

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY,

MARCH 10, 2009

+ + + + +

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

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

RUTHANNE G. MILLER Chairperson
MARC D. LOUD Vice Chairman
SHANE L. DETTMAN Board Member
(NCPC)

ZONING COMMISSION MEMBER PRESENT:

GREGORY JEFFRIES Vice Chairman

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY Secretary
BEVERLEY BAILEY Sr. Zoning Spec.
JOHN NYARKU Zoning Specialist

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D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS
STEPHEN MORDFIN

DDOT STAFF PRESENT:

JEFF JENNINGS
ANNA CHAMBERLAIN

This transcript constitutes the minutes from the Public Hearing held on March 10, 2009.

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

2 10:10 a.m.

3 CHAIRPERSON MILLER: Now this
4 hearing will come to order. This is the March
5 10, 2009 Public Hearing of the Board of Zoning
6 Adjustment of the District of Columbia. My
7 name is Ruthanne Miller. I'm the Chair of the
8 BZA.

9 Joining me today to my right is our
10 Vice Chair, Mr. Marc Loud, and next to him is
11 Mr. Greg Jeffries from the Zoning Commission.
12 To my left is Shane Dettman, Board Member.
13 Our other Board Member, Mary Oates Walker will
14 not be joining us today.

15 Also joining us on the dias is Mr.
16 Cliff Moy from the Office of Zoning, Mary
17 Nagelhout from the Office of Attorney General
18 and Ms. Beverley Bailey from the Office of
19 Zoning.

20 Copies of today's hearing agenda
21 are available to you and are located to my
22 left in the wall bin near the door. Please,

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1 be advised that this proceeding is being
2 recorded by a Court Reporter and is also
3 webcast live. Accordingly, we must ask you to
4 refrain from any disruptive noises or actions
5 in the hearing room.

6 When presenting information to the
7 Board, please, turn on and speak into the
8 microphone, first, stating your name and home
9 address. When you are finished speaking,
10 please, turn your microphone off, so that your
11 microphone is no longer picking up sound or
12 background noise.

13 All persons planning to testify
14 either in favor or in opposition are to fill
15 out two witness cards. These cards are
16 located to my left on the table near the door
17 and on the witness tables. Upon coming
18 forward to speak to the Board, please, give
19 both cards to the reporter sitting to my
20 right.

21 The order of procedure for special
22 exceptions and variances is as follows: One,

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1 statement and witnesses of the applicant.
2 Two, Government reports, including Office of
3 Planning, Department of Public Works, DDOT,
4 etcetera. Three, report of the Advisory
5 Neighborhood Commission. Four, parties or
6 persons in support. Five, parties or persons
7 in opposition. Six, closing remarks by the
8 applicant.

9 Pursuant to Sections 3117.4 and
10 3117.5, the following time constraints will be
11 maintained: The applicant, persons and
12 parties, except an ANC, in support, including
13 witnesses, 60 minutes collectively. Persons
14 and parties, except an ANC, in opposition,
15 including witnesses, 60 minutes collectively.
16 Individuals 3 minutes.

17 These time restraints do not
18 include cross examination and/or questions
19 from the Board. Cross examination of
20 witnesses is permitted by the applicant or
21 parties. The ANC within which the property is
22 located is automatically a party in a special

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1 exception or variance case.

2 Nothing prohibits the Board from
3 placing reasonable restrictions on cross
4 examination, including time limits and
5 limitations on the scope of cross examination.

6 The record will be closed at the
7 conclusion of each case, except for any
8 material specifically requested by the Board.

9 The Board and the staff will specify at the
10 end of the hearing exactly what is expected
11 and the date when the persons must submit the
12 evidence to the Office of Zoning. After the
13 record is closed, no other information will be
14 accepted by the Board.

15 The Sunshine Act requires that the
16 Public Hearing on each case be held in the
17 open before the public. The Board may,
18 consistent with it's Rules of Procedure and
19 the Sunshine Act, enter Executive Session
20 during or after the Public Hearing on a case
21 for purposes of reviewing the record or
22 deliberating on the case.

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1 The decision of the Board in these
2 contested cases must be based exclusively on
3 the public record. To avoid any appearance to
4 the contrary, the Board requests that persons
5 present not engage the Members of the Board in
6 conversation.

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

10 The Board will now consider any
11 preliminary matters. Preliminary matters are
12 those which relate to whether a case will or
13 should be heard today, such as requests for
14 postponement, continuance or withdrawal or
15 whether proper and adequate notice of the
16 hearing has been given. If you are not
17 prepared to go forward with a case today or if
18 you believe that the Board should not proceed,
19 now is the time to raise such a matter.

20 Does the staff have any preliminary
21 matters?

22 MS. BAILEY: Madam Chair, good

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1 morning.

2 CHAIRPERSON MILLER: Good morning.

3 MS. BAILEY: Members of the Board
4 and to everyone, good morning as well. There
5 are two preliminary matters. And the first is
6 associated with Application 17885 of 1101
7 South Capitol LLC. I believe the applicant's
8 representative is here for that case. The
9 applicant is requesting, Madam Chair, a three
10 month postponement of the hearing.

11 CHAIRPERSON MILLER: Good morning.

12 MS. SHIKER: Good morning. This is
13 Christy Shiker with the Law Firm of Holland
14 and Knight. I'm here representing the
15 applicant today. We have submitted a request
16 for a postponement to provide additional time
17 to resolve issues that we have learned about
18 from the Office of Planning and from the
19 District Department of Transportation.

20 Mr. Cochran from the Office of
21 Planning was pleased with the idea of a
22 postponement. We have also notified the ANC,

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1 who did not have any objection to the
2 postponement. We would ask that the Board set
3 this case for its first available calendar
4 date, which I believe is in June.

5 CHAIRPERSON MILLER: Okay. We
6 looked at the calendar and it looked to us
7 that the first opportunity for a good block of
8 time where we wouldn't be squeezing you in
9 would be July 14th. Would that work?

10 MS. SHIKER: That will be fine.

11 CHAIRPERSON MILLER: That would be
12 fine?

13 MS. SHIKER: Thank you.

14 CHAIRPERSON MILLER: Okay. All
15 right. Then that's what it will be.

16 MS. SHIKER: Thank you.

17 CHAIRPERSON MILLER: Okay. Thank
18 you very much.

19 MS. BAILEY: Madam Chair, would
20 that be morning or afternoon?

21 CHAIRPERSON MILLER: Oh, thank you,
22 Ms. Bailey, that would be afternoon, right.

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1 Thank you, Ms. Bailey. So I think that
2 concludes that case. And we have another case
3 which is seeking a postponement?

4 MS. BAILEY: That it is, Madam
5 Chair. It's Application 17888 of Baxter LLC.

6 With that case, this morning we received
7 three letters from various members of the
8 Single Member District Commissioner for ANC-
9 7D06, that's 7D02, 7D04, 7D06. Three cases,
10 as I indicated, were received this morning
11 from the ANC and those -- that correspondence
12 was put before the Board.

13 And I believe there is a
14 representative here for that case. Yes.

15 CHAIRPERSON MILLER: Thank you.
16 You can come forward. And I also want to
17 note. I believe that the correspondence, if
18 I'm not mistaken, is from not the whole ANC,
19 but from Single Member Districts.

20 MS. BAILEY: Commissioners and I
21 believe either some or all of them are here.

22 CHAIRPERSON MILLER: Okay. Well,

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1 let's start with are you the applicant?

2 MR. NORRIS: Yes, I am.

3 CHAIRPERSON MILLER: Okay. And is
4 there an ANC representative here? Okay. Do
5 you want to just come to the table also, since
6 you are automatically a party in the case?
7 Oh, why don't we start with introductions
8 starting with the applicant?

9 MR. NORRIS: Good morning. I'm
10 Todd Norris for Baxter LLC, the applicant.

11 CHAIRPERSON MILLER: And would you
12 like to introduce yourself for the record?

13 MS. SEWARD: Yes.

14 CHAIRPERSON MILLER: Press the
15 button and it will light up where it says
16 push.

17 MS. SEWARD: Hi, my name is
18 Willette Seward, ANC-7D Chairperson.

19 CHAIRPERSON MILLER: Okay. We have
20 a request for postponement from the applicant.
21 It is our Exhibit No. 20. It is a letter
22 asking for postponement so that the applicant

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1 can present the application to the ANC. Is
2 that correct?

3 MR. NORRIS: Yes, ma'am.

4 CHAIRPERSON MILLER: And when would
5 you do that?

6 MR. NORRIS: I have met with them
7 once and we are hoping to come back with a
8 combined application with their support.

9 MS. SEWARD: Hi, yes. He met with
10 us on the 4th of March. I'm a new
11 Commissioner. And I got first notice from Mr.
12 Norris on the 14th. So it was hard for us to
13 get all of the ANCs together, you know, to
14 provide great weight to this particular
15 hearing today. So on the 4th we had about
16 maybe five residents who came out. We have
17 two here, both residents that is here today
18 actually are on either side of the two
19 properties that Mr. Norris owns at this time.

20 And we understand that he
21 definitely wants to either sell the lots to
22 the residents, if they would like to purchase

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1 it or develop the lots. And we are in
2 agreement with the development, but we want to
3 come back with the new proposed type of
4 development that will fit that community and
5 have the proper distance variances that the
6 residents would be able to live with.

7 So Mr. Norris, Baxter LLC, said
8 that he was willing to take it back to his
9 architect, redesign it, come back to the
10 community and have a real type of input from
11 the residents, community and ANC, so that we
12 can make sure that this will fit and have
13 proper -- because I won't say I didn't have
14 proper notice, but, in a sense, 30 days was
15 not the 14 today. So but I am here to
16 represent the ANC and I'm Single Member
17 District 7D06.

18 CHAIRPERSON MILLER: Okay. Do you
19 have an idea of how much time you need to, you
20 know, work this process?

21 MS. SEWARD: Yes, I requested,
22 since it's a postponement, and it would give

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1 opportunity for the ANCs all to come together,
2 I would look at probably June, if you have
3 something open on the schedule, but if not, I
4 heard you earlier say that your June was
5 probably a little full with the first
6 postponement, so I gave Mr. Norris a card that
7 say maybe the 14th as well, July, I'm sorry.

8 CHAIRPERSON MILLER: How is that
9 date with you as well?

10 MR. NORRIS: I would rather go in
11 June if that's possible. The Planning Office
12 has said that they would rather not do it the
13 first few weeks of June. Is there anything in
14 the second half of June that we could get in
15 for?

16 CHAIRPERSON MILLER: Well, we have
17 to see whether it would be a squeeze, as I was
18 saying. The calendar is pretty open in July.
19 We can take another look. I'm not sure how
20 long this case would take, how complicated it
21 is. If you come to an agreement, it's not
22 complicated. If you don't, I don't know.

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1 MR. NORRIS: My expectation is it
2 would be very short. We're either going to
3 come to an agreement or it's likely to be
4 withdrawn if not.

5 CHAIRPERSON MILLER: Oh, okay.

6 MR. NORRIS: So --

7 CHAIRPERSON MILLER: So all right,
8 we'll take a look at --

9 MR. NORRIS: Yeah, my expectations
10 -- I'm not going to present a proposal that is
11 not supported by the ANC.

12 MS. SEWARD: Right.

13 CHAIRPERSON MILLER: Okay. And so
14 you are saying the window, the best window for
15 you is the last two weeks in June?

16 MR. NORRIS: Yes, ma'am. As close
17 to the 15th as possible. I'm trying to stay
18 off the planning.

19 CHAIRPERSON MILLER: Okay. Based
20 on your representation that you don't think
21 this will take very much time, we can put you
22 into June 16th, first in the afternoon.

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1 MR. NORRIS: Yes, ma'am.

2 CHAIRPERSON MILLER: Okay.

3 MR. NORRIS: Thank you very much.

4 MS. SEWARD: What time would that
5 be?

6 CHAIRPERSON MILLER: That would be,
7 approximately, 1:00.

8 MS. SEWARD: On the 16th?

9 CHAIRPERSON MILLER: Um-hum.

10 MS. SEWARD: Okay.

11 CHAIRPERSON MILLER: So, you know,
12 by then we would have a prehearing statement
13 or whatever.

14 MR. NORRIS: Yes, ma'am.

15 CHAIRPERSON MILLER: At that time,
16 and then an ANC report if there is one,
17 hopefully if you have one, if you, you know,
18 vote on this or whatever. But that should
19 give you plenty of time to work this through.

20 MS. SEWARD: Okay. Thank you so
21 much.

22 CHAIRPERSON MILLER: Okay.

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1 MR. NORRIS: Thank you, ma'am.

2 CHAIRPERSON MILLER: You're
3 welcome. I think, Ms. Bailey, that takes care
4 of preliminary matters. Is that correct?

5 MS. BAILEY: That's correct.

6 CHAIRPERSON MILLER: So we have one
7 other case on the agenda for this morning and
8 if there are individuals here who are planning
9 to testify, would you, please, rise to take
10 the oath? And Ms. Bailey will administer the
11 oath.

12 (Whereupon, the witnesses were
13 sworn.)

14 MS. BAILEY: Thank you.
15 Application No. 17887. This is the
16 Application of the Greater Mount Calvary Holy
17 Church. It's pursuant to 11 DCMR section
18 3103.2, for a variance from the rear yard
19 requirements under section 774, to construct a
20 rear stair addition to an existing church in
21 the C-3-A District at premises 610 Rhode
22 Island Avenue, N.E.

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1 There are two matters, Madam Chair,
2 that staff would bring up, at this point.
3 First of which, the applicant did amend the
4 application. In addition to the rear year
5 relief, it is also requesting relief from the
6 off-street parking requirements.

7 And then secondly, this lot is Lot
8 11. Excuse me, it's Square 3629, Lot 11. It
9 seems as if the property was subdivided at an
10 earlier point and it is no longer Lot 5, but
11 the record should reflect that this is Lot 11.

12 With those two matters, Madam
13 Chair, I think the case is ready now to go
14 forward.

15 CHAIRPERSON MILLER: Thank you, Ms.
16 Bailey. Good morning. Would you start with
17 introductions, please? Your name and home
18 address.

19 MR. ALLEN: Ronald Allen, 2504 18th
20 Street, N.E., Washington, D.C. 20018.

21 MS. WALSH: Meghan Walsh, 133
22 Randolph Place, N.W., 20001.

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1 CHAIRPERSON MILLER: Okay. And
2 could you just clarify for us, Mr. Allen, are
3 you the applicant? Are you -- Ms. Walsh are
4 you representing the applicant?

5 MS. WALSH: I'm the architect.

6 CHAIRPERSON MILLER: You're the
7 architect.

8 MS. WALSH: Representing the
9 applicant.

10 CHAIRPERSON MILLER: Okay.

11 MR. ALLEN: I'm the applicant.

12 CHAIRPERSON MILLER: And, Mr.
13 Allen, how are you related to Greater Mount
14 Calvary Holy Church?

15 MR. ALLEN: I'm a member. I'm an
16 employee and my position is I'm a trustee as
17 well as the facility's administrator.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. Before we get into the merits, I want to
20 just flesh out the relief that is being
21 requested here a little bit. First of all,
22 it's rear yard relief, variance relief for

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1 rear yard in light of the fact that the Zoning
2 Administrator is requiring a staircase on the
3 rear of the property, correct? That's what
4 you came in with originally.

5 MS. WALSH: Yes. It was actually -
6 - I think, I believe it was the fire
7 structural review that came out to the church
8 that required that.

9 CHAIRPERSON MILLER: Okay. I think
10 the Board is good with that. It's the parking
11 now we just wanted to explore a little more.
12 That came up, I guess, that was raised by the
13 Office of Planning?

14 MS. WALSH: Yes, when the Office of
15 Planning, Ms. Roberts, came out to the site,
16 we collectively discussed that there might be
17 an issue with the parking and developed a
18 second portion to the application, which was
19 submitted, I believe it was, the 7th of
20 January.

21 And subsequently, I believe that
22 Ms. Roberts looked further into that and has

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1 added a little bit more. Am I correct, Ms.
2 Roberts? I am, okay. In terms of a further
3 reduction that we could apply for under 2108,
4 I believe.

5 CHAIRPERSON MILLER: Yeah, that's
6 in her report.

7 MS. WALSH: Yes.

8 CHAIRPERSON MILLER: We are just
9 wondering do you know the date this building
10 was built?

11 MR. ALLEN: I don't know the exact
12 date. I know the year was 1973.

13 CHAIRPERSON MILLER: Okay. So it
14 was after the regulations. And was it used as
15 a church then or some other use?

16 MR. ALLEN: Yes, it was originally
17 built as a church.

18 CHAIRPERSON MILLER: Okay. Was
19 there an issue then about the parking?

20 MR. ALLEN: There was no issue
21 about the parking, at that time. Apparently
22 no issue about the stairwell either.

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1 CHAIRPERSON MILLER: So just to get
2 the background, in 1978 did you have the same
3 amount of seats and the same amount of parking
4 requirements and the same amount of parking
5 provided?

6 MR. ALLEN: '73.

7 CHAIRPERSON MILLER: '73.

8 MR. ALLEN: Yes.

9 CHAIRPERSON MILLER: Okay.

10 MR. ALLEN: No major structure
11 changes have been -- nothing has expanded. It
12 is the same seating capacity.

13 CHAIRPERSON MILLER: Okay.

14 MS. WALSH: I can also explain that
15 this is related to the issue with the schools
16 and what happened with the Great Mount Calvary
17 Holy Church is that the District inspectors
18 came out to the school and they discovered
19 that there was an overflow of students and
20 they were holding some classes at the church,
21 which they then said there would need to be a
22 different Certificate of Occupancy for that.

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1 The church has decided that that's
2 not an avenue they would like to pursue at
3 all, so they are restricting the number of
4 students and keeping that with the school.
5 But when they came out and they went into the
6 church, they discovered this room, this
7 community room that didn't have sprinklers and
8 it had one means of egress. And so they
9 received their violation on that.

10 And so everything really has just
11 snowballed from that point.

12 CHAIRPERSON MILLER: Okay. Why
13 don't we just go to Office of Planning on this
14 issue just to understand what we are dealing
15 with with respect to relief for parking. Do
16 you want to introduce yourself for the record,
17 please?

18 MS. BROWN-ROBERTS: Maxine Brown-
19 Roberts from the Office of Planning.

20 CHAIRPERSON MILLER: So could you
21 tell us, you know, how you concluded they
22 needed parking relief? Did you just see that

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1 they were out of compliance based on the
2 number of seats?

3 MS. BROWN-ROBERTS: Yeah. Well,
4 usually, when I receive an application, I
5 usually look for -- go through to make sure
6 that the building is, you know, conforming to
7 all the area requirements. And I noticed that
8 the parking on-site did not meet what is
9 required for the church.

10 And so I spoke to the applicant
11 concerning that and, you know, I mean, I did
12 ask the question about when was it constructed
13 to see if it was prior to 1958 and she said
14 no. It was done subsequent to that. I also
15 looked to see if there were any variances
16 granted for the church. I didn't find
17 anything.

18 So I summarized that well, they would
19 need, you know, to provide it or find some way
20 of justifying how the parking for the site
21 works.

22 CHAIRPERSON MILLER: Okay. So the

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1 ZA didn't require this, but --

2 MS. BROWN-ROBERTS: No. Well, I
3 didn't see anything from the Zoning
4 Administrator, you know, specifying that. No,
5 this was just of my own assessment.

6 CHAIRPERSON MILLER: Okay. So
7 while they are here, make sure they get in
8 compliance all the way around?

9 MS. BROWN-ROBERTS: Yes. I mean, I
10 think this is something that we have done
11 before. I mean, you know, it's not the first
12 time that we have done this. So and
13 especially, you know, I think we were able to
14 justify the reduction. I didn't have any
15 problems with, you know, reducing it.

16 There haven't been any complaints
17 about the church parking, you know, in a
18 residential area and stuff like that. So I
19 think we are able to accommodate and reach a
20 point where, you know, they would come into
21 compliance with their parking and have that
22 issue off the table for later.

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1 CHAIRPERSON MILLER: Okay. Okay.
2 Any Board Members have questions on that
3 subject? You know, that being whether they
4 need parking relief at all. Okay. We were
5 wondering about if it were before 1958, it
6 could have been waived in.

7 But with respect to the relief, we
8 were looking at the regulations and, Ms.
9 Roberts, did you look at 2118.8, by any
10 chance? And I raise this because you are
11 applying a lot of different reductions to
12 their parking requirements or a few different
13 ones.

14 MS. BROWN-ROBERTS: Yes.

15 CHAIRPERSON MILLER: And did I say
16 the right one, .8? Well, it's 2118.8. It
17 says "In the case of parking reductions
18 allowed under sections 2102 through 2105,
19 2107, 2108 and 2117.9(c), no more than one
20 parking reduction shall be permitted. A
21 reduction granted under one section shall be
22 considered a reduction for all such sections."

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1 MS. BROWN-ROBERTS: No, I did not.

2 CHAIRPERSON MILLER: Okay. So when
3 we looked at your analysis and we looked at
4 the regulations, we are of the view that, a
5 tentative view before we come out here and
6 actually air it and discuss it, that 2104.1, I
7 think, allows the 25 percent reduction for
8 being near the Metro. I think that's the one.

9 And then the 50 percent can be
10 located off-site, so we didn't have a problem
11 with that, with those two. But then it was
12 the third, then it was the other 25 percent
13 reduction, because we think that the rules say
14 you can only reduce once.

15 If I'm doing the math right, the
16 number of required spaces that you all have to
17 meet is 174. And then if you apply -- reduce
18 it by 25 percent pursuant to 2104.1, that
19 brings the number down to 131. And then if
20 you are allowed to put 50 percent of that off-
21 site, I think that leaves you with a number of
22 65 spaces on-site.

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1 You have space for 22, which --

2 MS. WALSH: I'm sorry, we have 16.

3 CHAIRPERSON MILLER: 16?

4 MS. WALSH: Because 6 of those are
5 for a book store.

6 CHAIRPERSON MILLER: Okay. So 65
7 minus 16, I think. So you would need 49
8 spaces more on-site. So we are of the view
9 that you could seek a variance. You need
10 variance relief here that it's not enough to
11 reach your parking requirements by special
12 exception relief.

13 And that would be, we think most
14 logically, pursuant to 2116.3 to locate more
15 than 50 percent of your required parking off-
16 site, which you do. You locate 150 spaces,
17 which is over 100 percent of your parking off-
18 site, so you have the location for it. So I
19 wanted to get the Office of Planning's opinion
20 as well, after she has a chance to look at the
21 regulations.

22 Are you following?

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1 MS. BROWN-ROBERTS: Yes, I agree,
2 yes.

3 CHAIRPERSON MILLER: You agree with
4 that?

5 MS. BROWN-ROBERTS: Yes, I don't
6 have a problem.

7 CHAIRPERSON MILLER: Okay. So all
8 I'm saying is with the relief that we need to
9 look at for your parking, in this case, would
10 be one special exception and then a variance
11 from 2116.3, which allows 50 percent of your
12 parking to be off-site to enable you to
13 provide, I don't know exactly what the
14 percentage is now, but, more than that off-
15 site, so that -- you already do, to bring your
16 -- because you are 49 over, I guess. Yeah,
17 you are 49 over. You can't meet the 49 on-
18 site, so you want those spaces off-site and
19 you have it.

20 Okay. So just so you know what you
21 need to address in this hearing. So you have
22 already addressed on paper your variance for

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1 the rear yard. And you have addressed special
2 exception relief for the parking. The
3 variance for the parking is in here, you know,
4 but you just have to put it in a three-prong
5 analysis. Okay.

6 MS. WALSH: I guess my only
7 question is about timing and if there is
8 anything we can do about -- I know that this
9 needs to be, again, advertised.

10 CHAIRPERSON MILLER: Well, I don't
11 think so really.

12 MS. WALSH: All right.

13 CHAIRPERSON MILLER: Because, you
14 know, unless Board Members thinks so or Office
15 of Planning thinks so, you are already seeking
16 variance relief with respect to --

17 MS. WALSH: Okay.

18 CHAIRPERSON MILLER: -- this
19 property. You have already advertised that
20 you need parking relief.

21 MS. WALSH: Yes.

22 CHAIRPERSON MILLER: And you are

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1 not changing where you are placing the
2 parking. That's all the same. So it's just
3 you are addressing a different regulation to a
4 great extent. You know, you already indicated
5 that you were providing more than 50 percent
6 of the parking off-site. I mean, we knew that
7 within the regulation. So I don't think so.

8 Does anybody think this requires
9 additional? And there is no opposition to
10 this case and really the facts aren't
11 changing. It's just the analysis that it is a
12 variance as opposed to a special exception. I
13 don't see anything in the papers that would
14 indicate a different impact on the
15 neighborhood or anything like that.

16 So what would change is just today
17 when you address your case, if you can fit it
18 into that analysis a little bit. Do you think
19 you can do that today?

20 MS. WALSH: I can.

21 CHAIRPERSON MILLER: Okay.

22 MS. WALSH: I believe that for a

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1 variance I need to describe the conditions
2 that this is sort of an extreme condition and
3 I can explain that there is no more property
4 on this building lot to allow for additional
5 parking spaces. And that when I went out
6 there, I actually tried to see if there was
7 additional ways that we could accommodate even
8 another single space and I saw that the
9 planning of the parking has been done quite
10 well and there is not really any more space to
11 allow another parking space on-site.

12 There is not -- the land is -- also
13 there is a very steep drop from the lot behind
14 their's to their lot, so there is no
15 opportunity to even talk about getting more
16 land adjacent to that space to touch it. And
17 there is a property next door that has a
18 building. So I don't see that it is possible
19 to even attempt to accommodate additional
20 spaces, especially of that amount on the site.

21 However, we do have a lot across
22 the street that -- at 649 that is used for the

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1 school during the school hours and the school
2 is located at 806 Rhode Island Avenue. And so
3 the school hours are different from the church
4 hours. So that lot which has an additional 22
5 spaces is also a parking area that the church
6 could use.

7 So in addition to our lease on 150
8 spaces, there is an additional 22 spaces
9 across the street. So we have a lot more
10 spaces than is even required.

11 CHAIRPERSON MILLER: You said you
12 had 122 across the street?

13 MS. WALSH: 22.

14 CHAIRPERSON MILLER: 22?

15 MS. WALSH: Um-hum. So in total
16 there are 174 spaces available to the church
17 that are off-site.

18 CHAIRPERSON MILLER: Do you have
19 any on-site?

20 MS. WALSH: Yeah, there are 16
21 spaces.

22 CHAIRPERSON MILLER: Oh, the 16.

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1 MS. WALSH: Um-hum.

2 CHAIRPERSON MILLER: Okay.

3 MS. WALSH: Um-hum.

4 CHAIRPERSON MILLER: And you don't
5 have any lease with respect to the 22, but you
6 do have a lease with the 150? Is that right?

7 MS. WALSH: Correct. The 22 are
8 owned by the church.

9 CHAIRPERSON MILLER: I see. They
10 are owned by the church and they are used at
11 different times by the church and the school?

12 MS. WALSH: Correct.

13 CHAIRPERSON MILLER: Okay.

14 MS. WALSH: Additionally, there is
15 other parking available to church members.
16 There is an arrangement with the Safeway,
17 which is in the lot behind the church to allow
18 members to park there. There is also a
19 shuttle that goes from the Metro to the
20 church, so members that are coming by public
21 transportation can access and can get to the
22 church by the shuttle as well.

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1 So I think that the church is doing
2 everything they can to address the parking
3 already. And I see this as a case that is
4 extreme in its conditions that wouldn't allow
5 them to add more space.

6 COMMISSIONER JEFFRIES: Well, a
7 question. Is the parking lots that are not --
8 that are off-site, are they across from Rhode
9 Island Avenue or are they on the same side as
10 the church?

11 MS. WALSH: The one with 150 spaces
12 is on the same side as the church. And the
13 one with 22 spaces is directly across the
14 street.

15 COMMISSIONER JEFFRIES: Okay, thank
16 you.

17 CHAIRPERSON MILLER: Okay. My
18 colleague is just doing the math. And if I
19 understand it correct, because you can only
20 provide 16 on-site, that you would be seeking
21 to provide instead of 50 percent off-site,
22 which the regulations allow, you would be

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1 providing 88.1 percent off-site.

2 MS. WALSH: Okay. I agree.

3 CHAIRPERSON MILLER: Okay, okay,
4 okay. So you just addressed the parking
5 variance. Do you have anything further to say
6 on the rear yard variance?

7 MS. WALSH: Again, that particular
8 situation is -- it's a rear yard condition
9 that has a property boundary where the
10 property behind it is much higher than the
11 property of the church. So the addition of
12 the stair will not affect any of the neighbors
13 in any way impeding the air or the space
14 conditions at all.

15 The only thing that it will do is
16 to provide a safer situation for people using
17 the church in that community space. I think
18 it is a necessary life safety addition to the
19 project, which I don't think will hurt anybody
20 or anyone in the neighborhood.

21 CHAIRPERSON MILLER: Okay. Let's
22 just back up to why is it exceptional? Why

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1 can't it be built in accordance with the rear
2 yard requirements?

3 MS. WALSH: The way that the church
4 is built, there is also a book store on the
5 site and a parking lot behind that. And there
6 is not an area where you could actually
7 physically put a stair to access that space
8 outside of at the back of the church. And
9 there is a rear yard there, but it doesn't
10 meet the conditions of C-3-A, which is 20
11 feet.

12 And it currently has,
13 approximately, a 12 foot rear yard setback.
14 So we are building an open stair. We have a
15 canopy over it to protect from rain, but it is
16 an open stair that projects in, approximately,
17 6 feet into that setback. From the photos,
18 you might be able to see that there is already
19 an areaway there that has some heating and
20 cooling equipment.

21 And it actually sort of naturally
22 sits nicely on that retaining wall. So we are

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1 actually using that retaining wall as part of
2 the structure for the stair. There is also a
3 small stair that is existing that has access
4 to those heating and cooling pieces of --
5 heating and cooling equipment. So we have got
6 a portion of the stair that will -- that is
7 already constructed. So it seems to be the
8 most natural location for that.

9 CHAIRPERSON MILLER: The rear yard
10 is already nonconforming, so you couldn't
11 conform without demolishing part of the
12 building. Is that right?

13 MS. WALSH: Absolutely.

14 CHAIRPERSON MILLER: Okay. With
15 respect to 2104.1, which I think is the
16 special exception, I had said earlier that the
17 rules only allow the Board to apply one
18 special exception to reduce the number of
19 parking. So if we go on 2104.1, which is the
20 first one that the Office of Planning
21 mentioned in her report, can you tell us how
22 far you are from the Metro?

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1 MS. WALSH: I believe it is 440
2 feet or something like that. I calculated
3 that from a Google Earth Map off the Internet.

4 CHAIRPERSON MILLER: All right.
5 Okay. It's in the Office of Planning report.

6 Okay. Actually, Ms. Roberts addresses that
7 fully. Okay. Anything else you want to add?

8 MS. WALSH: I don't think so, no.

9 CHAIRPERSON MILLER: Okay. I think
10 you did a good job covering it. Any other
11 Board questions?

12 COMMISSIONER JEFFRIES: I have a
13 question. How many like on-street parking
14 spaces are normally available during like a
15 Sunday, during services would you estimate?

16 MS. WALSH: On-street parking? I'm
17 going to defer that to Reverend Allen.

18 MR. ALLEN: Well, the city --

19 COMMISSIONER JEFFRIES: I mean
20 roughly. You don't have to -- I mean, I just
21 probably --

22 MR. ALLEN: Yeah, the city has

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1 allowed us to park on the street with no
2 problem at all, because we are not a
3 hinderance to the neighborhood, no residential
4 -- no residences within the proximity of the
5 church. So to answer your question, it's
6 approximately about 100, 150 spaces.

7 COMMISSIONER JEFFRIES: That could
8 actually -- cars that could park on-street?

9 MR. ALLEN: Well, let me just
10 streamline that. Let me say 100.

11 COMMISSIONER JEFFRIES: Okay, okay.

12 MR. ALLEN: On both sides of Rhode
13 Island Avenue.

14 COMMISSIONER JEFFRIES: And during
15 services during the week, they can still park
16 in those places?

17 MR. ALLEN: Yes.

18 COMMISSIONER JEFFRIES: Okay.
19 Thank you.

20 CHAIRPERSON MILLER: Any other
21 questions? Okay.

22 VICE CHAIRMAN LOUD: I'm sorry,

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1 Madam Chair.

2 CHAIRPERSON MILLER: Yes.

3 VICE CHAIRMAN LOUD: Just one quick
4 question. On use of the community room, can
5 you just sort of describe if you are able to
6 use the community room currently and if not,
7 what the church is being deprived of?

8 MR. ALLEN: We have been limited to
9 50 persons or less in that room. So we have
10 had to curtail many of our events, wedding
11 receptions, repasts for funerals, things like
12 that. We had to relocate them or just keep it
13 under 50 percent so -- under 50 persons. So
14 it really has impacted us with scheduling and
15 having a lot of the events.

16 And it's not so much economics,
17 it's just being able to accommodate our
18 members with the venue to do things that we
19 have been accustomed to doing. So it has
20 impacted us quite a bit since this ruling has
21 come down.

22 VICE CHAIRMAN LOUD: Thank you,

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1 sir. Thank you, Madam Chair.

2 CHAIRPERSON MILLER: Okay. Why
3 don't we go to the Office of Planning?

4 MS. BROWN-ROBERTS: Good morning,
5 Madam Chairman and Members of the Board. I'm
6 Maxine Brown-Roberts from the Office of
7 Planning. I think what I'll do is maybe just
8 address the new variance that we spoke about
9 in order to expedite things.

10 The request is for the variance of
11 49 spaces and as the applicant said that the
12 property is unique because currently they are
13 unable to provide the -- any more parking
14 spaces on the site, you know, short of taking
15 off a part of the building. And because of
16 this, it is a practical difficulty for
17 locating the parking -- any additional parking
18 spaces on the site.

19 This variance will not cause any
20 detriment to the public good, as the applicant
21 has provided additional spaces and have
22 located spaces off-site currently. The times

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1 of operation of the church is on Sunday and is
2 usually conducive for them to share spaces
3 with their other activities.

4 And in addition to that, parking on
5 the Safeway parking lot or on the other side
6 is also conducive, because the use of the
7 parking lot, of the Safeway, is much less on a
8 Sunday.

9 Again, there is also the shuttle
10 bus that the applicant provides from the Metro
11 Station and, therefore, the Office of Planning
12 recommends approval of the special exception
13 in addition to the variance request for the
14 rear yard and special exception. Thank you,
15 Madam Chairman.

16 CHAIRPERSON MILLER: Thank you. I
17 have another question for you and it's kind of
18 a thinking out loud question. But given that
19 they can provide more than 100 percent of
20 their parking needs in this off-site parking
21 lot, do you think that they also need special
22 exception relief for reduction in parking?

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1 I mean, as of now, we are
2 considering two types of relief together.
3 Variance relief from 2116.3, which we have
4 determined they definitely need and they
5 definitely can meet providing more than 50
6 percent of the number of required parking off-
7 site. And then we have also said well, you
8 can only apply one special exception relief
9 for 25 percent reduction.

10 So, you know, I just looked at
11 2104.1, that was the first one that you
12 addressed. It really doesn't matter either
13 one. But now I'm just wondering just aloud.
14 I don't know if you have a response to that or
15 if Board Members have a response to whether
16 they would still need the special exception
17 relief if we grant a greater variance relief.

18 MS. BROWN-ROBERTS: No, I don't
19 think so. I mean, I think the variance would
20 cover all the spaces that are required.

21 CHAIRPERSON MILLER: Comments from
22 Board Members?

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1 MEMBER DETTMAN: Madam Chair, I
2 think that's a fine approach to take. The
3 only thing I can think of is that in the
4 future if this agreement with the Safeway is
5 changed, in that the agreement goes from 150
6 spaces down to something less, they wouldn't
7 have that parking reduction. That's the only
8 thing I can think of. Other than that, I
9 think that, you know, the variance covers
10 everything as the agreement is written right
11 now.

12 CHAIRPERSON MILLER: Do you want to
13 respond to that, the applicant?

14 MS. WALSH: I agree with Mr.
15 Dettman. That is probably a good idea, given
16 that we don't know what will happen in the
17 future. I'm sure that they will always be
18 able to find ways to accommodate their
19 parking, but we might as well try to get what
20 we can in terms of these exceptions, at this
21 point, so that they don't need to return if,
22 at some point, some things change.

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1 CHAIRPERSON MILLER: Okay. So it
2 gives you a little bit more flexibility and
3 you can meet that special exception. Okay.

4 VICE CHAIRMAN LOUD: I'm struggling
5 with the math on it. The way I'm doing the
6 math, the off-site is 150 parking spaces,
7 correct, under the lease?

8 MS. WALSH: Right now, yes.

9 VICE CHAIRMAN LOUD: Okay. And the
10 on-site is 16, which would give you 166. Now,
11 the requirement is 474.

12 MS. WALSH: There is also the 22
13 spaces across the street.

14 VICE CHAIRMAN LOUD: Okay. All
15 right.

16 CHAIRPERSON MILLER: But they are
17 off-site, are they not?

18 MS. WALSH: They are. They are all
19 off-site.

20 COMMISSIONER JEFFRIES: Everything
21 is off-site.

22 MS. WALSH: So it's 172 off-site

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1 spaces and 16 on-site spaces.

2 VICE CHAIRMAN LOUD: Okay.

3 MS. WALSH: So we would be applying
4 -- if we were able to apply the special
5 exception for the 50 percent off-site, plus
6 the 25 percent reduction, that would bring us
7 down to a need for an additional 49 spaces on-
8 site, which we cannot accommodate. So we are
9 applying -- instead of a special exception, we
10 would apply for a variance to allow us to
11 accommodate those 49 spaces off-site. Does
12 that make sense?

13 VICE CHAIRMAN LOUD: No, that part
14 of it makes sense. I think what I had not
15 calculated was the 22 off-site on a separate
16 lot. I was only looking at the 150, which
17 sort of begs another question, Madam Chair,
18 which is the variance that we are about to
19 deliberate on would be for the 150 on-site,
20 correct?

21 If we deliberate and approve of
22 that, this applicant doesn't need the 22 from

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1 the other lot, do they?

2 CHAIRPERSON MILLER: Oh, I think as
3 you were going through the math, I was
4 realizing they do need the 22. Do they not?

5 MS. WALSH: I don't think we need
6 the 22.

7 CHAIRPERSON MILLER: You don't?

8 MS. WALSH: Because there is --

9 CHAIRPERSON MILLER: Oh, I see, we
10 reduce it by 50 percent to begin with.

11 MS. WALSH: Right.

12 CHAIRPERSON MILLER: Right.

13 MS. WALSH: Right, right. I mean,
14 it would -- we would still within that 150
15 have accommodated 50 percent of the total
16 required spaces, which would be, I guess
17 that's, 87 and an additional 49 plus 87 is,
18 I'm having trouble doing that quickly, 140
19 something. So we are still under the 150.

20 We are including -- I included that
21 22 spaces just to be sure that people know
22 there is a lot of options, because when

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1 people, folks come to services, you know, if
2 someone is older or whatnot, they might want
3 to park closer to the church. So the one
4 across the street might be more favorable.
5 And also having that option to park at the
6 Metro parking is another thing that would be
7 attractive to somebody that couldn't walk long
8 distances.

9 VICE CHAIRMAN LOUD: So with that
10 clarification, let me just say I agree with
11 you, Madam Chair, as long as we are talking
12 about the 22 car lot as well as the 150 car
13 lot. But I think what is before us for the
14 variance is just the 150 car lot that is
15 subject to the lease, because that gets us to
16 the requirements, your meeting your
17 requirements given the size of the sanctuary
18 and so on and so forth.

19 MS. WALSH: That's correct.

20 CHAIRPERSON MILLER: I think so.
21 So this is a math thing. All right. This is
22 how I see it. The requirement is 174. You

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1 get a 25 percent reduction, which brings you
2 down to 131. You have room for 150 in this
3 other lot, which would cover all your
4 requirements. That's why I brought up the
5 question of you probably don't need -- oh, but
6 you do need the relief to get down to 131. So
7 let's leave it in.

8 VICE CHAIRMAN LOUD: Okay.

9 MS. WALSH: And also --

10 CHAIRPERSON MILLER: Without the
11 reduction, I don't think you cover it all,
12 because you are at 174 and then you have 150
13 somewhere else and then 22.

14 MS. WALSH: Yeah.

15 CHAIRPERSON MILLER: Yeah, that
16 brings it up to 22. But you don't have a
17 lease for the 22. Oh, it's your property.

18 MS. WALSH: We own the 22.

19 CHAIRPERSON MILLER: Right,
20 exactly.

21 MS. WALSH: So the one that we
22 would be still wanting to apply for the

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1 special exception is because of the 150, which
2 is a lease.

3 CHAIRPERSON MILLER: So you have
4 enough spaces for your -- to meet your
5 requirements with the variance?

6 MS. WALSH: Correct.

7 CHAIRPERSON MILLER: It gets you to
8 172. 150 plus 22 is 172, right, without any
9 reduction to begin with. And you have 22 on -
10 - you have 16 on-site.

11 MS. WALSH: Correct.

12 CHAIRPERSON MILLER: Okay. But you
13 are saying you want greater flexibility?

14 MS. WALSH: Because the 150 spaces
15 is taking the bulk of what the requirement is.
16 And since they are not owned by the church,
17 it would help so that in the future if ever
18 the-- you know, that shopping mall area were
19 to expand and take some of those spaces for
20 building construction or for whatever other
21 reason, if they had to reduce that, we would
22 always know what our limit was on that. And

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1 that we would know what to look for elsewhere.

2 CHAIRPERSON MILLER: Okay. So that
3 would mean that your requirement would be like
4 43 spaces fewer that you would have to look
5 for, if your lease has to change with respect
6 to the 150, right?

7 MS. WALSH: Yes. And that would
8 help a lot, I think.

9 CHAIRPERSON MILLER: Okay.

10 COMMISSIONER JEFFRIES: This makes
11 it clear on the map. You said 174.

12 CHAIRPERSON MILLER: And 174 is the
13 required.

14 COMMISSIONER JEFFRIES: They have
15 16 already on-site.

16 MS. WALSH: Yes.

17 COMMISSIONER JEFFRIES: Okay. So
18 that leaves you with 158. Is that how we're
19 doing this? And then we're doing the 25
20 percent.

21 CHAIRPERSON MILLER: I think the 25
22 percent goes to --

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1 COMMISSIONER JEFFRIES: You're
2 taking the 25 percent off --

3 CHAIRPERSON MILLER: Off the 174.

4 COMMISSIONER JEFFRIES: -- the 174.

5 CHAIRPERSON MILLER: What's
6 required.

7 COMMISSIONER JEFFRIES: Okay. What
8 is required. Okay. Right, right. So that's
9 131.

10 CHAIRPERSON MILLER: Right, 131 is
11 required.

12 COMMISSIONER JEFFRIES: And then
13 that's being covered really with the parking
14 lot that has 150.

15 MS. WALSH: It has 150.

16 COMMISSIONER JEFFRIES: Yeah.

17 CHAIRPERSON MILLER: Their point
18 was they don't own that lot though and if
19 something happens and they have to seek
20 another lease, that they wouldn't have to seek
21 as many spaces, because they would be off the
22 hook for 43 spaces, because that's a reduction

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1 of 25 percent.

2 COMMISSIONER JEFFRIES: I see.

3 MS. WALSH: Right.

4 CHAIRPERSON MILLER: Okay.

5 COMMISSIONER JEFFRIES: They have
6 22 anyway, so, you know, that they own.

7 MS. WALSH: Okay.

8 CHAIRPERSON MILLER: Anything else?
9 We're so good at math. All right. Any other
10 cross for Office of Planning? I think we have
11 questioned Office of Planning pretty
12 extensively anyway.

13 COMMISSIONER JEFFRIES: I do have a
14 general question. How many -- your services,
15 how many people attend, you know, various
16 services?

17 MR. ALLEN: Well, right now, we
18 pretty much just have two services a week,
19 which is Sunday morning, 8:00, and then 10:45.

20 COMMISSIONER JEFFRIES: Um-hum.

21 MR. ALLEN: And that's the reason
22 why we broke it up like that a few years ago

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1 to accommodate the parking and overlapping.
2 So to answer your question, I would say at the
3 8:00 service --

4 COMMISSIONER JEFFRIES: Well, I
5 guess the better question is what percentage
6 of the people are, you know, driving versus
7 taking the public transportation?

8 MR. ALLEN: The vast majority
9 drives. I would say 85 versus 15 percent.

10 COMMISSIONER JEFFRIES: Wow, okay.
11 And then so how many people are actually
12 coming to service?

13 MR. ALLEN: Coming to service,
14 8:00, maybe 1,000 and at the 10:45 is a little
15 larger, so that's probably 1,200.

16 COMMISSIONER JEFFRIES: Okay. So
17 there is never -- I mean, no one is crossing
18 the street other than those people who are
19 parking on-street. No one is crossing Rhode
20 Island Avenue pretty much?

21 MS. WALSH: At that time -- I live
22 over there, too, and I go back and forth

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1 through that neighborhood and on Sunday
2 mornings, really there is -- at church
3 services, there is not anything else in that
4 area that is happening at that time.

5 COMMISSIONER JEFFRIES: And during
6 the week when there are services during the
7 week, the same situation?

8 MS. WALSH: Well, the services
9 during the week are more limited. As far as I
10 understand, there is only one service in the
11 morning on Wednesdays early, 6:00. And then
12 in the evenings there is Bible study and
13 classes and whatnot, but those are a lot more
14 limited in terms of the numbers.

15 COMMISSIONER JEFFRIES: Okay.
16 Thank you.

17 CHAIRPERSON MILLER: Okay. Any
18 other questions? Okay. Well, is anybody here
19 from the ANC? Anybody here who wishes to
20 testify in support of this application?
21 Anybody here who wishes to testify in
22 opposition to this application?

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1 MS. WALSH: Ms. Miller?

2 CHAIRPERSON MILLER: Yes.

3 MS. WALSH: I don't know if it's
4 important to introduce, but Reverend Allen
5 also brought a couple of letters from
6 supporting local businesses that are
7 neighbors. And it may be too late to include
8 that, but I just wanted you to know that we do
9 have that support.

10 CHAIRPERSON MILLER: If you would
11 like to put that in the record, I don't
12 believe it would prejudice any party, so
13 that's fine. Yeah, you could put that in the
14 record. But do you want us to take a look at
15 it before we deliberate?

16 MS. WALSH: Sure.

17 CHAIRPERSON MILLER: Okay. Do you
18 have copies?

19 MS. BAILEY: Ms. Miller, I need to
20 make some copies.

21 CHAIRPERSON MILLER: All right.
22 Are they short? Do you just want to like pass

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1 them down maybe? Where are these neighbors in
2 relation to the property?

3 MR. ALLEN: One neighbor is right
4 behind one of our facilities on W Street. And
5 one neighbor is right down the street maybe a
6 block away on 5th Street, which is a stone's
7 throw from Rhode Island Avenue. And they are
8 familiar with Greater Mount Calvary.

9 CHAIRPERSON MILLER: One is a
10 business, an auto something?

11 MR. ALLEN: Yes, New Concept Auto
12 Repair.

13 CHAIRPERSON MILLER: And what's the
14 other one?

15 MR. ALLEN: It's employment --
16 Center for Employment and Empowerment
17 Training.

18 CHAIRPERSON MILLER: Okay. So you
19 basically said there aren't residences nearby?

20 MR. ALLEN: There are not
21 residences there.

22 CHAIRPERSON MILLER: Right.

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1 MR. ALLEN: They are businesses.
2 There are no -- there are very few residences
3 in close proximity to the church.

4 CHAIRPERSON MILLER: That's what I
5 thought. Okay. Okay. Any other questions?
6 All right. Any closing remarks?

7 MS. WALSH: Thank you for your
8 attention and thank you for your help with
9 this, Ms. Roberts.

10 MR. ALLEN: And I ditto that.
11 Thank you.

12 CHAIRPERSON MILLER: Okay. Then
13 that concludes the hearing on this. And I
14 think that the Board can deliberate this
15 today.

16 VICE CHAIRMAN LOUD: Thank you,
17 Madam Chair. I'll go ahead and do my best to
18 get us started and, of course, if there are
19 gaps, I encourage my colleagues to jump in and
20 help fill those gaps. I'm really going to be
21 brief with both the summary of the facts and
22 then a quick summary of what I think the

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1 relief is based on our deliberations and
2 exchange with OP as well as the applicant.

3 Let me start with the basic facts.

4 The applicant is an existing nonconforming as
5 to rear yard four-story church that was
6 constructed in 1973. It is in the C-3-A and
7 they seek to use the rear community room,
8 which currently lacks a means of egress. As a
9 result, the applicant proposes the addition of
10 a rear staircase for the community room that
11 produces -- I'm sorry, that protrudes 6 feet
12 into the nonconforming rear yard. So she is
13 going to need rear yard -- a rear yard
14 variance as far as under section 774.1.

15 In addition, the sanctuary is,
16 approximately, 1,740 seats and requires 174
17 parking spaces. There are only 16 parking
18 spaces on-site. However, the church is -- the
19 applicant's church is about 442 feet away from
20 the Rhode Island Metro Station. And under
21 section 2104, can obtain a 25 percent
22 reduction for that reason alone.

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1 In addition to which, the applicant
2 leases a 150 off-site parking spaces that are
3 within 306 -- within a 316 foot radius of the
4 church at the nearby Rhode Island shopping
5 center, which is also on the same side of the
6 street as the church.

7 As a result, the applicant requires
8 a variance from section 2116.3 to increase the
9 total off-street parking, off-site parking
10 allowance from the cap under 2116.3 of 50
11 percent to what our colleague, Mr. Dettman,
12 has estimated as an 88.1 percent variance.

13 So another way of saying all of
14 that and this is a summary of where I think we
15 are. Given that the applicant can get a 25
16 percent reduction under section 2104 for being
17 close to Metro, but she can't cobble together
18 additional reduction requests due to section
19 2118.8, and section 2116 only allows the
20 applicant to meet 50 percent of her on-site
21 requirements through the off-site parking
22 supply, the applicant remains about 49 spaces

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1 short of the on-site requirement and, thus,
2 needs variance relief from section 2116 to, as
3 I said, increase the off-site allowance to
4 88.1 percent.

5 With respect to these requirements,
6 the applicant meets the conditions for
7 variance relief for both rear yard and to
8 increase the 50 percent cap for off-site in
9 that the property shows uniqueness being a
10 trapezoidal-shape. It shows exceptional
11 situation in that it would have to be
12 demolished to accommodate the stairs for the
13 rear yard or to meet the rear yard requirement
14 because the existing property goes into the
15 rear yard.

16 In addition to the shape being
17 somewhat unique, the widest part of the lot
18 fronts Rhode Island Avenue, which would be the
19 part of the lot that could accommodate parking
20 and that's not possible in this case.

21 In terms of practical difficulties,
22 we heard testimony this morning that the

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1 community -- that use of the community room is
2 severely limited, that funeral repasts, for
3 example, cannot take place there. There is a
4 50 person cap for use of the room.

5 The rear stairs are the most
6 practical location -- I'm sorry, the rear of
7 the property is the most practical location
8 for the community room, because of the
9 narrowness of the property and other things
10 being placed on the lot.

11 There is no substantial detriment
12 to the public good. The rear stair, rear yard
13 variance doesn't deprive any adjacent property
14 owners of light or air. In fact, I think the
15 rear of the property is separated by a parking
16 lot. There are no residences anywhere around.

17 The Office of Planning supports it.

18 There is no ANC opposition. And towards the
19 close of the testimony, the applicant did
20 provide us with two letters from community
21 members that are in support of the
22 application.

