MR. ANDRUS: Right. They can go and come out, go and come out, right.

MS. MITTEN: Okay, and then is the parking area that's behind this building where the day care center is proposed, is that outside the chain link fence?

MR. BROOKS: Where the staff is going to park is directly outside the chain link fence.

MS. MITTEN: Okay.

MR. BROOKS: There is a designated area for parking right there.

MS. MITTEN: Okay.

MR. BROOKS: Which is where the staff will park.

MS. MITTEN: Okay, and you said there's three parking spaces there?

MR. BROOKS: Yes.

MS. MITTEN: Okay, and then my last question is: how long is the lease that you have with the church for the day care?

MR. BROOKS: We have a year to year lease. It goes from 12 months and then in the 11th month we review the lease every 11th month and go forward.

MS. MITTEN: Okay. Thank you.

MR. BROOKS: Thank you.

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CHAIRMAN SOCKWELL: Minister Brooks, with regard to -- well, actually, I take that back. This is for Pastor Andrus.

What days do you have your principal services?

MR. ANDRUS: Wednesday evenings is Bible study, and Sundays. We have Sundays.

CHAIRMAN SOCKWELL: So you have your entire congregation on Sundays and a portion for Bible study on Wednesdays?

MR. ANDRUS: Correct.

CHAIRMAN SOCKWELL: And that's the extent of your use of the major facility?

MR. ANDRUS: Right.

CHAIRMAN SOCKWELL: Then would you say that your parking spaces available to the child care center would be far in excess of what the child care center will need during the times that the child care center is in operation?

MR. ANDRUS: Absolutely, because I'm a working pastor. So I'm not even there. I'm there just periodically. So yes.

CHAIRMAN SOCKWELL: So you believe that there's sufficient parking for the church's needs and the child care center's needs at all times?

MR. ANDRUS: Correct.

CHAIRMAN SOCKWELL: Okay. I don't have anymore questions.

Is there cross examination by the party, Ms. Ashby? Would you like to ask questions of the Applicant?

MS. ASHBY: I'm not sure of your process.

CHAIRMAN SOCKWELL: Please just turn your mic on.

MS. ASHBY: I'm not sure of the process. I also have additional photos that I took after I read the report. So when do I turn those in?

CHAIRMAN SOCKWELL: All right. You can submit those at the time that you submit your testimony.

MS. ASHBY: Okay.

CHAIRMAN SOCKWELL: Which will be shortly.

MS. ASHBY: So this is just questions.

CHAIRMAN SOCKWELL: And it would be advisable that your questions relate to the testimony of the Applicant and not introduce different information.

MS. ASHBY: Okay. I notice that you said that there are three spaces behind the metal fence, but in your application you said there are two. I

know sometimes three cars are parked there, but one of them usually is jutting out into the alley.

So are there two spaces or three?

MR. BROOKS: There are actually three spaces. I parked a van there because ADT was putting the fire alarm system in, and then two regular sized cars fit into those spaces even with the mini van there.

MS. ASHBY: Okay. I noticed that you said that the other parking area will accommodate 18 to 20 cars. Are you aware that there are huge oak trees on that area, in that area?

MR. ANDRUS: Yes, we are. We've got 20, about that many cars when we have our overflow at the church.

MS. ASHBY: Is it true that the cars are parked on top of leaves during the fall, which is a health -- which is a fire hazard because the oak trees drop lots of leaves? They fall. Are you aware of that?

MR. BROOKS: I'm aware of it directly where the child care center is concerned because, again, I'm going to have the kids in the yard.

I have a regular lawn care person that is going to be taking care of the yard. I've had the

leaves raked up at least twice this season already, and I haven't even occupied the building yet. So I'm keenly aware of that concern.

MS. ASHBY: I'm not talking about the yard behind the proposed center. I'm talking about the church yard in which the leaves were not cleaned up until the middle of December this year.

MR. ANDRUS: Okay. I was not aware of the fire code for the leaves being on -- I was not aware of that, but now that I'm made aware of that, that's a problem that can be solved.

MS. ASHBY: Are you aware that during the day when school is in session that there are regularly cars parked in front of the gate to what you are alleging is your parking lot? That gate is usually not free for anybody to come in or leave, and I have photographs, many of them, showing that.

MR. ANDRUS: All right. We have had problems with that, and I have not persisted in talking with the principal because we do post a -- first of all, it's illegal for them to park there because it is a driveway, but because I'm not there regularly, and I don't have to get access, I have not persisted in having the principal to or should I say work with the principal and having cars towed, et

cetera, simply because it hasn't -- it presents a problem with us on Wednesday evenings when they have their meetings, their PTA meetings, and we have gone over there and asked them not to park occasionally.

But now that we want to park on a regular basis, we'll definitely persist, and I'm sure that she'll work with us, and if the cars are there, we'll have to have them towed.

MS. ASHBY: This is a question for the Board. I don't know. Is it legal to call something a parking area when it's full of huge trees and not paved and not striped? Is that a legal parking lot?

Because they're talking about 18 to 20 cars, which is a lot, a parking lot.

CHAIRMAN SOCKWELL: The way public parking lots are designated, and the way the city handles it is that there is a required paving for public parking lots, and how that might affect you parking in your back yard if you wanted to pull your car in off the street and how it might affect the church for the private use of its people, I'm not quite sure.

But for public parking lots, there are specific requirements that they be paved in a hard surfaced material, such as concrete or four inches of asphalt. That much I can tell you.

MS. ASHBY: So would this facility be a public facility and that, therefore, make it a public lot that should be paved?

CHAIRMAN SOCKWELL: It's not something that I can answer directly.

MS. ASHBY: Okay, but that's a question I have.

VICE CHAIRPERSON REID: Excuse me one second. In Washington, as you probably are aware, I don't know exactly what the ordinance is. However, in regard to churches, if you have noticed on Sundays, there's parking, like double parking in the streets around a lot of the churches, and I don't know if that's some kind of special ordinance that allows them to be able to do that.

It has nothing to do with regular parking regulations. Do you know?

MS. MITTEN: No, I don't.

VICE CHAIRPERSON REID: Because they park all over the place. So I didn't know if that was -- do you know, Pastor, if that's something that you're allowed to do if you're a church or Sunday or --

MR. ANDRUS: Well, up until this point, no one has said we're not allowed. So I have not had to --

VICE CHAIRPERSON REID: I know it's something special --

MR. ANDRUS: -- investigated it.

VICE CHAIRPERSON REID: -- around major churches in the city because there are cars parked all in the street, double parked for that time only.

MR. ANDRUS: Right.

VICE CHAIRPERSON REID: And the police don't seem to ticket them or anything. I don't know. Do you, Ms. Sansone?

MS. SANSONE: No, Madame Chair, and we just have the zoning regulations here, not other parking regulations.

CHAIRMAN SOCKWELL: I do know that for funerals and for certain things the police department does relax its enforcement, but I don't think that there's anything on the books, to the best of my knowledge.

MS. ASHBY: Okay. I have just a few more questions.

VICE CHAIRPERSON REID: All right.

MS. ASHBY: I notice in your proposal that you say in the second year you plan to provide transportation, and again, my question is: is that going to be buses? Is it going to be vans? And if

so, where will they park and where will these children be loaded and unloaded? Is that going to be in the alley also?

VICE CHAIRPERSON REID: Wait, wait. One question at a time.

MS. ASHBY: Okay.

MR. BROOKS: The transportation that we're going to provide is going to be the maximum of two mini vans. Again, all of our kids are not school age children, and so they will not all be going to school. So we'll only need two eight-passenger mini vans, which would accommodate 16 children, which is more than half of our load. So that would be more than adequate for their transportation.

What will happen is I'll usually be driving the vans. So that I won't be driving my personal vehicle. So there will be no parking space for my car, but the vans will be taking up those parking spaces.

MS. ASHBY: And where will the vans be loading and unloading?

