON REID: Okay. The point that I want to make is that we are just trying to get through these. If I ask can my child leave the school and go to a doctor's appointment --

MEMBER RENSHAW: But then you are authorizing.

CHAIRPERSON REID: Obviously.

MEMBER RENSHAW: But what I read into this was that a student could request.

MS. SANSONE: Madam Chair, I believe that refers to when requested or authorized by the parent or guardian, and not when requested by the student.

CHAIRPERSON REID: It says that. It says when requested or authorized by a parent or guardian.

MEMBER RENSHAW: Can't we just say when authorized by a parent or guardian?

CHAIRPERSON REID: It says that.

MEMBER RENSHAW: And take out the word requested.

Just say when authorized by a parent or guardian.

CHAIRPERSON REID: Well, does it make a lot of difference?

MEMBER RENSHAW: It is simpler.

CHAIRPERSON REID: Okay. I have no problem with that. The applicant may not start any athletic event after six o'clock p.m.

MEMBER RENSHAW: I have a problem there, and that is that the applicant could, or this reads that the applicant could start an athletic event by 5:45 p.m., and that would go on to maybe seven or eight o'clock.

So I am wondering if it shouldn't read that the applicant must end any outdoor athletic event by 6:00 p.m.

CHAIRPERSON REID: That may not -- if I might state that that might not be possible based on the way games are played.

CHAIRPERSON REID: If you remember, Ms. Renshaw, that this is a school.

MEMBER RENSHAW: Yes, I quite understand, but if we --

CHAIRPERSON REID: If they don't start until after 6:00, that means that -- and with the average game -- I mean, first of all, I think they would adhere to this knowing that this was the rule, and try to have them in as close to 6:00 as possible.

But if in fact it started at 5:45, then the average

game is what, an hour-and-a-half or an hour, or something like that. So at the most, it would be seven o'clock or 7;30.

MEMBER RENSHAW: Well, could we just have in this sentence structure something as you have said, that the applicant would look to scheduling outdoor athletic events so that they would end as close to 6:00 p.m. as possible, or maybe something like that?

CHAIRPERSON REID: I don't think that is necessary. This is what was proffered --

MEMBER RENSHAW: I am just thinking of the neighborhood quiet, and I live near a school, a private school, and the school does its utmost to make sure that the quiet is in the evening hours.

CHAIRPERSON REID: I would be more concerned if this was something that may have an adverse impact. Now, remember that we are talking about 7 percent occupancy of 10 acres.

MEMBER RENSHAW: Yes. Sound carries, especially if the area is open as The Cafritz area is.

CHAIRPERSON REID: But again they are on 10 acres.

MEMBER RENSHAW: Yes.

CHAIRPERSON REID: So if the athletic field were a way from the --

MEMBER RENSHAW: The athletic field of the school that I am referring to is away from the community and we still hear them, depending on the way the wind blows.

CHAIRPERSON REID: Why don't we vote on that one and come back to it.

VICE CHAIRPERSON SOCKWELL: May I just suggest one thing, and that is that 6:00 p.m. is the middle of the evening rush hour. It is not generally a quiet time in the neighborhood.

CHAIRPERSON REID: Okay. Let's come back and vote on those. No athletic events may be held on Sundays. The applicant may not use the athletic field for adult baseball. No more than three major evening events beginning after what time? There is a blank there.

Three evening events during the school year, and that may be a parent-teachers meeting, or -- no, no, it can't be that, because parent-teachers meetings are usually once a month, and it has got to be in the evening because that is the only time the parents can come.

MS. PRUITT: You mean like a pageant, or --

CHAIRPERSON REID: Yes, like a major, major evening event. Like a play or something like that.

MS. PRUITT: This says major, and so exactly.

CHAIRPERSON REID: Not beginning after 7:00?

MEMBER RENSHAW: Yes, or you could turn that around and talk about evening events should conclude by. The three major evening events to be held on the school property during the school year should conclude by, and then they are open to starting it at 6:00, or at 7:00, as long as it ends perhaps at nine o'clock.

MEMBER MOULDEN: I think with these conditions that you have got to be a little bit realistic and flexible.

MEMBER RENSHAW: That is realistic, Mr. Moulden.

MEMBER MOULDEN: Different schools operate different programs, and it has to be considerate of both sides about this, too.

CHAIRPERSON REID: You know, I think if you have children, then you know that there is some things that go along with a school by the nature of it being a school.

MEMBER RENSHAW: For instance, our recreation center, we have to be out of the building by 9:30.

CHAIRPERSON REID: Who is we?

MEMBER RENSHAW: We, any community group that is using the recreation center.

CHAIRPERSON REID: Adults?

MEMBER RENSHAW: Adults, or children, has to be out of the building by 9:30.

CHAIRPERSON REID: Okay. Well, we will come back to that one, too. The applicant shall schedule all deliveries to take place between 9:30 and 4:00 o'clock p.m.

MEMBER RENSHAW: Mondays through Friday.

CHAIRPERSON REID: Okay. I have no problem with that.

MEMBER RENSHAW: And do you want to put any language in about no deliveries on holidays? There are holidays

that are working days. The government might be off, but businesses continue, and that is whether or not we want to exclude deliveries on holidays.

CHAIRPERSON REID: I don't know.

VICE CHAIRPERSON SOCKWELL: Well, the question is which holidays do we consider to be real holidays and which do we not? We start then making subjective decisions on what holidays are and aren't.

MS. SANSONE: Madam Chair, if I might add to this, which is that this condition related a lot to the traffic hours, and the peak traffic that would be turning into the school. So this is a traffic related condition.

CHAIRPERSON REID: So if it were on a holiday, there would not be that much traffic in the first place. So it would not really be germane.

MEMBER RENSHAW: But the community may like to have its quiet.

CHAIRPERSON REID: All right. Let's come back to that one. The applicant may not allow any outside groups or persons to rent its facilities. The applicant shall --

MEMBER RENSHAW: Oh, wait a minute. Rent or use its facilities, including the parking lot.

VICE CHAIRPERSON SOCKWELL: No, outside groups, and do you mean the community would be restricted from using the facilities?

CHAIRPERSON REID: That was one of the --

VICE CHAIRPERSON SOCKWELL: I believe that's wrong. I do not believe that we should do that.

MEMBER RENSHAW: No, because we have talked about the local residents to use the athletic fields, da da da.

VICE CHAIRPERSON SOCKWELL: Yes, but when you say use, if the community has an interest in utilizing the facilities, the community should have first right.

CHAIRPERSON REID: Read the next one. The applicant shall permit local residents to use the athletic fields and tennis courts, and to walk or stroll the campus grounds when these areas are not being used for school purposes, provided that the same conditions that apply to the applicant's use of the facilities and the grounds shall apply to the public.

VICE CHAIRPERSON SOCKWELL: So if you want to take that one out, Ms. Renshaw, and substitute it and say that nobody can use the facilities.

CHAIRPERSON REID: I think the problem is with the word rental.

VICE CHAIRPERSON SOCKWELL: Yes, the rental part.