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1 So I think with that I'll stop and
2 see if anyone wants to add parts that I may
3 have left out.

4 CHAIRPERSON MILLER: Okay. That
5 was great. And I think I'm going to just add
6 a little bit where I think you may have --

7 VICE CHAIRMAN LOUD: Okay.

8 CHAIRPERSON MILLER: -- left out
9 just to cross every T. But I'm not sure even
10 that you did. But under 2104.1, I think you
11 pretty much said because they are close to a
12 Metro and I just wanted to fill in the facts
13 for the record.

14 I think that it requires that you
15 be within 800 feet of a Metro. And they said
16 that they are within 442 feet. And then there
17 is also the additional requirement about being
18 in a nonresidential district and at least 800
19 feet from any R-1, R-2, R-3 or R-4 District.
20 And Office of Planning has indicated that the
21 closest R-1, R-2, R-3 and R-4 Districts were
22 over 800 feet from the church and the building

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1 is in the C-3-A District.

2 Also, I guess I just wanted to
3 clarify also that the required parking after
4 the reduction is 131. It's 174 before the
5 reduction, 131 after the 25 percent reduction
6 for on-site parking. They can provide 16
7 spaces, which means that they are providing
8 115 spaces off-site. And as you said,
9 according to Mr. Dettman's analysis, that's
10 88.1 percent and that's over the 50 percent
11 and that's why they are seeking a variance
12 from 2116.3.

13 And also, I just want to say with
14 respect to both variances, the courts have
15 recognized that it is an exceptional situation
16 when there is already a building on a
17 property. And in this case, you already have
18 a nonconforming yard. Like Mr. Loud said, the
19 building would have to be demolished to make
20 it conforming.

21 And also with respect to the
22 parking spaces, there is no room for these

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1 parking spaces without demolishing the
2 building or whatever.

3 So I think that's all that I want
4 to add. Anybody else? Okay. Then do we have
5 a motion?

6 VICE CHAIRMAN LOUD: Yes, Madam
7 Chair. I would like to move approval of
8 Application No. 17887 for special exception
9 relief under section 2104 and variance relief
10 from section 774.1, rear yard, and section
11 2116 regarding the 50 percent cap on off-site
12 parking supply.

13 CHAIRPERSON MILLER: I would second
14 that. And can we be specific and say 2116.3?

15 VICE CHAIRMAN LOUD: Yes.

16 CHAIRPERSON MILLER: Okay. And --

17 VICE CHAIRMAN LOUD: Thank you,
18 Madam Chair.

19 CHAIRPERSON MILLER: And I also
20 would say 774.1. Okay. And you said 2104.1,
21 I think. Okay. Further deliberation? And
22 this is also the application as amended.

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1 Okay.

2 Not hearing anything further, all
3 those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? And would you
7 call the vote, please?

8 MS. BAILEY: Madam Chair, the vote
9 is recorded as 4-0-1 to grant the application
10 as amended. Mr. Loud made the motion, Mrs.
11 Miller seconded. Mr. Dettman and Mr. Jeffries
12 support the motion. Mrs. Walker is not
13 present today.

14 CHAIRPERSON MILLER: Okay. And
15 that can be a summary order, as there are no
16 parties in opposition.

17 MS. WALSH: Thank you.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. So that concludes Application No. 17887.

20 Is there anything else on the agenda for this
21 morning?

22 MS. BAILEY: No, Madam Chair.

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1 CHAIRPERSON MILLER: Okay. Then
2 this hearing is adjourned and we will resume
3 for the afternoon session at 1:00.

4 (Whereupon, the Public Hearing was
5 recessed at 11:15 a.m. to reconvene at 1:16
6 p.m. this same day.)

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

2 1:16 p.m.

3 CHAIRPERSON MILLER: This hearing
4 will, please, come to order. Good afternoon,
5 ladies and gentlemen. This is the March 10,
6 2009 Public Hearing of the Board of Zoning
7 Adjustment of the District of Columbia. My
8 name is Ruthanne Miller. I'm the Chair of the
9 BZA. To my right is Marc Loud, he is our Vice
10 Chair. And next to Mr. Loud is Mr. Greg
11 Jeffries from the Zoning Commission. To my
12 left is Shane Dettman, Board Member. Our
13 other Board Member, Mary Oates Walker, is not
14 with us today.

15 To Mr. Dettman's left is Mary
16 Nagelhout from the Office of Attorney General
17 and Beverley Bailey from the Office of Zoning.

18 And also joining us today on the dias will be
19 Mr. Cliff Moy from the Office of Zoning.

20 Copies of today's hearing agenda
21 are available to you and are located to my
22 left in the wall bin near the door. Please,

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1 be aware that this proceeding is being
2 recorded by a Court Reporter and is also
3 webcast live. Accordingly, we must ask you to
4 refrain from any disruptive noises or actions
5 in the hearing room.

6 When presenting information to the
7 Board, please, turn on and speak into the
8 microphone, first, stating your name and home
9 address. When you are finished speaking,
10 please, turn your microphone off, so that your
11 microphone is no longer picking up sound or
12 background noise.

13 All persons planning to testify
14 either in favor or in opposition are to fill
15 out two witness cards. These cards are
16 located to my left on the table near the door
17 and on the witness tables. Upon coming
18 forward to speak to the Board, please, give
19 both cards to the reporter to my right.

20 The order of procedure for special
21 exceptions and variances is as follows: One,
22 statement and witnesses of the applicant.

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1 Two, Government reports, including Office of
2 Planning, Department of Public Works, DDOT,
3 etcetera. Three, report of the Advisory
4 Neighborhood Commission. Four, parties or
5 persons in support. Five, parties or persons
6 in opposition. Six, closing remarks by the
7 applicant.

8 Pursuant to Sections 3117.4 and
9 3117.5, the following time constraints will be
10 maintained: The applicant, persons and
11 parties, except an ANC, in support, including
12 witnesses, 60 minutes collectively. Persons
13 and parties, except an ANC, in opposition,
14 including witnesses, 60 minutes collectively.
15 Individuals 3 minutes.

16 These time restraints do not
17 include cross examination and/or questions
18 from the Board. Cross examination of
19 witnesses is permitted by the applicant or
20 parties. The ANC within which the property is
21 located is automatically a party in a special
22 exception or variance case.

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1 Nothing prohibits the Board from
2 placing reasonable restrictions on cross
3 examination, including time limits and
4 limitations on the scope of cross examination.

5 The record will be closed at the
6 conclusion of each case, except for any
7 material specifically requested by the Board.

8 The Board and the staff will specify at the
9 end of the hearing exactly what is expected
10 and the date when the persons must submit the
11 evidence to the Office of Zoning. After the
12 record is closed, no other information will be
13 accepted by the Board.

14 The Sunshine Act requires that the
15 Public Hearing on each case be held in the
16 open before the public. The Board may,
17 consistent with it's Rules of Procedure and
18 the Sunshine Act, enter Executive Session
19 during or after the Public Hearing on a case
20 for purposes of reviewing the record or
21 deliberating on the case.

22 The decision of the Board in these

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1 contested cases must be based exclusively on
2 the public record. To avoid any appearance to
3 the contrary, the Board requests that persons
4 present not engage the Members of the Board in
5 conversation.

6 Please, turn off all beepers and
7 cell phones, at this time, so as not to
8 disrupt the proceedings.

9 The Board will make every effort to
10 conclude the Public Hearing as near as
11 possible to 6:00 p.m. If the afternoon cases
12 are not completed at 6:00, the Board will
13 assess whether it can complete the pending
14 case or cases remaining on the agenda.

15 At this time, the Board will
16 consider any preliminary matters. Preliminary
17 matters are those that relate to whether a
18 case will or should be heard today, such as
19 requests for postponement, continuance or
20 withdrawal or whether proper and adequate
21 notice of the hearing has been given. If you
22 are not prepared to go forward with a case

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1 today or if you believe that the Board should
2 not proceed, now is the time to raise such a
3 matter.

4 Does the staff have any preliminary
5 matters?

6 MS. BAILEY: Madam Chair, Members
7 of the Board and to everyone, good afternoon.
8 Staff does not, Madam Chair.

9 CHAIRPERSON MILLER: Thank you, Ms.
10 Bailey. Then let's proceed with the agenda.
11 And would all individuals wishing to testify
12 today, please, rise to take the oath? And Ms.
13 Bailey will administer it.

14 (Whereupon, the witnesses were
15 sworn.)

16 MS. BAILEY: Thank you.

17 CHAIRPERSON MILLER: I believe we
18 have just one case on the agenda for this
19 afternoon?

20 MS. BAILEY: Yes, Madam Chair. And
21 it's the Application of the Presiding Bishop
22 of the Church of Jesus Christ of Latter-Day

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1 Saints. The Application No. is 17889 and it's
2 pursuant to 11 DCMR section 3104.1 and 3103.2,
3 for a special exception to construct a new
4 two-story church on a vacant lot under
5 subsection 1553, and a variance from the
6 parking requirements under subsection
7 1553.2(b). The property is located in the 16th
8 Street Heights Overlay District. It is also
9 Zoned R-1-B and it is located at 4901 16th
10 Street, N.W., Square 2710, Lot 15.

11 There were several exhibits that
12 came into the record and I just wanted to make
13 sure the Board has all of them. There is a
14 Traffic Impact Study that was submitted.
15 There is a letter in support, that letter came
16 from Greg Frederickson, that's Exhibit 31.
17 There is another letter from Mattie and
18 Natalie Hanson, Exhibit 32. There is the
19 Affidavit of Maintenance and if I'm not
20 mistaken, there is the Advisory Neighborhood
21 Commission 4C report. I just wanted to make
22 sure that the Board Members have all of those

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1 items.

2 CHAIRPERSON MILLER: I'm not sure I
3 have all those, Ms. Bailey.

4 MS. BAILEY: I'm sorry, Madam
5 Chair, what did you say?

6 CHAIRPERSON MILLER: I said I'm not
7 sure I have all those.

8 MS. BAILEY: Do you have the ANC
9 report, ANC-4C, that's Exhibit 28?

10 CHAIRPERSON MILLER: Yes, I have
11 that. Do we have that? Yes.

12 MS. BAILEY: Okay. Do you have the
13 applicant's Traffic Impact Study?

14 CHAIRPERSON MILLER: Yes.

15 MS. BAILEY: Okay. You have a
16 letter in support that's Exhibit 31 and that's
17 from Greg Frederickson? I can make a copy
18 available, Madam Chair.

19 CHAIRPERSON MILLER: Okay.

20 MR. MOY: Madam Chair, that was
21 delivered at the --

22 CHAIRPERSON MILLER: Yeah, I hear

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1 it was delivered. To be honest though, I
2 don't see it in my file. So I mean, I can
3 look at another Board Member's or if you want
4 to make a copy, just --

5 MS. BAILEY: I will make a copy.

6 CHAIRPERSON MILLER: At some point
7 when it is appropriate.

8 MS. BAILEY: Absolutely.

9 CHAIRPERSON MILLER: Okay.

10 MS. BAILEY: Do you have Exhibit--

11 CHAIRPERSON MILLER: Mr. Loud
12 doesn't have it either. Okay. So that would
13 just be Exhibit 31?

14 MS. BAILEY: 31.

15 CHAIRPERSON MILLER: Letter in
16 support.

17 MS. BAILEY: There is an Exhibit
18 32, it's a letter from Matthew and Natalie
19 Hanson, H-A-N-S-O-N. I can make that one
20 available as well. And then the last thing is
21 the Affidavit of Maintenance.

22 CHAIRPERSON MILLER: Thank you. I

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1 think just 31 and 32 would be useful. I see
2 here some of the Board Members have it. Okay.

3 So let me ask you, those documents were
4 submitted late, so we need to waive them into
5 the record? Is that correct?

6 MS. BAILEY: The one, the
7 applicant's Traffic Impact Study, that does
8 need to be waived in. That's to be filed 14
9 days prior to the hearing and then the ANC
10 report, yes. The ANC report came in on March
11 3rd and that is to be filed 7 days before the
12 hearing, so those two documents would require
13 the Board waiving them in.

14 CHAIRPERSON MILLER: Okay. Is the
15 ANC here also? Do you want to come forward?
16 You're a party in the case. I see Ms. Brown
17 is here representing the applicant, okay. And
18 then I think we also have a party status
19 applicant, that would be the Carter Barron
20 East Neighborhood Association. Is somebody
21 here from that? Okay.

22 Why don't we start with

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1 introductions for the record, starting with
2 the applicant?

3 MS. BROWN: Good afternoon, Madam
4 Chair and Members of the Board. I am Carolyn
5 Brown from the Law Firm of Holland and Knight
6 here on behalf of the applicant.

7 MS. MYERS: Good afternoon, Madam
8 Chair. My name is Janet Myers and I'm here
9 representing ANC-4C.

10 MS. THOMPSON: Good afternoon,
11 also. I'm Doreen Thompson, President of
12 Carter Barron East Neighborhood Association.

13 CHAIRPERSON MILLER: Okay. We
14 have, I guess, basically two preliminary
15 matters. One is the party status application
16 and then the other is whether to waive our
17 rules to accept those two documents into the
18 record, one being the traffic report of the
19 applicant and the other being the ANC report.

20 So why don't we start with party
21 status, because if you are granted party
22 status, then you can weigh in on whether or

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1 not we waive our rules to accept those two
2 documents.

3 Your name is Ms. Thompson?

4 MS. THOMPSON: Yes.

5 CHAIRPERSON MILLER: Okay. So you
6 have filed party status application on behalf
7 of the Carter Barron East Neighborhood
8 Association?

9 MS. THOMPSON: Yes.

10 CHAIRPERSON MILLER: Okay.

11 MS. THOMPSON: That's correct.

12 CHAIRPERSON MILLER: Everybody have
13 a copy of that? It's our Exhibit No. 25. Do
14 Board Members have questions on that? How
15 many members in this association?

16 MS. THOMPSON: Um, I would probably
17 have to ask the treasurer, at this point, in
18 terms of how has paid their dues sufficiently.

19 But we do consider our members the residents
20 in the area who participate in Carton Barron
21 East Neighborhood Association activities.

22 CHAIRPERSON MILLER: Do you have a

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1 general, just general, knowledge of how many
2 households? I mean, how many people at all?
3 If you don't, it's okay.

4 MS. THOMPSON: No, no, no. No, I
5 don't.

6 CHAIRPERSON MILLER: Okay. Does
7 this association exist outside of this
8 application or is was it formed in order to
9 oppose the application?

10 MS. THOMPSON: It exists outside of
11 the application.

12 CHAIRPERSON MILLER: Okay.

13 MS. THOMPSON: Um-hum.

14 CHAIRPERSON MILLER: And how was
15 the position reached to submit an opposition
16 to this application? Was there a vote on this
17 or is there a board that makes decisions?

18 MS. THOMPSON: Um, there is
19 actually -- we do have elected officers. I'm
20 one of them. We have periodic meetings. And
21 so the decision was made at one of those
22 meetings.

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1 CHAIRPERSON MILLER: So did the
2 officers make the decision?

3 MS. THOMPSON: No, the general
4 membership.

5 CHAIRPERSON MILLER: The
6 membership. They voted on this?

7 MS. THOMPSON: Yes, it has been
8 fairly unanimous decision.

9 COMMISSIONER JEFFRIES: Well, Madam
10 Chair, I have a quick question. I'm looking
11 at your statement, No. 5, the explanation of
12 how persons' interest has identified in
13 response to paragraph 4 would likely be more
14 significantly distinct, distinctively and
15 uniquely affected in character or kind by the
16 proposed zoning relief than those of other
17 persons in the general public. Can you
18 expound on your response here?

19 MS. THOMPSON: I don't happen to
20 have the response in front of me, the
21 application.

22 COMMISSIONER JEFFRIES: Okay.

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1 Well, then let me read it. "Only CBENA
2 members have the unique experience of living
3 with the impact of, approximately, 50
4 institutions located in this community and the
5 experience of living in a community bordered
6 to the east and to the west by three
7 significant traffic arteries in the northwest
8 quadron of the city. CBENA is uniquely
9 positioned to share this experience with the
10 Board."

11 MS. THOMPSON: You would like me to
12 expand on that?

13 COMMISSIONER JEFFRIES: Yes. And
14 in particular, because it seems to be broader
15 than the actual subject matter here when you
16 talk about living with the impact of,
17 approximately, 50 institutions located, you
18 know, in this community. I'm just, I mean,
19 trying to sort of narrow, you know, how your
20 group is impacted by this application.

21 MS. THOMPSON: Well, first of all,
22 we live immediately adjacent to the facility.

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1 We are not distant from the facility. Carton
2 Barron East Neighborhood Association
3 boundaries, essentially, the application would
4 be in our community in terms of our
5 boundaries.

6 As to the mention of 15
7 institutions --

8 COMMISSIONER JEFFRIES: 50.

9 MS. THOMPSON: -- 50. I'm sorry,
10 50 institutions, the movement traffic
11 accessing the applicant's facility will be
12 moving through that community in addition to
13 all those institutions that are in that
14 community. That's the reason for the
15 reference. The reference also to the major
16 arterial streets is for the same reason, that,
17 essentially, this facility will also have to--
18 while its flow of traffic will also be
19 incorporated or added to three major arteries
20 in the city.

21 COMMISSIONER JEFFRIES: So this is
22 like this application represents like the

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1 tipping point?

2 MS. THOMPSON: Yes.

3 COMMISSIONER JEFFRIES: I mean of
4 sorts. Okay. Thank you.

5 CHAIRPERSON MILLER: When your
6 association took a vote on opposing the
7 application, is there a vote number like 50 to
8 5 or, you know, like something that represents
9 the vote?

10 MS. THOMPSON: Um, I would actually
11 say it was unanimous. It's just -- I would
12 have to give a little bit of a history in that
13 this community has -- when this facility or
14 this applicant came along, this community has
15 had this history of having to deal with the
16 impacts of the institutions. And so, in
17 essence, it's sort of a tipping point.

18 There was no opposition. There is
19 this general sense that this is one of the --
20 this is a major facility. We have got to
21 address it.

22 CHAIRPERSON MILLER: Okay. I hear

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1 you and I'm just trying to make sure that the
2 process is well represented. And that being--
3 I mean, when you take a vote, are there
4 minutes? Is there a resolution? Is there
5 some kind of written authorization for the
6 organization to take up a position in a
7 proceeding like this?

8 MS. THOMPSON: Um, when this -- as
9 this process proceeded, there was a point
10 where CBENA was inactive, the Carter Barron
11 East Neighborhood Association was inactive.
12 And the process initially started with
13 residents who were immediately bordering the
14 facility, essentially, forming, let's call it,
15 a committee.

16 And at that point, so you might
17 notice over the history of this, because it
18 has been a two year history sort of, we
19 started with this sort of ad hoc group. And
20 then we decided to resurrect CBENA, because we
21 actually felt that what had happened to us
22 occurred, because our neighborhood association

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1 had not been active for a number of years. So
2 that -- so essentially, it segued into CBENA.
3 The official CBENA organization.

4 CHAIRPERSON MILLER: But are you
5 basically an unofficial ad hoc kind of just
6 group of residents?

7 MS. THOMPSON: No.

8 CHAIRPERSON MILLER: You're
9 official? How are you official?

10 MS. THOMPSON: Carter Barron East
11 Neighborhood Association?

12 CHAIRPERSON MILLER: You're not a
13 501(c)(3)?

14 MS. THOMPSON: We're a 501(c)(3).

15 CHAIRPERSON MILLER: You are?

16 MS. THOMPSON: Yes, we are.

17 CHAIRPERSON MILLER: Did you
18 represent that? I didn't --

19 MS. THOMPSON: Probably not.

20 CHAIRPERSON MILLER: Okay. So you
21 are a 501(c)(3) organization.

22 MS. THOMPSON: Yes.

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1 CHAIRPERSON MILLER: Okay.

2 MS. THOMPSON: This organization is
3 probably -- I have lived in the community for
4 close to 30 years, so it is probably a 40 or
5 50 year-old neighborhood association.

6 CHAIRPERSON MILLER: Okay. So you
7 have bylaws and things like that?

8 MS. THOMPSON: Yes, yes.

9 CHAIRPERSON MILLER: Okay. So I
10 don't want to push you too hard in this, but
11 we have to know like who we are admitting and
12 that you actually really are authorized by
13 your body to represent.

14 MS. THOMPSON: Yes.

15 CHAIRPERSON MILLER: So if you have
16 bylaws and everything, then don't you have --
17 wouldn't you have some kind of record that --
18 of the vote or something like that?

19 MS. THOMPSON: We did not do an
20 official revoting. The community has -- the
21 community sent out newsletters. People came
22 to a meeting. We were all, in fact,

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1 addressing probably three different
2 institutions that were seeking to either
3 expand or locate in the community. So this
4 applicant is not unique. So, in essence, we
5 have been fighting these battles for years.

6 CHAIRPERSON MILLER: And with
7 respect to this particular application though,
8 when you said the vote was unanimous, who was
9 voting?

10 MS. THOMPSON: The consensus was
11 unanimous. The vote of, obviously, the
12 committee that decided we needed to resurrect
13 the organization, yeah, I'm not sure we have
14 that.

15 CHAIRPERSON MILLER: That's not the
16 one I'm interested in. Just for this
17 application, you are representing that CBENA
18 is taking the position to oppose this
19 application.

20 MS. THOMPSON: Yes.

21 CHAIRPERSON MILLER: And I'm just
22 trying to pin down how CBENA took that

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1 position. By a vote of the officers, by a
2 vote of the membership?

3 MS. THOMPSON: It's actually as I
4 said. It was -- to the extent that persons
5 attended meetings and were in support of it,
6 that's how it was done. It wasn't sort of
7 like everyone in favor say aye.

8 CHAIRPERSON MILLER: Okay. So it
9 was kind of informal consensus?

10 MS. THOMPSON: Yes.

11 CHAIRPERSON MILLER: As a group.
12 Okay. Other questions?

13 COMMISSIONER JEFFRIES: I'm still
14 trying to get an understanding of just the
15 members of -- are we calling it CBENA? Is
16 that --

17 MS. THOMPSON: Yes.

18 COMMISSIONER JEFFRIES: -- the
19 proper way to say it? Okay.

20 MS. THOMPSON: Yes, sir.

21 COMMISSIONER JEFFRIES: In terms of
22 those members that are adjacent to or border

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1 around the site in question, I mean, is it all
2 of the neighbors or some? I mean, I'm just
3 graphically trying to understand, you know,
4 exactly of the members of CBENA, how many are
5 actually bordering this particular site where
6 they will be, you know, so impacted?

7 MS. THOMPSON: Some members are
8 active, some members pay dues, but,
9 essentially, don't necessarily stay active
10 with the organization. Is the question is it
11 how or what percentage of the people around
12 the border?

13 COMMISSIONER JEFFRIES: Yes, if
14 there -- for example, let's say there is 20
15 houses that surround the site. I would like
16 to know of the 20 houses how many of them
17 represent membership in CBENA?

18 MS. THOMPSON: Meaning they have
19 paid their dues or are in support of the --
20 because I actually think you may want to ask
21 the ANC.

22 COMMISSIONER JEFFRIES: Okay.

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1 MS. THOMPSON: Because they
2 actually did the survey specifically as to the
3 neighbors. We have done petitions. We have
4 got 500 signatures or more, so, I mean, it's
5 not -- I don't know if you want to --

6 MS. MYERS: I might be able to help
7 there. The Office of Planning provided me a
8 list of all the residents that would be within
9 200 feet that would be impacted by this
10 development of the church. And I sent out a
11 letter to all of those residents explaining to
12 them what the application -- the nature of the
13 application and would they -- are they in
14 favor of the development or are they opposed.

15 Every response that I received
16 back, I sent out 50 letters to all the
17 residents, I received 20 -- 30 resident
18 responses. And out of the 30, they all
19 unanimously voted against this development.

20 COMMISSIONER JEFFRIES: Well, what
21 I want to know is of that 30, how many of
22 those people were members of this civic

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1 association?

2 MS. THOMPSON: That --

3 COMMISSIONER JEFFRIES: Because
4 see, I know who you are representing.

5 MS. THOMPSON: Right, right.

6 COMMISSIONER JEFFRIES: I'm just
7 trying to make certain that there is not
8 overlap or duplication here. So that's what
9 I'm trying to get to in terms of -- not civic
10 association. The neighborhood association,
11 that's what I'm trying to get to.

12 MS. THOMPSON: Right, right. And I
13 don't have -- well, I would -- if the standard
14 is that there is no -- should be no overlap,
15 that would be pretty difficult, because,
16 obviously, we also live next to the facility.
17 So I'm not sure. Is the concept somehow that
18 only the ANC can represent us?

19 COMMISSIONER JEFFRIES: No, no, of
20 course not. But I guess what I'm trying to
21 understand here is I'm just trying to get a
22 sense of, you know, whether the Carter Barron

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1 East Neighborhood Association -- you know,
2 just how uniquely, you know, impacted your
3 members are versus, you know, those members --
4 the general public. I'm really trying to get
5 to Question No. 5, that's what I'm trying to
6 get to.

7 MS. THOMPSON: I'm not sure who the
8 general public is. Everyone in the city?

9 CHAIRPERSON MILLER: I think --

10 MS. THOMPSON: We're next -- we
11 reside and are impacted by this facility. We
12 are in close proximity to this facility. And
13 that Question 5 that you are exploring, I'm
14 not sure what else I can add to that. I mean,
15 it's the general public. I saw that language.
16 I don't know what that means essentially.

17 I thought it meant that you -- the
18 person seeking party status had to indicate
19 that they, in fact, had some nexus to this
20 issue. And so I -- that's what I'm thinking
21 about.

22 COMMISSIONER JEFFRIES: And I guess

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1 I'm just trying to see if you could sort of
2 pinpoint the membership that is so impacted.
3 But for you, what you are saying to me is that
4 you feel the entire membership is so uniquely
5 impacted, that's what I hear you saying.

6 MS. THOMPSON: Well, the far ends
7 of the community in terms of its border,
8 somebody would not necessarily be impacted.
9 But, for example, with us here today are
10 people from CBENA.

11 COMMISSIONER JEFFRIES: Um-hum.

12 MS. THOMPSON: Who are in close
13 proximity to the facility. People on the 1500
14 Block of Emerson, on the 1400 Block of
15 Emerson, on Piney Branch Road, in that general
16 closer proximity. You know, my history with
17 civic associations is that whenever an issue
18 comes up, even if it is -- you know, it's
19 always going to be one group that is closest
20 to it that is going to be most -- more active.

21 CHAIRPERSON MILLER: I think the
22 concern is and our experience is that that's

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1 true what you are saying, but there is often
2 the case that as here it sounds like we don't
3 know how many members you have or, you know,
4 who they are. Are they the 30 that responded
5 against? Because, you know, often we hear
6 that oh, that group doesn't represent me, even
7 though they call themselves Carter Barron or
8 whatever.

9 I live in Carter Barron and they
10 don't represent me. It's hard -- I understand
11 that those who live within 200 feet are more
12 impacted than others in the general public.
13 And that's fine. But I guess I'm having
14 trouble figuring out who you represent,
15 because there is no list of names and
16 addresses. It's just oh, anybody who lives
17 within 200 feet is in this organization.

18 That's what it sounds like and I
19 don't know that that's true.

20 VICE CHAIRMAN LOUD: Madam Chair?

21 CHAIRPERSON MILLER: Everybody
22 doesn't belong to your membership just because

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1 they live within 200 feet of the project.

2 COMMISSIONER JEFFRIES: And they
3 are not equally impacted by the project.

4 MS. THOMPSON: Well, I think --

5 COMMISSIONER JEFFRIES: I would
6 imagine as well. It depends. There are
7 different variations on that.

8 MS. THOMPSON: Well, I'm not sure
9 that 200 feet is something that the ANC is
10 focused on. Essentially, what I'm saying is
11 Carter Barron East Neighborhood Association
12 represents that community. To the extent if
13 the concern is well, I'm a little puzzled
14 because who else could, in fact, bring you the
15 unique perspective of being impacted by that
16 proposed facility?

17 VICE CHAIRMAN LOUD: Madam Chair, I
18 would like to weigh in before we answer that
19 question. It seems to me that the party
20 status applicant has started out where we
21 might end up anyway. And where in other cases
22 we have actually encouraged party status

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1 applicants to work together. And let me back
2 my way into an explanation of that.

3 The president lives on Emerson
4 Street. I think there are about four or five
5 houses on Emerson Street, which are directly
6 impacted by the proposed project. And she --
7 the pleadings reflect that she lives at 1510
8 Emerson Street. She has testified that a
9 number of the other most directly impacted,
10 and I think we can all agree if we look at the
11 plans, that the most directly impacted are on
12 Emerson Street, maybe Piney Branch, Farragut,
13 I think, to the north and possibly 16th Street.

14 So in effect, to me, what they are
15 doing even though the members of her
16 organization that are further north near
17 Kennedy would not be impacted. I think they
18 could pull together a very strong case for
19 party status just with the number of
20 individuals who are on Emerson, who are on
21 Piney Branch, who are on Farragut and they
22 could approach us with these individual

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1 applications for party status, which none of
2 us ever like to see.

3 In a sense, what they have done is
4 combine these requests through the framework
5 of this CBENA organization, rationalizing it
6 on the grounds that the bulk of the interest
7 that they represent are from their members who
8 are right there really on that square. So we
9 can undo this and unravel the CBENA, but then
10 we would have about six or seven individual
11 party status applicants instead of one
12 combined effort.

13 And sort of my way of thinking, it
14 just makes sense to move on from this issue,
15 unless we really --

16 CHAIRPERSON MILLER: Well, okay. I
17 just wanted to say, you know, if we decide to
18 admit this organization, what we have often
19 done in the past and which I would suggest
20 doing in the future, is for you to supplement
21 your filing with the names and addresses of
22 those who are in support of what you are

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1 representing and then we would know that you
2 represent actually all these households and
3 they have authorized you to advocate on their
4 behalf.

5 It's just that it seems so vague to
6 me that I'm having, you know --

7 COMMISSIONER JEFFRIES: Yeah,
8 that's really the problem. I think what my
9 colleague has put forward is fine. It just
10 doesn't seem like the record is full enough to
11 know whether, in fact, this group does, you
12 know -- should be granted party status. I'm
13 very much in favor of any group that has been
14 impacted, as long as they, you know, present
15 all the information to us and so we are very
16 clear.

17 I mean, so often and particularly
18 in the Zoning Commission, I mean, we might
19 want to sort of revisit this, but, you know,
20 for these party status cases, it's really
21 important to see exactly where people live, so
22 you have a sense of just really how they are

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1 impacted. Because someone can come along and
2 say I live five or six blocks away and I'm
3 impacted.

4 Well, they are impacted, but
5 probably not as much as the person who is
6 living right adjacent to the square. So I'm
7 just trying to get a sense of just what in
8 this neighborhood association is -- and that
9 information --

10 MS. MYERS: Yeah, I --

11 COMMISSIONER JEFFRIES: -- in terms
12 of what my colleague said here is probably
13 there, I just didn't see it.

14 MS. MYERS: If I may, I think-- and
15 I attended some of the CBENA meetings and I
16 think although the president submitted the
17 report on behalf of the group, the intent was
18 the individual residents that were directly
19 impacted around this church are here today to
20 testify. And so that's why they didn't submit
21 individual applications, because, indeed, they
22 were coming in today to speak on their behalf.

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1 And they are here.

2 CHAIRPERSON MILLER: Okay. I have
3 a question.

4 MS. THOMPSON: Could I add one
5 thing, also?

6 CHAIRPERSON MILLER: Yes.

7 MS. THOMPSON: I don't know how
8 this impacts your deliberation. Um, in fact,
9 even the applicant refers to -- that we have a
10 petition that included over 500 names in the
11 CBENA community that were opposed to this
12 application. So --

13 CHAIRPERSON MILLER: Is that in our
14 record also?

15 MS. THOMPSON: I'm not -- well,
16 let's put it like this, we certainly didn't
17 submit it.

18 CHAIRPERSON MILLER: Okay.

19 MS. THOMPSON: So we could always
20 do that as well.

21 CHAIRPERSON MILLER: Okay.

22 MS. BROWN: Madam Chair?

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1 CHAIRPERSON MILLER: Yes, I know we
2 haven't heard from the applicant. Yes?

3 MS. BROWN: Thank you. I think I
4 can maybe help shorten this process. We don't
5 want to have this drag out any longer than it
6 needs to. We don't object to party status.
7 We don't think they have met the standard. We
8 don't think that they have -- we don't even
9 know when the vote occurred. I think it is
10 probably just the consensus of this ad hoc
11 group, but I would say let's go ahead and let
12 them in as a party and not worry about having
13 to clean it up later, because we really need
14 to -- we really would like to move forward.

15 CHAIRPERSON MILLER: Okay. I think
16 we are almost finished. But I want to
17 understand how we are going to move forward,
18 also, because I heard you say that there are a
19 lot of individuals here that CBENA is
20 representing that live within 200 feet.

21 Are they going to be part of your
22 case or are they going to be testifying as

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1 individuals?

2 MS. THOMPSON: The expectation
3 initially was that they would be testifying as
4 individuals. So if we need to condense, we
5 can also do that.

6 CHAIRPERSON MILLER: Ms. Thompson,
7 let me ask you this question.

8 MS. THOMPSON: Yes.

9 CHAIRPERSON MILLER: Okay. If
10 these individuals are -- were to testify
11 individually, you know, we give them 3 minutes
12 as part of the public, what -- who is going to
13 be in your case? What do you intend to do as
14 a party? Because your application is for
15 party status and that means, what we are
16 trying to decide is, you have -- you know, you
17 can put on witnesses, cross examine. Do you
18 have witnesses to put on or how do you want to
19 -- how are you seeking to participate as a
20 party?

21 MS. THOMPSON: Well, one of --
22 certainly my concern was the ability to at

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1 least ask questions. We have an application
2 that seems to change over the time that we
3 have been looking at this facility. And so I
4 -- the ability in the process to ask questions
5 is what of major concern to us.

6 Also, an interest in sort of filing
7 some kind of -- the applicant filed a
8 preliminary hearing document, but the ability
9 to file at least some document to that effect.

10 CHAIRPERSON MILLER: Okay. Having
11 heard -- yes?

12 MS. THOMPSON: I was, sorry,
13 thinking that if it facilitates it, the
14 residents can be my witnesses, can be the
15 witnesses.

16 CHAIRPERSON MILLER: Well, it
17 sounds like, unless they don't want to be,
18 because they would have to authorize you to
19 represent them. If they authorize you to
20 represent them and you are saying that they
21 are part of your membership, then that makes
22 the most sense to us. That would be what Mr.

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1 Loud said, you know, kind of an efficient way
2 of presenting the case for everybody who lives
3 -- not everybody sorry, for those individuals
4 that live, you know, within 200 feet that are
5 impacted.

6 So do you want to make sure that
7 they want you to represent them?

8 MS. THOMPSON: Yeah, they -- yes.

9 CHAIRPERSON MILLER: Okay. It
10 looked that way. Okay. I got that. Okay.
11 So I think that what this Board -- what, Mr.
12 Jeffries?

13 COMMISSIONER JEFFRIES: And they
14 will still -- will they be able to testify,
15 the individual members?

16 CHAIRPERSON MILLER: Yes, but they
17 would be testifying as part of her case,
18 instead of later as public witnesses. They
19 would be --

20 COMMISSIONER JEFFRIES: So they
21 would not come up as public witnesses?

22 CHAIRPERSON MILLER: -- witnesses

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1 who are in opposition. Right. They would be
2 -- we are going to set the clock in this case
3 and I read it in the rules before. It's a
4 good amount of time. It's, you know, 60
5 minutes for the applicant and 60 minutes for
6 the opposition. So those witnesses would be a
7 part of your 60 minutes.

8 And then if there are other public
9 witnesses out there that aren't a part of any
10 party, they will have their 3 minutes.

11 COMMISSIONER JEFFRIES: Well, as
12 long as they understand that they are ceding
13 to the Carter Barron East Neighborhood
14 Association and they are not going to come
15 back as individuals to do a 3 minute or
16 whatever statement. Okay.

17 CHAIRPERSON MILLER: And I would
18 request though that the record be supplemented
19 later in writing as to who has authorized you
20 to represent them as part of this
21 organization. I think that's important for
22 the record not just to have a vague idea of an

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1 association and who they are representing.

2 Okay. So --

3 COMMISSIONER JEFFRIES: And just--

4 MS. BROWN: Excuse me, Madam Chair.

5 I'm sorry, Mr. Jeffries. I had one point of
6 clarification. Would then just Ms. Thompson
7 be asking the questions during cross
8 examination and the other witnesses would not
9 be permitted to ask questions?

10 COMMISSIONER JEFFRIES: Yes.

11 CHAIRPERSON MILLER: No, we don't
12 have witnesses asking questions.

13 MS. BROWN: I just wanted to make
14 sure that was on the record.

15 CHAIRPERSON MILLER: Ms. Thompson,
16 did you have somebody else that you intend --
17 that you wanted to ask questions, other than
18 you?

19 MS. THOMPSON: Um --

20 CHAIRPERSON MILLER: You are
21 representing the association. Okay.

22 COMMISSIONER JEFFRIES: Okay.

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1 CHAIRPERSON MILLER: Okay.

2 COMMISSIONER JEFFRIES: I just
3 wanted to say, Madam Chair, I'm appreciative
4 that the applicant is fine with going forward,
5 but I just want to make certain that, you
6 know, everybody understands that this whole
7 business of party status, you know, it just
8 has impacts on other cases that we look at.
9 And so we just want to try to be as strict as
10 possible in terms of how we look at this.

11 And so it's not just about this
12 case. It's about, you know, how precedent
13 setting it could be in terms of being, you
14 know, too expansive with the whole notion of
15 party status.

16 CHAIRPERSON MILLER: Okay. So we
17 have admitted CBENA as a party. The next
18 thing, I said we had two filings to waive into
19 the record that didn't meet our time
20 requirements. One is the applicant's traffic
21 study and the other is the ANC report.

22 Are there any objections by any of

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1 the parties to our admitting either of those
2 documents?

3 MS. BROWN: No objection, Madam
4 Chair.

5 CHAIRPERSON MILLER: Okay.

6 MS. THOMPSON: No objection.

7 CHAIRPERSON MILLER: All right.
8 Then I'm -- is it the consensus of the Board
9 we will waive our rules and admit those
10 documents? It is. Okay. That's the
11 preliminary matters.

12 Any questions before we go forward
13 with the case about procedure? As I said
14 before, just to refresh your recollection
15 though, the applicant will go first and put on
16 any witnesses, present their case. You two
17 will have an opportunity to cross examine.
18 The Board will also have opportunity to do
19 questions. Then we will go to Office of
20 Planning and DDOT. And then we will go to
21 ANC. And then we will go to anybody in
22 support and then in opposition. And I'll say

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1 it each time we're going to each thing.

2 Okay. So now it is the applicant's
3 time. Okay.

4 MS. BROWN: If you are ready for
5 me, Madam Chair, I will start.

6 CHAIRPERSON MILLER: Yes, we are
7 ready.

8 MS. BROWN: Thank you. Good
9 afternoon again, Members of the Board, Carolyn
10 Brown with Holland and Knight on behalf of the
11 applicant, Corporation for the Presiding
12 Bishop of the Church of Jesus Christ of
13 Latter-Day Saints also known as the LDS
14 Church.

15 With me today are four witnesses:
16 Jeff Holmstead to my immediate right on behalf
17 of the LDS Church and one of the local church
18 leaders; Brad Pierce at the far end of the
19 table of Stanmyre-Noel Architects; Amy Morris
20 is to his left, she is our traffic consultant
21 with T-3 Design; and sitting in the front row
22 is Lindsley Williams our land use planner.

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1 We are very pleased to have the
2 opportunity to present our case to you today
3 and we hope gain your approval to allow the
4 LDS Church to finally build its chapel on its
5 site.

6 This chapel is extremely important
7 to the well-being of the mission and to
8 congregations that will worship here. It will
9 alleviate the overcrowded conditions on the
10 Holmead Street chapel and it will allow the
11 members to practice their faith as their
12 religion dictates.

13 As you know, as a special
14 exception, the church use is pre-deemed
15 compatible with the surrounding residential
16 properties in the neighborhood and in the
17 existing R-1-B Zone. In fact, the
18 Comprehensive Plan recognizes the significant
19 role that houses of worship play in
20 communities and the need to sustain them as
21 anchors of our community.

22 If the criteria of section 1553 are

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1 met of the 16th Street Heights Overlay, the
2 application ordinarily must be approved.

3 Our witnesses today will show and
4 clearly establish that we meet those criteria,
5 namely that the proposed church can be
6 established and operated without adversely
7 affecting the use and enjoyment of neighboring
8 and nearby properties due to traffic, noise,
9 design or other objectionable conditions.

10 The witnesses will also demonstrate
11 that we meet the test for variance relief to
12 allow a driveway to cross public space for
13 access to the parking spaces. The property is
14 uniquely shaped by virtue of its
15 configuration, its layout and its topography
16 and those conditions create practical
17 difficulties for strict compliance with the
18 regulations.

19 Despite the lack of adverse effects
20 and the recognized compatibility of the church
21 with neighborhoods, we nevertheless recognize
22 that there is substantial opposition to this

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1 project. We understand that construction is
2 disruptive and that many in the community
3 simply don't want this church, but that's not
4 the legal test before the Board.

5 Instead, the Board has to look at
6 the hard evidence and the empirical data that
7 has been submitted to the record and which
8 will be discussed in detail by our witnesses
9 to determine whether there really are any
10 adverse effects.

11 And what you will hear is that the
12 chapel is similar in size and shape to other
13 churches in the community and compatibly
14 designed, that the number of parking spaces
15 exceeds the zoning requirements and National
16 Traffic Engineering Standards and will satisfy
17 all demand at the site, that all intersections
18 will continue to operate at acceptable levels
19 of service and that there are no adverse
20 environmental impacts as determined by DCRA.

21 In short, the proposed chapel will
22 not create any adverse effects.

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1 We have reviewed OP's exhaustive
2 report and agree with its analysis and
3 conclusions under the special exception and
4 variance test. We have also read DDOT's
5 report and believe our supplemental report
6 responds to all of the issues they raised.

7 DDOT previously determined during
8 the EISF process that the church would not
9 create any adverse impacts and the updated
10 report only reinforces that conclusion.

11 With that introduction, Madam
12 Chair, we are ready to proceed with our case
13 in chief and our witnesses, three of whom we
14 would like to qualify as experts in their
15 respective fields. I don't know if you would
16 like to do them together or if you would like
17 to do them individually as they testify.

18 CHAIRPERSON MILLER: Why don't we
19 do them together and get it out of the way?

20 MS. BROWN: Good. Our first is Mr.
21 Lindsley Williams who has been qualified
22 numerous times by this Board in land use and

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1 zoning and I request that you accept him again
2 as such. The second is Mr. Pierce. We would
3 like him qualified as an expert in
4 architecture and design. And his resume is
5 included under Tab D of our prehearing
6 statement. And third, we would ask you to
7 accept Ms. Amy Morris as an expert in
8 transportation planning. Her resume is also
9 included under Tab D.

10 CHAIRPERSON MILLER: Okay. Do
11 Board Members have any concerns? Any
12 objections by parties, concerns? Okay. We
13 have the resumes. Mr. Williams has been
14 admitted many times, so there is no question
15 about that. And then the other two, we have
16 the resumes. They both appear very qualified
17 to be qualified as experts. So not hearing
18 any concern from Board Members, consider them
19 qualified.

20 MS. BROWN: Thank you.

21 CHAIRPERSON MILLER: And you can
22 proceed.

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1 MS. BROWN: Thank you. With that,
2 I would like to now turn to our first witness,
3 Mr. Jeff Holmstead. Jeff?

4 MR. HOLMSTEAD: Thank you. Thank
5 you very much. It's a pleasure to be here and
6 thank you for your time. I'm a little hurt
7 that I don't qualify as an expert, but I'll do
8 my best to overcome that disadvantage.

9 CHAIRPERSON MILLER: You didn't
10 ask.

11 MS. BROWN: If I could interrupt
12 very quickly, Mr. Holmstead, if you could list
13 your address for the record?

14 MR. HOLMSTEAD: Yes.

15 MS. BROWN: Thank you.

16 MR. HOLMSTEAD: My name is Jeff
17 Holmstead. I currently reside at 232 Kent
18 Oaks Way in Gaithersburg, Maryland. And I'm
19 here in my capacity as a lay minister in the
20 church. Some of you are familiar perhaps with
21 we were also called the Mormon Church or the
22 LDS Church and there is no paid ministry. And

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1 so you are kind of asked to take an assignment
2 for a certain period of time.

3 This isn't my profession. I
4 actually work on environmental policy issues
5 for a firm downtown, but I'm currently serving
6 as one of three people who are in charge of
7 all of the congregations of the Mormon Church
8 in this area, which includes most of
9 Washington, D.C. and parts of southern
10 Montgomery County. So I'm here in my capacity
11 as a lay minister in the church.

12 And I'm not here to sermonize, but
13 I want to tell you just a couple of things
14 about the church that I think will help you to
15 understand how this chapel will be used.

16 And this has been, I think, an
17 issue that we have had with some of the people
18 who oppose the church. And we recognize that
19 maybe we haven't done as good a job as we
20 should have at explaining all of this ahead of
21 time. And we see many people here that we
22 have talked to a number of times over the last

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1 year anyway, but I think many people are
2 concerned based on their experience with other
3 buildings and other congregations and don't
4 fully understand the way this building will be
5 used.

6 Our church is pretty regimented.
7 Each congregation doesn't decide how it is
8 going to be operated, how it is going to be
9 run. There is not a pastor who is there, you
10 know, who seeks to increase the size of his
11 church. There is a lay minister who serves
12 for as many as 3 to 5 years and then he goes
13 back and becomes a Sunday school teacher and
14 someone else becomes the lay minister of the
15 church.

16 And so the way the church and the
17 building run are really established
18 internationally by the church as a whole. And
19 so I can tell you with a great deal of
20 confidence how that will work, because that's
21 the way that it works in all of the 12
22 congregations that I'm in charge of, as well

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1 as hundreds of congregations throughout the
2 country and throughout the world.

3 So just a couple of other things
4 that are important for that. We -- our church
5 is geographically based. And we actually call
6 each of our congregations is a ward, just like
7 a ward in the -- and we draw these boundaries
8 and the people who attend this building are
9 people who live in the boundaries.

10 So people don't have the option in
11 our church of saying we really like the
12 minister downtown, we're going to go there.
13 The people attend where they live as defined
14 by these geographic boundaries.

15 And there are some exceptions. For
16 instance, with one of these congregations,
17 they need some help with a youth program or
18 they need some -- and so we will assign
19 someone from Maryland to come in temporarily
20 to help out, but that's not an option that
21 people just have. So it is geographically
22 based.

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1 The second thing is that because it
2 is a lay church, an important part of our
3 religious experience is that every adult
4 member of the congregation, men and women, has
5 an assignment in the church. And those
6 assignments kind of get rotated, but you are a
7 Sunday school teacher and you may be teaching,
8 you know, the 12 year-olds or you may be in
9 the nursery with the 3 year-olds or you may be
10 teaching, you know, a class on genealogy or --
11 but every adult member is supposed to have, we
12 call it, a calling, but an assignment that
13 they can -- and that's a very important part
14 of our religious experience.

15 And what that means as a practical
16 matter is whenever a congregation gets very
17 big, there are not enough assignments for each
18 of the adult members and so it gets
19 subdivided. So when a congregation reaches a
20 certain size, and it's not just a threshold,
21 because you have to kind of look at the number
22 of youth and the number of kids and the number

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1 of men and women, but when there is enough
2 people to staff two congregations, that
3 congregation gets subdivided.

4 So this cannot ever become a mega-
5 church that attracts many, many people. It --
6 just by church doctrine, it is not going to
7 become significantly bigger than it is today.

8 We do hope for some growth and we have good
9 statistics on the congregations that would be
10 meeting in this building. We hope to continue
11 to grow and increase, but if they get very
12 much bigger, then we divide them and we either
13 find a new site or we meet at different times.

14 I think that's just important to
15 understand, which is a little different from
16 the kind of churches that other people are
17 used to. So it cannot become a big mega-
18 church. It's just not designed to do that.
19 It is not allowed in our church. So that's
20 Point No. 1.

21 The second point is the way we use
22 the building is very tightly restricted based

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1 on the international policies of the church.
2 So we -- even if the members of this
3 congregation wanted to have a school or a day
4 care, it is not allowed. This building will
5 never be used as a day care center. It will
6 never be used as a school.

7 We can tell you exactly how the
8 building will be used, because that's the way
9 all the other buildings in the area are used.

10 And here is what will happen. There will be
11 two congregations that will use this building,
12 this chapel. One is called the Mount Pleasant
13 Branch, which is a Spanish-speaking branch.
14 It is relatively small. Its current
15 attendance at the meetings is only about 60 to
16 65 people. And that's why it's called the
17 branch, because it's relatively small.

18 Then there is another congregation
19 called The Ward, which is bigger, that
20 currently has attendance of about 160,
21 although that can vary a little bit up and
22 down. And so what will happen is on Sunday is

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1 when -- is really the only time that the
2 building is used very much.

3 And on Sunday morning at 9:00 one
4 congregation will come in and they will start
5 with our sacrament, the main service, and
6 everybody will be in the sanctuary. And after
7 an hour, they will divide up into various
8 classes. And there is classrooms around the
9 building and I think some of our experts will
10 talk a little bit more about that.

11 But that one congregation will be
12 there from 9:00 to 12:00 and then at 1:00 the
13 other congregation will come in. And they
14 will meet there for a series of three meetings
15 that will go from 1:00 to 4:00. And that's
16 how all of our buildings are basically used
17 throughout the area is that they house these
18 two congregations, they share the building.

19 And so Sunday is the day when it
20 gets used the most often. During the rest of
21 the week, there is very little usage of the
22 building. There is none during the day.

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1 There is no activities that go on. You know,
2 it's possible that because of someone's lay
3 calling they could stop off and get something
4 out of the closet or drop something they need
5 for a lesson, but there is no activities
6 during the day.

7 There are activities in the
8 evenings, so there -- you will hear that one
9 of our wards actually does meet on Thursday
10 nights and they kind of have an activity night
11 where people tutor some of the kids and the
12 kids get tutoring and other people kind of get
13 practical instruction, but it's a subset of
14 the congregation that meets on those nights.

15 And so it will be like a youth
16 group or there may be like a Cub Scout meeting
17 or something, but those meetings typically go
18 from 7:00 to 9:00 or 7:30 to 9:00. So again,
19 we know exactly how the building will be used.

20 Let me just make sure I'm covering
21 everything I wanted to cover here. So that it
22 cannot become a mega-church. The usage is

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1 really, you know, relatively heavy on Sundays,
2 but we know kind of what that is going to be
3 and then it's not used on Monday night,
4 because we call that family night. People are
5 supposed to dedicate that evening at home, so
6 no activities on Monday nights.

7 Tuesday, Wednesday, Thursday, there
8 may be a youth group or a scouting, but those
9 are in the evening. And we have tried really
10 hard to make sure that the building is no
11 bigger than we need and that we have plenty of
12 parking and we understand, I think, the
13 legitimate community concerns, based on their
14 experience with other churches.

15 But one of the things that we have
16 done, and you'll hear I think more from our
17 experts, a considerable expense is actually
18 planned for our underground parking. So I
19 believe that we will have 72 or 73 off-street
20 sites, which is much, much more than we would
21 have today. We actually were sitting down
22 last night with the members and going over the

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1 membership roster.

2 And in the smaller branch, there
3 are only 5 cars that are owned by members of
4 that branch. And one of the reasons this site
5 was appealing is because it's on 16th Street.
6 There is a bus stop right out in front of the
7 chapel. People carpool and people walk. But
8 in the smaller congregation, there is only 5
9 cars that are even owned.

