District of Columbia
Board of Zoning Adjustment

In re: Christian Praise Church	BZA App. 16657 March 6, 2001 – Decision Meeting

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Memorandum in Support of Christian Praise Church's Application For a Special Exception, App. 16657

Submitted by:

Susan Bennett, Supervising Attorney

Stefanie Birbrower, Student Intern

Rachel Coyne, Student Intern

Counsel for Applicant
Washington College of Law
Office of Clinical Programs
4801 Massachusetts Ave, NW
Washington, D.C. 20016
(202) 274-4147

BZA
Case No. 16657
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16657
EXHIBIT NO.36A1

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District of Columbia
Board of Zoning Adjustment

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Memorandum in Support of Christian Praise Church's Application For a Special Exception, App. 16657

The applicant, Christian Praise Church, through its counsel, submits this Memorandum in support of its application for a special exception. The special exception would allow Christian Praise Church to lease the property at 3626 Alabama Avenue SE for use as a daycare center.

I. Statement of Issues

A. Whether the operation of the Power to Become Child Care Center, located at 3626 Alabama Avenue SE, would have an adverse impact on the surrounding community?

B. Whether the ANC's vote against the Power to Become Child Care Center should be afforded less than the "great weight" it is normally entitled because the ANC did not comply with the District of Columbia Regulations or the directives of the Board of Zoning Adjustment?

II. Statement of the Case

On October 20, 2000, Christian Praise Church filed an application for a special exception with the Board of Zoning Adjustment (BZA or the Board). On January 9, 2001, the BZA held a public hearing on the application. Approval of the application would permit the Power to Become Child Care Center (the Center) to locate at 3626 Alabama Avenue SE. The Board did not make a final decision on the special exception, and set the final decision meeting for March 6, 2001.

III. Statement of Facts

1. Minister Brooks lives in Ward 7, at 1621 28th Street SE, six blocks from the Center.[1] Minister Brooks is a counselor for abused and neglected children at Associates in Renewal of Education.[2]

2. Jesse Andrus Jr. is the pastor at Christian Praise Church, the owner of the property at 3626 Alabama Avenue SE.[3]

3. In November 29, 1999, Minister Aaron Brooks and Pastor Andrus entered into an oral agreement which would allow Minister Brooks to operate the Center at 3626 Alabama Avenue SE.[4]

4. The proposed Center is in close proximity to Anne Beers Elementary School, which enrolls approximately six hundred children.

5. Pastor Andrus and Minister Brooks agreed that the property would be improved to meet the stringent requirements of the District of Columbia's regulations for

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[1] See Exhibit 1 (Minister Brooks' drivers license).
[2] Transcript for Jan. 9, 2001 Hearing, App. 16657 at 142 (Jan. 9, 2001) [hereinafter Hearing Transcript], attached hereto as Exhibit 2.
[3] See BZA File, App. No. 16657, Exhibit 8.
[4] See Exhibit 5.

child care facilities.[5] Minister Brooks has spent approximately fifteen thousand dollars on such improvements, including installation of a fire alarm system, new carpet, age appropriate toilets, and windows replacements.

6. Minister Brooks applied to be licensed as a childcare center in February 2000. The facility was inspected in June 2000 and was approved as a childcare center with a capacity of thirty children.[6]

7. On August 8, 2000, Mr. Michael Johnson, the Zoning Administrator, informed Minister Brooks that he was required to apply for a special exception.[7] On October 20, 2000, Minister Brooks filed an application for a special exception with the BZA.[8] A hearing was set for January 9, 2001.[9]

8. On November 21, 2000, letters were sent to all owners of property within two hundred feet of the Center, informing them of the January 9 hearing and Minister Brooks' intent to open a childcare center.[10]

9. On December 16, 2000, Minister Brooks made a presentation before ANC 7B outlining the goals and purpose of his center.[11] The ANC did not take a position on the Center, and advised Minister Brooks to speak with Ms. Carrie Turner, a resident who had expressed her opposition to the Center.

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[5] 29 D.C.M.R. Ch. 3.
[6] See Hearing Transcript at 131.
[7] See BZA File, App. No. 16657, Exhibit 4.
[8] See BZA File, App. No. 16657, Exhibit 10.
[9] See BZA File, App. No. 16657, Exhibit 19.
[10] See BZA File, App. No. 16657, Exhibit 20.
[11] See ANC 7B Townhall Meeting Minutes (Dec. 16, 2000), attached hereto as Exhibit 3.

10. Minister Brooks contacted Ms. Turner soon after the December 16, 2000 ANC meeting.[12] Minister Brooks and Ms. Turner discussed her concerns. At this time, Minister Brooks had no knowledge that there were other residents opposed to the Center.

11. On January 4, 2001, Minister Brooks first became aware that Ms. Turner was not the only resident opposed to the Center. Minister Brooks did not have an opportunity to speak to these residents before the Hearing.[13]

12. On January 9, 2001, Minister Brooks appeared before the BZA for a hearing on the special exception application (the Hearing).[14] Ms. Barbara Ashby, who lives at 2145 36th Place, appeared at the Hearing and was granted party status.[15]

13. At the Hearing, residents testified that Anne Beers school generates significant traffic and that the Center would add to existing traffic problems.[16]

14. Minister Brooks testified that he does not intend to bring additional children or traffic into the neighborhood.[17]

15. The Board did not make a decision on the application, but set a decision date for March 6, 2001. The Board directed Minister Brooks to address the following issues prior to the decision date.

- Meeting of the Minds: The Board advised Minister Brooks to meet with residents in the neighborhood who opposed the Center and attempt to resolve some of the issues raised at the Hearing.[18]

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[12] See Hearing Transcript at 240.
[13] See id. at 242.
[14] See generally id.
[15] See id. at 130-37.
[16] See, e.g., id. at 134 (testimony of Ms. Ashby).
[17] See id. at 139.
[18] See id. at 253.

- Parking Contract with Patrons: The Board suggested that Minister Brooks provide patrons with rules for parking and general civility that will be enforced by the Center.[19]
- Pick-Up and Drop-Off Areas: The Board expressed some concern over the character, supervision and maintenance of the rear yard of Christian Praise Church, which the Center intends to use as a pick-up and drop-off area.[20]
- Signage: The Board recommended that "No Parking" signs be erected in the immediate area surrounding Christian Praise Church and the Center.[21]
- Trash Removal: The Board asked for assurance that Minister Brooks has made sufficient provisions for trash removal.[22]
- Fencing: There was some concern that the existing fence is not adequate to provide for the safety of the children attending the Center.[23]
- Landscaping, Removal of Leaves: The Board asked for assurance that landscaping, including removal of leaves from the lawn in the rear of the church, would be adequate.[24]
- Need for Child Care: The Board asked for documentation affirming that the Center will draw its clientele primarily from families that have children who already attend Anne Beers School.[25]

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[19] See id. at 158-59.
[20] See id. at 253.
[21] See id. at 213.
[22] See id. at 253. Before being licensed as a child care facility, the Center will have to satisfy the standards for trash removal set forth in Title 29, § 327.2 and Title 22 of the District of Columbia Regulations.
[23] See id. at 253-54. Note that before licensing the Center as a child care facility, DHS will require that the fence satisfy the requirements set forth in Title 29, § 328.2 of the District of Columbia Regulations.
[24] See id. at 253.
[25] See id. at 256.

- Schedule of Pick-up and Drop-off: The Board asked for a schedule approximating when children will be picked up and dropped off at the Center, as well as an estimate of the number of children who will be utilizing the Center's Friday evening and Saturday care.[26]

16. On January 23, 2001, Minister Brooks obtained counsel to assist him in complying with the BZA's directives.[27]

17. On January 25, 2001, Minister Brooks hand-delivered an invitation to Commissioner Grant to meet with Minister Brooks, Pastor Andrus and the residents in opposition to the Center for a "meeting of the minds" on February 3, 2001.[28]

18. On January 26, 2001, Minister Brooks spoke with Principal Hamlett at Anne Beers. Ms. Hamlett informed Minister Brooks that the school operates three academic programs, but does not have any before and after care. The academic programs' hours of operation are 7:00am-8:30am and 3:30pm-6:00pm[29] and serve approximately three hundred students.

19. On January 29, 2001, Commissioner Grant wrote a letter to Chairman Sockwell stating that he opposed the establishment of the Center.[30]

20. On February 3, 2001, Minister Brooks, Pastor Andrus, Ms. Ashby and four other residents in opposition to the Center attended a meeting at Christian Praise

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[26] See id. at 254.
[27] See Exhibit 4 (Retainer agreement).
[28] See Exhibit 5 (Minister Brooks' activity log).
[29] See id.
[30] See Exhibit 6.

Church (the Meeting). Commissioner Grant did not attend.[31] The Meeting was conducted in a roundtable manner, where residents were given the opportunity to voice their concerns.

