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

MARCH 21, 2000

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

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

ZONING COMMISSION MEMBER PRESENT:

JOHN G. PARSONS	Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OTHER AGENCY STAFF PRESENT:

Dave Colby	Office of Planning
Ellen McCarthy	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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AGENDA ITEM PAGE

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(9:45 a.m.)

CHAIRPERSON CROSS-REID: Good morning. The hearing will please come to order.

Ladies and gentlemen, this is the March 21st public hearing of the Board of Zoning Adjustment, District of Columbia.

My name is Sheila Cross-Reid, Chairperson. Joining me today is Robert Sockwell, Ann Renshaw, and Rodney Moulden, representing the National Capitol Planning Commission. Representing the Zoning Commission is John Parsons, who will be joining us shortly.

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

All persons planning to testify either in favor or in opposition are to fill out two witness cards. These cards are located on each end of the table in front of us.

If you plan on coming forward to speak go the Board, please give both copies to the reporter, who is sitting to my right.

The order of procedure for a special exception in variance cases are -- and that is a little different today because this is a continuation -- we're going to begin with the continuation of cross examination by the Applicant, then the Office of Planning report, the DPW report, the ANC report, persons in support, parties in opposition, persons in opposition, and

closing remarks by the Applicant.

This is a reminder, that persons in support have three minutes each. Persons in opposition have three minutes each. The parties in opposition have one hour totally, however they wish to divvy it up in order to present their case, and the ANC has no time limit.

Cross examination of witnesses is permitted by the Applicant or parties. The ANC in which the parties are 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, and the staff will specify at the end of the hearing exactly what is expected.

The decision of the Board in these contested cases must be based exclusively on the public record. To avoid any appearance to the contrary, the Board would request that persons which are present not engage the 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 now consider any preliminary matters. Preliminary matters are those which relate to whether a case should be heard today, and that's obviously moot in this instance, but requests for postponement, continuance, withdrawal, whether proper and adequate notice of the hearing has been given.

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

Does the staff have any preliminary matters?

MS. PRUITT: Yes, Madame Chair. The only preliminary matter we have is the Board requested that the Applicant do two videos, a longer one and then an excerpted one of like ten minutes. I didn't know if you'd like to -- I know we're starting with cross examination, but -- and the Applicant's case is complete, but I didn't know if you'd like to see that so that the parties would have the opportunity to cross examine that and the Board and the parties would since it's available now.

CHAIRPERSON CROSS-REID: I think, Ms. Pruitt, that they spoke of a videotape, and we asked that they give us excerpts from the videotape, not two videotapes.

MS. PRUITT: We have a full videotape, plus the excerpts.

CHAIRPERSON CROSS-REID: I think that we had suggested that they excerpt it so that we would not have to take the time to look at the entire --

MS. PRUITT: They only want to show the small one.

CHAIRPERSON CROSS-REID: Okay.

MS. PRUITT: The large one is here for the record, and if anybody wants to come, they can always look at it.

CHAIRPERSON CROSS-REID: Oh, right. Okay. So for

the record --

MS. PRUITT: Yes.

CHAIRPERSON CROSS-REID: -- they have the full --

MS. PRUITT: Yes.

CHAIRPERSON CROSS-REID: We asked -- just one second, Mr. Humphries -- did ask, and we also, I think, agreed that they could show the ten minute excerpts from that videotape, and I think that in the event there is any cross examination that would be germane to the tape, that in that event we would want to have the tape first and then the cross examination so that it will give them the opportunity to be able to cross examine or ask questions if they had any questions that were pertaining to that particular tape.

Is that what you had asked me?

MR. HUMPHRIES: Madame Chair, we, at the time that the request was made for an edited version of the tape, we filed our objection, noted our objection to an edited version of the tape. We believe that a full version of the tape is one which will most truthfully and accurately reflect the simulation conducted by the Applicant.

We've not been involved in the editing of the tape. So we have not seen the edited version. What we have seen is the entire tape, and that's what we received from the Applicant.

So if any edited version of the tape is going to be provided, we would have appreciated an opportunity to have viewed

the edited version in advance, but that edited version was not provided to us.

MS. DOBBINS: Madame Chair, the opposition specifically requested the full version, and that's what was delivered to them, and the Board requested that an edited version be delivered to the Board for review during this process.

MR. HUMPHRIES: Yes, Madame Chair. The gentleman did not request a copy of the edited version, as he could have at that time.

CHAIRPERSON CROSS-REID: The edited version was made a part of the record, was it not?

MS. DOBBINS: It's here to be made apart for review today. The full version is part of the record because that is what was served on the parties, and that was what they specifically requested.

CHAIRPERSON CROSS-REID: I understand.

MS. DOBBINS: And the Board requested this

CHAIRPERSON CROSS-REID: I understand that, ms. Dobbins, but at our last session when it was determined that we would rather have an abbreviated version of the tape, then that particular abbreviated version -- I think that issue that Mr. Humphries is raising is that it was not made available so that they could have had the opportunity to have reviewed it prior to today's hearing.

MS. DOBBINS: That was not the understanding. It

was to be presented today as part of the public hearing process, at which point they can ask questions about it at that point.

CHAIRPERSON CROSS-REID: So it did not have to be -- are you saying that it was not -- it did not have to be submitted?

MS. DOBBINS: That was not the direction given by the Board.

CHAIRPERSON CROSS-REID: Okay.

MS. DOBBINS: The Board requested that we serve the full version as specifically requested by the opposition.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: And as I recall, Madame Chair, at the time that the Applicant indicated that it would provide a copy of the tape. At the time no request was made to our recollection to add additional time to the Applicant's presentation for viewing of the tape. So --

CHAIRPERSON CROSS-REID: Mr. Humphries, while things may be a little murky regarding the issue of the tape, I remember distinctly that we had some discussion about it, and at that time it was determined that we would -- we had agreed that we would view an abbreviated version of the tape this morning, and that's what we're going to do, and we're going to do it right now, prior to the cross examination so that we can move forward with the case.

Thank you.

MR. HUMPHRIES: So if you would rule on our objection.

CHAIRPERSON CROSS-REID: I just did. I just did

MR. HUMPHRIES: Our objection is to the edited version, and your ruling is that what you're doing is indicating that --

CHAIRPERSON CROSS-REID: Well --

MR. HUMPHRIES: -- you do not have --

CHAIRPERSON CROSS-REID: Mr. Humphries, now, listen. Let's not start off today like we ended last week. Okay?

We had made a determination last week that we were going to look at the tape. That's done. So why would we start off again this morning with going through a whole full-fledged discussion on whether it's going to be shown.

We asked that it be -- we asked for it, and we're going to look at it.

MR. HUMPHRIES: Okay. So it is your ruling that you've overruled our objection?

CHAIRPERSON CROSS-REID: Yes.

MR. HUMPHRIES: Okay.

CHAIRPERSON CROSS-REID: We've already done that

MR. HUMPHRIES: Thank you.

CHAIRPERSON CROSS-REID: Thank you, Mr. Humphries.

Unless the other Board members have any other objections or discussion about it, we can move forward.

(No response.)

CHAIRPERSON CROSS-REID: Okay. Then let's move forward, please.

MS. PRUITT: I think we should probably swear people in again in case we have new folks in the --

CHAIRPERSON CROSS-REID: Well, actually, the fact of the matter is we shouldn't have an new folk

MS. PRUITT: Very true.

CHAIRPERSON CROSS-REID: I think that you should make that as a statement to the people who are present, that there may be people here who don't understand the procedures.

(The Board conferred.)

CHAIRPERSON CROSS-REID: Is there anyone here who was not present at the last hearing who plans to testify?

(Show of hands.)

CHAIRPERSON CROSS-REID: All right. Typically, sir, when we have a continuation, basically the people who were present at the time that we continued the case are the only ones who are allowed to testify. So did you plan to testify in support of or in opposition to?

PARTICIPANT: In support of.

CHAIRPERSON CROSS-REID: Okay. Well, what we could allow, do you have a written testimony or something like that?

Well, I would have no objection to allowing him to submit the written testimony for the record, but we could not

allow you to testify since you were not here at the previous hearing. Okay?

Thank you.

All right.

MS. PRUITT: The case this morning 16556, application of Jewish Primary Day School of the Nation's Capital, pursuant to 11 DCMR 3104.1, for a special exception under Section 206 to establish a private school for 125 -- excuse me -- 115 students, 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 Applicant is seeking approval on a temporary basis for three years.

MS. DOBBINS: Madame Chair, there would be one correction. I think Ms. Pruitt said 115 students. The application is for 215.

MS. PRUITT: Yes.

MS. DOBBINS: And we have agreed to a cap of 205.

(The Board conferred.)

CHAIRPERSON CROSS-REID: Ms. Dobbins. Ms. Dobbins.

MS. DOBBINS: I'm sorry, Madame Chair. I saw the tape moving around, and I was trying to find out --

CHAIRPERSON CROSS-REID: Are you ready?

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: All right. You set that. Did you time this?

MS. DOBBINS: Yes, Madame Chair. It's ten minutes.

CHAIRPERSON CROSS-REID: Okay. Ten minutes.

(Whereupon, a tape was played.)

CHAIRPERSON CROSS-REID: Can you put it on pause? Okay. Well, just tell us -- give us some -- yeah, we need it to be --

MR. SLADE: This is the alley behind Ohev Shalom.

CHAIRPERSON CROSS-REID: But there is no audio. It's not narrated.

MR. SLADE: This is Louis Slade.

CHAIRPERSON CROSS-REID: Yeah. Let us know what in fact is happening here because, you know --

MR. SLADE: Right, right. I've got -- this is the alley behind Ohev Shalom, and I guess I can't use that. The direction the vehicles are moving are southbound to northbound. That ban just went by heading in the northbound direction, and it's stopping 50 to 70 feet south of Jonquil Street where we're simulating the vehicle stopping and children getting out during the morning drop-off period.

There are two or three spots, depending on how big the cars are, up at that point where the van is stopped now, and then the person standing to the right of the screen, sort of in the mid-ground is there to stop vehicles so that they don't proceed in a way that would block the garage on the left part of the screen.

So from time to time you'll see three or four vehicles within this area simulating the drop-off, and this person will stop that third or fourth vehicle so that they don't stand in front of that garage in case someone needs to get in or out of that garage while these cars are dropping off.

The drop-off that we simulated was a matter of seconds. You can see how long the vehicles dwell there as though children were getting out of the vehicle. This young man, who you can see most prominently in the screen, is not a parent. So you'll see him open the front door of the car rather than the back door of the car from time to time.

(Laughter.)

MR. SLADE: I think he was a passenger in a carpool not too many years ago. So he's forgotten that you sit in the back seat.

So there he's waved the vehicle on because there's space up ahead without blocking, and he's waving this on.

Now, the way we did the simulation, we had eight Jewish Primary Day School parents come to the site, and they went around the block five times to simulate 40 vehicles in the 25 minute drop-off period

CHAIRPERSON CROSS-REID: Say it again. You had how many?

MS. SLADE: We had eight parents, but they went around -- they went through the cycle five times each to simulate

the arrival of a total of 40 vehicles during the 25 minute drop-off period in the morning.

CHAIRPERSON CROSS-REID: (Inaudible.)

MS. DOBBINS: Madame Chair.

CHAIRPERSON CROSS-REID: You did hear me, right

MS. DOBBINS: Just a correction. I think it was five vehicles that went around eight times to simulate 40. Yeah, five vehicles.

MR. SLADE: Okay. Thank you.

We were trying to get eight and we were able to get five.

CHAIRPERSON CROSS-REID: Five vehicles went around eight times to simulate 40.

MS. DOBBINS: Yes, right.

MR. SLADE: Thanks for the correction

CHAIRPERSON CROSS-REID: Okay.

MR. SLADE: The first half of the tape is in this location, and then the second half of the tape, which we'll come to in a minute or two will be out on Jonquil Street, where we wanted to show how the vehicles would enter the 16th Street traffic.

(Whereupon, the videotape was played.

MR. SLADE: You can just see the other monitor up at the north end of the driveway, and he's aiding the virtual children getting out of the car.

Now, you can see two vehicles in this location, and they would be dropping off in this location. The children would be escorted to the school safely. The darker pavement is on the Ohev Shalom property.

Now we're near the intersection of the alley with Juniper, and we're looking at Juniper Street -- I'm sorry -- Jonquil Street, looking east towards 16th. I think we're looking across the landing of the stairs in the entrance, the main entrance or the Jonquil Street entrance to the synagogue. The main entrance is actually on 16th.

So in the far background you see southbound traffic and northbound traffic on 16th passing by, and then you'll see the cars as they come out of the alley and make the right turn, drive across the screen to 16th, and then wait to turn right onto 16th Street.

COMMISSIONER SOCKWELL: Mr. Slade, at what time of day was this done?

MR. SLADE: The time is shown accurately on the screen, Mr. Sockwell. We started at eight -

COMMISSIONER SOCKWELL: I never look at that stuff.

(Laughter.)

MR. SLADE: We started at 8:00 a.m. and went through 8:25. The school plans to start school at 8:25.

COMMISSIONER SOCKWELL: This was a week day?

MR. SLADE: Yes.

CHAIRPERSON CROSS-REID: That's important, huh

MR. SLADE: Mr. Sockwell or members of the Board, I think this is the cycle where we have a car waiting to turn left to go out onto 16th. Maybe I'm wrong, but at some point, and I'll try to alert you to it, there is a vehicle that wants to turn left. It's not one of the five cars we have circulating around the synagogue, and you'll see the back-up that that causes. It's just a few vehicles.

I think one of the things to note is the traffic on 16th. It flows heavily for a period of time, and then there's a break, and that's because of the signal at Kalmiah, which is one block to the north, and that signal causes that break in the southbound flow of traffic.

Members of the Board, the day we did the survey was a Tuesday morning, and it was the day of the primary election in Maryland, and we don't know the degree to which that affected traffic on 16th Street.

CHAIRPERSON CROSS-REID: Order, please.

MR. SLADE: But I wanted to point that out.

Madame Chair, members of the Board, one last point. This was done on election day. It was an unfortunate coincidence or we didn't realize when we set up the date. The idea was to invite the neighbors to be here for the simulation before an ANC meeting. So we had no flexibility in the time.

We did do a trial the week before on a normal

traffic day, and the simulation went very similarly. The number of cars backing up on Jonquil trying to get onto 16th was no more, no less than what we saw today. The activity in the alley was identical essentially with, you know, two or three cars typically the most dwelling while they were simulating the unloading of children.

COMMISSIONER SOCKWELL: Mr. Slade, while election days in the District and election days in Maryland are probably fairly similar, generally the heaviest traffic or the heavier traffic at the polls is later in the day rather than at seven or eight in the morning.

I don't personally see that there would be a great deal of difference in the traffic flow. It's not a holiday.

CHAIRPERSON CROSS-REID: Sometimes, well, in all fairness, sometimes the traffic in the morning before people go to work is heavier. It depends on the neighborhood. Then you have the evening. So, you know, it varies. So I don't know if that really has that great a bearing.

MS. DOBBINS: Madame Chair, we just wanted to bring that to the Board's attention so you would understand the circumstances under which the simulation actually occurred.

CHAIRPERSON CROSS-REID: Okay. Thank you.

I have questions. Board members?

COMMISSIONER RENSHAW: Do we have any film of the activity across the street in the alley?

MR. SLADE: No, we do not.

COMMISSIONER RENSHAW: Okay.

MS. DOBBINS: Ms. Renshaw, you understand we were not doing drop-off and pick-up in the alley across the street.

CHAIRPERSON CROSS-REID: I'm sorry. Give me your name, sir.

MR. HAIRSTON: Hairston.

CHAIRPERSON CROSS-REID: Mr. Hairston?

MR. HAIRSTON: Right.

CHAIRPERSON CROSS-REID: The ANC representative. Did you have questions?

MR. HAIRSTON: I wanted to respond.

MS. PRUITT: You can't.

CHAIRPERSON CROSS-REID: Well, you can't really do that, but you will be able to ask questions of Mr. Slade germane to this particular --

MR. HAIRSTON: I just wanted to --

CHAIRPERSON CROSS-REID: However, during your presentation, Mr. Hairston --

MR. HAIRSTON: Yes, ma'am.

CHAIRPERSON CROSS-REID: -- you can testify

MR. HAIRSTON: Thank you very much.

CHAIRPERSON CROSS-REID: You're quite welcome.

Now, I had some questions, Mr. Slade, one of which was in this simulation, the objective was to create the kind of

environment that would most likely occur during the drop-off in the morning, and the first question is: would that person who is standing there be there every morning always during the drop-off time?

MR. SLADE: Yes.

CHAIRPERSON CROSS-REID: Rain, snow, sleet, hail

MR. SLADE: Yes, ma'am, especially on those days.

CHAIRPERSON CROSS-REID: All right. Now, the garage. Do you know who owns that garage?

MR. SLADE: No, I --

CHAIRPERSON CROSS-REID: Did you have any discussion with anyone in the neighborhood regarding --

MR. SLADE: Dr. Johnson was one of the neighbors who we spoke with, and that may be his garage. I'm not sure which driveway that is.

COMMISSIONER SOCKWELL: 1624 Jonquil.

CHAIRPERSON CROSS-REID: And did you have a discussion with that person? Because that person seems to be the most impacted.

MR. SLADE: Well, there are --

CHAIRPERSON CROSS-REID: Where the cars are going to be stopping.

MR. SLADE: There are several driveways in the alley, and Dr. Johnson was one of the neighbors who did come to the series of community meetings, and we discussed his access to

his garage with him.

CHAIRPERSON CROSS-REID: Okay, okay.

MR. SLADE: I don't know if that's his particular -

-

CHAIRPERSON CROSS-REID: Okay. My question --

MR. SLADE: -- garage.

CHAIRPERSON CROSS-REID: -- is in the simulation, that appears to be the most impacted garage. You're saying that there are other garages that are equally as impacted?

MR. SLADE: There are other driveways to garages and parking places along the alley.

CHAIRPERSON CROSS-REID: That are impacted. Okay. So the issue is how do those persons -- if the cars are coming in, you said you only anticipate about 40 cars?

MR. SLADE: Yes.

CHAIRPERSON CROSS-REID: Out of the entire population of the school? How did you come to that number?

MR. SLADE: The number of students in Ohev Shalom, which is the school we were -- synagogue we were looking at, and the current carpool ratio, the van, the provision of van service, which will bring some of the students to school, which will reduce the number of cars, and the carpool program which the school will implement as part of the transportation management plan --

CHAIRPERSON CROSS-REID: Okay. So --

MR. SLADE: -- will -- will reduce the traffic to

this level.

CHAIRPERSON CROSS-REID: Okay. So we're saying 40 vehicles. Now, I wasn't clear in looking at that video as to the sequencing. How is the sequencing going to be handled? What control do you have over that?

MR. SLADE: Well, as each vehicle arrives during the 25 minute period between 8:00 a.m. and 8:25, they'll make a right turn off of 16th onto Juniper, which was at the far left end of the screen. You couldn't see it, but that's where the cars were all coming from. They were required to come up the alley in the direction that you saw.

They'll drive as far as they can to either the top end of the alley or behind the vehicle that's preceding them, where they'll stop, put the car in park. The monitor will open the door so that the children can get out, and they'll wait until it's clear for them to proceed through the alley.

The idea to deal with the driveways like the one you could see was that each of those driveways would have a monitor in the proximity of the driveway so that a parent wouldn't stop in front of the driveway and be unloading a child at the moment that someone is coming out or trying to get into their garage. They'd have them -- so our neighbors would have maneuvering room to get out of their driveway

CHAIRPERSON CROSS-REID: So you're saying there's more than one monitor.

MR. SLADE: Yes.

CHAIRPERSON CROSS-REID: There will be at least two?

MR. SLADE: Brenda Krieger has been working with the school on the development of the monitoring plan, and she can go into the details of that now if you'd like.

CHAIRPERSON CROSS-REID: Okay.

MS. DOBBINS: Madame Chair, you asked for a monitoring plan to be presented. It's in a packet that you received, and --

CHAIRPERSON CROSS-REID: We just got it.

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: And quite frankly, we will need a couple of minutes to look over it because they just gave it to us.

MS. DOBBINS: And Ms. Krieger can expound on it if you choose.

CHAIRPERSON CROSS-REID: Okay. Now, before we -- okay. Before that though, what I fail to understand is when they cars are coming into that alley, in an ideal world, you know, everything could run smoothly. The car stops and the person gets out, and they continue on, but in the real world when you have those cars that will start to queue in that alley, I don't know how you could possibly control that because there are too many other variables that impact upon that traffic, the weather, or

other contributing factors that you don't have control over

Now, there are factors that you do have control over, and then there are other factors that you don't. Now, when those conditions occur under which you have no control, how do you think you can control what's happening in that alley?

And I think that that is very important in this particular case.

MR. SLADE: The nature of the arrival of the traffic is always spread out over 20 to 25 minutes in the morning. The parents come when the doors open at 8:00 a.m., and they are, of course, all trying to be there by 8:25 a.m.

We did surveys at the current home and the school where 92 vehicles arrive in a 20 to 25 minute period. The maximum back-up during the surveys at the current school location was five vehicles.

Yes, a child may have a sprained ankle and they're on crutches or something, and it'll take them longer to get out of the car. So from time to time there will be --

CHAIRPERSON CROSS-REID: Well, if it's --

MR. SLADE: -- incidences that cause --

CHAIRPERSON CROSS-REID: -- raining or it's snowing or it's some other kind of --

MR. SLADE: But 40 vehicles spread out over 20 to 25 minutes, it's highly unlike that you'll get an accumulation more than what we're seeing on the screen today. Three cars we

expect is the maximum, sometimes four, sometimes five, but the alley can hold many more cars than that, even when we create gaps at the driveways to insure that the neighbors who may be using their driveway at the time that we're in that 20 minute period can get out or get back in.

CHAIRPERSON CROSS-REID: Okay. Now, and I don't know about that. I have a hard time being able to grasp that whole concept. It just -- it -- it just doesn't gel well for me. I don't know about the other Board members, but nonetheless, my last question is on the second part of the tape when the cars were approaching 16th Street, now, the cars that are going to your school will be making the right. That's the plan. Okay.

Now, when a car that is not necessarily one of your cars comes there and they want to make a left, that's a difficult left, and that's a time consuming left. How are you going to -- how are you going to regulate that?

Because then at that point you're going to have variables that you have no control over, and that's going to cause an impact.

MR. SLADE: The Jonquil Street carries a very light amount of traffic. The street is only one block long. It runs between 16th and Juniper. Juniper does carry traffic, significantly more than Jonquil, and Kalmiah, one block to the north where there's a traffic signal, which is also tied into those two streets in the network west of 16th, carries much more

traffic because it's signalized.

So the traffic coming out onto 16th Street from this neighborhood and cutting through this neighborhood prefers to use Kalmiah and Juniper rather than Jonquil. So we did our traffic counts on Jonquil as well as the other streets and found very light traffic volumes.

We looked back at studies that had been done in the past for the Lowell School; the same thing. Jonquil carries a very light amount of traffic.

We're adding 40 vehicles during a 20 to 25 minute period coming out onto 16th at that point, and they're all turning right. The occasional left turning vehicle will cause a delay until that signal at Kalmiah -- and there's a signal further to the south at Holly -- causes a break in traffic and then the left turn can go. The left turning vehicle can go out and go north.

So there will be some delay at that time waiting for that signal. The signal is on a cycle of 80 to 90 seconds, just depending on the traffic flow. That's the duration of the delay waiting for the proper time to make that turn.

CHAIRPERSON CROSS-REID: Well, is the delay predicated upon the existing conditions or the delay anticipated when -- if, in fact, the school were to locate --

MR. SLADE: I'm simply saying when there's a left turning vehicle today or in the future when the school is at this location, a left turning vehicle typically must wait during the

morning rush period until that signal changes.

CHAIRPERSON CROSS-REID: But wouldn't you agree that there would be -- that if there were more vehicles, there would be a greater delay? I mean, isn't that a given?

MR. SLADE: Well, if there's a left turning vehicle creating a delay --

CHAIRPERSON CROSS-REID: Let's assume that there would be a left turning vehicle.

MR. SLADE: Right.

CHAIRPERSON CROSS-REID: So that's a given, Mr. Slade.

MR. SLADE: Right.

CHAIRPERSON CROSS-REID: So with that in mind --

MR. SLADE: And we would add in that 90 second period three or four additional vehicles. So we might have four or five vehicles. When the signal changes, those vehicles move out onto 16th Street

CHAIRPERSON CROSS-REID: Well, again --

MR. SLADE: Just as we do at any intersection in the city, you know. I mean this is not -- we're not creating an unusual situation here. We're creating a situation that's typical, and the traffic volume involved here is very low compared to most streets.

CHAIRPERSON CROSS-REID: Yeah. Be that as it may, you're giving a typical situation prior to the addition of these

other vehicles during that time period, and I think that when that's taken into consideration, then that your analyses, your conclusions would have to differ. It would have to be adjusted because that there's -- I can't see how you can anticipate having the same type of atmosphere, the same type of reaction when there are more cars added

MR. SLADE: Well, I don't think it --

CHAIRPERSON CROSS-REID: Going -- let me also say this, okay, from a personal standpoint. I dread trying to get onto 16th Street when there's no signal, and especially if you're going to have to cross over a southbound lane to get into a northbound lane or vice versa without a signal because sometimes you can be there forever. You don't have any control over that, and that's my only concern, is how can you possibly regulate that left turning vehicle that would then wreck havoc on your whole plan.

MR. SLADE: And, Ms. Reid, I'm not disagreeing with you at all. We're not going to change that. The person who wants to come out of the neighborhood at Jonquil Street to make the left turn will have a delay as they do today, and we can't make that any better.

What seems like an interminably long amount of time is no more than 90 seconds while you're waiting for the signal at Kalmiah, and then that's when that left turn can go.

Yes, we will add some vehicles who are going to

turn right, but they're not going to affect the delay for the person who wants to turn left because that delay depends only on 16th Street traffic, not on the traffic that we're adding.

MS. DOBBINS: Madame Chair, an example of the delay was shown on the tape. There were two vehicles that made left turns in the tape, on the tape

CHAIRPERSON CROSS-REID: That's exactly why I raised the issue.

MS. DOBBINS: Yeah.

CHAIRPERSON CROSS-REID: And Mr. Slade did also say that this particular -- in this instance, it was during the time that there --

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: -- was a -- it was election day --

MS. DOBBINS: Right.

CHAIRPERSON CROSS-REID: -- at that particular time, and there were --

MS. DOBBINS: But you still get the same break in the signals when the signals change is what he's saying.

CHAIRPERSON CROSS-REID: Okay. That's fine

MS. DOBBINS: Yeah.

CHAIRPERSON CROSS-REID: But I still -- I still say that that -- in looking at the tape, it appears to me that that would cause some problems in a normal course of a morning traffic

when you're trying to get out, and even though people who are in your particular -- the Applicant would be turning right. There would be some complication with those people who are trying to turn left because the people who were turning right would have to wait in the queue to get out there to 16th Street, which is not easy in rush hour traffic. That's the whole point I'm making.

MR. SLADE: Madame Chair, if I can make one more comment on the tape, the idea of the simulation was suggested by one of the neighbors of the synagogue. We will use this on other cases. You'll see this on many cases.

I thought it showed -- it gave us an opportunity to show how things are going to work.

CHAIRPERSON CROSS-REID: I don't think -- I don't think you can. I don't think that that -- I really don't feel that you can adequately demonstrate what's going to happen by simulating a circumstance at a given intersection because it doesn't matter. In the best made plans, there are always, again, circumstances or variables that you don't have any control over that have to be factored into the equation to give a true analysis, and I don't think that -- I don't get that impression with this.

MR. SLADE: Well, you know, we -- we did not create any -- we went out and did the simulation on two days. One was an election day, and one was a non-election day.

On the non-election day, there was a police

activity on 16th Street south of the location of the synagogues, which backed traffic up past Jonquil Street. Southbound traffic was backed up past Jonquil Street.

That simulation was very similar to this simulation. It was an unusual event. Traffic around the synagogue operated very much like you saw it here. I'm -- I urge you to ask us more questions about this because I think this is a very compelling demonstration of how this is going to work.

CHAIRPERSON CROSS-REID: Okay. I'm done.

COMMISSIONER MOULDEN: Madame Chair, I feel the video simulation is supportive, but it's not sufficient to justify the actual traffic load. Traffic load is determined in a situation like this by the residents, by local traffic that use the street, teachers, and the parents will drop off their students.

The only way that traffic load can be adequately determined is by traffic impact, load projections or actual trip generations. I feel a more detailed study will adequately determine what the real load is, and this simulation is just minimal support for that.

MS. DOBBINS: Mr. Moulden, the simulation wasn't to determine everything. It was just a part of. The actual transportation impact analysis is included in the Applicant's submission that talks about the trip generations and all of that, and it's in the package with the supporting data from the traffic

counts and things like that.

This was just -- it was just to illustrate what the drop-off and pick-up might look like. It was not to provide --

COMMISSIONER MOULDEN: Okay.

MS. DOBBINS: -- specific data. That's what the traffic impact analysis that Mr. Slade's company undertook actually does with the actual traffic counts, et cetera, et cetera, and then the projections from those that are included in the study

And I think it's at -- which tab are we? Tab H. We did this simulation because a neighbor requested that, and that's basically the reason, to see what it would look like.

COMMISSIONER MOULDEN: Yeah, I recall looking at this study.

MS. DOBBINS: And the appendices include the traffic counts.

COMMISSIONER MOULDEN: The counts are in the appendix?

MS. DOBBINS: The technical appendix, yes. I think it starts at page 21.

COMMISSIONER MOULDEN: Okay. Okay.

COMMISSIONER RENSHAW: Madame Chair.

CHAIRPERSON CROSS-REID: I think Mr. Sockwell indicated --

COMMISSIONER RENSHAW: Un-huh.

COMMISSIONER SOCKWELL: I have just two questions. The first one is did your study, simulation have any -- was there anyone restricting traffic from the neighborhood from entering into your traffic pattern during the simulation?

MR. SLADE: No.

COMMISSIONER SOCKWELL: So, in other words, the simulation at least by nature of its method did not show only traffic that would be generated by this five vehicle round about circulation. It would have included any traffic coming from the neighborhood at that time of morning.

MR. SLADE: Correct.

COMMISSIONER SOCKWELL: And there was nothing done to restrict neighborhood cars from entering into your traffic pattern

MR. SLADE: That is correct.

COMMISSIONER SOCKWELL: Okay. My other question is: is there a reason why the cars coming into the alley were stopped in the alley and not on the paved apron of the Ohev Shalom property? Because that would certainly -- I saw no difference in elevation. It looked like a straight drop-off. I don't understand why the cars were stopped in the alley. I mean you could paint a lay-by (phonetic) eight feet deep which would meet city requirements and pull those cars out of the alley for the purpose of drop-off. I just don't understand why that wasn't done.

MR. SLADE: That paved area you saw will be used for parking. The parking will be along that section of the property.

COMMISSIONER SOCKWELL: So you're saying that actually in order for those cars to open their doors, they will be either in the middle of the alley or pushed to the other side of the alley rather than close to the property line?

MR. SLADE: Well, I think what we saw was the way they will have to operate. I mean they'll --

COMMISSIONER SOCKWELL: Well, this study then was not really -- your simulation wasn't really a good simulation because if you're going to have cars parked on the property of Ohev Shalom, you're going to have to show that those cars exist in a realistic manner in order for the actual drop-off to be realistic.

MR. SLADE: If we put the tape back on again, I think you'd see that the drivers will naturally be some distance out from the edge of the alley. There are telephone poles along that alley that --

COMMISSIONER SOCKWELL: I didn't see any telephone poles anywhere near the area where the drop-offs are taking place at the property, within the property of Ohev Shalom. Now, once one got beyond the property, there would be telephone poles, but the assumption is that you'd want to drop the people off as close to the Ohev Shalom property as possible, if you can do that.

MR. SLADE: There are telephone poles all along that line that we saw. None of them were in the screen, but --

COMMISSIONER SOCKWELL: Therefore, they were irrelevant to this simulation.

MR. SLADE: But let me -- my point, Mr. Sockwell, is that as the motorist is coming up the alley, they're naturally going to stay away from those poles by a couple of feet. So just a natural avoidance that a motorist does, and --

COMMISSIONER SOCKWELL: Well, I'm not wishing to ask you to run the tape again. I believe that what we saw was clear area for vehicles to pull off. If the cars can get onto the property park, then they can't be encumbered by the telephone poles.

MR. SLADE: They can get on the property to park.

COMMISSIONER SOCKWELL: All right. Then so the telephone poles were not relevant to what I said because they didn't show in your picture, and you showed people dropping off, and a fairly long distance probably to accommodate at least three cars without a telephone poll.

MR. SLADE: Our drop-off simulation and the way we would operate the drop-off would be very identical to what we saw on the screen. My point is that the apron will be used for parking, and the vehicles will use the alley.

It's not the intention to have the vehicles stop and allow passengers to get out and leave room for another vehicle

to pass. We don't want to do that. We think it would be unsafe for vehicles to try to pass one another.

The drop-off operation is so smooth and efficient that no vehicle needs to pass. They can simply wait until the queue of vehicles move ahead

COMMISSIONER SOCKWELL: All right. I don't want to belabor this point, Mr. Slade, but what I will say is that what you have is a crossing pattern. You have a pattern of vehicles parking on the lot and a patter of vehicles dropping people off.

Now you say that the lot area that looked like it was clear is going to be filled with cars. It means that people will be either pulling up, backing in, pulling up, pulling into the parking spaces at the same time that people are trying to drop off the students, or at least you didn't show that that doesn't happen.

MR. SLADE: The parking will be used by teachers and staff, and they all are required to be in their parking places before the drop-off beings.

COMMISSIONER SOCKWELL: Well, I think what I --=

MR. SLADE: The vehicles will be not moving.

COMMISSIONER SOCKWELL: I'm not sure what I see. Okay. Thank you.

COMMISSIONER RENSHAW: I just want to clarify. Ms. Dobbins, you said that you're not going to be doing drop-off in the alley across the street at Tafareth Israel?

MS. DOBBINS: Yes, and Mr. Slade can explain the drop-off.

COMMISSIONER RENSHAW: Is that something new? Because I thought you were doing --

MR. SLADE: We'll be using the alley behind Tafareth for circulation, but the width of Juniper Street on the south side of Tafareth is adequate, and there is a drop-off zone along the main entrance to Tafareth there on the north side of Juniper Street. So the vehicles will come --

COMMISSIONER RENSHAW: Between the corner and the alley?

MR. SLADE: Yes.

COMMISSIONER RENSHAW: Is that where you're dropping off?

MR. SLADE: Yes.

COMMISSIONER RENSHAW: And you're going to be running two shuttle vans from across the street over to Tafareth Israel. Is that --

MR. SLADE: Well, the vans will be bringing children and faculty and staff from remote locations, and they'll follow the same drop-off pattern.

COMMISSIONER RENSHAW: But you're going to impact Juniper Street, not the alleys. So you're staying out of the alley.

MR. SLADE: The traffic will circulate down the

alley southbound from Jonquil. It will go through the clockwise circulation pattern making a right turn off of 16th onto Jonquil on the north side of the --

COMMISSIONER RENSHAW: And then come down the alley.

MR. SLADE: Down the alley southbound.

COMMISSIONER RENSHAW: Turn right.

MR. SLADE: Turn right, drop off.

COMMISSIONER RENSHAW: And drop off.

MR. SLADE: Continue to 16th, turn right, and go north on 16th.

COMMISSIONER RENSHAW: But you don't have any film of how that is going to take -- going to look

MR. SLADE: I answered you with a --

COMMISSIONER RENSHAW: No.

MR. SLADE: -- short answer before, but the reason we did the west side rather than the east side was to show how the traffic getting back onto 16th into the heavier southbound flow was going to work. The Ohev Shalom pattern will be more critical because it's more difficult to get onto 16th southbound than it will be to get onto 16th northbound during the morning drop-off.

COMMISSIONER RENSHAW: Are you going to have monitors on 16th Street to keep families from dropping their children off right in front of the synagogues?

MR. SLADE: Yes.

COMMISSIONER RENSHAW: All right. How many monitors do you have?

MR. SLADE: We have the monitor plan that the school has put together, and Brenda Krieger should really answer that question, if you'd like to do that now.

MS. KRIEGER: We will have a monitor on 16th Street making sure people make a right turn. We will also have a monitor at the edge of the alley as it turns onto the street to make sure that (a) people make a right turn and (b) nobody drops off where they're not supposed to.

That's the answer. There are other monitors as well, but those are the two relevant to your question.

COMMISSIONER RENSHAW: Okay.

MS. KRIEGER: And that's on both sides of the street.

COMMISSIONER RENSHAW: All right, and how wide is this alley behind Tafareth Israel?

MR. SLADE: Fifteen feet.

COMMISSIONER RENSHAW: Fifteen feet, and the other side of the street?

MR. SLADE: Fifteen feet.

COMMISSIONER RENSHAW: So both are 15 feet. All right.

How are you going to -- I know you're well meaning, but how are you going to keep family members from turning left

from Tafareth Israel onto 16th Street because they've got to get into town for a meeting?

MR. SLADE: I'm going to suggest that --

COMMISSIONER RENSHAW: I just don't see it. Human nature being what it is, they're going to stay there until they can turn left.

MR. SLADE: That really falls into how the school is going to address this with the parents, and I think it's better answered by one of the other members of the team.

COMMISSIONER RENSHAW: Well, we have some notation from you talking about fines and expulsions and all of that, but I'm sure that you will go into it at a later point. All right.

CHAIRPERSON CROSS-REID: Mr. Moulden, you have one other question?

COMMISSIONER MOULDEN: On the traffic load generation, did you ever go into any detail about the trip generations? I'm not sure about the actual load of traffic that actually will impact the area, the number of cars. Did we actually present that? Was it presented to us?

MR. SLADE: Mr. Moulden, I can give you a summary right now.

COMMISSIONER MOULDEN: I couldn't understand that in the report.

MR. SLADE: At the present time, the school has 180 students, and the morning traffic count at Adas Israel was 92

vehicles, about two cars per -- about two students per car.

We projected a total of 68 at the new locations based on the following: the school will operate one or more vans to locations that are convenient for patients and for public transportation so students can use those vans to get to school rather than have their parents drive to school, and we're anticipating that about 30 students will take advantage of that service.

Then the school will, unlike their current practice, which is to really not aggressively put parents together in carpools, will do a much more effective job in putting carpools together. So we anticipate that the carpool ratio will increase, and so rather than 92 morning trips, we expect the number of automobile trips to reduce to -- automobile and van trips to reduce to about 68.

COMMISSIONER MOULDEN: A total of 68?

MR. SLADE: Yeah, 40 to Ohev Shalom and 28 to Tafareth Israel because the school is split in those proportions, to the two synagogues.

COMMISSIONER MOULDEN: In relations to the total number of trips, particularly to the school, is there any count on the actual volume of other traffic from the residents, local traffic? I couldn't get that from the study. That may impact that traffic

MR. SLADE: Yes. The traffic counts at Juniper and

16th and at Jonquil and 16th to determine the traffic loads today on those two streets, as I was saying earlier, Jonquil Street carries a relatively light amount of traffic because it is not as well -- it's not as heavily used because of the nature of the street network on the east and west side of 16th Street.

Juniper Street does carry a higher amount of traffic, more than you'd anticipate on a residential street, and that is because traffic is cutting through from 16th over to the Lowell School, and traffic is coming out of Rock Creek Park and various locations within Rock Creek Park and --

COMMISSIONER MOULDEN: But what is the amount for each street? That's what I'm trying to get at.

MR. SLADE: I'm going to just give you round numbers. I don't have the numbers in front of me.

COMMISSIONER MOULDEN: Correct.

MR. SLADE: During the morning peak hour, Jonquil had something like -- thank you. Yeah, it's page 14 in our report.

During the morning peak hour, 8:00 a.m. to 9:00 a.m., Jonquil had six vehicles eastbound and 45 vehicles westbound. That's in an hour.

Juniper had 109 vehicles eastbound and 55 vehicles westbound. This is in the section on the west side of the street. The east side volumes are completely different. Jonquil is 60 eastbound, 67 westbound; Juniper 39 eastbound, 14 westbound.

COMMISSIONER MOULDEN: Okay. I think that answers my question. I just couldn't relate the graphics to the text to verify those numbers. Okay. Thank you.

CHAIRPERSON CROSS-REID: Okay. Mr. Slade, well, actually this isn't to Mr. Slade. This is to the Applicant. I don't know who's going to answer the question. This is in regard to the mission of a method in which you're going to impose penalties or fines for people who are in violation of your instructions for drop-off and pick-up.

And having looked over this, I find it rather troubling because what you're proposing is on the first -- first, I guess, it's verbal warnings, and that's plural. I'm wondering -- okay. Let me finish.

Verbal warnings --

MS. DOBBINS: That is not -- the Board asked for a laundry list of sanctions. So what we did is we looked at what other schools do and just gave the list of the kinds of things that could be used as sanctions.

CHAIRPERSON CROSS-REID: Thank you, Ms. Dobbins. May I finish?

MS. DOBBINS: I'm sorry. I just wanted you to know what it is.

CHAIRPERSON CROSS-REID: I understand that. I see. I see that it says laundry list, but let me finish. Okay?

Verbal warnings, written warnings, fines up to

$50,000, requirement to find alternative transportation for students, requirement for students to miss a day in school, and then expulsion.

Now, you said that this is just kind of like put together. It's not -- it is not a -- it is not sequenced properly as to this is what will happen the first time; this will happen the second time; that kind of thing?

MS. DOBBINS: It's not sequenced. Those are just things that we got from other schools.

CHAIRPERSON CROSS-REID: Okay. Now --

MS. DOBBINS: You asked --

CHAIRPERSON CROSS-REID: But from other schools. Okay. But I think specifically we were more asking for what did the Applicant intend to do.

MS. DOBBINS: And that's in the submission as well. It's in --

CHAIRPERSON CROSS-REID: Okay. Now --

MS. DOBBINS: -- in the larger submission

CHAIRPERSON CROSS-REID: You mean this?

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: Okay. Unfortunately, this was given to us as we were coming in. So we have not had the opportunity to be able to read through all of this material. Nonetheless, we will do so at lunchtime, and then we can ask questions after that

MS. DOBBINS: We can give you a brief overview of that.

CHAIRPERSON CROSS-REID: That's where I'm going with this.

MS. DOBBINS: Right.

CHAIRPERSON CROSS-REID: I need to understand --

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: -- what specifically the Applicant intends to do in the event there is someone who is, you know, in violation of the instructions or the rules that have been set forth by the Jewish Primary Day School.

MS. DOBBINS: Okay. Mr. Scaldini can talk about that.

MR. SCALDINI: Good morning. I'm Dick Scaldini. I'm the President of the board of JPDSNC

The board has already voted to require adherence to the traffic management plan by all persons who have children enrolled in the school. We will then link the adherence to the plan to the registration contract. We talked about this last week, and we'll do that because the registration contract references our handbook, which has our rules for all kinds of things, including -- and that's currently at our current site -- how you drop off and pick up and what routes you can take, and we will do the same with the current plan, so that it's part of having the right to register a child in the school.

The monitors who are on the site, and Brenda Krieger and Susan Koss can speak to you in better detail than I on how that arrangement will work, will observe any violations that go on, and a written warning will be issued by the head of school on that, and that is the starting point of the process for seeing to it that parents adhere.

I would also add that in our current location, we have a set of rules and traffic patterns including a no left turn requirement upon exiting our parking lot, and it is enforced, and it is observed by our parents.

CHAIRPERSON CROSS-REID: You've got to understand the question I was asking you because the response that you gave me was different, and what I mean by that is what we're trying to get out arms around is what are the penalties that will be imposed upon anyone who is in violation, not the fact that it's in the handbook, it's an agreement and all of that. What I want to know is what specifically -- are you saying that to date what you have is simply a written warning that you give; that that's the only sanction or penalty that is in place at this time or will be in place?

We want to understand where the teeth in your plan that would actually present parents from violating this. And as you well know, any parent who is taking a child to a school in the morning, in a hurry or whatever, will sometimes break the rules. That's a given.

So to discourage the parent from breaking the rule, we want to know what do you have in place that would achieve that objective to make sure that these run smoothly.

MR. SCALDINI: Okay. The contract that we already have for enrolling a child in the school as a general matter allows the school to act upon a parent or the student --

CHAIRPERSON CROSS-REID: What, Mr. Scaldini? What, what, what?

MR. SCALDINI: Well, it goes all the way up to suspension and --

CHAIRPERSON CROSS-REID: Okay, but what --

MR. SCALDINI: -- expulsion from the school.

CHAIRPERSON CROSS-REID: -- but what is it?

MR. SCALDINI: Okay. Now, what we talked about the other day, and I believe it was Mr. Sockwell who raised the question, can you provide us with some examples of the kinds of steps you could take, and I responded, yes, absolutely. We have no problem with that. We're already doing that research.

But I'm in a point where we haven't -- we're not in a position to be able to have approved by our board of directors just yet.

CHAIRPERSON CROSS-REID: But you were directed to come up with --

MR. SCALDINI: Absolutely, yes.

CHAIRPERSON CROSS-REID: -- something that would be

basically a general type of submission that will reflect for us what your intent was, and then predicated upon approval by the board of directors

MR. SCALDINI: Right.

CHAIRPERSON CROSS-REID: That's what we asked for.

MR. SCALDINI: That's right.

CHAIRPERSON CROSS-REID: And what --

MR. SCALDINI: And we would go to look at measures of the types we've submitted to you by way of illustration.

CHAIRPERSON CROSS-REID: You mean back to this?

MR. SCALDINI: To incorporate.

CHAIRPERSON CROSS-REID: Back to this?

MR. SCALDINI: Yeah, we would then look at those measures to put them in place and what we thought would be most effective and fair and put them in place to enforce the rules of compliance.

CHAIRPERSON CROSS-REID: Okay. So going back to this then, the verbal warnings, the written warnings, the fines, I think that this falls short and us being able to get an understanding as to what intent of the Jewish Primary Day School would be. This is, in my opinion, and I don't know about the other Board members, is rather generalized.

MR. SCALDINI: Yeah.

CHAIRPERSON CROSS-REID: And if you said to us, for example, "We so adamant about the parents not negatively impacting

the neighborhood that we would impose -- everyone knows that if they do something that's in violation, they'll get a fine of X number of dollars first offense," or something like that to basically demonstrate to us that you mean business

MR. SCALDINI: Yeah.

CHAIRPERSON CROSS-REID: That you're serious about this --

MR. SCALDINI: Right.

CHAIRPERSON CROSS-REID: -- and that you're not going to have it, and to have verbal warnings, I mean, who pays attention to that?

MR. SCALDINI: Well --

CHAIRPERSON CROSS-REID: Or even written warnings. I mean until --

MR. SCALDINI: With all due respect --

CHAIRPERSON CROSS-REID: -- until it's something that can really --

MR. SCALDINI: -- our parents do.

CHAIRPERSON CROSS-REID: -- hit home, then we need to see or hear something that we would deem to be effective, an effective plan that would insure or better insure that you would have a minimal impact because it would be such that the parents would not, would probably not, would be unlikely to violate it because they know that if they do that these penalties were going to be imposed, and to suggest that expulsion -- that doesn't make

a lot of sense to me because I cannot imagine how you could justify putting a child out of a school because someone violated a traffic regulation at the school.

Like I said, it's not clear. It is too general for my -- my -- my being able to make a fair assessment for you, and that's what you need to have, is for us to be able to look at it and say, "Well, hey, this is what's happening, but this is what they're trying to do. This makes a lot of sense," and that's not being -- it's not coming -- coming through to us.

COMMISSIONER SOCKWELL: Madame Chair, in looking at this, the listing is a bit too general, I really believe. There's no -- this didn't require a lot of thought, and the thought is usually that which is determined by showing specifics that have been thought out.

A verbal warning, as the chair has suggested seems to me to be unrealistically lacking in strength; that because this is something that is a key portion of the community's issue with regard to this particular project, that any warning would have to be a more forceful warning from the outset because this is a key piece.

So it just seems to me that a written warning would have been the first thing, and I don't want to give this to you on a platter, but a written warning would be the first thing because any warning would have to be written. This is a key piece -- let me finish please -- that fines up to $50 doesn't mean anything at

all, but first offense, second offense, fines established could have been done in two minutes by somebody who thought this out.

And then requirement for alternative transportation could have been described better. This is not something that would have taken two hours. This is something that would have taken 15 minutes with two people sitting down saying, "How is this going to work? What would we have to do?"

What value is a verbal warning? None. I mean that's like a slap on the wrist, "don't do it again." It doesn't mean anything, but if you start documenting something, then you could approach what you say is expulsion, which may or may not be a valid or viable alternative.

But the point is that this really has been done very poorly and doesn't give us anything to work with, nor would it give the community opposition anything to hold onto to say that maybe these people really do intend to do this.

COMMISSIONER RENSHAW: Moreover, parents are going to ask to appeal, and I would imagine that that would have to be factored into this in some way. Also if you have student monitors outside, they are not going to be shall we say of an age and of status to deliver verbal warnings to parents.

MR. SCALDINI: They will not be students

COMMISSIONER RENSHAW: All right. They will not be students, but in any case, we have to have some idea as to who's doing what and, again, a staged plan, first phase, second phase.

Again, this is not much to go on, if anything at all.

MS. DOBBINS: Madame Chair, the Board has actually asked --

CHAIRPERSON CROSS-REID: I'm sorry, Ms. Dobbins. Prior to your speaking, Mr. Moulden did indicate he also wanted to ask a question.

COMMISSIONER MOULDEN: Yeah. I also agree, too, that the rules are too general, and they're directed towards the students, and it's not the students that you really want to adhere to this. It's the parents who are dropping off the students. I think it should be more specific and directed at penalties of the drivers involved, who are the parents in many cases, and not to penalize the students.

CHAIRPERSON CROSS-REID: Is it directed toward the students?

(Simultaneous conversation.)

CHAIRPERSON CROSS-REID: Okay. Ms. Dobbins

MS. DOBBINS: I was about to ask is the Board at this point suggesting that you are asking us for an actual plan, not a laundry list of the kinds of fines and penalties or sanctions that are in place, but you're asking us to have a plan for you?

CHAIRPERSON CROSS-REID: Well, Ms. Dobbins --

MS. DOBBINS: That's not what we understood. That's not -- that's not what we understood.

CHAIRPERSON CROSS-REID: I think that the request was nota laundry list per se. The request was for you to indicate to us how you expected to be able to enforce -- how you expected to be able to enforce any rules or regulations that you imposed on the parents, and it started with your saying that there was not an agreement that the parents had other than in the registration that they had. There was a boiler plate type of document that they signed, and that you all had not worked on specifically specific sanctions, and as such, we asked that you give us -- submit to us what you would propose.

What is it that you would propose that could possibly later be sanctioned by the board.

MS. DOBBINS: The board of directors?

CHAIRPERSON CROSS-REID: Yeah, that's what we said.

COMMISSIONER SOCKWELL: If I might, I would refer --

MR. SCALDINI: We clearly understood you differently.

MS. DOBBINS: We did.

MR. SCALDINI: I have actually no objection to providing you with a plan.

COMMISSIONER SOCKWELL: If I refer to my own notes from the previous meeting, the terms used were "Applicant to provide draft contract conditions."

Now, draft contract conditions and laundry list

don't sound similar to me.

MS. DOBBINS: But we --

COMMISSIONER SOCKWELL: And those are the words that I wrote down specifically, and I believe that it was not unclear to anybody in the room what we wanted.

We knew that the boards could not provide a documented, approved conditions contract. We knew that. That was your statement to us, but we wanted a draft of the conditions, and this isn't a draft.

MS. DOBBINS: Mr. Sockwell, we understood there to be two different things. The draft contract was to be included in this enrollment contract, and it does talk about the parents and guardians having to accept the rules, regulations, requirements of the handbook, and it goes on to talk about the administration, teachers and staff shall take all action necessary, and it also talks about severing the relationship between the school and the student for failure to do that.

COMMISSIONER SOCKWELL: I understand that, Ms. Dobbins.

MS. DOBBINS: And those are the --

COMMISSIONER SOCKWELL: But what I said was draft contract conditions. I didn't say draft contract. I said conditions. "Conditions" is the operative word here.

MR. SCALDINI: Could I --

CHAIRPERSON CROSS-REID: Okay.

MR. SCALDINI: You asked us about the work that we did on this, and I believe that it's part of the submission or we can make it part of it.

We went to a variety of schools and their rules, and we have copies of the materials that we looked at to see what they actually do.

CHAIRPERSON CROSS-REID: Yeah, but you didn't have to do that. I mean all you had to do -- all you had to do, as Mr. Sockwell said, was to sit down and brainstorm --

MR. SCALDINI: Right.

CHAIRPERSON CROSS-REID: -- and say, "Okay. This is our objective. This is our goal, and this is how we're going to reach that goal by imposing this, this, and that," and bringing that.

MR. SCALDINI: Right.

CHAIRPERSON CROSS-REID: That's all. It wasn't more complicated than that.

Okay. Thank you.

Let's move on. Unless there are any other questions, we'll go down to the cross examination. Mr. Humphries, you can start.

MR. HUMPHRIES: Thank you, Madame Chair

We have a few questions to follow up on the questions presented by the Board. It was also our understanding that draft contract conditions would be presented and not what we

have received, quite frankly.

CHAIRPERSON CROSS-REID: Okay. Did you submit any questions for the Applicant to have responded to in the interim?

MR. HUMPHRIES: No, we did not submit questions to them.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: No. We did ask, however, on Sunday for a meeting with the governing board, and we conveyed that through the Chairman of the ANC to counsel for the Applicant, with the idea that perhaps we could have some more fuller discussion, if, in fact, representatives of the neighbors could come together with the governing board, members of the governing board of the Jewish Primary Day School.

CHAIRPERSON CROSS-REID: Have you gotten a response yet?

MR. HUMPHRIES: We received a response. I was informed by the Chairman that because Monday, I believe, was a holy day, that it was difficult -- please, if you would.

MS. DOBBINS: It started on sundown on Monday, and there was no opportunity to get the board of directors together, but we did, in fact, get to meet with the opponents on Sunday at our request. They met with us.

So we've had at least one meeting, and we were not able to get the board of directors for their meeting because of the Jewish holiday that started at sundown, and the board is a 21

percent board, and we would need to have gotten a quorum, and we were not able to do that.

MR. HUMPHRIES: So we have that request outstanding, Madame Chair.

We did meet on Sunday. We left church and came to meet and met from, indeed, one to four at the request of --

CHAIRPERSON CROSS-REID: When you say "one to four" do you mean time-wise?

MR. HUMPHRIES: One to four, time-wise, correct. One to four in the office of the ANC-4, at the request of Council Member Charlene Jujarvis (phonetic).

CHAIRPERSON CROSS-REID: Met with who?

MR. HUMPHRIES: We met with Mr. Scaldini, and we met with individuals who were represented to us as being people who started the school.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: But we did not meet with the Board of Governors.

CHAIRPERSON CROSS-REID: Okay. Well, Mr. Humphries, at this time we will reserve for your cross examination. However, during the testimony, direct testimony, at that point the Board members may have some questions regarding that particular meeting.

MR. HUMPHRIES: Correct.

CHAIRPERSON CROSS-REID: The specifics thereof.

MR. HUMPHRIES: Okay, sure.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: We have just a few, just a few questions to ask, and we might ask Mr. Slade with regard to the simulation whether or not the simulation took into regard the fact that, as we understand, the children who will attend Ohev Shalom are K through three; is that correct?

MR. SLADE: Correct.

MR. HUMPHRIES: And that those children will be -- because by law, must be seated in child safety seats, and did the simulation take into consideration child safety seats and the law of the District of Columbia?

MR. SLADE: When we set up the simulation, we discussed how much time the vehicles should dwell with the doors open simulating the children getting out of the car, and we did set a time that we thought was reasonable. I don't remember how many seconds we set for that particular event in the cycle of things, but --

MR. HUMPHRIES: So you don't recall?

MR. SLADE: -- we did have it in mind, yes.

MR. HUMPHRIES: So you don't recall specifically that the discussion involved the District laws concerning the mandatory use of child safety seats?

MR. SLADE: Well, we did take that into account. Brenda Krieger just mentioned to me that we set 20 seconds as the

dwell time for each vehicle.

MR. HUMPHRIES: Twenty seconds as the time, and with that, did you take into consideration some of the other controllable factors, such as a child perhaps arriving with a shoe off and the parent having to turn and assist the child in putting the shoe on before the child got out or the normal enthusiasm that a child has in going to school, particularly -- let's see. If we're talking about kindergarten, what age are we talking about?

CHAIRPERSON CROSS-REID: Five.

MR. SLADE: Five years old.

MR. HUMPHRIES: Five. So we're talking about five, six, and seven year olds.

MR. SLADE: And eight.

MR. HUMPHRIES: And eight year olds.

CHAIRPERSON CROSS-REID: K through three, correct?

MR. SLADE: As I said, we thought that the 20 second period was a good average to use for this age group.

MR. HUMPHRIES: Now, did -- and I guess my question then to help us understand, did you consult with other schools with regard to their experiences with how long it takes for children who are five, six, seven years old to exit a car and the different variables that would interfere with an essentially perfect exit?

MR. SLADE: Not a consultation, but we've worked with a number of school, and have observed their carpool

operations on many occasions, including Jewish Primary Day School at their current location.

MR. HUMPHRIES: You will agree though that -- you'll agree that in conjunction with this plan, I mean, really cutting to the chase, as has been indicated, that measuring the movements of virtual children in no way approximates measuring the movements of real children.

MR. SLADE: As I said, we did surveys at Adas Israel, and with 92 cars our maximum back-up was five, and of course, the factor in that back-up is how long it takes for the children to disembark from the automobile.

MR. HUMPHRIES: Now that you mention Adas Israel, how large is -- in square footage -- is the parking area at Adas Israel?

MR. SLADE: I don't know.

MR. HUMPHRIES: Anybody? Since you've raised it and said that there's a difference, how large is the area? You don't know?

MR. SLADE: Don't know.

MR. HUMPHRIES: Larger, smaller than the area at Ohev Shalom?

MR. SLADE: Larger.

MR. HUMPHRIES: Larger. Two times as large, three times as large?

MR. SLADE: It's serving --

MR. HUMPHRIES: Four times?

MR. SLADE: -- a large number of functions. It's parking cars for a lot of activities at that synagogue. So, yes, it's considerably larger, but --

MR. HUMPHRIES: Well, perhaps even ten times as large as the area that we're working with.

MR. SLADE: I really don't know.

MR. HUMPHRIES: Might I ask you to provide us with the information in terms of square feet?

MS. DOBBINS: Madame Chair, could I ask what the relevance is --

CHAIRPERSON CROSS-REID: Sure.

MS. DOBBINS: -- for parking at --

CHAIRPERSON CROSS-REID: Sure.

MS. DOBBINS: -- at -- what's the -- no, I'm asking --

MR. HUMPHRIES: Your expert raised it.

MS. DOBBINS: No, he did not.

CHAIRPERSON CROSS-REID: I think what they want to know is what is the --

MR. HUMPHRIES: Relative to the --

CHAIRPERSON CROSS-REID: -- give us information as to why.

MR. HUMPHRIES: Right. What is the relative experience because Mr. Slade has raised the issue of queuing at

Adas Israel as a basis for comparing how it would work at Ohev Shalom, and so we're trying to figure out whether we're comparing apples and oranges or we're comparing apples and apples or we're comparing bananas and bananas. Are we comparing 50 square foot versus 150 square feet?

MS. DOBBINS: You asked about the time required for the pick-up and drop-off, and then you asked the question about parking. So I'm asking --

CHAIRPERSON CROSS-REID: Adas Israel is located where, Mr. Humphries?

MR. HUMPHRIES: Connecticut and Porter.

CHAIRPERSON CROSS-REID: Okay. Now, remember we're only dealing with this particular Applicant and this particular, specific site. In this instance there are two, but nonetheless, it's one Applicant, and you cannot bring anything in that is not germane to this particular application and those sites that pertain to this application.

MR. HUMPHRIES: I understand the direction and the parameters that you're establishing, Madame Chair. It was Mr. Slade who raised that as a basis of comparison when he indicated that the experience at Adas Israel showed that they operated it, and it operated very smoothly.

CHAIRPERSON CROSS-REID: I think, Mr. Slade -- if I'm mistaken you can correct me -- was using it as a reference.

MR. SLADE: More a management reference.

CHAIRPERSON CROSS-REID: Yes. Not for us to consider. I'm sure he did not initially, having testified before us many, many, many times, would not use that, proffer that to us for any analysis of this particular application. I think he used it as a framework for a reference indication of something to make a point, but not to belabor this particular --

MR. HUMPHRIES: I understand, but, Mr. Slade, you're using that as an indication of the experience that you have, not as a comparison point Ohev Shalom or with Tafareth Israel.

MR. SLADE: Yes.

(Laughter.)

MR. HUMPHRIES: Okay. Thank you.