10 In the larger congregation, we
11 don't have an exact count, but we estimate
12 that there is maybe ownership somewhere
13 between 40 and 50 cars. And not all of those
14 drive. Many of those people either walk or
15 take public transportation, although, you
16 know, within this building there may be more
17 that drive, but there are 73 off-street
18 parking spaces.

19 And every way we look at this, we
20 will -- even with some significant growth, we
21 just don't think that parking will be an issue
22 here.

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1 If it would be helpful, I don't
2 know if you can hear me without the mike --

3 CHAIRPERSON MILLER: We have to
4 have you on mike for the Court Reporter.

5 MR. HOLMSTEAD: Oh.

6 CHAIRPERSON MILLER: But we have a
7 portable mike.

8 MR. HOLMSTEAD: Well, let me --
9 I'll just point at the schematic. Just so you
10 can see if that works, and I don't want to use
11 up all of our hour here, because we have
12 people who you need to hear from who are the
13 real experts. But when you see the schematic
14 of the building, you will see that there are--
15 it is built around the sanctuary.

16 And the sanctuary -- okay. I feel
17 like a talk show host. This is the main floor
18 of the proposed building. This is what we
19 call the chapel or the sanctuary. And so when
20 the members come, they meet all together in
21 this room and this is where we partake of the
22 Sacrament of the Lord's Supper and that's sort

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1 of the main focus for an hour.

2 And the lay minister doesn't have
3 to give a sermon every week. It rotates and
4 different people in the congregation are asked
5 to give kind of mini sermons and that happens
6 for the first hour. And then from here, we
7 divide into various classes in two separate
8 one hour blocks.

9 So during the first hour, the
10 younger children who are, you know, between 3
11 and 12 will start out by being in this primary
12 room here and this actually has cordons that
13 can divide the room off. And they meet
14 together for just a few minutes and they have
15 song time. And then they divide up into all
16 these classes.

17 And then on the second floor, you
18 will see -- you know, this is all open to
19 below. And I'll come back to this room in a
20 second. We call this the multipurpose room.
21 But then all these classes are used for youth
22 groups. As I say, there will be a genealogy

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1 class. There will be a class on -- for new
2 members. There will be -- called the Gospel
3 Essentials class and there is a Gospel
4 Doctrine class.

5 But so people -- I guess one of the
6 reasons I'm telling you this is this building
7 will never be completely full of people,
8 because, first, everyone is here in the main
9 sanctuary. Then they divide up for the last
10 two hours in these classes. And there are
11 some small offices where the lay minister can
12 kind of take care of church business and
13 things.

14 And then this room here, we refer
15 to as, the multipurpose room and this is what
16 we use for the youth activities and things.
17 And it can be divided in half. And you know,
18 sometimes there is a play that gets put on
19 here, a talent show or there is Cub Scout
20 groups or Boy Scout groups. So that's what
21 this multipurpose room -- and again, it has a
22 door that can be cordoned off.

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1 So the church collectively has a
2 great deal of experience at building these
3 kinds of chapels. The Mormon Church is a
4 worldwide church. And today there are roughly
5 450 chapels under construction. And the
6 church tries very hard to make these buildings
7 efficient to hold down the cost.

8 And so a lot of these features like
9 having the folding door, so you can have a
10 bigger room for a group of people, then you
11 can divide them up for the classes are really
12 designed to make sure that we maximize every
13 square foot. That we really -- and the reason
14 I tell you this is, as we have talked with
15 some of the neighbors and we know they are
16 concerned about the size, there is not
17 anything we can do to make it smaller and
18 still make it work for the way we worship.

19 Because we like to think we have
20 been very efficient with the funds of our
21 church and we have tried to make sure that
22 this building is designed in a way that will

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1 minimize the cost and the size and still allow
2 us to go forward and to meet the needs of the
3 church and its members.

4 I can just say we are -- I have
5 been involved in various kind of church
6 assignments for over 15 years. And we have
7 been looking for all of that time to find a
8 site where we could put up a building like
9 this. We actually currently meet in a very
10 small building. And before that we had an
11 even smaller building.

12 And when this site finally became
13 available, literally after 15 years, we were
14 very eager, because it's a lovely spot on 16th
15 Street. It has the transportation corridors
16 on both 16th Street and 14th Street that make it
17 easier for people to get there. And it will
18 allow us to have the kind of building that
19 will allow us to worship in the way that we
20 believe that we are asked to worship.

21 So thank you very much and I assume
22 if there are any questions, I'll get a chance

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1 to talk about those later. Thank you.

2 CHAIRPERSON MILLER: Well, maybe we
3 ought to do -- unless you have an objection,
4 Ms. Brown, maybe we ought to do witnesses per
5 question, because their subjects are so
6 different. Is that all right with you?

7 MS. BROWN: That would be fine.
8 And I would just point out that we handed out
9 a fax sheet that summarizes Mr. Holmstead's
10 testimony.

11 CHAIRPERSON MILLER: Right, we have
12 it. You gave it to the parties as well?

13 CHAIRPERSON MILLER: Yes, ma'am.

14 CHAIRPERSON MILLER: Okay. Great.
15 Well, I have a couple of questions. I don't
16 know if they are answered on the fax sheet,
17 but you mentioned significant growth. And
18 what did you mean by that? Because I would
19 think that might be a concern of the
20 community.

21 MR. HOLMSTEAD: We are a
22 proselytizing church. And the church

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1 continues to grow throughout the world and
2 hopefully throughout this area. I have
3 records here that shows you the growth of
4 these congregations. And I think we have
5 these that we can pass out.

6 The bigger of our congregations,
7 The Ward, and we have here the average
8 attendance by quarter going back to 2005, it
9 was as low as about 120 at the very lowest
10 point and it is kind of -- you know, there is
11 ups and downs, but it's gradually up now to
12 where it is about 160.

13 We hope that it will continue to
14 grow. Once it gets to about 250 or 260,
15 depending on other things, then it would be
16 subdivided. And so once you get to that
17 point, and there is not -- I'm not trying to
18 be obtuse. There is not a magic number,
19 because you look at youth and primary and
20 leadership.

21 But once it gets above about 250,
22 260, there is not enough assignments for

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1 everybody, so you have to divide it up so
2 everybody can -- some people have more than
3 one assignment at that point. So we do hope
4 that there will be some growth. You can see
5 that over the last three years, it has grown
6 from -- well, from roughly an average, a
7 yearly average of about 140 to about 160. And
8 we hope that within a new building that that
9 would continue to attract and serve members of
10 the community.

11 So we do anticipate some growth.
12 But again, there is this cap that both --
13 because of the size of the building and
14 because of the need to have everybody have an
15 assignment in the church.

16 CHAIRPERSON MILLER: Is there like
17 a standard period of time or not necessarily
18 for this kind of cycle? It sounds like, you
19 know, it's at a certain number and then it
20 grows and then it is subdivided. So it's kind
21 of like low and then it gets higher and then
22 it gets lower and then it gets -- right. Is

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1 there a normal cycle for that or just really
2 you can't predict it?

3 MR. HOLMSTEAD: We would suspect it
4 would be a few more years before -- I mean, if
5 we increased the size at 20 per year, that
6 would be very good growth. The cycle is
7 slower or faster depending on where you are.
8 In Latin America, the congregations tend to
9 grow very quickly. And so you might actually
10 have a ward being divided every two or three
11 years.

12 Here in this part of the country it
13 happens much less frequently. So we would
14 suspect it would be a number of years before
15 we would need to divide this ward.

16 CHAIRPERSON MILLER: And with
17 respect to the number of cars driven by your
18 congregants, did you do a survey or how did
19 you get those numbers?

20 MR. HOLMSTEAD: We -- it's kind of
21 hard right now, because we meet on a building
22 that is on 14th Street with no parking. And so

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1 you can't just kind of look at the people who
2 go to a parking lot, because there is no
3 parking lot.

4 We have asked the local leaders of
5 that congregation to estimate and they have
6 sat down -- I mean, it's not more scientific
7 than this. They have gone over the ward rolls
8 and they say well, Brother so and so, you
9 know, he drives and he picks up this family.
10 And so as we have gone through that kind of
11 unscientific approach, although still, I
12 think, very accurate, we don't think there is
13 more than 40 ever for the bigger congregation.

14 And the smaller congregation it is 5 every
15 week.

16 CHAIRPERSON MILLER: And --

17 MR. HOLMSTEAD: Oh, yeah, and
18 obviously, even though -- this is a question
19 people have asked. They say well, you have
20 attendance of 160 and you have seating
21 capacity for over 200. And you know, how can
22 you be sure you are only going to have 70 cars

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1 at the most? And the answer is, you know,
2 Mormons tend to have big families and they
3 come together.

4 I mean there is very few people who
5 come to church on their own in a car. There
6 certainly are some drivers who may come alone,
7 although not even many of those, because they
8 tend to pick up other people as they get
9 there. So you know, I can't tell you
10 precisely, but I can tell you all of our
11 leaders believe today it is fewer than 40 even
12 for the bigger congregation.

13 CHAIRPERSON MILLER: And one other
14 question I have is with respect to the
15 evenings. Did you say it was going to be
16 Tuesday, Wednesday, Thursday only?

17 MR. HOLMSTEAD: No. I mean,
18 sometimes it would be -- Friday night tends to
19 be a night when people go out with their
20 families or their friends, so we don't often
21 use the buildings on Friday nights. But
22 sometimes there could be a youth activity. I

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1 mean, there could even be, you know, a play or
2 something that the whole family comes and they
3 do a play in the cultural center.

4 But the regularly scheduled
5 activities are only Tuesday, Wednesday and
6 Thursday. And as I say, I think it is 7:30 to
7 9:00, but it can be as early as 7:00, but
8 never earlier than 7:00. It's 7:00 to 8:30 or
9 7:30 to 9:00, Tuesday, Wednesday, Thursday.
10 Because Monday is family night. Friday there
11 are no regular activities.

12 And so the -- and you know, on
13 Saturday, you could have, as I say, a Cub
14 Scout meeting or a Boy Scout meeting, but
15 there is not regular meetings that happen on
16 Saturdays. Only on Sundays and Tuesday,
17 Wednesday and Thursday nights.

18 CHAIRPERSON MILLER: So Tuesday,
19 Wednesday and Thursday night about how many
20 people would be coming to church? Do you
21 know?

22 MR. HOLMSTEAD: Well, the most it

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1 would be we think is somewhere in the range of
2 70 to 80. We do have in our bigger
3 congregation a tutoring program that has been,
4 I think, a real blessing, not only for the
5 kids who get the tutoring, but for the adults
6 who do the tutoring.

7 And so, I mean, it may be a few
8 more than that, but that would be unusually
9 big as to have maybe 80 or 90 at the most.
10 But -- and that's -- and we have another
11 congregation that is mainly kind of college
12 students and they come to the building and do
13 the tutoring for a lot of the local kids,
14 including a number of kids who are not members
15 of the church. They just come along with
16 their friends.

17 CHAIRPERSON MILLER: Thank you.
18 Other questions?

19 COMMISSIONER JEFFRIES: Okay.
20 Because I was happy, Mr. Holmstead, for a
21 second here when you were -- when I wrote here
22 that you were saying that very little usage on

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1 weekdays and nearly any weeknights, so I just
2 want to be clear.

3 Let's just start with Monday. Any
4 activity you plan for Monday night?

5 MR. HOLMSTEAD: No, it's kind of--
6 it's church policy that there is no church
7 meetings on Monday nights.

8 COMMISSIONER JEFFRIES: Okay. And
9 then Tuesday nights? What you just discussed.

10 MR. HOLMSTEAD: Well, I don't
11 remember which night the tutoring is. I think
12 that's Thursday.

13 MS. BROWN: Yes.

14 MR. HOLMSTEAD: Thursday night. So
15 on Tuesday night, I think, our Hispanic group
16 has their youth meetings. And --

17 COMMISSIONER JEFFRIES: About how
18 many people would you expect?

19 MR. HOLMSTEAD: 20 or 30. Less
20 than 20 or 30.

21 COMMISSIONER JEFFRIES: Okay. So
22 for Tuesday night, 20 or 30. And then

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1 Wednesday?

2 MR. HOLMSTEAD: What goes on
3 Wednesday night now? Okay. That's a night
4 that is more geared for the adults who come in
5 and there is kind of classes on budgeting and
6 I would imagine that again that is not more
7 than 40 or 50. Okay, 25. So the big night is
8 likely to be Thursday night. And no more than
9 -- okay, so I was being optimistic.

10 I'm sorry, he said no more than 60.
11 And again, that goes on between 7:00 and 9:00
12 on Thursday evenings.

13 COMMISSIONER JEFFRIES: 60 on --
14 okay. And then Tuesday, we had about -- you
15 said 25?

16 MR. HOLMSTEAD: Fewer than 20,
17 Gabby says. And Gabby works with the youth in
18 the Hispanic ward.

19 COMMISSIONER JEFFRIES: And then
20 Friday nights, that's when a lot -- you know,
21 you might get a few people, because folks are
22 with their families.

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1 MR. HOLMSTEAD: Well, there's no--
2 I mean, there is no regular activities on
3 Friday. But you know, we have that
4 multipurpose room, so once in a while, you
5 know, maybe the youth will have a dance.

6 COMMISSIONER JEFFRIES: Okay.

7 MR. HOLMSTEAD: And there will be,
8 you know, a dance inside. And that's actually
9 -- one of the other things that we have
10 learned from talking to neighbors is people
11 are concerned that there will be, you know,
12 loud music or like an outside fair, a big
13 fundraiser. We don't -- by church policy, we
14 are not allowed to do those things.

15 So the activities that occur are
16 inside the building. We -- I mean, it is
17 possible on a Friday night there would be a
18 dance with -- you know, for the youth. They
19 don't happen that often, but when I was a kid
20 we had them more often, but it doesn't seem to
21 be quite such an attraction today.

22 So I can't tell you there is never

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1 activities on Friday, but it's not a regularly
2 scheduled activity.

3 COMMISSIONER JEFFRIES: Okay. You
4 know, I was struck with just how incredibly
5 similar your church is to so many other
6 churches in terms of -- you know, I mean, you
7 were presenting it sort of as if there was a
8 stark difference, but in many ways there is a
9 lot of similarities.

10 And I think one of the concerns
11 from a lot of the community are activities. I
12 mean, sometimes these churches morph into many
13 more evening activities, you know, weekend
14 activities and so forth and there is a lot
15 more usage. So that's really why I was really
16 getting at just -- you know, because you sort
17 of started off with very little usage and then
18 tried to hit a little more.

19 I mean, the good news is that you
20 have the underground parking and so forth that
21 can alleviate that.

22 The other question I had for you,

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1 I'm wondering in terms of other LDS Churches
2 that are new churches, because people like new
3 churches, they like to be in new churches and
4 go and so forth. Although, I guess this is
5 constrained by your ward by who lives -- is
6 there any information in terms of the new
7 churches what growth looks like for those in
8 terms of people attending and so forth versus
9 -- because these churches have constraints,
10 right? I mean, the Ward 3 in the Mount
11 Pleasant Church.

12 MR. HOLMSTEAD: Yes.

13 COMMISSIONER JEFFRIES: Okay.

14 MR. HOLMSTEAD: They -- again, when
15 I said the church is different, I mean, there
16 are certainly many similarities between us and
17 many other churches.

18 COMMISSIONER JEFFRIES: Um-hum.

19 MR. HOLMSTEAD: But the big
20 differences are let's say that we build a new
21 building.

22 COMMISSIONER JEFFRIES: Um-hum.

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1 MR. HOLMSTEAD: And you live in
2 southeast and you say that's really a great
3 building. You're not allowed to just go
4 attend there. You know, the Bishop of -- the
5 lay minister would say well, you know, you
6 really need to be going to church down there.

7 So we don't -- so a new church does not
8 attract more people.

9 In fact, typically, if we build a
10 new building, it is because we have
11 subdivided. And therefore, they tend to be
12 smaller congregations. So like out in
13 Gaithersburg we have a new chapel. The usage
14 there is actually kind of siphoned off from
15 another chapel.

16 Here, because there is -- there are
17 two existing congregations that already have
18 boundaries, you know, the boundaries won't
19 change. The boundaries stay the same. And so
20 there is -- it's not like having a new
21 building is going to attract new members from
22 outside those boundaries.

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1 COMMISSIONER JEFFRIES: Okay. But
2 what about people who are inside the
3 boundaries? I mean, you are proselytizing, as
4 you say.

5 MR. HOLMSTEAD: Yes, yeah.

6 COMMISSIONER JEFFRIES: You know,
7 so you are expanding on those within the
8 boundaries. I mean, are there other
9 instances, you know, in other cities perhaps,
10 I don't know if you would know anything like
11 that in terms of --

12 MR. HOLMSTEAD: No, not that I'm--
13 I'm not aware of any case in which a new
14 building has been -- has resulted in kind of
15 dramatic growth. This certainly -- this
16 building will allow more growth, but growth
17 that will be accommodated until you get to the
18 point where you divide the congregation.

19 And honestly, what may happen at
20 that point is we would have two bigger
21 congregations and a smaller congregation maybe
22 in the Holmead or -- I mean, but that's years

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1 down the line.

2 COMMISSIONER JEFFRIES: Thank you.

3 VICE CHAIRMAN LOUD: Madam Chair,
4 just a couple of quick questions, just so I
5 have my numbers straight, because the numbers
6 in the pleading that your counsel submitted
7 were just a little different than the numbers
8 under your testimony. So I just want to make
9 sure that I have got it correct going forward.

10 Let me see, essentially, the
11 pleadings talked about 30 youth, ages 12 to
12 18, once or twice weekly. We have now changed
13 that to 20 youth.

14 MR. HOLMSTEAD: Well, that --

15 VICE CHAIRMAN LOUD: Or does that
16 number remain the same?

17 MR. HOLMSTEAD: Well --

18 VICE CHAIRMAN LOUD: And that was
19 the extent of the week usage described in the
20 pleadings. So I'm going to get to the other
21 numbers. But again, I just want to be clear
22 on what they actually are.

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1 MR. HOLMSTEAD: I can tell you the
2 number of youth that are on our rolls, but the
3 number of those kids who actually come on a
4 Tuesday or a Wednesday night isn't quite as
5 steady as that. So there is -- I can't tell
6 you that it's always exactly 18 or 19 or 20.
7 I think the idea behind the 30 is that's
8 probably the maximum number, given the kids
9 that we have on the rolls.

10 The thing that -- and I apologize,
11 I don't know that I have read through the most
12 recent version of the pleading, but the reason
13 that we would have more on Thursday nights is
14 because of the tutoring program. And it is
15 not limited to kids who are members of the
16 church. There are friends that come in and
17 so, you know, I don't want to misrepresent
18 anything.

19 The average numbers I say on
20 Tuesdays and Wednesdays is going to be below
21 30. On Thursdays it is maybe as high as 60
22 or, you know, it could grow a little bit if

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1 more kids are attracted to come in for the
2 tutoring program.

3 But what I can say is the building
4 and the parking will easily accommodate that
5 without any impact on the neighbors.

6 VICE CHAIRMAN LOUD: Thank you.
7 And this was not a gotcha kind of question. I
8 mean it often happens that the numbers shift a
9 little bit during the testimony. My point is
10 just to try to capture the most accurate
11 statement of the numbers, not that you tried
12 to fudge anything.

13 MR. HOLMSTEAD: No, you were making
14 me nervous there for a second.

15 VICE CHAIRMAN LOUD: So remember
16 you are under oath. So for Tuesday, we're
17 talking anywhere from 20 to 30. Wednesday,
18 the number would be what?

19 MR. HOLMSTEAD: Adam probably --
20 Adam goes there every Wednesday night.

21 MR. STUBITS: It would be somewhere
22 between 20 to 30.

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1 VICE CHAIRMAN LOUD: Okay.

2 MR. HOLMSTEAD: 20 to 30 on
3 Wednesdays.

4 VICE CHAIRMAN LOUD: And then on
5 Thursday we are talking about where it gets to
6 60 maximum?

7 MR. STUBITS: 30 youth each paired
8 with one tutor.

9 CHAIRPERSON MILLER: Excuse me, if
10 you actually want to be on the record, you
11 have to come to the table and speak into the
12 microphone.

13 MR. HOLMSTEAD: Yeah, I'll repeat
14 it.

15 CHAIRPERSON MILLER: Otherwise --
16 yeah, okay. That's okay. I just wanted to
17 let you know.

18 MR. HOLMSTEAD: On Thursdays he
19 says a maximum of 60, but that means 30 youth
20 paired, because it's one-on-one tutoring. So
21 it is 30 youth with 30 adults.

22 VICE CHAIRMAN LOUD: Okay. And

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1 generally speaking, nothing on Monday nothing
2 on a Friday, generally speaking?

3 MR. HOLMSTEAD: Generally speaking.

4 VICE CHAIRMAN LOUD: Okay.

5 MR. HOLMSTEAD: Well, never on
6 Monday. On Friday, there is occasional
7 activities.

8 VICE CHAIRMAN LOUD: Okay. And
9 then on Sunday, we're talking just about the
10 9:00 to 12:00 worship service.

11 MR. HOLMSTEAD: Right.

12 VICE CHAIRMAN LOUD: The 1:00 to
13 4:00 worship service.

14 MR. HOLMSTEAD: Right.

15 VICE CHAIRMAN LOUD: And then there
16 are no activities after that or are there?

17 MR. HOLMSTEAD: It is possible that
18 there might -- in our terminology, we call it
19 like a fireside where maybe, you know, the
20 kids will come back together to have a speaker
21 and that happens once every couple of months.

22 So I --

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1 VICE CHAIRMAN LOUD: Okay.

2 MR. HOLMSTEAD: -- can't say that
3 there is never anything after 4:00, but all
4 the heavy usage is 9:00 to 12:00 and then 1:00
5 to 4:00 and there may be some activity in the
6 evening. And one other thing, just to -- I
7 mean, occasionally we do have bigger regional
8 meetings, but we have those -- there is a very
9 big building out close to the temple off the
10 Beltway.

11 And so the members of this
12 congregation, to the extent that there is
13 bigger gatherings, there is a bigger building
14 that is designed to accommodate what we would
15 call a conference. And that's kind of a
16 regional meeting and that's out at a bigger
17 building that is right there off the Beltway
18 on Connecticut Avenue.

19 VICE CHAIRMAN LOUD: Okay. And the
20 office space is essentially for staff that --
21 do you have paid staff?

22 MR. HOLMSTEAD: No, there is no

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1 paid staff. Every -- so I mean, we do have
2 say a ward clerk.

3 VICE CHAIRMAN LOUD: Um-hum.

4 MR. HOLMSTEAD: And that's also a
5 lay calling and, you know, I was a ward clerk
6 for a while and then I had another assignment.

7 So but the offices would be a Bishop's office
8 and our minister is called a Bishop and then a
9 clerk's office. And that's where the tithing
10 is counted and the membership records are
11 kept.

12 VICE CHAIRMAN LOUD: Okay.

13 MR. HOLMSTEAD: And things. But I
14 think -- so there is a total, I think, of just
15 four offices. But they are not occupied
16 during the day. It's only - you know, mostly
17 on Sundays, but it is possible in the evening,
18 you know, the Bishop might be there to counsel
19 with someone, but that's not a regular thing.

20 VICE CHAIRMAN LOUD: And in terms
21 of the athletic facility use of that sort of
22 equipment, is that a special something that is

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1 organized or is it incorporated into the
2 Tuesday, Wednesday, Thursday piece?

3 MR. HOLMSTEAD: It's typically the
4 Tuesday, Wednesday, Thursday piece. We -- you
5 know, young men like to have a place where
6 they can, you know, kick around a soccer ball
7 or shoot a basketball or something.

8 And so, you know, again it's
9 possible a group of the young men could get
10 together on a Saturday morning to go and do
11 something, but it's not a regularly scheduled
12 -- and we do try to make the building
13 available for -- especially for the youth
14 programs. But there is not regularly
15 scheduled activities.

16 VICE CHAIRMAN LOUD: Okay. Thank
17 you. Thank you, Madam Chair.

18 MEMBER DETTMAN: Is there a maximum
19 number of congregations that can use a
20 particular building? Like I'm just wondering
21 as your congregation grows and you have to
22 split, that doesn't necessarily necessitate

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1 another building or a new ward, correct?

2 MR. HOLMSTEAD: Right. We have --
3 in our -- we call it a state, which includes
4 12 units. There is a very big building out on
5 -- right by the temple and that actually
6 accommodates three regular congregations and
7 then one very small. So there is actually
8 three real congregations there.

9 All of our other buildings have
10 two. I guess it is conceivable that this
11 building could accommodate three, but we just
12 don't envision that just because people don't
13 normally like to go to church before 9:00 and
14 they don't like to stay in church until after
15 4:00. So it is theoretically possible we
16 could have a third, but we have no plans of
17 doing that. And if we did, we would probably
18 have to sneak the early one up to 8:30 and
19 have the -- but people don't like to start
20 church usually that late in the day.

21 MEMBER DETTMAN: But it's typical
22 that each congregation -- it's one at a time

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1 and it's three hour periods?

2 MR. HOLMSTEAD: It's always one at
3 a time, yes.

4 MEMBER DETTMAN: All right.

5 MR. HOLMSTEAD: Just because you
6 can't -- the building doesn't work otherwise.

7 MEMBER DETTMAN: All right.

8 MR. HOLMSTEAD: So it's yeah, three
9 hour periods, 9:00 to 12:00. The building
10 that I attend out in Gaithersburg again has
11 two units. One goes from 9:00 to 12:00 and
12 one goes from 1:00 to 4:00.

13 MEMBER DETTMAN: Okay.

14 CHAIRPERSON MILLER: Okay. Any
15 other Board questions? Does the ANC have any
16 questions for this witness?

17 MS. MYERS: Yes.

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19 MS. MYERS: In terms of your
20 activities, going through your report I
21 noticed you have there will be between 20 to
22 70 women that are held quarterly meetings and

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1 so where does that fit in with the activities?

2 Because you are speaking in terms of youth.

3 So where do these meetings take place?

4 MR. HOLMSTEAD: We refer to those
5 as homemaking meetings. And those actually
6 would happen on either a Tuesday, Wednesday or
7 Thursday night. And they would overlap with
8 the youth that night. The youth don't tend to
9 use the sanctuary.

10 MS. MYERS: Um-hum.

11 MR. HOLMSTEAD: So if there is a
12 women's meeting, it would be at the same time
13 and it would be in the sanctuary on a Tuesday,
14 Wednesday or a Thursday night.

15 MS. MYERS: Okay. In terms of --
16 this is going to be a church that is in the
17 community. How do you envision the church in
18 -- being exclusive to the community? You have
19 youth activities. Will the youth and the
20 residents that are youth in the community,
21 would they be allowed to participate or just
22 the practice of your church is just for your

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1 members?

2 MR. HOLMSTEAD: No, we actually
3 like visitors and we like -- so as I say, the
4 -- with the tutoring program, I don't know the
5 exact number, but there are a number of non-
6 church members who participate. There could
7 be some who participate in our youth programs.

8 MS. MYERS: Um-hum.

9 MR. HOLMSTEAD: But so it's
10 certainly not exclusive. People are invited
11 to attend our services, to attend the youth
12 ministry meetings. But what we found is by
13 and large, most -- except for the tutoring,
14 most of the people who do attend are members
15 of the church.

16 MS. MYERS: And so with that, how
17 would you engage the community? Would you --
18 you are saying they are welcome to
19 participate. But how do you make that
20 available to the community? Would you send
21 out invitations? Would you send out notices?
22 How would you engage the community in that

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1 aspect?

2 MR. HOLMSTEAD: You know, we --
3 that's something we would love to talk to you
4 about, because if there are ways that you
5 think we could do that better -- in my
6 community, we have done some things where we
7 pass out flyers and, you know, the kids on the
8 youth night will go out and pass out flyers.

9 At least in my community, we
10 haven't gotten a lot of people who respond to
11 those, so typically what we do is, you know,
12 if there is a Christmas sing-along say in our
13 chapel, you know, we invite our friends and
14 people come in. But if there is -- we would
15 love to be more engaged within the community.

16 MS. MYERS: And the reason why I
17 bring that up, because that is one of the
18 biggest issues that the community had concerns
19 with, you know, when this project came about.

20 There was no input into the community. The
21 community --

22 COMMISSIONER JEFFRIES: Madam

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1 Chair, is she crossing or is she making a
2 statement?

3 CHAIRPERSON MILLER: Is that going
4 to be long? I think what Mr. Jeffries --

5 MS. MYERS: No, no, no. But I was
6 just --

7 CHAIRPERSON MILLER: Is that a
8 predicate to your question?

9 MS. MYERS: Yeah.

10 CHAIRPERSON MILLER: Okay.

11 COMMISSIONER JEFFRIES: Questions,
12 yes.

13 MS. MYERS: But and so it was just
14 to expand on --

15 MR. HOLMSTEAD: Yes.

16 MS. MYERS: -- expound on --

17 MR. HOLMSTEAD: I think I -- we
18 didn't do a good job when the site was
19 purchased. And it's -- there is various
20 reasons for that, but it's not an excuse. We
21 -- in retrospect, we wish we would have
22 figured out a way to engage with the

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1 community.

2 And I -- when we bought this site,
3 I don't think we fully anticipated -- from our
4 perspective, 16th Street has all these
5 churches. And we thought that's a great
6 thing. This is a neighborhood that would --
7 that are people used to having churches.

8 So we were a little surprised that
9 there was so much opposition and we should
10 have done a better job at explaining
11 ourselves. And I will tell you, we like many
12 of the neighbors who we have gotten to know
13 over the last couple of years, even though
14 they oppose our church. We think you have
15 lots of nice people in your neighborhood and
16 we look forward to getting to know them
17 better. Even if some of them may be here
18 opposing our request today.

19 MS. MYERS: Okay. I just want to
20 ask a question. Okay. The -- when you say
21 you are broken into wards and I guess my
22 question is once your -- actually, you are

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1 trying to grow your church.

2 MR. HOLMSTEAD: Yep.

3 MS. MYERS: You know, so the
4 situation that you are in now where you are at
5 Holmstead and you have outgrown that church,
6 and so what happens when you reach capacity
7 here? And do the building fill up and you
8 wait to find another site to build a church?
9 I mean, what happens in that scenario? Do you
10 just -- I mean, what do you just cut people
11 off and say okay, we are at capacity, you
12 know.

13 MR. HOLMSTEAD: What normally
14 happens in the suburbs, where I moved to, I
15 lived in D.C. for many years, I now live in
16 Gaithersburg, it's relatively easy to find
17 land for a new chapel, at least compared to
18 D.C. So what would happen is once you have
19 say three wards that are -- once you have two
20 wards that are both growing, you will say,
21 okay, it is time to redraw the boundaries.

22 And we will turn those three -- we

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1 will turn those two wards into three wards and
2 we will find a new building for them. And so
3 one of my jobs in my lay ministry is to kind
4 of see where the growth is happening, to
5 anticipate the needs for a new chapel. And so
6 ordinarily what we do is kind of look at where
7 the growth is occurring. We try to find a new
8 site to put up a new building.

9 That's where I said I don't want to
10 rule out the possibility that at some point --
11 I mean, I suppose there could be three
12 congregations in this building, but no one of
13 them would be bigger than say 250 members.
14 And that's probably many years off into the
15 future.

16 So we -- the size of the
17 congregation just can't get too big. It can
18 never become like a big thing where you are
19 getting people from all over. It's just not
20 allowed. It's not the culture. And so we
21 would hope that, you know, in 10 years we
22 would find another site and have, you know,

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1 four wards instead of two wards, so that's the
2 way it normally works.

3 MS. MYERS: Okay. And then I guess
4 I have one other question. You said that you
5 having activities for the children like that
6 are -- there are dances. Will the dances be
7 limited to just the youth to this congregation
8 or will the youth in the other congregations
9 in the area be allowed to participate in the
10 dances as well?

11 MR. HOLMSTEAD: When we have -- we
12 do have -- kids like to have lots of numbers.

13 And when we have those, we have them out at
14 the big building. And we do have a building
15 that has a very big parking lot that is right
16 there next to the temple. And we call that
17 our Stake Center. And that's kind of the
18 headquarters for all of these units.

19 So if we have what we would call a
20 multi-ward dance, it would be at the Stake
21 Center.

22 MS. MYERS: Okay.

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1 CHAIRPERSON MILLER: Okay?

2 MS. MYERS: Yes.

3 CHAIRPERSON MILLER: I have one
4 follow-up question just on her cross. I think
5 you said that there were -- you have these
6 women's meetings also on Tuesday, Wednesday,
7 Thursday in addition to the youth meetings.
8 So does that raise the number of people
9 attending the church on Tuesday, Wednesday and
10 Thursday evenings? So that we have the right
11 numbers at least. What? I don't know, we
12 heard about youth. I didn't know like in the
13 20 to 25 or the 60?

14 MR. HOLMSTEAD: Right. No, she was
15 pointing out that in our testimony, we have a
16 women's organization that meets every Sunday.

17 MS. MYERS: Um-hum.

18 MR. HOLMSTEAD: They -- and so they
19 meet during -- you know, we have this first
20 hour which is when we are all together in the
21 sanctuary. Then we divide up into classes.
22 For one hour, the men and the women meet

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1 separately.

2 CHAIRPERSON MILLER: I thought she
3 said -- I thought you said Tuesday, Wednesday,
4 Thursday?

5 MR. HOLMSTEAD: No, no, no, no.
6 I'm getting to --

7 CHAIRPERSON MILLER: Oh, you're
8 getting to that, okay.

9 MR. HOLMSTEAD: -- Tuesday,
10 Wednesday, Thursday. So that's every Sunday.

11 That group of women again kind of in church
12 culture would have as many as four weekday
13 meetings during the year. And those are
14 called homemaking meetings.

15 And so, you know, someone will come
16 in and they will give a class on scrapbooking
17 or genealogy and that would only happen once a
18 quarter. So that's once. And it doesn't, at
19 least in my ward, happen that often. But it
20 could happen as many as four times a year
21 where the women would go with the kids and
22 they would meet in the sanctuary and have some

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1 kind of a class or something.

2 So it -- as I said, maybe four
3 times a year there would be the women's
4 meeting like that.

5 CHAIRPERSON MILLER: About how many
6 women would --

7 MR. HOLMSTEAD: It's not a weekly
8 thing.

9 CHAIRPERSON MILLER: -- about how
10 many women go to those?

11 MR. HOLMSTEAD: As many as 50 or
12 60. He tells me average attendance. We call
13 that homemaking meeting is 25, but we would
14 hope that activity would increase a little
15 bit. But still it would be well below the
16 capacity of the building.

17 CHAIRPERSON MILLER: Thank you.
18 Okay. Ms. Thompson?

19 MS. THOMPSON: Mr. Holmead --
20 Holmstead.

21 MR. HOLMSTEAD: I'm Holmstead and
22 Holmead is where we have the other building.

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1 MS. THOMPSON: Yes. For a minute I
2 was about to say that. You indicate that for
3 15 years you have been, I presume it's this
4 ward or branch, looking for another space.
5 Could you share with me a little bit what the
6 criteria is? Because the reason I'm asking
7 this question is so much of what I have read
8 seems to be that it has to be on 16th Street.
9 And I'm not sure why. Could you share with me
10 a little bit?

11 MR. HOLMSTEAD: It is pure fortuity
12 that this is 16th Street. We were not seeking
13 a place on 16th Street. We were looking at a
14 place in kind of upper northwest that would be
15 a big enough site to accommodate this kind of
16 a building.

17 We have looked at some other
18 churches that are for sale, but they just
19 don't -- the configuration doesn't meet our
20 needs. For instance, we looked at a church
21 not too long ago that had a lovely sanctuary,
22 but the classroom space was very, very limited

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1 and there was just no way we could make the
2 programs work.

3 So we were not looking to make a
4 statement by being on 16th. I mean, we love
5 that site. It's a beautiful neighborhood.
6 But it's not that we were just looking on 16th.

7 We have looked at sites, although there's not
8 that many empty sites, but we have looked, you
9 know, for -- we wanted to be in a place where
10 we could -- where there was enough land to
11 have enough off-street parking that would be
12 big enough to house a building like this.

13 But we didn't look specifically at
14 16th. And I have gone out with realtors and my
15 predecessors have gone out and we have looked
16 at various things. And it's just unusual that
17 a site like this becomes available. And in
18 fact, it was only because I think the
19 population in the convent had declined over
20 the years that the Catholic Church decided
21 that they wanted to sell the site. And that
22 was, I guess, a couple of years ago, maybe a

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1 little bit more that we purchased it.

2 MS. THOMPSON: Could I also get a
3 little bit of clarification on your Ward 3?
4 Because at times I hear it mentioned. I just
5 want to make sure it's not being confused with
6 the wards in the city. Ward 3 is also
7 operating out of the Holmead location?

8 MR. HOLMSTEAD: Yes, yes.

9 MS. THOMPSON: And --

10 MR. HOLMSTEAD: It is confusing
11 when we call our wards wards and this -- our
12 D.C. 3rd Ward is in the District of Columbia
13 Ward 4.

14 MS. THOMPSON: Okay.

15 MR. HOLMSTEAD: And the building
16 does have to be in the -- so when we have
17 these boundaries when we are looking for a
18 site, it does have to be within the boundaries
19 of the -- of where the people live.

20 MS. THOMPSON: Okay. And they park
21 -- you indicate that you have got very few, no
22 parking at Holmead. And there are 40 to 50

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1 cars that come in.

2 MR. HOLMSTEAD: No, no, no. There
3 is 40 to 50 cars owned by members of the ward.

4 MS. THOMPSON: Oh, okay.

5 MR. HOLMSTEAD: Yeah. We know --
6 and again, I can't say that's a scientific
7 survey. That is -- Adam is the ward clerk for
8 the D.C. 3rd Ward. And he sat down and we went
9 over the ward list of all the people and just
10 based on the fact that he knows the people who
11 are there, he estimated that there are
12 somewhere between 40 and 50 cars that are
13 owned by members of the D.C. 3rd Ward, which is
14 one of the two congregations that currently
15 meets in Holmead and would be meeting in the
16 new building.

17 MS. THOMPSON: And how did these
18 people arrive at the Holmead location? The
19 people who are not, I presume, in the Mount
20 Pleasant Branch?

21 MR. HOLMSTEAD: Today it's a
22 combination. I mean, there is a Metro stop

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1 that is relatively close by the Holmead
2 building. There are some people who take the
3 Metro. There are some people who take the
4 bus. There are some people who drive, but the
5 people who drive typically pick others up.

6 So for instance, some of the
7 leadership will, you know, stop and pick up
8 another family on their way in. So it's a
9 combination of some people walk to church. I
10 think Adam lives close enough that he can
11 walk. And so there are some members who do
12 walk to church, that's desirable.

13 There are others who take the bus
14 or who take the Metro. And then there are
15 some who drive. But there is -- just because
16 parking on Holmead is a real challenge, there
17 is relatively few cars. We don't have an
18 exact count, but we just know it's not that
19 many.

20 COMMISSIONER JEFFRIES: Excuse me,
21 Madam Chair, can you indulge me one second?
22 For the applicant, you know, during this

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1 cross, you can -- you don't have to -- you can
2 answer the questions very directly.

3 MR. HOLMSTEAD: Okay.

4 COMMISSIONER JEFFRIES: I mean, you
5 don't have to, you know, repeat testimony.

6 MR. HOLMSTEAD: I'm sorry. I --

7 COMMISSIONER JEFFRIES: You can
8 just -- if she asks a very direct question,
9 you can give a very direct answer. Answer any
10 way you want, but I'm just letting you know
11 that as to time and so forth.

12 MR. HOLMSTEAD: Understood.

13 COMMISSIONER JEFFRIES: Yeah.

14 MS. THOMPSON: Would you anticipate
15 that the ward and the branch, once these
16 members locate at 16th and Emerson, more of
17 them are likely to drive?

18 MR. HOLMSTEAD: Yes, we think
19 that's probably true.

20 MS. THOMPSON: So the experience at
21 Holmead doesn't necessarily dictate what will
22 occur at 16th and Emerson?

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1 MR. HOLMSTEAD: To some extent that
2 is true. Again, if I could just point out, we
3 know we have more than enough off-street
4 parking to accommodate not only more drivers,
5 but significant growth in the congregations.
6 And that's why we have 73 off-site parking.

7 MS. THOMPSON: You mentioned
8 locating in the geographical area where your
9 members reside. Have you done some, I
10 presume, kind of study to show that the Ward 4
11 members -- I guess, I'm -- the question is
12 where exactly are they concentrated or are
13 they concentrated?

14 MR. HOLMSTEAD: The boundaries --

15 MS. THOMPSON: I'm sorry, I'm now
16 talking about the District's ward, Ward 4.

17 MR. HOLMSTEAD: Oh, you are
18 wondering --

19 MS. THOMPSON: You mentioned
20 something about Ward 4, that they are in Ward
21 4. And I hope you were talking about Ward 4.

22 MR. HOLMSTEAD: No, the -- I'm

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1 sorry.

2 MS. THOMPSON: Um-hum.

3 MR. HOLMSTEAD: The building is
4 located -- the new site is located in Ward 4,
5 as you know.

6 MS. THOMPSON: Um-hum.

7 MR. HOLMSTEAD: The members of our
8 D.C. 3rd Ward many are in Ward 4, many are in -
9 - some are in Ward 5. It's kind of the upper
10 northwest part of the city east of the park.
11 And but it goes down. I mean, there are
12 people who live almost all the way downtown. I
13 mean, it's kind of upper northwest where they
14 live. So they are D.C. residents who live,
15 basically, between the park and North Capitol.

16 MS. THOMPSON: Do any of them live
17 on -- across on the west side of the park?

18 MR. HOLMSTEAD: The west side of
19 the park is a different ward. They attend
20 what is called the Chevy Chase Ward, because
21 that's where the chapel is there on Western
22 Avenue where they attend.

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1 MS. THOMPSON: And how far north of
2 this proposed site do they live?

3 MR. HOLMSTEAD: The people who
4 attend Chevy Chase or --

5 MS. THOMPSON: No, I'm sorry.

6 MR. HOLMSTEAD: -- the people --

7 MS. THOMPSON: The persons who are
8 in ward -- your Ward 3 for the Mount Pleasant.
9 How far north?

10 MR. HOLMSTEAD: The boundaries go
11 all the way to the District boundary in the
12 north. So all the way up there to, is that,
13 East/West Highway? So all the way up to
14 Silver Spring is the boundaries. Now, exactly
15 where they all live, I don't know if we have
16 members up in that area. But the geographic
17 boundaries do include that -- up to there.

18 MS. THOMPSON: And only over to
19 North Capitol East?

20 MR. HOLMSTEAD: It may -- Rhode
21 Island.

22 MS. THOMPSON: Rhode Island runs at

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1 a diagonal.

2 MR. HOLMSTEAD: Right. North -- so
3 it does include part of northeast as well. I
4 -- we could certainly provide you with it, but
5 it's kind of a chunk of -- we don't have the
6 same concentration of members in the District
7 that we might in other places, so the
8 boundaries go, you know, up the park to the
9 District boundaries and up and over and then
10 down to Rhode Island Avenue and down. So it's
11 that upper northwest and part of -- and a
12 little bit of northeast, but east of the park.

13 MS. THOMPSON: So in essence, it is
14 -- does it go into southwest?

15 MR. HOLMSTEAD: No. If you --

16 MS. THOMPSON: Well, it used --

17 MR. HOLMSTEAD: It's basically --

18 COMMISSIONER JEFFRIES: What's the
19 southern boundary?

20 MR. HOLMSTEAD: The Mall. This
21 site is, basically, smack dab in the middle of
22 the boundaries of our D.C. 3rd Ward.

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1 MS. THOMPSON: And --

2 MR. HOLMSTEAD: So if someone
3 lived, you know, downtown like in one of those
4 Navy apartments, they would be members of this
5 ward.

6 MS. THOMPSON: One second. I'm
7 sorry. I think the rest of the questions I
8 had have been answered.

9 CHAIRPERSON MILLER: Okay. Any
10 other Board questions? All right. Thank you
11 very much.

12 MS. BROWN: Thank you, Madam Chair.
13 We will proceed to our next witness, which is
14 -- who is Brad Pierce, our architect, at the
15 far end of the table. And we will give him
16 the hand-held mike, so he can get up and show
17 the drawings.

18 MR. PIERCE: Madam Chairman,
19 Members of the Board, my name is Brad Pierce.
20 Do you need my address? No? Okay.

21 CHAIRPERSON MILLER: Yeah.

22 MR. PIERCE: Yes. My office is

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1 11495 Sunset Hills, Reston, Virginia.

2 CHAIRPERSON MILLER: Thank you.

3 MR. PIERCE: Stanmyre-Noel has
4 worked on a great number of LDS Churches. We
5 have designed -- well, we have worked on 12
6 new ones. I won't say designed exactly,
7 because they have a standard design that is
8 replicated in many places.

9 And we have worked on six
10 renovations, so we are quite familiar with the
11 program of the LDS Church. This particular
12 church we are proud to day is designed in a
13 very nice traditional look. It has a slightly
14 Gothic feel with buttresses. It has a
15 steeple. It reflects the traditional
16 religious practices of the LDS Church.

17 It's a very unique site. It has
18 four street frontages and a very interesting
19 topography. It is bound on 16th Street to the
20 west, Emerson Street to the south, Piney
21 Branch to the east and part of the inverted-T
22 actually extends up to Farragut Street.

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1 It is also sort of a slightly
2 elevated plateau and the only part of the site
3 that actually results in grade is over here on
4 Piney Branch. Let's see, we located the
5 entrance to the site, the minimum 60 feet, off
6 of the corner, like I said, on the Piney
7 Branch. We felt that that impacted the
8 neighborhood least, because it doesn't face
9 directly any houses. It faces the side.

10 It coordinated better with the
11 topography, because it is more on grade. Here
12 -- there it steps up 3 or 4 feet and here it
13 is even more like 5 feet at this point. On
14 Farragut Street it dropped a good 4 or 5 feet
15 down there, too. So we felt it was in keeping
16 with the terrain and disturbing the site the
17 least. So we determined that was the best
18 location.

19 We provided what we feel is very
20 complete parking for the building. The actual
21 number is 72 and not 73. There are 48 surface
22 parking spaces and we have tucked 24

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1 underground and that's accessed by this ramp
2 down around and into the building. Putting
3 parking under a building is really not typical
4 for the LDS Church.

5 Usually we have enough land that we
6 can accommodate the parking and have it
7 surface. So this is atypical. It's
8 definitely a large concession. It actually
9 was not required either.

10 The parking itself is screened by a
11 nicely articulated 6 foot high brick wall and
12 that extends around this part here. It's
13 open, obviously, at the entrance and comes
14 around to here. The reason we went that high
15 partly was because we wanted to -- well, 42
16 inches is the zoning requirement for
17 screening.

18 We wanted to light the parking lot
19 unobtrusively. And so what we had chose to do
20 was on the inside of the wall at 4 feet high,
21 we have these small light fixtures that cast
22 light basically straight down. So that avoids

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1 any kind of pole lighting or even locating
2 bollards in that area. So we tried to be very
3 sensitive with the lighting.

4 There are a few bollards along the
5 building. There are no up-lights or
6 spotlights either on the building or on the
7 steeple.

8 The dumpster is a very small one.
9 It is tucked in here. It also has a 6 foot
10 high brick enclosure around it and a steel
11 gate on it. Typically from our experience,
12 the LDS Church spends some money on
13 landscaping. They really do a great job.
14 They plant it well. You know, they don't wait
15 for a committee to raise funds to do so. And
16 I expect this project will be very nicely
17 landscaped as well.

18 Some of the exterior design
19 features, we really tried to locate the
20 building as far away from any of the adjacent
21 residences as we could. This being the
22 property line here and here. We pushed it as

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1 far down as we could towards Emerson and over
2 as far as we could to 16th. The nearest
3 neighbor here on what is called Lot 11, it's
4 really 50 feet from this corner from here.

5 Let's see, is that right? Yeah,
6 it's 50 feet side yard to this point and
7 another -- he has got another 7 feet on the
8 side yard there. The minimum side yard is
9 indicated by this dashed line of 8 feet. So,
10 obviously, we could have impacted him far
11 more, but we really chose to try to be as good
12 a neighbor as we could there.

13 We pulled the building also back
14 from this direction as much as we could. 32
15 feet off the street here, 57 feet off of 16th
16 Street from the curb, 70 feet off -- 75 feet
17 off the property line here from Piney Branch
18 here from the edge of the porch out.

19 The location has been accepted by
20 the Office of Planning. We have already been
21 most of the way through the zoning approval
22 process. It has been upheld pending these

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1 decisions. So the building height, the
2 placement, it all falls within all the Zoning
3 Regulations and has already been preapproved.

4 The building itself as I talked
5 about earlier is very traditional in form.
6 Asphalt shingle roof, it is composed of
7 materials that are compatible with the church
8 and the proper type building in this
9 neighborhood. The exterior cladding is a
10 limestone like cast-stone, which is a pre-cast
11 concrete made to resemble limestone.

12 The windows are very nice clad
13 windows with a simulated divided light. The
14 height of the building we feel is very similar
15 to a lot of the other churches in the area.
16 The eaves really come down to two stories and
17 it's really only about 25 feet above the
18 average grade.

19 The Zoning Regulations define the
20 height of the building from the center of the
21 curb on -- up to the peaks and -- from this
22 point and that point. I think we were --

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1 well, we were well within the boundaries and
2 I'll get you the exact number.

3 On the 16th Street side where it's
4 31 foot 6 from the average grade down here at
5 the curb up to the highest ceiling and 27.2 on
6 Emerson.

7 The steeple which is a very
8 important part of the composition, it's
9 definitely a sign of the church. It's one of
10 the universal icons of the traditional
11 Christian faith. It obviously identifies this
12 building as a place of worship. It is a
13 common recurring theme in many churches and,
14 obviously, in the churches we design for the
15 LDS Church.

16 The steeple has no bells or lights
17 in it. The height of the steeple from grade
18 up to the exterior cladding is 60 feet. The
19 height from the grade up to from where the
20 roof protrudes out is 75 feet from that point.

21 And it's another 30 feet high from here to
22 the tip.

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1 We feel that the steeple is in
2 keeping with the scale of other steeples. It
3 is far more slender than many. We have tried
4 to not have it be a very large mass, but just
5 to be the symbolic steeple.

6 Some of the interior features, I
7 think, Jeff has gone over that greatly, but
8 I'll start down in the basement. We have the
9 24 parking spaces down below. Most of the
10 other area is really taken up by building
11 utilities to essential egress stairs on either
12 end, mechanical space, water service room for
13 the sprinkler, more mechanical space and
14 electrical. The real foyer would be here for
15 the parking garage, which is located by the
16 elevator.

17 Once again, the building consists
18 of a chapel, an area they call the Cultural
19 Hall, which is their multipurpose. It has 19
20 classrooms that can be subdivided. Well, when
21 completely closed with folding partitions,
22 there is 19 total classrooms. It has a

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1 serving area which would be a warming kitchen,
2 if there is any -- for a dinner or any kind of
3 function served. It's not a cooking type of
4 kitchen. It does not undergo Health
5 Department permitting or anything like that.

6 As Jeff said, there is two offices
7 for what we call the Bishop and an office each
8 for the clerks, a Bishop and a clerk for each
9 of the two wards that are there.

10 The chapel has been a subject of
11 great controversy. Code-wise says that you
12 need to do your occupancy calculations based
13 upon 18 inches of linear seating. That gives
14 you 230 fixed seats in the chapel area and
15 another 49 up on the front and up in the choir
16 area. So that gives you the 279 number that
17 perhaps you are hearing.

