GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

PUBLIC HEARING

TUESDAY
JULY 25, 2000

The Public Hearing convened in Room 220 South, 441 - 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 9:32 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

Sheila Cross Reid	Chairperson
Robert N. Sockwell	Vice Chairperson
Ann Renshaw	Board Member

ZONING COMMISSION MEMBER PRESENT:

John G. Parsons	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

OTHER AGENCY STAFF PRESENT:

John Fondersmith	Office of Planning
Kenneth Layden	Department of Public Works

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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

AGENDA ITEM PAGE

PRELIMINARY MATTERS 5

APPLICATION OF THE EAST OF THE RIVER COMMUNITY DEVELOPMENT CORPORATION 15

WITNESSES

CALVIN GLADNEY 23

VIRGINIA MAJOR 55

APPLICATION OF JEFFREY L. KRASKIN, M.D. 75

WITNESS

PATRICK BROWN 75

APPLICATION OF TIA CUDAHY 82

CHRISTOPHER COLLINS 82
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Washington, D.C. 20006-2897
(202) 457-7814

WITNESSES

TIA CUDAHY 83
ANTHONY BARNES 84
DAVID MURPHY 156

C-O-N-T-E-N-T-S (Cont.)

AGENDA ITEM PAGE

APPLICATION OF THE MORRIS AND GWENDOLYN CAFRITZ
FOUNDATION/THE FIELD SCHOOL 99

WITNESSES

KEN LAYDEN 102
DORSEE T. KNIGHT 152
JENNIFER JOHNSON-CALAUI 170
CARY RIDDER 172
REBECCA LESCAZE 174
LOUIS PLUMMER 175
LISA NATANSAN 176
MIKE SANDIFER 177
TOM GIBSON 181
GLORIA KREISMAN 182
LEE KELLEY 184
GEORGE WATSON 185
CATHERINE McDERMOTT 189
KENNETH WOODCOCK 196
KEN DOGGETT 205
FRED HANSCOMB 214
JOE MEHRA 223
DOTTIE WOODCOCK 230
ALAN SWENDIMAN 235
JEFF BOLOTIN 249
EDWARD BRUCE 255
MARION GUGGENHEIM 295
WILLIAM HARROD 296
STEVE SHER 304
JAMES LONG 313

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

(9:32 a.m.)

CHAIRPERSON CROSS REID: Good morning, ladies and gentlemen. This is the July 25 public hearing of the Board of Zoning Adjustment, the District of Columbia.

My name is Sheila Cross Reid, Chairperson. Joining me today is Robert N. Sockwell, Ann Renshaw, Rodney Molden will be joining us shortly representing the National Capital Planning Commission, and John Parson, representing the Zoning Commission.

Topics of today's hearing agenda are available to you. They're located to my left near the door.

All persons planning to testify, either in favor or in opposition, are to fill out two witness cards. These cards are located at each end of the table in front of us. When coming forward to speak to the Board, please give both cards to the reporter who is sitting to my right.

The order of procedure for a special exemption in variance cases is a little different today because of our -- well -- I'm sorry. I was thinking in terms of a case we have for the Field School and that was different, a little different scenario, but for these it's the statement of witnesses of the applicant including Office of Planning and Department of Public Works, etcetera, the Neighborhood Advisory Commission, parties of the persons in support, parties of the persons in opposition, closing remarks by the applicant.

Cross examination of witnesses is permitted by the applicant or parties. The ANC within which the party is located is automatically a party to the case. The record will be closed at the conclusion of the case except for any materials specifically requested by the Board, and staff will specify at the end of the hearing exactly what to expect.

The decision of the Board in these contested cases must be based exclusively on the public record. To avoid any appearance to the contrary, the Board requests that persons present not engage members of the Board in conversation.

Please turn off all peepers and cell phones at this time so as not to disturb these proceedings.

The Board will now consider any preliminary matters. Preliminary matters are those which relate to whether a case should be heard today such as requests for postponement, continuance or withdrawal or whether a proper and adequate notice of the hearing has been given.

If you're not prepared to go forward with the case today or if you have believe that the Board should not proceed, now is the time to raise such a matter.

When I was speaking about the order of the cases today, I was also mindful of the fact that we are going to be changing our procedure somewhat for a subsequent this morning, which is the field School, and I was going to read that as well. However, I don't think that there is anyone here -- is there

anyone here for the Field School case? All right. That case will probably not be for at least a couple of hours, so at that time when we commence that case, I will then read the procedures for that particular case which is a little different. This is a continuation of a case, a hearing that we had earlier in the spring.

Now, preliminary matters. Are there any preliminary matters?

MR. COLLINS: Good morning, Madam Chair and members of the Board. My name is Christopher Collins with Wilkes Artis, and I'm here with the applicants in Case No. 16599. There is an issue about the notice in the case that I'd just like to bring to the Board's attention.

I was asked by the applicants to assist them in the preparation and presentation of this case to the Board. The applicants filed their application on the 12th of May, and when I viewed the plans and the application, I noticed that, in addition to a special exception for two courts in the rear as part of construction, that they also needed a special exception for the accessory apartment. We amended the application and filed a new application on June 2 with a new application form and a new certification form signed by the architect indicating the new relief.

When the notice to the applicant and the ANC and the neighbors was mailed, the notice dated June 15, two weeks

after the revised application was filed, it only contained the first issue, only the special exception for the courts and not for the accessory apartment.

When the applicant discovered that, they were very diligent in seeking to cure to the best of their abilities that issue. They notified the neighbors of the fact that we were seeking a special exception for both the courts and the accessory apartment. They notified the ANC of that fact, and that's in writing, and those letters are in the statement, the very comprehensive statement that the applicant filed in this case, which you have copies of.

They posted sign. The sign is required to be posted two weeks in advance. They posted it one month in advance to give as much notice as they could to all interested parties. They've been speaking to the community about this application for probably the last half year. Because it had to go before Stark Preservation Review, they went to -- it was subject to review by the Old Georgetown Board, the Fine Arts Commission, and the HPRB.

It was the subject, if you've seen the application and the statement that they filed, you've seen that there's been a lot of give and take with the community about this issue. The accessory apartment has always been on the plans. The space is already there. The doorway to the basement is already there. It never was an issue of contention or an issue that had a lot of

focus on it because the applicant was always trying to work with community in various respects, and you'll hear that during the course of our statement.

But the point is that the notice that was sent to the community does indicate that there is a hearing today, does indicate that special exception relief is being requested, but does not indicate the accessory apartment. If any interested parties who were not part of the variance discussions that the neighbors and the applicant had, if they came down to the Board, as you often have instructed people to do, they would have noticed in the file that there were two special exceptions being requested, that the plans were there, the application was there, and the justification that the applicant filed by letter dated July 11th was also there explaining in full both of the special exceptions issues.

So for that reason, we are requesting a waiver of the notice provision to allow this case to go forward today for both special exceptions.

CHAIRPERSON CROSS REID: When you say a waiver of the notice provision, on the one hand, the applicant's notice went out with one special exception and you're saying that then they did subsequent to that make the necessary effort to notify the neighbors as to the addition -- the need for another special exception.

MR. COLLINS: Yes. To the extent that they could

do that, they did that.

CHAIRPERSON CROSS REID: Okay. And the notice in the Register went out with just one?

MR. COLLINS: With just one, but it was the notice that there was a hearing and there's the address, the zoning district and the fact that there was a special exception being requested and there's a general special exception provision.

CHAIRPERSON CROSS REID: Okay. Now on the posting of the property itself --

MR. COLLINS: It noticed both special exceptions.

CHAIRPERSON CROSS REID: Okay. That was done.

MR. COLLINS: Absolutely.

CHAIRPERSON CROSS REID: Okay.

MS. PRUITT: Madam Chair.

CHAIRPERSON CROSS REID: Yes.

MS. PRUITT: I believe that property was posted a month before time.

CHAIRPERSON CROSS REID: That's what he said.

MS. PRUITT: Two weeks prior. Okay. So actually the community had a lot more time than normal.

MR. COLLINS: Yes.

CHAIRPERSON CROSS REID: Would you like to vote on this?

MEMBER RENSHAW: Madam Chair, just a matter of clarification. The ANC did not take a position on this case or it

has just been notified?

MR. COLLINS: The ANC took a position on the case when it was at the Historic Preservation Review Board. When it came time for this hearing, the ANC did receive notice and Mr. Walsh, one of the co-applicants here, contacted the ANC and his letter to the ANC is in the record and he will be up here during the course of the hearing or we can do it right now. He can explain the interaction he's had with the ANC.

CHAIRPERSON CROSS REID: Well, we have a letter from the ANC.

MR. COLLINS: Oh, good.

COMMISSIONER PARSONS: Mr. Collins, we have a letter that's dated July 19. Perhaps you haven't seen it.

MR. COLLINS: I have not seen it.

COMMISSIONER PARSONS: And unfortunately it talks about simply -- what it is says is, "ANC 2E supports the right of the -- to alter the rear of their home and we appreciate the efforts that have been made to ease the impact on the immediate neighbor. We encourage the HPRB to take great care in considering the concern raised by the neighbor." So the record doesn't really indicate that they had knowledge of the apartment issue on July 19.

CHAIRPERSON CROSS REID: Excuse me one second. What day did you say that letter was?

COMMISSIONER PARSONS: July 19. It was--

MEMBER RENSHAW: I've got an April 12 letter.

CHAIRPERSON CROSS REID: I have April it says the same. Oh, this is hot off the press.

COMMISSIONER PARSONS: This just was at our places here this morning.

CHAIRPERSON CROSS REID: Thank you. But it's the -- okay. I wonder why they submitted the same thing? This letter is the same.

COMMISSIONER PARSONS: It's a reiteration of a previous letter addressed to the HPRB.

MR. COLLINS: You can see in the booklet that you all received, the very last document in the book under the last tab, the tab that's marked support letters and outreach, the very last letter --

CHAIRPERSON CROSS REID: Yes.

MR. COLLINS: -- is a letter dated June 26, 2000 to Doctor Mark Ryan of the ANC from Mr. Walsh explaining the situation, explaining two variances. So I can not explain why the ANC's July 19 letter only refers to the one and not the other. Mr. Walsh can talk about his discussion that he had with Mr. Ryan.

CHAIRPERSON CROSS REID: Okay. Why don't we do this, Board Members, given the fact that the letter is from the ANC, although it appears that they were aware of the change, they did not reflect it in their revised -- well, not revised letter but a copy of their April 12 letter. Why not wait until your case

is called and then we can have an opportunity to talk to them and then we can make a decision on that. Personally, I don't see a problem with it but let's try to do it procedurally correct.

MR. COLLINS: Thank you.

CHAIRPERSON CROSS REID: That would be my recommendation. Any Board Member? Is that okay? Thank you very much.

MS. PRUITT: Excuse me, Madam Chair. Are you going to -- can we get a motion to just amend the application to include everything?

CHAIRPERSON CROSS REID: No.

MS. PRUITT: Oh, you're going to do it at the hearing. I'm sorry.

CHAIRPERSON CROSS REID: Right. We'll take the motion. We'll make a decision on that after we have heard from the ANC and gotten into the case and get a better understanding of it. Then we can--

MS. PRUITT: Is the ANC here? Are they expected? I don't see anybody from the ANC.

CHAIRPERSON CROSS REID: Mr. Walsh.

MS. PRUITT: No, that's the applicant. This is ANC --

MR. COLLINS: Mr. Walsh can explain his actions.

CHAIRPERSON CROSS REID: I'm sorry. Mark is the ANC commissioner.

MS. PRUITT: No. Peter Feltzer or usually Bonnie Hardy represents this ANC.

CHAIRPERSON CROSS REID: Okay. All right. Well, anyway, what we'll do is after we have heard -- gotten to the case, then we can make a decision or a motion for the amendment of the application to include the special exception. Okay. Just a little fuzzy for us right now. Thank you.

Are there any other preliminary matters in regard to the withdrawal? Didn't we have a withdrawal?

MS. PRUITT: Yes. We do have one withdrawal and that's application -- if there's anyone here for application 16587, application of Lutheran Social Services of the National Capital Area, that case has been withdrawn.

First case on the agenda is application 16583, application of East of the River Community Development Corporation pursuant to 11 DCMR 3104.1 for a special exception under Section 217 as -- I don't really want to continue reading this because this is how it was advertised, although we know that the relief has changed. It was advertised for special exception, but the application is now asking for a use variance and three area variances.

CHAIRPERSON CROSS REID: Okay. Now --

MS. PRUITT: We did not advertise because this was just from last week.

CHAIRPERSON CROSS REID: Right. Was it posted with

the change?

MS. PRUITT: We have to check with the applicant.

CHAIRPERSON CROSS REID: You don't know.

MS. PRUITT: No, I don't know.

CHAIRPERSON CROSS REID: All right. Can the attorney for the applicant please come forward for the East of the River Community Development Corporation.

MS. PURI: Nicole Puri. I'm Senior Project Manager for East of the River and as well an attorney.

When I came to pick up the orange posters to paste on the site, I informed the person at the desk that we were requesting a variance and she told me that they would have to put special exception on the poster, so that was how it went up. However, I did say that it would be new construction office building with parking access at the alley.

CHAIRPERSON CROSS REID: So are you then saying that the posting of the premises did not reflect the fact that there had been amendment to the type of relief that you're requesting? It did not reflect that the application was for a use variance and three area variances?

MS. PURI: No. As I said, I did try to inform the person of the desk of that, but she wouldn't put it on there.

MS. PRUITT: Madam Chair.

CHAIRPERSON CROSS REID: Yes.

MS. PRUITT: This is, as you may recall, one of

those -- an application that had a lot of -- there's a lot of misunderstanding or some differences, and it wasn't until actually the day of the hearing that it was determined that -- we had two letters from Zoning Administrator and staff went on what the letter of the Zoning Administrator stated which was for a special exception. It was the day of the hearing that we realized that that was really not the correct zoning relief that was required and it was only two weeks ago that that was determined. Or it wasn't determined. It was at least acknowledged and today it should have been confirmed that the type of relief that was required or that is requested is a use variance. An area variance under Section 403 and a Florida aerial ratio variance under Section 402 and a height variance under Section 400 and a use variance under 3103 under Section 350.1.

CHAIRPERSON CROSS REID: How do we reconcile the fact that it was advertised but has not been posted? How do we -- under the relief that we're actually going to be hearing the case today? Now, how do we proceed under those circumstances?

MS. PRUITT: I guess there are several ways. You can have the applicant re-post the property and go forward with the hearing today, have the applicant re-post the property with the correct zoning relief, and leave the record open for comments so that if there's someone who would like to comment, this way you can still at least proceed with the hearing if you feel it's ready to go forward.

CHAIRPERSON CROSS REID: Okay. I have no problem doing it that way unless there's objection from amy other Board Members. All right. So we're going to proceed today and the have them post the property and leave the record open for a period of time to see whether or not there is any opposition or any comments from the --

MS. PRUITT: In the past, we've done this a few times and I would suggest we at least post the property for 15 days and leave the record open for 20 so that it gives people a little bit more time. That way you can at least proceed.

CHAIRPERSON CROSS REID: Is that all right? Does that meet with your time line?

MS. PRUITT: Yes, that's agreeable.

CHAIRPERSON CROSS REID: All right. Thank you. So you want to call the case with the corrected relief that they're now going to be pursuing?

MS. PRUITT: Application 16583, Application of East of the River Community Development Corporation pursuant to 11 DCMR 3102. It's requesting an area variance under Section 403 for lot occupancy, under Section 402 for Florida aerial ratio, under Section 400 for height and a use variance pursuant to 11 DCMR 3103.2 under Section 350.1 for the construction of a three story general administrative office building to accommodate offices with uses and accessory parking in an R-5-A District at 522 and 524 Raleigh Street, S.E., Square 5988, Lots 52 and 53.

All those planning to testify, would you please stand and raise your right hand.

(The witnesses were sworn.)

MR. GLADNEY: Madam Chair and Board and staff, my name is Calvin Gladney. I'm here on behalf of East of the River Development Corporation who's located at 3101 Martin Luther King Jr. Avenue, Washington, D.C. That's Southeast.

As a preliminary matter we wanted to address the BZA filing fee and waiver of that. Section 3380.4 of the Board of Zoning Adjustment schedule of fees provides that the following applicants shall not be required to pay a filing fee. Subsection C. A citizen's association or association created for civic purposes and not for profit.

East of the River Community Development Corporation, a 501C3 nonprofit corporation, requests a waiver of the $800 filing fee for its use in aerial variance application made today. East of the River is a District of Columbia not for profit corporation established to generate economic and community development in Ward 8. Its civic purposes include developing low income affordable housing, redevelopment of the retail and commercial corridors in Ward 8, provision of micro-loans to local businesses and training programs for community residents and business in a variety of areas.

A waiver of the filing fee would be an additional way for the Board and the District of Columbia to help spur

revitalization in Ward 8. East of the River is, as the legal test states, an association created for civic purposes and not for profit and, therefore, we respectfully request a waiver of the filing fee.

CHAIRPERSON CROSS REID: Mr. Gladney, while we welcome the request, this Board does not have the authority to waive fees, and I understand that you're nonprofit and have a worthwhile organization, but at this point in time we can not waive filing fees because we don't have the authority to do so. There is -- my understanding is that there is some push to change the regulation so that we would be able perhaps to waive fees on a case by case basis, but we have not yet been given that authority.

MR. GLADNEY: So with respect to the regulations that are on the books now, who has the authority?

CHAIRPERSON CROSS REID: We don't. We don't. I don't know -- in other words, you mean can you go from this board to some other entity to perhaps get some relief as far as the fees are concerned?

MR. GLADNEY: Yes, because I guess we were going under the understanding that because the regulations say that your fees are able to be waived in certain instances --

CHAIRPERSON CROSS REID: Or reduced.

MR. GLADNEY: -- or reduced, that it would be you that we would ask for that waiver and if you don't have the

authority, we would wonder what entity.

CHAIRPERSON CROSS REID: Let me, Mr. Gladney, let me let corp counsel respond to that.

MS. SANSONE: Yes, Madam Chair. The current fees do not -- fee schedule does not contain any provisions for waiving the Board's fees at this time. It would -- it's possible that in the future the Board may wish to adopt regulations that would set out a waiver procedure, but currently the fee schedule requires applicants, even though they are civic associations and nonprofit organizations, to pay the filing fees when they're applying for zoning relief with respect to their own property.

There is an exemption in the regulations for appellants but in this case, the organization before us is appearing as a property owner seeking relief, and so that exemption does not apply.

MR. GLADNEY: Just for purposes of clarification, you're saying that we are not considered an appellant.

CHAIRPERSON CROSS REID: No. Those were cases where there is an appeal, and this is not an appeal. It's an original application. Sorry. I mean we just don't -- while we certainly empathize with your situation and our empathy is very deep, it's just beyond our purview in order to be able to do so. We do apologize for that. Perhaps in the future this can be remedied but at this point we can't.

VICE CHAIRPERSON SOCKWELL: And if I might say, Mr.

Gladney, we grappled with the issue on several other cases this year. Thus, the request for corporation counsel to research the issue. The results of that research were not helpful to us in being able to do what you have requested, and we apologize for that.

CHAIRPERSON CROSS REID: Okay. Do you want to present your case?

MR. GLADNEY: We wanted to proceed to the ANC report.

CHAIRPERSON CROSS REID: Well, that's not exactly how it's done. You're going to -- you have to make your case and then there's a procedure, the first part of which is that the applicant has to -- has an opportunity to present their case and then there is cross examination and then the ANC report.

MR. GLADNEY: Okay. That's fine. We --

CHAIRPERSON CROSS REID: Was there some reason why you wanted to present ANC first?

MR. GLADNEY: Yes. We were given the understanding that the ANC should go before we made our presentation, but if that's not correct, then we can --

CHAIRPERSON CROSS REID: No, no, no.

MR. GLADNEY: We can go forward.

I wanted to make sure that all of the Board and staff has in front of them our prepared statement.

MS. PRUITT: Is it this statement that's -- it was

dated July 24, that was clocked into our office on July 24? I just wanted to verify.

MR. GLADNEY: Yes.

MS. PRUITT: Okay.

MR. GLADNEY: Does anyone need additional copies?

Well, as Ms. Pruitt stated earlier, there were some miscommunications which led to necessary changes needing to be made in the application in terms of the request for relief. So we'd like to make a motion to amend the application by virtue of this prepared statement and witness testimony to request area variances under Section 403 for lot occupancy, under Section 402 for Florida area ratio, and under Section 400 for height.

Again, we just wanted to make clear that our original application did request a use variance pursuant to 11 DCMR 3103.2 and East of the River has never made a request for relief with respect to a special exception. So we'd like to amend the application which requested a use variance to add the additional relief of the three area variances.

CHAIRPERSON CROSS REID: I have no problem with that. Board Members, if there isn't any objection, then we will so amend your application.

MR. GLADNEY: Thank you.

Now, I'm not certain whether all of you had a chance to read the statement. It may expedite the process as opposed to me reading all three or four pages to more so -- we can

move towards our testimony or have the Board or staff ask for any clarification or questions or revisions. But that's your choice. I can read the statement if you so desire.

I'd like to indicate one correction on page two under Section B, paragraph one, sentence two, the zoning cited in the end of the second sentence should say C(2)(a) as opposed to R(5)(a). Again, that's page two, Section 6, letter B, paragraph one, the end of the second sentence. It should say C(2)(a).

CHAIRPERSON CROSS REID: Page --

MR. GLADNEY: Page two.

CHAIRPERSON CROSS REID: Page two what? Where? It should say what?

MR. GLADNEY: It should say C(2)(a), not R(5)(a).

CHAIRPERSON CROSS REID: Okay. I got it. I have it. Okay. All right, Mr. Gladney, why don't you just summarize for us your -- the basis for your meeting the three-pronged test as it relates to the use of variance and area variances and that specifically I'd like to hear you discuss what is it that's unusual and unique about this property or exceptional about the property. Now, what you have laid out for us is the exceptional situation. But remember, when you were here last, I indicated to you that it should be something inherent in the land itself and I need you to discuss with us what it is about this particular site that is exceptional, unique, or unusual.

MR. GLADNEY: Actually, can I step forward and hand

each of you a copy of the map of the site so that maybe you can sort of visualize.

CHAIRPERSON CROSS REID: No, we know that. We have site maps. We have plans and we have analyzed the siting of the particular property, so do you want to continue from that point?

MR. GLADNEY: Again, the test states, "Whereby reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of a regulation adopted under D.C." --

CHAIRPERSON CROSS REID: I don't want you to read that because we know that. We know that. What I want you to do is take your time to tell us how you are able to comply with the regulations with regard to the specifications for a use of area variance.

MR. GLADNEY: Our argument or out point is that the specific piece of property in terms of both of its orientation with respect to all of the other zoning of the other properties around it and the fact that it juts out onto a commercial corridor in a way that's different and exceptional and unique from a typical residential lot lends itself to allowing for a variance to be given so that it can be used in a way that more so suits the lot.

Specific to the property itself, again, it's the

orientation to Martin Luther King Jr. Avenue which is a commercial corridor which is both slated and developed principally commercially. Also, the alley itself which goes north/south -- I'm not sure if everyone can see. There's an alley which is to the west of the second of lot of lot 53 which buffers the residentially zoned lot from the other residentially zoned lots in the area and actually is typically and principally used for commercial purposes and that setting or that condition of the property lends itself against a residential use and makes it sort of atypical as a lot which makes sense in a residential variety and makes better sense as a commercial use.

MR. BURNETT: Also, there is a retail building that actually touches the property on this side and then a gas station behind it.

MR. GLADNEY: Madam Chair, I apologize. That's Gene Burnett. He's our architect.

CHAIRPERSON CROSS REID: Okay. All right. So basically, Mr. Gladney, your case is being made upon the fact that you feel that because the property is right on the buffer between the commercial and the residential and that there's retail commercial space abutting the property, that it makes the property unique.

MR. GLADNEY: And also just sort of, the site, the use of the site of the last 20 years speaks for itself in that it hasn't been developed for residential use in the last 20 years and

--

CHAIRPERSON CROSS REID: What was the previous use?

MR. GLADNEY: Group homes.

CHAIRPERSON CROSS REID: Okay. But also isn't it right on that intersection of Martin Luther King? Okay, I see it. So that it's on a corner. Right?

MR. GLADNEY: Part of it is. Yes.

CHAIRPERSON CROSS REID: Where is the other part?

MS. PRUITT: Madam Chair, yes, it is a corner and the Washington Gas Building is directly south on a jutting triangle.

CHAIRPERSON CROSS REID: Also, Mr. Sockwell, let me ask you, is the lot shape irregular?

VICE CHAIRPERSON SOCKWELL: Yes, the lot shape is somewhat irregular, Madam Chair.

CHAIRPERSON CROSS REID: That would also go to uniqueness. I mean obviously --

VICE CHAIRPERSON SOCKWELL: It follows the pattern of --

CHAIRPERSON CROSS REID: I'm trying to ascertain the things that will be helpful to you in making your case in that there are some points that you've made that are strong points and there are some points that are not so strong, but those are the kind of things we have to look at is what is it about this particular parcel that would allow it to be zoned any differently

than the zoning district which it's already cited in. That's the first test is the uniqueness or unusual -- what is inherent in the land itself that makes it unusual and unique and the second part is the undue hardship or the practical difficulty that's there.

In this instance, you have to address both of those tests but just give us your explanation as to what the undue hardship or practical difficulty is. Just summarize it from what you've given us.

MR. GLADNEY: Well, again, East of the River's purpose and goal is to serve the community, Ward 8 community and Congress Heights, and to do so, this new building will provide both the office space necessary to provide facilities, both training and otherwise, to the community itself but specifically will also provide East of the River office space necessary to fulfill those purposes.

CHAIRPERSON CROSS REID: What you want to address, Mr. Gladney -- excuse me -- is why is it that it can not be used for -- what would cause a practical difficulty or hardship for you to utilize -- for you to use this property in compliance with the current zoning regulations as it is zoned now. What keeps you from doing that?

MR. GLADNEY: Two things. One, East of the River went to the local ANC -- Virginia Major can testify about this later -- and attempted to ask whether developing the property in a residential way would suit the needs of the community, and the ANC

rejected.

CHAIRPERSON CROSS REID: You went where?

MR. GLADNEY: Excuse me?

CHAIRPERSON CROSS REID: You said you went to the ANC?

MR. GLADNEY: Yes.

CHAIRPERSON CROSS REID: Okay.

MR. GLADNEY: And just to feel out what they thought with respect to using the property residentially as it was zoned and the ANC specifically rejected --

CHAIRPERSON CROSS REID: And why?

MR. GLADNEY: -- that proposal.

THE CLERK: And why?

MS. GILLIAM: Madam Chair, Retta Gilliam, Executive Director of CDC. We met with the ANC representative, as Mr. Gladney stated, and to talk about the use of the property because it had been a nuisance site and had become a site for loitering and dumping. The ANC indicated that it had been vacant at this point for about 10 to 15 years and, prior to that, it had been used as a group home.

They were not interested in seeing another residential facility come online at that particular corridor, primarily because of the way the site is situated in terms of assets to Martin Luther King and it is sort of slighted, you know, as you're going down to Martin King it curves and part of the

discussion centered around the need for more office and retail commercial space along MLK.

In addition, the neighbors along -- the Bach Association, we also met with them, and they indicated that they saw that site more as a divider relative to the commercial versus the residential site and they, too, the Raleigh Place Civic Association, opposed more residential along that block. You must also understand that the site as 522 and 524 represents for a total of eight one bedroom units.

In terms of the redevelopment for that, obviously, we would not look to do one bedroom units because they're not feasible within our cachement area at this particular time and that the redevelopment of those sites into, say, two and three bedroom units, they were opposed because we also have on the opposite street there Parkland Place in the back. We're dealing with multi-family units that have been vacant for the last 10 to 15 years that we're also attempting to address along with the ANC and the Bach Association.

So the general issue here was that within a very defined block area, you're looking at approximately 24 to 30 multi-family units in terms of four unit buildings that are currently vacant and they all are one bedroom units.

CHAIRPERSON CROSS REID: Thank you.

MR. GLADNEY: And again, just to sort of latch onto that, East of the River as a community development corporation

would like to follow the wishes of the community, and the ANC is a good indicator of the thought process of the community, and that's why we didn't move forward on the residential.

CHAIRPERSON CROSS REID: All right. Thank you very much.

COMMISSIONER PARSONS: Madam Chair, can I jump in here?

CHAIRPERSON CROSS REID: Okay.

COMMISSIONER PARSONS: I'm not sure I understand. We're looking at an earlier photograph which you don't have but there appear to be three identical buildings to the one that you now own. Are those the two apartment buildings you were talking about just now? One of them is on Raleigh Street and the other one faces the park.

MS. GILLIAM: Actually, there are several that face the park and on the site, if you're talking about Parkland Place, you're looking at Parkland Place?

COMMISSIONER PARSONS: I'm not sure what I'm looking at. In aerial photograph there appear to be three identical buildings, two identical --

MS. GILLIAM: Well, actually, if you're looking at Parkland Place in the aerial photograph on the back side, there are more than -- actually, there are more than just two identical buildings. There are several along that Parkland Place there. It's 515 and--

COMMISSIONER PARSONS: Let's look at the two across the alley then.

MS. GILLIAM: Yes, you're talking about right across the alley on the site.

COMMISSIONER PARSONS: Are the ones across the alley the ones you were just talking about that boarded up?

MS. GILLIAM: No. Those are not boarded up. They're the ones to the rear of our building that are boarded. Well, the rear of the ones across the alley because the alley is --

COMMISSIONER PARSONS: The ones facing the park.

MS. GILLIAM: Exactly. Yes. The ones facing the park along Parkland Place, those are boarded up.

COMMISSIONER PARSONS: Would the community support an office use of that as well?

MS. GILLIAM: Well, what they would specifically -- well, what has happened heretofore, they have been boarded up. We have purchased, in fact, two of those buildings on that street and the situation that we're dealing with now is the fact that the community would prefer them not to be rental units but single family ownership.

COMMISSIONER PARSONS: So they would support housing there.

MS. GILLIAM: Yes, they would.

COMMISSIONER PARSONS: How about the parking lot --

I'll use that term loosely -- behind your building? That's residentially zoned, as well. How does the community feel about that?

MS. GILLIAM: They're very upset about that because that site is residentially zoned, but it's being used as a holding group or a parking lot for U-Haul. That's what the station, the gas station owner, has used that parking lot for.

COMMISSIONER PARSONS: But has the community spoken on that? Would they like to see that as commercial, as well?

MS. GILLIAM: They would like to see the whole site as commercial. That whole block area, because that was the other interesting thing when we started this process. The community -- there were members who were under the impression that that lot in the back of the gas station was in fact commercial because of its use, and that's when it was determined that it is in fact residential and not commercial.

COMMISSIONER PARSONS: Are you attempting to purchase that, as well?

MS. GILLIAM: We attempted to purchase that, and the owner declined our offer and, as of about two weeks ago, another gas station -- it was a Texaco station and very poorly maintained. It is now being redeveloped into a Chevron station, and they're doing massive work even as we speak.

COMMISSIONER PARSONS: So you don't know what their plans are?

MS. GILLIAM: Not for the parking lot. No, we do not.

COMMISSIONER PARSONS: I guess I'm troubled by this case because it really seems as though a zoning change is what's needed here for potentially this whole block as opposed to using the variance approach, but I'm sorry for the interruption. Why don't you proceed.

CHAIRPERSON CROSS REID: That was raised by Office of Planning, as well, and the more you look at it, the more you tend to lean in that direction.

VICE CHAIRPERSON SOCKWELL: I need to ask one question.

CHAIRPERSON CROSS REID: Let me ask you this. If we were to proceed with the variance today, that wouldn't preclude rezoning subsequent to this hearing today, would it?

COMMISSIONER PARSONS: You mean if the Board of Zoning Adjustment approved this case?

CHAIRPERSON CROSS REID: Yes. This particular process, would that preclude a subsequent request for the Zoning Commission for a rezoning of the entire section?

COMMISSIONER PARSONS: You mean on their own initiative to take a look at this?

CHAIRPERSON CROSS REID: Well, who would initiate it? Would it be the ANC or the CDC or --

COMMISSIONER PARSONS: Normally, I would think the

property owner would do that, but there's no motivation for them to do that if they're going to get relief here.

CHAIRPERSON CROSS REID: Well, I thought that they were also interested in making some other acquisitions.

COMMISSIONER PARSONS: They've acquired something that they want to do as residential, as you know, so I don't know, unless the Chevron owner wanted to do something, why there'd be any motivation to do that. It might be the correct thing to do.

CHAIRPERSON CROSS REID: I was just wondering if, as a recommendation or some advice to them since they may not be very well versed in zoning, perhaps there might be a way for them to go in the future.

COMMISSIONER PARSONS: Well, as I understand your circumstance, you thought when you purchased this that it was commercially zoned. You began your process, you got your drawings, you're rolling along and somebody says, No. So you're here seeking help.

MS. GILLIAM: Exactly.

COMMISSIONER PARSONS: to going to the Zoning Commission which may seem more cumbersome, but maybe not, and having a zone change to accommodate your needs.

MS. PURI: Could I say something? I did -- when I did the initial research on how we would need to go about to build an office building on this site, I did speak with the Zoning Commission and they told me on two separate occasions

that this would not be appropriate for a rezoning because it would be spot zoning and they couldn't do that. So I relied on that information and went to the Board of Zoning Adjustment.

COMMISSIONER PARSONS: Well, C(2)(a) adjacent, it would simply be moving that line over to the alley. Correct?

MS. PURI: That's correct but --

COMMISSIONER PARSONS: Well, jumping on somebody at the counter, I would say you had some bad advice. Spot zoning is generally where you go into the middle of a residential zone and drop a commercial in. You build a 7-11 in the middle of a community. Truly a spot on a map. Well, I think we ought to proceed.

CHAIRPERSON CROSS REID: Yes. We're getting kind of bogged down into some of these technical nuances on the one hand but on the other hand, it is pretty important and I would suggest also that, based on this conversation today, that you talk to staff, not at the counter, talk to the direct persons, Ms. Pruitt or Mr. Hart, about future plans that you may be contemplating and the feasibility of pursuing it under a rezoning or a variance may be most helpful to you.

Mr. Sockwell.

VICE CHAIRPERSON SOCKWELL: I'm just trying to clarify something with regard to the plat that was submitted by the applicant. The shaded portion on this plat as we have it is to indicate what?

MS. PURI: That indicates the two lots that we own. I think that there may be --

MR. BURNETT: The shaded portion is the shape of the new building.

VICE CHAIRPERSON SOCKWELL: Of the new building.

MR. BURNETT: Right, because the existing building is actually set back, as you can see from the aerial photo.

VICE CHAIRPERSON SOCKWELL: Yes, and it wasn't clear to me exactly what I was looking at here. Okay. Now I'm more in tune. Thank you.

MEMBER RENSHAW: Madam Chair, a question for the attorney. You stated that this 20' wide alley was mainly or is mainly used for commercial purposes. How did you come to that conclusion?

MS. PURI: We came to that conclusion because of the fact that on one side -- on the other side of this particular parcel there's a Texaco station and the parking lot which was mentioned earlier and on the other side there's the Washington Gas Building which has a parking lot but has access on Raleigh Street. Therefore, a lot of people will come down -- when they're coming down Martin Luther King going south, they will turn right onto Parkland and take the alley across to avoid the light which, you know, isn't appropriate but it does happen quite a bit.

CHAIRPERSON CROSS REID: Okay. Mr. Gladney, you indicated also in your submission to us a case for area variance.

Would you like to summarize that quickly?

MR. GLADNEY: It is our understanding that area variances are dealt with under the practical difficulties prong of the code section. It's essentially two points. One, it's not economically feasible to build a building which can provide both the office space to East of the River and the training facilities and other facilities to the community within the purview of the R(2)(a) zoning requirements. When we do our calculations --

CHAIRPERSON CROSS REID: R(5)(a)?

MR. GLADNEY: R(5)(a). My apologies. R(5)(a).

CHAIRPERSON CROSS REID: Yes.

MR. GLADNEY: Particularly, again, what's needed in the community after our discussions are conferencing centers, training facilities, and also we have programs that we've been providing which are basically squished into space which doesn't fit the programs which are being provided. In addition, we have multiple people in offices spaces which only lend themselves to one. We can flesh it out more specifically if necessary.

So it's a practical difficulty for East of the River, one, to make it feasible, both as a nonprofit but even if we were a private developer, to construct a new building under the residential requirements and, secondly, to construct a new building which fits the myriad of needs both the community and East of the River has.

VICE CHAIRPERSON SOCKWELL: The practical

difficulty that you are describing is one that is programmatic in nature that the program that you propose for the building can't be fitted into the building that you would like to build there if you build under the existing zoning requirements.

