

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

Lowell School to Further Modify an Approved Planned Unit Development at 1640 Kalmia Road, NW	Case No. 97-16A
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Thursday,
July 1, 2010

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No.
97-16A by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, N.W., Washington, D.C., 20001,
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
KONRAD SCHLATER, Vice Chairperson
PETER MAY, Commissioner (NPS)
MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
STEVEN COCHRAN

DISTRICT OF COLUMBIA DEPARTMENT OF
TRANSPORTATION STAFF PRESENT:

JEFF JENNINGS

The transcript constitutes the
minutes from the Public Hearing held on July
1, 2010.

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is the public
5 hearing of the Zoning Commission of the
6 District of Columbia for Thursday, July the
7 1st, 2010.

8 My name is Anthony Hood. Joining
9 me are son to be Vice Chairman Schlater
10 joining us shortly, Commissioner May and
11 Commissioner Turnbull.

12 We are also joined by the Office
13 of Zoning Staff, Ms. Sharon Schellin.

14 This proceeding is being recorded
15 by a court reporter. It is also webcast
16 live.

17 Also to my right Office of
18 Planning, Mr. Joel Lawson, Mr. Cochran and
19 District of Department of Transportation Mr.
20 Jennings.

21 The subject of this evening's
22 hearing is Zoning Commission Case Number 87-

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1 16A. This is a request by Lowell School for
2 approval of a modification to a PUD for
3 property located at Square 2745F.

4 Notice of today's hearing was
5 published in the D.C. Register on May 14,
6 2010 and copies of that announcement are
7 available to my left on the wall near the
8 door.

9 The hearing will be conducted in
10 accordance with the provisions of 11 DCMR
11 3022 as follows: Preliminary matters,
12 applicant's case, report of the Office of
13 Planning, report of other government
14 agencies, report of ANC, in this case it's
15 ANC 4A, organizations and persons in support,
16 organizations and persons in opposition,
17 rebuttal and closing by the applicant.

18 The following time constraints
19 will be maintained in this meeting: The
20 applicant 60 minutes, organizations five
21 minutes, individuals three minutes.

22 The Commission intends to adhere

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1 to the time limits as strictly as possible in
2 order to hear the case in a reasonable period
3 of time. The Commission reserves the right
4 to change the time limits for presentations
5 if necessary and note that no time shall be
6 ceded.

7 All persons appearing before the
8 Commission are to fill out two witness cards.

9 These cards are located to my left on the
10 table near the door. Upon coming forward to
11 speak to the Commission, please give both
12 cards to the reporter sitting to my right
13 before taking a seat at the table.

14 When presenting information to the
15 Commission, please turn on and speak into the
16 microphone first stating your name and home
17 address. When you are finished speaking,
18 please turn your microphone off so that your
19 microphone is no longer picking up sound or
20 background noise.

21 The decision of the Commission in
22 this case must be based exclusively on the

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1 public record. To avoid any appearance to
2 the contrary, the Commission requests that
3 persons present not engage the members of the
4 Commission in conversation during a recess or
5 at anytime.

6 The staff will be available
7 throughout the hearing to discuss procedural
8 questions.

9 Please turn off all beepers and
10 cell phones at this time so not to disrupt
11 these proceedings.

12 Would all individuals wishing to
13 testify please rise to take the oath?

14 Ms. Schellin, would you please
15 administer the oath?

16 MS. SCHELLIN: Please raise your
17 right hand. Do you solemnly swear or affirm
18 the testimony you'll give this evening will
19 be the truth, the whole truth and nothing but
20 the truth? Thank you.

21 CHAIRMAN HOOD: Okay. At this
22 time, the Commission will consider any

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1 preliminary matters. Does the staff have any
2 preliminary matters?

3 MS. SCHELLIN: The staff would
4 like to advice that we have received the
5 affidavit of maintenance from the Applicant
6 and the signs have been maintained during the
7 required period of time.

8 And you have a request for party
9 status before you, along with some other
10 preliminary matters, some proffered expert
11 witnesses, and would ask that the Commission
12 please consider those.

13 CHAIRMAN HOOD: I just want to put
14 a disclosure. I saw in the submissions that
15 we got recently that there were people, two
16 people particularly I know and I know one
17 person, Mr. Bill Lightfoot, a number of us
18 know. But I also have done some work with
19 his wife. I'm the President of Woodridge
20 Civic Association. She has helped us some
21 years ago. I haven't talked to them in three
22 or four years, but she's helped us in some

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1 years to get CPR and some other things within
2 my community.

3 I don't think I will not be
4 prejudiced. When I look at the test of
5 recusal I think if that was the case, one of
6 the judges in case law says "A judge has an
7 obligation to recuse himself when necessary,
8 but has a stronger obligation not to recuse
9 himself when the situation does not require."

10 Unless anyone objects, I don't
11 think this situation requires me to. Mr.
12 Feola has any objection? Okay. Thank you.

13 Okay. Commissioners, we have in
14 front of us two requests, and I would like to
15 deal with them jointly. We actually have a
16 request for party status which was untimely,
17 the way I see it. And also we have a request
18 for a waiver for us to waive our rules, and
19 also for us to do a continuation. I would
20 like to actually deal with all of that at the
21 same time. Unless someone has anything other
22 than what I'm getting ready to make a motion.

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1 I will make a motion that we deny the
2 request for party status and we also will not
3 waive our rules. Because when you look at
4 our requirements for party status, 3015.6 it
5 talks about the necessary things that are
6 required for party status. It doesn't
7 actually say -- at least the Court of Appeals
8 says, it doesn't actually say that they have
9 to come in with a specific case, even though
10 we would like for them to do that and be as
11 close as possible with the community; but it
12 doesn't necessarily say that they need to
13 have all the specifics in place when they
14 come before this hearing. And that's what
15 this hearing is about. And I think the case
16 law and our regulations 3015.2 and 3015.6
17 require exactly what is required.

18 So with that, I would move the
19 denial of the party status request as being
20 untimely. And also I would remove the
21 request to waive our rules, and also the
22 request by the historic group that we do a

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1 continuation. I would deny all those
2 requests and ask for a second.

3 COMMISSIONER TURNBULL: Second.

4 CHAIRMAN HOOD: Moved and properly
5 seconded.

6 Any further discussion? Are you
7 ready for the question? All those in favor?

8 Not hearing any opposition, Ms.
9 Schellin, would you record the vote.

10 MS. SCHELLIN: Yes, sir. Staff
11 would record the vote four to zero to one to:

12 Deny party status, the party
13 status request filed by Sharon and Columbus
14 Giles and William Lightfoot, and;

15 Also to deny the request for the
16 extension of time files by them and also, I
17 believe it was the D.C. Preservation League.

18 Commissioner Hood moving,
19 Commissioner Turnbull seconding, Commissioner
20 Schlater in support, the third Mayoral
21 appointee position vacant, not voting.

22 CHAIRMAN HOOD: Okay. So in this

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1 case, Ms. Schellin, the only party we have is
2 ANC 4A.

3 And I also would say while we
4 denied party status, I think Mr. Feola knows
5 me, he's been here with me a long time and I
6 think he knows that we're going to be
7 considerate and, hopefully, you won't have an
8 objection if we actually hear some of the
9 people who are going to be testifying in
10 opposition, if we give them an extra minute
11 or so, I'm sure you won't have a problem with
12 that.

13 MS. SCHELLIN: Chairman Hood, I
14 just want to clarify that motion also denied
15 the request for the waiver for the time to
16 file that party status request.

17 CHAIRMAN HOOD: Right. All that
18 was included.

19 MS. SCHELLIN: All of that was
20 included. I just wanted to clarify.

21 CHAIRMAN HOOD: Thank you,
22 So, Mr. Feola, as I was stating if

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1 we give an extra minute or two or three
2 minutes, I'm sure we won't have an issue, so
3 we can help the community get their point
4 across.

5 We okay, Mr. Feola? I want to
6 make sure? Okay. All right.

7 Okay. Ms. Schellin, do we have
8 anything else?

9 MS. SCHELLIN: No, sir. Other
10 than the proffered expert witnesses.

11 CHAIRMAN HOOD: Let me call Mr.
12 Feola, if you can come up.

13 Is Commissioner Kennedy here? I
14 think it's Kennedy representing 4A, or was
15 that--

16 MS. SCHELLIN: Actually, no. The
17 Chairman is -- I have that somewhere if I can
18 find my papers.

19 CHAIRMAN HOOD: Commissioner
20 Kennedy. The Chairperson is -- who is the
21 Chairperson of ANC 4A.

22 MS. SCHELLIN: Stephen Whatley.

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1 CHAIRMAN HOOD: Mr. Whatley.

2 Commissioner Whatley? Okay.

3 Okay. Mr. Feola.

4 MR. FEOLA: Thank you, Mr.

5 Chairman.

6 For the record, for the record my
7 name is Phil Feola. With me is Christine
8 Roddy of the law firm of Gouston and Storrs.

9 We really have two preliminary
10 matters we'd like to take up.

11 The first is having our architect
12 and our traffic consultant qualified as
13 experts.

14 The architect is Rich Salopek, who
15 is a principal with Bowie Gridley
16 Associates. His résumé is attached as
17 Exhibit F to our June 11th filing And I have
18 extra copies if the Commissions wants to look
19 at them without digging through their papers.

20 CHAIRMAN HOOD: Okay.

21 Commissioners, as we know the traffic
22 consultant has been proffered as an expert in

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1 front of us a number of times. Let me open
2 it up and see. No problem. I think the
3 résumé is sufficient.

4 Okay. So they will all be
5 proffered as experts.

6 MR. FEOLA: The second preliminary
7 matter I'd like to ask the Commission to
8 consider, as you probably have read in the
9 record the Advisory Neighborhood Commission
10 4A voted to support this application
11 contingent upon that the school and the
12 neighboring property owners enter into a
13 consensual agreement on a number of issues.
14 I'm please to report that after a lot of many
15 hours, a lot of hard work we have that
16 agreement. And I would like to enter that
17 into the record, if I might, at this time.

18 CHAIRMAN HOOD: And I'm not sure.
19 I think our order, and depending upon what
20 happens with this case, basically we usually
21 don't get into agreement, but we point to it.

22 MR. FEOLA: I understand.

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1 CHAIRMAN HOOD: I'll leave that up
2 to the legal folks, though. Gotcha.

3 MR. FEOLA: One of the parts of
4 the agreement is that we submit it into the
5 record. So, I wanted to make sure --

6 CHAIRMAN HOOD: Yes, we'll take
7 it. Okay. I'm just saying how it'll be
8 represented in the order.

9 MR. FEOLA: The second piece of
10 that, Mr. Chairman and members of the
11 Commission, is that the agreement covers the
12 critical areas of traffic and transportation,
13 removal of an existing building, construction
14 management, and use of the play area and play
15 deck. And we're going to get into that in
16 much more detail. But there's a very
17 important element of that agreement, it's
18 listed No. 2 in the second paragraph, and
19 that is the access plan for vehicles to the
20 campus.

21 In our June 11th submission we
22 proposed an access plan with a new access

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1 road entering the campus from Kalmia Road on
2 the north side of the campus. In
3 consultation with the community we came to an
4 agreement that we would drop that access way,
5 the new access road and return to the
6 original plan which we filed in December of
7 2009 with the application.

8 And so what we would like to do is
9 discuss as we go through the presentation
10 tonight only talk about the original access
11 plan as part of this application.

12 CHAIRMAN HOOD: And the original
13 access plan is what we have in our
14 submission, Exhibit 21, am I correct, or did
15 we get another submission on that?

16 MR. FEOLA: It was earlier than
17 21, sir.

18 CHAIRMAN HOOD: It was earlier
19 than June 11th?

20 MR. FEOLA: Yes. It was December,
21 I think it was December 14, 2009, the
22 original application.

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1 CHAIRMAN HOOD: No?

2 MR. FEOLA: And the entire traffic
3 analysis for that particular access road and
4 way, cars were going to come and go, is in
5 that December filing. So after negotiations
6 with the citizens we went basically went back
7 to plan A in our original plan.

8 CHAIRMAN HOOD: Mr. Feola, we're
9 going to try to get it. Actually, I was not
10 supposed to even be here. So I'm sure -- I
11 had gotten rid of my whole file and I'm sure
12 my colleagues have not. So that's kind of
13 where I am.

14 COMMISSIONER MAY: So Exhibit 21
15 basically would have to be modified as far as
16 the -- I mean, what we see in Exhibit 21 is
17 not totally --

18 MR. FEOLA: Well, we're
19 withdrawing the access plan in Exhibit 21.

20 CHAIRMAN HOOD: We want to be able
21 to have what you're going to talk about in
22 front of us, so give us five minutes.

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1 MR. FEOLA: Absolutely.

2 COMMISSIONER MAY: Can you tell us
3 the sheet numbers?

4 MR. FEOLA: Yes.

5 COMMISSIONER MAY: I have the --

6 CHAIRMAN HOOD: I read it
7 somewhere, I don't know where it was. It
8 might have been in some of the files. But
9 when was the decision made to go back to the
10 original; how long ago was it?

11 MR. FEOLA: Last weekend. This
12 past weekend.

13 CHAIRMAN HOOD: Oh.

14 MR. FEOLA: And in the agreement
15 was --

16 CHAIRMAN HOOD: It's untimely,
17 too, isn't it? Is that untimely? Oh, that's
18 timely, though?

19 MR. FEOLA: It was timely because
20 it was filed in December. It doesn't change
21 what was filed.

22 CHAIRMAN HOOD: Go back. Okay.

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1 We'll have some questions along those lines.

2 MR. FEOLA: Let me see if I can
3 find the pages numbers for Mr. May.

4 Mr. May, are you looking at the
5 December -- the first site plan that shows it
6 is A1.01.

7 COMMISSIONER MAY: Okay.

8 MR. FEOLA: And then, of course,
9 it shows up in the other sites plans
10 subsequent to that.

11 The traffic impact --

12 COMMISSIONER MAY: Is the bulk of
13 the change eliminating that little circular
14 thing at the road?

15 MR. FEOLA: Yes.

16 COMMISSIONER MAY: All right.

17 Thanks.

18 MR. FEOLA: And we're going to
19 walk through the differences as well.

20 The transportation analysis for
21 that access plan is in Appendix E of that
22 December filing.

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1 CHAIRMAN HOOD: Okay. Well, right
2 now we're at a disadvantage because we don't
3 have anymore copies of the December filing.
4 So I guess what we're going to have to do, if
5 you can give that Ms. Schellin. I don't know
6 how many pages, but we probably won't be able
7 to copy that. But what we're going to have
8 to do is try to work -- Mr. Feola, you're
9 going to have to show us where the
10 differences are.

11 MR. FEOLA: Yes, absolutely. And
12 we plan to do that, sir.

13 COMMISSIONER MAY: Do we just go
14 back to the December filing completely for
15 the traffic study?

16 MR. FEOLA: I'm sorry, sir?

17 COMMISSIONER MAY: We just ignore
18 the June --

19 MR. FEOLA: Yes.

20 COMMISSIONER MAY: -- and use the
21 December one?

22 MR. FEOLA: Yes.

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1 COMMISSIONER MAY: Is that right?

2 MR. FEOLA: Yes.

3 COMMISSIONER MAY: Okay.

4 MS. WHITE: And again, I will walk
5 us through the differences and what that all
6 means.

7 COMMISSIONER MAY: I just want to
8 know what papers I can throw away and stop
9 carrying around.

10 CHAIRMAN HOOD: I'm sure it's
11 going to get better, because right now it
12 ain't starting off too well.

13 CHAIRMAN HOOD: Mr. Feola, if you
14 can go ahead and if we can touch on the
15 traffic part after, so that way we have
16 copies in front of us. So we can start.

17 MR. FEOLA: Absolutely.
18 Absolutely.

19 Thank you. Appreciate your
20 indulgence at this point. I appreciate the
21 fact that we're switching at the last minute,
22 but that's the tension and the negotiations

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1 with the community, and this is where we
2 ended up. So, that's why we're here.

3 The property that we are here
4 about is The Lowell School campus, which is a
5 hilly site about eight acres in Ward 4. It's
6 bounded by 17th Street on the west, Kalmia
7 Road on the north, a public alley on the east
8 and a row of a very nice single family homes
9 on the south which front on Jonquil Street
10 Northwest.

11 Lowell was established on this
12 site in 1998, pursuant to a PUD order from
13 this Commission which permitted it to occupy
14 the property as a pre-K through 6th grade
15 with 400 students and a faculty and staff cap
16 of 60.

17 What we are proposing in the
18 application before you is seeking permission
19 to:

20 Add a 7th and 8th grade within the
21 existing population cap of 400;

22 Increase the cap on staff and

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1 faculty from 60 to 100;

2 Remove an existing building from
3 the campus and replace it with a play area
4 with underground parking, and;

5 Do two modest additions as you'll
6 described in a second to two existing
7 buildings on the campus.

8 What we intend to show tonight is
9 that the proposed changes before you are
10 consistent with the Comprehensive Plan,
11 consistent with the original PUD order,
12 consistent with the District of Columbia's
13 Zoning Regulations in all respects and will
14 not have an adverse impact on neighboring
15 property owners. And, in fact, due to the
16 neighborhood agreement on many of the
17 transportation issues, we think will actually
18 improve the situation in the neighborhood
19 from a traffic standpoint.

20 We have five witnesses this
21 evening, and I'd like to call the first one,
22 Ms. Debbie Gibbs, who is the head of Lowell

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1 School.

2 Ms. Gibbs, kindly walk the
3 Commission through the reasons why we're
4 before them this evening.

5 MS. GIBBS: To ensure that Lowell
6 has an ongoing and viable program, we need to
7 expand to 7th and 8th grades. Lowell began
8 as a nursery school, what we call pre-
9 primary, in a church basement. It expanded
10 to a 3rd grade in a gracious home on 16th and
11 Decatur. And then in 1999 purchased the
12 Kalmia campus, which was an educational
13 facility that had been abandoned for several
14 years.

15 The school then began to expand to
16 6th. Its first 6th grade graduated in 2002.

17 The time has come to expand once
18 more to 8th, to reach just the right size for
19 the campus, which would be about 400 students
20 at its fullest. Our current cap for students
21 is 400, and we do not plan to exceed this.

22 As a result of our strategic

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1 decision in 2008, Lowell wants to form three
2 school division: Pre-primary, the primary of
3 K through 5th grade and a middle school, 6th
4 through 8th.

5 D.C. and Maryland schools have
6 shifted their configurations with the public
7 model being K through 5 schools followed by a
8 6th through 8th middle schools. There are
9 some private, public and parochial K through
10 8 schools and there are some private schools
11 that go K to 12. Public magnet schools
12 require students to begin in 6th.

13 For all these reasons ending at
14 6th grade no longer makes sense. We lose
15 students after 5th and we lose potential
16 families who are looking for K-8 and K-12
17 schools. Parents want to choose schools for
18 their children that go to at least 8th or
19 12th.

20 By doing this expansion we
21 increase our admissions pool significantly,
22 which we need to do to continue our

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1 sustainability of Lowell.

2 A broader range of secondary
3 school options are also available after 8th
4 rather than after 5th, or 6th as well as
5 previously placed students. Opening for 7th
6 graders have been phased out or decreased
7 significantly with the decrease in K through
8 6 schools.

9 For a program where students begin
10 as three year olds or five year olds, for the
11 most part, 8th grade is just the right scope
12 i our opinion. Eighth grade is a very good
13 time developmentally to make a choice for a
14 secondary school. Fifth grade children are
15 too young to have a clear sense of what their
16 passions or interests are as they look
17 towards high school and college.

18 Going to 8th grade allows us to
19 bring our program to its fullest impact.
20 Middle school years can be quite challenging
21 for students as their bodies and minds are
22 growing and changing at rapid rates. Staying

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1 at a familiar and elementary student where a
2 student is well known through 8th can be very
3 helpful and supportive to students.

4 If we are able to increase
5 enrollment moving closer to our current cap
6 of 400, we will right-size our campus for the
7 eight grades and the program, and we will be
8 able to house these students in the main
9 building of the campus, one middle school
10 building which you will hear referred to as
11 Parkside, and use the small building on
12 Kalmia Road for offices, as we do now.

13 We do not need the Fraser
14 building, which is a former dormitory which
15 was abandoned long before Lowell owned the
16 campus.

17 To increase the scope to 8th grade
18 we will need a building primarily dedicated
19 to middle school with appropriate middle
20 school facilities including a black box
21 theater, middle school library, larger
22 classrooms for larger students including

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1 excellent science facilities, band room,
2 lockers; all the things that go with middle
3 school, hence a renovation and addition to
4 the Parkside Building is required.

5 We also need a way to get more
6 cars off the neighborhood streets during
7 arrival and dismissal by:

8 Adding queuing space on campus;

9 By using a bus service to high
10 density areas;

11 By a continued strong emphasis on
12 carpooling;

13 By adding biking and walking
14 enhancements;

15 By alternative transportation
16 award systems for faculty and staff.

17 We need a decrease in property. We
18 are maintaining overall, hence the demolition
19 of Fraser the building that we don't need.

20 We need an increase in parking to
21 accommodate the overlap between faculty and
22 staff and parents and admission visitors,

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1 things like that, on campus during the day so
2 that there's no daily wear on tear in the
3 neighborhood by us using the streets.

4 We need additional playing area
5 for ball play, running, PE classes that's
6 useable most of the year, or all of the year
7 with the artificial turf we propose, which
8 allows for scheduling flexibility. Keeps our
9 kids outside much more of the time and so
10 forth.

11 We also need an extension. We
12 would like an extension to the gym to provide
13 spectator space and safer play for larger
14 children when using the full basketball
15 court. And an extension to the pool so that
16 we can use it for middle school competitions.

17 In addition, we need to an
18 increase in the cap of the faculty and staff
19 to 100 to accommodate the needs of the
20 growing academic program.

21 Thank you.

22 MR. FEOLA: Mr. Chairman, our next

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1 witness is Jennifer Kwait, who is Chairman of
2 the Board of Trustees of Lowell.

3 Ms. Kwait, could you briefly
4 explain how the Board got to this part of the
5 plan, please.

6 MS. KWAIT: Thank you, Mr. Feola.

7 Good evening, Commissioners. I'm
8 Jennifer Kwait. I'm Chair of the Lowell
9 School Board of Trustees, and I'm here on
10 behalf of all Board members. And as you
11 probably know, the Board is a governance
12 structure within the school. And we are
13 responsible for the long-term planning and
14 strategic thinking. And we're responsible
15 for determining the mission and strategic
16 plan of the school, establishing overall
17 policy and assuring financial stability and
18 long-term sustainability.

19 Within this capacity and as a
20 result of the year long strategic planning
21 process that took place in 2007 and 2008, the
22 Board unanimously approved expanding to 8th

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1 grade. This is an essential component of our
2 strategic plan to ensure Lowell's long-term
3 sustainability.

4 Coming to the Kalmia campus, a
5 site that had been unoccupied for several
6 years, was an exciting challenge for Lowell.
7 We began renovating the site and restoring
8 its natural beauty, including its park-like
9 setting with a stream we daylighted and
10 restored. We leave our campus open to the
11 neighborhood. The expansion is an
12 opportunity to further enhance the program
13 and the campus.

14 The Board is committed
15 wholeheartedly to making this expansion
16 happen as a way to best use the Kalmia campus
17 and to ensure Lowell's future viability. The
18 Board is committed to helping to raise the
19 funds necessary to do this work, and the
20 Board accepts the responsibility along with
21 the school management to ensure that all our
22 obligations to the surrounding community are

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1 met.

2 This project will bring Lowell to
3 the size that will allow it to thrive into
4 the future. If we work hard, we hope to
5 celebrate its completion or near completion
6 by our 50th anniversary in 2015/16.

7 Thank you.

8 MR. FEOLA: Thank you, Ms.
9 Chairman.

10 Our next witness is Mr. Salopek,
11 who is going to walk the Commission through
12 the site plan and the proposed building
13 changes.

14 MR. SALOPEK: My name is Rich
15 Salopek. I'm a principal with Bowie Gridley
16 Architects. As most of you know, Bowie
17 Gridley is headquartered in Washington, D.C.
18 We've been in business for over 30 years, and
19 our primary expertise and specialty is the
20 design of schools.

21 We're going to take you quickly
22 through the project here.

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1 The first plan here is a location
2 and vicinity plan. The red outline shows the
3 borders of the Lowell School property.

4 The main 16th Street is located to
5 the east. The primary roads that access the
6 campus are 17th and Kalmia Road cornering it.

7 There's a collection of neighborhood streets
8 and a public alley that adjoin those streets.

9 The primary vehicular entrance of
10 the campus is right here at 17th. And there
11 is a one-way loop road that runs through the
12 campus and exits onto Kalmia Road.

13 Additionally, there is a small
14 emergency vehicle access drive here that was
15 put in when the dormitory building was built.

16 This is an aerial view of the
17 campus showing the primary buildings:
18 Parkside, the main building a wing of which
19 is where the gym and the pool are located,
20 Fraser Hall, the abandoned building and then
21 a small building here that was a former
22 residence. It's now used for offices, it's

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1 known as Webster.

2 There's a large green space in the
3 center of the campus that borders the two
4 streets.

5 As was mentioned previously,
6 Lowell has spent an enormous amount of time,
7 money and effort to create a truly wonderful
8 place for kids to learn. They have spent a
9 lot of time restoring and enhancing the
10 central green space and the buildings to
11 create an environment where experiential
12 learning can happen in a very wonderful way.

13 And we hope to carry that on with the
14 improvements that we're going to talk about
15 next.

16 Here's a site plan of the proposed
17 master plan for the campus. The first
18 project we're going to talk about is the new
19 middle school, which will take place here in
20 the building known as Parkside. We're
21 proposing a three story addition that's
22 approximately 10,000 gross square feet.

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1 Just to quickly orient you to the
2 existing building, it's a four story
3 building; three stories above grade, one
4 story below grade. It's primarily a stucco
5 exterior with steel windows and some masonry
6 trim. You can see the various views. This
7 image shows the view of the building from the
8 campus. These two show the view of the
9 building from 17th Street.

10 The existing building was
11 originally built as a dormitory in 1949. It
12 has been adapted over the years. It currently
13 is used for various academic program uses.
14 And so it's currently functioning as an
15 educational facility.

16 We hope to enhance the building by
17 doing the addition, which is right here. And
18 as I said, it's a three story addition.
19 It'll have its primary entrance right off of
20 the loop road here. And then there's a
21 secondary entrance that will allow access to
22 the theater, which you will see in a moment.

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1 We're proposing to construct a new
2 queuing drive between the building and the
3 existing sidewalk on the Lowell property to
4 provide additional vehicle queuing for the
5 school's proposed transportation management
6 plan, which you'll hear more about later.

7 Then we're also constructing a new
8 pedestrian path behind the building that will
9 allow people who park in this existing
10 parking lot to come up to the main body of
11 the campus.

12 Here's some floor plans that
13 describe the various levels of the building.

14 The red line here denotes the separation
15 between the existing structure and the
16 proposed structure. We will be completely
17 gutting the interior of the building to
18 create larger, modern classrooms. In
19 addition, we will be adding onto the building
20 a small black box studio theater which will
21 be two stories in height; the first floor
22 which is completely below grade at the

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1 basement level and access through this
2 entrance which you go down into a lobby. On
3 top of the theater will be a library. And
4 then on top of the library will be a green
5 roof.

6 Here's some exterior elevations of
7 the proposed building. Here's the existing
8 building. We're be restoring the windows,
9 constructing a glassy addition that will
10 allow a lot of natural light to enter into
11 the building and create a really wonder
12 environment for middle school learning.

13 We'll be restoring the side of the
14 building that faces the street and removing
15 some existing doors in this area so that we
16 can create a more controlled access
17 environment for the younger student
18 population.

19 And then this is a view of the
20 building from the interior of the campus.

21 Here's a three dimensional aerial
22 rendering of the site that shows how the

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1 library and theater addition is actually a
2 story lower than the remainder of the
3 building so that it transitions down. It's a
4 very steeply sloped site, then there's a
5 playground right here. So we think the
6 addition of the green roof next to the
7 playground will make a really nice statement
8 about Lowell's priorities.

9 The next piece we're going to talk
10 about is the gym/pool addition located right
11 here off of the existing gym. It's a very
12 modest addition, it's only about 5,000 square
13 feet on three stories. And it's really
14 designed to accommodate locker rooms,
15 additional pool deck and spectator seating
16 space, all of which are deficient in the
17 existing building.

18 The next component is to raze the
19 existing abandoned building known as Fraser
20 and construct a one story below grade parking
21 deck with a synthetic turf roof which will
22 have approximately 64 spaces and then to

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1 convert some existing impervious paving to
2 pervious paving. We're going to talk about
3 that in detail next.

4 So just to quickly orient you.
5 These are photographs of the existing main
6 building at Lowell, which was built
7 originally as a college in 1929.