MR. BROOKS: They'll be unloading on the church parking area so that the children can come directly into the yard where the other people unload their children, and they'll come inside of the fence

and just come down the back steps.

MS. ASHBY: Is it true that the back yard of the proposed child care center and this alleged parking lot -- there's no wall or fence between those two so that the little children who are supposed to play in this backyard could easily just run out into this alleged parking lot?

MR. BROOKS: No, there is a wall there.

MS. ASHBY: I have photos showing that.

MR. BROOKS: She has photos showing. Ms. Mitten just asked me about the brick wall in between the two. There are photos showing that there is a wall dividing the two areas.

MS. MITTEN: Ms. Ashby can show us those photos when she testifies, and we can talk about it further.

MS. ASHBY: Okay, okay. A couple other questions and I'll be through.

Is there a sidewalk in the alley?

MR. BROOKS: No, the alley is just a paved alley. There is no sidewalk there that I know of.

MS. ASHBY: So if children are walking to the library or the playground, will they be walking down the alley or will they be walking down busy Alabama Avenue?

MR. BROOKS: More than likely when the children go to the library what they'll do is go out of the rear of the facility and either go down the front steps onto a sidewalk, which is on Alabama Avenue, or go through the front steps of the church which leads onto a sidewalk. There is a walkway right between the front of the facility of the day care and the front of the church that leads right to the sidewalk right in front of Ann Beers Elementary School where the cross-walk is.

MS. ASHBY: So you're saying no children will be walking in the alley, and parents will not be picking up and delivering their children from the alley; is that right?

MR. BROOKS: Yes.

MS. ASHBY: But that's what's in your proposal.

MR. BROOKS: No, I'm saying the children will be picked up and dropped off in the designated parking area on the side.

MS. ASHBY: That's not what's in the proposal. It says in the rear. It clearly says that over and over in the proposal. The children will be picked up and delivered in the alley, which means --

MR. BROOKS: There is nowhere in the

proposal where it says in the alley. It says in the rear, and that is the rear of the church, and it is the rear of my facility, but it's the designated area of pick-up and drop-off. I did not mention alley anywhere in the proposal.

MS. ASHBY: Could I look at that for a minute? Because there's a lot of talk about all of the traffic on Alabama Avenue and how you'd be using the rear.

So you're talking about the rear of the church, not the rear of the facility; is that right?

MR. BROOKS: There is a fence separating the rear of the church and the facility from the alley is the point that I'm making.

MS. ASHBY: So you're saying the children will be picked up and delivered on 36th Place?

MR. BROOKS: I'm saying that they'll be picked up and delivered --

MS. ASHBY: The side?

MR. BROOKS: -- yes, on the 36th Place side.

MS. ASHBY: The 36th Place side?

MR. BROOKS: Yes.

MS. ASHBY: And nobody will be using the alley to pick up and deliver children; is that right?

MR. BROOKS: If they use the alley, it will just be to come through to get to 36th Place, which I have no control over whatsoever. I am going to instruct the parents to pick up and drop the kids off in the parking area, and they can walk directly across. There is a walkway provided there.

MS. ASHBY: Okay, and two other questions. Are you aware that 36th Place and Ann Beers School has three rush hours, one in the morning, one from three to 3:30, and a third rush hour for the after school programs from 5:30 to 6:30? That during the -- are you aware of that?

MR. BROOKS: Yes.

MS. ASHBY: Are you aware that during all three of those rush hours, especially the dismissals, that all cars parked on 36th Place -- that the street is completely blocked up by cars idling? Are you aware of that?

MR. BROOKS: I mean I am not aware that the street is blocked up by cars idling. Again, there is a crossing guard. There's a D.C. police officer there if there are people double parked, and --

MS. ASHBY: Okay. So you're not aware of that.

Are you aware that there are also parents

who park in the alley along the fence of the church, along the wall on the left side to my house, sometimes doubled parked?

MS. MITTEN: Ms. Ashby, if you could use your questions to elicit information rather than testifying.

MS. ASHBY: Okay.

MS. MITTEN: You are basically testifying.

MS. ASHBY: I was just wondering are they aware of it because they don't seem to be aware of the existing problems in the neighborhood and how they would exacerbate the existing problems in the neighborhood.

MR. BROOKS: I'm aware that the parents park in the alley and things like that, but again, that's the traffic from the elementary school, and I have no governing ability for that traffic. I intend to walk my parents around the facility to instruct them properly. I intend to give them notification in the pamphlet, and I intend to point it out to them monthly at the meeting.

I also intend, like I said -- I think I was talking to Ms. Reid at the time -- I intend to erect a sign that points directly to those parking spaces where your driveway and things are concerned,

but as far as what traffic the school elicits and where the parents park, the only thing I can do to speak with that is to speak with the principal and see if we can't get some type of cooperation there.

Again, I already have spoken with Mr. Grant about getting some type of traffic calming devices and some signs erected, but of course, that takes time.

But as far as the parents from the school, I don't -- I can't govern what they do as far as double parking and things like that because that doesn't directly -- that's not parents coming to the day care because the day care hasn't opened yet.

MS. ASHBY: I know. Two other questions.

Does Christian Praise Church have activities every Friday and Saturday till midnight?

MR. ANDRUS: No.

MS. ASHBY: So I'm wondering what children you're planning to serve every Friday and every Saturday to midnight.

MR. BROOKS: Are you speaking to me now?

MS. ASHBY: Whoever, because the proposal talks about having children there from 8:00 p.m. to midnight Friday, all day Saturday, and till midnight on Saturday.

MR. BROOKS: I intend to serve the children that are already coming to the day care center. I'm not just soliciting to serve children that are at Christian Praise during their service times. If the children are using the day care center during the week, then I intend to provide that extended care for the parents that use the facility at anytime, not just when there's a service going on.

MS. ASHBY: So your plan is to have parents wake up children at midnight and leave in the middle of the night. So two nights a week there will be traffic coming in picking up sleepy children in the middle of the night?

MR. BROOKS: When I've done my research, to be honest with you, Ms. Ashby, that's better than what is currently going on in a lot of cases where children are being left with teenagers or people that are inadequate to take care of their children, and they're getting them out of the bed and out of these people's houses a lot later than midnight.

So in answer to your question in that regard, yes, that's what I propose.

MS. ASHBY: Those are my questions.

CHAIRMAN SOCKWELL: All right, and I think, Ms. Ashby, just to clarify, since one of your

question was directed to Pastor Andrus, it was stated by Minister Brooks that his facility is a leased facility from the church; that he is not a member of the church and is not affiliated with the church in any way other than the apparently symbiotic relationship that one has to have with one's lessor --

MS. ASHBY: Right.

CHAIRMAN SOCKWELL: -- for the access to the yard.

In response to another question that I looked up, the zoning ordinance in Chapter 21 does state that the required -- well, that parking spaces must be paved with impervious materials, and that includes the things that I stated, and that isn't a restriction on public or commercial spaces as opposed to private spaces, but the level to which it may or may not be enforced is pretty much that in my experience it has been enforced in commercial parking facilities much more than in a residential situation where you might pull your car into your backyard, but the code is specific.

MS. ASHBY: Okay. Thank you.

CHAIRMAN SOCKWELL: All right. It would now be time for our government reports, which will include a report from the Office of Planning, and I

don't think we have an Advisory Neighborhood Commission member here. No. All right. So the Office of Planning's report would be next.

MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman and members of the Board.

The application proposed a child development center for --

CHAIRMAN SOCKWELL: And please just identify yourself to the audience.

MS. BROWN-ROBERTS: I'm sorry. My name is Maxine Brown-Roberts from the Office of Planning.

CHAIRMAN SOCKWELL: Thank you.

MS. BROWN-ROBERTS: The application proposed a child development center for 30 children and six caregivers. BZA may grant an approval for such a use subject to standards applied in Section 205.

Two, zero, five, point, two requires that the center be capable of meeting all applicable code unless it's a requirement.