MR. GLADNEY: Well, that's part of it. Also, it is just in terms of doing what we do now that we have been in cramped spaces and space that's really not suited for the set of basic things that we do as a development corporation for the community now. So it's both in terms of new programs and in terms of making it feasible in terms of space and properly being able to serve the community. So it's both the potentially new programs and the programs presently and fitting the number of employees that we have now in proper space.

VICE CHAIRPERSON SOCKWELL: Mr. Gladney, this building will replace what you have elsewhere or will be in addition to what you have elsewhere in facilities?

MR. GLADNEY: I'll let Retta Gilliam speak to that.

MS. GILLIAM: Mr. Sockwell, currently ERCDC, we are renting space out of the Washington Gas Building. This will be a move for us in terms of both home ownership in terms of our own space, but it will also provide, as Mr. Gladney has indicated, we will have both conferencing and training space available in the new facility as well as a business resource center.

VICE CHAIRPERSON SOCKWELL: All right. Thank you.

CHAIRPERSON CROSS REID: Wait one second.

(A pause in the proceedings.)

CHAIRPERSON CROSS REID: Okay. Well, we were looking at the aspects of your presentation for practical difficulty and trying to ascertain whether or not the information that you have presented us with is sufficient basis for your being able to prove that particular part of the test.

MR. GLADNEY: Can I have one last point?

CHAIRPERSON CROSS REID: Sure.

MR. GLADNEY: It's a reiteration of a point made earlier. Since, again, we had presented to the ANC a plan for residential use and it was rejected, it also presents a practical difficulty for the East of the River to go against the wishes of the ANC --

CHAIRPERSON CROSS REID: Without their support.

MR. GLADNEY: -- without their support, which is tantamount to not having support of the community.

CHAIRPERSON CROSS REID: We'll take that into consideration.

VICE CHAIRPERSON SOCKWELL: Are you currently owners or contract purchasers of this site?

MS. GILLIAM: We are owners.

VICE CHAIRPERSON SOCKWELL: You are owners.

COMMISSIONER PARSONS: Ms. Gilliam, there's a section of your statement at the bottom of page two and up on page three that says you're going to potentially have to leave the

community. What does that mean?

MS. GILLIAM: Well, not leave the community in --

COMMISSIONER PARSONS: Relocate out of the community.

MS. GILLIAM: Well, one of the challenges that we're finding is land acquisition within Ward 8 proper quite frankly along the commercial corridors because one of the things in terms of the services that we provide relative to training and micro-lending, etcetera, is that we must be on a main thoroughfare so that people can have accesses by buses and the reality is is that Martin Luther King, Alabama Avenue, those are the main corridors within our community in terms of Ward 3 that people can have transportation access to, and that's one of the challenges that we face in terms of along the avenue there just really aren't that many spaces available.

COMMISSIONER PARSONS: So it's not a matter of cost. It's a matter of buildings or land, commercially zoned land that's not available?

MS. GILLIAM: Well, and commercially zoned land, quite frankly, that folks have an unrealistic value as to what it's currently worth. The reality is is that we can not afford to be paying $300,000 and $400,000 for an existing building that has a total square footage of 5,000 square feet which is what we've been faced with currently and which was why we work, quite frankly, in terms of getting this site was considered a nuisance

site and had been designated so by the Department of Consumer and Regulatory Affairs and, in fact, we were working with the neighborhood in terms of that designation because the businesses along the avenue were having difficulty because of the activities that were taking place at this particular site and the thought being that as a redevelopment initiative that it made sense to start with the most difficult property along the avenue and, quite frankly, even though it carries an address of 522 and 524 Raleigh Place, for all intent purposes, it really affects what happen along the business corridor of the avenue and this particular area, this is what we're addressing. In fact, we're putting together a master plan that specifically addresses the blocks from Martin Luther King/Portland Avenue going south. And so this is a part of that.

And the challenge here, quite frankly, is the fact that if you're going to start, you need to start with something that you own. There is this perception that you can't get anything done and that people want to come in and take over property, etcetera, etcetera. So we need to be as a catalyst, we need to show that things can change and they can do that along the avenue. So we're sort of looking at this project as the first step in the master plan which also includes right across the street, the 3000 block that we've been working with the land owners on that in terms of redeveloping those sites, as well.

CHAIRPERSON CROSS REID: Okay.

VICE CHAIRPERSON SOCKWELL: Currently -- if I might ask, currently in the Washington Gas Building, you are a tenant on what floor?

MS. GILLIAM: We're on the third floor.

VICE CHAIRPERSON SOCKWELL: Third floor, which means you have limited visibility.

MS. GILLIAM: Exactly.

VICE CHAIRPERSON SOCKWELL: All right. In the proposed structure, you would have a building of your own with visibility with convenience to public transportation?

MS. GILLIAM: Yes.

VICE CHAIRPERSON SOCKWELL: How far away is the nearest Metro station?

MS. GILLIAM: There's a new Metro station that is scheduled to open later this year, and it's about a block and a half. It's up near the St. Elizabeth's, on the back side of St. Elizabeth's, and we're currently in the 3000 block and that would be roughly in about the 2700 - 2800 block and also the bus station is right across the street from our existing site on both sides and it's the main bus station that goes both to the Anacostia Station as well as it will be going to the Congress Heights, the new proposed station, when it opens.

VICE CHAIRPERSON SOCKWELL: So one practical difficulty would be that as a split zoned site, you would be unable to achieve the desired bulk, etcetera, etcetera --

MS. GILLIAM: Exactly.

VICE CHAIRPERSON SOCKWELL: -- to --

CHAIRPERSON CROSS REID: Isn't that a split zone?

MS. GILLIAM: It was originally --

VICE CHAIRPERSON SOCKWELL: That's right.

MS. GILLIAM: We thought it was a split zone, quite frankly, which was the reason we asked for a variance because it was presented to us as a split zone situation.

VICE CHAIRPERSON SOCKWELL: All right. Well, let's say as a practical difficulty perhaps the fact that it is in a section of the block that is occupied entirely by either commercial uses or accessory uses to commercial uses, being located east of the alley, that the practical difficulty is in some way related to the relationship of your property to other commercial properties more proximate than the relationship between your property and residential properties which are less proximate, being on the other side of the 16' alley.

So one might consider the practical difficulty, one, of specific location relative relationship to other like uses and frontage on a major street which would normally not be the residential position and yet unfortunately being relegated to the R(5) zone I can see could be considered a significant practical difficulty for the effective development of the property in relation to its adjacent neighbors and public space.

CHAIRPERSON CROSS REID: Thank you, Mr. Sockwell.

I think that this is a case where we had just a comedy of errors in that when they purchased the property in the first place, it wasn't zoned. It was presented to you as being one thing and then you come to find out later that it wasn't what you thought it was and then you started to pursue getting the correct variance relief, not having had the benefit of knowing when you went in what exactly you were dealing with.

That's most unfortunate and that is, I would think that that would demonstrate to you the importance of making sure before you purchase that you have the zoning to do what you need to do, and people come before us with a contract to purchase contingent upon getting the correct zoning. That kind of takes you out of that kind of situation. The worst thing that could happen is that you buy a piece of property you can't use what you need it for.

So let's move now to -- if you've completed your presentation and if there are no further questions from the Board to the architect, then what I was going to do was to move on to the ANC report and to the planning report and then try to wrap this case up.

VICE CHAIRPERSON SOCKWELL: One more question. Your initial plan for the property when you purchased it was to do what?

MS. GILLIAM: Initially, we were looking at it as a potential residential side. In fact, after we purchased the site,

the ANC initially approached us about what our plans were and at that time we convened on June 20 last year, we convened a meeting with the Raleigh Street Block Association and the ANC representatives to sort of talk about yes, that this was what we have done and they were very relieved about that. Then the discussions shift in terms of what were our plans and it became very clear that the neighbors along Raleigh Street as well as the ANC both opposed any plans for any continued residential use. At that point was when we went down the commercial use--

VICE CHAIRPERSON SOCKWELL: All right. Let me ask you two questions. One, was your residential use to rehabilitate the existing building?

MS. GILLIAM: Yes.

VICE CHAIRPERSON SOCKWELL: Two, do you have documentation of that in any way, shape or form, any community meetings, any discussions of residential use and the existing building remaining in place?

MS. GILLIAM: Well, actually, the ANC representative who attended that meeting could probably address that. First, we purchased the building in May of last year. The community meeting was held on June 20 and we do have a sign-in sheet of the residents that attended that meeting.

VICE CHAIRPERSON SOCKWELL: But you do some kind of a forecast of what you're going to do with property when you purchase it. Correct?

MS. GILLIAM: Yes, and that forecast was based upon -- we do have budgets for that and that was based upon a residential usage.

VICE CHAIRPERSON SOCKWELL: And you do have documentation.

MS. GILLIAM: Yes, we do have budgets and stuff.

VICE CHAIRPERSON SOCKWELL: Then in that case, a practical difficulty would be that the property was purchased with the intent to rehabilitate as residential. The community objected vehemently to the rehabilitation of the existing building for residential use. Therefore, you were caught with a piece of property with a structure that now would not be suitable for the use alternatively as commercial and would have to be demolished. That is a condition of the piece of property.

MS. GILLIAM: Yes.

VICE CHAIRPERSON SOCKWELL: Thank you.

CHAIRPERSON CROSS REID: Thank you, Mr. Sockwell.

MEMBER RENSHAW: Could I ask, in light of the change of use that you are asking of the Board, are you planning to change your address from Raleigh Place to Martin Luther King and do you see this site now that your focus is commercial rather than residential because you are being denied the residential development as a gateway project? In other words, that because of its position, it becomes a gateway building to Martin Luther King Jr. Avenue.

MS. GILLIAM: Yes to both of those questions. We do.

MEMBER RENSHAW: Thank you.

CHAIRPERSON CROSS REID: So did I not understand correctly initially when I thought that you were saying that you had purchased it as commercial? That was not the case?

MS. GILLIAM: Well, when we purchased it, we were under the assumption that it was a split zone.

CHAIRPERSON CROSS REID: Right. Oh, I see, that you could do both.

MS. GILLIAM: Yes, exactly. And in that scenario we thought in the worse case scenario we'll have residential and then we'll just --

CHAIRPERSON CROSS REID: Sure. Sure. And then, like I said, it was a comedy of errors because you ran into all kinds of barriers because of the zoning, and that's a big issue, as you well know now.

MS. GILLIAM: I know now.

CHAIRPERSON CROSS REID: Yes. Okay. The ANC representatives, are they here? Please come forward. And you can stay there if you'd like. We're just going to have her come up and have Mr. Fondersmith give the OP report. Do you need a waiver? Do you need a waiver for your letter? We didn't have one in the file. It should be within seven days before the hearing. And if not, you need to request a waiver.

MS. MAJOR: You have received a letter from -- or should have.

CHAIRPERSON CROSS REID: That's your testimony?

MS. MAJOR: No, no. I'm sorry.

(A pause in the proceedings.)

CHAIRPERSON CROSS REID: Go ahead and proceed while we're --

MS. MAJOR: Good morning. My name is Virginia Major. I'm Chairperson of Advisory Neighborhood Commission 8C, and our office is located at 3125 Martin Luther King Avenue, S.E.

The Commission at its April 5, 2000 public meeting voted unanimously to support a variance/ special exception -- we weren't sure which because our paper said both -- for the building of Plaza 8 at 522 and 524 Raleigh Street, S.E. There were four members, the required quorum, of the seven member Commission present and voting. Proper notice was provided to all Commissioners and to the community by mailings, posting of notices, and by personal contacts.

The residents, especially those living in close proximity, have been in discussion about this property for several years. They were concerned about the poor condition and lack of maintenance of the property by the absentee owner. It was such a major eyesore that the Director of the Department of Consumer and Regulatory Affairs posted the name and address of the owner on the building to try to get them to maintain the property.

It still remained an eyesore until East of the River CDC, in its efforts to address the blighted properties in the community, purchased this property and engaged the community in dialogue as to what would be the best use. The community, after a series of meetings, recommended an office-type building with space for small businesses. They did not want an apartment or residential property.

The property has never been successful as a residential property in the past 23 years that I've lived in the community. The reason, I believe, is it was due to its location.

CHAIRPERSON CROSS REID: Okay.

MS. MAJOR: The property is located at the end of Raleigh Street and Martin Luther King Avenue, as you know, and it is separated from the rest of the residential property by an alley. The back of the property abuts the lot in the back of the gas station on Martin Luther King Avenue and on the side opposite the alley it is about three to four feet from the commercial property. I think I'm exaggerating that distance. I think it's even closer than that. So it is more connected to the commercial area than to the residential.

Additionally, Martin Luther King Avenue curves in this area so two streets, Parklane and Raleigh, come out to the avenue with only a short distance between the two. The gas station and the three small shops and the apartment buildings follow the curve with the apartment building appearing to be

partly on Martin Luther King Avenue and partly on Raleigh Street. Raleigh Street widens in front of one of the buildings and gives the appearance that it is on the avenue rather than Raleigh. And I'll add, for a long time we were discussing these vacant properties, but everyone thought it was on Martin Luther King rather than Raleigh Street, as the address.

The community is waiting to see a change at this site and was very receptive and enthusiastic about the plan offered at the April public meeting. They also voted at the meeting to support this project, and normally we don't take a vote of the attendees, but in this case we did and it was unanimous with support that this be an office building and the plans that East of the River offered.

East of the River's plan will be an asset to the Congress Heights community. It will, one, improve the appearance of the business area by unifying the business district along Martin Luther King Avenue on both sides of Raleigh Street, two, it will clearly distinguish Raleigh Street on the west side of the alley as residential, and three, it will provide much needed office space for East of the River to offer services to the community and for other businesses to locate there.

A few weeks ago, one of our needed services funded by the city moved out of the community because they said they could not find affordable space to meet their requirements. If this office building were available then, this needed service

would still be in our community.

On behalf of the ANC community, we support this project and recommend that the Board approves the special exception variance requested. The community at the April public meeting also directed me to respectfully request that the zoning process be expedited so this project can move forward as quickly as possible.

I thank you for the opportunity and for your consideration of the community recommendation.

CHAIRPERSON CROSS REID: Thank you very much, Ms. Major, and, given the fact that at the ANC meeting for 8C there was a quorum present, a vote that was taken in favor of this particular application will certainly afford you the great weight for which you're entitled. Thank you very much.

MS. MAJOR: Thank you.

CHAIRPERSON CROSS REID: Questions? Mr. Fondersmith, Office of Planning report.

MR. FONDERSMITH: Thank you, Madam Chair. The Office of Planning is basically in accord with the purpose of this application which will allow the construction of this new three story office building and we recommend approval. I don't know that I need-- after the discussion, I'd be glad, but I think the Board has a picture now of the general position of this and the location.

Let me just note there's a typo on page one, the

last sentence. It says, "The north/south alley west of lot 52." That should be 53 which is next to the alley.

So we've gotten the fact that this is part or adjacent to the C(2)(a) corridor which extends along Martin Luther King Jr. Avenue from the boundary of St. Elizabeth's Hospital on the north to about 4th Street, S.E. on the south and you've heard about the condition of the property, the residential use boarded up for some time and so on.

And also I think it's important to note it's been mentioned here that across Raleigh Street, that is facing on Martin Luther King Jr. Avenue, is the relatively new three story Washington Gas office building. I guess that's what now? Five or 10 years, about 10. But that building, I think it's safe to say, has been seen as a symbol of progress in that strip when it was built.

I think it's important for us here to perhaps skip to the analysis and say that both the District government and the community have a strong interest in the improvement of the Congress Heights commercial corridor here. The comprehensive plan land use map indicates that this section of Martin Luther King Jr. Avenue indicates it as a development opportunity area and there's a strong policy statement in Section 1906.1A of the Ward 8 plan that calls for planning and executing the upgrading of the Martin Luther King Jr. Avenue/Malcom X Avenue, S.E. commercial strip to provide an expanded range of commercial goods and services.

In addition, I might mention that the current work on the East of the River Redevelopment Initiative includes consideration of improvements in this area, although that planning work is not yet complete. And we do think that in a concept sense a new office building on this site will contribute to the improvement of the area and we feel that, due to the southwest bend of Martin Luther King Jr. Avenue at this point, that an office building here is really perceived more as part of the commercial strip rather than the residential area which is on west of the avenue.

I think that we don't mention -- we've just heard it here this morning -- but what the applicant says about, in effect, a master plan approach to the whole area from Portland Street, perhaps further north, but at least from Portland Street on through this area is important. This is not an easy area to deal with. It's a narrow commercial strip. The zoning line was clearly drawn simply because it followed what was there before, and it's going to take kind of a continuing series of actions to improve the area.

So we do recommend the variance. The important thing is, of course, that the use variance, that is allowing office use, C(2)(a), use on this site and then from that the other variances really follow that would conform as if it were a C(2)(a) district, that is, the height, the percentage of lot occupancy, and the FAR. So we do recommend approval of those variances.

CHAIRPERSON CROSS REID: Thank you very much, Mr. Fondersmith. Are there any questions of the Office of Planning? Okay. Thank you very much.

Is there anyone here in support of the property, persons who want to testify in support, persons who want to testify in opposition? All right. Closing remarks by the applicant.

MR. GLADNEY: Again, we wanted to reiterate our satisfaction of the various legal tests involving practical difficulties, the exceptional situation and condition of the property, the lots themselves, relating to both its juxtaposition to the commercial corridor, the somewhat irregular shape of the property itself, the fact of the ANC and community opposition to a rehabilitation of the currently dilapidated buildings on the site, and the use of the economic infusibility of using the site within the requirements of the residential zoning.

We also wanted to note the redevelopment of the site with this proposed office building would specifically fit the plans of the District of Columbia master plan, the East of the River initiative which, just to clarify, is an initiative by certain city developers in addition to East of the River specific plans. So that's a separate plan that also fits the proposed office building that we're discussing here today.

And just the fact that bringing an office building to this space beyond simply fitting the commercial corridor

removes blight, limits or hopefully negates the criminal activity that has been seen at the site, and also the littering and things of that sort and would basically remove an eyesore and add a catalyst to the commercial redevelopment that it seems that everyone is planning for this area and it would sort of push that along in a very visible way in the same way that the Washington Gas Building did.

So that, along with the community's backing specifically for a commercial use, we respectfully request a bench decision granting both the use variance and the area variances requested.

CHAIRPERSON CROSS REID: All right. Thank you.

Board Members?

VICE CHAIRPERSON SOCKWELL: My only statement would be that I stand by my analysis of the practical difficulties as being the principal reason why this project does meet the requirements.

CHAIRPERSON CROSS REID: Would you like to make a motion?

VICE CHAIRPERSON SOCKWELL: And I would, on that basis, move that we approve variances requested.

MS. PRUITT: Excuse me, Madam Chair. I thought it was the understanding that because this property had not been posted correctly that you were going to post it and leave the record open for 20 days in case there were comments from the

community which would preclude you from giving a bench decision today.

CHAIRPERSON CROSS REID: Oh. Just one second. I think that there are some other issues that we need to address and, if not today, then it would have to be until September. Right?

MS. PRUITT: Right. Based on our earlier conversation, as a preliminary issue, that the property would be posted and we could leave the record open until August 20 and then you can make a decision on September 5 at your first meeting.

VICE CHAIRPERSON SOCKWELL: Madam Chair, lacking any opposition at all to this application --

CHAIRPERSON CROSS REID: And overwhelming support.

VICE CHAIRPERSON SOCKWELL: -- and overwhelming support by the community, I would think that our earlier discussion might be rethought, that we could render a bench decision in this particular case. It's not a contested case.

CHAIRPERSON CROSS REID: Let's see. Ms. Sansone, would you please advise as to how we can effectuate with the least bit of problem as possible.

MS. SANSONE: Well, Madam Chair, it's kind of a tricky situation with the notice. On the one hand, advertisement for the special exception and posting made it clear it was for an office building so that anyone that wanted to inquire into what was going to happen on the property could find out it wa going to

be an office building. On the other hand, it can be argued that the reason there's no opposition is because the notice was faulty. So it's really a difficult balancing test, but there was work with the community, the ANC. There is at least a general notice that it's for the construction of an office building. So the Board could really decide either way as to the notice.

CHAIRPERSON CROSS REID: If we did take a vote today and there was -- excuse me, Ms. Renshaw. If we did that today and let's take the worse case scenario, that there was some opposition that emerged as a result of subsequent postings, then couldn't that be left open for a reconsideration if that were the case, worse case scenario, on the part of those who oppose? I don't know. I'm just groping here.

MEMBER RENSHAW: Madam Chair, one question.

CHAIRPERSON CROSS REID: Let me just have a response.

MS. SANSONE: Well, it would be more in the nature of a rehearing because additional evidence would be coming in.

CHAIRPERSON CROSS REID: A rehearing. That would be the vulnerability as far as the applicant is concerned.

MS. SANSONE: It would have the advantage that if there were additional notice and there was no opposition, then the notice problem would be cured so your proposal would be advantageous that way to the applicant. I mean the applicant would be taking a risk because there is a faulty notice that later

on, if opposition materialized, that would be a grounds for challenging the Board's decision.

VICE CHAIRPERSON SOCKWELL: It might be helpful to ask the applicant what --

CHAIRPERSON CROSS REID: That's what I was about to do. Mr. Sockwell had a question. Okay. Mr. Sockwell is saying that even if we did, what we could do is to -- if we took a vote today, then not release the order until the time has run for the posting period and that would maybe be a way of addressing that problem.

MEMBER RENSHAW: Madam Chair, if we proceed with the vote today but leave the record open, after 20 days if there is no opposition from the community, it would -- our decision is just automatic. I mean it just goes forward from there.

CHAIRPERSON CROSS REID: Okay. Now, the question to you, Mr. Gladney, is this puts you in a rather precarious position. We have no problem with proceeding in order to facilitate, help to facilitate your objective and I know that you were working on a very tight timeline. Nonetheless, if it is -- if you're amenable to us taking the vote today and proceeding as we have just discussed here, we can do and, if not, then you need to voice that at this point.

MR. GLADNEY: I need to defer to Ms. Gilliam.

MS. GILLIAM: My understanding of what you're saying is that you can proceed and we will have a new posting and,

as long as there's no opposition that is formally registered against the project, we can -- then approval is granted and we can proceed and that we can proceed in terms of closing on our loans.

CHAIRPERSON CROSS REID: Right.

MS. PRUITT: Madam Chair, just for clarification for staff's point of view so that we would leave the record open for 20 days. You would make a decision, leave the record open for 20 days. If at the end of the 20 days and the Board's decision is affirmative, we would write an order and then issue it.

CHAIRPERSON CROSS REID: Correct.

MS. PRUITT: Just wanted to clarify.

CHAIRPERSON CROSS REID: Does that work for everyone concerned here?

MS. SANSONE: Madam Chair, it may -- and I'm not sure if staff would be able to accomplish this, but it may be advantageous to also public a corrected notice in *The D.C. Register.*

MS. PRUITT: We certainly can do that. Yes.

CHAIRPERSON CROSS REID: Okay.

MS. PRUITT: So the applicant would be responsible for posting the project and we would then run a revised or corrected notice in *The Register* with the information that the record would be left open until August 20.

MS. GILLIAM: Madam Chair, would it be possible -- obviously, our lenders, they're very anxious to know the status --

VICE CHAIRPERSON SOCKWELL: That's what I was going to ask you about.

MS. GILLIAM: Would it be possible that we could at least get something in writing to the effect what you're saying other than just our organization telling them this is what took place.

VICE CHAIRPERSON SOCKWELL: Well, your lending institution could contact the Office of Zoning.

MS. GILLIAM: Okay.

MS. PRUITT: Also, the transcript would be an official record.

CHAIRPERSON CROSS REID: That won't be forthcoming for another 10 days to two weeks. Right?

MS. PRUITT: Yes. I don't know what your time frame is.

CHAIRPERSON CROSS REID: Would it be okay to have them to contact Ms. Pruitt and then she will relay to them the results of the proceedings today?

MS. GILLIAM: Thank you.

VICE CHAIRPERSON SOCKWELL: You can tell them what our process is and that we'd be more than happy to discuss the decision with them.

MS. GILLIAM: Thank you.

CHAIRPERSON CROSS REID: All right. Now, Mr. Sockwell, can you reiterate your motion.

VICE CHAIRPERSON SOCKWELL: I restate my motion that we approve the variances requested in this case.

CHAIRPERSON CROSS REID: And you think that they've met the burden.

VICE CHAIRPERSON SOCKWELL: And I believe that they have met the burden of proof with regard to the practical difficulties for the property and that there will be no negative effects to the surrounding community, that the project will have a positive benefit as well. A very positive benefit, both for the organization and for the community.

CHAIRPERSON CROSS REID: I second the motion and I concur with my colleague that the applicant has met its burden of proof and that it's been demonstrated that there is a practical difficulty. The property is unique, unusual in its siting and its configuration and that the existing conditions of the property are a practical difficulty as well as the fact that the community made it very clear, resoundingly clear, that they did not want residential and that they very much approved this project and not only approve it but need it and that it would be something that will help to facilitate the revitalization of that corridor which we all know will help to set the stage or increase the pace of revitalization there in that particular community as well as the fact that the ANC Commissioner, Mrs. Major, made a presentation and indicated that they were very much in support of it as well as the Office of Planning. Mr. Fondersmith came out recommending

that the project be approved and that it was in keeping with the overall comprehensive plan as far as that southeast corridor is concerned. I feel very confident that this application certainly is worthy of having been approved.

Any other comments?

VICE CHAIRPERSON SOCKWELL: If I might make one which is that following some earlier statements that I made, I would prefer that or request that the CDC provide for the record any documentation of the initial purposes to which the property was proposed prior to or shortly after purchase. That will give us the basis for understanding where you were going with it.

COMMISSIONER PARSONS: Madam Chairman, I'll be voting against this motion. I think this is a good project. I can see that the community supports it, but I just can not bring myself to agreeing with your rationale on practical difficulty here. The correct approach is a zoning change. I think we can clean up the entire block here if we did that, including the Chevron station, but I appreciate your desire to allow this project to move forward.

CHAIRPERSON CROSS REID: Thank you, Mr. Parsons.

MEMBER RENSHAW: Madam Chair, I would like to cite the testimony of Mrs. Virginia Major, the Chairperson of ANC 8C for putting into perspective the neighborhood's view on this project and concerns about possible residential use.

I agree with my colleague, Mr. Parsons, about the

proper direction might be the rezoning of the complete block, but I'm hoping that by voting for this project, we will be stimulating a change in that entire block, perhaps led by the applicant, and I would certainly hope that the applicant queries the ANC very closely as to whether or not the proper city documents have been provided to allow the continued use of residential -- what looks to be residential property as a parking lot behind their facility.

So it can mean that by allowing this project to go forward, we're going to see a stimulus for a greater clean-up of that area. That is my hope. That's why I'm voting for this, and I hope that the organization takes the lead, the East of the River Community Development Corporation, takes the lead in going to the Zoning Commission for rezoning that entire block area. Thank you.

CHAIRPERSON CROSS REID: I agree, Ms. Renshaw. I agree with you.

VICE CHAIRPERSON SOCKWELL: Just in response to Mr. Parsons, I certainly understand the potential value in approaching this from a rezoning standpoint. That rezoning would accommodate not the entire block but the portion of the block east of the alley. I believe that's what we're really talking about. Not the entire block. And yet, because of the nature of community development corporations, the need to revitalize our FAR from neighborhoods and portions of the city that heretofore have received very little attention, it is, I think, this Board's

responsibility to do as little as possible to prevent the course of events that's necessary for that revitalization.

Therefore, I am fairly confident that the approach that we've taken to grant these variances is the proper approach under the circumstances.

CHAIRPERSON CROSS REID: Well put. Thank you, Mr. Sockwell.

All in favor.

(Ayes)

CHAIRPERSON CROSS REID: Opposed.

COMMISSIONER PARSONS: Nay.

MS. PRUITT: Staff would record the vote as three to one to approve motion made by Mr. Sockwell, seconded by Ms. Reid, Mr. Parsons in opposition.

CHAIRPERSON CROSS REID: Okay. And then Ms. Pruitt, would you also stipulate the other arrangement that we had indicated earlier in regard to this particular application.

MS. PRUITT: Yes. The applicant is to post the property with the corrected signing relief requested. Staff will post a public hearing notice in *The Register* with the corrected zoning relief requested. The record will be left open until August 20 at which time, if no comments are received, staff will issue a summary order approving the application.

CHAIRPERSON CROSS REID: Okay. All right. Thank you very much. You can have your lender contact Ms. Pruitt, and

good luck.

MR. GLADNEY: Thank you.

MS. PRUITT: The next case on the agenda is Application 16605, application of Jeffrey L. Kraskin, O.D., pursuant to 11 DCMR 3103.2, for a variance under Subsection 2001.3(a) for a proposed addition to a single family dwelling that currently exceeds the allowable percentage of lot occupancy in an R-1 District at 4601 Tilden Street, N.W., Square 1557, Lot 37.

All those planning to testify, please stand and raise your right hand.

CHAIRPERSON CROSS REID: The next case

(The witnesses were sworn.)

MS. PRUITT: Please be seated.

CHAIRPERSON CROSS REID: Mr. Collins, there does ont appear to be any opposition to your case.

MR. BROWN: No, Madam Chair. ANC supports the position. The record from all of the available adjoining property owners. And this is a unique case. I refer to it as cache 22 where, by virtue of the fact that the Board previously granted a variance for lot occupancy, any time this property owner, Doctor Kraskin, wants to make any change with his property, even one that doesn't violate the zoning regulations, he has to come back here for a variance. So it's a simple matter. He's enclosing this existing deck to respond to some needs, particularly the leaking flat roof.

CHAIRPERSON CROSS REID: So I guess you anticipated what my next statement was going to be.

MR. BROWN: A bench decision and a summary order would be --

CHAIRPERSON CROSS REID: Right.

MR. BROWN: -- not out of order.

CHAIRPERSON CROSS REID: Right. I think that we can expedite this fairly quickly. I know that Mr. Sockwell particularly had some questions, so why don't we just proceed. Was that it? Was that your opening statement?

MR. BROWN: By the way, my name is Patrick Brown. I think we'd -- I don't want to belabor the point. The written materials covers the three part test.

CHAIRPERSON CROSS REID: Very succinctly.

MR. BROWN: I'll be happy to respond to Mr. Sockwell's inquiries, and I think hopefully that'll cover all the bases, Madam Chair.

CHAIRPERSON CROSS REID: Why don't we do that because we've all read the record and you can stand primarily on that record and just answer questions the Board Members may have.

MR. BROWN: I would like to add, Doctor Kraskin, I would like to introduce him. He's come all the way down here. Doctor Kraskin is a neighbor and a friend. It's unusual for him, after serving for years as an ANC Commissioner in this area in the Spring Valley Wesley Heights Citizens Association to actually be

the guest of honor, so I wanted to make sure to introduce him.

CHAIRPERSON CROSS REID: And certainly if you'd like to make a statement, we'd be perfectly happy to have you do so. Give your name and address.

DOCTOR KRASKIN: Doctor Jeff Kraskin, 4601 Tilden Street, N.W., Washington, D.C.

Thank you, Madam Chair. Actually, I think what Mr. Brown has presented will speak for itself, but I'll be happy to answer any questions that I can.

CHAIRPERSON CROSS REID: Thank you.

VICE CHAIRPERSON SOCKWELL: The number of stories in the existing house is two. There is a basement.

DOCTOR KRASKIN: There is a lower level.

MR. BROWN: Okay.

DOCTOR KRASKIN: And then there are two additional levels about that. Yes.

MR. BROWN: Measured from the front of the house which is Tilden Street, it is two. The slope to the rear of the house allows for a lower level.

VICE CHAIRPERSON SOCKWELL: And that wasn't evident in the materials that were submitted. I didn't see it listed as two stories. And its current approximate height is not going to change because the enclosure will not exceed the height of the existing roof.

DOCTOR KRASKIN: No.

VICE CHAIRPERSON SOCKWELL: And partially this is covered by the overhang of the existing roof.

DOCTOR KRASKIN: Correct.

VICE CHAIRPERSON SOCKWELL: At this point. And the water is running in the house.

DOCTOR KRASKIN: The water is running in the house. Actually, the original flat -- that porch originally had a hot tub on it and that had to be removed after the third roofer said, I just keep patching here.

VICE CHAIRPERSON SOCKWELL: So your fellows didn't put the hot tub back. Right?

DOCTOR KRASKIN: No. Hot tub is gone. Not up there any more.

VICE CHAIRPERSON SOCKWELL: All right. I think that that was all of my questions. There were certain things I couldn't quite determine from the material and I wanted to make sure that I was clear on those things. And you're not changing any of the actual lot coverage. This is all strictly just an enclosure of the existing situation.

DOCTOR KRASKIN: Thank you.

COMMISSIONER PARSONS: Madam Chair, I move we approve this application.

CHAIRPERSON CROSS REID: All right. Before we have a second on this motion, I just wanted to make sure there's no one here in opposition, no one here in support of the application.

The ANC report.

MEMBER RENSHAW: We have a letter in the file, Madam Chair, from the chair of ANC 3D dated July 13, 2000. There was a meeting held on Monday, July 10, 2000. A quorum was present at all times. The Commission's vote was five to zero to zero, and the quorum is four members present at all times, to support this request of the proposed addition.

At that meeting, Doctor Kraskin and attorney Patrick Brown were in attendance and there were photos presented and testimony given and they voted unanimously to support the request.

CHAIRPERSON CROSS REID: Okay. Thank you very much, and the ANC will be given the great weight which it's entitled. There was also a letter in the file in support, petitioner's support. There was -- I think basically that's it. Oh, and also there was a previous board order in 1985, I think it was, that had approved the same site. This is basically a further process, a little modification here.

Closing remarks, Mr. Brown.

MR. BROWN: I don't think I need to add anything more.

CHAIRPERSON CROSS REID: All right.

MR. BROWN: Appreciate the Board's action.

CHAIRPERSON CROSS REID: You'd like to ask for?

MR. BROWN: A bench decision and summary order

would be appropriate.

CHAIRPERSON CROSS REID: Thank you very much. There is a motion on the floor.

VICE CHAIRPERSON SOCKWELL: Mr. Brown, why didn't you just submit a portable tape recorder? You wouldn't have to have been here.

MR. BROWN: I'll try that next time.

VICE CHAIRPERSON SOCKWELL: It's easier when the questions come.

MEMBER RENSHAW: Actually, it's good to see Doctor Kraskin here with us today. He is very well known in our community, and we are delighted to see this improvement made. Who wants a leaking roof?

CHAIRPERSON CROSS REID: There's a motion on the floor, Board Members.

MEMBER RENSHAW: Second.

CHAIRPERSON CROSS REID: All right. All in favor.

(Ayes)

CHAIRPERSON CROSS REID: Opposed.

MS. PRUITT: Staff would record the vote as four to zero to approve. Motion made by Mr. Parsons, seconded by Ms. Renshaw. Summary order.

CHAIRPERSON CROSS REID: That was a record, wasn't it?

MS. PRUITT: The next case on the agenda is

Application 16599, application of Tia Cudahy, pursuant to 11 DCMR 3104.1, for a special exception under Section 223 for an addition to the side and rear yards of an existing single family dwelling in an R-3 District at premises 1521 31st Street, N.W., Square 1269, Lot 360.

All those planning to testify, please stand and raise your right hand.

(The witness was sworn.)

MS. PRUITT: Please be seated.

CHAIRPERSON CROSS REID: This is it. There's no one else here who came to testify, either in opposition or in support of this case? Okay, Mr. Collins, then you know the ropes by now. We can also proceed with this case and try to expedite it as well. I know we have some issues that we have to address with this case, so proceed.

MR. COLLINS: Thank you, Madam Chairperson, Members of the Board. My name is Christopher Collins with the law firm of Wilkes, Artis. Seated to my left is Tia Cudahy, the applicant in this case. To my right, Redmond Walsh who's co-applicant in this case and, to the far right, Anthony Barnes of the firm of Barnes, Vance, architects.

This is an application for two special exceptions for a single family dwelling in the R-3 zone. It's also in the Georgetown Historic District. Those special exceptions have been thoroughly addressed in the booklet that the applicant put

together and you may not have ever seen anything like this from an applicant.

CHAIRPERSON CROSS REID: Very well done.

MR. COLLINS: I think it's very thorough.

VICE CHAIRPERSON SOCKWELL: Actually, we have another one that is very well done, just like this one. It's residential, as well.

MR. COLLINS: There are two special exceptions, one for the two courts that will be resulting at the rear of the property from the new addition and secondly, a special exception for an accessory apartment in the basement of the house. This case was expedited at the request of the owners. The staff was able to accommodate us to put us on the agenda this morning. We very much appreciate that and are looking forward to beginning construction of the addition at the rear as quickly as possible. We will go through this fairly quickly. Unless you have any questions for me, I'd like first to ask Ms. Cudahy to briefly address the Board.