So when we read your report then in its entirety, any reference that you make then to Adas Israel is not offered as a point of credibility to support the credibility or worthiness of the plan at Adas Israel or Ohev Shalom; is that correct? It's simply management

CHAIRPERSON CROSS-REID: Go ahead and answer, please, Mr. Slade.

MS. DOBBINS: Madame Chair, could he repeat that question, please?

MR. HUMPHRIES: Well --

CHAIRPERSON CROSS-REID: Did Mr. Slade understanding it?

MS. DOBBINS: I'm not sure.

CHAIRPERSON CROSS-REID: Did you understand it? He was going to answer it.

COMMISSIONER SOCKWELL: I think the operative word here was credibility. So you have to determine in what context Mr. Humphries is speaking.

MR. SLADE: I think I do need the question repeated, please.

MR. HUMPHRIES: Sure. With regard to your reference to Adas Israel, you've indicated that you referenced Adas Israel simply to demonstrate that you have the management ability and your management background with regard to setting up whatever you set up at Adas Israel not as a reference point for us to use in conjunction with evaluating the worthiness of your plan at Ohev Shalom or TI.

That means just simply it's not an index. It's not a base. It's just simply an indication of your background.

MS. DOBBINS: Are you indicating only for that one question that you asked previously related to Adas?

MR. HUMPHRIES: Madame Chair, I'm just trying to cut to the chase, and the chase is that Mr. Slade indicates that his experience at Adas, and I agree, is simply for management purposes to indicate his background, but it's not as a reference point for the credibility.

CHAIRPERSON CROSS-REID: Okay. Let's approach it

like this, Mr. Humphries.

Mr. Slade, explain why you used a reference to the facility on Connecticut Avenue. Let's clarify it once and for all and we can move on.

MR. HUMPHRIES: Thank you.

MR. SLADE: The operation at Adas gives us indications in many ways about the operation at wherever the school will be located in the future. That's the way the school operates.

So, of course, we do look at how the school operates at its current location to determine -- make determinations that we can use in defining how it's going to operate in its future location, but it's part of a broad experience I have with a large number of schools. We've worked with over 2,500 schools.

CHAIRPERSON CROSS-REID: Okay. So basically you're saying that you're trying to draw an analogy between other school and the school that you are now analyzing; is that correct?

MR. SLADE: I was simply trying to explain that the basis of assumption that we've made in our studies --

CHAIRPERSON CROSS-REID: Are predicated upon your experience with other schools.

MR. SLADE: On our experience with other schools, including this school.

CHAIRPERSON CROSS-REID: And that's the end of it.

That's the answer.

MR. HUMPHRIES: Madame Chair, we might ask that we strike then reference throughout the entire report to Adas Israel, and perhaps if Mr. Slade might select one of the other 25 schools that he has referred to so that we don't have a confusion with regard to the reference to Adas, since Adas is a part of the history of this activity. I think we could clarify terms. Perhaps one of the other schools that you've listed in your --

MS. DOBBINS: Madame Chair, I would object. I would object because the operations associated with the school as it operates now tells you or determines how a school would possibly operate at another location. It's the source of information provided that provides the Board the information related to possible impacts or non-impacts associated with the operation of school at another site.

MR. HUMPHRIES: Then, Madame Chair, based on what counsel has said, we then should be given the opportunity to question Mr. Slade about the operation and the circumstances and characteristics of the analogous situation that he's invoked.

Counsel has just said --

MS. DOBBINS: And Mr. --

CHAIRPERSON CROSS-REID: Just one second. Ms. Dobbins, just one second. Okay?

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: Let me just --

MR. HUMPHRIES: Yes, ma'am.

CHAIRPERSON CROSS-REID: -- confer with the staff.

(The Board conferred.)

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: Mr. Slade, where is Adas Israel listed in your or described in your traffic impact analysis report?

MR. SLADE: In the first section where we discuss the operation of the school. I think there would be -- I assume there would be references. I haven't looked at this in a while.

MR. HUMPHRIES: I was unable to locate it.

MR. SLADE: So I'm looking at the bottom of page 1, last paragraph.

CHAIRPERSON CROSS-REID: What exhibit is it?

MR. SLADE: Exhibit H.

CHAIRPERSON CROSS-REID: Is that page 1?

MR. HUMPHRIES: So where is it?

MR. SLADE: The last paragraph talks about JPDSNC currently has 180 students. These students arrive at school in 92 vehicles. It goes on about how the number of students per carpool.

Then the top of the next page, and that's really talking about surveys we did at Adas Israel.

MR. HUMPHRIES: I see.

CHAIRPERSON CROSS-REID: You don't specifically

refer to -- I don't see it. This is where we were getting confused because it's not specifically referenced, and basically this is a general --

MR. SLADE: The top of the first page, it says, "Currently located Adas Israel," and then it's going on.

CHAIRPERSON CROSS-REID: Oh.

MR. SLADE: And the section I was talking about --

CHAIRPERSON CROSS-REID: Other than --

MR. SLADE: -- defines --

CHAIRPERSON CROSS-REID: Okay. Here's what we want to get straight. Other than a passing reference to Adas Israel, I think, Mr. Humphries, the intent was just you have to get an understanding of their current operations, and that is what is ordinarily and typically submitted with an applicant, because we have to have some idea of the framework in which they're operating in.

However, that is -- what we're trying to distinguish is a passing reference, but there is not a distinction being made or any analogy being drawn as far as Adas Israel is concerned, and if there is, the decision we made that if there is and analysis being drawn with Adas Israel in that facility, then that would be stricken because that is not germane to that particular case.

We're only going to be looking at this application and these two sites specifically.

MR. HUMPHRIES: I think if I --

COMMISSIONER SOCKWELL: Before you answer, Madame Chair, I would like to say that it appears that part of the Adas Israel reference is to establish peak impact times and a particular issue of queue has been brought up based on the Adas Israel experience.

Now, that queue issue might be disputable based on the fact that we are talking about a different facility entirely with different access points and different access issues, and I think that the Board is sophisticated enough to be able to look through some of these issues. We're not the children that are going to be housed at JPDS or JPDS.

So I think that we should get beyond this. I don't see anything of particular importance. There's no smoking gun here for either the Applicant or the opponent as I can see it, at least not in this section.

CHAIRPERSON CROSS-REID: Okay. Mr. Humphries, do you understand what we're saying? If it is used to give some type of particular deference to -- if Adas Israel is being used to give some deference to the manner in which this particular facility will be operated that's different as far as the peak hours and when the cars queue and what have you, we're not looking at that.

The only thing that we're looking at is them proffering to us how they operated their current school, but not using that as a basis for us determining how they will operate

this school. Okay? And I think that we're all clear on that. I think that we're all on the same page with that. That's not being done.

COMMISSIONER SOCKWELL: And I might caution Mr. Slade not to use references to Adas Israel that might have a physical space relationship impact that you would just use such references for management related discussion --

CHAIRPERSON CROSS-REID: Right.

COMMISSIONER SOCKWELL: -- and background of history of the operation of the school.

CHAIRPERSON CROSS-REID: Okay. Now we'll move on.

MR. HUMPHRIES: Okay. Madame Chair, we do believe that it is -- the reference that has been used throughout is material and relevant to the report and to establishing the foundation for which the report is entered, and we would reserve our right to make a motion to strike portions of the report.

CHAIRPERSON CROSS-REID: We did.

MR. HUMPHRIES: And so Madame Chair you're --

CHAIRPERSON CROSS-REID: That's done.

MR. HUMPHRIES: -- you're denying then our objection?

CHAIRPERSON CROSS-REID: Mr. Humphries, are you not understanding or hearing what I said? We said yes --

MR. HUMPHRIES: Okay.

CHAIRPERSON CROSS-REID: -- that we would uphold

your objection.

MR. HUMPHRIES: Thank you.

CHAIRPERSON CROSS-REID: And that we would strike from the record any references that were in the submission that was used in support of talking to us, how in fact this particular facility would be operated here. And the only thing that we would accept was the management aspect of it and passing reference to what, in fact, the Jewish Primary Day School is and how it's operated.

I hope you understand what I'm saying, but those things that are objectionable will not be a part of the record or they will be stricken.

MR. HUMPHRIES: Fine. Okay. Thank you.

I believe I understand now, Madame Chair.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: Thank you very much.

With regard to the discussion, Mr. Slade, which took place concerning the turns at Jonquil and Juniper once the driver left Ohev Shalom and exited the alley and made a right turn onto Jonquil, did you as part of this study conduct any turning maneuver studies or analysis at any of the intersections?

MR. SLADE: By the term "turning maneuver," I want to make sure I understand the terminology you're using. Turning maneuver studies in our jargon has to do with the ability of the vehicle to make the turn within the geometry of the curb line and

the lanes. Is that what you mean by the question?

MR. HUMPHRIES: Or turning movement studies, studies which would measure -- I'll cut to the heart of it -- studies which would measure how many cars made a left turn, for instance, off of 16th onto Juniper and/or made a right turn on Jonquil onto 16th or made a left turn from 16th onto Jonquil going west or made a left turn from 16th Street onto Juniper going east.

MR. SLADE: The answer is yes.

MR. HUMPHRIES: And can you show us in your report where it is?

MR. SLADE: I'm in the appendix, which starts on page 21, and the first four pages of the appendix summarize the turning movement counts.

MR. HUMPHRIES: I'm sorry, sir. If I could bring my book over here.

COMMISSIONER SOCKWELL: Yeah, you're looking at the right page. That's a tabulation of the turning movement counts.

Can you help us understand what this says?

MR. SLADE: The traffic is counted much as you describe, that every movement through the intersection is counted. It's summarized in 15 minutes time increments. So the rows in the first large table are 15 minute periods of time, and the columns describe the movement southbound, right, through or left.

So, for example, between 7:30 and 7:45 in the southbound direction there were no right turns. This is from 16th

onto Jonquil. There were 490 cars going straight through. There were four left turns from southbound 16th onto Jonquil going eastbound, and so that first table gives the law data in the counts and 15 increments of time.

Then the next part of the table summarizes that information, and then the diagram at the bottom gives the peak hour totals, and I'll describe one of the quadrants, again, southbound during the peak hour, eight to 9:00 a.m. There were 1,719 through movements. that's the number in the middle, in the upper left-hand corner of that diagram. Sixteen cars turned right on Jonquil, and 39 cars turned left on Jonquil from the southbound direction on 16th Street.

MR. HUMPHRIES: Now, 1,719 southbound. Thirty-nine of those cars turned left onto Jonquil going east?

MR. SLADE: Correct.

MR. HUMPHRIES: And 16 of those cars turned westbound on Jonquil.

MR. SLADE: Correct.

MR. HUMPHRIES: Okay. And if we go over then to the Juniper and 16th intersection at that time. I'm just trying to understand how the plan is going to work here in its totality.

MR. SLADE: The third page in this series of four pages is Juniper and 16th, and I think it's best to just cut down to the diagram in the lower left-hand corner because those summarizes those totals that we talked about. This is the morning

peak hour.

This shows 1,704 vehicles southbound moving straight through past Juniper on 16th Street. Two cars turned right onto Juniper, and 29 cars turned left onto Juniper to go eastbound on Juniper. That's the southbound direction, again, just a quick summary.

MR. HUMPHRIES: So now going northbound?

MR. SLADE: Six hundred and ninety-seven going northbound through the intersection. Forty turned left from northbound 16th Street to westbound Juniper and --

MR. HUMPHRIES: Your simulation --

MR. SLADE: -- two turned right.

MR. HUMPHRIES: Your simulation didn't show those cars, those 40 cars turning left into Juniper going westbound as you -- in fact, your simulation didn't show Juniper's intersection at all, did it?

MR. SLADE: Well, we used Juniper Street in the simulation. We drove around the block using Juniper Street. We didn't have the video camera in that location.

MR. HUMPHRIES: But your simulation did not show it; is that correct? You didn't have a video camera and you did not show --

MR. SLADE: Correct.

MR. HUMPHRIES: -- the traffic.

MR. SLADE: We didn't videotape Juniper Street.

MR. HUMPHRIES: All right. So --

MR. SLADE: We used Juniper Street in the simulation.

MR. HUMPHRIES: So basically we don't -- you don't have any information which shows the left traffic southbound -- northbound on 16th Street making a left into Juniper, which would probably intersect -- and you probably need your chart that you had that you've done so nicely so that we could show visually what we're talking about because it kind of gets abstract a little bit.

What we're talking about is that northbound traffic on --

CHAIRPERSON CROSS-REID: You can set the easel up.

MR. HUMPHRIES: Okay.

CHAIRPERSON CROSS-REID: It's right over there.

MR. HUMPHRIES: This is prepared by one of the neighbors.

CHAIRPERSON CROSS-REID: Okay. Mr. Humphries, could you make --

MR. HUMPHRIES: I'm sorry.

CHAIRPERSON CROSS-REID: What you can do is speak into the mic.

MR. HUMPHRIES: Yes, ma'am.

CHAIRPERSON CROSS-REID: And do you have the pointer, Mr. Sockwell? And then you can use the --

MR. HUMPHRIES: Yes, sir.

CHAIRPERSON CROSS-REID: Oh, okay. Use the pointer so that we can hear what you're saying.

COMMISSIONER SOCKWELL: Right here.

MR. HUMPHRIES: Okay. To pick up on the point that the chair and Commissioners made concerning the credibility of the simulation, we're looking at Juniper here and 16th Street and the Juniper intersection, and there is Ohev Shalom.

We saw a videotape which -- I'm sorry. We saw a videotape which provided a simulation of cars dropping off in this alley right here behind the site on the west side.

And what I'm asking Mr. Slade is: how does the movement here making a left turn here onto Juniper Street to go down here intersect with the traffic here that's going southbound and the traffic apparently will be turning right here to go into the alley here?

We don't have any -- I'm looking for some information about the merging of traffic.

MR. SLADE: Mr. Humphries, that will work just like every other intersection in the city, left turns turning onto streets and right turns turning onto streets. Everyone has -- there's a priority set of rights-of-way, and left turns yield to through traffic and left turns yield to right turning traffic.

This is not unusual. It's just like every other intersection in the city.

MR. HUMPHRIES: But you didn't put that in your

simulation.

MR. SLADE: The vehicles --

MS. DOBBINS: In the video.

MR. SLADE: The vehicles --

MR. HUMPHRIES: The video.

MR. SLADE: -- our traffic -- our traffic made that turn, and, yes, we did simulate what it will be like when the school is at this location, assuming the BZA grants this application.

We did simulate it. We did not videotape it.

MR. HUMPHRIES: I don't want to belabor the point. We'll just move on because there are some other just questions I'd like to ask in regard to that.

I'd like to just follow up just real briefly with regard to what your studies show when a parent, going back to the -- and it's just going to be one question -- what your studies show with regard to a parent who is buckled up, okay, who then has to unbuckle his or her seatbelt in order to get out to assist the child who is buckled up or in a child safety seat, to then get out. In terms --

MR. SLADE: As a --

MR. HUMPHRIES: Because I then -- because I'm trying to figure out whether 20 seconds -- I mean you've got 2.7 children in the car. You've got 40 cars, 115. That's 2. -- actually it's 2.8 children in the car. So we don't have one

child. We have 2.8 children getting out.

So if we round it off, maybe we'll have three. Maybe we'll have two. So now you're telling us -- and I'm trying to figure out -- is the 20 seconds for one child? Is the 20 seconds for two children? Is the 20 seconds for three children?

MR. SLADE: We --

MR. HUMPHRIES: Does it matter whether it's a sedan or a minivan?

MR. SLADE: It's -- 20 seconds was intended to be an average that was valid for all of those variables that you've mentioned.

COMMISSIONER SOCKWELL: Mr. Humphries, let me ask this quick question.

MR. HUMPHRIES: Yes, sir.

COMMISSIONER SOCKWELL: Your 2.8 children came from -- I mean what's your analogy on 2.8?

MR. HUMPHRIES: Oh, I'm sorry. The 40 vehicles and 115 students. That's the -- those are the numbers that Mr. Slade gave.

CHAIRPERSON CROSS-REID: It's not 115. What's the number?

MR. HUMPHRIES: One, fifteen.

CHAIRPERSON CROSS-REID: What is the number here?

MS. DOBBINS: No, for that particular site, I think the maximum number would have been 120, but some of those children

will be coming by van. So the calculation for the vehicle incorporates the use of vans. So it's not 2.8.

COMMISSIONER SOCKWELL: I mean, realistically can you not provide a virtually -- I hate to use the term "virtually" -- nearly real child per car count based on the fact that you have real children and real cars? I mean this isn't something that you really have to speculate on, with the exception of some children that might not wind up moving to the site should it be approved.

But the point is that you could actually pinpoint how many cars, what cars, what the license plates are, and how many children are going to be in each car.

MS. KRIEGER: We have incoming kindergarten we don't know, and I would like --

COMMISSIONER SOCKWELL: Yeah, but that would be a small percentage. I would hope that you're not getting 50 percent new kids every term. That wouldn't be a good thing.

MS. KRIEGER: No, and also the parent does not get out of the car to walk around the car, unbuckle the seatbelt. That's (a) what the monitors are for for those few young kids who don't actually, like most of our children, open their own seatbelt when they get there. That's the point of having the greeters, which is what we call them, at the door, open the doors, help the children out of the car get their shoe on, for the one that doesn't have it, and then there will be other monitors who will escort the children into the school.

CHAIRPERSON CROSS-REID: Mr. Humphries, I think that in this line of questioning maybe we can make some assumptions, that as these cars are coming up for the children to get out of the car,t hat these are not the younger children, the one or two or three year olds who would need a lot of assistance.

Typically a child from five to eight years old, it's just a matter of pushing the button, and they unsnap the seatbelt, and they can then -- I think the monitor is going to take them out or they get out.

So it's not a matter of the parent having to park the car, go around the car, and let them out and all of that. They don't need quite that much assistance, this age group. So they can kind of get out relatively quickly.

MR. HUMPHRIES: Okay. With regard to those who are physically impaired, what arrangements have you made in your plan here? And was that included in your simulation?

MR. SLADE: Well, I think Brenda can answer about ADA compliance and a child getting to school, you know, if they required a wheelchair. Obviously if we had a student that had a significant requirement in terms of time, we'd probably make special arrangements and not have them queue up with all the other vehicles.

That isn't the case right now.

MR. HUMPHRIES: Have you given thought to the special arrangements?

MS. KRIEGER: Yes, we have.

MR. HUMPHRIES: I mean as an expert.

MS. KRIEGER: Yes, we have.

MR. HUMPHRIES: And do you have a --

MS. KRIEGER: Well, Lou said the major one. If somebody, which we do not presently have in the school, but if we should have somebody who has special needs, we would make arrangements so that perhaps they don't queue, depending on their need. Perhaps they don't queue at the same time.

We will have at the entrance to the school at that site, we will have proper accommodations to help that student into the school.

MR. HUMPHRIES: I guess what I'm trying to figure out is that as I look at -- and I'm not going to speak about the parking because that's a whole other issue -- but as I look at your plan, and the accommodations, arrangements that you make in the plan, I'm trying to figure out, given the parking, which will -- with teachers arriving at seven o'clock and parking in the area just behind Ohev Shalom and the students coming through the alley, the cars coming through the alley, where is it that you would provide for those who are physically impaired?

MR. SLADE: Well, I think as Ms. Krieger just said, if there was a child who needed a wheelchair and a lift, for example, which would probably be the worst case in terms of time requirements to get in and out of that vehicle, I think special

arrangements would have to be made. We wouldn't operate that in the normal morning queue of vehicles. They would come earlier than the opening time of the school or later than the time the classes start, and so the traffic would have already been disbursed or would not have begun to arrive yet so they could operate with a single vehicle and without the other vehicles being backed up behind it.

MR. HUMPHRIES: So is your answer that you haven't figured out a way to do it yet?

MS. KRIEGER: That seems like a workable solution that we have discussed.

MR. HUMPHRIES: I'm just -- what I'm trying to do, I'm trying to get a sense of how you're going to handle the --

MS. KRIEGER: What part of that do you need further description of exactly?

MR. HUMPHRIES: Somebody arrives and has a wheelchair --

MS. KRIEGER: Right. Well --

MR. HUMPHRIES: -- whether it's student or whether it's --

MS. KRIEGER: -- it will not be during the same time as the regular line. There will be plenty of time and help to get out of the car, go over to the door, use the lift mechanism that will be there to bring them into the school.

COMMISSIONER SOCKWELL: May I lead Mr. Humphries

down a line here?

Do you have lift equipped vehicles coming to the site?

MS. KRIEGER: Not presently.

COMMISSIONER SOCKWELL: All right. Under the Americans with Disabilities Act, one can provide one of many amenities to deal with handicapped or disabled people, and it is within your program to be able to accommodate these people. So you will have to be able to work with that.

If it means that a wheelchair has to be pulled out of a trunk, if it means that the child has to be physically removed from the car with an attendant, those things are allowed for the Americans with Disabilities Act accessibility guidelines.

But I'm just saying that you would have to deal with that issue, and there is no specific method that we could tie you down to here unfortunately. That's not something that we can do, and I think Mr. Humphries should step away from that question.

MR. HUMPHRIES: Okay.

CHAIRPERSON CROSS-REID: Mr. Humphries.

MR. HUMPHRIES: Yes.

CHAIRPERSON CROSS-REID: When we adjourned last Wednesday, you only had a few more questions. So, you know, how many more do you have because this is kind of being drawn out.

MR. HUMPHRIES: Well, as a result of the video we were shown --

CHAIRPERSON CROSS-REID: I understand that, but how many more do you have?

MR. HUMPHRIES: Now, with regard to this just a few more that stem from --

CHAIRPERSON CROSS-REID: How many? How many?

MR. HUMPHRIES: -- the -- no more than about five.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: Okay?

CHAIRPERSON CROSS-REID: All right.

MR. HUMPHRIES: That stem from --

CHAIRPERSON CROSS-REID: And then you will wrap it?

MR. HUMPHRIES: Will wrap with regard to -- because as I recall, we started actually cross examining Mr. Scaldini, and Mr. Scaldini then referred to others at the witness table.

CHAIRPERSON CROSS-REID: Okay. Well, can you just kind of --

MR. HUMPHRIES: Okay.

CHAIRPERSON CROSS-REID: -- you know, just -- just -- all right. Well, let's just kind of get through it.

MR. HUMPHRIES: So you want to wrap --

CHAIRPERSON CROSS-REID: Please.

MR. HUMPHRIES: I'll wrap my questions --

CHAIRPERSON CROSS-REID: And try to pose your questions so they can be answered yes or no.

MR. HUMPHRIES: Okay, fine. Can we stipulate for

the record that the name of the resident at the home which adjoins -- abuts the alley is Dr. Franklin Mosgrave?

CHAIRPERSON CROSS-REID: Okay. That -- you're testifying.

MR. HUMPHRIES: I'm stipulating. Just can we stipulate?

CHAIRPERSON CROSS-REID: Oh, you're saying is the name of the resident -- okay. That's all right.

MR. HUMPHRIES: Right. Can we stipulate that?

CHAIRPERSON CROSS-REID: Well, no, ask a question.

MR. HUMPHRIES: That's what I'm asking. Can we stipulate that? Because they've said that the resident is Dr. Johnson.

COMMISSIONER SOCKWELL: Give the address of that Mr. Mosgrave if you're going to.

MR. HUMPHRIES: 1624, I believe. Okay. It is his home which is --

CHAIRPERSON CROSS-REID: So you just asked the question, is -- is -- is can you stipulate that.

COMMISSIONER SOCKWELL: Thank you.

MR. HUMPHRIES: I knew which home it was. I just wanted to make sure that they gave me the --

CHAIRPERSON CROSS-REID: All right. Yes or no? Can you just give a yes or no answer? And let's move on to the next one.

No, the answer. What was your answer?

MS. DOBBINS: You're asking us to stipulate to that.

MR. HUMPHRIES: Correct.

MS. DOBBINS: We don't have any information right now.

CHAIRPERSON CROSS-REID: You don't know?

MS. DOBBINS: We don't know.

CHAIRPERSON CROSS-REID: So I don't know.

MS. DOBBINS: And I think we understood that --

CHAIRPERSON CROSS-REID: Next question.

MS. DOBBINS: -- that one of the garages belonged to --

CHAIRPERSON CROSS-REID: And if, in fact, you have information, again, Mr. Humphries --

MR. HUMPHRIES: Yes, ma'am.

CHAIRPERSON CROSS-REID: -- during the time of the testimony, you can provide that information for us in that they really don't know who that particular address --

MS. DOBBINS: If the information is provided and we can see it, we would stipulate at that point.

MR. HUMPHRIES: Right. They really don't know who that neighbor is who lives in that house next to the alley.

CHAIRPERSON CROSS-REID: That's what we heard them say.

Next question, please.

MR. HUMPHRIES: Okay. Madame Chair, with regard to my questions that stem from my cross examination of Mr. Scaldini, I am finished with regard to that.

I do have many more questions about the charts that Mr. Slade has as they pertain to the routes that go through the park and the impact on the National Park Service and other questions along those lines, but for now the questions that I have that went to governance, because my questions focused on the governance issue, if you recall, and the need to have in the contract provisions which would establish penalties.

CHAIRPERSON CROSS-REID: Okay. So what you're saying, that you have additional questions?

MR. HUMPHRIES: Yes, I have additional questions concerning the entire route that Mr. Slade has represented to us.

CHAIRPERSON CROSS-REID: And how many questions?

MR. HUMPHRIES: Innumerable questions about the route.

CHAIRPERSON CROSS-REID: Mr. Humphries, you can't be here all day.

MR. HUMPHRIES: Well, I'd like to --

CHAIRPERSON CROSS-REID: So can you condense them?

MR. HUMPHRIES: Well, if we -- if we put up Mr. Slade's charts, we can go right into it.

MS. DOBBINS: Madame Chair, before we proceed, may

we -- you asked the Applicant to provide information about plans, penalties that would be imposed.

CHAIRPERSON CROSS-REID: Un-huh.

MS. DOBBINS: We have done that, and we'd like to submit it at this time, and it goes to the governance while he was --

CHAIRPERSON CROSS-REID: You have done that since we last --

MS. DOBBINS: Yes, we have. Yes, we have.

CHAIRPERSON CROSS-REID: Just within the last --

MS. DOBBINS: Yes, we have.

CHAIRPERSON CROSS-REID: -- hour or so?

MS. DOBBINS: Madame Chair, yes, we have.

CHAIRPERSON CROSS-REID: Well --

(Laughter.)

CHAIRPERSON CROSS-REID: Sure. Thank you.

COMMISSIONER SOCKWELL: I think the Board stipulated that it seemed to be a no brainer.

(Laughter.)

CHAIRPERSON CROSS-REID: All right. Mr. Humphries.

MR. HUMPHRIES: Yes, ma'am.

CHAIRPERSON CROSS-REID: All right. Now, you said that you had just a few more questions. Do you want to try to condense your questions so that they could be asked and answered adequately?

MR. HUMPHRIES: Sure. I will do that, Madame Chair, if Mr. Slade will put his chart up.

(Pause in proceedings.)

MR. HUMPHRIES: Madame Chair.

CHAIRPERSON CROSS-REID: I'm sorry. I didn't realize that you were ready. Thank you.

MR. HUMPHRIES: That's okay.

What we're looking at is the traffic management plan proposed by Mr. Slade. Mr. Slade has described this in previous testimony as a concept. It's not an operation, but a concept of how this might work.

And I'd like to just start so that we understand fully. Mr. Slade, I see that you proposed that individuals drive along is that Beech Drive?

MR. SLADE: Yes.

MR. HUMPHRIES: Okay. Now, if we might go back, help me understand, Mr. Slade, where the individual driver approaching Ohev from the south will access the park.

MR. SLADE: The traffic approaching from the south, southeast and southwest, would be parents, of course, transporting children to school, and part of the governance agreement, if that's the right terminology, would indicate that these are the recommended routes, the routes that the school would like the parents to use.

So a parent whose home is located to the south and

west might find Beech Drive a route to use to get to 16th Street at the top of the District and then come southbound to the school.

So it would be the parents' choice to select the route that works best for them.

MR. HUMPHRIES: It would be the parents' choice. So it could be -- it would either be the route through the park here?

MR. SLADE: Yes.

MR. HUMPHRIES: Or the route up 16th Street?

MR. SLADE: Yeah. I mean I can use myself as an example. I'm not a parent, but I live west of that map a little distance, and if I were going to bring my child to Ohev, I would either go down to Military Road and come north on 16th or I could use Bingham Drive, which I believe is -- we're doing lasers here, Mr. Humphries. Bingham Drive is right there. I live just off to the west here.

MR. HUMPHRIES: Okay.

MR. SLADE: Or I'd go up a little bit further north and go in on Wise Road.

So I almost would have any one of those three options, and then I would go up to the top and come down south on 16th Street.

MR. HUMPHRIES: So you suggested Military Road down here.

MR. SLADE: Yes.

MR. HUMPHRIES: Okay. So for a parent who, I guess, lives west of 16th Street, right?

MR. SLADE: Yes.

MR. HUMPHRIES: In this area.

MR. SLADE: Go ahead.

MR. HUMPHRIES: Would access at Bingham Drive or Military Road and go this route. Now, what is the -- I understand that the posted speed limit here is 25 miles an hour.

MR. SLADE: Correct.

MR. HUMPHRIES: And the posted speed limit here is?

MR. SLADE: On 16th Street?

MR. HUMPHRIES: Yes.

MR. SLADE: Is 30.

MR. HUMPHRIES: Thirty, and that the distance between this point and this point is roughly it looks like --

MR. SLADE: Just under three miles.

MR. HUMPHRIES: -- it looks like it's longer than the distance from here, straight line here.

MR. SLADE: Yes.

MR. HUMPHRIES: Right. What do your measurements indicate from this point to that point?

MR. SLADE: That's just under two and a half miles, and the more circuitous route is probably between two and a half and three miles.

MR. HUMPHRIES: So we have another half a mile that

we travel if we go through the park essentially.

I guess the question I ask, I guess, once again as the chair has asked us to do, is to kind of cut to the quick of it all, and that is if a parent has at that time an option of taking a 35 mile an hour route that goes straight to the point or essentially traveling a route that goes another half mile at 25 miles an hour at eight o'clock in the morning and they're trying to drop the child off and get to work, is this -- which one would you take?

MR. SLADE: Well, I think the intent here is not expedience for the sake of the parents' travel time, but the school is asking the parents to go out of their way to be good neighbors and use the arterial roads and not use the neighborhood streets, and to approach the school so that they can make right turns.

MS. KRIEGER: Excuse me. I'd like to also answer because I worked in Baltimore for a long time, and I have a choice. I live on both routes, and I always choose to drive through the park because it's nicer and it takes about a couple of minutes longer, and I think that parents will make the choices.

I don't think the time difference is significant in any way going one route or the other.

CHAIRPERSON CROSS-REID: All right. Next question.

MR. HUMPHRIES: Sure. I'm moving right along, Madame Chair.

Now, with regard to the traffic here, the intersection here, I guess I'm just going to assume first that everyone, all of the parents who are entering at this point, coming from west of the park and never on 16th Street, or are you asking the parents to leave 16th Street, take Military Road over to Beech Drive, and then go up?

MR. SLADE: Well, again, the routes were defined to use the arterial streets and to allow the parents to approach Ohev from the north. So it would be the parents' choice.

Some of the parents do live east of 16th Street, and they would probably just use 16th Street and go north to the District line, go around the circle, and come back southbound. So, you know, it's going to be parents' choice, but please use these routes.

MR. HUMPHRIES: So parents' choice, but please use these routes. Now, will the -- to your knowledge, will the contract which the parents sign -- are you proposing that the contract include provisions that would encourage parents to use this route? Does it extend that far?

MR. SCALDINI: We have just submitted to the board a document with the proposed measures to bring before our board tomorrow evening, and it does tie to the contract. If you look at it, there's a handwritten note that I added at the bottom that says that those provisions will be incorporated in the handbook, which is referenced in the contract as part of the rules and

regulations of the school.

MR. HUMPHRIES: I'm trying to figure out then what your plan is to monitor the use of this route.

CHAIRPERSON CROSS-REID: Is there a plan? Yes or no?

MR. HUMPHRIES: Is there a plan? Is there a plan at this time?

MS. DOBBINS: There's no -- we can't monitor the park and all of the public streets, and I assume there will be neighborhood complaints if they detour from those routes.

CHAIRPERSON CROSS-REID: Okay. So that's what I'm saying. No. The answer is no.

MS. DOBBINS: No.

CHAIRPERSON CROSS-REID: All right. Then let's move on.

MR. HUMPHRIES: Sure, okay.

CHAIRPERSON CROSS-REID: Mr. Sockwell.

MR. HUMPHRIES: There's no question --

CHAIRPERSON CROSS-REID: Excuse me just a second, Mr. Humphries. Mr. Sockwell had a --

MR. HUMPHRIES: I'm sorry.

COMMISSIONER SOCKWELL: Mr. Humphries, I believe that it would be rather onerous for someone to be able to specify that an individual use Beech Drive or not use Beech Drive or any other street in the city that is quite a distance from the

particular point of final destination. I think that the encouragement for people to use those streets is certainly within the realm of possibility and certainly should be done by the Applicant, but to be able to specify to any individual, you, me or anyone else, that you can't use a street that's somewhere out in the community because it brings you proximate to your final destination a certain way is pretty much beyond the capability of these people and certainly wouldn't be something that you would expect.

I mean you wouldn't want anybody to tell you that you can't go downtown except using North Capitol Street, but let's just keep it to what we think is realistic, and you understand what's realistic.

MR. HUMPHRIES: Sure. So this portion of it is unenforceable, and that's basically --

COMMISSIONER SOCKWELL: It is unenforceable, I think.

CHAIRPERSON CROSS-REID: Mr. Sockwell, I think we should let the Applicant answer that question rather than -- you know, because this is -- Mr. Humphries.

MR. HUMPHRIES: Yes, ma'am.

CHAIRPERSON CROSS-REID: The question is directed to Mr. Slade.

Mr. Slade, would you please respond to that question or Mr. Scaldini.

MR. SCALDINI: I would say I defer to Mr. Slade, but the operative area, as I believe Mr. Sockwell was suggesting, is in the neighborhood, and we have provided for monitoring there.

We're also, I would remind you, talking about 24 cars at most --

CHAIRPERSON CROSS-REID: Okay.

MR. SCALDINI: -- that operate in that area.

MR. HUMPHRIES: So then with regard to that, Mr. Scaldini, then we have here Kalmiah, and the distance between Kalmiah and Ohev is about one and a half blocks right here, but that's not indicated as a path that you're going to suggest yet.

It does have impact on the neighborhood and the immediate area around Ohev. I mean the whole school is located about right here.

MR. SCALDINI: That's why we wouldn't go there.

MR. HUMPHRIES: Okay. So -- but it's -- really what you're saying is that the area between here and here, which is essentially one and a half blocks, is unenforceable. That's not included in your traffic plan.

MR. SCALDINI: It's not included as a suggested route. The operative areas that we are monitoring and are included in the plan are those that go through the neighborhood.

CHAIRPERSON CROSS-REID: Mr. Humphries, what is your point here?

MR. HUMPHRIES: Sure.

CHAIRPERSON CROSS-REID: If you're trying to establish the fact that even though that's the suggested route, obviously there may be some departures from that. Is that what you're trying to establish?

Okay. Then that's established.

MR. HUMPHRIES: There may be some departures and --

CHAIRPERSON CROSS-REID: Okay. Now, can we move on to the next line of questioning? That's established so you don't have to keep pounding on that issue.

Thank you.

MR. HUMPHRIES: So what we -- what we see, I guess -- we'll do that on direct.

CHAIRPERSON CROSS-REID: Okay. Are you done?

MR. HUMPHRIES: I think -- no, I'm not. I have, let's see now, one more because we see that this goes to Ohev. Now, we still need to go to Tafareth, east of -- Mr. Slade, you can help me.

Madame Chair, because we have two different sites here, that's why I'm taking the time and trying to just understand thoroughly so that I understand what's happening.

So we now have Tafareth here. So the plan for Tafareth is for those who approach from the north, those who approach from Silver Spring, from Maryland, from Montgomery County, is to come down 16th Street.

Perhaps rather than my say it, if you could help

me.

MR. SLADE: Yes.

MR. HUMPHRIES: What is the plan?

MR. SLADE: This is what --

MR. HUMPHRIES: What is the plan?

MR. SLADE: This is what I testified to last week.

MR. HUMPHRIES: Okay.

MR. SLADE: The blue arrows and numbers are the arriving traffic in the morning, and so we have 13 cars coming from the north, we estimate, and we would just direct that traffic to come to the school and turn left from 16th Street onto Jonquil, which is right down here. That black dot is Tafareth, and then get into that clockwise circulation pattern.

This is the exception to our rule of right turns only. Because it's such a small volume of traffic and it's opposing -- it's turning against the opposing northbound traffic, which in the morning is a relatively light volume of traffic.

MR. HUMPHRIES: Now, so the blue represents directional.

MR. SLADE: Yes.

MR. HUMPHRIES: And it's not a route, right?

MR. SLADE: Well, this is the route from the north, the parents coming from the direction -- we would be advised to use 16th Street and come directly to the school, and then from the south, again, whether you're coming from the west of the park or

south of the area or east of 16th Street, everyone would be advised to use 16th Street to come directly to Tafareth because they could get into that right turn circulation pattern off of 16th Street.

MR. HUMPHRIES: So if I understand, and please help me now; if I understand now, you're to come down 16th Street and make a left onto Juniper.

MR. SLADE: Correct -- onto Jonquil.

MR. HUMPHRIES: This is Juniper here.

MR. SLADE: Right, but we want them to turn left onto Jonquil and then make right turns in a right -- in a clockwise pattern around the synagogue.

MR. HUMPHRIES: So that's not on here then?

MR. SLADE: Well, the arrow isn't drawn. That little red stub is the departing traffic coming from that drop-off location on Juniper and leaving --

MR. HUMPHRIES: I'm getting confused by your charts and --

MR. SLADE: Okay.

MR. HUMPHRIES: -- what you're saying because what you're saying doesn't seem to comport with what your chart is saying.

MR. SLADE: Everybody arrives on 16th Street and turns onto Jonquil Street.

MR. HUMPHRIES: Jonquil is right here.

MR. SLADE: Correct.

MR. HUMPHRIES: Right. Okay.

MR. SLADE: So the arrival is the blue, and we didn't take those arrows all the way. We're simply showing that they're going to come either down 16th or up 16th. Those coming from the north, only 13 vehicles would turn left onto Jonquil.

MR. HUMPHRIES: And then?

MR. SLADE: And then down the alley behind --

MR. HUMPHRIES: Make a right?

MR. SLADE: Make a right onto the alley behind Tafareth, and then when they leave, they become red, the red line.

MR. HUMPHRIES: Right.

MR. SLADE: And you've got them coming out right there on Jonquil turning right onto 16th Street. Everyone would turn right and go north because they depart because we don't want them to turn left across that heavy southbound and try to get into that heavy southbound flow.

Then those who want to go downtown or to points south would either go up to the circle and make a turn around the circle or find another arterial route to go south, but we think the most direct would be to go up to the circle and go south that way.

MR. HUMPHRIES: So if I understand correctly, then you're to come here and make a left onto Jonquil and make a right into the alley, which is behind the neighbor's home here, and then

the cars will come and will then drop off the students in the alley?

MR. SLADE: On the north curb of Juniper Street.

MR. HUMPHRIES: So on the north curb of Juniper Street. Now, what type of parking restrictions or limitations exist on the north side of Juniper Street?

MR. SLADE: Oh, boy.

MR. HUMPHRIES: At that point.

MR. SLADE: You know, I don't recall at this moment. I don't know why I don't recall, but I -- it's a set of conditions that would allow the school to use the curb for drop-off in the morning.

MR. HUMPHRIES: And do you recall -- if I were to say that there's no parking restrictions at all right there, if I were to say that, would that sound okay? Would that sound right?

MR. SLADE: We're going to have to check. I just don't recall.

MR. HUMPHRIES: Okay. Because I'm trying to figure out here with regard to your plan and planning now to use -- because this is kind of, I think, a fourth iteration of this -- you're now planning to use this as a drop-off area for the students to get out on the north side.

What happens if cars are parked there?

MR. SLADE: If that became a problem, which it isn't at the time, all of our observations are that cars are not

parked there in the morning. If that became a problem, we'd ask the DPW to give us a school drop-off restricted time like most schools have in the District.

MR. HUMPHRIES: Oh, so now as part of your plan you're now looking to change the parking on Juniper Street.

MR. SLADE: If necessary.

MR. HUMPHRIES: Which is now open to neighbors?

MR. SLADE: It's open to anybody.

MR. HUMPHRIES: Right, exactly.

MR. SLADE: Right.

MR. HUMPHRIES: So part of your plan is to then seek a special -- another variance, is that, or is it to go to DPW and ask them to create a special zone for an elementary school?

MR. SLADE: It is not a problem at the current time. So we are not planning to go to DPW. If it were a problem, the school would ask DPW to create a drop-off zone. It's normal operating procedure and does not require any kind of a variance or exception.

MR. HUMPHRIES: Just help me think this through because I'm hearing more problems surface now.

MR. SLADE: It's not a problem. It's normal. If you visit a number of schools, Blessed Sacrament was a case here last week. They have a zone just like that.

CHAIRPERSON CROSS-REID: Okay. Mr. Humphries, that question was answered. Now --

MR. HUMPHRIES: Okay.

MR. SLADE: -- you said that was the last one. So you mean that was next to the last one?

MR. HUMPHRIES: Well, Madame Chair, what we've -- what I'm saying, you know, if you'll indulge me with regard to this, we see a chart that says --

CHAIRPERSON CROSS-REID: We understand. You made -- but the point I'm making to you is that your point has been already established, and the question you're answering -- you're asking to the witness, he's already answered, was that the condition with the parking on the street, and he answered that,and he also stipulated that they may request some type of parking special allowance. I don't know what you call it.

MR. SLADE: It's school zone parking. It's standard --

CHAIRPERSON CROSS-REID: School zone parking.

MR. SLADE: -- school zone parking.

CHAIRPERSON CROSS-REID: School zone parking for the school there, and you asked was it also open for the residents to park there, and you said yes. So I think that your point is made with regard to that issue.

MR. HUMPHRIES: Okay. So I guess then to understand it finally is that based -- is what you've said is that while you've not included in the traffic management plan that you've submitted for the record the potential of seeing another,

yet another --

CHAIRPERSON CROSS-REID: Concession.

MR. HUMPHRIES: Concession. Thank you, Madame Chair.

-- another concession from DPW, that is something that's gone through your head?

MR. SLADE: We know that when a school is established, DPW reviews the case and determines whether school zone parking is required and then imposes it. They have the authority to impose it. We don't.

We have not seen -- we've not made any observations that there is a parking -- that there's use of this curb for parking. So we haven't brought it forward to DPW, but they'll make that determination. We won't.

MR. HUMPHRIES: Mr. Slade, are you familiar with a more recent statute passed by the D.C. Council which speaks to establishing certain zones and putting up -- creating certain zones around elementary schools and putting into place 15 mile an hour restrictions on speed?

MR. SLADE: Yes, I'm very familiar with that.

MR. HUMPHRIES: Okay, and was that also a possibility?

MR. SLADE: It is a possibility.

MR. HUMPHRIES: Okay. So now for a thoroughfare that handles 35,000 cars a day -- we can stipulate to that -- that

now there's the possibility that because there is now a new law on the board that having once established an elementary school, you may also then seek DPW concessions, as well as find a need to comply with the new law which requires I think it's the police chief to look at the zone and put 15 mile an hour restrictions on it.

MR. SLADE: I don't -- I can't speak for the District's policy on where they'll impose the 15 mile an hour speed limit.

MR. HUMPHRIES: Did you figure that into your plan?

MR. SLADE: I -- that's a matter that DPW will make a determination on. My understanding is they don't intend to impose a 15 minute limit, speed limit.

CHAIRPERSON CROSS-REID: Mile.

MR. SLADE: Fifteen mile an hour speed limit on arterials.

CHAIRPERSON CROSS-REID: Okay. Mr. Humphries, would this be your final question?

MR. HUMPHRIES: Yes, Madame Chair.

CHAIRPERSON CROSS-REID: Okay. Thank you.

MR. HUMPHRIES: I think that brings me -- excuse me -- that brings me now to the site of Tafareth and, of course, then the parking aspect, which we've not covered, and then of course, we go across the street, and we then address the parking --

CHAIRPERSON CROSS-REID: But, Mr. Humphries --

MR. HUMPHRIES: -- part of the plan.

COMMISSIONER SOCKWELL: Mr. Humphries, if I might interrupt, Madame Chair, just briefly, I would refer to the Applicant's Exhibit D, first photograph primarily, simply because since we're talking about parking, it is the Board's most immediate reference to the site looking at the Juniper Street intersection.

From this photograph, which appears to be taken midday, there seems to be some parking along the space that Tafareth is planning to use, but along with that, the street seems to be almost completely open with regard to available parking spaces. So it does not appear that there is a parking issue on that street.

CHAIRPERSON CROSS-REID: Mr. Sockwell.

COMMISSIONER SOCKWELL: But I just want to see. It's obvious that parking is being taken in front of the school by someone. so that space may not be available at all times.

CHAIRPERSON CROSS-REID: Okay, Mr. Humphries.

MR. HUMPHRIES: Madame Chair.

CHAIRPERSON CROSS-REID: All right. Now, let's see. You've been cross examining for over an hour, and I'm sorry, but we just cannot allow you much more time. I'm going to give you five minutes.

MR. HUMPHRIES: Thank you.

CHAIRPERSON CROSS-REID: And whatever questions

that you have to wrap up, I would suggest that you use the five minutes wisely because we have to move along. I think that you have been given more than adequate time for your cross examination.

MR. HUMPHRIES: For the remainder of the five minutes that -- Madame Chair, I would invite Mr. Hampton --

PARTICIPANT: Would you get close to your mic?

MR. HUMPHRIES: I'm sorry. I would invite Mr. Hampton to speak in regard to the parking aspect because we've not --

CHAIRPERSON CROSS-REID: Did Mr. Hampton --

MR. HUMPHRIES: -- spoken about the parking.

CHAIRPERSON CROSS-REID: No, you were the last witness -- you were the last person to do the cross examination. I think Mr. Hampton had already.

MR. HAMPTON: Excuse me, Madame Chair. Last Wednesday we only started cross examining Mr. Scaldini. We had just about finished our cross examination of Mr. Scaldini.

CHAIRPERSON CROSS-REID: No, no, no, no.

MR. HAMPTON: No, because, again, we were doing them seriatim --

CHAIRPERSON CROSS-REID: No. No, that's not true. Each one of you were given an opportunity to cross examine. Mr. Humphries was the last one, and now he's wrapping up.

PARTICIPANTS: No.

MR. HAMPTON: We would request that you check the record because the only person who was cross examined at all last Wednesday was Mr. Scaldini and --

CHAIRPERSON CROSS-REID: But --

MR. HAMPTON: -- and before -- since we had Mr. Slade do the tape, we went immediately to the cross examination of Mr. Slade today. We will probably be finished with Mr. Scaldini, but we have not crossed Ms. Koss. We have not crossed --

CHAIRPERSON CROSS-REID: No, you were given --

MR. HAMPTON: -- Ms. Krieger.

CHAIRPERSON CROSS-REID: When you did your cross examining, you were -- you asked specifically -- in other words, you directed your question to whoever you wanted to ask them to at that time. You were not directed to ask any questions to anyone specifically. You had that option, and then you concluded your cross examination.

Mr. Humphries was the one still in the midst of his cross examination, and he is the one who is finishing up this morning.

MR. HAIRSTON: Madame Chairman, it's our understanding that we have a right to cross examine all of the witnesses. Now, we started with some of them. We have not done the others.

CHAIRPERSON CROSS-REID: Well, that was up to you.

MR. HAIRSTON: Madame, I listened to you. Would

you listen to me, please?

CHAIRPERSON CROSS-REID: I certainly will.

MR. HAIRSTON: So we want to exercise our right to cross examine all of the witnesses. Now, the length of cross examination is based on the fallacy in what's been presented. We are directed by what we've heard. When we hear something that doesn't make good sense, then we have to follow it.

Now, if the answers are good, then we can go quickly, but if we run into things like we've run into here where somebody hasn't thought something through, we have to explore it to make the record. So that's what we're trying to do.

MR. HAMPTON: Also, Madame --

MR. HAIRSTON: Now, wait. Let me finish.

So that we want to cross examine all of the witnesses for the proponent.

MR. HAMPTON: And, again, I think if you check the record, yes, we started with Mr. Scaldini. He often referred the question to somebody else. So we have never independent asked Ms. Koss or Mr. Krieger or Mr. Slade before today any questions, and that's the way -- see, again, because you did not allow us to cross examination each person as they were -- as they came up to testify, we were cross examining -- we were going to go cross examine each person as they testified.

And I would really ask that you check the transcript from last Wednesday, and you will see that that is what

has occurred, because we actually stated that we did have many questions on the parking, the traffic plan, but we also had some background questions.

CHAIRPERSON CROSS-REID: Okay, but you were given -- you were given -- each of you were given an opportunity, again, let me say that.

MR. HAMPTON: To cross?

CHAIRPERSON CROSS-REID: No, it was to cross examine anyone you chose. You directed your question to whoever you wanted your question to go to, and then you concluded your cross examination with Mr. Humphries being the last one.

MR. HAMPTON: We would even ask Ms. Dobbins to weigh in on this because we believe that she could shed some light on this.

MS. DOBBINS: It was our understanding that we would be cross examined as a panel. That's when I asked that initially, did the Board want this to occur for each witness or did the Board want to do their cross examination at the end of our presentation, and that is what we were expecting. The cross examination from the three witnesses would come, and we expected that it would be ending, yes.

CHAIRPERSON CROSS-REID: All right. Mr. Humphries, let's move on.

MR. HAMPTON: All right. Actually Mr. Bardonelli (phonetic) will do most of the cross examination of Mr. Slade on

the parking, but I just have a couple of quick questions for him on this traffic plan.

MS. DOBBINS: Madame Chair, I don't understand what's going on.

CHAIRPERSON CROSS-REID: What are you -- Mr. Humphries, this is your time for cross examination. So how did -- I'm sorry. What is your name, sir?

MR. HAMPTON: Mr. Hampton.

CHAIRPERSON CROSS-REID: Mr. Hampton become involved here. Can you not ask those questions?

MR. HUMPHRIES: Well, Madame Chair, given the complexity, it's not complicated, but given the complexity of the issues here and the way that it's been divided up and the lack of clarity with regard to how the cross --

CHAIRPERSON CROSS-REID: Well --

MR. HUMPHRIES: -- examination would be conducted --

CHAIRPERSON CROSS-REID: No, it was -- Mr. -- Mr. Humphries, I beg to differ. The three of you are very clear on what the instructions were because we went over them at least two times when we talked about cross examination, and it was very clear, and you all are very savvy individuals. You know, you don't impress me as not being able to understand the proceedings here. I think that you are very well aware of what's happening, and you were given a time to cross examine, and you were to come

back and -- and also another thing that I find a little disturbing is that we asked if you would please proffer questions to the Applicant so that they could answered in the interim so that when we got here this morning, we wouldn't have to take up so much time with your asking questions. You could have gotten -- we could have gotten quite a few of these questions answered in writing and then just come back here and just follow up with those you felt you wanted to ask specifically.

So can we move on? You know, we can't be here all day long with cross examination.

MR. HUMPHRIES: Madame Chair, you know, we're trying to be cooperative.

CHAIRPERSON CROSS-REID: No, Mr. Humphries, Mr. Humphries, Mr. Humphries. Listen to me. You have five minutes.

MR. HUMPHRIES: Madame Chair.

CHAIRPERSON CROSS-REID: Now, do with it as you wish.

MR. HUMPHRIES: Madame Chair, we would --

CHAIRPERSON CROSS-REID: You've already used up some of it. I'm going to start the clock.

Ms. Pruitt, would you please start the clock at --

MS. PRUITT: For five minutes?

CHAIRPERSON CROSS-REID: For five minutes, and when the buzzer goes off, that's all the time that we will allow. We're done with this part. We have to move on. I'm sorry.

MR. HUMPHRIES: Madame Chair, I'd like to just state for the record that, you know, we object to the process that we're pursuing here at this point, and we object because of the fact that we have a new video that was introduced, and it stimulated and generated questions, and as Mr. Hairston has indicated, the questions which came were the result, found their genesis in that they --

CHAIRPERSON CROSS-REID: Well, you've asked -- you've asked quite a few questions about that video. You've been given the opportunity.

MR. HUMPHRIES: And at the same time, we now are presented by the traffic consultant with a chart which does not say what he intends, and so it's an effort --

CHAIRPERSON CROSS-REID: Well, you made that point.

MR. HUMPHRIES: -- to clarify that.

CHAIRPERSON CROSS-REID: You made that point.

MR. HUMPHRIES: That is -- that is very important at this point.

CHAIRPERSON CROSS-REID: Well, you made the point. That was the whole -- that was the purpose of your cross, to make your certain points, and you've done that. So let's use this five minutes wisely.

MR. HUMPHRIES: Fine. Then I have five minutes. Okay. We have five minutes now. With regard to my five minutes then, the five minute limitation, then I would like to call my co-

counsel, Mr. Bardonelli to complete the cross examination. Five minutes.

CHAIRPERSON CROSS-REID: Unless there's an objection by the Board.

Okay. There's no objection. All right, please.

MR. BARDONELLI: Good morning, Madame Chair and the Board. Most of my questions will focus on the parking issue as a fundamental consideration in granting the special exemption. So --

CHAIRPERSON CROSS-REID: Just shoot with your questions.

MR. BARDONELLI: Mr. Slade, I'm referring -- most of my questions will refer to your Figures 7 and 8.

Preliminary to the specific questions, on the video you showed that I think you have indicated you will have five monitors on the Ohev side, one at 16th Street directing the right turn, one at the alley directing the right turn, another in the middle of the alley, and one at the end of the alley, and another at the end of -- that's five as I can count. Is that -- in addition to the people who are taking the kids out of the car?

MR. SLADE: I'm going to ask Brenda Krieger to answer that.

MS. KRIEGER: There's a range of monitors we're going to have. Ohev Sholom would have between five and seven, and Tifereth would have been four and five. There's a range depending

on how many we need to be greeters to help the children out of the car and how many -- and we use more in the afternoon because we have a longer car pool line.

MR. BARDONILLE: Mr. Slade, you have indicated that your school will -- that the applicant is expecting 68 cars, a total of 68 cars, as opposed to 90 at their previous operation, which is a reduction of about, what, 30 percent?

MR. SLADE: Correct.

MR. BARDONILLE: Now, the new site, in this site, the van operation is a new operation, is it not?

MR. SLADE: Yes, it is.

MR. BARDONILLE: So that where you had 90, there was the availability of extraordinary public transportation, as opposed to where you're locating now?

MR. SLADE: Yes.

MR. BARDONILLE: In other words, the Metro stop is about a half a block away. In this instance, the Metro block is --

MR. SLADE: I don't know --

MR. BARDONILLE: -- about two miles away? You would say you would agree?

MR. SLADE: Yes.

MR. BARDONILLE: A mile and a half?

AUDIENCE PARTICIPANT: No, it's not.

MR. BARDONILLE: Whatever.

MR. SLADE: Beyond walking distance. Beyond walking distance.

MR. BARDONILLE: Okay.

CHAIRPERSON CROSS-REID: Aye, aye. Please. Order.

MR. BARDONILLE: And I am not clear on how the van process will work. You will have vans at the Metro station to pick up parents arriving at the Metro station or will they be coming from door to door in the vans?

MR. SLADE: Again Brenda Krieger is best to answer that.

MS. KRIEGER: The vans will pick up at an off-site location. And they will, in addition, on their way to the synagogue, if a location is not directly at a Metro station, -- in one case, it may be -- they will swing by the Metro station and pick up whoever is waiting there.

MR. BARDONILLE: So this will account for the 50 percent reduction in the number of cars that you're expecting at the applicant sites?

MR. SLADE: We didn't say 50 percent.

MR. BARDONILLE: Well, the reduction is 25 in the morning and 25 in the afternoon. You're going from -- 35 I suppose is a better number. So the operation of the vans will account for that?

MR. SLADE: And a greater amount of car-pooling. More children per car in those private cars are coming.

MR. BARDONILLE: I see.

CHAIRPERSON CROSS-REID: That's it. You have five seconds.

MR. BARDONILLE: There's no way that I can ask the questions that I need to ask in five seconds, Madam Chair.

CHAIRPERSON CROSS-REID: Well, I'm sorry, but we cannot give any more time to this.

MR. HAIRSTON: Madam Chair, we protest vehemently. We came prepared to cross-examine to paint the picture so the Board can make a judgment. Now, if we don't paint the picture, then you don't have all of the facts and you can't make a judgment.

CHAIRPERSON CROSS-REID: Okay. Mr. Hairston?

MR. HAIRSTON: So we want the record to reflect that we vehemently protest the limitation of our cross examination. That's all right. And this is the ANC side of the matter, and we're unlimited.

CHAIRPERSON CROSS-REID: Mr. Hairston, I thank you for your observation. Nonetheless, I think that you will have other opportunities, other than just the cross-examination, to paint your picture. You will be afforded that respect.

I think you have to also understand that we Board members are somewhat experienced in this regard. And, as such, we feel that the cross-examination has been adequate and would like to move on now. And you will be given your opportunity as the

ANC.

And we also have several people who are here to testify either in support or in opposition to you. The opposition has a full hour to paint more of a picture.

And I think that we will be able to garner from all of that what we need to know.

MR. BARDONILLE: Madam Chair, in the five seconds that I have that you allotted me --

CHAIRPERSON CROSS-REID: You really don't, but okay. Go ahead.

MR. BARDONILLE: Mr. Slade, those two figures that we are referring to, are they certified? And are they drawn to scale?

MR. SLADE: Those two figures are illustrative, but we have obtained survey plats. And we have determined that the illustrations are accurate and that --

MR. BARDONILLE: Madam Chair, I asked a specific question. Mr. Slade is a renowned engineer, internationally recognized. His position is --

CHAIRPERSON CROSS-REID: All right. Fine.

MR. BARDONILLE: So my question is: Is it certified --

CHAIRPERSON CROSS-REID: "Yes" or "No"?

MR. BARDONILLE: -- as drawn to scale?

CHAIRPERSON CROSS-REID: "Yes" or "No"? Is it

certified, one, "Yes" or "No"?

MR. SLADE: They are illustrative. They are not -- I don't know what the term "certified" means, but --

CHAIRPERSON CROSS-REID: To your knowledge, to your knowledge, is it certified?

MR. SLADE: The answer is they are illustrative.

CHAIRPERSON CROSS-REID: Okay.

VICE CHAIRPERSON SOCKWELL: Mr. Slade?

CHAIRPERSON CROSS-REID: And, secondly, the second part of the question, are they drawn to scale?

MR. SLADE: They are accurate to scale given they're illustrative, yes.

(Laughter.)

VICE CHAIRPERSON SOCKWELL: Mr. Slade, maybe I can ask this question as an architect: Regardless the size of the photograph, are the elements shown drawn in a scaled relationship to the plans that are shown?

MR. SLADE: May I answer you in a way that, Mr. Sockwell, that will --

VICE CHAIRPERSON SOCKWELL: There is no way that you can answer this other than "Yes" or "No" because if I put this on a Xerox machine and blew it to a scale, would I be able to measure everything and it be real. That's the question. "Yes" or "No"?

MR. SLADE: I can attest to the accuracy of those

illustrations because of other information we have that we obtained subsequent to preparing those illustrations.

VICE CHAIRPERSON SOCKWELL: Mr. Slade?

MR. SLADE: Those illustrations were drawn to scale to the best scaling we could do that was possible. However, I insisted that we get better information. That information was gotten out of archives. We were able to confirm that they are accurate and that the parking can be accommodated.

The reason the question came up is that when we went to community meetings with those illustrations, I explained very honestly --

VICE CHAIRPERSON SOCKWELL: Okay. But that's not where I was going with this.

MR. SLADE: -- what they were.

VICE CHAIRPERSON SOCKWELL: What I was asking was that: As one professional who can measure to another professional who should be able to measure, are they measurable under any circumstance that the relationships would actually be accurate to some measured scale, under any circumstance? And what you've told me --

MR. SLADE: They are --

VICE CHAIRPERSON SOCKWELL: -- is no.

MR. SLADE: They are accurate, but as they stand alone and as I explained to the community when we met with the community, --

VICE CHAIRPERSON SOCKWELL: Okay. Then I --

MR. SLADE: -- we didn't have the plats with the dimensions on them at the time we prepared these. We were going with these illustrations.

VICE CHAIRPERSON SOCKWELL: Yes, but --

MR. SLADE: We followed up in the field, and we followed up by getting the plats to make sure they were accurate So yes, they are accurate.

VICE CHAIRPERSON SOCKWELL: Now, we're talking about Figures 7 and 8; right?

MR. SLADE: Yes.