MEMBER RENSHAW: Well, there could be an outside group that would like to use the facility, kind of like a trade arrangement, where I use yours and you use mine.

And it is for some purpose that would be disruptive to the neighbor's quiet and quality of life. I am just stating

that the language is kind of open-ended here.

VICE CHAIRPERSON SOCKWELL: Madam Chair, I believe that if we become too restrictive, then we become the administration of the school, and I don't think that the board should take that role. I think we should use reasonable care in restricting, but certainly not be overly intrusive into the school's operations.

CHAIRPERSON REID: Okay. Let's come back to that one, but be mindful of the fact that these conditions are not our conditions. They are conditions that have been proffered to us by the ANC, and by the Office of Planning, by the BCW.

MEMBER RENSHAW: And the applicant.

CHAIRPERSON REID: And by the applicant. So apparently these are things that they felt that they could live with. All right. Number 12, about the local residents using the fields.

And traffic management. All traffic entering and exiting the school property must use the relocated southern entrance, with the exception of emergency vehicles. We talked about that.

The southern entrance will allow both left and right turns on to Foxhall Road, and the applicant may not use the northern entrance as an alternative entrance or exit for faculty and staff, parents, teachers, deliveries, and so on.

The applicant shall install a gate at the northern

entrance to bar any terms from Foxhall Road to the school property, or from the school property to Foxhall Road.

MEMBER RENSHAW: I don't know whether it is here, but it is in traffic management, but I wanted to point out that we discussed during the hearings about -- is it 44th Street that there had been some arrangement that an entrance/exit on 44th Street was not going to be used?

Do you remember that there was some agreement that the neighbors had --

MS. PRUITT: That was part of their plan that they proffered.

MEMBER RENSHAW: Right.

MS. PRUITT: That the applicant proffered.

MEMBER RENSHAW: But what I am suggesting is that there be some recognition that that 44th Street entrance/exit might have to be used in an emergency, because --

CHAIRPERSON REID: Ms. Renshaw, this is not anything that -- I'm sorry, I cut you off. Go ahead.

MEMBER RENSHAW: Yes, you did. I wanted to include some reference to that 44th Street entrance/exit only in case of emergency, where Foxhall Road is non-passable.

CHAIRPERSON REID: Well, they have emergency vehicles for the southern entrance.

MEMBER RENSHAW: Yes, but --

CHAIRPERSON REID: I don't want to add -- I don't

think we should be trying to insert anything in here that is not being proffered to us as a condition. These were the things that basically were agreed upon by the various conciliation and working out in arbitration with the neighborhood.

There were some suggestions as to some type of deal being worked out with those people on 44th Street. Nonetheless, that had no bearing on the actual decision being made. And I don't think that we should be getting into that.

MEMBER RENSHAW: I think that where we see a deficiency that we should state the deficiency and ask that it be considered.

CHAIRPERSON REID: Okay. Let's come back to that. Before the certificate of occupancy can be issued the property adjacent to The Field School property must be widened to allow the development of southbound left lane traffic on Foxhall Road into the proposed school site.

The construction must provide a minimum length site 305 of for northbound traffic and 304 feet for southbound traffic. The length of the combined taper and deceleration must be a minimum of 474 feet.

The applicant shall submit its design plans for DPW for review and approval. These are the conditions that have been imposed or suggested by DPW, and I think that since we are not traffic experts, or transportation experts. And I think that we would have to respect their recommendation.

MEMBER RENSHAW: Madam Chair, it was my understanding through the hearing that the widening of the road was going to be done at the applicant's expense; is that correct?

CHAIRPERSON REID: Yes, I think so.

MS. SANSONE: Madam Chair, that is correct. However, that is a condition of DPW's approval, but in looking at that more closely, in terms of incorporating it into this order, there were issues about the funding would have to go actually go through the appropriations process, or be treated as a gift.

There are very significant legal issues about the government's receipt of money, and using it in this manner, that the Office of Corporation Counsel felt it would be better left to the Field School's negotiations and working through DPW's process, rather than try to make it a condition of this order.

CHAIRPERSON REID: Well, I think it is noteworthy that The Field School offered to do this, and I guess if it is prohibited, then that is something beyond our scope.

In connection with 15, in connection with the widening of Foxhall Road the applicant shall, with the approval and under the supervision of DPW, remove and relocate all utility and other visual obstructions, including existing utility poles, and so on. And that again falls in the same category does it not, Ms. Sansone?

MS. SANSONE: Yes, Madam Chair.

CHAIRPERSON REID: Okay.

MEMBER RENSHAW: Because that was to be at the applicant's expense also.

CHAIRPERSON REID: If in fact they agreed to do it; however, if it is legally prohibited, then they can't do it.

MEMBER RENSHAW: And then what happens, because so much of the acceptance of this plan was based on the fact that they were going to do it. They are going to do it.

MS. PRUITT: I believe Ms. Sansone said it is not as prohibitive. It is just that it is very restrictive, and there is certain procedures; is that correct?

MS. SANSONE: Well, it raises difficult issues about appropriations law and the receipt of monies into the government treasuries. The applicant agreed to pay these costs, and DPW required it as a condition of its recommendation for approval.

And these conditions are drafted, and they do require DPW's approval. So that what the Office of Corporation Counsel would anticipate is that the mechanism for the funding, and the exact way it can be accomplished will be worked out by DPW as they are reviewing and approving these plans.

And we are not saying it is impossible or legally barred. It's just that there are significant issues that will have to be dealt with in order to accomplish it.

MS. PRUITT: Ms. Renshaw, is your concern that the school will open, and everything will happen, and it will not be

widened?

MEMBER RENSHAW: Yes.

MS. PRUITT: Well, since they can't get a CFO, and so if they can't get a CFO, they can't operate.

MEMBER RENSHAW: Well, I was just also wanting to know whether or not this is going to be an expense borne by the taxpayers, because again it went through the hearing process with the applicant stating that it was going to pay for this.

That was the understanding, and the question is if the applicant does not pay, then who pays, and then it goes back to kind of a community debate. And the community should be informed as to the disposition of this.

CHAIRPERSON REID: Okay. All right. Number 16. Before a certificate of occupancy may be issued, a traffic control signal may be located at the subject entrance. The traffic control signal must be provide a priority green light to traffic on Foxhall Road, on the aggregate to stop northbound Foxhall Road traffic when there are vehicles stopped in the left lane.

The traffic control signal must stop north and southbound traffic when a vehicle is in the southern entrance waiting to enter Foxhall Road. Before a CFO may issue school zone warning signs and signs for any drivers on Foxhall Road of the school entrance must be placed on Foxhall Road.

And again this says that all improvements relating

to the signs must be provided at the expense of The Field School.

MS. PRUITT: Madam Chair, this is just staff's suggestion, and I am sorry to do this, but given the hour, I was wondering if it might be prudent to say all this -- you know, since they are kind of broken up in groups.

There is 47 total conditions, and I don't know if you were intending on reading them all, Madam Chair.

CHAIRPERSON REID: No, I am just going to highlight them, and then when we get to storm water management --

MS. PRUITT: Okay. So like parking could be approved.