18 But I think we all know that 18
19 inches per person, I don't think anybody sits
20 like that in church. I mean, even if you sat
21 at 24 inches per person, you would end up with
22 about 173 in the chapel and 37 here on the

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1 raised platform up in the choir area. So I
2 think that's probably a very reasonable upper
3 capacity number for if it was full.

4 The chapel is the standard size and
5 layout of many of the suburban churches we do.

6 Actually our design directive was to take
7 what we normally do for a standard suburban
8 church and adapt it and make it mesh with the
9 neighborhood.

10 And so we do have the chapel that
11 is the standard size that is pretty much
12 predicated upon the way they use the building
13 and the way the LDS Church carries on their
14 religious practices, a cultural hall as well.

15 The interesting thing about this
16 church is that in the suburban churches, you
17 would normally have a mirror image of the
18 classrooms on the other side and so there
19 would be a continuous loop all the way around.

20 What we have done, in effect, because of the
21 narrowness of the site, was to take away
22 normally classrooms that would be on this side

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1 and we located them, pretty much stacked them
2 up on the classrooms down below.

3 So that allows us to have a
4 narrower building. It's about the same length
5 as most of the ones that we do. So once
6 again, this is open to the chapel below and
7 the cultural hall, the classrooms, the
8 bathrooms, the large meeting room for the
9 women's group and the mechanical space.

10 MS. BROWN: I believe that
11 concludes the presentation by the architect,
12 unless there is anything else that you needed
13 to mention.

14 MR. PIERCE: Um, well, because of
15 the frontage on the four streets, we could
16 only accommodate parking between the building
17 and the right-of-way, so, obviously, the
18 variance is very essential to obtaining. In
19 my professional opinion, we have taken great
20 pains to design a sensitive building on a very
21 difficult site. We have located the building,
22 so as not to create any adverse impacts on the

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1 adjacent properties.

2 We placed parking underground. We
3 have screened the surface parking, located the
4 building as far away from the existing
5 residents as possible, provided sensitive
6 lighting and a pleasing traditional feel that
7 we feel is an asset to the community. Thank
8 you.

9 MS. BROWN: Thank you. That
10 concludes the architect's presentation. So he
11 is ready for questions.

12 CHAIRPERSON MILLER: Okay. Thank
13 you. I think I have one question. I think
14 you said that the 18 inches was unrealistic
15 for figuring out the maximum number of people
16 that would sit in the sanctuary. What number
17 did you say was realistic?

18 MR. PIERCE: I was basing it on 24.

19 CHAIRPERSON MILLER: 24?

20 MR. PIERCE: Yeah.

21 CHAIRPERSON MILLER: And what does
22 that correlate to as far as total number?

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1 MR. PIERCE: With the 24, what did
2 I say 173 in the chapel seats proper and 37 in
3 the choir area and that would be capacity.

4 CHAIRPERSON MILLER: And what is
5 that compared to the number that we would have
6 if we were using the 18 inches?

7 MR. PIERCE: 18 inches, the code
8 would dictate that you would have 230 fixed
9 seats in the chapel with the 49 seats in the
10 choir.

11 CHAIRPERSON MILLER: Okay.

12 MR. PIERCE: So thus the 279, which
13 is really a building code issue compared to a
14 practical issue.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. And with respect to the height of the
17 steeple, is that something standard to your
18 churches or does it depend on the setting?

19 MR. PIERCE: All --

20 CHAIRPERSON MILLER: Of each
21 church.

22 MR. PIERCE: -- of the churches

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1 have steeples. Sometimes they are located
2 sort of centrally. We did look at that in the
3 design. It did not work out very well in this
4 case. We looked at different heights,
5 different widths, different locations. It was
6 not a decision taken lightly. It was quite
7 studied.

8 CHAIRPERSON MILLER: Okay. So
9 that's not a standard with all of the churches
10 as far as --

11 MR. PIERCE: They all have --

12 CHAIRPERSON MILLER: -- the 100
13 feet.

14 MR. PIERCE: -- steeples.

15 CHAIRPERSON MILLER: They all have
16 steeples.

17 MR. PIERCE: Yeah.

18 CHAIRPERSON MILLER: But they are
19 not all the same height or whatever.

20 MR. PIERCE: That's correct. It
21 varies, yeah.

22 CHAIRPERSON MILLER: Okay. Thank

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1 you. Other questions?

2 VICE CHAIRMAN LOUD: Two quick
3 questions, Madam Chair. First, your
4 testimony, Mr. Pierce, indicated that to the
5 north, I believe, the closest distance from
6 the church would be about 57 feet? Would that
7 be correct?

8 MR. PIERCE: It was --

9 VICE CHAIRMAN LOUD: You said about
10 50 feet to the property line, then another 7
11 feet of side yard.

12 MR. PIERCE: That's correct.

13 VICE CHAIRMAN LOUD: Okay. But to
14 the south, I guess, facing Emerson Street, do
15 you have similar calculations?

16 MR. PIERCE: Only to the -- it's 32
17 feet to the curb is all I have.

18 VICE CHAIRMAN LOUD: Okay. And
19 then just, if you can, the classrooms that the
20 young people are going to use, I think on
21 Tuesday, Wednesday, Thursday, whatever, where
22 are they in relation to Emerson Street?

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1 MR. PIERCE: Um, well, often these
2 groups -- I know that they meet in the
3 cultural hall. It probably depends on the
4 type of activity.

5 MS. BROWN: I don't know if it's
6 more appropriately answered by Mr. Holmstead
7 if he has an idea of where they would locate.

8 VICE CHAIRMAN LOUD: Good point.
9 But I'm being told that all the classrooms are
10 on Emerson?

11 MR. PIERCE: Yeah, the --

12 VICE CHAIRMAN LOUD: Okay.

13 MR. PIERCE: -- classrooms are all
14 on, I think --

15 VICE CHAIRMAN LOUD: Okay.

16 MR. PIERCE: Well, they go all the
17 way around.

18 COMMISSIONER JEFFRIES: But they
19 face Emerson?

20 MR. PIERCE: The majority face
21 Emerson.

22 VICE CHAIRMAN LOUD: Okay. Thank

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1 you, Mr. Pierce, and thank you, Madam Chair.

2 CHAIRPERSON MILLER: Other Board
3 questions? Mr. Dettman?

4 MEMBER DETTMAN: Just a couple
5 quick questions, Madam Chair. Um, my first
6 one goes to the location of the driveway. I
7 saw on the record that there was a question of
8 the distance between the entrance and the
9 corner of Piney Branch and Emerson. Could you
10 confirm what that distance is?

11 MR. PIERCE: The distance from the
12 corner to this point of the entrance is 60
13 feet, which is in compliance with the Zoning
14 Regulations.

15 MEMBER DETTMAN: And you are
16 certain that that's the distance that is
17 required by the Zoning Regulations?

18 MR. PIERCE: Yes.

19 MEMBER DETTMAN: Well, then I don't
20 want to dwell on it, but when I scale -- when
21 I use your plat and scale it, it doesn't look
22 like you are meeting 60 feet. And my second

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1 point is that, to my knowledge, the
2 requirements call for 25 feet. And that I
3 thought it was a recent policy by DDOT that
4 they required 60 feet.

5 So I just want to make sure that we
6 are clear that we should probably be looking
7 to the regs and not maybe a policy that hasn't
8 been put into the regs yet.

9 MS. BROWN: Madam Chair, if I could
10 clarify?

11 CHAIRPERSON MILLER: Um-hum.

12 MS. BROWN: We did get a request
13 from DDOT to clarify that it met their policy
14 of 60 feet. It's a DDOT policy. We have
15 complied with that. It is not the zoning
16 requirement.

17 CHAIRPERSON MILLER: Thank you.
18 And the zoning requirement is 25 feet? Okay.
19 Okay. Any other questions? ANC?

20 MS. MYERS: Yes.

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22 MS. MYERS: I guess I'm kind of

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1 puzzled. We have -- for 30 youth there are 19
2 classrooms? I'm -- how many classrooms? Can
3 I get clarity?

4 MS. BROWN: I'm not sure that he
5 testified to how many youth are going to be in
6 19 classrooms or how many there were.

7 MS. MYERS: Well --

8 CHAIRPERSON MILLER: That's right.
9 We can't -- we're not going to go backwards.

10 MS. MYERS: All right.

11 CHAIRPERSON MILLER: I mean, these
12 are questions on cross for the witness who is
13 testifying, you know, now. So this would be
14 for the architect for whatever he testified
15 to.

16 MS. MYERS: All right. The -- what
17 is the height of the steeple? The height, can
18 you clarify that again?

19 COMMISSIONER JEFFRIES: Is your
20 mike on?

21 MR. PIERCE: 105 feet from grade.

22 MS. MYERS: Okay. And is there any

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1 particular reason why it has to be so -- that
2 high, that height has to be -- I mean, because
3 it's -- with the other churches, it's -- it
4 seems enormous compared to the other churches
5 in the area. I mean, is there a specific
6 reason why the height of the steeple have to
7 be that high?

8 MR. PIERCE: We felt
9 compositionally that that was the appropriate
10 height.

11 MS. MYERS: Okay.

12 CHAIRPERSON MILLER: Can I ask you,
13 how do you -- what do you mean
14 compositionally? How did you determine
15 looking at what that that was appropriate?

16 MR. PIERCE: Well, when you draw
17 it, what looks right, what feels right.
18 Actually, proportionately, it should be a
19 little higher, so it's a little squatty.

20 CHAIRPERSON MILLER: You're looking
21 at compared to the building or what are you
22 looking at?

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1 MR. PIERCE: Well, I would say that
2 in the perspective it is a little exaggerated,
3 because it's usually taken from sort of a wide
4 angle lens and you are not very far back, but
5 --

6 CHAIRPERSON MILLER: Go ahead, I'm
7 sorry to interrupt. I just was trying to
8 follow-up on your question.

9 MS. MYERS: Oh, okay.

10 CHAIRPERSON MILLER: Any other
11 questions?

12 MS. MYERS: Huh-uh.

13 CHAIRPERSON MILLER: Do you have
14 any other? You're done?

15 MS. MYERS: I'm done.

16 CHAIRPERSON MILLER: Okay.

17 MS. MYERS: Yes.

18 CHAIRPERSON MILLER: Ms. Thompson?

19 MS. THOMPSON: I'm sorry, I've
20 forgotten your name, sir?

21 MR. PIERCE: Brad.

22 MS. THOMPSON: Brad, could you put

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1 the depiction back up for --

2 CHAIRPERSON MILLER: Is your mike
3 on? Your voice is kind of soft.

4 MS. THOMPSON: Yes, sorry.

5 CHAIRPERSON MILLER: Okay.

6 MS. THOMPSON: I'm just not
7 speaking in it.

8 CHAIRPERSON MILLER: Okay. There
9 you go.

10 MS. THOMPSON: One of the things
11 that has been puzzling for me, since I live
12 across the street, I see this rendering with
13 these mature trees and it's almost as though
14 this church is sitting in this little glade.
15 But where I live that piece of property is
16 elevated.

17 Do you plan to scrape off the soil
18 to get that -- I don't mean to be testifying,
19 I'm just saying I'm not understanding that
20 rendering relative to that space and why that
21 rendering -- you mentioned it was a suburban
22 church look. But essentially, this is a tight

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1 urban area. Tight difficult space.

2 CHAIRPERSON MILLER: Are you saying
3 that the trees don't exist at all? There are
4 no trees there?

5 MS. THOMPSON: I'm saying that the
6 -- I don't mean to be testifying, but when I
7 look out, this church is taller than my home.
8 And from my second floor, I'm looking at the
9 top of the trees and the church is virtually
10 twice the height of my house. So I'm not
11 understanding the rendering.

12 Because the idea is to, I would
13 think, give this body some idea as to how this
14 church fits into this tight space.

15 COMMISSIONER JEFFRIES: Okay. I
16 can you can answer the question, at this
17 point.

18 MR. PIERCE: The trees, I would
19 say, the renderer took a great license and, in
20 fact, these are not the way the trees are on
21 the site. I will say that the topography on
22 the site is fairly accurate. You will see

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1 that you will need to ascend two sets of
2 stairs to get up that roughly 6 feet from the
3 street level up to the plateau of sorts. And
4 also, you would need to ascend a set of stairs
5 here on Emerson as well to go up the 4.5, 5
6 feet that is there now.

7 So I will say the trees, not
8 accurate, topography is.

9 MS. THOMPSON: Let me ask a
10 question of topography. Is the concept there
11 that someone is looking at that facility from
12 an airplane?

13 COMMISSIONER JEFFRIES: Where is
14 the vantage point?

15 MS. THOMPSON: What is the concept
16 of the vantage point?

17 MR. PIERCE: Well, the vantage
18 point would probably be down 16th Street maybe
19 about half a block looking back, I guess.

20 MS. THOMPSON: And if you are an
21 ordinary human sort of walking on the
22 sidewalk, you would not be looking up at the

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1 structure?

2 MR. PIERCE: Well, the human
3 figures in there are fairly accurate as to the
4 scale.

5 MS. THOMPSON: Yes.

6 MR. PIERCE: Obviously, you would
7 be looking up.

8 MS. THOMPSON: They may be accurate
9 as to scale. I'm really talking about the
10 church. I live there and the site is actually
11 -- it's an elevated site. You are at the top.
12 You are virtually at the crest of, you know,
13 a hill. And I presume that they will --

14 COMMISSIONER JEFFRIES: See, excuse
15 me.

16 MS. THOMPSON: Um-hum.

17 COMMISSIONER JEFFRIES: I'm sorry,
18 Madam Chair. I mean, you know, I think he has
19 answered the question. I mean, you don't seem
20 to be accepting his answer. But I don't know,
21 I mean --

22 MS. THOMPSON: That's fine.

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1 COMMISSIONER JEFFRIES: You can
2 continue on, but, you know, I don't know what
3 more. Do you have anything you can add to --

4 MR. PIERCE: No. We did not alter.
5 We work with the existing grade with what is
6 there.

7 COMMISSIONER JEFFRIES: And see
8 there is a representation. I mean, it is
9 not --

10 MR. PIERCE: Yeah, it's not the
11 actual thing, you know, but it's as accurate
12 as our renderer made it, I mean.

13 MS. THOMPSON: Not -- it's --

14 MR. PIERCE: It's not photo
15 realistic.

16 MS. THOMPSON: You mentioned that
17 the building was -- well, let me ask the
18 question differently. How does the building
19 compare with the homes across the street and
20 in the area?

21 MR. PIERCE: Well, interestingly
22 enough, the eaves of the church are the same

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1 heights. You know, they all roughly are
2 around 25 or 27 feet. So the point from which
3 the roofs go up is just about the same.

4 MS. THOMPSON: The height of --
5 what are you referring to?

6 MR. PIERCE: The eave is where the
7 roof comes all the way down on the sloping
8 part to where your gutter would be.

9 MS. THOMPSON: But the building --
10 is it that the building then -- because I'm
11 trying to figure -- you've got 50 something
12 feet, 57 feet in height.

13 MR. PIERCE: To the peak of the
14 roof.

15 MS. THOMPSON: So the eaves match
16 the buildings and then the roof goes -- is
17 higher than the buildings in the area? Is
18 that what it is?

19 MR. PIERCE: It's not higher than
20 all the buildings in the area, but it's
21 perhaps higher than the house adjacent.

22 MS. THOMPSON: Is it higher than he

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1 houses across on Emerson?

2 MR. PIERCE: Yes.

3 MS. THOMPSON: Is it higher than
4 the houses on Farragut?

5 MR. PIERCE: I'm not sure.

6 MS. BROWN: Madam Chair, we will
7 stipulate that this church is going to
8 probably be taller than a house. Churches
9 typically are.

10 CHAIRPERSON MILLER: Okay. Is it
11 within the Height Regulations?

12 MR. PIERCE: Yes, ma'am.

13 MS. THOMPSON: You mentioned that
14 the other churches, it's similar to the other
15 churches in the area. What other churches in
16 the area have that height and have a
17 comparable steeple?

18 COMMISSIONER JEFFRIES: Ma'am,
19 you're getting more to character and not
20 necessarily height. Is that the basis of your
21 line of questioning?

22 MS. THOMPSON: I'm going to the

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1 aesthetics of this facility in terms of the
2 community. And the change in the community
3 with a church of that height that is elevated
4 above the homes.

5 MR. PIERCE: Well, Grace Lutheran,
6 4300 16th Street is 14 feet from the grade up
7 and then that goes about 75 feet high. There
8 is a grade variation at Northwest Community
9 Church about 45 feet high to the top of that
10 tower.

11 COMMISSIONER JEFFRIES: These are
12 churches that are all in the area?

13 MR. PIERCE: Yeah, correct.

14 COMMISSIONER JEFFRIES: Okay.

15 MR. PIERCE: Our site is located at
16 16th and Emerson. Our site would be No. 10.
17 We have keyed them to these. There is a great
18 variation in heights to heights of the ridge
19 of the roof, 43 feet here, 62 feet here. It's
20 not out of character.

21 MS. THOMPSON: It's -- your
22 response is probably going a little too fast

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1 for me, because what I was trying to -- in
2 essence, you are just saying this church is
3 not out of character with some churches. I
4 was asking specifically about churches located
5 in the -- relatively in the vicinity of the
6 planned facility.

7 CHAIRPERSON MILLER: You know what,
8 you know, this is cross and I think this is
9 taking a long time. And I think I have given
10 you a lot of latitude. I mean, basically, a
11 good cross would be isn't it true that this
12 church is -- you know, this other church is
13 only 50 feet high or this other church is --
14 if you are kind of fishing for him to come up
15 with churches that fit into your point, I
16 think that's beyond the cross. And you can do
17 it in your testimony.

18 MS. THOMPSON: Well, I'm certain I
19 wasn't --

20 COMMISSIONER JEFFRIES: And that's
21 just --

22 MS. THOMPSON: -- fishing for a

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1 response. I was actually -- he stated that
2 it's comparable to the other churches
3 identified in the area.

4 CHAIRPERSON MILLER: Okay. But I'm
5 just saying that that was his answer. And if
6 you have different facts, you can either, you
7 know, lay them on the table now, say isn't it
8 true that this is so high or you can leave it
9 for your testimony. But as far as I can tell,
10 he answered the question.

11 MS. THOMPSON: He answered.

12 COMMISSIONER JEFFRIES: And let me
13 just -- just a slight recommendation. You can
14 take it for what it's worth. But you will
15 probably be a lot more effective in testimony
16 than the cross. And the years I have been on
17 this Commission, I have only seen two or three
18 people to do a good job of this cross
19 business, because, you know, they can answer
20 yes or no and I don't know and that's it.

21 So you know, I think he has
22 answered your question.

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1 MS. THOMPSON: Well, I -- that's
2 probably where I had disagreed.

3 COMMISSIONER JEFFRIES: Yeah.

4 MS. THOMPSON: He was just pointing
5 to some churches and I just didn't know where
6 they were located, so that's why I was trying
7 to narrow it.

8 COMMISSIONER JEFFRIES: Okay.
9 Well, ask --

10 MS. THOMPSON: That's fine.

11 COMMISSIONER JEFFRIES: Okay.

12 MS. THOMPSON: I don't know whether
13 you are the appropriate person. Has the
14 square footage of this church --

15 COMMISSIONER JEFFRIES: He is the
16 only person.

17 MS. THOMPSON: He's the only
18 person? Oh, okay. Has the square footage of
19 the church changed since the EISF application
20 was made?

21 MR. PIERCE: The building size has
22 remained the same.

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1 MS. THOMPSON: What accounts for
2 the change in square footage?

3 MR. PIERCE: To what change are you
4 referring?

5 MS. THOMPSON: In the documents
6 there is a change in the square footage.

7 MS. BROWN: Madam Chair, maybe I
8 can help out and short circuit this. There
9 has been a change in the way it has been
10 calculated. The footprint has always remained
11 the same. It was the difference in how the
12 FAR is calculated perhaps in Virginia versus
13 D.C. It was recalculated here and that number
14 changed slightly.

15 Our prehearing statement,
16 submission, has the most accurate FAR number.

17 And then I believe that's correct and you can
18 tell me if it's correct.

19 MR. PIERCE: Yeah, there could be
20 further confusion from building code square
21 footages, which is typically measured to the
22 inside face of the wall which you would use in

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1 your occupancy calculations in filing for
2 building permit versus zoning square footage,
3 which would go to the outside face of the
4 wall.

5 The building has not changed. It
6 has been in permit for two years, so -- or a
7 year, I should say. It has not changed.

8 MS. THOMPSON: I'm finished.

9 CHAIRPERSON MILLER: Could you just
10 clarify the tree question? You said that that
11 wasn't an accurate rendering of the trees.
12 Are there trees there now? Are the trees that
13 are on the landscaping sheet, are they going
14 to be mature trees or new trees or a
15 combination or what?

16 MR. PIERCE: The existing mature
17 trees along here will be preserved. Any place
18 where we are not changing the grade along
19 here, obviously, there is a lot of work in
20 this area and where the building is. But all
21 these I know are all preserved. We even had
22 to jog our walk a little bit to make sure we

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1 missed that particular tree.

2 CHAIRPERSON MILLER: So those are
3 existing and they are mature trees. And the
4 other trees are going to be what? Are they
5 going to be, do you know, young trees or
6 mature trees?

7 MR. PIERCE: Well, they will be
8 young trees.

9 CHAIRPERSON MILLER: Young trees.

10 MR. PIERCE: The ones that will be
11 planted, yes.

12 CHAIRPERSON MILLER: Okay, okay.

13 COMMISSIONER JEFFRIES: I have a
14 question just to follow with Ms. Thompson's
15 question. Can you put the board up that shows
16 the other churches? So if you, obviously,
17 look at all those churches individually, how
18 do they compare in the context in which they
19 are in?

20 I mean, do they tower over the
21 homes or it just really depends on -- because
22 I'm just wondering whether the question -- it

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1 seems to be a character question. I mean, how
2 this church fits in the context of the homes
3 in the general community.

4 And I'm just wondering when we look
5 at this board here, I mean, obviously, there
6 are some that just tower over, but would you
7 say that a lot of those churches, you know,
8 fit comfortably within the residential
9 context?

10 MR. PIERCE: I would say that most
11 of them do. I mean, there may be a part that
12 towers a little bit, like particularly the
13 front of Grace Lutheran. But keep in mind
14 that our roof eave starts at about 27 feet and
15 that's no higher than the houses. And it goes
16 up from there. You know, yes, it's a big
17 roof, but that's because it's wide.

18 COMMISSIONER JEFFRIES: You know,
19 one of the things that I have often, you know,
20 asked for here is, you know, when we look at
21 drawings, axonal metrics or whatever, to
22 really put these things in context, because a

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1 lot of people, you know, do not have
2 architectural backgrounds and it's hard to
3 visualize what all this looks like, you know.

4 And it would have been helpful if,
5 you know, just to show -- rather than just
6 almost a postage stamp sort of rendering, just
7 to show this thing in the context with the
8 other homes, so people have a sense of what
9 this thing looks like, you know, in the
10 neighborhood. So that's just a suggestion.

11 Because I think that's some
12 difficulty that people are having just trying
13 to figure out what this all looks like.

14 MR. PIERCE: Um-hum.

15 COMMISSIONER JEFFRIES: Because I
16 can imagine Ms. Thompson -- you know, she
17 knows what she looks at when she looks out her
18 window and then she is trying to figure out,
19 but, you know, this doesn't seem to really
20 follow through. So anyway.

21 MR. PIERCE: Yeah, I think
22 renderings are supposed to look dramatic

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1 sometimes.

2 COMMISSIONER JEFFRIES: Right.

3 MR. PIERCE: That's --

4 COMMISSIONER JEFFRIES: You take
5 license --

6 MR. PIERCE: -- not the best
7 effect.

8 COMMISSIONER JEFFRIES: Yeah. You
9 take license and so forth, but I think a lot
10 of people are looking for exactly what they
11 are going to see in the neighborhood and not
12 sort of a marketing brochure.

13 CHAIRPERSON MILLER: I would agree
14 with Mr. Jeffries for our purposes, because we
15 are looking at impact on neighboring
16 properties. So we can't really see the
17 neighboring properties. We just see this
18 church and the surrounding grounds.

19 MR. PIERCE: Um-hum.

20 CHAIRPERSON MILLER: And how do we
21 know it's not towering over the neighboring
22 properties?

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1 COMMISSIONER JEFFRIES: And I have
2 to also say, Madam Chair, if I may?

3 CHAIRPERSON MILLER: Well, I think
4 he might want to answer that, but, yeah.

5 COMMISSIONER JEFFRIES: Yeah. I
6 would agree. I mean, you said suburban
7 several times and I will tell you it does look
8 like it is -- you know, it could be, you know,
9 in Herndon. I mean, I just -- you -- how we
10 sort of know the District to be, you're just
11 looking at this building as sort of a stand-
12 alone and you just have no sense of how it
13 sits within the overall general community.

14 So I think I'm really just speaking
15 more of illustration. I'm not saying that
16 there is a problem with what you are doing.
17 But just in terms of communication and
18 illustration, that's all.

19 MS. BROWN: And, Madam Chair and
20 Mr. Jeffries, I think that that could be
21 helped, clarified by our witness, Mr.
22 Williams.

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1 CHAIRPERSON MILLER: Great. Okay.

2 MS. BAILEY: Madam Chair, to the
3 best of my knowledge, this graphic that is in
4 front of the Board is not in the record.

5 MS. BROWN: I believe we have
6 copies that we brought with us to submit.

7 CHAIRPERSON MILLER: And you have
8 copies for the other parties also? Okay.
9 Great. All right. Then when you are ready, I
10 guess, we're ready for your next witness.

11 MS. BROWN: Thank you, Madam Chair.
12 Our next witness is our transportation
13 planner, Amy Morris.

14 MS. MORRIS: Thank you, Madam Chair
15 and Members of the Board. My name is Amy
16 Morris. I'm the Vice President of T-3 Design.
17 We're at 3927 Old Lee Highway in Fairfax,
18 Virginia. And I'll be speaking in support of
19 the applicant.

20 We conducted a Traffic Impact Study
21 for this particular site. As part of that,
22 the typical traffic engineering study scope

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1 would involve looking at the worst case
2 scenario for traffic, which is a.m. and p.m.,
3 the morning and evening rush hours during the
4 week. This is in accordance again with
5 traffic engineering practices as well as DDOT
6 requirements, requirements of the District
7 Department of Transportation.

8 We also did look, although it's not
9 required, at some Sunday figures to try to
10 also get a grasp on some traffic impacts on
11 Sunday, but again, the worst case scenario is
12 going to be during the weekend or during the
13 a.m. and p.m. rush hours during the week,
14 because that's when traffic is highest.

15 CHAIRPERSON MILLER: I don't follow
16 that though, just so before you go on forward.

17 We have heard testimony that the church isn't
18 going to be hardly used during the weekday,
19 morning or afternoon rush hours, so why would
20 those figures have much meaning? Because we
21 have heard that it is going to be used on
22 Sunday, always the biggest day is Sunday. And

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1 then Tuesday, Wednesday, Thursday evenings
2 from 7:00 to 9:30, so wouldn't we be most
3 interested in traffic especially on Sunday?

4 MS. MORRIS: The Traffic Impact
5 Study is originally intended to address the
6 environmental impact's green forum, in which
7 case again, that's regulation or those are
8 required by DDOT. And we conferred with DDOT
9 on that to bring up the same issue. That
10 clearly during the middle of the week that the
11 church isn't going to have much traffic.
12 Their traffic is going to be on Sunday.

13 And DDOT's instructions were still
14 to look at the worst case traffic overall,
15 which means it's -- traffic in the morning and
16 evening rush hour is going to be way worse
17 than Sunday always overall.

18 CHAIRPERSON MILLER: Does that mean
19 anything to any of you? Because it just
20 doesn't to me.

21 COMMISSIONER JEFFRIES: I'm sorry,
22 it just does seem a little counterintuitive.

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1 MS. MORRIS: Um-hum.

2 COMMISSIONER JEFFRIES: So you did
3 study Sunday?

4 MS. MORRIS: We looked at some
5 Sunday figures. The impact study was done
6 primarily for the weekday, morning and evening
7 rush hours. Again, because that's DDOT
8 requirement and because -- let me put it in
9 perspective. 16th Street on those kind of rush
10 hours will have 4,000 cars. On Sunday--

11 COMMISSIONER JEFFRIES: 16th Street
12 on a Sunday?

13 MS. MORRIS: No. I'm saying during
14 the week. On a Sunday it will never come up
15 to 4,000 cars. So the worst case scenario
16 during the week is in the morning, the weekday
17 rush.

18 COMMISSIONER JEFFRIES: So but
19 given all the churches that are in this area
20 in this neighborhood --

21 MS. MORRIS: It still doesn't touch
22 a candle to weekday traffic going up and down

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1 16th Street.

2 MEMBER DETTMAN: How do you know
3 that? How can you make that statement?

4 MS. MORRIS: The --

5 MEMBER DETTMAN: How do we know
6 that for sure?

7 COMMISSIONER JEFFRIES: I've just
8 been in too much traffic on 16th Street --

9 MEMBER DETTMAN: Yeah.

10 COMMISSIONER JEFFRIES: -- on
11 Sundays, like lots of it, over several years.

12 So I don't -- I mean, just as a personal
13 experience, I just don't understand. I mean,
14 maybe I have missed something, but --

15 MS. MORRIS: That's the peak
16 traffic. By definition peak traffic is --

17 COMMISSIONER JEFFRIES: On Sundays?

18 MS. MORRIS: No, on weekdays,
19 a.m. --

20 COMMISSIONER JEFFRIES: No, I
21 understand.

22 MS. MORRIS: Not for the church.

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1 COMMISSIONER JEFFRIES: I
2 absolutely understand what you are saying on
3 weekdays and that you should look at that.

4 MS. MORRIS: Yeah.

5 COMMISSIONER JEFFRIES: But I'm
6 saying that this might have brought about a
7 different, you know, exercise.

8 MS. MORRIS: Um-hum.

9 COMMISSIONER JEFFRIES: Given the
10 situation of the church in a location where
11 there perhaps are a number of churches.

12 MS. MORRIS: I agree.

13 COMMISSIONER JEFFRIES: You might
14 see increased traffic, vehicular traffic on
15 those days.

16 MS. MORRIS: I agree.

17 COMMISSIONER JEFFRIES: So --

18 MS. MORRIS: And again, that's why
19 we discussed that with DDOT before the study
20 was conducted. So that's a DDOT requirement,
21 the weekday.

22 COMMISSIONER JEFFRIES: Okay.

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1 CHAIRPERSON MILLER: Okay. Let me
2 say this. You did what you needed to do for
3 the EIS or whatever. Okay. And then we have
4 a letter from DDOT dated January 26, 2009.
5 And they wanted you to address nine points.
6 And the first point is "Review intersection
7 function surrounding the site for a typical
8 weekday and on a Sunday."

9 Did you do that?

10 MS. MORRIS: We did look at Sunday
11 traffic. We did not look at it in the same
12 way.

13 CHAIRPERSON MILLER: Okay. How did
14 you look at Sunday traffic, because I think
15 that's what the Board is --

16 MS. MORRIS: That's fair.

17 CHAIRPERSON MILLER: -- wants to
18 focus on. Okay.

19 MS. MORRIS: Sure. The weekday
20 traffic, like I said, we looked at four
21 different intersections surrounding the site.
22 We looked at those at grading the

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1 intersection operations. Again, this is week
2 -- this is the worst case scenario you will
3 get for the week, which is rush hour traffic.

4 CHAIRPERSON MILLER: Okay. We want
5 you to --

6 MS. MORRIS: We looked at those
7 four intersections.

8 CHAIRPERSON MILLER: What did you
9 do for Sunday?

10 MS. MORRIS: I'm sorry?

11 CHAIRPERSON MILLER: Sunday.

12 MS. MORRIS: I'll compare them now.

13 So Sunday we looked at the roadway capacity
14 itself. So we looked at for the segment of
15 Piney Branch Road and we also looked at
16 Emerson Street. So we looked at the overall
17 traffic on those two streets. Can that street
18 handle the capacity of traffic.

19 COMMISSIONER JEFFRIES: Piney
20 Branch and what other street?

21 MS. MORRIS: Emerson.

22 COMMISSIONER JEFFRIES: Emerson.

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1 On Sunday?

2 MS. MORRIS: Yes.

3 COMMISSIONER JEFFRIES: Those are
4 the only two streets you looked at?

5 MS. MORRIS: Yes.

6 CHAIRPERSON MILLER: And why
7 wouldn't you look at 16th Street?

8 MS. MORRIS: Because 16th Street
9 clearly has enough capacity for the additional
10 church when it can handle so many cars in the
11 week.

12 COMMISSIONER JEFFRIES: I have to
13 tell you, I regularly will come off of 16th
14 Street and go through -- you know, snake
15 through neighborhoods to go south.

16 MS. MORRIS: On Sunday?

17 COMMISSIONER JEFFRIES: Yes. Yeah,
18 so I mean, I understand professionally in
19 terms of industry standards where you are
20 going, but I'm just dealing anecdotally just
21 my experiences. And so it seems that, you
22 know, I don't know how thorough of an analysis

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1 this is if you didn't look at 16th Street on a
2 Sunday. Unless if someone can help me out
3 here, I mean, I'm --

4 MS. BROWN: Mr. Jeffries, if we
5 could just -- maybe if I can ask her a couple
6 of questions?

7 COMMISSIONER JEFFRIES: Oh, sure.

8 MS. BROWN: And maybe we can direct
9 it in a way we want to go.

10 COMMISSIONER JEFFRIES: Okay, sure.

11 MS. BROWN: Ms. Morris, when you
12 studied those intersections, what was the
13 capacity on Piney Branch for a 24 hour period
14 on Sunday?

15 MS. MORRIS: What was the capacity?

16 MS. BROWN: And what were the
17 totals? What did you study? What did you
18 find when you conducted the 24 hour study?

19 MS. MORRIS: Oh, that the Piney
20 Branch itself can handle up to 1,600 cars and
21 still maintain an acceptable level of service,
22 which is measured A through D. And the

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1 vehicles were well below that. There was 400
2 and some, our daily figure.

3 MS. BROWN: And what were those
4 figures for Emerson Street?

5 MS. MORRIS: Let me check.

6 COMMISSIONER JEFFRIES: Ms. Brown,
7 when you say in a 24 hour period, you're not
8 looking at a particular time? A bottleneck
9 period, let's say, between 1:00 and 3:00? I
10 mean, what does that get to?

11 MS. MORRIS: We're looking at an
12 hourly figure.

13 COMMISSIONER JEFFRIES: Oh, okay,
14 yeah.

15 MS. MORRIS: That was probably
16 mentioned on --

17 COMMISSIONER JEFFRIES: I'm sorry.

18 MS. MORRIS: I'm sorry.

19 COMMISSIONER JEFFRIES: Go ahead.

20 MS. MORRIS: I'm sorry, Carolyn.

21 MS. BROWN: Please, go ahead and
22 explain the calculation.

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1 MS. MORRIS: Well, for a 24 hour
2 period, the top hour within that. So we are
3 looking at one hour period within the full
4 day.

5 COMMISSIONER JEFFRIES: Okay.

6 MS. MORRIS: Does that make sense?

7 COMMISSIONER JEFFRIES: Yeah.

8 CHAIRPERSON MILLER: You mean the
9 most crowded period one hour of the day?

10 MS. MORRIS: Yes.

11 CHAIRPERSON MILLER: For instance,
12 if church traffic is, you know, most heavy at
13 1:00, that's the hour you are talking about?

14 MS. MORRIS: Exactly.

15 CHAIRPERSON MILLER: Okay.

16 MS. MORRIS: I'm sorry, I don't
17 have that up there. I don't remember the
18 Emerson numbers off the top of my head. I
19 apologize.

20 MS. BROWN: If you could turn to
21 your traffic report, and I believe you have
22 figures in here that give the Sunday totals, I

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1 believe it is on the bottom of page 12 you
2 have trip generations.

3 MS. MORRIS: Right. I was looking
4 compared to the capacity. Emerson Street is
5 the same type of street, so again, it can
6 handle a daily figure of 1,675, that is a 24
7 hour period. And the most that the road has,
8 according to our calculations, for Emerson is
9 359. So again, that's well below the street
10 capacity.

11 MS. BROWN: So it's your conclusion
12 that the Sunday traffic that would be
13 generated during the peak hour by this church,
14 the roadway can handle that traffic?

15 MS. MORRIS: Yes.

16 COMMISSIONER JEFFRIES: Those two
17 roadways, Emerson and Piney Branch. Is that
18 what you are asking?

19 MS. BROWN: Yes.

20 COMMISSIONER JEFFRIES: Okay.

21 MS. BROWN: Um-hum. And did you
22 study the direction that the vehicles would be

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1 traveling to the site?

2 MS. MORRIS: We did. We looked at
3 -- the original scope of the traffic study was
4 to look at the four intersections surrounding
5 the site. And looking at those again, grading
6 those intersections, A, B, C, D, E, F,
7 typically and the Metropolitan D.C. area E and
8 F are considered unacceptable. A through D
9 are considered acceptable conditions.

10 In that case, all four
11 intersections today operate at a level of
12 service D or better. So they all operate
13 within the acceptable parameters. And that's
14 the same also for when the church is build-
15 out.

16 MS. BROWN: And how does that
17 compare during the weekday? What are the
18 traffic impacts along 16th Street, Emerson and
19 Piney Branch, so that the Board can get an
20 understanding of the difference in numbers on
21 Sunday and the difference --

22 MS. MORRIS: I'm sorry, those were

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1 the weekday. The weekday numbers show that
2 the intersections operate acceptably today.
3 And again, those are worst case scenarios. So
4 in the worst case scenario, traffic operates
5 at acceptable levels A through D.

6 MS. BROWN: And then for Sunday as
7 well?

8 MS. MORRIS: And Sunday, we looked
9 at roadway capacity. Again, our guidance from
10 DDOT was to look at the weekday traffic,
11 because that's worst case scenario. So if the
12 intersections -- it just makes sense. If your
13 intersections during your rush hour peaks are
14 operating at D or better, then they certainly
15 are going to operate at D or better on a
16 Sunday, on a weekend.

17 MS. BROWN: Okay. Thank you. And
18 did you conduct a parking survey of the area
19 to determine whether there are capacity?

20 MS. MORRIS: We did. We also
21 looked at the parking. One more thing I
22 should just mention. Those levels of service

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1 and the parking both were calculated based on
2 the 279 seats. I know we went back and forth
3 on whether 18 or 24 inches was acceptable. We
4 based that on the 279 seats, so the maximum
5 capacity of the church.

6 We looked at the D.C. Zoning
7 Regulations for parking, which required -- the
8 D.C. calculation came up with 28 parking
9 spaces are required. We compared that also
10 with the traffic engineering standards in
11 looking for a church site based on that 279
12 seats that the parking requirement was 46
13 spaces.

14 And again, the site is designed for
15 well more than that at 72 spaces. So my
16 professional opinion is that the parking is
17 more than adequate for the full capacity of
18 the church.

19 MS. BROWN: Ms. Morris, let's walk
20 through the DDOT report and I'm going to hand
21 you a copy and let's go through the questions
22 and if you could explain how you would answer

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1 these and if not, why not. So if we could
2 start with the first one and make sure that we
3 have answered it.

4 DDOT said -- asked for a "Review of
5 intersection functions surrounding the site
6 for a typical weekday and on a Sunday."

7 MS. MORRIS: And again, we did
8 review the intersections on a level of service
9 basis for the morning and evening rush during
10 the weekdays as per our original DDOT
11 instructions. Again, this is the worst case
12 scenario. To supplement that, we also did
13 look at the driveway, the new driveway
14 entrance which was also an acceptable level of
15 service and then we looked at the roadway
16 capacity for the two small roads surrounding
17 the site, which were well within the capacity
18 of the roadway.

19 CHAIRPERSON MILLER: Could I just
20 ask one question? How do we know that's the
21 worst case scenario? How do we know that rush
22 hour intersections weekdays are worst than

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1 Sunday church traffic?

2 MS. MORRIS: That's a question I
3 have never gotten before. I guess the only
4 way to really definitively do it would be to
5 have somebody stand on the corner and count
6 traffic on a Sunday, but I think it's pretty
7 intuitive that your traffic going in and out
8 of D.C. in your rush hours certainly nothing
9 is going to be higher than that.

10 CHAIRPERSON MILLER: So we know
11 somebody has done the counting for weekday
12 rush hours?

13 MS. MORRIS: Yes.

14 CHAIRPERSON MILLER: I don't know.
15 I mean, I'm asking you.

16 MS. MORRIS: Yes, we conducted the
17 weekday peak hour counts for this.

18 CHAIRPERSON MILLER: Okay. So it's
19 kind of --

20 MS. MORRIS: At the four
21 intersections.

22 CHAIRPERSON MILLER: It's just kind

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1 of an assumption?

2 MS. MORRIS: Yes.

3 CHAIRPERSON MILLER: I mean,
4 because what I'm hearing anecdotically is that
5 oh, when I go on 16th Street, I'm not saying
6 me, Mr. Jeffries or whoever, when I go on 16th
7 on a Sunday it's really bad. So I'm not sure
8 how to weigh that. That's like anecdotal.
9 And you have facts for weekdays, but you don't
10 have facts for Sunday.

11 MS. MORRIS: Correct.

12 CHAIRPERSON MILLER: Okay.

13 MS. MORRIS: If I could --

14 CHAIRPERSON MILLER: Does DDOT make
15 that assumption?

16 MS. MORRIS: Yes.

17 CHAIRPERSON MILLER: I mean, we'll
18 get to DDOT as well.

19 MS. MORRIS: Yes. Once again, that
20 was our -- those were our instructions from
21 DDOT when we brought up the same point.
22 Obviously, the site is going to generate most

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1 its traffic on a Sunday, so that's clearly not
2 the peak a.m. or p.m. weekday period. And
3 again, their instructions were that it
4 fulfills the requirements and again, the
5 assumption is that the traffic is going to be
6 much worse during your commuting rush hours
7 than it will be on a Sunday.

8 CHAIRPERSON MILLER: Okay. Thank
9 you.

10 MS. MORRIS: Um-hum.

11 MS. BROWN: And, Ms. Morris, is
12 that based on National Transportation Planning
13 assumptions --

14 MS. MORRIS: It is.

15 MS. BROWN: -- and principles?

16 MS. MORRIS: It is. It's -- there
17 are sometimes events. You know, you might see
18 some kind of a particular event that is
19 outside of that, but the traffic engineering
20 standard is that your weekday commuting rush
21 hours are the worst traffic of the week.

22 MS. BROWN: And is that illustrated

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1 by how parking demand is calculated between
2 the weekday and Sundays?

3 MS. MORRIS: The parking demand
4 doesn't -- isn't based on Sunday versus
5 weekday.

6 MS. BROWN: Do you make one
7 calculation during the week based on square
8 footage of the building versus on Sunday you
9 base it on seating?

10 MS. MORRIS: For parking, no.

11 MS. BROWN: For any calculation.

12 MS. MORRIS: The trips generated by
13 the site itself, there is a Sunday
14 calculation, that's based off national traffic
15 engineering standards or statistics and those
16 statistics for a Sunday are based on seats.
17 They do not have that during the week based on
18 seats. So we did that based on the square
19 footage of the building for the weekday peak
20 hour trips, vehicles.

21 MS. BROWN: So there is -- so you
22 would say that that is an example of how there

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1 are national standards that differ for weekday
2 and Sunday measurements?

3 MS. MORRIS: Um-hum, yes.

4 MS. BROWN: Thank you. Did you
5 conduct a pedestrian level of service review?

6 MS. MORRIS: We did with the extra
7 requirements by DDOT. We looked at the
8 pedestrian levels of service in the area. And
9 the pedestrian level of service we calculated
10 as level of service B for Emerson Street and
11 for 16th Street.

12 We looked at 16th Street between
13 Colorado Avenue and Decatur and then Emerson
14 Street between 16th and 14th Streets.

15 MS. BROWN: And your conclusion
16 that it was?

17 MS. MORRIS: Our conclusion is the
18 sidewalk in the pedestrian corridor and the
19 levels of pedestrians expected, the sidewalk
20 is -- has plenty enough capacity for the
21 pedestrians. It's acceptable.

22 MS. BROWN: And did you conduct a

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1 survey of other houses of worship within a 15
2 block radius and the times of those worship
3 services?

4 MS. MORRIS: We looked at a 10
5 block radius, because those were the original
6 instructions. And within just the 10 block
7 radius, that's about a mile radius, there were
8 about -- there were 97 other churches within
9 that area.

10 MS. BROWN: And did you determine
11 their times of worship?

12 MS. MORRIS: I did not.

13 MS. BROWN: Okay. And would you
14 understand why that information would be
15 germane to a traffic study that would be
16 different from a traffic count?

17 MS. MORRIS: I have never had that
18 request for a traffic study within doing over
19 50 traffic studies. So I'm not exactly sure
20 where -- what the requirement was asking for.

21 MS. BROWN: Okay. And you looked
22 at the maximum number of attendees at this

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1 particular LDS Church, the proposed church?
2 I'm looking at Item No. 7 on the DDOT report.

3 MS. MORRIS: It's kind of -- I'm
4 not sure the wording is correct. With the
5 traffic study, we don't look at attendees. We
6 look at trips, vehicle trips. So we -- but we
7 did look at the maximum number of vehicles
8 expected at the site and again that was based
9 on the 279 seats, so the full capacity of the
10 church.

11 MS. BROWN: Thank you. And then
12 the last item deals with encouraging members,
13 they're supposed to use public transportation.
14 Are you aware of any bus lines along 16th
15 Street?

16 MS. MORRIS: This site is served by
17 really a robust bus line that goes up and down
18 16th Street. It has about 10 minute headway
19 all day on Sunday. I think they are a little
20 less than that during the week, maybe 9
21 minutes. So the site has been selected for
22 its availability to public transportation and

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1 the church encourages the use of that.

2 We looked at -- because the bus
3 stop is located within about 200 feet or less
4 than 200 feet of the church, we had assumed
5 about 50 percent of the national standards in
6 who would come to church, those vehicle trips,
7 we reduce those by 50 percent to account for
8 the people that would walk and/or take public
9 transportation.

10 MS. BROWN: Thank you. And so in
11 conclusion, what is your professional opinion
12 about the adverse impacts that may be caused
13 by transportation on this site?

14 MS. MORRIS: In my professional
15 opinion, the site is served by enough public
16 transportation and has enough capacity that,
17 in my professional opinion, there are no
18 adverse traffic impacts at the site.

19 MS. BROWN: And can the site
20 adequately provide parking for the capacity?

21 MS. MORRIS: The parking --

22 MS. BROWN: Of the church.

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1 MS. MORRIS: -- is well in advance
2 of what we would expect from the National
3 Traffic Engineering Standards as well as the
4 D.C. zoning requirements.

5 MS. BROWN: Thank you.

6 CHAIRPERSON MILLER: Thank you. I
7 don't know if I missed this and I'm sorry if
8 it's redundant, but did you answer No. 3,
9 traffic counts, on a typical weekday and on a
10 Sunday?

11 MS. MORRIS: We looked at the
12 intersection counts for weekdays. And again,
13 this was told to DDOT up front. We only want
14 to count one or the other. It's kind of
15 unfair to ask a church to do both when a
16 normal site would not. They said weekday.
17 What we did is we also did count the street
18 traffic.

19 So we looked at a seven day period
20 from -- seven day period on both Piney Branch
21 and Emerson, which is where we expected most
22 of the citizens may be -- where their concerns

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1 would be, that their concerns would be on the
2 side streets as opposed to 16th.

3 So yes, I'm sorry, the answer was
4 yes, we did count traffic on the streets on
5 Sunday.

6 CHAIRPERSON MILLER: So on those
7 streets are they much higher on Sunday than
8 the weekdays?

9 MS. MORRIS: Do you have the
10 report? I don't think I brought that
11 appendix. I'm sorry, it's a lot of numbers.
12 I can't remember them all.

13 CHAIRPERSON MILLER: Well, I was
14 just curious. I mean, they are not commuter
15 streets, though they are near a commuter
16 street.

17 MS. MORRIS: No, our numbers show
18 that the Sunday is certainly less than
19 Saturday, also less than the weekday traffic.

20 MS. BROWN: Could you identify what
21 you are referring, what you are looking at, so
22 the Board can have a --

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1 MS. MORRIS: I'm sorry. I'm
2 looking at within the appendix and the traffic
3 count was Appendix B includes what is called
4 Automatic Traffic Recorder Counts, so it shows
5 by hour the -- in each lane on both Piney
6 Branch and Emerson Streets how many vehicles
7 pass by a particular point within one hour.
8 Again, we did that for a seven day period.

9 CHAIRPERSON MILLER: And I haven't
10 located yet in here, but Sunday, as a whole,
11 was lower than Saturday and weekdays? Is that
12 what you testified to?

13 MS. MORRIS: Right. The Sunday,
14 looking at just the first sheet here, had a
15 total of 121 vehicles on eastbound lane of
16 Emerson. Just compare it with Saturday, so
17 those 121, Saturday the same lane was 156,
18 Monday was 212, Tuesday 168, Wednesday 180,
19 Thursday 180 and that was a half day.

20 So you can see that Sunday is
21 definitely the lowest.

22 CHAIRPERSON MILLER: Thank you.

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1 Other questions?

2 MEMBER DETTMAN: I was just
3 wondering, would you happen to know during the
4 time that you collected the data during the
5 week, is there parking on 16th Street at that
6 time?

7 MS. MORRIS: The parking on -- the
8 on-street parking on 16th Street is only on
9 weekends.

10 MEMBER DETTMAN: It's only on
11 weekends.

12 MS. MORRIS: So Saturday and Sunday
13 is on-street parking.

14 MEMBER DETTMAN: Okay. And did you
15 factor that in in terms of its kind of
16 decreasing the capacity of 16th Street and the
17 amount of volume that it can carry, did you
18 factor that into congestion on 16th Street as
19 well as the level of service on the
20 surrounding intersections?

21 MS. MORRIS: No, in that we looked
22 at capacity on Sundays. The Sunday capacity

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1 we looked at on the side streets. 16th Street
2 was -- the intersections on 16th Street were
3 only studied for the weekday periods.

4 COMMISSIONER JEFFRIES: Board
5 Member Dettman, just a quick question. Your
6 question was really around the fact that if on
7 Sunday there is on-street parking, that could
8 contribute to perhaps more traffic on a
9 Sunday. Is that what you are asking?

10 MEMBER DETTMAN: I think that
11 during the week say you have four lanes.

12 COMMISSIONER JEFFRIES: Right.

13 MEMBER DETTMAN: Two each way.

14 COMMISSIONER JEFFRIES: Um-hum.

15 MEMBER DETTMAN: And it is carrying
16 X number of cars.

17 COMMISSIONER JEFFRIES: Um-hum.

18 MEMBER DETTMAN: If, in fact, there
19 are less cars traveling on 16th Street keeping
20 four lanes open, there is less congestion.
21 But if you are decreasing capacity by two
22 lanes --

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1 COMMISSIONER JEFFRIES: Right.

2 MEMBER DETTMAN: -- then that
3 result could be perceived the same amount of
4 congestion. And I was just wondering if that
5 was taken into account.

6 COMMISSIONER JEFFRIES: Do you want
7 to answer that without a question? Do you
8 have another question?

9 VICE CHAIRMAN LOUD: Thank you,
10 Madam Chair and colleagues. I just have a
11 couple of quick questions. And first, I want
12 to back up, because I'm sort of understanding
13 this whole traffic study piece a little bit
14 better now. But just help me understand, what
15 are the essential conclusions that your study
16 was designed to establish for this applicant?