VICE CHAIRPERSON SOCKWELL: And 7 and 8, regardless, could be turned into scale drawings because they came from scale drawings. This is not brain surgery. This is a decent photographic Xerox machine. And what you're saying to me is that you don't have the technology to do that and that you didn't do it and that these things are really way out of scale. And that doesn't make sense to me.

MR. SLADE: Mr. Sockwell, that's the reason I'm not giving you a "Yes" or "No" answer. I have to explain. You and I are both professionals in a very similar profession.

VICE CHAIRPERSON SOCKWELL: Right. I think --

MR. SLADE: Those diagrams did not have adequate dimensions for me to make that determination at the time. And I have made that very clear to the community when I met with them.

CHAIRPERSON CROSS-REID: So they're not --

MR. SLADE: Subsequent to that, we were able to obtain archived drawings that had detailed dimensions on them. And we were able to confirm that these are accurate, that the layouts are the right layouts and they fit on the properties.

VICE CHAIRPERSON SOCKWELL: I think you've answered it as well as you can answer it. Thank you.

CHAIRPERSON CROSS-REID: All right. Thank you very much. Now we'll move to the Office of Planning Report. Mr. Colby?

MR. COLBY: Thank you, Madam Chairman. In our analysis -- and you have our report, and I'll just summarize it.

CHAIRPERSON CROSS-REID: Yes.

MR. COLBY: In our analysis, we looked at potential issues of noise, traffic, and parking, number of students, trash, and safety. As regards noise, the very limited size of each site and the academic emphasis of the school should result in little outside activity and, thus, little noise produced outdoors. Noise produced indoors should be contained and, thus, not be a significant problem.

Under traffic and parking, it appears that the traffic management plan and parking proposal project will result in a school having only a marginal impact on 16th Street due to the small increment of traffic that we'll be adding. And the stacked parking should work, although it needs to be monitored.

If there is a problem, -- and I think this has been pointed out very clearly to date in this hearing -- it has been the use of the alley system for cuing for pick-up and drop-off of students.

In that regard, there's not a lot of room for error. And monitors will have to do their part to keep cars moving and ensure the residents' use of the alley is not impeded. If anything, it disrupts the normal functioning of the system.

The monitors will have to be resourceful in dealing with the problem. Parents will have to learn and follow the established driving patterns. Snow and ice will have to be removed in the alleys. And critical street segments will have to be plowed for the system to work. The system will have to function like clockwork for it to be a true success and not have an adverse impact.

In its favor is the short length of time each day that cuing is necessary. And as our report notes later in our report, DPW has commented and we rely on their expertise in parking/traffic matters.

Number of students. At Tifereth Israel, existing child development center with a maximum of 65 children, will close by Fall of 2000 and be replaced by 85 Jewish Primary Day School students, resulting in a relatively similar impact on the area.

The Ohev Sholom, the anticipated 120 students will bring the potential for new impacts. However, given the fact that

the educational program is to be largely focused inside the building, the potential impacts on the neighborhood will be primarily drop-off and pick-up traffic, as noted earlier. These impacts will be limited to relatively short time periods in the morning and afternoon. And everybody commented on that.

Other objectionable conditions: trash and safety. The trash the community residents have noted in that regard there is a potential conflict between residential trash pickup and student drop-off cuing in the morning. While this could be a problem if not addressed, the student pick-up system is designed to have monitors immediately facilitate movement of the cued cars so as to not impede trash pickup should it occur at the same time.

Increased activity brings with it the possibility of increased litter. Jewish Primary Day School can resolve this problem by having a staff member walk the perimeter of the site at least once a day to pick up all litter, no matter what the source.

It's critical that Jewish Primary Day School manage its own trash so it does not become a problem to the neighbors. I guess that's obvious.

Safety. Jewish Primary Day School safety will be enhanced by having fenced outdoor play areas, the use of an extensive system of monitors, and the use of those monitors to accompany children when off site.

The applicant has indicated children will not be allowed to cross streets, even with monitors, during peak traffic

hours. Neighborhood child safety will be enhanced by the use of structured vehicle routes, the proposed system of right turns and cues, as well as monitors. And a short time period is proposed for student drop-off and most pick-ups.

The application must comply with Section 3104.1 and not impair the intent, purpose, and integrity of the zoning regulations and map. The Jewish Primary Day School in their proposed location provides what would appear to be a good fit with existing synagogues that have already lost many of their congregants. We would find that increased use would lead to a readier maintenance solution.

It is the only Jewish day school in the District. It could and should with a continuing focus on the details of a plan to mitigate or eliminate adverse impacts be an asset to the community and the District. It must, as we note in our report, be a neighborhood facility, not just a facility located in a neighborhood.

The comprehensive plan designates the general area of the two synagogues for low-density residential use. Schools and churches are considered to be part of the fabric of a residential community. As the comprehensive plan notes in Section 102.3, many city neighborhoods also include integral commercial uses that contribute to their character.

Neighborhood businesses, schools, parks, and recreational facilities, churches, and other public facilities all

add to the liveability of our communities. These uses must be protected to stabilize and improve.

Community members hold, as I think is clear from this hearing, essentially opposing views on this application. And I will expand on that briefly in a second.

The Advisory Neighborhood Commission, ANC, 4A voted March 7th to oppose granting of the requested special exception. The Department of Public Works has submitted a report, which I would be happy to summarize at the end of this report.

As to our recommendation contained in our report, the proponents state that the presence of our school at these locations is a natural extension of the use and purpose of these congregational facilities and our location in the neighborhood will enhance, rather than detract, from the character of that portion of 16th Street.

Opponents state that if this zoning is approved, the school will not enrich this diverse and solid community but, instead, lay at our feet the burdens associated with placing a school where there is not sufficient space to run safely, both for the students of the school and the Shepherd Park community.

Who is right? It depends where you stand. Probably both sides from their individual vantage point. As the opponents note, the small size of the sites is problematical. The fact is that if all mitigation measures work as designed, the burdens on the community will probably be acceptable over the

three-year life of the school at that location.

However, if the school and parents were lax in their efforts to be good neighbors, the impacts, both perceived and real, will rise in significance. The school will quickly become one more institutional use on 16th Street, adding to the over-saturation of the school's secular and nonsecular activities by a number of unrelated groups.

There is too much at stake here for Jewish Primary Day School to fail in the successful integration of its educational program into the community.

The school can be a positive part of the fabric of the community. It can revitalize existing synagogues. It can provide the community with a shared use of its facilities and programs. It can be viewed as a community asset. But given the limited size of the sites, there is no room for error. And the conditions set on approval must be set quite high.

So, in short, the Office of Planning recommends approval of the application because we believe the opportunity for and likelihood of success outweigh the risk of failure.

However, our recommendation is conditioned on the following. And if you like, I can go down this list just for the record. The number of students should not exceed the 205, which the applicant has agreed to. The number of faculty and staff shall not exceed 32 and an additional 6 part-time specialists.

The school's hours of operation shall not extend

beyond 8:15 to 6:30 p.m., recognizing the staff will arrive ahead of that and that the core program ends at 3:30. There shall be parking spaces for 33 vehicles on site, 9 of them full-size spaces.

A traffic management plan shall be implemented to include fixed routes, extensive use of monitors, car or van pooling, to result in no more than in our report uses the figure 70 -- the applicant has agreed to 68 -- morning peak hour cars. So I would revise ours to 68.

After-school programs to extend afternoon pick-up, continued coordination of the school hours with those of nearby schools.

Number six, snow removal and salting of alleys and critical segments of Juniper, Jonquil, and 16th Streets shall be undertaken by the Jewish Primary Day School as needed.

Jewish Primary Day School personnel shall pick up litter daily around the perimeter of the two sites.

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

Jewish Primary Day School shall undertake community outreach programs. And those which we listed come from a proffer by the applicant to have cultural exchange programs with Shepherd Elementary School, adult courses, lectures for the neighborhood residents; and, very importantly, an ongoing community JPDS and synagogue liaison committee to meet at least once every three

months and probably monthly for the first six months to discuss and resolve issues of mutual interest.

And, finally, Condition Number 10, the initial length of approval shall be for only one year with the applicant to return prior to that time for an additional two-year approval. The intent is to ensure that the existing conditions are being met, that they are appropriate for the mitigation of all significant impacts. Additional conditions may be imposed at that time, obviously, as necessary.

That ends our report, but I would be happy to -- I can very briefly summarize the Department of Public Works report if you'd like me to do that at this time so cross-examination can be done as a package.

CHAIRPERSON CROSS-REID: Mr. Colby, I'm sorry.

MR. COLBY: If you'd like, that completed our report, but I'm happy to summarize DPW's report. They're not here to be cross-examined, but their report is in the record.

CHAIRPERSON CROSS-REID: Okay. Right. Before that, Mr. Colby, I have to ask for cross-examination, but I received a note also from the recorder and I need to find out from him: Are you okay or do you need us to recess for a few minutes?

THE REPORTER: A break would be appreciated.

CHAIRPERSON CROSS-REID: All right. Before the cross-examination, the recorder has to re-do his tapes. So we're going to recess for about five minutes at this time.

And then we're going to go into 1:15, at which time we'll have lunch for an hour and come back at 2:15. So plan accordingly. Thank you.

(Whereupon, the foregoing matter went off the record at 12:45 p.m. and went back on the record at 12:55 p.m.)

CHAIRPERSON CROSS-REID: All right. We just had the report by the Office of Planning. So now we have cross-examination of Mr. Colby.

MR. HAIRSTON: Madam Chairman, there will be three of us who will conduct this part, that will conduct several parts of it. We won't duplicate each other, but we have divided up the cross-examination.

CHAIRPERSON CROSS-REID: Good.

MS. DOBBINS: Madam Chair, I'm sorry. Typically the applicants get to question first. I don't know. We will waive. I just --

MR. HAIRSTON: I yield.

CHAIRPERSON CROSS-REID: Oh, okay.

MS. DOBBINS: Oh, I'm sure.

CHAIRPERSON CROSS-REID: You will yield to the applicant?

MS. DOBBINS: Sure.

CHAIRPERSON CROSS-REID: Go ahead.

MS. DOBBINS: We just have one question for Mr.

Colby. Mr. Colby, in reviewing the proposed conditions associated with your recommendation for approval, I just would like to ask if your Condition Number 10, the initial length of approval, should be for only one year, et cetera, et cetera.

Is the main purpose of that to ensure that the Jewish Primary Day School is complying with the other conditions and that the traffic plan is functioning properly?

MR. COLBY: Yes. As we noted, there are really two purposes. One is to make sure that there is compliance and the other that the plans are being implemented.

And the other is to make sure that the plan is, particularly the transportation management plan is, sufficient or should be enhanced in any way beyond what exists now; in other words, if experience teaches a lesson that couldn't have been foreseen.

MS. DOBBINS: Could that very well be accomplished if, in fact, you -- if an approval is made for the temporary three-year period as requested and the applicant along with the D.C. government agencies that would be involved, say, Department of Consumer and Regulatory Affairs and the Department of Public Works would certify to compliance an operation of that plan and the other conditions?

MR. COLBY: I'm sorry? What would they certify to?

MS. DOBBINS: They would certify initially to the compliance with any conditions that would be imposed. And DPW

would certify to the operation of the traffic plan in terms of the drop-off plan and other issues?

MR. COLBY: Certify to its adequacy or to --

MS. DOBBINS: Yes, its adequacy and compliance.

MR. COLBY: I'm not sure how they could do that, but I'm not aware that they've done that in the past. I'm having a hard time answering because I'm not experienced. I don't know how they could assure that.

MS. DOBBINS: Okay. Are you aware that in some circumstances, there are some other private schools that have conditions placed on them, that those conditions were actually placed for whatever the period of time was and that they were required to revisit those issues without having the limitation and the time?

MR. COLBY: No, no. The intent is not to -- our recommendation is to make sure, as we established just a moment ago, that the conditions are sufficient and that they're being carried out. It is not to set up a one-year pass/fail process where at the end of a year, the school is no longer allowed to be there. It's to make sure the conditions are adequate and if not, do whatever it takes to make them adequate.

MS. DOBBINS: So it's basically you're saying that the three-year period is fine but use the first year to make sure that everything is adequate or fix what's not?

MR. COLBY: And this was the mechanism we thought

which could accomplish that.

MS. DOBBINS: Do you think that --

MR. COLBY: If there's another mechanism that works and if -- as well, why, it's not the mechanism that's the issue. It's accomplishing what we're after.

MS. DOBBINS: And that's what we're getting at, whether the three-year -- you thought the three years was okay, but you wanted to look at the project after a year to make any changes --

MR. COLBY: Yes.

MS. DOBBINS: -- that may be necessary to make it work, --

MR. COLBY: That's correct. That's correct.

MS. DOBBINS: -- which means the Board can fashion something that it may not be an initial approval for a year?

MR. COLBY: This is a guide to the Board. And the Board may have --

MS. DOBBINS: Another mechanism is what you're saying?

MR. COLBY: Another solution, yes.

MS. DOBBINS: That's pretty much my question. Thank you.

CHAIRPERSON CROSS-REID: Okay. I asked the Board members if they had questions, and they don't. So, Mr. Hairston, proceed.

MR. HAIRSTON: Mr. Colby, referring to page --

CHAIRPERSON CROSS-REID: The mike, please, Mr. Hairston.

MR. HAIRSTON: Thank you. Mr. Colby, referring --

CHAIRPERSON CROSS-REID: You need to give your name at the beginning so that --

MR. HAIRSTON: Joseph Hairston, Chairman, ANC-4A.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: Referring to Page 8 of the report, next to the last paragraph, third line, it says, "designed, the burdens on the community will probably be acceptable over a three-year period." What's the significance of the three-year period?

MR. COLBY: That's the period the applicant has applied for.

MR. HAIRSTON: And does the opinion of the Office of Planning contemplate whether or not that's a real possibility, that three years they can get up and out?

MR. COLBY: We contemplate that the applicant will be there for no more than three years.

MR. HAIRSTON: No more than three years. So that's a critical part of your report?

MR. COLBY: We took it as a given. We didn't look at: Well, what if it was four years or what if they got out of there in two years? We accepted the fact that this was an

application for three years, and we based our analysis and judgments on that as a given.

MR. HAIRSTON: Now, looking at the last paragraph, would you read that paragraph again, please, on that page?

MR. COLBY: Surely. "There is too much at stake here for JPDS to fail in the successful integration of its educational program into the community.

"The school can be a positive part of the fabric of the community. It can revitalize existing synagogues. It can provide the community with a shared use of its facilities and programs. It can be viewed as a community asset. But given the limited size of the sites, there is little room for error. And the conditions set on its approval must be set very high."

MR. HAIRSTON: Are you aware of the First Amendment to the Constitution with respect to the separation of church and state?

MR. COLBY: Yes.

MR. HAIRSTON: In that third line, you indicate that the Office of Planning is looking in terms of revitalizing a synagogue. Should that be a matter for the government?

MR. COLBY: This is a land use issue and to make sure that all buildings along 16th Street are maintained as well as possible in landscaping.

MR. HAIRSTON: But you said "revitalizing existing synagogues." You used the term "synagogues." You didn't say

"buildings."

MR. COLBY: But we did go on to talk about -- we did elsewhere in there, in the report, talk about maintenance being less problematic.

MR. HAIRSTON: So you don't see a constitutional problem?

MR. COLBY: No.

MR. HAIRSTON: I yield now to Mr. Hampton.

MR. HAMPTON: Good afternoon, Mr. Colby. My name is Phil Hampton, and I am a representative of a group of neighbors. I'm just going through your report.

First off, the Office of Planning didn't do any independent analysis. You accepted everything as presented in the application; correct?

MR. COLBY: We accepted and often noted that what we were referring to came from the application. We do typically and did a site visit to assess conditions ourselves and --

MR. HAMPTON: So a site visit was done in this case?

MR. COLBY: Certainly.

MR. HAMPTON: Okay. So one of the things you note is that at Tifereth Israel, there is a small fenced play area on the Juniper side of the site.

Now, you know that Tifereth Israel housed the fourth to sixth graders. How big of a small fenced area is it or

will you agree that it is extremely small and that the play equipment in there is for preschoolers?

MR. COLBY: Yes, it is. I don't disagree.

MR. HAMPTON: So, therefore, the fact that they have that fenced-in site is basically irrelevant for fourth to sixth graders?

MR. COLBY: If anything, it supports our conclusion that there will be relatively little use of the outside play area for the children.

MR. HAMPTON: Well, there will be relatively little use of that play area, but on a nice warm spring day, where are fourth graders supposed to be and do while they're waiting to be picked up?

MR. COLBY: Well, they'll be in the school.

MR. HAMPTON: So, again, okay. They will be in the --

MR. COLBY: I think that it's an important part of the monitoring program to make sure that they are -- and I understand that will be the case.

MR. HAMPTON: Okay. As far as you understand, that will be the case?

MR. COLBY: Yes.

MR. HAMPTON: Similarly, at Ohev Sholom, you said there's a 15-foot alleyway, paved alleyway, outside the building; correct?

MR. COLBY: Yes.

MR. HAMPTON: And that is for the young kids at recess? Well, let me back up. Excuse me.

MR. COLBY: Yes.

MR. HAMPTON: Let me take one step back. In the application itself, they said there would be a recess of a half an hour for each group of kids. So going back to Tifereth, that small play area built for four and five-year-olds is where recess is supposed to be held for the fourth to sixth graders at Tifereth?

MR. COLBY: According to the applicant. And I asked the applicant the same question.

MR. HAMPTON: And you accept that? That's something that the Office of Planning has accepted?

MR. COLBY: Yes.

MR. HAMPTON: Okay. Thank you.

Similarly, at Ohev Sholom, that 15-foot wide play area, that is where they plan to have recess for the K to third graders; correct?

MR. COLBY: Yes.

MR. HAMPTON: And, again, you find that to be adequate? The Office of Planning finds that to be adequate?

MR. COLBY: We don't find it to be adequate or inadequate. We find it to be a fact --

MR. HAMPTON: You find it to be --

MR. COLBY: -- as we have been told by the applicant.

MR. HAMPTON: But doesn't the adequacy or inadequacy of what they've told you play into whether or not the Office of Planning accepts or rejects? I mean, if they tell you that the school is going to be 1,000 kids and they're only going to have 2 cars come, would you accept that as a fact?

MR. COLBY: No, but we're not evaluating the programmatic aspects of the school.

MR. HAMPTON: But doesn't that have something to do with the noise and the enjoyment if the space is too small for the number of students?

MR. COLBY: If it's obvious that the students will be outside of that space and in some danger themselves and run into the neighborhood, yes, if we were to conclude that from the information given to us by the applicant, then we should so state.

But we accept the fact -- we understand that students are primarily indoors and when they're outdoors, they're going to be accompanied to other parks and locations in the city.

MR. HAMPTON: But how would they be accompanied to other parks on a 30-minute recess? They would have to --

MR. COLBY: It would --

MR. HAMPTON: -- stay at those sites; correct?

MR. COLBY: One would presume so in a 30-minute --

MR. HAMPTON: And at Tifereth Israel, the play

area, which was built for fourth and fifth graders, is at most 100 square feet; correct? So you're going to have 32 fourth to sixth graders in a 100 square foot play area?

MR. COLBY: At a time?

MR. HAMPTON: At a time.

MR. COLBY: I think that they will have to manage that and make it work. I think that one of the conditions that the Board will put on it is to ensure that that is the limits of their outdoor play area.

MR. HAMPTON: Okay. Thank you.

Also, you say that it would be minimal impact on parking in the neighborhood; correct? However, during snowy periods, are you, the Office of Planning, anyone aware that anyone on 16th Street, particularly in the block between Iris and Juniper parks on Juniper Street because they can't park on 16th Street --

MR. COLBY: I'm sure --

MR. HAMPTON: -- and that the alleys are blocked?

MR. COLBY: I don't know that for a fact, but I can understand that from my own neighborhood.

MR. HAMPTON: So, again, you would at least say that they would have to clean additional alleyways so that folks would not be parked on the street than just the alleyways immediately behind Tifereth and Ohev; correct?

MR. COLBY: I would have to assume that the process of -- I mean, these are details, important details, that should be

worked out between the community and the school. And the process for doing that is the setup where there's a panel, a group, and discuss these issues but --

MR. HAMPTON: But, in your experience, isn't most of the time this done before people come to the BZA?

MR. COLBY: I guess I consider that a detail that you're bringing up with me when, really, it's a traffic issue that either DPW would have dealt with or that you and the applicant in the questions to the applicant would have dealt with and his traffic expert.

MR. HAMPTON: But, again, we did not have a complete opportunity to cross-examine the applicant. So we have to direct some of these questions to you --

MR. COLBY: I appreciate that.

MR. HAMPTON: -- since the Office of Planning has basically agreed to support this application.

MR. COLBY: Well, I think that there are going to be some details that would have to be worked out in the future. And how much snow removal is required is probably an important detail. It's certainly important to the community.

MR. HAMPTON: What written documents did the Office of Planning use to determine whether or not to accept any of the applicants' assertions of fact?

CHAIRPERSON CROSS-REID: Repeat that question, please.

MR. HAMPTON: What written documents did the Office of Planning use to determine whether to accept, whether or not to accept, the applicants' assertions of fact?

MR. COLBY: I think that that -- I don't understand the question. I can only say that we accepted the applicants' assertions as fact and we accepted -- and most of those assertions came in the application. We asked questions of the applicant to clarify any number of issues, got more information from the applicant.

MR. HAMPTON: So again --

MR. COLBY: And that's the normal process that we follow.

VICE CHAIRPERSON SOCKWELL: Excuse me. Mr. Hampton, let me ask Mr. Colby a question. Typically the Office of Planning gets any number of these reports to prepare during the calendar year. In what circumstances or under what circumstances do you not accept the applicant's statements as factual and then supplement them with the supporting information from other offices as necessary?

MR. COLBY: We've dealt with this one the same as we would deal with any other. And if it's either confusing to us or unclear or we feel it needs more, we ask for more information and clarifying information from the applicant. And, of course, we do refer to other agencies as necessary. And this, of course, went to DPW.

MR. HAMPTON: Okay. But you never get input from those who might have a differing opinion as to the assertion of facts?

MR. COLBY: No. I think you're asking a -- let me answer the question that I think you asking. Do we go to the community and get their input on a BZA case? Is that the question? We go to the applicant because we need to know --

MR. HAMPTON: In this case. Did you do that in this case?

MR. COLBY: No.

MR. HAMPTON: Okay.

MR. COLBY: We determined what the ANC's position is, which is what we normally do in a case.

MR. HAMPTON: And so as you went back to the applicant, you also went back to the ANC and asked them additional questions; correct?

MR. COLBY: We didn't -- we were trying to clarify what the application was about, not what -- we got lots of letters, which were very clear about what the applicant's and the community's position was. That didn't require going back and checking with each of those people who wrote in on the letters.

MR. HAMPTON: Is a major assumption of the Office of Planning report that parking will be available on 16th Street?

MR. COLBY: I want to reemphasize that we rely on DPW for the traffic aspects of the case and --

MR. HAMPTON: Okay. So when you get to discussing the DPW report, we'll come back to questions about traffic flows on 16th Street and parking on 16th Street.

CHAIRPERSON CROSS-REID: Okay. Now it would be Mr. Humphries?

MR. HAMPTON: No. Next up is Mr. Bardonille.

CHAIRPERSON CROSS-REID: Sorry.

MR. HAMPTON: I'm finished.

CHAIRPERSON CROSS-REID: Oh, you are?

MR. HAMPTON: I'd like to tag off to Mr. Bardonille.

CHAIRPERSON CROSS-REID: Okay. Now we now come to the break point for lunch at 1:15. And then when we resume, we have two other individuals who will do their cross-examination at 2:15.

All right? Thank you.

(Whereupon, a luncheon recess was taken at 1:15 p.m.)

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

(2:20 p.m.)

MR. HAIRSTON: I have a preliminary matter.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: I have two witnesses when the ANC puts on its case in chief that I'd like to call out of turn. They're on call now. They're both District of Columbia employees. And rather than have them sit here all day, I asked them to -- that I'd give them an hour call ahead of time when we thought we would need them.

I'm not sure where we'll be. So I'm asking for permission that when they come, I can call them out of turn so they can go -- I don't waste all the government time.

CHAIRPERSON CROSS-REID: Okay. All right. Right now we're finishing up --

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: -- the cross-examination of Mr. Colby. And then we'll have the DPW report and then the ANC report.

MR. HAIRSTON: Right.

CHAIRPERSON CROSS-REID: And that should probably -- I guess it would be a good idea to call them around now.

MR. HAIRSTON: Well, that's what I was saying.

CHAIRPERSON CROSS-REID: Yes.

MR. HAIRSTON: I had to have your permission so I

wouldn't lose the opportunity.

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

MS. DOBBINS: We have no objection, Madam Chair.

CHAIRPERSON CROSS-REID: Okay. All right.

MR. HAIRSTON: Thank you, Madam.

CHAIRPERSON CROSS-REID: Okay. And then you wish that as soon as they come we take them immediately?

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: We have no problem with that.

MR. HAIRSTON: Right. That's the only thing: Just take them immediately.

CHAIRPERSON CROSS-REID: All right. Now, who is the next person to cross-examine Mr. Colby? Oh, I'm sorry. Okay.

MR. BARDONILLE: My name is Harold Bardonille. And good afternoon, Mr. Colby.

MR. COLBY: Good afternoon.

MR. BARDONILLE: Mr. Colby, what is your position with the Office of Planning?

MR. COLBY: My position is that I'm a contractor or consultant to the Office of Planning, having worked for the Office of Planning for 24 years, retired, technically retired, at the end of 1999 and then hired back as a consultant --

MR. BARDONILLE: I see. Are you the --

MR. COLBY: -- and working almost exclusively on zoning and BZA and Zoning Commission issues.

MR. BARDONILLE: Very good. Are you the author of the report that you are presenting, you just presented?

MR. COLBY: I think I was asked that. You may have asked me that question earlier or somebody did last time. Yeah, I was the -- every report has a project manager or manager or author, if you will, from the Office of Planning, a planner who works on it. And I was that person.

And after I work on it, it goes to in this instance the Deputy Director and then to the Director for his signature.

MR. BARDONILLE: So that it becomes an official document --

MR. COLBY: Yes.

MR. BARDONILLE: -- of the office?

MR. COLBY: That's correct.

MR. BARDONILLE: Mr. Colby, is it as part of your function over the many years that you worked there and now as a consultant to be familiar with Title XI of the municipal regulations?

MR. COLBY: Yes.

MR. BARDONILLE: Is it fair to say that that is the guiding document of your office's work with respect to the matter at hand anyway?

MR. COLBY: Yes.

MR. BARDONILLE: And, as you analyzed this, you did testify before our break that you accepted the applicant's representations wholesale.

MR. COLBY: I don't think that was my term.

MR. BARDONILLE: That you accepted them on good faith?

MR. COLBY: Yes.

MR. BARDONILLE: And that you did make site visits. For what purpose?

MR. COLBY: Well, somebody said recently looking at the diagrams was somewhat of an abstraction until you actually see the situation in real life. And the visit was very important. It always is, and it was particularly so in this case.

It led me to the conclusion that the site was, in fact, a -- I guess I used the word "tight" or "small" in the report.

MR. BARDONILLE: And with respect to the traffic plan, I think your quote is that "There was no room for error."

MR. COLBY: That's correct.

MR. BARDONILLE: Would you characterize that as having to be a perfect plan or a perfectly executed plan?

MR. COLBY: I would say perfectly executed was what that meant, that the applicant, Jewish Primary Day School, could not relax on its laurels, it would have to work continuously in that location.

MR. BARDONILLE: And if they were to, would it result in any deleterious effects on the neighborhood?

MR. COLBY: If they were to relax?

MR. BARDONILLE: If the plan were not to be perfectly executed.

MR. COLBY: I think that's a safe assumption.

MR. BARDONILLE: Okay. Are you familiar with the term "oxbow"?

MR. COLBY: I'm familiar with that term, but I can't tell you what reference --

MR. BARDONILLE: What relevance it has here? Well, the relevance is for those who may not be, an oxbow is a bend in the river.

MS. DOBBINS: Testimony. Questions --

MR. BARDONILLE: I withdraw. One other preliminary question, Mr. Colby. You in your earlier statement indicated that you accepted the statements of applicant as facts and, thus, reached your conclusion on the basis of that presumption that they are facts.

MR. COLBY: Yes, with some clarifying communication with the applicant but basically accepted what was there as being factual.

MR. BARDONILLE: Thus, if you were to learn that they were not factual, would it change the recommendation?

MR. COLBY: I can't answer that without having that

information and if it were significant, reevaluating, going through some process.

MR. BARDONILLE: Fair enough. I'm going to ask you a few questions, and I don't want to blind-side you. It has to do with the Chapter 21 and 22 of the municipal regulations. So if you don't have one there, I have a copy of the regulation that I could let you consult as we proceed.

MR. COLBY: Thank you.

MR. BARDONILLE: Do you sort of -- again, I wouldn't want to blind-side you. Do you have a copy of Figures 6 and 7 of the applicant's --

MR. COLBY: Yes, I do in the application.

MR. BARDONILLE: Very good. In the course of preparing the report, do you consult applicable regulations?

MR. COLBY: Yeah. I might make an attempt to head some of this off at the pass by saying that, as our report states and I stated earlier, we rely on DPW to do most of the traffic analysis, to evaluate the applicant's transportation plan. And while we look at things in a more cursory way, we don't ignore it completely, we do rely on their input. And, of course, they do have a report in this.

MR. BARDONILLE: Well, if it would make it easier, I am not focusing on any traffic movement at all. Everything that I will ask you about has to do with the static nature of the properties as it relates to this application; that is, those

things that you saw when you made the inspection of the site.

Let me just get one item out of the way. Chapter 2200.1, do you have that by you there? What does that command?

MR. COLBY: It speaks to loading berths and loading spaces.

MR. BARDONILLE: And requires that a space be provided in certain specified buildings, does it not?

MR. COLBY: Yes, anything after the regulations came into effect in 1958.

MR. BARDONILLE: Okay. Are you aware of when these buildings came into existence?

MR. COLBY: No, I'm not, but they look -- well, I don't know. I won't even conjecture.

MR. BARDONILLE: Would you argue with a statement that they did come into existence after 1958 --

MR. COLBY: No, I would not.

MR. BARDONILLE: -- on the records of the assessor?

MR. COLBY: No.

MR. BARDONILLE: Thus, you would require them under your own regulations to have a loading area?

MR. COLBY: I can't answer that, in part, and maybe I should be able to. And, again, I would rely on DPW for the final analysis, but the churches, the synagogues that exist there now, I'm not sure that they were required to have loading berths when they were built. If they were -- and I don't believe we've

testified on the --

MR. BARDONILLE: I haven't testified, and I can. But would you accept that the Office of the Assessor indicates their existence beginning 1961 and '63, respectively? Would you --

MR. COLBY: Do you mean for the buildings?

MR. BARDONILLE: For those two sites.

MR. COLBY: Yes. And as you --

MS. DOBBINS: Madam Chair, I would inquire into the relevance of the questions --

MR. BARDONILLE: The relevance of the question, Madam --

MS. DOBBINS: -- to the zoning case before the Board.

MR. BARDONILLE: The relevance of the question is that adequate parking is provided as a *sine qua non* of this application's approval. It is a specific singly outstanding element of 206. 206.3 requires that ample parking be provided as a plea condition of your approval.

MS. DOBBINS: I'm inquiring into the loading berth part of it.

MR. HUMPHRIES: Okay. This is relevant to the fact that they can't have as many parking spaces as they claim if they have a loading berth, as required by the statute. So, again, it is quite relevant because if they have to have a loading berth,

they are running into problems with the number of spaces that they can provide as required by law.

MR. BARDONILLE: There are specific dimensions for a loading dock I think you will find in the regs. Mr. Colby, are you familiar with -- and if you're not, please refer to Section -- we're through with 22 -- 21-17.4? Do you have it?

MR. COLBY: Yes.

MR. BARDONILLE: Would you read it into the record, please?

MR. COLBY: "Except as provided in another section, each required parking space shall be accessible at all times directly from improved streets or alleys or by way of private driveways." Is that sufficient?

MR. BARDONILLE: That's sufficient. Is this the first time you have come in contact with that regulation?

MR. COLBY: Frankly, it's the first time that I've had occasion to single it out.

MR. BARDONILLE: Otherwise, you would not have -- had you known before today, would you have indicated, as you have on Page 6, that stacked parking was permitted?

MR. COLBY: In spite of that provision, it's my understanding that the Board frequently provides for staff parking or parking which will not meet this requirement as a part of the Board's procedure.

MR. BARDONILLE: It is your testimony that the

Board frequently violates its own rules?

MR. COLBY: No. It's my experience that the Board has the -- has and is presumed to have the authority to permit stacked parking in instances where it's necessary to provide adequate parking.

MR. BARDONILLE: But at the moment, that's a separate issue. You made a representation --

MR. COLBY: These cars all have --

MR. BARDONILLE: -- with respect to your report.

MR. COLBY: But these cars would all have access if they came in in an appropriate fashion to those spaces.

MR. BARDONILLE: Wait a minute. Well, I call your attention, then, to Figure, I think it is, 8. Do you have it?

MR. COLBY: Figure 8 in the attachments?

MR. BARDONILLE: In the prehearing statement of the Jewish Primary Day School --

MR. COLBY: Of the traffic section?

MR. BARDONILLE: Yes, of the traffic thing. It's the parking. Seven and 8 represents their parking. It represents a diagram of the representations that have been made throughout this hearing as to the, quote, unquote, "adequacy of parking."

MR. COLBY: That's correct. I have that in front of me.

MR. BARDONILLE: And I take it now -- Mr. Colby, let me ask you: Are you by any chance a registered engineer?

MR. COLBY: Not in the District of Columbia.

MR. BARDONILLE: But, nevertheless, a registered engineer?

MR. COLBY: I'm a registered architect.

MR. BARDONILLE: Architect. When you look at schematics, Mr. Colby, in order for you to make a rational judgment as to what you're looking at, do you need to know the scale of the diagram?

MR. COLBY: You don't need to know the scale when you're using an illustration. You need a scale when you scale something off to make sure that the illustration, in fact, represents what it is that you can legally or physically do on the site.

MR. BARDONILLE: I see. So when we look at Figure 8, what representation, therefore, would you say it is making?

MR. COLBY: I think you're fishing. I wish you'd be more specific.

MR. BARDONILLE: I'm not fishing. There are 26 spaces which you have taken wholesale. There is a finite amount of space that we're talking about.

So in order to have 26 spaces -- and I call your attention to -- I think it's 21-01 that specifies the spaces, the size of the spaces. For regular automobiles, it's 19 by 9. For compact cars, it's 18 by 8. You're familiar with that?

MR. COLBY: Yes and for --

MR. BARDONILLE: So tell me what you see.

VICE CHAIRPERSON SOCKWELL: For compact cars, it's 8 by 16, not 8 by 18.

MR. BARDONILLE: All right, sir. You're absolutely correct, 8 by 16.

So since this is to -- what does this represent given your understanding of: A) the finite space that's available at the site and the number of cars being represented to be parked?

MR. COLBY: We did not go out to the site to measure. That wouldn't be our role. That would be DPW's where they felt that was necessary. We did not evaluate because DPW was doing the same.

We try not to be redundant with them and, in part, because we would be -- we might come out with a different conclusion and our conclusion might not be as accurate as theirs.

So I think that the -- I can only say that for this application to get a permit, it will have to meet required parking. And parking spaces will have to be what they have to be for full-size and compact cars.

MR. BARDONILLE: But it's a precondition. It is not a condition that will be determined after they are approved for a special exemption. The special exemption is in accordance with Section 206.

MR. COLBY: That's correct.

MR. BARDONILLE: Two-o-six has a two-pronged test.

I'm only focusing on one prong, which is 206.3, the requirement that ample parking be provided.

You have indicated that ample parking will be provided. You say you cannot tell specifically, but what does this represent?

MR. COLBY: It represents 26 -- well, the diagram represents 26 parking spaces, and the text represents how many of those will be compact and how many will be full-sized cars.

MR. BARDONILLE: Right. Now, you are familiar with how many can be compact on a site and how many has to be regular size, I take it?

MR. COLBY: I can't tell you off the top of my head.

MR. BARDONILLE: Okay. You wouldn't quarrel with that you cannot establish compact parking until you have 25 parking spaces, would you?

MR. COLBY: Well --

MR. BARDONILLE: It's 21-15.2.

MR. COLBY: Yes. I can read what the regulations say, which is 40 percent of the spaces can be compact.

MR. BARDONILLE: But what is the prior regulation? It says how many can be -- you cannot establish compact until you have --

MR. COLBY: Twenty-five.

MR. BARDONILLE: -- 25 spaces.

MR. COLBY: That's correct.

MR. BARDONILLE: So first you must have 25 before you can determine that --

MR. COLBY: Right.

MR. BARDONILLE: -- 9 of them can be compact spaces. Now, when you looked at this schematic, have you -- and, remember, there's another. 21-15.4 indicates that those compact spaces have to be grouped in groups of five, do they not? Does it not?

MR. COLBY: I'm sorry. I'm not familiar with that.

VICE CHAIRPERSON SOCKWELL: It's correct.

MR. BARDONILLE: Twenty-one --

VICE CHAIRPERSON SOCKWELL: You don't have to read it. He's correct. They have to be grouped in fives.

MR. BARDONILLE: Okay.

VICE CHAIRPERSON SOCKWELL: I mean, I know a lot about this parking regulation. Believe me, I'll try to qualify everything that you say to save time if you don't mind. Thank you.

MR. BARDONILLE: Okay. So given that understanding and you look at the schematics, where do you suppose those compact parking spaces are?

MR. COLBY: I'd have to go back and read the -- I think what you're doing -- and it's very clear, and I don't have any way to -- you know, I'm only responding to your questions --

is you haven't been able to cross-examine the applicant on parking or you ran out of time. And now you're turning to the Office of Planning to defend basically the parking scheme of the applicant.

And with a certain amount of time, we might make an effort at that. The fact is that we're not -- we rely, again, on the Department of Public Works for that kind of activity. And we rely on them to speak to those issues in their report.

MR. BARDONILLE: Mr. Colby, we didn't call you as a witness.

MR. COLBY: No, but you're --

MR. BARDONILLE: I'm not sure what your point is.

MR. COLBY: My point is that our report states very clearly that we would be relying on the Department of Public Works on transportation matters as being the experts. It states it twice.

MR. BARDONILLE: So that we can strike from your report and, therefore, your conclusion that parking is not amply provided at these sites?

MR. COLBY: You can strike from our -- I can only say that our report makes a judgment about parking. And it probably makes reference to the applicant's -- it probably says something to the effect that the applicant appears to provide the required parking.

But we would not be the final authority on that. And if the Department of Public Works said otherwise, we would

certainly accept their finding.

MR. BARDONILLE: How about if anybody else said otherwise? If you knew it to be otherwise in accordance with the regulations that you have in front of you, will that impact your decision?

MR. COLBY: I would say I don't know the answer to that because, again, we rely on the Department of Public Works and --

MR. BARDONILLE: Sure. Let me call your attention to one other regulation, 21-17.5. Would you like to acquaint yourself with what that says?

MR. COLBY: Twenty-one? Again, what was that?

MR. BARDONILLE: 21-17.5.

MR. COLBY: Yeah. It speaks to the layout of parking areas.

MR. BARDONILLE: Right. And so when you look at Figure 8, are you to -- did you suppose there was an aisle between the so-called stacked parking?

MR. COLBY: No, I didn't suppose that, but I supposed that those kind of technical issues would have been picked up by the Department of Public Works if they were issues in terms of the parking layout.

CHAIRPERSON CROSS-REID: Okay. Mr. Bardonille, I think it's apparent in your line of questioning and the responses that the Office of Planning relied very heavily on the input for

the analyses from DPW.

MR. BARDONILLE: I see. Okay. Well, then I have just a few remaining questions.

CHAIRPERSON CROSS-REID: Please.

MR. BARDONILLE: With respect to Tifereth Israel, did you rely on the Office of --

CHAIRPERSON CROSS-REID: DPW.

MR. BARDONILLE: -- DPW to determine that they could locate seven spaces on that site?

MR. COLBY: We haven't treated either site differently in that regard, surely.

MR. BARDONILLE: Are you aware that the number of spaces that are available is a critical factor as to whether or not a special exemption may be granted?

MR. COLBY: The regulations require there to be adequate parking.

MR. BARDONILLE: The regulations require what?

MR. COLBY: Adequate parking, that parking not have an impact on the neighborhood.

CHAIRPERSON CROSS-REID: The answer is yes. Move on.

VICE CHAIRPERSON SOCKWELL: Excuse me. I'd like to interrupt for just a moment so that we can clarify something. Are you familiar with Section 21-15.11, sir?

MR. BARDONILLE: Which one is that?

VICE CHAIRPERSON SOCKWELL: It's the one you haven't read.

MR. BARDONILLE: Well, do you want me to do so now?

VICE CHAIRPERSON SOCKWELL: I think you should, sir.

MR. BARDONILLE: Is that a reduction one?

VICE CHAIRPERSON SOCKWELL: It is not a reduction one. It is a very important descriptive one.

MR. BARDONILLE: Okay. 21-15 what?

VICE CHAIRPERSON SOCKWELL: .11.

MR. BARDONILLE: That you may waive certain requirements? Of course. No. I was very familiar with that one.

VICE CHAIRPERSON SOCKWELL: Good. Then you understand what that means?

MR. BARDONILLE: Sure.

VICE CHAIRPERSON SOCKWELL: What does it mean, sir?

MR. BARDONILLE: It means that you can waive those requirements that you choose to waive.

VICE CHAIRPERSON SOCKWELL: No, no, no. You're not being specific, and here we're trying to. And let me apologize for not realizing that you didn't know this, but it does state -- and I'm not stating whether the applicant has met or not met, but I did qualify this particular drawing, Number 8, which you were referring to, while I was out of the room listening from the other room. That drawing is basically on scale.

The number of parking spaces varies approximately by one from what the applicant has shown based on the area available, but specifically it is possible -- and I don't know if the applicant has been asked. So I don't know the answer.

But this section states that if the parking is managed during specific hours, the striping and size requirements can be waived completely. And the parking spaces would be decided upon by a square footage per vehicle. And that does mean that there is another way of interpreting the regulation.

I just want to make sure that you are aware of that because you didn't express awareness and I --

MR. BARDONILLE: Well, not right off the bat, and I --

VICE CHAIRPERSON SOCKWELL: Well, you tried not to express awareness to me. So I just wanted to make sure you understood.

MR. BARDONILLE: Why are you trying to characterize what I am trying to do?

VICE CHAIRPERSON SOCKWELL: Because you weren't specific, and you're a very specific man.

MR. BARDONILLE: Okay. Well, while we're being specific, may I just read that specific regulation into the record, therefor?

VICE CHAIRPERSON SOCKWELL: I think you should.

MR. BARDONILLE: It says, "Parking space

dimensional size, design, and striping requirements stipulated under Sections 21-15.1, 21-15.2, 21-17.3, 21-17.5, and 21-17.6 may be waived;" --

VICE CHAIRPERSON SOCKWELL: That's 21-15.1 through 21-15.4.

MR. BARDONILLE: I stand corrected.

-- "may be waived; provided" -- that's a condition -- "that the parking is managed during a specified 12-hour peak period." So you're saying any time during the 12-hour period, that satisfies this requirement?

VICE CHAIRPERSON SOCKWELL: Yes, I am.

MR. BARDONILLE: And all of these requirements may be waived so long as someone monitors it. What does "manage" mean in this instance?

VICE CHAIRPERSON SOCKWELL: "Manage" means parking lot attendant. That's what it means.

MR. BARDONILLE: Very well.

CHAIRPERSON CROSS-REID: Mr. Bardonille, do you have any more questions?

MR. BARDONILLE: Well, I don't have any more questions for Mr. Colby because he has indicated that his report --

CHAIRPERSON CROSS-REID: The testimony aspect, that's done during the time that you will be given, the time provided for you to testify. And then you can give us your

assessment of the cross-examination.

MR. BARDONILLE: If you will just give me a moment, Madam Chair?

CHAIRPERSON CROSS-REID: Okay.

MR. BARDONILLE: When you visited the site at Tifereth Israel, were there cars parked there at the time that you visited?

MR. COLBY: I want to say yes, but I honestly don't recall.

MR. BARDONILLE: Well, when you examined the applicant's submission, did you notice their exhibits?

MR. COLBY: Their photographs?

MR. BARDONILLE: Yes.

MR. COLBY: Yes.

MR. BARDONILLE: Did those exhibits show the parking at that site, show some cars parked at that site?

MR. COLBY: I believe they did, the ones, the cars -- are you referring to the ones parked at an angle?

MR. BARDONILLE: Yes.

MR. COLBY: Yes. I believe they were parked there when I went to the site.

MR. BARDONILLE: And they protruded into the alley? Did you notice them protruding into the alley?

MR. COLBY: Here, too.

MR. BARDONILLE: Okay. Did you notice whether

there was at Tifereth Israel a designated loading area?

MR. COLBY: No.

MR. BARDONILLE: Did you notice while you were at Tifereth Israel the presence of a huge dumpster?

MR. COLBY: The dumpster was not there. And I asked about it because it was in the pictures. And the day I went, it was apparently removed for striping purposes.

MR. BARDONILLE: For striping?

MR. COLBY: For some purpose. In any case, it was not there. And I thought maybe I was at the wrong site because it very clearly could be seen in the pictures. It was not there.

MR. BARDONILLE: One moment.

(Pause.)

MR. BARDONILLE: Would you describe the sites you visited? What did you see?

MR. COLBY: I visited these two synagogues. I went around them and around them, left turns and right turns, around and around and around.

MR. BARDONILLE: Did you have anything in mind that you were looking for when you visited?

MR. COLBY: What is -- I'm sorry. I don't understand what the question is.

MR. BARDONILLE: When you undertook to make a site visit, were there some things you wanted to satisfy yourself existed or not existed or was it just sort of a free association

visit?

MR. COLBY: What do you think?

(Laughter.)

MR. BARDONILLE: I'm sorry, Madam Chair.

MR. COLBY: I mean, that's a rather strange question. It's a very load question if you don't mind my saying so.

CHAIRPERSON CROSS-REID: Okay. I think what you may answer, Mr. Colby, is: Was your visitation of the site specifically to ascertain certain information or was it a general visit to look over the site just to get an impression of the site itself or were you specifically trying to ascertain certain things?

MR. COLBY: I wanted to see --

CHAIRPERSON CROSS-REID: Now, is that good enough?

MR. COLBY: Yes. Thank you. Thank you. That helps.

CHAIRPERSON CROSS-REID: That's where you're going with that. Okay.

MR. COLBY: That's a fair question, and I'll give it a fair answer.

CHAIRPERSON CROSS-REID: Okay.

MR. COLBY: I went to see how narrow the alley was. I went to see that dumpster and why it had to be where it was. I went to see how close the neighbors were and how many garages and

parking areas would be impacted.

I wanted to see how difficult it was to make left or right -- right turns in this case into the alleys and out of the alleys. I wanted to see what the neighborhood was like more generally.

And I saw all of that. I was impressed. And I found, as I stated earlier, that it was a constricted circumstance that would require everything to work, I guess your word, perfectly, but maybe it was my word, work very well for the drop-off and pick-up to work in the alley.

CHAIRPERSON CROSS-REID: Mr. Bardonille, you said that you were wrapping. So is this your final question here?

MR. BARDONILLE: It depends on his answer if you don't mind, Madam Chair.

CHAIRPERSON CROSS-REID: Well, I mean --

MR. BARDONILLE: When and what time did you visit the synagogues?

MR. COLBY: I visited -- I believe it was a Friday, but it was around 3:00-3:15 in the afternoon.

MR. BARDONILLE: And you indicated that you were curious as to why the dumpster was not where you thought it should be?

MR. COLBY: Yes.

MR. BARDONILLE: And have you fulfilled that curiosity in any way?

MR. COLBY: I asked the applicant.

MR. BARDONILLE: And what did they indicate to you?

MR. COLBY: Well, I thought they said it was removed for striping, but I may have that wrong. In any case, it wasn't there. And I got an answer which at the time seemed to be a reasonable answer.

It was not removed because I was coming. Nobody knew I was coming.

MR. BARDONILLE: So when you represent that you believed 47 spaces could fit there, it was based on the dumpster not being there?

MR. COLBY: No. I had that conversation with the applicants. And the answer I got was that and as our report I think indicates, we have not seen a site plan to show where the dumpster, where the trash would ultimately be, but I was told that it would not be on one of the parking spaces, it would be in a separate area.

MR. BARDONILLE: May I call your attention to Figure 7?

MR. COLBY: Which set of figures again?

MR. BARDONILLE: Figure 7. That's Tifereth Israel. Yes. They were 6 and 7 we were looking at. We had looked at 8 mostly. I just wanted you to look at 7.

MR. COLBY: Yes. Go ahead.

MR. BARDONILLE: The dark area is the area that

we're talking about for those seven parking spaces.

MR. COLBY: Yes. Mine's in color.

MR. BARDONILLE: Well, the red area. You're ahead of me. The red area is the parking area. Except for part of the evacuation steps at the north end, would you say that the parking spaces take up the entire length of that area?

MR. COLBY: Yes. With the exception that you note, they take up the entire frontage of the alley.

MR. BARDONILLE: Yes. And so while you were visiting, did you notice the entrance to a handicapped ramp?

MR. COLBY: Yes. Oh, yes.

MR. BARDONILLE: Did you notice some -- you're aware that this is an assembly building?

MR. COLBY: Yes.

MR. BARDONILLE: So that they have exits on all sides; right?

MR. COLBY: Except that --

MR. BARDONILLE: Did you notice any exit areas along that side of the building?

MR. COLBY: I'm sorry. I don't recall.

MR. BARDONILLE: You don't recall? And you don't recall whether there was a loading dock designated?

MR. COLBY: On the building, you mean, in some way?

MR. BARDONILLE: Yes, along that --

MR. COLBY: No, I don't.

MR. BARDONILLE: Now, where would you suppose the dumpster once it returned would be located?

MR. COLBY: I don't suppose anything. I was waiting for the applicant to provide a site plan so that I could review it. I can't answer that. I can't make up a place for it.

MR. BARDONILLE: So you didn't rely on this site plan for --

MR. COLBY: The trash?

MR. BARDONILLE: -- for trash as you --

MR. COLBY: No, I did not.

MR. BARDONILLE: -- as you reached your conclusions?

MR. COLBY: I did not. I basically concluded that I had not reviewed the trash solution because I had not seen a site plan.

MR. BARDONILLE: Did you in any way consider the noise aspect of this application? Was that something that was in your purview?

MR. COLBY: Noise? For trash removal?

MR. BARDONILLE: No, no, no. The noise. No. You said you did not consider trash removal. Did I misunderstand you?

MR. COLBY: No. That's correct. We did consider trash. You read our report?

MR. BARDONILLE: Yes, I did.

MR. COLBY: Then you would know that we considered

trash removal.

MR. BARDONILLE: And with respect to Tifereth Israel, what, therefore, was your consideration? I thought your testimony just now was that --

MR. COLBY: No, I'm sorry. We didn't -- well, we reviewed trash removal. We do not know where the trash dumpster will be, whether it's on a parking space. And the applicant said not, and we accept that, but we haven't seen the site plan to -- as I said, to assure that.

MR. BARDONILLE: Well, Mr. Colby, if there are seven cars parked along that area, where would we -- where is it likely that the applicant or anybody else could find to locate a dumpster?

MR. COLBY: On the face of it, it's a good question. I don't know the answer. But I'm basically saying I don't have an answer, that we have not -- that is a piece of information that we raised to the Board's attention to say that we have not evaluated it and that it should come out of the public hearing process.

MR. BARDONILLE: So would it be fair to say that perhaps -- since we're being tentative, that perhaps seven spaces locating on Tifereth Israel is an overstatement?

MR. COLBY: Perhaps because if the trash were to take up one of those spaces.

MR. BARDONILLE: Would it be fair to say that the

26 spaces represented on Ohev Sholom may perhaps be a overstatement?

MR. COLBY: Yes. The same reasoning applies.

MR. BARDONILLE: I have no further question, Madam Chair.

CHAIRPERSON CROSS-REID: Thank you, Mr. Bardonille. Next is the party who is going to cross-examine Mr. Colby. That's Mr. Humphries. And then the last one is -- that's the end? You're the last one?

MR. HUMPHRIES: Yes, ma'am.

CHAIRPERSON CROSS-REID: Okay. Great. And then we go to the ANC report. I'm sorry. DPW before -- is there anyone here from DPW? All right. Mr. Sockwell will give that report, summarize the report, on behalf of DPW after Mr. Humphries gets done.

MR. HUMPHRIES: Thank you, Madam Chair.

Mr. Colby, just a few questions. Were you required to do a written report on your site visit?

MR. COLBY: For whom? No. I took notes.

MR. HUMPHRIES: You took notes? Okay. You referred to your notes in the report, the report that you helped prepared?

MR. COLBY: The note reflects my reply -- I mean, excuse me. The report reflects my notes.

MR. HUMPHRIES: Okay. Fine. I'd like to just walk

with you through it because I want to be just very succinct about my questions. You know, you've answered a number of questions.

On the first page, sir, this application is to establish a private school. Is that correct? And in the third paragraph, "Background," you indicate that the lengthy approval and construction process associated with a new site would not allow for the immediate relocation of the school, a new site. Did you independently verify that there is a new site in existence?

MR. COLBY: Did I independently verify what? I'm sorry.

MR. HUMPHRIES: That there is a new site in existence.

MR. COLBY: A new site that they're looking at?

MR. HUMPHRIES: Yes, sir, that there is a new site in existence.

MR. COLBY: I'm aware independently that the school is looking at a new site.

MR. HUMPHRIES: Okay. And further in that paragraph, you see that -- and I think that it's probably just a typo -- the second line from the last, beginning "Board of Zoning Adjustment, BZA, toward a September opening in the new locations." Correct?

MR. COLBY: Yes.

MR. HUMPHRIES: Okay.

MR. COLBY: What is the typo?

MR. HUMPHRIES: It's "locations," plural, not one location.

CHAIRPERSON CROSS-REID: Where are you reading from, Mr. Humphries?

MR. HUMPHRIES: Madam Chair, it's from the first page.

CHAIRPERSON CROSS-REID: Still on the first page?

MR. HUMPHRIES: Yes, ma'am, "Background."

CHAIRPERSON CROSS-REID: Second sentence from the bottom?

MR. HUMPHRIES: Yes, second line from the bottom.

MR. COLBY: Arguably, that's one location, two sites. So I wouldn't quibble with "locations" either.

MR. HUMPHRIES: So we have plural sites. Okay. On the second page?

CHAIRPERSON CROSS-REID: Where does it say "locations"?

MR. HUMPHRIES: Page 2, in the paragraph "Site and Area Description," there you have a sentence six lines down beginning "Unstriped parking lot. The site is bounded on all sides by single-family detached residential dwellings."

Did you interview any of the neighbors?

MR. COLBY: No.

MR. HUMPHRIES: Thank you.

MR. COLBY: I think I --

MR. HUMPHRIES: Thank you.

In the next paragraph, eight lines down, beginning "Current number of five lined slanted parking spaces. The site is bounded." And this is in regard to the site on the east side of 16th Street, "The site is bounded on all sides by single-family detached residential dwellings."

Did you interview any of the residents of those dwellings?

MR. COLBY: No. That would not be our normal practice.

MR. HUMPHRIES: Thank you. Thank you.

And the next line begins, "Across 16th Street to the west, in addition, the Alexandria Shepherd Public School, Elementary School, is located just to the northeast."

Did you interview anyone associated with the school system?

MR. COLBY: No.

MR. HUMPHRIES: Thank you, sir.

Now, in applicant's proposal, the next paragraph, last sentence, beginning, "Basis for a three-year term while preparing to move to a permanent site." Do you have any documents which demonstrate a commitment to a "permanent site"? "Yes" or "No"?

MR. COLBY: "Documents" meaning what?

MR. HUMPHRIES: Any documents provided to you

indicating a commitment to --

MR. COLBY: Documents from whom? Provided by whom? I'm sorry.

MR. HUMPHRIES: From anyone, from anyone.

MR. COLBY: Well, I certainly have seen letters of concern about a permanent site. Is that what you would be referencing?

MR. HUMPHRIES: No, sir. Do you have any documents which demonstrate a commitment by this applicant to a permanent site?

MR. COLBY: I do not have anything from the applicant to that effect.

MR. HUMPHRIES: Okay. Thank you.

In the next paragraph, "Student Enrollment and Staffing," the line which begins near the end "and six part-time specialists." The sentence is, "According to the applicant, approximately one-half of the students reside in the District."

Do you have any independent verification of that number?

MR. COLBY: No.

MR. HUMPHRIES: Thank you.

On the next page, Page 3, "Play Areas," and we go fifth line. And it begins, "Safely," for emphasis, "and quietly," close for emphasis, "to these areas for outdoor play, but the applicant has said that a van will be used where safety

considerations dictate."

Do you have any independent verification of this?

MR. COLBY: I'm sorry? Independent verification that the applicant will do this?

MR. HUMPHRIES: That the applicant has said that a van will be used where safety considerations dictate.

MR. COLBY: Now, information in this report, which would include that information, either came from the applicant's application or it came from conversations in a follow-up with the applicant.

MR. HUMPHRIES: And so you --

MR. COLBY: I can't tell you at this point which source.

MR. HUMPHRIES: Right. So the applicant has said. You're relying totally on the applicant's statement?

MR. COLBY: Yes, yes. I'm sorry.

MR. HUMPHRIES: You have not independently verified that statement?

MR. COLBY: Yes.

CHAIRPERSON CROSS-REID: Okay. Mr. Humphries?

MR. HUMPHRIES: Yes?

CHAIRPERSON CROSS-REID: I think we can truncate this, this line of questioning, by simply having him stipulate -- I think that's where you're going with this -- that many of the portions of the report that pertain to various aspects of the ring

of the school or various pertinent items were not items that were independently analyzed and investigated.

I think that that is -- rather than read over this whole report, then just ask him that question. I think that it's going to be the same over and over again, "No," I think, that he did not independently investigate all of the assertions that were proffered in the application by the applicant.

Is that where you're going?

MR. HUMPHRIES: We can ask that question, yes, Madam Chair.

CHAIRPERSON CROSS-REID: Yes.

MR. HUMPHRIES: Did you independently verify --

MR. COLBY: I think I stated as much. I think I stated that earlier, when someone asked if I had done any -- I don't know if the term was "independent" --

CHAIRPERSON CROSS-REID: Yes.

MR. HUMPHRIES: Verification.

MR. COLBY: -- "verification."

MR. HUMPHRIES: Okay. So the answer is no to most of them? Okay.

Sir, if you'll help me explain on Page 3, under paragraph entitled "Meetings and Special Events," beginning the second line, which --

MR. COLBY: You can cross that out.

MR. HUMPHRIES: Okay. That is -- what are we

crossing out, sir?

MR. COLBY: The second line.

MR. HUMPHRIES: Second line, "be held during the daytime with parking allowed and generally available along 16th Street"?

MR. COLBY: I'm sorry. The second sentence.

MR. HUMPHRIES: Oh, the second sentence? If you'll read that for us, please?

MR. COLBY: I think it's the second sentence gets crossed out. I'm not sure there's anything served by my reading it.

MR. HUMPHRIES: "The applicant notes that additional parking is available at the Howard University School of Divinity parking lot located on 14th Street, Northwest."

MR. COLBY: That was in the applicant's application.

MR. HUMPHRIES: And you copied it verbatim?

MR. COLBY: I stated it. Did I copy it verbatim? I don't think there's any question.

MR. HUMPHRIES: But you didn't -- thank you, sir.

CHAIRPERSON CROSS-REID: Okay. Now, I'm confused here. What's crossed out?

MR. HUMPHRIES: Right. That's why we're --

CHAIRPERSON CROSS-REID: The second sentence that --

MR. HUMPHRIES: I'll read it again, Madam Chair.

CHAIRPERSON CROSS-REID: If you're saying, "The applicant," that's the third sentence. So I'm confused. Which sentence was stricken? Mr. Colby?

MR. COLBY: I beg your pardon?

CHAIRPERSON CROSS-REID: Please tell us which one was stricken.

MR. COLBY: The last sentence under "Meetings and Special Events."

CHAIRPERSON CROSS-REID: Okay. The last sentence, which is the third sentence, has been crossed out?

MR. COLBY: That's correct.

CHAIRPERSON CROSS-REID: So that's no more?

MR. COLBY: I'm sorry.

CHAIRPERSON CROSS-REID: That's no more germane to this application?

MR. COLBY: Third sentence.

CHAIRPERSON CROSS-REID: Okay. Go ahead.

MR. HUMPHRIES: You make a number of references, Mr. Colby, to the fact -- and the best way I can do this, Madam Chair, is to draw attention to drop-off and pick-up of students on Page 4.

CHAIRPERSON CROSS-REID: Page? Okay.

MR. HUMPHRIES: The second paragraph, which begins, "The system plan for each of the synagogues is a one-way right

turn only system to or from 16th Street." Correct?