21. Minister Brooks listened to the residents concerns and proposed several solutions to the issues raised at the Meeting. Minister Brooks presented residents with a Parking and Civility Contract (Parking Contract).[32] The Parking Contract prohibits violations of parking and traffic laws, blockage of the public alley in the rear of the Center (the Alley) and disrespectful behavior. The Parking Contract states that two violations of the Parking Contract will result in expulsion of the violator's child from the Center. The residents rejected the Parking Contract.[33]

22. Minister Brooks presented the residents with a letter to Superintendent Paul Vance which voiced the community's concerns about the traffic and parking issues in the neighborhood.[34] Minister Brooks proposed that the letter be signed by himself, Pastor Andrus, and the residents. The residents refused to sign the letter.[35]

23. The Meeting concluded without a resolution.

24. On February 7, 2001, Minister Brooks spoke with Anne Beers' PTA President Ms. Mesha D. Moody-Pratt. Ms. Pratt agreed to distribute surveys to parents asking about their need for child care.[36]

25. On February 8, 2001, Ms. Yvonne Robison, the Director of St. Timothy's Child Development Center, located at 3601 Alabama Avenue SE, wrote a letter stating

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[31] See Meeting of the Minds Transcript, at 2 (February 3, 2001) [hereinafter Meeting Transcript], attached hereto as Exhibit 7. Please note that the transcript is incomplete. Due to administrative oversight, the last half hour of the meeting was not recorded.
[32] See id. at 7; see also Exhibit 8 (Parking Contract).
[33] See Meeting Transcript at 9.
[34] See id at 7; see also Exhibit 9 (Letter to Superintendent).
[35] See Meeting Transcript at 9.

that she has no objections to Minister Brooks opening the Center. The letter attests to the need for childcare in the neighborhood and states that St. Timothy's has a waiting list for care.[37] In addition, Ms. Robison's letter asserts that St. Timothy's school age care program primarily caters to Anne Beers students.

26. On February 8, 2001, Minister Brooks received a copy of Commissioner Grant's letter to Chairman Sockwell.[38]

27. On February 9, 2001, counsel for the applicant left a message for Commissioner Grant at his ANC offices.

28. On February 12, 2001, Minister Brooks received a Ground Maintenance Proposal and Contract from Wilkins Lawn and Maintenance Care.[39] The Landscaping Contract provides estimates for leaf removal, snow removal, planting of flowers and shrubs, and general maintenance of the property.[40]

29. On February 13, 2001, counsel wrote a letter to Commissioner Grant responding to statements made by Commissioner Grant in his letter to Chairman Sockwell.[41]

30. On February 14, 2001, counsel spoke with Commissioner Grant and asked to be heard at the February 17 ANC meeting. Commissioner Grant informed counsel that they would not be permitted to state their position at the meeting.

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[36] See Exhibit 5.
[37] See Exhibit 10.
[38] See Exhibit 5 (Minister Brooks call and activity log).
[39] See Exhibit 11.
[40] See id.
[41] See Exhibit 22.

31. At the February 17 ANC meeting, Commissioner Grant stated that Minister Brooks had not made an effort to cooperate with the residents opposed to the Center. The ANC voted to oppose the Center.[42]

32. After the ANC vote, counsel offered meeting attendees a "Submission in Support of Christian Praise Church's Application for a Special Exception."[43] This document explains Minister Brooks' efforts to work with the residents of the community and Minister Brooks' solutions to concerns raised by residents.

33. On February 20, 2001, Minister Brooks took photographs of the fence, grounds and trash receptacles.[44]

34. On February 20, 2001, Minister Brooks received a letter nominating him to serve as a community representative on a panel which will assist in the selection of the new Anne Beers principal.[45]

35. On February 21, 2001, Ms. Pratt, Anne Beers' PTA President, wrote a letter stating that the location of the Center would be convenient for parents of Anne Beers' students and would fulfill a need in the community for child care.[46]

36. On February 23, 2001, Ms. Yvonne T. Pettiford, the Director of the New Macedonia Baptist Church Day Care Center, Inc., at 4115 Alabama Avenue SE, wrote a letter stating that her center is full to capacity at ninety-five children.[47] The letter further states that the center has a waiting list of approximately fifty children.[48]

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[42] See ANC 7B Townhall Meeting Minutes (Feb. 17, 2001), attached hereto as Exhibit 12. Note that these minutes have not yet been approved.
[43] See Exhibit 13.
[44] See Exhibits 14, 20, and 21.
[45] See Exhibit 24.
[46] See Exhibit 15.
[47] See Exhibit 16.
[48] See id.

37. On February 23, 2001, Minister Brooks obtained an estimate from Uneeda Disposal Service, Inc. for trash to be picked up twice a week from the yard of Christian Praise Church, in the rear of the Center.[49]

38. On February 26, 2001, Minister Brooks received twelve surveys that had been distributed by the Anne Beers PTA President.[50] The twelve surveys indicated Anne Beers parents are interested in enrolling their children at the Center. Minister Brooks and Ms. Pratt will continue to distribute and collect surveys.

39. On February 27, 2001, the Office of Planning issued a report regarding the traffic movements along 36th Place, Alabama Avenue, and the alley off 36th Place NE (the OP Report).[51] The OP Report, which was requested by the BZA at the January 9 hearing, states that most Anne Beers students arrive and depart by Metro bus or walk to and from school.[52] The remaining students are dropped off or picked up by car.[53] Most students arrive at the school between 8:30 am and 8:45 am and depart between 3:15 pm and 3:40 pm. During these intervals, the OP Report states that traffic is at its "most problematic."[54] The OP Report concludes that "[t]hese times do not coincide with the periods when most of the children will arrive and leave the proposed day care center. Therefore, the small increase in traffic generated by the day care center will not affect or make the traffic situation along 36th Place any worse."[55]

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[49] See Exhibit 17.
[50] See Exhibit 18.
[51] See Exhibit 23 at 2.
[52] See id. at 2.
[53] Id.
[54] Id.
[55] Id.

IV. Argument

Minister Brooks should be granted a special exception to open a child care center. First, Minister Brooks has done everything possible to follow the directives of the Board. Second, Minister Brooks has made extensive efforts to ensure that the Center will not have an adverse impact on the community,[56] including creating a comprehensive plan for pick-up and drop-off of children that will allow the Center to blend with the residential climate of the neighborhood. Finally, because of the partiality of the proceedings surrounding the ANC vote, the BZA should not afford the ANC's decision "great weight."

A. Minister Brooks Has Followed the Directives of the Board

1. Minister Brooks Met with Concerned Residents

Several members of the BZA suggested that Minister Brooks and the residents conduct a "meeting of the minds"[57] in which the parties could work together to reach an amicable resolution to the residents' concerns. Accordingly, Minister Brooks arranged such a meeting for February 3, 2001 at Christian Praise Church (the Meeting). Minister Brooks called and sent written invitations to the residents who had voiced their opposition to the Center at the January 9 hearing. In addition, Minister Brooks invited Commissioner Roscoe Grant, by phone and by personal delivery of a letter, to attend the Meeting.[58]

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[56] See 11 D.C.M.R. § 205.
[57] See Hearing Transcript at 252.
[58] See Exhibit 5 (Minister Brooks' activity log).

Five residents attended the meeting. Commissioner Grant did not attend. The Meeting was conducted in a roundtable manner, which allowed each of the residents to air their individual concerns. [59]

Minister Brooks proposed several ways in which he will ensure that the Center will not have an adverse impact on the community.[60] For example, Minister Brooks showed the residents a sample Parking and Civility Contract, attached as Exhibit 8.[61] As discussed *infra*,[62] the Parking Contract forbids violation of public parking and traffic laws, blockage of the public alley in the rear of the Center (the Alley), unnecessary noise and disrespectful behavior. Despite the extensive provisions set forth in the Parking Contract, Ms. Ashby stated that because it did not absolutely prohibit use of the Alley, it is full of "loop holes" and is essentially useless.[63] The residents set the Contract aside without further consideration.

Minister Brooks, in contemplating additional ways in which he could address the concerns of the community members, also proposed an alliance with the residents. Minister Brooks presented the residents with a draft letter to Superintendent Paul Vance, attached hereto as Exhibit 9, which voiced the community's concerns about the traffic and parking situation caused by Anne Beers school.[64] The letter formally requested a meeting to address these problems. Minister Brooks intended that the letter be signed by himself, the residents, and Pastor Andrus. The residents were not receptive to the possibility of an alliance. Indeed, they seemed to take offense that Minister Brooks

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[59] See Meeting Transcript at 1.
[60] Id. at 6-8.
[61] Id. at 7.
[62] See *infra* Part IV.A.2.
[63] See Meeting Transcript at 9.
[64] See id. at 7.

would presume to speak as a member of the community. The letter was soundly rejected and remains unsigned by any of the residents.[65]

Despite Minister Brooks' extensive efforts to cooperate with the residents at the Meeting, the community members were intractable in their position. Ms. Ashby plainly stated that she would only be satisfied if Minister Brooks changed the location of the Center,[66] and the property was used for a residential purpose. Another resident stated, "please understand that we do do our homework and remember as we sit here, five retired females, that's all we got to do is do our homework and drink coffee,"[67] implying that the residents intend to make the special exception process as difficult as possible

Another resident complained that the neighborhood is already inundated by people from outside of the community who have been granted special exceptions.[68] The resident stated that allowing the special exception would be adding "manure onto the pile" in a neighborhood where Minister Brooks doesn't live.[69] Minister Brooks, however, lives six blocks from the Center, at 1621 28th Street SE.[70] He is a member of the community and seeks only to be a positive presence there.

Other residents compared the impact of the Center to that of an institution.[71] They expressed concern that commercial entities are invading their community and are detracting from its value and residential character.[72] One resident

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[65] See id. at 9.
[66] See id. at 11.
[67] Id.
[68] See id. at 3-4; see also id at 4 ("I maintain, we are saturated with people who have special exemptions from zoning adjustments and none of them live in the community.").
[69] Id. at 4.
[70] See Exhibit 1 (a copy of Minister Brooks' current drivers license); see also Meeting Transcript at 6.
[71] See Meeting Transcript at 10; see also Hearing Transcript at 210 (statement by Ms. Ashby).
[72] See Meeting Transcript at 6; see also Hearing Transcript at 232.

stated, "I'm totally opposed to having a commercial enterprise brought into this community."[73]

The residents are so resolute in their opposition that they are incapable of recognizing the Center's positive impact or Minister Brooks' efforts to mollify their concerns. The residents have done everything possible to make the process of opening the Center's doors as difficult as possible.