CHAIRPERSON REID: Unless there is a problem.

MS. PRUITT: All right. Great.

CHAIRPERSON REID: These are general, I think. The applicant may not permit more than 106 vehicles into the school during the morning peak hour. The applicant may require all student drivers to park on school property, and we talked about that. In fact, they would have to be 17 years of age.

Number 20, the applicant shall require as part of the school parking certificate program for students to car pool to the maximum extent permitted by the Safe Teenage Driving Amendment Act.

Number 21, the applicant shall establish pick-up points for the school shuttle bus, and these pick-up points must be monitored by the school staff or by volunteers.

MEMBER RENSHAW: How often?

CHAIRPERSON REID: I guess or I would suppose at the time when they are --

MEMBER RENSHAW: Daily?

CHAIRPERSON REID: Whenever the kids are picked up. I don't think that they are trick provisions.

MEMBER RENSHAW: No, they are not, but I am just -- well, knowing that these should be a little bit more precise.

CHAIRPERSON REID: But, Mr. Renshaw, some of these are just readily apparent. They are obvious, and we don't have to stop and go over every --

MEMBER RENSHAW: I am just asking when it is going to be monitored, or how it is going to be monitored.

CHAIRPERSON REID: It is going to be done whenever the kids are coming and going to school. I mean, some things are just a given.

MEMBER RENSHAW: I disagree. I think you ought to stick something in, whether it is daily, weekly, or whatever.

CHAIRPERSON REID: The applicant shall require car pooling and van pooling to the Metro Station on major evening and weekend events. The applicant shall construct and maintain a pedestrian sidewalk along the edge of the school property, and this falls also within that DPW situation.

The applicant shall work with the neighbors to approach the Department of Public Works to implement a series of

traffic harming measures to protect the nearby residential neighbors from commuter encroachment.

MEMBER RENSHAW: There is one thing that is not in this traffic management plan, and that is any language having to do with the impact on Mrs. Sagrew's property, because the positioning of this traffic signal is going to mean that there will be a back up in front of her home.

And I am wondering if the line for cars to stop can be removed from her driveway. Do you see what I mean?

CHAIRPERSON REID: Ms. Renshaw --

MEMBER RENSHAW: It has been done on a street in my neighborhood and this works.

CHAIRPERSON REID: -- also remember now that there was a proffer from Ms. Sagrew that her guests would be allowed to park on the parking lot I guess as a compromise.

And I would think that if in fact for a limited amount of time there might be a couple of cars in her parking -- or that are backed up in front of her house, that perhaps -- and I don't know if they talked about that, but that the persons coming to the school daily could be made aware of that so that they could make sure that she could get out if she needed to get out.

MEMBER RENSHAW: Well, there are others using Foxhall Road than just the youngsters going to the school. This is used as a commuter route in both directions.

CHAIRPERSON REID: But I thought that the stacking

lane that you were referring to would stack up the traffic.

MEMBER RENSHAW: When the light turns at the entrance/exit to The Field School/Cafritz property, the cars are going to back up. The cars that are pointed toward American University, for instance, are going to back up in front of her driveway.

And she is going to have no relief whatsoever, and the only suggestion that I have is to paint a line where cars are to start, which keeps her driveway open, even though the light is at The Field School entrance/exit.

The line where the cars stop keeps her driveway open, and it is done on a street in my neighborhood, and it is observed.

CHAIRPERSON REID: But the thing about it is why do that all day when it is only when she has to come and go. I mean, just like I live on Columbia Road, and cars every morning at rush hour are stacked up in front of my house, and to get out, I just have to sit and then just get out into the traffic. I mean, that is not uncommon living in the city.

MEMBER RENSHAW: No, it is not.

CHAIRPERSON REID: So why put this out for all day?

MEMBER RENSHAW: Because it is just a matter of with a sign and a line to say that cars have to stop because of the light at The Field School stop at this location. It is done throughout the city.

CHAIRPERSON REID: May I ask a question?

MEMBER RENSHAW: Go ahead.

VICE CHAIRPERSON SOCKWELL: I don't -- while I understand that Mrs. Sagrew will be coming and going from her property at various times during the day, I don't see anything fundamentally different between the way that other driveways may be encumbered by cuing traffic at a time that a light may or may not be green.

All up and down 16th Street, Northwest, and on many other streets, that condition exists. Mrs. Sagrew, while being an affected immediate neighbor, doesn't necessarily have public space rights granted to her because she is somewhat encumbered by the project that we are dealing with.

MEMBER RENSHAW: But we don't what to --

VICE CHAIRPERSON SOCKWELL: And I don't know that even works to put the stop sign -- wherever the traffic signal is, and where Mrs. Sagrew's driveway is, may be a determining factor as to whether or not that is a logical option.

MEMBER RENSHAW: And perhaps it is for Mrs. Sagrew's agents, in quotes, to deal with DPW on the line and the appropriate place for a sign that says stop here so that her driveway is kept open.

I am just cognizant of the fact that The Field School traffic situation has imposed difficulties on Mrs. Sagrew, and I just feel that these conditions should recognize the fact

that her driveway is going to be, shall we say, closed off because of the traffic light at The Field School entrance/exit.

And if there is a way of keeping her driveway open, I am sure that The Field School would join with her in asking DPW to handle it in the appropriate manner so that her driveway is opened for her safety.

CHAIRPERSON REID: All right. Let's come back to that one.

MEMBER RENSHAW: Okay.

CHAIRPERSON REID: The applicant shall reduce the size of the parking lot to no more than 110 parking spaces. The parking lot should be set back at least 80 feet or a hundred feet that The Field School offered to Sagrew from the adjoining property to the north. So is it 80 or a hundred?

MEMBER RENSHAW: So should we accept the 100 feet because The Field School has offered that to Mrs. Sagrew? I would recommend that we do.

CHAIRPERSON REID: I have no problem with that. The applicant shall investigate porous pavement technology with the ground water recharge system, including that described in the material from Cahill Associates, and its cost-effectiveness, and otherwise feasible use for the parking lot installation to minimize ecological disturbance to the property and nearby and adjacent properties.

The applicant shall install and maintain 80 to a

hundred foot vegetative buffer between the parking lot and the adjoining property to the south. The applicant shall work with the owner of the adjoining property to ensure that the spaces, sign, and screening are effective.

MEMBER RENSHAW: Could we suggest the 100 foot?

CHAIRPERSON REID: Is the 100 that which was suggested by the school?

MEMBER RENSHAW: Yes.

CHAIRPERSON REID: Okay. No problem. The applicant shall allow visitors to the adjoining property to the south to use the school parking lot. Now, that is just Mrs. Sagrew, right?

MEMBER RENSHAW: Just for her.

CHAIRPERSON REID: Okay.

CHAIRPERSON REID: The applicant shall -- lighting. All right. Are there any problems with the lighting so that I can just do this in sections?

MEMBER RENSHAW: In Number 29, Madam Chair, could we say that this is only for Mrs. Sagrew's property?

CHAIRPERSON REID: Well, no, because if it is offered to other neighbors, too, that have adjoining property, and why just Mrs. Sagrew? I mean, why do that?