MR. COLBY: I guess so. That's what it says.

CHAIRPERSON CROSS-REID: That's what it says. What's the question?

MR. HUMPHRIES: Okay. And you make that statement at least three or four times. You would stipulate that the plan has changed since you wrote this report; is that correct, based on the testimony that you heard today? I'll rephrase --

MR. COLBY: That they're not all right turns. Is that what you're saying?

MR. HUMPHRIES: Yes, sir.

MR. COLBY: I'm not sure I heard that.

MR. HUMPHRIES: Well, I'll refresh your memory. Mr. Slade indicated that in the new plan, that those approaching the Tifereth Israel from the north would make a left-hand turn onto Jonquil and then make a right-hand turn into the alley.

MR. COLBY: If that's correct, what are you asking, whether that would change my recommendation?

MR. HUMPHRIES: Well, I've not asked that yet. It's just that you have stated that a number of times.

MR. COLBY: I appreciate that. That's a change, then.

MR. HUMPHRIES: Correct. Okay.

MR. COLBY: Either that or an error on my part, but I hope it's a change, rather than an error.

MR. HUMPHRIES: Okay. It is a change. Now, the question is: Does that change the conclusion that you have reached since you say on -- and, Madam Chair, I would have us turn to Page 6, Page 6, the first paragraph, the second line, where it begins, "Avenues," where Mr. Colby indicates, "With right turn only restrictions."

And he indicates in the next -- I'm sorry. We skip one dot, and we go to the next dot. And he says, "Right turn only, cuing."

CHAIRPERSON CROSS-REID: Well, Mr. Humphries, I think that he prefaced his last statement with it needed to be changed or he may have made a mistake. And he acknowledged that. Can we move on?

MR. HUMPHRIES: Okay. We'll then go to the next paragraph because we're moving to his conclusion. And this is the basis of his conclusion.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: We go to the next large paragraph on Page 6. It begins, "It appears that the traffic management plan." And we go down six lines, which begins, "Residents' parking and trash pickup for adjacent residents." Okay?

Mr. Colby, you're with me?

CHAIRPERSON CROSS-REID: What's the question?

MR. COLBY: I'm sorry? Where?

MR. HUMPHRIES: Sir, it begins six lines down.

MR. COLBY: Yes. I'm sorry. Go ahead.

MR. HUMPHRIES: Okay. Then you conclude "The proposed system of right turns and monitors and the efforts to limit cue length are all necessary to the success of the system."

MR. COLBY: That's what we understood at the time.

MR. HUMPHRIES: Yes, sir. So now that that condition has changed, you would have to conclude, then, that the system is not going to be successful. Is that, sir?

MR. COLBY: No, I couldn't conclude that.

MR. HUMPHRIES: What would be your conclusion?

MR. COLBY: I would have to defer with the Department of Public Works to see if that made any significant difference. And if they weren't available, I'd have to evaluate it myself, but --

MR. HUMPHRIES: And how long would that --

MR. COLBY: -- I can't answer it.

MR. HUMPHRIES: -- take you, sir?

MR. COLBY: Under the circumstances, I would defer to the Department of Public Works.

MR. HUMPHRIES: How long would that take you, sir?

MR. COLBY: How long have I got?

MR. HUMPHRIES: Madam Chair? I'm sorry. You're not directing it to me. You're directing it to the commissioners.

CHAIRPERSON CROSS-REID: I think that what we're hearing is predicated upon more recent information regarding the

right turns, your conclusion was that "The proposed system of right turns and monitors and the efforts to limit cue length are all necessary to the success of the system, but there is not a lot of room for error."

Now, if, in fact, it is established that perhaps in some instance there won't always be right turns, then we go to: Is your conclusion still valid or --

MR. COLBY: The conclusion would be that if left turns can work in the limited instances in which they would be used and that they would have no greater impact than the right turns, our conclusion would be the same.

CHAIRPERSON CROSS-REID: In other words, basically while the report kind of leans to a very strict enforcement of those right turns, you're now modifying it to say that in some instances, it would not be more of an impact if, in fact, there were left turns?

MR. COLBY: The issue is the impacts, not the turns.

CHAIRPERSON CROSS-REID: That's what I'm saying. Are you saying that --

MR. COLBY: -- clear that left turns --

CHAIRPERSON CROSS-REID: -- there still would be around the same impact or what?

MR. COLBY: Right turns generally have less impact than left turns.

CHAIRPERSON CROSS-REID: And your conclusion --

MR. COLBY: On that basis, it's possible that a left turn would have no greater or no significantly greater impact than a right turn in any given instance.

And I can't tell you in this case how many there would be and how it would work. I'd be happy to try and get a quick read from the Department of Public Works if that --

MS. DOBBINS: Madam Chairperson?

MR. COLBY: -- if the Board feels that it's necessary.

MS. DOBBINS: It's in the Department of Public Works report that they think the left turns are not bad at that --

CHAIRPERSON CROSS-REID: All right. Now, but, Mr. Colby, I think that what the bottom line, what Mr. Humphries is getting to, is: Does that change your recommendation or does it modify it in any way?

MR. COLBY: Not if the Department of Public Works finds that that is not a problematic --

CHAIRPERSON CROSS-REID: So you would defer to --

MR. COLBY: -- means of accessing the site.

CHAIRPERSON CROSS-REID: -- the Department of Public Works --

MR. COLBY: Yes.

CHAIRPERSON CROSS-REID: -- in this instance, --

MR. COLBY: Yes.

CHAIRPERSON CROSS-REID: -- rather than to take a position at this time?

MR. COLBY: Well, actually, we took a position all the way through on the parking, but we did it with the understanding that the Department of Public Works was the final authority.

CHAIRPERSON CROSS-REID: All right.

MR. COLBY: So this is consistent with that.

CHAIRPERSON CROSS-REID: All right. Okay.

MR. HUMPHRIES: So at Line 15 in that paragraph, sir, if you'll go with me to the line which begins, "Beginning of the school year," the system will have to function like clockwork"?

MR. COLBY: My term.

MR. HUMPHRIES: Your term. "For it to be a true success and not have an adverse impact on the affected neighborhoods."

MR. COLBY: And I believe that having seen the site.

MR. HUMPHRIES: Once again, that's all based on right turns?

MR. COLBY: That's what led up to our conclusion, but --

MR. HUMPHRIES: But you've already testified that you would have to consult with DPW to --

MR. COLBY: That's correct.

MR. HUMPHRIES: Thank you.

Sir, if you'll go to Page 7 of your report in the paragraph entitled "Safety"? And I won't be long. I only have a few more questions. The designated paragraph which begins, "Neighborhood child safety will be enhanced by the use of structured vehicle routes, the proposed system of right turns and cues, as well as the extensive system of monitors in the short time periods proposed for student drop-off."

MR. COLBY: Yes.

MR. HUMPHRIES: Okay.

MR. COLBY: That's a direct quote.

MR. HUMPHRIES: And this is --

MR. COLBY: You're quoting me.

MR. HUMPHRIES: Did you do an independent survey of neighborhood pedestrian traffic?

MR. COLBY: An independent survey of what?

MR. HUMPHRIES: Neighborhood pedestrian traffic or child --

MR. COLBY: No. I saw a child on a bicycle on the street when I was out there. I don't know what kind of survey you would have had me make. Again, traffic issues, I don't want to beat these too much, but --

CHAIRPERSON CROSS-REID: What page are you on?

MR. HUMPHRIES: That's on Page 7, Madam Chair.

CHAIRPERSON CROSS-REID: Yes, 7.

MR. HUMPHRIES: Seven, under the paragraph entitled "Safety," in the second paragraph designated by the dot, "Neighborhood child safety will be enhanced by the use of structured vehicle routes, the proposed system of right turns" -- again that term comes up -- "and cues."

I ask this, Mr. Colby, if you'll bear with me, because, of course, we have many children in the neighborhood. And so this is an area that is of particular interest to us as parents and grandparents and uncles and aunts.

CHAIRPERSON CROSS-REID: Don't testify.

MR. HUMPHRIES: Okay.

MR. COLBY: I appreciate your point.

MR. HUMPHRIES: Sometimes I get carried away when it comes to neighborhood children.

CHAIRPERSON CROSS-REID: You'll have your opportunity to testify, Mr. Humphries.

MR. HUMPHRIES: Thank you, Madam Chair.

CHAIRPERSON CROSS-REID: Thank you.

MR. HUMPHRIES: So we move to the next paragraph, Mr. Colby, "Compliance with Section 3104.1." Now, sir, we go to the second paragraph. It begins, "A private school."

And we agreed at the beginning that that is what this application is about; correct, a private school?

MR. COLBY: Yes.

MR. HUMPHRIES: Okay. Now, I direct your attention to the third line, which begins, "The existing synagogues that have apparently lost many of their congregants." Sir, that's not before this body. Is that correct?

MR. COLBY: No, but the -- as I said --

MR. HUMPHRIES: "Yes" or "No"?

MR. COLBY: I feel like I'm talking to two different cross-examiners and having to repeat myself. I said that we were referring to land use issues and the importance of maintaining property. And this was getting at the ability, financial whatever arrangement that the school would have with the synagogue to ensure that maintenance of the grounds and synagogue would be less problematic.

MR. HUMPHRIES: Yet, sir, once again, this application concerns the establishment of a private school.

CHAIRPERSON CROSS-REID: Pose your statements in the form of a question.

MR. HUMPHRIES: Does not this application concern the establishment of a private school, not a synagogue, not a --

MR. COLBY: No. Private school, that's correct, in a building.

MR. HUMPHRIES: -- not a church? Is that correct?

MR. COLBY: In some buildings.

MR. HUMPHRIES: Not a church; correct?

CHAIRPERSON CROSS-REID: Point made. Next

question, please.

MR. HUMPHRIES: Thank you. Okay.

Sir, the next sentence begins, "Increased use would also lead to ready maintenance solutions." The next sentence says, "It is the only Jewish day school in the District." That is not the issue before this Commission or in this application. Is that correct, sir?

MR. COLBY: I'm sorry? That was not what?

MR. HUMPHRIES: That is not the issue before this Commission within this application. Is that correct? The only issue before this Commission is whether or not to establish a private school. Is that correct?

MR. COLBY: Well, what's before this Commission is whether this school in this neighborhood will have sufficient impacts that it should not be permitted in the neighborhood. That's what's before the Commission.

MR. HUMPHRIES: Pardon me, sir? Pardon me? I'm sorry. I didn't hear your answer again.

MR. COLBY: I said what's before this Commission is whether this school will have impacts, substantial impacts, on the neighborhood, which would be such that the school should not be permitted by this Board --

MR. HUMPHRIES: Correct. That is a private --

MR. COLBY: -- in that neighborhood.

MR. HUMPHRIES: -- a private school.

MR. COLBY: As a private school.

MR. HUMPHRIES: As a private school. Thank you, sir. In the next paragraph, entitled, "Comprehensive plan," I draw your attention to your statement on the second line, the line that begins, "Two synagogues for low-density residential uses." And the next sentence that you write is "Schools and churches are considered to be part of the fabric of a residential community."

Sir, once again, the existence of a church is not what is before this Commission. Is that correct, "Yes" or "No"?

MR. COLBY: That's a general statement of institutions --

MR. HUMPHRIES: So if we --

MR. COLBY: -- that are permitted --

MR. HUMPHRIES: So if we --

MR. COLBY: -- by the zoning regulations.

MR. HUMPHRIES: You would agree with me, then, that we could delete the term "churches" from this sentence --

MR. COLBY: I would have no problem with that.

MR. HUMPHRIES: -- and say, "Schools are considered to be part of the fabric of a residential community," deleting the reference to churches?

MR. COLBY: I am stating what we state later, that the comprehensive plan makes some reference to a number of institutional uses, churches being one.

MR. HUMPHRIES: Sir, if you'll turn with me, then,

to Page 8, "Community Comments"? In the second paragraph, which begins, "Advisory Neighborhood Commission, ANC, 4A voted on March 7, 2000 to oppose granting of the requested special exception."

You would stipulate with me if I indicated that it were true that the ANC voted on February 1st?

MR. COLBY: I understand they took the matter up twice.

MR. HUMPHRIES: And so if we amend your statement, --

MR. COLBY: You might want to include both.

MR. HUMPHRIES: -- then we could include --

MR. COLBY: I understand.

MR. HUMPHRIES: -- on February 1st and March the --

MR. COLBY: Let's say they voted on the full application on March 7th, as I understood it.

MR. HUMPHRIES: No, sir. Well, I would refer you to the report, Madam Chair. Thank you.

MR. COLBY: Okay.

MR. HUMPHRIES: We'll move, then, to --

CHAIRPERSON CROSS-REID: First let's understand what you're trying to establish here, that there were votes taken on both dates and you want both dates?

MR. HUMPHRIES: We're trying to establish that there were two votes. We're trying to establish the accuracy of his report.

CHAIRPERSON CROSS-REID: The votes were the same on both dates? I don't understand. Why were there two --

MR. HUMPHRIES: Two different votes.

CHAIRPERSON CROSS-REID: Why? If they voted on it -- okay. You want it to be reflected in the OPA report that there were two votes taken on two different days?

MR. HUMPHRIES: Yes, Madam Chair.

CHAIRPERSON CROSS-REID: All right.

MR. HUMPHRIES: A month apart, February 1st and March 7th.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: And I won't be long. I won't be long.

CHAIRPERSON CROSS-REID: I can't see how you could possibly because we're at the end of the report. You only have the ANC comments and the recommendations.

MR. HUMPHRIES: Madam Chair, you would want me to be thorough, wouldn't you?

On Page 8 again in the "Recommendation" section, the second sentence begins "Use and purpose of these congregational facilities." Once again, in your recommendation, sir, congregational facilities is not what's before this Commission, this private school. Is that correct?

MR. COLBY: No. That's correct. I think you made that point.

MR. HUMPHRIES: Thank you.

As we move, then, to the next paragraph, which begins with "Who is right? Probably both sides," we will then go to the last line in that paragraph, which begins, "School." And the sentence reads, as it begins in the previous line, "Over-saturation of school, secular, and nonsecular activities by a number of unrelated groups."

Once again, the secular is not before this Commission. It is schools; correct?

MR. COLBY: No. That's a quote. It may have been a quote from you. I'm not sure whether it was a quote from the neighborhood, a resident.

MR. HUMPHRIES: Thank you.

And then when we move forward to a section in the next paragraph which is not a quote, three down, which begins -- I'm sorry. Line 3, which begins, "can revitalize the existing synagogues."

Revitalization of the existing synagogues is not an issue before this Commission, is it? It's not what the application --

MR. COLBY: It's a planning issue, but I'm happy to -- certainly it's not directly before this Commission.

MR. HUMPHRIES: Thank you, sir.

Okay. Then we'll go to Page 9 and Condition Number 10. You state, sir, "The initial length of approval shall be for

only one year with the applicant to return prior to that time for an additional two-year approval."

Are you with me, sir? Okay. Sir, what you are saying, then, is the applicant is to return prior to that time to qualify for an additional two-year period?

CHAIRPERSON CROSS-REID: Sorry. I'm sorry. Would you repeat, please?

MR. HUMPHRIES: Madam Chair, I'm sorry.

CHAIRPERSON CROSS-REID: It's a technical issue. We were distracted a little bit.

MR. HUMPHRIES: The sentence reads, Number 10, Point 10, "The initial length of approval shall be for only one year with the applicant to return prior to that time for an additional two-year approval."

I've asked Mr. Colby if what he means in there is that the applicant to return prior to that time to qualify for an additional two-year approval.

MR. COLBY: No. If you would read the rest of that, you would see that what the intent is -- the mechanism may or may not be the proper mechanism. The intent is to ensure that the existing conditions are sufficient and that they're being implemented.

MR. HUMPHRIES: So the condition, compliance with the condition, is a requirement for going into the additional two years?

MR. COLBY: The last sentence says, "Additional conditions may be imposed at that time if necessary," meaning that if the conditions are not sufficient for the school to continue, those new conditions should be established."

MR. HUMPHRIES: If the conditions are not sufficient or if the performance --

MR. COLBY: Well, if the performance --

MR. HUMPHRIES: -- of the applicant is not sufficient.

MR. COLBY: Maybe there's some condition that would get better performance. The point is not to say that the permit should be withdrawn or held hostage but, rather, that the conditions should be fine-tuned with the assistance of the Board to assure that the impacts would -- that this school would not have an adverse impact on the community.

MR. HUMPHRIES: Then with regard to that, Mr. Colby, how would you --

COMMISSIONER PARSONS: Madam Chairman? Excuse me. Could I interrupt?

MR. HUMPHRIES: Yes, sir.

COMMISSIONER PARSONS: Just trying to be helpful here.

MR. HUMPHRIES: Yes, sir.

COMMISSIONER PARSONS: Our regulations do not permit us to do what's recommended by Mr. Colby. We can either

approve one year, 15 months, 18 months, 3 years, that kind of thing. We have no way of saying you can have it for three years. Come back in a year. We'll see if you're being good about this as though there were some other decision to be made.

It's got to be one way or the other, sir. We would have to change our regulations to implement this.

MR. HUMPHRIES: Okay. Thank you, Mr. Parsons.

CHAIRPERSON CROSS-REID: I think that, Mr. Colby, also in your assertion here about the "The initial length of approval shall be for only one year," are you saying that -- my understanding of it was for the applicant to return prior to that time to request an additional two years.

So are you saying, segueing on what Mr. Parsons said, that if we granted it for one year, then they would have to return with a new application to request the additional two years?

MR. COLBY: This was an attempt on our part to come up with a mechanism which would get at what we were after, which was compliance with conditions and with regard to proper conditions.

CHAIRPERSON CROSS-REID: Oh, it was kind of like a hybrid?

MR. COLBY: Yes.

CHAIRPERSON CROSS-REID: Oh, well, in that case, then that is absolutely correct. There is no such animal. We have to either do it for whatever time period that we stipulate.

And if, in fact, we were to shorten the period of time, then it would require a new application altogether; right? Okay.

MR. HUMPHRIES: So, Mr. Colby, with regard to the interpretation that has been provided by Commissioner Parsons and by the Chair, are you indicating that your recommendation is tentative, "Yes" or "No"?

MR. COLBY: I really can't answer that.

MR. HUMPHRIES: No further questions.

MR. COLBY: That's a policy issue from the Office of Planning. And that's obviously an important consideration at the end of our report and --

MR. HUMPHRIES: No further questions.

CHAIRPERSON CROSS-REID: Thank you.

MR. HUMPHRIES: Thank you.

MR. BARDONILLE: Madam Chair, point of clarification.

CHAIRPERSON CROSS-REID: Okay.

MR. BARDONILLE: Earlier you had indicated that with respect to the information to be derived from DPW. Does that mean that his report and recommendation is pending that information?

CHAIRPERSON CROSS-REID: You know what, I'm not really sure. I can either get a point of clarification because this is kind of like an anomaly in these proceedings in that the

Office of Planning report as the cross-examination proceeded was at some points modified.

So in that instance, is there now going to be a new report submitted with the modifications for the record? I'm not certain.

COMMISSIONER PARSONS: I don't see any need for that at all. I think the points have been made and concurred.

CHAIRPERSON CROSS-REID: On the record.

COMMISSIONER PARSONS: The report on traffic by the DPW is based on the new turning movements. So I don't see any need for a corrective report.

MR. BARDONILLE: Madam Chair? My point of clarification was prompted by his deference to DPW with respect to all of the parking issues. And that's really all I'm raising.

CHAIRPERSON CROSS-REID: How to get a clarification on those issues?

MR. BARDONILLE: Yes, Madam Chair.

CHAIRPERSON CROSS-REID: Well, we could request that prior to a decision being made from DPW predicated upon what's happened here today. And we are also going to have a DPW report summarized as our representative here. And then it is up to us to glean from what we have heard, what, in fact, what position or what decision we want to take in the matter.

MR. BARDONILLE: I see.

CHAIRPERSON CROSS-REID: But any information that

we need, we can request the staff to secure from the DPW.

VICE CHAIRPERSON SOCKWELL: Madam Chair?

MR. BARDONILLE: Thank you.

CHAIRPERSON CROSS-REID: Thank you.

VICE CHAIRPERSON SOCKWELL: Madam Chair, would there be any benefit to the Office of Planning to return the report for rewriting in that it would give the Office of Planning some direction in perhaps some future cases where particular language was apparently deemed and accepted as being not relevant?

CHAIRPERSON CROSS-REID: I think that's the same situation I had just raised in regard to whether or not there should be a modified report that we submitted. And Mr. Parsons replied to that.

Do you have a question, different question? Maybe I didn't understand what you're asking.

VICE CHAIRPERSON SOCKWELL: I'm not sure that I agree with it.

CHAIRPERSON CROSS-REID: Oh. Well, we can take that up as a matter.

VICE CHAIRPERSON SOCKWELL: Beyond this hearing? We can do that as a separate item, but if you want to do it that way, I mean, sure.

CHAIRPERSON CROSS-REID: Let us mull it for a moment.

MS. McCARTHY: Madam Chairman? One other

alternative would be to leave the record open and ask DPW to submit an addition to their report that specifically addresses the parking issue since they have far more expertise in that area than the Office of Planning.

CHAIRPERSON CROSS-REID: It's not so much that. Here's the issue. In these proceedings, it was now ascertained that there has been some changes or modifications to the DPW report. And, as such, in that the information that was submitted in the report actually derives the conclusion.

So if the basis for the conclusion differs or varies as modified, then does it also have a bearing on the conclusion? And that is what I was trying to glean earlier.

And when I said that perhaps with the modification, this report is kind of looked at it again and then whether the determination is made that that had been the report be submitted prior to us making our determination, Mr. Parsons does not feel it's necessary. Mr. Sockwell does.

So we'll have to just kind of make a decision as far as that is concerned just so that we can be clear because right now, quite frankly, I'm just a little confused. And we'll make a determination on that. Thank you.

Okay. Mr. Sockwell? Mr. Sockwell will give the DPW report, basically a summary of the report per se. He does not represent that department. Nonetheless, we do have the report. So he is going to give us a summary basically of the salient

points just for our own edification.

MR. HAIRSTON: Madam Chair? Madam Chairman?

MR. BARDONILLE: Who is doing that?

VICE CHAIRPERSON SOCKWELL: I am. And so, therefore, Mr. Hairston and Mr. Bardonille, --

CHAIRPERSON CROSS-REID: And then we'll --

VICE CHAIRPERSON SOCKWELL: -- I would become very cross if you attempted to cross-examine me.

(Laughter.)

CHAIRPERSON CROSS-REID: I'm sorry. I'm sorry. Okay. Yes?

MR. HAIRSTON: I have the witness out of turn that I asked for that's arrived.

CHAIRPERSON CROSS-REID: Oh, all right. Okay. Do you want to have that witness come forward --

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: -- prior to the DPW reports?

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: We had already granted you that permission, sir. So sure.

MR. HAIRSTON: Yes. Madam Chair, we will then be returning to the DPW report?

CHAIRPERSON CROSS-REID: Then we'll come back to the DPW report. And we will have a short break, then proceed with

the ANC report. Thank you.

MR. HUMPHRIES: Would you state your name and your occupation?

MR. EDOKWE: My name is Edwin Edokwe. I'm the project manager for the ongoing construction work for 16th Street from Primrose Road to Alaska Avenue.

CHAIRPERSON CROSS-REID: Okay. Now, has he been sworn? Okay. You have to be sworn and also stand, please.

MS. PRUITT: Excuse me.

CHAIRPERSON CROSS-REID: Be sworn.

MS. PRUITT: Madam Chair, for clarification, I'm not sure who this witness is. Is he testifying? Are you cross-examining him?

MR. HAIRSTON: Yes. No, this is the witness for --

CHAIRPERSON CROSS-REID: The ANC.

MR. HAIRSTON: -- the ANC out of turn because I didn't want to keep him down here away from his job all day.

CHAIRPERSON CROSS-REID: I don't know if you were here when they asked --

MS. PRUITT: Okay. That's what they need to understand. Okay.

MS. DOBBINS: I just have a question for clarification as well. Is this the witness that was --

MS. PRUITT: Yes.

MS. DOBBINS: -- not here before?

MR. HAIRSTON: No. He was here the other day.

MR. HUMPHRIES: He came, and he had to go back to his job.

MS. PRUITT: You were here the other day, sir?

MR. EDOKWE: Yes.

CHAIRPERSON CROSS-REID: So, then, he was sworn in?

MR. HUMPHRIES: I'm not sure.

CHAIRPERSON CROSS-REID: Were you sworn in or not?

MR. EDOKWE: No.

MR. HUMPHRIES: You'd better swear him in again.

CHAIRPERSON CROSS-REID: Just to be on the safe side, just swear him in. It's not going to hurt.

MS. DOBBINS: We didn't swear anybody new in. That's why it didn't seem --

CHAIRPERSON CROSS-REID: Yes. He's not sure. So let's just do it. And then give us your name and your address. And would you please spell your last name?

MS. PRUITT: Right hand, please, sir.

(Whereupon, the witness was duly sworn.)

MS. PRUITT: Thank you. Please be seated.

CHAIRPERSON CROSS-REID: And you're testifying on behalf of ANC?

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: We're calling him as our witness.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: Go ahead. Now, state your name and spell your last name.

MR. EDOKWE: Okay. My name is Edwin Edokwe, E-D-O-K-W-E. I work with D.C. DPW.

CHAIRPERSON CROSS-REID: Address?

MR. EDOKWE: My address is -- my office address or --

CHAIRPERSON CROSS-REID: Home.

MR. EDOKWE: My home address is 1424 Somerset, C-2, Northwest.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: And you said you work -- which agency do you work for?

MR. EDOKWE: I work with D.C. DPW, Design of Engineering and Construction Administration.

MR. HAIRSTON: And is there a project pending with respect to 16th Street, Northwest?

MR. EDOKWE: Yes.

MR. HAIRSTON: And would you state what that project is?

MR. EDOKWE: It's the total reconstruction of the 16th Street from Alaska to Primrose Avenue.

MR. HAIRSTON: And would you describe the nature of that reconstruction or construction?

MR. EDOKWE: Okay. The scope of work for the project is the total removal of existing roadway to the limits as shown on the drawing and then as necessary to replace existing stubble, removal of existing curb and miscellaneous items, the construction of pavement consisting of ten inches at hard-to-get bays and ten inches or reinforced concrete pavement concrete paving, and any asphalt that would go as topping and then gunnite carbon gutter, repair and replace of existing sidewalk, and landscape trees, streetlights, installation of permanent drains, and installation of standard recroachment.

MR. HAIRSTON: In doing that work, how do you structure it with respect to keeping the street open while at the same time doing the construction? How does that go?

MR. EDOKWE: During the construction, we propose to maintain at least the one lane northbound and one lane southbound of traffic. And during the rush hours, we add an additional lane to southbound 9:30 to -- I mean, for morning rush hour and then one lane northbound during afternoon rush hour.

MR. HAIRSTON: Now, during this reconstruction or construction process, will there be any parking on 16th Street during that area of the reconstruction?

MR. EDOKWE: During the construction, the parking, existing parking, will be impacted and then to be restored after reconstruction.

MR. HAIRSTON: And about when do you think this

project will start?

MR. EDOKWE: The project will start about Spring of 2001.

MR. HAIRSTON: And about how long will it take to complete the project? Estimate.

MR. EDOKWE: About 18 months. That's about 540 days.

MR. HAIRSTON: I have no further questions.

CHAIRPERSON CROSS-REID: Thank you very much.

Do you have any questions?

MR. EDOKWE: No, I don't.

VICE CHAIRPERSON SOCKWELL: Mr. Edokwe, do you work for Mr. Birch?

MR. EDOKWE: Yeah, I used to.

VICE CHAIRPERSON SOCKWELL: Okay. Used to, yes, because he retired. Okay. The question is: With regard to the reconstruction, will the roadway be raised or lowered beyond the necessary to repair and replace bays, as you stated?

MR. EDOKWE: I'm not quite sure I understand your question.

VICE CHAIRPERSON SOCKWELL: Okay. When a roadway is reconstructed, generally either the surface is taken off or the surface and the substrate is taken down to the base or the base itself is replaced. In this case, you're replacing the bays, the concrete paving, and any asphalt that would go as topping. You're

also replacing all catch basin, streetlights, curb, gutter, and sidewalk. The tree spaces will be denuded of any vegetation. All of those things are part of the reconstruction project under DPW's requirements.

MR. EDOKWE: That's correct.

VICE CHAIRPERSON SOCKWELL: All right. Now, the question I raise is: Will you be regrading the road beyond the removal and replacement of base materials?

MR. EDOKWE: No.

VICE CHAIRPERSON SOCKWELL: Okay. Will the intersections be retained as open during the construction period except at the point of building across them or will you be closing some intersections and leaving others open?

MR. EDOKWE: During the construction, we're going to maintain access to the intersections.

VICE CHAIRPERSON SOCKWELL: All of them.

MR. EDOKWE: Yeah. Most of them, yeah.

VICE CHAIRPERSON SOCKWELL: Most of them but not all of them?

MR. EDOKWE: That would depend on the phases of construction, but most of them will be -- access will be maintained.

VICE CHAIRPERSON SOCKWELL: Okay. So there will be some opportunity for intersections to be closed and traffic to be diverted to other intersections?

MR. EDOKWE: That would be determined if the situation on site calls for that at the time.

VICE CHAIRPERSON SOCKWELL: Okay. And you stated that one lane in each direction would be maintained operational throughout the construction phase --

MR. EDOKWE: That's correct.

VICE CHAIRPERSON SOCKWELL: -- and that an additional lane would be used as a switch-over lane basically between the two rush hours, morning and evening; correct?

MR. EDOKWE: That's correct.

VICE CHAIRPERSON SOCKWELL: Which means that you will be building only one lane at a time?

MR. EDOKWE: That's correct.

VICE CHAIRPERSON SOCKWELL: Thank you.

BOARD MEMBER RENSHAW: I have a question. Mr. Edokwe, good afternoon. I wanted to ask you: Are you going to do one side of the street, shut down one side of the street, and do the two lanes north and south on the other side, and then switch, as you did on Nebraska Avenue?

And how confident are you that your 18-month period is going to hold?

MR. EDOKWE: Generally projects of that size, it usually takes anywhere from 15 to 20 months.

BOARD MEMBER RENSHAW: All right. So 18 months could stretch to 20 months?

MR. EDOKWE: It's a possibility.

BOARD MEMBER RENSHAW: And where are you going to have your staging of construction vehicles, materials, worker parking?

MR. EDOKWE: That will be maintained within the work area.

BOARD MEMBER RENSHAW: What's the walk area?

VICE CHAIRPERSON SOCKWELL: Work area.

BOARD MEMBER RENSHAW: Work area.

MR. EDOKWE: Yeah. I mean within the work area.

BOARD MEMBER RENSHAW: So part of 16th Street would be cordoned off for these construction vehicles and supplies and the cars of the workers?

MR. EDOKWE: That's correct.

BOARD MEMBER RENSHAW: Okay. All right.

CHAIRPERSON CROSS-REID: Okay?

BOARD MEMBER RENSHAW: Yes.

CHAIRPERSON CROSS-REID: All right. Oh, I'm sorry. Ms. Dobbins?

MS. DOBBINS: Mr. Edokwe, we have a question. When these kinds of roadway repairs are done, are they done in stretches of length of road at a time? And could you estimate the length? Do you understand?

MR. EDOKWE: Yeah, I understand. For this particular project, we have -- under the drawing plan, we have

sectioned out the phases of construction. And we have been working on one particular lane from the tail end of the project maybe to the meet point of it. And then we can flip over to the other side of the lane.

MS. DOBBINS: So you would do half of one lane?

MR. EDOKWE: Yes.

MS. DOBBINS: For half of the project length?

MR. EDOKWE: Yes.

MS. DOBBINS: And then switch over, do the other half?

MR. EDOKWE: Yes.

MS. DOBBINS: Okay. So you would do -- actually, for that full section, you would do four different segments. Is that correct, the first half in one lane? Then you'd move over, do half the other lane? And then you'd go back to the other lane and do the other, the end of the project?

MR. EDOKWE: Yes, but let me say something at this point. When the project is advertised and a contractor is selected, it's a standard practice that we ask the contractor to review the plans and then try to give us the best way he sees fit that can get the project done with less inconvenience to the community.

MS. DOBBINS: Okay.

MR. EDOKWE: Upon doing that, then we can review the maintenance of traffic we have under the plan, which is the

one the contractor will be submitting.

MS. DOBBINS: Okay. In your experience in working with these sorts of projects, can you give us an estimate of the length for, say, a first segment?

MR. EDOKWE: We'll try to put like a blocked lane --

MS. DOBBINS: At a time?

MR. EDOKWE: -- at a time.

MS. DOBBINS: Okay. Thank you.

MR. HAIRSTON: I have a follow-up question based on that.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: As you do the various phasings, to divide the work area from the operating area, will you use Jersey barriers?

MR. EDOKWE: Yes, that's correct.

MR. HAIRSTON: And when Jersey barriers are used, doesn't that decrease the roadway --

MR. EDOKWE: Yes.

MR. HAIRSTON: -- the normal lanes' width?

MR. EDOKWE: Yes, but we'd take that into consideration along with --

MR. HAIRSTON: And when those Jersey barriers are used decreasing the width of the lane, does that have the effect of slowing traffic?

MR. EDOKWE: Definitely. The answer is yes.

VICE CHAIRPERSON SOCKWELL: Well, since he's not a traffic engineer, that might not be a question to ask him because Route 295 is another example of Jersey barriers. It didn't slow anybody down over there.

CHAIRPERSON CROSS-REID: You have to say in your opinion. He's not expert in --

MR. EDOKWE: In my opinion, yes. In my opinion.

MR. HAIRSTON: Mr. Sockwell, as you well know --

VICE CHAIRPERSON SOCKWELL: Yes?

MR. HAIRSTON: As you well know, the Nebraska Avenue is an example.

VICE CHAIRPERSON SOCKWELL: Yes, I'm aware of Nebraska Avenue as of about two minutes ago.

(Laughter.)

CHAIRPERSON CROSS-REID: Okay. Let's move on.

MR. HAIRSTON: I'm finished if you are. I have my next witness out of turn who's here, Lieutenant Anderson.

CHAIRPERSON CROSS-REID: You've got two of them here? Okay.

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: Right.

MR. HAIRSTON: Lieutenant Anderson. She was here the other day, but swear her again to be sure.

(Whereupon, the witness was duly sworn.)

MS. PRUITT: Please be seated.

MR. HAIRSTON: Would you state your name?

MS. ANDERSON: Lieutenant Judith Anderson.

MR. HAIRSTON: And where? What district are you stationed with?

MS. ANDERSON: The Fourth District.

MR. HAIRSTON: And within the Fourth District, what is your specific assignment?

MS. ANDERSON: I am responsible for the daily operations and allocation of manpower and resources for what's known as the full-service area 401.

MR. HAIRSTON: And would you describe the geography covered by 401?

MS. ANDERSON: It would be Van Buren Street on the south to the Maryland line and railroads, Eastern Avenue on the east, Rock Creek Park to the west.

MR. HAIRSTON: Does that include Shepherd Park and Colonial Village and North Portella States?

MS. ANDERSON: It does.

CHAIRPERSON CROSS-REID: Just a moment, Mr. Hairston.

Your name again?

MS. ANDERSON: Judith Anderson.

CHAIRPERSON CROSS-REID: Okay. Ms. Anderson, this question came up. I thought I heard you say that you were here at

the last hearing. Were you or were you not?

MS. ANDERSON: I was here briefly on Tuesday or last week.

CHAIRPERSON CROSS-REID: That's what I thought. She did say she was here.

MS. ANDERSON: But I wasn't sworn in.

CHAIRPERSON CROSS-REID: Okay. I understand that.

MS. ANDERSON: Okay.

CHAIRPERSON CROSS-REID: But the question came up as to whether or not you were here, and I thought that you said that you were. And I just wanted to make sure that that was clear. And your address, your home address, please?

MS. ANDERSON: My home address?

CHAIRPERSON CROSS-REID: Yes.

MS. ANDERSON: Is 1324 Fort Stevens Drive, Northwest.

CHAIRPERSON CROSS-REID: Okay. Continue.

MR. HAIRSTON: And prior to taking on your responsibility as in charge of 401, what was your prior assignment in that general area?

MS. ANDERSON: Within the Fourth District?

MR. HAIRSTON: Yes.

MS. ANDERSON: I was assigned to -- I was the special liaison for the commanders of the Fourth District.

MR. HAIRSTON: And prior to that?

MS. ANDERSON: That was -- well, let's see. For the last five years, I did that. And prior to that, I was responsible for the midnight shift of the mayor's detail under Mayor Kelly.

MR. HAIRSTON: And you've stated your home address. Is that in the general corridor, the 16th Street corridor?

MS. ANDERSON: Yes.

MR. HAIRSTON: Is it fair to say that you are familiar with the Shepherd Park, Colonial Village, North Portella States?

MS. ANDERSON: Yes.

MR. HAIRSTON: And as to your daily assignment, are you concerned with traffic in that corridor?

MS. ANDERSON: Very much so.

MR. HAIRSTON: Would you say what your experience is with respect to traffic in that corridor?

MS. ANDERSON: Currently we experience during the morning and evening rush hours but more specifically in the morning rush cars coming down 16th Street, going south, going toward downtown, cars entering off of Grubb Road onto West Beach Drive, and cars coming off of -- out of the park also there where they enter right at Parkside Drive.

MR. HAIRSTON: Now, have you arranged for any assistance from any other department or agency with respect to your policing of that area?

MS. ANDERSON: Yes. We have a cooperative arrangement with the park police to assist us with running radar, ticketing speeders and violators, because what -- we have a tremendous amount of -- because of the volume of the vehicle traffic, we are unable with the resources that I have allocated to be able to have the proper amount of traffic posts in the morning.

MR. HAIRSTON: With respect to traffic moving to or from 16th Street from the side streets; for example, Jonquil, Iris, Juniper, those streets, can you describe the problems or the concerns with respect to entering 16th Street and the turning, getting on and off?

MS. ANDERSON: The issues primarily that we address are people that come. And they are usually traveling well above the speed limit. They typically disregard all of any posted signage that's there in their effort to get to 16th Street is typically our experience.

We address -- in the morning hours, we have a number of accidents. And for those that don't cause accidents, we have individuals that have to try to navigate out from those side streets onto 16th Street.

And the lights aren't timed exactly right. So you have to sort of get in there best you can, cut people off, and do all kinds of interesting driving maneuvers in the morning is what we experience typically or the explanation we're given.

MR. HAIRSTON: Have you experienced a diversion of

traffic from 16th Street when it's jammed to the side streets, like 14th Street coming south to Alaska?

MS. ANDERSON: Typically it's our experience that we find that they'll use anything, any street, that can take them where they need to go. And the quickest possible means is what they typically do.

MR. HAIRSTON: I have no further questions.

CHAIRPERSON CROSS-REID: Thank you very much.

Any questions?

VICE CHAIRPERSON SOCKWELL: Yes. Lieutenant, most of the traffic that you attribute to the speeding and reckless driving is traffic that is headed downtown during the morning rush hour; correct?

MS. ANDERSON: Primarily. We experience that. We have traffic posts in the evening hours as well.

VICE CHAIRPERSON SOCKWELL: And in the evening hours, they would be speeding to get from downtown to suburbs most often, would they not?

MS. ANDERSON: Yes.

VICE CHAIRPERSON SOCKWELL: So it's mostly not neighborhood destination traffic. It is through traffic. Am I correct?

MS. ANDERSON: Partially.

VICE CHAIRPERSON SOCKWELL: I mean, there's no reason to speed from 14th and Kalmia to 18th and Kalmia

necessarily unless you want to beat the light; right?

MS. ANDERSON: We experience that. We ticket a large number of neighbors as well. So --

VICE CHAIRPERSON SOCKWELL: Okay. So the traffic problems are generated both by the local residents and those that come from outside of the neighborhood?

MS. ANDERSON: Yes.

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. HAIRSTON: I have two questions.

BOARD MEMBER RENSHAW: I have a question.

CHAIRPERSON CROSS-REID: Okay. What is it?

MR. HAIRSTON: I'm sorry. Were you finished? He had a question?

CHAIRPERSON CROSS-REID: Wait a minute. "He"? Is he with the ANC?

MR. HAIRSTON: Strike that.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: All right. Since the question was asked, there's just a follow-up.

CHAIRPERSON CROSS-REID: All right. And then Mrs. Renshaw has a question. Okay. Go ahead.

MR. HAIRSTON: In the stretch between Holly and Kalmia, especially those streets where you're coming from 17th Street north uphill, can you give me the traffic situation there where you're trying to enter 16th Street going either north or

south?

MS. ANDERSON: Well, if you're trying to enter 16th Street to go south and you're on the east side of the street, in the morning rush, you experience the fact that the lights aren't exactly timed totally properly. So you could sit there up to 15 minutes trying to wait for a break in the traffic to go across depending on what time you hit 16th Street.

Going northbound on 16th Street, typically you could make a right turn if you want to go in the morning. In the evening, it's not quite as much of a problem if you're on the west side of 16th Street trying to go either north or south. There again, you have to try to navigate the blind spots.

And there are a couple of them, which mean that you have to pull out far enough into traffic, which in itself poses a problem, but it also causes bottlenecks on those streets if you decide to go -- say if you're sitting on the east side of, say, Juniper and you want to go south on 16th Street. It will cause an unending backup as people wait to try to navigate the traffic to go across the multiple lanes of traffic to go southbound.

And it happens on either side because there's a series of the way the road slopes upward. There's sort of a blind spot there. So you have to either pull out and move quickly or you're kind of stuck there.

MR. HAIRSTON: One final question. With respect to the stop signs on 17th and Kalmia and Jonquil, do you have any

problems with those signs as the traffic feeds through those areas and then disburses either towards 16th Street?

MS. ANDERSON: Probably we'd have more of a backlog if people obeyed them. Our problem primarily is the problem that we have been experiencing, which is why we had to get help from the park police, because typically people are in a hurry and they run them.

And so they put pedestrians and the people in the residential community at risk because they're usually moving quickly and they don't slow down.

MR. HAIRSTON: I think that finishes our side now.

CHAIRPERSON CROSS-REID: Thank you very much.

BOARD MEMBER RENSHAW: Just several quick questions.

CHAIRPERSON CROSS-REID: Do you have more questions?

BOARD MEMBER RENSHAW: Yes, for the lieutenant. May I go ahead?

CHAIRPERSON CROSS-REID: Yes.

BOARD MEMBER RENSHAW: Lieutenant, does PSA 401 provide crossing guards for the local schools or school?

MS. ANDERSON: We have one that is provided for the local public school, which is --

MR. HAIRSTON: Shepherd.

MS. ANDERSON: -- Shepherd. Lowell actually has a

different sort of an arrangement. Depending upon what's happening there, we supplement their traffic coordinator with an officer because that's at the 17th-Kalmia. And it's sort of a deadly intersection. So we sort of supplement it there.

BOARD MEMBER RENSHAW: All right. Do you have any accident data, 16th Street, Jonquil, and Juniper?

MS. ANDERSON: None that -- we were experiencing computer difficulties as I was trying to update and to bring it with me. While we managed to make it through Y2K, the computer didn't.

BOARD MEMBER RENSHAW: So now the problems, now the problems, just when we need the information.

And one last thing: 16th Street borders Rock Creek Park. Do you have any problems at all with deer on the roadway?

MS. ANDERSON: Yes. They come out along 16th Street. You see them in the morning. You see them, you know, at dusk in the evening. Periodically you see them during the day. So there are -- in fact, my own car had a deer run across the hood.

So yes, they're right there at 17th where Kalmia and West Beach and all of that come together. Yes.

BOARD MEMBER RENSHAW: All right. Thank you.

CHAIRPERSON CROSS-REID: Thank you very much.

Ms. Dobbins?

MS. DOBBINS: Lieutenant Anderson, are you an ANC

commissioner for ANC-4A?

MS. ANDERSON: I am.

MS. DOBBINS: And did you vote to oppose this project at the February ANC meeting?

MS. ANDERSON: I did.

MS. DOBBINS: Okay. Did you abstain in March?

MS. ANDERSON: I did.

MS. DOBBINS: Okay. You were indicating that -- you talked about accidents, but you just indicated that you were not able to get accident information. Would it surprise you to know that there are very few accidents in these locations?

MS. ANDERSON: That's not necessarily correct.

MS. DOBBINS: Yes.

MS. ANDERSON: And the information is misleading because while they have -- for accidents that we take reports of, those are actually those ones that you could actually go into the computer. And they could actually give you a copy.

But there are many more that when the officers respond, that means that they don't have to tow the car away, the people aren't injured. There are a larger number of those.

MS. DOBBINS: But in terms of not being able to get your reports today, the information that you have gotten, they would have shown information of reported accidents. Is that correct?

MS. ANDERSON: It shows some. And the others are

that I have longstanding officers who typically -- you know, I've gotten some of the information from them. Some is in their notebooks. Some is just general knowledge.

MS. DOBBINS: Would you be surprised to know that the reported accidents for '93, '94, '95, '96, and '97 at 14th and Kalmia totalled one; for 16th Street --

AUDIENCE PARTICIPANT: No, that's not it.

MS. DOBBINS: -- 16th Street at Kalmia, '93, '94, '95, '96, and '97 totalled 19; 16th Street at Leegate Road and Myrtle Street, '93, '94, '95, '96, and '97 totalled 2; 16th Street at Juniper, '93, '94, '95, '96, and '97 totalled 16; 16th Street at Jonquil --

MR. HAIRSTON: Madam Chairman?

MS. DOBBINS: I've asked a question.

MR. HAIRSTON: I'm about to --

MS. DOBBINS: I've asked a question.

MR. HAIRSTON: I'm about to object. Madam Chairman, you'll notice in the past you've reminded us not to testify.

MS. DOBBINS: I'm asking a question.

CHAIRPERSON CROSS-REID: This is a little tricky --

MR. HAIRSTON: I know.

(Laughter.)

CHAIRPERSON CROSS-REID: -- because it's being posed in the form of a question. And I'm assuming that you're

toward the end of that question.

MS. DOBBINS: That's the last one.

CHAIRPERSON CROSS-REID: All right.

MS. DOBBINS: Second to the last. Sixteenth and Jonquil, 1993, '94, '95, '96, '97, total of nine; Military Road at Nebraska, '93, '94, '95, '96, and '97 totalled 11.

MS. ANDERSON: A) I'm not sure what your question is and B) what information --

CHAIRPERSON CROSS-REID: One moment. One moment, please. Before you answer, please, a Board member has a question.

COMMISSIONER PARSONS: She just answered my question. What are you reading from?

MS. DOBBINS: Yes. DPW reports that came from the Metropolitan Police Department, --

COMMISSIONER PARSONS: So it might be helpful --

MS. DOBBINS: -- reported accidents.

COMMISSIONER PARSONS: Well, it might be helpful if you showed her the document so she would know what she was responding to.

MS. DOBBINS: I'll show it to her in tabular form. Also, information is provided in the DPW report about accidents. What I'm presenting is actually the printouts first. Then these are summary tables.

BOARD MEMBER RENSHAW: We have that information.

CHAIRPERSON CROSS-REID: It's in the DPW report.

We have it in --

MS. ANDERSON: And the question was?

MS. DOBBINS: Would you be surprised to know that the number -- I'm sorry.

CHAIRPERSON CROSS-REID: All right. We have it, don't we? All the information you just gave is condensed in this paragraph, isn't it, basically? Okay. Are you --

MS. DOBBINS: The question was: Would it surprise her that the number of accidents at those locations was relatively low for the amount of traffic that travels in those locations?

MS. ANDERSON: My surprise would be if the numbers were accurate.

CHAIRPERSON CROSS-REID: Okay. Thank you. That's the answer. All right. Now --

MR. HAIRSTON: As representative of a party, we do get a chance to ask the witness questions also; correct? Never mind. Never mind. We will forgo this.

CHAIRPERSON CROSS-REID: All right. Okay. Now, thank you very much, Mr. Hairston. Let's now go to the DPW report now.

MR. HAIRSTON: Thank you. Thank you very much, Madam. This facilitates two of our government workers working.

CHAIRPERSON CROSS-REID: The issue was, as sometimes happens, the Board has received conflicting information about the same issues, which we cannot seriously effectively

quantify precisely the number of accidents because, for one thing, we have the DPW report that says something different from the police report and the police report is somewhat flawed in that the computer wasn't working. And then we hear also that there are other incidents of accidents that don't necessarily get reported in the first place.

So what we will have to do is just use our best judgment as to how to assess and to make a determination in that regard. And that's what we were trying to establish here.

MR. HAIRSTON: Madam Chairman, that was the intent of introducing the witness because this sort of data --

CHAIRPERSON CROSS-REID: Done.

MR. HAIRSTON: -- is funny.

CHAIRPERSON CROSS-REID: Done, Mr. Hairston.

MR. HAIRSTON: Right.

CHAIRPERSON CROSS-REID: Thank you very much. Your turn is coming up right after DPW. I think we have our break. Then you have the floor.

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: Thank you.

VICE CHAIRPERSON SOCKWELL: All right. In the absence of individuals from the Department of Public Works, I will give the report.

CHAIRPERSON CROSS-REID: Summary.

VICE CHAIRPERSON SOCKWELL: Summary. Pardon me.

This is dated March 14th, 2000. The Department of Public Works is --

CHAIRPERSON CROSS-REID: Do you want to indicate to whom?

VICE CHAIRPERSON SOCKWELL: It was written to Andrew Altman, Director of the Office of Planning by or from Ken Laden, the Administrator of the Department of Public Works. It states, "The Department of Public Works has reviewed the application and other materials submitted by the applicant and the Office of Planning.

"DPW also reviewed material provided by Advisory Neighborhood Commission 4A, which opposes the application. This report addresses the transportation elements of the proposal only."

So, in some brevity, I will summarize the report basic points. The traffic volume imposes minimal impacts. Parking appears to be adequate, but it does not involve the blocking of the alleys -- or it should be ensured that the alleys are not blocked.

Excuse me. The most severe impact will occur during drop-off and pick-up at the Ohev Sholom Building because of the use of the alley. Crossing guards should be provided at Juniper and Jonquil Streets. And the applicant must ensure the drop-off and pick-up not block 16th Street.

In addition, there were three elements of Page 4

which I will read. "The second potential impact of the school is the proposed circulation and access routes which allow for one-way clockwise circulation around the synagogue and through the adjacent residential streets and public alleys.

"To the extent that left turn off of 16th Street is allowed onto Jonquil and Juniper Streets, there appears to be no compelling reasons to believe that the school-bound traffic will travel extra blocks to enter or leave the school following the proposed routes. Since left turn lanes are provided at Jonquil and Juniper Streets, we recommend that traffic use these lanes to access the schools.

"Number B. Sixteenth Street from Alaska Avenue to Primrose Road is scheduled to be reconstructed starting in late Spring of 2001," as we received testimony from Mr. Edokwe.

"This construction project will last approximately one and one-half years. During the construction period, 16th Street will have one open traffic lane in each direction.

"This construction project will most likely have a significant effect not only on the school operation but also on the local residential streets in the area. Traffic congestion and turning motions will become even more difficult during this construction period."

And, "Number C. The department supports those parts of the transportation program as outlined by the applicant, which include the provision of the shuttle bus service and

additional car-pooling.

"However, the department does not support the proposed fixed traffic routes, which appear to be unenforceable and would require traffic to take a less direct route through residential streets."

CHAIRPERSON CROSS-REID: The conclusion.

VICE CHAIRPERSON SOCKWELL: "In conclusion, DPW states that the proposed schools will have some local impact in the immediate vicinity of the school, especially during the morning drop-off and evening pick-up period. The impacts will be highest during the morning peak traffic period. Traffic congestion will worsen in 2001 due to the scheduled reconstruction of 16th Street between Alaska Avenue and Primrose Street." I think it's Primrose Road, but I'm not sure.

AUDIENCE PARTICIPANT: Primrose Road.

VICE CHAIRPERSON SOCKWELL: Finally, "If the application is approved, the two schools will need to ensure that drop-off, pick-up, and cuing operations do not block 16th Street."

CHAIRPERSON CROSS-REID: One other thing, Mr. Sockwell, that you didn't hit on that I want to point out for the record is that, in addition, from the DPW report, in addition, trash pickup for the abutting residents and the school may be at the same public alley. And I would judge that this proposed solution appears to create some potential problems in that the alley may be blocked during much of the morning drop-off and

afternoon pick-up period.

All right. Thank you very much. Now we'll have a recess for about ten minutes. And then we'll go to ANC reports. Thank you.

(Whereupon, the foregoing matter went off the record at 4:30 p.m. and went back on the record at 4:45 p.m.)

CHAIRPERSON CROSS-REID: Okay. Now we'll have the ANC report. Mr. Hairston?

MR. HUMPHRIES: Madam Chair, we have one preliminary matter we'd like to ask for -- oh, I'm sorry. Madam Chair, Derrick Humphries on behalf of ANC. We have one preliminary matter that we'd like clarification from the Chair on.

We have noticed two letters have been filed in this matter: one by the President of the District of Columbia Board of Education, Rev. Robert Chiles, on behalf of the D.C. Board of Education requesting a delay in the decision on this proposal until the Board of Education has evaluated the effect the location of the schools may have on the Shepherd Elementary School.

And we also have a letter from Ward 4 representative Dwight Singleton indicating the same concern, Madam Chair.

MS. PRUITT: Excuse me. I'm sorry. Are these new letters to be submitted into the record?

MR. HUMPHRIES: One --

MS. PRUITT: I know the Board of Education is, but the other one?

CHAIRPERSON CROSS-REID: We have the Board of Education letter.

MS. PRUITT: Could you please share that with the applicant because I don't believe they have a copy of either one?

MR. HUMPHRIES: I did.

MS. PRUITT: Thank you. We'll get copies.

CHAIRPERSON CROSS-REID: And what's your question, Mr. Hairston? I mean Mr. Humphries. I'm sorry.

MR. HUMPHRIES: We'd like clarification. Yes. We'd like clarification with regard to how the Commission would like to handle this. Do you plan to take testimony with regard to this matter or what would be the procedure and process for handling this?

We have a number of individuals who are interested in what the School Board has to say on this matter and for our purposes of informing the various representatives as well as the neighbors as well as those who are here in support of the applicant.

It would be helpful to get your guidance on this, Madam Chair.

CHAIRPERSON CROSS-REID: Well, I mean, I don't understand. And I've seen this letter, incidentally. I don't understand why Mr. Chiles decided to submit this letter on March

the 14th when there had been notification of the application in ample time for him to have done an evaluation.

And so to come forward at this point and say, -- and that's for anyone, any entity to come forward and say -- "Well, we need more time" when the fact of the matter is there was notice of the D.C. Register. The property itself was posted. And the letters went out.

So I don't understand why they would feel that we should delay further proceedings so that we could do an evaluation when ample time had already been afforded them. That's my opinion unless other Board members have some differing --

MS. DOBBINS: Madam Chairman, we also would like to object to any continuance. And we'd also like to add for the record that the Board of Education is not one of the District of Columbia agencies that is required to file a report or that the Board or the Office of Planning is required to refer this application to.

CHAIRPERSON CROSS-REID: Okay. But, be it as it may, Ms. Dobbins, nonetheless, I would like to have gotten a report from them because certainly we do --

MS. DOBBINS: We would have, too.

CHAIRPERSON CROSS-REID: -- we do recognize that there is some validity in hearing what they have to say.

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: But, again, the idea is

that the public notice is given for the purpose of those who are interested or those who have some standing or who want to participate in any way to have an opportunity to do so.

Did you have anything?

VICE CHAIRPERSON SOCKWELL: Yes. I might as well ask you, Mr. Humphries. Are you aware of the nature of the request for such evaluation?

MR. HUMPHRIES: We sent a letter of notification to the School Board indicating that this application had been submitted, asking and seeking the position of the School Board on this and --

VICE CHAIRPERSON SOCKWELL: When was that letter sent?

MR. HUMPHRIES: It was probably sent --

VICE CHAIRPERSON SOCKWELL: Probably? You're the cc on this return.

MR. HUMPHRIES: Sure.

VICE CHAIRPERSON SOCKWELL: You must know.

MR. HUMPHRIES: I'm saying it was probably sent two or three days before this.

VICE CHAIRPERSON SOCKWELL: Okay. So you're saying two or three days ago?

MR. HUMPHRIES: No. Two or three days before March 14th.

VICE CHAIRPERSON SOCKWELL: Okay.

MR. HUMPHRIES: Right.

VICE CHAIRPERSON SOCKWELL: So within a week and a half ago, let's say?

MR. HUMPHRIES: Sure.

VICE CHAIRPERSON SOCKWELL: All right. But you were aware that this hearing was coming up much longer ago than that.

MR. HUMPHRIES: Well, Mr. Sockwell, when we learned that the D.C. Board of Education had not been informed of this formally, it was then that we then sent a letter asking them to evaluate, to take up this matter and evaluate, and provide their thoughts.

And, in its wisdom, the Board decided to send this type of letter.

VICE CHAIRPERSON SOCKWELL: I'm not questioning the wisdom of the Board of Education.

CHAIRPERSON CROSS-REID: All right.

MR. HAIRSTON: Madam Chairman, one further item. In the pleadings, there's an indication of the applicant of the possible use of the Shepherd Park playground. That impinges on the Shepherd Park Elementary School.

And I would suggest as a matter of comity, this Board should give recognize to another board, another independent board, in the District.

MS. DOBBINS: Madam Chair, that play field is a

Department of Recreation play field. It's not a public school play field. It's a Department of Recreation play field.

MR. HUMPHRIES: But it is a play field which is adjacent to Shepherd Elementary and used extensively by the student body at Shepherd Elementary. And, at the very least, we would suggest that the Commission take testimony in regard to it and --

CHAIRPERSON CROSS-REID: In regard to what?

MR. HUMPHRIES: -- in regard to this request and invite Rev. Chiles and Representative Singleton to express their own viewpoints personally.

CHAIRPERSON CROSS-REID: When? When would that happen?

MR. HUMPHRIES: I don't know when you would be able to accommodate it, Madam Chair, and I'm not --

CHAIRPERSON CROSS-REID: The hearing is today, and this is the second day of the hearing. And obviously we are trying to conclude the hearing sometime between now and midnight.

(Laughter.)

CHAIRPERSON CROSS-REID: So I'll let -- you can call them to come down, and they can testify if they can get here. I mean, that would be the only other opportunity that they would have. I mean, we can only make so many accommodations.

And with regard to the play field, if the applicant is alleging that the play field will be used by the Jewish Primary

Day School, that matter I would assume would have been taken care of with the Recreation Department.

And if, in fact, you're saying as the ANC Commissioner that you would like some evidence of some agreement or some type of accommodation being extended by the D.C. Recreation Department, then that we can request from the applicant.

MS. DOBBINS: That would be a matter of coordinating the use of the play field.

CHAIRPERSON CROSS-REID: We could do that. Is that what you wish?

MR. HAIRSTON: I'm saying it's more than the Department of Recreation. The Department of Recreation has already given that area as a playground to the Shepherd Elementary School.

I mean, you can only use a playground for so many kids, and that is the only recreation area in all of Shepherd Park-Colonial Village. There's nothing else up there --

CHAIRPERSON CROSS-REID: Well, again --

MR. HAIRSTON: -- for the children that are there, --

CHAIRPERSON CROSS-REID: Okay. Mr. Hairston --

MR. HAIRSTON: -- as opposed to somebody coming in.

CHAIRPERSON CROSS-REID: Let me respond so we can get to you being able to put your case on. In cases like that,

then typically what happens is that there is some scheduling that is done.

And if the D.C. Recreation Department has agreed to accommodate, it would have to be predicated upon the correct scheduling in order to be able to accommodate the facilities of the Jewish Primary Day School.

And, again, in order to verify such accommodation, then we could request from the applicant that they provide us for our deliberations with a copy of whatever agreement or whatever arrangement had been made at such. And that's the best we can do.

Now, are you prepared to proceed now with the ANC report?

MR. HAIRSTON: I'm prepared to start.

CHAIRPERSON CROSS-REID: Thank you.

MR. HAIRSTON: Madam Chairman, I propose to do this in two parts. First I have an oral opening statement, which will sort of put it in context where we're going. And then I want to show a video of the same area, in part, that was covered by the video from the applicant this morning.

CHAIRPERSON CROSS-REID: And how long is your video?

MR. HAIRSTON: Well, we can structure that. We'll cut it off at the time when you think you have seen enough.

MS. PRUITT: Mr. Hairston, how long do you think your presentation would be?

MR. HAIRSTON: My oral --

MS. PRUITT: The whole thing, including witnesses and everything.

MR. HAIRSTON: I haven't the foggiest idea.

CHAIRPERSON CROSS-REID: Well, you've already given us your witnesses, haven't you?

MR. HAIRSTON: We have them, but when you say how long it's going to take, you know --

CHAIRPERSON CROSS-REID: How many witnesses do you have?

MS. PRUITT: How many additional witnesses?

MR. HAIRSTON: We have ten witnesses altogether.

