

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY

JULY 2, 2002

+ + + + +

The Public Hearing convened in Room 220 South, 441
4th Street, N.W., Washington, D.C. 20001, pursuant to notice at
1:00 p.m., Geoffrey H. Griffis, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

GEOFFREY H. GRIFFIS	Chairperson
ANNE MOHNKERN RENSHAW	Vice Chairperson
CURTIS ETHERLY, JR.	Board Member
DAVID ZAIDAIN	Board Member (NCPC)

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Commissioner
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COMMISSION STAFF PRESENT:

Sheri M. Pruitt, Secretary, BZA
Beverley Bailey, Office of Zoning
Kathy Wright, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Kenneth Laden, Department of Public Works
Stephen Mordfin, Office of Zoning

D.C. OFFICE OF CORPORATION COUNSEL:

Corey Buffo, Esq.

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

(1:15 p.m.)

CHAIRPERSON GRIFFIS: For your entertainment value this afternoon, we're going to go through our Minutes very quickly for approvals, and then we will start the afternoon hearing.

With that, what I'd like to do is we'll call these off very quickly, go through. If there are comments, and written comments on things that can be highlighted, and then submitted to Staff for incorporation, we can move approval based on any sort of changes in these. So with that, let us go to June 4, 2002.

SECRETARY PRUITT: Good afternoon, Mr. Chairman. For that particular hearing, the participating Board Members included Mr. Zaidain, Ms. Renshaw, Mr. Griffis, Mr. Etherly, and Ms. Mitten.

CHAIRPERSON GRIFFIS: Changes, concerns, questions?

COMMISSIONER MITTEN: I have a few editorial changes that I'll just hand over to Staff, but there's an item missing from the June 4th Minutes, which we had dealt with the Motion to Dismiss - this was the first time we dealt with the Motion to Dismiss the Nebraska Avenue Neighborhood Association appeal, and we dismissed in part, and did not - denied the Motion to Dismiss in part that day, so I think we need to add that.

CHAIRPERSON GRIFFIS: Okay. So for clarification

1 on that. Others? Then move approval with changes, June 4th,
2 2002. All in favor.

3 (Vote.)

4 SECRETARY PRUITT: Was there a second to that, sir?

5 CHAIRPERSON GRIFFIS: Oh, I'm sure there was.

6 VICE CHAIRPERSON RENSHAW: Second.

7 SECRETARY PRUITT: Okay.

8 CHAIRPERSON GRIFFIS: Okay.

9 SECRETARY PRUITT: For the June 11th Public Hearing,
10 participating Board Members included Mr. Zaidain, Ms. Renshaw,
11 Mr. Griffis, Mr. Etherly, Mr. Parsons, and Ms. Gallagher. And I
12 have a proxy for both Mr. Parsons and Ms. Gallagher for FMBZA.

13 CHAIRPERSON GRIFFIS: Okay. Any changes indicated
14 in the proxies? Any Board Member wish changes, corrections,
15 additions? Then we can move approval with a second.

16 VICE CHAIRPERSON RENSHAW: Second.

17 CHAIRPERSON GRIFFIS: All in favor.

18 (Vote.)

19 SECRETARY PRUITT: Okay. The next set of Minutes
20 are for July 18th. Participating Board Members, Mr. Zaidain, Ms.
21 Renshaw, Mr. Griffis, Mr. Etherly, and Mr. Hood. And we do have
22 a proxy in the affirmative from Mr. Hood.

23 CHAIRPERSON GRIFFIS: Good. And clarification,
24 it's June 18th, 2002.

25 SECRETARY PRUITT: Yes, I'm sorry.

1 CHAIRPERSON GRIFFIS: That's all right.

2 MEMBER ETHERLY: Further clarification, Mr. Chair.

3 I was not present for the June 18th proceeding. I would like to
4 direct Staff's attention as to whether or not there is need for
5 inclusion of a proxy note with regard to 16879, Appeal of
6 Nebraska Avenue, and whether or not a proxy was submitted on my
7 behalf. That might need to be clarified.

8 CHAIRPERSON GRIFFIS: Okay. We can look into that
9 if we don't have that immediately. Also, in terms of the Board
10 reviewed the following blueprint drawings. Those are itemized
11 correctly. We had one that was in question, but I did not check
12 my records, but it was an elevation that was part of the
13 comparison that wasn't actually in the revised permit drawings,
14 if the Board recalls that. I believe it was A-208, or something
15 of that nature. We could just include that in terms of the
16 drawings that we actually reviewed. Is that clear to everybody?

17 COMMISSIONER MITTEN: And if I could add □- and I
18 have this written out so I can pass it over to Staff, but I think
19 it would be helpful □- and I should also clarify that I was at
20 the afternoon session, which is why I'm weighing in, that the
21 revised set is composed exclusively of the four drawings that are
22 listed here, to make it clear that we didn't just select those
23 four. That was the extent of the revised set. And then on the
24 □- and I have a few other editorial changes, but there's a few
25 that I wanted to discuss, in case anyone has a different view,

1 since this would be in Case number 16823, which is the
2 Application of Humberto Gonzalez.

3 On page 6 of the Minutes is our list of what the
4 Board had requested, and my recollection is slightly different
5 than what's articulated here, and I want to make sure this is
6 clear, because this is what's going to be coming into the record.

7 Number 7, the documentation was a license to
8 operate a commercial parking lot, not a surface parking lot.
9 Number 11, top of page 7, the written documentation identifying,
10 it wasn't exclusively the hardship test. It was the three-prong
11 variance test. Number 12, I think the point was not whether it's
12 ☐- the financing is to be considered by the Board. I would
13 reword that to say, "Response from the Applicant as to whether
14 finance is to be proffered to the Board in meeting the hardship
15 test", because we had ☐- there was a difference of opinion about
16 whether or not that was actually being proffered or not.

17 And then under number ☐- I guess there's some
18 bullet points about halfway down the page. The second to the
19 last bullet, "If encumbrances were placed on the property, the
20 property value would diminish. Would the Applicant's mortgage
21 lender agree to such encumbrances"? Because it was ☐- the
22 question was, before we go down the road of having all these
23 commitments on the part of the Applicant, if his mortgage lender
24 wouldn't accept those encumbrances, then he's not really at
25 liberty to proffer those. That was the point.

1 CHAIRPERSON GRIFFIS: Okay. Thank you much.

2 COMMISSIONER MITTEN: I would move approval with
3 the changes that we've noted, Mr. Chairman.

4 CHAIRPERSON GRIFFIS: Second. Any other comments,
5 additions?

6 MEMBER ETHERLY: Mr. Chairman, just a matter of
7 clarification. We're still on the June 18th Minutes. I want to
8 correct - I'm pretty certain now that that proxy was submitted
9 for the Special Public Meeting that was held prior to the regular
10 meeting of June 18th.

11 CHAIRPERSON GRIFFIS: Okay.

12 MEMBER ETHERLY: So there's no need to enter a
13 proxy correction for the case that I identified. Thank you.

14 CHAIRPERSON GRIFFIS: Good. Others? Then all in
15 favor.

16 (Vote.)

17 CHAIRPERSON GRIFFIS: And opposed? Going to June
18 25.

19 SECRETARY PRUITT: Correct. For the last set of
20 Minutes, participating Members included Mr. Zaidain, Ms. Renshaw,
21 Mr. Griffis, Mr. Etherly, and Mr. Hannaham, for the morning, and
22 Mr. May for the afternoon. I do have a proxy in the affirmative
23 from Mr. Hannaham. We were not able to contact Mr. May.

24 CHAIRPERSON GRIFFIS: Corrections, additions?
25 Okay. I would move approval of June 25, 2002.

1 MEMBER ETHERLY: Second it.

2 CHAIRPERSON GRIFFIS: Thank you. All in favor.

3 (Vote.)

4 CHAIRPERSON GRIFFIS: And opposed? Anything else
5 on the Minutes?

6 SECRETARY PRUITT: No, sir. That concludes the
7 morning agenda.

8 CHAIRPERSON GRIFFIS: Excellent. So we can adjourn
9 our morning agenda, and simultaneously call to order our
10 afternoon. And I will say good afternoon to everybody, and I
11 appreciate your patience.

12 This is the July 2nd, 2002 Public Hearing of the
13 Board of Zoning Adjustment for the District of Columbia. My name
14 is Geoff Griffis, Chairperson today. And Ms. Anne Renshaw is
15 with me as Vice Chair, and Mr. Curtis Etherly on my right. Mr.
16 Zaidain, representing the National Capitol Planning Commission,
17 and Ms. Mitten representing the Zoning Commission. Also, our
18 able and esteemed Staff. I'm sorry. On my very far right, Ms.
19 Bailey, Mr. Nyarku, and Ms. Pruitt, and we look forward to
20 hearing great things from them, as well as the Board today.

21 Copies of today's hearing are available for you
22 there at the table close to the door where you entered into the
23 hearing room. A couple of quick things. Of course, these
24 hearings are recorded for the record, so that we ask several
25 things of you. One, of course, is to refrain from any disruptive

1 noises or actions in the hearing room. And then when coming
2 forward to speak to the Board, you should introduce yourself and
3 give your address before presenting any testimony. We will also
4 walk you through how to turn on and off the mikes, and if there's
5 any feedback, we will deal with that.

6 All persons planning to testify either in favor or
7 in opposition are to fill out two witness cards. The witness
8 cards are available at the testimony table, and there should be a
9 stack at the table where you came into the hearing room. Upon
10 coming forward to give testimony to the Board, those two cards
11 should go to the recorder, who is sitting to my right. The give
12 away is he has those things over his ears.

13 The order of procedure for special exceptions and
14 variances is, first, we will hear the statement of witnesses □-
15 statement and witnesses of the Applicant. Second, will be
16 government reports, including Office of Planning, and any other
17 government reports attendant to the case. Third, would be the
18 report of the Advisory Neighborhood Commission. Fourth, would be
19 parties or persons in support. Fifth, would be parties or
20 persons in opposition. And sixth, finally, we will have closing
21 remarks by the Applicant.

22 Cross examination of witnesses is permitted by the
23 Applicant or parties in a case. The ANC within which the
24 property is located, is automatically a party in the case. The
25 record will be closed at the conclusion of each case, except for

1 any material specifically requested by the Board, and we will be
2 very specific on what is requested to be submitted to the Office
3 of Zoning, and when it should be submitted by. After the record
4 is closed, no other information will be accepted by the Board.

5 The Sunshine Act requires that the Public Hearing
6 in each case be held in the open and before the public. The
7 Board may, however, consistent with its Rules of Procedure and
8 the Sunshine Act, enter into Executive Session, both during or
9 after Public Hearings on a case for the purposes of reviewing the
10 record or deliberating on the case.

11 The decision of the Board in contested cases must
12 be based exclusively on the public record, so to avoid any
13 appearance to the contrary, the Board requests that persons
14 present not engage the Members of the Board in conversation. I
15 would ask at this time that everyone turn off any beepers or cell
16 phones so that we don't disrupt the proceedings, and we will make
17 every effort to end this session sometime today.

18 We do our schedule today, and at 6:00 -- I will
19 assess, as we go close to 6:00, whether we will run over that,
20 and I will assess from everyone who is in front of us how their
21 schedules are, so I would anticipate today that we will go past
22 the 6:00 hour. I do not anticipate going long into the evening,
23 and would hope that we would have no more than an additional hour
24 added onto this afternoon's session. But as I say, we will, in
25 fact, update everybody as we get close to that hour.

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1 So at this time, the Board will entertain any
2 Preliminary Matters. Preliminary matters are those which relate
3 to whether a case will or should be heard today, such as,
4 requests for postponement, continuance or withdrawal, or whether
5 proper and adequate notice of a hearing has been given. If you
6 are not prepared to go forward with a case today, or if you
7 believe that the Board should not proceed, now is the time to
8 raise such a matter. Let me first ask Staff if they have any
9 preliminary matters for the Board.

10 MS. BAILEY: Members of the Board, good afternoon.

11 Mr. Chairman, Staff does not have any preliminary matters at
12 this time.

13 CHAIRPERSON GRIFFIS: Thank you. Are there any
14 preliminary matters for anybody here today? Very well. I have a
15 very brief preliminary matter then.

16 On Application 16889, National Children's Center,
17 outside of the Applicant and their representatives, is there
18 anyone here to present testimony today, if I could just see a
19 show of hands. Not seeing any show of hands. I would ask the
20 same question of Application 16890 of the Washington
21 International School. Is there anyone here to give testimony?
22 One and two. Okay. Very well.

23 I would like to, with the Board's indulgence,
24 change our afternoon scheduling on the cases and call the
25 National Children's Center first, if that is everybody's - any

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1 objection to that? Is the representative of Case 16889 prepared
2 to go forward first in the afternoon?

3 Okay. And let me also just assert that the
4 Washington International School, which is scheduled, will go
5 immediately following that. And I think it will be understood
6 that this is, in fact, a very expeditious way to proceed. So
7 with that said, let us call the first case, Application 16889,
8 and proceed.

9 MS. BAILEY: Of National Children's Center,
10 pursuant to 11 DCMR 3104.1, for a special exception to increase
11 the number of students to 225, and staff to 100, serving an
12 existing private school for the developmentally disabled under
13 Section 206, in the R-4 District, at premises 3400 Martin Luther
14 King, Jr. Avenue, S.E., Square 5978, Lot 5.

15 Please stand to take the oath, and raise your right
16 hand.

17 (Witnesses sworn.)

18 MS. BAILEY: Mr. Chairman, a matter you may want to
19 take up as a housekeeping matter, and it has to do with the
20 number of students and the number of staff. The number - the
21 applicant submitted the application for 150 to 225. That number
22 has been changed to - am I saying that correctly?

23 CHAIRPERSON GRIFFIS: 250, yes.

24 MS. BAILEY: Okay. But, Mr. Chairman, are you
25 aware of this matter, and you're able to address it at this point

1 to take me off the hook here?

2 CHAIRPERSON GRIFFIS: Absolutely. Absolutely.
3 After all, I probably owe you numerous times of the same. So
4 that being said, what I'd like to do is ask the applicant or the
5 representative of the applicant whether - well, first of all let
6 me state, and the Board Members can chime in if they disagree. I
7 found that the submission was very complete and adequate, and I
8 would like to ask applicant if they, after perhaps an opening
9 statement, if needed, would stand on the record. I think there
10 are some questions that the Board might have, but we would
11 probably be expeditious in going directly to those.

12 What I think would need to be addressed, of course,
13 is that preliminary matter, just to briefly discuss what the
14 change was, and the need for that. And other than that, I think
15 we could proceed to Board questions.

16 MR. SULLIVAN: My name is Marty Sullivan. I'm with
17 Shaw, Pittman here on behalf of National Children's Center. The
18 original application was for 225, and 100 staff. On April 9th, we
19 filed in the record an amendment to change it to 250 students and
20 110 staff. Now at that point, there was some sort of
21 miscommunication. That amendment, although it was in the public
22 record, didn't make it into the D.C. Register, so when we
23 discovered that, we mailed out another notice to property owners
24 within 200 feet making them aware of the change, and the property
25 was posted with the higher revised numbers. And so we believe

1 we've made an effort to take care of the notice. It was filed in
2 the public record, although it didn't make it into the D.C.
3 Register.

4 There is an ANC representative here today who is
5 aware of this change, and able to speak on that, and they have no
6 objection.

7 CHAIRPERSON GRIFFIS: Okay. Does that clarify
8 things for Board Members? Any questions on that preliminary
9 matter? Okay. In which case, I can turn it over to you for a
10 brief opening statement, if you would like.

11 MR. SULLIVAN: Yes. We would be more than happy to
12 accommodate the Board and move this along. And we will stand on
13 the record as you requested.

14 As set forth in our pre-hearing statement, the
15 National Children's Center fully meets the requirements of
16 Section 206 of the Zoning Regulations. We have ANC and Office of
17 Planning Support, and we submit that the pre-hearing statement
18 and the other materials in the record provide a sound basis for
19 granting the special exception. And we would be happy to forego
20 direct testimony with us from National Children's Center, as
21 Arthur Ginsberg, the Executive Director, and Felicia Valdez, the
22 Director of Educational Services for National Children's Center,
23 and they are here available to answer questions, if the Board has
24 any.

25 CHAIRPERSON GRIFFIS: Good. Thank you. As I say,

1 I think it was fairly complete in terms of the program and what
2 actually is happening on the site. And I think why don't we open
3 up to Board questions if there are any at this time.

4 COMMISSIONER MITTEN: There are several conditions
5 that have been proposed by the Office of Planning in their report
6 and recommendation to us. It strikes me that some of them are
7 redundant with what would ordinarily happen in the normal course
8 of business. For instance, the issuance of an appropriate
9 Certificate of Occupancy for the use of the basement. I believe
10 we have entered into the record, I don't know what exhibit number
11 it is, but the existing Certificate of Occupancy. You do
12 understand that if the number of students and staff is increased,
13 you would need to seek an additional amendment to that.

14 MR. SULLIVAN: Yes.

15 COMMISSIONER MITTEN: All right. And I believe the
16 same would be true for their second recommendation, which would
17 be licensing review by the Department of Health.

18 MR. SULLIVAN: Correct.

19 COMMISSIONER MITTEN: And that would be something
20 you would do in the normal course of business.

21 MR. SULLIVAN: Yes.

22 COMMISSIONER MITTEN: And then issue regarding the
23 review of traffic circulation and signage by DDOT. Is that
24 something you would normally do in the normal course of business?

25 MR. SULLIVAN: In the normal course of business □-

1 I'm not sure I understand.

2 COMMISSIONER MITTEN: Is it required? It is
3 otherwise required by District law that I might not be aware of?

4 MR. SULLIVAN: No.

5 COMMISSIONER MITTEN: All right. Is that - do you
6 have any objection to that condition that's recommended by the
7 Office of Planning?

8 MR. SULLIVAN: Yes. And we do - I see Steve is
9 here. We had some conversations with Abdul Abas (phonetic) of
10 DDOT. He said that he has done a field evaluation of the site,
11 and that he had no problems with it. He said everything was
12 working fine. I know this may be hearsay, but he may have been
13 spoken to Steve, but it's evidenced by the fact that he didn't
14 want to do a report because he didn't see any issues.

15 COMMISSIONER MITTEN: So you would say, based on
16 your understanding of what has been reviewed by DDOT, that this
17 is not necessary, and that you would prefer that this not be a
18 condition. Is that correct?

19 MR. SULLIVAN: Well, I think the condition may be
20 - probably has been met in the Office of Planning's eyes.

21 COMMISSIONER MITTEN: All right.

22 MR. SULLIVAN: I think the condition was as long as
23 DDOT has no issues, then OP will support it. And I think that
24 was sort of the way -

25 COMMISSIONER MITTEN: Okay. Well, we'll see what

1 they have to say. Thank you.

2 MR. SULLIVAN: Okay.

3 CHAIRPERSON GRIFFIS: Questions, inquiries,
4 clarifications needed?

5 VICE CHAIRPERSON RENSHAW: Just a question. Mr.
6 Sullivan, on your project description □- well, actually, it's OP,
7 and I can wait and ask this of OP because I was curious about
8 this lease to Covenant House, and whether or not that was in 15-
9 1a.2 to allow that.

10 CHAIRPERSON GRIFFIS: Do you know, Mr. Sullivan?

11 MR. SULLIVAN: It's my understanding that it was
12 not, that there isn't a zoning approval particularly for that
13 use. It was intended to be extremely temporary, and we can have
14 Mr. Ginsberg speak on this topic too. While Covenant House was
15 looking for another site, which they have found, and they'll be
16 out before our new C of O goes into effect, subject to your
17 approval.

18 VICE CHAIRPERSON RENSHAW: So for how many years
19 has Covenant House been at those premises?

20 MR. GINSBERG: Hi. My name is Arthur Ginsberg.
21 I'm the Executive Director at the Center. That lease was entered
22 into before my appointment, but I believe it was in 1995 is when
23 Covenant House entered into a lease with National Children's
24 Center. But at that time, the occupancy on behalf of NCC was a
25 lot less, so I think the total occupancy of the building would

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1 have the Certificate of Occupancy requirements at that time.
2 It's only as NCC expanded its programs did the occupancy become
3 an issue.

4 VICE CHAIRPERSON RENSHAW: But it should have had
5 some zoning approval for that. Correct?

6 MR. SULLIVAN: Absolutely.

7 VICE CHAIRPERSON RENSHAW: Uh-huh.

8 CHAIRPERSON GRIFFIS: So going into the new era,
9 they are leaving, and we are here today. But it is a pertinent
10 and important point to bring up, and clearly □-

11 VICE CHAIRPERSON RENSHAW: So for the last seven
12 years, they've been there without approval.

13 CHAIRPERSON GRIFFIS: Okay. Other questions,
14 inquiries? It is, in fact, that Covenant House is moving out,
15 which moves you to be here in order for the expansion. Correct?

16 MR. SULLIVAN: Yes.

17 CHAIRPERSON GRIFFIS: Okay. Other questions? Then
18 let us continue walking down, and let's go through the OP report.

19 Mr. Cochran, good afternoon to you. We're also going to ask if
20 you would briefly summarize, and then take questions from the
21 Board, if that's acceptable to you, sir.

22 MR. COCHRAN: Certainly, Mr. Chair. Would you like
23 me to summarize, or just stand on the report with the exception
24 of one point that I think needs clarification?

25 CHAIRPERSON GRIFFIS: Well, I would go first to the

1 clarification.

2 MR. COCHRAN: Okay. The clarification has to do
3 with the parking, especially in □ excuse me - the DDOT report,
4 especially in relationship to the Covenant's House being there
5 now, and the proposed phasing of the expansion by the applicant.

6 I've also talked with DDOT and have gotten email
7 from them. They've reviewed the special exception. DDOT has
8 written that they have no problem with an increase from 150 to
9 250 students, and a staff increase from 80 to 110. They note
10 that Covenant House, which will vacate the building, will offset
11 part of the increase in students and staff. The school has ample
12 parking to accommodate the needs of the proposed increase in
13 staff with little or no impact on the neighboring residential
14 area. No significant traffic will be generated resulting from
15 the proposed addition. Accordingly, the Department supports the
16 requested special exception from a transportation perspective, so
17 I do have that in email, but not in a formal memo.

18 With respect to what OP had to say about traffic,
19 if you turn to page 4, our recommendation for a future DDOT
20 approval when the applicant got to Phase II, was based on the
21 applicant's current use of the property, which includes an
22 unauthorized sublease to Covenant House. But given that that was
23 there, and that DDOT had not had any complaints, or in review of
24 the neighborhood found any problems with the current traffic at
25 the site, and given that the Phase I expansion was so close,

1 would wind up having the National Children's Center be so close
2 in numbers of students and employees as is now, in fact, on site
3 even though it shouldn't be, we then said okay, we haven't got a
4 DDOT report. Why don't we just wait until Phase II to absolutely
5 require there be a DDOT report.

6 Given, however, that since the time we wrote our
7 report, DDOT has written saying even with the expanded numbers in
8 Phase II they would not have a problem, I think we no longer
9 would require a separate - recommend that you require a separate
10 DDOT report at the time of the future expansion, if they do
11 expand into the basement.

12 CHAIRPERSON GRIFFIS: Very well. Thank you, Mr.
13 Cochran. Questions of Office of Planning from the Board?

14 COMMISSIONER MITTEN: Mr. Chairman, I had a
15 question. In the elaboration on page 7 of the Office of Planning
16 report, there is discussion about the fact that certain
17 requirements related to transportation have not been fully
18 implemented by the applicant, and I would like to clarify that
19 the signage requirements are not being modified in this
20 application. And, therefore, there would be the expectation that
21 the applicant would come into conformance with the conditions of
22 BZA Order 15182, which would, I would think, give DDOT the
23 opportunity to go out and make sure, if they had any additional
24 concerns, that the prior conditions were being met.

25 MR. COCHRAN: If I might, Mr. Chair.

1 CHAIRPERSON GRIFFIS: Uh-huh.

2 MR. COCHRAN: I had a very difficult time
3 understanding the previous order. It, in effect □- if you read
4 it literally and you signed it that way, you wouldn't be able to
5 get into the site, because it required, as I recall, a "No Left
6 Turn" sign, if you were coming from the north. It required "No
7 Left Turn" sign posted, or "Do Not Enter" sign posted at the
8 northern and at the southern entrance from Martin Luther King, in
9 which case you'd have to go farther south down on Martin Luther,
10 make a u-turn, and then come back and make a right turn.

11 What the applicant has done is posted a "Do Not
12 Enter" sign for the area of the private roadway that circulates
13 one way from south to north. That allows someone to either turn
14 left and go to the parking lot behind the building, which is
15 where most of the faculty park, and it also allows a drop off to
16 occur at the southern most entrance, and then circulate one-way
17 northbound, and then go back out to MLK or continue on around to
18 the parking lot behind. That seems to work very well.

19 I suspect that there must have been a miswording on
20 the previous one, because surely neither DDOT nor the BZA would
21 have intended people arriving from the north to have to go to the
22 south, make a u-turn and then come back, especially buses.

23 COMMISSIONER MITTEN: So you are suggesting that we
24 need to modify the condition that specifies this untenable?

25 MR. COCHRAN: I think that would make some sense.

1 Yes.

2 COMMISSIONER MITTEN: All right.

3 MR. COCHRAN: The only other thing that I noted
4 when I was on site was that there is a curb cut to the north on
5 Savannah Street. It is chain linked. Rather - excuse me - it is
6 chained shut, but there wasn't to have been a curb cut there.
7 Nevertheless, the plans that DDOT has reviewed do for the next
8 phase of expansion show the curb cut, and DDOT has said that
9 that's fine.

10 Again, I didn't understand what the impact would be
11 of not having that northern curb cut. There's already a buffer
12 between the site, if you look on Attachment 2. You can see that
13 there's already a pretty generous open space buffer between the
14 applicant's site and the Mews to the north. So again, whether
15 you have access from Savannah at the south, where you can see
16 that there's a small island and sort of an oval white circle.
17 And then there's the left turn. You can see the curb cut a
18 little bit further up near where the yellow square are, 5978. I
19 just don't see where it's going to have any negative impact.

20 CHAIRPERSON GRIFFIS: Very well, but aside from and
21 in addition to the email that you have, are you anticipating that
22 there is going to be some letter that would give and provide
23 corrections and modifications of the first or existing site from
24 DDOT?

25 MR. COCHRAN: No, I'm not anticipating that.

1 CHAIRPERSON GRIFFIS: Okay. Why don't we
2 anticipate that?

3 MR. COCHRAN: Well, you □- Mr. Chair, you may
4 anticipate that with □-

5 CHAIRPERSON GRIFFIS: I just have that □-

6 MR. COCHRAN: □- the authority that you have. I
7 thought you were including Office of Planning in that
8 anticipation.

9 CHAIRPERSON GRIFFIS: No. I was wondering if you
10 had that, but otherwise, we will. Okay. Other questions? Okay.

11 VICE CHAIRPERSON RENSHAW: Yes. Mr. Chairman, I'd
12 like to ask Mr. Cochran, on page 6 of your report, (B), where you
13 talk about the fact that the center has operated in the building
14 for the last eight years. It has even operated the overall
15 building with a student and staff population slightly above that
16 approved by the BZA, so how much above that?

17 MR. COCHRAN: Let me refer back to my own report.
18 If you will look at the table on page 5 you can see that 80 staff
19 are permitted. The actual, there is 95 staff. A hundred fifty
20 students □-

21 VICE CHAIRPERSON RENSHAW: Students.

22 MR. COCHRAN: □- were permitted, 190 is above the
23 □- 190 are actually there.

24 VICE CHAIRPERSON RENSHAW: All right. Thank you
25 for pointing that out.

1 CHAIRPERSON GRIFFIS: That's including the Covenant
2 House. Correct?

3 MR. COCHRAN: That's correct, Mr. Chair. It's my
4 understanding that the National Children's Center had originally
5 occupied the entire building, exclusive, of course, of the
6 unfinished basement space. At some point their program
7 contracted. I believe that a certain age group was no longer
8 being served. They then physically contracted within the
9 building and subleased without authorization, the northern part
10 of the space to Covenant House.

11 CHAIRPERSON GRIFFIS: Right. And the numbers in
12 the submissions correspond with the numbers over the original
13 BZA, meaning that all intents and purposes, the Covenant House
14 was not a legal use. So that being remedied in this situation □-
15 of course, the Board doesn't look kindly on the illegal uses or
16 beyond the zoning. But that being said, they have found a new
17 home, and hopefully are legally occupying that, so other
18 questions of OP?

19 Good. We do have also letters of support from the
20 ANC. It is Exhibit Number 25. Oh, indeed. And you indicated
21 that the ANC was here.

22 MR. SULLIVAN: Yes.

23 CHAIRPERSON GRIFFIS: Did they want to make a
24 statement?

25 MR. SULLIVAN: I believe so.

1 CHAIRPERSON GRIFFIS: Is this the ANC member?

2 MR. SULLIVAN: No.

3 CHAIRPERSON GRIFFIS: Okay. It's been indicated
4 that she will also stand on the record of the submitted letter.
5 Ms. Renshaw, why don't you just summarize, in fact, what we have
6 for Exhibit 25.

7 VICE CHAIRPERSON RENSHAW: All right. This is a
8 letter from ANC-8C dated June the 21st, 2002, and it's signed by
9 Mary Cothbert, the Chair. And it states that the community was
10 notified seven days prior to the ANC's meeting date on June 5th,
11 and four commissioners constituted a quorum. And she lists the
12 five ANC Commissioners who were in attendance. And she said that
13 Mr. Ginsberg, the Executive Director of the Center, explained the
14 request for a special exception to increase the number of
15 students to 225, and the staff to 100. And that the space will
16 be - to be used is presently being occupied by the Covenant
17 House, and Covenant House is moving to another site. And they
18 fully support the special exception to increase the students and
19 staff, but that's the students to 225 and the staff to 100.

20 CHAIRPERSON GRIFFIS: Good. Thank you. Mr.
21 Sullivan, you also stated that the ANC was aware and was
22 favorable on the modification of the numbers. Is that correct?

23 MR. SULLIVAN: Yes.

24 CHAIRPERSON GRIFFIS: Okay. Did -

25 VICE CHAIRPERSON RENSHAW: Perhaps we should ask

1 the ANC Member.

2 CHAIRPERSON GRIFFIS: The ANC Member. Is that a
3 correct statement?

4 COMMISSIONER MITTEN: Ma'am, you need to come
5 forward.

6 MS. MAJORS: My name is Virginia Majors. I'm the
7 Commissioner for the area 8C-07. I am aware of the increase in
8 numbers, and yes, I'm in favor of it, and have no objection to
9 people around it. It was not, however, covered at the ANC
10 meeting, and I was not in attendance at that meeting.

11 VICE CHAIRPERSON RENSHAW: But the ANC voted to
12 support the increase to 225 and the staff to 100 based on the
13 presentation at that time.

14 MS. MAJORS: This is my understanding. I was not
15 at that meeting. I had a different meeting to attend.

16 VICE CHAIRPERSON RENSHAW: All right. Thank you.

17 MS. MAJORS: But subsequent to that, I am aware of,
18 but am not aware what the other ANC -

19 VICE CHAIRPERSON RENSHAW: All right.

20 CHAIRPERSON GRIFFIS: Okay. Are you aware at the
21 meeting when they took the vote that there were any issues that
22 were raised that would give you pause in making the statement
23 that you would support the additional added -

24 MS. MAJORS: No, I have heard none.

25 CHAIRPERSON GRIFFIS: Nothing was evident that

1 would go to that that was a tipping point, or threshold that □-
2 very well. Okay. Thank you very much. Any questions of ANC,
3 clarifications, other information?

4 Let me ask one more time as people have come in
5 late. Is there anyone here to give testimony in regards to
6 Application 16889, National Children's Center? Not seeing any
7 indication, further questions, clarification?

8 VICE CHAIRPERSON RENSHAW: No, I just wanted to ask
9 again. Virginia Majors is the ANC Commissioner for 8C-07. Thank
10 you. And she □- Ms. Majors was not in attendance at this
11 meeting. Thank you.

12 CHAIRPERSON GRIFFIS: Any other questions of the
13 applicant, government? In which case, I would move approval of
14 Application 16889 of National Children's Center for a special
15 exception to increase the number of students to 225. I'm sorry,
16 to 250 and staff to 110, serving an existing private school for
17 the developmentally disabled under Section 206, at premises 3400
18 Martin Luther King, Jr. Avenue, S.E. And I think it would be
19 appropriate to add to our order and incorporate a report from
20 DDOT that would make corrections, and limited modifications to
21 the previous order as their analysis would give them, based on
22 the existing site conditions. And I'd ask for a second that.

23 MEMBER ETHERLY: I would second that, Mr. Chair. I
24 would, however, note that I believe my colleague, Ms. Mitten, had
25 a specific modification as related to the prior order regarding

1 that "Do Not Enter" sign on one of the Martin Luther King, Jr.
2 Avenue street cut.

3 COMMISSIONER MITTEN: Right. And I think that's
4 what Mr. Griffis was, perhaps, trying to capture, but I don't
5 think that requiring an additional - any additional involvement
6 from DDOT is necessary given that we know what needs to be
7 amended in -

8 CHAIRPERSON GRIFFIS: Good.

9 COMMISSIONER MITTEN: - Condition A of order
10 number 15182, which is where the signage requirements were
11 included. I would just suggest that we should amend Condition A
12 to eliminate the requirement for a "No Left Turn" sign on
13 southbound Martin Luther King, Jr. Avenue.

14 MR. SULLIVAN: Excuse me. As this order will
15 supersede the old order, to make it clear, can we say that DPW is
16 - or DDOT has reviewed the site in its existing condition, and
17 that no changes are necessary subject to a formal letter saying
18 that.

19 COMMISSIONER MITTEN: We don't have documentation
20 of the existing. We don't have anything that, you know, that's
21 going to give us a record of that. That's just -

22 MR. SULLIVAN: Okay.

23 COMMISSIONER MITTEN: So we would need to leave the
24 record open then.

25 MR. SULLIVAN: Okay.

1 CHAIRPERSON GRIFFIS: And you're suggesting that we
2 not leave the record open but remedy it ourselves. Is that
3 correct?

4 COMMISSIONER MITTEN: Well, I mean, if the
5 applicant is willing to wait while we get an additional
6 submission, that's certainly □-

7 MR. SULLIVAN: No. I like your idea better.
8 Thanks.

9 COMMISSIONER MITTEN: It's so nice to hear people
10 say that. So I would suggest, Mr. Chairman, if you would accept
11 my version of the □- how we should deal with the signage on the
12 "No Left Turn", that it would just be a substitute for what you
13 had suggested if you were □-

14 CHAIRPERSON GRIFFIS: That's perfectly acceptable
15 to me, but □- well, and in addition, let me make a quick
16 clarification. Mr. Sullivan had said that this order will
17 supersede the last which I would agree with; however, are we not
18 asking that conformance with aspects of the previous order be
19 upheld or not?

20 SECRETARY PRUITT: Mr. Chairman, it may be simpler
21 just to make it a condition of this new order.

22 CHAIRPERSON GRIFFIS: Indeed.

23 COMMISSIONER MITTEN: What is make it a condition?
24 What is the it?

25 SECRETARY PRUITT: The amendment that you were

1 talking about in reference to Condition A.

2 COMMISSIONER MITTEN: But you have to incorporate
3 the rest of Condition A. I would - I mean, I think -

4 SECRETARY PRUITT: I think you can incorporate that
5 as a condition in the new order, without referencing the previous
6 order.

7 MR. SULLIVAN: Can we incorporate all the
8 conditions save the one you mentioned?

9 COMMISSIONER MITTEN: Well, I think there are
10 certain aspects of Condition A that are worth salvaging. I mean,
11 Condition A has a lot in it, so what I would suggest is that we
12 have Conditions A-F incorporated, and that A be amended to
13 eliminate this one requirement, which is the "No Left Turn" sign
14 on southbound Martin Luther King Avenue. Does that capture it
15 sufficiently?

16 MR. COCHRAN: Mr. Chair.

17 CHAIRPERSON GRIFFIS: Yes.

18 MR. COCHRAN: Is Ms. Mitten referring to page 6 of
19 15-1(a)2 that was attached to the OP report?

20 COMMISSIONER MITTEN: I think it's page 7.

21 CHAIRPERSON GRIFFIS: Page 7.

22 COMMISSIONER MITTEN: But it is the attachment to
23 the OP report.

24 MEMBER ETHERLY: So it would be page 7 under
25 "Conclusions of Law and Opinion."

1 MR. COCHRAN: Right. It gets even more confusing.
2 If you go back to page 6 of that same order, under where it's
3 summarizing, "Then DPW's recommendations", Subsection D states,
4 "Left turns from traffic traveling southbound on MLK into the
5 southern-most private driveway will be prohibited." Those left
6 turns are not prohibited right now. "The prohibition of this
7 turning movement will minimize traffic conflicts from southbound
8 vehicles traveling through on Martin Luther King, Jr. Avenue.

9 Then, the developer is to install □- E becomes,
10 "The developer is to install a "Do Not Enter" sign at the
11 entrance to the northern-most curb cut."

12 CHAIRPERSON GRIFFIS: Mr. Cochran, let me interrupt
13 you, because these are listed under, "DPW recommended following
14 design changes." Am I correct?

15 MR. COCHRAN: That's correct.

16 CHAIRPERSON GRIFFIS: So when it goes down to □- we
17 would □- I think the importance for our purposes would be not
18 necessarily what was recommended, but actually what the Board
19 concluded.

20 MR. COCHRAN: "The Board concludes it should be in
21 cooperation, as indicated in the DPW Memorandum dated January
22 26th, 1990", that I was just referring. And it's that memorandum
23 that effectively prohibits access to the site.

