GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

MAY 10, 2000

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Sheri Pruitt	Secretary, BZA
Beverly Bailey	Zoning Specialist

OTHER AGENCY STAFF PRESENT:

Kenneth Laden	Department of Public Works
Ellen McCarthy	Office of Planning
Mary Vogel	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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

AGENDA ITEM PAGE

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

16559 ANC-3D 4

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PAUL TUMMONDS, ESQ.
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1666 K Street, N.W.
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WITNESS

CLAY KAUFMAN 4
STEPHEN GRISWOLD 9
MARY VOGEL 28
KENNETH LADEN 97

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

(12:57 p.m.)

MR. SWENDIMAN: So, the answer is no at this point.

I believe you stated that the school hours are proposed to be staggered, am I not correct?

MR. KAUFMAN: That s correct.

MR. SWENDIMAN: And so, the 7th and 8th graders would start school at 8:00.

MR. KAUFMAN: Right.

MR. SWENDIMAN: And, I guess the high schoolers, 9th and up, would start at 8:20, is that correct?

MR. KAUFMAN: That s correct.

MR. SWENDIMAN: I believe you also testified that the shuttle service would begin at 7:30?

MR. KAUFMAN: That s correct.

MR. SWENDIMAN: So, if my math is correct, for the 7th and 8th graders there would be a maximum of a half hour to get from the collection points and the Metro stops to the school.

MR. KAUFMAN: That s correct.

MR. SWENDIMAN: And, that assumes, of course, that there are no traffic difficulties or problems during the morning.

MR. KAUFMAN: Correct. Remember, there are fewer 7th and 8th graders than upper school students.

MR. SWENDIMAN: Mr. Kaufman, who is going to pay for

the widening of Foxhall Road and the installation of a left-hand turn lane?

MR. KAUFMAN: We have agreed to take care of the funding of that one way or another.

MR. SWENDIMAN: And, when you say we, we meaning who?

MR. KAUFMAN: The Field School has agreed one way or another to find funding for that.

MR. SWENDIMAN: I have no further questions.

CHAIRMAN SOCKWELL: Thank you.

MR. FEOLA: Mr. Chairman, you might want to ask the ANC if it has any questions, it is a party.

CHAIRMAN SOCKWELL: Yes.

Does the ANC-3D, do you wish to ask any questions at this time?

All right, thank you.

Normally, at this point we would proceed with Government reports. Based upon the length of time that this hearing appears to be taking, and the fact that it looks like it will continue far into the afternoon, it has been suggested that the next case might we might be well advised to reschedule, because it looks like we are not going to get there. And, we have, unfortunately, this afternoon to end our proceedings at about 6:00 p.m., at which time we would lose our quorum.

So, the suggestion is that we pick a date certain

to reschedule the St. Mary s Hall Building, Georgetown University Campus. Are the representatives of that case here? Yeah, Paul?

MR. TUMMONDS: Mr. Sockwell, Paul Tummonds on behalf of the Applicant in that case, Georgetown University. What day would we be looking at rescheduling this, would it be the 16th?

CHAIRMAN SOCKWELL: Staff is going to have to give us a date, and most of the staff is out of the room right now. Do you want to do it tomorrow? No, we ll have to staff has just returned to the room.

Mr. Tummonds, give us a moment.

Mr. Tummonds, would May 16th work?

MR. TUMMONDS: We would gladly accept that date.

CHAIRMAN SOCKWELL: And, you would be there is one case for morning session there, and we could put you right after that.

MR. TUMMONDS: Great.

CHAIRMAN SOCKWELL: All right, we ll make you first.

MR. TUMMONDS: Great.

CHAIRMAN SOCKWELL: All right, if that is satisfactory, and we don t have any objection, then your case will be moved to May 16th, 9:30 a.m.

MR. TUMMONDS: We have no objection to that.

CHAIRMAN SOCKWELL: Thank you.

I assume you ll want to go to the beach now?

I think that at 1:03 p.m., it would be appropriate

for us to take a 45 minute recess for lunch, returning at 1:48 p.m.

(Whereupon, the above-entitled matter was recessed at 1:03 p.m., to reconvene at 1:48 p.m., this same day.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(2:01 p.m.)

CHAIRPERSON REID: The afternoon session will now resume. My understanding is that you have completed cross examination of the Traffic Management Plan, and we will now proceed to Government reports.

VICE-CHAIRMAN SOCKWELL: The ANC wants to go first because they have to leave.

CHAIRPERSON REID: Oh, really?

VICE-CHAIRMAN SOCKWELL: Yes.

CHAIRPERSON REID: Okay. I ve been told that the ANC has requested that they go first, which I don t have a problem with unless anyone has an objection to it, and for the time that I was not here during the cross examination, of course, I will be reading the record. I just wanted to make sure that everyone was made aware of that.

Okay, then we will proceed with the ANC reports.

And also, we scheduled there was another meeting, a hearing that was scheduled for this afternoon, Georgetown, St. Mary s, is anyone here for that particular hearing, because that has now we don t want anyone sitting here all day only to find out that it s been rescheduled to next week. Okay?

All right, thank you.

MR. GRISWOLD: Ladies and gentlemen of the Board, my name is Stephen Griswold. I m a Commissioner with ANC-3D, and I

would like to speak to the ANC s position on this application.

As you know, the ANC passed a resolution supporting the application at question here, but I would like to point out that this was qualified support for the application, and I would like to break my comments briefly into two segments, if I could, and I m going to save the traffic issue, which, obviously, is the main contention here, for second, because I d like to just point out a couple of matters that were of great interest to all the members of the ANC. And, those are the conditions which we mentioned in our report, in our recommendation.

I was glad to see that the DPW latest report to the Board, dated May 3rd, which I m afraid I only received this morning, I was glad to see that it has incorporated the conditions we asked for. So, what I d like to do in regard to those is simply emphasize for the Board the seriousness with which the ANC wanted you to incorporate those conditions into an approval, if you should decide to approve this application.

I think that the conditions that have now been consolidated by the DPW in its May 3rd report consolidating our recommendations with their previous recommendations, as we had asked them to do, as well as representations of the school, I think that that list is crucial to any contemplation of approving this application. And, in particular, I would just want to highlight that that list incorporates a cap on the number of students at the school and a cap on the number of cars that would

be entering the school.

CHAIRPERSON REID: Okay, excuse me. The list you keep referring to as that list,

MR. GRISWOLD: Yes.

CHAIRPERSON REID: are you referring to the resolution that was attached to the ANC report, those conditions?

MR. GRISWOLD: Yes, ma am, and those conditions

CHAIRPERSON REID: Then, if that is the case, then I d like for you to highlight those conditions for the record, as well as the ones that you are referring to, because I don t see a cap on the number of students, or cars in this resolution. Are you saying there s something else?

MR. GRISWOLD: No, ma am, that resolution asked as one of the conditions to incorporate some of the representations that had been made in the school s operation plan.

CHAIRPERSON REID: Okay, but the only thing about that is, the resolution that we have is the resolution that is before us.

MR. GRISWOLD: Yes, ma am.

CHAIRPERSON REID: And, I don t I don t know, what is your role as the ANC?

MR. GRISWOLD: I m one of the Commissioners.

CHAIRPERSON REID: I don t know if we can have it amended to include other things that has not been voted by the full ANC.

MR. GRISWOLD: Yes.

MS. VOGEL: Madam Chair, could I try to help clarify this?

CHAIRPERSON REID: Yes.

MS. VOGEL: I think what he may be referring to is the Office of Planning May 3rd report. I m not aware of it, and in that we do have 16 suggested or, I m sorry, it s 23 suggested conditions that we, basically, consolidated everything that the ANC and Palisades Citizens Association and all had recommended.

CHAIRPERSON REID: Is that what you are referring to?

MR. GRISWOLD: Yes, the ANC had seven conditions, and those seven conditions are reflected at least in probably in total with much additional

material in the OP report.

CHAIRPERSON REID: Okay. In the OP report, point out to me where there is a cap on the number of students or the number of cars, someone, please. I don t see it.

MR. GRISWOLD: We are speaking of the May 3rd report from Andrew Altman?

CHAIRPERSON REID: That s correct.

MR. GRISWOLD: Condition No. 1, that the school will inaugurate staggered hours, it refers to 7th and 8th graders, approximately 50 to 60 students, and 9th through 12th graders, 250

to 260 students.

CHAIRPERSON REID: Right, but, specifically, this particular condition refers to staggering the hours among the students in certain age categories. If, in fact, there is going to be a proffer of a cap to us, then that needs to be worded such as the number of students will not exceed or there will be a maximum of X number of students. And, what I m saying is that in this report, nor in the ANC report, do I see such a condition being offered to us.

MR. GRISWOLD: Well, let me put it this way. First of all, to clarify the confusion about what the list is, I would agree with Ms. Vogel that the DPW s report has fully incorporated the ANC s recommendations, because the conditions we asked for were the ones we specifically listed, plus incorporating by reference their previous report and the school s operating plan. They ve done that beautifully here, and I m happy to say that

CHAIRPERSON REID: So, basically, you are saying that the conditions that you all voted on are incorporated. You are stipulating that they have been incorporated in the Office of Planning report, as well as additional additions that have been suggested by the Office of Planning.

MR. GRISWOLD: Yes, ma am.

CHAIRPERSON REID: And, you want us to adopt the entire your entire report with the resolutions. But, I m saying to you that, again, that what you are asking for is not

here.

MR. GRISWOLD: Well, let me put it this way then. Our reading of the 50 to 60 students and the 250 to 260 students, as well as the condition number 13, also refers to 260 to 320 students. We were assuming that as has been represented to us by the school, that is the maximum, 320, that they will expand to. Perhaps, we would have been better

CHAIRPERSON REID: What is the figure that you are saying?

MR. GRISWOLD: Three hundred and twenty.

CHAIRPERSON REID: Three hundred and twenty, all right, well then, that is the number that when they come back, the Applicant comes back for closing remarks, we will ask them if they are willing to cap at 320.

MR. GRISWOLD: Right.

CHAIRPERSON REID: As a condition.

MR. GRISWOLD: And, in that regard I would point out that we asked them during our hearings, ANC meetings, whether they would be willing to abide by that, they meant that as a cap, and they said yes. So, of course, all I m saying is that I d encourage the Board to do likewise and specifically incorporate that.

CHAIRPERSON REID: Sure, okay.

MR. GRISWOLD: And, the same for the numbers of cars that they said, because needless to say that s crucial to the

whole discussion of safety and impact on the neighborhood.

CHAIRPERSON REID: What was the number?

MR. GRISWOLD: I think it s 106 in the morning.

VICE-CHAIRMAN SOCKWELL: Commissioner, could you give me your name and address, because I don t have that.

MR. GRISWOLD: My address?

VICE-CHAIRMAN SOCKWELL: Yes.

MR. GRISWOLD: It s 4434 Macomb Street, N.W.

CHAIRPERSON REID: Okay, that s already in there, the number of vehicles.

VICE-CHAIRMAN SOCKWELL: And, it s Stephen, with a P-H, Griswold, G-R-I-S

MR. GRISWOLD: W-O-L-D.

VICE-CHAIRMAN SOCKWELL: W-O-L-D, rather than like in the movie.

CHAIRPERSON REID: Point out to me that the number of cars is included in the OP report.

MR. GRISWOLD: Yes, and my purpose here is to again, simply emphasize that our approval, our recommendation of approval was strongly conditioned on all of these factors, and especially on those two.

CHAIRPERSON REID: Okay.

MR. GRISWOLD: Turning to the second qualifications which informed out decision on this, to recommend approval, is the whole issue of safety, and I will say that the factor that

tipped the balance in favor was the stacking land.

Now, in that balance tipping, I will say that our recommendation to approve was premised on the assumptions that we were reading from the DPW report, as well as the traffic reports that were before us at that time, namely, that the traffic lane would include would safely stack ten cars.

Now, there has since been a traffic report submitted by the Neighbors Against Gridlock, and a response by Grove Slade Associates, on that whole issue of, is the stacking lane safe. The traffic report of the Neighbors says it s not sound, this traffic report is not sound. Now, this all happened after the last ANC meeting. Obviously, we have not convened to independently take a look at that and ask the folks about it, and listen to then the counter response by Grove Slade.

I will say that it has caused serious concern as to whether our assumptions are still valid, that that stacking lane is safe.

CHAIRPERSON REID: Well, that was raised as an issue. I don t know if you were in the hearing room at that time when it was discussed, and questioned as a concern, and the response was that it would be in compliance with the rules and regulations, and licensing requirements, I don t know, is it licensing requirements, what is it, permitting process of DPW, who is here, and who will give a report, and who will be available for cross examination in case the report is not as

conclusive as you d like it to be.

But, I think that you would probably be very satisfied with what comes out of this hearing today, as to any questions you have in that regard.

MR. GRISWOLD: Yes, and my point here, I think, would be to convey the sense of the Commissioners that I ve spoken to, to urge upon you the gravity of that question. I think it s obviously apparent, and that specifically were there to be some finding on the part of the Board that a ten-car stacking lane is not safe, that, say, it s only three cars, or it s six cars, or it s no cars, that it s simply not safe, then all bets are off as far as whether the ANC would still support this condition.

CHAIRPERSON REID: Well, we would get our direction from DWP. I mean, we are not we don t have the authority, nor do we have the expertise, to make that kind of call, and this is why when DPW speaks we will talk to them, and we will question them, and we will satisfy ourselves as to whether or not we feel that the report that they give us is adequate. But, we don t have the capacity to determine whether or not a lane is safe or not.

VICE-CHAIRMAN SOCKWELL: Mr. Griswold, it certainly is understandable that your response, the ANC s response, was predicated upon being given information that would allay any fears that a left-turning lane would not be appropriate in this

location, and would not be effective based upon the information provided to you by the consultants for the Applicant. And yet, in the hearing we will determine, to the best of our ability, whether or not we think that the testimony given supports or refutes that effectiveness and safety. And, the information that you carry back will be based upon what you hear here today, and, hopefully, it will be satisfactory to either necessitate new thought on the part of the ANC as a whole, or to give them reasonable assurances that once DPW and the District of Columbia as a whole have created this lane, should it be approved as part of the package, then the resulting traffic patterns will be sufficiently safe and workable, that there won t be a problem.

CHAIRPERSON REID: We share that concern, please understand that, that we would not want to be in a position of approving an application that would result in an unsafe condition on Foxhall Road.

MR. GRISWOLD: If I may simply add to that that there s the issue of safe conditions, as well as the notion that the ten car stacking also safely took cars out of circulation that would otherwise be inclined to route through the neighborhood under the previous plans. In other words, the southbound traffic on Foxhall Road is a great concern, and there remains great concern among the neighbors, including Commissioner Heuer who has submitted a minority statement to you all, there s great concern that if people are not able to safely get into that

left lane and turn left that they are simply going to go down Foxhall, turn around through W or Whitehaven, route around the neighborhood, come out and come back up from the south. So, if we don t have a ten car stacking lane that s safe, notwithstanding the school s representation that they only need three, if it turns out that you need more and they are not there, then that s either going to be unsafe, or both unsafe and routing, it will force traffic into our residential streets that we re very concerned about.

COMMISSIONER RENSHAW: Commissioner Griswold, is it Heuer who is the single member District Commissioner for that area?

MR. GRISWOLD: Yes, ma am, and she was not able to be here today, she s, apparently, on a prior commitment out of town.

COMMISSIONER RENSHAW: I understand.

Your meetings, did you discuss at all the situation of having an officer out in the roadway directing traffic, perhaps, in the median strip?

MR. GRISWOLD: Yes, that was represented to us. We didn t specifically address it in our recommendations, no, and I don t think it would be fair to say we premised our order, our recommendation, on that, but it certainly probably helped to tip the balance.

I will say that there was some concern raised by

some of the Commissioners, as well as members of the public, whether that would, not only be not helpful, but downright dangerous to have an officer out there. Again, this gets into an area of expertise where I m not qualified to say what kind of median strip and what kind of stripe line is safe, or helpful, or dangerous. But, yes, that was raised.

