

**Public Space Committee Hearing and Board of
Zoning Adjustment
BZA Application 18449**

Report: Single Member District 5B03

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DETAIL

The following Single Member District (SMD) members and organization associate themselves to this Report.

Brentwood Community Association, President Earline C. Frazier
Brentwood Recreational Advisory Board, Chairman Juanita Mercer
Brentwood Young at Hearts, President Geraldine Washington
Former ANC Commissioner of 5B03, Raymond Chandler
Impacted resident of 2401 12th Street, NE, Mrs. Patricia Gray

DEC 4

**BOARD OF ZONING ADJUSTMENT
District of Columbia**

CASE NO. 18449

EXHIBIT NO. 35

Impacted resident of 2414 12th St. NE, James Haskins
Impacted resident of 1015 Bryant St. NE, Kelly B. Mitchell Baynes
BASIS FOR SINGLE MEMBER DISTRICT 5B03 OPPOSITION:

To oppose the Application of Israel Baptist Church and Israel manor, Inc. for variance relief pursuant to Section 3103.2 to reduce the parking requirements for a proposed community health facility and ancillary social and recreation space for church use to be erected as an addition to the existing church building and for a special exception relief pursuant to Section 2116.3 to provide required on-site parking elsewhere than on the subject property within the R-5-A Zoning District.

As a community of people, we are opposed to the parking variance to allow Israel Baptist Church to rent the public space between the property line of Israel Baptist Church and the other property owners. It would be fair to allow no rental of the public space because; currently, it is used as a work space by the 5th District, MPD PSA 5050 officers in order to respond quickly within our PSA and there is another land owner to consider outside of Israel Baptist Church.

HISTORICAL BACKGROUND:

During my tenure as the Advisory Neighborhood Commissioner for SMD 5B03, currently known as 5C05, during that time, Ward 5 Councilmember Vincent B. Orange, Sr. informed Israel Baptist that he would need the support of the Advisory Neighborhood Commissioner in order to build a community facility. As a community of people, we have met with Israel Baptist Church, twice regarding Israel Baptist Church first proposal, when Israel was seeking community approval and support of its building project under the Williams' administration, we first met at Isle of Patmos Baptist Church and the other meeting took place at Israel Baptist Church. The first two community meetings with Israel Baptist Church were contentious. As a last resort, the pastor of the church called the ANC Commissioner to provide a letter of support without meeting with the Brentwood community. The ANC Commissioner informed the pastor that a meeting with the community is necessary in order for the ANC Commissioner to write a letter of support. The pastor informed the commissioner that she was not a leader; a leader makes decision without the need to meet with the community. The commissioner reiterated her position again to the pastor, if he wanted a letter of support, he would have to meet with the community.

Under the Fenty's Administrations, Israel Baptist Church tried again regarding the community building project that he wanted to do. One of the members of Fenty's Executive Team, called me and asked if the community residents would support Israel Baptist Church Community Building project. I stated that the church would receive opposition from the residents of the Brentwood Community, because the community was opposed to the destruction of their quiet community and create an undue hardship and burden on the senior population within my Single Member District (SMD).

Prepared By: Regina James,
Advisory Neighborhood Commissioner, 5B03
Earline C. Frazier, President

ORGANIZATION
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The community has been fighting Israel's building project for fourteen (14) years. The Fenty Administration sided with the residents of the community of Brentwood. Now, we are under the Gray's administration and the community has not changed its position in over fourteen years because they resident it will destroy they way of life. The Brentwood community feels that the church is trying to take over the neighborhood and does not respect the residents and taxpayers that resided there.

OPPOSITION:

Now, we have a second proposal from Israel different from the first but this includes a clinic and the neighborhood still has concerns about the destruction of their quiet neighborhood. An agent of the church spoke to some residents from 12th Street, Rhode Island Avenue, Brentwood Rd, 1000 Block of Bryant Street, 1300 Block of Bryant Street, without the benefit of the ANC-SMD Commissioner and it held several community meeting without inviting the ANC-SMD Commissioner. The Agent of the church contact the ANC/SMD Commissioner but when the ANC/SMD Commissioner called several times the agent would not return the ANC-SMD Commissioner telephone calls. The residents of 5B03 do not want the traffic from the church and/or the people of the combined clinics of Unity that would occupied the first two floor of the facility and dump the outgoing traffic into the circle and Saratoga Avenue, NE. The Brentwood circle does not accommodate traffic flowing out of it during rush hour, to support the majority of the church members from the state of Maryland, the combined clinic patrons and the taxpayers in SMD 5B03, and, the sheer volume of over 50, 000 motorists that travel that road every day, seems too much for the District taxpayers to accommodate the church members from the State of Maryland, Unity's combined clinics and the resident of the community.