2. **Minister Brooks Drafted a Parking & Civility Contract**

At the Hearing, Vice Chairperson Reid suggested that Minister Brooks establish rules that will govern patron parking.[74] Vice Chairperson Reid indicated that the Center should establish a policy that includes guidance for patrons as to "how to conduct themselves so that [they] won't have the kind of adverse impact" that the residents fear.[75] The suggestions included penalizing parents for violations of the rules, and setting forth guidelines for limiting noise and other disturbances.[76]

In response to Vice Chairperson Reid's recommendations,[77] counsel drafted a Parking Contract, attached hereto as Exhibit 8. The Parking Contract requires parents to obey all traffic and parking rules and to act with courtesy and respect towards the residents in the community and their property. Under the agreement, two violations of the Parking Contract will result in the expulsion of the violator's child from the Center. All parents will be required to sign the Parking Contract once they have read the Center's parent handbook and have been given a tour of the premises, during which Minister Brooks will instruct them on where and where not to park.

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[73] See Meeting Transcript at 6.
[74] See Hearing Transcript at 156-59.
[75] Id. at 157.
[76] See id. at 159.

The Parking Contract was presented to residents at the Meeting. Ms. Ashby suggested that the Parking Contract include a provision that prohibits the drop off or pick up of children on Alabama Avenue, a busy, arterial road.[78] After reviewing this request, Minister Brooks determined that it is consistent with the Board's instructions and would further the safety of the Center's children. Thus, such provision was incorporated into the Parking Contract, the most recent version of which is attached as Exhibit 19.

3. Minister Brooks Has Designed a Plan for Efficient Pick-Up and Drop-Off

Minister Brooks does not intend for the Parking Contract to be his only means of ensuring that the Center will not exacerbate existing traffic and parking problems in the neighborhood. Minister Brooks' efforts include a plan that utilizes the rear yard of Christian Praise Church as a pick-up and drop-off area (the Lot).[79] The Lot is forty feet deep and twice as wide.[80] While trees do exist on the Lot,[81] they are situated so that they will not block cars from ingress and egress.[82]

In response to the concerns raised by Chairman Sockwell,[83] Minister Brooks will improve and maintain the Lot in accordance with the requirements for a service load/delivery space pursuant to the District of Columbia Municipal Regulations.[84] In accordance with the Regulations and to prevent vulnerability to fire, the Lot will be covered with an impermeable material which is at least four inches thick, and will be kept

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[77] See id.
[78] See Meeting Transcript at 9.
[79] Minister Brooks described his pick-up and drop off plan to the residents at the February 3 meeting. See Meeting Transcript at 6.
[80] See BZA File, App. No. 16657, Exhibit 23.
[81] See Hearing Transcript at 253 (noting concern about trees in the Lot).
[82] See Exhibit 20.
[83] See Hearing Transcript at 173, 184.
[84] 22 DCMR § 2204.

free of debris, including leaves. While the Center is in operation, the Lot will only be used as a drop-off and pick-up zone.

At drop-off and pick-up times, one staff member will be stationed in the Lot to help children from cars and escort them to and from the yard.[85] A second staff person will be stationed in the yard to bring children into and out of the Center. Because staff will be present as chaperones, it will not be necessary for the parents to leave their cars unattended. This will allow patrons to move in and out of the Lot swiftly and efficiently. The staff members will also help to ensure that the entrance to the Lot is not blocked and will always be accessible to patrons of the Center.

In addition, Minister Brooks will place padlocks on the back gate in front of the employee parking spaces. This will preclude access to the Center from the Alley and should discourage patrons from parking there. Furthermore, the front door to the Center will remain locked to dissuade patrons from dropping off or picking up children on Alabama Avenue. These measures will encourage patrons to use the Lot because parking on the street or in the Alley would force parents to leave their cars and walk to the Center with their small children.

4. **Signs Will Be Erected to Control Parking**

In furtherance of the Board's suggestions, particularly those of Chairman Sockwell, Minister Brooks will use signs to control illegal parking.[86] As Minister Brooks explained at the Meeting,[87] he will apply for and post "No Parking, Private Drive" and "Tow Away Zone" signs on the gate enclosing the pick-up and drop-off area.[88]

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[85] See Hearing Transcript at 153; see also Meeting Transcript at 6.
[86] See Hearing Transcript at 213-14..
[87] See Meeting Transcript at 7.
[88] See Hearing Transcript at 157, 181.

Additional signs will be posted along the fence in the rear of the Center. All signs will conform to the requirements set forth in the District of Columbia Municipal Regulations and will be, as recommended by the Office of Planning at the Hearing, "small" and "discrete" so as not to take away from the residential nature of the community.[89]

5. **Trash Will Be Removed Twice A Week**

Vice Chairperson Reid asked Minister Brooks to explain his plans for disposal of the Center's trash.[90] Christian Praise Church maintains three forty-gallon trash receptacles in the yard that it shares with the Center.[91] The receptacles are large enough to meet the needs of the Church and the Center. They have heavy lids and are situated on a raised wooden grate, to prevent rodent infestation.[92] Once the Center has opened, trash will be picked up twice a week. Minister Brooks has obtained an estimate for this service from Uneeda Disposal Service, Inc., attached hereto as Exhibit 17.

6. **The Fencing Surrounding the Back Lawn is Stable and Free of Dangerous Gaps**

At the January 9 hearing, concerns were raised about the fence that encloses the rear yard of the Center and Christian Praise Church.[93] Despite claims by the residents, there are no gaps or holes in the fence that would be dangerous to children. Exhibit 14, photos from February 20, 2001, documents the physical integrity of the fence.

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[89] Id. at 187.
[90] See id. at 253, see also Meeting Transcript at 7.
[91] See Exhibit 21 (photos of trash receptacles).
[92] See id.
[93] See Hearing Transcript at 253-54.

7. **Landscaping Will Ensure the Property is Safe and Aesthetically Pleasing**

The residents and the Board also expressed concern about the upkeep of the property, for safety and aesthetic reasons.[94] Minister Brooks has obtained a Grounds Maintenance Proposal and Contract from Wilkins Lawn & Maintenance Care, attached hereto as Exhibit 11, which indicates Minister Brooks' intentions to ensure that the property is safe and well groomed.

The landscapers will clear the pick-up and drop-off areas of leaves and other debris that could pose a fire hazard.[95] The front and back yards of the Center will also be maintained and kept free of clutter. The landscapers will plant shrubbery[96] and generally attend to the property to make sure its condition conforms to the aesthetics and character of a residential neighborhood.[97]

8. **The Neighborhood Needs Child Care Facilities**

Chairman Sockwell and Vice Chairperson Reid requested documentation showing that there is a need for childcare in the area surrounding the Center.[98] The Board asked for this information to show that it is feasible for Minister Brooks to draw his client base from families with children who already attend Anne Beers.[99]

Of the six hundred children who attend Anne Beers, only three hundred are accommodated by the school's academic programs. Anne Beers does not provide

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[94] See Meeting Transcript at 171-72; see also Hearing Transcript at 253.
[95] See Hearing Transcript at 253 (expressing concern that leaves in the Lot would cause a fire hazard).
[96] See Exhibit 11.
[97] At the Meeting, one of the residents expressed concern that the Center would detract from the residential character of the community. See Meeting Transcript at 6.
[98] See Hearing Transcript at 256.
[99] Id.

before and after school accommodations for approximately half of its children. Thus these children must find care elsewhere. The PTA President has confirmed that there is a shortage of such care in the vicinity of the school.[100] St. Timothy's, whose school age program consists of mostly Anne Beers students, has limited capacity.[101] In addition, as noted by the PTA president, there is a general need for child care in the area.[102] This need is further demonstrated by waiting lists at area day care centers.[103]

The deficiency of before and after care for Anne Beers students and the waiting lists at area facilities indicate that there is a strong need for daycare in the neighborhood surrounding the Center. Thus, Minister Brooks' plan to draw his clientele from Anne Beers' families is not simply feasible, but it would provide families with a much needed, safe place for their children.

9. **Schedule for Pick-Up and Drop-off**

Monday through Thursday, the Center will open at 6:00 am and close at 7:00pm.[104] Children enrolled in the Center's after school program will be arriving at the Center at approximately 3:30.[105] A staff member will escort Anne Beers students on foot from the school to the Center. On Fridays and Saturdays the Center will open at 8:00am and close at 12:00am.[106] The Center will be closed on Sundays. As noted at the Hearing and the OP Report, the Center's hours are distinct from the opening and closing times of Anne Beers School.[107] Drop-off and pick-up of the Center's children will, for the most part, occur outside of the twenty to thirty minute intervals of high use identified by the

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[100] See Exhibit 15.
[101] See Exhibit 10.
[102] See Exhibit 15.
[103] See Exhibits 10 and 16.
[104] See BZA Record for App. No. 16657, Exhibit 6.
[105] Id.
[106] See id.

Office of Planning.[108] The Center's children will be arriving when neighborhood streets have returned to their usual calm conditions.[109]

Minister Brooks cannot provide an exact schedule of arrivals and departures, as requested by the Board,[110] until he obtains permission to operate and begins enrolling children in his program. However, because families do not tend to have the exact same schedule, drop-offs and pick-ups of children will be intermittent. It is unlikely that large numbers of cars will arrive at the same time. Thus, the Lot will be able to accommodate all of the activity at any given time and the nearby street will not be overburdened.

Furthermore, Minister Brooks' pick-up and drop-off plan is designed to make arrivals and departures speedy and efficient. As parents will not have to leave their vehicles and staff members will be escorting children in and out of the Center, Minister Brooks estimates that each pick-up and drop-off will take under six minutes.

