GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

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TUESDAY,

APRIL 18, 2000

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 1:20 p.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
ANNE RENSHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OTHER AGENCY STAFF PRESENT:

Steven Cochran	Office of Planning
Mary Vogle	Office of Planning

A-G-E-N-D-A

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(1:50 p.m.)

CHAIRPERSON REID: Good afternoon, ladies and gentlemen. The public hearing before the BZA for April 18th, year 2000, will come to order.

My name is Sheila Cross Reid, Chairperson. Joining me today is Robert Sockwell, and representing the Zoning Commission is Carol Mitten, and we also have Anne Renshaw joining us today, or as a part of our BZA today.

Copies of today's hearing agenda are available to you. They are located to my left near the door. All persons planning to testify, either in favor or in opposition, are to fill out two witness cards. These cards are located on each end of the table in front of us.

Upon coming forward to speak to the Board, please give both cards to the Reporter who is sitting to my right. The procedure for special exception variances is: 1) statement and witnesses of the applicant; 2) reports, including Office of Planning, Department of Public Works, etcetera; report of the Advisory Neighborhood Commission; parties or persons in support; parties or persons in opposition; closing remarks by the applicant.

Cross examination of witnesses is permitted by the applicant or parties. The ANC within which the party is located is automatically a party in the case. The record will be closed

at the conclusion of each case, except for any materials specifically requested by the Board.

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

Please turn off all beepers and cell phones at this time, so as not to disrupt these proceedings.

The Board will make every effort to conclude the public hearing as closely as possible to 6:00 p.m. If the actions and cases are not completed at 6:00 p.m., the Board will assess whether it completely the pending case or cases remaining on the agenda.

At this time, the Board will consider any preliminary matters. Preliminary matters are those which relate to whether a case should be heard today. If there's a request for postponement, the Board will determine whether proper or adequate notice of the hearing has been given. If you are not prepared to go forward with the case today, or if you believe that the Board should not proceed, now is the time to raise such a matter.

Are there any preliminary matters? Does staff have any preliminary matters?

SECRETARY PRUITT: No, Madam Chair.

CHAIRPERSON REID: All right. Thank you.

We're ready to proceed with the first case of the

afternoon.

I just wanted to point out that due to the fact that we have some cases that are relatively short, and others that will take more time, what we usually try to do is to resequence the cases, so as to take the shorter cases first.

As such, we have decided to take Stanton Glenn Limited Partnership first, and then the Robinson/Demeter case second. Third, would be the Georgetown University. Do you all agree with that? Or should we -- which one should we take first, the World Plan or Georgetown?

All right. World Plan, number 3; and then, number 4, will be Georgetown University. Okay?

And we'll -- what we're going to try to do is we don't have any control over what cases fall on a certain day. Nonetheless, we try to expedite matters. There's no sense in having people who have a short case sitting here through cases that we know will take more time. So as an accommodation, this is why we're doing the resequencing, to try to get the shorter cases done sooner and leave the remainder of the day for the longer cases.

Yes?

OB: Madam Chair, if I could just address that. The Georgetown case is a short case. Our entire case presentation is going to take no more than 20 minutes.

CHAIRPERSON REID: Really?

OB: Yes. It's a very minor case.

CHAIRPERSON REID: Wait a minute. Don't you have opposition?

OB: We have opposition, yes. But the issues are very minor. We're only talking about a 425 square foot addition to an existing building. It's not a campus plan case. It's a further processing, and our direct case will take 20 minutes. So even with cross examination, it should be a relatively short case.

CHAIRPERSON REID: Really? Okay. We were anticipating that it would take longer.

MR. CROCKETT: Madam Chairman, my name is Don Crockett. I'm representing several of the associations here this afternoon who have moved to become parties. And we anticipate a fair amount of cross examination; I would imagine it would all together take more than a half an hour. But we also have four or five people to testify in opposition.

So, and we also regard this as an extremely important matter, rather than just an incidental issue as the university has represented.

OB: If I could correct that, I did not refer to it as an incidental issue. I referred to it as a short case in terms of time.

MR. CROCKETT: We would request sufficient time to undertake the cross examination and to present our opposition.

CHAIRPERSON REID: Board members, I would suggest

that we take Georgetown University as number 3, and then leave the World Plan Executive Council as it is as number 4, given the information we just got. Any problems with that?

So, by consensus -- yes, by consensus, then we'll do 16568, Stanton Glenn, number 1; and number 2 is the Kenneth Robinson/Demeter Northwest, 16567; and then Georgetown as number 3, 16565; and then the last one will be 16569, World Plan Executive Council/The Kingsbury.

MEMBER RENSHAW: I just want to get a feeling. Is there going to be sufficient time for all of this this afternoon, given that we're now at 2:00? Would the staff please give a reading of that, please?

CHAIRPERSON REID: My thought was Georgetown would probably take a little bit more time, but if Georgetown does not then we should be able to conclude by 6:00. Should be.

MEMBER RENSHAW: Then we expect to conclude by 6:00? Okay.

CHAIRPERSON REID: All right, then. Ms. Pruitt, would you please call the first case of the afternoon?

SECRETARY PRUITT: The first case of this afternoon is Application 16568, application of Stanton Glenn Limited Partnership, pursuant to 11 DCMR 3104.1, for a special exception under Section 205 to establish a child development center for a total of 60 children, ages two through 12 years, and nine staff persons, in an R-5-A District at 3040 Stanton Road, Southeast,

Square 5879, Lot 11.

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

OM: Excuse me. Madam Chair? If I may, the principals are not here yet. They knew there was a long agenda. We thought that you wouldn't get to them just now, but they are on their way. I've spoken to them. I can get them here very quickly, but unfortunately we're not ready to proceed.

CHAIRPERSON REID: Okay. That's no problem.

MEMBER SOCKWELL: Yes, Madam Chair, we can either dismiss it or just go on to the next one.

(Laughter.)

CHAIRPERSON REID: We'll take the second case, then.

OM: I'm sure they'll be here in the next few minutes.

CHAIRPERSON REID: Whenever they come, just let us know, and we'll take them hopefully as the second case of the afternoon.

SECRETARY PRUITT: So you'd like to go on to the second case?

Okay. Let's try 16567, Application of Kenneth M. Robinson/Demeter Northwest, pursuant to 11 DCMR 3104.1, for a special exception under Subsection 732.1(d) to continue a community-based residential facility for a substance abusers home

for 10 women and their children, and rotating staff, on the first through third floors in a DD/C-2-C District at 301 I Street, Northwest, Square 527, Lot 800.

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

(Whereupon, the witnesses were sworn.)

Please be seated.

Proceed.

CHAIRPERSON REID: Excuse me. Is there anyone here who is going to testify in this case, anyone who is here in opposition or support, other than the people who are sitting at the table? Okay. Thank you.

Go ahead.

MR. MITCHELL: Thank you. Madam Chair, members of the Board, my name is Iverson Mitchell of the law firm of --

CHAIRPERSON REID: Excuse me, sir.

MR. MITCHELL: Oh, the mike.

CHAIRPERSON REID: Yes, thank you.

MR. MITCHELL: Let me try again. Okay.

Madam Chair, members of the Board, my name is Iverson Mitchell, of the law firm of Spates & Mitchell, and I represent Vanguard Associates/Demeter Northwest, the applicants before the Board. Kenneth M. Robinson is the owner of the building. Demeter Northwest is the tenant and the user of the building.

CHAIRPERSON REID: Okay. Mr. Iverson?

MR. MITCHELL: Yes?

CHAIRPERSON REID: In that you don't have any opposition here today, I would recommend that you may want to what we call expedite your case, and basically we've read your submission, and we know the salient points, we know the basis of it. So if you can just basically highlight for us the salient points, then we could kind of move through your case relatively quickly.

MR. MITCHELL: That was my intent, Madam Chair.

CHAIRPERSON REID: Thank you.

MR. MITCHELL: Believe me.

CHAIRPERSON REID: Okay.

MR. MITCHELL: When you said the word that you wish to move quickly, that was what I wanted to hear also.

CHAIRPERSON REID: Okay.

MR. MITCHELL: As the Chair and members of the Board know, this is a renewal of an existing application. I have two witnesses here, Mr. C. E. English-El from Vanguard Associates, and Ms. Valencia Dillon from Demeter Northwest.

Mr. English-El will substitute for Deborah Voltz, who is listed in the application, as a witness. The testimony, though, will be the same as that that Ms. Voltz would give.

In the interest of time, let me point out two corrections in the statement of the applicant, so that these

issues will be clear to the Board. And I will go ahead and then ask questions of Mr. English-El, Ms. Dillon, and, of course, open the floor for any other examination.

On page 1 of the statement of applicant, we indicated there was one bedroom on the first floor and seven on the second. That should be two bedrooms on the first floor and six on the second floor.

CHAIRPERSON REID: Two on the first floor?

MR. MITCHELL: First floor.

CHAIRPERSON REID: Okay.

MR. MITCHELL: And there's a floor diagram -- it's not really an architectural drawing. On page 11 it shows the three floors.

CHAIRPERSON REID: It's a total of eight bedrooms?

MR. MITCHELL: A total of eight bedrooms, Madam Chair, yes.

Ms. Renshaw, did you find it?

MEMBER RENSHAW: Yes.

MR. MITCHELL: Okay. Thank you.

MEMBER RENSHAW: Mr. Software.

(Laughter.)

CHAIRPERSON REID: Our resident architect.

MR. MITCHELL: Our resident architect. Okay.

(Laughter.)

MEMBER SOCKWELL: Yes. I looked at the

architectural drawing.

(Laughter.)

MR. MITCHELL: It's not an architectural drawing, in any case.

On page 4 of the statement of the applicant we listed the staff schedule. But the applicant has indicated that there are some additional staff that was omitted from this.

At the top of the page where it says, "Weekdays, Monday through Friday," that should be 7:00 a.m. to 4:00 p.m. I'm sorry. It's page 4, statement of the applicant. 7:00 a.m. to -- I'm sorry -- 3:30 p.m. It's 3:30 p.m. to 11:00 p.m. And then, if you can, sir, 11:00 p.m. to 7:00 a.m., there's a night manager on duty.

I believe that completes all of the corrections that we intended to bring.

And I'll just say, in brief, that the application is not changed from the one previously approved by the Board. Unless there are any questions of me, I will proceed to call Mr. English-El as our first witness.

CHAIRPERSON REID: Okay.

MR. MITCHELL: May I proceed, Madam Chair?

CHAIRPERSON REID: Yes. I was just noting that you're saying that there are no changes other than the ones that you just went over with us.

MR. MITCHELL: Well, that was with regard to the

statement of the applicant. Pardon?

CHAIRPERSON REID: Were those in your previous order, those changes? Or was that something that you wanted to amend the previous order basically to this particular one?

MR. MITCHELL: Yes.

CHAIRPERSON REID: Okay.

MR. MITCHELL: But as far as substantial changes, there are none. And the other change was just to add something omitted from the statement of the applicant.

CHAIRPERSON REID: Please.

MR. MITCHELL: Thank you. I now call Mr. C. E. English-El and ask him, would you please identify yourself for the record?

MR. ENGLISH-EL: Yes. My name is C period, E period, English hyphen E-L.

MR. MITCHELL: Okay. And by whom are you employed?

MR. ENGLISH-EL: I'm employed by Vanguard Services Incorporated.

MR. MITCHELL: In what capacity, sir?

MR. ENGLISH-EL: I'm the Director of Clinical Services.

MR. MITCHELL: Okay. Would you please describe as briefly as you can what Vanguard's operations consist of?

MR. ENGLISH-EL: Certainly. Vanguard Services is the parent organization for seven residential and outpatient

treatment programs here in the Washington metropolitan area. We provide treatment for addiction for persons suffering from a disease related to drugs and alcohol and other drugs of abuse.

We provide a myriad of treatment modalities specific for adults and for adolescents and for mothers with babies.

MR. MITCHELL: Okay. What programs does Vanguard operate in the District of Columbia?

MR. ENGLISH-EL: We generally operate the Demeter House Northwest, which is a residential program for mothers and babies located at 301 I Street, Northwest.

MR. MITCHELL: And would you please summarize for the Board what agreements, if any, you have with substance abuse programs in the District of Columbia.

MR. ENGLISH-EL: Certainly. We generally have a contract with APRA -- Addiction, Prevention, and Rehabilitation Administration -- to provide residential treatment for mothers and babies which are currently being housed at our Demeter Northwest facility.

MR. MITCHELL: Okay. And, finally, Mr. English-El, has Vanguard received any complaints about the operation at Demeter Northwest?

MR. ENGLISH-EL: Absolutely not a single one.

MR. MITCHELL: That concludes my examination of Mr. English-El, and I'd submit him to the Board for cross examination.

CHAIRPERSON REID: Your second witness will also speak?

MR. MITCHELL: Yes.

CHAIRPERSON REID: Or you wanted to find out -- do Board members want to hold questions until after they've each spoken, or did you want to ask any questions at this time? We'll hold until after.

MR. MITCHELL: Thank you, Madam Chair.

I next call Valencia Dillon and ask her to identify herself for the record.

MS. DILLON: My name is Valencia Dillon, V-A-L-E-N-C-I-A, D-I-L-L-O-N, Clinical Executive of Demeter Northwest.

MR. MITCHELL: Okay. And will you describe your training and experience in the area of substance abuse treatment?

MS. DILLON: I have a master's degree in sociology with an emphasis on alcohol and drug studies. I'm a licensed professional counselor with the District, and I have over 10 years of substance abuse training.

MR. MITCHELL: Okay. Would you please describe the operation at Demeter Northwest?

MS. DILLON: We are a 24-hour intensive drug treatment facility for women and children.

MR. MITCHELL: Okay. And in connection with that, what do those programs consist of?

MS. DILLON: With our clinical training, we have

assessments, we have group therapy, we have individual therapy, we have life skills training, we have educational/vocational training, we have psychiatric evaluations, we have mother/child bonding, we have parenting skills. We have a cadre of many services that we provide for the women and children.

MR. MITCHELL: Okay. And do the schedules that were attached as an exhibit to this application fairly reflect the type of activities that take place at Demeter Northwest?

MS. DILLON: Yes, they do.

MR. MITCHELL: Okay. Are there any changes proposed from the current operation?

MS. DILLON: No, sir.

MR. MITCHELL: Okay. Now, directing your attention to the special exception requirements of the zoning regulations, please describe the residential population at Demeter Northwest.

MS. DILLON: We provide services for up to 10 women and their children. The women can bring children up to two -- two children per mom up to the age of seven.

MR. MITCHELL: All right. And what is done with those children while they're there?

MS. DILLON: We have a child care area where the children are taken care of by staff, but we basically take care of the moms.

MR. MITCHELL: Now, to your knowledge, is there any property -- any other property containing a community-based

residential facility for five or more persons on the same square?

MS. DILLON: No.

MR. MITCHELL: Okay. Is there any other property containing a community-based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property?

MS. DILLON: No.

MR. MITCHELL: Okay. Would you describe how the parking needs of staff, residents, and visitors will be met?

MS. DILLON: There is off-street parking, metered parking, on 3rd and I Streets. There is also public parking, paid parking, $5 a day all day, on -- adjacent to the building, as well as within a block radius. We also have -- we are also connected to the Metro system and the bus line.

MR. MITCHELL: Do the residents have cars?

MS. DILLON: No.

MR. MITCHELL: Are they allowed to drive?

MS. DILLON: No.

MR. MITCHELL: Is a special license required to operate a substance abusers home?

MS. DILLON: No.

MR. MITCHELL: Now, what will be the impact of this use on the neighborhood from traffic?

MS. DILLON: We don't -- there is no -- there is no impact on traffic for the residents in the area because of the

off-street parking and because of public parking lots. So there's no disruption to the neighborhood.

MR. MITCHELL: What about with respect to the impact on the neighborhood from noise?

MS. DILLON: No, there's no noise that would be impacting on the residents or the people in the neighborhood.

MR. MITCHELL: Okay. What impact will there be from operating the facility?

MS. DILLON: There's no impact.

MR. MITCHELL: The residents do not leave ---

MS. DILLON: Residents are not -- do not leave in and out of the facility. It's an intensive clinical hour. Their movements are controlled.

MR. MITCHELL: Okay. And will there be any impact due to the number of similar facilities in the area?

MS. DILLON: No.

MR. MITCHELL: Okay. Speak up. The mike sounds --

MS. DILLON: No.

MR. MITCHELL: Okay. All right.

That concludes my questions of the applicant, Madam Chair. I submit both witnesses for further questions.

MEMBER RENSHAW: Madam Chair, may I start?

CHAIRPERSON REID: You may. Go ahead. Go ahead.

MEMBER RENSHAW: Is the previous order -- was the previous order made part of the packet -- the package?

MR. MITCHELL: I did not submit the previous order, Ms. Renshaw, as part of this package, no.

SECRETARY PRUITT: We have -- it should --

MR. MITCHELL: I don't have it.

MEMBER RENSHAW: Do you have it?

SECRETARY PRUITT: Yes, it's --

MEMBER RENSHAW: I do not have it.

All right. I'll start a few questions for you. How many women have received training up to this point? Not training, received abuse treatment.

MR. MITCHELL: Okay. I'll have to ask Ms. Dillon.

MS. DILLON: You're talking about for -- since the beginning?

MEMBER RENSHAW: Since the program began.

MS. DILLON: Due to the fact that I've only been on board for eight months, nine months, I can give you past services. It was 22 women last year that received service, and as of right now, since it's been under my helm, we have also serviced 22.

MEMBER RENSHAW: So 22 per year. All right. And how many children with the 22 women last year?

MS. DILLON: It just so happens I do have my --

MEMBER RENSHAW: And is there someone on staff who directs the school-age children? And where would they go to school?

MS. DILLON: Well, due to the configuration of the

housing and how the women are transient at times, if a child is coming into the facility and they already are in school, we try not to give them too much of an upheaval because of the clinical reasons behind it. So if the child is in a school setting that's close to the facility, we provide transportation for that child to remain, so we can have that consistent.

If a mother is transient, a baby is transient, or the school-age kid is transient, in a homeless situation, then we try to -- we will get them into Cary School, which is a block on the right side from the facility.

MEMBER RENSHAW: All right. And do you own any buses of your own? In other words, do you have little shuttle buses or vans?

MS. DILLON: We have a van.

MEMBER RENSHAW: You have a van?

MS. DILLON: Yes.

MEMBER RENSHAW: And where is that parked, in the lot next to the building?

MS. DILLON: It's right next to the lot. It's adjacent -- it's on our property.

MEMBER RENSHAW: It's on your property but adjacent. All right.

I noticed that you allow smoke breaks. I was looking at your November 5, 1999, weekday schedule, and you have two smoke breaks, and that brings up the question of fire

inspection. How often does the fire department inspect your building? And do you have any report from the fire department as part of this application?

MR. MITCHELL: Ms. Renshaw, the Office of Planning is responsible for getting those government reports. I haven't seen their report yet. But in the past, the building has passed fire inspection. We could not have gotten a C of O without passing such inspection.

And I believe, if I may interject -- are the smoke breaks outdoors?

MR. MITCHELL: It's a smoke-free building.

MEMBER RENSHAW: Very good. That's what I was after. Thanks.

MS. DILLON: And I'd like to make a correction for the number of women we serviced last year. It was 28, and 20 children.

MEMBER RENSHAW: And they're with you for four months at a time. How many of those women are repeaters?

MS. DILLON: We have a policy to -- we do service -- since I've been there, we've serviced three women that are repeaters. Demeter Northwest has a policy that if a woman needs service, we will offer them service.

CHAIRPERSON REID: I have a couple of questions. I'm sorry. Give me your name again.

MS. DILLON: Valencia Dillon.

CHAIRPERSON REID: Dillon?

MS. DILLON: Uh-huh.

CHAIRPERSON REID: Ms. Dillon, the previous order that -- under which you were operating requires that -- it's for a term of five years that began in 1993. And that you're basically -- your order has expired some time ago. Can you explain to us why you're just now coming to submit all of this?

MR. MITCHELL: Perhaps I'd better interject at this point, Madam Chair, because I can probably better answer that as the attorney for the applicant.

CHAIRPERSON REID: Okay. Timely application was made to review their Certificate of Occupancy back in 1998. As part of that process, we brought the paperwork here to the Board, and then, of course, before the application could actually be filed we had to get the list of property owners.

We then went to the Office of -- Tax and Revenue Office, Maps and Title Section, I believe, which was then in this building, and placed the order for the list of property owners to complete the application. Several months later, after efforts on my part to attempt to break that information loose, we finally got the list of property owners so we could complete the application and start the processing, so we could get it before the Board for public hearing.

So the applicant did not delay. The problem, really, was with the Office of Tax and Revenue. And I would

imagine that -- and it's speculation on my part -- what probably happened was that they moved from this building to their current location in the interim, and somehow or other the paperwork just didn't get to us until late last year.

CHAIRPERSON REID: Okay. That's reasonable.

Okay. Now, you, Mr. Iverson, cited for us the regulation that basically demonstrates how your client complies with the existing regulations in regard to 358.3.

MR. MITCHELL: Yes.

CHAIRPERSON REID: Subsection 358, and all of the subsections under it.

Is your name Mr. Iverson?

MR. MITCHELL: Iverson Mitchell.

CHAIRPERSON REID: Mr. Mitchell. Okay.

MR. MITCHELL: Thank you.

CHAIRPERSON REID: Thank you. Okay. Mr. Mitchell, all right, now -- and I think that you also spoke to adverse impact, and there have not been any complaints. I think your witness attested to that. And that is also evidenced by the fact that we don't have a roomful of people in here in opposition to your application, as well as letters coming in telling us that you have not complied with your existing order, and you have not been a good neighbor. So that's good.

Now, in regard to the number of persons that you treat, that has remained the same. You're not asking for an

increase.

MR. MITCHELL: That's correct, Madam Chair. In other words, the application before you now is unchanged from that which was approved by the Board a few years ago, with the conditions, and we're not asking for any change of the conditions. We're asking, again, for permission to operate for five years.

CHAIRPERSON REID: Okay. Typically, the term that's imposed the first time an application is brought to the Board is done so as to be able to gauge the impact you have on the community and determine whether or not you were able to comply with the order which had been issued to you.

So if you are asking for an extension of the previous order, then it's possible that you would even be able to -- if you wanted to -- to have more time put --

MR. MITCHELL: Well, we would welcome more time. We would certainly welcome more time.

CHAIRPERSON REID: We'll see about that.

MR. MITCHELL: Okay.

CHAIRPERSON REID: We'll see about that.

Okay. Now, Board members, are there any other questions? Questions? Questions?

MEMBER SOCKWELL: Mr. Mitchell, your response regarding the timeliness of the application answered my question of the age of the letters in support, because those were all dated 1998, between August and October.

It actually would have been appropriate, although not necessary, to have had those updated so that they would be current, because although there are no opposing parties in the room today, it would have been a stronger indication of support to have had those letters redrafted with current dates and current signatures.

CHAIRPERSON REID: Okay. Government reports? Are there any government reports?

SECRETARY PRUITT: I didn't see any ANC report.

MEMBER RENSHAW: No ANC report in the packet.

CHAIRPERSON REID: It had been noticed. They had not responded.