The parking lot would co-exist next to the remaining property owners of 12th Street after Israel Baptist Church illegally razed five (5) homes on 12th Street, NE and digging a hole and filling it with water, during summer after DOH put out an alert for West Nile Virus. The District fined the church approximately \$14,000 for jeopardizing the residents of that neighborhood and for illegally razing home dwelling without a permit for the District of Columbia.

BZA's Report on page 2 states, "Topographically, the subject property slopes downward from the highest elevation in the eastern corner to a low point along 12th Street, N.E. on the western edge. There is a sharp 12-foot grade change in the middle of the site along a line separating the rear of the residential lots from the property owned by the Church." Construction would be difficult based on the topographically hill that hangs over the property owner house for both the residents of 1201 and 1204 12th Street, NE. If construction is allowed, it would surely cause structural damage to the two houses that remain on 12th Street, NE after Israel Baptist Church built that hill onto their property. When it rains the runoff from the water that comes from the church goes on one the property owners' backyard and front yard of the other homeowner property and flooding is extreme.

BZA's report on page 2 states: "The Church also has an arrangement with the District of Columbia that permits the Church to use the land lying within the closed portion of Bryant Street, NE. To the south of the church building to be used for parking by members and visitors of the Church.", Israel Baptist Church never produced a document of an informal agreement between the District of Columbia and Israel Baptist Church, even after several request to do so.

(At the Public Space Committee Hearing, 5B03 learned that Israel Baptist Church has been using DC Public Space for years without paying the District of Columbia for the use of District's property).

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We find it difficult to comprehend that the District of Columbia Government would make an informal agreement with Israel Baptist Church regarding parking when the Lot 801 and Square 3940 belongs to Clearview 1200 LLC, 7800 Orchard Street, NW, Washington, DC 20012-1132.

The owners of the property Lot 801 and Square 3940 spoke with the ANC Commissioner regarding the development of their respective property. And, the owners will need space for their respective patrons for their business.

The owner's vision will bring much needed revenue to the District, which would possibly benefit the residents of the District of Columbia, as a whole, and the community, at large through additional revenue from sales taxes. The monies generated from the church benefits the Israel Baptist Church and Israel Manor, Inc. its membership and the State of Maryland.

It seems that it would be an undue hardship and burden for 85% of the senior population that dwells within Single Member District 5B03 due to Israel Baptist Church pursuits to build a Mega Church and facility without the appropriate land space, and parking for his patrons without consideration would given to long standing taxpayers of the District of Columbia.

The community hopes that the regulatory bodies would disavow this idea of shared parking space in order for Israel to meet its parking requirements or granted its parking variance in residential neighborhoods. This idea has not been tested, but consideration to do this in SMD 5B03. We, as a community, has suffered enough, we all ready house the Trash Transfer Station, there is idea has not been brought to the DC Council, the community of the District should be able to weigh in on this decision, in light of the Mayor's Parking Summit because of the premium of parking spaces in residential neighborhoods and commercial areas too.

Saratoga Avenue is unable to support Israel Baptist Church parking due to the flow of traffic. It is two lanes, on both sides, with the opposite side, one arrow on the street to the right to make a right turn to enter onto Brentwood, and the left lane arrow, so that you can make a left turn or go straight. When there is an event at Israel and the big buses parking on Saratoga Avenue, it is difficult for the motorist to see the pedestrians when making that right turn. On Sunday, it is worse; the church members are in our neighborhood, parking in front of property taxpayers with little or no disregard for the homeowners that live in the neighborhood.

**Rationale for Zoning Relief
Page3; Line 5**

Off-street parking spaces along Saratoga Avenue, NE...

To allow Israel Baptist Church to be grant the parking variance would create a public safety hazard within the Brentwood Community. The lanes that Israel Baptist Church wants to use along Saratoga Avenue would impede the flow of traffic onto and off of Brentwood Road. That piece of roadway along Saratoga Avenue supports two (2) churches. The signs posted along that roadway do not allow parking until after 7:00pm. Based on the last traffic count, from the Councilmember's office, over 50,000 motorist travel to and from that area on Brentwood Road, Saratoga Avenue is considered feeders on and off of Brentwood Road.