MS. PRUITT: For the ANC or for the parties in opposition?

MR. HAIRSTON: For the ANC.

MS. PRUITT: For the ANC?

MR. HAIRSTON: Yes.

MS. PRUITT: Okay. So you have ten witnesses outside of the two that have already testified?

MR. HAIRSTON: Yes.

MS. PRUITT: And along with that, you, then, also have testimony that you want to give along with the ANC report --

MR. HAIRSTON: Yes.

MS. PRUITT: -- and the video?

CHAIRPERSON CROSS-REID: Okay. Now, these ten

witnesses, are they part of the people in opposition? So, in other words, are these different from the ones that are going to be testifying in opposition?

MR. HUMPHRIES: Yes, they are.

CHAIRPERSON CROSS-REID: So you have ten different people?

MR. HUMPHRIES: We have ten different people.

CHAIRPERSON CROSS-REID: Okay. Now, these ten people that you have, --

MR. HUMPHRIES: Yes.

CHAIRPERSON CROSS-REID: -- are they going to have ten different issues --

MR. HUMPHRIES: Yes, they do.

CHAIRPERSON CROSS-REID: -- or can they kind of be combined in some instances?

MR. HUMPHRIES: No. All ten have different issues and will speak to different points. And we believe that they're going to be brief.

CHAIRPERSON CROSS-REID: Okay. Now, typically we don't have time set for the ANC, but in this instance because of the unusual amount of witnesses that you have, I think we're going to have to put some limits on the time of each individual witness because other than that, it would just basically take up the rest of the evening.

So I would think that three to five minutes. Three

or five or four or what?

VICE CHAIRPERSON SOCKWELL: How many witnesses? Ten?

MR. HUMPHRIES: Ten. We have ten witnesses.

CHAIRPERSON CROSS-REID: Four? Excuse me one second.

(Pause.)

VICE CHAIRPERSON SOCKWELL: Mr. Hairston? Mr. Hairston? You said you don't know how long your video is?

MR. HAIRSTON: No. I didn't time it.

VICE CHAIRPERSON SOCKWELL: Okay.

MR. HAIRSTON: But I shouldn't think it would take more than ten minutes.

VICE CHAIRPERSON SOCKWELL: Okay. That's all right.

MR. HAIRSTON: I mean, we're not talking about an hour video.

VICE CHAIRPERSON SOCKWELL: Okay.

MR. HAIRSTON: But if it did take more than ten minutes, I think I can get the point that I'm trying to get across in the first part of the video --

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. HAIRSTON: -- or I'll fast forward it to get to where I want to get.

VICE CHAIRPERSON SOCKWELL: Maybe not with the

remote we have.

CHAIRPERSON CROSS-REID: How long was it? The video is ten minutes? Okay. In all fairness, Mr. Hairston, let's do this. We would afford the ANC within the area of an hour. And divvy up the time however you see fit.

So if you have persons you want to speak, then they can speak or if you want to be the spokesperson and take up most of the time and show the video and just have them say a few words, you can do it however you want.

But if you can wrap it up in an hour, we certainly would appreciate that.

MR. HAIRSTON: Madam Chairman, as much as I'd like to accommodate you, I have to respect the fact that I chair an ANC that covers a rather large area. And a lot of people have personal interests and will be personally affected. I can't agree to subvert their rights.

So I would object to the limitation. You're the Chair.

CHAIRPERSON CROSS-REID: Well, you have to be reasonable. We can't just have it open-ended. That doesn't make sense for anyone in here.

I mean, there has to be some consideration given to the prudence of your request. And if you want to have ten people speak for an hour apiece, that's just not prudent.

So what we're trying to do is to accommodate you,

but it's within the realm of some reason and some prudence. And, as such, what we are suggesting, let's see if you can do this and as close to that amount of time as possible.

MR. HAIRSTON: Madam Chairman, I'm imminently reasonable.

CHAIRPERSON CROSS-REID: Okay. Good.

MR. HAIRSTON: One hour is not within that imminence.

CHAIRPERSON CROSS-REID: All right. Let us see. Let us proceed and see how well we can do. And we ask that your particular witnesses -- and this is in all instances. When they start to testify, please don't be redundant or repetitive.

MR. HAIRSTON: I agree with you wholeheartedly.

CHAIRPERSON CROSS-REID: If an issue has been raised, how many times are we going to hear about the parking problem and the problem with the traffic and the problem with the noise? If they have some specific thing they want to tell us, fine, but we don't want to hear ten people telling us the same thing over and over again.

Now, do you want to start with your opening remarks and then your video --

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: -- or is the video coming at the end or what?

MR. HAIRSTON: Then I will yield to Mr. Humphries,

who will --

CHAIRPERSON CROSS-REID: He's your first witness?

MR. HAIRSTON: No. I'm going to do the opening, the video, and then Mr. Humphries will conduct our witnesses.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: Okay. Now, with respect to the video, it's a voice-over. It's my voice on the video telling where I am.

CHAIRPERSON CROSS-REID: And it's about ten minutes, you say?

MR. HAIRSTON: I think about ten minutes.

CHAIRPERSON CROSS-REID: Okay. That's reasonable. Okay.

MR. HAIRSTON: Madam Chairman and members of the Board, I am Joseph Hairston, the Chairman of ANC-4A. And I think to put this case in perspective, I need to tell you a little bit about the area that we represent and the problems that we encounter from time to time and how this case is a part of that overall picture.

To begin with, Shepherd Park is the area north of Alaska Avenue to the District line. We are bounded by the District line on the east and by the park on the west and by Georgia Avenue for much of the length of our area.

We are concerned about the traffic. Traffic has a great impact on our community because we're a residential

community. And it so happens that a lot of commuter traffic enters through our area.

Now, part of the commuter traffic comes down Georgia Avenue. Part of it comes down 16th Street, part of it 17th Street, and part of it Beach Drive. All of that traffic impacts us in some manner because whatever happens on any one of those arteries, the traffic will bleed through our community to another part of the community.

So arguments can be made: Wait. It's no big thing about one little thing. But there becomes a time when it's the straw that breaks the camel's back.

Now, we have something else here. This is Walter Reed Hospital. That's an employment center, a major employment center. We had a big fight with them some years ago about traffic. We worked it out because, again, some of that traffic is going to Walter Reed.

Now, the ANC itself, our boundaries are such that we impact 16th Street as a part of our boundary from the District line all the way down to Shepherd Street or I think more specifically the Woodner Hotel.

The other thing, when you think about the zoning from the District line down to Alaska, that's all R1A and R1B. R1A is to the west of 16th Street. R1B is to the east.

So we're looking at a peculiar thing as compared to other commuter routes into the city. From Alaska Avenue on

further south, it's again mostly R1 with a little row in there.

We are blessed with religious institutions. We are so blessed that at 16th Street Heights, we had to get an overlay to control the exceptions that were granted by this Board over a period of time.

We're trying to avoid getting ourselves into similar positions with exceptions in our own community. I will list some of the things already.

We have the natural thing of the elementary school, which is not an exception, but it's one of those things that impacts a community. You have the day care center presently at Tifereth. You have the Lowell School, which is in that general area. And you have the Ethical Society.

Those are all exceptions now. The point is in a residential community, when is enough enough? And that was the way the ANC looked at this problem when it first came to us.

Another aspect of this is that, unlike most major commuter routes into the city, our commuter route is purely through a residential area so that when you come in on Connecticut Avenue, Wisconsin Avenue, Georgia Avenue, you're coming in through commercial areas. So you don't have the same impact on families and children.

Our 16th Street corridor, families and children, if you look around, you take the time to look around our community, you see a lot of children. And so when we worry about traffic,

that's what we worry about.

And so when we looked at this traffic pattern, among other things, we were looking at it not from the standpoint of one isolated case but the way it builds up one on the other.

Now, the other thing, when you look at a traffic corridor like this and the potential -- and the reason we spent so much time on traffic and parking is because any time you slow down traffic in one place, it bulges out in another place so that, for example, the earlier traffic plan had the traffic going around somebody's barn, including, among other things, Alaska Avenue.

Well, Alaska Avenue in itself is a problem because when you have a traffic jam on upper 16th Street, it will bleed over or if you have a jam over on Georgia Avenue, it will bleed over and will impact 12th, 13th, 14th Street, and then that traffic will come down Alaska Avenue and down 16th.

So that the other day when I was out there checking it over, there was a traffic jam on 16th Street. And then I counted about 20 Maryland cars in a row coming down 14th Street turning south on Alaska to get around the jam.

So that when we talk about traffic, when you have the turning cars and whatever plan they're using for traffic on upper 16th Street, it then affects the whole neighborhood. It's not just the neighborhood around Jonquil and Juniper. It affects all of us.

For example, I live about there off Alaska Avenue.

When the traffic is horrible on Alaska Avenue, I have trouble getting out on Alaska because I can't see around it. It's dangerous. You take your life in your hand to get out of your own street. Now, that's by way of showing the big picture of traffic.

Now, the other thing that has been talked about are the alleys. If you lived in our neighborhood, you would find that because we know so much about the traffic, we seek to avoid some of the 16th Street when we're communicating internally by alleys.

We know our alleys quite well. We know our alleys better than most communities. We're alley rats. We have to be because otherwise we couldn't communicate out of our area.

For example, the alley behind Tifereth, that's an alley where parents going to the Shepherd Elementary School get out. It's the alley that Jonquil and Juniper Streets use to negotiate around whatever is happening.

The same thing is occurring on the west side. They're using those north-south alleys to get around potential traffic spots. So if you mess up our alley and we're already messed up on the major artery, you have cooked us. And we don't want to be cooked.

Now, when we received the notice from BZA, we set the hearing at the earliest possible time. Our meetings are the first Tuesday of every month. So we set them for the first Tuesday of February.

We moved to a larger area. We usually meet at the

Fourth District. We moved to the Shepherd Park Elementary School because we anticipated a large turnout. And we had the largest turnout we've ever had.

We planned to hear the applicant first, but they weren't ready. So we took another issue which is prominent in the newspapers now, which I won't go into.

We heard the applicant, as you do here, first. And we gave them no time limit. And then we heard comments from the assembly. Our traditional limitation is two minutes per person because there were so many people present we couldn't have heard them all.

And then we allowed the applicant a rebuttal. It wasn't until we got to the rebuttal that they raised the traffic issue. They said: Well, we didn't plan to tell you about traffic tonight. We just planned to sort of acquaint you with what is going on.

Now, look at the timing. February 1st. And then we have to get our report in seven days in advance. So if you go to our next meeting, that's the reason I had to ask for a waiver to get the supplemental report about the traffic.

But the real point that I'm trying to make here is that the applicant came to us purportedly to seek our input and then tell us at the last minute during the rebuttal that: We don't have a traffic plan. So we set a second meeting for the traffic plan.

Now, in the interim, the applicants went around the community offering traffic plan after traffic plan, each from our concept more ridiculous than the other. It seemed unworkable.

Our concern is when you talk about all of this running around the parking lot or running around the city, it assumes that people are perfect.

Now, I think the Board can agree with me not many of us are perfect. We tend to do what comes naturally. We mean well. But you take a mother that is harassed and harried and has to get children one place, has to get herself someplace else, has to pick up children, is handling children maybe from several other families.

We don't have what you saw on the demonstration. Children don't get out of a car and go meekly like little mice into a building. They forget their lunch. They forget their hat. They forget they want to come back and kiss mommy again. They want to cry about something. These are the normal things.

So when you look at a traffic plan, look at it from the standpoint of a human being, not from the standpoint of some technocrat who has drawn some pretty pictures and says it can work.

So that when we saw the traffic plan in one of its final iterations, the position of the ANC was -- and you'll see from our filing -- that we saw nothing to change our original report. And that's essentially what we said.

Now, it was with great reluctance we scheduled that second meeting because we should have been able to handle that in the first meeting because we have scads of things going on up there that we would have rather done at that second meeting.

At this point I'd like to start the videotape. And I will be guided by your ability to stand it. Now, this is a videotape with my voice-over.

It's a little shaky at times because I'm a little shaky at times, but I think it might demonstrate what I'm trying to show you from our perspective of what the community looks like.

The time is one hour off. I didn't correct it for Daylight Savings Time. It's an hour earlier.

(Whereupon, a videotape was played.)

CHAIRPERSON CROSS-REID: Mr. Hairston? All right.

MR. HAIRSTON: That's 17th Street to the west. I want to get that playground in here.

(Whereupon, the videotape was continued.)

MR. HAIRSTON: The last thing, I want to try and see if I can find the playground. There's something here.

(Whereupon, the videotape was continued.)

MR. HAIRSTON: I think that concludes. I wanted to just get that last bit to show you the relationship of the Shepherd Park Elementary playground to the Tifereth Israel because that playground is mentioned in their presentation.

That concludes my introduction. I now yield to Mr.

Humphries.

CHAIRPERSON CROSS-REID: Thank you.

MR. HUMPHRIES: Madam Chair, we will present our witnesses on behalf of the ANC. And we'll call first Mrs. Helen Harris.

MS. DOBBINS: Madam Chairperson?

CHAIRPERSON CROSS-REID: Yes?

MS. DOBBINS: Ms. Harris is a party to this application. Will she be testifying for the ANC -- she indicated that she could not be represented by the ANC appropriately -- or will she be testifying as part of the parties in opposition that's to be presented later?

MR. HUMPHRIES: She will be testifying once, Madam Chair, as a witness for the ANC.

CHAIRPERSON CROSS-REID: Only?

MR. HUMPHRIES: Only.

MS. DOBBINS: Thank you.

CHAIRPERSON CROSS-REID: Okay. All right.

BOARD MEMBER RENSHAW: Would you point out Ms. Harris' house on the map, please?

MR. HUMPHRIES: It's right here. Excuse me a minute, Madam Chair.

CHAIRPERSON CROSS-REID: Mr. Hairston?

MR. HAIRSTON: I will submit this for the record if you would like.

CHAIRPERSON CROSS-REID: Absolutely, please. How are you divvying up your time? Are you --

MR. HUMPHRIES: We are aware of the time, and we will work to be as close to the time that you have asked us to recognize --

CHAIRPERSON CROSS-REID: So you're not giving each witness so much time or are you?

MR. HUMPHRIES: We're going to move along.

CHAIRPERSON CROSS-REID: Fine.

MR. HUMPHRIES: And we'll flow, and we'll move as quickly as we can, --

CHAIRPERSON CROSS-REID: All right.

MR. HUMPHRIES: -- recognizing the Chair's guidance on this.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: Okay? Fine. Before Mrs. Harris testifies, I'd like to indicate that while she is testifying for the -- appearing as an ANC witness. She is not surrendering her status as a party, but she will testify at this point only once during the hearing so that there is no confusion with regard to that.

CHAIRPERSON CROSS-REID: Understood.

MR. HUMPHRIES: Thank you, Madam Chair.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: Would you please state your name

for the record?

MS. HARRIS: My name is Helen Harris.

MR. HUMPHRIES: And your address?

MS. HARRIS: I live at 1443 Juniper Street, Northwest.

MR. HUMPHRIES: And how long have you lived there?

MS. HARRIS: I've lived there for 30 years.

MR. HUMPHRIES: And do you have a position with regard to the application that is now before this Commission?

MS. HARRIS: Yes, I do. I oppose it.

MR. HUMPHRIES: And could you tell the Commission why?

MS. HARRIS: Yes. I teach Renaissance art at Howard University. And I'm a consultant with Miss America pageant contestants. For 20 of 30 years that I've lived at Shepherd Park, 11 feet from Tifereth Israel Synagogue, the relationship was good between the synagogue and my family.

I taught many children whose families were members of the synagogue in the early 1970s at Shepherd Elementary School, our neighborhood public school. And it is an excellent school, by the way.

In the early 1980s, I was Assistant Director of the Language and Cultural Arts Center at Shepherd. Many of the children who attended classes at the center were members of our student body. They took classes in language arts, music, design,

style, piano, writing, poetry, gymnastics, and gourmet cooking that was taught by many of the professionals that live in Shepherd Park. And Mrs. Hall is one of our teachers, and she is here today in the early 1980s.

However, over the last ten years, Tifereth Israel applied for a three-year temporary child development center that has lasted for over seven years. And problems arose, many, many problems with the school and other rentals.

Rentals escalated. Nonentity rentals from square dancing to late, late night dance parties until 3:00 or 4:00 a.m. in the morning with bottles and trash thrown on the street and in alleys. And it was just terrible during the morning the next day.

These rentals included a church --

MS. DOBBINS: Madam Chairperson, we'd like to object at this time to testimony related to rentals of TI, of the synagogue and --

MS. HARRIS: But this is why I am objecting.

MS. DOBBINS: Well, I just want some direction from the Board that there would be testimony related to the proposal before the Board.

CHAIRPERSON CROSS-REID: Ms. Harris?

MS. HARRIS: Yes, right.

CHAIRPERSON CROSS-REID: We'll let you testify pertaining specifically to this specific application, not the synagogue, because that's not what the application is.

MR. HUMPHRIES: Madam Chair, the application is joined by Tifereth Israel. And, as such, it is an applicant.

CHAIRPERSON CROSS-REID: Right. I understand that, Mr. Humphries, unless what we are here today is to be able to make some determination on the impact of the primary day school. What's your point? I'm sorry.

The impact of what occurred at the synagogue is one thing. What we want to do is to determine what you glean the impact to be if, in fact, this application would be granted for the day school.

MS. HARRIS: Yes.

CHAIRPERSON CROSS-REID: Okay.

MS. HARRIS: Well, that's what I'm trying to come to because the school would be just another rental, I think, on top of the other rentals that they already have.

CHAIRPERSON CROSS-REID: Go ahead.

MS. HARRIS: Okay. Rentals escalated --

CHAIRPERSON CROSS-REID: No, no, no, no, no, not that part. That's still the synagogues. Speak in terms of how you glean the impact to be for the school.

MS. HARRIS: Okay. Well, the neighborhood became alarmed and disturbed that another school was coming in --

CHAIRPERSON CROSS-REID: Okay. All right.

MS. HARRIS: -- because there are no parking spaces; excess and congested traffic; health hazards, such as

safety, trash, noise, very large delivery trucks and vans, fumes from idling cars and trucks, 15 hours a day 7 days a week. We said enough is enough.

CHAIRPERSON CROSS-REID: Okay. But, now, the school, you have to be really -- the school is not going to be 15 hours a day.

MS. HARRIS: No, but I would --

CHAIRPERSON CROSS-REID: Okay. Just say many hours a day.

MS. HARRIS: Many hours a day.

CHAIRPERSON CROSS-REID: Okay. And that's not seven days a week. I think it's Monday through Friday.

MS. HARRIS: Okay. That the school is, but they have a lot of rentals on the weekends. That's why, of course --

CHAIRPERSON CROSS-REID: Not the school. Remember, we're staying with the school.

MS. HARRIS: Yes. They might have weekend activities.

CHAIRPERSON CROSS-REID: I don't think so. All right. All right. Go ahead.

MS. HARRIS: All right. Okay. So then -- let's see. Okay. Because -- well, I had -- because another school, the Jewish Primary Day School is applying for zoning, we are finally invited to a meeting for almost three months after the application.

So that means more disturbances in the neighborhood, more traffic, more noise, more trash, more trucks, buses, automobiles, vans, and just more, more, more, and no parking spaces for senior residents and neighbors who have access to their homes.

Remember -- well, I'll say many hours a day. I have 15 hours a day. Put many hours a day and five days a week of disturbances. We just are not going to take it any more. So I ask you: Where is our one rating for peace and quiet?

Therefore, I oppose this application for all of these reasons and many more. Now --

MR. HUMPHRIES: Mrs. Harris? Mrs. Harris, you live right next door to the synagogue?

MS. HARRIS: Yes.

CHAIRPERSON CROSS-REID: Mike, please.

MR. HUMPHRIES: You live right next door to the synagogue. Did you bring photos with you?

MS. HARRIS: Yes. This is a frequent occurrence. Large vans and trucks are always blocking the alley. This to your left, that is a young mother in our neighborhood that's trying to go pick up her child from school, from Shepherd School. And this van is blocking the entire alley making a delivery. And it happens all the time because cars are parked next to the synagogue, vans, trucks, everything.

And at the bottom, that is my retaining wall on my

front lawn that has been destroyed by trucks and vans that have come in. And even the truck driver has -- many truck drivers have told me that they have asked the people at the synagogue not to park their cars there because they cannot get through.

CHAIRPERSON CROSS-REID: Okay. That is as a result of the Jewish Primary Day School?

MS. HARRIS: No. I mean, no. No. This is where the --

CHAIRPERSON CROSS-REID: I need to understand what this --

MS. HARRIS: -- alley is always blocked during the day. The primary school is not there yet.

CHAIRPERSON CROSS-REID: I understand that. That's why --

MS. HARRIS: Right? So I'm showing --

CHAIRPERSON CROSS-REID: The question is rhetorical in that this is an existing -- the problem has already occurred.

MS. HARRIS: That is already there --

CHAIRPERSON CROSS-REID: Okay.

MS. HARRIS: -- every day, --

CHAIRPERSON CROSS-REID: Now make your point.

MS. HARRIS: -- every day. Okay. These are problems that are already occurring there every day.

CHAIRPERSON CROSS-REID: Are you asserting that you feel that that problem will be exacerbated by the school if we

were to approve this application?

MS. HARRIS: Yes, I --

CHAIRPERSON CROSS-REID: All right. Well, keep it germane to how the application is going to impact you. Do you see what I'm saying? You can't talk about the synagogue.

MS. HARRIS: Well, I thought perhaps it was the building that they're coming to because of its connection.

MR. HUMPHRIES: Now, Mrs. Harris, as I understand, you observed traffic in that alley because you live right there on the alley and you observe it go through there.

Have you recently observed the traffic and the use of the alley by your neighbors?

MS. HARRIS: Yes, often. Children are walking through the alley in the mornings from 7:00 a.m. until 9:30 in the morning, attending school, going to Shepherd School, or young adults are coming through to catch the bus.

The bus stop is right on Juniper Street. So a lot of people come through the alley, and they go to the bus stop. And then --

MR. HUMPHRIES: Now --

MS. HARRIS: Excuse me. This is a very dangerous situation. They do not have a playground, as such, for older children. And this is where the children play, on the street, on the sidewalk. I don't know if you can see it very well, but they're playing a ball game right outside on the sidewalk. And

the ball frequently goes into the street.

CHAIRPERSON CROSS-REID: What children are these?

MS. HARRIS: These are children that attend their after-school program -- it's a Hebrew school -- that attend on Wednesday afternoons.

MR. HUMPHRIES: Now, Mrs. Harris, did you have occasion to count the number of cars that go through the alley, observe the number of cars?

MS. HARRIS: Yes. I took a survey last Thursday, last Friday. And I counted on Monday. Let's see, last Monday. This is the hour between 7:30 and 9:00 a.m. in the morning. There were 12 cars, 3 trucks, 3 vans, 4 walkers, 13 cars going north, and 13 cars going south. And most of them were Maryland cars.

And on Friday, there were 23 cars, 2 vans, 3 trucks, 4 walkers. Going north, we had 10. Going south, we had 21. And most of these cars were District of Columbia cars. And many were exceeding the speed limit. And this is just going through the alley.

Okay. Back to the photographs, a dangerous situation we have here. Cars frequently park all the way beyond the stop sign. And then we have a fire hydrant that's right at the corner. And they frequently block that fire hydrant.

Now, at the bottom, people are always unloading in the alley because of the problems with parking.

CHAIRPERSON CROSS-REID: Who's unloading?

MS. HARRIS: Parents arriving.

CHAIRPERSON CROSS-REID: Around where?

MS. HARRIS: Arriving to the synagogue. They unload, whatever they're -- their supplies or whatever they're doing, they're having. You know they have a preschool there already. So this is --

BOARD MEMBER RENSHAW: That preschool, Ms. Harris, does that preschool continue?

MS. HARRIS: Yes. It's there. It's there now.

CHAIRPERSON CROSS-REID: There's a school there now that is going to be replaced by the Jewish Primary Day School. All right?

MS. HARRIS: Well, I can't take any pictures in the future.

CHAIRPERSON CROSS-REID: I understand that. We understand that. So this is the school that's there now, and these are cars that --

MS. HARRIS: Yes.

CHAIRPERSON CROSS-REID: Are you saying that they're unloading --

MS. HARRIS: Unloading in the alley, in the driveway. No one can pass.

CHAIRPERSON CROSS-REID: Okay.

MS. HARRIS: Okay. The next one, a daily occurrence, the parking. They park everywhere. You see he's

extended all the way across the alley. And this van belongs to the director of the synagogue. And she frequently parks there, and it intrudes onto the alley as well. This is an everyday occurrence.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: In conclusion, Mrs. Harris, what would you say is the impact on you from the different occurrences and the parking and the fact that individuals use the alley to go to school and --

CHAIRPERSON CROSS-REID: As I've said before, we didn't have too many problems because they didn't rent out the synagogue as much as they do now in the last ten years. It's the idling cars. The fumes are coming up. They're parking in front of the driveways, as I said. We have many seniors on our block. And, you know, it's really a problem seeing them parking long distance.

For instance, I had a problem one day. I returned home. I could not park anywhere. And about three blocks away, I had to park on 16th Street very late. And it was terrible walking down 16th Street. The cars were stopped being in -- you know, it was just awful when you can't park.

MR. HUMPHRIES: So, as a result of this, what do you believe the impact of the proposed application will be on your use and enjoyment of your home, in which you've lived for 30 years?

MS. HARRIS: Yes, I think it would be a big disturbance to my peace and quiet, to enjoy my home, to be there, the children with the noise. And frequently I hear noise from the synagogue, the children. So it would be a very, very big impact on my life.

MR. HUMPHRIES: Okay. Thank you.

MS. HARRIS: Thank you.

MR. HUMPHRIES: Thank you very much.

MS. PRUITT: Excuse me, Ms. Harris. Do you have those pictures in a smaller form for the record?

MS. HARRIS: Yes, I do.

MS. PRUITT: Do you have them with you --

MS. HARRIS: Yes.

MS. PRUITT: -- or could you help me -- thank you.

CHAIRPERSON CROSS-REID: Ms. Harris, before you leave, one question.

VICE CHAIRPERSON SOCKWELL: Ms. Harris, you stated that after the problems that arose from the use of Tifereth as a rentable space over the period of years, that there was only one meeting that was held in a seven-year period.

MS. HARRIS: Yes.

VICE CHAIRPERSON SOCKWELL: Did you attend that meeting?

MS. HARRIS: Yes, I did.

VICE CHAIRPERSON SOCKWELL: And you said that many

promises were made but none of them were fulfilled?

MS. HARRIS: Yes.

VICE CHAIRPERSON SOCKWELL: Okay. The other thing is that you stated that the children of the neighborhood use this alley to go back and forth to Shepherd School and that also they use it to go to the bus stop somewhere?

MS. HARRIS: Yes.

VICE CHAIRPERSON SOCKWELL: And you said that a great many vehicles are using the alley, assumed to pick up people from the school, from the Shepherd Park School, as well as every other possible use?

MS. HARRIS: Yes.

VICE CHAIRPERSON SOCKWELL: And Mr. Hairston said that the neighborhood uses the alley to commute though the neighborhood.

MS. HARRIS: Yes because 16th Street is very congested all day long.

VICE CHAIRPERSON SOCKWELL: This question is really about the use of the alley. It seems that the alley is getting a great deal of use almost as a street now. And, actually, neighborhood children should be discouraged from using it at all, but the point is that apparently there's a great deal of vehicle traffic in the alley abnormal to the typical use of alleys anyway. So there might be additional traffic that you see as a negative.

MS. HARRIS: Yes. There is.

VICE CHAIRPERSON SOCKWELL: Okay.

MS. HARRIS: Yes. I think Shepherd tries to discourage the children from walking through the alleys, but sometimes they're late or their parents are in a hurry. So you can't depend on that, which route they're coming, because they don't have patrol guards there to --

VICE CHAIRPERSON SOCKWELL: Okay. In your opinion, do you think that the activities in the evening that you have had so much trouble with would be at all impacted -- this is the activities at the synagogue -- would be at all impacted by the existence of this school or do you believe that the facilities used for the school would be different?

MS. HARRIS: Oh, I think a lot of the activities that are already at the synagogue would overlap the schools, schools' activities, because I think they're having an after-school program until 6:00, the Jewish school that's coming, and a lot of -- for instance, they have Weight Watchers that come there. They start at 6:00. And, of course, they arrive, the members arrive, earlier.

They have -- let me see. On Wednesday, there are a lot of activities, for instance, Hebrew School. What else? I'm trying to think of things that would overlap.

VICE CHAIRPERSON SOCKWELL: So, in your estimation, there would be additional impact, as opposed to an alternative impact?

MS. HARRIS: Yes.

VICE CHAIRPERSON SOCKWELL: Okay. Thank you.

CHAIRPERSON CROSS-REID: Any more questions?

MR. HAIRSTON: Thank you very much.

MS. DOBBINS: Madam Chair, we're saving cross until all of the witnesses have testified?

CHAIRPERSON CROSS-REID: Okay.

MS. DOBBINS: I'm asking you. Is that how you --

CHAIRPERSON CROSS-REID: It may be easier just to ask as they finish.

MS. DOBBINS: Okay. Then we have some questions.

CHAIRPERSON CROSS-REID: All right.

MS. DOBBINS: Ms. Harris?

MS. HARRIS: Yes?

MS. DOBBINS: In looking at your documents that have been presented that show the counts that you did in the alley, you talked about a good number of children using the alley.

In looking at your documents, you do indicate that walking through the alley, you are showing adults on most occasions. Is that correct?

MS. HARRIS: Yes, yes, on most occasions.

MS. DOBBINS: Okay. We're showing -- the documents I have show one child going through the alley.

MS. HARRIS: Yes, that particular day.

MS. DOBBINS: Yes. This was a weekday, which is a

typical day?

MS. HARRIS: Yes.

MS. DOBBINS: Okay.

MS. HARRIS: No, it's not a typical day.

MS. DOBBINS: And the hours that you're showing --

MS. HARRIS: Excuse me. It's not a --

MS. DOBBINS: A weekday, weekday?

MS. HARRIS: Yes.

MS. DOBBINS: And the hours that you're showing are from 9:30 a.m. to 9:00 a.m. -- 7:30? I'm sorry. 7:30 a.m. to 9:00 a.m., which would typically be the time that students would need to be getting to school. Is that correct?

MS. HARRIS: Yes.

MS. DOBBINS: So you're not showing a great number on the days that you've indicated of children walking through the alley. Is that correct?

MS. HARRIS: Correct.

MS. DOBBINS: And the van or vehicle that you showed in the alley, --

MS. HARRIS: Yes.

MS. DOBBINS: -- I'm showing that, even in your notes on the second page from March 10th, --

MS. HARRIS: Yes.

MS. DOBBINS: -- you're showing that deliveries by trucks began after 9:15 a.m.?

MS. HARRIS: After 9:15 a.m.?

MS. DOBBINS: Well after the drop-off and pick-up would have occurred, on the second page in your notes.

MS. HARRIS: Oh, I noted that. I witnessed the unusual patterns because deliveries were happening before this until this application came forward.

MS. DOBBINS: Where were the deliveries going?

MS. HARRIS: To the synagogue.

MS. DOBBINS: Okay. So you're understanding that the synagogue would have some control over the deliveries to the synagogue in terms of time?

MS. HARRIS: Yes.

MS. DOBBINS: Okay. That's my understanding.

MS. HARRIS: Including late in the evening. A delivery came the other night at 9:30 in the evening for the first time --

MS. DOBBINS: And the day school as well --

MS. HARRIS: -- since I've been there.

MS. DOBBINS: And the day school as well would have some control over the deliveries in the alley or the deliveries, period?

MS. HARRIS: Excuse me?

MS. DOBBINS: Well, I was asking you if you thought that the deliveries if they were going to the building, that the persons that have required the deliveries or requested the

deliveries would have some determination about when the deliveries should occur so there would not be conflicted associated with the drop-off and pick-up times.

MR. HUMPHRIES: That's not really a question that she can answer.

MS. HARRIS: I guess --

MR. HUMPHRIES: That's a question that is more properly posed to the applicant.

CHAIRPERSON CROSS-REID: What are you getting at, Ms. Dobbins?

MS. DOBBINS: The time frames associated with the alleys being blocked by trucks. I was trying to determine the times, --

CHAIRPERSON CROSS-REID: Okay.

MS. DOBBINS: -- then, in fact, whether they would conflict with the proposed times for drop-off and pick-up.

MS. HARRIS: Well, if you have a postal delivery, I don't know if you'll have control over that.

MS. DOBBINS: Okay. But in --

MS. HARRIS: And a lot of postal trucks stop there in the alley.

MS. DOBBINS: Okay. I also have another question. I was wondering: Did you understand during the presentation that the after-school program would only be at Ohev Sholom and not at Tifereth Israel, which is adjacent to you?

MS. HARRIS: Well, I understand that except for Fridays. So it would be --

MS. DOBBINS: So you understand --

MS. HARRIS: Yes. You will be at the synagogue next to me on Fridays.

MS. DOBBINS: Well, I'm not going to testify, but I'm saying that the after-school program is -- did you understand that the after-school program --

MS. HARRIS: Four nights a week.

MS. DOBBINS: Yes.

MS. HARRIS: Only four. And then one night, on Friday evenings --

MS. DOBBINS: I was just asking whether you understood that the program would be at Ohev, as opposed to Tifereth Israel. And I understand your answer, and I thank you for it. Okay.

The information that you showed about the blockage in the alley, can you tell us how often that occurs in a given day?

MS. HARRIS: Every day, every day.

MS. DOBBINS: And have you --

MS. HARRIS: Every day because the parking is blocked every day. They park in the loading zone. They park on the ramp. What's it called? Oh, yes, the exit part there, on the grass. There are not enough parking spaces.

MS. DOBBINS: Okay. Have you detailed the other traffic elements? Are you aware when you provided the information about the parking overlapping into the alley that the proposal is no longer to park in a diagonal manner that would overlap into the alley?

MS. HARRIS: Well, you will not be able to get seven cars there. You will only be able --

MS. DOBBINS: Well, that's not the question I asked.

MS. HARRIS: If you're going to --

MS. DOBBINS: That's --

MS. HARRIS: That's even worse, I think.

MS. DOBBINS: Are you aware that the parking plan has been changed so that there will be no overlap into the alley?

MS. HARRIS: No, I am not aware.

MS. DOBBINS: Okay.

MS. HARRIS: No, I am not aware.

MS. DOBBINS: Thank you.

MS. HARRIS: And I hope you note that the dumpster is there.

MS. DOBBINS: And we're glad. We're glad because it does show the dumpster. Okay. Thank you.

MR. HUMPHRIES: Let me clarify just one. Would you just clarify? You mentioned the dumpster. Are there any other characteristics of Tifereth along the side that you say would

interfere with placing cars there?

MS. HARRIS: Okay. The dumpster is right near the loading zone, which is very difficult to get around. When there are several deliveries there at one time, that's when they really block the alleyway.

Let's see. What else? They, of course, have to use the grass. And then they park on the X for the handicapped section, yes.

MS. DOBBINS: Madam Chair, I have one last question. I would like to ask Ms. Harris: Did she watch the video that was presented?

MS. HARRIS: Yes.

MS. DOBBINS: And did you notice that the video presented showed a very different picture from what you're showing --

MS. HARRIS: Oh, of course.

MS. DOBBINS: -- in terms of no blockage in the alleys --

MS. HARRIS: Of course.

MS. DOBBINS: -- and in terms of no parking on that area in the street --

MS. HARRIS: Yes.

MS. DOBBINS: -- and in terms of very little parking or traffic during that time of the morning?

MS. HARRIS: Yes.

MS. DOBBINS: Okay. Thank you.

MS. HARRIS: May I make a comment?

MR. HUMPHRIES: Sure. Please.

MS. HARRIS: I think it was staged.

MR. HUMPHRIES: Thank you. Okay. Thank you. Thank you very much.

MS. DOBBINS: I am speaking of the video that was presented by Mr. Hairston, not the simulation video.

MR. HUMPHRIES: Thank you, Mrs. Harris. We'd like to call as a witness Mrs. Alma Gray.

CHAIRPERSON CROSS-REID: Ms. Gray. Okay.

MR. HUMPHRIES: Okay. Fine. For the record, would you please state your name?

MS. ALMA GRAY: Alma Gray.

MR. HUMPHRIES: And what is your address?

MS. ALMA GRAY: Fourteen twenty-four Juniper.

MR. HUMPHRIES: And in what relationship is that to either one of the propped sites?

MS. ALMA GRAY: It's in the middle of the block.

MR. HUMPHRIES: And how long have you lived at that address?

MS. ALMA GRAY: Thirty-four years.

MR. HUMPHRIES: Thirty-four years?

MS. ALMA GRAY: Uh-huh.

MR. HUMPHRIES: And you've had occasion to review

the application and hear the information associated with the application to locate the private school at the two sites. Do you have a position with regard to that application?

MS. ALMA GRAY: Yes. I'm opposing it primarily because of the additional traffic, but my testimony is going to be very short. I want to relate a personal incident that happened to me that I think will show that you cannot always depend on parents to do what you ask them to do.

MR. HUMPHRIES: Before you do that, what was your occupation?

MS. ALMA GRAY: Oh. I was a clinical social worker in the D.C. public schools. I love schools. I love children. I understand the hardships that parents have getting their children to and from school if they're working.

I am not that affected by the morning rush hour because I'm now retired. So I'm not up when the children are going to school. However, I do use the alley quite a bit so that I will park on the right side of the street in the front of my house.

I was a member of the committee that was supposed to meet with members of the synagogue when the preschool started. And I did attend one meeting. And one of my neighbors and I also talked with members of the synagogue. We were assured that the alleys would not be blocked.

This is very embarrassing to me, but I feel I must

relate it. One afternoon I was coming home. I had to go to the bathroom. You know when you can just make it, and I knew I could make it. I cut through the alley.

There's a station wagon parked there. There are also cars parked in front of the synagogue. And there are cars parked on the other side of the alley on Juniper Street.

I did a little polite toot so that the car would move so that I could get through. I was ignored. So then I laid on the horn. I was still ignored. Well, I could not get out and act ugly because, you know, when you have to go, you can't move.

So I had to back my car out, go all the way around the block, and park on the other side of the street to get in my house. And, needless to say, I did not make it. And that's what made me very angry, very angry, particularly when we were promised that the alleys would not be blocked that way.

That's one of the main reasons I'm opposing because I do not feel that we can be guaranteed that the parents will follow these rules and regulations from my own personal experience. That's all I have to say.

MR. HUMPHRIES: Thank you. Any questions? Thank you very much.

MS. DOBBINS: No questions.

MR. HUMPHRIES: Okay. I'd like to call as our next witness Art Lewis.

MS. DOBBINS: Madam Chairman, just the same

question. I'm not sure whether Mr. Lewis is a party or whether his wife is a party or both. And we just want to make sure that the testimony will be provided once.

MR. HUMPHRIES: He will testify once. Okay? Mr. Lewis, if you would please state your name for the record?

MR. LEWIS: I'm Arthur W. Lewis.

MR. HUMPHRIES: And would you please identify where you live, your address?

MR. LEWIS: Yes. I live at 1446 Jonquil Street, which is just behind to the north of the temple. My property is about ten feet away from the property line of the applicant.

CHAIRPERSON CROSS-REID: Okay. Mr. Lewis, looking over your letter very quickly, it appears to me that for the most part, your issues are the issues, primarily the same issues that have already been aired.

So could you just basically summarize for us, rather than going into an in-depth reading of your testimony?

MR. LEWIS: I hadn't planned to read it anyway.

CHAIRPERSON CROSS-REID: Just give us the highlights, though, please.

MR. LEWIS: Sure. I oppose the applicant proposal for an exception. I oppose it for a number of reasons. I oppose it because the alley which I live on, on the alley, even now has I think a significant amount of traffic that goes through early in the morning, during the day, and late in the evening.

The alley is used by people who are going to the temple, by people who are going from the public school, by people who are trying to avoid the traffic on 16th Street, and by local people who are trying to get on 16th Street by going down to the alley on Holly, where there is a signal light. So that there is a lot of traffic in the alley.

Traffic makes a lot of noise. And regardless of what the applicant says, I live on the alley. And I can tell you that there is noise from the traffic going up and down.

Now, there are groups of children who use the alley and who are associated with Tifereth Israel. These children are monitored usually except in the summertime. But, you know, they play and they make noise.

And I'm retired now. I have worked all of my life. I have done a number of different things. And I am ready for peace and quiet. And that's one of the reasons that I chose the area that I live in now to live. We could have lived anywhere else, but we chose that because it's a quiet residential area.

We understood that there was a temple adjacent to us. And we knew that there were going to be religious holidays and that the temple would operate in the way that temples operate with respect to their religion.

I think that the alley and the use of it by repair trucks who are working on the temple, -- there is a lot of work going on on the temple -- by delivery trucks, which come and park

in the alley -- I've seen articulated delivery trucks -- articulated it to trucks, which park and unload for an hour. I've seen people drive into the alley trying to go through, find out they can't go through, and then forced to back up out of the alley, causing a traffic hazard possibly.

Another thing that I think that the Board needs to understand is that, indeed, I get up in the morning about 7:00 o'clock. And I see the kids coming from Iris, from Holly, up the alley, going to the Shepherd School.

For them, it's the quickest way. They come up the alleys there. And at the north-south intersecting the alley just beyond the temple, they turn and go east to the next alley and then turn north and go across the street to the school.

You're not going to stop the children from doing this because for them, it's the easiest way to get there. But I think that additional traffic makes for safety problems for those children. Those are the children of the neighborhood. And I think that the whole question of safety for children has simply not been given enough I don't think time and consideration.

MR. HUMPHRIES: Would you share with the Commission your own background as a parent?

MR. LEWIS: Yes. I have two daughters. They're both grown. I have three grandchildren, who are all in the school range age.

MR. HUMPHRIES: And, Mr. Lewis, living on the alley

adjacent to Tifereth Israel, one of the proposed sites for the private school, have you had occasion to observe and perhaps even count the amount of traffic that comes down your street, Jonquil Street?

MR. LEWIS: I have. In fact, I have some rough notes, very rough. Here they are. For example, on Monday, March 20th, between 1500 and 1630, 12 cars proceeded east on Jonquil to 14th Street, 3 vans, 12 cars; on Monday, March 20th, Jonquil to Kalmia via the alley between 8:00 and 8:45, 15 cars and 6 vans.

MR. HUMPHRIES: Traveling in which direction?

MR. LEWIS: From Jonquil to Kalmia, traveling north through the alley. On Monday, March 20th, cars traveling west on Jonquil Street to 16th Street, between 1500 and 1630, 12 cars and 4 vans; on Monday, March 20th, west on Jonquil Street to 16th Street, between 8:00 and 8:45 in the morning, 21 cars and 10 vans.

MR. HUMPHRIES: Thank you. Now, what is your opinion with regard to the impact that using Tifereth as a site by the Jewish Primary Day School will do to you? And what impact will it have on you and the neighborhood?

MR. LEWIS: Well, it will certainly have the impact of cars coming off of 16th Street, proceeding in front of my house, and then turning right into the alley to make a delivery of children to Tifereth Israel.

This is going to add to the noise, the aggravation, the number of cars that go through the alley, the number of vans

that go through the alley. There is no way in the world that it won't add to the traffic in the alley.

I have a concern about the children who use the alley to go to school. How will it affect them? These children are, some of them, seven or eight, some of them nine or ten years old. So I think it will have a significant effect morning and afternoon.

CHAIRPERSON CROSS-REID: Thank you. All right.

MR. HUMPHRIES: Any questions?

MS. DOBBINS: Just one question. Actually, maybe two. I'm trying to get this military time down. This is on March 20th. This is in the afternoon from 3:00 to 4:30?

MR. LEWIS: As I stated.

MS. DOBBINS: I think that's 1500 to 1630. Okay. 3:00 to 4:30. I just want to know, Mr. Lewis: Did you do a count on any other day or is this the only time?

MR. LEWIS: No. I did a count on Friday, March 17th, Jonquil to Kalmia by the alley from 1500 to 1630; did a count on Friday, Jonquil to Kalmia 8:00 to 8:45 in the morning.

MS. DOBBINS: Okay. And were the numbers still typical as the ones that you gave us for the 20th?

MR. LEWIS: What were the numbers?

MS. DOBBINS: You gave us 12 cars, 3 vans Jonquil to 14th; Jonquil to Kalmia 15 north. I'm just trying to see if we have information associated with more than one day.

MR. LEWIS: Jonquil to Kalmia on Friday in the morning, 14, 8.

MS. DOBBINS: Okay.

MR. LEWIS: Jonquil to Kalmia in the afternoon were ten and five.

MS. DOBBINS: Okay. And those were the only two days?

MR. LEWIS: No. Yeah. I'm sorry. Those were the only two days.

MS. DOBBINS: Okay. Thank you, Mr. Lewis.

MR. HUMPHRIES: Thank you very much.

CHAIRPERSON CROSS-REID: Mr. Humphries, how many more witnesses do you have?

MR. HUMPHRIES: We have six.

CHAIRPERSON CROSS-REID: Okay. Now, you only have six and a half minutes. So I would use that time wisely. And I stipulated prior to your last witness speaking that we wanted to hear something that hadn't been said before.

And, quite frankly, there was nothing that he told us that we didn't already know. He could have simply said: I basically did tell what's already been said, and I have been impacted. And we get the point. But don't --

MR. HUMPHRIES: Well, Madam Chair, the importance of the testimony, of the distinctive testimony, is that: one, in light of the fact that the expert for the applicant did not

measure the traffic in the alleys and the neighbors know that the network of alleys is the way by which they travel, because of the congestion on 16th Street, the neighbors measure and have compiled the data. So --

CHAIRPERSON CROSS-REID: Well, he could have given us just that.

MR. HUMPHRIES: So his --

CHAIRPERSON CROSS-REID: But the other information that he provided us with for the most part was redundant. And what we're trying to eliminate is redundancy. Okay?

So let's move to the next witness, please.

MR. HUMPHRIES: Okay. We'll call Jean Johnson.

MS. DOBBINS: Madam Chairperson, just the same question: I think Ms. Johnson was admitted as a party. Is that correct?

CHAIRPERSON CROSS-REID: Yes.

MS. DOBBINS: And we're just requesting or asking whether she intends to testify only the one time.

MR. HUMPHRIES: She will testify only the one time. And, Madam Chair, to be quite honest, because of the lateness of the time and because of certain dietary impacts, we have shuffled the --

CHAIRPERSON CROSS-REID: Yes. As a practical matter, Ms. Dobbins, I think that the ANC has stipulated that the witnesses that they have will testify only once, not at this time

for opposition.

MS. DOBBINS: Okay. I only was asking for the ones that had specific party status.

CHAIRPERSON CROSS-REID: Okay. Okay. Fine.

MR. HUMPHRIES: If you'll state your name for the record, please?

E-V-E-N-I-N-G S-E-S-S-I-O-N

(6:00 p.m.)

MS. JOHNSON: Jean Johnson, 1630 Jonquil Street, Northwest.

MR. HUMPHRIES: And how long have you lived there, Ms. --

MS. JOHNSON: Thirty-one years.

MR. HUMPHRIES: Thirty-one years. And we can point right here. You live, then, on the west side of 16th Street?

MS. JOHNSON: Yes, I do.

MR. HUMPHRIES: Okay. And you live approximately how far from which synagogue?

MS. JOHNSON: About 10-12 feet from Ohev Sholom.

MR. HUMPHRIES: And you have a position with respect to the application?

MS. JOHNSON: Yes. I oppose the application.

MR. HUMPHRIES: And why do you oppose it?

MS. JOHNSON: Because my garage is on the alley where the car pool will be operating. And I anticipate that the impact will greatly impede my coming and going because we can only park on one -- we can't park on our side of the street. We have to use our alley.

MR. HUMPHRIES: On what side of the street would that be on Jonquil? Is it north or the south, south side of Jonquil?

MS. JOHNSON: South side, yes.

MR. HUMPHRIES: To the right there. Okay. And normally where do you park?

MS. JOHNSON: In the driveway behind the house.

MR. HUMPHRIES: Behind the house?

MS. JOHNSON: We can, you know --

MR. HUMPHRIES: So as we look at -- I'm trying to recall the photos if we can help the Commission members. Do you recall seeing your automobile?

MS. JOHNSON: Yes, briefly.

MR. HUMPHRIES: Okay. Your automobile was there?

MS. JOHNSON: In the driveway.

MR. HUMPHRIES: In the driveway?

MS. JOHNSON: Uh-huh.

MR. HUMPHRIES: Right off of the alley?

MS. JOHNSON: Yes.

MR. HUMPHRIES: Okay. And how often do you use the alley?

MS. JOHNSON: Oh, several times a day. I car pool grandchildren many times. My husband goes to his office.

MR. HUMPHRIES: So you have grandchildren and children?

MS. JOHNSON: Yes.

CHAIRPERSON CROSS-REID: Is that relevant? Try to stay germane.

MR. HUMPHRIES: Okay.

BOARD MEMBER RENSHAW: It's relevant in that she uses the garage and the driveway several times a day, and that's what she's pointing out.

CHAIRPERSON CROSS-REID: I don't understand. Well, go ahead. I don't understand it, but go ahead.

MR. HUMPHRIES: Okay. Fine. Do you have anything else that you'd like to state for the record in regard to this application and its impact on you and your family?

MS. JOHNSON: No. I just agree with others that enough is enough and we'd like some quiet enjoyment.

MR. HUMPHRIES: Okay. Thank you very much.

CHAIRPERSON CROSS-REID: Thank you. Come, please, the next witness.

Do you have a question?

MS. DOBBINS: Yes, one question.

CHAIRPERSON CROSS-REID: All right.

MS. DOBBINS: Excuse me.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: Wait. One question.

MS. JOHNSON: Oh, I'm sorry.

CHAIRPERSON CROSS-REID: One question. Sorry.

MS. DOBBINS: Ms. Johnson, you are on the alley. Your driveway is on the alley where Ohev is. Is that correct?

MS. JOHNSON: Yes.

MS. DOBBINS: If the monitoring program operated as proposed and you are never blocked in coming out of your garage, would you still be opposed to this application --

MS. JOHNSON: Yes, I --

MS. DOBBINS: -- if it was not inconvenient to you?

MS. JOHNSON: I would be opposed.

MS. DOBBINS: Thank you.

MR. HUMPHRIES: Wait a second. Before you leave, Mrs. Johnson, the films, the tapes show, the tape done by Mr. Hairston indicates, that there is a blacktop in the parking alley behind Ohev Sholom and concrete alley. Now, most recently that concrete alley is now --

MS. JOHNSON: Yes, yes.

MR. HUMPHRIES: I know I mention it because you mentioned it to us. You might mention your concern about that to the Commission.

MS. JOHNSON: Oh. We left the house one day, and the men were resurfacing the driveway. When we returned, our entire alley had been resurfaced in asphalt. We like the cement.

MR. HUMPHRIES: Like the cement?

MS. JOHNSON: Yes.

MR. HUMPHRIES: Okay. Did anybody communicate with you?

MS. JOHNSON: No, no. We thought they were just doing the synagogue lot.

MR. HUMPHRIES: Okay. Thank you.

VICE CHAIRPERSON SOCKWELL: I have -- Ms. Johnson, you said that you use the alley several times daily and you're very familiar with what goes on in the alley. Does the Ohev Sholom have night programs similar to what were objected to across the street at the Tifereth's facility?

MS. JOHNSON: Not at this time.

VICE CHAIRPERSON SOCKWELL: All right. So you don't have or do you have issues with night noises, people coming and going from Ohev Sholom causing disturbances in the alley in the evening?

MS. JOHNSON: For the last few years, it has been relatively quiet there at night.

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. HUMPHRIES: At night?

MS. JOHNSON: At night.

MR. HUMPHRIES: Thank you very much.

CHAIRPERSON CROSS-REID: All right.

MR. HUMPHRIES: We would like to call Sally Jackson. Please state your name for the record.

MS. ETHELSTON: I'm legally Sally Ethelston. I reside at 1425 Juniper Street, Northwest.

MR. HUMPHRIES: And that is, let's see --

MS. ETHELSTON: Roughly in the middle of the block between 14th and 16th on Juniper.

MR. HUMPHRIES: Okay. Fine. And that is approximately how far from which site?

MS. ETHELSTON: It's a little more than 200 feet from Tifereth's Israel Synagogue.

MR. HUMPHRIES: Fine. You've reviewed the application. You've heard the testimony, some parts of it. Do you have a position with regard to the application?

MS. ETHELSTON: Yes. I'm opposed to the application.

MR. HUMPHRIES: And could you please share with the Commission why?

MS. ETHELSTON: Basically three concerns, some of which you've already heard before, but the primary one for me is probably the issue of safety; secondarily, the issue of why we moved to the neighborhood; and, thirdly, the whole question of the traffic management plan.

The safety issue is really to do with the children. You've been told repeatedly about the heavy traffic on 16th. And it's very true that when there's any kind of backup, the traffic comes speeding through on Juniper and Jonquil Streets in the morning.

Two very terrible examples of this were this past February, when there were two separate accidents on two separate days on Missouri Avenue and every single major arterial heading downtown was backed up: 16th Street, Georgia Avenue, 13th, 14th

Street. Nothing was moving, and everything was trying to go different ways.

I want to picture something. Introducing 200 children every day coming into that kind of situation right off 16th Street and being unloaded out of their cars and definitely at some point crossing 16th Street at some point during the day, regardless of how well they behave, how well they're chaperoned, I think you have a real recipe for disaster. Then you add in this extensive work that's envisioned for 16th Street starting at some point within the next year. And I think we're looking at a disaster becoming a catastrophe.

In addition, I'm very concerned about the safety of the children who now walk through the neighborhood on their way to our community's public school. Like other people, they do use the alleys or shortcuts to school on both ends of Juniper and Jonquil Streets. And my concern is who will be looking out for them.

My husband and I are out almost every mooning. We have two dogs, and we walk them a lot. And so we're very familiar with what goes on in the neighborhood.

I am concerned about the use of alleyways that were never intended for the kind of use that we're going to be seeing. And, as we know, in the District of Columbia, getting a road repaired, let alone an alleyway, is something that's rather difficult. And I just know that there's going to end up being situations in light of this presumed work on 16th Street where the

cars will simply not be able to park on 16th Street, as has been envisioned in terms of the daytime visits by parents.

Thirdly, there is really the concern to the residential neighborhood of Shepherd Park. My husband and I have only lived in the neighborhood for two years. And I guess we would answer the question of why we moved there because it really offered us the promise of living in a purely residential neighborhood and, yet, with all the things that make a neighborhood a fine place to be: a fine public elementary school within walking distance of our home; a diversity of religious institutions, also within walking distance of our home; good neighbors, who are helpful, cordial, and care about each other in the best way possible.

And our neighborhood is not a commercial district. It is not Cleveland Park. It is not Chevy Chase Circle. It is not Columbia Heights or Adams Morgan. It is residential and a place where yes, the kids still do ride their bikes on the sidewalks, they use roller skates or rollerblades on the streets, and where we can come home during weekdays and on evenings and park in front of our own doors, and where we welcome the presence of religious institutions that enrich the lives of those we serve and for whom we have tolerated the occasional inconvenience.

We do not want the nature of our neighborhood to change further and unnecessarily. There are now three private educational institutions operating within a two-block radius of

our home, in addition to the public school. I feel and my husband feels that this is enough for one small neighborhood like Shepherd Park.

Thank you.

MR. HUMPHRIES: Madam Chair, I would request that we have additional time to present the last four witnesses. They're not duplicative.

CHAIRPERSON CROSS-REID: All right. We'll do that, but let me just say this. Okay? We asked you to give us information that you need to get to us. And we have asked that it not be repetitive and not be redundant. And this is what we're hearing with the last couple of witnesses. I'm sorry.

Now, if, in fact, the witnesses that you bring us here start along those same lines and do not give us anything new, then we're going to cut them off.

MR. HUMPHRIES: Madam Chair, I would ask --

CHAIRPERSON CROSS-REID: I'm sorry, Mr. Humphries.

MR. HUMPHRIES: -- that the Chair take a --

CHAIRPERSON CROSS-REID: This is because, as far as I'm concerned, a lot of time, the time that you could have used wisely, has not been used wisely. As a result of that, the time that we have allocated to you has now been exceeded.

We don't mind letting you paint your picture, but what we take exception to is for you to use the time in such a way that is unnecessary.

MR. HUMPHRIES: I think that you will see that the picture being painted has different elements to it because of the inclusiveness of the neighborhood, of the individuals and the types of families who live there and the various concerns that they have, from different perspectives.

If there is any reason why there are a number of witnesses, Madam Chair, it is because there are, once again, we said, two sites involving --

CHAIRPERSON CROSS-REID: They can come and simply say, "I agree with what has been said before. I have been impacted. Enough is enough." Okay? But to go back into the children, the safety, the traffic, the parking, that is not -- you know, we don't need to keep hearing it over and over again. Okay?

MR. HUMPHRIES: Well, we will attempt to comply with that, but we do have an overwhelming concern for the safety of the children.

CHAIRPERSON CROSS-REID: All right. Let's go to the next witness and just do the best we can. I said that we would be --

MR. HUMPHRIES: Fine.

CHAIRPERSON CROSS-REID: -- we would try to accommodate you. And all I'm asking is that you be reasonable and prudent. That was what I asked in the very beginning. And when you stepped outside of those lines, then I have to try to bring you back in.

MR. HUMPHRIES: Okay. Fine. We will now call William Rumsey.

MS. PRUITT: Excuse me. Madam Chair, just for clarification, are you giving additional time that you want us to keep time of so that we'll know what to do?

CHAIRPERSON CROSS-REID: Yes. Excuse me. Excuse one second. One second, please.

(Pause.)

CHAIRPERSON CROSS-REID: All right. Proceed, please.

MR. RUMSEY: Good evening.

MR. HUMPHRIES: Would you please state your name for the record?

MR. RUMSEY: Yes. My name is William Rumsey, Jr.

MR. HUMPHRIES: And you live at? What's your address?

MR. RUMSEY: Seventy-eight-o-one 14th Street. I live on the corner of Jonquil and 14th.

MR. HUMPHRIES: Okay. Fine. Mr. Rumsey, you've heard the statement, and you have heard the recommendation of the Chair with regard to the testimony and those matters that you might testify to which have been stated in the past.

If you would state in one or two or three points why you are testifying and the potential impact of this application on you?

MR. RUMSEY: Okay. I am opposed to the application. I'd like to commend the last speaker, the last witness. I think she captured the essence of the problem in the neighborhood.

The safety factor, I'd like to say that my son, first off, went to Tifereth. So I've had an experience with the school, I must say a positive one as far as the education is concerned.

However, I do know oftentimes when I would walk that one and a half blocks to Tifereth to take my son to school, there was many times confrontations between neighbors and faculty at the school about people blocking them in, double parking.

And I don't want to dwell on the parking, as you said before. But I would like to speak to the fact that on a number of occasions, frequently I should say, my son and his friends ride through the alleys on their bicycles quite often.

I'd like to also state the fact that, as has been stated before, that there are many young people, very young people, who are traveling through those alleys going to school in the morning. And I have witnessed accidents before. I have witnessed children almost getting hit coming through the alleys.

Let me move forward also and say that my wife and I when we moved in the neighborhood, I, too, found it a very quaint neighborhood with the education that you needed there.

We had an occasion to meet with members of the

faculty at Shepherd Elementary School, wherein we eliminated our residential parking sign, the sign that was outside of our home just to accommodate the teachers and faculty there.

What has happened to me as a spill-off is the fact that when I come out in the morning on the way to work, my garage is blocked right in front of my garage. Oftentimes the parents or grandparents, whatever they may be, feel a need to walk the child into the classroom, thereby leaving me to wait.

Oftentimes when you say something to individuals, -- and this happened at Tifereth as well -- many times the people that are so very nice and civil and very pleasant to you on normal situations, when they are trying to drop their kids off, when they are trying to pick up a child and take them to a dentist appointment or that type of thing, they're not quite as nice anymore. And I think it's important that the Board realize that.

Yes, everyone sits here just as pleasant and kind and tells you what they're not going to do. Once everything starts, when you have the snow, when you have the leaves, all bets are off.

And thank you very much.

MR. HUMPHRIES: Thank you, Mr. Rumsey.

Any questions?

MS. DOBBINS: Yes. Mr. Rumsey, you testified to what was occurring at Tifereth.

MR. RUMSEY: Yes.

MS. DOBBINS: Is that correct?

MR. RUMSEY: Yes.

MS. DOBBINS: Have you had an opportunity to view how the Jewish Primary Day School runs its operations in terms of monitoring and dealing with its children? The application is for the Jewish Primary Day School.

MR. RUMSEY: Yes.

MS. DOBBINS: You have? And at what point might I ask?

MR. RUMSEY: Just having read information, the literature that has been put --

MS. DOBBINS: Okay. So you have not actually -- you spoke of your garage being blocked, but you were speaking of a school that had no monitors to maintain the control of traffic, et cetera?