8 At the east end of the building is
9 the gymnasium and pool. These are some photos
10 that show the facade of the gymnasium and
11 pool that faces Fraser.

12 And here are some images of the
13 Fraser building. And this is a photograph
14 here of the access, the emergency access lane
15 that runs between two of the adjacent
16 residences. The three residences were
17 originally part of the Lowell property, and
18 so this lane was constructed in the mid-'60s
19 when Fraser was constructed to provide
20 emergency access since it was originally
21 built as a dormitory.

22 This photograph here shows the

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1 narrow ten foot alley space between the
2 Fraser elevation and the neighboring property
3 fences of the residences.

4 So here's a zoomed in site plan.
5 Here's the addition. Access will be through
6 the existing front door, which is here now.

7 The parking deck has a ramp that
8 slopes down into the one story parking level.
9 There's an access point out the back that
10 then ramps up to an existing service yard.
11 And there's a gated entry to the play area,
12 which will be fully fenced. It will not be
13 lite, other than for security lighting, and
14 that would be done in a very sensitive
15 manner. And then, again, it has a synthetic
16 grass play surface on it.

17 Since the dormitory building will
18 be demolished, there is no longer a need for
19 the access drive for emergency vehicle
20 access. And so we would be relinquishing the
21 easement that the school currently has on the
22 access drive.

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1 And then we will be enhancing the
2 perimeter of the building with an evergreen
3 hedge along the neighboring properties, in
4 addition the deciduous and scrub landscaping
5 on the side that faces the access road.

6 And then we'll be expanding a
7 drop-off area here to improve the traffic
8 management which you'll be hearing more about
9 later.

10 And then lastly, we are proposing
11 to convert a portion of this existing paved
12 asphalt parking lot into pervious pavement
13 once the garage is completed.

14 Here's a floor plan of the garage
15 level. Again, the ramp goes down. It's a
16 very basic garage layout. Here's the door
17 that goes out. The garage entrances will be
18 fully gated and secured so that the school
19 can control access during off-hours. We'll
20 have a place for a few bicycle racks right
21 near here, which is where the elevator is
22 which goes up into the locker room area.

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1 Again, here's the line that shows
2 the demarcation between the proposed building
3 and the existing. We'll be completely
4 rebuilding the existing locker rooms, which
5 are in disrepair on this level. And then
6 we'll be creating this activity area, an
7 additional elevator and stair and a couple of
8 bathrooms that provide direct access from the
9 pool deck.

10 And then we're creating a modest
11 seating on the upper floor next to the gym.
12 Currently, as you can see, the gymnasium is
13 one of these old style gyms that has no
14 spectator seating and minimal runoff space.

15 So here' the west elevation of the
16 existing site where the parking deck will be
17 built. That's the Fraser Building. And you
18 can see the proposed garage will be sitting
19 nearly fully below grade with just a little
20 three foot section sticking out of the ground
21 here. And there's the evergreen hedge. You
22 can see the neighboring properties, their

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1 rear yards sit quite a ways above the
2 elevation of the deck.

3 Here's the north elevation, which
4 is what you would be looking at from the
5 neighbors' backyards. We've tried to design
6 something sensitive to the Mediterranean
7 Revival style of the building and tried to
8 create the sidewall of the garage to look
9 like a garden wall. And then that's enhanced
10 with the evergreen screening hedge.

11 And then here's a section that
12 more clearly describes how that garage sits
13 below the grade in an aerial rendering of the
14 site, again showing the garage down, the
15 service yard and the play surface and the
16 addition.

17 Lastly, we're proposing to do some
18 pedestrian enhancements along. Along Kalmia
19 Road at Myrtle we're going to make an
20 additional crosswalk and extend the sidewalk
21 from the crosswalk up to Lowell's existing
22 sidewalk within the campus to provide a safer

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1 transition for people walking to the school
2 from the neighborhood.

3 And then here's an image that
4 shows all of the improvements: The vehicle
5 queuing drive, the addition to the middle
6 school, the addition to the gym, and the
7 parking deck and play area, the expanded
8 service drive, and the sidewalk.

9 And this is just a view of it from
10 the other direction.

11 Just to quickly summarize the
12 Zoning characteristics. The existing FAR is
13 .36. Because we're demolishing more of a
14 building area than we're building, the
15 proposed FAR will actually be reduced to .34

16 One could suggest that on a lot
17 occupancy, the allowable lot occupancy of 40
18 percent, that you may have an FAR of up to
19 1.2 and .40 per the R-1-8 PUD requirements.

20 Existing maximum height of
21 buildings on the campus is 40 feet, and we
22 will be maintaining that height.

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1 Lot occupancy will go up modestly.
2 Currently it's just under 13 percent. We'll
3 be at just over 14 and just under 15 percent.
4 And, again, the allowable is 40 so we're less
5 than half what the allowable occupancy is.

6 There are currently 90 parking
7 spaces on the site and we're adding 42 to
8 bring the total to 132. And as I said
9 earlier, 20 of those will be converted to
10 pervious pavement.

11 As I said earlier, Lowell is
12 committed to environmental sustainability.
13 It's a benchmark of their academic program
14 and all of the improvements will be designed
15 to meet certification level for LEED 3.0 for
16 schools. We will be taking extensive
17 measures to incorporate all of the
18 recommendations of LEED mandated design, and
19 extensive landscaping will be part of these
20 projects as well.

21 MR. FEOLA: Thank you.

22 Mr. Chairman, our next witness is

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1 Nicole White a principal with Symmetra to
2 walk through the transportation issues.

3 Ms. White?

4 MS. WHITE: Hi. Thank you. Good
5 evening.

6 You've already seen the roadway
7 network close in, and here is a figure at a
8 larger scale so you can just really
9 understand the regional network.

10 Kalmia Road is a collector road
11 and it connects with Beach Drive across Rock
12 Creek Parkway.

13 The campus is about 1.7 miles away
14 from the Silver Spring Metrorail station and
15 there are several bus lines along 16th
16 Street.

17 We obtained residential ZIP code
18 information from parents with a student
19 location and used that in conjunction with
20 existing traffic data to determine the
21 directional distribution for traffic arriving
22 to the Lowell School. As you can see from

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1 this figure, the majority of traffic arrives
2 from the east and west along Kalmia Road.

3 As part of our study we also
4 conducted an online transportation survey for
5 parents to understand how they get their
6 children to school and how they pick them up
7 each day. As you can see from this table,
8 the majority of the students do arrive and
9 depart by carpool, with 67 percent arriving
10 by carpool during the morning and 58 percent
11 during the afternoon. This is quite
12 impressive considering the school did not
13 previously have a transportation management
14 plan in place. Only 27 percent of student
15 ride alone to the school during the A.M. and
16 34 percent ride alone during the P.M.

17 The school has a very efficient
18 one-way drop-off/pick-up system with Lowell
19 School personnel on hand to assist
20 operations. Site access is from 17th Street
21 and egress is onto Kalmia Road.

22 The carpool line has two drop-off

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1 and pick-up locations: One for the pre-
2 primary program, and you can see that with
3 the orange dashed line. Thank you. And the
4 second one is the blue line for the primary
5 school. And so in the location where the
6 pre-primary is located there is a double
7 stack line as the primary parents stay to the
8 left and will bypass them. So with this
9 double stacked driveway capacity we have room
10 for 38 vehicle to queue on the campus.

11 Since the Lowell driveway does
12 provide only limited capacity for vehicles to
13 queue, the queue does extend back onto 17th
14 Street during the drop-off and pick-up
15 operations. We made a number of observations
16 and during the peak observation period we
17 noticed that there were 23 vehicles queued on
18 17th Street. You can see the long queue along
19 17th Street here. And that is in both
20 directions; 23 vehicles during the afternoon
21 peak period.

22 The average queue during the

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1 afternoon was about 12 vehicles. And the
2 queue duration on 17th Street was for about
3 22 minutes.

4 I will note that the Lowell pick-
5 up operations do occur, they do not coincide
6 with the commuter rush hour periods. So this
7 is when traffic is a little lighter than a
8 rush hour period. During the morning period
9 the queue is less critical. The average
10 queue is four vehicles on 17th Street and the
11 maximum queue is 17th Street.

12 I also point your attention to the
13 two photos at the bottom of the slide which
14 show a hill on a 17th Street. The photo to
15 your left shows the driveway to the campus
16 and you can see there's a restricted sight
17 distance due to this hill.

18 There are a few neighborhood-wide
19 transportation issues that we observed and
20 that we heard through a number of meetings
21 with the community. These issues include:
22 lack of pavement markings and signage; use of

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1 neighborhood streets for cut-through, and;
2 also speeding on neighborhood streets.

3 Here is a summary of existing
4 level of service for each of the study area
5 intersections. As you can see, the majority
6 of the intersections operate with levels of
7 service A&B, excellent levels of service.

8 I will point out the level of
9 service F during the AM peak at both the 16th
10 Street and Jonquil intersections and the 16th
11 Street and Juniper intersection. These are
12 two unsignalized intersections. And the
13 delay is for vehicles on Jonquil and Juniper
14 who are trying to access 16th Street. So 98
15 percent of the traffic at these intersections
16 do not experience delay, but there is some
17 delay to those who are trying to get onto
18 16th Street.

19 There is a traffic signal at the
20 adjacent Kalmia Road which does provide some
21 gaps in traffic.

22 So, Lowell School through

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1 coordinating with DDOT and just what they
2 know, they have to improve the way they
3 manage transportation in reducing traffic
4 demand and reducing their carbon footprint.
5 And they understand that, and this is a big
6 priority for them.

7 In addition, I'll also point out
8 some infrastructure improvements. But let me
9 focus first on transportation management with
10 a focus for student and faculty staff
11 initiatives.

12 There is a bus program that the
13 school plans to implement starting in Phase
14 1, and I'll go into detail about that in
15 another slide. But I will note that adding
16 the middle school component, the 7th and 8th
17 graders with the older students does allow
18 for greater flexibility for transportation
19 management, including participation in the
20 bus program and extracurricular activities.

21 For faculty and staff the school
22 plans to implement a reward program for

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1 alternative transportation and also pre-tax
2 payroll deduction.

3 I think the slide got switched
4 here. But just to backtrack. So we just
5 spoke about the transportation demand
6 management measures which are critical to
7 improving transportation, and also there is
8 some infrastructure and safety improvements
9 which I'll talk about shortly.

10 And then through agreements with
11 the community that Lowell School has just
12 initiated recently, there will be new
13 policies and enforcement for parents to also
14 help with some transportation concerns that
15 the community has.

16 And then finally, Lowell will work
17 with the community, continue to work with
18 them to develop some strategies in
19 conjunction with DDOT. And so we'll talk
20 about that some later as well.

21 The bus program will begin no
22 later than the fall 2011 school year. Lowell

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1 expects to have one 40 passenger bus by
2 Phases 1 and 2 and increase that to two 40
3 passenger buses by Phase 3. This is a
4 tremendous investment for the school as the
5 bus will have to be subsidized for parking in
6 order to make the program successful. The
7 cost is expected to be about \$100,000 per
8 year per bus.

9 As part of the transportation
10 survey that I spoke about earlier, we did ask
11 the question of parents would you be
12 interested in a bus program. And 76 percent
13 of parents did show an interest. So we think
14 the bus program would be a great success.

15 Also, our firm worked recently on
16 the Jewish Primary Day School located just
17 south off of 16th Street. And that's a great
18 example of how successful the bus program
19 was. JPDS was able to increase their bus
20 participation from 9 percent to 45 percent
21 just in a matter of one school year.

22 The school add space for 24

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1 bicycle parking spaces, and they will use the
2 inverted U shaped bike rack as preferred by
3 DDOT. There are two locations that we'll
4 have for the middle school component two bike
5 racks near Parkside. And then also in the
6 parking garage, as previously noted, the
7 parking spot for faculty and staff which is
8 close to shower facilities.

9 So I'll try to walk you through
10 the differences. I know there were some
11 confusion early on. But to the left is the
12 June 2010 plan which we submitted and to the
13 right is the December 2009 plan, also now the
14 July 2010 plan and the preferred plan.

15 So the primary differences between
16 the two plans are:

17 The previous June 2010 plan showed
18 access from Kalmia Road across from Myrtle
19 Street with a one-way circulation through the
20 parking lot making a right onto the Lowell
21 driveway, circling around a new roundabout
22 within the campus, and then continuing on the

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1 driveway with a drop-off and a pick-up
2 operations and leaving the campus through the
3 Kalmia Road driveway.

4 The preferred plan that we have
5 agreed to in conjunction with meetings with
6 the community goes back to the December plan
7 where access would be along 17th Street just
8 south of the current driveway. It would be at
9 an existing curb cut which is the access to
10 the Parkside parking lot. Vehicles would use
11 the new queuing drive and then continue along
12 the main driveway as they do today with
13 opportunity for double stack the way they do
14 today and still with egress along the main
15 off of to Kalmia Road. So the egress would
16 be the same. So those are the primary
17 differences with the two plans.

18 Here is just a view of the
19 circulation that I just described, for now
20 the preferred plan.

21 The existing capacity of the
22 driveway I mentioned earlier was 38 vehicles.

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1 So by adding this queue drive, we increase
2 the capacity to 46 vehicles. So with this
3 plan and with the increase in student
4 enrollment and with transportation management
5 during the A.M. we would have an increase in
6 queue in 17th Street by three vehicles. And
7 during the P.M. we'd actually see a decrease
8 in the queue on 17th Street. And again, I'll
9 point out the P.M. queue was the more
10 critical queue, so this is certainly a
11 benefit and improvement from existing
12 conditions.

13 Here's a summary of where we are
14 with parking spaces. There are currently 90
15 parking spaces on the campus. The parking
16 garage would 64 spaces and 42 surface lot
17 spaces will be eliminated so that we'd have
18 112 regular daily use spaces and then 20
19 additional special event parking spaces to be
20 used.

21 Here is a summary of existing and
22 Phase 1 and 2 and Phase 3 trip generations.

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1 Phases 1 and 2 would add 350 students, again
2 well within the enrollment cap. We'd have
3 one 48 passenger bus and we'd expect to add
4 15 new cars during the A.M. peak with 30
5 trips. And actually that would be a
6 reduction in traffic during the school P.M.
7 peak hour, this again due to the school bus
8 and the opportunity for extracurricular
9 activities thanks to the middle school
10 program.

11 For Phase 3 we would add 27
12 vehicles during the A.M. peak or 54 trips and
13 an increase during the school A.M peak hour
14 of five total trips.

15 And here is, again, of the level
16 of service. Everything remains the same in
17 term of level of service grade as it was in
18 existing conditions.

19 And I mentioned earlier the
20 neighborhood-wide transportation concerns
21 that Lowell and the community share. And so
22 we want to work with the community for

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1 traffic calming and to improve signage and
2 pavement markings. And that would be
3 submitted through DDOT for implementation.

4 So in conclusion, the middle
5 school provides an opportunity for increased
6 TMP initiatives, for the bus program, for
7 extracurricular activities. These TMP
8 measures will encourage green mode choices
9 and also help to reduce the impacts on the
10 community. The needed infrastructure
11 improvement will minimize impacts and improve
12 safety. And the Lowell School is committed
13 to continue coordination with both the
14 community and DDOT to help address
15 neighborhood-wide transportation issues.

16 Thank you.

17 MR. FEOLA: Mr. Chairman, our last
18 witness is Mr. Douglas Odom, who is Director
19 of Finance and Operation of the school.

20 And Mr. Odom?

21 MR. ODOM: Thank you, Mr. Feola.

22 My Doug Odom. I am the Director

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1 of Finance Facilities and Operations at
2 Lowell.

3 First, we'd talk a little bit
4 about community involvement. Lowell began
5 presenting this plan to the community in
6 October of 2009. Through this process Lowell
7 has held or attended 12 meetings with the
8 community to explain our plans, answer
9 questions and to work with the neighbors. As
10 a result of this work, I'm happy to report
11 that we have reached Voluntary Agreement in
12 cooperation with many of our neighbors that
13 addressed the concerns of the community.

14 In addition to this agreement, we
15 have letters of support from two important
16 neighborhood organizations: The Civic League
17 of North Portal Estates and Shepherd Park
18 Citizens Association.

19 MR. FEOLA: Mr. Chairman, if it
20 pleases the Commission, I'd like to turn in
21 those letters?

22 CHAIRMAN HOOD: Yes, we'd like to

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1 see those. I'm sure you'll make sure the ANC
2 gets a copy.

3 MR. ODOM: Lowell is committed to
4 continued work with the neighbors to enforce
5 our agreement and improve Lowell's operations
6 for the benefit of the entire community.

7 In regards to transportation, we
8 have agreed to commit significant resources
9 to transportation management measures to
10 improve the safety and reduce vehicle trips
11 to the campus, as indicated by Ms. White
12 earlier. We estimate that the annual cost of
13 these measures will easily approach \$150,000
14 per year, which we will have to fund from
15 operations. These efforts, as Ms. White
16 indicated, include:

17 Adding crosswalk;

18 Additional sidewalk;

19 New warning signs or other traffic
20 calming measures where appropriate;

21 Implementing rewards program for
22 faculty and staff to encourage them to reduce

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1 minimum vehicle trips;

2 The robust bus programs makes a
3 lot of sense for Lowell in many different
4 ways, not only just to reduce the traffic to
5 school but it also allows Lowell to reach out
6 to communities and bring students to campus
7 that we currently do have access to;

8 We'll add traffic control officers
9 during the peak periods to improve safety at
10 the entrance and exit of the campus, and;

11 We'll continue to improve our
12 performance and carpool.

13 This project kicks off beginning
14 in 2011 with the addition of the 7th grade in
15 our existing facilities and the initiation of
16 the bus program followed by the 8th grade the
17 next year.

18 Then we begin construction phase
19 with the addition of Parkside and the new
20 queuing drive along 17th Street.

21 And finally, constructing the
22 parking deck with the play field on top and

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1 the addition to the gym and pool.

2 If I could just make one comment
3 in response to the Office of Planning report?

4 Lowell has participated in First Source and
5 CBE in the past with a relationship to our
6 borrowing through D.C. And we would be
7 committed to continuing those agreements in
8 the future when it's time to borrow money
9 again for construction.

10 Thank you.

11 MR. FEOLA: Thank you.

12 Mr. Chairman, that concludes our
13 direct presentation. We are, obviously,
14 available for questions.

15 CHAIRMAN HOOD: Let me go right to
16 Mr. Odom. He mentioned about the CBE and
17 DOES. Is that a proffer, Mr. Feola? Is that
18 what you all are proffering?

19 MR. FEOLA: I guess you could say
20 that. It is consistent with the original PUD
21 Order which required it, and it was a
22 suggestion or a recommendation from the

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1 Office of Planning. So we are willing to do
2 that, yes.

3 CHAIRMAN HOOD: Can you all give
4 us your track record thus far on those two?

5 MR. FEOLA: Yes.

6 CHAIRMAN HOOD: Okay. So that's
7 one of the things we want to see.

8 Let me ask this, Mr. Feola. I'm
9 going to start of with my questions, give my
10 colleagues a few moments.

11 Let's go back to the slide of
12 Fraser Hall. And I'm particularly interested
13 in those homes. Well, anyway, if we can go
14 back to the one where it showed the surface
15 and the underground garage and Fraser Hall,
16 right there. There's a picture, and I notice
17 it's almost like it plays tricks on you.
18 There's a picture where there are some homes
19 right to the side of that.

20 I guess my first question, Mr.
21 Feola, in this agreement, and I don't know
22 the addresses of those homes; did they sign

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1 this agreement?

2 MR. FEOLA: Two of the owners of
3 the homes did.

4 CHAIRMAN HOOD: Could you show me,
5 and forgive me for not knowing the addresses.

6 I don't make it up there often, but if you
7 could tell me where are the houses where they
8 signed and where the houses that weren't,
9 once we get the slide back up there.

10 MR. FEOLA: Is that the slide you
11 were talking about, Mr. Chairman, those
12 houses?

13 CHAIRMAN HOOD: There was one that
14 showed the houses, like right on the side
15 where it showed the green surface.

16 MR. FEOLA: In this slide in the
17 center picture starting at the driveway on
18 the right edge of that picture, the first
19 house. That is Mr. Frank has signed our
20 agreement.

21 The next house we do not have
22 their agreement.

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1 And then the next house Mr. Brahma
2 has signed the agreement.

3 CHAIRMAN HOOD: Let me ask, what
4 are those addresses? And if you don't have
5 it now, you can get them for me later. I'd
6 like to know those -- I thought it was five
7 houses, but it looks like it's three. I'll
8 get the answers. But I thought it was five
9 homes. I want the addresses of those five
10 homes.

11 And that's Fraser Hall, I guess
12 you're looking at it to the north of it,
13 correct? Right. Okay.

14 We can do that later Mr. Feola. I
15 want those addresses. And I think it's five
16 homes. I see three there, but I think there's
17 a total of five.

18 Let's talk about the queuing. I
19 think in the submissions that we got that
20 they spoke about queuing and, Ms. White spoke
21 about -- I think the community, at least
22 those who had concerns, spoke about double

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1 parking. Show me where all that would take
2 place when a lot of the queuing is done on
3 the property, am I correct? A lot of the
4 queuing is done on the property now?

5 MS. WHITE: Yes. Most of the
6 queuing is on the property and would be on
7 the property, though there would be some on
8 17th Street.

9 CHAIRMAN HOOD: But now that goes
10 on 17th Street, and I saw the line. I'm not
11 sure if it's 17th Street that said that
12 there's double parking. Is that the street
13 where the double parking actually takes
14 place?

15 MS. WHITE: No.

16 CHAIRMAN HOOD: Well, where were
17 they talking about the double parking?

18 MS. WHITE: That was stacking on
19 the drive.

20 CHAIRMAN HOOD: Okay. I thought
21 it said double parking in the street.

22 MS. WHITE: No.

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1 CHAIRMAN HOOD: So you're saying
2 double stacking on the property?

3 MS. WHITE: Yes, double stacking
4 within the property on the driveway.

5 CHAIRMAN HOOD: Okay. Now, Mr.
6 Feola, in the DDOT report that I have it
7 starts off, I know Mr. Jennings here, but I
8 just want to ask while we're dealing with the
9 Applicant. Now DDOT does not support the
10 Applicant's proposal to a PUD, there's not
11 enough information. Has that changed? And
12 this letter is dated June 24th.

13 MR. FEOLA: I think you're going
14 to have to ask Mr. Jennings that. I --

15 CHAIRMAN HOOD: So that means you
16 haven't talked to them since they wrote this
17 letter, and you all have went back --

18 MR. FEOLA: I think we did. I'm
19 not sure when we talked with them, rather it
20 was right before or right after this letter.
21 I don't recall.

22 CHAIRMAN HOOD: Okay.

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1 MR. FEOLA: We have tried to
2 address, though, all the issues that are
3 raised in this letter with regard to carpool,
4 bikes, incentives for faculty and staff to
5 not drive single occupancy, busing programs
6 and the like.

7 CHAIRMAN HOOD: And I think they
8 mentioned in their letter some programs.
9 Consider starting a Safe Routes To School
10 Program, which I think has been going on
11 since 2008; they mentioned that.

12 To consider other rewards for
13 families to carpool; I think you've done
14 that.

15 Consider leveraging existing
16 carpool website to include walking, school
17 buses and bicycle.

18 But anyway, I can ask Mr.
19 Jennings.

20 Now I'm trying to figure out
21 you're asking to expand to the 7th and 8th
22 grade, but you're not asking to increase the

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1 cap?

2 MR. FEOLA: Right.

3 CHAIRMAN HOOD: So what happens
4 when I start in kindergarten in the 1st grade
5 and now we've expanded to 7th and 8th grade;
6 at some point you're going to have to
7 increase something, at some point in time. Or
8 are you planning on coming back, or you're
9 just not going to continue the kindergarten
10 and 1st grade.

11 MR. FEOLA: But we are
12 significantly under the cap right now. So
13 we're hoping to add these grades to maintain
14 a more stable population at a higher number.

15 I think as you saw in one of the slides our
16 initial goal is to get the numbers to 350.

17 CHAIRMAN HOOD: So where are you
18 at again now? Where are we?

19 MS. GIBBS: Currently?

20 CHAIRMAN HOOD: Currently, yes.

21 If you can turn your microphone
22 on.

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1 MS. GIBBS: 290 -- 280, actually,
2 for next year.

3 CHAIRMAN HOOD: And particularly
4 how many years to integrate like a grade 4?
5 Do you have an average of how many in each
6 grade, pretty much on an average?

7 MS. GIBBS: It does vary, but in a
8 particular grade 16 to 18, although in the
9 kindergarten and 1st grade, for example, we
10 have three groups of 14.

11 Our goal for middle school is to
12 have two groups of 16. So in other words, 32
13 eventually when we get towards that 400.

14 For the first three years we
15 simply are having one section of each. We
16 have to grow the program.

17 CHAIRMAN HOOD: Okay. But I think
18 the request is also to increase a 100 staff,
19 am I correct, or was that phased?

20 MS. GIBBS: Not increase 100 --

21 MR. FEOLA: To a 100. There's a
22 cap of a 100, that's correct.

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1 CHAIRMAN HOOD: Oh, a cap of 100?
2 Cap at a 100 staff? So how much are we
3 increasing the staff by?

4 MR. FEOLA: Well, from the cap, 40
5 persons.

6 CHAIRMAN HOOD: Okay.

7 MR. FEOLA: But you're adding a
8 whole different element, middle school with
9 coaches and it's just a different animal. So
10 it may be too much, it may be only 90. But
11 we thought we should have some flexibility so
12 we don't have to come back here when we have
13 to hire a reading specialist or --

14 CHAIRMAN HOOD: You don't like to
15 see us?

16 MR. FEOLA: We enjoy spending our
17 July evenings with the Zoning Commission.

18 CHAIRMAN HOOD: Well, I want you
19 to know it's likewise, the feeling is mutual.

20 The K through 8, and I think heard
21 that it was separated. Are the 7th and 8th
22 grade going to be another portion or another

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1 building alone?

2 MS. GIBBS: I can answer that.

3 CHAIRMAN HOOD: That's fine.

4 Whoever.

5 MS. GIBBS: The pre-primary, the
6 nursery school and the K through 5 are
7 primarily in the main building. And then in
8 the Parkside Building would be the 6th, 7th
9 and 8th grades, primarily. Although the gym,
10 for example, is a shared facility. The pool
11 a shared facility. But there will be the
12 Parkside Building is primarily a middle
13 school building.

14 MR. FEOLA: The building Ms. Gibbs
15 is referring to is Number 1 on the list, that
16 would be the middle school.

17 CHAIRMAN HOOD: Right. Okay. Now
18 why don't we go back to the original plan?
19 Is because, you mentioned earlier I thin in
20 your testimony or in your conversation -- my
21 time is up. And I'm going to show my
22 colleagues that I'm going to lead by example

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1 and I'll come back on the second round.

2 Any questions, Commissioners?

3 Commissioner Turnbull?

4 COMMISSIONER TURNBULL: Yes. Thank
5 you, Mr. Chair.

6 Let's pick on if I understood your
7 phasing and sequencing, Parkside is the last
8 piece to get finished?

9 MR. FEOLA: No, it's the first
10 construction project?

11 COMMISSIONER TURNBULL: Okay. But
12 I guess, I thought I looked and there was a
13 screen that showed -- yes, go back to that
14 last slide you had. It says 2011 addition of
15 7th grade, 2012 addition. But where are you
16 putting these kids?

17 MR. FEOLA: In the existing
18 Parkside Building, which is vacant now
19 essentially.

20 COMMISSIONER TURNBULL: You're
21 going to gut that, though? What year are you
22 gutting that?

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1 MR. FEOLA: In 2012, at the end of
2 the school year 2012.

3 COMMISSIONER TURNBULL: Okay.
4 Well, where are the students?

5 MR. FEOLA: It'll be summertime.
6 They'll be out and --

7 COMMISSIONER TURNBULL: So you're
8 going to do this whole thing during a summer?

9 MR. FEOLA: That's the hope, or at
10 least the gut job in the summer and maybe the
11 addition as it spills over into the school
12 year.

13 COMMISSIONER TURNBULL: I guess I
14 was a little fuzzy on how you got that thing
15 up and running.

16 MS. GIBBS: The idea of starting
17 small with a section of 16 6th graders, 16
18 7th, 16 8th is so at the point at which we
19 gut the building, we can reabsorb into the
20 other facilities somehow by really -- you
21 have to just share spaces a lot more
22 temporarily.

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1 COMMISSIONER TURNBULL: And
2 they're very close with each other when
3 you're doing this.

4 MS. GIBBS: Yes.

5 COMMISSIONER TURNBULL: Yes, I was
6 just curious. When I saw that, I was just
7 trying to figure out how you really are going
8 to manage this and get this -- I mean,
9 there's a school work that gets done in the
10 summers. It's, you know, life safety work,
11 everything happens. And so this looks like a
12 very ambitious project to try to gut this and
13 get it all done and add on and try to
14 accommodate all those people. I was just
15 wondering if you've bitten off a little bit
16 more than you can chew, or have you really
17 thought this through on how you're going to
18 sequence this in that area?