Minister Brooks envisions his Friday night and Saturday care as an extension of his weekly services. The special hours will only be available to children enrolled in the Center for daily care. The Center will not be used as a babysitting facility for the general community. At this time, Minister Brooks cannot estimate the number of children who will be utilizing weekend care, as he has not yet had the opportunity to formally enroll children.[111] However, Minister Brooks expects that the Friday night and Saturday enrollment will be less than capacity and that, because it will depend on parents' schedules, the number of children will vary from week to week.

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[107] See Hearing at 261; see Exhibit 23 at 1.
[108] See Exhibit 23.
[109] See id.
[110] See Hearing Transcript at 254.

B. Minister Brooks Has Satisfied the Board's Directives and Will Take Additional Steps to Ensure that the Center Has a Positive Impact on the Community

Minister Brooks wishes to assure his neighbors that his efforts to earn the goodwill of the community are genuine and will be continuous. For this reason, Minister Brooks intends to go beyond the Board's directives to ensure that his presence in the community is a positive one.

First, Minister Brooks, with the assistance of Pastor Andrus and Christian Praise Church, has resolved to organize seasonal gatherings for members of the community. Minister Brooks will provide food and activities for the residents and will be available to address any concerns the neighbors may have about the Center.[112]

Second, Minister Brooks intends to conduct an orientation for parents of children attending the Center.[113] At the orientation, parents will be given a handbook which includes the Parking Contract. In addition, Minister Brooks will lead the parents on a walking tour of the facility, which will include pointing out private drives and permissible and impermissible parking areas.

Third, Minister Brooks will assign each patron a parking number and window sticker. This will allow staff and neighbors to identify patrons of the Center and promptly report any violations of the Parking Contract to Minister Brooks.

Finally, Minister Brooks will provide the neighbors with his contact information so that they can get in touch with him immediately if they have any concerns.

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[111] See id. at 254.
[112] See id. at 157-58.
[113] See id. at 156-57.

This will minimize negative interactions between the neighbors and the patrons and will ensure that parking enforcement is effective and does not unduly burden the neighbors.

Minister Brooks is confident that these efforts, along with those suggested by the Board, can bring the community together to create a safe, quiet and united neighborhood for the benefit of the residents and the Center's children.

C. The Center Will Not Have an Adverse Impact on the Community

The Zoning Regulations require a special exception applicant to prove that its presence will not have an adverse impact on the surrounding community.[114] In granting a special exception, the Board seeks assurance that the applicant will not burden the traditional uses for which an area is zoned, or change the residential nature of the community the applicant is entering.

1. The Center Will Not Burden Residents' Access to Area Streets

The Center will not impair access to the street or increase congestion in the neighborhood. As the Office of Planning's Report (the OP Report) concludes, the Center will not "affect or make the traffic situation along 36th Place any worse."[115]

Because of multi-children families and carpooling, Minister Brooks anticipates that the thirty children enrolled in the Center will not yield thirty separate pick-ups and drop-offs. Furthermore, the Center's children will be drawn from children who currently attend Anne Beers. Thus, many of the patrons are already a part of the daily traffic flow. As a result, the number of actual new cars entering the neighborhood would be minimal, and any impact on the traffic would be de minimis. This is further

[114] 11 D.C.M.R. § 205.
[115] See Exhibit 23 at 2.

supported by the OP Report which states that any traffic generated by the Center would be too "small" to have a significant impact on traffic in the neighborhood.[116]

The traffic that does result from the Center's patrons will be handled in an orderly manner. As discussed above, each car will enter into the Lot, and staff members will be there to escort the children into or out of the Center. Parents will not need to leave their cars. Pick-up and drop-offs will be intermittent, so as not to exceed the Lot's capacity or cause disruption to the neighborhood. Because all traffic will be directed into the Lot, residents' access to the street will not be encumbered.

Finally, the Center will not add to the traffic problems caused by Anne Beers School. The Center will open at 6:00 am and close at 7:00 pm. Anne Beers generates traffic primarily between 8:30 am and 8:45 am and between 3:15 pm, and 3:40 pm. Thus, most parents will be picking-up and dropping off their children at the Center outside of the high-volume intervals identified by the OP Report. Outside of the two fifteen to twenty five minute high-use periods, traffic patterns in the neighborhood are usually sedate.[117] Thus, the Center's arrival and departure activity will not "affect or make the traffic situation along 36th Place any worse."[118]

Residents will not notice intermittent arrivals of a minimal number of cars arriving and departing from the Center. Furthermore, any traffic that is generated by the Center will be managed so as to cause minimal disturbance to the neighborhood. Finally, the Center will not add to existing traffic problems because parents will pick-up and drop-off their children at the Center outside of the periods of high traffic on 36th Place.

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[116] See id.
[117] See Exhibit 23.
[118] Id.

2. The Center Will Not Detract From the Residential Nature of the Community

The Center will fit in with the residential character of the community. Like a home, a child care center is recognized by children playing in the yard, the sound of human voices and children's laughter. A home is also distinguished by the pains a resident invests in its upkeep and appearance. Like a homeowner, Minister Brooks has demonstrated that he will maintain the Center as a pleasant environment in which children are safe and can grow and thrive. Furthermore, a residential neighborhood is characterized by its communal nature. Minister Brooks has shown that he will participate in the community[119] and listen to and respect the needs of his neighbors. Because of its character and spirit, the Center does more than satisfy the zoning requirements. The Center truly belongs in this residential community.

D. The ANC Report Should Not Be Given "Great Weight"

The ANC's report on this matter should not be entitled to "great weight" because it was not submitted in a timely manner, and was based on incomplete, inaccurate and biased information. In addition, the ANC did not comply with the Board's instruction that they "reconvene all of the interested parties and . . . make sure that everyone is heard."[120]

1. The ANC Has Not Satisfied Section 3115 of the Regulations

The District of Columbia Regulations set out certain requirements regarding the reports of ANCs to the BZA. Section 3115.1 states that a "written report of the ANC

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[119] See Exhibit 24 (letter nominating Minister Brooks to serve on a panel to elect the new Anne Beers principal).
[120] Hearing Transcript at 247.

shall be submitted to the Board at least seven (7) days in advance of a hearing."[121] The hearing for Christian Praise Church's application for a special exception was held on January 9, 2001. On the decision date, March 6, 2001, no hearing will be conducted; no testimony will be given and the parties will not be heard. As a result, because the ANC did not file its report seven days prior to the January 9 hearing in accordance with the regulations, any report that has been or will be submitted by the ANC is overdue and should be disregarded.

The ANC had ample opportunity to vote on this matter. Minister Brooks made a presentation at the ANC meeting on December 16, 2000.[122] At the December meeting, the ANC did not conduct a vote. At the January ANC meeting, issues regarding the Center were not even raised. The ANC did not vote until its February 3 meeting.[123]

2. Commissioner Grant's Position is Based on Incomplete Information

On February 8, 2001, Minister Brooks received a letter dated January 29, 2001 from Commissioner Grant, which was addressed to Chairman Sockwell (the Letter).[124] The Letter was the first indication to Minister Brooks that Commissioner Grant intended to oppose the Center.

The Letter contains inaccurate information. It states that ANC 7B "instructed" Minister Brooks to meet with residents and that "Minister Brooks did not follow the advice of ANC 7B."[125] However, Minister Brooks did contact Ms. Turner, the only resident who expressed opposition to the Center at the December ANC meeting.[126]

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[121] 11 D.C.M.R. § 3115.1.
[122] See Exhibit 3.
[123] See Exhibit 12.
[124] See Exhibit 6.
[125] Id.
[126] See Hearing Transcript at 240.

Minister Brooks did not know that there were other persons troubled by the location of the Center. Therefore, in contrast to Commissioner Grant's assertions, Minister Brooks followed the ANC's instruction to contact the residents opposed to the Center.

In addition, Commissioner Grant's letter was based in part on incomplete information. Commissioner Grant expressed his opposition to the Center prior to the February 3 "meeting of the minds." Commissioner Grant did not make any efforts to contact Minister Brooks before drafting the Letter or allow Minister Brooks any opportunity to address the concerns raised by the residents.

Although Commissioner Grant was aware of Minister Brooks' intentions to meet with the residents,[127] he wrote his letter to the BZA on January 29. He did not wait four days to attend the Meeting. As a result, Commissioner Grant did not have an opportunity to hear Minister Brooks' responses to the resident's concerns. For example, Minister Brooks was not able to explain to Commissioner Grant his:

- Parking and Civility Contract, which he will require all patrons to sign;
- Plan to hold orientation meetings to explain the Center's parking policy to patrons;
- Intention to conduct seasonal gatherings for community residents, where he will be available to listen to and address his neighbor's concerns;
- Plans for use of the Lot for pick up and drop off, including maintenance and improvement of the Lot and supervision by staff members;
- Intention to draw his clientele from the community and families of children attending Anne Beers and

- Intention to post "No Parking" signs around the Center to protect neighbors from intrusions onto their property by the Center's patrons.

As a result, in writing the Letter, Commissioner Grant was ill-informed and unduly swayed in favor of the residents. Counsel for the applicant was concerned about the deficiencies in Commissioner Grant's information and contacted him by phone.[128]

In the conversation with counsel, Commissioner Grant asserted that there was no need for childcare in the area surrounding the Center, and that he had no knowledge of the waiting lists at nearby centers. This substantiated concerns that Commissioner Grant was not fully informed and indeed, may have been misinformed. Thus, counsel asked Commissioner Grant to be heard at the February 17 ANC meeting. Commissioner Grant denied this request, and informed counsel that he had already made his decision to oppose the Center.