The application will be reviewed by Department of Health and DCRA prior to obtaining a C of O to operate the child development center.

The center shall be located and designed to create no objectionable traffic conditions or

unsafe conditions.

The subject property fronts on Alabama Avenue, and the applicant has stated that there would be no pick-up or dropping off along Alabama Avenue, but will be at the rear of the site.

The center will also provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. The requirement under Section 2101 requires one space for four teachers and other employees. The Applicant proposes three parking spaces at the rear of the property.

Also, additional parking spaces will be provided as stated by the Applicant on the church parking lot.

The center must include any outdoor, open play space provided shall be located and designed so that there will be no objective impacts. The outdoor play spaces provided to the rear of the property, and the property is fenced on all sides except the side adjacent to the church.

The play area will not be visibly objectionable as there will not be any large play equipment, and small equipment will be stored away and taken away at playtime.

The play area will be adjacent to the backyard of an adjacent residence. For these reasons the impact of noise activity from the church and center will be minimized.

The Board may also require special treatment in the way of designed screening of building, planting of parking area signs, and other requirements.

The existing appearance of a building will not be changed and will continue to present the appearance and sense of a residential community. Therefore, no screening of the building is required.

At this time, the Applicant is not proposing a sign to advertise a child care center, but has stated that he may request a sign permit some time in the future.

It is recommended that future sign be small, discrete, and does not detract from the residential character of the neighborhood.

All street play area shall be located so as not to result in the endangerment of individuals and attendants of the center traveling between the play area and the center itself.

The Applicant has stated that children will be taken to the Francis A. Gregory Regional

Branch Library, which is located approximately 500 feet from the subject site. The Applicant has coordinated with the library official concerning the use of the outdoor play area. The children are scheduled to go to the library near the middle of the day when the elementary school is in session and traffic is at a minimum. Therefore, the short walk should not endanger the children.

The Board may approve more than one child care center in a square or within 1,000 feet of another child development center.

To the southwest of the subject site is the St. Timothy's Nursery School, which is approximately 200 feet from the proposed center, and operates between 6:30 a.m. and 6:00 p.m., and has a total current -- and currently has a total enrollment of 88 children. Most of the children attending St. Timothy's are dropped off and picked up by the Suitland Road entrance. Therefore, due to the small number of children of the proposed center, the combined operation of St. Timothy's and the elementary school should not significantly increase the impact of noise and traffic on the adjacent neighborhood.

The standard by which the BZA should approve a special exception is also set forth in

Section 3104-1 of the zoning regulations. These requirements should also be met, which states that the special exception should be in harmony with the general purpose and intent of the zoning regulation, the zoning map, and will not tend to adversely affect the use of neighboring property.

The proposal upholds the general provisions of the R-1 zone, which is to develop the area with single family detached residences. The proposed child care center will not detract from this quiet residential area. Therefore, the intent, purpose and integrity of the zoning regulations and map will be maintained.

The Applicant has also -- the application has also been reviewed by the Department of Public Works for transportation issues, which has stated that the development center would not have any significant impact on local traffic or parking.

On December 16th, 2000, a community meeting by ANC-7B was held and was voted to recommend approval of the requested special exception.

The Office of Planning recommends approval, recommends that the Board of Zoning Adjustment approve the requested special exception with conditions which relate to the future sign to be

no larger than two feet by two feet, and will also agree with the establishment of the penalty for parking on neighbor properties.

Thank you, Mr. Chairman.

CHAIRMAN SOCKWELL: Thank you very much, Ms. Brown-Roberts.

First, do the Board members have any questions?

(No response.)

CHAIRMAN SOCKWELL: If you have questions of the Office of Planning regarding their report, as well, if they don't, would you like to question? Yes.

MS. ASHBY: My question is --

CHAIRMAN SOCKWELL: Microphone, please.

MS. ASHBY: My question is: did anyone from your office actually come out to the neighborhood during the hours of dismissal from Ann Beers School?

MS. BROWN-ROBERTS: I have been out to the site on two occasions, but not when there was a dismissal in progress.

MS. ASHBY: Okay. That's my main question because it's a vast difference.

VICE CHAIRPERSON REID: Do not testify. You'll have an opportunity to.

CHAIRMAN SOCKWELL: All right. Let's see.

We don't have any other government reports I don't believe. So then --

MS. MITTEN: Mr. Sockwell, I would just make note of the fact that the Department of Public Works did submit a report that was attached to the Office of Planning report as Attachment 2, and their only concern was that there should be caution exercised in taking the children to and from the library.

CHAIRMAN SOCKWELL: All right. Thank you very much, Ms. Mitten.

And basically DPW found that the proposed land use would have no significant impact on local traffic or parking.

All right. So then I believe, having dealt with the government reports, not having anyone to cross from the Department of Public Works --

VICE CHAIRPERSON REID: Mr. Chair.

CHAIRMAN SOCKWELL: Yes.

VICE CHAIRPERSON REID: Even though ANC-7B, which is the affected ANC, did not send a letter, and typically we assume that they have no objection if they don't send us anything, but Office of Planning did note that they were aware of a meeting.

MS. BROWN-ROBERTS: Yes, they were. They

did have a meeting and discussed this application.

VICE CHAIRPERSON REID: And said it was December 16th. There was a vote to approve the requested special exception. However, because we don't have a formal letter from the ANC, we can't afford them the great weight to which they're entitled.

However, we do take the fact that you had included that assertion in your letter to us that did take place, but we can't give the great weight, right, Mr. Chairman?

CHAIRMAN SOCKWELL: All right. Thank you very much, Ms. Reid.

So now we have at least the impact of all government reports. So it would then be time for the party to come forward, parties in support first. Are there any parties in support? Individuals in support? Then you may --

PARTICIPANT: Oh, no, no, no, no, no. Oppose vehemently.

CHAIRMAN SOCKWELL: No, not in support of Ms. Ashby. In support of the application.

(Laughter.)

CHAIRMAN SOCKWELL: So then we'll have parties in opposition, and that would start with Ms.

Ashby.

MS. ASHBY: They can go first.

CHAIRMAN SOCKWELL: No, you're the party, and they are individuals and if in opposition, would be speaking separately.

MS. ASHBY: I wish to thank you.

CHAIRMAN SOCKWELL: Now you may testify.

MS. ASHBY: Thank you.

I wish to thank you for allowing me to testify today and for granting me party status.

I'd like to say clearly that I'm a mother and a grandmother, and I am not opposed to child care centers, in general, but I am opposed to a child care center at this location, and I'm going to try not to repeat everything I said before about how it will exacerbate existing parking, congestion, and traffic problems on 36th Place, Alabama Avenue, as well as the alley.

I'd also like to say in listening to the testimony about why the center is being set up, I was very disturbed to hear the negative stereotype of Southeast parents and Southeast children. This is what we do not need. All of our children do not end up in jail or in mental institutions, and I am concerned with a program that believes that Southeast

parents cannot raise good children.

VICE CHAIRPERSON REID: Okay. Ms. Ashby, that is not anything that was testified here today. Now, what we need you to do --

MS. ASHBY: They did.

VICE CHAIRPERSON REID: -- is to stay on course as it pertains to that -- pertains to your objections to this particular application based on, I guess, adverse impact. Anything that goes beyond that is not something we usually give audience.

MS. ASHBY: Okay. It was.

CHAIRMAN SOCKWELL: Okay. Under the circumstances I will say this, that Minister Brooks did make reference to the issues that were underlying his interest in developing this center in his presentation, and I do think that Ms. Ashby has a right to redress that in her comments only because it was made a part of his basic reason for being there, and I think that in supporting her neighborhood that's --

VICE CHAIRPERSON REID: Okay.

CHAIRMAN SOCKWELL: It steps slightly outside of this, and as Chair, I'm suggesting that we allow her remarks to stand strictly for that reason, and that you -- but, please, go forward in --

MR. MICONE: May I ask a procedural question? This is the first time I as Commissioner have represented the ANC in opposition to a matter. When does the ANC report come in in the process?