MS. SANSONE: Madam Chair, I believe that this wasn't the offer to Mrs. Sagrew, but what we are trying to reflect here is that there may be future property owners at some point.

CHAIRPERSON REID: Sure.

MS. SANSONE: So I didn't want to use Mrs. Sagrew's name specifically.

CHAIRPERSON REID: Well, that's what I am saying, that that opens it up who may have visitors and for whatever reason, they may have a party, and use it on the weekend.

MEMBER RENSHAW: The adjoining property to the south only.

CHAIRPERSON REID: And I thought that was something that would be a concession to the adjoining property owner.

VICE CHAIRPERSON SOCKWELL: Corporation Counsel's statement makes sense that as we think in terms of Mrs. Sagrew, because she is the current owner, it doesn't necessarily mean that Mrs. Sagrew is herself being granted some special privilege. It is the property that is being protected.

CHAIRPERSON REID: It is not limited to one person. All right. Lighting.

MS. PRUITT: Excuse me, Madam Chair, but before you go on, just one quick question on vegetation or Number 28 about the buffer. I know that the applicant proffered that in 5 years time there would be a material buffer.

Are you accepting that, or are you asking them to provide a material buffer earlier, or is the 5 year time frame acceptable?

CHAIRPERSON REID: Well, it says very specifically

that the applicant shall work with the owner of the adjoining property to ensure that and that is Mrs. Sagrew.

MS. PRUITT: Okay.

CHAIRPERSON REID: So whatever she says. Lighting. Unless there is a problem with lighting on the parking facilities -- the applicant may not install any exterior lighting on the athletic fields or tennis courts. Wait a minute.

I didn't understand that one because if the lighting -- if it is in the winter time, and there is some activity on the field, it would seem to me that the would have to have lighting.

MS. PRUITT: That would just prohibit you from having activities, winter sports.

MS. SANSONE: Madam Chair, that was the intent of the applicant as you read through their traffic reports and all, in terms of reducing the amount of activity on the site by not installing lights on the athletic field or the tennis court.

That was one way that they were going to ensure that there would not be an intensive use of the property, and that was the purpose. This is a condition that has been agreed to or proposed as part of the applicant's operations plan.

CHAIRPERSON REID: I understand that, but the point that I am making is that in the other condition regarding the -- wait a minute. The time for the applicant -- the applicant may not start any outdoor athletic events after 6:00 o'clock p.m. And

what I am trying to say is that there is a conflict with that, because --

MS. PRUITT: It just means that half of the year, like during the summer months, you can play your sports later. In the winter months, once it gets dark at five o'clock, and so therefore you have to control any outside sports at that time.

CHAIRPERSON REID: Well, I understand that. But the point that I am making is that being the case, then if in fact in the -- so are we saying that in the winter months there would not be any activities in the evening?

MEMBER RENSHAW: That's right.

VICE CHAIRPERSON SOCKWELL: May I make a suggestion?

CHAIRPERSON REID: Do we want to do that, because what I am saying is that we are talking about for the life of this school, and if we limit it at this point -- I mean, why not give them the flexibility? I have no problem with that.

VICE CHAIRPERSON SOCKWELL: With allowing the --

CHAIRPERSON REID: Yes, I have no problem with not limiting -- I mean, if they have already put a time frame on it, and they can't go beyond a certain point. But if at some point they do need an activity that requires lighting, and if they want to do it at some time in the future, I don't see why that would be a problem.

VICE CHAIRPERSON SOCKWELL: Well, one of the issues

may revolve around the fact that low level lighting can be controlled as to its bleed off into the community. The higher level lighting is much less controllable because the light spread is so great.

CHAIRPERSON REID: What about the lighting as it pertains to the other schools where we have granted that the lighting has to be directed and it can't be --

MEMBER RENSHAW: Madam Chair, I would like to ask the corporation counsel who proffered this condition, Number 31.

MS. SANSONE: Madam Chair, this condition was originally offered by the applicant. However, it does not end -- and it was agreed to by the Office of Planning and the ANC. However, this doesn't mean that the Board has to accept this condition. You can modify it.

CHAIRPERSON REID: I understand it. I would just amend it to the type of lighting that Mr. Sockwell mentioned, and thinking about the future, and to say -- is it correct to say any obtrusive lighting?

VICE CHAIRPERSON SOCKWELL: Well, you could do that if you wanted to say obtrusive, and as I said, again, the type of lighting which is usually highlighting on poles, it is very difficult to control the light spread, because it is no longer spotlighting. It is generally floodlighting of one sort of another.

CHAIRPERSON REID: So are you saying that you

can't?

VICE CHAIRPERSON SOCKWELL: Right. You cannot control how far it bleeds off, and it can create a completely different atmosphere, even if it is controlled, because the adjacent sees this huge tower, and the light may be focused into the area of the property where it is located.

But it is still extremely visible and changes the character of the surrounding landscape considerably.

CHAIRPERSON REID: Okay. Go ahead.

VICE CHAIRPERSON SOCKWELL: I would want to make the statement that the applicant may not install any exterior event lighting on the athletic fields or tennis courts. Therefore, you could have directional lighting for pathways and to get to parking lots and things like that, which is low level.

CHAIRPERSON REID: Well, they have that, and that is a given. They have to have that don't they?

VICE CHAIRPERSON SOCKWELL: Well, they don't, but we could make sure that we don't condition them against having any lighting at all, and I would say no event lighting, because that is really the key.

CHAIRPERSON REID: Okay. Let's come back to that. The applicant shall turn the lights to the furthermost parking lot off at nine o'clock p.m. The applicant may not turn the lights on at this parking lot on Saturdays and Sundays, except for special events.

Now, when you say turn off the lights of the parking lot, wouldn't that also tie into the events?

MEMBER RENSHAW: The evening events, yes.

CHAIRPERSON REID: The evening events, yes.

MEMBER RENSHAW: So we need to put nine o'clock at the other end.

CHAIRPERSON REID: Do we want to do that? My whole thing is do we want to be that prohibitive?

VICE CHAIRPERSON SOCKWELL: Well, we are only talking about the south most parking lot. We are not saying that they can't have other parking lots in use.

So it might be very difficult to want to try to restrict their activities. We are trying to protect a certain property area.

CHAIRPERSON REID: That is the parking lot that is closest to the adjoining property?

VICE CHAIRPERSON SOCKWELL: Yes, exactly, to the adjoining residential property.

CHAIRPERSON REID: I have no problem with that. The applicant shall consult with the owner of the adjoining property to the south regarding further refinement of the lighting plan, including any matter pertaining to the hours and operation of the lights.

MEMBER RENSHAW: Well, that's fair.

CHAIRPERSON REID: All right. Construction

management. And there is a construction management plan that they did offer to us. Is there a problem with that? Have you looked over it?

MEMBER RENSHAW: Yes. I have a few things to say, but in Number 35, the last sentence, for the purpose of this condition, the term, adjoining property owners, includes owners directly across Foxhall Road. What about the abutters?

CHAIRPERSON REID: I'm sorry, I am talking about the construction management plan, and you are referring to Number 35?