19 MR. FEOLA: Yes. Well, as Ms.
20 Gibbs said, in the initial stage the middle
21 school is smaller. So there's already a 6th
22 grade on the campus.

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1 COMMISSIONER TURNBULL: Right.

2 MR. FEOLA: And so you're really
3 talking about the addition of two classrooms
4 worth of kids. And so there is a capacity
5 within the existing building to temporarily
6 house that small group of children while the
7 building is renovated and expanded. And then
8 at that point they'll add the additional
9 sections of children to grow the middle
10 school to its full size.

11 COMMISSIONER TURNBULL: Okay.
12 Maybe we could jump to busing. And again, I
13 guess how many of your students and what
14 percentage of them are in an area that you
15 can really bus? Because you've got a allow
16 45 minutes or more for the bus to go out and
17 come back, and pick up kids. So I would
18 think depending upon where there are. Is
19 there a loop that you've looked at in the
20 neighborhood that would pick up? I mean, and
21 again I don't know how many of your students,
22 what percentage, would be coming by bus.

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1 MR. ODOM: Well, in the surveys
2 that we've done, the parents have indicated a
3 high level of interest in busing. We have a
4 large number of students who are further into
5 Washington, D.C., down the east and the west
6 side of Rock Creek Park. These parents are
7 driving today to the campus and then turning
8 around and getting in the back of the
9 commuter line to go back into either their
10 homes or their work.

11 We feel like there's a clear
12 definition of at least two routes to collect
13 a large number of students in a very
14 efficient manner to bring them to campus.

15 COMMISSIONER TURNBULL: Is this a
16 half hour bus trip or 45 minute bus trip?

17 MR. ODOM: We're not going to
18 exceed 45 minutes. With the age of the kids,
19 the shorter the route the better.

20 COMMISSIONER TURNBULL: Yes. I
21 mean, yes, because they're getting into the
22 outside. I mean, my kids took the bus. You

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1 know, and rain, snow or whatever, they're
2 going to be out there. And I was just curious
3 what percentage of them could actually picked
4 up. I think you said you had 70 percent
5 interest or something?

6 MR. ODOM: Interest. Interest.
7 We'll see how that turns into action.

8 COMMISSIONER TURNBULL: Right.

9 MR. ODOM: But we are very
10 committed to making this work and we
11 understand that at the cost of what it takes
12 to run a bus, that we will be subsidizing
13 this program for some period of time to make
14 sure it works.

15 COMMISSIONER TURNBULL: Okay.
16 Thank you.

17 The play area, what do you see the
18 use of the play area? What kind of
19 activities are going to be --

20 MS. GIBBS: PE classes. A place
21 to recess. A place for kids, you know to
22 play ball at recess and that sort of thing.

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1 You know, after school, not -- you just
2 informal play. You know, playing kick ball,
3 that sort of thing.

4 COMMISSIONER TURNBULL: But
5 primarily during the school hours?

6 MS. GIBBS: During the school
7 hours it would be used for PE classes and
8 recess space. It wouldn't be used for all
9 the students for recess space because we like
10 to rotate the kids so that you spread them
11 out, they have more play space. So it would
12 be used for a portion of kids. In other
13 words, maybe it's one grade level gets to use
14 the play deck today. We do that currently.
15 We rotate kids. Our kids don't all eat lunch
16 at the same time. Some use the back
17 playground, some to play the equipment, some
18 play on the grass. And that would give us
19 also the turf field for the especially
20 younger kids who want to play something like
21 kick ball, it's better to have it where
22 you're contained, there's a fence and all

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1 that.

2 It does provide us with another
3 alternate play space.

4 COMMISSIONER TURNBULL: I guess I
5 was concerned about if you're going to use
6 for off hours and do the residents know that
7 they're not --

8 MS. GIBBS: No, we have --

9 COMMISSIONER TURNBULL: Yes I was
10 just worried about, you had talked about a
11 low lighting security only, and that this
12 would not elevate itself to a play area that
13 could be used after hours.

14 MR. FEOLA: Part of our agreement
15 with the neighborhood is that it would only
16 be used from 9:00 a.m. to 6:00 p.m. on
17 weekdays. It would not be used either before
18 or after those hours, or on weekends. So it
19 is pretty limited to the school day and
20 extracurricular school activities.

21 COMMISSIONER TURNBULL: Yes.

22 MR. FEOLA: And it's not big

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1 enough for anything but informal activities.

2 COMMISSIONER TURNBULL: Okay.

3 MR. FEOLA: It's not big enough
4 for a field.

5 COMMISSIONER TURNBULL: Parking.
6 I think the Chair started talking about
7 parking. And maybe we'll talk to Mr.
8 Jennings.

9 I guess one of the concerns is you
10 talked about alternative means of
11 transportation and yet you're asking for an
12 increase of a significant amount of cars.
13 I'm just wondering how that plays with your
14 busing program. And I think you had
15 mentioned, though, that this is only for
16 special events is the main increase?

17 MS. GIBBS: Well, there's a
18 tension between trying to keep the number of
19 trips to campus as low as possible, it's
20 recommended to with the busing and so forth
21 and carpooling, and helping our neighbors
22 have the impact on us be less. So during the

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1 school day, for example, as we have
2 admissions, for example, people come to see
3 the school and in group tours. There
4 needs to be a place to absorb their parking,
5 that would be an example of a routine weekly
6 use. Because we have enough space for the
7 faculty and staff within the numbers. We
8 need to increase for them. We need it for
9 these occasional uses.

10 Or a grade level is showing, it's
11 very common at Lowell to invite the parents
12 in to come see what the kids are doing a
13 grade level at a time. Well, that's if you
14 have 36 kids in two sections, you know, you
15 could have 20 cars or whatever, maybe more,
16 coming to campus on a school day to come do
17 this activity and then go back again.

18 So, it's to keep the impact of the
19 campus -- of the school minimized on the
20 neighborhood. They really prefer us not to
21 park pretty much ever in the neighborhood,
22 expect they're very understanding about major

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1 yearly events.

2 So, that was the idea.

3 COMMISSIONER TURNBULL: Okay.

4 Thank you.

5 CHAIRMAN HOOD: We're going to do
6 another round. Who would like to go next?

7 COMMISSIONER MAY: Sure.

8 The calculations of lot occupancy
9 and so forth, did that all include the garage
10 structure?

11 MR. FEOLA: Yes, it did.

12 COMMISSIONER MAY: Okay.

13 MR. FEOLA: As far as FAR is
14 concerned, that portion of the garage floor
15 area that is four feet or greater exposure to
16 grade was counted in the FAR per the --

17 COMMISSIONER MAY: Okay. Because
18 I heard you say something about there's a
19 part of it that's only -- that at the highest
20 point it's only three feet above grade. So
21 I'm not sure why any of it would count, or
22 maybe I missed a word.

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1 MR. FEOLA: There are two portions
2 of it at the two entrances. You know, we
3 have the entrance where you go into it and go
4 down. And so by necessity, the door to the
5 garage is greater than four feet. And then
6 out the rear when you go out the back and the
7 ramp slopes up to get to the surface area.
8 And so it's those two portions that we
9 counted.

10 COMMISSIONER MAY: Okay. I think
11 there really has to be sort of one measuring
12 point from which that's established. But I
13 thought it was a big point. It's just not
14 clear how those things are being measured,
15 and I surprise to hear that any of it would
16 be counted in the FAR.

17 I have a few traffic related
18 questions. With the calculations that you
19 had done, the survey and so on indicating how
20 many people drove and how many kids were in
21 each cars and those sorts of things, do you
22 have an actual estimation of how many cars

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1 come to the campus everyday based on the
2 survey information?

3 MS. WHITE: We have a table based
4 on actual traffic counts that we did at the
5 driveways which show the trips.

6 COMMISSIONER MAY: Okay. Yes.

7 MS. WHITE: So if we can go
8 forward a few slides.

9 COMMISSIONER MAY: So what's that
10 number?

11 MS. WHITE: Okay. Here we are.

12 The first row in the table shows
13 existing traffic counts that we conducted at
14 the inbound driveway on 17th Street and the
15 outbound driveway on Kalmia Road.

16 COMMISSIONER MAY: Okay. Just
17 trying to extrapolate that information and
18 compare it to the surveyed information, did
19 those things actually match up? I mean if
20 you're looking at that, I would say it looks
21 like there are a 166 vehicles that came and
22 dropped off in the morning, right?

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1 MS. WHITE: Yes.

2 COMMISSIONER MAY: Does that mesh
3 with the number, again based on the survey
4 the numbers coming in two per car, the
5 numbers coming three per car, so on? Because
6 it seems to me that that's a pretty high
7 number. It works out to be more than -- or
8 rather less than two children per vehicle if
9 they're coming by vehicle. So I don't know
10 how that averaged out.

11 MS. WHITE: You're saying that the
12 356 total looks --

13 COMMISSIONER MAY: I'm saying, I
14 mean the 356 total is in and out, right?

15 MS. WHITE: Yes, it is. Yes.

16 COMMISSIONER MAY: So I assume
17 that the ones who are actually both in and
18 out would be the out number, 166?

19 MS. WHITE: Yes.

20 COMMISSIONER MAY: Right?

21 MS. WHITE: Yes.

22 COMMISSIONER MAY: A reasonable

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1 approximation. So I'm just wondering how
2 that compares with the survey data and
3 whether the survey data is actually accurate?

4 Because it seems like the survey data might
5 be painting a rosier picture than what we're
6 seeing here.

7 MS. WHITE: No. I remember it
8 being comparable when we compared it to --

9 COMMISSIONER MAY: So you did some
10 sort of a calculation of --

11 MS. WHITE: Actually, we did.
12 Yes. A lot of calculation over the course.

13 COMMISSIONER MAY: Thirty-five
14 percent of the population with three children
15 per vehicle --

16 MS. WHITE: And we looked at --
17 exactly. This just shows the AM peak hour.

18 COMMISSIONER MAY: Oh, right.

19 MS. WHITE: And so if you look at
20 the entire period, there are vehicles that
21 come a little earlier and a little later than
22 the peak hour.

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1 COMMISSIONER MAY: But you did
2 that math and compared it?

3 MS. WHITE: For the entire three
4 hour.

5 COMMISSIONER MAY: Sometimes
6 people are a little bit greener when they
7 answer the survey than they actually are when
8 it comes to using their car and so on.

9 MR. FEOLA: It's always dangerous
10 when the lawyer when does his math. But I
11 just did the math. And with 290 kids it
12 averages 1.8 kids per car.

13 COMMISSIONER MAY: Well, that's
14 only, that's the peak hour she pointed out.

15 MS. WHITE: Yes.

16 COMMISSIONER MAY: So it doesn't
17 really quite work out.

18 Anyway, I'm going to think about
19 that a little bit more.

20 The actual traffic situation is
21 excellent in terms of the impacts on the
22 intersections. I can't remember a PUD where

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1 I actually saw an A rated intersection, let
2 alone that number, I mean that good. But it
3 doesn't necessarily state clearly what the
4 issue is with the vehicle trips. The fact
5 that the local streets can absorb it doesn't
6 give a good indication of the capacity of
7 16th Street or any of the other streets to be
8 able to handle a 166 cars per hour more on
9 the road, right?

10 So I'm wondering do we have any
11 information about how far these vehicles are
12 actually coming? I mean, are many of them
13 very short distance commuters or are many of
14 them coming from across the city and
15 therefore creating or adding to the traffic
16 problem across the city? Do you have any
17 sense to the distance they're traveling?

18 MS. WHITE: Not off the top of my
19 head. I know that the residential ZIP code
20 information is split between primarily
21 Maryland and D.C. with a very small
22 percentage in Virginia.

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1 You know, if you look at the
2 directional distribution, I don't know that
3 we have to go to it, but it was pretty well
4 dispersed.

5 COMMISSIONER MAY: Yes, I know I
6 saw that. It's a question of how the 49
7 percent that are coming from the west, how
8 far from the west are they coming? Maybe the
9 school had some information about the
10 distribution.

11 MR. ODOM: I don't know. I
12 probably can't give you any concrete
13 information. But we, again, visually we have
14 a car pool map that we allow our parents to
15 look at to try to figure out if they're
16 adjacent or close to other families. And
17 there are definitely clusters of those
18 families that run down the Wisconsin Avenue
19 area and down 16th Street. And then kind of
20 a wide scattering across the north in
21 Maryland.

22 MS. GIBBS: And also Connecticut.

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1 MR. ODOM: Right.

2 MS. GIBBS: Chevy Chase is a big
3 draw.

4 COMMISSIONER MAY: Right. It
5 would be interesting I think to see, get some
6 sense of how far they're traveling.

7 MS. GIBBS: Yes, we could provide
8 that. We have a GIS and ZIP code
9 information.

10 COMMISSIONER MAY: Okay. Is there
11 on-street parking on all of the surrounding
12 streets; 17th Street, Kalmia Road?

13 MS. WHITE: Not on 17th Street.
14 On Kalmia Road and --

15 COMMISSIONER MAY: You cannot park
16 on 17th Street at all?

17 MS. WHITE: Right.

18 COMMISSIONER MAY: And on Kalmia
19 Road there is?

20 MS. WHITE: Kalmia Road there is
21 some parking permitted.

22 COMMISSIONER MAY: There is some

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1 parking permitted. Is it zoned parking?

2 MS. WHITE: Yes.

3 COMMISSIONER MAY: Okay. Are
4 there capacity issues there?

5 MS. WHITE: In terms of on-street
6 parking?

7 COMMISSIONER MAY: Yes. Does it
8 fill up?

9 MS. WHITE: No. Well, the school
10 doesn't park there anyway.

11 COMMISSIONER MAY: I understand.

12 MS. WHITE: Oh, okay.

13 COMMISSIONER MAY: I'm asking
14 about the context, though. No?

15 MS. WHITE: No, I didn't notice
16 where there's a problem.

17 COMMISSIONER MAY: Okay. It's just
18 there's a lot of parking on the site and a
19 lot of cars going through it and that's why
20 I'm trying to understand more about it.

21 MS. WHITE: I see.

22 COMMISSIONER MAY: Thanks.

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1 CHAIRMAN HOOD: Okay. Thank you.
2 Vice Chairman?

3 VICE CHAIRMAN SCHLATER: I'll just
4 echo Commissioner May's comments on the
5 parking. By adding parking it does seem
6 somewhat contrary to the goal of encouraging
7 other modes of transportation to the school.
8 It seems like the more parking you're going
9 to have at school, it's just going to make it
10 easier for people to drive to school because
11 they know they're going to have parking
12 there.

13 So one of the questions I would
14 have is the parking for -- what are some of
15 the strategies that are being employed
16 related to faculty and transportation demand
17 management there?

18 MS. WHITE: Can we go back to that
19 slide?

20 MR. ODOM: In terms of faculty and
21 staff, I mean we already have a number of
22 people because we're approximately 1.7 miles

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1 from a Metro station, there's a number of
2 people that already use the transit system.
3 But currently we're not offering necessarily
4 an incentive to do so. So one of the things
5 that we're in process of doing this summer is
6 putting together an incentive or rewards
7 program for faculty to not bring a car to
8 school, whether that is a rideshare, or a
9 carpool, or a walk, or riding the bus or
10 other transit mechanisms.

11 VICE CHAIRMAN SCHLATER: But you
12 considered having faculty pay for the
13 parking? That would certainly discourage
14 them.

15 MR. ODOM: Debbie?

16 MS. GIBBS: No, I think I would
17 rather reward positive behavior. It's more
18 in keeping with our school.

19 VICE CHAIRMAN SCHLATER: Okay.
20 Well, just note it's a concern of mine adding
21 the parking we think is going to increase the
22 number of cars coming to the school.

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1 Another question I have is around
2 the Community Relations Council. It's
3 something the Lowell School committed to in
4 the previous PUD. I want to understand has
5 that been an active use? Is that something
6 that you kept up on, because it is a
7 requirement? And the only reason why I raise
8 that is because we do have a fair number of
9 people in opposition here. And there's
10 always going to be opposition. But I just
11 want to make sure that Lowell School has been
12 upholding its end of the bargain in terms of
13 outreach to the community.

14 MS. GIBBS: Well, many of us are
15 new to Lowell in the last one, two, three
16 years. So we don't know the exact history of
17 exactly when. I know that the Community
18 Relations Committee met for a while. It was
19 my understanding it did fizzle out a little.

20 We all met, and we're -- I mean I don't --
21 certainly when I came, no one even said. So
22 that is our -- we take that responsible that

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1 we now know that that's something we need to
2 do.

3 And I certainly, having spent six
4 of the seven days or so working with the
5 neighbors, it was hugely helpful to have the
6 neighbors step up and work with us.

7 VICE CHAIRMAN SCHLATER: Yes.

8 MS. GIBBS: And I'm completely
9 committed. And I can speak for the school
10 going forward, and I can speak for the Board
11 making sure that I do that going forward.
12 But I can't go backwards.

13 VICE CHAIRMAN SCHLATER:
14 Understood. It is a concern, though. And we
15 want to make sure that there is consistent
16 outreach there and we want to figure out
17 ways, mechanism to make sure it keeps
18 happening.

19 MS. GIBBS: We took into our
20 agreements quarterly requirements. And
21 there's more teeth in these agreements.
22 There weren't neighborhood agreements.

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1 VICE CHAIRMAN SCHLATER: Would you
2 put the quarterly requirement in your
3 agreement, in your conditions in the PUD?

4 MR. FEOLA: Yes.

5 VICE CHAIRMAN SCHLATER: Okay.
6 One of the things I noticed was you're
7 seeking some LEED green building
8 certification on the school side. Is that
9 something that's a proffer as an amenity,
10 something you're committing to do?

11 MR. FEOLA: It is a commitment.
12 It's because the school wants to do the right
13 thing. If you want to consider it a proffer.
14 But we would expect it to be part of the
15 order, in any event.

16 VICE CHAIRMAN SCHLATER: Okay.

17 MR. SALOPEK: Could I ask a
18 question about that? Are you saying that we
19 would get actual formal LEED certification or
20 that we would design to LEED standards?

21 VICE CHAIRMAN SCHLATER: I mean,
22 we always encourage people to go for the

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1 certification. But that is your choice, I
2 guess, what you want to commit to.

3 MR. SALOPEK: Well, I think the
4 point is the school would prefer not to pay
5 the cost of getting the certification. Would
6 prefer to just build it to LEED standards.

7 VICE CHAIRMAN SCHLATER: Great.
8 Maybe you can submit a scorecard to us?

9 MR. SALOPEK: Will do.

10 VICE CHAIRMAN SCHLATER: One of
11 the persons, one of the neighbors who sent in
12 a letter in opposition was asking for an
13 environmental impact study. Is that
14 something you considered doing? Is that
15 something that's been a topic of discussion
16 with the community? I'm just curious.

17 MR. FEOLA: As you can read from
18 the letters, it has been a topic of
19 discussion. But the District of Columbia law
20 is pretty specific about when environmental
21 review takes place, and it's at the point of
22 filing for a building permit. And, quite

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1 frankly, until we get some approval or some
2 idea of what the Zoning Commission will allow
3 happen here, doing an environmental impact
4 statement may or may not be a waste of time.

5

6 VICE CHAIRMAN SCHLATER: Okay.

7 MR. FEOLA: So we would prefer to
8 follow the D.C. regulations and law and do it
9 at the appropriate time.

10 VICE CHAIRMAN SCHLATER: Okay.

11 That's fair.

12 One thing I noticed in your
13 submission is one of your proposed conditions
14 is on the timing of the buildout of the
15 phasing. And if I'm reading it correctly, it
16 gives three years to file the first building
17 permit, is that correct? And then three
18 years from completion of that first building
19 to file the last permit.

20 I guess one concern I have here
21 is, is this construction period going to be
22 drawn out? The way the condition is written

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1 it would allow for the school to buildout
2 over a period of ten years, potentially.

3 Page 13 -- too much paper. In the
4 supplemental submission. It says: "The PUD
5 approved shall be valid for a period of two
6 years from the effective date of this order.

7 Within such time an application must be
8 filed for a building permit." So you have
9 two years, I guess, to file for your first
10 building permit.

11 "Construction shall begin within
12 three years of the effective date of this
13 order, and then an application for the final
14 building permit shall be filed within three
15 years after that." So I guess you have three
16 years to start first construction, two years
17 assuming it takes a couple of years to
18 construct the building, and then three years
19 after that the work shall be final. So, yes,
20 your final building permit would then be
21 three years after that.

22 So you're filing for your final

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1 building permit eight years from the
2 effective date of this order, or it allows
3 for that. So then you could --

4 MR. FEOLA: I assume that --

5 VICE CHAIRMAN SCHLATER: -- have
6 another construction period of two years. So
7 that's how I got the ten years.

8 MR. FEOLA: Right. Assuming that
9 the first phase is a two year construction
10 phasing, that's correct.

11 VICE CHAIRMAN SCHLATER: We're
12 hesitant, I guess, to -- it's something that
13 we get asked to do sometimes. Our typical
14 period is a two year period, as you know. So,
15 to go from --

16 MR. FEOLA: It's the first two and
17 three. Two and one, that's correct.

18 VICE CHAIRMAN SCHLATER: So I
19 would just say that a ten year buildout, I
20 don't know maybe you could explain to me why
21 it's planned to be such a long period?

22 MR. FEOLA: Well, I think Mr.

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1 Turnbull sort of touched on it, is we are
2 going to operate a school in and around this
3 construction. And so it takes longer to build
4 school buildings because you have to do a lot
5 of the work when the school is out of
6 session. And so, this is not unusual in my
7 experience with private schools that have
8 come before most of the BZA, not the Zoning
9 Commission where they're trying to do a whole
10 bunch in the summer and then they stop, come
11 back the next summer to do the next phase.
12 But if troubles the Commission that it's that
13 long, we can tighten it up some.

14 VICE CHAIRMAN SCHLATER: Thank
15 you.

16 CHAIRMAN HOOD: All right. We're
17 going to do another round. And we want to
18 really get to the community and give them an
19 opportunity so we can hear what some of the
20 concerns are. But, actually, I probably know
21 some of them because after what I read, the
22 information. I think what I'm reading and

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1 what I'm seeing is I guess people in the
2 neighborhood they want to make sure that
3 anything that's coming is predictable. And
4 so far tonight while you may think you have a
5 predictable, there's still so many unanswered
6 questions. But that's enough on my soapbox.

7 Let me talk about the Community
8 Relations Council because when I look and I
9 see that I came in to vote on final action in
10 1998, and now here in 2010 that the Community
11 -- and I know you've been there for three
12 years. But even at that, I still think that
13 at some point this Community Relations
14 Council should be efficiently running.

15 At what time can someone find out
16 or tell me when this was not done? Because I
17 know my former colleagues, we all when we
18 agreed to this decision, that was part of it.
19 And here we are all these years later and
20 this obviously has not been going on. Has it
21 just started that we haven't had a Community
22 Relations Council, or has that been going on

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1 since 1998? And if it do, I will tell you,
2 Mr. Feola, I have a problem. A serious
3 problem with that. Because maybe we wouldn't
4 have so much opposition here tonight.

5 But I would like to find out when
6 this Community Relations Council went
7 dormant.

8 MR. FEOLA: We can try. I mean, I
9 can't answer the question, but we can try to
10 --

11 CHAIRMAN HOOD: I know Ms. Gibbs
12 has been here for three years. So she hasn't
13 -- and you just found out about it recently?

14 MS. GIBBS: It wasn't a practice
15 when I got there, that's correct. We got
16 right into the strategic planning process and
17 we knew we needed to build it up again, and
18 that's what the point of getting to the
19 community early on in doing this project. We
20 believe working with the community is
21 extremely important. And I think you saw
22 from that timeline we jumped right in to

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1 letting people know. And we formalized in
2 the neighborhood agreements.

3 CHAIRMAN HOOD: I just need to get
4 a status on the Community Relations Council.

5 Also, I noticed this agreement
6 that we're going to point to our order,
7 possibly, if its approved. It only has three
8 residents from Kalmia Road. Obviously
9 because I'm looking at the dates today
10 getting signatures. So what I want to do is
11 make sure you all take this agreement back
12 and get some more signatures. Because it's
13 looking like, it appears to me and I'm not
14 saying you would do that, because I know you
15 wouldn't do that. It looks to me like you
16 hurry up and got something together to run
17 down here and present this tonight with a few
18 signatures. Because it's a lot of open
19 space.

20 Let me just show you what I'm
21 looking at. Now maybe I don't have the right
22 copy, but I'm looking at a lot of -- I see

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1 one signature on this page. And I think you
2 have a total of what? Eight signatures?
3 Ten?

4 MS. GIBBS: No, that's not
5 correct. We have --

6 CHAIRMAN HOOD: Okay. Well,
7 correct me.

8 MR. FEOLA: But, Mr. Chairman, I
9 think the reason you see so many blank spaces
10 is that the signature pages were done
11 separately so everybody could sign one page
12 and it didn't get carried around from door-
13 to-door-to-door. But I think there are about
14 25 signatures of neighbors.

15 You know, this was done under the
16 auspices of the ANC and the meetings were
17 called by the ANC Commissioner. And, so
18 maybe they should talk about the process.

19 And clearly there are people who
20 are effected that didn't sign it and chose
21 not to be signatories.

22 CHAIRMAN HOOD: You're right, and

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1 I stand to be corrected. There are 26, but
2 there are a number of them that come from the
3 same household. And I'm not saying that's a
4 factor. But I'm just cognizant of, you know
5 when you're trying to an agreement, I
6 understand everybody doesn't to the ANC
7 meeting. And I know we're mandated by law to
8 give the ANC great weight. But I also know
9 that there other folks who are effected who
10 don't go to the ANC meetings. And I'm just
11 curious where we were with them. Because the
12 way I see it, they wanted some
13 predictability.

14 Let me go back to the bus
15 situation, the new bus. While I applaud the
16 two new buses, how is that going to work and
17 what is the circulation and the
18 transportation pattern that the bus is going
19 to enter? And what time are they going to
20 start going up and down streets? You know,
21 those are some issues that neighborhoods want
22 to know.

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1 I mean, are you going to start
2 them up at 6:30, 5:00? Everybody up there
3 I'm sure gets up early.

4 So, I'm just saying those are some
5 of the things that should be worked out. And
6 I think those are some of the predictability
7 issues that I think the community would like
8 to know. So, I would like to know,
9 obviously, has that been thought of?

10 MS. GIBBS: Yes, we have. Let's
11 first go to the proposed site plan. And let
12 me while we're getting that up tell you that
13 we are currently looking at an arrival around
14 8:15 a.m. for the school bus. And currently
15 looking at a departure during the afternoon
16 peak right after the peak time period.

17 CHAIRMAN HOOD: Where are the
18 buses going to be garaged? Where are they
19 going to be housed?

20 MS. GIBBS: They're going to stop
21 along --

22 CHAIRMAN HOOD: I mean where are

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1 they going to be housed? Are they going to
2 be housed on school property?

3 MS. GIBBS: No. This would be a
4 busing contracting --

5 CHAIRMAN HOOD: Oh, so they won't
6 start up there on the property sometime in
7 the morning?

8 MS. GIBBS: Exactly. Exactly.

9 CHAIRMAN HOOD: They'll already be
10 running?

11 MS. GIBBS: They'll be running.
12 Exactly.

13 CHAIRMAN HOOD: At 8:30. Okay. I
14 gotcha.

15 MS. GIBBS: Absolutely.

16 CHAIRMAN HOOD: Well, that answers
17 my question. Okay.

18 Were you going to show me
19 something, because I think my question --

20 MS. GIBBS: One thing I wanted to
21 point out is where the main -- how do I do
22 that? Okay. Oh, thank you. Just hold it.

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1 Okay. So this we talked about
2 just south at the existing Parkside driveway
3 would be where the vehicle queue would be.
4 And we would maintain this access for buses
5 so the buses wouldn't have to make this turn
6 here.

7 CHAIRMAN HOOD: Okay. Okay.
8 Thank you.

9 Mr. Feola, what is your impression
10 of -- and I can read and I know it's here,
11 but what do you think that the folks in the
12 area who have some concern, and I'm not even
13 sure because that's why I want to hear from
14 them, who have some opposition what do you
15 think the issue is? Is it because of the
16 presentation? We had one presentation, we
17 had another; there wasn't predictability, or
18 what do you think the biggest issue is? Or
19 maybe I should over to Mr. Outreach. I don't
20 mean to call you Mr. Outreach, but Mr. Odom.

21 MR. ODOM: I think the message
22 that we heard consistently through our

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1 workings with the community was the concern
2 over exactly how Fraser would be demolished,
3 particularly with the asbestos that's present
4 in and on the stucco coating.

