GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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SPECIAL PUBLIC MEETING

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WEDNESDAY

APRIL 12, 2000

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

JOHN G. PARSONS	Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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

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

(9:50 a.m.)

CHAIRPERSON CROSS REID: Good morning. I'd just like to make an announcement. Our meeting was supposed to start at 9:30, and we do apologize for the delay.

Nonetheless, we are waiting for -- there are two Board members who are delayed this morning, and we are waiting for them, and then once they arrive, then we will come and hold the meeting to give our decisions on both Jewish Primary Day School and the Boys Town cases.

Thank you.

(Whereupon, the foregoing matter went off the record at 9:50 a.m. and went back on the record at 10:22 a.m.)

CHAIRPERSON CROSS REID: All right. Good morning. The April 12th meeting of the Board of Zoning Adjustment will now come to order.

MS. PRUITT: Good morning, Madame Chair. This is a special public meeting of April 12th to decide two cases. The first case on your agenda is 16531, Application of Father Flanagan's Boys Town of Washington, D.C., pursuant to 11 DCMR 3104.1, for a special exception for the construction of four residential care buildings under Section 303 each housing no more than six persons and an additional administrative building or, in the alternative, construction of four residential care building

units, each housing no more than six persons, and the conversion of an existing residential unit into administrative use in the R-2 District at 4801 Sargent Road, N.E., Square 3977, Lot 811.

The following submissions were accepted into the record. One was a review, the application, by the Zoning Administrator. The Applicant's response to a letter and its attachments, see, fact sheet; a memorandum from Board Member Renshaw to Theodore Gordon; and, finally, findings of fact.

CHAIRPERSON CROSS REID: Thank you.

MS. PRUITT: This is before you for decision.

CHAIRPERSON CROSS REID: Just to kind of start dialogue, Board members, I think that what we need to consider this morning are some of the issues in regard to this application. As you may remember, we had a very lengthy hearing, at which time there was considerable opposition presented to us, and a lot of areas of adverse impact which were discussed, some of which were the security problems, the noise problem, the runoff problem, the water runoff problem, as well as we raised the issue of compliance with the previous Board issue.

As a result of that, I personally feel that it is very important that the community understand that when there is an order that is issued by this Board as it was in this particular instance -- was it 1993? -- at which time there were certain issues that had been raised by the community. We had some apprehension about the previous order going forth, the previous

application going forth, and to mitigate some of those adverse impacts, one of the things that was contained in the order was a condition that there be quarterly meetings of the community liaison that would be established for the purpose of determining any problems that may have arisen as a result of the application going forward and to be able to address those problems.

Nonetheless, this liaison was never established until I think about a year or so before the Applicant decided to come forward with this current application, and from what we can glean from the testimony that was given to us, there arose quite a few problems as a result of the noncompliance with the previous Board order.

Now, having said that, I think that that is something that we need to take into consideration and to move at this time to take steps to better insure that the orders that are contained, the conditions that are contained in the orders are compliant with, and that the Applicants take these conditions seriously.

Unfortunately, heretofore we really have not had the type of enforcement provisions or cooperation that we need to have in DCRA. So the BZA at this time will now try to make their best effort to see that the conditions are adhered to and take seriously as such.

I feel that the instant application is troubling to me in that to move forward with an approval would not, in my

opinion, be in the best interest of the community, and certainly would not make for a lack of adverse impact, continued adverse impact, and would, in effect, exacerbate an already difficult situation there at that site.

MR. SOCKWELL: Among the issues that are unresolved at this point are, of course, the runoff of water from the Boys Town site to adjacent residential areas, and one of the issues that we feel needs to be addressed effectively is that runoff condition.

Boys Town had proposed runoff controls as part of its proposed development of the new housing. That runoff system, we believe, is merely a current attempt to solve problems that have existed for the long term as opposed to just part of the present application, and we feel that the runoff control system elements proposed that are not directly associated with the new construction should be in place before we rule on this application.

As well, longstanding questions of noise abatement which should have been dealt with and could have been dealt with through an effective community liaison were not dealt with because the community liaison was not established until shortly before the appropriation of national Boys Town organization, of the national organization was rendered.

And we feel that the noise abatement should be -- I feel that the noise abatement should be installed as a measure of

goodwill and acceptance of the need to meet the community's requirements for a good neighborly relationship with Boys Town, and that includes the emergency generator and the cooling tower.

And, again, I think that the runoff has been one of the major issues and has been claimed to affect the health and happiness of those neighbors, in particular, the smelly water and other things that have been discussed previously in the hearing, and I do believe that those elements should be installed before we render an order.

MS. RENSHAW: Madame Chair, Vice Chair Sockwell, another issue of concern to the BZA brought to our attention by the community was the security problem, an ongoing security problem at Boys Town.

And you will recall testimony given to us by the community concerning the number of calls to the police in 1998 and again in 1999. We see the need for better security at Boys Town, and this has been an adverse impact, and we are suggesting at this point that there be developed a security plan that meets with the neighbors' approval and with the approval of the District Police Commander and brought back before the Board of Zoning Adjustment.

CHAIRPERSON CROSS REID: Thank you.

So I think that what I'd like to do is to move that we delay a decision on this application for approximately six months, at which time it would give the Applicant an opportunity to, number one, comply with the previous Board orders; that they

would meet with the community liaison, and in this instance as many times as needed, to come to some resolution of some of the issues that are existing, and to then proffer to this Board a plan that effectively mitigates the problems that have been aired due to the hearings and also in the submissions, and that the adverse impact aspects of the security and the noise and the runoff be adequately addressed, at which time they would submit to us a report demonstrating that these things have been taken care of, and also we would receive a report from the ANC to verify that these meetings have taken place and that they have a collaborative effort to the satisfaction of both the community and the Applicant to be able to move forward in such a way that it would give the community a degree of comfort; that they would not have to withstand the same problems that they had had previously.

The ANC report would be predicated upon the input from the established community liaison entity, and that report would be put forward to us. At that time, looking at that report, we would then make a decision.

And the reasons why we have decided to take this position is because as it stands today, for the most part there is not enough or sufficient evidence to compel us to vote in the affirmative, and rather than to turn down an application that does have merit and that there is a benefit to the community and to the city for the provision of the housing and the education of the boys that enter to this facility, we would like to delay until

such time that -- and give the Applicant an opportunity bring forward some type of better resolution to the problems that are existing

That was my motion even though it did get to be --

MS. RENSHAW: I second.

CHAIRPERSON CROSS REID: -- carried out -- carried away.

MS. RENSHAW: I second.

CHAIRPERSON CROSS REID: All right. All in favor -- oh, is there any further discussion?

MS. RENSHAW: No.

CHAIRPERSON CROSS REID: Any additions?

MR. SOCKWELL: Only briefly, that the Applicant and community have an opportunity now to do what should have been done after the first order, the first order having been expected to be complied with as Chairman Reid said, and the fact that Boys Town is going to be in the community for quite some time, and therefore, these issues do have to be dealt with effectively, and certainly a more unified return to the Board of Zoning Adjustment will be favorable to the application, we all believe.

Thank you.

CHAIRPERSON CROSS REID: Ms. Renshaw, did you?

MS. RENSHAW: No, I just concur with those thoughts of Mr. Sockwell.

I look forward to Boys Town working very, very

closely with the Delafield Place neighbors and the ANC to bring a conclusion to the problems that have plagued the area for many, many years.

And we feel that this action will, of course, stimulate the city into responding on these complaints because the city is a player in the improvement of the Delafield Place neighborhood.

So with that, I think it is time for a vote.

CHAIRPERSON CROSS REID: Just lastly, I'd just like to say that had the previous order been complied with, I don't think we'd be where we are today, and given the fact that there were problems and that the community voiced those problems and they tried to make the Applicant aware of the problems, which were for the most part ignored, had those -- had that order been complied with, we would not be here today, and this is a signal to the Applicant as well as to the community that here forth the Board wants everyone to take seriously the conditions that are imposed by the Board and to conduct themselves accordingly if, in fact, they would like to have a favorable -- to have their applications to be favorably considered by this Board.

Thank you very much.

All in favor?

(Chorus of ayes.)

CHAIRPERSON CROSS REID: Opposed?

(No response.)

MS. PRUITT: Staff would record the vote as three to zero to defer for six months, to October 3rd, year 2000, motion made by Ms. Reid, seconded by Ms. Renshaw.

And I'd just like to review the conditions so it be very clear. One is comply with the conditions of previous order, to meet with the community liaison as possible.

Two, to develop a security plan in consultation with the District Commander and neighbors.

Three, to erect sound attenuation elements at the emergency generator and tower.

And finally, four, to install portions of the runoff control system that is not directly associated with the new construction.

And the Board -- if you're meeting on this on October 3rd, would you like your responses by September 20th, to give you time to review them before the meeting?

CHAIRPERSON CROSS REID: Un-huh.

MS. PRUITT: So the reports from the ANC and Boys Town will be due in this office by September 20th, year 2000.

CHAIRPERSON CROSS REID: Thank you, Ms. Pruitt.

All right. The Board will recess. We're still waiting for another Board member before we will consider the next case.

(Whereupon, the foregoing matter went off the record at 10:40 a.m. and went back on the record at

12:15 p.m.)

CHAIRPERSON CROSS REID: Good morning, ladies and gentlemen.

We will now resume our meeting of the BZA.

It is on. You can't hear me in the back?

I simply said good morning. We will now resume our public meeting of the Board of Zoning Adjustment, and we will take up the last case of the morning.

Ms. Pruitt, would you like to read?

MS. PRUITT: Yes. The last case on the agenda is application 16556, application of the Jewish Primary Day School of the Nation's Capital, pursuant to 11 DCMR 3104.1, for special exception under Section 206 to establish a private school for 205 students and 32 teachers and staff in an R-1-A district at 7712 16th Street, N.W., Square 2745-D, Lot 802, and in an R-1-B district at 7701 16th Street, N.W., Square 2739, Lot 804.

The Board requested the following submissions, and the submissions were made:

Response to the revisions of the proposed parking plan displayed by the Applicant, dated March 21;

Proposed findings of fact from the Applicant and proposed findings of fact from the opposition and ANC. Those are all before you, all in your packets, and this is before you today for decision.