COMMISSIONER RENSHAW: And, did the Applicant in meetings with the ANC talk about other shuttle bus pick-up points, other than at the two Metro stops?

MR. GRISWOLD: Yes, they did.

COMMISSIONER RENSHAW: And, did they identify any pick-up points?

MR. GRISWOLD: No, they gave a basically similar answer that they ve given today, which is that they were looking into possibilities. I think they had mentioned down on MacArthur Boulevard, and that there were several homeowners who might volunteer to use their driveways as pick-up points, but they specifically said, as they have done today I believe, that they were not committing to any specific pick-up points, but the concept and a commitment to the concept of several more shuttle point pick-ups, in addition to the two Metro stops.

COMMISSIONER RENSHAW: Did you discuss at all whether or not there might be drop offs of children on the right side of the road, where parents do not want to turn into the school, but want to continue going south on Foxhall, and there s

a lull in the traffic, perhaps, because of jockeying to get in the left turn lane, and the child exits the car and then has to cross the street?

MR. GRISWOLD: My recollection is that that was raised and they said they would not permit that. That would be against school rules.

COMMISSIONER RENSHAW: So, the officer would be able to monitor that situation if that ever came up?

MR. GRISWOLD: I imagine that s their idea, yes.

COMMISSIONER RENSHAW: Okay.

CHAIRPERSON REID: Any other questions from Board members?

Are you

MR. GRISWOLD: If I can just kind of wrap it up.

CHAIRPERSON REID: oh, you paused and I wasn t sure if you were finished.

Go ahead.

MR. GRISWOLD: Yes. At the risk of belaboring the point, again, I would hope that now these volley of conflicting traffic reports can be resolved with the assistance of DPW, and, in particular, I may say that there s a widespread perception that their traffic report, the opponents traffic report, has said this stacking lane is not safe, and that Grove Slade has come back and said in their May 9th report that, well, we have a maximum queue of three cars, and, again, this is ambiguous. We

have trouble making it out. We are not experts, but we ve asked for it to be put on the table a specific result. Are we talking a ten car stacking lane that is safe, or are we actually talking something less.

COMMISSIONER RENSHAW: Madam Chair, another question for Mr. Griswold.

At your ANC meetings, when you discussed The Field School, did you invite and have testimony from the police and the fire department, having to do with the safety issues of Foxhall Road?

MR. GRISWOLD: I can t testify as to whether they were formally invited or not. I know that the issue came up in the course of one of the meetings, and that they were not there. My own recollection, I would not have been involved in the invitation, the chair would have done that, and I don t know whether they were formally invited.

COMMISSIONER RENSHAW: All right.

Did Mr. Slade, when he I assume that Mr. Slade appeared before your ANC?

MR. GRISWOLD: Yes, he did, on several occasions.

COMMISSIONER RENSHAW: And, did he present the accident statistics to your ANC so that you could consider those? He is going to, he said that he would provide that data for the Board, but has he presented it to you? Did he present it to you?

MR. GRISWOLD: I remember that the issue came up,

and some numbers were put out there. Whether he specifically gave us a written tabulation of any sort I, frankly, don t know. I don t have a recollection of one, but they may be in some of the voluminous proceedings. I was not present at some of the earlier ones, like a year ago when this first started up.

COMMISSIONER RENSHAW: Well, I ask the question because we have received a letter from Patricia Markum, who lives on W Street, N.W., and who said that the first D.C. traffic fatality of January 1, 2000 was at 4:00 a.m., on Foxhall Road, and I wanted to know if that piece of material was expressed at the meeting.

MR. GRISWOLD: Yes, that incident and several others in recent memory of people at those hearings was discussed and, obviously, informs our strident concerns about both the safety and neighborhood impact of that left turning, southbound traffic.

COMMISSIONER RENSHAW: All right.

Do you have a copy of the fire department report?

MR. GRISWOLD: I do not, no.

COMMISSIONER RENSHAW: All right.

MR. GRISWOLD: Whether the chair has it, I wouldn t know, but it s possible I don t have complete records. I say, this has been going on for some time.

COMMISSIONER RENSHAW: Thank you.

VICE-CHAIRMAN SOCKWELL: Let me just say this while we are talking about traffic accidents, let it not be thought

that a 4:00 a.m., traffic accident would affect the proposed use.

MR. GRISWOLD: Does that call for a response? I think I can add that the same observation was made at the ANC.

COMMISSIONER RENSHAW: Thank you for your response.

MR. GRISWOLD: It was of questionable relevance, but no one disputes, I think, that it s a dangerous road.

I have nothing else to add unless there are any other questions.

CHAIRPERSON REID: Do you want to cross examine this witness from the ANC?

MR. AGUGLIA: Just a couple of questions.

Were you aware of other instances that happened in this year that caused Foxhall Road to close down either partially or completely for some time period?

MR. GRISWOLD: I remember that there were discussions of such instances. I don t personally know them and I couldn t name you dates and places, but I remember that there was discussion that Foxhall Road had, in fact, closed down, I think, the day before one of our hearings.

MR. AGUGLIA: Due to a traffic accident?

MR. GRISWOLD: I don t recall whether it was a traffic accident or construction, but I do remember that there was discussion that the road had been closed within several days prior.

Thank you very much.

CHAIRPERSON REID: Thank you very much.

Ms. Renshaw, do you have the letter from Ms. Heuer, the ANC single member District Commissioner and her position? While he s going back to find that, we do note for the record that the ANC-3D has submitted their report to us, in which they indicated that they had taken a vote and voted in favor of this application with conditions, as outlined in the Office of Planning Report, and as such they will be afforded the great weight to which they are entitled.

COMMISSIONER RENSHAW: Ann Heuer, the ANC-3D-06 Commissioner, has submitted to the Board a minority report dated May 8, 2000, and she said that she voted against the application. She has serious concerns about traffic safety and congestion on Foxhall Road. She has received a copy of the Neighbors Against Foxhall Gridlock report by the traffic experts, and she states that that clearly points out the safety and congestion issues, and it confirms her concerns about the issues, that she feels that any warning signals, such as a 15 MPH sign on Foxhall Road, will have no effect on commuter traffic, and the gridlock will occur, will only anger commuters and divert them to our residential streets.

She mentions the Ward 3 Comprehensive Plan clearly states that any infill project should not worsen existing traffic conditions. This is not true in respect to The Field School, Foxhall Road is already a heavily trafficked thoroughfare,

allowing The Field School to locate in this residential area will not improve the situation. She stated she would be out of town today and would not be able to present her opinions of the majority of my constituents to the BZA and, therefore, she is sending this letter advising the BZA that the neighbors most affected remain in opposition to The Field School s application for special exception.

CHAIRPERSON REID: And, what was the date of that letter?

COMMISSIONER RENSHAW: The date again is May 8, 2000, and it is a letter signed by Ann F. Heuer, ANC-3D-06 Commissioner.

CHAIRPERSON REID: Thank you very much.

All right. We ll go now to the Office of Planning report.

MS. VOGEL: Good afternoon. My name is Mary Vogel, and I m the Community Planner at the D.C. Office of Planning, located at 801 North Capitol Street, N.E.

My report is actually going to cover both our May 3rd addendum to our what was dated March 10, 2000 report. That March 10th report was actually not submitted on March 10th, however, because of the ANC meeting that night, and then we kept getting further information that had to that we did, in fact, take into consideration.

In terms of traffic, which we are going to cover today, we

covered the majority of our report at the March 17th hearing, but in terms of traffic the Applicant has submitted a detailed plan to mitigate traffic impacts. Given the large number of students who currently rely on public transit at its Kalorama location, school officials expect traffic usage to remain high, or transit usage to remain high. We ll be running shuttle vans from Tenleytown and G.W., Foggy Bottom Metro Stations, and additional drop-off sites. The school also will not permit students to park unless they car pool with a minimum number of riders.

By these measures, the Applicant s traffic engineering consultant, Grove Slade Associates, anticipates reducing the number of trips to the site during a.m. peak hour to 106.

The Department of Public Works reviewed the Applicant s report and found most of the proposed measures to be reasonable. It did, however, recommend a left-turn lane to be installed by the school to accommodate vehicles traveling southbound on Foxhall who wish to turn left into the school property.

In response to DPW s report, the school reexamined the possibility of putting in a left-turn lane on Foxhall Road that stacks entirely in front of the property and adds a small island. Its traffic engineers found such a lane could meet safety standards, as long as no left turns were made from the lower driveway. Left turns from the school s property will now

be made from the upper driveway, where the line of sight is much better.

Neighbors Against Foxhall Gridlock had prepared its own traffic impact analysis and planning analysis, prepared by MCV Associates, a northern Virginia traffic consulting firm. We took that analysis into consideration in preparing our report and wanted to respond specifically to some of the points that they raised.

First, students who drive, the report suggests that The Field School is overly optimistic in its car pool estimates, because of the D.C. Safe Teenage Driving Amendment Act of 1999, which would restrict the ability of the D.C. students to carry others, that is, D.C. students under 17, or 17 and under, to carry others. However, this law only impacts the ability to car pool of students from D.C., who are 17 and under. The majority who drive are from Maryland and Virginia, and as was testified today the 38 student spaces can be filled by seniors 18 years and older.

Percentage of students and staff using public transportation, MCV challenges the 36 percent figure used by Grove Slade regarding public transit usage and suggests that 25 percent is more realistic. OP concurs with the higher percentage, given that surveys performed of the parents indicated that approximately 90 percent of the parents would use the shuttle service, but the 36 percent figure, the figure for public

transit usage the current location, was used as a conservative estimate. This is also why OP is suggesting that future expansion be dependent on the school s achievement of its traffic reduction goals, however, to be sure that it is actively promoting this transit usage. And, we did, in fact, include that in the proposed conditions.

Staff and employees will be required to arrive before 7:30 a.m., that is, before the a.m. peak hour. Service and maintenance traffic was also included during the a.m. and p.m. peak hour traffic in the MCV report, that was not included in the Grove Slade report. The MCV trip generation assumed that all faculty and staff would arrive during the a.m. and p.m. peak hour, as compared to the Grove Slade report that states that all faculty and staff will arrive before the a.m. peak hour, and half would be during the p.m. peak hour. The resulting trip generation from the MCV report is 200, that is, 374 versus 174 trips greater in the a.m. peak hour than the Grove Slade report, and 160, that is, 246 versus 86 trips grater in the p.m. peak hour, as compared to the Grove Slade report.

Traffic impacts of The Field School, OP notes that some of Foxhall Road s current usage is quite discretionary. Adding a 15 MPH school zone and peak hour traffic officer and at least one traffic light on Foxhall Road will probably persuade some of Foxhall s commuters, especially those from further points, to find alternative routes. The Field School and the

planned improvements will likely slow traffic on Foxhall Road, and as some neighbors have pointed out this may be seen as a benefit.

Levels of service, with regard to the existing levels of service at the intersection of Garfield and Foxhall, the a.m. volumes in the MCV analysis were higher than the Grove Slade report. Grove Slade videotaped the intersection of Garfield and Foxhall to prove that the operations of this intersection result in queues that clear in every signal cycle during the a.m. peak hour. The p.m. volumes were significantly higher in the MCV analysis than in the Grove Slade analysis, which leads us to think they analyzed the commuter peak hour between 4:00 and 6:00 p.m., rather than the school peak hour between 2:30 and 3:30 p.m., and that s been discussed already today. OP believes the Grove Slade should legitimately be used here.

The intersection of Foxhall Road and Whitehaven Parkway, the MCV report presents the intersection of Foxhall Road and Whitehaven Parkway as failing in future conditions with a signal as compared to the Grove Slade report that does not. The MCV report did not optimize the signal timing at this intersection to result in acceptable levels. Shifting some green time from one movement to another would easily make this intersection operate at acceptable levels. This intersection appears to be less of an issue with the left-turn lane solution

that is now proposed.

The Department of Public Works, the Department of Public Works reviewed both the Applicant s traffic plan and analysis prepared by MCV Associates for Neighbors Against Foxhall Gridlock, and did its own study in response to citizen concerns about the traffic impact for the various institutional expansions scheduled for the Foxhall Road corridor. The DPW plan makes the following recommendations, or actually, the DPW report makes the following recommendations.

First, the Board of Zoning Adjustment should require that implementation of the transportation management plan, as detailed in the February 29th memorandum, that is of Grove Slade Associates, be a condition of approval, although DPW does question the use of a traffic control officer as possibly unsafe for the officer, due to the limited sight lines along this stretch of road.

DPW recommends that the Applicant widen Foxhall Road adjacent to its property and fund the construction of a left-turn stacking lane for southbound traffic turning into The Field School. DPW feels that this would minimize what it sees as the likely result of a previously right-turn-only restriction, that it would increase the likelihood that some cars will use neighborhood streets to cut through to Foxhall or to turn around.

In the event that and number three in the event that the Board does not impose the above condition, DPW

recommends that the left-turn prohibition be lengthened to apply from 7:30 a.m., to 9:30 a.m., to coincide with the rush hour time period on Foxhall Road.

The Office of Planning believes that the new design for a left-turn lane with stacking and an island addresses both of DPW s first two concerns here. The school intends to move the utilities underground, as they widen the road, and DPW also requested that they lay conduit for the city as well, in case a traffic light is needed in the future. Representatives of the school felt that this would be no problem.

I might say that our report well, certainly this March 3rd report, and even our rather, our March 10th report, and even our May 3rd report, were both done before we had access to the new traffic consultant s report for the Neighbors Against Foxhall Road, so I ll speak to that a little bit more in a minute.

The Palisades Citizens Association has also recommended that the school be approved, but with several conditions, chiefly that the Department of Public Works do a comprehensive study and implement a series of recommendations to improve traffic flow and minimize the intrusion of traffic bound for the school into the adjacent residential neighborhoods, and they feel strongly that such a step is necessary in relation to all the school activity in the area. And, again, that condition is incorporated in some way in the series of conditions that we

listed in our May 3rd report, in fact, it s number 23, requiring the school at least to work with the neighbors to approach DPW to implement such a plan.

In terms of, the Palisades Citizens Association is particularly concerned with the recommendation made by DPW to install a traffic light at W Street, and DPW was willing to drop that call for a traffic light at W Street in the face of neighborhood opposition.

CHAIRPERSON REID: Ms. Vogel, can I ask you to summarize, just give us the highlights and summarize your report for us, in the interest of time? Thank you.

MS. VOGEL: Okay.

Well, in terms of parking, the school plan was to provide 128 parking spaces. The zoning regulation required 90 parking spaces, and the school felt that its maximum need might be 98. However, they were going to provide the 128 in deference to the neighborhood and the feeling of some neighbors that, in fact, they wanted to assure that none of the neighborhood streets were used for parking.

The Office of Planning, like all D.C. agencies, however, is responsible for addressing the Federal Clean Water Act, and the Clean Air Act, and the Chesapeake Bay Agreement, and such things, and so we asked that the school, perhaps, investigate a compromise where space be provided for overflow parking should it actually be needed beyond the projected 98, but

that those spaces, perhaps, be paved with a more porous surface to meet both our own and the ANC s concerns.

So, let s see, the D.C. Environmental Health Administration had also suggested this possibility of utilizing some kind of porous pavement.

In our May 3rd report, again, we had completed this report before we had the new consultant report here, and we will ask that DPW speak to what it s doing in terms of the latest consultant report and how it will address that, because we generally have relied on DPW for this more technical aspect of the traffic consulting.

So, let s see, in terms of our recommendation, what we tried to do in these 23 conditions was, basically, consolidate, Mr. Sockwell had suggested that the ANC had only seven conditions, but if you looked at the ANC s conditions they actually referenced a lot of pages in our report and they referenced the entire school operations plan. We figured that, wait a minute, we should go back and put these all down in one place, so that we could be clear as to what, in fact, the ANC was recommending, and in order to give them great weight. We felt that their recommendations in this case were quite reasonable, and so we incorporated these into these 23 conditions.