5 And the way we've handled that is
6 we have tried to give them as much
7 information as we can at this point knowing
8 that that structure won't be demolished for
9 at least a couple of years. But we've also
10 allowed in the agreement for funding for the
11 ANC to hire an independent authority as an
12 expert at this process to review and work in
13 collaboration with our own asbestos removal
14 and demolition people to make sure that it's
15 being done in the safest way possible to
16 ensure that we were not doing something we
17 shouldn't be doing.

18 CHAIRMAN HOOD: You know, it's
19 very -- ANC's change. And I'm not trying to
20 say that this person is going to get voted
21 out. I'm not sure. But I will tell you that
22 if I lived in that neighborhood, I would want

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1 to see something more concrete. I want
2 something predictable. Because you know when
3 the ANC change, the next person may come in
4 and do something totally different.

5 So I would implore this Applicant
6 to let's put something a little more
7 concrete. Especially I'm looking here, you
8 do have a construction management plan. It
9 needs to be something that really details
10 exactly what those concerns are, especially
11 when it comes to asbestos and how you're
12 going to handle it. Because those are some
13 nice homes up there, and those people have
14 investments. So we really need to really
15 look at that. I want to see that.

16 MR. FEOLA: And, Mr. Chairman, it
17 is fairly detailed in the neighborhood
18 agreement, which we are going to make part of
19 the order. And, in fact, as much as those
20 people have concerns, the school as many
21 concerns. Because it's hoping to have 350
22 kids here on a daily basis. So there's a

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1 mutual coming to the minds of trying to do
2 the right thing here. And so the only thing
3 we can do is use the best environmental mind
4 e have, share with them what we know. The
5 school has offered to pay for an independent
6 environmental engineer that would be their
7 engineer to make sure that what we're doing
8 is correct. I don't know how else to do it.

9 And, this whole issue is something
10 that's controlled by the Department of the
11 Environment. So it is a heavily monitored
12 environmental hazard; that's all I can say.

13 CHAIRMAN HOOD: Okay. We're going
14 to come back to it.

15 MR. FEOLA: But we're as much
16 interested to making sure it's done right as
17 anybody.

18 CHAIRMAN HOOD: Right. And we're
19 going to do all we can within our
20 jurisdiction to make sure that it's scripted
21 and it's out there. Because I do agree. The
22 Department of the Environment, but the Zoning

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1 Commission, we need to make sure things are
2 clear and at least enforceable in our order.

3 Mr. Turnbull?

4 MS. WHITE: Excuse me, Mr.
5 Chairman, before we move on could I go back
6 to Commissioner May's question and answer
7 that. I did a calculation.

8 CHAIRMAN HOOD: You're going to be
9 taking from Mr. Turnbull.

10 MS. WHITE: Okay. I don't want to
11 do that. I'll wait.

12 CHAIRMAN HOOD: You want to do
13 that?

14 COMMISSIONER TURNBULL: Go ahead.
15 I can wait.

16 CHAIRMAN HOOD: You can wait?
17 Okay.

18 What we're trying to do? We're
19 trying to be structured and organized so we
20 can get to the community. Okay.

21 COMMISSIONER TURNBULL: Thank you,
22 Mr. Chair, for giving me a little extra time

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1 there.

2 I'm looking back at the old order,
3 and I think what's happened, or a
4 possibility. Is that it's Item 40 in the old
5 order, which is on page 9. And it talks
6 about the Applicant proposals to establish a
7 Northwest Gallaudet Community Relations
8 Council. Now I think that's a holdover from
9 the Gallaudet College, and this may not even
10 exist anymore.

11 I would in light of that recommend
12 that maybe you rewrite this. I'm looking at
13 community groups in the area. You've got
14 Shepherd Park and the Civic League of North
15 Portal Estates, which are two papers here. I
16 think it may be worthwhile, in light of the
17 fact that I'm hearing that this Council ought
18 to be still in place, but maybe it needs to
19 be reworded. So that I'm not sure this even
20 exists.

21 MR. FEOLA: It doesn't, Mr.
22 Turnbull. As a matter of fact, there was a

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1 subsequent Zoning Order that --

2 COMMISSIONER TURNBULL: To this?

3 MR. FEOLA: That was when
4 Gallaudet first established a campus. It is
5 actually number --

6 COMMISSIONER TURNBULL: Oh, I see.

7 MR. FEOLA: It's the same idea,
8 but it's No. 10 in Order 97-16M, Order 849.

9 But we hear you loud and clear.

10 COMMISSIONER TURNBULL: Yes. It's
11 confusing, but I think maybe we need to
12 rewrite that and bring it up to date to
13 acknowledge the different community groups
14 that are around now.

15 I guess my next question is trying
16 to figure out, you mentioned the easement
17 would be abandoned. Does that go back to the
18 District, to an owner, or --

19 MR. FEOLA: No. It goes to the
20 adjacent owners of those two houses.

21 COMMISSIONER TURNBULL: Oh. So
22 it's going to be like split between them or

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1 whatever?

2 MR. FEOLA: Whatever, right. It is
3 their property fee simple. The school has an
4 easement over it for a fire lane.

5 COMMISSIONER TURNBULL: I gotcha.
6 Okay.

7 One of the things we've usually
8 talked about, and because the Chair has us on
9 this clock here, I'm sure Mr. May never got a
10 chance to talk about a materials board. Did
11 you bring a materials board with you?

12 MR. FEOLA: We did not.

13 COMMISSIONER TURNBULL: Okay. I
14 think that's one thing I'm sure -- he's got a
15 smile on his face so I know he would have
16 been bringing it up.

17 I think one of the questions
18 you're matching on the existing building the
19 stucco of that building, at least the
20 character of that building?

21 MR. FEOLA: Yes, we are.

22 COMMISSIONER TURNBULL: Now but on

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1 Parkside you've called off for this aluminum
2 panels system, I believe, right?

3 MR. FEOLA: Yes. The curtain --

4 COMMISSIONER TURNBULL: The
5 curtain wall.

6 MR. FEOLA: As curtain wall, yes.

7 COMMISSIONER TURNBULL: I think
8 we'd really like to see something on it.
9 It's hard to tell from the drawings what this
10 thing really looks like.

11 You're only putting the aluminum,
12 this curtain wall system on the new area?

13 MR. FEOLA: Correct, yes.

14 COMMISSIONER TURNBULL: And is the
15 rest of it stucco, too? I can't remember
16 what Parkside was originally.

17 MR. FEOLA: Can we go to the
18 drawings? Two more.

19 So here you can see the block of
20 the existing building. It's clad and stucco.

21 COMMISSIONER TURNBULL: It is
22 stucco? Okay.

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1 MR. FEOLA: And then the library
2 and theater addition we're also proposing the
3 clad primarily and stucco and masonry to
4 mimic the existing building. And it's the
5 space where we have corridor and common
6 gathering and circulation in between the
7 existing building and the new element where
8 we're using the curtain wall as a strategy
9 for daylighting as it relates to LEED.

10 Because, as you know, LEED for schools has
11 very stringent requirements related to
12 interior daylighting. And we have chosen not
13 to enlarge the openings on the exterior of
14 the existing building in order to maintain
15 its architectural integrity, but in return
16 we've had to create a lot of glass on the
17 opposite side in order to make up for that.

18 COMMISSIONER TURNBULL: Is it
19 primarily glass or is there also some solid
20 panels?

21 MR. FEOLA: Yes. We have panels
22 in the places where you would typically

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1 expect them. So the penthouse at the top
2 there has panel. And then there are a couple
3 of places where the roof is that we have some
4 panel. But 85 percent of it is glass.

5 COMMISSIONER TURNBULL: It's
6 primarily glass?

7 MR. FEOLA: Yes.

8 COMMISSIONER TURNBULL: The green
9 roof is sedum? No one's going to be going up
10 there, it's just a sedum roof?

11 MR. FEOLA: That's correct, yes.

12 COMMISSIONER TURNBULL: Okay. All
13 right. I think I'll relinquish my question
14 period, Mr. Chair.

15 CHAIRMAN HOOD: Thank you, very
16 much, Mr. Turnbull.

17 Who was next? Commissioner May?

18 COMMISSIONER MAY: Thank you.

19 How much time did you have left
20 when you were done?

21 CHAIRMAN HOOD: No time shall be
22 ceded.

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1 COMMISSIONER MAY: I see. No.
2 I'm going to see if I can beat him.

3 CHAIRMAN HOOD: I think he had
4 about four minutes left.

5 COMMISSIONER MAY: I'll try. I
6 don't know, that's tough.

7 We haven't gotten copies of this
8 PowerPoint yet. Did you bring copies for us?

9 Okay. It would be helpful to have those
10 because then we can -- like now. Thank you.

11 Because then we can look at stuff because
12 it's hard for us to wait for you to flip
13 back, and especially when we're not asking
14 questions.

15 I do have to just make a comment
16 about the whole parking situation and the
17 queuing. It really is just astounding to me
18 that at a peak time there'd be 60 cars
19 queuing up and dropping off. I mean, maybe I
20 just never focused on this on how a small
21 private school and how their students would
22 ordinarily get to the school. But the idea

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1 that there'd be 60 cars lined up dropping
2 off, all idling, and probably taking some
3 time. Because 60 cars is a lot of cars to
4 get in there and unload. I'm just astounded
5 by that.

6 I mean, you know the one hand you
7 have admirable aspirations in terms of green
8 building and so on, but at the same time
9 that's a lot of cars. I mean, it's just
10 astounding to me. And then you add to that
11 the amount of parking and the sort of casual
12 nature with which its being calculated and
13 provided. There's a certain contradiction to
14 that, in all honesty.

15 The parking lot that's going to be
16 converted or part of it is going to be made
17 into pervious pavement, is the current
18 asphalt parking lot, does it actually drain
19 to the storm drain now or does it just shed
20 to the lot?

21 MR. FEOLA: Yes, it does.

22 COMMISSIONER MAY: It does drain

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1 to the storm drain?

2 MR. FEOLA: Yes.

3 COMMISSIONER MAY: Are you doing
4 anything to try to hold more storm water on
5 the site? Because all the water that gets
6 into the storm drain I assume is just going
7 right into Rock Creek?

8 MR. FEOLA: Yes. It would be our
9 intention to design storm water management
10 systems related to the building improvements
11 to be more along the lines of bioretention
12 and natural means rather than taking water.

13 COMMISSIONER MAY: So you might do
14 that with, I mean the garage is the one in
15 particular where you're going to have a lot
16 of water hitting a hard surface. And it's
17 going to have to go somewhere. So is that --

18 MR. FEOLA: Yes, correct. I mean
19 current, when you really look at the total
20 amount of impervious area that exists there
21 now versus what it will be when the garage is
22 built, it's almost the same. Because there's

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1 paving behind the building and in front of
2 the building, and then the building itself.
3 And all of that is collected in the current
4 storm water management system.

5 So when we build the garage, we'll
6 actually as you know by regulation, we'll be
7 required to manage the water according to
8 current regulations as opposed to what it is
9 now, which was done to comply when the
10 building was built 40 years ago.

11 COMMISSIONER MAY: Okay. But it's
12 likely to be in a bioretention kind of scheme
13 --

14 MR. FEOLA: Yes. Correct.

15 COMMISSIONER MAY: -- rather than
16 sand filter underground or something?

17 MR. FEOLA: That's correct. Yes.

18 COMMISSIONER MAY: Just I'll thank
19 Mr. Turnbull for mentioning the materials
20 board. That's a fairly typical requirement
21 for all PUDs and elevations that are tied to
22 that that show us in a little bit greater

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1 detail then what we have in the submission is
2 also very important. We need to understand
3 where the materials are going and so on.

4 I have to say, you know, I know
5 that the big issue with this PUD is not the
6 architecture of the buildings. So I'm going
7 light on the architecture side, which
8 unusual. You know, the real issue has to do
9 with parking of cars and people getting in
10 and out. But this is really not enough
11 information the way it is.

12 The elevations -- I'm looking at
13 the west elevation of, I guess, the Parkside
14 building. And what I have is this very
15 diagrammatic black and white thing. And it's
16 gray blotches. There we go. Same thing there.

17 Now does that mean all those are
18 through-wall units that are coming out
19 through those windows?

20 MR. FEOLA: Those are existing,
21 yes.

22 COMMISSIONER MAY: They're

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1 existing.

2 MR. FEOLA: Yes.

3 COMMISSIONER MAY: And those are
4 going to stay?

5 MR. FEOLA: We hope to one day get
6 rid of them, but we're being conservative at
7 this point in terms of--

8 COMMISSIONER MAY: Understand.

9 MR. FEOLA: I mean, ultimately the
10 mechanical system of the building will be
11 redone to not have those be operable. But
12 it's possible that we may, you know in terms
13 of restoring the facade, we may prefer to
14 keep the grillage and close it off from
15 behind. Because we do have some concerns
16 about patching the exterior and making it
17 look --

18 COMMISSIONER MAY: Understand. It
19 helps just to know --

20 MR. FEOLA: Making it worse, in
21 other words.

22 COMMISSIONER MAY: It helps to

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1 know that they're existing because there's
2 just not enough information on here to be
3 able to tell anything about what it is.

4 MR. FEOLA: Yes.

5 COMMISSIONER MAY: Anyway.

6 What would you anticipate would be
7 the likely impacts of the campus becoming a
8 District historic property? I mean do you
9 imagine that you're going to wind up having
10 to redesign very much?

11 I mean, I don't know how much
12 experience you have in designing additions to
13 historic buildings, but I assume that you've
14 already put in a certain amount of
15 sensitivity in designing to it. Again, it's
16 not very clear from the level of drawing that
17 I have. But, I mean are you concerned at all
18 that this might become a historic property
19 and you're going to have to pass muster with
20 HPRB and all that?

21 MR. SALOPEK: Well, of course,
22 you're always concerned as an architect when

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1 multiple sets of eyes are put upon the
2 building. But Bowie Gridley has been
3 working with Lowell since they bought the
4 campus. And I think you'll find that if you
5 look at our firm's work, a good number of our
6 buildings, our practice have done in the
7 Washington, D.C. area have been very
8 sensitive contextually that we do
9 fundamentally believe that what we have
10 designed will be an enhancement to the
11 campus.

12 I think you would also acknowledge
13 that even under Historic Preservation
14 guidelines it's often common to design
15 building additions that are distinctly and
16 stylistically modern so as to enhance the
17 character of the original building rather
18 than to try and mimic it.

19 COMMISSIONER MAY: Absolutely. It
20 goes right to the Secretary of Standards.

21 MR. SALOPEK: Right.

22 COMMISSIONER MAY: Okay. I have

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1 no further questions.

2 Sorry I couldn't beat Mr. Turnbull

3 MS. WHITE: Could I use the last

4 43 seconds to answer your question from

5 earlier?

6 You asked a question about how the

7 traffic that we counted at the driveways

8 matched up with the survey. So I went back

9 to our December report which has some of the

10 same stuff as the June submittal. And when

11 you look at the mode split of the students,

12 27 percent ride alone which equates to 79

13 students. So all 79 of those students would

14 translate to trips.

15 If you have a two child carpool,

16 which would be 39 percent which is about 112

17 students, then half of the 112 students would

18 translate to trips. So we used that to

19 calculate what that would mean.

20 And so for the A.M. peak hour the

21 survey results would have yield a 158 trips

22 and from the counts we got 180 trips. And

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1 for the P.M. the survey results would have
2 yield 172 trips and from the counts we got
3 145 trips. Vehicles, so --

4 COMMISSIONER MAY: Yes. So then
5 the peak hour really is the entirety of it?

6 MS. WHITE: We looked at the peak
7 period. It as only more. I looked at page
8 14 from our December transportation study.
9 And we had peak period and peak hours. So
10 the peak hour in was 190 and the peak period
11 in was 204. The peak hour out was 166 and
12 the peak period out was 180. So that was the
13 180 number that I looked at.

14 COMMISSIONER MAY: Okay. Thanks.

15 CHAIRMAN HOOD: Okay. Vice
16 Chairman, you have a question?

17 VICE CHAIRMAN SCHLATER: Mr.
18 Chairman, I think I can do this quickly.

19 Commissioner May addressed
20 Historic Preservation.

21 I question on I think the Lowell
22 School committed to signing a CBE agreement

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1 at the beginning of the hearing and signing a
2 First Source agreement for hiring.

3 On question I have is how many
4 D.C. residents work for the Lowell School?

5 MR. ODOM: I don't know that
6 answer off the top of my head.

7 VICE CHAIRMAN SCHLATER: If we
8 could get that information. And the follow-
9 up I'm going to have on that is is the Lowell
10 School willing to commit to at least, I don't
11 know. In these First Source agreements,
12 sometimes they only apply construction.
13 Sometimes they apply to operations. Is it
14 something they'd be willing to do is to apply
15 it to the operations of the school so when
16 you have -- you know, whatever the job is
17 coming up, it would be posted?

18 MR. FEOLA: Excuse me. First
19 Source goes past operations. In fact, this
20 school just completed resolving it's First
21 Source agreement from 1998, quite frankly.

22 VICE CHAIRMAN SCHLATER: Okay.

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1 MR. FEOLA: So it goes on past
2 construction. CBE agreements are a little
3 different. They usually are through
4 construction.

5 VICE CHAIRMAN SCHLATER: Okay.
6 And I'm not asking that on the CBE agreement.
7 I guess if --

8 MR. FEOLA: But we can get you the
9 numbers.

10 VICE CHAIRMAN SCHLATER: It would
11 be great to see past performance in that
12 regard on both of those issues.

13 And that's it for me. Thank you.

14 CHAIRMAN HOOD: Okay. Any other
15 questions?

16 I'm going to forego. Mr. Feola,
17 we can do that at the end because we want to
18 hear from the community.

19 Let me ask the representative for
20 ANC 4A, who I believe -- I keep thinking it's
21 Commissioner Kennedy, but Chairperson
22 Whatley. Is Chairperson Whatley here? It's

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1 Commissioner Kennedy. Yes. Okay. Because,
2 yes, this is what it says. Do you have any
3 cross-examination of the Applicant? No
4 questions. Not this time.

5 You'll be coming up late to do
6 your presentation of what you all submitted.

7 Okay.

8 Let go to the report of the Office
9 of Planning. And let's do the report of the
10 Office of Planning as well as the District
11 Department of Transportation. Okay?

12 Mr. Cochran.

13 MR. COCHRAN: Thank you, Mr.
14 Chair.

15 You obviously already have our
16 report and have undoubtedly read it. So I'm
17 going to try to be really brief so that we
18 don't get in the way of the community
19 presentations.

20 OP has, obviously, recommended
21 approval of the application. I wanted to
22 mention that we will happy to submit a

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1 supplemental report that would consider any
2 new information that might be submitted after
3 tonight.

4 I wanted to emphasize, though,
5 that OP's report has focused on the requested
6 modifications. The Applicant already has
7 permission to go 400 students and could do
8 that without any additional transportation
9 demand management measures or transportation
10 management planning.

11 Most of the TMP and TDM that
12 they've offered would actually be dealing
13 with an increase that has already been
14 permitted by the Commission in the 1997
15 order. So that's one of the ironies of the
16 case is that a lot of the concerns about
17 things that the Applicant didn't actually
18 have to bring up in the first place.

19 There's one thing that we do still
20 need clarification on, and that's given that
21 the Applicant has gone back to the December
22 proposal, is the Applicant still asking for

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1 the elimination of the 1997 condition that
2 required the Applicant to close off the 17th
3 Street entrance in off peak hours? I can't
4 tell at this point whether that's still in or
5 out.

6 I wanted to emphasize that the
7 demolition of Fraser would be covered by both
8 federal and D.C. laws, in addition to the
9 neighborhood agreement that you've seen
10 tonight.

11 The transportation demand
12 management proposals that re in the
13 neighborhood agreement are actually sort of
14 structurally based on an agreement that was
15 hammered out by the outgoing, I believe, Head
16 Master along the lines of one that has been
17 successfully implemented at the Burke School,
18 which was a very controversial -- very
19 controversial case that as heard by the BZA.

20 And that seems to have worked out okay over
21 the last five years.

22 OP's aware of at least five

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1 proffers now being on the table as of
2 tonight, and we would certainly have no
3 problems with the Commission's including as
4 much as it wants to of the neighborhood
5 agreement into a list of proffers as long as
6 though can be enforced.

7 And with respect to historic
8 development and review and the Office of
9 Historic Preservation within the Office of
10 Planning have been informed as of you that
11 the D.C. Preservation League intends to file
12 an application. That application hasn't been
13 received. We don't know what will be
14 nominated for historic status; the whole
15 campus, individual buildings. We don't know
16 what evaluation of the merit of any
17 application would be. And we're certainly
18 aware that the Applicant would have to return
19 to the Commission for a future modification
20 if anything that was decided upon by the
21 Preservation Board effected some of the
22 modifications that the Applicant's requesting

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1 tonight.

2 We could say a lot more, but you
3 could ask us and we'll respond. Otherwise,
4 that completes OP's testimony.

5 CHAIRMAN HOOD: I guess we an go
6 right on to Mr. Jennings.

7 MR. JENNINGS: Good evening,
8 Chairman Hood, fellow Commissioners.

9 For the record, my name is Jeff
10 Jennings. I work for the District Department
11 of Transportation.

12 So in our report I think we're
13 rather clear with why we thought this was not
14 something that we could support. The impacts
15 are more than obvious, not just through the
16 numbers but on the site visits that we've
17 conducted. This is a very, very peaceful,
18 calm neighborhood, I have to say, with
19 respect to when you come upon the number of
20 vehicles queued up on 17th Street, it just
21 sticks out it's so obvious.

22 As far as what's been proposed

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1 here, the transportation demand management
2 measures are a step in the right direction.
3 What we stated in our report as far as lack
4 of information, we had anticipated the
5 Applicant to collect new data to present to
6 us to show how some of their transportation
7 demand management measures have taken effect
8 and have been effective. The survey that you
9 see in the December 9 submittal on page 12 is
10 data collected in 2008. And having begun
11 meeting with the Applicant in April of 2009,
12 we had been under the impression that perhaps
13 they would go back, whether it be in the fall
14 or the spring semester of this past school
15 year to show us how the carpool has been
16 working extremely well or other factors such
17 as getting students and faculty to ride
18 bicycle or to walk to school. But we didn't
19 receive any of that information.

20 So, that really I hope clarifies
21 that position as far as the lack of
22 information.

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1 We do agree with the statements
2 that have been mentioned here tonight as far
3 as the parking numbers. We don't get it
4 either as far as the school being that more
5 environmentally conscious and becoming aware
6 in that respect. But at the same time,
7 contradiction as far as getting up to a 132
8 parking spaces.

9 We felt there was going to be
10 based upon very early conversations going all
11 the way back 15, 16 months ago, we thought
12 there would have been a little bit more
13 effort to demonstrate that measures have gone
14 into effect. This is what we were back in
15 2008. This is what we were, perhaps, in
16 spring semester 2010. We're doing a great
17 job. We've got so many more things that
18 we're going to be doing. We didn't get any
19 of that with this particular submittal. So
20 that's why I think we came to the decision
21 that we did.

22 I haven't been able to necessarily

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1 look at the voluntary agreement that the
2 Applicant has signed with the neighborhood.
3 So I can't really comment on that particular
4 document just yet.

5 The other piece that hangs out
6 there that we didn't put in our report, in
7 all of this effort to become environmental
8 conscious and to have pedestrians and
9 bicyclists, other modes of transportation
10 than the vehicles, we did let the Applicant
11 know that if this case is approved, we would
12 want to see the Applicant install a sidewalk
13 on their side of Kalmia Road as well. That
14 actually would encourage people to walk on
15 their side of the street and would encourage
16 that type of sustainable transportation.

17 As far as going back to what Mr.
18 Feola mentioned when you did ask Mr. Feola
19 was he aware of the lack of information. We
20 did let him know in a June 22 meeting that
21 there was a pretty significant lack of
22 information, and I think our report is dated

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1 two dates later, on June 24.

2 We were unaware that the Community
3 Relations Council was something part of the
4 prior order as well.

5 And getting to Mr. May's comment,
6 Commissioner May's comment about how small
7 private schools operate, this is very much
8 how small private schools operate. I've only
9 worked at --

10 COMMISSIONER MAY: Not the small
11 private school that I went to. We had buses,
12 but you know, different.

13 MR. JENNINGS: I've only worked at
14 DDOT for -- well, it's going on five years
15 now. And for about 32 out of those five
16 years I worked as the Ward 3 Transportation
17 Planner where there is a glut of private
18 schools. And they are one of the more
19 difficult institutions in this city to try
20 and manage.

21 There are some very, very good
22 well managed carpool programs at some of

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1 those private schools. But I will say for the
2 most part private schools are a very tough
3 institution to try and manage as far as
4 transportation is concerned.

5 That more or less concludes my
6 testimony. I'm certainly happy to try and
7 answer any questions you may have.

8 CHAIRMAN HOOD: I want to thank
9 both Mr. Cochran and Mr. Jennings.

10 Mr. Lawson, did you want
11 something? Okay. And Mr. Lawson also.

12 Mr. Cochran, this has nothing to
13 do with this case, but I'm glad to hear about
14 Burke School. I actually sat on that case.
15 It's refreshing when you hear that when you
16 sit down here until 11:00 at night coming up
17 with trying to balance the equation. And then
18 when you come back in this case, Mr. Feola,
19 when the community relations has been out of
20 compliance, I have a problem with that. I
21 really do. If you look, like I said, I did
22 vote on that. But I'm glad to hear about

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1 Burke School. That's another case I sat on.

2 I'm glad to hear what is going on
3 there.

4 Mr. Jennings, so I hear you saying
5 that what you heard tonight it seems as
6 though the Applicant has gone a step, you say
7 one step, in the right direction. So,
8 obviously, there needs to be some more
9 collaboration with DDOT and the Applicant at
10 this point?

11 MR. JENNINGS: If I could answer
12 that. What we'd anticipated with this
13 particular application was time. We expected
14 the Applicant to show us, perhaps in this
15 upcoming school year, how all of these
16 efforts were going to be very positive and
17 they were going to, perhaps, show us those
18 numbers. And it was going to be proof to us
19 that they had done extremely well since
20 perhaps collecting this data back in 2008.

21 I had a brief phone conversation
22 with Mr. Feola in February of this year.

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1 That was right after a meeting to discuss
2 whether or not this case should go to
3 setdown. I left Mr. Feola know that I didn't
4 think it was a good idea to push this case
5 through until perhaps the late fall, maybe
6 early winter of 2010 because at that time we
7 could have that proof that some of these
8 transportation and land management measures
9 had actually taken effect. They could have
10 collected data, perhaps in late September or
11 early October, could have talked it over with
12 us. Could it have talked it over with the
13 community.

14 And I think what you see here
15 tonight is that missed opportunity that they
16 didn't necessarily come forward with, you
17 know, we've employed all of these -- you
18 know, whether it be transit benefits for
19 faculty, we've got the bicycle parking in
20 place that you've asked us do; none of that
21 has actually taken effect. And so here we
22 are July 1 and we're talking about all these

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1 things and we're not sure if these things
2 could have as much of an effect as what has
3 been talked about here tonight by the
4 Applicant.

5 Some of these schools do it
6 exceptionally well. Others, you know, it's
7 really just kind of a lost cause.

8 CHAIRMAN HOOD: Thank you very
9 much, Mr. Jennings.

10 Mr. Cochran, I think both of your
11 reports were very well done. I don't have any
12 further questions.

13 Let me open it up to my
14 colleagues. Any questions or comments of
15 either one? Commissioner May? Anybody?

16 Okay. All right. Let me ask
17 Commissioner Kennedy cross -- no, I'm sorry.

18 Does the Applicant have any cross-
19 examination of either Office of Planning or
20 District Department of Transportation?

21 MR. FEOLA: No, sir.

22 CHAIRMAN HOOD: Does Commissioner

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1 Kennedy, do you have any cross-examination of
2 either the Office of Planning or District
3 Department of Transportation? If you do, if
4 you can come forward and identify yourself?

5 Sure. If you could turn your
6 microphone on and identify yourself, let us
7 know what your ANC is.

8 COMMISSIONER KENNEDY: Good
9 evening. Karl Kennedy, ANC 4A01.

10 I have a question for actually
11 DDOT. There was a traffic study report done,
12 I think in March, on March 11th. And we've
13 never seen that as an ANC, and were looking
14 for it. Actually, is that public yet or is
15 it ready for us to review?

16 MR. JENNINGS: Everything that the
17 Applicant prepared for this case is public
18 record and is actually on record with the
19 Office of Zoning. We also have a copy of it,
20 but I believe the Office of Zoning can
21 furnish you a copy much quicker than perhaps
22 we can.

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1 COMMISSIONER KENNEDY: But that's
2 including the DDOT traffic report you guys,
3 the traffic report or traffic study?