MS. PRUITT: If you'd like, afterwards I can talk to you about that.

MR. MICONE: Thank you very much.

VICE CHAIRPERSON REID: And give you the sequence, right?

MS. PRUITT: Yes.

CHAIRMAN SOCKWELL: Yes. Fine. Thank you very much, gentlemen and ladies and gentlemen, for your patience, and good luck.

We will now return to the case of the Christian Praise Church Child Care Center, Number 16657.

The hearing is still in progress. If those representing the case for the Phillips Collection would please keep your voices down and exit to the corridor, we'd appreciate it.

Thank you.

Please. All right. I think we can proceed now.

MS. ASHBY: Just start?

CHAIRMAN SOCKWELL: Yes, go right ahead.

MS. ASHBY: Before continuing, there are several documents I'd like to submit for the record. One are additional photographs, which I will be referring to in my testimony.

The second item is a petition that's been signed by neighbors who are directly affected by this, neighbors on 36th Place, as well as Alabama Avenue, in opposition.

And I also have two letters of opposition that were written by elderly neighbors who could not attend.

So do I give those to you?

CHAIRMAN SOCKWELL: Those things should be submitted to staff.

MS. ASHBY: When I filed on December 22nd to request party status, at that time I stated, you know, the reasons for my opposition, and I also submitted photographs which I'd just like to run through quickly, as well as the new one that I just submitted.

Do you have those?

MS. MITTEN: Staff is making copies of the new photographs, but we have --

MS. ASHBY: The old ones?

MS. MITTEN: Yes.

MS. ASHBY: Okay. Photograph number one shows the rear of the building with the sign from the previous day treatment center.

Although I do understand it was a different minister and a different person who's renting, I just want to say that, you know, the support that I have, you know, the previous negative experience with this same church even though there may be a different minister.

Number two shows the limited parking space, two to three spaces behind the rear of the proposed center. If cars are parked in that area, then there is nowhere for parents to drop off children except in the middle of the alley because there's no sidewalk, and the alley according to the survey map is only about 16 feet wide and barely two cars can get through.

Photograph number three shows my garage and apron with parking spaces, which is directly across, which was the site where parents would frequently park or block in the past.

Photograph number four shows the alley in the rear and the Ann Beers School in the front, again, just showing the proximity.

Photograph number five shows that there

are times when the Ann Beers parents do park all along the fence of the church. They sometimes double park in the alley behind the proposed center, and as I said, in the past not only would the Ann Beers parents park here, but the parents from the before and after school day care would also park there because those same parents have to use the same thoroughfares.

And photo number six actually shows a car that's backed all the way up to their center picking up children, and my point in bringing this up is not to say that Ann Beers School is a problem of the new center. What I'm saying is there's already an existing problem that will be further exasperated.

Photo number seven shows cars parked on both sides of the street during school hours all the way back to the curb, and as you can see, these cars are blocking the gate to the back of the church. So even if they wanted to use that as an area, they couldn't.

It's interesting, too. This photo also shows something else which is not unusual. The sidewalk is not cleared except right in front of the church, and I've always felt they were bad neighbors in that they don't clear the sidewalk except right in front of the church, even though children have to walk

along there.

And number eight is a similar photograph showing the cars parked all the way to the edge of the alley.

While you're waiting for the other photographs, what I could do is read the letters and then go through the new photographs.

MS. MITTEN: You know, it would probably be fine -- it would be preferable to us if you would not read the letters because we can read the letters.

MS. ASHBY: Oh, all right. Okay.

MS. MITTEN: And just, you know, deal with things that you'd like to highlight for us.

MS. ASHBY: Okay.

CHAIRMAN SOCKWELL: And one question, Ms. Ashby. The vehicle that is shown in your photograph blocking the driveway and gate to the churchyard --

MS. ASHBY: Right.

CHAIRMAN SOCKWELL: -- would you say that is the responsibility of the city to ticket when driveways are blocked. If that vehicle had blocked the alley, it would just as easily be a ticketable offense.

MS. ASHBY: I agree. It's also a ticketable offense to park in an alley, and I've lived

in this neighborhood for 22 years, and for 22 years, we've taken turns calling the police about parents who park in the alley, leave their car, go to the school to pick up their children, and maybe they're as long as ten or 20 minutes.

CHAIRMAN SOCKWELL: Have the police been responsive?

MS. ASHBY: They're responsive every now and then, and they'll come and ticket the cars, and then it will be better for about a week, and then it comes right back.

And some of my neighbors can testify to that. We do talk with the police. We have talked with the principal. So, yes, these are offenses, but I'm saying they're not taken care of.

CHAIRMAN SOCKWELL: Thank you.

MS. ASHBY: Okay. You don't have the pictures back yet?

MS. MITTEN: No.

MS. ASHBY: Okay. As I stated earlier, my main concern, and I was going to use the pictures to go through it, has to do with the existing problems with congestion, traffic, and parking, and the fact that originally this center asked to have 24 hours Friday night. They really wanted to keep children all

night long, but when they found out they couldn't do that, then they're saying they'll let the children go at 12.

I find that hard to believe that they're really going to wake children up at 12 midnight. I think it's a covert effort to have institutional weekend care in our neighborhood.

And with all of this happening right under my window, I mean, I just envision all of this traffic coming in the middle of the night picking up children, crying children, and it's just not a pleasant thought.

As I said before, my concerns about what they're calling a parking lot is that at times that place is a real fire hazard. I'm always concerned when the cars are parked there on top of leaves because you should not be parking cars on leaves, and if those cars catch fire, my house is right there, and then, hey, my house could go up in flames, too.

MS. MITTEN: While we're waiting for the photographs, could I just ask you. When the previous child care center was in operation, since you seem toe be the may person who was around at that point, were they using the parking area behind the church at all?

MS. ASHBY: No. No, they were not. They never used that area. The parents were instructed.

You can see the arrow that says pick-up place.

MS. MITTEN: Right.

MS. ASHBY: And they would -- the parents couldn't park anywhere. They just left their cars in the middle of the alley and went in to get their little children or they would leave their cars in my apron to my garage and go in to pick up their children.

MS. MITTEN: Aside from the issue related to, you know, leaves and parking on top of leaves and so on, does it ease your mind at all that the church yard will be made available for drop-off of the children?

MS. ASHBY: No, and I'll tell you why. When you see the other pictures, parents dropping off their children are usually in a big hurry, and they're going to drop them off the fastest way they can. So when 36th Place is blocked, you know, in the morning by the Ann Beers parents, they're going to quickly learn that they can come through the alley, park their car, and run them right in there.

MS. MITTEN: Let me ask you a question by way of, you know, maybe solving that problem. It seems that if they were to come in through the alley, they would have to use the gate that's in the chain

linked fence.

MS. ASHBY: Right.

MS. MITTEN: There's the three --

MS. ASHBY: Right, right.

MS. MITTEN: There's a chain linked fence, and then there's a gate.

MS. ASHBY: Right.

MS. MITTEN: What if that gate were kept locked for anyone except staff who would be the people parking in those three spaces? So that the only way a parent could get access to the child care center would be if they came through the church lot. Would that alleviate your concern?

MS. ASHBY: Well, no, because where are they going to leave their car?

MS. MITTEN: In the church lot.

MS. ASHBY: But they can't get to the church lot. That's the point. They can't -- a lot of the times --

MS. MITTEN: That's because of illegal activity.

MS. ASHBY: -- the alley is blocked already, and 36th Place is blocked already. They can't get to the lot. That's my point, and this is even worse when school is dismissed.

And it's also true, as I said, for the after school programs. We have cars parked all along the alley from 5:30 to 6:30, and we have 36th Place, and they can testify to this, blocked again for the after school programs.