MR. MITCHELL: Well, that surprises us, Madam Chair, because there are letters of support. There's a letter of support from the ANC, as well as from the single member district representative.

CHAIRPERSON REID: Do you have that?

MR. MITCHELL: I think I do, Madam Chair. Ms. Dillon has her copy. I have it, too, but Ms. Dillon has --

CHAIRPERSON REID: Can we see what you have? Because -- just a moment. We're looking for the letter in our file. You're saying that you -- did you give it to staff?

MR. MITCHELL: Well, I -- the ANC took care of it themselves. I don't know if they just didn't get it in in time or what happened. Ms. Dillon has copies. She has to go back to her

chair and get them, but she can bring you her copies.

CHAIRPERSON REID: Okay. All right. Well, we'll move forward.

For persons or parties in support, there are no persons present here today. However, we have letters from Mt. Farewell Baptist Church and Bethany Community Cooperation, Second Baptist Church, and Curry School Community Service Center that all speak glowingly of the program and support it.

Persons or parties in opposition? Seeing none -- did you find the ANC's letter?

MR. MITCHELL: No, she's looking now.

CHAIRPERSON REID: Well, while she's looking, specifically, if we don't receive a response to the ANC, then we consider it to be something that they do not oppose because if they are in opposition they will certainly let us know. So no news is good news as far as the ANC participation is concerned.

MR. MITCHELL: Did you want me to take advantage of the great weight standard?

CHAIRPERSON REID: Well, this is true. If they had indicated such -- their support in their letter to us, then we would do that. We would afford them the great weight they would be entitled. But if we don't have anything from them, then we just assume that they're not in opposition.

MR. MITCHELL: I understand.

MEMBER RENSHAW: Attorney Mitchell, did you request

time on the ANC's agenda prior to this hearing date? And did they correspond with you or call you? Did you attend an ANC meeting?

MR. MITCHELL: Yes, ma'am, we did. And that was -- and at that time, when the letters of support were submitted by both Mr. Thomas and the Commission.

MEMBER RENSHAW: Would you give us the date of that ANC meeting?

MR. MITCHELL: Okay.

MR. ENGLISH-EL: It was on April 5, 2000, at 6:30 p.m., at Shiloh Baptist Church.

CHAIRPERSON REID: All right. While she's looking for --

MR. MITCHELL: Ms. Dillon found it.

CHAIRPERSON REID: Okay. In the meantime, we can kind of move along. Mr. Mitchell, could you give us your closing remarks?

MR. MITCHELL: Very well. We would ask that the Board continue the existing operation of Demeter Northwest. We believe we have presented sufficient evidence to show compliance with all of the conditions for the special exception.

And as the Board may well know, under the D.C. Court of Appeals rulings, once the applicant meets those requirements, the application must be granted. We believe this meets -- we believe that this application meets the greater good of the community by providing the only program of this type for

women in substance abuse treatment, and it furthers the goals of the District of Columbia with whom Demeter has its contract.

So we, therefore, ask that the application be granted for at least five years, preferably more, with the conditions that the Board previously imposed.

CHAIRPERSON REID: Are you asking for a bench decision from --

MR. MITCHELL: Please. Please, if we may.

CHAIRPERSON REID: Okay. Let us look at the ANC letter there.

MEMBER SOCKWELL: Madam Chair, while that's forthcoming, let me ask a couple of questions.

What's the duration of the current contract that you're operating under?

MR. ENGLISH-EL: Excuse me?

MEMBER SOCKWELL: What is the term of the current contract under which you're operating?

MR. ENGLISH-EL: Our current contract with APRA is a five-year contract with one-year renewables.

MEMBER SOCKWELL: And what year are you into that contract now?

MR. ENGLISH-EL: This is our third year, and our second go-round.

MEMBER SOCKWELL: Okay. So you've been through a five-year, and now you're on --

MR. ENGLISH-EL: That's correct.

MEMBER SOCKWELL: And you have every reason to believe that that contract can be renewed again?

MR. ENGLISH-EL: Absolutely.

MEMBER SOCKWELL: And under the previous order, the total number of individuals residing in the home shall not exceed 24 at any given time. That, I assume, says that a certain number of staff reside at the facility but a certain number do not?

MR. ENGLISH-EL: No staff reside at the facility.

MEMBER SOCKWELL: None.

MR. ENGLISH-EL: No. No staff reside at the facility. There's 24-hour staffing but no staff reside there.

MEMBER SOCKWELL: What's your normal complement of residents at any given time?

MR. ENGLISH-EL: Number of residents?

MEMBER SOCKWELL: Yes.

MR. ENGLISH-EL: Approximately 10 to 12 mothers with their children.

MEMBER SOCKWELL: Okay. The Certificate of Occupancy is 10 residents and 18 rotating staff as of the 12/30/98 application. Does that say that you're within tolerance, or has there been a change that you might be operating with more than 10 residents? Ten residents is what the Certificate of Occupancy states. I just want to make sure we're within that.

MR. ENGLISH-EL: Yes, we are.

MEMBER SOCKWELL: All right. That should be all I wanted to ask. Thank you.

CHAIRPERSON REID: We have the ANC report. Ms. Renshaw, would you -- first of all, we have to waive our rules to allow the ANC report to come in in less than the seven-day time which they are supposed to have had it in. And unless there's an objection, I will so waive, to allow them to do that. Okay.

MEMBER RENSHAW: All right. We have two ANC-related documents. The first is dated April 5th from Lawrence L. Thomas, the ANC Commissioner of the single member district 2C-05, and he writes, "To Whom It May Concern," that it is his pleasure to support Demeter Northwest, a program of Vanguard Services Unlimited.

Madam Chair, do you want me to read the letter into the record?

CHAIRPERSON REID: No. Just basically tell us the salient points about --

MEMBER RENSHAW: The salient points is that he supports the efforts to improve and enhance the services by obtaining grant funding, and he is supportive of this effort. And he hopes that Demeter Northwest will receive support through grant funding from your foundation. So this is not specific to the BZA. This one sounds like it was a letter to a foundation, a general letter to a foundation from Mr. Thomas.

The second letter we have is dated April 6th. It

is signed by Monty LeRoy J. Thorpe, Jr., ANC-2C Commission Recording Secretary. And he is writing, "Dear Board of Zoning and Adjustment," and it states that 2C held a public meeting at the Shiloh Baptist Church on April 6, 2000, and had full ANC-2C Commission quorum, in which the Commission supported BZA application number 16567.

They supported the application of Robinson/Demeter Northwest, recording a six to zero vote, and a quorum was present. And they are supporting the special exception under subsection 732-1(d) to continue a community-based residential facility for a substance abusers home for 10 women and their children, and a rotating staff on the first through the third floor, in a DD/C-2-C District, at the premises of 301 I Street, Northwest, Square 527, Lot 800.

CHAIRPERSON REID: Okay. So, therefore, they will be afforded the same weight to which they are entitled --

MR. MITCHELL: Thank you.

CHAIRPERSON REID: -- as far as the application.

All right. Now, Board members, I would like to move that we approve this application extension. I feel that the applicant has met their burden of proof in regard to the special exception, that they have demonstrated that they comply with subsection 358.2. There does not appear to be any adverse impact. There is no opposition to this case, and they have considerable support in the community as well as from the ANC.

I don't feel that granting the application will impair the intent or integrity of the zoning regulations from that.

I feel that -- further, I feel that the program of Kenneth Robinson/Demeter Northwest is a very worthwhile program, and they certainly contribute a very much-needed service to the District of Columbia, and, as such, they have my full support.

And if possible, I'd like to have the motion approved with the conditions that were in the previous order, with the exception of increasing the period of time to seven years, and everything else remain the same.

Is there a second?

MEMBER RENSHAW: Madam Chair, I would like to move that this be a five-year period. It does not seem to be undue hardship on the applicant to be back with us in five years, and I would just like to have the opportunity to check on the funding of the organizations in the third year of a five-year contract.

And it seems to me that it would be wise to just touch base with you every five years.

CHAIRPERSON REID: But every time they come they have to pay, and it's a nonprofit, so I was just trying to ask -- I'll tell you what my thinking was, Ms. Renshaw.

If, in fact, they came before us and they had any opposition or any -- anyone that was complaining about the way that they conducted their facility there, we could -- I would be

amenable to the five years. But I think that when you have an applicant who was unproven, and they come back after five years demonstrating that they have had a very successful program, then I like to somehow acknowledge that and extend more accommodations to them.

MEMBER RENSHAW: Perhaps within the five-year period the ANC could invite the applicant to a public meeting, and just review the operation at the ANC meeting --

CHAIRPERSON REID: Sure.

MEMBER RENSHAW: -- and have the ANC write to the Board, and just detail the operations as it sees it, and make a recommendation. Could we do that?

CHAIRPERSON REID: We could ask that. Are you saying, then, that you would be amenable to the seven?

MEMBER RENSHAW: Yes.

CHAIRPERSON REID: Okay. Second?

MEMBER SOCKWELL: I actually had a comment, but I'll -- I'll --

CHAIRPERSON REID: Go ahead.

MEMBER SOCKWELL: -- second the motion.

And my comment actually was similar to Ms. Renshaw's -- that with the type of facility that it is, and with the fact that it is always a sensitive operation within most residential communities, that a five-year period might head off problems that could occur over a seven-year period where the

neighborhood might change in -- their interest in the facility might change or their position on the facility might change.

It might to the advantage of the facility to come back in five years rather than seven, if there might be damage to repair or issues to solve, before they became too serious and polarized the neighborhood. But there again, that was part of my interest in the five-year period -- just to keep a guaranteed communication, as much between ourselves and the facility as between the community and the facility.

CHAIRPERSON REID: Okay. Are we --

MEMBER SOCKWELL: But I will waive that. I'm just expressing my point of view.

CHAIRPERSON REID: Absolutely.

Ms. Mitten, did you want to make a comment?

COMMISSIONER MITTEN: Yes, Madam Chair. I wanted to endorse a five-year period for a somewhat different reason, which is this area is increasingly being I guess noticed by developers. And because we have -- parking availability is one of the issues, and if in a relatively short period of time there were to be some significant development activity in the area, the availability of parking or the price of the parking might change. And I think a five-year period is a good time horizon to revisit that issue.

And I would also like to say that I don't endorse keeping the record open for a reading on the financial status of

this applicant. I don't find that relevant to the land use issue at hand.

CHAIRPERSON REID: Is there a motion? I didn't hear that.

COMMISSIONER MITTEN: Ms. Renshaw suggested two things when she responded to your motion. She suggested the five-year time period, and she suggested that she wanted additional information about the financial status of the applicant.

CHAIRPERSON REID: Oh, I'm sorry. I was reading. No, I would agree with that.

The financial status -- oh, you mean as far as the funding is concerned?

COMMISSIONER MITTEN: Yes.

MEMBER RENSHAW: The point was that -- just to inquire about the stability of the funding.

COMMISSIONER MITTEN: But how is that relevant to the land use issue?

MEMBER RENSHAW: Whether or not they can afford to be where they are and continue to be in operation.

CHAIRPERSON REID: Well, they won't. Without the funding, they won't, you know, so that's a given.

Go ahead.

COMMISSIONER MITTEN: Well, but that's not relevant to our decision. Our decision is: is this an appropriate use of this property? And whether or not that continues because they

have the money to is their problem. That's not our problem.

MEMBER RENSHAW: Well, Ms. Mitten has brought up the very valid concern about the -- this area being noticed by developers, and that is a reason to perhaps invite them -- invite the applicant back in five years.

CHAIRPERSON REID: I can't see the relevance of the fact that it's being noticed by developers as being germane to this particular issue, because what we have before us today is the assessment of this case as would be looking at the conditions as they exist today. And we cannot anticipate or conjecture as to what's going to be happening a few years hence. We have to look at it only in terms of how it appears to us today.

MEMBER SOCKWELL: I would agree with you, Madam Chair, but the requirement for this facility is to have two on-site parking spaces.

CHAIRPERSON REID: Right.

MEMBER SOCKWELL: And those they comply with. There is no reason to specifically look at development potentials in the neighborhood as having a pertinent impact, unless there were a reason to believe that there would really be inadequate parking in a C-2-C zone, which is a commercial zone.

In this case, they said most of the people using the facility walk to the facility; at least the patients. They're on the -- the patients are on the grounds at all times and do not have vehicular access. And most of the staff walks to the

facility. Is that correct? Or --

MR. ENGLISH-EL: Use public transportation.

MEMBER SOCKWELL: They use public transportation. So the burden on street parking is nil. So I see no reason for that. In fact, I'll back off my five-year and accept the seven-year, if we would go along with that.

CHAIRPERSON REID: Thank you. Basically, let me just reiterate the motion. The motion is to approve this application and to adopt the previous order with the amendment of seven years rather than five years. And this is the motion that was seconded.

MEMBER SOCKWELL: I think Ms. Renshaw's was for five years.

MEMBER RENSHAW: I would agree to a seven-year, if within the five-year period the applicant reappears before the ANC and a report from the ANC is forwarded to the BZA.

CHAIRPERSON REID: We can put that in as a condition, that they reappear before the ANC within five years.

Okay. Then all in favor?

(Ayes.)

COMMISSIONER MITTEN: Wait a minute. I need to hear the condition again. I'm sorry.

MEMBER RENSHAW: Oh. The condition was that within five years the applicant visit with the ANC.

CHAIRPERSON REID: Do you mean within or do you

mean after -- or at the five-year anniversary?

MEMBER RENSHAW: At the five-year anniversary, that an ANC report be forwarded to the BZA, the applicant having visited with the ANC and just reviewed the operation of the facility.

COMMISSIONER MITTEN: Well, I just think that nobody is going to remember to do that. It's not going to happen. And it's just -- it's meaningless.

MEMBER SOCKWELL: Are we prejudicing by saying that the facility, which has absolutely no negative relationship with the community that has been brought forth at this time, would not be forthcoming with a meeting with the Advisory Neighborhood Commission that has voted six to zero to support them?

COMMISSIONER MITTEN: No. I'm just saying it's --

MEMBER SOCKWELL: Well, what are you saying?

COMMISSIONER MITTEN: I'm saying that it's a needless burden to put on -- we should either say seven years straight up and let them be, or say five.

MEMBER SOCKWELL: Well, I mean, you said that they wouldn't comply was what you said. You didn't say that it was a needless burden; you said that they wouldn't do it.

COMMISSIONER MITTEN: Well, I mean, I just mean it's going to be forgotten.

CHAIRPERSON REID: Well, I think that --

MEMBER RENSHAW: You're assuming that it will be

forgotten. I don't think it needs to be forgotten. The management of Demeter Northwest, and certainly -- they are going to be, shall we say, associating with the ANC through these years, and at the five-year period can be asked to be --

CHAIRPERSON REID: I have a comment, and that is that I was impressed with the fact that, unlike a lot of the applicants that come before us, this applicant had made its best effort to comply with the existing order as far as the term was concerned, to cut back to have their order extended. And I think -- I was very impressed with that, and that goes a long way with me, that they had put forth the attempt to try to do that.

And that gives me confidence that if we ask them to do something in regard to meeting with the ANC within five years, that they will do all that they can -- I believe that they will make their best effort again to comply with that.

MEMBER RENSHAW: Could we suggest that a liaison person be appointed to work with and coordinate with the ANC? And that person is then charged, at the appointed time, to bring the matter up before the ANC?

MEMBER SOCKWELL: I believe, if I may speak, Ms. Renshaw, that's what was -- that's what Ms. Dillon does. That's her -- that's one of her jobs, and so --

MEMBER RENSHAW: Okay.

SECRETARY PRUITT: Excuse me, Madam Chair, just for a clarification. At the five-year anniversary, you would like a

report to come back to the BZA?

CHAIRPERSON REID: Ms. Renshaw asked --

SECRETARY PRUITT: I'm sorry. Yes, Ms. Renshaw. The purpose of the report is just an update? No, I'm just asking so I can understand. The purpose would just be for an update? Because the order would still be good for another two years, correct?

CHAIRPERSON REID: Correct.

SECRETARY PRUITT: Thank you. Just wanted to be clear.

CHAIRPERSON REID: Okay. Are we ready for the question? All in favor, aye?

(Ayes.)

Opposed?

(Nay.)

SECRETARY PRUITT: Staff will record the vote as three to one to approve the motion made by Ms. Reid, seconded by Ms. Renshaw, to incorporate the conditions of the previous order, and to extend the timeframe for seven years, and to request that a five-year anniversary -- that the ANC report to the BZA after meeting with the applicant on -- giving it an update report.

CHAIRPERSON REID: Good luck.

MR. MITCHELL: Thank you. One final matter, Madam Chair. For the purpose of submitting proposed findings and conclusions, when is the deadline?

MEMBER RENSHAW: This is the summary order, so you don't need it.

CHAIRPERSON REID: Summary order. And so that won't be necessary.

MEMBER RENSHAW: But thank you.

CHAIRPERSON REID: You should have your order in about two weeks.

MR. MITCHELL: Thank you very much.

CHAIRPERSON REID: Thank you.

MEMBER RENSHAW: Are these the only copies of your letters? I'm holding these. We need to make copies of these.

MR. MITCHELL: Yes. And I'll wait around until the copies are made.

CHAIRPERSON REID: The second case of the afternoon, please?

Mr. Gell, have you -- is he here? All right. Let's go.

SECRETARY PRUITT: Next case on the afternoon agenda is 16568, Application of Stanton Glenn Limited Partnership, pursuant to 11 DCMR 3104.1, for a special exception under Section 205 to establish a child development center for a total of 60 children, ages two through years, and nine staff persons, in an R-5-A District at 3040 Stanton Road, Southeast, Square 5879, Lot 11.

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

(Whereupon, the witnesses were sworn.)

Please be seated and proceed.

MR. GELL: Good afternoon, Ms. Reid and members of the Board. My name is --

CHAIRPERSON REID: Could you turn on your mike?

MR. GELL: Good afternoon, Ms. Reid and members of the Board. My name is Stephen Gell. I'm representing Stanton Glenn Limited Partnership. They are seeking to put a day care center in one of the buildings of the Stanton Glenn Project, which is currently under renovation.

I'm going to ask Mr. Rigelsky -- excuse me, I shouldn't say that. With me, Mr. Stephen Rigelsky, who is Project Manager, and Ms. Marilyn Harris, who is the Leasing Manager for the project.

We thought it might be useful, before Ms. Harris begins her testimony, to show you what the layout of the property looks like. Just give us one minute and we'll have this set up.

This diagram shows the site plan of the project itself. You can see it's quite a large project. And I'd like Mr. Rigelsky to point out where the building is that's going to have this day care center, and then I'll ask him to point to actually where Stanton Road is, and also approximately where Suitland Parkway is because this is off of Suitland Parkway.

On the other board, you can see it. It does say Stuart Glenn Apartments, but that really should have been Stanton

Glenn. But it shows approximately where it is in relation to the community.

MR. RIGELSKY: This would be Suitland Parkway here, Stanton Road, and the property is located right where this area is.

MR. GELL: Thank you, Mr. Rigelsky.

I'd like Ms. Harris, Marilyn Harris, who is the Leasing Manager, to make a statement at this time.

MS. HARRIS: Good afternoon, Madam Chair. My name is Marilyn A. Harris, and I am the Leasing Manager for the Stanton Glenn Apartments located on Stanton Road, Southeast. The Stanton Glenn Limited Partnership is in the process of renovating the 370-unit project. The buildings will be handsomely renovated, and the site will, once again, become an attractive residential community.

As the apartments are renovated and rented, many families will be looking for quality child are for their preschool and school-age children. We plan to develop the day care center in a three-story building with a basement at 3040 Stanton Road, Southeast. The day care center, nine dwelling units, and the rental office will occupy the entire 14,289 square feet.

The day care center will occupy approximately 4,536 square feet on the second floor. Approximately 60 children ages two to 12 years will attend the day care program and the before and after school program.

The day care center is located on an interior road

in the Stanton Glenn complex. Therefore, there will not be a negative impact on general Stanton Road traffic.

We expect that most of the children enrolled in the center will reside at Stanton Glenn. Over 80 percent of the units are two-, three-, and four-bedroom, and will probably be occupied by working families with children. These children will walk to the day care center on the sidewalk system, with their parents, and not add to the motor vehicle traffic.

In addition, since there is no through traffic, few cars will be using the street in front of the day care center, and there are two paved walks from the street to the entrance for motor vehicles to drop off and pick up children.

The children will play in a 4,700 square foot fenced area in the rear and on the side of the building on play equipment provided by Stanton Glenn Apartments, in a natural setting located directly next to federal park land.

I will be happy to answer any questions you may have. Thank you.

MR. GELL: If I may, I'd like to ask Ms. Harris if she believes, with her total familiarity with the project and the area, that there will be no negative impact on the neighborhood from this day care center, either on traffic or noise -- traffic, noise, or other things.

Can you speak to that?

MS. HARRIS: Based on the location of the proposed

day care center, and the fact that the building, as Mr. Rigelsky has pointed out, stands alone from the rest of the property, there will be a separate drive area directly to the right of the entrance that will not impede on or impact negatively on the current traffic in that area.

MR. GELL: At the beginning of our looking at this, and when we filed the application, we were under the impression that there were no other day care centers within 1,000 feet. Now, while that may be true with respect to the building that we're talking about, there is indeed another day care center that is less than 1,000 feet from the property line, and I wanted to make sure that that is brought out in the testimony.

And I will ask whether Ms. Harris and Mr. Rigelsky could state that the combined traffic, and so forth -- noise, whatever -- of the two day care centers will not have any serious impact on the neighborhood.

MR. RIGELSKY: If I could point out where the other day care center is located, it is in a small multi-family community off of Stanton Road, whose entrance is approximately at this location. You drive up a hill, and it is located in one of two buildings that are there. Those buildings are in a considerable state of disrepair at this time.

And the operator of that day care center has talked to us about the possibility of using our center -- leasing it -- although we have no firm conclusion in that discussion. Since we

are an apartment community, we are one lot.

And when Mr. Gell first raised the question of 2,000 feet, I thought we were talking building to building, not lot to lot. Lot to lot, we are just the width of the road right of way. I apologize for the error.

MR. GELL: We'd be happy to respond to any questions.

MEMBER RENSHAW: And how many children are there in the other day care?

MS. HARRIS: There are approximately 30 to 35 children in that center.

MEMBER RENSHAW: And the thought is that the person who is operating the other day care center wants to operate the day care center at your facility?

MR. RIGELSKY: Yes, that's correct.

MEMBER RENSHAW: All right. And he would be bringing the 30 to 35 children with him?

MR. RIGELSKY: There's a possibility that we would operate both, since currently there are 412 units in our apartment community. Of those, less than 150 are currently occupied. When the rehabilitation is complete, there will be approval of three, all of which will be occupied.

We will be bringing in a major increase in population to our site, especially of children. The state of the property is currently not extremely conducive to raising children,

whereas after the rehabilitation it will be. We feel of the 60 capacity that the day care center will have that the clear majority, if not all, will come from the apartment itself.

COMMISSIONER MITTEN: Madam Chair, we have a memo in our file from the Department of Health. Have you had a chance to review that memo?

MR. GELL: I have not seen that memo.