MS. CUDAHY: Good morning. I'm Tia Cudahy, the owner of the property and my beloved Redmond Walsh put together this packet that tells you more about us and our house than you would ever care to know. But the one point that I wanted to emphasize this morning is that this plan is very much the community plan. We have the right to build a much bigger and heavier addition to our house, but it was important to us to do

not only what would enhance our house and was in our interest but was also in keeping with the neighborhood and would be actually pleasant for our neighbors.

So we worked with our neighbors for months to come up with something that we think balances the interests of everybody. One of our neighbors has lived next door in this house for 40 years and the other people just moved in recently and, like us, hope that we're lucky enough to live there for 40 years. So we sort of thought everybody had a right to have a say, and we love it and we hope you like it, too.

CHAIRPERSON CROSS REID: Thank you.

MR. COLLINS: Mr. Barnes, would you just briefly describe the plan for the project.

MR. BARNES: Madam Chair, Members of the Board, this is a site plan that shows our subject in property in the middle. -- As you can see, consistent with the development of Georgetown -- sorry. I need to go to the board. I'm not wired for sound. This is the development of the rowhouse district in Georgetown. There are a number of small setback alleys that appear between the houses when possible. This I think was done to preserve some light in there which is one of the focuses of this -- that we're here to talk about today in the zoning regulations and also probably for some fire circulation.

Our particular house is not actually attached to either of its neighbors, although it does touch the property line

in two different places. As you can see, there's an alley of shared width on the right hand side, on the south side, where the neighbor has been for 40 years and on the other side their house -- but it's somewhat shorter than ours.

What we propose to do in conjunction with the neighbors and the HPRB, with whom we've had extensive discussions, as you know, is to do two small additions at the back of the house which will accommodate the sort of light and air aspirations of both of the neighbors. This is particularly good -- to have problems with a deeper matter of right, the other addition that we had planned to do in the back and, even after we'd been to HPRB and had permission to do that, we sat down with the neighbors and said let's figure something else out.

So what we propose to do are two modest additions which are in the style of -- I'll quickly walk you through the plans of the house as it is and as proposed. You know we're also here for basement apartment today and what we're planning to do is just extend the existing construction that is in the house. There's already a side entrance with a door original to the property. It comes right out on the side to the street. -- living room. There's an existing bedroom and full bath -- has a door at the top of the stairs. Another finished room that exists in the basement that we plan to make storage.

So our intention was just to sort of formalize an arrangement that apparently has been there for years and has been

used previously.

Up on the first floor you will see that what our addition is planning to do is expand the kitchen into a small eating and -- area. These are the two portions of the addition. The addition on the side would end up being 4'8" away from the property line but it does work from a light and air point of view in concert with the neighbors setback of 3' and so the combined space between the two is certainly adequate for the windows that the neighbor has there and that we have as well. These houses work very well together with the neighbors.

As you can also see, our other neighbor on the north side is actually way back of an existing addition of our house which is on the front side and we are setting back in their sort of shade --

Up on the second floor this expansion allows us to keep an existing communicating stair in the back of the house and still have a fairly modest master bedroom, small seating area, and again a fairly modest master bath. So these are what are potentially a two story addition. The house actually goes three full floors, but we are not planning to add up on the third floor. This is the rear elevation which shows the existing and the proposed work. This is the one addition to the rear which is a brick face and what's going to look like enclosed sleeping porches on two floors, the kitchen and master bedroom, and on the side is a very similar condition which we also enclosed in your booklet in

fairly modest character as in keeping with the Georgetown --

We are at the basement level just hoping to expand the existing bedroom just because we need to put -- there's some 50 square feet of additional space in the basement which is really just -- of the work we're doing above. If you have any questions, I'd be happy to answer.

CHAIRPERSON CROSS REID: Board Members, questions?

MEMBER RENSHAW: Just a question about the neighbor who has been in that location for 40 years. Along the side of his home that is adjacent to yours, how many windows on his property look out onto yours?

MR. BARNES: He has a window in his living room. I think one, maybe two on both sides where we're further set back and then he has two windows in his dining room, one is about there and one is about there, and then he has no windows in his kitchen at all. The photographs in your booklet actually show his side elevation.

MEMBER RENSHAW: I noted the pictures but I just couldn't tell from the copy whether or not to the rear of his house. His objection to having your larger footprint was because you were going to block his --

MR. BARNES: He typically across our property.

MEMBER RENSHAW: Views across the property.

MR. BARNES: Views across our property of the church at the other end of --

MEMBER RENSHAW: From what window of his?

MR. BARNES: There's a window right around here which is part of his dining room and he will still be able to see -- very much as he always has to the existing church and a lot of other rear yards and the addition that we have as a matter of right went out another eight or 10 feet and really didn't block his view a lot. So it was really in deference to that that we went to all this trouble to come back and ask for your support.

MEMBER RENSHAW: Thank you.

VICE CHAIRPERSON SOCKWELL: Have any additions been made to the existing house?

MR. BARNES: Not at all recently. I believe in prior -- there's an addition that's probably 90 or 100 years old. -- original -- but not at all recently.

VICE CHAIRPERSON SOCKWELL: All right. Thank you. This is an interesting house for me to look at because, as Mr. Collins knows, I'm always looking at the zoning regulations to see what does or does not fit, and by all definitions, this is a rowhouse because the definitions in the zoning ordinance don't take into consideration things like side yards when they're not continuous, etcetera, etcetera. So it's a different kind of case for me to look at and I'm always pleased to learn more things about the ordinance thanks to the cases that Mr. Collins brings to us.

CHAIRPERSON CROSS REID: Okay. Thank you very

much.

MR. BARNES: Thank you.

MR. COLLINS: Madam Chair, that concludes our presentation.

CHAIRPERSON CROSS REID: Okay. The ANC report. Is there anyone here from the ANC? Okay. We have a letter from the ANC.

MEMBER RENSHAW: Yes. We have a letter that was in the submission, the packet, dated April 12 from the Chair of ANC 2E and we have a letter from the Chair of 2E dated July 19 that was in our packet today and both letters reflect the April 4, 2000 regularly scheduled meeting of the ANC 2E. Duly noticed. A quorum was present and a resolution was passed that ANC 2E supports the right of the Cudahys to alter the rear of the home and appreciate the efforts that have been made to ease the impact on the neighbor and we encourage the Historic Preservation Review Board to take great care in considering the concerns raised by the neighbor, which has been done. Yes. Which has been done and it was signed by Peter Pulsafar, the Chair. It does not indicate in the letter what the vote was, whether it was unanimous, but I take it that this resolution passed.

VICE CHAIRPERSON SOCKWELL: If I might say, there is a slight vagueness to the ANC letter because it does not speak to the specific changes requested by the applicant but speaks to the right to change and, therefore, it's a different kind of great

weight, I would think.

CHAIRPERSON CROSS REID: Well, I think we need to get an amended letter from the ANC which would be reflective of specifically what they were voting on and the vote that was taken.

MS. PRUITT: Madam Chair, staff has already been in contact with the ANC to find out exactly what happened and they did review the plans and the plans did include -- have always included the apartment. However, they did discuss the apartment. So what staff is recommending is that they've already put this on their agenda for the August 1 meeting to discuss the apartment part of this particular building and you can leave the record open for the ANC report and make a decision on the 5th.

CHAIRPERSON CROSS REID: All right. That'll work.

MR. COLLINS: Is this Board meeting on the 5th?

MS. PRUITT: September 5th.

MR. COLLINS: September 5th.

MS. PRUITT: I'm sorry. September.

MR. COLLINS: What we would request the Board to do because of the fact that the applicants did request an expedited hearing in this case and did all they could in light of the deficiency in the notice to cure that notice with regard to the accessory apartment, our notice was proper for the rear addition to the home. We would respectfully request the Board to bifurcate the decision to act on the special exception for the courts today and, if you so decide to grant the application, then to issue a

summary order on the courts as soon as possible so that we can get our permits.

CHAIRPERSON CROSS REID: Can we do that?

MS. PRUITT: What we can do is, in essence, if --

CHAIRPERSON CROSS REID: There will be two orders.

MS. PRUITT: Correct. There could be two summary orders. I mean the first one could be issued today if the Board so chooses to approve for the addition.

CHAIRPERSON CROSS REID: I have no problem with that. If it is procedurally correct, we can do it --

MS. PRUITT: And we can deal with the second one once we get the ANC report.

CHAIRPERSON CROSS REID: Do any of the Board Members object to the split? Okay. So we vote on --

MS. PRUITT: i would suggest you vote on the first, the special exception that dealt with the addition.

CHAIRPERSON CROSS REID: Okay.

MS. PRUITT: Which then would allow -- once you've come to resolution or your decision on that, staff can issue an order however it goes.

CHAIRPERSON CROSS REID: So they can proceed but then --

MS. PRUITT: Correct.

CHAIRPERSON CROSS REID: But then we have to wait until the September --

MS. PRUITT: Right. After the ANC has reviewed the accessory apartment.

CHAIRPERSON CROSS REID: Is that what you're requesting?

MR. COLLINS: Yes, and we would also like an opportunity to respond to the ANC report if it's appropriate to respond.

MS. PRUITT: Yes, because right now -- I mean applicant always has an opportunity to respond and at this point they wouldn't have -- they would through --

VICE CHAIRPERSON SOCKWELL: Madam Chair, there would be some issues with regard to the accessory apartment from the building permit standpoint because without approval of the accessory apartment, they can not put in a second kitchen into that house. They would be forced to use the space, to build the space out without the second kitchen.

CHAIRPERSON CROSS REID: So what are you saying?

VICE CHAIRPERSON SOCKWELL: It would be their responsibility to approach the building permit office with a somewhat abbreviated plan until they got approval for the apartment.

MR. COLLINS: Right. What we're asking for is to be able to do the exterior construction to start the project as soon as possible, given the circumstances that were explained in our request for expedited hearing today. If we could do that --

the accessory apartment is really a use issue, not a variance but a use issue, and the space is there so it's a question of waiting a month after to get the approval to use the basement, including fitting out the second kitchen. We'll willing to do that.

VICE CHAIRPERSON SOCKWELL: Could be probably proposed as an alternate.

MR. COLLINS: We'd be happy to do that.

CHAIRPERSON CROSS REID: All right. With regard to other government reports, I think there was a report from --

MS. PRUITT: A report from HPRB did get conceptual approval.

CHAIRPERSON CROSS REID: Yes.

MS. PRUITT: There's a report from HPRB and Commission of Fine Arts.

THE CLERK: Fine Arts Commission.

MS. PRUITT: Correct.

CHAIRPERSON CROSS REID: And both of which have given their approval to this particular application. We have letters in support of the application. I don't think there was any opposition. So we move now to closing remarks.

MR. COLLINS: For all the reasons that we've stated, we respectfully request a decision today on the courts and issuance of an expedited summary order so that we may begin the building permit process and then we also request that if the record is left open on the accessory apartment, to allow the

applicant an opportunity to respond in writing to you prior to the September 5 decision on the accessory apartment.

CHAIRPERSON CROSS REID: And that also states here the preliminary matter with regard to the notice.

MR. COLLINS: Yes.

CHAIRPERSON CROSS REID: Remember, we take it up later. That also addresses that issue.

MR. COLLINS: Thank you.

CHAIRPERSON CROSS REID: Board Members? A motion?

VICE CHAIRPERSON SOCKWELL: I move that we grant the special exception as requested for the additions.

CHAIRPERSON CROSS REID: For the courts.

VICE CHAIRPERSON SOCKWELL: For the courts. Right.

CHAIRPERSON CROSS REID: The courts.

VICE CHAIRPERSON SOCKWELL: And that's it.

MEMBER RENSHAW: Second.

CHAIRPERSON CROSS REID: I concur. They have met their burden of proof, and we will have two summary orders in this instance. Today's summary order will be in regard to the courts only and then, after having gotten an amended ANC report and giving them a chance to respond, at our September 5 meeting we will then address the issue of the accessory apartment. All in favor.

(Ayes)

CHAIRPERSON CROSS REID: Opposed.

MS. PRUITT: Staff will record the vote as four to zero to approve the special exception for the courts with the record being left open for the ANC report to decide the accessory apartment building at the September 5. Summary order.

MR. COLLINS: And will there be a date for the ANC to respond so that we may have an opportunity to respond, if necessary?

MS. PRUITT: Actually, since I have only spoken to them, I know they're meeting on the 1st, August 1st, I would say probably -- let me pull out the calendar real quickly. I would say no later than the 28th. That will allow us to have enough time to put it in the package.

MR. COLLINS: Our response would be by the 28th?

MS. PRUITT: Yes.

MR. COLLINS: And they'll ensure that they get theirs in by the 20th or so?

MS. PRUITT: I will certainly call them back to let them know what's going on.

MR. COLLINS: Thank you.

CHAIRPERSON CROSS REID: Thank you very much.

MS. CUDAHY: I just want to say thank you to the Board and to the staff for assistance and professionalism, especially Sheri Pruitt and Jerilyn Kress.

CHAIRPERSON CROSS REID: Thank you, and also I'd like to say, too, that I really would like to commend you for

working with your neighbors and agreeing to make that concession to scale back your addition in light of the fact that it would bring about or continue good harmony within your community in regard to what your neighbors thought, and I thought that was really great for you to present it in that fashion.

MEMBER RENSHAW: I hope your neighbor knows that he or she has very special neighbors in you to have done that. That's a considerable sacrifice, given what you could have built.

CHAIRPERSON CROSS REID: Okay. That will conclude -- no, no, no. It won't conclude. The Field School was on the morning's agenda. We're going to take a short break and then we're going to commence with the Field School. We'll be back in about 10 minutes and then we will reconvene. Thank you.

(Whereupon, off the record at 12:15 for a 15 minute recess.)

CHAIRPERSON CROSS REID: All right. We will now proceed with this morning's session. Ms. Pruitt will call the case for the Field School and the we'll also determine the parameters in which we'll be operating today. It's a little different, a departure from our regular procedure.

MS. PRUITT: Okay. The last case on the agenda, Application 16559, application of the Morris and Gwendolyn Cafritz Foundation/Field School, pursuant to 11 DCMR 3104.1 for a special exception to establish a private school under Section 206 for the maximum of 320 students and a maximum of 74 faculty and staff in

an R-1 District at 2301 Foxhall Road, N.W., Square 1341, Lots 856, 861, 878 and 879.

All those planning to testify, please stand and raise your right hand.

(The witnesses were sworn.)

MS. PRUITT: Please be seated.

Madam Chair, when we concluded the hearing oh so many days ago, I guess it was in May at this point --

CHAIRPERSON CROSS REID: Many moons ago.

MS. PRUITT: Yes. I believe we were going to pick up with the revised DPW report.

CHAIRPERSON CROSS REID: Correct.

MS. PRUITT: Then that would be followed by if the applicant wanted to respond to the revised DPW report along with Park Service presentation and any presentation from other governmental agencies such as the police department and fire department followed by the revised ANC report and then persons in support that deal only with traffic and then we have parties in opposition, then persons in opposition.

CHAIRPERSON CROSS REID: All right.

MS. PRUITT: And it's my understanding that the parties in opposition collectively have an hour, which is what was given to the applicant, to present their case.

CHAIRPERSON CROSS REID: All right. And also you might want to state what the time line is going to be for everyone

else.

MS. PRUITT: Right. Individuals have three minutes and organizations five, and we will be timing you all. So you don't have to worry about that.

CHAIRPERSON CROSS REID: Okay. Today's hearing will pertain specifically to traffic, if you recall, so please -- in any testimony that you give today, please do not go into any other aspects of the case because this is for purpose of hearing the traffic report from Mr. Layden and then having cross examination of him and proceeding to allow persons to testify in regard to this particular aspect of the case only, and that is as it pertains to traffic.

MS. PRUITT: Madam Chair, just for clarification, traffic will be the only thing that the applicant will continue to present on. The opposition has not put their case on at all.

CHAIRPERSON CROSS REID: Notwithstanding that portion of the case today. I was simply making a statement as to the persons who are going to be speaking. My understanding is that they're supposed to the opposition as regard to the traffic.

MS. PRUITT: The opposition has not put a case -- the parties in opposition have not put a case on at all, so they have an hour.

CHAIRPERSON CROSS REID: Right. I'm sorry.

MS. PRUITT: I just wanted that to be clear for everyone.

CHAIRPERSON CROSS REID: You're right. The traffic. This is pertaining to the traffic except for the fact that we still have to hear the opposition which there is one hour allotted for that.

MS. PRUITT: Correct which is whatever they'd like.

CHAIRPERSON CROSS REID: And then after that is the cross examination.

MS. PRUITT: Correct.

CHAIRPERSON CROSS REID: Of the applicant. Okay. You're right. Thank you. Then now we can proceed with the report from DPW and we're going to-- what we're going to try to do is hear Mr. Layden's report and cross examination and break for lunch at around 1:30. Hopefully we'll be able to keep it pretty close to that time line.

MR. LAYDEN: Good morning, ladies and gentlemen. I'm the Administrator for Transportation Planning within the D.C. Department of Public Works, Division of Transportation. With me this morning is Mr. John Payne, who's with the Bureau of Traffic Services. He's available to try to answer any questions that might arise from either the applicant or the community or the Board, for that matter.

As you might have guessed, the Field School application was a difficult one for us to assess. Throughout the process, we've met several times with the applicant. We've also met several times with opponents to the application, and we've

also tried to address all of the comments that have been brought to us by both sides of this particular case. It's been, I think, through our attempts to address all of the comments and concerns that we have modified our recommendations or adjusted our recommendations. These have been primarily because of issues that have brought to our attention and we felt needed to be incorporated into our findings and recommendations.

Our final comments were sent to the Office of Planning on May 22, 2000. Since then, we have also continued to have meetings with both the applicant and opponents to hear their concerns and to consider their recommendations and suggestions that they've provided to us.

I'm just going to briefly try to summarize our conclusions from the May 22 report to the Office of Planning and then try to address any specific questions or concerns that you might have.

Again, I think in looking at this case, it's been a concern of ours that primarily to protect or try to promote traffic safety along Foxhall Road and, given the volume of traffic and speed of traffic along this segment of roadway which is fairly winding and hilly, it's been a challenge for us to try to come up with strategies that would address the traffic problems that would result from this particular land use.

We've also been aware and tried to address a concern of ours that some of the persons attending the school who

are arriving by car would be fairly young and inexperienced drivers, so we tried to be overly cautious when confronted with alternative sets of information or data. We've tried to be very conservative in our engineering estimates and in requiring various traffic control policies. So that was sort of the underlying theme of what we were attempting to do in addressing this particular case.

I stated in our previous testimony the Department supports the carpooling, transit recommendations and other traffic management proposals that are in the applicant's traffic management plan. As a condition of approval, the Department would recommend that utilities and other visual obstructions along Foxhall Road should be removed and relocated and that this expense should be born by the Field School.

As another condition of approval, the Department would recommend the widening of Foxhall Road adjacent to the Field School property to allow for the development of a southbound left turn lane from Foxhall into the Field School site. The road widening and construction of the left turn lane must provide for a sight distance of 305 feet northbound and 364 feet southbound. The length of the combined taper, deceleration and stacking distance should be a minimum -- and I stress minimum -- of 474 feet.

And let me just state here that at this phase of a zoning case or BZA hearing, we would sort of generally provide

some recommendations with respect to traffic mitigation or traffic safety and not necessarily get into the details of engineering. The feeling we have is that we would sort of provide general direction at this phase of the process and, once the Board acts, we would work with the applicant when they apply for their permits on the specifics with respect to whatever traffic management recommendations have been approved by the Board.

However, I think at the last hearing there was some indication from the Board that you wanted some sort of guidance from us as to what we thought was a reasonable set of distances, and so we've attempted to deal with that within our written statement. But again, I guess I'd like to stress at this point that there's no one right answer. This is our best judgment as to what a minimum safe sight distances would be, what minimum safe combinations of taper distances, deceleration distances, and stacking distances would be. And even within the numbers, there's still some internal debate about whether three cars is enough stacking distance or whether it should be five cars would be an appropriate stacking length. And again, at this point, what we're trying to do is identify what we feel are reasonable sight distances and reasonable distances for the combination of these elements that would go into this left turn lane and again, we would propose to work with the applicant in working out the specific distances that would apply to this particular recommendation. But again, the numbers we're sticking with now

are those that are still in the plan which is 305 feet northbound sight distance, 364 feet for southbound sight distance and, again, a total combined taper/deceleration/stacking distance of about 474 feet and, again, there's some flexibility within that as to how you allocate those distances.

The Department would require that the approval of the application be conditioned upon the Field School meeting these minimum designs and, again, we would want to review the specific design plans when they came back to DPW if the Board approves the application. All design and construction costs associated with the widening and construction of the left turn lane must be the responsibility of the Field School.

The Department would also require as a condition of approval that the northern exit from the Field School site be eliminated to prohibit any left turns from Foxhall Road into the school site or from the school onto Foxhall. In taking a more careful look at the sight distances there, we've thought that they were not adequate and that we felt it best that this entrance not be used on a routine basis. The school has requested that perhaps this entrance could be blocked off but be available for use in emergency situations, and the Department would be willing to consider that as a possible approach for dealing with this particular facility.

The Department would also require as a condition of approval that a traffic signal be located at the proposed southern

entrance to the school and, again, this is because of concerns about sight distances and the speed and the curvature of the road there. We felt that if people are going to be turning in and turning out of this property, there needed to be a controlled intersection.

We've recommended that the proposed traffic signal should provide priority green for traffic on Foxhall Road and only be activated to stop northbound traffic on Foxhall when there are vehicles stacked in the proposed left turn lane. A traffic control signal would stop northbound and southbound traffic when a car is in the proposed southern entrance awaiting to turn into Foxhall Road, either northbound or southbound.

Finally, the Department would require that the school provide for school zone warning signs and signs warning drivers on Foxhall that there is a traffic signal ahead and that there's an entrance to the school ahead. All of these improvements related to the traffic control signage and signals again would be provided by the Field School at their expense.

One of the earlier recommendations that was part of the application was that there would be a right turn only policy from the school and into the school. We do not support this recommendation in that we feel as though that would put all of this traffic onto local streets which really are not designed to handle this kind of traffic. That's why we've come back and recommended this left turn lane and, again, we've suggested that

the signalization be a new component to this in that we wanted to make sure that traffic on Foxhall and traffic within the school would be able to safely turn into and out of the property if the Board approves this particular application.

That's basically the summary of our testimony, and I'm sure there'll be a lot of questions and at this time we'll try to deal with those.

CHAIRPERSON CROSS REID: Thank you, Mr. Layden. You condensed a lot of report into just a few words. Nonetheless, you did give us the salient points which we need. So Ms. Pruitt, would you please state for the record and for today's hearing the persons who have party status, the attorneys who will be given the opportunity to cross examine only and the person representing the ANC. Is that person here? Who is that? ANC representative is not here today? Not coming? There's no one to represent the ANC or to--

MEMBER RENSHAW: Madam Chair, we have a letter in the file.

CHAIRPERSON CROSS REID: I understand that, but this is in regard to the cross examination aspect of it. Can you come forward, please. You have to speak into the mic. Give your name. Push the button so that the red light comes on.

MS. GUGGENHEIM: I'm Marian Guggenheim and I was Chair of the ANC Commission 3D for quite a long time during the '90s and I was at the meeting which the ANC made this unanimous

decision and I'm here just to be helpful if I can.

CHAIRPERSON CROSS REID: This is the segment now that we go to for cross examination and, in order to cross examine, you have to be an ANC Commissioner, current Commissioner. Right. Okay. Thank you very much. All right. Now, Mr. Aguglia -- I'm sorry. First give the persons who have already been given the right to cross examine.

MS. PRUITT: At the original hearing, party status was granted to Neighbors Against Gridlock which was represented by Mr. Aguglia, Mr. Swendiman who is representing Mrs. Shugrue, Foxhall Crescent Southgate Homeowners Association which is represented by Mr. Bolotin, and then the ANC.

CHAIRPERSON CROSS REID: Okay. Did you wish to cross examine Mr. Layden? Who wishes to go first? All right. Mr. Aguglia. And everyone who's going to cross examine, you know now I'm sure that what we'd like you to do is make it as efficient as possible and to keep to the testimony that was given as well as not to give testimony and to make sure that your questioning is on point and not a lot of lead questions to get to a specific question. Just ask what you have to ask and move to the next question, please. Thank you.

MR. AGUGLIA: Mr. Layden, the --

CHAIRPERSON CROSS REID: Give your name

MR. AGUGLIA: Richard Aguglia representing Neighbors Against Foxhall Gridlock.

Mr. Layden, the latest plan submitted by the school, I believe on DPW's recommendation, would change the 250 foot 10 car stacking lane to a 66 foot three car stacking lane. Is that correct?

MR. LAYDEN: Yes, that is correct

MR. AGUGLIA: Has DPW run any tests to see if in fact the three car stacking lane will be safe?

MR. LAYDEN: I'm not sure what you mean by tests, but I do know, as a result of having looked at the latest version of the school plan for the left turn lane, we felt as though there probably would be

-- we would probably support a longer stacking distance. We thought at the time that three cars was cutting it close and that one of the mitigating factors that initially allowed us to support that was that there would be this activated signal at the intersection which would stop traffic northbound and allow that traffic to enter the school as soon as cars started to build up within that lane.

After taking a look at the plan, re-examining the situation, considering comments from the opponents, I think at this time we would probably consider a longer stacking distance to be advantageous.

MR. AGUGLIA: If, in fact, Mr. Layden, a longer stacking lane would be advantageous, would the 474 foot minimum taper/deceleration lane need to be lengthened?

MR. LAYDEN: We think that most of that additional distance could probably be accommodated within the 474 foot distance, that by playing a little bit with the deceleration lane and a little bit with the taper at the beginning of the left turn lane, that we could accommodate it within that rough distance

MR. AGUGLIA: So then if, in fact, the turn bay would be increased, you would have to decrease the advance taper and deceleration lane.

MR. LAYDEN: Correct. The advance taper could be pinched a little and still be safe, we believe, and the deceleration could also perhaps be pinched a little bit to make additional room for stacking.

MR. AGUGLIA: Now, in reading your recommendation, did you review the Gross-Slade report indicating that 106 cars in the a.m. rush hour would be the total amount going in and out of the school?

MR. LAYDEN: Yes, we did

MR. AGUGLIA: That 106 was based upon a set of assumptions. Were you able to read those assumptions?

MR. LAYDEN: Yes, we did evaluate those assumptions.

MR. AGUGLIA: Were you satisfied that those assumptions met the 106?

MR. LAYDEN: Here again, I think this is perhaps the second area in our discussions following our submittal of the

May 22 testimony where we thought there might be some honest difference of opinion with respect to the number of vehicles. It's difficult to say how successful a school is going to be in implementing their mass transit policies or their shuttle bus policies, car pooling, but we could, I think, reasonably assume that the number, best case scenario, would be 106 but we could also envision that it might be higher.

And again, I think our overall assessment of that, putting it into context of our recommendations, was that if within that 474 foot left turn lane there was adequate room for the taper, deceleration and stacking plus it was linked with the left turn signal being activated by sensors, that there could be an accommodation of this range of possible traffic into and out of the school complex

MR. AGUGLIA: Were you aware that in their prior report that Gross Slade had indicated 320 cars in and out during the a.m. rush hour and had reduced it to 106?

MR. LAYDEN: Yes, I understand that there was a higher number used earlier

MR. AGUGLIA: Actually, I stand corrected. I think it went from 320 to 174. I stand corrected. But you were aware of that.

MR. LAYDEN: Correct

MR. AGUGLIA: In making your recommendation, did you rely upon the 25 mile per hour posted speed limit or the

design speed of 40 miles per hour?

MR. LAYDEN: I believe for our recommendations with respect to the sight distances and the left turn lane configuration, we utilized a 40 mile an hour to be absolutely conservative. Again, the posted speed is 25 and, if there was a school there, there would be signage required notifying people that during school hours that speed limit would even have to be slower, I believe

MR. AGUGLIA: Thank you.

CHAIRPERSON CROSS REID: Okay. Thank you. Next.

MR. SWENDIMAN: Alan Swendiman on behalf of Sylvia Shugrue. Sir, in considering the three car stacking lane, did you consider the fact that shuttle buses would be using that left hand turning lane in the morning?

MR. LAYDEN: Yes.

MR. SWENDIMAN: And how many shuttle buses would that stacking lane accommodate?

MR. LAYDEN: Exclusive shuttle buses, we're probably just talking about two for that 66 foot distance. But again, I think we felt as though 66 was a minimum and that we would support a range of distances within that total 474 foot distance.

MR. SWENDIMAN: Has DPW conducted any overall traffic impact study of the Field School's proposal on Foxhall Road?

MR. LAYDEN: Well, we have gone out -- I'm not exactly sure what you mean by that terminology. What we have done is we've gone out to the site and inspected sight distances. We've analyzed professional publications with respect to proper configuration of these kinds of traffic lanes. We've also met repeatedly with the applicant and the opponents to try to get their viewpoints and tried to address and incorporate their recommendations. It has not been done within an overall context of looking at the entire situation dealing with Foxhall, though we have been incorporating the comments from earlier cases that have dealt with Foxhall Road such as the Mount Vernon Campus and other known development along that area.

MR. SWENDIMAN: Let me rephrase it. Was there any overall traffic study done of the impact of the Mount Vernon Campus and GW, St. Patrick's and the Field School on Foxhall Road?

MR. LAYDEN: No, there has not been a comprehensive traffic analysis as I think you're describing it but again, in our investigations of solutions along Foxhall for this particular application, we've been mindful of those projects.

MR. BOLOTIN: Jeffrey Bolotin on behalf of Foxhall Crescent Southgate Homeowner's Association.

Mr. Peyton, when we met with you about a week ago, I think there was expressed some concern about the Gross Slade report showing an equally staggered arrival time for students over the 7:30 to 8:20 period. Is that correct?

MR. LAYDEN: I'm assuming you're addressing the question to Mr. Payne.

MR. BOLOTIN: Yes. I'm sorry.

MR. PAYNE: Yes. When we met, I had some questions. I was uncomfortable with some of the assumptions, and that's why Mr. Layden has testified that we would support a longer stacking lane or a reserve left turn lane.

MR. BOLOTIN: As I understand it, you've stated that a minimum of 474 feet would be required.

MR. LAYDEN: That is correct.

MR. BOLOTIN: What is the total length that the school has on their property if in case the minimum really needed to be expanded? How much extra length do we have to play with? The school have to play with?

MR. LAYDEN: I don't have that number right in front of me. I'd have to go back and look at the application to see what their frontage is.

MR. BOLOTIN: Is it fair to say that we've used up most of the frontage from the Kreiger Museum down to Mrs. Shugrue's property?

MR. LAYDEN: I would agree. It's going to take much of the frontage. Yes.

MR. BOLOTIN: So there isn't a whole room, without putting words in your mouth, to play with here. It's not like we have double that amount that we can go ahead and restack or put

deceleration lanes in. We have a finite distance.

MR. LAYDEN: Correct. Again, I think what I would suggest is that yes, much of the front of the property would be taken up with this left turn lane requirement.

MR. BOLOTIN: The latest report that we've received prepared by Gross Slade has on the top of it "Sight Distance Plan and Profile for Foxhall Road, A Design Speed of 40 Miles an Hour." I think you've seen that.

MR. LAYDEN: Yes, I believe so.

MR. BOLOTIN: Okay. Maybe you can help me. On the bottom where the square footage and length distances are, it said, "Foxhall Road posted speed limit of 25 miles an hour." Is there a controversy between the 40 miles an hour on the top, which we've agreed to, I think, as what the speed is, and the delineation down below of 25 miles an hour? Did you find that to be in conflict when you reviewed this?

MR. LAYDEN: I don't believe so. You may need to ask the applicant for clarification on their use of that. What I assumed is that their design parameters for the left turn lane and roadway configuration was to address the 40 mile an hour. I think we all made that pretty clear. And that they're just indicating that the posted speed is 25.

MR. BOLOTIN: Is it fair to say that a light installed in front of the school will preclude a light from being installed in the future on W Street and Foxhall Road?

MR. LAYDEN: I'll maybe defer to Mr. Payne on that. I would think that placing a traffic signal at the entrance to the school where we've indicated it should be near the southern portion of the site would probably make justification for placing one at W Street more difficult. We have had comments from residents on W Street when we earlier were proposing to place a stop light there that they did not want one.

We also feel as though having a stop light at the Field School that would allow persons to turn in and out of the property as well as a stop light further north may actually break up the flow of traffic somewhat and give people on W Street a little better shot at accessing Foxhall during peak hours.

MR. BOLOTIN: Given the p.m. rush hour, there was some concern expressed that stopping traffic on northbound Foxhall Road during the p.m. rush hour, which would be somewhere between 4:00 and 6:00, would have an adverse effect on northbound traffic of Foxhall Road. Have you considered that?

MR. LAYDEN: Yes, we had, but I think our assessment was that much of the peak school p.m. traffic would not coincide with peak rush hour traffic so that we felt as though there would not be significant blockage of W Street.

MR. BOLOTIN: I note that you had not been here during, I think, two or three earlier sessions, but I believe the testimony clearly stated was that roughly 80 percent of the students exit the school after 4:00 and approximately 50 percent

of the faculty exit the school after 4:00. Would that have any effect on the statement that you had just made with regard to the effect on p.m. --

MR. FEOLA: Madam Chair, I'm going to object to that. That's not what was said. It's a mischaracterization of what was said. If you start with an assumption that is mischaracterized, then the answer may not be appropriate.

MR. BOLOTIN: Let me just reword that to say if you assume that 80 percent of the school population would leave after 4:00 and a significant number of faculty members would leave after 4:00, would that have any adverse effect on p.m. rush hour going north on Foxhall Road?

MR. LAYDEN: What I would need to do is go back and take a look at what the actual peak patterns are within Foxhall. Granted, in the downtown area, the rush hour may start as early as 3:30 in some locations and in other areas extend much later in the day. To answer that question, I'd need to go back and take a more careful look at the specific traffic counts along Foxhall and figure out what were the hours of school peak traffic, what would be the level of traffic during those hours that would coincide with the peak background flow on Foxhall Road. I guess that's a long way of saying I don't know how to answer that question right now.

MR. BOLOTIN: This is the third report, is it not, that DPW has submitted in connection with the application filed by

the Field School?

MR. LAYDEN: Sounds about right. Yes.

MR. BOLOTIN: And it was only in the third report, as I underhand it, that for the first time DPW stated that they thought that a traffic light was needed as well as a left hand turn lane. Is that correct?

MR. LAYDEN: That is correct.

MR. BOLOTIN: I'm very concerned because we met, I think, in March and the DPW at that time was in favor, as I understand it in your report, for the Field School without any of these improvements and, in fact, I think the testimony in the report submitted showed a higher volume of traffic at that time than in the final February report and final June report. I'm concerned about why DPW for the third report when we're dealing with less traffic has so substantially changed its recommendations in this case to wonder how binding and how effective DPW has been through this entire process. We could have had a school that could have been approved already.

CHAIRPERSON CROSS REID: Just keep it --

MR. BOLOTIN: I'm asking why. Okay. I'm asking why it took the third report. What changed, in your opinion, to go from the first, second and third report?

CHAIRPERSON CROSS REID: Let him answer.

MR. LAYDEN: The changes that we've made in our testimony, in our reports, have largely focused on issues that

have been brought to light by both the applicant and opponents to the issue, largely the opponents. Each set of testimony that we've developed, various groups have come to us and said, well, have you considered this, have you considered that? And we've gone back and looked at the situation and I think the key factor in leading us to recommend a signal where we had previously not recommended a signal was going back and looking at the sight distances.

There were some suggestions that it was not going to be safe for people to turn in and out of this property, given the sight distances, and when we went back and took a look at it, we basically had to agree with the opponents that, while there was a reasonable distance there, it wasn't adequate, given this particular facility and the way people tend to drive on Foxhall Road. So we thought the only way it could possibly be accommodated would be to provide some sort of a traffic control signal with significant signage and advance warning so that people turning in and turning out of that property would have a fighting chance.

MR. BOLOTIN: Fighting chance. You understand that the initial recommendation by the school's traffic consultant was that the only safe area to turn into the school was the northern-most entrance, do you not?

MR. LAYDEN: That is correct. We are aware of that.

MR. BOLOTIN: And now the recommendation is to close the northern-most entrance except for maybe occasional deliveries or something else. Is that correct?

MR. LAYDEN: That is correct. For emergency use.

MR. BOLOTIN: Right. Nothing has physically changed about the site. The sight distances have always been the sight distances, the speed on Foxhall Road have been the speed on Foxhall Road. Is that correct?

MR. LAYDEN: That is correct.

MR. BOLOTIN: And you're aware that the opponent's experts still state that this is not a safe sight distances on the property. Are you aware of that?