This is a community school. It has activities all the time, and our poor, little street is just backed up all the time.

CHAIRMAN SOCKWELL: Well, actually one of the issues, if I might interrupt, is that the driveway that accesses the church lot has no signage defining where parking cannot be, and for that reason it's quite often in many neighborhoods that people assume that if a gate is in existence whether there's a curb cut or not, if there are no signs, they will park there.

MS. ASHBY: Oh, I know.

CHAIRMAN SOCKWELL: And therefore, one of the issues that could be handled by signage is the blockage of that driveway because people are a lot more likely to park where they're supposed to if they see a sign that says "no parking any time" or "no parking, driveway," the different signs that are used by DPW.

And those could be requested as one way of

assuring, first, that there's access more likely than not, and second, that anyone who comes along who's called to ticket will see immediately that the vehicle is parked in the wrong location.

MS. ASHBY: Yes, I agree with that. And as I was saying to you, it's not possible to even get to that gate when the traffic is blocking the street, and you'll see that when I -- do you have the pictures yet? Okay.

CHAIRMAN SOCKWELL: And even that traffic that's double parked, if it's blocking the street, should leave driveways and alleys open, and if they're not doing it for the alley and they're not doing it for the driveways, then enforcement is the way that this needs to be handled.

And one question I wanted to ask you. When you realized that this particular facility was being planned, did you make any attempt to discuss your issues with Minister or --

MS. ASHBY: No, I did not know what they were planning, and I did not get a notice of the ANC meeting. The only thing I got was the mail-out, I guess, from Zoning stating that there'd be a hearing on January 9th, and that was my first notice.

I knew they were working on the house. I

assumed that they were fixing it to be the minister's residence. I didn't know they were planning another child care facility.

So, no, I have never seen either one of them in my life.

CHAIRMAN SOCKWELL: Okay. The reason I asked was because I think you submitted a petition.

MS. ASHBY: Yes.

CHAIRMAN SOCKWELL: And you've had the time to prepare a petition and speak with your neighbors and galvanize them against something that you've never even attempted to talk with the Applicants who are doing it.

MS. ASHBY: I was only notified --

CHAIRMAN SOCKWELL: And that's unusual.

MS. ASHBY: It is?

CHAIRMAN SOCKWELL: Yes, because you don't know what they're doing, except you say you received information in the mail, of course, from the Office of Zoning, but you never attempted to find out whether or not there was a way of coming together with them to discuss their issues, maybe perhaps make them allies in a mutual fight against traffic and problems.

But you went immediately against them based on the information that you had had and the

terrible situation that you had had with the previous operator. In fact, you probably didn't know until today that this operator was not affiliated with the church, as had been the previous operator.

MS. ASHBY: I did know that because I reviewed the record.

CHAIRMAN SOCKWELL: Okay.

MS. ASHBY: The 16657 last Thursday.

CHAIRMAN SOCKWELL: Yeah, we know what the number is, but I'm --

MS. ASHBY: And that was the first notice I had that they were planning to have Friday night, all day Saturday, because in the notice it didn't say anything about that.

Also, I didn't have a lot of time after I received that first notice. I have never seen either one of them, you know. They come into church, and they leave, and very few people in the neighborhood attend their church. So I don't even know how to contact them.

And the thing is that --

CHAIRMAN SOCKWELL: Well, actually it would have been the same way that you contact us.

MS. ASHBY: Huh?

CHAIRMAN SOCKWELL: We have all the

information here at the Office of Zoning.

MS. ASHBY: Oh, un-huh.

CHAIRMAN SOCKWELL: And you did review the file.

MS. ASHBY: Yes, I reviewed the file.

CHAIRMAN SOCKWELL: So you did know how to contact them.

MS. ASHBY: Not -- not the minister. His name wasn't --

CHAIRMAN SOCKWELL: Well, the gentleman who's operating the facilities name and information are in our files.

MS. ASHBY: Right. Yeah, his name was in there.

CHAIRMAN SOCKWELL: Yes, but you didn't attempt to do anything except galvanize your support against him. You didn't try to find out whether or not there was a reason not to feel that his project was, say, completely negative.

I'm just questioning you because it is often the case that the opponents try to know what's going on with the Applicant so that they have the most appropriate way of responding. Sometimes friends are made; sometimes enemies are galvanized. But when you don't try, you don't know.

But anyway, continue please.

MS. ASHBY: Well, I was concerned because there are so many misrepresentations in the proposal that I read, and so I didn't think I would be dealing with people who would be dealing with me in an honest way, but I could be wrong about that.

CHAIRMAN SOCKWELL: Yeah. You didn't try so you really didn't find out.

MS. ASHBY: Yeah. I was just concerned with -- but anyway, photo number nine shows 36th place during school hours, and as you can see, there are cars parked from Alabama Avenue all the way back, and this is daily.

These were all taken last Friday.

This is another view of 36th Place, and where the alley is located. Another view.

Photo 11 is also another view of the parking problem.

Photo 12 again shows the gate being blocked, which you know could probably be alleviated, but if you can't get to the gate it doesn't matter whether it's blocked or not, and a lot of the times parents can't get to that gate because 36th place.

Photo 13 is a photo of the backyard of the church, which you can see is filled with large trees,

and I doubt very seriously if 18 to 20 cars could get around those trees to park safely, and I did express my concern about the leaves that the cars are now parking over, which is a fire hazard.

Photo number 14, again, shows the child care center and the church. Now, the wall that they are saying is between this parking lot and the back yard, as you can see, that is a little, low wall that even a two year old can jump off. It's a very low wall.

There used to be a fence there, but it was removed, and so any child who's playing in this back yard can also run into the area that they're saying would be the parking lot.

Photo 15 shows what happens at three o'clock, what happens in the morning, and what happens in the after school hours, where there is just a solid line of traffic from Alabama Avenue all the way up the street, and many of these parents are not in their cars. They are in the school picking up their children, and their cars sit there.

So that we who live in the neighborhood cannot get out of our houses, out of our block between those hours. We cannot get through the alley, and any parents trying to drop off kids or pick up kids from

this proposed center would also not be able to readily get through this street. They might have to wait ten, 20 minutes.

So even if the gate is not blocked, they can't get to it.

Photo 16 also shows another view of the congestion of 36th Place. The school is on the left, and Alabama Avenue is on the right.

Photo 17, another view of the congestion. Cars parked all the way down to the "do not enter" sign, way beyond where they should be.

Photo 18 shows Alabama Avenue, and on the right is Christian Praise Church. On the left, the second building on the left is the proposed center, and as you can see, there are cars parked all along here, as well as double parked because this is the kind of congestion we have every day almost three times a day.

Photo 19 shows traffic congestion again, the corner of Alabama Avenue and 36th Place at three o'clock dismissal. The cars are parked down beyond the stop sign adjacent to fire hydrants, and again, parking is a serious problem.

Now, there is a crossing guard and a copy. Yet there are cars parked illegally. So, I mean, we

have policemen who are actually on site who don't do anything about this problem.

And, again, any parent coming from -- trying to pick up children from the proposed center could not get down this street fast, and those who are slick are going to run around to the alley and block up the alley.

Photo number 20 shows another view of Alabama Avenue in front of the school. Again, you can see cars are lined up, double parked because even though this is a non-parking area, they park here because there's nowhere else to pick their children up. So Alabama Avenue becomes very crowded.

Photos 21 and 22 I took on January 4th, and this is the rear of the proposed child care center where the workmen are currently doing a lot of work on the inside, and this shows them blocking the alley. They have two cars in their space and one car blocking the alley.

There are two neighbors who are concerned and talking to them, and the center hasn't even opened, and already the alley is being blocked by their workmen.

So, yes, I did have a lot of concerns and, you know, I didn't try talking with you all, but I

didn't [redacted]ve a lot of time. [redacted] was really just frightened that a nightmare that I experienced a few years ago was coming back again. I mean that was my main concern and the fact that I felt very alone in confronting parents who were parking all over my property and yelling at me as if I was wrong and saying, "I've got to pick up my child. I've got to pick up my child."