MEMBER RENSHAW: Yes, which is under construction management.

MS. SANSONE: Madam Chair, I believe this relates to the people that the applicant will be consulting with during the construction process, and as part of the construction plan, and it naturally is the adjacent property owners.

We say the participants may include the adjoining property owners. So this would be any of the property owners that are abutting the property, and the applicant intended it to be even broader than property owners that were immediately adjacent, and they wanted to include people across the road. So this is a very broad --

VICE CHAIRPERSON SOCKWELL: I mean, it seems quite clear to me.

CHAIRPERSON REID: Yes, it is clear.

MEMBER RENSHAW: Okay. Fine. Thank you.

CHAIRPERSON REID: Can we move on now, Ms. Renshaw?

MEMBER RENSHAW: Yes, go ahead.

CHAIRPERSON REID: During construction the applicant shall make available a 24-hour hot line, with a live on-call operator to respond to the caller's questions on any objectionable or unsafe conditions, and shall be publicized promptly on the site. Construction equipment and materials, and activities, may be located --

VICE CHAIRPERSON SOCKWELL: Must be.

CHAIRPERSON REID: Yes, must be located as far from adjoining properties as practical to mitigate air quality and noise impact, and they discussed this offer to Ms. Sagrew.

Now, the whole area of storm water management, I have no problem with. These are all conditions put in, mitigating conditions, to basically control or to be able to facilitate the same. Unless there is any particular issue or question about that, we can just sort of accept those particular conditions that have been offered here.

VICE CHAIRPERSON SOCKWELL: I would say that the only issue on the storm water management plan is that if at this point it has not yet been approved by the city, that we might want to state somewhere in this that at the end of it, where you have all of your amendments, it might also state all conditions subject to approval of the relevant agencies.

That way if they make some changes because they think something is better or more effective, then they are not bound to a 15 inch pipe if it requires an 18 inch pipe.

CHAIRPERSON REID: I have no problem with that. Okay. And then community outreach. The applicant shall coordinate and work with other schools located in the area to address community concerns.

After the completion of the construction proposed in this application, the applicant shall conduct meetings with neighbors and community representatives every six months to discuss reviewing objectionable conditions.

MEMBER RENSHAW: These conditions did not address the roof line.

CHAIRPERSON REID: The what?

MEMBER RENSHAW: The roof line of -- in other words, we have a problem in my particular area with antenna being put on the roof that was unexpected, and the BZA order which covered this particular expansion did not give the neighbors much relief in that. So I am wondering if we want to add that.

VICE CHAIRPERSON SOCKWELL: Well, does not the D.C. zoning ordinance's antenna regulation --

MEMBER RENSHAW: Exactly.

MS. PRUITT: If they wanted to put one on, they would have to clear it or come to the board.

MEMBER RENSHAW: It could be such a statement that

any antenna be with the -- consultation with the community, or something like that, or with the ANC. That can be worked in.

CHAIRPERSON REID: Just go give --

MS. PRUITT: I guess the concern is that that was not something --

MEMBER RENSHAW: If it is not in the order, it is not a good --

VICE CHAIRPERSON SOCKWELL: If it is a matter of --

MS. PRUITT: Madam Chair, it is not something contemplated because it wasn't part of what was proffered to us. So at this point --

VICE CHAIRPERSON SOCKWELL: Any antennas that would be proposed after this order would be controlled by the zoning ordinance --

MS. PRUITT: A modification to the order.

VICE CHAIRPERSON SOCKWELL: -- and/or the building code.

MEMBER RENSHAW: The antenna regulations and towers are in a state of flux right now.

VICE CHAIRPERSON SOCKWELL: Well, towers are different.

MEMBER RENSHAW: And antennas are in a state of flux, those regulations.

CHAIRPERSON REID: If in fact there was going to be an antenna, that would have to be something that would be subject

to the approval of the licensing and the various entities of the DCRA, which is beyond our purview, Mrs. Renshaw.

MEMBER RENSHAW: But I just want to explain to the board that while that may be so, the neighbors have the right to object because it may ruin their site lines.

VICE CHAIRPERSON SOCKWELL: The neighbors probably won't even see them as big as this piece of property is.

MEMBER RENSHAW: Now, wait a minute.

VICE CHAIRPERSON SOCKWELL: But the idea is that if they have not been proffered, then why should we worry about it?

MS. PRUITT: The neighbors also have recourse through the DCRA.

CHAIRPERSON REID: Can we move on, Ms. Renshaw?

MEMBER RENSHAW: I am stating that it is best to recognize this in a BZA order and give that kind of relief to the neighbors through a BZA order.

CHAIRPERSON REID: Ms. Renshaw, that is beyond our purview.

MEMBER RENSHAW: It is not beyond the purview of the BZA to recognize the fact that there may be antenna and we can encourage that the school and the community work together on the siting of antenna on the property.

MS. PRUITT: That can be a condition that you vote on then if that is -- I mean, Ms. Renshaw can make that as an amendment and you can vote on it.

CHAIRPERSON REID: Okay. Let's come back to that. I don't think that -- you know, personally I just think that is something that is beyond our purview, and if they want to do that, they have to get licensed properly, and they would have to go through the whole licensing and facilitation entity.

All right. Let's first get a motion on the floor to accept all of the conditions, with the exception of 6, 8, 10, 11, 13 -- I'm sorry, 6, 9, 10, 11, 13, 31, and there were two new ones that were proffered by Mrs. Renshaw, and that was with regard to the antenna and also in regard to --

MEMBER RENSHAW: To 44th Street.

CHAIRPERSON REID: -- 44th Street, and there are three, 44th Street, and Mrs. Sagrew's driveway. Now, the applicant -- Number 6, the applicant shall -- well, first of all, let's have a motion for the other conditions.

VICE CHAIRPERSON SOCKWELL: I so move that we accept the conditions as described.

MEMBER RENSHAW: Oh, and one other thing. Are we going over this construction management plan that is attached?

CHAIRPERSON REID: No, not unless there was a problem with it.

MEMBER RENSHAW: Well, just to say that I think the parking of construction workers' vehicles -- in other words, the cars, or the trucks that they drive to the site should be parked on the property, or those cars are going to be parked on

neighborhood streets.

VICE CHAIRPERSON SOCKWELL: I didn't understand the part about the neighborhood streets.

MEMBER RENSHAW: In other words, the vehicles that construction workers use to get to the job should be parked on the site, or if it is not included in this construction management plan, and left loose, those cars will be parked anywhere in the neighborhood.

CHAIRPERSON REID: Ms. Renshaw, it says in the management plan that all truck and vehicular parking, material staging, storage, and contractor's trailers, will be located on the site adjacent to the north entrance along the site access road running parallel to Foxhall Road.

MEMBER RENSHAW: But there is a difference between the truck and vehicle parking related to construction, and the private vehicles that the construction workers use to get to the job site.

And in my neighborhood, we didn't pick this up in a BZA order, and upwards of a hundred cars, the vehicles of construction workers, were parked on commandeered parking space.