CHAIRPERSON CROSS REID: Thank you, Ms. Pruitt.

Board members, discussion? Ms. Renshaw?

MR. SOCKWELL: Do you wish to go first?

CHAIRPERSON CROSS REID: No, Ms. Renshaw.

MR. SOCKWELL: No, go ahead, please.

MS. RENSHAW: Good afternoon, ladies and gentlemen.

This is a case with which I spent a great deal of time and which I grappled with for a considerable period, a very difficult case for both the community and the school.

We recognize that the school is very, very important to the community and to the District of Columbia. We recognize the importance of the neighborhood.

And I found that the proposed use though of two 16th Street synagogues for two divisions of a private day school would impose, in my opinion, an adverse impact on the two neighborhoods bordering the properties.

The neighborhoods, while coexisting with the two synagogues over the year, have indicated their opposition to the day school arrangements that proposes to utilize residential allies as traffic corridors for the drop-off and pick-up of young students twice a day, Monday through Friday, plus other van related activities for field trips in and out of the neighborhoods.

This amount of vehicular activity through the neighborhood allies, along with inevitable school related parking on Jonquil and Juniper Streets, due to what I feel is inadequate

parking facilities at both temples, will disturb the privacy, tranquility and public safety of the residents.

Now, our mayor has pointed the spotlight on the neighborhoods. Neighbors are asked to articulate plans for their communities. What neighborhoods have to say about traffic, parking, schools, public space, even alley use are to be seriously considered by the District government.

The comprehensive plan has language about the key land uses' concerns in Ward 4, and they include preserving, protecting, and stabilizing the ward's residential neighborhoods; controlling the encroachment of commercial and other nonresidential uses into residential areas, a problem particularly disturbing the residential areas abutting 16th Street; increased numbers of nonresidential uses in residential neighborhoods causing negative impacts, such as parking, traffic, noise, inadequate screening and inadequate off-street parking.

And in addition, I felt the 16th Street reconstruction slated to begin in early 2001, and will last for approximately 18 months, is going to cause long term traffic congestion, make cross-street access extremely difficult for Juniper and Jonquil intersections without traffic signals, and is going to force more two-way use of existing neighborhood alley network.

And those are my thoughts at the outset, and I would welcome discussion and debate among the BZA members.

CHAIRPERSON CROSS REID: Okay. Mr. Sockwell.

Thank you, Ms. Renshaw.

MR. SOCKWELL: As additional discussion from the issues Ms. Renshaw has brought up, it is quite obvious that the community does not wish to see additional traffic, additional noise, additional parking issues, and additional activity.

It is the Applicant's contention that a traffic management plan designed around fixed routes, designed around obligatory compliance will be adhered to 100 percent based upon the need of the parents of the students.

It is the contention of the Applicant that the traffic impacts upon the neighborhood will be minimal; that the enforcement can be effective.

It is the contention of the Applicant that noise will not be a problem, that the burden upon the neighborhood will be simplified by their resolve.

The reconstruction of 16th Street, however, will negate virtually all of that in the year 2001 for at least 18 months. The neighborhood will be terribly impacted. Any activities within the neighborhood will be terribly impacted.

And it is a very difficult thing to attempt to balance the desire of an institution that has been in the city for a number of years with the need to protect both the institution and the community that it seeks to enter.

It is very difficult to make decisions looking at

what is stabilization of an institution versus stable -- the existing stability of a community, et cetera, and I feel that it has been a very difficult case to resolve in my own mind.

And that's my initial statement.

CHAIRPERSON CROSS REID: Thank you, Mr. Sockwell.

Mr. Parsons.

MR. PARSONS: Well, I, too, have struggled with this and find it to be an extremely difficult case. I think we have a community that has the security at the moment, if that's the right word, of two synagogues which are in a state of decline, and I'm influenced heavily in this by the capacity of those two institutions and what they could become as a matter of right.

And it seems to me that the alternative of the decline of these synagogues and potential new users coming in is something that communities should be considering.

I also do not feel that we should be in the position of urging this school to leave this city, which is apparently the -- or dissolve. So I have come to the conclusion that a one year time period is a circumstance that I can live with, and I don't mean that they come back here at the end of that year and beg for more time. I mean one year as an opportunity to save this school, to hopefully nurture these two synagogues in their membership, and to severely restrict through conditions those obnoxious qualities that we've come to learn about during the hearing.

CHAIRPERSON CROSS REID: Are you done?

MR. PARSONS: I am.

CHAIRPERSON CROSS REID: Thank you, Mr. Parsons.

I, too, was very troubled regarding this particular case. Here again we're faced with a situation where you have a dichotomy between the community and the needs of the Jewish Primary Day School, and the question then becomes to us, well, how could we try to come up with a solution or the best solution under the circumstances that would be in the best interest of all concerned.

And needless to say that we know in so doing that there are always going to be those who are going to be unhappy about any decision that we make. Therefore, I was very moved by the testimony of the opposition. I felt that their position was very valid in regard to the contention with the existing facility, that the Child Development Center that's there and also some of the other activities that take place at the synagogue in which they have had to contend with or tolerate over time.

And I felt that the Applicant in making their case did not do a very good job because they -- I want to hear them express to us what they have done to try to mitigate or to ameliorate any of the adverse impact or to diffuse it as much as possible.

We gave them also the opportunity to meet with -- additional time to meet with the community and come up with some

solutions, and I was not impressed with the proffers of the traffic plan where you had a routing of people bringing their children to the school up through Rock Creek Park, up 16th Street, around the circle and back down to meet. I felt that that was just ludicrous. That made no sense whatsoever.

And then the DPW report, in which it's stipulated that in order for the school to be able to work in that particular community, the traffic management plan had to be adhered to steadfastly, rigidly, and they also allowed that even though their contention was that it had to be adhered to steadfastly, the reality of the situation was that it was not going to be, and therefore, they stipulated that the people bringing their children to the school would probably just use the streets, as would be common.

I have an eight year old, nine year old child, and I know what it is to try to bring a child to the school in the morning when you're rushing. You may have traffic problems or there's an accident or weather or what have you. You're going to take the least possible -- the route that causes you the least problem, and wherever that is, that's what you're going to take. That's just human nature.

The OP report I found to be very troubling. I thought it was ambiguous, and I didn't think it gave a clear signal to us, even though it initially said that it approved the application. Nonetheless, on closer inspection and also with the

testimony that was given by the Office of Planning, in the course of some of the cross examination it was determined that the position taken by the Office of Planning initially was premised upon their analysis of the situation that they then said was predicated upon the DPW report.

And the DPW report stated that in order for this plan, for the traffic management plan to work, it had to be steadfastly adhered to, and if it wasn't it would break down.

So, therefore, if, in fact, the Office of Planning is deferring to the DPW report, then that then nullifies the premise by which they drew their conclusion, and that conclusion was that they recommended approval, which made no sense to me, again.

The simulation that was presented to us, I felt was unrealistic and it was contrived. I didn't think that it truly reflected the conditions that would be manifest during those hours of drop-off and pick-up.

The parking plan I felt also had holes in it. This was a self-certification. So, therefore, the Applicant did not -- it was the responsibility of the Applicant to prove they were in compliance with the regulations in regard to the parking plan.

I did not feel they proved that. I felt that it was questionable at best, and as such, it was not acceptable to me.

And the other part, issue was with regard to

safety. I felt that the Applicant should have demonstrated to us how they planned to protect the residents and the children in that immediately adjoining, abutting community.

And we heard testimony to the fact that people were afraid to even let their children go out in the alley, and that gave me great pause of being a mother.

The noise issue. Obviously, when you have children coming into the community, they bring with it a certain amount of noise. I felt that that was not adequately presented to us as to how that was going to be abated.

The alley that was presented to us as the proposed drop-off and pick-up point was somewhat troubling in that I could not fathom how you could have those cars, that many cars queuing in that alley when you also would have delivery trucks and trash trucks that would have to enter the alley as well probably during the same time period, which would cause congestion and a perilous situation, as well as the fact that the people who lived there with their houses back on the alley would not be able to get in and out of their properties during that time.

Most compelling to me, however, was the testimony of many of the applicants, as well as the voluminous amount of letters that came in in opposition, and basically there was a similar refrain in which they said, "Enough is enough."

Basically they had contended with an already existing difficult situation with the synagogue being there.

However, they were willing to tolerate that. They were willing to work with the Applicant and try to resolve issues and try to make some compromises, and I felt that given the fact that they were willing to do this, but yet the Applicant had not demonstrated that they had been able to or even made adequate attempt to try to reconcile these issues was troubling.

I think that when I hear a community state that we're long time residents; we've been here 25, 30 years; we care; we love our community. We don't mind sharing, but for an inundation of an Applicant, an Applicant that cause inundation that would cause an unbearable situation I don't think is acceptable, and I don't think it's unreasonable for the community to, therefore, and to oppose to such an Applicant or oppose the approval of such an application.

And lastly, I would like to say that Council Member Sharon Drew Jarvis in her letter stated that she would like to see the Jewish Primary Day School stay in the District, and so would I. I think that it is a very valuable institution, and I think that it serves a great purpose here in Washington, D.C., and I would like to see it stay here.

Nonetheless, I think that a -- taking into consideration some other site would not be inappropriate, and that Sharon Drew Jarvis mentioned that she had suggested the University of the District of Columbia as being a site that may be conducive to the Jewish Primary Day School being moved there. I thought

that was a viable solution to the whole issue.

MS. RENSHAW: Madame Chair, Madame Chair, I'd like to go back to Mr. Parsons' suggestion or recommendation. I don't think it's a motion yet, saying that he would advance a one year time period.

Could you fill that out a bit more, Mr. Parsons?

MR. PARSONS: Well, it would be one school year, is what I meant, not one year from today. Excuse me. I have got a little bit of a cold.

And I would reduce the number of students, the number of cars, making the traffic management plan, enforcement plan enforceable to the point of expulsion of the student and taking the ANC conditions that they brought forward and using a number of those to further refine the conditions that have been suggested, not just one year as it's been presented.

So I would say it would be through July 1 of the year 2001.