4 MR. JENNINGS: What DDOT has
5 prepared is dated June 24. DDOT has not
6 prepared anything dated March 11.

7 COMMISSIONER KENNEDY: Okay.
8 Thank you.

9 MR. JENNINGS: Okay.

10 CHAIRMAN HOOD: Mr. Kennedy, hold
11 your seat because I think we're ready for
12 you.

13 Does anybody else have any other
14 questions?

15 Okay. Let's go straight to the
16 ANC, report of ANC 4A. Commissioner Kennedy.

17 COMMISSIONER KENNEDY: Good
18 evening. Commissioner Karl Kennedy again,
19 4A01.

20 On June 17th ANC 4A have a special
21 meeting to address the Lowell's application
22 for Zoning here. With that meeting we heard

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1 from both sides. Heard Lowell's presentation
2 and we also heard from the community. And
3 what we proposed was we moved forward and
4 supported Lowell, but we put three particular
5 things in place, working out a Voluntary
6 Agreement around three areas.

7 The main areas were traffic, the
8 razing of Fraser and the use of the athletic
9 field and parking garage.

10 And so I was tasked out by the
11 Chair to meet with the community and Lowell
12 to work on the Voluntary Agreement. What's
13 before you is what we came up with in, again,
14 the last 14 days.

15 It might not be the best
16 cooperative agreement, but it's an attempt.
17 Because we've asked a couple of times -- I
18 should maybe back up. During the Commission
19 even months prior we've asked Lowell could
20 they postpone actually coming to Zoning.

21 So the biggest concern was around
22 Fraser and taking the building now. And the

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1 neighbors had a huge concern with that. And,
2 of course, you would also. The building
3 contains asbestos. It's a four story
4 dormitory building. So it's not like a
5 residential house is coming down with 2,000,
6 3,000 square feet. It's a pretty big -- it's
7 30,000/35,000 foot structure in a residential
8 neighborhood. So there were a lot of
9 questions around that, and rightfully so.

10 So we actually asked them and they
11 said, no, the date was July 1st. They had to
12 get their approval for 7th and 8th grades out
13 for this year. And I'm not sure, I don't
14 think Zoning meets in August. But they were
15 just basic deadlined and set on the July 1st
16 date. So we said fine, okay, we'll work with
17 that and we'll see what happens.

18 Had the special meeting approved
19 them based on getting agreements done, as we
20 worked through the agreements with traffic.
21 Traffic pretty much fairly worked itself out.
22 I think there might be a few people opposed

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1 for certain things, but you're looking at a
2 school that's in a residential neighborhood,
3 so there's going to be some give and take
4 with that. I mean, there's nothing you can
5 do.

6 I mean, it's all residential
7 around there with the school plopped in the
8 middle. Ideally it's not the best situation.
9 I'm not sure if the roads are able to handle
10 the volume. And we get enough traffic down
11 16th Street and it is a major evacuation
12 route, but there is enough traffic down
13 there.

14 Kalmia Road, it's fairly busy.
15 Not just with Lowell traffic, but folks
16 crossing over from the east side of town to
17 the west side of town going through the park.
18 And the park, as you know, it's single lane.
19 So it's bumper-to-bumper all morning long.

20 And then the other, the big
21 issues; we've worked out the traffic. I feel
22 fairly confident with the traffic agreement,

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1 that's fine. And there's less opposition to
2 that. The big piece is Fraser. That's huge.

3 Like I said before, bringing the building
4 down in the community. The folks want to be
5 assured.

6 Something has to be done with the
7 building. It's been vacant at least for 12
8 years since Lowell been there, probably
9 longer when Gallaudet owned the place. But
10 it's basically deteriorating. It's empty and
11 is just sitting there. Something has to be
12 done; renovate or razing, or whatever. But
13 it has to be done in a safe possible manner.
14 So that's the area of concern that most
15 neighbors -- some neighbors are on board with
16 that on Kalmia Road, as you saw on there. I
17 think two out of three houses that are
18 closest to Fraser signed the agreement. But
19 there is still a lot of concern around that.

20 Ideally, the Commission, I mean I
21 even offered as a suggestion to Lowell to
22 pull out the razing of Fraser. Because

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1 nobody opposes Phase 1 of what Lowell is
2 trying to do with adding a library on the
3 park side. Nobody's opposed to that. I
4 mean, it's pretty much, yes, let's go with
5 that.

6 The opposition comes in around
7 taking down Fraser. And then it was proposed
8 during the meeting that we put two experts in
9 place. Lowell's going to pay one for the
10 community. And that we can, hopefully, come
11 to agreement before the building comes down.

12 But I think the citizens and everybody in
13 the neighborhood still want to be reassured,
14 even before this goes forward that it's going
15 to be done in safe manner. They have
16 children there.

17 And a lot of the folks up there
18 are Lowell parents or former parents. So
19 there's not a total opposition to Lowell
20 being there. They actually supported Lowell
21 over the years and still support Lowell now,
22 I'm sure. So that's the big area.

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1 And as far as use of the facility,
2 again, not a lot of opposition around that.
3 Around the field, there are some questions
4 about no noise, and putting up a noise
5 barrier around that.

6 But once again, to sum everything
7 up, it's around the taking down of the
8 structure of Fraser and people want to be
9 assured that it's going to be done in a safe
10 manner.

11 That's it.

12 CHAIRMAN HOOD: That's it? Okay.
13 Thank you, Commissioner Kennedy. And I
14 appreciate you helping us kind of fine tune
15 where the separation is. But I actually Mr.
16 Feola about that, and he converted back to
17 the construction management plan. He said
18 some of the things about the issues about the
19 -- and don't let me put any words in your
20 mouth. But some of the issues about the
21 razing of the building was addressed in the
22 construction management plan.

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1 I haven't seen it. And I have the
2 construction management plan in front of me.

3 But, you know, sometimes I need a little
4 help. So I'm not going to say I don't.
5 Everybody can learn something.

6 But have you seen the construction
7 management plan?

8 COMMISSIONER KENNEDY: I briefly
9 looked at it in the updated application. I
10 think it was in here.

11 CHAIRMAN HOOD: Help me.

12 COMMISSIONER KENNEDY: Okay.

13 CHAIRMAN HOOD: Did you see
14 anything that -- I can see how they could
15 make it fit, but did you see anything
16 addressing that issue that you mentioned
17 about the razing of the building?

18 COMMISSIONER KENNEDY: I mean, I'm
19 kind of familiar with some. I've done
20 residential projects before and I have razed
21 a building before at home. Not a building.
22 And what they're doing procedurally is

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1 correct. You have to get a firm in,
2 especially when you're dealing with asbestos.
3 There are probably several in the area.
4 They have to actually remove that. And then,
5 you know, take precaution in moving that.

6 Now a building of this size,
7 again, I'm not an expert in that area and I
8 was planning on hiring, we're going to get an
9 engineer or an expert to confer that. But it
10 looks pretty standard. But again, I'm not an
11 expert so I cannot say, say it's a 100
12 percent safe.

13 CHAIRMAN HOOD: I will tell you, I
14 think that even though this is pretty
15 standard, some of them have been tailored,
16 I've seen them.

17 COMMISSIONER KENNEDY: Yes.

18 CHAIRMAN HOOD: I think because
19 now that we know that is a major issue, some
20 of the emphasis needs to be in this
21 construction management plan and dealing with
22 that particular issue.

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1 COMMISSIONER KENNEDY: Yes.

2 CHAIRMAN HOOD: So that's one of
3 the things -- I'm letting you know, Mr.
4 Feola, that's one of the things I'm pushing
5 for.

6 COMMISSIONER KENNEDY: And an ANC
7 we even offered to pay for an impact
8 screening. I'm not sure if an impact study
9 is of -- requires an impact study. But an
10 impact screening --

11 CHAIRMAN HOOD: Right.

12 COMMISSIONER KENNEDY: -- on
13 taking that building down. And even as an
14 ANC, we're authorized actually to pay for
15 that also.

16 CHAIRMAN HOOD: Okay. Good.
17 Good. Okay. That's really all the questions
18 I had. But let me ask you about your
19 meetings.

20 You've obviously had Single-
21 Member-District meetings?

22 COMMISSIONER KENNEDY: Yes.

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1 CHAIRMAN HOOD: And were they well
2 attended? This is without the Applicant.
3 Just meetings you've had, right?

4 COMMISSIONER KENNEDY: With the
5 last couple of weeks, with Lowell as far as
6 working out the agreement meetings or the
7 ANC--

8 CHAIRMAN HOOD: The ANC meetings.
9 Not the full ANC. Did you have a Single-
10 Member-District, or did you all take this up
11 at a full ANC?

12 COMMISSIONER KENNEDY: At a full
13 ANC.

14 CHAIRMAN HOOD: Okay. Okay. Did
15 you have a nice attendance?

16 COMMISSIONER KENNEDY: Yes, we had
17 good attendance. Yes. That's where we kind
18 of tailored it because of attendance. We
19 wanted to give it its own special meeting
20 because people wanted to speak and voice
21 their opinion with it.

22 CHAIRMAN HOOD: Now obviously in

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1 this agreement that we're going to be
2 pointing to one of my concerns, and I
3 understand some of the negotiations go right
4 up to the hearing, and some of them happen
5 right before you come down. And, you know, I
6 know it's a big rush.

7 COMMISSIONER KENNEDY: Yes.

8 CHAIRMAN HOOD: But one of my
9 major concerns is I'm looking at who signed
10 it. I know everybody's not going to sign it.
11 I know the ANC we have to give you great
12 weight. I notice that you signed it.

13 COMMISSIONER KENNEDY: No. No, I
14 didn't sign it. No. The Chairman signed it.

15 CHAIRMAN HOOD: Oh, I'm sorry.
16 The Chairman signed it. So the ANC is in
17 agreement with this.

18 COMMISSIONER KENNEDY: Yes.

19 CHAIRMAN HOOD: Forgive me, the
20 Chairman signed it.

21 COMMISSIONER KENNEDY: The
22 Chairman signed it.

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1 CHAIRMAN HOOD: So the ANC, the
2 vote was six to zero to support. But what
3 concerns me is some of the neighbors who are
4 mostly effected, I'm not sure if you have an
5 ANC Commissioner who lives right there by the
6 razing of the building. You may or you may
7 not.

8 COMMISSIONER MAY: No. No, we
9 don't.

10 CHAIRMAN HOOD: And those, Mr.
11 Feola, are my concerns; the people who are
12 directly effected.

13 I appreciate all the work the ANC
14 do. I know you don't get paid for it. You do
15 a yeoman's job and especially for this one
16 here. I mean, this got signed between
17 yesterday and today.

18 COMMISSIONER KENNEDY: Yes.

19 CHAIRMAN HOOD: You guys have done
20 a great job. But anyway, I just wanted to
21 kind of get a feel for would you weigh the
22 scale as far as support? It's not a numbers

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1 game with me, I'm just trying to figure it
2 out. As far as support, would you say it's
3 50/50 with concerns? Probably nobody is
4 really in opposition, am I right?

5 COMMISSIONER KENNEDY: No. I
6 think everybody's in agreement. Close
7 agreement of probably doing something with
8 that building. It's just that -- I mean, I
9 think the neighbors want to be more informed,
10 you know, how it's going to be done.

11 Now it needs to be -- something
12 needs to be done with it; renovate it, use it
13 or let's get it out of here in the safe
14 possible way.

15 CHAIRMAN HOOD: Okay.

16 COMMISSIONER KENNEDY: But folks,
17 they felt rushed. You know, they felt they
18 ran out of time, we didn't have time, we kind
19 of worked, you know burning the midnight oil
20 trying to get this done so people can feel
21 kind of rushed. I mean, I think if it was
22 delayed, you know some days, at least around

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1 the building. We're not to stop -- nobody's
2 trying to stop Lowell from doing their
3 project as far as starting the first phase.
4 It's just around the taking down of Fraser
5 that folks wanted more time. And I think if
6 they had more time with the environmental
7 impact screening, with an expert weighing in,
8 you probably could get the opposition down to
9 probably very small, less than one percent.

10 I mean, Lowell is a good
11 neighborhood. And the folks up there, you
12 know support Lowell; Shepherd Park, Colonial
13 Village, North Portal. We like Lowell being
14 there. We want to see Lowell thrive and
15 flourish. You know, the whole issue was that
16 we also, folks care about their life and
17 their health and their future. Anything with
18 asbestos, it gets in the air, it gets
19 released, you breath it tomorrow; you might
20 not see the effects of it until ten years
21 down the road, 12 years down the road, or 20
22 years down the road. So it has to be taken

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1 care of but in a responsible and safe manner.

2 CHAIRMAN HOOD: Okay. Thank you.

3 Thank you very much Mr. Kennedy.

4 Let me open it. Commissioner
5 Turnbull?

6 COMMISSIONER TURNBULL: Thank you,
7 Mr. Chairman.

8 You know, I think one thing which
9 Mr. Cochran earlier did talk about, that
10 there are some very stringent regulations,
11 federal and D.C, EPA regulations on HAZMAT,
12 not only on containment but air monitoring
13 that has to be done. And I don't know
14 whether that needs to be accentuated or
15 talked about a little bit more in the
16 agreement. But they are governed by those.

17 And I know you said you weren't
18 that concerned about Parkside. Same issues.

19 You have asbestos, you don't have asbestos
20 in the plaster on Parkside?

21 COMMISSIONER KENNEDY: I think we
22 were told no. Yes, we were told no there's

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1 no asbestos there.

2 COMMISSIONER TURNBULL: You don't?

3 Why? Is it because of the age of the

4 building, or --

5 MR. FEOLA: We suspect when it was

6 renovated, you know probably in the '60s or

7 '70s it was taken out.

8 MR. SALOPEK: Parkside was built

9 in 1949. Fraser was built in 1966. When

10 once the school had -- when the school had

11 Fraser tested and saw that, you know when the

12 test came back positive, they decided to have

13 all the stucco on all the other buildings

14 tested just to see if there was a consistency

15 there. And it turned out there wasn't. And

16 it's likely that that's because of the age of

17 the building.

18 You know, for some reason it

19 appeared -- and we don't know why. When that

20 dorm was built in 1966 the contractor chose

21 to use a stucco that contained some -- you

22 know, and it's a pretty small amount of

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1 asbestos fibers.

2 COMMISSIONER TURNBULL: Yes.

3 MR. SALOPEK: But for whatever
4 reason they did. Because the construction of
5 the buildings are not connected to one
6 another in any logical way.

7 COMMISSIONER TURNBULL: So
8 Parkside is clean inside and out?

9 MR. SALOPEK: Yes.

10 COMMISSIONER TURNBULL: A bonus.
11 You got lucky there then. That's good.
12 Good. Thank you.

13 MR. SALOPEK: And when the main
14 building was renovated in 1998, there were
15 some trace amounts of asbestos o the
16 interior--

17 COMMISSIONER TURNBULL: Acoustical
18 plaster ceilings sometimes have it, yes.
19 Okay.

20 But anyway, at least a demolition
21 of a building like this, with these issues,
22 is going to be careful monitored. But that

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1 is a concern. I understand.

2 COMMISSIONER MAY: I guess I just
3 want to put a very fine point on exactly what
4 the concern is about the demolition of that
5 building. Is it the actual act of the
6 demolition or is there also an issue with
7 what will be built in its place, having
8 that big playing field right there behind the
9 neighbors?

10 COMMISSIONER KENNEDY: Well, yes,
11 I think it is part of that also. Not a major
12 part as the actual demolition of that
13 building. The use of the field and the
14 agreement, the third part of this agreement.

15 COMMISSIONER MAY: Yes.

16 COMMISSIONER KENNEDY: And, you
17 know, limited to the hours. There's practice
18 as far as actually kids using the field
19 between 9:00 a.m. and 6:00 p.m.

20 COMMISSIONER MAY: Yes.

21 COMMISSIONER KENNEDY: I think the
22 neighbors are fine with that. There won't be

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1 an inter-league or any varsity, or any like
2 you know game play or competition out there.

3 There will just be --

4 COMMISSIONER MAY: No lighting.

5 COMMISSIONER KENNEDY: No

6 lighting.

7 COMMISSIONER MAY: Right.

8 COMMISSIONER KENNEDY: And 6:00

9 the field's done. And there'll be a fence
10 around the field also, so the gate will be
11 locked and nobody will have access to it.
12 Just makes it for a school day for the kids.

13 COMMISSIONER MAY: Okay. Yes. I
14 would just suggest that the concern about
15 asbestos is a concern for every project
16 containing asbestos. And the federal
17 regulations in this regard are very, very
18 stringent. I've been involved in a number of
19 projects that involved asbestos removal, and
20 it was always taken care of in a separate
21 phase before any of the other major
22 construction was done or demolition was done.

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1 And it was very exacting standards on how
2 the work was done, how the workers were
3 protected who were doing the work, how the
4 air was monitored in the vicinity of the work
5 and so on. So there are already sort of
6 existing kind of built in controls that are
7 designed to protect who might potentially be
8 effected.

9 So, that's my two cents on it
10 asbestos.

11 CHAIRMAN HOOD: Any other
12 questions?

13 Okay. Do we have any cross-
14 examination? Okay.

15 Thank you very much, Commissioner
16 Kennedy.

17 COMMISSIONER KENNEDY: All right.
18 Thank you.

19 CHAIRMAN HOOD: Okay. Let me go
20 to the witness list and I'm going to start
21 with those in support first.

22 Mr. Brahma. Charanjit Brahma?

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1 Okay. Mr. Oliver Sockwell?

2 Oliver Sockwell, you want to come forward?

3 Last name is A-I-L-E-S? That's
4 all right. Okay. I'll just cross you out.
5 You in support?

6 Okay. Luellen Steadman? Luellen
7 Steadman? She had to leave. Sorry about
8 that.

9 Melissa Bianchi? Come forward.

10 Billy Martin? Okay. Ms. Martin.

11 How many do we have at the table?

12 I think we can get two more. Okay.

13 Brian Joseph?

14 And one other person. The last
15 name is Brian Joseph? Okay. And the last
16 name is Weber. Okay. Looks like Weber.
17 Patrick. Patrick Weber? Patricia Weber.

18 Okay. We'll skip that.

19 Okay. Well, that's all we have.
20 Anybody else who would like to testify who is
21 here in support? This young lady, she can
22 come on up.

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1 Mr. Brahma, we're going to get
2 your right out of here. I know you got to
3 go, obviously, by the phone. So we'll get you
4 right out of here. As a matter of fact,
5 we're going to start with your first. We're
6 ready. To can go ahead and begin.

7 MR. BRAHMA: Okay. My name is
8 Charanjit Brahma. I live at 1626 Kalmia
9 Road, which is one of the houses that adjoins
10 Lowell School right near the Fraser Building.

11 I look out on it every morning when I eat
12 breakfast.

13 What I wanted to say, first of
14 all, is that I know Chairman Hood has
15 expressed some concerns about outreach to the
16 community and communication with the
17 community in the course of this project. You
18 know, I got pretty involved with the process
19 very early on when Lowell was just
20 contemplating bringing on the extra grades
21 and there hadn't been really a design
22 developed or any traffic management --

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1 CHAIRMAN HOOD: Excuse me. Could
2 we turn some of the microphones other than
3 Mr. Brahma's? Okay. Maybe that will work.
4 Yours is off. Okay.

5 MR. BRAHMA: Sorry about that.

6 And what I'd like to say is that
7 while there may not have been a formal
8 council or whatever, I think Lowell has made
9 significant efforts to try and involve
10 various groups from the community, not only
11 parents that send their kinds to Lowell, but
12 also people that live along the adjoining
13 streets.

14 They've had several meetings. And
15 I know there's been plenty of discussion of
16 traffic plans and how the Fraser Building is
17 going to be taken down and things of that
18 nature. So I know that they have tried to
19 get as much community input as possible and
20 have adjusted their plans accordingly.

21 Second on the issue of kind of how
22 Fraser is going to be taken down, as one of

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1 the people that lives abutting Fraser, I
2 think my main concern is, you know obviously
3 I want them to do it safely. I think they
4 have a contractor that has experience in this
5 type of demolition. Beyond that, frankly,
6 I'm not an expert in removing asbestos. If
7 you show me the plan for how they're going to
8 do it, I really can't comment on whether it's
9 a good plan or not. I would be relying on
10 the expert that Lowell has generously agreed
11 to pay for the independent expert to evaluate
12 that plan and tell me that it's safe. But my
13 own independent looking at it will do
14 nothing.

15 My own experience with, and it's
16 limited in these types of projects, is that
17 once you open them up things come up and you
18 have to change plans and be somewhat
19 flexible. So my own inclination or what I
20 would suggest or urge this community to do
21 would be to leave some flexibility for Lowell
22 to actually address problems that arise as

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1 the project gets underway. I think the more
2 specificity you include or order, the less
3 you're able to address issues as they come
4 up. And I think issues inevitably come up in
5 a project of this size.

6 Thank you.

7 CHAIRMAN HOOD: Thank you, Mr.
8 Brahma.

9 Let's do this because I understand
10 you have to roll out. But let's do this:
11 Commissioners, any questions? Any cross-
12 examination? Does the ANC have any cross-
13 examination.

14 Okay. Thank you, Mr. Brahma.
15 Appreciate it. Thank you for testifying.

16 MR. BRAHMA: Thank you for
17 testifying.

18 CHAIRMAN HOOD: Now what we're
19 going to do beginning, I think we have Mr.
20 Sockwell, Oliver Sockwell. No, Mr. Sockwell
21 is not here.

22 MR. SOCKWELL: Yes, I am.

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1 CHAIRMAN HOOD: Oh, I'm sorry.
2 Well we're going to do Mr. Sockwell. We're
3 going to start with you and we're going to
4 let everybody finish their testimony first.
5 We're going to go right down to my left.
6 Starting on my right, we're going to go from
7 my right to my left and we're going to let
8 you finish. And we may have questions at the
9 end. So we'll do that. He had to leave.
10 That's why we did it in that case.

11 Okay. Mr. Sockwell, you may
12 being.

13 MR. SOCKWELL: Good evening. I'm
14 Oliver Sockwell. I live at 1635 Myrtle
15 Street, which is directly across the street,
16 across Kalmia Road from the school within 200
17 feet of the school.

18 I submitted a letter to the Zoning
19 Commission on June 17th. That letter was in
20 opposition. Lowell had proposed that a main
21 entrance during peak hours be a new driveway
22 at the base of Myrtle Street. So in effect,

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1 they would have extended Myrtle Street into
2 the lower campus. The reasons for my
3 opposition are in the letter, so I won't
4 discuss them unless there's questions here.

5 There have been two developments
6 that turned me, that influenced me to no
7 longer oppose the school's development but to
8 be a supporter. First, there was a meeting
9 among the neighbors, the school officials and
10 Commissioner Kennedy that where we visited
11 the site where they proposed to extend Myrtle
12 Street. And after visiting the site,
13 observing the site and quite a bit of
14 discussion there was universal agreement that
15 it was a very poor suggestion, an
16 unacceptable entrance for the school.

17 And as a result of that agreement,
18 a result of that meeting, the school agreed
19 not to pursue the Myrtle Street entrance and
20 to revert to a 17th Street proposal.

21 Second, as has been mentioned,
22 there have been a series of meetings. Some

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1 of the meetings have been with the school and
2 the ANC Commissioner, and the neighbors.
3 There have also been meetings, fairly large
4 meetings among the neighbors themselves where
5 they discussed the proposed agreement. And
6 as a result of that agreement, there's been
7 this neighborhood agreement developed which I
8 believe adequately addresses the traffic
9 management issues, the construction issues,
10 the play deck issues and the asbestos issues.

11 So in sum, I believe there's a
12 general consensus among the neighbors with
13 the exception of the asbestos issue that the
14 proposals of Lowell School should proceed and
15 that the neighborhood agreement is a good one
16 that protects everyone's interests.

17 CHAIRMAN HOOD: Thank you very
18 much.

19 Next?

20 MS. BATIPPS: My name is Joyce
21 Stanley Batipps. I reside at 1645 Jonquil
22 Street, Northwest. Which is at the

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1 convergence of four streets. I'm on that
2 corner of Juniper, Jonquil, Holly and 17th
3 Street. I've lived there for 30 years. And
4 I served on the neighborhood cooperation
5 group with the first Lowell application for
6 about two years, and then suddenly it just
7 fizzled and we heard no more about it.

8 So to answer your question, there
9 was one, but it fizzled out.

10 I submitted my letter on June 17th
11 in opposition to Lowell based on my concerns
12 about traffic on 17th Street.

13 I should go back and say at that
14 time the traffic plan was a moving target.
15 Every other day we had something different
16 and it was hard to even center an argument
17 about what I opposed because it was
18 constantly changing.

19 With the suggestion of the ANC
20 that we try to come to an agreement with
21 Lowell, as you know we met. And I feel that
22 the traffic concerns that I have with regard

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1 to 17th Street, the stacking cars, the
2 increase in traffic there have been addressed
3 to the best degree that we can.

4 I think I'm pragmatic enough to
5 know that it's a difficult situation. The
6 school has to have an entry somewhere on that
7 campus. And ideally, I would like not to see
8 17th Street used, but I don't think there's
9 many other options.

10 So with that, I think we've
11 hammered out an agreement that I can live
12 with with enough monitoring and enforcement
13 from Lowell with regard to a transportation
14 plan that I come now in support of our
15 agreement that we've made.

16 I have concerns, as my other
17 neighbors do, about the asbestos in Fraser
18 Hall, and had wished we could have carved
19 piece out the agreement and had it as a
20 separate entity. So we had to buy into all
21 three if you agree and not just to the
22 entities that we really, really support.

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1 But in totality I'm here to say
2 that I do support Lowell and hope that we can
3 be good neighbors, as they have been, and go
4 forth with this new modification.

5 CHAIRMAN HOOD: Thank you very
6 much.

7 Mr. Joseph, the next.

8 MR. JOSEPH: Thank you very much.

9 My name is Brian Joseph. I live
10 at 7909 Orchid Street, which is within one
11 block of Lowell. I have two children at
12 Lowell, and I'm also a Trustee at Lowell.

13 I was an active member of this
14 community group that hammered out this
15 agreement. And all I can tell you from my
16 personal experience is I thought given the
17 contentious nature of a number of the issues,
18 that people approached it with an open mind,
19 were very critical of various proposals and
20 worked cooperatively to try to hammer out
21 agreements.

22 I think the fact Lowell and the

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1 community was able to move away from the
2 Myrtle Street exit was actually the right
3 decision. So I'm fully supportive of that
4 aspect of it.

5 I want to talk a little bit about
6 why I think it's so important to support
7 Lowell now, which is the 7th and 8th grade
8 extension, is a vital part of Lowell. As
9 Debbie Gibbs, the Head of the School touched
10 upon, without better facilities, without the
11 proper facilities it's very difficult to
12 attract students. The school needs to right
13 size, it needs to be a strong, vibrant and
14 financially viable entity in the
15 neighborhood. And as a parent, a Trustee, and
16 a member of the community I actually think
17 it's a huge asset to the neighborhood.

18 I recognize that traffic is a
19 problem. I think it's a problem no matter
20 what you do with that space. It's an eight
21 acre campus in a relatively densely populated
22 part of the city. It's a quiet part of the

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1 city, but it's also -- it's just a fact that
2 traffic is an issue.

3 I think the school has done a
4 tremendous amount to try to address it. I
5 think e should do more to address it.

6 I also wanted to talk a little bit
7 about why I think it's so important to move
8 forward with this entire process. I
9 recognized for the families that live right
10 on the campus, bordering the campus, that the
11 asbestos is a serious concern. But as a
12 number of people have said, I think we all
13 have exactly the same interest in doing this
14 properly.

15 My two children play at the school
16 all of the time, whether it's on the weekends
17 or during the school. I want to see that
18 building come down safely. I want to see it
19 done in an environmentally friendly manner.
20 And I want to see it come down. Because I
21 think as it stands now, it's actually much
22 more of a liability to the neighborhood than

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1 it would be done properly.

2 So I think the neighborhood all
3 and the school itself recognizes this.

4 The proposal before you and that
5 agreement was actually a suggestion of having
6 an expert hired, paid for by Lowell that
7 represents the neighborhood. Representing
8 their interest was a community idea which
9 Lowell readily and quickly accepted. And I
10 fully support that saying the laws are out
11 there. Let's make sure they're enforced,
12 let's make sure they're followed to the
13 letter of the law or beyond. And by having
14 two experts, one representing the community
15 and one representing the school, I see no
16 better way to do that.

17 Thank you.

18 CHAIRMAN HOOD: Thank you very
19 much.

20 I'm going to go to Ms. Martin.

21 MS. MARTIN: I'm actually a little
22 nervous. This is my first hearing.

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1 CHAIRMAN HOOD: We're glad to have
2 you.

3 MS. MARTIN: Well, thank you.

4 I'm Michel Martin. And I live at
5 1624 Jonquil Street with my husband Billy.

6 And I just want to say that I was
7 a Shepherd Park resident long before I became
8 a Lowell parent. I mean, I've lived in that
9 community since 1991. I used to live on 14th
10 and Geranium Street. And so I know from
11 traffic because that's the north entrance of
12 Walter Reed. So I know from traffic. And
13 then when I somehow give up his voting rights
14 and move into the city, which is another city
15 altogether, we bought our house on Jonquil
16 Street. So we are directly down the street
17 from Lowell, we're through the alley. And
18 our children walk to school. They walk right
19 by Auntie Joyce's house every morning. And
20 so we are very concerned about traffic,
21 obviously, because our children are walkers.
22 And we're also concerned about traffic flow.