CHAIRPERSON REID: Ms. Renshaw, it says -- and I am going to repeat this again, that all truck and vehicles, vehicular parking -- and I would assume that means the cars.

MEMBER RENSHAW: You are assuming. You are assuming, and we can make it very definite by putting a few words

in there.

VICE CHAIRPERSON SOCKWELL: But the only thing is, Mrs. Renshaw, that if -- a car is a vehicle, whether it is private or whether it belongs to the construction company. If you bind in all vehicles, then you don't have to decide which is which.

MEMBER RENSHAW: All right.

VICE CHAIRPERSON SOCKWELL: If you say no parking on 14th Street, you mean no parking.

MEMBER RENSHAW: I speak from experience and that's why I brought it up.

VICE CHAIRPERSON SOCKWELL: If we leave it the way that it is, then we have a right to say, or anyone has a right to say, that they are in violation if they park any of their vehicles there.

MEMBER RENSHAW: Right, we have, and it didn't work. And how are they going to monitor the business or construction vehicles exiting the site turning right on Foxhall Road at all times?

VICE CHAIRPERSON SOCKWELL: Generally there is a flag person at the construction entrance of all major construction sites.

CHAIRPERSON REID: It says a flagman will be posted to help left turns into the site. It's here. It is already contained in the management plan.

MEMBER RENSHAW: All right. But we dealt with

this, and the flagmen kept disappearing, and it didn't work.

CHAIRPERSON REID: Well, the only thing we can do is to try and do the best that we can to instill and install whatever type of mitigating factors that are possible, but anything beyond that that falls into human error, or human --

MEMBER RENSHAW: But instead of will be posted can you say must be?

VICE CHAIRPERSON SOCKWELL: Or can you say will be chained to the entrance?

MEMBER RENSHAW: That's even better.

CHAIRPERSON REID: All right. Let's move on with this. Number 6. Well, first of all, I'm sorry, we needed to vote on all the other conditions.

MS. PRUITT: I didn't hear a second.

VICE CHAIRPERSON SOCKWELL: I made the motion.

CHAIRPERSON REID: All right. All in favor?

(A chorus of ayes.)

CHAIRPERSON REID: Opposed.

(No audible response.)

CHAIRPERSON REID: All right. Let's go to the other conditions, and maybe I can take them three at a time. Is that okay? The applicant may not start any outdoor athletic events after six o'clock p.m.; no more than three major events beginning after -- what time did we say?

MEMBER RENSHAW: At 7:00 p.m.

VICE CHAIRPERSON SOCKWELL: Yes, 7:00 p.m.

CHAIRPERSON REID: Okay. Beginning after 7:00. The applicant shall schedule all deliveries to take place from 9:30 to four o'clock p.m. Monday through Friday. Oh, that was one that we already voted on. So that is two. And the applicant may not use the athletic fields for adult baseball.

MS. PRUITT: We amended that. So that is five.

CHAIRPERSON REID: Right. So, just the two about the -- number 6 and number 9. All right. All in favor?

(A chorus of ayes.)

CHAIRPERSON REID: Opposed?

(No audible response.)

CHAIRPERSON REID: Okay. Traffic management.

VICE CHAIRPERSON SOCKWELL: Wait a minute. I think number 7, or rather number 8 is not going to work.

CHAIRPERSON REID: Adult baseball?

VICE CHAIRPERSON SOCKWELL: No, I think what we should say is that the applicant may not allow the athletic fields to be used for adult baseball, because if the applicant doesn't use the fields for adult baseball, somebody else might.

CHAIRPERSON REID: Okay.

CHAIRPERSON REID: Then traffic management. Now, this is in regard to -- was this in regard to the 44th Street issue?

MEMBER RENSHAW: The 44th Street issue, and also

Mrs. Sagrew's driveway.

CHAIRPERSON REID: No, no, no. We have nt gotten to Ms. Sagrew's driveway yet.

MS. PRUITT: That is under traffic management, Number 13, I think.

CHAIRPERSON REID: Oh, I'm sorry. This is the one that pertains to Ms. Sagrew's driveway isn't it?

MS. PRUITT: Yes.

CHAIRPERSON REID: No. No, it's not. That was another one. This pertains to 44th Street, about using 44th Street for emergency vehicles. May I have a motion for this one, and this is Number 13.

MS. PRUITT: As is.

MEMBER RENSHAW: As is, with no mention of 44th Street?

CHAIRPERSON REID: Right. I would move that we accept it as is.

VICE CHAIRPERSON SOCKWELL: I will second that.

CHAIRPERSON REID: All right. All in favor?

(A chorus of ayes.)

CHAIRPERSON REID: Opposed?

MEMBER RENSHAW: Opposed.

CHAIRPERSON REID: All right. Then we go to Mr. Sagrew's driveway. Now, what is the motion, Ms. Renshaw?

MEMBER RENSHAW: The motion could be that DPW will

paint a line on Foxhall Road, and erect a small sign that states traffic stop here, in order to allow that Mrs. Sagrew's driveway be left open.

MS. PRUITT: Madam Chair, I think the board has a hard time conditioning what DPW should do. It should really be left up to them as to how -- they may not think that is appropriate. There may be a traffic or a safety issue from DPW, and the board doesn't really have authority.

VICE CHAIRPERSON SOCKWELL: The issue is that the zoning ordinance really does not have control over public space. It has only control over private property applications.

And while we are conditioning an order regarding the use of public space in a way, we probably don't have the right to condition the order toward the application of DPW standards to public space.

I think we are getting into a gray area where we are overstepping our bounds. And I would hope that Mrs. Sagrew doesn't drive in and out of her driveway 47 times a day, which would mean that she would certainly be impacted at any time traffic cues back along Foxhall Road.

CHAIRPERSON REID: Are we talking about just the morning rush hour?

VICE CHAIRPERSON SOCKWELL: No, that is not the way that it was generated.

CHAIRPERSON REID: No, I'm asking.

MEMBER RENSHAW: I just would like to have some language in there this which recognizes that her driveway, her property, is and has been more impacted because of the traffic situation and configuration because of the school.

CHAIRPERSON REID: All the traffic that is stacked in that lane, is it all going into the school?

MEMBER RENSHAW: No, not all of it is. Some of it is stacking.

CHAIRPERSON REID: I thought that was the lane that was -- I am a little confused.

VICE CHAIRPERSON SOCKWELL: It's the other way.

MEMBER RENSHAW: It is the other way. It is the cars going towards, say, American University.

CHAIRPERSON REID: Oh, okay.

MEMBER RENSHAW: And they are going to be stacking below the area where there is the widened area.

VICE CHAIRPERSON SOCKWELL: You see, the problem that I see -- and the board members can think about this, and we don't have the drawings in front of us.

But the problem I see is that if the light is located in a position that cars could cue directly behind it, then yes, they may cue in front of Mrs. Sagrew's driveway.

If we restrict the cars to cuing to the south end of Mrs. Sagrew's driveway, then we will have them cuing across W Street as a matter of course, and all the rest of the neighbors

won't be able to get out.

MEMBER RENSHAW: That is going to happen.