24 CHAIRPERSON GRIFFIS: Gotcha.

25 COMMISSIONER MITTEN: So, Mr. Cochran, are you

1 saying also that the "Do Not Enter" sign is problematic?

2 MR. COCHRAN: The placement of the "Do Not Enter"
3 sign at the location indicated in E is a problem. You've got a
4 one-way northbound road system at DPW's recommendation, that you
5 then can't use if you're southbound traffic. I would suggest □-

6 COMMISSIONER MITTEN: Okay.

7 MR. COCHRAN: □- that the new order simply refer to
8 the maintenance of the north □- of the one-way northbound
9 circulation system, and the placement of a "Do Not Enter" sign at
10 the junction of the northern-most access point, and the one-way
11 northbound circulation system. That would take care of
12 everything, or you could just sign it "One Way", and get rid of
13 all the "Do Not Enter" things. But the idea is, it's not two-way
14 traffic in front of the center. People come in either from the
15 northern entrance, go around to the back, or they come in from
16 the southern entrance. Drop off appropriate people, and
17 sometimes probably inappropriate people, and then leave from the
18 northern entrance, or go around back to the parking lot.

19 COMMISSIONER MITTEN: So just so I'm clear, you're
20 saying that somebody who is on Martin Luther King, whether
21 they're northbound or southbound, at the northern entrance from
22 Martin Luther King, what they do now is they can come in that
23 driveway, but the only thing for them to do is to follow the
24 driveway along the northern part of the building, and go around
25 to the parking at the back.

1 MR. COCHRAN: That's correct.

2 COMMISSIONER MITTEN: Okay.

3 MR. COCHRAN: And at the southern entrance, were it
4 signed according to what DPW had recommended, no one coming from
5 the north would be able to turn into that entrance. That's where
6 they'd have to go and do the u-turn, and so on and so forth.

7 COMMISSIONER MITTEN: All right. Mr. Chairman, I
8 think I'm ready to □- I think I can just distill all of it.

9 CHAIRPERSON GRIFFIS: Good. And then I'm going to
10 take the opportunity, because of the complication of the past
11 order, to ask if they had comments on that traffic pattern that
12 we will establish.

13 COMMISSIONER MITTEN: All right. I think that we
14 should incorporate Conditions A-F of order number 15182, with the
15 exception that the requirement to prohibit left turns into the
16 subject property from southbound Martin Luther King, Jr. Avenue
17 be eliminated, and that the driveway that parallels Martin Luther
18 King, Jr. Avenue be required to be maintained in a one-way
19 northbound configuration.

20 CHAIRPERSON GRIFFIS: Is that understandable?

21 MR. SULLIVAN: It is.

22 CHAIRPERSON GRIFFIS: Okay. Is that acceptable?

23 MR. SULLIVAN: It is.

24 CHAIRPERSON GRIFFIS: Okay.

25 VICE CHAIRPERSON RENSHAW: Mr. Chairman, I have a

1 question for the applicant.

2 CHAIRPERSON GRIFFIS: Okay.

3 VICE CHAIRPERSON RENSHAW: I would just like to get
4 on the record your reasons why the presentation to the ANC had
5 students at 225 and staff at 100. For what reason did you not
6 advance the 250 and, let's see, 110 numbers?

7 MR. GINSBERG: That was my error when I made the
8 presentation to the ANC. There was confusion about the exact
9 need, or our need to expand in the basement, and what the numbers
10 would be. And when we made the representation in April to the
11 BZA, I forgot, and was confused when I brought that information
12 to the ANC meeting in June.

13 VICE CHAIRPERSON RENSHAW: Since you changed your
14 numbers, did you correspond at all with the ANC to let them know
15 that there has been a change in your request?

16 MR. GINSBERG: Yes.

17 CHAIRPERSON GRIFFIS: In fact, in the record I
18 believe there's a letter that went out to the neighbors also. Is
19 that correct?

20 MEMBER ETHERLY: Mr. Chair, just to piggyback on
21 that point.

22 CHAIRPERSON GRIFFIS: Yes.

23 MEMBER ETHERLY: There was a June 17th letter,
24 Exhibit number 24.

25 CHAIRPERSON GRIFFIS: Okay.

1 MEMBER ETHERLY: Which notes the updated numbers.

2 CHAIRPERSON GRIFFIS: Okay.

3 MEMBER ETHERLY: Sent to all neighboring property
4 owners.

5 CHAIRPERSON GRIFFIS: Good.

6 VICE CHAIRPERSON RENSHAW: Does it indicate the ANC
7 also, or just neighboring property owners, if you would state for
8 the record, Mr. Etherly.

9 MEMBER ETHERLY: In terms of the letter that we
10 have, Exhibit 24, it is simply addressed, "Dear Neighboring
11 Property Owner."

12 VICE CHAIRPERSON RENSHAW: Uh-huh.

13 MEMBER ETHERLY: I will note that the letter does
14 state, however, that the numbers presented to ANC-8C were, in
15 fact, the updated amounts of 250 and 110, so I don't want to
16 necessarily complicate things, but it appears that the applicant
17 made an effort to ensure that all neighboring property owners
18 were aware of the updated numbers.

19 CHAIRPERSON GRIFFIS: Okay. We have slipped a
20 little bit out of our normal procedure in having questions
21 answered during a motion, and corrected motion and amended, but I
22 think we are sufficiently ready to move on. I can be corrected
23 by others if that is the case. If not, was our - was the motion
24 seconded?

25 MEMBER ETHERLY: Mr. Chairman, I seconded the

1 motion.

2 CHAIRPERSON GRIFFIS: Very well.

3 MEMBER ETHERLY: I would be prepared to maintain
4 that second with the clarification as outlined by my colleague,
5 Ms. Mitten.

6 CHAIRPERSON GRIFFIS: Okay. Last chance. Very
7 well then, I would ask for all those in favor of the motion
8 signify by saying aye.

9 (Vote.)

10 CHAIRPERSON GRIFFIS: And opposed? And we can
11 record the vote when Staff is ready.

12 MS. BAILEY: The vote is recorded as 5-0-0 to
13 approve the application. Mr. Griffis made the motion, Mr.
14 Etherly second, Mr. Zaidain, Mrs. Mitten and Mrs. Renshaw is in
15 agreement to increase the number of students to 250 and 110
16 staff, with the conditions carried over from Application number
17 15182. That's Condition A, B, C, D, E and F, with Condition A
18 being modified as stated by Mrs. Mitten.

19 CHAIRPERSON GRIFFIS: Thank you very much.

20 MS. BAILEY: Is that a summary order, Mr. Chairman?

21 CHAIRPERSON GRIFFIS: Is there a request for a
22 summary order in this?

23 MS. VALDEZ: Yes, there is.

24 CHAIRPERSON GRIFFIS: Okay. Board Members, have
25 any concerns with that?

1 MEMBER ETHERLY: Mr. Chair, just as a quick
2 clarification, Ms. Bailey noted that □- if I'm clear, it's □- is
3 it Application number 15182, or order number 15182?

4 MS. BAILEY: Both.

5 MEMBER ETHERLY: One and the same?

6 MS. BAILEY: Yeah, same.

7 MEMBER ETHERLY: Okay. I just wanted to be clear
8 about that. That's all.

9 CHAIRPERSON GRIFFIS: Good. Thank you for that
10 clarification. If there's not a problem, I would think that this
11 is able to be a summary order at this time.

12 MS. VALDEZ: Thank you.

13 CHAIRPERSON GRIFFIS: Thank you all very much. We
14 do appreciate your being here this afternoon.

15 MR. SULLIVAN: Thank you.

16 CHAIRPERSON GRIFFIS: And let us move on to the
17 next case.

18 MS. BAILEY: Application number 16890 of the
19 Washington International School, pursuant to 11 DCMR 3104.1, for
20 a special exception to modify Condition number 2 in BZA order
21 number 16177, to allow an increase in the number of staff serving
22 an existing private school Under Section 206, in the R-3 District
23 at premises 1690 36th Street, N.W., Square 1304, Lot 14.

24 Those persons testifying in Application number
25 16890 please stand to take the oath.

1 (Witnesses sworn.)

2 CHAIRPERSON GRIFFIS: Good afternoon, sir.

3 MR. NETTLER: Good afternoon, Members of the Board,
4 Staff. My name is Richard Nettler, on behalf of the Washington
5 International School. We're here today actually to clarify a
6 mistake that was made in the order that was issued back in 1997
7 for the Washington International School. And if you read the
8 submission that we've made, I'll give you a brief synopsis of
9 that, and then we can go into the testimony, if you feel that's
10 appropriate.

11 CHAIRPERSON GRIFFIS: Can I interrupt you for a
12 brief moment?

13 MR. NETTLER: Sure.

14 CHAIRPERSON GRIFFIS: Just for me to assess how the
15 rest of the afternoon looks. We have, I believe, Ms. Zartman
16 (phonetic), you're here to testify today. Would you mind just
17 indicating, are you in favor or in opposition in testifying
18 today?

19 MS. ZARTMAN: In conditional support.

20 CHAIRPERSON GRIFFIS: In conditional support. Very
21 well then. That gives a little assistance to me, but not much.
22 My issue is this in reading this, and I think - and I've
23 discussed with the Board. The submission is very clear and I
24 think the issues are before us. We were perhaps anticipating
25 that you would stand on record. My concern is that we may need

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1 to go into the full testimony on it. Let me have comments from
2 Board Members. I am perfectly prepared to proceed with Board
3 questions after a brief opening statement.

4 MS. ZARTMAN: If Mr. Nettler would be satisfied
5 with that, then □-

6 CHAIRPERSON GRIFFIS: I'll ask him at some point.
7 Okay. Oh, yes, and absolutely. Good clarification, Ms. Renshaw.
8 We would clearly hear all testimony and anyone that is here to
9 testify today.

10 MEMBER ZAIDAIN: Mr. Chair.

11 CHAIRPERSON GRIFFIS: Yes, sir.

12 MEMBER ZAIDAIN: I don't mean to interrupt you, but
13 just kind of maybe follow something that Ms. Mitten did on the
14 previous case. Maybe have the applicant speak to the proposed
15 conditions as recommended by OP so we can kind of cut to that,
16 and hear some testimony on how they feel about those proposed
17 conditions, and then obviously, we can grill OP on them as well,
18 but □-

19 CHAIRPERSON GRIFFIS: Very well. Mr. Nettler, are
20 you prepared to proceed in that fashion?

21 MR. NETTLER: Yes, I am.

22 CHAIRPERSON GRIFFIS: Okay.

23 MR. NETTLER: I'll cut to the chase at least on
24 that issue. We don't have any objections to either the
25 conditions that OP has, or the ANC, which are relatively the

1 same. The only thing I would point out is that on Condition
2 Number 2, whether you include it as a condition or not, it
3 already exists. It was just obscured by the fact that there was
4 construction vehicles on the site, so those spaces already are
5 striped on the lot.

6 CHAIRPERSON GRIFFIS: So you're indicating that
7 Condition Number 2, which is the six additional parking spaces to
8 be striped, are actually already striped.

9 MR. NETTLER: Right. They just couldn't be seen
10 because of □- we were □- Washington International School is in
11 the process consistent with your order from 1997, finishing the
12 last floor of the building, which was phased in, and which was
13 discussed at that time. And so while that construction was going
14 on, those spaces which I guess the construction will be finished
15 this summer, those spaces were obscured when the Office of
16 Planning may have been over at the site.

17 CHAIRPERSON GRIFFIS: I see.

18 MR. NETTLER: But those are striped.

19 CHAIRPERSON GRIFFIS: Should we condition that all
20 striped parking should be free and clear of debris then?

21 MR. NETTLER: Free and clear of debris and visible.
22 That's correct.

23 CHAIRPERSON GRIFFIS: Okay.

24 MR. NETTLER: That's no problem. This □- as I
25 indicated in our application, this is to correct a mistake.

1 Apparently, the other issues that were □- which took up a lot of
2 the Board's time and our time back in 1997, which concerned the
3 number of students, a very extensive development agreement that
4 we have with the community that's been followed, I think, very
5 closely, including regular meetings with the liaison committee,
6 and reports to the ANC. We missed the fact that when Anne Marie
7 Peters, who was the head of the school, spoke at the hearing, she
8 mentioned the number of students □- she mentioned the number of
9 personnel at the school, which was actually the number of
10 personnel who were at the prior location, but not the number of
11 personnel who are both on our plans and who we had been planning
12 for for the school, and that's why I provided as an exhibit to
13 the □- to our pre-hearing statement the exhibit that shows the
14 number of personnel that were supposed to be there at the time
15 that we were speaking before the Board, and seeking the Board's
16 approval.

17 This issue, because it was obscured by others,
18 actually did not come into our view until we started planning for
19 the third story of the school, and then looked back at the order
20 and realized that there was a mistake in the order. And we
21 immediately contacted the ANC, the Chair of the ANC, as well as
22 the liaison group, and told them about the mistake, and that we
23 would seek a special exception so that we would correct the
24 mistake. But all of the traffic reports that were done in 1997
25 were done in anticipation of the number of employees that we're

1 now asking to correct, minus one. But actually, if you look at
2 the record, that's only a part-time employee so I'm not sure that
3 they would have counted anyway when they were making that
4 analysis. And some of the employees who are employees who are
5 there after school when other employees have already left. There
6 are always available more than enough spaces to accommodate those
7 individuals who we were talking about back in 1997, and who are
8 still there. Our school population is way below what we had
9 sought relief for. And as I understand, will continue to be way
10 below what we sought relief for, so that will not be an issue.

11 And as far as the landscaping, all the other issues
12 that we had promised at the time, I understand not only were they
13 done, but they were extremely well received by the community.
14 And I ☐- if Mr. Hall is going to testify, would tell you about
15 this strong relationship that he does have with the community.
16 The ANC is in support with conditions, as is the Office of
17 Planning conditions, which I've already said we agreed to. And
18 for all those reasons, and the reason I've stated in our pre-
19 hearing statement, I think we meet the requirements for a special
20 exception so that we can correct the error that was maintained
21 for too long a period of time until we caught sight of it.

22 CHAIRPERSON GRIFFIS: Good. Thank you, Mr.
23 Nettler. One quick clarification on your submission. On page
24 10, going directly to what you've just stated. In the end of the
25 first full ☐- or the first paragraph of that it says, "Again,

1 WIS' operations for the past blank years has not resulted in any
2 objectionable qualities to the surrounding neighborhood." So
3 being like a game show, why don't you fill in a number for us.

4 MR. NETTLER: That would be the past five years.

5 CHAIRPERSON GRIFFIS: Five years. And that goes
6 directly to what you've just stated, that the witnesses that are
7 here would have testified to the fact that over those five years,
8 that is the case.

9 MR. NETTLER: Yes. Well, hopefully, Mrs. Zartman
10 does as well, but I'll hear from Mrs. Zartman whether that's the
11 case or not. At least from our perception, that is the case.

12 MEMBER ZAIDAIN: Mr. Chair, I have a very quick
13 question. Going back to the parking space issue, it's very
14 common for parking spaces that are not striped for them not to be
15 counted in parking surveys. If that condition is added and you
16 do stripe those spaces, how many total spots will be □-

17 MR. NETTLER: No, the spaces are striped.

18 MEMBER ZAIDAIN: Okay.

19 MR. NETTLER: It's just that they were obscure □-
20 you couldn't see them because of the construction vehicles that
21 were sitting on top of them while we were doing the third floor
22 of the building.

23 MEMBER ZAIDAIN: Okay.

24 MR. NETTLER: But they already are striped. They
25 already were counted. It's the same amount of spaces then as it

1 is today.

2 MEMBER ZAIDAIN: So that would explain, Mr. Chair,
3 your condition on making sure they're not - free and clear of
4 debris.

5 MR. NETTLER: Right.

6 CHAIRPERSON GRIFFIS: Indeed.

7 MEMBER ZAIDAIN: I stand corrected.

8 CHAIRPERSON GRIFFIS: Which actually doesn't need
9 to be a condition, because it would be part of the regulations.

10 MR. NETTLER: Right. The seven spaces that are
11 referenced in Item Number 1 do have to be marked, but those
12 spaces do exist. They just never - nobody is - they're just
13 not being used frequently.

14 CHAIRPERSON GRIFFIS: Very well. Other questions?

15 MEMBER ETHERLY: Mr. Chair, I don't want to get
16 ahead because I know we have yet to go to the ANC piece, but Mr.
17 Nettler mentioned it in his comments. Have you already agreed
18 with the ANC with regard to the condition that we'll talk about
19 in a moment concerning limitations on the faculty who drive and
20 park at the site?

21 MR. NETTLER: Yes.

22 MEMBER ETHERLY: So that's already been agreed
23 upon.

24 MR. NETTLER: It actually reflects what the present
25 conditions are.

1 MEMBER ETHERLY: Okay. Thank you. Thank you, Mr.
2 Chair.

3 CHAIRPERSON GRIFFIS: Others, anything else? We
4 will, of course, return to questions if needed, but let's go to
5 the Office of Planning. And welcome here this afternoon, and ask
6 them also just to summarize the report, and hit on the highlights
7 for us, and that would be most appreciated.

8 MR. MORDFIN: Good afternoon, Chairman and Members
9 of the Board. I'm Stephen Mordfin with the Office of Planning,
10 and this application is BZA 16177 to increase the maximum number
11 of staff members that are permitted from 45 to 64. And the
12 Office of Planning reviewed this case, found it - the
13 application, or rather, the site to be in conformance with the
14 previous application, and recommends approval subject to three
15 conditions. One, that the location of the seven spaces be
16 clearly marked. Two, that the six additional parking spaces not
17 shown on the site plan be striped within the parking lot. And
18 three, that the number of the faculty that drive and park at the
19 site not exceed 47 at any given time. And that concludes the
20 presentation of Office of Planning.

21 CHAIRPERSON GRIFFIS: Very well summed up. Are you
22 clear on the Board questions about Condition Number 2, with the
23 addition cited, and you're satisfied with the fact that they're
24 actually in existence, what were obscured?

25 MR. MORDFIN: Yes.

1 CHAIRPERSON GRIFFIS: Okay. On the third
2 condition, I have one problem. I'm not sure how we would enforce
3 it, or whether it would actually be legal for us to require that
4 faculty not drive to the site. But I would ask if it would be
5 acceptable from your perspective that the number of faculty □- we
6 change that if it need be, that the number of faculty that park
7 on the site not exceed 47 at any given time.

8 MEMBER ZAIDAIN: Could you repeat that? Number of
9 faculty that □- tell me about the count, the faculty?

10 CHAIRPERSON GRIFFIS: Condition number 3.

11 MEMBER ZAIDAIN: Yeah, I know. I just wanted you
12 to repeat what you just □-

13 CHAIRPERSON GRIFFIS: Forty-seven.

14 MEMBER ZAIDAIN: Right.

15 CHAIRPERSON GRIFFIS: Not exceed 47. What did I
16 say?

17 MEMBER ZAIDAIN: I want to say what's the unit of
18 measurement, the faculty or the cars? That's what I didn't
19 understand, what you just said, because in my mind it should be
20 vehicles.

21 CHAIRPERSON GRIFFIS: I think that's what that's
22 going to.

23 MEMBER ZAIDAIN: Okay.

24 CHAIRPERSON GRIFFIS: Yeah. No. I understand your
25 question now. This, yes, distinctly goes to parking, of the

1 faculty parking, but not the faculty count. Of course, I'm
2 interpreting OP's condition, and they can correct me if I'm □-

3 MR. MORDFIN: Yeah. This condition we interpreted
4 from the ANC, and I believe that what they meant was not that no
5 more than 47 vehicles park on the site at any one time that
6 belong to faculty.

7 VICE CHAIRPERSON RENSHAW: Mr. Chairman, should
8 that be faculty/staff? Is there any reason that staff is not
9 indicated here, as long as the number not exceed 47?

10 CHAIRPERSON GRIFFIS: Does the applicant have any
11 opinion on that?

12 MR. NETTLER: No, that's □- we're fine with that.
13 That's what we intended.

14 CHAIRPERSON GRIFFIS: Okay. And I think that □-
15 reading into the ANC, I think that's probably what they were
16 going to too, in terms of the total amount of parking available,
17 a certain amount should be used all the time, but there should be
18 others available for other conditions, and other drivers, so that
19 seems to make sense.

20 Okay. Other questions of Office of Planning from
21 the Board? From the applicant? Very well. Let us go to the ANC
22 report. Ms. Renshaw, do you have that Exhibit 25 in front of
23 you?

24 VICE CHAIRPERSON RENSHAW: Yes. It's dated June
25 19th, 2002 from ANC-2E, and it's signed by Peter Pulcifer, the

1 Chair. And he states that, "On June 4th, 2002, ANC-2E held its
2 regularly scheduled meeting. Five commissioners were present
3 constituting a quorum. The referenced application was discussed.

4 Representatives of the applicant were there, and they said that
5 the school did not anticipate increasing faculty and staff levels
6 as a result of the application. ANC-2E unanimously approved the
7 motion supporting the Washington International School's proposal
8 to allow an increase in the allowed staff at the campus, 1690 36th
9 Street, N.W., so long as the number of faculty who drive and park
10 at the site would not exceed 47 at any given time."

11 CHAIRPERSON GRIFFIS: Good. Thank you. Is -
12 okay. I don't have any indication of any other government report
13 submitted, so that we are able to move to persons or parties
14 giving testimony, and we have no parties in this case, so why
15 don't we make available seats for anyone that wants to testify in
16 this application, either in support, in opposition, or somewhere
17 in between to come on up and let us know. Anyone else here going
18 to give testimony today for this application, the Washington
19 International School? Very well then, good afternoon.

20 MS. ZARTMAN: Good afternoon, Mr. Chairman. My
21 name is Barbara Zartman. I live at 1642 35th Street in
22 Washington, D.C. Had I realized I'd be seeing Ms. Mitten again
23 so soon after last night's hearing, I would have worn a different
24 jacket.

25 I'm here this afternoon speaking on behalf of

1 Cloisters in Georgetown, a corporation which governs 38
2 properties directly across Reservoir Road from the property in
3 question.

4 I'm speaking in, as I said, conditional support of
5 the change, in part, because it reflects reality. It is the
6 number of people who are there now. It is the number that appear
7 to be necessary for the school to function well. I'm having a
8 hard time imagining Anne Marie Peters ever making a mistake and
9 forgetting 19 of her faculty, but I'll accept that as offered.

10 My concern is about process. And I would ask that
11 as you write your order in support of this expansion, you give
12 very clear attention to the role of the community organizations.

13 This is a unique project, inasmuch as the applicant sought a
14 special contractual relationship with two of four community
15 organizations directly affected by this site. This is a very
16 intensive relationship. It involves arbitration and commitments.

17 The two community organizations that agreed to participate in
18 that organization agreed also to offer no critical testimony of
19 the project in its initial review. Two other community
20 organizations chose not to participate in that agreement.

21 The Board's original order did, as we at that time
22 requested, and asked that the institution deal with all community
23 organizations and the ANC, not just its contractual Covenant
24 agreeers. Nonetheless, in the change, I'm sure the
25 administrations before Mr. Hall arrived as head of school, the

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1 quarterly meetings that your order required ceased to exist, and
2 the only meetings that continued were with the two contracted
3 organizations.

4 My organization received no notice of the impending
5 change. I learned about it only by reading another
6 organization's newsletter, and I'm delighted to say that Mr. Hall
7 could not have been more accommodating on having the requirement
8 for the broader community meeting brought to his attention. He
9 immediately responded and drew together such a meeting, and is
10 committed to having meetings in the future. But in an
11 institution as impeccable as this one, certainly well advised
12 that such a mistake could happen, and that parts of the community
13 could be ignored on an important matter before this Board, I
14 think might require some different language in this order that
15 makes it clear that all members of the community are to have
16 equal access to notice, to involvement and to consultation about
17 changes at the school.

18 I did not bring this up as a preliminary matter. I
19 don't wish to delay this process. I do wish to protect the
20 rights of the homeowners I'm responsible for defending the rights
21 of. And for the other organization, which is Hillendale.

22 We share one reality. Reservoir Road is the spine
23 that units all of our communities. It is the only way to get
24 from 35th Street to 44th Street. Hillendale Community has hundreds
25 of homes that have access to and from their homes only through

1 Reservoir Road. What happens at this 500 student school matters
2 a great deal.

3 We meet regularly to deal with the institutions
4 along Reservoir Road. Just last Thursday through the
5 thunderstorms, we were in a meeting to deal with MedStar and the
6 proper handling of its traffic. We did this with total
7 equanimity and a unanimously adopted position.

8 We can work well together. We'd like the chance to
9 do that. And as I say, to the extent your order can reinforce
10 that, we'd be very grateful. I'd be happy to answer any
11 questions you might have.

12 CHAIRPERSON GRIFFIS: Good. Thank you, Ms.
13 Zartman, and appreciative of you being down here today. Let me
14 just get quick clarification. You said that the meetings and the
15 quarterly meetings were outlined in the previous order, 16177.
16 Is that your understanding?

17 MS. ZARTMAN: Yes.

18 CHAIRPERSON GRIFFIS: Okay. What I - just having
19 read it and now reviewing it with an eye towards that, I see that
20 the application would establish the liaison committee with the
21 Advisory Neighborhood Commission, and that's what you're speaking
22 about. Is that correct? And then outside of the specific
23 condition in the order you've established, or it had been
24 established for the quarterly meetings.

25 MS. ZARTMAN: Those were the meetings we had

1 regularly. Different people attend them than attend the meetings
2 with the development agreement participants which Mr. Nettler
3 referred to.

4 CHAIRPERSON GRIFFIS: Okay.

5 MS. ZARTMAN: They are different things. I believe
6 the broader public purpose is clearly served by your normal
7 process, which is to invite those from a community who believe
8 they are impacted to attend, gain information, and offer their
9 comments. I'd strongly speak up for that more democratic
10 institution.

11 CHAIRPERSON GRIFFIS: Good. Okay. Others?

12 VICE CHAIRPERSON RENSHAW: Mr. Chairman, just to
13 say that Ms. Zartman's testimony draws our attention to the need
14 to keep the community in the loop, and not to cut out of the loop
15 any affected homeowners. And I'm sure the applicant has heard
16 that testimony, and heard that message.

17 CHAIRPERSON GRIFFIS: Well, said. I would agree.
18 Any other questions of Ms. Zartman?

19 MEMBER ETHERLY: Mr. Chair, just perhaps not
20 necessarily a question to Ms. Zartman, but the recommendation
21 that she raises. I mean, perhaps one way in which that could be
22 addressed is the language in the prior orders is written very
23 broadly so it's very inclusive, but perhaps there could be some
24 additional language added as we work through this particular
25 application to reference, in particular, major community groups

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1 or organizations that should, at the very least, definitely be
2 included in the liaison committee meetings.

3 MR. NETTLER: Well, if I might respond to the
4 testimony □-

5 CHAIRPERSON GRIFFIS: Yes.

6 MR. NETTLER: □- before you make any final remarks
7 about that. Is this an appropriate time to do that?

8 CHAIRPERSON GRIFFIS: Yes.

9 MR. NETTLER: The Washington International School
10 does meet regularly with the liaison committee, which has a
11 representative from the ANC on it, which in fact, the chair.
12 Makes periodic reports to the ANC, and actually, the first time
13 that we raised the issue when this one came up about our notice
14 that there was a problem about the staff in the order, I did not
15 see Ms. Zartman at that meeting. I don't know if there was a
16 representative of Cloisters but □-

17 MS. ZARTMAN: We didn't know about it.

18 MR. NETTLER: But it did come up before the ANC,
19 and the item on the ANC's agenda about the Washington National
20 School being on the agenda was published. There is a certain
21 consideration that must be given to the fact that there is a
22 contractual agreement that exists between two neighborhood
23 organizations, for which they and we received consideration in
24 the form of their support, and our agreement to do certain
25 things, landscaping and other things on the premises. And to the

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1 extent that they may have different rights, they do because there
2 was an agreement that was reached before. But it's not out
3 intent, it's not the school's intent to keep out all members of
4 the community. I actually represent the Hillendale Community, so
5 the Hillendale Community certainly knows what's been going on
6 with Washington International School, and so I'm not sure how
7 much broader you want to make this condition. But, I mean, it's
8 our commitment to make sure that everybody in the community is
9 aware of things that are happening with Washington International
10 School. And to the extent that there may be a feeling by one
11 segment of that community that they haven't been involved is not,
12 I think, because we have meant to keep them out, only it may very
13 well be for a variety of different reasons. It may have been
14 because the initial discussions involved construction issues that
15 the other two communities had specific interest in, that may have
16 developed into something differently. But I just think you
17 should have that as a framework.

18 CHAIRPERSON GRIFFIS: Very well. It sounds like
19 there's, at a minimum, a communication issue here. For my
20 clarification, and for others, this is, in fact, a modification
21 of Condition number 2. So, Ms. Zartman, I'm not sure if - from
22 what you were saying, whether you were asking us actually to
23 modify another condition, because - or whether it would actually
24 be needed, in that the original order will stand, and a
25 modification will happen to it if this moves ahead with approval.

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1 MR. NETTLER: And I think since the head of the
2 school has already made a commitment that I'm sorry to
3 interrupt - that these meetings will be open to the community, if
4 you want to just make reference to that fact in your order, I
5 have no problem with that, but that's -

6 CHAIRPERSON GRIFFIS: Well, let me clarify that
7 because Condition number 5 in part says, "The liaison committee
8 with the ANC, which will be open to participation by any member
9 of the community."

10 MR. NETTLER: Right.

11 CHAIRPERSON GRIFFIS: So additional items in that
12 frame of mind isn't required. Ms. Zartman.

13 MS. ZARTMAN: I would ask that you clarify the
14 language in as much as it clearly was not adequate to prevent the
15 cessation of the broader community meetings which occurred. You
16 have a coincidence of personalities that affects our community at
17 the moment, that may not affect it a year from now. It happens,
18 the Chair of our ANC represents the community, one of the
19 communities that participated in the voluntary agreement. He is
20 not running for ANC again. Perhaps the next chair will not be
21 from an involved community.

22 I think your order needs to protect us in the
23 broader and continual sense, and this institution should be
24 treated no differently than Georgetown University or any of the
25 other institutions that's required to have quarterly meetings

1 with all of those from the immediate community, all of the ANC
2 commissioners who care to attend, and not just those who have
3 signed a conditional □-

4 CHAIRPERSON GRIFFIS: How are the quarterly
5 meetings currently announced? How is notification given?

6 MR. HALL: I'm not sure. I know □- my name is
7 Richard Hall. I'm head of the school.

8 CHAIRPERSON GRIFFIS: Yes.

9 MR. HALL: I'm not sure that □-

10 CHAIRPERSON GRIFFIS: Mr. Nettler, could I have you
11 and Ms. Zartman □-

12 MR. HALL: I'm sorry.

13 CHAIRPERSON GRIFFIS: Good. Thank you.

14 MR. HALL: I'm not sure I know the answer to that
15 question. Ms. Zartman probably knows better than I do.
16 Obviously, the issue here is that I'm new at the school, and the
17 business manager is also new at the school, and with both of
18 those changes, the quarterly meetings □-

19 CHAIRPERSON GRIFFIS: I see.

20 MR. HALL: We knew to meet with the liaison
21 committee, and we thought we were doing what we were supposed to
22 do.

23 CHAIRPERSON GRIFFIS: Indeed.

24 MR. HALL: When I □- as Ms. Zartman mentioned, when
25 it did come to our attention we, in fact, corrected it right

1 away. And it is our intention to follow exactly what the spirit
2 of the order was.

3 CHAIRPERSON GRIFFIS: Good. Which would be? How
4 would you announce and notify the community that quarterly
5 meetings would happen? Have you put that to any thought?

6 MS. ZARTMAN: Less email. There is an email that
7 the school has developed with our assistance, and those notices
8 do go out, and the list is open to anyone who is interested in
9 participating.

10 CHAIRPERSON GRIFFIS: Sounds like a fabulous idea.
11 Is that acceptable?

12 MR. HALL: Yes.

13 CHAIRPERSON GRIFFIS: How about turning your mike
14 on and say that.

15 MR. HALL: Yes.

16 CHAIRPERSON GRIFFIS: Fabulous. In which case,
17 Board, I don't think we necessarily need to modify the condition
18 unless people feel strongly about it. I think the point, and
19 purpose, and direction is there the quarterly meetings. I think
20 we have now clarified how they're actually going to be announced,
21 and I think that will be sufficient. Anything else?

22 MEMBER ZAIDAIN: Mr. Chair.

23 CHAIRPERSON GRIFFIS: Yes.

24 MEMBER ZAIDAIN: Just to clarify something after
25 conferring with Corp Counsel, and please correct me if I'm wrong.

1 We are going to be, in effect, creating a new order, so we
2 should carry-over whatever conditions, you know, from the order
3 that we are saying, somewhat of what we just did, so if we want
4 to add that □-

5 CHAIRPERSON GRIFFIS: Well, from my understanding,
6 it will be a new order in that it has a number and a new date,
7 but it will be the original order with a modification of
8 Condition number 2. Is that not correct?

9 CORPORATION COUNSEL: No. It's more like what you
10 just did with the National Children's Center, where you re-
11 adopted Conditions A-F with modifications.

12 CHAIRPERSON GRIFFIS: I don't agree.

13 SECRETARY PRUITT: Excuse me, Mr. Chair. It
14 remains the same number, and you just get a subtitle, a letter
15 behind it. A, B, each time it gets modified.

16 CHAIRPERSON GRIFFIS: Right.

17 CORPORATION COUNSEL: But this is a separate
18 application. This is 16890.

19 MS. BAILEY: Yeah, this is a separate application.

20 MEMBER ZAIDAIN: It was an application to modify
21 the condition in an order.

22 CORPORATION COUNSEL: Right. But what the
23 applicant was asking for was to keep every condition but the one
24 dealing with faculty.

25 CHAIRPERSON GRIFFIS: I see. It is a bit of

1 semantics. Is everyone clear exactly what will happen?

2 COMMISSIONER MITTEN: I think that either way we
3 end up with the same result.

4 MEMBER ZAIDAIN: I think that too. I didn't mean
5 to cause so much trouble by asking that question.

6 CHAIRPERSON GRIFFIS: That's all right. Mr.
7 Zaidain, you're starting to get the reputation of doing that.

8 VICE CHAIRPERSON RENSHAW: And, Mr. Chairman □-

9 MEMBER ZAIDAIN: Could you repeat that, Mr.
10 Chairman. I didn't hear that.

11 VICE CHAIRPERSON RENSHAW: Knock, knock.

12 CHAIRPERSON GRIFFIS: Ms. Renshaw.

13 VICE CHAIRPERSON RENSHAW: Yes. Just to clarify
14 that the discussion points on the inclusion of the neighborhood
15 groups will be addressed in the order. In other words, there
16 will be some discussion of that in the order. Am I clear?

17 CHAIRPERSON GRIFFIS: No. What do you mean by
18 discussion?

19 VICE CHAIRPERSON RENSHAW: Exactly what we've gone
20 through right now, the sensitivities brought up by Ms. Zartman.

21 CHAIRPERSON GRIFFIS: I see. Okay. That's clear.

22 VICE CHAIRPERSON RENSHAW: Mr. Hall's confirmation
23 that yes, he would be by blast email contacting all parties.

24 CHAIRPERSON GRIFFIS: Very well. So in a summary
25 of evidence we can have that as a paragraph.

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1 VICE CHAIRPERSON RENSHAW: Yes.

2 CHAIRPERSON GRIFFIS: That was well said. I think
3 that was an excellent point.

4 COMMISSIONER MITTEN: Mr. Chairman.

5 CHAIRPERSON GRIFFIS: Yes.

6 COMMISSIONER MITTEN: If we did take that approach,
7 then it wouldn't be a summary order, if that's what the applicant
8 is going to request. And it really doesn't have any weight. The
9 weight is that Mr. Hall made the commitment as Mr. □- as actually
10 you had suggested. While it's of interest to this Board if
11 there's anything that's not working about a particular condition,
12 it's not related to the modification of Condition 2 that's
13 requested, so I'm not sure that it's worth going to a full-blown
14 order to take note of something that has no consequence on the
15 conditions of the order.

16 VICE CHAIRPERSON RENSHAW: Are we taking all of
17 these conditions and just moving them over under the new
18 application number?

19 CHAIRPERSON GRIFFIS: Yes.

20 CORPORATION COUNSEL: With the exception of the
21 requested modification to Condition number 2.

22 VICE CHAIRPERSON RENSHAW: Then why can't there be
23 some sentence in there concerning the neighborhood issue?

24 COMMISSIONER MITTEN: Well, perhaps □-

25 VICE CHAIRPERSON RENSHAW: It may require a

1 sentence.

2 CHAIRPERSON GRIFFIS: Mr. Nettler, are you
3 requesting a summary order today?

4 MR. NETTLER: Yes, thank you.

5 CHAIRPERSON GRIFFIS: Indeed.

6 COMMISSIONER MITTEN: Could I just interject one
7 small thing?

8 CHAIRPERSON GRIFFIS: No. You can continue, in
9 fact.

10 COMMISSIONER MITTEN: Thank you. Perhaps what we
11 should do is take up the proposed modification of Condition 2,
12 and then if there were an additional modification proposed to
13 Condition 5 by one of the Board Members, if that garnered a
14 sufficient number of votes, that that would be modified as well.

15 CHAIRPERSON GRIFFIS: I think that's an excellent
16 point, but let me get a quick clarification on why even in a
17 summary order we could not have at least a sentence on the
18 hearing itself that would address the issue that one, Ms. Zartman
19 gave testimony. And two, the issues were brought up. Is that
20 not □-

21 MR. NETTLER: I would certainly support Ms.
22 Renshaw's suggestion of the sentence. I don't think you have the
23 authority to modify a condition that isn't before you for
24 request, but I have no problem with the way Ms. Renshaw has
25 suggested. WE've done that before in summary orders.