3. All Parties Were Not Heard By the ANC After the Hearing

At the January 9 hearing, the Board left the record open so that all of the interested parties could reconvene and as a result, "perhaps the ANC [would] have something new to share."[129] The Board's basis for leaving the record open was the understanding that additional community dialogue would take place. No such dialogue was permitted by the ANC.

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[127] Minister Brooks had delivered an invitation to Commissioner Grant to the February 3 meeting with residents. See Exhibit 5.
[128] On February 13, counsel also contacted Commissioner Grant by letter, a copy of which is attached as Exhibit 22.
[129] Hearing Transcript at 247.

Minister Brooks and counsel were present at the February 17 ANC meeting, but were not permitted to speak until after the vote against the Center was taken.[130] At this meeting, Commissioner Grant repeated the erroneous statement he made in his Letter, informing the community that Minister Brooks had made no efforts to cooperate with the residents opposed to the Center.

After the ANC vote, counsel offered the meeting attendees a "Submission in Support of Christian Praise Church's Application for a Special Exception," attached as Exhibit 13, and informed the community that they would be available for questions and comments after the meeting.[131] This effort was futile, as the ANC's decision had already been made against the Center.

In light of the inadequacies and bias inherent in the ANC's proceedings on this matter, the BZA should to decline to give the ANC report "great weight."

V. Conclusion

Minister Brooks has worked diligently to address the issues raised by the Board at the Hearing. In contrast, the residents, with whom Minister Brooks has done his best to cooperate, have been unresponsive to Minister Brooks' efforts to assuage their concerns. While the residents' general fears for the future of their neighborhood are understandable, these emotions do not refute the legal arguments in favor of granting the special exception. Minister Brooks has shown that the Center will not have an adverse impact on the neighborhood, and in fact will be a positive force that enhances the community and will provide opportunity for its children.

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[130] See Exhibit 12 (indicating that applicant's counsel was not permitted to speak until the meeting time devoted to "Community Concerns," which took place *after* the vote against the Center).

Therefore, Minister Brooks and Christian Praise Church respectfully request that the BZA grant Christian Praise Church's application for a special exception.

Submitted by:

Susan Bennett, Supervising Attorney

Stefanie Birbrower, Student Intern

Rachel Coyne, Student Intern

Counsel for Applicant
Washington College of Law
Office of Clinical Programs
4801 Massachusetts Ave, NW
Washington, D.C. 20016
(202) 274-4147

[131] Id.

Certificate of Service

The undersigned hereby certify, on this 27th day of February, 2001, a copy of the "Memorandum in Support of Christian Praise Church's Application for a Special Exception, App. 16657" and attachments was mailed, via first class mail, postage pre-paid, to Ms. Barbara Ashby, 2145 36th Place SE, Washington, D.C. 20020 and to Advisory Neighborhood Commission 7B, c/o Commissioner Roscoe Grant, 3200 S Street SE, Washington D.C. 20020.

Susan Bennett, Supervising Attorney

Stefanie Birbrower, Student Intern

Rachel Coyne, Student Intern

Washington College of Law
Office of Clinical Programs
4801 Massachusetts Avenue NW
Washington, D.C. 20016
(202) 274-4147

Appendix
List of Exhibits

Exhibit 1: Minister Brooks' drivers license

Exhibit 2: BZA Hearing Transcript (January 9, 2001)

Exhibit 3: ANC 7B Townhall Meeting Minutes (December 16, 2000)

Exhibit 4: Retainer Agreement

Exhibit 5: Minister Brooks' Activity Log

Exhibit 6: Letter from Commissioner Grant to Chairman Sockwell

Exhibit 7: "Meeting of the Minds" Transcript (February 3, 2001)

Exhibit 8: Original Parking Contract

Exhibit 9: Letter to Superintendent Paul Vance

Exhibit 10: Letter from St. Timothy's Child Development Center

Exhibit 11: Estimate from Wilkins Lawn and Maintenance Care

Exhibit 12: ANC 7B Townhall Meeting Minutes (February 17, 2001)

Exhibit 13: Submission in Support of Christian Praise Church's Application for a Special Exception

Exhibit 14: Photos of fence (February 20, 2001)

Exhibit 15: Letter from PTA president

Exhibit 16: Letter from New Macedonia Baptist Church Day Care Center

Exhibit 17: Estimate from Uneeda Disposal Service, Inc.

Exhibit 18: Surveys

Exhibit 19: Modified Parking Contract

Exhibit 20: Photos of trees (February 20, 2001)

Exhibit 21: Photos of trash receptacles (February 20, 2001)

Exhibit 22: Letter from counsel to Commissioner Grant

Exhibit 23: Office of Planning Report

Exhibit 24: Letter nominating Minister Brooks to the selection panel for the new Anne Beers Principal



Applicant's
Exhibit 1

The decision of the Board in these contested cases must be based exclusively on the public record. To avoid any appearance to the contrary, the Board requests that persons not engage in the members of the Board in conversation.

Please turn off all beepers and cell phones or set them to vibrate at this time so not to disrupt these proceedings.

The Board will now consider any preliminary matters. Preliminary matters are those which relate to whether a case will or should be heard today or whether proper and adequate notice of the hearing has been given.

If you are not prepared to go forward with a case today or if you believe that the Board should not proceed, now is the time to raise such a matter.

Does the staff have any preliminary matters?

MS. PRUITT: No, Mr. Chair, we have no preliminary matters.

CHAIRMAN SOCKWELL: If not, then let's proceed with the first case.

MS. PRUITT: The first application on the afternoon agenda is Application 16657, application of Christian Praise Church, pursuant to 11 DCMR 3104.1,

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for a special exception under Section 205, to establish a child development center for 20 children ages two and a half to five years old, five children ages five through eight, and a staff of six in an R-1-B district at 3626 Alabama Avenue, S.E., Square 5668, Lot 34.

All those planning to testify, would you please stand and raise your right hand?

(Whereupon, the witnesses were sworn.)

MS. PRUITT: Please be seated.

Mr. Chair, there are a couple of issues with this particular case. First, you have a request for party status from Barbara Ashby. Well, there are three things.

Request for party status. You need to waive the filing time for the affidavit of posting, and there should be some clarification. We advertised for 25 children total, and the Applicant's information says 30. So we just need to clarify which one that it is.

CHAIRMAN SOCKWELL: You are representing the Applicant?

Turn you microphone on by pressing the button at the front of it, and identify yourself and your address, sir.

MR. BROOKS: Minister Aaron Brooks. The address is 1621 28th Street, and that's Southeast Washington, D.C., on behalf of the Power to Become Child Care Center, which is located at 3626 Alabama Avenue in Southeast Washington.

CHAIRMAN SOCKWELL: All right, and the number of children is?

MR. BROOKS: At the original time, Mr. Stockwell (phonetic), of the application it was 20 to 25 children, but per Karen Buster (phonetic), who is the representative at Human Resources, at 841 North Capitol, she zoned for 30 children per the square footage of the inside of the facility.

CHAIRMAN SOCKWELL: All right. So that means that you have qualified the facility at this point to accommodate 30 children from the D.C. --

MR. BROOKS: Yes, sir.

CHAIRMAN SOCKWELL: So I assume that then we can amend the application --

MS. PRUITT: Correct.

CHAIRMAN SOCKWELL: -- based upon --

MS. PRUITT: For 30 children.

CHAIRMAN SOCKWELL: Yes. If you'd like, you may begin your presentation.

MS. PRUITT: You still have to waive the

affidavi[redacted]filing.

CHAIRMAN SOCKWELL: Oh, that's right. I'm sorry.

MS. PRUITT: And you also have a party request that you have to deal with.

CHAIRMAN SOCKWELL: That's right. I'm sorry.

Does anyone have an issue with waiver of the affidavit for filing?

(No response.)

CHAIRMAN SOCKWELL: Then let the record reflect that we waive the rules to accept the late filing.

And would the person wishing party status please come forward? Push the button in the front of your microphone. Thank you.

Identify yourself, please, and your address and your reasons for requesting party status. And you filed your request in a timely manner.

Thank you.

MS. ASHBY: Can I read from my letter?

CHAIRMAN SOCKWELL: Yes. Well, you can refer to the letter for the things that you --

MS. ASHBY: Okay. My name is Barbara Ashby. I live at 2145 36th Place, S.E. My residence

is on the corner of the alley where the Christian Praise Church wishes to drop children off and pick them up.

In addition, I have a garage with an apron that has three parking spaces, which is directly behind the back of the proposed child care facility. I'm very concerned because this is not the first time that the Christian Praise Church has attempted to operate a child care center at this same location. I do not know if the first center was licensed, but I do know that they provided before and after school care, as well as care for several preschoolers.

I have several neighbors here who can also testify to that fact, who also live and park along this same alley.

As you know, the Christian Praise Church and the proposed center are located on Alabama Avenue, S.E., which is a very busy bus route. The residents who live on Alabama Avenue do not park on Alabama because it's so busy. They park in the back, and they use that alley to enter their property.

We all have garages in the back, but let me say this. One of the reasons I'm so strongly against this, too, is that -- and I think I should have party status -- this is not the first time they

have attempted to have a center.

When they had it in the past, parents would come to pick up their children and drop them off, and they would actually park on my apron in front of my garage, as well as on the aprons of other garages along the alley so that they could go in and pick up their children.

And when we would ask them not to do this, many of the parents were very rude and disruptive to us. Other parents would double park in the alley so they could go in and get their children because there is no space to park back there, and we're, you know, like right across from the proposed center.

In addition, 36th Place, which is the front of my house, is directly across the street from Ann Beers Elementary School, a school that has 550 students. Thirty-sixth Place is a one-way street with one lane down the center. During the day cars park on both sides of 36th Place from Alabama Avenue all the way back to the end of the street.