COMMISSIONER MITTEN: There are several conditions that are listed that they suggested. And I'll read them to you, and then, if you have a response, we'd be interested in that.

They said that because you have yet to submit an application to establish a child development center to the Human Service Facility Division of the Department of Health, they haven't been able to review that, so they're recommending these conditions in lieu of that. That the applicant submit an initial license application for a child development center to the HSFD.

The facility must comply with the HSFD in the number of children it can care for, based on the actual measurement of the usable program space of the premises by the HSFD licensing specialist. The square footage requirement is 35 square feet per child and 45 square feet per infant, and the facility must comply with the one flush toilet and one lavatory facility requirement per every 10 occupants of the facility. The occupants include adults, children, and infants. And this is reference 29 DCMR 329.1.

Are there any problems with complying with those conditions?

MR. GELL: No, there are none. I reviewed those regulations earlier, and there's not going to be any problem with meeting any of the conditions. We'd be happy to -- when we're ready to submit an application, of course, we have to get your approval for licensing, and those conditions are already in the regulations. So --

COMMISSIONER MITTEN: Okay.

MR. GELL: -- there will not be any problem at all.

COMMISSIONER MITTEN: Okay.

MR. GELL: I might also add that we had several letters of support which have been submitted, including the single member for this district, Ms. Constance Thomas. And I believe that should be in your packets, although I must say I'm terribly sorry that it did come so late. But she did finally send it.

I sent the ANC -- I called them several times, every one of them -- each one of them several times. I could not get an answer from anyone. Left messages for those that I could. I couldn't deal with the two or three where the number was wrong. There was just no way to reach them. I finally was able to reach Ms. Thomas by finding out where she worked and calling her there.

So we did make an effort, and then I sent a letter to each of the members asking for an opportunity to present this and to get a vote, and so forth. There was no response from that.

But Ms. Thomas was very kind and said that she did not believe that there was any problem in the ANC. She certainly expressed that to me on several occasions, and I wrote a letter of support.

COMMISSIONER MITTEN: That's all I have, Madam Chair.

CHAIRPERSON REID: Other questions?

MEMBER RENSHAW: I just want to note that I did not have a health letter in my packet, so I have asked for a copy, and -- the one that -- the one that --

CHAIRPERSON REID: I know what --

MEMBER RENSHAW: -- that Ms. Mitten referred to.

CHAIRPERSON REID: All right. Mr. Gell, you spoke to the other day care center --

MR. GELL: I'm sorry. I didn't think I covered them, but that's not --

CHAIRPERSON REID: I wasn't sure that you had --

MR. GELL: We talked about the traffic, the noise.

CHAIRPERSON REID: Right. Traffic, noise. We talked about off-street parking.

MR. GELL: Yes.

CHAIRPERSON REID: And the number of employees, teachers, staff.

MR. GELL: That's in our application, but we did not speak to that today.

CHAIRPERSON REID: That's in the application where?

MR. GELL: In the letter I sent supporting the application. I think we should testify to that.

CHAIRPERSON REID: Do you mean this? Are you referring to this?

MR. GELL: Yes.

CHAIRPERSON REID: Okay. All right. Wait a minute. Just tell us. I did see it, but I don't see -- how many employees?

MR. GELL: Yes. Mr. Rigelsky, do you want to speak to that? I don't know.

MR. RIGELSKY: A maximum of 60 children, and I think -- I believe the number was nine employees.

CHAIRPERSON REID: Nine employees, staff, and that requires how many parking spaces.

MR. RIGELSKY: Two.

CHAIRPERSON REID: Two? All right. What about pick up and drop off of the children? I didn't hear that.

MR. RIGELSKY: The staff parking, by the way, and some visitor parking -- these five spaces here -- are dedicated to the day care center. Anyone coming into Stanton Glenn will enter here. This is going to be a gated community. The gates will be open in -- throughout the day.

You will pass through here and drop a child off at this point where there is a striped walkway immediately adjacent

to a handicapped parking space leading to a sidewalk that has some steps in it because we are on the second level of the building, which when you get to the back of the building is ground level.

CHAIRPERSON REID: Is this staff assistance -- are you saying the children -- are you saying they will be dropped off -- is there someone who is going to accompany them into the building? It's on the second floor?

MR. RIGELSKY: It is the first floor of the building in the back; the second floor from the front. The building sits on a hillside.

CHAIRPERSON REID: All right. So the children have to go to the second floor?

MR. RIGELSKY: They would need to come up the steps. Or if they were dropped at this point here, which is a minor raised walkway which also serves as a speed bump --

CHAIRPERSON REID: Okay. My question was: are they going to -- is there going to be anyone to come in -- how old are the children?

MR. RIGELSKY: The children are between the ages of two and 12.

CHAIRPERSON REID: Okay. What plans do you have for accompanying the children into the building?

MR. RIGELSKY: We do not plan to operate the day care center ourselves. There will be a professional day care operator for this facility. I would assume that we would have

someone -- he or she would have someone to accompany younger children to the building. But since they are not a direct employee of ours, I cannot speak --

CHAIRPERSON REID: But that's one of the requirements.

MR. RIGELSKY: Exactly.

CHAIRPERSON REID: That is subsection 205.3, that you have to demonstrate how there will be no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children.

Now, are you telling me that we've got children two years old, and they have to go into the building and they have to navigate getting into that building and upstairs? That, to me, is not -- you haven't addressed that issue satisfactorily.

MR. GELL: Madam Chair, if I may, the parking is on the property itself because this is all one lot anyway.

CHAIRPERSON REID: Right. There is angular and perpendicular parking, so that parents would be able to take their children out of the car, would be able to stop, take their children out of the car, not holding up traffic in any way because there would be a parking space for them, and then either take them into the building, up to the second floor if necessary, or hand them off to one of the teachers who would be waiting there.

In other words, they would be covered either way. The children would be protected perfectly well, and they would not

have to cross any traffic. They would not have to worry about a line of traffic dropping kids off and then moving on, because they would be in a parking space and then on the sidewalk. So --

CHAIRPERSON REID: That was the question, Mr. Gell. I want to find out what was the plan? This did not appear to be related with what the plan was going to be, and if -- and now I'm hearing you say that the parents are going to park the car and then take the kids into the building, or there will be someone from the child care center who will be at the door to receive the children. I'm not clear on what this plan is.

MR. GELL: What I'm saying is that both options would be available, depending on what the needs are of the operator and the operator's plans are.

CHAIRPERSON REID: So you're saying that -- am I hearing you say, then, that it would be either/or. Either the parent will park the car and bring the children into the -- inside the building, or there will be someone to receive the children?

MR. GELL: If it -- if it is determined to be necessary to have someone receive the children, then that would be part of this. What I'm saying is that even if there were nobody to take the children in, parents could do that, since they are parking in spaces that are away from the traffic, and children don't have to cross traffic. The question was whether it's safe.

CHAIRPERSON REID: Well, that's what I need to find out is what is there going to be. I mean, you're saying they may

do this or they may do that, but we need to understand what specifically do you plan to do to comply with that regulation in regard to the children being dropped off.

MEMBER SOCKWELL: Madam Chair, may I ask a quick question?

It was stated by the gentleman here, whose name I don't quite remember, that --

MR. GELL: Mr. Rigelsky.

MEMBER SOCKWELL: Yes. That the majority of the children would be coming from the complex itself.

MR. GELL: Correct.

MEMBER SOCKWELL: Is that to assume that most of the children would be walked to the day care center, or is that to assume that the parents will more likely be driving to the entrance and dropping the children off, and then leaving? Because it does present different issues for drop off.

Because driving out would mean that the cars would be on the opposite side of the street for exiting purposes; and, therefore, the children would have to cross the traffic lane. If they're going to -- if they're expected to be dropped off by walking parents, then you merely have to provide sufficient crosswalks and sidewalks to get those parents to the center for the majority of the children. And the ones coming from outside would drop off on the proper side because they would be coming in on the side of the building as opposed to the opposite side in

most cases, based on your roadway plan.

MR. RIGELSKY: I think whether the resident were bringing their child -- walking their child to the day care facility would depend on where they are located within the development, and also their access to a vehicle. A number of our residents use public transportation or perhaps they may be a one-car family, in which their spouse has left for work earlier with that car, and the remaining spouse is dependent on public transportation.

Obviously, it is easier for people located in the immediate vicinity to walk. Somebody back in this area, I would imagine if they had the ability -- use of a vehicle, if they came through this location they could have the right-hand drop off.

You are correct, though, coming this way, the preferred point of drop off would be right here because this is a dedicated walkway across. It has the sidewalk connection, which is a gentle ramp here as opposed to having steps. It's located next to the building.

MEMBER SOCKWELL: The likelihood is the convenience would preclude most people dropping remotely at the crosswalk and would tend to place most of the cars in the general vicinity of the building for the shortest distance between the car and the building being the most convenient. Because you cannot require parents effectively, necessarily, to drop off at the crosswalk when the building is a lot closer if they drive right up to it on

one side or the other of that roadway.

COMMISSIONER MITTEN: Madam Chair, could I suggest a condition that might handle all of the possible permutations of this?

CHAIRPERSON REID: Sure.

COMMISSIONER MITTEN: The condition that I would propose would be the following. All children enrolled in the child development center will be escorted by an adult to and from the facility. Whoever that adult might be.

CHAIRPERSON REID: Okay. That would acceptable to you? Okay. Good.

The other question that I had was in regard to the play area. Tell me again, where is the play area for the child development center? Show me on the map.

MR. RIGELSKY: There is approximately 4,700 square feet that is fenced in immediately behind and to this one side of the building.

CHAIRPERSON REID: And that's exclusively for the children's play area?

MR. RIGELSKY: Yes.

CHAIRPERSON REID: And the fence is right there right now?

MR. RIGELSKY: Currently.

CHAIRPERSON REID: Okay. How do I know where it is then?

No, I asked was it there, and he said no.

MEMBER RENSHAW: But it will be there by the time the day care center is started.

CHAIRPERSON REID: I don't see where he was pointing. I don't see on that diagram a fence.

No. Just put it up there, so that we can see it.

MR. RIGELSKY: This is a larger scale drawing of that same building with an indication of where the fence is.

CHAIRPERSON REID: Okay.

MR. RIGELSKY: This fence here is on the property line.

CHAIRPERSON REID: All right. And that's where the play area will be designated.

MR. RIGELSKY: Right.

CHAIRPERSON REID: Okay. Thank you very much.

MR. RIGELSKY: You're welcome.

CHAIRPERSON REID: Are you going to serve food, snacks, or lunch there at your facility?

MR. GELL: Again, that's an operational issue. But, of course, if the children are there all day, they would -- the rules would require -- and, in fact, do require under Title 29 that -- snacks at specific times.

CHAIRPERSON REID: Snacks? Will there be meals served?

MR. GELL: There could well be.

CHAIRPERSON REID: Okay. And what plans do you have for disposal of trash and debris? Do you have arrangements for trash pickup? Have you made those?

MR. RIGELSKY: We have a series of dumpster locations throughout the property. Yes, we would have a regular commercial service to pick up all trash.

CHAIRPERSON REID: Okay. All right. I think that's all the questions I had.

MEMBER RENSHAW: This may be an operational question, but how are you going to handle handicapped children? This is a second floor day care center.

MR. RIGELSKY: Yes, it is, but it is at grade level. The access walkway does meet the standards.

MEMBER SOCKWELL: At the present time, the -- can you drop that board back down for a moment? And what's on the other side of that one? Okay. So --

MR. RIGELSKY: This has the proposed layout of --

MEMBER SOCKWELL: Layout.

MR. RIGELSKY: -- this here.

MEMBER SOCKWELL: Did we get that as part of our package?

MR. RIGELSKY: That was not included.

MEMBER SOCKWELL: Was there a reason for that?

MR. RIGELSKY: It was hard to reduce it to the size required for submission for documents. It would be very hard for

you to see.

MEMBER SOCKWELL: Actually, we've had larger size plans than that reduced effectively. It would have given us a better understanding of what you're actually doing and might have reduced some of our questions by providing us with a road map to the facility.

If I hadn't seen that, I was assuming that you were approaching us -- just a bare space plan for a potential facility to be developed under the auspices of a lessee, and that there was not a specific -- a really specific layout.

MR. RIGELSKY: This plan was part of our original set of drawings, which went to Department of Housing and Urban Development for our mortgage -- with our mortgage insurance application. They also went to the city for our building permit application.

We were told at the time of application for our building permit that we did not have proper zoning clearance to allow a day care center. The day care center portion of that permit was omitted from the permit. We'll go back in after proper zoning.

At that time, we are certainly also a lot further along in the development than we were. At the time this was drawn, this was our best guess at that time of what the facility was going to be. Depending on the timing, we may be able to involve the actual --

MEMBER SOCKWELL: In most of the proposals that are presented to the Board of Zoning Adjustment, a detailed plan is provided for our review, and such detailed plans make it possible for us to effectively evaluate the potential proposal, understanding that there are other agencies involved in that process, which may make modifications based on their specific needs. But I believe that we can't as of -- we cannot effectively evaluate your proposal without some kind of floor plan to look at.

MR. RIGELSKY: I understand.

CHAIRPERSON REID: Any other testimony?

MR. GELL: Would it be possible to get a bench decision, with the conditions that --

CHAIRPERSON REID: Well, we have a couple other little segments to go through, like the ANC reports -- government reports, the ANC report --

MR. GELL: That concludes our case.

CHAIRPERSON REID: Okay. For government reports, there's -- from the Department of Health a letter from Ellen Young-Botsoff, who stipulated that she has not yet filed the application. This answers our question, and basically it is holding forth that, obviously, the -- to run your child development center you must get properly licensed. This will trigger the inspections and things that you have to comply with.

And then, one from the Department of Human Services, Barbara Ferguson, who says in pertinent part that in

regards to this application that the child development center in question is located in Ward 8 at 3040 Stanton Road, and will serve 60 children two years to 12 years old, and nine staff. Currently, they are not CHS child care providers. There continues to be a desperate need for school-age care before and after school in this area.

With the increased demand for child care services as a result of welfare reforms and two-parent working households, the Department is recommending approval of this facility request.

Now, the ANC -- Board members, I did not receive a letter. Did anyone else receive something from the ANC?

MEMBER RENSHAW: No. All we have is what was provided, I gather today by fax, from the single member district Commissioner Clarence Thomas, Commissioner 8A-07. And it's rather difficult to read, but he says, in part, that it is an idea whose time has come, and the residents are quite happy about it.

The letter, I note, is undated. But it is stamped April 17th.

MR. GELL: I do have a copy that was faxed to me dated April 14th.

CHAIRPERSON REID: I see that date.

MR. GELL: And I sent it by fax immediately thereafter.

MEMBER RENSHAW: Mr. Sockwell has read over my shoulder, and his eyes are pointing out that it's Constance

Thomas. I said Clarence Thomas.

MEMBER SOCKWELL: Well, we know Clarence really hasn't been in Ward 8 in a while.

(Laughter.)

MEMBER RENSHAW: Please correct the record.

CHAIRPERSON REID: Okay. The full ANC 8 -- 8A, I think it is, has not sent us a letter. We assume that they have no objection, that they would let us know if they did. And we will note for the record that we do have that letter from Constance Thomas, who is the single member district representative of 8A-07, in support of this application.

Well, if it came in on the 14th, we still have to waive our rules to accept it.

SECRETARY PRUITT: This is not an official ANC report. This is just a single member district.

CHAIRPERSON REID: I understand that.

SECRETARY PRUITT: So the rules don't need to be waived.

CHAIRPERSON REID: Oh, only --

SECRETARY PRUITT: Only the official report.

CHAIRPERSON REID: Oh. Only the official report. Okay.

SECRETARY PRUITT: Correct.

CHAIRPERSON REID: So this letter is --

SECRETARY PRUITT: This comes in -- it's just like

testimony. Correct.

CHAIRPERSON REID: Thank you very much.

MEMBER SOCKWELL: Also -- excuse me, Madam Chair -- there was a petition, I believe, signed by some 75 residents that was submitted about a week ago.

CHAIRPERSON REID: Oh, yes. Okay. Now we go to persons or parties in support, and there are none here. However, we have a several-page petition from persons who live around and in Stanton Glenn Apartments in support of the application. Many, many, many names.

In opposition -- we have a letter also from ARCH in support of the application, wholeheartedly supporting the application.

Now, persons or parties in opposition, I have not received any letters of opposition. And as I look through my file, we have another letter from the Greater Southeast Community Hospital also in support of the application.

All right. Now, closing remarks by the applicant.

Mr. Sockwell had a question.

MEMBER SOCKWELL: Yes. Just a few. Approximately what's the development cost that we're looking at for the overall program? Just --

MR. RIGELSKY: For the construction, it's likely in excess of $60,000.

MEMBER SOCKWELL: And do you know how many

employees it may generate for the community, or for the youth -- for the project itself? Anything like that.

CHAIRPERSON REID: Mr. Sockwell, we need to try to keep our questions germane to the regulations that are before us. And I think that that kind of exceeds the realm of authority which we are -- under which we were asked to respond to this case.

Thank you. Thank you very much.

Okay. Mr. Gell, would you like to make any closing remarks?

MR. GELL: Yes. Thank you, Madam Chair. We believe that we have met the burden of showing that this day care center is quite far from injuring or in any way negatively impacting the community. It's going to be an enormous help to a community that will house many, many families, and that it should be approved by the Board.

We thank you for your time and that concludes our presentation.

CHAIRPERSON REID: Okay. You'd like to get a bench decision summary order?

MR. GELL: Yes. I have brought a summary order. Obviously, it doesn't have the conditions in it that you proposed be added.

CHAIRPERSON REID: Okay. Board members, discussion? Or a motion?

COMMISSIONER MITTEN: I move approval of this

application for a child development center. And based on the fact that there will be -- upon full occupancy of this project, I think there will be a significant need for the -- for the facility, and there will be no undue impact on the neighborhood, either from this facility on its own or in combination with the other day care center that's within 1,000 feet of the property line.

I think the layout of the project is sufficient to protect the safety of the children involved, and I would just like to ensure that the conditions proposed by the Department of Health and the condition regarding escorting the children to the facility by an adult are included.

CHAIRPERSON REID: All right. Let's talk about the conditions. First of all, we need to get a second. I'll second the motion.

And the conditions, in addition to the one regarding drop off and pick up was the number of kids. Was it 60? No more than 60 kids --

MR. GELL: That's correct.

CHAIRPERSON REID: -- children, ages two to 12, nine staff members. The hours of operation were? The hours of operation?

MR. GELL: I think we have them from 7:00 in the morning until 5:00 at night.

CHAIRPERSON REID: Is it 7:00 to 5:00 or 7:00 to 6:00?

MR. GELL: It's 6:00. I'm sorry. You're correct.

CHAIRPERSON REID: Okay. Monday through Friday.

MR. GELL: That's correct.

CHAIRPERSON REID: And two parking spaces provided, and trash pick up as needed.

MR. GELL: Correct.

CHAIRPERSON REID: This stipulates the conditions.

MEMBER RENSHAW: Madam Chair, one thing that we do not have is the operator of the day care center.

MR. GELL: I believe Mr. Rigelsky spoke to that. They are currently in discussion with some potential operators of the center, but nobody has been chosen yet. And, obviously, before we go for a license that will already have been decided. But we don't have any just yet.

I wonder if it would be possible for the condition regarding escorting children into the center be somehow moderated by the fact that some of these children would be much older than infants. They could be six, seven, eight, up to 12 years old. So if it would be possible for the condition to state where required by the age of the child, perhaps that would make it possible for the staff to deal with that.

COMMISSIONER MITTEN: I'm probably not the best person to determine with you proper age for children to -- a child to walk himself to a day care facility. So if anyone has children and would like to --

CHAIRPERSON REID: I would think that -- what did you just say -- as appropriate? As age appropriate?

MR. GELL: Yes.

CHAIRPERSON REID: As determined by the staff. Obviously, I think that it was inherent in that condition that, of course, someone who is seven, eight, nine, 10 years old does not need to be escorted inside. So it was primarily for the safety of the children who would -- the ages of children who would be -- that would require -- where it would be needed by children who were residents of that --

MR. GELL: I think that language --

CHAIRPERSON REID: -- age specific, as determined by the staff. I don't want to put ages two to four, or something like that, because it just depends on the child. A child of five or six may need to be escorted inside.

MR. GELL: May I suggest language that says where the staff determines that a child needs to be escorted into the building, such a service would be provided by the parent or by the staff of the child care center.

CHAIRPERSON REID: Off the record one moment.

(Whereupon, the proceedings in the foregoing matter went off the record at 3:30 p.m. and went back on the record at 3:35 p.m.)

CHAIRPERSON REID: We had a little side bar discussion, which one issue was the lack of an operator for the

facility, and, in fact, there was one -- one had to be identified prior to the order being issued.

And the consensus was, in speaking to Corporation Counsel, that the use of the property that we are dealing with today, and as long as the -- the order that is approved is compliant with whoever their operator is, as well as in compliance with the other requirements for licensing and permitting in the District of Columbia, then that would be handled at that level. So it's not something we have to be concerned about.

Nonetheless, the issue of there not being plans submitted, even though we can see the plans -- but, typically, we would like to have the plans submitted prior to the hearing, so that we'll have a chance to review them properly, and that was not done. So we would like to make note of that.

And, Mr. Gell, when you next contact for one of your clients, then we would like to make -- like to ask that you make sure that those things are included.

MR. GELL: Yes, of course. I, of course, regret that these plans were not submitted. You can be sure that they will in the future. In this case, as I indicated, I knew about the other plans which were quite large. I didn't want to --

CHAIRPERSON REID: Well, these -- for the record, what -- we'd like to have them submitted prior to the order being issued. And the idea of not being able to xerox them small, we all know about Kinko's. Or even, you know, there are those --

that can be done adequately enough that it could be submitted with the application. So --

MR. GELL: Would you like us to submit them within a few days?

CHAIRPERSON REID: Yes, before -- in other words, before the order is issued, we would require that the -- the drawings be submitted to the Board.

MR. GELL: We'd be happy to --

MEMBER SOCKWELL: We get plans this size, so I don't think it will be a problem.

MR. GELL: I'd be happy to do that. But the rules are very specific about not submitting anything larger than a small size, so I --

CHAIRPERSON REID: What do you mean? It can be as -- as long as it can be folded.

MR. GELL: Perhaps I misread the rules. In any event, we'll be happy to supply them.

CHAIRPERSON REID: Ms. Pruitt?

SECRETARY PRUITT: Yes. Clarification here in regard to plans -- as long as they can be folded, it doesn't matter if they're larger, because we just open them up. We would prefer to have them smaller, but it is -- it would be great to have -- we could take a large sheet like that and fold it into the record file. The smaller ones allow us to then give you all copies without having to, you know, get a -- with a six-generation

reduction.

CHAIRPERSON REID: All right. Thanks very much.

Now, is there any further discussion? No? Okay. We have a motion and a -- who seconded it? All right. All in favor?

(Ayes.)

Opposed?

MEMBER SOCKWELL: Record me as an abstention, please.

SECRETARY PRUITT: The staff will record the vote as three to zero to one. Please bear with me. My computer just shut down with all the conditions in there, so -- I'm trying to get it back up. But from what I can remember --

CHAIRPERSON REID: We'll help you. Go ahead.