You know they just act so righteous about picking up their child. They don't care that we have a problem. So I don't want to keep repeating myself, but this is my testimony, and as I said, I'm not opposed to child care centers. I just think this is bad location because of the existing problems we have in the neighborhood, which we've been trying to settle for years with the police and with the principal.

But the problem is not solved. These pictures were taken just last Friday.

Thank you.

CHAIRMAN SOCKWELL: Thank you very much, Ms. Ashby.

You can stay there because the Applicant has the opportunity to cross examine.

Do you have questions?

MR. BROOKS: I just would like to address

a few of the things that you have concerns with Ms. Ashby.

Again, I haven't had the opportunity to formally meet you or introduce myself to you, and I apologize for that. I put out the required notification, and I was at the ANC meeting myself, along with Pastor Andrus.

I'm interested in working with the community, not against the community. I'm not privy to, nor was I a part of what went on before, and I apologize that you had a, quote, unquote, nightmare that you went through.

But as far as the traffic concern goes on 36th Place and Alabama Avenue. The only thing that I can do other than have them parking on the church lot for my part --

CHAIRMAN SOCKWELL: What you want to do is ask questions of things that Ms. Ashby has said. I realize that that's not the direction that you're taking, but it's a cross examination. You will have closing remarks in which to really frame what you're saying now, and I'd appreciate it if you would sort of limit yours.

MR. BROOKS: Those cars that you took photographs of, I think they were 21 and 22, were the

last photographs. Just let me address that the work is complete in the house. The building is completely renovated, and I believe one of those was a truck. I wasn't privy to a copy of the photos so I'm not sure if one of those was a truck or not, but there is ample space for cars to get there, not trucks, and there's a distinct difference.

Other than that I have no further questions on anything that she had to say. I believe that I put my points forward at the time that I had an opportunity, and I'll save the rest for closing.

CHAIRMAN SOCKWELL: Thank you.

All right. Now the other persons in opposition who would like to speak, please come forward. We can take you two at a time, and you have three minutes to speak. And if you'll put your microphone on.

MS. MILBOURNE: Good afternoon. My name is Sheila Milbourne. I live at 2135 36th Place, S.E. I live four houses north of Ms. Ashby.

I'd like to speak to several issues, and they are a little spread out.

First, we already have seven child care facilities in the area. We have Ann Beers Elementary School, has a before and after care program, and Ms.

Dickey has vacancies in that program.

We have the Seventh Day Adventist School, which is two and a half blocks from us, which also has a before and after care program.

We have the St. Timothy's Child Development Center at Suitland Road and Alabama Avenue. No children from St. Timothy's come to Ann Beers Elementary School via bus. St. Timothy's is very cooperative in having four of its staff walk the children down, bring them to the crossing guard who is in the cross-walk between 8:15, 8:45, 3:15 and 3:45, and that personnel crosses them. So those folks who are like from the buses are not a part of us.

We have the New Redeemed Child Development Center that is also two and a half blocks down Branch Avenue.

We have the Church of Jesus Christ Child Development Center that is on Pennsylvania Avenue.

We have the New Macedonia Child Development Center four blocks away.

And we have the Naylor Road School that is held in the same building that the ANC has its meetings at Branch Avenue and S Street.

My concern is we already have enough child care facilities in a neighborhood of single family

dwellings, where the youngest child is 31, and she lives in Atlanta. That is my concern, that in our immediate area there are no small children.

The Ann Beers Elementary has a population between 550 and 600 students who come in every day. They have an a.m. Space Program, where teachers arrive about 6:00 a.m. That program is from 6:30 to 8:30. The have about 14 instructional staff.

They have a program that's called Stars for students with academic needs. They have a soccer and language arts program after school. They have a science program. We have the Model Elementary School Science Program for the District of Columbia and the first one that was done in the nation, and we have basketball.

Now, coupled with the parents coming and going to school, we also have all of those programs letting out between 5:30 and six o'clock -- are my minutes gone already? -- between 5:30 and six o'clock. Sometimes the cars are parked three wide and ten deep on my street.

We call the police and they come move the cars, but after a while even the District gets tired of you calling about that.

My concern is that the fire hydrant is in

front of my house, and that if we did have an emergency, we could not get there.

The principal, who is an interim principal, Ms. Hamlet, and we anticipate that she would be gone at any time, has not been in the neighborhood long enough to come out and meet the people, et cetera, except at PTA meetings, where when you have a block squared where there are no children, then it would be difficult for you to move on.

I'm also concerned about the clutter at the end of the yard. Christian Praise has their refuse cans at the end of their fence. Someone -- there was a piece in the fence that was broken. It's not painted now. There were two pieces. When they pulled up that fence rats ran all over the place.

I would be concerned that they would move toward doing something to alleviate that problem.

I spoke to the gentleman in the hall about when they have programs that are disjoint from church activities, like little picnics and parties and that kind of thing. The children are not adequately supervised, and I have taken two children out of the street within the past, let's say, two months.

We have a noise level. We have a terrific noise level. I am concerned about the noise level

after s[redacted] o'clock. By the time[redacted] the soccer team finishes playing on the field, the football team finishes playing football, and the science people come out and explore the flora and the fauna around the school, and then we're going to have other people coming out.

I am not opposed to children. I am not opposed to children's programs. I have four children, four grandchildren, and was 43 years a teacher. So that is not what I have problems with.

I have major problems with the way this is being structured. I might also say that we could have extended ourselves to these gentlemen on my right had we had some notice, and I will deal with my ANC representative when I get home, but if we don't get a notice for a meeting, we don't know that it's going on.

I knew that this gentlemen had been working on this program for a whole year. Next week when I got a copy of the jacket, it said 01700, and I was like that could not be right, but it is because I spoke with the gentlemen. They say that is correct.

Our neighbors are more than concerned about the traffic problem. It is a traffic problem that the school needs to adjust -- to address. It is

a problem that the 6th District needs to address. We have had three children out into Alabama Avenue, to get broken limbs having been hit by cars, and there is no policeman. There is no person in that cross-walk at any given time after 3:45. Their time is up.

The school has a security person who goes down from time to time, but the security person has to secure the school when the programs let out at 6:30.

Those are what I will call my major concerns. The community is not against working with the gentleman, but the community would like to know what is going on at the church also so we could extend ourselves.

I got wind of this on December 8. I sent a correspondence down to your offices here, and my correspondence was not in the jacket. I have addressed that correspondence at this time. There were some things filed in the jacket that didn't belong to us. So some other people are going to have problems with that also.

But I feel in addition to this if there were meetings going on and things were being called, then we as a community, it's a 50-50 proposition, and our community are good neighbors, and we want to be good neighbors to all of our neighbors, but we do have

to address the problems, and the problems need to be the safety of the children as they relate to parking and going across the street.

There is no crossing guard to go to the library, and the school is adjacent to that. Then there is a field, then there is a parking lot, then there's the library.

CHAIRMAN SOCKWELL: Ms. Melbourne.

MS. MELBOURNE: And that property belongs to the Park Services.

Thank you.

CHAIRMAN SOCKWELL: Before you rise, one question I want to make very clear. The Ann Beers program is a D.C. public school?

MS. MELBOURNE: Yes. Yes, sir.

CHAIRMAN SOCKWELL: Right. It is not a private day care provider.

MS. MELBOURNE: No, it is not.

CHAIRMAN SOCKWELL: And apparently it is by far the largest generator of traffic activity in the morning and in the afternoon.

MS. MELBOURNE: Correct.

CHAIRMAN SOCKWELL: And in terms of major influxes of people during the day for the various programs that it has. It sounds like it's an

accelerated program school.

MS. MELBOURNE: And a beautiful school.