1 CHAIRPERSON GRIFFIS: I just want clarification.
2 Corporation Counsel have any difficulty with that in the summary
3 order. Staff have any difficulty?

4 CORPORATION COUNSEL: I would say it has been done.
5 It is something that we don't like to do because it becomes a
6 little problematic because you really should have a finding □- if
7 you have something like that you need to do both Findings of
8 Fact, and then a Conclusion to go along with it, to be
9 technically correct. But we have done them, as Mr. Nettler has
10 stated, by adding, you know, a little sentence in there.

11 MR. NETTLER: And since this isn't a request to
12 modify that condition, you don't need to have Findings of Fact
13 and Conclusions of Law on something that's not before you for
14 requested relief. I just think the way Ms. Renshaw said to
15 reflect a □- what is actually stated here is probably the better
16 way to do that.

17 CHAIRPERSON GRIFFIS: Good legal reasoning.
18 Corporation Counsel have any additional opinion?

19 CORPORATION COUNSEL: No, I don't.

20 CHAIRPERSON GRIFFIS: Okay. If there's not any
21 other further questions, concerns for the applicant by the Board,
22 I think we can proceed then and move approval of Application
23 16890 for the Washington International School, for the special
24 exception to modify Condition number 2, to allow an increase in
25 the number of staff serving the existing private school under

1 Section 206, at premises 1690 36th Street. Let me have a second
2 on that.

3 MEMBER ETHERLY: Seconded, Mr. Chair.

4 CHAIRPERSON GRIFFIS: Very well. And I would
5 include in the - the direction of the Staff in the order as we
6 review it, that we would include in the front end of this order a
7 sentence outlining the concern that came up from the community
8 that regarded Condition number 5. Any other comments to the
9 motion?

10 MEMBER ETHERLY: Mr. Chair, just to clarify. We've
11 spoken on the record to Condition number 2. The recommended
12 condition that was proposed by the Office of Planning that the
13 six additional parking spaces are already indeed striped. I
14 don't know whether your motion needs to include the language
15 regarding the ANC recommendation that faculty and staff parking
16 not exceed 47. The applicant has already agreed to that.

17 There was also the condition suggested at the
18 location of seven additional parking spaces be clearly marked, as
19 well. That was mentioned in the Office of Planning report also,
20 so essentially, recommendations one and three included in that
21 motion, as well.

22 CHAIRPERSON GRIFFIS: Yes. Excellent point. I
23 would remove the word "drive" from Condition number 3, and we can
24 keep the intent and spirit of that condition.

25 MEMBER ETHERLY: And I would continue to second

1 that motion, Mr. Chair.

2 CHAIRPERSON GRIFFIS: Any other discussion?

3 VICE CHAIRPERSON RENSHAW: Just in the summary
4 sentence about the neighborhood, to indicate that the school is
5 willing to this expanded notification, so that it's on the
6 record.

7 CHAIRPERSON GRIFFIS: Very well. Anything else?

8 VICE CHAIRPERSON RENSHAW: No.

9 CHAIRPERSON GRIFFIS: Then I would ask those in
10 favor of the motion signify by saying aye.

11 (Vote.)

12 CHAIRPERSON GRIFFIS: And opposed? Yes.

13 MS. BAILEY: The vote is required is 5-0-0 to
14 approve the application. Motion made by Mr. Griffis, seconded by
15 Mr. Etherly, Mrs. Renshaw, Mrs. Mitten and Mr. Zaidain is in
16 support. This is a summary order. The conditions identified by
17 the Office of Planning will be included, and there should be a
18 sentence concerning the community organizations being involved in
19 the advisory meetings between the school and the community.

20 Mr. Chairman, just for clarification, the
21 conditions that are contained in Order number 16177, except for
22 Condition number 2, of course, are those being carried over into
23 this order, as well?

24 CHAIRPERSON GRIFFIS: Yes.

25 MS. BAILEY: Okay. So with all of that - Mr.

1 Chairman, did you need for me to repeat any of that?

2 CHAIRPERSON GRIFFIS: Absolutely not. I think
3 we're all set. Is that correct? Thank you. In which case, we
4 are going to give the next case 10 minutes to set up, and we will
5 be back at 3:00.

6 (Off the record 2:46 - 3:00 p.m.)

7 CHAIRPERSON GRIFFIS: Very well. When the
8 participants are ready, the Board is ready to proceed this
9 afternoon. And I would ask Staff when they are prepared to call
10 the last case in the afternoon.

11 MS. BAILEY: Thank you, Mr. Chairman. It's
12 Application number 16852 of St. Patrick's Episcopal Day School,
13 pursuant to 11 DCMR 3104.1, for a special exception to allow a
14 private school having 60 students, grades 7 through 9, under
15 Section 206, in an R-1-B District at premises 4925 MacArthur
16 Boulevard, N.W., Square 1393, Lot 823.

17 Is there anyone here who will be testifying today
18 who has not been sworn in? Anyone who will be testifying who was
19 not sworn in previously? Seeing no one, Mr. Chairman, being
20 identified, when we last met on this case, it was on May 21st of
21 this year, 2002. And at that time, it was indicated that today
22 would primarily be an all-traffic day. Based on my
23 understanding, and I stand to be corrected, the applicant's
24 architect, Marty Wells, will be cross examined today. Then we
25 will go into the testimony of the Department of Public Works, Mr.

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1 Ken Laden, or his representative, and then the opposition's
2 traffic expert.

3 And also, to mention that the opposition will be
4 timed today. I understand that the applicant was given an hour
5 and 15 minutes, and their hour and 15 minutes to start today if
6 they do present testimony. And another date has been scheduled
7 for this application, Mr. Chairman, and that is September the
8 10th, but that's where I stop, Mr. Chairman, and you pick up.

9 CHAIRPERSON GRIFFIS: Very well. And that's
10 assuming we don't finish everything today that we'll use that
11 September 10th date. Good. I do agree, and we can have any □-
12 well, I don't think we need any other comments, because I think
13 it's clear that schedules were aligning to do the traffic day,
14 and so I think we can proceed with that.

15 We also, as stated, we have the time laid out. We
16 also have the order for cross examination, and why don't we just
17 make sure that Mr. Wells is here. Indeed, signifying by waving
18 at the Board.

19 Yes, sir. Mr. Zaidain, you had something to state.

20 MEMBER ZAIDAIN: Yes. I just wanted to state for
21 the record that I have read the April 16th transcript. I was
22 present for the May meeting. I was up on the dias, although I
23 was not sworn in at that time, so I did observe that hearing, and
24 I will be participating in the case.

25 CHAIRPERSON GRIFFIS: Thank you.

1 COMMISSIONER MITTEN: Mr. Chairman.

2 CHAIRPERSON GRIFFIS: Yes.

3 COMMISSIONER MITTEN: If I may also state for the
4 record that I was absent for the May 21st, 2002 segment of the
5 Public Hearing, but I've read the transcript of that hearing, and
6 been given copies of the additional submissions.

7 CHAIRPERSON GRIFFIS: Good.

8 MS. FELDMAN: Could I raise two housekeeping
9 things, Mr. Chairman.

10 CHAIRPERSON GRIFFIS: As soon as the Board is
11 finished with their's.

12 MS. FELDMAN: I'm sorry.

13 CHAIRPERSON GRIFFIS: Any other issues? Any
14 concerns with Mr. Zaidain continuing? Very well. Then I believe
15 actually, or my clarification, all Board Members were given the
16 entire transcripts of all the hearings. Is that correct?

17 VICE CHAIRPERSON RENSHAW: No.

18 CHAIRPERSON GRIFFIS: Ms. Renshaw did not receive
19 them? Not that you need it, you were here. All right. Well,
20 copies were available to us. That being said, anything else?
21 Very well. Yes.

22 MS. FELDMAN: I'm Nancy Feldman, the opponents.

23 CHAIRPERSON GRIFFIS: Yes.

24 MS. FELDMAN: The first thing was, we just received
25 the copy of the May transcript about a week ago because there

1 were technical problems. We understand the hard drive self-
2 destructed and it had to be redone, and we've been going through
3 it. And we found there are a number of mistakes, and we were
4 wondering if we could submit our proposed corrected pages. Some
5 of the numbers were wrong, some of the witnesses were
6 misidentified. There were names that were wrong, just so that
7 the record would be corrected, and also □-

8 CHAIRPERSON GRIFFIS: That's fine.

9 MS. FELDMAN: Okay.

10 CHAIRPERSON GRIFFIS: I don't have any problem with
11 that. I think if you want to make that submission, obviously you
12 can serve it on the applicant and other parties, and we can have
13 responses to that if there are any questions □-

14 MS. FELDMAN: Okay.

15 CHAIRPERSON GRIFFIS: □- and clarifications.

16 MS. FELDMAN: The other piece was that the way the
17 proceedings today were described, I just wanted to clarify. What
18 we meant was that since you have kindly permitted us to go out of
19 order in the presentation so as to group the transportation
20 pieces together, what we meant by □- we have an hour and 15
21 minutes for our direct presentation, but the □- our traffic
22 expert's direct testimony would come off that.

23 CHAIRPERSON GRIFFIS: Right.

24 MS. FELDMAN: That's the only piece of what we were
25 just discussing that would come off. It's not the whole day or

1 anything like that, you know, unless you finished everything else
2 and we got to direct testimony.

3 SECRETARY PRUITT: No. Correct. That's why it
4 starts at 75 minutes since you've not testified at all, so we're
5 starting from the whole hour and 15 minutes for you.

6 MS. FELDMAN: But what I'm saying is you're going
7 to time Mr. Marra's direct testimony only, and that would come
8 off our time.

9 CHAIRPERSON GRIFFIS: That's right.

10 MS. FELDMAN: Thank you very much.

11 CHAIRPERSON GRIFFIS: Anything else? Mr. Finney,
12 did you have something just □-

13 MR. FINNEY: Oh, I was just going to mention, Mr.
14 Chairman, good afternoon.

15 CHAIRPERSON GRIFFIS: Good afternoon.

16 MR. FINNEY: That September 10th happens to be
17 primary election day. Maybe you're aware of that.

18 CHAIRPERSON GRIFFIS: I'm very aware of that
19 actually. Yes.

20 MR. FINNEY: I don't know what conclusion to draw
21 from that except, of course, we want to support participatory
22 democracy, don't we.

23 CHAIRPERSON GRIFFIS: Yes. The polls open early.
24 We will take that under consideration, and it has □- and it is a
25 concern of the Board. However, that is our scheduled day, and we

1 often give up lots of things of great importance to be here, but
2 we will not - I'm not going to take that up immediately for a
3 decision. It would, in fact, mean re-advertising and changing
4 our scheduled date of hearing. It did come up last week, so it's
5 under discussion.

6 Ms. Prince, did you have something?

7 MS. PRINCE: Good afternoon, Chairman Griffis and
8 Members of the Board. Just one concern that I wanted to express
9 on the record. I would like to request greater controls on cross
10 examination. Our case in chief extended over the course of one
11 and one-quarter hours. Cross examination at this point for two
12 witnesses has exceeded five hours. If we continue at this rate,
13 we need seven and a half more hours to complete cross examination
14 of our team. That does not include the cross examination of the
15 Office of Planning, the Department of Public Works or the ANC. I
16 just wanted to note that for the record because it has resulted
17 in extensive lengthy hearings. We're looking at another hearing
18 in September, and with little hope of even completing by
19 September if we don't have more control over cross examination.
20 Thank you.

21 CHAIRMAN GRIFFIS: Good. And it was my anticipation
22 actually to give a little bit of direction on cross examination,
23 as I have in other cases. But clearly, the purpose of cross
24 examination is to elicit important information or discrepancies
25 in a case presented. And the Board would, and we will be very

1 attentive today on making sure that questions in cross
2 examination are direct to the point, and that the answers are the
3 same. So as much as everyone can frame those questions to fall
4 within that, that would be appreciated. Anything else? You
5 don't have to have anything else.

6 MS. FELDMAN: I would like to note that part of the
7 reason for the extensive cross examination in the last session □-

8 CHAIRMAN GRIFFIS: If you're going to talk □- let's
9 not □- what's happened has happened.

10 MS. FELDMAN: Okay.

11 CHAIRMAN GRIFFIS: And now we'll proceed on from
12 here.

13 MS. FELDMAN: But we would like to note that you
14 have acknowledged that transportation is a very important part of
15 that, and that's why we are endeavoring to compress our
16 questions.

17 CHAIRMAN GRIFFIS: I don't think we need any
18 further discussion on the fact. Let's get to the heart of the
19 matter, and the importance of transportation. And I believe we
20 are calling up Mr. Wells, is that correct? To begin his cross
21 examination, is that correct? So while he gets comfortable □-

22 (Off the record)

23 CHAIRMAN GRIFFIS: We have also set up the order,
24 and the ANC, Mr. Finney, you are first on cross examination.
25 Very well. And as set up before, you will have your cross

1 examination. We will then move on down the list of the four for
2 cross examination. And, of course, we will ask and not hear any
3 redundant questions or anything of that matter. So with that,
4 Mr. Wells, are you ready?

5 MR. WELLS: I am.

6 CHAIRMAN GRIFFIS: Very well. Mr. Finney.

7 MR. FINNEY: Thank you, Mr. Chairman and Members of
8 the Board.

9 CHAIRMAN GRIFFIS: Let me just ☐- it's going to be
10 a brief problem, yes. And what you might want to do is actually
11 try and just separate those mikes a little bit. But in the
12 reality, as you speak, you may have to have one on and one off.

13 MR. FINNEY: Mr. Wells, good afternoon. I'd like
14 your help in trying to understand something that's perplexed me
15 ever since you came up with this idea of car pooling and shuttle
16 buses. How do the parents get there to the school to leave off
17 their children?

18 MR. WELLS: Good afternoon. They get there the
19 same way they do today. Today parents ☐- the proposal is that
20 parents would drop their students off at the Whitehaven campus,
21 and from there they would be shuttled to the MacArthur campus.

22 MR. FINNEY: That I understand.

23 MR. WELLS: Excuse me?

24 MR. FINNEY: Yes.

25 MR. WELLS: That, in fact, is what parents do today

1 for the lower grades. And they approach, by and large, most □-
2 not all, but most parents approach the school from Foxhall Road,
3 and then onto Whitehaven Parkway.

4 MR. FINNEY: Do some come on MacArthur Boulevard?

5 MR. WELLS: I believe our count showed a small
6 number do.

7 MR. FINNEY: Do some go up Ashby or W to get to the
8 school?

9 MR. WELLS: I don't know if they do or don't. I
10 don't know how many cars may or might not use those streets, but
11 certainly they use the neighborhood street network, probably some
12 of them because they are your neighbors, use the connected
13 network of streets to get to Foxhall, and hence, to Whitehaven
14 Parkway.

15 MR. FINNEY: Now how many car trips do you think
16 that the opening of the proposed junior high is going to add say
17 in the a.m. peak hour, and in the p.m. peak hour?

18 CHAIRMAN GRIFFIS: You might not want him to
19 speculate on that, would you?

20 MR. FINNEY: Oh, I would like him □- he should know
21 that, Mr. Chair.

22 CHAIRMAN GRIFFIS: I mean, I think you □-

23 MR. FINNEY: I'm setting him up if he doesn't know.

24 CHAIRMAN GRIFFIS: I see. You're asking what he's
25 actually reported though. I'm just having issue with the way you

1 asked the question. Did he think, or are you asking him
2 specifically what is in his report?

3 MR. WELLS: I'm having issues about being set up
4 here.

5 MR. FINNEY: Well, let me ask you. How many
6 additional car trips in the Palisades would be generated by the
7 new junior high school at MacArthur Boulevard?

8 MR. WELLS: One of our proposals is to increase car
9 pooling, as you know. The DDOT has requested that we implement
10 and monitor a car pool program that would result in no net
11 increase in cars. Having said that though, let me refer back to
12 my report.

13 On page 14 of my report, I list here the number of
14 □- the title of the table is "Table 3, Grades 7 and 8, Vehicle
15 Trip Generation Analysis." And that shows that the MacArthur
16 campus and the Whitehaven campus, with the proposed program □-
17 with our proposed recommendations, that shows the number of
18 faculty and staff automobiles, the number of car pools on
19 MacArthur, the number of shuttle buses on MacArthur, and visitors
20 that would travel to the MacArthur campus. It also shows the
21 number of car pools and shuttle buses that would use the
22 Whitehaven campus.

23 Cutting through all of that, at the MacArthur
24 campus in the morning, looking at before 7:30 until 9:00 in the
25 morning, we'd have 17 inbound and nine outbound, or 26 vehicle

1 trips total. In the afternoon, this is from before 3:00 to after
2 4:00, there would be six inbound and 14 outbound, a total of 20.

3 Now the principal traffic impact would, in fact, be
4 at the Whitehaven campus. And there, we would estimate that
5 there would be 46 inbound, 46 outbound, or 92 trips, vehicle
6 trips in the morning peak period, and 98 vehicle trips in the
7 afternoon peak period.

8 MR. FINNEY: Now that is with or without car
9 pooling?

10 MR. WELLS: This is without car pooling.

11 MR. FINNEY: And what would you expect that number
12 to be reduced to with car pooling?

13 MR. WELLS: The car pool program has a goal right
14 now, and I assume we'll get into this in greater depth later, but
15 right now St. Patrick's has a relatively low auto occupancy.

16 MR. FINNEY: Yes.

17 MR. WELLS: And I had recommended that car pooling
18 be increased. DDOT urged us to set a goal on our average auto
19 occupancy, move it from roughly 1.39 to roughly 1.6 students per
20 car. If that were achieved, and we think that's achievable, if
21 that were achieved, there would be a net increase of zero cars at
22 Whitehaven. That's the goal.

23 MR. FINNEY: Now when you did your traffic study
24 about the new MacArthur school, were you also aware that the
25 Mount Vernon campus is going to contribute, what is it? I'm

1 quoting now from the Traffic Impact Study recently performed for
2 the Department of Transportation. The GW will generate 155 trips
3 in the a.m., and in the p.m. peak hour 147. The Mayor's Mansion,
4 five in the morning and five in the afternoon. I think those are
5 probably low. And then the total □- this is new traffic from
6 opening campuses and the Mayor's Mansion, 422 in the a.m. peak
7 hour, and 290 in the p.m. peak hour.

8 CHAIRMAN GRIFFIS: Mr. Finney, has that been
9 submitted into the record?

10 MR. FINNEY: No, but I'd be glad to do that.

11 CHAIRMAN GRIFFIS: Okay. Well, actually it's
12 probably more appropriate for you to do that when you give your
13 testimony.

14 MR. FINNEY: Yes.

15 CHAIRMAN GRIFFIS: And I don't think you can ask a
16 response from an engineer of something that's not on the record.

17 MR. FINNEY: All right.

18 CHAIRMAN GRIFFIS: So do you want to move on to
19 another question?

20 MR. FINNEY: No, I don't think so, except that I'd
21 like to quote the □- paraphrase the late Everett McKinley
22 Dirkson.

23 CHAIRMAN GRIFFIS: Actually, let me □- before you
24 do, although I would be interested to hear it.

25 MR. FINNEY: Yes.

1 CHAIRMAN GRIFFIS: I can't have any testimony right
2 now. What I need is very succinct direct questions to the
3 witness, and then I need very succinct direct answers from the
4 witness, and that way we can proceed.

5 MR. FINNEY: All right. I shall defer.

6 CHAIRMAN GRIFFIS: Thank you. And that would
7 indicate that, in fact, you are done with your cross examination
8 of Mr. Wells.

9 MR. FINNEY: Yes.

10 CHAIRMAN GRIFFIS: Very well. Let us move on then.
11 We do have Ms. Feldman - correct - second.

12 MS. FELDMAN: No, Mr. Chairman. Tina Dimali is
13 going to conduct the cross examination of Mr. Wells for Neighbors
14 United. She's right here.

15 CHAIRMAN GRIFFIS: Okay. While this is happening
16 actually, and in preparation, as the party comes to the table to
17 cross examine, can the next party in question be prepared to come
18 up and we will totally switch out, so we'll have one party at the
19 table at a time, and then we can move on. If there are exhibits,
20 in anticipation of that, let's have it set up. We have this
21 easels so that we can move this along, and get to the important
22 matters of the actual cross examination. Is everyone clear on
23 what the order of cross examination is? If you need to restate
24 that, you can raise your hand at this time. Not seeing any
25 indication of that, I assume that everyone knows the order.

1 MS. PRINCE: I request the removal of the
2 photographs that are not in the record. They look like something
3 that should be part of direct testimony, not cross examination.

4 MS. VAN SICKLE: Could I actually address that?

5 CHAIRMAN GRIFFIS: You can speak to that, yes.

6 MS. VAN SICKLE: We were asking to have the
7 pictures because they clarify points in Mr. Wells' data about the
8 street pick up and drop off lane, and the current and future
9 practices on the drop off lane.

10 CHAIRMAN GRIFFIS: Okay.

11 MS. VAN SICKLE: As well as his analysis of Ashby
12 Street.

13 CHAIRMAN GRIFFIS: I understand that. However, the
14 point for that, I think I would have to agree with Ms. Prince,
15 would be in your testimony and in your case. For cross
16 examination it has to be based on the testimony and evidence
17 that's actually presented from the traffic engineer. If you want
18 to present the question of whether photographs would have better
19 made his case, that may be well said. However, I cannot have you
20 introducing evidence at this point in a cross examination. Is
21 that clear?

22 MS. VAN SICKLE: Thank you. Good afternoon, Mr.
23 Chairman and Board Members. My name is Tina Van Sickle. I will
24 be questioning Mr. Wells on a number of aspects that he's brought
25 up. The first one I'd like to discuss is Ashby Street.

1 Mr. Wells, as part of your traffic study for St.
2 Patrick's, did you analyze conditions at the proposed Ashby
3 Street site?

4 MR. WELLS: Yes.

5 MS. VAN SICKLE: Did you find that Ashby Street was
6 about 400 feet long, and 25 feet wide?

7 MR. WELLS: That sounds about right.

8 MS. VAN SICKLE: Did you find Ashby Street was
9 essentially a single lane if the cars are parked on both sides of
10 the road?

11 MR. WELLS: I have traveled Ashby Street. I have
12 traveled passed another moving car going in the opposite
13 direction. It's very difficult to do that when two cars passing
14 one another do so where cars are parked on both sides of the
15 street, but it does carry two-way traffic, and it is narrow, and
16 it is a local street.

17 MS. VAN SICKLE: Thank you. Did you notice that it
18 had stop signs at either end of the street?

19 MR. WELLS: Yes, it does.

20 CHAIRMAN GRIFFIS: Let me interrupt. Is there a
21 way to combine all of these small things? You may be going in
22 some direction, but I'm not sure how long this is going to carry
23 out. Do you want him to describe, or list them all at once, and
24 have him either agree or disagree with parts?

25 MS. VAN SICKLE: Well, it's part of finding the

1 configuration of the street, and why they are not having direct
2 pick-up and drop-off at the school. And so the character of the
3 street is pretty essential to that determination, I believe.

4 CHAIRMAN GRIFFIS: And my point is only can you
5 have □- just ask one question or describe the entire character.
6 Is that possible? I'll just leave that as direction and let you
7 continue.

8 MS. VAN SICKLE: Okay. Thank you. Let me ask the
9 question about the location of the driveway. Is the driveway
10 about 140 feet from MacArthur Boulevard?

11 MR. WELLS: That's about right.

12 MS. VAN SICKLE: In your report, did you consider
13 on page 9 a direct drop-off and pick-up of grades 7 and 8 at
14 Ashby Street, page 19?

15 MR. WELLS: Yes, I did.

16 MS. VAN SICKLE: Did you not conclude on page 19 of
17 your report, that direct pick-up and drop-off would have
18 disadvantages?

19 MR. WELLS: In the section entitled, "Evaluation of
20 Alternatives", where I looked at an Ashby Street pick-up/drop-off
21 lane, a loop through the property, an on-site loop and shuttle
22 buses, I noted advantages and disadvantages of each of those
23 alternatives.

24 MS. VAN SICKLE: But there was disadvantages.

25 MR. WELLS: That's the way life is. There are

1 advantages and disadvantages to most things.

2 MS. VAN SICKLE: Thank you. In fact, didn't DDOT
3 and St. Patrick's agree on page 2 of Ken Laden's report that,
4 "Pick-up and drop-off of individual students at MacArthur
5 Boulevard is not feasible"?

6 MR. WELLS: Can you show me that report you're
7 referring to?

8 MS. VAN SICKLE: Yes. I'm sorry. I didn't have my
9 ☐- this isn't my copy. So I think for the record, I would ☐-

10 CHAIRMAN GRIFFIS: Actually, hold on. I want to
11 interrupt a little bit because I'm not sure that Mr. Wells, and I
12 was looking at my notes and asking other Board Members, ever
13 testified to Mr. Laden's report. And so the questioning on cross
14 examination needs to go to his testimony and his report, not in
15 other testimony that actually will soon be introduced in person,
16 perhaps. Is that clear?

17 MS. VAN SICKLE: Okay. Fine.

18 CHAIRMAN GRIFFIS: Okay.

19 COMMISSIONER MITTEN: And, Mr. Chairman, if I could
20 just piggyback on ☐- I mean, we're really trying hard to make
21 this cross examination beneficial to the Board. And having a
22 series of questions to Mr. Wells acknowledging various
23 observations or conclusions that he drew in his report, we have
24 his report. What we want is for you to elicit some information
25 that's not in his report that would be educational to us. You're

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1 trying to inform the Board through the cross examination.

2 MS. VAN SICKLE: Okay. Thank you. Then I would
3 ask, since people do have the report, and there is a quote that
4 says that space is available for only five cars, could you
5 explain how you came to that conclusion, because I don't believe
6 that is in your report.

7 MR. WELLS: The 140 feet of curb space between
8 MacArthur and the 4925 MacArthur driveway, which in fact is on
9 Ashby, can park four to five vehicles. I had, for example, when
10 the psychoanalysts meet, or used to meet on Thursday evenings,
11 they would fill their lot, and fill the street. And they, in
12 fact, would fill about five spaces on that section of curb.

13 MS. VAN SICKLE: And then how did you come to the
14 conclusion that peak use would occasionally exceed this capacity
15 and back up onto MacArthur Boulevard?

16 MR. WELLS: It seemed to me that if all of the
17 students were driven to the 4925 MacArthur campus, and only that
18 space were allocated to a drop-off lane, that that capacity would
19 be exceeded.

20 MS. VAN SICKLE: Did you conduct any analysis to
21 determine how many vehicles it would take to make that queue go
22 around the corner, or what percentage of the time they might go
23 around the corner?

24 MR. WELLS: No. I concluded that it would - might
25 be possible to provide an on-site loop to accommodate the queue

1 and the drop-off lane, but that is an alternative which was
2 considered and rejected in deference to the community to minimize
3 the amount of automobile traffic on Ashby Street.

4 MS. VAN SICKLE: Did you have any other reasons to
5 conclude that the direct pick-up and drop-off would not be
6 feasible?

7 MR. WELLS: I guess no good deed goes unpunished,
8 but we - our attempt here was to do three things, to accommodate
9 the transportation needs of 4525 MacArthur, to do that safely and
10 efficiently. And thirdly, to do that in a way that has a minimum
11 or as low an impact on the neighbors as possible. It was those
12 three factors that were the overriding factors in my evaluation
13 of the alternatives that we identified.

14 MS. VAN SICKLE: Did your analysis of disadvantages
15 assume traffic would always be coming to the school from
16 MacArthur Boulevard and go eastbound on Ashby?

17 MR. WELLS: No. I recognized that your neighbors
18 and somebody who lived on 49th, or W, or somewhere in the local
19 vicinity would wish to use Ashby east of the school.

20 MS. VAN SICKLE: Did you conduct any analysis of
21 how many backups would impact the neighbors' driveways if the
22 students were dropped off on Ashby Street going westbound towards
23 MacArthur?

24 MR. WELLS: No. Again, we quickly concluded that
25 the school's wish was to minimize traffic impacts on the

1 community, and we did not pursue those alternatives.

2 MS. VAN SICKLE: So you didn't take any
3 measurements or identify that a three car queue could back up
4 into Mr. Lovendusky's driveway?

5 MR. WELLS: We have no wish to block his driveway,
6 and proposed nothing that would do so.

7 MS. VAN SICKLE: And you didn't take any
8 measurements that my driveway is 100 feet, and there would be
9 five cars that would take a queue and block my driveway?

10 CHAIRMAN GRIFFIS: Getting a little specific.

11 MS. VAN SICKLE: This is a technical report.

12 MR. WELLS: Ma'am, I have no idea where you live.
13 All I know is you live on that block.

14 MS. VAN SICKLE: Okay. Thank you. Did you believe
15 that there would be safety issues if parents were allowed to
16 drop-off the children on Ashby Street?

17 MR. WELLS: Not in my report, no.

18 MS. VAN SICKLE: So you didn't analyze that
19 students could be getting out of a car, if they are, in fact,
20 going westbound on MacArthur, and have to cross in front of
21 ongoing traffic up to the east?

22 MR. WELLS: Could you repeat that slowly, please?

23 MS. VAN SICKLE: Sure. I'm trying to get it fast
24 because I've been told to kind of put this quickly. My question
25 had to do with safety. It was that if cars were coming from 49th

1 Street west toward MacArthur, and children got out of the cars to
2 cross over to the proposed school, they might have to go in front
3 of not only their parents' car, but also other oncoming traffic
4 going westbound.

5 MR. WELLS: That would be true if they were dropped
6 off on the north side of Ashby and not, for example, on the site
7 itself. Yes, that would be true.

8 MS. VAN SICKLE: Thank you. Is the disadvantages
9 that you identified in your report basically the reason that you
10 proposed the overall traffic plan for Whitehaven?

11 MR. WELLS: Our proposal is based on considering
12 all the different alternatives, all the advantages, and all the
13 disadvantages, and the wish to be a good neighbor with the
14 existing community. All of those things taken in balance went
15 into that decision.

16 MS. VAN SICKLE: Thank you. I would like to turn
17 to the Whitehaven proposal, and I would like to look at the
18 existing conditions that you analyzed in your report. On the
19 data collection, was your only data collection on December 12th,
20 2001?

21 MR. WELLS: That was the only day we took
22 comprehensive traffic counts, although I was there personally at
23 least a dozen times to observe the traffic operations.

24 MS. VAN SICKLE: And would you consider this a
25 light day due to the holidays?

1 MR. WELLS: No, no, not at all. I'd say that date,
2 if anything, was probably a little worse than average. We
3 certainly saw several days that were better. I can't think of a
4 day that we □- I saw that was worse.

5 MS. VAN SICKLE: And to your knowledge, was there a
6 full compliment of student, staff and activities that day?

7 MR. WELLS: To my knowledge, yes.

8 MS. VAN SICKLE: Was Our Lady of Victory, which is
9 also on Whitehaven, also in full session that day?

10 MR. WELLS: I don't know.

11 MS. VAN SICKLE: Do you know if the Lab School
12 adjacent to St. Patrick's was in full session that day?

13 MR. WELLS: I do not know.

14 MS. VAN SICKLE: Okay. Thank you. I'd like to
15 turn to the traffic counts in your study. Just to set the
16 context, is it true that under the current arrangements, all cars
17 approaching the school are only to enter Whitehaven Parkway via
18 Foxhall Road, and only exit via MacArthur Boulevard?

19 MR. WELLS: I think that's what the handbook says.
20 That's not, in fact, what happens in reality.

21 MS. VAN SICKLE: We'll get to that. Did you also
22 note that pick-ups and drop-offs are to occur in the 250 foot
23 pick-up/drop-off lane that extends between the south side of
24 Whitehaven and St. Patrick's Church and School?

25 MR. WELLS: Say that again.

1 MS. VAN SICKLE: Did you also know that pick-up and
2 drop-offs are to occur in the 250 foot pick-up/drop-off lane that
3 extends between the south side of Whitehaven and the St.
4 Patrick's Church and School?

5 MR. WELLS: I'm inferring, is your question is that
6 what's in the handbook, or is that the intent or policy of the
7 school?

8 MS. VAN SICKLE: Right. Is that the intent or
9 policy, as you know it?

10 MR. WELLS: As I understand it, I believe that's
11 the intent.

12 MS. VAN SICKLE: Okay. You mentioned doing traffic
13 counts from 6 to 9 a.m. for a typical day on Whitehaven. What is
14 the total number of cars coming to St. Patrick's during that
15 period, 6 to 9?

16 MR. WELLS: I can tell you the peak hour. I'd have
17 to refer back to my notes.

18 MS. VAN SICKLE: Can we have that for the record?

19 MR. WELLS: Sure.

20 MS. VAN SICKLE: No, it's not in the record. He
21 just said he only had peak hour.

22 MR. WELLS: I'd be happy to provide that.

23 MS. VAN SICKLE: Does that number include parents
24 bringing students, faculty and staff, and visitors?

25 MR. WELLS: It includes everybody using the

1 driveways, and we did do a comprehensive parking occupancy count
2 for the gym level, upper level, lower level, and the north side
3 and south side angle spaces.

4 MS. VAN SICKLE: For your analysis of the morning
5 traffic then, you were primarily identifying and reporting on a
6 subset of the total number of vehicles. I mean, the ones that
7 came during the peak hour in the a.m. Is that right?

8 MR. WELLS: The - my observation, and this is not
9 terribly profound. I think anybody who stands in front of the
10 school, or for that matter any school of this type in the
11 morning, will clearly understand that the peak traffic impacts
12 occur within a very short period of time, about 15 to 20 minutes,
13 over a half hour at the most, are the most intense traffic
14 impacts at this school.

15 Generally, the traffic impacts are benign at this
16 school. Except for the morning pick-up, and the afternoon drop-
17 off, the school generates very little traffic. But when it's
18 generating traffic, it makes a big impression, and that's what we
19 focused our work on.

20 MS. VAN SICKLE: Well, is this subset - you've
21 reported hourly turning counts, and you've reported 15 minute
22 turning counts.

23 MR. WELLS: Yes.

24 MS. VAN SICKLE: And so you have the hourly data,
25 you have the 15 minute data, and the hourly data is called "Peak

1 A.M. Data". So what I'm trying to get at is what is the subset
2 of school related vehicles during the a.m. peak hour? Do they
3 include parents, faculty, staff and visitors?

4 MR. WELLS: They include everybody using the
5 driveways.

6 MS. VAN SICKLE: Everybody using the driveways.

7 MR. WELLS: Correct.

8 MS. VAN SICKLE: So that by that assumption, you
9 consider that associated with the school?

10 MR. WELLS: Yeah. The staff use the □- in addition
11 to that, the staff uses the driveways for the gym parking. And
12 we do look at the accumulation patterns of faculty using that
13 parking.

14 MS. VAN SICKLE: So just to be clear, your count
15 for a.m. peak hour traffic does not include traffic before 7:45
16 or after □- or 8:45 if we're talking about an a.m. peak hour
17 count.

18 MR. WELLS: Yeah. When we talk peak hours, we're
19 looking at the highest four consecutive 15 minute intervals.

20 MS. VAN SICKLE: Which is 60 minutes.

21 MR. WELLS: Four times 15 would be 60, that's
22 correct.

23 MS. VAN SICKLE: Thank you. Could there often be
24 situations when the earlier and later vehicles ended up in the
25 peak period?

1 MR. WELLS: Define period.

2 MS. VAN SICKLE: A.M. peak hourly period, 7:45 to
3 8:45?

4 MR. WELLS: In fact, there is overlap between
5 nursery school traffic and lower elementary school traffic in
6 that period, because the elementary school students, while their
7 classes start, I believe, at 9:00, they're permitted to come
8 earlier within that peak period, early drop-off.

9 MS. VAN SICKLE: That actually - thank you. My
10 real interest in this question is that you have defined a one
11 hour period of time. You have activities that are coming and
12 going before that peak period. And what I'm trying to elicit is
13 whether or not there would be other spill-over affects from
14 students who might be running late from, or faculty that might be
15 running late that you may not have counted in your a.m. peak
16 period?

17 MR. WELLS: Certainly, we - that's - certainly,
18 there are trips that are generated by the school outside of the
19 peak hour. That's correct.

20 MS. VAN SICKLE: Thank you. With regard to your
21 data collection on the existing traffic counts that are used to
22 develop analysis of the queues and the level of service.

23 MR. WELLS: Yes.

24 MS. VAN SICKLE: Am I right in understanding that
25 the point control policy you describe on page 26 doesn't even

1 allow cars to enter Whitehaven from Foxhall if the cars are
2 already backed up on Whitehaven to Foxhall Road?

3 MR. WELLS: I'm sorry. Doesn't allow traffic to
4 enter Whitehaven □-

5 MS. VAN SICKLE: Right. Do □-

6 MR. WELLS: □- from Foxhall if □-

7 MS. VAN SICKLE: Onto Whitehaven if the queue from
8 the St. Patrick's driveway goes all the way back up to Foxhall.

9 MR. WELLS: No. Our plan is to □-

10 MS. VAN SICKLE: No, no, no. This is existing
11 conditions. This is point control on existing conditions that I
12 thought that was what you were describing on page 26.

13 MR. WELLS: I think Peter Barrett, who is out there
14 every day, is probably the better witness on what happens today.

15 MS. VAN SICKLE: But you've put in your report that
16 the current practice is to have these students recirculate. Is
17 that not right?