SECRETARY PRUITT: Just a maximum of 60 children, ages two to 12, nine staff, hour of operations from 7:00 a.m. in the morning to 6:00 p.m. All children shall be escorted to the center; ages to be determined by staff. Two parking spaces. Trash removal as needed.

The other question I did have is, is there a timeframe on this? Is this approval for X number of years?

MEMBER RENSHAW: Three?

CHAIRPERSON REID: Typically, we give five years for a child development center.

MR. GELL: We would appreciate five, if we could

get it.

CHAIRPERSON REID: Yes. That is the norm.

MEMBER RENSHAW: Given the fact that this is a startup operation, a new operation, I'd like to review it in three. I'd recommend three.

CHAIRPERSON REID: I strongly recommend that we not deviate from what has been the normal practice in regard to child development centers. The last five years that I have been on this Board, we have ordered that the term be for five years, unless there was -- there is no opposition here? The ANC has not opposed this application. And, as such, I don't see any reason for not -- for deviating from what would be considered the normal term.

MEMBER RENSHAW: Again, it is a new operation, and we can vote -- shall we say -- in a void here, but we don't know whether or not this will have any adverse impact. We're just hoping that it's going to run smoothly.

CHAIRPERSON REID: But, Ms. Renshaw, there always is when they first -- sometimes they come with opposition, and sometimes the ANC is in -- is opposed to it. If we have a clean application with no opposition, and no ANC objection, then there is no reason why they should not be afforded the same terms as are normally given to other people.

MEMBER RENSHAW: Well, there are unknowns, and I don't want to have such a long period of time where there is unknowns, perhaps objectionable -- may not be able to be addressed

by this body.

COMMISSIONER MITTEN: Madam Chair? I would endorse a period of five years, and I would also note that these folks are going to be licensed by another body. And I think that other body will have more of an ongoing role in overseeing the -- you know, the day-to-day operation of the facility. And from a land use perspective, I think five years is an appropriate amount of time for a new operator -- a new child development center.

CHAIRPERSON REID: I would agree.

Is this going to be a separate motion? Because we've already voted.

SECRETARY PRUITT: Well, you didn't have a timeframe at that time.

CHAIRPERSON REID: So what are you saying?

SECRETARY PRUITT: That this would -- you can amend the motion for a timeframe, and then you can revote, since the timeframe was not part of the original motion. You can amend the motion for a timeframe now. The original motion was for no timeframe, and that was three to zero to one.

CHAIRPERSON REID: That was with the condition, and that was before the timeframe.

SECRETARY PRUITT: Right.

COMMISSIONER MITTEN: Madam Chair, I would propose an additional condition to the conditions that we just voted on in this matter, and that the timeframe for the approval would be a

period of five years.

CHAIRPERSON REID: And I will second it again. All in favor?

(Aye.)

All opposed?

(Nay.)

Wait a minute. Let's have further discussion. Now --

SECRETARY PRUITT: That particular motion fails for lack of a vote.

CHAIRPERSON REID: Yes, okay.

SECRETARY PRUITT: That particular timeframe.

CHAIRPERSON REID: Right. So now --

SECRETARY PRUITT: Now we can go back to --

CHAIRPERSON REID: -- what we would not like to do, I don't think, is to make a -- start a precedent here where we start to turn down applications because we don't agree on the time. That would be grossly unfair to the public and to the citizens of the District of Columbia.

I think that it's our responsibility to see how we can work this out, compromise in some way, you know, demonstrate that we are of one accord in regard to seeing this child development center go forward.

I don't think that there is a disagreement as far as the child development center going forward, or there being a

need for it -- a dire need for it in this community, I might add. And that there is no opposition to it, and that the ANC has not shown any objection. And, as such, let's not throw the baby out with the bath water.

MEMBER RENSHAW: I don't want to do that either. I just want to bring the baby back home in three years rather than five.

CHAIRPERSON REID: All right.

COMMISSIONER MITTEN: Madam Chair, perhaps Mr. Sockwell could be persuaded to exercise his prerogative to vote yea or nay, and put an end to this debate.

CHAIRPERSON REID: Mr. Sockwell, could you -- your objection is primarily because of -- you're abstaining because?

MEMBER SOCKWELL: I felt that there were enough unknowns with regard to the application that I would not want to prejudice it by a vote.

CHAIRPERSON REID: And what else -- what unknowns are you referring to?

MEMBER SOCKWELL: Well, first of all, there were issues about drop off, and there were issues about the accessibility, there were issues about the operation, which could not be answered by the applicant because there is no operator at this point. And there actually is not real --

CHAIRPERSON REID: They're not required to do that.

MEMBER SOCKWELL: And I understand that. But we

generally do that, and if I choose -- if I choose not to vote, then I do have the right to choose not to vote, in favor of or against an application.

CHAIRPERSON REID: This is true, unless -- they have no obligation before us to provide an operator. They have complied with the regulations which we have the charge to -- to analyze and determine whether or not they're in compliance thereof. And once they're in compliance thereof, there is -- there is no -- no reason to deny them.

MEMBER SOCKWELL: Well, that may well be true, Madam Chair, but I would never backtrack on a vote that I believed in. Therefore, it would -- I'm abstaining. My abstention stands.

CHAIRPERSON REID: All right. I --

COMMISSIONER MITTEN: Just to move this along, I would propose that we set the timeframe for four years.

CHAIRPERSON REID: I would be amenable to that. I would -- again, I just -- I think that it would be unconscionable for us to sit here and to deny this application because of a timeframe. Again, this is not about positioning or posturing. This is about providing a service to the people of the District of Columbia in an area where it is direly needed.

MEMBER RENSHAW: Madam Chair, I would accept four years, with the proviso that the applicant appear before the ANC within three years for the ANC to review, and have the ANC send to the BZA a letter reviewing the conditions.

CHAIRPERSON REID: You can ask that they do that. I don't think that they would have any objection to appearing before the ANC within three years. Would you?

MR. RIGELSKY: We have no problem with that.

CHAIRPERSON REID: All right. And then we would approve it for four years.

COMMISSIONER MITTEN: Maybe I could -- let me just ask Ms. Renshaw one question, which is, would you go for five if they appeared before the BZA in three?

CHAIRPERSON REID: As you did in the previous application.

MEMBER RENSHAW: I would go with --

COMMISSIONER MITTEN: What did I say? Yes, I'm sorry, ANC -- sorry.

MEMBER RENSHAW: I would accept four, but with the proviso that you go before the ANC in three.

COMMISSIONER MITTEN: I think that's as good as it's going to get, Madam Chair.

MR. RIGELSKY: That's acceptable to us.

CHAIRPERSON REID: Let's move forward. All in favor?

(Ayes.)

Fine. Opposed?

(No response.)

SECRETARY PRUITT: He abstains again.

MEMBER SOCKWELL: I will stay on the record as an abstention.

CHAIRPERSON REID: All right.

SECRETARY PRUITT: Excuse me. Could you tell me who made that motion? Because that got a little convoluted.

The motion was made by Ms. Mitten and seconded by Ms. Reid, and the motion was for a four-year approval with in three years the applicant will go to the ANC. And what will happen? I mean, they just go to the ANC?

COMMISSIONER MITTEN: And the report comes to the BZA.

SECRETARY PRUITT: And a status report to BZA. This is a summary order. We'll get it to you as soon as possible. And the vote is three to zero to one.

CHAIRPERSON REID: Okay. I have to leave. I will turn the meeting over now to the Vice Chair, Mr. Sockwell.

SECRETARY PRUITT: Excuse me, Madam Chair. Can we take a five-minute break here? The computer is really acting up and I've got everything on there. I'm sorry. Technical difficulties.

CHAIRPERSON REID: Five minutes. And then we'll resume --

COMMISSIONER MITTEN: Thank you.

CHAIRPERSON REID: -- with the two cases that we still have to do today; however, Mr. Sockwell will preside.

(Whereupon, the proceedings in the foregoing matter went off the record at 3:50 p.m. and went back on the record at 4:05 p.m.)

MEMBER SOCKWELL: I call the meeting to order.

There has been a request that the Kingsbury Center, World Plan Executive Council/The Kingsbury Center, be heard before the Georgetown case because of a previously determined, I'll say, situation that has to take place by the applicant outside of this hearing room. And if there is no objection by Georgetown, we'd reverse the order.

MS. DWYER: Mr. Vice Chair, we do object. We were here at 1:00 with all of our witnesses and ready to proceed. We agreed to wait while two other cases went before us --

MEMBER SOCKWELL: That's true --

MS. DWYER: -- but we have been sitting in this room since 1:00, and we have other commitments as well. Our case in chief is not going to take any longer than half an hour. And if the opponents take half an hour, our cases will be done in an hour, which still would allow time to finish the agenda for this afternoon.

MEMBER SOCKWELL: Will the representatives of the Kingsbury Center indicate at what time they have to leave in order to meet their other obligation?

KINGS: Okay. That's not the issue. We can stay as long as we need to today. But we just didn't want to not be

heard today, because there's a revenue bond hearing before the City Council on this case tomorrow. And they are waiting to hear some word from us that, you know, the case did get concluded, and generally -- obviously, we're not going to have a decision, but how things went. So that's what we were concerned about, was whether we would be heard at all.

But just for the record, there's only one issue in this case, and I think it's been pretty well resolved. And we were looking at possibly maybe a 20- to 25-minute case, hopefully.

MEMBER SOCKWELL: All right. Thank you. In that case, we will try to hear both cases, or certainly as much of both cases as possible, still working with -- we have two hours before 6:00.

We'll just go forward with the Georgetown University case. Will the applicant please come forward, with all witnesses?

SECRETARY PRUITT: Application 16565, Application of Georgetown University, pursuant to 3104 for a special exception under Section 210 for further processing of an approved campus plan to permit a minor addition to the existing St. Mary's Hall Building, renovation of the entrance to the building, and redesignation of the use to category of the building from residential to mixed use, in an R-3 District at Reservoir Road, Square 1321, Lot 1.

All those planning to testify, would you please

stand and raise your right hand? Everyone planning to testify in reference to Georgetown University case?

(Witnesses sworn.)

Vice Chair, let me -- there's been a change here. I have --

MEMBER SOCKWELL: Just don't call me "Madam."

SECRETARY PRUITT: I know. I almost --

(Laughter.)

-- almost slipped. Almost slipped.

We have three requests for party status, and I'm handing them to you here now. The ANC is, of course, automatically a party. And there is a request from the Cloisters in Georgetown Homeowners Association, the Burleith Citizens Association, and Georgetown Residents Alliance.

MEMBER SOCKWELL: Okay. Will --

SECRETARY PRUITT: You need to make a determination.

MEMBER SOCKWELL: Will the representative of Cloisters, representative of Burleith, and the representative of the Residents Alliance come forward?

SECRETARY PRUITT: I believe also their written information is in your file.

MEMBER SOCKWELL: Okay.

MS. DWYER: And, Mr. Sockwell, for the record, the applicant opposes those requests for party status for failure to

meet the filing requirements.

MEMBER SOCKWELL: All right. The Cloisters, representing 32 homes and/or lots located along Reservoir Road, etcetera, etcetera, consider yourselves particularly aggrieved by this. What kind of an -- are you a charter organization of some sort, or are you ad hoc? Are you -- how are you founded?

MR. HOPKINS: We're a D.C. corporation.

MEMBER SOCKWELL: All right. That's fine.

SECRETARY PRUITT: Excuse me. Sir, can you speak from the mike? You can sit down. You can have a seat. Actually, the table mikes are a little easier for everyone to hear, if you don't mind using them, if you can. And also, identify yourself, please.

MR. HOPKINS: My name is Stephen A. Hopkins. I'm President of the Cloisters in Georgetown Homeowners Association. We are a D.C. corporation representing the owners of some 32 homes and/or lots running on Reservoir, Winfield Lane, and 35th Street. We are located within 100 yards or so of the campus and St. Mary's Hall.

MEMBER SOCKWELL: When did you submit your request for party status?

MR. HOPKINS: I don't have it -- the date in front of me, sir, but I think you'll find it was --

SECRETARY PRUITT: April 1st. It's Exhibit 31. So it's --

MR. HOPKINS: It was sometime in March, I believe.

SECRETARY PRUITT: Is this from Burleith?

MR. HOPKINS: No.

SECRETARY PRUITT: I'm sorry. Excuse me.

MEMBER SOCKWELL: Dated March 30th.

SECRETARY PRUITT: March 30th.

MEMBER SOCKWELL: It was received March 30th.

MR. HOPKINS: That is correct.

MEMBER SOCKWELL: Yes, okay.

SECRETARY PRUITT: It's Exhibit 24 in your package.

MEMBER SOCKWELL: Yes. Is there a reason -- so what -- under the rules they have to submit within --

SECRETARY PRUITT: The submission is timely. It's whether or not they've met the criteria.

MEMBER SOCKWELL: Yes. And -- yes, go ahead.

MS. DWYER: Mr. Sockwell, I have a couple of points on the criteria. In looking at Section 3106.2(e)(3), it requires that the person filing for party status identify the distance between the properties they represent and the subject of the BZA case, and they fail to do so here.

And, in fact, there are actually two homeowners associations in Cloisters. It is Cloisters West that is immediately adjacent and within 200 feet of St. Mary's. The Cloisters in Georgetown, as has been testified, is at 35th Street and Reservoir Road and is quite removed from St. Mary's.

The same section of the regulations also requires that you identify impacts from the requested action, and the filing here only contains a general statement about property values and quality of life. It also refers to the impacts of a parking garage which is not the subject of this application. It refers to the termination of dormitory use, which is not part of this application. And it does not refer to any specific impacts from the construction at St. Mary's.

We have no objection to them appearing as a person and offering testimony, but we don't believe they meet the filing requirements for party status.

MEMBER SOCKWELL: There is a specific reference to traffic congestion. And while they do represent 32 separate properties within the vicinity, are they within -- are you within the proximity -- are any of the properties that you represent close enough to be considered within the range of -- would put you really in a party status location?

MR. HOPKINS: Well, if I could, as a practical matter, I can certainly tell we're going to be heavily impacted by this. I don't know what your linear feet requirement is, but those familiar with the area can determine quite readily that we're, you know, roughly half a block away from the beginning of the university boundary. And that boundary is only a few feet away from St. Mary's Hall, so I think we're quite close.

Certainly, traffic on Reservoir Road, the

possibility of increased off-campus housing, all of those things will directly impact our homeowners.

MEMBER SOCKWELL: And that the actual construction size is quite small.

MR. HOPKINS: Well, if I may, sir, that's one of the points that we would like to hear more about. This, as you know, falls into a much broader problem, with which we have had a long and continually historic --

MEMBER SOCKWELL: I understand that, and certainly we are sensitive to the issue of university construction and the surrounding communities. But, again, we are taking about a fairly minor element of construction.

MR. HOPKINS: I think that in itself is an issue, isn't it, the degree of -- I don't think we're prepared to concur at this point that this is minor.

MEMBER SOCKWELL: Well, as an organization, I think that you may have a right to party status.

Does anyone else on the Board have --

MR. HOPKINS: If the distance is a factor, Winfield Lane, which is used by all of our residents at one time or another, enters off Reservoir Road, within, what, 50 feet of the university property and very close to that. So anything that affects that entrance to the university, right in front of St. Mary's Hall, is going to -- 50 feet or so, whatever, from Winfield Lane, which is used very actively by all of our homeowners. So

anything that affects it would affect us.

COMMISSIONER MITTEN: Mr. Sockwell?

MEMBER SOCKWELL: Yes.

COMMISSIONER MITTEN: Ms. Dwyer, is your objection basically that they didn't file -- that they didn't meet the proper filing requirements, or that they really -- even if they had met the requirement, they're not eligible to be a party?

MS. DWYER: It's both. The purpose of the filing requirements is so they can set forth the issues that entitle them to party status. And on the basis of what they filed, and given their position in terms of distance -- I think he testified they're about 300 yards, I think, from St. Mary's -- it puts them outside of the distance of impact area.

And I think that the homeowners association within that community, which is Cloisters West, which is directly adjacent, is best able to represent the interests of that community, not someone who is further down at 35th and Reservoir.

COMMISSIONER MITTEN: Okay. Mr. Hopkins, is your group a part of the Georgetown Residents Alliance?

MR. HOPKINS: I believe that we are.

COMMISSIONER MITTEN: Okay.

MR. HOPKINS: No. Excuse me. We are not.

COMMISSIONER MITTEN: You're not.

MEMBER SOCKWELL: Well, I would want to think that -- unfortunately, I don't have -- I'm not showing the map that

we've had that would give me a more complete picture of your specific development in this particular case file. And that -- I've had it before, but I don't have it in this case file.

I would be willing to -- unfortunately, for lack of better information, and because if the proximity of the boundary of your organization is within the required distance for notification of homeowners within your group, that you have the right to speak for those homeowners, and I would be willing to grant you party status.

MEMBER RENSHAW: Mr. Vice Chair, I support that.

MEMBER SOCKWELL: Okay. So you would receive party status, then.

Burleith Citizens Association, please.

MS. SCOLARO: Yes, I'm here. I'm Patricia Scolaro, the President of the Burleith Citizens Association.

MEMBER SOCKWELL: How do you spell that, please?

MS. SCOLARO: My name or Burleith?

MEMBER SOCKWELL: Yours.

MS. SCOLARO: S-C-O-L-A-R-O. First name is Patricia.

MEMBER SOCKWELL: Okay. And your organization is?

MS. SCOLARO: The Burleith Citizens --

MEMBER SOCKWELL: Is your organization an incorporated citizens association, etcetera?

MS. SCOLARO: Yes, it is.

MEMBER SOCKWELL: And you represent citizens within what approximate range?

MS. SCOLARO: A four square block area directly across from the university and directly across from St. Mary's Hall, across Reservoir Road.

MEMBER SOCKWELL: So you're next to --

MS. SCOLARO: No, we're in the opposite direction. I'm sorry. I'm assuming you were pointing to this gentleman. Yeah.

MEMBER SOCKWELL: So you're --

MS. SCOLARO: We're north of the university, across Reservoir Road.

MEMBER SOCKWELL: All right.

MS. SCOLARO: And north of St. Mary's Hall.

MEMBER SOCKWELL: And your letter states that your particular grievances are --

MS. SCOLARO: In addition to any exterior change, our issue is pertaining to the use. This has been a dormitory and defined as a residence, for use as a residence. And what they're asking is to change the use to -- and I may not have the terminology correct, but to eliminate the dormitory and turn it into an administrative facility or a mixed use facility. So our issue is with the use of the facility.

MEMBER SOCKWELL: All right.

MS. DWYER: Mr. Sockwell?

MEMBER SOCKWELL: Yes.

MS. DWYER: In looking at that filing, it doesn't meet the filing requirement of being filed two weeks in advance. Although the letter is dated April 1st, it wasn't filed with the BZA until April 7th, so it doesn't meet the two week in advance requirement.

MS. SCOLARO: Excuse me, but it was faxed to Ms. J. R. Kress on April 3rd, which was a Monday, and the hard copy was to arrive in the mail. So it was faxed on April 3rd.

MS. DWYER: The file is -- the copy that's in the BZA record is date stamped April 7th, and that's the only one that we were able to find in the record.

COMMISSIONER MITTEN: Our Exhibit Number 25, if you have that, is -- well, actually, it has the 3, and initials written on it. And then at the top of the page, the 3rd, it came through on the fax.

MS. DWYER: All right. The copy of the letter we have, I guess it's the hard copy and it's date stamped April 7th.

MEMBER SOCKWELL: And my copy isn't date stamped at all.

COMMISSIONER MITTEN: Do you have any other objection, besides the --

MS. DWYER: No. The only other point is really one of clarification. In the last full paragraph of the letter, it suggests as an issue things that are not the subject of this case,

which are campus plan issues. And I just want it understood that what we're looking at today is a further processing at St. Mary's Hall. We are not starting the 2000 campus plan case today; that would be next month. And I just wanted it clear.

COMMISSIONER MITTEN: I think we all understand that.

MS. DWYER: Okay.

COMMISSIONER MITTEN: Thank you.

So aside from the date, you have no objection to --

MS. DWYER: Yes. We don't have any objection.

MEMBER SOCKWELL: So have we -- I still haven't found in this file that exhibit number. It looks like there's an overwrite on that. All right.

I would suggest in this case that we could waive the rules and let this stand --

MS. DWYER: I agree.

MEMBER SOCKWELL: -- and grant party status.

COMMISSIONER MITTEN: I agree.

MEMBER SOCKWELL: Georgetown Residents Alliance.

MR. CROCKETT: Mr. Chairman, my name is Don Crockett. I'm Chairman of the Georgetown Residents Alliance, which is a civic association incorporated in the District of Columbia, with more than 250 members.

Our interest in this case, as was stated by the representative from Burleith, is the same. What is proposed here

is a significant change in use on the existing campus plan for St. Mary's Hall from a dormitory into office space, which will have an incredible impact on the surrounding community, on -- not just in the close proximity of St. Mary's Hall but in all of the communities surrounding the campus, because when you take 415 beds that are programmed on the current campus plan, change -

COMMISSIONER MITTEN: I think we want to just stick to sort of, you know, general issues related to impact.

MR. CROCKETT: Okay. Well, I am --

COMMISSIONER MITTEN: Not specific --

MR. CROCKETT: -- I am in the -- to the issue that she raised about being in proximity.

COMMISSIONER MITTEN: Okay.

MR. CROCKETT: When you change the use, that affects everyone in the area because those students who are no longer able to be accommodated on campus are housed next to us, and that creates horrible noise and traffic problems. That is our interest in this case.

I would add that my application is one day late. It was filed on April 5, under the false assumption on my part that the hearing was on Wednesday, which it usually is. And that is the reason why it was late, and I would ask that the Board waive the rules for that mistake on my part because I just was not aware that this was on Tuesday rather than Wednesday.

MEMBER SOCKWELL: All right.

MS. DWYER: Mr. Sockwell?

MEMBER SOCKWELL: Yes.

MS. DWYER: We object in terms of meeting the filing requirement. There's a reference to 250 members who reside in Georgetown. There's no indication where they reside in Georgetown, how close these members may be to the subject of the BZA application.

The whole point of party status is to give someone who is going to be more significantly, distinctly, or uniquely affected by the application party status as opposed to persons in the general public. The issues that Mr. Crockett seems to be raising are more general issues, and we think that they are well represented by others in the larger community, and that there's no basis for party status.

There is also no specific reference to, you know, again, the distance requirement or the specific impacts of this project on any member of the Georgetown Residents Alliance.

MEMBER SOCKWELL: Mr. Crockett, in as few words as possible, would you explain or express the proximity of most of the members of the Alliance to the campus, and St. Mary's Hall in particular.

MR. CROCKETT: The members reside throughout historic Georgetown in all sections thereof. Mrs. Zartman, who is going to testify here, is secretary. She lives in the Cloisters. We have other members in the Cloisters, and we have members that

are right next to the campus, and we have members that are in all locations in historic Georgetown.

And as I pointed out before, we are here to talk about the impact of this change of use upon everybody in Georgetown, just not those in close proximity. Everybody in Georgetown will be affected by this proposed change of use.