17 MS. MORRIS: Our conclusions or the
18 essential components of the study were to look
19 at the intersection levels of service. Does a
20 church --

21 VICE CHAIRMAN LOUD: No, no, no.
22 Sorry, I don't mean to interrupt you. Not so

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1 much the scope or the questions, but what were
2 the conclusions that you needed to establish
3 for this applicant with respect, for example,
4 what you just said?

5 MS. MORRIS: Okay.

6 VICE CHAIRMAN LOUD: Just the
7 conclusions.

8 MS. MORRIS: The conclusions that
9 we needed to establish were that the church
10 did not adversely impact traffic conditions in
11 the area.

12 VICE CHAIRMAN LOUD: Okay.

13 MS. MORRIS: That the parking is
14 adequate, that the pedestrian level services
15 are appropriate.

16 VICE CHAIRMAN LOUD: Okay.

17 MS. MORRIS: That's it.

18 VICE CHAIRMAN LOUD: All right. So
19 let's talk about just the traffic.

20 MS. MORRIS: Um-hum.

21 VICE CHAIRMAN LOUD: Because I
22 think the parking kind of speaks for itself in

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1 this case and pedestrian we can get back to
2 that. But just on the traffic part of it, you
3 talked about Piney Branch being able to handle
4 1,600 cars in a 24 hour period?

5 MS. MORRIS: Correct.

6 VICE CHAIRMAN LOUD: Okay. And can
7 you explain to me a little bit more about what
8 that means? What happens if you get 1,650?
9 What does it mean that it can handle 1,600?

10 MS. MORRIS: The capacity -- again,
11 the 1,675 was for a level of service D or
12 better. So basically, if you have 1,800 cars,
13 it just means people start stacking up,
14 because the roadway can't handle it and that
15 becomes a bottleneck.

16 VICE CHAIRMAN LOUD: Okay. So at
17 1,600 traffic is fairly seamless, you don't
18 get queues and you don't get backing up.

19 MS. MORRIS: Right. The levels of
20 service A through D kind of compare to how
21 easy it is to drive. If there is a level of
22 service A, maybe you have, you know, 300 cars

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1 or something. It's very easy. You don't see
2 anybody else. There is no one else in your
3 way.

4 So obviously, as those cars
5 increase a bit, there is a little bit more
6 operation. So at D, you can still move.

7 VICE CHAIRMAN LOUD: Um-hum.

8 MS. MORRIS: It's less comfortable
9 than if you had nobody else on the road.

10 VICE CHAIRMAN LOUD: And does that
11 mean the 1,600 in a 24 hour period, does that
12 mean 66 cars per hour? Does it mean 1,600
13 cars in one hour, in one peak hour that is
14 being measured?

15 MS. MORRIS: Usually, your 1,600
16 cars aren't going to be spread over a 24 hour
17 period evenly. So usually, the top would be
18 10 or 12 percent of that you might see in your
19 peak hour. So out of the 1,675, say maybe 200
20 vehicles would be a maximum hourly figure.

21 VICE CHAIRMAN LOUD: So for
22 example, for Piney Branch --

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1 MS. MORRIS: Um-hum.

2 VICE CHAIRMAN LOUD: -- 200
3 vehicles can go beyond Piney Branch traveling
4 in one hour without it being noticeable to
5 neighbors and without it backing up?

6 MS. MORRIS: Correct.

7 VICE CHAIRMAN LOUD: Okay. And
8 that's what basically that whole thing means?

9 MS. MORRIS: Yes.

10 VICE CHAIRMAN LOUD: And in the
11 case of Piney Branch, the maximum was 1,600,
12 right?

13 MS. MORRIS: Um-hum.

14 VICE CHAIRMAN LOUD: But you said
15 the actual was about 300?

16 MS. MORRIS: Correct.

17 VICE CHAIRMAN LOUD: And how do you
18 determine the actual? You are determining
19 actual usage, right?

20 MS. MORRIS: Correct.

21 VICE CHAIRMAN LOUD: And that's
22 based on the church's sanctuary numbers?

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1 MS. MORRIS: Based on -- I'm sorry?

2 VICE CHAIRMAN LOUD: Is that based
3 on the church's sanctuary numbers?

4 MS. MORRIS: That's based on the--
5 when we put the counters in the road to get
6 the 24 hours or hourly figures. So that which
7 we -- when we took that data, it was 2007 or
8 2008. 2008. And so we knew the church
9 wouldn't be expected to be completed until
10 2009.

11 So we increased that number to
12 count per year. Traffic just grows every
13 year. And then on top of that, then we added
14 the amount calculated from the church again at
15 full capacity at 279 seats.

16 VICE CHAIRMAN LOUD: Okay. And
17 what were your numbers again for Emerson?

18 MS. MORRIS: Which numbers in
19 particular?

20 VICE CHAIRMAN LOUD: Your numbers
21 for traffic counts.

22 MS. MORRIS: Okay.

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1 VICE CHAIRMAN LOUD: The comparable
2 numbers of the 1,600 for Piney Branch.
3 Whatever category that captures.

4 MS. MORRIS: Okay. I'm sorry, for
5 which one, Emerson?

6 VICE CHAIRMAN LOUD: Yes, for
7 Emerson.

8 MS. MORRIS: Okay. About 359.

9 VICE CHAIRMAN LOUD: 359 is actual,
10 correct?

11 MS. MORRIS: Well, it's not actual
12 today. It would be when the church is
13 completed.

14 VICE CHAIRMAN LOUD: But for the
15 purposes of your study for this applicant.
16 And what was the cap or the max? What number
17 correlates to the 1,600 that you used for
18 Piney Branch? Is it 359? Do you understand
19 my question?

20 MS. MORRIS: No, I don't.

21 COMMISSIONER JEFFRIES: 1,600 was
22 the max --

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1 MS. MORRIS: Right.

2 COMMISSIONER JEFFRIES: -- for --
3 so he is asking what is the max for Emerson.

4 VICE CHAIRMAN LOUD: For Emerson.

5 COMMISSIONER JEFFRIES: For
6 Emerson.

7 MS. MORRIS: Oh, I'm sorry.

8 VICE CHAIRMAN LOUD: Thank you.

9 MS. MORRIS: They are the same type
10 of roadway. There is two lane roadway, so
11 it's the same.

12 VICE CHAIRMAN LOUD: 1,600?

13 MS. MORRIS: 1,675, yes.

14 VICE CHAIRMAN LOUD: Okay. Thank
15 you, sir. Thank you, Madam Chair, no further
16 questions right now.

17 COMMISSIONER JEFFRIES: I have a
18 question. So in terms of traffic generators
19 on a Sunday, besides church, did you take into
20 account any other institutions or facilities
21 that might generate traffic in this area on a
22 Sunday? Well, no, you didn't, because you

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1 only looked as to --

2 MS. MORRIS: Right.

3 VICE CHAIRMAN LOUD: You just
4 looked at Piney Branch and Emerson.

5 MS. MORRIS: That volume would be
6 considered in like in our 24 hour counts for
7 those roads, any traffic that is already there
8 is, obviously, counted by that.

9 COMMISSIONER JEFFRIES: Oh, for
10 Sunday?

11 MS. MORRIS: Correct.

12 COMMISSIONER JEFFRIES: For Sunday
13 as well?

14 MS. MORRIS: Correct.

15 COMMISSIONER JEFFRIES: Okay. So
16 you didn't really look at anything west of 16th
17 Street --

18 MS. MORRIS: No.

19 COMMISSIONER JEFFRIES: -- having
20 any impact on this. Any institutions or
21 anything like Carter Barron or whatever that
22 could draw traffic, that was not really

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1 measured?

2 MS. MORRIS: No.

3 COMMISSIONER JEFFRIES: Okay.

4 Thank you.

5 CHAIRPERSON MILLER: I just have
6 one question for clarification. 16th Street,
7 you know, you talked about the worst case
8 scenario is on weekday rush hour and that's
9 what the general standard is and Sunday is
10 less than that. And so if the worst case
11 scenario is not bad or bad enough on weekdays,
12 then we can assume there is no adverse impact
13 on Sunday. Is that the rationale?

14 MS. MORRIS: Correct.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. Any other Board questions? Okay. ANC?

17 MS. MYERS: Yeah.

18 CROSS EXAMINATION

19 MS. MYERS: You provided us a count
20 for the cars for Piney Branch Road and Emerson
21 Street. What is the count for 16th street?

22 MS. MORRIS: We didn't count 16th

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1 Street.

2 MS. MYERS: Okay. But 16th Street
3 is a major thoroughfare and that is the street
4 that is the biggest problem.

5 CHAIRPERSON MILLER: That's what my
6 question was aimed at. And I think it's
7 important that the community understand this,
8 the concept and you can explain it better than
9 I can. But I think that what I understand is
10 industry standards are established or
11 something to this effect that it's the worst,
12 worst on weekday rush hour than it would be on
13 Sunday. And that that's still at an
14 acceptable level of traffic or service at
15 intersections and that's why they didn't
16 measure Sunday. Is that correct?

17 MS. MORRIS: It is.

18 CHAIRPERSON MILLER: Okay.

19 MS. MORRIS: You did a great job.

20 COMMISSIONER JEFFRIES: There's no
21 need to even look at Sunday, because it cannot
22 be worse than the weekdays.

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1 MS. MYERS: Okay. Well, okay, go
2 ahead, Doreen. I'm sorry, I don't see how
3 they can come to that conclusion.

4 MS. THOMPSON: We noticed that you
5 didn't draw any distinction between Emerson
6 and Piney Branch. One is called a road and
7 the other is a street. How did that impact
8 your study? What was the physical difference
9 between Emerson and Piney Branch?

10 MS. MORRIS: The only distinction
11 between road and street we have is that one is
12 called Piney Branch Road and the other one is
13 called Emerson Street, as far as I know.

14 COMMISSIONER JEFFRIES: Why would
15 you classify them the same? I think that's
16 the question. Because you said they both had
17 capacity of 1,675.

18 MS. THOMPSON: Right. They are
19 both two lane roadways undivided. There is no
20 median. They are both in an urban setting.

21 MS. THOMPSON: Well, does this -- I
22 guess I'm trying to get some help. I live on

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1 Emerson. If you park on both sides of
2 Emerson, the cars are able to go through. On
3 Piney Branch, if you -- how do you determine
4 something is a two lane? Is it because no one
5 is parked on the street, at that moment, and
6 therefore it's just viewed as a two lane
7 street or is two lanes something that says we
8 -- it -- you know, there is an understanding
9 that a car will be parked at the curb and
10 traffic can go through? What is your
11 understanding?

12 MS. MORRIS: It's classified as a
13 two lane street, because there is two way
14 traffic and there is certainly not four lanes.

15 So it's a two lane street. You can have
16 traffic go in one direction. You can have
17 traffic go in the other direction.

18 COMMISSIONER JEFFRIES: And on both
19 roadways you can park, you can park on both
20 sides and still have traffic go opposite
21 directions?

22 MS. MORRIS: You can. There is

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1 certainly a number of places in the District
2 where to do that, one car -- if there are cars
3 parked along the street, then, I mean, we have
4 seen that all over in the District where one
5 car has to pull over. That is still a two way
6 street. They are still a two lane street.

7 MS. THOMPSON: Considered a two
8 lane street?

9 MS. MORRIS: Yes, it is.

10 MS. THOMPSON: And so you looked at
11 the width of Piney Branch in that area? The
12 improved area where there is a sidewalk and if
13 a car is parked, that's still -- two lane
14 doesn't mean both cars are going by at the
15 same time? Someone -- it just means that it's
16 not a one way street?

17 I'm trying to get that distinction
18 between -- because I happen to know that Piney
19 Branch, if the cars are parked, you can barely
20 get through. The cars can barely get through.

21 So I'm trying to draw that distinction
22 between two lanes being it's structured so

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1 that there is two lanes that go by versus
2 someone just doesn't happen to be parked there
3 and one car can pull over and get by as
4 opposed to say --

5 MS. BROWN: I believe that question
6 has been answered already. That two lanes you
7 could have --

8 COMMISSIONER JEFFRIES: Madam
9 Chair?

10 MS. BROWN: -- traffic in both
11 directions, yeah.

12 COMMISSIONER JEFFRIES: It has been
13 a --

14 CHAIRPERSON MILLER: I think it has
15 been answered. Period, they can go both ways
16 period, regardless of what is happening with
17 parking or whatever. They are not one way
18 streets. They are two ways. That's what you
19 said.

20 MS. THOMPSON: I think you have
21 clarified it for me. I just did not
22 understand --

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1 CHAIRPERSON MILLER: Okay.

2 MS. THOMPSON: -- that's what she
3 had said.

4 CHAIRPERSON MILLER: Did I clarify
5 it correctly?

6 MS. MORRIS: Yes.

7 MS. THOMPSON: Okay.

8 CHAIRPERSON MILLER: Okay.

9 COMMISSIONER JEFFRIES: I'll change
10 places with you.

11 CHAIRPERSON MILLER: It comes from
12 doing this enough, you know.

13 MS. THOMPSON: You also talk about
14 roadway capacity. What does roadway capacity
15 mean? The ability for the number of cars to
16 go by or is it something we're saying -- does
17 it have to do with trucks or what does roadway
18 capacity mean when you use it in the study?

19 MS. MORRIS: Roadway capacity is
20 simply the amount of cars that the roadway can
21 handle before it becomes a big bottleneck.

22 MS. THOMPSON: When you are doing

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1 roadway capacity, that doesn't include back to
2 the Piney Branch scenario where if the cars
3 are parked -- or the 16th Street as well if
4 they are parked, does that affect roadway
5 capacity if they --

6 MS. MORRIS: It does, sure.

7 MS. THOMPSON: Okay. Thanks. On
8 your pedestrian level of service you said that
9 you looked at pedestrian level of service in
10 the area. What streets did you look at?

11 MS. MORRIS: We looked at 16th
12 Street between Decatur and Colorado and we
13 looked at Emerson Street between 16th and 14th
14 Streets.

15 MS. THOMPSON: Is there a reason
16 you didn't look at Piney Branch?

17 MS. MORRIS: There is no sidewalk
18 on Piney Branch.

19 MS. THOMPSON: There are sidewalks
20 on some portions of Piney Branch.

21 MS. MORRIS: But it's not a
22 continuous pedestrian corridor.

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1 MS. THOMPSON: Oh, so you were only
2 look at continuous?

3 MS. MORRIS: Pedestrian corridors,
4 I'm sorry, yes.

5 MS. THOMPSON: Oh, corridors. Oh,
6 okay.

7 MS. MORRIS: Yeah.

8 MS. THOMPSON: How does the church
9 encourage use of public transportation?

10 MS. MORRIS: They selected their
11 site, so that there was a bus stop on -- there
12 is a bus stop right on the corner of 16th and
13 Emerson on both sides. So their site is
14 selected so that transportation by bus is very
15 convenient.

16 MS. THOMPSON: Oh, included in site
17 selection, you mean?

18 MS. MORRIS: Um-hum.

19 MS. THOMPSON: Oh, okay. You also
20 mentioned that you -- either you said it to
21 DDOT or DDOT said it to you that you shouldn't
22 do turning movement counts on Sunday. What

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1 exactly are turning movement counts?

2 MS. MORRIS: Turning movement
3 counts are you physically stand on a corner
4 and measure how many vehicles go through the
5 intersection and which way they turn from each
6 street.

7 MS. THOMPSON: Okay. In your
8 traffic study based on the current Holmead
9 location, you were, essentially, left with
10 that only 25 percent of the current
11 congregation drive to church. And in your
12 study you were saying you found that a little
13 either above or lower than the average or
14 whatever. And so you used another figure.
15 Well, how did you arrive at that figure?

16 MS. MORRIS: We arrived at a 50
17 percent transit reduction based on the
18 proximity to the bus stops, that they are
19 within 200 feet. Typically, when you have
20 that kind of proximity to the kind of robust
21 bus service we are looking at within 200 feet,
22 you could actually reduce your trips by 60 to

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1 70 percent.

2 We went with 50 percent again to--
3 because it's a very standard transit reduction
4 used in traffic studies in the District for
5 areas that have public transportation and we
6 felt that was appropriate for this particular
7 site.

8 MS. THOMPSON: Thanks. That's it.

9 CHAIRPERSON MILLER: Thank you.
10 Okay. Last witness, is that right?

11 MS. BROWN: Last witness, yes.

12 CHAIRPERSON MILLER: Okay.

13 MS. BROWN: We have Mr. Lindsley
14 Williams, our land planner and I believe he
15 can hit the high notes in a very short time,
16 so that we can get straight to questions and
17 move on. Mr. Williams?

18 MR. WILLIAMS: Good afternoon,
19 Members of the Board. My name is Lindsley
20 Williams. I'm a consultant with the Law Firm
21 of Holland and Knight in land use planning and
22 zoning and I have had the opportunity to

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1 become familiar with this application and some
2 related zoning matters over the past while.

3 This is, as you know, a special
4 exception application under 1553 and a
5 variance under 1553.2.B.2. And to just rush
6 forward, I'll tell you that I have been
7 through all of the zoning standards that are
8 printed up and that you are working against
9 and I find that the standards are all met,
10 both from the data that have been provided so
11 far and some that I will introduce today in
12 the course of my discussion.

13 The conclusion I come to is that
14 the case warrants your favorable action,
15 because the standards are fully met.

16 Let's drop back for a second.
17 Let's have everybody think, in the room and
18 particularly the Members of the Board, about
19 what 16th Street is itself. It is a well-
20 recognized gateway street that flows up and
21 down, north and south, on what was once a
22 meridian of some consequence to this nation's

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1 timekeeping.

2 It is 6 miles from the District
3 border in Silver Spring to Lafayette Square.
4 Maybe a little bit over 6 miles. It is the
5 only gateway street in the District of
6 Columbia. Think of the big names avenues,
7 Mass Avenue, Connecticut and so on, go around.

8 It's the only one that has not one speck of
9 Commercial Zoning along its entire run.

10 It begins with SP Zoning down at
11 the White House and it continues north roughly
12 to Florida Avenue. The only place you can
13 even see commercial is the Starbucks at the
14 corner of U and 16th Street.

15 COMMISSIONER JEFFRIES: There is
16 another little bodega, too, but go on. There
17 is one other little bodega.

18 MR. WILLIAMS: It's --

19 COMMISSIONER JEFFRIES: But go on.

20 MR. WILLIAMS: And what it has
21 along it is basically residential uses
22 punctuated by churches, churches, churches and

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1 more churches. This is the defining character
2 of that area. A mix of residences and
3 churches. And that's what we are proposing
4 here is to add to and continue that kind of
5 character.

6 The site was -- in question was
7 previously improved with a convent for a
8 community of nuns. That was raised in 2007.
9 The site is located on the east side of 16th
10 Street, which is a major arterial, near the
11 Carter Barron Recreation Center. I know it's
12 there, Mr. Jeffries.

13 It is less than 1,000 feet from --
14 between 16th Street and 14th Street, the next
15 north/south arterial and not too much further
16 to the east at that location north and south
17 is Georgia Avenue, a third street that is
18 drawing and providing a lot of service on
19 weekdays, Saturdays and Sundays.

20 The overall area is -- of this
21 immediate site is zoned for one-family
22 dwellings from Decatur Street north to and

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1 past Colorado Avenue between 16th and 14th and
2 is often known as Crestwood, Square 2711,
3 which is located immediately east and across
4 that 33 foot or so Piney Branch right-of-way
5 is occupied by the -- now by the Kingsbury
6 Center.

7 It is Zoned D/R-1-B. It is not
8 just R-1-B area. It has got a Diplomatic
9 Overlay. You can read Zoning Order 520 to
10 find the details of that. And the overall
11 area has a profile that is residential along
12 with numerous places of worship. A use that
13 remains welcome, as was mentioned earlier, and
14 the Comprehensive Plan that turn neighborhood
15 anchors appears at section 311.8 and the land
16 use element and it is absolutely typical of
17 the whole nature of 16th Street north and
18 south.

19 Within the overall area proposed
20 for the expansion of the overlay, which I have
21 used as my defining universe for this
22 analysis, because that's what -- we are here

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1 because of that overlay, so I'm looking at
2 what is in that overlay area.

3 There are 127 dwellings and other
4 uses that are families within the zoning
5 meaning of what a family is. There are seven
6 places of worship with the eighth being the
7 proposed LDS site.

8 There are three other
9 nonresidential uses, these being: The
10 Kingsbury Center on Square 2711, which I just
11 identified. On Decatur Street there is a
12 program called the Century Club in a frame
13 building where it probably was residential at
14 some point in the past. And on Gallatin
15 Street there is a small educational program
16 run by the Ideal Associates, which you may
17 hear about later this year.

18 Kingsbury Center itself provides an
19 educational program to over 300 children each
20 day with a weekday staff of over 100 under BZA
21 approval granted in the year 2000 with the
22 support of ANC-4C and no opposition in BZA

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1 Order No. 16205, which you have in your record
2 or I can provide you a copy.

3 The area immediately around it
4 contains other places of worship, as I
5 identified, I'm talking about outside of the
6 16th Street Overlay. Yet, additional places of
7 worship, as you heard from our traffic
8 consultant, there are just scads of them.
9 That's a loose term. There are a lot of them.

10 But right in the immediate area
11 there are other places of worship and to the
12 east of 14th Street is a major elementary
13 school known as the Joseph West Elementary
14 School. Some times called West, but it's not
15 a directional thing. It's a person who is
16 honored by that title.

17 OP's characterization of the area
18 is -- in terms of their report, it's an
19 excellent report, it's accurate. I would just
20 sort of add to the fact that within the square
21 framed by the floor -- within the square of
22 the four flanking street all lots appear to be

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1 conforming. In other words, they meet the
2 minimum area requirements and so on.

3 However, once you move across the
4 middle line of Emerson Street to the south,
5 the properties are largely nonconforming as to
6 size and nonconforming as to type. They are
7 often semi-attached buildings, residential
8 buildings. So the use is all residential as
9 is planned under the Zone Plan, but the actual
10 building type is a tighter, more dense type of
11 building built on lots that are smaller than
12 what the current code requires.

13 Overall, I conclude the area is
14 primarily, but not exclusively, residential in
15 character with some residential uses being
16 other arrangements that are allowed under
17 zoning, along with many places of worship and
18 several educational institutions, which are
19 part of the defining character of the area.

20 The applicable standards. We have
21 under -- for traffic, we have the reports from
22 T3, which have been just discussed, Ms.

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1 Morris' testimony, DDOT's Memorandum of
2 Approval under March 14th in the EISF process.

3 And I particularly want to bring to your
4 attention what Amy called the "Robust Bus
5 Service." The S1 lines, S2, S4 are so
6 numerous that they had to provide two
7 schedules when they print up the pamphlets.
8 One for weekdays and one for weekends. I have
9 them with me if you want.

10 The headway is phenomenal and it
11 will serve very well to talk -- to meet the
12 needs of those in the community that are
13 coming to this chapel to get there on public
14 transit.

15 Let's stop for a second, just stop
16 for a second and let's go back to the
17 boundaries. Rock Creek on the west, Eastern
18 Avenue at the top of the District on the north
19 flowing southeast to Rhode Island Avenue. You
20 come in on Rhode Island Avenue and the Home
21 Depot site, if you will, Rhode Island Station
22 is not in the area.

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1 Then it drops down along the
2 railroad tracks to Union Station. It includes
3 The Mall, over to 17th Street. President Obama
4 could be in this ward if he wanted to be. It
5 goes back up 16th Street and sort of jogs out
6 and comes up and connects to the park again.

7 That's where the people that -- are
8 going to be coming from. They are not going
9 to be, basically, living in a cluster of
10 houses or residential units just up on 16th
11 Street or just down on 16th Street adding to
12 only 16th Street congestion.

13 Amy's report shows how they will be
14 coming in from all different directions. And
15 they can get there and disperse and they will
16 be able to be accommodated, in my view and in
17 her view, within the existing overall grid
18 without adverse impact.

19 Noise. The chapel is fully
20 enclosed and air conditioned. The windows
21 provide light, not essential ventilation. The
22 windows on the north side of the cultural side

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1 are depicted and planned, but they are not
2 real operating windows. There will be no
3 outdoor activities, as Holmead that took
4 place.

5 The chapel itself is situated more
6 than 50 feet from the northern property line.

7 This is the same minimum width as a buy-right
8 lot that a one-family dwelling might otherwise
9 occupy. The height is less than allowed. All
10 uses in R-1-B Districts, the height is
11 measured to the top for the ceiling of the top
12 story and is less than is allowed for a place
13 of worship to its ridge line.

14 Height is also one-story less than
15 is allowed. The steeple is of a slender
16 design. It's not a heavy bell tower. Any
17 shadow it casts will be slim, more like a
18 sundial than a looming object that is going to
19 darken the swath of land wherever it is on the
20 other side of the sun from.

21 There is no variance that has been
22 sought for any of the requirements in Chapter

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1 4 of the Regulations. Side yard, rear yard,
2 all these things that we have designed in the
3 regulations to minimize impact by-right, they
4 are met, absolutely met.

5 Parking, knocked out of the park.
6 Three times as what is needed.

7 So in general, what we have is a
8 situation that totally meets the requirements
9 of Chapter 4, even if you went to Chapter 4's
10 provisions having to do with what is required
11 for a public school. It is an institutional
12 use, if you will. But if you look there, you
13 will find that it requires more street
14 frontage, larger lot size.

15 This is three times the size of the
16 lot that would be required for a public
17 school. The frontage is more than two times
18 and perhaps three times what is required
19 thereto. All of these things make me feel
20 that this site is able to handle the program
21 that has been designed in a way that will not
22 be problematic.

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1 As Mr. Holmead identified, the site
2 and grounds will not be used by anyone else or
3 leased to others. There is no kitchen that
4 exists. We are not going to be having
5 programs that -- or even that generate the
6 kind of -- try this, that sometimes comes out
7 of other forms of occupancy.

8 And the parking is screened by this
9 masonry wall. The -- you won't even be able
10 to see the majority of vehicles, except for a
11 couple of high riding SUVs, because it will be
12 behind a 6 foot wall. So visually, there is
13 no impact that I can see as well.

14 The facility provides all the
15 parking that is needed. And, indeed, by my
16 rough calculation, and this is a rough
17 calculation, there are these other seven
18 churches in the area, very few of them provide
19 any parking. It is my belief, not measured,
20 but a pretty firmly held conviction that the
21 total number of parking spaces this church
22 will be providing, 72, exceeds the total

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1 supply of parking within the overlay area that
2 is being newly considered of all the other
3 churches that are there.

4 There a few little convenience
5 spaces at Trinity, a few more in some of the
6 other churches within the area. This place is
7 providing the entire amount of parking that
8 could ever be needed over the time frame that
9 is reasonable to look at, which we have talked
10 about earlier.

11 No parking spaces within 20 feet of
12 any of the residences. They have been moved
13 away from the residences. They are across the
14 alley that juts in off of Farragut Street,
15 protected by a further high fence. The
16 lighting is all self-contained on the lot.
17 And the Board is authorized to provide the
18 relief, it seems to me, when it satisfies the
19 conditions that I have just described.

20 With respect to the variances, we
21 have the report from OP, which I'm sure you
22 have already read. I study a lot of land and

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1 a lot of lots. This lot certainly within the
2 overlay area and probably within the District,
3 this inverted-T reaches every way possible.
4 You aren't going to find too many more. You
5 will find some places where the owner -- where
6 there is an entire square that has been
7 assembled, but this is a really unusual
8 configuration.

9 And you have the confluence here of
10 the language of the Zoning Regulations, which
11 Mr. Jeffries will attend do separately, I'm
12 sure, having to do with the fact that you have
13 to provide the parking and the driveways,
14 basically, on the far side of the building. I
15 can find a supportive statement for that in
16 the Comp Plan where it says you don't want to
17 have parking in the front.

18 But what that does, it says you
19 have to be away from every side and since we
20 have reached all four sides, it's just
21 impossible. You have a unique situation that
22 is a practical difficulty. There is no way

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1 you can get there and we are meeting it by
2 bringing the parking on board instead of
3 coming in to say we can't do it, so we're
4 going to park on the street, that would be
5 adverse.

6 We are accommodating all the
7 parking on the land. We can -- that has been
8 phased so that it will be dispersed into Piney
9 Branch which has very low volume of traffic on
10 Sunday. Their weekday counts, they tend to
11 the Kingsbury, are just alone higher than, in
12 my belief, what this is going to provide on a
13 Sunday.

14 So the combination of circumstances
15 here is that we have an extreme narrowness and
16 an unusualness. We have a practical
17 difficulty and we have a design that is going
18 to be one that ameliorates the condition that
19 is being faced.

20 Ladies and gentlemen, I have tried
21 to run through as quick as I can the standards
22 that apply in the special exception

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1 circumstances and the variances. I think it
2 is absolutely met and I recommend approval.

3 MS. BROWN: Thank you. That
4 concludes our case.

5 MR. WILLIAMS: Oh, no, no, no, no.
6 Shadow.

7 MS. BROWN: Why don't we save that?

8 MR. WILLIAMS: Hold that?

9 MS. BROWN: If --

10 MR. WILLIAMS: Save it.

11 MS. BROWN: That concludes our case
12 in chief, Madam Chair. And we're prepared for
13 questions.

14 CHAIRPERSON MILLER: Well, I don't
15 know if this is the issue that Mr. Williams
16 wants to get to, but before Ms. Thompson
17 raised the question about whether or not this
18 building would tower over the neighboring
19 residences.

20 So I understand you to say that
21 it's certainly within the height. It's below
22 the height restrictions. But do you want to

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1 address any further whether or not this thing
2 towers?

3 MR. WILLIAMS: Yes.

4 CHAIRPERSON MILLER: Okay.

5 MR. WILLIAMS: I studied this lot
6 pretty carefully and I recommended to the
7 architects that they engage in the process of
8 doing a shadow study. And what we are going
9 to present to you now is a shadow study of the
10 property.

11 We looked at the church and I will
12 have to say this exercise was done under the
13 assumption of it being on a flat table. So in
14 that sense, it doesn't respect some of the
15 minor contour variations that apply over the
16 square.

17 But by and large, what you will see
18 in those exhibits, copies of which were
19 already in the materials that were provided to
20 the -- to parties in opposition, is a picture
21 on the first page that is up right now, you
22 will see an image of the shadow that is cast

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1 at the time of the Equinox in September.

2 And it is showing just the chapel
3 complex as we have measured it out and we have
4 also modeled the other three homes on 16th
5 Street and the one on Farragut only and the
6 one at the corner of Piney Branch and
7 Farragut.

8 And you can see that at that time
9 of year that the shadow is, basically,
10 contained entirely on the lot. If you go to
11 December 21st, which is the winter solstice,
12 and ask what it is going to be like at 10:00
13 in the morning, guess what, there will be
14 shadows. And those shadows will fall in a way
15 that is significant on the land in question,
16 but basically, is pretty much contained on the
17 lot.

18 The house immediately to the north
19 will receive some shadow, but the natural --
20 the shape of the building, the fact that its
21 roof is at a pitch such as it is, mean -- and
22 the set-back, there is a distance of more than

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1 50 feet between those houses, it means that
2 the impact is really of pretty marginal
3 consequence.

4 And this is not to say that when
5 you are in shadow at 10:00, it isn't like you
6 can't read a book. It just means that you are
7 in shadow. So I think the picture is a little
8 more dramatic, but we wanted to sort of have
9 you see, essentially, where the shadow line
10 would fall.

11 But wait, there is more. Board 2.

12 Board 2 is a board where I asked the
13 designers to factor in another house just like
14 the 16th Street houses to the north. And what
15 I'm trying to do there is to show under the
16 worst case that if just another house were put
17 in as a sort of a hypothetical use of a 50
18 foot lot that doesn't exist, that would create
19 more of an impact using zoning and just taking
20 a clone of the houses that are there
21 relatively speaking.

22 And then to make the case even more

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1 strong, what I did is to ask that we have the
2 zoning envelope be drawn, which takes full
3 advantage of measuring to the top of the
4 third-story. This church only has two-
5 stories. In the zoning, you are allowed to
6 have three-stories and it's measured to the
7 top of the ceiling of the third floor off of
8 the ground. And then I put a pitched roof on
9 in the same way. Well, that obliterates the
10 area to the north.

11 And I should say just to answer the
12 question for the record, that the sun will be
13 in the south and none of this falls on Emerson
14 Street at all. And what we tried to do in
15 this is to make sure that we could demonstrate
16 to you that the sighting was such as to
17 minimize any adverse consequence from the
18 sighting or from the design.

19 Again, the steeple will show a line
20 that is a little but further out from the
21 ridge line, but as I described it, it's like a
22 sundial. It's a very slender element and it

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1 will not create a darkening effect. Mushrooms
2 will not be the only thing that can be grown
3 nearby, etcetera.

4 Ladies and gentlemen, thank you.

5 CHAIRPERSON MILLER: Thank you.
6 Other questions? Does the ANC have any
7 questions?

8 MS. MYERS: I don't have questions.

9 CHAIRPERSON MILLER: Ms. Thompson?

10 MS. THOMPSON: Yes.

11 CROSS EXAMINATION

12 MS. THOMPSON: I'm sorry, Mr.
13 Williams, you probably heard someone say that
14 by locating on 16th Street the church is viewed
15 as encouraging persons to take buses. And you
16 spoke about the robust bus service on 16th
17 Street. In your expert opinion, why then do
18 we have all the traffic we have from cars on
19 16th Street from all the churches that are
20 located on 16th Street? Is there something
21 unique to this church that, essentially, it
22 will never have any more than 72 vehicles as

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1 opposed to -- since it has a capacity of 259?

2 MR. WILLIAMS: I focused my
3 analysis on the information that was provided
4 to DDOT by our consultants and to the Board by
5 our consultants, which showed that the traffic
6 would flow in from a variety of directions,
7 indeed, some will have to get up 16th Street or
8 get down 16th Street, but it will also come in
9 from the east, from the southeast, from the
10 northeast, because that is the direction in
11 which the ward's population comes from.

12 I did not testify to and I'm
13 reluctant to speak about the other churches
14 and their traffic on 16th Street. I think
15 there was some discussion of parking being
16 allowed on Sundays. And when you have parking
17 allowed on a two lane road, it, obviously,
18 diminishes the capacity when people are
19 getting in and out of cars that are parked as
20 they tend to do when church services are
21 coming together and the like, it creates
22 further, what I'll call, friction.

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1 It just sort of inhibits traffic
2 flow. But I really didn't get into an
3 analysis of that other stuff. It is beyond
4 the scope of what I was asked to do.

5 MS. THOMPSON: I was actually
6 referring to the bus. You were talking about
7 this robust bus.

8 MR. WILLIAMS: Yeah.

9 MS. THOMPSON: And I was just
10 wondering, in your opinion, why other churches
11 -- because in essence, we are -- what this
12 Board is being told is just the fact that this
13 facility be located on 16th Street. Somehow it
14 is different from every other church, in that
15 people will not drive. They will be on buses.

16 It doesn't matter whether they are coming
17 from Rhode Island Avenue and they have got to
18 transfer three times.

19 COMMISSIONER JEFFRIES: Madam
20 Chair, I don't think that's cross.

21 MS. THOMPSON: Sorry.

22 CHAIRPERSON MILLER: I think --

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1 COMMISSIONER JEFFRIES: She's not
2 asking a question.

3 CHAIRPERSON MILLER: That's true.

4 COMMISSIONER JEFFRIES: She's
5 making a statement.

6 CHAIRPERSON MILLER: I think
7 basically that went to the traffic expert and
8 the traffic expert, under these standards, if
9 there is mass transportation available, they
10 can do a 50 percent deduction or something
11 based on --

12 MS. THOMPSON: I --

13 CHAIRPERSON MILLER: -- industry
14 standards or whatever.

15 MS. THOMPSON: No, I was only
16 asking --

17 CHAIRPERSON MILLER: So Mr. --

18 MS. THOMPSON: -- what he said.

19 CHAIRPERSON MILLER: Okay. He just
20 --

21 MS. THOMPSON: He was the one who
22 spoke.

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1 CHAIRPERSON MILLER: -- recognized
2 that there was a bus system here, but he
3 didn't address how it affects all the other
4 churches in comparison. So he can't answer
5 your question. He said he can't answer it,
6 it's beyond him.

7 MS. THOMPSON: Oh, I didn't think I
8 was asking that question. He was saying that
9 there was a robust bus service and this church
10 would be using that service.

11 CHAIRPERSON MILLER: Well, but what
12 was your question then? Why don't other
13 churches use that bus?

14 MS. THOMPSON: Yeah.

15 CHAIRPERSON MILLER: He can't
16 answer what other churches do though.

17 COMMISSIONER JEFFRIES: He
18 effectively -- you just didn't like the
19 answer.

20 MS. THOMPSON: I don't think it's
21 not liking the answer. Essentially, as I
22 said, this Board is being presented with the

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1 fact he is saying this church is unique in
2 that it will be using this robust bus service.

3 CHAIRPERSON MILLER: Okay. I don't
4 think he said that. He did say the church was
5 unique, but he addressed the shape of the
6 property for the uniqueness. Am I correct,
7 Mr. Williams?

8 MR. WILLIAMS: You're absolutely
9 correct.

10 CHAIRPERSON MILLER: Okay.

11 MS. THOMPSON: Well, as I wrote
12 down the robust bus service and he talks about
13 they are coming from Rhode Island Avenue. He
14 even talked about President Obama could
15 actually --

16 COMMISSIONER JEFFRIES: He did say
17 that, but he didn't -- he wasn't trying to
18 make any kind of analysis. I mean, the
19 question you asked, he is in no position to
20 answer that question in terms of the churches.
21 I mean, what's your next question?

22 MS. THOMPSON: I don't have any.

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1 COMMISSIONER JEFFRIES: Okay.

2 CHAIRPERSON MILLER: Okay. Does
3 that complete the applicant's case?

4 MS. BROWN: That does, Madam Chair,
5 and we would reserve time for closing and
6 rebuttal.

7 CHAIRPERSON MILLER: Okay. I think
8 this is a good time for a 5 minute break or
9 so. And then we will hear from the Office of
10 Planning. Okay.

11 (Whereupon, at 5:00 p.m. the Public
12 Hearing continued into the evening session.)
13
14
15

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1 E-V-E-N-I-N-G S-E-S-S-I-O-N

2 5:05 p.m.

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record. And it's a little after
5 5:00 and I wanted to just do a status here
6 with respect to whether the parties want to go
7 over 6:00 if it gets to be 6:00 and we're not
8 finished, because there is a possibility that
9 could happen given where we are in the
10 proceeding.

11 So I would like to hear from the
12 parties, that way and also if there are any
13 witnesses out there or any individuals who
14 wish to testify today who might have to leave,
15 we'll have some certain time constraints we
16 can sometimes take people out of order and
17 hear that testimony.

18 So think about that as well. Let's
19 hear from the parties first with respect to
20 whether they would want to stay beyond 6:00,
21 you know, close to 7:00 if we need to go
22 there.

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1 MS. BROWN: Madam Chair, the
2 applicant is willing to stay as long as it
3 takes to get this finished. They are very
4 anxious to move along with their chapel.

5 CHAIRPERSON MILLER: Okay. And how
6 about the ANC and CBENA?

7 MS. THOMPSON: Yes.

8 CHAIRPERSON MILLER: Are you okay
9 with that staying late a bit?

10 MS. THOMPSON: I also think our
11 statements will not be that lengthy.

12 MS. MYERS: Yeah, it won't be.

13 CHAIRPERSON MILLER: Okay. Good.
14 And are there any individuals in the audience
15 who have some time constraints who would like
16 to go out of order? Yes?

17 MS. COOPER: (Speaking off mike.)

18 CHAIRPERSON MILLER: You have to
19 leave in about 10 minutes? So why don't -- if
20 the parties don't object, why don't we have
21 you come forward now if you are ready, are you
22 ready, before we get into the Office of

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1 Planning's testimony.

2 Also, could you make clear before
3 you testify if you are testifying as an
4 individual or if you are part of the CBENA
5 group, just so we know where to -- understand
6 where your testimony is in context?

7 MS. COOPER: No, I was here. Um,
8 I'm actually a member of CBENA.

9 CHAIRPERSON MILLER: Okay.

10 MS. COOPER: I'm also a resident of
11 the neighborhood. So I'm not sure how that
12 works.

13 CHAIRPERSON MILLER: Okay. Well,
14 let me just say, first of all, what's your
15 name and address?

16 MS. COOPER: Patricia Cooper and I
17 live at 4822 Piney Branch Road.

18 CHAIRPERSON MILLER: Okay. And
19 just quickly at the beginning of the hearing,
20 Ms. Thompson said that she -- there were many
21 members of CBENA here and that those people
22 who were members of CBENA would be considered

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1 part of her case representing CBENA if you
2 authorized her to represent you.

3 So is that your understanding that
4 you are part of this group?

5 MS. COOPER: Yes.

6 CHAIRPERSON MILLER: Okay. That's
7 fine. All right. Then whenever you are
8 ready, you can go forth with your testimony.

9 MS. COOPER: Okay. 3 minutes? Is
10 that our --

11 CHAIRPERSON MILLER: No, not
12 exactly, because you are part of her case, so
13 it's the whole case.

14 MS. COOPER: My actual concerns go
15 back to my -- when I moved into the
16 neighborhood, which was in 1983. The new
17 structure, as I see it, or as I understand it,
18 I feel will really overpower or tower over our
19 neighboring residences. Its location on the
20 higher elevation makes it, in my view, because
21 it is already elevated, it makes it really --
22 this is the reason I'm saying that I believe

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1 it is towering or overshadowing our
2 residences.

3 And again, having lived in the
4 neighborhood since 1983, just before the
5 convent and the very small chapel was built on
6 that site, that particular use was at a very
7 low scale and the chapel, which people are
8 referring to as the chapel, really is a very
9 small chapel which accommodated the nuns and
10 about 7 or 8 neighborhood people who walk
11 there.

12 So I guess that my view is that as
13 a part of the community, I think we were
14 looking at something that would be more
15 accommodating of who we are and where we live.

16 And we were hoping that this particular group
17 would be able to work with us in terms of
18 having something that was somewhat less
19 intrusive.

20 How that can work out, I don't
21 know. I understand that the plans are already
22 done. They were on the drawing board. They

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1 bought this two years ago. So I mean, I guess
2 that I -- and I think I speak for most of the
3 people in the community that that has been our
4 major concern. Not that we don't want to have
5 the group in our neighborhood, not that we are
6 anti-churches.

7 We are anti any more uses that are
8 going to impact the quality of life in our
9 neighborhood, but again, we really -- I think
10 we can all say that we wish that there had
11 been a way in the past or perhaps even at this
12 point to make a -- to be able to be more
13 communicative with the institution and to make
14 us good neighbors, because, quite frankly, a
15 lot of people in the community are not looking
16 to be good neighbors, because of the way that
17 everything has transpired.

18 So this is -- I'm not trying to be
19 threatening. I'm just telling you that this
20 is a very common thread within the group of
21 people, both CBENA and other people who are
22 not connected with CBENA, who live near me.

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1 Thank you for your time.

2 CHAIRPERSON MILLER: Thank you.

3 What do you mean by less intrusive?

4 MS. COOPER: I'm sorry?

5 CHAIRPERSON MILLER: What do you
6 mean by less intrusive? How would you like
7 them to be less intrusive?

8 MS. COOPER: Well, less intrusive,
9 I mean, I look at the numbers. I look at the
10 fact that this is yet another institution
11 where another institution, if you will, in my
12 -- within my immediate area where I already
13 have six within -- and I live on Piney Branch
14 between Decatur and Emerson, so I already have
15 a church next door to me, the Latin School
16 down the street, the Century Club down the
17 street, the Kingsbury School down the street,
18 another church on the corner.

19 So I'm just saying that when I say
20 intrusive, I'm speaking of yet another
21 institution. Not that the group itself is an
22 intrusive group, certainly not by any means.

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1 But just the whole idea of yet another
2 institution.

3 CHAIRPERSON MILLER: Thank you.
4 Any other questions? Does the applicant have
5 any questions? Okay. Sir, do you also need
6 to testify early?

7 MR. SLOAN: Yes, ma'am, Madam
8 Chair. My name is Anthony Sloan. I live at
9 1406 Emerson and I am going to have to leave.

10 Normally, I would try to speak with my lovely
11 wife on my side as we did during the overlay
12 meeting, but, unfortunately, I've got kids at
13 home who also reside at 1406 Emerson Street.

14 I would just like to say that a
15 great deal of what has been presented here
16 today has been somewhat misleading. Numbers
17 can paint the picture that you want those
18 numbers to paint, but if you are not actually
19 in the neighborhoods and you live there and
20 you experience these things every day, those
21 numbers are really, to a lot of us, not
22 factual numbers.

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1 Just for instance, you know, you
2 talk about the impact of traffic along the 16th
3 Street corridor on Sundays and I understand
4 that, you know, when you're dealing with a
5 professional, statistic person, they have to
6 have guidelines. There must be, you know,
7 some form of guidelines for those individuals
8 to follow.

9 But in this case, when you are
10 speaking about the number of churches that are
11 along the 16th Street corridor and where those
12 churches actually start, I mean, you can go as
13 far as -- you know, as far north as Holly
14 Street and as far south as, you know, the
15 White House and there is a church in every
16 block.

17 Now, of course, these churches are
18 -- don't all gather on Sundays, but the impact
19 that it has on the neighborhoods along 16th
20 Street and the fact that you are changing a
21 two lane thoroughfare in both directions, a
22 four lane thoroughfare, into a single lane

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1 going in both directions, along with a major
2 bus route that on Sundays the Metrobuses
3 normally run in dual, in a dual fashion, so
4 that they are able to continue along the 16th
5 Street corridor in a timely fashion.

6 So what does that mean? That
7 simply means that the traffic comes to a
8 complete stop period, complete stop, each time
9 a bus pulls to the curb to pick up or let a
10 passenger off. And you know, I would even
11 venture to say that this is probably from the
12 Park Row corridor all the way up to, as I
13 said, Holly Street, which is just beyond
14 Walter Reed.

15 So again, these are the type of
16 things that had not been taken into
17 consideration along with the impacts on the
18 individual streets and the counts that were
19 taken. I would just question, first of all,
20 where were the counting machines placed?

21 Because if you place a counting
22 machine at the corner of 16th and Emerson where

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1 Emerson Street actually starts, most of the
2 through traffic that comes along the 14th and
3 Emerson Street block does not come from 16th
4 Street on a rush hour day, because what you
5 are dealing with are people who are flowing
6 through the neighborhoods, which are using 15th
7 Street and the 14th Street corridor to get
8 through.

9 And so I guess my example is that
10 there are a number of things that are not
11 taken into consideration when you are talking
12 about statistics and the actual impact on the
13 neighborhoods, along with the fact that, you
14 know, most of, if not all, of the churches
15 that are aligned along this 16th Street
16 corridor with maybe the exception of one,
17 these churches were built long before 1980.

18 So to have a brand new church built
19 on 16th Street with no community input, because
20 clearly there has been no community input
21 whatsoever on the design of the church, the
22 lot of the church and even when the lot was

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1 cleared off, the neighborhood was never
2 notified that they were even going to clear
3 the lot.

4 But again, we won't get into that.

5 These are the type of things that we have had
6 to deal with as neighbors. Now, again, we are
7 not, you know, people who are against
8 churches. That's not the issue here. The
9 issue is is how will this particular
10 institution affect our livelihoods and our
11 neighborhoods?

12 And that's what I think you will
13 find a consensus of most people who are in
14 opposition. That's their opinion. I mean,
15 how is it going to affect the neighborhoods
16 and our way of living? You know, again, I can
17 discuss several other issues that were brought
18 up.

19 You know, I was very tickled, I
20 think the gentleman's name is Mr. Williams,
21 I'm very impressed Mr. Williams. I have lived
22 here in this town for 50 years and you have a

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1 great deal of knowledge about what goes on
2 here. But and again, I wish we had the type
3 of money to hire a professional, such as
4 yourself, to speak in our behalf, but
5 unfortunately we don't.

6 And so I think it's up to you guys
7 to, you know, try to distinguish what is going
8 to be best, because you're going to make the
9 final decision. But just keep in mind that
10 it's going to be a major impact on the
11 neighborhood no matter how you paint it or
12 what color you paint it. It's going to impact
13 the neighborhood.

14 And thank you for your time and we
15 look forward to you guys making the decision
16 here.

17 CHAIRPERSON MILLER: Don't go away
18 yet. Let me ask you, so you, obviously, live
19 near. Where do you live, what street?

20 MR. SLOAN: 1406 Emerson Street.

21 CHAIRPERSON MILLER: Okay.

22 MR. SLOAN: Which is a block away

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1 from the site.

2 CHAIRPERSON MILLER: How does the
3 traffic compare on Sunday on 16th Street to
4 rush hour on 16th Street in your area?

5 MR. SLOAN: Well, let me --

6 CHAIRPERSON MILLER: In the are of
7 the proposed church.

8 MR. SLOAN: -- try to give you a
9 fairly -- give you an analysis that we can all
10 relate to. Have you ever left FedEx Field?
11 Have you ever been to FedEx Field for a
12 football game?

13 CHAIRPERSON MILLER: You don't want
14 to ask me questions.

15 MR. SLOAN: Okay.

16 CHAIRPERSON MILLER: I just want to
17 ask you questions.

18 MR. SLOAN: Well, that is a pretty
19 good analysis of what is -- what type of
20 impact at certain times on Sundays that 16th
21 Street and the 14th Street corridor has. And
22 again, I don't want to mislead you. It's not

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1 constant. It's not constant at all. What we
2 are talking about is the hours prior to
3 service and the hours after the services are
4 over.

5 And in the case of the Latter-Day
6 Saints, I mean, they are talking about
7 multiple services throughout the day on
8 Sundays, so it's going -- you know, I mean, if
9 I understood correctly, there are going to be
10 multiple services on Sunday, one at 9:00 and
11 one at 1:00 a.m., I -- or 1:00 p.m., I'm
12 sorry.

13 So again, it's like leaving an
14 arena after a major sporting event.

15 CHAIRPERSON MILLER: Okay. And
16 rush hour? It's not like that, it's moving or
17 not?

18 MR. SLOAN: Well, rush hour, it's a
19 constant flow, partly because what you have
20 is, first of all -- and DDOT could, I guess,
21 attest to this is that if I recall, based upon
22 my surveys that I have done, because I travel

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1 16th Street quite often, the traffic lights or
2 the traffic signals along 16th Street after you
3 get beyond, I believe it is, Arkansas Avenue
4 down at the bottom where the bridge is located
5 where you come across from the park, those
6 traffic signals are timed during rush hour.

7 So there is a constant flow of
8 traffic, so you don't get the backups that you
9 would normally get on a Sunday, because you
10 are dealing with reduced laneage. And in some
11 cases, I would even venture to say that you
12 may travel a block along 16th Street on Sundays
13 where the lane may be open, but then you have
14 to merge back into the left lane, which
15 creates an additional issue, because you have
16 got folks who are trying to jump in front of,
17 you know, just that whole traffic flow issue.

18 And during the week you do not have
19 that, because there is no parking along 16th
20 Street during the week.

21 CHAIRPERSON MILLER: Thank you.
22 Any other questions? Does the applicant have

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1 any questions? Okay. Thank you very much.

2 MR. SLOAN: Thank you.

3 MS. BROWN: I do have one request,
4 Madam Chair. I have learned that one of the
5 witnesses that wants to support the church
6 would need to speak now if that's all right
7 with you.

8 CHAIRPERSON MILLER: Sure.

9 MR. LANSING: Good afternoon.

10 CHAIRPERSON MILLER: Good
11 afternoon.

12 MR. LANSING: My name is C. J.
13 Lansing. I'm 15 years-old. I've been a
14 member since I was 8. Oh, I testified here
15 before on the Commission. Why the church is
16 important to me is the church is important to
17 me because of no friends, you know. They been
18 in my life since I was young. You know, it
19 changed my life in many ways and school.