VICE CHAIRPERSON SOCKWELL: But I don't think that we should exacerbate the situation by forcing the traffic further south so that we guarantee that W Street, which affects more people than the Sagrew property, will be impacted more likely than not.

CHAIRPERSON REID: All right. Then let's -- Ms. Renshaw, make your motion. I think it has to be in keeping with what we can or cannot do. I think that all of us are emphatic with Mrs. Sagrew, as well as anyone else with having a problem getting in and out of their property.

However, looking at the situation in its entirety, perhaps you could word something wherein the school could take steps to work out something with Mrs. Sagrew, wherein everyone who used that lane could be very cautious of the fact that if anyone wanted to enter would be -- that there would be some type of consideration, or to be mindful of allowing people out.

But to me, you know, that is a given, but perhaps this might be something that -- since you have a great concern about it, that could be done to further alleviate that type of impact.

MEMBER RENSHAW: Well, I would request or have the board request that DPW work with Mrs. Sagrew.

CHAIRPERSON REID: We can't.

MEMBER RENSHAW: Or Mrs. Sagrew -- can't we do that?

CHAIRPERSON REID: I am asking Ms. Sansone.

MS. PRUITT: Well, you can request it, but you can't make it a condition. You can ask them to do so.

MS. SANSONE: I believe that we could communicate, you know, through this order that it is a concern. But DPW will have to follow the standard safety measures that it does for drying mines on the road, and where they placed them, and perhaps posting signs. I really think that we are getting into an area that belongs to DPW.

MEMBER RENSHAW: If we could then use those words that we are communicating through the order, the concern for Mrs. Sagrew's property; Mrs. Sagrew, in keeping her driveway as open as possible.

VICE CHAIRPERSON SOCKWELL: If we keep the language out of DPW's hands, and in the applicant's hands, then it is more workable. Applicants shall coordinate the location of vehicle stop point in northbound direction with Sagrew property, or owner, or adjacent owned to the south. Something like that.

And so that way the dialogue starts with the owner, because that is who we can work with in the order, and then goes through Mrs. Sagrew, who will be having discussions with the owners on other issues at the same time, and it will all be coordinated together.

CHAIRPERSON REID: But only as it pertains to the applicant.

VICE CHAIRPERSON SOCKWELL: Exactly.

CHAIRPERSON REID: So you are excluding other cars that are not with the school that may be --

MEMBER RENSHAW: But in that location it is one lane.

VICE CHAIRPERSON SOCKWELL: But the light is precipitated by the use, and therefore the traffic signal would not have been required had not The Field School been approved.

So the impact of the traffic signal on the adjacent property owner immediately south of the property could be looked at, along with any other issues that are going to be coordinated with her through the owner.

CHAIRPERSON REID: Well, right now during rush hour the traffic is never --

MEMBER RENSHAW: It is free flowing.

CHAIRPERSON REID: It is?

MEMBER RENSHAW: There is no traffic light at W Street.

CHAIRPERSON REID: Oh, I see what you are saying. I'm sorry. Mr. Sockwell was saying -- I don't think I got it at first, and now I see what you are saying; is that is what would call the backup.

MEMBER RENSHAW: Well, his language, Mr. Sockwell's

language that the applicant shall coordinate a vehicle stop point with going north with the adjacent property owner to the south makes very good sense.

CHAIRPERSON REID: I have no problem with that.

VICE CHAIRPERSON SOCKWELL: Is that okay with everybody?

CHAIRPERSON REID: Is there a second?

MEMBER RENSHAW: Second.

CHAIRPERSON REID: I thought it was your motion.

MEMBER RENSHAW: No, it is really his.

VICE CHAIRPERSON SOCKWELL: No, it's mine.

CHAIRPERSON REID: Okay. You are seconding it.

MEMBER RENSHAW: Yes.

CHAIRPERSON REID: All in favor?

(A chorus of ayes.)

CHAIRPERSON REID: Opposed?

(No audible response.)

CHAIRPERSON REID: All right. I think that is the last one isn't it?

MS. SANSONE: Madam Chair, I believe we initially set aside Number 11 to look at again, the rental of the facilities.

CHAIRPERSON REID: Okay. That I -- I thought we just left that as it was. The applicant may not allow any outside groups or persons to rent its facilities, and that's just what we

meant to say, as far as the use. And Number 12 contradicts -- well, if we said use, Number 12 would contradict that.

MEMBER RENSHAW: I was just thinking of the fact that there is an embassy residence, I believe, across the street from The Field School, and there may be the request by the embassy to use that parking lot for parties that the Ambassador would have at his residence.

CHAIRPERSON REID: But Number 12 says -- and excuse me for cutting you off, but it says that the applicant shall permit local residency use of athletic fields and tennis courts.

MEMBER RENSHAW: But I am thinking that certainly the ambassador could go across the street and use the athletic fields, but I am thinking of the parking lot.

CHAIRPERSON REID: Excuse me, but why would you want to cut that off if there is an event at the embassy, and there is a parking lot put there by the school, wouldn't it alleviate the impact on the neighborhood to have that parking lot used for that if needed?

MEMBER RENSHAW: But then it is more concentrated on the adjoining property owner to the south. It is a greater impact on her property.

CHAIRPERSON REID: On her property?

MEMBER RENSHAW: Pollution, lights, noise.

CHAIRPERSON REID: But the people would be parking on the street and all around the property. I think that the

parking lot -- I mean, if you use the parking lot, it would alleviate some of the traffic in the parking.

VICE CHAIRPERSON SOCKWELL: If I might say that generally it is accepted that any method by which off-street parking can be used instead of on-street parking is a desirable planning element.

And if the intention to prevent a proliferation of cars on the streets, on the neighborhood streets, is a good thing, then we are only -- you are trying to condition that the parking lots will be vacant at all times, which to the one end might protect adjacent property owners, such as the Sagrew property, from -- the fact that the entrances are even up the street far enough.

And maybe what you want to say is the south, and what I was going to complete this with saying is that at the same time it is going to impact all the neighbors with unnecessary unwanted on-street parking.

Perhaps the way to do this is to restrict the use of the south parking lot, and let the rest of the property be used for parking at times when it is desirable.

CHAIRPERSON REID: Okay. We will say then that the applicant may not allow any outside groups or persons to --

VICE CHAIRPERSON SOCKWELL: Utilize the south parking lot.

CHAIRPERSON REID: Wait a minute. Isn't that the

parking lot that Ms. Sagrew is supposed to be using?

MS. PRUITT: If you change that, then you have to deal with amendment number 29, which says --

CHAIRPERSON REID: Why don't we leave that alone?

MEMBER RENSHAW: No, I like that.

CHAIRPERSON REID: Well, you are trying to solve one problem and then creating another problem.

MEMBER RENSHAW: No, Number 29 is specific to Mrs. Sagrew's visitors, who are allowed to use the parking lot that is closest to her house. That's fine.

VICE CHAIRPERSON SOCKWELL: The only problem with this is that if Mrs. Sagrew chooses to leave her property at some point, it just means that anyone to the south -- that south property is bound in. If it is specific to Mrs. Sagrew, that's one thing.