When parents come to drop off their children or pick them up, they either idle in the middle of the street or stay parked there, you know, until they can go in and get their children. So 36th Street -- Place -- excuse me -- which is the front of

my property and also the side of the church, between every -- we have three rush hours really. We have one in the morning that starts as early as, I think, 7:00.

MS. MITTEN: Ms. Ashby, could I just interrupt you?

MS. ASHBY: Un-huh.

MS. MITTEN: We're going to be able to hear all of that when you get to testify.

MS. ASHBY: Okay. I didn't know how much. I didn't know if I'd get another chance.

MS. MITTEN: I think what Mr. Sockwell was asking you to speak to is the standard for party status, which is how are you individually more affected by this request than other people in the area.

MS. ASHBY: Okay. I'm individually more affected because I have a garage and parking area directly behind the proposed center, and in the past, they actually used my space to park their cars.

CHAIRMAN SOCKWELL: What is your address again?

MS. ASHBY: 2145 36th Place, S.E.

CHAIRMAN SOCKWELL: And you're next to the alley?

MS. ASHBY: I'm next to the alley, and my

property extends all the way -- my backyard is in the alley, and then behind my back yard is a garage.

I have photographs that I submitted, and I also have additional photographs.

MS. MITTEN: Where?

MS. ASHBY: They were in the record because --

MS. PRUITT: They're in there.

MS. ASHBY: And I have some more photographs, and I also have a petition from neighbors.

MS. MITTEN: I think what might be helpful for us is we have a plat that was -- you probably didn't submit the plat.

MS. ASHBY: No.

MS. MITTEN: But if you could just -- it's actually an attachment to the Office of Planning report. If you could just identify on the plat for us where your lot is, that would help us just place you in relationship to the -- if you could show Ms. Pruitt and then she could show us.

(The Board conferred.)

MS. PRUITT: We're just trying to get the lot identified where you live. Okay?

(The Board conferred.)

CHAIRMAN SOCKWELL: Obviously, Ms. Ashby, your property is directly adjacent to the proposed site, and that puts you in a unique position that you would be immediately affected under any circumstances, and as far as I see, you have a legitimate request for party status.

Do the other Board members have any --

MS. MITTEN: I agree with that assessment.

MS. ASHBY: Thank you.

CHAIRMAN SOCKWELL: Then I move that we grant party status.

MS. MITTEN: I second it.

CHAIRMAN SOCKWELL: In favor?

(Chorus of ayes.)

CHAIRMAN SOCKWELL: All right. You don't have to say there because your testimony will come later.

MS. ASHBY: Thank you.

CHAIRMAN SOCKWELL: All right. Reverend Brooks, you may begin your testimony.

MR. BROOKS: May I approach, Mr. Sockwell?

CHAIRMAN SOCKWELL: You will hand that to staff, if you would, please.

MR. BROOKS: Okay. First of all, let me start off by saying good afternoon and once again

introducing myself. I'm Minister Aaron Brooks.

I propose to have the Power to Become Child Care Center listed at 3626 Alabama Avenue. This is a new facility. I am not a member of the Christian Praise Church. I am just leasing the building from them, but under the exception that we have commercial zoning because the building has not previously been commercial zoned.

I was not a part of any prior day care center or any affiliation with the church. So this is my first time applying or trying to run any type of child care facility out of that residence.

In addition to that, I've provided the Board with a copy of the business proposal and also matters regarding the concerns for parking, the traffic on and adjacent to Alabama Avenue, and the traffic pursuant to Ann Beers elementary School.

There is a crossing guard at that intersection where Anne Beers and Alabama Avenue intersects during the time when the traffic is high, which is early in the morning and in the afternoon.

In addition to that, I submitted a plat to the Board with my application outlining the back space area behind my proposed child care center and the church.

I have permission from Pastor Andrus -- this is he -- to use the church's yard and lawn area because it's not being used for anything else. So I have permission from his to use that as parking for loading and unloading during the time that my children will be coming or going from the day care center. That area can accommodate up to 20 to 30 cars at a time.

CHAIRMAN SOCKWELL: I'm sorry. Please continue.

MR. BROOKS: In addition to that, I don't propose to bring additional traffic into the neighborhood, but to use the existing students that are already there. I talked with the interim principal at Ann Beers School. Their before and after care is overloaded. So they would need additional before and after care.

The Director at St. Timothy's, which also runs a child care facility on Alabama Avenue, has a waiting list where they cannot accommodate all of their children.

In addition to that, Christian Praise Church has children will need that type of facility that I'm providing. So I don't propose to bring additional children or traffic into the neighborhood,

but to strictly pull from those that are already there that need the service to be provided to them.

Those are the matters regarding parking. If I could, I need to get to my easel. I want to just make sure that the Board can still hear me.

CHAIRMAN SOCKWELL: You will need to bring the easel to a point where you can speak from it or if you have someone who can turn the pages, I can give you a light pen that you can use if you would like.

MR. BROOKS: I just brought a ruler.

VICE CHAIRPERSON REID: Excuse me, if I may, Mr. Chair.

Sir, if you would, I think that if you put your easel kind of like to the -- yeah, kind of slant it that way a little bit so that these --

MR. BROOKS: The ladies can see.

VICE CHAIRPERSON REID: The people. I don't know if they're all ladies -- who come to participate in your hearing will be able to see what you're presenting to us, as well.

And Mr. Sockwell does have a pen, a light pen, that you could use while we all see it.

CHAIRMAN SOCKWELL: If I can find it.

VICE CHAIRPERSON REID: He thinks.

CHAIRMAN SOCKWELL: Yeah, I know it's in

here. Here we go. Okay. Just press the button on the side of it and point it in the direction of your --

MR. BROOKS: If everyone could direct their attention to the easel, the name of the proposed child care facility is the Power to Become. The acronym is PTBC.

The Bible says in John 1 and 12 that to as many as received him gave he the power to become the Sons of God.

All too often times growing up in the inner city -- I've grown up, born and raised in Southeast -- children are told that they're never going to be anything, that they're not anything, that their fathers weren't anything, and so consequently, they grow up not being anything.

It is my objective and intention to make sure the children know that they have the power to become anything that they want. If you look at my logo, which is on the front of the presentation that I've given you, the steps of the logo that lead up to the Power to Become have doctor, lawyer, entrepreneur, preacher. I would like the children to understand that they have the ability and the power to become anything that they would like.

So that's the proposed name for the day

care center, and that's the reason why. That covers the name.

It is the intent if you turn and open to page 1 that my staff and myself have the Power to Become. Our primary focus is to create excellence in early childhood education. We're intending to develop well rounded, disciplined children and power to meet the challenges of the 21st Century.

Too many times children don't have the proper models, the proper role models, whether they be male or female, in life, and so consequently our jails are overcrowded. Our institutions for insanity are overcrowded.

Right now I work with abused and neglected children, and I don't know if you guys know, but the social care system is struggling to create accommodations for these children right now because the parents have not taken responsibility, and there hasn't been proper care given.

So it is our intention to create excellence and discipline, and we're going to do that by starting at the age of two and a half years old. We're going to install a strong foundation in the children starting with basic academia, reading, writing, arithmetic. I think the kids have gotten

away from that somewhat with the elementary schools, going to computers and things, and I still think there's a great need for basic math and reading, basic science, and things like that.

Also, we're intending to use biblical principles and loving discipline and the knowledge of the young people of who they are, whether they're Hispanic or African American, getting them back to their heritage.

We have also outlined to have field trips and to have our ratio based on a DCMR 29 qualifications of staff to ratio. I don't believe I have to go into extensive detail of that, but just it's in the package. It's the third bullet.

The hours of operation are going to be from 6:00 a.m. to 7:00 p.m., and then on Friday and Saturday, we intend to have extended hours, concluding at midnight so that there will not be the children getting in too late or there will not be any late night traffic as if there was a party or a club going on. We're going to cut off at that point.

But oftentimes I work at night now, and in the evening. So I would do greatly to have a day care center right now if I could that would open in the evening.

So I think that that would be a good service to provide in 21st Century families. Everybody doesn't have a nine to five job.

In addition to that, the families must be notified if any changes occur, whether that be with the hours or whether they intend to make any changes. We want to make sure that we have a smooth and congruent flow with the families. We want there to be excellent communication.

On top of that, we have outlined to have the medical needs taken care of the children with the health forms that are submitted and the DCMR 29, as well as the child care handbook. Each parent will have to submit a health form on behalf of their child with any allergies noted or anything of that nature, and we will just administer basic first aid, i.e., ice packs and pressure if there is a cut. All of my staff will be first aid certified, but any emergencies that arise, we will immediately notify the parents, and in addition to notifying the parents have the children transported to the hospital if the need is that severe.

The release authority of the children will be only to two, three parents at the most. Children get abducted a lot, and I don't want to get in the

middle [redacted] any mother and father [redacted]spats between the parents. If the parents have custodial rights to the children, they have the right to sign them out.

In addition to that, sometimes parents have to work late and things like that. So we want to have at least one grandparent or somebody else that can sign the child out.

Any changes in the registration data, i.e., if the children change schools or if the parents get married and they were single before or anything like that, we'll just update those records quarterly.

CHAIRMAN SOCKWELL: Now, the fees you really don't have to describe to us.

MR. BROOKS: All right, all right.

CHAIRMAN SOCKWELL: All right. What we'd like to do is ask you to discuss things like parking, transportation issues in any detail, the way staff arrives and departs, the strategic method by which people are dropped off and picked up, those sorts of things.

MR. BROOKS: Okay.

CHAIRMAN SOCKWELL: And which parts of the building you're going to be using for which children, where infant care -- you said you don't have infants because you're starting at two and a half. What's the

cutoff upper age?