MEMBER SOCKWELL: I would be inclined not to grant party status to your organization, but to allow you to testify as a representative for the group.

MR. CROCKETT: I'm not here to testify, Your Honor. I'm here to actually represent -- and I will represent the Burleith Association as a party, as a lawyer, to cross examine the witnesses.

MEMBER SOCKWELL: I see. And with regard to the Residents Alliance, who was or is to be spokesperson for that?

MR. CROCKETT: I will be the spokesperson, but I just have a statement to submit.

MEMBER SOCKWELL: Then I will allow you to submit your statement, but would decline the Residents Alliance request for party status.

MR. CROCKETT: Very good.

MEMBER SOCKWELL: All right. Any other preliminary --

MS. DWYER: Mr. Vice Chair?

MEMBER SOCKWELL: Yes.

MS. DWYER: I just noticed that we were handed out today another request for party status from the Cloisters West Homeowners Association, and that is the -- a document dated April 13th.

MEMBER SOCKWELL: Is there a representative of Cloisters West? Would you come forward, sir?

You all may return to your seats. Thank you.

Identify yourself.

MR. SPENCER: Yes. Can you hear me?

MEMBER SOCKWELL: Yes.

MR. SPENCER: My name is Sidney D. Spencer. I am here on behalf of the Board of Directors of the Cloisters West Homeowners Association.

MEMBER SOCKWELL: And, Mr. Spencer, your property is located directly adjacent.

MR. SPENCER: We -- the Cloisters West Homeowners Association, which consists of 109 homes, 15 of which actually share a property line with Georgetown University, immediately adjacent to St. Mary's Hall -- and perhaps that same number or a few more are within a street's width of St. Mary's Hall -- we are completely different legally, organizationally, and policy-wise than the organization known as the Cloisters in Georgetown, which you just granted party status to.

MEMBER SOCKWELL: And your issues particularly for your homeowners -- in particular, the 15 who share the property

line and/or others whose homes and/or points of access are affected directly by or assumed to be affected directly by this proposed project --

MR. SPENCER: Any activity there has a direct impact on us. It's our backyard, literally.

MEMBER SOCKWELL: So you wish to present yourselves to review, at this point, what is being proposed.

MR. SPENCER: We wish to present ourselves as being in support of the proposal, because we do not want to see that revert to the dormitory status that it had a number of years ago. That's the essence of our concern.

MEMBER SOCKWELL: Now, your letter was submitted to us on the -- well, it's dated the 13th.

MR. SPENCER: That's right. That's correct.

MEMBER SOCKWELL: And you are asking us to waive the rules to allow --

MR. SPENCER: Yes. I might say by way of explanation that we had planned to present testimony, which -- and there are a number of us here today to do that. It was not until we read that the Cloisters in Georgetown, the Cloisters -- the organization -- much further from the university and to the east of us had requested party status, and, in effect, was at odds with the position of those of us who live closer to the university. The result: we were late getting it in. That's the long and short of it.

MEMBER SOCKWELL: I see. Would one person -- you would be the representative. Can you become the representative of the views of your organization?

MR. SPENCER: Yes. I have been authorized by the Board of Directors of the Cloisters West Homeowners Association, which is a covenanted -- ungated covenant community -- to represent their interest in this matter.

MEMBER SOCKWELL: All right. With the exception of the tardiness of the application for party status, would the applicant have any other objection to this particular organization?

MS. DWYER: No, we have no objection to their being accorded party status.

MEMBER RENSHAW: Even with the lateness of the filing? Because you've objected to the others.

MS. DWYER: Yes. Even with the lateness, because I think of --

MEMBER RENSHAW: But why?

MS. DWYER: As was testified, the late -- the filing in this case by Cloisters West was to -- in response to and to clarify their position within the Cloisters community, to make clear to the Board that there are two organizations and that there's being the one closest is in support.

MEMBER RENSHAW: But that could be done with filing testimony, right?

MS. DWYER: Right. I agree. But I have no objection to them being accorded party status.

MEMBER SOCKWELL: Well, because of their proximity -- the 15 homes sharing a property line -- I would say that since we have waived the rules to allow tardy filings on the other organizations that we could as well do that for this one.

MS. DWYER: I agree.

MR. CROCKETT: Mr. Chairman, if I might -- Don Crockett again.

MEMBER SOCKWELL: Yes, sir.

MR. CROCKETT: In that event, I would like some clarification on the grounds for the denial of my motion.

MEMBER SOCKWELL: Your organization is a community-wide organization, rather than one focused most closely upon the boundaries of the campus and the proximity of St. Mary's Hall. In the other case, the gentleman's property owners have 15 homes that share a property line with the university campus, proximate to this particular project. As well, the total of 109 homes are in a tight knot, closely associated with the campus environment.

And I would say that on that basis they are far more focused to the specific issues of immediate effects of this construction than would your organization be. Your organization certainly has a broad impact and a broad interest in Georgetown as a whole, and certainly would have a particular interest in the university, being part of the Georgetown environment.

But still, this is a more focused position, and I assume him to be more deserving of party status for his organization for that reason.

MR. CROCKETT: I just wanted to make clear that it wasn't on the grounds that I was a day late.

MEMBER SOCKWELL: No, sir.

MR. CROCKETT: Okay. Thank you.

MEMBER SOCKWELL: All right. Now, the ANC has requested party --

COMMISSIONER MITTEN: ANC is an automatic party.

MEMBER SOCKWELL: Yes, I know.

SECRETARY PRUITT: For clarification, because I was out of the room, I just wanted to -- Mr. Spencer will be representing Cloisters West. Who will be representing Burleith, and who will be representing Cloisters East?

MS. SCOLARO: I will be representing --

SECRETARY PRUITT: You need to come to the mike, please.

MS. SCOLARO: I'm sorry.

SECRETARY PRUITT: So these will be the only spokespersons during cross examination.

MS. SCOLARO: My name is Patricia Scolaro. I'm President of Burleith Citizens Association, and I will be representing Burleith.

SECRETARY PRUITT: Could you spell your last name,

please?

MS. SCOLARO: S-C-O-L-A-R-O.

SECRETARY PRUITT: Thank you.

MEMBER SOCKWELL: All right. Yes, sir?

MR. HOPKINS: Steve Hopkins from Cloisters.

MEMBER SOCKWELL: Yes, sir.

MR. HOPKINS: I will be the party of record. Mr. Crockett, however, will probably be handling --

SECRETARY PRUITT: I'd like to know who is going to be actually doing the cross examination, so we can keep that straight.

MR. HOPKINS: Mr. Crockett.

SECRETARY PRUITT: That'll be Mr. Crockett?

MR. HOPKINS: Yes.

SECRETARY PRUITT: Thank you.

COMMISSIONER MITTEN: Mr. Vice Chair?

MEMBER SOCKWELL: Yes.

COMMISSIONER MITTEN: You know, at 4:00, we had said that we were going to try and hear two cases in the two hours that we had left, and I think in fairness to the Kingsbury people we should tell them now that it is not going to happen today.

MEMBER SOCKWELL: Unless they are willing to stay later.

COMMISSIONER MITTEN: I believe Ms. Renshaw has to leave at 6:00.

MEMBER RENSHAW: No later than 6:30.

COMMISSIONER MITTEN: They are in the other room, the applicants.

MEMBER SOCKWELL: Well, let's get started with this and see where we go with it. When we -- it has been -- because the schedule was reset once, Ms. Dwyer has requested that her case be heard in the order that we adjusted it to, and I don't think that we should keep adjusting.

Proceed.

MS. DWYER: Thank you. We will begin, and let me tell you from the outset that we have eliminated two of our witnesses, so we are going to be very focused in what we believe are the issues in this case.

For the record, I am Maureen Dwyer with Wilkes, Artis, counsel for Georgetown University, the applicant in this case.

We are here today to request special exception approval for a minor addition to St. Mary's Hall. This is a further processing or second stage case under an existing campus plan. As we indicated in our pre-hearing submission, the existing campus plan continues through December 31st of this year, and this will probably be the last further processing case under that campus plan.

This is a very straightforward and very uncomplicated case. As described in our pre-hearing statement,

and as the witnesses will address, the application involves the addition of 427 square feet to St. Mary's Hall. That is why we are here.

If the renovation work could be done completely on the interior, without any addition of space, then it is a matter of right under the existing campus plan. It is simply the addition of that space that requires us to come before you.

We have attached as Exhibit 4 to our prehearing submission the pages from the existing campus plan that show the mixed use category of St. Mary's. Under the current campus plan, it is designated for mixed use, education, educational support, and residential. What that mixed use category means is that the building can be devoted to any one of those three uses, or all three of those uses in combination.

The uses that are proposed for St. Mary's following this renovation include the nursing school, the information technology group, and the employee credit union, and all of those uses fall within the existing mixed use category under the existing campus plan. The fact that we are adding 425 feet is why we are here before you.

What we had pointed out in our prehearing submission is that at the time of the last campus plan St. Mary's was identified as one of three potential housing sites on the campus. There was no requirement that housing be located here. It was simply identified as a possible site.

Instead, what the university has done is provide housing on other locations on campus, including increasing the capacity of the southwest quad dorm project. So St. Mary's is no longer needed as a potential housing site, and some of you may have participated in the decision last year on the southwest quad project.

That southwest quad project completed the university's housing commitment under its existing campus plan.

Beginning on page 8, our prehearing statement sets forth our compliance with the special exception requirement. As the witnesses will testify, the use is so located but is not likely to be objectionable due to noise, traffic, or number of students. We are not requesting an increase in enrollment or staff, nor are we adding or taking away parking. The changes are nominal and fully in compliance with the campus plan and the regulations.

I am not going to walk through the statement and the exhibits, but I hope that you have had the time to do that. And it does set forth our compliance with the zoning requirements.

We started out this afternoon wanting to request expedited approval because it's important that this project begin immediately in order to have it online in the fall 2001 semester. I will revisit that issue at the end of the hearing. And in light of the fact that some of the Board members are not here, that may not be possible.

But this certainly is a very important project, which is why it's being filed now. The expectation is it will take 15 months to complete the work, and the nursing school obviously wants to be back in as soon as possible.

Following -- or the first witness that we will have will be Linda Greenan, and she is going to describe the process of presenting this concept, this project, to the community as well as the university's compliance with its housing commitment. She will be followed by Alan Brangman, the university architect, who will describe the plans.

And then we have eliminated the representative of the nursing school, and the information technology group, since we don't believe that the issues are really questions for them. In the event there are questions, they are in the audience and they can be called up to answer them.

But I think the two key points that we want to focus on are, one, the process that we have followed with the community; and, two, the fact that this is a very small addition of space but very much needed by the university.

And with that, I'd like to ask Linda Greenan to give her testimony.

MS. GREENAN: Thank you. Good afternoon, Mr. Vice Chair and members of the Board. My name is Linda Greenan, and I am Assistant Vice President for External Relations at Georgetown University.

I was hired by Georgetown University in 1994 to help promote a stronger working relationship between the university and the community, which includes the neighborhoods bordering the campus as well as the larger District of Columbia community.

In my role, I serve as the university's representative to all of the community associations in our neighborhood, including ANC-2E. I also report directly back to the President, so there is always a direct line of communication.

My testimony will focus on two issues -- one, the process we have followed in informing the community about our plans for St. Mary's; and, two, the university's fulfillment of its housing commitment made to the BZA back in 1990 when our existing campus plan was being approved.

First, as to the process. As part of our last campus plan approval, the Board imposed as a condition a quarterly meeting process between the university and representatives of 14 community organizations. That process has been strictly followed by the university. In the 10 years since we've -- since our campus plan was approved, we've had close to 40 meetings with these organizations.

In fact, the first time we discussed St. Mary's with the community and the offlining of that facility as a residence hall was in 1996 and was in the context of a BZA quarterly meeting that was chaired by the Burleith Association.

We actually have with us a copy of the agenda, which we could file into the record.

It was at that time that we began our discussion about the construction of a new dormitory, which has now since been called the southwest quadrangle and was approved by the Board of Zoning Adjustment I believe in 1998. We are fully underway with that, in terms of our preconstruction.

Most recently, the St. Mary's project has been discussed with the community, also during a quarterly meeting process. Attached to our prehearing statement at Tab 16 is the notice of the January 24, 2000, quarterly meeting. The purpose of that meeting was to discuss both St. Mary's Hall as well as our campus plan.

Prior to that time, we also met with members of the Cloisters West community. Also, the Burleith community was in attendance at that meeting. We held a special meeting to discuss current plans with St. Mary's as well as the Fox Hall Citizens Association. I believe that that sign-in sheet is made part of the record.

That meeting was held -- that special meeting was held on January 11, 2000, and it is -- the sign-in sheet is attached as Exhibit 15.

We also made a presentation to the ANC -- ANC-2E -- at its February 29, 2000, public meeting, and a copy of that notice is attached as Exhibit 17 to our prehearing submission.

The ANC subsequently decided not to take a position on the application, and they have filed a letter in the record to that effect.

To summarize the process, to date we have been completely open about our plans for St. Mary's and have made every effort to inform the community and to provide them with an opportunity to comment on the proposal. There are several letters in the record from individual residents indicating their full support of the project.

The second point I would like to make is equally important, and it has to do with the issue of on campus housing and whether the St. Mary's Building is needed for student housing.

The short answer is that we believe that the university has fulfilled its on campus housing commitment as set forth in the 1990 campus plan. At the time of our last campus plan, the university negotiated with the community a commitment to provide additional on campus housing for its undergraduate students. That commitment was described in Appendix H to our campus plan.

Specifically, the university committed to increase the number of undergraduate beds on campus by 925 beds. That commitment was contingent upon the university's ability to finance the beds, and also, as outlined in the BZA order approving our plan, was contingent upon the approval and construction of the cogeneration facility.

That facility was important because it would have enabled the university to significantly reduce its energy cost and thus provide monies needed for the new dormitory construction as well as the ongoing maintenance of those new dorms.

As you are aware, the cogeneration facility was never built due to community opposition. The university at that time -- in fact, it was discussed internally about whether it was, in fact, still obligated to provide the on campus housing. But we decided that we had a commitment to the community to increase our on campus housing, and we have gone ahead and developed the southwest quadrangle, the key component of which is a 780-bed residence hall.

Attached to our prehearing submission as Exhibit 8 is a summary of the university's housing commitment and where we stand today. As discussed on page 1, in 1990, the university committed to provide 925 beds on campus and identified three projects as potential housing sites.

As Ms. Dwyer has previously stated, one of these projects was St. Mary's, and at that time it had 217 students living in it. When we offlined it in 1996, which we went to the community and told them we were doing, there were 217 students living in that building at the time. We moved every single one of those students into Darnall Hall. Not one of them went into the community. So they have all remained on campus, and the St. Mary's Hall has been offlined since 1996.

The other commitment with respect to our beds, the other -- there were two other projects identified in the campus plan, our 1990 campus plan, and one was LXR. And in 1991, the university received approval for the renovation of LXR, and that project was brought online in 1994.

I believe you have in your packet the information about how many beds were brought online as a result of that. It was around 190.

So, therefore, the university completed the first of the three projects with LXR, and then two years later we have begun to increase the capacity of our residential on campus housing by 780 beds with the southwest quad. So we believe that once that building is completed -- and we are on track, we are on schedule -- that we will have more than fulfilled our commitment for on campus housing. We will have added, at that time, 1,083 undergraduate beds since 1990.

We further believe that by relocating the students from St. Mary's to the new southwest -- the southwest quadrangle we will have brought -- provided student housing in a location that is removed from the surrounding residences and is much more conducive to student dormitory use than was the existing St. Mary's Building.

In summary, we strongly believe that this project makes sense in terms of its use and location and that your approval in no way detracts from the strong commitment the

university has made to on campus housing. For all these reasons, we ask for your approval.

MEMBER SOCKWELL: Thank you.

MS. DWYER: Mr. Vice Chair, may I suggest that Mr. Brangman completely his testimony, and then the questions be of both witnesses at one time. And in terms of Mike Bartholf, who is the Director of Transportation at the university, we will have him available to answer questions that may come up in terms of traffic or parking, but he will not directly testify.

And with respect to Mr. Brangman, I'd like to submit for the record his resume and ask that he be qualified as an expert witness in the field of architecture.

MR. BRANGMAN: Good afternoon, Mr. Vice Chairman, members of the Board. My name is Alan Brangman. I'm the university architect and Director of Facilities Planning for Georgetown University. I've been in that position since 1994 and am primarily responsible for all of the projects that Georgetown either undertakes with respect to new construction and/or renovation.

So a couple of the projects that Ms. Greenan has spoken about, the southwest quadrangle, which is a 780-bed residence hall, 1,200-seat dining facility, 800-car parking garage, new bus maintenance facility, as well as a new Jesuit residence, something that, as she mentioned, a project that you guys have seen in the last 18 months. And also, recently we were

before you with the Leavey book store addition, which were similar in the sense that these were projects that required BZA approval because they were adding square footage to the campus.

MEMBER SOCKWELL: Mr. Brangman, let me just interrupt you for a minute.

MR. BRANGMAN: Yes.

MEMBER SOCKWELL: Does anyone have a problem with Mr. Brangman being considered an expert witness?

Thank you. Proceed.

With respect to St. Mary's, I would very quickly step through this. We do have the architect with us today, Cal Bowie of Bowie Gridley, who is the architect of record. But I think because we have provided you with extensive documents as part of the application package, it probably makes the best sense -- and also because of the time issues that we've got -- for me to step through this very quickly, and we'll kind of highlight the aspects of both the building and the plan, and then also address some of the issues with respect to the zoning concerns for you.

With respect to campus context, St. Mary's is located in the northeastern quadrant of the campus, as was mentioned earlier. In fact, I would like to just pass a photo around for the Board members. This is St. Mary's here, which is in the northeastern quadrant. North should be up, but we've reversed the photograph.

This is the Cloisters West. These are the 15

houses immediately adjacent to St. Mary's. This is Lot B/Lot A, which I'll speak to in reference to Reservoir Road, and then Burleith is north of that.

St. Mary's is next to the main entrance to the hospital, which is also known as Entrance 1. It is immediately adjacent to 38th Street, which is the street that goes north into the Burleith neighborhood. As I mentioned, parking lot A is due west, parking lot B is on the north, and then the Cloisters West is on the east. To the south is Darnall Hall, which was the hall that Ms. Greenan had mentioned we have moved the 217 students from St. Mary's into that facility.

The building itself is 81,329 square feet. It is a four-story brick and concrete building, with a full basement, which was constructed in 1959 as a residence hall for the nursing school. It was decommissioned, as Ms. Greenan mentioned, in 1996, when again we moved those 217 students to Darnall when it was completed -- or when we had completed renovation of that facility.

Currently, the building is about 40 percent vacant, but it is still the home for the school of nursing, the student volunteer programs, employee credit union, and campus retreat programs. Of those users currently, the nursing school is the only user who will remain in the building. Excuse me. I misspoke.

The nursing school and the employee credit union are the two current users that will remain in the building. They

will be joined by University Information Services, which will be consolidating its locations from some 14 other locations on campus into location at the St. Mary's.

With respect to the renovation, the renovation proposed in this project is an interior renovation to basically bring the building up to today's standards and codes for safety, for ADA, and in general improvements to the building systems with respect to heating, ventilation, air conditioning, the plumbing, electrical risers, new elevators, and new exit stairs, in order to meet today's requirements.

With respect to the 425 square feet that's been addressed, which is what really brings us before you, that is for two new entrance vestibules, both of which can be seen in the elevations there -- a main entrance, which would be on the Reservoir Road side, which will become the new entrance for the nursing school. And then the other main entrance renovation, which will be on the western facade, which is for an entrance into the new UIS portion of the building.

The second, third, and fourth floors are currently vacant. All floors of the building will be renovated. The nursing school and UIS will effectively split the occupancy of the basement floor. The nursing school, along with a series of classrooms, as well as the main entrance for UIS, and the employee credit union, will occupy the first floor. The second floor will be totally dedicated to the nursing school, and the third and

fourth floor will be dedicated to the University's Information Services offices.

In terms of the zoning issues that need to be reviewed, with respect to noise, the project will have no objectionable aspect with respect to noise. We are using, you know, the materials that are there today. It's a brick building, as I mentioned. All of the interior renovations will involve putting all of the appropriate sound insulation materials in that one would do in an interior renovation. So there should be no noises that would be objectionable in terms of what would be escaping from the building.

With respect to traffic and parking, as Mr. Greenan had mentioned, there is no proposed change to the road system on campus. There is no proposed changes to the parking. Those employees that will be occupying this building currently park on campus or come to campus either through our GUTS bus system or through public transportation.

If they happen to currently drive to campus, they will continue to park in the lots that they currently park in now and will simply walk to the St. Mary's Building rather than to the current offices that they are -- presently have occupancy in on campus.

With respect to the number of students, there will be no increase to the student population as a result of the renovations to this building. With respect to campus FAR, those

425 square feet are adding to our FAR number. The existing number now is 4,906,634; with the added will be 4,907,061. Our FAR count is 1.12. After that addition, it will still be 1.12.

Other objectionable conditions -- the building will remain in the ownership of the university. I believe in one of the letters you received there was some question as to whether or not this was being renovated for Med Star to take occupancy of this. Med Star will not take occupancy of this. This will remain a main campus academic and administrative office building for its life.

And that brings me to the final item, which is land use. As Ms. Dwyer has mentioned, previously the building was educational mixed use. Under its future land use category, it will still be educational mixed use.

In conclusion, we believe that the project meets the criteria for approval under the zoning regulations and respectfully request approval for our application. Thank you.

MEMBER SOCKWELL: Thank you.

MS. GREENAN: That concludes our direct testimony.

MEMBER SOCKWELL: Questions by the Board?

COMMISSIONER MITTEN: I just want to be clear. I've heard a couple of different things than what the application says specifically. I just want to be clear about what you're asking for regarding the use designation for the property.

In the application it says seeks to change the St.

Mary's Hall Building's designation in the campus plan from residential to mixed use. And I've heard different things about what it is designated now and what you're seeking in that regard, specifically.

MS. DWYER: To clarify that, we're not seeking any change in the use. Under the existing campus plan, it's mixed use, which includes residential as well as the other uses that have been historically in the building and are proposed for the building.

The only reason the residential was mentioned is to make clear that whereas Appendix H identified this as a potential housing site, it will no longer be a potential housing site. It will be simply restricted to the other mixed uses, the educational, educational support.

COMMISSIONER MITTEN: Okay. And in the --there are some -- I don't know what to call them exactly -- like plats with callers and use designations in the campus plan, the bicentennial --

MS. DWYER: Right.

COMMISSIONER MITTEN: -- plan.

MS. DWYER: From the 1990 campus plan.

COMMISSIONER MITTEN: And under future facilities, St. Mary's is designated education/educational support/residential facility. And that's under future facilities 2010.

MS. DWYER: Right.

COMMISSIONER MITTEN: And then again later in the future again. So you're looking to have that sort of be raised as well. Is that fair to say?

MS. DWYER: Well, it would stay as education/educational support. What we are making clear is that dormitory use at this location is not in the university's plans, given --

COMMISSIONER MITTEN: So the residential aspect would be -- you are seeking to have that deleted from --

MS. DWYER: Right.