CHAIRMAN SOCKWELL: Okay, but if the Ann Beers School did not exist in that location, a great deal of the problems that are being considered as too much would disappear completely because you're talking about hundreds.

MS. MELBOURNE: Yes.

CHAIRMAN SOCKWELL: You said how many hundred children are at Ann Beers?

MS. MELBOURNE: Between 550 and 600 as of yesterday.

CHAIRMAN SOCKWELL: Right, and that is directly across the street from you and Ms. Ashby.

MS. MELBOURNE: And Christian Praise Church.

CHAIRMAN SOCKWELL: And Christian -- yeah, and I think that's one of the things that makes this difficult, because we've got a public school. We can't move public schools. We can't even think about them.

MS. MELBOURNE: That's correct.

CHAIRMAN SOCKWELL: They are part of the fabric of the community. But I just wanted to make sure that the record reflected that the Ann Beers

program as a D.C. public school program.

Thank you.

MR. PERSON: Good afternoon. My name is Ruby Person. I live at 3618 Alabama Avenue, which is two doors from the proposed facility.

I have lived in the neighborhood for 30 years or more, and I also can attest to some problems with the parking that went on when the previous day care facility was there, which I will not dwell on at this time.

However, my main concern right now is the direction of the day care center, which is clearly a commercial enterprise. It will be a commercial enterprise. They are doing this for pay.

I am opposed to having a commercial enterprise in our neighborhood. We are a neighborhood of older parents. We do not have very young children who would make themselves available to this facility, and I see no immediate benefit to our community from having it located next door.

The hours of operation are a concern to me. I am very concerned about the weekend operations, the long hours on Fridays, as well as the Saturday operation. If it were being established, as he said, to take care of the overflow from the existing

public playground.

There's the school next door to Christian Praise Church. Then, as Ms. Milbourne testified to, there is a space between that, a public space between that, then the public library, and then the public playground, and that public playground I would not recommend that it be used for those very young children for the simple reason that it's available to anyone who wants to go there in the public.

And having lived there, many times I have seen people just hanging out in that park. I would not recommend it for that particular purpose.

Also, in addition, he mentioned the fact that there is space for 18 to 20 cars in that church parking lot. I strongly object to that. There is not space for 18 to 20 cars in that facility, and so parking -- I still believe that parking would be a problem for those persons who are picking up and dropping off.

And also previously, there is no guarantee I don't think. I am not convinced at this time that there is a guarantee that parents will not be dropping off in front of the facility, which is on Alabama Avenue. When the facility was there before, it was common practice to drop children off in front of

facilities that are in the neighborhood already, that would be totally different because the existing facilities do not operate long hours on Friday and Saturday. So I see a problem with that.

I also see a problem with saying that the crossing guard will facilitate the children who are coming and going to the facility on Alabama Avenue. The crossing guard is at the crossing guard of Alabama Avenue and 36th Place. The cross guard would have no bearing whatsoever on children coming and going to that day care facility because the day care facility is not -- the entrance on it where they say the children would be going in is not on the corner of 36th Place and Alabama Avenue. It's behind that, at least a block behind. There's a yard back there, and the crossing guard does not leave her post to come back to help children cross into the facility that they are proposing to establish.

And in terms of the playground facility being available to those children, the playground facility is not next door as was testified to by the person who is attempting to establish this facility. The playground is not blocks away, but it's quite a bit of difference between where the facility is located and the actual playground itself, which is a

Alabama Avenue, on the Alabama Avenue side, and I live on the same side of the street as the facility is.

Thank you for your time.

CHAIRMAN SOCKWELL: Thank you very much.

Cross examination by the Applicant?

Remember. Respond to anything --

MR. ANDRUS: I just have one question.

Ms.?

MR. PERSON: Person.

MR. ANDRUS: Person. Pastor Andrus.

MR. PERSON: Nice to meet you at last.

MR. ANDRUS: Thank you.

As Mr. Stockwell (sic), the Chair, stated, if there is a lock, if we locked that gate, which means it's only available to staff persons to enter, which means that the families have to come into the exit that we allow them, would that satisfy that as far as you being convinced that they cannot enter into that -- into that way? Would that be satisfactory?

MR. PERSON: My statement was that I was not convinced that they will not enter from Alabama Avenue. That was my statement.

MR. ANDRUS: Oh, Alabama from -- oh, that they would not enter from Alabama Avenue.

MR. PERSON: I am not convinced that they

would not use Alabama Avenue for drop-off. I am not convinced of that.

MR. ANDRUS: Okay. Well, we can't convince you of that.

MR. PERSON: I know.

MR. ANDRUS: Okay, all right. Thank you.

MR. PERSON: Okay.

CHAIRMAN SOCKWELL: Thank you very much. The last witness.

MS. TURNER: Good afternoon.

CHAIRMAN SOCKWELL: Good afternoon. State your name.

MS. TURNER: My name is Carrie Turner. I live at 3612 Alabama Avenue, S.E., two doors up from this proposed day care center.

I am totally in agreement with what Ms. Ashby, Ms. Milbourne, and Ms. Person have said. I'm totally in agreement with the problems.

Our number one concern is traffic, and of course you all know that. Traffic is horrendous, and you could not know what we go through there in that block unless you came and spent from 6:00 a.m. until six or 7:00 p.m. in the afternoon. Then you could see what we are contending with.

First of all, I would like to say that I

live almost across the street from St. Timothy's Church, which is my church, and that day care center is not 1,000 feet away from the proposed day care center.

CHAIRMAN SOCKWELL: I think it's been stated in the testimony in the record --

MS. TURNER: That it has to be.

CHAIRMAN SOCKWELL: -- that this day care center is less than 1,000 feet from its adjacent neighbor.

MS. TURNER: Oh, okay.

CHAIRMAN SOCKWELL: That was never asserted as being any different.

MS. TURNER: Okay. And I spoke to Father Downs, who is the rector of St. Timothy's, a couple of Sundays ago in reference to this issue, and to my knowledge, there is not a full house at St. Timothy's Day Care Center unless I have been given the wrong information.

These are concerns that I have. Traffic; this day care center opening right across the street almost from St. Timothy's Day Care Center, and then I'll tell you another thing I'm concerned with. I'm concerned with what you're going to do with 30 children at a location where you only have about a 25

by 40 foot lot in the rear for the children to play in.

Now, to me, that seems like an awful small area for that many children to go out and play in.

Let's see what else I have.

And also, another concern of mine is the alley, the traffic in the alley. My house, the front is on Alabama Avenue, and the rear is on 36th Street, and we have so much traffic traveling in that block off of Alabama Avenue on 36th Street and making a right turn into that alley. Sometimes we have problems trying to get out of our driveway.

And I can see if we have another day care facility in that block that we're going to have even worse problems trying to get out of our driveway.

Now, I think that I have touched on things that are of concern to me, and as I said, I'm in total agreement with what has been said by these ladies.

So that's my testimony.

CHAIRMAN SOCKWELL: Thank you very much.

Any questions from the Board? No.

The only question I would ask is that from where you are, do you have a backyard, an alley parking or garage in your rear?

MS. TURNER: No, I don't have. I have a

backyard.

CHAIRMAN SOCKWELL: You don't --

MS. TURNER: I enter in the rear of my house. I enter from 36th Street, and I don't have a garage, but I do have a backyard.

CHAIRMAN SOCKWELL: Okay. But you don't have access problems with your alley?

MS. TURNER: No. Well, what I'm saying is this.

CHAIRMAN SOCKWELL: Your yard is blocked. So you don't have an alley at your rear.

MS. TURNER: Yes. Well, I don't have an alley, but what I'm saying is sometimes we have problems trying to get out of our driveway because of the traffic off of Alabama Avenue making a turn into this alley, the alley which is behind the proposed site.

CHAIRMAN SOCKWELL: Is there a Metro station conveniently located to you? No?

MS. TURNER: No.

CHAIRMAN SOCKWELL: Okay. Thank you.