MS. RENSHAW: Starting when? Do you have a start date for this?

MR. PARSONS: Well, as soon as the order is --

MS. RENSHAW: As soon as the order is in hand?

MR. PARSONS: Right, because they'd have to get under construction and those kinds of things.

MR. SOCKWELL: It would seem to me that in the interest of retaining the Jewish primary Day School in the

District of Columbia, a one year approval with no extensions possible could give them the opportunity to seek a more permanent temporary residence as opposed to forcing them to evict their program entirely for the duration of their I would call temporary condition.

And the question, again, is not before us that whatever happens to the Jewish Primary Day School as a location permanent is not our responsibility, and we are not in the position of recommending the University of the District of Columbia or any other facility.

But at the same time, if such a facility can be made available, that would be to their advantage, but at the same time, to have the Jewish Primary Day School at 16th Street, two synagogues, during the time that the street is to be completely renovated does a disservice to both the school and the community because neither will be positively affected, although we can certainly assume that 16th Street will no longer be the arterial throughway that it is today during such a construction period.

But I think that it's a potential solution to the short term need since they did put their eggs into this basket and have approached us with what they felt was an equitable solution, although it has many holes in it.

CHAIRPERSON CROSS REID: Mr. Sockwell, I think that your point is well taken. However, what we must be very careful about, and this is a caveat, as I regard to what is not before us,

is retention of the Jewish Primary Day School in the District or even alternative sites.

What we have to contend with and lay the focus on is how this application complies with the existing regulations, and whether or not we feel that they meet their burden.

And I don't -- I do not feel that they have met the burden of proof and made their case in regard to the issue of adverse impact. Mr. Parsons' suggestion of the one year term is interesting. What I'd like to hear more about is why, why and how.

MR. PARSONS: Well, let's go to how. I went into why again.

CHAIRPERSON CROSS REID: Please. There's been so much discussion back and forth, we can revisit the reason why. If you wouldn't mind reiterating, I'd appreciate it.

MR. PARSONS: Well, it was based on two things because I concur with a lot of things you said, as well, but my points are two, and that is these two synagogues, which are on the verge of difficulty -- I don't need to editorialize on that -- and possible disappearance, that's a theoretical. That's where I'm going.

And knowing where a matter of right church could bring to this community six or 700 parishioners, if this synagogue was to leave, another church of some kind was to come in, I don't

think the community has recognized the option here that's available for this piece of property.

CHAIRPERSON CROSS REID: So you think there's possibly a greater impact if a matter of right use came --

MR. PARSONS: Yes.

CHAIRPERSON CROSS REID: -- into the same sites?

MR. PARSONS: Yes.

MR. SOCKWELL: Madame Chair, I could agree that historically those matter of right uses could come in without any potential of regulation of their impact, and such impact would be more or less permanent.

I believe that the issue of whether the Jewish Primary Day School has met its burden is somewhat adjustable in that if we were to consider them for any type of approval, we could modify what they specify as their requirements to meet what we think would be a lesser impact on the community, and that such lesser impacts, based on what's requested, would help to ease my fear perhaps of the burden that this institution would place on that neighborhood.

MS. RENSHAW: Well, I could get into a discussion with Mr. Parsons and Mr. Sockwell about matter of right churches. I don't want to belabor that issues because what's before us is whether or not the Jewish Primary Day School will be able to locate at these two temples.

I am wanting to bring forward at this time, I would

like us to concentrate on what protections we would advance to the community were we able to come to an agreement that we would allow a one school year operation.

So if we could discuss some of these adverse impacts that I brought up about the use of the alley and the parking situation and just the number of cars coming into the location, and I do want to impress upon all of us the need to keep the alley system open.

We cannot have a situation where we dedicate alley use to one particular body or concern or organization. If an alley is not marked one way, then it must be kept open for two-way traffic at all times.

So with that, I would like to start a discussion of community concerns and protections for the community versus having the school in place for a one-year period.

CHAIRPERSON CROSS REID: Is that versus?

MS. RENSHAW: With a school in place for a one year period. Thank you.

CHAIRPERSON CROSS REID: So if I understand this correctly, you would like to entertain the possibility of the suggestion by Mr. Parsons that --

MS. RENSHAW: How can the fit be made?

CHAIRPERSON CROSS REID: How.

MS. RENSHAW: How can the fit be made.

CHAIRPERSON CROSS REID: Okay. The "how" part.

MS. RENSHAW: What is the best possible arrangement that we can agree to?

CHAIRPERSON CROSS REID: So basically what we're talking about is striking a compromise between the three year request and the no -- well, the community had proffered to us as an alternative compromise or suggestion in the event that there was -- this particular application was approved, certain conditions that they felt would help to diffuse the adverse impact and the time limit being one year to greater insure that it would be a very temporary situation.

Is that what I'm understanding you to say?

MS. RENSHAW: Yes.

CHAIRPERSON CROSS REID: And how do we insure that if, in fact, it is for one year, that there will be no extension or there will be no possibility of them remaining there for an extended period, you know, longer than the time that they had -- longer than the time that we had stipulated in an order?

MS. RENSHAW: Well, a lease would have to be signed and made available to the Board of Zoning Adjustment to be attached to the order.

CHAIRPERSON CROSS REID: A lease?

MS. RENSHAW: A lease, an arrangement that the Jewish Primary Day School would sign with the two temples.

CHAIRPERSON CROSS REID: That would stipulate the time?

MS. RENSHAW: The time frame.

CHAIRPERSON CROSS REID: A time certain?

MS. RENSHAW: Time certain, a time certain when the lease would be ended.

MR. PARSONS: Nonrenewable.

MS. RENSHAW: Nonrenewable. Thank you.

CHAIRPERSON CROSS REID: Nonrenewable, a nonrenewable lease.

MR. PARSONS: Right.

CHAIRPERSON CROSS REID: Well --

MR. SOCKWELL: You're saying a one-year nonrenewable lease.

MR. PARSONS: Correct.

CHAIRPERSON CROSS REID: Okay.

MR. PARSONS: Maybe it would be helpful if we went to the proposed findings of facts. Do you have those in front of you?

CHAIRPERSON CROSS REID: Well, we have two.

MR. PARSONS: From the Applicant, and from the ANC I think is equally important.

CHAIRPERSON CROSS REID: We have two.

MR. PARSONS: So I'm going to suggest that we, just to get on with this -- I don't know if you're going to agree to this -- but to restrict the school to its current size of 180 --

CHAIRPERSON CROSS REID: Are you going to make a

motion, Mr. Parsons?

MR. PARSONS: Well, no, I think it's too early. I don't think --

CHAIRPERSON CROSS REID: Well --

MR. PARSONS: It looks like this is about a two-to-two split at this point.

CHAIRPERSON CROSS REID: Okay. The reason why I'm saying that is just because for purposes of discussion, because if we have a motion on the floor, then what I would try to do is to see how we could possibly impose conditions that would --

MR. SOCKWELL: Well, could we move --

CHAIRPERSON CROSS REID: -- thwart a motion or to impose conditions that would show compromises as to the opposition or if I were to make a motion to reject this, to deny the application, then it would -- I don't know if that would -- why don't I do that?

MS. RENSHAW: No. I would rather Mr. Parsons, since he started out --

MR. PARSONS: The trouble maker.

MS. RENSHAW: The trouble maker down at the end of the dias.

He started out on a -- he made a very interesting suggestion as far as a one-year time period, and we've advanced it to nonrenewable one-year time period, but I would like to hear from him perhaps in the form of a motion, what conditions he would

add to that and perhaps then during a discussion phase the rest of us could come in with some additional language if we feel strongly about various points and see if we don't have something at the end of that discussion.

Rather than going off on a separate motion, I would like to start off with Mr. Parsons if we could.

MR. PARSONS: Well, what I was going to suggest is that the population of the school be restricted to 185, which is its current size, not to the 205 as had been applied for, and that there would be a reduction in teachers and staff, as well, to 29 or 30. We can work on that, and of course, a reduction in the number of vehicles for employees; therefore, a reduction in the size of the parking.

But most importantly, I think, is the traffic management plan provided for 70 cars to move through that alley in an a.m. rush, and I suggest that that be reduced to 35, and to encourage a remote parking facility or drop-off facility where the students could be picked up and bused in. The remainder could.

I think we ought to focus on some of the conditions that the ANC has offered as well, but maybe we could go through those separately, but that will give you a general outline of the suggestion.

CHAIRPERSON CROSS REID: So basically what you're saying is that you feel that to greatly reduce what's being asked for, as well as to give conditions that would give some level of

comfort to the community as far as diffusing the adverse impact is what you would propose we do?

MR. PARSONS: Yes. I would add to the conditions things about nighttime use and lease use and trans pick-up hours and all those kinds of things that we learned about during the hearing that are not covered in the --

MS. RENSHAW: Do you have any definite language or do you want to mold some language?

MR. SOCKWELL: Maybe we can do through the various conditions that we have in front of us and look at how they could be modified in such a circumstance.

CHAIRPERSON CROSS REID: I'd still like to have a motion on the floor.

MR. PARSONS: Well, I move that we approve the application for a one-year period to end on July 1st, 2001, with no extensions and conditions we'd agree on subsequently.

CHAIRPERSON CROSS REID: Okay.

MR. SOCKWELL: Okay. I'll second that motion.

CHAIRPERSON CROSS REID: All right. Now, with that, Mr. Parsons, I heard you say a one-year nonrenewable lease to expire July the 1st, and other conditions. I guess let's look at see what that they might be.

MS. RENSHAW: Are we going to review the ANC's recommendation?

CHAIRPERSON CROSS REID: right.

MS. RENSHAW: Perhaps we could start there.

CHAIRPERSON CROSS REID: Be mindful of the fact that the ANC is afforded great weight, and as such, let's see what, in fact, they're proffering to us and how we can give them the great weight to which they are entitled.

MR. PARSONS: Well, they're recommending 100 students total, and I think anybody in the room would understand that that would mean the school would not go here. So I have no support.

CHAIRPERSON CROSS REID: What number were you?

MR. PARSONS: One, eighty-five, which is their current size, as they've proffered.

CHAIRPERSON CROSS REID: I heard the number 205.