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1 But I also have to say that some of the
2 traffic impacts on that neighborhood have
3 nothing to do with Lowell. They have a very
4 great deal to do with the fact that it's an
5 attractive cut-through for people going to
6 Walter Reed and other entities in that area,
7 NOAA and so forth. And I know this because I
8 see their uniforms and I see the stickers on
9 their cars and their parking stickers and so
10 forth.

11 I think somehow -- sometimes, I
12 understand that we have to use these terms
13 like community versus Lowell and so forth.
14 But from my perspective Lowell is a part of
15 the community and has been, and has made
16 every effort to be a positive neighbor. As
17 far as I'm concerned, they are neighbors as
18 evidenced by the fact that there is overlap
19 between people who are current Lowell
20 parents, past-Lowell parents who stay in the
21 neighborhood and who support the school by
22 coming to school functions and things of that

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1 sort.

2 So, I guess what I'm saying is if
3 anybody should have a concern about traffic -
4 - and also the asbestos issue. We certainly
5 do because our kids are on that campus all
6 the time. And I have every confidence that
7 because there is a significant overlap of
8 interests, that these issues will be and
9 continue to be handled properly.

10 And I also think that the kind of
11 accessibility and relationship with the
12 community that you're seeing here is not
13 solely related to this project, but is an
14 ongoing part of the ethos of the institution,
15 and will continue. By which I mean to say if
16 there are ongoing problems, I have every
17 confidence they'll be handled properly and
18 openly, and appropriate in part because Brian
19 and I and other parents live her and want it
20 to be handled.

21 And the final point I would make
22 is the 7th and 8th grade is important to me

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1 because I'd like my children to be able to go
2 to the school in the neighborhood for middle
3 school. And there currently is not a middle
4 school option in the neighborhood. In order
5 for our children to go to middle school, they
6 have to leave the neighborhood now because in
7 the boundary middle school is Deal. So in
8 essence, everybody is going to somebody
9 else's neighborhood to go to school. And
10 this gives us an option to keep our children
11 in the neighborhood to go to school and to
12 walk, if they so choose. And there are other
13 people who bail out, in part because they're
14 worried about getting their kids into school
15 because as Debbie told you, they start
16 leaving early to assure that they'll have a
17 place later.

18 So, I guess that's all.

19 How'd I do? How'd I do?

20 Everything okay?

21 CHAIRMAN HOOD: You might want to
22 ask Mr. Martin here.

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1 MS. MARTIN: Well, no. This is
2 actually kind of nerve-wracking, actually.

3 CHAIRMAN HOOD: Okay.

4 COMMISSIONER MAY: Is it more
5 nerve-wracking than doing a radio show?

6 MS. MARTIN: Yes. Because I
7 don't see you when I'm talking to you, you
8 know what I mean.

9 COMMISSIONER MAY: Well, I'm glad
10 to have a face to go with the voice.

11 MS. MARTIN: Well, thank you.

12 CHAIRMAN HOOD: I thought so, too.
13 Thank you.

14 Okay. Ms. Bianchi?

15 MS. BIANCHI: Bianchi.

16 CHAIRMAN HOOD: Banchi.

17 MS. BIANCHI: Banchi. I'm Melissa
18 Banchi. And I live at 7716 14th Street,
19 which is about three blocks from school. I
20 also know from traffic, I live right next to
21 Shepherd Elementary School. If you think
22 small private schools have traffic problems,

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1 you ought to try public schools that don't
2 have parking lots. I can't park in front of
3 my house at 8:00 or 3:00 or anytime there's a
4 parent/teacher, anything. And that's part
5 of, you know, what living in the neighborhood
6 is and there are a lot of benefits in living
7 right next to that school and within a couple
8 of blocks of Lowell. So, you know, I think
9 the benefits for me outweigh the occasionally
10 inconveniences.

11 But I'm also a Lowell parent. I've
12 been part of the Lowell community for eight
13 years. I'm very supportive of Lowell's plans
14 to go to 8th grade, as has been said by some
15 of the other witnesses. I think it's
16 critical viability of Lowell. It's critical
17 to the neighborhood, to our property values
18 and to the neighborhood as a whole that that
19 property be well used and thoughtfully used.

20 And I think Lowell has done that.

21 As a member of the Shepherd Park
22 community, I also use the park space at

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1 Lowell. I use the community pool. My
2 husband is part of a weekly Sunday morning
3 neighborhood basketball game that takes place
4 in the Lowell gym. Lowell sponsors, you
5 know, hosts the Shepherd Park Citizens
6 Association picnics twice a year on their
7 property. It is a gathering ground as a
8 community, as a Shepherd Park community
9 outside of the Lowell School day. And I
10 think an important resource from that
11 perspective.

12 My children do walk to school.
13 And I appreciate all of the concerns that
14 Lowell and in conjunction with the
15 neighborhood, all of the efforts that
16 everybody has been making to make it a safe
17 walk to consider crosswalks and other traffic
18 calming measures.

19 Kalmia Road is a street that is a
20 cut-through street for a lot of cross town
21 traffic. And gets a lot of people who are
22 going faster than they should be in a school

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1 zone. And so I appreciate everyone's efforts
2 to calm the traffic, and with respect to that
3 as a parent of walkers.

4 I think also in term so of Fraser,
5 I certainly understand all of the concerns.
6 I have children at the school. Absolutely
7 critical that it come down in a way that is
8 environmentally appropriate. Nobody wants
9 any asbestos out with a community of 300
10 children. So, obviously, support Lowell's
11 efforts to take down that building.

12 And I think in the end what we
13 have is a decaying building that's not all
14 that attractive, and what we're going to get
15 is a green space. So we want this to happen
16 right, but very much in support of that
17 building coming down and more green space.
18 Even if it's not accessible on the weekends,
19 it's a lot nicer to look at.

20 So, thank you.

21 CHAIRMAN HOOD: Thank you.

22 Okay. I'm going to ask Mr.

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1 Martin, who has decided to testify, if you
2 could come and introduce yourself.

3 MR. MARTIN: It would be very
4 brief.

5 I'm normally that walks my
6 children to school.

7 My name is William Martin. I live
8 at 1625 Jonquil Street and I'm a very proud
9 neighbor and resident of Lowell.

10 I'm the one that normally walks
11 our children to school in the morning between
12 8:00 and 8:15 a.m. And when you talked about
13 the traffic issue there. That is such a
14 slight period of time. If you come after
15 8:10 to 8:15, it's gone.

16 Also, the issues that are there
17 with the cars that are backed up on 17th
18 Street, may exist for ten to 15 minutes. At
19 8:00 it might be there, by 8:15 that issue is
20 gone.

21 So while there's a disturbance and
22 some disruption to 17th Street early on, it

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1 does not last longer normally than 15
2 minutes.

3 Thank you.

4 CHAIRMAN HOOD: Thank you.

5 Hold your seat, Mr. Martin. If we
6 need to ask Ms. Martin questions, we'll bring
7 her back up.

8 MR. Martin, that was one of my
9 questions, and since you went right to it,
10 you heard the discussion with Mr. Jennings
11 from DDOT about a trial period and seeing how
12 it works, seeing how they can use mitigation.

13 Do you think that's needed?

14 MR. MARTIN: I do not think it's
15 needed. I do think so. I think the short
16 answer is no. And the reason that it's not
17 needed is that I think that it's an ongoing
18 fluid process.

19 I think Lowell was very active in
20 trying to work with the neighbors. And the
21 neighbors on the 17th Street where the cars
22 sometimes stack in front of it are disturbed.

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1 Because those cars are stacked in front of
2 their house for about a ten to 15 minute
3 period of time. I don't think a longer
4 period of time will resolve that issue.

5 I think you're always going to
6 have traffic along there for some short
7 period of time. I don't think it's going to
8 change. I think there has to be some way of
9 getting into the campus and 17th Street is
10 the only real access during the egress,
11 during the morning and afternoon.

12 CHAIRMAN HOOD: Okay. Thank you
13 very much.

14 Let me open it up for questions.

15 Mr. Turnbull.

16 COMMISSIONER TURNBULL: Thank you,
17 Mr. Chair.

18 I'm just following up on the
19 Chair's question. It leads to the broader
20 idea of literally wanting to bring in 42 more
21 cars parking. What's any of your thoughts on
22 -- you're saying that it's minimal at one

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1 point, but you've all sort of talked about
2 traffic and Lowell wants to bring in another
3 42 cars. What do you think the impact of
4 that is going to have on your neighborhood?

5 MR. MARTIN: I'll take the first
6 stab at that, Mr. Turnbull. And one of the
7 issues as a lawyer, I know that Lowell is
8 authorized to have 400 students. So we're
9 addressing an issue. If they had 400
10 students right now, that would be an issue
11 that existed and they're entitled to have,
12 we'd still have that problem. So I think
13 Lowell should address that issue.

14 Whether or not it goes to approval
15 or disapproval of the application, the
16 authorization is there now for those 400
17 students. If they added 42 more cars, I
18 think the school, going back to the Chair's
19 original question to me, that may be a period
20 to see how 42 cars. But that's so far down
21 the road that the time period needed to study
22 that has not yet arrived.

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1 I don't see that it's going to
2 make that significant of an impact on the
3 traffic patterns.

4 My wife raised when she discussed
5 the real hazards that I see, are the people
6 rushing to Walter Reed, or rushing through
7 there. I sometimes, you know when I'm
8 walking with the kids, are yelling at people
9 please slow down. And it's not the Lowell
10 traffic that's causing the danger in the
11 neighborhood. It's the cut-through traffic
12 that's really speeding.

13 COMMISSIONER TURNBULL: Okay.

14 MS. BIANCHI: I guess I would just
15 add to that in terms of if the additional
16 cars are really around the parking spaces. I
17 mean, if the parking spaces are the concern,
18 I think that's really an effort by the school
19 to anticipate at some point they may want to
20 grow closer to that cap of students. And
21 also, just to take cars of the neighborhood
22 streets so that when there is an event and we

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1 have less of an impact in parking in front of
2 people's houses. Because I think that's
3 really what a lot of that additional parking
4 space will facilitate is making it more
5 possible when there is a parent event for all
6 of those cars to be contained on campus and
7 not parked in front of somebody's house on
8 the streets that permit parking.

9 So I don't think it's inconsistent
10 environmentally to add that space. I think
11 it's part of trying to make the neighbors
12 happier about who is parking where.

13 MR. SOCKWELL: Can I address that
14 a bit?

15 We already have a problem with
16 parking in the neighborhood. We have people
17 parking on the streets. People parking in
18 the alleys. People actually using people's
19 driveways. And as a result, what you have is
20 people who are trying to avoid the backup,
21 the backup on 17th Street. So they're
22 parking and they're jaywalking their kids

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1 across the street.

2 Particularly the intersection that
3 I'm most concerned with is Kalmia Road and
4 Myrtle. And so many people run the stop
5 signs at that intersection already that the
6 police are routinely posting one or two squad
7 cars out there. And I believe, what I
8 understand is that this afternoon alone they
9 ticketed two dozen drivers for running those
10 stop signs.

11 So, I think anything that gets the
12 cars off the streets, that encourages people
13 not to park their cars and then jaywalk or
14 try to run their kids across the street to
15 the school is a positive solution.

16 CHAIRMAN HOOD: Okay.

17 MR. JOSEPH: I also walk my
18 children to school. And I actually don't
19 think the parking spaces will contribute to
20 an increase in driving whatsoever. There are
21 plenty of parking spaces. We live literally
22 three minute walk from the school and you can

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1 park in front of my house every single day of
2 the year, 24 hours a day. So parking spaces
3 will not be an encouraging thing for people
4 to drive. They drive because it's the
5 easiest way to get to the school.

6 Parking right around the campus
7 might be a problem. But you can drive one
8 block away and there's ample, ample parking.

9 So I just wanted to say that.

10 The other thing on DDOT, I've
11 actually been requesting DDOT to install a
12 sidewalk -- not a sidewalk, a crosswalk at
13 Myrtle and Kalmia Road for over a year now.
14 I've sent emails literally weekly to the
15 Councilmember, to DDOT. And they haven't
16 done it yet.

17 So I would certainly encourage
18 them if they have these interests, that they
19 could paint some stripes on the street and
20 help us all in the interim.

21 MS. BATIPPS: I'd like to address
22 that, too.

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1 I think we've all talked about the
2 volume of traffic, particularly on 17th
3 Street, not just Lowell parents. But as a
4 cut-through. So when we're adding 42 more
5 cars it doesn't make -- not all coming,
6 obviously, on 17th Street. But it does make
7 for a worse situation. I mean, it's not
8 going to get better by adding more cars.

9 We do have that traffic on 17th
10 Street now. And I don't see it getting
11 better unless we can really monitor not
12 stacking cars. And Mr. Martin said, it's
13 only a ten, fifteen minute delay. But if
14 you're trying to get to your job or go down
15 17th Street, it's a nuisance for residents.

16 COMMISSIONER TURNBULL: Thank you
17 all.

18 CHAIRMAN HOOD: Let me see, any
19 other questions, Commissioners?

20 Okay. Mr. Feola, do you have any
21 cross-examination?

22 Does the ANC have any cross-

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1 examination?

2 Okay. I want to thank this panel.

3 And I saw the gentleman here in
4 the front row who wanted to come up in
5 support. Anyone else? Anyone else in
6 support? Okay.

7 Sir, did you want to come forward
8 in support. Oh, okay. I'm sorry.

9 Okay. We finished all of our
10 witness in support. Let's go to opposition.

11 Ethel Hackney, you can come
12 forward.

13 William Lightfoot, Cynthiana
14 Lightfoot, Sharon Giles and Columbus Giles.

15 Is there anyone else here who is
16 in opposition who would like to come forward
17 at this time? Okay. We will end with this
18 panel.

19 And Mr. Feola, will be rebuttal.
20 Do we have any rebuttal or closing remarks.
21 Okay. About what? Two minutes? Oh, five
22 minutes. Okay. Then I saw two. Well, you

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1 mean a little bit. Okay. I gotcha.

2 Okay. We're going to start with
3 Ms. Hackney.

4 MS. HACKNEY: My name is Ethel J.
5 Hackney. I live at 7742 16th Street
6 Northwest, Washington, D.C.

7 I must add, I was there when
8 Fraser Hall was built. I'm the oldest one,
9 I'm sure, in the neighborhood.

10 And I must also say that my
11 problem with Lowell School has not to do with
12 most of the things that have been said today.

13 It has to do with the fact, because one
14 cannot park on 16th Street very often.

15 When I moved there the place
16 beside my garage had trees. I had a
17 beautiful walnut tree, a beautiful blue
18 spruce tree, a mulberry tree and a fence
19 going across there. Well, as my children got
20 older and company coming with no place to
21 park, we took all of those trees down and
22 paved that area. And guess what?

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1 And they built Fraser Hall with my
2 fence still there. So they did not come into
3 my yard. But more recently truck drivers
4 think that the way to get to Lowell's
5 property is to pull into my yard and get into
6 position to back down their alley.

7 I must add, I didn't add, that the
8 driveway that serves the Lowell School is
9 directly opposite my garage door. The only
10 thing that separates us is the 20 feet or 15
11 feet, or whatever there is, the width of a
12 D.C. alley.

13 A man recently earlier this year
14 was waving me to get my car out of the way so
15 he could pull in my yard with a 12 -- 14
16 wheel truck beginning to position to back
17 down the street.

18 If this is granted, I want you to
19 please add that these truckers or whoever
20 they are are not to come on private property.

21 And the apron to my garage and that paved
22 area beside by garage is totally private

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1 property.

2 This is an R-1-A neighborhood, so
3 we pay a high tax rate. We must pay a fairly
4 high income tax rate to be able to live here.

5 But yet I have bothered with people coming
6 in my yard. And this agreement said that
7 they're not supposed to make three point
8 turns. Well, this is not a three point, it's
9 a two point turn. They come down and then
10 pull into my property to get into position to
11 back down the alley. That is a two point
12 turn.

13 And if you grant this, please tell
14 them stay off of private property.

15 That's my total concern with this
16 operation.

17 CHAIRMAN HOOD: Okay. Thank you
18 very much.

19 Mr. Lightfoot?

20 MR. LIGHTFOOT: Mr. Chairman, I
21 respectfully go last.

22 CHAIRMAN HOOD: Sure. Let me go

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1 back to this gentleman.

2 We're going to go from my right
3 down to my left. And you're Mr. Giles.

4 MR. GILES: Yes. Good evening. My
5 name is Columbus Giles. My wife and I live
6 with our two children, a nine year old and a
7 13 year old -- a 12 year old now. And we
8 actually are on 1630 Kalmia Road. You
9 mentioned earlier those three homes that are
10 most effected by the proposed demolition of
11 the Fraser Building. And we are the central
12 home that we're the closest to the Fraser
13 Building, that structure. Actually, the
14 building itself is probably less than 15 feet
15 from my property line. And we have a shallow
16 backyard, so we can stand in the back, look
17 out the back window and look directly at that
18 building.

19 So this definitely very directly
20 impacts us and impacts our family.

21 We have several concerns.

22 Obviously, the traffic issues were some that

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1 were being worked through. The other big two
2 issues would be noise and, you know again
3 it's been a relatively quiet neighborhood.

4 We moved to that area to raise our
5 family, a quiet neighborhood in that
6 community. And we were looking at the
7 proposed idea of putting a garage essentially
8 in our backyard, you know it abuts into the
9 edge of our backyard. With noise of the
10 construction, renovation going on for
11 whatever period of time, also the noise of
12 children using it during the day if we're
13 trying to have quiet time at home as well.

14 So these are very big concerns for
15 us and it would impact us on the short and
16 the very long term with this proposed
17 project.

18 The other biggest concern for me
19 personally is the razing or the demolition of
20 the Fraser Building. I'm a Board certified
21 family medicine physician. I've been in
22 practice over 20 years. I actually also

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1 serve with the American Cancer Society with
2 their Leadership Council. I volunteer with
3 that Council and do programs and recruit
4 physicians for cancer prevention programs.

5 Over the 20 years of practice I
6 have seen quite a few patients, obviously,
7 and a tremendous number of patients
8 unfortunately and families experience cancer.

9 Mesothelioma and lung cancer and
10 asbestosis are three very serious, very
11 deadly concerns. And I can't impress upon
12 you more how much this could effect our
13 community.

14 We look at the plans that Lowell
15 is actually proposing and we see that it's
16 based on limited study. You know, on the
17 front of their proposal is says, actually,
18 the study that they are using as evidence for
19 this is saying it's a limited study that was
20 not thorough. The persons themselves also
21 have a disclaimer that it's based on
22 information that has not necessarily been

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1 validated. This would be equivalent to me
2 doing a physical exam on one of my patients
3 saying well I'm going to do a general exam,
4 I'm not going to look at everything. I'm
5 going to draw some labs and I'm going to tell
6 you that you're in generally good health. And
7 that's just totally unacceptable.

8 Again, as I said, this effects us
9 most directly. As I said, we live so close
10 to the school.

11 I thank you for your time.

12 CHAIRMAN HOOD: Thank you very
13 much.

14 Ms. Giles?

15 MS. GILES: Before I start, I have
16 pictures showing the proximity of our home to
17 Fraser.

18 CHAIRMAN HOOD: Microphone's not
19 on.

20 MS. GILES: I have pictures
21 showing the proximity of our home to the
22 building. If I may distribute those today?

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1 CHAIRMAN HOOD: We'll turn off
2 everybody's microphone except for Ms. Giles.
3 Then we won't get any feedback.

4 MS. GILES: Again, my name is
5 Sharon Giles. My address is 1630 Kalmia Road
6 Northwest.

7 We are the property that's closest
8 to the building that is proposed to be
9 demolished. Our property is located
10 approximately 14 feet from the building and
11 eight feet from the place where they plan to
12 place a garage and a playground.

13 You may recall that in 1998 the
14 Commission subdivided certain houses from
15 Lowell, and our house was one of the houses
16 that was subdivided from the Lowell campus.
17 And at the time, the Commission recognizing
18 the proximity of the house to Lowell had to
19 rely on an exception in subdividing the
20 property because the house didn't even meet
21 the minimum lot size because of the proximity
22 to the campus.

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1 With respect to the Voluntary
2 Agreement that's been distributed to you, you
3 should be aware that currently there are 14
4 homes on Kalmia Road. Of the 14, only three
5 signed the Voluntary Agreement. There are
6 five homes on the side of Kalmia Road that's
7 closest to the school. Of the five, only two
8 signed the Voluntary Agreement. The biggest
9 difference I see between the two families who
10 signed the agreement and the three families
11 who did not sign the agreement is that the
12 two families who signed the agreement have
13 children at Lowell and the three families who
14 did not sign the agreement do not have
15 children at Lowell.

16 You should also be aware that
17 there are 56 properties listed within 200
18 feet of Lowell. The Voluntary Agreement has
19 23 signatures, many of them from the same
20 household. And of those 23 signatures, six of
21 those signatures are not within 200 feet of
22 the property.

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1 We are opposed to the Lowell
2 expansion, but we're not opposed to Lowell.
3 Our daughter attended Lowell for eight years.
4 I served on the Board at Lowell for many
5 years. And we have consistently contributed
6 to Lowell much money over a period of time.
7 So we are not opposed to the school. We are
8 opposed to the expansion plan.

9 And the reason we're opposed to
10 the expansion plan is because the adverse
11 impact that it has upon our property and upon
12 the neighborhood.

13 One of the things that'd difficult
14 for us to swallow in all of this is that when
15 Lowell came to the Commission in 1998 and
16 made a number of representations and
17 agreements. And now Lowell is seeking to
18 materially change all of that in an effort to
19 go foward with this proposal.

20 Lowell agreed when it came before
21 the Commission that it would renovate and
22 upgrade the existing four buildings on the

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1 campus and continue to use it for academic
2 purposes, the Fraser Building being one of
3 those. Now Lowell is saying well we don't
4 want the building, it's too much space. We
5 want to get rid of it. And the Commission
6 relied on that in deciding to issue the
7 original PUD.

8 Lowell also said that we're going
9 to maintain the open playing field on the
10 north side of the campus. And other than
11 other minor modifications, we will maintain
12 the campus in its current existing layout.
13 Now Lowell seeks to demolish a building,
14 build an underground garage and put a play
15 deck, all inconsistent with what it
16 previously represented to the Commission.

17 Lowell also said that it would
18 implement a traffic management plan. It did
19 not.

20 It said it would manual traffic
21 control at both access points. It has not.

22 It said that it would have

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1 installed school advance signs and school
2 crossing signs. It did not.

3 It said that it would have a
4 neighborhood Community Relations Council. It
5 did a sort period of time, but that
6 disappeared years ago.

7 So we are opposed because now we
8 are being asked to just suck all this up in
9 reliance on this agreement. And now we're
10 being asked to accept what Lowell -- these
11 major changes that have impact on us and the
12 neighborhood when there has been no
13 neighborhood or safety impact study done.
14 There has not been an environmental impact
15 study done despite the asbestos in Fraser,
16 despite the lead that has been found in
17 Fraser, despite the fact that there's a
18 stream that flows under the Fraser Building
19 that could be damaged in all of this or where
20 toxins could be released in all of this and
21 what would happen to it.

22 There has not been any analysis of

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1 soil erosion. What does that do the
2 foundation of our property if you do all of
3 this within close proximity to the
4 neighboring properties.

5 We have not received any type of
6 asbestos abatement plan.

7 And there are definitely traffic
8 issues that still need to be resolved.

9 A big issue is --

10 CHAIRMAN HOOD: Ms. Giles, how
11 much more do you have?

12 MS. GILES: Not much more. I'm
13 sorry. And I appreciate your indulgence.

14 A big issue we have in addition to
15 the asbestos is noise. As I said before, we
16 are the closest house to the building that
17 they're proposing to demolish. The noise, we
18 will have to deal with the noise during
19 construction, which will be probably for more
20 than a year, and even after construction we
21 would have to still deal with the noise on a
22 daily basis. Even now we get noise. But

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1 there is a buffer. If Lowell constructs this
2 playground basically in a backyard without a
3 buffer, the noise will definitely be
4 intolerable. And there has not been any type
5 of noise study done to even assess the
6 impact, the noise impact on the neighborhood
7 or on the neighboring properties.

8 There's no need for another
9 playground. The school has nine acres of
10 property, all of it -- much of it being green
11 space where the children can play.

12 Also, the school has used for
13 years including when my daughter attended,
14 the field at Shepherd which is only one block
15 away.

16 In addition to the concerns I've
17 expressed, we also have concerns about
18 security, that is putting a playground in an
19 interior space that is not clearly visible
20 from the street as well as the soil erosion
21 that I mentioned earlier.

22 Thank you for your indulgence.

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1 CHAIRMAN HOOD: Before I go on,
2 yes, we did get yours. And what you just
3 said was all in your submission, correct?

4 MS. GILES: No.

5 CHAIRMAN HOOD: It wasn't?

6 MS. GILES: No.

7 CHAIRMAN HOOD: Okay. Well, let's
8 see what happens. Hopefully, we can get you
9 to submit that to us for the record.

10 MS. GILES: Sure.

11 CHAIRMAN HOOD: Okay. I would
12 like to have that.

13 Okay. Ms. Lightfoot.

14 MS. LIGHTFOOT: Thank you. And
15 thank you, Commissioners, for allowing me to
16 speak this evening.

17 I'm going to discuss traffic and
18 safety concerns.

19 My name is Cynthia Lightfoot. I
20 live at 1609 Kalmia Road within the 200 feet.
21 I've had a relationship with Lowell for 20
22 years. Both my children went there, well

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1 Decatur, Kennedy and Lowell, the Lowell
2 campus presently. I've served as a parent.
3 I've served on the Board. I've served on the
4 Council, Community Relations Board while it
5 was in session for a very short period of
6 time.

7 And it's with regret that I have
8 to say that Lowell has not met its commitment
9 or responsibility to the community in regards
10 to traffic enforcement or effort.

11 Over the years we know that
12 behavior tends to drive individuals as well
13 as their cars. And we find that parents tend
14 to park directly on Kalmia Road and either
15 let their children run across the street or
16 continue to disregard an agreement that
17 occurred. And that agreement we know goes
18 back to '98 with you. And I'm disturbed that
19 Lowell has chosen to disregard that or to
20 claim that they didn't know about it. And
21 these are key pieces. And I thought that a
22 Zoning order was something that was

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1 enforceable, but obviously it was something
2 that Lowell felt it could ignore.

3 Specifically, the Applicant will
4 provide manual traffic controls at both
5 access points during the week, peak activity
6 as well as major special events. Peak
7 activities at both entrances, coming in and
8 leaving, especially on Kalmia Road.

9 We have school advance signs and
10 school crossing signs will be provided and
11 installed at appropriate locations along the
12 approach to the school. That hasn't
13 occurred.

14 We are in what? 2010? And this
15 was an order in 1998. There is no excuse for
16 that.

17 We also have to understand that
18 along with Lowell's traffic we have the
19 Washington Ethical Society which uses as an
20 egress for its parent body the alley, and
21 they're allowed to park on the street.

22 We have Shepherd Elementary School

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1 up the block. A lot of walkers coming along,
2 a lot of traffic. We have to address traffic
3 as it is, it's not going to decrease. It's
4 going to increase.

5 And PD calls that sign down on
6 Myrtle and Kalmia Road a gold mine. I spoke
7 to them today. They make their money on
8 that, but people blast through that light.
9 You can put a sidewalk there. You can do
10 whatever you think is going to work. Stop
11 signs aren't going to do it. They said 98
12 percent of their stops for tickets are
13 commuters. Okay. We have to recognize 16th
14 Street.

15 So what I ask you is look at the
16 safety of those walkers, of those children
17 and recognize that behaviors don't really
18 change. Nobody wants to be in a line with an
19 additional 40 cars. They're going to park on
20 Myrtle. They're going to park on Kalmia Road
21 claiming that they didn't know about this and
22 it's not enforceable. So we have to look at

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1 venues to enforce behavior.

2 And we have to look at the safety.

3 It's everyone's responsibility.

4 Thank you for your time and I
5 appreciate your indulgence by going over.

6 CHAIRMAN HOOD: Thank you.

7 Mr. Lightfoot?

8 MR. LIGHTFOOT: Yes, thank you.

9 Good evening to the Commission.

10 Thank you for the opportunity to address you.

11 My name is William Lightfoot. I also live at
12 1609 Kalmia Road Northwest, immediately
13 across the street from the Lowell school. And
14 just like my wife say, we've been connected
15 to Lowell for 20 some years with both of our
16 children having attended the last three
17 campuses that Lowell has occupied.

18 We start with a history with
19 Lowell. And you've heard, they have not
20 lived up to it. They had an agreement in '98
21 they haven't followed.