MR. RUMSEY: Well, I'm also speaking of Tifereth. As I said, my son --

MS. DOBBINS: Yes.

MR. RUMSEY: -- went to Tifereth. And I would walk around. And on many occasions --

MS. DOBBINS: But that's my point.

MR. RUMSEY: Okay.

MS. DOBBINS: This application is for the Jewish Primary Day School, --

MR. RUMSEY: Oh, I understand. Yes.

MS. DOBBINS: -- which is a different organization.

MR. RUMSEY: I understand.

MS. DOBBINS: That's my point.

MR. RUMSEY: I understand.

MS. DOBBINS: I was asking whether you had the opportunity to watch the Jewish Primary Day School in its operations with its children on its site.

MR. RUMSEY: Yes. Well, I'd like to at least say that no, I haven't seen that operation. And I'm not a psychologist. But I have seen human nature at work.

MS. DOBBINS: I just wanted to verify that you were talking --

MR. RUMSEY: Thank you.

MS. DOBBINS: -- about another organization.

MR. RUMSEY: Well, yeah. I find that irrelevant to --

MR. HUMPHRIES: Thank you very much, Mr. Rumsey.

MR. RUMSEY: Thank you.

MR. HUMPHRIES: I'd like to call --

CHAIRPERSON CROSS-REID: Thank you, Mr. Rumsey. And you did shed light on something at least different than what we heard before. We appreciate that. Thank you.

MR. HUMPHRIES: Let me call John Gray.

MS. JAN GRAY: Madam Chair, I have a preliminary matter before we start that pertains to something else. My

husband, Derrick Griffin, was here on March 15th. He was the gentleman who monitors along with myself the traffic at the five intersections that all come together.

He is not here today, and he wrote a letter that I would like to present as his testimony since he's in Pittsburgh today.

CHAIRPERSON CROSS-REID: Okay. Do you mean present it for the record or do you want to summarize it or --

MS. JAN GRAY: No. I can just present it for the record.

CHAIRPERSON CROSS-REID: Please.

MS. JAN GRAY: I mean, I assume --

CHAIRPERSON CROSS-REID: Please.

MS. JAN GRAY: -- you guys will read the entire record.

MR. HUMPHRIES: If you would give your address, please?

MS. JAN GRAY: Okay. My name is Jan Gray. I live at 1650 Jonquil Street, Northwest.

MR. HUMPHRIES: Is that the center?

MS. JAN GRAY: That's exactly it.

MR. HUMPHRIES: Please would you -- you've heard the guidance provided by the Chair. Would you please make your statement in accordance with the guidelines, if you could?

MS. JAN GRAY: Trying to add something new, I have

to testify as a 38-year-old woman who was born in the District of Columbia. I have not heard this before. I was born in the District of Columbia.

I attended schools in the District of Columbia, college, law school. I lived in the District of Columbia: Capitol Hill, Columbia Heights.

I have been the ANC Chairman for many years on the Columbia Heights 1B04 and, as such, have some experience with the BZA. We did the Shaw townhouses. I'm responsible for that. That was in the paper on Monday.

When I decided to leave Columbia Heights, which I thought was a fantastic neighborhood, -- I lived there for ten years -- my friends said: Jan, you know, move to Bethesda. You know, we're all going to Bethesda, whatever.

I said: No. I'm from the District. I believe in the District. I want to live in the District of Columbia. I do not want to be chased out because of bureaucracies and me not being able to feel as if I have any control of my own neighborhood. It is very important to me.

I don't want to live in Avenue Heights. I don't want to live in Spring Valley. The Shepherd Park-Colonial Village community was an integrated, diverse community. I have deer in my front yard. I'm right across the street from the park.

I just cannot express to you how sad I will feel if I am forced to leave the District of Columbia. And I mean that

from the bottom of my heart.

CHAIRPERSON CROSS-REID: Well, Jan, thank you very much. Nonetheless, can you --

MS. JAN GRAY: Yes. Now I will go straight to -- there are two things I would like to talk about.

CHAIRPERSON CROSS-REID: Yes. I mean, obviously we certainly empathize with you and your position, but it's very important for you to say on the record just basically give us a summation of why you are in opposition.

MS. JAN GRAY: Okay.

CHAIRPERSON CROSS-REID: Now, we understand that you love the District of Columbia. And that's great.

MS. JAN GRAY: Okay.

CHAIRPERSON CROSS-REID: But what's important right now is for you to -- if you just want to say, "For all the reasons given before, I'm impacted. I'm affected" or whatever, but let that be noted. Okay?

MS. JAN GRAY: Okay. I have been taking photographs of what has been going on at Ohev Sholom. I think I could -- I would like to shed some light on the situation at Ohev Sholom with your permission.

CHAIRPERSON CROSS-REID: Okay.

MS. JAN GRAY: Okay. I had them in order of how I wanted them presented. Excuse me, Your Honor. Excuse me.

CHAIRPERSON CROSS-REID: Go ahead.

MS. JAN GRAY: I wanted to start with the traffic because we've heard a lot about the traffic simulation. And I have been out with my camera taking photographs.

The traffic simulation was held on Election Day. No one has mentioned yet that all public schools in Maryland, the children had off. There were no -- people had to stay home with their children. As well, I believe that the federal government also gives time, a two-hour time period, but let's go to March 6 -- in order to vote in the primaries.

But let's go to March 6th. I have photographs of the traffic on March 6th. I have them here. This is one. We'll start with this one. Okay. This is Jonquil and 16th Street Monday, March 6th, at approximately 8:30 a.m. I was walking my dog with my camera.

CHAIRPERSON CROSS-REID: Which is which?

MS. JAN GRAY: I'm sorry. This is the west side.

CHAIRPERSON CROSS-REID: This is the traffic going --

MS. JAN GRAY: This is the west side of 16th Street.

CHAIRPERSON CROSS-REID: Okay.

MS. JAN GRAY: The traffic is going into the city.

CHAIRPERSON CROSS-REID: You're on Jonquil?

MS. JAN GRAY: You're on Jonquil. Those cars are stopped. They are not moving.

CHAIRPERSON CROSS-REID: Okay.

MS. JAN GRAY: Both of those locations show that when traffic gets like this, they block the intersection. They do not let cars through.

In fact, I am very bold. I have this part of me where I will actually nudge in order to get out there. I have to put my car out every two to three inches to get. They do this.

Believe it or not because I was shocked, this occurred this year at least twice a week during the course of the year. Sometimes it's not bad but at least twice.

And you never know. You're like, "Shoot, the day before it was great." And, all of a sudden, you've got this. Stopped. This is where they were blocked.

Now I want to show you what the traffic actually looked like going up 16th Street.

CHAIRPERSON CROSS-REID: Okay.

MS. JAN GRAY: This was the day, March 6th, 2000. This was the day before the traffic simulation. If you notice, I am standing in the middle of the street. I'm not standing on the sidewalk.

The reason I was able to stand in the middle of the street -- looking down, this is the traffic going down 16th Street towards the city. The reason I was able to stand -- well, I'll get to that side later. The reason I was able to stand in the middle of the street is because traffic was at a standstill. You

will notice it goes all the way, all the way.

Now, I turned around in the street. Some cars were not happy with me because I didn't take pictures of this because my camera would only allow me to keep reloading. They were trying to make that left off of -- get into that only turn lane and get off of it, get out of this traffic and go up 14th Street.

This is a picture, the same scenario, same day, going up towards Silver Spring. The traffic goes all the way as far as your eye can see. And if you notice, I am standing in the middle of the street. I wouldn't have been doing that with all of this traffic if it wasn't stopped.

Okay. Now let's move to the traffic simulation. This is the traffic simulation day. I was there during the traffic simulation. It started approximately -- I got there a little bit late so I don't have all the photographs because they had given us one time that it was going to start, and they actually started early. They decided that they were going to change the times.

But, again, it was Election Day. So the traffic that we had normally coming in from Maryland, the people that voted in the primary, and the people whose children stayed home from school because all the Maryland schools were closed were not in the traffic.

This is coming down Juniper and 16th. This is the Ohev Sholom side coming from 16th Street down Juniper. This is

what they did not video. What you will notice is when cars are parked -- and I will have more photographs showing what the normal traffic is on that because we get a lot of Maryland cars that park on that side of the street.

When cars are parked, you will notice that the cars have to go -- it is really only one lane when the cars are parked, and you will see that from some of my other photographs. So when cars are parked, they have to go around the parked car and then they come out again.

See how that last car's wheel is turned to the right? Again, they have to come back out in order to go. That's because another parked car is in front of him. So now what he is going to do is he is going to maneuver to go around the parked car in front of him. You see how far over he is to the curb and with the parked car being there, he is going to have to come back over.

There is a school bus that's sitting up there at the corner that is waiting to make the left-hand turn. The picture below are cars coming up from that intersection, that five-way intersection, I was telling you about where we get a -- well, I'm going to save that for another point in time -- a lot of commuter traffic, especially through Walter Reed.

These are the cars coming up. Again you will see the parked car on the right-hand side. These cars have to -- whenever there's traffic coming down, they have to slow down and let a car move over into wherever the car is behind the car so

that either one can go up or one can go down.

You can turn the poster over. This top photograph shows that is 16th Street at 16th and Juniper Street. This is the traffic simulation. There are three cars, including that Bergmann's Dry Cleaners that come through the neighborhood all the time. But, anyway, three cars are in that left-hand turn lane turning down 16th and Juniper.

So you have -- that's my dog. You've got cars coming up Juniper, the JPDS. You've got parked cars on Juniper. You've got cars coming up Juniper, which I just showed you.

JPDS is proposing to make a right turn on Juniper right there in order to feed into the alley. And then you have this whole series of cars. All of those people, those are not -- that is the turn lane, those three cars right there that are waiting to turn. If you come down further, you will see a line of cars. This is during the traffic simulation, how they got backed up.

This morning I tried to take some pictures of six or seven of them being backed up, but I was greedy. So I didn't get the pictures. But this morning they had seven cars backed up coming out of Juniper.

Yes, you can go to the next photograph. This happened also during the traffic simulation. We get these. These are our big trucks that come up Juniper from the five-way intersection. They take up the entire street. I've photographed

them coming up Juniper.

You can see that if a car was making a right turn on Juniper going down, trying to turn in the alley, -- this is on the Ohev Sholom, where they make that right and cue up in the alley -- this would just halt right here.

Similarly, this is the back side of the trucks. You can see the cars parked on the left hand of the street on Juniper. You can see there is approximately two feet of room for a car to get by when those trucks are coming up Juniper. We get these trucks. I wish we did not because the --

BOARD MEMBER RENSHAW: Are the trucks coming from a construction site down Juniper?

MS. JAN GRAY: Ma'am, I have no idea where they're coming from because they come almost every day, somebody. Sometimes it's landscaping companies that have all of their tractors and stuff. You know, I don't know what their equipment is called. Lawn maneuvers. Sometimes it's dump trucks.

They just use it. It's a shortcut. It's a shortcut because people don't want to use Kalmia because it's a traffic signal live. So they try to shortcut that. This was during the traffic simulation.

This is my traffic simulation photograph. This is their van going through the alley. This is -- I'm sorry -- my neighbor that's located on -- I always mispronounce his name, Mr. Marstriani. I don't know if this is him or not, but this is

somebody coming out of his garage during the traffic simulation. In order for him to get by, he had to pull into the Muslims' driveway in order to allow him space to get out.

Yes, we can go here.

CHAIRPERSON CROSS-REID: Okay.

MS. JAN GRAY: I had one more set of pictures that I took prior to our hearing.

CHAIRPERSON CROSS-REID: Okay, Ms. Gray. I think that we get the gist of what you're --

MS. JAN GRAY: Okay. I understand. There is something different, though, I've got in photographs if you want to go there and talk about it.

CHAIRPERSON CROSS-REID: Okay. With this -- and I would say that this is different, and it does also give the different perspective. And I appreciate that. Nonetheless, we've got that. So do we have something else --

MS. JAN GRAY: Yes. Yes, I do.

CHAIRPERSON CROSS-REID: -- you wanted to do quickly different than what we have already seen or heard?

MS. JAN GRAY: In terms of photographs, yes.

CHAIRPERSON CROSS-REID: Okay.

MS. JAN GRAY: I have the back of -- let me tell you what happened.

CHAIRPERSON CROSS-REID: Can you have him assist you so you don't have to get up and sit down and get up? You

know, that would probably run a lot smoother if you could just allow him to assist you.

MS. JAN GRAY: I will not explain these photographs, Madam Chair, because I put these in the record. These were supposed to be -- this was the --

CHAIRPERSON CROSS-REID: It's a glare up there.

MS. JAN GRAY: I'm sorry. Those were the photographs I filed in my letter asking to testify because I thought it was very impractical that they thought that they were going to be able to park stacked parking cars. And I have got to get to that because I've got additional pictures on that. So I won't go into that.

I do point this out, though, because the day before our BZA hearing, they repaved the alley. And, unfortunately, they took away the lip in the alley.

And we've got an engineer who has taken a look at this and said that the way they repaved, they did the whole driveway and they took out the bevel in the alley. And so now all the garages are going to be flooded as well as the bottom house.

And we have an engineer. They did this the day before the BZA hearing.

BOARD MEMBER RENSHAW: Who did the resurfacing? Was it the synagogue?

MS. JAN GRAY: I don't know. All I know, when I left my home that morning, the synagogue behind Ohev Sholom was

tearing up their parking area. I had no idea that when I came home that evening, that not only was it going to be the driveway, the parking area, but also the entire alley that would have been done also.

I don't know who did it. I didn't see any permits up at the synagogue for any kind of thing, but they redid their entire parking thing the day before the BZA hearing.

VICE CHAIRPERSON SOCKWELL: Ms. Gray, you said that they took out some kind of a lip that was there.

MS. JAN GRAY: Yes.

VICE CHAIRPERSON SOCKWELL: If the lip --

MS. JAN GRAY: In the center.

VICE CHAIRPERSON SOCKWELL: The question would be: If the lip is on their own property, that's one thing. The alleys are designed to have a pitch to the center and flow down the center of the alley.

If the lip is on their property, then it probably was a preexisting drainage condition that they probably shouldn't have changed without expressed approval from the Department of Health, which handles that particular issue for the District, even though it says "Health Department."

MS. JAN GRAY: Now, the lip was -- the alley was the lip. I'm sorry. It was not their blacktop. The alley was raised above.

VICE CHAIRPERSON SOCKWELL: But alleys don't have

lips, nor do chickens, but that's neither --

(Laughter.)

MS. JAN GRAY: I may be using the wrong terminology.

CHAIRPERSON CROSS-REID: Are you saying that -- was that bevel or lip that you're referring to on public space or on their land?

MS. PRUITT: Madam Chair?

MS. JAN GRAY: It was on public space.

MS. PRUITT: Madam Chair, the witness is speaking of the swell --

VICE CHAIRPERSON SOCKWELL: But you'd have to be able to measure the alley --

MS. PRUITT: -- from the alley's drainage.

VICE CHAIRPERSON SOCKWELL: Alleys typically in the District don't have that kind of lip built into them.

CHAIRPERSON CROSS-REID: Is that what it was?

MS. JAN GRAY: It was about three inches raised. Maybe I'm calling it the wrong thing.

VICE CHAIRPERSON SOCKWELL: If it was a curb, the curb --

CHAIRPERSON CROSS-REID: Ms. Pruitt --

MS. JAN GRAY: I'm sorry.

VICE CHAIRPERSON SOCKWELL: Alleys are not built with curbs either.

CHAIRPERSON CROSS-REID: Okay. Let's --

MS. JAN GRAY: It was raised.

VICE CHAIRPERSON SOCKWELL: The DPW specifications don't have curbs.

CHAIRPERSON CROSS-REID: Ms. Pruitt said that it was a swell.

MS. PRUITT: I was wondering if, ma'am, you were considering the swell in the middle of the alley for drainage. That's gone?

MS. JAN GRAY: That's gone also. That's gone also, ma'am.

MR. HAIRSTON: That's gone also.

MS. PRUITT: Those are two separate issues.

MR. HAIRSTON: Yes.

MS. JAN GRAY: Yeah, it's two separate issues.

MS. PRUITT: Okay. You're aware of that?

MS. JAN GRAY: But that is gone also.

VICE CHAIRPERSON SOCKWELL: I think that it was on private property and not part of the alley based on DPW's specifications.

MR. HAIRSTON: No.

VICE CHAIRPERSON SOCKWELL: Sir, do you have the DPW's specifications?

MR. HAIRSTON: No.

VICE CHAIRPERSON SOCKWELL: I do.

MR. HAIRSTON: But I know what the alley looks like.

VICE CHAIRPERSON SOCKWELL: I know what it looks like to you, but if it hasn't been physically measured, it is not a specification that the District of Columbia uses. I'm just telling you. Okay. It was likely not -- they didn't change it. It wasn't on --

MS. JAN GRAY: They did everything, sir.

VICE CHAIRPERSON SOCKWELL: It may have created a problem --

CHAIRPERSON CROSS-REID: Too many people are talking all at one time. Okay? Now, if we will --

VICE CHAIRPERSON SOCKWELL: They need a public space permit to work in public space. To pave it, to do anything, they need a permit.

MR. HAIRSTON: You're right.

MR. HUMPHRIES: And, Commissioner Sockwell?

CHAIRPERSON CROSS-REID: And what you're saying, I think, --

MR. HUMPHRIES: Commissioner Sockwell?

CHAIRPERSON CROSS-REID: -- is that that didn't happen?

MR. HUMPHRIES: We do not know.

MS. JAN GRAY: It was removed.

MR. HUMPHRIES: I think the witness is saying --

MS. JAN GRAY: It was removed.

MR. HUMPHRIES: -- it was removed.

MS. JAN GRAY: Yeah.

VICE CHAIRPERSON SOCKWELL: I think research needs to be done to determine what was what.

CHAIRPERSON CROSS-REID: What was removed and who removed what.

VICE CHAIRPERSON SOCKWELL: I'm just telling you what I know of the specifics of DPW --

CHAIRPERSON CROSS-REID: Are you going to answer, Ms. Dobbins?

VICE CHAIRPERSON SOCKWELL: -- and the requirements for alley paving.

CHAIRPERSON CROSS-REID: Do you know?

MS. DOBBINS: DPW did the alley portion.

CHAIRPERSON CROSS-REID: And they removed this -- what was it? Do you know what it is?

MS. DOBBINS: The construction company did the alley under a contract to the Department of Public Works.

CHAIRPERSON CROSS-REID: Oh, so you're saying that even the paving was done by DPW?

MS. DOBBINS: Ohev Sholom did not repave the alley.

CHAIRPERSON CROSS-REID: It was done by DPW?

MS. DOBBINS: It was done under a contract to DPW by Fort Myer Construction Company is my understanding.

CHAIRPERSON CROSS-REID: And the --

MS. JAN GRAY: Parking lot.

CHAIRPERSON CROSS-REID: This lip or swell or whatever it is that they're talking about, do you know who removed that or was that a part of --

VICE CHAIRPERSON SOCKWELL: The lip, was the lip part of the alley construction work?

MS. DOBBINS: I can have one of the persons from the --

VICE CHAIRPERSON SOCKWELL: Yes because it's not a typical specification for alleys. In fact, we've had other cases --

CHAIRPERSON CROSS-REID: Is it supposed to be there?

VICE CHAIRPERSON SOCKWELL: -- where we were told by DPW they don't do that.

MS. DOBBINS: Yes. They don't.

CHAIRPERSON CROSS-REID: Is it supposed to be there, Mr. Sockwell?

MS. DOBBINS: The repaving would have been done under the auspices of the Department of Public Works for the alley portion, the public alley part.

VICE CHAIRPERSON SOCKWELL: Right.

CHAIRPERSON CROSS-REID: So you mean it was removed, but it was also removed by DPW?

MS. DOBBINS: Well, it would have been removed with their authorization because they authorized the repaving and the specifications or whatever for the repaving of the alley.

MS. JAN GRAY: And did they do the driveway also?

MR. HUMPHRIES: The parking lot.

CHAIRPERSON CROSS-REID: Do you mean the parking lot?

MR. HUMPHRIES: Right.

MS. JAN GRAY: The parking lot, yes.

MS. DOBBINS: No. The same construction company actually did it.

MS. JAN GRAY: The parking lot.

MS. DOBBINS: The same construction company did the parking lot, but they did that based on the synagogue's request. So there were two --

VICE CHAIRPERSON SOCKWELL: In addition, the telephone poles are in the alley. And that's one of the defining features of the edge of the alley, but they don't go into private property. It appears that the alley ends just shy of that, but I don't know.

MS. JAN GRAY: It's about six inches in from the telephone poles.

MR. HUMPHRIES: Madam Chair, what I think the witness is indicating is her frustration and the frustration of others who live in that area with the communication process that

involves at this point the DPW, the synagogue, and the neighbors.

And, indeed, a letter has been filed today by Brian Olson, who lives at 1642 Jonquil Street, a few feet from the synagogue. And he is a registered engineer. And he has made a review of the repaved area.

MS. DOBBINS: I'd ask if Mr. Olson is present.

MR. HUMPHRIES: He is not. It was filed in this matter today. We have a copy. We can make copies.

CHAIRPERSON CROSS-REID: Filed with whom? With whom?

MR. HUMPHRIES: With the Board of --

MS. PRUITT: Has it been submitted to the Board yet or --

MR. HUMPHRIES: Yes, it has.

MS. PRUITT: -- you're in the process of doing it?

MR. HUMPHRIES: No. It was submitted today at 2:14.

MS. DOBBINS: If they're entering that as the --

MS. PRUITT: Because it was submitted today, the Board members may not have it right now. So if you have a copy, we can pass them out.

CHAIRPERSON CROSS-REID: So we have no way of --

MS. PRUITT: Excuse me, sir. Please --

CHAIRPERSON CROSS-REID: Give it to her, and the staff will then give it to us.

MS. DOBBINS: Madam Chairperson, also at the time of the paving of the alley, there was a D.C. government inspector present.

CHAIRPERSON CROSS-REID: Okay.

MR. HUMPHRIES: Madam Chair, I think what the neighbor is indicating, what Mrs. Gray is indicating, is a desire to find out the sequence of events which led up to the repaving of the alley, which is having an impact, a negative impact, on neighbors and --

CHAIRPERSON CROSS-REID: Did you request that?

MR. HUMPHRIES: Well, that's what I think she's presenting us now.

CHAIRPERSON CROSS-REID: Well, if that is an issue, then we would request of the applicant that they supply it or we can ask that --

MS. JAN GRAY: Yes, ma'am. We just want it fixed.

MS. DOBBINS: As part of the permitting process, I think that's something that would come up as part of the permitting process. I don't know that it's a zoning issue related to this. The inspectors have inspected the alley. It's my understanding that the organization, Ohev Sholom, did not even know the alley was going to be repaved either until it happened.

MS. JAN GRAY: It was the same construction company, the same day, and they started on the -- they didn't start on the alley. They started in the parking lot.

MS. DOBBINS: Yes.

MS. JAN GRAY: And you said you used the same construction company.

MS. DOBBINS: No. We did. They did. The paving of the parking lot occurred at the same time as a gift to the synagogue from the construction company. And if you need for --

CHAIRPERSON CROSS-REID: Order.

MS. DOBBINS: If you need that to be testified to, Madam Chair, by the synagogue representatives, they can.

MS. JAN GRAY: No. I'm sorry. I did not realize when I asked this that this was going to turn into this, but I am very concerned. I hate to -- I'm not trying to be -- but when I just heard that DPW gave repaved --

VICE CHAIRPERSON SOCKWELL: No. I don't think that's what she's saying.

MS. JAN GRAY: Okay. I'm sorry.

VICE CHAIRPERSON SOCKWELL: I think she's saying that Fort Myer Construction Company, --

MS. JAN GRAY: Okay.

VICE CHAIRPERSON SOCKWELL: -- a private entity doing the alley work --

MS. JAN GRAY: Not DPW, construction. Okay.

VICE CHAIRPERSON SOCKWELL: -- gave Tifereth this free construction.

MS. DOBBINS: It's a member of the congregation.

BOARD MEMBER RENSHAW: Yes, but you cannot do it on company time. In other words, if you are being hired by the District to do the alley, then you do the alley. And you do the other thing at another time.

VICE CHAIRPERSON SOCKWELL: I don't believe that you can say that. I don't believe that that can be said --

CHAIRPERSON CROSS-REID: One at a time. One at a time.

VICE CHAIRPERSON SOCKWELL: -- because the contract would be a dollar and cents contract, rather than a time and materials contract. And, for that reason, they can do anything in conjunction with the other as long as they don't exceed -- well, yes, they can legally.

CHAIRPERSON CROSS-REID: All right. Now --

MS. JAN GRAY: I'm only going to focus on different stuff.

CHAIRPERSON CROSS-REID: Okay.

MS. JAN GRAY: Okay?

CHAIRPERSON CROSS-REID: But, now, you know that you have been talking for approximately 15 minutes or so. Okay. Then you need to just conclude.

MS. JAN GRAY: Well, then I won't say anything in terms of reference to me. I will conclude with pictures taken last night when I came home from getting my -- these pictures are the ones I took since the BZA hearing, exposed.

I came home at a quarter to 9:00. And this is what greeted me behind Ohev Sholom. I had these developed this morning at MotoPhoto on 7th and D Street.

It shows, first of all, Your Honor -- I'm sorry -- Madam Chair, that only two cars can park on the space where they say that they're going to put three cars at behind Ohev Sholom.

Those are the two cars that were parked. One car was blocking the set of steps. I don't know if it's Figure 7 or Figure 8, but it's the one behind Ohev Sholom.

One car, the black car, was blocking the set of steps that come down. The other van that was there was taking up almost all the space. It had only maybe a foot or two at the most in front of it before it was going to block the other set of steps coming down.

If you look at the third picture, you will see a car -- this was one of their members -- on the sidewalk and the curb stone. The reason they were there, Your Honor, is because -- I'm sorry -- Madam Chair, is because when cars are parked on the left-hand side of the street, it's a one-lane thing. So he had to go up.

I'm just concerned about this because of maintenance. I heard these people say they were going to keep grass and everything like that. It's very hard to grow grass or whatever. And this is what happens. This was last night. Okay?

And then the last car, the last one I want to show

-- oh, excuse me -- and you really need to look at these up close. You will see that there are cars blocking the alley. They had cars parked in the alley.

These were not drop-offs. You can actually take it up there. These were not drop-offs. I'll point to them. I'm going to point to them.

MS. DOBBINS: Madam Chair, this is an occurrence that has no relation to the day school's operations.

MS. JAN GRAY: Madam Chair?

MS. DOBBINS: It has no relation to the day school's operations.

MS. JAN GRAY: I just have one point. And I understand that. But the night before the BZA hearing, where we all know we're coming down here the next day, you would think that you would at least keep your -- you know, that people would obey the rules and keep their nose clean knowing --

AUDIENCE PARTICIPANT: It was Purim.

CHAIRPERSON CROSS-REID: It was a Jewish holiday.

AUDIENCE PARTICIPANT: It wasn't just a holiday.

CHAIRPERSON CROSS-REID: Okay. Order now.

MS. JAN GRAY: The garage three --

CHAIRPERSON CROSS-REID: Excuse me one second. What you cannot do is yell from the floor.

AUDIENCE PARTICIPANT: This is outrageous.

MS. JAN GRAY: Yes.

CHAIRPERSON CROSS-REID: Okay. You will have an opportunity to speak. At that time, you can say whatever you wanted to say. But that is not permissible. And if that persists, then we will have no other choice other than to ask whoever might decide to yell from the floor to leave.

Thank you.

MS. JAN GRAY: I'll respond to whatever questions.

CHAIRPERSON CROSS-REID: Okay.

MS. JAN GRAY: But there were three cars parked in the alley.

CHAIRPERSON CROSS-REID: I mean, the point has been made, Ms. Gray, that that is at night and this is for the day school. We're trying to keep our heads clear as to what is what.

And I know that it's difficult because the two are interrelated, but we can't consider -- no matter what the circumstances or situation, that is not something that is not something that is germane to the Jewish Primary Day School. Just keep thinking Jewish Primary Day School.

And the other pictures that you gave us, they were fine. And we thank you for that because that did give us another perspective.

MS. JAN GRAY: The last thing, which I will not go over, Your Honor, is I went through the video that they did not show you. They showed you the excerpted parts. There were parts of that video which I was prepared to go through because I

actually wrote down -- for example, the video that they gave us had times in the first part.

I had actually gone through. And every time a car had to wait for a minute, I made a notation of what time that was so I didn't want to waste you guy's time so I could fast forward to that and show you exactly how long it waited. And you could tell because they had the little time thing going down at the bottom of the screen.

For the 20 seconds drop-off, they showed you some of them. A lot of them occurred in less than 20 seconds. In fact, one of them I thought was a resident. It took me a while to realize that it wasn't a resident going through because of the quickness of it. They also showed how long cars were having to move aside.

There were a lot of different things in the video that you guys did not see.

CHAIRPERSON CROSS-REID: The point is if it's less than 20 seconds, then that's something that's to their benefit.

MS. JAN GRAY: No.

CHAIRPERSON CROSS-REID: You said a lot of them were less than 20 seconds.

MS. JAN GRAY: Exactly. In other words, this was a simulated drop-off, where they basically opened the car door. They didn't have any children. And they just -- you know, after ten seconds, they shut the door and the car went on.

CHAIRPERSON CROSS-REID: Oh, you're saying that it was too quick?

MS. JAN GRAY: Yes, it was too quick.

CHAIRPERSON CROSS-REID: Okay. I got you.

MS. JAN GRAY: And you've already brought up my garbage truck problem.

CHAIRPERSON CROSS-REID: And we also have the video. We will probably get a chance to look at the video ourselves --

MS. JAN GRAY: The full video?

CHAIRPERSON CROSS-REID: -- to see if it is truly excessive.

MS. JAN GRAY: The only thing I would ask, Madam Chair, with your indulgence is, really, I have been very active in the community since I moved here and I realized what a problem it was, trying to straighten it up so that I could be happy here.

I would request that I be able to -- since I really didn't get to talk about a lot of my points -- be able to possibly submit something to supplement the record just for your consideration.

CHAIRPERSON CROSS-REID: Don't you have your testimony, your submission to give to us today?

MS. JAN GRAY: I was planning on --

MR. HUMPHRIES: It's not complete.

MS. JAN GRAY: Yes. I was planning on -- was it

supposed to be typed? I was planning on actually testifying for my three minutes.

CHAIRPERSON CROSS-REID: But, you know, if --

MS. JAN GRAY: I had to drop --

CHAIRPERSON CROSS-REID: -- you would be able to submit something for the record so that we could have it to read over, is that what you're saying? You want to do that?

MS. JAN GRAY: Yes. I wanted to submit something for the record other than my husband's piece for the testimony.

CHAIRPERSON CROSS-REID: All right. And where is that?

MS. JAN GRAY: I have those in rough draft notes. The thing I saw I felt was that you guys do a transcript. I thought you guys did a transcript.

CHAIRPERSON CROSS-REID: What you can do is you can -- if we can read it, --

MS. JAN GRAY: Yes.

CHAIRPERSON CROSS-REID: -- if we can read it, then that's fine. Sure.

MS. JAN GRAY: Okay.

CHAIRPERSON CROSS-REID: You can submit it. Yes. Give it to staff.

MS. PRUITT: I believe, Madam Chair, she hasn't written it yet. So you want the record to be left open after today so that you can submit --

MR. HUMPHRIES: Maybe so that --

MS. JAN GRAY: Just two days.

CHAIRPERSON CROSS-REID: I thought you said that you did have --

MS. DOBBINS: Madam Chair?

MS. PRUITT: No.

MS. DOBBINS: She has the opportunity to testify today and provide the information.

MS. JAN GRAY: Well, if I can go over and use the computers, Your Honor -- I mean, Madam Chair, I'll write it up right now.

CHAIRPERSON CROSS-REID: I have no problem with that.

MS. JAN GRAY: Thank you.

CHAIRPERSON CROSS-REID: Do you want to prepare it and submit it while the rest of the proceeding is going on? That's no problem. You can do that.

MS. DOBBINS: I do have one question.

CHAIRPERSON CROSS-REID: Okay.

MS. DOBBINS: Okay. Ms. Gray, we looked at your photographs on 16th Street. And, of course, they are all still photographs. Do you have any video documentation to show how the traffic actually moved or just to show that the traffic was there? Your photographs are still photographs.

MS. JAN GRAY: Ma'am, I was standing in the middle

of the street. I don't see how much more indication there needs to be.

MS. DOBBINS: No. My --

MS. JAN GRAY: Three were other people that were on Juniper Street when I was there. It was not just me.

MS. DOBBINS: Well, I asked the question --

MS. JAN GRAY: There were five other people on Juniper Street.

MR. HUMPHRIES: She does not have a videotape.

MS. DOBBINS: She does not?

MS. JAN GRAY: I did not want to go out and buy a video.

MS. DOBBINS: Okay.

MS. JAN GRAY: I'm sorry. I was using photographs. And there were five other people there with me when I was taking those pictures.

MS. DOBBINS: Okay. Thank you.

CHAIRPERSON CROSS-REID: All right. Now --

MR. HUMPHRIES: We have one last witness.

CHAIRPERSON CROSS-REID: One more? Okay. After this witness, then we'll -- just to kind of keep perspective and assessments, we'll then take a short break.

And then we will proceed with those persons in support. Those persons in opposition, let me just get a feel for -- Ms. Dobbins, how many people do you have testifying in support?

MS. DOBBINS: It would be easier if we had a show of hands.

CHAIRPERSON CROSS-REID: All right.

MS. DOBBINS: Persons in support?

(Whereupon, there was a show of hands.)

MS. DOBBINS: And the other persons are still coming. They were here last time as well. We will work to coordinate the testimony.

CHAIRPERSON CROSS-REID: All right. Well, please do that because we'd like to try to hear as many people as possible. But, again, the same thing, --

MS. DOBBINS: The time.

CHAIRPERSON CROSS-REID: -- constraints, the time, and also lack of redundancy and repetitiveness. That would help us to be able to try to complete this this evening at a reasonable time.

MS. DOBBINS: Yes. I think we can complete this evening.

CHAIRPERSON CROSS-REID: And I think that we can do that if we don't go into a lot of unnecessary details.

MS. DOBBINS: Yes, Madam Chair. We're looking to help complete this this evening.

CHAIRPERSON CROSS-REID: Okay. Then we have the persons, parties in opposition. And how many of those people?

MR. HUMPHRIES: That would be a show of hands.

CHAIRPERSON CROSS-REID: Show of hands? Opposition?

(Whereupon, there was a show of hands.)

CHAIRPERSON CROSS-REID: Five people? Okay.

MR. HUMPHRIES: Okay. Six.

CHAIRPERSON CROSS-REID: No. We've already had the parties. No. We've already had the parties.

MR. HUMPHRIES: With regard -- no, we have not.

CHAIRPERSON CROSS-REID: Yes, we have.

MR. HUMPHRIES: No. No, we haven't.

CHAIRPERSON CROSS-REID: No. What happened --

MR. HUMPHRIES: No.

CHAIRPERSON CROSS-REID: Let's understand this. The persons who were granted party status were given an option to testify during this period or during the opposition time. And they elected to do it during this time. And they then gave up.

MR. HUMPHRIES: Excuse me, Madam Chair --

MS. PRUITT: My understanding is this is the ANC's time --

MR. HUMPHRIES: That's right.

MS. PRUITT: -- and that they testified during this time but that the agents who were assigned to represent the parties still have that hour party time to work with.

MR. HUMPHRIES: And that was how you --

CHAIRPERSON CROSS-REID: Excuse me. The time for

the opposition is still going to be an hour. They're going to be afforded that hour, but we did not want to have the duplication of testimony by anyone.

MS. PRUITT: Right.

CHAIRPERSON CROSS-REID: And those people with party status have already testified.

MR. HUMPHRIES: Will not testify.

MS. PRUITT: Correct, but --

CHAIRPERSON CROSS-REID: That's what I'm saying.

MS. PRUITT: But their agents --

MR. HUMPHRIES: The agents --

MS. PRUITT: -- will have an hour to --

MR. HUMPHRIES: That's right.

MS. PRUITT: -- present a case.

CHAIRPERSON CROSS-REID: The persons, the opposition have an hour. The applicant had an hour.

MR. HUMPHRIES: Yes.

CHAIRPERSON CROSS-REID: And the opposition will have one hour. And however you divvy that up, that's fine.

MR. HUMPHRIES: Correct.

CHAIRPERSON CROSS-REID: -- as long as we do not have duplication of those persons who already testified as a party during the ANC time.

MR. HUMPHRIES: Sure. We're with you, Madam Chair.

CHAIRPERSON CROSS-REID: All right.

MR. HUMPHRIES: Thank you. Okay.

CHAIRPERSON CROSS-REID: Next witness.

MR. HUMPHRIES: Rosa Grillo.

CHAIRPERSON CROSS-REID: Yes, she's the last one. Do you have a prepared testimony?

MS. GRILLO: Yes. I have talking points. I will not go over all of those points because some have been covered already.

CHAIRPERSON CROSS-REID: All right. Well, then just --

MR. HUMPHRIES: State your name for the record.

MS. GRILLO: My name is Rosa Grillo. I live at 1406 Jonquil Street, Northwest.

CHAIRPERSON CROSS-REID: Excuse me one second.

(Pause.)

CHAIRPERSON CROSS-REID: Okay. Go ahead.

MR. HUMPHRIES: You might summarize your testimony, Mrs. Grillo, and indicate the basis for your opposition to the application, including reference to any photos or surveys that you have.

MS. GRILLO: I am opposed to the application. I have a child. I think other than Mr. Rumsey, I'm the only other one that has testified that has a schoolage child whose activities I now limit because of the traffic around. And I expect that any more traffic, you know, I'll have to keep her until she goes off

to college.

The point that I want to make about the traffic plan is that I am told that they have set the start time for the school in coordination with Shepherd Park Elementary School. And the survey that I have done shows that there is a good bit of traffic just at the peak time of their arrival. It's also a peak time for arrival at Shepherd Park Elementary.

MR. HUMPHRIES: Would you share the results of that survey with the commissioners?

MS. GRILLO: I did not do a total. I started at 7:52 a.m. And I continued until 8:28 a.m., although Shepherd had not started yet. I had to go to work. So I did -- I thought by that time, I had gotten more than enough evidence of the traffic that happens around there.

As you see, my house is directly across from the auditorium.

CHAIRPERSON CROSS-REID: Point to your house. We can't really see that. Do you have the pointer? Okay. All right.

MS. GRILLO: Mr. Hampton, could you point to the loading dock for the school? Right at that same point is the entrance for morning care and after care. Right next to that is the auditorium.

It is peak activity at all times. It's starting at 6:45. And, actually, this morning at 6:26, the first truck

arrived into the loading dock. What it does is it pulls up into the alley and then backs across Jonquil Street into the loading dock.

At 7:00 a.m., the first kids start arriving for morning care. And this is constant traffic that goes on and seems to peak from what I can tell, at about 8:20-8:25 because by that time, the other morning care programs that are not part of Shepherd start bringing their vans around, like 19th Street Baptist Church. They're dropping off children who are going in for regular arrival time.

I contend that this traffic management plan that is going to have commuting parents dropping kids around 16th Street and going through the alley is smoke and mirrors. It is not going to happen.

I am a commuting parent. I know my focus is getting my child into the school and then reporting to a meeting or whatever. And I expect the same will happen, too. I think human nature will not allow for the four different plans that we have seen.

MR. HUMPHRIES: Did you have occasion to do a survey of the traffic using the alleys near your home?

MS. GRILLO: Because of -- yes, I did. And the survey, which I have copies of and would be glad to give to you, shows that the cars typically come across 14th Street, come down 14th Street.

And these cars -- let's talk first about the Shepherd parents that are coming. They're dropping off somewhere near 14th Street near -- on Jonquil Street, dropping their kids off. And then they're cutting into this alley next to my house.

Now, because it is -- it's not like the other alleys around in that it is very open. And it is a wide alley. And people expect that there's not going to be any kind of obstruction. They don't slow down. They go into it quickly.

About the same time, we have children walking through it. And I'm sorry. I know you're tired of hearing about children, but there must be a big impact if you're hearing it time and time and time again.

I keep my daughter in my house from 5:00 -- in the evenings, I keep her in my house from 5:00 o'clock until 6:45, until the last after-care parent has picked up their child because I don't want her out there, even emptying the garbage, because of the traffic that comes through these alleys.

CHAIRPERSON CROSS-REID: How old is your child?

MS. GRILLO: My daughter is 13 years old and should be old enough to maneuver, but I cannot be safe that these parents will --

CHAIRPERSON CROSS-REID: You don't feel comfortable with her being out there, --

MS. GRILLO: Not even.

CHAIRPERSON CROSS-REID: -- even at 13?

MS. GRILLO: Next year, she goes on public transportation. We just talked about what's going to happen on 16th Street tearing up. I'm concerned about her trying to walk to public transportation to get herself to school.

She should be old enough to do that. But with all of the traffic that is on Jonquil now between Shepherd Elementary, the lower field, I cannot be assured that that will happen.

MR. HUMPHRIES: Could you share with the Commission the results of your survey?

MS. GRILLO: Let's see. I would have to do a quick count. The cars that came through 14th Street -- well, let's stay with the Jonquil Street east alley. You've heard enough about the other alley.

From 7:52 to 7:58, the alley was blocked by a car that -- of a parent who was dropping her kid off at the school. She actually parked in the alley, then walked across the street. So nothing was happening for the first few minutes.

CHAIRPERSON CROSS-REID: Now, how long is the survey, item by item?

MS. GRILLO: It's from 7:52 to 8:28 a.m.

CHAIRPERSON CROSS-REID: How many items do you have on that? You can basically summarize.

MS. GRILLO: Sure.

CHAIRPERSON CROSS-REID: I think that the gist of it, if I understand it, that there is a definite impact on the

traffic, that there are impediments or obstructions in the alley --

MS. GRILLO: Yes, yes.

CHAIRPERSON CROSS-REID: -- and that, as a result, it has impacted your street in regard to being able to get in and out?

MS. GRILLO: Sure. And if you'll notice, that alley walks straight into the door of Shepherd. It's a straight road.

CHAIRPERSON CROSS-REID: Well, what I'm saying, submit it for the record, and we'll read that.

MS. GRILLO: I will do that. Sure.

CHAIRPERSON CROSS-REID: And I think that we have gotten the gist of what you're trying to tell us.

MS. GRILLO: Okay.

CHAIRPERSON CROSS-REID: And we appreciate your testimony. And, even though you did state again the safety issue, which we've heard many times before, nonetheless, we do appreciate the fact that this was kind of like a different spin on it --

MS. GRILLO: Yes.

CHAIRPERSON CROSS-REID: -- that we hadn't heard before. And we appreciate that.

MS. GRILLO: There is also one other piece that you will see when you get to review the survey. And it's talking specifically about the cars other than Shepherd that are traveling

on 14th Street that are avoiding 16th Street traffic.

Thank you for your time.

CHAIRPERSON CROSS-REID: I think that we have heard quite a bit about the overflow or -- well, I guess it's not even overflow. I guess it's just the infiltration of the community by persons trying to avoid 16th Street, for whatever reason.

And particularly if there's a traffic backup or an accident or bad weather or something like that, that is something that has been repeated over and over and over again. So we do get that.

MS. GRILLO: Sure. What we haven't said is that there are 360 students right there in that building. To add 200 more --

CHAIRPERSON CROSS-REID: What building?

MS. GRILLO: Within Shepherd Elementary.

CHAIRPERSON CROSS-REID: Okay. Shepherd Elementary.

MS. GRILLO: Has 360 students. To bring 200 more students within a block of this school I think is asking for tragedy.

CHAIRPERSON CROSS-REID: Okay. Thank you.

MR. HUMPHRIES: Questions?

MS. DOBBINS: Quick question. Ms. Grillo, you provided information on Shepherd School and the cars associated with that block. Is that because you're close to that area?

MS. GRILLO: Yes.

MS. DOBBINS: Okay. You also indicated that you were a commuting parent. Do you drop your child off at Shepherd? And do they have a traffic management plan or any kind of plan for --

MS. GRILLO: I don't know if they have a plan. I am not a Shepherd parent. I drive my daughter to another school.

MS. DOBBINS: Okay.

MR. HUMPHRIES: Thank you.

Madam Chair, that concludes our witnesses on behalf of the ANC.

CHAIRPERSON CROSS-REID: Well, thank you very much for your very exhaustive report. I think that you've certainly given us more than enough information. And we appreciate that.

MR. HUMPHRIES: Thank you, Madam Chair. The issue is one that deserves a comprehensive approach to it with depth.

CHAIRPERSON CROSS-REID: Okay. Thank you very much.

Now we'll take a break, recess for about ten minutes. And then we'll resume just so we're all on the same page as where we are. And then well resume with first the persons or parties in support.

(Whereupon, the foregoing matter went off the record at 7:20 p.m. and went back on the record at 7:40 p.m.)

CHAIRPERSON CROSS-REID: You can continue discussions. Nonetheless, at this time, our hearing will resume. We'll begin with persons or parties in support.

MS. DOBBINS: Okay. Madam Chairman, we have several witnesses that will come up first. We have witnesses from both of the synagogues. And I'm trying to get some determination about what the timing is and whether they're considered organizations. And is there a difference in the timing? And we have two organizations.

CHAIRPERSON CROSS-REID: Well, Ms. Dobbins, let me say this. I think that the objective is to try to get through this particular proceeding this evening.

MS. DOBBINS: Okay. I will --

CHAIRPERSON CROSS-REID: And, as such, we have 30 people who are here in support. And we appreciate the fact that they took the time to come down here and talk to us.

And so what we would ask is that they come in panels of five and that if, in fact, the person that preceded them has given us the information, the same information, don't be redundant or repetitive and --

MS. DOBBINS: Okay. We'll ask them to summarize so that they won't use the full time.

CHAIRPERSON CROSS-REID: And then we can get through relatively quickly. Now, also remember we do have the submissions. We have several letters in support that we have

read. So we understand the gist and the thread of letters of support.

And if they can just come up and give us the salient points and so we can move this along, that would be great this evening.

MS. DOBBINS: Okay. We would just ask that they be as brief as possible.

CHAIRPERSON CROSS-REID: Thank you.

MS. PRUITT: Ms. Dobbins, for clarification, did you have organizations?

MS. DOBBINS: Yes. There are four of them.

MS. PRUITT: There are four organizations?

MS. DOBBINS: Yes.

MS. PRUITT: Okay.

MS. DOBBINS: And they can all come up together. I mean, what we've done is instead of just having people duplicate testimony, we have parents who are also organizations. And they'll testify as parents and organizations with one testimony.

CHAIRPERSON CROSS-REID: Okay.

MS. DOBBINS: I'd ask that both the representatives from the synagogues come up at this time and the other two organizations.

MR. HAIRSTON: Procedural matter. Are there time limits here?

CHAIRPERSON CROSS-REID: Three minutes per person.

We've already established that.

MS. DOBBINS: Organizations.

MR. HAIRSTON: Just so that I understand it.

CHAIRPERSON CROSS-REID: Yes. And if they can, -- and this is where they see fit -- they can cede their time to the next person.

MR. HAIRSTON: Procedurally, if the testimony is not germane to the case, how do I interrupt?

CHAIRPERSON CROSS-REID: Well, we will, but if there is something that you want to --

MR. HAIRSTON: I'll do it.

CHAIRPERSON CROSS-REID: -- you know how to.

MR. HAIRSTON: Yes, I do.

CHAIRPERSON CROSS-REID: I'm sure that you know how to object.

Yes? Okay. You can't cede time. I was just reminded under the new regulations, you can't cede time. So it doesn't matter. If you don't cede the time, then still that eliminates some of the time anyway and helps us get through it faster. So let's just get started.

MS. LAV: Madam Chair, my name is Iris Lav. And I'm the President of Tifereth Israel Congregation.

Late last year, the Tifereth Israel board began to discuss whether we could be part of a temporary solution for keeping JPDS open. Among ourselves, we had to decide whether

we're willing to accept some additional wear and tear on our building, give up some scheduling flexibility and similar issues.

Because providing education for our children is among the most basic purposes of a synagogue and because our members have children in the school and because Tifereth Israel is committed to maintaining a vibrant Jewish community in the District of Columbia and because JPDS is the only Jewish school in the District, we decided we had to try to do that.

The first time any officer of our congregation sat down with JPDS was November 30th. On December 13th, it was the first time it was discussed at a board meeting. This is when the TI board first authorized negotiations to begin with JPDS. And there has been some confusion about time. So I wanted to emphasize that time line. And, in fact, we did not reach an agreement of any kind with JPDS until our February 7th board meeting.

But in this process, on the very first board meeting on December 13th, the board expressed concern about how this would affect our neighbors. It was one of the first issues that came up.

And I immediately appointed a committee to gather the community's views on the best way to proceed. We hoped that we could figure this out together, rather than have a big confrontation, but that was preempted by immediate opposition in this very tight time frame.

Tifereth Israel has been for many years and is committed to the neighborhood where we have been for 40 years. We are more than willing to be responsive to reasonable concerns of our neighbors. And I'd like to give a little example.

In the process of this, we recently heard really for the first time that any of us can remember that our neighbors resented our parking in front of their houses on Juniper Street at times when it is perfectly legal, I would emphasize, to do so.

But we heard this, and we understood. And we took immediate action. And this included putting information on our LISTSERV; posting signs; giving notices to our religious school parents; making announcements at services; and, in fact, doing a mailing to all of our members, asking them to exercise courtesy not to park in the legal spaces in front of people's houses in the neighborhood. And that has been cut down substantially.

There are going to be times when we're really busy, like the holiday last night, where it may not be perfect, but we have these signs everywhere. And we think that there has been a significant response to it.

Cooperation is not new to us. It's not unusual for us. It's happened many times in the past. If we're going to undertake a major change, we do tell the neighborhood. We do call a meeting. A few years ago, we were going to put on a new roof. We wanted to make sure the neighbors knew what all the materials were. And we called a meeting.

Last summer we were beginning renovations. And, similarly, we called a meeting and discussed it with neighbors. And many of the people who have testified here I believe were there. So we do do this. And we're willing to do a lot more of it.

I wanted to make a couple of comments just very briefly about the nursing school.

CHAIRPERSON CROSS-REID: Excuse me one second. Typically you organizations have five minutes, but erroneously I had said three. Do you think you can do it in four?

MS. LAV: I just have a little bit more.

CHAIRPERSON CROSS-REID: Okay. What were you saying? Okay. I didn't realize what the time frame was. The buzzer gives you 30 seconds to wrap up, but you do have --

MS. LAV: Okay. I just have about a minute more.

CHAIRPERSON CROSS-REID: Okay. Go ahead.

MS. LAV: Okay. I wanted to say one word about the nursery school drop-off. The nursery school, which, as you know, will not be there next year, is never -- we have had a lot of conversation about the traffic. It has never had a traffic plan.

And so parents do park their cars. They do walk their children in. That's not what's going to happen with JPDS. So that is history. And it has nothing to do with JPDS next year. I just wanted to point that out.

Similarly -- and a concern that there is only

preschool equipment in the playground is something that we have not decided what we're going to do with it when the nursery school leaves. So that decision has not been made.

So, you know, in sum, JPDS will add a new element to the neighborhood. And it will take some effort and good will to make it right. We're willing to make the effort. And we think disruption can be avoided. We're committed to an ongoing exchange of information, to the meetings, and to the mutual problem-solving with the neighborhood that will be required to make this happen.

Thank you, Madam Chair.

CHAIRPERSON CROSS-REID: Thank you.

MR. GOODMAN: Madam Chair, members of the Board, my name is Leonard Goodman. My wife and I have lived at 7119 16th Street, about a half mile south of the Ohev Sholom Synagogue, for 37 years. For the last three years, I have been President of Ohev Sholom.

This application of the JPDS restores a student body to Ohev Sholom of the size that we had some years ago. In the 1960s and 1970s, Ohev Sholom had up to 650 families who were members of our synagogue and at that time had up to 108 students enrolled in our Hebrew school. Apparently Ms. Johnson, who testified before you, moved in at about the time that we were at the high point of our student body.

In addition, over the years, we have had regular adult study sessions held at our synagogue. And this has been

held every day since the synagogue was founded in the last century, some 114 years ago. These study sessions continue, even though we no longer have a school.

Then and now, no matter how many families we had, no matter how many students we had, we had a social hall that could accommodate up to 900 people. We still do. We have a main sanctuary that can seat 750. In addition, we have a chapel that can seat over 100. But today we have fewer than a third of the members we had when we, my wife and I, first moved to Shepherd Park.

Now, I think the steadily declining membership of our synagogue over the last 20 years has perhaps led our neighbors to believe that a low level of activity is normal for a building of our size. Perhaps, I might say, they've become accustomed to our inactivity.

MR. HAIRSTON: Excuse me, Madam Chair. We object to this whole line of questioning. What does this have to do with JPDS being at this location?

MR. GOODMAN: I'm tieing it in.

MR. HAIRSTON: We were not allowed to talk about how JPDS operates currently at Adas Israel. How is this testimony in any way relevant to the zoning issue?

MR. GOODMAN: Sir, I'd like to tie it in.

VICE CHAIRPERSON SOCKWELL: Sir, it might be that he's establishing the allowable size of the facility to generate

traffic. And I think that in that context, he would be correct in doing that. If you object to him establishing reality, then please continue.

I assume you're accepting that. Thank you.

CHAIRPERSON CROSS-REID: We overrule that objection.

MR. GOODMAN: Is there a motion pending or --

VICE CHAIRPERSON SOCKWELL: No, no.

CHAIRPERSON CROSS-REID: No. It was a question.

VICE CHAIRPERSON SOCKWELL: Just a clarification. Thank you.

CHAIRPERSON CROSS-REID: So continue.

MR. GOODMAN: Our thought was that bringing in more events to give us exposure would only add to the evening traffic. But, however, by bringing in a school, this would have a very low impact on the neighborhood.

When the Office of Planning speaks to this Board in terms of revitalizing an existing synagogue, surely they're talking about us because I think it would perform precisely that function.

Now, surely we have to concede that the introduction of JPDS to our synagogue will raise the level of activity at our synagogue but not nearly to the level of activity that Ohev Sholom has seen in the past. The number of students and worshippers will not be anywhere near the number that the building

is capable of handling.

The hours of the school would not conflict with our religious services. And this was a very important point for us. The morning services begin around 6:30 in the morning. And the evening ones are close to sundown. And we can readily share this building as well as the parking spaces adjacent to the building with a school.

I might add we have a fenced play area for this school that is about 1,300 square feet, fully fenced, sitting back from the alley, sitting back from the parking area.

And I must emphasize that we strongly believe there will be very little traffic added to our neighborhood. JPDS has an excellent proven track record in managing pick-up and drop-off of its students in the morning and at the end of the school day.

And, in addition, the impact on our neighborhood will be reduced by the fact that they're splitting the school body between two facilities: between our synagogue and Tifereth Israel across the street.

Now, this having been said, I want to add that the application of the school has been a wake-up call for us. It has shown us that we need more dialogue with our neighbors. But we think that the school could help us open this new dialogue with this experience in community affairs, which we have not always had.

We believe, we strongly believe, that the neighbors

will find that a school of the high quality of JPDS will enhance our neighborhood. And we look forward to a continuing and ongoing dialogue with our community.

We urge this Board to grant the exception.

CHAIRPERSON CROSS-REID: Thank you.

MR. BARDONILLE: Point of order, Madam Chair, if I may.

CHAIRPERSON CROSS-REID: What is it?

MR. BARDONILLE: I take it that the four are testifying as organizations. Would you ask them to identify which. I assume that the first two each testified on behalf of the respective synagogues.

CHAIRPERSON CROSS-REID: I think they did. Did you not identify your organization?

MR. GOODMAN: Yes, I did.

CHAIRPERSON CROSS-REID: Okay. He did. And, look, --

MR. GOODMAN: Yes, Your Honor. I am President of Ohev Sholom.

CHAIRPERSON CROSS-REID: -- what we don't want to happen is to continue these interruptions unnecessarily. If we can just move forward with this, it would certainly help us all to get through this. And it is getting late. I'm sure that everyone would like to be home as soon as possible.

Okay. Go ahead.

MR. GOODMAN: Might I add just one further footnote of a --

CHAIRPERSON CROSS-REID: Quickly.

MR. GOODMAN: Yes, regarding a question that did come up during the course of the hearing today. It was a question concerning the paving of the alley behind our synagogue, which I think I have some information about.

That paving occurred as much of a surprise to us as it did to the neighborhood. What happened was this, that Fort Myer Construction has a contract to pave all of the alleys in the District of Columbia.

And while they were back there, since Fort Myer, a principal of Fort Myer, I believe the executive vice president, is a former president of our synagogue, he also undertook on his own to pave our parking area. And that is the whole story.

CHAIRPERSON CROSS-REID: Okay. Thank you.

RABBI COHEN: My name is Kenneth Cohen. I'm the Executive Director of the Seaboard Region of the United Synagogue of Conservative Judaism. And I'm also the President of the Washington-Baltimore Region of the Rabbinical Assembly, the International Association of Conservative Rabbis.

This morning when I was coming here it seemed so long ago. I was on the Metro. And as I was hanging onto the strap, I saw an ad. And it said, "Union Station adores surprises, hates compromise."

But I didn't get off at Union Station. I got off at Judiciary Square. And I want to say that for myself, I adore surprises, to be sure, but I love compromise. And that's exactly what I'm proposing here.

I want to say that what you see before you is something that would move most rabbis to tears. You see representatives of a conservative synagogue and an orthodox synagogue and organizational representatives of the reform movement and a conservative movement.

This is an example of Jewish pluralism in action. We don't see a lot of that, but Jews coming together cooperating, all denominations, because we believe in something very deeply, very fiercely, and very sincerely.

I represent an organization which is the umbrella group of almost 800 conservative synagogues. And my colleague, Rabbi David Saperstein, who will be speaking in a few moments, represents the reform movement with a similar number of synagogues. Together, our two movements represent the overwhelming majority of American Jewry.

We're speaking about a school in that nation's capital. The eyes of American Jewry are looking on us now. In a week's time, I'm going to be at the convention of the Rabbinical Assembly, the international convention. I know my colleagues are going to ask me what's happening with the future of JPDS, what's happening with the future of Jewish education in one of the

fastest growing Jewish communities in the United States, the greater Washington area.

And so the eyes of American Jewry are looking towards us. And just as we see a wonderful example of Jewish pluralism right here, we extend that sense of cooperation, all-embracing love to the community that is around us.

And I just want to say that while I gave my credentials before, organizational credentials, my most important credential is that I'm the father of Zachary Nathan Cohen in the third grade at the Jewish Primary Day School.

And not speaking on behalf of 50 or so rabbis in our region or 800 synagogues in the conservative movement but just speaking on behalf of myself and my family, I pledge to you my strict adherence to the traffic patterns. And I am sure that the other parents feel likewise. It is so important to them.

Now, as I said before, our position is one essentially of compromise. *Ab initio*, our position is one of compromise. We're talking about the possibility within a few weeks time if we don't have this approval of the Jewish Primary Day School of the Nation's Capital dying, of the school dying.

Teachers will need to commit to JPDS very soon or find another position. Parents will need to know if there is going to be another school or they're going to have to apply to schools out in the suburbs. It's one or the other. The school is on the brink of extinction or has the possibility of growing and

thriving.

Compare this with the interest of the community. I don't believe that they have been shown, that they have been able to show, that it would be a terrible inconvenience for them, but even conceding theoretically that that is the case, I want to say our position is one of compromise because we're talking about a one-year period, a two-year period maximum, a three-year period. And we will be out of there. That versus the certain death of this unique and wonderful school. That's something we can't divide.

We want to see our school survive. We want to see our school grow. And we promise because it is so important to us that this school survive that we will do our level best to be good neighbors for the benefit not only of Shepherd Park but for the nation's capital.

Thank you.

CHAIRPERSON CROSS-REID: Thank you.

MR. HUMPHRIES: For informational purposes --

CHAIRPERSON CROSS-REID: Tell us where you live.

RABBI COHEN: I live in Bethesda. My wife works in the District of Columbia.

CHAIRPERSON CROSS-REID: And your address?

RABBI COHEN: Five-six-o-one Springfield Drive in Bethesda, two blocks from a church.

MS. LAV: I live at 3222 Broad Branch Terrace,

Northwest.

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

So we have our next panel.

RABBI SAPERSTEIN: We have one more.

CHAIRPERSON CROSS-REID: Sorry. I'm sorry. I wasn't --

RABBI SAPERSTEIN: It's okay, Madam Chairman. My name is Rabbi David Saperstein. I live at 5351 29th Street, just off Military Road. I direct the Social Justice Program for the national reform Jewish movement by just a little over the largest segment of American Jewry.

Just a word about myself. I've lived in the District of Columbia for over 25 years; through the Interfaith Council of Greater Washington have long been involved in addressing local concerns. It's been my honor to serve as well for 13 years on the National Board of the NAACP. And I currently serve as the Chair of the Federal U.S. Commission on International Religious Freedom.