MR. LAYDEN: Yes, I'm aware that the opponents still have concerns in that regard.

MR. BOLOTIN: And does that produce any concerns to you that these experts who have previously brought to your attention various facts that made you change your recommendation still are of the opinion that this is not safe?

MR. LAYDEN: My sense is that we have taken into account all of the comments that we've received. Many of them have been useful to us in looking at this particular application, and we feel as though we've done the best we can in providing recommendations to the Board as to how this particular facility -- or I should say what conditions would be required by us in order to make this as a safe an intersection as possible. So while

there's still some concern about traffic safety, we're concerned about it as well, and we feel as though we've done as good a job as we can to try to address those needs and concerns.

MR. BOLOTIN: Do you think it's within your scope to advise the Board that the school is not an appropriate use or is that something that you feel is really up to the Board to do?

MR. LAYDEN: My feeling is that our responsibility is to provide the Board with comments on traffic impacts and traffic safety as it relates to specific applications. If there were a land use that was inherently not safe or that did not -- was not consistent with existing traffic conditions, we would recommend that that application or that the traffic conditions did not support that application or, as in this case, we would indicate where we thought modifications, either to the right of way or the traffic control systems or traffic mitigation plans, would perhaps make the proposed land use acceptable.

MR. BOLOTIN: That's all the questions I have. Thank you.

CHAIRPERSON CROSS REID: Thank you very much.

Board Members, questions? No.

MR. TOMMINS: For the record, Paul Tommins on behalf of the applicant.

Mr. Layden, is there additional public right of way area to the north of the Field School property that would be able to accommodate a longer lane if it was later determined that the

474 feet is necessary?

MR. LAYDEN: I'd have to take another look at your most recent design plans to see whether there's any additional footage. Again, I know that it's a fairly short distance that's still available to us, but it's something that could be looked at.

CHAIRPERSON CROSS REID: That's it? Okay. Thank you.

Mr. Parsons.

COMMISSIONER PARSONS: A couple of points. There's a lot of plans here. The one that is on that gentleman's lap is not before us, I don't believe. The only one that I am aware of is this one contained here as Exhibit A on the OP report.

CHAIRPERSON CROSS REID: Have you submitted that to the record, Mr. Bolotin?

MR. BOLOTIN: I believe it was submitted by the applicant. The Board should have had that.

MR. FEOLA: Madam Chair, Phil Feola for the applicant. That is correct. The plan that Mr. Parsons is holding up is a reduced version of the plan that I think Mr. Bolotin had on his lap.

CHAIRPERSON CROSS REID: Okay.

MR. FEOLA: Which is in the record.

COMMISSIONER PARSONS: Doesn't appear to be, Mr. Feola. That looks to me, just upside down, like a much longer stacking lane than is shown on this one. Well, I just want to

make sure if there's another plan that has a longer stacking lane in it, which this one appears to have --

MR. FEOLA: Mr. Bolotin may have the previous plan, the one that was submitted by the applicant on June 2 --

MR. BOLOTIN: That's the one I have. June 2.

MR. FEOLA: -- is a three car stacking lane.

COMMISSIONER PARSONS: All right. My mistake.

Mr. Layden, I'm not sure what it is you're recommending in the way of a compromise here. Is it three cars, four cars, five cars, or further study that's needed?

MR. LAYDEN: Well, I think what we're hoping to try to avoid is designing the left turn lane configuration here at the hearing. I think what we were asked to do and what we've attempted to do is take a look at the sight distances and what is a reasonable distance for the entire left turn lane package and we've tried to come up with some general design parameters in terms of what we thought were reasonable distances, sight distances, and reasonable left turn lane distances, and I think what I was trying to say is that there's some flexibility within that, we feel. And again, all of these were minimum requirements that we were looking at.

And within the 474 foot left turn lane package, which includes the taper, the deceleration, and the left turn stacking, the presentation that the applicant has put forward now shows a three car stacking configuration. When we were to get to

the point of actually reviewing and processing an application from the school for the actual design of this facility, what I'm suggesting is that we, to be extra careful, we might want to go back and extend the deceleration -- I'm sorry -- extend the stacking lane and perhaps pinch the taper and pinch the deceleration a little bit to accommodate that.

But again, I think that's something that we would want to take a look at with some final detail design plans rather than a more preliminary sketch, which is what's been provided so far by the applicant.

COMMISSIONER PARSONS: Looking to the sketch to Mr. Payne's right, let me make sure I understand. What it would be is a tweaking, if you will, of the striping and stacking combination.

MR. LAYDEN: Correct.

COMMISSIONER PARSONS: It would not be an extension of additional right of way taking or going off the chart to the top of the chart of the north on Foxhall to widen the road.

MR. LAYDEN: That is correct, but again I want to stress that these are minimal recommendations by us. Obviously, they would need to stay within the length of the right of way that is bounded by their property, so if they had some additional length to the north, they could perhaps play with that. Same to the south. Again, we would need to look at the specific design plans, but at a minimum, we would want to see three, perhaps five car stacking with a reasonable deceleration distance and a

reasonable taper that we totaled up to be somewhere in the neighborhood of 474 feet as a minimum.

COMMISSIONER PARSONS: So what's shown on there from the southern entrance to the tip of the taper, if that's the right word, is 474 or does it include the striping to the south of the entrance as well?

MR. LAYDEN: No. The 474 would just be from the turn lane to the northern tip. Now, we haven't measured this to see if it's 474 feet, but that's the number that we're talking about.

COMMISSIONER PARSONS: I guess I'm fooled by the precision of the sound of 474. I expect in your business it would be about 500 or something like that. It just sounds so precise. Where does that number come from? I mean is it standard engineering practice or something or what?

MR. LAYDEN: I'll try to ask Mr. Payne to explain that, but basically it's looking at professional publications that provide guidance on distances like these based upon speed and roadway type.

MR. PAYNE: I know it sounds so exact, but it is very close to the distances I came up with using available formulas or charts. It's really arithmetic.

COMMISSIONER PARSONS: Now, what would happen if all guesses are wrong, that the demand is such that 10 cars need to stack? What would happen, I presume, is they -- because

they're repeat users-- would pull up on the stripe and just stack 10 cars out through that 474 feet.

MR. LAYDEN: That is a possibility. Also, I think what we would look at is this traffic signal control system that we're requiring as a condition. In other words, if there were that many cars stacking that quickly, obviously something needs to be done with respect to the control signal. But stacking within the taper is something that, while we wouldn't recommend it, it is a possibility as long as the taper is wide enough. Our main concern is that there not be cars in the through lane on southbound Foxhall.

COMMISSIONER PARSONS: What is the real danger if people pull into that taper and stop?

MR. LAYDEN: I think one of the concerns has been that if people are overly aggressive or if people are not paying attention. We're just talking about a striping. It's not a curb. There's no physical barriers to cars coming around too quickly, so to the extent people are not in the taper portion, the safer a situation we have with respect to driver error or driver not being focused on what they're doing.

COMMISSIONER PARSONS: You mean the through driver, not the --

MR. LAYDEN: The through driver. Correct.

COMMISSIONER PARSONS: Okay. Thank you.

CHAIRPERSON CROSS REID: Ms. Renshaw.

MEMBER RENSHAW: Yes, Madam Chair, several questions for Mr. Layden. Why didn't DPW design this for speeds of 25 miles an hour, the posted speed, rather than 40?

MR. LAYDEN: Even though the posted speed is 25, many people unfortunately drive this road a little faster and, again, we wanted to be extremely conservative. By using a 40 mile an hour speed, that means you have longer sight distances and longer deceleration tapers and that we felt we wanted to plan more for what is the actual speed that is experienced there sometimes rather than what is the posted speed.

MEMBER RENSHAW: And what has DPW done to date to pull back the speeding traffic to the posted speed?

MR. LAYDEN: I'm not sure that DPW has real function with respect to speeding other than public education program that we attempt to implement. Really, that kind of traffic control is the function of the Metropolitan Police. We do try to address it with respect to signage, and I think we have some signage recommendations that are part of our package to notify people that, #1, there is a school entrance ahead, #2, there is a left turn ahead, that there's a stop light ahead. So I mean those are traffic control components that we do recommend that hopefully would help slow down traffic somewhat.

MEMBER RENSHAW: Are you optimistic?

MR. LAYDEN: I think we're being reasonable and practical about this. I mean most of the people who drive Foxhall

are people who drive Foxhall day in, day out. They're going to become very familiar with this situation fairly quickly and know what they're capable of doing and not doing with respect to the new traffic signal and the taper and the turn lane, so there's be a little bit of a learning curve, but I don't think it'll be more than a week or so before people know there will be a new set of requirements in place.

MEMBER RENSHAW: And, therefore, possibly look for other routes to get into town other than Foxhall because it looks to me that in the middle of this wonderful rush hour period there is going to be 174 total week day a.m. peak trips with 106 stacking to enter this property. I'm reading from the traffic impact analysis.

MR. LAYDEN: Correct. That, again, we're going to just have to see how traffic responds to this. It may be that while there's a slight encouragement to look for alternative routes, I think most drivers would find those alternative routes are also equally, if not worse, congested. Here again, we don't expect there to be a whole lot of delays. In fact, no delays with respect to the southbound traffic during a.m. rush except for those periods of time where the light would need to be activated to allow traffic to pull out of the school into Foxhall Road and, again, I think that would be for short periods of time during a short period of time during the day.

The p.m. rush. There may be some, again, signal

controls to block traffic on Foxhall to allow cars to pull out of the school into Foxhall Road, but our assessment is that they wouldn't be so significant as to cause a significant shifting in traffic because, again, those other roads have already got their own congestion problem.

MEMBER RENSHAW: Your traffic count is three years old. Why didn't you make a special case to count the traffic on Foxhall Road, given the application and the impact on the community?

MR. LAYDEN: I think it's largely a function of resources. We are trying to beef up our traffic counting capability. It's one of our functions that is important but has atrophied somewhat over recent years, and we are making or taking steps to try to increase the amount of automated traffic counting that would give us more current data.

MEMBER RENSHAW: Do you foresee that there will be a number of students parking on side streets and needing to cross Foxhall Road on foot needing to get into the school?

MR. LAYDEN: No. Again, we would not support a situation where there would be students parking off the campus site and attempting to cross Foxhall. That would just be too dangerous, I think.

MEMBER RENSHAW: Too dangerous. When you say you don't support, what does that mean?

MR. LAYDEN: That means we would recommend that the

application provide sufficient parking area so that those students who have permits to drive to the school would find that there's adequate parking within the school campus.

MEMBER RENSHAW: Well, there will be times when they miss a bus or when something happens at home and they are delayed and they take the family car or their own car and they don't have a permit sticker to park on the school grounds. There will be overflow into the side streets. Wouldn't you admit to that?

MR. LAYDEN: I'm not sure to the extent that there would be last minute drivers like that. I'm not sure. Again, I'm just trying to go back to my own experience in dealing with schools as to whether or not that's a situation that would arise with any degree of frequency. Again, we would not want to have a policy where students would be driving and not parking within the school property. Whether there'll be occasion instances where under emergency situations this occurs is possible, but I would hope that the school could adopt a policy that would somehow provide, if necessary, that this is occurring, that they could provide some sort of flexibility to allow for day passes under unique or unusual circumstances.

MEMBER RENSHAW: You stated that the proposed traffic light is going to be installed at the school's expense and what happens after that? Who maintains the light? Is that a cost of the District?

MR. LAYDEN: Once the light is installed at the school's expense, it would probably fall within our overall traffic management responsibilities to maintain it. Yes.

MEMBER RENSHAW: All right. And how many utility poles and traffic lights are going to be relocated? You mentioned there were some.

MR. LAYDEN: I know we have required that those all be relocated or placed on the ground. I don't have the specific number of poles in front of me. I'd have to go back and look at the application and count them

MEMBER RENSHAW: Would you provide that information for us, please?

MR. LAYDEN: Okay.

MEMBER RENSHAW: That's all for now.

CHAIRPERSON CROSS REID: All right. Mr. Sockwell.

VICE CHAIRPERSON SOCKWELL: Mr. Layden, with regard to the lane widths along Foxhall Road as it exists. In turns, generally there is a prescribed lane width at certain speeds for various turning diameters. In Foxhall Road, would you say the existing lane widths comply with recommended highway or roadway design for the speeds to be expected and the bends in the road?

MR. LAYDEN: You're saying the current lane widths for the traffic?

VICE CHAIRPERSON SOCKWELL: Yes. Are the tapers in those turns acceptable currently?

MR. LAYDEN: I'll have to ask Mr. Payne to try to address that question.

MR. PAYNE: I believe the lane widths are 11 feet wide, each lane. That's sufficient on city streets.

VICE CHAIRPERSON SOCKWELL: And in this particular case with the proposed adjustments, those lane widths would be maintained at that level?

MR. PAYNE: That's correct.

VICE CHAIRPERSON SOCKWELL: That's the only questions I have. Thank you.

CHAIRPERSON CROSS REID: Okay. Mr. Layden, in regard to your report, help me understand. You were charged with making assessment of this particular site, given the two traffic reports and also the Office of Planning report and various other data, to make recommendations to this Board and, as such, I need some clarification of a few things. For example, when you talk about the stacking lane that is very controversial, you say a minimum of three cars; however, it could be up to five or maybe more. And I'm not clear as to how many cars are you recommending specifically because when we deliberate, we need to be able to indicate what is realistic and what is feasible and when you say three up to five, does that mean that five is the maximum or are there conditions under which there could perhaps be even more cars in that stacking lane and what kind of impact would that have on an overall picture? I need to understand that a little bit more

clearly.

MR. LAYDEN: I think there's an attempt to do a balancing act here in that I think initially a three car stacking lane was felt to be adequate if the traffic control signal functioned the way we thought it would. I think in reviewing and thinking about this, talking to the applicant and to the opponents, we felt as though perhaps five car stacking lane would be preferable but this isn't necessarily the case where the more the better because at some point a stacking lane begins to look like a passing lane to an aggressive driver, and we don't want the stacking lane to be so long that it would encourage people to use it as a passing lane and could cause more accidents.

CHAIRPERSON CROSS REID: What's the magic number?

MR. LAYDEN: Again, there is no magic number but, if my arm was twisted, I would say five would probably be the best optimal configuration in terms of stacking.

CHAIRPERSON CROSS REID: Okay. Now, in regard to the 40 miles per hour speed limit. If, in fact, the speed limit currently is 25 miles per hour and you're basing your judgment on what seems to be the norm with people, even though 25, they go 40, then if you set it at 40 don't you stand the risk of them going 50 or 55?

MR. LAYDEN: No. We are not going to be posting any section of Foxhall at 40 miles an hour, so the speed limit to the person driving the road is still the same and, again, they'll

drive what they think they can get away with. We would hope that with the school there, there might be some more enforcement by Metropolitan Police. Again, if people realize that there's cars turning in and out and that there's a stop light ahead, they'll have to slow down somewhat to address that potential. So no, by using 40 as a design standard we do not think that in any way encourages people to drive faster than they currently are.

CHAIRPERSON CROSS REID: In regard to the various recommendations that you made that would then require absorption of a fence by Field School, have you discussed that with them and have they been amenable to absorbing those expenses?

MR. LAYDEN: We've made that very clear in all of our correspondence and all of our discussions and so far, there seems to be an agreement by the school to absorb those costs.

CHAIRPERSON CROSS REID: Okay. Another question is in regard to the proposed signal light that is on Foxhall Road when the vehicles are stacked, you state that there would be a priority green light that would be activated when the vehicles are stacked in a lane. What is it? Some kind of a sensor that would make that would make that determination as to when that green light would be activated? I don't understand that.

MR. LAYDEN: Correct. The way the light would work is that you would have a solid green southbound on Foxhall Road and that would allow people to turn left into the school when northbound traffic provided enough assured clear distance that

they could make the turn safely. If, however, there's sufficient northbound traffic that cars begin to stack into that left turn lane waiting to turn into the school, then at a certain point there would be a sensor in the surface of the road that would recognize the vehicles present and would stop the northbound traffic for a few seconds to allow that lane to clear, the left turn lane to clear.

CHAIRPERSON CROSS REID: Okay. I just have one more question. My last question is is it my understanding that in your judgment, in your professional judgment, given all of the various parameters and variables that we're working with here, your recommendations are predicated upon what you deem to be mitigating factors for putting some type of controls on the adverse impact, the perceived adverse impact of this particular site as far as the traffic is concerned and, as such, feel that if in fact the constraints that you have or your recommendations are implemented, that that will in fact make this particular application approvable?

MR. LAYDEN: Again, I think we would want to meet with the school and its design engineers to go over the details of the left turn lane that we've recommended but we believe with the recommendations that we've provided as conditions to the approval of the application that we can work with the school to make this a safe project.

CHAIRPERSON CROSS REID: Okay. Thank you.

MEMBER RENSHAW: Mr. Layton, you said just a moment ago that it would require a few seconds for the left turn lane to clear. How many seconds to clear five cars?

MR. LAYDEN: I'll maybe try to see if John has that answer but, again, I think what we're talking about here is that you could probably clear in somewhere between 30 and 60 seconds.

MR. PAYNE: Three seconds per car.

MR. LAYDEN: I think he's indicating that it would take somewhere in the neighborhood of 20 to 30 seconds.

MR. PAYNE: Approximately 22 - 24 seconds, somewhere in that nature. We have an initial of around seven seconds initial and then if there are five cars there, if there was I call it a call, put in to that controller to allow those cars to make that turn. There are certain minimums that we have to abide by.

COMMISSIONER PARSONS: Mr. Layden, if I might ask, since it would be driver controlled than scientific, each car, based on its position within that lane, would have to traverse the lane and then turn, the last car having to travel five car lengths at least within the lane and then turn.

MR. LAYDEN: That's correct.

MEMBER RENSHAW: I was going through the report of the traffic study impact analysis to see if I couldn't locate some information as to how many cars from page 12 would make a left hand turn onto the property in the morning. Did you analyze that

data and is it in this report and I just don't know the page?

MR. LAYDEN: I think there were some calculations as to the number of vehicles they were anticipating and there was also a calculation about how much of that traffic was coming from the north and how much of that was coming from the south. My recollection of the total, I think it was somewhere in the neighborhood of 65 percent of the traffic would be coming southbound on Foxhall and would need to make this left turn.

Again, there's some variance in terms of the numbers of how many vehicles would be approaching and also there's this issue of the staggered work hours and staggered school hours and how that would affect the number of cars at any one point in time trying to get into the site.

MEMBER RENSHAW: Okay.

CHAIRPERSON CROSS REID: Okay.

COMMISSIONER PARSONS: I'd like one of you to give me a non-scientific answer to the situation that generates the accepted 40 mile per hour average speed that's traveled on that stretch of Foxhall Road. I think there's a reason in each direction. They're fairly simple, but I wonder what your feeling is on that.

MR. LAYDEN: I think the Department accepted that number based upon comments that we received from the opponents to this particular application, and I think it also comes from our own observations of traffic along Foxhall Road.

COMMISSIONER PARSONS: I think maybe you didn't understand exactly what I was getting at. The reason the traffic may travel 40 miles an hour in the southbound direction is strictly one that the road is downhill and people tend to go faster downhill. In the uphill direction, because the road narrows from two lanes to one lane north of Reservoir and south of Whitehaven, people pick up speed to catch the lane before the guy next to them gets there, and they don't slow down again. So it means that there might be two different types of mitigating measures necessary to moderate the traffic flow.

MR. LAYDEN: Well again, I think what we were looking at was what would be required to make this particular application an acceptable one in terms of traffic safety, and you're right. There are many factors which affect people's driving patterns or driving habits, and if there are other safety improvements that we could make along Foxhall to try to reduce speeds and make that a more safe roadway, it's something that we would take a look at.

CHAIRPERSON CROSS REID: Mr. Layden, finally, I think, in regard to your recommendations, it was riddled with quite a few conditions that were, in effect, the mitigation measures that you were proposing and one of which was supporting the carpooling and the transit recommendations of the school, I guess the shuttle and all of that, and their traffic plan. But then you say that you do not support the traffic control officer

at Foxhall Road. Could you speak to that, please.

MR. LAYDEN: We thought that there was a possible safety issue there with having someone attempting to direct traffic.

CHAIRPERSON CROSS REID: Would they be charged with directing traffic?

MR. LAYDEN: Well, why else have a traffic control person there? I mean I think that it wasn't clear to us exactly what the function was and we thought that a stop light might be better than have somebody trying to facilitate turning into or turning out of the property.

CHAIRPERSON CROSS REID: Whose recommendation was that? Was that Office of Planning?

MR. LAYDEN: I think that was part of the applicant's initial package. I think the applicant, that was part of his initial package to help people find their way into and out of the school, but it didn't seem to us to be a workable or safe situation.

CHAIRPERSON CROSS REID: You think that's unsafe to have a human there.

MR. LAYDEN: Either he's going to be standing on the side of the road sort of waving people around or, worse case, he's out in the middle of the road trying to stop traffic to allow people to turn and neither of which we think is a good idea.

CHAIRPERSON CROSS REID: I wasn't sure what that

function was. I didn't envision someone standing there trying to direct that traffic, but I did take not of that.

MR. LAYDEN: To avoid that potentiality, we thought that that was not a good idea and that we thought finally when we looked at the sight distances that the only way to go here would be with a signal.

CHAIRPERSON CROSS REID: And then the condition about the utilities and other visual obstructions being buried or being removed at the expense of Field School. I'm not sure what that does to mitigate the adverse impact.

MR. LAYDEN: It improves sight distances.

CHAIRPERSON CROSS REID: Oh, just aesthetically?

MR. LAYDEN: No. It improves your ability to see traffic coming around the corner a little more and also I think it needs to be moved in order to allow for the widening of the road to accommodate the left turn lane.

CHAIRPERSON CROSS REID: Okay. Thank you.

MR. LAYDEN: It's largely the latter but also improve sight distances somewhat.

CHAIRPERSON CROSS REID: Okay. Thank you.

MEMBER RENSHAW: One last question, Madam Chair.

Mr. Layden, you remarked earlier that the north exit would be eliminated at your recommendation and that there are not adequate sidelines, would be blocked off but for emergencies. Well, if it's to be used as an emergency entrance/exit, that

gateway would have to remain open, would it not?

MR. LAYDEN: Well, I think what the school had proposed would be to have a gate across that entrance but if an emergency vehicle or some other vehicle needed to get in there, that the school would be able to open it. And again, we thought that there might be some logic behind that but only in a very, very, very limited fashion. We would not want it to become an alternate entrance for parents or students or faculty. It would only be open when a fire truck, an ambulance or some other particular use was needed for that specific entrance.

MEMBER RENSHAW: Has that recommendation been run by the Fire Department?

MR. LAYDEN: That I don't know.

CHAIRPERSON CROSS REID: Do we have a representative of the Fire Department here?

MEMBER RENSHAW: We had asked for a representative.

MR. LAYDEN: The applicant may be able to tell you whether or not they've had conversations with them. I'm not aware.

MS. PRUITT: Excuse me, Madam Chair. We have a number that we can call. They weren't able to sit through the whole hearing. If you'd like for them to come, we can call and have them be available to you for questioning.

CHAIRPERSON CROSS REID: I don't know if we need

them to come or if we could just have you ask a question. Call them and ask.

MS. PRUITT: If you ask a question, you also need to be able to allow the applicant and parties to -- if they're going to provide some testimony of some sort -- to cross examine them. So either they need to come up or --

CHAIRPERSON CROSS REID: Oh, are they downstairs.

MS. PRUITT: Yes. They couldn't sit through the whole hearing, so we have a number to call them.

CHAIRPERSON CROSS REID: Okay.

MS. PRUITT: Would you like for them to do so now?

CHAIRPERSON CROSS REID: Yes. We might as well because we still have some time this morning.

Are there any other questions, Ms. Renshaw?

MEMBER RENSHAW: No.

CHAIRPERSON CROSS REID: Mr. Parsons?

COMMISSIONER PARSONS: No.

CHAIRPERSON CROSS REID: Okay. All right. Thank you very much, Mr. Layden.

MR. LAYDEN: Thank you.

CHAIRPERSON CROSS REID: Can we --

MS. PRUITT: Madam Chair.

CHAIRPERSON CROSS REID: Yes.

MS. PRUITT: Just to note that the Police Department is here in case you might want to deal with them.

CHAIRPERSON CROSS REID: All right. Okay.

MS. PRUITT: So that they can get back also.

CHAIRPERSON CROSS REID: Police Department report. Please come forward. Then Mr. Murphy from the Park Services. All right.

OFFICER KNIGHT: I'm Officer Knight from the Second District.

MS. PRUITT: Madam Chair, I didn't know if they really had testimony. You had requested that they come and be available for answering questions. That was my understanding.

CHAIRPERSON CROSS REID: I wasn't aware of that. I didn't know if they were going to present or not.

Ms. Renshaw, you had questions specifically for the Police Department.

MEMBER RENSHAW: Yes. The material that we have contains some accident reports. I wonder if you have reviewed these accident reports that have been --

OFFICER KNIGHT: I don't have the stats with me, but I'm familiar with most of the accidents.

MEMBER RENSHAW: Would you give na overview of the conditions of Foxhall Road right at this time and perhaps leading into some specifics on accidents that you may have covered. We're interested also in the matter of speeding on Foxhall Road.

OFFICER KNIGHT: Well, from my 11 1/2 years working in the Second District, actually in that area which is PSA 203, we

do have quite a few speeders that speed along the corridor. I believe that's the 2300 - 2200 block of Foxhall. Running radar on a consistent basis, we do pick up speed about between 45 and 55. As far as running radar in that location, it's kind of impossible for the Police Department to really run it safely because there's no actual side roadway for us to pull a vehicle over safely. So we pretty much try to run it in the 1800 block which is south of the location of 2301 and north which is Foxhall and Garfield which is about three or four blocks north of that location.

MEMBER RENSHAW: And specific to accidents in the scene, have you been onhand for any of these accident situations? What can you tell us about some of the accidents? We have some data provided for us.

OFFICER KNIGHT: Well, the accidents usually occur at Foxhall and W which is south of that location. It's about a block south, and it's usually due to the way the roadway is designed is a grade which is either downhill or uphill on a curve and the accidents usually occur due to people coming southbound and, once they reach the intersection of Foxhall and W, they collide with the vehicles coming eastward out of W Street.

MEMBER RENSHAW: All right. Have you had situations in regard to accidents where it was difficult because of the traffic and the speed of traffic, the amount of traffic and the speed of traffic, which hindered emergency vehicles getting to an accident side?

OFFICER KNIGHT: Well, it is a small roadway and usually when we do have a major accident on that roadway, we have to ask for additional units to redirect traffic westbound on W Street.

MEMBER RENSHAW: All right. You're a member, you're assigned to PSA 203.

OFFICER KNIGHT: Correct.

MEMBER RENSHAW: And do you forecast additional manpower that may be needed in that PSA because of George Washington University taking over Mount Vernon campus down the street and then the possibility of this location becoming a school?

OFFICER KNIGHT: I don't think they're going to give us additional manpower for that. Most of the manpower is normally directed toward Georgetown.

MEMBER RENSHAW: Okay. That's all I have for you at the moment. Anyone else?

CHAIRPERSON CROSS REID: Thank you. Would you like to cross examine? Sure.

MR. BOLOTIN: Good morning.

OFFICER KNIGHT: Good morning.

MR. BOLOTIN: Are you familiar, Officer, at times when Foxhall Road had to be closed because of accidents on Foxhall Road?

CHAIRPERSON CROSS REID: Excuse me. You should

give your name.

MR. BOLOTIN: Sure. Jeffrey Bolotin, Foxhall Crescents Homeowner Association.

OFFICER KNIGHT: Okay. Not the entire Foxhall but right there where Foxhall and W which is about a block from 2301 Foxhall.

MR. BOLOTIN: You're not familiar with at any time that closing might have happened north of that where the proposed -- site is now, propane truck or anything else?

OFFICER KNIGHT: No, I'm not familiar with that.

MR. BOLOTIN: Would you have any concern that the only entrance and exit for the proposed school is located on this stretch of Foxhall Road?

OFFICER KNIGHT: I would due to location where it's located and it's right there at a curve.

MR. BOLOTIN: Thank you very much.

CHAIRPERSON CROSS REID: Any other cross examination questions, applicant or any of the other parties? Okay. Thank you very much, Officer.

OFFICER KNIGHT: Thank you.

CHAIRPERSON CROSS REID: When the fire department comes in, please let me know. All right.

The ANC report. There is no one here --

MS. PRUITT: Madam Chair, we still have the Park Service.

CHAIRPERSON CROSS REID: ANC is scheduled, too. Okay. Right. Park Service next then. Then we'll get the ANC report.

MR. MURPHY: Good afternoon, Madam Chairman and Members of the Board. My name is David Murphy and I'm representing the National Park Service and, the within the National Park Service system, Rock Creek Park and Grover Archibald Park.

As you may recall, I've delayed my testimony twice now at your request and so I feel like our testimony may be somewhat out of context of traffic as we will be primarily talking about the other side of the property, the 44th Street area. I have provided a pair of aerial photos and a map that the applicant has given to me very recently, and so I'd like to submit those for the record. The aerial photos are primarily for your close at hand view, and I have larger versions here on exhibit.

(Witness away from microphone.)

MR. MURPHY: The issue is primarily drainage. As you recall, Foxhall Road was originally called Ridge Road and Ridge Road -- three mile long stream valley dedicated --

We added -- topography of the area and we -- the point is the -- represents half of the minor water shed which is delineated by W-3 Foxhall Road and the drainage -- so we have been suffering for many years with highly erosive conditions -- water quality -- what happens after that water releases because

there is no storm water management on W Street. --

For additional clarification, the applicant provided a drawing entitled -- Site Utility Plan.

VICE CHAIRPERSON SOCKWELL: Excuse me. Mr. Murphy, excuse me. Let me interrupt you. You said that there's no storm water management along W Street. I think you meant 44th in that --

MR. MURPHY: Thank you. What we did is we took the applicant's drawing and enlarged it -- What they have done is they are providing a -- separation

-- and an on-site retention pipe that would be collecting the water -- along Foxhall Road -- down to W Street, the existing pipe. -- without storm water and tied into the already chronic erosion problems coming out -- remaining section of pipe -- on 44th Street. It then gives us a reasonable assurance that during this construction -- the storm water may be released into -- will not only be -- many of the existing --

We ask for additional considerations for retention of storm water along 44th -- If and when the area immediately north of -- higher level of -- what they've done is provided to zoning consideration and large structures so that if and when it's ever needed, there could be a larger pipe placed parallel to -- We've also -- for this area as it became part of the

-- system -- for many years -- This was a series of problems and -- continuing discussion between the Park Service and the applicant. -- to allow us to -- over Archibald Park -- not only

an adequate system which probably should be considered a model -- to continue to work with the Park Service and the -- water management which protects the national park and -- some discussion about a fence around the perimeter area where the school would abut with the park or abut 44th Street and the --

In addition -- through this woods -- sewer type -- Thank you for the opportunity to comment. --

CHAIRPERSON CROSS REID: Thank you, Mr. Murphy. Did you have written testimony? Okay. Thank you very much. That certainly shed a lot of light on the problem of storm water management for me and I appreciate very much your coming in today. Twice you've come to give your presentation.

MR. MURPHY: Thank you.

CHAIRPERSON CROSS REID: Thank you so much.

Questions of Board Members?

VICE CHAIRPERSON SOCKWELL: Yes. Mr. Murphy, the storm water -- the connection between the new structure picking up water from the Field School site, taking it to the connecting structure there, and then coming south, is that a 36"?

MR. MURPHY: That is what's -- on this drawing that would be --

VICE CHAIRPERSON SOCKWELL: Okay. So it's more conceptual.

MR. MURPHY: More conceptual -- not only a 36" -- could accommodate, if needed, a future pipe--

VICE CHAIRPERSON SOCKWELL: And that would terminate to the site in an existing --

MR. MURPHY: That would release immediately into the existing W Street sewer which is right now -- part of this overall design --

VICE CHAIRPERSON SOCKWELL: Okay. So you have the head wall in Grover Archibald Park and probably a fairly -- well, you said that sewer is not maintained. Does that mean that the head wall is not discharging much water at this point?

MR. MURPHY: It's an almost unmeasurable -- because the water goes overland above -- very hard to find -- Essentially non-functioning structure that will be made functional -- a major change relying on old and probably out of date design being part of the--

VICE CHAIRPERSON SOCKWELL: So is the Park Service going to take the responsibility, just to ask a question, to upgrade the outflow basin beyond the head wall?

MR. MURPHY: No. The applicant has indicated that that would be part of their design.

VICE CHAIRPERSON SOCKWELL: Okay. All right. Thank you.

CHAIRPERSON CROSS REID: Do any of the parties have cross examination questions for this witness, Mr. Murphy? Does the applicant have any questions? Okay.

MR. SWENDIMAN: Good afternoon, Mr. Murphy. Alan

Swendiman on behalf of Sylvia Shugrue.

MR. MURPHY: Good afternoon.

MR. SWENDIMAN: Would a -- let me rephrase that. The applicant's plan calls for an asphalt parking lot. Is that correct?

MR. MURPHY: As I understand it.

MR. SWENDIMAN: Would a better storm water management system include, in place of an asphalt parking lot, a porous gravel grass or some composition that would allow for the water to, instead of run off, be absorbed by the soil?

MR. MURPHY: Well, I leave much of that engineering to the applicant, but our sense is that-- of the parking lot with substantial -- and a retention -- Yes. An ideal would be to have a highly porous structure -- They have significant problems --

MR. SWENDIMAN: Are you aware that there is at least one school in the Washington Metropolitan area that has used porous gravel grass surface for this purpose?

MR. MURPHY: I'm not surprised but --

MR. SWENDIMAN: Have you done any analysis as to the storm water management as it impacts Ms. Shugrue, whose property adjoins on the south?

MR. MURPHY: That was not within the scope of our --

MR. SWENDIMAN: Have you had any discussions with her concerning the impact of storm water management upon her

property?

MR. MURPHY: No.

MR. SWENDIMAN: Thank you.

CHAIRPERSON CROSS REID: Okay. Thank you very much, Mr. Murphy. All right.

Now, we're at the point of taking a lunch break. However -- Yes, did you have something to say, ma'am?

MS. NATANSON: My name is Lisa Natanson and this is the third hearing on this issue I've attended, just like you all have, and I just wanted you to know that we have six neighbors who've taken off work or arranged child care like myself to come down and have a voice in the process and I'm afraid if you break now most of us will have to leave and that may be what has to be done for your procedures, but it's been really hard as a citizen to have any input into this process because of the capricious nature which is part of what you have to do in your job but to have a time and to say this is the public input time and then people can come and arrange themselves and have that input and then leave. That's the only way you'll get public input. Otherwise, you'll just be left with the lawyers and the experts because we people have lives and we can't do it. I myself got a babysitter but I have to go.

CHAIRPERSON CROSS REID: I very much appreciate your bringing that to our attention. Are you here in opposition or in support?

MS. NATANSON: Well, the six people I'm aware of are here in support, but I'm sure there's people, members of the public who would like to speak on the opposing side as well and for all of them, I mean I realize you have to have a time. However, this is the third time I've come --

CHAIRPERSON CROSS REID: I understand.

MS. NATANSON: -- and we've never had a chance.

CHAIRPERSON CROSS REID: The six people are in support of the application. We had an hour for the opposition and we were going to take a break now, but I will defer to the Board Members. IF they have no problem with allowing you to come out of order, I don't have a problem with it. We can delay. I don't have a problem with delaying lunch to let you have an opportunity to speak and so that you can leave if in fact you have been here and have basically indulged us in these proceedings which we don't really have any control over. I have no problem with that. What about other Board Members?

MS. NATANSON: There's six that I know of. I don't know if there's another member.

CHAIRPERSON CROSS REID: Those are persons who have to leave. Could I see a showing of hands of persons who have to leave? Okay. Five, six. Three minutes a piece. These are no parties.

MS. NATANSON: None of us are parties.

CHAIRPERSON CROSS REID: Okay. All right. I don't

have a problem. WE can take the urgent ones. We can take the urgent ones but just very quickly, the ANC report, Ms. Renshaw, even though there's not a representative here, we do want to put on record their position, their revised position. I have the letter right here.

MEMBER RENSHAW: I've got it. The ANC 3D July 18, 2000 letter to the Board and it is signed by the Chair, Eleanor Roberts Lewis, and it supersedes all prior recommendations regarding this application and it was a meeting held on July 10, 2000. A quorum was present. A unanimous vote of six to nothing to nothing and they recommend the application be rejected in light of the following, and they laid out the fact that the traffic plan and the stacking arrangement and--

CHAIRPERSON CROSS REID: Ms. Renshaw, I think that you should really preface that part with the beginning of the paragraph that states that at its May 8, 2000 meeting the Commissioner recommended a conditional approval.

MEMBER RENSHAW: All right.