MR. PARSONS: That's what they want.

MR. SOCKWELL: Two, oh, five is what they wanted.

CHAIRPERSON CROSS REID: Okay. Keep it at the current level?

MR. SOCKWELL: I think at one time they discussed 250, and I think they settled at --

MS. RENSHAW: Or 210.

MR. SOCKWELL: -- 210, and they settled at a 205 number during the hearings.

CHAIRPERSON CROSS REID: The number of JPDS evening activities during the regular school year and the summer shall be limited to three and shall be completed by nine o'clock p.m.; is

that all right?

MS. RENSHAW: That's good.

MR. PARSONS: I think that's good, yeah.

MR. SOCKWELL: Seems reasonable.

CHAIRPERSON CROSS REID: All right. Then the number of individuals permitted to each activity shall not exceed 30 persons.

MR. PARSONS: I don't agree with that.

MR. SOCKWELL: That might be difficult to enforce that.

CHAIRPERSON CROSS REID: Can't control. that.

MR. SOCKWELL: Yeah.

CHAIRPERSON CROSS REID: As far as noise levels from the institution -- I'm sorry -- noise levels from instruction, monitoring, and activities in place shall not exceed 60 decibels.

MS. RENSHAW: And what is the local school? Shepherd?

MR. SOCKWELL: Shepherd School.

CHAIRPERSON CROSS REID: Shepherd.

MS. RENSHAW: Is that at the same 60?

MR. SOCKWELL: It probably hasn't -- maybe it has never been measured. I don't know.

CHAIRPERSON CROSS REID: Well, we could say to be of the --

MS. RENSHAW: Consistent with.

CHAIRPERSON CROSS REID: Consistent with.

MR. SOCKWELL: Yeah, I mean it would have to be -- a measurement could be taken, and although there's an external effects issue on noise, it's never been applied to children playing. I don't think -- it's applied to bells and horns and whistles and that sort of thing, and industrial noise, but kids at 12 noon are kids at 12 noon or whatever.

MR. PARSONS: It seems very difficult.

MR. SOCKWELL: I mean I think it would be normal to the activity of outdoor play at the school, and I doubt that the neighborhood has complained that Shepherd School should bring the children inside or anything like that.

MS. RENSHAW: However, just to point out that the Board of Zoning Adjustment had a case before it some hears ago, and noise from children playing was, indeed, part of the testimony and was effective.

MR. PARSONS: But very difficult to enforce this. I mean --

MR. SOCKWELL: You could put muzzles on the kids, but I'm not sure that would work.

MS. RENSHAW: I think that the school would have to be aware when children's -- when the noise level from the children at play is getting too much. I think common sense can rule this, and if it gets to be a little bit overbearing --

MR. SOCKWELL: Okay.

MS. RENSHAW: -- then you just tone the kids down.

MR. SOCKWELL: So monitoring of the play area would be normal anyway, and noise could be a concern.

CHAIRPERSON CROSS REID: Okay. Number five, the synagogue shall not be rented, leased, or otherwise made available to persons or organizations other than JPDS for any purpose.

Now, we're not talking about --

MR. PARSONS: We're not talking about the synagogues.

MR. SOCKWELL: Yeah.

CHAIRPERSON CROSS REID: This has to be JPD -- now, the other part. JPDS shall not rent, lease, or otherwise make available any space of the synagogues to any outside persons or organizations for any purpose.

So what do we -- of the facilities.

MS. RENSHAW: That's reasonable.

MR. SOCKWELL: Yeah.

CHAIRPERSON CROSS REID: And they can't -- don't they have a lease?

MS. RENSHAW: It could so stipulate it.

MR. SOCKWELL: Yeah, their lease could stipulate -- such a lease could stipulate that they cannot sublease it.

CHAIRPERSON CROSS REID: Sublease.

MR. SOCKWELL: Or rent the space to anyone for

other purposes like weddings or anything like that. Now, that wouldn't preclude the synagogues from doing whatever they normally do, but it could not come through JPDS as a JPDS function because that would be different.

MR. PARSONS: Right.

CHAIRPERSON CROSS REID: Prior to obtaining certificates of occupancy for site one and two for the requested uses, the Applicant shall file with the Office of Zoning a lease that unconditionally provides for no more than 30 persons. I think that we already said that we can't do that.

MR. SOCKWELL: Yeah.

CHAIRPERSON CROSS REID: Seven, the terms of the special exception at sites one and two shall not exceed one year.

MR. SOCKWELL: Absolutely.

CHAIRPERSON CROSS REID: That's what we said at first, one year, and we stipulated a nonrenewable lease and that it would be expiring on July the 1st, year 2001.

MR. SOCKWELL: Right.

CHAIRPERSON CROSS REID: Eight, certificate of occupancy for the private school shall not be issued until they have been reviewed by the ANC-4A.

MS. RENSHAW: I would change that language, Madame Chair, to read that the Jewish Primary Day School shall submit the application for the certificate of occupancy for the private school for review by ANC-4A.

CHAIRPERSON CROSS REID: Okay, fine.

MR. SOCKWELL: Okay.

MR. PARSONS: All right.

MS. RENSHAW: Is that all right?

CHAIRPERSON CROSS REID: Number nine, site one and two shall host only activities directly related to religious purposes of Ohev Shalom and Tafareth Israel.

MR. SOCKWELL: I think that probably should say that the Jewish Primary Day School should old or host only activities related to their educational purpose.

CHAIRPERSON CROSS REID: Okay.

MR. SOCKWELL: Because they would be the lessee in this case.

CHAIRPERSON CROSS REID: Ten, site one and two shall not rent out any space for any non-Ohev Shalom and non-Tafareth Israel religious activities. I think that's kind of redundant.

MR. SOCKWELL: That would be the synagogues' responsibility.

CHAIRPERSON CROSS REID: All right. Now, number 11, it says that the JPDS and Tafareth Israel and Ohev Shalom shall retain Shepherd Park Colonial Village residents as paid consultants and technical advisors to assist in monitoring and enforcing all aspects of the voluntary traffic management plan. Can we do that?

MR. PARSONS: No.

MR. SOCKWELL: It sounds a little --

CHAIRPERSON CROSS REID: We can't.

MR. SOCKWELL: -- unsavory.

CHAIRPERSON CROSS REID: We don't have the capacity; we don't have the authority to.

MR. SOCKWELL: No, no, no.

CHAIRPERSON CROSS REID: Okay. For neighbors -- number 12 -- four neighbors selected by the Shepherd Park Neighbors Alliance who live within 200 feet of each site shall be appointed with full voting rights.

MR. PARSONS: No.

CHAIRPERSON CROSS REID: We don't have the authority to do that. We can't put people on a board.

MS. RENSHAW: But they are, Madame Chair, they are going to be on a liaison committee.

MR. SOCKWELL: Right.

MS. RENSHAW: And I think that we pick that up on one of the further points.

CHAIRPERSON CROSS REID: Okay. Thirteen, JPDS student enrollment contract shall include a provision, among others, that provides the parents or drivers designated by parents found to have violated the traffic management plan three times withdrawn his or her student from the school.

All right. Now, I have -- okay. I -- when I saw

that --

MR. PARSONS: I was -- I used the word "expulsion" earlier, and I'm serious about that, and they had submitted a traffic management enforcement plan at the hearing. I've got it here somewhere.

CHAIRPERSON CROSS REID: Okay. It says first offense, written warning from the head of school.

MR. PARSONS: Right. I think that ought to be --

CHAIRPERSON CROSS REID: I don't agree with that.

MR. PARSONS: -- $50.

CHAIRPERSON CROSS REID: I think just like a parking ticket.

MS. RENSHAW: Madame Chair, are you reading from the March 21st, 2000 letter from the Jewish Primary Day School?

CHAIRPERSON CROSS REID: Yes, I am.

MS. RENSHAW: Oh, okay.

MR. PARSONS: Do you want to go $100?

CHAIRPERSON CROSS REID: I think that makes you -- a written warning, to me, what does that mean? Nothing, but if you could impose a $50 fine, people will think twice about violating that particular rule.

All right. The second offense is, say, $50. I think I would -- I would think that we need to make that a little stronger, and I would say a second offense 100.

MR. PARSONS: yes.

MR. SOCKWELL: Okay. That sounds --

MR. PARSONS: And then 150, and then the fourth is expulsion.

CHAIRPERSON CROSS REID: The third fine is did you say 150?

MR. SOCKWELL: Well, I don't know. I think 100 is fine for the second offense.

CHAIRPERSON CROSS REID: Third.

MR. SOCKWELL: Third offense, double it. You double it each time, 50, 100, 200.

CHAIRPERSON CROSS REID: Fifty, 100, 200 for the third, and then the fourth --

MR. SOCKWELL: There won't be any fourth offense fine. It would be --

MS. RENSHAW: Three strikes and you're out.

MR. SOCKWELL: Yeah, three strikes. The fourth strike is back to the bullpen or out of the stadium.

CHAIRPERSON CROSS REID: That's the expulsion?

MR. SOCKWELL: Right. That would be expulsion. And I think we've --

CHAIRPERSON CROSS REID: Because we've got to -- what we've got to do here is to be able to demonstrate that we mean business about the conditions, and that at the Jewish Primary Day School if we're going to give them an opportunity to be able to exist there for a year, that the parents or the teachers,

whoever comes to that school will know that if, in fact, they do not comply with the rules and regulations, that they will have to pay.

And if they continue to do it, then that that would be a remedy that will take place, which will take the children out of that -- take the child out of that particular school, and I think that that will give them -- that will signal to them that they have to comply.

MR. SOCKWELL: Maybe it would even be effective that the first two offenses, should we do this, would double if not paid within 14 calendar days of issuance, and that the third offense would, if not paid within 14 calendar days, result in the fourth offense requirement, which would be expulsion.

If anyone has gone to three offenses, then it's time for them to realize that it's over for them and that they're hurting everyone else in the school.

CHAIRPERSON CROSS REID: I would agree with that, Mr. Sockwell.

MS. RENSHAW: And, Madame Chair, this has to cover all drivers who would be picking children up from the school, including Nannies.

MR. SOCKWELL: Yeah. The ticket would be issued to the vehicle.