18 MR. WELLS: I believe that's what □- I would defer
19 to Peter on that.

20 MS. VAN SICKLE: Okay. Then I want to turn to the
21 street pick-up and drop-off trips. Does that refer to the cars
22 that pick children up at the curb, pick-up or drop-off at the
23 curb, rather than go through St. Patrick's 250 foot driveway?

24 MR. WELLS: There is some of that that happens.

25 MS. VAN SICKLE: So if some cars are being diverted

1 through the point control, and other cars are doing curb drop-
2 offs, then don't your figures seriously under-represent the cars
3 that would normally be in line to go to St. Patrick's driveway?

4 MR. WELLS: Well, we have the counts at all the
5 driveways. And the traffic that uses the curb have to go through
6 those driveways, whether they go through in the pick-up/drop-off
7 lane or Whitehaven Parkway.

8 MS. VAN SICKLE: Could you repeat that again? They
9 have to go through the driveway at the school?

10 MR. WELLS: What I'm saying is they have to go
11 through the intersection, and I believe that's captured in our
12 counts.

13 MS. VAN SICKLE: What intersection is that now?

14 MR. WELLS: The intersections of Whitehaven with
15 the driveway.

16 MS. VAN SICKLE: But then they don't have to retain
17 or remain in the line going the 250 feet. Is that correct?

18 MR. WELLS: The folks who drop-off at the curb
19 rather than □-

20 MS. VAN SICKLE: Right.

21 MR. WELLS: □- in the driveway?

22 MS. VAN SICKLE: Right.

23 MR. WELLS: They just keep going on Whitehaven.

24 MS. VAN SICKLE: Right. They keep on Whitehaven.

25 They do not go through the 250 foot street driveway.

1 MR. WELLS: But they go through the intersection.

2 MS. VAN SICKLE: Yes, they go through the
3 intersection.

4 MR. WELLS: Correct. That's correct.

5 MS. PRINCE: I'd just like to interject that Peter
6 Barrett is in this line every single day. These are very
7 specific questions that are best answered by Mr. Barrett.

8 MS. VAN SICKLE: But I think that these data and
9 these statements have largely come from your report, so you have
10 been paid to come and do this analysis of the street.

11 CHAIRMAN GRIFFIS: Okay. We're not getting into
12 the background of why he should answer the question.

13 MS. VAN SICKLE: Because these □-

14 CHAIRMAN GRIFFIS: You're trying to establish □-
15 no, I'm not asking you.

16 MS. VAN SICKLE: Excuse me. I'm sorry. Okay.

17 CHAIRMAN GRIFFIS: You're trying to establish the
18 existing condition. Is that correct?

19 MS. VAN SICKLE: That's exactly right, sir.

20 CHAIRMAN GRIFFIS: Okay. And I think the applicant
21 is stating that if you want to know the actual existing
22 condition, it is an appropriate question for Mr. Barrett, who's
23 out there every single day. As opposed to if you want to be
24 precise, ask specific questions and move on from this report,
25 let's do that. If you are actually getting, which is important

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1 to the Board to get to the substance, not trip people up, but get
2 to the substance, let's get to the person that can answer the
3 substantive question.

4 With that, I will give you an opportunity to
5 continue with Mr. Wells, if you want to continue briefly with
6 questions on that realm of existing conditions in his report.

7 MS. VAN SICKLE: Thank you. Well, the point that I
8 am trying to make is through the analytical techniques, the
9 traffic counts do not accurately represent the situation on the
10 street. That's the point I'm making, and it's being made through
11 the fact that the school has put together a policy for the cars
12 to move in a certain direction. And they are not doing it, so
13 you under-counting what theoretically the normal pattern should
14 be. That's the point I'm trying to make.

15 CHAIRMAN GRIFFIS: Actually, that's the question
16 you're trying to get answered.

17 MS. VAN SICKLE: That's the □- thank you.

18 CHAIRMAN GRIFFIS: Indeed. Okay.

19 MS. VAN SICKLE: Okay.

20 MR. WELLS: If you look on our report on page 28,
21 you'll see that we have turning movement counts at Foxhall and
22 Whitehaven, and at the driveways, the St. Patrick's driveways in
23 Whitehaven. Some of the through traffic, for example, at these
24 driveways, in fact stop at the curb adjacent to the school, and
25 continue □- drop-off students, or in the afternoon pick-up

1 students and continue through. Those trips are reflected in
2 these counts. We haven't lost any trips.

3 MS. VAN SICKLE: Right. But you've lost the facts
4 that they never got into the line to go into the driveway.

5 MR. WELLS: I acknowledged that, and I pointed that
6 out in the report. And this was a come to the Lord analysis that
7 shows all the advantages, all the disadvantages. Every issue I
8 saw is in our report.

9 MS. VAN SICKLE: No, and I thank you for that
10 because we did see deficiencies. Let me turn to some other
11 analytical parts of your report. I notice that you have about
12 580 to 590 foot queue on Table 10, page 45.

13 MR. WELLS: What number are you referring to?

14 MS. VAN SICKLE: I'm referring to about a 580 foot
15 to a 590 foot queue in both the a.m. peak hour and the p.m. peak
16 hour at driveway 4. Those are under "Existing Conditions", I
17 think. Do you have that?

18 MR. WELLS: That's correct. Driveway 4. In other
19 words, what this model is saying is that traffic going into the
20 driveway 4, which is the eastern-most driveway, the driveway
21 which currently St. Patrick's parents enter, which is closest to
22 Foxhall, that the 95th percentile queue is 578 feet, which is
23 nearly the entire distance from that driveway to Foxhall Road.

24 MS. VAN SICKLE: Did you find from your turning
25 counts there were, in fact, less vehicles in the afternoon in the

1 peak street p.m. period, 2:30 to 3:30? I believe that there are
2 fewer turning counts into the driveway.

3 MR. WELLS: That's correct.

4 MS. VAN SICKLE: That's correct. Okay. And if
5 there are less vehicles in the afternoon, how do you explain the
6 same queue length associated with fewer cars in the afternoon?

7 MR. WELLS: It takes longer to pick a child up than
8 it does to drop them off.

9 MS. VAN SICKLE: Is this due then to the longer
10 dwell time you mentioned?

11 MR. WELLS: Yes.

12 MS. VAN SICKLE: Do you believe that the longer
13 dwell time is a reason for the high number; that is to say, 40
14 street pick-up and drop-offs in the afternoon?

15 MR. WELLS: I didn't speculate as to the motives of
16 why parents do what they do.

17 MS. VAN SICKLE: Would you be interested in the
18 correlation that says that there are fewer street pick-up and
19 drop-offs in the morning when the dwell time is less than 25
20 seconds to one and two-thirds minutes? You've got a shorter
21 dwell time. Do you want to defer to Peter?

22 MR. WELLS: I'll defer to Peter.

23 MS. VAN SICKLE: Okay. Now as to the afternoon
24 data you collected, can you confirm from page 37 of your report
25 that some parents entering Foxhall were veering across oncoming

1 traffic and temporarily parking on the curb opposite the school
2 to pick up their children?

3 MR. WELLS: That's point number 7 on page 37.
4 That's correct.

5 MS. VAN SICKLE: Right. That's correct. Did they
6 then have to cross oncoming traffic again to exit into their
7 correct lane?

8 MR. WELLS: That's correct.

9 MS. VAN SICKLE: Is this the so-called 40 Street
10 PDUs in the p.m. peak period?

11 MR. WELLS: I believe some of that activity occurs
12 in both directions on Whitehaven. I'll defer to Peter for a more
13 precise description of that.

14 MS. VAN SICKLE: Just as a follow-up.

15 MR. WELLS: I'm told the police have stopped that
16 practice.

17 MS. VAN SICKLE: So then can you clarify if it was
18 the official school policy, until the police stopped the
19 practice, to allow this type of street pick-up and drop-off?

20 MR. WELLS: Your question was is this an intent, a
21 design of the school to

22 CHAIRMAN GRIFFIS:

23 MS. VAN SICKLE: Right. I wanted to know if the
24 school avowed this policy.

25 MR. WELLS: To my knowledge, it was not. To my

1 knowledge, it was not.

2 MS. VAN SICKLE: So there was quite a significant
3 number, but it was not school policy to allow this number.

4 MR. WELLS: That's my belief, and I'll defer to
5 Peter to correct me if I'm wrong.

6 MS. VAN SICKLE: Does this tell you anything about
7 parental compliance with existing policy?

8 MR. WELLS: It □-

9 CHAIRMAN GRIFFIS: A little vague. You want him to
10 speculate on parental compliance?

11 MS. VAN SICKLE: Yes.

12 MR. WELLS: I'm told that Peter □- I'm going to
13 defer to Peter on that, please.

14 MS. VAN SICKLE: Okay. But could you speculate
15 that this was a dangerous traffic pattern to follow?

16 CHAIRMAN GRIFFIS: Being expert, let's not
17 speculate.

18 MR. WELLS: I was going to say, I'm not going to
19 speculate on that.

20 CHAIRMAN GRIFFIS: Good. You can answer it if you
21 can in your expertise, but □-

22 MR. WELLS: I will not speculate. I was asked to
23 speculate, and I will not.

24 CHAIRMAN GRIFFIS: Good.

25 MS. VAN SICKLE: Okay. So let me ask you flat out.

1 In your expertise, is this a dangerous policy?

2 MR. WELLS: In my expertise, I think there's a
3 better way to do it. I think there's a better, safer, more
4 efficient way to do it, and that's what I recommended.

5 MS. VAN SICKLE: Okay. Thank you. Turning now to
6 George Washington University, we understand that that university
7 has opened recently. Were you aware of the pending GW opening at
8 the time of your data collection on December 12th, 2002?

9 MR. WELLS: I was aware that there was a
10 construction project. When we started this work in December, it
11 had not opened. We have subsequently conducted additional
12 analyses that include the George Washington University Mount
13 Vernon campus traffic based on the traffic impact study prepared
14 by Grove-Slade. We also looked at the additional traffic which
15 would be generated by the Field School.

16 I was conservative there. I used the report
17 prepared by MCD in opposition to the Field School, which had
18 slightly higher numbers, including a few trips using Whitehaven
19 Parkway. And I reaffirm my opinion that the proposed plan will
20 work well, and much better than the existing plan, even with the
21 GW and Field School traffic.

22 MS. VAN SICKLE: So actually, when you wrote your
23 report, did you actually include the Grove-Slade and the Field
24 School data?

25 MR. WELLS: No, I did not.

1 MS. VAN SICKLE: So your assessment of the future
2 does not include those projections.

3 MR. WELLS: No, but as I just mentioned, I have had
4 an opportunity since the report was prepared to include the
5 traffic that would be generated by those two uses in this
6 analysis, as it would affect Whitehaven parkway.

7 MS. VAN SICKLE: Do we have copies of that?

8 MR. WELLS: I'd be happy to provide them.

9 MS. VAN SICKLE: Could I ask that we have copies
10 for the record?

11 CHAIRMAN GRIFFIS: I think that would be
12 appropriate. Let me ☐- while you have a moment, Ms. Van Sickle,
13 can you just give me an indication of how many more questions you
14 have, how much more time?

15 MS. VAN SICKLE: I'd say probably about 15, 20
16 minutes.

17 CHAIRMAN GRIFFIS: Okay. As long as I can ☐-
18 again, any questions you can accumulate together, it would be
19 helpful.

20 MS. VAN SICKLE: Yes. I'm aware of your interest
21 in doing that, and I am trying to do that. I'm kind of skipping
22 through some that I might ordinarily have asked.

23 So you were aware that the addition of GW traffic
24 would constitute a significant volume by virtue of the fact that
25 you just said that you're going to do this, or you did do this

1 extra study.

2 COMMISSIONER MITTEN: Mr. Wells, she's looking for
3 a response.

4 MR. WELLS: I'm sorry. Yes, and I was about to
5 give you the number of trips we included, the number of driveway
6 trips and the number of field school trips that would use
7 Whitehaven. And I will provide those numbers, those forecasts
8 that we used in the updated analysis in my submission.

9 MS. VAN SICKLE: And those are 15 minute data? Are
10 those hourly data?

11 CHAIRMAN GRIFFIS: Actually, instead of taking
12 questions about something we will soon see, let's get it in here.

13 MS. VAN SICKLE: Okay.

14 CHAIRMAN GRIFFIS: So let's move off of that.

15 MS. VAN SICKLE: When will this data be submitted
16 for the record, since you finished your report?

17 MR. WELLS: Shortly.

18 MS. VAN SICKLE: Shortly. Okay, thanks. Mr.
19 Finney raised the issue of the 151 a.m. peak, so I'm not going to
20 do that again. So you didn't issue a supplemental report, but
21 you did conduct additional data which we will get, so that's
22 great. But I would just ask if the omission of those vehicles
23 would not constitute a significant under-representation of the
24 current conditions on Whitehaven.

25 MR. WELLS: They did not. The existing conditions

1 do not have □- Field School is not open. The GW driveway was not
2 open except for construction traffic when we looked at existing
3 conditions.

4 MS. VAN SICKLE: I'm sorry. I meant GW, which was
5 open.

6 MR. WELLS: I'm sorry. It was not open to
7 vehicular traffic. There was construction traffic using it.

8 MS. VAN SICKLE: Until March 15th. And your report
9 was dated April 2nd.

10 MR. WELLS: Not to belabor the point, but the
11 existing conditions, existing was at the time of our counts.

12 MS. VAN SICKLE: Okay. Thank you. Did you notice
13 any other compliance issues with the pick-up and drop-off
14 procedures? We've just discussed some before, but did you note
15 on page 30 that half of the drivers dropping off the students in
16 the a.m. turned back towards Foxhall, seemingly against school
17 policy.

18 MR. WELLS: The report says, "Approximately half of
19 all cars exiting the pick-up/drop-off lane in the morning turn
20 right and exit Whitehaven Parkway onto Foxhall Road, as the
21 existing policy regarding exiting towards MacArthur Boulevard is
22 more strictly enforced in the afternoon." Yes.

23 MS. VAN SICKLE: Thank you. Do you have any
24 understanding of why they did that? Was it more convenient?

25 COMMISSIONER MITTEN: That calls for speculation

1 too. I think we're □-

2 MS. VAN SICKLE: Speculation. Okay. Is it
3 speculative to ask what these compliance patterns suggest for
4 future compliance?

5 CHAIRMAN GRIFFIS: Yes.

6 MS. VAN SICKLE: Thank you.

7 CHAIRMAN GRIFFIS: Unless you can bring □- well □-

8 MS. VAN SICKLE: Excuse me, sir?

9 CHAIRMAN GRIFFIS: Go ahead.

10 MS. VAN SICKLE: I thought you were about to make
11 something. Well, I want to talk about the traffic plan proposal
12 and future conditions at Whitehaven. Is the traffic pattern that
13 you recommended the one that shifted the entrance of the school's
14 pick-up and drop-off lane west on Whitehaven about 250 feet?

15 MR. WELLS: That's incorporated in our
16 recommendations, yes. And I might also add, it's incorporated in
17 the Palisades Traffic Impact Study.

18 MS. VAN SICKLE: Which I □-

19 MR. WELLS: Which is not on the record.

20 MS. VAN SICKLE: Which I understand is not on the
21 record. Well, at the last session, there was an overview of the
22 proposed new traffic pattern at the school. And I'd like to ask
23 whether or not we could review that with the addition of a color-
24 coded
25 diagram □-

1 CHAIRMAN GRIFFIS: Are you asking me?

2 MS. VAN SICKLE: Yes, I am, because you did not
3 allow us to have our pictures in the first session. It's the
4 applicant's diagram, and we have color-coded what we understand
5 to believe the future patterns of traffic. This is something we
6 would like to introduce because it seems there are multiple
7 directions of pick-up and drop-offs, and conflict points.

8 CHAIRMAN GRIFFIS: I absolutely understand. I
9 think yes, you can absolutely introduce it, but not now. Now is
10 not the time to do such a thing, so when you present your case,
11 that's when we can view it, and you can give us your analysis of
12 it.

13 MS. VAN SICKLE: Then I want to distribute the ones
14 that do not have that already.

15 CHAIRMAN GRIFFIS: You're distributing the map
16 that's on the easel now?

17 MS. VAN SICKLE: Yes.

18 CHAIRMAN GRIFFIS: And we have that in the record,
19 we have copies.

20 MS. VAN SICKLE: All right.

21 CHAIRMAN GRIFFIS: Board Members, do you want
22 another copy of that? Why don't you turn your mike on.

23 COMMISSIONER MITTEN: What's the exhibit number,
24 Mr. Chairman?

25 CHAIRMAN GRIFFIS: Good point.

1 COMMISSIONER MITTEN: Or anyone.

2 CHAIRMAN GRIFFIS: That's fine. Let's ☐- you're
3 welcome to proceed.

4 MS. VAN SICKLE: Do you have the plan in front of
5 you? I didn't want to start talking if you didn't have the plan
6 and needed it.

7 CHAIRMAN GRIFFIS: Yeah. And we have it on the
8 board, so there's no reason to delay.

9 MS. VAN SICKLE: Okay. So to clarify the situation
10 for the future condition, based on the revised traffic plan, let
11 me ask you these questions. Is it correct that parents would be
12 able to enter Whitehaven from both Foxhall and MacArthur?

13 MR. WELLS: Our recommendation is that parents
14 enter Whitehaven from Foxhall. Now it is possible for traffic to
15 turn onto Whitehaven from either MacArthur or Foxhall, but
16 parents ☐- my recommendation is that parents be required to enter
17 off of ☐-

18 MS. VAN SICKLE: Is that still the school policy,
19 or are they going to change that policy?

20 MR. WELLS: That is the policy.

21 MS. VAN SICKLE: And it does not change with the
22 addition of your new traffic management plan. Your
23 recommendation is, in fact, the school policy.

24 MR. WELLS: For entering traffic, that's correct.

25 MS. VAN SICKLE: Okay. So would there ever be a

1 time when the parents would come from another direction, like
2 from MacArthur?

3 MR. WELLS: Are you saying □-

4 MS. VAN SICKLE: If the school policy is that
5 you're coming down from Foxhall, I'm asking you is there going to
6 be a situation under not only your recommendation, but the actual
7 school policy for the future of this plan where the cars will
8 come from MacArthur?

9 MR. WELLS: Again, our recommendation is that they
10 all come from Foxhall. You're asking me to speculate if people
11 will violate that policy, and I won't speculate on that. I will
12 simply say that the plan, the requirement is that parents enter
13 Whitehaven from Foxhall.

14 MS. VAN SICKLE: Okay. Thank you. And then they
15 would enter St. Patrick's driveway, the 250 foot pick-up/drop-off
16 lane at the western most entrance.

17 MR. WELLS: That's correct.

18 MS. VAN SICKLE: Where will grades 7 and 8 be
19 dropped off?

20 MR. WELLS: They would join the direct car pool
21 lane.

22 MS. VAN SICKLE: So you're saying they would be
23 picked up at the school? Excuse me, that they would be dropped
24 off at the school?

25 MR. WELLS: That's correct.

1 MS. VAN SICKLE: Are you aware that the Statement
2 of Applicant says on page 14 that the drop-off would be at the
3 gym?

4 MR. WELLS: The intent here to inform the Board,
5 the intent here is that the 7th and 8th graders be dropped off in
6 the car pool lane, which would be reoriented. The students would
7 then cross □- use the sidewalk adjacent to the school, and then
8 used the marked raised crosswalk to cross Whitehaven Parkway, and
9 then walk to the gym where they would board the shuttle bus to be
10 shuttled to the MacArthur campus.

11 MS. VAN SICKLE: Well, then I think I'm missing
12 something because if the statement of the applicant says on page
13 14 that they're going to be dropped off at the gym, and you're
14 saying that they are going to be dropped off at the street
15 driveway in front of the school □-

16 CHAIRMAN GRIFFIS: I don't think we need to jump
17 too far □- and my recollection of the direct testimony was
18 exactly what was just restated by Mr. Wells, and that □- we've
19 had testimony that talked about crossing the street. And that
20 the assembly of the students, and then the bus going up to the
21 site in question would happen there.

22 COMMISSIONER MITTEN: I think she's just trying to
23 clarify whether or not Mr. Wells' oral testimony is superseding
24 this one statement on page 14, which is "all other parents",
25 meaning non-car pool parents with at least three students in the

1 car will be required to drop off students in front of the gym at
2 the Whitehaven Parkway site.

3 MS. VAN SICKLE: That's right. That's what I'm
4 trying to clarify.

5 MR. WELLS: Yes. I'm saying my statement does
6 supersede that. I was not the author of the application.

7 COMMISSIONER MITTEN: No, we're just - there's an
8 inconsistency, and we're just trying to clarify that.

9 MR. WELLS: Yes. The clear intent is what I
10 described.

11 COMMISSIONER MITTEN: Terrific. Thank you.

12 CHAIRMAN GRIFFIS: Good.

13 MS. VAN SICKLE: So is it true that there would be
14 convergence at the turn-in at the St. Patrick's driveway? You
15 would have at this point cars, you would have St. Patrick's staff
16 possibly going to the parking lot east of the church from
17 MacArthur, St. Patrick's visitors, non-St. Patrick's vehicles.
18 Is that right? That at the convergence point at your western
19 driveway, you're going to have a number of traffic flows coming
20 from different directions with different aims in mind. And they
21 will attend at be at that point.

22 MR. WELLS: That sounds so complicated.

23 MS. VAN SICKLE: Yes, it sounded complicated to me
24 too.

25 MR. WELLS: But let me explain it. The traffic in

1 the westbound direction, that is in the car pool lane, that is to
2 say St. Patrick's traffic, it would make a left turn across the
3 eastbound traffic on Whitehaven to enter into the car pool lane.

4 Traffic traveling eastbound on Whitehaven would, from time to
5 time, be stopped by a traffic control officer to allow that left-
6 hand turn movement to occur. It's simply a T-intersection, like
7 many other T-intersections in the city. That's what it is. When
8 you say convergence, there is a left-turn lane, a westbound left
9 turn lane, a westbound through lane, and an eastbound through
10 lane. The eastbound through, and the westbound left, they do
11 conflict, and they will be controlled by a traffic control
12 officer, a uniformed off-duty D.C. policeman.

13 MS. VAN SICKLE: Thank you. How many cars do you
14 expect for total morning traffic associated with St. Patrick's,
15 i.e., you mentioned 6:00 to 9:00. How many cars do you expect
16 from 6 to 9 at that point?

17 MR. WELLS: Again, if the car pool program is
18 successful, which St. Patrick's pledges that it will be, the
19 future numbers entering that driveway would be about the same as
20 the numbers entering today.

21 MS. VAN SICKLE: And how many numbers □- how many
22 is that?

23 MR. WELLS: Well, if we go to page 28 of my report,
24 you'll see the westbound left turn is about 205 vehicles, be
25 about 200 vehicles. That's the peak hour.

1 MS. VAN SICKLE: No, no. I asked for the total
2 morning pre-peak, peak, and post-peak.

3 MR. WELLS: And I'll repeat my offer to provide
4 that.

5 MS. VAN SICKLE: Thank you. But now I will go to
6 the peak period.

7 MR. WELLS: Which period?

8 MS. VAN SICKLE: A.M. How many cars do you expect
9 at this point during the a.m. peak hour rush, that would be your
10 205?

11 MR. WELLS: Correct. That is □- when I say □- let
12 me be clear.

13 MS. VAN SICKLE: Okay.

14 MR. WELLS: So 205 would be the number with a
15 successful car pool program. In my report, and I walked through
16 that for Mr. Finney, he asked what the additional traffic would
17 be without the car pool program.

18 MS. VAN SICKLE: No, no. That's not my question.

19 MR. WELLS: Okay.

20 MS. VAN SICKLE: I'm asking for the direction and
21 the totals for a.m. peak. And you've got □- so far, I think I've
22 got 205.

23 MR. WELLS: That's what it is today.

24 MS. VAN SICKLE: Okay.

25 MR. WELLS: That's correct, at 7:45 to 8:45.

1 MS. VAN SICKLE: Okay. And then you've got □-
2 don't you currently have some traveling vehicles associated with
3 the school coming eastbound on Whitehaven?

4 MR. WELLS: Well, if you look at the right turns,
5 you've got 122 eastbound through trips right in front of St.
6 Patrick's.

7 MS. VAN SICKLE: And didn't you say that some
8 portion of those were associated with the school?

9 MR. WELLS: Some of them may be dropping off at the
10 curb. That's correct.

11 MS. VAN SICKLE: I thought I □- did you say
12 something on the order of 45 percent of those cars traveling
13 eastbound?

14 MR. WELLS: I don't recall saying that.

15 MS. VAN SICKLE: I think that might be in your
16 report. But in any event, so there would be some associated
17 traffic beyond the 205.

18 MR. WELLS: Yes. In my report, I also outline that
19 in the a.m. peak hour, that 15 cars □- 15 parents or guardians
20 parked or stopped their vehicle at the curb to drop-off students,
21 so some of those would come from the east, some of those would
22 come from the west.

23 MS. VAN SICKLE: Is it possible to ask you to
24 provide for the record the total number of vehicles you expect
25 with the school during the a.m. peak hours for the future

1 condition?

2 MR. WELLS: Sure. I'd be glad to do that. As I've
3 said earlier, I would be glad to do that.

4 MS. VAN SICKLE: Thank you. I would ask the same
5 question for the afternoon peak hour.

6 MR. WELLS: Sure.

7 MS. VAN SICKLE: Just so that we would have a
8 complete set. The total volume, 6 to 9, the peak period volume.

9 MR. WELLS: I'd be happy to provide that.

10 MS. VAN SICKLE: Thank you. You've mentioned that
11 you might use off-duty police or traffic police, you just
12 mentioned, to control the left-hand turn coming down Whitehaven.

13 CHAIRMAN GRIFFIS: That goes to the school program.
14 Isn't that correct?

15 MS. VAN SICKLE: Right.

16 MR. WELLS: Yes. Not Wells and Associates, but St.
17 Patrick's.

18 CHAIRMAN GRIFFIS: Right.

19 MS. VAN SICKLE: You didn't mention the off-duty
20 police in your report? I think you did.

21 CHAIRMAN GRIFFIS: I mean, let's get to the □-
22 what's the question he can answer about the off-duty police
23 officer?

24 MS. VAN SICKLE: I want to know what the
25 configuration is, and how they will be communicating, and how

1 they are going to coordinate the actions on the street.

2 MR. WELLS: I believe page 49 says, "Hire two."
3 And if you look at Point number 5 of my report, "Hire two" □-

4 MS. VAN SICKLE: So □-

5 MR. WELLS: Excuse me.

6 MS. VAN SICKLE: Go ahead.

7 MR. WELLS: "Hire two off-duty uniformed police to
8 direct traffic on the parkway."

9 MS. VAN SICKLE: And are we assuming that they are
10 going to be standing about 250 feet apart, one at the western
11 most driveway, and one at the eastern most driveway?

12 MR. WELLS: If they're doing their job, that's
13 where they should be. Yes.

14 MS. VAN SICKLE: Will they be acting both to stop
15 the traffic from three lanes, including eastbound and westbound,
16 as well as to ensure the merge of the three lanes to the two
17 lanes that occurs in this area?

18 MR. WELLS: They'll be looking to control □- to
19 provide traffic control at the intersections at which they are
20 stationed, something D.C. Police are world-renowned for.

21 MS. VAN SICKLE: Will they be able to control the
22 vehicles coming from the west before the cars go across the
23 crosswalk at Ginger Lane, which is about 80 feet away from the
24 intersection?

25 MR. WELLS: That is well signed and well marked,

1 and they will be in the vicinity, but not at that crosswalk.

2 MS. VAN SICKLE: They will not be at the crosswalk.

3 MR. WELLS: That's correct.

4 MS. VAN SICKLE: So they will not be actively
5 engaged in coordinating the children's crossing. Will they be
6 actively engaged in handling the crossing of the eastbound
7 traffic into the gymnasium parking lot, which is about 130 feet
8 away from the intersection?

9 MR. WELLS: Two people were talking to me at once.
10 I'm sorry to make you repeat that.

11 MS. VAN SICKLE: Oh, no. That's fine. We have
12 been discussing where the police will be in the intersection at
13 the western most side of the school. We have asked whether they
14 will be coordinating the activities on Ginger Way. We are now
15 moving to ask the question whether or not the traffic police will
16 be coordinating the left-hand turn that teachers will be making
17 to go into their parking lot at the gym.

18 MR. WELLS: Probably not. Faculty, however,
19 probably would cross with the students at the crosswalk, but the
20 □-

21 MS. VAN SICKLE: No, no, no. But □-

22 MR. WELLS: □- police would not be stationed there.

23 MS. VAN SICKLE: Faculty on foot? I'm talking
24 about the faculty and their cars going eastbound from MacArthur
25 who might cross into the St. Patrick's gym. There is a driveway

1 on the north side of Whitehaven Parkway.

2 MR. WELLS: That's correct. That would operate,
3 more or less, the way it does today. It's an uncontrolled
4 intersection.

5 MS. VAN SICKLE: It's an uncontrolled intersection.

6 Is that considered a conflict point, when you have a line of
7 traffic crossing onto an oncoming line of traffic?

8 MR. WELLS: When one makes a left turn, one does
9 need to be mindful of the oncoming traffic. That's typical.

10 MS. VAN SICKLE: So is it fair to say that we
11 basically have three conflict points of vehicular or pedestrian
12 and vehicular conflicts within about a 120 foot radius of where
13 the policeman will be standing at the western driveway?

14 MR. WELLS: It's fair to say that's a conflict
15 point, like there are conflict points on Ashby Street and your
16 driveways. When you turn left into your driveway, you have to be
17 mindful of oncoming cars. It's a T-intersection, where one has
18 to be mindful of the conflicts.

19 MS. VAN SICKLE: Under the revised plan, will there
20 - you've mentioned that you've got a cop at the eastern most
21 driveway entrance. Will there be a cop at GW, which is located
22 about 280 feet up the street on Whitehaven?

23 MR. WELLS: St. Patrick's, to my knowledge, does
24 not have at this time. I don't know whether the university will
25 or will not do that, provide a uniformed policeman.

1 MS. VAN SICKLE: Will there be school staff
2 assisting these police?

3 MR. WELLS: The culture at the school is that
4 faculty are actively involved in helping the students get in and
5 out of cars. They are very hands-on in the management of their
6 drop-off lane. I assume that staff will continue to be involved
7 in getting students in and out of their cars in the drop-off
8 lane.

9 MS. VAN SICKLE: Didn't you say in your report on
10 page 38, Item 10 that, "Private school staff directing traffic on
11 public street is strictly speaking not appropriate."

12 MR. WELLS: I believe I did say that. That does
13 give me pause. And I say that, not because it hasn't worked
14 well. I think Peter does a masterful job, but it gives me pause
15 that he's directing traffic.

16 MS. VAN SICKLE: Right. I'm glad it gives you
17 pause. Why is it inappropriate for private school staff to be
18 out on a public road directing traffic?

19 MR. WELLS: I'm just concerned about being in the
20 public right-of-way directing traffic in general.

21 MS. VAN SICKLE: It's not illegal?

22 MR. WELLS: I will not render a legal opinion.

23 MS. VAN SICKLE: Okay. Thank you. Are you aware
24 that the school tried off-duty police previously, but no longer
25 has them?

1 MR. WELLS: I think Peter Barrett is the person
2 with direct knowledge of that, and should be the one to answer
3 that question.

4 MS. VAN SICKLE: So you can't answer □-

5 COMMISSIONER MITTEN: Mr. Chair, if I could just
6 interrupt. Mr. Chairman, based on my reading of the transcript
7 of the last hearing, I think this subject was covered.

8 CHAIRMAN GRIFFIS: Indeed, I would agree. I think
9 we're exhausting the discussion and questions on police and
10 traffic control, if we want to move onto new information.

11 MS. VAN SICKLE: Mr. Chairman, I would just note
12 that it is our recollection that the reason was not given, so
13 this was a furtherance of that issue, a furtherance of that
14 question.

15 CHAIRMAN GRIFFIS: The reason for not using police
16 currently?

17 MS. VAN SICKLE: Yes. They stopped using them, and
18 so □-

19 CHAIRMAN GRIFFIS: But the appropriateness of the
20 question is not to Mr. Wells. He neither hires, programs or
21 fires the police.

22 MS. VAN SICKLE: Okay. When the parents have
23 turned into the single lane at St. Patrick's pick-up and drop-off
24 lane, where would the children be discharged?

25 MR. WELLS: I'm inferring you mean under our

1 recommended plan? They will be discharged onto a sidewalk.

2 MS. VAN SICKLE: If there are two to three students
3 in the car, how are they to get out of the vehicle? Will some be
4 getting out on the passenger side, and some be getting out on the
5 driveway side?

6 CHAIRMAN GRIFFIS: That's an incredibly micro-
7 managed program you have if you can answer that question with
8 great authority.

9 MR. WELLS: I'm going to show you what an expert I
10 really am here.

11 CHAIRMAN GRIFFIS: Good.

12 MR. WELLS: I think they will open the passenger
13 side doors, and in the event that there's a child in the front
14 passenger seat, they will get out of that door and step onto the
15 sidewalk. And the children will scootch along the back seat and
16 get out on the passenger side. That's what I've always told my
17 four children for too many years.

18 MS. VAN SICKLE: And so they would not be going in
19 front of any of the other parked cars in the driveway.

20 MR. WELLS: They would not have to do that. That's
21 correct. And the school has indicated they will continue to
22 manage pedestrian and traffic control in the car pool lane, even
23 though it's a much more efficient operation the way it's
24 recommended.

25 MS. VAN SICKLE: About how much time does it take

1 to drop-off a child? Did you say about a minute in your report,
2 average time a minute?

3 MR. WELLS: Do you have the page number there?

4 MS. VAN SICKLE: No, I don't. You wrote the
5 report, so □-

6 MR. WELLS: Yes, I did.

7 CHAIRMAN GRIFFIS: Yeah. Let's not get too nasty
8 as we're asking questions. Mr. Wells obviously can't □- I
9 remember the testimony on it too. There was a time named.

10 MR. WELLS: Yes.

11 CHAIRMAN GRIFFIS: If you need that time why □-

12 MS. VAN SICKLE: Right.

13 CHAIRMAN GRIFFIS: □- don't you go directly to the
14 question that you want to elicit from that, and perhaps it will
15 save us a little time. Also, while I have your attention, how
16 much longer do you think you will be?

17 MS. VAN SICKLE: Probably about five minutes.

18 CHAIRMAN GRIFFIS: The question regarding the time
19 of drop-off?

20 MS. VAN SICKLE: Yes. I'm trying to □- you've made
21 some assumptions about the time of the drop-off. It factors into
22 your dwell time, which factors into the queue length and so
23 forth. That's what I'm trying to find out.

24 MR. WELLS: It's about one minute.

25 MS. VAN SICKLE: It's about one minute. And that

1 would not change with the addition of the car pool program?

2 MR. WELLS: Let me say this. The dwell time is
3 about a minute. It takes far less than a minute to discharge a
4 child, but it takes a minute to get through the line because
5 you're waiting for others in the line, if you're the last ten
6 vehicles in line. It takes a fraction of the average dwell time
7 to drop off the child, but then you have to wait for the cars in
8 front of you to clear before you can drive your own vehicle away,
9 and that's our observation. Now will it be □- will that □-

10 MS. VAN SICKLE: Impacted from the increased car
11 pooling, where you will have more children actually ostensibly
12 coming.

13 MR. WELLS: It should take, in fact, less time.
14 The dwell time should be less under the proposed plan because
15 right now the students are dropped off on the far side of the
16 car, that is to say far from the school. Those pedestrians,
17 those children have to cross the flow of traffic, so staff,
18 faculty and staff have to hold-up the car pool line to allow the
19 students to safely cross. The staff will not have to do that
20 under the proposed revision.

21 MS. VAN SICKLE: Okay.

22 MR. WELLS: So it should take less time.

23 MS. VAN SICKLE: Thank you. Having had the
24 children dropped off, are the parent cars allowed to exit the
25 pick-up/drop-off line both eastbound to Foxhall, and westbound to

1 MacArthur?

2 MR. WELLS: I'm recommending that they be allowed
3 to do that, yes.

4 MS. VAN SICKLE: Given the seeming non-compliance
5 with current school policies and erratic patterns of existing
6 parent drop-off and pick-up behavior in the morning and
7 afternoon, what makes you think that all parents will be
8 complying with this new plan?

9 MR. WELLS: I don't agree with the premise of your
10 question, but I think this is a - that when they exit the
11 driveway, there will be a uniformed traffic policeman there to
12 control the traffic, to allow them to safely turn right, or to
13 turn left. I think it will be managed by a uniformed officer.

14 MS. VAN SICKLE: And these questions may be
15 answered by the submittal of your data, but we are looking at the
16 pattern of traffic counts that you did use to compute the future
17 level of service. Will you be providing for the record the data
18 that you used to compute the level of service?

19 MR. WELLS: At what location?

20 MS. VAN SICKLE: The Whitehaven Parkway driveways,
21 as well as the two intersections?

22 MR. WELLS: I'll be providing printouts. Yes.

23 MS. VAN SICKLE: Okay. Thank you. At this time,
24 it may not be worthwhile going in, but are you basically assuming
25 the same traffic pattern as it exists today?

1 MR. WELLS: Be more clear, please.

2 MS. VAN SICKLE: That in fact, the flow of the
3 traffic is going to be about the same from the east, that the
4 flow from the west is going to be about the same number of
5 vehicles?

6 MR. WELLS: Yes.

7 MS. VAN SICKLE: And that the numbers will come in
8 about the same.

9 MR. WELLS: That the patterns would be the same,
10 yes.

11 MS. VAN SICKLE: Okay. How did you determine that
12 the level of service at eastbound Whitehaven, which is Table 10,
13 page 45, would further deteriorate to a Level D from current
14 levels?