Mrs. Sagrew might leave and the property might go over to some other use at some point. So this is strictly a relationship between Mrs. Sagrew, the current owner, and The Field School in this particular case.

MEMBER RENSHAW: Right.

CHAIRPERSON REID: Then how could you say that if Ms. Sagrew were having an affair or a party at their house, and they might want to use that parking lot, why cut them off from using it?

Not just the embassy, but what I am saying is that

if you are trying to -- I think it is biased with the embassy if you don't allow the embassy, as well as anyone else. That's what it says.

MEMBER RENSHAW: Well, I am just trying to put some protection.

CHAIRPERSON REID: We understand what you are trying to do.

MEMBER RENSHAW: Right, and so why can't we pick up on Mr. Sockwell's comment, or a suggestion, of restricting the use of the south parking lot for other than Mrs. Sagrew.

CHAIRPERSON REID: Then Mrs. Sagrew can't park there. We can't do that.

MEMBER RENSHAW: Yes, you can.

CHAIRPERSON REID: Because you have other people who may --

MEMBER RENSHAW: You certainly can.

VICE CHAIRPERSON SOCKWELL: Well, it certainly would -- if Mrs. Sagrew's next door neighbor wanted to have a party and decided that it would be more appropriate for her guests or his guests to use the parking lot, then the next door neighbor to Mrs. Sagrew wouldn't have access to that parking lot because Mrs. Sagrew is the only special person who can have access to The Field School lot, which perhaps is a wonderful thing.

But I don't think that even Mrs. Sagrew would want to be that exclusive.

MS. PRUITT: Excuse me, but just for pertinent information, I was just told that Mrs. Sagrew doesn't really want to use the parking lot. So she doesn't need to and so that may be a moot point.

CHAIRPERSON REID: Oh, all right. Good. All right.

MS. PRUITT: So that is the issue with Number 11.

CHAIRPERSON REID: I still say -- and I will leave it as it is, that no one can rent it, but that does not preclude wiping out Number 12 that says that local residents will be able to use the parking lot.

VICE CHAIRPERSON SOCKWELL: How about maybe this? Since we do have at least a statement through staff, maybe it should say that the applicant may allow visitors to the adjoining residential properties to use the school parking lot and leave it at that for Number 29.

And that would limit it to the adjoining residential properties on that square, because that is what you are adjoining.

MS. SANSONE: Madam Chair, I do have a concern with that, because the applicant originally proposed putting in 128 parking spaces, which would have had extra parking.

They voluntarily cut back to a much lesser number that they still felt would be adequate to meet the needs of their school, but not to meet the needs of the neighboring uses.

So if we start tinkering with this too much, we are sort of creating -- we alleviate one problem, and we create another. We do put in the order that the applicant is to work with the neighbors to address objectionable conditions.

CHAIRPERSON REID: Right.

MS. SANSONE: It is felt that the use of the parking lot by outside persons is becoming objectionable. There is a mechanism to discuss that and try to work it out.

CHAIRPERSON REID: Okay.

VICE CHAIRPERSON SOCKWELL: All right. So I think what we need to do then is -- and if I might suggest -- that if the adjoining property to the south is strictly the Sagrew property --

CHAIRPERSON REID: Which one are you referring to?

VICE CHAIRPERSON SOCKWELL: Number 29. If in 29 the adjoining property to the south is intended to be the Sagrew property, then we need to specify that, because there are other adjoining properties to the south other tan Mrs. Sagrew.

And in clarifying that, it may be a value added element to Mrs. Sagrew's property, period, whether she uses it or not, and let that be the case.

CHAIRPERSON REID: And leave it like it is?

VICE CHAIRPERSON SOCKWELL: We should specify the lot.

MS. SANSONE: We should specify the lot or the

address.

VICE CHAIRPERSON SOCKWELL: We specify the address.

CHAIRPERSON REID: We shall allow visitors to the adjoining property to the south?

VICE CHAIRPERSON SOCKWELL: No, we shall allow visitors to the address to use the school parking lot, and that puts it where it was intended to go. It is too general.

CHAIRPERSON REID: I don't agree with that.

VICE CHAIRPERSON SOCKWELL: Well, adjoining property to the south includes any of a number of different pieces of property.

CHAIRPERSON REID: On the south.

VICE CHAIRPERSON SOCKWELL: Yes. There is a whole row of houses to the south.

CHAIRPERSON REID: And so leave it like it is.

MS. PRUITT: Instead of just being for Mrs. Sagrew, once it is sold, it would run with the property.

VICE CHAIRPERSON SOCKWELL: It would run with the intent.

MS. PRUITT: That is your intent.

VICE CHAIRPERSON SOCKWELL: Exactly. It is a value added to the Sagrew property.

CHAIRPERSON REID: And what about Number 11, the applicant may not allow any outside groups or persons to rent the facility, and it stays like it is.

VICE CHAIRPERSON SOCKWELL: Yes. So if the ambassador to such and such buys the property at some point, he can have some great party and park all his people on the school.

CHAIRPERSON REID: Can I have a motion to accept these two as they are, Number 11 and Number 29? I so move. Can I get a second?

VICE CHAIRPERSON SOCKWELL: Second.

CHAIRPERSON REID: All in favor?

(A chorus of ayes.)

CHAIRPERSON REID: Opposed?

(No audible response.)

CHAIRPERSON REID: All right. That's it.

MS. PRUITT: The staff has just one announcement, because I believe we have gone through all the conditions for The Field School. The GW campus plan was supposed to be decided or deliberated next Wednesday as a result of an extra hearing.

There has been some complications because the OP report was delivered late to a lot of the parties in the ANC, and they have asked for an extension of time to do their findings of fact. And there is a lot of information for you to actually sit through.

The staff is suggesting that because we do have a free day in December that you move your deliberations to December 12th instead of next week. So you would only have one hearing during that week, and we are trying not to burn you out too much

either.

CHAIRPERSON REID: That's fine with me. So one hearing instead of two? Any discussion? Can we have a motion on it?

MS. PRUITT: If you would like.

CHAIRPERSON REID: By concession?

MS. PRUITT: Concession, and also just to let the public know.

MEMBER RENSHAW: So which day next week are we going to meet?

MS. PRUITT: Tuesday, your regular day.

MEMBER RENSHAW: Tuesday.

VICE CHAIRPERSON SOCKWELL: That's fine.

MS. PRUITT: And then the staff will contact the parties.

CHAIRPERSON REID: That's fine, and just remind everyone what that decision was. Then that will then conclude the morning meeting. I would also like to take this time to thank the staff again for your work, and your commitment, and your dedication, and your tireless effort to facilitate these meetings. And we know that it is not an easy undertaking. Thank you very much.

MEMBER RENSHAW: Madam Chair, may I say that I will not be hear for the afternoon session, even though this is the afternoon. I have to leave at two o'clock, but I will read the

record.

CHAIRPERSON REID: Okay.

MEMBER RENSHAW: And will vote.

CHAIRPERSON REID: All right. Thank you very much.

(Whereupon, the hearing was concluded at 1:50 p.m.)