And, I guess one of those conditions well, several have already been mentioned, but number 13 is that no more than 106 vehicles should be allowed to enter the school

property during the a.m. peak hours, 7:30 to 8:30, conformance to this limit should be tied to planned expansion from 260 to 320 students. So, we would, in fact, want to see some kind of monitoring, I guess, of this condition, so that we could be assured that that is, in fact, happening.

And also, we felt that the size of the parking lot should be reduced to no more than 110 parking spaces, major evening and weekend events should also require car pooling or van pooling from Metro stops. This is, again, referencing back to our earlier recommendation, and then the ANC s strong feeling about limiting the parking as well. And, part of this was based on my conversation with ANC Commissioner Ann Heuer, who expressed that as a very strong concern that the ANC had during its discussion, the parking spaces.

So, I guess I could go ahead and conclude. I don t think you want me to read through all of the suggested recommendations.

The Office of Planning does recommend conditional approval.

CHAIRPERSON REID: Basically, Ms. Vogel, you can highlight a few of them and what our charge would be to take those that you give us, those that the ANC has given us, those that DPW gives us, and our own, and try to, you know, basically, condense them into some type of order, if, in fact, this were to go forward.

MS. VOGEL: Sure.

CHAIRPERSON REID: But, you know, I think that most of them have already been hit upon, especially those that have not, in addition to the ones that have already been stated, just highlight the ones that some of the other ones.

MS. VOGEL: Yes, and thank you, I appreciate that.

CHAIRPERSON REID: And, verify, how many altogether?

MS. VOGEL: Twenty three.

CHAIRPERSON REID: Twenty three?

MS. VOGEL: Yes.

CHAIRPERSON REID: And, there were

MS. VOGEL: Many were part of the school s operation plan and that was already covered.

CHAIRPERSON REID: Right. Well, the only thing I was going to say was that, in addition to those 23 you may want to add in the recommendation the cap. I mean, in the condition, I m sorry, the cap of 320 which was included in your discussion, but not as one of the conditions, the cap on the number of students, that is.

MS. VOGEL: Yes, okay. Well, I guess we just thought the planned expansion was, in fact, to 320 students, so we would be happy to add that as a condition as well.

But, in any case, I think it was, let s see, I figured that at least one through 11 were in the operations plan of the school, so it s only from 12 to 23 that are other, you

know, outside of that operations plan. And, I did highlight number 16 already.

I did want to mention that

CHAIRPERSON REID: Number 16, which is?

MS. VOGEL: the school parking lot should be no more than 110 parking spaces.

CHAIRPERSON REID: Wait a minute, which one is that?

MS. VOGEL: Number 16.

CHAIRPERSON REID: Number 16.

MS. VOGEL: Yeah.

CHAIRPERSON REID: Wait a minute, I thought that I saw earlier 128 with a circle around it.

MS. VOGEL: Well, 128 is the number that the school

CHAIRPERSON REID: Requested?

MS. VOGEL: yeah, that they had requested, and they reduced that, and especially in order to meet the request of the ANC that the parking lot should be set back at least 80 feet from the adjoining properties to the south, and they wanted screening vegetation to be installed and maintained in this buffer.

CHAIRPERSON REID: Okay, and now

MS. VOGEL: And, we concur.

CHAIRPERSON REID: did you discuss why you are recommending a lesser amount than what they are proposing?

MS. VOGEL: Yes, because the ANC was calling for that quite strongly. In my discussion, again, with Ann Heuer, ANC-3D, she said that this setback of 80 feet was very important, and that the lesser amount of parking that we originally referenced in our report, the 98 spaces, is what she wanted, actually, but in having a discussion then with the Applicant themselves we came up with, you know, the compromise, but what she wanted was 98.

CHAIRPERSON REID: So, the Applicant would be happy with the 106?

MS. VOGEL: Beg your pardon?

CHAIRPERSON REID: You are saying that that was a compromise number that you came up with and negotiated with the Applicant?

MS. VOGEL: What ANC-3D wanted, the 98 that ANC-3D wanted, and the 128 the Applicant originally proposed, the compromise was 110 parking spaces.

CHAIRPERSON REID: Okay, and then my question, I don t have any question with the 110, my question then was, if, in fact, there were additional parking spaces that would interfere with the request for the 80-foot setback?

MS. VOGEL: Well, the lesser parking spaces number of parking spaces, would allow that 80-foot setback far more easily, you know, in the area proposed for parking. If they reduce the number of parking spaces, they can, in fact, get to,

you know, can do that 80-foot setback.

VICE-CHAIRMAN SOCKWELL: Let me ask a quick question, Ms. Vogel, since we are on that. Is the 80-foot setback driving your parking space reduction, or is your parking space reduction driving your 80-foot setback, because they are two different things with different reasons and different meanings, and they should not be combined as sort of a we ll do it this way to get that situation.

MS. VOGEL: Well, I think

VICE-CHAIRMAN SOCKWELL: That s, fundamentally, not good planning, if you understand where I am coming from.

MS. VOGEL: sure, I certainly do.

Well, part of the feeling in terms of the parking spaces in the first place is, you know, if you provide it they will come, so it is also, as I suggested earlier, part of our efforts to address the well, the fact that maximizing the number of parking spaces is not always going to be seen as a positive because of the other things that the Office of Planning has to address, like the Clean Air Act and the Clean Water Act.

CHAIRPERSON REID: But, Ms. Vogel, what I m trying to reconcile

MS. VOGEL: The zoning requirement is 90, for 90 spaces.

CHAIRPERSON REID: Yeah, 90, at least 90. But, what I m trying to reconcile is, the issue of one adverse impact

factor vis-à-vis another, and I guess it was brought up this morning was the issue of students parking, that not wanting the students to park in the street and imposing penalties, and it appears to me that if parking is provided then that would, you know, negate that concern of the students feeling the need to park in the neighborhood, and then it s going to raise the issue, well, they wanted to have more green space rather than having the paved space for the parking. So, my question to you is, is that the solution, the 110 spaces then would do you think that would preclude any problems with the students, perhaps, parking in the neighborhood? Is that what is driving that?

MS. VOGEL: Well, all right, first of all, again, the ANC that represents the area probably discussed this, yeah, I mean I think they did some balancing between, you know, the desire not to have students parking on the street, or any of the school s staff and faculty parking on the street, but I think they felt that one of their other concerns was both from a from some of the environmental factors, like storm water runoff, and also the fact that parking lots generally cause something of a micro climate change, you know, have a heat island effect and that sort of thing. They just wanted to see that

CHAIRPERSON REID: Have what kind of an effect?

MS. VOGEL: heat island, you know, they cause additional heat in the atmosphere.

CHAIRPERSON REID: So, basically, it s kind of a

struggle between more parking spaces and more green, with the likely problem of there being students parking in the neighborhood, and I guess it s a toss up as to which is more important. Is it that, if you could solve the problems in parking in the neighborhood by providing parking, but then, on the other hand, too, you want more green space, and you can t have, you know, you can t have it all, so it s got to be some balancing that would be realistic and suitable for that particular situation.

MS. VOGEL: Sure.

CHAIRPERSON REID: And, is that answer, that s my question.

MS. VOGEL: Well, the figure of 110 could be, you know, one of the other issues, I guess, driving the school s request for 128 was just any extra.

CHAIRPERSON REID: I mean, this is not my area of expertise, but from a larger point of view, there are ten acres there, it seems to me that both issues should be able to resolved pretty satisfactorily.

MS. VOGEL: Well, except that this is fairly steeply sloped land, and, you know, even the parking area was going to be somewhat sloped as well. So, you know, I think that was part of it, but we were trying to accommodate to the ANC s position, who requested a reduction in parking.

MS. McCARTHY: Ms. Reid, let me add something.

CHAIRPERSON REID: Ms. McCarthy, are you trying to get in? I m sorry.

MS. McCARTHY: I think as Mary was alluding to, it is a difficult balancing act, but we thought relying on the feedback of the people who are most likely to be affected, the constituents of the ANC, that was the reference, but also this is an issue that is faced I know it was a major issue in Georgetown Day School and other cases, and the process there was to focus more on enforcement, either by requiring students to have decals on their car, and having the school, first of all, establish as a clear policy that anybody who is reported by a neighbor to have parked on their street with a decal, or to even have parked on the street and be seen walking to the school, that that would be dealt with, you know, appropriate punishment or whatever from the school.

CHAIRPERSON REID: Ms. McCarthy, I understand what you are saying, and I appreciate it very much. What I m getting to is, lately we ve been getting a lot of complaints about our conditions, and the fact that they are not being, you know, enforced like they should be, and, therefore, not taken seriously. So, my thought then was, creating a scenario where you have less need for enforcement by bridge of the fact that you provide certain things that would make it less likely that you d have the problem in the first place, that s what I was thinking that we might want to look at with these issues, because, let s

face it, if there s not enough parking spaces then the kids are going to park in the neighborhood, and then it s going to be a problem that has to be addressed, and how is it going to be enforced.

MS. VOGEL: Again, the traffic consultant, though, projected the maximum need would be 98 parking spaces, so, you know, I mean, and again, if you build it they will come.

VICE-CHAIRMAN SOCKWELL: Did the Office of Planning take into consideration the Mount Vernon approval, Mount Vernon Campus approval, and the fact that there will be some potential off-site parking generated there? It is probably more appropriate in that environment to consider very carefully any on-site parking reductions as, perhaps, having a collateral negative effect, when combined with other off-site parking conditions that may have been approved and may be forthcoming shortly. And, I think that there are some tradeoffs here, but just as the Applicant has to look at those tradeoffs, the Office of Planning and our other city agencies have to look at those tradeoffs in the context of their report analyses.

MS. VOGEL: Well, one possible resolution, too, would be for the neighborhood to accept zone parking, and, of course, call for its strict enforcement.

CHAIRPERSON REID: I don t know about that, that might be opening a Pandora s Box.

MS. VOGEL: I have it in my neighborhood.

COMMISSIONER RENSHAW: Madam Chair, I have several questions for the Office of Planning, Ms. Vogel.

Number two, where you talk about the school will strictly enforce car pooling, and that no students can have the privilege of driving to campus without at least two passengers, either students or faculty. Are you creating an unsafe situation? Recent studies have talked to the effect that the safest situation is a student driving by him or herself, and not having any other peers in the car with the student. So, here we are suggesting at least two passengers, and I am not sure that that is wise for this governmental body to be creating a situation which could very well be unsafe, and given the authorities that have been publishing on this subject, counter to what they are recommending.

MS. VOGEL: Well, again, you know, our office, as are all the various agencies of the D.C. government, are responsible for addressing the Clean Air Act, and the Clean Water Act, and all, too, and car pooling is certainly one of the ways that we are trying, as a region, to reduce the negative impacts of single vehicle occupancy.

So, I guess, you know, another potential condition would be a training session for The Field School drivers or student drivers, in terms of vehicle safety. I don t know.

COMMISSIONER RENSHAW: Well, that s why I had recommended that a police person be at this meeting, so that we

could talk about this, perhaps, somewhat representatives from the PSA involved in this particular area, because I do not like the idea of recommending and really promoting car pooling among kids, among young students. I don t think that that is a very good idea.

Next point, you say that, number three, the school will not start any outdoor athletic event after 6:00 p.m. Is there a cutoff time. We know that the lights go down at 9:00 p.m., but what about an outdoor athletic event that starts at 5:00 to 6:00?

MS. VOGEL: Well, this is in the operations plan for the school, and I guess would be better addressed to, perhaps, Clay would be speaking Clay Kaufman would be speaking for Elizabeth Eli here. We I guess I ll stop there.

CHAIRPERSON REID: I think that

COMMISSIONER RENSHAW: That gives me an answer, but I am just recommending that, perhaps, the language of OP s recommendation here might be altered so that you are not talking about the start of any outdoor athletic event after 6:00, that you are talking to the point of when these athletic events are going to end, so that the neighbors can get a sense of when, shall we say, peace may return to the valley.

All right, you did not mention any outdoor athletic events that might bring the students out onto the streets around there. This is a school that has a cross country team, and are

they going to do their cross country from The Field School into the neighborhood? I just didn t understand what you are going to how you are going to address that.

You also, the OP report does not have any recommendations to the Board regarding the number of special events. You have a reference to special events in number seven, shutting the lights at 9:00, and not turn on the lights at this parking lot on Saturdays, Sundays, except for special events, but there s no special words on the number of special events that OP is recommending.

CHAIRPERSON REID: I think that s three special events.

COMMISSIONER RENSHAW: Yes, but it s not in this report.

CHAIRPERSON REID: That s one of the conditions.

COMMISSIONER RENSHAW: It should be.

Number eight, the school will not allow any outside group to rent its facilities. I am questioning or suggesting that OP insert including the parking lot, and I say that because it s going to be very tempting for the Belgian Embassy across the street to inquire of the school for use of the parking lot for special events, and I think that the neighbors might want a condition in this that the parking lot will not be used for embassy events.

CHAIRPERSON REID: Let me ask a question here, Ms.

Renshaw. One of the conditions also was that The Field School had agreed to allow ground to be used by the neighbors. Now, if, in fact, there is something happening at the Belgian Embassy that would require parking in the neighborhood, wouldn t it be better for them to park there?

COMMISSIONER RENSHAW: Well, I think that this is something that should go back to the ANC, and the ANC should discuss it with the other community representatives and decide how you d like to handle it, and suggest to OP.

CHAIRPERSON REID: In our desire to try you know, to impose as many conditions as we can to mitigate adverse impact, at the same time we don t want to inadvertently cause one.

COMMISSIONER RENSHAW: Well, that s true, it s a tightrope that you walk here.

CHAIRPERSON REID: Yes.

COMMISSIONER RENSHAW: But, the other thing to consider is that if you are allowing parking in The Field School for a special event at the embassy across the street the lights go up, they do not go down. In other words, these are events which may go well beyond 9:00, and so you are going to have to accommodate that.

VICE-CHAIRMAN SOCKWELL: Well, let me say this, if I may. I have questions about several of your statements, Ms. Renshaw, one of them, with particular interest in being fair, we

have no conditions on the Belgian Embassy for events. In that light, should they have a program that requires extensive parking, it would be to our benefit not to force that parking into the community on the streets. I don t think the neighborhood would want that.

COMMISSIONER RENSHAW: I --

VICE-CHAIRMAN SOCKWELL: I m not through yet, though, on this. And, allowing them to park on the property of the school is one thing, certainly they can be made aware that the lighting has to be turned out at 9:00, and that would be a condition on The Field School, not on the Belgian Embassy, and what The Field School is required to do has nothing to do with the Belgian Embassy.

I would also want to state that with regard to car pooling, I think that it is more appropriate to see a group of kids going to school with other kids and the car full of books, than to see the kids driving around on the weekends with a car full of booze. And, I think that for the children going to The Field School to car pool teaches, to a degree, a certain amount of responsibility, because at that age driving is certainly a privilege and they don t own their own cars from their own jobs most often. But, I think that car pooling is a necessary situation, just like latch-key kids is a necessary situation, which has its negatives. And, I think that we have to be fair in looking at this, and realize that this is a modern age that we

have to work with.

COMMISSIONER RENSHAW: On the matter of the embassy, I did suggest, once again, that this matter be referred back to the ANC and the other civic associations, and I think that their voice should be heard by the Office of Planning in deciding how you would like this matter handled. And, that should be it.

And, I have one other question here. Number 17, where you are talking about screening vegetation must be installed, are you would you also consider inserting in this language some option for fencing or a wall, for instance, should the most direct abutter require that. In other words, it s not just screening vegetation to be installed, but I should think that there may be the need for fencing or a wall.

MS. VOGEL: Well, again, we took our lead from the ANC. I think our own preference would, in fact, be the screening vegetation and the berm that the school has already proposed, you know, as being the most natural. It seems that this neighborhood has expressed, you know, some interest in keeping the site as pristine and park-like as possible.