15 MR. WELLS: I'm sorry. What □-

16 MS. PRINCE: I asked the question, how did you
17 estimate that the level of service at eastbound Whitehaven would
18 further deteriorate from a Level D from current levels? You've
19 got a □-

20 MR. WELLS: Go from A to D?

21 MS. VAN SICKLE: Yes.

22 MR. WELLS: The function of the two driveways,
23 you'll notice one driveway gets better, one gets worse.

24 MS. VAN SICKLE: Uh-huh.

25 MR. WELLS: And that's because the function has

1 been reversed. Rather than driveway four, that is to say, the
2 eastern most driveway being the entrance, and driveway one being
3 the exit, we're reversing that, so driveway one becomes the
4 entrance, and driveway four becomes the exit.

5 MS. VAN SICKLE: And then what about the
6 Whitehaven/Foxhall intersection? The eastbound
7 Whitehaven/Foxhall intersection goes to a D from a C. Your level
8 of service on page 45, Table 10. It goes from a C level of
9 service under the existing conditions, to a D.

10 MR. WELLS: That's correct.

11 MS. VAN SICKLE: And so my question was how did you
12 estimate that the level of service would deteriorate to a D?

13 MR. WELLS: We used the Synchro Analysis, which has
14 some variation on runs. It's a micro simulation. And just as in
15 real life, day-after-day traffic, there is slightly □- that's
16 reflected in this analysis.

17 MS. VAN SICKLE: And so this does not come as a
18 result of switching the place of the waiting from the Whitehaven
19 Driveway intersection to that of Foxhall intersection with
20 Whitehaven?

21 MR. WELLS: I don't believe so.

22 MS. VAN SICKLE: Could you check that and make a
23 note?

24 MR. WELLS: I'd be happy to do that.

25 MS. VAN SICKLE: Thank you. And you did say that

1 in the analysis of the future conditions, you did factor in the
2 proposed increase in traffic from GW and Field School?

3 MR. WELLS: Subsequent to publishing this report,
4 yes.

5 MS. VAN SICKLE: I'm sorry. I'd like to turn to
6 the shuttle bus. You said in your in April that the bus driver
7 would track the students. How is that to be accomplished?

8 MR. WELLS: We □- the school who keep track of
9 attendance, who attends school, who is on the bus.

10 MS. VAN SICKLE: So the driver does not track the
11 attendance?

12 MR. WELLS: I think the driver will know how many
13 students he has on the bus, yes.

14 MS. VAN SICKLE: He will know how many, but he
15 doesn't have □- is he going to be tracking □- I remember that you
16 said that the bus driver was going to be tracking. I'd have to
17 go back and look at the exact page, but I think that's what you
18 said.

19 MR. WELLS: I think an issue here is how do we
20 ensure compliance with our plan, and I thought I was being clever
21 with the ABC Plan. We know what the attendance is at the school.

22 The first year there'll be 40 students. The teachers, of
23 course, will keep attendance, know who is there and who is not.
24 The bus driver can □- who will be, I believe, a regular employee
25 of the school, will be able to keep track of what students are on

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1 each bus run, and will □- and the school will also know who has
2 signed up for a car pool, and that way we can track attendance,
3 those taking the bus, and those using car pools.

4 MS. VAN SICKLE: So these are not going to be
5 contract drivers?

6 MR. WELLS: I would defer to Peter, the head of
7 school.

8 MS. VAN SICKLE: Okay. And so it will be an
9 operational matter to understand connecting all the information
10 on each shuttle ride every day in the a.m. and p.m.?

11 MR. WELLS: One thing that I've noticed about the
12 St. Patrick's culture is when Peter stands in the car pool lane,
13 all the people address him by name. He seems to know everybody's
14 name. The same is true of the staff in the car pool lane. As
15 they are helping students, children out of the car, inevitably
16 they call them all by their first name.

17 CHAIRMAN GRIFFIS: Mr. Wells, can I interrupt you?
18 Suffice it to say that there's going to be a program that's
19 going to track the kids when they get dropped off.

20 MR. WELLS: Yes.

21 CHAIRMAN GRIFFIS: When they're on the bus, and
22 then when they reach the next □-

23 MR. WELLS: That would be my recommendation.

24 CHAIRMAN GRIFFIS: Very good. Let's move on.

25 MR. WELLS: And my apologies for a long answer.

1 CHAIRMAN GRIFFIS: That's okay.

2 MS. VAN SICKLE: And then I want to go to the three
3 student car pool at Ashby Street. If you have a car pool with
4 three children allowed to stop at the WMATA stop, do you believe
5 the children will all get out on the passenger side? I think you
6 said you would assume that that would be their behavior.

7 MR. WELLS: Correct. And where there would be a
8 staff member to greet them, yes.

9 MS. VAN SICKLE: Do you believe there is any safety
10 issue with having three children getting out at this 10 foot wide
11 stop since other drivers will not normally expect this pattern of
12 traffic, and the parent cars will have no special marking?

13 MR. WELLS: I think cars park on the curb on both
14 sides of MacArthur as a routine matter. There's very good sight
15 distance in both directions on MacArthur, both northbound and
16 southbound to the WMATA bus stop. I don't think it's a safety
17 problem.

18 MS. VAN SICKLE: So you don't believe that parents,
19 just to be safe, might drop them off at Ashby Street.

20 MR. WELLS: Again, I think it's something that can
21 be monitored, and made part of the handbook, which new families
22 and existing families for that matter, as part of their contract,
23 will have to comply with. The drop-off zone is proposed to be
24 MacArthur, not Ashby.

25 MS. VAN SICKLE: Thank you very much. That

1 concludes my questions. I ask for the right to recall the
2 witness, if needed.

3 MS. PRINCE: And I offer again Mr. Barrett on any
4 specific questions about curb drop-off, because curb drop-off was
5 done at the specific request of the school to avoid Foxhall
6 backups, was stopped by the police, no longer occurs and
7 demonstrates strong compliance by the parents, not the opposite.

8 CHAIRMAN GRIFFIS: Okay. Good.

9 MS. VAN SICKLE: We would like to recall him and
10 ask those questions. Thank you.

11 CHAIRMAN GRIFFIS: Recall who?

12 MS. VAN SICKLE: Mr. Barrett, on various
13 operational □-

14 CHAIRMAN GRIFFIS: We'll assess that. I would not
15 anticipate is today. Okay. The next party for cross
16 examination. First of all, let me have you both, Mr. Lovendusky
17 and Mr. Scrivseth, and just give me an estimate of some time. We
18 have, if I'm not mistaken, Mr. Laden here, which was the most
19 important piece, or an additional important piece, and Staff, I
20 must say, to get the report in for our information, and also for
21 cross examination. Do you know an estimation of time that you
22 have for cross examination, or how many questions you have?

23 MR. SKRIVSETH: I've been weeding them out as we
24 go, and the list is getting shorter. I would estimate a total
25 time of no more than 30 minutes.

1 MR. LOVENDUSKY: Michael Lovendusky, 10 minutes.

2 COMMISSIONER MITTEN: Mr. Chairman, I think we
3 would just perhaps caution the folks who are going to be
4 conducting cross examination now that there's been a lot of
5 territory that's been covered already. And we were perhaps a
6 little bit more patient with Ms. Van Sickle than we should have
7 been, but we're not going to tolerate a lot of wandering around,
8 so go right to whatever you want to know, and just streamline it
9 as much as possible.

10 CHAIRMAN GRIFFIS: I am of the mind, Ms. Mitten,
11 and I absolutely appreciate you saying that, and I would
12 absolutely agree. I'm of the mind of actually interrupting cross
13 examination at this point, because I would like to hear, as we
14 had decided to do, the Department of Transportation's report, but
15 I can ask the parties how they feel about interrupting that flow.
16 Any objection to that? Okay. Why don't we do that then.

17 As decided, last hearing we had set out for today
18 the schedule that we were going to shuffle our normal procedure,
19 and move ahead of OP and go right to DDOT, and so I would, with
20 that, welcome the Staff Member who would present them, and have
21 them introduce themselves to the Board.

22 MS. McLEARY: Good afternoon. My name is Rachel
23 McLeary, and I'm here with Ken Laden to represent the District
24 Department of Transportation, or DDOT. Thank you for the
25 opportunity to present the recommendations of DDOT to the Board

1 of Zoning Adjustment on BZA case 16852.

2 DDOT has undertaken an extensive review of this
3 case. We have met several times, and had innumerable telephone
4 conversations with representatives from St. Patrick's and ANC-3D.

5 DDOT has also visited St. Patrick's Whitehaven Parkway school
6 building to observe the morning pick-up routine and traffic
7 conditions.

8 Throughout, DDOT has worked to find compromise
9 solutions for many of the issues associated with this case, and
10 we've attempted to balance the needs of the residential community
11 with those of St. Patrick's.

12 MS. FELDMAN: Excuse me. A point of order. We
13 were under the impression that Mr. Laden would be testifying on
14 this matter, and this whole meeting was □-

15 CHAIRMAN GRIFFIS: Have some patience. We have
16 Staff, and I believe, if you're not mistaken, you are Mr. Laden.
17 Is that correct?

18 MS. FELDMAN: He did sign this report. We hoped
19 that he would make the presentation.

20 CHAIRMAN GRIFFIS: Please, let him speak. Mr. □-
21 are you Mr. Laden?

22 MR. LADEN: Correct.

23 CHAIRMAN GRIFFIS: Would you mind introducing
24 yourself.

25 MR. LADEN: Correct. I'll introduce myself, and

1 then hand the ball off.

2 CHAIRMAN GRIFFIS: Okay. Yeah. Actually, you can
3 just state your name.

4 MR. LADEN: Sure. My name is Ken Laden. I'm the
5 Associate Director for Transportation Policy and Planning.

6 CHAIRMAN GRIFFIS: Very good. Thank you, Mr.
7 Laden. Let us proceed. AS this is, in fact, new to our Board,
8 having individuals present the Department of Transportation, I am
9 of great honor to have everybody here, and would like you to
10 proceed in the manner and fashion, and have you take a seat
11 again, Ms. Feldman.

12 MS. McLEARY: As you know, St. Patrick's Episcopal
13 Day School is proposing to open a school on 4925 MacArthur
14 Boulevard for 60 7th and 8th graders. To do so, it requires a
15 special exception.

16 Based on its review of the case, DDOT sees no
17 traffic or parking-based reason to oppose the special exception
18 requested by St. Patrick's, if full implementation of the traffic
19 plan, including adherence to all of the conditions listed in
20 DDOT's statement can be assured.

21 As you know, St. Patrick's has formulated a traffic
22 plan to remedy current problems at Whitehaven Parkway, and enable
23 an expansion of the school to the MacArthur Boulevard site. The
24 three major elements of the traffic plan include reversal of the
25 drop-off/pick-up driveway direction at Whitehaven Parkway, which

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1 adds a length of 250 feet to the queuing space available, and
2 allows children to exit on the school side. Removal of parallel
3 parking from the north side of Whitehaven during school, and from
4 the south side of Whitehaven Parkway in front of the school at
5 all times. This reduces traffic friction and volume by creating
6 two westbound travel lanes, with one available to westbound
7 through traffic, and one eastbound travel lane, and adoption of a
8 car pooling plan.

9 Several other changes have to be made by both DDOT
10 and St. Patrick's in order to support the plan. They are
11 discussed in more detail in DDOT's statement to the BZA.

12 DDOT believes that full implementation of the St.
13 Patrick's traffic plan, including all of the stipulations and
14 conditions listed in our statement to the BZA will mitigate
15 nearly all of the negative traffic impact that expansion of this
16 school might otherwise generate. As a result of the changes,
17 DDOT analysis shows that even with the projected student body
18 addition, queues on Whitehaven Parkway are substantially reduced
19 in both the morning and the afternoon, and backups to school
20 traffic onto Foxhall Road will be eliminated, except under
21 exceptionally unusual circumstances.

22 In addition, the plan will improve the safety
23 situation at Whitehaven Parkway by providing a lane for through
24 traffic, and eliminating the need for children to pass in front
25 of cars in order to enter the school building.

1 Finally, increased car pooling should mitigate the
2 impact of increased school enrollment. In a statement to the
3 BZA, DDOT suggested some requirements for an approvable plan. In
4 its statement to the BZA, DDOT has reviewed the draft car pooling
5 plan submitted by the applicant, and we will work with the
6 applicant and the community to finalize the car pool plan.

7 Because of their beneficial impacts, DDOT
8 recommends that the measures listed above be implemented whether
9 or not the BZA application for MacArthur Boulevard School is
10 successful.

11 One concern that DDOT has is that some of the most
12 crucial conditions in this case are behavioral ones that will be
13 difficult to monitor and enforce. The community has also
14 expressed concerns about the monitoring and enforceability of
15 these conditions. Therefore, we recommend that BZA, DDOT, Office
16 of Planning and the applicant consider ways of ensuring that
17 these conditions of approval, if in fact the case is approved,
18 are met by the school on both the short and long term.

19 On April 15th, the Office of Planning submitted
20 language that should help achieve compliance in the short term.
21 And on May 10th, 2002, DDOT submitted a supplemental statement to
22 the BZA, which suggests annual reporting, along with the
23 community liaison program as a way to help achieve compliance in
24 the long term.

25 DDOT believes that it has given community concerns

1 about this case the requisite great weight. For each issue
2 identified by the community, DDOT has reviewed community concerns
3 and identified mitigation strategies. They include the
4 following.

5 Because the community expressed concerns about the
6 impact of parking restrictions on the north side of MacArthur
7 Boulevard, DDOT has agreed to do them on a temporary trial basis.

8 DDOT has agreed to assess their impact, and re-evaluate the
9 measure if the impact on the community is too great.

10 Because the community expressed concerns about the
11 volume of traffic that would be generated by the addition of
12 students at MacArthur Boulevard, DDOT has recommended that a car
13 pooling plan that results in no net increase in school-related
14 traffic be a condition of BZA approval.

15 Because the community expressed concerns about
16 monitoring and enforcement, DDOT has worked with the Office of
17 Planning to draft, and help draft both short and long term
18 monitoring and enforcement language.

19 And finally, the community has expressed concerns
20 about the stopping of northbound MacArthur Boulevard traffic by
21 the school shuttle bus. However, because rush hour traffic is
22 heading south in the morning on MacArthur, DDOT does not believe
23 that the bus will have a major impact on traffic in the morning.

24 In the afternoon, school pick-up times will occur well before
25 the evening rush hour, since northbound traffic rushing at

1 MacArthur. AS a result, DDOT believes that the bus will have a
2 minor impact on traffic in both the mornings and afternoons. And
3 I'm not sure that we've heard that concern, but we definitely
4 heard it in private discussions.

5 In conclusion, if full implementation of the St.
6 Patrick's traffic plan can be assured, DDOT sees no traffic or
7 parking-based reasons to oppose the special exception applied for
8 by St. Patrick's so that it can use the building at 4925
9 MacArthur Boulevard as a school.

10 Thank you. We are happy to take any questions.

11 CHAIRMAN GRIFFIS: Thank you very much. Board,
12 questions?

13 COMMISSIONER MITTEN: Mr. Chairman, if I may. The
14 □- from your May 10th submission where you offer some ways of
15 ensuring compliance with the conditions and taking note of the
16 fact that this is □- this does require change in behavior on the
17 part of people. I suppose the concern would be if it were
18 determined that the school was not in compliance with the overall
19 transportation management plan, and because behavior is involved,
20 as opposed to some other sort of mitigation, what would you see
21 as being the steps that would be taken at the point that you
22 determine the school is not in compliance?

23 MR. LADEN: Well, again, I think what we found so
24 far in meeting with the school and meeting with representatives
25 of the community, that there is a great willingness on the part

1 of the school to make sure that the traffic mitigation plan
2 works. I think in the supplemental information we provided,
3 there was a recommendation of some sort of a committee made up of
4 citizen representatives, or neighborhood representatives, as well
5 as school representatives, and that this would sort of serve as a
6 monitoring board that would report to the Department of
7 Transportation any issues that might be arising in the
8 implementation of the various recommendations, and that we would
9 work with the school to try to correct the matter. Or if
10 necessary, we could make revisions in the way the Whitehaven
11 Parkway was operating. But again, we think that there would be,
12 you know, good cooperation between the school and the residents,
13 given that there was a venue for trying to resolve issues.

14 COMMISSIONER MITTEN: So you believe that given the
15 parameters of what's being proposed, that there are - if the
16 circumstances arose, there are actually more severe kinds of
17 restrictions on the way the school operates that could be put
18 into place in the event that this plan does not achieve the
19 results that are being sought.

20 MR. LADEN: I would characterize them as
21 modifications. We would modify as necessary to make it work
22 better.

23 COMMISSIONER MITTEN: But you believe there's room
24 for modification.

25 MR. LADEN: Oh, sure.

1 COMMISSIONER MITTEN: There are other things that
2 could be done.

3 MR. LADEN: Yes.

4 COMMISSIONER MITTEN: All right.

5 CHAIRMAN GRIFFIS: Other Board questions?

6 VICE CHAIRPERSON RENSHAW: Mr. Laden, you're
7 counting on reports from the neighbors on the scene. Are you
8 counting on reports from the school? How is information going to
9 get back to you that it's working or it's not working?

10 MR. LADEN: Okay. In some of these questions I'm
11 going to refer back to Ms. McLeary, who is a member of my staff,
12 and has been the expert working in terms of trying to develop our
13 position, and work with both the community groups, and with the
14 school in developing our report. And I'll try to be here to help
15 her if there's a policy question that comes up, and that this is
16 her first time testifying before the Board. But I'll maybe ask
17 her to take a shot at discussing how the - we would expect to
18 receive reports on the operations of this particular application.

19 MS. McLEARY: I'm a little bit more familiar with
20 this submission than Ken, I guess, and we propose that the school
21 actually report on their compliance with the various conditions
22 that the BZA order, to the compliance specialist that we were
23 informed that the BZA is in the process of hiring. And so if the
24 compliance specialist found that there was an issue, they would
25 then report that to the Department of Consumer and Regulatory

1 Affairs, which would have the responsibility for enforcing the
2 provisions. And the intention was that the information in that
3 report be served on both the BZA, and on the community, the ANC
4 and the community liaison group, so that the community felt like
5 they had the information. And if there was an issue that popped
6 up in the reporting, that they would then be empowered to, you
7 know, seek out the compliance specialist and press their case
8 themselves.

9 VICE CHAIRPERSON RENSHAW: Isn't that going to take
10 a great deal of time, where the community might want to have
11 immediate attention? If we have to go from the □- to the school
12 report, to a specialist at the Office of Zoning, to DCRA, and
13 then back out into the field to try to correct this? What is the
14 quick route to getting a situation resolved?

15 MS. MCLEARY: I think the intention with the report
16 is to make all of the conditions as clear as possible so that
17 there aren't any violations up front. I believe that if the
18 school knows that there will be consequences, and that everything
19 is clear for everybody, that we won't have any problems with the
20 conditions. And if there are problems with the conditions, then
21 you would go through the process that you would go through. And
22 the intention of the report is to make everything transparent for
23 everybody, and that's the intention of the community liaison
24 program too. And to head-off problems before they become
25 problems in the first place.

1 VICE CHAIRPERSON RENSHAW: All right.

2 CHAIRMAN GRIFFIS: That's an excellent point.
3 Other questions?

4 MEMBER ZAIDAIN: So just to clarify, you said
5 they'd be making reports. And if there's enforcement problems,
6 they can go to DCRA. But if there's traffic impacts if there's a
7 problem, DDOT would be involved, you know, if they're seeking
8 advice from the Department on how to mitigate some types of
9 transportation issues, that that could possibly work?

10 MS. McLEARY: Right. The reporting would be on the
11 conditions of the BZA order. For example, on the car pooling
12 plan, if those targets are not being met or, you know, the
13 policemen haven't been hired or whatever. Of course, if there
14 are transportation issues, that we can solve that are unforeseen
15 in the BZA, you know, that would be the role that DDOT would
16 play, to work with the community and with the applicant to solve
17 those issues.

18 CHAIRMAN GRIFFIS: But perhaps that's also the
19 secondary purpose of the liaison group in the community, that
20 those type of issues would be evidenced, and also more
21 importantly, articulated so that DDOT might be able to address
22 those. But I think Mr. Zaidain brings up an excellent point.
23 Beyond the order and the conditions, if there were further things
24 unanticipated, and unanticipated by everyone in the room, but
25 here you have set up the liaison program that might be able to

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1 address it. And also, to be absolutely clear, they were talking
2 about a compliance officer out of the Office of Zoning, as well
3 as DCRA.

4 MEMBER ZAIDAIN: Oh, okay.

5 CHAIRMAN GRIFFIS: To be known as Compliance
6 Specialist.

7 MEMBER ZAIDAIN: That's right.

8 CHAIRMAN GRIFFIS: But nonetheless □-

9 MEMBER ZAIDAIN: What did you call it? The
10 Enforcer?

11 CHAIRMAN GRIFFIS: So it is an anticipated position
12 within the Office of Zoning, and I have nothing to do with that.

13 I have heard tell-tale of it, and so it may well be more
14 expeditious in terms of compliance with BZA orders and the
15 specific conditions. I am encouraged, and also I think it's very
16 important, what the essential point of the DDOT report, outside
17 of the transportation issues, but more importantly to us is
18 making specific and enforceable conditions that can be regulated,
19 and that can be seen to be either in compliance or not. And
20 also, that will go directly to mitigating the adverse impacts.

21 Other questions of Transportation? Mr. Zaidain, do
22 you want to follow-up?

23 MEMBER ZAIDAIN: No, I was just going to □- that
24 whole program kind of came out of you working with OP and the
25 residents and developing something like that.

1 VICE CHAIRPERSON RENSHAW: Mr. Chairman, just to
2 ask a query. Who is on this liaison group, Mr. Laden?

3 CHAIRMAN GRIFFIS: Has this group been set up yet?

4 MS. McLEARY: No. Office of Planning ☐-

5 VICE CHAIRPERSON RENSHAW: Well, who do you foresee
6 being a part of this liaison group?

7 MS. McLEARY: It would be the ANC, the neighbors,
8 Palisades Citizens Association. These guys know better than we
9 do.

10 MEMBER ZAIDAIN: That was kind of my question was,
11 did this come as a result of some discussions you've had with OP,
12 and you kind of wanted to work out here, or is this something
13 that's coming from the neighbors? That was ☐-

14 MS. McLEARY: That was not a neighbor initiative.

15 MEMBER ZAIDAIN: Okay. Well, I think it's a good
16 suggestion. I'd like to hash it out with the neighbors.

17 MR. LADEN: If I may, I think this is sort of a
18 unique proposal that we're sort of field testing here to
19 determine whether or not this will work. Again, we're struggling
20 with this case and other cases, how do you make sure that there's
21 somebody sort of watching the situation, and making sure the
22 order is being complied with? And we thought it would be a good
23 idea to try to pull together the ANC, the neighborhood
24 association, the school, and any other parties that have a
25 substantial interest in the operations of this, if the

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1 application is approved. And we'll work with them to try to make
2 it work successfully.

3 CHAIRMAN GRIFFIS: Good. Thank you.

4 VICE CHAIRPERSON RENSHAW: But just to clarify,
5 this is not in effect at any other private school in D.C. at this
6 time?

7 MR. LADEN: Not that I'm aware of. There may be
8 other instances out there, but this is the first instance, I
9 believe, where we're recommending it.

10 MS. McLEARY: There is one.

11 MR. LADEN: There is?

12 MR. LADEN: The Washington International School. I
13 have a BZA order that establishes a
14 similar □-

15 CHAIRMAN GRIFFIS: Hold on. We need to have one
16 person talk at a time, so let one finish, and then we'll go to
17 the next. Let us hear from the Staff Member who has information
18 on Washington International. Is that what you were indicating?

19 MS. McLEARY: Right. I have □- the details are a
20 little murky in my mind now, but we do have a BZA order that was
21 made, and that establishes a similar community liaison program.

22 CHAIRMAN GRIFFIS: Okay. And I think the point is
23 not whether it has existed or not existed. I'm not sure why
24 that's important, but nonetheless, this is, in fact, a new, and
25 it is obviously new for this because it's a new application, so

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1 we will judge it on its merits for this particular application.

2 Other questions?

3 COMMISSIONER MITTEN: I did have an additional
4 question about □-

5 CHAIRMAN GRIFFIS: Yes.

6 COMMISSIONER MITTEN: □- the manner in which any
7 violations would be dealt with. And at the conclusion of your
8 May 10th memo to us, it says basically that if there were non-
9 compliance, and let's □- and I'm speaking strictly related to
10 traffic, transportation management at this point. If non-
11 compliance were determined by the compliance specialist from OZ,
12 they would make a referral to DCRA, and if it were related to
13 traffic, would it □- do you envision anything other than if there
14 were a modification necessary to the transportation management
15 plan, that the applicant would have to come back for, to the BZA
16 for a modification? Or are you suggesting that there should be
17 some kind of deferral of our authority to modify that specific
18 aspect of the approval should they obtain it to DDOT? Should
19 DDOT be able to independently negotiate a modification to their
20 satisfaction, or would you envision that it would need to come
21 back to the BZA, or have you even thought about that?

22 MR. LADEN: I think the way we initially envisioned
23 this is that what we would be getting reports on is whether or
24 not the school was in compliance with the elements that were
25 attached to the BZA order, so if there was a particular provision

1 that was in the BZA order that was not being implemented
2 properly, we would expect, again after being notified, that
3 Department of Consumer and Regulatory Affairs and/or the Zoning
4 Office would contact the school officially and notify them that
5 they were out of compliance, and require them to get back into
6 compliance.

7 If, on the other hand, it's found that there are
8 that they're in full compliance, and that there are still
9 outstanding traffic congestion issues, or something isn't working
10 the way we had hoped it would, then I think we would again try to
11 work with the school and the residents, and the staff from Zoning
12 and DCRA to figure out what an appropriate fix would be. And
13 then once we've determined what that might be, determine what
14 would be the proper mechanism for applying it. It may be that if
15 it's a minor modification to the lane striping, it would be
16 something that we would do without a zoning request. If it's a
17 whole new element of enforcement, or a whole condition which is
18 sought in order to make the program work, then we would probably
19 need to come back to BZA, so it sort of depends on the nature of
20 the issue. But I would hope that 99.9 percent of this would be
21 just making sure that the various conditions of the order are
22 being met.

23 COMMISSIONER MITTEN: All right. I did have
24 another question. Through the cross examination several times an
25 issue sort of raised its head about whether or not certain

1 practices were actually legal, and I'll give you a couple of
2 examples. One is, whether it's legal for a non-police officer,
3 non-municipal employee to stand in the public right-of-way and
4 direct traffic. Another one that comes to mind is whether or not
5 it's legal for someone to stop in a bus zone, and there's various
6 things. Is there anything about the transportation management
7 plan as it's being proposed by the applicant that you know to be
8 illegal?

9 MR. LADEN: I'm not a lawyer, so I can't speak
10 specifically to the chapter and verse of the law, but I do know
11 with respect to using Metro stops for other transportation
12 purposes, we've gotten approval from the WMATA for, you know, use
13 of the stop □- different stops for different purposes. With
14 respect to whether or not private employees can operate within
15 the public right-of-way, again I can think of instances where
16 that does happen, but I'm not sure what the legal basis for that
17 is. For instance, in construction zones, we have flag persons
18 directing traffic. They're not uniformed police officers, but
19 they presumably have the authority to do that. But again, I'm
20 not a lawyer, and so I □- what the legal basis is for those
21 items, I'm not sure.

22 CHAIRMAN GRIFFIS: And, Mr. Laden, a quick
23 clarification before we perhaps take an awful lot of time in
24 cross examination. The use of the bus drop-offs and parking,
25 it's my recollection that we had a letter in the record that

1 indicated that they could not give permission for those uses, but
2 they would not be adverse to having them used that way. Is that
3 your understanding?

4 MR. LADEN: Correct.

5 CHAIRMAN GRIFFIS: Okay.

6 MR. LADEN: That's a correct characterization of
7 it.

8 CHAIRMAN GRIFFIS: Okay.

9 MR. LADEN: Thank you for clarifying that.

10 CHAIRMAN GRIFFIS: All right. Any other questions?

11 Good. Let me, before we have cross examination, just welcome
12 you, first of all. As you indicated, it was your first time
13 presenting before the Board. Obviously □-

14 MR. LADEN: Oh, I'm sorry. Correction. Not mine,
15 it's Rachel's.

16 CHAIRMAN GRIFFIS: Oh, I'm sorry. You've presented
17 before BZA before?

18 MR. LADEN: Oh, yes.

19 CHAIRMAN GRIFFIS: Oh, indeed. Now while I'm here,
20 so let me rephrase that and say it's my pleasure to be here for
21 your presence. And also, just note the importance, of course, in
22 the Staff reports, but also in being here in person so that we
23 might have this interchange which we have found very prosperous
24 for the Board and the Office of Planning, and look for continued
25 information with DDOT in that case.

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1 So with that, let us go to applicant
2 representative, have questions, cross examination of Mr. Laden,
3 the Office of Planning. I would ask the parties to please take
4 their seats so that the applicant can cross examine, if they have
5 any.

6 MS. PRINCE: Just one brief question for Rachel.
7 Rachel, accompanying your May 10th supplemental DOT report, is
8 there a chart, a sample of compliance guideline that could filed
9 annually by the applicant to demonstrate compliance with the
10 conditions?

11 MS. McLEARY: Yes, there is. And the intention of
12 that, again, is to make the expectations very clear up front, and
13 to make it obvious that there's - if there's a violation, that
14 something gets triggered, and it would be easy for the community
15 to monitor it, and to report it, or to follow-up on it.

16 MS. PRINCE: And in that report, do you also spell
17 out with some clarity all of the people that would be included in
18 any liaison committee?

19 MS. McLEARY: I think I list some suggestions, and
20 then I also say as well as whoever else wants to attend the
21 meetings.

22 MS. PRINCE: I have no further questions.

23 CHAIRMAN GRIFFIS: Thank you. Mr. Finney.

24 MR. FINNEY: Yes, thank you. Let me say out the
25 outset that I have the greatest respect for Mr. Laden, and for

1 Ms. McLeary. They have been very helpful to the ANC on many
2 issues, and cooperative. Whether that applies to the current
3 case would depend upon the questions that flow from this.

4 Let me ask, and I'll leave it to either of you to
5 decide to answer.

6 CHAIRMAN GRIFFIS: Indeed. That would be
7 appropriate.

8 MR. FINNEY: Did you consult with members of the
9 ANC about this case?

10 MS. McLEARY: Yes, we met with you, and Hugh, and
11 Alma Gates early on.

12 MR. FINNEY: Was that discussion not limited to the
13 question of parking or no parking on the north side of
14 Whitehaven?

15 MS. McLEARY: The early meeting?

16 MR. FINNEY: The one meeting that you had with
17 representatives of the ANC.

18 MS. McLEARY: I don't remember the exact contents
19 of that meeting. I know that we discussed the issue generally of
20 the St. Patrick's School opening a new building some place else,
21 and what the impacts would be.

22 MR. FINNEY: Was not the outgrowth of those
23 discussions with the ANC representatives and Mr. Alma Gates a
24 decision to have an experimental no-parking zone on the north
25 side of Whitehaven between the entrance to the GW campus at Mount

1 Vernon, and I think it's called Ginger Lane?

2 MS. McLEARY: That is correct, that was the
3 outcome. That was the compromise that we reached, because we
4 knew that you guys were concerned about the impact of removal of
5 that parking.

6 MR. FINNEY: What were the concerns about the
7 impact of establishing that no-parking zone?

8 MS. McLEARY: The concerns were that people that
9 used to park in that strip, would park in the community. And
10 that people that use that strip for parking would no longer be
11 able to park there to access the swimming pool inside the GW
12 campus.

13 MR. FINNEY: The □- put aside the swimming pool
14 because I think that's been arranged, accommodation has been made
15 there. Was not the concern that if you prohibited parking there,
16 you were going to have an overflow of parking into nearby
17 residential streets, thus depriving residents of their parking
18 places?

19 MS. McLEARY: That was the community's concern.
20 When we visited the campus, we observed that most of the cars
21 that were parking in that strip were □- belonged to the school,
22 and so we don't think that the impact will be major, but to make
23 sure that it's not, we wanted to do it on a trial basis.

24 MR. FINNEY: Does not the success or the failure of
25 the proposed new traffic plan on Whitehaven put forth by St.

1 Patrick's depend upon the elimination of that parking?

2 COMMISSIONER MITTEN: Mr. Finney, we had trouble
3 with that mike last night. If you use the one next to you.

4 CHAIRMAN GRIFFIS: Yeah, why don't you try the
5 other one.

6 COMMISSIONER MITTEN: Yeah.

7 MR. FINNEY: Depend upon the elimination of that
8 parking so that you can have three lanes.

9 COMMISSIONER MITTEN: You need to turn it on.

10 MR. FINNEY: You're going to have three lanes.
11 Does not the success of St. Patrick's plan depend upon that three
12 lane parking □- three lanes of traffic made possible by banning
13 parking on the north side?

14 MS. McLEARY: I think the removal of the parking on
15 the north side is an important element in the traffic plan. I
16 think that things would be improved, even if parking wasn't
17 eliminated, if you reversed □- you know, if you reverse the pick-
18 up and drop-off lanes because that alone will increase the amount
19 of queuing space available to St. Patrick's parents dropping off
20 their kids, and I think it's safer. But definitely, removal of
21 parking along the north side is, you know, it's an important part
22 of the plan.

23 MR. FINNEY: Isn't it also important to preserving
24 Whitehaven has a public road that non-St. Patrick residents or
25 drivers can use?

1 MS. McLEARY: Non-St. Patrick's drivers use that
2 road □-

3 MR. FINNEY: Well, you know what I mean.

4 MS. McLEARY: □- regardless.

5 MR. FINNEY: It's very difficult right now, isn't
6 it, for anybody to turn left onto Whitehaven from Foxhall and use
7 that road during the drop-off and pick-up times?

8 MS. McLEARY: I don't know. I haven't driven it.

9 MR. FINNEY: Well, if Mr. Laden □-

10 MR. LADEN: If I can maybe clarify. I think, you
11 know, as Ms. McLeary has indicated, the □- adding the additional
12 through lane, if you will, to allow □-

13 CHAIRMAN GRIFFIS: Can you turn your mike off?

14 MR. LADEN: Thank you. Removing the parking during
15 school hours to allow traffic that does want to just go through
16 westbound on Whitehaven, a separate lane to do that, I think is a
17 benefit. Again, we have agreed to sort of take a look at the
18 pre-implementation conditions to determine what is the current
19 status of curb-side parking in the neighborhood, and then look at
20 it once this demonstration has gone into effect, to see whether,
21 in fact, there is a significant loss in parking space in the
22 residential community. We don't think there will be, because
23 again, most of the cars we saw parked there in the several
24 instances we were out looking at it were either tagged as school
25 faculty-related vehicles, or were construction-related vehicles

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1 that will not be there when the construction if finished at the
2 Mount Vernon campus. So again, it's an important factor to allow
3 some through traffic to bypass the row of cars that might be
4 present trying to get into the drop-off area, but if it doesn't
5 work, I don't think it's critical. We can try to find other ways
6 to make this work, as well.

7 CHAIRMAN GRIFFIS: Good.

8 MR. FINNEY: If, as you suggest, much of the
9 parking in that stretch was by faculty of St. Patrick's and
10 probably the Lab School, and that parking is no longer available,
11 is there going to be adequate parking for St. Patrick's and/or
12 teachers at the Lab School?

13 MS. McLEARY: We didn't observe any cars that we
14 thought to be Lab School parking. It seems a little far for them
15 to go. Based on the employment numbers that we have from St.
16 Patrick's and the count of parking spaces that we know are
17 available, we think that there will be adequate parking.

18 MR. FINNEY: Does that mean - does the adequate
19 parking depend upon the continuation of the so-called east
20 parking lot?

21 MS. McLEARY: It does.

22 MR. FINNEY: Do you know whether St. Patrick's has
23 permission to use that east parking lot which is government land?

24 CHAIRMAN GRIFFIS: I think we've been through that,
25 haven't we? Do you know the answer to that?

1 MS. McLEARY: I know that they are working on
2 getting permission from the Army Corps of Engineers. I don't
3 know what the status is.

4 CHAIRMAN GRIFFIS: Okay.

5 MR. FINNEY: Let me go back, Mr. Laden. How are you
6 going to determine at the end of that four month period whether
7 the no parking does not have an adverse impact upon the
8 neighborhood? And to whom will you report your findings?

9 MR. LADEN: Again, I think our plan was to go out
10 into the community this summer and observe the parking conditions
11 in the surrounding residential neighborhood. Then once the
12 parking ban goes into effect, we would do several other site
13 visits to see if there was a significant change in the parking
14 patterns, to see whether, in fact, all of the curbs were, you
15 know, in the residential neighborhood bumper-to-bumper parking.
16 And try, if possible, to determine the source of those vehicles,
17 whether or not they were, in fact, associated with either the St.
18 Patrick's School or any of the other institutions in the area.
19 And then there are several options, depending on what we find in
20 the field.

21 We could either, again, approach those institutions
22 that seem to be the generator of those cars to see if they could
23 enforce their parking requirements, or we could make other
24 adjustments with respect to parking in the neighborhood. Or we
25 could also make an adjustment to the parking along the north side

1 of Whitehaven Street or Whitehaven Parkway.

2 MR. FINNEY: Would you report back to the ANC-3D,
3 the elected body representing the neighborhood?

4 MR. LADEN: Yes, we would be willing to do that.

5 MR. FINNEY: Thank you. In your report of April
6 22nd, I think it is, yes, and to the BZA, you take the position
7 that St. Patrick's plan for shuttle busing students to the
8 proposed junior high, and car pooling, and new parking, and
9 queuing arrangements on Whitehaven, "Will mitigate nearly all of
10 the negative impacts that the expansion might otherwise
11 generate." Now assuming that the word "impact" takes a plural,
12 what negative impacts would not be mitigated?