COMMISSIONER MITTEN: -- the future.

MS. DWYER: Right.

COMMISSIONER MITTEN: And I have to apologize for asking this, because I wasn't here when you had the discussion about the southwest quad. Did you discuss St. Mary's and the fact that St. Mary's had been -- I don't know what your term was -- decommissioned for residential, in the context of that project also?

MS. DWYER: Right. And I'll let Linda Greenan address that. But if you'd look at what she handed out, the chart shows that in 1996 to '97 --

COMMISSIONER MITTEN: Tell me which chart I'm looking at now.

MS. DWYER: It's the Burleith community -- the Burleith agenda for April 18, 1996.

COMMISSIONER MITTEN: Okay.

MS. DWYER: Which was the BZA-mandated quarterly meeting.

COMMISSIONER MITTEN: Yes.

MS. DWYER: And attached to that, as the second-to-the-last page, is a chart that shows each of the residence halls on campus and the number of beds. And you will see in the column '96 and '97 it shows St. Mary's as having zero beds. So that was the point that St. Mary's was decommissioned.

That was discussed with the community in the context of the southwest quad. And as you read through these materials, you'll note that initially the southwest quad was only proposed for 500 beds, and instead the university increased that capacity to 780 to meet its housing commitment.

MS. GREENAN: If I could -- let me clarify something. At the time, in 1996 when we offlined St. Mary's and went to the community and discussed it, we were actually thinking about a new residence hall that would be 250 the first phase and then 250 the second phase, ultimately getting to 500.

It was during our internal work that took a couple of years to look at the programming for the residence hall that we began to have a design that basically has three buildings to it, each roughly 250. So it would be 250, 250, and 250.

And after we completed our internal programming, took it to Father Donovan, our President, he essentially said,

"Why don't we just do the whole thing? We have a commitment to the community, and let's do the 780 and not phase it in." It would be probably better that way, more efficient, and so that's what happened.

Initially, we were talking 250, with a phase-in of 500 ultimately. And then when we -- and throughout this whole period, by the way, we were continuing to keep the community informed through the community -- through the quarterly process. In fact, I have my notes that indicate out of -- I started in '94 and began keeping notes and a record on our quarterly meetings.

So I have what -- while we've met probably -- the university has met more with the community in terms of quarterly meetings, my record indicates 22 meetings beginning July 12, 1994. Of those 22 meetings, 13 of them we discussed the residence hall project -- about 60 percent of the time roughly.

So we were keeping the community updated, and I guess it was roughly '98 that we came back and said, "We're going to do the whole thing, 780." And that's where we are today. That's what we got approval for.

COMMISSIONER MITTEN: Okay. And there's -- as I understand it, there's sort of two aspects to St. Mary's. There's what had been there in terms of the, I think, 217 or 215 beds that's shown on the chart, and then there was this plan that it be increased by 200 more to meet the 925-bed objective.

So was the increase in the southwest quad project

in response to the beds at St. Mary's that had been eliminated because it was taken offline, or the 200 that were not going to be built at St. Mary's but were the 200 additional beds that were not going to be -- which is it meant to cover?

MR. BRANGMAN: Actually, there was a sensitivity to -- as we were looking, planning, to anything that would effectively reduce the number of beds that were on campus. And as we tried to determine how we were going to deal with the fact that we were looking at the possibility of decommissioning St. Mary's, the discussion came up relative to the cost associated with that, and where we could best spend our dollars in terms of meeting our housing needs on campus.

The decision was made to take the dollars that would have been invested in St. Mary's and put those towards the project that is now in the area of about $120 million, and that we'd have much better ability, both because of the economic basis of that larger project, as well as the fact that the southwest quadrangle site where there's a southern and western portion of the campus, which if you look at that photograph is that big parking lot that's all the way at the bottom of that photograph, just makes more sense to gather all the students in that area.

And we felt that our dollars would be best spent in that area. That's below the baseball field and the soccer field.

MS. GREENAN: Just off of Canal Road.

MR. BRANGMAN: Right. Exactly.

COMMISSIONER MITTEN: And I don't dispute or disagree with anything that you just said, but I know that the sheer numbers, you know, in terms of keeping a tally is important to the community.

MR. BRANGMAN: Yes.

COMMISSIONER MITTEN: So tell me -- maybe I'll rephrase my question, which is there is -- there were 215 beds that went away and -- or 217 beds that went away.

MR. BRANGMAN: Right.

COMMISSIONER MITTEN: And then there were 200 that hadn't been real -- hadn't been constructed yet or provisions hadn't been made for them, but there was this idea that they would be built in the context of the decade in which we now find ourselves. So how were those two -- just on the numbers -- and I appreciate everything that you just said, but just tallying up, where did they go?

MR. BRANGMAN: The numbers that you compare are the 925 to the 1,083. Those are the two numbers. And in the document, there is an exhibit -- Exhibit 8 -- that looks at those comparisons of what our bed counts were over the years as they went up and down --

COMMISSIONER MITTEN: Okay.

MR. BRANGMAN: -- as we took beds offline or brought beds online, and that is the comparison of -- the issue that you're trying to get to. There have been no students, as a

result of the decisions that we have made, that have gone out into the community.

COMMISSIONER MITTEN: Okay.

MR. BRANGMAN: They've all been kept on campus, and, in fact, as that chart will show, over the last number of years we've -- when the southwest quadrangle is completed, which is an important point, we will have surpassed anything that we committed to do before.

MS. GREENAN: And it's currently -- today, we've added 303 beds in various ways, which is what is shown on page 2 of Exhibit 8. And added to that 303 -- if you add the 780 to the 303, it takes you to the 1,083. And so -- and this is the listing of how we got there.

The other discussion that we had relative to St. Mary's was adding 200 more would have necessitated raising the height of that building, and it does abut Cloisters West. And we did know at that time that there were some concerns about a residence hall there anyway, let alone increasing the density of students at that location.

So all of that was taken into consideration.

COMMISSIONER MITTEN: Okay. When -- oh, go ahead.

MR. BRANGMAN: I was just going to say, to get to the point that you're raising about the 217 versus the 200, that 303 number is net over the 217 we took offline. So --

COMMISSIONER MITTEN: I understand.

MR. BRANGMAN: -- if you were to add the 217 back, you would then be up to 520, which is the total beds that would have been in the system --

COMMISSIONER MITTEN: Okay.

MR. BRANGMAN: -- as a result.

COMMISSIONER MITTEN: What's the projected completion time for the southwest quadrangle project?

MR. BRANGMAN: We hope to be open in two years, 2002.

COMMISSIONER MITTEN: There was an issue raised by some folks that live in Cloisters West about a walkway that exists between --

MR. BRANGMAN: Yes.

COMMISSIONER MITTEN: -- St. Mary's and Cloisters West and leads to Reservoir Road.

MR. BRANGMAN: Yes.

COMMISSIONER MITTEN: Do you have any response to their concerns?

MS. GREENAN: We met with them. We did a walkthrough the other morning, and we're looking at doing some landscaping there. We can't close that off because it's a fire lane. And so there are security issues there. And what came up during our walkthrough -- we're going to do some landscaping to buffer the area. That won't be a problem.

But another issue came up that we're going to be

addressing, but we can't close the area off to pedestrians. It's a security issue.

COMMISSIONER MITTEN: Okay.

Mr. Sockwell, those are all the questions that I have at the moment, but I might have more after I hear some of the other folks ask questions.

MEMBER SOCKWELL: Ms. Renshaw?

MEMBER RENSHAW: All right. Thank you.

Mr. Vice Chair, I have some questions about bed capacity. And I'd like to know, first of all, how many undergrad students do you have right at the present time, Ms. Greenan?

MS. GREENAN: We have about 6,300.

MEMBER RENSHAW: 6,300. And what percent of the undergrad students are now housed on campus?

MS. GREENAN: We house 78 percent of our undergraduate students on campus. Now let me explain. In the BZA order approving our campus plan in 1990, they -- it allows us to back out of that overall number that I just gave you -- the 6,300 number -- certain categories of individuals.

Those are people -- well, part-time students, for example, non-degreed students, commuters, people who are 25 and over returning to college, veterans returning to college, RNs returning. All of those populations are backed out of our overall number. So the 6,300, roughly, number I gave you, when you back out of that number those populations, our current FY2000 number is

5,516. 5,516. And it is that number that we use to determine the percentage of undergraduates that we house on campus.

We have 4,273 beds, and so our percentage of on campus housing for undergraduates -- traditional undergraduates, using the definition I just gave you, is 78 percent. And with the Southwest quad, we'll have 92 percent.

MEMBER SOCKWELL: So the 5,516 is the full-time equivalent.

MS. GREENAN: That's right. It is, in fact -- actually, it's not even a full-time equivalent because that is an actual head count of those individuals. And it's not even an FTE.

MEMBER RENSHAW: Okay. So as of 2002, you will then house, per your information, 92 percent of your traditional undergraduate students on campus. Correct?

Earlier in a Tab Number 5, it talks about the addition of 925 new beds will essentially meet the university's long-term goal of being able to house 100 percent of its undergraduates. Now, would you explain the difference?

MS. GREENAN: The only explanation --

MEMBER RENSHAW: Under your housing program.

MS. GREENAN: This was under the 1990 proposed. This was contained in our '89 submission.

MEMBER RENSHAW: So is your goal to get up to 100 percent or only 92?

MS. DWYER: The goal, as stated in 1990, was the

long-term goal of housing 100 percent of their students. And as the university has testified, you know, while they're close they're obviously not there yet. The whole issue of what their goal will be over the next 10 years will be the subject of the next campus plan, which those hearings are scheduled for next month.

What we're showing is that under this campus plan we have met the housing commitment by providing those additional beds on campus.

MEMBER SOCKWELL: So realistically the item --

MEMBER RENSHAW: So right now you're at 78 percent.

MEMBER SOCKWELL: -- was old and --

MS. GREENAN: Right. That --

MEMBER SOCKWELL: -- dollar numbers would have changed.

MEMBER RENSHAW: But you're at 78 percent.

Now, on this Burleith material that you've handed us, on your chart you have undergraduate occupancy only up to '95/'96. Could you provide the rest of the information? Also, you've got your resident occupancy through '96/'97, but nothing '97/'98, '98/'99, '99/2000.

MS. GREENAN: Yes. That's fine. We'd be happy to provide that information. That's because, as Ms. Dwyer explained, this was handed out in April of 1996.

MEMBER RENSHAW: Okay. Well, I would expect for a

meeting that's in 2000 this would have been brought up to date.

MS. GREENAN: This was a handout at a meeting in April of 1996.

MEMBER RENSHAW: Right. I understand that.

MS. GREENAN: And we have updated it in our campus plan, in our proposed campus plan.

MS. DWYER: There have been quarterly meetings, which -- you know, four times a year, as well as other meetings. The only reason we filed that particular information was to show you that back in 1996 the whole question of offlining St. Mary's was raised with the community and discussed then. It was not -- it is not a new issue.

But certainly there have been many agendas and meetings since then as the university continues the quarterly meeting process.

MEMBER SOCKWELL: Mr. Brangman, one of the things that we discussed was things like noise deadening, and there was discussion of the possibility of changing the size of St. Mary's vertically, all of which were part of the decisionmaking in what you're doing one way or the other.

Now, the renovations to St. Mary's are in part, you said, to increase -- improve the code compliance of the building.

MR. BRANGMAN: Yes.

MEMBER SOCKWELL: But to a large extent, you're going to be gutting out the existing residence portion of it,

which is probably still in place, I assume.

MR. BRANGMAN: That's correct.

MEMBER SOCKWELL: So --

MR. BRANGMAN: The walls are there.

MEMBER SOCKWELL: So what is now segmented off as rooms for students to live, as housing, is going to be stripped out for a different purpose basically.

MR. BRANGMAN: That's correct.

MEMBER SOCKWELL: You didn't mention that in your discussion, so I just --

MR. BRANGMAN: No, it is a full interior gut of the building and renovation. That's correct.

MEMBER SOCKWELL: And the timeframe, once it goes under construction --

MR. BRANGMAN: Fifteen months. We're trying to have this open by September of next year.

MEMBER SOCKWELL: And the construction plan would be to minimize -- first of all, are the windows all going to be replaced?

MR. BRANGMAN: The windows are all going to be replaced.

MEMBER SOCKWELL: And the construction plan, to minimize the discomfort to members of the Cloisters West in particular, would be to do all of your heavy removal from the campus side of the building rather than from the opposite side,

which would be adjacent to the community. Is there a plan in place to minimize any construction -- objectionable construction work, related noises, and dust, and what not?

MR. BRANGMAN: We do not have a plan in place as of yet, but it is -- we've just actually brought our construction manager on board. And it is typical, as is typical for the projects that we do on campus, to make sure that we are working within the hours that the BZA allows, adjust -- or that the District allows -- excuse me -- and adjusting those hours where we may have problems either with noisy periods of constructions with our neighbors.

It's not unheard of for us to do that on campus, as well as potential impact on both students and classes, which is something that we pay attention to.

There is a loading dock, which is on the western side of St. Mary's. St. Mary's is an H-shaped building. As you know from the plans, the loading dock is on the western side, and we can, in fact, run chutes on -- in the loading dock area or on the west of the building in order to mitigate noises during demolition of the interior of the building.

MEMBER SOCKWELL: Let's see. One of the other things that was discussed was that all of the employees who would be housed at this project once it is completed would be relocating from other campus locations. You're not bringing in new --

MR. BRANGMAN: Correct.

MEMBER SOCKWELL: -- employees or new bodies to populate the building.

MR. BRANGMAN: That is correct.

MEMBER SOCKWELL: And you stated that the parking for this building would be the same parking as utilized by those employees and others elsewhere on the campus and would not be materially affected by the changeover on this building.

MR. BRANGMAN: That's correct.

MEMBER SOCKWELL: And that you meet your parking requirements for the building and for the campus with excess, or at least with regard to this change of specific use as it is incorporated within the parking requirements for the campus.

MR. BRANGMAN: Yes. We are within our cap.

MEMBER SOCKWELL: Okay.

MR. BRANGMAN: And don't anticipate any reason whatsoever to have to exceed the cap as a result of this project.

MEMBER SOCKWELL: Okay. And the traffic generated by this building, in its new mixed use relationship, would have more peak hour impact on the surrounding community perhaps because it is not a residence anymore. It is a business-oriented use based on the typical employee work times for the university.

MR. BRANGMAN: My answer to that would be no, and the reason being is remember I said that the building is currently 40 percent vacant. The users of the building now is primarily the

nursing school. There is some medical center office space in it, in the basement level. The employee credit union is in the basement level, and student volunteer services is currently located in the basement level.

The nursing school occupants will be returning to the building in the numbers that they are in the building now. The UIS, you're correct, will be coming from other locations on campus to this building, but their habits in terms of coming to campus will not change as a result of now being occupants in this building

If they park in the Leavey Center currently, they park there now and they walk to any one of the other 14 locations they're in. If they park in Lot 3, which is all the way down on Canal Road, they have to walk up to campus, or they walk all the way to north campus in order to get to the buildings that they are currently occupying.

We see no reason to change that. We will not be changing parkers' locations as a result of their being in St. Mary's. For instance, if a UIS worker currently is in Old North, which is in the heart of the campus right next to the Leavey Center -- or, excuse me, right next to the Healey Center, and they part in Lot 3, in the future they will park in Lot 3. They will just walk a different path in order to get to their workplace.

MEMBER SOCKWELL: So parking assignments for the lots that surround the St. Mary's Building are based on some

overall assignment schedule --

MR. BRANGMAN: Correct.

MEMBER SOCKWELL: -- but not on the specific locations of employees with regard to the building themselves.

MR. BRANGMAN: Correct.

MEMBER SOCKWELL: And I assume that that's with the exception of certain directors and more --

MR. BRANGMAN: Now, if David Lambert were here --

(Laughter.)

-- he is still going to be parking in the Leavey Center.

MEMBER SOCKWELL: All right. All right. Thank you.

MEMBER RENSHAW: I would like to ask, how many, again, are going to use this building if under a mixed use --

MR. BRANGMAN: The number is roughly about 250.

MEMBER RENSHAW: 250.

MR. BRANGMAN: And that number is arrived at by going through and basically counting all of the chairs in the building.

MEMBER RENSHAW: All right. And of the 250 persons who will use the building, how many of them live on campus?

MR. BRANGMAN: When you say "live" as in residence on campus?

MEMBER RENSHAW: Undergraduate? Are these

undergraduate people?

MR. BRANGMAN: No. These are all nursing school employees, as in professionals for the most part, as well as the UIS employees, which are professionals. They're not student employees.

MEMBER RENSHAW: Are they classified as students, or are they classified --

MR. BRANGMAN: No, they're staff.

MEMBER RENSHAW: They're staff.

MR. BRANGMAN: Yes.

MEMBER SOCKWELL: The previous total population of the building, as best you can estimate, including students and the nursing school and --

MR. BRANGMAN: The nursing school has about 50 folks in there now. The other users in there, probably about another 20, 25. And if you're talking about when the students were in the building, that was 217.

MEMBER SOCKWELL: So although there will be some reduction in the actual number of persons using the building, because the parking relationship was not tied directly to the building, it would not materially be affected regardless of the use.

MR. BRANGMAN: That's correct.

MEMBER SOCKWELL: Do any of the Board members presently have additional questions?

MEMBER RENSHAW: Not at this time.

MEMBER SOCKWELL: Thank you.

We are now at 5:30, and we are just getting to the government reports, after which -- oh, that's right, we've got to do cross now. I'm sorry. So we're well into the early portion of our schedule. And because we are not going to -- the problem is we're not going to be able to continue without a quorum. We will lose our quorum in approximately one hour.

We hope to be able to address at least a portion of the Kingsbury application, effectively enough for it to be meaningful. And the problem that we're having is that we may not get to that. At 6:30, we are losing Ms. Renshaw, and that presents a problem.

And if we are forced to continue or to postpone the Kingsbury application, I would want that decision to be made now rather than at 6:30. I apologize for that, but this is what has happened. And would want to reschedule Kingsbury if that is acceptable, because we have no choice at 6:30. We're just not going to get to you. We'd like to reschedule the Kingsbury application for as quickly as is possible.

SECRETARY PRUITT: Based on your schedule, and based on the urgency of Kingsbury, next week you have -- next Wednesday is Georgetown University -- excuse me, George Washington University campus plan. We have so many campus plans coming in. That's the only case for that day. You may want to consider

taking that, since the Kingsbury case should not be anywhere as lengthy as the campus plan, the first thing in the morning.

MEMBER SOCKWELL: Yes. If we could put the Kingsbury case first thing next Wednesday --

SECRETARY PRUITT: Next Wednesday.

MEMBER SOCKWELL: -- would you be amenable to that?

MEMBER SOCKWELL: All right.

SECRETARY PRUITT: Do you want to schedule it for 9:00? Because we have a 9:30 -- I mean, normally, the university campus plan would start at 9:30, so at 9:00 we might even be able to get the majority of it out of the way before the majority of the people come for the campus plan.

MEMBER SOCKWELL: Then that's what I would suggest that we do.

SECRETARY PRUITT: So we won't readvertise. So at 9:00 next Wednesday, which would be April 26th, we will hear the Kingsbury case.

MEMBER SOCKWELL: And I apologize again. We thought we were going to be able to maximize this, but we had more cases. Even though we actually lost two cases out of our schedule, it just hasn't worked out. So thank you very much for indulging us in this.

All right. Then we will go to cross.

MR. CROCKETT: Thank you, Mr. Chairman. I don't --

MEMBER SOCKWELL: What is the time limit? There

can be no time limit on cross.

COMMISSIONER MITTEN: Well, it's not that there can be no time limit. Cross examination needs to be germane to the testimony given today, and the Board does have the discretion to shape and limit it. So it's not an unlimited timeframe.

MEMBER SOCKWELL: You'll have time to --

MR. CROCKETT: I will try and proceed through this as expeditiously as I can.

MEMBER SOCKWELL: Thank you.

MR. CROCKETT: I'd like to address the first few questions to Mr. Brangman. First of all, with respect to the facility, could you tell us what the plans are for the front portion between the north of St. Mary's and Reservoir Road. Isn't that going to be a large underground parking garage?

MR. BRANGMAN: No, it is not, with respect to this project. Not with respect to this project, but with respect to the university's plans for that property in the future.

MS. DWYER: Mr. Chair, Vice Chair, if I may interject here. We are focused on the case that is before the Board and not any future plans which may be, again, a campus plan issue. And this application, as the witness has testified, does not include a parking structure.

MR. CROCKETT: Mr. Chairman, I would point out that one of our primary contentions is that this particular case has no basis coming up on its own, that it should be consolidated with

the campus plan so all of these causes and effects can be judged by the Board at one time.

And what they're trying to do here is to segregate this out and say, "Well, we want to stay just with this little piece of it. We'll get that done now, and then after that's gone then we address these other problems without considering what effect the proposal for St. Mary's would have on all other phases of the campus plan.

And that is our position here today, and I think I'm entitled to cross examine one that.

MEMBER MOULDEN: If the applicant was correct in stating its case on the renovation of this building not being of necessity to come before the Board without the two entrance modifications, then they could have proceeded on the more salient issue, which is renovating the building for its intended purpose without having come before us at all.

So the issue -- and, of course, the issue of -- the larger issue would come up at some time. And yet the larger issue is not before us. If that larger issue is not -- even though the larger issue may be relevant in the long-term campus plan aspect, it is not germane to this particular hearing.

MR. CROCKETT: I must disagree with their assumption, Mr. Chairman. They -- that is simply not right. That they can come in here and tailor a proposition such as this and keep people from asking what the future impacts are going to be.

MEMBER MOULDEN: Well, actually, this -- if I might, we have that exact issue on appeal before the Court of Appeals right now in the other case that the Alliance has against the --

MEMBER SOCKWELL: Well, since -- that issue, if it is before the Court of Appeals -- is not, again, before this Board --

MEMBER MOULDEN: As I say, though, our position --

MEMBER SOCKWELL: -- it might have impact on any decision made by this Board with regard to this application. Because it has not yet been decided by the Court of Appeals, it would not be relevant to discuss it.

MEMBER MOULDEN: The assumption is that they didn't have to come in here to change the use. We disagree with that. They did have to come in here to change the use. The use is now residential. They're proposing to change it to office space.

And the case law in the District of Columbia with respect to these matters is very clear, that on a campus plan, when you propose to change the use, that you have to come before the BZA. And that is what is pending before the Court of Appeals. They didn't do it when they constructed a child care center without BZA approval, and that's --

MEMBER SOCKWELL: The child care center would not be before us either, sir.

MEMBER MOULDEN: Well, that was the question. And

--

MEMBER SOCKWELL: I mean, if your questions are specifically about child care centers, if they are specifically about other items that are not part of the application, they would not be relevant to this particular hearing, as much as they may be relevant to the overall university's campus plan.

And if the campus plan has to come before this Board, then at that time those issues would be brought before the Board, and you, again, would have the opportunity to represent your organization to give its viewpoints and to oppose or to support what they bring forth.