CHAIRPERSON CROSS REID: Then they reversed.

MEMBER RENSHAW: And they did. All right. At its May 8, 2000 meeting the Commission recommended conditional approval of the application by a very close vote of 3 to 2 to 0 based particularly on the traffic plan presented at that meeting, although expressing concerns about a number of matters in connection with the school's plan, the presence of two entrances

on Foxhall Road, a 10 car stacking lane were important characteristics of the plan allowing for our conclusion that objectionable traffic conditions were not likely as a result of granting the application.

And then after the applicant amended the traffic plan, partly in response to recommendations by DPW, and the new plan was presented at the July 10 meeting and closing one of the entrances, dropping the stacking lanes from 10 to three. The ANC found these changes were likely to have an objectionable impact on traffic safety and congestion problems in the neighborhood and they have since voted to reject the application.

They found that the applicant did not meet its burden of proof in demonstrating that objectionable conditions in the neighborhood would be avoided and they feel that the traffic plan changes referenced above will likely make it objectionable traffic congestion and safety problems that will occur in the neighborhood.

CHAIRPERSON CROSS REID: Any further recommendations?

MEMBER RENSHAW: And the further recommendations that they cited the fact that if the BZA decides to grant the application over the objection of the ANC, it had several recommendations, three conditions to be added to the list of the Office of Planning's recommendations dated June 7 and numbered them 25, 26, 27.

#25, that the application, if it should be approved, subject to the satisfaction of the storm water management concerns of the National Park Service. During the construction, the applicant shall make available a 24 hour hotline with a live or on call operator to respond to resident's questions and complaints about objectionable and unsafe conditions and such a number should be posted prominently at the site and otherwise publicized.

#27. Pickup points for Field School shuttle buses shall be established off street within established parking lots and monitored by school staff and/or volunteers. And they ask for great weight to be considered.

CHAIRPERSON CROSS REID: Well, they certainly will be afforded the great weight to which they're entitled. However, I, as one Board Member, I am a bit troubled as to the position of ANC. First they were in opposition, then they were in favor, and then they were back to being in opposition. However, that was predicated upon -- I don't know how we reconcile this. Basically, they proffered to us that the presence of two entrances on Foxhall Road and a 10 car stacking lane but DPW in the testimony today said that they would recommend five. I don't know how that has a bearing on their position, or the two entrances that they're referring to being closed -- I mean that one entrance being closed, but then we also ascertained today that it really is not closed. It will be open to emergency vehicles as needed and the

National Park Service statements that today -- I think Mr. Murphy clarified for us their comfort level with the plan that had been proffered by the applicant.

So I don't know. It seems that this letter that has been given to us was not based on up to date information as we have received it, so I guess we have to accept it with that in mind. Things kind of changed here today, I think, somewhat as far as being clear on the position of the BPW as well as the Park Service. So I just wanted to note that for the record and how we will handle that is what we have to kind of deal with when we do deliberations.

All right. Now, the persons who want to testify in support, the six people, can you please come up and you'll have three minutes apiece. Let me give you the ground rules. Give us your salient points. Please don't be redundant or repetitive. If someone has already said what you want to say, just simply concur or echo what they said and use your time to give us new information we may not have. Thank you very much.

MR. AGUGLIA: Madam Chair, Richard Aguglia, for clarification. The comments can be limited to traffic only.

CHAIRPERSON CROSS REID: Yes. I'll specify that again. You are all aware of the fact that this is for traffic, and I think I mentioned that in the beginning of our proceedings here today, except for the storm water -- the Park Service report on storm water management which was taken out of the sequence of

our proceedings.

Sir, did you have something to say? You need to come up to the front and speak into the mic. Sir, you need to come up.

MS. PRUITT: Come to the mic, sir.

CHAIRPERSON CROSS REID: You can not speak from the audience.

MR. GIBSON: Mr. name is Tom Gibson. I am one of the supporters. There are a number of us who will wait for later.

CHAIRPERSON CROSS REID: Thank you. We really appreciate your indulgence. All right. Who wants to go first?

MS. JOHNSON-CALAUI: My name is Jennifer Johnson-Calaui. I am an immediate neighbor on Foxboro Place of the Field School, and our point of exit from our cul de sac is the intersection of W and Foxhall Street that was referred to earlier.

I would like to comment on the current traffic situation from the perspective of a resident and excuse me if I speak in terms of my own personal experience, but I do believe that I speak on behalf of many neighbors who have children who live on the east side of Foxhall and whose schools are on the west side of Foxhall.

The current situation is that there are no sidewalks, there is no crosswalk, and there are no traffic lights. The gentleman from the DPW testified that it would be too dangerous for a student from Field School to cross from a side

street to the Field School. This is the situation that we face for our children trying to go to their nursery schools, kindergartens and elementary schools.

I used to walk with my daughter down Foxhall and I began to think -- the day that I began to think whether it would take the death of one us to get the DPW to focus the lack of safe transportation, I decided on that day I would have to drive the three blocks to our local school, hence, adding to the stacking lane at St. Patrick School. And this is a point I will refer to in a moment.

The other -- since I've started driving, each time there is an accident at the corner of Foxhall and W, as the policeman testified to, and the traffic does stop, I leap from my car, race to the intersection to make sure that it's not my babysitter and my daughter in the accident. It's not an impossible situation. A friend of mine was in a similar accident with her son leaving Dexter turning onto Foxhall.

From our perspective, the Field School would have a positive impact on the current traffic situation. They would provide a sidewalk which would connect to the sidewalk that GW has promised between Whitehaven and W Street. Currently, there is a 12" root vine which is the only path to walk down Foxhall and no crosswalk. When I called DPW, they said you can't have a crosswalk without a sidewalk and there's no space for a sidewalk. The Field School has committed to a sidewalk, as has GW.

The second point is that there are, I would estimate, 20 to 50 children who live on the east side of Foxhall, including my neighbor Tom Gibson who is here, whose children would walk to school, thus further alleviating the traffic and the stacking that occurs from St. Patrick's, Lab School and Our Lady of Victory. We would prefer to walk, but there's currently no safe passage. Thank you.

MS. RIDDER: Hi. My name is Cary Ridder. I'm the past president of the Palisades Citizen's Association. Penny Pagada, who's our current president, couldn't be here today and asked me to come.

On Tuesday, March 7, at a packed PCA general meeting, the membership voted to approve -- or the following resolution was overwhelmingly passed in response to the Field School's zoning application.

"Recognizing our neighbor's serious concerns about increased traffic, especially on their residential streets, the Palisades Citizen's Association will support the Field School application with the following conditions. That DPW be required to create, implement, and enforce a traffic mitigation plan for side streets off Foxhall Road including 49th Street that is acceptable to the community in order to keep Field School traffic and commuters off residential streets including but not limited to signs that ban lefthand turns at W Street northbound into Foxhall Road during morning rush hours and other such signs that keep

traffic off neighborhood streets, additional stop signs, other traffic deterrent measures for residential streets, and no installation of a traffic light at W Street and Foxhall.

2) that during the morning rush hours between 7:30 and 9 a.m. no lefthand turns may be made by southbound cars from Foxhall Road onto the Field School and that the Field School will take all reasonable measures to require that its parents, students, and staff do not use neighborhood side streets to reach the school.

3) that the Field School will support the PCA in opposing the proposed traffic signal at Foxhall and W but will support the proposed traffic light at Whitehaven and Foxhall.

We have not had a general membership meeting on this issue, so we have not been able to address further iterations of the traffic plan. We were responding to the traffic plan that came to us then. So I am not in a position to comment on behalf of the membership but there was a vote in support of the school.

MS. LESCAZE: My name is Rebecca Lescaze. I live at 4407 W Street. My house abuts the Cafritz property and I join others, W Street, Wesley Heights, Foxhall Crescents, and the Palisades, in my enthusiastic support for the Field School proposal. Its traffic management plan is very positive and will actually benefit the neighborhood by calming the traffic flow.

I have lived next to the Cafritz property for most of the last 27 years. I believe I can speak with greater personal

involvement and personal experience of the problems of Foxhall Road traffic than anyone in this room. In April 1989, my son, Adrian, was killed on Foxhall Road while riding with my daughter near the intersection of Dexter Street and Foxhall. Adrian was 11 years old. Foxhall has always seemed a dangerous road. It is now and people speed on it. As we have heard, the posted speed limit is 25 miles per hour and everyone drives 40. Traffic needs to be metered and controlled on Foxhall Road.

The city and Field School proposal, together with the forthcoming light at Whitehaven, will do just that. That anyone could oppose the long overdue traffic calming measures and controls promised in the school's plan is to me unthinkable. The city and Field School plan promises to bring greater safety and sanity to traffic on Foxhall. I also believe that this is the best use of the land. As an immediate neighbor to the property, I support the Field School.

CHAIRPERSON CROSS REID: Thank you very much.

MR. PLUMMER: Hello. My name is Louis Plummer. I live on 2606 44th Street.

Every day hundreds, perhaps thousands, of residents travel on Foxhall and when they approach the street and the driveways, they slow down, just as I'm assuming everyone else would, when they approach a familiar and routine turn. I bellevue the southbound Field School drivers during rush hour, as they approach the center turning lane to pull over to the middle, will

slow down, too, without obstructing southbound through traffic. That is a common sense vision of the future.

Field School traffic, in addition to the Field School traffic control measures, will slow traffic to posted speed limits and accomplish something the police say they can not do. This is good news for the entire community. I support the city plan and urge it to be implemented as soon as possible. Thank you.

CHAIRPERSON CROSS REID: Thank you very much.

MS. NATANSON: My name is Lisa Natanson and I live on 44th Street. My property backs up to the Kreiger Estate which is right next door to the Cafritz property.

I'm pleased to address the positive traffic management and traffic calming measures in the city and the Field School's proposal. I have been active in review of the Field School proposal for over a year and a half through a subcommittee of the Wesley Height Historical Society and, though this process has been exhausting, it has produced in stages what I think is an optimal plan to meter and manage traffic on Foxhall Road.

As a person who uses it every day, my experience of Foxhall Road is that speeding, not gridlock, is the real issue. I had a friend visit me recently who dropped her son off for a play date and went to cross Foxhall and Garfield where there is a light, by the way. But when that light is green, the traffic continues at its regular pace which, as the policeman says, is

probably between 45 and 55 miles an hour. And she looked to the right and then glanced to the left and was hit in a very bad accident -- her car was totaled, luckily, she wasn't hurt -- because people speed on Foxhall. So the distance between speeding, dangerous speeding, and gridlock is a long way.

I'm sympathetic to people's concerns who live on Foxhall with the specter of gridlock, but I think what the school has done here and also its willingness, to modify its plan as time goes on, will address these problems. Currently, they are not being addressed by anyone. This is the only organization or entity that stepped up to the plate in any way. As somebody made the point, no comprehensive traffic management plan has been done by the city in this whole area, and the Field School should not be penalized for this failure on the part of the city. In fact, they are the first people who have promised to address the speeding situation on Foxhall and, as a close neighbor, I would welcome any traffic slowing measures that the school could implement.

And let me just add that the land use issue, while not being discussed today, is another big factor in their favor. Their willingness to look at preserving our park, which is right behind the school. Thank you.

MR. SANDIFER: Hi. My name is Mike Sandifer, and I'm a resident of the Palisades, 2419 Chain Bridge Road. I think I've attended three meetings here, the ANC meeting in which they supported the proposal, and the PCA meeting, and I would just like

to echo what people have said here, particularly the calming influence that it will have on the traffic flow and pattern. It is very much of a concern to me. I use Foxhall Road and I know how speeds can vary and how dangerous it can be.

And I'd also like to speak to the issue of fairness and I'd call it citizenship. It seems to me that the Field School has addressed every possible concern in promoting a plan that is safe and effective in addressing the concerns of the neighborhood as far as the traffic pattern on Foxhall Road.

CHAIRPERSON CROSS REID: Thank you.

MS. PRUITT: Madam Chair, just to remind everyone to please hand -- I don't think the recorder got everybody's witness cards, so please make sure you give the recorder two witness cards.

CHAIRPERSON CROSS REID: Thank you very much. Were there any questions, Board Members, of any of the witnesses?

MEMBER RENSHAW: I was just curious whether any of those persons were parents of students who were attending the Field School and who were about to attend the Field School? Just for the record.

PARTICIPANT: No.

CHAIRPERSON CROSS REID: I also did not ask the parties or applicant if you had questions of these witnesses. Okay. Thank you very much. We will now go into our lunch break and we will come back at around 2:30 at which time we'll then

proceed with persons and parties in opposition. Is that correct, Ms. Pruitt? The sequence.

MS. PRUITT: Yes.

CHAIRPERSON CROSS REID: Did you have a statement, ma'am? Oh, I'm sorry. When we come back, we will continue with -- I forgot that some people still want to testify in support. After that, then we'll have the case for the opposition and closing remarks. Hopefully we can wrap this today. Thank you.

MS. PRUITT: And if everyone could remember, please, to fill out two witness cards and give them to the reporter when you come up. Thank you.

(Whereupon, off the record at 1:30 p.m. to reconvene at 2:30 p.m.)

A-F-T-E-R-N-O-O-N P-R-O-C-E-E-D-I-N-G-S

(2:30 p.m.)

CHAIRPERSON CROSS REID: The meeting will come to order. Have people come back from lunch? It looks like it's kind of sparse out there. All right. We'll commence now with persons in support, the remainder of the persons in support. May I see a show of hands of those persons who want to testify in support. Okay. Just four people. Come up in a panel, please. Four additional people. Who wishes to go first? You, sir. You have your mic on, so you're the one that's elected.

MR. GIBSON: Sure. My name is Tom Gibson. I live at 4400 Edmond Street, N.W. I join many others in the community with my support for the Field School proposal and city traffic plan. I've been a participant in this process for nearly 19 months. I, like many other families in the community, view a vote for the Field School as a vote for safer streets and optimal land use. I'd like to briefly summarize our views, my views, on traffic.

Again, the primary and existing problem on Foxhall is speeding and the lack of safe gaps in traffic to enter the traffic stream on Foxhall from neighborhood streets. The traffic measures in the city proposal may be our best and perhaps only chance to get speeding under control. I believe the city plan with the middle turning lane, improving signal change technology preserves the status quo with respect to southbound commuter

traffic. I believe I heard the city say no delays.

The additional light at Whitehaven, which is in the works, will better meter northbound traffic allowing more gaps for safe turning from our neighborhoods. The additional light for northbound traffic at the Field School will likewise enhance metering of northbound traffic allowing gaps.

I have one concern with the city plan. It is that it is predicated on a 40 mile an hour model for slow down and stacking. I see it problematic as a matter of city policy to de facto endorse speeding on Foxhall but, at the same time as this plan evolves, there are many reasons to believe that commuter traffic will slow to posted speed limits allowing for shorter safe slow down distances and additional multi-car stacking beyond the current and conservative city plan, though I remain persuaded that the current plan remains safe. And most of all, perhaps most importantly, I believe the city plan represents an optimized effort after months of collaboration by all forces of the community.

I'd like to make an addition point that may not yet have been raised because, frankly, it's subjective. In the Field School traffic plan for its drivers, it has the ability to exhort its drivers to drive the speed limit and when you think of those drivers scattered throughout traffic flow in the morning, the Field School then stands to become a regular activist force for slowing traffic on Foxhall Road.

This traffic debate has too often been characterized as unfortunately between the Field School plan and zero traffic. That is certainly not the case. We see it as expensive, extensive, and thoughtful and much better than any uncontrolled traffic that would emanate from future use of that space, i.e., a housing development. Thank you.

CHAIRPERSON CROSS REID: Thank you very much. Next.

MS. KREISMAN: My name is Gloria Kreisman. I have a short statement that has been signed by five of my neighbors, and I'd like to read it on their behalf.

CHAIRPERSON CROSS REID: Okay. Have you submitted it for the record?

MS. KREISMAN: I have.

CHAIRPERSON CROSS REID: Okay.

MS. KRESIMAN: I live at 2306 44th Street. I'm surrounded on two sides by the Cafritz Estate. I think I'm unique in that regard. And this is our statement in support of the Field School application.

"It seems nothing will satisfy the opponents of the Field School. In response to the concern of Neighbors Against Gridlock, the school drew up a plan to alleviate any possible congestion caused by vehicles entering and leaving the school property. They staggered the hours of arrival of students over a two hour period, they agreed to build a third lane using their own

property and at their expense to avoid interfering with commuter traffic. They prohibited parking in the neighborhood by students and faculty with disciplinary consequences including suspension.

The Field School promises to be a good neighbor and continue to meet with resident groups to work out any problems including additional steps to optimize current traffic plans. We feel the Field School represents the finest alternative for the immediate neighborhood and for the city. Thank you.

CHAIRPERSON CROSS REID: Thank you very much. Next, please.

MS. KELLEY: My name is Lee Kelley and my family has just purchased a home at 2931 Foxhall Road. We expect to move there before the start of school in September. My son William has been at the Field School since the 7th grade. He will enter the 10th grade at Field School in the fall. We love the Foxhall neighborhood and are looking forward to living there. Before we purchased the house, however, we took careful note of the traffic. We stood in the front yard and watched the traffic at various times of the day.

In our opinion, not only will the left turn lane in the traffic light at the school's proposed entrance more than adequately handle the small amount of additional traffic generated by the school, but the entire traffic situation on Foxhall Road would seem to be improved by this. The road will be widened and the addition of a traffic light at the Field entrance and the one

at Whitehaven will have the combined effect of slowing the traffic down to the speed limit or at least close to the speed limit. Everyone will be safer and the traffic on Foxhall will continue to move at a reasonable pace. The Foxhall Road neighborhood is a beautiful and desirable location and will be even more enhanced by the addition of this small school. I urge you to approve the application. Thank you.

CHAIRPERSON CROSS REID: Thank you.

MR. WATSON: I'm George Watson. I come before you today wearing two hats. I'm President of the Wesley Heights Historical Society and, in that capacity, I wrote a letter to the BZA March 9 in support of the school's application. The school has signed a letter of agreement with the Society and with the neighbors pledging not to open access to 44th Street for commuting by faculty, staff and students, and we saw that commuting as a threat to the tranquility of the residential street and much of the east side of Wesley Heights.

I did indicate in that letter that our support of the school was contingent on a viable traffic plan that did not impede the southward flow of commuting traffic on Foxhall Road or spill vehicles out onto other Wesley Heights Streets, the side streets particularly west of Foxhall Road.

Now I put on my other hat. In my capacity as a 31 year resident on Cathedral Avenue and almost daily user of Foxhall Road, I've listened to many presentations here, before the ANC,

and in neighborhood meetings, and I must admit that the objections raised by the opposition parties give me personal pause, especially the potential for traffic hold-up with a short three car stacking lane and stop light in the central portion of the school property. The proposed three car stacking lane and the single mid-property entrance are compromises adopted by the school in response to requests from the Office of Planning and the Department of Public Works.

If, after listening to those opposing views, the BZA still believes that the school's use of the Cafritz Estate is feasible and desirable, I have another suggestion that I made by telephone to Ms. Mary Vogle of the Office of Planning several months ago, namely that the city consider a lefthand turning entrance and exit near the existing one at the north end of the property as the school initially planned because of a longer line of sight and installing a longer stacking lane, say, up to 10 vehicles long. A righthand turn only entrance and exit might work for farther south at the presently proposed site.

In front of the adjacent Kreiger Art Gallery there is a planted walk area and an eight foot wall possibly built on city land presumably with special permission from the mayor's office under a previous administration, and that is in the rules on fences in the city. I suggested to Ms. Vogle that the Kreiger frontage should be considered for the third lane. I note Mr. Andrew Altman's May 22nd letter to the BZA dismissed by

alternative with no reason cited. I suggest that you and the school reconsider it. Thank you.

CHAIRPERSON CROSS REID: George Watson, right? Your alternative. Can you reiterate that for me.

MR. WATSON; Essentially to have the north entrance approximately where it is at the north end of the Cafritz property just immediately to the south of the Kreiger. There is this eight foot wall. I don't know how much is city land and what is the actual beginning of the Kreiger, but there is a fairly wide green area and then there's the eight foot wall. The eight foot wall needed special permission from the mayor's office -- not from you all -- from the mayor's office to get it approved. I don't see any reason why that wall needs to be there. It was an affront when it was built, as is another wall farther up Foxhall Road which is a safety hazard, and so I propose that area where there is a long flat area with a good line of sight, as the initial school presentation said in their first traffic statement.

And I would also recommend keeping the southern entrance and exit for only righthand turns.

THE CLERK: Okay. Thank you.

VICE CHAIRPERSON SOCKWELL: And, Mr. Watson, I think that wall actually varies between 8'6" and 10'4". I measured it one time.

CHAIRPERSON CROSS REID: Who installed that wall? Who erected that wall?

MR. WATSON: It was presumably the art gallery. I'm not sure whether it was the art gallery or whether it was Mr. --

VICE CHAIRPERSON SOCKWELL: They erected it along with the modifications that they made way back in sixty whatever it was.

CHAIRPERSON CROSS REID: Thank you very much. Are there any question of these witnesses from Board Members or from the parties or applicants? Okay. Thank you very much.

All right. We move now to --

MS. PRUITT: Madam Chair, special situation.

CHAIRPERSON CROSS REID: Yes. -- persons -- the opposition to put on their case. They have an hour to do so. We have a person in opposition who has to leave. Is that right, Ms. Pruitt? Okay. Could that person please come up. I'm going to take you out of sequence so that you can testify and then be allowed to leave.

MS. McDERMOTT: Thank you. My name is Catherine McDermott and I live on the west side of Foxhall Road off W Street. I am very, very concerned trying to maneuver through the traffic that I'm experiencing over these past few months and years since I moved off of Foxhall Road. I think that a light up at the school is going to further add to the danger that's present on the road right now because when that light changes, we have a backup of cars and when I have to go down that windy road that bends off

to the right so you don't have any real visibility, I'm going to have to make a righthand turn onto Foxhall Road with a whole stack of traffic behind me expecting me to keep on going straight. I'm very, very concerned about that.

I'm also concerned about the fact that we've had additional traffic over the last few years. Foxhall Road has truly become an artery for the commuters from out of town, and with the student body from AU trying to process up and down, with the student body from Georgetown, and with the additional commuters coming in from Maryland, it's becoming quite a problem to maneuver that road even now. As it is, I've got to backtrack through local streets. I can't just go to Foxhall and make a left hand turn and go up Foxhall Road. And when a light is put in there, it's going to be impossible if not very, very dangerous to make that turn.

I'm very concerned about the traffic that GW is going to develop. We don't know what it's going to be, but we can figure out that the equivalent of 1,500 additional students just two blocks away from the Field School location is going to have a terrible impact on the traffic on Foxhall Road which is extremely delicate. I'm concerned about the construction and the trucks that are going to be going in and out of the Field School property as well as GW at the same time. That's going to hold up traffic.

Foxhall is a very delicate and very beautiful road, and it escapes me to think that we've already put in GW and we're

now considering yet another school. I think it's important to hear from those of us who live in the area and not just those of us who have children who are going to come into the area every day and leave. They're not going to be impacted the way we're going to be. I think staggering hours, turn lanes, and all the rest that we've been arguing about will not change the fact that we have a tremendous traffic problem right now. We're going to have a disastrous one when GW gets up and running and we're going to add to it with the Field School.

And I really worry a lot about the outer years. If this is what we're planning for this very fragile, delicate road now, what will the outer years look like? Thank you very much.

CHAIRPERSON CROSS REID: Thank you.

MS. PRUITT: Ma'am, did you fill out a witness card?

CHAIRPERSON CROSS REID: Now, the opposition have an opportunity to put on their case and have an hour to do so

MR. AGUGLIA: Madam Chair, we had two dry runs to do this as smoothly as possible. The timing is around 67 minutes. I would ask for a little over the 60 minutes.

CHAIRPERSON CROSS REID: Well, I don't think we will hold a gun precisely to your head if it's just a little difference in time. How many witnesses do you have, Mr. Aguglia?

MR. AGUGLIA: Including myself, we have nine people speaking.

CHAIRPERSON CROSS REID: Have how many

MR. AGUGLIA: Nine people speaking.

CHAIRPERSON CROSS REID: Nine people. Okay. And how many persons are going to be testifying in opposition? Just one other than the -- two. You're going to be a part of the one hour. Do we have any organizations in opposition? Okay. Thank you.

If the monitor is turned that way, we can't see it. Okay. Kind of slant it so that we can see it and also the other people in the hearing room will be able to view it, as well. How long is the video?

MR. AGUGLIA: Seven minutes.

CHAIRPERSON CROSS REID: Okay.

(Off the record.)

MR. AGUGLIA: Thank you for giving us this opportunity to speak. My name is Richard Aguglia representing the Neighbors Against Foxhall Gridlock. I want to give a very short opening statement to set the stage for our testimony. Our testimony will show that the neighborhood surrounding the proposed school site on the Cafritz Estate is residential in nature and is slowly being turned into one that is institutional. The main thoroughfare to the proposed school is Foxhall Road, which is a minor arterial with major traffic, with poor access to Metro Rail and no Metro bus service.

No one questions that the Field School is a good

school and sincere in its efforts to be a good neighbor, but that is not the test before you today. The test is twofold: whether or not there's an adverse impact on the neighborhood in terms of traffic or otherwise objectionable conditions and whether or not the school's location at this site is consistent with the comprehensive plan and the Ward 3 plan.

The Department of Public Works itself has noted in its May 22 report of this year to the Office of Planning, which is in the record, that the proposed site presents a potential traffic and safety problem due to restrictive sight lines, drivers traveling at excessive speeds, and high traffic volumes.

Let me set the stage for you in the context of all the different reports that have been given to you by the applicants, traffic engineers, Gross-Slade. December of '99, the north entrance was considered to be the only safe entrance. That report indicated also that 320 cars would come in and out of the school during the a.m. rush hour.

In its February report it again reiterated that the northern entrance was the only safe entrance and left turns into the school would be allowed only by shuttle buses or emergency vehicles through the a.m. peak hours. In addition, the traffic count decreased to 174 a.m. cars in and out based on highly questionable assumptions.

Indeed, in its April 10 letter to ANC 3D which is an exhibit in the record here, DPW noted that Gross-Slade had

rejected a southern entrance to the property for insufficient sight lines to allow safe turning into the property. That was Exhibit P as in Paul to the OP report to the BZA dated May 3. Nevertheless, having said that the northern entrance was the only safe entrance, based upon the DPW recommendation, Gross-Slade altered its professional opinion and indicated that a revised southern entrance for left hand turn lanes into the school would be appropriate. However, this particular report noted a 250 feet 10 car stacking lane with the north entrance being used for right turns only during the a.m. peak rush hour. So the north would serve as an outlet with the south becoming for the incoming cars.

Again, we have a fourth report and I tell you that you have a fourth report that's been submitted to the Board but you have no testimony on that particular report. It's part of a direct examination from Gross-Slade. In the fourth report, they agreed to, again based upon DPW recommendation, agreed to a light at the southern entrance to the school for ingress and egress and closing of the northern entrance except for emergency vehicles and at the ANC meeting also it was stated that they would need that for trash trucks access, and there was a reduction in the 250 foot 10 car stacking lane to 66 feet and a three car stacking lane. Again, the Board has no testimony before it for this latest fourth proposal.

I submit to you we've been fighting a moving target. Based on its last report, based upon the Gross-Slade last

report, the ANC voted six to nothing to reject the school's plan for failure to meet its burden of proof, and I would also tell the Commission, the Board, that the three to five extension of the stacking lane was also mentioned at that ANC meeting but the ANC still voted to reject. We must have some finality at some point. We must know what we are opposing and what is on the record for this Board is a three car stacking lane and 66 feet and closing the northern entrance except for emergency vehicles.

We ask the Board to also find, as the Commission did, that the applicant has not met its burden of proof with respect to traffic and, as we will show, also with respect to land use issues.

One other point I would make is there seems to be a conception here that you need a school in order to slow down traffic on Foxhall Road. You don't need a school to slow down traffic on Foxhall Road. The District should stand up through its executive branch and perhaps the Council and takes measures such as flashing beacons, more radar traps, speed bumps. A traffic light has already been scheduled for Whitehaven. There are measures that can be taken to allow Foxhall Road to become safe once again without putting in a school.

In fact, the testimony I heard from many of the persons in support thought that this is a very dangerous road, 1) that they are afraid of and one which they think the school will bring calming effects to when, in fact, the city can take measures

without such an effect.

With that, I turn over to Mr. Woodcock. Mr. Woodcock is a neighbor and a party in opposition. He will testify that the Cafritz site is too small for the proposed size of the field school. Mr. Woodcock.

CHAIRPERSON CROSS REID: Mr. Aguglia, before you go, you said that -- the last statement you made was that the school could take measures without-

MR. AGUGLIA: The city.

CHAIRPERSON CROSS REID: Oh, the city could take measures without having the school for the calming effect. I just wanted clarification what you were saying. Thank you.

MR. WOODCOCK: Madam Chair and Members of the Board, my name is Ken Woodcock, and I'm the owner of a residence at 262 on Foxhall Road with my wife, Dorothy. I've lived there for 22 years. Our home is seven houses up Foxhall Road from the proposed school site.

My background as it relates to this siting issue includes four things. An energy company executive who has been locating sites for power plants in the United States and around the world for 20 years. Finding and analyzing sites is one of my areas of expertise. Environmental policy official in the federal government for over 10 years during the '70s. Private school volunteer, board chairman and vice chairman of NCS and St. Patrick's respectively and board member of the Rhode Island Nature

Conservancy and active with land trusts in New England.

As a member of the Neighbors Against Foxhall Gridlock, we are parties in opposition to the special exception request of the Field School. My testimony will compliment the work of our experts and highlight why this site is too small for a high school and, therefore, inflicts unacceptable impacts on the neighborhood.

My Exhibit A, and I have written testimony, shows the characteristics of the Cafritz site. As you can see, the site is small. Only a part, about 8.5 acres, can be used for school facilities. On a steep slope that falls in two directions, is on a narrow, bending and commuter road once appropriately called Ridge Road and directly abuts residences to the south and to the east. A map of the lot is shown in Exhibit B.

Exhibit C shows preferred characteristics of a site for a middle/high school with a school population equivalent to that sought by the Field School. That is, 320 students. -- five things. An adequate site size. A site size of roughly -- and this says 43, that's an incorrect number, it should be 38 because I updated with 2000 data from private schools document -- not 10.5 acres. In other words, it's four times too small. This observation is based on my Exhibit D which shows the proposed Field School to have a student density, that is a ratio of students per acre, that is roughly four times greater than the other private island high school campuses in the Baltimore -

Washington area.

An island campus is one in which the school facilities are well-buffered from neighboring properties such as in the case of Holton, Potomac, and other schools that are listed in Exhibit D. A preferred site would have a level site, would have good site access. Site access should be available for a number of drop-off points. Side streets and four land roads are the norm. Public transportation from buses and nearby Metro rail would be preferred.

Fourthly, adequately campus facilities. Campus facilities should be in line in terms of number and size with that found at other similar schools since, if they're not proposed today, they will be built tomorrow. And room for expansion. And you'll hear later that the Field School is already attempting to purchase at least two properties adjacent to them which results obviously in impact. The Cafritz site is too small for the Field School and, because of that, the community will suffer adverse impacts from noise, lights, emissions, and asphalt entrances and parking lots, as reported by our planning consultant, Ken Doggett, traffic and safety impacts and hazards as shown by our consultants, Joe Mehra and Fred Haska.

As a former school board chairman, I can confirm that school facilities grow to meet the needs of the student body and keep up with the competition. The private school peer review process and the college admission process virtually ensure

continuous facilities upgrade. The Field School will be no exception.

When I first met the Field School leaders in early 1999 -- yes, 17 or so months ago -- they felt they had sufficient at the Cafritz Estate that they could sell off parts of the property for residential development. The new site seemed gigantic to them as they compared their existing overflow campus at Kalorama. An overflow campus is one in which there is public on street and off street parking, sidewalks, bus routes, Metro, the type of school/neighborhood interaction we find at the Duke Ellington School, Rock Creek International School, National Cathedral School, and Georgetown Day.

The Field School leaders behaved like they had at the Cafritz site the type of buffers that exist at Holton and Potomac. They don't. Now they find that they do not have enough land to meet their needs. No room for six tennis courts, they proposed just one and, therefore, a tennis team must go off site to compete, and I find ironically on a June 18 drawing that they store two mid-size buses on a parking lot. It's awfully difficult to use a backhand on the tennis court if in fact you have to use the tennis court as a place to store buses in your formal application before this body.

No cafeteria or indoor pool, no room for a D.C. High approved baseball field or track. My Exhibit E and F show how regulation size facilities for sports such as a track and a

baseball field just do not fit.

The newly proposed stacking lane for Foxhall Road will take away additional functional land for needed school facilities. Their proposal shows some type of a softball/baseball field along with a soccer/lacrosse field. I must ask: will 100' high nets be installed to protect the houses along Foxboro and W street from foul balls and wandering lacrosse balls and soccer balls? Will this neighborhood end up looking like the driving ranges in Tokyo and have the visual blight from screening that will be necessary to devoid the direct impacts on neighborhoods from foul balls?

When the school wants to expand facilities, will this neighborhood begin to look like the nearby Lab School neighborhood? I present over there three photos with the new Lab School expansion. Exhibits G and H show the impact on neighboring properties from the Lab School. Literally, encroaching upon private residences.

Exhibit I shows the moonscape created by their parking lot. Note how the massive school buildings encroach on neighboring properties. Notice the visual impact of just 16 asphalt parking spaces and connecting roadway. Imagine how 128 parking spaces for autos and 10 parking spaces for buses plus the asphalt stacking lane and proposed sidewalks will look along this beautiful stretch of Foxhall Road that exists today. Their proposed parking and access surfaces are nearly nine times

greater, what we see in Exhibit I.

The Field School has tried to convince you and our neighborhood that their proposed, quote "baby" unquote, school facility will have diminimis visual impacts. They're misleading us. The visual blight is not consistent with the character of the Palisades or Foxhall Road. We now have on Foxhall Road a stretch of road with wonderful residences for ambassadors, beautiful homes and a former home, now limited access museum. We have a gentle residential that we must preserve.

I must ask, how did the Lab School get permission from this government to create such havoc? What is to stop the Field School from imposing such blight on Foxhall Road in the future? The lesson we learned from the Lab School expansion is once a school is in place, the city will grant nearly any growth in facilities. We can also conclude that schools being built on small sites lead to impacts on neighborhoods. The impacts come from facilities that are initially constructed. They certainly come when facilities are expanded in the future.

You have the responsibility to stop this wholly inappropriate proposal. Your Office of Planning did no studies of site size other than to say the Cafritz site was adequate. They did no study of comparable schools. I must say, in many -- financial, you do a comparable. They did nothing like that. They did not distinguish between overflow schools and island campuses. They did not comment on the unavailability of land for expansion.

They have none. As such, the report by the Office of Planning is deficient.

This under-sized site means that the school gains little from their new home. Most athletic programs will be held off-site and, therefore, contribute to the afternoon traffic on Foxhall and in the neighborhood. It hurt me to sit behind the Field School eighth grader who testified on March 29 before this commission and said she dreamed about playing right out her school door. She was dreaming since a great majority of Field School students will have to get on a bus or in a car, as they do in their existing home, to participate in sports and, moreover, the Cafritz site has no public transportation.

Clearly, the new site is a step back for the convenience and safety of the students, their parents and our neighborhood. Neighbors Against Foxhall Gridlock has worked hard to help you make a good responsible land use decision for our city and our neighborhood. We have nothing against the Field School. We admire their program, the work they do. They have just made a bad site selection decision which this Board should deny. The law guides you did not allow you to grant a special exception to, quote, "nice people who have tried hard but made a bad decision." Your role is to avoid adverse impacts on our community.

Your decision to grant a special exception will forever alter a unique residential neighborhood with the burdens of asphalt, noise, light, emissions and the other side effects of

a traffic intensive school on an under-size site. We presently have seven schools in our immediate neighborhood and will experience the impacts of the mayor-approved expansion of GW/Mt. Vernon. Our neighborhood is doing our share with regard to supporting schools. We urge you to reject this request for a special exception.

I thank you very much for the chance to speak before you today.

CHAIRPERSON CROSS REID: Thank you

MR. AGUGLIA: Our next witness is Mr. Ken Doggett, who's an expert planner.

MR. DOGGETT: Madam Chairman and Members of the Board, my name is Ken Doggett and I am a land planner with 30 years experience, and speak in opposition to the proposed Field School on Foxhall Road. I've also lived as a homeowner on 36th Street, N.W. in the Cathedral area of Washington for 32 years. I've had two children who attended Stoddard-Mann, National Cathedral and -- Friends School. I will briefly outline over the next few minutes those issues that concern me regarding the new school.