20 It made me a nicer person. I have
21 more activities to do instead of staying out
22 in the streets. And it made me a better

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1 mature person. And I think if we have this
2 new building, it could bring more people and
3 the neighbors could come if they wanted, you
4 know. And that's all I got to say.

5 CHAIRPERSON MILLER: Thank you.
6 And where do you live?

7 MR. LANSING: Um, 5922 13th Street.

8 COMMISSIONER JEFFRIES: The young
9 man testified during our Zoning Commission
10 hearing, so anyway, welcome back.

11 MR. LANSING: Thank you.

12 CHAIRPERSON MILLER: How long have
13 you been a member of the church?

14 MR. LANSING: Since I was 8 years-
15 old.

16 CHAIRPERSON MILLER: Okay. Any
17 questions from the ANC or Ms. Thompson?

18 MS. MYERS: No.

19 CHAIRPERSON MILLER: Okay. Thank
20 you very much.

21 MR. LANSING: Thank you.

22 CHAIRPERSON MILLER: Anybody else

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1 who needs to testify right now who has to
2 leave? Okay. Then why don't we go to the
3 Office of Planning?

4 MR. MORDFIN: Good afternoon, Madam
5 Chair and Members of the Board. I'm Stephen
6 Mordfin with the Office of Planning. And the
7 subject application is in conformance with the
8 test for the granting of an area variance,
9 because the site is unique because it fronts
10 on four public streets with no access to
11 through alley circulation.

12 And this uniqueness results in a
13 peculiar and practical difficulty, because it
14 is impossible to locate any parking that is
15 not within the area between the church
16 building and a street right-of-way unless
17 access is provided through the public alley,
18 which would negatively impact the four
19 residences located there.

20 Access to the site cannot be
21 provided that does not cross public space and
22 the granting of the variance will not impair

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1 the intent of the Zone Plan, because neither
2 the driveways nor the parking would be located
3 along either 16th Street or Emerson Street.

4 Provided the area variance is
5 granted as requested, the subject application
6 is in conformance with the criteria for the
7 granting of a special exception, because 2.5
8 times the minimum parking would be provided
9 on-site. The parking lot would be surrounded
10 by a 6 foot high wall. Parking lot lighting
11 would not extend beyond the light.

12 Vehicular access would be from
13 Piney Branch Road, which is a low volume
14 roadway. All activities would take place
15 within the building only. And the building
16 would not be used for uses such as a soup
17 kitchen, a day care, a day school or political
18 meetings.

19 DDOT raised issues in its
20 memorandum dated March 2, 2009, including site
21 distance issues related to the proposed wall,
22 the location of the driveway entrance and the

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1 schedules of services of other places of
2 worship.

3 Therefore, the Office of Planning
4 recommends approval of the application
5 provided the applicant addresses the concerns
6 of DDOT. Thank you.

7 CHAIRPERSON MILLER: Thank you.
8 Board Members have any questions? Is Mr.
9 Jennings going to testify, too?

10 MS. BROWN: Yes.

11 CHAIRPERSON MILLER: All right. We
12 can do this separately. I mean, it looks like
13 we don't have any questions from the Board.
14 Is that right? Okay. Does the applicant have
15 any questions? You have a copy of the report?
16 Does the ANC have any questions?

17 MS. MYERS: No.

18 CHAIRPERSON MILLER: Do you have a
19 copy of the report? Okay. Ms. Thompson, does
20 CBENA have any?

21 MS. THOMPSON: Oh, yes.

22 CHAIRPERSON MILLER: Okay.

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1 MS. THOMPSON: Of Mr. Mordfin, yes.

2 MR. MORDFIN: Yes.

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4 MS. THOMPSON: Were you involved
5 with the EISF review as well?

6 MR. MORDFIN: I was not involved in
7 that. The Office of Planning did produce a
8 report, but I was not part of that.

9 MS. THOMPSON: I'm curious, the
10 standards you were using, do you look to
11 potential impacts in terms of the aesthetics
12 of the community? There was some language to
13 that effect in the EISF review that came from
14 Office of Planning. So did you go -- you
15 didn't go back through that same kind of
16 review?

17 MR. MORDFIN: No, the standards
18 that we used for the special exception are
19 those that are contained within the overlay.

20 MS. THOMPSON: Um-hum.

21 MR. MORDFIN: And in section 1553
22 of the Zoning Regulations and those are the

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1 standards that we analyze. We analyzed the
2 application against those criteria.

3 MS. THOMPSON: The reason I'm
4 asking, when it says assess for potential
5 impacts and it seems to go to a very -- you
6 are looking at traffic, but you are not
7 looking at any quality of life, any of those
8 kind of issues that I would come up with
9 planning. Is that -- are you --

10 MR. MORDFIN: Well, the specific
11 criteria, the first one says the
12 nonresidential -- under 1553.2.A, the non -- I
13 don't -- if you have a copy of the report on
14 page 4 under analysis.

15 MS. THOMPSON: Um-hum.

16 MR. MORDFIN: So the criteria are
17 there in italics. The first one is A and that
18 one says that "The nonresidential use is
19 capable of being established and operated
20 without adversely affecting the use and
21 enjoyment of neighboring and nearby properties
22 due to traffic, noise, design or other

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1 objectionable conditions."

2 So the analysis here is we viewed
3 it against that. We looked at the traffic.
4 We looked at, you know, that the site can
5 contain 2.5 times the minimum parking
6 required. We looked at the entrance and
7 provided that DDOT is in agreement with the
8 entrance that it is 60 feet. And if it's not,
9 that -- we view that as a minor thing that
10 could be adjusted to make it 60 feet or they
11 would not be able to get their curb cuts in
12 order to do that.

13 So that's what we looked at. All
14 the activities are inside the building, which
15 means that is going to lessen the amount of
16 noise that is going to be going on in the
17 neighborhood, because it will be contained
18 within the building. So we looked at it from
19 these specific criteria.

20 MS. THOMPSON: Yes, that's
21 specifically my question. It actually says
22 "due to traffic, noise, design or other

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1 objectionable conditions." And I was just
2 curious as to how you look at design and other
3 objectionable conditions. Is there some list
4 of --

5 MR. MORDFIN: There is no specific
6 list, but we looked at the total site and we
7 looked at the way it was laid out with the
8 parking in the rear with the building in the
9 front, so that you don't have the parking in
10 the front of the building or even from 16th
11 Street, so you maintain the urban setting of
12 16th Street.

13 So we looked at those things and
14 how the traffic would enter from Piney Branch
15 Road, which is in that block between Emerson
16 and Farragut. There are no houses that are
17 fronting on that block as opposed to if they
18 were to exit onto Farragut and front --
19 directly in front of somebody's house or exit
20 onto Emerson directly facing somebody's house
21 that this was the best solution to that.

22 And also not using the alley, we

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1 thought in this case, although usually we want
2 people to use the alley, that because it's a
3 16 foot alley and with the amount of traffic
4 that would go on there, that that would have
5 an adverse affect on those people living there
6 should they want to access their rear yards at
7 the time when people are either coming or
8 going to the church.

9 So we looked at it from those
10 perspectives, you know, how to best use this
11 piece of property. And that's how we
12 evaluated it against that criteria
13 specifically.

14 MS. THOMPSON: What I was really
15 asking is that traffic, noise, design and --
16 but your analysis seems to sweep design and
17 other objectionable conditions into traffic
18 and some very hard -- almost sort of like a
19 traffic impact. Sort of like almost that,
20 essentially, we have got two agencies doing
21 the same analysis.

22 And I just wondered if there was

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1 something more that design meant for you as,
2 you know --

3 MR. MORDFIN: Well, did for like
4 the layout of the property and they way they
5 designed it. We thought that that probably
6 made the most sense, rather than having it so
7 that you would see parking lots from 16th
8 Street, which is a major corridor.

9 So we didn't just look at the
10 traffic. We looked at the building. We
11 looked at how it was going to be used. This
12 building will predominately be used on
13 Sundays. It won't be used -- well, we did
14 find out today it will be used sometimes
15 during the week in the evenings.

16 It won't have many of the things
17 that some other churches have which create
18 traffic during the week, such as soup kitchens
19 or day schools and day cares. So we thought
20 that that would also minimize the amount that
21 this building would be used as compared to
22 another institution that easily could go in

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1 there that might have things going on all day
2 long.

3 Say if there were a private school
4 that might have morning and then afternoon and
5 then maybe even evening activities. So we
6 didn't look at just the traffic, but we looked
7 at what was going on there, how they laid out
8 the site. And based on our analysis, we
9 determined that it wouldn't adversely affect.

10 I mean, anything that you are going
11 to do on any piece of property will have an
12 impact. There is no way to do anything on any
13 piece of property without impact. But we
14 thought that the way it was designed would
15 minimize those impacts on the community.

16 MS. THOMPSON: Did you look at the
17 height of the building in terms of neighboring
18 properties and what that might mean in terms
19 of this concept of design or other
20 objectionable conditions?

21 MR. MORDFIN: We didn't look at it
22 from that. I mean, we looked at it to make

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1 sure that it conformed with the zoning
2 requirements of the Zone District that it is
3 in, which permits a building up to 60 feet in
4 height. And that is permitted as a matter-of-
5 right. And they didn't request a variance to
6 height. The didn't need a variance to height.

7 So we did not look at the height of
8 the building and determine whether or not that
9 was adverse. The height of the steeple, there
10 are no controls on that.

11 MS. THOMPSON: Thanks.

12 CHAIRPERSON MILLER: I just have a
13 quick question. The Office of Planning says
14 in its report that it recommends approval, but
15 subject to the applicant addressing the issues
16 raised by DDOT?

17 MR. MORDFIN: Yes.

18 CHAIRPERSON MILLER: Where is the
19 Office of Planning, at this point, do you
20 believe that the applicant sufficiently
21 addressed the issues or are we waiting to see
22 what DDOT has to say?

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1 MR. MORDFIN: I would -- since DDOT
2 is here, I would prefer to wait and hear what
3 DDOT has to say to see if they met to their --

4 CHAIRPERSON MILLER: Okay.

5 MR. MORDFIN: -- satisfaction.

6 CHAIRPERSON MILLER: Okay. So we
7 will hold that in abeyance. Okay, okay. Mr.
8 Jennings?

9 MR. JENNINGS: Good afternoon,
10 Madam Chair. My name is Jeff Jennings, and
11 fellow Board. I work for the District
12 Department of Transportation, the Policy and
13 Planning Administration.

14 We did submit our March 2 written
15 testimony into the record. We still stand by
16 quite a few of the comments, if not all of it,
17 that went into that particular report.

18 The goal of trying to communicate
19 to the applicant through the letter dated
20 January 26 was trying to, I think probably you
21 have hit upon it a couple of times today,
22 collect the traffic counts. My colleague, who

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1 had to leave for another appointment, her name
2 is Anna Chamberlain, she is the Ward 4
3 Transportation Planner and she is very
4 familiar with this area and has become grossly
5 familiar with this case.

6 In trying to sift through the
7 report submitted, I believe, last year
8 associated with the EISF and then having just
9 received the supplemental Traffic Impact Study
10 from the applicant, I believe, that occurred
11 on Friday.

12 I haven't been in the office since
13 Thursday night and for she and I, Anna and I,
14 to correspond about whatever supplemental
15 information may have been submitted into the
16 record, we just simply didn't have that
17 opportunity.

18 Besides traffic counts, a couple
19 other things that we still continue to be
20 concerned about. At the present time, we hear
21 that the applicant plans to encourage mass
22 transit use. We are always very interested in

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1 hearing what encouraging means. Does it mean
2 equipping staff or folks attending the church
3 with SmarTrip benefits? What does it exactly
4 mean? Are there numbers that they plan to
5 provide?

6 We do remain interested in hearing
7 from the applicant how wide this curb cut on
8 Piney Branch may be. We have not heard from
9 them as to how wide that may be. I could go
10 through a much lengthier list. I don't want
11 to necessarily consume a substantial amount of
12 time. I'm certainly willing to answer
13 whatever questions you may have.

14 You know, I think what you have
15 perhaps already tried to have answered today
16 by the applicant, some things, if not all of
17 them, we are trying to have answered as well.

18 Traffic counts being some of the bigger ones,
19 especially related to the Sunday activity.

20 CHAIRPERSON MILLER: Okay. Thank
21 you. I think the traffic issues seem to be
22 the most important ones in this case, from

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1 what I'm hearing so far. It may not be the
2 only issue, but it's an important one. So I
3 think we do need to spend some time on it with
4 you.

5 First of all, I think that the
6 applicant alluded to the memorandum from DDOT
7 in March of 2008 as having very different
8 findings or recommendations than the March 24,
9 2009 letter. Can you address that?

10 MR. JENNINGS: Sure. What -- the
11 EISF, the Environmental Impact Screening
12 Forum, allows DDOT a first look at a project
13 and the main things we do want to take into
14 consideration are traffic counts and how big
15 of an impact they may have on the local, very
16 local area.

17 And in that instance, we may have -
18 - I honestly don't know who inside of DDOT may
19 have authored the report for Associate
20 Director Ricks to sign off on. What I do know
21 is that numerous staff members had the
22 opportunity to write these EISF reports and it

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1 is true that, at that particular time, a year
2 ago we did approve the project, based upon
3 traffic counts and knowing on a very
4 preliminary basis that on their data, at that
5 time, that the project would not have an
6 impact, based upon the, I want to say the,
7 total of 6 or 7 questions inside the EISF.

8 It's a DCRA document that we
9 receive and they more or less will lean into
10 us and simply ask, we would like to get your
11 opinion on this particular project as it moves
12 forward through the system.

13 So those 6 questions were more or
14 less encapsulated in that answer or in that
15 memorandum that you saw signed off by Karina
16 Ricks.

17 CHAIRPERSON MILLER: What's your
18 response to the applicant's point that they
19 don't need to do a Sunday count on 16th Street
20 because, as I understand it, the worst case
21 scenario is rush hour weekdays and Sunday
22 would always be less than that?

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1 COMMISSIONER JEFFRIES: And, Madam
2 Chair, if I could just --

3 CHAIRPERSON MILLER: Something to
4 the effect. Yes?

5 COMMISSIONER JEFFRIES: -- step in
6 for a minute? I actually thought I heard the
7 testimony from the traffic consultant that the
8 directions came from DDOT to do that. Did I
9 miss that?

10 CHAIRPERSON MILLER: No, I think
11 that's right.

12 COMMISSIONER JEFFRIES: Yeah, yeah.
13 So if you can respond to that?

14 MR. JENNINGS: Sure. When you have
15 a project that is of this type of scope where
16 they will have the most use on Sundays, we
17 would strongly encourage any applicant whether
18 it be a school, whether it be a concert
19 environment, anything of that nature, we would
20 encourage them, the land use applicant, to
21 provide counts for Sunday.

22 I'm not sure who -- I did hear, I

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1 think, earlier today the applicant may have
2 said DDOT didn't necessarily seek that
3 information. That may have been true as part
4 of the EISF. However, as the BZA case
5 approached, we wanted to put in writing, and I
6 think it's pretty clear in this letter that we
7 sent to them in January, that we did expect
8 them to collect that information.

9 CHAIRPERSON MILLER: Is DDOT
10 looking at 16th Street in another context?
11 Because sometimes we hear that, you know, you
12 have this Connecticut Avenue study or
13 whatever. Is this 16th Street Sunday church
14 traffic issue being looked at by DDOT?

15 MR. JENNINGS: To the best of my
16 knowledge, it isn't. Again, my coworker who
17 has since departed, she would be much better
18 to answer that question. But we did discuss
19 are there any studies in the area at the
20 present time. I do know that the neighborhood
21 is looking to have a transportation study
22 performed. Whether or not we come up with the

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1 funding with this fiscal year or next fiscal
2 year, it's kind of up in the air at the
3 present time.

4 But there is nothing at the present
5 time to study the upper 16th Street portion
6 north of Arkansas to go up to the District
7 line.

8 CHAIRPERSON MILLER: I'm just
9 wondering, you know, it sounds like we are
10 hearing some testimony like there is a tipping
11 point problem or 16th Street is getting
12 saturated and I didn't know whether one
13 possibility would be to change something, you
14 know, with the parking that is allowed on 16th
15 Street on Sundays or the lights or anything
16 like that. But -- yeah?

17 MR. JENNINGS: I don't know of
18 anything. I believe the resident, I think his
19 first name is Anthony, who spoke earlier, he
20 hit it on the nose with respect to the signal
21 optimization that you experience on Monday
22 through Friday during rush.

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1 We have those signals set for very
2 long periods of time, so that the green
3 movement or the green light can, obviously,
4 move as many vehicles out of the District
5 during rush as possible. I believe they are
6 set to either 90 or 120 second intervals
7 before they change over to a red.

8 On weekends, they are not synced.
9 They are not anything like that, so again,
10 that would have been helpful hearing from the
11 applicant how the signal is not optimized or
12 is not synchronized on a Sunday in relation
13 to, especially as I heard it, the release
14 times for the institution.

15 So in other words, if they have a
16 9:00 to 12:00 mass, what we perhaps would have
17 liked to have heard was what the signal
18 systems are like beginning around noon and
19 then I understand that the second mass period
20 concludes at 4:00. And then we would have
21 liked to have heard from them what the signals
22 are like during a 4:00 period.

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1 Are they at a point where they
2 cause the traffic to que up to substantial
3 portion that it's actually cutting through the
4 neighborhood?

5 CHAIRPERSON MILLER: Well, based on
6 your expertise, could a change in the
7 synchronization have an impact, you know, a
8 positive impact, on the traffic flow on a
9 Sunday?

10 MR. JENNINGS: It could. I don't
11 know if we are necessarily moving in that
12 direction. What I do know is that you have a
13 lot of residents that use the neighborhood
14 streets on the weekends, whether it is to walk
15 the dog or merely just get some exercise. 16th
16 Street has plenty of sidewalks, so it's very
17 convenient in that respect.

18 With respect to changing the
19 signals, it would actually move the traffic
20 that much quicker and we would rather see a
21 much more modest speed since we have a lot of
22 multi-modal use out there on Sundays. So as

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1 far as people on bicycles and pedestrians, the
2 opportunity for traffic to travel at a 25 or
3 30 versus a 40 or 50, we would rather see
4 that, especially on Saturdays and Sundays.

5 CHAIRPERSON MILLER: First of all,
6 I want to say just for future with this Board,
7 if someone is going to have to leave, let us
8 know, because again we could have taken her
9 out of order.

10 MR. JENNINGS: Oh, no, no, I --

11 CHAIRPERSON MILLER: It's okay?

12 MR. JENNINGS: Yeah.

13 CHAIRPERSON MILLER: Okay.

14 MR. JENNINGS: It's perfectly fine.

15 If she and I had felt that she had something
16 more that she could have shared -- she
17 actually authored much of the report that you
18 have here dated March 2.

19 CHAIRPERSON MILLER: Oh, okay,
20 good. Okay. I guess I want to be clear with
21 respect to this January 26th letter. They went
22 through the points and they, the applicant

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1 being they, I think, felt -- I got the
2 impression that they considered their response
3 as having addressed all the points.

4 MR. JENNINGS: Um-hum.

5 CHAIRPERSON MILLER: And I just
6 want to get a clear understanding from you
7 which ones you think remain to be addressed?

8 MR. JENNINGS: Sure.

9 CHAIRPERSON MILLER: Or if they
10 addressed it, why you don't think it was
11 adequate, you know, just so we know where we
12 are with your report.

13 MR. JENNINGS: Okay.

14 CHAIRPERSON MILLER: Okay.

15 MR. JENNINGS: There could be a
16 chance that they addressed most of it in
17 whatever supplemental was submitted into the
18 record on Friday. I just haven't had the
19 opportunity to take a review of what they
20 submitted into the record on Friday.

21 CHAIRPERSON MILLER: I think even
22 today at the hearing though Ms. Brown was

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1 going through the points.

2 MR. JENNINGS: Well, for starters,
3 I think the Sunday traffic counts would have
4 been very, very helpful.

5 CHAIRPERSON MILLER: Can we go in
6 order?

7 MR. JENNINGS: Oh, sure, I'm sorry.

8 CHAIRPERSON MILLER: That's okay.
9 But just so we don't miss something, because
10 the first one deals with intersection
11 functions.

12 MR. JENNINGS: I have that.

13 COMMISSIONER JEFFRIES: Madam
14 Chair, I'm going to take off. I'm not certain
15 whether the Board is going to, you know, move
16 on this. If the Board does not move on it, I
17 will certainly read the record and participate
18 at the following meeting.

19 CHAIRPERSON MILLER: Thank you.

20 MR. JENNINGS: The intersection
21 functions on a Sunday, to the best of my
22 knowledge, not all of the intersections around

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1 the area have been covered for that Sunday
2 period.

3 The pedestrian level of service, we
4 would have preferred to see something a little
5 bit different than what was delivered inside
6 their report, but if I could honestly get back
7 to you about the pedestrian level of service
8 review and the reason for that is because I
9 would like to actually check in with our
10 pedestrian safety coordinator, George Branyon,
11 at DDOT before I provide any opinion on what
12 was submitted.

13 CHAIRPERSON MILLER: What's the
14 significance of this pedestrian level of
15 service? I don't think we see that so often
16 in cases.

17 MR. JENNINGS: We're trying to do
18 it a lot more and what it does, especially for
19 a Sunday impact or land uses -- what we have
20 here is does the traffic volume have an impact
21 on people using the sidewalks, maybe where
22 sidewalks are not necessarily installed. As

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1 has been said here, there is not a continuous
2 sidewalk along Piney Branch.

3 So is there enough, what we call,
4 shy space? It's the space between where a
5 pedestrian would walk in the street and a
6 vehicle lane of travel. So that's -- those
7 are things that we would like to take into
8 consideration. The pedestrian level of
9 service additionally would provide maybe a
10 sense of safety to the neighborhood that when
11 this particular institution releases at noon
12 or at 4:00, that they wouldn't necessarily
13 have a negative impact on the sidewalk being
14 used along Piney Branch.

15 What I gathered from their analysis
16 was are there sidewalks? Yes, there are. Is
17 that a good level of service? Yes, it is.
18 Therefore, the pedestrian level of service
19 overall received a letter B.

20 What we prefer to see is a little
21 bit more of a further analysis with respect to
22 if you look in the D.C. Pedestrian Master Plan

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1 where we have conducted our own level of
2 service with certainly different standards, I
3 think, than what they have used here and I can
4 provide those to you, just not right now. I
5 don't have them off the top of my head. But
6 those are things that we certainly would
7 prefer to see when they conduct a pedestrian
8 level of service.

9 CHAIRPERSON MILLER: Okay. Because
10 they are here now in case they want to rebut
11 or cross you or whatever --

12 MR. JENNINGS: Right.

13 CHAIRPERSON MILLER: -- until we
14 can understand, there are measures of this
15 that are in -- but you don't have it with you?

16 MR. JENNINGS: It's on our website
17 as a matter of fact.

18 CHAIRPERSON MILLER: The measures
19 are -- who established the measurements of
20 pedestrian level of service?

21 MR. JENNINGS: We actually had our
22 pedestrian safety coordinator, George Branyon,

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1 he worked with an outside consultant and they
2 came up with the District's Pedestrian Level
3 of Service.

4 CHAIRPERSON MILLER: So if this
5 church were built, but there wasn't a sidewalk
6 say all along Piney Branch, which we may have
7 heard, then they might have a lower score on
8 pedestrian level of service? And what would
9 that mean, somebody -- either they couldn't
10 have their church or somebody would have to
11 extend the sidewalk?

12 MR. JENNINGS: We would want them
13 to actually include it in their study to let
14 us know where there may be faults, where there
15 may be potential conflicts with pedestrians.
16 Does the city have an opportunity to do better
17 on Piney Branch? Yes, we do and therefore
18 it's one of these things that we would want to
19 take into consideration whether it is near
20 this curb cut, I honestly don't know if it's
21 near the curb cut.

22 However, these are things that we

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1 would certainly take into consideration.

2 CHAIRPERSON MILLER: Okay. Just
3 because we haven't really been dealing with
4 this, that's why I'm kind of probing a little
5 bit. But that's something -- okay, that would
6 be a good feedback for DDOT. But as far as
7 our standards go for determining whether they
8 comply with the Zoning Regulations, how do
9 they -- does that come into adverse impact or
10 something that we are supposed -- you think
11 that we are supposed to consider?

12 MR. JENNINGS: What I think you are
13 considering today is a land use and does it
14 meet the various goals of the District
15 agencies, especially. And what we have asked
16 from time to time is for applicants to conduct
17 a pedestrian level of service.

18 CHAIRPERSON MILLER: Okay. I don't
19 know that we actually have to require them to
20 meet all the agency's goals.

21 MR. JENNINGS: Okay.

22 CHAIRPERSON MILLER: But I think

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1 often the goals are, you know, sometimes
2 something to consider with respect to goals
3 are intended to mitigate adverse impacts or
4 something. It can come into consideration,
5 but not necessarily, I guess, meeting.

6 I think we have to meet -- they
7 have to meet our Zoning Regulations, so --

8 MR. JENNINGS: Understood.

9 CHAIRPERSON MILLER: Yeah, okay.
10 Anybody else have a question on that one? We
11 are only on No. 2, I think.

12 Traffic counts you said for 16th
13 Street, correct?

14 MR. JENNINGS: It would have
15 helped. A typical Sunday, absolutely, and a
16 typical weekday for 16th Street.

17 CHAIRPERSON MILLER: And I feel
18 like I already asked you this and Mr.
19 Jeffries, but I can't really remember your
20 answer. I think, I mean, it's a good idea to
21 do these counts, but what is the value of the
22 applicant looking at the worst case scenario

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1 rush hour? How does that compare to Sunday?
2 Is it always worse or is it not necessarily
3 and, therefore, they need to do these counts
4 on Sunday?

5 MR. JENNINGS: It's not always
6 worse. But, you know, it certainly does help
7 to make a very full well-rounded study. If
8 you are out there collecting on a weekday and
9 on a Sunday, in this case, and to show us that
10 work and that data that has been collected,
11 that always helps us quite a bit.

12 We have our own average daily
13 traffic counts that we have performed
14 ourselves and I think when we have the
15 opportunity to see an outside consultant
16 collect data, and in this case on 16th Street,
17 it certainly helps us understand where maybe
18 we could be doing better with either data
19 collection or trying to create a safer means
20 of travel on 16th.

21 CHAIRPERSON MILLER: You have this
22 data?

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1 MR. JENNINGS: We have ADT. We
2 have average daily traffic for quite a few
3 major arteries throughout the entire District.

4 I think it is collected, to the best of my
5 knowledge, every two years.

6 CHAIRPERSON MILLER: So you could
7 submit this if the Board requested it?

8 MR. JENNINGS: That's correct.

9 CHAIRPERSON MILLER: I mean,
10 because I hear you saying, you know, it would
11 be nice if they did all these things, it would
12 help you. But I don't know if that's how they
13 see their role here as helping DDOT. But you
14 know, okay. But that data is helpful. I
15 mean, I think that's what we, a lot of Board
16 Members, feel like rather than just relying on
17 that assumption, that it is going to be worse
18 rush hour, to actually see the numbers.

19 What data would actually show us or
20 reflect the level of congestion? I mean, you
21 could have a count, but it can be moving,
22 right?

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1 MR. JENNINGS: That's right. I'm
2 not sure where you are trying to -- I
3 understand, I guess, the question with respect
4 to congestion. I'm not understanding what
5 else there is to it though.

6 CHAIRPERSON MILLER: Okay. Not
7 being a traffic expert and a lot of people
8 here in the room are not traffic experts, they
9 go out and they see anecdotally there is a lot
10 of congestion on 16th Street on Sunday. That's
11 what we hear. What data would support that?
12 Is it the intersection data?

13 MR. JENNINGS: Traffic counts.

14 CHAIRPERSON MILLER: Is it the
15 count? It's the counts?

16 MR. JENNINGS: Traffic counts.

17 CHAIRPERSON MILLER: Even though it
18 could be moving? I mean, if you have a lot of
19 cars moving?

20 MR. JENNINGS: Yes.

21 CHAIRPERSON MILLER: Okay. I think
22 we are up to No. 4.

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1 MR. JENNINGS: I think they
2 completed that.

3 CHAIRPERSON MILLER: No. 5?

4 MR. JENNINGS: I don't believe we
5 received for start and conclusion time for
6 other area churches.

7 CHAIRPERSON MILLER: So you think
8 that would be helpful? Do you think that? I
9 mean, it might be helpful. But you think
10 that's their obligation to do that?

11 MR. JENNINGS: I do.

12 CHAIRPERSON MILLER: To prove their
13 case that -- it's just one more piece of
14 information or how does that tie in with the
15 traffic counts?

16 MR. JENNINGS: No, I think that's
17 right. It's just one more piece of
18 information that we would like to have in the
19 bigger picture.

20 CHAIRPERSON MILLER: So say we knew
21 the traffic counts on Sunday between 8:00 and
22 9:00 and I don't know 11:00 or 12:00 and 1:00

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1 or whatever, you know, right around the times
2 of the beginning and ending of the services,
3 why would we have to know the other churches'
4 times?

5 MR. JENNINGS: Well, I think it
6 shows how much more. If what I have heard
7 today is absolutely true that this
8 congregation and/or this particular
9 institution has such a minimal amount of trips
10 being taken due to carpooling, from what it
11 sounded as though, and the tremendous amount
12 of mass transit use, I think that having those
13 counts to show on a Sunday and then perhaps if
14 DDOT were to conduct its own Sunday counts at
15 some later time to see how they match up with
16 what the applicant has delivered.

17 CHAIRPERSON MILLER: Okay. I'm
18 going through these. If any Board Member, you
19 know, has a question on any of these, just let
20 me know or you can go back to it, okay,
21 because I'm not on No. 6, but just feel free
22 to jump in or when we are finished go back to

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1 any of these.

2 No. 6?

3 MR. JENNINGS: From what I heard
4 here today, I think the curb cut location is
5 60 feet away from the nearest intersection,
6 that's from what I have come to understand
7 here today. That curb cut, the regulation can
8 be found inside the DDOT Design and
9 Engineering Guidelines, which is also on our
10 website, and I can provide that to you if
11 needed.

12 What I think I have not heard today
13 is how this wall will not cut down on the
14 visibility upon exiting or entering onto Piney
15 Branch. And I think that also plays back into
16 the whole idea of what pedestrian level of
17 service is, too.

18 CHAIRPERSON MILLER: Okay. No. 7?

19 MR. JENNINGS: I don't believe I
20 have received any information related to that.

21 What we hoped to do was understand if there
22 is a worst case scenario, since that is always

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1 what we really want to see, how bad can it
2 get? Is there a church out there or is there
3 an institution that is much bigger than this,
4 so say 2 or 3 times the size of the -- what
5 the applicant has delivered, so that we can
6 perhaps go to that institution and we would
7 independently collect our own traffic data to
8 understand how much of an impact they are
9 having on the neighborhood, too.

10 CHAIRPERSON MILLER: Oh, I don't
11 even know if the applicant appreciated that
12 that's what you meant. You want them to find
13 the largest service of any church in what
14 area? Not their largest number of attendees,
15 but any church's largest number of attendees?

16 MR. JENNINGS: Yeah, I think within
17 the 10 block radius would be fine.

18 CHAIRPERSON MILLER: The applicant
19 is going to have a chance to respond. Okay.
20 I'm going through these and then if Board
21 Members have any questions or whatever, now is
22 our time to ask.

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1 Okay. Let's go to 8. Do you think
2 they answered that today?

3 MR. JENNINGS: I don't think I have
4 heard that today.

5 CHAIRPERSON MILLER: Okay. And 9?

6 MR. JENNINGS: I have heard
7 encouraging mass transit use. I have heard
8 some folks may walk and I have heard some may
9 carpool, but I don't know of what they plan to
10 do to actually put the plan in place or if
11 there is a plan.

12 CHAIRPERSON MILLER: And how is
13 that relevant to our analysis? Is it relevant
14 to the 50 percent mass transit --

15 MR. JENNINGS: That's right.

16 CHAIRPERSON MILLER: -- reduction
17 assumption?

18 MR. JENNINGS: Which I have to say
19 is probably one of the highest mass transit
20 reductions I have ever seen in my three and a
21 half years at DDOT. Usually we receive 25
22 percent as a mass transit use. And you will

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1 typically see higher mass transit use if it's
2 around fixed rail mass transit, not
3 necessarily with a bus. So when we saw that
4 number, it certainly caught us by surprise.

5 CHAIRPERSON MILLER: So that's not
6 like an automatic number that applicants
7 should put in. It's just a guideline and then
8 they look at it and they make an adjustment?
9 Is that it?

10 MR. JENNINGS: That's right.

11 CHAIRPERSON MILLER: Okay. Other
12 questions?

13 VICE CHAIRMAN LOUD: Thank you,
14 Madam Chair. I just want to make sure I
15 understand some of the dialogue around the
16 traffic counts. This probably is not your
17 testimony, so I'm not crossing you on it. But
18 I think it came from Ms. Morris and I just
19 wanted to make sure I understand it. So I'm
20 going to ask you to give me some feedback on
21 it.

22 In terms of the traffic count and

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1 the correct interpretation of the data, one of
2 the things that she testified to regarding
3 this morning is that the total daily traffic
4 count for Sunday was 1,675. And that one
5 would take, approximately, 10 percent of that
6 to determine what the capacity is for Piney
7 Branch or Emerson within a single hour.

8 COMMISSIONER JEFFRIES: Um-hum.

9 VICE CHAIRMAN LOUD: Is that --
10 that's correct. Okay.

11 MR. JENNINGS: That's very -- it's
12 a very much suburban-based model and I don't
13 think that this particular area is completely
14 different from the suburbs. If we had a much
15 more densely populated area, perhaps it would
16 be a little bit of a different math set out
17 there. But I think that's relatively
18 accurate.

19 VICE CHAIRMAN LOUD: So that's a
20 pretty standard formula to use, particularly
21 for this part of Emerson and Piney Branch
22 because it is kind of suburban/rural feel to

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1 it.

2 Now, she also testified that the
3 actual daily count, I think, was around 359,
4 if I understand it correctly, again, for both
5 Emerson and Piney Branch. And so one would
6 take 10 percent of that, 36, to determine the
7 capacity of those streets.

8 MR. JENNINGS: Um-hum.

9 VICE CHAIRMAN LOUD: That would be
10 experienced once the project is complete?

11 MR. JENNINGS: Um-hum.

12 VICE CHAIRMAN LOUD: So have I
13 gotten a good understanding of what she was
14 trying to convey?

15 MR. JENNINGS: Yeah.

16 VICE CHAIRMAN LOUD: Okay.

17 MR. JENNINGS: I think that's right
18 in the ballpark.

19 VICE CHAIRMAN LOUD: All right.
20 Thank you.

21 CHAIRPERSON MILLER: I just have
22 one more question about the traffic counts on

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1 16th Street. I think you said that DDOT has
2 traffic counts for 16th Street and they do them
3 every two years?

4 MR. JENNINGS: I believe it's every
5 two. If it's not every two, it's every three.

6 CHAIRPERSON MILLER: And do you
7 have any idea how old the most recent traffic
8 count on 16th Street would be?

9 MR. JENNINGS: I want to say 2007.

10 CHAIRPERSON MILLER: Okay.

11 MR. JENNINGS: But I can check on
12 that for you.

13 CHAIRPERSON MILLER: Okay. And if
14 it were 2007, is there any reason that it
15 would not be sufficiently valid for our
16 consideration going back to 2007?

17 MR. JENNINGS: Since the Agency and
18 the city uses it very often, I think it would
19 be probably right on par with what you are
20 trying to do here.

21 CHAIRPERSON MILLER: Okay. So it's
22 a pretty constant number?

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1 MR. JENNINGS: Yeah.

2 CHAIRPERSON MILLER: Okay.

3 MR. JENNINGS: The counts are
4 collected by the tubes we put down on the
5 street. And what I think the engineers may do
6 is take the weekly total and divide it and
7 that, essentially, acts as their ADT.

8 CHAIRPERSON MILLER: Okay. And
9 they measure by time as well, so we would
10 actually have very good data for Sunday at
11 different times?

12 MR. JENNINGS: More often than not,
13 if we were to do a fresh collection of counts,
14 we could actually have a breakdown, a 24 hour
15 per hour breakdown. And I don't know if we
16 have that data readily available. What I do
17 know we have readily available are the volume
18 maps that may be even on our website, but
19 those are the counts that are done every two
20 to three years.

21 So I don't know if I have or we
22 have the hourly breakdown, which I think you

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1 are referencing here.

2 CHAIRPERSON MILLER: Yeah, I'm just
3 trying to determine whether that answers, you
4 know, the question that we are looking at with
5 respect to how much congestion, you know, is
6 there at these hours on Sunday and, you know,
7 before we even add the church's traffic to
8 that congestion or whatever.

9 And so what's your opinion on that?
10 How valuable that would be. It doesn't hit
11 hours. It just hits the day?

12 MR. JENNINGS: Um, I don't even
13 know if it hits a day. I can certainly
14 inquire with a group of staff that does this
15 work. What we have is a -- what they call a
16 typical weekday and there is a number for
17 various areas along 16th Street.

18 I don't know if they are willing to
19 -- again, this is the group of folks that do
20 this work every couple of years. They will
21 call it a typical weekday. And I don't know
22 if they actually have the weekend days. But

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1 does that kind of answer your question?

2 CHAIRPERSON MILLER: Yeah, I
3 thought you said they did have Sundays.

4 MR. JENNINGS: Oh, I'm sorry.

5 CHAIRPERSON MILLER: You're not
6 sure now?

7 MR. JENNINGS: We can do.

8 CHAIRPERSON MILLER: You might?

9 MR. JENNINGS: No, we can do it.
10 It's just not something we would be able to
11 deliver, you know, in the immediate future.
12 We could probably deliver it for you in the
13 next couple of weeks.

14 VICE CHAIRMAN LOUD: Did I
15 understand, just to follow-up Madam Chair's
16 question, that if they do have the ADT
17 information for Sunday, if they have a typical
18 Sunday, they may not necessarily have 16th
19 Street between whatever boundary we are
20 talking about here?

21 MR. JENNINGS: That's right. If
22 they do have a Sunday, it may not be in this

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1 particular portion of 16th Street.

2 VICE CHAIRMAN LOUD: And is that
3 information also covered on the website as to
4 where they -- I guess what boundaries they
5 collected data for?

6 MR. JENNINGS: It actually points
7 at certain areas along the street where they
8 may have placed these data tubes that are used
9 for capturing the counts.

10 VICE CHAIRMAN LOUD: Okay. Thank
11 you.

12 MEMBER DETTMAN: Again, what we are
13 really talking about here is just traffic
14 counts, right? We're not really taking this
15 data. What you could provide to the Board
16 through this entity that collects data or what
17 is on your website is really just giving us an
18 idea of the number of cars that are traveling
19 along a particular segment of the street,
20 right?

21 It's not translated into a level of
22 service, which is going to give the Board an

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1 idea of whether or not a particular
2 intersection fails or passes. Is that
3 correct?

4 MR. JENNINGS: That's exactly
5 right.

6 MEMBER DETTMAN: Okay.

7 MR. JENNINGS: yeah.

8 MEMBER DETTMAN: So really, I mean,
9 and correct me if I'm wrong, I think the piece
10 of data that is really missing here is level
11 of service estimates for particular
12 intersections on 16th Street.

13 MR. JENNINGS: Um-hum.

14 MEMBER DETTMAN: Okay. And --

15 MR. JENNINGS: I agree. That would
16 be very helpful.

17 MEMBER DETTMAN: Okay. And you had
18 mentioned that a 50 percent mode split might
19 not be appropriate for this particular site.
20 Is there a percentage that you or DDOT would
21 maybe apply if they were doing the study?

22 MR. JENNINGS: Typically, we see 25

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1 percent. And again we, typically, will see
2 that if it's around a fixed rail transit area
3 and what we regard as -- you know, if you have
4 a transit-oriented development site, it is
5 going to be, you know, within a certain block
6 radius of a Metro Station. I believe this is
7 a transit-oriented development site, it being
8 as close as it is to a bus line. However, to
9 take 50 percent, that's very, very wishful
10 thinking.

11 CHAIRPERSON MILLER: But if they
12 just took 25 percent, do they still meet their
13 parking, because it sounds like they were 2.5
14 times more than the required parking.

15 MR. JENNINGS: I'm not sure.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER DETTMAN: And just to maybe
18 answer your question, Madam Chair, they
19 actually do. If you just kind of -- instead
20 of a 50 percent mode split, you do 25, they do
21 meet the parking requirement.

22 CHAIRPERSON MILLER: That's what I

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1 thought. Okay. Other questions? Okay. Does
2 the applicant have questions?

3 MS. BROWN: Thank you, Madam Chair.

4 CROSS EXAMINATION

5 MS. BROWN: And Good evening, Mr.
6 Jennings. How are you?

7 MR. JENNINGS: I'm well.

8 MS. BROWN: I just have a couple of
9 questions. When analyzing adverse traffic
10 impacts for an EISF and a BZA application, do
11 the criteria change?

12 MR. JENNINGS: I believe so.

13 MS. BROWN: How so? If you are
14 looking at traffic impacts, how could they
15 possibly change?

16 MR. JENNINGS: With an EISF, the
17 questions are much more -- I mean, if I could
18 pull out the copy that you have provided in
19 your application, I mean, your prehearing
20 statement, they are much more succinct. They
21 are much more contained, if you will. You
22 know, they are in a kind of smaller area and

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1 less thinking about a neighborhood.

2 MS. BROWN: Okay. So traffic
3 impacts are not traffic impacts, it depends on
4 who is asking the question?

5 MR. JENNINGS: No, I think that's
6 not completely true, Ms. Brown. What I
7 believe is true is that there are differences
8 between answering the questions on what I
9 believe is a scientific document and then
10 taking into consideration that, you know, a
11 land use wants to go into a context being a
12 neighborhood.

13 So with respect to delivering
14 comments to the BZA that we typically do, we
15 do want to take into consideration things just
16 beyond traffic counts. We do want to realize
17 if there are sidewalks. We do want to realize
18 that there are uses of the right-of-way on
19 weekends. We do want to realize that there
20 are neighbors who want to get out of their
21 driveways on the weekends.

22 These are things that we take into

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1 consideration.

2 MS. BROWN: Can the applicant still
3 rely on the EISF approval given by DDOT,
4 Karina Ricks?

5 MR. JENNINGS: In what sense?

6 MS. BROWN: That they have been
7 given clearance that DDOT has found no adverse
8 traffic impacts?

9 MR. JENNINGS: Only for the EISF,
10 yes.

11 MS. BROWN: So there are -- okay.
12 That's a curious position. For the Metro
13 reduction, did you account for the difference
14 between weekday and Sunday?

15 MR. JENNINGS: I haven't, no.

16 MS. BROWN: And do traffic counts
17 discriminate among uses? Can you distinguish
18 between whether the trip is being generated by
19 a school, by a church, by a resident, by
20 another institutional use?

21 MR. JENNINGS: I don't believe so,
22 no.

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1 MS. BROWN: So --

2 MR. JENNINGS: I think traffic
3 counts are relatively blind.

4 MS. BROWN: Okay. So that would
5 provide the most accurate information, rather
6 than going to the institutional use data?

7 MR. JENNINGS: Um, you know, I
8 think once again you are getting into the
9 whole aspect of, you know, is there a context
10 where this particular land use is going in,
11 which are things that we take into
12 consideration when we derive our comments for
13 the BZA.

14 MS. BROWN: So the standard
15 changes? So the outcome will change, you
16 cannot rely just on empirical data?

17 MR. JENNINGS: Um, no, I don't
18 think that's completely true either.

19 MS. BROWN: Okay. Are you -- do
20 you recall an email that you received from the
21 applicant's counsel on February 23rd providing
22 information on the total number of attendees

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1 at the proposed LDS Church and the number who
2 drive?

3 MR. JENNINGS: Um, not off the top
4 of my head. I do have in the report that was
5 delivered the total number of attendees to the
6 facility would be 279, which is in the last
7 paragraph of the DDOT report.

8 MS. BROWN: But you don't recall
9 the other information already supplied to DDOT
10 that would answer Questions 7 and 8?

11 MR. JENNINGS: No, I don't.

12 MS. BROWN: And have you had a
13 chance to look at the last page of the
14 applicant's submission to the BZA dated March
15 5th that includes the updated traffic report
16 which shows the times of worship services for
17 area churches?

18 MR. JENNINGS: I haven't. As I
19 stated earlier, I've been actually out of town
20 since Thursday night and arrived back into
21 town yesterday.

22 MS. BROWN: And did your colleague

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1 have a chance to look at it?

2 MR. JENNINGS: I'm not sure.

3 MS. BROWN: Okay. I think those
4 are all my questions. Thank you. One moment.
5 Thank you. Those are all my questions.

6 CHAIRPERSON MILLER: Does the ANC
7 have questions?

8 MS. MYERS: I don't have any
9 questions.

10 CHAIRPERSON MILLER: Ms. Thompson?

11 MS. THOMPSON: Yes.

12 CHAIRPERSON MILLER: Okay.

13 MS. THOMPSON: Mr. Jennings, I have
14 been trying to focus on Piney Branch Road and
15 the unique character of this road and the fact
16 that there is in certain areas not a tree bed,
17 the road is right next to homes. When DDOT is
18 looking at that, is there any way any of that
19 -- is there some effort to maintain -- I mean,
20 there is a difference.

21 There is some reason why you are
22 calling to road and I realize it may just be

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1 something about the characteristic. But is
2 there something that you then consider when
3 you are doing a traffic study of the impact of
4 traffic on that kind of road where,
5 essentially, I'm listening to the cars, the
6 brakes, the -- it's right next to my bedroom.

7 How does DDOT deal with that?

8 MR. JENNINGS: I honestly don't
9 think that there is anything that we consider.

10 I do understand what you are saying. And I
11 have seen many streets similar to what you
12 have just described. But I don't think that
13 DDOT really takes that into consideration.

14 MS. THOMPSON: Thank you.

15 CHAIRPERSON MILLER: Okay. Any
16 other questions for DDOT? All right. Then
17 let's go to the ANC.

18 MS. MYERS: Okay. I guess it's
19 evening now. Good evening. My name is Janet
20 Myers. I reside at 5005 13th Street, N.W. I
21 am ANC Commissioner for Single Member District
22 4C02.

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1 I'm here today representing the 10
2 Commissioners of 4C, but more importantly I'm
3 here representing the residents and the
4 community in which will be greatly impacted by
5 this BZA application and the building of the
6 Latter-Day Saints Church of Christ, which is--
7 which will be -- is considered to be built on
8 vacant Lot 15, 16 -- 4901 16th Street, N.W.

9 What I want to do before I start is
10 I want to make it clear as Tony and Tricia has
11 made clear before that this is not about-- our
12 decision to not support this application is
13 not about the church itself. It is not about
14 the members. It is merely about the residents
15 in this community and the impact that it will
16 have on them.

17 While we understand we're very
18 sensitive to the fact that the Latter-Day
19 Saints Church members are looking for a
20 permanent home and we really respect that, but
21 I just want to go on record to make that clear
22 that, you know, we're not against churches and

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1 we're not against the church itself. That we
2 are -- just really want this Board and the LDS
3 to understand the enormous impact this is
4 going to have on the residents.

5 And in saying that, the residents
6 of this community has already come before this
7 Zoning Board to request a -- the 16th Street
8 Overlay. And this church being built,
9 essentially, one of the reasons why this
10 overlay was requested.

11 It changes the character of this
12 neighborhood. The residents that live in this
13 neighborhood purchased their homes because
14 that is, essentially, what it is, it's a
15 residential neighborhood.

16 As the ANC, I reached out to my
17 residents who are going to be impacted by this
18 church. And as I stated earlier today, the
19 residents that I reached out to to see if they
20 were in favor of this project overwhelmingly
21 unanimously were against it.

22 And I want to just go through

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1 briefly and just talk about some of the
2 concerns and issues that the neighbors have if
3 this church is built.

4 I have already talked to the fact
5 that they felt very -- that this is very
6 intrusive. This is a very intrusive project.

7 And to the fact that the neighbors weren't
8 included in this. And I think we have talked
9 about that earlier, so I won't expand on that.

10 One of the other issues is that the
11 Rock Creek East area of this community
12 continues to be imposed upon with institutions
13 coming into this residential neighborhood and
14 building, building and building. And it's
15 unfair to the residents that live here, you
16 know, that pay taxes and this is their
17 neighborhood.

18 And it just seems that this is
19 overlooked, you know, when institutions come
20 in, you know, and there are an enormous amount
21 of churches just about on every block. And it
22 does have a very -- it's very intrusive to the

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1 community.

2 One of the things that neighbors
3 are really concerned about that I don't think
4 was spoken to today was that if this project
5 is approved and the building begins and there
6 is going to be underground building, what
7 happens to the residents if there is
8 structural damage to their existing homes?
9 Who is held responsible for that?

10 You know, that is something that
11 has to be taken into consideration. Are the
12 residents responsible for structural damage
13 with the shifting if there is underground
14 construction taking place? Who is held
15 responsible for that? So that's one of the
16 big issues.

17 And these are very -- these are old
18 homes. These are old homes. And so, you
19 know, you already have the day to day, year to
20 year shifting, you know, natural shifting.
21 What other impact is this going to have on the
22 residents' homes?

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1 The other thing the residents are
2 concerned with as we have been talking about
3 is the traffic, the traffic patterns. And you
4 know, we want to believe that there is a big
5 difference between the weekday and the
6 weekend. There is a big difference.
7 Neighbors constantly on Sundays have problems
8 with crossing the street. They have problems
9 with just getting out of the neighborhood
10 itself.

11 Crossing 16th Street from the side
12 streets is enormous impact. Those are the
13 concerns of the residents. They have concerns
14 about, as Doreen has mentioned, Piney Branch
15 Road, there is no sidewalk for pedestrians to
16 walk on. And if you -- and I don't know if
17 any of you have seen Piney Branch Road.

18 Piney Branch Road is a very small
19 road. Two cars cannot get down Piney Branch
20 Road at the same time. And if you do have
21 cars going down the road, there is no sidewalk
22 if pedestrians are trying to walk on Piney

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1 Branch Road as well. So that's a concern.

2 And we have residents that have
3 moved in that walk their dogs. We have senior
4 citizens that -- a great deal of senior
5 citizens that live in this community that like
6 to take walks. So that traffic pattern with
7 them trying to cross the street is going to
8 create problems for them.

9 We have -- it's a residential
10 neighborhood with children that play in the
11 neighborhood, you know. What is that going to
12 do for them with the additional traffic coming
13 into the neighborhood?

14 And I just really want this Board
15 to just imagine this is an enormous church
16 that we are talking about being built. And
17 the homes around here, around this church, you
18 know, they are going to be consumed. They are
19 going to -- I mean, they are going to be
20 towered over. This church is going to tower
21 over these homes.

22 So just imagine looking out your

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1 window and what are you going to see, you
2 know? It's just going to be very intrusive.

3 And there is a -- and then I just
4 want to just go through the ANC report,
5 because, you know, there is a resolution that
6 we supported for the neighbors for the over --
7 for the 16th Street Heights Overlay.

8 And I just want to point out that
9 this change is going to impact the
10 Comprehensive Plan, particularly Element 22,
11 which calls for Rock Creek Park East area to
12 remain low to moderate density, single-family
13 homes.

14 This is changing. When we continue
15 to allow institutions to come into the
16 neighborhood, it changes that moderate
17 density. It changes the whole face and
18 character of the neighborhood. And so as the
19 ANC, you know, we are listening to our
20 residents and, you know, we are sensitive to
21 the Latter-Day Saints, but, you know,
22 unanimously we just ask this Board -- we're

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1 not going to support the application and we
2 ask this Board to, please, take into
3 consideration the neighbors and how this is
4 going to greatly impact the neighbors, their
5 homes and the character of the neighborhood.