22 Only in the last two weeks have

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1 they put somebody out there to manually
2 control traffic.

3 They were supposed to have a
4 community relations board, they had it for a
5 brief of time. It is now evaporated.

6 Let me say this agreement that
7 you've heard about is not an agreement. As
8 Ms. Giles said, there are 56 households
9 within 200 feet of the property. Of the 56
10 households, at best you could count 26 that
11 have signed it. We think it's actually only
12 17 that have signed it. Whatever it is, it
13 is a minority of the number of households
14 that live nearby.

15 And it is not just a coincidence
16 that most of the people you've heard here who
17 have spoken in favor of this are people who
18 have children at Lowell. Of the five houses
19 that are most close to Lowell, three of the
20 five did not sign. Two of the five that did
21 have children at Lowell.

22 Let me talk to you for a moment

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1 about why you as a Commission should follow
2 the law and not approve this plan. It is not
3 consistent with the Comprehensive Plan for
4 the District of Columbia.

5 Specifically, it violates
6 conservation of single family neighborhoods,
7 in large part because it does not protect the
8 low density character of that neighborhood.
9 You're putting more cars, more people into a
10 confined space. That is not protecting our
11 low density.

12 In addition to that, we have an
13 institutional user which is creating greater
14 traffic, creating greater parking. That is
15 not what the Comprehensive Plan had in mind.

16 And thirdly, the transportation
17 impact of this plan worsens our situation.
18 As my wife indicated to you, we have the
19 Ethical Society around the corner. They
20 create traffic. We have just entered into a
21 Voluntary Agreement with WIS, it's a
22 neighborhood school. WIS. We cut a deal with

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1 them, and we worked with them. But it has
2 increased traffic.

3 Yes, we now have a stop sign on
4 Kalmia Road. Traffic and cars just run it
5 all the time. This is a major plan.

6 And this plan does not improve
7 traffic, it worsens it.

8 You have DDOT who studied it, and
9 they say they don't agree with this plan.
10 Why? Because it exacerbates a traffic
11 problem.

12 The Office of Planning in their
13 report said we need a more detailed
14 construction management and enforcement plan
15 to be discussed here at this hearing. It was
16 not discussed.

17 Last, let me say as I wrap it up
18 in my last two seconds, this has been like a
19 moving target for us. It's not predictable.

20 They didn't have information, the
21 Government. We don't have information now.
22 And it's continued to evolve and change.

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1 You have several letters in your
2 file from neighbors that opposed this only a
3 couple of weeks ago, because they opposed it
4 because of the traffic plan. Then they
5 changed the traffic plan back to the one that
6 DDOT opposed. Now the neighbors support it.

7 So we would submit to you this is
8 premature, unnecessary, inappropriate, in
9 violation of the law. And lastly, Lowell
10 does not need to do it now. They will not
11 increase their grades until September of
12 2011. We asked for additional time to work
13 with them. They don't want to do it. They
14 want to jam this through. We would ask you
15 to protect our citizens and tell them no.

16 CHAIRMAN HOOD: All right. Thank
17 you very much.

18 Commissioners, any questions?

19 VICE CHAIRMAN SCHLATER: Ms.
20 Hackney, have you spoke with the
21 administration at the Lowell School about
22 this problem?

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1 Turn on your microphone.

2 MS. HACKNEY: Yes. I've been to a
3 couple of meetings and have mentioned it.
4 But I just want to make it very -- I've
5 called. I've had a number of conversations
6 with Lowell School. And we really had a
7 battle before the current administrator came
8 because of their using our yard.

9 See, this driveway which is their
10 access to the alley, goes directly down to
11 Fraser Hall. Now I was living there when
12 they built Fraser Hall but I had a fence
13 across there then, they couldn't get in my
14 yard.

15 But what I see now is all of the
16 debris from tearing down Fraser. They
17 probably expect to bring it right up that
18 driveway and pull in my lot, my yard, in
19 order to turn around. Because you know how
20 wide an alley is. You can turn a 12 wheeler
21 or 14 wheel truck around in it and make a
22 sharp turn. So they pull into my alley to

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1 get far enough to back in.

2 And I expect when they get ready
3 to bring material in to build the new
4 building, they probably expect to come in my
5 yard to back down that alley. And I'm going
6 to get out there.

7 I'm from Texas. There's a town in
8 Texas called Cut and Shoot. So I might be in
9 jail for cutting and shooting some of these
10 drivers. But that's my concern.

11 VICE CHAIRMAN SCHLATER: Well, Ms.
12 Hackney, we're certainly going to encourage
13 the Applicant to do everything they possibly
14 can.

15 MS. HACKNEY: I don't want you to
16 encourage, I mean force if you grant it.

17 VICE CHAIRMAN SCHLATER: We will
18 encourage strongly.

19 MS. HACKNEY: Thank you.

20 CHAIRMAN HOOD: Cut and Shoot. I
21 have to remember that.

22 Any other questions,

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1 Commissioners?

2 COMMISSIONER MAY: Yes. I have a
3 question for Ms. Hackney also.

4 Where exactly are you located?
5 Microphone.

6 MS. HACKNEY: He turned it off,
7 being a gentleman.

8 It's 7742 16th Street Northwest.
9 Right in the middle of the block. If you
10 drive down that alley, you will see a gate
11 that goes down to Lowell School property. It
12 says Federal Government Property. That goes
13 back to the time when the Federal Government
14 bought it from the girls' school that was
15 there 10,000 years ago.

16 And that gate is directly opposite
17 my property. Directly opposite my garage
18 door.

19 If it's a small truck, they'll up
20 near my garage and bring all of that mud and
21 dirt from downhill up there. If it's a big
22 one, they pull right up beside by garage into

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1 my yard.

2 COMMISSIONER MAY: Okay. I'm
3 going to have to ask the Applicant to show me
4 where this is on the plan and where that
5 alley entrance is, because I can't see it on
6 any of the photos of the site plans.

7 MS. HACKNEY: I don't know. Do
8 they show the allies on the plan. I don't
9 know.

10 COMMISSIONER MAY: Yes, in
11 rebuttal. If you could just point out where
12 that is, that would be helpful. Because
13 again, it's just not showing up in the aerial
14 photos and it's not marked on the site plans.
15 I'm not even sure it's on the civil drawing.
16 So I'm just trying to locate exactly where
17 you were and --

18 MS. HACKNEY: Well, my alley runs
19 from Jonquil Street to --

20 COMMISSIONER MAY: No, I see the
21 alley. It's just where the access point is--

22 MS. HACKNEY: It's midway in the

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1 block. There's a driveway --

2 COMMISSIONER MAY: I believe you,
3 I'm just trying to see where it is. Okay.

4 I think that's it in terms of the
5 questions I have.

6 CHAIRMAN HOOD: Mr. Lightfoot,
7 when you were reading the Comprehensive Plan,
8 which I know you're very familiar with,
9 policy land use 2.1.5, is that where you're
10 reading from? And that's out of--

11 MR. LIGHTFOOT: Yes, sir.

12 CHAIRMAN HOOD: That's out of the
13 Applicant's submission?

14 MR. LIGHTFOOT: Yes, sir.

15 CHAIRMAN HOOD: Okay. Let's walk
16 through that again. Help me understand that
17 again.

18 MR. LIGHTFOOT: I'll try. And I
19 believe it violates it, particularly when you
20 look at the last section of this policy.

21 It says: "Carefully manage the
22 development of vacant land and the alteration

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1 of existing structures in and adjacent to,"
2 which is what we have here, "single family
3 neighborhoods in order to protect low density
4 character." They are not protecting the low
5 density character when they bring more cars
6 and more people into this space.

7 Preserve open space. They're not
8 doing that. They're going to take a
9 building, take it down and then put up a
10 garage.

11 And maintain neighborhood scale,
12 which again I believe goes to density.

13 The idea, as you heard, we live in
14 a very quiet neighborhood. And let me tell
15 you, we work with Lowell. Okay. This is not
16 animosity between the neighborhood and, you
17 know not in my backyard. This is not what
18 this about. But we do live in a neighborhood
19 where we try and preserve the scale and the
20 low density and maintain the single family
21 home characteristics of our neighborhood.
22 This plan will not do that. It in fact, it

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1 makes this a busier neighborhood, a more
2 commercial neighborhood. We've already got
3 the problem of the Kalmia Road being a cross
4 street, of going across the park. Fine. We
5 live with that.

6 We got the Ethical Society. We
7 live with that.

8 We've got the primary day school
9 there, of which they were talking about.

10 We've got all these schools, we
11 work with them. This does not help manage
12 the traffic or the flow of pedestrians or the
13 spread of the people out in our neighborhood.
14 It does just the opposite. That is in
15 violation of the Comprehensive Plan as I read
16 it in that section.

17 CHAIRMAN HOOD: Okay. And then as
18 you know, the Comprehensive Plan also talks
19 about the school issue. And what it says,
20 and I'm going to take it straight from what
21 the Applicant submitted. It says "And manage
22 in a way that minimizes objectionable impacts

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1 on adjacent communities." Kind of in line
2 with exactly what you're saying. But I'm
3 just on the next page. "The Zoning
4 Regulation should ensure that the expansion
5 of these uses is not permitted if the quality
6 of life in adjacent residential areas is
7 significantly adversely effected."

8 So let me ask you this, the number
9 -- and I'm just trying because I have some
10 concerns, I will tell you. You know, not
11 mention 1998 even though I just got here.
12 But I will tell you that I do have a concern
13 about the traffic.

14 I'm trying to figure out how I
15 could get this out without tipping my hand.

16 Let me ask like this: What is the
17 number one issue, Mr. Lightfoot, that you
18 would say that you have? I understand the
19 character of the neighborhood. Would it go
20 to traffic? Could I say traffic is your
21 number one individual issue?

22 MR. LIGHTFOOT: You mean me

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1 personally?

2 CHAIRMAN HOOD: Yes, you
3 personally.

4 MR. LIGHTFOOT: I'm going to wrap
5 mine up and say traffic for safety --
6 normally, I'm not there during the day. I'm
7 at work during the day. I leave early enough
8 that traffic doesn't bother me personally.
9 And I come home late at night so traffic
10 doesn't bother me personally.

11 But what I do know about Kalmia
12 Road is the problem of traffic and one of
13 safety. I can't pull out of the alley that
14 goes into Kalmia Road safely because there
15 are cars that are parked so close to the edge
16 of my alley, I can't really see cars coming
17 down the hill. But I do know cars come down
18 that hill very rapidly. And we've had
19 crashes.

20 When the WIS School got their
21 exception, I argued that they had to be
22 careful about safety. They didn't do exactly

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1 what I recommended, and lo and behold within
2 three months they had a crash right there on
3 that corner. Okay? And the alley. Okay?

4 We got the stop sign on Kalmia
5 Road that you heard all this testimony they
6 run. Do you think some little kid is not
7 going to hit eventually? Please. It's going
8 to happen. It's unfortunate. All right.

9 You can call, like in the big city
10 -- the traffic at the bottom of 17th Street
11 is shameful. The cars that line up, or as my
12 good friend Mr. Martin said, for 15 minutes,
13 I don't know I've only seen it a few times.
14 But when I come through the park and I see
15 that long line of cars, I go "Damn, I'm glad
16 I don't live there." Because the line of
17 cars backed all the way up 17th Street takes
18 up the length -- you talk about double
19 parking. Is it double parking? If somebody's
20 parked in front of a house on 17th Street, it
21 would be double parking, yes. Because there's
22 nothing else they could do about it.

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1 When Lowell got their approval in
2 1998 it was said there would be no adverse
3 impact on traffic in the neighborhood.
4 Wrong. Everybody will now admit that Lowell
5 has an adverse impact on our neighborhood and
6 the way that traffic goes up and down 17th
7 Street. And the plan they're now
8 recommending does not address it, it does not
9 improve it.

10 Now lastly, if I may. I am one of
11 those who is very concerned about asbestos,
12 you're damn right I am. And what we know
13 about this right now is they brought somebody
14 in to talk to us, and he didn't know what the
15 hell he was talking about. Honestly, he
16 didn't. It was very disappointing.

17 They have not brought anybody else
18 to talk to us about asbestos, but what we do
19 know is we have an extremely large building
20 they intend to take down and it has asbestos
21 in it. And they really don't even know where
22 all the asbestos is.

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1 If you look at the report they
2 did, it talks about there may be more
3 asbestos inside the walls, but they couldn't
4 get to it.

5 Now they want to tell you well
6 don't worry about it, we'll deal with the
7 feds, we'll deal with it later on. Don't
8 worry about it. We've got government
9 regulations. We'll deal with it later on.
10 That may be true. But my first line of
11 defense is I got to deal with you here at the
12 Zoning hearing. Because if they make a
13 mistake when somebody takes down that
14 building, the -- are going to get it, and
15 I'm right across the street. So we can't
16 take a chance. And they not explained to us
17 anything about how they take it down. Is it
18 option A, is it option B, is it option C?
19 Where is it going to go? Where are the
20 trucks going to go?

21 They mentioned to us that the
22 trucks are going to go up the alley between

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1 the Giles' house and Pritz' house. And soon
2 as Pritz heard that, she said hell no, not
3 going to my home. So where are they going
4 now? We don't know.

5 The Planning organization said
6 there ought to be a more detailed
7 construction plan. We don't have -- not that
8 I know of, we have not seen it. It's in
9 their report and it's not in this report, and
10 we haven't seen it.

11 So I'm worried about the asbestos,
12 very much so. Okay.

13 CHAIRMAN HOOD: Your point is well
14 taken and so noted.

15 Okay. Any other questions or
16 comments?

17 Actually, all of your points are
18 so noted.

19 VICE CHAIRMAN SCHLATER: Just one
20 question. I'm certainly concerned about the
21 enforcement of the prior order. Because, you
22 know if we're getting commitments now, that

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1 they're going to be enforced in the future,
2 you got to know that they've been living up
3 to their commitments in the past.

4 One thing you mentioned was the
5 manual traffic control. How long did that
6 happen? How long was that occurring?

7 MS. LIGHTFOOT: If I may?

8 VICE CHAIRMAN SCHLATER: Yes.

9 MS. LIGHTFOOT: As soon as
10 discussions started again about this process,
11 then there was someone coming out. Previous
12 to that, it wasn't occurring.

13 VICE CHAIRMAN SCHLATER: Okay.
14 Thank you. We need to find a way if this
15 does get approved to make sure that the
16 enforcement is there. To make sure they live
17 up to their commitments.

18 Okay.

19 CHAIRMAN HOOD: Any other
20 comments, questions?

21 Does the Applicant have any cross-
22 examination? Okay. Mr. Feola, you can right

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1 by Ms. Hackney.

2 Now we're not going to cut and
3 shoot, Ms. Hackney.

4 MR. FEOLA: I'll try. I'll try.

5 Ms. Giles, I understood you to say
6 that you're on the Board of Lowell?

7 MS. GILES: Yes.

8 MR. FEOLA: How long was that?

9 MS. GILES: It was four or five
10 years.

11 MR. FEOLA: And I also heard you
12 complain that Lowell stop doing the Community
13 Relations Council fairly soon after it went
14 to the campus, is that correct?

15 MS. LIGHTFOOT: That was me.

16 MR. FEOLA: Did you not say that?

17 MS. GILES: I was not in the
18 neighborhood at that point. Cynthiana can
19 speak more to that. What I was told was
20 that--

21 MR. FEOLA: You stated that one of
22 the commitments Lowell failed to continue was

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1 Community Relations Council. I believe you
2 said that.

3 MS. GILES: What I said was the
4 agreement, the 1998 agreement with Zoning
5 required Lowell to establish and maintain a
6 Community Relations Council. And my
7 understanding based upon my conversations
8 with others in the neighborhood is that it
9 went on for a while and then it stopped.

10 MR. FEOLA: As a Board member did
11 you ever think that you might have an
12 influence to try to get it started again, as
13 a Board member of Lowell?

14 MS. GILES: Well, I had a number
15 of -- I had conversations with Debbie
16 personally about meeting with the
17 neighborhood, and I have the emails to prove
18 it, particularly about this plan telling
19 Debbie. First of all, we were not notified--
20 -

21 MR. FEOLA: I'm not talking about
22 the plan. I'm talking about the 1998

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1 commitment of a Community Relations Council
2 that you're now complaining doesn't exist.

3 MS. GILES: Well, at the time I
4 was on the Board I did not know about it. I
5 became aware of it afterward.

6 On top of that, as I said, when I
7 told Debbie that she should meet with the
8 neighborhood since we were not notified until
9 October of 2009 about the proposed plans of
10 the school. And when we were notified, the
11 only thing we were told was that Lowell was
12 going to 7th and 8th grade and that Lowell
13 intended to improve traffic, and other vague
14 statements.

15 When we -- three people showed up
16 at the meeting not even realizing exactly
17 what was planned. After the meeting I
18 emailed Debbie and I told her "Debbie, there
19 is going to be a lot of community concern
20 about what is proposed. You need to start
21 having neighborhood meetings with the entire
22 community about what is proposed so we can

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1 have some input, because it's going to be a
2 problem."

3 Nothing was done until three
4 months later when we had a second meeting.
5 At that second meeting in February, on
6 February 2nd is when we were told there was
7 no asbestos in the building. Then we were
8 told three months later after that that guess
9 what? There is asbestos in the building.

10 CHAIRMAN HOOD: Guys, I want to
11 make sure --

12 MR. FEOLA: You're not even
13 answering the question --

14 CHAIRMAN HOOD: I want to make
15 sure we're not testifying. This is just
16 cross-examination where you ask --

17 MR. FEOLA: Did you as a Lowell
18 official ever looking at the Zoning order

19 MS. GILES: I never became -- I
20 never was told about --what I was told about
21 the order was that there was one, but what
22 the order --

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1 MR. FEOLA: I know. Did you ever
2 look at the order? Yes or no. It even yes
3 or no.

4 MS. GILES: No. Those documents
5 were not made available to me.

6 MR. FEOLA: So you would expect
7 others came after the 1998 order on the Board
8 or in the administration to know what those
9 documents said?

10 MS. GILES: I would expect the
11 Director to know, absolutely.

12 MR. FEOLA: But Ms. Gibbs wasn't
13 the Director, is that correct?

14 MS. GILES: But she knew about the
15 agreement.

16 MR. FEOLA: Apparently not. She
17 said -- she testified under oath that she
18 didn't know about the agreement.

19 MS. GILES: Well, I have
20 correspondence from Debbie to the neighbors -
21 - well, certainly, when I was a parent at the
22 school acknowledging that they were aware of

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1 the Zoning agreement and that there were
2 obligations. So, yes, she was aware of it.

3 MR. FEOLA: You weren't on the
4 Board when she first started. I don't
5 understand.

6 Anyway, I have no more questions.

7 CHAIRMAN HOOD: Mr. Feola, you
8 weren't testifying, were you?

9 MR. FEOLA: No.

10 CHAIRMAN HOOD: Oh, okay. Making
11 sure.

12 Okay. Does the ANC have any
13 cross-examination of any one of these
14 witnesses? All right.

15 Ms. Giles --

16 MS. GILES: Giles. Giles.

17 CHAIRMAN HOOD: I'm sorry. Ms.
18 Giles, what I would like to do is I'm going
19 to try to close the record, except for what
20 we asked for. I know you have it
21 handwritten. But if you can just put a check
22 mark by those things you called out in the

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1 roll call list that you have. And you can
2 turn it in, and we're going to make a copy of
3 that.

4 MS. GILES: Okay.

5 CHAIRMAN HOOD: We don't want to
6 put you through anymore work, okay?

7 MS. GILES: I don't mind typing it
8 up.

9 CHAIRMAN HOOD: We're going to
10 read it just like you have it.

11 MS. GILES: Okay.

12 CHAIRMAN HOOD: So if you wrote
13 something bad about one of us up here, just
14 scratch it out and pass it in.

15 MS. GILES: I'm stuck.

16 CHAIRMAN HOOD: Okay. Okay. I
17 want to thank this panel. We appreciate you
18 coming down and providing testimony.

19 Okay. We're going to wrap it up,
20 the closing remarks. Do we have a little
21 rebuttal yet. Okay. Mr. Feola, about how
22 much time do you think you'll need, Mr.

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1 Feola?

2 MR. FEOLA: Still just four or
3 five minutes, that's all.

4 CHAIRMAN HOOD: Great. Thank you.
5 You may begin, yes.

6 MR. FEOLA: Just an observation as
7 I get into the little bit of rebuttal. The
8 questions I asked Ms. Giles weren't to try to
9 pin her to anything, but to help the Zoning
10 Commission understand what happens in
11 institutions that are organic that change.
12 Board members come and go. Heads of schools
13 come and go. And quite frankly, it's
14 troubling to the Zoning lawyers because we
15 always just come in at the project level and
16 we say what happened to X, Y and Z? And
17 these people are educators, they're not
18 necessarily Zoning people. And unless
19 somebody told them about it, they just don't
20 know.

21 And so I guess I'm just saying
22 that whatever happened to the Community

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1 Relations Council, it petered out. It wasn't
2 an intention on Lowell to go out and violate
3 the Zoning order. These things happen. This
4 is not the first one I've seen happen like
5 this; it just happens.

6 And because there's not, you know
7 kind of an institutional base, it's
8 unfortunate that it does. I don't know how
9 else to do it.

10 What we started to do at the BZA,
11 which the BZA stopped, is reporting to the
12 BZA every three or five years. What are the
13 conditions are you meeting on? Are you
14 having the meetings? I thought that was
15 pretty effective. The BZA in these school
16 cases decided it was too much paperwork. But
17 in any event, that might be a way to make
18 sure -- it's a test. It's a test and it puts
19 the burden on the school. I have little
20 ticklers in my files that say I got to tell
21 Georgetown Day School or Burke School, or
22 whomever, it's time for their report. So

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1 every year they know there's a report coming.

2 Anyway, that's my way of just
3 saying is there are mechanism to put in place
4 to make sure that these institutions that are
5 set up to do good; they're not trying to do
6 things bad for the community. They're trying
7 to educate kids. But they don't think about
8 Zoning, they don't think about Zoning orders.

9 In any event, we can't do
10 anything about what happened to the Community
11 Relations Council last time. All we can do
12 is offer to do it this time and put in a
13 reporting mechanism that would address the
14 legitimate concerns that this Commission has
15 about scofflaws, if you will, by not
16 following the order. And that's all I can
17 say.

18 I can find out the dates when it
19 petered out, as you asked and we will. But I
20 can't tell you why it did. Did somebody just
21 forget to send out the notice? Somebody got
22 sick and didn't do it. I just don't know.

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1 So, I just want to make a couple
2 of comments about the parking spaces because
3 I want to make sure the Commission
4 understands. The parking spaces don't relate
5 to traffic. The parking space, the queuing
6 and the drop-off relate to the traffic.
7 That's the problem at this school that the
8 school faces.

9 We think with the community
10 agreement, with the traffic management plan
11 we can solve a lot of it. And the
12 improvement to the 17th Street driveway. We
13 can improve a lot of those problems.

14 The parking is, as you've heard
15 some of the neighbors, to accommodate, it's a
16 reserve. It's a place where when visitors
17 come to the school, when the school is in
18 full service and the 90 spaces are occupied
19 by teachers and faculty, they don't have to
20 park on Myrtle, as you heard Mr. Sockwell
21 talk about problems there. It's a very
22 narrow street. They can park in the open

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1 spaces.

2 What we hope to do by making those
3 spaces pervious as opposed to impervious is
4 to get back some sustainability.

5 So the parking spaces whether this
6 Commission approves them or not, really don't
7 relate to traffic. The traffic comes and
8 goes on the pick-up and drop-off. The people
9 that use the parking spaces, the faculty and
10 staff that use them, come way before that
11 queuing ever occurs. Leave way after the
12 kids are picked up. So I just wanted to make
13 that point.

14 Fraser and the asbestos. Nobody
15 likes the fact that there's asbestos in that
16 building, the school mostly. Not only does
17 the school have hazard problems or HAZMAT
18 problems with it and have kids that go there
19 everyday, but now they have the cost of
20 removing it. And so there is a real coming
21 together of the minds to do this the right
22 way as effectively and efficiently as it can,

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1 and as safely as you can.

2 That asbestos has to be removed
3 whether or not that building gets demolished.
4 It becomes friable in a building that old.
5 Chips will come off the stucco, and then
6 asbestos will get in the air. It is not a
7 safe conditio. It's going to have to come
8 off. Whether it comes off and then the
9 building gets demolished or whether it comes
10 off and the building just stays there is a
11 different issue.

12 We think with the demolition plan,
13 the construction management plan that has
14 been enhanced with this community agreement
15 we've put in as much protection as we can
16 before we actually get the people in the
17 building to evaluate it.

18 Mr. Lightfoot is right. You know,
19 you don't want to get somebody in the
20 building with a drill and start putting holes
21 in the walls when there might be asbestos.
22 It needs to be done very carefully and very

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1 cautiously. And there has to be more
2 studies. And those studies are going to have
3 to be reviewed by DOE, by EPA. We're going
4 to give them to the consultant that the
5 school is going to pay for that's going to
6 represent the community. And somehow
7 together we're going to find the safest way
8 to do this.

9 There was a suggestion by some of
10 the neighbors well maybe you should just take
11 that one off the table. It's not that simple
12 for a private school. The private school has
13 a plan, it has a vision, it's selling this
14 plan even though it's a non-profit to
15 prospective parents. The parents have to
16 know that they're going to have a play field
17 or they're going to have gym that they can
18 watch their kid play basketball in the middle
19 school. So it all fits together. And we
20 can't really separate it, and certainly can't
21 raise money on something that hasn't gotten
22 an approval from at least from the Zoning

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1 approval.

2 So, it's from the school's
3 perspective it's a vision, it's a plan that
4 all holds together. You may not like it, you
5 may not like pieces of it, but that's how the
6 school viewed it.

7 We obviously need to do it in
8 phases for a lot of reasons, which you have
9 already heard.

10 So, at the end of the day what
11 this case is about is change, right? It's
12 about change. It's about going from literally
13 60 faculty and staff to a 100. It's about
14 adding two schools without increasing -- two
15 classes, 7th and 8th grade without increasing
16 the student population above what's been
17 approved already. But it comes with a lot of
18 benefits that don't exist.

19 It comes with that transportation
20 management plan. It includes a bus and a
21 whole lot of other ways to reduce vehicle
22 trips. It comes with a whole series of

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1 construction management techniques and plans
2 that we hope will put in place the
3 protections that this Commission is concerned
4 about. Because they're the same concerns
5 that we have.

6 You know, OP stated it. The
7 baseline, if you will, is 400 kids. We're not
8 at 400 kids but we have a legal right to go
9 to 400 kids without all these things that
10 we've been talking about. We don't want to
11 do that. We think it's the wrong thing.

12 And by the way, the citizen
13 agreement requires us to do the traffic
14 management whether or not you approve this
15 project. So I want to make that clear. The
16 school has stepped up to the plate. And as
17 you read in the second to last paragraph, we
18 are obligated to do all those things in the
19 traffic management plan including the bus,
20 whether or not you approve this. Obviously,
21 we hope to do it with your approval, that is
22 a fact. So the school is sort of putting its

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1 money where its mouth is to move it forward.

2 So, I think that's all I can say.

3 The one last thing I will say, and
4 the Lightfoots made this point and the Giles
5 made this point and like the Chair, I go back
6 a long way with Mr. Lightfoot and probably
7 gave him a lot of money when he ran for
8 Council. I'd have to check my checkbook on
9 that.

10 But, I think it's wrong for them
11 to posit how they did the supporters and
12 opponents. Because in my experience when
13 there's a lot of opposition to a school like
14 this, this room is filled with opponents.
15 Basically there were five opponents that came
16 to testify tonight.

17 We can't force people to come to
18 meetings to sign agreements. But I take it
19 as a practitioner for 30 years, when they
20 don't come to meetings, they are either don't
21 care or are comfortable with the decision, or
22 maybe apathetic. But it isn't safe to say

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1 that because only two of the five houses on
2 Kalmia Road signed the agreement and three
3 didn't, that the three are really the
4 majority. My guess is those other two never
5 came, never did anything. I never saw them
6 at any meetings. They never voiced any
7 position. So I don't know whether they're
8 for or against. All I can tell you is that
9 they didn't come to the meetings. So I just
10 wanted to say that.

11 And so to wrap up, you can't look
12 at who didn't sign the agreement and conclude
13 that the majority of people that live in this
14 neighborhood oppose this application. My
15 experience is it's foot power. It's the
16 people that show up when they're really
17 opposed to something that are in opposition.

18 So with that, I'll just conclude.
19 We think Lowell's a good corporate citizen,
20 a good non-profit corporate citizen. It does
21 a lot of good things. You've heard about
22 that, including making its facilities

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1 available for the community. It preserved a
2 great open space and it's enhanced. It's
3 daylighted a stream, which it wasn't required
4 to do. And it will end up doing the right
5 thing with this project.