First, the physical context of the proposed Field School site is generally that of low density houses on steep, sloping land with primary access limited to a very busy two lane road. There are many non-residential buildings and schools in the area that generate high traffic volume and impact adjacent

residences. Field School's proposal of an additional 320 students and a staff of approximately 70 would add to the negative traffic impact and tend to further diminish the residential character of the immediate area which is already highly impacted by private schools and colleges.

The first map up here shows the location of the site with American, Georgetown and Mt. Vernon campus there, to give you an orientation. And the growing number of non-residential uses, especially private schools, that are penetrating an area planned and zoned for low density residential homes. The part of Foxhall is shown there, as I indicated before. American and Georgetown campuses are also making a very large impact here and, generally speaking, you can see that the disintegration of the yellow which is the stable residential neighborhood.

The second map shows the incredible number and the close proximity to the site of the school and college developments. The site is here. There's the site and you have concentric rings in red which indicate half mile increments from the Cafritz site. The first half mile increment, which is here, indicates four schools which are shown in yellow dots and a major university campus.

The second area just here indicates 11 schools and two major universities, American and Georgetown. The third site, at that point it's a mile and a half radius, a mile to a mile and a half radius, shows another eight schools. There are no

community schools to indicate an excessive reliance on this area to provide private school facilities for a regional rather than a local population. By that I mean these schools do not contribute to the neighborhood in the same way that a Mann or Stoddard or Key School does. They are in walking distance and you're part of the school fabric and society fabric.

In summary, there are approximately 90 independent private and parochial schools in the District of Columbia with 15 in the area around the Cafritz property or 16 percent of the total. Some of the non-public schools are independent schools which tend to be on larger sites with more students and a proven academic reputation. These could be Georgetown Day, Visitation, Field School. These are the kind of schools that you have there in that area which make a very important impact.

The highly regarded Bunting and Long Private Independent School's 2000 year handbook lists 24 such schools in the Washington area, in Washington itself. Fifteen or 62 percent of those located are within a one and a half mile radius and 11 schools or 44 percent are located within the one mile radius. All 24 schools have an aggregate school enrollment of over 7,000 students. This situation is further aggravated, as I said before, when the excellent public schools which are Mann, Stoddard, Ellington and Fillmore, are added to the impact.

Also, there are eight major universities in the District of Columbia with three within the one mile radius.

George Washington Mt. Vernon is planned for a large increase of 1,500 students while Georgetown and American Universities currently have a combined enrollment of graduate and under-graduate of 21,000 students or 38 of the total aggregate of all eight universities. These universities -- and it's debatable which numbers you use, the major universities I've chosen, American, Catholic, District of Columbia, George Washington, George Washington Mt. Vernon's campus, Georgetown, Howard and Trinity.

No other low density residential area in the Washington metropolitan area has this kind of academic building intensity with this traffic and visual impact and its intrusive and disruptive effect on the surrounding neighborhood.

Second, the first neighborhood objective is to promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses. In my opinion, the proposed school does not enhance or conserve housing nor does it provide a neighborhood-related use with its student body being drawn from Virginia and Maryland in addition to the District. The Field School supporters may dispute this, but unlike schools such as Mann which draws upon students from a waking distance and they are truly neighborhood-related and the Field School as a private school will not be.

Third, the constraints of the property negatively

impact both the actual site and the adjacent area due to the limited size and configuration of the property with its steep slopes, existing trees that often need preserving. The Ward 3 plan states that land use and future developments must be carefully controlled to protect the existing scale and the existing low density character and to enhance the maintenance and improvement of existing natural open space.

This maps shows the particular area. The school buildings are here. These are the generalized recreational areas. The white are basically the parking and hard surface areas. Of the four lots, the two easterly and part of the southerly one have steep slopes and the proposal leaves these undeveloped leaving approximately eight acres for a 400 student/staff school and I believe this was agreed by the architects when they testified the other week. Only one tennis court, minimum size sports fields and no cafeteria are indications of a restricted site. Any future expansion beyond the proposal will be difficult without further community impact such as purchasing other residences.

Examples of restricted sites are that I know personally about are Edmond Burke and Moret. The former is currently proposing to expand attempting to exceed the agreed student cap. That might well be a case but is an example of conditions changing. Moret, which recently tried to lease, at considerable expense, the baseball field at Guy Mason Recreation Center, was rejected by the community due to the increased traffic

and the increased size of the field that is needed to meet D.C. high school standards and the standards of the high school were considerably greater than those shown on the proposal by the school authority.

In short, the school shows a baseball field that, when I measured it out at Perry Mason, was exactly the same size and then Maret refused to buy it because it was too small. It was okay for softball but not for baseball.

Fourth, other comparable schools previously discussed generally were located on larger sites with access to a major road and public transportation. -- National Cathedral, Georgetown Visitation are but a few of these characteristics. It is difficult, almost impossible, to find another comparable school with the proposed Field School, one that is really an island, that is a school surrounded by low density zoned and planned residential properties with no public transportation and with access and exit onto a congested two lane road with poor or no sidewalks but which still serves as a major traffic corridor. The property also exits at a road
alignment which has a dangerous lack of site lines in both directions due to topography and road curvature.

Fifth, the character development is addressed in the comprehensive plan which says development should maintain areas with a stable character that has a positive physical image. The character is one of houses on relatively high land and

swales, steep slopes and mature trees and open spaces as shown in the photograph. The photograph I'm particularly referring to is here where you see the open spaces, swales, the preservation of the trees, the houses here on the higher land. In many respects, it's the ultimate in land use planning.

In addition, the comprehensive plan also states that development should encourage infill to be complimentary to the established character of the area and infill development in stable areas should not create sharp changes and physical paths that might lead to deterioration.

While the proposal does meet the legal zoning requirements of the R-1-A classification as to lot occupancy, etcetera, and private schools are permitted in residentially designated areas by the courts, it is difficult to apply these standards and visual terms to a 400 student/staff school with a parking of 128 cars and 10 buses and a playing field. The actual length of the building is roughly, I think, 700 feet long with a minor break in the center and a parking lot extending the full property length or nearly the full property length. Again, I believe it's about 700 feet.

I will give a summary then of the major points that I made before. In conclusion, I would like to highlight the major concerns. The proposed site is inconsistent with the comprehensive and Ward 3 plans where the intent is to preserve residential neighborhoods. The site is very restricted for 400

students and staff with little or no opportunity for expansion. Negative impact from noise, lighting, fumes should be very apparent despite remedial measures.

There's a visual conflict with the existing residential character of the area which is already diminished by the large area of private schools, universities and other institutional uses. There would be a considerable loss of income in real estate taxes if the proposed school was built. The school is not a neighborhood-related use but a regional enrollment and a regional impact. The negative traffic impact on the neighborhood is considerable and will be exacerbated with very difficult site access and exit.

Thank you for this opportunity to present my concerns.

CHAIRPERSON CROSS REID: Thank you very much.

MR. AGUGLIA: Our next expert is Mr. Fred Hanscomb. He's an expert traffic engineer and he will testify that the Grove-Slade report as well as the DPW report today are flawed under recognized guidelines. This is Mr. Hanscomb.

MR. HANSCOMB: For the Board's information, I'm wearing a portable mic --

CHAIRPERSON CROSS REID: Turn the mic on. Oh, it's on?

MR. HANSCOMB: My name is Fred Hanscomb.

MS. PRUITT: Excuse me, Mr. Hanscomb. He's still

not picking you up. Maybe the mic needs to be -- do you need to use the Board's to talk?

MR. HANSCOMB: Yes, at times I will.

CHAIRPERSON CROSS REID: Oh, okay.

MR. HANSCOMB: But I'm wearing the portable thing so we're in good shape. My name is Fred Hanscomb. I am a highway safety engineer with 30 years experience. My experience includes employment with the Arlington County government as a highway design engineer. I've extensive experience in evaluating driver responses to traffic control devices. I'm on the 40 engineer panel who writes the national standards for uniform traffic control devices. That is, there is a book that requires that all traffic control devices on any public road complies to that regulation.

My first poster --

CHAIRPERSON CROSS REID: Excuse me one second, Mr. Hanscomb.

MR. HANSCOMB: Could we stop the clock, please?

CHAIRPERSON CROSS REID: Is he being represented as an expert witness

MR. AGUGLIA: Yes, and i'm going to move to qualify them all as experts at the end of their testimony.

CHAIRPERSON CROSS REID: At the -- well, typically we do that before they testify

MR. AGUGLIA: I can do it now for all three.

CHAIRPERSON CROSS REID: We like to do that. Yes. We have the résumé before us. Just give us a few seconds to look over it

MR. AGUGLIA: Okay.

CHAIRPERSON CROSS REID: Mr. Hanscomb, have you ever testified before this Board before?

MR. HANSCOMB: Not before this Board. No, ma'am.

MR. AGUGLIA: But Mr. Hanscomb has been qualified to testify as an expert witness in some 18 or 20 states. Mr. Hanscomb, can you elaborate on that?

MR. HANSCOMB: I've participated in over 100 litigation cases testifying for numerous plaintiffs and defendants. I represent numerous highway agencies. The Maryland State Department of Highways, the Florida DOT, various cities, Pittsburgh, Reagan-Washington, other places. I'm currently working with the city of Detroit. I've worked with, like everybody, numerous plaintiff's attorneys. I've testified in 20 different states. I've spent a lot of time in courtrooms.

CHAIRPERSON CROSS REID: All right.

VICE CHAIRPERSON SOCKWELL: I see that speed is one of your accomplishments. Ski racing medals. Unsafe at any speed.

MR. HANSCOMB: In my younger days.

CHAIRPERSON CROSS REID: All right. I have no problem with accepting Mr. Hanscomb as an expert witness, unless

there's any objection by the applicant.

PARTICIPANT: None.

CHAIRPERSON CROSS REID: Okay. Then proceed. Or any of the other Board Members? Okay. Thank you.

MR. HANSCOMB: I appreciate the fact that Mr. Sockwell didn't get me on French cooking. A lot of the guys do that.

CHAIRPERSON CROSS REID: I saw that.

MR. HANSCOMB: In any event, this is about highway safety, not about French cooking or skiing, regrettably.

My first poster indicates two applicable regulations. The first is publication of the Federal Highway Administration, the manual on uniform traffic control devices. As I said a minute ago, this is a standard that regulates all traffic control devices, that is signs, pavement markings, and signals, for all public roads in the United States.

The second standard to which I refer is the AASHTO. That's the American Association of State Highway and Traffic Official's Policy on Geometric Design. This document presents guidelines for how all highways should be designed in the United States. May I have poster two, please.

The AASHTO Guide which I refer to a great deal defines sight distance as "The length of roadway ahead visible to a driver to enable a vehicle to stop before reaching a stationary object in its path." Now, that standard refers a driver at driver

eye height, say 3 1/2 feet above the roadway observing an object 6" above the highway. That requirement for the geometric situation that exists at the Field School location is 364'. Earlier we heard a report, in May, I believe, by Grove-Slade, indicating that the sight distance at this location is only 300' when they used the 6" criterion. Now I think we're hearing from them that we do have 364' if we limit our view ahead to a foot and a half above the roadway. I have a photograph. The first photograph, please. I need to work over to that, so I need to have that microphone.

MS. PRUITT: Sir, it's not working.

MR. HANSCOMB: These are pictures that I took at the site approximately 3 1/2 feet above the roadway. I positioned my camera about 300' from the--

MS. PRUITT: Excuse me, sir. It seems like that mic isn't picking up, so if you could just turn one of the mics at the end.

MR. HANSCOMB: That's okay. I'll just sit down. When I took this picture, I positioned the camera about 3 1/2 feet above the pavement, consistent with the AASHTO design standards. I would note to the Board that the distance from this telephone pole where I have my finger to this mirror at the driveway of the Belgian Embassy is 230'. We also see in this picture a vehicle that is ahead of the camera and that vehicle is partially hidden. I just want to point out that this 230' distance does illustrate

the sight distance restriction that's at the crest of southbound Foxhall Road as one passes the Kreiger, thus approaching the downgrade on which the proposed turn lane would be located.

On my next slide, I would point out that the AASHTO requirement has defined three components of a turn lane. These are separate components. They can not be combined, despite what we've heard this morning. The AASHTO standard on page 828, the third paragraph which is Exhibit 1, page one of my May 1 report to this Commission does contain that paragraph.

Okay. Those three components are, first, a deceleration lane. It's a requirement that the deceleration lane be long enough for a vehicle to come to a safe stop from the design speed, and the design speed is 40 miles per hour here. The second component is called the entering taper. That's where the traffic shifts into the storage bay. To position itself to go into the storage bay, there are specific design criteria for that. And then the storage length itself must be long enough to keep lanes clear. That is, to keep the through lanes clear. I was quite surprised this morning to hear John Payne of DPW say that this length was adequate. On numerous occasions I'd heard him say that it was not.

This poster illustrates acceptable design practice. That is, the 364 deceleration lane, the entering taper which is proposed by Grove-Slade is considered acceptable by the minimum standard. The storage bay proposed by Grove-Slade of 66' does

allow for three cars at the required 22' interval. This totals 518'. Again, this is something on which there is no compromise if we are to comply with the standards. Despite this, Grove-Slade proposes 474'. DPW endorses it and, to my absolute amazement this morning, DPW did indicate that we could, quote, "pinch the standard" -- I never heard anybody say "pinch a standard" -- and extend the storage bay into that 474' which frankly amazes me.

Let's move on to the next poster. In terms of traffic control devices, the manual requires that traffic control devices command attention and give time for adequate response. Well, that turn bay, that taper is a traffic control device. It's a pavement marking that has to be visible 364' in advance. As we've seen from my picture here, there is not that sight distance there. Could you please flip the next photograph.

The correct way to design this would be to extend the painted taper to such a point that it was visible well in advance. This is a turn bay where there is a little dip, a little obstruction to the sight distance, and the painted deceleration lane has been extended well forward to accommodate the required sight distance. That's all the exhibits.

Basically, in conclusion, it is evident to me that the standards are violated in the current plan and, as a result of the violation of these standards, there are two clear and distinct foreseeable problems. First of all, there's a potential of overflow from the storage bay into the left turn lane. And Joe

Mehra, who will follow me, will get more into why this is a hazard.

But as a result of that overflow, it is inevitable, I believe, that vehicles are going to be stacked or stalled in the through lane. There is limited sight distance. Vehicles coming southbound Foxhall Road over that crest will ont be able to see those stalled vehicles. We heard Officer Knight this morning indicate that there are vehicles between 45 and 55 miles per hour. I have made some speed observations there myself. I'm not surprised to hear the officer make that statement. So then the accident hazard is the potential for vehicles coming over the crest not being to see overflow vehicles stalled or stopped rather in the through lane.

There's another human factor problem in that the proposed signal would indicate green for southbound Foxhall Road drivers indicating that there is no traffic conflict. So from a human factor's point of view, that is what are we telling the driver? The signal is incorrect because it's going to give the message that the road is not blocked where by virtue of the potentially blocked storage lane, that would not be the case. Thank you.

MEMBER RENSHAW: With that, we will turn to Mr. --

CHAIRPERSON CROSS REID: Okay. Thank you very much and, Board Members, do you have any questions of this witness before he goes on?

MR. HANSCOMB: I'm not going anywhere.

CHAIRPERSON CROSS REID: All right

MR. AGUGLIA: We will now present Mr. Joe Mehra, and we intend to qualify him also as an expert traffic consultant. This is a copy of his testimony along with his --

CHAIRPERSON CROSS REID: Okay. And also I should tell you that in regard to the video, it has to be adjusted, so we're going to have to recess for about five minutes or so because there's a programming problem. When they pushed a button here, it de-programmed. It has to re-program and it's re-programmed and it's noisy, so we can't proceed while they're adjusting it. So at the point that he wishes to, we can then just let you know and we can recess and have that done so you can show your video.

MR. AGUGLIA: Thank you.

CHAIRPERSON CROSS REID: Sure

MR. AGUGLIA: Mr. Mehra, would you like to discuss your expert credentials.

MR. MEHRA: Yes. I have over 25 years of experience in traffic engineering and transportation planning. I'm a licensed professional engineer, and I was the co-author of the first ever handbook on site impact traffic evaluation that was prepared for the U.S. Department of Transportation and --

CHAIRPERSON CROSS REID: Give us a second, Mr. Mehra, while we look at your résumé and then go ahead and accept you.

(A pause in the proceedings.)

CHAIRPERSON CROSS REID: Okay. Board members? All right. No problems, Mr. Mehra, and Mr. Feola, did you have any objection?

MR. FEOLA: No.

CHAIRPERSON CROSS REID: This witness can then be accepted as an expert witness. Go ahead.

MR. MEHRA: I will present a review and critique of the Gross-Slade traffic report dated June 2, 2000 followed by the results of my independent traffic analysis.

In terms of the Gross-Slade report, existing data was collected over one year ago. That was in April/May, 1999. These counts were not adjusted to make them current as recommended by the traffic engineering profession. Although the traffic counts on Foxhall Road during the afternoon peak hour show significant differences at W Street and Whitehaven Parkway, 540 vehicles left Whitehaven Parkway between 2 p.m. and 3 p.m. on May 19, 1999 and only 458 reach W Street during the same time period. There are no major traffic generators between W Street and Whitehaven Parkway to cause a 20 percent difference.

The selection of the p.m. peak period between the hours of 2 p.m. to 4 p.m. is wrong. The Institute of Transportation Engineers' recommended practice for traffic access and impact studies for site development notes, and I quote, "The time period that provides the highest cumulative directional

traffic demands should be used to assess the impact of sight traffic on adjacent street system and to define the roadway configurations and traffic -- measures changes needed in the study area." End of quote.

The selection of 2 p.m. to 3 p.m. time period by Grove-Slade results in 30 percent less traffic than the later peak hour of 5 p.m. to 6 p.m. First, the recommended practice for traffic impact studies is not being followed and this results in -- service than the 5 p.m. to 6 p.m. time period.

In terms of the Field School trip generation, the Grove-Slade report mentions that 36 percent or 76 students use public transportation at the current school location where the school is served by Metro bus and Metro rail within walking distance. The study assumes that the number of students using public transit at Foxhall Road will be 145, although the school site is not served by Metro bus or Metro rail. This is contrary to research on transit use.

In terms of the future traffic volumes which are supposedly to consist of existing traffic volumes, the normal growth in through traffic volumes, traffic from other developments, and the traffic from the proposed school, the Grove-Slade report has not

grown the traffic that was counted in early 1999 to year 2001, the anticipated opening of the school and has not included the traffic from the Spanish Ambassador's complex.

Due to these items noted, the levels of service are incorrect. Other than the traffic volumes, the levels of service estimation also utilized peak hour factors. The Grove-Slade report has not used the peak hour factors that were computed based on data collected on Foxhall Road and included in their appendix. Due to this reason, the levels of service appear better than the actual levels.

In terms of the queuing at the school entrance, the appendix to the report presents the queue length at the school entrance using Webster's formula. The application of this formula by Grove-Slade assumed that the school traffic will be spread evenly during the 7:45 to 8:45 a.m. peak hour. However, since school starts at 8:00 a.m. and 8:20 a.m., very few, if any, vehicles will arrive after 8:20 a.m.

Grove-Slade also assumed that no trucks or buses will turn into or out of the school during the a.m. and p.m. peak hours. Due to these erroneous assumptions, the estimations of queue length are wrong. The queues will be longer than computed by Grove-Slade and will overflow into the through lanes.

In conclusion, due to major errors in the use of exiting traffic data, the traffic analysis, including the levels of service, are not valid. The Grove-Slade report conclusion that all of the studied intersections along Foxhall Road are projected to operate at acceptable levels during the a.m. and p.m. peak hours is not valid.

I will now summarize our traffic analysis that was done by MCV. MCV collected new traffic counts in February of this year at three intersections, Foxhall, Whitehaven Parkway, Foxhall Road, W Street and Foxhall Road, -- Street during the hours of 7:00 to 9:00 and 4:00 to 6:00 p.m. The highway capacity software was used to estimate the levels of service. The levels of service are similar to school grades. Level of service A is the best and level of service E and level of service F are unacceptable levels of service.

The results showed that the eastbound approach at Foxhall Road/Whitehaven Parkway is currently operating at level of service E or F during the a.m. and p.m. peak hours. Similarly, the eastbound and westbound approaches on W Street at Foxhall are also operating at levels E or F during the a.m. and p.m. peak hours. The southbound and westbound approaches at the signalized intersection of Foxhall and Garfield Road are currently operating at LS F during the a.m. peak hour.

We estimated future traffic by including the existing traffic. We grew the existing traffic to the year 2001 and also added traffic from the George Washington Mt. Vernon campus and the Spanish Ambassador's complex and the Field School. In terms of the Field School trip generation, we conducted a two day survey of the existing school site and it showed that 30 percent of the students use public transportation at the existing school site. Another we saw was there was a queue of six to seven

vehicles that were recorded in the morning peak hour.

Based on the existing Field School use of public transportation, which is a one step process, we assumed that no more than 25 percent of the student population will use public transportation and the shuttle bus at the new location. The current student occupancy at the Field School is 1.2 based on our observation. I assume that no more than 1.5 students per car based on the new driving laws.

Based on these assumptions, we computed the total traffic that would be on Foxhall Road and we estimated the levels of service at the three intersections including the signalization of the intersection of Foxhall Road and Whitehaven Parkway. The levels of service analysis show that the level of service that occurs at the intersection of Foxhall Road and W Street and also at Foxhall Road and Garfield Street. Based on my traffic analysis, I conclude that the existing traffic levels of service on Foxhall Road are bad and will be made worse with the addition of the Field School.

CHAIRPERSON CROSS REID: All right. Thank you very much.

Mr. Doggett. If there's no objection, Mr. Feola, then we would accept him as expert witness. Thank you.

MR. AGUGLIA: Would the Board like a break now so we can fix the videotape?

CHAIRPERSON CROSS REID: Would you like to do it

now? Okay. All right. Sure.

MEMBER RENSHAW: Thank you.

(Off the record for a recess.)

CHAIRPERSON CROSS REID: All right. I think that we are set up now and we can proceed. Thank you.

MR. AGUGLIA: Dottie Woodcock, who is a party in opposition and a neighbor, will show the videotape.

MS. WOODCOCK: Before I start the video, I just wanted to point out on the poster over here.

CHAIRPERSON CROSS REID: Okay. You have to speak into a microphone.

MS. WOODCOCK: I think we all know by now, this is the Kreiger Estate right here and the line, the property line is approximately in here and this is the Spanish residence which will have two entrances. This is the crest doing down the hill.

My name is Dottie Woodcock. I reside at 2621 Foxhall Road, N.W. This has been my home for 22 years. And we started out in the neighborhood 29 years ago living first at the south end of Foxhall in Foxhall Village which you can see here. This is down at the southern end of Foxhall. We lived off to the right here. I've known this road now for 29 years. I'd like to give you a brief overview of the street and the school site and the other schools.

The footage does jump around because we've kept it in the time that it was taken. You can see it was a Friday, April

14. This is actually where I live at this corner here and I call this the bail out corner because whenever there's a problem further south, the block is a half a mile long, everybody bails out at this corner. This is where the police send people either which way and this is now, you can see, just about 8:00 in the morning and what it's like.

This is now heading south toward the site. You can see sort of the general gist of the traffic. There is quite a bit of northern traffic. These people will have to stop obviously if people are coming out from the school. Coming up now from the Rockefeller Estate on Foxhall. Kreiger on the left, Spanish residence on the right and this is the first view again of going down the hill and the limited sight you have at this crest at the property line. This is where the school entrance would be right down there.

And now unfortunately we're going to stop and I want to show you. This is St. Patrick's School in the morning. About three times a day there are carpool back-ups, sometimes onto Foxhall. This is at 8:00. This is a street that Field School would have had to use for access if there was not a left turn into the school. As you can see, it's quite congested. The street now we have the entrance to Mt. Vernon College. It has Our Lady of Victory, it has Lab School and, of course, has St. Patrick's, which is about to expand with some construction that's starting. So this gives you a sense of the busyness of our neighborhood in

the morning.

Briefly, we're now at Foxhall and W which is just below the school site. This is the corner that several people spoke about before.

Now we're heading north. This is where the entrance would be just up where that car is approximately at the bend. It's a very important road for many people. Going along here, this is the Kreiger property with its wall on the right. Up here we go over a bump of some work that was done on the road which is typical. The fact that it takes forever to get things fixed on Foxhall. It blocks the whole road if they try to do anything.

Now we're going north. This is at Garfield. I wanted to give you a sight sense of the traffic up around American University. This is now on Meraska headed north and now we're turning to go back down toward the school site. This is the route that would have to be used by the shuttles in the morning. There's a lot of traffic between American University and Georgetown and, of course, we'll now have GW.

Heading south again from Garfield gives you a good sense of the noise, the speed. This again is where I want you to focus as we're going over this bend. This is what we're concerned about. You just don't have the view right there to see as the cars come and we're concerned it's not going to be adequate sight distance for people to stop.

The Belgian fence is very close on the right. I wanted to show you all the other schools. We're not going to have time to do that. This is the Rock Creek International which was formerly the Hardy Middle School down at Foxhall and Q in the morning. To the right here looking down, this is headed south toward river. There's always some sort of a traffic back-up. Now we're at this infamous corner that we talked about before below the school site. This is where Mrs. Shugrue lives and, as you can see, here she comes trying to get out. And we're concerned about all the people that might be backed up at that intersection.

I'd like to show you more of this but, in interest of time, I'm not going to but, again, it's a Friday morning just the way it was. I just happened to go out this particular day. I have lived on this road so long and I am so committed to this road and the people who use this road on a regular basis and it's just so clear to me that this is not a safe location for a school and it's also not accessible. And I think we should stop the video at this point.

CHAIRPERSON CROSS REID: I had a question before you go any further. Mrs. Shugrue backing out onto Foxhall Road. Does she have to back out?

MS. WOODCOCK: Yes, she does.

CHAIRPERSON CROSS REID: Always?

MS. WOODCOCK: Always.

CHAIRPERSON CROSS REID: With or without a school,

that's a dangerous situation.

VICE CHAIRPERSON SOCKWELL: That's a very dangerous circumstance putting herself and anyone else on Foxhall Road at great disadvantage. Is there any possibility that Mrs. Shugrue could have ever had her parking pad extended so she wouldn't have to put herself at such risk or everybody else

MR. AGUGLIA: Mr. Swendiman is going to testify now on behalf of Mrs. Shugrue and she will be here to answer questions.

VICE CHAIRPERSON SOCKWELL: That's a serious issue. That's an issue regardless

MR. AGUGLIA: This is Alan Swendiman, who will testify on behalf of Mrs. Shugrue.

CHAIRPERSON CROSS REID: Okay. Now, my understanding is that she wanted to speak

MR. AGUGLIA: She will be available for questions.

CHAIRPERSON CROSS REID: All right. Thank you.

MR. SWENDIMAN: My name is Alan Swendiman. I'm an attorney appearing on behalf of Sylvia Shugrue. In the interest of time, Mrs. Shugrue has asked me to speak for her and then be available for questions afterwards.

Mrs. Shugrue resides at 2207 Foxhall Road, which is immediately adjacent on the south side of the Cafritz property. Mrs. Shugrue has lived there for over 40 years. The property has been passed down through the family. The house dates back to the

1850s and, in fact, it shows up in a District of Columbia 1859 map.

Mrs. Shugrue appears in opposition to the Field School's application. At the outset, we want to make several points clear. Mrs. Shugrue is not anti-education nor, for that matter, as one school supporter has intimated, anti-child. You can not have devoted over 40 years of your professional career to teaching young people in the District of Columbia Public Schools and be either anti-education or anti-child. Nor is this a case of being anti-Field School. As an educational professional, Mrs. Shugrue commends the accomplishments of the school as described by parents and students.

Rather, what is at issue here is the location of this school at this particular site based, not on imagined fears, but on genuine concerns. Having lived on Foxhall Road next to the Cafritz property for over 40 years, Mrs. Shugrue is more familiar with the history, topography, geography and the traffic of Foxhall than most people. She worked closely with the late Jim O'Connor, the District of Columbia hydrogeologist, and we would ask you in reviewing this application to use your common experience and common sense.

Grating the Field School application will have a negative impact on the community at large. There would be six schools within a one half mile radius of the site. Past history has demonstrated that private schools expand. There's a demand

for the service. At one time, there were residential homes on Whitehaven Parkway. Most of those houses have been purchased by schools. There now only remain three. The Lab School and St. Patrick's have expanded and almost meet on Whitehaven.

As a result of location of schools and their expansion, residents are being pushed out and both the school sites and the residential property are being permanently removed from the tax rolls. The District of Columbia is losing tax revenue as tax exempt property expands. This means less dollars available for District of Columbia Public Schools. The mayor has made the public schools a priority and has asked for additional financial resources for the schools. Those resources have to come from somewhere. As an institution, the Field School will inevitably expand. Contrary to a previous representation, during a meeting with Mrs. Shugrue where I was present, a representative of the school's architect asked her whether she'd be interested in selling her home. Subsequently, Mrs. Shugrue was advised by Mr. Jeff Dwyer that the school expressed an interest in buying both her house as well as the residence next door. There are several elderly people on W Street whose homes are therefore vulnerable to purchase, as well.

In a statement submitted to this Board, the school states that, quote, "It was founded on the belief that learning occurs best in an informal, personal and non-institutional environment," end of quote. But the school's plans call for an

institution of multiple buildings for classrooms, an administration building, a large asphalt parking lot, a tennis court and playing fields and a self-contained area.

Location at the Cafritz site will increase the amount of traffic on Foxhall. The school's plans call for facilities to accommodate 320 students and 74 teachers, administrators and staff. The site is not accessible for public transportation. Consequently, students must either drive or be driven to school. Traffic will increase. As you saw from the video, Mrs. Shugrue has trouble getting out of her driveway under current conditions. Location of the school at this site will only make matters worse.

As measures to control traffic, the school proposes to place a stoplight at the southbound, lefthand turn lane and a single entrance located at the southern portion of the property approximately 180' from Mrs. Shugrue's home. The stoplight will be activated for the southbound cars turning left and for the cars seeking to exit either right or left from the proposed site. Mrs. Shugrue will find it difficult to either exit or enter her property as a result of the back-up from the traffic light at this entrance.

Location of the school on the Cafritz property also creates a safety issue for students. There's no access to the proposed site by foot. Foxhall is a winding road with poor sight lines, as you know. The school's proposal includes, however,

quote, "a public sidewalk that has been placed on the school property in order to provide the safest operated for all members of the community to walk south along Foxhall Road." End of quote. However, the proposed sidewalk will not extend beyond Mrs. Shugrue's property line with the Cafritz Estate to W Street and, as the applicant's own traffic impact analysis observes, vehicular speeds exceed the posted speed limit of 25 miles per hour.

During the 40 years that Ms. Shugrue has resided on Foxhall, in her words, she has a presidential box to numerous accidents, a number of which have been fatal. These have included instances where cars have crashed into the fence along the Cafritz property as well as the tree in her front yard. On one occasion, a propane truck driving south on Foxhall Road lost control, crashed into the Cafritz property, spun around, caught fire and burned, resulting in the downing of a high tension wire. But for the wind blowing that day towards the Cafritz property, Mrs. Shugrue's house would have caught fire.

In the past, Mrs. Shugrue has been visited by drivers seeking to call for assistance. A number of those accidents have gone unreported. The sidewalk and, for that matter, a traffic light does not address the safety issue.

The school also proposes a shuttle bus program that will pick up students and provide transportation from locations along major commuting arteries such as Massachusetts and Nebraska, Loffburrow, McArthur. If anybody is familiar with those two

locations, the shuttle pick up is simply not realistic. There are no safe pick up places. Moreover, the shuttle bus service is to begin at 7:30. Class for middle school begins at 8:00. This plan of traffic control is entirely premised upon an idealistic situation upon middle school students arriving before or at 7:30 for the shuttle bus and no traffic delays getting to school, all in order to arrive in time for class at 8:00. Inevitably -- and I, as an aside, have teenagers -- nothing goes idealistic in the morning. Inevitably, parents will be forced to drive these students to school.

The location of the school at this site also raises environmental issues. The school's proposed traffic plan is to route all traffic entering the site through the single southern entrance such that all cars will pass close to Mrs. Shugrue's property, then proceed north towards the school buildings to drop off students in the morning and pick them up in the afternoon and then proceed south past her property to exit the site. A large asphalt parking lot will be located closest to Mrs. Shugrue's property. This creates a large stacking area for cars to drop off and pick up students. This asphalt parking lot will also allow cars to line up at the stop light to exit the site onto Foxhall.

A line of idling cars waiting to drop off and pick up students as well as to exit the property will create quite substantial auto emissions. The emissions from cold start engines of cars and shuttle buses in the parking lot will further

exacerbate the situation.

The school's proposed asphalt parking lot is designed to accommodate -- at one time, it was 96 cars adjacent to Mrs. Shugrue's residence. Installation of such an impermeable surface will, 1) change the climate of the immediate area by generating heat from the dark asphalt surface which will blow downwind towards her, 2) create noise, 3) create a water runoff towards Mrs. Shugrue's home during rain and snow causing erosion, 4) require lights for security purposes creating an immediate brightness factor, 5) be used for immediate as well as future heavy construction trucks and equipment bringing dirt and noise and, finally, not preserve the green space as claimed.

The Cafritz property slopes towards Mrs. Shugrue's property. There is a natural rise on the Cafritz side. Under current conditions, rain water rushes off onto her property. With rain and melting snow, there will be an increased runoff from the impervious surface of the asphalt parking lot and, once built, you will not be able to change it. During winter, however, there'll be runoff of another kind. The parking lot and paved areas of the site will need to be cleared of snow which will require sand and salt. Upon melting, we now have sand and salt which will run off with the water towards Mrs. Shugrue's home.

The Cafritz property is on the dividing line between the Potomac River and the Foundry Branch. The watershed comes down through the Cafritz site and Mrs. Shugrue's property.

There was a Victorian home on the site between the Cafritz residence and Mrs. Shugrue's home which was razed in either 1969 or 1970. She can't pinpoint the exact year. The foundation and basement of that house remain. The school was not aware of this fact until Mrs. Shugrue pointed it out. The school's plans require a substantial movement of soil to create playing fields and a parking lot, although they can not tell this Board how much. This movement of earth and the use of any construction fill will have a negative impact upon the contour of the property and on water runoff.

The school indicates that it has met with representatives of the National Park Service to discuss the adequacy of the proposed storm water management plan. The school's emphasis has been on the impact upon Glover-Archibald Park. In its report of June 7, 2000, the Office of Planning stated that the National Park Service expressed concern about the storm water management plan. At that time, Mr. Murphy was extremely pessimistic about the actions of the Field School that they will provide any more than a conduit for high level overflows being released onto park land into a currently heavily eroded water course. For the first time have we heard that there's now even a new plan.

But the fact of the matter and significantly is the school's civil engineer has never met with Mrs. Shugrue's whose property is downstream and subject to the same water flows from

the Cafritz Estate. The school has proposed a 10' berm to buffer the proposed school site from Mrs. Shugrue's property. At the last BZA hearing, a school representative stated that the renderings of that berm were of mature vegetation five years in the future from planning. The only thing mature here is Mrs. Shugrue, and that's her words, not mine.

Mrs. Shugrue is almost 87 years old. Her sister lives with her. Mrs. Shelley is 95. We would hope that both of them would have many more years ahead of them. However, they might not have five years to wait for that vegetation to grow, assuming we don't have any drought or other inclement weather. The fact of the matter is is that there is no immediate and effective buffer to her property.

The school has stated that, quote, "All outdoor sporting events on campus will only occur during the day since neither the athletic field nor the tennis court will have lights." End of quote. School representatives further have stated here that no event will begin after 6 p.m. Upon cross examination, we were told that events would end at approximately 5:30 p.m. and people will be leaving the school between 5:30 and 6:00. Yet the school's operation plan states that, quote, "The school will shut the lights to the southernmost parking lot at 9 p.m." Quote. There simply is no reason for that to last that long. The greatest impact of those lights will be on Mrs. Shugrue, whose second floor bedroom faces out to the Cafritz property and the

proposed parking lot.

The school's proposed plan creates a myriad of problems. The continuing amendments and modifications simply move those problems around. The impact is not equally distributed throughout the immediate neighborhoods to 44th Street, to Palisades or to Wesley Heights. Rather, the school's plans and modifications move those problems to and focus the impact on southern Foxhall Road and Mrs. Shugrue's adjoining property. What the school is attempting to do is to put a square peg in a round hole or, to use Mr. Layne's words, "trying to make it acceptable."

In summary, the school's plans are deficient in a number of ways. First, it will increase traffic and jeopardize public safety. Two, the size of the parking lot is too large, especially in light of the representations made by the Field School of this incredible shuttle bus and carpooling program.