And much of my life's work and those of the institutions I represent here and of the Jewish community generally has been devoted to the cause of building just, equitable, and pluralistic community life across America.

Our District synagogues here, comprised of thousands of District residents, strongly support this

extraordinary day school. Many members of our synagogues are amongst the several score of District families that have decided to send their children to JPDS. They do so for a variety of reasons, but what we all have in common is that we are fulfilling our religious obligations in strengthening the Jewish identities of our children by providing with education in a first-rate school.

And what a blessing to have found a school like JPDS in our city. Earlier in my career, Madam Chairwoman, I was the rabbi of the first reform Jewish day school in America.

In working for our movement later, I was in charge of developing policy for all of our day schools. And I evaluated similar schools, Jewish and Christian, throughout the United States, how they dealt with internal quality problems and external relations with their neighbors and dealt with issues very similar to those that we are addressing today.

And I tell you with no hesitancy that JPDS is one of the best that I have ever seen, a treasure that our city should cherish. That is why I presented to you today in your letters here one signed by every rabbi of every synagogue in the District, a highly unusual act of unity, urging that this Board approve the request to accommodate the school at the 16th Street site.

They're united behind this cause because it is their member families and their surrounding communities that are being served. They know what an extraordinary attraction a

quality Jewish day school like this can be in serving the needs of their members and bringing new members into the District and into their synagogues.

And this is so not only because of the extraordinarily high level of teaching that our gifted faculty provides, not only because of the passion this school has both as an institution in programs for its students to engage in social service in the surrounding community -- they were all out today doing that on this holiday of Purim -- but, above all, for the remarkable parents I've met there.

Substantial numbers of these men and women have dedicated their lives to public service and social justice. If ever there was a school community that deeply understood the need for a school to contribute to the surrounding community, to work cooperatively to ensure the neighborhood concerns are addressed and that the presence of the school emerges as a blessing and not a detriment to the surrounding neighborhoods, it is the JPDS school family.

That is our history. In the ten years we have been at Adas Israel, we have abided by all the rules. We have followed the traffic patterns there.

The 68 cars, that's all we're talking about, 68 cars divided between these 2 sites, they have -- in a complicated situation there. Parents have monitored parents. We have enforced the rules.

There's never been a single case that any of us have ever heard of of anyone making the illegal turn, which would be very convenient, trust me. It's the way I go. I have to go way out of my way in order to do it. I've never heard of somebody violating those rules, in part, because we enforce it ourselves.

My colleague made a pledge to you. I want to make it to our neighbors here. Nothing is more important to me and our experience here than the pledge I make now to work with you to accommodate every possible one of the needs that you have and that your families have.

This is a school that is capable of doing that will do it. The JPDS is set as the only Jewish day school in the District. Like so many of us, it has made a conscious decision not to leave the District. Even though it would be easier to find space in the suburbs, the administration and the families made this decision because they're committed to maintaining and attracting a vibrant Jewish community in the District.

And I urge that this Board, this city welcome such commitments and allow the school to work with the community in which it will only temporarily dwell to further this goal, even while we develop a permanent site suitable to ensure that other young families will be attracted to join us here in doing their part in building a wonderful future for our city.

CHAIRPERSON CROSS-REID: Thank you.

The Board members is to hold questions until all of

them have spoken unless there was just something that you particularly wanted to ask --

COMMISSIONER PARSONS: I wonder if we could elaborate on this concept of revitalization. That is, this is a two-year period or potentially a three-year period. How is that in the long term going to revitalize the synagogue.

RABBI SAPERSTEIN: It gives us some breathing room. It gives us exposure to the community. It permits us to represent ourselves as more than just a local group of elderly men attending morning and evening services. It shows that we're part of the wider Jewish community. And I think it can only have a positive influence on our future.

COMMISSIONER PARSONS: Thank you.

CHAIRPERSON CROSS-REID: Thank you.

All right. Now we can have the next panel up. These are organizations. These were organizations. Wait one second.

(Pause.)

CHAIRPERSON CROSS-REID: Now, in regard to cross-examination of these witnesses, what we'd like to do is to try to get through this evening. So, as such, if you have a question, then we would allow that, but we're not going to allow the formal cross-examination.

If there's something that is just so overriding that you must ask, then we would allow it at the time when the

panel gets done. And if not, then we'll just continue and try to have each panel come up.

MS. PRUITT: Madam Chair, I believe my understanding was that now we're getting ready to go into individual testimony --

CHAIRPERSON CROSS-REID: Right.

MS. PRUITT: -- and no longer organizations.

CHAIRPERSON CROSS-REID: Yes. These are individuals.

MS. PRUITT: So you want to do all of the people in support prior to cross-examination?

CHAIRPERSON CROSS-REID: No. That's not what I said.

MS. PRUITT: That's not clear. That's why --

CHAIRPERSON CROSS-REID: It's impossible to have the opposition wait for 30 people to speak before they are allowed to ask any questions. What I said was: Given the hour, if, in fact, there is someone, there is a question that they want to ask at the end of that panel, I would allow them to --

MS. PRUITT: Okay.

CHAIRPERSON CROSS-REID: -- but not to go into a lengthy cross-examination so that we can kind of --

MS. PRUITT: So we finished the first panel?

CHAIRPERSON CROSS-REID: Yes.

MR. HAIRSTON: Procedurally --

CHAIRPERSON CROSS-REID: Yes?

MR. HAIRSTON: -- I'm willing to forego cross-examination and cover what I would have covered in cross-examination as a closing statement.

CHAIRPERSON CROSS-REID: Well, the closing statement is the applicant's.

MR. HAIRSTON: They get the last statement.

CHAIRPERSON CROSS-REID: Right. And that's --

MR. HAIRSTON: But before them.

CHAIRPERSON CROSS-REID: What you can do is during the opposition portion make that statement at that time. That would come after they have made their testimony. But you can't do it at the time of the closing one.

MR. HAIRSTON: I do have one for one of the previous panelists.

CHAIRPERSON CROSS-REID: Okay.

MR. HAIRSTON: I think it was Mr. Goodman. What time do morning services at Ohev generally end?

CHAIRPERSON CROSS-REID: Do you mean for the synagogue?

MR. HAIRSTON: Yes, at Ohev. He said there are morning services.

CHAIRPERSON CROSS-REID: But that has nothing to do with the Jewish Day School.

MR. HAIRSTON: It may. It may because if they end

after a certain period of time, that impacts on the teachers and everyone arriving at the day school. So it does have a -- and, again, it's one --

CHAIRPERSON CROSS-REID: But what that they --

MR. HAIRSTON: -- question. He can answer it in five seconds.

CHAIRPERSON CROSS-REID: Okay.

MR. GOODMAN: Morning services typically begin at like 6:25, 6:30, or 6:40, in that area. And they're typically over around 7:30.

MR. HAIRSTON: 7:30?

MR. GOODMAN: Yes.

MR. HAIRSTON: And as far as I -- did you also hear that they plan to have teachers coming there starting at 7:00 o'clock to park?

MR. GOODMAN: No, I didn't.

MR. HAIRSTON: Okay.

CHAIRPERSON CROSS-REID: All right. Thank you. Thank you.

All right. This is the next panel of four. Where is the fourth person? Oh, okay. All right.

RABBI SEIDEL: Good evening. My name is Rabbi Ethan Seidel. And I live just three blocks away from Tifereth Israel Congregation, the congregation I have served for the last seven and one-half years.

I have lived with my family in Shepherd Park during all of those years, in ANC-4A. My wife and I bought our home at 7604 Morningside Drive almost two years ago.

You should also know that two of my children attend JPDS at its current location in Cleveland Park and that all three of my children bicycle in the alleys around the synagogue.

I'd like to speak briefly about two key issues of which I have firsthand knowledge: local traffic and the historical relationship between the synagogue and my neighbors.

With regards to traffic, I commute to work, mostly on foot. And I'm quite familiar with the level of traffic during the week at all hours in my neighborhood.

I assure you that, even in the morning during rush hour, this is a quiet neighborhood with the exception of the 16th Street artery, of course. There is some traffic on 14th Street, to be sure, but not a lot. For instance, I cannot ever remember seeing more than a few cars at a stop sign, even during rush hour, on 14th Street. Granted, 16th Street is quite crowded during the morning rush hour, but that's what a major artery is in this city nowadays.

Having lived in the neighborhood for a while now and having seen the JPDS traffic plan, I believe that JPDS' temporary relocation will cause minimal disruption in my quiet neighborhood.

With regards to relations between the synagogue and

our neighbors, the summer before last my wife and I held an open house at the home we bought on Morningside Drive. Many of our Shepherd Park neighbors attended. In fact, many of the people who are protesting today were there in our house. Some of them even brought us lovely gifts.

It was only a few years before that when we were renting on the corner of 14th and Juniper I played the piano for my neighbors, accompanying them as they sang Christmas carols. I must say that my neighbors appreciated my flexibility.

I was invited regularly to block meetings, at which an occasional complaint would come up about the synagogue. I did my best to deal with the neighbors' concerns. On the whole, I believe I was successful.

Up until the last month or so, in fact, I would often pause in my walk to synagogue for a pleasant chat with my neighbors. In other words, we have had frequent dialogue.

It has been my impression given the pleasant demeanor of my good neighbors in the past and the rarity of their past complaints that our relationship has been a good one.

I'm concerned as a rabbi, of course, and as a neighbor that our relations have become strained in these last few months. I will do my best to repair that damage, whatever way the BZA rules.

As a neighbor, I believe that the additional traffic will pose no undue burden on Shepherd Park. And as a

rabbi of Tifereth Congregation, given our history, I believe we can work out any traffic problems that do arise. Therefore, I urge you to approve our application.

Thank you.

CHAIRPERSON CROSS-REID: Thank you.

MR. YOUNG: Good evening, Madam Chair, members of the Board. Thank you for this opportunity to testify. My name is John S. Young. I live at 1338 Geranium Street, Northwest in Shepherd Park. I am also a member of Tifereth Israel Congregation and the parent of students who currently attend JPDS and Shepherd Elementary School.

I strongly support the temporary relocation of JPDS to the two remaining synagogues in Shepherd Park. At this point, this temporary relocation offers the only real option for the survival of JPDS. This school meets a need for my children that the D.C. public schools cannot and should not try to meet.

My testimony today is concerned with both process and substance. It reflects my active involvement with this issue, which only began with the ANC meeting in early February. It is based upon my attendance upon three community meetings, two ANC meetings, as well as hours of personal telephone and e-mail conversations.

Iris Lav of Tifereth Israel has gone over the confusion that was presented at earlier public meetings regarding scheduling and I think has resolved that. Clearly this has been a

hurried process reflecting the school's urgent need since November to find a temporary home.

The school's communication to the neighborhood has, correspondingly, been less than fully effective. It has not, however, been in any way sinister or sneaky. I am confident that if the school had had more time, it would have done a better job. I'm also confident that if JPDS had any other alternative, it would not be before you today.

My second procedural point concerns the ANC's presentation and what I perceive as its rush to judgment on this issue. I recognize the ANC's official standing on zoning matters and know you will give it due weight. I am asking you, however, to carefully consider the evidence that the ANC's presentation has not been reflective of the range of community opinion on this issue.

Granting the time pressures on all concerned, I am deeply troubled that the ANC at its first meeting came to a decision without either hearing the school's plans or making any discernible effort to find out whether there were neighbors in support of the proposal.

At its second meeting, the ANC summarily dismissed more than two dozen letters of support from neighborhood residents on narrow procedural grounds. I understand from school representatives that you have more than 52 such letters in neighborhood support among the several hundred letters of support

from D.C. residents and business owners. As you consider the representations of the ANC, I urge you to also give full consideration to these letters of support.

To focus on the real substance before you, the potential impacts of the temporary relocation of this school upon the neighborhood, while real, are small, manageable, and unrelated to ongoing synagogue operations and whatever problems they have.

Any urban neighborhood, even one as wealthy as Shepherd Park, has problems of noise, parking, traffic, and trash. I live on one of the few east-west through streets in the neighborhood, in a short block between Alaska Avenue and 14th Street. And I am very close to Walter Reed. I am acutely aware of noise, traffic, and parking problems.

Like all my neighbors, I routinely have to pick up trash from my lawn, the alley, and gutter in front of my house, including, unfortunately, those miniature zip-lock bags whose purpose is all too clear. Whether or not JPDS comes to Shepherd Park, we will continue to face far more serious issues of traffic, parking, noise, and trash.

Thank you.

CHAIRPERSON CROSS-REID: Thank you.

MR. GOLDBERG: Madam Chair, members of the Board, I am Jeremy Goldberg, residing at 1344 Iris Street, Northwest in Shepherd Park, ANC Single Member District 4A02. My wife, Marge, and I have lived there over 30 years. We raised our two children

there. We joined Tifereth Israel over 30 years ago and then sought and found a home in the close neighborhood.

My normal custom is to walk to Tifereth Israel for religious services and for various volunteer activities. I have the opportunity to meet and greet neighbors along the way and to observe the neighborhood throughout the week and weekend.

I want to indicate that the congregation has communicated with the neighbors and the neighbors have communicated with the congregation. The following are some specifics of which I have involvement.

On the evening of Wednesday, May 5th, 1999, Tifereth Israel hosted a briefing to which neighbors were invited. I was part of the team that explained to the neighbors what the congregation was planning to do for building renovations.

Among the neighbors attending were Mr. Humphries and Mrs. Lewis. I do remember, in particular, Mr. Humphries asked a question, and I responded to that question.

As part of a continuing dialogue about the renovations, Ambassador Lewis phoned the congregation to ask about a certain renovation matter. Later, he invited me to his home, along with his Jonquil Street neighbor Thomas Carr. We further discussed the item and had a follow-up phone conversation.

On December 29th, 1999, I phoned Mr. Joseph Hairston to discuss the pending application of the JPDS for a temporary school at the two congregations. Mr. Hairston returned

my call on December 30th, 1999, and we discussed the matter. He wisely noted that traffic and parking would be among the major issues, which we indeed see here this evening.

That same evening, December 29th, I faxed -- December 30th, I then faxed him a brief text, which included a request to place the JPDS application on the February 1, 2000 meeting for ANC-4A.

Speaking of ANC-4A, Mr. Hairston is representing the ANC in his votes to oppose the JPDS application. However, he does not reflect the opinions that some of us other ANC-4A residents do hold. We are in favor of the JPDS application and believe that the Board should favorably consider the application based on its merits.

A couple of quick facts. The Tifereth Israel Congregation formally opened on September 15th, 1957. There's a question about what year that occurred. Our alleys are 15-foot wide so that no neighbor is within 11 foot. And the present fenced play area is far in excess of 100 square foot, which we would suggest is perhaps more on the order of 300 square foot.

Thank you.

CHAIRPERSON CROSS-REID: Thank you.

You can just keep on going.

MR. KRANZBERG: Thank you.

CHAIRPERSON CROSS-REID: After one person finishes and the next person finishes, go ahead and continue.

MR. KRANZBERG: Thank you. Madam Chair, members of the Board, my name is Joshua Kranzberg. And I live at 1417 Kalmia Road, Northwest in ANC-4A, in the Shepherd Park neighborhood. I'm speaking to you this evening in support of the special exception and against the recommendation of the ANC-4A.

Although there are some individuals who have opposed the school on the grounds that it would interfere with the quiet enjoyment of their property, it is unclear how the operation of a school in Shepherd Park would result in this interference.

Certainly there are parking and traffic issues associated with the operation of a school, but let me suggest that any claim that this operation interferes with quiet enjoyment ought to be examined in the context of the reasonable expectation of the proposed school's neighbors.

Tifereth Israel and Ohev Sholom Talmud Torah have been fixtures on upper 16th Street for almost 40 years. Together, the two synagogues on 16th Street constitute one of the best known landmarks in upper Northwest Washington.

Tifereth Israel's building on the east side of 16th Street was completed in 1957. It has a main sanctuary with 558 permanent seats and an auditorium that can seat 300 for dinner, a school wing with six classrooms. Today around 300 families are members of the congregation.

Ohev Sholom Talmud Torah, of which I am a Board member, dedicated its building across the street from Tifereth

Israel in November 1960, nearly 40 years ago. It contains a 750-seat sanctuary, an auditorium that can seat over 400 for dinners, plus a school wing.

From a high of 650 member families, Ohev Sholom today has fewer than 200 members. And it can barely muster the ten-men quorum for daily, morning, and evening services.

These are massive buildings, and they have been here longer than almost anyone now living in Shepherd Park has. It is reasonable to expect that those buildings will be used by the institutions that occupy them and that such use might have some impact on the individuals who have chosen to live near them.

Today, both of these synagogues have many fewer members than they did when they built these buildings. As a result, the buildings are greatly under-used. And the impact of these institutions on the surrounding neighborhood is actually much less than the size of their buildings would suggest. The minimal impact on the neighborhood resulting from the addition of JPDS to these buildings would still be less than if the synagogues were at their historic membership levels.

Additionally, the two synagogues are religious institutions. And they are proposing to house a school that includes religious instruction as part of its curriculum. Temporarily housing JPDS at these synagogues is completely consistent with the use of these buildings as places of worship and religious education.

Mr. Humphries on the first day of this hearing likened this case to a shotgun marriage between JPDS and the group of neighbors that he represents. I believe that a better analogy is to a longstanding marriage, in this case a marriage of more than 40 years, between the synagogues and the neighbors where, as too often happens, communication has broken down and all the pent-up resentment and old grievances come up in every argument.

You should keep in mind that many of the issues that have been raised by our opponents reflect conditions that have nothing whatever to do with the temporary location of the school and that those issues need to be resolved in a different forum.

In conclusion, I urge you to grant the special exception, thereby permitting the only Jewish day school in the District of Columbia to remain in the District.

Thank you.

CHAIRPERSON CROSS-REID: Thank you.

All right. This panel, no question? Okay. Thank you. Next panel. You have to speak into the microphone, you know.

MR. HUMPHRIES: I have information, and if the representative from Ohev Sholom might explain the purchase of a house on Georgia Avenue in Olney, Maryland for the establishment of a branch synagogue among the young families in that area.

CHAIRPERSON CROSS-REID: But what has that got to

do with this case?

MR. HUMPHRIES: Well, I'm focusing on the fact that we're told repeatedly that Ohev Sholom needs the Jewish Primary Day School in order to survive. But from the information that we receive from their own Web site, they have already branched out and established another synagogue in Olney, Maryland.

CHAIRPERSON CROSS-REID: That's fine. Nonetheless, that question is not relevant, Mr. Humphries. I won't allow that.

Okay. Next panel, please.

VICE CHAIRPERSON SOCKWELL: You may proceed.

MS. SEIDEL: Hello. I'm Rachel Seidel. I would like to speak in support of JPDS-NC.

VICE CHAIRPERSON SOCKWELL: Ms. Seidel, please give your address.

MS. SEIDEL: Sure. Seven-six-o-four Morningside Drive in Shepherd Park, Northwest.

Two of my children currently attend the school. And one graduated last year. I live in ANC-4A. And I beg to differ with the report we have just heard earlier tonight.

We do have many, many residents in Shepherd Park who are very much in support of the school. And I'm surprised that the ANC hasn't been willing to recognize how many letters and phone calls they have received in support of our application.

I walk my dog at least once a day in the neighborhood. And I have been stopped on many occasions by

neighbors telling me how they're saddened by the opposition to our school and how they know that it will work out in terms of parking and traffic.

Most importantly, they have told me they realize that if concerns do arise in the future, JPDS-NC will work hard to resolve them because they will want to be good neighbors.

On the issue of the traffic plan -- and, by the way, we have many traffic plans because we are trying to be so responsive to concerns brought up by neighbors. We have continued to revise them in order to make them better and better and to meet more and more concerns.

I know some neighbors are doubtful that we will be able to follow these plans. And I want to address that. Our parent body will very, very much want our school to survive because it's so much in our hearts. And if we know the only way we can survive is by being very careful neighbors, we will do whatever it takes, even if it means slight inconveniences to get to work on time.

We have a strong history of car-pooling. Many parents like to car-pool, and they'd love to have vans. They've told me so. It will make their life easier. And let me add that our car-pooling right now goes on Connecticut Avenue, which has been chopped up quite a bit, and on Portal Street, which has been torn up a huge amount. And we're managing. And we're surviving, and we're still car-pooling and doing well.

I am a board member of JPDS-NC. And I just want to say that we are very aggressively trying to change our method in terms of managing the school in order to meet concerns of the neighbors. And the best example of that is the fact that we're willing to reduce our cars in the morning by at least 30 percent. We are trying to work and plan according to neighbors' issues.

JPDS-NC is a wonderful school. We desperately need a space to be for just a few years if we are going to survive. We're not looking for a marriage with Shepherd Park, not even for a mortgage. All we seek is a temporary home. We will be good neighbors.

In conclusion or in addition, I would like to submit testimony from two people who live in D.C. and had to leave earlier today. I've written testimony. I would like to submit that for the record.

CHAIRPERSON CROSS-REID: Thank you very much.

MS. SEIDEL: Thank you.

CHAIRPERSON CROSS-REID: All right. Now, just as I cautioned the other, the opposition, we were getting into redundancy, now, we are well-aware of the love for the school and how important the school is and how great the school is and your dedication and loyalty to the school. So we already know that.

Also, we know now that you do plan to try to make compromises and to do whatever you can to try to be good neighbors and to be accommodating so that your school would be allowed to

exist there in Shepherd Park.

Okay. So, now, that, please don't keep saying it over and over again. Give us new information or say "I did so" or "I certainly am in support because of all of the reasons given to you before." And then we can kind of get through it a little faster.

Thank you.

MS. WHITE: All right. Good evening, Madam Chairman and members of the Board. My name is Judy White. I reside at 1338 Geranium Street in Shepherd Park, in ANC Ward 4A. I am here in support of JPDS' zoning exception.

My husband and I moved into the neighborhood five years ago because of the synagogue, because we wanted to be able to walk on Saturdays. And we kind of bucked the trend at that time because we were living in Silver Spring. And when others were leaving the District, we moved in. And we also felt comfortable doing this because we knew that there was the Jewish Primary Day School here in the District.

And as for my other points, we've heard them, and I concur.

CHAIRPERSON CROSS-REID: Thank you. Now we're getting somewhere.

(Applause.)

CHAIRPERSON CROSS-REID: All right. Order, please.

Next?

MS. KRANZBERG: Hello. My name is Francesca Kranzberg, and I live at 1417 Kalmia Road, Northwest in Shepherd Park. My family belongs to both Tifereth Israel and Ohev Sholom Talmud Torah congregations.

One of my daughters is a graduate of the Jewish Primary Day School, and my other daughter is currently a student at JPDS. As a resident of ANC-4A who disagrees with the ANC's decision, I am speaking in favor of the exception.

To address parking, I can tell you that it is not a major problem in Shepherd Park, especially between the hours of 9:30 a.m. and 4:00 p.m. Those are the hours during which most parents would be visiting the school. And those are also the hours during which many residents are away from their homes and there is ample parking in the neighborhood.

Yes, there are times when we residents cannot park in front of our own homes, but it is not often and it is an inconvenience we have to occasionally expect because we live in an urban neighborhood with public streets.

As to additional trash in the neighborhood, I can state categorically that it will not be an issue. There are only three children that will be able to walk to school unsupervised, the others being too young to do so by themselves. These three children are my daughter and the two other children that I regularly drive to the school's current location.

When they see someone litter, they get incensed.

And, in fact, these three kids are the type that will pick up trash, rather than leave it themselves. As the rest of the students will arrive at the school under adult supervision, most of them either by car or by van, trash will not be a problem.

And yes, I will let my daughter walk to school using the alleys east of 16th Street between Kalmia Road and Juniper Street. Not only do I trust her to be careful and do I trust the JPDS parents to watch for children in the alleys, I also trust my neighbors to look out for all children in the neighborhood.

The question has been raised as to how JPDS can contribute to the community. Well, in a sense it already does. One of the values my children have learned at JPDS is the importance of contributing to the community as a whole.

My eldest daughter graduated JPDS last year and is currently in the seventh grade. Every Sunday, she spends an hour at Tifereth Israel tutoring students from Shepherd Elementary School through a program initiated by the synagogue. And my younger daughter can't wait until she is old enough to participate.

Last fall, when my eldest daughter's school opened two weeks after the public schools, she spent most of that time volunteering at Shepherd Elementary, where her help was greatly appreciated. She does this because she wants to help the community.

These are values that she learned at JPDS. And she is just one of several hundred students to have passed through JPDS in the past 13 years who are continuing to put these values into practice.

In conclusion, I ask that you grant the special exception allowing JPDS to continue to operate in the District.

MS. LEW: Good evening.

CHAIRPERSON CROSS-REID: Excuse me one second. Now, in regard to your testimony, you said that during the hours of 9:30 to 4:00, but that's not the problem time, is it? The issue is regarding the pick-up and drop-off times.

MS. KRANZBERG: No, but I was addressing parking and the hours that most of the parents would be visiting the school if they are, in fact, going to visit the school. We have two hot lunches every month, and that's usually when parents come to visit the school.

CHAIRPERSON CROSS-REID: Okay. Thank you.

MS. LEW: Good evening. My name is Ruth Lew. I live at 12107 Greenleaf Avenue in Rockville. I moved out of the District when my daughter graduated from JPDS because we needed her to continue at a Jewish school and rather than have her commute two hours a day, we decided that the adults in our family would have to do the commuting.

I believe the Board already has a good understanding of the issues on both sides. The school needs a

temporary home, and the Shepherd Park neighbors have concerns about possible traffic problems.

The school has put forth a plan to mitigate traffic concerns. Apart from the technical feasibility of this plan, there is an important question of credibility and trust. You need to be sure that the school will honor its commitments and any conditions that this Board will place upon it.

I've been involved at JPDS for over 12 years. This school is in operation today only because it is in the business of fulfilling its commitments and operating within limits.

In 1987, my husband and I had lived in the District for nine years. Our four-year-old was ready for kindergarten. We wanted a Jewish parochial school education for our children, but there was no Jewish day school in the District.

We didn't want to leave the city, but two hours on a school bus each day seemed like a lot for a small child. Along with a few neighbors, we began to discuss the possibility of discussing a Jewish elementary school at our local synagogue.

Although the synagogue was sympathetic, it was in the midst of planning an extensive renovation and the synagogue board could not take on the financial responsibility of a school.

In order to start JPDS, our school board had to make a commitment and accept limits. We would cover our own expenses and maintain a balanced budget. This was not easy, particularly in the early years. But throughout its 12 years, the

school has honored this commitment.

For ten years, I prepared those budgets. And I know how difficult it was. Tuition could not be too high. It had to be in line with other comparable parochial schools. Salaries couldn't be too low. We had to maintain a quality staff. But each year, we planned and we acted responsibly. We balanced our budget. We kept our commitment.

A new school seeking to establish itself has no reputation to fall back upon. In those early years, every student was critical. We were asking parents for a great leap of faith, faith that if they enrolled a child in kindergarten, first grade would exist the next year and second grade the year after that.

We were asking them to have faith that this school with no track record would give children not only an adequate education but an excellent education. We needed to prove every day that we could give parents and students the school experience we had promised them. We needed to keep commitments made to our expanding faculty. We needed to work within the operating conditions set forth by the synagogue.

By keeping these commitments, JPDS has grown from 18 to 180 students in 12 years. It has grown from a single classroom of kindergartners to a school with an excellent local and even national reputation. Each step of the way has involved thought, planning, commitment, and an ability to live up to promises and live within limits.

If the Board should rule in favor of JPDS today, JPDS will face a new set of commitments and limits. This school has demonstrated its ability to honor commitments and live within limits. In this case, our survival depends on it.

CHAIRPERSON CROSS-REID: Okay. Thank you.

Any questions of this panel? Are there any questions of this panel? Thank you. All right. Now, how many more witnesses do you have?

MS. DOBBINS: Twelve.

CHAIRPERSON CROSS-REID: Exactly 12?

MS. DOBBINS: Are you trying to tell us enough is enough?

CHAIRPERSON CROSS-REID: Well --

MS. DOBBINS: We would like to just have two other witnesses, and we'll end it. One more panel?

CHAIRPERSON CROSS-REID: One more panel?

MS. DOBBINS: One more panel. And we will ask the other persons to not testify.

CHAIRPERSON CROSS-REID: We would appreciate that. Thank you.

MS. DOBBINS: We just --

CHAIRPERSON CROSS-REID: If they have testimony, they can submit it --

MS. DOBBINS: They will submit it.

CHAIRPERSON CROSS-REID: -- if they've prepared it

and they've been waiting all day. Really, I'm torn between --

MS. DOBBINS: And --

CHAIRPERSON CROSS-REID: Excuse me. I'm torn between truncating this and trying to get to a decision on April the 5th or having to continue this this evening. So we had decided that this would be it tonight.

MS. DOBBINS: Okay. So --

CHAIRPERSON CROSS-REID: And there may just have to be a sacrifice somewhere in order to be able to do it because we can only do the best we can do.

MS. DOBBINS: Last witnesses, probably all under three minutes.

CHAIRPERSON CROSS-REID: All right. Thank you.

MS. LIEBERMAN: Hello. I'm Hadassah Lieberman. My husband and I, Senator Joseph Lieberman from Connecticut, moved down here after he won an election.

And I know that this town is familiar with the syndrome of people coming from other states and having to find residences in the District. And so as he is going into his almost 12th year, we have found a residence. And we have lived in Georgetown. And so we do pay taxes in the District and in Connecticut. So it's a fun fact of life for us.

And at the time that we came down here, I was pregnant with a little baby and had to find a place for her to go to school in a couple of years. And we were just thrilled to find

a small school. It was a Jewish parochial school. And we just enrolled her in it. It meant that we didn't have to commute and he didn't have to commute. So it's been a great thing.

I don't want to repeat anything that everyone else has said, but I'm just thrilled that I'm with a community that's as responsible. And the only thing that I want to add quickly is that I'm a commuter, car pool mom, and I do car pool every day. And my husband every now and then takes a turn at the car pool. And it is a very obedient group of people. I've never seen a group of people adhere to the rules of car-pooling.

So thanks for allowing me to speak.

VICE CHAIRPERSON SOCKWELL: Ms. Lieberman, did you give your exact address? You did say --

MS. LIEBERMAN: It's 3921 Ivy Terrace Court, Northwest, Washington, D.C.

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. SHAPIRO: Good evening.

CHAIRPERSON CROSS-REID: Good evening.

MR. SHAPIRO: My name is David Shapiro. I live at Seven Pinehurst Circle in Chevy Chase, Maryland. I'm across the street from the District. In fact, my effective front lawn is in the District of Columbia because the circle sets back. And, as we all know, Western Avenue is totally in the District of Columbia. That's the street that I live on.

I live in the neighborhood of Blessed Sacrament. I

go past Blessed Sacrament every day. I suffer the congestion of a school in my neighborhood. It's not a great inconvenience. Schools are important.

I practice law in the District of Columbia and have done so for the last 25 years. I'm a civil rights lawyer. And I'm regularly in the courts of the District of Columbia and federal courts all over the country.

I say this because there is a need in this country for communities. And in urban areas, we are a diversity. That's the whole point of living in a city.

If you don't want neighbors, you must move to Potomac and beyond. If you do want neighbors, you get the benefit of neighbors. You get the benefit of why we all live in here, the city.

Too often -- we have had testimony here about the coming together of the Jewish community over this little school. It is a school that has Orthodox and conservative and reform Jews. It's a very unique thing.

But, more importantly, we all live in a city that has people from everywhere, people of all types. I assume, like me, you and everyone here enjoys that aspect.

I've heard, to my great sorrow here today, people saying "They did it" without identifying who "they" are. We come from a small minority group, Jewish people, and we have been called "they" for a long time in many places. We are not "they."

We are you. We are all of us.

This is a small school that needs your temporary help to survive. It is, as you have all heard, a disciplined school. This school doesn't exist without discipline given our own internal diversity. We wouldn't have survived this long. We wouldn't have flourished without a disciplined parent body.

We are always good neighbors. No one can be as good a neighbor as people who need good neighbors. And we have always, we, the school, we, the community we represent, have always needed desperately good neighbors. So we have learned to be the best of neighbors. And that is what we will be for these two or three years.

Thank you.

CHAIRPERSON CROSS-REID: Thank you.

MR. FOREMAN: Madam Chairperson, this Board, I thank you for the opportunity to testify tonight.

My name is Ira Foreman. I live at 1717 Webster Street, Northwest, in Ward 4. I'm a 22-year resident of the District. I have no children at the JPDS, but I have three children I'm hoping to send to the JPDS in the coming years.

I want to make two appeals to this Board tonight. I think, despite our differences in this room, I think we all agree on one goal. That's a strong, growing, vibrant District of Columbia that we can raise our families in, that we can work in, that we can live out our retirement years in.

I think we can all also agree on a couple of other things to get to that goal. One of those is a strong and vibrant D.C. public school system.

I think we can all agree that a strong, vibrant African American community; a strong, vibrant Hispanic community; a strong, vibrant Jewish community; and strong, vibrant other communities are absolutely vital if we're going to get to that goal that we all so cherish, every one of us, despite our differences in this room.

I just want to say tonight and emphasize that this institution, the JPDS, is so vital for that one component at least and I think also for the other components but especially for that vital, growing Jewish community in the District, not just for attracting young Jewish families that have children. That's very important, we all agree, but also the message it sends about what kind of urban community we are and that we cherish in the type of District all of us believe in.

I work for a national Jewish organization. And it's amazing not just how many people from the District but from the greater Washington area ask me how the JPDS is doing and will it survive.

As a matter of fact, it's amazing to me how many people from all around the country because this has been in the national Jewish press really believe and look to this school as a beacon of what the District can be and should be.

I won't go in any more tonight about being good neighbors. You've heard enough of it. But we're all busy and have very busy lives. I just will say to you tonight I will pledge my time to make sure this neighborhood is safe because I don't want my children in my neighborhood to have traffic problems. I'll pledge my time to work with this community to make sure this is a win-win for all of us.

And I know you have an awesome responsibility in what you're doing, in deciding what's best for the District. And I hope and I pray that you'll find a JPDS continuation in the District with compromise, with working together in the community, as in that interest. Thank you very much.

CHAIRPERSON CROSS-REID: Thank you.

MR. BERMAN: Hello. My name is Joe Berman, and I live at 3604 Livingston Street, Northwest, in the District. And I've been a resident of the District since 1975.

I was a participant in two simulations that we had for the traffic pattern around Ohev. One was on Tuesday, February 29th. I think that was the simulation where Ms. Gray took pictures. And then there was one the following Tuesday, on March 7th, which was -- oh, I'm sorry. I'm sorry. She took pictures at the second one, on Election Day, on the 7th.

The only pedestrians that I saw on either day, child or adult, were Ms. Gray and a group of people that she was with when she was taking pictures. There might have been one

person walking a dog. So my point is that there wasn't a lot of foot traffic in that particular area.

We got to Ohev at 7:45. The simulation lasted from 8:00 to 8:25. My recollection of our right turn onto 16th Street from Jonquil on both days was really uneventful. And we, or at least I, had a very easy time getting onto 16th Street.

On the 29th -- I know that the Board had talked about problems that might occur in the traffic pattern. On the 29th, there was an accident south of the synagogue on 16th Street. And traffic was backed up and was very slow.

And I actually had an easier time getting in on that day than I did on Election Day, that there were breaks in the traffic and people were being very good about letting people in off the street.

Regarding the alley, there is a couple that on both days left the alley at about 8:10, between 8:10 and 8:15. On neither day was their exit from the alley slowed significantly at all by our movement in the alley. If it took five seconds longer, I would be surprised.

Sure, if there were absolutely no cars in the alley and somebody doesn't have to be worried about how they turn right out onto the street, it's going to be a little bit easier if there is another car that's over to the right-hand side of the alley, but it did not take long at all for those people to get out of the alley. It was, as I said, under ten seconds.

So I would just like to again show support for the special exception. And I appreciate the opportunity to talk.

CHAIRPERSON CROSS-REID: Thank you.

Any questions?

MR. BARDONILLE: Thank you, Madam Chair. I just have a couple of questions.

I'm sorry. I don't remember your name, but --

MR. SHAPIRO: David Shapiro.

MR. BARDONILLE: Mr. Shapiro?

MR. SHAPIRO: Yes, sir.

MR. BARDONILLE: When you referred to the "they" that made reference, were you referring to the parties in opposition or were you referring to something in the audience or in some other place?

MR. SHAPIRO: No. I was referring to testimony that I heard when the --

CHAIRPERSON CROSS-REID: Okay. Let me just break in with this. As Board members, whenever people come in and you have people in support and people in opposition, the word "they" is used in both instances.

And we don't want to waste time with semantics here this evening.

MR. BARDONILLE: I wasn't going to semantics, Madam Chair.

CHAIRPERSON CROSS-REID: Excuse me. Excuse me.

Excuse me. It is just a phraseology or term that is utilized in these kinds of hearings. And we know what it means. We mean that "they" is the applicant or "they" are the applicants or "they" are the opposition, one or the other. And just to facilitate things, people often use that term. Now, let's not beat that to death.

MR. BARDONILLE: The implication was pejorative. And I just wanted to be sure that we were not being painted --

CHAIRPERSON CROSS-REID: We know. We know what it means.

MR. BARDONILLE: -- as being intolerant.

CHAIRPERSON CROSS-REID: Yes. We know what it means. No, no. We know what it means.

MR. BARDONILLE: All right.

CHAIRPERSON CROSS-REID: We know that "they" is the opposition and "they" are the applicant. So we understand that.

MR. BARDONILLE: Very good.

CHAIRPERSON CROSS-REID: Thank you.

MR. BARDONILLE: And I'm sorry. I don't remember your name, sir. Yes.

MR. FOREMAN: My name is Ira Foreman.

MR. BARDONILLE: Mr. Foreman, you spoke about compromise. Is there some offer of compromise that you were referring to when you made these references?

MR. FOREMAN: Yes. What I've heard -- and I have, unfortunately, not been here through the full days, but what I've

heard from many of the people in the last hour certainly is a willingness to reach out to the community, a willingness to look at traffic plans that the community suggests, a willingness to look at things where people are upset; for example, the parking that has been brought up in front of people's houses.

Of course, we all like to have a parking space in front of our house. And though it's not a legal requirement, if that makes people in the neighborhood happier with this organization and the JPDS, that's absolutely essential.

It's like a bond that we have with you to say we're going to be good neighbors. You have a problem. Let us try to work with you and compromise it out.

It might be an inconvenience for us, but it's much more important for us to say to you good neighbors, win-win, let's compromise, even if we have to do things that as parents are going to make it tougher. And I think that's the spirit that we want to talk about through this entire process today and whether we get the school in the neighborhood or not.

That's very important for us as communities. And that's the type of compromise I'm getting to.

MR. BARDONILLE: Thank you.

CHAIRPERSON CROSS-REID: All right. Thank you.

Now, do the Board members have any questions of these witnesses? Okay. Now, what we want to do is move to the opposition. I think that what I would like to suggest we do is we

have about three or four people in opposition. I'd like to reverse the order to allow them to testify before the parties in opposition so that they can have the option of leading just to try to indulge them because you will have the bulk of the remaining time. And it just doesn't seem fair to make them sit here just to give their three minutes of testimony.

So I think we have one panel, a person in opposition. I'd like to take them and let them go and then have the parties in opposition. So could you come? If there's no objection, then please come forward. Persons in opposition? I think I saw hands of four or five people.

And after you testify, you're welcome to leave or you can stay. It's up to you. At least you do have an option. Are you a person in opposition?

MR. LAWTON: Yes.

CHAIRPERSON CROSS-REID: Then come up, sir. Okay. Then we'll just have the five of you up at the table at the same time. Okay. All right. Thank you all for your indulgence this evening. This has gone on much longer than we hoped it would, but, nonetheless, we're still here for the long haul.

So continue or proceed, I guess. Are you going to start here or there? Here? Okay.

MS. SADOFF: My name is Elizabeth Sadoff, and I live at 1622 Kalmia Road. And I've been there for 25 years, long enough to have seen the Marjorie Webster School for Girls move

out, the property be empty, Gallaudet School move in, Gallaudet move out, Lowell move in two years ago.

And I bring this up because both when Gallaudet and Lowell School moved in, there were a dozen at least because I was part of this neighbors who directly either abutted the property or who lived across the street who came down here and testified in behalf of the school's moving in.

And, in stark contrast, there is not a single neighbor here today who either abuts the properties of Ohev Sholom or Tifereth Israel or lives across the street who is here in support.

And I have to ask myself: Why is that? Obviously they have not been persuaded that this is not going to be a detriment to the neighborhood. And I just wanted to make that point. Thank you.

CHAIRPERSON CROSS-REID: Thank you. That's a different perspective.

MS. LITTLE: Good evening. My name is Audrey Little. My husband and I are resident owners of a house at 1439 Juniper Street, which is just two doors from Tifereth Israel.

I'm actively involved in the education of my children. I have served as a room parent, a member of the Shepherd's local school-based management committee. I am serving my second term as Vice President of the Shepherd Elementary PTA. I also work outside the home.

I, too, want my children to have the best education possible. I do not blame the parents of JPDS for wanting to keep a successful school open, and I can understand their desire to be in D.C. I do, however, have many problems with the school's proposal to move in next door with my neighbor, Tifereth Israel.

I am most troubled by the plan to take over the public alleys as a last leg in the fixed route to the school. Though I park my car on the street, I regularly use the public alley next to the synagogue. I park on the north side of Juniper facing west. To go east, I drive north through the alley and then take Jonquil. A fair number of people use the alleys in this manner.

If a car is traveling south, I have to wait until it exits onto Juniper Street before proceeding. The day school proposed to use will cause congestion in the alleys and adjoining streets. Cars will have to wait either on Jonquil or Juniper, causing backups on the street.

Moreover, 40 to 50 cars, in addition to the volume of cars already using the alleys, will cause more wear and tear. The city should not be put to the expensive of having to repave because of excessive traffic, particularly where the people contributing to the premature deterioration of the roadways do not contribute in the way of taxes to the cost of repair.

Locating the day school at Tifereth Israel will exacerbate parking problems for Juniper and Jonquil residents.

Parents coming to the school in the evening will have to park on Juniper and Jonquil Streets. There is no parking on 16th Street at that hour.

Currently on Wednesdays when Hebrew School lets out in the evenings, the parents park in the 1400 block of Juniper Street for 10 to 15 minutes. It's the time when I'm arriving home from work. My children and I have to park up the street, walk back to the house.

This happens all too often on Wednesdays. If JPDS were to move in next door, it would happen every evening because parents picking up their children from the after-school programs will park in front of our houses because we're closest to the synagogue.

The normal day-to-day operations of the synagogue already impact our quiet enjoyment. Tifereth Israel, like other churches and synagogues in the city, does not have an accessory parking lot. When there are services and other activities at the synagogue, on-street parking for neighbors is scarce or nonexistent.

But we are tolerant of the parking problems that regularly accompany Saturday services, Sunday and Wednesday Hebrew School, holiday services, concerts, various board and committee meetings, the daily operations of the child care center, Sunday evening tutoring for Shepherd students, the weddings, the funerals, and other activities normally associated with the

synagogue.

We are less charitable when the synagogue rents its space to non-synagogue entities for Wednesday Weight Watch meetings, Sunday afternoon church services, and Friday and Saturday night dances and parties, but we suffer in silence.

Except for the proposed closing of the child development center, the synagogue does not plan to curtail any of its activities. In fact, the school classes will continue.

The Board cannot consider activities of the proposed school separate from the activities of the synagogue. The cumulative impact of activities from both the school and the shule will make life intolerable on Juniper Street.

Thank you.

CHAIRPERSON CROSS-REID: Thank you.

MS. STANLEY BATIPPS: Good evening. Members of the Board of Zoning, thank you for allowing me to speak as a neighbor and an interested person in what is happening in my neighborhood.

My name is Joyce Stanley Batipps. My family and I reside at 1645 Jonquil Street, Northwest, where we have lived since 1980. I'm a native Washingtonian who has spent only eight years of my life away from this town, my town, my city. I moved back into Washington, D.C. in 1980, when most of my contemporaries were moving into the far suburbs.

My husband is also committed to living in the District. He came to Washington in 1963 at the age of 17 and has

remained here except for this same 8 years while we were away while he trained in his medical training.

We each own our own businesses here in this city. My husband and my daughter have joined me here today. My husband shut down his medical practice to be here because of the importance of this event.

My daughter, a college student, is on spring break. She chose to spend a day of her spring break here. And she did so because we value our home. We value our neighborhood and our right to quietly enjoy that home.

This home is our major asset. It is the only home my husband and I own, and it is our daughter's legacy. I take great pride in my neighborhood. And I, along with my family and my neighbors, have worked very hard to keep the residential quality of our neighborhood intact.

Because the neighbors are forever vigilant, we maintain a neighborhood that is stable; peaceful; clean; and, in short, a desirable place to be. It is because of this very desirability that the applicant seeks a place here.

The applicant proposes to introduce some 120 students and staff in the Ohev Sholom Synagogue, which borders my street. As you have heard, the traffic planners have offered a plan that is, at best, a best-case plan. It does not incorporate contingencies. And I believe that the applicant has presented this Board with a sweetened traffic plan that only works on paper.

I will not go into the circular route because I'm sure you've heard enough of that tonight, but I would like to add that I find a glaring omission that the traffic planners did not take into account cars turning from Kalmia Street, eastbound cars on Kalmia Street, turning onto 16th Street.

The traffic plan proposes that those members who exit -- parents who exit from Jonquil Street onto 16th Street will be able to make a right turn because of the stopped signal at Kalmia Road.

However, when the southbound traffic is stopped, the eastbound Kalmia traffic can turn right onto 16th Street. Thus, that flow is never interrupted. It makes it very difficult to enter onto 16th Street from Jonquil.

As a resident, I never go out Jonquil Street. I go all the way up to Holly, where I can be assisted by a light to make that right turn onto 16th Street.

And, finally, in closing, my neighbors and I have been told repeatedly that we are the last hope for this fine school, this Jewish day school. And that is a heavy burden for my neighborhood, for me as a person to take.

I cannot help but wonder: Then why is Adas Israel, the home of this school, the home, current home, now casting this school away? If I were a member of that congregation, I would rise up to make sure my school, this gem, was kept intone until it found its permanent home.

Thank you very much.

CHAIRPERSON CROSS-REID: Thank you.

MR. LAWTON: Good evening, Madam Chairman and commissioners. My name is William Lawton, and I live at 1600 Juniper Street. I'll put the little chart up so you may see that I'm right at that intersection of 16th and Juniper that we have mentioned so often tonight.

I'm a retired D.C. public schools guidance counselor. As a 30-year resident of 1600 Juniper Street, I vigorously oppose the projected occupancy of Ohev Sholom by the Jewish Primary Day School for the following reasons.

First, the proposed traffic management plan does not take into consideration the large amount of traffic turning into and out of the 1600 block of Juniper that already exists there today.

This current traffic is made up of commuters and a few trucks traveling to and from Walter Reed Medical Center, who use Juniper Street as a shortcut to and from East-West Highway in Silver Spring.

In one hour yesterday, 7:30 a.m. to 8:30 a.m., 103 vehicles turned right onto 16th Street and 70 vehicles turned left onto Juniper from 16th Street.

One of the other considerations is no one has mentioned -- and I'd like to bring that to the Board -- the winter conditions in the 1600 block of Juniper Street presents some

safety concerns.

There is a steep downhill grade from 16th Street that in icy or snowy weather make it practically impossible to negotiate a right turn into the alley where another icy or snowy uphill drive must be made in order to unload children behind Ohev.

I believe that the standards of the zoning regulations are provided in Section 206.2 indicating that the private school should be located so that it is not likely to be objectionable to nearby property because of traffic and other objectionable conditions.

I am stating that the 1600 block of Juniper Street is already objectionable and the proposed traffic management plan would only increase significantly the traffic congestion.

Thank you.

CHAIRPERSON CROSS-REID: Thank you.

MR. JACKSON: Good evening, commissioners. My name is Ernie Jackson. And I reside with my wife, Sally Jackson, at 1425 Juniper Street, which is approximately five houses from Tifereth Israel Synagogue. I've lived in the District for 25 years approximately and in Shepherd Park for the past two and a half years.

I don't have a prepared statement, but I would like to offer what I think is a unique perspective on the neighborhood. I have two dogs. My wife and I have two dogs, Australian Shepherds. They're working dogs. So they have to be walked every

day at least and sometimes twice a day.

So I'm out in the mornings anywhere from 6:30 to 9:00 o'clock, depending on the circumstances. And, in addition to walking my dogs in the park, I often walk them throughout the neighborhood, sometimes as far as Alaska Avenue, back up to Kalmia and back through the neighborhood.

I often have to walk the dogs in the alleys and other side streets in order to avoid traffic and other dogs. So I think I can testify to the fact that there are some unique circumstances in our neighborhood.

I often see children who attend Shepherd School and children who are on their way to 16th Street to go to Wilson and possibly to Diehl that use the alleys. And, of course, they use the streets.

And, in addition to the children who use the alleys and the streets, you have congestion in various parts of the neighborhood. I'm in a position to see that.

I think one of the last panelists in support of the application indicated that one of the opponents who had taken some videos and some pictures, that that individual's testimony regarding the conditions in the neighborhood didn't comport with what the supporter had seen when he was out on 16th Street.

And I think the implication is that given that supporter's testimony, that there are very few people out in the neighborhood during that time of day. And, from my unique

experience, I can say that that's not true.

There are a lot of people in the alleys, not only children who are walking to school, but there are a lot of people who walk for exercise. There are a lot of retirees. There are a lot of people who go to work who catch the buses on 16th Street. They use primarily the streets and in some cases the alleys to get around.

So my bottom line is that there is a problem in Shepherd Park. And I don't want to repeat what has been said here, but I think I can testify to the fact that the traffic plan won't solve that problem. As a matter of fact, it may exacerbate the problem and make things worse.

Thank you very much.

CHAIRPERSON CROSS-REID: Thank you.

I just asked Mrs. Dobbins -- and I didn't have the microphone on -- whether she had any questions. She does not. Thank you very much.

All right. Now the opposition. Do you know how you're going to proceed?

MR. HAMPTON: Yes, Madam --

CHAIRPERSON CROSS-REID: Just give us your --

MR. HAMPTON: I will lave off, followed by Mr. Bardonille. And Mr. Humphries will close for the opposition.

CHAIRPERSON CROSS-REID: All right. Now, given the fact that we're now almost at 9:15 and at the ANC portion we

exhaustively went through quite a bit of the reasons for your opposition, do you still feel that it's necessary to take a complete hour or can you --

MR. HAMPTON: Yes, we do, Your Honor. If it doesn't take an hour, it's going to take 59-59.

CHAIRPERSON CROSS-REID: Do you think that's absolutely necessary?

MR. HAMPTON: We believe it is since we were not given the opportunity to cross-examine certain witnesses. So we have to now put our own spin.

CHAIRPERSON CROSS-REID: Who? Wait, wait, wait.

MR. HAMPTON: We never cross-examined Mrs. Koss. We never had an opportunity to cross-examine Ms. Krieger. We never had an opportunity to cross-examine Ms. Robinson. So we have to put all of that information in our hour right now.

CHAIRPERSON CROSS-REID: Okay. That's not true because after they got through testifying, we asked were there any cross-examination questions. And each of you were given an opportunity to cross-examine and whoever you chose to, and you did no.

MR. HAMPTON: Excuse me. May we proceed since it is 9:15 because if it doesn't take an hour -- we will try to shorten it. I will try to shorten my remarks. But we have had all of these people in favor, and I believe it is only right and fair that we be given equal opportunity.

CHAIRPERSON CROSS-REID: But you also have the ANC portion, which took up approximately how long?

MS. PRUITT: Madam Chair, we started ANC testimony at 4:15 and concluded testimony and questioning at 7:30.

CHAIRPERSON CROSS-REID: So we gave three and a half hours for you all to be allowed to discuss your opposition during the ANC portion. This is why we're saying at this time it is perhaps not necessary to take another hour.

MR. HAMPTON: I will cut mine down.

CHAIRPERSON CROSS-REID: Thank you.

MS. DOBBINS: Madam Chairperson, I just need a clarification here. Is it my understanding that representatives are now about to testify, representatives for the parties are about to testify?

MR. HAMPTON: Agents.

MS. DOBBINS: I'm sorry?

MR. HAMPTON: Agents for the parties are about to testify, yes.

CHAIRPERSON CROSS-REID: The parties are supposed to be the ones testifying in opposition or --

MR. HAMPTON: No. But, remember, we were the three that were chosen to --

CHAIRPERSON CROSS-REID: To represent the parties.

MR. HAMPTON: All the people in the neighborhood, yes, ma'am.

CHAIRPERSON CROSS-REID: Right.

MS. DOBBINS: These are representatives of the parties, not to be witnesses of the parties.

MR. HAMPTON: Hold it. But, as you as a lawyer helped put in your case, we should be given that opportunity.

CHAIRPERSON CROSS-REID: Well, you can do that after the question of the parties to get your case out, paint your picture.

MR. HAMPTON: Can we at least proceed? And if you find that the processions are not going correctly, then stop because, again, we've argued the point for five or ten minutes already. And, you know, I haven't had anything to eat either today.

Hold it. Rest assured I want to go home. I have two little kids at home. I want to go home. I will cut it down as much as I can.

CHAIRPERSON CROSS-REID: Okay. Well, let's proceed correctly.

MR. HAMPTON: Okay. Can I proceed? Okay. Thank you.

MS. DOBBINS: Madam Chair, I just want to just state for the record we object to representatives testifying.

CHAIRPERSON CROSS-REID: Well, I think that he said that he was going to call a witness.

MR. HAMPTON: No. Your Honor, again, maybe we

totally misunderstood, but it was my understanding that we could --

CHAIRPERSON CROSS-REID: Wait one second, please.

(Pause.)

CHAIRPERSON CROSS-REID: All right. All right. Board members, do you all have any objections to them testifying? All right. Just get on with it.

MR. HAMPTON: Okay. Just get on with it.

CHAIRPERSON CROSS-REID: Yes.

MR. HAMPTON: Thank you very much. Again, let me reintroduce myself. My name is Phil Hampton. I live at 1429 Juniper Street with my wife, Audrey Little.

I was born and raised in D.C., went to D.C. public schools. I'm very committed to education, even though I am the unsuccessful candidate for the Ward 4 School Board seat in 1990.

VICE CHAIRPERSON SOCKWELL: That is irrelevant, sir.

MR. HAMPTON: Again --

CHAIRPERSON CROSS-REID: Do you have to stand over there? Are you going to testify? You can sit down?

MR. HAMPTON: Can I stand?

CHAIRPERSON CROSS-REID: Yes.

MR. HAMPTON: I would prefer to stand.

CHAIRPERSON CROSS-REID: All right.

MR. HAMPTON: Thank you very much.

You know, there has been a lot of testimony today and I think some of the folks in support have wondered why is the neighborhood opposition so strong for what they assume to be a very small inconvenience. Well, there are many reasons why the neighborhood opposition is as strong as it is.

First, you know, the neighbors, when we heard there was a school coming in, we did everything we could to keep certain things out of this case. We tried very hard to keep politics out of this situation, although, you know, having the wife of a U.S. senator and others testify on behalf of the applicant shows that politics, yes, have been injected into this situation.

We tried very hard to keep race out of this whole situation.

VICE CHAIRPERSON SOCKWELL: But the fact that you're black probably means something there, too, doesn't it?

MR. HAMPTON: Hold it. Let me finish. May I please proceed without interruption? Thank you.

We had -- you know, race was injected. And how was race injected into this situation? By members in support of this school getting up and saying in a public meeting that anyone against this school was standing in the schoolhouse door. So yes, race has been injected, not by us but by the other party, which, again, shows why there's so much anxiety and animosity on the part of the neighbors.

We have also had people mischaracterize our

neighborhood. We have -- there have been letters written in support that say that we need a Jewish school in the neighborhood so that we could have a stable neighborhood and increase property values. Again, that is another reason why members of this community are upset by the school coming into being.

You know, we have also had some of our senior citizens subjected to vail threats by some of the neighbors who say that: If Ohev leaves, you know who will move in: those people, referring to an Ethiopian and evangelical group at 13th and Eastern Avenue. That, too, was said at a public meeting.

So, again, we are just trying to set the stage because we heard all of these great and wonderful things said. So we are trying to set the stage as to why many of us are as upset and have taken two full days out of, you know, personally my legal practice and others' jobs, practices, et cetera. These are the reasons why. It's not that we don't think that the Jewish Primary Day School is a very wonderful thing.

But, again, as was raised by Ms. Batipps recently, if JPDS is in the eyes of American Jewry, then why haven't those eyes of American Jewry been turned on to Adas Israel that is, in effect, kicking them to the curb and asking them to come into our neighborhood? That's, effectively, what happened.

They keep saying they have this last-minute rush, they have to get a spot. But we have never gotten the reason why they are in this last-minute rush. And to us, if the school is so

great and is so relevant, why are they in this last-minute rush when they are presently at --

to be made clear on the record also that, again, you know, we, as neighbors, have always asked that question and we've gotten all kinds of fluffery and puffery, but we haven't gotten any true answers. But I've been there.

Let me get to some of the things that have been presented by those in opposition -- I mean, those in support of the school and why some of their so-called facts just don't fly. First off, they is talk about traffic. They talked about traffic. As you heard, 16th Street will be torn up. So 16th Street right now there are buses that go up and down 16th Street. Now if the street's torn up and you've got buses stopping every other corner, what does that do to the current situation?

Moreover, another bus situation that they probably aren't aware, even though they know so much about the neighborhood, is the fact that many of our neighborhood kids walk through the alleys to get to 16th Street to catch the buses to Alice Deale and Woodrow Wilson High Schools. Many of our neighbors also do that. So there is additional bus traffic. So you have all these buses stopping during morning rush hour on 16th Street and more and more cars are supposed to come into this neighborhood during that time.

You know, accidents. I mean, they tried to downgrade the number of accidents. I've witnessed some beautiful

accidents -- well, beautiful is the wrong word -- accidents that end up in the lawn of Tifereth Israel. I mean, because that is a very dangerous corner. And I don't care what anyone tries to say, that if you try to make a left turn out of Juniper Street, particularly after 16th Street starts getting torn up, to make a left turn, you take your life in your own hands.

Again, I'm one of those neighbors that I will do, and this is probably real illegal, but I will go out, make a right turn, one block, make a wide almost turn but really a U-turn to head back down 16th Street. That's safer than trying to make a left turn out of Juniper Street.

Okay, and another thing they're trying to do is use the alleys. You know, the use of the alleys. Okay, first off, you know, snow. I mean, I wish that they had pictures from two months ago, we had that snowfall and ice where those alleys were inaccessible for up to two, two and a half weeks. And, actually, this shows how good of a neighbors we are, when they had the big snow, you can ask Tifereth how their little space in the side of the building got cleaned out. It got cleaned out by one of our neighbors, Mr. Ray Bailey, he lives at 1448 Juniper Street who's an attorney that happens to have a snowplow on his jeep. And he was the one who cleaned out the spaces at Tifereth.

So we have been good neighbors. I mean, we want to make that perfectly clear, that we have been very good neighbors and very tolerant and try to understand.

You know, the alleys are only 15 feet wide. So you can't get two cars past there. And I think that, you know, you saw some pictures that Ms. Harris put in about trucks and loading zones. First off, Tifereth, they may have been here since 1957, but they have a big sign that says "loading zone" right now at Tifereth. And the reason why they need that huge loading zone is, as Ms. Harris showed you, they have these large trucks making deliveries of something to the synagogue. So they need a loading zone. I think it's very clear that you need a loading zone, especially if they're going to have cars parked there and they load and unload trucks in the alley.

Their current traffic plan shows seven spaces, but those spaces go all the way from the grass, they included parking on the grass, to the end of the synagogue, blocking their handicapped ramp, blocking their fire exits, blocking their loading zone. But that's how they got seven spaces. And again, of course, the regulations said that any church has to have three spaces reserved on its property for the operations of that church or synagogue. So even under their wildest dreams, they have four.

But we believe that if you actually do the math and don't have people parked in the grass in front, blocking the ramp or blocking the fire exits, that they have, at most, the three that they have to have plus maybe one more. So there's actually one space available for teachers at Tifereth Israel, not as many as they say.

Okay, parking on the other synagogues. Let's go to Ohav. They claim that they can get 26 cars parked there, which is a very curious number because they get this number only because they stack cars, claiming they're compact and you've got to have 25 spaces for compacts.

But, again, at Tifereth, and I think if you look in their report, at Tifereth, they have blocked almost every exit from the back of the synagogue. So, again, question. I mean, one thing that have to be done is the fire marshall, whoever is responsible for that, needs to be asked can that parking plan even work, just because everything's backed up?

Moreover, if you have parking the way they have it situated, which basically comes perpendicular to the building and then some parallel to the building, near the alley way, I read the regulations saying when you had cars in that configuration, that there had to be an area of a certain width between those going perpendicular and those going parallel. Again, that's something that, hopefully, DPW, et cetera, will help this board look into.