COMMISSIONER RENSHAW: And, I respect that, but I m also talking from the experience of living in a neighborhood with a school, with a very active student population, a student population that drives a great deal, and, again, the neighborhood required a wall and it has been very successful and not offensive at all. So, I m just suggesting, again, the neighbors decide.

MS. VOGEL: Well, one of the conditions is, in fact, regular meetings between the school and the various representatives of the neighborhood, including the ANC, but many of the other local citizens groups as well, and I guess if they, at some point in the future, were to require that, then the Office of Planning would have no problem, but we would not I don t believe we would want to put it into our recommendations at this point.

COMMISSIONER RENSHAW: Thank you, Ms. Vogel.

COMMISSIONER MOULDEN: Madam Chair, is it our goal to approve or accept the Planning Department s report today?

CHAIRPERSON REID: No.

COMMISSIONER MOULDEN: Okay. I think we should move to move on to the DPW report, and before we make a recommendation on these projects that we consider these recommendations from the Office of Planning, along with other conditions, so that we can move forward.

CHAIRPERSON REID: I agree.

MR. BOLOTIN: Madam Chair?

CHAIRPERSON REID: Yes.

MR. BOLOTIN: I have some limited questions that I need to have answered, if I may.

CHAIRPERSON REID: Sure, you will have an opportunity to cross examine the Office of Planning.

MR. BOLOTIN: Thank you.

CHAIRPERSON REID: I just wanted to point out, in regards to whatever conditions or suggestions are made here at this time, that it s incumbent upon us to make a final decision. I don t think that in these proceedings, typically, we send a matter back to the ANC for them to make a decision on. We have it before us and we have to decide whether or not we are going to accept, reject, alter, amend, or whatever we want to do. I think that when we get into deliberations we can then discuss the issue as to the use of the parking lot, and whether or not we want to have it restricted, or whether or not we feel that it would relieve some of the parking pressure from the Belgian Embassy. We ll handle it in that vain.

Also, I think that we should be mindful of the fact that this is a school, it s not a prison, it s not a jail, and as such we want to carefully balance the needs of the children who are getting an education, a full education, which has all of the other things that go with it, getting back and forth, and the extracurricular what have you, so they will not be deprived, as well as looking at the impact on the neighborhood. And, I think that we can strike a balance somehow along the way so that all entities can somehow be satisfied, hopefully, all entities can be satisfied.

COMMISSIONER MOULDEN: A lot of these issues are site plan issues that can be worked out after we hear DPW s report, and we hear all of the testimony and information on this.

The site plan is the most important layout of this plan. We can t really make the total decision until we here everything on this case.

CHAIRPERSON REID: Right.

COMMISSIONER MOULDEN: It may require that we add additional conditions to OP s report, too.

CHAIRPERSON REID: Yes, we are kind of like hopping ahead of where we need to be right now.

Cross examination of the Office of Planning, Mr. Aguglia, Mr. Bolotin, and Mr. Swendiman.

MR. AGUGLIA: I ll try to be I ll try to speed this along, because we have about an hour s testimony that we want to present as part of our opposition.

CHAIRPERSON REID: Yes, right.

MR. AGUGLIA: All right.

Now, Ms. Vogel, you were at the last BZA meeting, correct?

MS. VOGEL: Yes, I was.

MR. AGUGLIA: All right.

And, you were aware that because of the last minute introduction of this new stacking lane that the hearing was bifurcated until today.

MS. VOGEL: Yes.

MR. AGUGLIA: All right.

You were aware that the school had until a certain

date, I think it was April 13th, to submit their final plan.

MS. VOGEL: Yes, I was.

MR. AGUGLIA: And, that we had until May 3rd to submit our opposition, if any.

MS. VOGEL: Yes, I was.

MR. AGUGLIA: All right.

Now, you stated a little while ago that you rendered your recommendation to this Board without the benefit of our expert analysis, isn t that correct?

MS. VOGEL: Ah

MR. AGUGLIA: We can have this gentleman read it back to her, but is that correct, did you render your decision without the benefit of having our expert analysis?

MS. VOGEL: well, our report was also due on May 3rd, any addendum to our report was due on May 3rd as well. We didn t get your report until the end of the day, and we were also very reliant upon DPW in terms of interpreting your report. We did, in fact, make a great effort to reach them in order to incorporate some kind of further analysis of your report and were unable to.

MR. AGUGLIA: You didn t receive our report around noon on the 3rd?

MS. VOGEL: No, I didn t.

MR. AGUGLIA: You didn t?

MS. VOGEL: No.

MR. AGUGLIA: Was it delivered to your office around then?

MS. VOGEL: I am not aware that it was.

MR. AGUGLIA: But, despite the fact that we had until the 3rd to file it, you did not take it into consideration in making this recommendation to the Board, correct?

MS. VOGEL: Well, I didn t address it in the report.

MR. AGUGLIA: All right.

MS. McCARTHY: Also, let me add, Mr. Aguglia, that when it comes to technical highway design issues, which was basically what your report addressed, which we did look at before we submitted our report, our report had been written, it didn t raise issues that we felt we were capable of addressing. We are not the Department of Public Works.

So, we were aware of the fact that the Department of Public Works had met with had an ongoing series of meetings with you all and with the Applicant, and we felt it was much more appropriate for them, you know, we don t usually deal with AASHTO design standards or the Manual for Uniform Traffic Control Devices and that sort of thing.

MR. AGUGLIA: Wouldn t it have been more appropriate to delay your decision pending giving us a fair shot at our presentation? Wouldn t that have been the appropriate thing to do?

MS. McCARTHY: Well, no, I mean, we felt what the

appropriate thing to do was, is to say to DPW, these are technical highway design, traffic design questions, we really want you to be here at the hearing today, and they are, and

MR. AGUGLIA: So, all right, let me ask you this then. If, in fact, it is proven that our study is correct and the Grove Slade report is incorrect and presents an unsafe hazard, is the Office of Planning prepared to make to change its recommendation to this Board?

MS. McCARTHY: Certainly. If the Department of Public Works told us that upon consideration of the evidence they felt that this was an unsafe situation, we certainly would not recommend that to the Board.

MR. AGUGLIA: Okay.

VICE-CHAIRMAN SOCKWELL: Mr. Aguglia, just as a matter of procedure, have we qualified your expert as an expert at this point?

MR. AGUGLIA: Not yet.

VICE-CHAIRMAN SOCKWELL: Okay, so we might want to strike the word expert from your analysis until we ve qualified your expert.

MR. AGUGLIA: That s fine.

VICE-CHAIRMAN SOCKWELL: Thank you.

MR. AGUGLIA: Okay.

CHAIRPERSON REID: Mr. Aguglia, procedurally, typically that doesn t happen, as far as them having the analysis

hearing your report, the order of procedure is the Applicant, and then the government reports, and then the persons in support, parties in support and persons in support, and then the persons and parties in opposition, and, unfortunately, your testimony doesn t fall until after the Office Of Planning report. And, I think that the issue that you raised is a good one, because you are right, they don t have the benefit of what you are going to present before making their analysis, and so, perhaps, we need to revisit how the procedure is done and see if we can try to somehow reconcile that problem.

This is the first time this has come up, too, incidentally.

MR. AGUGLIA: I am a proponent of what I ll call due process. I think it s unfair for me to put on the Board at the very last minute a very complex argument, or DPW, or OP. I want it out front, delivered to everyone.

CHAIRPERSON REID: I think that what we ll do is

MR. AGUGLIA: So that, they can understand it and have time to vote on it.

CHAIRPERSON REID: Yes, the Zoning Commission member is not here, nonetheless, I think that I will take it up with them to make sure that they take into consideration to see how we can not have a problem like this come up again.

MR. AGUGLIA: Right.

CHAIRPERSON REID: I appreciate your bringing this

to our attention.

MR. AGUGLIA: Yes, and, of course, I don t be at the awkward disadvantage for my client that you ve had the Grove Slade report for months and you suddenly get mine five minutes during the course of the hearing, with no chance to digest it.

CHAIRPERSON REID: Yes, sure.

MR. AGUGLIA: All right.

But, the point I wanted to know was if, in fact, they were proven wrong that you would, in fact, change your recommendation.

Okay. Going to your March report, I don t see any analysis in here of the Ward 3 plan, which highlights that the ward s most outstanding characteristic is its low density stable residential neighborhood and the need to preserve it. Why does your report not address what is considered to be one of the main themes of the Ward 3 plan, which is part of the comprehensive plan?

MS. VOGEL: My supervisor would like to address that.

MS. McCARTHY: I think I d like to address that. We did not specifically reference the Ward 3 plan, it s very consistent with the comprehensive plan as a whole, which is, as you know, to support all of the District s stable neighborhoods and to reinforce that.

We also looked at, or were aware of, the appellate

law, and for some reason the case is escaping me now, the one that said private schools are not, after all, under something, private schools are considered, as you know, in appellate law, and by the fact that they are placed as a special exception, and not as a variance, a use variance, are considered to be something that is quite consistent with the residential character of neighborhoods. So, we did not find that at all at odds with that particular policy of the Ward 3 plan.

MR. AGUGLIA: You did not.

Were you aware of the more recent case that was decided by the Court of Appeals, in which the court stated reversed the Zoning Commission s decision and sent it back because they had failed to consider all aspects of the comprehensive plan?

MS. McCARTHY: Yes, you are talking about the apartment

MR. AGUGLIA: Which is a very recent case.

MS. McCARTHY: right, no, we are certainly aware of that, but as I said, we looked at the comprehensive plan and Ward 3 plan in general and did not find anything about private school use as a private school use to be inconsistent with a residential neighborhood. So, we focused, as the Zoning regulations require, on the specific impacts of a private school to see whether it meets the special exception test.

MR. AGUGLIA: You are aware that there are many,

many other institutions around this particular site, did you not see that the 1999 Ward 3 plan was sort of a call or cry by the citizens that they wanted to keep the residential neighbor the residential character of their neighborhood? You did not see that as being a direct outcry against the institutionalization of this area?

MS. McCARTHY: Actually, the Ward 3 plan was more explicitly directed at commercial encroachment in residential neighborhoods, and the language really was more geared to a number of development battles that were going on at that time, that related to commercial encroachment.

MR. AGUGLIA: Even though it says that the primary purpose, it s outstanding characteristic is the low-density stable residential neighborhoods, despite that language, isn t it a fact that in your report, either Ms. Vogel or Ms. McCarthy, your March report at page seven, that you say that the area has already been characterized by a number of institutional uses, such as former Mount Vernon College, St. Patrick s Church and School, and the Krieger Museum and various embassies, is that not correct?

MS. McCARTHY: Uh-huh.

MR. AGUGLIA: So, aren t you basically saying that we might as well institutionalize this because it s already institutionalized already, and let s just disregard aren t you saying let s just disregard the residential nature of this area?

MS. McCARTHY: No, I think we are saying that Foxhall Road, a major commuter arterial such as Foxhall Road, is a different situation than if one were putting a school smack in the middle of a residential neighborhood which has no other institutional uses, which is only accessed by very quiet, what would be termed in traffic engineering collector streets, you know, directly residential streets. This is not entirely a quiet, low-density residential neighborhood, that which is immediately abutting Foxhall Road number one, and, number two, this is a ten-acre site with a school that is relatively small by standards of the site, and the topography, and the way it s laying out. So, we felt that there was nothing inconsistent between the school and the character of the rest of the neighborhood.

MR. AGUGLIA: Which studies did you look at to see that, in fact, the size of the property was commensurate with the size of the student body and faculty?

MS. McCARTHY: No, I m not saying that. I m well aware of the fact that your study pointed out that as a ratio of open space to campus The Field School is one of the smallest, although

MR. AGUGLIA: That s not my question, my question is, what study did you look at to determine, to make to form the basis of your statement that, in fact, that the size of this particular size was good for this particular size of school?

MS. McCARTHY: We looked at the layout of the school and the amount of buffering that was provided between the school and the residential neighborhoods, and felt that the site design of the school had buffered it quite well from the surrounding residential impact.

MR. AGUGLIA: All right, so you were looking more at buffering than whether or not the site was good for the size of the particular school, is that correct?

MS. McCARTHY: Right.

MR. AGUGLIA: Now, one of your keynotes in this report and in your May report is the requirement that no more than 106 vehicles enter in the morning, at a.m. rush hour, correct? Is that correct?

MS. VOGEL: Yes.

MR. AGUGLIA: All right.

Isn t the only real way to enforce that, is that if, in fact, there s a traffic officer in front that stops the 107th vehicle and every other one after that from coming in? Isn t that the only way that this is going to really work?

MS. VOGEL: I don t think that s necessarily the case. We weren t asking for that enforcement on spot, we were asking for some way of monitoring that. We d leave that plan up to the school as to how that would be monitored.

MS. McCARTHY: Mr. Aguglia, we based that specifically on a similar provision that had been created with

respect to The Washington International School, and I personally spoke to the person who had been President of the Burleigh Citizens Association when that arrangement was worked out and asked him if that was working effectively as far as they were concerned, and he said the neighborhood was quite happy with that arrangement with Washington International School.

MR. AGUGLIA: But, if it doesn t work it s too late, isn t it?

MS. McCARTHY: No. I believe what we said was that the agreement, the arrangement should premise expansion of the school beyond its initial numbers on satisfactory attainment of that particular performance standard.

MR. AGUGLIA: All right, but here s my question. Let s assume that double the number of cars, that the school is built and double the number of cars come in than is projected, and it s causing traffic jams, do you think there s any possibility that the school is going to be closed down as a result of that?

MS. McCARTHY: I think what we recommended is not closing the school down, the school has made it quite apparent that they wish to expand when they get onto that site, beyond what their initial enrollment is. What we ve suggested is a clause very similar to the Washington International School, which was in exactly the same position, where the school is aware that unless they meet that target the neighborhood has, in effect, a

veto power over their expansion.

MR. AGUGLIA: So, if there s a monitoring that takes place, and there are more than the 106 cars on a regular basis, then you are saying that this Board should include some sort of stipulation that the school would be prevented from going to 260 to 320 students, is that what you are saying?

MS. McCARTHY: That s right.

MR. AGUGLIA: So, it would be a monitoring with a real effect.

MS. McCARTHY: Right.

MR. AGUGLIA: Okay.

CHAIRPERSON REID: Wait, wait, let me understand what you are putting upon the Board. Now, what did you just say, if what happens?

MR. AGUGLIA: What I m saying is, I m trying to if the Board is going to, in fact, adopt this proposal, which we oppose vigorously

CHAIRPERSON REID: Right, but

MR. AGUGLIA: in order to monitor the number of cars that are going in and out

CHAIRPERSON REID: okay, we have to realistic about this, if, in fact, there s a cap of 320 students and 110 cars, is it, 106 cars, 106 cars, what you are saying is that if that doesn t happen then the Board would then

MR. AGUGLIA: No, what I m saying, let me rephrase

it, what I m saying is that their initial enrollment is 260. They want to go to the site where they can expand their enrollment to 320, and add the athletic fields so the kids can play outside.

CHAIRPERSON REID: Right.

MR. AGUGLIA: What I m saying is, that they are restricted to 260 until we have a sufficient time to monitor to make sure that they don t exceed the limits posted in the Grove Slade report. If they do exceed it, then they can t expand to the 320.

CHAIRPERSON REID: Well, see that s what I m saying, we have to be very careful about that, because if they are at 260 and we have a condition for them to go to the 320, and they don t meet that condition, you are saying then they would not be allowed to go the 320.

MR. AGUGLIA: That s correct.

I mean, you yourself said the neighbors were complaining, and I ve heard this from many people, that the Board will impose conditions and they are never enforced, and then the traffic starts, and it s just an unfortunate circumstance.

CHAIRPERSON REID: Well, we have to determine the best way to be able to consummate something like that, and it s not it s not within our purview to simply say that if this doesn t happen than that, you know, because there is no mechanism that we know of that can adequately measure or monitor that event

actually occurring or not occurring. So, we have to be very careful about how we proceed with that.