Three, the parking lot should consist of a porous surface, some grass/gravel composition, rather than asphalt. When Mrs. Shugrue first raised this, the school objected on the basis of cost. Since that time, as you've seen from the revised plans, the school has now managed to find financial resources and has agreed to bury utilities underground, expand Foxhall Road, create a left turn lane, install a light and now apparently a series of pipes for the Park Service.

Three, the school must install low intensity

lighting which is turned off at 6:00. The school has already indicated no events will begin after 6:00 and that most people leave between 5:30 and 6:00. Four, that the school install, in consultation with a professional landscaper, a berm of mature vegetation to create an effective 10' barrier and to buffer Mrs. Shugrue's property. And finally, if this were approved, that all school traffic and construction be routed as far away from Mrs. Shugrue's property as possible to mitigate air and noise pollution.

These are just some of the deficiencies that the Field School's plans have. Keep in mind, our experience, Mrs. Shugrue's experience has been that the Field School, contrary to representations, does not do anything unless forced to do so and there is no enforcement mechanism once they come in, as the neighbors of the Holton School have found out in terms of the limits that were set by Holton and which have been found to have been violated.

In summary, the Field School's application does not meet the legal standards required for a special exception. That is, it will not create an adverse impact upon adjoining property owners in terms of traffic, noise, number of students and other conditions. The burden in this case is on the applicant, the Field School, not on the neighbors. Mrs. Shugrue is an adjoining property owner. The location of the Field School at the Cafritz site will have an adverse impact upon Mrs. Shugrue and the

neighborhood in terms of traffic, noise, automobile emissions, water runoff, erosion, climate and brightness and, therefore, the application should be rejected.

We thank you for your time and consideration. Mrs. Shugrue is available for any questions that the Commissioners may have.

MR. AGUGLIA: Two witnesses left, no more than four minutes each. Mr. Bolotin represents the Foxhall Southgate Homeowner's Association.

MR. FEOLA: Madam Chair, not to make a big deal, but I'm going to object for the record. Mr. Aguglia said he needed seven more minutes. The applicant took 60 minutes, has the burden, as Mr. Swendiman indicated, to make its case. We kept within the time limit. Mr. Aguglia and his colleagues have known since March 29 that they had an hour. So for the record, I don't want this discussion to take another 20 minutes but we object.

CHAIRPERSON CROSS REID: Thank you, Mr. Feola. Nonetheless, I think that given the fact that this case has now taken so long and people have had to basically indulge us for all this long period of time and that we had to have the recess because of the non-functioning television monitor, I think I'm just going to push the envelope a little bit and just allow them to continue and just wrap it. I think we'll still be able to finish in a timely fashion. Thank you for your comment.

MEMBER RENSHAW: Mr. Bolotin, four minutes, please.

MR. BOLOTIN: Good afternoon. I'm Jeff Bolotin on behalf of the Foxhall Southgate Homeowner's Association.

Let me make an initial observation which I believe to be the central issue before you. That is, whether the applicant has carried its burden to show that the proposed use will not likely be objectionable to adjoining and nearby property owners. What has happened, in my opinion, is that that burden has shifted to the opponent to show that the proposed use will be objectionable. In their June testimony before you, with the conflicting expert opinions, the less than clear answers from DPW, the unanimous vote of six-nothing by the ANC, the concerns of Mrs. Shugrue, the closest neighbor to the property, and the testimony today of the police department, it's clear to me that the applicant has not met its burden.

We believe that the proposed use of the Cafritz Estate for the relocation of Field School to be inappropriate, not fitting in with the community, violating the Ward 3 plan, and producing serious traffic and safety issues which have not been satisfactorily dealt with. There is no other use on the two lane stretch of Foxhall Road from W Street to Nebraska Avenue that even comes close to the volume of traffic that the Field School will produce.

The volume of traffic approaches the educational institutions further south on Foxhall Road, all of which have access to streets other than Foxhall Road as well four lane

stretches of Foxhall Road. The proposed use is in sharp contrast to the Kreiger Museum and the Belgian and Spanish residences. The proposed use will require major permanent changes to the Foxhall Road which, as has been testified to, is a major commuter artery with a number of its own problems.

The present alignment of Foxhall Road will be permanently changed. Sight distances will make the stacking lane and traffic light more dangerous, as will the introduction of teenage drivers during the morning and evening rush hours. The back up in the morning and evening rush hours will have a major adverse impact upon commuter traffic in northwest D.C.

The installation of a traffic light in front of the school will forever preclude a light from being installed at W and Foxhall Road which may in the future be necessary if the George Washington/Mount Vernon campus is unable or unwilling to live up to the commitment it made to use Whitehaven Parkway. I believe this is an important point. The school's traffic consultant, Grove-Slade, has stood up before you and characterized that the additional traffic coming to the school is a, quote, "drop in the bucket." The Field School's consultants have been forced to backstep numerous times. I submit that the school has no credible traffic plan and DPW does not have the resources, as they testified to today, to safeguard the traffic plan before you.

Grove-Slade initially recommended that a single traffic crossing guard in the a.m. rush hour at the northernmost

entrance, which entrance has now been recommended to be closed, is all that was needed to handle the traffic, and that traffic, by the way, was two times the volume as reported today at 106 cars. Far from being a drop in the bucket, the traffic is now having to be dealt with by the construction of a left hand turn stacking lane, a traffic light and other improvements and, even with these improvements, this so-called drop in the bucket is not satisfactorily dealt with, as has been testified to.

Simply put, the property doesn't have enough frontage on Foxhall Road to meet the applicable standards. The reduction of a stacking lane from 10 to three cars is a result of that. The school traded away its access to 44th Street at a time when Grove-Slade assured the school that this drop in the bucket could be handled by a single safety officer at the northernmost part of the school. My clients can not carpool or shuttle bus on Foxhall Road. They must use Foxhall Road four, five, or six times a day.

The proposed traffic light is not only not safe, as testified to by Mr. Hanscomb, but will force my clients to backtrack through the neighborhood streets in order to go north on Foxhall Road. What Mr. Hanscomb has testified to is not a surprise to the school for at the ANC meeting on March 13, when asked about the DPW suggestion of a left hand stacking lane, the school, through its attorney, said that traffic engineers hired by the school looked at the possibility -- this is the stacking lane

-- and concluded that the twist and turns in the road rule out a left hand entrance into the school anywhere but the northern end of the parcel. The Kreiger Museum immediately to the north has a wall that would make it difficult to expand the road. That's what we heard this morning.

My clients, as well as the citizens on W Street and Foxboro Place, will be denied meaningful access to northbound Foxhall Road. The school's plan, which was premised upon 106 entering cars in the morning rush hour as unrealistic, has been challenged by the traffic consultant for the Citizens Against Gridlock and is contradicted by Grove-Slade. The Grove-Slade report in December 1999 shows 206 entering cars in the morning rush hour while the report in February 2000, some less than 90 days later, shows less than one half of that number. The Grove-Slade number of 216 is close to the number of 249 estimated by MCV, the expert hired by the Citizens Against Gridlock. I submit that's the appropriate number to be used.

The previous explanation that the December 1999 report did not include shuttle buses is false for on page 11 of the December 1999 report three shuttle buses are shown. The federal report takes that number to five. There is simply no basis for that increase other than to try to justify their drop in the bucket characterization. There are no fixed locations for the so-called five shuttle buses any more than there were for the first three shuttle buses.

I submit that you need to carefully examine the p.m. rush hour, which ETW has testified today they have not fully done, when the traffic light in front of the school will stop northbound traffic during the evening rush hour on Foxhall Road. It has been testified to that a significant number of students and faculty leave the school premises after 4:00. The stopping of northbound traffic on Foxhall Road during the p.m. rush hour is not only unsafe, unwarranted, and will adversely affect the immediate neighbors and will force more traffic on neighborhood streets.

I might add, in the morning rush hour, there's to be little stoppage of traffic on Foxhall Road reducing the speeding that was talked to before because the southern cars proceeding on Foxhall Road will not be stopped other than for left turns.

COMMISSIONER PARSONS: Madam Chair, I think it's time for this witness --

MR. BOLOTIN: I have 30 seconds and I'm finished. The ANC, which has heard no less than six full presentations including the school's experts in this matter, voted six oh to oppose the application, having found the school has not met its burden in this matter. I urge you to do the same and to reject the application.

I thank you for your indulgence.

CHAIRPERSON CROSS REID: Thank you very much.

MR. AGUGLIA: Ed Bruce is our last witness. He is a party in opposition who lives at Foxhall and Dexter.

MR. BRUCE: Thank you, Members of the Board. I'm an attorney, but I'm not here in an attorney capacity. I'm here as a citizen.

CHAIRPERSON CROSS REID: Wait one second. You were not registered as a party, were you not?

MR. BRUCE: Yes.

CHAIRPERSON CROSS REID: And what is your name?

MR. BRUCE: Edward Bruce. B-R-U-C-E. I signed the affidavits or what have you.

CHAIRPERSON CROSS REID: Okay. All right.

MR. BRUCE: I mention the fact that I'm an attorney because I travel around the country a good deal and, when I do, people ask me where I live, knowing I practice law in Washington, D.C. and when I tell them I live in the District, they express surprise. They don't know our city very well.

But then I tell them about the kind of neighborhood that I live in and that many of us live in and that we treasure so much that makes this city different than any other city of its size in the United States. There is nowhere in this country where you can find neighborhoods like the ones that are going to be affected by this project. And the heart of that neighborhood is Foxhall Road, for better or for worse.

Now, the burden of proof has been referred to here

and, as I understand it -- I don't practice in this area -- it's that the school will not likely adversely affect the neighborhood. Sometimes there's a finger on the scale because the school is before you. But in this case, there really are a fistful of fingers on the other side of the school for the very reasons that Mr. Doggett gave. This neighborhood has assumed and is absorbing the burden of many, many schools, far disproportionate to its size and its area.

When we think about the burden of proof, we also have to think about the 50 or more years that that school will be there. What we have are a rosy scenario now, and I know the Field School people are operating in good faith. I don't challenge that. But they're voicing to you their hopes as to what will happen in terms of busing children to school and carpooling and the like. The reality is we're going to have this for 50 years. We're dealing with traffic statistics now that are quite static. Nobody projecting them to that point in time.

We're also dealing with a continually changing mode of operation, a three car stacking lane, a five car stacking lane, a 10 car stacking lane. What you heard today from some of the witnesses supporting the school -- and I was here to listen to it, some of their testimony was the school will preserve the status quo on Foxhall Road. That was one witness's testimony. The same witness, without thinking about the inconsistency, then said, actually, it's going to make Foxhall Road safer. That was Mr.

Gibson's testimony.

But the testimony that I didn't hear but that I heard referred to and it's been confirmed to me that it was made, was of a witness from DPW who said that we will pinch the standard, that is the safety standard, to lessen the sight distances and the like that otherwise would be required. Well, I can tell you as a lawyer who defends cases that that is a plaintiff's lawyer dream in a lawsuit against the District or a lawsuit against the school for erecting these kinds of standards. You can hear it read to the jury now.

The question for you then is has this school met its burden of proof on these facts? To me, of course, the answer is obvious, but I'm not the one to give the answer. It's up to you to search your thoughts as to what you've heard over the months now, the kind of support that's been given for the project, the kind of criticism that's been leveled at it, and when you apply the burden of proof, I very much hope you apply it in a way that preserves a neighborhood that we've all come to love so much.

Thank you very much.

CHAIRPERSON CROSS REID: Thank you. Does that conclude your --

MR. BRUCE: That concludes my statement

MR. AGUGLIA: It concludes our testimony.

CHAIRPERSON CROSS REID: Thank you very much.

Mr. Feola, do you wish to cross examine any of

these witnesses?

MR. FEOLA: I actually have just a couple of questions and only of Mr. Doggett, maybe Mr. Woodcock, and Mr. Mehra.

CHAIRPERSON CROSS REID: All right.

MR. FEOLA: I guess we can start with Mr. Doggett since he's there. Mr. Doggett, I guess I'm a little confused because in your statement in your written report you talk about that the character of the neighborhood is one of houses. I quote from page three of your report. Yet, on your map, you show and make a claim that the area is being overrun with institutions. It seems to me that it has to be one or the other, not both, and it seems to me you're making both sides of the argument.

MR. DOGGETT: Substantially, Foxhall Road is still a very stable residential area. The photograph that I showed showing the swales and the houses on the high land are valid. What I'm saying is that you're having a constant encroachment which at some stage has to stop. If you come down from McArthur, you have Lab, you have St. Patrick's, and you have Mt. Vernon. It's a gradual erosion. But at the moment, Foxhall is still an attractive road with houses.

MR. FEOLA: Notwithstanding all the institutions you have pointed out --

MR. DOGGETT: Notwithstanding those. The danger is the advancing further.

MR. FEOLA: Thank you. You stated in your analysis that the school -- maybe it was Mr. Woodcock stated in his chart that the school doesn't meet the standards of a school of its character but I notice -- and I think it was Mr. Woodcock's chart -- missing some schools like the Maret School, Georgetown Day High School, St. John's, Sidwell Friends, Washington International. Is there a reason that those aren't on your chart, sir?

MR. WOODCOCK: Sure. As you know, I've been presenting these data for maybe the last seven or eight months and was directed by a consultant in the school field to this private independent schools directory that is for the nation and, of those schools listed, only some have both acres for the campus as well as the student population. I didn't choose to go call all of the schools in the city --

MR. FEOLA: So you don't know the acreage of Maret, Georgetown Day, St. John's, Sidwell, Washington International?

MR. WOODCOCK: I think you will find that those are not included in this document, and I didn't hire a professional consultant to go out and begin to gather data. I would encourage the Office of Planning to begin to do what is often done on Wall Street, which is comparables. Look at comparables. We just--

MR. FEOLA: You don't have to encourage Office of Planning. We will do that in rebuttal for you, sir.

Mr. Doggett yourself, you used the same examples and do you have any information on the size, acreage, of Maret,

Georgetown Day, St. John's, Sidwell, or Washington International Schools?

MR. DOGGETT: Maret is about nine acres.

MR. FEOLA: Do you know how many students are at Maret, sir?

MR. DOGGETT: I think about --

MR. FEOLA: If you don't know.

MR. DOGGETT: Roughly 400. Georgetown Visitation is 21 acres.

MR. FEOLA: I didn't ask Georgetown Visitation. Georgetown Day High School.

MR. DOGGETT: Georgetown --

MR. WOODCOCK: I would encourage you, Mr. Feola, to make this clear distinction between, as I defined in my testimony --

MR. FEOLA: It's my question. I will--

MR. WOODCOCK: -- make the distinction, sir, not you. Thank you.

MR. FEOLA: Mr. Mehra, you indicated that there are a number of intersections operating or failing, as I think your word was, at E or F. I guess it doesn't square with the videotape that I saw Mrs. Woodcock present which I saw no back-ups at any of the intersections including Garfield. I wonder if you could explain why her videotape doesn't show your intersection --

MR. MEHRA: I think one of the things is that if

you saw her or that she was actually or whoever was taking the video was controlling the traffic behind her. So you couldn't see any traffic in front of them because they were metering the traffic.

MR. FEOLA: There were a number of --

MR. MEHRA: What you saw was only the traffic coming in the opposite direction and they were--

MR. FEOLA: But that didn't seem to be backed up at all.

MR. MEHRA: Well, the only time they stop that was embarking for a few seconds and proceeding--

MR. FEOLA: That intersection had no back-ups at all.

MR. MEHRA: On the other intersections on W Street and Whitehaven, what I mentioned was that the delay is on the side streets approaching Foxhall.

MR. FEOLA: So I'm not sure. Which is right? Your analysis or hers, her videotape?

MR. MEHRA: Well, her videotape is correct in the sense that there's no delays on Foxhall Road at W Street or Whitehaven. The delays are on the side streets and they did not take any video of the side streets, so you couldn't see that. And the same thing on Garfield. You couldn't see any traffic coming from the side. They didn't show those.

MR. FEOLA: That's all I have.

CHAIRPERSON CROSS REID: That's it?

MR. FEOLA: That's it.

CHAIRPERSON CROSS REID: Thank you. Board members, questions?

VICE CHAIRPERSON SOCKWELL: I guess I can start. I wanted to ask Mr. Woodcock, whose expertise is in power plant site location. How many power plants have you surveyed potential sites for that would have been residential locations?

MR. WOODCOCK: Successfully sited a coal-fired plant in -- Connecticut within, I would say, a quarter of a mile of residences and cemeteries. Not an isolated industrial park.

VICE CHAIRPERSON SOCKWELL: But not within a residential community directly adjacent to residential property, I would hope.

MR. WOODCOCK: Yes, directly across the river on probably the abutting property owner's, a papermill that was built in 1903 where we put our co-generation station were residential properties. Yes. In a place like Hawaii, it's industrial park so you do get -- or in Puerto Rico, but because a stack is 350 feet tall, boilers are 300 feet, often you typically have to be somewhat remote from residential areas, but traffic along streets accessing and exiting the power plant are always issues that need to be addressed.

VICE CHAIRPERSON SOCKWELL: But it sounds like most of those locations were depressed areas, not areas of high

affluence communities. At least not successfully.

MR. WOODCOCK: I would say actually -- has been benefitted from -- and Foxwoods more recently. We tried. Actually, the batting average, and I think of this school and mistakes that are made, we probably lose about 70 percent of the sites that we go after. Bucksport, Maine, a wonderful site but political reaction to the site are issues that need to be contended with. But many are in moderate income areas.

VICE CHAIRPERSON SOCKWELL: So basically in this instance, you're looking at a school that perhaps you feel should not be in the location but when it comes to a power plant, we'll just put them where we can win them.

MR. WOODCOCK: Risk analysis is exceedingly important including the response of the community. No one wants an electric facility in their back yard, as we have learned in Jacksonville, Florida and Bucksport, Maine and a bunch of --

VICE CHAIRPERSON SOCKWELL: Okay. Well, I think I understand where you're coming from.

MR. WOODCOCK: So yes. But it's really more of a -- it's a professional judgment to seek the right location and it's a political circumstance and other factors if the economics work out that would lead you away from it.

VICE CHAIRPERSON SOCKWELL: Transportation, power lines, it's all the factors. And you said you'd never evaluated a school site professionally, looking at programmatic as well as the

purely spacial issues involved. You used a consultant for the basic data that you used to determine your conclusions.

MR. WOODCOCK: I, as Board Chairman of NCS, was involved in the Whitby extension at 36 and Lowell and what is --

VICE CHAIRPERSON SOCKWELL: That involvement is relative to many factors and you could be involved in virtually anything that you set foot in, but I'm saying evaluated, and you did not.

MR. WOODCOCK: I'm a professional site person.

VICE CHAIRPERSON SOCKWELL: Thank you. That was all I really wanted to know.

Mr. Doggett, in the map that you showed of the schools, how many of those schools in that color map that we had a copy of were public schools?

MR. DOGGETT: In a half mile radius, there was -- Stoddart --

MS. PRUITT: Mic, sir.

MR. DOGGETT: Sorry. In a half mile radius are four schools and Mt. Vernon. There was one, Stoddard School. IN the second one, there were 11 schools and two universities. Eleven schools. Three were, I think, Key, Mann, and probably one other school was public. In the mile and a half, I believe there was Eaten and one other school. No. Eaton was the only school, the only school that was public. So one, two, three, four, five schools were public schools.

VICE CHAIRPERSON SOCKWELL: Out of?

MR. DOGGETT: Out of 15. No, sorry. Four out of 15.

VICE CHAIRPERSON SOCKWELL: So that's maybe a little more than 25 percent.

MR. DOGGETT: Yes.

VICE CHAIRPERSON SOCKWELL: All right. And you made a statement about the Guy Mason. I was not aware that the city was planning to sell Guy Mason Center.

MR. DOGGETT: No, they were not selling Guy Mason. I was involved with it and -- was involved with it, too. My wife happens to be the ANC member backing onto it so, as a husband, I was involved in it, too. We measured the field and Maret, as you know, had not had much acreage. It, I believe, leases rooms outside. They teach in the gym. It wanted to lease, at quite a substantial sum, for a period of years and would then improve the baseball. The objection from most people, and this was more -- than myself, is that the field would come too close to the old red brick building where the turn around the nice tree is. So it could go so far and the depth that it would go was equal to that as far as I could see being proposed on the Field School site which is too small for baseball but okay for softball. And this was approved. I spoke to the person in charge of recreation over D.C.

VICE CHAIRPERSON SOCKWELL: How long ago was that?

MR. DOGGETT: About -- just before the last meeting. Probably about three months ago.

VICE CHAIRPERSON SOCKWELL: Okay. All right. Thank you.

Mr. Hanscomb, regarding AASHTO standards in municipal road construction, under what circumstances do municipalities adhere strictly to AASHTO standards?

MR. HANSCOMB: My understanding is that AASHTO standards to apply frankly where they're at exception to new construction. The issue where a municipality may say upgrading to an AASHTO standard is a buren occurs when a new AASHTO standard comes out and they have roads that are functioning fairly well that don't comply with a new standard. In that sort of situation, the AASHTO standard is referred to, quote, "A guideline." The word guideline is used intangibly so that municipalities who can't afford to upgrade to the current standard don't get sued.

But the purpose of the AASHTO guidelines, if you will, is to advise municipalities how to build roads without exception in order to make them safe.

VICE CHAIRPERSON SOCKWELL: So the AASHTO standard is more of a consensus and guideline standard and in most municipalities, would you not say that in a built out street system such as Washington, D.C. or Boston, Massachusetts or San Francisco or any other urban setting, an AASHTO standard could not be applied very effectively unless the road was to be constructed

as a new circumstance because property, street shapes, exiting conditions would make the AASHTO standards virtually impossible to enforce?

MR. HANSCOMB: I do agree with you entirely. The point here is that we are building a new auxiliary lane and the AASHTO standards are quite clear in terms of auxiliary requirements.

VICE CHAIRPERSON SOCKWELL: Yes, but the AASHTO standard would have to be modified at best to create an effective complete road because you wouldn't be able to modify to meet all of the requirements of an ideal AASHTO standard on a road such as Foxhall without impacting existing property rights. Now, admittedly there's a highway plan overlay on portions of Foxhall Road. It would never be exercised by the city because they could not afford to purchase property from people such as the Kreiger's and the adjacent neighbors and, therefore, that highway plan overlay will never be put into actual operation.

Mr. Mehra, the fundamental data that Grove-Slade used in their report assumptions you had questioned and you feel that the assumptions can not possibly be effectively generated as potentials for reality unless the data that they use is more realistic with regard to peak hour traffic volumes and things like that.

MR. MEHRA: Yes. I think there are several concerns. One was that the data was collected in 1999 and the

school is open at the earliest 2001. What you're looking at is a two year span in which traffic grows in the sense that there are more commuters or additional traffic being generated and so it's driving on Foxhall Road. If you compare the numbers between 1999 when Grove-Slade did their counts and in year 2000, this year when we did our counts, there was approximately 4 1/2 percent growth in traffic so if you project that to 2001, you're looking at another 4 to 4 1/2 percent assuming that that growth is consistent. What you're looking at is additional eight to nine percent traffic that would have been added if Grove-Slade had done the, let's say, economic growth in their traffic projections.

VICE CHAIRPERSON SOCKWELL: Would there be any reason to believe that road construction and/or improvements to existing roads in the system would cause a reduction in traffic along Foxhall Road in the next two to three years? Is there any reason to believe that that could happen, based on what you've seen, of course?

MR. MEHRA: If there are some -- routes that would improve in the next year or two, there can be definitely reductions on Foxhall Road traffic.

VICE CHAIRPERSON SOCKWELL: But to the best of your knowledge, nothing like that is planned.

MR. MEHRA: Not to my knowledge.

VICE CHAIRPERSON SOCKWELL: I don't think I have any more questions for any of the people. Thank you.

MEMBER RENSHAW: Madam Chair, I would like to ask Mrs. Shugrue to come to the microphone for just a few moments, please. I think this is one of the guests to BZA we all need to speak to since we've seen you in the audience.

Mrs. Shugrue, your attorney has said that you have been a teacher in the D.C. Public Schools. Would you tell us what were the ages of the students you taught and what you taught.

MRS. SHUGRUE: I taught students K through 6 and in-service teachers, in-service elementary teachers at American University.

MEMBER RENSHAW: And for how many years were you a teacher?

MRS. SHUGRUE: Well, I'm still teaching on the web, National Science Teachers Association web. We have a website and I'm teaching about 350 teachers worldwide and their students.

MEMBER RENSHAW: Do you have any concern about this 10' berm that's been proposed between your property and the Cafritz property or the Field School property? Do you have any concern about the maintenance of the buffer between the two properties or proposed buffer? In other words, have you asked for any kind of a five plus year guarantee that --

MRS. SHUGRUE: At my age, I don't ask for any guarantees. However --

MEMBER RENSHAW: That would carry with your property.

MRS. SHUGRUE: However, I question that I would see a sapling oak tree mature to the size of my arm. I think that I have worked with a landscape architect when I was working with Mr. Johnson's and he has advised me that they should be shrubs.

MEMBER RENSHAW: Do you have any concern about the commercial traffic into the school servicing the school as bothering you in any way?

MEMBER RENSHAW: It depends on where they entered. If they entered in the north entrance, it wouldn't bother me.

MEMBER RENSHAW: How large is your property?

MRS. SHUGRUE: My property is 155 X 75 feet. The front is 75 feet and that's 75 feet that would not have a sidewalk down to W Street.

MEMBER RENSHAW: All right. And your attorney said that you were asked to sell your home? Was it an informal presentation to you?

MRS. SHUGRUE: It was an informal collection in my back yard when I was pointing out the southwest fence of the Cafritz property that had been knocked down three or four times and pointing to trees that had been destroyed in my yard and their yard and that was --

MEMBER RENSHAW: So it was a casual comment.

MRS. SHUGRUE: It was a casual comment.

MEMBER RENSHAW: All right. And for the many years that you've been in that house, how would you depict the growth of

traffic? Could you tell us what it was like when you moved in and how it's become.

MRS. SHUGRUE: Well, when I was a young woman, there were persimmon trees growing up and down Foxhall Road. It was quite different than it is now, of course. But over the 40 years, the traffic has increased with the population and so that it doesn't take 300 more cars to increase it. There's going to be increase anyway. That will just be added. If you want to call it a drop. I don't but it has been called a drop. I don't see it that way. It's really very congested.

And I'd like to say that I do have a turnaround so that I can go out of my driveway. However, I have nurses for my sister who sometimes use it and I can't.

MEMBER RENSHAW: I was going to ask you about that because I think we're concerned about your safety.

MRS. SHUGRUE: Well, I have survived 40 years. I even survived left turns when people are trying to pass me on the right, and I do try to go -- I go 40 some miles an hour, to be truthful, because I don't want to be pushed up the road. However, if someone toots me when I'm trying to make a left into my driveway, I slow down just because I'm mad and aggravated.

MEMBER RENSHAW: Understood. Thank you very much for your presentation.

CHAIRPERSON CROSS REID: Mrs. Shugrue, I have questions. In the testimony from your attorney, he cited for us

several instances where you would be directly impacted if, in fact, the Field School application were approved and in that, he also discussed certain conditions that he would like to have included if, in fact, the order was to go through. But my question is have you or your attorney had direct discussions with the Field School officials as to what your concerns were and how they could -- go ahead.

MRS. SHUGRUE: I would say, Madam Chairman, that we had a meeting at my house but the time was taken up by their presentation and I've experienced that at the ANC meetings where the time is taken up by the Field School representatives and there's very little time for anything else to happen.

CHAIRPERSON CROSS REID: So you're saying your issues are --

MRS. SHUGRUE: So that happened at my house.

CHAIRPERSON CROSS REID: Have you had your attorney to discuss with the Field School the concerns and the issues that have been raised in this hearing so as to determine if, in fact, there is any resolution or there is any compromises or any way that it could be reconciled and/or mitigated?

MRS. SHUGRUE: Madam Chairman, may I ask him to respond?

CHAIRPERSON CROSS REID: Yes.

MR. SWENDIMAN: Alan Swendiman. We've had, my recollection is, two meetings, Mrs. Shugrue, at your house. Field

School representatives have been present at both. In both instances there were presentations made. At both instances, concerns were mentioned. Based on the plans that have been submitted, none of those concerns have been met and there have been no further contacts either by the school representatives in terms of those concerns since those two meetings at Mrs. Shugrue's house.

MR. FEOLA: I need to respond to that. I called --

CHAIRPERSON CROSS REID: Mr. Feola, you will. Remember, you do have closing remarks.

MR. FEOLA: I called directly and asked--

CHAIRPERSON CROSS REID: Mr. Feola, you know that you have closing remarks. This is rebuttal. You will have the opportunity to do that.

The other thing is I don't know who could best answer this question and this could be anyone within your presentation in opposition. Given the fact that what we've heard here in this testimony today, the adverse impact does not seem to be exclusively that or the perceived impact as it pertains to the Field School. It seems to be the cumulative impact of the other institutions that have cropped out in that community.

Now, given the DPW report in which they proffer to us several conditions and several mitigating devices in order to offset or to ameliorate some of the problems, the impression that I got was that if, in fact, these were implemented, the overall

outcome of it would be something that may be perceived as being advantageous to the community in regard to the sidewalks or to the slowing down of the traffic or some of the other things that have caused so much concern. I need to understand why, given the report to DPW that you're still adamant about the fact that this would not be something that you could possibly live with.

MR. AGUGLIA: We can not live with the conditions. We are opposed. The OP report is premised upon the Grove-Slade and DPW reports being correct. I believe we've shown today that they are incorrect. That's why Mr. Hanscomb was here. That's why Mr. Mehra was here. That they don't meet the sight distances.

Mr. Sockwell, the fact that it's an old road with a new auxiliary lane does not mean they can modify the AASHTO standards. They can not. We have shown that they can not meet those standards. They present a safety problem. Mr. Mehra has shown that their level of services are way off and they were based upon incorrect presumptions. So to say that it would not be advantageous for us to accept these conditions is really based upon a false premise.

Also, the school has taken -- the school has done a very inopportune time to come to this Board, especially after the GW/Mt. Vernon. That was Mr. Doggett's testimony, that they're saturated with schools in this particular area. You saw the back-up at St. Pat's. You saw the expansion at the Lab School. They can't take any more. This has nothing to do with the Field

School. It is that you are eroding the residential character of their neighborhood and they're being singled out. People have sort of divided and conquered. As long as you don't come down 44th Street, fine, but what happens to my clients on Foxboro and W Street? What happens to Mrs. Shugrue?

I'll tell you what's going to happen. In five or six years, they're going to move out and they're going to be brought out by that school. That's what's going to happen. And Mr. Woodcock has shown that in fact OP has no support for their basis that this is an appropriate site, that based upon his study it's about one-quarter the size it should be.

VICE CHAIRPERSON SOCKWELL: Bur Mr. Woodcock is not a professional in the area in which the study has been generated. And one other thing. The AASHTO standards which you can hold up like a flag realistically can not be applied to most streets in the neighborhood areas of the city because the city exists on a plan that was developed long before AASHTO came about and AASHTO can be looked at as an overlay of standards for improvement but can not be looked at as a basis for adequacy because we can not modify property in the District of Columbia to make the AASHTO standards fit except in specific areas where new road construction is being started from scratch and where there is enough right of way to make the effective modifications to the street system that would work under AASHTO. And I've used AASHTO standards for 25 or 30 years myself

MR. AGUGLIA: Mr. Hanscomb would like to respond to that.

MR. HANSCOMB: I think I mentioned in my initial presentation the reasons that municipalities generally consider AASHTO standards and abide by them is simply liability reasons.

VICE CHAIRPERSON SOCKWELL: And I understand the liability issue but the liability issue is only effective when you can make a change that would meet AASHTO requirements. You just can't put liability out in front because liability and insurance, while major issues, are not fundamentals with existing infrastructure in place. And you know this.

MR. HANSCOMB: True, but there are basically two areas I'd like to respond to. The fact that it doesn't meet the standards, I think to add a situation now that doesn't is not the same as saying, well, gee, our overall plan doesn't include this because this turning lane is not in the overall plan to another standard and this is a standard, not a guideline, is the National Manual on Uniform Traffic Control Devices. Basically, a fundamental principle of traffic control devices is that the driver must have time to respond and that turning lane is a traffic control device. The lack of the sight distance, albeit it AASHTO or not, prohibits the proper application of that traffic control device, and that is a standard, ont a guideline.

VICE CHAIRPERSON SOCKWELL: And even the traffic control standard is not adhered to in Washington, D.C. and in many

other cities where the community wants and needs a traffic control device, but it is not within the standard distance from the next one and in Washington we have had instances where the community absolutely fought for a traffic control device and got it and not because it met the standard but because it met the requirements of the community and sometimes a community's requirements are much more important than these standards. Do not hang your hat on the standard.

MR. HANSCOMB: What you're citing now is a very different issue from installing --

VICE CHAIRPERSON SOCKWELL: No. I'm just telling you that the standard is -- you can use the standards all you want as a point of departure. Let's not hang our hat on the standard because you can't do it. Not in this situation. If we're talking about Interstate 66 and you're building a new section, fine. If you're talking about a street with 110' right of way where there's more than enough right of way to make changes, fine. When you're talking about neighborhood streets and Foggy Bottom Georgetown, Anacostia, Brooklyn, any other section of the city, it may not work but it is always a point to look toward for the decisions that one makes because that would be the ultimate and, if possible use the word, Utopian.

CHAIRPERSON CROSS REID: Thank you, Mr. Sockwell.

MR. HANSCOMB: I agree with you.

CHAIRPERSON CROSS REID: And let us move on from

this banter back and forth.

Now, back to my question I was asking. Mr. Aguglia, what I was saying was not so much the fact that the reports that have been submitted us by both Mr. Slade as well as by your representative. As you well know, we are the ones who have to digest and to dissect and to analyze all information, and there are pros and cons on both sides. Let's face it. And obviously, everyone wants to make their particular point.

Nonetheless, what I was asking you was notwithstanding the fact that maybe some of the OP report may be flawed and some of the Slade report may be flawed, some of your report may be flawed, the areas of mitigation that were proffered by DPW who prefaced their report very clearly that they were very concerned about the safety issues and traffic issues and the other concerns that have been raised by the community as well as from their own analysis. Nonetheless, they still felt that given certain mitigation type implementations or certain mitigation type mitigations that the overall impact would be modified to the point of it not causing an overwhelming impact or overwhelming detriment to the community. This is the point I was making. Did you, in looking at those conditions, see where they were logical, feasible, or they made any sense to you? Anyone can answer that.

MR. BOLOTIN: Let me take a shot at that. I think the problem that the opponents have is that we've looked at the traffic numbers and we've hired, at considerable expense, our

experts to look at what they did. Our experts weren't biased. They looked at it. They complied with the standards and they told us, I think you have to look at the record. This isn't the first time DPW looked at it, not the second time nor the third. They don't have the skill and the competence, in my opinion, to reach the same expert opinions as our experts. They just don't have those people on staff to do it. They started off with a solution that, if you look at the solution today with a full blown traffic light and a left hand stacking lane, that solution is widely different than what they first recommended before.

CHAIRPERSON CROSS REID: Mr. Bolotin, I just have to say that when you say that our experts are unbiased, I mean that in itself is a contradiction.

MR. BOLOTIN: Mr. Hanscomb would tell you he wouldn't tell you that they violated AASHTO standards if they didn't.

CHAIRPERSON CROSS REID: No. What I'm saying is often when people come before us, and we do have quite a few large cases where the opposition and the applicant or the opposition both have traffic experts who analyze the exact same site and come up with entirely different conclusions. So then we have to look at it from an objective point of view and try to extract from it what makes sense in northwest to be able to make a decision.

MR. BOLOTIN: If we thought the traffic light and left hand stacking lane were sufficient to handle the life/safety

problems that we saw on Foxhall Road, the opposition, at least from my clients, would not be before you.

CHAIRPERSON CROSS REID: Okay. Thank you. This is what I wanted to hear.

COMMISSIONER PARSONS: Let me jump in on this because I think what you're trying to ask them is or you're asking them but I don't think you're getting the right response is what compromise do they see that might work here? I think what Mr. Aguglia has said, as I understand it -- that's why I want to repeat it-- there is no room for compromise. This school can't work here.

MR. AGUGLIA: That's correct.

CHAIRPERSON CROSS REID: Then Mr. Swendiman--

COMMISSIONER PARSONS: That's what they responded.

CHAIRPERSON CROSS REID: Yes. But --

COMMISSIONER PARSONS: So I want to ask Mr. Aguglia, certainly during your dialogue with one another you must have decided or come to some conclusion that some other use might be appropriate here. Has that been discussed

MR. AGUGLIA: Yes. There's been talk of preserving a portion of the property as urban woodlands through a nonprofit corporation with the remainder of the site being developed for three or four large homes which are consistent with the area.

COMMISSIONER PARSONS: And are your neighbors seeking to acquire the property in that regard?