13 MR. LADEN: Again, there will be cars that will be
14 queued up waiting to turn into the driving area that again,
15 depending on weather conditions or some other factors may
16 occasionally be longer than average. It might require that
17 someone wishing to use Whitehaven as a through street might be
18 delayed slightly. Again, there may be short periods of time
19 where there might be an unusual amount of congestion. But the
20 feeling was that these would be rare occasions, and they would be
21 short-termed occasions where there might be some congestion.

22 MR. FINNEY: Why don't we just close off Whitehaven
23 and say it's your's, St. Patrick's, and declare it an academic □-

24 CHAIRMAN GRIFFIS: Okay, Mr. Finney. Questions?

25 MR. FINNEY: Well, the □- in approving St.

1 Patrick's plan, did you take into consideration the additional
2 traffic that is going to be generated by now the opening of the
3 Mount Vernon campus entrance, by the Field School which is
4 intending to open this fall, by □- there's one other school. By
5 all the traffic created by the existing schools, or did you deal
6 with the traffic in an isolated sense?

7 MS. McLEARY: The analysis that we did that
8 compared existing conditions with future conditions did account
9 for the traffic impacts of the Field School and the opening of
10 the GW campus. And it still shows, regardless of those things,
11 that there's an improvement on traffic as a result of the plan,
12 or improvement on queue lengths.

13 MR. FINNEY: Improvement on Whitehaven.

14 MS. McLEARY: On Whitehaven.

15 MR. FINNEY: But not necessarily an improvement on
16 Foxhall or on MacArthur.

17 MS. McLEARY: That's correct, but it's difficult to
18 tease out what □- on Whitehaven and MacArthur what the impacts of
19 the Field School and GW campus are versus St. Patrick's. It's
20 all lumped together, so you can't tell what's happening there.
21 But on St. Patrick's □- I mean, on Whitehaven, because most of
22 that traffic is St. Patrick's generated, you can definitely tell
23 the traffic improvements, the improvements in queue lengths from
24 the changes are substantial.

25 MR. FINNEY: Are you aware that at pick-up time □-

1 at drop-off time and pick-up time at MacArthur and Q, it is
2 becoming almost impossible □-

3 CHAIRMAN GRIFFIS: Mr. Finney, actually let me
4 interrupt you.

5 MR. FINNEY: Yeah.

6 CHAIRMAN GRIFFIS: It would be more appropriate to
7 ask some questions of their specific report and expertise, rather
8 than asking them to confirm your own observations or testimony.

9 MR. FINNEY: Well, all right, Mr. Chairman. I'm
10 trying to establish that they did a rather parochial study of
11 this, and didn't take into context the whole neighborhood and
12 what is happening.

13 CHAIRMAN GRIFFIS: Good. I would ask that straight
14 out. Give it some substance. Ask them one question. See if
15 they can answer it.

16 MR. FINNEY: May I try once more then?

17 CHAIRMAN GRIFFIS: Yes.

18 MR. FINNEY: In terms of school traffic, school
19 generated traffic, are you aware that traffic on MacArthur at Q
20 in the drop-off time and the pick-up time has now become so
21 obstructed that residents of the Palisades no longer try to go
22 down MacArthur to get to downtown.

23 CHAIRMAN GRIFFIS: Perhaps I wasn't clear, Mr.
24 Finney.

25 MR. FINNEY: I guess that's all right. I've made

1 my point.

2 CHAIRMAN GRIFFIS: Indeed, which is a perfect and
3 appropriate thing to do during your testimony; however, not in
4 cross examination.

5 MR. FINNEY: Yes.

6 CHAIRMAN GRIFFIS: Good.

7 MR. FINNEY: Thank you.

8 CHAIRMAN GRIFFIS: But now you don't need to say it
9 again, because we've heard it. Next question.

10 MR. FINNEY: In your report of April 22nd to the
11 BZA, and again in the supplemental report of May 10, you
12 expressed concerns about short-term and long-term enforcement of
13 some of the conditions proposed for St. Patrick's traffic plans.
14 For example, in the April 22nd report on page 3, you state, "That
15 will be difficult to monitor and enforce. St. Patrick's can add
16 some of the conditions to the contracts that students and parents
17 sign before enrolling. However, the community's express concerns
18 about the monitoring and enforceability of these conditions and
19 DDOT shares these concerns." Do you still share those concerns?

20 CHAIRMAN GRIFFIS: I believe that question was
21 asked by Ms. Mitten, wasn't it? Ms. Mitten, is that analogous to
22 the question that you asked?

23 COMMISSIONER MITTEN: Well, I think that it's
24 pretty to the point, so he could elicit an answer.

25 CHAIRMAN GRIFFIS: Okay. Well, let's hear it.

1 MS. McLEARY: We do share those concerns, and
2 that's we filed the supplemental report that helps to address
3 some of those issues by having a community liaison program, a
4 clear and transparent reporting format, and some consequences if
5 the reports show that the conditions aren't met. And I'd just
6 like to add that even though a lot of these conditions are
7 behavioral ones, I'm not an engineer, and I don't believe that
8 all solutions are engineering solutions. I think that there are
9 some things that are solutions that are solutions based on people
10 making a commitment to do something, or to change their behavior.

11 And you can't always just engineer everything away, even though
12 that may be the quick and dirty way to do it.

13 MR. FINNEY: You talk as if these liaison plans,
14 committees are something new. Are you aware that in many other
15 expansions, such as Georgetown University, there is an
16 arrangement created by the BZA for periodic meetings between the
17 university and citizen's groups?

18 MS. McLEARY: I was not aware of that, but I'm
19 happy to hear it. And I did know that there was a BZA order that
20 had something to that effect for the Washington - I believe it's
21 the Washington International School.

22 MR. FINNEY: Have you had any experience in trying
23 to enforce a BZA order?

24 MS. McLEARY: I have been at DDOT a total of six
25 months, so I will -

1 CHAIRMAN GRIFFIS: I would hope they weren't
2 involved in any enforcement of BZA orders, because then we'd be
3 in real trouble.

4 MR. FINNEY: I'd like to ask Mr. Laden that
5 question.

6 CHAIRMAN GRIFFIS: Mr. Laden, is your job
7 description part of enforcing zoning regulations or BZA orders?

8 MR. LADEN: No, it is not.

9 CHAIRMAN GRIFFIS: Indeed. Next question.

10 MR. FINNEY: All right. Well, let me see what
11 else, Mr. Chairman, I have down here. In the - getting back to
12 the questions raised by Board Member Renshaw, does not the
13 enforcement depend upon the school having the initiative of what
14 is to be reported, of whether it is in compliance? That the
15 citizens or your citizens groups are more or less dependent under
16 this arrangement upon what they are told by the school?

17 CHAIRMAN GRIFFIS: Let me actually add to that a
18 little bit. Is it your understanding in advocating for something
19 of this nature, that it would be based on the school's reporting
20 for total compliance?

21 MS. McLEARY: Correct, the reporting format here
22 would be filled out by St. Patrick's, and they would supply
23 supporting documents to substantiate their claims.

24 MR. FINNEY: So we are - you would be dependent
25 upon St. Patrick's having the initiative enforcement.

1 MEMBER ZAIDAIN: Mr. Chair.

2 CHAIRMAN GRIFFIS: Yes.

3 MEMBER ZAIDAIN: I'm not going to answer the
4 question. It's my understanding, and maybe because this is
5 starting to kind of get cloudy, is that the liaison committee was
6 going to be the one observing this, and the citizens there will
7 be interacting with the school, wouldn't be just the school
8 reporting. Now that's my understanding. I don't want to □- I'm
9 not answering the question. I just want some clarification.

10 MS. McLEARY: Right. Let me □- the intention □- my
11 intention, and that's all I can speak to. And, of course, the
12 BZA can do whatever. My intention was that the community liaison
13 committee would be set up, and it would work to deal with any
14 issues that come up during the year. Every year, St. Patrick's
15 would be responsible for reporting, using this reporting format,
16 and providing materials to supplement, and to substantiate the
17 claims that they make in the report. And they would serve that
18 report, or give that report to the community liaison program, to
19 the BZA, and to anybody else who's interested.

20 CHAIRMAN GRIFFIS: Okay.

21 MR. LADEN: If I can supplement that just for a
22 second.

23 CHAIRMAN GRIFFIS: Yes.

24 MR. LADEN: I think there's also a provision in
25 here that if there was some difference of opinion between what

1 was reported, and what the community felt was actually observed,
2 that the Department of Transportation or the appropriate agency
3 could go out and do a spot check with respect to compliance. For
4 instance, if they claim they've got, you know, their car pools of
5 six persons per car pool, we could go out and take a look, and
6 see whether or not that claim is accurate by, you know, a site
7 investigation.

8 CHAIRMAN GRIFFIS: Indeed. So reporting from the
9 school would be part of the entire enforcement procedure.
10 Meaning □-

11 MR. LADEN: Correct.

12 CHAIRMAN GRIFFIS: □- as the school was reporting
13 in the pertinent information, that could then be compared and
14 contrasted with reality. And what you're actually indicating is
15 that DDOT may play a role in that, as well as the Office of
16 Zoning and DCRA would in terms of compliance with the order and
17 any conditions.

18 MR. LADEN: Correct.

19 CHAIRMAN GRIFFIS: Okay.

20 MR. FINNEY: Let me ask an organizational question
21 that bothers me. If you set up such a liaison committee, would
22 it not be intruding upon the mandate and role of the ANC?

23 CHAIRMAN GRIFFIS: I'm not sure you can answer
24 that. Can you, Mr. Laden?

25 MR. LADEN: My sense is that the ANC would be part

1 of that liaison group. They would be a core member of that
2 group, so I don't see them as replacing the ANC. Again, we're
3 not trying to make law here. We're trying to sort of observe and
4 make sure there's compliance with the law.

5 CHAIRMAN GRIFFIS: Okay. That may call for a
6 constitutional attorney to get involved in that. Mr. Finney.

7 MR. FINNEY: I think that is all I have to ask
8 these two fine citizens.

9 CHAIRMAN GRIFFIS: Good. Thank you very much then.

10 While we bring up the next party for questions, let me also just
11 draw everyone's short attention to Exhibit number 74. There was
12 a question that came up about the parking on the adjacent,
13 Department of Army. And that is the exhibit in the record which
14 indicated that there was currently an easement agreement that
15 will be formalized, and that there was no - the Washington
16 Aqueduct Division does not have any objections to the continued
17 use by St. Patrick's, so that may clarify other questions that
18 may arise.

19 (Off the record.)

20 CHAIRMAN GRIFFIS: For Neighbors United.

21 MS. GATES: Good afternoon, Mr. Laden and Ms.
22 McLeary. My name is Alma Gates, and I reside at 4911 Ashby
23 Street, N.W.

24 In your report to the BZA, you say one reservation
25 you have about the proposed new traffic plan is that some of the

1 most crucial conditions are behavioral ones that would be
2 difficult to monitor and enforce. Do you believe that attention
3 to tracking by bus drivers would be less vigilant over time?

4 MS. McLEARY: I don't think so. I think if it was
5 a condition of the BZA, that it would, you know, it would be
6 observed.

7 MS. GATES: What is it about current parental
8 habits at the school that you feel may make the proposed changes
9 difficult to monitor and enforce?

10 MR. LADEN: I'm not so sure there's anything
11 specifically about parental behavior that's difficult to enforce.
12 It's just a question of parents arriving on any given day
13 dropping off their kids. There may or may not be extenuating
14 circumstances on any one given day that would affect the ability
15 to unload and move the line quickly.

16 For instance, if it's Science Fair Day and
17 everybody's bringing in science projects, then that may slow
18 things down, so I think what we're indicating here is that
19 whenever you involve humans and daily activities, and what's
20 going on, and how effectively a particular operation is
21 functioning, there's always going to be variation. And it's
22 always going to be □- you know, every day is going to be a little
23 bit unique.

24 MS. GATES: Have you reviewed the traffic report
25 prepared by Marty Wells?

1 MS. McLEARY: Yes.

2 MS. GATES: Is it the level of non-compliance
3 identified by Marty Wells to the existing policies of St.
4 Patrick's School that gives you concern?

5 MS. McLEARY: No, those weren't the things that
6 gave me concern. The things that give me concern are □- I mean,
7 the obvious ones, you know, how do you check and make sure that
8 people are car pooling? How do you check and make sure that
9 people aren't dropping off at MacArthur?

10 MS. GATES: Rachel, I'm talking about current
11 conditions that might forecast future behavior.

12 MS. McLEARY: I didn't have □- I don't know that I
13 had anything in mind like that when I was writing my report.

14 MS. GATES: Okay. Are you aware that 25 percent of
15 parents entering Whitehaven Parkway via Foxhall park on the south
16 side of the Parkway adjacent to the school to pick up their
17 children? They never enter the queue line.

18 CHAIRMAN GRIFFIS: Okay. Are you aware of that?
19 That's a yes or no.

20 MS. McLEARY: No.

21 CHAIRMAN GRIFFIS: Okay. And let's limit those
22 testimony questions for your own testimony; in that, you're
23 asking a question □-

24 MS. GATES: How do I get the question out if I
25 don't ask it?

1 CHAIRMAN GRIFFIS: Well, if it's going to a large
2 issue which I □- it's really more helpful, frankly, for me and
3 the Board, especially at late hours to give us the big picture.
4 See where you're going, and then as the specific questions are
5 needed, to □-

6 MS. GATES: Well, I'm trying to indicate the areas
7 that □-

8 CHAIRMAN GRIFFIS: But asking them if they are
9 aware of a condition on a corner which didn't come up in the
10 report doesn't help me. And I, frankly, lose the whole
11 importance of it, and don't know where you're going. So
12 establish where you want to be, and work back to specific
13 questions. And again, I don't want to get involved in having
14 testimony given that is just asked, and if the experts can
15 substantiate it or not, so let's move on.

16 MS. GATES: I'm going out of order now, I'm afraid.
17 We have parents out of compliance, as Mr. Wells pointed out in
18 his report. Don't you think that parents or other drivers of
19 junior high students, especially the ones who are downtown
20 commuters will avoid all of these complications and go directly
21 to Ashby or nearby streets?

22 MS. McLEARY: I believe that if it's a condition of
23 the school contracts, and it's a condition of the BZA order, that
24 it will be □- that people will comply with the requirements.

25 MS. GATES: Don't you find that if people feel they

1 are not being watched, they will do what's easiest?

2 CHAIRMAN GRIFFIS: I'm not sure that's a traffic
3 question.

4 MR. LADEN: I think the sense is though that they
5 will be watched. There will be individuals at the MacArthur
6 Boulevard school location to make sure that we're not having
7 individual parents drop their students off.

8 CHAIRMAN GRIFFIS: Isn't the big question here, the
9 recommendations that you're making, are they realistic or not?
10 Is this something that people can actually implement and then be
11 monitored and comply with? Or are you absolutely asking us to
12 believe something that is a farcity, if that's a word, this late
13 in the afternoon. Well, we'll get it corrected for the real
14 record. Isn't that what we're about? Isn't that the questions,
15 and where you're going with these. Rather than nitpicking,
16 frankly, the behavioral aspects in each individual little corner,
17 is □- do you believe in your recommendations and in your report?

18 MS. McLEARY: I do. I don't think that the
19 requirements are that onerous, that they're going to be so
20 difficult to enforce, and for people to comply with.

21 CHAIRMAN GRIFFIS: Okay. Now if we need to go to
22 specific things, specific little events that happened on a
23 specific corner that are important for us for understanding, I
24 think that □- and now is the time to do that. Other than that, I
25 think we've established where certain parties are, and where DDOT

1 is.

2 MS. GATES: Rachel, you are the one, I assume, who
3 pretty much prepared this report and asked about the liaison
4 group. Have you ever participated in the liaison group?

5 MS. McLEARY: I have not.

6 MS. GATES: I believe earlier today we heard of a
7 non-compliance issue with the International School where they
8 were not communicating properly with their group. Currently,
9 there are □- I'm giving testimony, but are you aware □-

10 CHAIRMAN GRIFFIS: Yes, indeed. I will not cut you
11 off in testimony, but I'm going to cut you off in cross
12 examination because I don't see where this is leading. So let's
13 get a new frame of questioning. We've heard a lot about this
14 liaison group that isn't even created yet, so let's move on.

15 MS. GATES: Are you asking the community to be
16 responsible in this case for monitoring □-

17 CHAIRMAN GRIFFIS: Okay. I think that's been asked
18 and answered several ways.

19 MS. GATES: Okay.

20 CHAIRMAN GRIFFIS: We have OZ, we have DDOT. We
21 have community □- I'm going to apply for that enforcer job. Wait
22 a second.

23 MS. GATES: I think I might.

24 CHAIRMAN GRIFFIS: See that. We've already got a
25 line out the door. We'll have it hired before we get to dinner,

1 I promise you.

2 MS. GATES: Let's talk about the students on the
3 street.

4 CHAIRMAN GRIFFIS: Let's ask questions about the
5 specific situation of the students.

6 MS. GATES: Okay. You say that you support the
7 school's idea of keeping the junior high students within the
8 property, particularly because, as you say, MacArthur Boulevard
9 is a major fast moving road. Are you aware that there will be
10 multiple groups that would □-

11 CHAIRMAN GRIFFIS: Okay. Let's cut that one off.
12 Next question. And quite frankly, your case is better made in
13 testimony with things like that, so if there's another question
14 that can specifically answer that goes directly to their report
15 and their testimony.

16 MS. GATES: I do have a question. Let me find it.
17 Did you visit the gym parking lot?

18 MS. McLEARY: We did.

19 MS. GATES: Did you verify the configuration and
20 number of parking spaces?

21 MS. McLEARY: No.

22 MS. GATES: Would it surprise you to learn that
23 these driveways each function as an entrance and exit?

24 MS. McLEARY: No, we knew that.

25 MS. GATES: Where will the shuttle buses be coming

1 from in the morning?

2 MS. McLEARY: My understanding is that the shuttle
3 buses are parked □- is that your question?

4 MS. GATES: Uh-huh.

5 MS. McLEARY: One of them is going to be parked
6 overnight in the east parking lot. One of them is parked in the
7 alley to the west of the school. They would drive onto
8 Whitehaven and back up into the western most driveway, or gym
9 parking lot, and wait there to load students.

10 MS. GATES: How would a shuttle bus parked in the
11 driveway waiting for students to arrive affect the morning
12 arrival of teachers who need to enter the west driveway of the
13 gym to park?

14 MS. McLEARY: They can enter the driveway on the
15 east side.

16 MS. GATES: Rachel, you cannot get from one side of
17 the gym to the other.

18 CHAIRMAN GRIFFIS: Okay. Ask her a question.

19 MS. GATES: You just said that. Didn't you say you
20 knew you could not get from one side of the gym to the other?

21 MR. LADEN: I think, if I may, the answer to that
22 is that we were asking that □- I think the arrangement we had
23 suggested was that the shuttle bus would be waiting in the exit
24 lane on the west side. And we didn't expect many teachers to be
25 exiting in the morning, so we thought it would be out of the way.

1 MS. GATES: Mr. Laden, are you aware that you
2 cannot get from what you think is the entrance to the gym to what
3 you think is the exit to the gym? Both of those are an entrance
4 and an exit. They are not connected.

5 MR. LADEN: Correct. But again, I believe the
6 width of the driveway there is sufficient that cars will be able
7 to enter the garage from either the west or the east driveway
8 without affecting the shuttle operations.

9 CHAIRMAN GRIFFIS: Okay. If I could ask you how
10 many more questions you might have, and how much time?

11 MS. GATES: I have a few questions.

12 CHAIRMAN GRIFFIS: Okay. We will have to take a
13 break, and we will lose a Board Member, so I would suggest we
14 take a break in five minutes.

15 MS. GATES: Let's move up to the east parking lot,
16 which we have talked about. In your calculations of the number
17 of parking spaces needed for the school staff, once parking is
18 removed from Whitehaven, didn't you consider the east lot a staff
19 parking lot?

20 MS. McLEARY: Yes.

21 MS. GATES: Would it surprise you to know that Mr.
22 Barrett in his May testimony said that will be a visitor's lot?

23 CHAIRMAN GRIFFIS: Would it surprise you?

24 MS. McLEARY: I □-

25 CHAIRMAN GRIFFIS: Are you easily surprised? Okay.

1 Next question.

2 MS. GATES: Do you know how many parking spaces are
3 in that lot?

4 MS. McLEARY: I'd have to look it up. I think it's
5 something close to 30.

6 MS. GATES: That's right. Doesn't the church also
7 use this lot?

8 MS. McLEARY: I don't know. My understanding is
9 that there would be □- the church would use it on Sundays, and
10 the school would use it during the week.

11 MS. GATES: Okay. Once you remove the parking that
12 you have recommended, the 14 angle spaces, that would leave 6
13 feet, and then there would be the 62 places in the gym. Let me
14 start over again, please.

15 In your report you state that once the parking is
16 removed from Whitehaven, and 14 of the angle spaces are removed,
17 there would be 62 spaces in the gym, and 28 angled spaces, or a
18 total of 90 spaces remaining for staff. Is that correct?

19 MS. McLEARY: On page 6 of my report I think it
20 says there are 62 in the gym, 28 angled spaces, and 30 in the
21 east parking lot, for a total of 120.

22 MS. GATES: And further on, don't you begin to take
23 spaces away because you have to change the angle of the places,
24 the parking spaces?

25 MS. McLEARY: I believe that that's after all the

1 changes have been made.

2 MS. GATES: Correct.

3 MS. McLEARY: So after all the changes have been
4 made, there's 120 parking spaces remaining.

5 MS. GATES: But if we take away the 30 spaces that
6 are now visitor spaces, we have 90 left.

7 MS. McLEARY: That's right. That's why we said
8 that retention of the east parking lot should be a condition of
9 the BZA order, because we didn't think that parking would be
10 adequate otherwise.

11 MS. GATES: Thank you. But didn't Mr. Wells and
12 your report state there are 100 staff and faculty?

13 MS. McLEARY: My report says 100. I got subsequent
14 numbers from Mr. Barrett that said 84 approximately.

15 MS. GATES: Won't a bus be parked in that parking
16 lot, as well?

17 MS. McLEARY: That would take up two spaces. I'd
18 have to go back and review this report. I'm not sure if the 30
19 spaces in the east parking lot include the two that would be
20 taken away, or if those are in addition to those.

21 MS. GATES: Okay.

22 MS. McLEARY: I don't remember.

23 MS. GATES: There are several critical elements
24 identified in your report. Two of them are a parking trial, and
25 a satisfactory car pooling plan. Why wouldn't you implement a

1 trial before recommending approval?

2 MR. LADEN: I think at this point, that's partially
3 determined by the timing of events. And I don't think at this
4 point we can successfully, you know, determine the exact results
5 of the survey, so I don't think we would want to make this
6 conditional upon that one element. Again, I think if our
7 observations indicate that most of that parking on the north side
8 is faculty from the St. Patrick's School, there were some
9 vehicles that were there that appeared to be related to
10 construction at the Mount Vernon campus. Our sense is that we
11 can pretty easily remove that parking, make that lane available
12 during school hours so that through traffic on Whitehaven can
13 progress down the road. But again, because of our interest in
14 responding to community concerns, we were willing to take a look
15 at that and determine whether or not that is having an
16 unanticipated adverse impact on the community by having
17 individuals parking in the residential neighborhood. Again, we
18 would try to deal with that residential parking, or that parking
19 in the residential neighborhood if it did occur. And if
20 absolutely necessary, we could still, I think, work the
21 Whitehaven Parkway access for the school, and be able to
22 accommodate most of the traffic needs along there for the short
23 periods of time that there would be congestion with student
24 operations.

25 MS. GATES: Thank you. This trial was to begin

1 July 1st, yesterday. Are you aware that only the signs between
2 Foxhall and the entrance to GW Mount Vernon have been changed?

3 MR. LADEN: No, I am not aware of that.

4 MS. GATES: So when will the trial really begin?

5 MR. LADEN: Again, I think this whole process of
6 the zoning hearing has been somewhat extended beyond what we
7 first envisioned, so we can try to make some adjustments and have
8 that initial inventory taken this month. It may not start July
9 1, but maybe we can start it after the 4th of July holidays.

10 CHAIRMAN GRIFFIS: But you're anticipating starting
11 it. Correct?

12 MR. LADEN: Correct. We would □-

13 CHAIRMAN GRIFFIS: Let me just also redirect. Of
14 course, the questions ought to elicit your case, but it
15 ultimately should help us in our deliberations and be convinced
16 on one side or the other, so the detail of whether it started it
17 or not goes beyond me, so let's get to the big picture. Next
18 question.

19 MS. GATES: What types of alternatives did you have
20 in mind if the parking removal proves to be a problem for the
21 community?

22 MR. LADEN: Again, that depends upon what the
23 nature of the parking issue is. If we were to walk the
24 neighborhood and find that there were 20 cars in the neighborhood
25 with stickers on their rearview mirrors that said that they were

1 St. Patrick School's, we would get in touch with St. Patrick's
2 School and ask them to remind their faculty not to park in the
3 residential neighborhood. If they turned out to be □- observed
4 to be commuters, we would again apply whatever parking
5 regulations are applicable to us.

6 Again, it depends upon the nature of the problems
7 that we're saying. And ultimately, the □- I think the goal is
8 not necessarily to see if there's one additional car parked on
9 the curb, but as a function of whether or not there's adequate
10 space along the curb for guests and visitors who have need to
11 park and take advantage of curb space. So again, we're going to
12 try to be a little bit flexible here in determining whether or
13 not there is really a problem or not, but we'll again work with
14 the ANC and the neighborhood to try to address whatever arises.

15 MS. GATES: Thank you.

16 MR. LADEN: But it's hard to predict what's going
17 to happen before it happens.

18 CHAIRMAN GRIFFIS: Indeed. Last question before
19 break.

20 MS. GATES: Do I get to come back?

21 CHAIRMAN GRIFFIS: Yes, indeed. We all do.

22 MS. GATES: Why don't I stop now, and you take your
23 break.

24 CHAIRMAN GRIFFIS: Very well. And you can
25 consolidate the entire rest of the questions perhaps. Let us do

1 that □- we're going to take □- oh, it is 5:45. I would
2 anticipate, as stated, that we go at this point to the cross
3 examination of DDOT. I would hope and anticipate that that would
4 take no longer than until 7:00. Let us come back at □- well,
5 let's take 10 minutes.

6 VICE CHAIRPERSON RENSHAW: Just to say that I'm the
7 Board Member who has to leave at this point, but I will be
8 reading the record, so just be sure that □- or be reassured that
9 I will read all your questions, and all the answers.

10 MS. GATES: Thank you, Ms. Renshaw.

11 MS. BAILEY: Mr. Chairman, point of clarification,
12 and it hasn't happened, but I just wanted to make sure that I'm
13 clear. On April 16th was it understood that Mrs. Gates, Mrs.
14 Feldman and Mrs. Van Sickle were the representatives of Neighbors
15 United Trust, and only one of those members would be cross
16 examining each witness. So Mrs. Gates is cross examining Mr.
17 Laden, and she would continue to do so for the group.

18 CHAIRMAN GRIFFIS: That's correct.

19 MS. BAILEY: Am I correct?

20 CHAIRMAN GRIFFIS: Yeah, that's absolutely what's
21 going to happen. I assume they just like to sit in the group
22 together, so we will see you in a few minutes.

23 (Off the record 5:40 - 6:08 p.m.)
24

1 E-V-E-N-I-N-G S-E-S-S-I-O-N

2 (6:08 p.m.)

3 CHAIRMAN GRIFFIS: Get back to where we were. And
4 I believe we were in the middle of cross examination.

5 MS. GATES: A second critical element you cite in
6 your report is a satisfactory car pooling plan. In your
7 experience, have you ever seen a very effective car pooling
8 arrangement implemented at a private school?

9 MR. LADEN: I'd have to think back and determine
10 whether or not I've off the top of my head, I can't think of
11 one. But again, I think that this is a fairly new area that
12 we're embarking in. And I think the difference here is that we
13 do see a possibility of perhaps enforcing this through their
14 reporting provisions, and through periodic inspections.

15 MS. GATES: So you've never initiated any action or
16 complaint with DCRA regarding non-compliance?

17 MR. LADEN: No, I have not.

18 MS. GATES: Okay. Didn't you say on page 8 of your
19 report, the deadline for the school to submit a full car pooling
20 plan was June 1st?

21 MR. LADEN: Correct. On page 8, first paragraph we
22 suggest that we would like to see the full car pooling plan by
23 June 1, 2002.

24 MS. GATES: Did you receive it?

25 MS. McLEARY: We did receive a car pooling plan.

1 MS. GATES: A complete car pooling plan.

2 MS. McLEARY: It was pretty complete. There are
3 still some things that I've said that I'd like to see.

4 MS. GATES: Okay.

5 MS. McLEARY: But I don't know that I anticipated
6 that this whole process would be so long when we wrote this
7 statement.

8 MS. GATES: Wouldn't a full plan encompass the a.m.
9 period?

10 MS. McLEARY: Yes.

11 MS. GATES: And does this plan encompass the a.m.
12 period?

13 MS. McLEARY: My understanding is that it does,
14 that it does encourage car pooling in the a.m. period. It's just
15 that in the p.m. period is when the monitoring will be done.
16 Somebody else can speak to the details of the car pooling plan.

17 MS. GATES: But this was a requirement, wasn't it,
18 from DDOT?

19 MS. McLEARY: Yes.

20 MS. GATES: A critical element.

21 MS. McLEARY: Yes.

22 MS. GATES: Thank you.

23 CHAIRMAN GRIFFIS: Actually, if I can clarify,
24 looking at page 8, it's a recommendation for the deadline for
25 submission. And it is recommended to this Board. Next question.

1 MS. GATES: Are you aware that the Department of
2 Planning has proposed the junior high school be limited to an
3 enroll of 40 students the first year?

4 MS. McLEARY: Yes.

5 MS. GATES: Won't the results of your trial be
6 skewed if there are only 40 students in the junior high versus
7 60?

8 MS. McLEARY: I think that we could figure out a
9 way to account for that.

10 MS. GATES: Wouldn't you expect the car pool plan
11 to improve the first year with only 40 students?

12 MS. McLEARY: The car pooling plan sets a goal of
13 average vehicle occupancy for students, so it wouldn't matter how
14 many the total number of students are. The goal of the car
15 pooling plan is not a reduction in the number of cars. It's an
16 increase in the number of students in the cars.

17 MS. GATES: I believe you continue to refer to it
18 as "no net increase in cars". Do you not?

19 MS. McLEARY: That's how we set the goal. I did a
20 little calculation that said if they want to increase the number
21 of students by 60, and they want to keep the number of trips
22 constant, how many students would have to sit in those cars, and
23 that's how we set the goal for that.

24 MS. GATES: Let me ask you another question about
25 another □- let me ask you to consider another factor that we

1 believe seriously affects the car pool plan.

2 Mr. Wells provided a break-out of the number of
3 families that currently come from the District, Maryland and
4 Virginia in the appendix of his report. There are 23 different
5 zip codes for Maryland and 17 different zip codes for Virginia.
6 Don't these geographic distances suggest it would be extremely
7 difficult to make the car pool plan work?

8 MS. McLEARY: I think that if it was a condition of
9 the BZA and they were held to it, I think that they could figure
10 out a way to do it. It's ambitious in the sense that it sets as
11 a goal no net increase in traffic, but it's an increase from 1.4
12 students to 1.6, so it's not an incredibly onerous objective,
13 target.

14 MS. GATES: I believe at one point during the day
15 there □- well, no, I'm sorry. Isn't their AVO 1.34 in the
16 morning?

17 MS. McLEARY: I'm not remembering the numbers off
18 the top of my head.

19 MS. GATES: Thank you.

20 MS. McLEARY: It was something like 1.3.

21 MS. GATES: Did you note that under the proposed
22 preferential dismissal time, students in single occupancy cars
23 would be picked up as much as half an hour later than students in
24 triple occupancy cars?

25 MS. McLEARY: I'm sorry. Could you repeat that?

1 MS. GATES: Did you note that under the proposed
2 preferential dismissal time, students in single occupancy cars
3 would be picked up as much as half an hour later than students in
4 triple occupancy cars?

5 MS. McLEARY: Right. And the intention of that
6 would be to create an incentive for people to car pool.

7 MS. GATES: Did it occur to you that this might
8 actually be a disincentive? Don't you think parents, nannies or
9 babysitters might be thrilled to have an extra half hour of free
10 time?

11 MS. McLEARY: Right. You've raised this, and I
12 asked the school about it. And I kind of have to rely on their
13 expertise to know what the behavioral choices of the parents will
14 be.

15 MR. LADEN: And again I think, if I can supplement,
16 if in fact there's difficulties in the school obtaining the goal,
17 then we could alter the method by which they would apply
18 incentives and disincentives to the parents.

19 MS. GATES: At which point would that happen?

20 MR. LADEN: Again, that would occur if the
21 reporting that we're getting from the school indicates that
22 they're not able to meet their car pooling requirements. Or if
23 by spot checks by us or other agencies, we're finding that
24 they're not meeting their car pooling goal.

25 MS. GATES: Are you planning to do any spot

1 checking?

2 MR. LADEN: Yes, I think that we would be willing
3 to periodically go out to the school and view the operations to
4 make sure that things are moving as we had hoped that they would.

5 And certainly, if we received communications that there were
6 traffic concerns or traffic issues there, we would investigate it
7 just as we would any other request for traffic review.

8 MS. GATES: At this time now, having heard all of
9 the potential problems with the proposed traffic configuration on
10 Whitehaven, the further complication of GW Mount Vernon generated
11 traffic, the off-campus excursions that the Ashby Street students
12 would be undertaking everyday by bus, on foot, and possibly by
13 car, the likely backup problems at MacArthur Boulevard bus stop
14 when the bus flashing lights are activated, the abysmal record of
15 St. Patrick's in worsening traffic problems at its current
16 Whitehaven site, the deteriorating levels of service on
17 Whitehaven Parkway, the likelihood of having to revisit parking
18 on both Whitehaven and Ashby, and the ineffectual, incomplete,
19 and untried car pooling plan, wouldn't you rather say now that
20 there should at least be a trial period for the Whitehaven
21 components before a special exception is granted?

22 MR. LADEN: I think that there's enough pieces here
23 of the parts that you're talking about, that we feel comfortable
24 overall that the combination of these factors will lead to
25 improved traffic conditions on Whitehaven Parkway. And so I

1 think we're fairly comfortable that with this collection of
2 approaches, that again, it would be up to the Board of Zoning
3 Adjustment to make their decision. But we feel from a
4 transportation point of view, there's no transportation issues
5 that would cause us to have - to object to this particular
6 application.

7 MS. GATES: Thank you, Mr. Laden. I have no more
8 questions at this time, but I reserve the right to recall Mr.
9 Laden or Ms. McLeary if they are the sole witness who can deal
10 with further issues that may arise.

11 CHAIRMAN GRIFFIS: We'll address that if it comes
12 up.

13 COMMISSIONER MITTEN: Mr. Chairman, could I just
14 ask Ms. McLeary a follow-up question that Ms. Gates' question
15 called to mind for me?

16 CHAIRMAN GRIFFIS: Yes.

17 COMMISSIONER MITTEN: In her response about the car
18 pooling plan, Ms. McLeary suggested that there were still some
19 additional submissions that you had requested from the applicant.
20 Could you just articulate those for us?

21 MS. McLEARY: I think I had asked for a more
22 complete discussion of financial penalties. I don't know. It
23 was about a month ago. It was right before the last hearing.

24 COMMISSIONER MITTEN: Well, do you think that you
25 could provide us with a list of what you had requested -

1 MS. McLEARY: Sure.

2 COMMISSIONER MITTEN: □- so that we can ascertain
3 whether whatever you view as a complete car pooling plan, that it
4 eventually gets in front of us?

5 MS. McLEARY: Sure.

6 COMMISSIONER MITTEN: Thank you.

7 MS. PRINCE: If I could just interject, I believe
8 that the car pooling plan that we submitted that is in the record
9 addresses those issues that Ms. McLeary has said she requires
10 further information on. I mean, they're in the most recent
11 version of the car pooling plan that is in the record dated May
12 1, so perhaps we could just review that in the morning and
13 confirm that she has what she needs before we're required to
14 submit something additional.

15 COMMISSIONER MITTEN: All right.

16 MR. SKRIVSETH: Good evening. I'm Lawrence
17 Skrivseth. I live at 4913 MacArthur Boulevard, contiguous to the
18 property at 4925. I have only about 10 short questions here,
19 which may indeed prove to be six, depending on how answers go.
20 I'm sure you're glad to hear that.

21 Mr. Laden, Ms. McLeary, I don't care who answers
22 what, are there, to your knowledge, any street level school bus
23 stops currently in operation between the fire station next door
24 to the Lab School and Sibley Hospital?

25 MR. LADEN: Again, I'm not aware of any. We did

1 not take an inventory of school bus stops along that location.

2 Are you asking school bus stops or Metro bus stops?

3 MR. SKRIVSETH: School bus stops.

4 MR. LADEN: Yeah. I'm not aware of any.

5 MR. SKRIVSETH: Follow-up to that, to your
6 knowledge, are there any places in the District of Columbia where
7 school bus stops are situated on roads that serve as major
8 arteries for emergency vehicles?