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The representatives of the District of Columbia Department of Transportation agreed, that to allow Israel Baptist Church to park along side of Saratoga Avenue would be a matter of public safety; therefore, denied Israel Baptist Church's request to park along side of Saratoga Avenue, NE

On the BZA report, Israel claims the use of forty seven 47 additional parking spaces and an informal agreement between the Church and the District of Columbia Government, but there are property owners on the other side that belongs to Clear view 1200, LLC. Based on Israel Baptist Church need for parking, it would obstruct the use of Clear view 1200 to access and enjoy the public space and the Brentwood community, as a whole.

On September 24, 2012, the ANC Commissioner held a Single Member District Meeting at Isle of Patmos Baptist Church, to inform the community of the BZA Application and to engage the community regarding its feelings of the BZA Application and how they wanted the ANC Commissioner to proceed, the Brentwood community is still opposed to Israel Baptist Church changing their way of life and creating undue hardship of the church traffic an its community. The ANC Commissioner informed the community at the SMD meeting, that she will be attending a Public Space Committee Hearing regarding the use of Public land, that part of Bryant Street, which we agreed to close off (See Attachment).

On September 27, 2012, ANC Commissioner, Property owner of Clear View 1200, LLC, and some of the residents from Brentwood attended the Public Space Committee Hearing; Israel Baptist Church did not appear before the Committee Members; however Israel Baptist Church was a no show.

On November 15, 2012, ANC Commissioner and residents of the Brentwood community appeared before the Public Space Committee, this time Israel Baptist Church did show up. During the PSC hearing, we learned that Israel Baptist Church submitted two different versions of their plans and sent them forward to the BZA and PSC. We could not get a sense of how to proceed because there were two different plans, sent to two different regulatory bodies. Also, Israel Baptist Church misrepresented the truth on several occasions, when the board asked questions regarding the plans. All of us learned at the PSC hearing, that Israel Baptist Church was supposed to pay the District rental fees for use of the public land that his members have been using for years as an extension of the church parking lot. Pastor Shearin informed us that he was having a Committee of the Whole meeting with the ANC Commissioners, November 20, 2012. The Chairman of the Committee requested that the ANC Commissioner have a Single Member District (SMD) meeting, before we left for the day, we agreed to hold the meeting at Israel Baptist Church, November 30, 2012 and to submit a report of the meeting.

On November 20, 2012, Pastor Shearin and his associates did not have a Committee of the Whole meeting with the other ANC Commissioners from ANC5B. The meeting involved members of his church and some community residents to show them the plans of the building but while I was there the representative did not discuss the real matter before the BZA and Public Space Committee.

On November 30, 2012, as directed by the Public Space Committee, ANC-SMD Commissioner James held another Single Member District meeting over the same issues as in the September, 2012. The ANC Commissioner provided 15 minutes to the representative, so that, we could discuss the issues before the two different regulatory bodies. After the presentation, the community residents had a lot of questions regarding parking, the hardship and burden that parking would impose on the neighborhood and based on the numbers that Israel provided regarding parking, Israel still will not

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have enough parking to satisfy the parking requirement for a building of this magnitude and especially, combining of two (2) Unity clinics into one. Mrs. Gray was concern about the structural damage and flooding that this project may cause her home, the community endured much due to the construction project of the Brentwood Shopping Center that houses Giant and Home Depot.

SMD Commissioner James explained what was happening and explained the meeting at the BZA and the participation of the Public Space Hearing, and advocating the Brentwood community opposition. She adjured the SMD meeting at 6:25pm.

However, people were still coming in because Pastor Shearin informed his congregation that a meeting was being held at 6:30pm and there was confusion in the Fellowship Hall, and the residents and church members did not understand what was going on.

One of the gentlemen from SMD 5B03 asked Commissioner James to stay and explain what was going on. She stayed and informed everyone the matter was parking and the use of Public Space between Israel property line and Clear view, and her struggles in trying to honor the Brentwood community wishes, the commissioner explained that she was elected to represent the people of the Brentwood community and it is the community that tells the commissioner, what they want and she provides a defense. If the community wants a project, she writes a letter of support. It is easier to write a letter of support then to defend a community of people, but if the community wants the commissioner to defend the neighborhood and she explained that she takes order from the residents of her Single Member District.

Pastor Shearin spoke and misrepresented the facts, the ANC-SMD Commissioner of 5B03 left.

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