CHAIRPERSON CROSS REID: It would be no excuse that someone else --

MS. RENSHAW: Somebody just didn't know.

CHAIRPERSON CROSS REID: -- somebody didn't know and someone picked the child up or whatever. It is whoever and however the child happens to get to school, and it is incumbent upon the parents to make sure that whoever picks up their child understands what the rules are.

MR. SOCKWELL: Would it be fair or possible to require that files collected would go to community liaison activities fund?

CHAIRPERSON CROSS REID: I don't know. Can we do that?

MR. SOCKWELL: Can we -- we can ask them to do that. I mean it seems fair.

MS. RENSHAW: It could be decided on by the liaison committee how the fines would be spent and distributed.

MR. SOCKWELL: Yeah, sure.

MR. PARSONS: Yeah, that's better.

MR. SOCKWELL: Because this is income not generated for the benefit of the school. It's income generated by the failure of the parents to abide by the requirements.

CHAIRPERSON CROSS REID: Okay. Number 14, moving right along, JPDS parents shall pay to Shepherd Park Colonial Village Neighbors Alliance a daily traffic management activity fee of $5 per student per school day during each of the school months and shall obtain an annual bond in the amount of $200,000 as a

guarantee of payment, naming Shepherd Park Colonial Village Neighbors Alliance as the payee upon any of the following payment of the daily traffic management activities fee.

MR. SOCKWELL: I don't think that that's --

MR. PARSONS: No.

CHAIRPERSON CROSS REID: This would be assessed as compensation for the involvement in the adjacent and neighboring property owners.

Well, we can't do that.

Fifteen, regular courses are offered at JPDS during the summer months -- well, this does not apply because there won't be any summer.

MR. PARSONS: There won't be any summer months

CHAIRPERSON CROSS REID: Sixteen, no outside organization or agency other than JPDS shall be permitted to hold fundraising activities, and I think wasn't that covered under a previous one in regard to there had not been any other --

MR. PARSONS: Right.

CHAIRPERSON CROSS REID: Okay. That's covered. Do we need to put in here fundraising? It says shall not rent, sublease or otherwise make available any space or facilities for any outside persons or organization for any purpose. I think that covers it.

MR. PARSONS: Yeah. We don't need --

CHAIRPERSON CROSS REID: Okay.

MS. RENSHAW: That's number five.

CHAIRPERSON CROSS REID: Okay. Now, number 17, JPDS' use of the site shall not result in the prohibition of any roadway capacity, safety or operational deficiencies and shall not affect the health, safety, or general welfare of roadway users or the adjacent neighborhoods.

MS. RENSHAW: Yes.

CHAIRPERSON CROSS REID: Yes?

MR. PARSONS: I think that word "capacity" is a little troublesome. What is "any roadway capacity"?

CHAIRPERSON CROSS REID: Okay. Well, to take "capacity" out, it would read "any roadway safety."

MR. PARSONS: Right.

CHAIRPERSON CROSS REID: Eighteen, JPDS' use of the site shall not result in the creation of an easement, constructive or otherwise in regard to any use of the public alleys provided in site one and two.

MS. RENSHAW: Yes.

CHAIRPERSON CROSS REID: Okay.

MR. SOCKWELL: I mean, basically easements are created in private property as opposed to land that's already public. Normally if one provides a method for others to travel across private property in the long term, it can be deemed a de facto easement and stays in perpetuity, but for public lands, it really is not applicable.

CHAIRPERSON CROSS REID: Nineteen, in order to minimize -- in order to prevent any adverse effect on neighborhood streets or public alleys, any buses arriving at JPDS sites must load and unload passengers on sites and not at 16th Street or Juniper or Jonquil Streets, or in the public alleys. Okay.

MR. SOCKWELL: I would say in order to minimize the adverse effects because we --

CHAIRPERSON CROSS REID: Yeah, I had changed that to minimize, too.

MR. SOCKWELL: Yeah. I'd say that they shouldn't be on 16th or Juniper or Jonquil during rush hour periods.

CHAIRPERSON CROSS REID: Okay. Those are the buses.

MR. SOCKWELL: Yeah.

CHAIRPERSON CROSS REID: All right. Twenty, to provide ample screening for the surrounding --

MS. RENSHAW: Well, where -- Madame Chair, since we're talking about buses, I would recommend that these buses must be parked on temple property. In other words, buses cannot be parked on the neighborhood streets.

MR. SOCKWELL: Unless there's -- if there -- it depends on what the --

CHAIRPERSON CROSS REID: So what are you saying?

MS. RENSHAW: I am saying that buses connected to the school, whether buses of visiting Jewish Primary Day Schools

from out of the area, must be parked on temple property and not neighborhood streets.

MR. SOCKWELL: Yeah.

MS. RENSHAW: All right?

MR. SOCKWELL: And that doesn't apply to vans. Passenger vans aren't considered buses.

CHAIRPERSON CROSS REID: Twenty, to provide ample screening for the surrounding neighborhoods prior to commencing any interior or exterior renovation, JPDS shall provide a landscaping plan which includes, among other things, new tree plants, half of which must be evergreens.

Now, this is for --

MR. PARSONS: I think this is a little excessive, given the period that --

CHAIRPERSON CROSS REID: Well, one year. I mean --

MR. PARSONS: -- we're talking about.

CHAIRPERSON CROSS REID: So I don't think that that -- for one year the trees would not even have had a chance to grow.

MR. SOCKWELL: And also private property has the right, and that includes private homes; they have the right to plant the species of choice. Only in public space is there a requirement, and that would be a city requirement. I'm sure that the neighbors wouldn't want their back yards to be encumbered by the same thing.

CHAIRPERSON CROSS REID: Okay. Twenty-one, the landscaping plan shall include any proposed landscape treatment of the sites, including parking areas, in addition, playgrounds and play areas. Well, again, that's landscaping so we're not --

MS. RENSHAW: No time for landscaping.

CHAIRPERSON CROSS REID: Twenty-two, the JPDS shall screen the parking lots at both sites from the adjacent properties with a double staggered row of Canadian Hemlocks. Again, that's the time.

MR. SOCKWELL: Someone -- we've got a very horticulturalist.

CHAIRPERSON CROSS REID: Okay. Twenty-three, to further protect the adjacent property from JPDS activities, JPDS shall install a seven foot high wood fence between its site one and the house along 16th Street and install a seven foot high wood fence between site two and the houses along Jonquil Street, N.W., and shall maintain or replace these fences as necessary.

MS. RENSHAW: Perhaps the height should be changed to the maximum allowed.

CHAIRPERSON CROSS REID: Yeah, I was thinking --

MS. RENSHAW: Because I'm not quite sure if it's seven. It could be eight.

CHAIRPERSON CROSS REID: All right. So --

MR. PARSONS: I think it might be six, but anyway, that's a good change.

CHAIRPERSON CROSS REID: Whatever is allowed by the regulations?

MR. SOCKWELL: Yeah, the regulation allows fence height based on its position with regard to property lines.

CHAIRPERSON CROSS REID: And that would give some screening and some --

MR. PARSONS: Okay.

CHAIRPERSON CROSS REID: Okay. Twenty-four, JPDS shall, in coordination with the Department of Public Works and the Metro Police Department, insure and pay for the installation of all appropriate and required signage indicating the presence of elementary age children in the vicinity of the school. Okay?

MS. RENSHAW: If necessary, to add the words "if necessary"?

MR. SOCKWELL: Well, it says appropriate and required signage. I would say not normally provided by DPW because much signage is provided as part of what we pay in taxes. Additional signage that might be required may be provided at the costs paid by the appropriate party, and I don't know who the appropriate party is in these situations.

MS. RENSHAW: However, I want to point out that it takes DPW quite a long time to get these signs in the works, and it may be necessary to get them up rather quickly, and so if that's the case, it would be on -- I should think it would be JPDS' --

MR. SOCKWELL: Well, it doesn't matter.

MS. RENSHAW: -- burden.

MR. SOCKWELL: Why don't we just do this? Why don't we just say "insure the installation of"? That was if it has to be put up and the city says they won't pay for it, then JPDS is going to pay for it because they will insure that it's installed.

MS. RENSHAW: That's fine.

CHAIRPERSON CROSS REID: Okay, and then number 23 -- oh, no, where are we?

MR. PARSONS: Twenty-five.

CHAIRPERSON CROSS REID: Twenty-five, prior to occupancy JPDS shall improve the structures at sites one and two to meet current life safety code requirements, including improvements to make the facilities handicapped accessible.

MR. SOCKWELL: They have to meet --

MS. RENSHAW: The code.

MR. SOCKWELL: Yeah, they have to make whatever code required changes necessary.

CHAIRPERSON CROSS REID: That's a given.

MR. SOCKWELL: Handicapped accessibility is different.

CHAIRPERSON CROSS REID: Twenty-six, to further protect adjacent properties, JPDS shall use only lighting designed to prevent spillage into the neighborhood and to certain

footcandle intensity, and I think that is also --

MS. RENSHAW: Yes.

CHAIRPERSON CROSS REID: -- in the regulations.

MR. PARSONS: Well, I think to certain footcandle intensity is ambiguous.

CHAIRPERSON CROSS REID: It's what?

MR. PARSONS: It's ambiguous.

CHAIRPERSON CROSS REID: What does that mean?

MR. SOCKWELL: Well, footcandle intensity is the --

MS. RENSHAW: Lighting cannot be intrusive into the neighborhood.

CHAIRPERSON CROSS REID: Right.

MS. RENSHAW: Exterior lighting.

CHAIRPERSON CROSS REID: But I was asking specifically about the certain footcandle intensity. That seemed to be something in addition to.

MR. PARSONS: I'd stop at the word "neighborhood."

MR. SOCKWELL: Yeah.

CHAIRPERSON CROSS REID: Okay.

MR. SOCKWELL: Exactly. It provides cutoffs. The intensity of the light isn't always the issue. It's sometimes --

MS. RENSHAW: Yes, it is.

MR. SOCKWELL: -- the angle.

MS. RENSHAW: It has been --

MR. SOCKWELL: It's not always. I didn't say ever.