9 MR. LADEN: Well, again, I think that at various
10 points in time, almost any street in the city can be one that's
11 subject to emergency vehicles. Again, off the top of my head,
12 I've not done any research to determine whether or not there are
13 school bus stops along major arterials. I know that there are
14 schools along major arterials, but we haven't studied as to where
15 or how they locate their bus loading and unloading operations.

16 MR. SKRIVSETH: All right. Thank you. What is the
17 impact on traffic of a simultaneous school bus stop and an
18 emergency vehicle run on the same street?

19 MR. LADEN: Well, I think with respect to MacArthur
20 Boulevard, the sense was, especially during the □- the way the
21 morning operations and the afternoon operations work, there would
22 be ample room for an emergency vehicle to get around a stopped
23 van or school bus that would be unloading children.

24 MR. SKRIVSETH: Would that vehicle also be able to
25 get around the vehicles backed up behind the stopped school bus?

1 MR. LADEN: Again, yes, we believe so. The morning
2 stops at the school on MacArthur Boulevard would be in the
3 opposite direction of the main rush hour flow. It would be
4 outbound, and in the afternoon the time that the students are
5 released are before the main rush hour volumes along that area of
6 the street. The school buses, as I understand it, would stop for
7 relatively short periods of time, probably no longer than other
8 Metro buses may stop, no more than a minute or two. And so,
9 during that period of time, we don't envision that there would be
10 a serious backup that would affect emergency vehicle operations.

11 MR. SKRIVSETH: Do you have any hard data as
12 distinguished from peak period averages that supports or fails to
13 support □- do you have any hard data period on the traffic flow
14 northbound in that period, say 7:30 to 8?

15 MR. LADEN: Rachel, do we have any numbers that we
16 looked at there? I'm not familiar as to whether we do or not.

17 MS. McLEARY: There might be some numbers in the
18 Palisades traffic impact study. I don't know.

19 MR. LADEN: I think what we would need to do is
20 take a look at that, and determine if there were some specific
21 numbers available.

22 MR. SKRIVSETH: All right.

23 MR. LADEN: There may be some resources that we
24 have in the office that would have that information, but I don't
25 think we looked at that specifically in this case.

1 MR. SKRIVSETH: Your report makes no reference to
2 traffic backups on MacArthur Boulevard during bus unloading or
3 loading. Did you perform independent analysis in order to
4 justify this non-inclusion?

5 MR. LADEN: Well, again I think what we did is we
6 took a look at the average daily traffic volumes and what
7 information we have on traffic flows in that direction during
8 those times of day, and felt that the relatively short periods of
9 time that a bus would be stopped to unload or pick-up children
10 there would not present significant backups. Or if there were
11 backups, they would be of a short duration, no longer than your
12 average stop light cycle.

13 MR. SKRIVSETH: All right. Mr. Chairman, I would
14 think that if I wish to refute that, I should do that on direct
15 later on?

16 CHAIRMAN GRIFFIS: Unless you can elicit it in
17 cross examination.

18 MR. SKRIVSETH: Perhaps with Mr. Wells, but not
19 from Mr. Laden.

20 CHAIRMAN GRIFFIS: Okay.

21 MR. SKRIVSETH: I believe that's all I have.

22 CHAIRMAN GRIFFIS: Thank you very much.

23 MR. LOVENDUSKY: Michael Lovendusky, opponent to
24 the application. I reside at 4927 MacArthur Boulevard. Good
25 afternoon, Mr. Laden.

1 Mr. Laden, if God forbid the Board should decide to
2 grant this application based on the conditions that the DDOT has
3 recommended, what would be the most serious sanction that would
4 occur if a condition could not or would not be fulfilled?

5 MR. LADEN: That would have to be determined by the
6 Board and the entity that enforces the Board's orders. I'm not
7 familiar with what sanctions are available.

8 MR. LOVENDUSKY: So DDOT has no enforcement
9 responsibilities for the conditions it is proposing.

10 MR. LADEN: Correct. We are not the enforcement
11 agency. But again, we could be brought in to assist and identify
12 what problems might exist, and recommend remedies for them.

13 MR. LOVENDUSKY: So if there was a problem or a
14 failed condition, it would persist until through the normal
15 administrative processes before the Board, or for someone □-
16 before someone other than DDOT to address, it could go on for
17 months.

18 MR. LADEN: Well, again, I think it's our
19 understanding that with this community board, and if there is
20 follow-through in terms of getting a compliance officer for the
21 Board of Zoning Adjustment, or DCRA, that that would be the
22 mechanism to try to deal with these situations. And again, while
23 we're not an enforcement agency, the Department of Transportation
24 routinely investigates traffic problems to try to identify
25 solutions.

1 MR. LOVENDUSKY: But the DOT has no solutions. It
2 merely investigates.

3 MR. LADEN: No, I think we would investigate and we
4 would make recommendations, or make modifications as a result of
5 what we identified as the source of the problem.

6 MR. LOVENDUSKY: So to some extent you would rely
7 upon the community boards that you propose to be created in this
8 instance. Is that correct?

9 MR. LADEN: Well, again, that would be one
10 mechanism. And frankly, in terms of identifying what community
11 needs exist, we do rely upon advisory neighborhood commissions
12 and other community groups who are out there and experiencing the
13 problems, and can best direct us to where our resources are
14 needed.

15 MR. LOVENDUSKY: Well, certainly the advisory
16 neighborhood commissions are very busy organizations, and so the
17 multiplication of every kind of community participation board for
18 the policing of private school special exceptions becomes quite a
19 burden on these organizations. Would you imagine reaching out to
20 other parts of the community for participation in these programs,
21 or would you rely upon the advisory neighborhood commissions?

22 MR. LADEN: Well, we would not rely solely upon the
23 ANCs, but they are the one unit, I guess, within the DC Charter
24 that's given some authority as a liaison between the community
25 and city agencies. Certainly, we do hear from and respond from

1 business associations, as well as citizen associations, as well
2 as individual residents.

3 CHAIRMAN GRIFFIS: Can I also add, do you hear from
4 Metropolitan Police, fire department for complaints on roads?

5 MR. LADEN: Correct. We do hear from other
6 agencies, as well.

7 CHAIRMAN GRIFFIS: Okay.

8 MR. LOVENDUSKY: Of course, the Advisory
9 Neighborhood Commission has recommended unanimously that this
10 application be rejected, and yet DDOT did not see fit to defer to
11 the ANC's expertise in this matter. Can you explain why not?

12 MR. LADEN: Well, again, I think we've worked
13 extensively with both the ANC and the citizen groups, and with
14 the applicant to take a look at what the situation was. We have
15 given the ANC comments great weight in reviewing the application,
16 and have made a number of adjustments in order to try to address
17 those concerns, including this enforcement mechanism that we're
18 trying to pull together for this particular case, so you're
19 correct. In one respect, we're not supporting the recommendation
20 of the ANC, but we feel as though we've spent a considerable
21 amount of time and effort to try to address the concerns that
22 have been raised by the Advisory Neighborhood Commission.

23 MR. LOVENDUSKY: Well, since your effort has been
24 directed in the direction of cooking up new enforcement schemes,
25 relying upon new unemployed yet BZA officers and neighborhood

1 community commissions, have you, in fact, reached out to the
2 community to discuss this plan with regard to the idea of
3 involving the community in policing your proposed conditions?

4 MR. LADEN: Yes, I believe we have had some
5 discussions with representatives from the community about the
6 proposed enforcement mechanism.

7 MR. LOVENDUSKY: Did you discuss it with any of the
8 adjoining or nearby neighbors?

9 MR. LADEN: I don't believe we've addressed it with
10 adjoining neighbors, other than those neighbors that are
11 representatives of the various boards and organizations. But
12 certainly, we're open to working with neighbors and other
13 residents who have a particular concern or interest.

14 MR. LOVENDUSKY: Mr. Chairman, in fact, they have
15 not discussed this matter with any of the adjoining or nearby
16 neighbors, and so would you be surprised to learn that perhaps
17 your plan for involving the neighbors might be a significant
18 imposition upon their time and resources. And if so, would you
19 decide that your plan might not work?

20 MR. LADEN: Well, again, I think we do recognize
21 that it requires some level of effort from the neighbors, but our
22 sense is that again it's a function of whether or not - the
23 level of involvement is a function of how well the system is
24 working. If the school is complying with the BZA order and the
25 traffic is moving reasonably well, is operating consistent with

1 what we thought it would, then there would be minimal need for
2 involvement of residents. If we're finding that the school
3 cannot meet its responsibilities, again, we would rely upon those
4 organizations that have an interest in the operation, and have an
5 interest in the neighborhood to work with us, and assist us in
6 trying to get compliance. Or if even with compliance there are
7 still issues, work with us to try to resolve the problem.

8 It does rely upon, you know, somewhat public
9 involvement, but I think by virtue of the level of interest and
10 the amount of time we spent on working on this, there's that
11 level of interest within the Palisades community, and within the
12 ANC.

13 MR. LOVENDUSKY: Why isn't that included □- why are
14 not the community participation panels included as one of the
15 proposed conditions recommended by DDOT?

16 MR. LADEN: I'm sorry. Could you repeat the
17 question?

18 MR. LOVENDUSKY: Why is the creation and
19 maintenance of community liaison panels not one of the conditions
20 recommended by DDOT?

21 MS. McLEARY: It is. It is one of the conditions.
22 In the supplemental statement that we filed with the BZA on May
23 10th, the creation of the liaison committee that would be
24 organized by St. Patrick's, and anybody could attend. And it's
25 Condition number one on page 2.

1 MR. LOVENDUSKY: Did you communicate the May 10th
2 supplemental conditions to any of the nearby or adjoining
3 neighbors?

4 MS. McLEARY: No, but I did send it to John Finney
5 and other members of the ANC.

6 MR. LOVENDUSKY: Mr. Chairman, this is the first
7 that this nearby and adjoining neighbor heard about it, so I'm
8 somewhat surprised about the volunteering of my family's time for
9 this enforcement effort. But meanwhile, moving on. Mr. Laden,
10 in your expert experience, how many Certificates of Occupancy
11 have been revoked in connection with a violation of a Board of
12 Zoning Adjustment condition related to a private school?

13 MR. LADEN: In that our agency is not involved in
14 that, and I don't track that, I don't know what the number is.

15 MR. LOVENDUSKY: Are you aware of any?

16 MR. LADEN: Again, I'm not aware of any, but that's
17 not an area that I collect information regarding.

18 MR. LOVENDUSKY: Other than the revocation of a
19 certificate of occupancy, and with regard to such a violation,
20 are there any other actual remedies that might be enforced by the
21 BZA or any other government entity?

22 COMMISSIONER MITTEN: Mr. Lovendusky, I think he
23 already testified that this is not his area of expertise, or his
24 area of responsibility regarding anything to do with the actual
25 enforcement of BZA orders.

1 CHAIRMAN GRIFFIS: But there are other remedies.

2 MR. LOVENDUSKY: Mr. Laden, there's been some
3 commentary about the use of the bus pads by St. Patrick's, and
4 it's been represented that you - it's been represented today
5 that you are aware that in fact the Washington Metropolitan Area
6 Transit Authority has approved the use of bus pads in certain
7 instances. Is that correct?

8 MR. LADEN: I might have used that term, but I
9 think I was corrected, and I agree that what is provided is -
10 WMATA does not object to shared use in certain circumstances.

11 MR. LOVENDUSKY: Would WMATA, in fact, then be
12 sharing in the liability should any accident or damage occur
13 involving a WMATA bus and a St. Patrick's bus, for example, in
14 the bus stop?

15 CHAIRMAN GRIFFIS: Can you answer that?

16 MR. LADEN: No, I'm not an attorney.

17 CHAIRMAN GRIFFIS: Okay.

18 MR. LADEN: And I don't know -

19 CHAIRMAN GRIFFIS: Next question.

20 MR. LADEN: - what the answer to that would be.

21 MR. LOVENDUSKY: Are you aware of any accidents
22 that have occurred between private school buses and WMATA buses
23 in the District of Columbia?

24 MR. LADEN: I've not looked into that in terms of
25 the number of accidents between WMATA buses and private school

1 buses.

2 MR. LOVENDUSKY: Mr. Laden, has a consideration of
3 the tandem parking plan at the Ashby Street location been a part
4 of the DDOT evaluation of traffic impact?

5 MR. LADEN: I'll rely upon my technical expert on
6 that, if you could maybe repeat the question for her.

7 MR. LOVENDUSKY: Has the DDOT evaluated the traffic
8 impact of the tandem parking plan to be implemented at the Ashby
9 Street property?

10 MS. McLEARY: We've looked at the parking plans. I
11 don't know there's a final one that's been submitted. And we did
12 review the tandem parking, and I let our engineer see it. And
13 tandem parking is allowed on private lots.

14 MR. LOVENDUSKY: Of course, the concept of tandem
15 parking imagines that the 15 spaces on the lot would be filled,
16 and the tandemly parked cars would be parked in the actual
17 entrance to the 15 spaces, which would necessitate the removal of
18 those tandemly parked cars to remove any of the cars parked in
19 the identified spaces. What is the impact in DDOT's evaluation
20 of the transfer of those tandemly parked cars onto the narrow
21 Ashby Street location?

22 MS. McLEARY: I think the thought is that the
23 tandem parking would just be on occasion. It wouldn't be a
24 constant occurrence. It would only be for extra cars, and that
25 the coordination of the removal of those cars could be made with

1 minimal impact on the neighbors.

2 MR. LOVENDUSKY: So, Mr. Laden, you've assumed that
3 there would be negligible impact by the tandem park, to the
4 degree where you wouldn't even consider addressing it in the
5 conditions that you've recommended be adopted. Is that correct?

6 MR. LADEN: I don't believe there were any
7 conditions in there related to the tandem parking because we
8 didn't foresee that as being a problem that required management.

9 MR. LOVENDUSKY: Mr. Laden, are any of your
10 conditions important enough, such that the violation of inability
11 to fulfill any of the conditions would be fatal to your support
12 for this proposal?

13 MR. LADEN: I guess I'd need to take another look
14 at them. I'm not sure if any one individual failure to
15 incorporate would necessarily be a fatal problem. But I think,
16 again, we'd need to evaluate and determine which one of those was
17 perhaps more critical than others.

18 MR. LOVENDUSKY: Mr. Chairman, this is an important
19 question. I would propose that we allow Mr. Laden to refresh his
20 recollection about his own conditions to ascertain if any of them
21 are important enough that he would withdraw the approval of the
22 DDOT if it was unable to be fulfilled.

23 CHAIRMAN GRIFFIS: Is that something you could
24 accomplish here now? Or do you need more time for that?

25 MR. LADEN: No, we'll accomplish it now. Let me

1 just make sure that I've got the complete set of recommendations.

2 AS I see it, the recommendations kind of fall into a number of
3 categories. One, is the car pooling recommendation. We feel
4 that that's important to reduce the number of vehicles that are
5 coming down Whitehaven Parkway.

6 But again, I wouldn't think that that was a
7 particular killer item. In looking through the list here very
8 quickly, I think the one item that is most critical is the
9 restructuring of the access route that the school is using in
10 running its pick-up and drop-off operation. We feel that that's
11 essential in order to reduce the queues that periodically extend
12 back along Whitehaven into Foxhall. And obviously, that's a
13 serious problem. And we think that one of the must conditions is
14 that that access system be reconfigured to provide a longer
15 stacking area.

16 I guess the second condition I see here that's
17 absolutely critical is that there be some sort of a shuttle bus
18 operation so that you don't □- from the Whitehaven campus to the
19 proposed facility, so that you don't have individual cars
20 dropping off the 40 or 60 students coming into the property. I
21 think those are perhaps the two critical items that we would need
22 to see in order to maintain our support for the project.

23 MR. LOVENDUSKY: So if I understand correctly, the
24 only two conditions that are important enough that the failure to
25 observe them or be able to fulfill them would be fatal to DDOT's

1 support involves that St. Patrick's should agree to pick-up and
2 drop-off location for the shuttle buses that is off Whitehaven
3 Parkway? No, maybe that's not it. Perhaps you could read the
4 two most important conditions that you identified that would be
5 fatal if they were not observed.

6 MR. LADEN: Okay. I think the first is the pick-up
7 and drop-off procedures on Whitehaven Parkway.

8 MR. LOVENDUSKY: Excuse me. That reads, "St.
9 Patrick's should agree to pick-up and drop-off location for the
10 shuttle buses that is off Whitehaven Parkway proper." Is that
11 the item?

12 MR. LADEN: Let me see. Let me go back to the
13 actions portion.

14 MR. LOVENDUSKY: I'm looking at page 9 of the April
15 submission of DDOT. I do not have the May 10th submission.

16 MR. LADEN: Okay. Yes, the - if you go to that
17 page 9, the first bulleted item, or the first item in the list
18 under "Pick-up and Drop-off Procedures. St. Patrick's should
19 pick-up 7th and 8th grade students from Whitehaven Parkway building
20 and drop them off at the MacArthur Boulevard building."

21 Again, a supplemental part of that, the third
22 bullet down, which is part of the same arrangement is that, "St.
23 Patrick's should agree to have a shuttle bus carrying the 7th and
24 8th graders from Whitehaven Parkway", again not necessarily that
25 specific route, but that they need to have that shuttle bus in

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1 place.

2 Okay. It appears as though the recommendation for
3 changing the configuration of the pick-up area and drop-off area
4 at the school on Whitehaven was in the text, and I believe is a
5 provision that the school is putting into place. But I think
6 that is one of the critical items that we would want to see
7 carried forward in the zoning order to make sure that it is, in
8 fact, implemented.

9 MR. LOVENDUSKY: Are there any other important
10 conditions that are not summarized at the end of your suggested
11 conditions for St. Patrick's School that might be found in the
12 text, or anywhere else?

13 MR. LADEN: I think all of the conditions that are
14 listed here in the back appear in the discussion portion of the
15 report, as well.

16 MR. LOVENDUSKY: So so long as St. Patrick's would
17 observe number 1, number 3, and the unnumbered changing
18 configuration of Whitehaven Parkway, the violation or inability
19 to fulfill all the other conditions would, nonetheless, continue
20 to earn DDOT respect.

21 MR. LADEN: No, I think the original question was
22 would any one condition be fatal to our recommendation. If these
23 - only these two items were the only items implemented, I think
24 we would still have some concerns. Our recommendation is that
25 all of these items that we have here should be implemented in

1 order to reduce traffic impacts. Your initial question was, was
2 there any one of them that would be fatal.

3 MR. LOVENDUSKY: If the BZA is unable or unwilling
4 to hire a compliance officer and assign that individual to
5 policing this particular special application for a special
6 exception, would DDOT withdraw its recommendation for approval?

7 MR. LADEN: No.

8 MR. LOVENDUSKY: Mr. Laden, the DDOT has based its
9 recommendation upon an analysis of the average daily volumes of
10 traffic in the critical time periods on MacArthur Boulevard. Is
11 that correct?

12 MR. LADEN: That was one of the factors that we
13 looked at, yes.

14 MR. LOVENDUSKY: But in fact, because of the
15 existence of traffic lights on MacArthur Boulevard, traffic does
16 not move down MacArthur Boulevard in an average daily manner. In
17 moves in clumps or platoons of traffic. Is that not correct?

18 MR. LADEN: That is correct. For certain times of
19 the day, that would be the fact.

20 MR. LOVENDUSKY: I have no further questions for
21 Mr. Laden.

22 CHAIRMAN GRIFFIS: Thank you very much, Mr.
23 Lovendusky. Let me make a quick clarification on the enforcement
24 for everyone's edification, whether an OZ position is filled or
25 not, we still have an enforcement mechanism through DCRA.

1 And to substantiate also some of the investigation
2 you were doing, Mr. Lovendusky, there would be, if I'm not
3 mistaken the potential for very quick fines to be levied on any
4 group that might not be in compliance, or that were not in
5 compliance with a BZA order. And that could, in fact, lead to
6 the revocation of a C of O, so I think there is very strong, and
7 very real penalties with that. Not to say that there can't be
8 more perhaps, in all situations, but to give a little more
9 clarity on that issue.

10 Okay. We are at 6:50. And we now need to proceed
11 back to the cross examination of Mr. Wells. And I believe we
12 have two parties. Mr. Lovendusky, you and Mr. Scrivseth, and in
13 the order set up, yes. You might as well stay at the table and
14 conduct that.

15 As stated, we anticipate ending on or about 7:00,
16 and so it would appear that we will finish with the cross
17 examination of Mr. Wells today. And just to be clear, we would
18 finish then with our day after the cross examination of Mr.
19 Wells.

20 MR. SKRIVSETH: I'm Larry Scrivseth, 4913 MacArthur
21 Boulevard. Good evening, Mr. Wells.

22 MR. WELLS: Hello.

23 MR. SKRIVSETH: The last time I spoke with you, I
24 think I was in my front yard counting cars.

25 MR. WELLS: And I commend you for that field work

1 you were doing.

2 MR. SKRIVSETH: I do have a number of questions
3 here pertaining to the parking lot. I believe those should
4 normally go for the architect. Is that correct?

5 MR. WELLS: That's a good call.

6 MR. SKRIVSETH: All right. I do have one that I
7 would like to address to you as a traffic expert, however.
8 Parking lots are normally level. What are the □- are there
9 standards in the industry for the maximum grade allowable in a
10 parking lot?

11 MR. WELLS: If you look at □- I was called an
12 architect earlier. I'm not an architect, but if I were, I could
13 tell you if I was doing an architectural design for a parking
14 structure, I had a sloping ramp, and I was parked on the sloping
15 ramp like you might see at a shopping center, for example, you
16 would □- you could park at five, five and a half percent or so.

17 MR. SKRIVSETH: Thank you. With respect to the
18 issue of tandem parking, if a vehicle parked in tandem is
19 blocking two vehicles that need to emerge, how many different
20 vehicle motions are triggered by that?

21 MR. WELLS: I don't know that I testified on
22 parking lot operations. Perhaps that's better addressed by the
23 architect.

24 MR. SKRIVSETH: Thank you. I'll do that. I'd like
25 to make a minor correction from your written □- your statement in

1 the testimony on page 276 of the transcript. This is very petty,
2 but I just want to let you know we're checking up on you.

3 MR. WELLS: Yes.

4 MR. SKRIVSETH: You indicated that the □-

5 CHAIRMAN GRIFFIS: I'm sorry. Which transcript?

6 MR. SKRIVSETH: This is the April transcript.

7 CHAIRMAN GRIFFIS: April 16th, 2002?

8 MR. SKRIVSETH: Yeah. Page 276 of the transcript
9 indicates, "The bus pad width is 10 feet." The pad itself is 9
10 feet and there's a one foot gutter, so I'm not going to quibble
11 about 10. However, the total road width is reported as being 30
12 feet. It is, in fact, 29 feet. There's two gutters of one foot
13 each.

14 CHAIRMAN GRIFFIS: Okay.

15 MR. SKRIVSETH: And 9 foot lanes.

16 CHAIRMAN GRIFFIS: Are you asking him to
17 substantiate your assertion?

18 MR. SKRIVSETH: I'm asking him if it's possible
19 that his figure is incorrect by one foot.

20 MR. WELLS: I was relying on the VICA's site
21 survey. It was measuring curb to curb.

22 MR. SKRIVSETH: All right. Curb to curb it's 29
23 feet by tape measure.

24 MR. WELLS: I'll refer that back to VICA.

25 MR. SKRIVSETH: All right. I'd like to speak to

1 you now about bus unloading time.

2 MR. WELLS: Yes.

3 MR. SKRIVSETH: You correctly state in your report
4 that this is □- or in your testimony that this is an issue over
5 which there is some debate.

6 MR. WELLS: Yes.

7 MR. SKRIVSETH: In your testimony, this was on page
8 275 of the April testimony.

9 MR. WELLS: You have me at an advantage. I do not
10 have the transcripts. I have not read the transcript, but I
11 think I remember what I said.

12 MR. SKRIVSETH: Well, I'll tell you □-

13 MR. WELLS: If you'll refresh my memory, I □-

14 MR. SKRIVSETH: □- what you said, and you can
15 disagree with me if you wish.

16 MR. WELLS: Okay.

17 MR. SKRIVSETH: You cite a bus unloading time of
18 1.7 to 2 seconds per student. And state that, "For an average
19 passenger load of 20 students, this would take 34 or 20 times 1.7
20 at the shortest. And for 30 students, it would take 60 seconds
21 at the longest, that being 30 times 2." Is this correct?

22 MR. WELLS: I'm sure I said that, and I was relying
23 on the Highway Capacity Manual, which is an industry standard.

24 MR. SKRIVSETH: Okay. Now one of my follow-up
25 questions here was can you cite a reference for that standard?

1 This is the standard of 1.7 to 2 seconds?

2 MR. WELLS: Correct.

3 MR. SKRIVSETH: And that was again?

4 MR. WELLS: The Highway Capacity Manual.

5 MR. SKRIVSETH: All right. Now what kind of
6 transportation, bus vehicles does the Highway Capacity Manual
7 deal with?

8 MR. WELLS: Just a moment. Conventional and
9 articulated buses, conventional buses with one door at the front,
10 conventional buses with one door in the rear, conventional buses
11 with two doors in the front, conventional buses with two doors in
12 the rear, conventional buses with two doors, one in the front and
13 on the rear, conventional buses with four doors, two in the
14 front, two in the rear, articulated buses with varying numbers of
15 doors, and that's not applicable, and special single unit buses
16 which has three double doors, which again is not applicable here.

17 MR. SKRIVSETH: All right. Thank you. Is there
18 any specific reference to this being a standard for school buses?

19 MR. WELLS: No, there's not.

20 MR. SKRIVSETH: Okay. Do you know whether such a
21 standard exists anywhere?

22 MR. WELLS: Not that I'm aware of.

23 MR. SKRIVSETH: All right. I'll have to agree with
24 you on that, not that I'm aware of either. Are students going to
25 be seat-belted in this bus?

1 MR. WELLS: Good question. I do not believe so.

2 MR. SKRIVSETH: All right. Now you noted in your
3 report that the dwell time per car stopping to off-load students
4 at the Whitehaven campus is 58 seconds, which strikes me as being
5 quite different from 1.7.

6 MR. WELLS: Boy, it sure is.

7 MR. SKRIVSETH: And you noted earlier in your
8 testimony, just to save you a little breath, that this because of
9 the □- some of that 58 seconds is because of the time cars wait
10 to get out of the queue for other vehicles to unload.

11 MR. WELLS: Correct.

12 MR. SKRIVSETH: Now I looked into the question of
13 unloading time on the Internet, and after about two hours of
14 searching, I did find a study. I do not know if it constitutes a
15 standard, but it was a computerized study done by North Carolina
16 State's Engineering Department in July 2000, which was dealing
17 with using GSM to optimize bus routing.

18 In that report, the figures cited were 17.6 seconds
19 for the vehicle to come to a stop, and 2.9 seconds per student to
20 off-load. Do these sound like reasonable figures to you, even
21 though they're slightly different from your's?

22 MR. WELLS: We have □- I think it's appropriate
23 perhaps to look at □- from a sensitivity point of view look at a
24 two to three second time for students to unload. I think that's
25 a fair analysis, or a fair approach.

1 Now the time to slow down, come to a stop, I don't
2 know that that means that all other traffic is slowing down and
3 coming to a stop at the same time.

4 MR. SKRIVSETH: Well, the relevant provision of the
5 D.C. Code which is included as a tab on the opponent's materials,
6 indicates that there is a requirement that the emergency flashers
7 on a school bus be turned on 300 feet prior to that vehicle
8 coming to a stop.

9 MR. WELLS: I believe the strobe - I'm not going
10 to say this word, the strobe light. I believe that's when it has
11 to come on.

12 MR. SKRIVSETH: All right. Now is it legal for a
13 vehicle to pass a school bus with those strobe lights on, even
14 when the bus is in motion?

15 MR. WELLS: That's a legal question. I'm not an
16 attorney, but I believe when those red lights come on that say
17 "Stop", then you have to stop.

18 MR. SKRIVSETH: All right. Now going back to the
19 stoppage time figures that I was using, which if I used 2.9
20 seconds and you say two to three. We might want to round down a
21 little bit on the numbers that I'm about to give you.

22 MR. WELLS: Okay.

23 MR. SKRIVSETH: If we assume the stoppage time of
24 17 seconds, and 20 students alighting for 58 seconds, we come up
25 with a total of 75.6 seconds. If we assume a stoppage time of

1 17.6, and then 2.9 seconds for 30 students, we end up with 104
2 seconds. Now this is a minute and a quarter to a minute and
3 three-quarters. Is that more or less consistent with your notion
4 of mathematics?

5 MR. WELLS: I'd like to see it in writing, but I
6 guess I take exception to the 17 seconds being stoppage time for
7 the through traffic on MacArthur.

8 MR. SKRIVSETH: All right.

9 MR. WELLS: And I'd also □- I think it may be worth
10 looking at exactly the numbers of bus passengers, because the
11 time that traffic would be stopped is dependent on the number of
12 bus passengers in total, how many bus trips one makes, and the
13 alighting □- boarding and alighting times.

14 The first year, we've got 40 students. Recall that
15 I also testified that there □- we'd have three or four car pools.

16 Let's be on the low side of that, three car pools, so we've got
17 nine students in car pools. That leaves 30 □- assuming all of
18 the students show up that day, you've got 31 students. Because
19 we care about stopping traffic and we don't want to be unduly
20 burdensome, let's say we have three bus trips. That's □- on
21 average that's three - excuse me - that's ten and a third
22 students per bus on average. So if you take your three □- let's
23 be liberal and take three seconds per passenger, you're at about
24 32 to 33 seconds.

25 Now you can compare that stop time with the actual

1 stop time at signals, at Arizona, for example, which is 42
2 seconds. Down at Reservoir to the south, the stop time is, I
3 believe, 62 seconds. And to be fair about it, stop times at V
4 Street are about 17 seconds, so the existing red indication for
5 the existing signals on MacArthur Boulevard bracket that number
6 of 32, 33 seconds.

7 So that's a long winded way to say that I think the
8 kinds of stop times that the bus would impose on traffic on
9 northbound MacArthur Boulevard are comparable to traffic signals,
10 existing traffic signals. Comparable but not - in duration, but
11 not in number. The average cycle length in these signals is
12 about two minutes, that is 30 an hour. We're talking about three
13 bus trips, not 30.

14 MR. SKRIVSETH: All right.

15 MR. WELLS: Pardon me for the long explanation.

16 MR. SKRIVSETH: All right. Now can we agree that a
17 bus stop is going to average one minute to one and a half
18 minutes?

19 MR. WELLS: I don't think so.

20 MR. SKRIVSETH: Well, let's just say one minute,
21 just to be academic. In your report on page 23, you're referring
22 to the disadvantages of the shuttle bus. You mention only that
23 traffic will be added to the Whitehaven campus. You do not
24 mention that there will be traffic backups on MacArthur
25 Boulevard. Is there a reason for that?

1 MR. WELLS: I'm mindful that □- first of all, as
2 you'll recall in my direct testimony, my recommendation □- my
3 only responsible recommendation can be that St. Patrick's
4 complies with the law. If the law is that those buses have □-
5 those school buses have to stop traffic, then they have to do it.
6 And that rightly should have been added to the list of
7 disadvantages. I know, and you know that in practice, that
8 doesn't always happen. That always doesn't happen in this
9 corridor. It always doesn't happen in other places, or in my
10 view, for the very practical reason that from a safety point of
11 view, there's no practical reason to stop the northbound traffic
12 on MacArthur.

13 The children will be dropped off on the curb. They
14 have to walk about 30 feet on the sidewalk, more or less, to get
15 to the new stairway. There's no child that's going to cross
16 MacArthur Boulevard. There's no child that's going to cross
17 Ashby. There will be a staff member there to receive them.
18 These are older children.

19 That being put aside, the law is we have to stop
20 them. We have to stop them, and it should have been added to the
21 list of disadvantages.

22 MR. SKRIVSETH: All right. How much traffic would
23 back up in one minute behind a school bus with its alarms on, its
24 flashing lights?

25 MR. WELLS: In that regard we looked at our counts

1 and your counts, which are pretty □-

2 MR. SKRIVSETH: They're largely consistent, yes.

3 MR. WELLS: They're largely consistent. There is
4 one correction I'd like to make to one of my accounts. You knew
5 I would, didn't you? If you □- let me be respectful and take
6 your count, for example. Please bear with me.

7 If you look at your own count taken April 2nd
8 between 8 and 9:00, on northbound, you've calculated the five
9 minute interval traffic volumes, and then translated them into
10 per minute volumes. Between 7:30 and 8:00, the half hour period
11 in which we would expect the shuttle buses to be there, you have
12 a permit minute volume just over 12 vehicles. Twelve vehicles
13 are waiting in two lanes. That would be six per lane.

14 Now we could go into a longer discussion, Mr.
15 Chairman, if you have the appetite for it, but a half a dozen
16 cars in each lane.

17 MR. SKRIVSETH: All right. Now that gives a half
18 dozen cars for each lane. Do you know how far that backs up
19 traffic?

20 MR. WELLS: If you use the standard of 22 to 25
21 feet per car, that's not the length of the car, but the distance
22 between cars. Let's say 25 feet. Six times 25, it's getting
23 late. I think that's 150 feet.

24 MR. SKRIVSETH: That's correct.

25 MR. WELLS: Yeah.

1 MR. SKRIVSETH: All right. That happens to block
2 my driveway, just for the record. Now do you have any granular
3 data which actually indicates northbound traffic flow minute-by-
4 minute?

5 MR. WELLS: I don't even know what granular data
6 means.

7 MR. SKRIVSETH: Granular means it's very fine
8 detailed, like sand.

9 MR. WELLS: No. We collect our data in 15 minute
10 intervals.

11 CHAIRMAN GRIFFIS: All those numbers and arrows
12 aren't granular?

13 MR. WELLS: We try. We try.

14 MR. SKRIVSETH: Now reference has been made in
15 earlier testimony, in earlier discussion today to the concept of
16 platooned vehicles clustering at traffic lights.

17 MR. WELLS: Yes.

18 MR. SKRIVSETH: Do you have any knowledge of the
19 size of the average cluster released by the traffic light at V
20 Street, between 7:45 and 8 a.m.?

21 MR. WELLS: We look at queues that formed at
22 MacArthur and V Street for each cycle length between 7:30 and
23 8:00 in the northbound lanes, and the average was just under six,
24 about five and a half.

25 MR. SKRIVSETH: Would you surprised to learn that I

1 have counted as many as 35 vehicles coming across passed the bus
2 pad in one minute in the period between 7:45 a.m. and 8 a.m.?

3 CHAIRMAN GRIFFIS: That's your allowable one "would
4 you be surprised question."

5 MR. SKRIVSETH: Thank you.

6 MR. WELLS: Yeah. And I think the lawyers would
7 tell me I should say I don't know if I'd be surprised or not
8 because I haven't heard that in direct testimony.

9 MR. SKRIVSETH: Come to think of it, I believe
10 there was another surprise question. You're right. Well, how
11 many vehicles do you think it would take to block not just my
12 driveway, but the driveway of a neighbor at 4905 MacArthur
13 Boulevard?

14 MR. WELLS: I do not know.

15 MR. SKRIVSETH: All right. Well, the lots are 50
16 feet wide. You would have to add two vehicles per lane.

17 MR. WELLS: That's helpful to know.

18 MR. SKRIVSETH: Okay. So you would need 16
19 vehicles. Twenty-four vehicles will get you to W Street, twenty-
20 six vehicles will get you across the other side.

21 CHAIRMAN GRIFFIS: Are you asking him to do the
22 math for you, or □-

23 MR. SKRIVSETH: No. I'm asking him to □- I'm
24 trying to provide him some information so that he can gauge the
25 plausibility of some things I'm about to observe.

1 CHAIRMAN GRIFFIS: Okay. But observations are not
2 appropriate at this point. If you want to elicit information
3 that will help you in presenting your case, that would be
4 appropriate.

5 MR. SKRIVSETH: All right.

6 CHAIRMAN GRIFFIS: I mean, I think in terms of
7 where you're going with that, if I'm understanding, and you
8 haven't gotten me there yet, but he's given you a calculation
9 that will actually give you a backup dimension.

10 MR. SKRIVSETH: Which I contend is incorrect on the
11 basis of hard data.

12 CHAIRMAN GRIFFIS: Okay. It would be well worth □-
13 well, based on specific observations in the area?

14 MR. SKRIVSETH: Based upon myself sitting in a
15 chair at the end of my sidewalk counting cars.

16 CHAIRMAN GRIFFIS: I see. And then you're going to
17 ask the Board to understand your's as a conventional measurement,
18 as opposed to a traffic engineer.

19 MR. SKRIVSETH: What I'm trying to establish in
20 this cross examination is that traffic is not an average.
21 Traffic is real vehicles, real concrete physical □- not concrete,
22 steel entities. They exist in real time, not in average time.

23 CHAIRMAN GRIFFIS: Okay.

24 MR. SKRIVSETH: You know, a car that strikes your
25 vehicle is not an average. It's a vehicle.

1 CHAIRMAN GRIFFIS: Indeed. I don't know that Mr.
2 Wells would refute that, but perhaps you want to elicit from him
3 how his information may not represent that, as you call it,
4 reality. For instance, he said that the backups would be 22
5 feet, 22 to 25 feet per car, and indicated that in fact a car is
6 not 22 to 20 feet long. That seems to be to be speaking of the
7 reality of the space that a car might use. It seems to me that's
8 where you're going with these type of issues. Is that correct?

9 MR. SKRIVSETH: Yes.

10 CHAIRMAN GRIFFIS: Okay. So maybe you want to ask
11 him pertinent direction questions on how you would refute the
12 fact that he has not taken into account this reality of traffic
13 as you've indicated.

14 MR. SKRIVSETH: All right. Do your statistics on
15 the clustering of vehicles at the traffic light at V Street
16 indicate the largest single backup during any of your test
17 periods?