Now, there is conceivably a manner in which that could be accomplished, I don t know what it is right now, but it can t just be done arbitrarily, to say, well, if this doesn t happen that doesn t, because the order that we put out is very clear as to what is supposed to happen, but there is no mechanism in there to allow for adjustments if they don t. That s what I m saying.

MR. AGUGLIA: I respectfully disagree. You could have them on a year s probation, so to speak. You could have a neutral person monitor.

CHAIRPERSON REID: Well, whether you agree or not, Mr. Aguglia, we don t have that kind of authority, you see, that s what I m trying to let you understand. We had the same problem with another school some time ago I mean, a few weeks ago, where it was proffered through the Office of Planning that we let them go occupy there for a year and then after a year revisit the situation and then make a decision, and it was made very clear that we cannot do that.

So, the point I m making is that, the objective can, perhaps, be accomplished in another way, but it will not be done with us putting in the order if this doesn t happen then that will happen. It s just now allowed. We don t have that authority. That s the whole point I m trying to make.

And, I understand your concern, and when we discuss it in our decision making, that will be considered, and we ll see how we can address it, but it can t be addressed like that, because there s just no provision for us in the regulations to be able to do that.

So, I don t want you to have an illusions.

MS. McCARTHY: Okay, Madam Chair, a couple of ways that we had thought of to approach that. One is, as the Washington International School did it, was an agreement that was drawn up between the school and the neighbors that was covenanted to run with the land, and which the school agreed to and the neighbors agreed to, and in which the school agreed not to seek an expansion unless the conditions were met, and that agreement was then incorporated in the final order by the Board of Zoning Adjustment.

A second approach is to provide in the order approval for only a certain number of students, and then if they wish to expand their certificate of occupancy to encompass additional students they have to come back and request an increase.

I don t know if there s a way to do that without having to do a full hearing.

CHAIRPERSON REID: The whole point I m making is that that s something we cannot do. We cannot do that, but that s a different order. If, in fact, we mandate that there be

260 students, and that is what will be in this particular order, and then if, in fact, they want to increase it after so much time has passed then they have to come back before the Board and that will be a different order.

MS. McCARTHY: Right, that s what I m saying, that s one possibility, is just approving a certain level and requiring them to come back. I assume, and I m trusting that the legal minds out there can come up with a way of doing that that maybe doesn t require starting from ground zero and coming back again.

CHAIRPERSON REID: Well, that s two different applications, unless now, if, in fact, the community and the Applicant, the opposition and the Applicant have an agreement among themselves that, you know, they want to include as a part of the order, that s one thing, but it s not something that we can do as far as giving them so much I mean, allowing them to start with a certain number and then after so much time if they have not violated any of the conditions to add more to it.

MR. FEOLA: Madam Chairperson, Phil Feola for the Applicant, and maybe we can cut through a few of these things.

There are a whole series of monitoring things that can be done. We ve all ran over these traffic counters that are put in driveways, we can have them certify that for a certain period of time, Mr. Aguglia s clients can look at them, and check them, and we can submit them to the Board. In fact, this Board has a precedent of requiring continuing reports from private

schools every three years to see where enrollments are. They are open to the public, opponents can look at them, look at the enrollment figures and, basically, there s a way that this Board can feel comfortable, opponents can feel comfortable, that if there is a condition it s being met.

If you don t meet a condition in that zoning order you are subject to a $1,000.00 fine, period. If that report comes in and there s 107 cars clicking over that driveway in the morning, the Zoning Administrator probably won t close the school down, I ll concede that to Mr. Aguglia, but there s a civil infractions requirement, it s $1,000.00 a day fine, it s $365,000.00 a year. I would suggest that a non-profit school is going to do what it can to get that number from 107 to 106.

And then finally, we don t disagree with the Office of Planning. We are willing, the school is willing, to live with a bifurcated condition. Open the doors at 260, and you are permitted to expand to 320 some time in the future, provided that you don t exceed the 106. So, we can live with the exact exactly what I heard I think I heard Mr. Aguglia say, although, I respect that he s still opposing the application, a bifurcated cap, start at 260, go to 320, but only if we meet all the conditions.

So, I just wanted to sort of cut through that, and I think we are way past where we should be in terms of cross examining the Office of Planning.

MR. AGUGLIA: Were you at all skeptical, Ms. Vogel, about the 106 being the correct number of the a.m. peak hour trips into the school?

MS. VOGEL: No, I wasn t. I guess having heard the testimony of at the ANC-3D meeting, and at our last hearing of various members of the school and people associated with the school, I felt that they would, in fact, reach that commitment. I felt the traffic management plan was, you know, of the nature that would get them there.

MR. AGUGLIA: So, you believe that every teacher will be there before 7:30, every single teacher, every day?

MS. VOGEL: Well, I can t say there wouldn t be some exceptions, but, yes.

VICE-CHAIRMAN SOCKWELL: Mr. Aguglia, let me ask you a question, sir.

MR. AGUGLIA: Yes.

VICE-CHAIRMAN SOCKWELL: Did you attend public school?

MR. AGUGLIA: Did I attend public school?

VICE-CHAIRMAN SOCKWELL: Yes, sir.

MR. AGUGLIA: Uh

VICE-CHAIRMAN SOCKWELL: Ever?

MR. AGUGLIA: Ever attend public school? Private schools.

VICE-CHAIRMAN SOCKWELL: Okay.

Well, in public schools, which I attended, the teachers were there on time, the students were supposed to be there on time, and we were always there on time. Perhaps, unlike this Board, we always started on time.

But, I do mean to say that it s an issue that is normal to schools, that the instructors are there when classes are supposed to start. It s been going on that way as long as I can remember, and I don t think that it s any different in private school, and I don t think there s a basis for your question.

MR. AGUGLIA: All right.

Were you aware that there s 145 students that would be taking shuttle buses, either from the Metro or drop-off point, which is 45 percent and not 36 percent? Were you aware of that?

MS. VOGEL: Yes, my understanding was that the 36 percent were people who would actually be using public transportation to get to whatever drop-off point. You know, they d be actually taking the Metro, getting out at the Metro Station, and then getting the shuttle bus.

The other percentage, what s that, the other nine percent, would be people or students who would be dropped off by parents, either at the Metro Station or at some other pick-up point. So, I didn t see any inconsistency there.

MR. AGUGLIA: So, your feeling was that even though the present system is a one-step system, they would go to a two-

step system that would be actually more children taking public transportation.

MS. VOGEL: Well, taking the vans, if you are calling those public transportation.

MR. AGUGLIA: Yes, I m sorry.

MS. VOGEL: Okay, yes, I thought that was reasonable.

MR. AGUGLIA: And, you were not phased by the teenage driving law that I ve given to the Board in a prior pleading as having an impact on the number of students who can drive, other students?

MS. VOGEL: No. Well, you know, again, I understood that the school was only going to provide 38 spaces for student parking, and that they had 50 to 60 seniors per session, and so these spaces would largely be given to seniors who are largely 18 and over anyway, so, or are 18 years old. And, my understanding of the and the other factor was the fact that many of the students who drive currently at least are from Maryland and Virginia.

MR. AGUGLIA: Do you know the make-up of the children in the school, from jurisdictions?

MS. VOGEL: I do know that 40 percent are from D.C. I guess, yeah

MR. AGUGLIA: You do know

MS. VOGEL: and 60 percent are from Maryland and

Virginia.

MR. AGUGLIA: Ms. Eli testified that 43 were from Virginia, 117 were from D.C., and 52 were from Maryland, so it appears that there are more children living in D.C., than outside D.C.

MS. VOGEL: Okay, thank you.

MR. AGUGLIA: Were you aware that when Mr. Slade submitted his latest revised plan for the 3rd stacking lane, that in his cover letter to the Board he said that he was relying on his December analysis and not his February trip generation analysis? Were you aware of that?

MS. VOGEL: Could you repeat the question?

MR. AGUGLIA: Were you aware of the fact that when Mr. Slade submitted his revised stacking plan

MS. VOGEL: Yeah.

MR. AGUGLIA: on April 3rd to the Board, that he indicated that he was relying on his December 13th trip generation and not his February trip generation?

MS. VOGEL: I

MR. AGUGLIA: Were you aware of it, yes or no?

MS. VOGEL: yes, I was.

MR. AGUGLIA: You were?

MS. VOGEL: Uh-huh.

MR. AGUGLIA: All right.

Did you realize that under his December trip

generation he s showing in and out a total of 320, did you understand that?

MS. VOGEL: Yes.

MR. AGUGLIA: And that, compared to our witness, Mr. Mehra, that we had 374, that that was not as big a difference, as is indicated in your report?

MS. VOGEL: Well, my report, the portion of the report that I read, was actually that addressed that issue, was the March 10th report?

MR. AGUGLIA: Yes.

MS. VOGEL: Yeah, and that this memorandum from Grove Slade is for April 3rd, so, you know, the dates are considerably different. I mean, he was relying on this and the December 13th, his own December 13th report, on April 3rd.

MR. AGUGLIA: All right, yes, on April 3rd he s relying on his December 13th trip generation report, which shows 320 cars in and out, not 174 as stated in your report. Were you aware of that?

MS. VOGEL: Yes, I was, and I guess I figured that as the firm has some tendency to be conservative in terms of the way it analyzes things.

MR. AGUGLIA: But, isn t the 320 in his report relatively close to our expert our witness 374 in and outs, as opposed to your 174?

MS. VOGEL: Oh

MR. AGUGLIA: That s the point I m making, I m on page four, and you are showing that our witness is way off the a.m. peak hours compared to Grove Slade, and what I m asking you is, isn t it a fact that

MS. VOGEL: Page four of what? I m sorry, I don t understand.

MR. AGUGLIA: Page four

MS. VOGEL: Of our report?

MR. AGUGLIA: of your March report.

MS. VOGEL: Okay.

MR. AGUGLIA: The very last sentence, and you are critiquing our report versus the Grove Slade report and showing how there s a significant difference, and this is my question. If you take Mr. Slade at his word that he s relying on the December report for the new traffic study, his total in and out is 320. Therefore, the comparison that you should have made should have been 374 to 320, isn t that correct?

MR. FEOLA: Madam Chair, I want to object to that question, and this is not my witness, and this is highly out of the ordinary, but Mr. Aguglia is putting words in Mr. Slade s mouth. Mr. Slade, I thought very clearly, explained to the Board the use of the December 13th memorandum wasn t for trip generation, it had nothing to do with trip generation. What he said is the trip generation dropped as a result of transportation management techniques that the school agreed to put in place.

What he was using the December 13th memorandum to comparison with was the left turn in movement. There was no left turn in movement on April 19th. The trip generation that Mr. Slade testified to, which will result from this school coming here, is going to be the numbers that show up in the March report, not the numbers that showed up in the December 13th, before we put in place a transportation management program.

So, it s not fair for Mr. Aguglia to take a piece of one thing and ask the Office of Planning another question. If he wants to bring Mr. Slade back and answer that question, we can do that.

CHAIRPERSON REID: Mr. Aguglia, the questions that you are asking of Ms. Vogel are those that pertain to the report that was done by Mr. Slade?

MR. AGUGLIA: That s correct, because she was making the comparison of the two reports, and I m telling her that she s made the wrong comparison.

MR. FEOLA: Then you need to have an expert come in and say they ve made the wrong comparison.

CHAIRPERSON REID: Okay, Mr. Feola, let me just try and understand. Basically, what you are questioning is the validity of her analyses.

MR. AGUGLIA: Yes.

CHAIRPERSON REID: Okay, that s all right.

Overruled.

You may answer that question.

MS. VOGEL: I guess I m still uncertain as to what analysis he

CHAIRPERSON REID: Would you repeat that, phrase it for her so that she can understand?

MR. AGUGLIA: I ll rephrase it.

If, in fact, Mr. Slade was relying on his December report to support the trip generation for the new left-hand stacking lane that he introduced on April 3rd, if, in fact, that s the case

MR. FEOLA: He didn t say that, he didn t rely on that for trip generation. Mr. Aguglia is saying that.

CHAIRPERSON REID: All right, wait a minute.

MR. AGUGLIA: I just said assuming he did.

CHAIRPERSON REID: No, you can t do that. If you are referring to something that is in her report where she alluded to numbers that were presented by Mr. Slade, that s okay, but you can t, you know, take it to that extent of assuming. If you keep it on that level of her responding to the basis for her analysis, the premise for her analyses, then that s okay. Stay with that.

Ms. Vogel, do you understand what he s asking you? Can you help her, please?

MS. VOGEL: Only vaguely, I m sorry.

VICE-CHAIRMAN SOCKWELL: Maybe Mr. Aguglia should

start with, it is my belief that.

CHAIRPERSON REID: No, no, you can t do that.

VICE-CHAIRMAN SOCKWELL: No, it personalizes it, so if he s wrong he s wrong.

CHAIRPERSON REID: He s asking her how she came to her conclusion based on information that was given to her, right? That s the question, in essence, isn t it?

MR. AGUGLIA: If the December report is the correct report that Mr. Slade was relying on, don t the differences between our expert analysis and their analysis significantly dwindle, that s what I m asking. And then, the Board can make its own determination as to whether or not Slade is relying on the December report or the March report. It s page 11 of the December 13th Grove Slade report.

MS. VOGEL: I have that.

MR. AGUGLIA: Okay.

MR. AGUGLIA: Two more questions and then I ll be done, because we need to move along. I m sorry.

While you are preparing to answer that question, did you understand that the flashing beacons report submitted as part of Mr. Slade s reports, related only to crossings, school crossings?

MS. VOGEL: No, I m sorry, back to your previous question here.

MR. AGUGLIA: Okay.

MS. VOGEL: The 374 versus 174

MR. AGUGLIA: Versus 320.

MS. VOGEL: oh, versus yeah, versus the 320, right, we were, in fact, relying on the February 29th report for total numbers and

MR. AGUGLIA: And, not the December report?

MS. VOGEL: Right, exactly.

MR. AGUGLIA: My question is, if the December report was the report that Mr. Slade, in fact, was relying on, would you not agree that the difference between our analysis and his analysis is significantly diminished?

MS. VOGEL: Well, if that s the case, I suppose I would say that, but

MR. AGUGLIA: Were you aware that the report in the Slade the statement in the Slade report about the traffic beacons, flashing beacons slowing down traffic related to the school crosswalks, were you aware of that?

MS. VOGEL: No, I was not.

MR. AGUGLIA: Okay.

Last question, from the testimony you heard today, do you believe now that the true a.m. peak hour for in and out for this school would be a later time?

MS. VOGEL: I m sorry?

MR. AGUGLIA: From today s testimony, considering the athletic events that go on at the school, that the p.m. rush

hour stated by Mr. Slade is correct or incorrect?

MS. VOGEL: Well, the school peak hour period, we felt that the majority of the the concentrated trips would, in fact, fall between the 2:30 to 3:30 time slot, 40 percent, and the others would be so much more staggered that, in fact, that was the best to use.

MR. AGUGLIA: All right, thank you.

CHAIRPERSON REID: Thank you.

MR. BOLOTIN: Ms. Vogel, not to be repetitive, but I have some problems with some of the answers that you ve given.

I m looking on page four of your March 3 report, under percentage of students/using public transportation, if you go down one, two, three, fourth line down, the statement is, But the 36 percent figure (the figure for public transit usage at the current location) was used as a conservative estimate. I think Mr. Aguglia referred you to the fact that on the Grove Slade report of February 29, 2000, which I believe you testified is the data you used, that number is 45 percent, not 36 percent, using public transportation.

CHAIRPERSON REID: Okay. Now, Mr. Bolotin, we ve already established that some time ago, two or three times already, so let s not be repetitive.

MR. BOLOTIN: My question is, why the figure of 45 percent wasn t used rather than 36 percent. That s a simple question. It seems to me it s 45 percent on the math, 145 over

320, and the figure on line four is 36 percent.