But we believe that, you know, at most, from our calculations, and, again, we got involved in this so late that, you know, maybe on appeal we'll have a traffic expert or whatever, but right now, we, as neighbors, reading the regulation and doing our own physical measurements, out there with rulers, et cetera, at most they can get 18 spaces at Ohav and, again, the synagogue needs three for themselves. That's 15 spaces, max, for use by the

JDPS. So they have 15 there and one at Tifereth. They have, at most, 16 parking spaces.

Now their own count, they kind of mix and match numbers. Some places they say they have 32 employees and staff. But then other places, they kind of slide six more folks in there as part-timers, right? So let's take the part-time number. I mean, I want to be fair to my side. That's 38. The regulations say they have to have two parking spaces for every three teachers and staff. Now, quick division says two-thirds of 37 is going to give you 25. So they have to have 25, so they're already well below what they need to have.

Additionally, though, when Ms. Koss did testify about how they would operate at Ohav, she admitted that parents of little kids will park, especially pre-K, early in the school year, et cetera, and the record will reflect that, but please don't interrupt, the record will reflect that, at Ohav, people will want to park and take their children into the building. And she said, well, they can park right along the apron here and walk their kids in the building. That's what she said last Wednesday.

But now we hear that their plan has them parked here. So if they're parked here, teachers and staff are parked here, how do they actually allow any space for folks to park to walk their kids in? And, again, remember they're going to be unloading on Jonquil. They're going to unloading on Jonquil, so if they can't park to walk their kids in here, where do they park

to walk their kids in? That's the question that they did not discuss. They did not elaborate upon, right?

So, again, and, again, of course you now hear that they want to at Tifereth, at least one of the possibilities is to try to get some sort of restricted parking in front of Tifereth. Personally, and I know some of my neighbors might think that's a bad idea, personally, that might be a good idea because maybe it would have a loading zone so that they could load and unload particularly handicapped folks or whatever, not in the alley, because, again, you're going to unload someone in a wheelchair or something in a busy alley to take them around to that ramp there. I don't think it's a good idea. So maybe they should have restricted parking.

But that creates a problem for many people in the neighborhood if they did have restricted parking there and the reason is, particularly during inclement weather, during inclement weather, almost anyone living on this block of 16th Street and some of the people over here, because they alleys aren't passable, where do they park? They park here, because they can only park one side of Juniper and Jonquil. They almost all park right in here.

And that's why, you know, maybe in a perfect 80 degree day, they're plans for loading and unloading at Tifereth works, but it's not reality whenever it's inclement weather, because, again, these neighbors, these people that cannot park on

16th Street and I didn't see a snowplow go through my alley last time we had ice. Those folks have to park at the 1400 block of Juniper Street because, again, right at Juniper and 16th, on the 1400 side, it's flat. So, again, any and everybody who has to get off a major thoroughfare and, oh, yeah, and by the way, there isn't any parking on 16th anyway because they're beating the street up. So, again, we have that issue, right?

And, again, operations for the school. Something that for a group that's so much into safety, I think Ms. Koss did testify that they plan to have hot lunches twice a month and they want all the kids to eat together and that she was going to get 120 K through 3 folks over to Tifereth Israel. Okay, good idea, except, I mean, are you going to walk 120 kids across 16th Street that's being torn up?

Or are you going to say, okay, I'll take a little circuitous route and go up to Kalamia Road where there's a traffic stop? Sounds like a good plan. But what she does not realize is that there's no sidewalks between Kalamia Road all the way down to the property line with Tifereth on the east side of 16th Street.

So, again, how do you get those kids across the street for this wonderful twice a month program? Question that, you know, they threw out there, but, you know, where are the facts that support that situation? We saw no facts to support that situation.

So, again, this goes to, I think, a point raised

earlier that this whole traffic plan, the school operation plan is at best a concept, and concept is probably somewhat charitable.

I want to out of order and go back to something I said. You know, everyone has been talking, you know, there's talk about the neighbors being upset and everything else. And we had both Rabbi Seidel and his wife testified. And, again, we want everyone to know this is nothing to do with the rabbi, with his wife. They have been good neighbors, right? Again, everything that was said is true. He has been involved in our community.

But the one problem that some of the neighbors have is him saying that he did not quite understand that there was ever a problem. If he sees me carrying in my asleep son, you know, on a rainy day because I have to double-park in the middle of the street because his congregants are parked in front of my house, a lightbulb should have gone off that that might be a problem. And as to all these meetings, as to all these meetings that Tifereth allegedly had, all I know is I live right here, two doors from where they have a day care center where the day care center was supposed to meet with the neighbors once every quarter, as this board required. They had one meeting in seven years.

So, again, there's a whole lot of issues about trust and all this other good stuff, right? Yeah, the neighbors want to trust you. Unfortunately, we don't know that much about the school except what you said. But we do know how your lessor has operated for at least the past seven years, which is not to be

good neighbors, to block alleys, et cetera. That is how they have operated for the last seven years. So, again, it goes, again, to why the neighbors are somewhat hesitant to accept all the great things that were said about the school and about the school coming to this neighborhood.

And a couple of other points they mentioned. They raised the issue that, oh, we're real great folks. We have changed our start time to 8:25. They clearly have not been around Shepherd Elementary School at 8:15, because if you're around Shepherd Elementary School or on Jonquil Street at 8:15, you see the traffic nightmare already. You see the traffic nightmare already.

There was talk about how all these wonderful neighbors in Shepherd Park have come out in support of the school, but there were just some who haven't. This is a representation of the immediate area around the two synagogues. The red diamonds are, again, people who have either, through petitions, signs in yards, or letters opposed. The blue are mostly rental properties or governmental sort of entities that don't want to inject politics or whatever. For example, the Nigerian Embassy, the residents of the Nigerian Embassy.

We also did not even ask the Hanaki Muslims because we didn't want religion to play any sort of role in this case. So we didn't even -- I didn't even consult with the Hanaki Muslims there.

So, again, you can see that those ones that are blank, the properties that are blank, and, again, this, I wanted to tell Lieutenant Anderson, that's where she was stationed for a few years because that's Sharon Pratt Kelly's residence right there and she was part of the guard team at that residence. But, again, Ms. Kelly didn't want to get involved because, again, she didn't want to invoke politics into this situation. So we've tried to stay apolitical.

But, again, you tell me where you can find this many people around the affected site. My math has it about 90 percent, but I haven't been a chemical engineer for 20 years so maybe my math's a little bit off, right, of the people who oppose this in the immediate affected area. Most of the people from Shepherd Park lives blocks and blocks away from the site so, again, you know, if you live five blocks from a fire, a fire engine doesn't mean too much. But if you live next door to the fire and have 10 fire engines, that's a whole lot of difference between living five blocks and maybe hearing the sirens down the block, right? So, again, that is, again, a situation that hasn't been dealt with.

Another situation is the number of elderly people. I'll speak specifically for the 1400 block of Juniper Street. There is a large number of elderly people on that block. There is such a large number that, again, big blizzard, neighbors did both sidewalks, both sides, and all the steps up to get our senior

citizens out. Because we knew that we weren't going to see a plow down Juniper Street, but we also knew that we had a whole lot of senior citizens. So, again, the neighbors have been together.

So, again, we're very concerned with any blockage of the alleys or anything else that would impede our elderly neighbors. And we've already had a couple of senior citizens on this block pass within the last couple of years anyway. So we are very concerned with that issue in the 1400 block of Juniper Street.

You know, there's talk about there not being -- oh, well, let me go to the play area. Again, as one of Ms. Harris' pictures showed, kids, fourth, fifth, sixth grade, they're going to get outside. Maybe by magic, maybe not by magic. But if it's 80 degrees, they're going to be outside. They're going to play. Balls appear out of nowhere. And, as was seen in her photograph, there will be balls going into the street, et cetera. And, again, of course it will be hard for us to say, who is the Hebrew school on Wednesday and who is JDPS? But, again, our attitude is, you know, the more kids you have, the greater the likelihood is that you are going to have a tremendous problem.

And, again, let's say it's 300 square feet. You've got 300 square feet of play area with a little bitty fence with little bitty sliding boards, et cetera, for these fourth to sixth graders. It's not really going to stay at recess or any other time. Let's be real. One thing that the neighbors want the board

to do is actually use your common sense, your knowledge of what people do, your knowledge of Washington, D.C. Again, in a vacuum, the plan is wonderful. Doesn't work.

And the same thing over here. You have a long narrow almost like an alley way that's what 50 feet wide or something like that that you expect the 120 preschool kids to play. Again, I'd just ask the board to use their own information and knowledge as to whether or not that is a very viable plan.

Also, trash. One other thing that they didn't show in either of the parking plans is where are there big trash bins? They're not drawn anywhere on the parking plans. Don't they have to be somewhere on the property, on the alley, so they can be picked up? They have no pictures, nothing on their parking plan shows the location of these dumpsters. And, again, I think there might be regulations about how the dumpsters are supposed to be enclosed and all that good stuff. Which, of course, they haven't dealt with because, you know, we haven't gotten that far into their concept yet.

Of course, there's a noise issue, but, you know, I have two little kids and my son's probably the loudest kid in the neighborhood, right? I mean, the rabbi can probably still hear us up at his house now in Morningside, so I can't say too much about noise, other than what the regulations say that there needs to be some sort of barrier or vegetation or something to separate the play areas from the neighborhood. But, again, you know, noise.

And another thing that was brought up that was interesting, they said, well, you know you moved next to a synagogue. And you're right. I did it. I moved next to a synagogue. But when you move next to a synagogue, you didn't move next to a school. And I think that's something that people have to truly understand, particularly in a situation like it is over here where there's no parking lots or anything else. We understand; my wife enumerated all the important days that we understand there would be synagogue activities. But we didn't move next to a school.

So now if all the synagogue activities plus this school with no parking on 16th Street so anybody visiting the school was parking in front of our neighborhood, when do we have quiet enjoyment? We won't have it during the week because they can't park on 16th Street so they'll be in front of my house. Can't have it on Saturdays because we didn't expect to have it on Saturdays. Can't have it in a lot of evenings when there are, you know, religious services at the synagogue. Didn't expect that. Can't have it on Weight Watchers' night. Something we didn't quite expect would be moved in there.

Basically, what we're saying to you is it is enough is enough. You're right. Enough is enough. When do we have quiet enjoyment of our property if the school is going to be there all day, people may be parking in front of our houses. Saturdays, Sundays because, again, Tifereth being a good neighbor, of course,

has rented out space to some Christian religious organization that not only has church services, but has concerts.

Because, you know, this past Sunday we went to a little informal gathering to try to see where each side was coming. You know, you kind of suggested that, a couple people involved with JDPS did that. So I gave up my Sabbath on Sunday to meet from 1:00 to about 4:30, quarter to 5:00. And when I came home, I couldn't park within two blocks of my house on Sunday afternoon at 5:00. So, again, and now you're saying during the week I can't park there either? When do we get quiet enjoyment?

So, again, I'll quickly make sure that I've gotten -- oh, yeah, and a couple of other things about use of -- the use of the alleys is what gets, I guess, me seeing the reddest because, again, their plan has to work like clockwork because, again, what happens if they load or unload and something happens, somebody comes down this alley and wants to get or something. All these cars back up. You've got 16th Street already torn up. Where is this queue actually going to go? There's no place for the queue to go.

And, particularly since this is only about five to ten minutes, they start about five or ten minutes before Shepherd starts, so you've got to get some crossover traffic. Where is the queue going to go? Again, the plan takes consideration of Shepherd.

I haven't even dealt with, because I don't quite

know as well, the situation over here with the Lowell School and the queues that they have. So the long and the short of it is, although we, too, we've heard the testimony of the proponents of the school. And from the testimony, from knowing at least one member of JDPS personally, having worked with him for five years, I understand that these are good people, good school, great everything else. But this is enough is enough in this neighborhood. But the bottom line issue for us is if this is such a gem for the Jewish community in the neighborhood, the city, and the country, why has another synagogue cast them adrift? Why, why, why?

Thank you.

CHAIRPERSON CROSS-REID: Thank you very much. You know, you used up about a half an hour of your hour, right? All right. Thank you.

Ms. Dobbins, did you have -- or do you want to wait until all three done before you cross-examine? Okay.

Can you summarize?

MR. BARDONILLE: I don't know that I can. The hour is so late, I don't know where I am.

(Laughter.)

But if you will just bear with me, I will try.

CHAIRPERSON CROSS-REID: Can you put on your mike so we can get you on the record.

MR. BARDONILLE: I will try to get through

whatever. It might seem redundant.

Good evening. My name is Harold Bardonille and I live at 1623 Juniper Street, N.W. Dr. Scaldini, Ms. Susan Koss, and others testified on behalf of the Jewish Primary Day School. Spoke eloquently about the character of the school and those associated with it. One can only marvel at, if not envy, the strong commitment of the JPDS to the principals of community, the respect and consideration of others, and the strong social/religious compact which binds them.

In support of the circuitous routes of the transportation management plan, it was emphasized that JPDS students and their parents are oriented to strict rules associated with the operation of a school and can be relied upon to obey the established rules of the school. Well, we had to point out the application for special exemption being heard here today is also governed by a set of rules designed to safeguard the integrity of the zoning and land use scheme of the Washington, D.C. community.

These zoning rules have precise and specific requirements and also allow for deviation to accommodate special circumstances. We assume, therefore, that the applicants are committed equally to the efficacy of the zoning rules as they are to the rules of the school community and seek a special exemption only to extent it satisfies the applicable regulations.

Application 16556 seeks a special exemption to locate a private school on two separate sites across from each

other on a busy, four-lane, arterial thoroughfare in an R-1 district. The zoning regulations permit the location of private schools in R-1 districts, provided applicants satisfied the provisions of 11 DCMR 206. That section of the regulation states, at subsection 206.3, that, quote, "ample parking spaces, but not less than that required by chapter 21 of this title, shall," and that's a commanding verb, "be provided to accommodate the students, teachers, and visitors likely to come to the school by automobile."

The number of parking spaces an applicant needs to satisfy 206.3 is determined by -- I won't keep repeating the title, by section 2101.1, and in the case of a private school, that section requires two spaces for every three teachers and other employees. I might point out that the regulation makes no distinction between full-time and part-time employees.

The prehearing statement of JPDS, marked as BZA Exhibit Number 97, along with the report of the expert consultant, state that the school will have a total of 38 employees. That is, 32 full-time and six part-time. If each school is evaluated individually and as they should be, because 201 2116.1 commands that, quote, "All parking spaces shall be located on the same lot with the building or structures they are intended to serve."

So, therefore, the 18 employees will be located at Ohav Shalom, which is on -- we know the square and the address. And 14 full-time employees will be located at Tifereth Israel.

Without knowing exactly how the six part-time employees will be assigned, we simply divided them equally between the two applicant sites. Thus, for the school at Ohav Shalom, 14 parking spaces are necessary to comply with the minimum requirements of 2101.1, in connection with this application. And with respect to Tifereth Israel, 12 parking spaces are necessary to comply.

It is plainly obvious that the minimum parking requirements of 12 spaces at Tifereth Israel far exceed the number of spaces available at that site. By our calculation of the dimension of the parking lot at Ohav Shalom, no more than 14 parking spaces can be configured in conformance with the zoning regulations.

Additionally, a minimum of three parking spaces must be provided on each lot for a church and the Merriam Webster dictionary defines a church as the building of public worship. And, therefore, for purposes of these regulations, a synagogue is a church. So when allowance is made for the three church parking spaces, the total number of spaces available at Ohav Shalom is 11 parking spaces.

Thus both applicants individually fail to meet the minimum parking space requirements of section 2101.1. When the combined parking facilities of both applicants are considered, they still fail to provide the necessary parking spaces required under the regulation. Together, applicants would need a total of 26 spaces to meet the requirements of 2101.1. And when you add

the six spaces, of course, that gives you 32 parking spaces. The two properties together can accommodate a total of 20 parking spaces, under the most generous interpretation of the zoning regulations.

The schematic prepared by applicant's traffic expert and included in the prehearing statement at figures 7 and 8 is deceptive and practically useless. The schematic does not indicate the scale at which it is drawn and the drawing is not certified to be accurate and drawn to scale. The drawing of seven parking places to Tifereth Israel is, by error or design, very misleading.

The seven parking spaces indicated for Tifereth Israel are achieved by including grass-covered areas beyond the building line and ignoring the access way to an existing handicap ramp, fire exits, and designated loading area and the presence of a large trash dumpster. When appropriate allowances are made for these impediments to parking, it is possible to provide for three conforming regular spaces.

The 26 parking spaces indicated for the property at Ohav Shalom is a farce. Section 2117.4 commands that, quote, "Each required parking space shall be accessible at all times directly from improved streets or alleys or shall be accessible from improved streets or alleys, via graded," and so on, unquote. Moreover, 2117.5 states that, quote, "When required parking spaces are arranged so that an aisle is required for accessibility

or maneuvering between rows of two or more parking spaces or between a row of two or more parking spaces and the perimeter of the area, then an aisle shall have a clear width of not less than 20 feet for 90 degree parking and 17 feet for 60 degree parking."

The depiction of the aisle size in figure 8 in that statement is deceptive or an outright fiction. The width of the parking lot at Ohav Shalom from the east end of the pavement to the east end of the alley is 29 feet at the widest point and 14 feet at the narrowest and it tapers in between. Thus, the two rows of parking spaces depicted actually touched at the points denoted as spaces 4, 5, and 6 on that figure 8 that we discussed earlier.

In other words, the two places in the lot where an aisle could exist is not more than one foot wide and is not continuous. As such, the aisle is not sufficient to serve as a walkway or fire evacuation route from the exit doors on the west end of the building, much less meeting the specification of section 2117.5.

Given the restrictions of 2117.4 and 2117.5, parking spaces shown on figure 8 of that statement as spaces 13, 14, 15, 16, and 17 are unequivocally prohibited. With five spaces having been eliminated pursuant to those two sections, those parking spaces designated as 22, 23, 24, 25, and 26 must, therefore, be reconfigured as they are included as compact car spaces. 2115.2 says, in order to be a compact space, that there

has to be a minimum of 25 or more spaces.

Similarly, the parking spaces numbered as 1 and 2 on that schematic must also be eliminated as violative of 2116.4, which provides that, quote, "Required parking spaces shall not be located in the area between the building line and the lot line abutting a street." No provision has been made to satisfy the requirements of 2200.1, which mandates the gross area at Ohav Shalom.

In light of the foregoing, 14 spaces is the maximum number of spaces that can legally be located at Ohav Shalom, including those spaces shown as 21, 22, 23, and 24, which are questionable and subject to elimination by other D.C. regulatory authorities. A trash dumpster is located behind space number 21 and is not accessible if cars in the manner of 19, 20, and 21. The three spaces numbered 22, 23, and 24 would be subject to a determination by the fire marshall as they obstruct the west end of the passageway and designated play area of the private school.

And as was the case when applicant's facilities were evaluated individually, the requisite number of parking spaces to satisfy the regulation is also not available when the combined facilities are evaluated as though it were a single applicant. Under a combined analysis, the number of parking spaces required for 38 employees is 26 spaces and to this you must also add six spaces for a total of 32. A maximum total of 17 spaces are available in the combined parking facilities of both

applicants.

Simple arithmetic demonstrates that the applicants are 15 parking spaces short of satisfying the regulatory requirements for a favorable decision on their application.

In the event applicant seeks a reduction in the number of parking spaces required to satisfy 2.63, the board is constrained by 2108.2. That subsection reads that the amount of required parking spaces shall not be reduced by any more than 25 percent. However, before the board can impose the 25 percent reduction, it must give consideration to five enumerated factors specified in 2108.3. To the extent that the board has discretion to waive any subsection of chapter 21, the board would have to waive seven subsections of chapter 21 and one section of chapter 22 in order to reach a favorable decision for application 16556.

Without ample parking on the subject sites to accommodate them, the students, teachers, and visitors likely to come to school by automobile will be forced to park in the neighborhood streets and thereby create objectionable conditions for neighboring property owners. The 1600 block of Juniper and Jonquil Streets are very narrow streets and can accommodate parking only on one side. Any additional cars would overwhelm the available street parking and impose unnecessary hardship on homeowners on these streets.

Since the parts of the Office of Planning and Report addressing parking is not independently derived, but rather

appears to be based exclusively on the applicant's prehearing, including the expert schematics and diagram, it is, therefore, based upon erroneous and misleading information. Consequently, the rationale and conclusions concerning the issue of parking contained in the Office of Planning and Report should be discounted by the board.

To be probative, that government agency's report must be more than a recitation of applicant's unvarnished representations. Relying solely on applicant's consultants without independent verification or independent basis in fact is not a proper role for a government agency charged with vouchsafing the city zoning map and scheme. At a very minimum, the Office of Planning and Report should reflect conformity with the zoning and other municipal regulations, which it clearly does not.

Consequently, the Office of Planning recommendations should have no bearing on the board's consideration of this matter, for the reasons presented herein, ta da, ta da, ta da.

CHAIRPERSON CROSS-REID: Thank you. Did you submit a copy of your testimony for the record?

MR. BARDONILLE: I did, indeed. And I also submitted it to --

CHAIRPERSON CROSS-REID: Thank you. All right, Mr. Humphries. Then you're the last witness -- not witness, but the last person to testify? Because you only have 15 minutes, you

know. Well, what are you going to -- how are you going to divvy that up? How are you going to divvy this up? Mr. Harrison testified during the anti hearing and that was very clear that we would not have the same person testifying during the two segments. So it's you for the next 15 minutes.

MR. HUMPHRIES: Okay.

CHAIRPERSON CROSS-REID: Thank you.

MR. HUMPHRIES: Madam Chair, members of the commission, as we now look at the situation that is presented to you for resolution, the question comes down to, as we know, what the standard says. And the standard in the zoning rules indicate that an applicant for a private school must demonstrate that the proposed school will not become objectionable to adjoining and nearby property because of noise, traffic, number of students, or other objectionable conditions.

When we look at this concept of objectionable conditions, we must apply the reasonable person standard. The reasonable person standard is a standard that's not applied by lawyers as lawyers or architects as architects or engineers as engineers. It is a reasonable person standard that asks the question is it reasonable to believe that this situation can be resolved by a traffic management plan?

Is it reasonable, when you look at all of the evidence which has been presented by the applicant and by those who oppose the request for a special exception, is it reasonable

to believe that the conditions which already exist in this neighborhood are going to be resolved without coming back to this commission to resolve fundamental problems which already exist in this neighborhood? Is it reasonable? Is it reasonable for neighbors who bought homes and have then been reduced by circumstances beyond their control to using a network of alleys to get out of their neighborhood, is that reasonable?

No. It isn't reasonable. The home that you buy, the home that we buy, that each of us in this room will purchase will be, perhaps, the greatest investment that we will ever make. So what are we looking at here? Are we looking at, essentially, a problem which was inherited, really that cannot be solved by solutions which are proposed here by the applicant?

Is it reasonable, in light of all of the information, to ask us, to ask the residents of the District of Columbia, to continue to accept illegal behavior such as parking close to a curb within the restricted area? Is it reasonable to ask us to continue to turn our heads to violations of other traffic regulations, such as parking in front of a fire hydrant continuously, parking and blocking the neighbors' garage continuously, parking between the fire hydrant and the stop sign on a street? Is it reasonable to ask neighbors to continue to turn their head to illegal behavior?

Is it reasonable? Would a reasonable person consider traveling through alleys to be reasonable behavior? But

much of what we've heard today is a plan and what we've heard in the last two days is a proposed plan to manage unreasonable behavior. That is what is unique about this situation. In an area which is zoned R-1A, R-1B, you would expect that neighbors who pay the type of taxes that we pay for our homes would have reasonable ingress and egress from our homes. But we don't. And what we have here is already an unreasonable situation.

Now, a traffic expert has come into the Shepherd Park Colonial Village area and he brought, I daresay, with him what would be reasonable expectations. And so he measured 16th Street and the volume. He measured the volume on Juniper Street. He measured the volume of traffic on Jonquil Street. But because of the situation, he did not recognize nor his staff recognize the unreasonable conditions which already exist in this neighborhood.

Now, I'm a former police officer. And when I look at the situation, I have four children, my father is a police officer, my grandfather is a police officer --

CHAIRPERSON CROSS-REID: Stay with the point. Stay with the point.

MR. HUMPHRIES: And when we think of --

CHAIRPERSON CROSS-REID: Uh-uh. Uh-uh. Don't deviate. Stay right with the issue.

MR. HUMPHRIES: -- what is reasonable, we think of being reasonable that we can leave our home and we can access the main street that goes through our community. But we can't.

Now, at times dysfunctional behavior becomes interpreted as reasonable behavior under the circumstances. But I submit to you that, under the circumstances of the influx of traffic because of conditions that we do not control and which will not be traffic-managed away, that we, as residents of Shepherd Park and Colonial Village have been reduced, once again, to adopting unreasonable behavior in order to survive. And that's what we have: The creation of a system of alleyways that run parallel to congested 16th Street that we use to survive, to travel. We use those alleyways to travel to the two intersections which are signalized essentially a half a mile distance from each other.

Anybody else would say that's crazy. That is crazy. When I come out of my house as the neighbors that live on Juniper and Jonquil, we then avoid 16th Street. We're beginning to avoid 14th Street. But 14th and 16th Streets are the two streets that bracket us. 17th Street, you've heard, has an incredible volume of traffic. And the only way that one other private school, Lowell, was able to come in was become the neighbors welcomed Lowell into the community, despite the unreasonable condition which already existed in the area.

So we're not unreasonable people. We are not unreasonable people. We believe that we are the epitome of the reasonable person under the circumstances under which we currently live. And the circumstance under which we currently live: It's

35,000 automobiles on 16th Street daily. That is what the DPW report said, a minimum of 35,000 cars on 16th Street.

Now, anybody would say 16th Street, structured a few years back, only two lanes going each way, 35,000 vehicles going, traveling both ways, is that reasonable? The level of acceptable service on 16th Street is dangerously in the E category, meaning the worst category in the District of Columbia. That is why, I submit, the DPW could not say that it is reasonable to expect that a grant of this will work out.

Now, I want to ask you again about reasonableness --

CHAIRPERSON CROSS-REID: Mr. Humphries. Mr. Humphries.

MR. HUMPHRIES: Yes, Ma'am.

CHAIRPERSON CROSS-REID: I think that we get the gist of the issue regarding reasonableness, okay?

MR. HUMPHRIES: Madam Chair, I'd like to use my full time.

CHAIRPERSON CROSS-REID: In addition, there's not been a lot that you've said different from what's already been said and this is the worst time, at the very end, to drag this thing out. So if you have a point or two to make that would, you know, bring this to a conclusion, please do that. Because we do understand the whole issue of reasonableness, believe me.

MR. HUMPHRIES: Madam Chair, thank you very much.

I do not recall during any of the testimony, and we might check the record, that the standard, the reasonable man standard, was mentioned in conjunction with our deliberations. And that is --

CHAIRPERSON CROSS-REID: You could make it and you made it.

MR. HUMPHRIES: -- and that is why --

CHAIRPERSON CROSS-REID: But not making it repeatedly.

MR. HUMPHRIES: -- I am asking --

COMMISSIONER SOCKWELL: Mr. Humphries.

MR. HUMPHRIES: I am asking --

COMMISSIONER SOCKWELL: The problem is that we're not on CNN tonight. We're not televised. And we understand what you're saying. But you're making your points more oratory than they need to be. Please be specific and concise and succinct and finish it. Thank you.

MR. HUMPHRIES: I apologize to this commission for taking your time, but I cannot apologize for the passion with which I feel this issue. It is an issue which affects my wife and my four children drastically. My child could be killed on Juniper as a result of the cross-through traffic that results from an unreasonable situation and a traffic management plan is not going to correct that condition. It is, indeed, unreasonable.

So I look at this and I say what is the uniqueness of this situation, again? It is because, much like the catacombs

and others in times past have created a system of corridors. What we have done is created a network of corridors and alleys just to survive in this situation.

Now, is it reasonable, again? The applicant has said, in conjunction with the reenrollment contract, that it was going to impose certain penalties. But, you know, we have had to come to you today in order to get the parties together and understanding what were the reasonable conditions to include in a reenrollment contract.

I submit, should this in its extreme, be granted, are we going to need this commission as, essentially, a regulatory cop for the behavior that neither one of us can control on 16th Street? It's not reasonable to expect that we're going to come back here to this commission to resolve the issues once we leave here today. You will not want to see us here, because that's not reasonable activity.

When we ask, in regard to the plan, and I'll give you a for instance. We point out in the plan that Juniper cannot be used or there may be some difficulty in using Juniper between the alley and 16th Street as an area to drop off children for TI. And the traffic consultant says, "Oh, oh, we'll get a DPW concession, Madam Chair."

Well, you know, part of dealing here is good faith. And in dealing in good faith, we try to be reasonable people, all of us try to. That's all we bring to the table, each and every

one of us here. But when, out of the clear blue sky, a consultant, the expert, says to us, "If it doesn't work, we'll just go get a DPW concession, is that a reasonable way to act in conjunction with neighbors?" I submit that it is not, when we think in terms of what the applicant and the opponents are trying to define, as neighbors who want to work together.

So I, in closing, I would submit that, as you apply the standard that the law requires you to apply, and that is the reasonable man standard, that you first look, I would urge, at the circumstances which have been described by DPW, by the consultant, by the neighbors who counted the number of pedestrians and vehicles which travel north on that stretch of alley that the applicant wants to use to travel south and look at it and determine is this reasonable? I submit to you that the plan is not reasonable. That the plan in itself will create objectionable conditions which will exacerbate an already unreasonable situation and which will, in the final analysis, make a bad fit even worse.

Thank you very much.

CHAIRPERSON CROSS-REID: Thank you, Mr. Humphries.

MR. HAIRSTON: I have three minutes and 26 seconds.

CHAIRPERSON CROSS-REID: No you don't.

MR. HAIRSTON: Yes I do. You said so.

CHAIRPERSON CROSS-REID: No you don't. You already --

MR. HAIRSTON: I told you when I gave up on the

cross-examination that I would accept --

CHAIRPERSON CROSS-REID: Mr. Hairston, you've already testified as ANC and it was stipulated that --

MR. HAIRSTON: Now, if you'll listen a minute, let me say --

COMMISSIONER SOCKWELL: Excuse me. Excuse me.

MR. HAIRSTON: -- my point and then you can rule against me if you want. But at least listen to me.

CHAIRPERSON CROSS-REID: Well, wait, we're perfectly --

MR. HAIRSTON: Now let me say my point.

CHAIRPERSON CROSS-REID: First of all, please calm down.

MR. HAIRSTON: I told you that I would give up on my cross-examination in the event that I could say a few words at the end.

CHAIRPERSON CROSS-REID: Excuse me, Mr. Hairston, if, in fact, may I? May I? If, in fact --

MR. HAIRSTON: Now we're talking at the same time. We're not listening to each other.

CHAIRPERSON CROSS-REID: Now please let me speak. If, in fact, you have a point to make --

MR. HAIRSTON: I do.

CHAIRPERSON CROSS-REID: -- the best way to make a point with me --

MR. HAIRSTON: I can do it in three minutes.

CHAIRPERSON CROSS-REID: -- is calmly.

MR. HAIRSTON: I'll do it in three minutes.

CHAIRPERSON CROSS-REID: Now, the hour is late.

MR. HAIRSTON: I'll do it in three minutes.

CHAIRPERSON CROSS-REID: And nerves are frayed.

MR. HAIRSTON: Yes.

CHAIRPERSON CROSS-REID: If, in fact, there is something I inadvertently missed, then you just tell me.

MR. HAIRSTON: I will.

CHAIRPERSON CROSS-REID: And if, in fact, that is the case, I have no problem with allowing you the three minutes. But I thought we had said that you could only testify once. Now refresh my memory.

MR. PARSONS: He wanted to make a summary remark at the end of the testimony, at the end of the proceedings. And you said, "When we've gotten to the end of opposition." Why don't you let him sit down and get the three minutes.

CHAIRPERSON CROSS-REID: All right. Okay. All right. I just didn't remember.

MR. PARSONS: Okay.

CHAIRPERSON CROSS-REID: I just didn't remember that. And I do apologize for that lapse of memories, Mr. Hairston.

COMMISSIONER SOCKWELL: And, Mr. Hairston, would

you please apologize to the Chair for your outburst, which --

MR. HAIRSTON: No. Because when I'm --

COMMISSIONER SOCKWELL: Well, I said please.

MR. HAIRSTON: Look, when somebody jumps on me, I jump back.

COMMISSIONER SOCKWELL: It's not about jumping. She tried to assert herself.

MR. HAIRSTON: Look, I'm a pussycat most of the time.

CHAIRPERSON CROSS-REID: Boys.

COMMISSIONER SOCKWELL: She did try to assert herself.

MR. HAIRSTON: But when you mess with me, I'm a tiger.

CHAIRPERSON CROSS-REID: Move on.

COMMISSIONER SOCKWELL: Well, that's all right to be a tiger. You could be a tiger out in the hallway, if necessary.

CHAIRPERSON CROSS-REID: Move on.

MR. HAIRSTON: I'm a tiger here. We ready?

MS. DOBBINS: Madam Chair.

CHAIRPERSON CROSS-REID: I'm ready.

MS. DOBBINS: Shall I save my cross until Mr. Hairston finishes?

CHAIRPERSON CROSS-REID: Uh-huh.

MR. HAIRSTON: The only point that I wanted to make, in conclusion, I associate myself with the remarks of my three colleagues. You have a difficult problem to solve. You have heard testimony both ways, which is moving. There is one key difference in the testimony. One is from one side, the residents. They live there. That's where they are. The other side are people that don't live there.

Now they have a very good school. They have a very good reason for having a good school. They have a very good need to continue a good school. But what is the give-up? They have a choice. They chose to have a private school. That is a choice. The people who live there, that was a decision that they can't easily change. And that's what I wanted to leave you with.

And you're making up your final -- you're making your final decision of where to go, remember that the applicants have a choice. They chose to create a school, a very fine school. I stipulate all of that. I wish I'd a had such a school for my child. But that's a choice. The people who live there, that's where they live. That's my end line.

CHAIRPERSON CROSS-REID: Thank you, Mr. Hairston. Ms. Dobbins, do you have a lot of cross-examination?

MS. DOBBINS: No. No.

CHAIRPERSON CROSS-REID: Okay.

MS. DOBBINS: I would like to ask Mr. Hairston one question, based on what he just said.

CHAIRPERSON CROSS-REID: Uh-huh.

MS. DOBBINS: Mr. Hairston, you indicated that they don't live there. I was wondering, did you listen to the testimony of the parents that came up that live in the Shepherd Park area that also live in ANC 4-A?

MR. HAIRSTON: Yes. Yes, I did. But I listened to something else. Somebody made a point about all of the letters that were written. I read all of them. And one thing that I noted from those letters was the number who lived in the neighborhood versus those who lived out. I also noted repeatedly the remark that 50 percent lived outside the District of Columbia.

But I noticed, more specifically, and I charted them all, the number that lived in the community, and that's how I make that position in that fashion. And that's the reason I say, it's a choice. Now it's a horrible choice. I wouldn't want to put that on anybody. And I certainly love my brother who has such a good thing going for him. But I also love my brother and sister who has a home and that's their last refuge.

And that's the balance for me.

MS. DOBBINS: Mr. Hairston, I was just asking, did you understand --

MR. HAIRSTON: I understood.

MS. DOBBINS: -- that there were persons who testified in support of this application who live in your ANC and in your neighborhood.

MR. HAIRSTON: I most certainly did.

MS. DOBBINS: That was the only question I had.

MR. HAIRSTON: And I say, not only did I listen to them, but I counted the letters.

MS. DOBBINS: Okay, yes and no, with that.

CHAIRPERSON CROSS-REID: Move on.

MS. DOBBINS: I'm done, Mr. Hairston. Thank you very much.

The only other person I'd like to ask a couple questions would be Mr. Bardonille. I think he testified as to some facts associated with this, as opposed to a lot of opinion.

Mr. Bardonille, you testified regarding title XI, in terms of calculating parking as it relates to the zoning regulations. I'd like to ask, what is your expertise in that area?

MR. BARDONILLE: I'm sorry, in which area?

MS. DOBBINS: In interpreting the zoning regulations relating to parking.

MR. BARDONILLE: I'm a reasonably intelligent person and I have a number of degrees and I think I can interpret the regulation. I'm not officially interpreting them for the board. I merely interpret what I read.

MS. DOBBINS: Okay. You also referred to the Office of Planning Report and you referred to the portion regarding the parking report. Did you understand Mr. Colby to say

that they defer to the Department of Public Works related to the parking and traffic?

MR. BARDONILLE: I most certainly did.

MS. DOBBINS: Okay. And did you also have a copy or understand that the DPW report stated that the parking for the proposal was sufficient?

MR. BARDONILLE: Yes, I did read that report.

MS. DOBBINS: Thank you.

MR. BARDONILLE: And I would --

MS. DOBBINS: That's all I have.

CHAIRPERSON CROSS-REID: This is the end of this particular hearing, thank goodness. We have the -- I'm moving to that. This is the end of this particular hearing. We have only the closing remarks by the applicant.

MS. DOBBINS: Okay. Madam Chairperson, we have a couple of rebuttal items. Not very many. And then the closing.

CHAIRPERSON CROSS-REID: Okay. All right.

MS. DOBBINS: Okay, I'd ask would Ms. Susan Koss return and Brenda Krieger and Dick Scaldini?

The first question I'd like to address to Mr. Dick Scaldini. Mr. Scaldini, you've heard a lot of testimony tonight and a lot of it was related and seemed to be no understanding about why the Jewish Primary Day School is leaving Addis Israel. Could you clarify that for the record, please?

MR. SCALDINI: I'd be happy to. This question has

been asked at the six neighborhood meetings that we had. And on Sunday when we met for several hours I answered the question again there. All I have at my disposal here are the facts and they will have to stand.

Addis Israel, why can't we stay there? Very concisely, as I've said in my testimony, it's also here, we cannot continue at Addis for three years because we signed an agreement two years ago to relocate in June of 2000. Because, on the basis of that agreement, Addis Israel has committed the space that we currently occupy to new and expanded programs.

After so many years at Addis Israel, why did we choose to leave? We left for a variety of reasons. One, our potential to grow and our need to grow exceeded the capacity of the building we currently occupy.

Two, Addis Israel did not wish to have an off-site school, so sponsorship by Addis Israel, if we were to move to another site, was not feasible.

Three, we had evolved more in the direction of a community school -- you've heard a lot about that in various forms this evening -- not a synagogue school. And this led us to sit down and agree to separate and to relocate in June of 2000.

Addis Israel has housed us for 12 years and has a right to pursue the programs, new and expanded programs, it has planned. With us this evening is Patricia Manasevit, who's sitting back here, who is a member of the board of managers of

Addis Israel, who can tell you that when we made the request and explored with Addis Israel in the fall the possibility of extending our lease and Addis Israel declined, for the reasons that are explained in the letter which is on record and with which these gentlemen are quite familiar, when they declined, they declined with the understanding and the knowledge that we had been invited by Tifereth Israel and Ohav Shalom to occupy their premises. Okay? Subject to all the approvals, we know.

So, finally, the question: If the Jewish community is such a big supporter of yours, why won't Addis take you in? It's because Tifereth Israel and Ohav Shalom have offered to take us in. These organizations have choices. They've exercised them. That's the reason.

MS. DOBBINS: Okay. Okay, Madam Chair, on the issue of the play areas, the scheduling of play times, and the use of the Shepherd playing area, I'd like to ask Susan Koss whether she's had, first of all, whether she's had contact with the Recreation Department and what their response has been regarding the use of the play areas of Village Shepherd Park.

MS. KOSS: Okay. I spoke to the principal of Shepherd Elementary School at the end of February about the possibility of our moving into the neighborhood and what it would mean to both schools and shared spaces of, specifically, playground space. And she made it very clear to me that they use the playground and that there were significant blocks during the

day when they do not use it. And we are in touch with the PE teacher who is in charge of that recess schedule and, once they have their schedule set, if we do get the BZA approval, we will then meet with him and schedule our recesses around Shepherd Elementary School.

We will also put into Parks and Planning. Obviously, it's premature to do it before we get BZA approval.

MS. DOBBINS: And in your experience, the play areas that are associated with both Ohav Shalom and Tifereth Israel, are those play areas sufficient for the use that you use for play? And, also, just explain to the board the scheduling associated with play.

MS. KOSS: Okay. We believe that they would be adequate for the school the way it exists now, remembering that, currently, we have very limited space. At Ohav Shalom, the space is fully gated, fully enclosed, and gates on both sides. Children would not have to go through the alley to get to that. They would go through the building direct into the play space. So that would be very safe for all of them.

We would stagger the recess times so that it would not be a crowded or overcrowded location, which is what we currently do, so that a minimum number of students would be out at one time. They would, obviously, always be supervised.

At both locations, there will be indoor space so that in inclement weather they'll be able to use indoor space. We

would also take them on field trips to the park. We'd walk down to the park as part of our curriculum to increase their outdoor time.

We are committed to outdoor time, even though we have a highly academic program and not that much recess time. Our students let us know very vociferously that they expect the recess each day and we do provide that. At Tifereth Israel, where it's been talked about having an immature play space, a lot of that play material, yes, is for a preschool which will be moving out of the building. When Tifereth Israel does its renovation this year, that playground will come down to permit the construction trucks to go in.

When they reconstruct the playground, we are currently discussing with Tifereth Israel using appropriate area and materials for our age child and the age children at Tifereth Israel who do use it.

MS. DOBBINS: The other area that was raised was snow in the area. And I'd ask Ms. Krieger or Ms. Koss, either one, does the day school currently have snow days like other schools?

MS. KRIEGER: Oh, yes. We do follow either/or Montgomery County and the District of Columbia. It's only very recent that the District of Columbia closes for snow days. They normally in the past have not done so frequently. And Montgomery County is much liberal.

We have a little convoluted policy where we follow Montgomery County or the District on the first day of the snowstorm because we feel that someone in the District has a good in with the weather people which we might not have. That's not saying it's borne out, but that's what is supposed. And we make our independent decisions on the second day and ensuing days because Montgomery County often closes because of upcountry schools. Montgomery County has a very large district. And also if the District closes then we do consider that because they would have concerns for street safety.

So we try to be safe, but we also try to be prudent.

MS. DOBBINS: I'd ask Ms. Krieger, will the Jewish Primary Day School provide for clearing the snow in the alleys and adjacent areas?

MS. KRIEGER: Yes. We'll do that as part of our maintenance program for our space, because we need to.

MS. DOBBINS: I'd ask Ms. Krieger to briefly talk about trash pick up as it relates to the Jewish Primary Day School.

MS. KRIEGER: Although there will clearly be further conversations with the trash pick up people and with the two synagogues because we will be having to maintain both spaces, I did do some preliminary research. I spoke with the trash companies who provide the service at both facilities. I spoke

with the executive director at Tifereth Israel, I spoke with the people at Ohav Shalom to be clear about if they would need additional trash pick up; how they pick up now; how often they pick up; would they need more dumpsters.

And basically they were all amenable to adjusting their schedules so that there would not be any cross-alley traffic for when they do pick up. And they said that they would either increase the size of the dumpster at Ohav Shalom or they would pick up twice a week. Either way, they would coordinate with our traffic.

MS. DOBBINS: Okay and I don't think we have the up -- we have the parking plan for Ohav. I think it differs very slightly from the one in your package. I think you have the new one, also. But it has, I think, the same number of spaces.

CHAIRPERSON CROSS-REID: The one that we have is the one that was originally submitted.

MS. DOBBINS: Yes. Uh-huh. The most recently submitted is the one that was up last time that was presented. I just wanted to show that it did show the actual parking and the dumpster.

MS. KRIEGER: And I just would like to also say that I am not a traffic expert. Lou is at another hearing. But that, after this was done, Mr. Slade did take tape and tape out every spot on the parking lot to make sure that, in fact, reality matches scale drawings. And all of these spots do, in fact, lay

out exactly as shown.

MS. DOBBINS: Okay. And just one additional question for Ms. Koss. There was mention about how the hot lunch program would actually work. I'd ask her to explain that to the board.

MS. KOSS: Okay. What we hope to do is to have hot lunch brought into Tifereth Israel twice a month and have our younger students cross 16th Street to go to Tifereth Israel. We have talked about and looked at several ways to do it, whether dividing the children into groups and crossing in small groups, to walk down to Columbia and having the students walk on the grass.

However, we understand, and something I had said at one of the ANC meetings, we are not chameleons. We do not change our color if it would affect our policy, our mission, or the safety of our children. We will look at anything that we think is not safe or secure or is a good use of time. And if we need to stop that program for the interim space, we will stop that program and just serve the children in the classrooms and do it a K-to-3 program, a 4-to-6 program.

There is no way we would put anyone in danger or also make a mess of traffic. I mean, we want to make sure that we're being fair to everybody.

MS. DOBBINS: Madam Chair, that concludes our rebuttal.

CHAIRPERSON CROSS-REID: All right. Thank you.

Closing remarks.

MS. DOBBINS: Madam Chair --

MR. HUMPHRIES: I'd like to ask a question. First, do the opponents have an opportunity to cross-examine the --

CHAIRPERSON CROSS-REID: No.

MR. HUMPHRIES: Okay. Secondly, this is the first time we've seen this chart.

MS. DOBBINS: That chart was --

MR. HUMPHRIES: This chart was not introduced before, as part of the case-in-chief. It's being now introduced on rebuttal.

MS. DOBBINS: It was here. That parking plan was up when we made the presentation the last time.

CHAIRPERSON CROSS-REID: Was it presented, Ms. Dobbins --

MR. HUMPHRIES: No it wasn't.

MR. HUMPHRIES: No, he didn't testify --

CHAIRPERSON CROSS-REID: Excuse me. Was it presented, Ms. Dobbins? Because I don't remember seeing it, either, quite frankly.

MR. HUMPHRIES: No.

CHAIRPERSON CROSS-REID: I thought maybe I missed something.

MR. HUMPHRIES: I mean, this is new.

CHAIRPERSON CROSS-REID: And the other board

members say they haven't seen it either, so you can't present that in rebuttal.

MS. DOBBINS: Yes, it's on the small sheet of paper. You have -- it's in the small sheet of paper --

CHAIRPERSON CROSS-REID: Did you submit it with the package?

MS. DOBBINS: That came with -- today.

CHAIRPERSON CROSS-REID: Oh, the new package.

MS. DOBBINS: Uh-huh.

CHAIRPERSON CROSS-REID: Okay, well, then.

MS. DOBBINS: And only because you didn't have a small version of it.

CHAIRPERSON CROSS-REID: All right. But it wasn't presented during the -- that is a good point. It was not, so -- it is -- I don't know if you can refer to it. Is it in here?

MR. PARSONS: Madam Chairman, while our people are looking, I was going to ask the staff in the Office of Planning to produce a --

MS. DOBBINS: Those are the extra copies.

MR. HUMPHRIES: Madam Chairman, may I make a motion that you reject it because you closed the case already?

CHAIRPERSON CROSS-REID: No, it hasn't.

MS. DOBBINS: No, it's not closed.

CHAIRPERSON CROSS-REID: It's not closed.

MS. DOBBINS: The record is still open.

CHAIRPERSON CROSS-REID: That's rebuttal and she has closing remarks. This is the end of the case, which is rebuttal and closing remarks. So it's not closed.

MS. DOBBINS: The record has not been closed at all yet.

CHAIRPERSON CROSS-REID: And, also, this was submitted to us, but it wasn't served on you?

MS. DOBBINS: Yes.

MR. HUMPHRIES: No, it wasn't served on us.

CHAIRPERSON CROSS-REID: You don't have it?

MR. HUMPHRIES: Nor was it presented as part of the applicant's case-in-chief. I mean, this is new evidence that we've not had an opportunity --

CHAIRPERSON CROSS-REID: But remember, they were to submit additional information by today and that was a part of this package. The board itself, it was not presented before. And, Ms. Dobbins, they did not receive a copy of this document?

MS. DOBBINS: I'm not --

COMMISSIONER SOCKWELL: This was the only drawing of the presented elements of the applicant's case that was not presented. Every other one, all the maps were presented, except this last sheet. All the directional flow maps.

CHAIRPERSON CROSS-REID: But did they not give the parties the information?

MS. DOBBINS: I think they may have been served

everything but probably that drawing. Because that drawing was here last time, it was not put in that -- they did not get that specific package. They got their information in two packages and their letters are in there to show what was in there.

CHAIRPERSON CROSS-REID: Yes, but the drawing -- the point that's being made is that that particular drawing was not a part of the presentation and it was submitted afterwards and we do have it and they say they don't have it. And they should have received it.

MR. HUMPHRIES: Right. And we should have received it --

MS. DOBBINS: And we can provide it to them.

MR. HUMPHRIES: Not only that, Madam Chair --

COMMISSIONER SOCKWELL: All of these were presented, but that map wasn't.

MR. HUMPHRIES: Not only that, Madam Chair, but the person --

MS. DOBBINS: The only difference is the --

MR. HUMPHRIES: -- who prepared the document is not here.

CHAIRPERSON CROSS-REID: Do you want to sit down? Please. Why are three of you standing?

MS. DOBBINS: Yes, you are.

MR. HUMPHRIES: The person who prepared the document is not here, so we do not have an opportunity to cross-

examine him.

MS. PRUITT: Excuse me. There's no more cross-examination at this point. Only the applicant's closing remark. The opposition has no cross -- there's no more cross-examination. And that's how the procedures have always gone.

MR. HUMPHRIES: We can resolve this simply by striking it.

CHAIRPERSON CROSS-REID: No, but the issue -- but, but the drawing is to be provided to you. The record is not closed yet. We received that at this time.

MS. DOBBINS: That is correct.

MR. HAIRSTON: Madam Chairman. Madam Chairman. We have to be orderly about this. Now when our case was presented and you closed us off, at that point we should have challenged anything and everything that we had. Now once we're out of the picture and then this thing comes up and then we're told they are talking and we can't examine this, we can't challenge this at all, it's eminently unfair. That's the point.

The fact that the board has it is of no consequence because we have a right to challenge the credibility of this document.

CHAIRPERSON CROSS-REID: All right.

MR. HAIRSTON: And we can't do that because we're already out of the picture.

CHAIRPERSON CROSS-REID: Mr. Hairston --

MR. HAIRSTON: This is called --

CHAIRPERSON CROSS-REID: This will be provided to you at this point. At this point you can look at it.

MR. HAIRSTON: It doesn't make any difference, if we can't challenge this before the board. For example, if we can show you that this is the most rotten thing you've ever seen, that would be one issue.

CHAIRPERSON CROSS-REID: All right. Well, well, okay, well --

MR. HAIRSTON: If we can't do that, then you should look at it.

COMMISSIONER SOCKWELL: Mr. Hairston.

MR. HAIRSTON: Our point is that we should have a right to present our side about it. We should be able to --

COMMISSIONER SOCKWELL: Mr. Hairston, in this case you don't have the right because we requested that the diagram be corrected. That it was not to scale. That was a discussion that was held here. The document was resubmitted into the record with the file that we got this morning. It was not discussed. Everything else that was in the file, at least all the descriptive things, were put up on the board and discussed.

I believe that we cannot discuss this. You should have had a copy of it. I do agree.

MR. HUMPHRIES: Right.

COMMISSIONER SOCKWELL: But we should not discuss

the adequacy of that. But it can be submitted to the record and submitted to you. And then you could respond to the record if time is left open for you to respond to --

MR. HAIRSTON: All of the record won't be left open.

COMMISSIONER SOCKWELL: Well, I think that the --

MS. PRUITT: No, there's been no determination as to when the record is closed, at this point.

COMMISSIONER SOCKWELL: Right.

CHAIRPERSON CROSS-REID: But what you can do, you cannot respond verbally.

MR. HAIRSTON: Or -- no.

CHAIRPERSON CROSS-REID: However, you now will be provided -- you were provided with it and Ms. Dobbins apologized for that.

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: So you were provided with it. However, the record would remain open and if you do wish to respond to it, you can do so in writing.

COMMISSIONER SOCKWELL: Well, we won't talk about this before the open audience tonight, period.

CHAIRPERSON CROSS-REID: If you have some comments regarding this particular drawing, then you -- the record -- we're going to leave the record open for you to submit your comments in writing. That's the best we can do.

MS. RENSHAW: Madam Chair, I'd like a copy of this material I thought you said was handed out this morning, because I didn't get it.

CHAIRPERSON CROSS-REID: No, we all got copies, Ms. Renshaw.

MS. RENSHAW: I didn't get a packet. Sorry.

MR. HAIRSTON: Madam Chairman.

CHAIRPERSON CROSS-REID: You definitely should have had one. Yes.

MR. HAIRSTON: In light of what has just transpired, we now move to leave the record open for five days to allow us to examine and to check the credibility of this document.

COMMISSIONER SOCKWELL: This is not going to take five days, sir.

CHAIRPERSON CROSS-REID: Five days?

COMMISSIONER SOCKWELL: This is not going to take five days for you.

MR. HAIRSTON: Remember, you're judging your time. I'm judging my time.

COMMISSIONER SOCKWELL: No. I'm judging the fact that you're an intelligent individual who's seen the document and knows what the differences between the original and this one are, because it was discussed.

MR. HAIRSTON: But you don't know what my schedule is.

COMMISSIONER SOCKWELL: It's not a five-day issue. I beg your pardon, sir?

MR. HAIRSTON: You don't know what my schedule is.

COMMISSIONER SOCKWELL: I don't -- you don't know what my schedule is. Let's not discuss schedules. I believe that you can do this within five days, if so instructed.

MR. HAIRSTON: I don't. I don't.

COMMISSIONER SOCKWELL: If so instructed.

MS. DOBBINS: Madam Chair.

MR. HAIRSTON: I've made my motion.

COMMISSIONER SOCKWELL: Are you telling me --

MR. HAIRSTON: I ask for a ruling on my motion.

COMMISSIONER SOCKWELL: I understand. If so instructed, could you review it in less than five days?

CHAIRPERSON CROSS-REID: Okay. All right. Ms. Pruitt -- Ms. Pruitt --

MR. HAIRSTON: Excuse me. Let me consult with my associates.

CHAIRPERSON CROSS-REID: But, before you do that, let me just tell you. Ms. Pruitt says that everything has to be in by the 31st of March.

MS. PRUITT: Yes.

CHAIRPERSON CROSS-REID: So that gives you ample time to respond to it by the 31st of March.

COMMISSIONER SOCKWELL: Okay. So he's covered.

CHAIRPERSON CROSS-REID: You can do so.

MS. DOBBINS: Madam Chair, it's the movement of one parking space so that the dumpster could work properly. We have no problems with the applicant comparing the original figures and this one and submitting testimony. We would even waive the right to respond to their submission.

CHAIRPERSON CROSS-REID: All right. Okay.

COMMISSIONER SOCKWELL: So I withdraw my statement on the five days. Mr. Hairston is more than capable of reviewing it in more than five days, based on your schedule, right?

MR. HAIRSTON: Yes.

COMMISSIONER SOCKWELL: Okay.

MR. HAIRSTON: Five days was the minimum.

CHAIRPERSON CROSS-REID: Right, the 31st of March, everything has to be in. You will receive it and then you can respond in writing. Okay. Now let's move on to the closing remarks. That's where we are now, correct?

MS. DOBBINS: Yes, Madam Chair. Madam Chair --

CHAIRPERSON CROSS-REID: Ms. Dobbins.

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: I did want to ask a couple of questions. One is in regard to the posting of the site.

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: And we received the affidavit and also the pictures. However, I wanted to clarify,

were both sites posted?

MS. DOBBINS: Yes.

CHAIRPERSON CROSS-REID: And I really can't tell which is which. Perhaps the applicant can look at that, because we need to establish that both sites were posted.

MR. HAIRSTON: Madam Chairman, when I was testifying, perhaps if you look at the video that I submitted, it will show that it wasn't there.

MS. DOBBINS: Yes, Madam Chairman --

COMMISSIONER SOCKWELL: Actually, there is a photograph in our file that shows that it is there. It's a color photograph that shows the location of the sign. And that's -- when you pointed to it in your video, I went back to the photographs and the sign was clearly there.

MS. DOBBINS: Madam Chairperson, yes, both sites were, in fact, posted. These are pictures.

CHAIRPERSON CROSS-REID: In front of or the side or -- tell me where they were posted.

MS. DOBBINS: This is the top two are Ohav Shalom and the bottom two are 16th Street. This is --

CHAIRPERSON CROSS-REID: Were they -- excuse me. Excuse me. We have one hearing going on here, not two.

MS. PRUITT: Excuse me, sir, you cannot speak to the board. It's considered ex parte communication.

CHAIRPERSON CROSS-REID: And we have one hearing

going here.

MS. PRUITT: And will jeopardize the whole hearing process.

CHAIRPERSON CROSS-REID: And we can't have conflicts going at the same time. Now, yes, proceed. I don't know if they even heard what you said. So say it again, please.

MS. DOBBINS: Both sites were, in fact, posted on February 28th. And the photographs do show both sites. On the video, there probably was a sign missing, but we do have an affidavit of maintenance to show that we checked the signs. And I think we had to repost one sign. We had to do it every five days.

CHAIRPERSON CROSS-REID: So a sign somehow was missing and then you did repost that particular site?

MS. DOBBINS: Yes. Up until the day. I think the last day we had to repost was the 13th, I think.

CHAIRPERSON CROSS-REID: And there was only one sign?

MS. DOBBINS: One that was missing. No, there was more than one at each site.

CHAIRPERSON CROSS-REID: So there was still, even though there was one sign missing, there was still another sign that was evident.

MS. DOBBINS: At a different location.

CHAIRPERSON CROSS-REID: Okay. All right. Go ahead.

MS. DOBBINS: And we did submit an affidavit of maintenance, as well as this affidavit of posting.

CHAIRPERSON CROSS-REID: Okay. Thank you. Okay, go ahead while he's looking at that.

MS. DOBBINS: Okay, Madam Chairperson and members of the board, we thank you for your time and attention to our presentation. The Jewish Primary Day School has put a strong case into the record geared toward earning your approval. We are pleased that the record contains substantial support for our application and substantial justification for approval of the special exception relief requested.

The applicant has presented testimony today and included written evidence in the record demonstrating how it has met the burden of proof for approval of the zoning relief requested. The Office of Planning has submitted a report in support of our application. However, we note that the one year is a very short period to determine whether all mitigation measures will be effective.

Additionally, the Department of Public Works has submitted generally a supportive report. DPW supports the left turns of our revised proposal and notes that the impact on traffic would be minimal.

The board is aware that Washington, D.C., is an urban area. Schools all over this urban city use public space to drop off and pick up students. Testimony today has borne that

fact out. We have provided testimony showing that the special exception can be granted as being in harmony with the general purpose and intent of the zoning regulations and map and that granting the special exception will not adversely affect the use of neighboring property.

In fact, testimony presented today has shown that location of the Jewish Primary Day School, as requested, will enhance the existing fabric of the community and the neighborhood. Churches, synagogues, schools, and other appropriate institutions all combine to make a neighborhood a community. We have demonstrated substantial support for the school and testified to our commitment as the only Jewish day school in the District to remain in the District of Columbia. We again thank the ANC for the opportunity of allowing us to present a second time at its meeting.

We have provided a traffic management plan that will work. We have provided detailed information about the operations of the school and have heard the dedication of our parents in adhering to rules.

Much has been made of using the alley. The monitored use of the alley will provide a safety net for the alley. The monitors in the alley and the drop-off and pick-up in the alley is for a very short period of time during the day.

For all of the reasons detailed in testimony and the written record of this case, the applicant, the Jewish Primary

Day School of the nation's capital, submits that it has met its burden of proof and is entitled to the special exception relief requested.

The board has heard testimony that the applicant needs a decision on this matter by early April in order to inform parents of the school location for enrollment purposes. For these reasons, we ask that the board expedite the decision in this case. The applicant requests that the board decide this case at its regular meeting on April 5th. We ask the board to give us the opportunity to be an example for all schools in the area and the District of Columbia. Thank you very much.

CHAIRPERSON CROSS-REID: Thank you, Ms. Dobbins. That would conclude this case, finally.

(Laughter.)

It's been a long day. I just wanted to note for the record that when the anti had their particular presentation, you did not mention that there had been a meeting at which a vote was taken and a quorum was present in which they voted to deny the application. As such, the ANC, of course, will be given great weight.

Are there any other comments? From board members?

MS. PRUITT: Excuse me, Madam Chair, I just wanted to be sure you proposed -- yes, when submissions are due. That's all.

MS. CROSS-REID: Oh, okay. All right. So that

both signings are back from both sides.

MS. PRUITT: My understanding is, yes, the opposition has until the 31st to respond to the applicant's submission that was dated today, 3-21, that you've received and that proposed findings of fact from opposition and applicant are due on the 31st also.

CHAIRPERSON CROSS-REID: And we will decide this at our next regularly scheduled meeting date, which is April the 5th. You don't have to be present. Because it is a meeting, you will not be able to participate. But if you choose to be here, you're welcome to be here for the decision. Thank you.

(Whereupon, the meeting was adjourned at 11:00 p.m.)