MR. WOODCOCK: I have made offers, both to the school and to the Cafritz Foundation, to break it into two additional lots and both of them claim they have ownership of the property. There's a contradiction on the answers that we get.

COMMISSIONER PARSONS: You don't want to pay for it twice.

MR. WOODCOCK: No, since I don't think they both have legal right to it at the same time.

COMMISSIONER PARSONS: I understand.

MR. WOODCOCK: And those have been rejected.

COMMISSIONER PARSONS: We aren't supposed to deal in hypotheticals, but if that's where you're coming from, I mean you're never going to come to the other side of the table in any fashion, even if it was an elementary school.

MR. WOODCOCK: The allegations that there would be 40 houses at that lot obviously are far from what my objective is to preserve the character of our neighborhood.

MR. BOLOTIN: Mr. Parsons, had they come and said one of the viable alternatives is an entrance on 44th Street that would take away from the severe traffic that we saw on Foxhall Road, that would have been an alternative that my people could have looked at. However, because of the opposition from Wesley Heights that they initially had, they made a conscious decision -- not us, they did. They traded away the rights that they had to 44th Street. If they had not traded that away, we might have a

different situation. But they consciously decided that they didn't want to alienate the people on 44th Street. They'd rather alienage the people that are here. That was a decision they made. We shouldn't suffer from that decision that they made. They had legal access that might have provided some relief to this property and its development on 44th Street. Turning that away shouldn't put the burden on us. That's what I was referring. To show that this is oppressive to this neighborhood. They could have preserved their 44th Street right, could have significantly reduced the amount of traffic that would have been on Foxhall Road and may have won approval from you, and they still might.

CHAIRPERSON CROSS REID: What comes to my mind also is that we have been proffered with a numerous amount of conditions and those conditions came from Office of Planning, from DPW, from the ANC and from Mr. Swendiman, and then we have to look at all the issues and determine, based upon what we've heard and what we've seen and what we've read whether or not it makes any sense, whether or not in the whole picture the cumulative effect of those conditions would make any sense to the point of seeing this project forward, and this is what we have to look at. But thank you very much. Did you have something else?

MR. BOLOTIN: May I comment? We looked at those conditions as well, and some of the conditions were just rehashing of things that they agree to. There are other conditions, however. One is the 106 cars entering in the morning. Our

feeling was, as we've testified to before, that that is unrealistic in number. You can agree or disagree, but we think that's an optimum number. It certainly is not something that we think is a condition that's meaningful.

But, more importantly, we looked at the restrictions on the operation of the school, and the school was kind enough to give me a copy of their school calendar because one of the conditions that OP was that there be no more than three major events held during the school year. I'm familiar with a private high school somewhat similar to Field School, and we have far more than three major events during the school year. And I was curious to see how many they had on their calendar. They had significantly less evening performances and high school or college night that their number was in excess of seven on their present calendar. That's not to say that they can't modify it to make it three, but that was the type of thing I looked at to say, Are these conditions realistic? Are they going to be able to achieve those or are they conditions that they're agreeing to because they appear to agree to anything to get there, is so unrealistic and will hamper their ability to be an effective school in that site.

And I think a number of those conditions, if you look at the 40 odd conditions, you're dealing with a day to day restriction on a use of a property which further supports our position. They really haven't met the burden that's here if we

have to impose that many conditions on a use of a piece of property.

CHAIRPERSON CROSS REID: Finally, my final question anyway, is in regard to the concession that has been fostered by the Field School to you as to their willingness to bear the expense of the traffic light or the burying of the cables for visibility and also the storm water management run-off pipes or whatever, the things that -- and also the shuttle service and a lot of the other things that they have said they would be willing to do, what, if any, impact or what, if any, influence did that have or what do you think of those things as coming from the school?

MR. WOODCOCK: I would just say any way you slice it you have 400 students and faculty plus all the service buses entering and exiting every day an institution that is now on a residential piece of property and for which we would like to see maintained as either woodlands or a residential piece of property, and I think that's how far -- and I'd hate to leave you the impression that our concerns are new. When I first met with the head and the board members back in January of 1999, I let them know that this was an unacceptable proposal for this community and they have known that. My CEO and president of my company has a child who goes there, and the answer is always, schools always get their way in the District of Columbia, so we're just going to charge ahead, and that's the answer I've had for 19 months in a

row now and we're here doing our best to analytically show what you think the intrusion of an institution of this size on a small piece of property will do to our neighborhood, and we just hope you give our input data to your serious consideration.

CHAIRPERSON CROSS REID: Thank you.

VICE CHAIRPERSON SOCKWELL: Two quick questions. I'm going to ask both Mrs. Shugrue and Mr. Woodcock. Was there -- where do you live, Mr. Woodcock?

MR. WOODCOCK: I live seven houses up at the corner of Dexter and Foxhall, 2621 Foxhall.

VICE CHAIRPERSON SOCKWELL: Did you have any objection to Foxhall Crescents when it was constructed?

MR. WOODCOCK: Yes. I was among the Upper Foxhall Citizens Association who contributed to the professional talent that we applied to that to get the best conditions we possibly, as a community, could get.

VICE CHAIRPERSON SOCKWELL: And Mrs. Shugrue, that's the question I'd like to ask you as well. Did you object to the Foxhall Crescents project?

MRS. SHUGRUE: No. That wasn't in my sight at that time. I've been sort of isolated where I live. I never borrowed a cup of sugar from Mrs. Cafritz and I have a neighbor to the south who lives in West Virginia. The house is east of Douglas Street. It was built after I came and I was busy teaching in the day time and sometimes at night.

VICE CHAIRPERSON SOCKWELL: So it wasn't really a direct effect on you at all.

MRS. SHUGRUE: No, it wasn't.

VICE CHAIRPERSON SOCKWELL: I understand. Thank you.

CHAIRPERSON CROSS REID: Okay. Thank you very much. Yes.

MR. SWENDIMAN: Madam Chair, can I just make a clarification because you had asked the question and mentioned conditions. I want to make it clear in speaking on behalf of Mrs. Shugrue that she supports the opposition to the application. She's a little bit in an unusual situation from two standpoints. If the application is granted, then it's going to have an immediate impact upon her more than, I would say -- in terms of property owners, it's going to have more of an impact upon her.

The second thing is is that both the ANC and the Office of Planning attached conditions which puts her in an awkward situation of if it is granted, we'd better get our oar in the water here as to what's going to affect us. So I don't think you ought to misinterpret what we have presented, but we've felt we've had to do it and, in fact, a number of the conditions that have been attached by the Office of Planning and by the ANC in some sense have been superseded by what the school has presented. We attempted at the last ANC meeting to address the conditions and, in speaking on behalf of Mrs. Shugrue, the chair of the ANC -

- I don't want to be somewhat cut me off. In other words, she said she wanted to address this issue of transportation and that was it. And so realizing that we're going to come before the Board here, we're in a position where we've sort of just got to tell you what has happened.

Now, in fairness, Mr. Feola has reminded me that he did call me, so I don't want to mislead this Board at all. He did ask about whether there was room to compromise. I will have to leave it to him in terms of maybe his memory is a little bit better than mine and perhaps I'm suffering a senior moment here. I hope Mrs. Shugrue doesn't slap me. But I do think that by that time the approach of the school had been such and this had been continuing to evolve as such that she felt that really there was no room to compromise at that point.

CHAIRPERSON CROSS REID: Well, I really appreciate your clarifying that for us. Thank you very much.

Thank you all. And we have now persons in opposition. How many people are going to testify in opposition? Just two? Okay. Come forward, please. Three minutes a piece.

VICE CHAIRPERSON SOCKWELL: While you're coming up, from our mapping it does appear that there will be at least 10 homes directly affected on the south to east side of the property by any construction that would take place for the Field School project. And Mrs. Shugrue is one of those 10 that directly border the site.

CHAIRPERSON CROSS REID: I think that she has a unique situation and unique issues that are germane to this particular application. I do agree with that. Thank you very much.

MS. GUGGENHEIM: I'll be very brief. I'm Marion Guggenheim. I used to be the Chair of the ANC 3-D and my family and I have lived in the neighborhood for 35 years in the same house and I feel that when we're in the ANC and still going on now is the traffic problems for people in northwest Washington are vicious. We get it day after day in terms of safety. I just want to say that I thought the video made Foxhall Road look much better than it actually is, in my opinion. I think it's a very, very dangerous road, and I'm just speaking as a common sense person.

The second thing very briefly is the ANC has used so much -- and you all -- so much patience addressing these problems. It's really very, very admirable.

CHAIRPERSON CROSS REID: Thank you.

MS. GUGGENHEIM: One thing we ran into all the time was in decision we've made at the ANC is the enforcement afterwards and again we realize the city can't possibly enforce everything. There just isn't the people power. You heard it from the police today. So those are two things

And then the third thing is that emergency vehicles I think should be really considered. Hook and ladder trucks, ambulances, police cars will all be going up and down that street

and so I just wanted to put those things in very briefly, and thank you very much for the opportunity to say these things.

CHAIRPERSON CROSS REID: Thank you.

MR. HARROD: My name is William Harrod. I'm the President of the Spring Valley/Wesley Heights Citizens Association. We have about 1,250 households in those two neighborhoods which are essentially located on each side of Foxhall Road further to the north. A large proportion of these people depend upon Foxhall Road which I might say is an extremely fragile commuting artery to get in and out of town. I myself drive it probably two or three times a day.

I'm not a professional traffic engineer. I haven't really developed a great respect for professional traffic engineers because the data seems to be so adjustable and all the rest, but I rely upon what I see and what I experience and I can tell you that that road is an extremely difficult road to drive on right now. It's subject to gridlock frequently in the morning hours.

I was driving up it the other day going north and a car that was waiting to turn left going south into the Kreiger Museum directly to the north of the property we're talking about held up nine cars -- I counted -- behind him. There were nine cars held up because one car was trying to make that left turn. And that suggests to me that when we add another large amount of traffic because of this school, those problems would be very badly

exacerbated.

I think to some extent the Field School is perhaps a little bit of an innocent victim of a circumstance. I don't really congratulate all of you who ever was involved in going along with George Washington's major expansion of the Mt. Vernon campus. I think that's a larger problem than the Field School is, but we do have all of these academic expansions in the neighborhood. I think now at some point you do get a straw that'll break the camel's back. I really think that the Field School, unfortunately for them, does comprise that straw and I would urge not to go along with a further aggravation of what is already an extremely difficult traffic situation from the standpoint of safety as well as from ability to use the road. Thank you.

CHAIRPERSON CROSS REID: Thank you very much. I think that you just made a really good point. This is what I was trying to reconcile within my own head. On the one hand, we've just heard so many overwhelming accolades in regard to the Field School itself. I don't think in any of the testimony there was any negative comments at all made about the school itself. So essentially what we are dealing with is the circumstance that it is just an overwhelming situation, that it's not really reflective on the school but on just the cumulative effect of all the institutions that have now just kind of overwhelmed your neighborhood, your community.

MR. HARROD: I would agree completely, Madam Chairman. I think, in fact, the school has made a commendable effort to try to respond to many of the problems that have been raised.

CHAIRPERSON CROSS REID: Yes. I agree.

MR. HARROD: But I'm afraid the circumstances do not permit a pragmaticly effective response.

CHAIRPERSON CROSS REID: That's very interesting, and I thank you very much for those comments.

MEMBER RENSHAW: Madam Chair, may I ask these two guests a question. Mrs. Guggenheim, you were the former chair of the ANC. From what year?

MS. GUGGENHEIM: It was during the '90s. Unfortunately I can't remember exactly the years because we were so busy.

MEMBER RENSHAW: I know the feeling. I know the feeling. Don't ask me. And Mr. Harrod, you have been a resident for how long now?

MR. HARROD: Thirty one years.

MEMBER RENSHAW: Thirty one years.

MR. HARROD: I'm a retired foreign service officer. I've been living overseas off and on a good part of that time, but I've owned the property there for 31 years.

MEMBER RENSHAW: And in both of your experiences being long-time civic activists and neighbors in the community,

have you dealt with your local fire station down on McArthur Boulevard? And I was very sorry that a representative from the fire department wasn't here this afternoon to talk about the issue of emergency vehicles on Foxhall Road. In your years of experience, have you dealt with the movement of rescue vehicles along Foxhall Road and could you give us any information about the inability of rescue vehicles to access an accident because of traffic problems?

MR. HARROD: I don't really have, Ms. Renshaw, first hand knowledge of that. That fire station I have a high regard for because they found and returned to us our old dog who had wandered down there once, but there's been a number of accidents on Foxhall Road and the traffic volume and stoppages are such that I would only presume that in emergencies it might be very difficult for fire engines or emergency vehicles. But I don't have first hand knowledge of it.

MEMBER RENSHAW: I just want to say as an aside, I participated in testimony vis a vis the fire department when one of the fire folks from that engine company talked about the truck going so slowly they could almost push the truck up Foxhall Road, but we're getting new equipment and that is very good. I'm just concerned about, with the reconstruction of the fire house at Tenely Circle, the fire apparatus and Ambulance 8 which is over at that location is going to be put in other locations. Perhaps over at Engine 31 at Connecticut and -- while any renovation/

reconstruction is going on. So I'm just worried about the response time down Foxhall Road to anything in that immediate area of the Cafritz Estate because they're be drawing up --

MR. HARROD: That's a legitimate worry.

MEMBER RENSHAW: They'll be drawing up from McArthur Boulevard and over from Connecticut and -- Street, so they need to keep that roadway clear.

MS. GUGGENHEIM: And can I add to that?

MEMBER RENSHAW: Yes.

MS. GUGGENHEIM: The city, I think it still sends the fire engine first, the hook and ladder truck first before the ambulance gets there and it's just unbelievable what can happen, from Georgetown and at least one accident on Foxhall.

MEMBER RENSHAW: Is your area still in the response area of the Bethesda-Chevy Chase Rescue Squad? Does it come down as far as your area?

MS. GUGGENHEIM: Yes, it does.

MEMBER RENSHAW: Thank you.

CHAIRPERSON CROSS REID: Okay. Thank you very much.

MS. GUGGENHEIM: Thank you.

(Whereupon, the proceedings went immediately into Evening Session.)

E-V-E-N-I-N-G S-E-S-S-I-O-N

(6:00 p.m.)

CHAIRPERSON CROSS REID: I think those are the last two people who were speaking in opposition. Closing remarks by the applicant, Mr. Feola.

MR. FEOLA: Thank you, Madam Chair. We do have about 10 minutes worth of rebuttal if it pleases the chair, and I'd like to call Steve Sher up please. While Mr. Sher gets seated, I'd just like to clarify something with regard to the, quote, "conditions" that have been talked about a little bit with the Board.

Some of the opponents have suggested that part of the reason there has to be so many conditions is because this is such a bad fit, if you will, for a use on this property. That certainly is not our perspective on it. What has happened over the course of time as this project has been vetted in the public, which I think has been a good vetting, if you will, is different agencies, National Park Service, for example, as they study things suggest, well, if you can do these three things, it will make it better. The Office of Planning has suggested certain things. Limits on the school. The school isn't happy to accept limits, but agreed because it seemed to be the right thing to do to accept those conditions.

Now what I'm hearing is oh, they've just put all these conditions on just to get approval. I think in the spirit

of this process this applicant has voluntarily agreed to a whole series of things that, as Mr. Bolotin said, will restrict its operation clearly. But again, trying to be a good neighbor, trying to be responsive to the concerns, it has done a series of things.

CHAIRPERSON CROSS REID: Mr. Feola, may I interject. Excuse me. The conditions that I was referring -- I don't know about the other Board Members -- were those that were proffered by the applicant or rather that were proffered to us from Office of Planning, from the ANC --

MR. FEOLA: After they had been --

CHAIRPERSON CROSS REID: -- from Mr. Swendiman.

MR. FEOLA: After they had been talked through with the applicant in response to concerns made from the public.

CHAIRPERSON CROSS REID: But the point I'm making is that the ANC was in opposition and rejected it and then they proffered those conditions.

MR. FEOLA: You should recall that the ANC voted to support it with the first series of conditions.

CHAIRPERSON CROSS REID: I know.

MR. FEOLA: And said to us, we can support it if you do these 20 things, and we looked at them, we evaluated them. Some of them are problems, but the school decided it wanted to be a good neighbor. All I'm saying is that I don't think --

CHAIRPERSON CROSS REID: Just let me say something

--

MR. FEOLA: -- this particular applicant should be punished --

CHAIRPERSON CROSS REID: Let me finish my thought, and that was just simply to say that what I ascertain to be coming from the applicant were more concessions as to what they were proffering to us as being willing to do --

MR. FEOLA: I understand.

CHAIRPERSON CROSS REID: -- for approval. I just wanted to clarify that.

MR. FEOLA: Thank you.

CHAIRPERSON CROSS REID: Go ahead. I'm sorry to interrupt.

MR. FEOLA: I think in that sense the process has worked very nicely. I think this applicant and many people in the community have reached some resolution on limits. That's what this process is about.

Mr. Sher, you heard Mr. Woodcock and Mr. Doggett talk about the size of this facility, this property, and how it is inappropriate for a school like the Field School. Would you comment on that.

MR. SHER: For the record, my name is Steven Sher. I'm the Director of Zoning Services of the law firm of Wilkes Artis. I would like to give the Board certain specific factual information so that you have it in front of you as you consider

what to do here.

First is the question of the predominant use in that neighborhood. Staff is going to hand you a one page sheet where we looked at the uses along Foxhall Road first between Nebraska Avenue and McArthur Boulevard which is the entire length of Foxhall Road, then between Edmund Street and Whitehaven Parkway which is the more local stretch of Foxhall Road and, in looking at those numbers, we've determined that counting the Cafritz Estate as if it were the Field School, which it is not, of course, because that's up to you, that residential property, i.e., single family dwellings, make up approximately 86 percent of the frontage on both sides of the street between Nebraska Avenue and McArthur Boulevard. Institutional uses make up the remaining 14 percent.

In the more narrow scope between Edmond Street and Whitehaven Parkway, single family dwellings make up approximately 70 percent of the frontage and institutional uses make up the remaining 30 percent. And if you look at the squares which have frontage on Foxhall Road between Edmond Street and Whitehaven Parkway, if you think frontage isn't the right measure, if you look at land area, residential uses comprise 78 percent of that area and institutional uses make up the remaining 22 percent. This again assumes that the Field School is on the institutional side if the Board were to approve this application.

So an excess of 70 percent up to 86 percent, depending on how you measure that and what statistics you want to

apply to that, is already in residential use and would remain in residential use if the Board were to approve this application.

Second thing I'd like to do is reiterate some information which has been presented in somewhat scattered fashion over the presentation in one table and it talks about the development of the school site as proposed with relationship to the standards of the R-1-A district which is the most restrictive zone category in the District of Columbia and that which is applied applicable to this site. And I've just taken standards of the regulations in terms of area and bulk requirements and looked at what is required and what is proposed.

In terms of trying to assess the intensity of use of this site compared to what the regulations allow, the minimum lot area is only 7,500 square feet. Of course, the site is 450 some odd thousand square feet and the lot width is far in excess of the 75 feet. The maximum percentage of lot occupancy is 40 percent. What is proposed here is 5.6 percent or about 14 percent of the maximum permitted. The maximum building area is 182,000 square feet. This school would occupy 25,000 square feet, that same 14 percent number.

The maximum square footage permitted on the site, if you took the building area and multiplied it by three stories, which is permitted, is 548,000 square feet. This school building will have approximately 62,000 square feet or about 11 percent of the maximum permitted. The minimum side yard required is eight

feet. The minimum side yard is 35 feet which is 438 percent of what is required and the minimum rear yard is 25 feet and what's proposed is 95 feet which is again almost 400 percent greater than what the minimum requirement is. So in terms of the intensity of use compared to the zoning standards, we are far in excess or below, depending on how you want to look at what the standard is, what the requirements are.

With respect again to the intensity of use of the property and comparing the enrollment of this school to the size of the site to other junior and senior high schools west of Rock Creek Park in the District of Columbia. Rather than looking at schools in Maryland and Virginia, rather than looking at things that are far afield, I looked at those schools which are located in the District of Columbia, and you are being handed the results of that analysis which shows that there are three, six, nine, 12, 13 schools that fit into that -- well, there are 12 schools that fit into that category and the bottom line is the existing Field School site and you will see the land area, both in square feet and acres, and the enrollment and the number -- these schools are listed in increasing order of density from the lowest number of student enrollment per acre to the highest number of student enrollment per acre and, of course, as I said, the exception to that is the existing Field School which is at the bottom. It is 575 students per acre.

The Field School as proposed comes out at about 30

students per acre which is towards the lower end of that density range and far lower than some other schools which might be described -- I don't like the term but Mr. Doggett talked about an island school. Somehow that makes me think of something in St. Thomas or something like that but I don't know exactly what he means, but if you look at schools like the Washington International School, if you look at St. John's College High School which is completely surrounded by single family residential and Rock Creek Park, those densities are in the range of or greatly exceed that which would occur on this site.

As a last measure of trying to just look at the density, if you turn to the next page, what you find are the schools in the immediate vicinity of the subject site which, of course, are more than just high schools. You got colleges, you got elementary schools, you got the full range of educational institutions and, again, looking at the student enrollment in terms of students per acre, the Field School is at the low end of that table. Again, these are listed in order of increasing density of students per acre with Georgetown Day being at the top with 103 per acre, the Field School and Rock Creek International School would be both at about 30 per acre.

CHAIRPERSON CROSS REID: Thank you, Mr. Sher.

MR. FEOLA: Mr. Sher, we heard testimony today, I believe from Mr. Doggett, that the proposed use of this site would not be consistent with the comprehensive plan. Would you comment

on that, please.

MR. SHER: Yes. The comprehensive plan is a little bit difficult to pin down with respect to very precise statements about this site and what should happen here. One of the things that is a depiction of the overall aspects of the plan of course is the generalized land use map and, while the generalized land use map shows this as low density residential, that is a category that is based on predominant use. It doesn't mean exclusive use. It doesn't mean you can't have anything else there. And, as the statistics I gave you at the outset show, even if you allow the Field School to go in here, by any way you define predominant use, the predominant use of this area on the map which Mr. Doggett's is his school map as shown on the comprehensive plan land use map, shows that the predominant use would be and would continue to remain residential.

However, when you start parsing out the pieces of the plan, particularly, for example, Section 1100.2A which is on page 11-2 and it's in the package you just got, it says, "District neighborhoods are the cornerstones of the District's social and physical environments." And it goes on to include in that, "Adequate recreational opportunities and access to cultural and educational facilities are also necessary ingredients of neighborhood viability."

The plan recognizes that even in those areas which are shown for residential, you got to have some other things

happen and, of course, the plan clearly recognizes that the land use element doesn't fix every use, every height, every density. That is a function of the zoning regulations, and that's why we've been sitting here today as well as the other days that we've heard this case.

If you go through the Ward 3 plan, as Mr. Doggett did, and he cited things out of that plan, but there are a lot of other things in that plan which suggest that redevelopment of properties in the ward is appropriate provided that that development is carefully controlled. The end result of this process is that control. We've been through -- how many hours now? -- 14 - 15 hours of testimony about how to control what goes on here. This is not unfettered, uncontrolled development. What it is is a careful process bringing to bear all those factors, and I'm not going to talk about traffic because I'm not a traffic expert. You've heard from more traffic experts than you need to hear from.

But when you look at the impacts of traffic, site plan and all the other things, I believe that what would be the result of this application is that the present zoning regulations are not inconsistent with the comprehensive plan, that the Board's approval of a special exception, if it determines that it meets the criteria of those regulations, wagtail likewise be not inconsistent with the comprehensive plan.

MR. FEOLA: Thank you, Mr. Sher.

CHAIRPERSON CROSS REID: Thank you, Mr. Sher. Just one second please. Mr. Parsons, would you like to say anything before you leave?

COMMISSIONER PARSONS: No.

CHAIRPERSON CROSS REID: Mr. Parsons will have to leave at 6:00. We're going to lose a quorum. Can you wrap up within five minutes? Can you?

MS. PRUITT: Madam Chair, I was doing some research the other day and I found a Court of Appeals decision that requires cross examination on rebuttal, but limited to the subject of the rebuttal testimony.

CHAIRPERSON CROSS REID: We have never done that.

MS. PRUITT: Madam Chair, it's a requirement of the Administrative Procedure Act and due process to allow cross examination.

CHAIRPERSON CROSS REID: All right. Now, Mr. Feola, did you have further comments?

MR. FEOLA: If it pleases the Board, we did have a little bit more of rebuttal but we can put it in writing and give the opposition days to respond to it before the record is closed.

CHAIRPERSON CROSS REID: How long would it take you to do it?

MR. FEOLA: But if we're going to start cross examination of Mr. Sher, it might go past 6:00. I would think at 10 after six we'd be done.

CHAIRPERSON CROSS REID: Well, it depends on whether or not -- do you have any cross examination questions? Just one second.

MR. FEOLA: Yes, he was sworn in this morning. Mr. Long, just very quickly, have you reviewed --

VICE CHAIRPERSON SOCKWELL: He needs to identify himself because he has not spoken to us.

MR. FEOLA: Please state your name.

MR. LONG: My name is James Long with the firm of Dillon, Hampton and Associates. I'm a highway engineer.

MR. FEOLA: Have you examined Grove-Slade and the DPW plan for improving Foxhall Road?

MR. LONG: Yes. I've looked at their recommendations.

MR. FEOLA: And have you examined Mr. Hanscomb's critique of that plan?

MR. LONG: Yes, I have.

MR. FEOLA: Is it your opinion that the roadway, if it is engineered and built in accordance with the DPW plan, that it will result in a safe road?

MR. LONG: Yes. My office did their own layout based upon the general recommendations and taper and storage lights that were laid out. All of those improvements fit rather nicely across the frontage of the property and we can accommodate -- we found a little extra room. We could accommodate at least

five stacking lanes, five spaces for stacking as well as the taper lengths that were recommended by DPW.

MR. FEOLA: So as a registered and practicing civil engineer in the District, would you have any problem signing plans that went forward to build this improvement?

MR. LONG: No, I wouldn't have any problem. The AASHTO criteria are general guidelines and actually this site is pretty fortunate to have such a long frontage. I've done major shopping centers with turn lanes that have much less frontage and much shorter tapers.

MR. FEOLA: We have no more questions.

CHAIRPERSON CROSS REID: Thank you very much, and I have no problem with accepting Mr. Long as expert witness unless there are any objections from any of the Board Members or with the opposition

MR. AGUGLIA: I have some questions. Richard Aguglia for Foxhall Neighbors Against Foxhall Gridlock. Have you, sir, ever been qualified before as an expert?

MR. LONG: Yes, I have

MR. AGUGLIA: And where was that?

MR. LONG: Montgomery Country

MR. AGUGLIA: Montgomery County.

MR. LONG: Yes

MR. AGUGLIA: How many times?

MR. LONG: Twice

MR. AGUGLIA: Twice. Have you any teaching experience?

MR. LONG: Do I have any teaching experience? No.

MR. AGUGLIA: Do you have any --

VICE CHAIRPERSON SOCKWELL: You could hold against him the fact that he went to George Washington.

CHAIRPERSON CROSS REID: Can you move on, please, because we only have a few minutes

MR. AGUGLIA: All right. No objection.

CHAIRPERSON CROSS REID: Okay. Thank you very much. Do you have questions, Mr. Bolotin? You did have questions.

MR. AGUGLIA: I have questions.

CHAIRPERSON CROSS REID: Okay

MR. AGUGLIA: First for Mr. Long. You said your company did its own layout. Did you bring with you so we can review it?

MR. LONG: Yes.

MR. AGUGLIA: Could we get a copy?

MR. LONG: It's really not my own layout. It's a refinement of the layouts with the geometry proposed to date.

CHAIRPERSON CROSS REID: Do we have copies, Mr. Feola?

MR. FEOLA: If the Board pleases, we can submit them for the record.

CHAIRPERSON CROSS REID: Please do.

MR. FEOLA: And give them to the parties

MR. AGUGLIA: So we do not have it?

MR. FEOLA: We do have it

MR. AGUGLIA: We need time to review it.

MR. FEOLA: That's fine. They can submit it for the record.

CHAIRPERSON CROSS REID: All right.

MR. FEOLA: It is the same plan. It's just done at a different scale.

CHAIRPERSON CROSS REID: All right. Next question.

MR. AGUGLIA: Mr. Sher, on your list of the junior - senior high schools west of Rock Creek Park, it's a two page handout.

MR. SHER: Yes, I have it

MR. AGUGLIA: How many of those schools only have one entrance?

MR. SHER: I don't know

MR. AGUGLIA: All right. How many of those schools have poor access -- have no access to Metro bus?

MR. SHER: I think that would probably depend on how you want to define access to Metro bus, but most of them do.

MR. AGUGLIA: Most of them do. How many of those schools use a shuttle bus to get their students from the Metro to

the school?

MR. SHER: I don't know the answer to that because I don't know whether all the schools have that or not.

MR. AGUGLIA: In your recitation of the comprehensive plan, 1100.2 on page 11.2. You point out that the plan called for adequate recreational opportunities and access to cultural education facilities are also necessary ingredients of neighborhood vitality. Is that correct?

MR. SHER: That's what it says

MR. AGUGLIA: Are you saying that the Lab School, St. Pat's, GW, the Catholic School, AU, Georgetown, Visitation are not adequate enough for the neighborhood and that another school is needed? Is that what you're saying?

MR. SHER: No. I said -- I read to you what the comprehensive plan says. This Board has to make the decision about whether the application meets the requirements and the standards of the zoning regulations. That's what this Board is here to do. I don't know that adequacy of -- adequate access is a standard under the zoning regulations. They have to follow the standards set forth in the special exception provisions.

MR. AGUGLIA: You would agree, wouldn't you, that there are more than adequate educational facilities within a short radius of the Cafritz site?

MR. SHER: I'm not sure that I know what you mean by adequate access. I mean there are schools. We all know that

there are schools in that vicinity. In fact, as I calculated the number, the one and a half mile radius used by Mr. Doggett in fact takes up about 11 some odd acres and that 11 some odd acres is about 10 percent of the total -- I'm sorry. That's not right. It takes up 6.07 acres which is about 10 percent of the total land area of the District of Columbia and it has about 15 percent of the total number of schools. I don't know that that's a disproportionate amount one way or the other. I don't know that there's --

VICE CHAIRPERSON SOCKWELL: If I might interrupt, Mr. Aguglia, I understand the question and the direction that you're taking, but I think it would be very difficult for Mr. Sher or anyone else to make a judgement on the adequacy of the educational institutions within that area unless they knew the specific requirements for one to judge the group by. In other words, I've got a 12 year old son, he does da da da da, and should there be enough schools for him? And since we haven't determined whether or not the student populations are coming from around the block or around the city or around the county, we wouldn't really have enough information to make the judgment. I think you can see where I'm coming from with that

MR. AGUGLIA: I do. And you can see where I was coming from. I thought it was preposterous to say in this particular neighborhood there were -- that the adequacy test would make the day.

VICE CHAIRPERSON SOCKWELL: I understand

MR. AGUGLIA: There is no adequacy test.

CHAIRPERSON CROSS REID: Okay. Let's move on. Mr. Bolotin, did you have questions?

MR. BOLOTIN: In the interest of time, I do not.

CHAIRPERSON CROSS REID: All right. Mr. Aguglia, you are done?

MR. AGUGLIA: Almost.

CHAIRPERSON CROSS REID: I thought that you were.

MR. AGUGLIA: I just have a few more. I've been hit with all this information and a very short amount of time to respond to it.

Your frontage requirements or your predominant use computations does not take into account numbers of students versus number of residents, does it?

MR. SHER: No

MR. AGUGLIA: Just frontage. Isn't that correct?

MR. SHER: In one case, it's frontage. In the other case, it's area. It's not just frontage

MR. AGUGLIA: Just one more question for Mr. Long and then I'll be finished. Mr. Long, in this study that -- this is the study you looked at?

MR. LONG: Yes

MR. AGUGLIA: All right. What was the sight

distance on this study?

MR. LONG: The sight distance met what DPW had recommended which is the 364 feet, I believe, for the corner sight distance from the proposed southern driveway entrance.

MR. AGUGLIA: What were the other examples? Can you specify the other examples that we can check where there were actually shorter taper lengths than this particular one?

MR. LONG: I'm the engineer of record for Falls and River Road in Potomac. I am the engineer of record for the access plan for Covenant Light Church up in Montgomery County

MR. AGUGLIA: Go slowly because we're taking these down.

MR. LONG: I have two beltway improvements ongoing right now, off road

MR. AGUGLIA: Where are those?

MR. LONG: That's in Prince George's County of Maryland 26 beltway ramp.

MR. AGUGLIA: Can you supply us with the intersections so we can double check?

MR. LONG: We have taper lights. Yes. Falls and River Road is about -

MR. AGUGLIA: You can supply that to us so we can check it. What was the length of the turn bay that you used in your study? Sixty six feet for three cars?

MR. LONG: The length of the turn bay, what I

attempted to do was to lay out DPW recommendations and what I did is I worked -- we basically set a baseline, a paper baseline, a station baseline, worked at the same starting points

MR. AGUGLIA: But here's my question. What is the length of the turn bay that you reviewed and approved? Is it 66' for three cars?

MR. LONG: 104' is what I found

MR. AGUGLIA: 104'?

MR. LONG: Yes

MR. AGUGLIA: For how many cars?

MR. LONG: Five cars

MR. AGUGLIA: But you realize that that is not the submission that the school has given. Do you realize that?

MR. LONG: Yes, I do

MR. AGUGLIA: The last submission was three cars.

MR. LONG: Three cars. Right

MR. AGUGLIA: All right. Now, is your deceleration length and taper length still within the 474'?

MR. LONG: Yes. We can provide 474 -- actually, across this frontage we can actually provide 512' instead of 474'. I found an extra 38' laying it out by stationing as a highway engineer would do, not by sketches.

MR. AGUGLIA: What is your recommendation then, 474 or the larger number?

MR. LONG: I would defer to DPW but I think

anything in excess of five, I agree with the gentleman previously, Mr. Layden, that this is going to look like an insular lane. You're going to further enhance the problem with speeding along this road if the taper is too generous

MR. AGUGLIA: But isn't it true if you go beyond the boundary lines, you will then run into the crest at the Kreiger Museum which will present additional problems for --

MR. LONG: Foxhall Road has a lot of additional problems. This plan addresses, you know-- I mean there are seven utility poles that are going to be relocated as part of this plan. The one fire hydrant which will be relocated as part of this plan and all those existing hazards are being moved by this plan.

MR. AGUGLIA: All right.

CHAIRPERSON CROSS REID: Thank you

MR. AGUGLIA: Thank you.

CHAIRPERSON CROSS REID: Okay

MR. AGUGLIA: Again, I would close by saying again we have a moving target when we still don't know what the final stacking lane is.

CHAIRPERSON CROSS REID: You don't have a final statement. That's left to the applicant. And I just had a very quick question. Did you submit a construction management plan? We have that? It's in our file? Okay. I just wanted to make sure of that. And Mr. Feola, I think that all of us have some concern about the impact as it pertains to Mrs. Shugrue's property

and I'd like to see prior to our making a decision on this case, I think that there had been some discussion or whatever between you and Mr. Swendiman but I think that, for me anyway, before I can be able to render a decision in this case, I'd like to see some more dialogue or some further -- some movement in that direction. Of all the things that we have heard, what I find most troubling is there seems to be an inordinate amount of impact as far as her property is concerned.

MR. FEOLA: Understood.

CHAIRPERSON CROSS REID: Okay. That's all I have. Any other questions, Board Members? Okay. Now, Mr. Hart will give us the timelines. Are you going to submit additional rebuttal

MR. AGUGLIA: If it pleases the Board, we can do that and the opponents can respond.

CHAIRPERSON CROSS REID: That's if you wish to.

MR. AGUGLIA: Yes, I would like to.

CHAIRPERSON CROSS REID: Okay. And then we have a timeline for them to be able to respond. Mr. Hart will give you the timeline and on all these conditions that have been proffered from DPW and Office of Planning and from the ANC, if somehow in your submission to us I suppose you would do findings of fact.

MR. FEOLA: Yes, ma'am.

CHAIRPERSON CROSS REID: Draft order, both from you as well as from the opposition, if you would and on disk at that. We'd appreciate it. Is there anything else?

MR. AGUGLIA: Madam Chair, we need a little lead time to get the information from their latest expert so we can -- we need to build that into our --

CHAIRPERSON CROSS REID: Okay. Let me do this.

VICE CHAIRPERSON SOCKWELL: Madam Chair, I'd suggest you close the hearing and then do the procedural things.

CHAIRPERSON CROSS REID: That's exactly what I was about to say. I will close the hearing and then let that discussion take place with staff. So that will then conclude the hearing and then we'll go over procedural things. Thank you.

(The hearing was concluded at 6:22 p.m.)