6 And I'll take any questions.

7 CHAIRPERSON MILLER: Thank you.
8 This is somewhat of a speculative question,
9 but I'll see if you have an answer. I'm just
10 wondering if you -- if the ANC would oppose
11 any institution on this property or a church
12 in particular because of the Sunday traffic?

13 MS. MYERS: Yes.

14 CHAIRPERSON MILLER: Any
15 institution?

16 MS. MYERS: Yes.

17 CHAIRPERSON MILLER: Other
18 institutions could bring even greater traffic,
19 such as schools or something every day.

20 MS. MYERS: Schools. And you know,
21 we currently have two other, you know,
22 applications that have been submitted that are

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1 actually seeking the same type of project that
2 the Latter-Day Saints and, you know, those two
3 -- in those two scenarios, they also, you
4 know, changed the character of the
5 neighborhood as well. And you know, I don't
6 think the ANC would support those projects
7 either.

8 CHAIRPERSON MILLER: And what do
9 you mean by the neighborhood? Because on the
10 one hand we hear that this is a neighborhood
11 of churches and residences. So when you --

12 MS. MYERS: On 16th Street. On the
13 16th Street side that is basically where the
14 largest amount of churches are. But this
15 church is also going to be impacting Emerson
16 Street, Farragut Street and Piney Branch
17 Street. And I don't know if any of the Board
18 Members have seen those, those are mostly the
19 -- 90 percent of those are residential homes.
20 It's property. It's not churches directly in
21 those streets.

22 So, you know, in that sense, it

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1 would be impacting the neighborhood, you know,
2 the residents, the residential character of
3 the neighborhood.

4 CHAIRPERSON MILLER: Okay. And in
5 our regulations, churches are in Residential
6 Districts.

7 MS. MYERS: Absolutely.

8 CHAIRPERSON MILLER: Okay. But
9 it's new for these streets, right?

10 MS. MYERS: Yes.

11 CHAIRPERSON MILLER: So but the
12 real concerns are: No. 1 is traffic. Is that
13 right?

14 MS. MYERS: Traffic, structural
15 damage, environmental impact, I think that was
16 one of the runoff with the -- when it rains
17 and the water.

18 CHAIRPERSON MILLER: They did have
19 an environmental screening. Do you have a
20 copy of that report?

21 MS. MYERS: No. And we don't have
22 a copy of DDOT's report either.

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1 CHAIRPERSON MILLER: Okay. So you
2 should get those. So those are addressed.
3 But we don't get too much into that area, you
4 know, we just do the zoning. But --

5 MS. MYERS: Right.

6 CHAIRPERSON MILLER: Just with
7 respect to structural damage, that's not
8 within our jurisdiction as well. However,
9 what I would say is what we often see, you
10 know, it's under DCRA. It's not zoning,
11 because it's not permanent. But often the
12 applicant will meet with the nearby residents
13 and -- or take pictures of what -- you know,
14 the conditions of their homes and then if it
15 changes after construction, then they deal
16 with that.

17 But so that's not within our
18 jurisdiction either. What I'm saying is it's
19 not within our jurisdiction, but there are
20 solutions to that. I just want to focus on
21 what is within our jurisdiction.

22 So one is the traffic. And then

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1 the other, you know, we hear about this
2 concern that it is going to be, you think,
3 towering into your neighborhood. Yet, we hear
4 that it is within height. It is within lot
5 occupancy. It is within all the requirements
6 under the regulations.

7 I'm just not sure why --

8 MS. MYERS: It's --

9 CHAIRPERSON MILLER: -- you
10 characterize this as towering.

11 MS. MYERS: Because it's going to
12 tower. It's two stories over the existing
13 homes. I mean, you know --

14 CHAIRPERSON MILLER: Is the grade
15 much higher?

16 MS. MYERS: Yes.

17 CHAIRPERSON MILLER: Okay. So it's
18 starting at a higher level.

19 MS. MYERS: Yes, yes.

20 CHAIRPERSON MILLER: So a big house
21 could tower over the other houses as well. Is
22 that right or no? Is it -- I'm just trying to

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1 like understand the concept. Because it's
2 within the regulations.

3 MS. MYERS: Right, right.

4 CHAIRPERSON MILLER: It's not in
5 violation of that. So I think what I -- and I
6 had heard Ms. Thompson trying to get at like,
7 you know, aesthetically there is something
8 here that is adverse.

9 MS. MYERS: Because you -- you
10 know, looking at the photos and the charts
11 that is presented here today, you really can't
12 get a picture of the houses in this area and
13 how this church is going to be so much greater
14 than the houses that are already existing
15 there.

16 CHAIRPERSON MILLER: And have you
17 looked at the Landscaping Plan to see whether
18 that softens it?

19 MS. MYERS: The -- well, the
20 Landscaping Plan isn't the issue. It's the
21 height that is the concern, you know.

22 CHAIRPERSON MILLER: Okay. Other

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1 questions?

2 VICE CHAIRMAN LOUD: Thank you,
3 Madam Chair, and good early evening to you.

4 MS. MYERS: Yes.

5 VICE CHAIRMAN LOUD: Thanks for
6 your patience. Let me ask you a couple of
7 quick questions about the overlay, because
8 that's why we are here.

9 MS. MYERS: Um-hum.

10 VICE CHAIRMAN LOUD: This
11 application is being processed under the
12 overlay. If this were an existing church that
13 had been sold and rather than becoming housing
14 was purchased by a different church for
15 continued use as a church, would that be
16 objectionable to your organization?

17 MS. MYERS: If it was an existing
18 church?

19 VICE CHAIRMAN LOUD: Um-hum.

20 MS. MYERS: Well, I think the
21 existing church would have already been
22 included in the overlay. See what I'm saying?

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1 VICE CHAIRMAN LOUD: Well, yes and
2 no. I mean, if the existing church -- you are
3 asking me questions now. I'm trying to ask
4 you questions. The --

5 MS. MYERS: Are you saying if they
6 had moved in -- if it was an existing church
7 already there and they had moved into the
8 existing church, would this be an issue? Is
9 that what the --

10 VICE CHAIRMAN LOUD: Yeah, because,
11 essentially, what you have here is you have
12 land that was historically used as a church.
13 And the 16th Street Heights Overlay, I mean,
14 part of the purpose for the overlay was to
15 prevent the conversion of residential
16 properties becoming churches.

17 MS. MYERS: Um-hum.

18 VICE CHAIRMAN LOUD: And in fact,
19 there had been a 10 percent conversion of
20 residential structures into churches, which
21 was part of the impetus for the plan in the
22 first place.

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1 MS. MYERS: Right.

2 VICE CHAIRMAN LOUD: Here you don't
3 have that. This was not residential. This is
4 more how your organization reacts to that in
5 this particular case.

6 MS. MYERS: Okay. With the -- I
7 get -- the convent, isn't that -- I mean,
8 because there was a convent on this land.
9 Isn't that considered residential? I mean,
10 you know.

11 VICE CHAIRMAN LOUD: No, it
12 wouldn't be considered residential under
13 zoning.

14 MS. MYERS: Oh.

15 VICE CHAIRMAN LOUD: So again,
16 we're looking at this and I'm certain you have
17 thought about this and thought through it from
18 different aspects, but we are looking at it
19 from the standpoint of section 1553.

20 MS. MYERS: Right.

21 VICE CHAIRMAN LOUD: And the test
22 that the applicant has to meet under 1553.

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1 And again, the overlay was not necessarily
2 designed to -- it certainly wasn't designed to
3 prevent church use and they talk about having
4 neighborhood-related compatible uses with the
5 residential dwellings.

6 But even beyond that it wasn't
7 necessarily intended to prevent -- well, let
8 me state that differently. Was specifically
9 designed to prevent conversions. And this is
10 not a conversion.

11 MS. MYERS: Well, I don't --

12 VICE CHAIRMAN LOUD: So again, I'm
13 just asking --

14 MS. MYERS: But I don't --

15 VICE CHAIRMAN LOUD: -- for your
16 response, because --

17 MS. MYERS: -- think they
18 originally --

19 VICE CHAIRMAN LOUD: -- we are all
20 sort of limited by 1553. If I were to come
21 out of Emerson five years from now and look at
22 this fairly significant church structure, of

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1 course, that would have an impact on me. I
2 mean, I'm not oblivious to that. It's a very
3 almost secluded wonderful residential area,
4 but nonetheless we are dealing with 1553 and
5 I'm just wondering if the challenge here might
6 be with what neighbors fought for and want
7 under 1553 as opposed to what this applicant
8 can do under 1553.

9 MS. MYERS: Right. Well, I don't
10 think that they originally had a zoning
11 variance. I think that was the issue as well,
12 the neighbors concerns. Yeah.

13 MS. THOMPSON: Commissioner Loud?

14 VICE CHAIRMAN LOUD: Yes, Madam
15 President?

16 MS. THOMPSON: I'm just curious,
17 all the years that I was there, that I have
18 been in the community, that lot where the
19 convent was it was not changed. It didn't get
20 a zoning variance. The -- when I moved into
21 that community, there was just a house there.
22 And our understanding was it was just the

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1 nuns using it as sort of -- it's a residential
2 use and the nuns are using it. There is an
3 institution located there.

4 But it wasn't a church in a sense
5 of people coming in and the public. It was
6 just a little chapel where priests came on
7 Sundays to really -- they were cloistered nuns
8 as it was. So only two of them actually came
9 outside. So I'm not sure if it -- if that's
10 entirely accurate. I don't -- that has been
11 our understanding over the years.

12 VICE CHAIRMAN LOUD: I think that's
13 a fair enough response. I don't know if I
14 necessarily agree with it, but from a
15 practical standpoint, you're saying that it
16 feels like a residential conversion because
17 for you the property there right at the corner
18 of 16th and Emerson it felt like a residence.

19 MS. THOMPSON: Right.

20 VICE CHAIRMAN LOUD: As opposed to
21 this structure that is being proposed.

22 MS. THOMPSON: Right, right.

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1 VICE CHAIRMAN LOUD: Okay. Thank
2 you, Madam Chair.

3 MS. MYERS: Right.

4 CHAIRPERSON MILLER: Okay. Any
5 other questions from the Board? Does the
6 applicant have any questions? Okay. Ms.
7 Thompson? Well, wait, let me just -- wait a
8 second. Is there anybody here in the audience
9 who wishes to testify in support of this
10 application? Okay. You are next then. Why
11 don't you come to the table, please? Let's
12 see, whoever is ready first just remember to
13 identify yourself for the record and give your
14 home address, please.

15 MS. JENKINS: Good evening and am I
16 ever glad to get this opportunity. My name is
17 Dona Ferris Jenkins. I live at 622 Evarts
18 Street, N.E., and the ZIP is 20017-1267.

19 Let me start by saying yes, I'm a
20 Mormon. I live in Ward 5. I'll be one of
21 those Mormons driving to church using one of
22 those proposed parking spaces and more than

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1 likely be using one of the ones indoors, just
2 because brown sugar melts.

3 Having said that as well, to tell
4 you a little bit about myself, Madam Chair and
5 Committee and my esteemed community
6 colleagues, I have lived in Washington since
7 1978 initially living on 16th Street. I
8 currently reside, as I said before, in Ward 5
9 and I'm on the record there as Chairing the
10 Metropolis View Civic Association. So I
11 acknowledge my esteemed colleagues. I have
12 also run for ANC-5C09, so I acknowledge my
13 colleague there as well.

14 I live in D.C. I work in D.C. I
15 live in Ward 5, but I work in Ward 4 and I
16 worship in Ward 4. I spend a lot of time
17 working for Barney Neighborhood House. We
18 have a number of sites in the ward, so during
19 some of those traffic times that have been
20 discussed, too bad I wasn't part of the expert
21 panel, because I could probably tell you time,
22 date and point of traffic on said streets at

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1 any given time of the day, because we have a
2 number of our clients in this general area.

3 Moving right along, we didn't play
4 nice, so we could have engaged the community
5 more and I believe the church has acknowledged
6 that. That more engagement, more
7 communication would be probably a really good
8 thing. And we definitely want to be better
9 neighbors and we want to be good neighbors and
10 keep the dialogue going.

11 But through ministries of the
12 church, I want to share with you briefly that
13 I know it would benefit the community. And
14 despite any discussion about what the building
15 looks like, how tall the steeple will be,
16 whether there will be two lane street traffic
17 and whatever, it's definitely a place that we
18 need to worship.

19 We won't be a mega-church. I know
20 that has been said before, but I want to
21 emphasize that. Just the way the church is
22 structured when we get bigger, we split. The

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1 piece though that is most interesting to me is
2 that the way our church is growing now is our
3 families are growing.

4 So when I came to the church there
5 might have been one child, there might be two
6 or three now. So the children, of course,
7 need the classrooms and it just goes on and
8 on. So the new space would be very beneficial
9 for all of our age groups.

10 CHAIRPERSON MILLER: I just want to
11 remind the witnesses that you are now -- you
12 are on 3 minute times, so --

13 MS. JENKINS: Then I have 29
14 seconds left.

15 CHAIRPERSON MILLER: No, you are
16 over, but if you have a point that you, you
17 know, need to make --

18 MS. JENKINS: I just wanted to --

19 CHAIRPERSON MILLER: -- go right
20 ahead and go do that.

21 MS. JENKINS: -- say that we had
22 the boundaries. We wanted to be good

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1 neighbors. And we are kind of capped in size
2 and I thank you. I wanted to invite all of
3 you to be my personal guest to a service or a
4 Thursday night study group. Thank you.

5 CHAIRPERSON MILLER: Thank you.
6 Okay. We'll remember that. Okay. I can't
7 hear you. Are you on the mike?

8 MS. JENKINS: You have to push it.

9 MS. WALSMAN: Oh, sorry. Thanks.
10 Good evening, Madam Chair and Board Members
11 and community members. My name is Cabrilla
12 Walsman Lava. I am an immigrant from Quito,
13 Ecuador, currently working as a Spanish
14 Medical Interpreter for the clinical program.

15 I am an acting member of the Church
16 of Jesus Christ of Latter-Day Saints. And I
17 go there as a standing D.C. resident. I live
18 at 1390 Rand Street. It's N.E., Apartment
19 204. I am here to support the church
20 application for a permit variance.

21 After renting for one year and
22 having worked for -- my husband and I decide

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1 to buy a home, to buy a one bedroom apartment
2 located on Ward 5. The experience of
3 homeownership increased as the sense of
4 belonging and the desire to get involved more
5 in the community.

6 We have been attending regularly to
7 our chapel located at -- in Holmead Place for
8 three years. This is a Spanish congregation
9 where the majority of members are from Central
10 and South America. We have witnessed the
11 challenge that our fellow members face, which
12 includes not having the means of
13 transportation, working long hours and not
14 having family ties.

15 The church has provided to many of
16 the members, including myself, a refuge where
17 we can gather together to learn the Gospel and
18 support each other through difficult times. I
19 was so excited when our leaders made an
20 announcement that the church bought a property
21 located at 16th and Emerson Street. This
22 location will allow the members to access

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1 easily by bus and will be a welcoming place
2 for new members.

3 As part of my church assignment, I
4 am the New Testament teacher for the youth
5 from 14 through 18 years. The church
6 curriculum requires to divide the students
7 into small groups according with the
8 applicable age groups and due to the lack of
9 the space, we have no choice but to eliminate
10 and combine classes.

11 Combining the class has caused the
12 students to lose attention and it is hard to
13 keep the discipline in a crowded space. It
14 has been three years since the announcement.
15 I am asking how many years we have to wait to
16 get out new chapel.

17 As a faithful member that pays a
18 full tithing, I believe that I and my fellow
19 members deserve a better place where we can
20 worship and achieve our full potential. I
21 have come to the U.S. to find a better life
22 for myself and my children. I contribute to

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1 my community. I pay taxes and work hard.

2 It is to unfair to deny us the
3 freedom to build another facility where we can
4 worship freely. And thank you for your
5 attention. Cabrilla Walsman Lava. W-A-L-S-M-
6 A-N.

7 CHAIRPERSON MILLER: How do you
8 plan on traveling to church?

9 MS. WALSMAN: I own a car.

10 CHAIRPERSON MILLER: So you go by
11 car?

12 MS. WALSMAN: I also do some
13 carpooling, you know.

14 CHAIRPERSON MILLER: Okay.

15 MS. WALSMAN: With my neighbors who
16 live close by.

17 CHAIRPERSON MILLER: Okay.

18 MS. WALSMAN: Um-hum.

19 CHAIRPERSON MILLER: I didn't ask
20 you that. I just thought of it. What? Oh,
21 that's right, that's why I didn't ask you.
22 Okay. Any other questions from Board Members?

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1 Okay. We have another witness?

2 MR. STUBITS: Madam Chair, Members
3 of the Board, my name is Adam Stubits. I'm a
4 member of ANC-4B. My wife and I live at 130
5 Longfellow Street, N.W. We purchased a home
6 there about 10 months ago, so we are
7 relatively new members of the community, but
8 not terribly new to D.C. We both went through
9 school here.

10 First of all, I would like to
11 express gratitude to all here. It is striking
12 to me that there are people in this room who
13 have spent 30 years championing for the city
14 and in fighting to make it a better place.
15 And I have nothing but the utmost respect for
16 that.

17 That said, my wife and I moved into
18 this neighborhood for one particular reason.
19 We wanted to be a part of this transition. We
20 wanted to be a part of a community that exists
21 as a community. We wanted to be a part and we
22 wanted to be members of the city. And we

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1 recognized in so doing that you live closer to
2 people.

3 My wife grew up in rural Virginia.

4 I grew up in suburban New Jersey. And we
5 experienced what that was. We experienced
6 distance from our neighbors. We experienced
7 long trips to school and long trips to work
8 and long trips to the store.

9 And we wanted to live in a city,
10 because we didn't want that lifestyle. We
11 wanted to know our neighbors. We wanted to
12 walk to church. I do, I walk to church almost
13 every Sunday. My wife drives, but only
14 because she brings five or six other people
15 with her and to help there.

16 As President Holmstead or as Jeff
17 Holmstead mentioned, I am also the clerk in
18 the Washington D.C. 3rd Ward. In that
19 capacity, I handle the records, membership
20 records, the financial records. I'm also an
21 advisor to the local leadership there.

22 I can guarantee you that we discuss

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1 transportation. We discuss the topic of
2 encouraging public transportation on a weekly
3 basis, whether it is helping elderly or
4 disabled members gain access to Metro access
5 so that they can get to church, readily
6 helping members to be aware of mass transit
7 schedules and, indeed, at times using church
8 resources to help people to afford mass
9 transit recognizing that for larger families
10 that is an issue.

11 That's something that we are
12 extremely committed to. Our members get to
13 church in a variety of ways: By bike, by
14 Vespa scooter, walking, such as myself, and
15 indeed by car.

16 The estimate that there are 40
17 members of our ward that have cars is probably
18 high. And in many cases that is one or two
19 cars per family. They don't both drive. They
20 just own those cars and often times and in
21 most cases those cars are used to shuffle
22 large amounts of people to church on Sunday.

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1 There is very rarely one car that arrives with
2 one person.

3 But to that end, I think that we
4 currently engage in a practice of encouraging
5 Metro and alternative forms of transit and
6 that's something that I think we are clearly
7 committed to as we move forward. These are my
8 comments and I'm happy to answer any questions
9 that I can. Grateful to be here. Thank you
10 all.

11 CHAIRPERSON MILLER: Thank you.
12 Thank you. Any Board questions? Applicant
13 have any questions for this witness? Oh, no.
14 Okay. Do either of you have any questions
15 for him?

16 MS. MYERS: No, I don't have any
17 questions.

18 CHAIRPERSON MILLER: All right.
19 Thank you very much. Okay. So I think that
20 brings us to, Ms. Thompson, your case.

21 MS. THOMPSON: Okay, yes. I'm
22 Doreen Thompson representing the Carter Barron

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1 East Neighborhood Association. Carter Barron
2 East Neighborhood Association opposes this
3 application. Our major concern is that this
4 facility creates objectionable impacts on
5 adjacent properties which were developed with
6 one-family dwellings.

7 The structure disturbs an existing
8 community and significantly changes the
9 aesthetics for the residents of this R-1-B
10 community.

11 The height and capacity of the
12 meeting hall and chapel overwhelms the site
13 and the community. The applicant has, in
14 their prehearing statement, referred to OP's
15 EISF review and conclusion on the aesthetics,
16 light and visual impacts on the neighbors.

17 One of the things that has been
18 puzzling for us when we go through that EISF
19 application is the fact that that skeletal
20 application only says the height will be 39
21 feet 8 inches. What has happened since then
22 is the architect has fleshed out that it

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1 would, in fact, be 56 feet 4 inches.

2 And so, in essence, I -- we
3 certainly don't think any weight should be
4 given to a lot of the EISF documents. It is,
5 in fact, as I think as DDOT says, there is
6 something so very skeletal about it and pro
7 forma and the fact is that -- and I used to
8 work at Environmental Health Administration
9 and had a lot to do with the structural or the
10 environmental review that you see, the one
11 that is detailed and goes through an analysis.

12 You did not get that from
13 Department of Transportation or from Office of
14 Planning. In fact, Office of Planning
15 actually has just some boxes that are checked.

16 I just wanted to say that this environmental
17 review process, for example, was flawed from
18 the very beginning.

19 When the raze permit was --
20 application was made, one of the questions
21 that would have been asked of the applicant
22 was whether within a three year period it

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1 intended to seek additional permits. The
2 applicant said yes. At that point, it should
3 have gone to the environmental review
4 coordinator and, in fact, the buildings that
5 were taken down would still have been there,
6 because a permit wouldn't have been issued.

7 So we have kind of suffered through
8 the bureaucracy of so many things. I just
9 also want to point out, however, that our
10 major impact has to do -- our major objection
11 has to do with the traffic impacts on the
12 community.

13 We actually think that the traffic
14 analysis that was done was flawed. To not
15 completely consider movement or traffic on
16 Sundays, the peak hour operation of the
17 facility, and that on 16th Street is pretty
18 astonishing.

19 The very -- that is the very issue
20 which is of concern to the community. It is
21 Sunday traffic and quality of life. Yet, this
22 was dismissed because it was too costly for

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1 such a small site. We are puzzled as to this
2 conclusion.

3 We are equally puzzled as to the
4 analysis of Piney Branch Road. CBENA is left
5 to conclude that no one is paying attention to
6 the fact that this bucolic looking country
7 road is in many places unimproved. It is not
8 connected to the sewer for storm water runoff.

9 And I would also tell you that that did not
10 appear in the environmental review. And I
11 know this is not within your authority, but
12 this is a concern of ours.

13 We are also concerned about the
14 entrance on Piney Branch. I happen to exit my
15 garage on Piney Branch and believe you me, it
16 is difficult for me, because I also have a
17 fence, I don't think it is maybe 6 feet high,
18 trying to get out of that location without
19 running over people. I almost ran over my
20 neighbor's kid. It's extremely difficult
21 because the street is so narrow. And once
22 people park on there, it is a hazard.

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1 When persons are parked on both
2 sides of the street, as I indicated, it's very
3 difficult to maneuver through this street,
4 particularly where there are sidewalks. It is
5 also difficult for the community to walk along
6 the street and it prevents a significant
7 safety issue to pedestrians.

8 The road also in many places is
9 within 6 to 8 feet, maybe 10 feet, of
10 residents' bedrooms and was never intended to
11 carry the level of traffic which it currently
12 does. We are also concerned about this
13 traffic study relying on the fact that the
14 current congregation does not drive.

15 In essence, the Board is being
16 asked to use statistics that were applicable
17 to a current -- to one location and
18 extrapolate that to another location. Even
19 the applicant's contractor appeared to have
20 problems with using this statistic and decided
21 to use other figures.

22 The reality is that the church will

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1 grow and operations will change. That's what
2 we have dealt with over the years in this
3 community. We allow institutions and we watch
4 them change. This isn't unfounded, you know,
5 sort of -- there are statements that where our
6 fear is unfounded. My analysis is the
7 rattlesnake bit you, you see another
8 rattlesnake, it would be stupid to say well,
9 it wasn't that rattlesnake that bit me.
10 You've got to be cautious.

11 The reality is also that persons
12 who are walking, busing or biking to that
13 facility one year may not be the same persons.

14 Somebody will become more affluent and may
15 decide to drive.

16 What is painfully obvious is that
17 the question is not being asked is why our
18 members of that facility less likely drive and
19 therefore this should be given the weight the
20 applicant wishes the community give it.

21 I think a number of things I have
22 said are in the interest of time. We

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1 basically view it as a flawed analysis of
2 traffic and we feel that it does not and it
3 conveniently ignored some of the issues that--
4 the intersections, the impacts of all the
5 other institutions, Piney Branch Road,
6 particularly, and Sunday traffic.

7 And in the interest of time, I had
8 some other things, but I'll just -- because we
9 also have some residents who would like to
10 speak.

11 CHAIRPERSON MILLER: Okay. Unless
12 Board Members have any questions or unless you
13 do, I think we ought to, you meaning
14 applicant, she is shaking her head no, ANC, I
15 think we ought to call the witnesses up unless
16 you have a question for Ms. Thompson right
17 now. Okay. So whenever you are ready.

18 MS. CHAMPION: I'm going to try not
19 to repeat anything that you have heard in the
20 last couple of hours. My name is Denise
21 Champion. I live at 1403 Emerson Street. I
22 own a second house on the 1500 Block of

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1 Emerson Street. I have lived in the community
2 for 25 years and I'm also a realtor and I have
3 been selling houses for 35 years if you have
4 any questions about the real estate angle of
5 it.

6 What I have been hearing in terms
7 of -- through this whole process it was always
8 two-level chapel. But you have to not forget
9 that the roof is already 30 feet. So it is
10 twice the height of the houses in the
11 neighborhood. And I have taken the liberty to
12 make pictures and answer some of the
13 questions, Ms. Miller, that you had and also,
14 Mr. Jeffries, in terms of what does this look
15 like compared to the other houses?

16 The side of the pictures that you
17 will find is the proposed Latter-Day Saints.
18 It's on three pages. It shows pictures of the
19 adjacent houses and also what the proposed
20 site is going to look like if you just double
21 that. I have that on three pages on different
22 angles.

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1 On Emerson Street also looking onto
2 16th Street from Bladgen Avenue and also a
3 closer vision as you look at these trees, this
4 is the first house that's adjacent to the
5 proposed site. And then you have Emerson back
6 in the background.

7 The proposed site just doubling the
8 size of this house is going to be up to the
9 top of those trees. I think everybody needs
10 to have a perspective of just how tall this
11 church is.

12 The next page is -- I took four
13 churches in the neighborhood that is within a
14 block to two blocks and you have Christ
15 Lutheran. There is a picture of Christ
16 Lutheran Church on three different sections to
17 show you how short that church is and the fact
18 that it doesn't overpower the houses.

19 The next is a church on the corner
20 of 16th and Decatur. That church is actually
21 lower than the houses on 16th Street. And I
22 took three pictures of that, so -- to show you

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1 that the chapel -- that the church is lower
2 and it does have a small steeple.

3 Also, I want you to pay attention
4 to most of these other houses, these churches
5 have a set-back and they allow green space.
6 They are not surrounded by blocks. They are
7 only on the one block or either facing the
8 block that they are on. They don't take an
9 entire city block, which means 16th Street,
10 Emerson Street, Piney Branch and Farragut
11 Street.

12 This is one of the bigger churches
13 is the 16th Street Baptist Church and you can
14 see the elevation from that. Now, in the
15 neighborhood the neighborhood is actually
16 quite hilly. A lot of people don't realize
17 that as you drive through it. But the last
18 pictures are pictures of Zion Church which
19 kind of sits low and the houses across the
20 street from them they sit up high and actually
21 they look down on the church practically. And
22 it also has nice open green space with no

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1 walls.

2 And the last pages you are going to
3 find traffic congestion, which I took pictures
4 on a Saturday and a Sunday between the hours
5 of 12:00 and 2:00 and you can see how traffic
6 is going or attempting to go in and out of
7 Emerson Street.

8 I heard about the traffic
9 information, how traffic is congested, but we
10 didn't talk about the, what is it called,
11 egress into the streets. Not only that, but
12 on 16th Street, that is going to be one way to
13 enter if you can. I live in the block. I
14 don't even take 16th Street because sometimes I
15 can't exit the street, so I'll go into 15th
16 Street or take another street to get to my
17 destination. That has not been talked about
18 and that's only because we live there without
19 an existing church on the corner.

20 The other thing I want to point out
21 is the 14th Street and Emerson Street. I have
22 been there 25 years. There has been three

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1 deaths there. There has been accidents at
2 least once every other month. We have called
3 the Traffic Branch of the D.C. Government to
4 look at this. This has been 25 years.

5 Last year they met with us. We sat
6 in the corner at 8:00 in the morning. They
7 told us how they were going to improve it to
8 prevent this. Last week, ironically last
9 week, they put stand up plastic cones in the
10 middle of the street to try to slow down the
11 traffic. Because what happens at 14th and
12 Emerson Street, it's a curve, so it's very
13 dangerous. It's very dangerous for children
14 to run across.

15 In fact, there isn't even a walkway
16 across. And you have to remember when -- at
17 my church we have two parking lots. And I'm
18 down at 15th and V. I don't even go into the
19 parking lot, because I know I can't exit into
20 the parking lot in a timely manner and I can't
21 leave in a timely manner. So I park in the
22 neighborhood streets.

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1 So it's nice to say that we're
2 doing underground parking.

3 My other concern is to unearth the
4 ground at 16th and Emerson Street has been
5 pretty much unheard of. None of the churches
6 have underground parking. So I don't know if
7 this is going to set a precedence for all the
8 churches to say well, gee, they have
9 underground parking, let's leave our church
10 since there is a parking issue in all those
11 churches, let's leave our church, rebuild and
12 do underground parking and -- since it has
13 already been given to one of the other member
14 churches.

15 Several things I want to point out
16 very quickly. The building of a wall, each
17 time we have met with the Latter-Day Saints,
18 it has been more and more information that
19 gets unclosed. And I have to thank Mr.
20 Holmstead, because I have learned more about
21 what you guys intended to do than ever before.

22 But this is something that should

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1 have been a hand to hand consideration of the
2 neighborhood. As a realtor, you put an offer
3 on a property. To this extent, you need to
4 put a feasibility study. And part of the
5 feasibility study needs to come to the
6 neighbors and talk to them.

7 There was another applicant before
8 them that did come to our neighborhood
9 meeting, told us exactly what they were going
10 to do. They didn't quite know what they were
11 going to do. They didn't know whether it was
12 going to be a church, a school, a condo
13 building, you know, or housing.

14 So they kind of disappear and then
15 we have the introduction and this is how we
16 found out about the LDS is there was a sign
17 posted on which was the cloistered convent
18 saying that the church was going to be knocked
19 down in three days. So no one had an
20 opportunity to prepare if you had asthma. No
21 one had an opportunity to be careful of the
22 lead and asbestos.

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1 And I appreciate today that you all
2 are saying we made mistakes. You should have
3 come to the neighborhood and sat down with us.

4 It didn't have to come to this extent. But
5 they said I'm sorry. How can I believe if you
6 keep telling me the mistakes that you made and
7 how sorry you are that this is not going to
8 continue once it is built and believe me, you
9 build, they will come.

10 Thank you very much.

11 CHAIRPERSON MILLER: Thank you.
12 Okay. Any questions, otherwise we will go to
13 the next witness.

14 MEMBER DETTMAN: Madam Chair, could
15 I just ask the last three photos that are in
16 your booklet here, could you just explain
17 where and when these were taken?

18 MS. CHAMPION: The last three
19 pictures are pictures of traffic. They were
20 taken in the spring of last year between the
21 hours of 12:00 and 1:00 on a Saturday and a
22 Sunday.

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1 MEMBER DETTMAN: But where are you
2 standing or where is the person standing?

3 MS. CHAMPION: Well, I was standing
4 at different places. At one point, I was
5 standing across the street on the west side of
6 16th Street looking at the traffic trying to
7 turn the motorcycle guy.

8 MEMBER DETTMAN: Just the last
9 three that are in the booklet.

10 MS. CHAMPION: The last three?

11 MEMBER DETTMAN: The last three.

12 CHAIRPERSON MILLER: Can you start
13 from the back and go forward?

14 MS. CHAMPION: Oh, the last three
15 pictures? That was actually Piney Branch.
16 This is Doreen's house to the right, yeah.
17 Well, somebody moved it away. So this is
18 Doreen's house in the corner and this is the
19 road that she is talking about, Piney Branch.
20 You can see that there is a park on either
21 side and there is traffic coming through.

22 If there was a car parked right

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1 here, they couldn't come so easily, so you
2 actually cannot get two cars going down that
3 street at the same time.

4 CHAIRPERSON MILLER: Let me just
5 ask you, because we want -- I'm glad that Mr.
6 Dettman, you know, brought our attention to
7 going through some of these pictures
8 carefully. Where the white picket fence is
9 and the stop sign there, behind that is that
10 where the church is going to be?

11 MS. CHAMPION: Okay. If this is
12 the same one that I have, you have a stop
13 light?

14 CHAIRPERSON MILLER: No. I don't
15 know. I'm looking at the last page. I
16 thought that's where you were.

17 MS. CHAMPION: The last picture,
18 right. The church --

19 CHAIRPERSON MILLER: Is that Piney
20 Branch?

21 MS. CHAMPION: -- is diagonally
22 across from the stop sign.

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1 CHAIRPERSON MILLER: Oh, but this
2 is Piney Branch, okay.

3 MS. CHAMPION: This is Piney Branch
4 going north, right. And the church is
5 diagonally across the street. So if you look
6 at Doreen's house on the corner, the church is
7 right directly across the street from her.

8 CHAIRPERSON MILLER: I'm sorry, can
9 you point where the church is?

10 MS. CHAMPION: The church would be
11 -- this is Doreen's property. The church
12 would be directly across the street from her
13 property. So from the stop sign it is
14 diagonally across.

15 And the other point that I wanted
16 to make, Piney Branch Road is used for dog
17 walking, children playing and it's a dirt
18 road. So I can't even imagine what is going
19 to happen if you say you can get two cars, two
20 lanes. You are going to have to do a sidewalk
21 and the house on the corner of Piney Branch
22 and Emerson Street, their land actually -- and

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1 they own the land. So I don't know how the
2 Government is going to take it from them and
3 make a sidewalk in order to keep two cars
4 going and be careful of pedestrians, you know,
5 walking through.

6 CHAIRPERSON MILLER: Okay. And
7 that's why Mr. Dettman asked you about the
8 last three pictures. So I think we were just
9 discussing the last picture, so if we're
10 moving from the back forward, could you tell
11 us when that next picture was taken and what
12 street it is? Is this Piney Branch as well?

13 MS. CHAMPION: It's Piney Branch as
14 well.

15 CHAIRPERSON MILLER: Okay. So
16 taken in the spring of last year?

17 MS. CHAMPION: The first ones are
18 on 16th Street and this one is on Emerson
19 Street. You have the blue house and the
20 white, the LDS is actually right here across
21 the street from this car that is moving. You
22 have the police car. You are going south.

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1 You are going -- I'm sorry, you're going east
2 on Emerson Street towards 14th Street.

3 So this is just a normal Saturday
4 or Sunday where cars are having a hard time
5 matriculating through.

6 CHAIRPERSON MILLER: Okay. The
7 fourth picture from the back, is this where
8 the church is?

9 MS. CHAMPION: What picture?

10 CHAIRPERSON MILLER: It's where
11 actually I think you were just pointing to
12 that.

13 MS. CHAMPION: The fourth picture?

14 CHAIRPERSON MILLER: Yes.

15 MS. CHAMPION: This is 16th Street
16 and I was standing on the west side of 16th
17 Street looking down Emerson Street. And the
18 church is going to be right here. So you can
19 see how tall the church is going to be
20 compared to the height of the houses, which I
21 -- as I said, the houses are, approximately,
22 27 feet high.

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1 CHAIRPERSON MILLER: Thank you.
2 Does that respond -- yeah, okay, that responds
3 to Mr. Dettman as well. Do you have an
4 objection? Oh.

5 CROSS EXAMINATION

6 MS. BROWN: Thank you. I just
7 wanted a further clarification, if I may, on
8 the time that the photographs were taken. I
9 heard it was either Saturday or Sunday and it
10 actually makes a difference.

11 MS. CHAMPION: No, no, it was
12 Saturday. I did both Saturday and Sunday.

13 MS. BROWN: And could you identify
14 which photographs are Saturday and which ones
15 are Sunday?

16 CHAIRPERSON MILLER: And at what
17 time.

18 MS. BROWN: Yeah, thank you.

19 MS. CHAMPION: I did the 16th
20 Street ones on a Saturday and I did the Piney
21 Branch and the Emerson Street, because as I
22 was thinking this through, I figured well,

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1 it's not only 16th Street we are talking about.

2 It is matriculating through the neighborhood.

3 CHAIRPERSON MILLER: You did 16th
4 Street on Saturday?

5 MS. CHAMPION: I did 16th Street on
6 Saturday and I did the Emerson, Piney Branch
7 Road on a Sunday.

8 CHAIRPERSON MILLER: And at what
9 time?

10 MS. CHAMPION: I did it between
11 12:00 and 1:00 and how I remember is because
12 my church ends and I go to open houses by
13 1:00. So I had a window of time to get this
14 done.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. Okay. Next?

17 MS. JOHNSON: My name is Kia
18 Johnson. I live at 1406 Emerson Street. And
19 I would like to speak to the complete over-
20 saturation of my neighborhood with
21 institutional and nonresidential
22 establishments.

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1 If I were to stand on my front
2 porch, I would be able to -- if I were a great
3 baseball pitcher, I could actually throw a
4 baseball to five schools and six churches from
5 my front porch. That's just in a two block
6 radius. If I were to expand that by another
7 two blocks, the number of churches would be
8 several more than that.

9 And I just wanted to highlight that
10 this is a residential neighborhood and at what
11 point does it stop being a residential
12 neighborhood and become just almost a traffic
13 laden strip?

14 The matriculation of traffic has
15 been a problem and lately a problem that we
16 are seeing is pre-dawn private trash pickup
17 that all the institutions are having. This is
18 not our regular District trash pickup. This
19 is all the other institutions having their
20 private trash collection.

21 I forgot to mention the one social
22 club that is a block from my house as well.

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1 We have other delivery trucks coming to
2 service these other institutions as well. So
3 this has become a very, very big problem in
4 our neighborhood just with the additional
5 traffic and these other trucks and just our
6 way of life is greatly already impacted and
7 I'm thinking that with the additional church,
8 that would basically be the straw that could
9 break the camel's back, that we are just so
10 over-run and over-saturated that this would
11 definitely be a tipping point for us.

12 And I also have a statement to read
13 from my colleague, who had to go. He has made
14 copies and he has given them to the secretary.

15 MS. BAILEY: Is that Mr. Lawrence
16 Jones?

17 MS. JOHNSON: Mr. Lawrence Jones.
18 So I would like to read on behalf of Lawrence
19 Jones his statement, please.

20 "Statement of Lawrence Jones in
21 opposition to the special exemption
22 application to construct a church on Square

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1 2701 in the 16th Street Height Overlay Zone,
2 District of Columbia Board of Zoning
3 Adjustment.

4 Good afternoon, Board Members. My
5 name is Lawrence F. Jones. I am a resident of
6 the 1400 Block of Emerson Street, N.W. and a
7 member of a coalition of residents committed
8 to maintaining the residential integrity of
9 the 16th Street Heights neighborhood.

10 I'm here to provide testimony in
11 opposition to the Church of Latter-Day Saints'
12 application for special exemption to construct
13 a church at the corner of 16th and Emerson
14 Streets in the 16th Street Heights Overlay
15 Zone.

16 There are, approximately, 50
17 institutional uses in the 16th Street Heights
18 neighborhood. Consequently, the unprecedented
19 expansion of institutional uses on our
20 neighborhood makes a compelling argument that
21 matter-of-right development, particularly in
22 residential zones, is an outdated concept.

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1 The 16th Street Heights Overlay
2 Zone, as approved by the District of Columbia
3 Zoning Commission, provides protection for the
4 neighborhood's residential integrity and
5 quality of life in the R-1 single-family
6 residential neighborhood between Colorado
7 Avenue, N.W., and Decatur Street, N.W.

8 Overlay Zones also give
9 neighborhood residents a voice in the
10 development review process. The dynamics of
11 the District's demographics and land use
12 patterns demand revision of the city's zoning
13 districts, particularly in residential zones
14 that balances a well-conceived vision for
15 future land use development with protection of
16 neighborhood integrity.

17 Specifically, the 16th Street
18 Heights Overlay Zone was implemented to help
19 curb further expansion of nonresidential
20 institutional uses in the 16th Street Heights
21 neighborhood. Approval of the application for
22 special exemption to construct a church at the

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1 corner of 16th and Emerson Streets, N.W., would
2 be in direct opposition to the spirit and
3 intent of the Overlay Zone.

4 Construction would only exacerbate
5 the negative land use impacts caused by the
6 nonconformity of institutional and
7 nonresidential uses with the predominant
8 residential scale and character of the
9 neighborhood.

10 BZA approval of the LDS special
11 exemption application would lead to increased
12 traffic and on-street parking congestion
13 already generated by institutional and
14 nonresidential uses throughout the area,
15 increased air and noise pollution generated by
16 commuter traffic, LDS staff and building
17 service traffic and diminish green space and
18 increase demand on the city's already
19 overburdened infrastructure.

20 The proliferation of matter-of-
21 right institutional and nonresidential uses in
22 the 16th Street Heights has created a critical

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1 mass that threatens to further diminish my
2 neighborhood's quality of life. On any given
3 day events could be held simultaneously at the
4 Carter Barron Amphitheater, the William
5 Fitzgerald Tennis Center, the Kingsbury School
6 or any of the three churches within two blocks
7 of the proposed LDS development site
8 undoubtedly creating a traffic, parking and
9 environmental nightmare for area residents.

10 The addition of the LDS Church to
11 this mix would further add to the difficulties
12 affecting the neighborhood. As proposed, the
13 church is completely out of scale and
14 character with the surrounding neighborhood.
15 It is imperative that the District's land use
16 regulatory agencies provide its residence with
17 a cogent rational approach to the city's
18 development future.

19 Denial of the special exemption
20 would signal the city's commitment to protect
21 the integrity of its neighborhoods. I
22 respectfully request the Board of Zoning

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1 Adjustment to deny the LDS request for a
2 special exception to permit construction on
3 Square 2701, Lot 15."

4 Thank you for your indulgence.

5 CHAIRPERSON MILLER: Thank you very
6 much. Any questions? Okay.

7 MR. WIELAND: Good evening. I'm
8 Sean Wieland. I live at 1362 Hamilton Street,
9 N.W., which is within CBENA's boundaries and
10 within the 16th Street Height legal subdivision
11 just outside of the proposed overlay.

12 I do not support the special
13 exception to construct any institution at 4601
14 16th Street. The ANC, the community have all
15 spoken in opposition of any institutional use
16 of this property. Office of Planning provided
17 statistics, and this was for the overlay
18 hearing, saying that within the proposed
19 extension area, 19 percent of properties are
20 nonresidential uses.

21 That's not factoring in Kingsbury.

22 They said if Kingsbury Center was factored

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1 in, it would be 35.5 percent. The average
2 across the city is 8 percent of R-1-B Zoned
3 properties have nonresidential uses.

4 The reason that I feel this is very
5 important today is this is going to affect
6 anybody else who wants to come into the
7 neighborhood, whether they want to build a
8 church, a school or some other institution.

9 As Mr. Jeffries said earlier, today
10 is not just about this case, it affects other
11 cases. So anything that comes before the
12 Board in the future within our neighborhood if
13 you move to approve this, those parties could
14 then argue, you know, the same reasoning that,
15 you know, as a matter-of-right they should get
16 approval also, because you approved the
17 application for 4601 16th Street.

18 One thing I wanted to point out
19 about the Office of Planning's statistics is
20 they do not reflect the group homes in the
21 neighborhood. And this is a big problem that
22 not only the ANC has dealt with in our

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1 neighborhood and CBENA has dealt with, but
2 group homes are not well-documented in the
3 city. And you have to go to all the agencies
4 that oversee the various types of group homes.

5 And some of the agencies do not
6 have to provide you with the information,
7 because of, I guess, disclosure reasons,
8 protecting people's privacy. But different
9 residents of our community over time you
10 discover which group homes are within our
11 neighborhood.

12 I know for a fact that on Emerson
13 Street there are at least three group homes.
14 Where I used to live around the corner on 13th
15 Street, there were two group homes on my
16 block. As a matter-of-right, the properties
17 were purchased and these group homes were
18 moved in without any input from the community
19 and the residents who lived there long before
20 I moved on 13th Street and now on Hamilton
21 Street said that there was no notice.

22 So that's one thing that I think

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1 you all need to maybe examine also is that
2 these are not only the institutions that are
3 within our neighborhood. There are other
4 matter-of-right uses of properties. I think
5 in particular the zoning is R-1-B. I bought
6 my house knowing that there is a church at one
7 end of Hamilton and there is a park there.

8 If I wake up tomorrow and somebody
9 is telling me that they want to tear the house
10 down across the street and they want to build
11 a condo building or some other proposed use,
12 I'm not going to be happy, because that is
13 going to affect, in my opinion, my quality of
14 life and the character of my block.

15 Thank you for this time.

16 CHAIRPERSON MILLER: Thank you. I
17 just want to say when you move into your
18 neighborhood though, there are certain uses,
19 you know, and area restrictions and things can
20 be torn down and other things can be put up.
21 And so, you know, you can't guarantee that it
22 is going to remain the same.

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1 And when we look at this case, we
2 look at it within the special exception
3 provision. It's not -- the Zoning Commission
4 hasn't forbidden any more institutions. They
5 have us look at Chapter 15 to see whether
6 there are, you know, certain adverse impacts
7 that would be a consequence of the --

8 MR. WIELAND: If I could just
9 respond? I do understand that things change.

10 And I don't think that things should
11 necessarily stay the same. And I know that
12 D.C. is unique. Looking at our surrounding
13 jurisdictions, I grew up in northern Virginia,
14 so I'm well aware of, you know, suburb life.
15 And that's why I chose this neighborhood. It
16 feels like the suburbs to me.

17 Things will change. However, if
18 you look at this location, you look across the
19 street on the opposite side of 16th Street, if
20 you go a couple blocks over to Farragut and
21 13th Street, the 1300 Block of Farragut there
22 is a conversion house to church. At 13th and

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1 Ingraham there is a conversion.

2 The 4900 Block of 13th Street there
3 is a church, which I'm sure had to have a
4 zoning variance, because it is in the zoned
5 residential area, and at 16th and Decatur there
6 is the church on the opposite side of the
7 street that I don't know on the west side if
8 it has been factored in the statistics.

9 And that's just in this little
10 area. If you expand out, you know, even
11 larger and I know that, you know, at some
12 point you have to draw the line with the
13 boundaries. But if you look at the whole 16th
14 Street Heights legal subdivision, there are a
15 number of nonresidential uses in residential
16 properties.

17 CHAIRPERSON MILLER: Okay. Yeah, I
18 mean, I just want to acknowledge that I know
19 that's why there is this overlay, because your
20 community has a lot of institutions in it.
21 And this is a protection to a certain point.
22 But what we are charged with looking at is

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1 specific adverse impacts related to this
2 particular application. Okay.

3 DR. BOYCE: I'm last. I'm Dr.
4 Cheryl Boyce. I live at 1413 Delafield Place,
5 N.W., Washington, D.C. 20011. I guess I have
6 the honor of being a lifelong resident of this
7 ward. For the first 6 months of my life, I
8 was on Buchanan Street and we liked it so much
9 we moved two blocks down. I live a block and
10 a half away from the proposed site, which I am
11 against.

12 I am also probably one of the few
13 people who actually visited the previous
14 property and actually went there with my
15 mother to pray. I have been in most of the
16 churches in the area over time. Just in terms
17 of exploring and always enjoying the
18 neighborhood, it was part of the community and
19 I understand that balance.

20 However, most of those places are -
21 - were always very small. Growing up I have
22 lived in -- I hate to say how many years, but

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1 it is over 25, it's even more than that. It's
2 really over 30, but we'll stop there, because
3 this is for the record.

4 But I really have been in most of
5 those churches. I went to school in the
6 Washington, D.C. area for -- actually as part
7 of our religion courses, I actually visited
8 these churches and they are small. They are
9 mainly house conversions. But over the years,
10 you have seen them expand.

11 And by job, I'm a psychologist and
12 also a researcher and I always think about the
13 average and then the range. And I was
14 thinking a little bit what would the range be?

15 And in the initial discussions when they
16 talked about 200 and, you know, something
17 parking spaces, you know, I just couldn't
18 imagine that size.

19 So when you asked the question, I
20 believe it was, Mr. Loud, about what would be
21 okay in this space, the difference is that it
22 was small and this is very large. And this is

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1 many parking spaces. And I just, you know,
2 thought about the math. If every car that was
3 parked there had, you know, five people per
4 car, that's the maximum use.

5 And that thinking about oh, well,
6 you only -- you know, a church lasts a long
7 time. So I've watched all the churches that
8 have been there and different institutions
9 start small, but they have only gotten bigger.
10 And I can only think of one instance where a
11 church converted back to a house on 16th
12 Street.

13 So you have to deal with the
14 future. We want these institutions to last.
15 They usually do. So I think about the growth.

16 And I do agree that, you know, the 25 -- the
17 50 percent bus whatever estimate seemed to --
18 kind of absurd to me for the future. And I
19 think about I want to live in my house until,
20 you know, I'm going to be in a rocking chair
21 on my porch, that, you know, by that point,
22 what would this church institution be in terms

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1 of size? And it would be larger and there
2 would be more cars. And I just couldn't
3 imagine my neighborhood sustaining that.

4 So I also thought about the worst
5 case scenario which would be if 19th Street
6 Baptist Church, which is about a block away,
7 had something at the same time that the school
8 right across the street, Parkmont, had
9 something at the same time that the Legg Mason
10 Tournament was on at Carter Barron and if
11 there happened to be any performance in there
12 and if there was anything going on at more
13 than like Zion Baptist, there would probably
14 be a very big traffic jam in what is really a
15 major artery for the city.

16 And I think about, you know, even
17 on Sundays, I mean, that's a major artery.
18 You know, we used to call 16th Street "church
19 street," because there were so many churches
20 and you knew not to drive on 16th Street on
21 Sunday. And it has just really gotten worse.

22 And the worst case scenario really is that

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1 you have a major artery of the city further
2 burdened should there be any kind of -- I
3 don't think churches meet and I don't think
4 there is any law that mandates they can't all
5 meet at the same time.

6 It's really nice to think about
7 what is the current situation, but all of
8 these churches can have variable times, don't
9 check for scheduling every event. They don't
10 check with, you know, the Carter Barron. And
11 we have seen these things, these worst case
12 scenarios happen and they do block up a major
13 artery.

14 So those are some of the major
15 concerns, I think, not only for me as a Ward 4
16 resident and wanting to get out of my
17 neighborhood, I know how to finagle that, but
18 I think it's also a major concern for the
19 city, the impact of having any kind of
20 structure with that size of parking and
21 possible traffic over the years in this area
22 which is -- already has a lot of growth that

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1 can't really, at this time, be stopped.

2 Thank you very much for your time.

3 CHAIRPERSON MILLER: Thank you.
4 I'm just curious. I mean, we on the BZA
5 implement the regulations. We don't write
6 them. So we have to -- and we apply them. So
7 I know that you all went before the Zoning
8 Commission to ask that the overlay be
9 extended.