MS. VOGEL: Sure. We were not considering the school s vans necessarily public transportation, and the 36 percent that we were referring to here was those taking the Metro, Metro Rail or Metro buses.

CHAIRPERSON REID: The response to that question earlier was, it does not consider the fact that there were students picked up at locations other than the Metro Station, and this is why

MS. VOGEL: Or, even being dropped off by their parents at the Metro Station.

CHAIRPERSON REID: Do you remember?

MR. BOLOTIN: I m just confused, it just seemed from doing the math that the 145 over 320 is 45 percent.

CHAIRPERSON REID: We established that. Mr. Aguglia asked the question, don t you remember we went through that same whole exercise?

MR. BOLOTIN: I do remember that, I just wasn t satisfied as to why the 36 percent figure was used rather than the 45.

CHAIRPERSON REID: Because she didn t take into consideration the other sites where the kids would be picked up. This was just for the Metro Station, apparently.

MR. BOLOTIN: Okay.

MS. VOGEL: Yes, as I said, we weren t considering

the school s vans as public transportation.

MR. BOLOTIN: On that same paragraph, weren t you somewhat suspicious when it stated that 90 percent of the parents would use a shuttle service, yet only 36 percent used it to the old campus, which is in walking distance of Metro service today?

MS. VOGEL: No, it was I thought they were quite different issues. Thirty-six percent actually use public transportation today, we felt the same ratio would use public transportation. Again, this 90 percent of parents saying they would be willing to, you know, accommodate the school s needs in a recent survey, when the school explained, you know, the kind of transportation management plan needed, said they would be willing to drop off at sites other than the school for shuttle pick-up, and, no, that seemed very reasonable to us, that rather than taking a very congested road that they would, in fact, be quite willing to drop off, perhaps, right on their way to work, you know, at sites on their way to work, rather than have to go out of their way to go over to the school.

MR. BOLOTIN: Even though that might add 20 minutes to a typical student s commute waiting for shuttle buses, that had no impact on you?

MS. VOGEL: Well, it would, perhaps, lessen the parents commute. So, you know, we felt that was reasonable.

MR. BOLOTIN: As a matter of policy, why doesn t the Department of Planning state that the Teenage Driving Act, which

is applicable to the District of Columbia and its citizens, not apply to Virginia and Maryland, that is, that teenage drivers who are driving into the District of Columbia to attend school here afford the same protections to District of Columbia citizens as is applicable to District of Columbia drivers, why can t we protect those people?

CHAIRPERSON REID: Well, that s not something that that s out of purview. That s not something that we can take up here, Mr. Bolotin.

MR. BOLOTIN: But, the Office of Planning seems to state that the majority drive from Maryland and Virginia, so the three per car can still be met. I m just asking as a matter of planning and policy, why doesn t the Department of Planning state that we want the Act to apply to students coming to the school?

CHAIRPERSON REID: How could they do that? I mean, that s not a realistic question, Mr. Bolotin. Move to your next question, please.

MR. BOLOTIN: Sure.

Is there any reason why the Department of Planning didn t recommend that the school use access that is presently has, other than the Foxhall Road? Ms. Vogel, that s really a question for you. I don t know if Ms. McCarthy really needs to assist you on that. You are the one who wrote this report. It s a pretty straightforward question.

MS. VOGEL: Simply because it wasn t in the

application. I mean, we were dealing with this specific application.

MR. BOLOTIN: But, there are a number of things not in the application that you ve imposed as conditions, why couldn t a condition be that they use an existing access point that they have, other than on Foxhall Road? This whole presentation today is based upon traffic considerations, why wouldn t the Department of Planning, in its authority, state that there ought to be some other location looked at for access the school already enjoys?

MS. VOGEL: Well, again, back to an issue we discussed earlier about Foxhall Road, Foxhall Road is a kind of major arterial type of street, whereas, or major commuter thoroughfare at least, whereas the other access point would be a residential street.

MR. BOLOTIN: Well, we have a left-hand stacking lane that we ve been talking about for the past four or five hours in order to deal with the problems on Foxhall Road, wouldn t that be alleviated if you would suggest that other access points be used?

MS. BAILEY: Madam Chair, in all fairness, the rules are that the Office of Planning should be cross examined on what has been presented as testimony, and if that is something that Mr. Bolotin is concerned about he can make that directly to the Board, those comments, but the rules are that the cross

examination should be limited specifically to what has been testified to.

CHAIRPERSON REID: Thank you, Ms. Bailey.

MR. BOLOTIN: I have no further questions.

CHAIRPERSON REID: All right.

Mr. Swendiman.

MR. SWENDIMAN: I ll try to be brief and see how far we can go, Alan Swendiman on behalf of Sylvia Shagrue.

Ms. Vogel, I think you ve indicated that the Office of Planning has given conditional approval, correct?

MS. VOGEL: Yes.

MR. SWENDIMAN: To the application.

MS. VOGEL: Recommending conditional approval, right.

MR. SWENDIMAN: Are you aware of a memorandum that s dated May 9th from Mr. Lewis J. Slade to Mr. Kenneth G. Layton, dated May 9, 2000?

MS. VOGEL: Could I have a moment to look for it?

MR. SWENDIMAN: Sure, and I call your attention only because you are CC d on it.

MS. VOGEL: Oh, okay, yes.

MR. SWENDIMAN: Have you read this?

MS. VOGEL: Yes, I have.

MR. SWENDIMAN: Just calling your attention to page two, the provision entitled Design of Entrance, looking at the

second paragraph, picking up with the sentence that begins, We have always noted that the maximum queue for left turns is three vehicles or no more than 75 feet of storage, thus the balance of at least 175 feet is available for deceleration purposes. Having reviewed this, what is your understanding of the left turn capacity that s being proposed?

MS. VOGEL: Well, this is the kind of thing that the Office of Planning relies on the Department of Public Works to analyze for us, and I think the Department of Public Works representative is here today. So, I d like to defer that question.

MR. SWENDIMAN: So, the answer is you don t have any understanding with regard to that particular provision in this memorandum.

MS. VOGEL: I think DPW can handle it.

MR. SWENDIMAN: Okay, no further questions.

CHAIRPERSON REID: Thank you.

All right. We ll go now to let s see, we have federal government reports, DPW, and the National Park Service, are you going to testify? All right.

And, we do have a report from the fire department and from the written reports from the fire department and the Metropolitan Police Department.

So, let s go now to DPW.

MR. LADEN: Good afternoon, my name is Kenneth

Laden, I m the Administrator for Transportation Planning in the D.C. Department of Public Works. I m here to just try to summarize our position with respect to the specific application. I believe everyone has copies of the various correspondence that we have received and that we have generated relating to the specific case.

The Department of Public Works has reviewed the testimony or the statements that have been prepared by the Applicant and by the opponents to this specific action. We have met with representatives of The Field School traffic consultants, and we ve also met with the representatives of the Neighborhoods Against Gridlock, and we ve attempted to take all of this information into account as our position on this particular case has been evolving, and I stress the word evolving, because this has been trying to hit somewhat of a moving target here.

Basically, in reviewing the initial application, we supported most of the traffic management plan as provided by the Applicant. We did have some concern about the policy which would require everyone arriving at the school to make right turns only to enter the property. We were concerned that that might generate unnecessary traffic on the adjacent residential streets, and we were concerned about how one would implement or enforce such a provision. Our concern was that drivers, especially if they were in a hurry, or for whatever reason, might want to attempt to make that left turn, and without an appropriate place

for them to stack up and wait for traffic to clear heading northbound that there could be a potential problem.

As I think earlier stated, we also had a bit of a concern with the recommendation of putting a traffic control officer at the entrance to the school. We were concerned that if they were placed in the street, in Foxhall Road, that that could present a possible safety hazard as well.

As a result of looking at the application and looking at the other information we had available to us, we asked the traffic engineers or the traffic consultants for the Applicant to go back and look at the possibility of whether or not a left-turn lane would help mitigate what we saw as a potential problem for access to the property, and I think we included that in our initial comments or testimony to the Board, that we thought that this was a good idea.

The engineers or the traffic consultants for the Applicant came back with a proposal. It provided for moving the southern entrance to a new location to accommodate a left-turn stacking lane that they claimed had adequate visibility to allow safe turning motions into the property.

We have taken a look at their proposal, and we also received testimony last week, I believe, from a traffic consultant hired by the Neighbors Against Gridlock, and in the report from the Neighbors Against Gridlock they indicated that the site lines for the proposed left-turn stacking lane was not

adequate for the configuration of the roadway. They also indicated some concern about the shaping and length of the tapering area, and also some concerns about other site lines for other types of turning motions into and out of the property.

We ve begun to take those into consideration, and we also asked for a response from the Applicant s traffic engineers as to their interpretation of the AASHTO rules which were used in trying to develop both the proposal for the left-turn stacking lane and also by the opponents to the application who had some concerns about it.

We are still in the process of reviewing all that information. We also want to make additional site visits ourselves to determine what is or what would be an appropriate distance. And, again, while there may be standards in books, or professionally sanctioned guidelines, they are guidelines and standards that are based to meet, you know, universal conditions and I think we need to somehow take those standards and apply them to this particular case as best as possible.

And, again, it s a question of to what level of hazardous driving conditions, or to what level of inattentive drivers, or to what level of reckless driving, does one attempt to engineer a road. If everyone drove the posted speed limit, 25 MPH, and paid their full attention to what they were doing, then probably the AASHTO standards or something less than that might be appropriate, and might be 99.9 percent safe, but,

unfortunately, we have to sometimes engineer the conditions where people don t drive the posted speed limit, don t pay full attention, and, perhaps, on occasion do drive more recklessly than we would like. So, again, I think our basic point is that while we have both sets of positions on what is an appropriate design standard for this left-turn lane and for the taper and other site requirements, we want to go out and take a second look at that. We want to apply what we feel are the appropriate design standards to provide as much safety as possible, in determining what level of engineering or what distances are required to make this intersection as safe as possible.

Our bottom line position is, we are not going to recommend to this Board, or anyone else, that a left-turn lane be established if it cannot be done safely, and before we can make a definitive decision as to whether this would be a safe lane, we do want to take a second look at it.

We also, I think, do need to indicate that the information that we have to date is a concept plan, it is not detailed engineering. All of it is a lot of it, I should say, is based upon looking at maps and charts which show elevation, and going out and sort of eyeballing the situation by placing things adjacent to the roadway and trying to figure out at what point you see them and at what point you don t. Again, I think we would need to get to the point of more detailed engineering to determine whether or not the distances that are being proposed

are absolutely optimal for this given situation.

So, my instructions, I should say, to my staff and to the traffic engineers within our department is that I wanted them to go back and take a look at both sets of data, take a look at the standards that were used in coming up with these conflicting opinions, and conduct additional site visits to determine what is the appropriate criteria and whether or not the site plan, as currently proposed by the Applicant, is adequate, or whether or not certain modifications are required to make that turning motion safe. And, if we find that the physical configurations out there do not provide enough room to make a safe left turn into the property, then we would withdraw our recommendation for a left-turn lane.

So, with that, I m, I guess, available to answer any questions the Board may have, or the Applicant, or the opposition.

CHAIRPERSON REID: I m sorry, Mr. Laden, for some reason I was under the impression that was the purpose of your being here today, was to give us an analysis as to whether or not that left-hand lane was safe or not. But, you are saying instead that you don t know, that you have to go into further analysis and look at the studies, and site plans, and all of that, that doesn t give us too much to go on.

MR. LADEN: Well, I understand your concerns, but I m not in a position today, based upon the date at which we ve

received this information and our ability to review it and make a definitive decision, to be able to say here today that we feel that the current left-turn stacking lane is going to meet all of the requirements or whether we might ask them to change aspects of it in order to make it a little more safe.

CHAIRPERSON REID: Well, that is the essence of this particular case, that s what s driving this case, is whether or not the decision that you make, DPW makes, as to whether or not that lane is safe or not, will determine will greatly influence the outcome of this case, so what can we do? When can it be ready? We can t make a decision unless we have that.

MR. LADEN: I understand, and what I have instructed our traffic engineers and my staff to do is to provide me with their final recommendation Monday of next week, and so I would hope to have that to the Board by Tuesday of next week.

CHAIRPERSON REID: And worse is the fact that the people who are attending this hearing, all the parties, I would think would want to cross examine you based upon what you present as your finding, or your recommendation in regard to that lane.

MR. LADEN: Well, I understand.

CHAIRPERSON REID: The left-turn lane, the safety of that left-turn lane, so at this point I ll tell you what we are going to do, we are going to recess for about ten minutes so that we can discuss this.

Before you cross examine, let us recess so that we

can try to get our arms around this particular situation and then continue, because, basically, you really don t have too much to cross examine on, do you?

MR. AGUGLIA: No, we don t. As a point of clarification, the burden of proof is on the declarant to make his case. Mr. Laden has said he doesn t have sufficient design plans from them in order to make that determination, so my answer to this is, is they are out, they can refile their case some time later.

MR. FEOLA: That s ridiculous. Mr. Aguglia, we are talking about private property. Mr. Laden is talking about public property. This Board, with all due respect, doesn t have the authority to tell Mr. Laden how to build his roads. What this Board does have the authority to do, if it is inclined to approve this application, is to make a condition of that approval on private property a left-turn lane in the public space that is satisfactory to Mr. Laden and DPW. It has nothing to do with burden of proof or anything else on the private property, and that s the simplest thing I believe this Board, if it is inclined to approve this application, could do, and we are willing

CHAIRPERSON REID: Thank you.

MR. FEOLA: the Applicant is willing to say

CHAIRPERSON REID: Thank you.

MR. FEOLA: if we can t build it, we can t build it, we don t have approval.

CHAIRPERSON REID: Thank you.

MR. FEOLA: We think we can build it.

CHAIRPERSON REID: We ve heard from both sides, thank you very much.

Ms. Renshaw?

Mr. Sockwell?

COMMISSIONER RENSHAW: I have a couple of questions.

VICE-CHAIRMAN SOCKWELL: Well, my one question to Mr. Laden is that, at this point in time, lacking a complete, or a more complete analysis from your staff, you are still working on the assumption that the left-turn lane is a feasibility item to discuss. I mean, in other words, you haven t ruled it out.

MR. LADEN: That is correct, and in our opinion a left-turn lane is a preferred approach. We just want to make sure that that left-turn lane can be constructed and operated safely. We ve got one set of opinions that it can be done, and a conflicting set of opinions that it cannot be done. We ve just received the one set of information on May 3rd, the other yesterday at 3:00, so, again, our feeling is that rather than make a snap judgment where we may be wrong and create a dangerous situation, we would prefer to take another couple of days to make sure that what we are recommending is going to work most effectively and safely.

VICE-CHAIRMAN SOCKWELL: Have you been to the site, Mr. Laden?

MR. LADEN: No, I have not, but my staff has, and our traffic engineer has.

VICE-CHAIRMAN SOCKWELL: All right. So, it would be, I think, necessary to have your staff available in a hearing, as opposed to yourself alone, because you are interpreting the report of your staff and that s a normal procedure, but in this case we would want to, perhaps, question your staff about specific things, in particular, site lines, and there are some technical questions which as one who has researched transportation for the Department of Transportation I can certainly ask, and I would want to put them to the people who have been to the site and have analysis behind them on this particular project.

MR. LADEN: Correct, and I would have preferred they be here also. Unfortunately, the engineer who has been working on this case had a court hearing today that he could not avoid, so I apologize for that.

MR. AGUGLIA: As a point of due process clarification, so to speak, if the Board is inclined to continue to hear such testimony, that any written documents that go to Mr. Laden from either party be served on the other party.

Yesterday s report was sent to Ms. Vogel and to DPW, and we were not CC d. In fairness to Mr. Feola, as soon as I called him he immediately delivered, but I would like to have an open fair play, that anything written by either side is served

on the other side and reviewed, so Mr. Laden and the parties have a full opportunity to review it.

CHAIRPERSON REID: Okay, thank you.