Now, the fact that this Board will hear this particular issue right, wrong, or indifferent, there is no reason for us to bring forth something that is not part of their plan at this time. There is no reason for us to hear the information that you wish to present about something that is not part of their case.

Even though you may relate the overall, at some point you can, in retrospect, go back to that when the campus plan comes forward. But I just think that this is not something that's germane to the particular hearing, and I would not accept it.

COMMISSIONER MITTEN: Mr. Chair, Mr. Vice Chair?

MEMBER SOCKWELL: Yes.

COMMISSIONER MITTEN: Can I just -- can I ask a question and then make a statement?

Mr. Crockett, is it your issue that as a part of this further processing for St. Mary's that -- notwithstanding what they've said -- that you believe that they in addition to bringing to us the minor addition and things related to the exterior of the building, that they must be coming before us for a use change? Is that your position?

MR. CROCKETT: Yes.

COMMISSIONER MITTEN: Okay. Okay. And does your question that you just put to the applicant related to this parking garage, how does that relate to that issue?

MR. CROCKETT: It relates to the position that we're taking in opposition here. That this attempt to have a decision on a major piece of the campus plan, for the campus plan, is going to -- is improvident is contrary to the interest of the surrounding residents, and will tie the hands of both the residents and the Board when they consider the campus plan next month.

Because this part will have been taken out, the impacts upon all other portions of the campus will not have been considered in making this decision, under their theory, which we believe must be the case. That is why we think these two cases should be consolidated and heard together.

MS. DWYER: Mr. Vice Chair, if I could just address this. This identical issue came up in connection with the George Washington University Hospital case, and the argument there was

you can't approve the new hospital building until you do the campus plan.

And this Board, in reliance on a decision or opinion of the Office of Corporation Counsel, said correctly that when you have an application, and there's an existing campus plan, you are entitled to come before the Board with that application. And as long as you demonstrate that your application is in accordance with the existing campus plan, you are entitled to a hearing and a decision.

The fact that there is a new campus plan at some point in time, no matter how close, does not affect your rights under the existing campus plan. It may take this Board six months to decide the new campus plan. It may take you nine months. Until December 31st of the year 2000, we have the right, under this campus plan, so long as what we're doing is in accordance with that plan.

We have shown you that what we're doing is in accordance with the plan, and it's on that basis that we're here before you. Any other issues having to do with parking garage or changes in number of students, any of those issues, are not part of this application. They will be campus plan issues, and we will address them then.

MEMBER SOCKWELL: The situation is, sir, that under the regulations -- and I have checked with the staff and counsel to make sure that I give you a correct ruling on this -- they are

entitled, under the existing campus plan, to come before us with this application.

MR. CROCKETT: I agree with that. I agree so far with you.

MEMBER SOCKWELL: Yes.

(Laughter.)

Now, beyond that, what the application represents in terms of a connection with the future campus plan may be apparent. It may be obvious, and it may be absolutely where they're going. But the application that they have before us is allowed under the existing campus plan.

For that, we have nothing else to say, except that they are here correctly. And what their future program is is up to you to interpret, and not up to us to discuss.

MR. CROCKETT: Well, I would like --

MEMBER SOCKWELL: And yet we can't have you talking about it because it's not here yet.

MR. CROCKETT: Okay. Well, I would like --

MEMBER SOCKWELL: It's like a new car. You've seen it in the newspapers, but it's not on the street yet.

(Laughter.)

MR. CROCKETT: Well, I would just like to point out that the Board's procedural rules permit the Board and the hearing officer to -- and I refer you to 3320.3(e), To Dispose of Procedural Requests and Rule Upon Motions to Consolidate

Applications or Appeals for Hearing.

It also authorizes the Board to adjourn a hearing and establish a date when the hearing will be continued, and that is basically what we are asking you to do. We're asking you to adjourn this hearing, consolidate it with the campus plan's hearing, and hear them all together, so that all of the various impacts of this proposal upon the campus plan can be handled in a reasonable manner. That's our position.

MS. DWYER: Then, Mr. Vice Chair, I very much object, because if that is the issue that he's raising, it is not cross examine of these -- cross examination of --

MEMBER SOCKWELL: No, it isn't. He's actually moving --

MS. DWYER: Then that should have been a motion as a preliminary matter at the start of this hearing, with an opportunity for us to deal with that at that time.

MEMBER SOCKWELL: That is true.

MS. DWYER: It is most inappropriate to do it now.

MEMBER SOCKWELL: It was not handled as a preliminary matter, so you are out of form.

MR. CROCKETT: We haven't put on our case yet.

MEMBER SOCKWELL: That's not the point. It would have -- it's requested that if there are any preliminary matters that they be handled. Those preliminary matters included in this case -- the request by you and others for party status. There was

nothing else brought to the table at that time, so I cannot entertain your motion at this time because this is cross.

MR. CROCKETT: I understand, and I -- I was just explaining our position in the case.

MEMBER SOCKWELL: Well, I appreciate your position, and I appreciate the explanation.

MR. CROCKETT: We haven't presented our position yet as our position doesn't come until after they've put their case on.

MEMBER SOCKWELL: Okay. Well, will you position yourself to --

(Laughter.)

-- continue to cross, please.

MR. CROCKETT: Mr. Brangman, you discussed the decision to decommission St. Mary's and to put the money into the quadrangle, the southern quadrangle. You referred to "we." Who was "we" that made that decision?

MR. BRANGMAN: "We" was the senior administration at Georgetown University.

MR. CROCKETT: And who is the senior administration?

MR. BRANGMAN: Well, it would have been the academic officers in the university, probably the provost as well as the senior administrative officers, senior vice president. It was also discussed with the president. So all of the senior

administrators of the university relative to planning issues.

MR. CROCKETT: And who actually approved the action? Was it --

MR. BRANGMAN: Ultimately, the president is responsible for approval of the actions.

MR. CROCKETT: Okay. And why isn't the president here today to testify?

MR. BRANGMAN: Because I'm here as his surrogate.

MR. CROCKETT: Mr. Brangman, once this facility which was a dormitory is decommissioned and turned into another use, what other areas on the campus are available for the construction of new dormitories, other than the south quadrangle?

MR. BRANGMAN: Other than the southwest quadrangle?

MR. CROCKETT: Right.

MR. BRANGMAN: That is information that will come forward in our master plan, should there be areas for that to happen.

MR. CROCKETT: Are there areas? I'm just asking you now.

MS. DWYER: Mr. Vice Chair, I think that's beyond the scope of his testimony.

MEMBER SOCKWELL: Sustained.

MR. CROCKETT: All right. Let's go on to Ms. Greenan.

Ms. Greenan, you are Assistant Vice President for

External Relations, is that correct?

MS. GREENAN: Uh-huh.

MR. CROCKETT: And who do you report to?

MS. GREENAN: I report to the President of the university.

MR. CROCKETT: Directly?

MS. GREENAN: Through Dan Portfield.

MR. CROCKETT: Did you participate in the decision to change the plan to reconstruct St. Mary's for dormitory use and to convert it into office use?

MS. GREENAN: I participated in the discussion. I did not participate in the decision.

MR. CROCKETT: Who made the decision?

MS. GREENAN: Mr. Brangman said ultimately it was the -- Father Donovan, the president.

MR. CROCKETT: Do you know when that was made?

MS. GREENAN: Well, it would have been roughly around 1996, around April 1996.

MR. CROCKETT: April 1996.

MS. GREENAN: Yes. Roughly, approximately.

MR. CROCKETT: Is that when St. Mary's was closed?

MS. GREENAN: Uh-huh.

MR. CROCKETT: As far as you know, are there any other locations on campus where a 415-bed dormitory to replace St. Mary's could be located?

MS. DWYER: Again, I would object. It's beyond the scope of her testimony.

MEMBER SOCKWELL: Sustained.

MR. CROCKETT: Ms. Greenan, are you aware that the university has made a long-term commitment in the previous BZA order to house 100 percent of its undergraduates on campus?

MS. GREENAN: I am aware of it through reading about it in the campus plan, in the 1990 campus plan. And it's always been framed as a long-term commitment, long-term goal, excuse me.

MR. CROCKETT: Well, I would refer you to -- do you have the BZA order in front of you?

MS. GREENAN: No.

MR. CROCKETT: Then I will refer to it. It's paragraph 25 of the BZA order in the previous campus plan, which is BZA Number 25302. Paragraph 24(a) of that document -- 24 and 24(a) -- states, "Specifically, the bicentennial campus plan proposes the following: (a) to adopt as a long-term goal the university's ability to provide housing for 100 percent of its undergraduate students on campus."

Do you agree that that's part of the existing order in the campus plan?

MS. DWYER: I think the witness has already answered that.

MR. CROCKETT: Okay. Well, I didn't think she did,

or I wouldn't have asked it.

Is it part of the campus plan?

MS. GREENAN: I said I would -- yes, I said I was aware that it was a long-term goal.

MR. CROCKETT: Once St. Mary's is decommissioned, how is the university going to meet that goal of 100 percent?

MS. GREENAN: St. Mary's has been decommissioned since 1996, and we have a proposal, as you well know, to build and construct -- and it's underway -- the southwest quadrangle, which has 780 beds in it. And we also have added 303 since the campus plan was approved in 1990, so that would take us to 1,083.

MR. CROCKETT: And that would take you to 92 percent?

MS. GREENAN: That's right.

MR. CROCKETT: How are you going to get the other eight percent?

MEMBER SOCKWELL: I think that what you are referring to, if I might interject, is a goal rather than a requirement. The goal is 100 percent. The requirement was not 100 percent. And the term to reach the goal apparently is -- okay. Apparently, the long term was not defined well enough that you could use it as a point of reference as effectively as you're trying to.

MR. CROCKETT: Well, all I can do is try, Mr. Chairman.

Now, with respect to the requirement for the 925 beds -- and I'll now quote again from the original campus plan, paragraph 22, where it states, "The bicentennial campus plan places a high priority on the development of on campus housing and other facilities. The following list includes the phases in the development on campus: (a) campus housing -- to meet its commitment to provide 925 new beds on campus by 1997, the university has identified the following three priority projects for new beds: (1) the rehabilitation of Loyola, Xavier, and Ryder to create 225 new beds." Did that occur?

MS. GREENAN: Yes.

MR. CROCKETT: And how many beds does Loyola, Xavier, Ryder have now?

MS. DWYER: Mr. Vice Chair, I would just object that this is going well beyond the course of the testimony. What we've included and what the witness had referred to in Exhibit A is a listing of the beds on campus that meet the 925 commitment.

There was no testimony about the specific numbers in each of the individual buildings on campus. I think this is going beyond her testimony.

MEMBER SOCKWELL: I will let her answer the question.

MS. GREENAN: We have -- currently in LXR we have 283 beds.

MR. CROCKETT: All right. Thank you.

The next part was the construction of a new dormitory to create 500 new beds. Was that accomplished by 1997?

MS. GREENAN: We are in the process of building the southwest quad, which is 780 beds.

MR. CROCKETT: But as of 1997, you had not created any new beds and a new dormitory, is that correct?

MS. GREENAN: Uh-huh. That is correct.

MR. CROCKETT: And the third element was the reconstruction of St. Mary's to provide 200 new beds. Is that correct?

MS. GREENAN: That's what -- that's how that paragraph reads.

MR. CROCKETT: And by 1997, that hadn't been done.

MS. GREENAN: It hadn't been done. But I'd also, since we're on this paragraph, like to point out that at the bottom of that paragraph it begins -- it says, "The financial ability of the university to provide these new beds is based upon: (1) tax exempt bond financing, (2) alternate financing, and (3) the construction of the cogeneration facility."

So the condition -- the precondition to us to have 925 beds online by 1997 was conditioned upon the construction of the cogeneration facility. I testified to that earlier, and there was a discussion internally at the university at that time, when cogeneration was defeated, about whether or not the university still had an obligation, a legal obligation, to build these 925

beds by 1997.

It was thought that there was no legal obligation, but that we did have a commitment, and we have followed through on that commitment with the southwest quadrangle project, which is underway, and when it is completed will house 780 students on campus.

MR. CROCKETT: Well, thank you for the statement. It was not really responsive to my question. But since you raised the issue, as I read -- are you a lawyer, Ms. Greenan?

MS. GREENAN: No, I'm not.

MR. CROCKETT: You're interpreting this order? That's your interpretation of the order?

MS. GREENAN: Yes, it is. It is.

MR. CROCKETT: All right. As I read that order, it says the financial ability --

MS. DWYER: This is testimony, Mr. Vice Chair, as opposed to --

MR. CROCKETT: I'm framing a question.

MS. DWYER: -- cross examination?

MEMBER SOCKWELL: Try to be as specific and succinct as possible, please.

MR. CROCKETT: There are three parts to the sentence to which you referred. The first one is, "The financial ability of the university to provide these new beds is based upon: (1) tax exempt bond financing." Is that correct?

MS. GREENAN: Yes.

MR. CROCKETT: Did the university get the tax exempt bond financing?

MS. GREENAN: Yes, we did.

MR. CROCKETT: Alternate financing? Did the university get any alternate financing?

MS. GREENAN: No, we did not.

MR. CROCKETT: Okay. And construction of the cogeneration facility. Did you get that? How was the cogeneration facility going to finance the dorm?

MS. GREENAN: The -- it was -- the structure of the cogeneration facility was such that it would have saved us in energy cost and also would have -- the university would stand to gain I think around $500,000 a year. These are savings -- those savings would have been put back into the dorm.

MR. CROCKETT: During this period of time after the cogeneration project was rejected, did the university go forward with any other projects, building projects on campus?

MS. GREENAN: We did a retrofitting of our utility.

MEMBER SOCKWELL: The question that you're asking is relevant to other projects that might not have had anything to do with the commitments of financial resources for this. So I would confine you to those things that refer to this.

MR. CROCKETT: Well, I think we can move on, having

done that.

Ms. Greenan, I take it that you do have a copy of the Board's order in front of you?

MS. GREENAN: No, I don't. I just have that one page.

MR. CROCKETT: All right. I'd like to refer you, then, to another part in the order, which is paragraph 50, which relates to an agreement between ANC-2E. And subparagraph (c) states -- and I'll quote this -- "After several sessions, a compromise was reached as follows: (a) the university would commit to the enrollment projections in Appendix H, which show an addition of 340 undergraduate FTE students. (2) The university would make on campus housing currently used by graduate students available to approximately 200 undergraduates."

With respect to that, did the university make on campus housing currently used by graduate students available to approximately 200 undergraduates?

MS. GREENAN: Yes.

MR. CROCKETT: And how did it do that?

MS. GREENAN: I'm not specifically aware. I'm not the housing person. But we did move off campus the 200 graduate students and freed up those beds for undergraduate students.

MR. CROCKETT: And you don't know where you moved them from?

MS. GREENAN: I don't. It's in our chart, but it's

-- it's Exhibit 8, but it just says 200.

MR. CROCKETT: Now let's go down to number 3, "The university would construct an additional 925 beds on campus by 1997."

MS. GREENAN: Which was conditioned by the cogeneration facility, the construction of the cogeneration facility.

MR. CROCKETT: Yes, that's your interpretation. Is it correct, though, that the university agreed with the ANC that it would, number one, move 200 graduates off and replace them --

MS. DWYER: Mr. Vice Chair, I object to this. I mean, he is asking for the witness to read through a BZA order and make legal conclusions. It sounds like this -- these are points that he may want to make in his direct testimony. But they're not cross examination, and they're not within the scope of the testimony of this witness.

MR. CROCKETT: She presented an exhibit that had these figures on it, and I believe I'm entitled to cross examine on it.

MS. DWYER: You can cross examine as to that exhibit, but not an interpretation of the BZA order.

MEMBER SOCKWELL: Yes. You need to limit your testimony to that which was -- your cross to that which was testified to. You are spreading yourself throughout the previous BZA order, and you're not actually leading in the direction that

is obvious to me.

MR. CROCKETT: Well, then, let me just ask this one question.

MEMBER SOCKWELL: That would be fine, if I like that question.

MR. CROCKETT: In constructing your chart, Ms. Greenan, did you add the 200 students that were to -- the 200 beds that were to be made available by moving out graduate students to the 925 beds that were to be additional construction to come up with the total of 1,125 beds that was the agreement that the university entered into?

MS. DWYER: I would object on the assumption that contained within that question -- I think the Exhibit 8 speaks for itself, and it shows the beds gained by moving graduates off campus, the beds gained by each project, and the beds in the southwest quad.

MR. CROCKETT: Can you answer the question? The question is: was the commitment made, as reflected in this order, that there would be 200 beds freed up by moving out graduate students, and there would be 925 additional beds constructed on campus by 1997? Was that the commitment?

MS. DWYER: I would object again, because he's asking the witness to assume a commitment based on an interpretation of the BZA order.

MR. CROCKETT: Well, she's --

MEMBER SOCKWELL: If I might state there may be some relevance to asking the question in terms of if the 925 beds are inclusive of the 200 that you see as a stated goal, or a stated requirement, based on compromise, or if the 925 beds are other than those 200 beds.

And, in general, even if you don't know, that you might make some general reference to any enrollment shifts that might have negated the need for all of those beds. I'm just seeing them as numbers, and I think that if you can attempt to answer the question it might be helpful.

MS. GREENAN: Well, as a matter of fact, our enrollment cap would have taken us up to 5,627. And as I testified earlier to Ms. Renshaw's question, we are currently at 5,516, so we never even reached our enrollment cap. We're 111 below that. So -- and we include the 200 in our overall count right now. When I also testified earlier that we had 303 beds that we had freed up, we included the 200 in that count. And we do add it to the 780 beds.

MR. CROCKETT: But the overall commitment in the order was to free up 200 beds, and then construct another additional 925 beds, which comes, in my addition, as 1,125 beds, is that correct?

MS. GREENAN: That 925 was conditioned on the construction of --

MR. CROCKETT: I understand all of that. I

understand your position on that. But I'm asking you to respond to the question which I asked, which was the total 1,125 that was committed to be freed up.

MS. DWYER: I object because your question assumes a position that this witness has not testified to. What Exhibit 8 shows is 1,083 beds, and the witness has said it includes 200 beds freed up by moving graduates off campus.

MEMBER SOCKWELL: Since the witness is being asked to interpret the statement, then I would ask you to interpret her answer.

(Laughter.)

MR. CROCKETT: Okay. I'm afraid what we have here, Mr. Chairman, and members of the Board, is a situation in which the university has not presented anybody here as a witness that can answer these questions. I mean, somebody has to be responsible for appearing and justifying what has gone on here. I mean, we have this large order that has been in effect now for 10 years. There were some very serious commitments made to the residents that were obviously not complied with. By 1997, this hadn't happened. So --

MEMBER SOCKWELL: But there were some extenuating circumstances which are within the body of the order itself. And those circumstances as well were, in one instance, not accepted by the community at large; and, therefore, one major circumstance went away.

The commitment to provide the housing at any level was affected, especially in terms of timing, by the loss of particular other commitments. And even though the university may have indulged in other building projects, it doesn't mean that those building projects had to have been either altered or postponed for the specific projects that would have been committed had the resources that were outlined for their construction been available.

Therefore, I think that we need to get off of this one.

MR. CROCKETT: Okay. I would just like to make the following observation with respect to that, and then I'm through.

MEMBER SOCKWELL: All right.

MR. CROCKETT: They have not presented any evidence, any competent evidence, as to their financial inability to build these dorms. It is not in this record. Ms. Greenan is not in a position to testify to it.

MEMBER SOCKWELL: That's true.

MR. CROCKETT: Nobody is here to testify to it. So the fact that she wants to read the record that way and say, "Well, we didn't have the money," well, that's not evidence. And we object to the fact that they are taking the position that they didn't have the financial resources to do it, and it's not on the record and not with evidence and it --

MEMBER SOCKWELL: But you have also conditioned

your own statement by stating that there is no one here who is qualified to answer the question. Therefore, you cannot make the question a question that gets an answer. You admit that there is no one who can answer it.

MR. CROCKETT: It is now evident. It wasn't when I started, but it is now.

MEMBER SOCKWELL: Okay.

MR. CROCKETT: And I'm through.

MEMBER SOCKWELL: Thank you.

All right. Is the ANC representative -- okay. Who else is here for cross? I thought --

MR. CROCKETT: I'm sorry. I was the only one that was going to do cross.

MEMBER SOCKWELL: Okay.

SECRETARY PRUITT: For the Cloisters, correct? Which Cloisters, East or West? West. So we have Cloisters East and Burleith also doing --

MEMBER SOCKWELL: Well, actually, he is representing the Alliance.

MR. CROCKETT: No, I'm --

SECRETARY PRUITT: No, he is representing the Cloisters.

MR. CROCKETT: I was not --

SECRETARY PRUITT: You're Cloisters East, to my understanding.

MR. CROCKETT: And Burleith was not going to have anybody cross examine, so that basically finishes up the opposition.

MEMBER SOCKWELL: Well, no, there's one gentleman, the West, who --

SECRETARY PRUITT: Cloisters West.

MR. SPENCER: I'll waive my opportunity.

SECRETARY PRUITT: Okay. Just wanted to be sure.

MEMBER SOCKWELL: Okay. So now we will look for an ANC representative who stands. And if you will identify yourself and give your address. In fact, I hope that I have -- I think you've identified yourself and given your address at some time in the past, right?

MS. ZARTMAN: I turned my cards in. Good evening, ladies and gentlemen. My name is Barbara Zartman. I live at 1642 35th Street. I am the ANC representative from 2E-04, which does not cover St. Mary's. The record is incorrect. My district begins on the property line and covers both Cloisters West, East, and most of the campus, as well as West Georgetown.

I am a Board member of the Cloisters in Georgetown Association, as well as an officer of the Alliance. So you can put on me what hat you wish.

The ANC did not take a position on this project. A motion to request that you roll it over into the campus plan was narrowly defeated. The ANC members who live closest to this

property all voted unanimously to support the rollover, but it failed by one vote and the ANC did not take a position then either in favor or in opposition.

I speak as an individual.

COMMISSIONER MITTEN: At this point, I'm sorry -- excuse me. This is for the purposes of cross examination? We're calling for the ANC for purposes of cross examination.

MS. ZARTMAN: It's my understanding that the ANC can only cross examine when it has taken a position to --

COMMISSIONER MITTEN: Okay. Then I -- we're in the cross examination phase, aren't we?

MEMBER SOCKWELL: Uh-huh.

COMMISSIONER MITTEN: Okay. That's what he was calling for.

MEMBER SOCKWELL: Yes, this is strictly the cross examination phase now. Are we in proper form, Ms. Pruitt?

SECRETARY PRUITT: Yes. And, well, the ANC didn't take a position, so there is no cross. So you can move on to government reports.

MEMBER SOCKWELL: Okay. So the ANC --

SECRETARY PRUITT: There is, I believe, an Office of Planning --

MEMBER SOCKWELL: There is an Office of Planning report.

SECRETARY PRUITT: -- which we should hear, and

then we hear ANC. You might as well stay there, Ms. Zartman.

MEMBER SOCKWELL: Yes. All right. I can ask Ms. Vogel to give the OP report, please.

MS. VOGEL: Thank you. Yes. My name is Mary Vogel. I'm the community planner with the Office of Planning located at 801 North Capitol Street, Northeast.