10 Did you ask that there be a total
11 restriction on any more institutions at all or
12 did you ask just that there be this special
13 exception process? Anybody? I'm just
14 curious, because what I'm hearing almost is
15 that we don't want any more institutions. So,
16 you know --

17 DR. BOYCE: I think the tipping
18 point, as you said, and we're -- I don't know
19 about such rules someone else made but a
20 speaker. Doreen?

21 MS. THOMPSON: I think the process
22 we were engaging was just the extension of the

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1 overlay, at that point. We certainly intend
2 to talk to our elected officials, because what
3 we have seen is we really feel we have been
4 abandoned. We have a Comprehensive Plan every
5 year that talks about this R-1-B and the
6 residential character of a community.

7 And there has to be some balance
8 between the institutional uses and the
9 residential use. And we think this is
10 completely -- it has gotten skewed. And what
11 happened with the over -- Zoning Overlay was,
12 essentially, we're talking about conversions.

13 But we are not talking about the fact that
14 when institutions change hands, you are now
15 faced with a different operation.

16 I have been active with CBENA for
17 probably 25 years. I have been president on
18 and off. Usually nobody is rushing to become
19 president, so I step up. But what happens is
20 we have -- we never get around to doing things
21 in our community like looking out for our
22 elderly, looking out for the kids, looking out

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1 for our schools. We spend all our time
2 focused on the impacts of the institutions on
3 our quality of life.

4 So we are going to move in that
5 direction. It's time. Thank you.

6 CHAIRPERSON MILLER: I guess I have
7 one other question for the last witness, I'm
8 sorry, Doctor, I don't remember your last
9 name.

10 DR. BOYCE: Boyce.

11 CHAIRPERSON MILLER: Okay. I think
12 you thought there was a problem, potential
13 problems if the institutions don't coordinate
14 or something, that they would all have traffic
15 at once and it would be a really big problem.

16 Do you have that now with the institutions
17 that are there?

18 DR. BOYCE: That's happened.

19 CHAIRPERSON MILLER: That's
20 happened.

21 DR. BOYCE: I think we have all
22 witnessed that when you --

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1 CHAIRPERSON MILLER: Once in a
2 while?

3 DR. BOYCE: I mean, I think the
4 worst case scenario is when we have, you know,
5 a Legg Mason Tournament, which is at the
6 Carter Barron, which, you know, now they do --
7 they try to do buses and things like that when
8 they put up now restrictions that have no real
9 restriction. They put up little signs that
10 say don't park here.

11 But those are events on Sundays.
12 The Carter Barron has frequent events in the
13 springtime that is part of -- I mean, I think
14 part of D.C., a positive thing in D.C. They
15 are free events. Those are sometimes in the
16 afternoon. They are on Sundays. I mean,
17 that's just one example.

18 There are things that go there to
19 the fall and then, you know, right now those
20 are the only events that are large that I know
21 of, but we -- of course, one hopes that there
22 is even more events as funds allow, so that's

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1 just one example.

2 And then the churches that are
3 currently there are active churches. They
4 have community events. They have revivals.
5 You know, these things happen.

6 CHAIRPERSON MILLER: I think --

7 DR. BOYCE: So yes, I mean, we have
8 experienced it now, so an added burden of 200
9 cars at any of those points it already
10 snaggles traffic. And I don't know if anybody
11 drives over on 16th Street on Sunday, it can
12 happen at any time.

13 CHAIRPERSON MILLER: I think what
14 we have seen in some cases, and all cases are
15 not alike, you know, where there are
16 institutions close together where that is a
17 problem is that they have -- they agree or it
18 is a condition that they coordinate or they
19 have, you know, whatever. So I'm just --

20 DR. BOYCE: And that's, I mean,
21 mandated or that's just a nice thing that we
22 hope people will do? Because -- and I guess

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1 that would be my concern that for the next 100
2 years that a church would be standing, we --
3 you know, you can't go back in later and say
4 oh -- I mean, I understand that the philosophy
5 -- I have heard that philosophy that when
6 something gets too big, but they are already
7 in this situation, that's why they are moving.
8 You know, that was the situation here.

9 CHAIRPERSON MILLER: I guess my --

10 DR. BOYCE: So how do you deal with
11 that?

12 CHAIRPERSON MILLER: -- question--
13 well, it depends. I mean --

14 DR. BOYCE: I guess.

15 CHAIRPERSON MILLER: No, but in
16 some cases. If the Board were to grant
17 relief, in many cases, the Board can also
18 impose reasonable conditions that would
19 mitigate adverse impacts if that would really
20 work. And I was just raising that if that is
21 an issue that you think could be resolved that
22 way.

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1 DR. BOYCE: I don't understand --

2 CHAIRPERSON MILLER: I'm just
3 throwing it out.

4 DR. BOYCE: -- zoning law. So what
5 would that mean?

6 CHAIRPERSON MILLER: Okay.

7 DR. BOYCE: I don't speak zoning,
8 so I don't know what that would mean.

9 CHAIRPERSON MILLER: Okay, okay.
10 Let's see. Let's say we granted the church
11 the special exception to have their church on
12 this property. And one of the concerns that
13 neighbors had is traffic all at once from
14 different institutions. And so I'm just
15 saying that sometimes we could have a
16 condition in our order that is enforceable
17 that they would need to coordinate major
18 events, for instance, this is hypothetical,
19 you know, with other institutions in the area.

20 I just heard that concern and I'm
21 just wondering if that can be addressed by,
22 you know, coordination.

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1 DR. BOYCE: I guess I see every
2 Sunday as a major event.

3 CHAIRPERSON MILLER: Okay.

4 DR. BOYCE: Because of the size.

5 CHAIRPERSON MILLER: And it may --

6 DR. BOYCE: So that would be -- I
7 don't know how you -- you know, that would
8 mean them not being there on a Sunday.

9 CHAIRPERSON MILLER: It may not
10 work in this case.

11 DR. BOYCE: Yeah.

12 CHAIRPERSON MILLER: I was just --

13 DR. BOYCE: No, I -- that's helpful
14 to understand.

15 CHAIRPERSON MILLER: You know, all
16 churches may -- yeah, they may all have
17 services at the same time and so it's not
18 going to work, for instance, right.

19 DR. BOYCE: You know --

20 CHAIRPERSON MILLER: But I was just
21 saying, you know, if somebody was having a
22 play at the school or something.

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1 DR. BOYCE: No, I understand. That
2 makes sense.

3 CHAIRPERSON MILLER: I just wanted
4 to throw it out for a reaction. Yeah?

5 MS. JOHNSON: I wanted to speak to
6 that. The church that is directly adjacent to
7 the site frequently has very large funeral
8 services, for instance, that would not be able
9 to be planned. And the traffic stretches
10 across 16th Street and even sometimes during
11 the weekdays when sometimes people do park on
12 the street for these very large funerals, not
13 during rush hour, but on 16th Street, on
14 Bladgen, on the adjacent streets and that
15 would not be able to be planned.

16 And I also wanted to highlight
17 another instance. Just last fall and last
18 spring, the city had sponsored the Recycling
19 Hazardous Waste and Recycling Program at the
20 Carter Barron, which was a nightmare and it
21 was a complete gridlock, not only on 16th
22 Street, but on all of the side streets from --

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1 I would venture to say miles.

2 And just something so simple like
3 that can cause such a problem and can be very
4 detrimental to the residents and emergency
5 vehicles that was just complete gridlocked.
6 So some things like that happen and, of
7 course, soccer at the field, they park on the
8 street as well all day Saturday. So just
9 something else to think about.

10 CHAIRPERSON MILLER: Let me ask you
11 this and then I really shouldn't extend this
12 hearing, because it's late. But on the other
13 hand, if they have all this parking, maybe
14 they would provide it to others and take those
15 cars off the street on Saturdays or something
16 if they weren't using it.

17 All right. Anyway, anything else?
18 Yeah?

19 MR. WIELAND: I just wanted to add
20 to the point of last spring that clean-up, the
21 DPW sponsor was probably the worst case
22 scenario for 16th Street. You had soccer games

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1 going on, a tennis tournament, other
2 activities in Carter Barron and you had the
3 church parking along 16th Street, even though
4 DDOT had posted signs along the one side do
5 not park there. And DDOT couldn't get there
6 to enforce the parking, because there was such
7 gridlock. It's probably the worst case
8 scenario.

9 But earlier in the hearing, there
10 was talk about the parking along 16th Street on
11 the weekends. If parking is removed, where
12 are the cars going to go? Because not all the
13 churches have parking lots. So I would hope
14 that you would consider that when evaluating
15 the parking on Sundays with DDOT.

16 MS. THOMPSON: Chairperson Miller,
17 I just wanted to add that one of the concerns
18 we have had over the years when we have
19 allowed for the zoning variances, for example,
20 with Kingsbury the reason there was no
21 opposition is because the community came in
22 support of Kingsbury.

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1 We then agreed on a plan as to how
2 the traffic should access Kingsbury. It's not
3 followed. It then causes the residents to
4 become sort of like the police. Similarly,
5 the Latin Day School which used to be Lowell,
6 we agreed to that zoning variance. It's not
7 followed.

8 In fact right now, the new occupant
9 is using or well, I think it's a British
10 School, is still using the facility as a bus
11 depot. So school buses go by at 5:30 in the
12 morning headed out to Virginia.

13 CHAIRPERSON MILLER: Let me just
14 interrupt you, because we don't want to get
15 too far off track. But I do want to follow-
16 up. When you say it's not followed, your
17 agreements, were there conditions in the order
18 or were they just, you know, voluntary
19 agreements between?

20 MS. THOMPSON: They were not
21 agreements with us. For example, in the order
22 it would say, for example, traffic can only

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1 enter --

2 CHAIRPERSON MILLER: Okay. So they
3 were conditions of the order?

4 MS. THOMPSON: And then --

5 CHAIRPERSON MILLER: Okay. And
6 they are not following them?

7 MS. THOMPSON: Not following.

8 CHAIRPERSON MILLER: Okay. You
9 know, we do hear that there is problems with
10 enforcement because DCRA doesn't have that
11 many enforcement personnel. I just want to
12 say that we have an enforcement liaison in our
13 office and her name is Lee Johnson and she is
14 here. Part of the reason she is here is to
15 help out in situations like that.

16 So if there is a lack of
17 enforcement, I would encourage you to contact
18 her.

19 MS. THOMPSON: Thank you.

20 CHAIRPERSON MILLER: Okay.

21 DR. BOYCE: And thank you for
22 translating a lot of this. It has been

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1 confusing to me, but like I said, I have been
2 a long resident and never had to come to one
3 of these. The last thing I wanted to
4 reiterate was about the safety issue.

5 And I actually, you know, have --
6 in terms of 14th Street, so what does happen
7 with the traffic, so when 16 gets too busy,
8 14th Street gets too busy. And that is a very
9 dangerous corner. And, you know, it was so
10 bad that back when I was young, we would hear
11 like a noise and it was literally that cars
12 would fly into this person's house. I mean
13 that happened on several occasions. That's
14 the kind of safety issue there is.

15 And I have also been hit, you know,
16 trying to cross the street. So I just guess
17 that's what we mean when we're talking about
18 traffic. But there is a huge safety issue in
19 terms of when this traffic congestion happens
20 and it can't be over-emphasized, you know,
21 when you are walking. It's kind of blind a
22 little bit on Piney Branch Road. So yeah,

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1 over the years you kind of like scoot out of
2 the way and almost get hit.

3 And so I hope that -- I don't know
4 how you assess that in terms of your zoning
5 issues and -- but it's more than just we're
6 talking about oh, it's time and congestion.
7 It's really that we have -- thanks to the D.C.
8 Government, we have more walkways and people
9 are walking around and have dogs. And you do
10 get concerned about some of these blind spots.

11 I have a driveway and you can't
12 always see people with strollers. And I do
13 really worry about that. And I don't know if
14 there is a way that you can quantify that in
15 some way in terms of the congestion issue, but
16 that would be the worst -- the worst case
17 scenario would be that people would get hurt.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. Ms. Thompson, does that complete your
20 case?

21 MS. THOMPSON: Yes.

22 CHAIRPERSON MILLER: Okay. And I

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1 know the Board -- don't leave quite yet. The
2 Board has asked questions. There are no more
3 Board questions, right? Okay. Does the
4 applicant have any questions for this panel of
5 witnesses? The ANC?

6 MS. MYERS: No.

7 CHAIRPERSON MILLER: Okay. Thank
8 you very much. All right. We're just going
9 to take a few minute break, Court Reporter,
10 and then we will wrap it up.

11 (Whereupon, at 7:43 p.m. a recess
12 until 7:58 p.m.)

13 CHAIRPERSON MILLER: Okay. We're
14 back on the record.

15 MS. BROWN: Thank you, Madam Chair.

16 I have kept track of where we are in the
17 proceeding. We are ready for our rebuttal
18 witness and we have one witness, Mr. Lindsley
19 Williams, who will address all the issues.
20 And if there is a specific question for our
21 traffic consultant, she is available. But I
22 think Mr. Lindsley Williams will be able to

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1 put this back in perspective for what the
2 adverse impacts are under the BZA standards of
3 1553, so we can really keep it focused. Thank
4 you.

5 MR. WILLIAMS: Good evening, ladies
6 and gentlemen. I'll try to be as brief as I
7 can and get through the essential points.

8 I'm going to start by reminding the
9 Board that in the '80s I sat up there and I
10 sat through a number of BZA cases and I
11 remember that in the process of doing that, as
12 you said Ms. Miller, the task is to apply the
13 standards that exist in the regulations and
14 not to be unduly influenced by other things.

15 And in this case, we have to
16 determine adverse impact of a certain number
17 of things based on the best data that we can
18 come across. So with that thought in mind, I
19 want to look at issues of height and traffic.

20 Height I'm going to take on first,
21 because I think it is simply -- it is
22 reasonably objectively answered based on the

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1 data that you have now in the record on the
2 board which shows in Pictures 8, 23 and 14 the
3 heights as we understand The Presbyterian,
4 Star of Bethlehem and Grace Lutheran as 90, 75
5 and 75 feet, respectively.

6 And with respect to Star of
7 Bethlehem, which is a relatively small photo,
8 No. 23, in that group of photos, I would tell
9 you that while I agree with the estimate that
10 has been provided in the record of 75 feet, as
11 measured from Colorado, if you actually know
12 the topography of the area, you know that on
13 the 14th Street side there is a complete
14 additional story that becomes exposed and then
15 a further drop down to the level of 14th Street
16 itself.

17 Just the road sort of descends from
18 Colorado to 14th and 14th begins its gradual
19 slope downhill as it leads towards the Piney
20 Branch valley. So you have a substantially
21 higher height. I'm not going to tell you what
22 it is, but it is higher than the 75 feet.

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1 I would also like to direct your
2 attention to the rendering. Yes, it's a
3 rendering. But what it also shows, as do all
4 of the pictures that you have in the exhibits
5 of the architect, is that you have a very
6 slender tower in comparison to the others that
7 are characteristic of this area capped by a
8 very slender steeple.

9 The only steeple in the area that
10 is of the same type of character is that that
11 is in the dead center of the Star of Bethlehem
12 Church as the others tend to be different
13 forms. They are domes. They are bell towers
14 or other kinds of things that are considerably
15 more massive.

16 So there is an example of this type
17 of steeple looking at the upper most section
18 right in the community that was talking with
19 your about that. And with that, I don't
20 propose to say anything more about steeples
21 and their heights.

22 As to traffic, I think I would like

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1 to ask you to try and turn to page 15 of the
2 supplemental report that Ms. Morris prepared
3 for you. And I'm going to give my spin on
4 what that means and how I would be trying to
5 look at that if I were sitting where you were,
6 which is what I'm trying to put myself in your
7 shoes.

8 What I get out of these data, what
9 I get out of these data which is the
10 distribution of the Sunday peak hour traffic
11 onto area streets in the case of Nos. 1, 3 and
12 4, its distribution, among other things, onto
13 16th street and that's the street that has been
14 at issue for all of the problems, the jam ups,
15 the congestion, the signal phasing and so on
16 and so forth.

17 And look at the numbers that you
18 get from this in the peak hour. By my count
19 no segment of the street either northbound or
20 southbound at any time in the peak hour gets a
21 number even up to 20 as the additional
22 increment. I don't know what the counts are

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1 on 16th Street.

2 What I am prepared to tell you,
3 based on a number of years of observations, is
4 that it is going to be a much bigger number.
5 And 20, which is not even reached here, is --
6 it is not a drop in the bucket. 20 cars in an
7 hour is like one car every 3 minutes in a
8 population of cars that is going to be large
9 and it's just not going to be measurable.

10 Trying to get detailed traffic
11 count data along 16th Street is not going to
12 inform your decision as to whether there is an
13 adverse impact. I mean, it would be nice to
14 know. In my other world, I love data. If you
15 could see my office, Carolyn, don't affirm
16 this, it will show you that I just have
17 enormous collections of data. But data has to
18 be collected with an eye to what it is going
19 to inform.

20 And I contend and I hope you will
21 contend, thanking DDOT for their efforts, that
22 it is not going to inform this decision

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1 against which the Board has to make its
2 decision. Is there going to be an adverse
3 impact? I say these numbers are so low that
4 the answer is it won't make a wits worth of
5 difference.

6 Now, those are sort of the big
7 points.

8 CHAIRPERSON MILLER: Okay. I just
9 want to remind you that you have used up your
10 time, though we certainly want to, you know,
11 allow you some more time to finish. I think
12 you have used your 60 minutes. I mean, we
13 will give you a little leeway, but I don't
14 want you to think you have all the time in the
15 world. It's also late, right.

16 MR. WILLIAMS: All of us want to
17 get home, Ms. Miller.

18 CHAIRPERSON MILLER: Right. Okay.
19 I just wanted to let you know that.

20 MR. WILLIAMS: I mean --

21 CHAIRPERSON MILLER: We do want to
22 hear it.

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1 MR. WILLIAMS: -- I know how to go
2 on, but I'll try to be brief, too. The next
3 thing I would like to do is to commend Denise
4 for the photographs that she provided, because
5 I think they are now in the record. And what
6 I would like to ask you to do is to look at
7 those same last three pictures that you looked
8 at earlier, only to see that what -- on the
9 Sunday that she took those pictures, those
10 were the last three or four pictures in the
11 booklet, I want you to look at the cars that
12 are parked on Emerson Street.

13 Few and far between. Wide open.
14 Turning into 16th may be a challenge, but the
15 parking situation on Emerson is not at all
16 frightening.

17 The second thing I want you to look
18 at is what I will call, and maybe an architect
19 in the community or you within the Board will
20 differ with me, but I would call either side
21 of Emerson Street terraced. And I would have
22 you look at those pictures to see that there

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1 is a terrace on both sides of approximately
2 the same height.

3 So that the houses on the south
4 side of Emerson are on a plateau of sorts or a
5 table as will be the church. And basically,
6 they will be respecting, at the ground level,
7 each other. One is not being heaped up to
8 tower over the other. One rises 27 feet, is
9 that the magic number? And the houses on the
10 other side to their gutters are on the same
11 order of magnitude.

12 Then it is a wide span, so the
13 ridge line runs back and further up, but it is
14 absolutely conforming as to stories. It is
15 absolutely conforming as to lot occupancy. It
16 is absolutely conforming as to everything that
17 is in the book.

18 What's the adversity on the basis
19 of the design? Steeple goes up a bit further.
20 Height Act doesn't -- provides a specific
21 exception for that as do the Zoning
22 Regulations. It's not before you. So I can't

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1 come to an adverse conclusion on that.

2 The shadow studies tried to
3 demonstrate that a little bit further. There
4 was a question raised about the neighborhood
5 itself and the context. And what we have
6 provided, what we are providing to you now and
7 have provided to the parties at this point are
8 some aerial photos taken from Google in March
9 of 2005.

10 There are more recent photos, but
11 the March 2005 photos have the advantage of
12 being when the trees have no leaves, so that
13 you can read through and see what is there.

14 The first photo in this group of
15 photos that is coming to you is a picture of
16 the site as it existed before the razing of
17 the property, which was a residence that you
18 can see in the -- on the property located on
19 the 16th Street frontage. A roughly square
20 building.

21 To the south of that building
22 closer to Emerson is the chapel complex and to

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1 the northeast of that building you see the
2 addition that was put on so that the community
3 of nuns, which numbered more than 15, which
4 takes it out of the definition of family and
5 made it into an institution when that
6 happened, that's where they lived in the
7 renovated structure.

8 The next page shows you a number of
9 important features in the neighborhood,
10 including the Legg Mason Center with 7,500
11 seats and a huge, a very large parking lot
12 that isn't even near enough for what happens
13 when Legg Mason is going full tilt.

14 It also shows, with the little
15 emblems of churches, where churches are
16 located. You have these also on the board,
17 many of them. And it shows the -- one church
18 immediately north of the site in the next
19 square, which is actually a one time residence
20 that became a diplomatic property in the '60s
21 that now is a Buddhist Retreat House or place
22 of worship which is probably not well-

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1 represented, but it's not a recent residential
2 conversion.

3 This particular photo identifies
4 virtually all of the properties between 14th
5 and 16th. In fact, all of the properties that
6 are in the area of the proposed overlay.

7 One of the statements that you see
8 -- that you heard today was that there had
9 been a lot of conversions. And indeed, the
10 statement that was read to you earlier this
11 evening cited the number of 50. The number 50
12 is around in the case record. But what it is
13 is it reflects all the institutions around the
14 entire perimeter of the area and some that I
15 believe are even faultily counted. I won't
16 take the Board through all that.

17 There are a total of 11
18 institutions within this defined area that is
19 being proposed of which 8 are churches and one
20 of them is the Kingsbury Center, which has got
21 a slightly different icon on this photo. It's
22 a school icon, not a church icon.

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1 And the pages that follow show the
2 context of the area. More specifically, they
3 show the square that we are located on. It
4 still shows the former convent. It shows the
5 Kingsbury Center. It shows the West
6 Elementary School. And then there is the
7 Kingsbury Center which is kind of -- got the
8 huge impact of all the traffic that has been
9 allowed by the Board Order 16205, a series of
10 church photographs showing the ones that have
11 the parking lots and that's what that set of
12 photos is all about.

13 And finally, a second set of photos
14 which was taken much more recently sort of
15 buttresses with more recent Sunday data,
16 specifically timed to show the kinds of
17 traffic that is on the area streets, which --
18 meaning parking. It is only congested on
19 Sundays in the immediate vicinity of the
20 churches that don't have parking.

21 We are -- our application is
22 bringing in a defined congregation that will

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1 by nature not grow too large, as Jeff
2 Holmstead indicated to you. So it has got a
3 sort of a self-policing mechanism within the
4 sort of the constitutional framework, and I
5 use that loosely, of the LDS community whereby
6 it won't get so large. Something will happen
7 and it will stay at about the levels that are
8 capped by the capacity of the chapel.

9 Ladies and gentlemen, I have tried
10 to go through this. I cannot find adversity
11 in this that goes beyond the reach of things
12 that are permitted in the Zoning Regulations
13 by right. We ask for your help in the
14 approval of this application on both the
15 special exception and variance.

16 MS. BROWN: Thank you. And if
17 there are any questions of Mr. Williams, he is
18 available, anything on the rebuttal that he
19 mentioned. And I don't know that we have any
20 time left for a closing, but I was hoping to
21 make just a few conclusory remarks.

22 CHAIRPERSON MILLER: I have a

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1 question and I think that we will allow you to
2 make a closing. But also, we had a witness so
3 that if they have any questions on rebuttal,
4 cross, as to what Mr. Williams just testified
5 to, you would be entitled. But not to, you
6 know, wide open questions, just to anything
7 that he just said.

8 I have a question while you are
9 thinking though. I don't know if it's to Mr.
10 Williams, but, you know, I understand your
11 testimony about that the building meets all
12 the Zoning Regulations with respect to the
13 area requirements and height and, you know,
14 lot area, etcetera.

15 But we also heard that, it seemed,
16 they are under the impression that it is
17 different from the houses and it's high up and
18 that it will appear to tower over. It's
19 somewhat of a massive kind of impression.
20 That's the impression I get from their
21 testimony, even though it meets all the
22 requirements.

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1 And you know, is that an adverse
2 impact aesthetically or not? I'm not sitting
3 in with the community. Anyway where I'm going
4 with this is my question is does the
5 landscaping sufficiently soften the
6 institution on this block, in this
7 neighborhood or could more trees or whatever,
8 you know, address that concern?

9 MR. WILLIAMS: Honestly, Ms.
10 Miller, I do not feel qualified to answer that
11 question.

12 CHAIRPERSON MILLER: You're not an
13 expert in this.

14 MR. WILLIAMS: I have my opinions
15 about landscaping.

16 CHAIRPERSON MILLER: I don't know
17 who drew this.

18 MR. WILLIAMS: And sort of more
19 trees is better to me, but --

20 CHAIRPERSON MILLER: Because
21 sometimes that is a possible solution. It
22 softens, it blends it in more. And I don't

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1 know if the architect is someone who can
2 address that or if that has to be, you know--

3 MS. BROWN: Perhaps the architect
4 can address it, but I would point out if we go
5 to some of the photographs that were just
6 submitted and you look at what was on the
7 site, there are very few mature trees that
8 were there. So they will have to start out
9 small. But as you saw from the Landscape
10 Plan, there will be trees. And the mature
11 trees that are on the site are being retained.

12 So yes, it will be softened by that
13 and also by the retaining wall that will help
14 screen and soften the impact of it toward the
15 rear of the site. And there will be
16 landscaping to soften that wall as well.

17 And I think that if you were to,
18 you know, look at the wide variety of churches
19 that are all up and down 16th Street, they are
20 tall, they are small. They are round. They
21 are rectangular. They take all forms, because
22 they reflect the different religious practices

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1 of the denominations that use those
2 facilities.

3 And this church falls squarely in
4 the middle of the traditional design elements
5 that you will find along 16th Street.

6 CHAIRPERSON MILLER: Okay.

7 MS. BROWN: In fact, it's more
8 tradition --

9 CHAIRPERSON MILLER: But I'm not
10 really, you know, addressing the design of the
11 church per se.

12 MS. BROWN: Aesthetics?

13 CHAIRPERSON MILLER: I'm just
14 saying that, you know, with any development
15 sometimes landscaping can mitigate an
16 institutionalization on a street where there
17 are a lot of houses or whatever. That's all
18 I'm getting at. So it doesn't really matter
19 in a way what else is happening on 16th Street.

20 MS. BROWN: Right.

21 CHAIRPERSON MILLER: It's just like
22 what is happening in this neighborhood to

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1 address that.

2 MS. BROWN: And I believe the
3 architect did testify to that, that there
4 would be extensive landscaping. And his
5 experience with this church and all the
6 churches they have designed in the past, that
7 this is really the top of the line and that it
8 would certainly be what you see on the
9 Landscaping Plan and then when it matures, it
10 would be that much -- it would create that
11 softening effect that you referred to.

12 CHAIRPERSON MILLER: Okay.

13 MS. BROWN: I don't know if there
14 is anything else that the architect wishes to
15 add.

16 CHAIRPERSON MILLER: Office of
17 Planning, did you have an opinion with respect
18 to whether it is sufficient, the landscaping?

19 MR. MORDFIN: I thought the
20 landscaping looked pretty good. I think
21 landscaping does soften it. It does blur the,
22 you know, views into the site. It's not going

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1 to screen it so you don't see it, but what it
2 does is it softens it. And, you know, they
3 have a mix of species in there. They have
4 shade trees and they have ornamental trees in
5 there. And I think those things will help to
6 soften it.

7 I haven't looked at it closely and
8 I didn't analyze it to look at it for whether
9 or not that -- you know, anything else could
10 be done. But I think that landscaping is
11 important in softening the impact that a
12 building has on the surrounding area.

13 CHAIRPERSON MILLER: Okay. I'm
14 going to let that go for right now. I have
15 one other question that was raised by DDOT
16 that you didn't address yet. I don't think.
17 And that was the visibility with respect to
18 the wall. Maybe you were going to address it
19 in closing. I don't know. But --

20 MR. WILLIAMS: Actually, I was
21 supposed to say something about that, but in
22 the course of trying to get across the major

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1 points, I neglected to indicate that the
2 applicant is prepared to work further with
3 DDOT and reduce the height of the wall at
4 least up to 42 inches. After 42 inches, we
5 get into another problem and we don't want to
6 go there.

7 But we will be attempting to define
8 a way to bring the wall down to a height of 42
9 inches, which is about the level of the sign
10 that is covering -- right at Mr. Moy's desk
11 which should be putting it so that a driver
12 could see over it and, you know, get to be
13 able to see it.

14 But it's a calibration issue that
15 I'm not prepared and I don't know if you can
16 speak to the 42 inch height. Will most
17 drivers in cars be able to see over a 42 inch
18 above ground?

19 MS. MORRIS: The sight distance.

20 MR. MORDFIN: If you have a barrier
21 that is 42 inches high, would you be able to
22 see over it?

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1 MS. MORRIS: Um-hum.

2 MS. BROWN: Okay. I think it is
3 better instead of speculating about what will
4 work for sight lines now to that if we
5 condition approval on resolving the sight
6 lines and working that out with DDOT to make
7 sure that the sight lines are appropriate to
8 standards.

9 CHAIRPERSON MILLER: That would
10 affect the wall that is on the plan. Is that
11 right? So you would be asking for
12 flexibility?

13 MS. BROWN: Yes.

14 MR. WILLIAMS: Piney Branch wall
15 only.

16 MS. BROWN: At the driveway
17 entrance, at that point only. So it's either
18 pulling it back so that the driveway entrance
19 is wider and possibly lowering the wall or a
20 combination of both.

21 CHAIRPERSON MILLER: Okay. Any
22 other Board questions right now?

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1 VICE CHAIRMAN LOUD: Just one
2 really quick question for Mr. Williams. Mr.
3 Williams, is it your, and I'm sort of
4 reflecting on your testimony, expert opinion
5 that BZA cannot consider height as a design
6 issue where the height does not exceed the
7 height limit?

8 MR. WILLIAMS: I would never tell
9 you what you cannot consider, Mr. Loud.

10 VICE CHAIRMAN LOUD: But you
11 understand my question now?

12 MR. WILLIAMS: I certain do. But I
13 think that you have --

14 VICE CHAIRMAN LOUD: Is that your
15 expert opinion?

16 MR. WILLIAMS: It is an expert
17 opinion.

18 VICE CHAIRMAN LOUD: Okay.

19 MR. WILLIAMS: It is also my expert
20 opinion that you have a burden to show about
21 why you would get into imposing a height
22 restriction that is greater than that which is

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1 -- that is more restrictive than that which is
2 permitted by the regulations.

3 But I will never say you can't go
4 there.

5 VICE CHAIRMAN LOUD: Okay. Thank
6 you. No further questions.

7 CHAIRPERSON MILLER: Okay. And
8 does the ANC have any questions?

9 MS. MYERS: I do.

10 CROSS EXAMINATION

11 MS. MYERS: Mr. Williams, going --
12 looking at Ms. Champion -- the pictures that
13 Ms. Champion provided and if you flip -- I
14 mean, if you actually flip through the pages
15 where she has taken photos of the houses in
16 comparison to the height of the existing
17 churches and I believe that the average height
18 of the current residences are 27 feet high?

19 MR. WILLIAMS: I believe the
20 testimony was introduced that the houses on
21 Emerson Street facing the LDS site were,
22 approximately, 27 feet from the ground to the

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1 gutter.

2 MS. MYERS: Right, right. And --

3 MR. WILLIAMS: I don't know that as
4 a fact.

5 MS. MYERS: Right.

6 MR. WILLIAMS: But I think that was
7 what was said.

8 MS. MYERS: And I guess I just want
9 to go back to say -- and the reason why I say
10 that the house -- that this church that is
11 going to be built is 56 feet high is -- in a
12 sense it's doubling the height of those
13 houses.

14 MR. WILLIAMS: Well, by that
15 measurement, yes. You would mathematically
16 achieve that. But let's turn to the photo
17 here that is in your book.

18 MS. MYERS: Right.

19 MR. WILLIAMS: Let's look at the
20 house. I think this is what, Trinity? Is
21 this Christ Lutheran? I'm sorry. Yeah, it's
22 Christ Lutheran on Gallatin. And it shows a

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1 property immediately adjacent to it. And all
2 I want to do is to draw your attention to the
3 gutter line of this house, which is sitting
4 one house in from the church, and strike that
5 line across. And it basically lines up, so
6 that it is in harmony with the gutter line of
7 the church to its west. That's essentially
8 what we are looking at here.

9 Is its roof higher than this house?

10 Yes. Is it incompatible or strident or
11 offensive? I say no.

12 MS. MYERS: And then I have one
13 other question. With the other photos that
14 you provided that were taken on Sunday, March
15 1st.

16 MR. WILLIAMS: Go ahead.

17 MS. MYERS: I just, you know, want
18 to go on record saying that on that specific
19 day when these photos were taken, it was also
20 inclement weather. You know, it was snow.
21 And on those days, you know, people don't tend
22 to come out to church on those days when the

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1 weather is -- when it's --

2 CHAIRPERSON MILLER: Is this a
3 question?

4 MS. MYERS: -- inclement weather.

5 CHAIRPERSON MILLER: Is this a
6 question?

7 MS. MYERS: No, I'm just -- I was
8 just wondering if he was aware of that,
9 because that could make the difference in what
10 the traffic pattern will look like on another
11 Sunday had there not been inclement weather.
12 Are you -- I'm just wondering were you aware
13 of that?

14 MR. WILLIAMS: I'm aware of the
15 date the photos were taken.

16 CHAIRPERSON MILLER: How do we know
17 there was inclement weather?

18 MS. MYERS: Because there's snow
19 right there.

20 CHAIRPERSON MILLER: There is not a
21 lot of snow.

22 MS. MYERS: It was a snow emergency

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1 advisory.

2 CHAIRPERSON MILLER: Are cars
3 required to not park on these streets during
4 an emergency, snow emergency?

5 MS. MYERS: The point that I'm
6 trying to make is on that -- on those types of
7 -- in that type of scenario, the attendance
8 will be down and so you would not be capturing
9 the actual assessment of --

10 CHAIRPERSON MILLER: Yeah, I
11 gotcha.

12 MS. MYERS: -- what the --

13 CHAIRPERSON MILLER: I just wanted
14 to make sure that they were allowed to park
15 there on that day.

16 MS. MYERS: Yes.

17 CHAIRPERSON MILLER: Okay. Because
18 they are pretty open, a lot of spaces there.
19 Yeah, okay. Anything else?

20 MS. THOMPSON: I just wanted to ask
21 that -- of course, I looked at the picture and
22 I thought I was responding to your question.

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1 Someone was saying was it a question. I
2 wanted to respond to your question that you
3 asked that what wasn't added was the other
4 effect you get when there is a snow emergency
5 declaration is that the residents also head
6 off to the grocery stores to stock up.

7 Because initially I looked at the
8 block and I was --

9 CHAIRPERSON MILLER: Okay, okay. I
10 think we are going too far, because this is
11 just cross based on his testimony. It is not
12 time for you to put in further testimony. No,
13 I was just -- I asked just about were cars
14 allowed to be parked there, because if they
15 weren't allowed, then we would really have a
16 distorted impression even further if they
17 weren't allowed to be parked.

18 But we can draw our conclusions.
19 You have put in the evidence that it was a
20 snow emergency or whatever. Okay. Anything
21 else? Okay.

22 MR. WILLIAMS: Thank you.

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1 CHAIRPERSON MILLER: Closing?

2 MS. BROWN: Yes, thank you. Thank
3 you all for indulging us for such a late hour.

4 I think we do need to get back to the
5 standards that Mr. Williams referred to. And
6 the fundamental question is will there be
7 effects with -- as to traffic, noise and
8 design?

9 I think really we have decided
10 there are no noise effects, but there are
11 potentially with traffic and design. And yes,
12 there will be effects. There will be a new
13 building on the site. There will be new cars
14 coming to the site. The real question is are
15 those effects adverse? And the only evidence
16 of record is that there will be no adverse
17 effects.

18 We have heard many anecdotal
19 concerns and fears, but there hasn't been any
20 data to back it up. And frankly, with respect
21 to the traffic report and DDOT, we are a
22 little befuddled. We feel that we have almost

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1 been in sort of a bait and switch situation
2 with them when we went through the
3 Environmental Impact Screening Forum.

4 We provided the exact data that
5 they requested. They came back with a report
6 that said there were no adverse traffic
7 impacts. And then we find out that they are
8 going to change the standards when it comes to
9 the -- a BZA application and we tried to get
10 some clarification on why does the standard
11 shift?

12 And what we learned is that there
13 are land use policy questions that they want
14 to address, not empirical data that is
15 presented in traffic reports. And you know, I
16 think the example of trying to get the
17 information on all the houses of worship in
18 the area, that doesn't add any value to what
19 we are trying to understand.

20 You know, traffic is traffic. And
21 the best way to look at it is the actual
22 counts. The traffic counts don't discriminate

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1 among where the uses -- or what generates
2 those uses. So it really doesn't matter. You
3 have to go to the basic data.

4 CHAIRPERSON MILLER: Could I
5 interrupt? I really hate to interrupt you,
6 but I forget to get back to OP and I think
7 that I ought to get back to OP before you
8 finish your closing.

9 MS. BROWN: Sure.

10 CHAIRPERSON MILLER: Thank you. If
11 you recall, I'm sorry, but, Mr. Mordfin, you
12 said that, in your report, you recommended
13 that the Board approve the application,
14 subject to the applicant addressing the issues
15 raised by DDOT. And that we were going to
16 hear from DDOT in this hearing and then get
17 back to you.

18 MR. MORDFIN: Mostly what I was
19 referring to is that I wanted the -- DDOT had
20 a couple of comments that I thought were
21 important that they may try to address. One
22 of them had to do with the 60 feet from the

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1 intersection of Piney Branch and Emerson. And
2 that the applicant make -- either make it fit
3 or -- well, would have to make it fit in order
4 for them to do that.

5 And I thought that that was
6 important. It is not scaled off on any of the
7 drawings that I have seen, so, therefore, I
8 can't say that it is or it isn't.

9 The other one had to do with the
10 wall. And I don't have the ability to analyze
11 whether or not anyone coming out would be
12 adversely affected by that wall at the
13 intersection of Piney Branch and Emerson.

14 So I was looking then -- you know,
15 the applicant would have to provide something,
16 so that DDOT could say, okay. And if it is a
17 problem that, you know, it could be lowered to
18 3.5 feet because the requirement is 3.5 feet,
19 they are providing 6, which in excess. So
20 even if you lowered it to 3.5 feet for the
21 distance that would be necessary to allow the
22 drivers to see, they would still be in

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1 conformance with the Zoning Regulations.

2 And those are really the two things
3 that we think are crucial to making sure that
4 this application, you know, is in conformance
5 with those things, so that traffic issues
6 don't become a problem because of either sight
7 distance or because the entrance is too close
8 to an intersection that will result in other
9 issues.

10 CHAIRPERSON MILLER: Okay. And not
11 to prolong this though, I mean, it sounds
12 like, I understand where the wall is on this,
13 the applicant wants to work with the wall to
14 get the right sight lines. And the other
15 thing you said was the driveway? What did
16 you --

17 MR. MORDFIN: Oh, well, they had--
18 DDOT had --

19 CHAIRPERSON MILLER: 60 feet.

20 MR. MORDFIN: -- requested that the
21 driveway entrance be a minimum of 60 feet from
22 the intersection of Piney Branch and Emerson.

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1 And it is not scaled off on any of the
2 drawings. So although it might look like
3 perhaps it is 60 feet, we don't have anything
4 to show that, you know, it actually is at
5 least 60 feet.

6 So we would need something that,
7 you know, scales it off and shows that
8 dimension. We would need a drawing. And if
9 it is not, then they would have to shift the
10 driveway entrance so that it is 60 feet.

11 CHAIRPERSON MILLER: Okay.

12 MR. MORDFIN: Or a minimum of 60
13 feet.

14 CHAIRPERSON MILLER: Okay. So you
15 would support the application with those two--

16 MR. MORDFIN: Yes.

17 CHAIRPERSON MILLER: -- factors
18 being met. Okay. But the first one would
19 require a submission? Is that correct?

20 MS. BROWN: If I may, Madam Chair?

21 CHAIRPERSON MILLER: Okay.

22 MS. BROWN: The architect did

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1 testify during the hearing this afternoon that
2 it is a minimum of 60 feet from the corner to
3 the driveway. And we also made a submission,
4 a representation in our cover letter of March
5 5th, I believe it was, again stating for the
6 record that it will be 60 feet.

7 So in any supplemental -- you know,
8 as it goes through the building permit
9 process, it will have the actual dimension be
10 properly scaled, but we are stating it has
11 been stated by our witness that it is 60 feet.

12 CHAIRPERSON MILLER: Okay. I just
13 want to ask Office of Planning does that
14 satisfy your concern, what Ms. Brown said,
15 that the architect testified to it and that
16 when it goes through the process it will have
17 to be consistent with that or do you believe
18 that another submission would need to be made?

19 MR. MORDFIN: It wouldn't hurt to
20 submit something that actually scales it off.

21 And also when they go for their curb cut --

22 CHAIRPERSON MILLER: Right.

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1 MR. MORDFIN: -- assuming that this
2 is approved, they would have to dimension that
3 also in order to get that curb cut from DDOT.

4 CHAIRPERSON MILLER: Okay. Thank
5 you. I'm sorry to interrupt you. I just
6 wanted to make sure that you knew where Office
7 of Planning stood when you did your closing.

8 MS. BROWN: No, I appreciate it.

9 CHAIRPERSON MILLER: Thank you.

10 MS. BROWN: And as far as the curb
11 cut, there is no curb, so no sidewalk, so --
12 but we will have it dimensioned to 60 feet.

13 So I think with traffic, we
14 actually really have answered all the
15 questions and certainly to the satisfaction of
16 OP and certainly based on the analysis that
17 has been presented. We -- in DDOT's own mind,
18 from March of 2008, we satisfied that there
19 are no adverse impacts.

20 And we have now supplemented with
21 additional Sunday data. Because we did have
22 Sunday data in the 2008 report. We have since

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1 supplemented. We have added the pedestrian
2 studies. We have answered every question they
3 had, except the -- we even heard additional
4 information being requested.

5 And the universe seems to keep
6 expanding, so I'm not sure that we will ever
7 satisfy DDOT's request for additional
8 information. But for zoning purposes, for the
9 purposes of whether there are adverse impacts
10 based on the zoning standards, we have met
11 them. There are no adverse impacts.

12 Similarly with design, I believe we
13 have completely satisfied that as well.
14 Again, all throughout this city, we do not
15 have uniform heights. Heights vary in
16 neighborhoods, the churches, houses vary in
17 height even in this neighborhood. So the fact
18 that something is taller doesn't make it
19 incompatible. In fact, it makes it more
20 compatible, because it is consistent with the
21 character.

22 And again, I think the landscaping

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1 elements will soften whatever perception there
2 might be of something towering. But I --
3 based on the testimony we heard today, that
4 effect won't even occur.

5 With respect to steeple height, we
6 have demonstrated that the -- through the
7 shadow studies there are no adverse impacts.
8 And again that steeples start to go to
9 religious practices and what goes on in the
10 church and the size and the programs.

11 And you know, it's sort of a narrow
12 path we have to weave here through making sure
13 that we don't trample on any religious freedom
14 and Constitutional issues about saying no, you
15 have to, you know, lower the height of your
16 steeple. You have to lower the height of your
17 building.

18 These are the programmatic
19 requirements that are completely in keeping
20 with the neighborhood that don't violate any
21 First Amendment Rights for this church and the
22 Religious Land Use and Institutionalized

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1 Person Act. We addressed that in our
2 statement. I think it is completely there. I
3 don't think we need to visit that, but I just
4 wanted to put that on the record, that those -
5 - we have to keep -- be mindful of those
6 constraints as well.

7 With respect to the variance, I
8 don't know that we have heard any issues about
9 that. I think there is just a language
10 problem in section 1553 and I think that we
11 have met the standard showing that there is --
12 there are exceptional and unusual conditions
13 inherent in the property that create practical
14 difficulties with putting a driveway on public
15 space to give access to the parking spaces.
16 And I don't think there is any impairment of
17 the intent of the Zoning Plan on that.

18 So that concludes my remarks. And
19 I believe that we have met the standard and
20 that we would respectfully request your
21 approval. It has been a long road for this
22 church. They have started over two years ago.

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1 They were in permit processing when they got
2 caught. The church was supposed to be under
3 construction, you know, months ago.

4 So they are way behind. And we
5 would ask for a speedy deliberation on this as
6 you see fit. Thank you very much.

7 CHAIRPERSON MILLER: Glad you're
8 not asking for a Bench decision though. I
9 just have one other question just to clarify,
10 based on what Mr. Jennings said. Why is it
11 that we don't need data in our record with
12 respect to the level of service of
13 intersections on 16th Street for Sunday?

14 MS. BROWN: I think there are two
15 answers to that. One was provided by our
16 expert traffic witness that at DDOT's
17 instructions, they said it was for the initial
18 report a year ago that it is unfair to make a
19 church do both weekday and weekend traffic
20 studies. Do the worst case scenario, which
21 will be weekday.

22 That was a determination that DDOT

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1 made. And you know, we can't sit there and
2 say one staff member agrees, the other one
3 doesn't. That came from, you know, Karina
4 Ricks over her signature. So we have to be
5 able to rely on that. We have to be able to
6 rely with certainty that we are taking the
7 right direction.

8 And secondly, we -- because it is
9 worst case scenario, as determined by DDOT, it
10 would be irrelevant information. As Mr.
11 Williams pointed out on, I think it was, page
12 13 of the traffic study showing the traffic
13 volumes and the turning radius, the number of
14 cars is going to be less than 20 in a peak
15 hour, that is a drop in the bucket.

16 The new information would not
17 inform you in any way other than to create
18 more paperwork for the record.

19 CHAIRPERSON MILLER: Thank you.
20 Okay. Any other questions by Board Members?
21 Any other information that we want submitted
22 to the record? I believe we talked about your

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1 submitting a drawing to scale that reflects
2 the 60 feet from the intersection.

3 MS. BROWN: We can get that in
4 tomorrow.

5 CHAIRPERSON MILLER: Okay. So let
6 me ask you this. I think we talked about, if
7 we were to grant relief, giving you the
8 flexibility to work with DDOT on the wall or
9 is that something that you can do ahead of our
10 decision and then we would have that in the
11 plans?

12 MS. BROWN: We would --

13 CHAIRPERSON MILLER: When would you
14 anticipate?

15 MS. BROWN: -- try -- I could
16 probably get an answer to you when I submit
17 the additional information, but I suspect that
18 we could get that answer fairly quickly. It's
19 just a matter of getting the dimensions drawn
20 and the calculations made.

21 CHAIRPERSON MILLER: Yes, we
22 certainly don't need it by tomorrow. Anything

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1 else? Let me ask the Office of Planning, was
2 there anything else that you thought should be
3 submitted for the record?

4 MR. MORDFIN: No, there wasn't.

5 CHAIRPERSON MILLER: Okay.

6 MS. BAILEY: Madam Chair, you did
7 ask the Carter Barron East Neighborhood
8 Association to provide the names and addresses
9 of those persons whom the organization
10 represents on this project.

11 CHAIRPERSON MILLER: Thank you, Ms.
12 Bailey, that's absolutely right, yeah. Okay.

13 I think that's all that we would be leaving
14 the record open for then. The letter of
15 authorization, you know, for you to represent
16 those members of your group and the drawing
17 and then possibly how the wall is going to end
18 up and whether DDOT signed off on that.

19 So, okay. I think that's it. We
20 can set this for decision March 24th. So we
21 would need the filings by the week before or
22 so or 10 -- or when do you think you can do

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1 that, the 17th?

2 MS. BROWN: Yes, we can get it in
3 by the 17th.

4 CHAIRPERSON MILLER: Okay. Okay.
5 Can you get your authorization in by the 17th?

6 MS. THOMPSON: Are you referring to
7 the filings?

8 CHAIRPERSON MILLER: Um-hum, yeah.

9 MS. THOMPSON: In fact, we had
10 someone -- one of the members reminds me that
11 that had already been submitted when we did
12 our -- the overlay extension, so we have the
13 document with the signatures. Is that what
14 you are referring to?

15 CHAIRPERSON MILLER: Okay. It just
16 might be a little bit different, because it's
17 for this application. I don't know what they
18 authorized you to do, whether they authorized
19 you to appear before the Zoning Commission and
20 the BZA or if it just says the Zoning
21 Commission, it will be a little bit off,
22 because it's for this application.

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1 MS. THOMPSON: No, it's applicable.

2 MS. BROWN: Just a point of
3 clarification, I am familiar with the petition
4 that was signed and I'm not -- I just want to
5 clarify would that be the list of CBENA
6 members or is that a list of people that
7 signed in support of the 16th Street Heights
8 expansion?

9 MS. THOMPSON: What exactly is it
10 that the Board is looking for? The CBENA
11 members or the CBENA members on the petition
12 who also signed?

13 CHAIRPERSON MILLER: I think we
14 were interested in who are CBENA members and
15 though who of those members actually
16 authorized you to represent their opposition
17 to this application.

18 MS. THOMPSON: So we could identify
19 from the very same list who are CBENA members.
20 We don't have to prepare a different list.

21 CHAIRPERSON MILLER: Whatever
22 answers the question really.

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1 MR. WIELAND: I can help Doreen
2 with this. You just need letters from like
3 myself and other people in CBENA authorizing
4 Doreen and CBENA to represent us.

5 CHAIRPERSON MILLER: Right. It
6 wouldn't have to be even individual letters.
7 It could be one letter saying, you know, we,
8 the undersigned, are members of CBENA and we
9 authorize Ms. Thompson to represent us in this
10 proceeding.

11 MR. WIELAND: And you just need
12 everybody's signature.

13 CHAIRPERSON MILLER: Okay.

14 MR. WIELAND: It couldn't just be
15 like the members list. It would have to --
16 everybody would have to sign the letter. I'm
17 just asking so that it's not submitted and
18 then it's kicked out.

19 CHAIRPERSON MILLER: There's not
20 one specific template for this. We just want
21 to have it accurate that those people have
22 authorized you to represent them in this. So

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1 however you want to most accurately represent
2 it. It would be good to have everybody's
3 signature, but if you think there is another
4 way that shows it, you know, certain people
5 were at the meeting and voted, you could show
6 it that way without everyone signing.

7 Somebody could attest that they all
8 voted at that meeting. Okay. So we don't
9 have to get hung up on this too much. We, the
10 Board, just wants to know. And we want to
11 have it in the public record, you know, who
12 exactly is being represented for that
13 position.

14 Okay. So that will be by the 17th
15 as well. Is that okay or do you need a few
16 more days? That's not something that is
17 substantive for the Board to consider that we
18 need a lot of time to think about. But if you
19 need until the 20th or something, you know?

20 MS. THOMPSON: We can get it done
21 by the 17th.

22 CHAIRPERSON MILLER: Okay. Good.

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1 Okay. Ms. Bailey, do you need to reiterate
2 before we close the hearing?

3 MS. BAILEY: The two things that I
4 have, Madam Chair, is a decision is scheduled
5 for March 24th and the submissions from the
6 opposition, the ANC and the applicant, those
7 submissions are due March 17th.

8 CHAIRPERSON MILLER: Good. Okay.
9 Thank you very much.

10 MS. BROWN: Thank you, Madam Chair.

11 CHAIRPERSON MILLER: Okay.

12 MS. BROWN: Board Members.

13 CHAIRPERSON MILLER: And I think
14 that we have nothing else on the agenda for
15 this evening, do we, Ms. Bailey?

16 MS. BAILEY: That's it, Madam
17 Chair.

18 CHAIRPERSON MILLER: Okay. Then
19 this hearing is adjourned.

20 (Whereupon, the Public Hearing was
21 concluded at 8:42 p.m.)

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