MS. RENSHAW: Not always, but it has been a big issue in my neighborhood, and I can understand why this certain footcandle intensity is in this, and I would leave it in.

MR. SOCKWELL: Well, this Board approved two gasoline stations with very high intensity lighting with the footcandle intensity itself not required, but the cutoff required, and I think that we should be fair and even handed in all of our decisions.

CHAIRPERSON CROSS REID: Don't the regulations require that the lighting be in such a way as not to be intrusive on neighboring properties or something like that? Isn't that what this is regarding?

MR. SOCKWELL: That is what it is.

CHAIRPERSON CROSS REID: So wouldn't it be handled just by --

MR. SOCKWELL: The number of footcandles is not always the issue. It is the method by which the light is distributed.

CHAIRPERSON CROSS REID: Okay. So are we leaving this in or keeping it?

MS. RENSHAW: Leave it in.

CHAIRPERSON CROSS REID: Or take it out? It doesn't --

MR. SOCKWELL: Well, certain footcandle intensity, there's nothing that's going to establish that from the District

of Columbia's regulatory perspective. That's why I'm saying it should be in there.

MR. PARSONS: Right. It's either got to say a 60 watt bulb or nothing.

MR. SOCKWELL: Yes.

MR. PARSONS: And --

CHAIRPERSON CROSS REID: But can we put "as appropriate"?

MS. RENSHAW: No.

MR. SOCKWELL: No, just leave it out. Just say to prevent spillage in the neighborhood. That's the bottom line.

CHAIRPERSON CROSS REID: All right.

MS. RENSHAW: No. I would argue that it should be kept in because --

MR. PARSONS: Oh, boy.

MR. SOCKWELL: But there --

MS. RENSHAW: -- because the intensity of lights spilling into a neighborhood is a very big issue.

MR. SOCKWELL: But what you're misunderstanding is that I can have 1,000 watts of light directed at a pencil point, and it will not be seen by you.

CHAIRPERSON CROSS REID: Can't we say at footcandle intensity as appropriate? Why can't we --

MR. SOCKWELL: Footcandles are an ADA issue. They are not generally an issue of the regulation.

MS. RENSHAW: And lighting directed downward and not --

MR. SOCKWELL: Downward is not an issue either. It is bleed. If the light spills into the neighborhood, it is incorrect.

CHAIRPERSON CROSS REID: Excuse me one minute.

MR. SOCKWELL: It doesn't matter whether you direct it up, down or underground.

CHAIRPERSON CROSS REID: Excuse me.

MR. SOCKWELL: I'm just trying to be specific.

CHAIRPERSON CROSS REID: Ms. Sansone, can you weigh on this? What is your interpretation of this issue and what would you suggest? Because we --

MR. SOCKWELL: It's neither in the zoning ordinance nor in the building code that specific footcandles be allowed. It is in the Americans with Disabilities Act that specific illumination levels be required.

MS. SANSONE: Madame Chair, I believe that last clause "and to certain footcandle intensity" would be problematic because we're not specifying any measurement. So just leaving it as written would cause problems later on.

CHAIRPERSON CROSS REID: So what would your suggestion be?

MS. SANSONE: I would suggest deleting that last clause.

CHAIRPERSON CROSS REID: Okay. I believe that neighborhood -- I think that --

MS. RENSHAW: That's not enough.

CHAIRPERSON CROSS REID: I think that in instances where there is debate, does not seem to be reconcilable that the suggestions by corporate counsel should be given appropriate merit, and I would then suggest that we accept that suggestion and put a period after "neighborhood," and delete the rest of that particular sentence.

All right. Twenty-seven, refuse collection. Refuse collection from the JPDS site shall be restricted to the hours of 7:30 a.m. to 3:30 p.m. Trash compact on the sites must not be operated between the hours of 6:30 p.m. and 7:30 a.m. I have no problem with that.

MR. SOCKWELL: That seems reasonable.

MR. PARSONS: Why don't we add week days to that?

CHAIRPERSON CROSS REID: Weekly, week days, okay.

MR. PARSONS: In other words, not weekends.

CHAIRPERSON CROSS REID: Okay. No signs advertising -- 28 -- no signs advertising school or the other activities on site one and two shall be visible from 16th Street.

MS. RENSHAW: Yes.

CHAIRPERSON CROSS REID: Okay. Keep that.

Twenty-nine, making final action on this application, the Board shall submit the application to the

Department of Consumer Regulatory Affairs for review and written reports. Now, we --

MR. SOCKWELL: It says actually -- you missed a line -- and to the Department of Fire and Emergency, which would have said services --

CHAIRPERSON CROSS REID: -- reports. Now, isn't that -- isn't that done?

MR. SOCKWELL: The Fire Department is currently completely out of --

CHAIRPERSON CROSS REID: Of the loop?

MR. SOCKWELL: -- the building permit process, and they refuse to do anything. So --

MS. RENSHAW: It's the --

MR. SOCKWELL: -- post occupancy only.

MS. RENSHAW: It is the reorganization that took the Department of Fire and Emergency Medical Services out of inspection, but for a while, just for edification of everyone, for a while fire officials were on loan to DCRA to do this.

MR. SOCKWELL: They are not any more. The District --

CHAIRPERSON CROSS REID: So the question is --

MR. SOCKWELL: -- has its own Fire Protection Division.

CHAIRPERSON CROSS REID: -- can we -- I mean is that within our purview to be able to put that in the order?

MR. PARSONS: Well, what it's imposing on us is we have to make the application to DCRA to see if this is permissible.

CHAIRPERSON CROSS REID: Well, isn't that part of the permitting process?

MR. PARSONS: What? Isn't that burden normally on the Applicant?

MR. SOCKWELL: Which?

CHAIRPERSON CROSS REID: The Board shall submit --

MR. SOCKWELL: Oh, yes. I'm sorry. This puts the Board --

CHAIRPERSON CROSS REID: -- Department of Consumer Regulatory Affairs, but when they go --

MR. SOCKWELL: You're right. It's not our responsibility. It's the Applicant's responsibility.

MR. PARSONS: Right.

CHAIRPERSON CROSS REID: My question is: isn't that a given, that they have to do that anyway?

MR. PARSONS: It is, but what they're suggesting is we don't take final action until we've applied for a permit with DCRA.

MR. SOCKWELL: Yeah, we can't.

CHAIRPERSON CROSS REID: No.

MR. SOCKWELL: We don't do that, right.

CHAIRPERSON CROSS REID: But what can we do? The

Applicant has to --

MR. PARSONS: Because he said it's a matter of course.

CHAIRPERSON CROSS REID: The Applicant has to do that, but that's -- that's something that they would do ordinarily anyway.

MR. PARSONS: Right. I want to get back to my issue of reducing volumes of cars.

CHAIRPERSON CROSS REID: Okay.

MR. PARSONS: Which if you go to the Applicant's findings of fact on page 29, you'll see there at six they have outlined the major provisions of their traffic management plan.

MR. SOCKWELL: Do you want to just read all of these just like we read the other ones?

MR. PARSONS: Yes. The first one says fixed routes.

MR. SOCKWELL: No, no, why don't we just start --

CHAIRPERSON CROSS REID: What page are you on?

MR. PARSONS: Oh, all of their --

MR. SOCKWELL: Yeah, just read them.

MR. PARSONS: Oh.

MR. SOCKWELL: Because we read all of the ones for the --

MR. PARSONS: Excuse me.

MS. RENSHAW: So start on page 28.

MR. SOCKWELL: -- for the ANC. Yes, start on page 28.

Number one, the approval shall be for a period of years. That would be for one year, nonrenewable.

CHAIRPERSON CROSS REID: Okay. Just --

MS. RENSHAW: Two.

CHAIRPERSON CROSS REID: Let's only respond to ones that we haven't done. Okay?

MR. SOCKWELL: But we have to read them because we read all of them, I think. I mean, they're quick.

The number of students shall not exceed 205.

MR. PARSONS: Staying with number one, we had a date certain of July 1st, 2001.

MR. SOCKWELL: Oh, yeah. Okay.

CHAIRPERSON CROSS REID: Go ahead.

MR. SOCKWELL: Okay. The number of students shall not exceed 205, and I think that we discussed 185.

MR. PARSONS: Right.

MS. RENSHAW: How many staff?

MR. SOCKWELL: And we'll have to talk about staff. This number of faculty and staff shall not excess 32 and additional six part-time specialists. Since we're cut back on the number of students, I think we should cut back on the number of staff. I would make that number 29 or 30.

MS. RENSHAW: Twenty-nine.

MR. PARSONS: That was where I was.

MR. SOCKWELL: And leave the six part-time specialists.

CHAIRPERSON CROSS REID: Okay. Go ahead.

MS. RENSHAW: So which is it, 29 or 30?

MR. SOCKWELL: Make it 29, I mean.

MS. RENSHAW: Twenty-nine.

MR. SOCKWELL: Because they've got 25 now, I think.

PARTICIPANT: No.

MR. SOCKWELL: That's what you said in your application.

MS. RENSHAW: Okay. Hours?

MR. PARSONS: I don't have any problem with those hours.

MR. SOCKWELL: Yeah, the hours seem okay.

CHAIRPERSON CROSS REID: Yeah, I think that it says 8:15 to 6:30 p.m. That should be Monday through Friday.

MR. SOCKWELL: Okay.

CHAIRPERSON CROSS REID: Let's add that. All right. Go ahead to number five, Mr. Sockwell.

MR. SOCKWELL: Number five --

MS. RENSHAW: And can we say that the staff may not arrive before 7:00 a.m.?

MR. SOCKWELL: I don't think that's -- they're not going to be coming in droves, but depending on set-up times for

certain things they may have to be there.

MS. RENSHAW: It's, again, traffic matters.

MR. SOCKWELL: Yeah, but people are leaving their homes at 7:00 a.m.

MS. RENSHAW: Not necessarily. We've got retired folks.

MR. SOCKWELL: I understand that.

CHAIRPERSON CROSS REID: Can we move on, please?

MR. SOCKWELL: I don't think we should argue that point.

There shall be parking spaces for 32 vehicles on site, nine of them full size spaces.

CHAIRPERSON CROSS REID: Okay. Now --

MR. PARSONS: I would leave that as is.