MR. BROOKS: The cutoff age is eight years old. From five to eight years old, we're just going to do before and after care.

At the middle level of the facility will be the before and after care children because they'll be coming in and leaving out from school.

And the basement level will be the intermediate children. Those are the children between three and six, and then the two and two and a half year olds will be on the upstairs level because I don't necessarily want them by the door if there's a draft, and I don't want them to be party to the frequent traffic coming back and forth with the before and after care children.

The staff will park in the rear of the facility. There are three parking spaces directly behind the facility, and again, I have permission from Christian Praise Church to use their lawn for parking for my staff persons.

The staff is going to be small, only up to six people at any given point during the day. So there will only be between four to six cars parked there at any given time for any extended amount of time.

There will be no entrance or exit onto or off of Alabama Avenue so as not to participate in their frequent traffic flow that goes on on Alabama Avenue.

Also, I've spoken with Mr. Grant. He has assured me that there if a crossing guard, as I previously stated, at that intersection during the times of pick-up and drop-off between 36th Place and Alabama Avenue, and he has also assured me that they are lobbying for traffic calming devices, such as the speed bumps, yield signs, et cetera.

CHAIRMAN SOCKWELL: Okay. Continue. Is there more that you wish to --

MR. BROOKS: No, that's about all concerning the traffic and the drop-off and the pick-up. Other than that, we're just going to provide the parents with handbooks, pre-registration information that's going to be given to them so that I intend to conduct an interview with the parents so that everybody is clear on what we're offering and what they're receiving, and all of these are according to the DCMR 29 code I've regulated in the presentation that I've given you, to include meal and snacks.

We're going to have the parents bring the meals and things like that for the children because,

to be quite frank with you, the amount of money that it costs to get the ducts put in for the commercial kitchen were just more than I could bear in starting a business.

Some time during the time that the business is generating capital, we will intend to do that.

Also, it will keep the parents from having any complaints about what their children are allergic to as far as what they eat because they'll be supplying the meals.

CHAIRMAN SOCKWELL: Can you respond to the Section 205 requirements of the zoning ordinance for us, please?

MR. BROOKS: Pursuant to Code 205-3, again, that's on the first page. To avoid the bus traffic flowing through Alabama Avenue, persons dropping off and picking up their children, again, will do so in the rear of the facility.

Pursuant to Code 205-5, the center will provide an open, outdoor play area in the rear of the facility. Also, the is a library directly next door to Ann Beers Elementary School where public playground equipment is provided.

Pursuant to Codes 205-5 and 207-7, there

is only one street to cross to get to that library playground area. Ample sidewalk space is provided and available.

Please excuse the typographical error there.

But there is available space for children so that there will be no walking in the street or anything of that nature. This will provide quick and easy travel, and again, as I stated previously, there's a crossing guard in that section during the busy times of the day.

CHAIRMAN SOCKWELL: And your outdoor play area is sufficient for the number of children and the requirements?

MR. BROOKS: Yes. I submitted a blueprint of the outdoor play area along with my application.

In addition to that, Mr. Sockwell, during the time that we had the preregistration and the interview with the parents, we're going to inform them of the pick-up and drop-off procedures so that no one is confused and that we don't have any accidents on that Alabama Avenue side. It is a very busy street, and there is a lot of traffic there. So we're going to make sure that the parents are well informed.

On top of that, once you get a chance to

actually look through the proposal, I do have a monthly parent night where that problem will be at the top of the agenda, reiterated continually so that no one is under the impression that under any circumstances do we have the children on Alabama Avenue.

CHAIRMAN SOCKWELL: Now, you are within 1,000 feet of another child care facility?

MR. BROOKS: Yes.

CHAIRMAN SOCKWELL: And in considering your location and your traffic patterns, the times and points of pick-up and drop-off, you don't -- how do you feel that your facility will be compatible with that other facility and its operations?

MR. BROOKS: The other facility and its operation, I've gone over and spoken with them in brief, not extensively, but from my understanding they pick up and drop off on the Suitland Road side where the former Marion Barry House is, going right down Suitland Road for the same reasons that I intend to pick up and drop off on the other side, is because the traffic area on Alabama Avenue is very high, very strong at whatever time of the day you go through there.

So they drop off and pick up on the

Suitland Road side, which has no direct effect on where we drop off and pick up. We won't be bumping heads with each other, so to speak, nor will we be interfering with each other in any way.

CHAIRMAN SOCKWELL: All right. Thank you.

MR. BROOKS: Thank you very much.

CHAIRMAN SOCKWELL: Questions?

MR. BROOKS: Okay.

CHAIRMAN SOCKWELL: Did you have anything to say, sir?

MR. ANDRUS: Other than thank you all, thank you for hearing us, and the traffic loading and unload problem. We do understand the concern of our neighbors, and it is a very high traffic area, but as Minister Brooks stated, our main goal is to solicit those who are already coming into the area.

The former problems that was there, I was not the pastor at the time, but I have allowed Minister Brooks to park on the property next door, which is ample parking for the amount of business that we're going to -- that the day care facility will solicit, and we have no intentions whatsoever of complicating any parking matters with our neighbors whatsoever.

We are going to be sure that the parents

know[redacted]r loading and unload proc[redacted]ures.

CHAIRMAN SOCKWELL: And just again for the Board's knowledge, your name again?

MR. ANDRUS: I am Pastor Jesse Andrus of Christian Praise Church.

CHAIRMAN SOCKWELL: Andrews or --

MR. ANDRUS: Andrus.

CHAIRMAN SOCKWELL: Andrus.

MR. ANDRUS: Correct.

CHAIRMAN SOCKWELL: And you were not the pastor of the church at the time that the previous day care center was in operation?

MR. ANDRUS: This is correct.

CHAIRMAN SOCKWELL: All right. Thank you.

VICE CHAIRPERSON REID: I have a question, Mr. Chair.

CHAIRMAN SOCKWELL: Yes.

VICE CHAIRPERSON REID: In regard to the parking, the drop-off and pick-up, I understand that you said there would be a place made available on the lawn and rear of the church.

MR. BROOKS: Yes, yes.

VICE CHAIRPERSON REID: Okay. And that would be designated as the drop-off point and the pick-up point.

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VICE CHAIRPERSON REID: Okay. And that would be designated as the drop-off point and the pick-up point.

Now, do the parents have to park and go in or there will be someone, a staff person to take the kids inside?

MR. BROOKS: Well, one of my staff persons will be right there. The church and the building are parallel to each other this way, and when the parents park on the lawn of the church, they'll be right at the rear of the facility where the entering of the facility will be. So there will be a staff person right there at that door on the lawn.

VICE CHAIRPERSON REID: Okay.

MR. BROOKS: Because the people will come right across the lawn onto my facility. There is no fence in between the day care center and the church.

VICE CHAIRPERSON REID: They'll be escorted?

MR. BROOKS: Yes.

VICE CHAIRPERSON REID: Okay. Now, in regard to the play area, if I understood correctly, the children will be, during designated play times, they will be taken across the street?

MR. BROOKS: Well, depending on the weather and things like that, but there is enough space in the rear of the facility that they can play there, but as far as play equipment, there is a

library directly across the street.

VICE CHAIRPERSON REID: Okay. When you say "play there," where is there -- is there a designated play area?

MR. BROOKS: Yes. I mean, there is just ample yard space out there for them, but there is not any equipment for them as far as sliding boards and things like that, and so the library is a public library. I've spoken to the director at the library. It has ample, safe playground equipment complete with the -- I can't think of what you call the padding that they put under the playground equipment, but it's complete with that.

VICE CHAIRPERSON REID: So at some point do you intend to provide that at the facility?

MR. BROOKS: Of course. Yes, of course. I've looked into the playground equipment. It costs roughly from ten to $15,000 to get the equipment and then get it mounted the way it's supposed to.

VICE CHAIRPERSON REID: But in the meantime that the children are going across the street, you have ample staff to insure the safety of them as they are transported back and forth across the street?

MR. BROOKS: Yes. We are going to have

staff escorting the children back and forth across the street, and there will only be one street to cross, and it's a very short street, and there's a cross-walk provided there. There's no multi-lanes or anything. It's a one-way street. There is a cross-walk at the end of the street. They're cross that one street, and then they're directly about 40 or 50 paces from the library.

VICE CHAIRPERSON REID: Okay.

MR. BROOKS: So they will be escorted directly to that area.

VICE CHAIRPERSON REID: Okay. Thank you.

And then finally, in regard to the issues that were raised by the community, particularly Ms. Ashby, the lady who requested party status, are you going to put in place any rules to better protect the people in the community, such as in your manual that you give to the parents, rules in regards to parking on the neighbors' lawns or the neighbors' parking spaces?

And I guess some type of penalty or something to kind of regulate if, in fact, there's a violation of that particular rule because it seems to me there is a lot of consternation in regard to them parking the cars in a way that would be disruptive or

that would be an imposition on the people in the community. So that if you have the rules in place, that would help give some solace to the community.

And the aspect of the rudeness and the way that the -- addressing the manner in which they respond to people in the community who may raise an objection, hopefully in a respectful way, to some type of violation of the rules, and I guess some type of guidance as to how to conduct themselves so that you won't have the kind of adverse impact or the kind of things that are being brought out as to what has happened not necessarily at your center, but honestly, this is the experience that has happened in prior centers there, as well as the other school that's in the community that also has children. And this is a way to circumvent that problem before it even starts, if, in fact, it were to start.

MR. BROOKS: Right, and I am fully and completely trying to comply with the community, Ms. Reid. I have no intention on disrupting the lives of Mr. Ashby or anybody else with regard to their parking and their garage area. I would have the same concern if I lived there and it was my garage.