As you know, this is an application of the president and directors of Georgetown College for further processing of an approved campus plan to permit a minor addition to existing St. Mary's Hall Building, renovate entrances to the building, and, as we saw it, reconfirm the use category of the building to educational mixed use in an R-3 district at 3800 Reservoir Road.

Let's see. The -- I'm not going to read word for word what -- the report at all, but it seems the subject application requests further processing under the existing campus plan, as we've been discussing. The university's campus plan does not expire until December 31, 2000.

The Office of Planning believes that the subject application has appropriately been brought before the Board for its review. With the advice of Corporation Counsel, the Board has previously ruled that it has no authority to delay consideration of special exception applications until a new campus plan is in place.

And I checked with two of the most senior members

of Corporation Counsel on exactly this point, to get their -- both their recollections and their opinions on this. And both said that, well, there would be no point in having an expiration date for a campus plan, if, in fact, you couldn't process up until the time of the expiration date.

Okay. The proposed improvements for St. Mary's consist of interior renovation. And we had a minor addition of 427 square feet as opposed to Mr. Brangman was saying -- 425 square feet. I guess maybe that could be --

MEMBER SOCKWELL: The application states 427.

MS. VOGEL: And exterior work to replace windows, improve the site landscaping, and also the -- well, the minor addition was for front and side entrances.

I think this next paragraph is probably what we saw as the crux of the debate here in the application. As we saw it, the site is designated educational mixed use, with a housing overlay in the current campus plan. And that housing overlay comes from Appendix H of the present campus plan.

As was said, St. Mary's was identified as providing a potential to increase the supply of housing on campus by 200 beds through renovation and possible addition. The university's educational mixed use designation allows, but does not require, housing. It also allows classrooms, administrative and faculty offices, and decentralized recreation.

The housing overlay designation recognized its

potential for providing more housing. The university proposes to renovate the building for continued educational mixed use, which will include its continued use by the school of nursing, employees credit union, as well as its use as administrative offices, teaching labs, and computer support services for the information technology department.

Do you want me to go over the site and area description again?

MEMBER SOCKWELL: No.

(Laughter.)

Not necessarily.

E-V-E-N-I-N-G S-E-S-S-I-O-N

(6:00 p.m.)

MS. VOGEL: Okay.

MEMBER SOCKWELL: If you want to say there is a site and it has area, that's fine.

MS. VOGEL: Okay. Well, I mean, we did confirm that the closest non-university buildings are, in fact, Cloisters West row homes, and 15 of those are within -- well, what I estimated to be about 60 feet of St. Mary's, on the east.

Okay. In terms of our analysis, again, we went to subsection 3108.1 of the zoning regulations regulating special exceptions. It requires the applicants to be in harmony with the zoning regulations and maps and not adversely affect the use of neighboring properties, as defined in the conditions specified in Section 210.

The subsection of Section 210 that's generally under debate in campus plans is 210.2, which states use as a college or university shall be located so that it's not likely to be objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.

We went through those different conditions, and, again, it didn't seem that those were, in fact, the conditions which were clearly objectionable to the proposed use. It was something else. It was more of a -- an omission in a sense rather than a commission, that the people from the neighborhoods were

objecting to here.

For noise, we felt that the buildings would actually be improved because most of the activity will take place both within the interior of the building, and additional landscaping will further -- provide a further buffer for noise. The use of the buildings will be virtually the same as exists there today.

The university has also assured us that students will reside in a location on campus that will be much farther removed from the surrounding residents by moving the beds that might have been put at St. Mary's to the southwest quadrangle project. And the -- most of the use will be during the regular business hours of, oh, 8:00 to 5:00, in that kind of time range.

Again, for traffic and parking, we think that has been pretty well covered. It seems that there was no additional parking or really additional traffic, other than what is currently on the campus today, so we felt that this was not an issue.

A number of students -- again, the university is in compliance with the enrollment cap imposed by the Board in its 1990 campus plan, and this project will not result in any increase in students.

In terms of other objectionable conditions, again, that was probably the one that -- well, that the neighbors will, in fact, build their case on. We believe that the exterior renovations and the new landscaping will actually -- proposed will

actually enhance the appearance of what is now a rather mundane building.

However, some of the neighborhood groups and individuals will argue that the objectionable condition is one of omission rather than commission, as I stated, what is not proposed rather than what is proposed.

Some believe that St. Mary's Hall should be returned to dormitory use in order to help the university meet its goal of housing a greater percentage of its undergraduate students on campus. Others believe that the renovation for office use is preparing the way for Med Star to take over the building for its administrative use.

And at the very least, they argue the discussion of the building's future should become part of the new campus plan. And, again, we -- I'm just repeating what we've already heard today. And, you know, we -- the Office of Planning did seriously consider the neighborhood's -- I mean, well, again, various groups or individuals from the neighborhood have expressed some of these concerns to us as well.

But, again, just looking at the -- you know, the legal requirements here, and appropriate land use, we stick with our position to recommend approval of this application.

BZA Order Number 15302, which is the order that -- under which the current campus plan is operating, does ask for an update of -- on the university's progress in carrying out its

housing program, as outlined in Appendix H to the campus plan, whenever the -- a special exception application is put forward. And, in fact, the applicant has done that in Appendix 8 of its application, which has already been very well discussed as well.

In terms of the District of Columbia comprehensive plan, again, the -- the entire campus plan, the 1990 campus plan, we feel very much fulfills the goals of the District of Columbia comprehensive plan.

So, in summary, the Office of Planning believes that the applicant complies with all of the subsections of Section 210 of the zoning regulations. Most of those sections are not at issue or not applicable here.

In terms of the ANC and community groups, as you've heard, the ANC voted to take no position on this proposal, although there was considerable time given to the debate. And the minutes of their meeting -- from that decisionmaking meeting are attached as Exhibit 3 on our report.

Now, that's where I'm in error here. Ms. Dingleman, her district -- Commissioner for ANC 2E-04, where St. Mary's is located, is -- that is in error. It's a misunderstanding on my part. So I will let Ms. Zartman speak for herself in that regard.

Again, I think you'll have a due opportunity to hear from all of the community groups for themselves. We just tried to -- where we knew what the positions were -- give a very

brief summary of them.

And in terms of agency comments, the Commission on Fine Arts has no objection to the concept design for alteration of St. Mary's Hall. They stated that in a letter of March 17, 2000.

The Office of the Fire Marshall also has no objection, and their letter is attached as Exhibit 7.

The Department of Public Works -- their reviewer actually told me that they had no objection, but would probably not have their report until Monday, which was yesterday, and it had not come in by the time I left this morning. So we don't have their actual report, nor do we have that from the police department. I, again, checked with them last week, and they said they didn't have their comments back from the District yet.

The Office of Planning recommends that this application be approved. We believe that the proposed renovation project is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.

We believe that the application maintains the educational mixed use designation under the current approved campus plan and meets the criteria for approval under the zoning regulations and the comprehensive plan that is of the District of Columbia and needs to be judged on its merits.

That's my report.

MEMBER SOCKWELL: Thank you very much, Ms. Vogel.

Any questions?

COMMISSIONER MITTEN: I have a question for Ms. Vogel.

I just want to be sure that the Office of Planning appreciated sort of the full context of the 1990 plan as I understand it. And I'm not getting the sense of that from page 2, where in the first full paragraph it's really talking about St. Mary's in one -- only one sense, and it really has two senses, which is that St. Mary's was an established, existing residential facility, and it had the potential to be more -- add more beds.

MS. VOGEL: Yes.

COMMISSIONER MITTEN: And the way --

MS. VOGEL: I definitely understood that as well.

COMMISSIONER MITTEN: Okay. Because that hasn't been conveyed in your report. The only -- it seems as if the -- that you all believe that the basis for the housing designation in the 1990 plan was solely because it had this potential and not because it was an existing residential facility.

MS. DWYER: Well, again, we saw educational mixed use as having -- as allowing housing which, in fact, it was at the time of the 1990 plan, but also allowing a number of other uses as well. And it didn't require any of the various uses that it allowed. You know, it was meant to be quite flexible.

MS. VOGEL: But I just want to be sure -- when you wrote the report, you were aware of the fact that St. Mary's was

an existing residential facility when the 1990 plan was written?

MS. DWYER: Yes. I combed through -- what's the word -- several times actually.

MS. VOGEL: Okay.

MS. DWYER: And I have all kinds of highlights that are in the BZA order in terms of the 1990 campus plan. You know, and the entire application actually. The housing -- the current housing report, too, Appendix H.

MS. VOGEL: Okay.

COMMISSIONER MITTEN: Thank you.

MEMBER RENSHAW: I have a somewhat abbreviated OP report, because I don't have any of your attachments. And, in fact, I have lots of notes in my copy saying, where are these? But in any case, I will get them and follow up with your testimony, Ms. Vogel.

Under the District of Columbia comprehensive plan statement, it says such things as, "As part of the existing campus plan, the St. Mary's project . . . and the plan relating to solid waste management, improved air quality, land area protection, environmental protection, sanitation, and energy conservation." What do you mean?

MS. VOGEL: Well, these were all in the 1990 plan. We did feel that -- and, in fact, you know, those were recognized as the university was doing their -- I think the university has made a great deal of effort in terms of energy conservation.

Granted, the cogeneration facility that was defeated was one of them, but --

MEMBER RENSHAW: But St. Mary's as a residential facility, would that also lean to waste management, improved air quality, land area protection, environmental protection, sanitation, and energy conservation?

MS. VOGEL: No, I wasn't saying that there at all.

MEMBER RENSHAW: Again, I just wanted you to clarify that.

MS. VOGEL: Okay.

MEMBER SOCKWELL: Just to carry Ms. Mitten's question on the housing piece back to you briefly, because St. Mary's was originally a building with housing, and was originally in the bicentennial campus plan identified for additional housing, it would have been designated -- for at least the current use and continued use, it would have been a designated housing facility.

Now, once they made adjustments to their other facilities and then decided that St. Mary's was no longer necessary for housing, it still fell within its designated uses as a building that supported housing and other non-housing aspects of the campus requirement for this facility. So it was still designated as -- it was designated correctly for a housing or a non-housing use.

But the report that has been generated does tend to identify it less as housing and more as a mixed use. And was that

done based upon the fact that the building had been decommissioned for its housing component in '96, as opposed to the fact that in the original campus plan it was considered to be a housing use with the potential for extension, even though it doesn't say how that would have been done?

MS. VOGEL: Well, I think we looked at the underlying designation on the campus plan map as being educational mixed use. We thought of the cross-hatched area -- you know, the red cross-hatched area as being an overlay there. And in checking with the applicant as well, that -- they confirmed that was, in fact, what was meant there.

And in checking with the sort of historical memory in our office as well, you know, the -- this was basically a housing overlay that -- so we -- well, we just were not -- not distressed by the intention of the applicant to take the overlay away, I guess because we agreed with the -- some of the residents of the neighborhood that, in fact, this was not a particularly good area for housing to exist, considering its proximity to the Cloisters West or -- yes, the Cloisters West row houses.

MEMBER SOCKWELL: And I'll just ask one final question to you. Would you have considered this housing component -- and you call it an overlay, but the mixed use would have allowed housing and other uses for the building, and to call housing an overlay makes it seem like housing is something separate and above the other mixed uses. At the same time,

admittedly, the housing is on top of the -- it was over. But I'm just saying that the way it was characterized might have been somewhat misleading.

MS. VOGEL: Okay. Well, thank you for that feedback. I'll try to be more specific, I guess, from now on.

MEMBER SOCKWELL: Thank you.

Any other questions? So now we need to go to the ANC report. Oh, wait. Oh, we're back to parties cross examining. Okay. So the first party to cross examine --

SECRETARY PRUITT: Well, it's usually the applicant, and then the opposition, but --

MEMBER SOCKWELL: Okay.

MS. DWYER: We have no questions of the Office of Planning.

MEMBER SOCKWELL: All right.

MR. CROCKETT: I have just a few questions.

With respect to the -- your conversations with Corporation Counsel on the subject of the alleged appropriateness of this particular proceeding going forward, and in light of the pending campus plan, was that put in writing?

MS. VOGEL: No, it was not.

MR. CROCKETT: Were the exact parameters of the legal position of both parties made clear to Corporation Counsel, exactly what we were contending and what we were asking for?

MS. VOGEL: I don't know about exact parameters. I

did, in fact, state what I had, for example, in -- I had a letter from Barbara Zartman, and I read parts of that.

MR. CROCKETT: All right. Now, who were these two people that you discussed it with?

MS. VOGEL: Alan Bergstein and --

MR. CROCKETT: Brangman.

MS. VOGEL: -- Bergstein and --

MR. CROCKETT: Bergstein? Oh.

MS. VOGEL: -- and Mary Nagelhutt.

MR. CROCKETT: And what department are they in?

MS. VOGEL: The Office of Corporation Counsel.

MR. CROCKETT: And which division?

MS. VOGEL: Land Use and Public Works.

MR. CROCKETT: All right. With respect to the -- did you take a look at the current campus plan order in reaching your evaluation?

MS. VOGEL: The 1990 campus plan order?

MR. CROCKETT: Yes.

MS. VOGEL: Yes.

MR. CROCKETT: Were you aware of the fact that upon every application for an exception that the university was required to come in and give a progress report on its commitment to build the 925 new units and create the other 200 units?

MS. VOGEL: Well, I might disagree with you on the -- its commitment to build the 925 units. I am very definitely

aware, and I stated in my report that the university did need to come in on every special exception to report on its housing goals and meeting its housing goals.

MR. CROCKETT: But you do agree, after reading what they have submitted and what the order provided, that when 1997 came along they were in breach of their commitment to have those housing units online at that time.

MS. VOGEL: Well, see, again I read it that if the cogeneration -- that's very much dependent on the cogeneration facility being approved.

MR. CROCKETT: And that's on your reading of that particular paragraph in the order.

MS. VOGEL: Yes.

MR. CROCKETT: Are you a lawyer?

MS. VOGEL: No, I'm not.

MR. CROCKETT: Okay. Thank you. No further questions.

MEMBER SOCKWELL: We are now at 6:30, and we'll be losing our quorum, it appears. One of the Board members has made some signals that she is packing up.

MEMBER RENSHAW: I will stay for Ms. Zartman's testimony, and then I really do have to go.

MEMBER SOCKWELL: Well, let's ask a question. Would it be fair for us to --

SECRETARY PRUITT: You still have the whole

oppositions case to put on, so, I mean, whether you stop now or have her --

MS. DWYER: If I could just make two points. One, there is no ANC report. This is the time for the official ANC report. I have not designated any --

SECRETARY PRUITT: Right.

MS. DWYER: I have not designated anyone. So Ms. Zartman would come later as an individual.

MEMBER SOCKWELL: Okay.

MS. DWYER: But, second, we do have parties in support, persons in support, that have been waiting all day. And if they could just come up and just acknowledge themselves and submit their testimony. They may not be able to come back at a later time.

MEMBER SOCKWELL: All right. That would be acceptable, since the ANC did not take a position on this. Then we -- I would ask you to step down and we'll take parties in support.

Will the parties in support please come forward? If you can -- if you have testimony to submit, it would be appreciated, and yet it would be acceptable and understandable if you want to make a statement in brief form -- brief form. Thank you.

Identify yourself and your address as you begin, please.

MR. SPENCER: I'll start. My name is Sidney D. Spencer. I live in the Cloisters West. We had the discussion earlier. I have written -- a written statement here, which I -- which I had tried to anticipate this Cloisters West/Cloisters East, who lives where. I hope that you got the understanding that the Cloisters West -- that it's the one right next to the university, and so forth. That is covered in my prepared remarks.

The bottom line of the position of everyone that I have talked to in the Cloisters West, and that the Board has talked to in Cloisters West, is that the last thing they want to see is St. Mary's turned back into a dormitory. It makes a great deal of sense from our viewpoint to have this as an administrative facility that functions during the daytime, does not have a lot of students hanging around, and that is not a student activity type place on the weekend.

As has already been mentioned, there have been some issues of noise. I've passed by students going along there, and our people are working with the neighborhood on that.

Now, I know that you have gotten a number of letters and faxes from Cloisters West residents. I have with me here today another 17 letters, which I would like to give you, along with a copy of my prepared statements, which I think I've just summarized. So --

MEMBER SOCKWELL: Thank you. If you'll submit those to staff --

MR. SPENCER: -- thank you very much.

MEMBER SOCKWELL: -- we'd appreciate it.

MS. McGOUGH: My name is Joan McGough, and I live in Cloisters West. We are directly adjacent --

MEMBER SOCKWELL: Ms. McGough, would you give your address in Cloisters West, please?

MS. McGOUGH: Pardon me?

MEMBER SOCKWELL: Would you give your address in Cloisters West?

MS. McGOUGH: Oh. 3547 Winfield Lane, Washington of course. Can I go?

MEMBER SOCKWELL: Yes.

(Laughter.)

MS. McGOUGH: Okay. My husband and I are residents in Cloisters West. The community has 109 homes, and we are directly adjacent to Georgetown University's St. Mary's Hall. Anything that happens to St. Mary's Hall directly affects our community. Therefore, we strongly support this university's plan to renovate St. Mary's Hall for administrative purposes.

St. Mary's should not be used for residential or dormitory purposes. Dormitories should not be right next to our residences in the Cloisters -- be more centrally located on the campus -- this -- the -- such as the new building, the southwest quadrangle, which will house 780 students when completed.

This is located centrally within the campus, and

will not affect our residents by having students living directly behind our homes.

I just wanted to add something to this, and that is when I first moved into the Cloisters 15 years ago, the residence was there, St. Mary's. You could hear on weekends -- and even during the week -- the blasting. And I'm much further away than Mr. Spencer is, and you could hear the noise coming from there, from the students. They're typical students. It's not their fault. They are living and they are living as students on a campus.

And, I mean, they just should not be right on top of our homes. I mean, if I could hear it from where I was, the people right down on 37th where Mr. Spencer is -- I'm down just between 36th and 35th. I can imagine what it must be like down there on 37th.

From what I gather, these people that will be using the offices and the classrooms are already on campus. So that there will be no extra people added, and certainly where they are moving from, perhaps some of that could be moved in eventually, wherever space can be found for another dormitory, would be fine -- if they could move some of the offices closer to the residences. That's it.

MEMBER SOCKWELL: Thank you very much. And you have testimony to submit or a statement? Yes. Please do. You can do that.

All right. Next, please?

MS. ASBILL: My name is Sharon Asbill. My husband and I live at 3733 Winfield Lane, and we are -- St. Mary's Hall is actually in my backyard, so, as was said, we are directly affected by St. Mary's Hall. We strongly support Georgetown University with their renovation plans to have the building become a building of administration rather than a dormitory. I can hardly think of anything worse than having a dormitory in my backyard. Thank you.

MEMBER SOCKWELL: And how long have you resided there?

MS. ASBILL: I've been there a year and a half.

MEMBER SOCKWELL: Are there any questions?

MEMBER RENSHAW: Of Mr. Spencer, how long have you been a resident?

MR. SPENCER: Twelve years.

MEMBER RENSHAW: Twelve years. All right. So the Cloisters West is how old a development?

MR. SPENCER: Probably overall 15 years.

MEMBER RENSHAW: Fifteen years.

MR. SPENCER: They were built in stages from east to west.

MEMBER RENSHAW: And when was St. Mary's started as a residence? When was it begun?

MR. SPENCER: 1955.

MEMBER RENSHAW: Okay. So that when you bought

into Cloisters West, you knew that this was a residence?

MR. SPENCER: Yes, I did.

MEMBER RENSHAW: All right. And, Mrs. McGough, you knew that it was a residence also?

MS. McGOUGH: No, I really didn't.

MEMBER RENSHAW: And Ms. Asbill?

MS. McGOUGH: The fact is that you don't go over and look at places and say, "What is this building on the campus?" You just don't, unless you've got something to do on the campus. And it was quite a shock when all the noise started.

As I said, I was one of the first people in there. I love my house and I love the neighborhood, but I cannot see making that building into a dormitory again. It's not necessary when it can be used for something else, and perhaps finding the space where those people -- for housing.

MEMBER SOCKWELL: And Ms. Asbill was not living in the community at the time that the dorm was decommissioned?

MS. ASBILL: When I moved in, it was strictly used as administration offices. And it was one of the questions that I specifically asked before we moved in, to make sure that it wasn't going to -- that it wasn't a dormitory in my backyard.

MEMBER SOCKWELL: I'm sure to some extent hearing the noises is a problem, and understanding some of the music is --

(Laughter.)

Other questions of these witnesses?

MS. DWYER: We have none.

MEMBER SOCKWELL: None? Then, on that basis, Mr. Crockett, yes -- I'm sorry.

MR. CROCKETT: I think Ms. Renshaw asked the questions I wanted to ask.

MEMBER SOCKWELL: All right. Thank you very much.

I suppose at this point would be a good time to stop, and we will continue on next Wednesday with -- no?

SECRETARY PRUITT: Next Wednesday is Kingsbury.

MEMBER SOCKWELL: Oh, next Wednesday is Kingsbury. I'm sorry.

SECRETARY PRUITT: We have not made a decision on when you're going to consider this -- continue this case.

MEMBER SOCKWELL: I automatically assumed these things go --

SECRETARY PRUITT: I think you might want to separate it from next Wednesday's hearing, the campus plan. It's just too --

MEMBER SOCKWELL: Yes. When -- what would be a convenient time to bring this back?

SECRETARY PRUITT: I think the next available time, since nothing is going to be convenient for anybody, unfortunately, will be May 10th. That's the second hearing date for the Field School. And that's the only thing on the agenda.

So you can do it after the Field School. If you do Field School in the morning, you can do this in the afternoon.

MS. DWYER: Why not make it next --

SECRETARY PRUITT: Because that is the hearing for the campus plan, and I think it would be unfortunate to confuse these two. We have enough problems now. Let's keep them segregated.

MEMBER SOCKWELL: I mean, we might as well -- I mean, all of it's Georgetown anyway, so --

SECRETARY PRUITT: So you want to --

MS. DWYER: We have no objection to May 10.

SECRETARY PRUITT: In the afternoon?

MS. DWYER: Right.

MEMBER SOCKWELL: Okay. All right. Then --

MS. DWYER: Could I also make one other suggestion?

MEMBER SOCKWELL: Yes.

MS. DWYER: Could the record be made available to the other Board members to read before then?

SECRETARY PRUITT: We will attempt to. We've had -- just to let everyone know. We've had a lot of problems getting transcripts timely, but we will do all that we can to --

MS. DWYER: We'd like to work with you to do an expedited transcript, to ensure that --

SECRETARY PRUITT: Okay. Well, that's going to be a lot -- okay. Well, then, if we could talk afterwards.

MS. DWYER: We'll work with you on that.

SECRETARY PRUITT: Great. Thank you.

MS. DWYER: Great. Thank you.

MEMBER SOCKWELL: We've had a little trouble. Barney Rubble was on vacation. He wasn't carving as quickly --

So we'll try to get the transcript out, and you can call and find out, or we'll have someone call you and let you know.

Thank you very much for staying this long. This is actually an early out for some of us. We will see you all on May 10th.This hearing is now adjourned.

(Whereupon, at 6:45 p.m., the public hearing was adjourned.)