MR. SOCKWELL: Yeah, let's leave the number of spaces available and reduce the number of people to use them.

MS. RENSHAW: Is there parking --

MR. SOCKWELL: Although they had problems really having effective spaces.

CHAIRPERSON CROSS REID: Yeah.

MS. RENSHAW: Where is -- where is the parking for any kind of vendor deliveries within this 32 vehicle?

MR. PARSONS: Do you mean the loading facilities?

MR. SOCKWELL: Yep.

MR. PARSONS: Off the alley.

MS. RENSHAW: Yep.

MR. SOCKWELL: Vendor deliveries in this case would have to be coordinated so as not to block the alley, and that was one of the things that the community had significant problems with in --

MS. RENSHAW: Well, it's got the space.

MR. SOCKWELL: -- in the other existing uses of the facility.

Now, which ones can be defined as being uses of the day care and which ones are defined as uses of the synagogue would be somewhat difficult for us to --

MS. RENSHAW: There has to be --

MR. SOCKWELL: -- in effect, work out.

MS. RENSHAW: -- some dedicated space for truck deliveries or the trucks are going to end up on the street or in the alley hovering with the engines running, and that's a given.

CHAIRPERSON CROSS REID: I think -- I think that the parking -- the issue of the parking is a problem, but nonetheless, I think that the issues that were raised by the opposition in regard to the size of the parking spaces and the position and the number for both of those sites will be addressed during the permitting process because this was a self-certification, and if it's not correct, then when they go through the permitting process, then they should be -- that should then be handled at that point if, in fact, it is not in compliance with

the regulations.

So the liability is on the Applicant for that.

Okay, Mr. Sockwell.

MR. SOCKWELL: They may have to adjust their delivery schedules and not encroach upon the times when they're not supposed to be doing that sort of thing.

The Applicant shall fully implement the provisions of its traffic management plan, including fixed routes. That's A. (b) extensive use of monitors; (c) car and van pooling to result in no more than 70 morning peak hour cars.

CHAIRPERSON CROSS REID: I think Mr. Parsons suggested --

MR. SOCKWELL: Well, I was just going to go through them and then we --

CHAIRPERSON CROSS REID: No, let's -- let's --

MR. SOCKWELL: Okay. (a) fixed routes. We've sort of decided that fixed routes can't be guaranteed, but let's say encouraged since we're going to -- if we would do this, we would reduce the number of cars coming by a considerable amount.

Extensive use of monitors (b). I agree to that completely.

(c) Car and van pooling to result in no more than I think -- what was the number of morning peak hour cars?

MR. PARSONS: Well, I was going to suggest 35, but --

MR. SOCKWELL: Forty-five might be more reasonable.

MS. RENSHAW: How about 40?

CHAIRPERSON CROSS REID: Half I think there.

MR. PARSONS: Well, half --

CHAIRPERSON CROSS REID: Because -- because what they can do is to develop some type of system where by they can -- rather than all of those cars converging on that alley, that the children could be taken to a specified site and picked up from that site, and that would then reduce considerably the amount of cars that would be coming out of that alley.

MR. SOCKWELL: All right.

CHAIRPERSON CROSS REID: They do that at my child's school right now, where we have to take her to a designated site, and then the bus picks them up or van picks them up and takes them to the facility.

MR. SOCKWELL: But if they had to, they could assign --

CHAIRPERSON CROSS REID: Now, how --

MR. SOCKWELL: -- people for carpooling on the basis of every two months rotating them so that everybody gets a fair treatment on that.

MS. RENSHAW: So are you saying 35?

CHAIRPERSON CROSS REID: That's what I suggested, 35.

MR. SOCKWELL: I'd say 40.

MS. RENSHAW: Thirty-five, Mr. Parsons?

MR. PARSONS: There's two 35s down here.

MR. SOCKWELL: All right. I mean I --

MS. RENSHAW: Thirty-five down here.

CHAIRPERSON CROSS REID: There's 35.

MR. SOCKWELL: All right, 35.

CHAIRPERSON CROSS REID: Okay. So that would half the amount that they're asking. Okay.

MR. SOCKWELL: Right.

MS. PRUITT: Excuse me, Madame Chair. Just for clarification, it would be for 35 and a bus pick-up at a remote site?

MR. SOCKWELL: For the others.

MS. PRUITT: For the others?

CHAIRPERSON CROSS REID: I don't want to put -- I don't want to --

MR. SOCKWELL: Or another method. It could be carpooling.

CHAIRPERSON CROSS REID: I'll let them work that out.

MR. SOCKWELL: It could be whatever they do.

CHAIRPERSON CROSS REID: Let them determine. Let them devise their own methodology as far as to how they are going to comply with this.

MS. PRUITT: Then it's just going to be changed to

35.

CHAIRPERSON CROSS REID: I -- I -- I -- basically what I was saying was just something that, you know, I knew was workable in other instances, but I'm not -- I would not put that in an order.

MS. PRUITT: Okay.

MR. PARSONS: Well, they've put car and van pooling.

MR. SOCKWELL: Yeah, car and van pooling is in there.

MR. PARSONS: What would be wrong with taking the "and" out and just inserting "bus shuttle," another method?

CHAIRPERSON CROSS REID: Car, van, bus shuttle, whatever.

MR. SOCKWELL: Yeah.

CHAIRPERSON CROSS REID: Car, van, buses.

MR. SOCKWELL: "Car and van pooling, bus shuttle."

CHAIRPERSON CROSS REID: Et cetera.

MR. SOCKWELL: All right.

MR. PARSONS: All right.

CHAIRPERSON CROSS REID: Okay.

MR. SOCKWELL: After school programs to extend afternoon pick-up.

CHAIRPERSON CROSS REID: What does that mean?

MR. SOCKWELL: There would be a longer term of

pick-up if after school programs. It wouldn't include all of the students, I would assume, but it would include certain, I guess, special classes or whatever it might be doing.

MR. PARSONS: Therefore, it's a lesser queuing time.

MR. SOCKWELL: A lesser queuing time.

MR. PARSONS: -- picking up at the same time.

CHAIRPERSON CROSS REID: Oh, in other words, after school programs to extent to or through afternoon pick-up is basically staggered?

MR. SOCKWELL: What we would want to do with this is maybe put a limit on the percentage of the school population that could be involved to no more than 50 --

MS. RENSHAW: Well, the school's hours are to 6:30 p.m.

MR. SOCKWELL: Yeah.

MS. RENSHAW: So after school programs, not to --

MR. SOCKWELL: But it's an after school program after 6:30 p.m. or are we talking about --

MS. RENSHAW: Not to extend beyond 6:30 p.m.

MR. SOCKWELL: Okay.

MR. PARSONS: Okay.

CHAIRPERSON CROSS REID: Okay.

MR. SOCKWELL: After school programs not to extend.

CHAIRPERSON CROSS REID: Okay. Eight.

MR. SOCKWELL: Oh, I'm sorry. E, continued coordination of school hours with those of nearby schools.

MR. PARSONS: All right.

MR. SOCKWELL: That really doesn't say anything. I don't know exactly what that means.

MS. RENSHAW: Also what about inserting some language about delivery hours because sometimes these food delivery trucks like to get to a site about six o'clock in the morning? They should not arrive before seven or should arrive after rush hour.

MR. PARSONS: All right. That should be separate, not in their traffic management plan. I mean it shouldn't be an F here. It should be a separate number.

MR. SOCKWELL: Right. I agree. Do you want to make it --

MS. RENSHAW: It's either under number four as a number five and then renumber, or we could put it down at the end.

MR. SOCKWELL: Well, what do you want to do?

MS. RENSHAW: We have the school's hours of operation. Then we could number the next one --

MR. SOCKWELL: Four (a).

MS. RENSHAW: Four (a)?

MR. SOCKWELL: Loading, loading and deliveries.

MR. PARSONS: Why don't we simply add this to refuse collection, which we've already dealt with --

MR. SOCKWELL: Okay.

MR. PARSONS: -- shall be restricted to 7:30 a.m. to 3:30 p.m.? You don't like to mix refuse collection with deliveries, but psychologically that's --

MR. SOCKWELL: Where is that?

MR. PARSONS: That was number 27 on page 19.

MR. SOCKWELL: Oh, sorry. Wrong document. Would we allow weekend deliveries?

CHAIRPERSON CROSS REID: No.

MS. RENSHAW: No..

MR. SOCKWELL: No,w that doesn't affect the synagogues uses because --

MR. PARSONS: No, they could still deliver.

MR. SOCKWELL: But there may not be any way to know which truck is delivering for whom. That's what I'm saying.

CHAIRPERSON CROSS REID: Okay. Now, Mr. Sockwell, let's not get into that. Let's just kind of move forward. We're only dealing with the Jewish Primary Day School.

MR. SOCKWELL: All right. Refuse collection and deliveries.

MS. RENSHAW: Refuse collection and deliveries.

MR. SOCKWELL: Okay.

MR. PARSONS: Now, the traffic management plan, the enforcement plan is the one we just --

CHAIRPERSON CROSS REID: We did. Yeah, the traffic

enforcement plan that --

MR. PARSONS: -- did.

CHAIRPERSON CROSS REID: -- that stipulated the fines.

MR. PARSONS: So that should be placed --

MR. SOCKWELL: Maybe we should make it part of six. We'll make traffic enforcement --

CHAIRPERSON CROSS REID: Okay.

MR. SOCKWELL: -- plan 6(f).

MR. PARSONS: And then put in our first offense, second offense, third offense.

MR. SOCKWELL: Right. We'll just refer it, yes.

CHAIRPERSON CROSS REID: Now, these are supposed to be incorporated in the school's --

MR. SOCKWELL: Contract, too

CHAIRPERSON CROSS REID: -- school's parent handbook, which ties to the registration contract. Okay. So anyway, do you want to reiterate those fines?

MR. SOCKWELL: Un-huh, okay.

CHAIRPERSON CROSS REID: Penalties, fines and penalties?

MR. SOCKWELL: Yeah, the fines and penalties for under the -- yeah, sorry.

In the event of a violation, and again, the president of the board is prepared to submit this plan, we are

making this plan mandatory. So he's going to have to get it ratified.