I intend to have an open house prior to us opening the child care facility where I personally

intend to walk the parents around there to point out specifically these people's driveways, in addition to pointing out to them where they should be parking their cars for pick-up and drop-off.

Also, I've looked into getting a sign to point directly to say, "Do not park in these driveways. They're private," a sign that's going to be on my property, but point towards theirs.

As far as penalties go, I can't readily tax one citizen for parking on another citizen's property. Now, if Ms. Ashby or somebody in that neighborhood decided to have that person towed, and I will make them aware that it will be at their expense if something does get to that manner.

As far as being rude or anything like that, we're not going to condone any of that. As a matter of fact, I'm going to speak very harshly against that at the open house and at the orientation because I want this to be something where the community works together, not against each other. I want this to be something where if they see something going on in the community, they notify us. If we see something going on, we notify them.

I've already talked with Pastor Andrus. We're going to have like once a year during the

summertime a little community cookout type thing so everybody can get involved and talk with each other, so that the fires stay very small, if any fire at all.

I intend to work with the community, not against them.

VICE CHAIRPERSON REID: Well, if -- I'm sorry.

MR. BROOKS: But as far as penalties go, other than enforcing a towing policy with persons that park on these people's garage or in their parking area, I could not in my business practice enforce a penalty for them parking on a personal person's property.

VICE CHAIRPERSON REID: Well, in previous cases before us, sir, where there was a similar situation, the entity, the school itself had a policy predicated upon complaints that they received, and if they have people who were, you know -- got repetitively complaints about parking and things like that, they had to place some type of penalty that was being imposed.

MR. BROOKS: Of course, I'm sure that can be instituted.

VICE CHAIRPERSON REID: Right.

MR. BROOKS: For example, a three to five

rule of complaints or if the person has three complaints about your particular vehicle, then I can impose a vehicle --

VICE CHAIRPERSON REID: Well, probably --

MR. BROOKS: -- two complaint --

VICE CHAIRPERSON REID: Excuse me, sir. But probably the first offense, second offense, third offense.

MR. BROOKS: Right. That's what I'm --

VICE CHAIRPERSON REID: That type of thing.

MR. BROOKS: Right. Where it builds up.

VICE CHAIRPERSON REID: And we'd like to be -- we probably would -- I would ask that we see something like that that would be instilled.

Now, the last thing was -- I said that before, but this is really the last thing.

MR. BROOKS: Okay.

VICE CHAIRPERSON REID: The fact that the people -- if I understood you correctly, the children that you will have at your school are children who are already in the community, and if I understood it correctly, your facility is more the overflow to accommodate the need of some of the kids that are not being or are having difficulty being accommodated in

the alr[redacted]y existing facilities.

MR. BROOKS: Yes.

VICE CHAIRPERSON REID: So that the children that you will be working with are children who are already there in the community as opposed to having children coming from other areas.

MR. BROOKS: Yes.

VICE CHAIRPERSON REID: Is that exclusive?

MR. BROOKS: No, that's not exclusive, but that's what my intention is. I have talked with the principal, again, at Ann Beers Elementary School, but I can only have 30 kids. Christian Praise has 15 to 20 children on their own without even getting any from the elementary school.

So the number of children that I'm allowed to have automatically circumvents me having a heavy flow of traffic from anywhere else because once I get that 15 or 20 directly from there, I only have ten spaces left available. If the school even comes out with those ten, then I have no other room for anybody else to bring any flow from anywhere else.

I put out a survey in the community with the school and with the church to see what type of response I would get on a facility like mine. I got 22 responses back in the affirmative that people would

want to [redacted]ave their children there.

So if I got with that, then I only have -- and I put out 50 surveys, and I got 22 back in the affirmative.

VICE CHAIRPERSON REID: Okay.

MR. BROOKS: And so if I have that 22, then that only leaves me with eight other ones, and that was just at the school and at the church alone.

VICE CHAIRPERSON REID: Okay. Thank you.

CHAIRMAN SOCKWELL: So if I might say then, the children that are coming in are, as was stated, an overflow. They are children that would want to be accommodated at the adjacent facilities but cannot be accommodated. In some instances you said there was a waiting list.

MR. BROOKS: Yes.

CHAIRMAN SOCKWELL: And you were going to capture children from that waiting list, and others that would be neighborhood children where there's a need.

MR. BROOKS: Yes. For example, the elementary school, when I spoke with the principal, she has children there that are in the first and second and third grade, but their brothers and sisters are not old enough for the school and things like

that. They are two and a half to three years old. So if the parent could put their children in school there in the first or second or third grade, and the brother or sister is right there across the street, then it makes that available for them to be able to capitalize right there in the same area.

CHAIRMAN SOCKWELL: What percentage of the children do you believe will probably walk or be walked to your facility from the neighborhood, as opposed to being driven from the neighborhood or anywhere else? Do you have any idea?

MR. BROOKS: For the most part the parents in the neighborhood pretty much walk their children to school. I see them walking them in groups. So I would say there's about a 50-50 split between those that drive and those that walk directly in their neighborhood because, like I said, the parents generally get together and walk the children to school. They take different days from what I understand, and one parent walks on Monday and Tuesday and another parent, you know, so on and so forth.

And so they've got that pretty worked out. I was out there at school time. It was about 7:45 to eight o'clock in the morning, and I was out there talking with the parents and passing out the survey.

CHAIRMAN SOCKWELL: Okay. So you think that about half --

MR. BROOKS: Yes.

CHAIRMAN SOCKWELL: -- of your students will probably come on foot with parents.

MR. BROOKS: Yes.

CHAIRMAN SOCKWELL: And the other half will be dropped off.

MR. BROOKS: Yes.

CHAIRMAN SOCKWELL: Okay.

MS. MITTEN: Mr. Chairman, I just had a few questions.

Minister Brooks, we had some photographs in our file here, and so I'll be looking at the photograph, but I'm sure you know what it looks like.

MR. BROOKS: That's right.

MS. MITTEN: I just want to be sure. The church is the white building on the corner; is that correct?

MR. BROOKS: Yes, ma'am.

MS. MITTEN: Okay, and in the photograph it shows a fence along the alley.

MR. BROOKS: Yes, ma'am.

MS. MITTEN: How will the folks get to the yard to park on it?

MR. BROOKS: It doesn't show that there is a wrought iron fence separating the yard from the street on the 36th place side, but his directly across from the elementary school.

MS. MITTEN: Well, here's what I see. I see a wood fence behind the church, and then I see a chain link fence behind the building where the day care center is supposed to go. Is that more or less the way it is?

MR. BROOKS: That's accurate from the -- what you have in front of you is a shot of the back of the two buildings.

MS. MITTEN: Yes.

MR. BROOKS: The church actually faces the 36th Place side.

MS. MITTEN: Okay.

MR. BROOKS: And where it places 36th Place, there is a wrought iron fence.

MS. MITTEN: And is it a bunch of brick piers and --

MR. BROOKS: No. That's the divider between the two yards.

MS. MITTEN: Okay. Maybe --

MR. ANDRUS: May I can.

MR. BROOKS: Okay.

MR. ANDRUS: If I understand your question correctly, you want to know how do they actually get to --

MS. MITTEN: How the people access with their vehicles.

MR. ANDRUS: -- the facility, right. From Branch Avenue, they would come going up Branch Avenue to our Pennsylvania Avenue and make a left turn -- a right turn onto U Street, and U Street will bring them all the way around to 36th Place.

MS. MITTEN: Okay.

MR. ANDRUS: And they can make entrance into the yard to park from that way. They don't have to take that alleyway into 36th Place.

MS. MITTEN: So the access, the vehicular access to your yard is -- to the yard of the church where this drop-off parking would be --

MR. ANDRUS: Right, right.

MS. MITTEN: -- is from 36th Place.

MR. BROOKS: Yes, ma'am.

MR. ANDRUS: Right, right.

MS. MITTEN: And is there a curb cut there now?

MR. BROOKS: Yes.

MR. ANDRUS: Yes, yes.

MS. MITTEN: You know, like a little driveway sort of thing.

MR. ANDRUS: Yes, yes, yes.

MS. MITTEN: And is the area there people would be parking behind the church, is that paved or is that grass or --

MR. ANDRUS: It's grass.

MS. MITTEN: It's grass?

MR. ANDRUS: Yes.

MS. MITTEN: So do you have concerns about people parking on grass? I mean if they do that with any kind of regularity you won't have grass.

MR. ANDRUS: Oh, it's not pretty grass right now anyway. In fact, we park on it. We park there for overflow on Sundays when we have regular service. So we use it for parking now.

MS. MITTEN: Okay, and you overflow is overflowing from where? Where do most of the other people park on Sunday?

MR. ANDRUS: On 36th Place.

MS. MITTEN: Okay. So they're parking on the street?

MR. ANDRUS: Right.

MS. MITTEN: And they use the area behind the church only when there's not enough parking on the

street.

MR. ANDRUS: Right.

MS. MITTEN: Okay, and how many cars can you accommodate in this?

MR. ANDRUS: I would say about 18, 20 cars.

MS. MITTEN: Okay, and is that -- I don't know if you'll know what the term "stacking" means. Is that where you can get 18 cars in, and people block each other in or is that 18 cars and anybody who's parked there could leave at any given point?

MR. ANDRUS: We probably could get -- I would say we've gotten -- we have not looked at it in that dimension as far as perfect parking, but I would say --

MS. MITTEN: No, but when you answered the question --

MR. ANDRUS: -- in other words, if we park around the perimeter, I would say you probably can get comfortably 15 cars.

MS. MITTEN: Okay, and that would get everybody sort of --

MR. ANDRUS: And someone can easily -- right, right.

MS. MITTEN: -- free access.