6 So with that, Mr. Chairman, I
7 appreciate your indulgence. And we stand
8 ready to provide whatever exhibits and
9 additional documentation you would like.

10 CHAIRMAN HOOD: Okay. Thank you
11 very much, Mr. Feola.

12 Commissioners, is there any
13 follow-up questions for Mr. Feola? Mr.
14 Turnbull?

15 COMMISSIONER TURNBULL: Yes. Thank
16 you, Mr. Chair.

17 On the garage, were there any
18 sketches done that would make for a small
19 garage? Did you look at pulling that one
20 edge back and you'd get less cars. I mean,
21 you're building what you feel you need, and I
22 guess my question is was there ever any

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1 thoughts about pulling that edge of the
2 garage back for a smaller garage, smaller
3 play area but at the same time creating a
4 better buffer zone of trees along there
5 separating that play field, the future play
6 field/garage from the other neighbors?

7 MR. FEOLA: No. I think the simple
8 answer is that with regard to the play area,
9 the school wanted to establish as much play
10 area as it could because it's a school and
11 that's part of its program.

12 With regard to the garage, it's
13 just those are the number of cars that fit
14 under the play area.

15 COMMISSIONER TURNBULL: Right.

16 MR. FEOLA: If this Commission so
17 choose and say, you know instead of making a
18 42 car garage, make it a 20 car garage and we
19 can use the rest of the space for storage or
20 something else. But the idea was to maximize
21 play area.

22 COMMISSIONER TURNBULL: Right.

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1 MR. FEOLA: If you'd like us to
2 look at doing what you're saying, we can,
3 but--

4 COMMISSIONER TURNBULL: Well, I
5 guess I'd have to throw to my colleagues up
6 here whether trying to at least create more
7 of a buffer along there, more of a planting
8 area, I don't know. Is that something that's-
9 -

10 MR. FEOLA: I mean, we'd be open
11 to that. Except I would remind the
12 Commission that the building, this four story
13 building, literally is ten feet away from
14 their backyards.

15 COMMISSIONER TURNBULL: No, you're
16 right. I know that's what existing now. But
17 I'm just trying to create a gesture to the
18 neighbors. I don't know if that alleviates
19 any concern or not. But I think it might
20 lessen some of the impact of a play area.

21 MR. FEOLA: We certainly can take
22 a look at that.

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1 COMMISSIONER TURNBULL: Okay.

2 CHAIRMAN HOOD: Thank you.

3 Anything else? Commissioner May?

4 COMMISSIONER MAY: Yes. I would
5 echo that sentiment. I think one of the
6 things that sort of stands out within the
7 site plan as it is right now that you have
8 this fairly generous campus and distribution
9 of buildings. And just in that one spot
10 where you have those close neighbors the new
11 building's going right up against it,
12 understanding that there's already an
13 existing building there. But this is an
14 opportunity to make things better, and why
15 wouldn't you try to take that opportunity if
16 you can, if it can work with the program, I
17 think it's well worth it.

18 And I do think that having a
19 better thought out buffer would be good. You
20 know, the hedge is okay until you start to
21 realize how much higher the neighbor's
22 properties are. And so it's going to be

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1 looking right over the hedge, at least some
2 of them would. So I think that's well worth
3 investigating.

4 I am interested in knowing where
5 Ms. Hackney's property is and where the alley
6 access is that we're talking about. Is it
7 just that point where the property touches
8 the alley and there's a roadway there?

9 MS. HACKNEY: There is a driveway
10 that goes --

11 COMMISSIONER MAY: Ma'am, let them
12 testify to this.

13 Someone come to the microphone and
14 talk about it.

15 MR. ODOM: There is a drive --
16 there is a gate at the back of the property
17 that allows access to the rear side of the
18 main building. It's used once a year to put
19 mulch on the playground. Last fall we had to
20 do some drainage work at the back of the
21 building and there was a little bit of
22 construction activity for a period of time.

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1 And I suspect that that is where we made our
2 errors with Ms. Hackney.

3 COMMISSIONER MAY: Right. Is it
4 possible to provide access to that area
5 through the front side of the campus?

6 MR. ODOM: It doesn't appear that
7 there is. There was at one time, apparently,
8 a drive that went from behind Fraser up the
9 hill to that gate. But its long since been
10 abandoned and is overgrown and is very steep.

11 COMMISSIONER MAY: Yes.

12 MR. FEOLA: We probably could, if
13 this were approved, we could probable get
14 through the garage to get to back there.

15 COMMISSIONER MAY: Yes, for some
16 of the day-to-day stuff, but not necessarily
17 for larger trucks, I would imagine.

18 But you might want to give some
19 thought to how that particular condition
20 could be avoided with Ms. Hackney's property
21 and the way to address that in what you're
22 proposing here, some sort of precaution.

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1 That would be --

2 MR. ODOM: Agreed. We've found
3 some alternate ways to get mulch to behind
4 the building with some new trucks that pump
5 mulch through long hoses, as well as we've
6 made some agreements that, you know, we won't
7 have service trucks in the alleyways. That's
8 part of the cooperation agreement.

9 CHAIRMAN HOOD: And again, it's a
10 moving target. We need to fine tune this, at
11 least before this Commissioner votes on it.
12 You may go and try to speed up my coming of
13 the Commission. But I will tell you, there
14 are some things here that I think needs to be
15 fine tuned. And at least before this
16 Commission moved forward, I'd like to see
17 some of those things at least looked at.

18 And one of the biggest issues that
19 I have is this was probably transportation.
20 And I've heard all about the transportation
21 and the safety and everything coming from
22 both sides, opponents and proponents. But I

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1 also the leading agency here in the District
2 of Columbia. I've heard them loud and clear,
3 Mr. Jennings' report. And I'm hoping that
4 further collaboration can happen. Because
5 actually that needs to happen, at least
6 before this Commission moves forward in
7 voting on this project. Because at the end
8 of the day, the charge in which we're given,
9 the oath that we take, says to protect the
10 residents of the District of Columbia safety
11 and their health. So that's key.

12 This whole piece about the
13 asbestos, I see that it's in the agreement.
14 I see some pieces in the agreement, but maybe
15 it needs to be taken out of here and put in
16 the construction management plan. Because I
17 see it here.

18 I just got this tonight. I'm like
19 some of the folks in the neighborhood. We
20 just got this tonight.

21 So, I don't know, you know I
22 haven't had a chance to read all of this.

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1 But obviously there's a lot of support for
2 this. So, you know there's some things that
3 need to be tighten up, and they need to be
4 tightened up at least before at least this
5 Commission moves forward on it.

6 MR. FEOLA: And again, I apologize
7 for the lateness of that agreement. As you
8 can see, it was signed today.

9 CHAIRMAN HOOD: I understand that.

10 MR. FEOLA: But we fully intended
11 before the record closed to enhance the
12 construction management plan that's in the
13 agreement and enhance the demolition plan
14 that's in the agreement with the terms and
15 conditions of the citizen neighborhood
16 agreement. So we will get that for you
17 because that was our intention. We just
18 didn't have enough time to do it all.

19 CHAIRMAN HOOD: And, Mr. Feola, I
20 think you know I'm going to already ask
21 between now and I would assume between final,
22 and I may not even be here. You probably

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1 hope I won't. But I --

2 MR. FEOLA: I would like you to
3 stay.

4 CHAIRMAN HOOD: I would say that I
5 would like to see the school go back out and
6 meet with -- I know you met with the ANC, but
7 you have a few folks who still have some
8 issues and concerns. And we may not be that
9 far off. It may be able to be resolved. But
10 I think at least what I heard tonight from
11 the panel that were in opposition is we're
12 looking for predictability. And we want to
13 see some safety. And we want it to be
14 consistent with the Comprehensive Plan.

15 Now, I'm only asking. From where
16 I sit I can't mandate that happening. You
17 know, I'm going to vote on what's in front of
18 me. But I'm only asking that the Applicant
19 do that with the neighbors. Okay? All I'm
20 doing is asking.

21 Okay. Anything else? Vice Chair?

22 VICE CHAIRMAN SCHLATER: Mr.

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1 Chairman, I would just say that one of the
2 issues raised at the hearing tonight is on
3 enforcement of orders. And, you know I just
4 want to endorse the idea put forward by Mr.
5 Feola in the draft order in this case and in
6 future cases that we actually put in
7 reporting requirements. Just to give this
8 office a chance to check back in on projects
9 and make sure they're living up to their
10 commitments. Because as it stands right now
11 the way our orders are enforced are when
12 somebody goes in for a building permit or a
13 certificate of occupancy. And that's not
14 sufficient in a case line this which is
15 trying to enforce conditions a decade out.
16 And so we need to do a better job on that.

17 And I think putting that reporting
18 requirement in would be a great help.

19 COMMISSIONER TURNBULL: Is that
20 reporting requirement going to the BZA?
21 You're making lots of friends over on the
22 BZA.

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1 VICE CHAIRMAN SCHLATER: The
2 Office of Zoning does have a compliance
3 division. And I'm sure they'd be eager to
4 take in those reports.

5 COMMISSIONER TURNBULL: Without
6 belaboring, the Compliance Officer, I don't
7 believe, is employed anymore by the District.

8 MS. SCHELLIN: We actually do have
9 somebody. It's Tracy Rose now.

10 COMMISSIONER TURNBULL: She was
11 very effective. I mean when she got a
12 complaint, she investigated it, she called
13 the Applicant. She called the Applicant's
14 lawyer, because I know. And we'd sit down
15 and try to figure out what was wrong and why
16 it was going on.

17 MS. SCHELLIN: The process is
18 still in place. Anybody has a complaint
19 about a Zoning Commission order, can still
20 file a complaint.

21 COMMISSIONER TURNBULL: Plus, it
22 worked. I never knew why the BZA stopped

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1 doing it.

2 CHAIRMAN HOOD: Well, let me just
3 say, as Ms. Schellin already said, that
4 process still in place. Ms. Tracy Rose is
5 doing it. But a lot of that was triggered by
6 the neighborhood, I will say that. A lot of
7 that, when something was out of compliance,
8 our Compliance Office was notified. And,
9 unfortunately, in 1998 that was not put in
10 place. That was put in place under Jerry Lee
11 Cress after '99, that whole process. So I
12 know this was before and it's been an issue
13 with me since I've been here is to come back
14 five years later and hear that things are not
15 being done. I mean, that's a sore spot with
16 me.

17 So we do have something in place
18 in this office, and it's also incumbent upon
19 the community to also trigger when some of
20 those things don't happen, just as was
21 mentioned tonight a little earlier. And it's
22 just about knowing that you have to do that,

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1 and also --

2 MS. SCHELLIN: I think, Chairman
3 Hood, we just had I believe it was Monday
4 night in the Skyline case, I believe one of
5 the conditions was that they would report to
6 the Compliance Office, provide reports
7 periodically. So maybe that's who the reports
8 could be provided to. Since the record would
9 be closed, that's a suggestion.

10 COMMISSIONER TURNBULL: Right, and
11 that's what we did.

12 MS. SCHELLIN: Maybe that's
13 something to consider.

14 COMMISSIONER TURNBULL: And if the
15 report didn't come in, I would get a call.
16 Where was your report?

17 COMMISSIONER MAY: I could offer
18 another suggestion, and I know this has
19 happened in some other school cases in
20 particular. Is to have some sort of reporting
21 mechanism to the neighbors, and particularly
22 the neighbors within 200 feet. And I know

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1 this is happening now because I get them
2 periodically on behalf of the Park Service.
3 We receive them. And in fact, in this case,
4 I would imagine we would be getting them if
5 you sent them to people within 200 feet, we
6 would start getting those.

7 And it's just a quarterly
8 newsletter or something like that, that just
9 sort of updates on whatever issues are of
10 import. And it sort of ensures that there's
11 a steady stream of information.

12 CHAIRMAN HOOD: I think all those
13 are great ideas. We'll grapple with that I
14 think when we deliberate.

15 Ms. Schellin, obviously from what
16 I'm hearing from DDOT and others, we want to
17 make sure that we need to set the schedule.
18 And I don't think it needs to be --

19 MS. SCHELLIN: We have a meeting
20 in -- oh, you think we need --

21 CHAIRMAN HOOD: I don't think it
22 needs to be in July.

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1 MS. SCHELLIN: No. I think we can
2 shoot for our second meeting in July.

3 CHAIRMAN HOOD: July? Oh, I was
4 thinking more of September or the last
5 meeting in September from what I'm hearing
6 from DDOT. Unless you think -- maybe they're
7 closer than I thought they were.

8 MR. FEOLA: Well, the problem --
9 we can't really address -- we wanted to
10 address DDOT's issues. But there's nobody in
11 school right now. I mean, we can't test
12 anything. I mean school's out.

13 MS. SCHELLIN: Right.

14 MR. FEOLA: And so really we have
15 to wait --

16 CHAIRMAN HOOD: September.

17 MR. FEOLA: -- January. I mean,
18 well to test something to really see if --
19 what I understand Mr. Jennings and DDOT
20 saying, they want some proof that the things
21 that we're putting i place are doing what
22 they want us to do.

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1 CHAIRMAN HOOD: Okay.

2 MR. FEOLA: But kids start in
3 September, it takes a while to get things
4 going. And we probably wouldn't have an
5 accurate report until maybe October,
6 November.

7 COMMISSIONER MAY: I'm not sure
8 that all of what has been suggested by DDOT
9 needs to be sort of played out in full before
10 we make decisions on this.

11 MR. FEOLA: That's what I'm
12 hoping.

13 COMMISSIONER MAY: But, you know
14 it seemed even from the beginning that DDOT
15 was basing on its judgment on information
16 that might have been a bit dated. I mean,
17 you couldn't say for sure exactly when the
18 information had been given to them and so on.

19 I would just like to see further
20 discussions and agreement about somehow some
21 of the transportation demand management
22 features might actually be implemented and

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1 things like that.

2 I mean, it just seems to be a
3 little bit out of sync and I'd like to see
4 that they get back in sync, at the very
5 least. But you know testing them all out and
6 proving things --

7 CHAIRMAN HOOD: Well, I heard that
8 they wanted some time to put something in
9 place and see how it runs. That's what I
10 heard, and that what I believe.

11 Now, you know, I heard that they
12 can sit down and talk. You can talk about
13 anything all day long. But sometimes you
14 have to put some things in motion to kind of
15 get a track record of how things actually
16 operate. Now that's my issue. And I know
17 that's not what you wanted to hear, and
18 that's not exactly what you said. But I'm
19 going by what the -- I call the professionals
20 and authorities that we depend upon on this
21 Commission have said to us.

22 And I will tell you, I don't want

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1 to be one of the ones sitting at home
2 watching Channel 5 and thinking about what
3 Mr. Lightfoot said about somebody getting
4 hurt one day. I don't want to be there.

5 So, that's where I am. And I gave
6 it until September, maybe the last meeting in
7 September. But, you know, I don't know if
8 that's enough time.

9 I'm asking Mr. Jennings now.

10 MR. JENNINGS: Thanks. What we
11 thought would be a decent timeline would be
12 including the opportunity to have the
13 Applicant show us that they are implementing
14 and demonstrating to us that those practices
15 are being used. So September or early
16 October; that's not unreasonable for us.

17 MR. FEOLA: The school just can't
18 do that. I mean, the school here and the
19 basis of trying to understand what is going
20 to be approved or not approved, it just
21 doesn't work. It just won't work for us.

22 I mean, and I'm not offering this

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1 but you might as well turn us down. Because-
2 -

3 COMMISSIONER MAY: When do you
4 need to have an approval by?

5 MR. FEOLA: We need to understand
6 that the school can expand to 7th and 8th
7 grade by this coming school year so it can
8 start advertising --

9 COMMISSIONER MAY: So you have to
10 have a decision in July?

11 MR. FEOLA: September.

12 CHAIRMAN HOOD: And we have two
13 meetings in September. Oh, we only have one
14 meeting. Oh. Hold on. Hold on. You need to
15 come to the microphone.

16 But it will be sufficient. We are
17 only have one meeting in September anyway.
18 So that'll give you time to do what you need
19 to do.

20 And our meeting in September is
21 the fourth Monday, end of the month.

22 MS. GIBBS: May I just explain one

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1 part that I just think that it's important
2 for people to understand. If we had more
3 time, it would be great. But this year the
4 6th grade class is staying on to begin the
5 assumption that they'll be in middle school.

6 If in September we can't say we're going to
7 7, I will lose the 6th grade class to 7th
8 grade because they have to start doing the
9 admissions process in other schools in
10 September. If they don't begin in September,
11 they won't find placement.

12 So what we are hoping was to at
13 least have the concept of this approved. And
14 we are willing to work to meet every
15 reasonable agreement that we've heard
16 tonight.

17 We understand. We have been
18 working very hard to work with the neighbors,
19 and we will continue to work. But for me to
20 not be able to ensure that I have a 7th
21 grade, we basically lose 20 kids and that
22 doesn't allow us to really keep going. The

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1 school will drop still another class.

2 We already have lost a section
3 because of losing them to 5th.

4 So it isn't because we are trying
5 to pressure, push one over on the neighbors.
6 And they've been even understanding. They
7 understand we need to go to 7th and 8th. So
8 there must be something.

9 I just want that understood. You
10 still need to do what you need to do. I
11 appreciate how hard you're listening to this.
12 But it's just an important piece.

13 CHAIRMAN HOOD: Okay. I've heard
14 that.

15 Let's see if we can come up with a
16 time frame. Let me talk with my colleagues
17 and see.

18 COMMISSIONER MAY: Well, does it
19 work if we take it up for a proposed action
20 on September 27th, which would be the
21 September meeting?

22 CHAIRMAN HOOD: We only have one

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1 meeting in September. So that's the issue
2 anyway.

3 I will tell you, I don't think
4 that we will get anywhere in trying to push
5 this and meet this in July. I'm just not on
6 that fast track.

7 What do you think? We do a final
8 meeting in July and try to clean up
9 everything. I just think that's moving too
10 fast. Because, I don't know, and we need to
11 give some opportunity to DDOT. Sorry. I'm
12 just not on that fast track. I'm sorry.

13 I can't come down in two months
14 and put my back up against the wall and be
15 rushed when there's some considerations to be
16 taken. Maybe we should have start a year
17 prior, I don't know. And if things would
18 have worked out for the person who was going
19 to replace me, you wouldn't have heard from
20 me. I wouldn't have been home. Tonight I
21 would have been home.

22 This is my wedding anniversary. I

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1 would have been home tonight. I'm partly in
2 trouble now. Actually, I'm not. I got it
3 covered. Got it covered.

4 COMMISSIONER MAY: Got it covered.

5 CHAIRMAN HOOD: That was a joke.

6 So I want to hear from my other
7 colleagues. Because who knows where I'll be.

8 COMMISSIONER TURNBULL: When is
9 the meeting in September? 27th.

10 Does the 27th work or --

11 MS. GIBBS: I've done admissions
12 for years in private schools. And I can tell
13 you that in Washington, D.C. it's the most
14 competitive environment. You can have a
15 private school, that I know of practically,
16 and parents will not be reassured if we say
17 we may get approved September 27th. They
18 will have already booked all their
19 appointments to look at other schools. And
20 it'll all be in motion.

21 So from the point of view of the
22 point I made, it is too late.

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1 VICE CHAIRMAN SCHLATER: Well,
2 I'll just note that no matter what we do, we
3 have to take two votes on it. It's certainly
4 not going to have final approval before
5 September. So at a minimum it's going to be
6 September before you get final approval.

7 We have some information that we
8 need. Ms. Schellin, can you just tell us
9 some of the items that have been listed and
10 then maybe we can evaluate?

11 MS. SCHELLIN: Yes. The track
12 record so far was CBEs and LSDBEs.

13 The sense of how far the students
14 are coming from.

15 Copy of the LEED scorecard.

16 At look at short meeting the time
17 schedule.

18 Information regarding the
19 Community Relations Council.

20 I'm not sure whether we still want
21 something showing the materials regarding the
22 aluminum being used. I think we were clear

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1 on the stucco because it's the same stuff,
2 but it's the aluminum that we were unclear.

3 VICE CHAIRMAN SCHLATER: The
4 materials board, standard stuff. And the
5 detailed elevation.

6 MS. SCHELLIN: Well, they have to
7 provide it in paper form or do you want -- I
8 mean, they can provide the materials board
9 for the meeting, but we would need something
10 in the record, I guess. A paper copy. Okay.

11
12 Elevations.

13 How many D.C. residents work for
14 Lowell.

15 And I thought added on was maybe
16 looking at the relocating, a different
17 location for the new building. Was that
18 something one of you guys mentioned or not?

19 COMMISSIONER TURNBULL: I think we
20 were talking about the option of looking at
21 the garage not as large.

22 MS. SCHELLIN: Not as large.

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1 COMMISSIONER TURNBULL: And I
2 think pulling it back from --

3 MS. SCHELLIN: To add more buffer?

4 COMMISSIONER TURNBULL: Add more
5 of a buffer zone.

6 MS. SCHELLIN: Okay. And that's
7 all I wrote down. I don't know if anything
8 was added when I was in and out of the room.

9 VICE CHAIRMAN SCHLATER: What's
10 the date of the July meeting?

11 MS. SCHELLIN: July 26.

12 MR. FEOLA: Mr. Chair, I think
13 there were a couple of things that my
14 colleague wrote down, Ms. Schellin didn't --
15 just so we can make the list complete.

16 I thought Mr. May asked about the
17 FAR measurement for the -- not important.

18 COMMISSIONER MAY: Not a big
19 issue.

20 MR. FEOLA: And I know the Chair
21 wants to see a more concrete construction
22 management plan.

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1 MS. SCHELLIN: I'm sorry. I did
2 add that one to address DDOT's issues.

3 MR. FEOLA: And then some way to
4 address Ms. Hackney's issues with regard to
5 access for the back of the property. Those
6 are the other things.

7 MS. SCHELLIN: I thought he said
8 he had taken care of it, so I didn't write
9 Ms. Hackney's down.

10 You wanted it? Okay.

11 CHAIRMAN HOOD: Okay.

12 MR. FEOLA: I just wanted to make
13 the list was complete.

14 CHAIRMAN HOOD: So we said July
15 the 26th?

16 MS. SCHELLIN: Yes, sir.

17 CHAIRMAN HOOD: We have to take
18 two actions on this case. And as the Vice
19 Chairman has already mentioned, by the time
20 we do the final action we're going to
21 probably be in September anyway.

22 MS. SCHELLIN: Oh, yes.

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1 Definitely.

2 CHAIRMAN HOOD: So at some point
3 in time, and that's going to give us the
4 track record that I'm trying to get now. Ms.
5 Gibbs -- okay, I got it. I'm trying to go
6 off the top of my head. I packed up.

7 So, Ms. Gibbs has already
8 expressed to us some of the issues, and we
9 heard that.

10 I think that the way that we can
11 move -- and I will tell you, Mr. Feola, you
12 said we might as well vote it down.
13 Everything's a possibility. But we're trying
14 to bring the gap a little closer together.
15 We've heard the concerns and we know who is
16 in opposition, you know who has some
17 legitimate concerns. But unfortunately, you
18 put us in a position to where we have to make
19 sure we proceed with caution and do what's
20 right for the best interest of the city as a
21 whole.

22 So what I would suggest is

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1 depending on where we go before the 26th, to
2 some degree -- now you might get a proposed,
3 a first approval on proposed. But I want to
4 also give DDOT the opportunity. And we can
5 hold it up. If I'm still around, we'll hold
6 it up until my colleagues get a comfort
7 level. We will hold it up for them to get
8 that track record if they don't have it at
9 our one and only meeting we have in
10 September.

11 So there's a lot of work that
12 needs to go on in the month of July and
13 August. And I've always said if you ever
14 want to get out on the community, you do it
15 in July and August because it's a vacation
16 time.

17 But what we need to do, it looks
18 like we're going to have to work through July
19 and August because some things that we're
20 going to be looking at in September. At
21 least, I hope my colleagues, we will look at
22 this in September.

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1 Now I will hear from them, but I
2 think that's the fashion we can move in. We
3 will see what's in front of us at our July
4 26th meeting and see whether we want to take
5 proposed action at that time. No guarantee.

6 Nothing's guaranteed around it. I've seen
7 it.

8 But then I would ask DDOT,
9 hopefully you will work with DDOT and we'll
10 have something sufficient by the time of our
11 one and only meeting we have in September. I
12 think that will be a productive time schedule
13 and working with the community and all
14 parties involved.

15 MR. FEOLA: I think that's fair,
16 Mr. Chairman. I really appreciate that. I
17 think it's extraordinarily fair.

18 MS. SCHELLIN: Can you have
19 everything in by July 14th?

20 MR. FEOLA: Yes.

21 MS. SCHELLIN: Okay. And then
22 we'll allow the ANC. because the record will

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1 be closed to everyone else. Just making that
2 clear. No one else can submit anything other
3 than the Applicant submitting the documents
4 that ere requested. And then the ANC can
5 file a response to what you, the Applicant
6 submits. The ANC can file a response to
7 those documents, everything being due by 3:00
8 p.m. The Applicant would have until July
9 21st to file their response.

10 And then any draft findings,
11 facts, conclusions of law will also be due on
12 the 21st.

13 And then we would take it up at
14 our July 26th meeting. It's if you choose to
15 file a response to what they file.

16 CHAIRMAN HOOD: ANC, if you'd come
17 to the table? Commissioner Kennedy, if you
18 can come to the table?

19 COMMISSIONER KENNEDY: On the
20 timeline, what are the dates again?

21 MS. SCHELLIN: The Applicant would
22 file their documents by July 14th and then

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1 you have one week, July 21st, to file your
2 answer.

3 COMMISSIONER KENNEDY: Okay.

4 MS. SCHELLIN: Or file a response
5 if you choose to do so.

6 COMMISSIONER KENNEDY: Yes. We
7 don't meet again as an ANC until September.
8 We don't meet in July and August as a full
9 ANC. And me personally, I'm not going to be
10 around from July 4th until July 17th. So --

11 CHAIRMAN HOOD: So you all meet
12 again in September. What's the date? When
13 did you meet?

14 COMMISSIONER KENNEDY: September
15 7th, the first Tuesday on September 7th.

16 CHAIRMAN HOOD: That's time for
17 you to respond, I think.

18 MS. SCHELLIN: So you can file by
19 final action then. I mean, at this point --

20 COMMISSIONER KENNEDY: Okay. We
21 wouldn't make the 21st date.

22 CHAIRMAN HOOD: Okay. I see --

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1 COMMISSIONER KENNEDY: I will be
2 here, but several of the Commissioner are not
3 going to be here.

4 MS. SCHELLIN: Right. They won't
5 have time unless you hold a special public
6 meeting. That's what happens sometimes.

7 COMMISSIONER KENNEDY: Yes. We've
8 done that. But I'm not going to be in town
9 and several of the other Commissioners are
10 not going to be in town, July and August.

11 MS. SCHELLIN: Right.

12 CHAIRMAN HOOD: Okay. But there's
13 another default, which would be for final
14 action for us to tighten up things, depending
15 on what happens to the proposed. And that's
16 going to a lot depend on some of these things
17 that have been tightened up. Construction
18 management plan, you've heard that. So I'm
19 sure that as we're leaving to go home, you
20 ought to probably still be -- Applicant still
21 be talking with some of the neighbors and the
22 ANC.

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1 MR. FEOLA: We're going to have to
2 start tomorrow.

3 CHAIRMAN HOOD: Starting tomorrow?
4 Don't put it off.

5 Okay. Do we have anything else
6 before us, Ms. Schellin?

7 MS. SCHELLIN: No.

8 CHAIRMAN HOOD: Are my colleagues-
9 -

10 MR. LAWSON: Commissioner Hood, if
11 I may. I was just wondering if the
12 Commission wanted to give DDOT and OP also an
13 opportunity to respond to whatever the
14 Applicant submits before the 26th?

15 MS. SCHELLIN: 21st.

16 MR. LAWSON: On the 21st? Thank
17 you.

18 MS. SCHELLIN: And I would just
19 ask that maybe the ANC could just submit a
20 letter saying that they won't meet. And then
21 what we can do is on the 26th consider that.
22 And then that would just allow us to have it

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1 as a reminder so that then we would allow the
2 ANC to maybe file something before final
3 action.

4 So maybe if you could just submit
5 a letter just as reminder to us. That would
6 be good.

7 COMMISSIONER KENNEDY: Yes, okay.

8 CHAIRMAN HOOD: And understand,
9 Mr. Feola, you know I'm saying this for
10 everyone say. We have two votes. I don't
11 know what may happen on the 21st or 26th, or
12 whatever date it is. And then September.
13 I've seen this Commission. I've been around
14 here a while. I know what this Commission
15 will do at final.

16 Okay. Do we have anything else
17 before us?

18 Are we all on the same page?

19 I want to thank everybody for
20 their participation tonight.

21 This hearing is adjourned.

22 (Whereupon, at 10:47 p.m. the

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1 Hearing was adjourned.)

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