18 MR. WELLS: I looked at it cycle by cycle. It
19 ranged from □- these are per lane values. They range from two to
20 ten.

21 MR. SKRIVSETH: Two to ten.

22 MR. WELLS: Yeah. And the average was about five
23 and a half.

24 MR. SKRIVSETH: All right. Then looking at a worst
25 case scenario using your figures, you would get a 20 car backup

1 potentially behind a school bus, if the school bus happened to be
2 the first vehicle leaving the traffic light at V Street, and
3 turning on its emergency signals 300 feet before it should stop.

4 MR. WELLS: I have not made that calculation on a
5 worst case.

6 MR. SKRIVSETH: All right. You must understand in
7 my position in the opposition, I have.

8 MR. WELLS: I understand, and one might take the
9 best case. One might take the worst case. I'm saying the
10 average case because it does vary from day to day, cycle to
11 cycle.

12 MR. SKRIVSETH: All right.

13 MR. WELLS: Is what I've characterized.

14 MR. SKRIVSETH: A backup of automobiles is not an
15 average. It's a physical thing.

16 MR. WELLS: It is a physical thing.

17 MR. SKRIVSETH: Now did you use your traffic count
18 data □- now did you use averages □- all right. We already know
19 the answers to those. I'm sorry. What is the width of the
20 average Metro Bus?

21 MR. WELLS: A good question. I believe it's on the
22 order of eight feet. I would have to look that up and how
23 correct that □-

24 MR. SKRIVSETH: Do you know the width of the
25 average school bus?

1 MR. WELLS: The school buses we've been looking at,
2 or I looked at on behalf of St. Patrick's, the exterior width is
3 96 inches or eight feet.

4 MR. SKRIVSETH: Do you know the width of the
5 average heavy truck? By that I mean something that's not a
6 little van.

7 MR. WELLS: Not off the top of my head.

8 MR. SKRIVSETH: All right. Now if you ended up □-

9 MR. WELLS: I can provide that information.

10 MR. SKRIVSETH: Excuse me?

11 MR. WELLS: I can provide that information if you'd
12 like.

13 MR. SKRIVSETH: That's all right. They're about
14 the same □-

15 MR. WELLS: The Internet is □-

16 MR. SKRIVSETH: □- as buses. They're about the
17 same as buses. Do any of your count data isolate the count of
18 bus traffic and truck traffic from that of lighter vehicles?

19 MR. WELLS: No, they don't.

20 MR. SKRIVSETH: Because we do have the issue on
21 MacArthur Boulevard of the Delecarlia Reservoir sludge getting
22 trucked out possibly, which may have an impact on traffic there.

23 CHAIRMAN GRIFFIS: Is that a question?

24 MR. SKRIVSETH: I'm sorry. Now St. Patrick's has
25 stated that there are enforceable solutions to every specific

1 potential impact. Are there enforceable solutions to every
2 specific potential impact. Are there enforceable solutions to a
3 backup of 20 vehicles behind a school bus blocking two driveways
4 and impeding turning traffic from a third street?

5 MR. WELLS: I'm sorry. I didn't catch □-

6 MR. SKRIVSETH: All right.

7 MR. WELLS: Could you mention those numbers again?

8 MR. SKRIVSETH: All right. Well, a backup of 20
9 vehicles; that is to say 10 per lane, which reaches W Street
10 almost, would block one driveway, block another driveway at an
11 adjacent house, block all egress from curbside parking, and would
12 impede right turn traffic from W Street onto MacArthur Boulevard.

13 Is this a specific potential impact for which there is an
14 enforceable solution?

15 MR. WELLS: Number one, I don't agree with the
16 premise of your question. And again, I would ask the Board to
17 bear in mind that we're talking about three occasions in the
18 morning, three occasions in the afternoon. This is a very
19 occasional occurrence, that's a good combination of words. But
20 the number □- the duration of the stop is dependent on the number
21 of students in buses, and the number of bus trips.

22 One potential thing to do is to run four bus trips,
23 for example, which one could do within a half hour with two
24 buses. That's something that could be done. I don't think it
25 would have to be done, but that could be done.

1 MR. SKRIVSETH: Speaking of how many buses are run,
2 what happens when a student arrives at Whitehaven campus five
3 minutes late?

4 MR. WELLS: We would anticipate that there would be
5 a late bus, that provision would be made for that.

6 MR. SKRIVSETH: All right. You counted traffic
7 only one day in December. Is that correct?

8 MR. WELLS: Well, I counted actually Ashby and
9 MacArthur on two occasions, on December, I believe it was 12th.

10 MR. SKRIVSETH: The 12th or the 13th, I'm not sure.

11 MR. WELLS: And then again on May 9th. And again,
12 I've been in the community at these locations on multiple days.
13 One of the reasons we recounted that intersection is we
14 discovered after the hearing that two of the numbers in our
15 report had been transposed. The southbound right volume and the
16 southbound left volume were transposed. The right should have
17 been the left, the left should have been the right, so we
18 corrected that.

19 It was not outcome changing. The intersection
20 still works well, but as a mea culpa, we did recount that and got
21 similar counts to the corrected volume in December, the December
22 12th counts.

23 MR. SKRIVSETH: All right.

24 MR. WELLS: And at the Whitehaven campus, we
25 counted on a single day. And again, I've been back time and

1 again to observe the traffic operations there. And I believe
2 DDOT has independently observed that also.

3 MR. SKRIVSETH: All right. Do you have any
4 statistics on how long it takes to load a bus?

5 MR. WELLS: Again, going back to the Highway
6 Capacity Manual, it says loading and discharging there.

7 MR. SKRIVSETH: All right. I had forgotten that
8 distinction. Very sorry. Do you know whether you're required to
9 have bus signals turned on for loading?

10 MR. WELLS: I believe as I - as this engineer
11 reads the regulations, I believe that's the case. I believe the
12 regs are written loading and unloading status.

13 MR. SKRIVSETH: All right. Did any emergency
14 vehicles happen to pass by when you were doing your traffic
15 counts?

16 MR. WELLS: I don't recall. Undoubtedly, emergency
17 vehicles ply all these streets, and they undoubtedly use
18 MacArthur, Whitehaven, from time to time Ashby.

19 MR. SKRIVSETH: I recently saw a fire truck chased
20 by an ambulance -

21 CHAIRMAN GRIFFIS: Okay. You can tell us during
22 your testimony.

23 MR. SKRIVSETH: All right. Thank you. I have one
24 question for you, Mr. Chairman.

25 CHAIRMAN GRIFFIS: Indeed.

1 MR. SKRIVSETH: And that is because □-

2 CHAIRMAN GRIFFIS: Of course, you're not allowed to
3 cross examine me.

4 MR. SKRIVSETH: Okay. Because a good deal of the
5 differences of interpretation that Mr. Wells and I have about
6 traffic backups is predicated on data which I should probably not
7 have called granular, that is not submitted to anyone. Is the
8 procedure, should I circulate this, for me to send it to the
9 applicant and to the BZA simultaneously?

10 CHAIRMAN GRIFFIS: You're anticipating submission
11 of your own traffic studies as part of your case.

12 MR. SKRIVSETH: That's correct. That's correct.

13 CHAIRMAN GRIFFIS: I think it would be a great
14 convenience to serve it on the parties so that they might have it
15 before your testimony.

16 MR. SKRIVSETH: Right.

17 CHAIRMAN GRIFFIS: However, you can wait until your
18 testimony and put it in. I would think it better advice to put
19 it out as soon as it's ready.

20 MR. SKRIVSETH: All right. Thank you, Mr.
21 Chairman. Thank you, Mr. Wells. I have no further questions.

22 CHAIRMAN GRIFFIS: Thank you.

23 MR. WELLS: Thank you.

24 CHAIRMAN GRIFFIS: Mr. Lovendusky, do you have an
25 estimation of time you need, questions required?

1 MR. LOVENDUSKY: Five minutes, Mr. Chairman.

2 CHAIRMAN GRIFFIS: Thank you.

3 MR. LOVENDUSKY: Thank you. Michael Lovendusky,
4 party opponent, 4927 MacArthur Boulevard. Good evening, Mr.
5 Wells.

6 MR. WELLS: Hello.

7 MR. LOVENDUSKY: With regard to the diesel □-
8 excuse me, with regard to the school buses that you've looked at
9 on behalf of St. Patrick's, are they diesel engine or gasoline
10 engine?

11 MR. WELLS: I made no recommendation, diesel,
12 gasoline. I've made no recommendation to them on that.

13 MR. LOVENDUSKY: Would you □- are you qualified to
14 make a recommendation on that?

15 MR. WELLS: No.

16 MR. LOVENDUSKY: You mentioned in your direct
17 testimony that, in fact, the buses will be similar to those used
18 by the Lab School. Are those buses diesel or gasoline engines?

19 MR. WELLS: I would □- I don't know. I was
20 referring to the size bus.

21 MR. LOVENDUSKY: Did you study the safety
22 implications of the resumption of heavy dump truck use on
23 MacArthur Boulevard for the removal of sludge from Delecarlia
24 Reservoir?

25 MR. WELLS: No.

1 MR. LOVENDUSKY: Did you consider the incidents of
2 speeding on MacArthur Boulevard in evaluating the safety of the
3 use of the bus pads on MacArthur Boulevard?

4 MR. WELLS: I'm aware of the speed issue and the
5 sensitivity of the community, the fact that it's posted 25, and
6 it's tough to drive that at 25. And there have been a lot of
7 tickets written by the D.C. police because of speeding.

8 MR. LOVENDUSKY: And did you consider that in your
9 evaluation of the use of the bus pads on MacArthur Boulevard?

10 MR. WELLS: I had that in mind, yes.

11 MR. LOVENDUSKY: So do you know the number of
12 speeding infractions recorded on MacArthur Boulevard?

13 MR. WELLS: I believe at one time the community
14 reported to me at a meeting that there were, I believe, at the
15 time for a several month period, there were 9,000 tickets
16 written. And I see Mr. Gates shaking his head yes, so apparently
17 I got that right.

18 MR. LOVENDUSKY: Nine thousand speeding tickets
19 written on MacArthur Boulevard, but you do not perceive any
20 implications for the viability of the □- of your plan using the
21 bus pads on MacArthur Boulevard.

22 MR. WELLS: I think people should comply with the
23 speed limit, 25. But I do not perceive that as a fatal flaw of
24 this plan.

25 MR. LOVENDUSKY: In your direct testimony you

1 identified the Washington Metropolitan Area Transit Authority's
2 use of the bus pad at a rate of four to six buses during the
3 critical time period as being light usage.

4 MR. WELLS: I would characterize that as light,
5 yes.

6 MR. LOVENDUSKY: What would you - what number
7 would constitute heavy usage of a bus pad?

8 MR. WELLS: I don't think I rendered an opinion on
9 that.

10 MR. LOVENDUSKY: Would you now as an expert?

11 MR. WELLS: Hundreds would be heavy usage.
12 Something on the order of multiple bus lines making five to -
13 traveling at five to ten minute headways.

14 MR. LOVENDUSKY: Well, again, with regard to your
15 testimony on direct testimony, you were referring to the usage of
16 the bus pad only during that one hour critical time period in the
17 morning and the afternoon.

18 MR. WELLS: That if - I don't recall, but that was
19 clearly my intent, yes.

20 MR. LOVENDUSKY: Well, so certainly since that was
21 your intent, hundreds of buses would never fit into that hour, so
22 what would constitute heavy bus usage within the hour in the
23 morning, or an hour in the afternoon?

24 CHAIRMAN GRIFFIS: I think he answered in terms of
25 the time, the arrival time is what I -

1 MR. WELLS: Yeah, something with a headway of five,
2 ten minutes on a bus line would be fairly frequent service,
3 characteristic of high demand bus lines.

4 MR. LOVENDUSKY: In your direct testimony, you also
5 indicated that the plan was to use between two and three buses to
6 transfer the students from Whitehaven to Ashby Street. And, of
7 course, that number would be in addition to the Metropolitan
8 Authority's use of four to six buses in the time period, so the
9 usage of six to nine buses, presumably you do not find
10 objectionable.

11 MR. WELLS: Let's be clear about how WMATA uses
12 those bus stops. The frequency I was talking about is the
13 scheduled frequency, and WMATA will stop that number of times if
14 there's a passenger to drop-off or pick-up on each one of those
15 runs. Now we've not done an exhaustive analysis, but it appears
16 to us that about half the time they're stopping either to pick
17 somebody up, or drop somebody off.

18 MR. LOVENDUSKY: Would you believe that any of the
19 students might use the public bus system to get to school?

20 MR. WELLS: That, obviously, is possible.

21 MR. LOVENDUSKY: And that would increase the bus
22 stoppage at that particular site.

23 MR. WELLS: That would, if they're not on a bus
24 that somebody is already using.

25 MR. LOVENDUSKY: In your plans, you've evaluated

1 the additional use of St. Patrick's bus and the bus pad as being
2 non-problematic, at a rate of six to nine in that relevant time
3 span. Did you include the addition of the car pool use of the
4 bus pad in that same time frame?

5 MR. WELLS: I don't - did I say that in my direct
6 testimony, that it mentioned those specific numbers of combined
7 numbers?

8 MR. LOVENDUSKY: In your direct testimony you
9 indicated the Metropolitan Authority uses the buses at a rate of
10 four to six in the relevant time frame, and that St. Patrick's
11 would use the buses at a rate of two to three in the relevant
12 time frame.

13 MR. WELLS: I do not consider the combined impact
14 of the use of WMATA buses, St. Patrick's shuttle buses, and St.
15 Patrick's car pools as being overly-taxing of the bus pad and the
16 frontage along this property.

17 MR. LOVENDUSKY: In your consideration of the use
18 of the car pooling, in addition to the buses and the Metropolitan
19 Authority buses, your testimony on direct was that you would
20 imagine the use to constitute three to four car pools stopped.

21 MR. WELLS: Correct. Correct.

22 MR. LOVENDUSKY: Would you imagine the - if, in
23 fact, the parents were so interested in car pooling that they
24 decided to organize to use entirely car pooling, that would, of
25 course, generate 20 additional car pool stops at that bus pad.

1 MR. WELLS: The community can have it one way or
2 the other. Either St. Patrick's has an abysmal car pooling plan,
3 or they're car pool happy. You can't have it both ways. I have
4 observed that the car pool rate is low at St. Patrick's. I do
5 not foresee that there would ever be 20 car pools and no shuttle
6 bus use.

7 MR. LOVENDUSKY: Just a few more questions of Mr.
8 Wells, Mr. Chairman. In your expertise, are you aware of the
9 Metropolitan Authority ever granting approvals, express approvals
10 for the use of the car pad □- for the bus pads?

11 MR. WELLS: Is your question about bus pads on
12 public streets?

13 MR. LOVENDUSKY: My question is your familiarity
14 through your expertise of the grant of approvals by the
15 Metropolitan Authority for the use of bus pads on public streets.

16 MR. WELLS: I believe what WMATA's position is,
17 that is up to the district government to grant the right of the
18 use of their curb space. I believe WMATA's position in this case
19 is that they do not object to St. Patrick's using the WMATA bus
20 pad adjacent to 4925 MacArthur.

21 MR. LOVENDUSKY: Sir, my question was to your
22 expertise over time as to your familiarity with such approvals
23 being granted at all.

24 MR. WELLS: I'm aware, for example, that WMATA
25 granted use at one of their bus bays for the Burke School.

1 MR. LOVENDUSKY: Thank you. So in that instance,
2 an express approval was granted. While in this instance
3 involving St. Patrick's, an approval has not been granted.

4 MR. WELLS: I believe the distinction is that it
5 was an off-street bus bay, not a pad on a public street. That's
6 why I clarified your first question.

7 MR. LOVENDUSKY: So in the distinction, there is a
8 difference, and the difference probably has to do with the
9 liability of the government.

10 MR. WELLS: I'd be speculating. I don't know.

11 MR. LOVENDUSKY: As part of your studies, did you
12 evaluate the impact of the tandem parking plan?

13 MR. WELLS: No, that question is best addressed to
14 the architect.

15 MR. LOVENDUSKY: Sir, when Mrs. Van Sickle examined
16 you earlier this afternoon, she - you agreed to provide a number
17 of pieces of information. Could you perhaps summarize for the
18 Board and for the party opponents what that information is?

19 CHAIRMAN GRIFFIS: We've taken notes. I mean,
20 we'll give clarification before we get out of here this evening.

21 MR. LOVENDUSKY: Thank you. I have no further
22 questions.

23 CHAIRMAN GRIFFIS: Good. Thank you very much.
24 Okay. That is all we are going to accomplish today. I do
25 appreciate everyone's patience in staying late with us, so let us

1 go through the housekeeping items of when we will meet next, what
2 we will expect at that point, and what we will expect in the
3 meantime before we get there.

4 At this point there was an issue that was brought
5 up early on this evening about September 10th, and I would, as
6 leaving today, anticipate that we will hold that date, meaning
7 there is no change in that. And the issue does come □- well,
8 it's a very large issue in terms of moving our scheduled date. I
9 can anticipate some discussions on it, but I do not anticipate
10 any sort of serious movement in that frame.

11 However, as we assess our time period and schedule
12 for that day, we will clearly take breaks long enough for people
13 to get where they need to go, because I expect everyone to come
14 in with an "I voted" sticker on their shirt. Wait a minute. I'm
15 allowed to say that. Okay. No candidates are named, so let us
16 go at September 10th, and we will pick up □- yes.

17 SECRETARY PRUITT: We had a little bit of luck and
18 one of the cases for next week dropped off, a very big case. And
19 we have one case in □- this is the afternoon agenda that
20 potentially will take about an hour. And therefore, we could use
21 the rest of the afternoon.

22 CHAIRMAN GRIFFIS: Okay. Let me have clear □- the
23 parties come up to the table and give me an indication whether
24 they're available at that date.

25 SECRETARY PRUITT: It would be probably 2:00, I

1 would say.

2 CHAIRMAN GRIFFIS: Okay. Also, while the parties
3 are assembling at the table to answer that question, I need to
4 just restate the fact, and this goes to the Department, DDOT,
5 that indicated that they had a supplemental report. And I will
6 just make the broad statement that I think everyone should be
7 clear on, but anything submitted into the record is to be served
8 on all parties in the case. And so, we will have copies of the
9 May 10, I believe it was, supplemental report. Yes.

10 COMMISSIONER MITTEN: Mr. Chairman, I think the
11 practice is that parties serve each other, but government
12 agencies do not serve anyone. They just □- I mean, they serve
13 them in the broad sense, but they don't have to provide copies of
14 their reports, other than to □-

15 CHAIRMAN GRIFFIS: That was my secondary
16 clarification.

17 COMMISSIONER MITTEN: Okay.

18 CHAIRMAN GRIFFIS: But I wanted to give the
19 picture, if other things are coming in. We did have some
20 indication that there might be some traffic numbers that were
21 coming in, so that would go all around. And, well, it is the
22 duty for those to monitor that case file as things come in.
23 Okay. I need you on the mike, Mr. Finney.

24 MR. FINNEY: It's the Agency's responsibility to
25 inform others. There is a section in the law, I think it's 309,

1 that requires government agencies to inform ANCs of actions
2 affecting their jurisdiction, so there is a certain requirement
3 upon government agencies.

4 CHAIRMAN GRIFFIS: That's not the Zoning Section
5 309.

6 MR. FINNEY: Well, I think it applies to the Zoning
7 □- it applies to all government agencies.

8 CHAIRMAN GRIFFIS: Okay.

9 MEMBER ZAIDAIN: Mr. Chairman, I think they did
10 serve that memo on the ANC.

11 CHAIRMAN GRIFFIS: Yes. Indeed, and that was
12 stated, so that's a good clarification.

13 COMMISSIONER MITTEN: Well, thank you for the
14 clarification, Mr. Finney.

15 CHAIRMAN GRIFFIS: Indeed.

16 MS. BAILEY: Mr. Chairman, did we go over the list
17 of things to be provided?

18 CHAIRMAN GRIFFIS: No. Let me □- before we do
19 that, because I think it will be impacted by whether we meet next
20 week or not. I would encourage that we do meet next week,
21 because we do □- it does look as if we will have a good extent of
22 time, and
23 so □-

24 MR. LOVENDUSKY: Mr. Chairman.

25 CHAIRMAN GRIFFIS: Yes.

1 MR. LOVENDUSKY: Michael Lovendusky. Could you
2 remind what has □- what the next steps to be accomplished might
3 be? That will help us evaluate whether we can proceed next
4 Tuesday.

5 CHAIRMAN GRIFFIS: Good. That's my cross
6 examination question. I can absolutely get you that. We have
7 the further cross examination of the architect, and I believe we
8 have two other parties to do that. We also have the sound, and
9 my notes indicate that that would be it for the cross examination
10 of the applicant's witnesses.

11 MR. LOVENDUSKY: Noise?

12 CHAIRMAN GRIFFIS: Sound, yeah.

13 MR. LOVENDUSKY: Sound. Yes.

14 CHAIRMAN GRIFFIS: Right. Now there was some
15 indication that we may need to recall Mr. Barrett for
16 clarifications of questions of the programming that were
17 attendant to the traffic. I would assume he would be here at
18 that time, and we would finish that.

19 MR. LOVENDUSKY: And, sir, the time that's
20 available is in the morning or the afternoon?

21 SECRETARY PRUITT: Afternoon. It would be probably
22 after 2:00.

23 MR. LOVENDUSKY: Thank you. Could we have a
24 moment, please?

25 CHAIRMAN GRIFFIS: Sure. Is that available for the

1 applicant?

2 MS. PRINCE: Absolutely.

3 CHAIRMAN GRIFFIS: Okay.

4 MS. PRINCE: But I should note that some of our
5 experts are available for only some of the time, but we will work
6 with this.

7 CHAIRMAN GRIFFIS: Okay. And once we establish and
8 actual date and if we're meeting, then I think we can figure out,
9 as we have been up to this date in this case, hopefully it's the
10 last we do this, we would be flexible.

11 Sir, while I have a moment, you indicated that you
12 want to address the Board? If you wouldn't mind just turning the
13 mike on so we could have you on the record. Just push the middle
14 of the base.

15 MR. SMITH: My name is Bill Smith. I'm scheduled
16 to appear as an outside witness. You have yet to call the ANC
17 and other preferred witnesses, and I've participated in your
18 hearings for over 20 hours. I wouldn't have prepared testimony
19 if I didn't think it was constructive to your proceedings.

20 CHAIRMAN GRIFFIS: Uh-huh.

21 MR. SMITH: I certainly disapprove of the process
22 that we've experienced, because I do think all of us who have
23 initial testimony should be heard so that you can then determine
24 the extent to which you want to pursue all of these items, some
25 of which would appear trivial. And particularly, if we get an

1 opportunity to express our views. I would prefer if it's
2 entirely possible for you to return to the original schedule
3 which you attempted to announce in the opening proceeding.

4 CHAIRMAN GRIFFIS: Uh-huh.

5 MR. SMITH: And then get to the cross examination
6 and trivial details.

7 CHAIRMAN GRIFFIS: I see. Okay. Mr. Smith, and I
8 absolutely appreciate your comments and concerns about process.
9 And let me be very clear, when I am perhaps a little flippant in
10 indicating that we have juggled the procedure and the scheduling
11 of it. It is within the categories that I have read in the
12 openings of statements.

13 Now this is a □- in this specific instance, things
14 have lasted longer than we thought. But directly to your point
15 is, after an applicant puts on its case and its witnesses, cross
16 examination of those witnesses happen. That is the process that
17 we are undergoing now. That is the first step of what we do.

18 The only point that we stepped out of our actual
19 schedule today was for the brief time that we heard the
20 Transportation. In fact, they would have come □- they would have
21 followed the Office of Planning, which we will return to, and
22 then we will get to the ANC. After that, we will then go to
23 persons and parties in opposition, and in support. So in terms
24 of the bigger picture of our normal process, I think we are
25 holding fairly well to it.

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1 Now this Board has always done, and taken very
2 seriously accommodating people's schedules. We also are of the
3 reality that we can't accommodate everybody's schedule, and
4 clearly on cases like this, that we have numerous persons and
5 parties involved. And so to that, Mr. Smith, all I can do is ask
6 for your patience and indulgence. And perhaps, knowing now what
7 you can anticipate as our schedule, you may be able to evaluate
8 whether it's appropriate for you in your time to be here all day
9 or not. Meaning □- well, that is what it is. I think it's also
10 important that you may want to be here for all of the proceedings
11 to hear the information.

12 MR. LOVENDUSKY: Mr. Chairman, Michael Lovendusky,
13 party opponent. With regard to the schedule that's proposed for
14 next Tuesday, the only concern □- first of all, the party
15 opponents would like to cooperate and advance this proceeding as
16 best we can.

17 The one thing that we □- I have concern with though
18 is, we would not like to be put in the position of having to put
19 on our direct case late in the afternoon after so much has
20 occurred. You've been very patient with us for far in our
21 inexperience and lack of familiarity with the Board proceedings,
22 and just our muddling through these matters, but we'd like to be
23 able to start fresh, I guess, on September 10th with our direct
24 case, assuming we can succeed in getting through everything else
25 that has to be gotten through before the direct case is

1 presented.

2 CHAIRMAN GRIFFIS: I think we can take that under
3 consideration, but I would have hoped the first day we showed up,
4 you were prepared to present your case, and would have been
5 prepared to present it today. In fact, would be right now if we
6 continued.

7 Now knowing and understanding the fact, I'm also
8 aware the Board doesn't want to get worn out and then have to
9 hear new information, so I think we can take that under
10 consideration. I don't - we still have quite a bit to get
11 through. If we start at 2:00, you indicated Tuesday next.

12 SECRETARY PRUITT: And would we go back then to the
13 normal schedule?

14 CHAIRMAN GRIFFIS: We would.

15 SECRETARY PRUITT: Which means then we would go to
16 OP.

17 CHAIRMAN GRIFFIS: Correct.

18 SECRETARY PRUITT: Start out with OP. We've
19 already done traffic. Excuse me. I'm talking about after the
20 cross.

21 CHAIRMAN GRIFFIS: Right. After finishing that,
22 then we would go -

23 SECRETARY PRUITT: Then we would go to the Office
24 of Planning report. We've already done DOT. Then we would go to
25 the ANC, so we would get through all the government reports and

1 cross ex on that day.

2 CHAIRMAN GRIFFIS: Exactly.

3 MS. FELDMAN: The reason why we're concerned about
4 the direct case is there are a lot of new pieces of information,
5 in particular, the new traffic study that we didn't see yet, the
6 updated traffic study that included the GW and the other
7 information that we haven't received yet. And since this is only
8 a week later, we wouldn't have, I'm afraid, an opportunity to
9 analyze □-

10 CHAIRMAN GRIFFIS: Well, in reality we clear cases
11 in an afternoon and, therefore, you should have been expecting on
12 cross examination the evidence of new information.

13 MS. FELDMAN: We don't have it yet.

14 CHAIRMAN GRIFFIS: But even just orally, that you
15 would have had to then turn around and make your case. I
16 understand your point. I'm not sure that I can delay, and if we
17 get to a point, and I don't think realistically we'll get to
18 everyone's case presentation, but I will take it under
19 advisement. I don't think it's a realistic expectation for this
20 Board to expect that you wouldn't have to be able to incorporate
21 information that came up within a hearing into your own case that
22 day.

23 Okay. Other concerns about the day. Is anyone
24 unavailable, which is always a good thing to get out of the way
25 first. Mr. Finney, you're available next Tuesday. You can just

1 □-

2 MR. FINNEY: Yes, I'm available, and I'm prepared
3 to present the ANC case.

4 CHAIRMAN GRIFFIS: Thank you very much. Any other
5 concerns? Okay. So let's set this for next Tuesday, second case
6 in the afternoon. Is that correct?

7 SECRETARY PRUITT: That is correct. And just for
8 clarification, next week we will start with the cross ex of the
9 architect and the sound person, and possible recall of Mr.
10 Barrett. After which, we would then go back to our regular
11 sequence of presentation by the Office of Planning and cross ex,
12 and presentation by the ANC, and then cross ex. Then we would
13 meet on September 10th, and at that time □-

14 CHAIRMAN GRIFFIS: If needed.

15 SECRETARY PRUITT: If needed. And then at that
16 time, the opposition would put on their case.

17 CHAIRMAN GRIFFIS: Indeed. Okay.

18 COMMISSIONER MITTEN: Actually, if I could just
19 interject, there will be an opportunity for persons in support to
20 testify prior to the parties in opposition presenting their case.

21 CHAIRMAN GRIFFIS: Yes. Thank you. Now let us
22 ascertain exactly what we were going to have submitted, and then
23 ascertain if we can have that submitted by next Tuesday or not.

24 Mr. Wells indicated that he would submit data to
25 support □-

1 MS. BAILEY: Mr. Chairman.

2 CHAIRMAN GRIFFIS: Yes.

3 MS. BAILEY: What you have in front of you is a
4 handwritten sheet that Mrs. Van Sickle □- I have asked Mrs. Van
5 Sickle to assist us with in providing a list of the items that
6 were mentioned. And it's a list of one, two, three, four items.

7 However, she has provided some background information, but I
8 think the main thrust of what the opposition is seeking is these
9 four items. I don't know if you would like for me to read them,
10 or if you would like to just go over them so that everyone can be
11 on the same page.

12 CHAIRMAN GRIFFIS: I think that's an excellent
13 option, but I cannot answer right now, so give me a moment. It's
14 excellent; however, this is a little confusing to me, so let us
15 do our recollection and see if it matches everyone's expectation.

16 COMMISSIONER MITTEN: I believe that Mr. □- if I
17 could, Mr. Chairman, just go through the list that I have,
18 because I don't think that it's inconsistent with what □- the
19 list we have in front of us.

20 Mr. Wells had said to the opponents that he would
21 provide additional information regarding the traffic counts for
22 the a.m. study period, not just peak hour, the p.m. study period,
23 not just peak hour for both the existing analysis, and the future
24 analysis. Is that correct?

25 MR. WELLS: Yes. I interpreted that to mean the

1 full period over which we conducted our counts, not just peak 15
2 minutes, or peak hour.

3 COMMISSIONER MITTEN: Yes. And then you had also
4 committed to submitting for the record your updated report that
5 took into consideration the additional traffic that would result
6 from the Field School and the Mount Vernon campus.

7 MR. WELLS: I think to call it a report is a little
8 more formal than what we did. We simply went back and folded in
9 the □- now that is a peak hour analysis. We didn't do two or
10 three hour forecasts of Field School traffic.

11 COMMISSIONER MITTEN: I think for the purpose of
12 informing the Board, and what the Board would desire is, we're
13 not asking you to do additional work. We're just asking you to
14 supply whatever additional analysis that you have done.

15 CHAIRMAN GRIFFIS: Whatever is done.

16 MR. WELLS: Happy to comply.

17 COMMISSIONER MITTEN: And then Mr. Wells had
18 committed to providing □- to answering a question regarding
19 queuing, and this I believe □- I don't know if both of these
20 issues related to Table number 10 on page 45, but he was □- there
21 were two questions posed. One was regarding queuing, and one was
22 regarding the deterioration from Level of Service C, to Level of
23 Service D for the Foxhall/Whitehaven intersection, so there were
24 just a few questions that you wanted to respond to after the
25 fact. Do you recall those two questions?

1 MR. WELLS: Yes.

2 COMMISSIONER MITTEN: Okay. And I believe that
3 covers the list. I would just want to add to it that Ms. Prince
4 had said that they would like to discuss with DDOT representative
5 about whether or not there were, in fact, any additional
6 submissions still outstanding to complete the car pool plan.

7 CHAIRMAN GRIFFIS: And who's going to give us that?

8 COMMISSIONER MITTEN: I believe Ms. Prince will
9 ascertain whether, in fact, it's complete. And it is not, then
10 we would look to Ms. McLeary for the additional material that she
11 would like to see submitted.

12 CHAIRMAN GRIFFIS: Very well.

13 COMMISSIONER MITTEN: Is that correct?

14 MS. BAILEY: Mrs. McLeary, did you indicate that
15 you were going to provide a list to us of the items that you had
16 asked for?

17 MS. McLEARY: Let me talk to the applicant, and
18 then I'll submit a list of things that are still outstanding.

19 CHAIRMAN GRIFFIS: Good. Anything else in anyone's
20 notes that came up? Anything else the Board needs at this time?

21

22 MS. VAN SICKLE: Excuse me, Mr. Chairman.

23 CHAIRMAN GRIFFIS: I'm sure I will get to all of
24 you. So, Ms. Prince, is that your recollection of the submitted
25 documents?

1 MS. PRINCE: That is my recollection, and I would
2 just add that Mr. Wells will not be here on the 9th, although one
3 of his associates will be here. So to the extent that any
4 further questioning is requested or desired on the materials that
5 we submit, I'd suggest that perhaps that could be done in
6 writing, or Mr. Andress would have to answer them.

7 CHAIRMAN GRIFFIS: Okay. But the person
8 representing Mr. Wells would be capable of answering the
9 questions based on □-

10 MS. PRINCE: He's been very involved in the case.
11 He'll be capable of answering.

12 MR. WELLS: He'll be so happy to be here.

13 CHAIRMAN GRIFFIS: Indeed, and we'll be happy to
14 see him. Okay. Parties' concerns about the documentations that
15 were requested.

16 MS. VAN SICKLE: Yes. Thank you, Mr. Chairman.
17 What you have in front of you is a summary document that I
18 thought would give a broad overview of what it was that we were
19 trying to get. You will recall that when I asked my questions, I
20 said I was not going to go through each and every one of my
21 questions, such that we could get a summary sense of what the
22 difficulties were.

23 CHAIRMAN GRIFFIS: Okay.

24 MS. VAN SICKLE: But you do recall that I also was
25 asking for 15 minute count data, and some other sub-

1 categorizations of the data, and that I have provided to Ms.
2 Bailey. And so I just want to be assured that the 15 minute
3 count, and the hourly count, there are some, you know, subsets
4 that we discussed on that for the turning counts.

5 MR. WELLS: Yes. I believe I understand what
6 you're asking for, and it's □-

7 MS. VAN SICKLE: It's basically, you know, the data
8 counts.

9 MR. WELLS: Yes.

10 MS. VAN SICKLE: And it will be done on 15 minute
11 intervals □-

12 MR. WELLS: Correct.

13 MS. VAN SICKLE: □- through the, you know,
14 different period of time. And I've just made a subset of that to
15 follow underneath this sheet just to get it all out explicitly.

16 MR. WELLS: What I'm not following is the subset
17 issue you're □-

18 MS. VAN SICKLE: Just a very explicit
19 identification of each of the data that follows generally this
20 pattern that I've just laid out here.

21 MR. WELLS: I will comply with this as best I
22 understand it. I think I understand what you want.

23 MS. VAN SICKLE: Yes, thank you.

24 COMMISSIONER MITTEN: But I do want to make clear
25 that Mr. Wells has already said that he doesn't have 15 minute

1 and whatever the other count is for anything other than peak
2 hour. Is that right?

3 MS. VAN SICKLE: No.

4 MR. WELLS: Well, we did not project GW traffic or
5 Field School traffic on a 15 minute basis. We simply took the
6 peak hour numbers from the Grove-Slade study for the driveway,
7 and Mr. Mira's study for Field School, and simply superimposed
8 that on our other □- on our forecasts, so I can't offer more
9 information other than the peak hour information about the other
10 project traffic.

11 COMMISSIONER MITTEN: Is that clear, Ms. Van
12 Sickle?

13 MS. VAN SICKLE: Well, I also understood that you
14 would have 15 minute data for what you call your future reverse
15 scenario.

16 MR. WELLS: Yes, I □-

17 MS. VAN SICKLE: Without the GW, and without the
18 Field School.

19 MR. WELLS: Yes. The way we did the synchro
20 analysis is in a conservative fashion. We took the peak 15
21 minutes and multiplied that by four to represent a peak hour
22 flow. That's a conservative method, but I can give you the
23 counts by 15 minutes intervals.

24 MS. VAN SICKLE: Okay. I think that's what we
25 wanted to do.

1 MR. WELLS: Yes. Okay.

2 MS. VAN SICKLE: Did the synchro include the six to
3 nine, or was it - you were just using the thing at the peak
4 hour?

5 MR. WELLS: No, we actually used 15 minute volumes
6 and multiplied by four.

7 MS. VAN SICKLE: Okay.

8 CHAIRMAN GRIFFIS: Be realistic.

9 MR. WELLS: I think I can do that. I will be real
10 - I will commit to doing that.

11 CHAIRMAN GRIFFIS: Okay. By end of day Friday.

12 MEMBER ZAIDAIN: Won't the parties be gone because
13 of holiday, just so there's no problem with service.

14 CHAIRMAN GRIFFIS: Big concern if they're not
15 there. Okay. Other information? Let us reiterate then, Ms.
16 Bailey, with the dates and time, and we know all the submissions
17 that are coming in.

18 MS. BAILEY: The hearing will be continued next
19 week, Mr. Chairman. That's July 9th, 2002, and that's the second
20 case in the afternoon. I think Ms. Pruitt said at 2:00. We will
21 also have a full day on September the 10th starting at 9:30. The
22 submissions are to come in as noted. Mr. Wells will provide by
23 Friday of this week, the information that's requested of him.
24 And DDOT is to provide by also the close of this week, by Friday,
25 a list of questions that the applicant should have or may have

1 responded to. And that's it, Mr. Chairman.

2 CHAIRMAN GRIFFIS: Good. Thank you very much.
3 Everyone clear? Any questions? With that then I bid you all a
4 good evening, and adjourn the □- what date is it? It's still the
5 2nd of July, 2002.

6 (Off the record 7:50 p.m.)

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