Then if there are no further questions, no questions of the opposition, then we would request closing remarks from the Applicant.

MR. BROOKS: As stated at the time that --

and thank you, Mr. Chair. I appreciate it -- as stated at the time that the application was made, I have put forth effort to get the traffic calmed in the area as much as I possibly can.

I will not insult the Board nor the community's intelligence by saying that I've been there 22 or 30 or any amount of years as these people have, but what I can say is that for the time that I've been working through there over the past year to try to get the building renovated, I have seen the traffic problems. I have seen the concerns, and again, I did speak with Mr. Grant about getting some things done in the community because I know no other way about getting the problems addressed other than enforcement and speaking with the ANC Commissioner.

And to testify to that, I did speak with Ms. Turner the other day to see what her concerns were, and I told her the exact same thing concerning the traffic matters, that outside of getting speed bumps and traffic calming devices and the participation of the D.C. Police Department, I didn't know what else I could do as a new resident to the neighborhood to assuage the traffic problems.

Any other problems I think could be easily rectified as far as the library and things like that.

It is approximately 550 feet from the day care center. You cross one street. I didn't say it was across the street. You cross one street to get there.

Ms. Roberts was out there twice herself to examine. So you don't just have to go by my testimony.

There's always room for day care. I know that there are other day care centers in the community, and I'm not refuting that fact, but there is always room for day care, and there's a great plenty of children available to come into my day care center.

Again, I did put out surveys and did talk with at least two of the other day care centers that were in the community to find out if I had a need. It was part of my marketing before I even began any renovation on the building.

Again, I am working with Christian Praise Church to have access to those parking spaces, and on top of that, let me say about the parking area where Christian Praise Church is concerned those 20 cars are not going to be there all at one time. There is space for those cars, but parents drop their kids off intermittently. There is not going to be 20 people there at 6:30 or 20 people there at 7:30 or at eight

o'clock or anything like that all of the time.

So the people will be there quickly. they'll pick their kids up, drop them off, but they're not going to be parked there any long amount of time even though the space is available for them to do that if necessary.

I did put out the proper notification to the community about the building coming. I personally sent out the 200 notices, submitted to the Board, and also was a participant at the ANC meeting, again, with Pastor Andrus, as I stated. So I've done what I was supposed to have done as far as notifying the community, as far as talking to them; even went as far as to get Ms. Turner's phone number from Mr. Grant because I knew that she had a specific concern. That's how I got the number, from Mr. Grant, because I knew that she specifically had a concern.

I wasn't aware of any other concerns that were made up until last Thursday or Friday when I got the notification that Ms. Ashby had a concern, and I intending upon knocking upon her door, but my daughter has been in the hospital all weekend. So I didn't get a chance to talk with her prior to today.

But I attempted to talk with the community as much as I could. I sent out notification. I've

addressed the specific problems that I knew that were problems previously, prior to submitting my application.

I appreciate the Board's time. I know it's been lengthy today, and for that I apologize as much as I can, but thank you very much for your consideration.

CHAIRMAN SOCKWELL: Just I think I have one question, and that is with regard to one of your stated purposes, which is the late night child care, there's a question that had been raised by at least two of the persons in opposition as to whether or not that is really an appropriate activity to subject the little children to in terms of having to be roused from perhaps their nightly sleep, and that was a question.

I wanted to know just for my own benefit under what circumstances you really decided that this is workable.

MR. BROOKS: Well, actually, Mr. Sockwell, to be very honest with you or very frank, I intended to operate a 23 and a half hour day care center, but it was not originally submitted on my application. So it was suggested that I limit the hours to midnight.

My objective is that the parents that

work, because I work in the evening and at night; I know that there is a need for day care in the evening and at nighttime. I also know that there are revivals; there are social functions that parents like to go to. It is in the benefit of the parents and the children if they have the proper -- the same place to bring their kids on the weekend that they have to take them during the day, as opposed to a teenager babysitting them or them leaving them with some under age person to watch them, in which case fatalities and accidents occur.

My objective in that is to provide the same care during the evening and on the weekend that the children get during the day so that the parents can participate in other activities, some of the activities which will enrich the family structure. If the mother and father have an opportunity to go to dinner or catch a play or to go to a church function, then they have an opportunity to enrich the family.

CHAIRMAN SOCKWELL: Okay. I think I understand. Thank you very much.

This is a more complicated case than I think we expected it to be when we came before us. The issues and the circumstances of your situation and the community's previous experiences are somewhat

unusual because you are within immediate proximity of a very large public school, which is a major generator of activity, traffic and pedestrian activity, at least during the five-day school week. And that begins early and ends late.

The other issues of the previous operator of the facility have obviously made the neighborhood very much less receptive to the idea of a repeat of the similar problems, especially the neighbor whose issues were such that she requested party status, and generally people will request party status when they feel that they are much more aggrieved than anyone else and can substantiate that.

And Ms. Ashby certainly substantiated by her location with regard to the church and the day care center the immediacy and the potential seriousness of issues that had been previously developed or shown from that particular use.

So it's a difficult question for us to work with. What you are asking for is a special exception, and the principal issue with special exceptions is that they not have negative impacts on the surrounding community, provided they meet all of the other requirements that the city sets forth.

And we are charged with listening to all

of the arguments and trying to make a fair and effective decision, and I have to say that this may not be a case that we can decide as a bench decision case, but I want my fellow Board members to think this through and give me their perceptions.

(The Board conferred.)

CHAIRMAN SOCKWELL: All right. It is my understanding that because Ms. Ashby registered herself as a party in opposition, we are required to take this into further deliberation, and we will establish a decision date, which would be the next regularly scheduled meeting.

MS. MITTEN: Mr. Sockwell.

CHAIRMAN SOCKWELL: Yes.

MS. MITTEN: Could I just maybe add something?

CHAIRMAN SOCKWELL: Yes.

MS. MITTEN: Which is, you know, just as in the case which we just continued, we find that there is benefit to the time that is spent pending a decision that we would make, and while that hearing was continued, what we may want to do, if you find this appropriate, is leave the record open for a few things, and one would be for the ANC report, which I'm sure after Ms. Milbourne makes her telephone call they

may want to reconvene all of the interested parties and, you know, make sure that everyone is heard, and perhaps the ANC will have something new to share with us.

I think, you know, there were some ideas that were shared today that maybe the Applicant hadn't thought of about ways to alleviate some of the concerns in the community.

I mean, I think it's clear everyone recognizes that there's a need, and we're really trying to work together to determine if this can be an appropriate location.

I would also suggest that during this interim period of time, particularly since Ms. Brown-Roberts had said that she didn't personally experience the traffic situation on her visits to the property, that she might make a personal effort to go again and get first-hand experience of the traffic situation, and perhaps we could also take this opportunity because Mr. Laden's response as the Department of Public Works really did not convey any appreciation on his part of the really, I think, horrendous traffic situation that is created by Ann Beers Elementary School, which is an existing situation.

So I think there's something to be gained

by leaving the record open and for some additional materials.

CHAIRMAN SOCKWELL: I think part of it has to be couched in the fact that Alabama Avenue is a rush hour street. We're not talking about a street that's impacted by the school. We're talking about a street that is a major carrier of traffic during the rush hour periods, a.m., p.m., Saturday afternoon when everybody is trying to get out into Prince George's County. I mean it's impacted by a lot of things.

And the issue of Alabama Avenue is one of continuing traffic, not one of necessarily cyclical. It's very continuous traffic, and we need to have time to -- and I'm sure that Mr. Laden did look at the traffic counts, which he probably looked at level of service changes as a barometer, which would not have been affected significantly by the addition of this facility.

MS. MITTEN: Well, and that may be precisely true, and that may be the way that he performed his analysis. I think while Alabama Avenue is, as you say, an ongoing -- it's of concern just because of the volume of traffic on it, but I think it's 36th Place which is directly impacted and congested as a direct result of Ann Beers Elementary