COMMISSIONER RENSHAW: Yes, Madam Chair.

Mr. Laden, first of all, I would hope you would go to the site to have a site visit, so that you, too, would be able to interact with your staff here at our next hearing.

You seem to have concern about, and rightly so, about traffic on adjacent streets, but Foxhall Road is residential R-1A, correct?

MR. LADEN: I believe so, yes.

COMMISSIONER RENSHAW: All right.

MR. LADEN: I ll take your word for that.

COMMISSIONER RENSHAW: We are getting some clarification over here, but you seem to be designating or emphasizing the fact that side streets are residential and Foxhall is other than residential, and I just wanted to make that point to you, as to how it came across.

I have a question about Mount Vernon, are there stacking lanes at Mount Vernon?

MR. LADEN: I m not aware as to whether there are or not.

COMMISSIONER RENSHAW: All right. When you are in the vicinity, would you check, please?

Is Foxhall Road at capacity now?

MR. LADEN: I think there are times of the day where there is back-up on Foxhall. I m trying to remember if there was any sections of that road that are at Level F. There may be under certain circumstances, but, by and large, in non-rush hour certainly not, during rush hour there are times where it is, perhaps, at capacity along segments of the road.

COMMISSIONER RENSHAW: Could you supply that data as to what times and where along Foxhall Road, please?

MR. LADEN: Certainly.

COMMISSIONER RENSHAW: And, at what point will traffic conditions and traffic count deteriorate the value of the property along Foxhall Road?

MR. LADEN: That I can t state. I think that property values are probably based upon a number of considerations, traffic being, perhaps, one of them, but I can t say at what point or what level of traffic the property values would be affected.

COMMISSIONER RENSHAW: All right.

The Office of Planning has as its number 23 recommendation, that the school work with the neighbors to approach the Department of Public Works to implement a series of traffic calming measures to protect the residential neighborhoods from commuter encroachment, and I d like to know if there are any traffic calming measures now in effect on any surrounding streets, and if yes, what streets, and whether any traffic

calming measures have been put into effect for Foxhall Road at this time.

MR. LADEN: Taking your questions in reverse order, I m not aware of any traffic calming approaches that are being taken specifically for Foxhall Road. I think as mentioned earlier, there is a traffic signal which is being proposed for Whitehaven Parkway and Foxhall, that s not really a traffic calming device, at least some don t consider that to be such, but to answer the earlier question that did arise, that traffic signal is under design now, and I believe I was told by our Head of Traffic Signals that it should be in operation by this time next year, May or June 2001. But, again, to get back to your question, the city is developing traffic calming strategies for applications throughout the city. I don t believe anything has been specifically targeted for this area, but certainly because of the level of traffic and the types of land uses this would be an area that we would consider a good candidate for traffic calming in the future.

COMMISSIONER RENSHAW: And, given the limited staff of the Department of Public Works, and given the unlimited requests by neighborhoods for traffic calming measures, how is DPW going to organize the queue, because this is an area right here which is demanding attention right now. There are neighborhoods in the city which have been in line for up to 15 years and haven t seen any action. So, I m just wanting to get

realistic here, and to have the neighbors understand that, perhaps, their very important traffic calming requests may not see the light of day for a while. So, I m asking, what about the queue, how does the neighborhood know where it stands when it approaches DPW to get some instant help?

MR. LADEN: Yes. The Department is planning to supplement its existing staff with consultant assistants to help with a variety of neighborhood traffic issues.

Where we have in terms of how the queue would work, I think we would most likely begin with those traffic studies that are mandated, either legislatively or through other official action of the District government, and then we would attempt to prioritize other neighborhood generated requests for traffic calming or traffic studies, in terms of where we would get the biggest bang for the buck, so to speak, in other words, where we would see the most improvement in terms of overall traffic conditions and neighborhood preservation.

COMMISSIONER RENSHAW: Neighborhood preservation, thank you very much.

Thanks.

CHAIRPERSON REID: Okay.

Now, we will take a ten-minute recess.

(Whereupon, at 4:21 p.m., a recess until 4:47 p.m.)

CHAIRPERSON REID: Okay, we are going to resume the afternoon.

Obviously, given the fact that we have a bit of a problem with the DPW report, and predicated upon the fact that the DPW report is of extreme importance in this case, we are going to have to make some adjustments, obviously, in order to be able to try to be as fair and as impartial as possible with this particular proceeding, and as such Marie Sansone, our counsel, will discuss what the next step should be.

MS. SANSONE: Thank you, Madam Chair.

Well, unfortunately, the DPW report is a pivotal part of this case, and it probably does not make much sense to try to proceed further on the traffic issues with the cross examination or public comments today, only to have to come back and address those later once DPW is prepared to go forward with its final report.

So, I believe it s the Board wish that the hearing would be continued to a date certain that would afford DPW enough time to complete its report, distribute it to all the concerned parties and other government agencies, who would then have the opportunity to review it, discuss it, perhaps, modify their own reports, and then we would proceed at the completion of this hearing with everybody on the same page as to where DPW stands and, ultimately, this could, perhaps, help shorten up and make the hearing more efficient, although, unfortunately, given the Board s calendar I don t think we have a lot of flexibility in terms of being able to accommodate this really in a very short

time, it would probably be a longer delay.

CHAIRPERSON REID: Thank you very much, Ms. Sansone, and also we are going to need the members of your staff who constructed the report and who were involved in making the analysis, so that they can also be cross examined and questioned by the Board as to the premise on which they were able to draw their conclusions.

MR. LADEN: Correct.

VICE-CHAIRMAN SOCKWELL: If possible, we d like to have some kind of graphic, if you can that will be if you can use graphics that have been developed by the Applicant or the opponents in this case to assist you in getting that together, that will be fine, but we would need something that you can talk from that we can discuss and that you can be cross examined by as part of your report.

MR. LADEN: Correct, certainly.

COMMISSIONER MOULDEN: I just want to make the comment that DPW, just be sure that they get the most up-to-date site plan and information on the adjoining streets and so forth, so they can assess the site properly from a traffic circulation standpoint, and pedestrian access to, as part of the revised report.

And, you do have staff with the adequate transportation background who can assess the site plan and look at traffic related information and concerns about the site?

MR. LADEN: Yes, we do.

COMMISSIONER MOULDEN: Okay.

VICE-CHAIRMAN SOCKWELL: If I might suggest that while we are continuing this case for DPW s input, it might be advisable for the Applicant s traffic consultant to take the various versions of its report, complete them as a single revised edition that has all the information in it, all the missing pages which we now, on the Board, have, in some form or another, and submit that both to us and to the opponents so that

CHAIRPERSON REID: In the proper sequence.

VICE-CHAIRMAN SOCKWELL: in the proper sequence, so that we can know exactly what numbers are really the current numbers for generating any of the conclusions that have been discussed over this hearing process.

CHAIRPERSON REID: Okay, the two attorneys, Mr. Feola, can you come up, having heard what we are deciding to do at this time, would that be something that is workable for you, and we looked at the calendar and the date that appears to be the first available date that would accommodate the continuation of this hearing would be, what is it, July

MS. BAILEY: July the 11th, Madam Chair, in the afternoon.

CHAIRPERSON REID: July we d then reserve the entire afternoon of July the 11th, for us to be able to conclude the hearing. Is that within your scheduling, is there a problem

as far as your scheduling is concerned?

The parties, any of the parties, the ANC, is the ANC still here?

MR. FEOLA: He had to leave.

MS. BAILEY: July 11th is on a Tuesday.

MR. AGUGLIA: I am having major surgery June 3rd, and I ll be out of commission a month, that s why I m limping so badly.

CHAIRPERSON REID: June 3rd.

MR. AGUGLIA: June 3rd.

CHAIRPERSON REID: Okay, July

MR. AGUGLIA: At least a month.

CHAIRPERSON REID: 3rd, this is July the 11th now, is that going to afford you

MR. AGUGLIA: What I will have to do is advise the Board, roughly, June 1st, if I m physically capable of even coming into the hearing.

CHAIRPERSON REID: Okay. We don t want to schedule a time, you know, if this is what you are anticipating and what you have to go through, you don t really know how you are going to be feeling, so but you will be able to

MR. AGUGLIA: I will advise the Board on or about June 1st if I m physically capable of attending.

Now, one of our experts

CHAIRPERSON REID: June 1st or July 1st?

MR. AGUGLIA: Uh

CHAIRPERSON REID: You mean July 1st.

MR. AGUGLIA: How much advance time do you need?

CHAIRPERSON REID: Well, June 1st

MR. AGUGLIA: I m sorry, July 1st.

CHAIRPERSON REID: you won t have had the surgery on June 1st.

MR. AGUGLIA: The operation is June 3rd, a Saturday morning.

CHAIRPERSON REID: Okay. So then, by July 1st you will

MR. AGUGLIA: I will advise the Board if I m physically capable of

CHAIRPERSON REID: Okay, and then, if not, if you are not quite ready then we are going then we d have to then

MR. FEOLA: Excuse me, Madam

vICE-CHAIRMAN SOCKWELL: We can teleconference you from your

MR. FEOLA: Chair, with all due respect, Mr. Aguglia is a friend and a colleague, and I appreciate his surgery, but he is a representative of a law firm that has 300 lawyers. I don t think we need to the school has to wait to accommodate Mr. Aguglia s surgery. We can do it sooner, before his surgery, or

MS. BAILEY: Well, we have the only date that we

had for a possibility of that was June 27th, and that would be adding an additional hearing date to your already scheduled, because you have hearings scheduled for June 7th, and June 13th, and June 20th.

MR. AGUGLIA: I can tell you right now that June 27th is going to be extremely difficult for me to make. I can t even get into a car for the first three or four weeks.

MR. FEOLA: No, I wasn t suggesting it should be before July 11th, but I m just saying

CHAIRPERSON REID: Oh, I m sorry, I m sorry, I was doing the same thing, trying to figure out what date no, we said June 27th, and I was not remembering that, you know, that would not work for you.

So

MR. FEOLA: Madam Chair, if I might, the Applicant finds itself in a very, very strange position. We didn t think, and we still don t think, a left-turn lane is needed. We heard testimony of that today from Mr. Slade. Obviously, the opponents think differently.

The Department of Public Works suggested that it might be a way to avoid cut-through traffic in the neighborhood. We took a look at it, we are willing to do it, we engineered it and at a concept level, and are willing to pay a half million dollars to improve a public right-of-way.

Now, we are quibbling over the engineering of that

entrance, which hasn t been designed, which neither Mr. Aguglia s expert, or Field School s expert, or this Board can quite honestly evaluate, with the exception of Mr. Sockwell, and it s Mr. Laden s road, it s his department that s going to be able to decide whether or not this works or not works.

The school is very willing, if this Board is inclined, to allow this Board to make a decision and condition on building that left-turn lane that DPW says is safe. If they

MR. AGUGLIA: No.

MR. FEOLA: let me finish, if they say no, end of game, we go home.

CHAIRPERSON REID: Well, Mr. Feola

MR. FEOLA: There s no approval.

CHAIRPERSON REID: in the first place, remember now that the OP report and the ANC report is predicated upon the

MR. FEOLA: Building a left-turn lane.

CHAIRPERSON REID: that left-turn lane.

Now

MR. FEOLA: Your theoretical approval could be condition on building a left-turn lane.

CHAIRPERSON REID: but, if, in fact, it is determined that the lane cannot be built

MR. FEOLA: Then case denied.

CHAIRPERSON REID: then

MR. FEOLA: It s a provision that can t be met.

CHAIRPERSON REID: it may very well be that there are some other alternatives that could be worked out, you know, for that particular

MR. FEOLA: Then the Applicant would have to come back, as Mr. Aguglia has said, with the burden of proof to prove that there is some other way to do it.

All I m suggesting is that we could get into months, and months, and months of battle of the experts. Our guy says one thing, Mr. Aguglia s guy says something else. We can bring in 12 other experts, and, you know what, it doesn t matter what they say because it s what DPW says that counts.

VICE-CHAIRMAN SOCKWELL: Well, Mr. Feola, I think that there are two things I d like to clear up. One is, we wouldn t be quibbling over it, the term doesn t set right with me.

MR. FEOLA: I apologize.

VICE-CHAIRMAN SOCKWELL: The left-turn lane in itself

MR. FEOLA: I agree with you, I used the wrong word, this Board takes its charge very seriously, and I didn t mean any disrespect.

VICE-CHAIRMAN SOCKWELL: Absolutely.

The left-turn lane in itself is an instrument being suggested to alleviate a potentially dangerous situation, or to

provide access in a situation where access would otherwise be impossible or certainly not prudent to the proposed development. Therefore, the adequacy of the left-turn lane from a conceptual point of view has not yet been thoroughly ascertained. It is up to the Department of Public Works, whose charge it is to both design the roads, plan the roads, and pretty much feasibly assess the possibilities in uncertain environments, to come up with a report, documentation, technical personnel to answer our questions so that we can effectively evaluate the potentials.

Without that information, we are back to square one, because it has been the offer that a left-turn lane in the southbound direction be provided.

Now, the opposition has based part of its case on whether or not that left-turn lane works. We, as a Board, are evaluating against information in hand, information to be provided, and information that we haven t been able to quite quantify because the report seems to have gotten a little fuzzy.

So, we are taking the time to clean all that up and find out where we are, and I don t think anyone would object to us coming to a conclusion with the proper set of parameters, and the right data, and the right people to talk to.

So, we ve got to do this, and I understand your objection. I would also understand your objection to postponing the hearing because Mr. Aguglia has to go into surgery and there are 300 attorneys, but at the same time I m sure if you were in

the same shoes, and you were running your case and found that you had to disappear once you had established your own strategies, that it would not be comforting to think that you would put the case in the hands of someone else.

MR. FEOLA: No, just the opposite.

VICE-CHAIRMAN SOCKWELL: You would do it if it occurs, but it s

MR. FEOLA: Just the opposite, I would absolutely be comfortable giving it to one of my partners.

VICE-CHAIRMAN SOCKWELL: Well, good, then under the circumstances I accept that, but this Board will make the decision.

CHAIRPERSON REID: Ms. Renshaw?

COMMISSIONER RENSHAW: I hope that given the point that we are going to have to continue this case that the next time we do have what I have asked for before, and I ll ask for it again, the fire and police representative on hand, because I do want to talk about the safety of this road. I d like to know the accident statistics, we ve asked for them, and we hope we get them the next time around, and I would like to hear from these officials at our next hearing on this case, because we are looking at the safety of Foxhall Road and we need to be reassured as to its condition, how it has been handled, when there has been accidents in the past, that the road can accommodate width-wise, traffic-wise the emergency vehicles that would have to access the

site, because, again, we are putting a number of young people on that site, and we have to know that public safety vehicles can reach them, or reach anyone in an emergency on that road.

CHAIRPERSON REID: Okay.

Now, we are looking for a date that works for everyone.

MR. AGUGLIA: The July, was it 16th, date, 11th, July 11th.

MS. BAILEY: July 11th.

MR. AGUGLIA: July 11th was inappropriate for Mr. Mehra, who is going to be out of the country. What is the next date, please?

MS. BAILEY: Madam Chair, July 11th, July 25th there are hearings scheduled. What s open in July is the 18th, there isn t anything scheduled for the 18th of July.

CHAIRPERSON REID: I thought you had something penciled in.

COMMISSIONER RENSHAW: You are right, we were there.

MS. BAILEY: You are absolutely right. You are absolutely right, so July is out, August is when you are in recess, so September.

MR. FEOLA: Again, Madam Chair, I have to apologize about being so obnoxiously protesting this, but this case started last year, December, in response to a request from Mr. Aguglia and his traffic consultant, who now can t be here at the next

hearing date, DPW encouraged the left-turn lane, that was on March 29th. We submitted it, Mr. Aguglia and his people needed more time to look at it. We delayed it until today. Now we are going to delay it even past July 11th, because his traffic consultant can t be around. Well, everybody has different schedules. I mean, I tell you, Mr. Aguglia can tell you, if he got a court appointment he can t say, with the exception of surgery, and have a pretty good excuse why he can t have somebody else take his place, we are all fungible, none of us are irreplaceable, you know.