In the event of a violation or repeated violation of the traffic management plan, the following sequence of warnings and penalties would be followed: first offense, $50; second offense, $100; third offense, $200; fourth offense, mandatory expulsion. Offenses not paid within 14 calendar days would double. Third offense, if not paid within 14 calendar days, would revert to the fourth offense requirement.

MR. PARSONS: Okay.

MR. SOCKWELL: Okay.

MS. RENSHAW: And number 8 on page 29, Applicant as needed shall undertake snow removal and salting of alleys and critical segments of Juniper, Jonquil and 16th Street, yes?

MR. PARSONS: Yes.

MS. RENSHAW: Yes? Number nine, the Applicant shall pick up litter daily around the perimeter of the two sites. Yes.

MR. PARSONS: Yes.

MS. RENSHAW: Any additional lighting of parking shall not be obtrusive to neighbors.

MR. PARSONS: We've already dealt with lighting.

MS. RENSHAW: Okay, but this language --

MR. PARSONS: Do you just want to go over that again?

MS. RENSHAW: I like this language.

CHAIRPERSON CROSS REID: Which one are you on?

MS. RENSHAW: Number 11, the Applicant shall undertake community outreach programs to include cultural exchange programs with Shepherd Elementary School; (b) symposia aimed at neighborhood residents and the Jewish Primary Day School community; and (c) an ongoing community, Applicant and synagogue liaison committee to meet at least once every three months, in paren, monthly for the first six months, to discuss and resolve issues of mutual interest.

This has to be adjusted.

MR. SOCKWELL: Yeah. I would suggest language, community liaison, committee to meet at least once every two months.

MS. RENSHAW: Two months.

MR. SOCKWELL: And I would, because this would be a one year if we do it, it should start with the month of the order so that there would be at least a meeting in the first, third, fifth, seventh, ninth and eleventh months. That would --

MR. PARSONS: Good.

MR. SOCKWELL: -- create a reasonable relationship or hope to create a reasonable relationship with the community over any unresolved issues and any outstanding issues that would come up.

MS. RENSHAW: And who is going to call this liaison

committee together, and who's going to decide who should be on this committee?

MR. SOCKWELL: Well, I think the Applicant would choose its representative.

MS. RENSHAW: The Applicant and the ANC?

MR. SOCKWELL: Its representative, and the community its representatives.

MS. RENSHAW: So you're talking about three people? You have two communities. You have the Applicant and you have the ANC, and then they may want to bring in a police liaison. I don't know, PSA person.

CHAIRPERSON CROSS REID: Well, they can decide that.

MR. SOCKWELL: They can set that up.

CHAIRPERSON CROSS REID: They can determine among themselves who they would like to be on that liaison committee.

MS. RENSHAW: So the communities --

CHAIRPERSON CROSS REID: Yes.

MS. RENSHAW: -- the Applicant and the ANC and the synagogue and JPDS.

MR. SOCKWELL: You may want to -- did we want to put a number of community representatives?

CHAIRPERSON CROSS REID: No, no, no. They can determine among themselves how they want to set it up and how many people they want to be represented on that committee.

MS. PRUITT: Madame Chair, would you like to put a number? I mean, not to exceed a number of people in how they distribute that number or --

CHAIRPERSON CROSS REID: We don't usually do that.

MS. RENSHAW: How about a five member?

CHAIRPERSON CROSS REID: And are you saying with five members how?

MS. RENSHAW: Five members to include two community representatives -- that's for both communities -- the Applicant, ANC, and a fifth party to be selected by the board.

CHAIRPERSON CROSS REID: Ms. Renshaw, when you say the Applicant and -- wait a minute. You're saying --

MS. RENSHAW: Two communities.

CHAIRPERSON CROSS REID: What two communities?

MS. RENSHAW: On either side of 16th Street.

CHAIRPERSON CROSS REID: Oh, I see. Okay. Two adjacent communities.

MS. RENSHAW: Two adjacent communities.

CHAIRPERSON CROSS REID: A member for each site.

MS. RENSHAW: Un-huh.

CHAIRPERSON CROSS REID: A community of each site.

MS. RENSHAW: Un-huh.

CHAIRPERSON CROSS REID: Okay, and the Applicant.

MS. RENSHAW: The Applicant and the ANC.

CHAIRPERSON CROSS REID: Okay. . That's four.

MS. RENSHAW: That's four, and a fifth person to be selected by the body.

CHAIRPERSON CROSS REID: Which body?

MS. RENSHAW: The four people.

MS. PRUITT: What about the synagogue who actually is the owner of the property who would probably have some interest in what happens with it?

MS. RENSHAW: Well, that could be, too.

CHAIRPERSON CROSS REID: Well, the synagogue --

MR. SOCKWELL: It might even be helpful in that the synagogues were cited by the community as not being as responsive to the community as they needed to be?

CHAIRPERSON CROSS REID: But the synagogue and Applicant are --

MS. PRUITT: Two different people.

MR. PARSONS: They are.

MR. SOCKWELL: Let's say there would be a liaison person, maybe the voting members if there is a vote to be taken; the nonvoting member would be the synagogue liaison.

CHAIRPERSON CROSS REID: The point I was about to make is the synagogue and the Applicant, although they are two different people, don't they have the same basic concerns?

MS. PRUITT: I don't know. Not necessarily I would say. I mean it depends. I would say the synagogue has much longer range concerns whereas right now the JPDS is only, if you

approve this, will be for a year.

CHAIRPERSON CROSS REID: I think that -- I don't think that we should do that. I think that we should allow -- let them comprise their own -- the community determine who wants to go on that committee, and let the Applicant determine who wants to be on the committee, and for us not to try to impose that because we may run into some difficulties that we may not be aware of.

MR. SOCKWELL: It would be hoped if this were to pass that the liaison committee would outlast the JPD --

MS. RENSHAW: I am simply stating here when we got into this discussion that there has to be a lead taken by someone or some organization, and I would say that the ANC would be the proper.

CHAIRPERSON CROSS REID: I would definitely recommend the ANC be the lead.

MS. RENSHAW: Okay.

CHAIRPERSON CROSS REID: Take the lead in doing that.

Now, is that the last one? The only other one, Ms. Renshaw, you had mentioned something about the alley. Did we include any conditions regarding --

MS. RENSHAW: You mean the two way --

CHAIRPERSON CROSS REID: -- traffic being able to go --

MS. RENSHAW: We can add a condition that the

alleys must be kept open for two-way traffic unless the alleys are specified for one-way traffic.

CHAIRPERSON CROSS REID: Okay.

MR. PARSONS: You mean specified by the Department of Public Works.

MS. RENSHAW: By the Department of Public Works.

CHAIRPERSON CROSS REID: Did you have anything else, Mr. Parsons?

MR. PARSONS: No, I did not.

CHAIRPERSON CROSS REID: Mr. Sockwell?

MR. SOCKWELL: No.

CHAIRPERSON CROSS REID: Ms. Renshaw?

MS. RENSHAW: No.

CHAIRPERSON CROSS REID: All right. All in favor --

MR. PARSONS: Aye.

CHAIRPERSON CROSS REID: -- with the conditions as we have just worked out.

MS. RENSHAW: I'd hate to have you review those. Does Ms. Pruitt review them?

CHAIRPERSON CROSS REID: Well, with the conditions, and Ms. Pruitt will make sure that -- excuse me.

MS. PRUITT: And for you to review the conditions.

CHAIRPERSON CROSS REID: Excuse me. May I finish?

MS. PRUITT: I'm sorry.

CHAIRPERSON CROSS REID: Ms. Pruitt will make sure that before any order is issued that we receive for our review, the draft order or the order, and after we have given our comments or whatever, only after that point will the order be issued because I don't want to hold everyone up because that is a long, long list.

MR. SOCKWELL: Let me read a piece of language since this was more detailed, and this is just strictly on this first offense, second offense, third offense.

What I have said here is fines not paid within 14 calendar days would double, except that the third offense would automatically accrue to the fourth offense penalty if fine not paid within 14 days.

CHAIRPERSON CROSS REID: The fourth offense penalty, which is expulsion.

MR. SOCKWELL: Yes.

CHAIRPERSON CROSS REID: And the warning, rather than the first offense being a warning, the warning would be comprised within the contract of the --

MR. SOCKWELL: Well, there's no -- yeah, there's no warning in offenses. All offenses are penalties.

CHAIRPERSON CROSS REID: May I finish, please, Mr. Sockwell?

MR. SOCKWELL: I'm sorry.

CHAIRPERSON CROSS REID: What I was saying is that

contained in the verbiage of the thing that these -- these measures will be incorporated in the school's parent handbook, which ties to the negotiation -- the registration. This is in handwriting. So I can't hardly read it. Excuse me -- tied to the registration contract. I'm saying that contained within that handbook that the parents receive should be the warning and the offenses.

MR. SOCKWELL: Right.

CHAIRPERSON CROSS REID: Okay. All right. No further question? All right.

All in favor.

(Chorus of ayes.)

MR. PARSONS: Did we have a proxy for Mr. --

MS. PRUITT: We do.

CHAIRPERSON CROSS REID: Excuse me. One second. Let me retake the vote.

All in favor?

(Chorus of ayes.)

CHAIRPERSON CROSS REID: And I abstain.

MS. PRUITT: Excuse me? I didn't hear.

CHAIRPERSON CROSS REID: I abstain.

And Mr. Moulden?

MS. PRUITT: Mr. Moulden proxied a vote that would support a one-year approval with conditions.

MR. SOCKWELL: And no --

MS. PRUITT: No renewal, yes, because when we called him, I asked him several different things, and that was it.

So staff would record the vote as three to zero to one to approve the motion --

MR. SOCKWELL: Isn't that four to zero?

MS. PRUITT: I'm sorry. Excuse me. Four to zero to one, motion made by Mr. Parsons, seconded by Mr. Sockwell, Ms. Reid abstaining, and a proxy from Mr. Moulden.

CHAIRPERSON CROSS REID: All right. Thank you. That's it.

Any other questions?

That concludes our meeting for this afternoon. Thank you.

(Whereupon, at 2:40 p.m., the special public meeting was concluded.)