CHAIRPERSON REID: Mr. Aguglia, is there a possibility of

MR. FEOLA: I mean, does Mr. Mehra have a substitute, is there somebody else in his firm that can deliver his report? We ve seen it in writing.

I mean, when Mr. Slade was out of town we brought an associate to the ANC meeting, three of them.

MR. AGUGLIA: Let s not forget that we ve had to deal with the December Slade report, the February Slade report, the April 3rd change in the whole

MR. FEOLA: Please, we ve been through this, these are all requests that Mr. Aguglia made.

CHAIRPERSON REID: The question is, is that a feasible solution to the problem, is to have someone who

MR. AGUGLIA: I would ask that someone from Mr.

Mehra s firm would take his place on July what are we at?

CHAIRPERSON REID: July 11th.

And then, the other question was in regard to yourself, if you were unable to make it, is there someone else who would be able to step in to

MR. AGUGLIA: No.

MR. FEOLA: Is there not another lawyer at Hunton & Williams who does zoning? How about Davis Houston?

MR. AGUGLIA: David Houston?

MR. FEOLA: Yeah, one of your partners.

MR. AGUGLIA: I don t know David Houston. There s no other attorney in the D.C. office who does D.C. zoning.

CHAIRPERSON REID: Okay.

So, December I mean, I m sorry, July 11th, and was there another date, wasn t there a date in July, the last part of July?

MS. BAILEY: The last Wednesday in July is the 26th, but you have a hearing scheduled for the 25th. Possibly

CHAIRPERSON REID: What about July 25th?

MR. AGUGLIA: That s fine.

MR. FEOLA: That s in case Mr. Aguglia isn t available on July 1st, or is that 11th, well, he s going to let us know on July 1st.

CHAIRPERSON REID: Well, we have to kind of make a decision now, because of the scheduling and, you know, the 40-day

notice for cases to be put on the calendar.

MR. FEOLA: Oh, other cases.

MR. AGUGLIA: I would respectfully request for the 25th, because Mr. Mehra will be here and I ll have a much better chance of being here.

CHAIRPERSON REID: All right.

Now, Mr. Swendiman and Mr. Bolotin, does that day work for you?

MR. BOLOTIN: It certainly does.

CHAIRPERSON REID: All right.

MR. FEOLA: I would like July 11th, I mean I think this thing has stretched you know, this whole school and faculty could fit in this room, I mean, we are really making a mountain out of a mole hill, and to put it off another three months

CHAIRPERSON REID: Okay, thank you, Mr. Feola.

Does that work for everyone else, because there may be a revised Office of Planning report as well. Ms. Vogel, July that would be a.m.?

MR. AGUGLIA: Let s do the a.m.

CHAIRPERSON REID: A.m., all right, obviously, it s going to conflict with someone somehow, but, Mr. Feola, worst-case scenario, you don t have a problem with someone stepping in for you if need be.

MR. FEOLA: No, ma am.

CHAIRPERSON REID: Okay. Well, that is comforting to us then, that you can arrange that.

All right.

MS. BAILEY: Madam Chair, should we go over time lines for when things are due?

CHAIRPERSON REID: Yes, please.

MS. BAILEY: Okay.

The 25th, that s when the hearing is continued for, in the morning.

CHAIRPERSON REID: July 25th.

MS. BAILEY: July 25th.

CHAIRPERSON REID: 9:30?

MS. BAILEY: 9:30 a.m.

Submissions will be due by the 14th, 14th of July submissions are due.

MR. FEOLA: Why so long?

CHAIRPERSON REID: No, what about reports the DPW report is supposed to be ready next week, so once that s done then they will have to be distributed to the parties in the case, and then have a chance to respond to it, so that s what we need to set up, Ms. Bailey.

MS. BAILEY: Okay.

We can next Friday, would that be okay, Madam Chair, for DPW s report?

CHAIRPERSON REID: What s the date?

MS. BAILEY: That s June 16th.

CHAIRPERSON REID: Mr. Laden, would that work for you? DPW report due by June 16th.

MS. BAILEY: I m sorry, Madam Chair, let s go back a little bit.

CHAIRPERSON REID: I mean, not June 16th, May 16th.

MS. BAILEY: Next Friday will be May 19th.

CHAIRPERSON REID: May 19th.

MR. LADEN: Yes.

CHAIRPERSON REID: All right, so then any responses to your report would be due when?

MS. BAILEY: June 2nd, which is on a Friday.

MR. AGUGLIA: Responses will be due from both parties?

MS. BAILEY: All parties.

MR. AGUGLIA: All parties, to the DPW report due May 19th.

MS. BAILEY: Is that doable?

MR. AGUGLIA: I can be writing it as I m going into the surgery room, so I can do it.

CHAIRPERSON REID: Okay, great, so on the 2nd of June responses are due.

MS. BAILEY: Responses are due.

CHAIRPERSON REID: So, everything is in to us by that date, and to everyone else, right?

MS. BAILEY: And, that s it, responses, and everything should be submitted. We have a July 25th hearing date, so when do you want everything to come in? I mean, it s up to you. Do you want everything to be in by July or June, Madam Chair?

CHAIRPERSON REID: I thought that you said that the responses were due in by June 2nd?

MS. BAILEY: June 2nd.

CHAIRPERSON REID: Then what?

MS. BAILEY: Then we go to the next hearing date is in the hearing date is in July, so when do you want I mean, that s it. Let me go over it again.

CHAIRPERSON REID: No, no, you don t have to go over it again, June 2nd is the date that you said all responses would be in, and that would be that would be the

MS. BAILEY: The responses to DPW s submission.

CHAIRPERSON REID: Right, okay.

MS. BAILEY: And then, you need a date for when all the things are due, things that Ms. Renshaw has asked for, things that Mr. Sockwell has asked for.

CHAIRPERSON REID: Well, we can put that we can make that at the end of June or the first part of July.

MS. BAILEY: Okay.

Do you want to go with July the 7th, which is on a Friday?

CHAIRPERSON REID: I have no problem with that.

VICE-CHAIRMAN SOCKWELL: That s fine, additional documents.

CHAIRPERSON REID: When everything is supposed to be in.

All right, now, also in regard to the issue that was raised by Mr. Aguglia, DPW Office of Planning would then have your report, correct, all the information that you wanted to submit OP would have it, as well as the DPW report, and as such they could then if, in fact, they choose to, they can submit a revised report.

MR. AGUGLIA: Yes.

MS. VOGEL: Will there be a little delay between when their report is due and when our s is? I mean, if they are due the same day, and then we get the

CHAIRPERSON REID: Well, the reports, everything is due on

MS. BAILEY: The 7th of July.

CHAIRPERSON REID: the 7th of July, which will give you, approximately, a month to respond.

MS. VOGEL: Okay, as long as

CHAIRPERSON REID: Longer than a month.

MS. VOGEL: Right.

CHAIRPERSON REID: Okay, now, does that take care of everything?

MR. FEOLA: Mr. Sockwell wanted a consolidated Grove Slade report.

CHAIRPERSON REID: Right.

MR. FEOLA: What is the deadline for that? June 2nd, as well?

MS. BAILEY: July 7th I m sorry, we said all submissions are due July the 7th, I m sorry, I didn t mean to

CHAIRPERSON REID: July 7th?

MR. FEOLA: Well, that s fine, it could be sooner.

CHAIRPERSON REID: Okay, how long will it take Mr. Slade to, you know, not revise, but restructure and to

MR. FEOLA: A week, in a week.

CHAIRPERSON REID: All right, so can it be due the same day as the DPW report

MR. FEOLA: Sure.

CHAIRPERSON REID: which is May 19th? Okay?

MR. FEOLA: Yes.

CHAIRPERSON REID: All right.

COMMISSIONER RENSHAW: Madam Chair?

CHAIRPERSON REID: Yes.

COMMISSIONER RENSHAW: I have an article that I would like to be included in the record, and we have copies for the Applicant and the opponents, and it s entitled, it s a Washington Times article dated March the 22nd of 2000, on Teen Motorist Safer Driving Alone Study Concludes, and

CHAIRPERSON REID: I don t know if you can do that, Ms. Renshaw.

COMMISSIONER RENSHAW: I inquired of corp counsel if that s possible.

MS. SANSONE: Madam Chair, I believe it would be all right as long as we distribute copies to the Applicant and parties, in case they wish to address any of the material.

CHAIRPERSON REID: What is the purpose of the article?

COMMISSIONER RENSHAW: The purpose of the article is to have reflections by the parties, if possible, because of the car pooling aspect of this case.

CHAIRPERSON REID: I don t think that is appropriate. I think that that would prejudice one side or the other, coming from a Board member, because, obviously, the submission is there is a basis or a rationale for the submission, and I think that s to bolster the contention that the persons that was made earlier regarding how many people should be in a car, and I don t think that that is appropriate for us to put into this case. We don t usually submit materials into the case.

COMMISSIONER RENSHAW: Well, I inquired in advance and, hence, I asked if this could be. In other words, I did check in advance, and, therefore, I brought it to the attention of the Board, because it is a significant study.

CHAIRPERSON REID: You did, and that s okay, but I don t think that the article should be submitted. I don t think that that s appropriate. I don t know how the other Board members feel about it, if you d like to speak on it.

COMMISSIONER RENSHAW: If it is circulated to all those who would like to have a copy, and especially to the Applicant and the parties, I don t see what the objection would be.

CHAIRPERSON REID: Let me get a feel for it from the other Board members.

COMMISSIONER MOULDEN: What is the article?

CHAIRPERSON REID: And also, from the Applicant as well.

MR. FEOLA: We don t have a problem with it. I don t know what it is, but we ll look at it.

CHAIRPERSON REID: Okay.

MR. AGUGLIA: Not only do we not have a problem, we have a similar article that we were going to submit as part of our testimony about teenagers, Can You Hear This Message About Teen Driving.

The only thing we would like clarified, Madam Chair, is when is the OP report due? What we have is May 19th the DPW report, as well as the consolidated Grove Slade report is due, June 2nd responses are due from all parties, July 7th from all parties, meaning the Applicant and opponents July 7th is

when the agency information is going to come in from fire and police. We don t know when the OP report is due.

CHAIRPERSON REID: Ms. Bailey?

MS. BAILEY: I would suggest, Madam Chair, that you make it July 7th as well, unless for some reason you need it earlier, but all government agencies reports

MR. BOLOTIN: Madam Chair, I would very much like to get that report earlier than later, and it seems to me a week after everybody else s response is in, that is, that June 9th we have OP s report. That would be helpful to us.

CHAIRPERSON REID: In regards to the article, we are uncertain about it, and as such, typically when that happens my position has always been that if we are going to err we err on the side of caution and, therefore, not allow the article to be submitted can we come back to order and not allow it to be submitted. We know of the article, and we have been told about it, but we don t to in any way prejudice either side. And, again, when we are not sure then it s best to not do it, that s my position. We just don t want to have any problems subsequent to this.

Okay, now, we have the time lines, does everyone have the time lines? Should she repeat it again? What we ll have her to do is to have it typed up and make sure that everyone gets a copy of it. All right? And then that way we won t have any misunderstanding.

MR. AGUGLIA: So, when is it due?

CHAIRPERSON REID: The OP report?

MR. AGUGLIA: Yes.

CHAIRPERSON REID: You asked that that be on the 9th of June.

MR. AGUGLIA: I m sorry, I didn t hear a response to that.

CHAIRPERSON REID: Ms. Bailey responded that that was okay, and Ms. Vogel agreed. Ms. Vogel, was that your understanding?

MS. VOGEL: Could you repeat it?

CHAIRPERSON REID: Okay, repeat it, let s go over the time line one more time, please.

MS. BAILEY: DPW s report is due May 19th, in addition, Grove Slade s revised report is also due at that time. That s May 19th. June 2nd is responses from all the parties to DPW and the Grove Slade report. July the 7th, all submissions are due, and July the 25th will be the next hearing date in the morning.

Now, what s at question is when is OP s report due, and that, Madam Chair, the Applicant is saying that they would like for it to be due on June the 9th.

CHAIRPERSON REID: Okay, that s not a question, Ms. Bailey, I think we ve established that.

MS. BAILEY: Okay.

Well, OP s report is due on June the 9th.

CHAIRPERSON REID: Right.

MS. BAILEY: Okay, and that s

CHAIRPERSON REID: No, then everything was due by

MS. BAILEY: All reports are due by July the 7th.

CHAIRPERSON REID: Correct.

MS. BAILEY: All submissions are due.

CHAIRPERSON REID: All right.

VICE-CHAIRMAN SOCKWELL: Did we have a date, Ms. Bailey, on all additional documentation?

CHAIRPERSON REID: July the 7th.

MS. BAILEY: July

vICE-CHAIRMAN SOCKWELL: That s July the 7th?

MS. BAILEY: Yes, sir.

VICE-CHAIRMAN SOCKWELL: Okay.

CHAIRPERSON REID: Everything else.

MR. FEOLA: What is everything else?

CHAIRPERSON REID: Whatever we forgot. That s the catch-all day.

VICE-CHAIRMAN SOCKWELL: There shouldn t be anything else.

MS. BAILEY: Well, some of the things, Madam Chair, that were spoken

CHAIRPERSON REID: Fire, police, whatever.

MS. BAILEY: traffic accident survey.

MR. FEOLA: We ll make that part of the Grove Slade report.

VICE-CHAIRMAN SOCKWELL: Fireworks you didn t shoot off on the 4th.

MR. FEOLA: We can make that part of the Grove Slade revised report.

MS. BAILEY: Traffic counts taken.

CHAIRPERSON REID: Okay.

The gentleman from the National Park Services, can you come forward, please? My understanding is that you prefer to give your testimony on the subsequent date, and I didn t address it to you, but does that date work for you as well?

MR. MURPHY: My name is David Murphy, representing the National Park Service, yes, Madam Chairman, that would be fine. We can accommodate that.

CHAIRPERSON REID: And, you will give your report on that date?

MR. MURPHY: It s your pleasure, but it would appear that that would be probably more convenient for all.

CHAIRPERSON REID: Okay.

Sorry you had to come and stay all day

MR. MURPHY: No problem at all.

CHAIRPERSON REID: just to find out at the end of the day that we are going to reschedule it, but some things can t be helped.

All right, thank you very much.

July 25th is the hearing date, 9:30 a.m.

MR. SWENDIMAN: Madam Chair?

CHAIRPERSON REID: Yes.

MR. SWENDIMAN: If I may just have you iterate that copies of any documents be served on all parties, on behalf of Ms. Shagrue, we tend not to get anything. I was handed a copy of Mr. Laden s memorandum this morning.

CHAIRPERSON REID: Ms. Sansone, could I ask you to give those instructions so that everyone is clear?

MS. SANSONE: Yes, Madam Chair, any documents submitted by the parties should be submitted on all other parties, including Ms. Shagrue s attorney, as well as the ANC, as an automatic party to the case.

In addition, it might be helpful to clarify that DPW will be submitting copies of its report to the parties. I m not sure what DPW s intent was, in terms of distribution of its report.

MR. LADEN: Normally, we would submit our report to the Office of Planning for distribution to the other parties to the case, but if you d like we can get copies of all of the other parties and serve them independent. whichever the Board prefers.

CHAIRPERSON REID: Yes, the parties who want to be served, and Ms. Bailey will provide you with the names and addresses of all the parties.

MR. LADEN: Fine.

CHAIRPERSON REID: And, in addition to that, anything that any parties have not received yet, make sure that everyone is served with everything during this time, I guess is the best way to put it, so that there is no accusation as to materials that, you know, that everyone does not have is not privy to.

I think that s all, is that it for today?

Any other comments, questions? Are we all straight? All right.

Thank you very much. This then concludes today s hearing.

(Whereupon, the hearing was concluded at 5:25 p.m.)